

**Statement by Gillian Dell, Transparency International
UNCAC Implementation Review Group Briefing for NGOs
Vienna, Austria, 15 June 2022**

Honourable Chair, distinguished delegates, esteemed UNODC colleagues,

My name is Gillian Dell and I'm from the Transparency International Secretariat in Berlin. We'd like to express our thanks to UNODC for the informative briefing this afternoon and beyond that I would like to extend compliments to UNODC for the excellent papers and analysis they have produced for this week's meetings, as they have for other UNCAC meetings. We also greatly appreciate UNODC's support for NGO involvement in UNCAC discussions within the limits established by the UNCAC Conference of States Parties or CoSP

As we have said so often in the past, this briefing, while much appreciated, is no substitute for allowing NGOs to be observers in meetings of subsidiary bodies of the CoSP – this would be in line with UNCAC Article 13 as well as international human rights standards on participation in the conduct of public affairs.

Aside from the issue of NGO observer status in subsidiary bodies, we would like to encourage States Parties to invite NGO representatives to join meetings of subsidiary bodies as experts on specific topics, to make presentations on those topics and to speak on panels, perhaps attending for a limited time period to make their contributions – we believe there is no procedural obstacle to doing that and such involvement could be mutually beneficial.

UNCAC review process

UNODC's presentation today of its report on chapter II indicates that there were relatively few recommendations to countries for improvement with regard to Article 13. The only article for which there were fewer recommendations was Article 11. This seems to imply that conditions are pretty good for civil society in most of the countries reviewed. Yet for a number of years there has been evidence of shrinking civic space around the world, which is not reflected in the chapter II report. It would be useful to explore why there is this discrepancy.

On the process side, we note the long delays in the UNCAC review schedule and urge the Conference of States Parties to move forward with the next phase of reviews after 2024, which is the target extended deadline for the second cycle. The next phase should start regardless of whether the second cycle reviews has been completed.

With regard to follow-up to the UNGASS political declaration, we would like to suggest that this be linked to the UNCAC review process. UNGASS follow-up is mentioned as an agenda item in meetings of UNCAC subsidiary bodies, but we don't see UNGASS commitments mentioned in the thematic reports of those bodies. We believe this should be done and that relevant expansive UNCAC CoSP resolutions should also be cited, for example the resolution on beneficial ownership transparency approved at the

last UNCAC CoSP. In future, reviews of UNCAC and of the UNGASS political declaration should be combined.

Foreign bribery enforcement

We were glad to see that among the IRG panel discussions at this week's meetings is one on "bribery of foreign public officials [addressing supply and demand]." This is an area where much improvement is needed. For many years we have monitored enforcement of the OECD Anti-Bribery Convention, which, like the UNCAC, calls for criminalisation and enforcement against foreign bribery. In the reports we produce – called the Exporting Corruption reports - we assess 43 of the 44 parties to the OECD Convention as well as three non-OECD Convention countries and a special administrative region which are among the world's leading exporters and are UNCAC parties.

Our most recent Exporting Corruption Report 2020 found that while there were improvements in foreign bribery enforcement in some countries, the number of countries in the active enforcement category declined and there were many countries in the little or no enforcement category, including non-OECD Convention countries. Among our recommendations was one for increased beneficial ownership transparency to help with detection and investigation of foreign bribery as well as a recommendation that compensation to victims harmed by foreign bribery should be a standard part of foreign bribery enforcement processes. We also recommended a substantial increase in transparency of enforcement information and expanded of joint investigation teams and regional and international structures or bodies for international cooperation. But perhaps above all, there is a need for political commitment to enforcement which would help ensure that the necessary legal frameworks and enforcement systems are put in place.

Coordination with other discussions

I would like to turn now to a point we made at the last CoSP and more recently at the UN Crime Commission about the need for the UNCAC CoSP to coordinate more with other UN treaty bodies and discussions.

As we pointed out in a written submission to the last UNCAC CoSP, jointly with GI-TOC, the work on the UNCAC and the UNTOC is currently conducted in silos despite the fact that they have overlaps and complementary components and there would be synergies from coordinating their work. We urge such coordination. By way of example – on the issue of transparency among private entities and beneficial ownership transparency – this is covered in UNCAC, UNTOC and UNGASS declaration alike and it does not make sense for these to be separately reviewed and discussed by the same States Parties.

Second, there are common issues among UNCAC bodies and UN human rights bodies in Geneva. Let me give you one example. In UNODC's thematic report on Implementation of chapter II in the section on Article 13 you included the following observation: 57. While not explicitly required by the Convention, most States protect

and promote freedom of association and freedom of expression. Leaving aside the unusual way of referring to human rights, this is a very pertinent observation. It flags that civil society participation in anti-corruption efforts is not circumscribed by Article 13 – that participation should be understood in a much broader sense in line with international human rights standards.

Last but not least, we would like to express our hope that there will be improvements in the problematic objections process used in relation to attendance of non-ECOSOC NGOs at UNCAC meetings. Reform of the process is needed to ensure that unjustified exclusions do not occur.

Thank you for the opportunity to speak here today.