

UNCAC Coalition tools for a more transparent and inclusive UNCAC Implementation Review Process

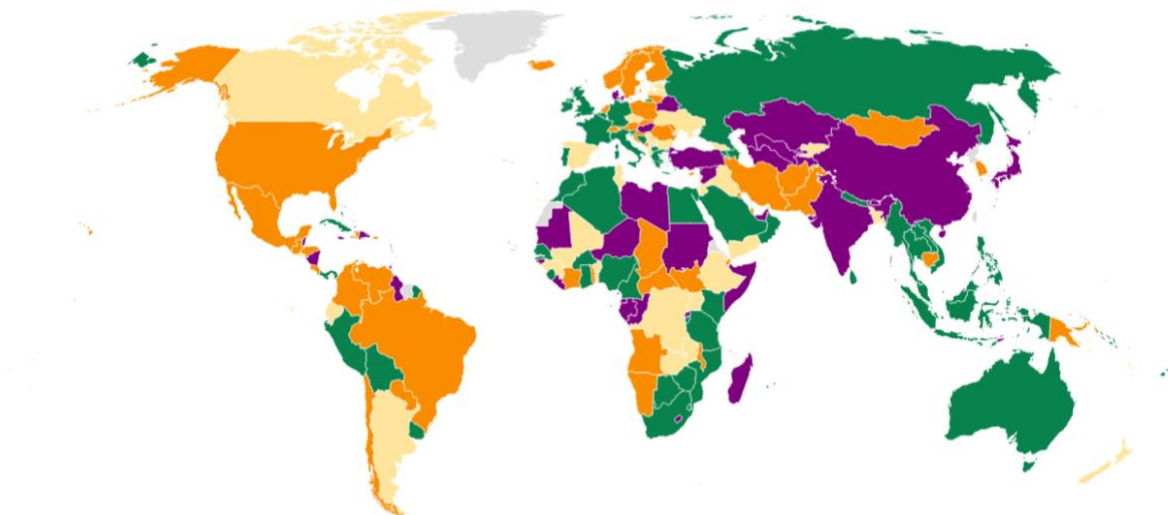
Submission by the UNCAC Coalition to the 14th Session of the
UNCAC Implementation Review Group

May 31, 2023

The UNCAC Coalition has developed five tools for more transparency and inclusiveness in the UNCAC Implementation Review process, which can be used by States Parties and civil society organizations alike. This submission provides an overview of the tools, their purpose and their state of play to date.

1. UNCAC Review Status Tracker¹

■ Completed ■ Post Country Visit ■ Pre Country Visit ■ Unknown



Data accurate as of 30 May 2023.

Source: <https://uncaccoalition.org/uncacreviewstatustracker/> • Created with Datawrapper

Launched in December 2022, a global map tracking progress in the UNCAC reviews complements the UNCAC Coalition's UNCAC Review Status Tracker² spreadsheet, which was launched in mid-2022. The tracker includes information on the status of a country's UNCAC review, the focal point information, links to available documents, whether a country has signed the Transparency Pledge or not, and if so,

¹ UNCAC Review Status Tracker, <https://uncaccoalition.org/uncacreviewstatustracker/>.

² UNCAC Review Status Tracker spreadsheet, <https://uncaccoalition.org/uncacreviewstatustracker/>.

whether it is compliant with the Pledge, whether a civil society parallel report has been produced on UNCAC implementation in this country, and whether the country has published information on follow-up measures taken after the review was completed.

Visualizing the status of UNCAC implementation of 2nd cycle reviews shows that many countries are opaque in how they are conducting their reviews, with little to no information available. From a civil society perspective, this makes it difficult to engage with and to participate in the reviews.

The UNCAC Coalition has been trying to identify national-level UNCAC focal points and has been conducting regular outreach to obtain updates on their country's review status, encouraging them to include civil society in their reviews. Based on a compilation of three years' worth of outreach and engagement, the latest information available to civil society (which may very well differ from the aggregated official numbers the UNCAC Secretariat shares in the context of the IRG) shows that out of 189 States Parties:

- 87 reviews are still ongoing;
 - 38 reviews pre-country visit;
 - 49 reviews post-country visit;
- 60 reviews have been completed; and
- for 42 reviews, the review status is unknown.

Long delays in many reviews of the second UNCAC review cycle (covering Chapter II on preventive measures and Chapter V on asset recovery) – some reviews have been ongoing for four or more years – have made some States Parties reluctant to public key documents of the reviews, expressing concerns that these documents would provide an outdated picture of national anti-corruption frameworks.

The executive summaries are published by default on the UNODC's website,³ but the outputs of each country review are more extensive, and **more could be published. The self-assessment checklist and full country report are key documents** which include crucial information on States Parties' anti-corruption efforts and are often kept secret. The good news is that an increasing number of countries are agreeing to publish key documents.

2. Transparency Pledge⁴

The UNCAC Coalition is seeking sign-up by States Parties to the Transparency Pledge for the second UNCAC implementation review cycle. The Pledge is a voluntary commitment for minimum standards of transparency and civil society participation in the UNCAC review mechanism. Its six simple principles include publication of timely information on the country's UNCAC focal point, an updated review schedule, the publication of both the self-assessment checklist and the full country report, involvement of civil society in the review as well as organizing a briefing with civil society to discuss

³ UNODC: Country profiles, <https://www.unodc.org/unodc/en/corruption/country-profile/index.html>.

⁴ Transparency Pledge, <https://uncaccoalition.org/uncac-review/transparency-pledge/>.

the outcomes of the review, and support for the participation of civil society observers in UNCAC subsidiary bodies.

34 out of 189 States Parties have signed the Transparency Pledge so far, with 15 new signatories since CoSP8 in December 2019. This upward trend is an encouraging sign in the face of the shrinking civic space we have observed in UNCAC-related fora over the past few years. Since the UNCAC Coalition started actively monitoring Pledge compliance, civil society has been engaged more in national reviews and more information has been made public.⁵

There are promising signs that more countries will soon sign the Transparency Pledge. **We call on those States Parties who have not done so yet, to sign the Pledge.**

3. Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism⁶

The Coalition's Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism provides a road map for both States Parties and civil society on best practice examples of transparency and civil society participation at different stages of the UNCAC review process. These include:

- **Integrating civil society in the entire country review process:** creating a multi-stakeholder steering committee that includes representatives of civil society and the private sector to accompany the country review process and to make recommendations for addressing gaps identified in the country review.
- **Completing the self-assessment checklist:** organizing workshops with civil society and other stakeholders to obtain their input on responses to the self-assessment checklist and including civil society in the team filling out the checklist, or sharing a draft of the checklist for civil society to give input on.
- **Meeting with peer reviewers during on-site visits:** arranging meetings between peer reviewers and civil society during on-site visits without the government under review present (and providing adequate notice of such meetings to civil society), to allow free-flowing and substantive discussions between civil society organizations and peer reviewers about the country's performance and where improvements are needed. This has included an opportunity to share parallel reports or other reports that shed light on a country's performance with UNCAC implementation with the peer-reviewers.
- **Engaging civil society in the follow-up process:** convening meetings with civil society organizations after the review is completed to share the findings of the review and discuss next steps for implementing recommendations.

⁵ Transparency Pledge Compliance Tracker, <https://uncaccoalition.org/uncac-review/transparency-pledge/#:~:text=United%20Kingdom-,United%20States,-Disclaimer%3A%20Reviews.>

⁶ Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism, https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-%E2%80%93-Guide-to-Transparency-and-Participation-in-the-IRM_ESP.pdf

4. Civil Society Parallel Reports⁷

Since May 2020, the UNCAC Coalition has supported the production of over **42 civil society parallel reports** on the implementation of Chapters II (prevention of corruption) and V (asset recovery) of the UNCAC in countries that are recipients of official development assistance.⁸

The parallel reports produce a current assessment of anti-corruption, anti-money laundering and asset recovery policies at the national level, but go beyond analyzing the legal framework to really exposing implementation and enforcement (or the lack thereof) in practice. Civil society organizations that have written these reports with the Coalition's technical and financial support have conducted interviews with relevant government and non-governmental stakeholders and, in some cases, have sent countless access to information requests to obtain statistical and other relevant information. By identifying good practices and deficiencies, parallel reports highlight what is working in practice and provide recommendations for improvement – all with the aim of making the fight against corruption more effective.

The UNCAC Coalition has supported the following number of parallel reports, almost exclusively in ODA-recipient countries – almost no donor funding is available for CSOs to produce parallel reports in developed countries, countries that often host enablers or facilitators of corruption in ODA-recipient countries:

- Latin America and the Caribbean: 10 published + 2 in progress
- Sub-Saharan Africa: 10 published + 5 in progress
- Middle East and Northern Africa: 2 published
- Europe: 2 published + 5 in progress
- Asia-Pacific: 6 published + 2 in progress

After their publication, the UNCAC Coalition shares the reports' main findings with the focal point and Permanent Mission of the country of the report, as well as its peer reviewers. **We encourage States Parties to take these independent civil society parallel reports into account in their UNCAC reviews.**

In 2022, the Coalition started providing civil society organizations with some funding to conduct follow-up activities⁹ to promote the parallel report findings and the implementation of its recommendations, by engaging with key governmental and non-governmental stakeholders and policy-makers on its findings.

⁷ Civil Society Parallel Reports, <https://uncaccoalition.org/uncac-review/access-to-information-campaign/>.

⁸ DAC List of ODA Recipients, <https://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/DAC-List-of-ODA-Recipients-for-reporting-2022-23-flows.pdf>.

⁹ Follow-up Activities, <https://uncaccoalition.org/uncac-review/cso-review-reports/follow-up-activities/>. For more information, see also our dedicated IRG submission on the results and findings of the campaign.

5. Access to Information Campaign¹⁰

The UNCAC Coalition, in 2021, launched an Access to Information campaign in collaboration with civil society organizations, asking governments and relevant anti-corruption authorities across the globe to release crucial UNCAC information and documents in response to freedom of information requests. Where access to information legislation does not exist, civil society organizations cited the transparency principles enshrined in the UNCAC, in particular, Articles 10 and 13 on access to information and civil society participation.¹¹

Two years on and with freedom of information requests having been sent in 40 countries across 6 continents, the Coalition is taking stock of our campaign:¹²

- A total of 27 official UNCAC review documents¹³ have been released so far, ranging from full country reports to self-assessment checklists (first and second review cycle). Prior to the filing of information requests, these documents were not publicly available.
- In 12 of the 40 countries (30%) in which information requests were sent for this campaign, the information request was not acknowledged, responded to, or was met with administrative silence. In the remaining 28 countries (70%) where authorities replied, only 5 countries (12%) released all official UNCAC documents and information relevant to the first and/or second implementation review cycles within their possession.

In line with our Transparency Pledge, **we call on States Parties to publish and share information on their second cycle country review in a proactive manner.**

¹⁰ Access to Information Campaign, <https://uncaccoalition.org/uncac-review/access-to-information-campaign/>.

¹¹ UNCAC, <https://uncaccoalition.org/the-uncac/united-nations-convention-against-corruption/>.

¹² Unveiling UNCAC: Analyzing the results of our Access to Information Campaign, <https://uncaccoalition.org/ati-campaign-analysis/>.

¹³ How Transparent are Countries about their UNCAC Implementation, <https://uncaccoalition.org/uncac-review/access-to-information-campaign/campaign-findings/>.