

**Making UNCAC work:
UNCAC Coalition Statement to the 8th Session of the UNCAC Conference of States Parties**

The UNCAC Coalition submits this statement to renew and update its call on UNCAC States Parties to adopt resolutions at the next session of the UNCAC Conference of States Parties (CoSP) to achieve the following:

On civil society participation

1. Reaffirm the importance of and the right to civil society participation in anti-corruption efforts, call on States Parties to create and maintain a safe and enabling environment for civil society, and eliminate any impediments in law and practice that constrain such participation contrary to the letter and spirit of the Convention, international human rights standards, and the 2030 UN Agenda for Sustainable Development.
2. Mandate UNODC to develop, in consultation with civil society organisations (CSOs) and any other interested parties, indicators to measure the involvement of civil society and other non-state actors in the implementation of the Convention (UNCAC Articles 5 and 13).
3. End the exclusion of CSOs from CoSP subsidiary bodies (including IRG) and confirm their observer status in line with the CoSP Rules of Procedure 2 and 17, and the recommendations of the 2010 opinion of the Office of the Legal Counsel, allowing for a more conducive environment to address corruption challenges through a closer involvement of non-state actors.

On the UNCAC review process

4. Request UNODC and the IRG to prepare a proposal to continue the UNCAC review process beyond the ongoing second review cycle and propose improvements, including by ensuring adequate resources, civil society participation (Article 63(4-7)), and an official follow-up process on country review recommendations, with the findings to be discussed at the 9th CoSP.
5. Urge States Parties to conduct their UNCAC review process in a transparent and inclusive manner – in line with the principles of the UNCAC Coalition’s Transparency Pledge to which 19 countries have voluntarily committed¹ – including by publishing updated individual country review timetables, contact information of focal points, key review documents including the self-assessment checklist and full country reports (including on first cycle reviews), and by organising country visits with the participation of civil society (Articles 10, 13.1, 63).

On prevention

6. Urge States Parties to adopt and implement comprehensive access to information legislation, granting citizens a right to demand information from public bodies in line with SDG target 16.10, and ensuring the proactive publication of information, including on anti-

¹ Transparency Pledge and Guide to Transparency and Participation in the UNCAC IRM:
<https://uncaccoalition.org/uncac-review/transparency-pledge/>

corruption efforts, the functioning and activities of State entities, and the use of public funds and resources, wherever possible in open formats (Articles 10 and 13).

7. Call on States Parties to strengthen efforts to increase transparency of their procurement and contracting processes, to introduce or maintain open contracting approaches to ensure full public access to information and to all documents and agreements throughout the lifetime of a contract, from planning to implementation (Article 9); strive to make contracting information easily accessible to the public in standardized open formats, such as the global best practice schema Open Contracting Data Standard, that facilitate further use and analysis including identifying corruption red flags; provide inclusive and collaborative feedback mechanisms throughout the procurement process; and task UNODC with updating and expanding the best practice guide on transparency in public procurement.

8. Urges States Parties to ensure that adequate, accurate and current information on corporations and other legal entities, including on officers, directors and direct owners, is published in real-time, using an open data standard and free, searchable, public online corporate registers, in order to facilitate access for law enforcement agencies, financial institutions, and the public.

9. Also call for the creation of national-level public registers of beneficial owners of companies, trusts and other legal entities, with timely and accurate information that is freely accessible online for law enforcement, competent authorities and the public (Article 12(2c)); encourage States Parties to collaborate to define and adopt a common data format to record beneficial ownership information in order to enable interoperability with other data sets and to make full use to investigate and detect corruption offences, in line with the 2019 Oslo Statement on Corruption involving Vast Quantities of Assets; further call for governments to collect and publish beneficial ownership information of all bidders and partners in public sector contracts.

10. Call upon States Parties to enact and enforce conflict of interest laws to ensure clear separation of public position from private gains. Furthermore, require people with prominent public functions (Politically Exposed Persons) to regularly file comprehensive asset declarations, make this data publicly available in open formats through a central registry, establish an independent monitoring mechanism as well as sanctions for non-compliance, and facilitate verification through international exchange of this data (Articles 8, 14, 43 and 52).

11. In line with the principles developed by the Expert Group Meeting on Transparency in Political Finance in May 2019, urge States Parties to adopt and implement legislation to ensure adequate regulation and transparency as well as independent, adequately-resourced oversight of the finances of political parties, candidates and campaigns (Article 7.3).

12. Call on States Parties to endorse the Jakarta Statement on Principles for Anti-Corruption Agencies and ensure that anti-corruption bodies are provided with adequate resources and can operate effectively and without any undue interference, as highlighted in Resolutions 7/2 and 7/5 (Articles 6, 36).

On reporting

13. Recognise the importance of whistleblower protection in the public and private sectors, create confidential and secure reporting channels within entities and anti-corruption authorities, and provide adequate legal protections from retribution to all whistleblowers,

including those reporting to CSOs and the media; building on recommendation 53 of the Oslo Statement, urge States Parties to ensure that all threats against whistleblowers, witnesses, journalists and civil society activists involved in pursuing corruption cases be taken seriously and that protection and assistance be granted in a timely manner by relevant authorities, or, where appropriate, through international, regional and bilateral channels (Articles 13 and 33);

On Grand Corruption, criminalisation and enforcement

14. Call on States Parties to recognise and take effective action against the serious crime of grand corruption, including the introduction of a criminal offence of grand corruption (Article 16(2)).

15. Ensure that legal and natural persons are held accountable for corruption offences, as highlighted in Resolution 7/2, while ensuring that anti-corruption enforcement measures comply with human rights standards as well as the principles of fairness and equality before the law, stressed in the Convention's preamble.

On remedies for corruption

16. Remind States Parties that they must take effective measures to address the consequences of corruption and to ensure compensation for victims, both individual and collective (UNCAC Articles 32, 34, 35, 53 and 57) and encourage them to advance efforts on the identification and compensation of victims in corruption cases, including by sharing and promoting best practice examples.

On asset recovery

17. Urge States Parties to take immediate steps towards fulfilling the commitment in Sustainable Development Goal 16.4 to significantly improve asset recovery and return by 2030, in particular by enhancing proactive and timely information sharing, by pursuing corrupt officials domestically, and by implementing adequate laws on legal standing (Articles 53 and 56). States Parties should consider the admission of public interest claims in relation to the recovery of proceeds of corruption transferred abroad (Articles 13 and 35).

18. Call on States Parties to enact and implement comprehensive laws providing for the confiscation of any asset obtained through or derived from the commission of an offence established by the Convention and allowing for quick freezing of assets suspected to be derived from the commission of such offences (Article 3).

19. Call for States Parties to ensure that assets returned pursuant to the Convention are used, returned and managed in line with the Principles for Disposition and Transfer of Confiscated Stolen Assets in Corruption Cases ("GFAR Principles") and in a manner conducive to their contributing to sustainable development and to the reparation of the damage caused to victims and society; urge States Parties to develop and apply guidelines on best practices on asset management and return, which encompass those principles.

On the UN General Assembly Special Session (UNGASS) 2021 on corruption

20. Ensure the broadest possible participation of CSOs in the UNGASS – in line with 2018 OHCHR guidelines on the right to participate in public affairs (adopted by the Human Rights Council in resolution 39/11 by consensus) – including by granting CSOs the right to observe

preparatory meetings and by establishing a process that allows CSOs to contribute towards the session's outcome document.

21. Agree on a mechanism that is in line with ECOSOC 1996/31 and requires that any objections by States Parties to specific organisations shall be made in writing, detailing the objection, well in advance of the UNGASS (or a preparatory meeting), that objections and all related materials shall be made public, providing the affected CSO with an opportunity to respond, after which there should be a public decision on the exclusion.

6 December 2019