

Making UNCAC Work

Submission by the
UNCAC Coalition
to the 9th Session of the UNCAC Conference of States Parties

1 December 2021

The UNCAC Coalition and the more than 350 civil society organizations around the world in our network are committed to advancing the monitoring and implementation of the UN Convention against Corruption.

Arbitrary restrictions on the participation of NGOs

Following objections against the participation of nine non-governmental organizations ahead of the Conference of States Parties (CoSP), we have serious concerns about unfounded and arbitrary restrictions on the participation of several civil society organizations. These cases highlight major flaws in the objection procedure. We ask the Conference to resolve the objections in a fair and transparent manner, and to revise the objection procedures for future CoSPs, bringing them in line with applicable international standards, under which:

- **There are published criteria for objections** that are in line with relevant standards for upholding freedom of expression and participation;
- **States Parties are required to provide valid and substantiated reasons** for any objections they make to an NGO's participation;
- **Affected NGOs must be provided with information** on the State Party that made the objection, the reasons given, the timely opportunity to be heard, the method of review and the timeline;
- **A transparent, timely, fair, effective and accountable review process is made available;**
- **Publication of aggregated information** about applications and rejections is required, including number of applications, objections made, as well as the States Parties involved.

For a discussion of the importance of civil society in anti-corruption efforts to the Conference: Growing Civic Space

UNGASS follow-up

The first-ever UN General Assembly Special Session (UNGASS) against Corruption with its Political Declaration adopted in June 2021 serves as an important milestone in the global efforts to prevent and combat corruption. However, the UNGASS will only advance the global anti-corruption agenda, if a follow-up process to the commitments States made is put in place. States should publicly report on their UNGASS implementation efforts, including on challenges and good practices. Follow-up actions should also be discussed in thematic intersessional CoSP meetings, with the participation of civil society and other stakeholders, as well as in CoSP subsidiary bodies. Following established practice, UNODC should be tasked with setting up an UNGASS implementation website to publish all relevant stakeholder contributions and important information regarding follow-up activities.

For more details, see our submission to the Conference: UNGASS Follow-up: Turning Commitments into Practice.

Advancing UNCAC Implementation

In order to advance the monitoring and implementation of the Convention, the UNCAC Coalition calls on States Parties to adopt measures to strengthen the UNCAC Implementation Review Mechanism (IRM). **Member States should commit to making the IRM more transparent, inclusive and effective**, including by involving independent civil society organizations in the review process, publishing key documents of the review and information on the process, and by agreeing on a mandatory follow-up mechanism that reviews progress made on implementing recommendations from previous review cycles.

For more details, see our submission to the Conference: Promoting an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism.

Many non-governmental organizations have been contributing to national UNCAC review processes by producing **civil society parallel reports on UNCAC implementation** with technical and financial support provided by the UNCAC Coalition. All published reports are available on the UNCAC Coalition website.¹

Executive summaries for 13 country reports published in 2021 have been submitted to the Conference.

UNCAC Review Transparency Pledge

31 States Parties have so far signed the UNCAC Coalition's Transparency Pledge for the second review cycle, voluntarily committing to principles of transparency and inclusivity in the review process. We invite other States Parties to join the Pledge, and consult the UNCAC

¹ <https://uncaccoalition.org/uncac-review/cso-review-reports/>.

Coalition's guide on transparency and participation (both submitted separately to the Conference) for best practice approaches.²

Advancing Asset Recovery

Apparent weaknesses in international asset recovery frameworks and national systems should be addressed, including by: Advancing transparency of the beneficial ownership of legal entities; strengthening anti-money laundering oversight and enforcement; improving data transparency; making use of non-conviction-based confiscation; and by implementing the principles of transparency and accountability in asset return.

For more details, see the submission of the UNCAC Coalition's Asset Recovery Working Group.

Recognizing Victims of Corruption

Corruption is responsible for widespread damage, both directly and indirectly, to institutions, communities, and individuals. States Parties should establish legal frameworks to enable and facilitate the participation of victims in proceedings and the reparation of both individual and collective damage caused by corruption; introduce simple rules to claim reparations; and allow for collective action.

For more details, see the submission of the UNCAC Coalition's Victims of Corruption Working Group.

Environmental Crimes and Corruption

The strong links between environmental crimes and corruption are increasingly recognized. States Parties should take targeted actions to prevent, detect and address corruption linked to the environment and climate, including by ensuring full transparency in the award of government contracts, permits and concessions; by establishing strong protection and reward mechanisms for whistleblowers from the public and private sector in law and practice; and by strengthening the capacity of law enforcement agencies pertaining to environmental crime.

For more details, see the submission of the UNCAC Coalition's Environmental Crimes and Corruption Working Group.

Regional anti-corruption priorities

Organizations within the UNCAC Coalition network from Sub Saharan Africa, Asia-Pacific, Latin America, Europe as well as the Middle East and North Africa (MENA) have compiled anti-corruption priorities and recommendations for their respective regions:

² <https://uncaccoalition.org/uncac-review/transparency-pledge/>.

- The submission from Sub Saharan Africa focuses on the protection of whistleblowers, transparency in public sector employment, and calls for the creation of a regional anti-corruption fund to provide financial support to civil society for UNCAC implementation;
- The need to adopt effective access to information legislation and to create an enabling environment for civil society that safeguards the right to freedom of expression is at the heart of the submission from the MENA region;
- In their submission, Latin American organizations call for greater integrity and transparency in the private sector, for effective processes of reparation for victims of acts of corruption, and the reform of public procurement systems based on the Open Contracting Data Standard;
- Member organizations from Asia-Pacific focus on the need to strengthen domestic and global asset recovery mechanisms, to enhance the independence and capacity of anti-corruption bodies, and to strengthen the participation of civil society in anti-corruption efforts;
- The submission from European organizations calls for an ambitious asset recovery policy to return funds lost to corruption, and urges States Parties to include meaningful citizen engagement in their anti-corruption strategies and policies.

For more details, see our five regional submissions to the Conference.

Beneficial ownership transparency

The recent Pandora Papers³ have once again highlighted how anonymous shell companies and opaque corporate vehicles are abused to launder money and hide proceeds of corruption. The CoSP should make an important contribution to advance transparency of company ownership by calling on States Parties to introduce central registries of beneficial owners of all legal entities and structures. Furthermore, countries should ensure that beneficial ownership information is up-to-date, and subject to independent verification. Importantly, the registries should not be accessible not only to law enforcement and tax authorities, but also to the general public, in line with international best practice, in order to facilitate international investigations, private sector due diligence, and investigations by journalists and civil society organizations.

Public Procurement Transparency

To address the massive corruption vulnerabilities in public procurement, the CoSP should call on States Parties to implement (or maintain) open contracting approaches and ensure full public access to information and to all documents and agreements throughout the lifetime of a contract, from planning to implementation, by publishing all state contracts and data online, including in standardized open formats such as the Open Contracting Data Standard.

³ <https://www.icij.org/investigations/pandora-papers/>.

Access to Information

Only around 130 countries have granted people a right to information held by State bodies: States Parties should adopt and implement strong access to information laws that comply with international standards, and establishing independent bodies (e.g., Information Commissioners) to supervise implementation and to promote effective access to information.

Whistleblower Protection

Whistleblowing is one of the most powerful tools to detect corruption and other wrongdoings. States should adopt and implement comprehensive legislation on reporting mechanisms, investigations of complaints and whistleblower protection, in line with best practice and international standards. Furthermore, States should ensure transparent implementation as well as robust protection from retribution and criminalization to all whistleblowers and their families, providing them with timely and effective assistance and resources, as needed.

Asset Declarations

To effectively address conflicts of interest and detect illicit enrichment, the CoSP should call on States Parties to establish asset declaration systems for civil servants and public officials in decision-making roles, requiring them to comprehensively disclose their assets and other relevant interests at least annually, ensuring the publication of these declarations in easily accessible formats online, providing for independent verification of the filings, and implementing effective sanctions in cases of noncompliance. The recent International Treaty for the Verification of Asset Declarations provides a basis for international cooperation.