

Post UNGASS: Advancing the implementation of commitments

UNCAC Coalition Statement to the first resumed 12th Session of the UNCAC Implementation Review Group, August 2021

27 August 2021

Following the first-ever UN General Assembly Special Session (UNGASS) against Corruption, held in June 2021, State Parties should now focus on operationalizing UNGASS commitments at the upcoming 9th UNCAC Conference of the States Parties, and on implementing the commitments agreed to under the UNGASS. We call on States Parties to strive to implement best practice approaches, moving beyond the globally agreed minimum standards.

The UNCAC Coalition calls on States Parties to take swift action to advance transparency, accountability and anti-corruption efforts, including by addressing:

- **Freedom of Information:** Adopting, improving and implementing strong, functional access to information laws that comply with international standards and seek to ensure a high level of transparency in the public sector and easy public access to information, including by recognising a fundamental right of access to information held by State bodies, and by establishing independent oversight bodies, i.e. Information Commissioners or Commissions, to supervise the implementation of this law and to promote effective access to information;
- **Public procurement transparency:** Enhancing of transparency of public contracting and procurement by implementing open contracting approaches and ensuring 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 online, in line with best practice, including in standardised open formats such as the Open Contracting Data Standard;

- **Beneficial ownership transparency:** establishing central online public registers of the direct owners and beneficial owners of companies, foundations, trusts and all other legal entities, with timely and accurate information; making this information freely accessible online for law enforcement, competent authorities as well as the public in open data formats, and where possible, in real-time; establish mechanisms to verify beneficial ownership data and to impose dissuasive sanctions in cases of non-compliance; require that not only all domestic entities but also foreign entities doing business with the public sector or holding assets within the country (bank accounts, real estate, etc.) are required to publicly disclose their beneficial owners;
- **Political finance transparency:** adopting and implementing measures to ensure adequate transparency and accountability in the financing of political parties, candidates for public office and electoral campaigns, as well as independent, adequately-resourced oversight of the finances of parties, candidates and campaigns;
- **Asset declarations of public officials:** requiring civil servants and public officials in decision-making positions to comprehensively disclose their assets and other relevant interests at least annually; mandating the publication of these declarations in easily accessible formats online; ensuring independent verification of the filings; and establishing and enforcing effective sanctions in cases of non-compliance;
- **Safety of civil society, media and persons reporting on corruption:** creating and maintaining a safe and enabling environment for civil society, ensuring the safety of anti-corruption activists, witnesses, whistleblowers, journalists and others who uncover and report on corruption; to actively facilitating the participation of civil society and other non-state stakeholders in national, regional and international anti-corruption efforts;
- **Whistleblowing:** adopting and implementing comprehensive legislation on reporting mechanisms, investigations of complaints, and whistleblower protection in line with best practice and international standards; ensuring transparent implementation in practice as well as robust protection from retribution, persecution and prosecution to all whistleblowers and their families, ensuring that whistleblowers' motivation for uncovering corruption is not on trial and providing them with timely and effective assistance and resources as needed;
- **Independence of anti-corruption and oversight bodies:** taking concrete steps to strengthen the political and operational independence as well as the capacity of institutions that play a crucial role in national integrity systems, in particular anti-corruption bodies, as well as election commissions, regulatory and oversight bodies,

financial intelligence units, law enforcement agencies, the judiciary and parliaments;

- **Enforcement:** addressing weaknesses in legal frameworks and enforcement systems and ensuring effective investigations and enforcement of all domestic and foreign corruption offences; and to regularly publishing updated statistics on criminal, civil and administrative investigations, charges, proceedings, outcomes and mutual legal assistance activity;
- **Gendered aspects of corruption:** producing gender-disaggregated data on corruption offences, ensuring the criminalisation of sextortion, and creating safe and gender-sensitive corruption reporting mechanisms for women and other vulnerable persons;
- **Grand corruption:** taking effective action against the serious crime of grand corruption and encouraging the exercise of extraterritorial jurisdiction for the prosecution of the same on a national, regional and international level, in line with UNCAC Article 16.2;
- **Victims of corruption:** recognising that corruption is not a victimless crime; establishing legal frameworks to enable and facilitate the compensation of both individual and collective victims of corruption (communities); increasing efforts to repair damages caused by corruption by providing victims with material and/or symbolic reparations; and granting independent non-governmental organisations legal standing before all courts to represent individual and collective victims of corruption (see also our detailed submission on this topic);
- **Asset recovery:** advancing the recovery and return of assets, ensuring transparency and accountability at all stages of the process with the close involvement of civil society in a manner that contributes to fulfilling the Sustainable Development Goals (SDGs), facilitating reparations for damage caused to victims and society;
- **Strengthening the UNCAC review process:** making the UNCAC implementation review process more transparent, inclusive and effective, including by committing to involve non-governmental stakeholders 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 (see also our more detailed submission to the IRG on this topic);
- **Gaps in the international anti-corruption framework:** States Parties should swiftly engage in an inclusive discussion with experts and all relevant stakeholder groups to

identify gaps in the current international anti-corruption framework and develop proposals on how close these gaps to ensure the international framework is fit to effectively tackle today's and tomorrow's corruption challenges.

Contact:

Mathias Huter,
Managing Director
UNCAC Coalition – Association for the Implementation of the UN Convention against
Corruption

ZVR 450149560
Widerhofergasse 8/2/4
1090 Vienna, Austria

Email: info@uncaccoalition.org

Web: <https://uncaccoalition.org/>