Challenges of the UNCAC review mechanism & tools to overcome them

Experiences from the UNCAC Coalition

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Danella Newman

Project Manager, UNCAC Coalition

The UNCAC Coalition

- A global network of over 120 CSOs and individual members and an additional 250+ groups in its wider network in more than 100 countries – regional coordinators

- Committed to advancing the ratification, implementation and monitoring of the UN Convention against Corruption (UNCAC) to combat corruption

- Support to civil society groups engaging in the UNCAC review process

- Advocate for more transparency and civil society participation at the margins of the IRG and at the CoSPs (side events)

uncaccoalition.org   info@uncaccoalition.org

Recap on forms of participation in the UNCAC review mechanism

- UNCAC review mechanism and how it works and ways of civil society and the private sector to get involved

- **Reality:** The UNCAC review mechanism could be <u>a lot</u> more transparent and inclusive of civil society

- Many challenges of getting the necessary information:
  - Government focal point, contact information?
  - Schedule of the review? Delays.
  - Opportunities for involvement?
  - Access to relevant documents?

Transparency & Participation in the UNCAC?

- **Review Mechanism is based on confidentiality** among States Parties – **civil society is often not involved, key documents are kept secret**

- **Terms of Reference** of the Implementation Review Mechanism of the UNCAC:
  - Article 28: The State party under review shall **endeavour to** prepare its responses to the comprehensive self-assessment checklist through **broad consultations at the national level with all relevant stakeholders, including the private sector, individuals and groups outside the public sector**.

  - Article 30: States parties **are encouraged to facilitate engagement with all relevant national stakeholders** in the course of a country visit.

Transparency & Participation in the UNCAC?

- **Article 13. Participation of society**

  *1. Each State Party **shall** take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, **to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations**, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. **This participation should be strengthened by such measures as:***

  (a) **Enhancing the transparency of and promoting the contribution of the public to decision-making processes**;
  (b) Ensuring that the public has **effective access to information**;

Transparency in the UNCAC?

(c) Undertaking **public information activities** that contribute to nontolerance of corruption, as well as public education programmes, including school and university curricula;

(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption.

And yet…

- *Civil society is very often excluded from participating in the review process*
- *The quality of the participation actually happening is questionable*
- *Key documents of the review are kept secret*

tools to make the review process more transparent & inclusive

a) Transparency Pledge

b) Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism

c) Support and funding for civil society parallel reports

a) Transparency Pledge

- 6 Principles of Transparency and Inclusion of civil society in the UNCAC review process

- 28 signatory States

https://uncaccoalition.org/uncac-review/transparency-pledge/

The Pledge's 6 principles:

1) We will publish updated review schedules for our country review

2) We will share information about the review institution or the coordinator (focal point)

3) We will announce the completion of the country review indicating where the report can be found

4) We will promptly post online the self-assessment and the full country report in a UN language, together with the executive summary in local languages

5) We will organize civil society briefings and public debates about the findings of the report

6) We will publicly support participation of civil society observers in UNCAC subsidiary bodies

b) Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism

1) Preparation stage: start a conversation with the government early

- Highlight that you want to contribute to the review process

- Propose ways of involvement

- Ask for a commitment to inclusion and transparency beyond the agreed procedures

- Ask for timely on comprehensive information on the review to be published on the competent ministry's website

2) Self-assessment checklist stage

- Best practice: government **organizes one or several national stakeholder workshops with CSOs** to collect input for the self-assessment and raise awareness about the review process

  - If not possible: **Provide input** to the focal point (written or in a meeting) **on implementation (EXAMPLE)**

- Government should **share a draft of the self-assessment checklist** for civil society to review

- Government should **communicate the completion of the self-assessment checklist process** and publish it

3) Country visit stage

- Government should **inform** non-governmental stakeholder of the **dates for the country visit** with sufficient time to prepare

- Government includes CSOs, academia, and the private sector in the official country visit of the peer reviewers

  - Alternatives: separate meeting, written input

4) Report stage

- Government invites non-state actors to **provide input to the country report approval process**

  - CSOs: **develop recommendations** for improvement

- **Government includes detailed information on how the review process was conducted in the review report**

- Government **publishes the full country report** in the original and local languages on the government's & UNODC website and **actively communicates the release of the report**

5) Follow-up stage

- **Government organizes a stakeholder dialogue** and meetings to shape a **follow-up action plan to implement the review recommendations**

- Government publishes information about **opportunities for non-state actors to provide input and feedback** on the progress reports

- **Government reports regularly on progress in relation to the country review recommendations,** uploading reports on a designated government website and by submitting progress reports to the UNODC

c) Civil Society Parallel Reports

- The UNCAC Coalition provides both **technical and some financial support for CSOs to produce parallel reports** on the implementation of Chapters II and V of the UNCAC in their country

- **Open call for applications!** Requirements: independent CSOs,focused on anti-corruption, research experience on anti-corruption topics, research capacity

- Best to do it either before or in parallel with the government

- Select the articles most relevant to your country

- **Conduct interviews with government and other relevant stakeholders** – use freedom of information requests for data, statistics, etc.

- **Ask the government for comments on the draft**

- The Coalition provides technical support throughout the report writing process (report template, guidance documents, editing)

- To inform the review process in your country (dissemination)

=> All parallel reports on the UNCAC

https://uncaccoalition.org/uncac-review/cso-review-reports/

Open call for applications for support:
https://uncaccoalition.org/support-for-cso-contributions-to-the-uncac-implementation-review/

Any Questions or comments?

Danella Newman

Project Manager

danella.newman@uncaccoalition.org

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