

# Challenges of the UNCAC review mechanism & tools to overcome them

Experiences from the UNCAC Coalition

**21 September 2023**

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UNCAC Coalition

# The UNCAC Coalition

- A global network of over 150 member civil society organizations (CSOs) and individual members and an additional 200 NGOs in its wider network in more than 100 countries
- Committed to advancing the ratification, implementation and monitoring of the UN Convention against Corruption (UNCAC) to combat corruption
- Support civil society groups in engaging in the UNCAC review process, connect CSOs with each other to share knowledge and advocacy actions
- Advocate for more transparency and civil society participation in UNCAC meetings
- Hub team in Vienna+ and 5 regional coordinators

# A bit on what we do:

## At the national/regional level:

- We support civil society organizations in writing **parallel reports** on UNCAC implementation and conduct follow-up activities.
- We conduct global campaigns such as our ATI campaign to highlight global trends and advocate for change at the international level.
- We connect CSOs in regional meetings every two months on different topics of interest for presentations, exchange and discussions.
- We organize topical trainings (examples).
- We connect CSOs amongst each other.

# A bit on what we do:

## At the international level:

- We collect good practices/deficiencies on key anti-corruption topics globally and bring them to the UN level.
- We conduct outreach to UNCAC focal points around the world to advocate for civil society participation in UNCAC reviews.
- We hold trainings for diplomats on the UNCAC.
- We facilitate civil society participation in UNCAC Conference of the States Parties (CoSP) by sharing information, compiling regional statements, organizing civil society advocacy messages, etc.
- 5 Working Groups – open to all.

# Stages of the UNCAC review



Stage 1: government fills out the self-assessment checklist

Stage 2: peer reviewing countries and UNODC do a desk review of the self-assessment checklist

Stage 3: a country visit is set up and conducted with the country under review, UNODC (*and other non-governmental stakeholder*)

Stage 4: the full country report is drafted and agreed on in a diplomatic process

Stage 5: the review is concluded and the executive summary (*and self-assessment checklist and full country report*) are posted online

# 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 a lot 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*



# UNCA Coalition tools to make the review process more transparent & inclusive

- 1) Transparency Pledge
- 2) Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism
- 3) Support and funding for civil society parallel reports and follow-up activities
- 4) Access to Information campaign
- 5) UNCAC review status tracker

# 1) Transparency Pledge

- 6 Principles of Transparency and Inclusion of civil society in the UNCAC review process
- 35 signatory States, most recent: Liberia and Albania

<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**

# Advocating for signing of the Pledge

- Get in touch with your UNCAC review focal point
- Inquire about the review status
- Tell them about your anti-corruption work
- Tell them you are interested in contributing to the review
- Present the Transparency Pledge and Guide
- Form a Coalition with other CSOs in your country to push for signing of the Pledge
- Monitor compliance with the Pledge

## 2) 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**
- 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 (Example from B&H)
- **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

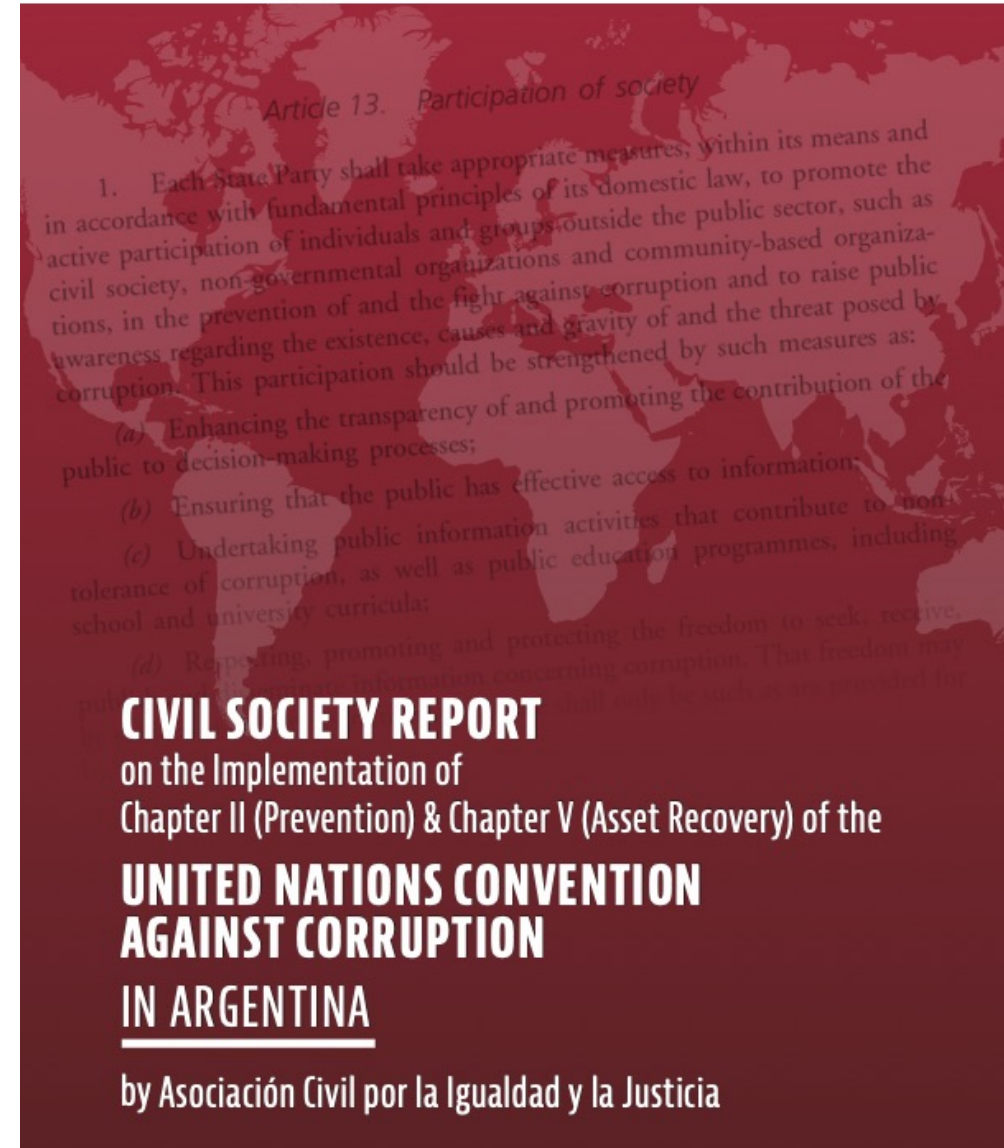
## 3) Civil Society Parallel Reports

- 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 (report template, guidance documents, editing, policy advice, translation)
- Published parallel reports in the region: Albania, Bosnia and Herzegovina, Montenegro, Serbia (done: North Macedonia)  
--> **copies available – discuss**
- New call opens in October – Kosovo?

- Best to do it either before or in parallel with the government
- Select the articles most relevant to the 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**

# Added value of the reports

- Go beyond the UNCAC (international best practice) and focus on implementation
- Best practices and deficiencies
- Showcasing case studies
- Provide specific recommendations
- Reports are both for a domestic and an international audience



# How to use the reports?

- **FOR ALL –**
- **for advocacy work** at the national level to push governments to fully implement the UNCAC into domestic law and practice, to highlight shortcomings and **provide recommendations for reforms;**
- **for follow-up advocacy activities** (with Coalition support );
- **to exert pressure** on national governments in the international forum of the UNCAC Conference of States Parties (CoSP), as well as in its subsidiary body, the UNCAC Implementation Review Group (IRG);

- **to influence the UNCAC peer reviewers** in areas of key importance that need to be addressed;
- As a **powerful instrument that helps inform activities of donors/organisations/countries providing technical assistance;**
- A **good way of building your organization's capacity** on the UNCAC and specific anti-corruption topics, and to **start a dialogue with government officials.**

**=> All parallel reports on the UNCAC**

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



## 4) Access to Information Campaign

- CSOs from around the world are using **freedom of information** requests to ask national governments to release key documents and information about what they have done to implement the provisions of the UN Convention against Corruption (UNCAC).
- The requests filed are tracked, **documenting how responsive and transparent different countries are** when asked to disclose information about their anti-corruption efforts.

## Why is this important?

# What do we want to achieve?



Governments disclose **key documents from the UNCAC review process.**



The campaign provides an overview of which countries **truly handle their UNCAC review processes in a transparent and inclusive manner.**

The Self-assessment checklists and full Country Reports **become available to the public and will help inform civil society advocacy.**



The requests **facilitate the participation of civil society and strengthen the anti-corruption framework and implementation of recommendations from UNCAC reviews.**



# What information is requested?



The **Self-assessment checklist** from the review process of the UN Convention against Corruption.



The **full Country Report** of the implementation review of the country being reviewed.



**Which civil society organizations were involved** in the UNCAC review process (if any).



**Contact information of the UNCAC focal point**, i.e., the person from the national government coordinating the review process.



Available **information and documents** on actions that have been taken to address findings and recommendations raised by the UNCAC review.

# How can you do it?

**To:**

Name of the authority  
Address of the authority

Date

**Subject: Request for information concerning the review process of the UN Convention against Corruption**

To whom this may concern,

I am hereby kindly requesting the following documents and information under [country name] [name of the Freedom of Information law] and [Article XX of the Constitution]:

- 1) Please provide me with a copy of [country's] Self-Assessment Checklists created under the first and second cycle of the implementation review of the UN Convention against Corruption (UNCAC). If these documents are available in several languages, please submit them in all available languages. In case these documents are already publicly accessible online, please provide me with the link(s) to them.
- 2) Please provide me with the full review reports on [country's] implementation of the UN Convention against Corruption from the first and second implementation review cycles. If available in several languages, please provide me with the documents in all available languages. In case these documents are already publicly accessible online, please provide me with the link(s) to them.
- 3) Did any representatives of civil society, non-governmental organisations or other non-state actors participate in or contribute to the first and second cycle of the implementation review of the UN Convention against Corruption?

**UNCAC Coalition**

Feel free to adapt the language of the relevant letter template so that it has the appropriate level of formality and politeness which would typically be used in your country in communications with public authorities.

**UNCAC Coalition**

Add your country's name here.

**UNCAC Coalition**

Insert the name of your country's access to information law (if one is in place), and possibly also refer to the article which provides the right to ask for information.

If only a constitutional provision on access to information is in place, then refer to this relevant article of the Constitution.

**If your country has no access to information**

**legislation in place:** While the access to information provisions in the UN Convention against Corruption are not directly applicable, the Convention provides a useful reference point, as your country has committed to its principles.

We suggest you state:

"I am hereby kindly requesting the following documents and information in accordance with Articles 10 and 13 of the UN Convention against Corruption (UNCAC), which [country] has ratified:"

# Initial results in the region

**Albania:** Center for Development and Democratization of Institutions (CDDI) → Ministry of Justice

- Partially successful
- Appeal made: legal deadline missed, lengthy response time (42 days)

**Serbia:** Belgrade Center for Security Policy (BCSP) → Ministry of Justice

- Partially successful: UNCAC cycle 2 checklist and cycle 1 report released!
- Thorough reply from authorities, open to civil society involvement

**Bosnia & Herzegovina, Kosovo:** no participants yet

**Montenegro:** Institut Alternativa (March 2022) and Gradanska Alijansa (September 2022) → Agency for the Prevention of Corruption

- Request 1, Unsuccessful
- Request 2, Partially successful: UNCAC Cycle 2 checklist partially released!
- Very little proactive publication by the government; confidentiality claims: information denied on the basis of “legal restrictions”

**North Macedonia:** Macedonian Centre for International Cooperation (MCIC) → Ministry of Justice

- Partially successful: UNCAC Cycle 2 checklist released!
- Lengthy response time (36 days) but dedicated MoJ webpage with resources on UNCAC review process and adopted action plan to follow up on findings

# Contact and more information:

## Participate in the campaign!

Any civil society organization or anti-corruption activist can join the campaign. Write to [ati@uncaccoalition.org](mailto:ati@uncaccoalition.org) to express your interest in participating.

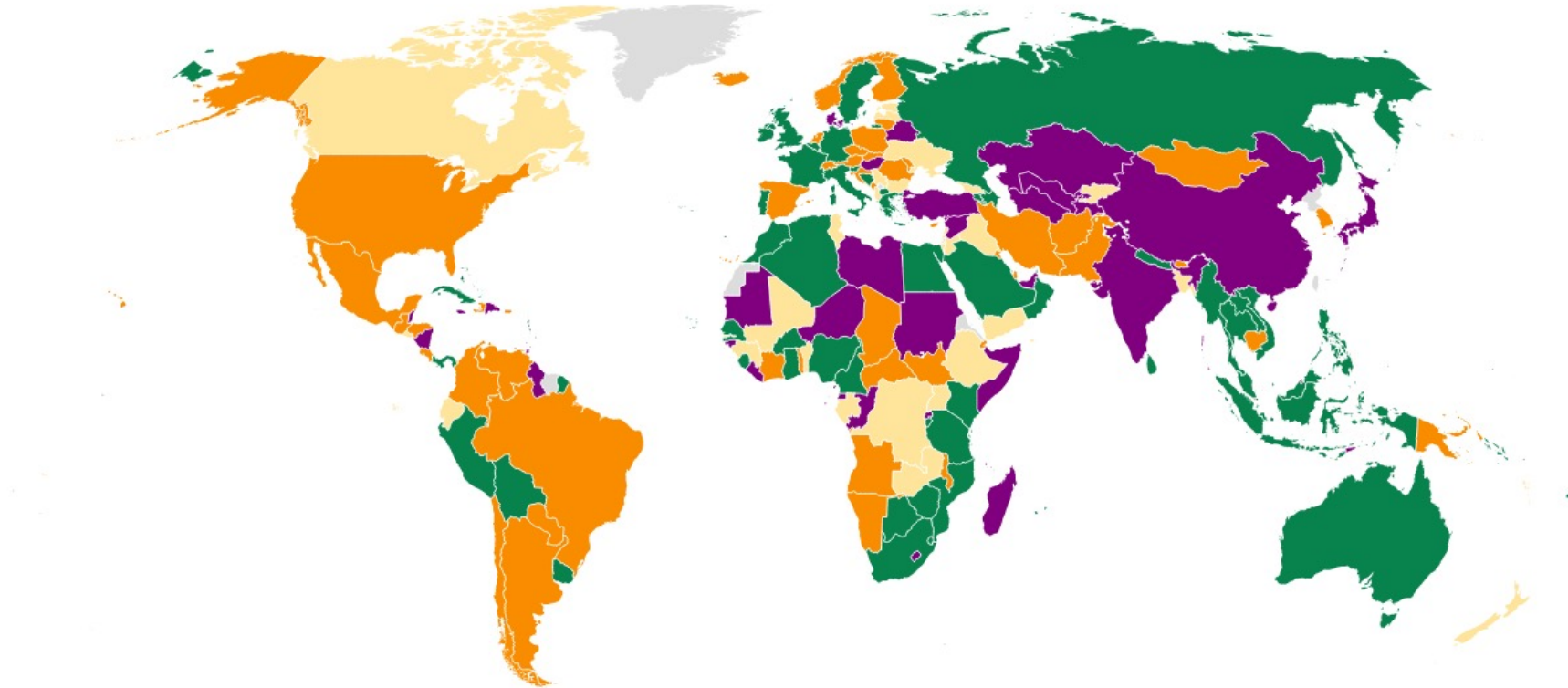
Visit the Campaign web page for all the details:

<https://uncaccoalition.org/uncac-review/access-to-information-campaign/>.

View initial results [here](#) and a more detailed analysis [here](#).

# 5) UNCAC Review Status Tracker

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



Click [here](#)  
to access map!

*Data accurate as of 14 September 2023.*

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



# Stages of the UNCAC review



1. Government fills out the self-assessment checklist
2. Peer reviewing countries and UNODC do a desk review of the self-assessment checklist
3. A country visit is set up and conducted with the country under review, UNODC (*and other non-governmental stakeholders*)
4. The full country report is drafted and agreed on in a diplomatic process
5. The review is concluded and the executive summary (*and self-assessment checklist and full country report*) are posted online

# What's your experience engaging in your country's UNCAC review mechanism?

# Opportunities for engagement according to review status



- **Ongoing UNCAC reviews:**
  - Serbia
  - Albania
  - Montenegro
- **Completed UNCAC reviews:**
  - Bosnia and Herzegovina
  - North Macedonia



# Engagement in ongoing reviews UNCA oalition

**Serbia:** Ongoing – Stage 2 – The government has submitted the self-assessment checklist. The country visit will take place between 25-27 October 2023.

- **Opportunities for engagement:**

- The focal point is known, get in touch with them to provide your expertise and contribute to the country visit when it takes place. Ask for the government to share a draft of the self-assessment checklist beforehand with enough time, so you can prepare.
- Transparency Pledge could be signed – involvement of more CSOs – make use of the Guide.
- [TI Serbia published a parallel report \(published in July 2023\)](#) – advocate for recommendations coming out of this report to be implemented effectively and monitor the government’s efforts.

# Engagement in ongoing reviews



**Albania:** Ongoing - Stage 2 – As of April 2023, the government was reviewing the draft report sent by the secretariat, no date has been set for the country visit yet. Albania consulted civil society for their self-assessment checklist. Albania signed the Transparency Pledge in April 2023.

## Opportunities for engagement:

- The focal point is known, the Pledge signed – so there are many ways to engage – get in touch with them to provide your expertise and contribute to the country visit, etc.
- [The Institute for Democracy and Mediation \(IDM\) – rep here today – wrote a \*\*parallel report \(published in July 2023\)\*\*](#) – advocate for recommendations coming out of this report to be implemented effectively and monitor the government’s efforts.
- Once the review is completed, advocate for implementation of recommendations given in the UNCAC review and for implementation of UNGASS Political Declaration commitments.
- File FOI request and see what the response is 1+ year later, especially since the country has signed the UNCAC Coalition Transparency Pledge.

# Engagement in ongoing reviews



**Montenegro:** Ongoing - Stage 4 – The country visit took place in March 2022 with civil society involvement. Last status update: as of July 2022, the government was answering the peer reviewers questions and drafting the final country report which has not been published yet. The government signed the Transparency Pledge in August 2022. The focal point is known.

## Opportunities for engagement:

- The [Center for Democratic Transition](#) wrote a **parallel report (published in August 2023)** – advocate for recommendations coming out of this report to be implemented effectively and monitor the government’s efforts.
- Advocate for compliance with the principles of the Transparency Pledge: publishing all review documents, organizing a briefing to discuss the findings with civil society.
- Monitor implementation and follow-up of the recommendations that come out of the review.
- Both organizations here should jointly submit another FOI request: 1 year later, see if there are any updates, especially since the country has signed the UNCAC Coalition Transparency Pledge.

# Engagement in completed reviews

- **Bosnia and Herzegovina:** Completed - Stage 5 – country visit took place on 3-5 October 2017, other stakeholders were involved in the review; the executive summary and full country report are online. The focal point is known. Now: focus on implementation.
- **Opportunities for engagement:**
  - TI Bosnia and Herzegovina wrote a parallel report (published in June 2023). – advocate for recommendations coming out of this report to be implemented effectively and monitor the government’s efforts.
  - Transparency Pledge could be signed retroactively since the government involved CSOs and published all review documents.
  - Participate in the UNCAC Coalition’s ATI Campaign: a short FOI request could be submitted to request the missing UNCAC documents (Cycle 1 and Cycle 2 self-assessment checklists).

# Engagement in completed reviews

- **More opportunities for engagement:**
  - Advocate for implementation of recommendations given in the UNCAC review and the UNGASS Political Declaration commitments.
  - **B&H is the only country we know of so far** where a council is being established at the moment to monitor follow-up of the implementation of the recommendations given in the UNCAC review – if done right, this could be a best practice example to be replicated around the world since no official follow-up mechanism is in place yet.



# Engagement in completed reviews

- **North Macedonia:** Completed - Stage 5 – the country visit took place on 15-18 May 2018, civil society was involved in the review – the government obtained the input of CSOs and other stakeholders in the development of the self-assessment checklist through gathering written submissions and holding workshops. ; the full country report and self-assessment checklist are published online. The focal point is known.
- The country signed the Transparency Pledge and is the only country to date that is fully compliant with the Pledge. The government proactively publishes information on the UNCAC review through a dedicated [website page](#) via Ministry of Justice.
- **Opportunities for engagement:**
  - [The Macedonian Centre for International Cooperation \(MCIC\), represented here today, wrote a parallel report \(published in 2019\);](#)
  - Advocate for implementation of the recommendations given in the review.

# Engagement in completed reviews

The logo for the UNCA Coalition, featuring the text "UNCA Coalition" in a bold, dark red font. The word "UNCA" is on the left, "Coalition" is on the right, and a large red letter "C" is in the center. The words "CIVIL" and "SOCIETY" are written in a smaller, dark red font, curving around the top and bottom of the central "C" respectively.

- **Kosovo:** no official review, but they did a mock review:
- **Opportunities for engagement:**
  - Parallel report?
  - Participation in UNCAC Coalition's ATI campaign?
  - Monitoring of commitments, accountability.

## What is the UNCAC CoSP fora?

- CoSP every two years (CoSP 10 in USA)
- Main outcome: CoSP resolutions (“Vienna spirit of consensus”)
- The intersessional period
- CoSP subsidiary bodies
  - WG on Asset Recovery
  - WG on Prevention of Corruption
  - Expert Group on International Cooperation
  - The Implementation Review Group



# Main challenges for civil society

- **Inclusiveness: limited civic space**
  - CSOs are excluded from CoSP working groups, including the IRG
  - Cannot participate in negotiations of resolutions
  - Can only participate in CoSP if not objected by a State party
- **Transparency: obtaining information**
  - Difficult to understand dynamics of negotiations of resolutions
  - Lack of transparency in the UNCAC review process
- **Effectiveness: meaningful participation**
  - Impacting resolutions in real time
  - Slow progress in a multi-lateral context

## Why participate in CoSP fora?

- Demonstrate civil society contribution and expertise
- Impact CoSP resolutions and discussions
- Monitor States' commitments & positions on anti-corruption
- Engage with gov. officials, CSOs, international organizations
- Strengthen civic space at UN level

**Raises CSOs profile, provides opportunities for advocacy**

## Civil society at CoSP- ways to contribute

- Observe the plenary
- Deliver statements & written submissions
- Organize and participate in side events
- Participate in country delegations
- Influence draft resolutions (informally)
- The NGO lounge
- **Be seen, be heard!**

At CoSP 9 - 154 registered CSOs

At CoSP10 - 400+ CSOs!

## Ways to Contribute - before & after CoSP

- Run-up: put pressure on gov. to take action and make commitments
- Follow-up: advocate for implementation of resolutions
- Participate in yearly NGO briefing
- Participate in events on the margins of the IRG and Working Groups
- Countries deliberate the second phase of IRM, focus on implementation of recommendations & technical assistance



## Ways to Contribute

- Join our CoSP10 civil society briefing in early October!
- Stay tuned for updates, events and more through our dedicated CoSP10 website page: <https://uncaccoalition.org/cosp10/>
- Join our thematic mailing list communities to contribute to discussions and advocacy actions ahead of the CoSP – even if you are not attending - by filling out this [form](#).
  - Different topics: whistleblower protection, political financing, procurement, beneficial ownership transparency, civic space

## Any questions or comments?

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