

Civil Society Participation in UNCAC Implementation Reviews: How States Parties Enabled Meaningful Contributions

UNCAC Coalition Submission to the
10th UNCAC Conference of the States Parties

24 November 2023

On 31 October 2023, we celebrated the 20th anniversary of the United Nations Convention against Corruption, the UNCAC,¹ the only comprehensive, global, legally-binding anti-corruption instrument with 190 States Parties to date. The world has changed immensely over the past 20 years, and so has the fight against corruption. Civic space has been shrinking in numerous States Parties where those working to counter corruption and hold governments accountable are being detained, harassed and silenced. However, investigative journalism and big data leaks are unveiling previously undetected corrupt corporate structures, illicit financial flows and shady high-level dealings. Civil society continues to play an essential role in the fight against corruption and it has become clearer than ever that governments cannot face this scourge alone: a multi-stakeholder approach to corruption is indispensable.

This submission² reflects experiences from civil society organizations (CSOs) from Sub-Saharan Africa, Asia-Pacific, Europe, Latin and North America, as well as the Caribbean³ that participated throughout their national second cycle UNCAC implementation reviews. There is still a lot of room for improvement but many good practices, in line with our recommendations for meaningful participation of civil society,⁴ provide an encouraging prospect for the effective implementation and monitoring of the Convention.

¹ UNCAC Coalition, UNCAC, <https://uncaccoalition.org/the-uncac/united-nations-convention-against-corruption/>.

² The submission is a summary of the UNCAC Coalition's blog post published on the UNCAC's 20th anniversary: UNCAC Coalition (October 2023), 20 years of UNCAC – How civil society participates in UNCAC Implementation Reviews, <https://uncaccoalition.org/20-years-of-uncac/>.

³ The examples covered here are not exhaustive due to a lack of information, but intend to provide a snapshot of examples where we were able to collect this information. Unfortunately, experiences from CSOs in the Middle East and North Africa region are not represented, but we continue to collect information and will update this information in the future.

⁴ Our recommendations are based on our Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism, <https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-%E2%80%93-Guide-to-Transparency-and-Participation-in-the-IRM-Dec.-2022.pdf>.

Civil society in the UNCAC⁵

Article 13 of the Convention makes the participation of non-governmental stakeholders, including civil society, mandatory.⁶ At the third UNCAC Conference of the States Parties in 2009 in Doha, Qatar, civil society advocacy for an UNCAC Implementation Review Mechanism culminated in the successful adoption of Resolution 3/1⁷ and the mechanisms Terms of Reference⁸ (ToR). Article 30 of the ToR explicitly encourages States Parties to **“facilitate engagement with all relevant stakeholders in the course of a country visit.”**

Most States Parties indicate on their UNODC country profile⁹ that “other stakeholders” were involved in their review, yet without specifying which ones. This means that civil society was not necessarily involved, as “other stakeholders” also include academia, professional associations and the private sector. Oftentimes the ones involved are not independent from the government or offer a non-critical view of its anti-corruption performance. **There is thus a significant difference between box-ticking “involvement of other stakeholders” and meaningful participation and engagement of civil society. We therefore applaud all States Parties that involved independent CSOs in their UNCAC review.**

Availability of information before the country visit

For those States Parties who invited civil society to participate in their UNCAC review country visit, we found that many failed to provide adequate information on the meeting, such as details about which authorities and other civil society actors would be present during the meeting and a draft of their self-assessment checklist. Some States provided very little prior notice to CSOs before the country visit meeting, leaving them with inadequate time to

⁵ The UNCAC Coalition has developed a set of tools for civil society to more meaningfully engage in the UNCAC review mechanism in their country, see here: <https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-CoSP10-Submission-UNCAC-Coalition-tools-for-a-more-transparent-and-inclusive-UNCAC-Implementation-Review-Process.pdf>. One of those tools are civil society parallel reports, more than 40 of which the Coalition has supported so far. During the research process, CSOs send freedom of information requests and conduct interviews with governmental officials, which serves as a door opener to advance anti-corruption reforms: <https://uncaccoalition.org/uncac-review/cso-review-reports/>.

⁶ “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. [...]”.

⁷ UNODC, Resolution 3/1, <https://www.unodc.org/unodc/en/corruption/COSP/session3-resolutions.html>.

⁸ UNODC, Mechanism for the Review of Implementation of the United Nations Convention against Corruption – Basic Document, https://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism_for_the_Review_of_Implementation_-_Basic_Documents_-_E.pdf.

⁹ UNODC, Country profiles, <https://www.unodc.org/unodc/en/corruption/country-profile/index.html>.

prepare. Nevertheless, across the regions, **many States Parties followed good practices which align with our recommendations**,¹⁰ including:

- **Publishing the focal point and review schedule information on a governmental website** (Austria, Montenegro, North Macedonia, Switzerland, Norway, Slovakia, Chile).
- **Inviting CSOs to join the review process and the country visit, so that they have adequate time to prepare**, with at least two weeks' notice (Australia, Cambodia, Mongolia and Papua New Guinea, Poland, Austria, Germany, etc.) or more (3 months in Kenya and Switzerland, 1 month in Zimbabwe, Bulgaria and Portugal).¹¹
- **Involving a wide range of CSOs**, by enlisting the support of a prominent CSO working on anti-corruption to represent civil society on a committee for the self-assessment process (Togo), sending an invitation via a prominent CSO to other CSOs in the country to attend the meeting with the external review team (Zimbabwe); inviting CSOs to comment on guiding questions (Zimbabwe) and publishing CSOs' input to the self-assessment checklist (UK).
- **Providing civil society with sufficient information before the country visit**, including a comprehensive agenda of the meeting (Bosnia and Herzegovina, Bulgaria, Poland, Portugal and Romania), a list of participants (Paraguay and Argentina), and publishing and sharing the self-assessment checklist,¹² (UK, Botswana, Togo, Germany), in some cases even in a version that included comments and questions by the reviewers (Switzerland).
- **Holding a briefing for CSOs a few weeks before the review meeting** or inviting CSOs to a preparatory governmental meeting (Nigeria, Austria and Switzerland), or even briefing CSOs on information from the first cycle review report prior to the meeting (Burundi).

Level of engagement during the country visit

In some countries, the level of engagement with peer reviewers left **a lot of room for improvement**, which made civil society engagement difficult. The main reasons for this were **inviting only a small number of government-"friendly" CSOs or only ones operating at the national level, insufficient time allocated for receiving and discussing civil society input, and the presence of government officials of the State under review during civil society interventions**, which, in contexts of restricted civic space, hindered CSOs from speaking openly and providing peer reviewers with relevant input. In these cases, the involvement of

¹⁰ UNCAC Coalition, Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism, <https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-%E2%80%93-Guide-to-Transparency-and-Participation-in-the-IRM-Dec.-2022.pdf>.

¹¹ **Best practice would be to publicize the visit**, along with a schedule of events and the composition of the review team on the government's website.

¹² **Best practice would be to publish the self-assessment checklist** (even if only a draft) on the government's website as soon as it is available, communicating its publication.

CSOs seemed more like a box-ticking exercise instead of genuinely aiming to take on board the expert input of civil society. However, we were able to identify some good practices by States Parties which overlap with our recommendations,¹³ including:

- **Organizing a meeting between civil society and the peer reviewers without government experts present before the country visit** (Austria, Namibia, Togo, Burundi, Mozambique, Uganda and Zimbabwe, Burundi, Bosnia and Herzegovina, Portugal, Switzerland and Bulgaria, Switzerland, Bulgaria, North Macedonia, Spain, and partially in Poland).
- **Peer reviewers engaging with CSOs through questions and openly listening to their comments and concerns** (reviews of Austria, Bosnia and Herzegovina, Bulgaria, Germany, Iceland, North Macedonia, Poland, Portugal, Romania, Spain, Switzerland, Canada, Zimbabwe, Togo, Burundi, Brazil and Chile), including by engaging on the answers of a previously-shared questionnaire (Uganda) and on the civil society parallel report on UNCAC implementation which was previously shared with peer reviewers (Honduras).
- **Providing sufficient time for meaningful engagement with CSOs – depending on the number of participants** (3 days in Nigeria and Papua New Guinea, a full civil society day in Bosnia and Herzegovina, 3 hours in Zimbabwe, Mongolia, and one hour per CSO on their own in Portugal).
- **Allowing for the participation of a wide range of CSOs** (Switzerland, Portugal, Germany, Bosnia and Herzegovina, Togo, Zimbabwe and Nigeria).

Follow-up after the country visit

Apart from in Europe, most States Parties did not engage with civil society beyond the country visit stage, with a few outstanding exceptions. Nevertheless, we found that the countries that included civil society in their UNCAC review country visits in the first place generally tend to engage CSOs in longer-term UNCAC review and anti-corruption efforts, which is encouraging. Since many reviews have not been completed yet, **meaningful engagement of civil society in the implementation of the recommendations of UNCAC reviews is still possible**. Good examples we have collected in this regard, which align with our recommendations,¹⁴ include:

- **Providing CSOs with a timeline of next steps after the country visit** (Togo, North Macedonia and Germany) and sharing periodic updates on the status of the review and the timeline for the upcoming report (Switzerland).

¹³ UNCAC Coalition, Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism, <https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-%E2%80%93-Guide-to-Transparency-and-Participation-in-the-IRM-Dec.-2022.pdf>.

¹⁴ UNCAC Coalition, Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism, <https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-%E2%80%93-Guide-to-Transparency-and-Participation-in-the-IRM-Dec.-2022.pdf>.

- **States and peer reviewers encouraging and accepting written submissions by CSOs to take into account in the review** (Namibia, Togo, Bosnia and Herzegovina, Bulgaria, Germany, North Macedonia, Poland, Romania, Spain, Germany, North Macedonia, Papua New Guinea, Nigeria, Poland, Bulgaria, Germany).
- **Inviting CSOs to provide input to the country report approval process**¹⁵ (Uganda).
- **Publishing the country review findings, including the self-assessment checklist and the full country report** on the government's and UNODC's websites (Mauritius, Nigeria, Sri Lanka, Sweden, Germany, Italy, North Macedonia, Portugal, UK), ideally in the original and local languages, and actively communicating this to the public.
- **Organizing a stakeholder dialogue and meetings with civil society to jointly shape a follow-up action plan to implement the review recommendations** (Kenya, Italy, North Macedonia).
- **Reporting regularly on progress in the implementation and monitoring of country review recommendations and taking civil society's input into consideration**¹⁶ (Bosnia and Herzegovina,¹⁷ Nigeria), uploading progress reports on a designated government or the UNODC country profile website (Mauritius, Greece, Australia, Slovenia, North Macedonia).

Way forward

While there are many good practices of involving CSOs in and beyond UNCAC reviews, there is still a lot of room for improvement, especially for those who have not engaged with civil society in their reviews meaningfully or at all. **We strongly encourage States Parties to follow the best practice recommendations outlined in this submission**, based on our Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism.¹⁸ **We also call on States Parties to sign our Transparency Pledge**¹⁹ and commit to higher standards of transparency and participation in UNCAC reviews, with 36 signatories to date, and to **support the complementary UK-led IRM initiative** at CoSP10 and beyond.²⁰ The UNCAC Coalition stands ready to support States Parties and CSOs alike in achieving these goals.

¹⁵ It is **best practice to include detailed information on how the review process was conducted and which specific non-governmental stakeholders were included** in the review report.

¹⁶ One way to do this would be to provide opportunities for civil society to comment on government progress reports and to present their own monitoring reports to the government.

¹⁷ A promising practice is shaping up in Bosnia and Herzegovina, where a committee was set up with civil society as an equal partner to government institutions involved in the 2nd cycle UNCAC review, to monitor and follow-up on the recommendations that came out of the review and following an established schedule.

¹⁸ <https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-%E2%80%93-Guide-to-Transparency-and-Participation-in-the-IRM-Dec.-2022.pdf>. Also available in French and Spanish here: <https://uncaccoalition.org/uncac-review/transparency-pledge/>.

¹⁹ UNCAC Coalition, Transparency Pledge, <https://uncaccoalition.org/uncac-review/transparency-pledge/>.

²⁰ The UNCAC Coalition and Open Government Partnership (OGP) are supporting the UK on this initiative. Find out more here: UK Foreign, Commonwealth and Development Office (October 2023), Why we need partnership with civil society to tackle corruption, <https://blogs.fcdo.gov.uk/corinnekitsell/2023/10/31/why-we-need-partnership-with-civil-society-to-tackle-corruption/>.