

Strengthening the UNCAC's Implementation Review Mechanism to be Effective, Inclusive and Transparent

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

24 November 2023

The UNCAC's Implementation Review Mechanism (IRM), a peer review monitoring system launched in 2010, reviews and lays out recommendations and technical assistance needs to improve countries' implementation of the Convention. The IRM is currently in its 2nd cycle to review implementation of Chapter II (preventive measures) and Chapter V (asset recovery). Launched in 2015, the 2nd cycle was extended to June 2024 due to significant, ongoing delays, and will most likely be extended further to December 2025.¹

While the UNCAC IRM has promoted legislative and institutional reforms that have strengthened UNCAC implementation at the country level, it has significant shortcomings in three key areas: inclusiveness, transparency and follow-up measures.

- **Inclusiveness:** Despite the spirit of Article 13, consultation with stakeholders in country visits is only encouraged and not mandatory, resulting in varying levels of stakeholder engagement from one country to another. In addition, little to no information on stakeholder engagement is disclosed in most country review documents.
- **Transparency:** While executive summaries from country reviews are automatically published, countries are not required to disclose the full country review reports and self-assessment checklists unless they voluntarily do so. Other important information about the status of country reviews and the timing of review visits is often not made publicly available, making it difficult for stakeholders to know how to meaningfully contribute to the review process.
- **Follow-up:** A major weakness of the IRM is the lack of formal follow-up procedure in place to determine whether countries have implemented recommendations from country reviews and to evaluate the effectiveness of a country's framework in

¹ For the 2nd cycle, only 83 out of 188 executive summaries of country reviews have been completed. See UNODC, Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and the measures required for the completion of the first phase of the Mechanism, as well as considerations regarding the next phase, p.3, <https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/CAC-COSP-2023-3/2320004E.pdf>.

reducing corruption. A structured follow-up process is crucial to promote government accountability in meeting UNCAC commitments.

Good practices

There is an increasing number of countries carrying out country reviews in an inclusive and transparent manner. Thirty-six countries have signed up to the UNCAC Coalition's Transparency Pledge,² which is a voluntary commitment to principles of greater transparency and civil society participation in the UNCAC review process. The Pledge encourages countries to actively include civil society at key stages of the review process and to publicly share documents and information about the review.³ The UNCAC Coalition is monitoring countries' compliance with the Pledge⁴ and has also developed a comprehensive Review Status Tracker to assess the status of country reviews for the 1st and 2nd cycles.⁵

A growing number of governments have adopted good practices to promote meaningful civil society engagement in country reviews that should be further built upon⁶ which include the following: establishing working groups that include civil society representatives to oversee the country review process and follow-up, carrying out workshops to obtain the input of civil society and other stakeholders on the self-assessment checklist, organizing sessions or whole-day workshops for civil society to provide input and present the findings of their parallel reports⁷ on UNCAC implementation to peer reviewers during country visits (sometimes without the country under review present), sharing a draft of its self-assessment checklist with civil society organizations (CSOs) prior to the country visit, holding workshops or meetings to discuss the findings from country reviews with civil society, setting up committees that include civil society representatives to monitor and follow-up on the recommendations that came out of the review, and providing CSOs with periodic updates on the status of implementing follow-up actions.

Other anti-corruption monitoring mechanisms provide concrete examples of good practices that the IRM should draw upon to strengthen civil society participation, transparency and

² UNCAC Coalition, Transparency Pledge, <https://uncaccoalition.org/uncac-review/transparency-pledge/>.

³ See UNCAC-Coalition, Guide to Transparency and Participation in the 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>.

⁴ UNCAC Coalition, Transparency Pledge Compliance Tracker, <https://uncaccoalition.org/uncac-review/transparency-pledge/#:~:text=United%20Kingdom,-United%20States,-Disclaimer%3A%20Reviews>.

⁵ UNCAC Coalition, UNCAC Review Status Tracker, <https://uncaccoalition.org/uncacreviewstatustracker/>; also see our Access to Information Campaign, <https://uncaccoalition.org/uncac-review/access-to-information-campaign/>.

⁶ See the UNCAC Coalition's recent blog for many examples of good practices for civil society participation in country reviews across the globe: 20 years of UNCAC – How civil society participates in UNCAC implementation reviews, <https://uncaccoalition.org/20-years-of-uncac/>.

⁷ See civil society parallel reports on UNCAC implementation here: <https://uncaccoalition.org/uncac-review/cso-review-reports/>.

effectiveness.⁸ For example, the OECD Anti-Bribery Convention,⁹ the Financial Action Task Force,¹⁰ and the Organization of American States' Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC)¹¹ publish full country review reports and have structured follow-up processes to review whether recommendations from country reviews have been implemented. The OECD's Istanbul Anti-Corruption Action Plan¹² has many good practices that the UNCAC IRM should draw upon to increase transparency, civil society participation and effectiveness.¹³ The Open Government Partnership, a multi-stakeholder process of governments and civil society, has an Independent Reporting Mechanism¹⁴ overseen by an International Expert Panel, which assesses whether a country has implemented its action plan commitments, the results of these efforts and the level of engagement with stakeholders in the country.

The Way Forward

The UNCAC's Implementation Review Group (IRG), which oversees the IRM, will deliberate on the focus and modalities for the IRM's next phase of review that can then be acted upon by the UNCAC CoSP. **A rigorous, inclusive and transparent UNCAC monitoring mechanism with a structured follow-up process is urgently needed** to lead to more impactful outcomes in the global fight against corruption. A UNODC 2023 survey of States Parties to obtain views on the focus for the next phase found that the lack of a dedicated follow-up procedure was identified as the main weakness of the IRM, an issue which was also highlighted during the deliberations of the IRG.¹⁵

⁸ See the following UNODC papers that review practices of other review mechanisms, including practices related to follow-up processes, inclusion of non-governmental actors, transparency of the process and other issues: UNODC, Lessons learned from other review mechanisms on their operation and transition to a next phase: experiences collected in transitions by other peer review mechanisms (part I), <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/4-8September2023/CAC-COSP-IRG-2023-8/CAC-COSP-IRG-2023-8-E.pdf> and UNODC, Lessons learned from other review mechanisms on their operation and transition to a next phase: elements of peer review mechanisms subject to transitions, observations and trends (part II), <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/4-8September2023/CAC-COSP-IRG-2023-8-Add.1/2312240E.pdf>, see Section F on inclusion of non-governmental actors which concludes that all of the peer review processes that rely on country visits involve non-state actors in various ways and that the "secretariats actively reach out to the respective non-governmental actors to solicit their views, especially in preparation for country visits",

⁹ OECD, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, <https://www.oecd.org/corruption/oecdantibriberyconvention.htm>.

¹⁰ FATF, The FATF Recommendations, <https://www.fatf-gafi.org/>.

¹¹ Organization of American States, MESICIC, <http://www.oas.org/en/sla/dlc/mesicic/documentos.html>.

¹² <https://www.oecd.org/corruption/anti-bribery/corruption/acn/istanbul-action-plan.htm>.

¹³ Civil society can participate in different ways throughout the process, including by having the opportunity to review and give comments to the draft monitoring report, participating in on-site visits and in plenary meetings (where they can give presentations on their views). For more details, see: OECD (2014), Istanbul Anti-Corruption Action Plan, <https://www.oecd.org/corruption/acn/IAP-Manual-Monitoring-Experts-EN.pdf>.

¹⁴ Open Government Partnership, Independent Reporting Mechanism, <https://www.opengovpartnership.org/irm-guidance-overview/>.

¹⁵ See UNODC, Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and the measures required for the completion of the first phase of the

To inform discussions on the next phase, the UNCAC Coalition has developed detailed recommendations for UNCAC States Parties to strengthen the next phase of review to increase transparency and civil society participation in the process. Our recommendations also focus on developing an effective and transparent follow-up mechanism to ensure that recommendations from country reviews are effectively implemented to bring about more impactful outcomes in the fight against corruption. **We call upon States Parties and the IRG to actively consult and take into account the views and input of civil society organizations and other non-governmental stakeholders when designing and implementing the next phase of review.**

Civil society participation:

- **Carry out inclusive and transparent reviews** that meaningfully engage civil society organizations and other non-governmental stakeholders at key stages of the review process, including by organizing sessions for peer reviewers to meet with stakeholders during country visits, consulting with stakeholders in the development of self-assessment checklists and draft country reports, including civil society in working groups to oversee country reviews and in efforts to develop a follow-up plan to implement country review recommendations.
- **Provide an overview in executive summaries and country reports of stakeholder engagement** in the review and the outcomes of civil society participation and provide more details on stakeholder engagement on their United Nations Office of Drugs and Crime (UNODC) country profile page,¹⁶ rather than merely the Yes/No option that currently exists.
- **Allow civil society and other non-governmental stakeholders to participate as observers** in the IRG as well as other subsidiary bodies of the UNCAC Conference of the States Parties (CoSP), including providing opportunities for non-governmental stakeholders to present their findings on UNCAC implementation on specific countries to the IRG.

Transparency:

- **Publish self-assessment checklists and country reports** from country reviews to ensure that a full picture of a country's UNCAC implementation is publicly available.
- **Publish and regularly update comprehensive information on the review process** (e.g., in a section of the competent ministry's website), including timeframes for carrying out reviews, country focal point name and contact information and entry points for civil society to make contributions. The country under review should **publicly announce in advance when country visits will be held and issue calls for civil**

Mechanism, as well as considerations regarding the next phase,
<https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/CAC-COSP-2023-3/2320004E.pdf>.

¹⁶ UNODC, Country Profiles, <https://www.unodc.org/unodc/en/corruption/country-profile/index.html>.

society and other non-governmental stakeholders to make submissions on the country under review by a specific deadline. All submissions should be made publicly available on the UNODC website along with other country review documents, especially civil society parallel reports that assess UNCAC implementation.¹⁷

- UNODC should **publish a press release** when country reviews are completed and documents are published and provide more useful, up-to-date and detailed information on its website.

Follow-up and effectiveness:

- Launch **the next phase of the review mechanism with a focus on follow-up** to ensure that country review recommendations from the first two cycles are addressed in a timely and effective manner.
- Adopt a **formal, transparent follow-up process** conducted in consultation with civil society and other non-governmental stakeholders, to assess States Parties' progress on implementing country review recommendations and technical assistance needs from the two review cycles, including following up on the implementation of UNGASS commitments.¹⁸ Civil society and other stakeholders should be partners throughout the follow-up process.
- Develop a **template for States Parties to publicly report on follow-up actions** by specific deadlines to ensure a consistent and comparable standard. Countries should regularly report back on progress with recommendations during the IRG Working Group meetings.
- Place greater emphasis on **evaluating the implementation and enforcement of UNCAC provisions** and their effectiveness in practice, examining evidence including available statistics, results of audits and other measures that demonstrate compliance and outcomes.

In conclusion, UNCAC States Parties have a major opportunity to strengthen the IRM's effectiveness in its next phase by increasing transparency and civil society participation in country reviews and developing a clear, structured follow-up process to promote adoption of country review recommendations. Such changes will bolster implementation of the UNCAC, leading to more effective outcomes in the fight against corruption.

¹⁷ See civil society parallel reports on UNCAC implementation here: <https://uncaccoalition.org/uncac-review/cso-review-reports/>.

¹⁸ These commitments can be found in the UNGASS 2021 Political Declaration, adopted by all UN Member States: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/V21/025/88/PDF/V2102588.pdf?OpenElement>.