

UNCAC Coalition Tools for a More Transparent and Inclusive UNCAC Implementation Review Process

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

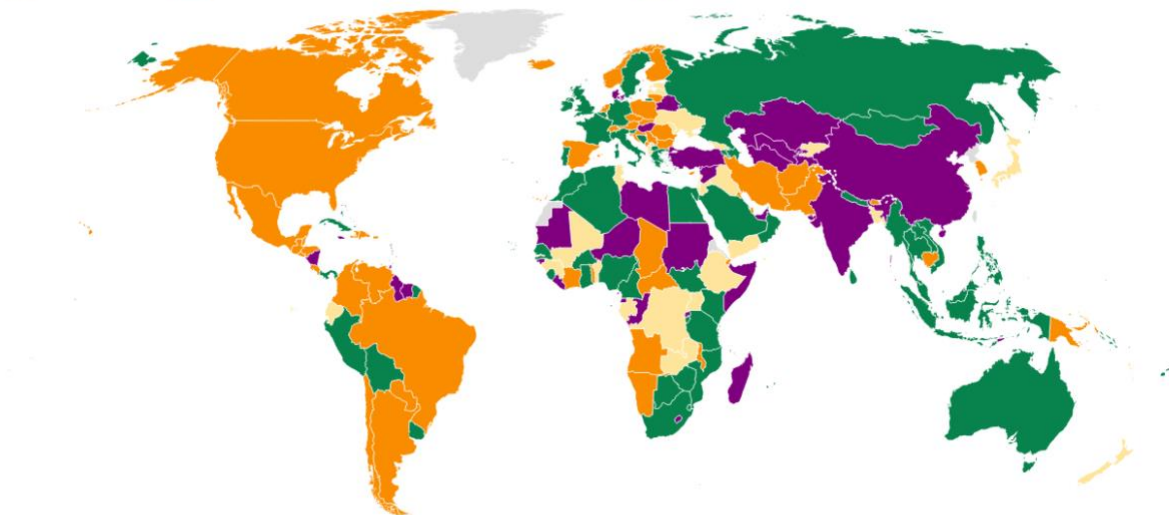
24 November 2023

The UNCAC Coalition has developed five tools for more transparency and inclusiveness in the UNCAC Implementation Review process, which can be used by States Parties and civil society organizations (CSOs) alike. This submission provides an overview of the tools, their purpose, and their state of play to date.

Visualizing the status of UNCAC implementation of second cycle reviews shows that many countries are opaque in conducting their reviews, with little to no information made available. From a civil society perspective, this makes it difficult to engage with and participate in the reviews.

1. UNCAC Review Status Tracker¹

Completed Post Country Visit Pre Country Visit Unknown



Data accurate as of 24 November 2023.

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

¹ UNCAC Coalition, UNCAC Review Status Tracker, <https://uncaccoalition.org/uncacreviewstatustracker/>.

Launched in December 2022, a global map tracking progress in the UNCAC reviews complements the UNCAC Coalition's tracker's spreadsheet.² The tracker includes information on the status of a country's UNCAC review, the focal point information, links to available documents, whether a country has signed the Transparency Pledge³ or not, and if so, its compliance with the Pledge, whether a civil society parallel report has been produced on UNCAC implementation in this country, and whether the country has published information on follow-up measures taken after the review was completed.

The UNCAC Coalition has been trying to identify national-level UNCAC focal points and has been conducting regular outreach to obtain updates on their country's review status, encouraging them to include civil society in their reviews. Based on three and a half years of outreach and engagement, the latest information available to civil society (which may differ from the aggregated official numbers the UNCAC Secretariat shares in the context of the IRG) shows that out of 190 States Parties:

- 89 reviews are still ongoing;
 - 30 reviews pre-country visit;
 - 59 reviews post-country visit;
- 63 reviews have been completed; and
- for 38 reviews, the review status is unknown.

Long delays in many of the second cycle UNCAC reviews (covering Chapter II on preventive measures and Chapter V on asset recovery) – some have been ongoing for four or more years – have made some States Parties reluctant to publish the self-assessment checklist and the full country report, both key documents of the reviews, expressing concerns that they would provide an outdated picture of national anti-corruption frameworks. However, **these key documents include crucial information on States Parties' anti-corruption efforts and making them public increases transparency and accountability**. The good news is that an increasing number of countries are agreeing to publish them. Additionally, States Parties have a possibility to publicly report on the measures taken after the completion of the country review,⁴ which is even more important now that the review mechanism is about to be extended once again, and the follow-up phase is being discussed.

2. Transparency Pledge⁵

The UNCAC Coalition is encouraging States Parties to sign up to the Transparency Pledge for the second UNCAC implementation review cycle. The Pledge is a voluntary commitment to

² UNCAC Coalition, UNCAC Review Status Tracker spreadsheet, <https://docs.google.com/spreadsheets/d/1uVcQ8xT7bJwkVsQZ7yT6bOfq7gxL4kQBOGOafqNjICE/edit#gid=0>.

³ UNCAC Coalition, Transparency Pledge, <https://uncaccoalition.org/uncac-review/transparency-pledge/>.

⁴ UNODC, Country profiles, <https://www.unodc.org/unodc/en/corruption/country-profile/index.html>.

⁵ UNCAC Coalition, Transparency Pledge, <https://uncaccoalition.org/uncac-review/transparency-pledge/>.

minimum standards of transparency and civil society participation in the UNCAC review mechanism. Its six principles include the publication of timely information on the country's UNCAC focal point, an updated review schedule, the publication of both the self-assessment checklist and the full country report, involvement of civil society in the review, including organizing a briefing with civil society to discuss the outcomes of the review, and support for the participation of civil society observers in UNCAC subsidiary bodies.

36 out of 190 States Parties have signed the Transparency Pledge so far, with 17 new signatories since CoSP8 in December 2019. This upward trend is an encouraging sign in the face of the often narrow civic space we have observed in UNCAC-related fora over the past years. Since the UNCAC Coalition started actively monitoring Pledge compliance, civil society has been engaged more in national reviews and more information has been made public.⁶

There are promising signs that more countries will soon sign the Transparency Pledge. **We call on those States Parties who have not done so yet, to sign the Pledge.**

3. Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism⁷

The Coalition's Guide to Transparency and Participation in the UNCAC Implementation Review Mechanism provides a road map for both States Parties and civil society on best practice examples of transparency and civil society participation at different stages of the UNCAC review process. These include:

- **Integrating civil society in the entire country review process:** creating a multi-stakeholder steering committee that includes representatives of civil society and the private sector to accompany the country review process and to make recommendations for addressing gaps identified in the country review.
- **Completing the self-assessment checklist:** organizing workshops with civil society and other stakeholders to obtain input on responses to the self-assessment checklist and including civil society in the team filling out the checklist, or sharing a draft of the checklist for civil society to give input on.
- **Meeting with peer reviewers during on-site visits:** arranging meetings between peer reviewers and civil society before or at the beginning of on-site visits without the government under review present (and providing adequate notice of and materials for such meetings to civil society) to allow free-flowing and substantive discussions between CSOs and peer reviewers about the country's performance and where

⁶ UNCAC Coalition, Transparency Pledge Compliance Tracker, <https://uncaccoalition.org/uncac-review/transparency-pledge/#:~:text=United%20Kingdom-,United%20States,-Disclaimer%3A%20Reviews>.

⁷ 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_ESP.pdf.

improvement are needed. This also includes providing a channel for written input to reviewers, such as parallel reports or other reports that shed light on a country's performance with UNCAC implementation.

- **Engaging civil society in the follow-up process:** convening meetings with civil society organizations after the review is completed to share the findings of the review and discuss next steps for implementing recommendations.

4. Civil Society Parallel Reports⁸

Since May 2020, the UNCAC Coalition has supported the production of **over 40 civil society parallel reports** on the implementation of Chapters II (prevention of corruption) and V (asset recovery) of the UNCAC in countries that are recipients of official development assistance.⁹

The parallel reports produce a current assessment of anti-corruption, anti-money laundering and asset recovery policies at the national level, but go beyond analyzing the legal framework to really exposing implementation and enforcement (or lack thereof) in practice. CSOs that have written these reports with the Coalition's technical and financial support conducted interviews with relevant government and non-governmental stakeholders and, in some cases, sent numerous access to information requests to obtain statistical and other relevant information. By identifying good practices and deficiencies, parallel reports highlight what is working in practice and provide recommendations for improvement – all with the aim of making the fight against corruption more effective.

The UNCAC Coalition has supported the following number of parallel reports, almost exclusively in ODA-recipient countries as almost no donor funding is available for such reports from CSOs in developed countries, which often host enablers or facilitators of corruption in ODA-recipient countries:

- Latin America and the Caribbean: 10 published + 2 in progress
- Sub-Saharan Africa: 11 published + 3 in progress
- Middle East and Northern Africa: 2 published
- Europe: 6 published + 2 in progress
- Asia-Pacific: 7 published + 3 in progress

After their publication, the UNCAC Coalition shares the report's main findings with the focal point and Permanent Mission of the country of the report, as well as its peer reviewers. **We encourage States Parties to take these independent civil society parallel reports into**

⁸ UNCAC Coalition, Civil Society Parallel Reports, <https://uncaccoalition.org/uncac-review/access-to-information-campaign/>.

⁹ OECD, DAC List of ODA Recipients, <https://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/DAC-List-of-ODA-Recipients-for-reporting-2022-23-flows.pdf>.

account in their UNCAC reviews – and to involve the authoring organizations in follow-up actions to the UNCAC review.

In 2022, the Coalition started supporting CSOs to conduct follow-up activities¹⁰ to promote the parallel report findings and the implementation of its recommendations by engaging with key governmental and non-governmental stakeholders and policy-makers on its findings.

5. Access to Information Campaign¹¹

The UNCAC Coalition launched an Access to Information campaign in collaboration with CSOs, asking governments and relevant anti-corruption authorities across the globe to release crucial UNCAC information and documents in response to freedom of information requests. Where access to information legislation does not exist, CSOs cited the transparency principles enshrined in the UNCAC, in particular, Articles 10 and 13 on access to information and civil society participation.¹²

Two years on, with freedom of information requests having been sent in 44 countries across 6 continents, the Coalition is taking stock of our campaign:¹³

- A total of 27 official UNCAC review documents¹⁴ have been released so far, ranging from full country reports to self-assessment checklists (first and second review cycle). Prior to the filing of information requests, these documents were not publicly available.
- In 13 of the 44 countries (30%) in which information requests were sent for this campaign, the information request was not acknowledged, responded to, or was met with administrative silence. In the remaining 31 countries (70%) where authorities replied, only 5 countries (12%) released all official UNCAC documents and information relevant to the first and/or second implementation review cycles within their possession.

In line with our Transparency Pledge, we call on States Parties to publish and share information on their second cycle country review in a proactive manner.

¹⁰ UNCAC Coalition, Follow-up Activities, <https://uncaccoalition.org/uncac-review/cso-review-reports/follow-up-activities/>. For more information, see also our dedicated IRG submission on the results and findings of the campaign.

¹¹ UNCAC Coalition, Access to Information Campaign, <https://uncaccoalition.org/uncac-review/access-to-information-campaign/>.

¹² UNCAC Coalition, UNCAC, <https://uncaccoalition.org/the-uncac/united-nations-convention-against-corruption/>.

¹³ UNCAC Coalition (last updated in June 2023), Unveiling UNCAC: Analyzing the results of our Access to Information Campaign, <https://uncaccoalition.org/ati-campaign-analysis/>.

¹⁴ UNCAC Coalition (last updated in November 2023), How Transparent are Countries about their UNCAC Implementation, <https://uncaccoalition.org/uncac-review/access-to-information-campaign/campaign-findings/>.