

Anti-Corruption Priorities in the Asia-Pacific Region

UNCAC Coalition Regional Submission to CoSP 10

24 November 2023

Civil society organizations within the UNCAC Coalition's Asia-Pacific network welcome that, for the tenth time, the States Parties to the United Nations Convention against Corruption (UNCAC) are coming together at the Conference of the States Parties (CoSP10) in Atlanta, Georgia, in the United States of America, to advance efforts in the fight against corruption worldwide. We herewith submit to the delegates a statement, developed through an open consultation process with civil society organizations in our region, outlining our recommendations according to the priorities in the fight against corruption. Several of these topics have been the subject of discussion during regional meetings throughout 2022-2023, and have been raised by CSOs as priority areas for their work and survival within the region.

Adopting a rights-based approach to anti-corruption

We call on all States Parties to the UNCAC at the CoSP10 to:

- Recognize that corruption causes human rights violations, emphasizing its detrimental effects on the right to life, health, education, and access to justice;
- Be aware that corruption can exacerbate discrimination and inequality, particularly affecting marginalized and vulnerable groups;
- Analyze the impact of corruption on fair trial rights, including the manipulation of judicial processes and legal proceedings.

Enhancing civic space and participation in the fight against corruption

We call on all States Parties to the UNCAC to:

- Provide strong legislative and policy frameworks for the protection of actors who uncover corruption, including civil society and the media, enabling them to uncover and highlight corruption;
- Guarantee a safe and enabling environment for the effective participation of all stakeholders, including individuals, civil society organizations, and the media in exposing, reporting and fighting corruption, in line with the Political Declaration¹

¹ United Nations, UNGASS Political Declaration, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FS-32%2F2%2FADD.1&Language=E&DeviceType=Desktop&LangRequested=False>.

adopted by the 2021 UN General Assembly Special Session (UNGASS) against Corruption;

- Remove restrictions and barriers to civil society organizations raising funds and doing research, reporting on corruption risks and cases, and carrying out advocacy to combat corruption;
- Establish partnerships with civil society and publicize commitments made under the UNCAC as well as progress made on those commitments for the benefit of a wider array of stakeholders within the Asia-Pacific region and beyond.

Strengthening anti-corruption institutions and laws

We call on all States Parties to the UNCAC to:

- Ensure that anti-corruption bodies and agencies have independence in law and practice and are credible, provided with adequate monetary, material, and specialized human resources, and conform with standards in the process of their investigations and prosecutions;
- Ensure adequate public services which are critical to the defense of rights, freedoms and rule of law;
- Implement public administration and civil service reforms to incentivize honesty, integrity and good performance;
- Perform transparent, periodic reviews and evaluations of the existing domestic anti-corruption frameworks for improvement, including all relevant stakeholders outside government.

Enhancing Access to Information

We call on all States Parties to the UNCAC to:

- Ensure efficient record management and proactive disclosure of information relevant to detecting and preventing corruption, including through online platforms;
- Establish central, online, and interoperable public registers containing adequate, accurate, and up-to-date information of the direct owners and beneficial owners of companies, foundations, trusts, and all other legal entities and arrangements; and ensure that data can be used by all relevant actors that can help detect and prevent corruption;
- Enact and enforce comprehensive right-to-information laws that are in line with international standards to ensure effective access to information to reflect the transparency principles enshrined in the UNCAC under articles 10 and 13;
- Review secrecy laws and bring them in conformity with the requirements of transparent governance provided that there are spaces for personal privacy and law enforcement interests;
- Protect and defend the right to freedom of expression and protect the whistleblowers, activists, and journalists who expose corruption.

Political and public finance transparency

We call on all States Parties to the UNCAC to:

- Take measures to ensure adequate transparency and accountability in the financing of political parties, candidates for public office, and electoral campaigns;
- Establish mechanisms for political parties to legitimately and transparently raise adequate political funding through formal and lawful means;
- Strengthen institutional transparency and accountability in the management and use of public finances.

Public procurement transparency

We call on all States Parties to the UNCAC to:

- Take steps to ensure transparency in public procurement to ensure fairness and competition to prevent and curb corrupt practices;
- Actively engage citizens in every stage of the procurement process to guarantee both the quality of goods and services procured and alignment with the needs and preferences of the citizenry;
- Adopt digital solutions to maintain publicly accessible data about all procurement and ensure transparency in the process.

Transnational civil society collaboration

We call on all States Parties to the UNCAC to:

- Prioritize and implement action plans under the Open Government Partnership in collaboration with civil society organizations to enhance civic participation in good governance.

Gender-responsive and inclusive anti-corruption frameworks

We call on all States Parties to the UNCAC to:

- Implement gender-responsive anti-corruption policies which include cultivating strategies to consider the vulnerabilities, needs, and experiences of women, men, and gender-diverse individuals;
- Issue a mechanism for gender-responsive whistleblower protection, and accommodate the need for comprehensive protections and support for whistleblowers, including gender-specific safeguards;
- Explore (e.g., through research) how corruption can hinder access to essential public services and adopt strategies to make the services more inclusive and responsive to gender and disability-specific needs.

Engaging youth in anti-corruption efforts

We call on all States Parties to the UNCAC to:

- Integrate anti-corruption education into school curricula to facilitate youth education and raise awareness about anti-corruption initiatives;
- Consider the role of youth as whistleblowers, tackle the challenges, and provide the protection needed for young whistleblowers who expose corruption, including taking care of their safety and legal support;
- Recognize the importance of engaging youth in anti-corruption efforts.

Combating environmental crime and corruption in the extractive industries

We call on all States Parties to the UNCAC to:

- Explore and adopt international conventions and legal frameworks to enhance cooperation in combating cross-border corruption related to extractive industries;
- Take the initiative to address the integration of anti-corruption measures into environmental and social impact assessments to ensure that extractive projects are carried out responsibly and without corrupt practices, adhering to the UN Guiding Principles on Business and Human Rights.²

International cooperation to combat money laundering and asset recovery

We call on all States Parties to the UNCAC to:

- Enhance international cooperation between countries of origin and destination for purposes of combating money laundering and terrorist financing and for the effective recovery of assets;
- Strengthen mechanisms for domestic and global asset recovery, and management of the recovered assets, including compensation for victims;
- Commit to public reporting on the flow of illicit funds and activities through, into, and out of the Asia-Pacific region, as well as on investigatory and enforcement actions.

Tracking UNCAC implementation and review

We call on all States Parties to the UNCAC to:

- Conduct a more transparent, inclusive, and independent review process, involving all relevant stakeholders, in particular civil society;
- Proactively publish the UNCAC review self-assessments and full country reports, and report on follow-up actions to implement UNCAC commitments for the benefit of a wider array of stakeholders within the respective countries;
- Ensure adequate resources and promptly adopt a work plan for the next phase of the Implementation Review Mechanism, focusing on follow-up measures to the first two review cycles with the involvement of civil society;
- UNODC should create regional mechanisms to ensure closer monitoring of UNCAC implementation and collaborate with existing regional bodies in this regard.

² OHCHR, Guiding Principles on Business and Human Rights, https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.