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

UNCAC Coalition Submission to the
First Resumed 15th Session of the UNCAC Implementation Review Group
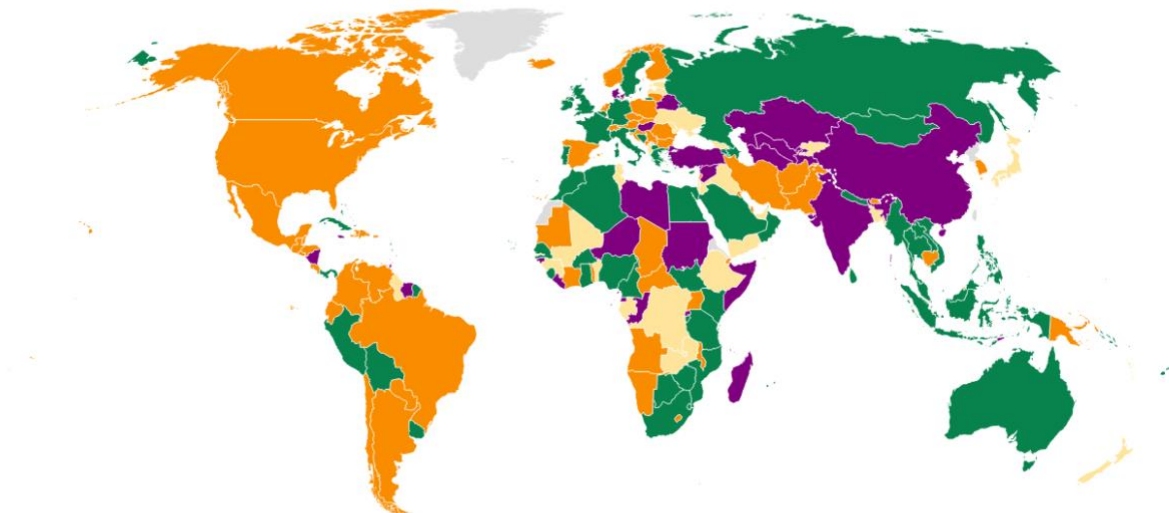
19 August 2024

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 Tracker[1]

Data accurate as of 30 July 2024.
Source: https://uncaccoalition.org/uncacreviewstatustracker/ • Created with Datawrapper

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[1] UNCAC Coalition, UNCAC Review Status Tracker, https://uncaccoalition.org/uncacreviewstatustracker/.

Launched in 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 Pledge[3] 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 over four years of outreach and engagement, the latest information <u>available to civil society</u> (which may differ from the aggregated official numbers the UNCAC Secretariat shares in the context of the IRG) shows that out of 191 States Parties:[4]

- 93 reviews are still ongoing;
  - o 29 reviews pre-country visit;
  - o 64 reviews post-country visit;
- 66 reviews have been completed; and
- for 32 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 with 60+ countries committing to publish country reports at CoSP10.[5] Additionally, States Parties can publicly report on the measures taken after the completion of the country review,[6] which is even more important now that the review mechanism has been extended once again, and the follow-up phase is being discussed.

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[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] St. Kitts and Nevis as the 191th State Party only acceded the UNCAC in August 2024, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-14&chapter=18&clang=_en.

[5] UNODC, Conference room paper, CoSP10, https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/CAC-COSP-2023-CRP.14.pdf.

[6] UNODC, Country profiles, https://www.unodc.org/unodc/en/corruption/country-profile/index.html.

2. Transparency Pledge[7]

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 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.

39 out of 190 States Parties have signed the Transparency Pledge so far, with 20 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.[8]

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 Mechanism[9]

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.

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[7] UNCAC Coalition, Transparency Pledge, https://uncaccoalition.org/uncac-review/transparency-pledge/.
[8] UNCAC Coalition, Transparency Pledge Compliance Tracker, https://uncaccoalition.org/uncac-review/transparency-pledge/#:~:text=United%20Kingdom-,United%20States,-Disclaimer%3A%20Reviews.
[9] 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.

- **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 county's performance and where 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 Reports[10]

Since 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).[11]

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 such donor support is available for CSOs in developed countries even though those jurisdictions often host enablers or facilitators of corruption in less developed countries:

- Latin America and the Caribbean: 11 published + 1 in progress
- Sub-Saharan Africa: 14 published + 1 in progress
- Middle East and Northern Africa: 2 published + 1 in progress
- Europe: 7 published + 1 in progress

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[10] UNCAC Coalition, Civil Society Parallel Reports, https://uncaccoalition.org/uncac-review/access-to-information-campaign/.
[11] 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.

- Asia-Pacific: 8 published + 2 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 account in their UNCAC reviews – and to involve the authoring organizations in follow-up actions to the UNCAC review.**

The Coalition has also been supporting CSOs to promote[12] 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 Campaign[13]

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.[14]

Three years on, with freedom of information requests having been sent in 45 countries across 6 continents, the Coalition is taking stock of this campaign:[15]

- A total of 27 official UNCAC review documents[16] 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 14 of the 45 countries (31%) in which information requests were sent for this campaign, the information requests were not acknowledged, responded to, or were met with administrative silence. In the remaining 31 countries (69%) where authorities replied, only 5 countries (11%) released all official UNCAC documents and information

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[12] UNCAC Coalition, Follow-up Activities, https://uncaccoalition.org/uncac-review/cso-review-reports/follow-up-activities/.

[13] UNCAC Coalition, Access to Information Campaign, https://uncaccoalition.org/uncac-review/access-to-information-campaign/.

[14] UNCAC Coalition, UNCAC, https://uncaccoalition.org/the-uncac/united-nations-convention-against-corruption/.

[15] UNCAC Coalition (last updated in July 2024), Unveiling UNCAC: Analysing the results of our Access to Information Campaign, https://uncaccoalition.org/ati-campaign-analysis/.

[16] UNCAC Coalition (last updated in July 2024), How Transparent are Countries about their UNCAC Implementation, https://uncaccoalition.org/uncac-review/access-to-information-campaign/campaign-findings/.

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.**