

The Hon. Thelma Aldana Hernández de López
Chair of the UNCAC Conference of States Parties
UNCAC Bureau, UN Vienna

Mr. Dimitri Vlassis
Secretary of the UNCAC Conference of States Parties
UNODC, Vienna

10 November 2017

Dear President of the UNCAC Conference of States Parties, dear Secretary,

The UNCAC Coalition and Transparency International would like to express concern about the accreditation process for observer status and the censorship of civil society documents at the 7th UNCAC Conference of States Parties (CoSP 7). We would also like to propose avenues so that in this and future CoSPs the procedures are applied with transparency, fairness and accountability.

On objections to CSOs observer status

According to the UNCAC Conference of States Parties' Rules of Procedure (Rule 17) organisations that *do not* have consultative status with the UN Economic and Social Council can apply for observer status to participate in the CoSP. Their applications are circulated to all States Parties in advance of the Conference and if there are no objections from any of the 183 States Parties their observer status is granted.

The way this procedure is being implemented is cause for concern for the following reasons:

- The ***State Party that objects remains anonymous***.
- The objecting State Party ***does not have to provide any reasoning***
- There are no clear criteria as to what justifies refusal of observer status***
- UNODC does not disclose ***how many objections have been submitted, denied or accepted, by whom and on what grounds***. Generally, the process is opaque and can be easily subject to manipulation.
- The ***decisions are not made in a timely manner*** so that in practice, the overriding of an objection takes place so late that it can impede an NGO from attending.
- There is ***no clear decision-making or appeals process***, as Rule 17 simply states, "the matter will be referred to the Conference for a decision".

We learned prior to the conference that there was an objection to a Hungarian NGO K-Monitor and that they were informed by UNODC that they would not receive an invitation. UNODC did not advise them of any recourse other than to join the UNCAC Coalition delegation. K-Monitor persisted in efforts to attend under its own name by writing to the new President of the CoSP. On the second day of the conference they were notified that there was no objection and they could be accredited for the conference.

A second NGO, the European Centre for Not-for-Profit Law based in Budapest was also informed that they were not accredited because there had been an objection and during the CoSP they too wrote to the CoSP President to inquire about this. As of the date of this writing they reported they had not received a response.

We understand there are other organisations about which objections were raised and that were refused observer status, but we do not have information about which they were and the grounds for the refusal.

According to international standards due process should include: (1) knowledge of the parties involved; (2) knowledge of the decision-making forum; (3) pre-established and known criteria, and reasoned decisions; (4) clarity of appeals procedures; and (5) transparency throughout the whole process.

The UNCAC Coalition considers that the NGO accreditation process is not consistent with an accessible, accountable and transparent UNCAC CoSP and is in contradiction with Article 13 of the UNCAC.

The UNCAC Coalition would request the President, the Bureau and the Conference of States Parties to:

- Ensure the application process for observer status is transparent and that general information on applications and rejections are published.***
- Ensure that the criteria for raising objections are established and communicated before the procedure has taken place, and are in line with Article 13 of the Convention and other relevant conventions and standards relevant for freedom of expression and participation.***
- Ensure State Party objections are publicly declared and include reasoning***
- Provide an appeals procedure for refused observer applicants. This should be effective, timely and fair.***

On document screening

Non-governmental observers to the 6th and 7th UNCAC Conferences of States Parties have been required to submit to UNODC for screening copies of all documentation that they wanted to place on tables allocated to them at the Conference. No clear legal grounds were invoked to undertake the screening, criteria for screening were not set in advance and were not unequivocal; the screening undermines the freedom of expression and creates an unnecessary bureaucratic burden.

The documentation had to be submitted in soft or hard copy about two weeks before the Conference and was reviewed by the Secretariat and then by the Bureau.

Ahead of CoSP 7 numerous UNCAC Coalition and Transparency International documents were rejected for display on tables and others were sent for review and were not cleared before the Conference began. Indeed, with regard to the documents referred to the Bureau, no written decision has yet been communicated at all to the UNCAC Coalition or Transparency International as of the last day of the conference.

Our organisations consider that this process amounts to censorship and curtailment of civil society's freedom of expression at the Conference.

The UNCAC Coalition and Transparency International request the President, the Bureau and the Conference to:

- Remove the requirement for pre-screening of NGO documents to be displayed at UNCAC Conferences of States Parties.***
- Ensure that all documents submitted to the Conference, whether from State Parties, IGOs or***
- NGOs, are only subject to review in cases where well-founded objections are raised on-site.***
- Publish the criteria for assessing publications where objections are raised and require the objection process to be transparent.***

We thank you for your consideration of these issues raised and look forward to hearing from you.

Yours sincerely,

Delia Ferreira Rubio
Chair
Transparency International

Dr. Juanita Olaya Garcia
Chair
UNCAC Coalition