The MESICIC Experience & Civil Society Participation
SCOPE OF PRESENTATION:

I. The Organization of American States.

II. The MESICIC – Background and Overview.

III. Analysis of National Civil Society Participation Mechanisms.

IV. Civil Society Participation – MESICIC & Hemispheric Cooperation Efforts.
I. The Organization of American States

- The Hemispheric Multilateral Organization.
- Promotion, defense and consolidation of Democracy and the Rule of Law: Axis of its actions.
II. MESICIC – Background and Overview

- **Inter-American Convention against Corruption**
  - Adopted in 1996 – First instrument of this nature.
  - Signed by all 34 Member States, Ratified by 33 Member States.
  - **Purposes:**
    - Promote and strengthen development of States Parties mechanisms for preventing, detecting, punishing and eradicating corruption.
    - Promote, facilitate and regulate cooperation between States to ensure effectiveness of anticorruption measures and actions in the performance of public functions and acts of corruption.
  - **Scope:**
    1. Preventive measures (Article III).
      - Article III(11) – Calls upon states to create, maintain and strengthen mechanisms to encourage civil society participation.
    2. Criminalization of acts of corruption (Articles VI, VII, VIII & IX).
    3. Assistance and Cooperation (Article XIV)
II. MESICIC – Background and Overview

- **Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC)**
  - 31 States Parties.
  - Conference of States Parties (Political Body):
    - Principal Organ of the MESICIC.
  - Committee of Experts (Technical Body):
    - Responsible for technical analysis of implementation of the Convention.
    - Biannual Meetings (22).
    - Highlights of country reviews:
      - Process of reciprocal evaluation.
      - Based on conditions of equality.
      - Operate through Rounds of Review.
      - Formulation of specific recommendations.
  - Technical Secretariat: OAS Department of Legal Cooperation, Secretariat for Legal Affairs.
Within framework of First Round of Review:

- Article III(11) of the Convention.

  • General Participation Mechanisms.

  • Access to Information.

  • Mechanisms for Consultation.

  • Mechanisms to Encourage Participation in Public Administration.

  • Mechanisms for Follow-Up to Public Administration.
III. Analysis of National Civil Society Participation Mechanisms

MOST COMMON RECOMMENDATIONS RELATED TO ACCESS TO INFORMATION

A: Take steps to expand the information considered public.

B: Implement training and dissemination programs on the mechanisms for access to public information and to optimize the use of available technology to that end.

C: Develop procedures for the timely processing of requests for information.

D: Strengthen the mechanisms for challenging or appealing against decisions denying requests for information.

E: Take steps to increase the effectiveness of provisions and measures related to the furnishing of public information.
A: Organize or continue to organize processes to allow interested sectors to present consultations related to the public administration, the design of public policies, and the drafting of legislative proposals, decrees, or resolutions under the aegis of the executive branch.

B: Implement training and dissemination programs on the consultation mechanisms.

C: Expand to nationwide coverage or into other areas the use of consultation instruments similar to those that already exist locally or for specific areas.

D: Adopt measures to increase the effectiveness of the rules governing consultation mechanisms.
III. Analysis of National Civil Society Participation Mechanisms

• **Results of Analysis and Recommendations:**

  – **Mechanisms for access to information:**
    • 25% of the formulated recommendations have been satisfactorily considered, including the adoption of laws and legal measures by 18 countries.

  – **Mechanisms for consultation:**
    • 29% of the formulated recommendations have been satisfactorily considered.

  – **Mechanisms to encourage participation in the public administration:**
    • 23% of the formulated recommendations have been satisfactorily considered.

  – **Participation mechanisms for the follow-up of public administration:**
    • 22% of the formulated recommendations have been satisfactorily considered.
III. Analysis of National Civil Society Participation Mechanisms

• **Results of Analysis and Recommendations:**


**Mechanisms for access to information**

- 20 actions (25%)
- 19 actions (24%)
- 17 actions (21%)
- 11 actions (14%)
- 4 actions (5%)
- 5 actions (6%)

- Adoption of Laws
- Adoption of other Legal Standards and measures
- Draft Laws
- Training Activities
- International cooperation
- Institutional strengthening
- Implementation of technological systems or tools
Results of Analysis and Recommendations:


Mechanisms for Consultation

- Adoption of Laws
- Adoption of other Legal Standards and measures
- Draft Laws
- Training Activities
- International cooperation
- Institutional strengthening
- Implementation of technological systems or tools
IV. Civil Society Participation - MESICIC & Hemispheric Anticorruption Efforts

- Conference of States Parties – Rules and Developments (Article 18 – contemplates participation as observers)
- During the MESICIC review and evaluation process:
  - Rules of Procedure of Committee of Experts (Chapter V).
  - In the consideration of basic instruments for evaluation: Methodology and Questionnaire for the Round.
  - Submission of an independent response to the Questionnaire.
  - Verbal presentation at the Meetings of the Committee.
  - Participation during On-Site Visits (Methodology).
- In the consideration of topics of collective interest.
- In the development of cooperation tools and activities: Hemispheric Conferences, Model Laws & Plans of Action.
IV. Civil Society Participation - MESICIC & Hemispheric Anticorruption Efforts

- **Snapshot of Civil Society Contributions to Date:**
  - Civil society has provided input with respect to basic documents of the MESICIC.
  - Input from civil society received and taken into account for preparation of Methodology for First, Second and Third Rounds of Review.
  - Documents received civil society and taken into account in 56 of the 84 country reports adopted in Rounds 1, 2 and 3 – Comments often support recommendations.
  - Input received and taken into account for preparation of Methodology for Fourth Round and for On-Site Visits.
  - Meetings are organized with civil society organizations, researchers, academics, and private sector representatives, during 100% of the on-site visits.
  - Civil society has participated in Hemispheric Anticorruption Conferences (Peru & Colombia).
IV. Civil Society Participation – MESICIC & Hemispheric Anticorruption Efforts

CIVIL SOCIETY PARTICIPATION IN COUNTRY EVALUATIONS – INDEPENDENT RESPONSES TO COUNTRY QUESTIONNAIRES
IV. Civil Society Participation - MESICIC & Hemispheric Anticorruption Efforts

CIVIL SOCIETY PARTICIPATION DURING COUNTRY EVALUATIONS DURING THE FOURTH ROUND OF REVIEW

Responses to Questionnaire
- Document Received: 8, 53%
- No Document: 7, 47%

Participation at On-Site Visits
- Meetings held with Civil Society: 15, 100%
IV. Civil Society Participation - MESICIC & Hemispheric Anticorruption Efforts

TYPES OF CIVIL SOCIETY ORGANIZATIONS PARTICIPATING IN ON-SITE VISITS (FOURTH ROUND OF REVIEW)

• Civil Society Organizations Focused on Transparency:

• Bar Associations:

• Private Sector Representatives:

• Academics, Researchers & Investigators:

• Media Related Organizations:
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