

31 May 2013

English only

Implementation Review Group**Fourth session**

Vienna, 27-31 May 2013

Briefing for non-governmental organizations in accordance with resolution 4/6 of the Conference of the States Parties to the United Nations Convention against Corruption entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”**Summary**

At its fourth session, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 4/6 entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”. In this resolution, the Conference decided that briefings for non-governmental organizations would be conducted on the outcomes of the review process, including technical assistance needs identified. These briefings would be convened on the margins of the sessions of the Implementation Review Group (hereinafter Group) and conducted by the secretariat in cooperation with a member of the bureau. The briefings were to be based on the reports of the Group, and thematic implementation reports and regional supplementary addenda.

The Conference requested States parties and signatories to use the briefings and to draw on the discussions and proposals of its fourth session to continue constructive dialogue on the contribution of non-governmental organizations to the Mechanism. The Conference also encouraged non-governmental organizations to report to it and/or the Group, as appropriate, individually or collectively, on their activities and contributions to the implementation of the recommendations and conclusions of the Group approved by the Conference, including those related to meeting technical assistance needs and advancing capacity to effectively implement the Convention. The briefings would serve to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues, while

Please recycle 

V.13-83962 (E)



recognizing the continuing deliberations to build confidence in the role of non-governmental organizations in the review process. The first briefing for non-governmental organizations in accordance with Conference resolution 4/6 had been held on the margins of the third session of the Group on 20 June 2012.

The briefing held on 30 May 2013 on the margins of the fourth session of the Group was chaired by the Vice-President of the Conference, Ion Galea (Romania). The Chair delivered introductory remarks, welcoming the decision taken by the Conference to involve non-governmental organizations in the work of the Mechanism. He noted that following the first such briefing, the Group had provided guidance on the conduct of the briefing.

The invitations to the relevant non-governmental organizations contained specific language on expectations and the contributions to be made. A copy of resolution 4/6 had been attached to the invitation, in order to fully ensure compliance with its terms. When initiating the briefing, the secretariat was to remind participants to respect the terms of resolution 4/6. The briefing was to be structured in such a way as to allow participants from non-governmental organizations to make their contributions at the outset.

Several non-governmental organizations had confirmed their attendance by the deadline and several written comments from non-governmental organizations received in accordance with resolution 4/6 were made available for the briefing. The programme for the briefing was contained in document CAC/COSP/IRG/2013/CRP.2. A panel discussion had been foreseen in order to facilitate contributions.

After recalling the terms of resolution 4/6, the secretariat provided an introduction to the work of the Group based on the following documents: the progress report available to the Group (CAC/COSP/IRG/2013/4); the thematic reports on the implementation of Chapters III (criminalization and law enforcement) and IV (international cooperation) and regional supplementary addenda as reflected in documents CAC/COSP/IRG/2013/6 to CAC/COSP/IRG/2013/11; and, an overview of technical assistance needs emerging through the review process as reflected in document CAC/COSP/IRG/2013/3, including UNODC activities in this respect (CAC/COSP/IRG/2013/2).

Noting that the briefing should provide an opportunity for non-governmental organizations to make contributions on their activities, the Chair opened the floor for interventions.

Several speakers reported on their organizations' activities on the implementation of different articles of the Convention. Awareness-raising, for instance by campaigns aimed at youth, was referred to as a way to involve citizenry and the general public in the fight against corruption. The role of the private sector in the fight against corruption was also highlighted. Providing input for the development of draft legislation were among activities that had been carried out. Access to information was also viewed as a key issue at the national level and some speakers reported on their organizations' national and regional efforts to develop and implement legislation on this issue.

On the implementation of the two chapters under review in the first review cycle (Chapters III and IV), some speakers made observations on specific provisions. For

instance, according to some speakers, adequate legislation was required to criminalize the offences contained in the Convention, but enforcement was seen as lacking. Reference was made to the use of out of court settlements that were increasingly used. It was noted that these should be reviewed by a judge and include restitution for victims, and that prosecution was to remain the default option. One speaker provided an overview of her organization's activities in assisting the State in implementation of the Convention using different survey methods and creating quantitative data in order to establish baselines for implementation.

Some speakers raised the issue of follow-up for the review process and how to oversee the implementation of the observations contained in the country review reports and executive summaries. The impact of the Convention was also an area for further consideration and work. Some speakers referred to the need to prepare work for the second cycle of reviews that would cover Chapters II and V on prevention and asset recovery, respectively. The usefulness of partnerships between States and civil society was noted in this regard, including with a view to optimizing resources.

Several speakers noted the positive role that non-governmental organizations and civil society could play in the country review process. Some speakers reported on their experiences of the review process. The training provided by UNODC to non-governmental organizations on the review process was welcomed and one speaker noted it had led to the inclusion of his organization in the national steering committee tasked with undertaking the country review process. The engagement of stakeholders during direct dialogue between the State under review and its reviewing States was emphasized and some speakers noted that representatives of non-governmental organizations had been invited to meetings with the reviewing experts.

A panel was held on the issue of whistleblower protection under article 33 of the Convention and moderated by Mr Vincent Lazatin of the Transparency and Accountability Network of the Philippines.

The first panellist, Ms Gillian Dell of Transparency International presented an overview of the recent Transparency International paper on whistleblower protection as emerging from the outcomes of the country reviews. She encouraged the secretariat to produce a study on this topic. She also outlined a set of principles developed by Transparency International over a year-long consultation process including the OECD, the OAS, Greco and leading advocacy groups in order to ensure more detailed standards for whistleblower protection. Examples of how civil society organizations could contribute to legislation in this area were also mentioned, such as the national security and right to information initiative.

The second panellist, Mr Tom Devine of the Government Accountability Project, provided an overview of how his organization could provide technical assistance in the area of whistleblower protection. He outlined possible barriers to effective protection, while noting that whistleblower protection was a very effective resource for institutions and organizations to protect themselves from internal corruption. He recalled four criteria for effective legislation, namely for it to provide protection free of loopholes; reasonable burdens of proof; normal access to due process fora in particular judicial due process; and, temporary as well as permanent remedies for those seeking to assert their rights as whistleblowers. He noted the crucial importance of partnerships between governments and civil society in this respect

and noted that his organization stood ready to provide technical assistance and resources.

The third panellist, Mr Franz Chevarria of Transparency International, presented an overview of whistleblower protection in the Group of Latin American and Carribean States. He informed the participants about the development of model legislation on this topic by the Organization of American States in order to implement the recommendations that had emerged from the MESICIC review process. The law was available on the organization's webpage and formal approval was pending. It contained several features for States to consider adapting to their own systems and use the guidance provided through a comprehensive set of protection measures and procedural safeguards applicable both to the public and private sectors. He also stressed the need for cooperation in the area of whistleblower protection.

Speakers welcomed the presentations delivered by the panellists and gave examples of how this topic was dealt with in their own countries. The need for effective remedies was emphasized, as was the extension of the scope of coverage to both the public and private sectors. Some speakers also noted that this area was conducive to partnerships between States and non-governmental organizations. It was also discussed whether whistleblower protection measures should be specific or housed in general protection measures for instance in codes of criminal procedure and administrative and disciplinary regulations.
