

UNITED NATIONS CONVENTION AGAINST CORRUPTION
Second Session of the Conference of the States Parties
Coalition of Civil Society Friends of UNCAC Statement
Call for Review Mechanism and Protection of Activists
28th January 2008, Bali, Indonesia

Corruption undermines democracy, human rights, civil liberties and sustainable development. The United Nations Convention against Corruption (UNCAC) provides a comprehensive framework through which to curb global corruption. Decisions made at the First Session of the Conference of the States Parties (1st CoSP) to UNCAC, held in Jordan in December 2006, laid the foundations on which to build future success. The challenge for the 2nd CoSP is to carry this momentum forward.

UNCAC recognises that combating corruption is not only a matter for governments, but also for civil society. Article 13 of UNCAC calls for governments to promote the active participation of civil society. We, the *Coalition of Civil Society Friends of UNCAC*, urge the Conference to seize this opportunity to translate the ambition of UNCAC into concrete actions and to undertake the following:

Ratification

1. We applaud the speed at which UNCAC came into force, but note with concern that 33 out of the 140 signatories have yet to ratify, among them the G8 countries of Germany, Italy and Japan and the established financial centres of Liechtenstein, Singapore and Switzerland. **We call on those signatory governments that have not yet ratified to take immediate steps to do so and non-signatory governments to accede.**

Review of implementation

2. We emphasise the importance of a review mechanism for the effective implementation of UNCAC and welcome the decision made at the 1st COSP to establish such a mechanism. **We call on this Conference to ensure that all necessary preparatory work be completed in time for the review mechanism to be established at the 3rd CoSP. The mechanism should:**
 - be coordinated with regional review mechanisms;
 - be supported by a well-resourced secretariat;
 - be assisted by an independent board of experts;
 - use an appropriate mix of review methods (country reports, visits, peer review);
 - monitor mandatory and non-mandatory provisions;
 - be participatory, engaging all stakeholders including civil society organisations;
 - be transparent, based on the publication of all review documents;
 - be financed by the UN's regular budget.
3. We welcome the decision of the 1st CoSP to undertake a survey of implementation using a self-assessment checklist, but note that only 52% of States Parties have completed the checklist and that very few have published their responses. **We call on those governments that have not done already done so to meet their legal obligations and complete the checklist and urge all governments to publish their responses. We also call on the Conference to expand the scope of the checklist and to involve civil society in the analysis and follow-up.**
4. We welcome the decision of the 1st CoSP to undertake a pilot project aimed at testing the methods of implementation review. We note, however, that this exercise has been carried out without civil society input and with little transparency, contrary to the requirements of Article 13. **We call on the Conference to ensure that any future development of the pilot project is carried out in a transparent and participatory manner.**

Asset recovery

5. We applaud governments for making asset recovery a fundamental principle of UNCAC. However, we note that key provisions of Chapter V are non-mandatory (e.g., non-conviction-based confiscation and expedited restraint) and **call on the Conference to ensure that such non-mandatory provisions are included in the review of implementation.**
6. We commend recent steps taken to provide practical support to assist recovery, such as the Stolen Assets Recovery Initiative (StAR) and the creation of the International Centre for Asset Recovery (ICAR). We note, however, that the inability of countries to meet the cost of protracted and complex asset recovery cases remains a key obstacle. **We call on the Conference to establish an international fund to support such cases.**
7. We additionally **call on States Parties as an immediate priority to:**
 - a. **create asset declaration systems;**
 - b. **ensure that anti-corruption bodies are independent and adequately resourced (with their own investigators and prosecutors);**
 - c. **ensure the independence of the Attorney General;**
 - d. **make publicly known the competent authority for Mutual Legal Assistance.**

Technical assistance

8. We applaud the recognition in UNCAC that the delivery of appropriate and high quality technical assistance is essential for its effective implementation. **We call on donor countries to ensure that adequate resources are available to meet the long-term technical assistance needs of States and that donors ‘publish what they pay’.**
9. We underline the importance of mainstreaming UNCAC technical assistance into existing development assistance and emphasise the need to link to existing governance reforms. **We call on donors to take immediate steps to implement at country level the recent agreements of OECD-DAC on coordination and aid effectiveness.**
10. We emphasise the need to go beyond the self-assessment checklist and **develop targeted, transparent and participatory tools for identifying needs, priorities and institutional arrangements for technical assistance. We also call on governments to ensure that technical assistance is provided to the full range of public, civil society and private sector stakeholders, in addition to anti-corruption bodies.**

Private sector

11. We welcome the emphasis of UNCAC on the private sector and **encourage governments to promote effective standards of integrity, transparency and accountability in the private sector. Furthermore, we urge the private sector, whose interests are ultimately served by UNCAC, to actively support its implementation and a strong review mechanism.**

Protecting whistleblowers, activists and investigators

12. Success in the fight against corruption depends on those courageous enough to report or denounce corruption at work and in society. We note with grave concern the killings of journalists, anti-corruption activists and those who defend them, as well as the large number of citizens and workers who are sacked, suspended or removed from their jobs, unlawfully prosecuted, imprisoned, subjected to physical attacks and threats or otherwise harassed. We underline that those who report and denounce corruption are exercising a basic human right (i.e., freedom of expression). **We call on governments to guarantee the security of whistleblowers and activists and call on this Conference to include Articles 13, 32 and 33 in the self-assessment checklist and to start the process of developing a mechanism for reporting cases of harassment, drawing on the experience of other UN Conventions.**

13. We note with concern the growing trend towards the harassment, suspension and redeployment of state anti-corruption agencies and reformers, especially by newly elected governments. **We call for independence, protection and security of tenure for these reformers and agencies in accordance with the provisions of UNCAC.**

UNCAC Conference of the States Parties, Bali, Indonesia, 28th January 2008