UNCAC Review Transparency Pledge

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Article 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information;
- (c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;
- (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
  - (i) For respect of the rights or reputations of others;
  - (ii) For the protection of national security or ordre public or of public health or morals.

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.
Article 5(1) requires State Parties to “develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability”

Article 7(2)-(4) (candidate financing disclosures), Article 9 (public procurement and management of public finances) and Article 10 (public reporting) require States Parties to promote transparency, to facilitate the public’s capacity to promote public accountability;

Articles 8(4), 13(2) and 33 require States Parties to protect both public officials and ordinary members of the public who act as whistleblowers;

Article 35 reinforces the idea that corruption directly affects the public/civil society by requiring States Parties to enable people to claim damages/compensation where they have been adversely affected by corruption;

UNCAC Article 63(6) makes it clear that civil society should be involved in UNCAC review processes, expressly stating, “Inputs received from relevant non-governmental organizations duly accredited in accordance with procedures to be decided upon by the Conference of the States Parties may also be considered”.
Review mechanism – role of civil society

- The CoSP held in Doha (9-13 November 2009) agreed on the terms of reference for the implementation review mechanism.
  - The mechanism shall be transparent, efficient, non-intrusive, inclusive and impartial (para. 3(a));
  - The mechanism shall not produce any form of ranking (para. 3(b));
  - The mechanism shall be an intergovernmental process (para. 4);
  - The State party under review shall endeavour to prepare its responses to the comprehensive self-assessment checklist through broad consultations at the national level with all relevant stakeholders, including the private sector, individuals and groups outside the public sector (para. 28);
  - States parties are encouraged to facilitate engagement with all relevant national stake-holders in the course of a country visit (para. 30);
  - The country review reports shall remain confidential (para. 37), although States are encouraged to publish all or part of the full report (para. 38);
  - The Implementation Review Group shall be an open-ended intergovernmental group of State parties. It shall operate under the authority of and report to the Conference (para. 42).
CoSP, Marrakesh, 2011
Resolution 4/6

- It applies to non-governmental organizations (NGOs). They would not be allowed to attend the sessions of the IRG. However, they would be invited to participate in special events, “briefings for NGOs” on the work of the Mechanism, to be held on the margins of sessions of the IRG. Among the elements of this resolution are the following:

- The CoSP recognized the continuing deliberations to build confidence in the role of non-governmental organizations in the review process;

- The briefings were intended to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues;

- NGOs were encouraged to report to the Conference 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.
It is up to the countries to decide whether to allow:

- Civil society involvement in the preparation of the self-assessment checklist
- Publication of the self-assessment responses online or access to the responses directly to civil society organisations upon request
- Inclusion of some form of civil society dialogue with the peer reviewers, including an opportunity to submit written reports
- An in-country visit with an opportunity for civil society groups and other stakeholders to meet and provide oral and written input to the official reviewers
- Publication of the full country review report (it is only mandatory to publish the executive summary)
Being constructive and pragmatic

- Country-based advocacy
- Voluntary commitments
- Local CSO involvement
- Building on good practices
- International network
- Ensuring transparency, accountability and participation in the review process

→ UNCAC REVIEW TRANSPARENCY PLEDGE
The UNCAC Coalition invites States Parties to sign the Pledge

“As UNCAC State Parties, we hereby reaffirm the importance of transparency and public consultation in addressing corruption. We believe civil society can play a crucial role to prevent and combat corruption in our country. We believe civil society can contribute to successful implementation of UNCAC provisions, therefore we commit ourselves to follow the six Principles of Transparency during the second cycle of the UNCAC review process.”
Pledge commitments

Six principles

- 1. We will publish updated **review schedules** for our country review
- 2. We will share information about the **review institution** or the coordinator (focal point)
- 3. We will announce the **completion of the country review** indicating where the report can be found
- 4. We will promptly **post online the self-assessment and the full country report** in a UN, together with the executive summary in local languages
- 5. We will organise **civil society briefings** and public debates about the findings of the report
- 6. We will **publicly support participation of civil society observers** in UNCAC subsidiary bodies
List of countries signed

- Belgium, Bulgaria, Cyprus, France, Germany, Italy, Latvia, Lebanon, Mexico, Norway, Peru, Poland, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States,

"We will implement the UNCAC Coalition’s Transparency Pledge associated with the second cycle of the UNCAC Review Mechanism, and we encourage other UNCAC States Parties to endorse and implement the Pledge, taking full advantage of voluntary measures to include and inform civil society during the implementation review process." U.S. commitments at the U.K. Anticorruption Summit
First year – Second Review Cycle

- SEE
  - Albania
  - Belarus
  - Bosnia and Herzegovina
  - Moldova

- Africa
  - Botswana
  - Burkina Faso
  - Burundi
  - Cabo Verde
  - Mauritius
  - Mozambique
  - Nigeria
  - Senegal
  - Sierra Leone
Has your country already signed up and followed the Pledge commitments?

What can you do to ensure civil society participation in the second review cycle?

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