

UNCAC PREVENTION CHAPTER: TRANSPARENCY & PARTICIPATION PROVISIONS

GILLIAN DELL – TRANSPARENCY INTERNATIONAL

Conventions Unit

Email: gdell@transparency.org

TRANSPARENCY & PARTICIPATION



ARTICLE 5

- **Preventive anti-corruption policies and practices**
 - Each State Party shall...develop and implement...effective, coordinated anti-corruption policies that promote the **participation of society** and reflect...**transparency** and accountability





TRANSPARENCY PROVISIONS

ARTICLE 7

➤ Public sector

- Each State Party shall endeavor to adopt ...systems for the recruitment, hiring, retention promotion and retirement of civil servants....that are (a) based on principles of efficiency, **transparency** and objective criteria.... (para 1)
- ..shall consider taking legislative and administrative measures...to enhance **transparency** in the funding of candidatures for elected public office...(para 3)
- ...shall endeavor to adopt, maintain and strengthen **transparency** and prevent conflicts of interest. (para 4)

TRANSPARENCY PROVISIONS



ARTICLE 9

➤ Public procurement (Art 9, para 1)

- Each State Party take the necessary steps to establish appropriate systems of procurement, based on **transparency**, competition and objective criteria(a) public distribution of information relating to procurement procedures and contracts...



➤ Management of public finances (Art 9, para 2)

- Each State Party shall take appropriate measures to promote **transparency** and and accountability in the management of public finances.....



TRANSPARENCY PROVISIONS



ARTICLE 10

➤ Public reporting

- Each State Party shall...take such measures as may be necessary to enhance **transparency** in its public administration....
- Such measures may include, inter alia...(a) procedures allowing members of the public to **obtain information** on org'n, functioning & processes and...decisions & legal acts; and (b) **publishing information**, such as periodic reports on risks of corruption in its public administration



TRANSPARENCY PROVISIONS



ARTICLE 12

➤ Private sector

- Each State Party shall take measures to prevent corruption involving the private sector...
- .
- Measures to achieve these ends may include, inter alia,...(c) Promoting **transparency** among private entities, including...measures regarding the identify of legal and natural persons involved in the establishment and management of corporate entities....





TRANSPARENCY PROVISIONS

ARTICLE 13

- Each States Party shall...promote **the active participation** of individuals and groups outside the public sector, such as **civil society** ...in **the prevention of and the fight against** corruption and to raise public awareness regarding...corruption.

- Including such measures as:
 - Enhancing the **transparency** of and promoting the contribution of the public to decision-making processes
 - Ensuring that the public has effective **access to information**...
 - Undertaking **public information activities**...
 - Respecting, promoting and protecting the **freedom to seek, receive, publish and disseminate information** concerning corruption...

5TH UNCAC COSP RESOLUTION



ACCESS TO INFORMATION

➤ Resolution 5/4 Follow up to the Marrakech Declaration on the Prevention of Corruption

- calls for “*effective measures facilitating access by the public to information and requests the Secretariat to provide technical assistance to States parties seeking to introduce or enhance measures in this area...*” (para 23)



TORS UNCAC REVIEW MECHANISM



TRANSPARENCY & PARTICIPATION

The Mechanism shall

- (a) Be **transparent**, efficient, non-intrusive, **inclusive** and impartial;



TORS UNCAC REVIEW MECHANISM

PARTICIPATION

28. 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.

30. States parties are encouraged to facilitate **engagement with all relevant national stakeholders** in the course of a country visit.



TORS UNCAC REVIEW MECHANISM

NOT SO TRANSPARENT

31. The reviewing States parties and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process.

37. The country review reports shall remain confidential.

38. The State party under review is encouraged to exercise its sovereign right to publish its country review report or part thereof.



TRANSPARENCY PLEDGE

UNCAC REVIEW –SIX PRINCIPLES OF TRANSPARENCY

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 language, 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 observer status in UNCAC subsidiary bodies



www.transparency.org

facebook.com/transparencyinternational

twitter.com/anticorruption

blog.transparency.org

© 2014 Transparency International. All rights reserved.