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Strengthening the Implementation Review Mechanism in its 2nd phase: greater transparency, civil society participation and effective follow-up measures

Submission by the UNCAC Coalition to the 14th Session of the
UNCAC Implementation Review Group

31 May 2023

Introduction

This submission provides concrete recommendations for improving the UNCAC's Implementation Review Mechanism (IRM) to inform the Implementation Review Group's (IRG) deliberations on the focus and modalities for the next phase of review.¹ To develop these recommendations, the UNCAC Coalition has researched and analyzed the practices of other anti-corruption monitoring mechanisms to identify lessons learned and good practices that States Parties should adopt to strengthen the mechanism's effectiveness. The Coalition has also drawn upon its experience in working with civil society organizations (CSOs) in over 30 countries to produce civil society parallel reports aimed at strengthening UNCAC implementation and promoting CSO engagement in the country review process.²

Current state of play

While the UNCAC IRM has promoted legislative and institutional reforms that have strengthened UNCAC implementation at the country level, it has significant shortcomings. These shortcomings make the IRM far less effective in strengthening anti-corruption frameworks and their implementation. Weaknesses involve a low level of transparency, the lack of consistent and meaningful engagement of civil society in many cases and the lack of a structured follow-up process to ensure effective implementation and enforcement of legal frameworks:³

- **Transparency:** Countries are not required to publicly disclose the full country review reports and self-assessment checklists as well as other important information about the status of country reviews and how civil society can engage. Other relevant monitoring mechanisms typically publish full country reports from reviews and also provide calendars of when reviews will be held.⁴

¹ The IRM is currently in its 2nd cycle to review implementation of Chapter II (preventive measures) and Chapter V (asset recovery). Launched in 2015, the 2nd cycle was extended to June 2024 due to significant, ongoing delays, and most likely will be extended further to December 2025.

² See parallel civil society reports: <https://uncaccoalition.org/uncac-review/cso-review-reports/>.

³ Given the inadequacies of the UNCAC IRM's country profile page, the UNCAC Coalition has developed the "[UNCAC Review Status Tracker](#)" which provides details on the status of the country review process, country focal points, and actions taken after the completion of reviews. Information is drawn from what is publicly available and on information obtained by the UNCAC Coalition. Through its [Access to Information Campaign](#), the UNCAC Coalition is also encouraging civil society to use Freedom of Information (FOI) requests to ask their governments to release official UNCAC review documents.

⁴ FATF and the OECD Anti-Bribery Convention publish country reports and follow-up/compliance reports from country reviews (see: [FATF reports](#) and OECD Anti-Bribery Convention [reports](#)). MESICIC not only publishes the country report but publishes a questionnaire completed by the government under review on the status of implementing recommendations as well as written input received by civil society and other stakeholders (see MESICIC [reports](#)). The FATF's [Global Assessment Calendar](#) is a regularly-updated draft calendar of tentative dates for possible on-site visits and plenary discussions of country evaluations.

- **Inclusiveness and civil society participation:** The UNCAC IRM does not require civil society participation at key stages of its review process, resulting in varying levels of stakeholder engagement across countries.⁵ Furthermore, little to no information on stakeholder engagement is disclosed in most country review documents, making it difficult to know if and how civil society was engaged and what the outcomes of such engagement were. In contrast, other anti-corruption mechanisms typically have clearer and more consistent approaches to promote civil society consultation in reviews, with reports disclosing such consultation.⁶
- **Follow-up measures to ensure effectiveness:** The UNCAC IRM lacks a formal follow-up process to determine whether countries have implemented recommendations from country reviews and to evaluate the effectiveness of a country's framework in reducing corruption. In contrast, other monitoring mechanisms typically have structured follow-up procedures, leading to some degree of accountability to ensure governments follow through on commitments within specific timeframes.⁷

Good practices of civil society participation in country reviews

There is a growing number of States Parties that have adopted good practices to proactively engage civil society organizations in country reviews in the 1st and 2nd cycles that including the following:

- **Integrating civil society in the entire country review process:** creating a multi-stakeholder steering committee that includes representatives of civil society and the private sector to advise the country review process and to make recommendations for addressing gaps identified in the country review.
- **Completing the self-assessment checklist:** giving stakeholders opportunities to provide meaningful input on the country's responses to the self-assessment checklist such as by organizing workshops with civil society and other stakeholders to discuss the responses to the checklist.⁸

⁵ Another major impediment to civil society participation in the UNCAC: civil society organizations are not allowed to participate as observers in the UNCAC subsidiary bodies, including the IRG.

⁶ MESICIC's [methodology](#) for on-site visits includes having meetings with CSOs that have made submissions as well as other CSOs and stakeholders; its country reports include an annex listing of meetings, the meeting agendas and participating organizations. The OECD Anti-Bribery Convention typically issues [calls for written submissions](#) from stakeholders when a country evaluation phase is launched and calls for expressions of interest from relevant civil society and private sector representatives to participate in on-site visits. For the Group of States against Corruption under the Council of Europe (GRECO), civil society and other stakeholders are consulted during on-site visits. Country reports include a section on the methodology for the evaluation with information on civil society and other stakeholders that were consulted on-site visits as well as any written submissions from stakeholders. The OECD's Istanbul Anti-Corruption Action Plan has many good practices that the UNCAC IRM should draw upon to increase transparency and civil society participation in country reviews. Civil society can participate in different ways throughout the process, including by contributing to the preparation of the monitoring report, preparing "shadow" reports that are taken into account in the country assessment, having the opportunity to review and give comments to the draft monitoring report, and participating in on-site visits and in plenary meetings where they can give presentations on their views. For more details, see: [IAP-Manual-Monitoring-Experts-EN.pdf \(oecd.org\)](#).

⁷ For example, in the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), each review round follows up on the recommendations made in a previous round to assess progress - the 6th round currently underway is reviewing follow-up on recommendations from the 3rd round (see [methodology](#)). GRECO evaluation reports contain specific recommendations to improve compliance and a deadline for when countries must report back on their implementation.

⁸ Some governments have held workshops where representatives from civil society, the private sector and the government have discussed and developed responses to the self-assessment checklist. Governments have also called for written submissions from stakeholders on the draft self-assessment checklist. One country also included civil society in the team given responsibility for filling out the checklist.

- **Seeking the views of stakeholders during on-site visits:** arranging meetings, panels or workshops⁹ between peer reviewers, civil society and other stakeholders during on-site visits¹⁰ without the government under review present (and providing adequate notice of such meetings to civil society), to allow free-flowing and substantive discussions between CSOs and peer reviewers about the country's performance and where improvements are needed.¹¹
- **Engaging civil society in the follow-up process:** convening meetings with civil society organizations after the review is completed to share the findings of the review and discuss next steps for implementing recommendations.¹²

Moving ahead with the IRM's 2nd phase

To address the significant delays with the 2nd cycle, it is critical to launch the next phase of the review mechanism before the 2nd cycle is completed to ensure that country review recommendations from the first two cycles are addressed in a timely manner.¹³ State Parties should request that UNODC sets up a process **to obtain input from relevant non-governmental stakeholders, including those accredited to CoSP, on the next phase of the IRM.**¹⁴

Recommendations for the next phase of the IRM

The UNCAC Coalition proposes the following recommendations to strengthen the UNCAC IRM to bring about more impactful outcomes in the global fight against corruption. These recommendations are relevant for country reviews remaining for the 2nd cycle and should be considered when developing modalities for the next phase of the review. States Parties should lead by example through adopting these recommendations in their country reviews and by explicitly supporting their adoption during the deliberations on the next phase of review.

Civil society participation:

- **Carry out inclusive and transparent reviews** that meaningfully engage civil society organizations and other non-governmental stakeholders at key stages of the review process.¹⁵ The good practices outlined above should be systematically adopted to ensure a sustained dialogue with adequate

⁹ One country held a one-day workshop to provide a forum for civil society to provide input and have discussions with the peer reviewers.

¹⁰ Such meetings have proven to be particularly informative for peer-reviewers if they take place ahead of the meetings with government interlocutors.

¹¹ In some country reviews, CSOs have shared parallel reports or other relevant reports with reviewers to shed light on a country's UNCAC implementation.

¹² Another way to promote inclusiveness is to include civil society and other stakeholders on working groups created by the government to oversee the country review process and its follow-up, including taking actions to address gaps identified in reviews.

¹³ Seventy-nine States Parties have voluntarily published their country reports from the 1st review cycle and merely 31 States Parties have published them so far for the 2nd review cycle. See UNODC country profile page: [Country Profiles \(unodc.org\)](#). Also see Secretariat's Note on the Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption which highlights the serious delays with completing 2nd cycle reviews: [2305153E.pdf \(unodc.org\)](#) (March 2023).

¹⁴ This consultation would provide the opportunity for civil society organizations, academics, the private sector and other non-governmental stakeholders to provide input, both through written consultation and by holding panel discussions. Written input should be made publicly available.

¹⁵ See the UNCAC Coalition's [Guide to Transparency and Participation in the IRM](#) for practices that should be taken at each stage of the review process to ensure adequate transparency and civil society participation.

participation of civil society and other stakeholders throughout the process, including in the development, implementation and monitoring of a follow-up plan.

- **Include an overview in executive summaries and a detailed description in the full country reports of stakeholder engagement** in the review and the outcomes of such participation, including how input was sought, what input was received and how input was taken into consideration and impacted the review findings. Provide details on stakeholder engagement on the UNODC country profile page, rather than merely the current Yes/No option.
- Allow civil society and other non-governmental stakeholders **to participate as observers in the IRG as well as other subsidiary bodies**¹⁶ of the UNCAC CoSP and to present their findings on UNCAC implementation to the IRG.

Transparency:

- **Publish self-assessment checklists, country reports, country focal points and their contact information and a regularly updated schedule of the review**, including when country visits will be held.¹⁷
- States Parties under review should **publicly announce in advance when country visits will be held** and publicly issue calls for civil society and other non-governmental stakeholders to participate in a meeting and make submissions on the country under review by a specific deadline.
- **Publish stakeholder submissions related to country reviews** on the UNODC website along with other country review documents, especially civil society parallel reports that assess UNCAC implementation.¹⁸ If a State Party has a specific website/page dedicated to the UNCAC review, the UNODC should also share this on the country's profile page.¹⁹
- UNODC should **publish a press release when country reviews are completed** and documents are published and provide more useful, up-to-date and detailed information on its website.

Follow-up and effectiveness:

- **Adopt a clear, structured follow-up process for the 2nd phase**, done in consultation with civil society and other stakeholders, to evaluate whether States Parties have implemented country review recommendations from the 1st phase (both review cycles), including the status of implementing UNGASS commitments.²⁰
- **Ensure that the findings of reviews are relevant and meaningful** – the UNCAC's spirit of consensus should not enable a State under review to refuse the findings of a review and block its conclusion, or to whitewash its track record.

¹⁶ A practice that is common in Geneva UN fora, for example.

¹⁷ The Coalition also supports having country reports reflect actions and developments that have taken place following country reviews, to make country reports more up-to-date and accurate and to incentivize countries to address gaps identified in country reviews as soon as possible.

¹⁸ See parallel civil society reports: <https://uncaccoalition.org/uncac-review/cso-review-reports/>.

¹⁹ There are examples of States Parties that have a web page focused on the UNCAC to proactively share information and provide updates, see: <https://www.pravda.gov.mk/resursi/24;> <https://www.gov.pl/web/sprawiedliwosc/konwencja-narodow-zjednoczonych-przeciwko-korupcji>; and: <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/financial-centre-economy/corruption/un-convention-corruption.html>.

²⁰ The 2nd phase should continue the approach of holding review visits as was done in the first phase. Review visits in the 2nd phase should focus on assessing a country's performance in implementing recommendations from the first phase and to seek the views of non-governmental stakeholders on these issues. Also see the TRACK portal, a resource that has submissions from States Parties on status of implementing UNGASS commitments: [TRACK: Follow-up Process to UNGASS 2021 - Contributions \(unodc.org\)](https://www.unodc.org/track/).

- Consider **developing a pilot project for States Parties to test out innovative approaches** for the follow-up phase that would increase transparency, stakeholder participation and effectiveness. One idea to explore: **holding a discussion session after the completion of a review** with the country under review, peer reviewers and relevant stakeholders, including civil society, to discuss the results of the review and next steps.
- **Develop a template for States Parties to publicly and regularly** (annually) **report on follow-up actions** to ensure a consistent and comparable standard; the UNODC should share updates on these reports at IRG meetings and publish them on the UNODC country profile page.²¹
- **Evaluate the implementation and enforcement of UNCAC provisions** and their effectiveness in practice by more fully assessing evidence of compliance through statistics, data and reports of internal evaluations and audits, findings from other review mechanisms that addressed compliance, and stakeholder reports that have information on national compliance.²²
- **Assess the effectiveness and impact of technical assistance** drawing on the needs identified in the first phase and issue a report with main findings and actions needed to strengthen technical assistance delivery in the 2nd phase. This should include greater focus on the involvement of CSOs, both as providers and beneficiaries of technical assistance, and having countries report back on efforts to engage CSOs in the 2nd phase country reports.
- **Enhance synergies with the review mechanisms of other anti-corruption conventions** that countries are party to.²³ UNCAC peer reviewers should take into account findings from other relevant reviews of a State Party under review; States Parties could use other mechanisms and processes (OGP action plans, for example) to address and implement recommendations from their UNCAC review.

²¹ As an example, see Transparency International Sri Lanka's commitment tracker for the UNCAC and other conventions: [Choose a pledge to explore – Transparency International Sri Lanka – Pledge Tracker \(tisrilanka.org\)](https://www.transparency.org/sri-lanka/pledge-tracker).

²² As an example, FATF measures both technical compliance and effectiveness and has developed a [methodology](#) for assessing effectiveness through measuring whether a set of defined outcomes are achieved.

²³ Other review mechanisms to consider (but not limited to): FATF, GRECO, MESICIC, OECD Anti-Bribery Convention, Open Government Partnership's (OGP) Independent Reporting Mechanism and the UN Convention against Transnational Organized Crime.