

UNCAC COALITION STATEMENT ON ARTICLE 13

Transparency and Public Participation in UNCAC Implementation and Monitoring are Key to Success

Corruption thrives on secrecy, when undisturbed by public access to information about government and business activities. Countering it requires public participation and transparency in anti-corruption efforts and in governance.

This is recognised in the UN Convention against Corruption in Article 13 on civil society participation and access to information and in other UNCAC provisions. Additionally, Article 19 and other provisions of the UN Covenant on Civil and Political Rights, provide for a right to freedom of expression and to access to information held by public bodies and calls on states of their own accord to put information of public interest into the public domain and to establish procedures to enable easy, prompt, effective and practical access to information.

Further, in the UNCAC review mechanism that started up in July 2010 it is of critical importance for its public credibility that these principles be applied. This means a transparent and inclusive mechanism in which civil society organisations can make inputs and all review reports are published in full. It means a mechanism where civil society participation is not simply an optional add-on. The older anti-corruption review mechanisms of the OECD, OAS and Council of Europe GRECO have recognised the importance of these principles.

The Coalition therefore calls on the Conference of States Parties to the UNCAC to adopt a resolution at its 4th Session in Marrakesh, Morocco in October 2011:

- Urging parties as a matter of priority to reaffirm their commitment to UNCAC Article 13 and related provisions, and to the practices of transparency and participation, including ensuring that:
 - access to information laws are in place in their countries and enforced in practice;
 - information about the UNCAC is widely publicised and there is widely accessible information about government anti-corruption measures, including about enforcement efforts (statistics, case law); as well as on public procurement, public budget management, and other measures;
 - the public is able to participate in anti-corruption efforts, including through government consultations and inputting to monitoring processes.
- Providing that the COSP Rules of Procedure, including Rule 17, apply to the Implementation Review Group (IRG) in line with the opinion of the UN Legal Office, thus confirming the participation of civil society representatives as observers in IRG meetings.
- Providing for participation of civil society representatives as observers in the Open-Ended Intergovernmental Working Group on Prevention and calling for that Working Group to solicit civil society views on indicators of successful implementation of the UNCAC Chapter on Prevention, including Articles 10 and 13.
- Recognising the benefits of country visits in which review teams meet with civil society representatives and other stakeholders and the benefits of publishing the full review reports and calling on States Parties to include these elements in their reviews.
- Requiring civil society participation and publication of full review reports in the next 5-year cycle of the review process.

The foregoing measures are essential for the public credibility of UNCAC and its review process. This is the starting point for real anti-corruption efforts.