



**UNODC**

United Nations Office on Drugs and Crime

# Civil Society for Development

Opportunities through the  
United Nations Convention  
against Corruption



UNITED NATIONS OFFICE ON DRUGS AND CRIME  
Vienna

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## Introduction

1. Corruption is an insidious practice that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, “drives up prices, erodes business credibility, diverts public funds and undermines equity and fairness across societies”.<sup>1</sup>
2. A report demonstrated that the single greatest perceived obstacle to economic and social development worldwide is corruption, ahead of infrastructure or lack of education.<sup>2</sup> The need to have an “honest and responsive” is also one of the top three issues of concern for people worldwide as indicated in the “My World Survey” conducted prior to the adoption of the 2030 Agenda for Sustainable Development.<sup>3</sup>
3. The United Nations General Assembly designated 9 December as the International Anti-Corruption Day to raise awareness of corruption and of the role of the United Nations Convention against Corruption (UNCAC or the Convention).<sup>4</sup> A considerable number of countries have acknowledged that there needs to be collective action from governments, businesses and civil society together to tackle corruption. Special events marking International Anti-Corruption Day are increasingly used to re-emphasize this point. In addition, several countries and regional bodies have themselves also designated specific days to the topic of combating and preventing corruption. The African Union, for example, declared the 11 July every year as the African Anti-Corruption Day, and the year 2018 as the Year for Combating Corruption, under the theme *Winning the Fight Against Corruption: A Sustainable Path to Africa’s Transformation*.
4. Civil society plays a strategic role in combating corruption, through the provision of checks and balances for improving accountability in the public and private sector, especially in countries affected by fragility and conflict with weak public institutions. The effective implementation of the United Nations Convention against Corruption – the only universally legally binding anti-corruption instrument with its 186 parties – recognizes, in addition to the contributions of States, the value of active participation of individuals and groups outside the public sector.
5. Building partnerships and enhancing cooperation with civil society organizations (CSOs) is critical for the exchange of knowledge, data and best practices to enable comprehensive discussions for the advancement of UNCAC implementation and

achieving the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal (SDG) 16 on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

## Purpose and outline

6. The Conference of the States Parties in 2009 agreed to establish a peer review process (Implementation Review Mechanism or IRM) to review all States Parties on the fulfilment of their obligations under the Convention. On the basis of self-assessments and peer reviews, the mechanism has helped countries to identify gaps in national anti-corruption laws and practices as well as technical assistance needs, as relevant. Information about each country's review can be found on the Country Profile Pages.<sup>5</sup> The Convention and the terms of reference of the review mechanism recognize the important role civil society can play in the implementation of the Convention.

7. In article 13 of the Convention, it is clearly stated that the 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 should be strengthened by inter alia (a) enhancing the transparency of and promoting the contributions of the public to decision-making processes; (b) ensuring that the public has effective access to information; (c) undertaking public information activities that contribute non-tolerance of corruption, as well as public education programmes, including school and university curricula; and (d) respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information about corruption.

8. Furthermore, at its fourth session, the Conference of the States Parties to the Convention (CoSP) adopted resolution 4/6 entitled "Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption" in which the Conference decided that briefings for civil society should be conducted on the outcomes of the review process. This aims to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues, while recognizing the continuing deliberations to build confidence in the role of non-governmental organizations in the review process. Other relevant resolutions issued by the Conference include, among others, resolution 4/3 which urged States parties, in accordance with article 13 of the Convention, to continue promoting the 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 encourages States parties to enhance their capacity in this regard. In addition, resolution 3/2 of the Conference decided that the Working Group on Prevention should assist the conference in encouraging cooperation among all sectors of society in order to prevent corruption.

9. Accordingly, this publication is aimed at assisting civil society in strengthening measures to prevent and fight corruption, and to strengthen their capacity to contribute to the review of implementation of the Convention. The publication also addresses key issues that CSOs consider when developing their strategies to fight corruption, including how best to engage with efforts undertaken by States and the rules that apply to their participation in the framework of the Conference of the States Parties and its subsidiary bodies. This publication builds on published research on civil society's anti-corruption efforts, by including relevant articles of the Convention, recommendations of its inter-governmental bodies, and the practice of States parties under the reviews. CSOs, including non-governmental organizations and community-based groups, as well as other

non-governmental stakeholders such as journalists and academics are the primary audience for this publication. This publication may also be useful to policymakers, prosecutors and other anti-corruption personnel who implement anti-corruption laws and measures. UNODC hopes that it will assist both CSOs as well as governmental partners in designating, implementing and monitoring initiatives as well as improving joint arrangements. To ensure a practical focus, the publication drew on the expertise and experience of various CSOs already undertaking anti-corruption work. It uses these practices to illustrate the constructive and supportive role CSOs can play in the implementation of the Convention.

10. The questionnaire used to collect information on the expertise and experiences of CSOs is included in annex 1 of this publication. Inputs provided by the CSOs have been incorporated throughout the present guide, as direct extracts describing their efforts, as well as statistics. The case studies referred to in this publication are illustrative of the experiences of CSOs and should therefore be used as a starting point, rather than a comprehensive source. This publication does not aim to present a definitive view on particular approaches to anti-corruption activities, as these issues are too complex, diverse and country-specific to allow a one-size-fits-all recommendation.





## Introduction to the Convention

11. The United Nations Convention against Corruption is the only global, legally binding anti-corruption instrument. The Convention was adopted by the General Assembly of the United Nations on 31 October 2003 at the United Nations Headquarters in New York. It was open to all States for signature from 9 to 11 December 2003 in Mérida, Mexico, and thereafter at United Nations Headquarters in New York until 9 December 2005, coming into force on 14 December 2005. As of 1 July 2018, 186 parties have ratified or acceded to the Convention.<sup>6</sup>

12. The Convention is structured into eight chapters, including four substantive chapters on preventive measures, criminalization and law enforcement, international cooperation and asset recovery. It also includes a chapter on technical assistance and information exchange. The incorporation of the relevant provisions of the Convention into national law by States parties is evaluated through a unique peer-review process called the Implementation Review Mechanism. The review process is divided into two cycles, each spanning five years. The first cycle began in 2010 and covered chapter III (Criminalization and law enforcement) and chapter IV (International cooperation). The second cycle, which was launched in 2015, covers chapter II (Preventive measures) and chapter V (Asset recovery).<sup>7</sup>

13. The Conference of the States Parties is the main policymaking body of the Convention. It supports States parties and signatories in their implementation of the Convention, and gives policy guidance to UNODC to develop and implement anti-corruption activities. The Conference meets every two years and adopts resolutions and decisions in furtherance of its mandate. All parties that have ratified the Convention are invited to fully participate in the Conference, while signatories are entitled to participate as observers in the Conference, in line with rule 14 of the rules of procedure for the Conference. Non-signatories and intergovernmental and non-governmental organizations can apply for observer status at its sessions, in line with rules 15 to 17 of the rules of procedure. The Conference has established the following subsidiary bodies, operating under its mandate to assist in carrying out its work:

- The *Implementation Review Group* is responsible for providing an overview of the review process and considering technical assistance needs for the effective implementation of the Convention. The Group holds meetings at least once a year in Vienna.<sup>8</sup>

- The *Working Group on Prevention* is responsible for advising and assisting the Conference in terms of preventive measures under chapter II of the Convention.<sup>9</sup>
- The *Working Group on Asset Recovery* is responsible for assisting and advising the CoSP in the implementation of its mandate to encourage the return of proceeds of corruption.<sup>10</sup>
- The *Expert Meetings on International Cooperation* are responsible for assisting the CoSP in developing cumulative knowledge on international cooperation, as well as encouraging such cooperation, facilitating the exchange of experiences among States parties and assisting the Conference in identifying the capacity-building requirements of States.<sup>11</sup>



## Combating corruption within the 2030 Agenda for Sustainable Development

14. On 25 September 2015, the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development entitled “Transforming our world: the 2030 Agenda for Sustainable Development”.<sup>12</sup> This agenda defines 17 Sustainable Development Goals (SDGs). The SDGs are considered a major achievement of the international community, as they include, for the first time, the clear recognition of corruption being a key impediment to sustainable development. Goal 16 of the 2030 Agenda recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels. Goal 16 therefore provides governments with a basis to prioritize action against poor governance, illicit financial flows and inequality, while strengthening integrity, transparency and accountability.

15. The far-reaching negative impact of corruption on development, including on the distribution of resources and development opportunities, and the way corruption erodes public trust in institutions and the rule of law and undermines the investment climate, presents a number of opportunities for potential actions, including contributions by CSOs to counteract corruption. CSOs can work towards implementing development initiatives with a long-term, positive impact on the public service, as well as towards enhancing confidence and trust in government institutions.

16. Multi-stakeholder initiatives are a particularly useful way of engaging in joint work on the SDGs. These are partnerships that may be entered into by governments, inter-governmental organizations, non-governmental organizations, and other stakeholders, who direct their efforts towards the implementation of agreed development goals and commitments. They leverage the financial resources, knowledge and expertise of their members in order to achieve their common goals. This is in accordance with international initiatives such as Agenda 21, the Johannesburg Plan of Implementation, the Millennium Declaration, the outcome document of the United Nations Conference on Sustainable Development (Rio+20) entitled “The Future We Want”, the Third International Conference on Small Island Developing States, and the 2030 Agenda for Sustainable Development.

17. In addition, Sustainable Development Goal 17 on strengthening the means of implementation and revitalizing the global partnership for sustainable development recognizes

multi-stakeholder partnerships as important vehicles for mobilizing and sharing knowledge, expertise, technologies and financial resources to support the achievement of the sustainable development goals in all countries, particularly developing countries.

18. Since the anti-corruption targets under Goal 16 can be seen as a logical extension of the commitments that States entered into when ratifying the Convention and other international instruments, most initiatives undertaken by CSOs in this context would advance both the achievement of the SDGs and the implementation of the Convention. In addition, CSOs could consider developing projects specifically directed towards anti-corruption and development. This could include working as a focal organization for achieving SDG 16, as in the case of the NGO Federation of Nepal, which organized a National Review Programme on SDG 16 in support of UNDP Nepal and the Forum for Women, Law and Development (FWLD). In this regard, it should be noted that useful contributions and partnerships can also stem from organizations that do not primarily focus on the fight against corruption. The World Animal Protection, based in the United Kingdom of Great Britain and Northern Ireland, has reviewed opportunities to engage with the SDGs in relation to Goal 16 pertaining to environmental resource crime. (See example below). The Partnership for Transparency Fund in the United States produced a publication, which examines the implications of SDG 16, entitled, *Civil Society and Development: Global Trends, Implications and Recommendations for Stakeholders in the 2030 Agenda*. CSOs may also join forums specifically intended for this purpose as in the case of the Advocacy, Research, Training and Services (ARTS) Foundation in Pakistan which is a member of the Sustainable Development Goals Forum.

19. Efforts include advocating for the timely implementation of the Addis Ababa Action Agenda of July 2015, which provides a global framework for financing sustainable development which supports and complements the 2030 Agenda for Sustainable Development with concrete policies and actions. CSOs may further support the measurement of progress towards achieving SDG 16 through surveys and other means to measure the prevalence of bribery at national level.<sup>13</sup> In this context, the Africa Freedom of Information Centre released, on 28 September 2017, a report on the status of access to information in the context of SDGs in Africa, covering 23 countries.<sup>14</sup>



### Western Europe

**World Animal Protection**, based in the United Kingdom, has reviewed opportunities to engage with SDGs in relation to Goal 16 pertaining to environmental resource crime. In gathering evidence to counter wildlife crime and expose wider animal welfare issues, World Animal Protection's investigations team has found cooperation and collaboration with anti-corruption efforts to be extremely valuable. Examples of this cross-cutting approach include:

- Collaborating with law enforcement personnel in South America to document jaguar poaching, processing and trafficking which is allegedly facilitated with the complicity of corrupt business actors for the global traditional Asian medicine trade.
- Documenting illegal trade in wild birds in West and Central Africa which is facilitated by corrupt government agents, with the intention of submitting evidence to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) compliance unit of the Secretariat. With research outlining the role of corruption within border and customs agencies in facilitating the transportation of wild lion cubs between African countries, and the export of lion bone to external markets, also provided to the relevant CITES Committee.
- Submitting evidence to agencies in South and South-East Asia, outlining operating methodologies and routes used by organized criminal groups to traffic Indian Star tortoises. These criminal groups are dependent on relationships with corrupt enforcement representatives.
- Wider engagement and advocacy with enforcement and policy entities such there is an holistic approach regarding the connections between wildlife crime and its animal welfare impacts.

*Source:* World Animal Protection.

### Global

Co-founded by Transparency International, the **Water Integrity Network (WIN)** connects individuals, organizations and governments promoting water integrity to reduce corruption. WIN programmes are implemented in line with SDG 6 (Availability and sustainable management of water and sanitation for all), as well as SDG 16. Access to water is a cross-cutting issue, and fulfilment of the water SDG relies on governance and strong institutions, which the network addresses. WIN promotes social accountability mechanisms, which aim at improving governance, transparency and accountability in the water sector and at tackling the threat of corruption. Programmes such as community feedback systems, ensure communities' involvement, and accountability from the authorities helps to concretely reduce corruption, and contribute to SDG 6.

*Source:* Social accountability mechanisms for increased water integrity. Available from: WIN website.





## Defining civil society

*“Civil society is a key instrument for the success of today’s United Nations... [particularly in a global political climate] where governments are finding it more and more difficult to do their job... Dialogue and cooperation with civil society will, I’m sure, be a central aspect of the activities of the United Nations in the next few years, not only because of my own activities, but because of the concerns that all the United Nations bodies have, making sure that partnership becomes a key element in solving global problems.”<sup>15</sup>*

Secretary-General, António Guterres

20. In the present publication, the term “NGO” refers more narrowly to professional, intermediary and non-profit organizations that advocate and/or provide services in the areas of economic and social development, welfare and emergency relief. Civil society organizations (CSOs), however, encompass wider capacities including:

- Non-governmental organizations (NGOs)
- Subject-matter specific organizations (e.g., within corruption: transparency, public procurement, whistle-blower protection, accountability);
- Coalitions and networks (women’s rights, children’s rights, environmental rights)
- Community-based groups (indigenous peoples, minorities)
- Faith-based groups (churches, religious groups)
- Unions (trade unions as well as professional associations such as journalist associations, bar associations, magistrate associations, student unions)
- Social movements (peace movements, student movements, pro-democracy movements)

21. The provisions of the United Nations Economic and Social Council (ECOSOC), the Convention<sup>16</sup> and its Rules of Procedure of the Conference<sup>17</sup> use the term “non-governmental organization”. At the same time, the term “civil society organization” is also used in the Convention.<sup>18</sup> For consistency, the term “CSO” will be used as far as possible in this manual, except where specific reference is made to these provisions, as well as to the Conference of States Parties and its subsidiary bodies.

### Definition of civil society organizations

The United Nations refers to civil society as the “third sector” alongside government and private businesses. The World Bank defines civil society organizations (CSOs) as a wide array of formal and informal organizations: community groups, non-governmental organizations (NGOs), labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations and foundations.

Source: Adapted from The World Bank. Available from: World Bank website.

## Civil society engagement at UNODC

22. NGOs<sup>19</sup> have been partners of the United Nations since 1947. In accordance with article 71 of the United Nations Charter, NGOs can have consultative status with ECOSOC.<sup>20</sup> Consultative status provides for NGO access to not only ECOSOC, but also to its many subsidiary bodies, to the various human rights mechanisms of the United Nations, ad-hoc processes on small arms, as well as to special events organized by the President of the General Assembly. In addition, the rules of procedure of specific inter-governmental bodies may also provide for the participation of other relevant NGOs without ECOSOC consultative status, within well-defined parameters. Thus, NGOs in consultative status with ECOSOC, may engage with UNODC, through two Vienna-based functional commissions and two Conventions. The two functional Commissions are as follows:

- The *Commission on Crime Prevention and Criminal Justice (CCPCJ)* acts as the main policymaking body of the United Nations in relation to crime prevention and criminal justice.
- The *Commission on Narcotic Drugs (CND)*, which was established to assist ECOSOC in supervising the application of the international drug control treaties. The CND meets annually and, similarly to the CCPCJ, allows for NGOs with consultative status to participate as observers at its sessions in line with Economic and Social Council resolution 1996/31, which governs the participation of NGOs to ECOSOC Commissions.

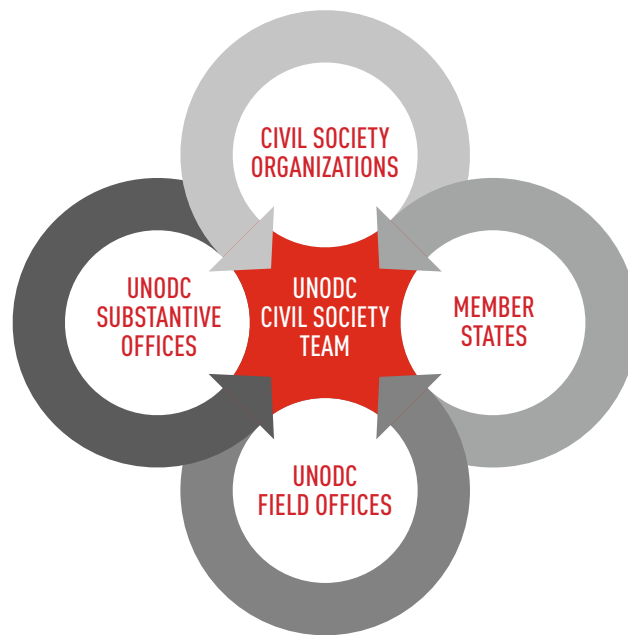
The Conventions are as follows:

- The *Conference of the States Parties (CoSP) to the United Nations Convention against Corruption (UNCAC)*, assists States parties and signatories in their implementation of the Convention, and provides policy guidance to UNODC in developing and implementing anti-corruption activities. All States parties that have ratified the Convention are part of the Conference. In accordance with rule 17 of the rules of procedures for CoSP-UNCAC, relevant NGOs having consultative status with ECOSOC may apply to the bureau of the Conference for observer status, which should be accorded unless otherwise decided by the Conference. Other relevant NGOs may also apply for observer status, as stipulated in paragraph 2 of rule 17 of the rules of procedure. Paragraph 3 of rule 17 defines the format of participation of NGOs in the proceedings of the Conference.
- The *Conference of the Parties (COP) to the United Nations Convention against Transnational Organized Crime (UNTOC)* was established to improve the capacity of States parties to combat transnational organized crime and to promote and

review the implementation of the Convention. Rule 17 of the rules of procedure for COP-UNTOC, provides that relevant NGOs having consultative status with ECOSOC may apply to the bureau of the Conference for observer status, which should be accorded unless otherwise decided by the Conference. Other relevant NGOs may also apply for observer status, as stipulated in paragraph 2 of rule 17 of the rules of procedure. Paragraph 3 of rule 17 defines the format of participation of NGOs in the proceedings of the Conference. These procedures are similar to the rules of procedure of the Convention against Corruption.

23. NGOs have the opportunity to organize and conduct events on the margins of the sessions of the Vienna-based intergovernmental bodies. These allow NGOs to showcase their work and areas of interest, and contribute to facilitating dialogue between representatives from NGOs, Member States and other stakeholders. Events may be organized exclusively either by a single NGO or, jointly, through partnerships with other stakeholders, for example, other NGOs, intergovernmental organizations or Member States.

24. Finally at the operational level, UNODC partners with civil society organizations to implement its mandates on drugs and crime in global, regional and country-level programmes and projects.



#### **Corruption and Economic Crime Branch, UNODC**

The Corruption and Economic Crime Branch (CEB) is one of UNODC's substantive offices. CEB supports States in their efforts to ratify and effectively implement the Convention, by:

- Acting as Secretariat to the Conference of the States Parties (CoSP)
- Supporting the Implementation Review Mechanism (IRM) – including facilitating the conduct of the country reviews and provides technical and substantive support, upon request, to States parties throughout the implementation mechanism
- Delivering technical assistance and developing tools

**Civil Society Team, UNODC**

Whether participating in the UNCAC CoSP or its subsidiary bodies, the entry point and liaison for CSOs is the Civil Society Team (CST), based within the Division of Policy Analysis and Public Affairs of UNODC. CST serves as a bridge between civil society organizations, UNODC field offices, substantive offices and Member States. It supports the participation of CSOs in intergovernmental meetings in line with relevant UNODC mandates and rules of procedure for the respective intergovernmental bodies and delivers training to help improve their knowledge of the Convention and interact constructively with the United Nations and its Member States in order to promote UNCAC implementation. It does so in partnership with the anti-corruption CSO umbrella organization, the UNCAC Coalition, which facilitates a wide network of civil society organizations in their fight against corruption.

## The UNCAC Coalition

25. The UNCAC Coalition has a membership of over 100 civil society organizations and individuals on all continents, as well as a wider network of an additional 250 organizations, committed to promoting the ratification, implementation and monitoring of the Convention. It mobilizes civil society action for UNCAC at international, regional and national levels.

26. The UNCAC framework is so comprehensive that it is relevant for a wide range of CSOs. The Coalition therefore includes CSOs working in the areas of human rights, labour rights, good governance, economic development, environment and private sector accountability from the international, regional and national levels.

27. The Coalition engages in joint action around specific articles by adopting common positions on the Convention, facilitating the exchange of information among members, and supporting national civil society efforts to promote the Convention. Coalition members share views via the Coalition website, an email list and ad hoc working groups. The Coalition also sets advocacy targets in relation to specific UNCAC-related topics, such as access to information, asset recovery, protection of whistle-blowers and anti-corruption activists. Secretariat support for the Coalition has been provided by Transparency International, one of its founding members, and the Coalition is in the process of establishing a secretariat hub in Vienna. The Coalition is built upon membership of different organizations. CSOs wishing to join the Coalition may visit the following webpage for further information: [https://uncaccoalition.org/en\\_US/get-involved/join-the-uncac-coalition/](https://uncaccoalition.org/en_US/get-involved/join-the-uncac-coalition/).

# IV.



## The role of civil society organizations

28. Over the past years, there has been increased understanding in the international community of the role that CSOs play in the fight against corruption. The present chapter details the role CSOs can play to assist Member States in tackling and eradicating corruption.

### 4.1 Potential ways for non-governmental organizations to contribute to the Conference of the States Parties to the Convention and its subsidiary bodies

#### Conference of the States Parties

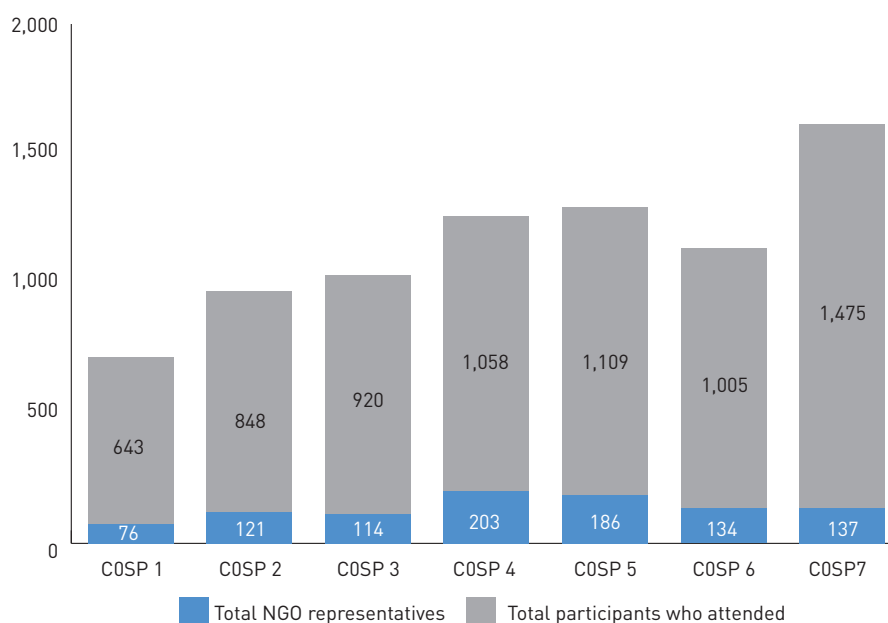
29. Plenary meetings of the Conference are normally held in public in accordance with rule 40 of the rules of procedure for the Conference and NGOs may participate in the Conference subject to procedures laid out in rule 17 of the rules of procedure of the Convention. A distinction is made in the rules of procedure between NGOs having consultative status with the Economic and Social Council, and other relevant NGOs. NGOs having consultative status with ECOSOC may apply to the Bureau for observer status, which is accorded unless otherwise decided by the Conference. The Bureau consists of the President, three Vice-Presidents and a Rapporteur who are elected subject to rotation among the five regional groups at each session of CoSP. At the same time, other relevant NGOs may also apply to the Bureau for observer status and a list of such organizations, including their supporting information, is circulated at least thirty days prior to the Conference. If there is no objection to a NGO, observer status is granted unless otherwise decided by the Conference. If there is an objection, the matter is referred to the Conference for a decision. The accreditation granted to NGOs holds a validity of approximately two years until the following session of the Conference and includes attendance to the Implementation Review Group briefing (described in more detail below).

30. In line with the rules of procedure, as observers, NGOs cannot participate in the adoption of resolutions or decisions, on substantive and procedural matters, preparatory meetings for resolutions or decisions and cannot vote. However, organizations granted observer status may:

- Attend plenary meetings of the Conference.
- Upon invitation of the President and subject to the approval of the Conference, make oral statements or provide written reports.
- Receive documents of the Conference.

31. NGOs may also organize exhibitions and side events in the margins of the Conference. A significant number of NGOs attend each session of the CoSP as shown in the figure below.

### NGO representation at the CoSPs



The Chair of the **UNCAC Coalition** addressed Member States at the seventh session of the Conference. Prior to the Conference, the Coalition submitted several statements, including one on the recovery of damages and compensation for victims of corruption, recalling the importance of empowering CSOs to allow them to initiate or become parties to civil and criminal proceedings. The UNODC Civil Society Team facilitated CSO participation during the CoSP and supported a preparatory session organized by the UNCAC Coalition, as well as daily briefing sessions throughout the five days of the Conference. A total of 137 civil society representatives attended the Conference, and organized 11 side events. The UNCAC Coalition organized a side event on asset recovery and another one, in partnership with UNODC, showcasing the results of successful cooperation between Mauritius and Bosnia and Herzegovina authorities and their civil society counterparts.

*Source:* UNODC web story on CoSP7. Available from: UNODC website; see also: UNCAC Coalition Statements at CoSP7. Available from: UNCAC Coalition website.



## Subsidiary bodies of the Conference

32. As outlined above, NGOs may only attend the plenary meetings of the Conference. Therefore, the subsidiary bodies are strictly intergovernmental. However, considering the significant role of civil society and other non-governmental stakeholders in the prevention of corruption and in capacity-building in support of the prevention of corruption, the Conference adopted resolution 4/6 in which it decided that civil society briefings be conducted on the margins of the Implementation Review Group (IRG) on the outcomes of the review process, including on the identified technical assistance needs.

33. Through that resolution, NGOs participating in the briefings are 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.

34. In terms of networking, the NGO briefings represent a unique opportunity to build confidence in the role of non-governmental organizations in the review process given that they are convened by the Secretariat in collaboration with a member of the Bureau, and are open to representatives of Member States as well as intergovernmental organizations.

## 4.2 The United Nations Convention against Corruption Implementation Review Mechanism: Potential ways for civil society organizations to contribute

35. In accordance with article 4 of its terms of reference, the Implementation Review Mechanism is an intergovernmental process. The reviews are carried out through a peer review process with each State party being reviewed by two other States parties. Thus governments have the primary role in filling out the responses to the self-assessment checklist, conducting country visits or joint meetings, preparing and approving the executive summary and report on a State's implementation of the Convention.

36. Bearing in mind the purpose of the Mechanism to assist States parties in their implementation of the Convention, CSOs are in a position to make valuable contributions to the Mechanism. The vast majority of States have involved CSOs in country reviews. Many States have included CSOs in the process of preparing the 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. In view of article 30 of the terms of reference, States parties may have equally facilitated engagement with all relevant national stakeholders in the course of a country visit.

37. Therefore, States may decide to invite CSOs to contribute to the UNCAC review process by consulting with CSOs in the preparation of responses to the self-assessment checklist, as well as during the country visit, immediately after the conclusion of the review, and by involving them in the follow-up and technical assistance phase.

38. In addition, various provisions of the Convention emphasize the value of cooperation with non-governmental stakeholders such as CSOs and the private sector (i.e. preambular paragraph 10, arts. 5(1), 12, 13, and 39).

### West Africa

The **Ghana Anti-Corruption Coalition (GACC)**, in collaboration with the **Commission on Human Rights and Administrative Justice (CHRAJ)**, initiated a national discussion on the Convention and the preparedness of Ghana for its review in 2012. To that effect, they organized the first round table forum for key stakeholders to share knowledge and information on UNCAC, its review process, the methodology and experiences by other countries such as Uganda, which had already successfully participated in the process. Following the round table forum, various consultative meetings were held to mainstream the UNCAC review process into the National Anti-Corruption Action Plan and advocate for the CHRAJ to be given the role of focal institution to ensure implementation of the outcomes and sustainability of the review process.

*Source:* Ghana Anti-Corruption Coalition. Available from: GACC website; see also: UNODC web story on training sessions for CSOs. Available from: UNODC website.

## Self-assessment

39. The terms of reference of the Mechanism for the Review of Implementation of the Convention provide that,

“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.”

40. A number of CSOs in different regions have participated in the first review cycle in the framework of the preparation of responses to self-assessment checklists. This included, for example, the direct participation in completing the self-assessment checklist, participation in meetings convened by the government on the self-assessment checklist and the submission of written statements.

41. As a way of involving CSOs in completing the self-assessment checklist, several States hold consultations with national stakeholders and publish responses to the comprehensive self-assessment checklist, while others circulate their responses to relevant stakeholders and/or post the responses on national websites for comment/supplementation.<sup>21</sup>

## Country visits

42. The country visit is the most commonly used means of involving CSOs in the reviews. In accordance with article 30 of the terms of reference, “[s]tates parties are encouraged to facilitate engagement with all relevant national stakeholders in the course of a country visit”.

43. Out of all the first cycle country visits conducted,<sup>22</sup> 88 per cent included sessions with other stakeholders, in accordance with that article. In some countries, such as the United States and Portugal, separate sessions were organized in the form of panels that included representatives of civil society, the private sector, academia, trade associations and other national stakeholders. In other cases, States such as Kenya included national stakeholders such as representatives of academia, civil society and the private sector in the committees set up to coordinate and oversee the review process.<sup>23</sup> This trend of inclusion has continued into the second cycle.

### East Africa

**Transparency International Kenya** was part of the National Steering Committee established for its review under the first cycle as one of two civil society representatives. This meant that it participated in the filling out of the self-assessment checklist, attended all sessions of the country visit together with governmental stakeholders. The National Steering Committee was also instrumental in ensuring that Kenya published the full country report, which Member States are not obliged to do. The value added by TI participation and their contribution on behalf of civil society in the country visit was commended by Kenya. Given the successful first review process and implementation, Kenya has adopted the same approach of including civil society throughout its review under the second cycle including the country visit and follow up through National Steering Committee.

*Source:* Country Review Report of Kenya. Available from: UNODC website.

## Finalization and publication of country review reports and executive summaries

44. According to paragraph 33 of the terms of reference of the Mechanism, at the conclusion of a review, the reviewing States parties prepare a country review report, including an executive summary of the report, in close coordination with the State party under review and the secretariat. The report should identify successes, good practices and challenges, and make observations for the implementation of the Convention. Where appropriate, the report also includes the identification of technical assistance needs for the purpose of improving implementation of the Convention.

45. At the conclusion of the review, the executive summary is made publicly available on the UNODC website,<sup>24</sup> while the country review reports may remain confidential (paragraphs 36 and 37 respectively), although States parties are encouraged to publish all or part of the full report (paragraph 38). In practice during the first cycle, approximately half of the full reports were published.<sup>25</sup>

46. CSOs have found it worth advocating for the publication of full reports following country reviews, so as to have access to all information and to be in a better position to contribute to relevant reforms and initiatives.

47. Several CSOs participated in the dissemination of the country review reports of their States in an effort to facilitate the process of encouraging citizens to become active in those nations' anti-corruption strategy.

48. In addition, UNODC has published a summary report on the State of Implementation of the Convention<sup>26</sup> which analyses the global implementation of every article, including challenges and recommendations to States parties. These documents can be extremely helpful for policy debate and use by civil society at national, regional and global levels.

## Follow-up and technical assistance

49. Given that one of the main goals of the Convention is to identify and facilitate the provision of technical assistance, CSOs are able to contribute in this respect. In practice, this includes promoting specific anti-corruption measures in line with the recommendations, the actual provision of technical assistance, or supporting the work of technical assistance providers.

50. In order to prepare for this process, CSOs may organize training sessions for their own staff to inform them about the issues that they may come across and how to deal with them. Following or in preparation for the reviews, CSOs may also organize joint training events with their governments to raise capacity within the public service. For example, the Centre for the Study of Democracy (CSD), from Bulgaria, became a member of the UNCAC Coalition on 16 June 2011. As a follow-up to anti-corruption the training sessions CSD attended, on 23 March 2011, the Centre conducted their own training called “Strengthening Civil Society Capacity on UNCAC and its review mechanism”. It covered the main provisions of the Convention and the review mechanism, particularly civil society involvement. CSD also participated in several high-level UNODC panels on designing a monitoring system for following the progress of UNCAC implementation.

51. In conclusion, CSOs participating in any capacity in the review process should bear in mind the guiding principles of the Mechanism. The terms of reference for the Mechanism are very clear in that it is, inter alia, non-adversarial and non-punitive, and that it shall not produce any form of ranking. Considering further the need for confidentiality, and respect for diversity of legal systems and levels of development, CSOs participating in the review process should discuss with the focal point of the country under review the specific means of ensuring that those principles are respected and adhered to. Under those guiding principles, CSO involvement in the Mechanism can provide a strong basis for further collaboration with the State party under review in local anti-corruption work.

#### **Africa**

The Civil Society Team at UNODC regularly hosts a multi-stakeholder workshop on the implementation of the Convention and its review mechanism, encouraging cooperation between governments and civil society in combating corruption. In May 2018, a five-day workshop was organized in Senegal, bringing together over 40 government and civil society representatives. Speaking at the opening of the Senegal workshop, the Inspector General of the Police, Codé Mbengue, said: “Senegalese non-governmental organizations have made valuable contributions to the country visit and the review process. This will be instrumental in advancing the national anti-corruption strategy in Senegal.”

The final day of the workshop was dedicated to civil society and organized in partnership with the UNCAC Coalition. It included sessions on using the Convention for advocacy around access to information and open contracting, on creating a parallel UNCAC implementation report, and on building partnerships with the private sector.

Several CSO representatives from Senegal shared their experiences and good practices in participating in their country’s second review in April 2017, and following their involvement, the full Country Report was published in June 2017. The inclusion of Senegalese civil society in the second cycle review came as a direct result of the efforts behind the 2016 multi-stakeholder workshop organized by the Civil Society Team, which paved the way for further collaboration between government and CSOs. The Country Report featured several good practices adopted by Senegal to aid in the fight against corruption. Some of these practices include: the creation of a portal for the publication of all tenders (e-procurement) as well as a platform for the management of public procurement contracts, accessible to all stakeholders in the selection and an award process pursuant to article 9; the criminalization of illicit enrichment; and the organization of the National Office against Fraud and Corruption to include further cooperation with CSOs and the private sector.

*Source:* UNODC web story. Available from UNODC website.

### 4.3 Potential ways for civil society organizations to contribute to the actual implementation of the Convention

52. This section examines possible entry points for CSOs interested in supporting the implementation of the Convention beyond engagement with the Implementation Review Mechanism. The first part of this section provides an overview of measures that CSOs can take to support the Convention in general, describing research, monitoring, advocacy, policy development, cooperation and provision of services and training. The second section provides details on how these measures may be applied to support the implementation of specific articles under the Convention. Examples of possible activities by CSOs are used in this manual to facilitate the identification of possible entry points with a wide spectrum of CSOs, but are by no means exhaustive.

53. Further, it should be borne in mind that this section, like other parts of this manual, does not attempt to provide a one-size-fits-all approach to CSOs in the area of anti-corruption. Rather, the following entry points may be used as inspiration for the alignment of activities in support of UNCAC implementation. They may be adjusted, replaced or complemented according to CSO capacities and local circumstances. It should further be borne in mind that each contribution is valuable and contributes to the fight against corruption.

#### Leading by example

54. Given the potential for CSOs to influence the anti-corruption landscape, an increasing number of organizations are taking measures to promote transparency and accountability within their own activities. These initiatives build trust within their communities, foster dialogue and the exchange of views.

55. To promote their credibility and avoid suspicions of conflicts of interest, it is helpful for CSOs to establish anti-corruption strategies within their own organizations. These may be drawn up under the leadership of a senior staffer and should include information policies for emerging risks, staff training, and awareness-raising.<sup>27</sup> Like governmental bodies and the private sector, CSOs should consider putting in place codes of conduct to determine standards and principles of ethical behaviour (for a full description of codes of conduct, see chapter 6). These codes of conduct may be developed in an inclusive manner with all staff members to enhance their weight and effectiveness in terms of training.

56. CSOs may further consider publishing their financial and activity reports to enhance transparency and accountability. Published information may include financial reports, list of donors, the CSO constitution, and staff composition or structure. Particularly for CSOs that fight corruption, it is important to make their own donations transparent and avoid suspicion of conflicts of interest.

57. CSOs should further ensure the establishment of internal mechanisms for reporting corruption offences and other misconduct within each individual civil society organization. This can include an effective whistle-blower protection system, a contact person and means for the protection of the reporting person. Even CSOs with low capacity should have adequate preventive measures in place.<sup>28</sup> These measures can also create a basis for the creation of common standards in the civil society sector. Other measures may also include self-assessments as well as certification and accreditation schemes.<sup>29</sup>

### Potential entry points for CSOs

- Select a leader for the development and implementation of the anti-corruption strategy.
- Develop a code of conduct and advertise it in the organization.
- Become transparent towards donors, members and the public.
- Ensure full transparency and accountability by releasing annual financial statements, including sources of funding.
- Establish internal reporting mechanisms.

### Western Europe

The Shared Ethics Charter (Une éthique partagée), was developed by **Coordination SUD**, an umbrella coalition of French humanitarian CSOs. The Charter includes a number of financial and programmatic rules that are binding for its signatories. Based on the financial rules, organizations have to diversify their sources of funding to preserve their financial independence, particularly from States. In addition, they have to prepare detailed annual financial reports, approved by the General Assembly of the organization. In the programmatic rules, the Charter describes uniform approaches to the implementation of members' activities and preparation of their strategies. Furthermore, it requires an open dialogue about actions taken by all of its signatories.

*Source:* European Center for Non-Profit Law. Available at <http://ecnl.org/wp-content/uploads/2016/10/Current-Trends-in-Self-Regulation-of-Civil-Society-Organizations-in-Europe.pdf>.

### Western Europe

Established in 2003, the **Basel Institute on Governance** is an independent not-for-profit competence centre specialized in corruption prevention and public governance and similar activities. Since 2007, The Basel Institute on Governance has published annual reports, in print and online, highlighting the institute's activities, listing partners, funding amounts and sources. For instance, in 2017, the total budget of the Basel Institute on Governance totalled \$ 8.7 Million, largely received from the Swiss Agency for Development and Cooperation and the United Kingdom Department for International Development. Moreover, the annual reports display the financial statement for the year. The financial statement includes the breakdown of assets, liabilities and operations costs. This initiative by the institute ensures transparency and accountability are maintained, and serves as a leading example for CSOs to reciprocate such efforts in the production of their annual reports and budgets.

*Source:* Basel Institute on Governance Annual Report (2017).

### Global

**Transparency International (TI)** is committed to advancing accountability, integrity and transparency. As an international civil society organization established for the promotion of good governance and anti-corruption, TI aspires to be an example of good governance, ethical practice and openness to greater transparency. To achieve these objectives, TI publicizes its funding sources and financial statements on their website, including current project grants and operating budget. Moreover, from an ethical standpoint, TI has taken the necessary steps to implement conflict of interest policies, code of ethical advocacy, and a zero-tolerance policy on the concealing of beneficial ownership. Finally, TI undergoes frequent evaluations and impact monitoring, demonstrating its commitment to leaving no room for the abuse of power among its ranks, to best practices for its public disclosure of information.

*Source:* Transparency International website.

## 4.4 General entry points for civil society organizations

58. CSOs are able to contribute to anti-corruption initiatives through *(a)* research and analysis; *(b)* monitoring of developments and behaviour; *(c)* advocate for policies, laws, norms and ideals; *(d)* public awareness-raising; *(e)* policy development; *(f)* cooperation; and *(g)* provision of services and training. These activities may impact one another and overlap.

### Research and analysis

59. Research and analysis are conducted to enhance the capacity of CSOs, the public and officials in order to foster policy dialogue and general understanding of specific UNCAC provisions. This requires a better understanding not only of laws, policies and procedures, but also of the prevalence of corruption. Through research activities, existing measures and their effectiveness can be better assessed. An examination of the underlying factors relevant to implementation can also look at existing incentives established in policies or institutional practices that influence behaviour.

60. Corruption surveys are one way of getting a good understanding of the experience of corruption. Through surveys, information can be collected on the experience of bribery by private citizens and business, which can give crucial information on the prevalence of corruption in specific sectors, as well as in certain parts of the country.

61. By collecting information about the type of public official or private entity involved, about the services for which a bribe was requested/offered, or about the reason for its request, it is possible to get a better understanding of the prevalence of corruption. All these details are fundamental for CSOs to undertake targeted advocacy and awareness-raising activities.

### Potential entry points for CSOs

- Conduct surveys on the prevalence of corruption in certain sectors/areas.
- Conduct research on the requirements of the Convention and other relevant instruments in the specific national context.<sup>30</sup>
- Develop indicators to quantify the effectiveness of implemented measurements.
- Analyse underlying factors that influence levels of implementation of the concerned measures in the article.
- Analyse the resource allocation supporting the underlying measures of the article (for assessment/evaluation, development of measures and/or implementation).

### Central Asia

Since its establishment in 2005, **Integrity Watch Afghanistan's** mandate has included the facilitation of policy dialogue on issues related to integrity, transparency and accountability. With the support of Transparency International, Integrity Watch Afghanistan implemented a nine-month programme entitled "Enabling Accountable Governance in Afghanistan" for the period of 1 July 2016 to 31 March 2017. As a result, a report was produced entitled "From Promise to Action: Navigating Afghanistan's Anti-Corruption Commitments", which reviewed Afghanistan's National Unity Government's anti-corruption commitments over its past two years in office, and prioritized the commitments that, if achieved, would most likely lead to meaningful progress in tackling corruption in Afghanistan.

*Source:* Integrity Watch Afghanistan and Transparency International. Report available from: TI website.

## Monitoring of developments and behaviour

62. Monitoring activities largely concern following up on whether the commitments made to implement the Convention and other agreements are implemented in practice. It also concerns monitoring effects on behaviour as well as understanding the actors who are responsible for the implementation of anti-corruption measures. CSOs may analyse the understanding by relevant parties of certain articles, together with their expressed difficulties in its implementation. Moreover, CSOs can compare how commitments, reforms or changes in support of implementation are matched by the allocation of needed resources. It is also important to analyse what follow-up measures have been taken in response to the recommendations of the Implementation Review Mechanism in this regard.

63. Again, experience-based surveys can provide useful information when assessing the functioning of anti-corruption policies and institutions. They can contribute to CSO work on raising awareness, by actively informing public institutions and citizens about the extent of corruption and the different forms it takes and the different sectors affected by it.

64. CSOs can organize a distribution of these activities in accordance with their expertise. This saves resources, and several actors can use the results for advocacy, awareness-raising and policy development.<sup>31</sup>



### Potential entry points for CSOs

- Analyse if legislation and measures are being developed to implement the articles of the Convention and the effectiveness of the measures.
- Analyse changes in resource allocation.
- Analyse the priority given to concerned measures.
- Run advocacy campaigns, including targeted campaigns for the implementation of the Convention.<sup>32</sup>
- Identify other stakeholders who may be allies and partners.
- Monitor changes to government strategies to implement the requirements of the articles.

### Latin America

The **Movement to Combat Electoral Corruption (MCCE)** is a network of civil society organizations, movements, and social and religious organizations whose objective is to combat electoral corruption, as well as to carry out educational work on the importance of voting, aiming for a fairer and more transparent political and electoral environment. The National Committee of MCCE, based in Brasília, is composed of more than 60 national entities and is represented by the Executive Secretariat of the Movement to Combat Electoral Corruption. MCCE also includes state, municipal and local committees spread across all regions of the country. The committees are present in almost all Brazilian states and are made up of representatives of civil society, pastoral, trade unions, associations, and other organized groups and entities of the MCCE network. The aim of the network is to ensure compliance with the laws lobbied for by MCCE within Brazilian society: Law No. 9840 of 1999 (known as the “Law against Vote Buying”) as well as Law No. 135 of 2010 (known as the “Clean Slate Law”), through the receipt of complaints, follow-up of processes and referrals of representations to the competent bodies. As such, MCCE performs both the monitoring of the actions of the Brazilian parliament in relation to the law, as well as the social control of the public budget and the administrative machine. It aims to avoid diversion of resources for electoral purposes and monitor the actions of its candidates.

*Source:* Shaazka Beyerle. *Curtailing Corruption, People Power for Accountability and Justice*, Rienner, 2014; see also [www.shayfeencom.org](http://www.shayfeencom.org).

### Global

In December 2014, a Swiss court issued a ruling that the Swiss government should return approximately \$321 million of funds illegally obtained by the family of the late Former President of Nigeria General Sani Abacha. As a result of negotiations between the two governments, on 4 December 2017, the Federal Government of Nigeria, the Swiss Federal Council and the World Bank signed a memorandum of understanding in which they agreed on the manner of return as well as a monitoring role to be played by the World Bank in the use of the funds. The parties agreed to establish a monitoring framework for the use of the repatriated funds that will enhance transparency and accountability. The specific use of the returned funds will be decided by the Federal Government of Nigeria, which made an undertaking to engage civil society organizations to help monitor the use of the funds.

*Source:* World Bank Monitoring of Repatriated Abacha Funds. [2017]. World Bank News. Available from: World Bank website.

## Advocate for policies, laws, norms and ideals

65. Advocacy refers to efforts directed towards influencing the policies and actions of those with power, gaining insight and gathering information for further monitoring activities.<sup>33</sup> Successful advocacy is usually built on a strategy that determines the policy objectives, the target audience, key partners and communication.

66. A starting point is to determine policy objectives concerning specific UNCAC articles or chapters. These goals are expected to be SMART:<sup>34</sup> Specific, Measurable, Achievable, Relevant and Time-bound. The determination of objectives may be based on a self-assessment. CSOs can link their budgets and identify the capacity, including staffing, expertise and resources to conducting advocacy activities.<sup>35</sup> In this process, CSOs should also bear in mind that weak policies may undermine the implementation of an article instead of supporting it.<sup>36</sup> An analysis of strengths, weaknesses, opportunities and threats (SWOT) helps summarize the self-appraisal of their CSOs. Throughout the advocacy campaign, CSOs may have a roadmap that is developed and adjusted as the political landscape changes.<sup>37</sup>

67. Depending on the policy objectives and capabilities, CSOs may determine the target groups of advocacy activities. Efforts may be made to influence those at the decision-making level directly, work with those in influential positions, or to raise public awareness through media and other channels.<sup>38</sup> Ultimately, it is important to understand the political landscape, identify the key interest of the audience and to tailor the advocacy strategy accordingly.

68. CSOs may also select strategic partners to advocate for the implementation of the Convention on a broader basis. Partners may be other CSOs, academics, the private sector or influential and respected policymakers on relevant committees. Working with them may increase capacity, demonstrate wide-scale support or improve access to decision makers.<sup>39</sup>

69. Various channels of communication may be used as part of the advocacy strategy, such as one-on-one talks, public hearings, open letters, press releases, blogs, reports, media or public speaking. CSOs may identify credible partners within or outside the organization to execute this communication.

### Potential entry points for CSOs

- Advocate for policies, laws and principles in support of the specific requirements/ measures stated in the articles.
- Advocate for comprehensive reporting on government implementation.
- Advocate for evaluation practices that can capture policy and results-based changes, used for continuous improvement.
- Advocate for specific changes based on findings in monitoring, research and analysis.
- Point out publicly or directly to the government areas for improvement in its implementation.<sup>40</sup>

### South-East Europe

In 2010, the **Macedonian State Commission for Prevention of Corruption (SCPC)** signed a Memorandum of Cooperation (in December 2010) with CSOs and with business associations (in December 2011) in order to encourage public involvement in anti-corruption activities. The signatories of the memorandums agreed to exchange available relevant information and initiatives specializing in the prevention and fight against corruption and conflict of interest and to cooperate on public awareness-raising activities, conducting analysis, research and anti-corruption education. In addition, the Government of the Former Yugoslav Republic of Macedonia established the Strategy for Cooperation of the Government with the Civil Society (2012-2017), a move which paved the way for several Central and Eastern European countries to replicate, fostering partnerships between government and civil society to combat a substantive issue plaguing the region. Furthermore, the SCPC established a Platform against Corruption, which includes governmental and non-governmental organizations whose objective is to combat corruption in the region. Finally, in December 2015, the SCPC introduced a State Programme for Prevention and Suppression of Corruption and Reduction of Conflict of Interest with Action Plan 2016-2019, and dedicated a chapter to the importance of involving civil society in anti-corruption efforts and to reach the Sustainable Development Goals.

*Source:* Six-month evaluation follow-up sent to CST by TI Macedonia. Strategy for Cooperation available from: the former Yugoslav Republic of Macedonia Government website.

### Oceania

**Transparency Vanuatu** and its NGO coalition partners (including Media Association of Vanuatu, Vanuatu Civil Society Disability Network and the Pacific Island News Association) conducted a series of awareness-raising activities and consultations on the Right to Information (RTI) Bill with local communities in the provinces. Following this, communities agreed that the Bill would improve accountability and transparency in Vanuatu and pledged to advocate its passage with their members of Parliament. The RTI Act was passed in Parliament in November 2016. Transparency Vanuatu was nominated by the Office of the Prime Minister to be a member of the National Integrity Anti-Corruption Committee (NIAC) and is currently an active member of the RTI Steering Committee alongside other key NGO civil society representatives.

*Source:* Email exchange with UNODC Regional Office for Southeast Asia and the Pacific (ROSEAP).

### North Africa

In December 2011, the **Libyan Transparency Association (LTA)** organized the first ever Transparency round table, from which numerous reports were prepared and presented to the Prime Minister pertaining to anti-corruption policies. The LTA uncovered corruption in the Anti-Corruption Commission itself, and through the advocacy of LTA, it saw the Commission replaced by a new body, the National Anti-Corruption Committee. LTA resorted to litigation culminating in a court decision in 2017, following an incident in which the activities of LTA were suppressed. The court decision established a precedent for future NGOs in the country, as it ruled in favour of conducting reforms of the anti-corruption leadership in Libya and confirmed corrupt practices in the past, while calling for the protection of NGOs in their fight against corruption.

*Source:* Libyan Transparency Association. Webstory available from: LTA website.

### West Africa

In Burkina Faso, in 2011, based on its experience and data collection, the **Réseau national de lutte anticorruption (REN-LAC)** identified the flaws of the anti-corruption legislation, which was not in conformity with international legal instruments such as the Convention. Based on their observations, REN-LAC drafted a Bill in 2012, which was eventually adopted in March 2015. The initial advocacy work by REN-LAC did not produce the desired results due to the political context. However, the persistent advocacy of REN-LAC paid off during the Transition Period in 2015 when various progressive laws were passed. Prior to that, REN-LAC had organized various public information and sensitization campaigns. Through consultations and media outreach, REN-LAC worked with local people, legal experts, unions, religious and traditional leaders, as well as international actors such as the European Union and the World Bank. As a result of the continuous advocacy, a national debate on anti-corruption was undertaken, raising public awareness, and resulting in various legislative changes in line with the Convention, and even going beyond: prohibition of gifts above a certain amount, criminalization of favouritism and over-invoicing, declaration of assets by various public officials, etc. The experience of REN-LAC showed that advocacy can lead to legislative change even if it may take years before achieving this.

*Source:* REN-LAC report on corruption in Burkina Faso. Summary of the report available from: REN-LAC website.

## Awareness-raising

70. Awareness-raising refers to efforts at informing a wide range of stakeholders, including the general public, civil society, government and the private sector. These efforts are useful in gathering support for reforms.

71. Awareness-raising measures may include the use of information technology, such as websites, databases, blogs to promote the participation of society in government decision-making, to raise awareness on the risks of corruption, to provide information to the public and to strengthen the visibility of the anti-corruption bodies. Traditional means of awareness-raising such as newspapers, meetings and the media may also be used.

72. Awareness-raising campaigns should be executed with caution, balancing expectations with reality on the ground. The task of CSOs is to put satisfactory pressure on stakeholders, while managing the expectations of society. It is also crucial that CSOs are well informed and in possession of accurate details when conducting such awareness-raising.

### Central Asia

To celebrate International Day of Peace on 21 September 2017, **Integrity Watch Afghanistan** hosted an event in the Kapisa province that brought together local communities and officials to discuss the link between peace and the fight against corruption. Many of the participants believed that corruption and poor governance are key factors contributing to the vicious cycle of poverty and injustice, which in turn increase insecurity and violence. Ali Ahmad Mashal Afrooz, Provincial Coordinator of Integrity Watch in the Kapisa province, reminded participants that “without an independent civil society voice, fighting the menace of corruption will be difficult and reaching peace will be equally unattainable”.

*Source:* Communities in Kapisa province tie peace to fighting corruption. (2017). Integrity Watch Afghanistan. Available from: Integrity Watch Afghanistan website.

### Potential entry points for CSOs

- Conduct public information campaigns to overcome a lack of understanding of what is required to effectively implement the concerned measures.
- Generate demand across society and key institutions for the implementation of measures required in part or in full under the article.
- Draw public attention to important examples of corruption or related phenomena, in order to generate public pressure for the implementation of the Convention.

### Western Europe

**Flare Network**, founded in Italy in 2008, is a network of civil society organizations committed to the social fight against transnational organized crime and the social reuse of confiscated assets. FLARE organized scientific committees and round table discussions bringing key stakeholders together from academia, CSOs, members of the European institutions and representatives from Italy. Due to their efforts, a proposal for a directive on the confiscation of criminal assets has been discussed at the Civil Liberties Committee of the European Parliament.

*Source:* Guide to the Role of Civil Society Organisations in Asset Recovery, Arab Forum on Asset Recovery. Available from: International Centre for Asset Recovery website.

### Central America

**Transparency Institute Guyana** has been involved in various anti-corruption initiatives and applied for observer status at the Conference of States Parties to UNCAC in Panama in 2013. To raise awareness of corruption, they organized and executed a march in observance of International Anti-Corruption Day. The former President of Transparency Institute Guyana also wrote three articles in the local newspapers sensitizing the public on the requirements of the Convention. In addition, Transparency Institute Guyana wrote an article on the Convention and the International Anti-Corruption Academy in one of the local fortnightly columns in the newspapers.

*Source:* Anti-Corruption Day 2013: Celebrations Around the World. Available from: Transparency Institute website.

## Policy development

73. The development of effective policies in any context requires a close understanding of the reality and the nature of various existing relationships, and the mechanisms that can contribute to change, or equally, block it. Therefore, CSOs should develop policy approaches built on identifying the means for attaining a goal in relation to what is known of the contextual facts. In addition, CSOs can help overcome ineffective policy development processes.

### Potential entry points for CSOs

- Develop a blueprint policy (for a specific sector, level of government, institution, activity or wider) with implementation priorities that meet the reasonable requirements of supporting the implementation of the article in the national context.

### South-East Europe

The **Centre for the Study of Democracy (CSD)** has been among the leading European think tanks, providing anti-corruption monitoring, policy assessment and advice to the Bulgarian government and the European Commission. Since 1997, CSD has been setting the standard in corruption monitoring by implementing in Bulgaria and across South-East Europe the Corruption Monitoring System (CMS), a diagnostic instrument evaluating the spread of corruption in society and public institutions. In 2015, CSD introduced the Monitoring Anti-Corruption Policies Implementation (MACPI) tool, an innovative management instrument that allows the diagnosing and removal of anticorruption policy and implementation gaps in the worst affected public institutions. The European Commission assessed MACPI as “excellent”, “with a real application in the policy development and evaluation world”.

Additionally, since 2000 CSD has pioneered and acted as the secretariat of the Southeast Europe Leadership for Development and Integrity (SELDI) initiative. CSD’s Bulgarian Corruption Assessment Reports and SELDI’s Regional Anti-Corruption Reports present a general evaluation of the state and dynamics of corruption and anti-corruption in the region, providing policy and action strategies for each of the analysed segments, based on MACPI.

*Source:* SELDI publications. Reports available from: SELDI website.

## Cooperation

74. Cooperation refers to broad consultations among all stakeholders for the purpose of consensus-based policymaking and meaningful engagement both with governments and all other relevant stakeholders in the area of UNCAC implementation. It is a collaborative rather than a confrontational approach.

75. It is necessary to analyse the preconditions for cooperation and whether there is sufficient trust and dialogue between actors. If not, efforts may be made to consider possible remedies. Civil society has a comparative advantage and can potentially be seen as more neutral and flexible than public sector authorities, which may otherwise be competing for recognition and favourable treatment, particularly related to the often-fraught budget allocation process. As such, by researching and analysing coordination obstacles, CSOs are able to offer trade-offs.

76. As is shown in the case of le Réseau national de lutte anticorruption (REN-LAC), strides can be made in the fight against corruption when there are a combination of factors: an empowered anti-corruption agency, which is operational and effective in handling new tasks (e.g. new roles on asset declaration and the evolving anti-corruption discourse); an effective department in the executive (e.g. under to the Department of Investigation); and the involvement of trusted civil society organizations to enable outreach and alternative voices in society.

77. CSOs can play an important role in forming networks and mobilizing people. They can help link the reforms and initiatives with the interests and experiences of the people, thereby providing valuable information to the State actors.

78. A growing trend in cooperation between CSOs and their governments is the conclusion of cooperation agreements or memorandums of understanding. This is considered useful in terms of clarifying expectations on both sides, and ensuring predictability in engagement. They have been used by a number of countries such as Slovenia and the former Yugoslav Republic of Macedonia.

### Potential entry points for CSOs

- Conduct research on the level of cooperation that is needed for the successful implementation of the concerned measures in the articles.
- Develop strategic partnerships with parliamentarians and other community leaders.
- Analyse the current cooperation between the concerned parties.
- Identify further potential stakeholders for a successful implementation.
- Propose and initiate joint anti-corruption initiatives.
- Host events that bring these stakeholders together (e.g. workshops, round tables, panel discussions).

79. A specific form for cooperation that deserves to be mentioned is that of parliamentarians and CSOs. Both share a common task of representing the people and the common interest of holding governments to account. CSOs can support parliament in its representative, legislative and oversight functions, including by providing evidence about the impact of particular policies. Engaging with national parliaments can also provide CSOs with an opportunity to influence the policy process. Among other things, parliamentary committees often play an important role in the policy process, and are one way in which CSOs can seek to influence policy and enhance accountability. For example, the Global Organization of Parliamentarians against Corruption (GOPAC) has established the Participation of the Society Global Task Force (GTF-PoS), which highlights the importance of parliamentarians engaging with their constituents and working collaboratively with civil society to raise awareness of corruption issues and lobby for legislative and administrative changes aimed at combating corruption. It focuses on the representational role of parliamentarians in ensuring that the voice of the people is heard by government and reflected in appropriate anti-corruption legislation, and it demonstrates the advantages of incorporating the technical expertise of civil society organizations in formulating policy and legislation.

80. Networking with CSOs in other jurisdictions may also assist in advancing causes. For example, the Socio-Economic Rights and Accountability Project (SERAP) in Nigeria, reported that its networking with other UNCAC Coalition members concerning the “Transparency Pledge” has led to some States signing the pledge and committing to publish the country review report.

### Oceania

The **Pacific Youth Council (PYC)**, supported by the joint UNODC-UNDP Pacific Regional Anti-Corruption project (UN-PRAC), has empowered Pacific youth to act as catalysts for the promotion of anti-corruption in the region. PYC works mostly through its thirteen National Youth Councils. This has led to the establishment of the Pacific Youth Anti-Corruption Forum (PYFAC), a network of anti-corruption youth advocates that champion anti-corruption and mobilize youth in their respective Pacific Island countries, calling on Pacific leaders to act against corruption. PYFAC members use the Pacific Youth Anti-Corruption Advocate’s toolkit, developed by PYC and UN-PRAC, to educate and create awareness among their peers in the region. PYC, PYFAC and UN-PRAC also partner with the University of the South Pacific Students Association (USPSA) to hold youth anti-corruption seminars and workshops at the university.

*Source:* Email exchange with UNODC Regional Office for Southeast Asia and the Pacific (ROSEAP).

### Oceania

**Kiribati Local Government Association (KILGA)** and **Kiribati Climate Action Network (KIRCAN)** are promoters of anti-corruption in Kiribati. KILGA works with community leaders to promote anti-corruption and the principles of good governance in carrying out their mandates with the local councils. KIRCAN have capitalized on their health and climate change awareness and outreach programmes to the communities and used this as an opportunity to also promote anti-corruption and raise awareness of the effects of corruption in these areas.

*Source:* Email exchange with UNODC Regional Office for South-East Asia and the Pacific (ROSEAP).

81. One current example is the Transparency Pledge, a declaration launched and promoted by the UNCAC Coalition, asking States parties to voluntarily commit to meeting minimum standards of transparency and civil society participation in the UNCAC review mechanism, going beyond the terms of reference of the Mechanism. The signatories recognize that “civil society can play a crucial role to prevent and combat corruption” and commit to following “the six Principles of Transparency”, which are as follows:<sup>41</sup>

- We will publish updated review schedules for our country review.
- We will share information about the review institution or the coordinator (focal point).
- We will announce the completion of the country review indicating where the report can be found.
- We will promptly post online the self-assessment and the full country report in a United Nations language, together with the executive summary in local languages.
- We will organize civil society briefings and public debates about the findings of the report.
- We will publicly support participation of civil society observers in UNCAC subsidiary bodies.

### West Africa

**Zero Corruption Coalition (ZCC)** in Nigeria has been actively involved in advocating for the improvement of public institutions, including the monitoring of implementation of relevant legislation such as the Public Procurement Act, the Fiscal Responsibility Act, the Nigerian Extractive Industries Transparency Initiative (NEITI), among others. Specifically, the ZCC is involved in the process of the development of the National Anti-Corruption Strategy (NACS) in Nigeria, approved by the Federal Executive Council in 2017. The five pillars of the NACS are: prevention of corruption; enforcement and sanctions; public engagement; campaign for ethical reorientation; and recovery of proceeds of corruption.

*Source:* National Anti-Corruption Strategy and involvement of different stakeholders. Available from: Nigeria Ministry of Justice website.



## West Africa

### Réseau national de lutte anti-corruption (REN-LAC)

Anti-corruption protests in the so-called Burkinabé Uprising ended the Burkina Faso regime in 2014. The legacy for civil society and anti-corruption measures in the State have been profound, markedly the judiciary becoming independent from the executive and the legislature. L'Autorité supérieure de contrôle d'Etat et de lutte contre la corruption (ASCE-LC) is the agency responsible for fighting corruption within Burkina Faso, for which civil servant representatives serve on the board. ASCE-LC deemed it effective to have dedicated anti-corruption agencies in those State authorities most at risk from epidemic corruption, notably in the police authorities and port authorities.

The strides which have been made demonstrate the willingness of government and civil society to work together. The NGO Réseau national de lutte anti-corruption (REN-LAC) took part in the country review and produces an annual general report on corruption across the country to overlap with ASCE-LC's equivalent report. The executive summary of Burkina Faso's second cycle country report highlights the positive influence of civil society in UNCAC implementation, notably decision-making in the context of the annual consultation and dialogue with the Government.

*Source:* Burkina-Faso Executive Summary CAC/COSP/IRG/I/3/1/Add.28. Available from: UNODC website.

## East Africa

**Transparency International Uganda** have a memorandum of understanding with the Oyam District Local Government in north Uganda. Cooperation under this memorandum of understanding is to improve service delivery in the Lango subregion, which includes monitoring health services, and education and production service delivery in northern Uganda. It is an example of the capacity of civic groups to use their enhanced skills of and access to information technology to compliment local government in service delivery.

*Source:* Transparency International Uganda 2015 Report. Report available from: TI Uganda website.

## Potential entry points for CSOs

- Help address lack of access to required services to implement an article effectively.
- Develop technical solutions that help reinforce incentives for effective implementation of the measures concerned in the articles.
- Support public-sector entities with required services.
- Develop and/or deliver training to specific stakeholders to enhance capacities in support of implementing concerned measures, and help understand their roles and responsibilities.
- Develop and/or deliver training on how the difference between corruption as a collective action problem and as a principal-agent problem influences the effectiveness of the concerned measures and the strategies to achieve necessary change.

**Global**

The **Partnership for Transparency Fund (PTF)** has established a regional presence globally through legally independent affiliates, including PTF-Africa, PTF-Asia, PTF-India and PTF e.v. (PTF-Europe). This enabled PTF to launch workshops and training sessions to aid in the sensitization of the fight against corruption. For instance, the PTF launched an African programme entitled Citizen Action Platform in Uganda, which has had a significant impact on reducing corruption at the experimental level and is expected to be useful in reducing corruption at the national level.

*Source:* PTF Launches Citizen Action Platform in Uganda. Available from: PTF website.

## Provision of services and training

82. The provision of services refers to capacity-building measures made available for numerous stakeholders. This includes training that enhances capacity as a way of encouraging the implementation of specific measures. There may also be numerous technical measures both in terms of prevention and law enforcement that may be lacking or outdated. CSOs can help mobilize support among those who possess the capacity and resources to realise the development and provision of needed goods. See the case of multi-stakeholder workshops in examples 8 and 9.



## UNCAC-specific entry points for civil society organizations

### 5.1 UNCAC chapter II: Preventive measures

83. According to conventional wisdom, “prevention is better than cure”. This is particularly true for the prevention of corruption, when public trust, the effectiveness of institutions, economic development and the security of the State are at stake. Even the most successful enforcement of criminal law happens after the crime has already been committed and the detrimental consequences of corruption have taken place.<sup>42</sup> Similarly, due to the unspectacular nature of prevention, it is often more difficult to convince decision makers that it is a better and more cost-effective solution to corruption challenges.

84. The following section on prevention describes how CSOs can take part in preventive measures and implement chapter II of the Convention. These measures both describe entry points for specific articles of the Convention and more general topics such as education or collective action. CSOs with different capacities are provided with an overview of how they can use their resources and skills in their region, sector or field of expertise to prevent corruption.

#### National action plans and strategies

85. Preventive anti-corruption policies and practices are prescribed under article 5 of the Convention. Article 5 requires each State party to: (a) develop and implement, or maintain effective, coordinated anti-corruption policies; (b) establish and promote effective practices aimed at the prevention of corruption; and (c) periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.<sup>43</sup>

86. Civil society has an opportunity to play an important role in the formulation and, in many cases, implementation of national anti-corruption policies and strategies, action plans and mechanisms to monitor, evaluate and report on progress in implementation. Many countries establish committees of technical experts in the drafting of their national anti-corruption strategies. In order to secure broad-based participation from diverse stakeholders in the formulation of such strategies, governments are increasingly including

civil society. This involvement is an opportunity to contribute expertise and a unique non-governmental perspective to the identification of priorities, challenges and outcomes for national anti-corruption strategies to ensure that voices outside of government are heard, and is a recognition that government by its nature is limited and that through civil society engagement and cooperation, it becomes stronger.<sup>44</sup>

87. Through participation in the development of national anti-corruption strategies, CSOs often become partners in the implementation of the strategy following its adoption and official launch. This carries both opportunities to participate in the implementation process, and also makes CSOs to some degree accountable for the success of the strategy in achieving the outcomes identified. CSOs implementation role can vary widely, including contributions to the process of training public servants, implementing good practices and participating in public debates.<sup>45</sup> It can also include key roles in developing and implementing public awareness campaigns, holding town halls, facilitating the reporting of corruption by citizens and community groups, and contributing to integrity curricula development at the primary, secondary and university levels.

88. CSOs also often play an important role in monitoring progress and challenges during the implementation process of the anti-corruption strategy's objectives. These observations may assist in strengthening the overall effectiveness of the strategy, and may form the basis for improvements.<sup>46</sup> Often, CSOs have access to data, information and perspectives that are not readily accessible to government institutions, and contributing that information to the monitoring and evaluation process can result in adjustments to the strategy and its implementation process that will enhance its success and facilitate positive impact. Through their involvement in the monitoring and evaluation process, CSOs often gain access to progress reports, protocols, and other relevant information for monitoring.<sup>47</sup> Formal and informal cooperation agreements may be entered into for this purpose that determine the extent of access to information, timelines and rights for publishing reports. Unclear or vague partnerships, however, may result in negative consequences to monitoring activities.<sup>48</sup>

89. In the absence of close cooperation with their governments, CSOs tend to comment on the implementation of national strategies by publishing reports and undertaking watchdog activities. Although these reports may be considered independent,<sup>49</sup> they are often based on reduced or limited access to relevant information. Such limitations can be partially overcome if CSOs leverage their insight, knowledge, experience and contacts at the local level.<sup>50</sup>

90. CSOs are therefore advised to make efforts to cooperate with their governments in order to secure a seat at the table in the development and implementation of national anti-corruption strategies, which will have the added benefit of increased access to information. Such engagement will ensure the advantages of CSO involvement in a shared vision and in promoting ownership of the strategy by society, leading to a stronger, more comprehensive strategy that has a higher likelihood of achieving long-term, sustainable and positive impact. Strategies for improving cooperation with Governments are discussed in detail below.

#### **Potential entry points for CSOs**

- Offer expertise in the development and implementation process of the strategy to the responsible body/bodies.
- Advocate for the involvement of civil society in the drafting committee.

- Conclude memorandums of understanding to increase CSO participation and access to relevant information.
- Monitor and evaluate the implementation of the strategy.
- Produce reports on the results of monitoring activities.
- Raise awareness of the strategy, including its goals and objectives, through training, town hall, and workshops at the community level and by participating in public debates.

### South-East Europe

Bosnia and Herzegovina (BiH) implemented an anticorruption strategy between 2009 and 2014 with the vision to strengthen its position among European countries and to be a model of good governance, integrity, accountability and transparency. **Transparency International Bosnia and Herzegovina (TI-BiH)** analysed the implementation of this strategy and summarized its conclusions in two reports that are available on its website. In addition, TI-BiH signed a memorandum of understanding with the Ministry of security BiH and the Agency for the prevention and coordination of the fight against corruption. The aims were to increase the participation of the civil society, to strengthen transparency as well as ensuring efficient mechanisms in accessing information for the successful implementation of the strategy.

*Source:* TI-BiH publications. Available from: TI-BiH website; see specifically: Monitoring of Implementation of Anti-Corruption Reforms in BiH. Report available from: TI-BiH website.

## Public reporting and transparency

91. Promoting transparency in governmental transactions is key to preventing corruption and to holding government accountable. Governmental authorities need to establish processes and structures for regular public reporting on their activities, while facilitating public and media access to information concerning its operations. In accordance with article 13 of the Convention, individuals must be able to seek, receive, publish and disseminate information concerning corruption. In this context, governments are expected to take proactive measures to ensure that the public has access to all relevant information in a timely manner.

92. In practice, countries adopt various measures at promoting transparency. Some States enact legislation (such as freedom of information laws) and regulations to guarantee the right of citizens to access information on public administration and to set out the rules and procedures regulating such access. Some countries adopt in their various authorities' portals or other electronic means of presenting and disseminating information. This also includes the use by some authorities of an official website accessible to the public to allow interested individuals and the media to follow procurement, contracting and execution of activities as they occur (see the "FragDenStaat" case study below). In some cases, the public is able to track expenditures in real time as preparations and events unfold.

93. As external partners, CSOs are in a position to encourage organizational transparency so that public officials act visibly and comprehensively to promote participation and accountability. Where freedom of information laws are missing, CSOs in some countries prepare for draft bills or research actual drafts which may form the basis of debate and discussions in the legislative process.<sup>51</sup> During legislative processes, CSO

participation may closely follow the debates to ensure that the process continues.<sup>52</sup> Following the adoption of the laws, policies or regulations, CSOs can work independently or together with their governments to train public officials in the management of information, carry out internal diagnostics of information flows and improve the understanding of the law and order to respond to requests more efficiently.<sup>53</sup> This awareness-raising may also be extended to the general public to exercise their rights,<sup>54</sup> and include discussions on the benefits and processes of freedom of information requests. Such means of contributing to the fight against corruption is often considered more successful than high-profile issues such as government corruption.<sup>55</sup>

94. CSOs may also monitor the effectiveness and implementation of freedom of information laws by governmental agencies once they enter into force.<sup>56</sup> Useful data may include: the number of requests made, average time for response, the nature of requests and reasons for denial/refusal to understand structural weaknesses of implementation.<sup>57</sup>

95. Also, implementation may also be assessed on the basis of the rates of responses to requests made by non-governmental entities, and the recourse available to them. CSOs may also develop electronic platforms that helps citizens complete requests for information, appeal against denials, and access previous requests and answers from government bodies to prevent overlapping.<sup>58</sup>

#### Potential entry points for CSOs

- Analyse the legislation and regulation regarding access to information.
- Analyse the effectiveness and implementation of legislation by submitting own requests.
- Make the public aware of their rights and provide assistance or training on how to make the laws more accessible.
- Prepare draft bills to advance discussions on access to information laws.

#### Central Asia

The **Transparency International Anti-Corruption Center (TIAC)** in Armenia has made numerous resources available on its online platform such as iDitord, encouraging citizens to become involved in registering election irregularities and violations. Additionally, TIAC has made available databases reporting on: information regarding data falsifiers and their illegal activities; civil oversight on elections; electronic monitoring analysis; and a map of electoral violations revealed by observation missions set up by TIAC.

*Source:* TIAC database. Available from: TIAC website.

#### Western Europe

**FragDenStaat**, which translates as “Ask the Government”, is a German Internet platform that allows citizens to submit freedom of information requests. Questions and answers are documented openly on their webpage with the following goals: to facilitate questions for public information for all; to document both the requests of citizens and the answers of the authorities in a transparent way; and to establish a culture of freedom of information in Germany and strengthen the underlying laws. FragDenStaat makes it easier for users to contact the authorities with their own requests for information, empowering citizens and CSOs alike.

*Source:* FragDenStaat platform. Available from: <https://fragdenstaat.de/>

### Oceania

**Transparency International Solomon Islands** (together with members of the Pacific Youth Anti-Corruption Forum (PYFAC) and other civil society organizations), have worked tirelessly to mobilize civil society action in the fight against corruption, and promote the Anti-Corruption Bill in Solomon Islands. The Bill was passed in July 2018. The Prime Minister of the Solomon Islands, on the occasion of the passing of the Bill, made specific reference to the work of the civil society in advocating the need for the Bill.

*Source:* Email sent to UNODC on 11 October 2018 by the Pacific Youth Anti-Corruption Forum (PYFAC).

## Corruption prevention through education

96. Education is essential for preventing corruption.<sup>59</sup> In particular, education programmes in the areas of anti-corruption, integrity and ethics empower future generations to resist and prevent corruption. They thereby help create a society that is intolerant of corruption and demands accountability.<sup>60</sup> Education deepens learners' understanding that corruption has disastrous effects on the economy and environment and is linked to many social and political problems of our time. Ultimately, it provides moral guidelines and ensures that future employees of both the public and private sectors perform their roles with the highest standards of integrity and professionalism. Ethics education for young people can be especially effective in breaking the cycle of endemic corruption, as it helps youth develop ethical awareness and moral judgment skills that will lead the way to improved social norms of behaviour.

97. Anti-corruption education programmes should be delivered in an ethical learning environment that reinforces the values and messages of the programmes. Such an environment will increase the effectiveness of the programmes, as well as inspire learners to seek and create ethical environments in their professional and personal lives.

### CSO contributions in the education sector

98. CSOs may help promote anti-corruption education by delivering such programmes at schools and universities and by strengthening the capacity of educators to deliver such programmes (see further discussion in paras. 102-103). CSOs can also contribute to the creation of a learning environment that emphasizes the value of integrity and ethics in the most basic everyday contexts. This will help students appreciate living in an environment free of corruption and motivate them to seek and create such environments in their future workplaces. In practical terms, they may help encourage stakeholders such as parents, teachers, administrative staff and students to monitor school/university administrations.<sup>61</sup> If not already in existence, CSOs may advocate for access to information regarding schools/universities,<sup>62</sup> such as governmental or other information on education policy, the allocation of positions, the transfer of funds and their expenditures. The resulting increase in transparency will enable CSOs to monitor and compare actual expenditure against policy statements. Besides this, CSOs can advocate for the development of a code of conduct for teachers, students and administrative staff.<sup>63</sup> CSOs may also consider pressuring for higher salaries for teachers and administrative staff, which may improve integrity.<sup>64</sup>

99. To enhance the capacity of relevant stakeholders in the education sector, CSOs can facilitate meetings and exchanges between the stakeholders, inform them about their rights and conduct trainings on understanding financial and statistical data. To enhance stakeholders' participation and confidence in fighting corruption, CSOs can advocate a special student ombudsman or the establishment of a complaints channel. Furthermore, public feedback, organized through civil society, can be a powerful tool for making educational services more responsive and accountable.<sup>65</sup>

### South-East Europe

Between September 2016 and April 2018, the **Macedonian Centre for International Cooperation (MCIC)** implemented a project entitled “Increased Public Oversight Over the Work of State Commission for Prevention of Corruption (SCPC)”, funded by the British Embassy in the former Yugoslav Republic of Macedonia. Moreover, in November 2016, MCIC translated the UNODC Resource Guide on Good Practices in the Protection of Reporting Persons.

*Source:* MCIC Programme “Increased Public oversight over the work of the Macedonian State Commission for Prevention of Corruption”. Available from: MCIC website.

### Anti-corruption programmes for students

100. CSOs can develop learning materials or apply existing learning materials to any assistance, including technical assistance, provided in their areas of interest. To be effective, the materials should contain a description of corrupt acts, including their causes and consequences, as well as aim to improve personal integrity and the understanding of civic responsibilities, duties and actions. Further training may include information about the institutions as well as instruments in the fight against corruption and how these institutions could be approached by citizens. Education programmes may go beyond exclusively anti-corruption topics to create a general culture of lawfulness, strengthen ethical values and the ability to act upon them. Students should enhance their ethical awareness and commitment to acting with integrity, and be equipped with the necessary skills to apply and spread these norms in life, work and society. This has been the point of departure for the development of a series of University Modules on Integrity and Ethics, developed by UNODC under its Education for Justice (E4J) initiative. The E4J initiative creates and disseminates educational materials on UNODC’s core mandate areas of crime prevention and criminal justice across the primary, secondary and tertiary education levels. Online tools and academic resources are available free of charge, while workshops, conferences and symposiums are organized for teachers and academics to learn and exchange ideas and research. CSOs can use these materials to incorporate them in their activities. They are available at: <http://www.unodc.org/dohadeclaration/en/topics/education-for-justice.html>.

101. The E4J materials include the above-mentioned University Modules on Integrity and Ethics, on which CSOs can draw in developing or advocating anti-corruption educational initiatives. By focusing on common universal values, the E4J Modules leave room for diverse perspectives and lecturers can easily adapt them to different local and cultural contexts.<sup>66</sup> To increase their effectiveness, the E4J Modules connect theory to practice, encourage critical thinking, and use innovative interactive teaching approaches such as experiential learning and group-based work. These materials can be used as a basis for education programmes by CSOs that approach schools or universities and offer workshops in anti-corruption. Each Module may be adjusted to increase its relevance to specific courses, ages and external circumstances. A second step can be to advocate for integration of anti-corruption programmes in existing curricula,<sup>67</sup> preparing students for life within or alongside the public or private sectors. If successful, CSOs can develop handbooks and manuals for teachers and train them in workshops.



## Oceania

**Transparency International Papua New Guinea (TI PNG)** is at the very forefront in the fight against corruption in the country. TI PNG, through their School Based Civic Education Project, is encouraging teachers to explore their own ability to teach citizenship, democracy, good governance and human rights concepts in the classroom. It also works to promote integrity in elections through a voter education programme. TI PNG further works with Youth Against Corruption Association (YACA) to promote anti-corruption and integrity awareness activities amongst youth and school children.

*Source:* Email exchange with UNODC Regional Office for South-East Asia and the Pacific (ROSEAP).

## Professional training and education

102. The Convention requires Member States to establish a body or bodies, or specialized authorities to prevent and combat corruption and increase knowledge about corruption.<sup>68</sup> CSOs may assist in prevention and education measures, either by offering their own training sessions, workshops and courses, or through collaboration with the authorities for delivery.

103. Training sessions may provide a deeper understanding of the underlying factors of corruption and apply them to certain regions, institutions and sectors. The participants should receive an analytical framework and tools on how to detect and address corruption within their workplace.<sup>69</sup> CSOs may deliver these training sessions both in the context of teacher-centred courses and in a participatory manner that promotes discussion, behavioural games, poster presentation of own experiences and case solving. The sharing of personal experiences and solutions is an important aspect of the training as external experts may give a theoretical fundament of corruption prevention but often do not have insights into everyday operations.<sup>70</sup> CSOs may deliver training either inside or outside the organization. The latter has the advantage that participants leave their familiar environment and may act more freely when they do not feel observed by their supervisors.<sup>71</sup>

104. In the public and private sector, CSOs may deliver targeted training sessions for senior managers and public officials in positions particularly vulnerable to corruption and share best practices on how to deal with corruption related cases.<sup>72</sup> Furthermore, training sessions run by CSOs may help to promote cooperation between civil society and the private sector in anti-corruption.<sup>73</sup> In the civil society sector, CSOs may focus on breaking the taboo of talking about corruption within the organization itself and help to manage funds in a more transparent manner. At the grassroots level, promoting awareness of the problems and risks of corruption is important, especially if it has become a tolerated phenomenon.<sup>74</sup>

105. Train-the-trainer programmes help to reach out to a wider audience.<sup>75</sup> Courses and manuals on investigative journalism teach journalists how to carry out an investigation, take advantage of a right to information act, use different research tools, interview techniques, equipment and software to collect and disseminate information.<sup>76</sup>

### Potential entry points for CSOs

- Encourage parents, teachers, administrative staff and students to monitor the school/university administrations.
- Advocate for access to information regarding schools/universities.
- Advocate for the development of a code of conduct for teachers, students and administrative staff. Advocate for a special student ombudsman or the establishment of a complaints channel.
- Provide anti-corruption workshops and learning materials for students, the public and private sector, journalists and in communities.

### Eastern Europe

**Terra-1530**, an NGO active in the Republic of Moldova, works primarily in an economically-disadvantaged region, dedicating its focus to young people. Since 2000, Terra has published the independent periodical ADEVARUL (the Truth) in: Russian, Romanian and English. The bulletin contains articles on corruption and its negative effects on society, and is prepared by citizens living in rural areas of the Republic of Moldova. In February 2009, the local council declared the village of Galesti an area free of corruption. Terra-1530 created a Center for Human Rights Protection to maintain the status of anti-corruption and encourage its spread throughout rural areas of the Republic of Moldova.

*Source:* Taken from "Application Form for Small Grants Proposals to Facilitate Civil Society Engagement with the Private Sector on the United Nations Convention against Corruption (UNCAC) and its Review Mechanism", run by Civil Society Team at UNODC, 07/06/2012.

### North America

The **Government Accountability Project (GAP)** is a whistle-blower protection and advocacy organization in the United States that promotes government and corporate accountability by promoting free speech, defending whistle-blowers and empowering citizen activists. Their "Know Your Rights" Campaigns provide the necessary education by establishing a number of resources, including a website, a hotline, pamphlets and an entire handbook devoted to assisting financial workers questioning whether or not to blow the whistle. Similarly, GAP informed offshore United States oil workers of the protections available to them under federal and state whistle-blower laws.

*Source:* "Know Your Rights" Campaign. Available from Government Accountability Project (GAP): GAP website.

## Codes of conduct

106. Article 8 of the Convention calls for the application of codes or standards of conduct for the correct, honourable and proper performance of public functions. The objectives of such codes are to promote impartiality by public officials and to prevent conflicts of interest. An important means to identify breaches of a code of conduct is to introduce an effective system for reporting suspicions of breaches in general, and corruption in particular i.e. whistle-blowing. Where codes of conduct are lacking or insufficient, CSOs can encourage their development through draft sector-specific codes of conduct (e.g. public administration, construction sector, courts). To ensure that codes are understandable, sufficiently tailored and well-presented, it is helpful for CSOs to consult and make efforts to work with representatives of the sector.

107. CSOs can encourage the inclusive development of codes of conduct, and request participation in their drafting and training in order to facilitate implementation. In this regard, CSOs can encourage discussion on the objectives of the code of conduct, construct moral dilemma situations and suggested resolutions, and codes of conducts from comparable sectors.<sup>77</sup> Afterwards, through advocacy efforts, CSOs may encourage entire sectors to adopt them.<sup>78</sup> These efforts should ideally be undertaken jointly with governmental partners, but may also be carried out by CSOs on their own to educate and raise awareness on codes of conduct. In order to lead by example, CSOs should also put in place codes of conduct of their own.<sup>79</sup>

## Collective action

### Potential entry points for CSOs

- Develop a code of conduct in their own organization.
- Advocate for the development of a code of conduct in companies, specific sectors and government bodies.

### Global

A Handbook on parliamentary ethics and code: A guide for parliamentarians was published by the **Global Organization of Parliamentarians Against Corruption (GOPAC)** to provide guidance to politicians on ethical issues in legislative bodies. It addressed reform-minded MPs and civil society to help them understand and improve standards of ethical conduct within parliaments. It describes and explains the constituent parts of a system of ethics and conduct that need to be implemented and, identifies the key issues for politicians in developing, implementing and enforcing such a system. It places great emphasis on developing effective ethics regimes that are consistent with varied political and cultural contexts while still adhering to fundamental international standards in the Convention. GOPAC is the only parliamentary organization with the single focus on combating corruption throughout the world and covers over 90 countries.

*Source:* Handbook on parliamentary ethics and code: A guide for parliamentarians. Available from Global Organization of Parliamentarians Against Corruption (GOPAC): GOPAC website.

108. Collective action refers to the process of cooperation between different stakeholders for a common purpose. In an anti-corruption context, CSOs may support a coalition or multi-stakeholder initiatives of civil society, government and private sector that join forces in order to create common anti-corruption and transparency standards in which different market players participate (see more information on CSOs and the private sector fighting corruption together below). These common standards mitigate the temptation of corruption and contribute towards more equal market conditions.<sup>80</sup>

109. CSOs can use their strength in numbers to raise awareness and gain support for these collective actions. It is necessary to negotiate terms and objectives of collective action from the outset, together with monitoring mechanisms. In addition, these collective efforts of CSOs can serve as a neutral ground between competing entities and help build trust by managing internal and external communications.<sup>81</sup> CSOs can act as a secretariat that convenes meetings and leads discussions to keep the members focused on a positive outcome.

### Potential entry points for CSOs

- Encourage several stakeholders in a sector to create common anti-corruption and transparency standards.
- Act as mediator in the negotiations of the standard.
- Monitor the implementation of the standard.

### South-East Asia

In February 2018, a round table discussion organized by the **UNODC Regional Office for South-East Asia and the Pacific (ROSEAP)**, the **Anti-Corruption Organization of Thailand (ACT)** and the **SIAM lab** at Chulalongkorn University brought together representatives from civil society, the private sector, international organizations, as well as the government. The focus of the discussion was centred on the role of open data in combating corruption in Thailand, as well as the practical application of open data in the overall fight against corruption in South-East Asia. Some of the existing open data initiatives in Thailand include: OpenCorporates, a free database of corporate data on over 97 million companies; Everypolitician, a database providing records of over 60,000 politicians and over 230 companies; and OpenOil, a similar database offering free access to over one million company filings as they pertain to oil, gas and mining.

*Source:* UNODC web story "Open data for anti-corruption efforts in Thailand – Bringing the agenda forward" (2018). Available from: UNODC website.

### Global

The **Extractive Industries Transparency Initiative (EITI)** is a "multi-stakeholder coalition of governments, companies, investors, civil society organisations, and partner organisations" that requires countries and companies to disclose information on the key steps in the governance of oil, gas and mining revenues. This standard is currently implemented in 51 countries and EITI Reports disclosed \$2.4 trillion of government revenues in open data formats. CSOs such as Global Witness, Oxfam and the Publish What You Pay Coalition are supporting the standard and provide advocacy, training, monitoring and facilitation efforts. For example, the Publish What You Pay Coalition provides targeted capacity-building activities at country and regional level.

*Source:* Open EITI Data. Available from: EITI website.

### West Africa

The **Ghana Anti-Corruption Coalition** conducted various consultations with the International Narcotics Control Board, UNODC, the Commission on Human Rights and Administrative Justice (CHRAJ), the Financial Intelligence Centre and the Attorney General's Department. As a result, CHRAJ was selected as the focal institution and an UNCAC Review Steering Committee was formed. The membership of the Steering Committee included representatives of civil society: Ghana Anti-Corruption Coalition, Ghana Integrity Initiative, Centre for Democratic Development CDD-Ghana, African Peer Review Mechanism and Business Integrity Forum from the Private Sector.

*Source:* Handbook on parliamentary ethics and code: A guide for parliamentarians. Available from: GOPAC website.

## Public procurement

110. Article 9 of the Convention calls for public procurement that is based on the principles of transparency, competition and objective criteria in decision-making. These principles have a very specific meaning and should be interpreted as such. For example, the principle of transparency in procurement requires publication of the procurement notices and of all rules, standards and selection criteria applied. It does not however call for unconditional, full access to all information related to the procurement process. The reason for this is that, often, disclosing certain information may undermine the integrity of the process, giving either unfair advantage to some parties, or allowing unethical companies to approach tender evaluation committee members with bribes.<sup>82</sup>

111. However, the public procurement process expands beyond the strict requirements of article 9. The United Nations Commission on International Trade Law (UNCITRAL) lists in its *Guide to Enactment of the Model Law on Procurement*<sup>83</sup> a number of elements that are important for the legal and institutional infrastructure to be put in place. There is a space for civic engagement in many elements of this process.

112. CSOs may play a role in monitoring the outcomes of the procurement process, in particular in the contract management and implementation stage but to do so, they would need access to information and procedures.<sup>84</sup> As access greatly depends on both the legislation and the will of the contracting authority, CSOs may need to advocate for access to relevant information.

113. Provided below are some ways in which CSOs could participate in different stages of the process:

- Pre-tender: needs identification and monitoring of policy decisions
- Tender: limited role, mostly as observers<sup>85</sup>
- Contract management and administration: extensive role in monitoring how the contract is implemented and the quality of the deliverables. Particularly relevant in local government procurement

114. In the absence of information concerning procurement processes, CSOs can use freedom of information laws or sign memorandums of understanding with their governments to access relevant information akin to international financial institutions or donors that are part of the project. CSOs may also monitor the delivery of goods or work undertaken and check with the information against official data. In doing so, the media may be engaged to exercise pressure on the procuring bodies to include civil society.<sup>86</sup> A partnership with universities or professional or industry associations can help expand the CSO's technical resources (see chapter 6 on academic collaboration).<sup>87</sup>

### South-East Europe

The **Belgrade Centre for Security Policy (BCSP)**, an independent think tank established in 1997 in Serbia, was selected (upon the recommendation of Transparency Serbia) to perform the Citizens' Overseer of Public Procurement in 2013 – a mechanism established to increase transparency, and reduce the risk, of corruption in public procurement. Some of the duties of BCSP will include naming two (or more) of its employees to receive authorization by the Public Procurement Office to monitor certain procedures, initiated by security sector institutions or other State bodies, whose value exceeds 1 Billion Dinars (the equivalent of €8 million). Since its establishment in 1997, the Centre has implemented over 90 projects aimed at reforming government policy and transparency.

Source: Citizens' Overseer of Public Procurement 2013. Available from: BCSP website.

### Eastern Europe

**ProZorro**, a public e-procurement system developed by Transparency International in Ukraine, in partnership with NGOs, businesses, the Western NIS Enterprise Fund and the European Bank for Reconstruction and Development (amongst others), ensures open access to public procurement (tenders) in Ukraine. Since its full implementation in 2016, ProZorro is globally recognized as one of the most innovative public procurement systems delivering transparent, effective, fair and stakeholder-focused government services. The system is available to the public without need for registration or any additional barriers to access. The aim of ProZorro is to ensure transparent and efficient spending of public funds by equipping civil society with oversight opportunities intended to increase accountability.

*Source:* ProZorro e-procurement system. Available from: TI Ukraine website.

### Multi-stakeholder initiatives in public procurement

115. Multi-stakeholder initiatives refer to sustained action taken by a group of like-minded stakeholders.<sup>88</sup> They are particularly useful in limiting opportunities for corruption in the business environment. In the procurement process, such initiatives may include Integrity Pacts (see chapter 6 for full description), which usually refer to a particular tender, and include a written agreement between the procuring entity and all bidders agreeing to refrain from engaging in corrupt practices. A violation of the agreement is sanctioned, for instance, by penalty payments, right of exclusion from future tenders, damages, etc. An independent monitor is often appointed to oversee compliance with the integrity pact.<sup>89</sup>

116. Other methods are sector-specific actions. These are usually multi-stakeholder initiatives comprised of representatives of the relevant industry sector, government officials and civil society. Their aim is to include transparency and accountability programmes in procurement processes.<sup>90</sup>

117. CSOs can advocate for Integrity Pacts and multi-stakeholder initiatives, with a view to setting standards that reduce corruption risks and monitor their implementation and execution. Furthermore, CSOs can initiate training sessions and capacity-building programmes that explain corruption risks in the procurement cycle.<sup>91</sup>

### Global

The **Construction Sector Transparency Initiative (CoST)**, a multi-stakeholder initiative comprising 15 participating countries from four continents, was launched in 2012 with the purpose of increasing transparency and accountability by working with governments, industry and local communities. CoST increases transparency through the disclosure of data from public infrastructure investment. By doing so, it assists and empowers citizens to hold their decision makers and public officials accountable. CoST operates both at the international and national levels, and assists country operations through guidance, technical support, and exchange of knowledge and expertise.

*Source:* CoST website: <http://www.constructiontransparency.org/home>.

## Social witness programme

118. CSOs may further act as social witnesses which means participating in selected public procurement processes as external observers. The responsibilities of social witnesses may range from reviewing draft tender documents, to participating in the opening of bids and evaluation meetings, and may also include on-site visits at the place of performance. With these insights, the social witness is expected to prepare a report on the procurement process, propose improvements and alert authorities when irregularities are detected.<sup>92</sup> According to an OECD-World Bank Institute study (2015), the presence of social witnesses in public procurements of the Mexican Federal Electricity Commissions (Comisión Federal de Electricidad) saved approximately \$ 26 million in 2006 and lead to an increase by over 50 per cent in the number of bidders.<sup>93</sup>

### Potential entry points for CSOs

- Advocate for access to relevant information.
- Monitor the delivery of goods or work undertaken and check the information against official data.
- Act as spokesperson for local communities.
- Advocate for Integrity Pacts and multi-stakeholder initiatives.
- Initiate trainings and capacity-building programmes that explain corruption risks in the procurement cycle.
- Act as a social witness.

## The judicial system

119. CSOs face a number of challenges in their engagement of measures to reduce corruption and promote integrity in the judiciary, including strong safeguards to independence, high levels of judicial discretion and often limited oversight by the State, the media and civil society during investigations and prosecutions. In addition, technical language and frequently unclear procedures make it difficult for society to identify and effectively report instances of corruption in the judicial process. CSOs should take measures to position themselves to effectively monitor the judiciary, advocate for reforms and educate the public on applicable judicial and legal procedures to make them more accessible to society, without infringing upon judicial independence, in accordance with article 11 of the Convention.<sup>94</sup>

120. One technique that some CSOs have used to detect judicial corruption or unethical behaviour is by conducting “audits” of individual cases through monitoring and tracking the process and outcomes. A visible presence by CSOs as observers during the judicial process and their production of reports on the trials and hearings may enhance transparency, objectivity and fairness of the proceedings. For example, Eco Activists for Governance and Law Enforcement (EAGLE) have monitored thousands of cases of wild life crime investigation, prosecution and adjudication in West and Central Africa. Numerous times they have identified corruption in the process of these proceedings and alerted the authorities, so adequate action could be undertaken to allow the judicial proceedings to be completed successfully.<sup>95</sup> To ensure that the public and media can attend appropriate court proceedings, CSOs should advocate for the right to a public trial and the public pronouncement of judgements, which should include reasons for judicial decisions or

verdicts. This should be accompanied by comprehensive measures to enhance access to public information regarding the time and location of hearings in advance of their occurrence and adequate facilities in terms of space, seating and accessibility for persons with disabilities. Where legitimate grounds exist to exclude the public or the media from a particular judicial proceeding, CSOs should advocate for a written order by the judge explaining the reason for doing so.<sup>96</sup>

121. CSOs can play an important role in the education of the legal community and general public on the risks of corruption in the judicial system, particularly when dealing with complex or politically sensitive cases and in the detection and reporting of judicial bias, conflicts of interest and on the judicial obligations to recuse oneself in appropriate circumstances. CSOs may also develop indicators that evaluate the effectiveness, efficiency and fairness of the judicial system, such as decisions per month, length of trials, caseload per judge, and the quality and treatment of the parties. In addition, indicators that help identify outside influences on judicial decisions can be adopted and monitored to strengthen judicial independence. CSOs should, if possible, engage national legal experts who know the judicial system well to help develop potential indicators of corrupt or inappropriate behaviour.<sup>97</sup>

122. In order to comprehensively identify corruption challenges and risks in the judicial system, CSOs should conduct in-depth interviews with a wide array of stakeholders within the judicial system, including lawyers, prosecutors, judges, court employees and parties to litigation. Round-table discussions may be used to encourage the exchange of experiences and explore further indicators of corrupt behaviour. The public can also be involved in such research through public experiential surveys or open calls to citizens for their opinions and experiences on key corruption challenges in the judiciary.<sup>98</sup>

123. CSOs could consider compiling the outcomes of these discussions and other efforts in a reference book which describes court procedures, explains judicial terminology, and describes the various stages of the judicial process, including key actors, and apparent causes and consequences of corrupt behaviour. In addition, CSOs could develop pamphlets that set forth basic information on arrest, detention and bail, criminal and civil procedures, and useful contacts for crime victims, witnesses and other users. These guides could be used to raise awareness among court users of corrupt acts, assist civil society in monitoring the courts at the local level and help strengthen public understanding of, and trust in, the court system.<sup>99</sup>

124. Based on information collected and analysed regarding the judicial system, CSOs can advocate for judicial reforms through multisectoral initiatives that involve the government, professional associations, civil society and the wider international community.<sup>100</sup> This can be accompanied by trainings and workshops that facilitate deeper collaboration, thereby enabling society to be better served by judges who are capable not only of applying the law correctly and based on admissible evidence, but also of critical and independent thinking, social sensitivity and open-mindedness.<sup>101</sup>

125. Further, in some cases CSOs can assist the judiciary in developing and applying codes of conduct. Although many judiciaries are reluctant to develop such codes in consultation with external partners due to their safeguarding of judicial independence, where the opportunity exists, the participation of CSOs in the development process can be of great value in ensuring that the code provides meaningful and clear guidelines tailored to the specificities of the legal system in which the judiciary works [See more details in the above section on Code of conduct].<sup>102</sup> Institutions, particularly those working on restoring their image, may be encouraged to adopt reforms in order to strengthen controls and restore public confidence.<sup>103</sup> Public campaigns to encourage judicial



institutions to adopt necessary reforms may also be applied.<sup>104</sup> All outcomes should be based on serious analyses and will be more successful when accompanied by specific proposals, as opposed to simply criticism.

126. Another possible intervention for CSOs in partnership with academia could be to establish legal clinics in universities and law schools to facilitate and strengthen access to justice or legal aid for disadvantaged, marginalized and vulnerable sectors of society. Students who participate in such clinics should be well equipped to provide direct pro bono counselling and, and if permitted by law, representation of indigent clients in judicial or administrative proceedings. In some jurisdictions, students are permitted to practice law only under the supervision of clinical faculty. In such cases, they can provide other services to clients, including interviewing and counselling clients, drafting legal documents, conducting legal research, providing mediation services and delivering civic legal education.<sup>105</sup>

127. Finally, CSOs should consider adopting a more active role in educating the media about the judicial process with an aim of promoting accurate and unbiased coverage, and to move beyond sensationalist reporting.<sup>106</sup> CSOs can train journalists in effective reporting of judicial proceedings, working with external experts and journalism schools to ensure fact-based coverage. In addition to improving media coverage and citizen education, such measures may positively impact the relationship between CSOs, the media and judicial institutions.<sup>107</sup>

#### Potential entry points for CSOs

- Conduct “audits” of individual cases.
- Offer courses and workshops concerning corruption risks, conflicts of interest and judicial obligations.
- Identify potential indicators of corrupt or inappropriate behaviour in the judicial system.
- Produce reference materials which describe court procedures and explain judicial terminology.
- Advocate for judicial reforms.
- Work with academia to establish legal clinics.
- Train journalists in reporting on judicial proceedings.

#### Eastern Europe

To support investigative reporting and anti-corruption activities, **Lawyers for Human Rights** (Republic of Moldova) maintains an online database, which includes information on the assets, qualifications and performance of 450 Moldovan judges and 694 Moldovan prosecutors. The database represents an instrument to monitor the judiciary and support citizens, civil society and the media in holding the justice sector and government accountable for delivering justice, fighting corruption and protecting human rights. The database enables society to oversee their activities and professional performance, increases the transparency of the activities of the judiciary and helps to decrease the number of cases of corruption.

Source: Magistrat online. Available from: Magistrat database.

### Central Europe

Since the inception of the clinical legal education movement and the establishment of the **Law Clinic at the Jagiellonian University Faculty of Law and Administration** in 1997, 24 law clinics have sprung up in 15 cities throughout Poland, engaging more than 1,300 students and accepting over 9,000 pro bono cases per year. The concept behind the creation of clinical programmes stemmed from the need to improve the system of legal aid delivery. While students are not permitted to obtain a limited licence to practise law and to appear in courts under faculty supervision, they may represent individuals in administrative proceedings. Clinics also provide legal advice and issue written legal opinions, draft pleadings and briefs on appeal, write legal motions, review and explain court records and other court documents, and accompany clients during their visits to the courts. To address the inability of students to appear in courts (as well as the shortage of quality instructors), many clinics call upon assistance from private practitioners and returning clinical students who act as intermediate supervisors.

*Source:* Ważyńska-Finck, K. (2018). "Poland as the Success Story of Clinical Legal Education in Central and Eastern Europe." In A. Alemanno and L. Khadar (Eds.), *Reinventing Legal Education: How Clinical Education Is Reforming the Teaching and Practice of Law in Europe* (pp. 44-56). Cambridge: Cambridge University Press.

### South America

In March 2014, Brazilian Judge Sergio Moro began judicially commanding **Operation Car Wash (Operação Lava Jato)**, a criminal investigation currently being carried out by the Federal Police of Brazil. Operation Car Wash came about as a result of mass protests and heavy lobbying by civil society seeking to hold officials accountable for their actions, including judges and prosecutors. The operation began as a money-laundering investigation, but has since expanded to uncover an unprecedented amount of corruption in the executive and judiciary branches in Brazil, leaving its mark on over 11 countries including Mexico, Panama, Peru and the Bolivarian Republic of Venezuela.

*Source:* Brazil's war on graft replaces costly gifts as the new soft power: Investigations by judiciary set benchmark for fighting corruption, *Financial Times*, 15/05/2018. Available from: FT website.

## 5.2 UNCAC chapter III: Criminalization and law enforcement

128. Chapter III recognizes the importance of having the means to deter and punish corruption. The Convention requires States to sufficiently criminalize corrupt conduct (articles 15 to 25 of the Convention), and to enforce the relevant legislation in practice through detection, investigating, prosecution and adjudication of relevant crimes. It includes both mandatory provisions and recommendations to be considered by States parties. Chapter III also focuses on the public and private sectors.<sup>108</sup>

129. CSOs are able to advocate for the implementation of this chapter in law and in practice. In regard to the adoption of relevant legislation criminalizing corrupt conduct or amendments to legislation, CSOs can help to ensure that both decision makers and citizens are aware of the need to criminalize corrupt activities and take into consideration the Implementation Review Mechanism recommendations and good practices. By monitoring the law enforcement regime in practice, they can pinpoint gaps and report

on cases that were insufficiently followed up [see also Judiciary and prosecution services in the previous section]. This includes, naturally, follow-up to corruption cases, but can also be looked at more broadly. As pointed out above under the section of judicial and prosecutorial integrity, case monitoring and advocacy for the reduction of backlogs could be useful to ensure that the court systems function efficiently and fairly and that the risk of corruption is reduced.

130. In addition, CSOs may assist in corruption cases by appearing as parties to corruption proceedings where their legal systems allow as the case below indicates. CSOs may also conduct training sessions for new employees in the public and private sector, publish guidelines for reporting persons, or launch broader media campaigns to raise awareness levels regarding existing reporting mechanisms.

#### Potential entry points for CSOs

- Advocate for the implementation of chapter III.
- Pinpoint gaps and report on corruption cases that are insufficiently pursued.
- Activities listed above under judicial and prosecutorial independence.

#### East Africa

The **National Foundation for Democracy and Human Rights (NAFODU)** in Uganda works in civic education, lobbying and advocacy, conflict mediation, election monitoring and corruption awareness. NAFODU has established a network of 600 grassroots volunteers to raise awareness of the prevention of corruption through various round table discussions and training workshops on monitoring and advocacy. One study commissioned in 2011 concluded that the police, as local law enforcement, were the most corrupt institution in the country. As a result, the NAFODU-Police-Community Partnership Forum was established with a dedicated focus on combating police corruption in the State.

*Source:* Handbook on parliamentary ethics and code: A guide for parliamentarians. Available from: GOPAC website.

#### Southern Africa

**Corruption Watch South Africa** appeared as a friend of the court in a Constitutional Court case where the losing bidder disputed the awarding of a R10-billion tender to a private company, for the distribution of social grants. In its 15-minute court appearance, Corruption Watch's executive director said that the organization "played a major role in the enunciation of a clear legal standard in determining how irregularities in tender awards should be understood". In finding that the tender was constitutionally invalid, the Constitutional Court referenced Corruption Watch's contribution concerning irregularities in public procurement being red flags for corruption. The Court held that "deviations from fair process may themselves all too often be symptoms of corruption or malfeasance in the process. In other words, an unfair process may betoken a deliberately skewed process".

*Source:* South African Supreme Court Ruling *AllPay Consolidated Investment Holdings (Pty) Ltd and Others v. CEO of the South African Social Security Agency and Others* (678/12) [2013]. Available from: South African Legal Information Institute.

## Whistle-blowing and whistle-blower protection

131. Whistle-blowing falls under the broad framework of “reporting” or “disclosing” but deals with a specific type of reporting.<sup>109</sup> The majority of countries and literature see it as reporting by “insiders” who possess specific knowledge, expertise and privileged access to information, which allows them to detect risks, misconduct or crime and is, thus, highly relevant to prevent damage and/or to hold persons accountable.<sup>110</sup> Such insiders are classically employees.<sup>111</sup>

132. The specific challenge for employees is that they may be prohibited (e.g. by contractual confidentiality agreements, official or professional secrecy acts) from disclosing privileged information without authorization and thus might risk legal consequences if they report an issue outside their organization. Insufficient or unclear guidance as to which alternative disclosure routes are authorized can deter people from speaking up. In cases where a person reports a matter outside his/her organization, freedom of expression laws and jurisprudence play a crucial role and would have to be balanced against the rights of the different stakeholders. Furthermore, employees are vulnerable to very particular forms of retaliation.

133. CSOs can play a key role in making it safer and easier to report corruption through various means. Civil society engagement in whistle-blower protection is crucial as research has shown that whistle-blowers can be a key source of information relating to corruption.<sup>112</sup> Furthermore, in many countries CSOs are among the first to advocate for improved whistle-blower protection laws.

134. Traditionally, whistle-blower protection is utilized as an administrative remedy for those in fear of retaliation such as demotion or losing their job and/or contract with the government.

135. There are no global studies on “reporting patterns” of whistle-blowers as the topic is still new in many countries. A study conducted jointly by a CSO, Public Concern at Work, and the University of Greenwich, analysed 1,000 cases of whistle-blowing in the United Kingdom and revealed that 82 per cent of reports were made internally. However, the situation might be different in countries or organizations where there is low level of trust in effective follow-up. Furthermore, whistle-blowers might sometimes seek legal advice from CSOs before they make a report. Thus, CSOs play an important role in advising potential whistle-blowers but also in receiving reports of wrongdoing. This may be for a variety of reasons ranging from the expertise of the CSO, familiarity with the organization, or out of suspicion of the relevant anti-corruption authorities. It is therefore essential for CSOs to develop expertise and sector-specific skills in advocating for improvements.

136. Where CSOs are contacted by individuals with relevant reports, they may play the role of “liaison” with the authorities, for instance, by reporting information about wrongdoing directly to the authorities without naming their source, as well as conducting their own examination of situations and engaging in relevant advocacy. However, CSOs should be careful not to jeopardise investigations or to taint evidence. They should have strong legal expertise to be able to analyse the situation, advise the whistle-blower and take action.

137. Prior to offering advice to reporting persons, CSOs may consider assessing their own capacity and limits, including possible data protection measures, legal expertise and the protection of the identity of the reporting persons.<sup>113</sup> Based on this assessment, CSOs may inform reporting persons of their rights and the roles of actors in the criminal justice system, as well as advise them on how to report either internally, to relevant regulators,

law enforcement or anti-corruption bodies. As reporting persons might be under a great deal of pressure, CSOs may offer psychological and social support.<sup>114</sup>

138. Technically, this may be implemented by setting up a hotline or an online platform that anonymously gives potential reporting persons advice.<sup>115</sup> Specialized CSOs may also offer public institutions or private companies services such as conducting training sessions for employees, publishing guidelines for reporting persons, or launching broader media campaigns to raise awareness levels regarding existing reporting mechanisms.<sup>116</sup> These should also consider cultural challenges such as negative attitudes towards reporting persons.<sup>117</sup>

139. CSOs that do not have a high level of legal expertise may still be able to support reporting persons by researching reporting channels or conducting written campaigns to employers or governmental agencies.<sup>118</sup>

#### Potential entry points for CSOs

- Offer independent general advice, and legal expertise for reporting persons.
- Act as “liaison” with the authorities.
- Advocate for improved whistle-blower protection laws and practices.
- Carry out research, for e.g. in partnership with universities.
- Support victims and witnesses in corruption proceedings to report crimes and provide evidence.

#### Global

**Transparency International’s Advocacy and Legal Advice Centres (ALACs)** provide free and confidential legal advice to witnesses and victims of corruption. Over one hundred ALACs operate in over 60 countries across the globe, and serve to empower citizens in their fight against corruption by offering a simple, credible and viable mechanism for citizens to tackle their anti-corruption activities and issues. ALACs also play a crucial role in identifying corruption hotspots that require immediate reform. Since the very first Centre was opened in 2003, over 200,000 citizens have contacted an ALAC in their country. Through ALACs’ collection of data on the mechanisms of combating corruption, Transparency International chapters are able to engage in strategic advocacy in an effort to introduce systemic changes in policy and practice. ALACs should be considered as an approach rather than a set of activities, although there are some common activities to all ALACs, in practice these vary from country to country.

ALACs may carry out some of the following activities:

- Conduct know-your-rights campaigns on corruption risks in areas such as health, education or police abuses (law enforcement institutions) with the aim of raising awareness and encouraging reporting.
- Provide legal advice to citizens, by informing them of the different reporting options and legal instruments that are available, as well as the risks. ALACs regularly inform clients about their case and correspond with the relevant public institutions.
- Take legal standing in court on strategic cases or when supported by credible information, induce the authorities to take remedial actions (solutions).

- Conduct research-based advocacy exploiting the wealth of information gathered by the incoming reports and other research.

Source: TI Advocacy and Legal Advice Centres (ALACs). Available from: TI website.

### East Africa

The **Legal Aid Service Providers Network (LASPNET)** Uganda aims to enhance legal aid service delivery and access to justice for the most vulnerable and marginalized people. They are active in the publication of booklets and posters, for example they published their own whistle-blowers' manual. Additionally, they provide legal aid materials to those seeking legal aid services, from the right to legal aid to a practical guide to monitoring police custody. These resources serve to empower citizens so that they are given the full rights in the legal process.

Source: LASPNET publications. Available from: LASPNET website.

## 5.3 UNCAC chapter IV: International cooperation

140. Chapter IV of the Convention deals with matters relating to international cooperation in the fight against corruption. The Convention requires States to cooperate with each other on mutual legal assistance, extradition, the transfer of sentenced persons and law enforcement cooperation. While CSOs are generally not involved in these types of international cooperation, they can certainly contribute to efforts to strengthen international cooperation between civil society organizations in different countries on anti-corruption. (See section below on Networking internationally with other organizations).

### Potential entry points for CSOs

- Set up international platforms for information and data sharing.
- Publish a regular newsletter to inform the international academic research community.
- Set up international networks for journalists, parliamentarians and other relevant stakeholders.

### Global

The **Global Investigative Journalism Network (GIJN)** is an “international association of non-profit organizations that support, promote, and produce investigative journalism”. GIJN holds conferences, conducts training sessions, and provides resources and consulting to public interest investigators. Every two years, GIJN holds the Global Investigative Journalism Conference, which has brought together more than 6,000 journalists from 130 countries since 2001. GIJN also presents the Global Shining Award, which honours investigative journalism in a developing or transitioning countries. To increase the level of knowledge and capacity, GIJN regularly publishes a newsletter about selected topics and has a help desk for interested journalists and CSOs.

Source: Global Investigative Journalism Network (GIJN). For further information: GIJN website.

## 5.4 UNCAC chapter V: Asset recovery

141. Chapter V of the Convention provides a framework for the process of tracing, freezing, confiscating and returning stolen assets to their country of origin. This is a complex and lengthy process, potentially involving multiple jurisdictions and often complicated by technical, legal or political barriers.<sup>119</sup> The civil society in both the requesting and requested countries can support this process through advocacy and awareness-raising, prevention, investigation and legal action, and ensuring that the confiscated assets are used for their intended purpose.

### South-East Asia

The **Centre to Combat Corruption and Cronyism (C4)** was set up as a desire of ordinary Malaysians to combat corruption around general elections and to advocate for the principles of good governance.

In 2017, the C4 Center collaborated with the **Malaysian Bar Association** to produce a document that could serve as the framework for a robust and comprehensive public asset declaration to deter corruption and enhance the recovery of assets amongst elected officials. In 2018, this document was put together as a pledge for political parties to introduce a public asset declaration framework within the existing legal framework that can be immediately adopted before the upcoming general election. With endorsement from the GIAT Coalition (Governance Integrity Accountability and Transparency), political parties were asked to commit to this, and to enact such a law when they come into power. Discussions are now underway for the enactment of relevant legislation.

*Source:* Available from: C4 website.

142. The identification and investigation by CSOs of corruption-related offences often initiates the process of recovering assets.<sup>120</sup> CSOs, including investigative journalists, may generate information about the location and origins of stolen assets through their own financial investigations, forensic auditing and legal analysis. In this process, they may collaborate with victims of corruption, whistle-blowers and public institutions.<sup>121</sup> CSOs from requested and requesting countries may further collaborate to obtain information pertaining to the origin and location of assets. Raising public awareness of cases, such as through publishing investigative reports, can create public demand for financial intelligence units, and investigative and prosecutorial authorities to take over the case.<sup>122</sup>

143. CSOs also play an important role in ensuring that victims that are represented in corruption proceedings are able to report crimes and provide evidence.<sup>123</sup> Where the legal framework allows, CSOs may bring a civil action in criminal proceedings on behalf of the victims. In this process they may support them by conducting legal research, filing complaints and attracting public attention to the case. Moreover, in this case, CSOs from requested and requesting countries may play a coordinating role between jurisdictions through early dialogue.<sup>124</sup>

144. To successfully conclude a process of asset recovery, it is important to ensure that recovered assets are used efficiently. CSOs may help develop plans for the end use of returned assets and CSO involvement can result in a more equitable distribution.<sup>125</sup> This includes engagement with relevant governmental counterparts, initiating a national dialogue, collaborating with relevant stakeholders, and advocating for appropriate legal procedures and arrangements for the management and monitoring of assets. The role of

CSOs is to propose wide consultation with all involved stakeholders and to minimize bias and conflict of interest when determining the end use of the assets.<sup>126</sup> When the end use is determined, CSOs may have a monitoring role in ensuring that the resources are used for their intended purpose.<sup>127</sup>

#### Potential entry points for CSOs

- Generate information about the location and origins of stolen assets through financial investigations, forensic auditing and legal analysis.
- Publish investigative reports to create public demand.
- Bring civil actions in criminal proceedings on behalf of the victims.
- Play a coordinating role between requested and requesting countries.
- Help develop plans for the end use of returned assets.
- Monitor that the resources are used for their intended purpose.

#### North Africa

The **Tunisian Association for Financial Transparency (Association Tunisienne pour la Transparence Financière – ATTF)** was created with the aim of accelerating the judicial and administrative efforts to recuperate the assets stolen by the former Tunisian President Ben Ali and his entourage. ATTF specifically aims to: put pressure on governments and financial institutions to accelerate asset recovery efforts and hold them accountable for progress in these efforts; assist the Tunisian Government in these efforts through targeted citizen actions and by mobilizing other CSOs to support asset recovery efforts; lobby government to enhance laws and strengthen institutions that allow to more effectively prevent corruption in Tunisia in the future.

*Source:* Guide to the Role of Civil Society Organizations in Asset Recovery, Arab Forum on Asset Recovery. Available from: International Centre for Asset Recovery website.

#### Global

Civil society participated in the side event on the **Stolen Asset Recovery Initiative (StAR)** which took place on the margins of the twelfth session of the Asset Recovery Working Group. A speaker from the Africa Network for Environment and Economic Justice (ANE EJ), based in Nigeria, spoke as a panellist alongside government representatives from Nigeria, Sri Lanka, Switzerland, United Kingdom and the United States. The ANEEJ representative spoke about the successful experiences of ANEEJ in a multi-jurisdictional case between the Nigerian and Swiss governments and the general competencies civil society can offer in asset recovery. Civil society in Nigeria played a pivotal role in the conclusion of the memorandum of understanding signed between Nigeria, Switzerland and the World Bank's International Development Association in December 2017 by laying out the foundation of improved management of asset recovery in the country.

*Source:* Nigeria Civil Society Organisations. Country Report for Global Forum on Asset Recovery. Report available from ANEEJ website.



### Global

Under the G8 Presidency of the United States, the **Arab Forum on Asset Recovery** was established in 2012 to support the tracing and recovery of assets stolen from these countries by members of former regimes. It established a series of meetings known as the Arab Forum which provided CSO participants and their partners with a range of practical tools for action to effectively engage and support the recovery of assets within and beyond their respective jurisdictions. Consequently, a guide on the role of CSOs in asset recovery was written providing a practical step-by-step summary of ways in which CSOs can assist in recovering stolen assets through both independent and collaborative processes.

As a means of both preventing money-laundering and assisting in the detection of illicit proceeds, the Convention encourages asset declarations for public officials (Arts. 8(5) and 52(5)). CSOs may assist law enforcement by advocating for the implementation of these tools, which may also be beneficial to CSOs where public asset declaration systems are put in place.

*Source:* Guide to the Role of Civil Society Organisations in Asset Recovery, Arab Forum on Asset Recovery. Available from: International Centre for Asset Recovery website.

### Global

**Global Witness** and **Sherpa** asked Barclays what due diligence it had done on its customer Teodorin Obiang, the son of the dictator of oil-rich Equatorial Guinea, and whether it had ever filed any suspicious activity reports in relation to transactions through the account. When no answers were forthcoming, it led to a decade-long campaign in France led by Transparency International-France and Sherpa which ended in a court in Paris in October 2017 ruling Obiang guilty on charges of laundering the proceeds of corruption, embezzlement of more than €150 million (US\$174 million) of public money and misuse of public funds. Obiang assets were confiscated and had to be returned to the people of Equatorial Guinea. The famous case was a victory for CSOs Transparency International France and Sherpa, with their initiative and struggle bringing the case to trial in France.

*Source:* Obiang Verdict: Transparency International welcomes the corruption conviction and seizure of assets. Available from: TI Press Release, Asset Recovery.

### Global

In December 2017, the first **Global Forum on Asset Recovery (GFAR)** took place in Washington, DC, and was hosted by the United States and the United Kingdom in partnership with the Stolen Asset Recovery Initiative (StAR). Over 300 participants, including civil society and media, took part in GFAR to share experiences and best practices, and to recommit to the global asset recovery agenda. Nigeria, Sri Lanka, Tunisia and Ukraine were the first priority countries at this forum. GFAR provided a platform to empower investigators and prosecutors whose duty it is to identify and trace assets. Additionally, the Forum established ten principles to strengthen coordination, cooperation, transparency, and accountability. Furthermore, in Principle 10 of the GFAR principles for disposition and transfer of confiscated stolen assets in corruption cases, it is stated that “[t]o the extent appropriate and permitted by law, individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, should be encouraged to participate in the asset return process, including by helping to identify how harm can be remedied, contributing to decisions on return and disposition, and fostering transparency and accountability on the transfer, disposition and administration of recovered assets”.

*Source:* Global Forum on Asset Recovery (GFAR). 10 Principles to strengthen coordination, cooperation, transparency, and accountability. Available from: StAR World Bank website.



# VI.



## Civil society organizations and the private sector fighting corruption together

### 6.1 Corruption in the private sector

145. Corruption can increase the cost of conducting business for individual companies by as much as 10 per cent by distorting markets and deterring trade and investment. Globally, the cost of corruption is estimated to be more than 2 per cent of global GDP (\$1.5 trillion to \$2 trillion).<sup>128</sup> The World Bank estimates that over \$1 trillion is paid in bribes each year. Corruption is a burden on business and can generate extra costs equivalent to those arising from tariffs. Moreover, 30 per cent of companies polled in a 2015 international survey stated that they had failed to win contracts where there was strong circumstantial evidence of bribery by the successful competitor.<sup>129</sup>

146. A safe and trusted business ensures a fair and competitive environment for goods and services. Therefore, anti-corruption efforts should not be looked upon as a burden for business, but as a tool for promoting future prosperity.

#### Article 12: Private sector

147. Article 12 of the Convention calls on States parties to inter alia take the necessary measures to fight corruption in the private sector. Additionally, it requires Member States to enhance accounting and auditing standards in the private sector and provide “effective, proportionate and dissuasive [...] penalties” for failure to comply with such measures. It also encourages States parties to safeguard the integrity of relevant private entities, including through the establishment of codes of conducts to govern the behaviour of businesses and relevant professions.

148. The Convention also recognizes a role by States parties in “preventing the misuse of procedures regulating private entities,” such as the licences and other approvals needed to undertake commercial activities. Laws and regulations that are poorly designed, duplicative or unnecessary make it harder for companies to do business. They also create opportunities for corruption, such as situations where businesses may be willing to pay to expedite or circumvent a burdensome regulation or where public officials condition action on “facilitation” payments or other improper arrangements.

## Article 14: Measures to prevent money-laundering

149. Article 14 of the Convention calls on States parties to implement measures to monitor the movement of cash and appropriate negotiable instruments, as well as measures to reduce and eradicate money-laundering. This particularly requires the cooperation of the private sector, namely financial institutions, in ensuring that financial transactions are closely monitored, and that suspicious activities are promptly reported. Despite the increasing importance of money-laundering legislation, global detection rates for illicit funds by law enforcement remain quite low, with detection as low as 1 per cent of criminal proceeds (according to a 2015 figure). States parties have increasingly engaged CSOs in anti-money-laundering initiatives. CSOs can get involved by raising awareness and advocating for stronger policies on the national level to counter money-laundering, as well as to advocate for more transparency on the beneficiaries of companies and trusts. For example, CSOs may also advocate for policies encouraging the private sector to tackle the anonymity of financial transactions made with prepaid cards.

150. Beneficial ownership is the identification of those who enjoy the benefits of ownership of a business, property or security, but are not legally identified as being the owner. To counter this, the United Kingdom has established a public register of overseas legal entities which own or buy property in the United Kingdom, or participate in central government contracts. The initiative has the support of 50 jurisdictions for future exchange of such information,<sup>130</sup> which will make it harder to hide the proceeds of corruption. This is giving enforcement agencies, civil society and the public the ability to trace ownership and track patterns of illicit finance.

## Article 26: Liability of legal persons

151. Article 26 of the Convention calls on Member States to adopt the necessary measures to hold legal persons liable for participation in any of the offences outlined in the Convention. The term “legal persons” refers to any individual, company, or other entity that has legal rights, such as the ability to enter into contracts, to be held accountable. CSOs can hold such legal persons accountable by utilizing national access to information laws to make any legal transaction public, as well as conducting monitoring and advocacy efforts. This ensures that the means for legal recourse is there which holds persons against the rule of the law, therefore no legal transaction or activity is done under the rug. This allows civil society actors to contribute to the construction and empowerment of institutional checks and balances.

## Article 39: Cooperation between national authorities and the private sector

152. Article 39 of the Convention requires Member States to foster partnerships between the investigating/prosecuting authorities and the private sector on corruption offences.<sup>131</sup> Such cooperative measures have proven to be instrumental in the detection and investigation of corruption given the role of private institutions in the prevention and detection of corruption as well as the laundering of its proceeds. This is often on account of the financial institutions and other entities that accept laundered money, and the framework in place private sector firms that give large bribes, and the lawyers and accountants who facilitate corrupt transactions. Financial institutions have an indispensable role to play in combating money-laundering given their position and role in the financial system and economy. The most important role a banking institution can play in a money-laundering investigation is through the provision of relevant records, in effect creating the “paper

trail”, particularly where the money launderer has used a complex web of transactions specifically for the purpose of confusing the audit trail. Thus, it is important that a framework be in place for cooperation with the designated financial institution during an investigation, and for understanding the role of the bank as a knowing or unknowing participant in corrupt activities. Additional frameworks empower public prosecutors or the national anti-corruption agency to seek assistance by requesting reports and evidence from private sector stakeholders.

153. In some cases, the national ministry of justice establishes an anti-corruption cooperation network comprised of governmental actors, as well as stakeholders representing civil society and the private sector, to ensure inter-institutional coordination in the fight against corruption.<sup>132</sup>

#### East Africa

**Tanzania Private Sector Foundation** is an ethics body of the business community to which members of the business community reach out for advice concerning various issues. The Foundation works with the Tanzanian government for changes of law, mediation and arbitration, and has forged a working relationship with the government on behalf of the business community. They are a membership-based organization whose members meet twice a year with the highest levels of government. The Foundation raises issues pertinent to the business community by bringing stakeholders together for discussion and resolutions.

Source: Tanzania Private Sector Foundation website: <http://tpsftz.org/>

#### Global

In May 2018, **International Chambers of Commerce (ICC) Albania** organized a “Corporate Integrity Forum”. The forum brought together local and international business leaders, government and civil society representatives for discussion and collaboration with the aim of creating a model and encouraging responsible business conduct, as well as launching the initiative “The Anti-Corruption Coalition of Enterprises”. The Coalition aims to increase dialogue between all stakeholders so that integrity policies transform into concrete actions. The round table was moderated by the Ambassador of the Kingdom of the Netherlands, Dewi van de Weerd, who stressed the need for greater accountability and transparency initiatives in the country.

Source: International Chambers of Commerce Albania (ICC). Available from: ICC website.

## 6.2 Civil society and private sector collaboration

154. The private sector and civil society share a common desire of establishing a society based on fairness and shared codes of conduct, and offer complementary expertise and perspectives on the challenges of corruption in their society. The identification, prevention and prosecution of corruption is as important in public authorities as it is in private sector organizations, reflecting various sources and perspectives causing the same ill-effects. CSOs can bolster their anti-corruption efforts in an area fraught with opportunity by strategically joining forces with businesses.

155. Joint efforts with the private sector may involve training. For instance, the Libyan Transparency Association as mentioned above has held a workshop on the integrity of

the private sector and governance in the context of the United Nations Convention against Corruption. The Leadership Initiative for Youth Empowerment, Nigeria, has trained representatives of small and medium-sized businesses in a number of Local Council Development Areas (LCDA) of Lagos State, enabling them to initiate engagement with LCDA authorities on public projects. The Centre for Civil Communications in the Former Yugoslav Republic of Macedonia has provided training and technical assistance to over 700 micro and small enterprises, with plans for more including both State-owned and private companies on implementation of compliance mechanisms.

156. Civil society may also work with interested groups of private sector entities on particular issues. Transparency International Slovenia reported working with the private sector through the Business Integrity Forum, which brings together different companies and other stakeholders interested in cooperation and exchange of good practices with the aim of achieving effective prevention of illegal and unethical practices in business environment. In that context, Transparency International Slovenia offers assistance to different stakeholders in achieving greater levels of transparency, and the creation and implementation of ethics programmes. The Asociación para una Sociedad más Justa in Honduras has also done some work in the area of public contracting. They have led the implementation of “Integrity Pacts” signed between government authorities and private sector vendors in order to make the purchases of medicines and medical equipment for public hospitals more transparent and cost-effective. Integrity Organization (IO), Nigeria, has worked with the National Advisory Council of Designated Non-Financial Institutions (DNFIs). IO has also conducted a study on the conformity of Nigeria’s laws related to the private sector with provisions of the Convention and held a validation meeting with the private sector on the report.

157. In 2013, Transparency International with the support of UNODC published the Civil Society Guide: UNCAC and the Private Sector. The aim was to provide practical guidance to assist CSOs in engaging with business to promote the implementation and inclusive monitoring of the Convention in their local contexts. In addition, the guide includes a summary of the provisions which apply to businesses, and explains why companies should have an interest in implementing the Convention.

## The United Nations Global Compact

158. The United Nations Global Compact was launched as part of efforts to integrate business efforts in the fight against corruption. It is the world’s largest corporate sustainability initiative, calling on companies to align strategies and operations with universal principles of human rights, labour, environment and anti-corruption, and to take actions that advance societal goals. Principle 10 of the United Nations Global Compact states that:

- Businesses should work against corruption in all its forms, including extortion and bribery.

159. The rapid development of corporate governance measures around the world has brought with it a focus on anti-corruption as a key to corporate sustainability and risk management.

160. In order to assist companies with these efforts and raise standards around the world, the United Nations Global Compact asks companies to consider the following four elements when fighting corruption and implementing the tenth principle:<sup>133</sup>

- *Internal:* As a first and basic step, introduce anti-corruption policies and programmes within their organizations and their business operations.
- *External:* Report on the work against corruption in the annual Communication on Progress, and share experiences and best practices through the submission of examples and case stories.
- *Collective action:* Companies can join forces with industry peers or other stakeholders to scale up anti-corruption efforts, level the playing field and create fair competition for all. Companies can use the Anti-Corruption Collective Action Hub<sup>134</sup> to create a profile, propose projects, find partners and ongoing projects as well as resources on anti-corruption collective action.
- *Sign the “Anti-corruption Call to Action”*,<sup>135</sup> which is a call from business to governments to address corruption and foster effective governance for a sustainable and inclusive global economy. The Call to Action was launched in 2014 and continued its advocacy efforts until the adoption of the Sustainable Development Goals (SDGs) in 2015. Over 250 companies and investors worldwide have signed on to the Anti-corruption Call to Action.

161. CSOs can encourage businesses to adopt some of these measures, and work with them to initiate and implement one of the above four recommendations. Educating companies on the content and benefits of the Convention will sensitize them to corruption-related laws and their enforcement in the country.

#### Global

Business analysts at Accenture published a 2016 **United Nations Global Compact-Accenture Strategy CEO Study** which revealed a window of opportunity in the minds of the world’s business leaders: 87 per cent believing that SDGs provide an opportunity to rethink approaches to sustainable value creation and 78 per cent already see opportunities to contribute through core business. The milestones of the SDGs and the Paris Agreement are leading to a growing acceptance of the mandate for businesses to play a leading role in the 2030 Agenda. Nearly half of all CEOs surveyed believe that business will be the single most important actor in delivering the SDGs.

*Source:* Accenture 2016 United Nations Global Compact-Accenture Strategy CEO Study. Report available from: Accenture website.

## Small grants scheme administered by the Civil Society Team, UNODC

162. To effectively contribute to the global effort in tackling corruption, UNODC launched a Small Grants Scheme for CSOs with the aim of fostering innovative ways to involve the private sector, especially small and medium enterprises (SMEs). Grants have been distributed of around \$5,000 for projects in Cameroon, the Democratic Republic of Congo, Ghana, Kenya, Libya, Mauritania, Mozambique, Nigeria, Sierra Leone, Tunisia and Uganda. This scheme is one of numerous initiatives developed by the international community which aim to contribute to the achievement of internationally agreed upon development goals and the tenth principle of the United Nations Global Compact.

163. Twenty-six small grants have been provided to African CSOs thus far with more forthcoming, with the same aim to sensitize the private sector through particular SMEs working on the Convention and general corruption prevention.

### Central Africa

Since 2012, the UNODC small grants scheme has assisted a number of African-based civil society organizations across the continent in developing innovative anti-corruption projects. In the Democratic Republic of the Congo for instance, a grant to the **Observatory to Fight against Corruption in Central Africa (OLCAC)** helped formalize motorcycle taxis into a union. The initiative significantly improved the work of motorcycle taxi drivers, who were too often unaware of their rights in areas such as road safety and the commercial aspects of their business which made them vulnerable to bribery. Through the organization of workshops involving drivers, government officials and traffic police representatives, as well as media campaigns in local newspapers, OLCAC managed to raise awareness and inform motorcycle taxi drivers of their rights and the need to reject corrupt practices.

*Source:* UNODC Small Grant Scheme. Available from: UNODC website.

### West Africa

In Sierra Leone, the national chapter of **Transparency International** used the grant to fund a project targeting medium- and small-scale businesses, particularly those run by women and migrants, in order to increase engagement between different civil society actors to combat corruption. As a result, a continuous dialogue was established with members of the national Indigenous Business Association and the Sierra Leone Contractors Union to promote fair trade, competition and ethical behaviour. The project also trained beneficiaries on the Convention and the anti-corruption laws of Sierra Leone.

*Source:* UNODC Small Grant Scheme. Available from: UNODC website.

### South-East Europe

In order to raise public awareness regarding the existence, causes and gravity of the threat posed by corruption, since 2011, the **Serbian Anti-Corruption Agency** has announced nine public competitions for the allocation of grants to CSOs for the implementation of various projects in the fight against corruption. Key issues addressed are: anti-corruption risks at the local level, analysis of implemented integrity plans, pantouflage, rights and duties of public officials regarding conflict of interest and declaration of assets, the role of the media in corruption prevention, as well as corruption in the security sector.

*Source:* Email sent to UNODC on 26/07/2018 by the Serbian Anti-Corruption Agency.

## Collective action in the private sector

164. Collective action is a process of cooperation between various stakeholders with the aim of collaborating to combat corruption. It suggests that companies, governments and CSOs ought to join forces in order to guarantee transparency and create an equal playing field for those in the private sector. Two examples of collective action are outlined below:

### Integrity Pacts, TI

165. Integrity Pacts were developed by TI as a tool for preventing corruption in public contracting. An Integrity Pact is a document signed between a contracting authority, bidders



and an independent monitor. As a legally binding document, it commits all parties to complying with anti-corruption best practices for the duration of the contract and allows the monitoring of its implementation to make sure this happens. Monitors follow the whole procurement process, from the design of the tender to the implementation of the contract. Companies commit to maximum transparency and all monitoring reports and results are made available to the public on an ongoing basis. By setting precedents for clean practices in each country's public contracting process, these pacts build confidence among the public, government agencies and the private sector that funds are being spent efficiently and as they should, and that redress is possible if corruption does occur.

### Central America

In 2013, **Transparency International Honduras** exposed massive corruption in the purchase, sales and distribution of medicine to State hospitals that was endangering the lives of untold numbers of Hondurans. As a result, an Integrity Pact was signed with the Ministry of Health and with major pharmaceutical companies to monitor the purchase and supply of medicine in the country, which came into force in 2017. As part of the IP, individual Ministry of Health employees and external actors that provide services to the Ministry, such as the College of Chemists and Pharmacists of Honduras and the Banco de Occidente, signed an ethics statement. The IP has already led to increased access to information, and increased compliance with open data principles.

*Source:* Exposing Health Sector Corruption Saves Lives in Honduras. Available from TI Honduras website.

## Compliance pacts or codes of conduct

166. Compliance pacts are industry or sector-specific contractual agreements between companies. As such, a group of companies operating in the same industry launches an initiative with defined compliance principles or requirements to which its members must adhere. The signing organizations commit to ethical business conduct, as the compliance pact can be based on existing principles, such as the Principles for Countering Bribery of the World Economic Forum Partnering Against Corruption Initiative (PACI) and the “Business Principles for Countering Bribery” initiated by Transparency International. The pact is not legally binding, but signatories will be held accountable by the public and the media. To build trust, a neutral mediator (e.g. an industry association, a chamber of commerce or a non-governmental organization) must be involved in the preparation of the compliance pact. These pacts are particularly suitable for use in high-risk industries and oligopolistic markets and often their success depends on extensive market coverage.

### Southern Europe

**Transparency International Italy – Business Integrity Forum (BIF)** is an original project launched in 2015, which aims to introduce anti-corruption values into the private sector that brings together large companies in Italy already active on issues of integrity and transparency. The use of the Forum demonstrates commitment to preventing and combating corruption in business practices as they adopt and disseminate anti-corruption tools and practices along with a greater culture of legality. Acting as secretariat for the Forum, TI found that big companies favoured the idea of raising the integrity of business partners through Business Integrity Kits for analysing and preventing risks. Some of the members of the Business Integrity Forum are big companies such as Assicurazioni Generali, Edison, Enel, Falck Renewables, Italcementi Group, KPMG, Pirelli, Luxottica, Salini Impregilo, Snam, Terna, TIM and Vodafone.

The Business Integrity Kit (BIK) was born from the collaboration between TI Italy and the companies of the BIF. Large companies who were members of the Forum wished to extend the network to small- and medium-sized enterprises who were committed to increasing transparency in business practices, and so the Kit is modelled on empowering small businesses on issues of transparency, which in Italy are quite plentiful and important, and could not have been developed without external assistance. The Kits consists of a chart of general ethical principles to be adopted, a reporting system and policies, and a feedback form so that best practices and lessons learned are shared through the Forum. From November 2016 to January 2017, 739 SMEs in the supply chain of BIF companies downloaded the kit. From February to April 2017, 42 of the SMEs correctly implemented the kit through TI verification. Since then, there have been improvements to the kit itself, in addition to its translation into four languages.

*Source:* PMI Business Integrity Kit. Available from: TI Italy website.

# VII.



## Get involved today

### 7.1 Build your organizational capacity

167. UNODC hosts regular workshops on the implementation of the Convention and its review mechanism for CSOs to equip them with the skills to subsequently take part in the review and its implementation alongside their governments. CSOs not only develop the necessary skills and tools to engage with their governments and the private sector, thus contributing to the UNCAC review process; they also network, disseminate advocacy material and replicate this kind of training in their own countries and regions.

168. These multi-stakeholder workshops aim to foster a collaborative and open environment, involving governments, civil society, the private sector and experts, thus creating a lasting relationship between the different sectors. In other words, workshops act as a step on a sustainable journey rather than as stand-alone events. Since 2011, 15 workshops have taken place with 349 civil society organizations from 105 countries across the world having been trained under the UNODC Civil Society Programme.

169. The Civil Society Team of UNODC announces a call for applications to CSOs and the private sector months in advance of the workshops through email, twitter feed and website.

#### **Africa and South-East Europe**

A total of 63 participants from Africa and South-East Europe took part in a September 2016 workshop on the implementation of UNCAC and its review mechanism, held in Vienna. This was the first multi-stakeholder workshop during the second review cycle bringing together CSO and government representatives from two main regions. The activities held during this transcontinental and multi-stakeholder workshop led to successful sharing of experiences, good practices and allowed the building of relationships and networks that will shape future work in the arena of anti-corruption. It was underscored that CSOs play a crucial role in the fight against corruption, acting as a bridge between governments and citizens.

*Source:* UNODC web story "The first multi-stakeholder workshop on the UNCAC second cycle review created synergies between Africa and Southeast Europe" (2016). Available from: UNODC website.

## 7.2 Engage with your government

170. In order to engage with a State party on any level of the review process, CSOs need to identify and establish contact with the focal point. A focal point is a person nominated by each State party to coordinate the country's participation in the review, with substantive expertise on the provisions of the Convention under review (paragraph 17 of the terms of reference for the Mechanism). CSOs may reach out to the local authority working on anti-corruption matters in order to establish contact with the focal point or reach out to their country's governmental experts. Although the names of the focal points are not published, the names of governmental experts of each State participating in the reviews are published on the UNODC website. (See <https://www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html>)

171. CSO representatives and focal points participating in the multi-stakeholder workshops have identified a number of good practices to be followed by CSOs wishing to participate in the reviews:<sup>136</sup>

1. The importance of building trust and having a shared vision. This includes the usefulness of CSOs making relevant governmental counterparts aware of who they are, and building a relationship with them. This could be done by raising awareness of the objectives of each organization, by arranging meetings, involving or inviting governmental entities to CSO events, sharing annual reports, etc.
2. Establishing a real partnership. The importance of CSOs convincing governmental entities that they are working towards common goals/interests, and are not politically motivated cannot be over-emphasized. A good way to do this is to highlight the comparative advantage that CSOs have through their ability to advocate, raise awareness and maintain public legitimacy. In the second cycle, they can further assist in the context of asset recovery by conducting research, stakeholder mapping and landscape analysis, helping in designing asset-return mechanisms, managing or monitoring the return of assets, synthesizing learning and developing recommendations to inform future mechanisms, and conducting outreach and advocacy to promote the use of new knowledge in other contexts.
3. The mutual benefits of partnerships between CSOs and government cannot be underestimated. Having an inclusive process that has the buy-in of civil society and government provides the opportunity to achieve real impact. A balance between independence from the government and collaboration with the government can be achieved.
4. Focus on common interests and shared visions. CSOs should emphasize, in furtherance of partnerships with their governments, that as partners they may not always agree on all issues, but nevertheless share a common interest.
5. Accordingly, CSOs should bear in mind their roles as partners and not merely critics. Efforts should be made to explore potential areas of collaboration with governmental entities, such as in public procurement and other sectors of concern.
6. Highlight the comparative advantage of a multi-stakeholder approach to building knowledge of the anti-corruption landscape. This entails identifying all relevant stakeholders and counterparts for effective cooperation. It also includes understanding their mandates and interests. A good practice of executing agreements/standing arrangements with ministries was also pointed out.

7. CSOs should emphasize their role as a bridge between government and the people. Because they represent collective interests, CSOs are a useful resource in mobilizing at local level. In order to practice what they preach, sources of funding must be transparent and easily understood.
8. It is invaluable if they can demonstrate that they play the role of an impartial watchdog, assisting whistle-blowers and paying attention to the details that would otherwise remain unnoticed. In this context however, the role of diplomacy must be emphasized.
9. The value of well-organized and knowledgeable CSOs. States can be discouraged from collaborating with CSOs if they are not well organized and do not have sufficient expertise. In this regard, joint advocacy training workshops may be considered and cooperation has to be based on a set of legal instruments, e.g. participation of CSOs enshrined in the constitution or working under the auspices of the United Nations is seen as crucial.
10. Emphasize the potential for sharing information between CSOs and anti-corruption bodies, including by holding joint meetings. The value of indicators showing that CSOs are actually included in the anti-corruption process may be stressed. In some countries, non-governmental organizations signed cooperation agreements with governmental entities such as parliament, the national anti-corruption authority and the ministry of the interior. Where memorandums of understanding or arrangements are concluded with governmental entities, regular meetings should be convened to build on that relationship.

## 7.3 Network internationally with other organizations

### International coalitions

172. One of the ways in which CSOs can effectively network with other like-minded organizations is through the main global anti-corruption umbrella CSO, the UNCAC Coalition. The UNCAC Coalition is described in chapter 3.

### Regional or national coalitions

173. CSOs may come together and form other coalitions or networks at international, regional or national levels. This helps ensure that they speak with one voice and have strength in numbers. A further advantage of these networking mechanisms is that they help ensure the inclusion of smaller CSOs or those falling out of favour with the government. For instance, the Civil Society Network Against Corruption (CSNAC) was established as a platform for civil society members to express their views and opinions on ways and means of preventing corruption. Their objectives further include, among other things, the encouragement of civil society engagement in the fight against corruption and development of anti-corruption strategies. Membership to the CSNAC is voluntary and open to all civil society members who are committed to the promotion of an anti-corruption culture and foster civil society engagement in the fight against corruption. CSNAC has been working with the Independent Commission against Corruption (ICAC) to prepare civil society through training designed to sensitize them on the Convention and its review process. CSNAC has further participated in the UNCAC review at various levels in Mauritius including participating in the drafting of the self-assessment

checklist as part of the second cycle of the review mechanism as well as participation in the country visit.

174. Networks of CSOs may also assist governmental bodies by establishing focal points for CSOs when engaging in specific activities.

#### South-East Europe

In 2017, **ACCOUNT**, an anti-corruption network composed of over 90 CSOs fighting corruption in Bosnia and Herzegovina, and the Republika Srpska Ministry of Justice conducted four rounds of training programs for more than 900 representatives from public institutions. ACCOUNT and other anti-corruption organizations (OSCE, TI, and others) were called upon to participate in the development of a new Republika Srpska anti-corruption strategy for 2018-2022.

*Source:* ACCOUNT delivered presentation at Multi-stakeholder Workshop on the UNCAC and its Review Mechanism: Available from: Presentation online.

## Interact with the regional and continental anti-corruption platforms

175. In order to promote collaboration between CSOs and facilitate the identification of partners, the Civil Society Team of UNODC and the UNCAC Coalition launched regional and continental e-platforms. The platforms allow CSOs interested in monitoring and promoting UNCAC implementation, and anti-corruption measures more generally, to increase their impact. They do so by:

- Sharing experiences
- Exchanging corruption-monitoring methodologies
- Building partnerships on specific issues
- Exchanging updates about the status of UNCAC review

Features of the platforms for Africa, South-East Europe and South-East Asia include:

- Upcoming events across each region are highlighted
- An interactive map for each country which links to CSOs and the status of the review cycle
- Links to relevant resources and partners
- A discussion board where CSOs can exchange and have a discussion on the latest trends in anti-corruption issues
- A list of CSO profiles from each region which shows their contact details, specialization, and past and current activities
- A display of CSO involvement in UNCAC implementation and its review mechanism

176. CSOs are encouraged to use the platform to pursue their common anti-corruption goals in their regions. The platforms rely on CSO actors to maintain an interactive and substantive exchange of ideas, experiences, lessons learned and good practices. CSOs may have their profiles featured on one of the anti-corruption e-platforms, by filling out the template on the website<sup>137</sup> and sending it to [info@uncaccoalition.org](mailto:info@uncaccoalition.org). Specific content, such as an upcoming anti-corruption event, may also be added.<sup>138</sup>

### South-East Europe

The **Southeast European Leadership for Development and Integrity (SELDI) Network** is a civil society anti-corruption network of 30 civil society partner organizations and two associated partners from South-East Europe, which aims at multiplying the effect of public-private coalition building for development throughout the region. SELDI took the lead in the development, maintenance and official launch of the Southeast Europe Anti-Corruption e-Platform. The interactive e-platform hosts over 35 CSOs active in anti-corruption in the region, and features essential resources, guides, list of upcoming events, and a communication forum, and serves to facilitate cooperation and collaboration between CSOs in the region in the fight against corruption.

*Source:* Southeast Europe Anti-Corruption Platform. Available from: UNCAC Coalition website.

## 7.4 Raise funds for anti-corruption activities

177. Considering that many civil society members operate on a not-for-profit basis, funding is a continuous concern. As such, CSOs have to rely on a variety of resources to fund salaries, operations and projects. Some of the funding sources include: membership fees, philanthropic foundations, grants from local and national agencies through welfare and development schemes, and private donations. In fact, the majority of funds procured by CSOs come from private donors, and many CSOs rely on a large number of small donations from the private sector procured through various fundraising efforts, as well as governments. Although the present document will not address how to go about raising funds for anti-corruption activities, as it is beyond the scope of the present publication, this question should be borne in mind as it will have a bearing on anti-corruption activities that may be carried out by each organization.

### Global

The OECD publication "How DAC members work with civil society organisations: An overview" examines why donors think it is important to work with CSOs, the ways they provide funds and the challenges they encounter. The book highlights areas where donors, developing country governments, and CSOs from developing and developed countries can improve the way they work together towards development objectives. This paper presents the most up-to-date official data (2013) on the flows of official development assistance (ODA) to (and through) CSOs. It also identifies trends in DAC members' financial support towards CSOs in 2009 and 2013. Key figures include: in 2013, \$19.6 billion of ODA was allocated to (and through) CSOs compared to \$18.2 billion in 2009.

*Source:* How DAC members work with civil society organisations: An overview. Available from: OECD website.

## 7.5 Participate in the annual International Anti-Corruption Day celebrations on 9 December

178. Every year on 9 December, the International Anti-Corruption Day (IACD) is celebrated by individuals and communities across the world. In coordination with the United Nations Development Programme (UNDP), UNODC launches an international anti-corruption campaign every year, which focuses on different aspects of how corruption hinders efforts to accomplish the SDGs.

### South Asia

**5th Pillar**, an international organization in India, launched the Zero Rupee Note for individuals to use whenever someone offers them a bribe.

5th Pillar also works on the Right to Information Act of 2005, empowers citizens to use this law as an effective tool that checks and holds various bodies, agencies and departments of the government accountable to the public and exhibits transparency in their activities and minimizes corruption. To celebrate International Anti-Corruption Day in 2013, 5th Pillar invited citizens to partake in the “Zero Bribe” pledge as part of their “Zero Hero” Campaign, where thousands of citizens gathered in person and online on 9 December to pledge zeroing in on bribery, corruption and black money to safeguard a better future for today’s youth.

Source: 5th Pillar “Zero Hero Campaign”. Available from: 5th Pillar website.

179. UNODC and UNDP send out a media package to stakeholders encouraging them to raise the issue of anti-corruption in their communities. CSOs respond to these campaigns by organizing events and innovative ways to take the issue of corruption to the top of the political agenda.

### Western Asia

In 2017, and as part of the celebration of International Anti-Corruption Day, the **Transparency International Anti-Corruption Center in Armenia** held an event entitled “Corruption and Security Challenges” that brought together 90 representatives from the government, international organizations, NGOs, media, as well as foreign diplomatic missions.

Source: Panel discussion “Corruption and Security Challenges”. Available from: TI Armenia website.

180. Each year there is a different theme adopted. The 2017 IACD campaign theme was *United against corruption for development, peace and security*. Social media messages prepared for the day generated over 165 million impressions worldwide,<sup>139</sup> representing UNODC’s largest online reach to date, with 8,390 number of tweets using #UnitedAgainstCorruption.

### East Africa

In 2016, the **National Integrity Alliance**, a citizen-centred anti-corruption coalition, celebrated International Anti-Corruption Day by hosting a week-long event with the theme of “Celebrating Whistle-blowers and Integrity Champions” and the objective of inspiring increased citizen action against corruption at all levels in society. Some of the activities included: “100 Ways the Corrupt Defeat Justice”, a consultative forum on how corrupt politicians evade justice through various loopholes, encouraging participants to hold officials accountable; and two workshops on what actions civil society can take to ensure the election of transparent and ethical leaders, as well as on how civil society actors can improve convictions and asset recovery from corruption cases in Kenya. Nearly 400 participants took part in the various activities during the week-long event.

Source: Popular Celebration of the International Anti-Corruption Day 2016. Available from: Accountability and Transparency in Kenya website.



181. In the social media package, CSOs will find sample social media messages and links to images, campaign logo, posters, GIFs and a call-to-action matrix. The package is also available in French, Spanish and Russian. CSOs are then encouraged to tweet about their activities with the hashtag of the day, which varies year by year.

182. Moreover, CSOs can:

- Use generic global and regional key data and messages with selected images/graphics/videos on Trello
- Share videos and stories of anti-corruption champions, data and successes from their country, region, or programme
- Utilize #UnitedAgainstCorruption logos and adapt them for use with their own photos/infographics/GIFs/videos/etc

CSOs can visit the following websites for more information:

- Website: [www.anticorruptionday.org](http://www.anticorruptionday.org)
- Trello Board: UNODC
- Logos: [www.anticorruptionday.org/actagainstcorruption/en/print/index.html](http://www.anticorruptionday.org/actagainstcorruption/en/print/index.html)

#### South-East Europe

In 2017, the **Agency for the Prevention of Corruption and Coordination of the Fight against Corruption** celebrated International Anti-Corruption Day in cooperation with **Transparency International in Bosnia and Herzegovina** and the **Anti-Corruption Network** in that country. The conference was attended by officials from relevant institutions at all government levels in Bosnia and Herzegovina, as well as representations of international institutions, CSOs, media and academia with the unified goal of establishing the best anti-corruption practices in the region.

*Source:* International Anti-Corruption Day: Another year with no results, Transparency International Bosnia and Herzegovina, 09/12/2017. Available from: TI BiH website.

#### West Africa

In 2014, the **Development and Integrity Intervention Goal Foundation (DIG Nigeria)** celebrated International Anti-Corruption Day by organizing a summit with the theme of “Shaping our Action for Preparatory Peaceful Elections”. This event targeted young people in particular, providing them with the necessary tools to break the chain of anti-corruption that has plagued many nations across the globe.

*Source:* Newsletter sent to UNODC by Development and Integrity Intervention Goal Foundation Executive in Nigeria, 11/12/2014. Available on request to UNODC or DIG Nigeria.

#### East Africa

In 2016, almost 100 CSO representatives as well as public officials participated in the third consecutive International Anti-Corruption Day event organized by **Maison des Organisations de la Société Civile (MOSC)** in Comoros. This year’s theme was “Corruption: An Obstacle to Sustainable Development”. At the event, Ahmed Malidé, president

of MOSC, relayed Ban Ki Moon's speech delivered on International Anti-Corruption Day in which the former Secretary-General highlighted the importance of the Convention. MOSC organized the International Day on Anticorruption to create a space for concertation, lobbying, and to raise awareness. MOSC deplored the lack of legal action taken against people responsible of corruption in Comoros and called for a mechanism of public asset recovery to be put in place.

On the same occasion, the President of MOSC welcomed the decision of the Independent National Electoral Commission, obligating candidates in presidential elections and the governors of the islands to remain accountable. This came as a direct result of the efforts initiated during the MOSC International Anti-Corruption Day activities in 2015.

*Source:* Newsletter sent to UNODC by Maison des Organisations de la Société Civile (MOSC) in Comoros, 26/01/2017. Available on request to UNODC or MOSC.

## 7.6 Collaborate with international initiatives

183. CSOs may collaborate with international initiatives such as the International Anti-Corruption Academy (IACA) and the International Anti-Corruption Conference (IACC).

### The International Anti-Corruption Academy<sup>140</sup>

184. The International Anti-Corruption Academy is an international organization based in Laxenburg, Austria. It is the first global institution of its kind, dedicated to overcoming the current shortcomings in knowledge and practice in the field of anti-corruption and seeking to empower professionals for the challenges of tomorrow. The Academy offers standardized and tailor-made training sessions, academic degree programmes, opportunities for dialogue and networking, and anti-corruption think-tank and benchmarking activities.

### The International Anti-Corruption Conference

185. The International Anti-Corruption Conference is the world's premier global forum for bringing together heads of state, civil society, the private sector and more to tackle the increasingly sophisticated challenges posed by corruption. It is organized by Transparency International.

186. The IACC advances the anti-corruption agenda by raising awareness and stimulating debate. It fosters networking, cross-fertilization and the global exchange of experiences that are indispensable for effective advocacy and action on a global and national level.

187. The thematic agenda for the eighteenth IACC workshop, which took place from 22 to 24 October in Copenhagen was "Together for Development, Peace, and Security: Now is the Time to Act". There were various possibilities for participation available for social entrepreneurs, journalists, musicians, filmmakers, the private sector, governments, as well as civil society. Full information is available at: <https://iaccseries.org/>.



## Annex I. Survey on the role of civil society in the implementation of the Convention

In anticipation of writing this guide, UNODC reached out with a survey to 2,615 CSOs on the Civil Society Team's mailing list, who are working on anti-corruption matters, to learn about their role in the implementation of the Convention. Full responses to the survey were received from 124 civil society organizations in 113 countries globally. While the responding CSOs are from a significant number of countries, further efforts are being made to ensure a greater geographical coverage of civil society members on the mailing list of the Civil Society Team of UNODC. As such, the present figures are not intended to reflect the views of civil society from all States parties to the Convention, but only those that participated in the survey as well as those providing inputs to UNODC at various forums.

Respondents to the survey were asked 10 questions with various invitations to extrapolate, specifically over entry points and best practices in the UNCAC review mechanism and its implementation. The survey aimed to bring out patterns of civil society engagement and spell out all activities in all stages of the process, as well as anti-corruption activities outside UNCAC.

Inputs provided by the CSOs have been incorporated throughout the present guide, as direct extracts describing their efforts, as well as statistics.

### Examples of CSO involvement in the review cycle

CSOs reported participating in the development of their country's self-assessment checklist. For instance, **Zenü Network** from Cameroon regularly contacted the **National Anti-Corruption Commission (CONAC)** to inform them of their actions on the ground. They reported about their activities with schools, which was also used by CONAC to measure the level of corruption and to identify the changes obtained. Furthermore, several other CSOs reported having been invited for meetings by the government and submitted written statements.

Furthermore, CSOs helped publish and disseminate the country review report. For instance, **Asabe Shehu Yar'Adua Foundation** from Nigeria supported this by giving speeches and presentations at conferences, sharing information on websites, and distributing brochures, fliers and articles in magazines and newspapers.

Additionally, CSOs prepared parallel reports. For instance, **Transparency International Anti-corruption Center** in Armenia developed and published a parallel report on the first review cycle. It was circulated as an NGO conference room paper at the fifth session of the CoSP in Panama. Moreover, several CSOs indicated having been consulted in the course of the finalization of the country review report with research, oral submissions and valuation meetings.

*Source: UNODC survey (2018).*

### Examples of CSO engagement with the private sector

According to the survey, many of the CSOs engaged with the private sector and CSOs reported diverse efforts in this regard. **21st Century Community Empowerment for Youth and Women Initiative from Nigeria** engaged with small and medium enterprises through a grant from UNODC to the Zero Corruption Coalition in 2013. They also participated in the assessment of the role of private sector in the implementation of the Convention. **Transparency International Slovenia** has worked with the private sector through the Business Integrity Forum, where they bring together different companies and other stakeholders interested in cooperation and exchange of good practices with the aim of achieving effective prevention of illegal and unethical practices in the business environment. They offered help to different stakeholders achieve greater levels of transparency, creation and implementation of ethics programmes. The **Leadership Initiative for Youth Empowerment from Nigeria**, has trained representatives of small- and medium-sized businesses in 6 Local Council Development Area (LCDA) of Lagos State, as part of training on budget monitoring and tracking activities, enabling them to initiate engagement with LCDA authorities on public projects.

*Source: UNODC survey (2018).*

### Examples of CSO activities conducted in the framework of chapters II to V of the Convention

According to the survey, most of the CSOs responding to the survey executed activities related to chapter II: (Preventive Measures). For example, **Terra-1530**, which operates in the Republic of Moldova organized summer schools for young people. The methodology used at the summer schools combined theoretical presentations and practical exercises focusing on anti-corruption awareness-raising and development of skills to promote prevention and combat corruption. Practical sessions included simulation games, group exercises and discussions with experts.

Moreover, the **Ethics Institute from South Africa** worked with the public and private sectors, as well as with professionals, on strengthening capacity to promote ethics and combat corruption. They were active in four areas:

- Leadership: they host conferences, conduct research, develop handbooks and guidance, and influence the public discourse in ethics and anti-corruption work.
- Training: they train ethics officers, ethics committees, and ethics champions.
- Assessment: they assist organizations with assessing their ethical culture and with conducting ethics risk assessments.
- Advisory services: they assist organizations with setting up their ethics management programmes, including the development of policies and codes.

Furthermore, many CSOs reported involvement in activities relating to chapter III (Criminalization and Law Enforcement). For instance, the **Asociación para una Sociedad más Justa (ASJ)** from Honduras reported operating a chapter of the **Anti-Corruption Legal Assistance Center (ALAC)**, in affiliation with Transparency International. Through a corruption hotline and the investigation of cases of corruption, ALAC worked to ensure that cases of corruption were effectively investigated and enforced in the Honduran courts. ASJ also advocated more broadly for improvements in the way that corruption is defined, identified and prosecuted.

In another case, **Libera – Associazioni, nomi e numeri contro le mafie** from Italy was a partner of the project “A Change of Direction – fostering whistle-blowing in Europe in the fight against corruption”. The project promoted the creation of a protection framework to ensure the protection of whistle-blowers in the European Union and its Member States. This project galvanized their role in the fight against corruption and the strengthening of democracy through transparency, also promoting international cooperation for protecting whistle-blowers.

Finally, some of the participating CSOs helped implement chapter V: Asset Recovery. For instance, the **Libyan Transparency Association** participated in several awareness-raising activities, workshops and training sessions in the context of asset recovery. They also sent several official letters to the Libyan government to make them aware of the Convention and the status of freezing and asset recovery in that country.

*Source:* UNODC survey (2018).





## Annex II. Civil society organizations mentioned in the manual

Civil society organization	Country
Integrity Watch Afghanistan	Afghanistan
Transparency International Anti-Corruption Center (TIAC)	Armenia
Transparency International Bosnia and Herzegovina	Bosnia and Herzegovina
ACCOUNT Bosnia and Herzegovina	Bosnia and Herzegovina
Movement to Combat Electoral Corruption	Brazil
Center for the Study of Democracy (CSD)	Bulgaria
Réseau national de Lutte anti-corruption (REN-LAC)	Burkina-Faso
Zenü Network	Cameroon
Maison des Organisations de la Société Civile (MOSC)	Comoros
Shayfeencom (We are watching you)	Egypt
FragDenStaat	Germany
Water Integrity Network	Germany
Ghana Anti-Corruption Coalition (GACC)	Ghana
African Peer Review Mechanism and Business Integrity Forum from the Private Sector	Ghana
Centre for Democratic Development (CDD)	Ghana
Ghana Integrity Initiative	Ghana
Transparency International	Global
UNCAC Coalition	Global
Extractive Industries Transparency Initiative	Global

Global Organization of Parliamentarians Against Corruption (GOPAC)	Global
Global Witness	Global
Oxfam	Global
Publish What You Pay Coalition	Global
The Global Investigative Journalism Network (GIJN)	Global
Partnership for Transparency Fund	Global
The Construction Sector Transparency Initiative (CoST)	Global
Transparency Institute Guyana	Guyana
Transparency International Honduras	Honduras
5th Pillar	India
Flare Network	Italy
Transparency International Italy	Italy
Transparency International Kenya	Kenya
National Integrity Alliance	Kenya
Libyan Transparency Association (LTA)	Libya
Macedonian Centre for International Cooperation (MCIC)	The Former Yugoslav Republic of Macedonia
Centre to Combat Corruption and Cronyism (C4)	Malaysia
Lawyers for Human Rights (Moldova)	Moldova
Terra-1530	Moldova
Leadership Initiative for Youth Empowerment	Nigeria
Zero Corruption Coalition (ZCC)	Nigeria
Africa Network for Environment and Economic Justice (ANEEJ)	Nigeria
Civil Society Network Against Corruption (CSNAC)	Nigeria
Development & Integrity Intervention Goal Foundation (DIG Nigeria)	Nigeria
Nigerian Extractive Industries Transparency Initiative (NEITI)	Nigeria
Socio-Economic Rights and Accountability Project (SERAP)	Nigeria
Southeast European Leadership for Development and Integrity (SELDI)	Regional (SEE)
Belgrade Centre for Security Policy (BCSP)	Serbia
Corruption Watch	South Africa
Tanzania Private Sector Foundation	United Republic of Tanzania
Anti-Corruption Organization of Thailand (ACT)	Thailand



SIAM lab at Chulalongkorn University	Thailand
Transparency International Uganda	Uganda
National Foundation for Democracy and Human Rights (NAFODU)	Uganda
The Legal Aid Service Providers Network (LASPNET)	Uganda
Transparency International in Ukraine	Ukraine
World Animal Protection	United Kingdom
Government Accountability Project (GAP)	United States
Transparency International Solomon Islands	Solomon Islands
Pacific Youth Council (PYC)	Cook Islands, Tuvalu, Nauru, Tonga, Solomon Islands, Niue
Transparency Vanuatu	Vanuatu

## Endnotes

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- 17 Rule 17.
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- 95 See [www.eagle-enforcement.org/](http://www.eagle-enforcement.org/)
- 96 UNODC: *UNCAC: Implementation guide and evaluative framework for Article 11*, p. 53.
- 97 Transparency International Global Corruption Report (2007), p. 118.
- 98 *Ibid.*, p. 120.
- 99 UNODC: *UNCAC: Implementation guide and evaluative framework for Article 11*, p. 55.
- 100 UNODC: *Handbook on Crime Prevention Guidelines: Making them work*, p. 35.
- 101 CCJE, Opinion No.10. Accessible at: <https://rm.coe.int/168074779b>.
- 102 *UNCAC Implementation Guide and Evaluative Framework for Article 11*, p. 15.
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- 104 *Ibid.*, p. 117.
- 105 UNODC: *Resource Guide on Strengthening Judicial Integrity and Capacity*, p. 78.
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- 108 UNODC: *Criminalization and Law Enforcement: The Pacific’s Implementation of Chapter III of the United Nations Convention against Corruption*, p. 9.

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- 110 Next to other forms of reporting which have other characteristics, such as reporting by witnesses or victims of a crime, complaints by service users or clients.
- 111 Depending on the national legislation also including contractors, consultants, former employees etc. See for instance: OECD, *Committing to Effective Whistle-blower Protection*, table 2.1. with examples of 26 countries on page 42. [www.oecd.org/corporate/committing-to-effective-whistleblower-protection-9789264252639-en.htm](http://www.oecd.org/corporate/committing-to-effective-whistleblower-protection-9789264252639-en.htm).
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- 113 Government Accountability Program: *Working with Whistle-blowers: A Guide for Journalists*, p. 19.
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- 117 Transparency International: *Speaking Up Safely, Civil Society Guide to Whistleblowing*, p. 25.
- 118 *Ibid.*, p. 28.
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- 124 Arab Forum on Asset Recovery: *Guide to the Role of Civil Society Organisations in Asset Recovery*. p. 11.
- 125 Open-ended Intergovernmental Working Group on Asset Recovery, Ninth Session (2015), Discussion guide for the thematic discussion on article 57 (return and disposal of assets): Note prepared by the Secretariat, para. 25, p. 7.
- 126 Arab Forum on Asset Recovery: *Guide to the Role of Civil Society Organisations in Asset Recovery*. p. 18.
- 127 World Bank and UNODC. (2009). *Stolen Asset Recovery: Toward a Global Architecture for Asset Recovery*. para. 173, p. 52.
- 128 IMF 2016. *Corruption: Costs and Mitigating Strategies. A 2015 estimate, extrapolated from Kaufmann (2005)*, [http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/2-1\\_Governance\\_and\\_Corruption\\_Kaufmann.pdf](http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/2-1_Governance_and_Corruption_Kaufmann.pdf).
- 129 Control Risk *2015 International Business Attitudes to Corruption Survey*, 2014/2015.
- 130 United Kingdom Anti-Corruption Strategy 2017-2022, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/667221/6\\_3323\\_Anti-Corruption\\_Strategy\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf).
- 131 United Nations Convention Against Corruption, p. 28.  
State of the Implementation of UNCAC (2015), p. 157.  
[www.unodc.org/res/cld/bibliography/state-of-implementation-of-the-united-nations-convention-against-corruption\\_html/15-03457\\_ebook.pdf](http://www.unodc.org/res/cld/bibliography/state-of-implementation-of-the-united-nations-convention-against-corruption_html/15-03457_ebook.pdf).
- 133 This section has been based on the webpage and adapted to include CSO collaboration with the private sector [www.unglobalcompact.org/what-is-gc/mission/principles/principle-10](http://www.unglobalcompact.org/what-is-gc/mission/principles/principle-10).
- 134 <https://business.un.org/>.
- 135 [www.unglobalcompact.org/take-action/action/anti-corruption-call-to-action](http://www.unglobalcompact.org/take-action/action/anti-corruption-call-to-action).

- 136 Role reversals outcome document (unpublished).
- 137 [http://uncaccoalition.org/en\\_US/anti-corruption-platforms/](http://uncaccoalition.org/en_US/anti-corruption-platforms/).
- 138 This may be done by sending the same information to the same address: [info@uncaccoalition.org](mailto:info@uncaccoalition.org) or for specific regions:  
For Africa: [http://uncaccoalition.org/en\\_US/anti-corruption-platforms/africa/](http://uncaccoalition.org/en_US/anti-corruption-platforms/africa/).  
For South-East Europe: [http://uncaccoalition.org/en\\_US/anti-corruption-platforms/southeast-europe/](http://uncaccoalition.org/en_US/anti-corruption-platforms/southeast-europe/).  
For South-East Asia: [http://uncaccoalition.org/en\\_US/anti-corruption-platforms/southeast-asia/](http://uncaccoalition.org/en_US/anti-corruption-platforms/southeast-asia/).
- 139 Impressions: the number of times that users have seen posts containing a respective hashtag. A single user can have multiple impressions.
- 140 [www.iaca.int/academic-programmes/imacc.html](http://www.iaca.int/academic-programmes/imacc.html).





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