**UNODC Contribution to SG report pursuant to Human Rights Council resolution 39/ 11 on 'Equal participation in political and public affairs’**

*The following outlines best practices and challenges faced by States in using the guidelines on the effective implementation of the right to participate in public affairs.*

1. **Basic principles underpinning the effective implementation of the right to participate in public affairs**

**Good practices**

* *With respect to paragraph 21.h* on mechanisms to ensure inclusiveness in the exercise of the right to participate in public affairs and in particular the use of disaggregated data to identify and develop adequate and effective measures, in 2021 UNODC supported Member States in strengthening the participation of women in the fight against corruption by releasing “The Time is Now - Addressing the Gender Dimension of Corruption”.[[1]](#footnote-1) The publication provides evidence-based insights on how corruption differently affect women and men and how the exclusion of the former from patronage networks often dominated by men hinders their participation in the public, private and political spheres, and negatively impacts the fight against corruption. The study highlights that a diverse environment is more inclusive and beneficial to the strengthening of institutional accountability and transparency mechanisms. As an innovative good practice to address local level corruption in a gender-neutral manner, the Office of the Comptroller General of Brazil undertakes federal audits of local administrations based on the numbers drawn in the national lottery, hence keeping the offices on their toes, and making the selection random.
* *Pursuant to paragraph 22.b.iv* on the guarantee of the right of access to information and particularly the protection of whistle-blowers, in the context of the UK-funded Fast-Tracking the Implementation of the United Nations Convention against Corruption (UNCAC)[[2]](#footnote-2) project, in Rwanda, the civil society organization Transparency International (TI) has been working on supporting the Government in strengthening the country’s whistle-blower protection system. In a report published by the CSO in 2020 on the Status of Whistle-blower Law of 2017, TI recognized that Rwanda has made a significant effort to protect whistle-blowers by equipping the country with robust legal instruments. To consolidate achievements and make further progress on the matter, multi-stakeholder workshops took place, bringing together representatives of the Office of the Ombudsman, Rwanda National Police, Rwanda Investigation Bureau, National Public Prosecution Authority, The National Human Rights Commission, Rwanda Law Reform Commission, and various CSOs and media practitioners to enhance collaboration among national authorities and non-governmental actors to guarantee the right of access to information and the consequent protection of individuals who denounce practices of economic crimes.
* *With respect to paragraph 24,* under the framework of the Doha Declaration, UNODC Global Programme on Promoting a Culture of Lawfulness helps countries achieve a positive and sustainable impact on crime prevention, criminal justice, corruption prevention, and the rule of law, by promoting peaceful, corruption-free and inclusive societies through a people-centred approach that provides access to justice for everyone and builds effective and accountable institutions at all levels.

As part of the Programme, the Education for Justice (E4J) initiative supports Member States in empowering rights holders to effectively exercise the right to participate in public affairs (para 24) by promoting a culture of lawfulness through education activities and encouraging students to actively engage in their communities. Through the E4J initiative, young citizens have access to civic education and can learn about human rights and the importance of participation in society. For example, as part of the module series for tertiary education on Anti-corruption, Module 10[[3]](#footnote-3) offers university students a specific course on the importance of citizen participation in the fight against corruption and how to identify tools and opportunities for active citizen engagement in this context.

**2) Dimensions of the right to participate in public affairs: forms and levels of participation - Participation in elections**

**Good practices**

* *Pursuant to paragraph 30*, in Mexico, public authorities and civil society organizations have been working together to enhance representation and equal participation of women in electoral processes. For example, the National Electoral Institute, through the Executive Directorate of Electoral Training and Civic Education has convened since 2008 to date eleven editions of the National Programme to Promote Women's Political Participation through Civil Society Organizations. The Programme aims at promoting women's citizen participation in conditions of equality, strengthening women's political leadership and facilitating the incursion of women into decision-making spaces in order to influence public affairs.
* *With respect to paragraph 32*, the purpose of Mexico's National Programme is to enhance substantive equality between men and women by promoting women's political- electoral rights, including through training for women to know an exercise their rights and get involved in their community, and encouraging effective measures to prevent and respond to political violence against women and women’s political leaderships. For the 2019 edition, 32 projects were supported, which were implemented in 15 Federal Entities (Baja California, Mexico City, Chiapas, Durango, Guerrero, Jalisco, Michoacán, Morelos, Oaxaca, Puebla, Querétaro, San Luis Potosí, Tlaxcala, Veracruz, and Yucatán). The edition had four modalities of participation, to have a diversity of projects depending on the context of implementation and the experience of CSOs to address the above-mentioned issues and generate advocacy actions such as developing agendas and action plans.
* Moreover, *in reference to paragraph 45*, to establish cooperation in fighting corruption in the electoral system in Mexico, in September 2020, a letter of intent was signed between the National Electoral Institute and the Citizen Participation Committee (Comité de Participación Ciudadana - CPC)[[4]](#footnote-4) to establish a joint strategy for the promotion of legality during electoral processes. The CPC is a constitutional body made up of five citizens that coordinates the activities of the National Anti-Corruption System. It proposes comprehensive anti-corruption policies for the Mexican State, and links civil society, academia, and the business sector with the National Anti-corruption System.

**Challenges**

* *With reference to challenges related to implementing paragraph 32*, during the electoral process 2020-2021 in Mexico, according to the statistics of the Executive Secretariat of the National Public Security System, between January and June 2021, 2941 criminal investigation files for electoral crimes were initiated.[[5]](#footnote-5) The crimes committed included the use of violence against women who participated in the 2021 electoral process such as verbal aggressions, ridicule, disqualification, disrespect, degrading images, and words in social networks and/or journalistic notes, damage to campaign materials, insults, and intimidation. Dissemination of private information to undermine their image, promotional that disqualifies based on gender stereotypes, defamation, and slander. Among the most serious are death threats, attacks or threats with weapons, pressure to resign from office, kidnapping and femicide**.**[[6]](#footnote-6) Although these events constituted a serious violation of the right to participate, the decree of April 13, 2020 which criminalized political gender-based violence against women and empower the National Electoral Institute and local public bodies (OPLEs) to initiate sanctioning processes and issue precautionary measures, shows that the Mexican Government has taken important steps towards criminal justice responses to such violations.

**3) Participation in non-electoral contexts**

**3a) Institutional framework to ensure participation in the decision-making of public authorities**

**Good practices**

* *Regarding paragraphs 56 and 60*, Colombia has included a participatory framework under the Final Agreement to End the Armed Conflict to Build a Stable and Lasting Peace. By means of recognizing the rights of victims and communities affected by armed conflict in taking part of the public agenda, an effective participatory framework in different instances was granted. For example, as agreed upon Chapter 1 on Comprehensive Rural Reform of the Final Agreement,[[7]](#footnote-7) consultations, public hearings, and meetings between civil society and government authorities were held to develop Development Programmes with Territorial Focus (PDET) plans and identify and prioritize territorial-based actions to eradicate poverty, promote equality and ensure full enjoyment of the rights of citizenship in 170 municipalities.

**3b) Measures to ensure meaningful participation at different stages of decision-making**

**Good practices**

* *With reference to paragraph 64*, in the context of Colombia’s PDET, room for consensus building was created between affected communities and national authorities on the structuring of productive projects to promote legal rural economies in territories affected by illicit crops (coca). In this sense, UNODC Colombia assisted technically both government and communities in the development and implementation of initiatives focused on Alternative Development.
* In Asia and the Middle East, UNODC assists Member States in developing and implementing more effective national and international responses to trafficking in persons and migrant smuggling through the Global Action against Trafficking in Persons and the Smuggling of Migrants. Under the framework of this Global Programme, *pursuant to paragraph 64,* the Government of Bangladesh has actively been engaged with CSOs since the inception of the initiative in the country, to unsure the inclusion of priorities and needs identified by non-governmental actors in shaping the agenda of decision-making processes to respond to trafficking in persons. Multiple meetings took place in 2019 to exchange views and share best practices on the needs and priorities for Bangladesh with regard to addressing trafficking in persons and the smuggling of migrants, with a view to strengthening the partnership with non-governmental actors. By July 2020, two working groups – on human trafficking and labour migration – have been established in the framework of the national activities relating to the work of the UN Network on Migration in Bangladesh. The two groups consist of UN agencies and CSOs working to counter trafficking in persons for labour exploitation and related migration issues in the country.
* Several articles of the United Nations Convention against Corruption (UNCAC) require States parties to promote civil society participation, including by developing and implementing or maintaining effective, coordinated anti-corruption policies (Art. 5, para 1), by encouraging transparency and accountability through public reporting (Art. 10), and by promoting the active participation of individuals and groups in preventing and fighting corruption and raise awareness (Art. 13).[[8]](#footnote-8)

*With respect to paragraphs 81, 84 and 85*, recognizing the key role that CSOs play in providing the checks and balances for improving accountability in the public and private sector, more and more States are including civil society not only in their review process, but more broadly by consulting the public in many aspects of fighting corruption. In numerous countries, civil society representatives have been invited to meet with country reviewers and have contributed to the review process. In more than 30 countries, non-governmental organizations have produced their own civil society review reports, evaluating the transparency and inclusiveness of the country review process and country compliance with UNCAC standards. The release of the self-assessment checklist and the full country report as well as updated public information on the review schedule, country visits and the focal point are crucial to facilitate the involvement of civil society organizations in the review process. Furthermore, the end of the review process is meant as a starting point for reforms, with governments and civil society discussing how to follow up on the review’s resulting recommendations, ensuring the involvement of non-governmental actors during all stages of decision-making.

**3c) Information and Communications Technology (ICT) to strengthen equal and meaningful participation**

**Good practices**

* *In reference to paragraphs 89 and 90*, the knowledge management portal **SHERLOC** (Sharing Electronic Resources and Laws on Crime) supports Member States in disseminating information regarding progress on implementation of UNTOC. Through SHERLOC, Member States are facilitated in guaranteeing and giving effect to the right of access to information to non-governmental actors. SHERLOC contains databases of case law, legislation, treaties and national strategies, among others, that can be accessed by civil society actors to develop courses, raise awareness and analyse the implementation of the United Nations Organized Crime Convention and Protocols. In addition, individuals and organizations can contribute to SHERLOC through the submission of relevant laws, judicial decisions, and national strategies for upload by the SHERLOC team, therefore actively participating in enhancing useful knowledge capacity for decision-making
* Furthermore, UNODC developed the online knowledge hub **WhatsOn**. This platform is part of UNODC’s project ‘Stakeholder Engagement for the United Nations Convention against Transnational Organized Crime (UNTOC) – SE4U, Its Review Mechanism and Related Activities,’ implemented to support Resolution 9/1 of the Conference of Parties to UNTOC adopted on 19 October 2018[[9]](#footnote-9). WhatsOn allows user interaction and facilitates open dialogue and collaborative knowledge building on organized crime issues among all stakeholders, including NGOs, academia and the private sector, allowing for networking and knowledge exchange. The platform also serves as a repository of tools, providing open access to relevant resources on counter-organized crime and anti-corruption, such as international instruments, regional and national policies, and good practices. Currently more than 300 Civil Society Organizations are registered on WhatsOn.

**4) Right to participate in public affairs at the supranational level, including in international organizations**

**Good practices**

* *In reference to paragraph 100*, UNODC actively works to increase the capacity of civil society to participate in the implementation of the Convention against Corruption (UNCAC) and the Convention against Transnational Organized Crime (UNTOC) alongside with Member States. Moreover, non-government stakeholders are being engaged in the implementation of and follow-up on the 2021 Ministerial Declaration of the Commission on Narcotic Drugs (CND), as well as the 32nd special session (2021) of the General Assembly related to the challenges and measures to prevent and combat corruption and strengthen international cooperation.
* For example, *pursuant to paragraph 105*, under the project “Fast-Tracking the Implementation of the United Nations Convention against Corruption (UNCAC)”, four regional platforms have been created across the world to prevent and combat corruption in the South East Asia, Eastern Africa, South America and Mexico as well as in Southern Africa.[[10]](#footnote-10) In these multi-stakeholder platforms, representatives of governments work hand in hand with civil society to adopt regional recommendations that take account of civil society priorities, and thereafter, implement those recommendations alongside governmental counterparts. Through the establishment of these permanent structures, CSOs are increasingly transitioning from an outside voice for change to a partner working with governments and the private sector and under the umbrella of the project, have so far contributed to policy interventions, awareness raising and have brought ground-level voices to international discussions.

The most recent of such platform, the Southern Africa one, was launched in October 2019, during the Regional Conference held in Zambia and gathering 26 civil society organizations from across the region, representatives of the public sector and governmental technical experts from Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia and Zimbabwe. At the end of the conference, participants identified four thematic areas as regional priorities and agreed on a set of recommendations to fast-track the implementation of UNCAC. As an additional instrument to foster civil society participation, regional Anti-corruption ePlatforms have been established where SCOs can discuss best practice approaches, coordinate advocacy activities, update each other on relevant developments and learn from each other’s experiences. Among the four, the Africa Anti-corruption ePlatform has shown the greatest advancements, connecting 95 CSOs and having received voluntary submissions of full country reports from the governments of Botswana, Burkina Faso, Cape Verde, Kenya, Mauritius, Mozambique, Nigeria, Swaziland and Tanzania and two self-assessment checklists from Mauritius and Nigeria.[[11]](#footnote-11)

**Challenges**

* Due to the Covid-19 pandemic and related travel restrictions, the follow-up civil society roundtable to the Southern Africa Regional Conference, that was to take place in Cape Town in September 2020 to discuss ongoing anti-corruption efforts in the platform, had to be postponed. Nonetheless, the mapping/baselining was successfully conducted remotely in the first half of 2020 and the implementation phase was launched in June 2020. Furthermore, the first workshops and activities on public procurement and whistle-blower protection in Zambia and South Africa were carried out in an online format. The restrictions imposed by the pandemic led many events, trainings, webinars and intergovernmental meetings to be conducted virtually, allowing for broader participation of non-governmental stakeholders and for cost-effective participation and engagement by a broader sector of the public.
1. https://www.unodc.org/documents/corruption/Publications/2020/THE\_TIME\_IS\_NOW\_2020\_12\_08.pdf [↑](#footnote-ref-1)
2. <https://www.unodc.org/unodc/en/ft-uncac/index.html> [↑](#footnote-ref-2)
3. <https://www.unodc.org/e4j/en/anti-corruption/module-10/index.html> [↑](#footnote-ref-3)
4. <https://cpc.org.mx/programas-e-informes-institucionales-2-2-2/> [↑](#footnote-ref-4)
5. Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública. Consult the following link <https://www.gob.mx/sesnsp/acciones-y-programas/incidencia-delictiva-del-fuero-comun-nueva-metodologia?state=published> [↑](#footnote-ref-5)
6. Observatorio Nacional, Delitos Electorales y Violencia Política en el contexto de pandemia y crisis sanitaria por covid-19 en México, pág. 62. Consult the following link: <https://onc.org.mx/uploads/delitos-electorales.pdf> [↑](#footnote-ref-6)
7. Peace Agreement database: <https://www.peaceagreements.org/wview/1845/Final%20Agreement%20to%20End%20the%20Armed%20Conflict%20and%20Build%20a%20Stable%20and%20Lasting%20Peace> [↑](#footnote-ref-7)
8. Consult the following link: <https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf> [↑](#footnote-ref-8)
9. Res. 9/1: <https://www.unodc.org/documents/treaties/UNTOC/Review%20Mechanism/Resolution/English.pdf> [↑](#footnote-ref-9)
10. For more information on civil society in Fast-Tracking the Implementation of UNCAC, consult the following link: <https://www.unodc.org/unodc/en/ft-uncac/platforms/civilsociety.html> [↑](#footnote-ref-10)
11. <https://uncaccoalition.org/anti-corruption-platforms/africa/> [↑](#footnote-ref-11)