

ARTICLE 19

USING ACCESS TO INFORMATION TO COMBAT CORRUPTION:

Short Guide on
enforcement of Articles
10 and 13 on the UNCAC
by Governments and
Civil Society

2023

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Introduction

The right of access to information (ATI) held by governments and other state authorities empowers individuals and communities to participate in decisions that affect their lives. It has been widely recognized around the world as a fundamental human right and an integral aspect of the right to freedom of expression. It is also recognized as an important tool for promoting the rule of law, fighting corruption, and enabling other rights, in particular social and economic rights such as the rights to education and to healthcare.

Since the United Nations Convention against Corruption (UNCAC) entered into force in 2003, the number of countries with national ATI laws has increased significantly – to close to 140, about 70% of the UN Member States. The advent of the UNCAC supported the ongoing efforts of ATI activists around the world to work with their governments, parliaments, and public administration to pass new laws to promote ATI. Originally, ATI was mainly considered as a tool to develop the performance of public administration; with time, it also emerged as a preventive measure against corruption.

Based on Articles 10 and 13 of the UNCAC as an entry-point and building on recent developments in international human rights and multi-stakeholder initiatives focusing on anticorruption, transparency and openness, this Guide documents the importance of ATI at the transnational and national levels to support efforts preventing corruption, showcasing both existing and emerging practices. It presents examples of how proactive disclosure and reactive disclosure of information support anti-corruption efforts in terms of prevention and investigation. ATI is at the heart of many international and sector-based initiatives that build on citizens' participation to improve accountability and increase transparency in public life.

The Guide is an abbreviated version of ARTICLE 19's detailed guide, published in 2022. It presents to all anti-corruption practitioners' examples and initiatives initiated by States Parties to the UNCAC, international organizations, civil society organizations, and the private sector to promote ATI. It also exhibits how their combined or individual efforts contribute to fighting corruption and increasing transparency.

ARTICLE 19 appreciates the support and input to this guide from the UNCAC Coalition, a global network of over 350 civil society organization's in over 100 countries, committed to promoting the ratification, implementation, and monitoring of the UNCAC.



How and who ATI helps fight corruption

Various countries have recently implemented ATI laws and that make a contribution to greater transparency and reduced corruption. This claim is based on extensive studies demonstrating that access to information has several impacts on the fight against corruption. In particular:

ATI legislation increases government transparency and accountability

ATI laws increase government transparency and accountability. Passing ATI laws is associated with an increase in perceived government corruption.¹ Although it might initially appear to be contrary to conventional wisdom, this is considered as a positive development, because it is attributed to an increase in more observed corruption driven by more reporting on corruption. The long-term implications of adopting ATI laws show that perceptions of government corruption decrease when countries develop ATI laws, suggesting a decline in the probability of actual corruption in the long run, due to an increase in transparency.² The long-term implications of adopting ATI laws show that perceptions of government corruption decrease when countries develop ATI laws, suggesting a decline in the probability of actual corruption in the long run, due to an increase in transparency. ATI laws appear to increase the perception of government corruption if accompanied by a greater degree of media freedom, the existence of NGOs, and greater competitiveness in political participation. These are important precursors to ATI, as they enhance transparency and make governments more accountable to their citizens.

ATI improves transparency in political institutions

Testing has proven that increasing the transparency of political institutions can combat corruption.³ Looking only at average effects give a misleading picture of the significance of transparency for corruption. Solely making information available will not prevent corruption if conditions for publicity and accountability such as education, media circulation, and free and fair elections are weak. With effective ATI laws, legislative, executive, and judicial branches can be held accountable. For instance, periodic public declarations of assets and income sources by members of parliaments, ministers, and government officials, and their close families are a good start for improving accountability of public office, particularly in countries where corruption is endemic.

ATI helps improve record-management of official records

Access to information depends on reliable record keeping systems.⁴ The first step in record-management consists of strengthening the supply side of these systems by ensuring there is an effective national regulatory and physical infrastructure for managing official records. Then, public servants must be sensitized about their responsibility to maintain and use records.

ATI helps reduce bribery

Information disclosure decreases corruption phenomena such as bribery. The evidence suggests that publicity may reduce the size of the benefits that firms receive from bribes as well.⁵ Results indicate that among the factors that appear significant in explaining the amount of bribes are variables related to information disclosure, followed by the rank of the politician bribed, regulatory burdens, and legal efficiency.



ATI increases citizens' participation, media freedom, and whistleblowers protection

One crucial aspect of enabling citizen participation is supporting access to information by raising awareness and increase capacity of civil society groups and media on proactive disclosure and making information requests. ATI legislation enables average citizens to access information and contribute to increasing transparency, thus supporting the fight against corruption. As public bodies respond to people's queries and proactively publish the information they create, people can see, better understand, and scrutinize the workings of the public bodies they fund through public finance. ATI is seen as a necessity for effective participation in public life and a tool to redress one type of imbalance between people and the powerful institutions that govern them.

To facilitate access to information requests, CSOs have developed online access to information portals in several countries (one such portal also covers the institutions of the European Union) that facilitate the filing of requests for information to authorities and make the responses from State bodies accessible to the public. They have developed the expertise and capacities of citizens and groups to advocate for ATI legislation and to enforce its use. If at its origins this emerging movement was seen as contentious by some governments, the adoption of the UNCAC brought more legitimacy to it and showed the importance of multi-stakeholder approaches in fighting corruption, given its holistic nature.

Journalists and the media contribute to shaping the climate of democratic debate and good governance. Given this role, it is crucial that they can access public information. ATI laws enable journalists to access information from public bodies and expose and fight corruption. Additionally, a growing number of countries have adopted legislation aimed at protecting whistleblowers, who are often the first source of information for journalists reporting on corruption.⁶ In turn, the media plays a potentially vital role in destigmatizing whistleblower reporting. Whistleblowers turn to journalists for various reasons, including to protect their identity, to bring issues of concern to the attention of the public or government, or to call for action in the absence of effective responses by law enforcement, employers, or other powerful actors.



Access to information in the UNCAC

UNCAC promotes globally accepted anti-corruption standards and provides a comprehensive approach to preventing and fighting corruption. The UNCAC was a remarkable international achievement when adopted in 2003 and its approach is considered the most universal anti-corruption instrument. Although it does not explicitly recognize the right of ATI, it promotes transparency which enables access to information in practice. In turn, ATI can lead efforts to strengthen local systems to prevent corruption, improve international cooperation, and recover assets generated by corruption. The United Nations Office on Drugs and Crime (UNODC) is the guardian of the UNCAC and has been entrusted with its advancement and implementation. States parties to the UNCAC are expected to “endeavor to periodically evaluate relevant administrative measures with a view to determining their adequacy to prevent and fight corruption” (Article 5 (3)).

Article 10 of the UNCAC is intended to ensure that citizens understand the workings of public administration and have information on the decisions and decision-making processes of public officials and on the risks of corruption. Transparency enables citizens to review what the administration is doing on their behalf and enhances their trust in public institutions.

Article 10: Public reporting

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia: (a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public; (b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and (c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

The UNCAC provides the foundation for citizen participation in anti-corruption efforts in Article 13(1), which requires States parties to “take appropriate measures to promote the active 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”.

Article 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active 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 to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as: (...) (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary: (i) For respect of the rights or reputations of others; (ii) For the protection of national security or ordre public or of public health or morals.



To operationalize the obligations under Article 13, States parties to the UNCAC can take several complementary measures that include fulfilling the public reporting obligations under Article 10 of the UNCAC. Article 10 of UNCAC requires States “to enhance transparency in [their] public administration, including with regard to [their] organization, functioning and decision-making processes, where appropriate.” It includes maintaining a robust freedom of information regime, providing citizens and civil society with the information needed to fight corruption, and ensuring that there is an enabling environment for the registration and functioning of civil society. The last measure requires the State, at a minimum, not to act in a way that represses or obstructs the work of citizens, CSOs, and the media in their anti-corruption efforts.

States parties to the UNCAC can also play their part in promoting more effective implementation of Article 13 and supporting the meaningful and active engagement of civil society and other stakeholders in the development and implementation of anti-corruption measures by:

- Providing a safe and enabling environment for CSOs, activists, the media and other stakeholders to carry out anti-corruption work without fear of harassment, intimidation, or reprisal and to hold to account those who commit attacks.
- Engaging a diverse range of stakeholders, including those that are marginalized, in the development and implementation of anti-corruption measures through a participatory and inclusive process.
- Adopting and fully implementing legal frameworks that include laws on effective access to information, protection of whistleblowers, and public participation decision-making.

The UNCAC **Implementation Review Mechanism (IRM)** is a peer review process that assists States parties to effectively implement the UNCAC. In accordance with the terms of reference, each State party is reviewed by two peers which are selected by a drawing of lots at the beginning of each year of the review cycle.

UNODC elaborates on the IRM in its guidance to State Parties supporting access to information. It states that in order to involve civil society and the wider public in anti-corruption efforts, the states might need to adopt specific legislation, depending on the existing legal arrangements and traditions. States might also review the existing rules on access to information, privacy issues, restrictions, and public order situations.⁸

The review mechanism does not require States under review to publish their self-assessment or the full country report but rather only a brief executive summary of each review has to be published. However, States are encouraged by the review mechanisms’ Terms of Reference to exercise their sovereign right to publish their country review report and their self-assessment.

The UNCAC Coalition’s Transparency Pledge⁹ embodies a voluntary commitment by States Parties to meet minimum standards of transparency and civil society participation in the UNCAC review process.



Multi-stakeholder initiatives impacting and improving implementation of ATI

Access to Information in the SDGs (SDG 16.10.2)

The right of access to information is included in the UN Agenda 2030 for Sustainable Development. The Agenda recognized ATI as a necessary enabling mechanism for public engagement across the goals and specifically incorporated into it Goal 16 as well as implicitly into many other goals and targets. Indicator 16.10 ensures public access to information and protects fundamental freedoms in accordance with national legislation and international agreements. The Agenda 2030 reflect the two separate indicators for 16.10 related to access to information and human rights:

- 16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates.
- 16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

The SDG Indicator 16.10.2 supports developing countries' efforts to promote transparency of public authorities by providing public information online, appointing public information officers in each public authority, and setting up a mechanism for handling information requests from citizens. UNESCO aims to develop the vital role of information commissioners in upholding information rights in the interest of sustainable development as well as integrating them into the monitoring of this SDG indicator. The International Programme for the Development of Communication (IPDC) has outlined several key actions to track ATI progress, as well as supporting Member States in fulfilling their obligation to report such progress.¹⁰

The UNESCO Survey on Public Access to Information monitors the implementation of SDG 16.10.2 by asking States' central oversight institutions responsible for access to information (such as Information Commission or Commissioner, Data Protection or Privacy Commission or Commissioner, Human Rights Commission, Ombudsman, and Department or Ministry or Agency) to report on progress on the implementation of access to information laws.

UNESCO 2022 Survey has revealed that, as of February 2022, Access to Information laws have been adopted by 135 countries, with six having passed new laws during the COVID-19 period in between 2020 and 2021. Despite this positive trend, findings from the survey in previous years suggested that implementation of these guarantees could be improved. The 2021 survey revealed that out of the 91 countries and territories with Access to Information laws, only 44% (40) had data in 2020 on the number of requests for information received, while the remaining 56% (51) only had data from either 2018 or 2019, or no data at all. The low scores for data availability were also recorded on the number of appeals processed by oversight institutions. Out of the 91 countries and territories, only 57% (52) had data in 2020, while the remaining 43% (39) only had data from either 2018 or 2019, or no data at all. These figures in 2020 suggest that public bodies struggled to monitor how they treated and followed up Access to Information requests during the COVID-19 pandemic, when some countries suspended commitments to turn-around times. The figures also point to room for improvement for oversight institutions in implementing Access to Information guarantees in their countries in the pandemic recovery phase. The low level of data availability for 2020 also reinforces the need to build back with better recordkeeping systems.¹¹



FACTI Panel

The High-Level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda (FACTI Panel) aims to contribute to the implementation of the 2030 Agenda by identifying gaps and supporting reforms in the existing systems and frameworks. The FACTI Panel published its Interim Report in September 2020 and its detailed Final Report with recommendations in February 2021.¹² Recommendations addressed the need for the international community to develop and agree on common international standards for settlements in cross-border corruption cases and make information on anti-money-laundering measures public. This process would consist of all countries creating a centralized registry for holding beneficial ownership information on all legal vehicles.

The Group of States against Corruption (GRECO)

GRECO was established in 1999 by the Council of Europe to improve the capacity of its members (48 European States, Kazakhstan, and the United States of America) to fight corruption by monitoring their compliance with its anti-corruption standards through a dynamic process of mutual evaluation and peer pressure. GRECO also provides a platform for the sharing of best practice in the prevention and detection of corruption. Access to information and transparency of the law-making process are still areas that required GRECO's intervention, despite the numerous recommendations that countries received in the past.

UN Working Group on Business & Human Rights (UNGPs)

The UN Guiding Principles on Business and Human Rights (UNGPs) are a set of guidelines for States and companies to prevent, address, and remedy human rights abuses committed in business operations.¹³ The guidelines emphasize the importance of ATI for affected stakeholders in their grievances or disputes with business enterprises to achieve fair process and durable solutions. The UN Working Group on Business and Human Rights stated in its March 2021 briefing of the importance given to the two intertwined legislative proposals by the European Commission aiming to foster integration of sustainability in corporate strategies.¹⁴

The Extractive Industries Transparency Initiative (EITI)

The EITI¹⁵ is a global standard to promote open and accountable management of natural resources. The EITI is currently implemented in 52 countries where it is supported by a collaborative coalition of governments, companies, and civil society. The EITI relates directly and indirectly to different SDGs, including 16, and is an example of a multi-stakeholder approach to collaboration to develop transparency and ensure the participation of local actors in the evaluation of public policy. The EITI sustains the EITI Standard, which requires countries to ensure the full disclosure of taxes and other payments made by oil, gas, and mining companies to governments. These payments are disclosed in an annual EITI Report which provides citizens with information to monitor these resources and the impact of their exploitation on the local population. The 2016 version of the Standard included enhanced disclosure requirements on beneficial ownership, ensuring that the identity of the real owners of the oil, gas, and mining companies operating in EITI countries would be public by 2020. It encouraged countries to disclose open data online to enable users to make better use of EITI data to inform public debate about the extractive industries and to draw more from existing and emerging online sources rather than developing separate systems for collecting data for the EITI process.



The Open Government Partnership (OGP)

The OGP was initiated by the “Open Government Declaration” to promote transparency of governments through a multi-stakeholder approach. The commitment of the OGP to ATI is strong for both reactive and proactive disclosure of information. One of the conditions established in the Articles of Governance of OGP for governments to join is to adopt “[a]n access to information law that guarantees the public’s right to information and access to government data,” which is “is essential to the spirit and practice of open government.” Even if this is an important step in recognizing the importance of the right to information or transparency and open government, some experts have criticized the fact that this focuses only on the existence of access to information legislation in the country, without paying attention to its effectiveness and its compliance with international standards. The dilemma here is that the adoption of strong RTI legislation does not guarantee its implementation, and therefore this metric can be insufficient. This is an important lesson for the monitoring of the SDG indicator 16.10.2.¹⁶ A study conducted to analyze the commitments of OGP countries to RTI concluded that all members made at least one commitment regarding open government data, but made commitments to improve the functioning of access to information laws less frequently. This is partially because OGP as an initiative is aimed at the executive branch of governments and can thus deliver proactive transparency (open government data) unilaterally, but the reactive part of RTI requires that other stakeholders take part in the process, including the legislature. Further, open data is often seen as easier and less contentious, as the release is under the control of the public bodies. The commitments made by those governments who included RTI in their plans fall within four broad categories that can be described as: Developing or strengthening a solid legal RTI framework; Ensuring the correct enforcement of RTI; Training on RTI for public officials; and developing or strengthening oversight bodies.

Open Contracting Partnership and Open Contracting Data Standard (OCP)

OCP was founded in 2012 by a community of policy experts, leaders, and campaigners through a collaborative process that included hundreds of stakeholders across government, business, and civil society as an alliance to foster collaboration, innovation, and collective action. The Open Contracting Data Standard (OCDS) was launched in 2014 as a global non-proprietary standard structured to reflect the complete contracting cycle and enable users and partners around the world to publish shareable, reusable, machine readable data, and combine it with their own information to build tools to analyze or share data.



Key roles of ATI in administrative processes and government work

Proactive Disclosure in core functioning of the administration and public sector

Audits: Officially released audit reports can represent a significant move in terms of curbing corruption in public sector and local governments. The effects of the proactive disclosure of information by audit courts or other types of inspection agencies could support media, civil society, and the public to fight corruption and impact electoral outcomes. Disclosing information is an important step, but it needs to be supported by an informed public, media, and civil society to analyze this information and share the conclusions with the public. The value of information disclosed is strengthened by the role of local media in promoting political accountability. Thus, information disclosure about corruption may reduce capture of public resources through an alternative mechanism: reducing asymmetric information in the political process to enable voters to select better politicians.¹⁷ Another type of audit is social audit. It is considered a powerful social accountability tool based on its multi-stakeholder approach and its level of engagement of local actors and communities. In fact, social audit scrutinizes public officials' decisions and actions, looking for administrative or financial irregularities, and seeks to uncover discrepancies by comparing public documents, processes, or services with standard or ideal versions.

Open data: Open data is defined as digital data that is made available with the technical and legal characteristics necessary for it to be freely used, re-used, and redistributed by anyone, anytime, anywhere. Open data is considered an important enabler in the fight against corruption and in promoting transparency, accountability, and access to information which can help detect and address corruption.¹⁸ There are several advantages of open data in terms of ATI. In fact, it considerably reduces the time taken to fulfill ATI requests by those interested in using the information, enhances their anonymity, and standardizes their ability of re-using it.¹⁹ The public sector produces, collects, processes, and disseminates a large amount of data. These data can be re-used, combined, and integrated to create new value-added services and products with potentially significant impacts in the global economy. However, the importance of open data portals at various levels must be emphasized by governments in their Open Government initiatives. They are the main source of open data and without them no impact can be achieved. It seems that the biggest impacts of open data can be found in educational and social development; however, the attention of businesses is still lacking in this area.²⁰

Procurement: Public sector management requires a strong procurement capacity to ensure the timely acquisition of goods and services while achieving value for money and avoiding abuses in the procurement process. The prevention of corruption in procurement is usually based on designing procurement structures (delegating authority, assigning accountabilities, etc.) and a procurement process that enhances efficiency while minimizing risks for corruption. Existing public procurement processes and criteria need to be adapted to the changing circumstances surrounding public management, ensuring continuously that the selected criteria are objective, transparent, and publicly available. Public procurement rules must be published and establish the conditions of participation, including selection and award criteria. Moreover, time pressures and calls for efficiency and expediency should not in any way weaken existing procedures to properly document procurement decisions and allow for the subsequent verification of the application of the relevant rules and criteria. Procurement activities must be supported by effective contracting policies and practices, as well as diligent contract monitoring, supervision and enforcement.



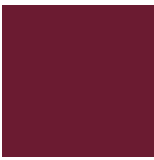
Open budget and fiscal transparency: All people in a country should have access to relevant information on how public resources are raised and spent; opportunities to contribute to policy decisions that affect their livelihoods, and an assurance of robust budget oversight by independent well-informed legislatures and audit institutions. Recent rising global debt levels, which will likely be exacerbated by the effects of the COVID-19 pandemic, highlight a continued need for more detailed projections on the sustainability of debt levels and better reporting on tax expenditures to account for lost revenues. It seems that improvements in the availability of budget information contribute to greater civil society involvement in budget debates and advocacy.

Developing the expertise and the resources needed for improving ATI implementation

All State Parties to the UNCAC should adopt and implement strong access to information laws that comply with international standards, including by applying the law to all branches of government and all public or private bodies which perform public functions and/or operate with public funds. The legal framework should ensure the availability of information and data held by public bodies, including on anti-corruption efforts, the functioning and activities of State entities, and the use of public funds and resources. It should also ensure the proactive publication of information, documents and data, including on anti-corruption efforts, and ensure that information is published in a timely, comprehensive, freely accessible and usable way, fit for the respective local contexts, including by using open data formats to facilitate analysis and reuse among stakeholders such as journalists, citizens, civil society, academia, and the private sector.²¹

ATI implementation should focus on the following areas:

- **Training of public officials:** Resources should be provided to train specialized and general staff to integrate the importance of access to information for the public and how it can be improved at the agency level. Training needs to be prioritized so that those who need it most – i.e., information officers – receive it first and in more significant measure, but over time a plan should be in place to ensure that all officials receive at least some sort of training.
- **Promotion and raising awareness of ATI:** States Parties should commit to establishing an independent and autonomous institutional body such as an Information Commissioner or an Information Commission to oversee the correct implementation and application of access to information laws and transparency provisions and to increase awareness among all stakeholders of information rights. The role of the Information Commissioner or Officer is to ensure that all information which is not exempt in law is made available as well as preparing an Action Plan for implementation of the ATI law for public institutions.



- **Monitoring, evaluation, knowledge and learning to inform reporting on ATI:** Measuring the progress made by the public institution helps its leadership and its information officers to review their objectives periodically and set more ambitious targets. Based on the progress made, they can adapt accordingly to the financial and human resources needed to achieve realistic goals that are set in an inclusive manner. The monitoring and evaluation approach should be action-oriented and established to generate knowledge on what works and what needs to be modified or adapted to the contextual factors and changing conditions. In well-functioning ATI systems, every public authority produces an annual report which should be submitted to the Information Commissioner to produce a central report on the state of implementation of ATI in the country. They thus provide a basis for assessing how well the system is working and whether certain types of adjustments may need to be made to improve implementation.
- **Boosting ICT for citizen participation in anti-corruption efforts:** The use of the internet to share information has added a new dimension to the fight against corruption and become a catalyst for governmental action. It is important nowadays to consider ICT as a tool to enhance citizen participation in anti-corruption efforts, but also to take stock of the dangers that it involves in terms of loss of privacy and security in many parts of the world. The development of new technology and the movement towards e-government and digitization automates government processes and reduces the personalization of interactions with public officials. Automation and digitization of government services ideally facilitates access to information and enables citizens and other key public interest actors to monitor transactions and detect any irregularities. ICT can play a role in facilitating reporting by public officials of acts of corruption, especially when political will exists. The introduction of effective systems for reporting corruption can strengthen the anonymity of whistleblowers and encourage those individuals who might not be protected from possible retaliation for such reporting by superiors.
- **International cooperation and provision of assistance:** Recent trends consist of a **reduction** in support of anti-corruption and accountability work in international cooperation. This reduction can result from political reasons, but often it is due to a strategic shift by donors who consider other sectoral priorities. It is important to keep in mind that access to information, anti-corruption work, and promoting accountability and good governance are in general transversal and key for succeeding in other major underlying priorities such as climate change, responding to health crises such as COVID-19, and democratization, among others.

Conclusions and recommendations

Since the adoption of the UNCAC, the progress in adopting ATI legislation around the world has continued and at present more than 90 percent of the world's population lives in a country with a right to information law or policy. The SDG indicator 16.10.2 is certainly reinforcing all State Parties to the UNCAC to fulfill their obligations and to adopt specific ATI legislation by the end of the 2030 Agenda.

In countries where the implementation of ATI is still challenging, more multi-stakeholder initiatives have started looking directly or indirectly into improving ATI and making information and data reach more people, especially marginalized individuals and groups. Additionally, media reporting and investigative journalism, including by NGOs, have shown their potential to be useful sources of information for allegations of transnational corruption, but they are not fully exploited yet. The exposure given to recent financial and corruption scandals through effective international cooperation has increasingly raised awareness of cross-border financial crime and negatively impacted citizens' trust in those impacted governments and institutions or professions.

ATI as a tool enables different actors including public officials, journalists, citizens, and civil society to foster transparency and accountability in the public sector. Corruption is a complex crime that is often made possible by inconsistencies and loopholes in legal frameworks and practically advances from insufficient co-operation across jurisdictions.

Therefore, States Parties to the UNCAC should:

- **Ensure an effective right of access to information:** States should adopt comprehensive access to information legislation and ensure its effective implementation to enable citizens, CSOs, journalists and other key actors.
- **Assert the importance of political will and leadership on ATI within the public sector:** High-level political authorities in the public administration should be willing to advance with reforms that lead to the adoption and implementation of ATI is important. They should recognize the absence of ATI as a substantial obstacle.
- **Strengthen the capacity building of public information officers:** Such efforts should include, but not be limited to, the training courses that can be organized by the oversight bodies or in collaboration with civil society and the integration of ATI modules in the administration curriculum and training of civil servants. These capacities should be developed on a constant basis.
- **Recognize that ATI is key for the implementation of the SDGs:** States with existing ATI laws should conduct a multi-stakeholder review to identify the existing gaps in legislation and the availability of key SDG-related information and work together with all stakeholders to improve the legal framework and coordinate efforts to improve its implementation.

- **Ensure public access to information of the public for corruption settlement:** When settlements are reached in cross-border corruption cases or at the national level, the content of these agreements should be accessible to the public to build trust and increase accountability of those involved.
- **Advocate for the publication of accounting and financial information on a country-by-country basis.**
- **Increase the publication of open data** to be more inclusive and improve access and quality of service delivery. Especially for vulnerable groups, open data should be more developed and generalized.
- **Establish an independent national monitoring of ATI implementation:** States should enable an independent oversight body with the political and financial autonomy needed to accomplish the role of monitoring and supporting ATI implementation at all levels and support all public bodies to enforce the legislation and inspire good practice.
- **Increase government engagement with civil society:** These engagements should be inclusive and respect diversity. They should mobilize civil society to support its role of identifying information of high interest to be proactively disclosed.
- **Improve civic space and protect journalists, whistleblowers, and anti-corruption activists:** States should commit to allowing civil society organizations to act unhindered in their activities and ensure the effective protection of whistleblowers, journalists, and anti-corruption activists. The UN should continue to monitor developments and actively promote a wide civic space.
- **Increase donor coordination and access to Information in their programs:** Donors should promote consultation and coordination with governments and beneficiaries and align their specific interests with the public interest. They should also share information about their activities and their objectives so other stakeholders know where to invest and how to avoid cross effects and rapid changes in priorities.
- **Support multi-stakeholder platforms and benchmarking for promoting ATI:** International organizations and global actors can support initiatives and collective action by CSOs and citizens to improve the implementation of ATI and the realization of the SDGs.



Endnotes

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