



Conference of the States Parties to the United Nations Convention against Corruption

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Items 5 and 6 of the provisional agenda*

Asset recovery

International cooperation

Chile, Jordan, Norway and Peru: draft resolution

Preventing and combating large-scale corruption¹

The Conference of the States Parties to the United Nations Convention against Corruption,

Recalling article 1, subparagraph (a), of the United Nations Convention against Corruption,² which establishes that one of the main purposes of the Convention is to promote and strengthen measures to prevent and combat corruption more efficiently and effectively,

Recognizing that combating corruption at all levels and in all its forms is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication and sustainable development,

Recalling the third preambular paragraph of the United Nations Convention against Corruption, in which concern is expressed about cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, and that threaten the political stability and sustainable development of those States,

Underlining that preventing and countering corruption in all its forms and at all levels require States parties to address cases of corruption that involve vast quantities of assets,

Reiterating its concern at the seriousness of the problems and threats posed by corruption to the stability and security of societies, and underlining that corruption undermines democratic institutions, ethical values and justice and jeopardizes sustainable development, the enjoyment of human rights and the rule of law,

Noting that the availability of technical assistance can play an important role in enhancing the ability of States to prevent and combat corruption effectively, including by strengthening capacity and by institution-building,

* [CAC/COSP/2017/1](#).

¹ During informal consultations on 25, 27 and 31 October and 2 November 2017, several alternative titles for the draft resolution were proposed.

² United Nations, *Treaty Series*, vol. 2349, No. 42146.



Concerned about the negative impact of widespread corruption on the enjoyment of human rights, recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Sustainable Development Goals, and recognizing also that corruption may disproportionately affect the most disadvantaged individuals in society,

Welcoming the note by the Secretariat on identifying victims of corruption, spontaneous sharing of information and the use of settlements and other alternative mechanisms,³

Welcoming also the *Resource Guide on Good Practices in the Protection of Reporting Persons* published by the United Nations Office on Drugs and Crime,⁴

Emphasizing the grave repercussions that acts of corruption have, and noting with concern that corruption causes significant public damage and can result in the infringement of human rights and the well-being of people,

Emphasizing also the importance of investigating and prosecuting cases of corruption and associated money-laundering that involve vast quantities of assets, while acknowledging that such cases often require significant resources and special measures to investigate and prosecute, including to trace, freeze and confiscate the proceeds from these crimes,

Noting that the Office of the United Nations High Commissioner for Human Rights has recognized interlinkages between infringements of human rights and corruption, pointing out that the consequences of corrupt governance are multiple and touch on all human rights — civil, political, economic, social and cultural — as well as the right to development,

Reiterating the concerns expressed by the Human Rights Council in its resolution [35/25](#) of 23 June 2017 on the negative impact of corruption on the enjoyment of human rights, and recognizing that corruption constitutes one of the obstacles to the effective promotion, protection and fulfilment of human rights and fundamental freedoms,

Acknowledging that corruption, in particular in the form of embezzlement of public funds, may involve vast quantities of assets and thereby deepens poverty and inequality,

Noting with concern that cases of corruption involving international business transactions or people in high positions, as well as public officials, may involve large quantities of assets,

Stressing that international cooperation is essential to prevent and counter cases of corruption, in particular cases of corruption that involve vast quantities of assets, as such cases are frequently transnational in nature and affect all societies and economies,

Noting with regret that some persons accused of crimes of corruption have managed to escape justice and have thus eluded the legal consequences of their actions and have been successful in hiding their assets,

Underlining the importance of each State party, in accordance with article 30, paragraph 1, of the Convention, making the commission of an offence liable to sanctions that take into account the gravity of that offence,

Highlighting the importance of ensuring integrity throughout the entire criminal justice system,

Acknowledging the important role that public officials play in promoting a culture of rejection of corruption at all levels of society,

³ [CAC/COSP/2017/8](#).

⁴ New York, 2015.

Noting with appreciation the crucial role of civil society, human rights defenders, academia, the private sector and investigative journalists in identifying, detecting and reporting on cases of corruption,

1. *Urges* States parties to scale up ongoing efforts to prevent and combat corruption in all its forms and regardless of scale, based on a comprehensive and multidimensional approach in accordance with the United Nations Convention against Corruption,² with a view to fostering a culture of rejection of corruption at all levels;

2. *Also urges* States parties, in line with the 2030 Agenda for Sustainable Development,⁵ to increase their efforts and take measures to prevent and counter corruption, giving the necessary focus to cases of corruption that involve vast quantities of assets, and to this end to strive to achieve the Sustainable Development Goals, especially Goal 16, by efficiently and effectively implementing the Convention;

3. *Further urges* States parties to introduce or strengthen measures and increase resources to prevent and combat cases of corruption, particularly those involving vast quantities of assets, including measures criminalizing participation in and the attempt to commit such offences, including when organized criminal groups are involved, thereby efficiently and effectively implementing the Convention;

4. *Urges* States parties to ensure that anti-corruption bodies and specialized authorities have the necessary independence to enable them to carry out their functions effectively and free from any undue influence, in line with articles 6 and 36 of the Convention;

5. *Calls upon* States parties to scale up efforts to ensure that legal and natural persons are held accountable for corruption offences, including cases of corruption that involve vast quantities of assets;

6. *Also calls upon* States parties to apply proportionate criminal sanctions, taking into account the gravity of the offence;

7. *Strongly encourages* States parties to take such measures as may be necessary to establish jurisdiction over the offences established in accordance with the Convention, in particular with regard to cases of corruption that involve vast quantities of assets and in which the alleged offender is present in a State's territory and that State's authorities do not extradite him or her, as set forth in article 42, paragraph 4, of the Convention;

8. *Urges* States parties to raise public awareness of corruption and laws and regulations against it, as well as of the existing rights of and possibilities for the general public with respect to obtaining information on the organization, functioning and decision-making processes of their public administration, and to raise public awareness of the responsibilities of public officials with respect to the performance of their functions, with due regard for the protection of privacy and personal data;

9. *Encourages* States parties to consider establishing effective financial disclosure systems for appropriate public officials, consistent with article 52, paragraph 5, of the Convention, and to consider taking such measures as may be necessary to permit their competent authorities to share that information, consistent with the requirements of domestic law, with other States parties;

10. *Also encourages* States parties to promote, in accordance with article 12, subparagraph 2 (c), of the Convention, the transparency of legal persons and to exchange best practices in the identification of beneficial owners of legal structures used to commit crimes of corruption or to hide or transfer their proceeds;

11. *Calls upon* States parties to ensure, within the principles of their domestic legal systems, to take appropriate measures to promote transparency and

⁵ General Assembly resolution [70/1](#).

accountability in the management of public finances, including revenues generated by enterprises owned in whole or in part by the State;

12. *Urges* States parties, especially in cases involving vast quantities of assets, to transmit, without prior request and in line with article 56, information relating to proceeds of offences established in accordance with the Convention, to a competent authority in another State party whose authorities believe that such information could assist in inquiries and criminal proceedings or could result in a request formulated by the latter State party pursuant to chapter V of the Convention;

13. *Encourages* States parties to consider entering into bilateral or multilateral agreements or reciprocal arrangements pursuant to article 49 of the Convention whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies;

14. *Calls upon* Member States to prohibit, prevent and counter corruption, especially cases of corruption that involve vast quantities of assets, including by assessing and mitigating corruption risks in their technical assistance and capacity-building programmes, and by strengthening their capacity to investigate and prosecute such cases of corruption;

15. *Encourages* States parties to endeavour to periodically review relevant legal instruments, in line with article 5 of the Convention, to determine their adequacy and effectiveness in preventing and combating corruption, including cases of corruption that involve vast quantities of assets;

16. *Also encourages* States parties to establish an appropriate balance between immunities or jurisdictional privileges accorded to public officials and the possibility of effectively investigating, prosecuting and adjudicating offences established in accordance with the Convention, and in particular to review the procedures for lifting immunities to avoid potential delays, the loss of evidence and any obstacles preventing investigative steps from being taken before immunities are lifted;

17. *Calls upon* States parties to consider, in accordance with article 16, paragraph 2, of the Convention, establishing as a criminal offence the passive bribery of foreign public officials and officials in public international organizations, in order to contribute to international efforts to combat corruption, including cases of corruption that involve vast quantities of assets;

18. *Also calls upon* States parties, subject to their Constitution and legal system, to consider adopting such legislative and other measures as may be necessary to establish illicit enrichment as a criminal offence when committed intentionally, and to allow the confiscation of property acquired through or involved in the commission of the offences established in accordance with the Convention without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence and in other appropriate cases;

19. *Urges* all States parties to cooperate, where appropriate and in accordance with national legislation, to recover the proceeds of crime, as defined in the Convention, including embezzled public funds and stolen assets, to prevent and detect domestic and international transfers of proceeds of crime, including unaccounted book assets derived from corruption, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin, in accordance with articles 52 and 57 of the Convention;

20. *Urges* States parties to promote the participation of individuals and groups outside the public sector, such as civil society, human rights defenders, non-governmental organizations and community-based organizations, in preventing and combating corruption, and encourages States parties to enhance the capacity of such individuals and groups and facilitate their active involvement in such efforts;

21. *Encourages* States parties to consider establishing confidential complaint systems, whistle-blower programmes and, where appropriate, effective witness

protection measures, and to increase awareness among natural and legal persons of such measures;

22. *Requests* the United Nations Office on Drugs and Crime to prepare a report on the most effective criminal and civil measures and remedies to prevent and combat cases of corruption that involve vast quantities of assets, including an in-depth study of good practices and challenges in the area of victim compensation;

23. *Also requests* the United Nations Office on Drugs and Crime to continue to ensure that technical assistance addresses the needs identified to prevent and combat all forms of corruption, including cases of corruption that involve vast quantities of assets;

24. *Further requests* the United Nations Office on Drugs and Crime to enhance cooperation with relevant human rights bodies that have an interest in discussing corruption and its effects on the enjoyment of human rights, including with respect to the possible development of common guidelines on remedies and reparations for victims of corruption;

25. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.
