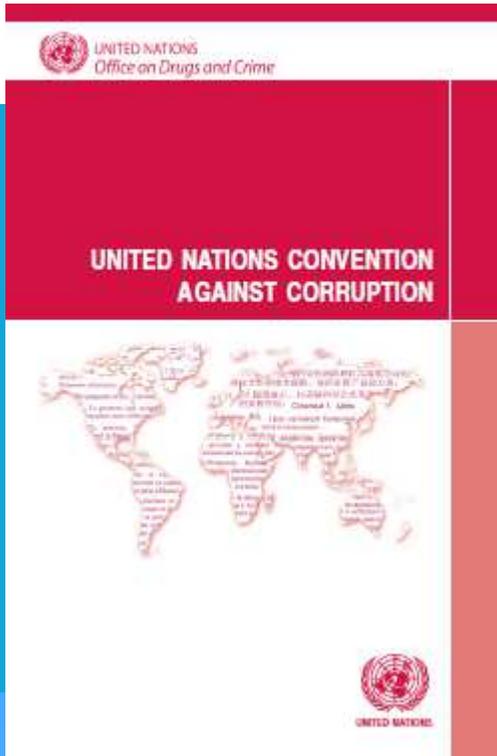




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The United Nations Convention against Corruption – An Overview

CORRUPTION
Your **NO** counts



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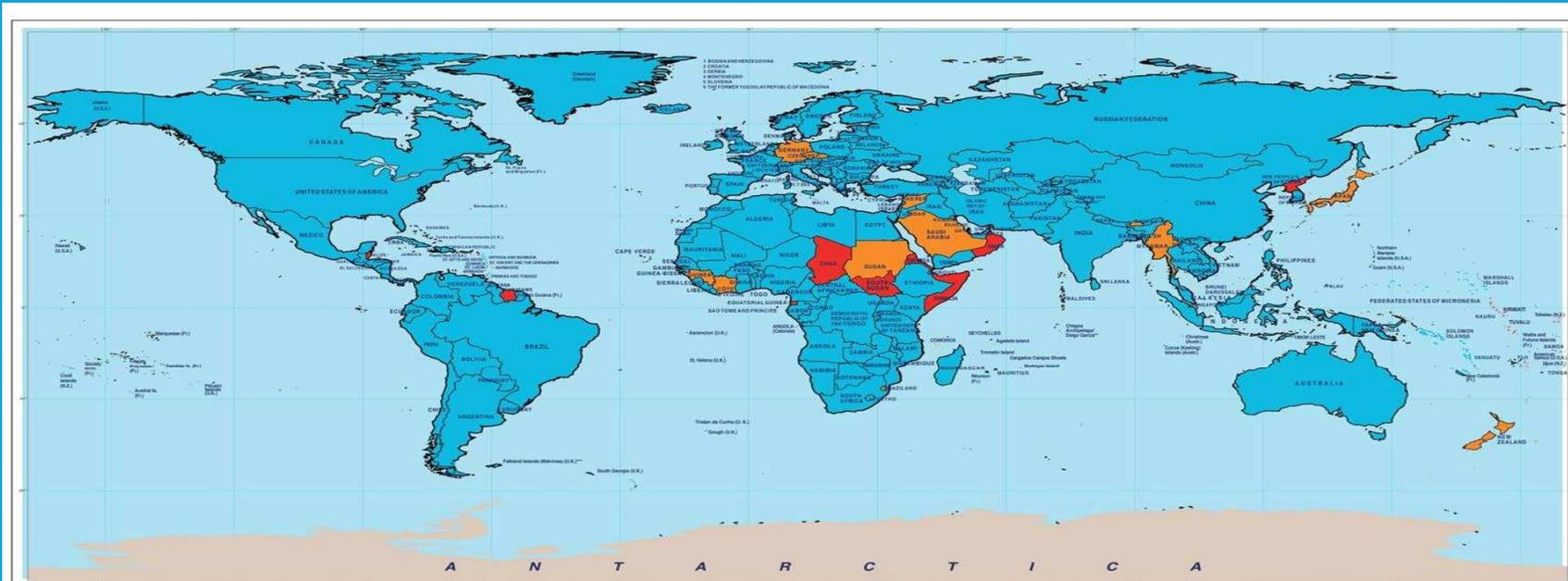
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The United Nations Convention against Corruption

Adopted by the General Assembly: Resolution 58/4, 31 October 2003

Entry into Force: 14 December 2005

Signatories: 140, States Parties: 170

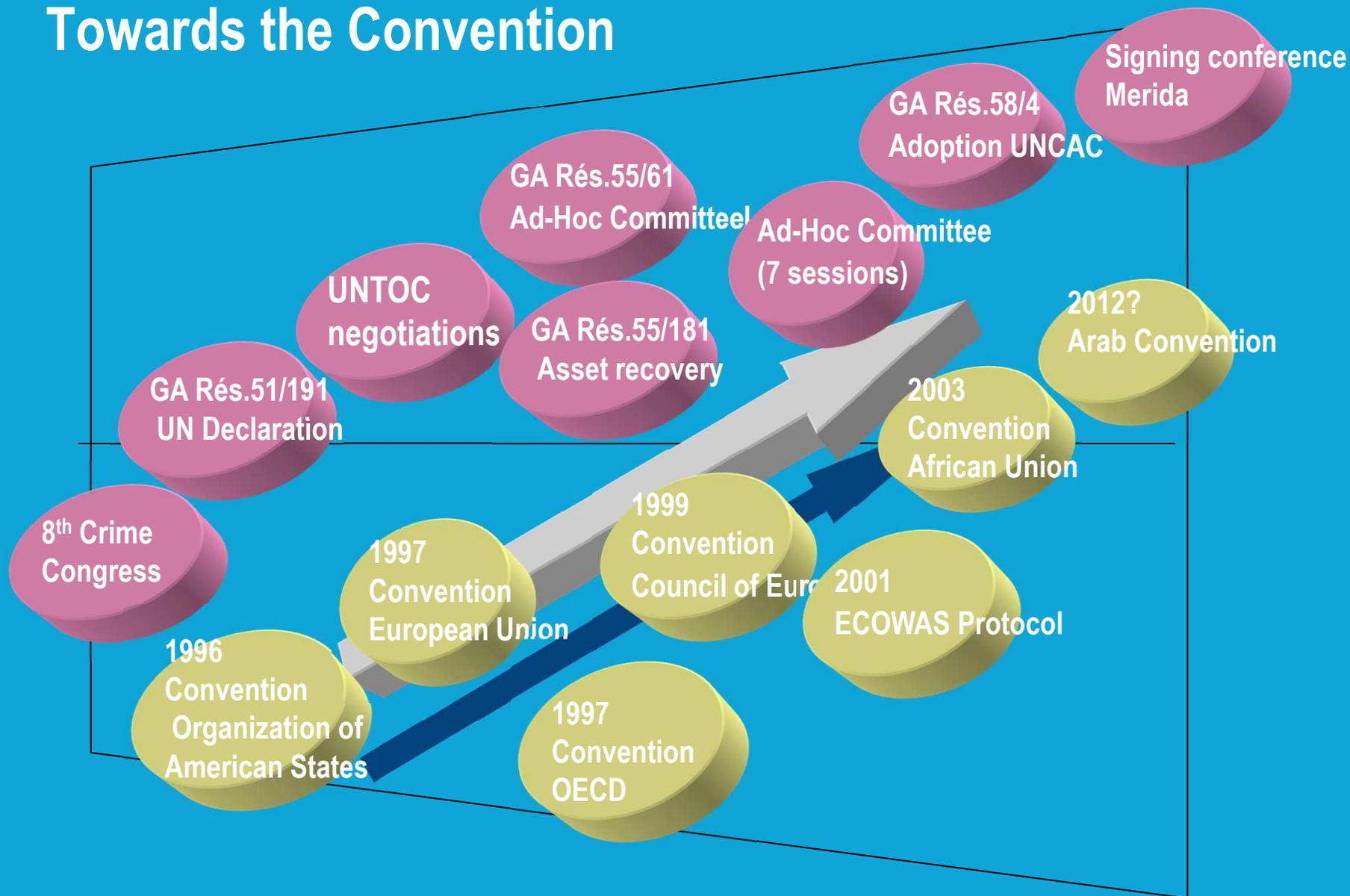




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Towards the Convention





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Negotiations Process

2000

Adoption of United Nations Convention against Transnational Organized Crime

Creation of the Ad Hoc Committee for the negotiations of a new convention against corruption (*A/RES/55/61*)

2001

Terms of reference – Intergovernmental Open-ended Expert Group Meeting

2002

8 sessions of the Ad Hoc Committee held in Vienna with over 120 States participants

2003

Adoption of the United Nations Convention against Corruption (*A/RES/58/4*)

High-level Political Signing Conference in Merida, Mexico

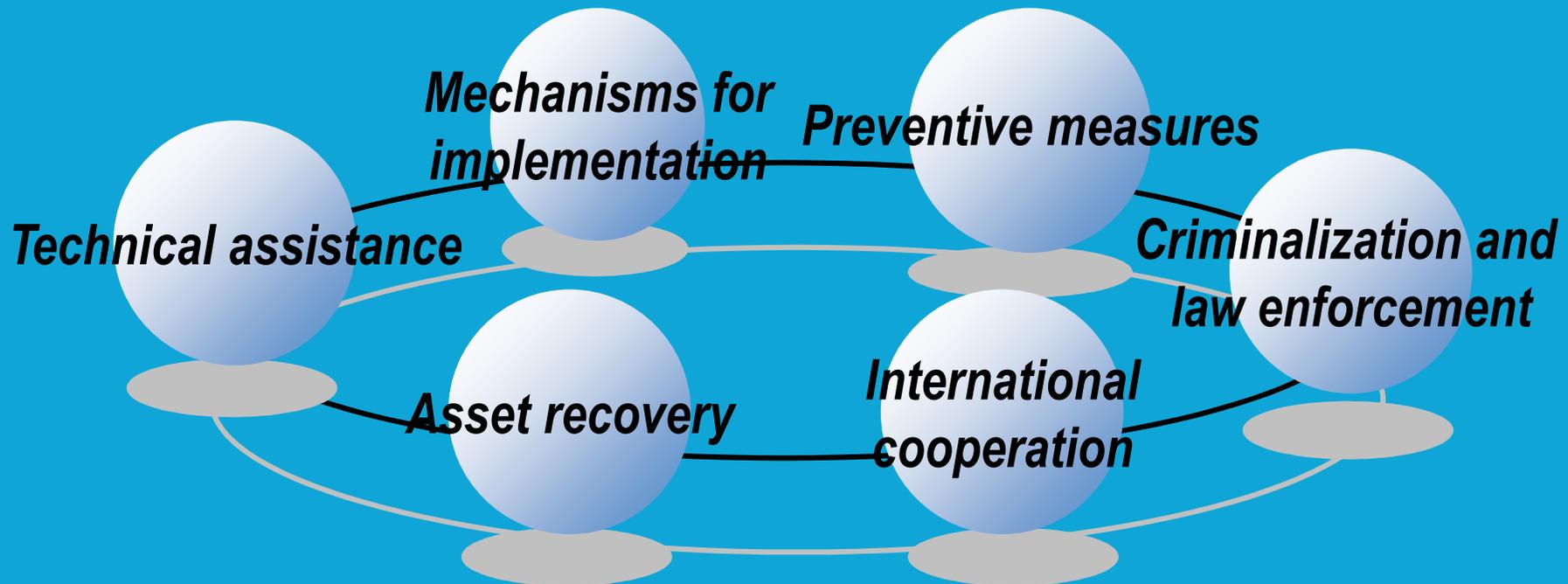


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Aims and structure of the Convention

1. Prevent and combat corruption more effectively
2. Promote international cooperation and technical assistance, including in asset recovery
3. Promote integrity, accountability and proper management of public affairs and public property





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Use of terms (Art.2)

**The term “corruption”
is not defined**

Broad definition of “public official”

- 1. Legislative, executive, administrative or judicial office**
- 2. Performing a public function or providing a public service**
- 3. Any person defined as public official in domestic law**



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Level of obligation

**Mandatory
requirement**

**Optional
requirement**

UNITED NATIONS CONVENTION
AGAINST CORRUPTION



**Optional
measures**





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➤ Level of legal obligation of UNCAC provision

Mandatory requirement (obligation to take legislative or other measures)

- “each State party *shall* adopt”

Optional requirement (obligation to consider)

- “each State party *shall consider* adopting”
- “each State party *shall endeavour* to”

Optional measure (measure that State party may wish to consider)

- “each State party *may* adopt/consider”

➤ Constituting elements/ safeguards

➤ Example



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Safeguard clauses

- “**Sous reserve de sa constitution et des principes fondamentaux de son systeme juridique (for example, article 20);**
- “**Sous reserve des concepts fondamentaux de son systeme juridique” (article 23, paragraph 1(b));**
- “**Sous reserve des principes juridiques” (article 26);**
- “**Conformement a son systeme juridique et a ses principes constitutionnels” (article 30, paragraph 2);**
- “**Dans la mesure compatible avec les principes fondamentaux de son systeme juridique” (article 30, paragraphs 6, 7);**
- “**Conforme aux principes fondamentaux de leur droit interne et a la nature des procedures judiciaires et autres” (article 31, paragraph 8);**
- “**Un Etat Partie don’t la legislation le permet” (article 44, paragraph 4);**
- “**Sous reserve des dispositions de son droit interne et des traites d’extradition qu’il a conclus” (article 44, paragraph 10);**
- “**Si son droit interne le lui permet, en conformite avec les prescriptions de ce droit” (article 44, paragraph 13);**
- “**Conformement au droit interne de l’Etat requis” (article 46, paragraph 17);**
- “**Dans la mesure ou les principes fondamentaux de son systeme juridique interne le permettent et conformement aux conditions prescrites par son droit interne” (article 50, paragraph 1).**



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The Conference of the States Parties

Promote, Facilitate & Review Implementation

Make recommendations

Facilitate Information Exchange

CoSP 5
2013
Panama

CoSP 4
Oct. 2011
Morocco

CoSP 3
Nov. 2009
Qatar

CoSP 2
Jan/Feb 2008
Indonesia

CoSP 1
Dec 2006
Jordan



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Working Group on Asset Recovery

- **Development of cumulative knowledge:** knowledge management center and practical tools for asset recovery
- **Enhancement of confidence and trust through formal and informal networks** of focal points
- **Tailor-made training and capacity-building** for policy makers, legislators and practitioners





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Working group on prevention

- **Established in 2009:** meetings held since
- **Thematic workplan:** focus on articles and Preparation for second cycle





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Expert meetings on international cooperation



Post Arab Spring

Legal Proceedings in relation to Convention Offences

- **Central Authority** to Receive, Execute and Transmit Request
- Obstacles to MLA





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PREVENTIVE MEASURES

Art.5 - 14





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Prevention: anti-corruption policies and bodies

Requirements

Art.5

**Implement effective
and coordinated
anti-corruption policies**

Art.6

**Ensure the
existence of
anti-corruption
bodies**



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Resolution on Preventive Measures

- **Open-ended Intergovernmental Working Group – first session on 13-15 December 2010**
- **Mandates to the Secretariat:** collect, analyse and disseminate information; awareness-raising, cooperation with other IOs
- **Requests to States Parties:** on the full implementation of Chapter II of the Convention and the developing and implementation of anti-corruption policies.



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ASSET RECOVERY

Art.51 - 59





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Asset recovery: a major breakthrough

**Prevention and detection
(Art.52)**

**Direct recovery
(Art.53)**

***Asset recovery as a
fundamental principle***

**Recovery through
International cooperation
(Art.54 - 55)**

**Return and disposal
(Art.57)**



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Working Group on Asset Recovery

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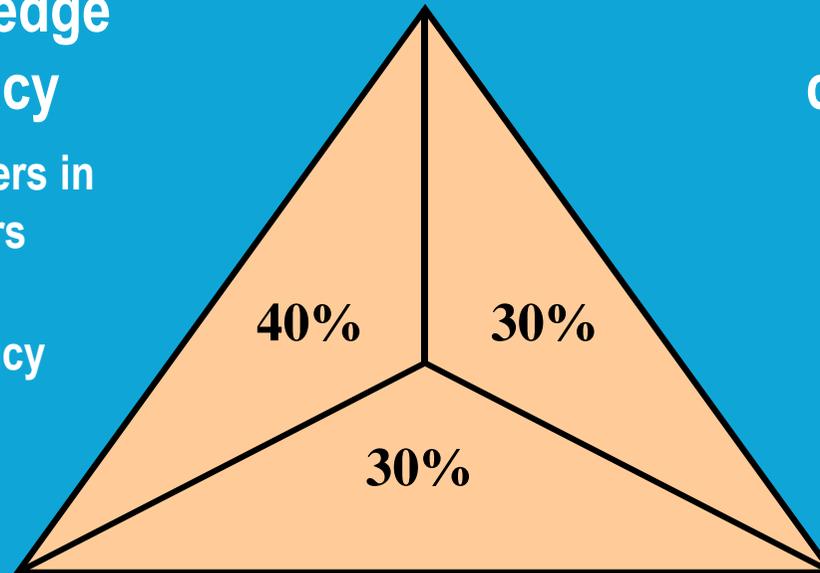
The Stolen Asset Recovery (StAR) Initiative

Global knowledge and advocacy

- ★ Lowering barriers in financial centers
- ★ Analytic work supporting policy
- ★ Guides and handbooks

Institutions and capacity building

- ★ Gap Analysis
- ★ Networks
- ★ Training



Country engagement: recovery of stolen assets

- ★ Honest broker
- ★ Preparatory assistance: capacity building on asset tracing and mutual legal assistance

What do we, at the United Nations, do about it?



Support the global normative/legislative framework: Secretariat of UNCAC



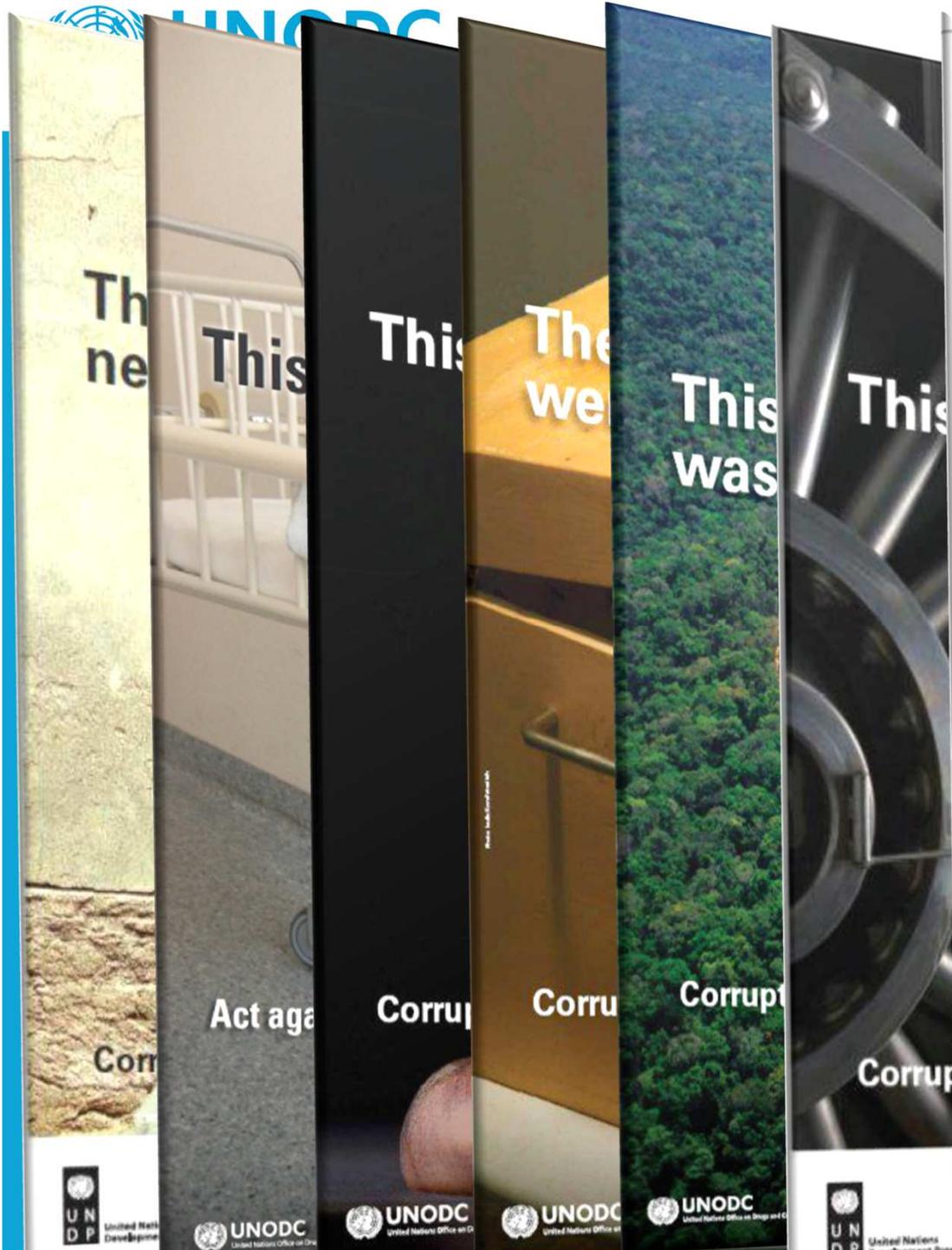
Assist in implementation of UNCAC: technical assistance, legal advice and networks of practitioners →



Advocacy and engagement with CSOs, private sector, parliamentarians:
Raising awareness



Research and analysis:
Producing knowledge to guide policy makers



ACT
Act Against Corruption

This bridge was never built

Because the construction company disappeared along with the money, leaving local people stranded.

Act against Corruption. Encourage development.

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END POVERTY
2015
Sustainable Development Goal 1

www.actagainstcorruption.org

UNDP
United Nations Development Programme



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Thank you for your attention