



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

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International cooperation

Brazil, Ecuador, Morocco, Panama and Saudi Arabia: revised draft resolution

Promoting international cooperation in civil and administrative proceedings related to corruption as provided in the United Nations Convention against Corruption

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

Reaffirming the United Nations Convention against Corruption¹ as the only universal legally binding anti-corruption instrument in which States parties committed themselves to mitigating corruption as a transnational phenomenon that affects societies and economies globally, making international cooperation necessary in all areas of governance,

Recognizing that the relevant institutions of States parties responsible for the oversight and use of public resources may have the competence and capacity to determine administrative and civil liability and to refer indications of criminal liability to the relevant authorities, without prejudice to the functions of other institutions of each State party in this area and in accordance with its domestic law,

Also recognizing the importance of strengthening the capacities of the relevant institutions responsible for the oversight and use of public resources through effective international cooperation, including, where appropriate, through the exchange of information and best practices in administrative and civil matters relating to corruption,

Bearing in mind article 43 of the Convention, in which it is stated that States parties shall consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption, where appropriate and consistent with their domestic legal systems,

Recalling article 48 of the Convention, in which it is stated that States parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by the Convention,

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.



Recognizing that among the purposes of mutual legal assistance, as contemplated in article 46, paragraph 3 (f), of the Convention, is the provision of originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records, and that, under paragraph 29 of the same article, the requested State party is required to provide copies of government records, documents or information in its possession that, under its domestic law, are available to the general public, and when the aforementioned information is not available to the public under its domestic law, the provision in whole, in part or subject to conditions may be considered at the discretion of the requested State party,

Reaffirming that the return of assets pursuant to chapter V is a fundamental principle of the Convention, and recalling article 51, in which it is stated that States parties shall afford one another the widest measure of cooperation and assistance in this regard,

Recalling article 46, paragraph 3 (k), of the Convention, under which States Parties shall afford one another the widest measure of mutual legal assistance for the recovery of assets, in accordance with the provisions of chapter V of the Convention,

Recalling article 52, paragraph 5, of the Convention, under which States parties are required to consider establishing, in accordance with their domestic law, effective financial disclosure systems for appropriate public officials and provide for appropriate sanctions for non-compliance, and to consider taking measures as may be necessary to permit their competent authorities to share that information with the competent authorities in other States parties when necessary to investigate, claim and recover proceeds of offences established in accordance with the Convention,

Recalling also its resolutions 5/1 and 5/3 of 29 November 2013, in which it encouraged States parties to afford one another, when feasible, in accordance with domestic law, international cooperation in civil and administrative proceedings for the detection of corruption offences and, in particular, for the identification, freezing and confiscation of assets derived from offences established in accordance with the Convention, in accordance with article 43, paragraph 1, and article 46, paragraph 3, of the Convention, and in which it requested the secretariat to invite States parties to provide, to the extent possible, information on such proceedings for submission to the relevant subsidiary bodies of the Conference,

Recalling further its resolution 6/4 of 6 November 2015 on enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the Convention, in which it called upon Member States to inform the secretariat about designated officials or institutions appointed, where appropriate, as focal points for the use of civil and administrative proceedings against corruption, and its resolution 7/1 of 10 November 2017, in which it urged States parties to consider, where possible, adopting and making publicly available guidelines and procedures on mutual legal assistance and other forms of international cooperation, including information on relevant civil and administrative proceedings pursuant to article 43 of the Convention,

Recalling its resolutions 8/13 of 19 December 2019 and 9/3 of 17 December 2021 on enhancing collaboration between the supreme audit institutions and anti-corruption bodies to more effectively prevent and fight corruption, in which it called upon States parties, in accordance with the fundamental principles of their legal systems, to strengthen coordination and cooperation at the national, regional and international levels among bodies involved in preventing and combating corruption, to afford one another, without delay, effective mutual legal assistance, and to take meaningful steps to facilitate effective cooperation and remove barriers, consistent with article 46 of the Convention,

Taking note of the analyses of State practices on international cooperation in civil and administrative proceedings prepared in the respective notes by the Secretariat to facilitate the deliberations of the Conference of the States Parties, the

Open-ended Intergovernmental Working Group on Asset Recovery and the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention,²

Considering the common objectives of national anti-corruption agencies and supreme audit institutions with regard to promoting integrity, accountability, transparency and the proper management of public affairs and public property, as well as the efficient use of public resources,

Emphasizing the importance of domestic inter-institutional cooperation within States to align and amplify efforts in administrative procedures against corruption,

Acknowledging the role of international and regional organizations of supreme audit institutions in promoting international cooperation to prevent and fight corruption, and welcoming the collaboration between the International Organization of Supreme Audit Institutions and the United Nations Office on Drugs and Crime,

Recognizing the role of the Global Operational Network of Anti-Corruption Law Enforcement Authorities, the International Criminal Police Organization and other relevant networks and forums as platforms for sharing experiences and lessons learned among their members, including with regard to the promotion of administrative procedures against corruption,

1. *Calls upon* States parties to effectively implement article 43, paragraph 1, of the United Nations Convention against Corruption and, to this end, to consider, in accordance with their domestic legal systems, strengthening existing mechanisms, including, as applicable, national regulatory frameworks, in order to afford one another international cooperation in investigations in civil and administrative matters related to corruption and, where appropriate, to adopt such legislative and other measures as may be necessary to facilitate such assistance, bearing in mind their obligations under the Convention, while also continuously assessing the effectiveness of those mechanisms and measures;

2. *Takes note with appreciation* of the study prepared by the secretariat entitled “Civil and administrative liability for corruption: domestic practices and ways to enhance international cooperation under the United Nations Convention against Corruption”, which explores the extent to which civil and administrative law remedies can contribute to the fight against corruption, with the aim of developing knowledge, facilitating the sharing of experience and good practices and promoting international cooperation, as well as fostering the inter-institutional exchange of information;

3. *Calls upon* States parties to continue to inform the secretariat about designated officials or institutions appointed, where appropriate, as focal points for the use of civil and administrative proceedings against corruption, including for international cooperation, in line with its resolution 6/4, and requests the secretariat to continue to update the focal point database in this regard;

4. *Encourages* States parties to promote and foster cooperation between competent domestic bodies and institutions, in particular through the coordination of joint activities and the exchange of information required for analysis, investigation and law enforcement purposes;

5. *Urges* Member States, where appropriate and consistent with their national legal systems, to provide each other with the widest possible assistance in investigations of and proceedings in civil and administrative matters relating to corruption offences committed by natural or legal persons, including, as appropriate, through mutual legal assistance, for the detection of corruption offences, the identification, freezing and confiscation of assets and the other purposes established in article 46, paragraph 3, of the Convention;

² See, for example, [CAC/COSP/2017/2](#), [CAC/COSP/EG.1/2019/2](#) and [CAC/COSP/WG.2/2021/4](#).

6. *Urges* States parties to provide domestic competent authorities with timely access to adequate, accurate and up-to-date beneficial ownership information in accordance with their domestic law;

7. *Encourages* States parties, as may be necessary, to consider the possibility of concluding multilateral, regional or bilateral treaties, agreements or arrangements, or inter-agency agreements, on civil and administrative matters relating to corruption, including international cooperation, in order to promote the legal basis for granting mutual legal assistance requests in a timely and effective manner;

8. *Reiterates* its resolution 7/1, entitled “Strengthening mutual legal assistance for international cooperation and asset recovery”, in which it urged States parties, where appropriate and in accordance with their domestic legal principles, to remove barriers to asset recovery, including by simplifying legal procedures, while preventing their abuse, and by processing requests for assistance without delay, in order to enhance international cooperation under chapters IV and V of the Convention, acknowledging the fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to adjudicate property rights;

9. *Invites* States parties to encourage their competent national authorities that have not done so to consider joining and enhancing their participation in relevant existing networks and forums, such as the Global Operational Network of Anti-Corruption Law Enforcement Authorities and the International Criminal Police Organization, in order to strengthen communication and the exchange of information, with due regard for data protection, with a view to successfully concluding inquiries and proceedings or formulating mutual legal assistance requests, including in civil and administrative matters, where consistent with domestic law;

10. *Also invites* States parties to strengthen cooperation with relevant international organizations in the prevention of and fight against corruption, with the objective of advancing in areas such as investigation and the exchange of information between countries when appropriate and in accordance with domestic law;

11. *Encourages* States parties, while protecting the confidentiality of ongoing investigations, to share, at the open-ended intergovernmental expert meetings to enhance international cooperation under the Convention, good practices on mutual legal assistance requests made and the results obtained regarding civil and administrative proceedings related to corruption;

12. *Urges* States parties that apply mutual legal assistance procedures to civil and administrative proceedings, where appropriate and possible, in accordance with domestic law, to voluntarily collect information, including statistics on mutual legal assistance received, provided and denied in civil and administrative proceedings, as well as explanations of reasons for denial, and to provide those statistics to the secretariat in order to contribute to its preparation of relevant studies and reports;

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