



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

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## Prevention

**Armenia, Australia, Brazil, Ecuador, European Union, Honduras, Israel, Japan, Morocco, Norway, Peru, Saudi Arabia, Seychelles, Switzerland, United Kingdom of Great Britain and Northern Ireland, and United States of America: revised draft resolution**

### **Atlanta 2023: promoting integrity, accountability and transparency in the fight against corruption**

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

*Celebrating* the twentieth anniversary of the adoption of the United Nations Convention against Corruption<sup>1</sup> by the General Assembly, in its resolution 58/4 of 31 October 2003, and the opening for signature of the Convention by Member States at the high-level political conference convened for that purpose in Merida, Mexico, from 9 to 11 December 2003,

*Recognizing* the twentieth anniversary is a special milestone in the efforts of the international community to prevent and combat corruption;

*Commending* the work of the United Nations Office on Drugs and Crime in supporting States parties' implementation of the Convention, including by facilitating international cooperation in this regard,

Reiterating its concern about the negative impact of wide-spread corruption on the enjoyment of human rights and fundamental freedoms,

*Reaffirming* the importance that States uphold the purposes and principles set forth in the Charter of the United Nations and the fundamental principles of international law, as well as the United Nations Convention against Corruption including, respect for the principles of sovereign equality and the territorial integrity of States and that of non-intervention in the domestic affairs of other States, in the fight against corruption,

*Acknowledging* the efforts and the achievements of States parties over the past twenty years in preventing and combating corruption,

*Reaffirming* the political declaration entitled "Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation",<sup>2</sup> which was approved by the

<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>2</sup> General Assembly resolution S-32/1, annex.



Conference of the States Parties at its special session held on 7 May 2021 and adopted by the General Assembly on 2 June 2021 at its special session against corruption, and in which Member States reaffirmed their common commitment to ending impunity for corruption offences,

*Bearing in mind* that the effective implementation of chapters III, IV and V of the Convention contributes to the efforts of States parties to hold persons who commit corruption offences accountable thereby contributing to the effective prevention of corruption,

*Stressing* the importance of sustained political will to prevent and combat corruption,

*Reaffirming* that integrity, transparency and accountability are necessary for States to be responsive to the needs and interests of the public and concerned that corruption erodes public institutions and processes while also undermining trust in public institutions;

*Bearing in mind* the important role of e-government and the increasing use of information and communications technology tools by States parties in the conduct of public administration as a means to promote accountability and transparency in the fight against corruption,

*Emphasizing* that States have the primary responsibility to prevent and combat corruption thereby promoting accountability, including by enabling bodies with anti-corruption and oversight responsibilities to carry out their functions effectively and free from undue influence, with integrity and accountability, while respecting, protecting and supporting the role of individuals and groups outside the public sector in the prevention of and fight against corruption, in accordance with article 13 of the Convention,

*Noting with appreciation* the important role that individuals and groups outside the public sector such as civil society, non-governmental organizations, community-based organizations, academia, the private sector, and media play in preventing and detecting corruption thereby promoting accountability, including by identifying, detecting and reporting corruption, as well as by collaborating with States parties on anti-corruption efforts such as increasing transparency, awareness-raising, education and training,

*Highlighting the importance for* States parties to consider, in appropriate cases, the impact of corruption offences on victims in their measures to prevent, investigate and prosecute corruption offences and further consider the participation and protection of victims in their domestic efforts to combat corruption, in accordance with the Convention and domestic law,

*Highlighting* the importance of respecting, promoting and protecting the freedom to seek, receive, disseminate and publish information concerning corruption, and ensuring that the public has effective access to information, while *noting* that such freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary for respect of the rights of reputation of others and for the protection of national security, public order or public health or morals;

*Convinced* of the importance of providing timely, adequate, effective and, where possible, long-term, sustainable technical assistance, upon request, for the implementation of the Convention, including through targeted capacity building for States parties' institutions involved in the implementation of anti-corruption measures,

*Noting with appreciation* efforts by the private sector to promote integrity, transparency and accountability within its own ranks by developing, strengthening and promoting anti-corruption measures to safeguard business integrity and promote transparency

1. *Celebrates* two decades of the Convention serving as the most comprehensive, legally binding and universal instrument against corruption and renews its call for all States that have not yet done so to ratify or accede to the Convention
2. *Reiterates* the importance of achieving the purposes of the Convention, in particular, promoting integrity, accountability and the proper management of public affairs and public property; and *further reiterates* the importance of efforts by States parties to promote accountability through the effective implementation of the Convention;
3. *Reiterates* the obligations of States parties set forth in the Convention and *calls upon* States parties to ensure the full and effective implementation of those obligations, including by putting in place the necessary measures, including legislative and administrative measures in accordance with the fundamental principles of their domestic law, pursuant to article 65 of the Convention;
4. *Reaffirms* the importance of the Implementation Review Mechanism in accelerating progress in the implementation of the Convention, and *encourages* States parties to complete their respective reviews in a timely manner, to follow-up on the conclusions and observations from the review process, and to consider publishing, on a voluntary basis, those conclusions and observations themselves
5. *Calls upon* States parties to promote accountability, integrity and transparency by taking measures, in accordance with the Convention and their domestic law, to redouble their efforts with a view to hold liable any legal or natural person subject to their jurisdiction that perpetrates an act of corruption and strengthen international cooperation in this regard;
6. *Also urges* States parties to provide each other with the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation with the offences covered in the Convention and in the recovering and the returning of proceeds of crime, and invites them to consider using informal channels which facilitate the sharing of information between anti-corruption law enforcement authorities, through practitioner-based networks such as, inter alia, the GlobE network, INTERPOL, and relevant regional networks, where the information could promote the formulation of a mutual legal assistance request, in accordance with the Convention and domestic law;
7. *Urges* States parties to strengthen the capacity of law enforcement authorities, judicial and prosecution services and other competent authorities for the successful investigation, prosecution and adjudication of corruption and corruption-related offences, including offences involving illicit financial flows derived from the proceeds of crime, and by allocating sufficient resources, within their means, as well as providing adequate and effective capacity-building and training, including through cooperation among States and relevant organizations, for anti-corruption authorities and criminal justice institutions, including judicial and prosecution services, to effectively investigate and prosecute those offences, without prejudice to the independence of the authorities and institutions involved in the fight against corruption, in accordance with the fundamental principles of their domestic law;
8. *Reiterates* that the active participation of society is integral to complementing States' efforts in the prevention of and the fight against corruption and promoting transparency, integrity and accountability, and *urges* States parties to put in place and effectively implement policies and practices, within their means and in accordance with the fundamental principles of their domestic laws, that allow individuals and groups outside the public sector, such as civil society, non-governmental and community-based organizations, the private sector, academia and media, to be able to contribute in this regard also thereby promoting accountability, including through the full and effective implementation of article 13 of the Convention,

9. *Calls upon* States parties to effectively implement measures to promote public sector transparency, integrity and accountability, in accordance with the fundamental principles of their legal systems, including codes or standards of conduct for public officials and appropriate disciplinary or other measures against officials who violate the codes or standards; measures to ensure effective public access to information; measures to promote integrity, transparency and accountability in the management of public funds; and systems and measures for the protection of reporting persons in accordance with article 33 of the Convention;

10. *Underlines* the importance of taking measures, as outlined in article 12 of the Convention and in accordance with the fundamental principles of States parties' domestic law, to promote integrity and accountability in the private sector, including inter alia those that enhance accounting and auditing standards in the private sector and, where appropriate, provide for effective, proportionate and dissuasive civil, administrative, or criminal penalties for failure to comply with such measures in accordance with the Convention, and promote cooperation between law enforcement agencies and relevant private entities;

11. *Recognizes* that asset recovery is one of the main purposes of the Convention, and calls upon States parties to further improve the implementation of the measures available under the Convention for asset recovery and return, including through effective, efficient and responsive international cooperation;

12. *Recognizes* the fundamental role of effective international cooperation and to this end, underlines the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures that hinder such cooperation, and which are not consistent with the Charter of the United Nations and obligations under international law, and in this regard, urges States parties, consistent with their international obligations, to refrain from applying such measures;

13. *Calls upon* States parties to make efforts so that the conditions are present for the effective contribution of individuals and groups outside the public sector, including civil society, non-governmental organizations, community-based organizations, the private sector, academia and media to achieving the objectives of the Convention, including the ability to operate independently and without fear of reprisal because of their efforts in preventing and combating corruption in that regard, in accordance with domestic law and the respective, applicable international obligations, and to promote the engagement of youth in the prevention and fight against corruption through awareness-raising and other involvement in anti-corruption initiatives

14. *Reaffirms* the mandate of the Conference, as set forth in article 63 of the Convention, which includes cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations to achieve the objectives of the Convention, as well as its resolution 4/6, and requests the secretariat to continue to hold informal briefings in line with resolution 4/6, on the margins of the sessions of the Implementation Review Group, on the outcomes of the review process, including on any technical assistance needs identified, in cooperation with a member of the Bureau of the Conference at the request of the President of the Conference to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues

15. *Encourages* States parties to continue to afford one another, according to their capacity, the widest measures of technical assistance, especially for the benefit of developing countries, including in the form of material support, capacity building and training, upon request, consistent with chapter VI of the United Nations Convention against Corruption;

16. *Requests* the United Nations Office on Drugs and Crime, as the lead entity in the United Nations system on countering corruption, to continue coordination and

cooperation across the United Nations system to support the efforts of the States parties to measure corruption,

17. *Requests* the Open-ended Intergovernmental Working Group on the Prevention of Corruption to include as a topic for discussion on the agenda the participation of society in preventing and fighting corruption, as set out in article 13 of the Convention, for either its fifteenth or sixteenth meeting;

18. *Requests* the secretariat to report to the Conference of the States Parties at its eleventh session on progress made and challenges encountered in implementing the present resolution;

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

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