



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

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### International cooperation

**Australia, Brazil, Chile, European Union, Honduras, Italy, Japan, Mexico, Morocco, Switzerland and United Kingdom of Great Britain and Northern Ireland: revised draft resolution**

### Measures to address corruption involving organized criminal groups

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

*Concerned* about the seriousness of the problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law,

*Reaffirming* the need for the fully effective implementation of the United Nations Convention against Corruption,<sup>1</sup> as the most comprehensive legally binding universal instrument to prevent and combat corruption, and emphasizing the contribution of its subsidiary bodies in this regard,

*Deeply concerned* by the negative economic and social implications related to organized criminal activities, and convinced of the urgent need to strengthen cooperation to prevent and combat such activities more effectively at the national, regional and international levels,

*Concerned* about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, as recognized in the Convention and recalled in 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> and in its resolution 9/1 of 17 December 2021, entitled “Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”,

*Recalling* that in the political declaration entitled *Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation* States committed to continue to enhance their understanding and strengthen their responses to any existing, growing

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

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



and potential links, and disrupt them, recognizing that corruption can often be an enabler of other transnational crimes and illicit financial flows,

*Recalling* that, in the Sharm el-Sheikh declaration, States parties were encouraged to further explore and enhance their knowledge of the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response and recovery, to better strengthen integrity, transparency and accountability,

*Noting* article 8 on the Criminalization of Corruption and article 9 on the Measures against Corruption of the United Nations Convention against Transnational Organized Crime,

*Reiterating* the fundamental role of effective international cooperation in preventing and combating corruption, as recognized in the Political Declaration, and to this end underlining 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, urging States parties, consistent with their international obligations, to refrain from applying such measures,

*Recalling* also that States pledged, in the Political declaration, to prevent and combat corruption and strengthen international cooperation in a manner consistent with their obligations with regard to and respect for all human rights, justice, democracy and the rule of law at all levels, and to uphold the purposes and principles set forth in the Charter of the United Nations, the fundamental principles of international law, as well as the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, including, inter alia, respect for the principles of sovereign equality and the territorial integrity of States and of non-intervention in the domestic affairs of other States, in our fight against corruption,

*Recalling* further its resolutions 5/6 entitled "Private sector", 6/5 entitled "St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption", and 9/6 entitled "Follow-up to the Marrakech declaration on the prevention of corruption", that address the public and private sector integrity, effective law enforcement cooperation at the domestic level and judicial integrity,

*Recalling also* its resolutions 9/8 entitled "Promoting anti-corruption education, awareness-raising and training" that strongly encourages States parties to promote comprehensive interdisciplinary research, as relevant, on patterns and trends in corruption to inform their anti-corruption policies and strategies and more effectively address emerging challenges and invites States parties, in accordance with the fundamental principles of their domestic law, with a view to promoting the active participation of civil society and the media, to undertake public information activities that contribute to promoting public knowledge of anti-corruption laws and regulations and non-tolerance of corruption and to raising public awareness regarding the existence, causes, gravity, risks and effects of corruption,

*Taking note* of the note by the Secretariat on the links between corruption and other forms of crime, including during times of emergencies and crisis response and recovery,<sup>3</sup> submitted to the Conference at its tenth session, in line with its resolution 9/1, and complementing the report of the Secretariat on progress made and challenges encountered in the implementation of Conference resolution 9/1,<sup>4</sup>

*Recognizing* the importance of the prevention of and fight against corruption and organized crime for the 2030 Agenda for Sustainable Development, noting in particular the relevance of Goal 16 "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective,

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<sup>3</sup> CAC/COSP/2023/18.

<sup>4</sup> CAC/COSP/2023/19.

accountable and inclusive institutions at all levels” as a cross-cutting enabler, critical to achieve all the SDGs, and its targets 16.4, which aims to “significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime” and 16.5, which aims to “substantially reduce corruption and bribery in all their forms”,

*Acknowledging* the importance of promoting, facilitating and supporting international cooperation and technical and material assistance in the prevention of and fight against corruption, including in asset recovery,

*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,

*Recognizing* that the criminal offences provided for in the Convention may involve organized criminal groups, when members of such groups commit, participate in or benefit from such offences in order to commit other crimes, which are often transnational in nature, and also recognizing that appropriate measures are needed at the national and international levels to prevent and combat corruption in those cases,

1. *Invites* States parties to further enhance their understanding of the risks and impacts of corruption involving organized criminal groups, also with a view to developing common approaches, insofar as possible, and to share their best practices, lessons learned and methodologies in this regard;
2. *Calls upon* States parties to develop and foster, in accordance with their domestic law, measures for strengthening the integrity of their public sector institutions and public procurement processes, including through codes of conduct and measures to manage and address conflicts of interest for public officials, in order to prevent and combat corruption involving organized criminal groups;
3. *Encourages* States parties to incorporate in their efforts to prevent and combat corruption involving organized criminal groups, where applicable, the lessons learned and the best practices included in the outcomes of the country reviews under the Implementation Review Mechanism of the United Nations Convention against Corruption;
4. *Calls upon* States parties to address corruption involving organized criminal groups while fully respecting the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States, in accordance with article 4 of the United Nations Convention against Corruption;
5. *Encourages* States parties to enhance, within their means, their capabilities to prevent, detect and combat corruption involving organized criminal groups in the prevention and mitigation of and preparedness for, as well as during the response and recovery phases of, emergencies and crises, within the framework of the Convention and in accordance with their domestic law;
6. *Calls upon* States parties, in accordance with their domestic law, to take appropriate measures to identify, assess, mitigate and manage corruption risks in the public sector and to enhance the capacities of public institutions, including in their procurement processes, to prevent and address the infiltration of organized criminal groups by strengthening policies that promote good governance, the rule of law, transparency and accountability;
7. *Encourages* States parties to enhance their efforts, in accordance with the fundamental principles of their domestic law, to prevent corruption involving organized criminal groups in the private sector by strengthening the measures enshrined in article 12, paragraph 2, of the Convention;]
8. *Also encourages* States parties, in accordance with their domestic law, to develop and enhance mechanisms for the prevention, detection, investigation and

prosecution of corruption involving organized criminal groups and to strengthen the capacities of law enforcement agencies, criminal justice institutions and other competent authorities;

9. *Further encourages* States parties, consistent with their obligations under the Convention against Corruption and in accordance with their domestic legal systems, and within their means, to take appropriate measures for the protection of reporting persons, witnesses, experts, victims insofar as they are witnesses, and, as appropriate, their relatives and other persons close to them, in cases of corruption involving organized criminal groups;

10. *Encourages* States parties to establish and promote the use of appropriate measures and systems, in accordance with the fundamental principles of their domestic law, to safely and confidentially report cases of corruption involving organized criminal groups to competent authorities;

11. *Encourages* States parties to provide a safe and adequate environment to journalists who report on corruption involving organized criminal groups, and to investigate, prosecute and punish threats and acts of violence, falling within their jurisdiction, committed against them;

12. *Notes with appreciation* the important role of civil society, academia, the private sector and the media in identifying, detecting and reporting on cases of corruption and, in this regard, urges States parties to take appropriate measures, within their means and in accordance with the fundamental principles of domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations, community-based organizations and the private sector, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption, including when involving organized criminal groups, encourages States parties to respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, which may be subject to certain restrictions, such as are provided for by law and are necessary for respect of the rights or reputations of others and for the protection of national security, public order or public health or morals, and also encourages States parties to consider inviting those individuals and groups to contribute to the development and implementation of technical assistance programmes, upon request and based on the needs identified for the implementation of the provisions of the Convention against Corruption, and making efforts so that the conditions are present for their effective contribution to achieving the objectives of the Convention, including the ability to operate independently and without fear of reprisal because of their efforts in that regard, in accordance with domestic law and their respective applicable international obligations;

13. *Encourages* States parties, in accordance with their domestic law, to leverage a multi-stakeholder approach to anti-corruption policies and programmes for supporting victims of crime, taking into account their experiences, in appropriate cases;

14. *Invites* States parties to strengthen, where appropriate and in accordance with their domestic law, inter-agency investigative coordination at the domestic level, including by conducting joint or parallel investigations, and to explore how to improve their organizational arrangements, such as through the establishment or strengthening of offices or units mandated to investigate cases of corruption involving organized criminal groups;

15. *Encourages* States parties to consider, in accordance with article 49 of the Convention and consistent with their domestic law, concluding bilateral or multilateral agreements or arrangements to investigate cases of corruption involving organized criminal groups through joint investigations, which may also be undertaken by agreement on a case-by-case basis, and to make full use of existing facilitation mechanisms for such purposes, including those of the Global Operational Network of

Anti-Corruption Law Enforcement Authorities, the International Criminal Police Organization and other relevant international law enforcement networks, as appropriate;

16. *Calls upon* States parties to take such measures, in accordance with the relevant provisions of the Convention and their domestic legal system, as may be necessary to enable the identification, tracing, freezing, seizure and confiscation of proceeds of crime derived from offences established in accordance with the Convention or property the value of which corresponds to that of such proceeds, as well as property, equipment or other instrumentalities used in or destined for use in offences established in accordance with the Convention, and to enable the return and disposal of those assets in accordance with article 57 of the Convention, in cases of corruption involving organized criminal groups;

17. *Encourages* States parties to strengthen, in accordance with the Convention, comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within their competence, including legal, accounting, real estate and corporate service providers, in order to assess and address consistent with domestic law their potential role in facilitating or enabling corruption offences involving organized criminal groups and the laundering and transfers of proceeds of crime as well as illicit financial flows derived from proceeds of crime;

18. *Urges* States parties to afford one another the widest measure of mutual legal assistance in accordance with the Convention and their domestic law, including, where applicable, through digital means, with respect to investigations, prosecutions and judicial proceedings in relation to corruption involving organized criminal groups, including for the purpose of asset recovery, consistent with States parties' obligations set forth in the United Nations Convention against Corruption and other relevant bilateral and multilateral instruments to which they are party, such as the United Nations Convention against Transnational Organized Crime, as applicable and where deemed appropriate;

19. *Encourages* States parties to take meaningful steps to facilitate effective mutual legal assistance in cases of corruption involving organized criminal groups and address challenges and remove barriers to international cooperation;

20. *Encourages* States parties to promote, within their means and in accordance with their domestic law, cooperation to the fullest extent in their investigations of corruption involving organized criminal groups, including by using existing relevant networks established under the auspices of the United Nations and, where applicable, other international and regional networks for the purpose of information exchange among law enforcement agencies and financial intelligence units, stressing that cooperation within such networks should remain technical in nature;

21. *Also encourages* States parties, in accordance with their domestic law, to ensure, or to continue ensuring, timely access by their domestic competent authorities to adequate, accurate and up-to-date beneficial ownership information on legal persons and legal arrangements, and to make use of beneficial ownership information to investigate and prosecute corruption involving organized criminal groups and, where appropriate, to identify, recover and return proceeds of crime;

22. *Further encourages* States parties, in accordance with article 61 of the Convention and their domestic law, to exchange information with a view to addressing current and emerging trends in corruption involving organized criminal groups;

23. *Urges* States parties, in accordance with their domestic law, to take and effectively implement measures to maintain efficient extradition arrangements in relation to corruption offences involving organized criminal groups and calls upon States parties to ensure, in case they use the Convention against Corruption as the basis for extradition, that the procedures are fully consistent with the Convention, so

that those who commit the offences established in accordance with the Convention are held liable;

24. *Urges* States parties to foster and strengthen effective international cooperation to prevent and combat corruption involving organized criminal groups through applicable bilateral, regional and multilateral initiatives, including those implemented within the framework of the Convention;

25. *Also urges* States parties, according to their capacity, to provide capacity-building and technical assistance, including material assistance and training, especially for developing countries, to prevent and combat corruption involving organized criminal groups;

26. *Directs* the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption to:

(a) Include, as a topic for discussion at its fourteenth meeting, best practices and challenges concerning international cooperation in addressing corruption involving organized criminal groups, including the transnational nature of those crimes;

(b) Collect, with the support of the secretariat, information provided by States parties on a voluntary basis on best practices and challenges concerning international cooperation in addressing corruption involving organized criminal groups, including the transnational nature of those crimes;

(c) Analyse, with the support of the secretariat the information received from States parties on a voluntary basis with a view to developing a collection of good practices and conclusions for strengthening international cooperation to effectively prevent, identify, investigate and prosecute corruption involving organized criminal groups, including the transnational nature of those crimes;

27. *Directs* the Open-ended Intergovernmental Working Group on the Prevention of Corruption to hold, during its sixteenth meeting, a thematic discussion on the prevention of corruption involving organized criminal groups, including the transnational nature of those crimes, and requests the secretariat to bring the outcomes of the thematic discussion to the attention of the open-ended intergovernmental expert meeting to enhance international cooperation for the development of the collection of good practices and conclusions as mentioned in paragraph 26(c);

28. *Also requests* the United Nations Office on Drugs and Crime, in close cooperation with bilateral and multilateral technical assistance providers, to continue to provide technical and material assistance to States parties, upon request, based on their priorities and needs and subject to the availability of extrabudgetary resources, in implementing the relevant provisions of the present resolution;

29. *Further requests* the United Nations Office on Drugs and Crime to report to the Conference of the States Parties on the implementation of the present resolution;

30. *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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