

# **Resolutions and decisions adopted by the Conference of the States Parties to the United Nations Convention against Corruption**

## **A. Resolutions**

### **Resolution 5/1**

#### **Enhancing the effectiveness of law enforcement cooperation in the detection of corruption offences in the framework of the United Nations Convention against Corruption**

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

*Recalling* article 1, subparagraph (b), of the United Nations Convention against Corruption,<sup>1</sup> which establishes that one of the main purposes of the Convention is to promote, facilitate and support international cooperation in the prevention of and fight against corruption,

*Recalling also* article 48 of the Convention, on law enforcement cooperation measures, according to which 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,

*Recalling further* its resolution 4/2 of 28 October 2011, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”,

*Welcoming* the reports of the meetings of experts to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 22 and 23 October 2012 and in Panama City on 25 and 26 November 2013,<sup>2</sup>

1. *Requests* States parties to cooperate closely with each other, consistent with their domestic legal and administrative systems, in order to enhance the effectiveness of law enforcement action to combat the offences covered by the United Nations Convention against Corruption;<sup>1</sup>

2. *Encourages* States parties to the Convention to afford one another, when feasible, international cooperation in civil and administrative proceedings for the detection of corruption offences, in accordance with article 43, paragraph 1, of the Convention, and in that regard requests the secretariat to invite States parties to provide information, to the extent possible, on such proceedings in order to identify the scope of assistance that could be provided in relation to such proceedings, for submission to the meeting of experts to enhance international cooperation to be held during the sixth session of the Conference of the States Parties;

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

<sup>2</sup> CAC/COSP/EG.1/2012/2 and CAC/COSP/EG.1/2013/3.



3. *Also encourages* States parties to make full use of existing provisions and domestic law in order to transmit information relating to criminal matters to interested competent authorities of other States parties, when they believe that such information could assist those authorities, before seeking mutual legal assistance;

4. *Further encourages* States parties to continue to share information with other States parties, including through financial intelligence units, regarding offences committed that are covered by the Convention, to share information on the means and methods used to commit offences, to make items available for the purposes of investigation, to facilitate effective coordination among the relevant departments and to develop the exchange of staff and experts, including liaison officers;

5. *Recommends* that States parties, when necessary and consistent with the Convention, consider concluding bilateral agreements and arrangements among themselves relating to cooperation in the prevention and detection of corruption offences and to the prosecution of natural or legal persons that have committed corruption offences;

6. *Invites* international anti-corruption organizations to continue their efforts to enhance the effectiveness of international cooperation against corruption offences that are covered by international instruments and, to this end, to publish examples of good practice and recommendations;

7. *Requests* the United Nations Office on Drugs and Crime to continue providing, in its programmes of technical assistance, measures to enhance the effectiveness of international cooperation, including in relation to offences covered by the Convention, before seeking mutual legal assistance;

8. *Stresses* the importance of providing competent authorities and other government officials involved in international cooperation with a venue at which they may exchange with each other views concerning issues related to their work, and in this regard decides to continue the meetings of the experts convened to enhance international cooperation under the United Nations Convention against Corruption, in accordance with the terms of paragraph 10 below;

9. *Decides* that, in order to ensure the effective use of resources, on a provisional basis and without prejudice to their independent status and mandates, the next open-ended intergovernmental meeting of experts on international cooperation under the United Nations Convention against Corruption shall be held back to back with the corresponding Working Group on International Cooperation under the United Nations Convention against Transnational Organized Crime,<sup>3</sup> when feasible, at separate times and at the same venue, and that the subsequent open-ended intergovernmental meeting of experts shall be held at the sixth session of the Conference;

10. *Directs* the open-ended intergovernmental meeting of experts on international cooperation, during its meeting at the sixth session of the Conference, pursuant to the present resolution, to continue studying the issue of the identification and analysis of existing obstacles to law enforcement cooperation in the detection of corruption offences in the framework of the United Nations

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<sup>3</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

Convention against Corruption and to draw up recommendations on how those obstacles may be overcome;

11. *Requests* the secretariat, within existing resources, to assist the expert meetings in the performance of their functions, including by providing interpretation services, and invites States 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.

## **Resolution 5/2**

### **Strengthening the implementation of the criminalization provisions of the United Nations Convention against Corruption, in particular with regard to solicitation**

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

*Welcoming* the entry into force on 14 December 2005 of the United Nations Convention against Corruption,<sup>4</sup>

*Recalling* its resolution 1/7 of 14 December 2006, adopted at the first session of the Conference of the States Parties to the United Nations Convention against Corruption, in Amman,

*Recognizing* that the fight against corruption is a priority for the international community,

*Recalling* that corruption is an obstacle to the efficient mobilization of resources and means for sustainable economic development,

*Bearing in mind* the main purposes of the United Nations Convention against Corruption, which include the prevention and criminalization of corruption, the promotion of the proper management of public affairs and public property, the recovery of property and assets derived from corrupt practices and the provision of technical assistance and international cooperation,

*Welcoming* the significant progress made by States parties in giving effect to chapter III of the Convention, while recognizing that efforts must still be made to achieve universal and effective implementation,

*Noting with concern* the international phenomenon of direct or indirect national and foreign solicitation,

*Recognizing* that national legal systems are essential to the prevention of and fight against corruption and that they must be brought into conformity with the provisions of the Convention,

1. *Urges* Member States that have not yet done so to ratify or accede to the United Nations Convention against Corruption;<sup>4</sup>

2. *Recalls* the importance of chapter III of the Convention, in particular its article 15 and article 16, paragraph 1, which concern, respectively, bribery of

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<sup>4</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

national public officials and bribery of foreign public officials and officials of public international organizations, and emphasizes the need to fully incorporate, implement and ensure respect for those provisions within the domestic legislation of States parties;

3. *Calls upon* States parties to consider, in accordance with article 16, paragraph 2, adopting such legislative and other measures as may be necessary to establish as a criminal offence, by any appropriate measure, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

4. *Encourages* States parties to share examples of good practice in the fight against domestic and foreign bribery and of the measures taken to prevent such corruption;

5. *Requests* States parties to continue enhancing international cooperation, particularly through the United Nations Office on Drugs and Crime, in support of national, subregional and regional efforts to prevent and combat corruption, in particular solicitation;

6. *Requests* the Secretariat to provide a short oral report to the Implementation Review Group concerning the progress made and the challenges encountered in the implementation of the present resolution before the sixth session of the Conference.

### **Resolution 5/3**

#### **Facilitating international cooperation in asset recovery**

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

*Bearing in mind* that the return of assets is one of the main objectives and a fundamental principle of the United Nations Convention against Corruption<sup>5</sup> and that the States parties to the Convention are obligated to afford one another the widest measure of cooperation in that regard,

*Recalling* that asset recovery is an integral part of the Convention,

*Recalling also* article 51 of the Convention, which obligates States parties to afford one another the widest measure of cooperation and assistance with regard to asset return,

*Reiterating* the concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, which undermine the institutions and values of democracy, ethical values and justice and jeopardize sustainable development and the rule of law,

*Reaffirming* the commitment of States parties, and determined to give effect to the obligations set out in chapter V of the Convention in order to prevent, detect,

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<sup>5</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

deter and recover in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

*Recalling* its resolution 1/4 of 14 December 2006, by which it established the Open-ended Intergovernmental Working Group on Asset Recovery, and its resolutions 2/3 of 1 February 2008, 3/3 of 13 November 2009 and 4/4 of 28 October 2011, in which it decided that the Working Group should continue its work,

*Welcoming* the conclusions and recommendations of the Working Group, acknowledging the continued relevance of Conference resolutions 2/3, 3/3 and 4/4, and noting with interest the background paper prepared by the Secretariat on the progress made in the implementation of those recommendations,

*Recognizing* that those who engage in corrupt acts, whether natural or legal persons, consistent with domestic law and the requirements of the Convention, should be held accountable and prosecuted by their domestic authorities, and that all efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purposes of confiscation or appropriate direct recovery measures,

*Concerned* about the difficulties, particularly the legal and practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

*Recognizing* the common difficulties experienced by States parties in establishing a nexus between identified assets and the crime from which such assets are derived, and emphasizing the critical importance of effective domestic investigative efforts and international cooperation to overcome such difficulties,

*Recalling* article 56 of the Convention, which encourages each State party to endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with the Convention to another State party without prior request, when it considers that the disclosure of such information might assist the receiving State party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State party under chapter V of the Convention,

*Noting* that under article 57, paragraph 4, of the Convention the requested State party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property, and noting the mutual benefit to both requested and requesting States when such expenses are reasonable,

*Encouraging* States parties to make full use of the asset recovery tools set forth in chapter V of the Convention, including mechanisms for assistance in the enforcement of foreign restraining and confiscation orders, as a means to significantly reduce expenses that a jurisdiction might normally incur in pursuing asset recovery,

*Noting* the proactive efforts made by some States parties to sanction their domestic entities for offences specified in the Convention, through both confiscation and monetary sanctions or other legal mechanisms, and acknowledging the benefits of early and proactive information-sharing, consistent with domestic law and the requirements of the Convention, in furthering enforcement,

*Recognizing* the critical importance of effective international cooperation in efforts to combat corruption, particularly with respect to offences specified in the Convention with a transnational element, and encouraging continued cooperation by States parties, consistent with the requirements of the Convention, in all efforts to investigate and prosecute natural and legal persons, including the use of other legal mechanisms, where appropriate, for offences specified in the Convention and to recover assets related to such offences, consistent with chapter V of the Convention,

*Calling upon* all States parties and, in particular, requested and requesting States, to cooperate to recover the proceeds of corruption and demonstrate strong commitment to ensure the return or disposal of such proceeds in accordance with article 57 of the Convention,

*Encouraging* requested States parties to respond to requests for assistance, pursuant to article 46 of the Convention, in the absence of dual criminality,

*Noting* the efforts made by all States parties in tracing, freezing and recovering their stolen assets, and underlining the need to redouble efforts to assist in the recovery of those assets in order to preserve stability and sustainable development,

*Noting also* the work of other initiatives in asset recovery, such as the Arab Forum on Asset Recovery, and welcoming efforts to enhance cooperation between requesting and requested States,

*Taking note* of the Lausanne process initiative on practical guidelines for efficient asset recovery, which is being undertaken with a view to identifying good practices in effective and coordinated approaches to asset recovery for practitioners from requesting and requested States, with the support of interested States, implemented in close collaboration with the International Centre for Asset Recovery and with the support of the World Bank/United Nations Office on Drugs and Crime Stolen Asset Recovery Initiative,

*Recognizing* that States parties continue to face challenges in recovering assets owing to differences between legal systems, the complexity of multijurisdictional investigations and prosecutions, the limited implementation of effective domestic tools such as non-conviction-based forfeiture for asset recovery, as well as other administrative or civil procedures leading to confiscation, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions, as well as their family members and close associates,

*Noting* the responsibility of requesting and requested States parties to cooperate to ensure that a greater proportion of the proceeds emanating from corruption are recovered, returned or otherwise disposed of in accordance with the provisions of the Convention,

*Acknowledging* the vital importance of ensuring the independence and effectiveness of authorities charged with investigating and prosecuting corruption crimes and of recovering the proceeds of such crimes by several means, such as establishing the necessary legal framework and allocating the necessary resources,

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

*Taking into account* the need to hold corrupt officials accountable by depriving them of their stolen assets,

*Stressing* the critical importance of mobilizing political will for effective implementation of chapter V of the Convention,

*Calling upon* all States parties, acting as both requested and requesting States, to continue to commit the political will to act together to recover the proceeds of corruption and to work together to overcome obstacles to effective asset recovery,

*Determined* to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery,

*Acknowledging* the fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to adjudicate property rights,

1. *Renews* the commitment of all States parties to the United Nations Convention against Corruption<sup>5</sup> to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;

2. *Urges* Member States, consistent with chapter V of the Convention, to ensure that they have adequate laws and mechanisms in place to prosecute those involved in acts of corruption, to detect the illegal acquisition and transfer of assets derived from corruption and to ensure that there are suitable mechanisms in place — conviction- and, where appropriate, non-conviction-based — to recover through confiscation the identified proceeds of corruption, and that such laws and mechanisms are vigorously enforced;

3. *Calls upon* States parties, in accordance with the Convention, to afford one another the widest possible cooperation and assistance in the identification, tracing and recovery of stolen assets and proceeds of corruption and in the extradition of individuals accused of predicate offences;

4. *Encourages* States parties to afford one another, when feasible, international cooperation, including mutual legal assistance as appropriate, in civil and administrative proceedings for the identification, freezing and confiscation of assets, in accordance with article 43, paragraph 1, and article 46, paragraph 3, of the Convention, and in this regard requests that the Secretariat invite States parties to provide, to the extent possible, information on such proceedings, for submission to the Open-ended Intergovernmental Working Group on Asset Recovery, in order to identify the scope of assistance that could be provided in relation to such proceedings;

5. *Urges* States parties not to refuse to render mutual legal assistance for offences established in accordance with the Convention on the grounds of the absence of a bilateral treaty concerning mutual legal assistance or its pending ratification, once such an agreement is signed;

6. *Calls upon* States parties to give particular and timely consideration to the execution of international mutual legal assistance requests that need urgent action, including those related to the States concerned in the Middle East and North Africa, as well as other requesting States, and to ensure that the competent authorities of requested States have adequate resources to execute requests, taking into account the particular importance of the recovery of these assets for sustainable development and stability;

7. *Also calls upon* States parties to take measures to improve the development and exchange of information between requesting and requested States in corruption investigations, which may include, when necessary, inviting financial investigators of cooperating States to work side by side with one another's officials to trace corruption proceeds, and in such cases, as permitted by the domestic laws of both States, to facilitate access to records or other evidence in the other State;

8. *Urges* States parties to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, including initiating requests for assistance, making spontaneous disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with article 52, paragraph 2 (b) of the Convention, and, where appropriate, implementing measures to permit the recognition of non-conviction-based forfeiture judgements;

9. *Encourages* States parties to compile and provide information in accordance with article 52 of the Convention, and to undertake actions that help to establish the linkage between assets and offences under the Convention, in accordance with article 48, paragraph (1)(b)(ii) and (iii);

10. *Also encourages* States parties to consider, where appropriate and in accordance with article 49 of the Convention, establishing joint investigation teams;

11. *Encourages* requested States and assistance partners, to the same end, to work with requesting States to identify asset-recovery-related capacity-building needs of requesting States and, to the extent possible, to prioritize the needs to be met, stressing specific, practical efforts;

12. *Encourages* States parties to make use of opportunities for cooperation through existing practitioner-based networks, such as, among others, where feasible, the Global Focal Point Initiative established by the International Criminal Police Organization and the Stolen Asset Recovery Initiative, particularly before making formal requests for mutual legal assistance, and to designate officials or governmental institutions, as appropriate, as technical experts in international cooperation and asset recovery, to assist their counterparts;

13. *Calls upon* States parties that have yet to designate a central authority for international cooperation in accordance with the Convention to do so, and to appoint focal points for the purposes of international cooperation and mutual legal assistance in asset recovery, and, where appropriate, encourages States parties to make full use of the network of focal points of the Open-ended Intergovernmental

Working Group on Asset Recovery to facilitate cooperation and the implementation of the Convention;

14. *Welcomes* the cooperation and assistance that requested States have afforded requesting States parties in the recovery of proceeds of corruption, and encourages them to use and promote informal channels of communication, in particular prior to making requests for mutual legal assistance, by, inter alia, designating officials or institutions with technical expertise in international cooperation and asset recovery to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;

15. *Encourages* States parties to consider, consistent with chapter V of the Convention, taking proactive approaches to the identification, tracing, freezing and confiscation of stolen assets, including those hidden through the use of shell companies and other complex legal mechanisms, and to strengthen measures for the spontaneous exchange of information, as permitted by domestic law, between requesting and requested States, as a good practice complementary to cooperation in mutual legal assistance;

16. *Urges* States parties to ensure that procedures for international cooperation allow for the seizure and/or restraint of assets for a time period sufficient to preserve those assets in full, pending confiscation proceedings in another State, to ensure that there are adequate mechanisms in place to manage and preserve the value and condition of assets pending the conclusion of confiscation proceedings in another State, and to allow or expand cooperation in the enforcement of foreign seizure and restraint orders and confiscation judgements, including through awareness-raising for judicial authorities;

17. *Encourages* States parties to support the development of and to utilize existing secure information-sharing tools, with a view to enhancing early and spontaneous information exchange within the international law enforcement community;

18. *Calls upon* States parties, where appropriate and in accordance with domestic law, to take proactive measures to ensure that individuals who have been entrusted with prominent public functions, their family members and close associates, cannot hide their illicitly acquired assets, by making relevant enquiries to determine the identity and ownership of illicitly acquired assets, freezing suspected criminal proceeds and undertaking efforts to initiate other national mechanisms of recovery, as consistent with the Convention and under domestic law, when appropriate, and encourages States parties to work with well-established networks of financial intelligence units to identify methodologies for coordinated approaches to such measures;

19. *Urges* States parties to remove barriers to asset recovery by ensuring that financial institutions and, where applicable, designated non-financial services and professions adopt and implement effective standards to ensure that such entities are not being used to hide stolen assets, which may include such measures as customer due-diligence requirements, the identification and enhanced scrutiny of assets belonging to individuals who are or have been entrusted with prominent public functions and to their family members and close associates, and the collection and provision of beneficial ownership information, and by ensuring, in accordance with

the Convention and domestic law, through robust regulatory action, that they adequately implement those requirements;

20. *Notes* that under article 57, paragraph 4, of the Convention, where appropriate, unless States parties decide otherwise, requested States parties may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property, but urges States parties to consider waiving or reducing such expenses, particularly in cases involving a developing country;

21. *Calls upon* States parties to cooperate closely in the return and disposal of assets in accordance with article 57 of the Convention;

22. *Urges* States parties to ensure that reliable beneficial ownership information on companies is accessible onshore to law enforcement agencies and other relevant authorities, including, as appropriate, financial intelligence units and tax administrations, thus facilitating the investigation process and execution of requests;

23. *Encourages* States parties to cooperate in order to implement the necessary measures to enable them to obtain reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, including trusts and holdings, used to commit crimes of corruption or to hide and transfer proceeds;

24. *Calls upon* States parties to promote the sharing of experience in dealing with the challenge of the transliteration of names in tracing assets;

25. *Urges* States parties to consider the use of the tools set out in chapter V of the Convention when resolving cases involving offences outlined in the Convention, including transnational bribery;

26. *Encourages* States parties to give urgent consideration to the implementation of article 46, paragraph 4, and article 56 of the Convention;

27. *Urges* States parties to proactively share information in accordance with article 48, paragraph 1 (f), article 46, paragraph 4, and article 56 of the Convention, where doing so does not compromise an ongoing investigation, prosecution or judicial proceeding, and also urges States parties whose natural or legal persons were engaged in corrupt acts to actively and robustly pursue domestic investigations and prosecutions of those persons and share such information in accordance with the Convention to facilitate the tracing and confiscation of corruption proceeds;

28. *Calls upon* States parties to share with the Secretariat best practices for the efficient resolution of criminal offences specified in the Convention, and requests that the Secretariat collect and disseminate such information to the Open-ended Intergovernmental Working Group on Asset Recovery and to States parties;

29. *Urges* States parties to ensure that their anti-corruption authorities or other relevant bodies have sufficient resources to fulfil their mission, have an appropriate level of investigative and prosecutorial independence, are trained sufficiently and on a regular basis, have the requisite authority, legislative and otherwise, to identify, trace, freeze and confiscate corruption proceeds, including in terms of access to the financial and other information necessary to do so, and have

the authority to share information, cooperate and coordinate corruption investigations with other domestic agencies and other Governments, when appropriate;

30. *Encourages* requesting States to ensure that adequate national investigative procedures have been initiated and substantiated so that they may serve as an adequate basis for the submission of requests for mutual legal assistance;

31. *Encourages* requested States to make all possible efforts to assist requesting States to meet requested States parties' procedural requirements for legal assistance without any undue delay;

32. *Urges* States parties to consider, consistent with their domestic legal frameworks, the adoption of measures that facilitate the freezing and confiscation of corruption proceeds, including the use of non-conviction-based confiscation, restraint based on a formal request and the receipt of evidence of an arrest or charge in the requesting jurisdiction or restraint in the absence of a formal request, and confiscation of equivalent values in the absence of recoverable assets;

33. *Also urges* States parties to give effect, consistent with their domestic law, to freezing and confiscation orders related to property of persons against whom freezing and confiscation orders have been obtained, so as to ensure that the subjects of such orders do not benefit from the proceeds of corruption;

34. *Encourages* States parties to make widely available information on their legal frameworks and procedures, in a practical guide or other format designed to facilitate use by other States, and to consider, where advisable, the publication of that information in other languages;

35. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide, for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on the lessons learned from past cases, being mindful to seek to add value by building upon existing work in this area;

36. *Encourages* States parties to share approaches and practical experience for the return of assets, consistent with article 57 of the Convention, for further dissemination through the Secretariat;

37. *Encourages* States parties and the United Nations Office on Drugs and Crime to share experience on the management, use and disposal of frozen, seized and confiscated assets, and to identify best practices as necessary, building upon existing resources that address the administration of seized assets, and to consider developing non-binding guidelines on this issue;

38. *Decides* that the Open-ended Intergovernmental Working Group on Asset Recovery shall continue its work to advise and assist the Conference in the implementation of its mandate with respect to the return of the proceeds of corruption and shall hold at least two meetings prior to the sixth session of the Conference of the States Parties, within existing resources and consistent with its workplan;

39. *Encourages* States parties to voluntarily share experiences of actions taken consistent with elements of the present resolution and of Conference resolutions 2/3 of 1 February 2008, 3/3 of 13 November 2009 and 4/4 of 28 October 2011, in the context of the aforementioned intersessional meetings of the Working Group;

40. *Decides* that the Working Group shall continue to submit reports on its activities to the Conference of the States Parties;

41. *Requests* the Secretariat, within existing resources, to assist the Working Group in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations;

42. *Invites* States 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.

#### **Resolution 5/4**

### **Follow-up to the Marrakech declaration on the prevention of corruption**

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

*Recalling* paragraph 52 of the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals,<sup>6</sup> in which the Assembly stressed that corruption diverts resources away from activities that are vital for poverty eradication, the fight against hunger and sustainable development, and urged all States that had not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption,<sup>7</sup>

*Recognizing* the corrosive impact that corruption has on the development of the rule of law by eroding the legitimacy and effectiveness of key public institutions,

*Highlighting* the prominence that the Convention has given to the prevention of corruption as part of a comprehensive approach to fighting corruption by having its entire chapter II devoted to measures to prevent corruption,

*Welcoming* the progress made by States parties and the Secretariat of the United Nations in the implementation of Conference of the States Parties resolution 4/3 of 28 October 2011, entitled “Marrakech declaration on the prevention of corruption”,

*Acknowledging* the crucial importance of technical assistance in building institutional and human capacity in States parties so as to facilitate the implementation of the provisions of chapter II of the Convention,

*Underlining*, in view of the forthcoming review of chapter II during the second cycle of the Mechanism for the Review of Implementation of the

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<sup>6</sup> General Assembly resolution 65/1.

<sup>7</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

Convention, the importance of building legislative and institutional frameworks consistent with the requirements of that chapter,

*Recalling* its resolution 3/2 of 13 November 2009, by which the Conference established an interim open-ended intergovernmental working group on the prevention of corruption to advise and assist it in the implementation of its mandate on the prevention of corruption,

*Welcoming* the conclusions and recommendations of the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its third and fourth meetings,<sup>8</sup>

1. *Encourages* States parties to promote universal adherence to the United Nations Convention against Corruption,<sup>7</sup> and urges States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;

2. *Reaffirms* that, while the implementation of the Convention is the responsibility of States parties, the promotion of a culture of integrity, transparency and accountability and the prevention of corruption are responsibilities to be shared by all stakeholders and sectors of society, in accordance with articles 7 to 13 of the Convention;

3. *Decides* that the Open-ended Intergovernmental Working Group on the Prevention of Corruption shall continue its work to advise and assist the Conference in the implementation of its mandate on the prevention of corruption and shall hold at least two meetings prior to the sixth session of the Conference, and, taking into account the workplan for the forthcoming meetings of the Working Group, encourages the Working Group to seek inputs, as appropriate, from the private sector, in accordance with the Convention and its rules of procedure;

4. *Also decides* that the Working Group shall continue to follow the multi-year workplan for the period up to 2015 and the start of the second cycle of the Review Mechanism, as agreed by the Working Group;

5. *Notes with appreciation* the achievements of the Working Group in facilitating the sharing between States parties of information on their initiatives and good practices on the topics considered at the third and fourth meetings of the Group, and encourages States parties to continue to share with the Secretariat new as well as updated information on such initiatives and good practices;

6. *Welcomes* the efforts of the Secretariat in the performance of its functions as an international observatory gathering information on good practices in preventing corruption, focusing on systematizing and disseminating the information received from States parties, including through the development of a new thematic website for the Working Group;

7. *Requests* the Secretariat, subject to the availability of extrabudgetary resources, to continue to perform the functions of an international observatory and, at the request of the Working Group or the Conference, to provide information on lessons learned and the adaptability of good practices, as well as related technical assistance activities, which could be offered to States parties upon request;

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<sup>8</sup> See CAC/COSP/WG.4/2012/5 and CAC/COSP/WG.4/2013/5.

8. *Requests* Member States, with the assistance of the Secretariat and donors, as appropriate, to promote bilateral, regional and international activities to prevent corruption, including workshops for the exchange of relevant experiences and good practices;

9. *Strongly encourages* States parties, in addition to integrating anti-corruption policies in broader crime prevention and criminal justice reform strategies and public sector reform plans, in accordance with Conference resolution 3/2, to undertake similar action with regard to development programmes, strategies and action plans;

10. *Takes note* of the initiative of the Secretariat and the United Nations Development Programme to integrate the prevention of corruption in the broader development agenda, including through the United Nations Development Assistance Framework;

11. *Highlights* the importance of the development and implementation of effective, coordinated anti-corruption policies, consistent with article 5 of the Convention, and in this regard takes note of the Kuala Lumpur statement on anti-corruption strategies, and requests the Secretariat to identify and disseminate good practices among States parties regarding the development of national anti-corruption strategies and to provide assistance in this regard upon request;

12. *Recognizes* the importance of ensuring that anti-corruption bodies have the necessary independence to enable them to carry out their functions effectively and free from any undue influence;

13. *Takes note* of the Jakarta Statement on Principles for Anti-Corruption Agencies, developed by the International Conference on Principles for Anti-Corruption Agencies, held in Jakarta on 26 and 27 November 2012;

14. *Notes* that a large number of States parties have informed the Secretary-General of the designation of competent authorities that may assist other States parties in developing and implementing specific measures for the prevention of corruption, as required under article 6 of the Convention, and calls upon States parties that have not yet done so to provide that information and to update existing information where needed;

15. *Calls upon* States parties to devote special attention to strengthening integrity across the entire criminal justice system, including the police, prosecution, defence counsel, judiciary, court administration, prison and probation services, and notes with appreciation the assistance provided by the Secretariat to States parties upon request in the integration of anti-corruption measures in institutions of the criminal justice system;

16. *Takes note* of the initiative taken by the Secretariat to develop a guide containing proposals for States parties to facilitate the implementation of measures to strengthen judicial integrity and independence and prosecutorial integrity;

17. *Urges* States parties to ensure that their public service is aligned with the principles outlined in the Convention, including, inter alia, efficiency, transparency and objective criteria in recruitment, the promotion of integrity, honesty and responsibility and adherence to codes of conduct for public officials;

18. *Requests* States parties to promote training and education at all levels of the public sector and, where appropriate, of the private sector in the prevention of corruption and to make such training and education an integral part of national anti-corruption strategies and plans;

19. *Calls upon* States parties to use the Convention as a framework for the development of specific and tailored anti-corruption safeguards in sectors that may present an increased vulnerability to corruption;

20. *Encourages* States parties, in accordance with article 8, paragraph 5, of the Convention, to endeavour, where appropriate and in accordance with the fundamental principles of their domestic law, to establish and strengthen asset declaration systems applicable to public officials, aimed at the identification and resolution of conflicts of interest, and requests the Secretariat to continue its support to States parties in this regard;

21. *Strongly encourages* States parties to mitigate the global risk of corruption in the organization of large-scale sporting events, and welcomes the initiative to establish a global alliance for integrity in sports;

22. *Calls upon* States parties to put effective processes in place to promote transparency, competition and objective decision-making in public procurement systems, in line with article 9 of the Convention, and to take into consideration the anti-corruption-related recommendations contained in the United Nations Commission on International Trade Law Model Law on Public Procurement;<sup>9</sup>

23. *Urges* States parties, in accordance with articles 10 and 13 of the Convention, to continue to take measures to enhance transparency in public administration, including through the introduction of effective measures facilitating access by the public to information, and requests the Secretariat to provide technical assistance upon request to States parties seeking to introduce or enhance measures in this area, in cooperation, where appropriate, with interested donors;

24. *Encourages* States parties to promote, in accordance with article 12, paragraph 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;

25. *Urges* States parties, in accordance with article 13 of the Convention, to continue promoting the participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption, and encourages States parties to enhance the capacity of such individuals and groups in this regard;

26. *Reaffirms* that States parties should continue to strengthen awareness-raising measures throughout all sectors of society and that special attention should be devoted to work with young people and children as part of a strategy to prevent corruption;

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<sup>9</sup> *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17), para. 192 and annex I.*

27. *Notes* the steps taken by States parties to promote, at various levels of the education system, programmes that instil concepts and principles of integrity, and encourages further efforts in this regard;

28. *Welcomes* the progress made by the Secretariat under the Anti-Corruption Academic Initiative, in cooperation with relevant partners, to develop comprehensive anti-corruption academic materials for universities and other academic institutions, and requests the Secretariat to continue its support to States parties in this field;

29. *Notes* the development by the Secretariat of an academic course on the Convention;

30. *Notes with appreciation* the development of a resource tool for Governments and journalists on reporting on corruption on the basis of the Convention, and requests the Secretariat, upon request and subject to the availability of extrabudgetary resources, to further support States parties and journalists in this regard;

31. *Welcomes* the initiative taken by the Secretariat to develop a compendium of good practices on protection measures for reporting persons, as well as witnesses, victims and experts;

32. *Invites* the Secretariat to share with Member States the report to be produced through the Institutional Integrity Initiative, in cooperation with the members of the United Nations System Chief Executives Board for Coordination, on promoting the consistency of the integrity and anti-corruption policies of the United Nations system with the principles of the Convention;

33. *Encourages* States parties to strive towards early reporting on the implementation of chapter II of the Convention, using the self-assessment checklist, with emphasis on evaluation of the effectiveness of existing prevention measures, the compilation of good practices and the identification of technical assistance needs, and takes note of the information already provided by some States parties to the Working Group, at its request;

34. *Requests* the Secretariat, in close cooperation with multilateral and bilateral assistance providers, to continue to provide technical assistance to States parties, upon request, with a view to advancing the implementation of chapter II of the Convention, including in preparation for participation in the review process for chapter II;

35. *Calls upon* development partners to intensify their cooperation and coordination in the provision of requested technical assistance in preventing corruption;

36. *Encourages* States parties to continue to provide financial and other resources to effectively meet the technical assistance needs identified by States parties for the implementation of chapter II of the Convention;

37. *Underlines* the importance of the guidance materials and expertise on preventing corruption available at the United Nations Office on Drugs and Crime and of the materials and expertise of the United Nations Development Programme, within its mandate, as well as of bilateral and other assistance and knowledge providers;

38. *Underlines* the importance of providing the United Nations Office on Drugs and Crime with sufficient and adequate funding to be able to respond to the increasing demand for its services, and encourages Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund,<sup>10</sup> for the provision to developing countries and countries with economies in transition of the technical assistance that they may require to build their capacities to implement chapter II of the Convention;

39. *Requests* the Secretariat to submit a report on the implementation of the present resolution to the Working Group at its intersessional meetings and to the Conference at its sixth session;

40. *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.

#### **Resolution 5/5**

### **Promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity**

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

*Bearing in mind* that the United Nations Convention against Corruption,<sup>11</sup> and in particular chapter II thereof, seeks to promote and strengthen measures to prevent and combat corruption more effectively,

*Noting* that article 13, paragraph 1 (c), of the Convention requires States parties to undertake public information activities against corruption, as well as public education programmes, including school and university curricula,

*Reaffirming* paragraph 16 of its resolution 4/3 of 28 October 2011, in which it called upon States parties to devote special attention to the creation of opportunities to involve young people as key actors to prevent corruption and requested the Secretariat to assist States parties in doing so,

*Recalling* the conclusions of the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its fourth meeting, held in Vienna from 26 to 28 August 2013, in particular that States parties should continue to strengthen awareness-raising measures and education throughout all sectors of society, devoting special attention to working with young people and children as part of a strategy to prevent corruption,

*Recalling also* the discussions of the Working Group with regard to the recognition of the importance of education in fighting corruption, and noting that criminalization and punishment are not sufficient on their own,

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<sup>10</sup> See General Assembly resolution 58/4, para. 4.

<sup>11</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

*Considering* the need for States to design strategies aimed not only at investigating and punishing acts of corruption but also at strengthening the participation of civil society and promoting a culture of respect for the law, in accordance with the goals of the Convention,

*Recognizing* that education plays a fundamental role in the fight against corruption, inasmuch as it makes corrupt behaviour socially unacceptable,

*Acknowledging* the need to take appropriate measures to promote a culture of respect for the law among young people and children, based on discussion, legality and transparency,

*Recalling* its resolution 1/8 of 14 December 2006, in which it decided to hold a meeting of experts to review best practices in the fight against corruption, and the meeting of experts held in Doha from 9 to 11 February 2009 pursuant to that resolution,

*Recalling also* paragraph 17 of its resolution 4/3, in which it called upon States parties, consistent with the fundamental principles of their educational and legal systems, to promote, at various levels of the education system, educational programmes that instil concepts and principles of integrity,

1. *Invites* States parties to recognize the importance of the involvement of young people and children as key actors in strengthening ethical behaviour, beginning with the identification and adoption of values, principles and actions that make it possible to build a fair and corruption-free society, in accordance with the United Nations Convention against Corruption;<sup>11</sup>

2. *Encourages* States parties to promote educational programmes that foster a culture of respect for the law and integrity, especially those for young people and children;

3. *Invites* States parties to continue their efforts to foster a culture that promotes respect for the law and integrity, to strengthen preventive measures and to increase the level of citizen participation in efforts to prevent corruption;

4. *Calls upon* States parties, in consultation with relevant stakeholders, to share successful experiences in involving young people and children in efforts to create educational tools to foster a culture of respect for the law and integrity;

5. *Underlines* the importance of States parties promoting the participation of young people and children, where appropriate, in developing public policies to prevent corruption;

6. *Recommends* that States parties promote partnerships with the education sector with a view to developing practice-oriented and multidisciplinary anti-corruption training for young people, aimed at sensitizing them to the phenomenon of corruption;

7. *Welcomes* the recommendation of the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its fourth meeting that the Secretariat should continue its work to support States parties in introducing anti-corruption education at all stages of the education process;

8. *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.

## **Resolution 5/6**

### **Private sector**

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

*Recognizing* the prominence that the United Nations Convention against Corruption<sup>12</sup> has given to the prevention of corruption by having its entire chapter II devoted to measures to prevent corruption in both the public and private sectors,

*Stressing* the importance of implementing article 12 of the Convention to prevent and fight corruption in the private sector,

*Bearing in mind* the importance of promoting and sharing best practices in the implementation of article 12 of the Convention,

*Recognizing* that, while the implementation of the Convention is the responsibility of States parties, corruption not only affects Governments, but has a significant impact on the private sector, impeding economic growth, distorting competition and presenting serious legal and reputational risks,

*Recalling* the momentum gathered through the Bali Business Declaration,<sup>13</sup> which contains the commitment of private sector entities, inter alia, to work towards the alignment of business principles with fundamental values enshrined in the Convention, to develop mechanisms to review company compliance and to strengthen public-private partnerships for combating corruption,

*Noting* that the private sector plays a significant role in the fight against corruption and stands to benefit greatly from proactive engagement in the fight against domestic and foreign bribery,

*Taking note* of the cooperation between the United Nations Office on Drugs and Crime and the Global Compact Office in terms of working with businesses to encourage the development of anti-corruption policies that strengthen transparency and accountability, in particular the joint development of the interactive e-learning tool for the private sector,

*Taking note also* of the initiatives undertaken by the United Nations Office on Drugs and Crime to promote sustainable partnerships with the private sector in countering corruption, including in close cooperation with other relevant organizations,

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<sup>12</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>13</sup> Adopted as the special event entitled “Business coalition: the United Nations Convention against Corruption as a new market force”, held at the second session of the Conference of the States Parties.

*Recalling* its resolution 1/8 of 14 December 2006, in which it decided to hold a meeting on best practices in the fight against corruption, and the subsequent meeting of experts held in Doha pursuant to that resolution,

1. *Requests* States parties to promote the United Nations Convention against Corruption<sup>12</sup> and anti-corruption measures among the business community with a view to reinforcing the role of the private sector in combating corruption and in ensuring a fair and level playing field for all;

2. *Strongly encourages* States parties to raise awareness within the whole private sector on the need to establish and implement appropriate anti-corruption ethics and compliance programmes;

3. *Encourages* States parties to consider assisting, where appropriate, companies in their compliance efforts, for example through the provision of specialized training and support for company compliance officers and procurement officers;

4. *Calls upon* States parties to mobilize business leaders to join integrity pacts, taking into account the relevant provisions of the Convention against Corruption, and to promote better adherence to internal codes of conduct and corporate and social responsibility standards;

5. *Also calls upon* States parties to promote the engagement of the business community in the prevention of corruption by encouraging the business community, inter alia, to develop and implement initiatives to prohibit any form of corruption, promote good corporate integrity practices, develop internal controls and codes of conduct, establish ethics committees, design specific training programmes, implement internal mechanisms to report acts of corruption and cooperate with official investigations;

6. *Invites* States parties, in accordance with domestic law, to consider the possibility of including in their legislation norms to provide incentives for effective cooperation with official investigations, such as reduced sentencing for crimes of corruption;

7. *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;

8. *Urges* States parties to foster increased dialogue and cooperation between the public and the private sector in anti-corruption efforts and to strengthen, where appropriate, public-private partnerships for combating corruption in business;

9. *Invites* Member States to identify and share with States parties and other relevant stakeholders their good anti-corruption practices specifically addressing the needs of the private sector, such as in the area of prohibition of bribery of public officials, relations with intermediaries or the organization of such matters as public tenders, public procurement and major public events, including at the meetings of the Open-ended Intergovernmental Working Group on the Prevention of Corruption;

10. *Takes note with appreciation* of the United Nations Office on Drugs and Crime publication entitled *An Anti-Corruption Ethics and Compliance Programme for Business: a Practical Guide*;

11. *Invites* Member States to raise awareness in the private sector about the need for technical tools and resources to address risks in sectors that are more exposed or vulnerable to corruption;

12. *Encourages* Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund,<sup>14</sup> for the provision to developing countries and countries in transition of the technical assistance that they might require to build their capacities for the implementation of article 12 of the Convention;

13. *Requests* the Secretariat to submit a report to the Conference of the States Parties at its sixth session on the implementation of the present resolution;

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

## **B. Decisions**

1. At its fifth session, the Conference adopted the following decisions:

### **Decision 5/1**

#### **Mechanism for the Review of Implementation of the United Nations Convention against Corruption**

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

Underlining the importance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption in supporting States parties in the implementation of the Convention and in promoting universal adherence to the Convention,

Taking note with appreciation of the work of the Secretariat and of the Implementation Review Group,

Reaffirming the guiding principles and characteristics of the Mechanism and paragraph 44 of its terms of reference:<sup>15</sup>

(a) Decides that the Implementation Review Group shall begin promptly to collect, with the support of the Secretariat, and discuss relevant information in order to facilitate the assessment of performance in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle;

(b) Also decides that the Implementation Review Group shall include in its future sessions an agenda item allowing for discussion of the information collected in accordance with paragraph (a) above;

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<sup>14</sup> See General Assembly resolution 58/4 of 31 October 2003, para. 4.

<sup>15</sup> Resolution 3/1, annex.

(c) Further decides that the Implementation Review Group, in the collection of information pursuant to paragraph (a) above, shall take into account future requirements for follow-up in accordance with paragraphs 40 and 41 of the terms of reference.

**Decision 5/2**

**Venue for the eighth session of the Conference of the States Parties to the United Nations Convention against Corruption**

The Conference of the States Parties to the United Nations Convention against Corruption, recalling General Assembly resolution 47/202 A of 22 December 1992, on the pattern of conferences, taking into consideration rules 3 and 6 of its rules of procedure, and welcoming the offer by the Government of the United Arab Emirates to act as host to the eighth session of the Conference, decides that its eighth session will be held in the United Arab Emirates in 2019.

**Decision 5/3**

**Venue for the ninth session of the Conference of the States Parties to the United Nations Convention against Corruption**

The Conference of the States Parties to the United Nations Convention against Corruption, recalling General Assembly resolution 47/202 A of 22 December 1992, on the pattern of conferences, taking into consideration rules 3 and 6 of its rules of procedure, and welcoming the offer by the Government of Egypt to act as host to the ninth session of the Conference, decides that its ninth session will be held in Egypt in 2021.