



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

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## Open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption

Vienna, 31 May 2019

Item 3 of the provisional agenda\*

**Implementation of chapter IV of the United Nations  
Convention against Corruption: lessons learned,  
good practices and challenges**

### **Statistical information on the use of the United Nations Convention against Corruption as a legal basis for mutual legal assistance and in relation to civil and administrative proceedings and asset recovery**

Note by the Secretariat

#### **I. Introduction**

1. In its resolution 7/1, the Conference of the States Parties to the United Nations Convention against Corruption requested the Secretariat to continue, within existing resources, to collect statistics or other relevant information on the use of the Convention as a legal basis for mutual legal assistance, unless a bilateral and regional arrangement applied, and, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings and asset recovery, and to make the information available to the Conference.
2. In order to facilitate the implementation of those mandates, the Secretariat sent States parties a note verbale dated 17 December 2018, requesting information on the issues identified above. That information request followed the Secretariat's previous note verbale, sent to States parties on 9 February 2018, requesting similar information in advance of the seventh open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 8 June 2018.
3. A summary of the information received by 13 March 2019 is included in the document on the progress in implementing the mandates of the meeting ([CAC/COSP/EG.1/2019/2](#)), which has been made available to the present meeting.
4. In furtherance of the implementation of the mandate, the Secretariat also reviewed the information that had already been provided by States parties for inclusion in the directory of competent national authorities, as well as the information

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\* [CAC/COSP/EG.1/2019/1](#).



collected during the first cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. A summary of that information is provided below.

## **II. Mutual legal assistance**

5. A total of 95 States parties explicitly confirmed their ability to use the Convention as a basis for mutual legal assistance. More specifically, 32 States confirmed it in their official notifications for the purposes of the online directory of competent national authorities and 7 States confirmed it in their responses to the aforementioned notes verbales. The information on the other States was collected during the review process.

6. From the information provided during the reviews, it appears that, in practice, even more States are able to cooperate using the Convention as a basis. Many States reported that they did not require a legal basis for mutual legal assistance and would be able to provide assistance on the basis of the principle of reciprocity. Those States would also often consider the status of the requesting jurisdiction as a State party to the Convention as a favourable factor in deciding whether to provide the assistance requested. Few States, however, reported on actual mutual legal assistance cases that were based solely on the Convention.

7. If States were unable to use the Convention as a legal basis for mutual legal assistance, it was primarily the result of the requirements of their domestic legal systems to implement the international cooperation provisions of the Convention through domestic legislation.

## **III. Civil and administrative proceedings**

8. As at 13 March 2019, the Secretariat had not been provided with comprehensive information on the use of the Convention as a legal basis, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings. However, given that 32 States parties had notified the Secretariat of their focal points for international cooperation in the use of civil and administrative proceedings,<sup>1</sup> it is likely that those States were also able to undertake such cooperation using the Convention as a legal basis.

## **IV. Asset recovery**

9. A total of 28 States parties informed the Secretariat of their ability to use the Convention as a legal basis for the purpose of asset recovery. In the context of the second cycle of the Implementation Review Mechanism, of the 20 States parties for which the reviews had been completed at the time of writing, 1 State party reported that the Convention had been used in a case that had resulted in the return of stolen assets.

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<sup>1</sup> Recent statistical information from the online directory of competent national authorities, including information on central authorities for mutual legal assistance, asset recovery focal points, central authorities on extradition and focal points for international cooperation in the use of civil and administrative proceedings, is contained in document [CAC/COSP/EG.1/2018/2](#).

## V. Conclusions

10. The Secretariat is continuing to collect additional information from States parties on the use of the Convention as a legal basis for mutual legal assistance, pursuant to the mandates contained in Conference resolution 7/1; however, certain observations may be drawn from the information already available.

11. Although the Convention can in theory be used for purposes of mutual legal assistance by many States, few cases of such use have been reported.

12. Additional information is required on the use of the Convention as a legal basis in relation to civil and administrative proceedings and asset recovery in order to draw comprehensive conclusions. Such information is expected to become available as more reviews are completed under the second cycle of the Implementation Review Mechanism.

13. The Secretariat will continue to collect and analyse relevant information and provide it to future open-ended intergovernmental expert meetings to enhance international cooperation under the Convention.

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