



Stolen Asset Recovery Initiative

The World Bank • UNODC

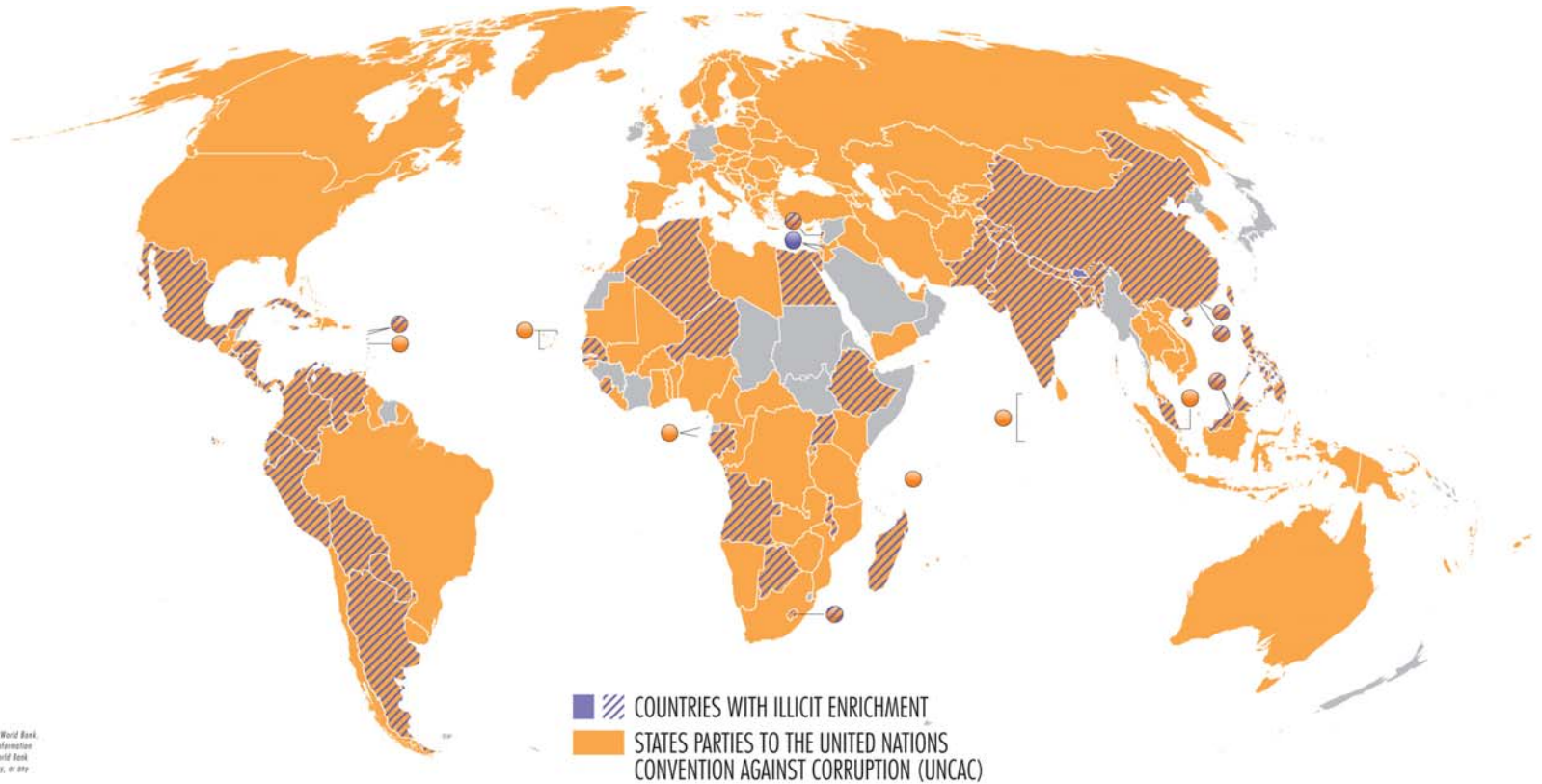
The Illicit Enrichment Study: Main Findings



Introduction

- Mandate: paragraph 13 of Resolution 3/3
- Objectives of the study
- Methodology

Countries that have criminalized illicit enrichment



IBRD 38795
AUGUST 2011
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Illicit enrichment and asset recovery

- All jurisdictions reviewed, address asset recovery in their illicit enrichment provisions.
- There is some evidence of asset recovery following convictions.
- No solid statistical data to establish whether illicit enrichment has substantially contributed to the recovery of assets.

Human Rights and Due Process Concerns

- no reversal of the burden of the proof.
- the presumption in illicit enrichment is, *per se*, unlikely to cause prejudice to an accused.
- the general quality of the criminal justice system should also be considered.
- what also matters is the quality and clarity of the illicit enrichment provision itself.

Thank you

- For comments and suggestions please contact before 30 September 2011:
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OHCHR

- 1) Human rights aspect of the illicit enrichment is twofold:
Combat against illicit enrichment as a human rights obligation given its impact on the enjoyment of all human rights and development
Protect human rights while combatting against illicit enrichment

- 2) The detrimental impact of corruption, including illicit enrichment on human rights (HRC res. 7/11)
- i) Weakening of institutions
- ii) Erosion of public trust in Government
- iii) Impairment of the ability of Governments to full their human rights obligations, particularly economic and social rights of the most vulnerable and marginalized

- 3) Human rights-based approach to combatting against illicit enrichment:



i) Human rights obligations of State Members
(Respect, Protect and Fulfil Human Rights)

ii) Integrate key human rights principles of NON-DISCRIMINATION, EQUALITY, PARTICIPATION, TRANSPARENCY, ACCOUNTABILITY and INTERNATIONAL COOPERATION

Thank you

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