Introduction

- Mandate: paragraph 13 of Resolution 3/3
- Objectives of the study
- Methodology
Countries that have criminalized illicit enrichment
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.
For comments and suggestions please contact before 30 September 2011:

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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 fulfill 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
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