



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

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## Open-ended Intergovernmental Working Group on Asset Recovery

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Item 2 of the provisional agenda\*

**Overview of progress made  
in the implementation of asset  
recovery mandates**

### **Progress report on the implementation of the activities of the Open-ended Intergovernmental Working Group on Asset Recovery**

Note by the Secretariat

#### **I. Introduction**

1. In its resolution 1/4, adopted at its first session, the Conference of the States Parties to the United Nations Convention against Corruption established the Open-ended Intergovernmental Working Group on Asset Recovery to advise and assist the Conference in the implementation of its mandate on the return of proceeds of corruption.
2. In the same resolution, the Conference tasked the Working Group with, inter alia, assisting the Conference in developing cumulative knowledge in the area of asset recovery, facilitating the exchange of information, good practices and ideas among States and building confidence and encouraging cooperation between requesting and requested States.
3. At its second to eighth sessions, the Conference decided to continue the work of the Working Group. The Working Group held its first to fourteenth meetings annually in Vienna from 2007 to 2020.
4. The present document has been prepared to inform the Working Group, at its fifteenth meeting, of the status of implementation of its recommendations and those of the Conference relating to asset recovery. It is aimed at assisting the Working Group in its deliberations and in determining its future activities.

\* [CAC/COSP/WG.2/2021/1](#).



## **II. Overview of the status of implementation of the recommendations of the Conference of the States Parties and the Working Group**

5. Previous meetings of the Working Group have focused on three main themes, which cover the six areas of its mandate in accordance with Conference resolution 1/4: (a) developing cumulative knowledge; (b) building confidence and trust between requesting and requested States; and (c) technical assistance, training and capacity-building.

6. With respect to the development of cumulative knowledge on asset recovery, the Working Group has expressed its continued interest in the development of knowledge and related tools that would facilitate legislative reforms in the area of asset recovery.

7. The importance of confidence and trust between requesting and requested States for asset recovery has been stressed, in particular as a means of increasing political will, developing a culture of mutual legal assistance and paving the way for successful international cooperation.

8. The Working Group has discussed types of technical assistance relevant to asset recovery, such as capacity-building and training, gap analyses, assistance in drafting new legislation and the facilitation of the mutual legal assistance process, and has recognized the urgent and constant need to provide training.

9. The Working Group has repeatedly emphasized its role in contributing knowledge and expertise for the outcomes of the reviews relating to the asset recovery chapter in the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

10. The Working Group has repeatedly noted the need to strengthen coordination between various initiatives in asset recovery. In that regard, the work of the Stolen Asset Recovery (StAR) Initiative of the United Nations Office on Drugs and Crime (UNODC) and the World Bank with developing countries and financial centres has been noted.

### **A. Developing cumulative knowledge**

#### **1. Information and knowledge products relevant to the implementation of chapter V of the Convention**

11. In its resolution 8/9, the Conference, *inter alia*, requested the Secretariat, and invited the StAR Initiative, subject to the availability of extrabudgetary resources, to continue to provide States parties with information and knowledge products relevant to the implementation of chapter V of the Convention; in consultation with States parties, and taking into account, *inter alia*, the information gathered during the first and second review cycles of the Implementation Review Mechanism, and by panels and studies, to continue to collect information on the legal frameworks, legal procedures and judicial actions taken by States to recover proceeds of crime derived from offences established in accordance with the Convention; and to collect information from States parties on the most common challenges in the judicial process with regard to asset recovery, and provide an analytical report to guide technical assistance.

12. The Working Group has consistently given high priority to the availability, creation and management of knowledge on asset recovery. The Group has highlighted that tools and knowledge products need to be widely disseminated, and that follow-up on their effectiveness and usefulness should be considered by the Conference or the Group. It has stressed the usefulness of the existing knowledge products, including those of the StAR Initiative, in building national capacity, and has requested the secretariat to prepare a list of those products and to ensure their widest possible dissemination.

*Action taken*

13. UNODC continued the process of redesigning and reconceptualizing the legal library, part of the Tools and Resources for Anti-Corruption Knowledge (TRACK) web-based platform launched by the Office on 1 September 2011, in terms of its content and search functions, and is in the process of moving it to the new platform in preparation for its relaunch. UNODC continued to raise awareness about the usefulness and added value of the redeveloped version of the Mutual Legal Assistance Request Writer Tool. The tool is available as an open resource on the UNODC website ([www.unodc.org/mla/en/index.html](http://www.unodc.org/mla/en/index.html)).

14. UNODC is working on a knowledge product on asset return entitled “Important questions for asset return”. The knowledge product will examine the last phase of asset recovery, focusing on asset return at the international level, and is aimed at identifying the main questions and considerations that practitioners face in asset return situations. Using an analysis of example cases, lessons learned will be highlighted to enable practitioners to take advantage of and apply them to ongoing cases. As part of the development of the knowledge product, UNODC convened an informal online focus group discussion on 2 March 2021. The objective of the meeting was to share information with experts in asset return, present and discuss the objective and the methodology for the knowledge product and consider the aspects of asset return that it should cover.

15. In December 2020, the StAR Initiative launched the much-anticipated second edition of the *Asset Recovery Handbook: A Guide for Practitioners*, an update of one of its flagship knowledge products. The handbook is designed to guide practitioners as they navigate the strategic, organizational, investigative and legal challenges of recovering stolen assets from safe havens and financial centres abroad. The updated version of the handbook incorporates developments based on the experience collected in the past decade, including new legislation and case examples. The online launch of the publication was attended by over 250 participants and the handbook was downloaded over 16,000 times within the first two months of publication.

16. In September 2020, StAR Initiative experts contributed to the anti-corruption report published by the World Bank entitled *Enhancing Government Effectiveness and Transparency: The Fight Against Corruption*. The experts contributed to both the peer review and the substance of the report, authoring or co-authoring the chapters on asset and interest declarations and beneficial ownership.

17. In January 2021, the StAR Initiative launched its new website (<https://star.worldbank.org>), an online portal providing access to information on the StAR Initiative, its work and achievements, as well as new sections mapping out the different steps in the asset recovery process. A key feature of the new website is the Resource Library, a fast-growing repository of resources, both StAR Initiative publications and relevant external material from partners and multilateral workstreams such as the Group of 20. It also contains country-specific beneficial ownership guides from 24 countries. The platform is designed to host resources and publications related to asset recovery, providing other agencies, organizations and Governments the opportunity to submit relevant knowledge products, thus allowing asset practitioners from across the globe access to information in one place. The Asset Recovery Watch database was taken offline temporarily because of the launch of the new website, and will be relaunched on the new website.

18. The StAR Initiative continued to publish a quarterly newsletter, which provides detailed updates on StAR Initiative activities and knowledge products and highlights thematic areas of interest and upcoming events. The subscription form and all past issues are available on the StAR Initiative website.

19. The StAR Initiative will soon be publishing reports dedicated to the enforcement of foreign confiscation orders and a technical guide providing a risk analysis for asset and interest declarations of public officials. Several other publications are being prepared (further details are available in the StAR Initiative annual report for 2020).

20. The StAR Initiative is supporting an initiative led by the United Kingdom of Great Britain and Northern Ireland, in its capacity as holding the presidency of the Group of Seven, to produce and commit to maintaining updated country guides to submitting asset recovery mutual legal assistance requests that are easily accessible on the StAR Initiative website. The creation of a single template will allow the guides to use the same format and have a similar structure. The objective is to ensure that, as far as possible, asset recovery mutual legal assistance requests are high quality and meaningful and can be executed without the need to ask the central authority further questions, and to ensure that none need to be rejected on grounds of quality or “fishing”.

**2. Gathering information on States’ practical experience in the management, use and disposal of frozen, seized and confiscated assets and on best practices in addressing the administration of seized and confiscated assets**

21. In its resolution 7/1, the Conference encouraged States parties and UNODC to continue sharing experiences on the management of frozen, seized and confiscated assets, identifying best practices as necessary and building on existing resources, and to consider developing non-binding guidelines on the issue.

22. In its resolution 8/1, the Conference decided that the Working Group should continue to collect information on best practices from States parties, with a view to completing the draft non-binding guidelines on the management of frozen, seized and confiscated assets and updating the study entitled *Effective Management and Disposal of Seized and Confiscated Assets*.

*Action taken*

23. Pursuant to Conference resolution 8/1, the secretariat initiated the update of the study entitled *Effective Management and Disposal of Seized and Confiscated Assets* by, among others, including relevant experiences and good practices from a wider range of jurisdictions. To that end, in April 2021 the secretariat circulated a note verbale inviting States parties to provide information on their legislation, policies, practices and institutions on the management of frozen, seized and confiscated assets, including challenges, good practices and lessons learned and comments on the revised draft non-binding guidelines on the management of frozen, seized and confiscated assets.

24. As a next step, and once the update to the study is concluded, the new findings emanating from it and the comments received from States parties will be reflected in the revised draft non-binding guidelines on the management of frozen, seized and confiscated assets.

**3. Gathering of information on good practices on the management and disposal of recovered and returned stolen assets in support of sustainable development**

25. In its resolution 7/1, the Conference encouraged States parties to make full use of the possibility of concluding agreements or mutually acceptable arrangements for the return and final disposal of confiscated property pursuant to article 57, paragraph 5, of the Convention and to consider the Sustainable Development Goals in the use and management of recovered assets, while fully respecting the principles of sovereign equality and the territorial integrity of States and of non-intervention in the domestic affairs of other States, in line with article 4 of the Convention. In addition, it called upon States parties to continue the exchange of best practices and precise information on successful cases of cooperation between different States parties regarding the implementation of asset recovery-related provisions of the Convention. It also requested the Secretariat, in consultation with States parties and taking into account, among other things, the information being gathered through the Implementation Review Mechanism and by panels and studies, to continue to collect information on the legal framework, legal procedures and judicial actions taken by States parties to recover proceeds of crime derived from corruption under the

Convention, and encouraged States parties to make widely available information in that regard, in order to share good practices.

26. In its resolution 8/9, the Conference encouraged States parties, in accordance with their domestic laws and in line with domestic priorities, to consider the 2030 Agenda for Sustainable Development in the use of returned assets.

*Action taken*

27. The Secretariat has previously reported on two expert group meetings held in Addis Ababa in February 2017 and May 2019 on good practices in the management and disposal of recovered and returned stolen assets in support of sustainable development. The meetings, supported jointly by Ethiopia and Switzerland, were focused on advancing the work on strengthening the recovery and return of stolen assets, as included in target 16.4 of the 2030 Agenda for Sustainable Development. Discussions are now under way about the possibility of organizing the next such expert meeting, in Addis Ababa in 2022.

**4. Gathering of information on international asset recovery cases, including on volumes of assets frozen, seized, confiscated and returned, and asset recovery frameworks, including relevant best practices and challenges**

28. In its resolution 8/1, the Conference decided that the Working Group should continue its work by, inter alia, continuing its efforts to collect information on challenges and barriers that States parties face, as well as best practices in recovery and return of proceeds of crime, with a view to proposing possible recommendations for full and effective implementation of chapter V of the Convention.

29. In its resolution 8/9, the Conference requested the Secretariat, and invited the StAR Initiative, subject to the availability of extrabudgetary resources, to collect information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention, including on volumes of assets frozen, seized, confiscated and returned; report on the findings to the Working Group and the Conference at their next sessions, and update the Asset Recovery Watch database.

30. In the same resolution, the Conference requested the Secretariat, and invited the StAR Initiative, subject to the availability of extrabudgetary resources, in consultation with States parties, and taking into account, inter alia, the information gathered during the first and second review cycles of the Implementation Review Mechanism, and by panels and studies, to continue to collect information on the legal frameworks, legal procedures and judicial actions taken by States to recover proceeds of crime derived from offences established in accordance with the Convention; and collect information from States parties on the most common challenges in the judicial process with regard to asset recovery, and provide an analytical report to guide technical assistance.

*Action taken*

31. Further to Conference resolutions 8/1 and 8/9, UNODC and the StAR Initiative started collecting information, through a questionnaire sent to all States parties to the Convention, on international asset recovery cases in relation to offences established in accordance with the Convention, including on volumes of assets frozen, seized, confiscated and returned. The report on the progress of that process was before the Working Group at its fourteenth meeting (CAC/COSP/WG.2/2020/4). The information will form the basis of a new report on progress in international efforts to recover and return proceeds of corruption, to be published later in 2021, and for updating the StAR Asset Recovery Watch database. The report will also contain information on the legal frameworks, legal procedures and judicial actions taken by States to recover proceeds of crime and best practices in recovery and return of proceeds of crime, as well as on the most common challenges in the judicial process with regard to asset recovery.

**5. Gathering of information on experiences and best practices on measures and remedies to enhance international cooperation and asset recovery related to corruption, including when it involves vast quantities of assets**

32. In its resolution 7/2, the Conference invited States parties to provide information on experiences and best practices on criminal and civil measures and remedies to enhance international cooperation and asset recovery related to corruption, including when it involves vast quantities of assets.

*Action taken*

33. In line with that mandate, as previously reported, the secretariat sent two requests, in March and April 2018, to States parties to share relevant information. The contributions of States parties were summarized and published together with the outcomes of the two expert group meetings on corruption involving vast quantities of assets held in Lima, from 3 to 5 December 2018, and Oslo, from 12 to 14 June 2019 (CAC/COSP/2019/13). The secretariat continued to collect additional information on experiences and best practices focused on specific recommendations in the Oslo statement on corruption involving vast quantities of assets.

**6. Gathering of information on approaches to transparency of beneficial ownership**

34. The Working Group noted the initiative of the secretariat of organizing, with support from the Russian Federation, an expert group meeting on transparency of beneficial ownership, and requested the secretariat to update the Group on the outcomes of that meeting.

35. The Working Group also highlighted the importance of studying and overcoming challenges associated with access to beneficial ownership information and requested the secretariat to continue updating the Group on future activities in that regard.

*Action taken*

36. UNODC is working on an in-depth study of the existing and emerging systems of beneficial ownership transparency in several countries across different regions. It will be released in 2021.

37. During 2021 and 2022, the StAR Initiative is planning to update country-specific beneficial ownership guides and assist national authorities in creating new guides. The guides help foreign investigators or other interested parties looking for information on the identity of the beneficial owners of an entity incorporated under the laws of that country. Currently, 24 country-specific beneficial ownership guides are available on the StAR Initiative website, although many require updating as a result of reforms in countries' laws and regulations on beneficial ownership.

38. The StAR Initiative is also working on a report on legal professional privilege and beneficial ownership, following up on the international expert group meeting held in November 2018. In the context of cross-border criminal investigations, the abuse of legal privilege protections can pose challenges for investigators trying to ascertain beneficial ownership of legal persons and can obstruct prosecution of corruption and money-laundering cases. The report is scheduled to be released in 2021.

**7. Gathering of information on States' best practices for the identification and compensation of all different types of victims**

39. In its resolution 8/9, the Conference called the attention of States parties to the work undertaken following resolution 6/2, in which the Working Group had been directed to initiate the process of identifying best practices for identifying victims of corruption and the parameters for compensation, and encouraged States parties to provide information on existing laws and practices on identification and compensation of victims of corruption.

*Action taken*

40. UNODC, through the StAR Initiative and in partnership with the Asset Recovery Subcommittee of the International Bar Association, is working on a publication on the identification of victims of corruption and compensation for damage as a result of an act of corruption, which will complement the document prepared by the Secretariat on the matter (CAC/COSP/WG.2/2019/5). To that end, in December 2020, the secretariat circulated a note verbale inviting States parties to provide information on best practices for the identification and compensation of all different types of victims in accordance with the Convention.

**8. Gathering of information on alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return**

41. In its resolution 8/9, the Conference requested the Secretariat, and invited the StAR Initiative, subject to the availability of extrabudgetary resources, to, inter alia, continue to maintain and update the Asset Recovery Watch database, particularly in relation to alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention, and to provide regular updates to the Working Group; and study how the use of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention, taking into account relevant existing information provided, could further promote the effective application of chapter V of the Convention.

42. In the same resolution, the Conference directed the Working Group to continue to collect information, with the support of the Secretariat, regarding the use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law, and analyse the factors that influence the differences between the amounts realized in alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law and the amounts returned to affected States, with a view to considering the feasibility of developing guidelines to facilitate a more coordinated and transparent approach for cooperation among affected States parties.

43. Also in the same resolution, the Conference requested the Working Group to develop a new multi-year workplan to continue its analytical work during the period 2020–2021, designating specific agenda items to be discussed as the main topic for each meeting.

*Action taken*

44. In carrying out those mandates, the Secretariat prepared a workplan to structure the work of the Working Group until 2021 (CAC/COSP/WG.2/2020/2) that was adopted by the Working Group at its fourteenth meeting.

45. In line with the above-referenced mandates and the workplan, a thematic discussion is foreseen for the present meeting that will be dedicated to alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law.

46. The secretariat invited States parties to provide information in relation to alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention, in a note verbale circulated in February 2021.

47. On the basis of the responses received from States and additional research, the secretariat has prepared an analytical paper on the topic



(CAC/COSP/WG.2/2021/CRP.1) for the attention of the Working Group and to support the thematic discussion at the present meeting.

48. The secretariat is also working on the update of the database on alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention.

## **9. Gathering of information on procedures allowing the confiscation of proceeds of corruption without a criminal conviction**

49. In its resolution 8/9, the Conference directed the Working Group to collect information on challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction from States parties that have implemented such measures in accordance with article 54, paragraph 1 (c), of the Convention.

### *Action taken*

50. In line with the above-referenced mandate and the workplan, a thematic discussion is foreseen for the fifteenth meeting of the Working Group, dedicated to challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction.

51. In a note verbale circulated in February 2021, the secretariat invited States parties to provide information in relation to procedures allowing the confiscation of proceeds of corruption without a criminal conviction from those that have implemented such measures in accordance with article 54, paragraph 1 (c), of the Convention.

52. On the basis of the responses received from States and additional research, the secretariat prepared an analytical note on the topic ([CAC/COSP/WG.2/2021/4](#)), which will be before the Working Group and support the thematic discussion at the present meeting.

53. In addition, the StAR Initiative is working on updating its 2009 publication entitled *Stolen Asset Recovery: A Good Practices Guide for Non-Conviction-Based Asset Forfeiture*.

## **10. Sustaining the process of identifying best practices and developing guidelines for proactive and timely sharing of information**

54. In its resolution 8/9, the Conference directed the Working Group, with the assistance of the Secretariat, to sustain the process of identifying best practices and developing guidelines for proactive and timely sharing of information, in accordance with article 56 of the Convention.

### *Action taken*

55. In line with the above-referenced mandate and in a note verbale circulated in December 2020, the secretariat invited States parties to comment on the draft non-binding guidelines on the timely sharing of information in accordance with article 56 of the Convention and on improving communication and coordination between various asset recovery practitioner networks. On the basis of the comments received, the secretariat revised the draft guidelines ([CAC/COSP/WG.2/2021/3](#)).

## **B. Building confidence and trust between requesting and requested States**

### **1. Central authorities, asset recovery focal points and networks**

56. The Conference has requested the Working Group to continue to consider the issue of establishing a global network of asset recovery focal points as a network of practitioners, without duplicating existing networks, to facilitate more effective



cooperation. The Working Group has underlined the need for a global network of focal points on asset confiscation and recovery with technical expertise and has emphasized the need for collaboration and coordination between regional networks.

57. In its resolution 7/1, the Conference urged States parties to ensure that the information provided regarding their central and competent authorities, in line with article 46, paragraph 13, of the Convention, was up to date, in order to enhance the dialogue on mutual legal assistance.

58. In its resolution 8/1, the Conference encouraged States parties, in a common effort, to apply lessons learned in all areas of asset recovery cooperation by, inter alia, strengthening domestic institutions and enhancing international cooperation, including through participation in relevant international practitioner networks, such as the asset recovery focal points under the Convention, the Global Focal Point Initiative, supported by the International Criminal Police Organization (INTERPOL) and the StAR Initiative, and the Camden Asset Recovery Inter-Agency Network and other similar networks, as well as regional initiatives, as appropriate.

59. The Working Group has requested the Secretariat to invite those Member States that have not yet done so to designate a central authority for mutual legal assistance. The Conference made a similar request to all States parties.

60. The Working Group has recommended that UNODC explore how the database of asset recovery focal points could be amended to make it possible to ascertain the contact details of persons in other jurisdictions.

61. The Working Group has urged States parties to continue to work towards identifying and addressing practical barriers to cooperation in asset recovery and finding solutions.

62. The Working Group commended the secretariat's efforts to merge the online directory of competent authorities with another directory under the Sharing Electronic Resources and Laws on Crime (SHERLOC) portal and requested that it continue those efforts.

#### *Action taken*

63. The online directory of designated competent national authorities, including central authorities for mutual legal assistance and asset recovery focal points, is available at [www.unodc.org/comppauth\\_uncac/en/index.html](http://www.unodc.org/comppauth_uncac/en/index.html).

64. The secretariat continued to update the online directory of competent national authorities. As at 11 June 2021, the directory contained information on:

- (a) Central authorities for mutual legal assistance in 133 States parties;
- (b) Prevention authorities in 120 States parties;
- (c) Asset recovery focal points in 86 States parties;
- (d) Central authorities for extradition in 32 States parties;

(e) Focal points for international cooperation in the use of civil and administrative proceedings in 35 States parties.

65. The secretariat migrated data from the online directory of competent national authorities under the Convention to the directory of competent national authorities in SHERLOC in 2019. States parties now have access to a single outlet of information regarding various types of competent national authorities.

66. As of September 2020, the Global Focal Point Network on Asset Recovery has 243 registered users representing 136 countries.

67. UNODC and the StAR Initiative continued their support for the strengthening of regional networks engaged in asset recovery and confiscation. At the time of reporting, there were eight regional networks: the Camden Asset Recovery Inter-Agency Network and, following the same model, the Asset Recovery Inter-Agency

Networks for Asia and the Pacific, for the Caribbean, for East Africa, for Southern Africa, for West Africa and for West and Central Asia, and the Asset Recovery Network of the Financial Action Task Force of South America against Money-Laundering. In November and December 2020 and February 2021, the StAR Initiative team participated in the Asset Recovery Inter-Agency Network and Camden Asset Recovery Inter-Agency Network Steering Group meetings to update members on the work of the Initiative.

68. On 3 June 2021, the Global Operational Network of Anti-Corruption Law Enforcement Authorities (Globe Network) was officially launched at a high-level side event on the margins of the special session of the General Assembly against corruption. The Globe Network is aimed at providing a quick, agile and efficient tool for facilitating transnational cooperation in combating corruption, including on asset recovery, strengthening communication exchange and peer learning between anti-corruption law enforcement authorities while complementing and coordinating with existing international cooperation platforms. Established under the auspices of UNODC, membership of the Globe Network is open to anti-corruption law enforcement authorities falling under article 36 of the Convention from States Members of the United Nations and States parties to the Convention against Corruption. In the political declaration adopted at the special session of the General Assembly against corruption, Member States welcomed the creation of the Globe Network and encouraged States to participate in and make best use of it, as appropriate.

## **2. Cooperation between financial intelligence units and anti-corruption agencies**

69. In its resolution 8/9, the Conference encouraged States parties to consider making use of opportunities for cooperation through existing practitioner-based networks, such as the asset recovery focal points under the Convention, the Global Focal Point Initiative and the Camden Asset Recovery Inter-Agency Network, and information provided at the financial intelligence unit level, in the course of making requests for mutual legal assistance.

70. The Working Group has recommended strengthening cooperation between financial intelligence units, anti-corruption authorities and central authorities responsible for mutual legal assistance at the national and international levels. Further cooperation with existing networks and institutions such as the Egmont Group of Financial Intelligence Units should be explored.

### *Action taken*

71. UNODC works closely with and supports the activities of the International Association of Anti-Corruption Authorities and participates in its Executive Committee.

72. UNODC consulted the representatives of the Camden Asset Recovery Inter-Agency Network and the Egmont Group of Financial Intelligence Units in the process of establishing the Globe Network.

73. UNODC continued to be involved in activities of the Egmont Group of Financial Intelligence Units. Both the StAR Initiative and the UNODC Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism continue to work with financial intelligence units to assist them in joining the Egmont Group and in implementing the Egmont standards for the exchange of information on countering money-laundering and the financing of terrorism. The Global Programme also continued to promote inter-agency cooperation, highlighting the importance of such cooperation to the success of anti-money-laundering and countering the financing of terrorism regimes. The StAR Initiative has been awarding the StAR Best Case Award to financial intelligence units for their success in asset recovery in corruption cases at Egmont Group plenary meetings.

### 3. Promoting dialogue and removing barriers to asset recovery

74. The Working Group has emphasized the need for the Secretariat to further strengthen its work with regard to promoting dialogue between requested and requesting States, building trust and confidence and nurturing and further strengthening political will in ensuring asset recovery, including in its work with other intergovernmental organizations and in the context of the Group of 20.

75. In its resolution 8/1, the Conference urged States parties to consider, in accordance with the fundamental principles of their domestic law and in accordance with the Convention, the establishment or further development of inter-agency or intergovernmental cooperation in identifying, tracing, freezing, seizing, confiscating and returning proceeds of crime, which will enable States parties to better detect, deter and prevent acts of corruption.

76. In the same resolution, the Conference encouraged States parties to remove barriers to applying measures for the recovery of assets, in particular by simplifying their legal procedures, where appropriate and in accordance with their domestic law, and by preventing the abuse of such procedures.

77. In its resolution 8/9, the Conference urged all States parties, in accordance with the Convention, to cooperate to recover the proceeds of crime, at home and abroad, and to demonstrate strong commitment to ensuring the return of confiscated assets in accordance with article 57 of the Convention.

78. The Working Group has recommended exploring the feasibility of adopting a help-desk approach to asset recovery to give informal advice during the initial stages of a case and to refer requesters to counterparts who would be able to provide further assistance.

#### *Action taken*

79. UNODC continued to be actively engaged in advocacy in a number of international forums to strengthen political will, including the Group of Seven, the Group of 20 Anti-Corruption Working Group and the World Economic Forum, in particular its Partnering against Corruption Initiative.

80. UNODC continued to raise awareness about the full implementation of the Convention, emphasizing the importance of its provisions on asset recovery, as an observer at the meetings of the Group of 20 Anti-Corruption Working Group. UNODC and the StAR Initiative continued to support the implementation of the Group's action plan for the period 2019–2021. The Group of 20 Working Group reached consensus on the ministerial communiqué and the Riyadh initiative for enhancing international anti-corruption law enforcement cooperation, which led to the establishment of the GlobE Network, in 2020. UNODC prepared think pieces on law enforcement cooperation and denial of safe haven and entry for the attention of the Group, and the StAR Initiative presented a think piece on asset recovery.

81. UNODC has provided comments on the work of the High-level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda, launched by the President of the General Assembly and the President of the Economic and Social Council in March 2020. The StAR Initiative gave a presentation to the Panel on priorities for improving international cooperation on asset recovery and return.

82. UNODC and the StAR Initiative participated in various meetings related to money-laundering in order to promote coordination with regard to asset recovery.

83. A project group of Financial Action Task Force members and observers was formed in the first half of 2020 to review Financial Action Task Force recommendation 24, on transparency and beneficial ownership of legal persons, and propose revisions to address weaknesses in its implementation and lower risks of criminal abuse of legal persons. The StAR Initiative played an active role in the discussions during both 2020 and 2021.

84. In 2020 and 2021, UNODC organized multiple intersessional meetings in preparation for the special session of the General Assembly against corruption, which concentrated on prevention, criminalization and law enforcement, international cooperation and asset recovery as thematic areas. During the special session, held in New York from 2 to 4 June 2021, UNODC also co-organized, together with the StAR Initiative, a number of side events. Those side events were focused on non-conviction-based confiscation, compensation for victims of corruption and enlisting gatekeepers to prevent illicit financial flows.

85. Throughout 2020 and 2021, the StAR Initiative supported and participated in a number of activities and events with an asset recovery focus, including participation in the task force convened by the World Economic Forum Partnering against Corruption Initiative and the Global Future Council on Transparency and Anti-Corruption that developed a unifying framework on the role and responsibilities of gatekeepers in the fight against illicit financial flows, which was launched at a side event during the special session of the General Assembly against corruption. At the International Anti-Corruption Conference held online from 30 November to 5 December 2020, the StAR Initiative contributed on many levels, as co-organizers, speakers and panellists.

### **C. Technical assistance, training and capacity-building**

86. In its resolution 6/3, the Conference urged States parties to ensure that they had adequate legal and institutional frameworks in place to prosecute corruption, to detect the illegal acquisition and transfer of assets derived from corruption, to request and provide international legal cooperation, including mutual legal assistance, to ensure that there were suitable mechanisms in place to recover through confiscation the identified proceeds of corruption, to enforce foreign conviction-based and non-conviction-based orders in accordance with the requirements of the Convention and to ensure that such frameworks were enforced, and encouraged technical assistance in that regard.

87. In its resolution 7/1, the Conference requested UNODC and invited the StAR Initiative to continue to provide and develop capacity-building initiatives on asset recovery, including knowledge products and technical tools, upon request and subject to extrabudgetary resources, in response to technical assistance needs identified during country reviews.

88. The Working Group has highlighted the high level of demand for technical assistance in the implementation of chapter V of the Convention, especially for legal advisory services, and the need for tailor-made approaches. It has emphasized the importance of providing technical assistance in the field of mutual legal assistance to officials and practitioners to enable them to draft requests and responses to requests.

89. The Working Group has also emphasized the importance of strengthening the capacity of legislators, law enforcement officials, judges and prosecutors on relevant matters and has stressed the need for specialized training and capacity-building activities, and the importance of granting sufficient resources to UNODC and other relevant assistance providers. In addition to activities such as seminars and training courses, the Working Group has encouraged the Secretariat to organize training sessions using innovative technology such as electronic learning programmes.

90. The Working Group has recommended that UNODC seek to forge more partnerships and coordinate additional technical assistance activities in matters related to asset recovery with other relevant organizations and bodies and has requested the Secretariat to promote ways and means for Member States to request technical assistance through the StAR Initiative at both the national and regional levels.

91. The Working Group has also recommended that States parties consider adopting a curriculum approach to technical assistance programmes, with coordination at the regional level in order to ensure the most effective use of limited available resources.

*Action taken*

92. UNODC has continued to regularly respond to technical assistance requests by States parties in order to strengthen their capacity in implementing chapter V of the Convention and their full participation in the Implementation Review Mechanism, in particular since the official start of the second cycle of the Mechanism.

93. In 2020, UNODC, including through the StAR Initiative, provided technical assistance to 18 countries, including 11 that were working on legislative reform. During that period, four States parties adopted new laws or amendments related to asset recovery, six received support in improving domestic coordination processes and six received assistance in improving international cooperation to aid asset recovery cases. In addition, over 1,000 professionals received asset recovery training globally. Further information on the country work of the StAR Initiative is included in its annual report for 2020.

### **III. Special session of the General Assembly against corruption**

94. At its special session on challenges and measures to prevent and combat corruption and strengthen international cooperation, held from 2 to 4 June 2021 in New York, the General Assembly adopted the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”. It covers all the aspects of preventing and fighting corruption and advancing the anti-corruption agenda and contains a special section on asset recovery, which touches upon several areas covered by the mandate of the Working Group and themes of the present document.

95. In the political declaration, Member States emphasized that asset recovery was one of the main purposes of the Convention and a fundamental principle that contributed to fostering sustainable development. They also recognized the need for effective, efficient and responsive international cooperation in asset recovery and return.

96. Also in the political declaration, Member States highlighted their commitment to strengthening information exchange and the capacities of central authorities and asset recovery experts, and recognized the importance of direct recovery and international cooperation measures as conviction and non-conviction-based confiscation mechanisms.

97. Further in the political declaration, Member States outlined the possibility of giving special consideration to concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property, while fully respecting the principles of sovereign equality and the territorial integrity of States and of non-intervention in the domestic affairs of other States. They also recognized the importance of ensuring the effective administration and disposal of confiscated assets, in line with article 4 of the Convention.

98. The political declaration includes a commitment to confiscate and return assets in accordance with the Convention when employing alternative legal mechanisms and non-trial resolutions, including settlements, in corruption proceedings that have proceeds of crime for confiscation and return.

99. Importantly, it was stipulated in the political declaration that Member States and parties to the Convention against Corruption would consolidate and expand the global knowledge and data collection on asset recovery and return through gathering and sharing information on challenges and good practices, as well as on volumes of assets frozen, seized, confiscated and returned in relation to corruption offences, and the

number and types of cases, as appropriate, while ensuring the protection of personal data and privacy rights, drawing upon existing efforts, including those already under way through existing projects by the StAR Initiative, and, inter alia, those foreseen under the GlobE Network. It was recognized that access to such global knowledge and data positively contributed to the quality and efficiency of the recovery and return of proceeds of crime and supported evidence-based policymaking.

100. In the political declaration, UNODC was requested, within its mandate and existing resources, to continue to assist and support Member States, upon request, in their efforts aimed at advancing the implementation of the Convention and strengthening their capacities and institutions to that effect.

#### **IV. Reporting and follow-up**

101. The Working Group may wish to consider providing further guidance on ways to address existing challenges in and obstacles to asset recovery and enhance the implementation of chapter V.

102. The Working Group may also wish to consider providing further guidance on important topics deserving additional consideration and developing guidelines, good practices, knowledge products and other tools to improve the implementation of chapter V of the Convention and the resolutions of the Conference.

103. The Working Group may further wish to provide guidance on the role that UNODC, including through the StAR Initiative, as well as on the role that the GlobE Network, could play in facilitating international cooperation in asset recovery, through creating forums for building confidence between requesting and requested States, establishing bilateral contacts and secure channels for communication, and building capacity in that area.

104. The Working Group may wish to encourage States to continue providing statistical information on asset recovery cases and information on barriers to asset recovery, in response to requests by UNODC and the StAR Initiative, that can be used to update the StAR Initiative's Asset Recovery Watch database.

105. The Working Group may also wish to continue to encourage States to make use of their reviews under the second review cycle to enhance their implementation of chapter V of the Convention and continue to follow up on observations relevant to asset recovery emanating from the first review cycle, and request technical assistance to address any challenges identified.

106. The Working Group may further wish to provide further guidance on the role of UNODC in the delivery of technical assistance at the national and regional levels, including through the StAR Initiative, and to consider how best to address the needs that are being identified, including in the reviews, in order to ensure that States parties in need of expertise and assistance can avail themselves of such expertise and assistance in a timely and effective manner.

107. The Working Group may also wish to provide further guidance to UNODC on concrete actions to support the implementation of the commitments contained in the political declaration adopted at the special session of the General Assembly against corruption.