



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

Distr.: General  
17 September 2021

Original: English

## Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna from 6 to 10 September 2021

### I. Introduction

1. In its resolutions 1/4, 2/3, 3/3, 4/4, 5/3, 6/2, 6/3, 7/1, 8/1 and 8/9, the Conference of the States Parties to the United Nations Convention against Corruption established and continued the work of the Open-ended Intergovernmental Working Group on Asset Recovery.
2. In its resolution 8/9, the Conference welcomed the outcome of meetings of the Working Group on Asset Recovery and 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.
3. In the same resolution, the Conference directed the Working Group to:  
(a) 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; (b) 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; and (c) report its findings on each of those matters to the Conference at its next session, with the support of the Secretariat.
4. In the same resolution, the Conference also 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.
5. In its resolution 8/1, the Conference decided that the Working Group should continue its work by, inter alia: (a) continuing 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*; (b) 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 the full and effective implementation of chapter V of the Convention; (c) continuing to provide reports to the Conference on its activities.

6. In line with those mandates, at its fourteenth meeting, the Working Group adopted a workplan, prepared by the secretariat, covering its activities for the biennium 2020–2021 ([CAC/COSP/WG.2/2020/2](#)).

## **II. Organization of the meeting**

### **A. Opening of the meeting**

7. The Working Group on Asset Recovery held its fifteenth meeting in Vienna from 6 to 10 September 2021, in a hybrid format (in person and online).

8. The Working Group held 10 meetings, which were chaired by Harib Saeed al-Amimi (United Arab Emirates), the President of the Conference of the States Parties to the Convention at its eighth session; most of those meetings were held jointly with the Implementation Review Group and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption. The Working Group considered items 1 to 6 of its agenda. The Working Group considered items 2 to 5 of its agenda jointly with the Implementation Review Group and the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention.

### **B. Adoption of the agenda and organization of work**

9. On 6 September 2021, the Working Group adopted the following agenda:

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Overview of progress made in the implementation of asset recovery mandates.
3. Practical aspects of asset recovery, including trends, challenges and good practices.
4. Thematic discussions:
  - (a) The use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, the factors that influence the differences between the amounts realized in such mechanisms and the amounts returned to affected States and how such mechanisms could further promote the effective application of chapter V of the Convention;
  - (b) 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.
5. Technical assistance.
6. Adoption of the report.

## C. Attendance<sup>1</sup>

10. The following States parties to the Convention were represented at the meeting: Albania, Algeria, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechia, Ecuador, Egypt, El Salvador, Equatorial Guinea, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Mongolia, Montenegro, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, North Macedonia, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Thailand, Timor-Leste, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

11. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

12. The World Bank was represented by an observer. In addition, the following United Nations initiatives and institutes of the United Nations crime prevention and criminal justice programme network were represented by observers: Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Basel Institute on Governance, International Centre for Criminal Law Reform and Criminal Justice Policy, Korean Institute of Criminology, United Nations Global Compact network and United Nations Interregional Crime and Justice Research Institute.

13. The following intergovernmental organizations were represented by observers: Community of Sahelo-Saharan States, Cooperation Council for the Arab States of the Gulf, Council of Europe, International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL), International Development Law Organization, International Federation of Red Cross and Red Crescent Societies, International Italo-Latin American Organization, Organisation for Economic Co-operation and Development (OECD), Organization of American States, Organization of the Petroleum Exporting Countries, Permanent Court of Arbitration and World Customs Organization.

## III. Overview of progress made in the implementation of asset recovery mandates

14. A representative of the secretariat provided an overview of the progress made in the implementation of asset recovery mandates by highlighting some of the ongoing work, as described in the document entitled "Progress report on the implementation of the activities of the Open-ended Intergovernmental Working Group on Asset Recovery" ([CAC/COSP/WG.2/2021/2](#)).

15. It was noted that, in line with its mandate, the Working Group focused on three main objectives: (a) developing cumulative knowledge; (b) building confidence and trust between requesting and requested States; and (c) technical assistance, training and capacity-building.

16. With regard to the development of cumulative knowledge, it was highlighted that UNODC continued to work on new knowledge products, including a publication

<sup>1</sup> The attendance as indicated in the present report is based on confirmed online connections and in-person participation.

on asset return entitled “Important questions for asset return”. In December 2020, the UNODC/World Bank Stolen Asset Recovery (StAR) Initiative had launched the second edition of the *Asset Recovery Handbook: A Guide for Practitioners*. Furthermore, in January 2021, the StAR Initiative had launched its new website, an online portal that provides access to information on the Initiative, its work and its achievements. UNODC and the StAR Initiative continued their active support for regional networks engaged in asset recovery. It was also highlighted that UNODC, including through the StAR Initiative, continued to regularly respond to technical assistance requests by States parties in order to strengthen their capacity in implementing chapter V of the Convention.

17. Speakers welcomed the progress report on the implementation of the activities of the Working Group and expressed appreciation for the work conducted by the Secretariat in implementing the mandates derived from resolution 8/9 of the Conference of the States Parties to the Convention.

18. Several speakers highlighted the importance of asset recovery and noted that many challenges remained, especially in view of the circumstances arising from the COVID-19 pandemic, including evidentiary requirements, complicated mutual legal assistance procedures, the lack of uniform understanding of the provisions of the Convention, the high cost of initiating legal proceedings in foreign countries, the high percentage of assets retained by requested States parties and the conditional restitution of stolen assets.

19. Speakers identified possible solutions, such as the use of non-trial resolutions and settlements in the recovery of assets, the proactive sharing of information in accordance with article 56 of the Convention, strong partnerships between requesting and requested States, the sharing of global knowledge and data to facilitate asset recovery and the effective implementation of the commitments specifically related to asset recovery contained in the political declaration adopted by the General Assembly at its special session against corruption, held in June 2021. One speaker called for the implementation of the recommendations of the High-level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda in support of asset recovery.

20. Many speakers stressed that asset recovery must be based on the principles of transparency, accountability and integrity and must be conducted in a manner conducive to the achievement of the Sustainable Development Goals. One speaker called upon States parties to enhance asset recovery by building their commitment to timely cooperation for asset recovery, simplifying relevant procedures and minimizing legal and administrative costs in order to maximize the amount of compensation that could reach requesting States. Another speaker underscored the importance of respecting due process and the role of specialized units, joint investigative teams and networks of prosecutors and law enforcement agencies in recovering assets effectively. Another speaker noted that electronic means of information-sharing should be encouraged and that the necessary tools should be put in place to that end.

21. Several speakers informed the Working Group about initiatives to improve asset recovery in their jurisdictions. Such initiatives included efforts to improve their legal frameworks on the mutual recognition of freezing and confiscation orders and on non-conviction-based confiscation, the introduction of plea bargaining and the recovery of assets without resorting to criminal prosecution and trials.

22. One speaker highlighted the vital role played by effective asset recovery in tackling corruption and the importance of refraining from imposing unilateral conditions on the recovery of assets. She noted that the national authorities in her country actively engaged with international and regional networks on asset recovery and encouraged States parties to allocate the financial resources necessary for the Working Group to implement its mandates.

23. Speakers stressed the importance of the technical assistance provided by UNODC and the StAR Initiative to improve national capacities in asset recovery.

#### **IV. Practical aspects of asset recovery, including trends, challenges and good practices**

24. A representative of the secretariat provided an update in relation to the revised 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. He noted that the secretariat had received comments on the document from 14 States parties. On the basis of those comments, the secretariat had submitted a revised version of the draft non-binding guidelines ([CAC/COSP/WG.2/2021/3](#)). The representative highlighted that the revised draft non-binding guidelines sought to maintain a balance between respect for domestic legislation and international standards.

25. The representative of the secretariat informed the Working Group on Asset Recovery that, in their comments, States parties had noted that the principles and procedures outlined in the draft guidelines should not be interpreted as imposing more stringent requirements than those established in the existing domestic rules of States parties on spontaneous sharing of information. In addition, some States parties had stressed the importance of networks of practitioners and of ensuring data security in that regard. Some States parties had provided suggestions in relation to the language used, namely, regarding the level of obligation stipulated in the draft non-binding guidelines. In that respect, he stressed that the guidelines were intended to be a compilation of non-binding principles that States parties could consider taking into account rather than requirements for mandatory implementation. Lastly, he also stressed the role of the new Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) as a potential channel for putting those non-binding guidelines into effective practice.

26. A representative of the StAR Initiative presented an update on the progress made in collecting information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention. She indicated that, since the previous update ([CAC/COSP/WG.2/2020/4](#)), presented at the fourteenth meeting of the Working Group, in November 2020, nine additional responses had been received, bringing the total to 78 responses, with a significant number of States in the process of finalizing their responses regarding completed or ongoing international asset recovery cases. On the basis of an analysis of the responses received to date, she informed the Working Group that 58 respondents had reported involvement in at least one international asset freeze, confiscation or asset return related to a corruption offence. The analysis of the 351 asset recovery cases reported also supported earlier findings, including the conclusion that asset recovery was more frequent than the handful of extensively published case studies might suggest. In addition, she noted that the responses showed the challenges faced by States in collecting information about corruption cases that involved an international asset recovery element. In concluding, she informed the Working Group that the Secretariat and the StAR Initiative would continue to collect responses from States parties and that a further analysis of the responses would be made available in a report of the StAR Initiative in 2021 and would be used to update the Initiative's Asset Recovery Watch database.

27. Referring to the ongoing challenges in the recovery of assets, speakers reiterated their commitment to the implementation of chapter V of the Convention and welcomed the preparation of the non-binding guidelines. One speaker reiterated his country's proposal for the development of a dedicated international instrument on asset recovery under the auspices of the United Nations to complement the Convention and proposed that an analytical note be prepared on the most common challenges in asset recovery. He also stressed that the draft non-binding guidelines

could benefit from the results of the second review cycle of the Implementation Review Mechanism.

28. Some speakers informed the Working Group of successful asset returns in their experience as both requesting and requested States and shared information on recent developments in the building of effective asset recovery frameworks. They also underscored the importance of domestic and international cooperation and coordination as crucial elements for asset recovery, as well as the added value that asset recovery networks offered in that regard. One speaker expressed the view that simplifying national procedures for asset recovery could facilitate international cooperation, thereby contributing to successful asset returns.

## V. Thematic discussions

### A. **The use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, the factors that influence the differences between the amounts realized in such mechanisms and the amounts returned to affected States and how such mechanisms could further promote the effective application of chapter V of the Convention**

29. A representative of the secretariat introduced the conference room paper prepared pursuant to resolution 8/9 of the Conference of the States Parties to the Convention, entitled “Alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return” (CAC/COSP/WG.2/2021/CRP.1). He noted that the research had revealed steady growth in the use of settlements to resolve foreign bribery and related cases since the publication of a StAR Initiative study entitled *Left Out of the Bargain: Settlements in Foreign Bribery Cases and Implications for Asset Recovery* and the note by the Secretariat on settlements and other alternative mechanisms in transnational bribery cases and their implications for the recovery and return of stolen assets (CAC/COSP/WG.2/2016/2). The updated database, which built on the original StAR database of settlements in foreign bribery cases, contained 1,468 cases covering the period 1999 to May 2021, of which 84.6 per cent had been resolved through settlements. The representative of the secretariat shared the most prominent observations emerging from the research, including the growing complexity of cases, their costs and the increased need for the use of technology. He noted the difficulties in enforcing the terms of settlements in other jurisdictions despite an increase in international cooperation. He also highlighted the significant gap remaining between the amounts realized through settlements and those returned to the countries whose public officials had allegedly been bribed or where victims of corruption were located. Lastly, the representative underscored the importance of clarifying which of the monetary sanctions might constitute de facto confiscation and were therefore relevant to the return of assets to affected countries or other victims in accordance with the Convention. In concluding, he noted that the thematic discussion would be helpful in producing a background paper for the attention of the Conference.

30. To facilitate the deliberations under the agenda item, a thematic panel discussion was held. Presentations on the item were made by panellists from Nigeria, Panama, the United States and OECD.

31. The panellist from Nigeria presented his country’s use of alternative legal mechanisms, non-trial resolutions and the confiscation and return of proceeds of corruption. The possible avenues included criminal forfeiture procedures, civil or non-conviction-based forfeiture procedures and non-trial resolutions taking the form of plea bargaining and out-of-court settlements. He explained that notable cases had been resolved through plea bargaining, with certain offences compoundable, as provided for in the Constitution, the Economic and Financial Crimes Commission Act

and the Administration of Criminal Justice Act. On civil forfeiture, he explained that the procedure was laid out in several statutes and involved a reversal of the burden of proof. Administrative measures could also be applied. He noted that, although non-trial resolutions had no direct statutory basis, they could be carried out in the context of civil forfeiture proceedings and in cases where the prosecution decided against prosecuting. Many cases had been resolved through non-trial resolutions, and a case before the Federal High Court had affirmed that non-trial resolutions were enforceable contracts barring future prosecution. Non-trial resolutions were also used in transnational asset recovery cases. He concluded by stating that non-conviction-based forfeiture and non-trial settlements were a pragmatic avenue for addressing the reality of prosecution constraints and thereby denying criminals at least part of the proceeds of crime.

32. The panellist from Panama provided an overview of the use of alternative legal mechanisms and non-trial resolutions that allowed confiscation and the recovery of proceeds of crime in her jurisdiction. Referring to article 37, paragraph 1, of the Convention, the panellist highlighted the importance of collaboration between law enforcement authorities and persons who had participated in the commission of an offence. She explained that States had moved on from systems based solely on the punishment of offences to systems that included negotiations with those persons. Highlighting the importance of that tool for gathering high-quality information for the purpose of investigating organized crime, she noted its value in ensuring efficient investigations. That was illustrated by negotiations carried out by the authorities of her country with accused individuals in the Odebrecht case, which had led to, *inter alia*, a reduction of penalties. Since the law applicable to the case allowed for agreements to be adopted prior to the hearing, the accused individuals accepted either all or some of the charges made against them and the penalties applicable to the charges. She also noted that, in negotiating the agreements, the prosecutors could take into account the possibility of recovering assets. After the case, amendments had been made to the provisions regulating cooperation agreements in the code of criminal procedure, and guidelines on cooperation agreement negotiations had been drafted and published by the Public Prosecutor's Office, with the assistance of UNODC, in order to enhance the use of alternative mechanisms for dispute settlement while protecting the rights of all parties involved.

33. The panellist from the United States provided an overview of non-trial resolution mechanisms in his jurisdiction. He noted that in litigation in the United States, plea agreements and civil settlements resolved most criminal and civil cases, regardless of the public or private nature of the litigation. He noted that settlements were possible using a broad spectrum of types of enforcement proceedings, including confiscation proceedings as addressed in article 57 of the Convention. He also stressed that the provisions of article 57 had a specific scope that was different from the aims of certain types of enforcement proceedings in the United States. In addition, he highlighted that the objectives of enforcement proceedings differed depending on the participants involved in the proceedings and on the circumstances of individual cases. He also highlighted that settlement decisions were affected by various factors, such as litigation risks, relative culpability and resource management, the likelihood of reaching settlement agreements and possible future cooperation with particular offenders and corporate entities for identifying and repatriating stolen assets. Next, he presented an overview of the practical components of asset recovery settlement. Those components included limiting the scope of settlement to particular assets and particular conduct, securing court approval of the settlement, anticipating and overcoming enforcement issues, clarifying all settlement terms, such as fees and costs incurred in legal proceedings, and ensuring a waiver of liability against Governments. He also noted several other critical components for the efficient functioning of settlement mechanisms in his jurisdiction, including sufficient prosecutorial discretion, subject to appropriate oversight to ensure integrity and accountability, and a publicly available written settlement policy and templates. In addition, he noted the need to protect bona fide third parties.

34. The panellist from OECD presented the findings of a multi-country study on the resolution of foreign bribery cases with non-trial resolutions that covered 27 States and 68 different resolution systems and included a database consisting of almost 900 foreign bribery cases. She explained that the study had revealed a steady increase in the use of non-trial resolutions in recent years, with an overall average of nearly 80 per cent of cases having been concluded through such resolutions. She noted that 8 of the 10 largest foreign bribery enforcement actions had involved coordinated or sequential non-trial resolutions in at least two States parties. Concerning the penalties, in the vast majority of mechanisms, both monetary penalties and confiscation were possible for both legal and natural persons, while in a small number of mechanisms, only either monetary penalties or confiscation were available. She further outlined the five most common scenarios identified in the practice of non-trial resolutions: (a) the imposition of both a fine and a separate confiscation; (b) the imposition of a separate confiscation measure in related civil proceedings; (c) the imposition of a monetary penalty alone, without separate confiscation measures; (d) the imposition of confiscation measures only; and (e) the imposition of confiscation by at least one of the authorities involved in multi-jurisdictional cases. The panellist highlighted that, although the compensation of victims could be a condition for non-trial resolution mechanisms, in practice, few resolutions had included such conditions.

35. In the ensuing discussion, a speaker commended the increased attention being paid to alternative legal mechanisms, as well as the increased use by States of non-trial resolutions, and noted the importance of the timely and proactive sharing of information with affected States.

36. In response to a question concerning the return of assets following the conclusion of settlements, a panellist explained that, despite the broad scope of the Convention, not all settlements fell within the scope of article 57. In relation to good practices, he referred to successful asset recovery cases, including the case of the IMDB State investment fund, which involved the use of confiscation proceedings, the return of part of the settlement proceeds to other jurisdictions, and parallel investigations. He highlighted the importance of international cooperation in that case, which provided a good example of the use of the Convention and had involved Malaysia, Singapore, the United Kingdom and the United States.

37. In addition, speakers outlined the mechanisms that existed within their domestic systems and that provided effective and efficient alternatives to the judicial process for discovering illicit activity and recovering stolen assets. Several speakers stressed the importance of cooperation in general, and of global resolutions in particular cases, among all States involved in alternative mechanisms. One speaker highlighted a successful case of asset recovery that had been made possible by effective collaboration between the two States involved.

38. In response to a question from a speaker, a panellist explained that plea agreements did not affect confiscation, but they could have an impact on the amount of monetary fines. Another speaker explained that, in common law jurisdictions, plea agreements might contain additional conditions requiring alleged offenders to cooperate in asset tracing and the identification of beneficial ownership. Another panellist noted that, in his country, a defendant could be required to cooperate as a condition of plea agreements, and the level of cooperation would be reflected in the sentencing stage, thus creating incentives for defendants to cooperate.

39. One speaker indicated that civil law jurisdictions could allow for confiscation in the absence of a criminal conviction and explained that such confiscation was possible in his country when the person had absconded.

40. One speaker highlighted the tension between the principle of discretionary prosecution in non-trial resolutions and the need to investigate corruption offences in order to punish offenders.

41. Further information on the thematic discussions held during the meeting can be found in the report of the Implementation Review Group on its resumed

twelfth session and the report of the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention.

**B. 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**

42. A representative of the secretariat recalled resolution 8/9 of the Conference of the States Parties to the Convention and introduced the note by the Secretariat entitled “Procedures allowing the confiscation of proceeds of corruption without a criminal conviction” (CAC/COSP/WG.2/2021/4), which had been prepared on the basis of information received from 43 States parties in response to a note verbale sent by the secretariat, as well as information obtained from open sources and publications.

43. The representative of the secretariat provided an overview of the different existing models of non-conviction-based confiscation. Those models could be classified according to whether they were located within or outside a country’s criminal justice system. There were also hybrid models that could not be classified as purely criminal or civil proceedings. Another model was confiscation based on unjustified wealth. In addition, he indicated that the scope and subjects of confiscation also varied among jurisdictions. Regarding the enforcement of foreign non-conviction-based confiscation, he noted that formal mutual legal assistance was necessary and the dual criminality principle must be fulfilled. He also highlighted some challenges faced by States and good practices used to overcome those challenges.

44. The panellist from Colombia highlighted the role of the Office of the Comptroller General in the fight against corruption. The powers of that institution had been strengthened by virtue of a recent legislative amendment, and he provided an example to illustrate the increase in recovered assets in comparison with previous years. Regarding challenges encountered, he mentioned the difficulties in obtaining information on assets located in different jurisdictions. In that regard, he referred to fraudulent concealment practices that contributed to the lack of transparency of beneficial owners, as well as bank secrecy, the absence of inter-institutional cooperation and the lack of international cooperation manuals and guides containing information on means of cooperation. Regarding good practices to foster asset recovery, he referred to compliance with guidelines issued by relevant international organizations, such as the International Organization of Supreme Audit Institutions and the Organization of Latin American and Caribbean Supreme Audit Institutions, and the establishment of information exchange mechanisms between authorities from different jurisdictions. Lastly, he reaffirmed the usefulness of criminal procedures and made reference to the need to make use of the civil and administrative procedures available for asset recovery.

45. The panellist from New Zealand gave an overview of his country’s legal and institutional frameworks for fighting corruption offences and related economic crimes. With regard to the institutional framework, New Zealand had established a financial crime group consisting of nearly 150 financial intelligence analysts, money-laundering and asset recovery investigators, and accountants. Concerning the legal framework, he reported that New Zealand had enacted domestic laws that included measures for the effective investigation of corruption offences, such as the collection of tax information, and that required the production of documents and information as well as the recovery of assets in the absence of a conviction. As challenges, he noted the cases in which predicate offences were committed abroad and resulted in money-laundering in New Zealand, and he informed the Working Group of actions taken in that regard. He highlighted that New Zealand was implementing a legal reform that would facilitate the restraint of proceeds of crime

generated abroad. He reported that the reform introduced a reduced standard of proof and compelled the legitimate owners of proceeds of crime to establish lawful ownership of such proceeds in New Zealand. In concluding, the speaker listed some good practices, such as collecting performance data, establishing well-trained and dedicated multi-skilled teams for investigations and adopting media strategies for better community engagement in the detection of illicit proceeds.

46. The panellist from Singapore provided an overview of his country's law on the confiscation of proceeds of corruption without a criminal conviction. While noting that Singapore had, in general, a conviction-based confiscation regime, he indicated that the legislation against drug trafficking and other serious crimes provided for an exception when the accused had absconded. He highlighted that the term "absconded" was also used for those who died before the initiation of criminal proceedings or before conviction and those who could not be found, apprehended or extradited. Regarding the standard of proof, the panellist explained that the court should be satisfied of two elements: (a) on balance of probabilities, that the person had absconded; and (b) that the evidence presented before the court would warrant a conviction if not rebutted. He further provided a case example of that kind of confiscation and explained that the term "confiscation" could encompass the seizure of a sum equivalent in value to the benefits derived from criminal conduct. Moreover, the panellist noted that the civil confiscation of proceeds of serious offences had recently been adopted for use in organized crime cases. He explained that it could be used for corruption offences and had an extraterritorial scope; the assets needed to be linked to an organized criminal activity. Assets affected by criminal confiscation orders could not be considered for civil confiscation. He noted, however, that the acquittal of the defendant would not have an impact on civil confiscation.

47. The panellist from the Russian Federation presented an overview of domestic legal instruments in his country, as well as relevant statistics on the confiscation of proceeds of corruption without a criminal conviction. In general, the framework in the Russian Federation included measures to monitor the expenses of public officials and civil action against suspects and other individuals in cases where the legal origin of funds was not confirmed. He explained that it was also possible to confiscate funds of equivalent value and that the Civil Code of the Russian Federation allowed for the initiation of civil action regardless of the results of criminal proceedings. In addition, he provided an overview of measures and procedures to streamline asset recovery and statistics and the efforts made by the Office of the Prosecutor General of the Russian Federation in that regard. While noting the challenges regarding international cooperation outside of criminal proceedings, he stressed that the Russian Federation actively used the Convention as a legal basis for its requests to foreign authorities. In 2020 alone, the Office of the Prosecutor General had sent 48 international requests outside of criminal proceedings, of which 22 had already been executed. He expressed the hope that the newly established GLOBE Network could be effectively used for the exchange of operational information in the future. Cooperation channels between financial intelligence units, customs authorities, central banks and the national central bureaux of INTERPOL were also used, as were diplomatic channels. In concluding, he presented challenges and made several proposals, including elaborating new and updating existing guidelines on different aspects of international cooperation on asset recovery outside of criminal proceedings.

48. In the ensuing discussions, one speaker highlighted the need to address institutional gaps in asset recovery and called upon States to implement effective measures to address such gaps.

49. In response to the questions raised, one panellist clarified that it was important to swiftly identify the beneficial owners of assets and accounts involved in channelling illegal funds. Another speaker noted that it was essential to address the risks associated with cryptocurrencies and the difficulties in tracing them, and that it was important to focus attention on those challenges and develop new tools to overcome them.

50. One speaker provided an overview of his country's mechanisms and procedures for non-conviction-based confiscation. Although his country did not have a separate, dedicated legal instrument in that regard, existing domestic laws allowed for the confiscation of proceeds of corruption originating in foreign jurisdictions in the absence of a conviction provided that certain procedural requirements were met.

## VI. Technical assistance

51. A panellist from the StAR Initiative presented technical assistance activities carried out by the Initiative in 2020 and 2021. Those assistance activities had taken different forms, including legislative drafting, the enhancement of domestic inter-agency coordination mechanisms and the facilitation of international cooperation. In addition, he highlighted recently published and forthcoming knowledge products created by the Initiative. Other panellists described their countries' experience in receiving technical assistance to boost their asset recovery capacities. The panellists commended UNODC and the StAR Initiative on their role as the main providers of technical assistance in that area.

52. Some speakers highlighted that, despite the positive impact of technical assistance in asset recovery, States parties continued to face serious challenges. It was pointed out that those challenges undermined countries' economic development. It was recommended that technical assistance be enhanced in relation to international cooperation in asset recovery.

53. A speaker from INTERPOL presented his organization's tools and activities related to international cooperation in asset recovery and anti-corruption efforts, including the INTERPOL/StAR Global Focal Point Network on Asset Recovery.

54. Further information on the discussion regarding technical assistance can be found in the report of the Implementation Review Group on its resumed twelfth session and the report of the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention.

55. A speaker from Switzerland gave a presentation on the eleventh Lausanne seminar, held on 2 and 3 September 2021. As on previous occasions, the eleventh gathering had been co-organized with the International Centre for Asset Recovery of the Basel Institute on Governance and with the StAR initiative. The speaker explained that the Lausanne process was aimed at boosting cooperation in asset recovery by providing a platform for practitioners to exchange views and ideas freely on the identification, freezing, confiscation and return of stolen assets. The speaker noted that the seminar had focused on strengthening cooperation between the public and private sectors to recover assets more effectively. In giving examples of good practices, she highlighted the importance of ensuring that public-private partnerships were tailored to domestic needs and emphasized the benefits of "starting small" and then building up cooperation efforts. In concluding, the speaker noted that a report containing all the findings of the eleventh Lausanne seminar was forthcoming.

## VII. Adoption of the report

56. The Working Group on Asset Recovery adopted the report on its fifteenth meeting on 10 September 2021 ([CAC/COSP/WG.2/2021/L.1](#), [CAC/COSP/WG.2/2021/L.1/Add.1](#), [CAC/COSP/WG.2/2021/L.1/Add.2](#), [CAC/COSP/WG.2/2021/L.1/Add.3](#), [CAC/COSP/WG.2/2021/L.1/Add.4](#), [CAC/COSP/WG.2/2021/L.1/Add.5](#) and [CAC/COSP/WG.2/2021/L.1/Add.6](#)), as orally amended.