

Resolutions adopted by the Conference of the States Parties to the United Nations Convention against Corruption

At its sixth session, held in St. Petersburg, Russian Federation, from 2 to 6 November 2015, the Conference of the States Parties to the United Nations Convention against Corruption adopted the following resolutions:

Resolution 6/1

Continuation of the review of implementation of the United Nations Convention against Corruption

The Conference of the States Parties to the United Nations Convention against Corruption,

Reaffirming the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, and in particular the guiding principles and characteristics of the Mechanism, as enshrined in chapter II of the terms of reference,

Reaffirming also its resolution 3/1 of 13 November 2009, which constitutes the basic foundation document for the Implementation Review Mechanism and in which it decided, inter alia, to review during the second review cycle chapters II (Preventive measures) and V (Asset recovery) of the United Nations Convention against Corruption,¹

Recalling its resolutions 4/1, 4/5 and 4/6 of 28 October 2011, in which it provided further guidance on the Mechanism and on the work of the Implementation Review Group, and its decision 5/1 of 29 November 2013, on preparations for the performance assessment of the Mechanism,

Acknowledging that a high number of States that were parties to the Convention at the start of the first review cycle have completed their country reviews and that several others are in the advanced stages of the process,²

Noting that in many States parties that acceded to the Convention after the start of the first review cycle, the review of implementation of chapters III and IV is still ongoing, while others have completed their country reviews,

Emphasizing the need to ensure that the Mechanism is effectively applied by all States parties,

Noting with appreciation the commitment of States parties to the country review process, and taking note of the information gathered through the review of implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention,

Mindful that, during the second review phase, each State party shall submit information on progress achieved in connection with the observations contained in its previous country review reports and on whether technical assistance needed and requested in relation to its country review report has been provided,

Recognizing that the outcomes of the country review process should also be used to promote and facilitate technical cooperation between States parties in need of technical assistance and the providers of such assistance,

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

² As at the date of the adoption of the present resolution, 86 States that were parties to the Convention at the start of the first review cycle had completed their country reviews.



Reaffirming its endorsement of country-led and country-based, integrated and coordinated technical assistance programme delivery as an effective vehicle for furthering implementation of the Convention, pursuant to its resolution 3/4 of 13 November 2009,

Recognizing the need to facilitate the broadest possible participation of governmental experts from all States parties in the meetings of subsidiary bodies,

Appreciating the ongoing efforts by States parties still under review, their reviewing States parties and the Secretariat to expedite and complete the review of chapters III and IV of the Convention,

1. *Launches* the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, pursuant to paragraph 13 of the terms of reference of the Mechanism and consistent with Conference resolution 3/1;

2. *Requests* the Implementation Review Group to proceed, at the beginning of its seventh session, to the selection of reviewed and reviewing States parties for the second review cycle by the drawing of lots in accordance with paragraphs 14 and 19 of the terms of reference of the Implementation Review Mechanism;

3. *Calls upon* States parties still under review and their reviewing States parties to continue cooperating towards completing the review of implementation of chapters III and IV of the United Nations Convention against Corruption,¹ and requests the Secretariat to continue providing effective and timely assistance to them in this regard;

4. *Requests* the Secretariat, in consultation with States parties and under the guidance of the Implementation Review Group, to continue improving the comprehensive self-assessment checklist for the second cycle of the Implementation Review Mechanism, without prejudice to its comprehensiveness or the methodology applied during the first cycle, and without prejudice to the launch and commencement of the second cycle;

5. *Requests* the Implementation Review Group to hold intersessional meetings open to all States parties, for the purpose of the drawing of lots in accordance with paragraph 19 of the terms of reference of the Implementation Review Mechanism and without prejudice to the right of a State party to request that the drawing of lots be repeated at the Group's subsequent intersessional meeting or regular session;

6. *Decides* that one fifth of the States parties shall be reviewed in each of the five years of the second review cycle;

7. *Also decides* that States acceding to the Convention after the sixth session of the Conference should complete the review of implementation of chapters III and IV of the Convention no later than two years after the deposit of their instrument of accession, and should participate in the review of implementation of chapters II and V of the Convention during the final year of the second review cycle;

8. *Calls upon* the Secretariat to continue exploring and, where appropriate, enhancing synergies, in coordination and cooperation with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption, in full accordance with paragraphs 5, 27 (c) and 31 of the terms of reference, paragraph 6 of the guidelines for governmental experts, and article 64 of the Convention, and to report to the Implementation Review Group on actions undertaken in this regard;

9. *Requests* the Secretariat to structure the provisional agendas of the Implementation Review Group and of other subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions, while respecting

their mandates,³ and to schedule meetings in five periods of five working days each during the period before the seventh session of the Conference, considering the possibility of scheduling meetings back to back when they are expected to be attended by the same governmental experts;

10. *Requests* the Implementation Review Group to consider adopting a multi-year workplan to continue its analytical work during the period 2016-2019, designating the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of one of the four chapters II, III, IV and V of the Convention as the main topic for each session or reconvened session;

11. *Also requests* the Implementation Review Group to analyse the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of the first review cycle, considering the thematic implementation report prepared in accordance with paragraph 35 of the terms of reference, and to submit a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention to the Conference for its consideration and approval at its seventh session;

12. *Encourages* States parties to continue voluntarily sharing information on good practices, experiences and relevant measures taken after the completion of their country review reports, including information related to technical assistance, and to consider providing such information to the Secretariat for publication on its website;

13. *Calls upon* States parties to use the outcome of their country reviews to strengthen their anti-corruption framework, including through technical assistance, where requested;

14. *Encourages* States parties to develop or revise, where appropriate and in conformity with their national legal systems, national anti-corruption strategies and/or action plans addressing, inter alia, the needs identified during their country reviews, and to promote such strategies and/or action plans as a tool for country-led and country-based, integrated and coordinated technical assistance programming and delivery;

15. *Invites* States parties under review and the Secretariat to jointly inform the local representatives of international, bilateral and multilateral technical assistance providers and donors, as well as relevant non-governmental organizations, where appropriate, about the technical assistance needs identified in the country review;

16. *Underscores* the importance of addressing the technical assistance priorities identified in the country reviews, and invites technical assistance providers to consider those priorities either for new technical assistance programmes or for incorporation into ongoing programmes;

17. *Requests* the Secretariat to further examine the shortfall identified in the note by the Secretariat on resource requirements for the functioning of the Mechanism,⁴ to determine whether the shortfall can be addressed through cost-efficiencies or voluntary contributions and to take that shortfall into account when submitting the proposed programme budget for the biennium 2018-2019, in accordance with section VII of the terms of reference.

³ As contained in Conference resolutions 1/4, 3/1, 3/2 and 4/2.

⁴ See annex I to the present report.

Resolution 6/2

Facilitating international cooperation in asset recovery and the return of proceeds of crime

The Conference of the States Parties to the United Nations Convention against Corruption,

Recalling that the return of assets of illicit origin is a fundamental principle of the United Nations Convention against Corruption,⁵ and bearing in mind that chapter V of that Convention is one of the chapters critical to the successful implementation of the Convention,

Recalling also article 51 of the Convention, obligating States parties to afford one another the widest measure of cooperation and assistance with regard to the return of assets,

Reaffirming the commitment of States parties and determined to give effect to the obligations set out in chapter V of the Convention to prevent, detect and deter the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

Reiterating that corruption in all forms, including illicit enrichment, poses a serious challenge to the stability and security of States, undermines institutions, ethical values and justice and jeopardizes sustainable development and the rule of law,

Acknowledging the right of the requested State party, under article 57, paragraph 4, of the Convention, to deduct, where appropriate, unless States parties decide otherwise, reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property,

Recalling its resolution 1/4 of 14 December 2006, setting up the Open-ended Intergovernmental Working Group on Asset Recovery, and its resolution 2/3 of 1 February 2008, in which it reaffirmed the mandate of the Working Group, and taking note of the contributions of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, the International Centre for Asset Recovery and similar initiatives committed to improving the capacity of States to effectively implement the Convention and, in particular, the recommendations made as part of these initiatives to improve the process of asset recovery,

Recalling also its resolution 5/3 of 29 November 2013, on facilitating international cooperation in asset recovery, and restating the importance of the spontaneous sharing of information without prejudice to domestic law, the expeditious return of proceeds of crime consistent with article 57, paragraph 3, of the Convention and the establishment of practical guidelines to facilitate the recovery of assets,

Recalling further article 56 of the Convention, and encouraging each State party, without prejudice to its domestic law, to endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with the Convention to another State party without prior request, when it considers that the disclosure of such information might assist the receiving State party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State party under chapter V of the Convention,

Recalling the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels,

⁵ United Nations, *Treaty Series*, vol. 2349, No. 42146.

and Public Participation,⁶ in which Member States stated that they were striving to implement effective measures to detect, prevent and counter corruption, as well as the transfer abroad and laundering of assets derived from corruption, and to strengthen international cooperation and assistance to Member States to assist in the identification, freezing or seizure of such assets, as well as in their recovery and return, in accordance with chapter V of the Convention, and in that regard to continue discussing innovative modalities to improve mutual legal assistance in order to speed up asset recovery proceedings and render them more successful,

Recalling also the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,⁷ in which the international community was encouraged to develop good practices on asset return,

Noting with concern the steady increase in funds of illicit origin flowing from developing countries in particular, and the danger that increase poses to the sustainable development, rule of law and security of nations,

Welcoming the cooperation and assistance that States parties have afforded requesting States in the recovery and return of proceeds of crime,

Taking note with appreciation of the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative, and aimed at developing effective and coordinated approaches to asset recovery for practitioners from requesting and requested States,

Recognizing that States continue to face challenges in the recovery of assets owing, inter alia, to differences in their legal systems, the limited implementation of mechanisms such as non-conviction-based confiscation, the complexity of multi-jurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States parties and difficulties in identifying and exposing the flow of proceeds of corruption,

Noting in particular that a large proportion of the proceeds of corruption, including those emanating from transnational bribery and other offences established under the Convention, are yet to be returned to the requesting States parties, their prior legitimate owners and victims of the crimes,

Concerned about the practical difficulties both requested and requesting States face in asset recovery,

Recognizing the common difficulties experienced by States parties in establishing a nexus between identified assets and the crime from which such assets are derived, and emphasizing the critical importance of effective domestic investigative efforts and international cooperation to overcome such difficulties,

Noting with concern that the huge cost of recovery of assets in some jurisdictions has made such recovery difficult and, accordingly, has led to the abandonment of some cases seeking the return of proceeds of crime to the countries of origin,

Noting the trend of the use of settlements and other alternative legal mechanisms by some States parties to conclude transnational corruption cases, and mindful that these new mechanisms, which have enhanced enforcement actions in some corruption cases worldwide, should be used in such a way that is mindful of the goals of the Convention to enhance the recovery of proceeds of crime and international cooperation among all affected States parties,

⁶ Economic and Social Council resolution 2015/19, annex.

⁷ General Assembly resolution 69/313, annex.

Noting also the growing practice of the use of settlements and other alternative legal mechanisms by States parties in concluding transnational bribery cases, and calling upon States parties to give due consideration to the involvement of the jurisdictions where the bribery schemes originated or where foreign officials were bribed,

Calling for urgent attention to the fact that a study by the Stolen Asset Recovery Initiative has indicated that, of the over 6.2 billion United States dollars realized so far through settlements worldwide, not more than 3 per cent has been returned to States whose officials were bribed and where corrupt transactions took place, which is a key aim of chapter V of the Convention,

Encouraging requested States parties to respond to requests for assistance, pursuant to article 46 of the Convention, in the absence of dual criminality,

1. *Urges* all States parties to cooperate to recover the proceeds of crime, as defined in the Convention, including embezzled public funds and stolen assets, to prevent and detect transfers of proceeds of crime, including off-the-books assets derived from corruption, at home and abroad, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin, in accordance with article 57 of the United Nations Convention against Corruption;⁸

2. *Also urges* States parties to ensure that procedures for international cooperation allow for the seizure and restraint of assets for a time period sufficient to preserve those assets in full, pending proceedings in another State, and to allow or expand cooperation in the enforcement of foreign confiscation judgements, including through awareness-raising for judicial authorities;

3. *Further urges* States parties, pursuant to chapters III and V of the Convention, to:

(a) Prevent, detect and deter in a more effective manner the international transfer of proceeds of crime and funds of illicit origin;

(b) Take measures, including measures to ensure compliance by financial and designated non-financial institutions, to identify, trace, seize, recover and return the proceeds of crime and funds of illicit origin;

4. *Calls upon* States parties to give particular and timely consideration to the execution of requests for mutual legal assistance in asset recovery;

5. *Encourages* States parties to consider, where appropriate and in accordance with national law, the possibility of referring to the draft Lausanne guidelines for the efficient recovery of stolen assets in their practice and to continue to exchange their practical experiences and consolidate them into a non-binding, step-by-step guide or asset recovery manual, in cooperation with interested States and providers of technical assistance, upon the request of the relevant interested parties;

6. *Directs* the Open-ended Intergovernmental Working Group on Asset Recovery to:

(a) Initiate the process of identifying best practices for identifying victims of corruption and the parameters for compensation;

(b) Initiate the process of identifying best practices and developing guidelines for proactive and timely sharing of information to enable States parties to take appropriate action, in accordance with article 56 of the Convention;

⁸ United Nations, *Treaty Series*, vol. 2349, No. 42146.

(c) Collect information, with the support of the Secretariat, regarding State parties' use of settlements and other alternative mechanisms and analyse the factors that influence the differences between the amounts realized in settlements and other alternative legal mechanisms 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 and effective return;

(d) Report its findings on each of these matters to the Conference of the States Parties at its next session, with the support of the Secretariat;

7. *Calls upon* Member States to consider waiving or reducing to the barest minimum reasonable expenses deducted when recovering assets, particularly when the requesting State is a developing country, bearing in mind that the return of illicitly acquired assets contributes to sustainable development;

8. *Encourages* States parties to enhance international cooperation and asset recovery by interpreting terms such as "proceeds of crime" and "victims of crime" in a manner consistent with the Convention;

9. *Urges* States parties that are using settlement and other alternative legal mechanisms to resolve corruption-related cases to work collaboratively with all relevant States parties to enhance international cooperation, information-sharing and recovery of proceeds of crime;

10. *Also urges* States parties that are using settlement and other alternative legal mechanisms to resolve corruption-related cases to proactively share information without prior request so as to engage all the States parties concerned early in the process, in accordance with article 46, paragraph 4, article 48, paragraph 1 (f), and article 56 of the Convention;

11. *Requests* the Secretariat, within existing resources, to assist the Working Group in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations;

12. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

Resolution 6/3

Fostering effective asset recovery

The Conference of the States Parties to the United Nations Convention against Corruption,

Bearing in mind that the return of assets is one of the main objectives and a fundamental principle of the United Nations Convention against Corruption⁹ and that the States parties to the Convention are obligated to afford one another the widest measure of cooperation and assistance in that regard,

Recognizing that those who engage in corrupt acts, whether natural or legal persons, consistent with the requirements of the Convention, should be held accountable and prosecuted by the competent authorities, and that all efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purposes of confiscation or appropriate direct recovery measures,

⁹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

Concerned about the difficulties that States parties face in asset recovery, taking into account the particular importance of the recovery of proceeds of crime for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

Encouraging States parties to make full use of the asset recovery tools set forth in chapter V of the Convention, including mechanisms for the enforcement of foreign restraining and confiscation orders, as a means of significantly reducing expenses that a State party may normally incur in pursuing asset recovery,

Calling upon all States parties, in particular requesting and requested States, to cooperate to recover the proceeds of crime, as defined in the Convention and demonstrate strong commitment to ensuring the return or disposal of such proceeds in accordance with article 57 of the Convention,

Noting with appreciation the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, and aimed at providing effective and coordinated approaches to asset recovery for practitioners from requesting and requested States,

Recognizing that States parties continue to face challenges in recovering assets, owing in part to differences between legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with mutual legal assistance procedures in a requested State, including the ability to implement tools such as non-conviction-based confiscation and other administrative or civil procedures leading to confiscation, and difficulties in tracing the proceeds of corruption,

Acknowledging the vital importance of ensuring the independence and effectiveness of the authorities in requesting and requested States parties alike charged with investigating and prosecuting corruption-related cases and of recovering the proceeds of such crimes by several means, such as establishing the necessary legal framework and allocating the necessary resources, and noting the role that technical assistance can play in this regard,

Noting the responsibility of requesting and requested States parties to cooperate to ensure that a great proportion of the proceeds emanating from corruption are recovered, returned or otherwise disposed of in accordance with the relevant provisions of the Convention,

Noting also the particular challenges involved in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions, as well as their family members and close associates,

Stressing the critical importance of mobilizing political will for the effective implementation of chapter V of the Convention,

Calling upon all States parties, acting as both requested and requesting States, to continue to commit the political will to act together to recover the proceeds of crime, as defined in the Convention and to work together to overcome obstacles to effective asset recovery and return to requesting States parties, prior legitimate owners or the victims of the crime, in accordance with article 57 of the Convention,

Recalling the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels,

and Public Participation,¹⁰ in which Member States stated that they were striving to implement effective measures to detect, prevent and counter corruption, as well as the transfer abroad and laundering of assets derived from corruption, and to strengthen international cooperation and assistance to Member States to assist in the identification, freezing or seizure of such assets, as well as in their recovery and return, in accordance with the Convention against Corruption,

Noting the usefulness of States parties sharing information on practices in the management, use and disposal of frozen, seized and confiscated assets,

Recalling its resolution 1/4 of 14 December 2006, by which it established the Open-ended Intergovernmental Working Group on Asset Recovery, and the continued relevance of its resolutions 2/3 of 1 February 2008, 3/3 of 13 November 2009 and 4/4 of 28 October 2011, in which it decided that the Working Group should continue its work,

Noting the important role that civil society could play in asset recovery and return,

Noting with appreciation the development of good practices and lessons learned, as reflected in the reports of the Open-ended Intergovernmental Working Group on Asset Recovery, and the sharing of those good practices,

Noting with appreciation also the technical resources produced by the United Nations Office on Drugs and Crime, the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, and the International Centre for Asset Recovery of the Basel Institute on Governance,

1. *Encourages* States parties, in a common effort, to apply lessons learned in all areas of asset recovery cooperation through, inter alia, establishing legal frameworks, strengthening domestic institutions and enhancing international cooperation, including through participation in international law enforcement networks, such as the asset recovery focal points under the United Nations Convention against Corruption,¹¹ the Global Focal Point Initiative, supported by the International Criminal Police Organization and the Stolen Asset Recovery Initiative, and the Camden Asset Recovery Inter-agency Network, and regional initiatives such as the Arab Forum on Asset Recovery, as appropriate;

2. *Stresses* the importance of sustained and enhanced political will and the commitment of all States parties, consistent with the Convention against Corruption, to criminalize and prosecute corruption offences and effectively cooperate to recover the proceeds derived from corruption offences;

3. *Encourages* States parties to remove barriers to asset recovery, including by simplifying legal procedures, while preventing their abuse, and also encourages States parties to limit, where appropriate, domestic legal immunities, in accordance with their legal systems and constitutional principles;

4. *Also encourages* States parties to consider, where appropriate and in accordance with national law, the possibility of referring to the draft Lausanne guidelines for the efficient recovery of stolen assets in their practice and to continue to exchange their practical experiences and consolidate them into a non-binding, step-by-step guide or asset recovery manual, in cooperation with interested States and providers of technical assistance, upon the request of relevant interested parties;

5. *Calls upon* States parties to cooperate closely in the return and disposal of assets in accordance with article 57 of the Convention;

¹⁰ Economic and Social Council resolution 2015/19, annex.

¹¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

6. *Encourages* States parties to consider sustainable development in the use and management of recovered assets;

7. *Invites* States parties, in accordance with national legislation and policies, to collect and make public data on the volume of assets seized, confiscated and returned or disposed of by their jurisdictions;

8. *Urges* States parties, consistent with chapter V of the Convention, to ensure that they have 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 are suitable mechanisms in place — conviction-based and, where appropriate, non-conviction-based — 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 are enforced, and encourages technical assistance in this regard;

9. *Also urges* States parties to establish or strengthen domestic mechanisms for intragovernmental coordination and intergovernmental cooperation and to ensure appropriate levels of information-sharing and coordination between competent authorities that have a role in efforts to prevent and prosecute corruption and in asset recovery, including, but not limited to, regulatory authorities, investigative authorities, financial intelligence units and prosecutorial authorities;

10. *Encourages* States parties to consider establishing effective financial disclosure systems for appropriate public officials, consistent with article 52, paragraph 5, of the Convention, and to consider taking such measures as may be necessary to permit their competent authorities to share that information, consistent with the requirements of domestic law, with other States parties;

11. *Also encourages* States parties to implement the necessary measures to enable them to obtain and share reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, including trusts and holdings, misused to commit or conceal crimes of corruption or to hide and transfer proceeds, thus facilitating the investigation process and execution of requests;

12. *Further encourages* States parties to make widely available information on their legal frameworks and procedures, including those used in settlements and alternative legal mechanisms, in a practical guide or other format designed to facilitate use by other States, and to consider, where appropriate, the publication of that information in other languages;

13. *Encourages* 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, supported by the International Criminal Police Organization (INTERPOL) and the Stolen Asset Recovery 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;

14. *Also encourages* States parties to designate providers of technical assistance and officials or governmental institutions, as appropriate, as technical experts in international cooperation and asset recovery, to assist their counterparts in effectively meeting requirements for mutual legal assistance without undue delay;

15. *Urges* States parties to ensure that procedures for international cooperation allow for the seizure and/or freezing of assets for a time period sufficient to preserve those assets in full, pending confiscation proceedings in another State, and to allow for or expand cooperation in the enforcement of foreign seizure and freezing orders and

confiscation judgements, including through measures to permit recognition of non-conviction-based seizure and freezing orders and confiscation judgements, where possible;

16. *Encourages* States parties and the United Nations Office on Drugs and Crime to continue sharing experiences and building knowledge on the management, use and disposal of frozen, seized, confiscated and recovered assets, and to identify good practices as necessary, building upon existing resources that address the administration of seized and confiscated assets, including with a view to contributing to sustainable development;

17. *Notes* that, under article 57, paragraph 4, of the Convention, where appropriate and unless States parties decide otherwise, the requested State party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property, but urges States parties to consider waiving or reducing such expenses to the barest minimum;

18. *Requests* the Secretariat, within existing resources, to assist the Open-ended Intergovernmental Working Group on Asset Recovery in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations;

19. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

Resolution 6/4

Enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the United Nations Convention against Corruption

The Conference of the States Parties to the United Nations Convention against Corruption,

Aware that the United Nations Convention against Corruption¹² provides for the use of civil and administrative proceedings as means of fighting corruption and recovering assets, where appropriate and consistent with domestic legal systems,

Bearing in mind that international cooperation is one of the principal means for States parties to the Convention to provide each other with the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention,

Recalling article 43, paragraph 1, of the Convention, in which States parties are encouraged, where appropriate and consistent with their domestic legal system, to consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption,

Recalling also article 53 of the Convention, according to which each State party shall, in accordance with its domestic law, take such measures as may be necessary to permit another State party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with the Convention, to permit its courts to order those who have committed offences established in accordance with the Convention to pay compensation or damages to another State party that has been harmed by such offences and to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State party's claim as a legitimate owner of property

¹² United Nations, *Treaty Series*, vol. 2349, No. 42146.

acquired through the commission of an offence established in accordance with the Convention,

Recalling further that the Convention, in its article 26, indicates that, subject to the legal principles of the State party, the liability of legal persons may be criminal, civil or administrative and obliges States parties to ensure that legal persons held liable in accordance with that article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions,

Recalling article 46, paragraph 2, of the Convention, according to which mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of the Convention in the requesting State party,

Acknowledging the crucial importance of technical assistance to building institutional and human capacity in States parties in order to facilitate the implementation of the provisions of the Convention through efficient international cooperation,

Recalling its resolutions 5/1 and 5/3 of 29 November 2013, in which it encouraged States parties to the Convention to afford one another, when feasible, international cooperation in civil and administrative proceedings for the detection of corruption offences and for the identification, freezing and confiscation of assets, and taking note with appreciation of the reports prepared by the Secretariat on the progress made in the implementation of those recommendations,¹³

Welcoming the conclusions and recommendations of the third open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 9 and 10 October 2014,¹⁴ in which the meeting encouraged the national authorities of States parties to assist each other, as well as to engage in international cooperation, where appropriate and consistent with their domestic legal systems, in investigations of and proceedings in civil and administrative matters relating to corruption,

Welcoming also the conclusions and recommendations made by the Open-ended Intergovernmental Working Group on Asset Recovery at its meeting held in Vienna on 11 and 12 September 2014,¹⁵ in which the Working Group observed that States parties, consistent with their domestic legal systems, may wish to consider allowing parallel criminal and civil proceedings or strengthening, as appropriate, the position of civil plaintiffs in criminal proceedings and encouraged States parties to consider providing one another free legal advice in civil proceedings or assisting each other in legal representation,

Recalling the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,¹⁶ in which States expressed their intention to commit themselves to exploring ways of affording one another international cooperation in civil and administrative proceedings for confiscation purposes,

Recognizing that States parties continue to face challenges in recovering assets when making use of civil and administrative proceedings against corruption, including through international cooperation, owing in part to differences between legal systems,

¹³ CAC/COSP/EG.1/2014/2 and CAC/COSP/EG.1/2015/2.

¹⁴ Contained in CAC/COSP/EG.1/2014/3.

¹⁵ Contained in CAC/COSP/WG.2/2014/4.

¹⁶ Economic and Social Council resolution 2015/19, annex.

the complexity of multijurisdictional investigations and prosecutions, the limited implementation of effective domestic tools such as non-conviction-based forfeiture and other administrative or civil proceedings leading to confiscation, and the lack of familiarity with the mutual legal assistance proceedings of other States,

Noting with appreciation the ongoing efforts by regional organizations and forums to strengthen cooperation in combating corruption through the use of civil and administrative proceedings relating to corruption,

1. *Urges* Member States, where appropriate and consistent with their national legal systems, to provide each other with the widest possible assistance in investigations of and proceedings in civil and administrative matters relating to corruption offences, committed by natural or legal persons, including, if appropriate, through mutual legal assistance, for the detection of corruption offences, the identification, freezing and confiscation of assets, and the other purposes established in article 46, paragraph 3, of the United Nations Convention against Corruption;¹⁷

2. *Calls upon* States parties, in accordance with their domestic law, to effectively implement article 53, subparagraph (a), of the Convention by taking the necessary measures to permit another State party to initiate civil action in their courts to establish title to or ownership of property acquired through the commission of corruption offences, committed by natural or legal persons;

3. *Also calls upon* States parties, in accordance with their domestic law, to effectively implement article 53, subparagraphs (b) and (c), of the Convention by taking the necessary measures to permit their courts to recognize another State party's civil claim for payment of compensation or damages caused by corruption offences and for ownership of confiscated property acquired through the commission of such offences, committed by natural or legal persons;

4. *Invites* States parties, when taking measures to effectively implement article 53 of the Convention, in accordance with domestic law, to consider allowing other States parties to act on behalf of their political subdivisions, constituent federal units, organs, agencies, instrumentalities or other entities;

5. *Welcomes* the conclusions and recommendations contained in the report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 11 and 12 September 2014,¹⁸ and encourages States parties to consider, when feasible and consistent with their domestic legal system, providing free legal advice and legal representation to another State party that initiates civil actions or intervenes in criminal proceedings in their courts to establish payment of compensation or damages or to establish ownership of confiscated property acquired through the commission of corruption offences;

6. *Encourages* States parties, as may be necessary, to consider the possibility of concluding multilateral, regional or bilateral treaties, agreements or arrangements on civil and administrative matters relating to corruption, including international cooperation, in order to promote the legal basis for granting mutual legal assistance requests concerning natural or legal persons in a timely and effective manner;

7. *Invites* Member States to continue to provide to the Secretariat information on civil and administrative proceedings relating to corruption, when feasible and on a voluntary basis, in order to identify the scope of assistance that could be provided in relation to such proceedings, as well as to provide information about good practices and tools relevant to the implementation of article 53 of the Convention, and requests the Secretariat to continue collecting and disseminating such information by, inter alia, reporting to the Conference and its relevant subsidiary bodies, including by providing

¹⁷ United Nations, *Treaty Series*, vol. 2349, No. 42146.

¹⁸ CAC/COSP/WG.2/2014/4.

suggestions regarding technical assistance needs and mechanisms to provide such assistance, and developing a study to identify best practices and ways to facilitate cooperation on the matter, subject to the availability of resources;

8. *Calls upon* Member States to inform the Secretariat about designated officials or institutions appointed, where appropriate, as focal points in the matter of the use of civil and administrative proceedings against corruption, including for international cooperation, and requests the Secretariat to collect and make such information available to all States parties and to report on the matter to the Conference and its relevant subsidiary bodies;

9. *Invites* Member States to work with the Secretariat and other international anti-corruption organizations, donors, assistance providers and relevant civil society organizations, as appropriate, to promote bilateral, regional and international activities to strengthen the use of civil and administrative proceedings against corruption, including workshops for the exchange and dissemination of relevant experiences and good practices;

10. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

Resolution 6/5

St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption

The Conference of the States Parties to the United Nations Convention against Corruption,

Noting that, while the implementation of the United Nations Convention against Corruption¹⁹ is the responsibility of States parties, promoting integrity, transparency and accountability and preventing corruption are responsibilities to be shared by all sectors of society involved in the fight against corruption, as corruption not only affects Governments, but can also have a significant negative impact on the private sector and civil society by impeding economic growth, harming consumers and businesses, distorting competition and presenting serious health, safety, legal and social risks,

Recognizing that the private sector plays an important role, together with Governments and other stakeholders, including civil society, in the prevention of and fight against corruption, and highlighting the necessity of taking concrete steps towards strengthening public-private partnership in the anti-corruption field,

Underlining the necessity of increasing the efforts of States parties, in accordance with article 12 of the Convention, to prevent and fight against corruption involving the private sector,

Recalling its resolution 5/6 of 29 November 2013, entitled “Private sector”, and taking note with appreciation of the report of the Secretariat on its implementation,²⁰

Recalling also its resolution 5/4 of 29 November 2013, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, in which it referred to the importance of private sector participation in the prevention of corruption,

Taking into consideration all relevant documents of the United Nations and other organizations that, inter alia, recognize that a culture of intolerance towards corruption will only be achieved if Governments work in partnership with businesses and civil

¹⁹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

²⁰ CAC/COSP/2015/9.

society, and welcoming the business community's initiatives to enhance collective anti-corruption actions and develop institutional arrangements to promote anti-corruption compliance in the private sector,

Recalling the impetus gained through relevant multi-stakeholder forums in which private sector entities committed to strengthening public-private partnership for combating corruption in business, to working towards the alignment of business principles with the fundamental values enshrined in the Convention against Corruption, to ensuring that anti-corruption policies and strategies include effective whistle-blower protection, due diligence in the selection of agents or intermediaries and the addressing of bribe payments and "facilitation payments", and to developing mechanisms to review companies' compliance with realigned business principles,

Noting the usefulness of sharing national experiences and good practices regarding public-private partnership in the implementation of the provisions of the Convention,

Noting also the positive experience in some countries of establishing official posts dedicated to advocating for the private sector with the Government (such as an ombudsperson),

Noting further the initiatives undertaken by States parties and the United Nations Office on Drugs and Crime to promote sustainable partnership with the private sector on countering corruption, including in close cooperation with other relevant organizations,

Taking note with appreciation of the publications prepared by the United Nations Office on Drugs and Crime pertaining to capacity-building in preventing and fighting against corruption involving the private sector,

Emphasizing the importance of exchanging views and methods on increasing anti-corruption efforts between representatives of the public and private sectors, including through relevant national, regional and international forums,

Taking note of the report on the international conference on public-private partnership in the fight against corruption, held in Moscow on 26 and 27 March 2015, which was co-organized by the Chamber of Commerce and Industry of the Russian Federation, the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy,

1. *Reiterates* the importance of efforts by States parties to take, consistent with article 12 of the United Nations Convention against Corruption²¹ and in accordance with the fundamental principles of their domestic law, measures to prevent corruption involving the private sector, and to these ends invites States parties to, inter alia, promote the development of codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions, the prevention of conflict of interest and the use of good commercial practices among businesses and in the contractual relations of businesses with the State;

2. *Calls upon* States parties to the Convention to take appropriate measures, within their means and in accordance with the fundamental principles of their domestic law, to promote the active participation of individuals and groups outside the public sector, such as the private sector and civil society, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

3. *Invites* States parties to enhance cooperation between public authorities at the national, regional and local levels, where appropriate and consistent with their

²¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

domestic legal systems, and the private sector on anti-corruption and to engage a wide range of private sector representatives in efforts to prevent corruption;

4. *Recommends* that States parties take comprehensive measures to prevent offences established in accordance with the Convention that have a negative impact on the business environment and society as a whole;

5. *Also recommends* that States parties promote transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities and measures to identify beneficial owners of funds, in line with article 12, paragraph 2 (c), and article 52, paragraph 2, of the Convention;

6. *Calls upon* States parties to support public-private partnership in order to strengthen the understanding of both public officials and private sector actors that bribery and solicitation are unacceptable;

7. *Invites* States parties to take measures as may be necessary to encourage, in accordance with their domestic law, the effective cooperation of the private sector with official investigations, in line with article 39 of the Convention, and recommends that States parties consider, in accordance with their domestic legal systems, establishing confidential complaint systems and effective witness and whistle-blower protection programmes and measures, consistent with articles 32 and 33 of the Convention;

8. *Calls upon* States parties, in accordance with the fundamental principles of their legal systems, to foster public-private partnership in the prevention of corruption by, inter alia, increasing dialogue and cooperation, developing initiatives to promote and implement appropriate public procurement reforms, addressing practices that generate vulnerability to corruption and promoting good practices and anti-corruption ethics and compliance programmes for private sector entities;

9. *Also calls upon* States parties to simplify administrative procedures, where appropriate, with a view to reducing opportunities for corruption;

10. *Encourages* States parties to share national experiences and good practices pertaining to partnership between the public and the private sectors in the prevention of and fight against corruption;

11. *Draws the attention* of States parties, in accordance with their domestic legislation, to the necessity of keeping the public informed about cases of corruption and the measures taken to sanction the perpetrators;

12. *Underlines* the importance of promoting public-private dialogue in order to facilitate the adoption by States parties, in accordance with domestic laws and regulations, of measures relating to the maintenance of books and records, financial statement disclosures and accounting and auditing standards to prohibit the acts specified in article 12, paragraph 3, of the Convention carried out for the purpose of committing any of the offences established in accordance with the Convention;

13. *Calls upon* States parties to encourage representatives of the public and private sectors to provide their expertise and share their experience within the frameworks of standardized and tailor-made training and educational programmes aimed at the implementation of the provisions of the Convention and to actively participate in the development and introduction of such programmes;

14. *Encourages* States parties, with the assistance of the Secretariat and in collaboration with relevant regional and international organizations, where appropriate, to continue strengthening public-private partnership in the prevention of and fight against corruption by, inter alia, organizing or encouraging the organization

by the private sector of opportunities for the exchange of relevant experience and good practices in this field;

15. *Takes note with appreciation* of the initiatives taken by the Secretariat to promote partnership with the private sector against corruption, in close cooperation with relevant international and regional organizations, and requests the Secretariat to continue to assist in promoting awareness of the principles of the Convention within the private sector;

16. *Invites* States parties and donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

Resolution 6/6

Follow-up to the Marrakech declaration on the prevention of corruption

The Conference of the States Parties to the United Nations Convention against Corruption,

Concerned about the seriousness of the threats that corruption poses to the stability of societies by eroding the legitimacy and effectiveness of key public institutions and values of democracy and by jeopardizing sustainable development and the rule of law,

Highlighting the importance of the United Nations Convention against Corruption²² and the prominence it has given to the prevention of corruption as part of a comprehensive approach to fighting corruption by having its entire chapter II devoted to measures to prevent corruption,

Welcoming the adoption of Transforming our world: the 2030 Agenda for Sustainable Development²³ and recalling that the Agenda addresses the need to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

Taking note of the St. Petersburg Declaration adopted by the International Association of Anti-Corruption Authorities at its eighth annual conference, held in St. Petersburg, Russian Federation, from 30 October to 1 November 2015,

Acknowledging that efficient, accessible, accountable and transparent public service delivery is one of the key components in building an anti-corruption environment in the public sector,

Concerned about the links between corruption and other forms of crime, in particular organized crime and economic crime,

Stressing that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, and underlining that prevention measures should be strengthened at all levels,

Recognizing that, while the implementation of the Convention is the responsibility of States parties, the promotion of a culture of integrity, transparency and accountability and the prevention of corruption are responsibilities to be shared by all, and that those responsibilities include promoting the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in accordance with article 13 of the Convention,

²² United Nations, *Treaty Series*, vol. 2349, No. 42146.

²³ General Assembly resolution 70/1.

Underlining, in view of the forthcoming review of the implementation of chapter II of the Convention during the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the importance of building legislative and institutional frameworks and capacities consistent with the requirements of that chapter,

Welcoming the progress made by States parties and the Secretariat in the implementation of Conference resolutions 3/2 of 13 November 2009, 4/3 of 28 October 2011 and 5/4 of 29 November 2013 on the prevention of corruption, and underlining the need to maintain efforts in that regard,

Acknowledging the crucial importance of technical assistance, in particular to developing countries, in strengthening structural, institutional and human capacity and thereby facilitating implementation of the provisions of chapter II of the Convention,

Welcoming the work of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, in particular the substantive discussions in relation to the different provisions of chapter II, whose implementation is reviewed under the multi-year workplan for the period up to 2015, and the conclusions and recommendations adopted at the meetings of the Working Group held in Vienna from 8 to 10 September 2014 and from 31 August to 2 September 2015, and welcoming also the guidance material developed by the Secretariat, namely the *Resource Guide on Good Practices in the Protection of Reporting Persons* and *National Anti-corruption Strategies: a Practical Guide for Development and Implementation*,

1. *Encourages* States parties to promote universal adherence to the United Nations Convention against Corruption,²⁴ and urges all States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;

2. *Calls upon* States parties to continue and to reinforce the effective implementation of the preventive measures outlined in chapter II of the Convention and in the resolutions of the Conference of the States Parties;

3. *Recommends* that States parties should ensure that anti-corruption bodies have the necessary independence, in accordance with the fundamental principles of their legal systems, as well as the material resources and specialized staff to enable them to carry out their functions effectively and free from undue influence, in accordance with article 6, paragraph 2, of the Convention;

4. *Calls upon* States parties to take measures to enhance integrity, transparency, accountability and the rule of law in public administration, under the fundamental principles of their legal systems, including through the promotion of effective public service delivery and the establishment of measures and systems to facilitate the reporting of incidents that may be considered to constitute offences established in accordance with the Convention;

5. *Also calls upon* States parties to strengthen integrity across the entire criminal justice system, as called for in paragraph 5 (d) of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,²⁵ while bearing in mind the independence of the judiciary, and notes with appreciation the assistance provided by the Secretariat to States parties, upon request, in the integration of anti-corruption measures into institutions of the criminal justice system;

6. *Further calls upon* States parties to strengthen measures to prevent corruption in the public procurement process and the management of public finances,

²⁴ United Nations, *Treaty Series*, vol. 2349, No. 42146.

²⁵ Economic and Social Council resolution 2015/19, annex.

as well as to ensure adequate access to information and promote, as appropriate, the involvement of the private sector in the prevention of corruption;

7. *Recognizes* the importance of protecting integrity in sport by promoting good governance in sport and mitigating the risk of corruption that sport faces globally, requests the Secretariat to continue, in cooperation with relevant international organizations, partners and donors, to develop studies, training materials, guides and tools for Governments and sports organizations to enable them to further strengthen measures in this area, and acknowledges the work that has already been done by the United Nations Office on Drugs and Crime in this regard, in particular the development of studies and guides with the International Olympic Committee and the International Centre for Sport Security;

8. *Requests* States parties to promote training and education in the prevention of corruption at all levels of the public sector and to work with the private sector in this field, welcomes the achievements made under the Anti-Corruption Academic Initiative, asks the Secretariat to continue, in cooperation with relevant partners, to develop comprehensive academic and other educational materials in the field of anti-corruption for universities and other institutions, and requests the Secretariat to continue its support to States parties in this field;

9. *Requests* the United Nations Office on Drugs and Crime to continue to provide and develop capacity-building initiatives, including new knowledge products and technical tools, upon request and subject to extrabudgetary resources, on measures to prevent corruption, to identify comparative good practices and to facilitate the exchange of expertise and lessons learned among States parties;

10. *Calls upon* States parties to use the Convention as a framework for the development of tailored anti-corruption safeguards, including in specific vulnerable areas, and requests the Secretariat to assist States parties in doing so, upon request and subject to the availability of extrabudgetary resources;

11. *Invites* Member States to identify and share with States parties and the Secretariat their good anti-corruption practices that address the promotion of transparency, competition and objective decision-making in public procurement systems, in accordance with article 9 of the Convention;

12. *Recognizes* the importance of including the prevention of corruption in the broader development agenda, including through the implementation of Goal 16 and other relevant goals of Transforming our world: the 2030 Agenda for Sustainable Development,²⁶ and through other initiatives aimed at strengthening the coordination and exchange of such information with development partners;

13. *Notes with appreciation* the achievements of the Open-ended Intergovernmental Working Group on the Prevention of Corruption in facilitating the sharing of information between States parties on their initiatives and good practices relating to the topics considered at the meetings of the Working Group held in Vienna from 8 to 10 September 2014 and from 31 August to 2 September 2015, and encourages States parties to continue to share with the Secretariat new and updated information and good practices on their implementation of chapter II of the Convention;

14. *Welcomes* the commitment made and efforts undertaken by States parties to provide information on good practices in preventing corruption that is gathered, systematized and disseminated by the Secretariat in the performance of its functions as an international observatory, requests States parties to continue sharing information, and requests the Secretariat, subject to the availability of extrabudgetary resources, to

²⁶ General Assembly resolution 70/1.

continue its work as an observatory, including by updating the thematic website of the Working Group with relevant information;

15. *Requests* the Secretariat to continue, in close cooperation with multilateral and bilateral assistance providers, to provide technical assistance to States parties, particularly developing countries, upon request and subject to extrabudgetary resources, with a view to advancing the implementation of chapter II of the Convention, including in the form of tailored assistance for participation in the review process for chapter II;

16. *Notes* that a large number of States parties have informed the Secretary-General of the designation of competent authorities that may assist other States parties in developing and implementing specific measures for the prevention of corruption, as required under article 6, paragraph 3, of the Convention, and calls upon States parties that have not yet done so to provide that information and to update existing information where needed;

17. *Underlines* the importance of providing the United Nations Office on Drugs and Crime with sufficient and adequate funding to be able to respond to the increasing demand for its services, and encourages Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund,²⁷ for the provision to developing countries and countries with economies in transition of the technical assistance that they may require to improve their capacities to implement chapter II of the Convention;

18. *Requests* the Secretariat to report on the implementation of the present resolution to the Conference at its seventh session and to its relevant subsidiary bodies;

19. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

Resolution 6/7

Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption

The Conference of the States Parties to the United Nations Convention against Corruption,

Recalling article 1, subparagraph (a), of the United Nations Convention against Corruption,²⁸ which establishes as one of the main goals of the Convention the promotion and strengthening of measures to prevent and combat corruption more efficiently and effectively,

Recalling also that article 7, paragraph 4, of the Convention requires States parties, in accordance with the fundamental principles of their domestic law, to endeavour to adopt, maintain and strengthen systems that promote transparency,

Acknowledging the importance of implementing chapter II (Preventive measures) of the Convention, as stressed by the Conference in its resolution 4/3 of 28 October 2011, entitled “Marrakech declaration on the prevention of corruption”, and also acknowledging that the implementation of chapter II will be reviewed during the forthcoming second cycle of the Mechanism for the Review of Implementation of the

²⁷ See General Assembly resolution 58/4.

²⁸ United Nations, *Treaty Series*, vol. 2349, No. 42146.

United Nations Convention against Corruption, in accordance with Conference resolution 3/1 of 13 November 2009,

Emphasizing the importance of respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption, and stressing that these activities should be done in accordance with States parties' domestic law,

Recalling its resolution 5/4 of 29 November 2013, entitled "Follow-up to the Marrakech declaration on the prevention of corruption", and its resolution 5/5 of 29 November 2013, entitled "Promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity",

Noting the use of innovative information and communications technology measures by relevant stakeholders to collect and disseminate information about topics covered by the Convention,

Recognizing the significant worldwide growth of information and communications technologies in the course of the past decade, as presented by the International Telecommunication Union,²⁹ and the need to reduce the digital divide,

Bearing in mind the important role of e-government and the increasing use of information and communications technology tools by States parties in the conduct of public administration as a means to promote trust and confidence in Government,

Recognizing Sustainable Development Goal 16, which calls, inter alia, for ensuring public access to information, in accordance with national legislation and international agreements,

1. *Calls upon* States parties to continue developing and promoting the use of information and communications technologies in order to enhance the effective and efficient implementation of article 13 of the United Nations Convention against Corruption,³⁰ such as through the use of e-government mechanisms, online platforms, smartphone applications, mobile telephone-based reporting and social media;

2. *Recognizes* that States parties should take appropriate measures, within their means and in accordance with the fundamental principles of their domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

3. *Recommends* that States parties consider utilizing online platforms to facilitate, where appropriate, consultation with the public on issues relating to the prevention of and fight against corruption, in accordance with article 13, paragraph 1 (a), of the Convention;

4. *Stresses* the importance of the implementation of article 13, paragraph 2, of the Convention and, to that effect, encourages States parties to establish accessible online mechanisms for providing information to the appropriate bodies, including anonymously, on any incidents that may constitute an offence established in accordance with the Convention and their domestic law;

5. *Calls upon* States parties to make available online, including by considering the use of open data formats, as much government information as feasible,

²⁹ See International Telecommunication Union, "ICT Facts and Figures: The World in 2015" (Geneva, 2015).

³⁰ United Nations, *Treaty Series*, vol. 2349, No. 42146.

subject to relevant limitations in domestic law, in relation to the implementation of the Convention, in order to enable greater transparency, accountability and efficiency;

6. *Encourages* States parties to promote the implementation of article 9, paragraph 1, of the Convention by establishing, inter alia, online platforms for the distribution of information relating to public procurement and tenders as a way to prevent corruption, enhance transparency and ensure competition and objective criteria in procurement decision-making, in accordance with the fundamental principles of their legal systems;

7. *Invites* States parties, in accordance with the fundamental principles of their domestic law, to make information available, including, for example, the types of information set out in article 10, subparagraph (a), of the Convention, upon request by a member of the public, through online platforms subject only to such restrictions as are provided for by law, consistent with article 10 of the Convention;

8. *Reaffirms* that, in accordance with article 13, paragraph 1 (d), of the Convention, States parties should respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, within their means and in accordance with their domestic law;

9. *Requests* that the relevant subsidiary bodies, during any upcoming meeting mandated by the Conference of the States Parties and pursuant to the present resolution, discuss promoting the use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption and, accordingly, draw up a list of best practices, as appropriate, on how to enhance and promote such use;

10. *Encourages* States parties to periodically evaluate, within their means and in accordance with article 5, paragraph 3, of the Convention and the fundamental principles of their respective legal systems, their relevant legal instruments and administrative measures, with a view to promoting the freedom to seek, receive, publish and disseminate information concerning corruption, consistent with articles 10 and 13 of the Convention;

11. *Invites* the Secretariat, within its existing mandate and resources, to further explore the adoption of different information and communications technology tools, including the use of open data resources, in order to further disseminate information on the development of its functions, information on the tools and resources contained in the anti-corruption knowledge platform and public reports presented to the Conference of the States Parties and its subsidiary bodies;

12. *Welcomes* the work undertaken by the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its meetings held in Vienna from 26 to 28 August 2013 and from 31 August to 2 September 2015³¹ pertaining to articles 9, 10, 11, 13 and 14 of the Convention.

Resolution 6/8

Prevention of corruption by promoting transparent, accountable and efficient public service delivery through the application of best practices and technological innovations

The Conference of the States Parties to the United Nations Convention against Corruption,

Concerned about the seriousness of the problems and threats posed by corruption to the stability and security of societies through its undermining of the institutions and

³¹ See documents CAC/COSP/WG.4/2013/5 and CAC/COSP/WG.4/2015/4.

values of democracy, ethical values and justice and its jeopardizing of sustainable development and the rule of law,

Concerned also about the negative impact of widespread corruption on the enjoyment of human rights, and recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights and fundamental freedoms,

Convinced that effective measures for the prevention of corruption promote good governance in all sectors, reinforce trust in public institutions, increase corporate social responsibility, in both the public and private sectors, and can lead to enhanced economic growth,

Welcoming the adoption of Transforming our world: the 2030 Agenda for Sustainable Development³² and, in particular, targets 5 and 6 of Sustainable Development Goal 16, which are to substantially reduce corruption and bribery in all their forms and to develop effective, accountable and transparent institutions at all levels,

Recalling the United Nations Convention against Corruption,³³ and recognizing the prominence that the Convention gives to the prevention of corruption by devoting its entire chapter II to measures to prevent corruption in both the public and private sectors,

Acknowledging the need to facilitate the exchange of information among States parties on successful practices for preventing corruption,

Recognizing that, while the implementation of the Convention is the responsibility of States parties, promoting integrity, transparency and accountability and preventing corruption are responsibilities to be shared by all sectors of society and stakeholders involved in the fight against corruption, in accordance with articles 7 to 13 of the Convention,

Bearing in mind the importance of safeguarding integrity and encouraging the rejection of corruption in the public and private sectors,

Acknowledging that efficient, accessible, accountable and transparent public service delivery consistent with citizens' needs and feedback is one of the key components in building an anti-corruption environment in the public sector,

Stressing in that regard the important role of Governments in the effective use of information and communications technologies in their design of public policies and in the provision of public services responsive to national needs and priorities, including on the basis of a multi-stakeholder approach, to support national development efforts, as stipulated in General Assembly resolution 69/204 of 19 December 2014,

Underlining that the increased application of technological innovations and electronic services in public service delivery can play an important role in reducing corruption by promoting transparency and can improve the environment and tools necessary to foster public access to information on preventing and combating corruption,

Welcoming the important activities undertaken by United Nations entities, including the United Nations Office on Drugs and Crime, in promoting best practices in the field of transparent, accountable and efficient public service delivery,

1. *Notes with satisfaction* the anti-corruption efforts undertaken by States parties to ensure efficient, accountable and transparent public service delivery through the application of best practices and technological innovations;

³² General Assembly resolution 70/1.

³³ United Nations, *Treaty Series*, vol. 2349, No. 42146.

2. *Calls upon* States parties to take measures, in accordance with the fundamental principles of their legal systems, to enhance programmes that meet the fundamental requirements of the United Nations Convention against Corruption³⁴ for the proper management of public affairs and public property, including integrity, transparency, and accountability in public administration, and to promote efficient public service delivery through such programmes;

3. *Encourages* States parties with relevant expertise in the application of technological innovations and electronic services to public service delivery to share their best practices, where applicable and upon request, and to transfer their knowledge to other States parties through appropriate bilateral, regional and multilateral channels of cooperation;

4. *Encourages* States parties to continue to promote those best practices for e-services in public service delivery that can lead to increasing trust in public institutions, and requests the Secretariat, subject to the availability of funding, to provide States parties with a compilation of best practices for e-services in public service delivery;

5. *Encourages* the relevant United Nations entities, including the United Nations Office on Drugs and Crime, to continue promoting and disseminating best practices in the field of public service delivery that are aimed, inter alia, at enhancing transparency in public administration with a view to contributing to the fight against corruption;

6. *Underlines* the important role of the United Nations Public Service Awards, as the most prominent international recognition of excellence in public service within the United Nations system, in identifying and promoting new innovations and concepts in public administration that minimize the risks for corruption, and encourages United Nations entities and other international organizations to continue to promote and reward such initiatives and their replication;

7. *Encourages* the United Nations Office on Drugs and Crime and other relevant international and regional organizations and bilateral donors providing technical assistance and capacity-building efforts in the field of combating corruption to consider incorporating programmes on efficient, transparent and accountable public service delivery, including through the application of technological innovations, into their work programmes and to facilitate the exchange of best practices in the field among States parties;

8. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

Resolution 6/9

Strengthening the implementation of the United Nations Convention against Corruption in small island developing States

The Conference of the States Parties to the United Nations Convention against Corruption,

Welcoming the entry into force, on 14 December 2005, of the United Nations Convention against Corruption,³⁵

Highlighting that the fight against corruption is a priority for the international community, including small island developing States,

³⁴ United Nations, *Treaty Series*, vol. 2349, No. 42146.

³⁵ United Nations, *Treaty Series*, vol. 2349, No. 42146.

Recognizing that small island developing States have specific contextual characteristics that require tailored technical assistance and affordable and sustainable anti-corruption reform,

Taking note of the conference communiqué of the Global Conference on Anti-Corruption Reform in Small Island States, held in Pointe aux Piments, Mauritius, from 17 to 21 August 2015, entitled the “Mauritius Communiqué”,³⁶ in which participants recommended that the concerns of small island developing States be reflected in a resolution to be adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its sixth session,

Recalling the SIDS Accelerated Modalities of Action (SAMOA) Pathway,³⁷ the outcome document of the third International Conference on Small Island Developing States, held in Apia from 1 to 4 September 2014, which is of significance to the Pacific island countries,

Bearing in mind the main purposes of the Convention, which include promoting and strengthening measures to prevent and combat corruption, promoting and facilitating international cooperation and technical assistance in the prevention of and the fight against corruption, including asset recovery, and promoting integrity, accountability and proper management of public affairs and public property,

Welcoming the progress made by small island developing States in undertaking reform to give effect to chapters III and IV of the Convention, while recognizing that efforts must still be made to achieve their full and effective implementation,

Recognizing that small island developing States have the same legal obligations as all States parties to the Convention, despite generally having smaller administrative capacities and limited resources,

Noting that, in the Mauritius Communiqué, the participants called for, inter alia, the development and implementation of coordinated anti-corruption policies, the implementation of the recommendations made pursuant to the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the prevention of corruption in the procurement process as a priority, and the sharing of expertise among small island developing States, including on legislative and institutional reform to implement the provisions of the Convention on criminalization, law enforcement and international cooperation,

Recognizing that effective national legal systems are essential to the prevention of and fight against corruption and that they must be brought into conformity with the provisions of the Convention,

1. *Urges* small island developing States that have not yet done so to ratify or accede to the United Nations Convention against Corruption;³⁸

2. *Calls upon* States parties that are small island developing States to enhance their active participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and to undertake every effort to implement the recommendations arising from the reviews;

3. *Encourages* States parties and other interested donors, upon request, to support the implementation of anti-corruption reforms in small island developing States, including those priorities and reforms identified in the Mauritius Communiqué;³⁹

³⁶ CAC/COSP/2015/CRP.10.

³⁷ General Assembly resolution 69/15, annex.

³⁸ United Nations, *Treaty Series*, vol. 2349, No. 42146.

³⁹ CAC/COSP/2015/CRP.10.

4. *Encourages* States parties and other interested donors with relevant expertise applicable to the contexts of small island developing States, upon request, to share their best practices with small island developing States through existing and future bilateral, regional and international cooperation mechanisms;

5. *Encourages* States parties and other interested donors, upon request, to support the setting-up of a dedicated platform for anti-corruption reforms for small island developing States, in Mauritius, which would be developed and maintained by Mauritius for the purpose of research and the sharing of best practices specific to small island developing States;

6. *Urges* States parties to support small island developing States in their efforts to implement and monitor Sustainable Development Goal 16 of Transforming our world: the 2030 Agenda for Sustainable Development;⁴⁰

7. *Requests* the Secretariat to continue providing technical assistance, upon request, to support anti-corruption reform in small island developing States;

8. *Calls upon* States parties, including those with relevant expertise, to assist with the bilateral, regional and international provision of technical assistance to support anti-corruption reform in small island developing States, including those technical assistance needs identified through the Implementation Review Mechanism;

9. *Requests* the Secretariat to submit to the Conference of the States Parties a report on the progress made and the challenges encountered in the implementation of the present resolution;

10. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution.

Resolution 6/10

Education and training in the context of anti-corruption

The Conference of the States Parties to the United Nations Convention against Corruption,

Welcoming the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”,⁴¹ and highlighting its importance, inter alia, for the fight against corruption at the global level,

Stressing the importance of Sustainable Development Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and its targets, in particular those that make reference to corruption, notably targets 3, 4, 5 and 6,

Noting that corruption is highlighted in the Sustainable Development Agenda, in particular under Goal 16, as one of the factors that impedes inclusive and sustainable socioeconomic development and gives rise to violence, insecurity and injustice,

Taking note with interest of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, held in Addis Ababa from 13 to 16 July 2015, which was endorsed by the General Assembly in its resolution 69/313 of 27 July 2015 and in which Heads of State and Government and high representatives at the Conference reaffirmed the importance of freedom, human rights, national sovereignty, good governance, the rule of law, peace and security,

⁴⁰ General Assembly resolution 70/1.

⁴¹ *Ibid.*

combating corruption at all levels and in all its forms and effective, accountable and inclusive democratic institutions at the subnational, national and international levels as central to enabling the effective, efficient and transparent mobilization and use of resources,

Welcoming the action-oriented Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,⁴² adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, which can help to further strengthen collective efforts on crime prevention and criminal justice, promote the rule of law and contribute to sustainable development,

Reiterating that the United Nations Convention against Corruption⁴³ provides a comprehensive framework for concerted action by States parties to prevent and combat corruption at the national level and to cooperate at the international level, and recognizing that technical assistance should be provided, upon request, to States parties to enable them to implement all the measures against corruption,

Recalling article 13, paragraph 1 (c), and article 60 of the Convention against Corruption, which encourage States parties, inter alia, to undertake public information activities against corruption, as well as public education programmes, including school and university curricula, with a view to promoting prevention, and recognizing that education, information campaigns, training and technical assistance are essential for combating corruption,

Recalling also its resolution 4/3 of 28 October 2011, entitled “Marrakech declaration on the prevention of corruption”, in which it called upon States parties, consistent with the fundamental principles of their education and legal systems, to promote, at various levels of the education system, education programmes that instil concepts and principles of integrity and accountability,

Recalling further its resolution 5/5 of 29 November 2013, entitled “Promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity”,

Recalling its resolution 3/4 of 13 November 2009, entitled “Technical assistance to implement the United Nations Convention against Corruption”, in particular paragraph 8, in which it encouraged national, regional and international donors to accord high priority to technical assistance in order to ensure effective implementation of the Convention in a sustainable and coordinated manner,

Recalling Human Rights Council resolution 29/11 of 2 July 2015, entitled “The negative impact of corruption on the enjoyment of human rights”, in which the Council recognized that the negative impact of corruption on human rights and sustainable development could be combated through anti-corruption education and noted with appreciation the capacity-building activities and specialized curricula developed by relevant institutions,

Recognizing the power of education, which acts as a catalyst for eradicating poverty in all its forms and dimensions and creating inclusive and sustainable socioeconomic development, greater equality and equity and fair and just societies, and also recognizing the need to develop education and information programmes in order to promote a culture of transparency and accountability at all levels of society,

⁴² Economic and Social Council resolution 2015/19, annex.

⁴³ United Nations, *Treaty Series*, vol. 2349, No. 42146.

Noting with appreciation specialized academic initiatives aimed at encouraging academic research and exchange and the development and availability of comprehensive anti-corruption academic materials for universities and other academic institutions, and welcoming the Anti-Corruption Academic Initiative, coordinated and supported by the United Nations Office on Drugs and Crime,

1. *Recognizes* that anti-corruption education helps to strengthen individual ethical decision-making, build a culture of transparency and of rejection of corruption at all levels of society and contribute to understanding, respect for and oversight of activities by public authorities;

2. *Requests* States parties to further strengthen their efforts to support anti-corruption education and raise public awareness of corruption and its negative impact on society through education programmes involving all relevant stakeholders;

3. *Recognizes* that investing in anti-corruption education and enhancing professional capacities are effective ways to contribute to achieving sustainable development, safeguarding human rights and strengthening the rule of law;

4. *Requests* States parties to promote and implement, in accordance with their national legislation, education and professional training on the prevention of corruption;

5. *Calls upon* States parties to effectively strengthen their national institutions, including, where appropriate, at the local level, to prevent and combat corruption, in accordance with national legislation, and to therefore consider enhancing the skills of anti-corruption practitioners through relevant training, capacity-building and technical assistance;

6. *Also calls upon* States parties to promote education and training on the prevention of corruption, within their means, welcomes efforts already undertaken by States parties in this context, including on education and training for young people incorporating a gender perspective, notes the achievements made under the Anti-Corruption Academic Initiative, and encourages all relevant stakeholders to continue their support to requesting States parties in this field;

7. *Invites* States parties to support training programmes for their anti-corruption practitioners and to consider, to the extent necessary, making use of the capacity-building activities developed by international organizations;

8. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be combated through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions, such as the United Nations Office on Drugs and Crime, the International Anti-Corruption Academy, the United Nations Development Programme and the Arab Anti-Corruption and Integrity Network;

9. *Calls upon* States parties, to the extent possible and in coordination with each other as well as international and regional organizations, to provide training programmes and modern equipment to anti-corruption practitioners from all sectors of society, and in particular from developing countries, with a view to enhancing the skills of such practitioners and overcoming current shortcomings in knowledge and practice in the field of anti-corruption;

10. *Requests* the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the Convention, to continue to engage with other relevant international organizations, in addition to the United Nations crime prevention and criminal justice programme network, in further developing professional education programmes and capacity-building activities on preventing and combating corruption, inter alia, by encouraging all relevant initiatives and further enhancing and extending the Anti-Corruption Academic Initiative;

11. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.