

The United Nations Convention Against Corruption

A Global Response to the threat posed by Corruption to Peace and Economic Development





Introduction

1. The impact of corruption and the development of an international anti-corruption framework.
2. The United Nations Convention against Corruption as a response to the global challenge of corruption.
3. The work of UNODC to support States in their implementation of the Convention.
4. Question and Answer



Public institutions, Economic Development and Security

Economic

- Enforcement of Property Rights
- Equal and fair application of law incentivises investment
- Prevention of Expropriation
- Patent Protection
- Provision of limited liability

Political and Social

- Uphold the rule of law
- Protect the rights of minorities
- Framework for social contract between citizen and state
- Effective institutions mean legitimate government



The Impact of Corruption



Economic

- Depletion of national wealth
- Uneconomic, high-profile projects rather than needed infrastructure
- Distorts competition and markets
- Discourages investment

Political and Social

- Impact on Democracy and Rule of Law
- Loss of Legitimacy of Institutions – particularly harmful in emerging nations
- Frustration results in weak society
- Potential 'Brain Drain'

A brief history of international anti-corruption treaties

2003 United Nations Convention
against Corruption

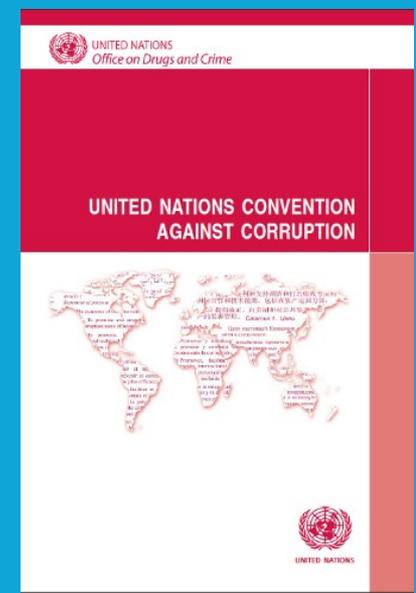
2001 African Union
Convention

1999 Council of Europe
Conventions

1997 Organization for Economic Co-operation
and Development Convention

1997 European Union
Convention

1996 Organization of American
States Convention

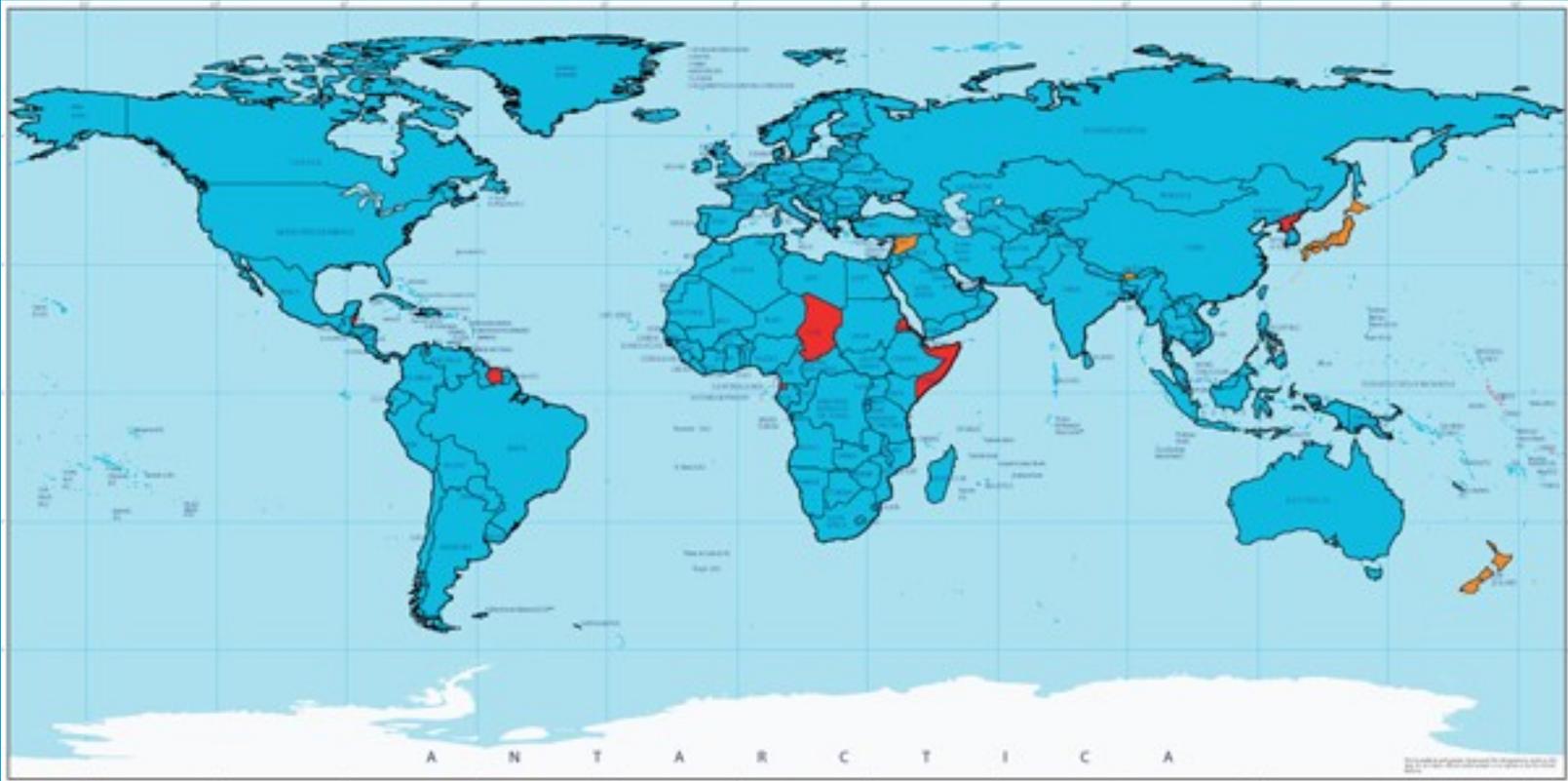




UNODC

United Nations Office on Drugs and Crime

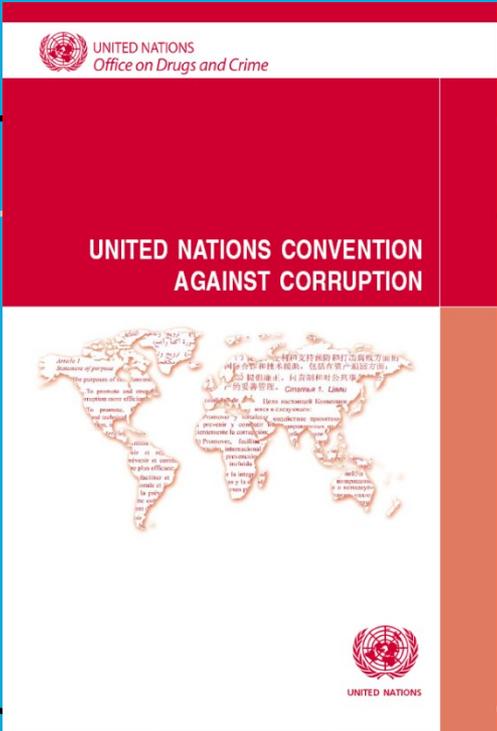
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177 States parties, including the European Union

*Chapter II
Preventive
measures*

*Chapter III
Criminalization &
Law Enforcement*



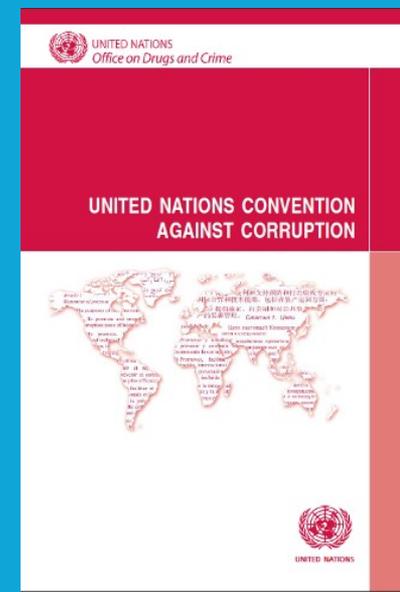
*Chapter V
Asset Recovery*

*Chapter IV
International
Cooperation*



Chapter II – Preventive Measures (Arts 5 – 14)

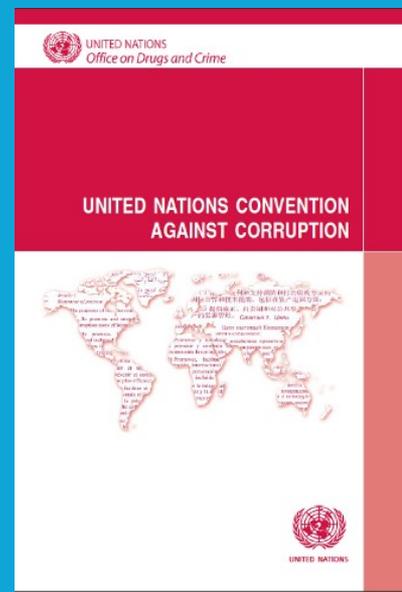
- Anti-corruption policies and bodies
- Public Sector – Recruitment / Retention of Civil Servants – Rules relating to election candidates
- Codes of conduct of Public Officials
- Public Procurement – Establishing a system with objective criteria
- Integrity of the Judiciary
- Private Sector – Cooperation / CoC / Auditing





Chapter III – Criminalization and Law Enforcement

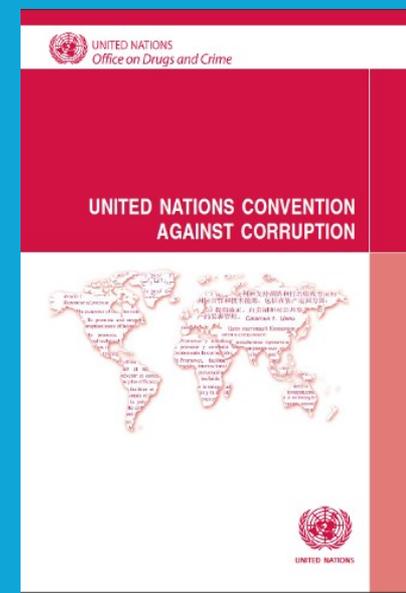
- Criminalization of Specific Offences
 - Bribery of Public Official
 - Embezzlement
 - Abuse of Functions
 - Illicit Enrichment
 - Bribery / Embezzlement in the Private Sector
- General Provisions relating to all Offences:
 - Statute of Limitations
 - Jurisdiction
 - Liability of Legal Persons
 - Prosecution
 - Protection of Whistle-blowers and Witnesses





Chapter IV – International Cooperation

- Extradition
 - Addresses the issue of ‘double criminality’.
 - If State does not extradite its nationals it must seek to prosecute / enforce a sentence that has already been applied.
 - Encouragement of cooperation and the agreement of bilateral treaties
- Mutual Legal Assistance
 - MLA to be provided in relation to investigations, prosecutions and judicial proceedings
 - Requirement for States to designate an MLA authority
 - Outlines a template for an MLA request
- Law Enforcement Cooperation





Chapter V – Asset Recovery

- Return of Assets a fundamental principle of the Convention (Art 51).
- Prevention / Detection of transfers of proceeds of crime
 - Requirements on Financial Institutions to identify customers
 - Enhanced scrutiny of accounts of public officials
 - Prevent banks with no physical presence
- Recovery of Property through Int. Cooperation
 - Give effect to confiscation orders from another SP including freezing orders
 - Assets to be returned to requesting State Parties



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IMPLEMENTATION OF THE CONVENTION

TREATY BODIES AND THE REVIEW MECHANISM

The Conference of the States Parties

Promote, Facilitate & Review
Implementation

Make recommendations

Facilitate Information Exchange

COSP 5

Panama 2013

COSP 4

Morocco 2011

COSP 3

Qatar 2009

COSP 2

Indonesia 2008

COSP 1

Jordan 2006





Open-ended Intergovernmental Working Groups on Prevention and Asset Recovery



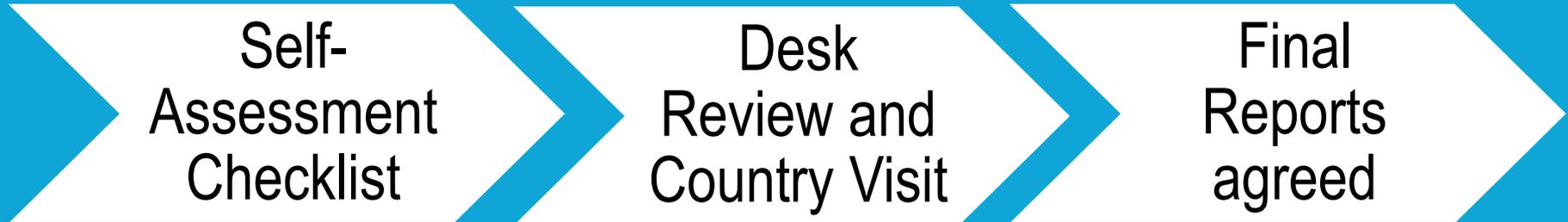
UNCAC Implementation Review Mechanism

Mandatory peer-review process for all States parties

Two Cycles of Review

2009 – 2014: Chapters III and IV

2015 – 2020: Chapters II and V



Executive Summaries of the reports from all reviews available on
UNODC Website



The Implementation Review Mechanism – Update

Emerging trends following analysis of country reviews in years 1 - 4

Implementation of Chapter III (Criminalization and Law Enforcement)

Examples of challenges :

- adoption of measures to criminalize bribery in the private sector,
- introduction of procedures regarding the protection of witnesses and the protection of reporting persons (whistle-blowers)

Implementation of Chapter IV (International Cooperation in Criminal Matters)

Examples of challenges :

- Need for appropriate training, access to information, language skills to enhance international cooperation
- Need to strengthen channels of communication between competent anti-corruption authorities
- Need to further develop special investigative techniques in relation to corruption offences



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TOOLS AND PROJECTS

UNCAC Legal Library (TRACK)

➤ Collection, organization and online availability of:

- Corruption-related laws;
- National anti-corruption plans/strategies;
- Anti-corruption bodies;
- Corruption-related cases.

➤ Added benefits:

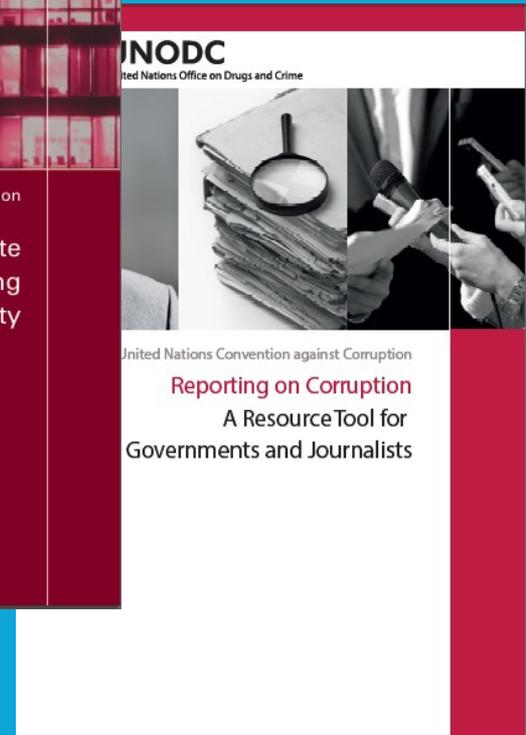
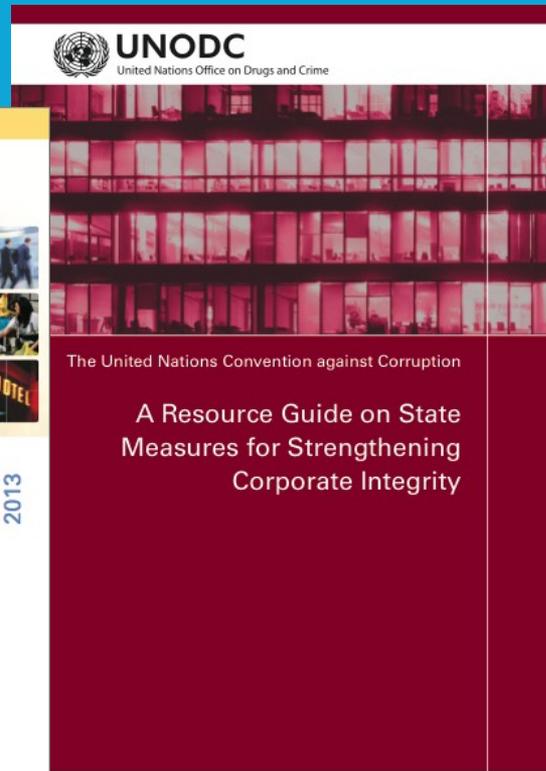
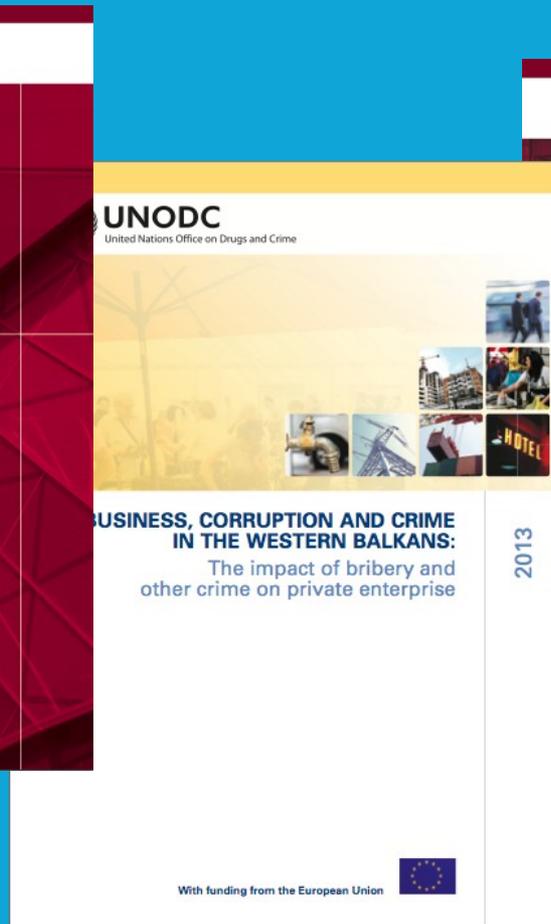
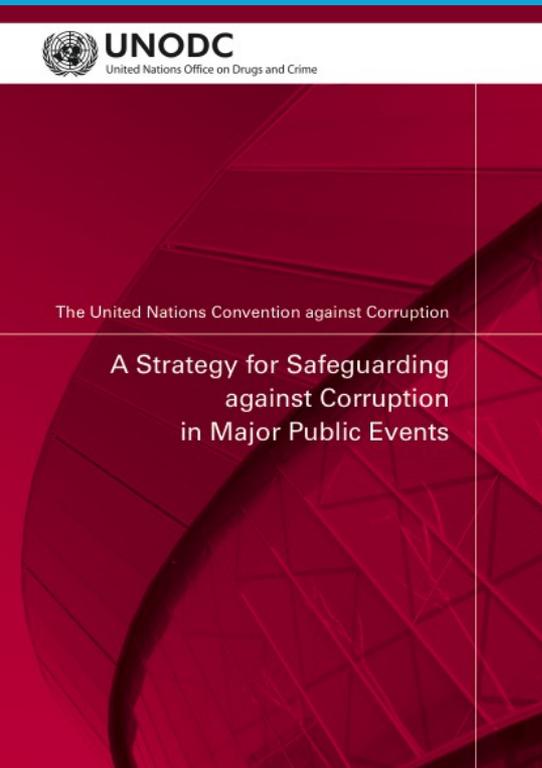
- Practical implementation guidance;
- Resource for national legislators, anti-corruption authorities, assistance providers;
- Supporting analytical efforts;
- Convertible into training and educational materials;
- Promoting innovation.



TRACK: Tools and Resources for Anti-Corruption Knowledge

<http://www.track.unodc.org/Pages/home.aspx>

UNODC Publications and Technical Tools



Fighting Corruption through Education

- Increasing recognition of the need to ally institutional reform with education.
- Article 13 UNCAC requires States parties to undertake public education programmes, including school and university curricula.
- UNODC assisting States in this regard through the Anti-Corruption Academic Initiative.



The screenshot shows the website for the Anti-Corruption Academic Initiative (ACAD). The header features the slogan "Corruption. A crime against education." and the UNODC logo. A navigation menu includes Home, Legal Library, Corruption Themes, Anti-Corruption Authorities, Partners, Practitioners, Resources, and UNCAC Map. The main content area is titled "Anti-Corruption Academic Initiative" and contains the following text:

ACAD is a collaborative academic project which aims to produce a comprehensive anti-corruption academic support tool containing a menu of academic modules, case studies and reference materials that can be used by universities and other academic institutions in their existing academic programmes. In doing so, ACAD seeks to encourage the teaching of anti-corruption issues as part of courses such as law, business, criminology and political science.

ACAD was launched in Boston in May 2011 and is led by an expert group comprising a wide range of academics, governmental experts and officials from international organisations, Northeastern University and the United Nations Office on Drugs and Crime (UNODC) along with the Organisation for Economic Cooperation and Development (OECD) and the International Bar Association (IBA) are supporting this project.

On this site you will find the current version of the Menu of Topics developed by the group, containing 20 units covering a range of anti-corruption issues. In relation to each topic, the Group have brought together a selection of relevant resources including academic articles, case-studies and reports that can be used by academics and students in the development of their own

Additional features include a "Full PDF Outline of the Menu of Topics" button and a "What's New" section with the following updates:

- » ACAD Initiative launches On-line Menu of Topics
- » UNODC discusses ACAD project with universities in Barcelona



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For more information:

www.unodc.org/corruption

www.track.unodc.org



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