



# UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

The United Nations Convention against Corruption (UNCAC) is the world's only legally-binding, anti-corruption instrument, to which UNODC is the guardian. The Convention was adopted by the General Assembly in October 2003 and entered into force in December 2005. To date, there are 190 States parties to UNCAC, representing a groundbreaking commitment to tackle corruption.

UNCAC is unique in its holistic approach, adopting prevention and enforcement measures, including mandatory requirements for criminalizing corrupt behaviours. The Convention also reflects the transnational nature of corruption, providing an international legal basis for enabling international cooperation and recovering proceeds of corruption (i.e., stolen assets). The important role of government, the private sector and civil society in fighting corruption is also emphasized. There is importantly the UNCAC peer review mechanism, which helps parties assess their national anti-corruption laws, processes and institutions and empowers them to learn from and help each other.

## Preventive measures

Prevention, as they say, is better than a cure. This is also the case in fighting corruption. By focusing on corruption prevention, the impact of corrupt behaviour can be reduced. For example, effective corruption prevention can: reduce opportunities for tax evasion thus increasing revenues, ensure a more even playing field for the private sector by limiting unfair advantages in winning contracts or achieving business licenses, and reduce leakage of public funds destined for delivering health and education services or building roads and other critical infrastructure.

As such, the Convention dedicates a chapter to corruption prevention with measures directed at both the public and private sectors. These measures include developing and implementing anti-corruption policies, maintaining a body or bodies to implement prevention policies and to share anti-corruption knowledge, maintaining proper systems for the recruitment, hiring and



***Corruption is not only immoral, but it is a serious crime. It is often organized and crosses borders. Most importantly, it betrays people and democracies. It steals trillions of dollars from people all over the world, usually those most in need, and it siphons off resources for sustainable development. When powerful people get away with corruption, people lose trust in their governing institutions.***

***Turning the tide against corruption is essential if we are to achieve the Sustainable Development Goals, promote peace, and protect human rights.***

**António Guterres, UN Secretary-General**

## Key Chapters of UNCAC

- **Chapter II:** Preventive measures
- **Chapter III:** Criminalization and law enforcement
- **Chapter IV:** International cooperation
- **Chapter V:** Asset recovery

promotion of public officials, ensuring transparency in the funding of political parties and candidates, preventing conflicts of interest and maintaining codes of conduct for public officials, enabling the reporting of corrupt conduct, maintaining financial and other disclosures by public officials, as well as enforcing appropriate disciplinary measures. The Convention also requires: effective systems of procurement based on transparency, competition and objective criteria in decision-making, transparency, accountability and integrity in managing public finances, transparency in public administration, including providing access to information, the integrity and independence of the judiciary and prosecution services, preventing corruption in the private sector, promoting the participation of civil society and individuals in the fight against corruption, and preventing money-laundering.



## Criminalization and law enforcement

While corruption prevention is fundamental, being able to enforce the rules and hold people to account is vital to anti-corruption efforts. The Convention addresses the criminalization of a range of corrupt behaviours and related offence including bribery, embezzlement, and misappropriation (in both the public and private sectors), trading in influence, abuse of functions, illicit enrichment, money-laundering, concealment, and obstruction of justice.

Effective law enforcement is pivotal to investigating and prosecuting corruption. For this reason, UNCAC provides for a range of enforcement methods including: the freezing, seizure, and confiscation of proceeds of corruption, witness and whistleblower protections, maintaining a dedicated law enforcement capability, enabling cooperation with national authorities, overriding bank secrecy provisions to enable the investigation and prosecution of criminal offences, as well as enabling cooperation among national authorities, and also with the private sector. The Convention also provides guidance regarding the liability of legal persons, prosecution, adjudication, and application of sanctions, as well as compensation for damage.

## International cooperation

Given the transnational dimension that corruption may have, States parties are required to cooperate in criminal matters relating to corruption and are encouraged to cooperate in civil and administrative proceedings. UNCAC also enables extradition and mutual legal assistance in the investigation and prosecution of corruption offences. The Convention itself can be used as a legal basis for international cooperation. Law enforcement cooperation is central to UNCAC, with the Convention addressing joint investigations and the use of special investigative techniques. Other forms of cooperation covered by the Convention include the transfer of sentenced persons and criminal proceedings.

## Asset recovery

As a fundamental principle underpinning the Convention, it was deemed essential by many countries to include provisions to enable the recovery of the proceeds of corruption, or stolen assets. Several provisions focus on how to

### UN Convention against Corruption in the ASEAN Member States

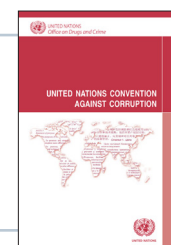
ASEAN States parties to UNCAC	Date of ratification/ accession
 Brunei Darussalam	2 December 2008
 Cambodia	5 September 2007
 Indonesia	19 September 2006
 Lao People's Democratic Republic	25 September 2009
 Malaysia	24 September 2008
 Myanmar	20 December 2012
 Philippines	8 November 2006
 Singapore	6 November 2009
 Thailand	1 March 2011
 Viet Nam	19 August 2009

prevent and detect transfers of the proceeds of corruption, including: the application of enhanced scrutiny to accounts and transactions of politically exposed persons, financial disclosure systems, identification of financial institution customers, establishing a financial intelligence unit, the direct recovery of property, confiscation through international cooperation, special cooperation without prior request, as well as the return and disposal of assets. The key message to corrupt officials is that there will be no safe haven in which to hide the proceeds of corruption.

## Technical assistance

States parties are encouraged to provide ONE ANOTHER a range of technical assistance, including specialized training, financial and human resources, research, and information sharing. UNODC manages a dedicated anti-corruption portfolio to support ASEAN Member countries in implementing the Convention.

The full text of UNCAC is available at:  
[https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)





## UNCAC CHAPTER II – PREVENTIVE MEASURES

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The prevention of corruption is one of the key pillars of UNCAC, along with requirements for criminalization of corruption offences, effective international cooperation and asset recovery. To reflect the importance of prevention, Chapter II focuses on addressing corruption risks in both the public and private sectors. It includes both mandatory provisions and provisions to be considered by States parties. It also emphasizes the role that civil society and non-governmental organizations play in preventing corruption.

Chapter II requires that effective and coordinated **anti-corruption policies and practices** be developed and implemented. These practices should promote the participation of society and reflect the principles of the rule of law, proper management of public finances, integrity, transparency, and accountability. Measures should be in place to periodically evaluate and review anti-corruption policies and related administrative measures to ensure their continued effectiveness in preventing corruption. Cooperation with other countries, regional and international organizations, and partners is encouraged as an important prerequisite for sharing best practices and for promoting and developing anti-corruption measures.

The Convention requires an effective and adequately-resourced **anti-corruption body or bodies** to effectively prevent corruption. Such functions can also be performed by, for example, a specific unit within an existing institution. This body may be charged with implementing anti-corruption policies and may be involved in coordinating their implementation. In addition,

### ASEAN Member States – Lead Corruption Prevention Bodies:

- Brunei Darussalam – Anti-Corruption Bureau
- Cambodia – Anti-Corruption Unit
- Indonesia – Corruption Eradication Commission
- Lao People's Democratic Republic – State Inspection Authority
- Malaysia – Malaysian Anti-Corruption Commission
- Myanmar – Anti-Corruption Commission
- Philippines – Office of the Ombudsman
- Singapore – Corrupt Practices Investigation Bureau
- Thailand – Office of the National Anti-Corruption Commission
- Viet Nam – Central Commission of Internal Affairs

it should be actively engaged in education and raising awareness about the prevention of corruption.

The Convention recognizes the importance of **effective, impartial, and reliable public administration** for preventing corruption. This is why it requires that fair, equitable, transparent, and merit-based systems for the recruitment, hiring, remuneration, retention, promotion and retirement of civil servants and other non-elected public officials are put in place. Civil servants must also be properly trained to perform their functions and are made aware of the risks of corruption in performing their duties.

Chapter II spells out the importance for States of adopting laws and regulations that specify



the **criteria for candidature and for election to public office**. States are also required to consider introducing legislative and administrative measures that enhance transparency in the **funding of political parties and candidates** for elected public office.

More broadly, States are to adopt, maintain and strengthen systems that promote transparency and help prevent **conflicts of interest**. These include codes of conduct for public officials (and enforcement measures for non-compliance with such codes) to ensure the proper performance of public functions, and the adoption of measures and systems to facilitate the reporting of acts of corruption to appropriate authorities. Systems should also be in place that encourage and compel public officials to declare outside activities, employment, investments, assets and substantial gifts or benefits.

Public procurement procedures may be particularly vulnerable to corruption, due to the large amounts of funds and huge incentives for unethical behaviour. The establishment of a sound **public procurement system** based on principles of transparency, competition and objective criteria in decision-making is another important prerequisite for preventing corruption.

**Reporting to the public** by government bodies about their decision-making processes, as well as ensuring transparency of the public sector organization and functions are important corruption prevention tools. States can help facilitate this through the adoption of procedures or regulations by which the public can obtain information about public administration and decision-making processes. States should also strive to simplify administrative procedures, thus, reducing the risk of corruption.

An **independent judiciary** has a crucial role to play in combating corruption. With this in mind, and while ensuring that judicial independence is respected, States are to take steps to strengthen the integrity of the judiciary (and of prosecution services), and to prevent opportunities for corruption among its members.

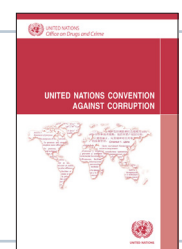
The Convention recognizes that the prevention of corruption in the private sector is critical to the success of any anti-corruption system. To this end, it requires States to enhance the accounting

and auditing standards in the private sector and create obligations for private entities to maintain accurate bookkeeping and records. There should further be civil, administrative, or criminal penalties for failing to comply with such measures. As with any robust anti-corruption system, States should institute a wide range of measures to help **prevent private sector corruption**. These could include the development of integrity standards and procedures, such as: codes of conduct; measures to avoid conflicts of interest; promotion of transparency among private entities, including about the identity of beneficial owners; and preventing the misuse of procedures regarding subsidies and licenses granted by public authorities for commercial activities.

The prevention of **money laundering** is another important requirement of the Convention. States are required to put in place a comprehensive regulatory and supervisory regime for banks and non-banking financial institutions. The purpose of such a regime is to deter and detect all forms of money laundering, and to enable cooperation and the exchange of information at national and international levels. The establishment of a Financial Intelligence Unit is required to be considered by States parties, as is a national centre for the collection, analysis and dissemination of information regarding potential money laundering.

The **participation of society** and community engagement is a key prerequisite for building trust and strengthening integrity. States are to encourage the active participation of individuals and groups outside the public sector, including non-governmental organizations and community-based organizations in preventing and fighting corruption. Steps should be taken to strengthen society's ability to participate, including by ensuring public access to information through enhanced transparency, by implementing public information and education programmes, and by respecting the public right to access information.

The full text of UNCAC Chapter II is available at [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)







## UNCAC CHAPTER III – CRIMINALIZATION AND LAW ENFORCEMENT

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Chapter III recognizes the importance of having a means by which to deter and punish corruption. The Convention requires States to establish criminal and other offences to cover corrupt acts if these are not already crimes under their domestic law. It includes both mandatory provisions and provisions to be considered by States parties. Chapter III covers the criminalization of corruption in both the public and private sectors.

It is necessary for States to enact laws that criminalize the active form of **bribery of national and foreign public officials and officials of public international organizations**. The active form is defined as the intentional promise, offering, or giving of an undue advantage (something tangible or intangible, pecuniary or non-pecuniary, either directly or indirectly) to these officials. The purpose of the undue advantage is either to ensure that the public official acts, or refrains from acting, in carrying out his or her official duties. UNCAC articles 15 and 16 also cover the passive form of bribery, which is the solicitation or acceptance of an undue advantage by a national or a foreign public official or an official of a public international organization.

In order to address **corrupt conduct in the private sector**, States are required to consider adopting legislation that criminalizes certain acts when committed intentionally in the course of economic, financial or commercial activities. These acts include the active form of bribery to any person who directs or works for a private

### Who is a public official? (UNCAC article 2(a))

Any person:

- Holding a legislative, executive, administrative or judicial office, whether appointed or elected, whether permanent or temporary, whether paid or unpaid;
- Who performs a public function, including for a public agency or enterprise, or provides a public service; or
- As defined by domestic law.

sector entity, as well as the passive form of bribery by such a person.

States are also required to consider criminalizing the active form of **trading in influence** (i.e., making it a criminal offence for a person to promise, offer or give an undue advantage to a public official or any other person, directly or indirectly, in order for them to abuse their influence to give that person or another person an undue advantage) and its passive form (i.e., when a public official or another person solicits or accepts such an advantage).

Legislation must further be adopted that makes it an offence for a public official to intentionally **embezzle, misappropriate or otherwise divert property** for his or her benefit or that of another person or entity. This offence must also be considered by States in relation to the private sector. 'Property' in this context could include real property, private funds or securities, or any other thing of value entrusted to that person by virtue of his or her position.

States are required to also consider criminalizing the intentional **abuse of functions or position**; that is, the performance of or failure to perform an act, in violation of laws, by a public official to obtain an undue advantage.



UNCAC is becoming an increasingly used tool to counter illicit enrichment. UNCAC article 20 requires States to consider adopting laws that would make it a criminal offence for a public official to experience a significant increase in assets that he or she cannot reasonably explain in relation to his or her lawful income.

While UNCAC Chapter II addresses the prevention of money laundering, article 23 addresses the criminalization of the **laundering of proceeds of crime**. This includes the conversion or transfer of property, when done to conceal or disguise the illicit origin of the property or of helping any person who is involved in the commission of the original crime to evade the legal consequences of his or her action. Predicate offences should include, at a minimum, a comprehensive range of criminal offences established in accordance with the Convention. Furthermore, pursuant to article 24, States are required to consider criminalizing the intentional concealment or retention of property that derives from offences established in accordance with the Convention by a person that did not participate in the offence.

States must also criminalize the **obstruction of justice**, namely the use of physical force, threats, intimidation, or the inducement of false testimony or evidence. Actions to interfere in the giving of testimony or production of evidence, or with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences are also addressed.

One key to fighting corruption is an effective **whistleblower and witness protection system**. To this end, States are required to provide effective protection from retaliation or intimidation for witnesses, experts and victims who give testimony in relation to UNCAC offences, as well as their relatives and others close to them. Protection against unjustified treatment for anyone reporting facts regarding these offences must also be considered. Measures are required to be taken to enhance the likelihood of cooperation with law enforcement authorities of persons who have participated in the commission of an offence, including by mitigating punishment of, or granting immunity to, an accused person who provides substantial cooperation in the investigation or prosecution of a corruption offence.

There is a range of obligations on States to **strengthen the prosecution of corruption**

Money is the prime motivator for engaging in almost any type of criminal activity.

**Money laundering** is the method by which criminals disguise the illegal origins of their wealth and protect their assets, so as to avoid the suspicion of law enforcement agencies and prevent leaving a trail of incriminating evidence. Preventing and detecting money laundering is an effective method of identifying criminals and the underlying illegal activity from which money is derived.

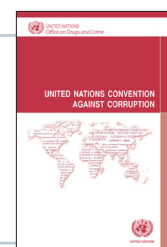
**offences.** Broad jurisdiction will allow for the prosecution of offences established in accordance with the Convention. Accomplices and those who otherwise participate in or instigate corruption offences should be held criminally liable. A long statute of limitations is required for UNCAC offences to ensure that perpetrators are brought to justice. Sanctions are also to be effective, proportionate to the offence, and serve as a deterrent.

Necessary measures are to be taken to enable the identification, tracing, freezing, seizure, and confiscation of the proceeds of crime. States must also address the consequences of corruption (i.e., rescinding of contracts or concessions granted through corruption) and by ensuring those who have suffered damage as a result of a corrupt act can initiate legal proceedings to obtain compensation.

Importantly, States are also required to ensure that a **specialized law enforcement body (or bodies)** exists to fight corruption. This body must be independent, and empowered, trained, and resourced adequately to carry out its functions effectively and without undue influence.

Given the complexity of investigating and prosecuting corruption, States are required to take measures to encourage **cooperation** among their public authorities and officials. States are also required to encourage cooperation between national authorities and private sector entities, especially financial institutions.

The full text of UNCAC Chapter III is available at [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)





## UNCAC CHAPTER IV – INTERNATIONAL COOPERATION

Corruption does not respect territorial boundaries. It therefore requires an international response, because of its potential links to transnational organized crimes. Countries now recognize the need for action that goes beyond borders and acknowledges the benefits of cooperation and the sharing of information.

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UNCAC Chapter IV seeks to facilitate international cooperation and outlines States parties' obligations. Countries are required to provide support to requests for extradition and mutual legal assistance (MLA), including the arrest and detention of offenders, and the gathering and transferring of evidence for its use in court proceedings. Countries must also take steps to support the tracing, freezing, seizure and confiscation of the proceeds of corruption.

**Extradition** is the surrender by one State, at the request of another, of a person who is accused of, or has been sentenced for, a crime committed within the jurisdiction of the requesting State. The Convention sets out the obligations for extradition that apply to States parties.

The Convention uses a conduct-based definition of dual criminality that maximizes the range of offences subject to extradition, so long as the requirement of dual criminality is met under a State's domestic legal system.

If the conduct for which extradition is sought is punishable by law in both the requesting and the requested States, extradition applies. In addition, a State can agree to extradite a person for an UNCAC offence that is not punishable under its own law (e.g., if the law is silent on this). If a State

**Mutual legal assistance** (MLA) is one of the most decisive tools that States have to fight serious transnational crime. For MLA requests to be effective, they often need to be generated quickly and in such a way as to avoid legal obstacles that can arise when criminal justice practitioners from different legal systems attempt to work together.

UNCAC tries to simplify arrangements for countries by allowing the Convention to be used as a legal basis for extradition, as well as for MLA and law enforcement cooperation. This means that a State does not need to have or create agreements with other States specifically for the purposes of meeting these obligations under UNCAC, but rather can rely on the **Convention itself as the legal basis for action** arising from any offence covered by the Convention.

does not agree to another State's request to extradite a person, it is submit the case to its own authorities for prosecution. UNCAC aims to avoid safe havens on the grounds of nationality and requires States to prosecute their nationals (*aut dedere aut judicare*).

States parties must offer one another broad **mutual legal assistance** in investigations, prosecutions and judicial proceedings arising from UNCAC offences, including for:

- Taking evidence or statements from persons;
- Affecting service of judicial documents;
- Executing searches and seizures;
- Examining objects and sites;
- Providing information, evidentiary items and expert evaluations;
- Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- Identifying or tracing the proceeds of crime, property, or other things for evidentiary purposes;



- Facilitating the voluntary appearance of persons in the requesting State party; and
- Identifying, freezing and tracing the proceeds of crime and the recovery of assets.

States parties are also required to designate a central authority that can receive and execute MLA requests and ensure that such requests are dealt with quickly and properly.

States may consider entering into bilateral or multilateral agreements regarding the **transfer of sentenced persons** to their territory to carry out their sentences. Another option to consider is the **transfer of criminal proceedings** to another State for the prosecution of an offence if that best advances the administration of justice, particularly in cases where several jurisdictions are involved.

The Convention requires close **law enforcement cooperation** between States to enhance the effectiveness of action to combat corruption offences, including by:

- Establishing or enhancing existing channels of communication between authorities to facilitate the secure and rapid exchange of offence-related information; and
- Cooperating to conduct enquiries concerning individuals suspected of being involved in UNCAC offences and the movement of the proceeds of crime or property.

The Convention requires States to consider establishing MLA arrangements or amending existing arrangements to give effect to the Convention. UNCAC further requires States to consider establishing joint investigative bodies or conduct **joint investigations** on a case-by-case basis, where matters arise that are the subject of investigations, prosecutions, or judicial proceedings in one or more States.

Established by UNODC, the Global Operation Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) offers a platform for information exchange between frontline anti-corruption law enforcement practitioners in all countries across the globe. This one-stop virtual hub provides the knowledge, resources and tools needed to track, investigate and prosecute cases of cross-border corruption, including a decision tree and secure communications channels.

Authorities from Indonesia, Malaysia, Thailand and Viet Nam are members of the GlobE Network.

### ASEAN Political-Security Community Blueprint 2025

The Blueprint adopts a comprehensive approach to security, with a focus on building a rules-based, people-oriented, people-centred, outward-looking community that upholds and strengthens ASEAN centrality in an evolving region.

The Blueprint recognizes the need for good governance, rule of law and combating corruption. This requires instilling and mainstreaming the culture of integrity and anti-corruption into the policies and practices of the ASEAN community, including by promoting ASEAN cooperation in implementing UNCAC.

### ASEAN Plan of Action in Combating Transnational Crime (2016 - 2025)

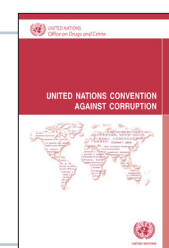
The Plan of Action contributes to the realization of the Political-Security Community Blueprint.

As a priority, the Plan of Action encourages ASEAN Member States to adopt national strategies and action plans to combat transnational crimes. Another priority is to enhance cooperation and coordination among ASEAN law enforcement agencies, such as through the exchange of information and intelligence and undertaking joint investigations.

Finally, States are required to consider the use of **special investigative techniques**, such as electronic or other forms of surveillance and undercover operations, and to allow for the admissibility in court of the evidence derived from these activities.

Chapter IV seeks to eliminate hiding places for those engaged in corrupt activity. It binds countries to cooperate in the prevention, investigation, and prosecution of corruption. Chapter V on asset recovery goes one step further by requiring States to recover and return assets that are obtained corruptly. This ensures that there is no hiding place for assets derived from corruption.

The full text of UNCAC Chapter IV is available at [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)







# UNODC

United Nations Office on Drugs and Crime



## UNCAC CHAPTER V – ASSET RECOVERY



***“Restoring proceeds of corruption to their rightful owner is a development imperative. By returning corrupt funds, we can mobilize resources to reduce poverty and achieve the Sustainable Development Goals. It is also the right thing to do.”***

**Ghada Fathi Waly,  
Executive Director, UNODC**

Developing countries lose between US\$20 to US\$40 billion each year through bribery, misappropriation of funds, and other corrupt practices.<sup>1</sup> Much of the proceeds of corruption find “safe haven” in the world’s financial centers. These criminal flows are a drain on social services and inhibit economic development. This is why the recovery of these proceeds is particularly important for developing countries, including ASEAN Member countries.

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UNCAC establishes the return of assets as a “fundamental principle” of the Convention. The provisions of Chapter V on asset recovery set forth a framework, in both civil and criminal law, for tracing, freezing, confiscating, and returning funds obtained through corrupt acts.

Chapter V requires States parties **to prevent and detect the transfers of proceeds of crime**. Financial institutions are to: verify customers’

The **Stolen Asset Recovery Initiative (StAR)** is a partnership between the World Bank Group and UNODC that was established in 2007. It supports international efforts to end safe havens for corrupt funds. StAR works with developing countries and financial centers to prevent the laundering of proceeds of corruption and to facilitate more systematic and timely return of stolen assets through four key pillars:

- Empowerment;
- Partnerships;
- Innovation; and
- International Standards.

States can request StAR assistance.

For more information, visit:  
<https://star.worldbank.org/>

identity; know the identify of the beneficial owners of high-value accounts; and apply enhanced scrutiny of accounts connected to those entrusted with prominent public functions for the purpose of detecting and reporting suspicious transactions. States are further required to issue advisories that provide guidance to these institutions to comply with these measures.

Measures are to be implemented to prevent the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group.

States are also required to consider mandating public officials with a connection to a financial account in a foreign country to report that relationship to the appropriate authorities and to maintain appropriate records relating to those accounts.

Chapter V further requires that States take **measures for the direct recovery of property**,

<sup>1</sup> World Bank and United Nations Office on Drugs and Crime, Asset Recovery Handbook: A Guide for Practitioners. Available from [https://www.unodc.org/documents/corruption/Publications/StAR/StAR\\_Publication\\_-\\_Asset\\_Recovery\\_Handbook.pdf](https://www.unodc.org/documents/corruption/Publications/StAR/StAR_Publication_-_Asset_Recovery_Handbook.pdf)



including by: allowing other States to initiate civil actions to establish title or ownership of corruptly acquired property; allowing courts to order those who have committed offences to pay compensation or damages to another State; and recognizing another State's claim as a legitimate owner of property acquired through the commission of an UNCAC offence.

Mechanisms are to be created by States for the **recovery of property through international cooperation in confiscation**. This includes States permitting their competent authorities to act on a confiscation order by another State, and to order the confiscation of such property of foreign origin in accordance with procedures under its domestic law.

Authorities are also required to freeze or seize property upon request from a State that provides a reasonable basis for the requested State to believe that there are sufficient grounds for taking that action.

States that have received a request for the confiscation of the proceeds of crime must engage in **international cooperation for the purposes of confiscation** of those proceeds. This includes submitting the request for the order of confiscation, and giving effect to it, if such an order is granted. Measures are also required to be taken to identify, trace and freeze or seize those proceeds, with the purpose of eventual confiscation. If no other agreement or arrangement is in place that allows it to do so, a State party may use the Convention as a legal basis for such action.

**Special cooperation** is encouraged. Measures should be taken to allow countries to share information in relation to the proceeds of offences another with State when this might assist the receiving State in investigating or prosecuting a corruption offence or might lead to a request under Chapter V.

A country must further adopt measures that enable it to **return confiscated property** when acting on the request of another State. In the case of embezzlement or the laundering of public funds, the funds are to be returned to the requesting State. For the proceeds of any other offence covered by UNCAC, the property is to be returned to the requesting State when that State has reasonably established its prior

### StAR Publications, of example, include:

#### [Asset Recovery Handbook: A Guide for Practitioners, Second Edition](#)

Designed as a how-to manual, the handbook guides practitioners as they grapple with the strategic, organizational, investigative, and legal challenges of recovering assets that have been stolen by corrupt leaders.

#### [The Role and Responsibilities of Gatekeepers in the Fight against Illicit Financial Flows: A Unifying Framework](#)

High-profile investigations, from the Panama Papers to the more recent FinCEN Files, have drawn widespread attention to the essential role of certain professional industries in relation to international financial fraud, corruption schemes, and tax evasion.

#### [Taxing Crime: A Whole of Government Approach](#)

This publication focuses on the benefits of interagency cooperation between tax authorities and law enforcement agencies working on preventing, detecting, and recovering the illicit financial flows derived from tax evasion, corruption, and money laundering.

ownership of the property, or if the requested State recognizes damage to the requesting State as a basis for returning the confiscated property.

Lastly, Chapter V requires States to cooperate with one another for the purpose of preventing and combating the transfer of the proceeds of crimes, and asks States to consider establishing a Financial Intelligence Unit (FIU). The FIU is responsible for receiving, analyzing and disseminating to authorities reports of suspicious financial transactions.

The full text of UNCAC Chapter V is available at [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)

