

**You can stop**

**CORRUPTION**

*UN Convention against  
Corruption and the StaR  
Initiative*

Council of Europe Meeting  
Ankara, Turkey  
February 2009



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## The Four Pillars of the UNCAC



**Purpose: Integrity, Accountability and the Proper Management of Public Affairs and Property**



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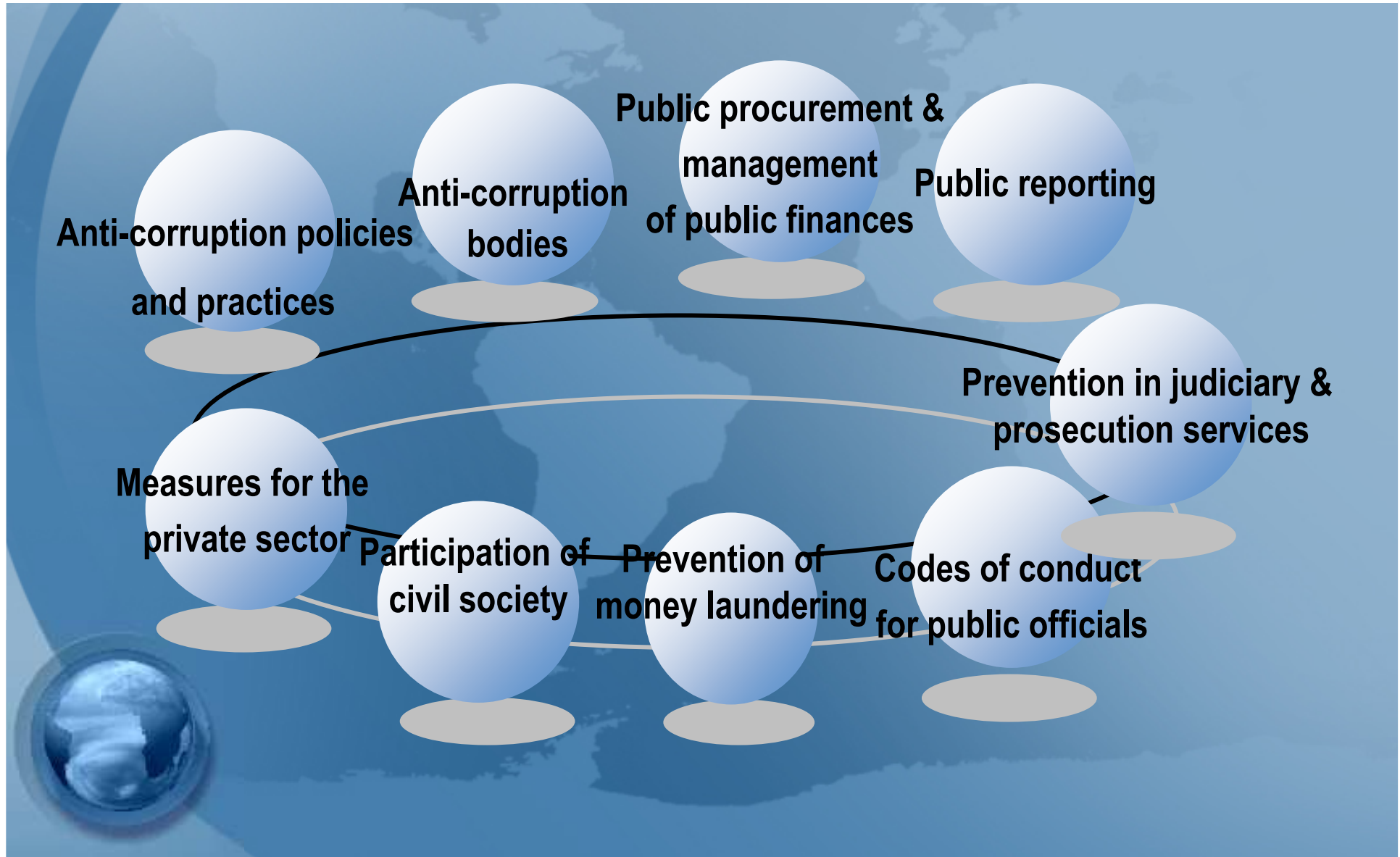
**PREVENTION**

**Art. 5-14**





# Preventive measures





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everyone pays.

## Independent Anti-Corruption Bodies – Art. 6

- Establish anti-corruption bodies to
  - Implement, oversee and coordinate the implementation the anti-corruption policies
  - Increase and disseminate knowledge on corruption
- Independence to enable the body to carry out its functions effectively and free from undue influence
  - Legal independence
  - Political independence – appointment and removal process
  - Realistic budgetary resources and allocations
  - Immunity against civil litigation
- Necessary resources ,e.g. specialized staff and training



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## Fighting Corruption is NOT the same as Building Integrity!

- Judicial Integrity in South Africa – An Assessment Mission
- South Africa's Justice Sector Action Plan
- Effective Strategies do both:
  - Effective Means of Minimizing Corruption and
  - Building Integrity





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## Preventive Measures in Public Sector

Personnel Management (Art.7)  
Code of Conduct (Art.8)

*Transparency*  
*Integrity*  
*Accountability*

Public Procurement and  
Public Finance  
Management (Art.9)

Integrity of Judiciary and  
Prosecution Service (Art.11)





## Public Sector – Art. 7

- Building an efficient, transparent and merit-based civil service
  - Strengthening systems for recruitment, promotion and retirement of civil servants,
  - Adequate selection procedures and training for public position vulnerable to corruption,
  - Regular rotation,
  - Adequate remuneration and equitable pay scales,
  - Education and training to enable public officials to meet requirements for the correct, honourable and proper performance
- Promote transparency of government actions and prevent the conflict of Interest





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## Codes of Conduct for Public Officials Art. 8

Application of codes of conduct for the correct, honourable and proper performance of public functions

- Codes of conduct have to be more than pieces of paper
- Systems and measures facilitating the reporting of acts of corruption by public officials (Art 33 – protecting those persons)
  - Public Awareness of the Codes of Conduct / Citizen Charter
  - Complaint Boxes, Hotlines and Internet Sites
  - Effective and credible complaints review system
  - Reliable feedback those complaining & regular public reporting
- Effective disciplinary and other measures against public officials for the violation of the codes of conduct





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## Participation of Society

### Public Reporting (Art.10)

Facilitate access of general public to information on organization & decision-making of public administration



### Participation of Society (Art.13)

- Ensure Active Participation of Civil Society
- Provide Public Access to Anti-Corruption Bodies
- Encourage Citizens to Report on Offences (Art.39)



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# ***CRIMINALIZATION***

***Art.15-25***





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# Mandatory and Other Criminal Offences

## 5 Mandatory Offences

**Bribery of National Public Officials (Art.15)**

**Active Bribery of Foreign Public Officials (Art.16)**

**Embezzlement, Misappropriation and Other Diversion  
of Property (Art.17)**

**Money Laundering (Art.23)**

**Obstruction of Justice (Art.25)**

## 6 Other Criminal Offences

**Passive Bribery of Foreign Public Official (Art.16)**

**Trading in Influence (Art.18)**

**Abuse of Function (Art.19)**

**Illicit Enrichment (Art.20)**

**Bribery in Public Sector (Art.21)**

**Embezzlement in Public Sector (Art.22)**





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## **Asset Recovery – Articles 51-57**

**Measures to Prevent and Detect Transfer of Proceeds (Art.52)**

**Measures for Direct Recovery of Property (Art.53)**

***Return of Assets as Fundamental Principle (Art.51)***

**Measures for Recovery of Property through International Cooperation (Art.54 - 55)**

**Measures for Return and Disposal of Assets (Art.57)**



StAR

World Bank and UNODC

StAR and Country Engagement

November, 2008



## Why is StAR a joint effort?

- ★ **Asset recovery requires collaboration between financial centers and victim states**
- ★ **UNCAC provides a framework for StAR engagement at international and national level**
- ★ **Success in specific cases – high profile and second tier – is essential to the credibility of StAR, international asset recovery efforts and the global governance agenda**
- ★ **StAR contributes through its knowledge generation and advocacy work raising the political stakes in major financial centers**



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# StAR's Three Components

## Global Knowledge and Advocacy

- ★ Lowering barriers in financial centers
- ★ Analytic work supporting policy
- ★ Diagnostic tools
- ★ Guides and handbooks.

## Institutions and Capacity Building

- ★ Gap Analysis
- ★ Networks
- ★ Training
- ★ Advisory services
- ★ Monitoring the use of returned assets

## Country Engagement: Recovery of Stolen Assets

- ★ Sponsoring stakeholder meetings
- ★ Preparatory assistance: audits, financial analysis, legal research, mutual legal assistance.







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# Global Knowledge and Advocacy: Lowering the barriers to asset recovery

## ★ How to ...

- ★ Non-Conviction Based Forfeiture
- ★ Asset Recovery
- ★ Income and Asset Declarations

## ★ Informing international policy

- ★ Managing Politically Exposed Persons
- ★ Transparency of Corporate Vehicles

## ★ Targeted Advocacy

- ★ Financial center diagnostics
- ★ Working with international networks and CSOs





## Progress to date

- ★ Innovative partnership with UNODC
- ★ Building national teams (eg. Bangladesh, Indonesia)
- ★ Facilitating dialogue with financial centers (eg. Haiti, Nigeria)
- ★ Hands-on training to build capacity and mutual trust between practitioners regional and country training
- ★ Developing tools and promoting legal innovations (eg. Guidance for Non-Conviction Based Forfeiture).
- ★ Developing advocacy agenda aimed at financial centers and civil society



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# STAR's assistance to national asset recovery programs

- Gap analysis, capacity building and training
  - Help countries make informed decisions in their asset recovery programs
  - Facilitate coordination between states parties through dialogue and Mutual Legal Assistance
  - Support the preparation and analysis of information on asset recovery aspects of specific cases
- Be involved in litigation or criminal proceedings
  - Finance legal representation
  - Be privy to confidential information shared by states
  - Manage cases or make decisions on the conduct



- **The future has many names:  
For the weak it is unattainable,  
For the fearful it is unknown,  
For the bold it is opportunity.**

**Victor Hugo**

