



Search

Friday, 27 September 2002

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News and Publications

Drug Abuse & Demand
Reduction

Drug Supply Reduction

Terrorism, Corruption &
Human Trafficking

→ Crime Programme

→ Terrorism

→ Corruption

→ UN Convention against
Corruption

→ Country Projects

→ Interagency Coordination

→ Judicial Integrity

→ Global Trends

→ Anti-Corruption Toolkit

→ Anti-Corruption links

→ Organized Crime

→ Trafficking in Human Beings

→ Criminal Justice

Treaty & Legal Affairs

Analysis, Statistics & Scientific
Support

About Us

Employment Opportunities

United Nations Crime and Drug
Conventions

Crime Commission (CCPCJ)

United Nations Convention against Corruption

"Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government's ability to provide basic services, feeding inequality and injustice, and discouraging foreign investment and aid".

Kofi Annan, United Nations Secretary-General

in his statement on the adoption by the General Assembly of the United Nations Convention against Corruption

Text of the United Nations Convention against Corruption

[English - [PDF](#), French - [PDF](#), Spanish - [PDF](#), Arabic - [PDF](#), Russian - [PDF](#), Chinese - [PDF](#)]

Background

In its resolution 55/61 of 4 December 2000, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against

Commission on Narcotic Drugs
(CND)

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Transnational Organized Crime (resolution 55/25, annex I) was desirable and decided to establish an ad hoc committee for the negotiation of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention, Office for Drug Control and Crime Prevention. The text of the United Nations Convention against Corruption was negotiated during seven sessions of the Ad Hoc Committee for the Negotiation of the Convention against Corruption, held between 21 January 2002 and 1 October 2003.

The Convention approved by the Ad Hoc Committee was adopted by the General Assembly by resolution 58/4 of 31 October 2003. The General Assembly, in its resolution 57/169 of 18 December 2002, accepted the offer of the Government of Mexico to host a high-level political signing conference in Merida for the purpose of signing the United Nations Convention against Corruption. The Assembly invited all States to be represented at the Conference at the highest possible levels of Government.

Convention highlights

Prevention

Corruption can be prosecuted after the fact, but first and foremost, it requires prevention. An entire chapter of the Convention is dedicated to prevention, with measures directed at both the public and private sectors. These include model preventive policies, such as the establishment of anticorruption bodies and enhanced transparency in the financing of election campaigns and political parties. States must endeavour to ensure that their public services are subject to safeguards that promote efficiency, transparency and recruitment based on merit. Once

[Signatories](#)

[Documentation](#)



Poster
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MÉRIDA, MÉXICO 2003

Mexican Government
[web site](#) for the
**High-level Political
Conference for the
Purpose of Signing
the UN Convention
against Corruption**

[Conference Coverage](#)

recruited, public servants should be subject to codes of conduct, requirements for financial and other disclosures, and appropriate disciplinary measures. Transparency and accountability in matters of public finance must also be promoted, and specific requirements are established for the prevention of corruption, in the particularly critical areas of the public sector, such as the judiciary and public procurement. Those who use public services must expect a high standard of conduct from their public servants. Preventing public corruption also requires an effort from all members of society at large. For these reasons, the Convention calls on countries to promote actively the involvement of non-governmental and community-based organizations, as well as other elements of civil society, and to raise public awareness of corruption and what can be done about it. Article 5 of the Convention enjoins each State Party to establish and promote effective practices aimed at the prevention of corruption.

Criminalization

The Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. In some cases, States are legally obliged to establish offences; in other cases, in order to take into account differences in domestic law, they are required to consider doing so. The Convention goes beyond previous instruments of this kind, criminalizing not only basic forms of corruption such as bribery and the embezzlement of public funds, but also trading in influence and the concealment and laundering of the proceeds of corruption. Offences committed in support of corruption, including money-laundering and obstructing justice, are also dealt with. Convention offences also deal



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with the problematic areas of private-sector corruption.

International cooperation

Countries agreed to cooperate with one another in every aspect of the fight against corruption, including prevention, investigation, and the prosecution of offenders. Countries are bound by the Convention to render specific forms of mutual legal assistance in gathering and transferring evidence for use in court, to extradite offenders. Countries are also required to undertake measures which will support the tracing, freezing, seizure and confiscation of the proceeds of corruption.

Asset recovery

In a major breakthrough, countries agreed on asset-recovery, which is stated explicitly as a fundamental principle of the Convention. This is a particularly important issue for many developing countries where high-level corruption has plundered the national wealth, and where resources are badly needed for reconstruction and the rehabilitation of societies under new governments. Reaching agreement on this chapter has involved intensive negotiations, as the needs of countries seeking the illicit assets had to be reconciled with the legal and procedural safeguards of the countries whose assistance is sought.

Several provisions specify how cooperation and assistance will be rendered. In particular, in the case of embezzlement of public funds, the confiscated property would be returned to the state requesting it; in the case of proceeds of any other offence covered by the Convention, the property would be returned providing the proof of ownership or recognition of the damage caused to a requesting state; in all other cases, priority consideration would be given to the return of confiscated property



[Global Action Against Corruption, The Mérida Papers](#)



to the requesting state, to the return of such property to the prior legitimate owners or to compensation of the victims.

Effective asset-recovery provisions will support the efforts of countries to redress the worst effects of corruption while sending at the same time, a message to corrupt officials that there will be no place to hide their illicit assets. Accordingly, article 51 provides for the return of assets to countries of origin as a fundamental principle of this Convention. Article 43 obliges state parties to extend the widest possible cooperation to each other in the investigation and prosecution of offences defined in the Convention. With regard to asset recovery in particular, the article provides inter alia that "In matters of international cooperation, whenever dual criminality is considered a requirement, it shall be deemed fulfilled irrespective of whether the laws of the requested State Party place the offence within the same category of offence or denominate the offence by the same terminology as the requesting State Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under the laws of both States Parties".

Implementation mechanisms

The Convention needs 30 ratifications to come into force. A Conference of the States Parties is established to review implementation and facilitate activities required by the Convention.

Documentation

[Intergovernmental Open-ended Expert Group on the Preparation of Draft Terms of Reference for the Negotiation of the Future Legal Instrument against corruption](#)

(Vienna, 30 July - 3 August 2001)

[Informal Preparatory Meeting of the Ad Hoc Committee on the Negotiation of a Convention against Corruption](#)

(Buenos Aires, 4-7 December 2001)

[Ad Hoc Committee on the Negotiation of a Convention against Corruption](#)

[High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption](#)

(Merida, Mexico, 9-11 December 2003)

[Signatories](#)

Related speeches and press releases

31 October 2003

[Statement on the Adoption By the General Assembly of the United Nations Convention Against Corruption by the Secretary-General](#)

2 October 2003

[Consensus Reached on UN Convention Against Corruption](#)

[back to top](#)

[Home](#) | [Site Map](#) | [Links](#) | [Search](#) | [Contact Us](#)
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