



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

