

## **Resolution adopted by the Commission on Human Rights on 3 March 1992**

### **1992/50. Fraudulent enrichment of top State officials Prejudicial to the Public interest, the factors responsible for it, and the agents involved in all countries in such fraudulent enrichment**

*The Commission on Human Rights,*

*Recalling* the resolution on corruption in government adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana, from 27 August to 7 September 1990, in which the Congress noted that the problems of corruption in public administration were universal and that, although they had particularly deleterious effects on nations with vulnerable economies, those effects were felt throughout the world, and stated its conviction that corrupt activities of public officials could destroy the potential effectiveness of all types of governmental programmes, hinder development and victimize individuals and groups (see A/CONF.144/28/Rev.1, chap. I, sect. C),

*Considering* the necessity for determined action to combat the fraudulent or illicit enrichment of top State officials and the transfer abroad of the assets thus diverted, as well as to prevent those practices which undermine the democratic system in countries throughout the world and constitute an obstacle to the economies of the countries concerned,

*Considering also* that, in some countries, corruption has become systematic,

*Noting with anxiety* that corruption has further acquired a transnational character, in particular as a result of the illicit arms trade, international drug trafficking and money laundering,

*Convinced* that the solution of these problems calls not only for resolute political will on the part of national authorities, but also for close international cooperation, notably in the form of mutual legal assistance,

*Noting with regret* that, although international law does not regard the misappropriation of public funds as a political offence but accords it the character of a common law offence, the law and judicial practice of most States do not allow the extradition of persons guilty of such misappropriation,

*Considering* that, for many peoples who have been the victims of institutionalized corruption and who, at present, are seeking to strengthen their democratic system, a satisfactory solution to these problems is necessary not only from a moral point of view, but above all in order to ensure reparation of damage caused to their economic interests as a result of the illicit removal of these resources,

*Considering* that all countries have an obligation to take steps to prevent fraudulently acquired funds from entering their territory,

*Convinced* that developed countries have a special responsibility to contribute diligently to the restitution to despoiled peoples of the funds which their leaders have extorted from them, with a view to contributing to their economic, social and cultural development,

*Recalling* its resolution 1991/18 of 1 March 1991, in which it expressed its awareness that, despite progress achieved by the international community with respect to the setting of standards for the realization of economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, the implementation and promotion of those rights and the problems of their realization had not yet received sufficient attention within the framework of the United Nations system,

*Recalling also* General Assembly resolution 45/155 of 18 December 1990, in which the Assembly decided, *inter alia*, that one of the objectives of the World Conference on Human Rights in 1993 should be to examine the relationship between development and the enjoyment by everyone of economic, social and cultural rights, as well as of civil and political rights,

1. *Decides* to keep in mind the question of the fraudulent enrichment of top State officials prejudicial to the public interest, the factors responsible for it, and the agents involved in all countries in such fraudulent enrichment when discussing the question of the realization in all countries of the economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights;

2. *Requests* the Secretary-General to bring the present resolution to the attention of the Commission on Crime Prevention and Criminal Justice.

*52nd meeting  
3 March 1992*

[Adopted by 49 votes to none, with 2 abstentions.]

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