



Conference of the States Parties to the United Nations
Convention against Corruption

Open-ended Intergovernmental Working Group on Asset
Recovery, Vienna, 30 to 31 August 2012

**Statement by
the Office of the United Nations High Commissioner for Human Rights**

Mr. Chair,
Distinguished delegates,
Ladies and Gentlemen

I welcome this opportunity to address this Working Group on behalf of the Office of the United Nations High Commissioner for Human Rights (OHCHR). I would like to thank the panellists for their interesting presentations. The second panellist from Iran in his presentation touched the links between human rights and asset recovery. In this connection, let me clarify and share recent developments at the UN Human Rights Council – an intergovernmental policy- and decision-making body in the field of human rights.

In June 2011, the United Nations Human Rights Council considered the issue of the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights for the first time. As a result, the Council issued a resolution (A/HRC/RES/17/23) which requested the High Commissioner for Human Rights to prepare a comprehensive study on the negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights, particularly economic, social and cultural rights. The study (A/HRC/19/42) was prepared and submitted to the Human Rights Council for consideration at its 19th session in March 2012.

The study described, inter alia, the main obstacles to the repatriation of funds of illicit origin and the mutual obligations imposed on States involved in the recovery process by the human rights framework. The study further discussed how the non-repatriation of funds of illicit origin detracts from State capacity to fulfil human rights obligations, particularly with regard to economic, social, and cultural rights. It considered ways that a human rights-based approach to asset recovery could enhance existing asset recovery procedures. The study concluded with policy recommendations directed toward improving repatriation processes in order to enhance State capacity to fulfil human rights obligations. I would like to briefly introduce two of these recommendations which are particularly relevant to today's discussion:

First, the study recommended that all stages of asset recovery should be understood to involve the mutual responsibility of all relevant States to make every effort to return funds of

illicit origin to countries of origin. These efforts should comply with international human rights law and benefit societies affected by corruption.

Second, the study recommended that repatriated funds of illicit origin should be allocated to the realization of economic, social, and cultural rights in compliance with the maximum available resources principle through decision-making processes and implementation procedures that incorporate the human rights principles of transparency, participation, and accountability.

After considering this study, the Human Rights Council adopted a second resolution on this topic (A/HRC/RES/19/38). The Council requested the High Commissioner for Human Rights to bring this resolution to the attention of all Member States and different forums involved in the repatriation of funds of illicit origin within the United Nations system for consideration, action and coordination, particularly within the context of the Conference of State Parties to the United Nations Convention against Corruption.

In this connection, I would like to express our gratitude to the United Nations Office on Drug and Crimes for having made available this resolution to the Working Group in conference room paper one.

In its resolution a copy of which is before you, the Human Rights Council, inter alia, invited the Conference of States Parties to the United Nations Convention against Corruption to consider adopting a human rights-based approach to the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin.

The Council also requested its Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, Mr. Cephass Lumina (Zambia), to prepare an in-depth study on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the application by States of the maximum available resources to the full realization of all human rights, particularly economic, social and cultural rights. The Council directed that this study should pay special attention to developing countries and countries with economies in transition that are burdened by foreign debt.

OHCHR will be organizing an expert consultation in preparation of this study, which is scheduled for the end of September this year. In this respect, we look forward to continuing cooperation with you all as we work to expose the human rights implications of decisions related to asset repatriation and improve asset recovery and expenditure in order to promote the enjoyment of all human rights by all.

I thank you for your attention.