

## **Recognizing and Addressing Collective Harm for Victims of Corruption: Comparative Mapping and Pathways for Reparation**

Working Group on Victims of Corruption<sup>1</sup> of the Global Civil Society Coalition for the UNCAC  
Submission to CoSP11

**21 November 2025**

Corruption causes collective damage, affecting entire communities by undermining trust in public institutions, reducing access to essential services, shifting public spending away from public needs, and limiting access to education, health, employment, and civic participation. These widespread and diffuse, structural impacts are increasingly recognised as affecting communities and societies as a whole, not only individuals, whose collective harm should be compensated in accordance with States Parties' obligations under the UNCAC provisions,<sup>2</sup> which affirm that collective harms are real and measurable, and that meaningful reparation must occur at the community and societal levels.

Addressing collective damage is important for restoring trust and public confidence in governance and ensuring that anticorruption efforts uphold victims' rights and align with international standards.<sup>3</sup> As more jurisdictions begin to acknowledge the collective dimensions of corruption, there is growing opportunity and expectation for States Parties to adopt measures that provide meaningful avenues for redress.

This document outlines the preliminary findings from a questionnaire carried out to develop the International Database on Corruption Damage Reparation and Legal Standing for Victims

---

<sup>1</sup> The Global Civil Society Coalition for the UNCAC's Working Group on Victims of Corruption brings together more than 170 experts from civil society organisations, academia, and other relevant stakeholders. It seeks to facilitate discussions, the exchange of information and joint advocacy around victims' remedies and compensation for damages caused by corruption. The Working Group also helps coordinate advocacy efforts and supports the development of stronger international and regional laws and policies in the field. UNCAC Coalition. "Victims of Corruption." UNCAC Coalition, accessed 20 November 2025. <https://uncaccoalition.org/get-involved/working-groups/victims-of-corruption-working-group/>.

<sup>2</sup> Article 34 calls for measures to address the consequences of corruption, including restitution and recovery of damages, and Article 35 requires States to ensure that persons harmed by corruption can seek compensation.

<sup>3</sup> Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>

of Corruption, originally launched in 2022.<sup>4</sup> The updated database,<sup>5</sup> scheduled for early 2026, will include a dedicated section on Collective Damage and Reparation.

## Scope of jurisdictions



Created with Datawrapper

## Collective actions and legal procedures

Responses from 47 countries show that many jurisdictions allow Civil Society Organizations (CSOs) and representative entities to file claims through class actions, public interest litigation, and constitutional actions. While these procedures were not designed specifically for corruption-related cases, they increasingly overlap with corruption-related claims that affect communities or the public at large.

In several Civil Law jurisdictions across Europe, Asia, and the Middle East, standing rules remain restrictive. Of the 21 such jurisdictions reviewed in these regions, 13 report that collective redress mechanisms are limited or excluded from corruption proceedings, even though they exist in areas such as environmental consumer protection. This reflects a legal

<sup>4</sup> UNCAC Coalition, “International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption”. <https://uncaccoalition.org/get-involved/working-groups/victims-of-corruption-working-group/database-on-legal-standing/country-profiles/>

<sup>5</sup> The country analyses contributing to this submission were based on legal research provided primarily by law firms on a pro bono basis, facilitated by expert legal support thanks to the International Lawyers Project, the Cyrus R. Vance Center for International Justice, among others.

framework where standing is still largely confined to individuals demonstrating personal harm.

There are signs of progress. Latin American systems use collective claims such as *ações civis públicas* and *acción popular*.<sup>6</sup> Although courts have historically directed compensation to the State, this reflects limited precedent rather than legal barriers. CSOs increasingly use these mechanisms, including through *amicus curiae*<sup>7</sup> submissions, signaling growing engagement and potential to expand collective remedies to corruption cases.

In many jurisdictions, collective interests are recognized more broadly. Limited recognition of corruption as a collective harm is largely due to the absence of examples rather than legal incapacity, suggesting significant scope for innovation and precedent-setting initiatives. In Common Law and mixed systems, class action procedures and crime victims' rights exist, and although their application to corruption cases is still limited, awareness of their potential to deliver collective remedies is increasing.

In many countries, collective action mechanisms specifically tailored to corruption remain underdeveloped. Where they exist, they typically require claims to fit within traditional civil law categories, making collective reparation technically possible but not yet routine. Nevertheless, the growing documentation of collective harms<sup>8</sup> illustrates the need for more robust and inclusive mechanisms.

Across all regions, narrow definitions of who qualifies as a corruption victim continue to constrain access to justice.<sup>9</sup> Yet, the emerging practices and increased dialogue around these issues indicate momentum: States have a clear opportunity to align with international standards by facilitating meaningful collective reparation.

## Other legal frameworks that may support collective reparation

<sup>6</sup> Brazil, "Lei No. 7.347, de 24 de julho de 1985", *Diário Oficial da União*, 25 July 1985; Colombia, "Ley 472 de 5 de agosto de 1998", *Diario Oficial No. 43.357*, 6 August 1998; Peru, "Ley No. 26300 de 24 de mayo de 1994", *El Peruano*, 25 May 1994; and Bolivia, "Constitución Política del Estado" (2009), art. 135.

<sup>7</sup> The Global Civil Society Coalition for the UNCAC has coordinated *amicus curiae* briefs in cases concerning corruption-related harm and victim standing in Latin America. See: UNCAC Coalition, "Victims of Corruption Working Group," accessed 17 November 2025, <https://uncaccoalition.org/victims-of-corruption-working-group/#:~:text=Blog%20post%3A%20Legal%20Standing%20for%20NGOs%20in%20Corruption%20cases%20is%20Crucial%20in%20the%20Fight%20Against%20Corruption%20%E2%80%93%20Our%20Support%20to%20Pro%20C3%A9tica%2C%20UNCAC%20Coalition%2C%2018%20August%202025.>

<sup>8</sup> Such as diffuse impacts on communities, public trust, and access to services.

<sup>9</sup> At least 18 countries do not recognize victims of corruption as a distinct category, requiring proof of personal harm and often excluding civil society actors and communities affected by systemic corruption.

A recurring pattern is that many countries have avenues for collective redress.<sup>10</sup> These mechanisms are often better established and more widely used than those directly linked to corruption,<sup>11</sup> but remain largely unused in corruption cases.<sup>12</sup>

This shows that the legal architecture for collective reparation exists in many places, even if corruption does not yet feature prominently within it. Where a jurisdiction allows collective environmental claims or public interest litigation, the logic of those mechanisms can, in principle, extend to corruption when the damage affects a broad community or a public good.<sup>13</sup> The presence of collective remedies in other areas signals a growing recognition of victims' rights and presents a clear opportunity to adapt and expand these frameworks to provide meaningful reparation at both the community and societal levels.

### Court decisions on collective reparation

The collected responses contain relatively few examples of final court decisions awarding collective reparation for corruption.<sup>14</sup> The majority of documented cases concern restitution to the State or other public entities harmed by corruption, reflecting the traditional legal framing of corruption as primarily an offense against the State.

Examples of remedies awarded directly to non-state actors are rare. One documented example comes from Latin America, where popular action has been used to secure reparation for diffuse public harm.<sup>15</sup> In the same region, courts have also awarded compensation for moral damage to the State and directed payments to affected third parties.<sup>16</sup>

### Alternative avenues for reparation beyond monetary awards

<sup>10</sup> In areas such as environmental protection, consumer rights, investor protection, or human rights violations.

<sup>11</sup> At least 13 jurisdictions foresee class actions or similar group remedies in these sectors.

<sup>12</sup> Examples include jurisdictions with statutory collective actions in consumer, competition, investment, or environmental law, such as those established in Australia, Belgium, Canada, Chile, Germany, Italy, Japan, Laos, Luxembourg, the Netherlands, Singapore, South Africa, and Sweden. For corresponding legal frameworks, see: Federal Court of Australia Act 1976 (Cth), part IVA; Code de droit économique (Belgium), arts. XVII.36–60; Class Proceedings Act, 1992, S.O. 1992, c. 6 (Canada); Ley No. 19.496 (Chile), arts. 51–54; Kapitalanleger-Musterverfahrensgesetz (Germany); Codice del Consumo, d.lgs. 150/2022 (Italy); Act No. 96 of 2013 (Japan); Article 2 of the Law on Collectives No. 54/NA (Laos); Code de la Consommation (Luxembourg), art. L. 124-1; WAMCA, Stb. 2019, 130 (Netherlands); Rules of Court 2021, O. 4 r. 6 (Singapore); *Children's Resource Centre Trust v Pioneer Food (Pty) Ltd*, 2013 (2) SA 213 (CC) (South Africa); Lag (2002:599) om grupprättegång (Sweden).

<sup>13</sup> According to our data, at least 18 countries currently have no collective compensation mechanism specifically for corruption-related harm. Where compensation mechanisms do exist, they often prioritize the State rather than directly affected communities.

<sup>14</sup> This is largely because many cases remain at preliminary stages or are still ongoing, and have not yet resulted in judgments or reparations.

<sup>15</sup> In a high-profile corruption case within the region, a national court ordered financial compensation to the State for corruption-related crimes that led to the violation of the duty of administrative integrity and simultaneously, the state created a national fund for the reparation of victims of corruption. See Colombia. "Ley 2195 de 2022", art. 62.

<sup>16</sup> Diario Libre, "Estado pedía 600 MM de indemnización por fraude en Lotería". March 6, 2023,

<https://www.diariolibre.com/actualidad/justicia/2023/03/06/estado-pedia-600-mm-de-indemnizacion-por-fraude-en-loteria/2246949>

The entries indicate that some jurisdictions have explored alternative paths for addressing diffuse or collective harm.<sup>17</sup> Non-monetary forms of redress,<sup>18</sup> where available, demonstrate recognition of harm beyond purely financial compensation.<sup>19</sup>

Despite this potential, several responses suggest that these avenues remain underutilized in corruption-specific cases. Systems that rely on negotiated justice, such as plea bargains and settlements, illustrate this limitation.<sup>20</sup> A notable exception can be found in West Africa, where prosecutors are required to inform victims of plea agreements and allow them to make representations prior to approval, providing a structured and participatory role for victims in a process that is typically closed to them.<sup>21 22</sup>

These examples underscore both the untapped potential of alternative reparation mechanisms and the importance of designing procedures that actively involve victims, ensuring that accountability measures respond to the broader societal and community harms caused by corruption. Alternative remedies are crucial for restoring trust and dignity, especially where monetary compensation is impractical.

### **Asset restitution and returning recovered assets to victims**

Responses from nearly all covered jurisdictions indicate the existence of asset recovery or proceeds-of-crime legislation, often shaped by international standards.<sup>23</sup> A recurring challenge, however, is the limited link between asset recovery and meaningful reparation for affected communities. In many jurisdictions, recovered assets are directed to public accounts or special funds without a clear mechanism to ensure that communities harmed by corruption receive direct benefit from these recovered assets.

Some jurisdictions are beginning to implement promising practices. For instance, confiscated proceeds may be allocated to accounts for public benefit, or frameworks may exist for returning assets to the rightful jurisdictions or entities, thereby supporting cross-border

---

<sup>17</sup> Often drawing on international or regional human rights bodies, administrative review processes, or complaint mechanisms linked to international instruments.

<sup>18</sup> Include measures such as formal apologies, institutional reforms, or public acknowledgments.

<sup>19</sup> Extraordinary Chambers in the Courts of Cambodia, “Trial Chamber Judgment in Case 002/02”, 16 November 2018, reparations section, outlining non monetary collective measures including memorials, testimonial therapy, self help group formation, public exhibitions, and the National Day of Remembrance.

<sup>20</sup> Victims often have little or no influence over such processes, even when formally notified.

<sup>21</sup> Ghana. “Plea Bargaining Act”, 2022 (Act 1079), art. 162E (1)(a)–(b).

<sup>22</sup> Likewise in South Australia, victims of serious offences should be consulted before a charge decision is made (section 9A of the Victims of Crime Act 2001). Furthermore, for the purpose of exercising a right, a victim can appoint an ‘approved representative’ who includes the Commissioner for Victims’ Rights and legal counsel (section 32A of the Victims of Crime Act 2001). Additionally, if a victim is entitled to apply for restitution, a prosecutor should tell the victim, and if the victim wants an application made, the prosecutor should make the application during the sentencing stage of criminal proceedings (section 12 of the Victims of Crime Act 2001).

<sup>23</sup> These laws generally govern the seizure, confiscation, and management of illicit assets, providing the legal foundation for recovering proceeds of corruption.

restitution.<sup>24</sup> Nevertheless, the dataset shows that a significant gap remains between existing asset recovery systems and fully operational, victim-centered restitution mechanisms. Strengthening this link represents a clear opportunity to ensure that asset recovery not only penalizes perpetrators but also delivers tangible benefits to those who suffered from corruption.

## Conclusion and main takeaways

Taken together, the responses show that many countries already maintain legal frameworks<sup>25</sup> that can, in principle, support collective reparation. These frameworks are relevant to corruption-related harm, which often affects communities, public services, and administrative integrity. The main challenge is not the absence of legal tools but rather that these existing mechanisms have rarely been applied to corruption cases. This highlights a clear opportunity by explicitly recognising corruption-related collective harm and encouraging the use of these established mechanisms.

## Recommendations:

- Ensure meaningful victim participation in negotiated justice: victims should be informed, consulted, and heard before plea agreements or settlements. Courts or independent bodies should verify that the nature of harm and the scope of reparation have been adequately considered.
- States should establish explicit rules for admitting and regulating civil society participation in corruption cases. These should set basic admission criteria, address conflicts when multiple organisations seek to participate, and include safeguards to protect defendants' rights. Such frameworks would reduce uncertainty, promote consistent practice, and align participation with UNCAC standards.
- Extend existing collective redress mechanisms to corruption cases: many jurisdictions already use these tools for consumer protection or environmental harm. Communities or non-state actors affected by systemic corruption should be explicitly recognized as eligible and granted legal access to these mechanisms.

---

<sup>24</sup> Australia, "Proceeds of Crime Act 2002 (Cth)", establishing the Confiscated Assets Account for the deposit and community use of confiscated proceeds; Nigeria "Proceeds of Crime Act, 2022.

<sup>25</sup> Such as class actions, constitutional procedures, human rights litigation, environmental remedies, and asset recovery mechanisms

- Establish direct community compensation channels: recovered assets and reparations should reach those harmed, rather than remaining in general state accounts. Dedicated procedures or funds can ensure that compensation benefits the affected communities.
- Improve data collection and transparency: regular reporting on corruption cases, reparation outcomes, and asset return processes would support oversight, inform reforms, and demonstrate progress for victims.
- Enhance international cooperation and peer learning: sharing emerging practices, such as collective action models and approaches to victim participation, can help reduce disparities across jurisdictions and strengthen global standards for victim-centered reparation.
- Use broader international reparation standards: States should go beyond UNCAC's framework and draw on UN and regional human rights standards, including jurisprudence on integral reparation, non-repetition, community harm, and structural remedies. This ensures reparation measures are comprehensive, rights-based, and address the diffuse social harm caused by corruption.