Madam Chair,

There have been small advances in asset recovery in the past 18 years since the first UNCAC Conference of the States Parties.

However, only a fraction of the amount looted from developing countries, where the resources are badly needed, has been returned. Apparent weaknesses in international frameworks and national systems should be addressed.

The UNCAC Coalition’s working group on asset recovery has put forward to this Conference several points for action:

* 1) Both, origin and destination jurisdictions, should give the strongest and most effective possible interpretation to the UNGASS commitments and report on their progress.
* 2) Transparency of the beneficial ownership of legal structures is key for successful asset recovery. Low transparency of beneficial ownership not only facilitates the laundering of proceeds of corruption but also hampers investigations and efforts to trace and freeze illicit assets. The best way to address this problem is through centralized registries of beneficial ownership information that are freely accessible to the public.
* 3) Effective anti-money laundering efforts are key for detecting illicit financial flows. Serious investment in regulatory authorities is needed in many countries. Furthermore, sanctions applied for violating AML requirements should be expanded to ensure they have a deterrent effect.
* 4) Data on international asset recovery at all stages is crucial for assessing progress and informing effective strategies. Likewise, countries should share agreements for return of assets, challenges and good practices important for advancing asset recovery, including with CSOs.
* 5) Non-conviction-based confiscation – or asset forfeiture – is critical in asset recovery cases where a criminal conviction is impossible. Where confiscation is only possible after a criminal conviction, countries should introduce a presumption of money laundering where certain criteria are met, to facilitate conviction of the offenders and confiscation of the proceeds of crime.
  + Furthermore, minimum standards should be developed for the use of settlements in proceeds of crime cases that should include transparency, judicial oversight and the opportunity for community stakeholders to participate.
* Finally, the UNCAC Article 9 obligations to promote transparency and accountability in the management of public finances should also be applied to the entire asset recovery process to ensure a transparent and accountable return of assets, in line with the GFAR principles, as well as other relevant guidance documents.

Thank you!