

Russia's Response to the Request for Input Regarding the UNGASS Political Declaration

The Russian Federation is honoured to provide the following response to the request regarding the structure and content of the political declaration of the Special Session of the UN General Assembly against corruption scheduled for April 2021.

The UNGASS is primarily aimed at highlighting the importance of strengthening the prevention of and fight against corruption at the national level in each Member State and enhancing the effectiveness of international anti-corruption cooperation with specific regard to the pivotal role of the UN Convention against Corruption in the progress that has been achieved over the past years. At the same time the Special session should add an impetus to this comprehensive, both domestic and international, process, addressing the difficulties that States parties encounter in the implementation of the Convention and identifying common solutions. Therefore, both the structure and the content of the political declaration should be inspired by the Convention as the only legally binding universal instrument for countering corruption.

As for the **structure** of the document, the Russian Federation proposes to follow the structure of the UNCAC, which encompasses in a comprehensive manner all major components of the fight against corruption, namely preventive measures, criminalization and law enforcement, international cooperation, asset recovery, technical assistance and information exchange. It is also important to include a section on the Mechanism for the Review of Implementation of the Convention which constitutes the fundamental instrument for accelerating the progress in anti-corruption legislation and law enforcement in the States parties.

In terms of the **content**, each section of the declaration should include a brief descriptive part of difficulties and achievements that have been detected throughout the past decade and a half both at the national and international levels and a set of practical considerations on possible further steps, bearing in mind that in accordance with UNGA resolution 73/191 the declaration should have an “action-oriented” character.

The factual part may be largely based on the thematic reports drafted by the Secretariat for the sessions of the Conference of the States parties and the meetings of its subsidiary bodies that take into account the information provided by the States parties. That would not only facilitate the drafting of the document but also attach high value to the analytical work carried out by the Secretariat and the efforts of the States parties to share their knowledge and experience. In addition, other multilateral organizations and bodies responsible for review mechanisms in the field of anti-corruption and international anti-corruption formats may want to share their knowledge and contribute to the drafting of the declaration thereby enhancing mutual synergies in line with resolution 7/4 of the Conference of the States parties.

Most importantly, it should not go unnoticed that the Conference of the States parties has adopted a number of resolutions aimed at further strengthening efforts in certain areas such as corruption prevention and criminalization, law enforcement cooperation and mutual legal assistance. Moreover, the resolutions of each Conference reflect the growing need to enhance cooperation in specific sectors in order to effectively address the most acute challenges with adequate means. Specifically, there is a growing interest in strengthening the consolidating framework of assets recovery and the return of proceeds of corruption, more actively using information and communication technologies and technological innovations for the implementation of the Convention, raising public awareness to more efficiently prevent and detect corruption offences, safeguarding sport from corruption and identifying methodologies on the issue of the measurement of corruption. This proactive approach should be maintained by the States parties and further transformed into practical steps consistent with the provisions of the Convention. Consequently, the Russian Federation would like to invite the Member States to consider the possibility of highlighting, inter alia, the following topics in the text of the declaration.

The need to *further strengthen the international legal framework for asset recovery* and ensure effective law enforcement and application of the provisions of relevant legally binding agreements. In order to eliminate the persisting legal

differences and uncertainties the Member States may consider developing specific measures for the disposal of seized, confiscated and returned assets in accordance with the principles of lawfulness and justice and based on the analysis of relevant information received in the course of the ongoing second cycle of the review of the implementation of the Convention. In addition, the application of the provisions of the UNCAC to the recovery of assets acquired not only from corruption crimes but also from the offences that incur civil and administrative liability may be addressed in the declaration in line with resolutions 6/2, 6/3, 6/4 and 7/1 of the Conference of the States parties.

The use of technological innovations for the prevention and detection of corruption offences may be outlined in the declaration. According to articles 5, 13 and 48 of the UNCAC States parties “shall endeavor and promote effective practices aimed at the prevention of corruption”, “collaborate with each other and with relevant international and regional organizations in promoting and developing the preventive measures”, ensure that “the public has effective access to information” as well as “endeavor to cooperate within their means to respond to offences covered by the Convention committed through the use of modern technologies”. In line with these provisions the Conference calls upon the States parties in its resolutions 6/7 and 6/8 “to continue developing and promoting the use of information and communications technologies in order to enhance the effective and efficient implementation of article 13”, “to share their best practices, where applicable and upon request”, in the application of technological innovations and electronic services to public service delivery and “to transfer their knowledge to other States parties through appropriate bilateral, regional and multilateral channels of cooperation”.

At the same time this multifaceted topic has not been comprehensively addressed by the Conference and its subsidiary bodies. Specifically, the declaration may address such aspects as the use of modern technologies in the prevention of corruption also at the international level, the fight against corruption offences committed with the use of modern technologies, protection of personal data and

privacy linked to the use of information technologies in the fight against corruption.

Moreover, the ICTs may be successfully used to ensure the compliance with anti-corruption standards by all relevant categories of individuals, such as public officials, specialized staff of law enforcement bodies, members of parliament, prosecutors, judges and other categories of individuals subject to high corruption risks, and will have positive impact on the functioning of anti-corruption mechanisms, including income, asset and interest disclosure and management of conflict-of-interest situations.

The declaration could also offer specific guidance to the State parties on other important issues that are covered by the Convention but have not been comprehensively addressed yet. The necessity to provide for an effective *management of conflict-of-interest situations, development of codes of conduct and other ethical standards* for the employees of the public and private sectors in accordance with articles 7, 8 and 12 of the UNCAC could also be mentioned as there is an obvious need to close the gaps in its understanding and analysis, adding value to the thematic documents of the Conference, in particular, resolutions 3/2, 5/4 and 7/5.

In terms of prevention the declaration should also pay particular attention to *anti-corruption research, education and training*, as well as *raising public awareness* about corruption. In this context it would be useful to highlight the existing initiatives launched by UNODC, such as the Anti-Corruption Academic Initiative and the Education for Justice Initiative, and outline a way forward in this area, taking into consideration the commitments of the States parties under the UNCAC and the ideas that have already been put forward in the thematic resolutions of the Conference of the States parties, in particular, resolutions 4/3, 5/4, 5/5, 6/6, 6/7, 7/5, 7/6, 8/5 and 8/8, but not fully implemented as of yet.

Safeguarding sport from corruption is another topic that should be mentioned in the declaration. In 2017 the Conference of the States parties adopted landmark resolution 7/8 entitled “Corruption in Sport”, which paved the way towards stronger cooperation of the States parties and all relevant stakeholders in

this specific area. Two years later a new, action-oriented resolution 8/4 on safeguarding sport from corruption, complementing resolution 7/8, was adopted by the Conference. Based on the results of the two international conferences on safeguarding sport from corruption, held in Vienna in 2018 and 2019 with the participation of a vast number of representatives of the UN Member States, international and regional intergovernmental and sports organizations, the private sector and civil society, resolution 8/4 contains a set of practical steps that all interested parties may want to take in order to enhance the effectiveness of the prevention of and fight against corruption in sport and ensure a deeper understanding of this issue.

In conclusion the Russian Federation would like to stress that the declaration should focus primarily on anti-corruption matters, which would allow the Member States to pragmatically address the most acute issues without unnecessarily going beyond the scope of the mandate of the Conference as stated in article 63 of the Convention, considering the fact that the draft declaration should be developed and adopted within the UNCAC process before being submitted to the UNGASS.

The Russian Federation is ready to further contribute to the drafting and negotiation process as well as to the preparations of the UNGASS.