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**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (29.06.2021)**

Delegations will find attached the above-mentioned non-paper.

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## UNGASS Corruption 2021

### Non-paper

#### Non-paper on the political declaration to be adopted during the Special Session of the United Nations General Assembly (UNGASS) on Corruption 2021

7 May 2021

The Special Session of the United Nations General Assembly dedicated to the fight against corruption, to take place on the 2-4 June 2021, is a unique opportunity to renew global commitments and strengthen international cooperation in the fight against corruption.

The EU as a party to the UN Convention Against Corruption (UNCAC) has had an important role, along with the Member States and has been strongly involved in the process leading to the elaboration of the political declaration to be adopted by the UNGASS.

The non-paper builds on the EU contribution to UNGASS adopted in December 2019<sup>1</sup> and on the Council Document 11421/20, having regarded the zero draft transmitted by the secretariat of the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) on 17 August 2020. The most important principles guiding the EU position in the negotiations held in Vienna on the UNGASS political declaration were that this document should:

- a) Recognize that respect for the rule of law, crime prevention and criminal justice responses as well as sustainable development are complementary and mutually reinforcing. Determined action in these areas significantly contributes to the implementation of the 2030 Agenda for Sustainable Development.
- b) Stress the need for holistic and comprehensive prevention strategies that increase transparency and integrity in all sectors of society and focus on root causes, threats, vulnerabilities and risk factors.
- c) Emphasize that an effective approach to fighting corruption must rely on a combination of crime prevention and criminal justice responses, as well as international cooperation in criminal matters, while fully respecting human rights and fundamental freedoms.

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<sup>1</sup> ST 14310 2019 INIT, "Preparation at EU level of the Special Session of the UN General Assembly on corruption - Contribution to the outcome document - Key elements of the EU UNGASS statement.  
[https://www.consilium.europa.eu/register/en/content/out/?&typ=ENTRY&i=ADV&DOC\\_ID=ST-14310-2019-INIT](https://www.consilium.europa.eu/register/en/content/out/?&typ=ENTRY&i=ADV&DOC_ID=ST-14310-2019-INIT)

- d) Stress the need for reliable integrity measures, efficient corruption prevention systems as well as effective, accountable and transparent public institutions at all levels.
- e) Promote a constructive and inclusive dialogue with civil society and the private sector as a critical element for combatting corruption and achieving the implementation of the 2030 Agenda for Sustainable Development.
- f) Stress the need to build and maintain independent and impartial justice systems that effectively enforce anti-corruption legislation by conducting impartial investigations and prosecutions and by applying effective, proportionate and dissuasive sanctions for corruption and corruption-related crimes as well as due recovery of stolen assets.
- g) Emphasize multilateralism, the implementation of international norms and standards, respect for human rights, the rule of law and international law, including its protection of national sovereignty, as cornerstones in the fight against corruption and international cooperation.
- h) Enhance international cooperation on crime prevention and criminal justice, in the context of fighting corruption, by the effective implementation of existing global and regional instruments, in particular the United Nations Convention against Corruption, the Council of Europe's Criminal Law Convention and its Additional Protocol and the OECD Anti-Bribery Convention, and by strengthening existing regional, interregional and international networks.
- i) Promote that the Parties support the implementation review mechanism of UNCAC and make the best use of it, also beyond the end of the current review cycle.
- j) Reaffirm the importance of effective technical assistance, experience sharing and capacity building and emphasize the important role of the United Nations Office on Drugs and Crime (UNODC) in these areas.

**DELETED**

The negotiations finished on 7 May 2021. Discussions on the draft political declaration took place under the German Presidency and the Portuguese Presidency in the Working Party on Judicial Cooperation in Criminal Matters on 7 September 2020, 26 October 2020, 16 December 2020, 2 February 2021, 7 May 2021 and 18 May 2021.

The declaration could have been more ambitious and with a more targeted language, in particular as regards the role of civil society and media in fighting corruption. The attempt to strengthen such language was met with fierce opposition from some State Parties, leading to the need to find acceptable compromise. Nevertheless, the EU objectives in these areas are generally reflected throughout the document.

### **Key messages on behalf of the European Union**

#### **In view of the above, the main messages of the Union during the UNGASS should be based on the following elements:**

- I. Express the EU's support of the political declaration.
- II. Highlight that the pandemic underscored the importance of strong governance and exposed areas vulnerable in all societies to corruption even more than previously.
- III. Reiterate the strong commitment of the EU to continue efforts in this field, to promote effective measures against corruption, and to implement existing international norms and standards.
- IV. Express that the respect for the rule of law, crime prevention and criminal justice responses and sustainable development are complementary and mutually reinforcing. An effective approach to fighting corruption must rely on a combination of crime prevention and criminal justice responses.
- V. Strengthened efforts are needed to build the capacity for successful investigation, prosecution and adjudication of corruption and corruption-related offences, including through training and by allocating sufficient resources for specialized anti-corruption authorities and criminal justice institutions to investigate and prosecute these crimes more effectively. Asset recovery is an important element of crime prevention and criminal justice, particularly in cases involving corruption and responsive international cooperation in this regard is key.
- VI. Corruption should not be addressed in isolation, but through a comprehensive and coherent approach, which allows for a participatory framework. The EU particularly welcomes the role of civil society, non-governmental organisations, academia and media have an important role in the prevention and fight against corruption and need to be able to contribute in an enabling framework. Furthermore, we support the provision on ensuring a safe and enabling environment for whistle-blowers in exposing, reporting and fighting corruption.
- VII. We can fight corruption only by strengthening our cooperation at all levels internationally. The effective implementation of existing global and regional instruments, in particular the United Nations Convention against Corruption, the relevant Council of Europe Conventions, and the OECD Anti-Bribery Convention are key in our common fight against corruption.