



# General Assembly

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## Human Rights Council

### Seventeenth session

Agenda item 3

### Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

#### Resolution adopted by the Human Rights Council\*

### 17/23 The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Right to Development as well as other relevant human rights instruments,

*Reaffirming* the commitment to ensure the effective enjoyment by all of all human rights, civil, political, economic, social and cultural rights, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

*Noting* the entry into force of the United Nations Convention against Corruption, including its chapter V, as well as the United Nations Convention against Transnational Organized Crime,

*Noting also* the work carried out by different United Nations and international and regional organizations in this field,

*Recalling* General Assembly resolutions 60/207 of 22 December 2005 and 64/237 of 24 December 2009 on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption, as well as other relevant Assembly resolutions,

*Concerned* about the seriousness of problems posed by corrupt practices and the transfer of funds of illicit origin, which may endanger the stability and security of societies,

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\* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its seventeenth session (A/HRC/17/2), chap. I.

undermine the values of democracy and morality and jeopardize social, economic and political development,

*Deeply concerned* that the enjoyment of human rights, be they economic, social and cultural, or civil and political, in particular the right to development, is seriously undermined by the phenomenon of corruption and the transfer of funds of illicit origin,

*Convinced* that the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies and the rule of law,

*Recognizing* that States continue to face various challenges in fund and asset recovery of illicit origin, including legal challenges,

*Convinced* that corruption, including the transfer of funds and assets of illicit origin and the non-repatriation of such funds and assets, is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation essential to prevent and combat it,

1. *Expresses grave concern* about cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, the deprivation of which threatens the political stability and sustainable development of those States;

2. *Recognizes* the urgent need to repatriate such illicit funds to the countries of origin and urges all States to commit their political will to act together to recover the proceeds of corruption, including by repatriating illicit funds and assets to the countries of origin;

3. *Requests* the United Nations High Commissioner for Human Rights to prepare a comprehensive study and, when necessary, to seek information from relevant international organizations and agencies on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights, and to submit a report thereon to the Human Rights Council at its nineteenth session.

*35th meeting  
17 June 2011*

[Adopted by a recorded vote of 32 to 2, with 12 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

*Against:*

Japan, United States of America

*Abstaining:*

Belgium, Hungary, France, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland]