**Intersessional seminar on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights**

*Concept note*

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| **Date and venue:** | Tuesday, 8 February 2022, 11:00-13:00 and 15:00-17:00, Conference Room XX/Hybrid, Palais des Nations, Geneva |
| **Objectives:** | The seminar will: * Consider the negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights
* Discuss challenges to the repatriation of funds of illicit origin to the countries of origin
* Identify possibilities to enhance international cooperation for the effective and responsible repatriation of funds of illicit origin
* Exchange good practices for facilitating the repatriation of funds of illicit origin to the countries of origin in order to support the full enjoyment of human rights
* Discuss options for a non-binding set of practical guidelines for effective and responsible repatriation of funds of illicit origin aiming at curbing the illicit transfer of funds and mitigating its negative effects on the enjoyment of human rights
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| **Opening remarks:** | **Ms. Michelle Bachelet**,United Nations High Commissioner for Human Rights  |
| **Chair:** | **H.E. Mr. Federico Villegas**, President of the Human Rights Council |
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| **Session 1:** | **The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights - challenges and good practices for efficient international cooperation****Moderator: Mr. Chafik Ben Rouine,** Economist/Consultant, Surge Team, OHCHR **Panellists:** **Mr. Junior Davis**,Head, Policy Analysis and Research Branch, ALDC Division, UNCTAD **Mr. Shervin Majlessi**, Chief, Conference Support Section, Corruption and Economic Crime Branch (UNODC/StAR)**Mr. Mounir Chedly**, Director-General, Government Litigation at the Ministry of State Domains and Land Affairs, Tunisia**Ms. Bhumika Muchhala**,Senior policy analyst on development economics, global governance and international political economy issues for the Third World Network  |
| **Session 2:**  | **Options for a non-binding set of practical guidelines for efficient asset recovery****Moderator: Ms. Magdalena Sepulveda Carmona**,Executive Director at Global Initiative for Economic, Social and Cultural Rights **Panellists:** **Ms. Attiya Waris**,Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights**Mr. Dheerujlall Seetulsingh**, Member of the Advisory Committee and Rapporteur of the study on utilizing non-repatriated illicit funds with a view to supporting the achievement of the Sustainable Development Goals**Ms. Silvana Carrión Ordinola**,Ad Hoc Public Prosecutor for the Odebrecht case and others, Peru **Mr. David Ugolor**,Executive Director, Africa Network for Environment and Economic Justice (ANEEJ) |
| **Participants:** | Experts from Member States, non-Member States and other entities with observer status, United Nations-system organizations, accredited national human rights institutions and civil society organizations with ECOSOC consultative status.  |
| **Outcome:**  | A summary report of the discussion will be prepared by OHCHR and submitted to the Council at its fifty-first session (September 2022). |
| **Mandate:** | The Human Rights Council, in its resolution 46/11 of 23 March 2021, decided to convene before the fiftieth session, a one-day intersessional seminar on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, to discuss challenges and best practices in this regard and to make recommendations, with the participation of States, the Advisory Committee and other relevant stakeholders. The same resolution requested the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights to conduct a new study, in connection with the previous relevant studies conducted by the mandate holder and the Advisory Committee, on a proposed non-binding set of practical guidelines for efficient asset recovery aiming at curbing the illicit transfer of funds and mitigating its negative effects on the enjoyment of human rights with a view to help requesting and requested States to strengthen their cooperation in this regard. |
| **Format:** | The opening statements and initial presentations by the panelists, guided by the moderators, will be followed by an interactive discussion chaired by the President. Interventions will be followed by responses from the panelists. The moderators will sum up the discussions at the end of the seminar. A list of speakers will be circulated prior to the meeting for registration by participants. Speaking time will be 2 minutes for all. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish). |
| **Background:** | The recovery and return of assets are a means of financing for development, as part of domestic financial resource mobilization efforts, and a way to fulfil the obligation to maximize resources for the realization of economic, social and cultural rights. The 2030 Agenda for Sustainable Development reflects these perspectives, as United Nations Member States committed to significantly reducing illicit financial flows and to strengthening the recovery and return of stolen assets by 2030 (Sustainable Development Goal 16.4). However, international cooperation to curb the flow of funds of illicit origin, mitigate their impact on the enjoyment of human rights, and facilitate repatriation of funds to countries of origin continue to fall short of commitments. [A report by the StAR Initiative on asset recovery](https://star.worldbank.org/sites/star/files/few_and_far_the_hard_facts_on_stolen_asset_recovery.pdf) (2014) found that while USD 20-40 billion was estimated to be stolen each year, only USD 147.2 million was returned by OECD members between 2010 and June 2012, and USD 276.3 million between 2006 and 2009.Since 2011, the Human Rights Council has been considering the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation in this respect.Some resolutions have requested reports and work by the Independent Expert on foreign debt and human rights. In addition, the Council requested the Advisory Committee to conduct a study on the possibility of utilizing non-repatriated illicit funds, including through monetization and/or the establishment of investment funds, while completing the necessary legal procedures, and in accordance with national priorities, with view to supporting the achievement of the Goals of the 2030 Agenda for Sustainable Development.In resolution 46/11, the Council requested the High Commissioner to present a report on the seminar to the Human Rights Council at its fifty-first session. |
| **Background documents:**  | * [Human Rights Council resolution 46/11](https://undocs.org/A/HRC/RES/46/11) of 23 March 2021 on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

 * Advisory Committee, Study on utilizing non-repatriated illicit funds with a view to supporting the achievement of the Sustainable Development Goals (2020) - [A/HRC/43/66](https://undocs.org/A/HRC/43/66)
* Advisory Committee, Research-based study on the impact of flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights (2017) - [A/HRC/36/52](https://undocs.org/A/HRC/36/52)
* Independent Expert on foreign debt, Final study on illicit financial flows, human rights and the Agenda 2030 for Sustainable Development, (2016) - [A/HRC/31/61](https://undocs.org/A/HRC/31/61)
* The negative impact of the non-repatriation of funds of illicit origin on human rights: Final report (2014) - [A/HRC/25/52](https://digitallibrary.un.org/record/773859)
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