

**UN Human Rights Council panel discussion
on the negative impact of corruption on human rights
UNODC contribution**

ANTI-CORRUPTION AND HUMAN RIGHTS:

1. A two-way relationship exists between human rights and corruption. On the one hand, the fight against corruption has a positive effect on the implementation of human rights. The respect of human rights reduces significantly space for corruption, and the fight against corruption can only be fully efficient through a human rights approach. Fighting corruption enhances human rights, and the realization of human rights reduces corruption.
2. The implementation of UNCAC, as the only global instrument against corruption, is therefore also instrumental for the realization of human rights.
3. UNCAC acknowledges transversal principles such as transparency, accountability, integrity, participation, respect of the rule of law, right to information, independence of the judiciary, fair trial, equality and non discrimination that reinforce human rights.
4. Access to information remains a key component of transparency and allows for conditions in which the society can significantly participate. Another key provision for the protection of human rights is article 33, which requires that states should consider incorporating protective measures for persons reporting crimes of corruption in good faith, against any kind of unjustified treatment. Furthermore, Article 10 asks states parties to enhance public reporting and simplify administrative procedures to allow access to competent decision-making authorities. Enhancing transparency, improving the work of oversight

- mechanisms and the participation of the society can prevent opportunities for corruption and deter would-be perpetrators from engaging in crimes.
5. The right to a fair trial is fundamental, and the UNCAC reflects the importance of this human right. For example, in its article 30, the Convention expressly requires due regard for the rights of the defence and the presumption of innocence. Likewise rights of bona fide third parties are protected from confiscation measures in article 31 of the Convention.
 6. The protection of witnesses, experts and victims, and whistleblowers is also stressed in the Convention, as it recognizes that a balance has to be struck between these measures and the rights of the defendant as well as due process. Furthermore, Article 32 also stresses the importance of the participation of victims since states have to enable victims to present their views and concerns at appropriate stages of the proceedings.

INDEPENDENCE OF THE JUDICIARY:

7. The article 11 of the UNCAC stresses the importance of strengthening the independence of the Judiciary, while article 36 calls for specialized bodies in the fight against corruption, with the right tools to carry its function without undue influence. The Bangalore Principles on Judicial Conduct, for example, adopted by the Judicial Group in Strengthening Judicial Integrity, reinforces the Convention by acknowledging key principles for the judiciary such as independence, impartiality and integrity.
8. I would like to stress here that the UNODC thematic anti-corruption programme promotes judicial integrity and thereby combat corruption. Our Programme provides that, through the work of UNODC, the capacities of criminal justice institutions to combat corruption will be strengthened and the integrity, accountability, oversight and transparency of such institutions will also be

improved. In other words, a robust anti-corruption framework requires corresponding strong and independent justice institutions and preventive mechanisms.

REVIEW MECHANISM:

9. As the sole globally binding anti-corruption instrument, the convention aims to maximize the use of public funds and reduce opportunities for corruption so that citizens receive the benefits of improved administration in the form of better hospitals, education and better public services in general.
10. In order to ensure the proper implementation of the provisions of the Convention, the Conference of the States Parties has adopted a Mechanism for the Review of Implementation of the UNCAC.
11. The Mechanism is an intergovernmental process, a peer review mechanism. The State under review nominates a focal point to coordinate its participation in the review among the national institutions, as well as with the reviewing States and the Secretariat. It was adopted in order to assist States in the effective implementation of the Convention. The mechanism does not seek to judge or produce any forms of ranking but rather to identify at the earliest stage possible challenges and best practices of States Parties in the fulfilment of their obligations and promote constructive collaboration to address them, as well as provide recommendations, as necessary. The mechanism takes into account human rights as transversal principles of the United Nations while remaining focused, in its review, on UNCAC provisions.
12. Ensuring the full implementation of the Convention, respecting its terms and spirit ensures the development of an environment favourable to prevent and combat corruption more efficiently and by this, support the realization of human rights

and contribute to create conditions of development, particularly, for those who need it most.

13. Thank you!