**“Corruption Undermines the Ability of the State to Confront Human Rights Violations”**

* **Introduction**

Countries with high rates of corruption witness many violations in the human rights file, as prevalence of corruption and violations of citizens’ rights are directly and closely connected. Corruption is the abuse of public power by government officials, at all levels, for personal gain. This abuse is partly related to the persistence of these people in their various positions, leading to undermining the state’s ability to provide its people with their very basic rights such as the right to life, education, protection, health, or work. The corrupt act itself may violate human rights or lead to other acts that would ultimately violate human rights. The consequences of corruption truly affect the ability of citizens to access their rights.[[1]](#footnote-1)

Corruption can take many forms such as bribery, blackmail, neglect of duties, favoritism, embezzlement, fraud, and misuse of regulations, laws, judicial rulings, decrees and other legal measures to gain influence, silence opposition to the policies of corrupt regime, seize public funds and state lands, and many other images which consequences lead to direct human rights violations or acts that lead to violations of rights Human. For example, human trafficking crimes across borders is the worst form of human rights violation that occurs as a result of bribing police and immigration officials whose duties fall within the control of borders. Thus, bribe, which is one of the forms of corruption, leads to the continuation of one of the worst violations of human rights represented in the crime of human trafficking across borders[[2]](#footnote-2).

In the same context, the unlawful and illegal detention of politicians is a violation of human rights that occurs as a result of judicial and political corruption in the state. Likewise, it is possible to measure all types of corruption related to the abusing power to cause multiple human rights violations in the same manner. It is worth noting that corruption in the provision of public services or allocating it to a specific social class affects the state’s ability to provide citizens with economic and social rights such as treatment, education and other basic human rights related to the lives of citizens. Corruption is a tool that helps citizens to practice social discrimination against marginalized groups of society, minorities, migrant workers, persons with disabilities, and women in the rights granted to them, on the basis of unequal power between state officials of different levels and these groups.[[3]](#footnote-3)

In the light of the above, and in order to be fully aware of know the impact of corruption on human rights, this report focuses on three cases of study, firstly, judicial and political corruption and related human rights violations in Turkey, and secondly the corruption of the political elite in Israel and the consequent different political rights of citizens. Finally, the report concludes with the illegal Houthi militias’ intervention in the economic field as a pattern of corruption and abuse of power and their impact on citizens’ rights to property, education, health and the right to life in Yemen. By presenting these three cases the report concludes with a set of Recommendations to eliminate corruption associated with human rights violations and thereby improve human rights activities associated with the practice of corrupt activities that are mentioned earlier in the study[[4]](#footnote-4).

* **In Turkey, Corruption is Rampant in all Sectors**

Corruption is widespread in the public and private sectors in Turkey. As Turkey ranks 91 out of 180 countries in its Corruption Perceptions Index reported by Transparency International, and this is due to many factors, the most important of which is the abuse of powers and political authorities by the Turkish President and the Turkish government to convey economic privileges to the companies affiliated with the political orientations of the ruling party with the exclusion of other violating companies. This in conjunction with preventing corruption investigations from being carried out against members of the Turkish government[[5]](#footnote-5), in addition to judicial corruption that allows the use of various measures to silence oppositions.

It is worth noting that Turkey ranks 109th among 126 countries in rule of law index issued by the Global Justice Project[[6]](#footnote-6). Political and judicial corruption and their consequences caused a set of violations in the economic ownership of companies and the right of fair trial to opposition while affecting the citizens’ social rights as an indirect result of this corruption, such as the right of citizens to get appropriate jobs, which was affected by the increase in unemployment as a direct result of companies leaving the labor market due to lack of confidence in the Turkish judicial system.

The Turkish government misuses its executive, legislative, and judicial authorities to support a group of businessmen whose ideology and ideas are in line with the Turkish ruling party on certain economic projects and exclude others who oppose the ruling party’s ideas. In this context, the judiciary is constantly used to issue a set of judgments or detain opposition for long periods, in order to silence all critics of the ruling party’s policies, violating the citizens’ rights to a fair trial in a specific context due to the corrupt judicial system. It is also worth noting here that many opposition members are reportedly subjected to many violations of human rights because of their anti-government activities[[7]](#footnote-7).

Among the victims of judicial corruption in Turkey is the Turkish businessman Osman Kavala, who has been in pre-trial detention since November 2017, for his alleged attempt to overthrow the government of the Turkish republic and participation in the Turkey’s failed coup attempt in July 2016. The context of the case along with the request submitted by the European Court of Human Rights to the Turkish judiciary to take the necessary measures and do whatever is necessary to immediately release Kavala, as his case is related to the government’s abuse of the Turkish judiciary to control the Turkish regime political opposition and try to silence them[[8]](#footnote-8). In conjunction with this procedure, the Turkish government exert pressure on judges and prosecutors in order to change the rulings against citizens to serve the government’s basic orientations. And this is exactly what happened in the case of Ahmet Altan, a prominent Turkish opposition journalist, who was detained again for speaking out loud when told by the government to remain silent; therefore, the corruption and instability of the judiciary affected Altan's right to a fair, non-politicized trial.[[9]](#footnote-9)

In this context, various judicial decisions are used to confiscate the private property of opposition businessmen. The Turkish government has confiscated about 937 companies with 19.4 billion liras in shares and 50 billion Turkish liras in assets, over alleged links to the Gülen movement. Thus, abusing the judiciary to take over the money of the opposition businessmen is regarded as an act of corruption and violates the private property rights of those individuals in Turkey[[10]](#footnote-10). On the other hand, companies and businessmen known for their close relationships to the ruling party enjoy economic privileges at the expense of other companies and “Cengiz Holding” company sets a very clear example in this regard. This company, which is known for its close relation with the ruling Justice and Development Party in Turkey, obtained a tender bid of purchasing electricity for the Turkish Ministry of Treasury and Finance at a value of 10 million Turkish liras at the expense of other Turkish companies. [[11]](#footnote-11)

This was also a direct consequence of corruption occurred through amending the Public Tenders Law to prevent the required transparency and ensure that certain companies obtain these tenders exclusively with the rate of open tenders falling from 75% to 63% from 2004 to 2019. The exceptional tenders and bids negotiated increased from 10% to 32% in the same period, the same mechanism by which Cengiz Holding obtained the tender, negatively impacting the various Turkish economic companies limiting their opportunities to obtain the same privileges granted to companies close to the ruling party. This truly reflects discrimination against them to obtain certain rights as a result of unequal power relations.[[12]](#footnote-12)

In another development, a Turkish court issued life imprisonment sentences against people who uncovered the corruption of the Turkish President, his family members and those close to him in March, 2019. The ruling also included sentencing 15 people to life imprisonment over accusing close associates of the Turkish President, Recep Tayyip Erdogan, of involvement in 2013 corruption scandal. This indicates that the Turkish government uses the judiciary as a tool against whoever would expose the corruption of the president, his family members, or figures with authority in the government.[[13]](#footnote-13)

Judicial and political corruption in Turkey raises the concerns of foreign economic companies about the independence of the judiciary within the state and its ability to protect private property rights, leading to their withdrawal from the Turkish market; thus, jeopardizing the Turkish economy. All this indirectly affects the ability of citizens to obtain a group of Economic rights, such as the right to work, due to the lack of foreign capital in the market as a result of the widespread judicial and political corruption in Turkey’s institutions.[[14]](#footnote-14)

**Cases Studies**

* **Corruption of Ruling Elite in Israel and Its Impact on the Basic Rights of Citizens**

The ruling elite in Israel has allocated a set of state resources from government funds and facilities to specific telecommunications companies that possess media tools in order to obtain a distinct media coverage that contribute to tipping the scales in their favor to win elections through creating a pro-public opinion. This corrupt act is known as "bribery" and it affects the political rights of citizens in Israel to choose their representatives and the right to obtain information in full transparency, which affects the will of the Israeli people to choose and contravenes Article 21 of the Universal Declaration of Human Rights.[[15]](#footnote-15) Corruption of the ruling class in Israel regarding providing governmental facilities for media institutions and telecommunications companies to mislead public opinion in order to obtain political gains at the expense of citizens’ freedom of choice, has turned into a systematic policy[[16]](#footnote-16). As using bribery to allocate certain resources from the state institutions to obtain media services for officials influence the citizen’s freedom of choice; this, therefore, represents a clear example of how close corruption and human rights violations are linked.

In this context, the Israeli Prime Minister Benjamin Netanyahu, was accused of corruption, particularly over providing benefits and services from the authority responsible for regulating the work of the Israeli telecommunications sector and financial facilities to Bezig Communications, which owns the Wella News website as a bribe, in order to represent a good media image of Netanyahu and his wife, therefore, tipping the scales in their favor to win elections. This corruption contributes mainly to affecting citizens’ right to the freedom of choice and political participation, in addition to another charge related to trying to communicate with the owner of the newspaper, Yedioth Ahronoth Arnon Mozes, to get positive coverage to him during his tenure as prime minister in exchange for his assistance to weaken Israel Hayom, a rival newspaper[[17]](#footnote-17).

The ruling elite in Israel is trying to use multiple legal means to provide legal protection for prosecution such as corruption charges related to the exploitation of influence. Israeli law allows parliamentarians and members of the government to obtain parliamentary immunity such as prosecution in corruption cases for many reasons, arguing that the prosecution does not act out of good faith, with the requirement to obtain half members of Israel's Knesset, which Prime Minister Benjamin Netanyahu seeks to obtain before the Israeli parliamentary elections next March[[18]](#footnote-18). It is worth noting that the two-round elections, the first and the second, failed to form a coalition government, indicating that the rights of the Israeli citizens in the elections have been impacted by disturbing his political decision, indicating that the Israeli democratic principles are in danger in a way that affects the different political rights of citizens.[[19]](#footnote-19)

It is worth noting that Israeli Prime Minister Benjamin Netanyahu has tried to immunize himself against various corruption decisions in many ways. In July 2019, he intervened to appoint State Comptroller, Netanyahu Engelman, after the latter gained support from the Benjamin Netanyahu coalition in the Knesset in June. Engelman aims to reducing the powers of his office to investigate in cases of public corruption that serve the Israeli elite, and he issued a statement saying that there will be no corruption investigations such as the one ended with Sarah Netanyahu's condemnation in the future, in a clear reference to the role of Netanyahu Engelman in preserving the powers of the ruling elite in Israel and covering up various corruption crimes that they may commit.[[20]](#footnote-20)

* **Houthis Economic Activity and Associated Human Rights Violations**

The Houthi militia is engaged in a set of illegal economic activities such as human trafficking, drug trafficking and illegal taxation, in addition to inaugurating economic laws aimed at controlling the market. These activities represent a pattern of corruption and abuse of power to achieve certain benefits and gains. Besides, their direct consequences represent fundamental human rights violations such as the right to life or the right to property.

The Houthi militia trades in human organs and tissues such as trading in the dead bodies of those killed in daily fights with government forces. There are three hospitals carrying out this crime in the capital, Sana'a, under the supervision of Yemeni and foreign surgeons, with the support and protection of influential leaders in the Houthi militia, which is a gang for trafficking in human organs[[21]](#footnote-21). In the same context, Houthi female gangs kidnap women from their work and study places in order to trafficking them[[22]](#footnote-22), violating the protocol to prevent, suppress and punish trafficking in persons, especially women and children issued by the United Nations[[23]](#footnote-23), and this is considered a kind of corruption and a violation of the human rights and economic activity of the Houthi militia.

In this context, the Houthi militia are trading in all kinds of drugs, as well as counterfeit medicines that are provided for the Yemeni people[[24]](#footnote-24), and this represents a form of corruption carried out by fraud in medicine and medical equipment through which the right to health is violated by providing health services to citizens below the required level, and this is a clear example of how corruption is linked to human rights violations.

The Houthi militia abuses power by imposing restrictions on Yemeni merchants, whether by issuing a group of laws to control the markets or closing the commercial center for any reason. This violates the right to property and is regarded as a kind of corruption resulting from the abuse of power. Among these practices is the militia’s raids against merchants and capital in the Yemeni capital, Sana'a, the closure of a number of centers and commercial shops under the pretext that these centers are dealing with the new edition of the local currency issued by the legitimate government[[25]](#footnote-25), and in the context, the militia raised the tax rate levied on merchants and citizens by 100%, in addition to raising the tariff payments and imposing illegal taxes on merchants, private companies and owners of gas stations[[26]](#footnote-26), with the aim of illegally increasing the group's resources that represents the exploitation of power and violates the property rights of individuals.

In the context, the militia decided to seize the funds and properties of 35 parliamentarians, opposing the Houthis’ orientation, over treason, jeopardizing the independence and integrity of the Yemeni Republic’s lands and communicating with foreign countries in a way that represents an exploitation of power and a violation to the right of personal property, in order to increase the economic funds of the militia[[27]](#footnote-27). It is worth noting that the Houthi militias are abusing their power to increase its various economic resources at the expense of basic human rights as well as issuing different laws to maintain this matter.[[28]](#footnote-28)

* **Conclusion and Recommendations**

In conclusion, it can be said that the previous three cases covered by the report represent a pattern of corruption that affects the basic rights of citizens. The first pattern represents the misuse of political and judicial authorities in pursuing opponents and within economic rights of certain groups at the expense of others, representing violations of basic economic rights, such as the right to ownership or the right to work, it also affects the citizens’ right to a fair trial, while the second case represents the abuse of power through bribery to gain more political domination at the expense of citizens’ democratic rights. As for the third case, it refers to the engagement in unlawful economic activities such as human trafficking and drug trafficking in order to gain certain benefits. The activity is basically a pattern of corruption that is mainly associated with violations of the right of individuals to life and property in some cases. Accordingly, Maat for Peace and Development and Human Rights recommends that:

* The Turkish government must develop and expand anti-corruption policies and regulations to include political and judicial misuse to obtain more economic benefits for classes close to the ruling party to ensure the elimination of economic discrimination.
* The Turkish government, Osman Kavala and Ahmed Al-Tan should immediately release and stop using the judiciary as a political tool in prosecuting opponents, while amending the group of laws to include a framework allowing for a fair trial of citizens.
* The international community calls for the necessity of pressuring the Israeli regulatory and judicial authorities to ensure fair trial procedures for Israeli Prime Minister Benjamin Netanyahu over charges of bribery.
* The international community calls for the necessity of pressuring the Houthi militia to stop the illegal economic activities that represent a pattern of corruption and entail violations to human rights.
* The United Nations Office on Drugs and Crime has called for the necessity of playing a positive role in eliminating the various Houthi activities associated with drug trafficking that violates the fundamental human right to life.
1. Julio Bacio-Terracino . Linking Corruption and Human Rights . Proceedings of the Annual Meeting (American Society of International Law)Vol. 104, International Law in a Time of Change (2010), pp. 243-246 [↑](#footnote-ref-1)
2. Kanokkan Anukansai . Corruption: The Catalyst for Violation of Human Rights . nacc.go . 2016 . <http://bit.ly/3bDAlqL> [↑](#footnote-ref-2)
3. THE NEGATIVE IMPACT OF CORRUPTIONON THE ENJOYMENT OF HUMAN RIGHTS . Documents/HRBodie /HRCounc /Advisory . <http://bit.ly/2SquGgi> [↑](#footnote-ref-3)
4. استخدم التقرير منهج دراسة الحالة عن طريقة مراجعة الأخبار والدراسات المرتبطة بوقائع الفساد المختلفة التي ساهمت عواقبها في انتهاكات حقوق الإنسان بشكل مباشر أو غير مباشر بالتركيز على نمط واحد من أنماط الفساد في الحالات الثالثة المعروضة بثلاثة دول بالورقة و جميع الجوانب المتعلقة به حتى يتمكن الباحث من إصدار مجموعة من التوصيات المختلفة للحد من ظاهرة الفساد المرتبط بانتهاكات حقوق الإنسان. [↑](#footnote-ref-4)
5. الشفافية الدولية: فساد "أردوغان" الأسوأ على مر تاريخ تركيا ، فلاصة ، يناير 2020 ، <http://bit.ly/2SnSSzY> [↑](#footnote-ref-5)
6. Turkey Ranks Worse in Rule of Law Index . bianet . March 2019 . <http://bit.ly/2QpP5kL> [↑](#footnote-ref-6)
7. تفشي الفساد في مفاصل الدولة التركية .. ومصداقية الحكومة أمام الشركات على المحك ، الاقتصادية ، مايو 2019 ، <http://bit.ly/2HnMwu8> [↑](#footnote-ref-7)
8. **تركيا تتحدى محكمة أوروبية وترفض الإفراج عن رجل الأعمال عثمان كافالا ،** أوروبا نيوز، ديسمبر 2019 **،** [**http://bit.ly/38r26kB**](http://bit.ly/38r26kB) [↑](#footnote-ref-8)
9. **كثرة تغيير الأحكام" تثير الشكوك في استقلال القضاء التركي** ، أسكاي نيوز ، نوفمبر 2019 ، <http://bit.ly/2SSDOLj> [↑](#footnote-ref-9)
10. SEND A LETTER: CONFISCATED BUSINESSES . silencedturkey . NOVEMBER 29, 2018 . <http://bit.ly/2HmMy5s> [↑](#footnote-ref-10)
11. الفساد في تركيا.. شركة مقربة من أردوغان تستولي على مناقصات وزارة المالية ، تركيا الأن ، 2019 ، <http://bit.ly/2UP97HV> [↑](#footnote-ref-11)
12. تركيا تتراجع وتحتل المرتبة 91 على مؤشر مدركات الفساد ، الجوار برس ، يناير 2020 ، <http://bit.ly/2SqBw5n> [↑](#footnote-ref-12)
13. ملفات الفساد تحاصر أردوغان وأسرته والمقرّبين منه ، أحوال تركيا ، أبريل 2019 ، <http://bit.ly/2tS50Qa> [↑](#footnote-ref-13)
14. مرجع سابق ذكره [↑](#footnote-ref-14)
15. الإعلان العالمي لحقوق الإنسان ، الأمم المتحدة ، <http://bit.ly/31BymNw> [↑](#footnote-ref-15)
16. الرؤساء إلى الحاخامات.. قضايا الفساد التي فضحت النخبة في دولة الاحتلال ، الجزيرة مباشر مصر ، أكتوبر 2019 ، <http://bit.ly/38tInRo> [↑](#footnote-ref-16)
17. تعرف على فضائح الفساد التي تواجه نتنياهو (إنفوغراف) ، عربي 21 ، 2019 ، <http://bit.ly/2UWLXPI> [↑](#footnote-ref-17)
18. نتنياهو يلجأ لخيار «الهروب القانوني» لمواجهة 3 فضائح فساد موثقة ، عاجل ، يناير 2020 ، <http://bit.ly/2vyqMc8> [↑](#footnote-ref-18)
19. استطلاع: معظم الإسرائيليين لا يثقون بالقيادة، ويرون أن الديمقراطية في ’خطر شديد ، تاميز أوف إسرائيل ، يناير 2020 ، <http://bit.ly/39BVFvh> لمزيد من المعلومات من الممكن النظر في نتائج استطلاع الرأي الموجود بالخبر [↑](#footnote-ref-19)
20. أنباء عن إلغاء مراقب الدولة تقارير فساد إضافية، مثل التحقيق ضد سارة نتنياهو ، إسرائيل تايم أوف أغسطس 2019 ، <http://bit.ly/3bExFcq> [↑](#footnote-ref-20)
21. الحوثيون يغلقون منظمة في صنعاء كشفت متاجرتهم بالأعضاء البشرية ، جريدة الاتحاد 2019 فبراير ، <http://bit.ly/2Soii0q> [↑](#footnote-ref-21)
22. اختطاف الفتيات ظاهرة جديدة ترعب أهالي صنعاء، الانتدبنت العربية ، 19-12-2019، <http://bit.ly/36t4Agn> [↑](#footnote-ref-22)
23. روتوكول منع وقمع ومعاقبة الاتجار بالأشخاص، وبخاصة النساء والأطفال، المكمل لاتفاقية الأمم المتحدة لمكافحة الجريمة المنظمة عبر الوطنية ، الأمم المتحدة لحقوق الإنسان ، <http://bit.ly/30Wy8BT> [↑](#footnote-ref-23)
24. مخدرات الحوثي.. تجارة آثمة تُموِّل حرب المليشيات المشهد العربي| يوليو2019 <https://www.almashhadalaraby.com/news/102467> [↑](#footnote-ref-24)
25. ميليشيات الحوثي تغلق مراكز تجارية بصنعاء وتستولي على أموالها ، أخبار اليوم ، مايو ، 2019 ، <http://bit.ly/2SLWdaO> [↑](#footnote-ref-25)
26. بايات الحوثي تضاعف معاناة اليمنيين.. المليشيا ترفع الضرائب 100% ، جريدة العين ، مايو 2019 ، <http://bit.ly/38sYFtz> [↑](#footnote-ref-26)
27. صنعاء.. ميليشيات الحوثي تحجز أموال وممتلكات 35 نائباً ، العربية ، 2019 سبتمبر ، <http://bit.ly/38vuGRO> [↑](#footnote-ref-27)
28. مليشيا الحوثي تعبث بعدد من القوانين التجارية لشرعنة السوق السوداءعدن تاي فبراير 2019 : <https://twitter.com/adentimenet> [↑](#footnote-ref-28)