

THE HUMAN RIGHTS CASE AGAINST CORRUPTION



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Introduction

Corruption undermines democracy and the rule of law. It leads to violations of human rights. It erodes public trust in government. It can even kill – for example, when corrupt officials allow medicines to be tampered with, or when they accept bribes that enable terrorist acts to take place.

Ban Ki-moon

United Nations Secretary-General

Let us be clear. Corruption kills. The money stolen through corruption every year is enough to feed the world's hungry 80 times over. Nearly 870 million people go to bed hungry every night, many of them children; corruption denies them their right to food, and, in some cases, their right to life. A human rights-based approach to anti-corruption responds to the people's resounding call for a social, political and economic order that delivers on the promises of "freedom from fear and want".

Navi Pillay

United Nations High Commissioner for Human Rights

Human rights carry normative value as a set of universally agreed values, standards and principles. Every UN member state has undertaken international legal obligations for human rights. More than 80 percent of member states have ratified 4 or more of the 9 core international human rights treaties¹. At the same time, the recently enacted UN Convention against Corruption currently has 168 States parties. The legal standards and objectives articulated by human rights and anti-corruption instruments are in many aspects complementary and their implementation may be significantly enhanced if practitioners draw on this synergy.

¹ International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); International Convention for the Protection of All Persons from Enforced Disappearance (2006); and Convention on the Rights of Persons with Disabilities (2006).

In recent years, United Nations and regional organizations have increasingly recognized the negative impacts of corruption on the enjoyment of human rights. Moreover, the treaty bodies and special procedures of the United Nations human rights system have regularly identified corruption as a critical factor contributing to the failure of States to satisfy their human rights obligations.

Human rights are indivisible and interdependent and the consequences of corruption touch upon them all — civil, political, economic, social and cultural, as well as the right to development. For example, corruption undermines a State's human rights obligation to maximize available resources for the progressive realization of rights recognized in Article 2 of the International Covenant on Economic, Social and Cultural Rights. The corrupt management of public resources compromises the State's ability to deliver services, including health, education, and welfare, which are essential for the realization of economic, social and cultural rights. Corruption leads to discriminatory access to public services in favour of those able to influence authorities, including by offering bribes. Economically and politically disadvantaged groups and persons suffer disproportionately in these circumstances, because they are most dependent on public services but least able to influence State policies and corrupt officials.

Corruption can also affect the enjoyment of civil and political rights in all States, even long established democracies, by weakening public institutions and eroding the rule of law. When corruption is prevalent, those in public positions fail to take decisions with the best interests of society in mind. As a result, corruption damages the legitimacy of regimes leading to a loss of public support and trust for state and government institutions. When widespread, practices like electoral fraud, illicit funding of political parties or even the perceived disproportionate influence of money in politics can erode confidence in governments.

In countries where corruption pervades governments and legal systems, law enforcement and legal reform are impeded by corrupt judges, lawyers, prosecutors, police officers, investigators and auditors. This can compromise the right to equality before the law and the right to a fair trial, and especially undermine the access of disadvantaged groups to justice, as they cannot afford bribes and cannot trade influence for favourable judgements. Importantly, corruption in the rule-of-law system weakens the very accountability structures which are responsible for protecting human rights and contributes to a culture of impunity, since illegal actions are not punished and laws are not consistently upheld.

The human rights case against corruption provides a foundation for rights-based advocacy against corruption for all with an interest in fighting the negative impacts of corruption on the eradication of poverty, sustainable development and the enjoyment of all human rights including the right to development.

Human rights principles and institutions in the fight against corruption

Human rights principles and institutions are essential components of successful and sustainable anti-corruption strategies. Anti-corruption efforts are more likely to be successful if they approach corruption as a systemic problem rather than a problem of individuals. A rights-based approach to corruption calls for a comprehensive strategy to promote effective institutions, appropriate laws, good governance, and the participation of all concerned stakeholders. The adoption of legal frameworks or anti-corruption commissions is essential, but may not be effective without a strong and engaged civil society and a culture of integrity in State institutions. Likewise, civil activism against corruption can only thrive in the presence of a strong legal framework and an open political system.

A human rights-based approach to anti-corruption

A human rights based approach to anti-corruption means putting the international human rights entitlements and claims of the people (the 'right-holders') and the corresponding obligations of the State (the 'duty-bearer') in the centre of the anti-corruption debate and efforts at all levels, and integrating international human rights principles including non-discrimination and equality, participation and inclusion, accountability, transparency, and the rule of law.

The fight against corruption, like many efforts to promote the enjoyment of human rights, is a long-term process demanding a firm grounding in a country's institutions, laws and culture. An efficient anti-corruption strategy must be informed by key human rights principles. An independent judiciary, freedom of the press, freedom of expression, access to information, transparency in the political system, and accountability are essential for both successful anti-corruption strategies and the enjoyment of human rights. So too is a serious commitment to the progressive realization of economic and social rights. In promoting these basic elements of good governance, human rights and anti-corruption efforts can be mutually reinforcing.

To further anti-corruption efforts, the characteristics of effective anti-corruption institutions need to be identified. In this regard, the role of the judiciary, ombudsmen and national human rights institutions in addressing corruption and the potential for their cooperation with national and international anti-corruption agencies should be considered. An engaged civil society and media that value and demand accountability and transparency are also vital to addressing corruption. Whistle-blowers, human rights defenders, democracy activists, and anti-corruption advocates must be protected under law. Lessons can be learned from the experience of the human rights movements in raising civil society's awareness of the adverse consequences of corruption, and in building alliances

with State institutions and the private sector in support of anti-corruption efforts. Civil society, the private sector and social media can play a determining role in affecting institutional reform to strengthen transparency and accountability.

Transparency and accountability are amongst the human rights principles that are integral to successful anti-corruption strategies. Measures to enhance transparency and accountability and contribute to sustainable anti-corruption efforts include laws that ensure public access to information on governmental processes, decisions and policies, institutional reforms that guarantee participatory and transparent decision-making, laws that regulate the financing of electoral campaigns and parties, and audits to monitor and promote the effective delivery of public services, including through the criminal prosecution of corruption.

UN human rights mechanisms and anti-corruption

United Nations human rights mechanisms have been increasingly mindful of the negative impact of corruption on the enjoyment of human rights and consequently of the importance of effective anti-corruption measures. The Human Rights Council and its Special Rapporteurs and Universal Periodic Review Mechanism, as well as Human Rights Treaty-monitoring bodies have addressed corruption and human rights on numerous occasions.

In 2003, the former Sub-Commission on the Promotion and Protection of Human Rights appointed a Special Rapporteur with the task of preparing a comprehensive study on corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights. The mandate ended in 2006 when the Sub-Commission was replaced by the Advisory Committee. In 2004, at the request of the Commission on Human Rights, OHCHR jointly organized a seminar with UNDP on good governance practices for the promotion of human rights, including anti-corruption, which took place in Seoul, the Republic of Korea². Subsequently, OHCHR organized a conference on anti-corruption measures, good governance and human rights in Warsaw, Poland in 2006³. In 2007, OHCHR published a booklet on Good Governance Practices for the Protection of Human Rights⁴.

The Human Rights Council has continued to promote work on human rights and anti-corruption. In 2011, the Council stressed that States should promote supportive and enabling environments for the prevention of human rights violations, *inter alia*, by fighting corruption⁵. Furthermore, the Council considered the issue of the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights⁶, including a study by the High Commissioner for Human Rights on the subject matter⁷.

² See E/CN.4/2005/97.

³ See A/HRC/4/71.

⁴ See HR/PUB/07/4.

⁵ A/HRC/RES/18/13

⁶ A/HRC/RES/17/23, A/HRC/RES/19/38 and A/HRC/RES/22/12

⁷ See A/HRC/19/42

In 2012, a cross-regional statement on corruption and human rights was delivered by Morocco to the 20th session of the Human Rights Council on behalf of 134 States. The statement called for deepening reflection on the close connection between human rights and anti-corruption measures and urged the anti-corruption and human rights movements to work together. Subsequently, the Human Rights Council convened a panel discussion on the negative impact of corruption on the enjoyment of human rights in March 2013⁸.

In 2013, the Human Rights Council requested its expert Advisory Committee to submit a research-based report to the Council at its twenty-sixth session in June 2014 on the issue of the negative impact of corruption on the enjoyment of human rights, and to make recommendations on how the Council and its subsidiary bodies should consider this issue⁹. This on-going commitment by United Nations to address the negative impact of corruption on the enjoyment of human rights reflects a common understanding of the importance and interconnectedness of these issues and informs OHCHR's work in this area.

Three key messages on corruption and human rights:

1. Corruption is an enormous obstacle to the realization of all human rights — civil, political, economic, social and cultural, as well as the right to development.
2. A human rights based approach to anti-corruption founded on the principles of transparency, accountability, equality, non-discrimination and participation is needed to strengthen anti-corruption efforts. Upholding specific human rights, in particular the rights to information, freedom of expression and assembly, an independent judiciary, and participation in public affairs, is critical.
3. There is an urgent need to strengthen collaboration between international efforts in the fields of anti-corruption and human rights and to integrate human rights into the activities of UN agencies working to fight corruption, and other relevant stakeholders including civil society and social media. This will require greater normative and policy coherence, the identification of common goals, and the appropriate division of tasks and responsibilities

⁸ See A/HRC/23/26.

⁹ A/HRC/RES/23/9.

Opening statement

by Navi Pillay, High Commissioner for Human Rights

13 March 2013

Excellency, Distinguished panellists,

Ladies and gentlemen,

I applaud the Council for its leadership on the important topic you will discuss today: the profoundly negative impact of corruption on human rights.

Let us be clear. Corruption kills. The money stolen through corruption every year is enough to feed the world’s hungry 80 times over. Nearly 870 million people go to bed hungry every night, many of them children; corruption denies them their right to food, and, in some cases, their right to life.

Bribes and theft swell the total cost of projects to provide safe drinking water and sanitation around the world by as much as 40 per cent. Money siphoned from the public treasury could have been spent to meet development needs, to lift people out of poverty; to provide children with education; to bring to families essential medicine; and to stop the hundreds of preventable deaths and injuries during pregnancy and childbirth that occur every day.

Corruption hits the poor first and hardest, and today, we will hear more about this from the testimonies of two panellists. But the negative impact of corruption on the enjoyment of human rights goes far beyond economic, social and cultural rights. Corruption in the administration of justice — which permits perpetrators to go unpunished so long as they pay bribes — creates a vicious cycle of crime. In human rights terms, it denies access to justice for victims, it exacerbates inequality, weakens governance and institutions, erodes public trust, fuels impunity and undermines the rule of law — in particular the right to a fair trial, the right to due process, and the victim’s right to effective redress.

There is no doubt that, in practical terms, corruption is an enormous obstacle to the realization of all human rights — civil, political, economic, social and cultural, as well as the right to development. Corruption violates the core human rights principles of transparency,

accountability, non-discrimination and meaningful participation in every aspect of life of the community. Conversely, these principles, when upheld and implemented, are the most effective means to fight corruption.

A human rights-based approach to anti-corruption responds to the people's resounding call for a social, political and economic order that delivers on the promises of "freedom from fear and want". This is precisely what my Office has been working to emphasize in the post 2015 development agenda, because we are convinced that efforts to combat corruption are most effective when coupled with an approach that respects all human rights, including those of the accused.

There is growing awareness of the intrinsic links between human rights and the struggle to combat corruption. As a result, we are seeing increasing activism on the part of UN human rights mechanisms such as the treaty bodies, special procedures and the Universal Periodic Review. But the stakes are high, and we cannot afford to spread ourselves thin. There is an urgent need to increase synergy between efforts to implement the United Nations Convention against Corruption and international human rights conventions. Strengthened policy coherence and collaboration is required between the UN Office on Drugs and Crime, UNDP, my Office, civil society and the intergovernmental processes in Vienna, Geneva and New York. Today's panel and its composition is a testimony to this effort.

Corruption is not a localized problem specific to certain countries, regions, societies, or traditions. It plagues not only public offices but also businesses, sports and more. Corruption is also global. It is reported that from 2000 to 2009, developing countries lost US\$8.44 trillion to illicit financial flows, 10 times more than the foreign aid they received. In times of protracted financial and economic crises, people, especially the poor and the marginalized, cannot be expected to absorb austerity measures while public funds are not managed in a transparent and accountable manner. The impact of corruption on development and on human rights is multifaceted; so too must be our response.

Some liken the global and popular demands to combat corruption to a new human rights movement, for both anti-corruption and the promotion of human rights share similar values: justice, fairness and the rule of law conducive to a life of dignity. I prefer to see these two approaches as complementary. As we continue to clarify the links between corruption and human rights, groups working to combat corruption locally and internationally will see more clearly the value of working with agencies in the field of human rights – and the reverse is of course true as well.

I therefore commend the leadership of this panel's key sponsors, and indeed all the Council members, for bringing this important discussion into the Human Rights Council. Corruption violates human rights; let us pool our thoughts and efforts together, and fight it as one.

Thank you.

Foreword

by the High Commissioner for Human Rights to Transparency International's Global Corruption Report: Education

Corruption in the public and private spheres in any country, irrespective of its economic and political system or level of development, poses a critical threat to the enjoyment of human rights. It weakens institutions, erodes public trust in government and impairs the ability of states to fulfil their human rights obligations. Corruption and its proceeds are not confined within national borders, nor is its impact on human rights. It typically diverts funding from state budgets that should be dedicated to the advancement of human rights, including the right to education. It also undercuts both access to and the quality of education, and hits hardest at the most vulnerable and marginalised sectors of society: those who have limited possibilities to defend themselves. Children who are confronted by corruption and a disregard for human rights in their early childhood and within their schools may not develop an appropriate sense of dignity, integrity and respect for human rights. They may become accustomed to corruption and the disregard of human rights, and consider these practices a natural part of social interaction.

Education, in addition to being an entitlement, is instrumental in promoting development, social justice and other human rights. Education has the potential to instil hope in our children and encourage a spirit of common and shared responsibility for our planet and for humanity. The values imparted through education are perhaps its most important product. By striving to help students to internalise values and principles such as dignity, integrity, liberty, equality and non-discrimination, participation, accountability and transparency, education can play a critical role in anti-corruption efforts and the promotion of human rights, and it is therefore crucial that they are reflected in curricula, in textbooks and in practice. Human rights education in particular is an effective tool to make children aware of their dignity and human rights and to prepare them to guard against corruption and human rights violations within their own societies.

It is disturbing that those engaged in corruption often benefit from impunity, and regrettably, whistleblowers have often been hit by retaliation. It is therefore no coincidence that activists fighting against corruption and the abuse of power are also recognised as human rights defenders.

Efforts aimed at preventing and punishing corruption and at remedying its effects help re-establish trust in the legitimacy and integrity of public institutions and officials. The legitimacy of these institutions is measured by how they deliver on the promise of human rights, in terms of results, processes and the values and principles they represent.

It is my firm belief that combating corruption and advocating human rights are mutually reinforcing, and that the relevant actors can learn from each other in identifying successful strategies and tools with the common goal of realising all human rights for all. Transparency International's *Global Corruption Report: Education* constitutes an important step in this process. By demonstrating the manifold impacts of corruption on the right to education and outlining approaches for tackling corruption in education, this work contributes to the realisation of the right to education and reveals the linkages between corruption and human rights. On the eve of the international community's deadline of realising universal free primary education for all by 2015, and with discussions on the post-2015 development agenda already under way, the recognition of corruption as a major obstacle to education and to all human rights could not be more timely.

For this reason, I welcome the initiative of Transparency International in devoting this *Global Corruption Report* to corruption in education. In times of protracted financial and economic crises, and with austerity measures weighing heavily on attempts to secure human wellbeing, it is even more important to join forces in promoting anti-corruption efforts and human rights.

Human Rights Council

Resolution 7/11. The role of good governance in the promotion and protection of human rights

The Human Rights Council,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Commission on Human Rights resolution 2005/68 of 20 April 2005 and all previous relevant resolutions on the role of the good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, including women and members of vulnerable and marginalized groups, is the foundation on which good governance rests and that such a foundation is an indispensable condition for the full realization of human rights, including the right to development,

Emphasizing that democracies have embedded institutional advantages incontestably favourable to sustainable development, and that when based on the respect for human rights, they provide political incentives to Governments to respond to the needs and demands of the people, allow for more informed and extensive policy dialogue, are more adaptable, and create necessary checks and balances on Government power,

Reaffirming the leading role played by the United Nations in developing and promoting democracy and human rights, and recognizing the role of other processes, including the International Conference of New or Restored Democracies and the Community of Democracies,

Reaffirming also the importance of international and regional cooperation, when required by the States in need, in order to facilitate the implementation of good governance and anti-corruption practices at all levels,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, as reflected in the 2005 World Summit Outcome,

Noting with satisfaction the outcomes of the respective conferences of the Community of Democracies, held in Warsaw in 2000, in Seoul in 2002, in Santiago in 2005 and in Bamako in 2007, at which the States committed themselves to build on shared principles and goals to promote democracy in all regions of the world, to support the integrity of democratic processes in societies on the democratic path and to coordinate policies to enhance the effectiveness of democratic governance,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights, through both the weakening of institutions and the erosion of public trust in government, as well as through the impairment of the ability of Governments to fulfil their human rights obligations, particularly the economic and social rights of the most vulnerable and marginalized,

Recognizing also that effective anti-corruption measures and the protection of human rights are mutually reinforcing and that the promotion and protection of human rights is essential to the fulfilment of all aspects of an anti-corruption strategy,

Noting with attention the outcome of the first and second sessions of the Conference of the States parties to the United Nations Convention against Corruption, held in Dead Sea, Jordan, in 2006, and in Bali, Indonesia, in 2008,

1. *Welcomes the note by the United Nations High Commissioner for Human Rights transmitting the report on the United Nations Conference on anticorruption, good governance and human rights, held in Warsaw, on 8 and 9 November 2006, by the Office of the High Commissioner for Human Rights, and noting the main themes discussed during the seminar:*

- (a) The impact of corruption on human rights;*
- (b) Human rights and good governance in the fight against corruption;*
- (c) The role of civil society, the private sector and the media;*
- (d) Fighting corruption while safeguarding human rights;*

2. *Invites States to consider ratifying or acceding to the United Nations Convention against Corruption and to promote transparency, accountability, prevention and enforcement as key principles of anti-corruption efforts;*

3. *Welcomes the publication of the Office of the United Nations High Commissioner for Human Rights entitled "Good Governance Practices for the Protection of Human Rights", pursuant to Commission on Human Rights resolution 2005/68, and requests the Office of the High Commissioner to prepare a publication on anti-corruption, good governance and human rights, drawing on the results of the Warsaw conference;*

4. *Decides to continue its consideration of the question of the role of good governance, including the issue of the fight against corruption in the promotion and protection of human rights, at a future session.*

*40th meeting
27 March 2008*

Human Rights Council

Resolution 23/9. The negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, its purposes and principles, and reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council, including Council resolutions 21/13 of 27 September 2012 on the panel on the negative impact of corruption on human rights, and 19/20 of 23 March 2012, on the role of good governance in the promotion and protection of human right, as well as General Assembly resolution 67/192 of 20 December 2012, on preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to the countries of origin, in accordance with the United Nations Convention against Corruption, and the United Nations Millennium Declaration,

Recalling also the United Nations Convention against Corruption, which is the most comprehensive and universal instrument on corruption, and all relevant resolutions of the Conference of the State Parties to the Convention,

Deeply concerned about the increasing negative impact of widespread corruption on the enjoyment of human rights,

Recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals and other internationally agreed development goals,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption, and welcoming also the commitment made by all States in the 2005 World Summit Outcome¹ to make the fight against corruption a priority at all levels,

Emphasizing that international cooperation and coordination among different stakeholders, at both the national and international levels, in the fight against corruption contribute positively to the promotion and protection of human rights,

Welcoming the joint statement on the negative impact of corruption on the enjoyment of human rights made on behalf of one hundred and thirty four States Members of the United Nations at the twentieth session of the Human Rights Council,

Welcoming also the holding by the Human Rights Council, at its twenty-second session, of a panel discussion on the negative impact of corruption on the enjoyment of human rights,

1. Takes note with appreciation of the summary report of the Human Rights Council panel discussion on the negative impact of corruption on the enjoyment of human rights prepared by the Office of the United Nations Commissioner for Human Rights;

2. Recognizes that all forms of corruption can have a serious negative impact on the enjoyment of all human rights, and that the Human Rights Council should consider this issue further;

3. Also recognizes the link between anti-corruption efforts and human rights, and the importance of exploring how to better utilize United Nations human rights mechanisms in this regard;

4. Requests the Advisory Committee to submit a research-based report to the Human Rights Council at its twenty-sixth session on the issue of the negative impact of corruption on the enjoyment of human rights, and to make recommendations on how the Council and its subsidiary bodies should consider this issue;

5. Recalls the mandate of the Conference of State Parties to the United Nations Convention against Corruption, which will hold its fifth session in Panama City in November 2013, and encourages the Office of the High Commissioner to attend the Conference;

6. Requests the Advisory Committee to seek the views and inputs of Member States, relevant international and regional organizations dealing with the issue of corruption, in particular the United Nations Office on Drugs and Crime, the International Anti-Corruption Academy and the Office of the High Commissioner, as well as national human rights institutions, civil society and relevant academic institutions, when preparing the above-mentioned research-based report;

7. Also requests the Advisory Committee, when elaborating the abovementioned report, to take into account, as appropriate, the specific mandate of the Human Rights Council as well as the work done on the issue by competent United Nations bodies and mechanisms within their respective mandates.

*38th meeting
13 June 2013*

[Adopted without a vote.]

Cross regional statement by Morocco on "corruption and human rights"¹⁰

Geneva, 26th June 2012

Madame President,

I have the honor to make this statement on behalf of 134 states.

Madame President,

We are deeply concerned about the increasing negative impact of widespread corruption on the enjoyment of human rights. This can happen on the one hand, through weakening of institutions and erosion of public trust in government and on the other, through undermining national initiatives to improve citizens' lives. It can impair the ability of governments to fulfil their human rights obligations.

Corruption constitutes one of the biggest obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals, in particular the goals on the eradication of extreme poverty and hunger and on the achievement of universal primary education.

¹⁰ This statement was read by Morocco on behalf of: Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Croatia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Palestine, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russia, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Serbia, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Uruguay, Ukraine, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe, Holy See.

We believe that corruption is a universal phenomenon and it has been an issue of greatest concern to citizens of many countries. For too long, the anticorruption and human rights movements have been working in parallel rather than tackling these problems together.

The fight against corruption has been a common denominator to people all around the world and the scourge of bribery crosses the border of countries and regions. Corruption has become a serious problem with international implications, overlapping with several other transnational crimes. Globalization and modern technology have made the corruption diverse in its manifestations and, at the same time, provided more transparency about it.

Experience shows that fight against corruption can contribute significantly to the promotion of fundamental principles of human rights and the rule of law, essential to a free and democratic society. Corruption has always enabled the exploitation and injustice that too often impede respect for human rights and prevent our societies from advancing.

We welcome, in this respect, the continued efforts of the Office of the High Commissioner for Human Rights and its engagement with the UN anti-corruption actions, including its participation in intergovernmental meetings such as the Marrakesh Conference of States parties to the UN Convention against Corruption.

We also welcome the crucial role of civil society and media in addressing corruption issues and their ability to use human rights principles in fighting against corruption, including through raising awareness, calling attention to abuse and advocating for necessary improvements in the relevant legislation.

Madame President,

Several parts of the world are undergoing profound changes, resulting from great aspirations and expectations expressed by their peoples, particularly with regard to the promotion of transparency and rule of law in public life and the principles on which good governance rests, that is accountability, transparency, responsibility and integrity, as they are an indispensable condition for the full realization of human rights.

To tackle the disastrous effects of corruption, which may emanate from various resources, concerted efforts at both national and international levels are necessary in order to combat and prevent corruption and its negative manifestations, especially where the impact of corruption hinders the achievement of the Millennium Development Goals.

The fight against corruption is important in fulfilling people's aspirations for balanced and sustainable human development and achievement of the elimination of the pockets of poverty and vulnerability as well as in securing the promotion and protection of human rights and ensuring the preservation of the rule of law.

We also believe that the time has come to deepen reflection on how to address the close connection between human rights and anti-corruption measures. In this regard, our delegations fully support the call by the Human Rights Council stressing the importance of promotion of human rights-based policy coherence and coordination in the deliberations and actions by States and in the intergovernmental processes of implementing the United Nation's Convention against Corruption. It is encouraging that, up to now, 160 countries have ratified the UNCAC. This means that they should be committed to take effective measures to prevent and combat this scourge.

The coordination of action and cooperation between Member States in Geneva and Vienna, as well as close collaboration between the OHCHR and UNODC are vital, especially for sharing experiences and expertise regarding policy coherence in the implementation of international human rights obligations and anti-corruption laws. Their role is also vital for identifying best practices and examples of actions in which fight against corruption is assisted by and contributes to human rights protection.

In this context, we take note of the establishment of the International Anticorruption Academy in Austria, which can provide assistance, education, training and cooperation in the matter.

In conclusion, and for all the above-mentioned reasons, we affirm the mutually reinforcing relationship between the promotion and protection of human rights and anticorruption efforts, as recognized by the Human Rights Council.

I thank you

List of selected reference materials

Relevant Human Rights Council documents:

- HRC resolutions 7/11 and 19/20 "The role of good governance in the promotion and protection of human rights"
- HRC resolutions 17/23, 19/38 and 22/12 "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"
- HRC resolution 21/13 "Panel discussion on the negative impact of corruption on the enjoyment of human rights"
- HRC resolution 23/9 "The negative impact of corruption on the enjoyment of human rights"
- Report of the High Commissioner for Human Rights "Comprehensive study 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" (A/HRC/19/42)
- Summary report of the Human Rights Council panel discussion on the negative impact of corruption on the enjoyment of human rights (A/HRC/23/26)

Further resources online:

- Human rights and anti-corruption
<http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/AntiCorruption.aspx>
- Social media campaign: The human rights case against corruption
<http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/HumanRightsAgainstCorruption.aspx>
- Good Governance Practices for the Protection of Human Rights
<http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/Publications.aspx>
- Selected documents on human rights and anti-corruption
<http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/Documents.aspx>
- The Global Portal on Anti-Corruption for Development
<http://www.anti-corruption.org/index.php/en/>

Let us be clear. Corruption kills. The money stolen through corruption every year is enough to feed the world's hungry 80 times over. Nearly 870 million people go to bed hungry every night, many of them children; corruption denies them their right to food, and, in some cases, their right to life. A human rights-based approach to anti-corruption responds to the people's resounding call for a social, political and economic order that delivers on the promises of "freedom from fear and want".

*Navi Pillay
United Nations High Commissioner for Human Rights*

About this publication

OHCHR's pamphlet, *The human rights case against corruption*, briefly outlines the case against corruption from a human rights perspective. It explores the nexus between the promotion and protection of human rights and corruption, including through discussion of relevant human rights standards and mechanisms. It includes a list of key reference materials on human rights and corruption, several of which are directly included in the text. By doing so, the pamphlet provides a basic foundation for rights-based advocacy against corruption for those with an interest in fighting the negative impacts of corruption on the enjoyment of all human rights including the right to development.

For more information, please visit www.ohchr.org

**Office of the United Nations
High Commissioner for Human Rights**
Palais des Nations
CH 1211 Geneva 10 – Switzerland
Telephone : + 41 (0) 22 917 90 00
Fax : + 41 (0) 22 917 90 08