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**CONFERENCE OF THE STATES PARTIES
TO THE UNITED NATIONS CONVENTION
AGAINST CORRUPTION**

**FOURTH SESSION, 24-28 OCTOBER 2011
MARRAKESH, MOROCCO**

**HUMAN RIGHTS
AND
FIGHT AGAINST CORRUPTION**



**REMARKS BY
THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
(OHCHR)**

27 OCTOBER 2011

Mr. Chairman,
Distinguished delegates,
Ladies and Gentlemen,

The Office of the United Nations High Commissioner for Human Rights (OHCHR) is pleased to have this opportunity to be part of and contribute to this important process.

This conference is taking place in a year when the international community is marking the 25th anniversary of the UN Declaration on the Right to Development which was adopted by the General Assembly on 4th December 1986. The right to development places the human person and human rights at the heart of the development process. International solidarity, shared responsibilities and mutual accountability underlie the spirit of the Declaration wherein everyone has a responsibility for development and duties to the community, individually and collectively, to ensure the free and complete fulfilment of the human person. Under the Declaration, States have the primary responsibility for the creation of national and international conditions and the making of international development policies favourable to the realization of the right to development, and the duty to co-operate to ensure development. One of the vital components of such conditions for development is the fight against corruption in all its forms and in all its stages from prevention to elimination.

Mr. Chairman,

Member States in the United Nations Human Rights fora have addressed the issue of corruption and its impact on the full enjoyment of all human rights since the year 2000. The intergovernmental human rights policy- and decision- making body – the Commission on Human Rights replaced in 2006 by the Human Rights Council – adopted seven resolutions¹ in which Member States affirmed the mutually reinforcing relationship between good governance, effective anti-corruption measures and the protection of human rights.

¹ CHR resolutions 2000/64, 2001/72, 2002/76, 2003/65, 2004/70, 2005/68; HRC res. 7/11.

The Council, in its resolution 7/11 adopted in 2008, has recognized the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights, including through the weakening of institutions and the erosion of public trust in government, as well as the impairment of the ability of Governments to fulfill their human rights obligations, particularly the economic and social rights of the most vulnerable and marginalized.

Corruption impedes the realization of all human rights in multiple ways. And, corruption disproportionately affects women due to, among other factors, their over-representation among the poor and under-representation in decision-making. Several United Nations human rights treaty-monitoring bodies, special procedures of the Human Rights Council and other mechanisms addressed corruption in all its aspects in the context of their respective mandates². For instance, the Committee on Economic, Social and Cultural Rights, which monitors the compliance by State Parties with the International Covenant on Economic, Social and Cultural Rights, recommended a number of concrete anti-corruption measures in its concluding observations³ following the examination of state party reports. Most of the recommendations relate to the prevention of corruption through policy, legal and institutional reforms, as well as training and capacity-building of law enforcement officers, the police, the judiciary and public officials.

Mr. Chairman,

The Human Rights Council has identified the prevention of corruption as one of the key principles of anti-corruption efforts along with other principles, namely equality and non-discrimination, participation and transparency, accountability and responsibility, as well as enforcement. Both human rights and good governance including anti-corruption share these core principles.

Through human rights resolutions, Member States repeatedly stressed that a transparent, responsible, accountable and participatory government, responsive to the needs and

² See documents E/CN.4/Sub.2/2003/18; E/CN.4/Sub.2/2004/23; E/CN.4/Sub.2/2005/18; A/HRC/Sub.1/58/CRP.10; A/HRC/10/21; A/64/279; A/64/289; A/HRC/11/4; A/63/263; A/HRC/11/41; A/HRC/7/21 and A/HRC/10/16.

³ See E/C.12/KHM/CO/1, E/C.12/PHL/CO/4, E/C.12/AGO/CO/3, E/C.12/KEN/CO/1

aspirations of the peoples including members of vulnerable and marginalized groups and women, is the foundation on which good governance rests. Such a foundation is an indispensable condition for the full realization of human rights, including the right to development – the priority agenda for developing countries. The fight against corruption plays an important role not only in the promotion and protection of human rights but also in the process of creating and maintaining an environment conducive to sustainable development and the eradication of poverty and hunger.

Mr. Chairman,

At the request of Member States, the OHCHR organized, in cooperation with the Government of the Republic of Korea and the United Nations Development Programme, an international seminar on “good governance practices for the promotion of human rights” in Seoul in 2004⁴. Drawing on the outcome of the seminar, the Office produced a publication⁵ presenting 21 case studies of governance reforms including in the area of combating corruption.

In 2006, the OHCHR organized the second United Nations Conference on anti-corruption measures, good governance and human rights, in cooperation with the Government of Poland and with the financial support of the Government of Australia, in Warsaw⁶. At the request of the Human Rights Council, our Office is preparing a publication on human rights and anti-corruption, drawing on the results of the Warsaw Conference. Tomorrow morning, we will host a special event in cooperation with the UNODC in room Oliveraie to share with you the progress of our work in this area. We hope this publication will serve as a tool for guidance and best practices for use by our field presences operating at present in 56 countries around the globe. In this regard, we will continue our close collaboration with the UNODC in order to ensure that this publication also serves to assist Member States in their efforts to prevent corruption and implement the UNCAC.

Mr. Chairman,

⁴ See E/CN.4/2005/97 for the report of the seminar

⁵ See <http://www2.ohchr.org/english/issues/development/governance/>

⁶ See A/HRC/4/71 for the report of the seminar

The OHCHR has developed a conceptual and methodological framework for human rights indicators⁷. The framework recommends the development of structural, process and outcome indicators. The structural indicators demonstrate commitments; the process indicators spell out efforts to translate the commitments in practice, while the outcome indicators show the results of the efforts. In this area, we shared our knowledge and expertise with an increasing number of countries including Mexico, Kenya, Brazil, Nepal and Ecuador, and the Council of Europe, the World Bank, as well as institutions based in the UK and Norway. What is measured can be implemented; hence better data and indicators are part of best practices. Therefore, our Office stands ready to work with the UNODC with the view to supporting and assisting Member States in developing indicators to assess the needs and progress in capacity-building in the prevention of corruption.

Mr. Chairman,

In establishing the post of High Commissioner for Human Rights in 1993⁸, the General Assembly provided the High Commissioner with a broad mandate to promote and protect human rights. The mandate envisions the full integration of human rights including the right to development into all areas of the work of the UN system. This also concerns the UN work in combating corruption. In its annual resolutions on the right to development, the General Assembly requests the High Commissioner to undertake activities in partnership with the relevant stakeholders in order to strengthen the global partnership for development. Furthermore, the Human Rights Council⁹ has recognized that “the promotion and protection of human rights is essential to the fulfillment of all aspects of an anti-corruption strategy”. Within this mandate and the framework of the UN Convention against Corruption, the OHCHR stands ready to assist interested and requesting Member States in the prevention of corruption from a human rights perspective, including through strengthened partnership with the UNODC.

⁷ For more information, see <http://www2.ohchr.org/english/issues/indicators/index.htm>

⁸ General Assembly resolution 48/141.

⁹ Human Rights Council resolution 7/11.

In conclusion, Mr. Chair, I would like to submit that the UN Convention against Corruption has no explicit reference to human rights, yet the last decade has witnessed a major commitment and tremendous efforts by Member States and UN human rights machinery in addressing corruption from human rights perspective. Much of these undertakings is of direct relevance and therefore would contribute to the effective implementation of many provisions of the UN Convention against Corruption. We therefore hope that this Conference will take the lead by acknowledging the importance of human rights and their integration in corruption prevention efforts at all levels. The OHCHR will look forward to your guidance and recommendations for the future course of action aimed at strengthened partnership between the OHCHR and UNODC in the prevention of corruption.

The idea of human rights is as simple as it is powerful: treating people with dignity. On this note I would like to conclude my intervention, and on behalf of the High Commissioner and her Office, I would like to wish every success to the outcome of this important Conference.

Thank you for your attention.