Corruption & Human Rights …

SAMPOONG Department Store, 29 June 1995, Seoul/Korea

- 501 killed
- 937 injured
- The owners bribed gov’t officials to avoid local building codes

Corruption & Human Rights …

A nine-year-old boy, Rausha Kumar, died at a government hospital in the northern India state of Bihar after being fitted with an empty oxygen cylinder allegedly because his family wasn’t able to pay a Rs100 ($1.64) bribe.

† Sept. 2014

Source: http://www.fcpablog.com/blog/2014/9/22/nine-year-old-boy-dies-because-of-unpaid-bribe-in-india-hosp.html#sthash.uG1pMsNh.dpuf
Railway station Once, Buenos Aires/ARG, 22 February 2012
- 51 killed
- 700+ injured
- Multiple convictions for corruption offences

SEWOL ferry disaster, 16 April 2014, Korea
- 297 killed
- 9 still reported missing
- Conviction for corruption offences followed

Earthquake in Amatrice, 24 August 2016, ITALY
- 295 killed
- Hundreds severely injured
- Thousands homeless for months and beyond
- A school collapsed was supposed to be resistant against earthquakes
- Official on reconstruction: „But this time we’re going to rebuild without corruption …“ [sic!]
17 Dec 2010, Tunisia:
26 year old Tarek al-Tayeb Mohammed Bouazizi ...

(†) 04 Jan 2011

Investigative journalists killed in Europe

Daphne
Caruana Galizia
† 16 Oct 2017

Ján Kuciak & his fiancée
† 25 Feb 2018

“There is one way to find out if a man is honest – ask him.
If he says ‘yes’, he is a crook.”
Goucho Marx (in Ariely D., The (Honest) Truth about Dishonesty (2012))
“Education is hope, education is peace!”

Malala Yousafzai, SDG Summit UNNY, 25 September 2015

“Education is hope, education is peace!”

Levels of learning

- Intrinsic Motivation
- Control Mechanisms
  - Carrot
  - Incentives
  - Extrinsic Motivation
  - Sanctions
- Stick
- Implementation
- Conscience
- Ownership
- Internalization

(Transfer of) factual knowledge
(e.g., \( a+b=c \); 1 USD = 0,954 €; UNCAC provisions; ...)

... towards intrinsic ownership ...

... driving a car in the Fifties ...

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The AC conventions do not frame corruption as a human rights violation, and the human rights instruments do not even mention corruption.


- The AC approach
- The HR avenue

CoE Criminal Law Convention:

"Corruption threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundation of society."
Constitutional Court of South Africa:

"Corruption and maladministration are inconsistent with the rule of law and the fundamental values of our Constitution. They undermine the constitutional commitment to human dignity, the achievement of equality and the advancement of human rights and freedom. They are the antithesis of the open, accountable, democratic government required by the Constitution."

(S-African Ass. Of Insurance Lawyers v. Health)

ECOWAS Community Court of Justice (2010):

Nigerian NGO Socio-Economic Rights and Accountability Project (SERAP) vs. Nigerian Government:

Nigerians’ right to education had been breached under the African Charter on Human Rights and Peoples’ Rights by massive grand corruption in the public education budget.

Grand corruption ⇔ violation of HR recovery of $ 21.5 million

(Economic Community of West African States Community Court)


Human Rights Council, 29th (2015) and 35th (2017) session

The negative impact of corruption on the enjoyment of human rights

Stresses that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, calls for the strengthening of prevention measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of groups in vulnerable situations who may be the first victims of corruption;

Recognizes that the negative impact of corruption on human rights and sustainable development can be combated through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions, such as the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy.
"Corruption is the antithesis vis-à-vis human rights, the venom vis-à-vis the rule of law, the poison for prosperity and development, the reverse of equity and equality. Investing in anti-corruption education and empowerment is therefore the smart way towards sustainable development, safeguarding human rights, and strengthening the rule of law."

IACA at the SDG Summit, 25 September 2015

Thank you
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