



**Twenty-second session of the Human Rights Council  
25 February to 22 March 2013**

**Panel Discussion on the Negative Impact of Corruption  
on the Enjoyment of Human Rights**

**Date and venue**

13 March 2013, 12:00-15:00, Room XX, Palais des Nations, Geneva

**Chair:** H.E. Mr. Remigiusz A. Henczel, President of the Human Rights Council

**Opening statement:** Ms. Navi Pillay, UN High Commissioner for Human Rights

**Moderator:** Mr. Miklos Marschall, Deputy Managing Director, Transparency International

**Panellists:**

- Ms. Sangeetha Pursuhottam, Executive Director, Best Practices Foundation, India
- Ms. Marling Haydee Rodriguez Cerro, President of the Union of Women's Producer Cooperatives Las Brumas, Nicaragua
- Mr. Dzidek Kedzia, member of the UN Committee on Economic, Social and Cultural Rights
- Mr. Phil Matsheza, Global Policy Advisor for Anti-Corruption, United Nations Development Programme
- Ms. Claudia Sayago, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime
- Ms. Suzanne Hayden, the International Anti-Corruption Academy
- Mr. Abdeslam Abouddrar, President, the Central Instance for the Prevention of Corruption, Morocco

**Focus and Objective:**

Corruption in the public and private spheres exists in all countries, irrespective of the economic or political system or level of development. It weakens institutions, erodes public trust in government and impairs the ability of states to fulfil their human rights obligations. Corruption impacts on all human rights, civil and political as well as economic, social and cultural rights, exposing in particular the most vulnerable and marginalized sectors of society to violations of their human rights. Corruption and its proceeds are not confined within national borders, nor is their impact on human rights. Corruption can take many forms, but it always entails abuse of entrusted authority and power for personal gain. It typically diverts funding from State budgets that should be dedicated to the full realization of all human rights.

The objectives of the panel are to:

- Draw attention to the manifold negative impacts of corruption on the enjoyment of human rights, particularly on the availability, accessibility, affordability and quality of human rights-relevant goods and services;
- Consider prospects and challenges from a gender perspective in relation to combatting corruption as a human rights issue;
- Make recommendations on how best to promote and protect human rights in the fight against corruption, on the one hand, and how to strengthen anti-corruption efforts through the application of a human rights-based approach, on the other.

The panel will aim to meet these objectives through an interactive discussion around the following topics:

- The impact of corruption on human rights and the role of human rights mechanisms, in particular the UN Committee on Economic, Social and Cultural Rights, including under the Optional Protocol of the Covenant;
- Effective strategies, including a human rights-based approach, to combat corruption on the ground;
- Safeguarding human rights by fighting corruption and vice versa;
- Implementing the United Nations Convention against Corruption as a tool to put in place effective anti-corruption standards: An overview of anti-corruption principles and requirements set forth in the Convention and the Mechanism for the Review of its Implementation;

The panellists and the moderator have been chosen with these objectives in mind. They represent the United Nations human rights mechanisms, agencies and other relevant international organizations, civil society and government.

### **Format:**

The Chair will open and close the panel. The moderator will guide the interactive debate. He will introduce the panellists, set the framework, ask questions to the panellists and facilitate a debate among them. The panellists will not make separate statements but rather have an

exchange of views. The interactive debate will be divided into two rounds. Each round will provide an opportunity for interventions from delegations and other participants. Group and joint statements will be given priority. In order to stimulate a constructive debate and owing to time limitations, Member States and Observers are encouraged to formulate their statements in terms of questions and sharing of experience, and as short and precise as possible. Panellists will be given an opportunity to make observations and comments and respond to questions during the interactive discussion. The moderator will conclude the discussion and provide a summary of the main issues raised.

### **Outcome**

OHCHR will, in accordance with HRC resolution 21/13, prepare a report on the outcome of the panel discussion in the form of a summary. The summary report will be submitted to the 23<sup>rd</sup> session of the HRC to be held from 27 May to 14 June 2013.

### **Background:**

At the 20<sup>th</sup> session of the Human Rights Council in June 2012, Morocco on behalf of 134 States, made a cross-regional statement on corruption and human rights. 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 in combating corruption. Subsequently, the Human Rights Council decided to convene, at its 22<sup>nd</sup> session, a panel discussion on the negative impact of corruption on the enjoyment of human rights (resolution 21/13). This will be the first time that the Human Rights Council holds a panel discussion on the subject matter. United Nations human rights mechanisms are 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 Committee on the Rights of the Child, a number of Special Rapporteurs and the Universal Periodic Review Mechanism addressed issues of 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, OHCHR organized jointly with UNDP a seminar on good governance practices for the promotion of human rights, including anti-corruption, in Seoul, the Republic of Korea (the report is contained in document E/CN.4/2005/97). Subsequently OHCHR published in 2007 a booklet on Good Governance Practices for the Protection of Human Rights (HR/PUB/07/4). In 2006, OHCHR organized a conference on anti-corruption measures, good governance and human rights in Warsaw, Poland (the report is contained in document A/HRC/4/71). In follow-up to this conference OHCHR is developing, jointly with UNODC and UNDP a guide book on human rights and anti-corruption for practitioners. The inter-governmental process in follow-up to the effective implementation of the UN Convention against Corruption is based in Vienna, Austria, and supported by UNODC.

### **Non-exhaustive list of relevant UN documents**

- HRC res. 7/11 “The role of good governance in the promotion and protection of human rights”
- HRC res. 19/20 “The role of good governance in the promotion and protection of human rights”
- HRC res. 19/38 “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 res. 21/13 “Panel discussion on the negative impact of corruption on the enjoyment of human rights”
- GA resolution 67/192 “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”
- CAC/COSP/2011/CRP.14 The Marrakech Declaration on the Prevention of Corruption.