

Improving the Human Rights dimension of the fight against corruption International Conference Geneva, 19-20 February 2018

Centre for Civil and Political Rights

Context

Experts and practitioners alike now widely recognize that corruption inhibits the enjoyment of civil, political, and socioeconomic rights. Corruption continues to undermine justice and accountability reforms and remains both a driver of human rights abuse and a barrier to States' implementation of treaty-based human rights obligations.

Concern over the role of corruption has now been raised several times by UN Treaty Bodies with oversight of human rights treaties. UN 2030 Sustainable Development Goal No. 16, to "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels", explicitly names corruption in the sub-goal 16.4: "*by 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime to corruption*".

However, despite being widely recognized as connected to human rights, corruption is rarely directly addressed by UN Treaty Bodies. A rare exception is the UN Human Rights Committee, which has historically linked corruption to judicial independence under the International Covenant on Civil and Political Rights (ICCPR) art. 14. More generally, the concept of a victim of corruption, and how such remedy and restitution to victims should be granted, is insufficiently addressed. This is particularly true regarding the process of asset repatriation which stands on the intersection of human rights and anti-corruption initiatives. Stolen asset return has not been addressed by UN Treaty Bodies.

This international conference will provide a venue to further discuss how the issue of corruption, in particular through the lens of victims of corruption, could be taken into consideration by UN Treaty bodies, in particular the Committee on Economic, Social and Cultural Rights (CESCR), and how this issue could be addressed under International Covenants on a) Civil and Political Rights and b)

Economic, Social and Cultural Rights. The conference will also invite discussion on how human rights should be considered in the context of stolen asset return.

This project will take into consideration specific countries where the issue of corruption was already addressed by the HR Committee and other and will analyse how this issue is addressed at the domestic level, as well as the measures that the States parties should take to implement the related findings and recommendations.

Objectives

To ensure that UN Treaty Bodies, in particular the HR and ESCR Committees, are in a better position to address the issue of corruption, CCPR-Centre will organise a high level conference with the following objectives:

Sub-objective 1: Ensure that corruption and its social consequences is systematically and comprehensively addressed in the work of UN Treaty Bodies and more broadly in UN Mechanisms on Human Rights:

- 1) Review how the issue of corruption is currently addressed by UN Treaty Bodies and which specific provisions are usually related to the issue of corruption;
- 2) Analyse which other substantive rights are affected by the issue of corruption, and in particular regarding the ICCPR's and the ICESCR's provisions;
- 3) Suggest new strategies to ensure that the issue of corruption is systematically and comprehensively addressed by the UN Treaty Bodies, in particular the HR Committee and the ESCR Committee;
- 4) Consider the concept of victims of corruption in the framework of human rights law;
- 5) Suggest other new approaches related to the upcoming ICCPR and ICESCR country reviews where the issue of corruption could be better addressed.

Expected outcome:

The conference outcome document will enable a complete overview of the UNTB's practice regarding the issue of corruption. It will help identify gaps in the way the corruption is addressed and will suggest practical solutions for NGOs to better integrate this issue in their strategic advocacy (NGO reports to the UNTB).

Sub- objective 2: Ensure that the human rights dimension and, more specifically, the interests of the victims of corruption, are genuinely addressed for the issue of grand corruption and petty corruption

- 1) Analyse how the human rights dimension is taken into consideration in the various models for return of stolen assets;
- 2) Discuss the concept of the victims of corruption and its relation to human rights law;
- 3) Analyse how the issue of stolen assets and their return can be addressed by UN mechanisms and in particular the UN Treaty Bodies;
- 4) Identify countries where the issue of stolen assets and their return could be better addressed in the context of ICCPR and ICESCR country reviews and suggest strategies to ensure this issue is properly addressed;
- 5) Suggest a framework to ensure that the process for return of stolen assets is victim-oriented;
- 6) Identify issues and themes related to strategic advocacy and strategic litigation on cases of petty corruption.

Expected outcome:

The conference will allow to share with the participants the best practice regarding the promotion of the human rights in the return of stolen assets in order to promote standards setting on that matter. The conference will also identify a series of countries scheduled to appear before the HR Committee and the ESCR Committee where this issue could be genuinely addressed by the NGOs. The conference will also allow to review and identify cases of petty corruption that could be addressed to the HR Committee and the ESCR Committee, with a particular focus on the challenges related to the complaints mechanisms.