

# Improving the Human Rights Dimension of the Fight against Corruption

## The Human Rights Committee and its approach to corruption

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Experts and practitioners alike widely recognize that corruption inhibits the enjoyment of civil, political, and socio-economic 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.

Despite being widely recognized as connected to human rights, corruption is rarely directly addressed by UN Treaty Bodies.

The UN Human Rights Committee has historically linked corruption to judicial independence under the International Covenant on Civil and Political Rights art. 14. Other aspects are rarely addressed.

The purpose of this article is to analyze the observations and recommendations (Concluding Observations) in States' reviews that relate to corruption between 2007 and 2017, in order to get a clear overview of the approach of the Human Rights Committee.

### 1. General statistics (see Annex, 2)

The Human Rights Committee has reviewed more than 180 States between 2007 and 2017. In those 182 reviews, 39 Concluding Observations mention corruption, or 21%. Of those 39, 32 fall under article 14, corruption in the judiciary (82%). 27 countries receive a recommendation on corruption, or 15% of all reviews. Of those, 21 are about corruption in the judiciary (77%).

It is remarkable that 36% of all the observations on corruption do not correspond to an accompanying recommendation. It is not clear why the Committee has not adopted recommendations for all countries where it is concerned about corruption.

**The countries in which the Committee is concerned about corruption, are spread over several regions.** The Committee raises most concerns in Asia (36%), Europe (31%) and Africa (23%). Yemen is the only Middle Eastern country in the list (2%), and Oceania did not receive any comment on corruption between 2007 and 2017. In the Americas, the Committee was concerned about corruption in 3 countries or 8%.

When we look at the periods in which the Committee is more concerned about this issue, the data do not tell us a lot. **There is no clear trend of corruption becoming more or less prevalent in the Concluding Observations:** in 2017, the Committee mentioned corruption 3 times (6%), 7 times in 2016 (15%), 6 times in 2015 (13%), 4 times in 2014 (8%), 7 times in 2013 (15%), 4 times in 2012 (8%), 5 times in 2011 (10%), 2 times in 2010 (4%), 8 times in 2009 (17%) and both once in 2008 and 2007 (2%).

## **2. Articles under which corruption issues are mentioned (see Annex, 1 and 3)**

Between 2007 and 2017, corruption is mentioned 47 times in 39 countries.

In the overwhelming majority of the cases, concerns about corruption are mentioned under [article 14](#), the right to a fair trial (68%). This is mostly about **systemic corruption in the judiciary, the lack of independence of judges and the appointment, selection, dismissal and promotion procedure within the judiciary.** The Committee was concerned about this issue in [Turkmenistan](#) (2017 and 2012), [Moldova](#) (2016 and 2011), [Jamaica](#) (2016), [Burkina Faso](#) (2016), [Kazakhstan](#) (2016 and 2011), [Benin](#) (2015), [Côte d'Ivoire](#) (2015), [Cambodia](#) (2015), [Kyrgyzstan](#) (2014), [Sierra Leone](#) (2014), [Tchad](#) (2014 and 2009), [Tajikistan](#) (2013), [Indonesia](#) (2013), [Paraguay](#) (2013), [Bolivia](#) (2013), [Albania](#) (2013), [Angola](#) (2013), [Armenia](#) (2012), [Capo Verde](#) (2012), [Yemen](#) (2012), [Bulgaria](#) (2011), [Mongolia](#) (2011), [Azerbaijan](#) (2016 and 2009), [Russian Federation](#) (2009), [Rwanda](#) (2009) and [Georgia](#) (2007).

In these cases, article 14 is often the only legal basis, but sometimes it is combined with other articles of the Covenant. The wording of these recommendations is not systematic (see below), and there are no remarkable differences between the instances where article 14 is the only article or where it is combined.

[Article 2](#) is often combined with article 14 when it comes to corruption, but is sometimes also invoked on its own. This happened in [Macedonia](#) (2008) and [Tchad](#) (2009) for example, where corruption in general was a problem. The Committee used the same formulation in both Concluding Observations: that corruption has a negative impact on the full enjoyment of the rights guaranteed in the Covenant. Article 2 was also invoked in the review of [China](#), [Macao](#) in 2013: the Committee was then concerned about the mandate of the Commission against corruption.

When article 2 is combined with article 14, the Committee is concerned about similar issues than when only article 14 is used as a legal basis. Thus, it is not clear what article 2 adds to the analysis. This was the case in [Azerbaijan](#) (2016), [Kazakhstan](#) (2016 and 2012), [Benin](#) (2015), [Indonesia](#) (2013), [Paraguay](#) (2013), [Turkmenistan](#) (2012) and [Russian Federation](#) (2009).

The Committee also combines article 2 with other articles: with article 25 in [Bosnia and Herzegovina](#) (2017), with article 7, 9, 14 and 17 in [Georgia](#) (2014), with article 14 and 26 in [Yemen](#) (2012) and with article 7 and 9 in [Poland](#) (2010).

In the last ten years, article 2 in relation to corruption was mentioned in 34%, be it alone or in combination with other articles.

The Committee is also regularly concerned about corruption within prison or penitentiary facilities. It uses several articles of the Covenant as a legal basis for this issue: [article 7](#) (prohibition of torture), [9](#) (right to liberty and security) and [10](#) (humane treatment for persons deprived of their liberty). It is not clear according to which criteria the Committee chooses on of those articles in certain situations, and others in other situations. These articles are mentioned in the Concluding Observations of [Tajikistan](#) (2013), [Cambodia](#) (2015), [Poland](#) (2010), [Georgia](#) (2014), [Azerbaijan](#) (2016) and [Bulgaria](#) (2011).

[Article 8](#), which prohibits slavery, is mentioned twice: in [Kazakhstan](#) (2016) and [Uzbekistan](#) (2015). The Committee was concerned about corruption linked to human trafficking in both cases.

In [Uzbekistan](#) (2015), the Committee referred to [article 6](#), which guarantees the right to life. It was concerned about the lack of investigations in deaths occurring in forced labour situations. Article 6 was also mentioned in [Thailand](#) (2017) because the death penalty is legal in Thailand for corruption crimes, while that is not one of the most serious crimes according to the Committee.

The Committee referred to [article 12](#) in [Uzbekistan's](#) Concluding Observations in 2010: the corruption in the registration system (propiska) is a violation of the freedom of movement.

[Article 26](#) was only mentioned in combination with article 2 and 14, in [Yemen's](#) Concluding Observations in 2012. This referral was in relation to endemic corruption in the judiciary. The Committee does not clarify why this article, that describes the prohibition of discrimination, is referred to in that country situation.

The Committee referred to [article 25](#) in combination with article 2 in the Concluding Observations of [Bosnia and Herzegovina](#) (2017). According to

the Committee, corruption among public officials leads to a violation of effective participation in public life.

Lastly, In **Georgia's** Concluding Observations from 2014, the Committee refers to **articles 2, 7, 9, 14 and 17** in its concerns about corruption. It was in particular concerned about illegal expropriations, providing an effective remedy to victims of human rights violations and impunity for crimes related to corruption.

### **3. Wording and formulation of the recommendations on corruption (see Annex, 4)**

The Human Rights Committee does not have a fixed formulation of the recommendation on corruption that it uses systematically. Sometimes the recommendations are quite elaborate, and sometimes they only consist of one sentence that says 'combat corruption'. Sometimes several articles are referred to, sometimes only one. It is not clear where the difference lies.

Over the years (2007-2017), we cannot discover a clear trend in the formulation of the recommendations or the cited articles, or even the number of times corruption is a concern to the Committee.

However, several elements are repeated throughout the years in several recommendations on corruption in relation to the **right to a fair trial**. The Committee recommends the State to combat, **fight or eradicate corruption, often without any specification as to how**. This was the case for **Burkina Faso** (2016), **Benin** (2015), **Côte d'Ivoire** (2015) and **Angola** (2013), all African countries. If there is a specification, the Committee focuses on investigations, prosecutions and punishments of the perpetrators<sup>1</sup>, including of complicit judges or judicial officers<sup>2</sup>. The fact that criminal sanctions should be given to the perpetrators, on top of disciplinary sanctions, came back twice: **Bolivia** (2013) and **Yemen** (2012). Only once did the Committee recommend that the subject fighting corruption should be included in the training curriculum for judges, and that was in **Azerbaijan** (2016).

Recommendations about **article 2** are also worded differently according to the situation: in **Macedonia** (2008), the Committee recommended to 'continue efforts to combat corruption so that attitudes in society change and corruption is not perceived as unavoidable', while in **Tchad** (2009), the Committee recommended to 'take all necessary and appropriate measures to combat effectively the misappropriation of public funds, extortion, measures to change societal patterns of behavior so that corruption will no longer be seen as inevitable'. The third instance was about the

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<sup>1</sup> Turkmenistan 2017, Azerbaijan 2009, Bolivia 2013, Albania 2013, Armenia 2012, Yemen 2012, Bulgaria 2011, Mongolia 2011, Moldova 2009.

<sup>2</sup> Azerbaijan 2016, Kazakhstan 2016 and 2011, Indonesia 2013, Paraguay 2013, Capo Verde 2012, Turkmenistan 2012, Georgia 2007.

ombudsman's mandate of the Commission against Corruption in **China, Macao** (2013).

The Committee adopted 4 recommendations in the last 10 years about **corruption within penitentiary institutions**, all differently worded. In **Azerbaijan** (2016) and **Albania** (2013), the Committee remains quite vague and recommends the State to 'combat corruption'. In **Cambodia** (2015), the Committee recommends to 'ensure independent and prompt investigation, and the resultant prosecution, of State officials responsible for corruption in the penitentiary'. The recommendation to **Bulgaria** (2011) is similar, but includes also investigations and prosecutions of private actors responsible for corruption in the penitentiary. Moreover, the Committee uses articles 7, 9 and 10 as a legal basis for this issue, but it is not clear why and when which basis is chosen.

Both in **Uzbekistan** (2015) and **Kazakhstan** (2016), the Committee was concerned about corruption in relation to **human trafficking**. However, both recommendations have a different focus. The Committee recommended Uzbekistan to 'address corruption in the cotton industry', while it recommended Kazakhstan to 'address corruption in law enforcement activities related to human trafficking'.

There was only one recommendation based on **article 25**, in **Bosnia and Herzegovina** (2017): 'Step up its efforts to combat corruption, particularly among government figures, to ensure effective participation in public life'.

#### **4. Examples of recommendations of the Human Rights Committee on corruption**

The Human Rights Committee does not have a systematic approach to corruption. As a result, the recommendations differ depending on the country, the year and the situation.

Sometimes, the recommendations are very vague and short:

##### **CCPR/C/AZE/CO/4 (CCPR, 2016)**

23. The State party should (...) combat corruption within prison facilities and improve conditions of detention in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

##### **CCPR/C/BFA/CO/1 (CCPR, 2016)**

32. The State party should: (a) guarantee the effective independence and impartiality of the justice system and step up the fight against corruption;

##### **CCPR/C/ALB/CO/2 (CCPR, 2013)**

The State party should ensure full respect for article 9 of the Covenant, and to this end it should:

- (a) (...)
- (b) Ensure immediate access to a lawyer following arrest, and combat corruption.

#### **CCPR/C/AGO/CO/1 (CCPR, 2013)**

The State party should strengthen the independence of the judiciary and effectively combat corruption.(...).

#### **CCPR/C/MKD/CO/2 (CCPR, 2008)**

r) continue efforts to combat corruption so that attitudes in society change and corruption is not perceived as unavoidable.

However, sometimes the Committee gives more concrete recommendations, that are longer, but easier for the State to implement since the Committee already breaks the recommendations down into implementable parts:

#### **CCPR/C/TKM/CO/2 (CCPR, 2017)**

31. (...) the State party should: (a) combat corruption in the judiciary, effectively and prosecute and punish perpetrators, including judges who may be complicit therein;

#### **CCPR/C/AZE/CO/4 (CCPR, 2016)**

27. The Committee reiterates its previous recommendations (see CCPR/C/AZE/CO/3, para. 12). The State party should take all measures necessary to safeguard, in law and in practice, judicial independence. In particular, it should:

- (a) Ensure that the Judicial-Legal Council is fully independent from the executive branch and operates with full transparency and, to that end, ensure that decisions affecting the personal independence of judges are not influenced by political considerations;
- (b) Ensure that decisions related to the selection, disciplining, evaluation and permanent appointment of judges after probation are based on objective criteria explicitly provided for by law;
- (c) Step up efforts to effectively prosecute and punish perpetrators of corruption, and ensure that the subject of fighting corruption is part of the training curriculum for judges;
- (d) Ensure that an independent body is responsible for judicial discipline and that sufficient safeguards are in place to prevent disciplinary actions being taken against judges for minor infractions or for a controversial interpretation of the law.

#### **CCPR/C/BOL/CO/3 (CCPR, 2013)**

The State party should redouble its efforts to provide legal and practical guarantees of judicial independence and pursue its efforts to establish, as a matter of urgency, a system of judicial appointments and judicial service based on objective, transparent criteria that do not conflict with the right to a defence, together with an independent disciplinary regime for the judiciary and the Public Prosecution Service. It should also step up its

efforts to combat corruption, particularly in the police force and among officials responsible for the administration of justice, by undertaking prompt, thorough, independent and impartial investigations into all cases of corruption and imposing not only disciplinary sanctions but also criminal penalties on the persons found to be responsible. The State party should also develop, as a matter of priority, a national policy for reducing the backlog of court cases, increasing the number of courts and appointing more judges and public defenders, in particular in rural areas. (...)

#### **CCPR/C/IDN/CO/1 (CCPR, 2013)**

The State party should take effective measures to eradicate corruption in the administration of justice, including in the provision of legal aid. The State party should strengthen its efforts to ensure prompt, thorough and independent investigations into allegations of corruption in the judiciary and in the provision of legal aid, and prosecute and punish perpetrators, including judges who may be complicit.

#### **CCPR/C/CMR/CO/5 (CCPR, 2017)**

Anti-corruption efforts

9. While acknowledging the measures taken by the State party to combat corruption (Operation Épervier), the Committee notes with concern that corruption is endemic in the State party. Also troubling are reports that public authorities, including those in the police, judicial, tax, education and health sectors, often extort money from individuals as a condition for providing services. The Committee takes note of the State party's anti-corruption measures, but is still concerned at allegations that these measures are exploited and misused in order to target certain prominent individuals, including political figures (arts. 2, 14, 25 and 26).

10. The State party should: (a) step up its efforts to combat corruption and to ensure that it does not go unpunished; (b) ensure that all cases of corruption are independently and impartially investigated and, where applicable, that appropriate judicial penalties are imposed on perpetrators; and (c) establish strict standards for public officials and ensure that those responsible for acts of corruption are subjected to disciplinary action and are prosecuted in court.

## **5. Conclusion**

- When the Human Rights Committee is concerned about corruption, it is mostly about corruption within the judiciary.
- Sometimes the Committee refers to several articles of the Covenant, sometimes it only refers to one article, and it is not clear why such approach is adopted.
- The Committee does not adopt a recommendation on corruption for about one third of the observations.
- The wording of the recommendations differs in the various countries.
- Most of the recommendations are vague ('combat corruption')

# Annex

## 1. Overview of the observations and recommendations adopted by the Human Rights Committee regarding corruption

#	Country	Year	Issue	Article ICCPR	
1	Thailand	2017	Death penalty for corruption and bribery	6	
2	Turkmenistan		Judiciary	14	
3	Bosnia and Herzegovina		Corruption among public officials, participation in public life	2, 25	
4	Moldova	2016	Judiciary	14	
5	Jamaica		Judiciary	14	
6	Azerbaijan		Treatment of prisoners, corruption within prison facilities	7, 10	
7			Judiciary	2, 14	
8	Burkina Faso		Judiciary	14	
9	Kazakhstan		Corruption of police, human trafficking	8	
10			Judiciary	2, 14	
11	Benin		2015	Judiciary	2, 14
12	Uzbekistan			Forced labour in the cotton sector, corruption	6, 8, 24
13	Côte d'Ivoire			Administration of justice	14
14	Cambodia	Conditions of detention, corruption within prison facilities		9, 10	
15		Judiciary		14	
16	Georgia	2014	Impunity for human rights violations, effective remedy	2, 7, 9, 14, 17	
17	Kyrgyzstan		Judiciary	14	
18	Sierra Leone		Judiciary	14	
19	Chad		Judiciary	14	
20	Bolivia	2013	Judiciary	14	
21	Albania		Judiciary	14	
22	Tajikistan		Judiciary	2, 14, 9	
23	Indonesia		Judiciary	2, 14	
24	China, Macao		Mandate Ombudsman on corruption, independence	2	
25	Angola		Judiciary	14	
26	Paraguay		Judiciary	2, 14	
27	Armenia	2012	Judiciary	14	
28	Capo Verde		Judiciary	14	



29	Yemen		Judiciary	2, 14, 26
30	Turkmenistan		Judiciary	2, 14
31	Bulgaria	2011	Strategy to combat corruption	Positive aspect
32			Corruption within penitentiary institutions	10
33			Judiciary	14
34	Kazakhstan		Judiciary	2, 14
35	Mongolia		Judiciary	14
36	Poland	2010	Investigation corruption	2, 7, 9
37	Uzbekistan		Corruption in registration system (propiska)	12
38	Russian Federation	2009	National plan to counter corruption	Positive aspect
39			Judiciary	2, 14
40	Moldova		National strategy to prevent and combat corruption	Positive aspect
41			Judiciary	14
42	Azerbaijan		Judiciary	14
43	Chad		Corruption in the state has negative impact on the enjoyment of the rights	2
44			Judiciary	14
45	Rwanda		Judiciary	14
46	Macedonia	2008	Corruption in the state has negative impact on the enjoyment of the rights	2
47	Georgia		2007	Judiciary

Observation corresponds to a recommendation

## 2. Statistics 2007-2017

### 182 states reviewed

39 Concluding Observations mention corruption (of which 32 about article 14)

27 countries get a recommendation on corruption (of which 21 about article 14).

17/47 observations does not correspond to any recommendation.

### Regions where corruption is mentioned in the Cobs :

Europe : 12

Middle East : 1

Africa : 9

Americas : 3

Oceania : 0

Asia : 14

### Years when corruption is mentioned in the Cobs :

2017 : 3  
 2016 : 7  
 2015 : 6  
 2014 : 4  
 2013 : 7  
 2012 : 4  
 2011 : 5  
 2010 : 2  
 2009 : 8  
 2008 : 1  
 2007 : 1

Number	Article	Country and year
32	14	See above
16	2	See above
4	9	Cambodia (2015), Poland (2010), Georgia (2014), Tajikistan (2013)
3	7	Azerbaijan (2016), Poland (2010), Georgia (2014)
3	10	Azerbaijan (2016), Cambodia (2015), Bulgaria (2011)
2	8	Kazakhstan (2016), Uzbekistan (2015)
2	6	Thailand (2017), Uzbekistan (2015)
1	17	Georgia (2014)
1	25	Bosnia and Herzegovina (2017)
1	24	Uzbekistan (2015)
1	26	Yemen (2012)
1	12	Uzbekistan (2010)
3	Positive aspect	Bulgaria (2011), Russia (2009), Moldova (2009)

### 3. Overview of the themes discussed per article

Article ICCPR	Subject of the Observation	Country	Year
12	Freedom of movement : corruption in registration system (propiska)	Uzbekistan	2010
26 (+2, 14)	Endemic corruption in judiciary	Yemen	2012
24 (+6, 8)	Widespread corruption in cotton sector, forced labour, protection of children	Uzbekistan	2015
25 (+2)	Corruption among public officials - no effective participation in public life	Bosnia and Herzegovina	2017
17 (+2, 7, 9, 14)	Effective remedy to victims of human rights violations, avoid impunity. Illegal expropriations	Georgia	2014
6	Investigations in deaths in cotton	Uzbekistan	2015

	sector, forced labour		
	Death penalty for corruption is not most serious crime	Thailand	2017
8	Widespread corruption in cotton sector, forced labour	Uzbekistan	2015
	Human trafficking, corruption among police officers	Kazakhstan	2016
9	Widespread corruption in judiciary (+ art. 2 and 14)	Tajikistan	2013
	Corruption within penitentiary institutions	Cambodia	2015
	Investigation by corruption department is not concluded	Poland	2010
	Effective remedy for victims of human rights violations, no impunity for corruption	Georgia	2014
10	Corruption within penitentiary institutions	Cambodia	2015
	Corruption within prison facilities	Azerbaijan	2016
	Corruption within penitentiary institutions, detainees access to privileges	Bulgaria	2011
7	Investigation by corruption department is not concluded	Poland	2010
	Effective remedy for victims of human rights violations, no impunity for corruption	Georgia	2014
	Corruption within prison facilities	Azerbaijan	2016
ONLY 2	Corruption has negative impact on the enjoyment of rights	Macedonia	2008
	Corruption has negative impact on the enjoyment of rights	Chad	2009
	Mandate of commission against corruption	China, Macao	2013
2 + 14	See article 14 + 2		
2 in combination with other articles	Corruption among public officials - no effective participation in public life (art. 25)	Bosnia and Herzegovina	2017
	Effective remedy for victims of human rights violations, no impunity for corruption (art. 7, 9, 14, 17)	Georgia	2014
	Endemic corruption in judiciary (art. 14, 26)	Yemen	2012
	Investigation by corruption department is not concluded (art. 7, 9)	Poland	2010
ONLY 14	Corruption in judiciary, independence, appointment, body	Turkmenistan	2017

	for promotion		
	Endemic and systematic corruption in judiciary, appointment	Moldova	2016
	Endemic and systematic corruption in judiciary, appointment	Jamaica	2016
	Persistent corruption and public mistrust of judicial authorities	Burkina Faso	2016
	Lack of independence judiciary because corruption	Côte d'Ivoire	2015
	Numerous allegations of corruption within judiciary, independence	Cambodia	2015
	Lack of independence judiciary because selection, corruption	Kyrgyzstan	2014
	Lack of independence judiciary because corruption, delays	Sierra Leone	2014
	HRCee notes measures taken to combat corruption in judiciary	Tchad	2014
	Widespread corruption in judicial system, appointment, delays	Bolivia	2013
	Widespread corruption in judiciary, selection	Albania	2013
	Independence, corruption in judiciary, access to justice, costs	Angola	2013
	Persistent corruption in all state institutions, especially police and judiciary, lack of public trust and no result of combat against corruption	Armenia	2012
	Appointment, promotion judges, underpaid leads to corruption (in drug trafficking cases)	Capo Verde	2012
	Persistent corruption within justice system, lack of public trust and no results of combat against corruption	Bulgaria	2011
	Corruption, lack of transparency and independence judiciary	Mongolia	2011
	Challenges in administration of justice : high levels of corruption	Moldova	2009
	Corruption within judiciary	Azerbaijan	2009
	Extent of corruption and interference with independence judges	Tchad	2009
	Lack of training judges, corruption	Rwanda	2009
	Independence judiciary, judicial corruption	Georgia	2007

14 + 2	Independence, especially because of appointment, corruption, safeguards	Azerbaijan	2016
	Independence, especially because selection, disciplining, corruption, etc.	Kazakhstan	2016
	Shortcomings administration of justice : corruption, resources, appointment, etc.	Benin	2015
	Corruption in legal aid and administration of justice	Indonesia	2013
	Corruption in judiciary not investigated goes against independence and legitimacy of judges	Paraguay	2013
	Widespread corruption in judiciary, independence, appointment	Turkmenistan	2012
	Widespread corruption in judiciary, independence, appointment	Kazakhstan	2011
	Independence, appointment because of corruption	Russian Federation	2009
14 in combination with other articles	Effective remedy for victims of human rights violations, no impunity for corruption (art. 2, 7, 9, 17)	Georgia	2014
	Independence, widespread corruption in judiciary (art. 7, 9)	Tajikistan	2013
	Endemic corruption in judiciary (art. 2, 26)	Yemen	2012

## 4. Content and wording of the recommendations related to corruption per theme

### 1. Corruption in Judiciary

- a. The State party should: (a) combat corruption in the judiciary effectively and prosecute and punish perpetrators, including judges who may be complicit therein<sup>3</sup>
- b. The State party should take all measures necessary to safeguard, in law and in practice, judicial independence. In particular, it should: c) Step up efforts to effectively prosecute and punish perpetrators of corruption, and ensure that the subject of fighting corruption is part of the training curriculum for judges.<sup>4</sup>

<sup>3</sup> Turkmenistan 2017

<sup>4</sup> Azerbaijan 2016

- c. The State party should: (a) guarantee the effective independence and impartiality of the justice system and step up the fight against corruption.<sup>5</sup>
- d. The State party should take all measures necessary to safeguard, in law and practice, the independence of the judiciary and guarantee the competence, independence and tenure of judges. It should, in particular: (b) Strengthen efforts to combat corruption in the judiciary and prosecute and punish perpetrators, including judges who may be complicit therein.<sup>6</sup>
- e. It should provide sufficient means for the judiciary to function at an optimal level, while at the same time firmly combating corruption.<sup>7</sup>
- f. The State party should take all necessary steps to bring about a far-reaching reform of its judicial system. It should, in particular: (b) take more vigorous steps to fight corruption;<sup>8</sup>
- g. It should also step up its efforts to combat corruption, particularly in the police force and among officials responsible for the administration of justice, by undertaking prompt, thorough, independent and impartial investigations into all cases of corruption and imposing not only disciplinary sanctions but also criminal penalties on the persons found to be responsible.<sup>9</sup>
- h. The State party should rigorously combat corruption, including by instituting procedures for vetting corrupt judges by an independent body and taking appropriate sanctions against them.<sup>10</sup>
- i. The State party should take effective measures to eradicate corruption in the administration of justice, including in the provision of legal aid. The State party should strengthen its efforts to ensure prompt, thorough and independent investigations into allegations of corruption in the judiciary and in the provision of legal aid, and prosecute and punish perpetrators, including judges who may be complicit.<sup>11</sup>
- j. The State party should strengthen the independence of the judiciary and effectively combat corruption.<sup>12</sup>
- k. The State party should eliminate all forms of interference by the other branches of government in the judicial branch. To this end, it should ensure prompt, thorough, independent and impartial investigations into all complaints of interference,

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<sup>5</sup> Burkina Faso 2016

<sup>6</sup> Kazakhstan 2016

<sup>7</sup> Benin 2015

<sup>8</sup> Côte d'Ivoire 2015

<sup>9</sup> Bolivia 2013

<sup>10</sup> Albania 2013

<sup>11</sup> Indonesia, 2013

<sup>12</sup> Angola 2013

- including complaints of corruption, and should try and punish those responsible, including any judges who are accomplices.<sup>13</sup>
- l. The State party should increase efforts to combat corruption in all branches of government , by investigating promptly and thoroughly all incidents of alleged corruption and punish those responsible.<sup>14</sup>
  - m. The State party should take steps to entrench judicial independence by ensuring that the remuneration of judges is sufficient to guarantee judicial independence and integrity. In this regard, the State party should provide information on the measures taken to address all forms of possible interference with judicial independence by, inter alia, ensuring that prompt, thorough, independent and impartial investigations are conducted into any allegations of interference, including by way of corruption, and prosecuting and punishing perpetrators, including judicial officers, who may be complicit.<sup>15</sup>
  - n. The State party should increase efforts to combat corruption by investigating promptly and thoroughly all incidents of suspected corruption. If corruption is established, the officials concerned should face criminal and not only disciplinary sanctions.<sup>16</sup>
  - o. The State party should take measures to eradicate corruption by investigating, prosecuting and punishing alleged perpetrators, including judges who may be complicit.<sup>17</sup>
  - p. The State party should strengthen its efforts to combat corruption in all spheres of society and guarantee prompt and thorough investigation of all incidents of suspected corruption and, in particular, give full effect to its Integrated Strategy for Combating Crime and Corruption (see. para. 3 (f) above).<sup>18</sup>
  - q. The State party should take steps to safeguard , in law and practice , the independence of the judiciary and its role as the sole administrator of justice , and guarantee the competence, independence and tenure of judges. The State party should, in particular, take measures to eradicate all forms of interference with the judiciary and ensure prompt, thorough, independent and impartial investigations into all allegations of interference, including by way of corruption , and prosecute and punish perpetrators, including judges who may be complicit.<sup>19</sup>
  - r. The State party should also take all the necessary measures to guarantee the thorough investigation of all allegations of

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<sup>13</sup> Paraguay 2013

<sup>14</sup> Armenia 2012

<sup>15</sup> Capoverde, 2012

<sup>16</sup> Yemen 2012

<sup>17</sup> Turkmenistan 2012

<sup>18</sup> Bulgaria 2011

<sup>19</sup> Kazakhstan 2011

corruption of the judiciary.<sup>20</sup>

- s. Take steps to investigate and prosecute corruption.<sup>21</sup>
- t. Increase efforts to combat corruption, in particular within its judiciary, by investigating promptly and thoroughly all incidents of suspected corruption.<sup>22</sup>
- u. Take steps to ensure the independence of the judiciary r) in particular take measures to eradicate all forms of interference with the judiciary, and ensure prompt, thorough, independent and impartial investigations into all allegations of interference, including by way of corruption; and prosecute and punish perpetrators, including judges who may be complicit.<sup>23</sup>

## **2. Art. 2 ICCPR**

- a. The State should ensure that the ombudsman's mandate of the Commission against Corruption is independent and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134).<sup>24</sup>
- b. Take all necessary and appropriate measures to combat effectively the misappropriation of public funds, extortion, influence-peddling and the high level of corruption, including measures to change societal patterns of behaviour, so that corruption will no longer be seen as inevitable.<sup>25</sup>
- c. Continue efforts to combat corruption so that attitudes in society change and corruption is not perceived as unavoidable.<sup>26</sup>

## **3. Effective participation in public life**

- a. The State party should step up its efforts to combat corruption, particularly among government figures, to ensure effective participation in public life.<sup>27</sup>

## **4. Detention conditions**

- a. The State party should redouble its efforts to address overcrowding in places of detention, including by resorting to non-custodial alternative measures to detention, combat corruption within prison facilities and improve conditions of detention in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).<sup>28</sup>

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<sup>20</sup> Mongolia 2011

<sup>21</sup> Moldova 2009

<sup>22</sup> Azerbaijan 2009

<sup>23</sup> Georgia 2007

<sup>24</sup> China, Macao 2013

<sup>25</sup> Tchad 2009

<sup>26</sup> Macedonia 2008

<sup>27</sup> Bosnia 2017

<sup>28</sup> Azerbaijan 2016



- b. It should also ensure independent and prompt investigation, and the resultant prosecution, of State officials responsible for corruption in the penitentiary.<sup>29</sup>
- c. The State party should ensure full respect for article 9 of the Covenant, and to this end it should: (b) Ensure immediate access to a lawyer following arrest, and combat corruption.<sup>30</sup>
- d. The State party should also ensure independent and prompt investigation and the prosecution of State officials and private actors responsible for corruption in the penitentiary.<sup>31</sup>

#### 5. Human trafficking

- a. The State party should ensure the effective implementation of the existing relevant legal and policy frameworks aimed at combating trafficking in human beings. It should: (b) Address corruption in law enforcement activities related to trafficking.<sup>32</sup>
- b. The State party should also review its laws and practices to ensure financial transparency and address corruption in the cotton industry.<sup>33</sup>

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<sup>29</sup> Cambodia 2015

<sup>30</sup> Albania 2013

<sup>31</sup> Bulgaria 2011

<sup>32</sup> Kazakhstan 2016

<sup>33</sup> Uzbekistan 2015