

The Centre for Civil and Political Rights welcomes the initiative of the UN General Assembly Special Session against corruption. The UNGASS offers an opportunity to shape global anticorruption efforts for the next decade by: (1) including human rights perspectives in the discussions, and (2) by ensuring the meaningful participation of independent civil society within these mechanisms.

The link between corruption and human rights

Corruption is a major obstacle to the observance and implementation of human rights, and it is imperative to include a human rights perspective when understanding the issue of corruption. A human rights approach involves a shift in perception, moving from an economic and political perspective on corruption towards a human rights perspective, whereby the impact of human rights violations for kleptocratic purposes; and the societal and governance implications of this are acknowledged.

Acts of petty and grand corruption affect people and communities in different ways. They may amount to prohibited forms of discrimination or directly violate individual and collective rights. Pervasive corruption weakens the accountability structures that protect human rights, contributing to impunity and impeding law enforcement. Corruption also negatively impacts collective rights. Combating corruption is particularly important for ensuring the empowerment, participation and protection of people who are members of vulnerable or marginalised groups.

Corruption also destabilises democracy, good governance, and the administration of justice. Corruption negatively impacts the enjoyment of human rights and can constitute a violation of human rights in concrete cases. In other words, corruption ‘facilitates, perpetuates and institutionalises violations of human rights.’¹ According to the UN Human Rights Council, it is ‘difficult to find a human right that could not be violated by corruption’.² Conversely, the protection of human rights should serve as an integral part of any anti-corruption campaign.

Moreover, in the context of Sustainable Development Goal (SDG) 16 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, the 2030 Agenda for development refers to concrete actions for combating corruption, namely, “significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime to corruption”.

A human rights-based approach of corruption, with its focus on the victims of corruption and State responsibility, can be used to complement and strengthen anti-corruption efforts. The interdependency of corruption and human rights violations requires not only more awareness around corruption matters in existing human rights mechanisms, but also more consciousness regarding human rights violations in the UNCAC review mechanism and in the corruption debate more broadly. Given these entry points, a stronger implementation of the UNCAC will undoubtedly lead to better implementation of human rights treaties.

Prevention, criminalisation and law enforcement

The **criminalisation** of corruption, including corruption-related offenses like money-laundering, illicit enrichment, extortion, fraud, bribe-taking, tax evasion, and others, is crucial in the fight against it. States should ensure that the definition of these crimes should comply with international standards, expressed in both the UNCAC review mechanism, as well as by the UN Treaty Bodies.

An effective legal framework includes legislation on access to information, granting all persons the right to demand information from public bodies as an incentive for them to operate transparently.

UN Treaty Bodies have also made recommendations about **effective institutions**. Every country should have an anti-corruption authority: an independent body mandated to detect and investigate corruption. This body should have sufficient human and financial resources and capacity to carry out its mandate. This mandate should include raising awareness among public officials and the general population, as well as organising trainings for judges, law enforcement officials, and other relevant groups.

There should be sufficient expertise among the staff, as well as effective cooperation between the prosecution and the investigation services. It should be an independent institution, that is not unduly influenced. There should be efficient cooperation between the anti-corruption authority and the national human rights institution in every country.

But effective institutions include **more than just the anti-corruption authority**. To effectively fight against corruption, institutions like election commission, oversight bodies, law enforcement agencies and the judiciary, should be strengthened.

These institutions should be independent, and the appointment, selection, dismissal and promotion procedures of their members, should be based on objective criteria and take place in a transparent manner. Training curriculum of staff should include how corruption has a negative impact on the enjoyment of human rights. Investigations should be carried out into every allegation of corruption, to ensure that there is no widespread culture of impunity. These actions have been recommended by several Treaty Bodies on numerous occasions.

Media, civil society, academics and NGOs have been instrumental in uncovering and reporting particular acts of corruption. Their vigilance and voices are crucial in motivating governments and other actors to act with integrity. Ensuring the involvement of different actors requires both a suitable policy climate and the appropriate legal safeguards. Human rights norms, principles and approaches are indispensable in establishing both, and thus may encourage journalists, activists, experts, victims and witnesses to come forward and “blow the whistle”.

Member States should adopt and implement comprehensive legislation on whistleblower protection in line with international human rights standards, providing for confidential and secure reporting mechanisms and robust legal protection from reprisals to all whistleblowers, including those reporting to CSOs, the media, and to international mechanisms.

Thank you.