

Corruption and human rights

The approach of the United Nations Treaty Bodies

Lars Plougmann, UK



Làzarie Eeckeloo

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2. LIST OF ABBREVIATIONS

CAT	Committee Against Torture
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CED	Committee on Enforced Disappearances
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CEDAW	Committee on the Elimination of Discrimination Against Women
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CERD	Committee on the Elimination of Racial Discrimination
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CESCR	Committee on Economic, Social and Cultural Rights
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CMW	Committee on Migrant Workers
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COBS	Concluding Observations
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CRC	Committee on the Rights of the Child
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CRPD	Committee on the Rights of People with Disabilities
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HRCttee	Human Rights Committee
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SPT	Subcommittee for the Prevention of Torture
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TB	Treaty Body
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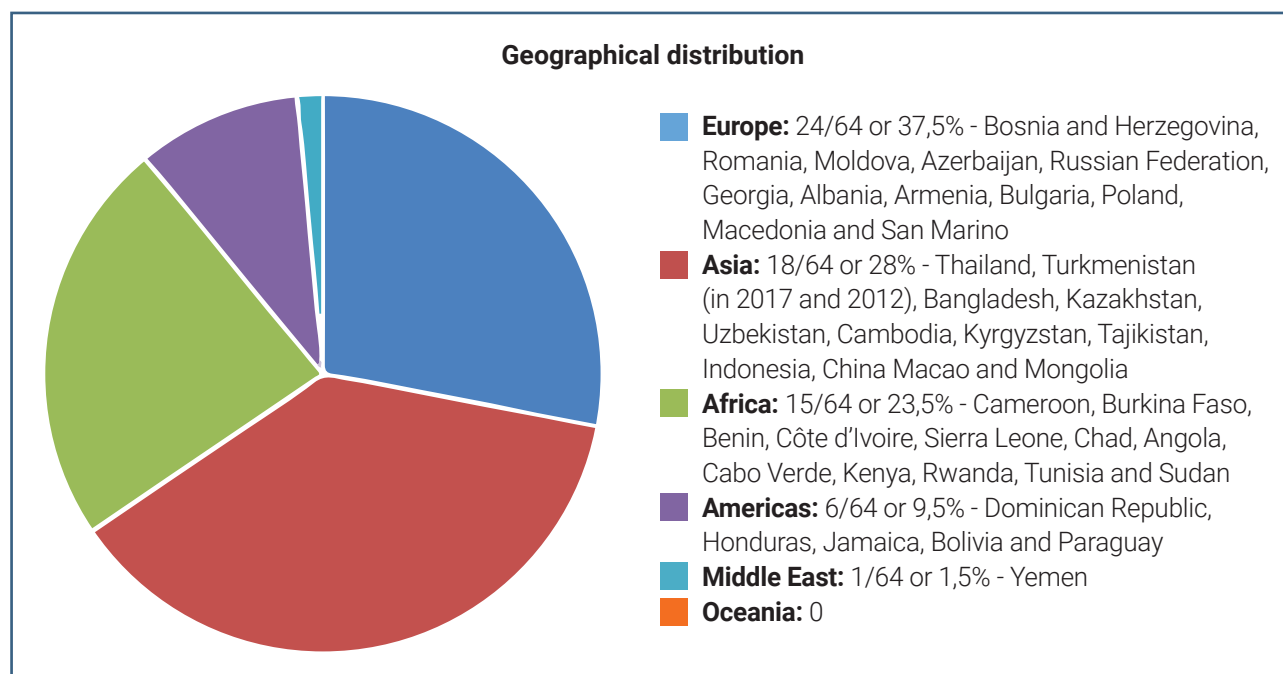
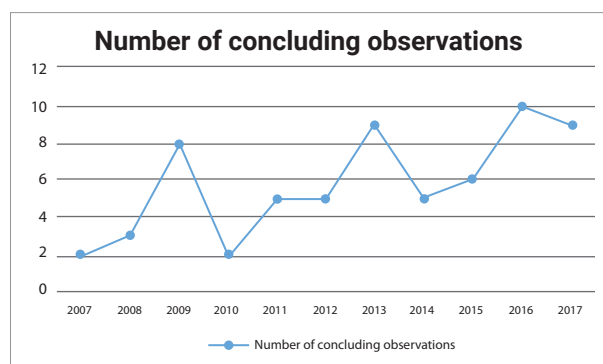
UNCAC	United Nations Convention Against Corruption
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4. HUMAN RIGHTS COMMITTEE - HRCttee

4.1 General statistics and geographical analysis

The HRCttee reviewed 177 States between 2007 and 2017. **In the reviews, the Committee referred to corruption on 64 occasions, or 36% of the time.** It raised concerns on 60 occasions, made 34 recommendations and welcomed three positive developments. In addition, 33 Concluding Observations contain both a concern and a corresponding recommendation. In the 28 other reviews (64-33-3), the Committee did not make any recommendations on corruption, even though the issue was raised as a concern (44% of the 64 cases). It remains unclear why the Committee has not systematically adopted recommendations on corruption. The States in which the Committee is concerned about corruption, are **geographically** divided as follows³: Between 2007 and 2017, corruption

became slightly more prevalent in the COBS of the HRCttee: it was mentioned nine times (14% or 9/64) in 2017, ten times in 2016 (15,5%), six times in 2015 (9,5%), five times in 2014 (8%), nine times in 2013 (14%), five times in 2012 and 2011 (both 8%), two times in 2010 (3%), eight times in 2009 (12,5%), three times in 2008 (4,5%) and two times in 2007 (3%).



³ Sometimes the Committee has several concerns regarding corruption in one State.

4.2. Articles under which corruption is mentioned

Between 2007 and 2017, corruption is mentioned 64 times in the COBS of the HRCttee. The Committee **does not consistently use a particular formulation in its recommendations on corruption**. Rather, at times the recommendations are detailed and specific, while on other occasions they are short and vague, consisting of a single sentence that might, for example, simply call on the State concerned to 'combat corruption'. Moreover, at

times several provisions are referenced, whereas at other times only one is mentioned. It is unclear why the Committee has opted to adopt this approach. In addition, there is no evident trend in the way the formulation of the recommendations or the cited articles has evolved between 2007 -2017. Nevertheless, the Committee started to refer to several other issues in recent years and to combine more articles of the Covenant per topic.

4.2.1. Article 2: corruption in general

In the last ten years, article 2 was mentioned 22 times (34%) in relation to corruption, whether alone or in combination with other articles. Article 2 provides the Covenant's legal framework, prohibits discrimination and guarantees an effective remedy. Article 2 is often combined with article 14 (the right to a fair trial) when corruption is referenced, but is also sometimes invoked on **its own**.

This was the case during the reviews of **Macedonia** (2008) and **Chad** (2009) for example, where corruption was generally a problem. The Committee used the same formulation in both COBS: 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 concerned about the mandate of the Commission against corruption. Recommendations related to article 2 are worded differently according to the situation: in **Macedonia** (2008), the Committee recommended that the State 'continue efforts to combat corruption so

that attitudes in society change and corruption is not perceived as unavoidable', while in **Chad** (2009), the Committee recommended that the State 'take(s) 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 ombudsman's mandate of the Commission against Corruption in **China, Macao** (2013). The Committee seems to be concerned about similar issues when article 2 is **combined with article 14**, as to 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 **Romania** (2017),

Azerbaijan (2016) **Kazakhstan** (2016 and 2012), **Benin** (2015), **Indonesia** (2013), **Paraguay** (2013), **Turkmenistan** (2012) and **Russian Federation** (2009). The Committee also added other articles when talking about corruption in the judiciary: article 9 (**Tajikistan**, 2013) and articles 25 and 26 (**Cameroon**, 2017).



The Committee also combines article 2 with **other articles**: with article 25 in its review of **Bosnia and Herzegovina** (2017), with articles 3, 26 and 27 in **Bangladesh** (2017), with articles 19, 21 and 26 in **Azerbaijan** (2016), with articles 9, 12, 17 and 26 in **Russia** (2015), with article 7, 9, 14 and 17 in **Georgia** (2014), with articles 22 and 26

in **Kyrgyzstan** (2014), with article 14 and 26 in **Yemen** (2012) and with article 7 and 9 in **Poland** (2010).

Over the years, the Committee has started to refer to other articles in addition to the usual ones with regard to corruption and also combines more articles than before.

4.2.2. Article 6: corruption linked to the right to life

In its review of **Uzbekistan** (2015), the Committee referred to **article 6**, which guarantees the right to life. It was concerned about the lack of investigations into deaths occurring in the context of forced labor. Article 6 was also mentioned in the review of **Thailand** (2017), as the death penalty may be imposed for crimes related to corruption in the State, despite this not being classified as one of the most serious crimes under international law. The Committee raised a similar concern in its review of **Sudan** (2007), where the crime of embezzlement is punishable by death. Article 6 is also combined with

articles 7 and 14. This was also the case in the review of **Burkina Faso** (2016), where the Committee was concerned about vigilante groups. In the COBS of **Tunisia** (2008) on the other hand, the Committee was concerned about money laundering in the context of counter-terrorism. The Committee also combined article 6 with articles 7, 9 and 10 in its review of **Bangladesh** (2017), when it raised concern about extortion in detention centers. Finally, article 6 was combined with article 25 in the COBS of **Honduras** (2017). Here, the Committee linked the right to life to election fraud

4.2.3. Articles 7, 9 and 10: corruption within penitentiary institutions

The Committee has also regularly raised concern about corruption within prison or penitentiary facilities. It has used several articles of the Covenant as a **legal basis** for this issue: articles 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 one of those articles in certain situations, and others in other situations. These articles are mentioned in the COBS of **Bangladesh** (2017), **Bolivia** (2013), **Cambodia** (2015), **Poland** (2010), **Georgia** (2014), **Azerbaijan** (2016) and **Bulgaria** (2011). In the COBS of **Kenya** (2012) and **Albania** (2013), the Committee mentioned corruption among law enforcement officials under article 9. The HRCttee was concerned about impunity in **Georgia** (2014), under articles 2, 7, 9, 14 and 17. Whereas, in its review of **Azerbaijan** (2016), the Committee raised concern about intimidation, under articles 7, 9, 10, 14 and 19.

Recommendations made about corruption within penitentiary institutions were all worded differently. In **Azerbaijan** (2016), the Committee remained vague, recommending that the State 'combat corruption'. In **Cambodia** (2015), the Committee recommended that the State 'ensure(s) independent and prompt investigation, and the resultant prosecution, of State officials responsible for corruption in the penitentiary'. A similar recommendation was made to **Bulgaria** (2011). However, here the Committee also referred to investigations and prosecutions of private actors responsible for corruption in penitentiary institutions. Moreover, while the Committee has consistently used articles 7, 9 and 10 as a legal basis for this issue, it is not clear why or when each basis is chosen. The Committee recommended that **Bolivia** (2013) maintains effective control of all prison facilities and investigates any incidents of violence or extortion among prisoners, prosecute those responsible and impose appropriate penalties against them.

4.2.4. Article 8: corruption and human trafficking

Article 8, which **prohibits slavery**, is mentioned twice: in the reviews of **Kazakhstan** (2016) and **Uzbekistan** (2015). The Committee was concerned about corruption linked to human trafficking in both cases. However, the two recommendations have different focuses.

The Committee recommended that **Uzbekistan** 'address(es) corruption in the cotton industry', while it recommended that **Kazakhstan** 'address(es) corruption in law enforcement activities related to human trafficking'.

4.2.5. Article 14: corruption in the judiciary

In the overwhelming **majority** of cases, concerns about corruption are mentioned under article 14, the right to a fair trial (59%, 38/64). This is mostly about systemic corruption in the judiciary, the lack of independent judges and the appointment, selection, dismissal and promotion procedures in the judiciary. The Committee raised concern about this issue in its reviews of **Cameroon** (2017), **Turkmenistan** (2017 and 2012), **Romania** (2017), **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), Chad (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 (2, 25, 26, etc.). The wording of these recommendations is inconsistent, and there are no marked differences between instances when article 14 is the only article invoked or when it is combined.

In the COBS of **Yemen** (2012), the HRCttee combined article 26 with articles 2 and 14, regarding endemic corruption in the judiciary. The Committee did not clarify why this article, that guarantees the prohibition of discrimination, was mentioned here. When article 2 is combined with article 14,

the Committee is concerned about similar issues then when only article 14 is used as a legal basis. Therefore, it is unclear what article 2 adds to the analysis. This was the case in its review of **Romania** (2017), **Azerbaijan** (2016), **Kazakhstan** (2016 and 2012), **Benin** (2015), **Indonesia** (2013), **Paraguay** (2013), **Turkmenistan** (2012) and the

Russian Federation

(2009). The recommendations made by the Committee on corruption and the right to a fair trial between 2007 and 2017 followed a similar pattern. For example, the Committee recommended that States combat, fight or eradicate corruption, often without specifying how this might be achieved. This was the case for **Burkina Faso** (2016), **Benin** (2015), **Côte d'Ivoire** (2015) and **Angola** (2013) - all African countries. If there was a specification, the Committee focused on investigations, prosecutions and punishments of the perpetrators, including complicit judges or judicial officers.



Public domain pictures

The Committee made two recommendations in which it called on States to levy both criminal and disciplinary sanctions on perpetrators: **Bolivia** (2013) and **Yemen** (2012). On another occasion, the Committee recommended that the issue of combating corruption should be included in the training curriculum for judges: **Azerbaijan** (2016). Lastly, in the COBS of Cameroon in 2017, the Committee referred to articles 2, 14, 25 and 26. These are excellent recommendations that can serve as examples to other TBs⁴. Several concerns raised by the

Committee refer to article 14 in a **broader sense** and in combination with other articles of the Covenant. In its review of **Azerbaijan** (2016) the Committee was concerned about intimidation (articles 7, 9, 10, 14 and 19), in **Burkina Faso** (2016) about vigilante groups (articles 6, 7 and 14), in **Georgia** (2014) about impunity (articles 2, 7, 9, 14 and 17), in **Albania** (2013) about corruption among law enforcement officials (articles 2, 9 and 14) and finally in **Tunisia** (2008) about money laundering in the context of counter-terrorism (articles 6, 7 and 14).

4.2.6. Article 25: the impact of corruption on effective participation in public life

The Committee referred to article 25 in combination with article 2 in the COBS of **Bosnia and Herzegovina** (2017). According to the Committee, corruption among public officials leads to a violation of the right to effective participation in public life. As a result, the Committee recommended that the State 'step(s) up its efforts to combat corruption, particularly among government figures, to ensure effective participation in public life'. As mentioned above, the Committee also referred to article 25 in the COBS of **Honduras** (2017), in combination with article 6

on the right to life. Here, the subject of concern was fraud during elections, which constitutes a violation of effective participation in public life. In addition, the HRCttee referred to article 25 in the COBS of the **Dominican Republic** (2017), expressing concern about widespread corruption in the government, impunity and the lack of access to basic services. The Committee recommended that the State investigates cases of corruption and takes into account UNCAC's recommendations. This is the only instance in which a recommendation of this nature has been made by a UN TB.

4.2.7. Article 26: non-discrimination

The Committee has referred to article 26 in various COBS, **always in combination with other articles** of the Covenant. In its review of **Bangladesh** (2017), the Committee was concerned about discrimination against religious minorities, and the extortion of these groups (under articles 2, 3, 26 and 27). In the COBS of **Azerbaijan** (2016), the subject of concern was discrimination in relation to impunity and extortion, under articles 2, 19, 21 and 26. In its review of **Russia** (2015), the Committee expressed its concern

regarding corruption among law enforcement officials, linked to discrimination against vulnerable groups (articles 2, 9, 12, 17 and 26). In the COBS of **Kyrgyzstan** (2014), the Committee was concerned about restrictions imposed on NGOs, in the fight against money laundering (articles 2, 22 and 26). Finally, as mentioned above, in its review of **Yemen** (2012), the Committee raised its concern about corruption in the judiciary without clarifying why article 26 is one of the sources for this concern.

⁴ Cameroon, 2017, CCPR/C/CMR/CO/5: 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.

4.2.8. Other articles

Article 3, equal rights of men and women, is only mentioned once in relation to corruption. In its review of **Bangladesh** (2017), the Committee linked the article to discrimination against religious minorities. Here, the Committee also referred to **article 27**, guaranteeing the rights of minorities. The HRCttee referred to **article 12** in **Uzbekistan's** COBS in 2010, where it found that corruption in the registration system (propiska) is a violation of the right to freedom of movement. Article 12 is also mentioned in the COBS of **Russia** (2015), where it is linked to corruption among law enforcement officials. The Committee was also concerned about money laundering in the context of counter-terrorism in **San Marino** (2008), under **article 17** which protects the right to privacy. The same article was also mentioned in the COBS of

Russia (2015), mentioned above, and of **Georgia** (2014), where the Committee was concerned about impunity. **Article 19** is mentioned twice in relation to corruption in the COBS of **Azerbaijan** (2016), where the Committee raised the issues of intimidation, impunity and discrimination. The last two issues are also raised in conjunction with **article 21**, which guarantees the right to peaceful assembly. The Committee referred to **article 22** in the COBS of **Kyrgyzstan** (2014). This article guarantees the right to freedom of association and is mentioned in relation to restrictions imposed on NGOs in the country. **Article 24**, that protects children's rights, is referred to once in the COBS of **Uzbekistan** (2015). Here, the Committee was concerned about corruption in relation to forced labor in the cotton sector.



4.3. Examples of recommendations of the HRCttee on corruption

The HRCttee's approach to raising the issue of corruption is inconsistent. As a result, its recommendations differ depending on the country, the year and situation under review. Sometimes, the recommendations are **vague and short**. While there are ample examples of this practice, below are a selected few⁵:

• **Azerbaijan: 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).

• **Burkina Faso: 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.

However, sometimes the Committee gives **more concrete recommendations**, that are longer and easier for the State to implement as the Committee breaks the recommendations down into specific digestible sections:

• **Turkmenistan: 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;

• **Azerbaijan: 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



The Human Rights Committee in session

interpretation of the law.

• **Bolivia: 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

⁵ 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: (...) (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): (...) "continue efforts to combat corruption so that attitudes in society change and corruption is not perceived as unavoidable." (Etc.)

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. (...)

• **Indonesia: 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.

• **Cameroon: 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).

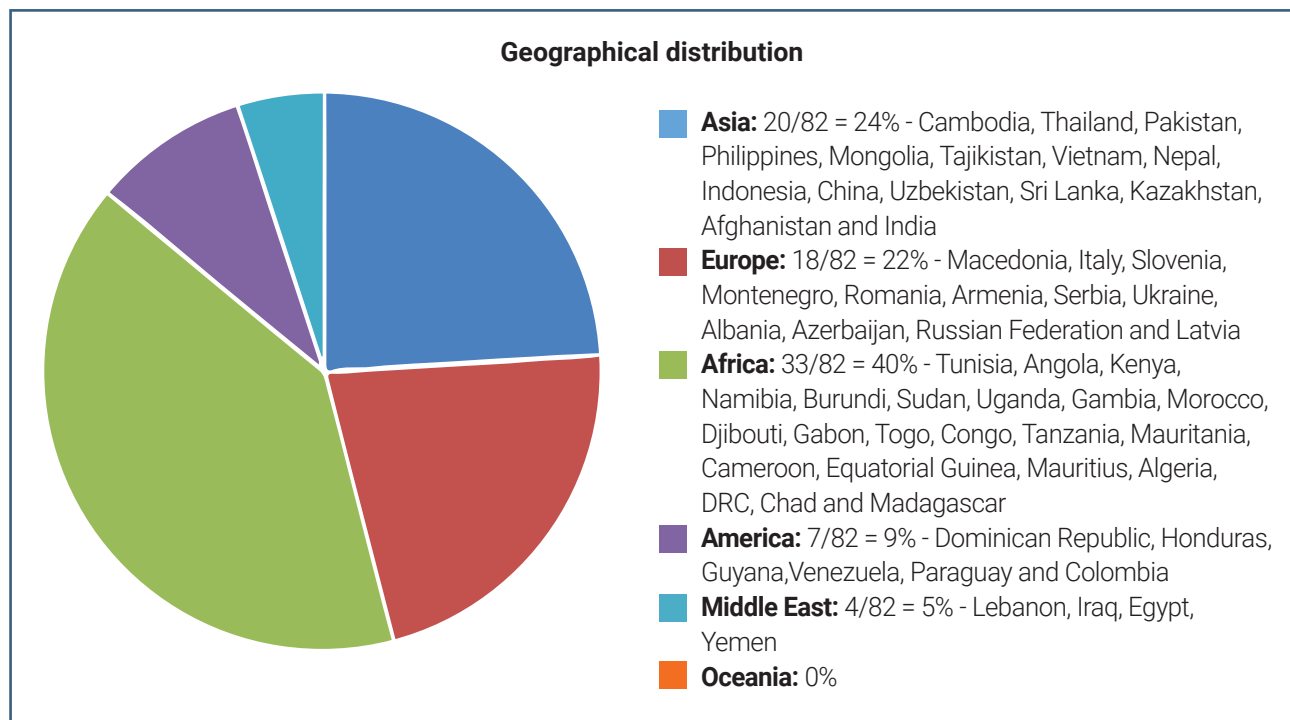
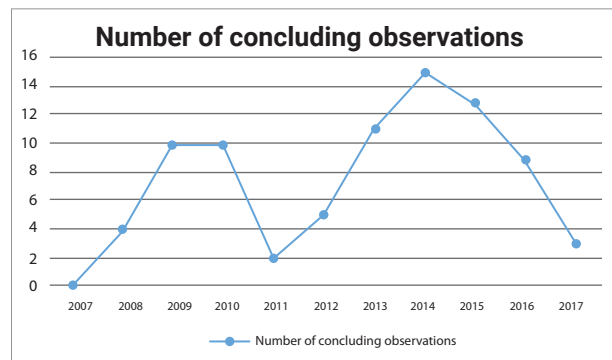
10. The State party should: (a) step up its efforts to combat corruption and to ensure that it does not go unpunished; (b) ensure that all cases of corruption are independently and impartially investigated and, where applicable, that appropriate judicial penalties are imposed on perpetrators; and (c) 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. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS - CESCR

The CESCR reviewed 142 State reports between 2007 and 2017, mentioning corruption as an area of concern 82 times (57%). The Committee referred to positive developments in relation to corruption on six occasions. The number of concerns more or less matched the number of recommendations. The countries in which the Committee is concerned about corruption are geographically divided as follows⁶:

The CESCR seems to be particularly aware of the issue, as it raised **more concerns** about corruption than any other TB. There is no clear trend with regards to the number of times that the CESCR raises the issue over time. The Committee mentioned corruption three times in 2017, nine times

in 2016, 13 times in 2015, 15 times in 2014, 11 times in 2013, five times in 2012, two times 2011, ten times in 2010 and 2009, four times in 2008 and the issue is not raised in 2007.



⁶ Sometimes the Committee has multiple concerns about corruption in 1 State.

Of the 82 times that corruption is mentioned in the COBS of States reviewed by the CESCR between 2007 and 2017, six references are **positive**. They refer to the State parties ratification of the UNCAC (**Armenia** 2014), the establishment of a national action plan to tackle corruption or of a national authority (**Serbia** 2014, **Gabon** 2013, **Albania** 2013), and the adoption of a law or amendments to existing laws related to corruption (**Tanzania** 2012, **Albania** 2013). The vast majority of concerns (54 or 66%) raised by the CESCR refer to **article 2 or article 2(1)**. In these instances, the CESCR points out that corruption is widespread in the State party, and that corruption has a detrimental impact on the enjoyment of Economic, Social and Cultural Rights, much like the CRC does. Other concerns

raised by the Committee, included corruption related to access to health care or the payment of unofficial fees for health care services (article 12, 6 cases or 7%), corruption related to access to food, housing or land allocation (article 11, 6 cases), corruption in the justice system (10 cases or 12%), and corruption in the social security system (article 9, 3 cases or 4%). There are also several

cases where the Committee does not mention an article of the Covenant. For example, one of the concerns raised is about the stigmatization of Human Rights Defenders that denounce corruption (DRC, 2009). In the same review, the Committee raised its concern about violations of the labor law as a result of corruption. However, it again failed to reference a corresponding article from the Covenant. In general, the CESCR adopts **long recommendations** on corruption. It often gives general recommendations that correspond to general concerns. Those recommendations contain several elements: ensure transparency, adopt laws to strengthen the legal framework, ensure the strict application of those laws, raise

awareness among judges, police officers, and public servants, investigate allegations of corruption, address the root causes of corruption, protect whistle-blowers and victims of corruption, etc.

This goes in the **direction of a systematic approach to corruption**, containing several essential elements necessary for improving the situation, and is a step in the right direction. However, not all countries where a general concern is expressed, received a recommendation containing all of the measures mentioned. Often, some of these actions are recommended, but it is not clear why certain States are urged to take more actions than other States. Of all those measures, **raising awareness** is recommended most

often (30 times), followed by ensuring transparency (27) and the strict application of laws (24). The CESCR also regularly urges States to investigate and prosecute allegations of corruption (17), to protect whistleblowers and victims (12), to address the root causes of corruption (10), to organize trainings (9) and to adopt anti-corruption laws (7). Less popular measures include, establishing

a monitoring mechanism (5), increasing resources (5), ensuring the independence of the national anticorruption authority (5), evaluating measures taken (3), adopting a national action plan against corruption (3), increasing salaries (2), adopting guidelines (2), collecting statistics (2), capacity-building (1), accepting help from international organizations (1), and establishing a charter (1). The Committee has also sometimes made vague recommendations, including calling on states to 'fight corruption' and 'take and strengthen measures' (14). Furthermore, it is worth noting that while the Committee made numerous recommendations about organizing trainings up until 2010, it has failed to do so since



Moreover, even though several measures related to the eradication of corruption are addressed in these general recommendations, they **remain vague**. This is despite the fact that it is possible to be more concrete when recommending that a State, for example, ensures transparency or addresses the root causes of corruption. The recommendations that do not correspond to a general concern, but to a specific concern (for example, corruption in health care, or related to housing), are equally vague⁷ (14 cases). The CESCR is the only Committee that sometimes recommends **evaluating the measures taken to eradicate corruption**⁸ (Thailand 2015, Serbia 2014, Montenegro 2014). This recommendation should also appear in the COBS of other TBs. This is because it is always necessary to evaluate whether certain measures are effective and thus worth being adopted.

At times, the CESCR also recommends seeking the **help of International Organizations** who have expertise in eradicating corruption⁹ (Sri Lanka, 2010). This recommendation would be more useful to State parties if it were more concrete. The CESCR refers to **Transparency International's Corruption Index** on one occasion in a recommendation¹⁰ addressed to Tajikistan (2015). This is the only reference made to the index by the TBs. A number of recommendations made by the CESCR can serve as **examples** for other Treaty Bodies:

• **Tunisia, 2016**¹¹:

"The Committee (...) recommends that, in order to fight corruption in the health-care system, patients be informed of their rights through a "charter of patients' rights" that would explain the avenues available for filing a complaint if they witness attempted corruption."

⁷ Yemen, E/C.12/YEM/CO/2 (CESCR, 2011): "The Committee recommends that the State party strengthen efforts and use available resources to increase the budgetary allocations for the social security system, including social assistance benefits, with a view to ensuring an adequate standard of living for the recipients. The Committee also recommends that the State party step up its efforts to combat corruption and misappropriation of State funds in the area of social security, including social insurance benefits, and prosecute those responsible;" Montenegro, E/C.12/MNE/CO/1 (CESCR, 2014): The Committee recommends that the State party: (a) Increase its budgetary allocations to the health sector to improve the quality of public health-care services, and take effective measures to counter corruption in the health-care sector;

⁸ Montenegro, E/C.12/MNE/CO/1 (CESCR, 2014): The State party should, as a matter of priority, address the root causes of corruption, and adopt all necessary legislative and policy measures to effectively combat corruption and the related impunity, including investigation and prosecution of high-level corruption cases. The Committee recommends that the State party regularly evaluate the impact of measures taken to combat corruption, and provide detailed information in its next periodic report. The State party should also ensure that individuals who investigate and report on organized crime are protected effectively from any form of intimidation or violence.

⁹ Sri Lanka, E/C.12/LKA/CO/2-4 (CESCR, 2010): r) take all necessary measures to combat corruption and impunity associated with it r) train the police and other law enforcement officers, as well as prosecutors and judges in the strict application of anti-corruption laws, to require the public authorities, in law and in practice, to operate in a transparent manner, and to ensure that prosecution cases are brought to justice r) seek the cooperation of international organizations with special expertise in the field of combating corruption and requests the State party to provide detailed information in its next periodic report about progress made in combating corruption and impunity.

¹⁰ Tajikistan, E/C.12/TJK/CO/2-3 (CESCR, 2015): Corruption: The Committee remains concerned that, despite numerous measures undertaken by the State party, corruption in the public sector is pervasive and systematic in the country, which is illustrated by the 152nd place occupied by the State party among 175 countries listed on the 2014 Corruption Perceptions Index by Transparency International. It is also concerned about the ineffectiveness of preventive measures and the limited scope of prosecuted cases of corruption, particularly concerning those persons at higher levels of the administration (art. 2, para. 1).

¹¹ Tunisia, E/C.12/TUN/CO/3 (CESCR, 2016): 49. The Committee requests the State party to monitor on a regular basis the implementation of the national health strategy and the effectiveness of the systems put in place to improve access to health care in rural areas experiencing a shortage of medical professionals, to measure the impact of the systems on the enjoyment of the right to health and to take remedial action where necessary. It recommends that, in order to fight corruption in the health-care system, patients be informed of their rights through a "charter of patients' rights" that would explain the avenues available for filing a complaint if they witness attempted corruption. The State party should guarantee that everyone, without discrimination, has access to affordable medication.

• Uzbekistan, 2014:

"The Committee recommends that the State party set up a comprehensive policy and mechanism to combat and prevent petty and systemic corruption, including by:

- (a) Streamlining the adoption of the draft anti-corruption law, national programme and action plans, as well as codes of conduct for public institutions;
- (b) Fostering transparent corruption monitoring, especially in the areas of health care, education and residence registration, and ensuring adequate investigation into corruption cases and prompt punishment of perpetrators with commensurate sanctions;
- (c) Ensuring safe, accessible and visible channels for reporting corruption, in particular in the areas of health care, education and residence registration, as well as effective protection of anti-corruption activists and human rights defenders involved;
- (d) Training politicians, lawmakers, judges, law enforcement officers, civil servants and public service personnel, especially in the areas of education, health-care and residence registration,

on ethics and the economic and social costs of corruption;
(e) Conducting awareness-raising campaigns."

• Afghanistan, 2010:

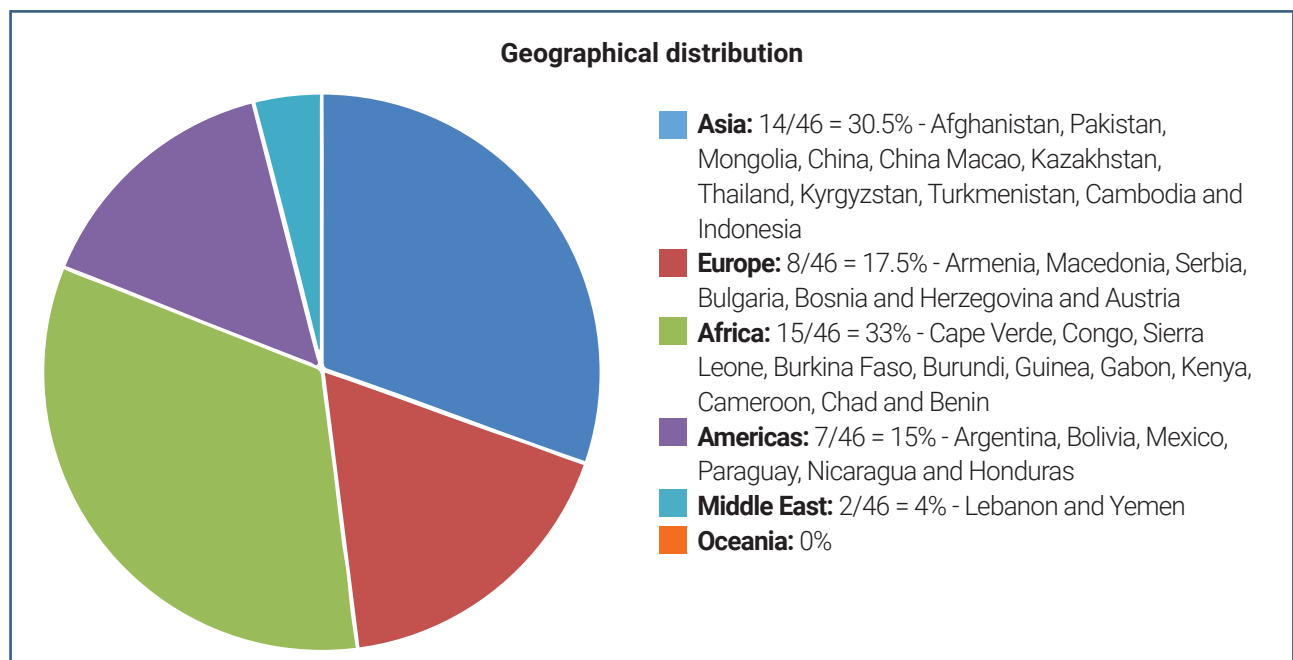
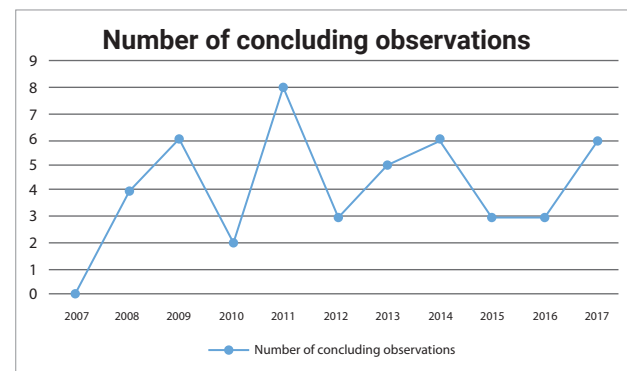
"The Committee recommends that the State party:
(a) adopt a legal framework to combat corruption and impunity, in conformity with the international standards;
(b) train lawmakers, national and local civil servants and law enforcement officers on the economic and social costs of corruption;
(c) take measures to prosecute cases of corruption;
(e) ensure the transparency of the conduct of public authorities, in law and in practice, and establish an independent monitoring mechanism to this end;
(f) elaborate, in cooperation with relevant organizations and institutions, guidelines and a code of ethics; and
(g) conduct awareness-raising campaigns. The Committee requests the State party to provide detailed information in its next periodic report about the progress made in combating corruption and impunity and any obstacles encountered."

6. COMMITTEE AGAINST TORTURE – CAT

The CAT addresses corruption in 46 of the 179 reviews it conducted between 2007 and 2017 (26%). Four of the 46 references are positive, 38 are concerns and 30 are recommendations. The COBS of 26 States contain both a recommendation and a concern. In addition, the CAT raised a concern in 12 other reviews, but did not make a corresponding recommendation. Whereas, in another four reviews, it made a recommendation but did not raise a corresponding concern. This lack of correspondence between concerns and recommendations is evident in the reviews conducted by the majority of TBs. The States in which the Committee is concerned about corruption, are geographically distributed as follows¹²:

The number of recommendations made by the CAT on corruption per year remains approximately the same. In 2007, the CAT did not mention corruption. In 2008 and 2009 there were four and six instances

where corruption was mentioned respectively, while in 2010 there were only two. In 2011, there were seven (of which three were positive). In 2012 and 2013, three and five references were made to respectively. The CAT was concerned about corruption in six countries in 2014, and 3 countries in 2015 and 2016. Finally, in 2017 six States received a recommendation on corruption



¹² Sometimes the Committee has multiple concerns in one country.

Like the HRCttee, the CAT has raised **corruption in the judiciary** more frequently than any other issue (14 cases, or 30.5%). In such cases, the Committee often refers only to article 2, but sometimes combines this article with others: 10, 11, 12, 13, 14 and 16. The CAT also often refers to corruption in the framework of detention (14) and among law enforcement officials (11). On two occasions it was concerned about the body in charge of combating corruption (a Commission or Authority against Corruption), its mandate or resources. The Committee also expressed concern on two occasions about corruption linked to the treatment of refugees and asylum seekers. Several other issues were mentioned on one occasion each: corruption among security forces, human trafficking, enforced disappearances, intimidation, counter-terrorism and corruption that restricts the right to a lawyer. Of the 46 cases where corruption is mentioned in the COBS, four are **positive aspects**: the ratification of UNCAC by **Cambodia** (2011), the establishment of a commission against corruption in **Indonesia** (2008), the adoption of a law against corruption in **Cambodia** (2011) and the development of a national plan to fight corruption in **Bulgaria** (2011). The majority of the CAT's recommendations are **vague**, but it is the only body that, on occasion, requests data on this issue¹³. In 2012, **Armenia** received a long recommendation on conditions of detention, but corruption is only mentioned in the last sentence: "(The State) should take measures to eliminate corruption in prisons"¹⁴. This does not give much guidance to the State, nor does it clarify how they should act in order to achieve this. However, some of the recommendations are detailed and describe the actions the State should take. For example, in 2011 **Cambodia** received a thorough recommendation that outlined the steps the State

needed to take in order to fulfill its obligations under the convention¹⁵:

- a) take immediate and urgent measures to eradicate corruption throughout the country which is one of the most serious impediments to the rule of law and the implementation of the Convention
- b) such measures should include effective implementation of the anti-corruption legislation and the expeditious operationalization of the Anti-Corruption Unit, which should consist of independent members
- c) increase its capacity to investigate and prosecute cases of corruption
- d) establish a programme of witness and whistleblower protection to assist in ensuring confidentiality and to protect those who lodge allegations of corruption, and ensure that sufficient funding be allocated for its effective functioning
- e) undertake training and capacity-building programmes for the police and other law enforcement officers, prosecutors and judges, on the strict application of anticorruption legislation as well as on relevant professional codes of ethics, and adopt effective mechanisms to ensure transparency in the conduct of public officials, in law and in practice
- f) report back on progress achieved, and the difficulties encountered, in combating corruption
- g) provide information on the number of officials, including senior officials that have been prosecuted and punished on account of corruption charges
- h) intensify its efforts to establish and ensure a fully independent and professional judiciary in conformity with international standards and ensure that it is free from political interference
- i) provide information on provisions of the Anti-Corruption Law that address the independence of the judiciary

¹³ Kazakhstan, CAT/C/KAZ/CO/3 (CAT, 2014): The State party should: (f) Provide the Committee with comprehensive disaggregated data on the number of investigations, prosecutions and sentences handed down for human trafficking, on the provision of redress to the victims and on measures taken to combat alleged corruption among law enforcement officials.

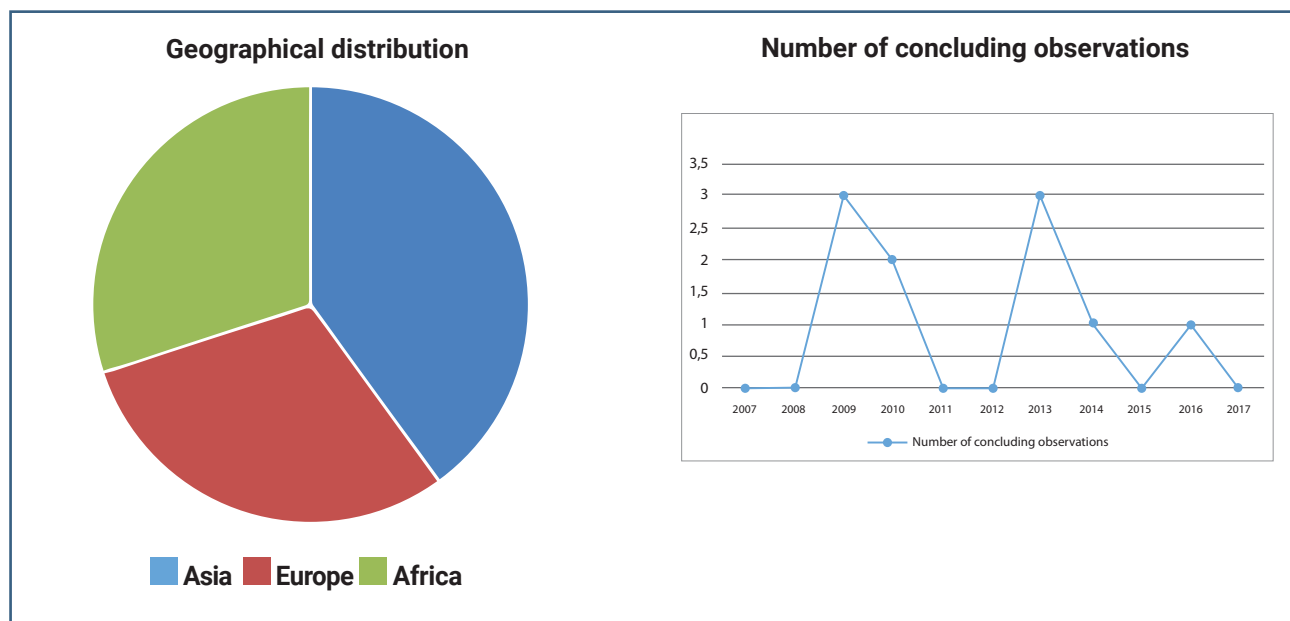
¹⁴ Armenia, CAT/C/ARM/CO/3 (CAT, 2012): The State party should continue to take effective measures to improve conditions in places of detention and to reduce overcrowding in such places. The Committee recommends that the State party increase its efforts to remedy prison overcrowding, including through the application of alternative measures to imprisonment in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and to provide the Committee with information on any probation service to be established in charge of alternative punishment, conditional release and rehabilitation. The State party should take necessary measures to eliminate any form of violence or discrimination against detainees based on sexual orientation or nationality, including all abusive and discriminatory actions taken by prison inmates against other detainees. It should establish a confidential system for receiving and processing complaints regarding torture or ill-treatment and ensure that the system is established in all places of deprivation of liberty. The State party should further ensure that all complaints received are promptly, impartially and effectively investigated, and the perpetrators punished with appropriate penalties. The State party should ensure that the Police Monitoring Group has access to all police stations, including the ability to conduct unannounced visits. It should also take effective measures to keep under systematic review all places of detention, including the existing and available health services therein, and should take measures to eliminate corruption in prisons.

¹⁵ Cambodia, CAT/C/KHM/CO/2 (CAT, 2011)

7. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION – CERD

Issues related to corruption were raised 10 times in the 208 State reviews undertaken by the CERD between 2007 and 2017 (5%). The Committee mentioned one positive aspect in the COBS of Chad (2013): the adoption of a law to eradicate corruption¹⁶. Six of the concerns raised had corresponding recommendations, but three concerns did not. Of the ten occasions that corruption is mentioned, four are addressed to **Asian countries** (Mongolia, Kazakhstan in 2014 and 2010 and Cambodia, or 40%), three are addressed to **African countries** (Chad, both in 2013 and in 2009, or 30%), and three to **European states** (Russian Federation, Azerbaijan and Bulgaria)¹⁷. The number of recommendations adopted by the Committee on corruption **decreased** between 2007 and 2017: three in

2009, two in 2010, three in 2013, one in 2014 and one in 2016. However, the recommendations themselves are relatively detailed. For example, the Committee recommended to Cambodia in 2010 that it ensure(s) that the judiciary is free from political control, and increase(s) its capacity to investigate cases of corruption¹⁸. **Of those 10 instances, there is one positive aspect: the Committee congratulated Chad on adopting a law against corruption in 2013.** Five of the 10 concerns raised were about **corruption in the judiciary** (articles 2 and 6 of the Convention). There were also two concerns about extortion of migrant workers, and one on corruption among law enforcement officials. The final recommendation was about the implementation of a national strategy against corruption¹⁹.



¹⁶ Chad, CERD/C/TCD/CO/16-18 (CERD, 2013): B. Positive aspects: 4. The Committee notes with interest those legislative and institutional developments in the State party since the submission of its last periodic report that should help to combat discrimination, and notably: (c) Ordinance No. 011/PR/2012 repealing Act No. 004 and on the elimination of corruption, illegal enrichment and related offences;

¹⁷ Sometimes the Committee has multiple concerns for one State.

¹⁸ Cambodia, CERD/C/KHM/CO/8-13 (CERD, 2010): The Committee recommends that the State party continue and increase its efforts to strengthen and guarantee the independence of the judiciary and ensure that it is free from political control and interference through the early adoption of all relevant laws of reform. The Committee further recommends that the State Party take steps to increase its capacity to investigate and take disciplinary action in cases of incompetence and corruption.

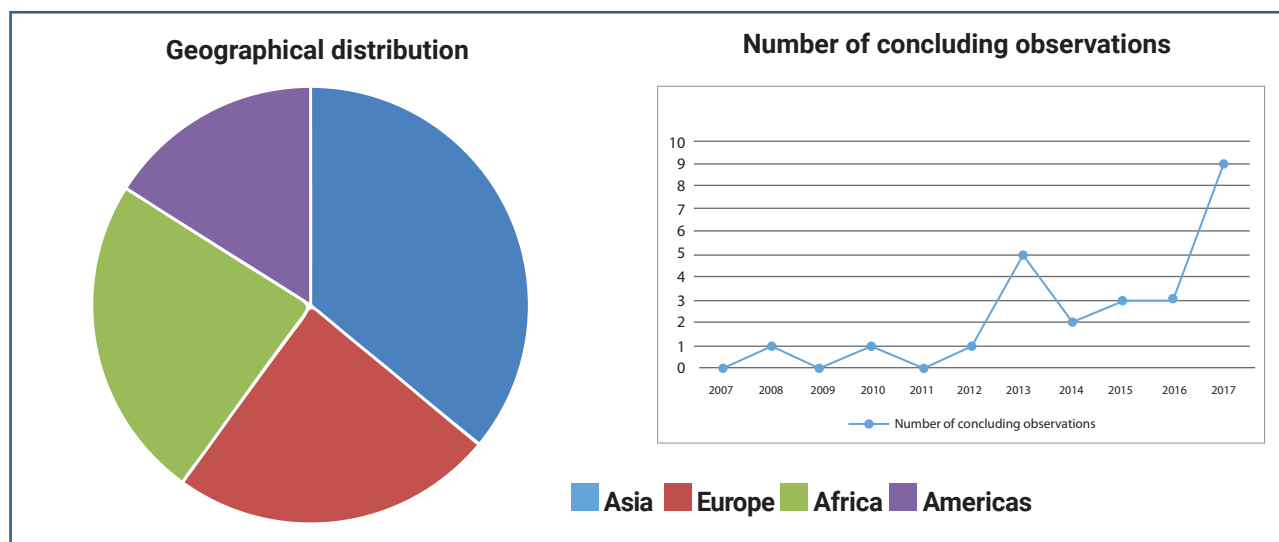
¹⁹ Azerbaijan, 2009.

8. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN – CEDAW

The CEDAW conducted 277 State reviews between 2007 and 2017, of which 25 mentioned corruption (9%). The Committee raised 23 concerns, of which 12 had a corresponding recommendation, and two were positive. Most concerns/recommendations are addressed to **African countries** (8/25 or 32% - **Nigeria, Kenya, Liberia, Gabon, Benin, DRC and Uganda**), followed by **Asian countries** (6/25 or 24% - **Thailand, Sri Lanka, Myanmar, Cambodia and Afghanistan**), **European countries** (6/25 - **Ukraine, Belarus, Russian Federation and Georgia**) and lastly, **Latin American countries** (4/25 or 16% - **Guatemala, Honduras, Mexico and Ecuador**)²⁰.

Between 2007 and 2017, the CEDAW made few recommendations on corruption: a single concern was raised in 2008, 2010 and 2012 respectively. The Committee mentioned corruption five times in 2013. In 2014, it expressed concern about corruption on two occasions. In 2015 and 2016 it went on to reference the issue three times respectively. However, **in 2017 the Committee raised concern about the issue**

on nine occasions (three in the review of **Ukraine**). It is hoped that this trend will continue in upcoming reviews. Most of the concerns raised by the CEDAW were about **access to remedies or access to justice** (eight in total). Corruption related to human trafficking and violence against women were the subjects of five concerns each. Concern about corruption in the context of sex work was raised on two occasions. Several issues were the subject of a single concern: corruption related to programs set up to help indigenous communities, the national commission for human rights, corruption among law enforcement officials and the armed forces, employment and recruitment for public services and health care personnel. Positive aspects were mentioned twice: the ratification of UNCAC²¹ and the adoption of a National Action Plan²². The CEDAW **has not issued concrete recommendations on corruption**. The vast majority of recommendations (23) simply urge the State to investigate cases of corruption. While others call on the the State to strengthen measures against corruption²⁴.



²⁰ Sometimes, the Committee has multiple concerns for one State.

²¹ Afghanistan, 2013.

²² Ecuador, 2008.

²³ For example, Cambodia, CEDAW/C/KHM/CO/4-5 (CEDAW, 2013): 13. The Committee urges the State party: c) To continue to investigate and prosecute allegations of corruption in the administration of justice and, where applicable, punish the perpetrators.

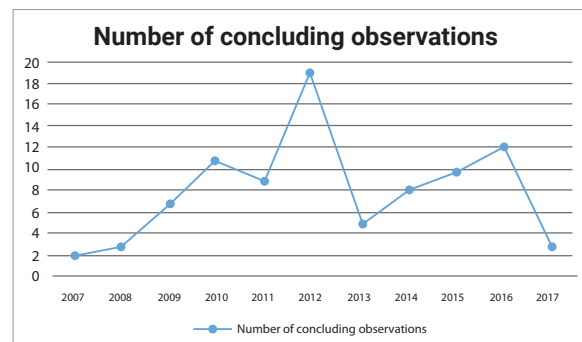
²⁴ For example, Gabon, CEDAW/C/GAB/CO/6 (CEDAW, 2015): 17. The Committee recommends that the State party: (b) Strengthen anti-corruption measures.

9. COMMITTEE ON THE RIGHTS OF THE CHILD - CRC

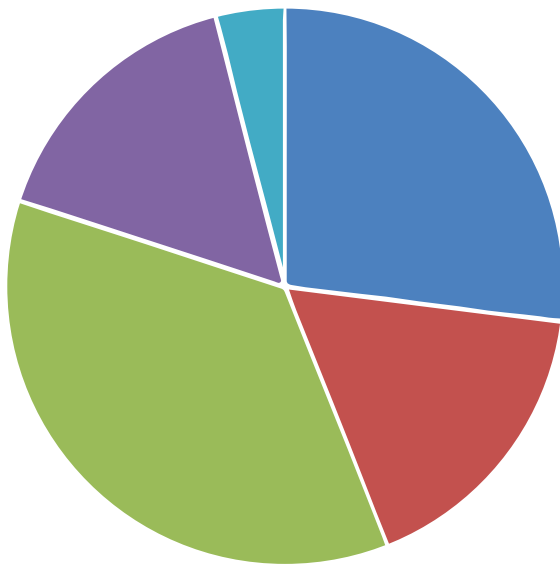
The CRC adopted 214 COBS between 2007 and 2017. These mention corruption 89 times or **41.5%**, as a concern (75 times), as a positive trend (two times) and in recommendations (72 times). Between 2007 and 2017, the CRC was **relatively aware** of the issue of corruption. The Committee made two recommendations on corruption in 2007 and three in 2008. In 2009 and 2010 it went on to raise its concern about the issue on seven and 11 occasions respectively. In 2011 the issue was raised nine times, in 2012 19 times (of which four concerns are addressed to Liberia and four to Azerbaijan) and in 2013 five times. In 2014, corruption was mentioned on eight occasions, and in 2015 on ten occasions. In 2016

the CRC mentioned corruption twelve times, and in 2017 three times.

The States in which the Committee is concerned about corruption are geographically distributed as follows²⁵:



Geographical distribution



- **Asia:** 24/89 = 27% - Pakistan, Nepal, Bangladesh, Turkmenistan, India, Kyrgyzstan, Uzbekistan, China, Vietnam, Myanmar, Thailand, Cambodia, Afghanistan, Sri Lanka, Mongolia, Tajikistan and the Philippines
- **Europe:** 15/89 = 17% - Latvia, Croatia, Albania, Greece, Azerbaijan, Italy, Ukraine, Bulgaria, Romania and Moldova
- **Africa:** 32/89 = 36% - Malawi, Congo, Kenya, Zambia, Zimbabwe, Benin, Eritrea, Gambia, Ghana, Morocco, Guinea, Liberia, Algeria, Togo, Madagascar, Angola, Burundi, Nigeria, Cameroon, Burkina Faso, Mozambique, Niger and Sierra Leone
- **Americas:** 14/89 = 16% - Panama, Peru, Haiti, Suriname, Brazil, Mexico, Colombia, Venezuela, Cuba, Guatemala, El Salvador and Honduras
- **Middle East:** 4/89 = 4% - Yemen, Syria, Saudi Arabia and Iraq
- **Oceania:** 0%

²⁵ Sometimes the Committee has multiple concerns in one State.

When the CRC is concerned about corruption in relation to several distinct issues in one State, it usually **only issues one recommendation**. However, the measures taken to eradicate corruption often differ according to the sector in which it occurs. For example, in 2012 the CRC raised its concern about corruption in education and in relation to human trafficking in Liberia. However, it only issued one recommendation²⁶.

The subject of most concerns raised by the CRC is the **allocation of resources to children or child-related departments** (health care, education, social services) (41). In addition, the CRC often raises concern about corruption in general and its impact on children's rights (14). Indeed, the Committee expressed concern about corruption in education on six occasions, and corruption in relation to human trafficking in five reviews. Three of the concerns raised related to corruption in the issuance of birth certificates and another three to adoption. The CRC raised its concern with relation to corruption in health care in three country reviews. Four concerns were also raised about the judiciary (of which, one was on the juvenile justice system), and two about gender-based violence and lack of investigations due to corruption. Several other issues are mentioned on one occasion: the right to life, anticorruption authorities, corruption among child labor inspectors

and among government and law enforcement officials, or in the public sector in general, **the age of minority**, the adoption of an anti-corruption laws, extortion of refugees and asylum seekers and sexual exploitation. Misappropriation of funds was raised as part of a poverty-related concern in the review of **Honduras** in 2007. The CRC welcomed two positive developments in the fight to combat corruption in the reviews its conducted between 2007 and 2017. In its review of **Liberia** in 2012, it referred to the State's adoption of an anticorruption law, and in its 2011 review of **Cambodia**, it mentioned the State's ratification of the UNCAC. It is regrettable that all of the CRC's recommendations on corruption are **vague**. The recommendation made most frequently was on the allocation of resources to child-related matters (approximately half of the 72 recommendations): "Strengthen measures to combat corruption, including with regard to the institutional capacity to detect, investigate and prosecute corruption effectively." Often the CRC urges the State under review to take or strengthen measures or to combat corruption. Other recommendations go into slightly more detail, for instance, by referring to setting up a hot-line²⁷ or awareness raising campaigns²⁸, but even in these cases the CRC could be more precise.

²⁶ Liberia, CRC/C/LBR/CO/2-4 (CRC, 2012): The Committee urges the State party to take immediate measures to combat corruption and strengthen institutional capacities, including trained investigators and prosecutors and the Anti-Corruption Commission, to effectively detect, investigate and prosecute corruption.

²⁷ Uzbekistan, 2013

²⁸ Myanmar, 2012

10. COMMITTEE ON THE RIGHTS OF PEOPLE WITH DISABILITIES - CRPD

The CRPD has issued two COBS with corresponding recommendations on corruption, and one positive aspect, out of a total of 21 reviews carried out between 2009 and 2017 (3/21 or **14%**). It is the only TB where the number of concerns aligns exactly with the number of recommendations. The recommendations were addressed to **China** (2012) and **Honduras** (2017). The subject of the concern in **China** is corruption related to access to health care, and the Committee recommended

developing a system to prevent corruption, but is vague about how this might be achieved. It also mentions a positive aspect in the COBS, namely the establishment of a Commission against Corruption. The concern raised in the review of **Honduras** is extortion by criminal gangs. The Committee recommended only that persons with disabilities should be protected, again failing to provide examples of concrete steps that might be taken by the State.

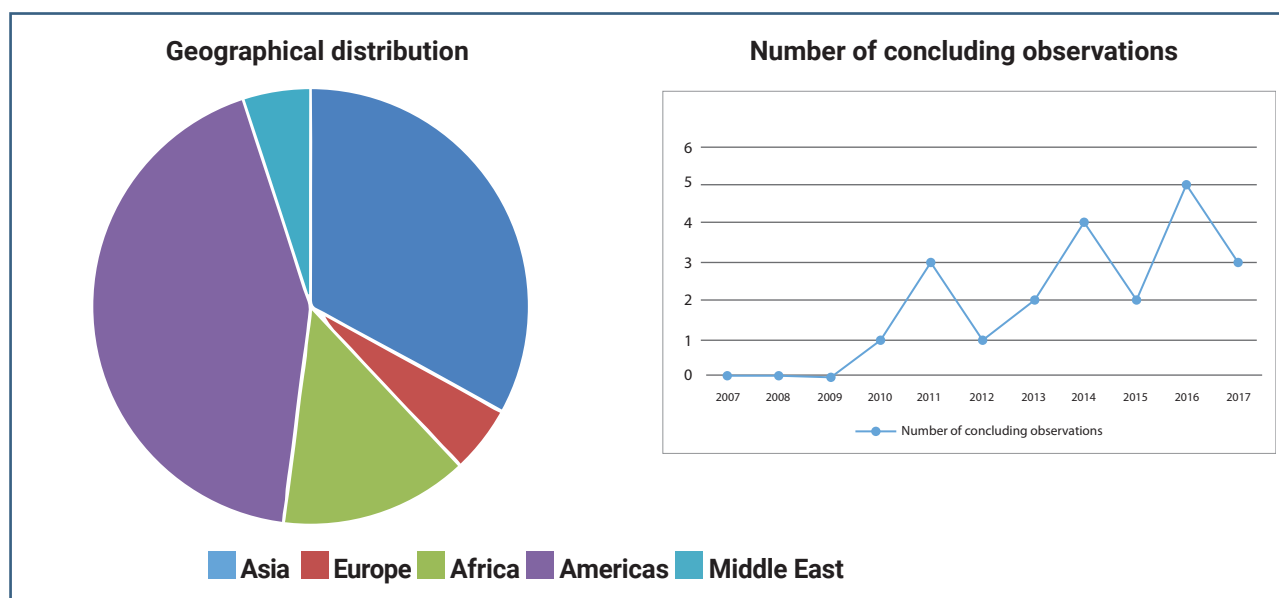


11. COMMITTEE ON MIGRANT WORKERS - CMW

The CMW raised its concern about corruption on 21 occasions between 2007 and 2017. The Committee examined 53 State reports during this period (21/53 or **40%**). In 12 out of 21 instances, it made a corresponding recommendation. Seven other concerns raised do not have corresponding recommendations, and there are two reviews in which the Committee recommends certain actions to be taken without expressing a corresponding concern. Most concerns/recommendations were raised during reviews of **Latin American countries** (9/21 or 43% - **Mexico** both in 2017 and 2011, **Honduras, Belize, El Salvador, Bolivia, Argentina** and **Ecuador**). The Committee also raised concern in relation to **Asian countries** (7/21 or 33% - **Indonesia, Sri Lanka, Kyrgyzstan, Timor Leste, Philippines** and **Tajikistan**). Finally, concern was raised during the reviews of three **African countries** (14% - **Nigeria, Mauritania** and **Ghana**), one **European state** (5% - **Azerbaijan**) and

one **Middle Eastern country (Turkey)**²⁹.

The number of concerns/recommendations on corruption **rose slowly** between 2007 and 2017. The Committee raised one concern in 2010, three in 2011, one in 2012, two in 2013, four in 2014, two in 2015, five in 2016 and three in 2017, resulting in a total of 21. The **subjects** of the concerns/recommendations on corruption **vary**: the majority are about trafficking (5), some relate to corruption in general (5) and corruption among officials (5). Concern is also raised on three occasions in relation to access to a remedy and once in relation to non-discrimination, corruption **in the issuance of certificates** and the extortion of migrants. The CMW often recommends **investigating cases of corruption**. In five country reviews, the Committee adopted general, but relatively concrete, recommendations. For example, in **Mauritania's** COBS adopted in 2016³⁰, the Committee recommended that the State



²⁹ Sometimes the Committee adopts multiple concerns in 1 country.

³⁰ Mauritania, CMW/C/MRT/CO/1 (CMW, 2016): 25. The Committee encourages the State party to continue to address any instances of corruption. The Committee also recommends that the State party thoroughly investigate any cases that appear to involve officials working in areas related to the implementation of the Convention and impose the appropriate sanctions, as necessary. The Committee further recommends that the State party conduct information campaigns with a view to encouraging migrant workers and members of their families who claim to be victims of corruption to file complaints and that the State party seek to raise awareness among migrant workers and members of their families about the services that are available to them free of charge.

investigate(s), impose(s) sanctions, conduct(s) information campaigns about filing complaints, and raise(s) awareness about the services available to migrant workers and their families free of charge. Another, vaguer recommendation, calls on the State to monitor the implementation of the Trafficking in Persons Act with respect to corruption.³⁵ To conclude, the recommendations made by the

CMW are relatively concrete: the Committee often recommends that the State under review conducts investigations into corruption and enumerates several actions that it should follow. However, it could take this a step further, by providing more detailed recommendations that inform authorities of exactly what they must do in order to improve the country's situation.



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³⁵ Belize, CMW/C/BLZ/CO/1 (CMW, 2014): The Committee recommends that the State party strengthen its efforts to combat trafficking in persons, in particular women and children, and that it: (f) Carry out an assessment of the effectiveness, and monitor the implementation, of the Trafficking in Persons (Prohibition) Act (2013), in particular with respect to corruption and complicity of public officials with trafficking, capacity-building for prosecutors, magistrates and judges dealing with cases of trafficking, and include relevant statistical data in its next periodic report;

12. COMMITTEE ON ENFORCED DISAPPEARANCES - CED

The CED did not **adopted any recommendations** related to corruption between 2013 and 2017, despite conducting a total of 23 State reviews.

13. SUBCOMMITTEE ON THE PREVENTION OF TORTURE - SPT



SPT visiting a detention center in Sri Lanka in April 2019.

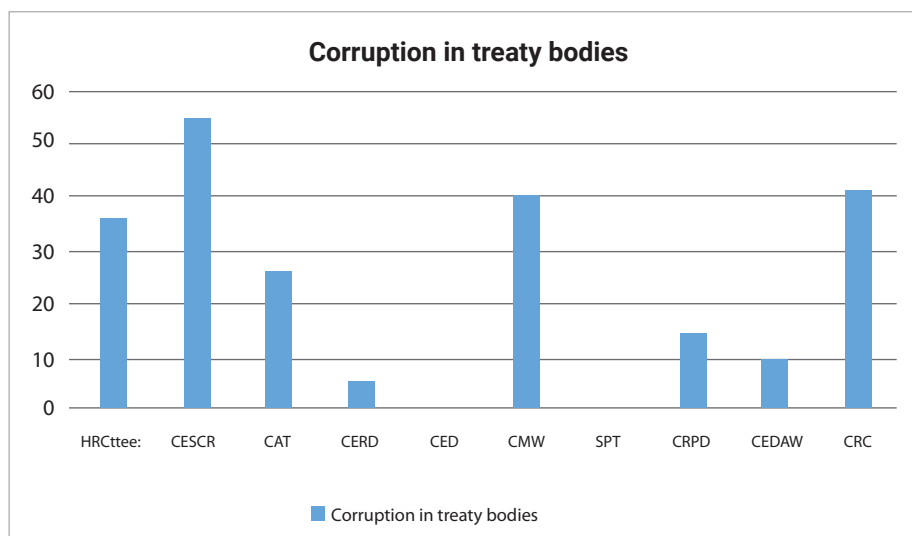
In 2011, the SPT raised four concerns related to **corruption in Paraguay's prison system**. In addition, it made eight recommendations in four country reviews in 2010 and 2011. The SPT issued more recommendations than concerns - the inverse of what we see in the other TB reviews. The total number of reviews conducted between 2007 and 2017 is unknown and confidential. Three of the four countries were in Latin America (Paraguay, Honduras and Mexico), the fourth country was in African (Benin). The primary subject of the concerns raised was **corruption in detention or prison systems**. The recommendations are **elaborate**, specific, detailed and concrete.

14. OVERALL CONCLUSION

In conclusion, none of the TBs approach corruption in a systematic manner.

The Committees often raise certain concerns during their reviews of particular countries, but not others, even though the problems mentioned also exist in those State parties. In addition, the wording of recommendations by all TBs is inconsistent. As such, when the same issue is raised in recommendations made to different States, the wording is often completely different. In this respect, the CESCR is the most consistent, as it often makes recommendations which tackle several intersecting aspects of corruption. The CESCR and CRC raised the largest number of concerns about corruption of all the

TBs. The CED on the other hand, failed to mention corruption at all. The CESCR comes closest to having a systematic approach in its recommendations on corruption. This allows for the recommendation to be adapted to each State party and its particular situation. The CRC's recommendations are the least concrete of all the TBs. The HRCtee and the CAT also frequently raise the issue of corruption, and some of their recommendations are excellent. Overall, corruption is mentioned in 336 reviews out of a total of 1271 State reviews conducted between 2007 and 2017 (excluding SPT). That is in **26.5%** of reviews. However, there are substantial differences between the various TBs:



- **HRCtee: 36%**
- **CESCR: 55%**
- **CAT: 26%**
- **CERD: 5%**
- **CED: 0%**
- **CMW: 40%**
- **SPT: unknown**
- **CRPD: 14%**
- **CEDAW: 9%**
- **CRC: 41,5%**

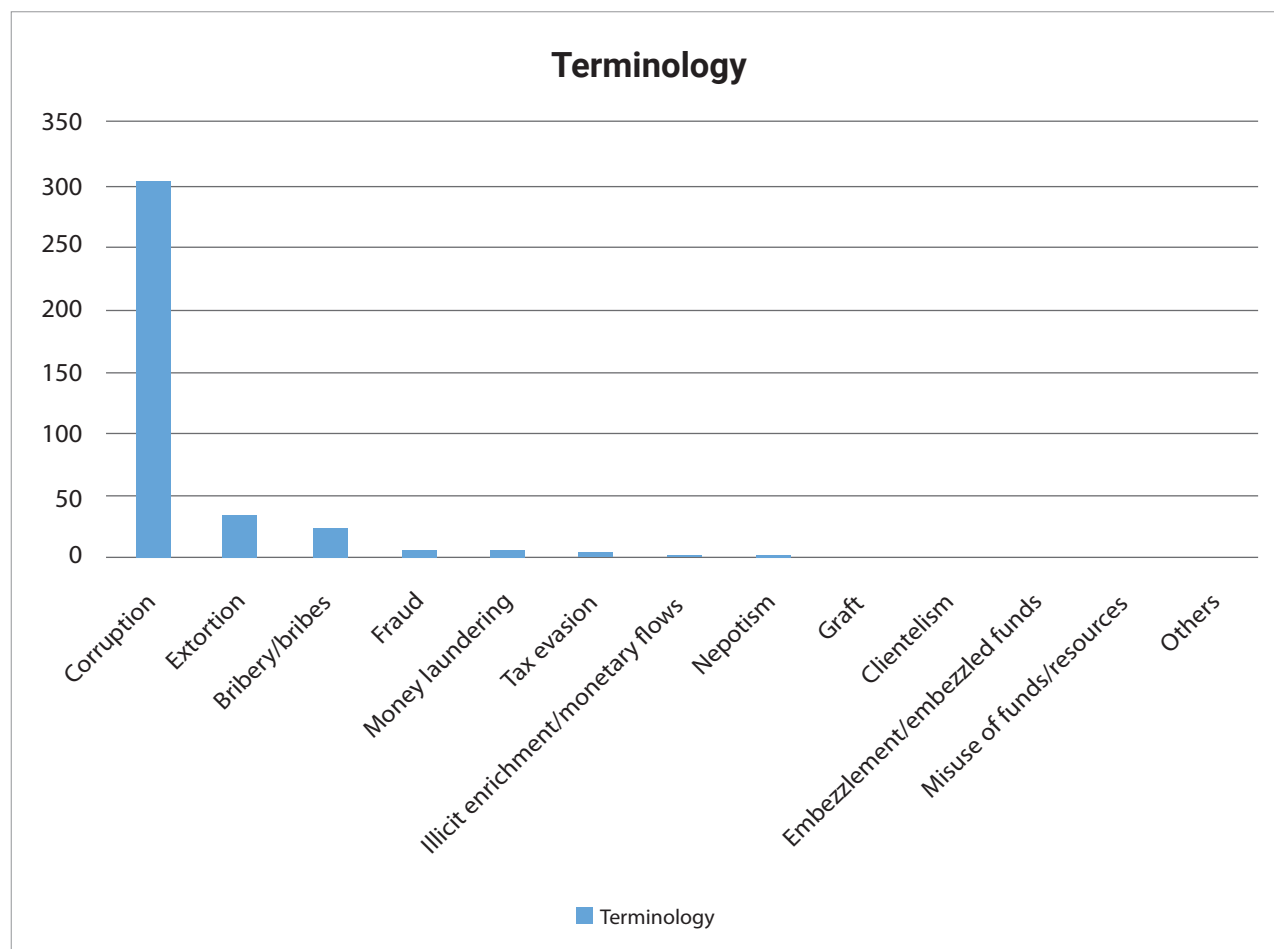
Vagueness: Between 2007 and 2017, the SPT made the most specific and targeted recommendations. The CRC's recommendations on the other hand, were the vaguest among the TBs. The CESCO gave general recommendations on corruption, containing several elements that tackle different aspects of the issue. This approach is relatively consistent, but more needs to be done to make it concrete.

There is **no clear trend** in terms of an increase or decrease in the number of recommendations made by the majority of the TBs between 2007 and 2017. The number of concerns raised by the CMW in regards to corruption rose slowly, but the number raised by the CERD decreased slightly, for example.

Formulation (see annex): The following terms were mentioned most frequently by the TBs between 2007 and 2017:

- **Corruption: 302**
- **Extortion: 35**
- **Bribery/bribes: 23**
- **Fraud: 7**
- **Money laundering: 6**
- **Tax evasion: 4**
- **Illicit enrichment /monetary flows: 2**
- **Nepotism: 2**
- **Graft: 1**
- **Clientelism: 1**
- **Embezzlement/embezzled funds: 1**
- **Misuse of funds/resources: 1**

Other terms that were researched, but were not mentioned by any TB: sextortion, subornation, spoliation, state capture, racketeering, kleptocracy, bank secrecy, abuse of functions, trading influence, misappropriation of funds, asset recovery and illicit acquisition of wealth/ assets.



Subjects:

- The CRPD is mainly concerned about corruption related to health care and extortion by criminal gangs;
- The CMW is mainly concerned about corruption related to trafficking;
- The CERD is mainly concerned about corruption related to the judiciary;
- The CEDAW is mainly concerned about corruption related to access to remedies;
- The CAT is mainly concerned about corruption related to the judiciary, detention and law enforcement officials;
- The CRC is mainly concerned about corruption related to the allocation of resources, and about corruption in general;
- The CESCR is concerned about corruption in general;
- The HRCtee is mainly concerned about corruption related to the judiciary and detention;
- The SPT is concerned about corruption related to detention;
- The CED does not mention corruption

HRCtee:

- When the Human Rights Committee is concerned about corruption, it is mostly about corruption in the judiciary.
- Sometimes the Committee refers to several articles of the Covenant, whereas at other times it only refers to one article. It is unclear why such an 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').

Examples of good recommendations:

• CESCR: Uzbekistan, 2014³²:

"The Committee recommends that the State party set up a comprehensive policy and mechanism to combat and prevent petty and systemic corruption, including by:

- (a) Streamlining the adoption of the draft anticorruption law, national programme and action plans, as well as codes of conduct for public institutions;
- (b) Fostering transparent corruption monitoring, especially in the areas of health care, education and residence registration, and ensuring adequate investigation into corruption cases and prompt punishment of perpetrators with commensurate sanctions;
- (c) Ensuring safe, accessible and visible channels for reporting corruption, in particular in the areas of health care, education and residence registration, as well as effective protection of anticorruption activists and human rights defenders involved;
- (d) Training politicians, lawmakers, judges, law enforcement officers, civil servants and public

service personnel, especially in the areas of education, health-care and residence registration, on ethics and the economic and social costs of corruption;

(e) Conducting awareness-raising campaigns."

• HRCtee: Cameroon, 2017³³:

"The State party should take all necessary measures to safeguard the independence of the judiciary in law and in practice and, in particular, to:

- (a) eliminate all forms of interference by the executive branch in the judiciary and effectively investigate allegations of such acts;
- (b) intensify its efforts to combat corruption in the judicial system and to prosecute and punish perpetrators, including judges who may be complicit therein;
- (c) consider reviewing the composition and functioning of the Judicial Service Commission to ensure the impartiality of the justice system; and
- (d) reform its legislative framework to ensure that civilians cannot be tried by military courts."

³² Uzbekistan, 2014, E/C.12/UZB/CO/2

³³ Cameroon, 2017, CCPR/C/CMR/CO/5

• **SPT: Paraguay, 2011** ³⁴:

The Subcommittee deeply deplores these actions, which it condemns energetically and categorically. The Subcommittee recommends that an investigation of these actions be undertaken without delay and that the inmates and staff members involved be tried and, if found guilty, punished. The Subcommittee reiterates its earlier recommendations and, in addition, recommends that the State party:

(a) Undertake an independent audit without delay, starting with Tacumbú National Prison but including all prisons in the country, to investigate the corruption existing in this sector, identify corruption risks and develop recommendations for internal and external oversight. This audit should be followed up with regular inspections to ascertain the extent of compliance with the initial recommendations;

(b) Carry out a campaign to sensitize staff and the general public to the need to combat corruption in the prison system and to make them aware of the adverse consequences of corruption;

(c) Draft, approve and then distribute a code of conduct to prison staff;

(d) Promote transparency in the administration of the prison system's resources by, inter alia, making public each prison's budget, budgetary decisions and the names of the responsible officials;

(e) Increase the wages of prison staff in order to ensure that their pay levels are fair and adequate and raise the professional standards and status of prison workers by creating a correctional studies curriculum;

(f) Investigate allegations of corruption and, in cases where it is suspected that a crime has been committed, provide the relevant information to the Office of the Public Prosecutor.



NGOs play a crucial role in the review process by the Human Rights Committee, especially regarding corruption issues.

³⁴ Paraguay, 2011, CAT/OP/PRY/2

15. ANNEX

Formulation	HRCtee	CESCR	CAT	CEDAW	CRC	CERD	CMW	CRPD	CED	SPT
Corruption	50	78	36	21	85	7	18	2	0	5
Money laundering	3	2	1	0	0	0	0	0	0	0
Illicit acquisition of wealth/ assets	0	0	0	0	0	0	0	0	0	0
Asset recovery	0	0	0	0	0	0	0	0	0	0
Misuse of funds/resources	0	0	0	0	1	0	0	0	0	0
Bribes/bribery	5	3	4	1	2	1	5	0	0	2
Embezzlement/embezzled	1	0	0	0	0	0	0	0	0	0
Misappropriation of funds	0	0	0	0	0	0	0	0	0	0
Trading in influence	0	0	0	0	0	0	0	0	0	0
Abuse of functions	0	0	0	0	0	0	0	0	0	0
Illicit enrichment/ illicit monetary flows	0	2	0	0	0	0	0	0	0	0
Bank secrecy	0	0	0	0	0	0	0	0	0	0
Kleptocracy	0	0	0	0	0	0	0	0	0	0
Nepotism	0	1	1	0	0	0	0	0	0	0
Clientelism	0	1	0	0	0	0	0	0	0	0
Spoliation	0	0	0	0	0	0	0	0	0	0
Racketeering	0	0	0	0	0	0	0	0	0	0
State capture	0	0	0	0	0	0	0	0	0	0
Graft	0	1	0	0	0	0	0	0	0	0
Subornation	0	0	0	0	0	0	0	0	0	0
Extortion/extorting money	8	3	7	6	2	3	5	1	0	0
Sextortion	0	0	0	0	0	0	0	0	0	0
Fraud	1	6	0	0	0	0	0	0	0	0
Tax evasion	1	2	0	0	1	0	0	0	0	0

Committee	Number of reviews between 2007 and 2017	Number of times corruption (or another term) is mentioned	Number of concerns on corruption (or another term)	Number of recommendations	Number of positive aspects
HRCtee	177	64	60	34	3
CESCR	142	82	71	69	5
CAT	179	46	38	30	4
CEDAW	277	25	23	12	2
CRC	214	89	75	72	2
CERD	208	10	9	6	1
CMW	53	21	19	14	0
CRPD	21	3	2	2	1
CED	23	0	0	0	0
SPT	Confidential	5	1	5	0



Centre for Civil and Political Rights
(CCPR Centre)

Rue de Varembe 1, PO Box 183,
1202 Genève (Switzerland)

Tel : +41(0)22 / 33 22 555

Email: info@ccprcentre.org

Web: www.ccprcentre.org



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