



UNITED STATES MISSION  
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

November 21, 2013

United Nations Office of the High Commissioner  
for Human Rights (UNOHCHR)  
Palais Wilson  
1211 Geneva

OHCHR REGISTRY

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Recipients: HRC  
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To the Attention of the HRC Advisory Committee

The Government of the United States of America presents its compliments to the Advisory Committee and has the honour of responding to the request for contributions to their report on the negative impact of corruption on the enjoyment of human rights.

1. How do you deal with corruption in your country? Do you have a policy to combat corruption (specific fields and specific categories)?

The United States addresses corruption through multiple systems and programs designed to prevent, detect, investigate and prosecute corruption in both the public and private sectors. The U.S. does not have a stand-alone strategy to address corruption broadly; a consortium of agencies may from time-to-time develop a specific strategy that targets a specific sector if systemic corruption in that sector is indicated. For example, a number of years ago a specific strategy was designed to address corruption in defense procurement. The U.S. has developed comprehensive commitments relating to transparency, citizen engagement, and anticorruption under the Open Government Partnership initiative, as well. More information on U.S. systems to address corruption is publicly available in our published reviews realized pursuant to the UN Convention against Corruption, the OECD Working Group on Bribery and Anti-Bribery Convention, Council of Europe Group of States against Corruption, and Follow-up Mechanism for the Inter-American Convention against Corruption. In addition to federal and local laws, systems and programs, the U.S. has a robust and independent media as well as active members of civil society who monitor corruption. (Note: In the U.S., a federal system, subnational entities such as States and municipalities may have laws, systems, and programs to prevent, detect, investigate, and penalize corruption. This answer, and those that follow, focus on laws and institutions at the national level, unless otherwise stated.)

2(a). Is there an anti-corruption agency in your country? If so, does it address the negative impacts of corruption on human rights in its work? Can you cite some examples to this effect?

There is no single anti-corruption agency at the federal level. There are a number of agencies that have leading roles in the broad range of activities that are specifically designed to or have a

substantial effect on preventing, detecting, investigating and prosecuting corruption. With regard to prevention, some agencies and entities focus on the conduct of individuals, such as the US Office of Government Ethics and the Senate and House ethics committees, and some agencies focus on the fairness, transparency and operations of systems such as rules regarding merit civil service, procurement, administrative procedures, rulemaking, access to information, transparency of campaign finance, and whistleblower protection. With regard to detection and investigation of misconduct and criminal activity including corruption, there are also a variety of agencies and offices which engage in those. Examples include the offices of Inspectors General, the military criminal investigative services, the Federal Bureau of Investigation, the Drug Enforcement Agency, Homeland Security Investigative Services and the investigative arms of regulatory agencies. The Department of Justice handles criminal prosecution of corruption with the assistance and cooperation of other agencies.

Addressing the negative impacts of corruption on the enjoyment of human rights is not the specific mandate of any of these agencies.

2.(b) Are there national human rights institutions in your country? If so, are they mandated to deal with corruption?

Although the United States does not have a single independent national human rights institution in accordance with the Paris Principles, multiple complementary protections and mechanisms serve to reinforce the ability of the United States to guarantee respect for human rights, including through our independent judiciary at both federal and state levels. Within the federal government, numerous departments and agencies are responsible for implementing U.S. human rights treaty obligations through the enforcement of domestic law, with DOJ/CRT playing a lead coordinating role. Numerous state and local governments within the United States have state and/or local civil rights and/or human rights organizations or commissions, many of which participate in the International Association of Official Human Rights Agencies. Some Indian tribes and territorial governments also have human rights organizations or commissions. The United States continues to examine ways to improve human rights treaty implementation at all levels of government.

(Please see Paragraph 31 of the 2013 United States Periodic Report to the Committee on Elimination of Racial Discrimination,

[http://www.ushrnetwork.org/sites/ushrnetwork.org/files/periodic\\_icerd\\_report\\_of\\_the\\_usg\\_2013.pdf](http://www.ushrnetwork.org/sites/ushrnetwork.org/files/periodic_icerd_report_of_the_usg_2013.pdf))

Numerous national, state, local, tribal and territorial institutions exist with responsibility for overseeing implementation of human rights, including the advancement of the rights of women, children, the elderly, persons with disabilities, members of minority groups, indigenous peoples, refugees, and others. Such organizations are too numerous to name, but a few examples are set forth here. At the Presidential level, among other initiatives, President Obama has established the

White House Council on Women and Girls to promote the fair and equal treatment of American women and girls in all matters of public policy; established the first White House Adviser on Violence Against Women; appointed a Senior Policy Advisor for Native American Affairs; and appointed a Special Assistant to the President for Disability Policy. Many federal government agencies include civil rights mandates as part of their missions, and the Equal Employment Opportunity Commission (EEOC), was specifically established to address issues of discrimination throughout the national workforce. In addition, most federal government departments and many state and local governmental departments and agencies have civil rights offices designed to ensure that civil rights are respected in the carrying out of those departments' missions. Nearly all the states, and some local jurisdictions, tribes, and territories have human rights or civil rights offices and/or commissions, which work to ensure that human rights and civil rights are respected within their jurisdictions. State, local, tribal and territorial organizations are described in greater detail in Annex A to this Common Core Document. In addition, as noted above, thousands of non-governmental organizations also work to ensure implementation of human rights.

(Please see Paragraph 124 of the Common Core Document of the United States of America, <http://www.state.gov/j/drl/rls/179780.htm>)

No, U.S. human rights institutions are not mandated to deal with corruption.

2.(c) Do your anti-corruption agency and national human rights institutions cooperate in tackling corruption? If so, what mechanisms exist to promote cooperation between the respective institutions?

N/A

3. Which measures have been adopted in your country that take into account the negative impact of corruption on the enjoyment of human rights? What are the best practices and what are the challenges in this respect?

Because almost all types of corruption can have a negative impact on the enjoyment of human rights, the full range of statutes, regulations and programs that are applicable to the fight against corruption can be understood to take that into account. Government action against those who engage in corrupt activities can include penal sanctions and civil and criminal monetary penalties.

The United States has also taken a range of measures to enhance our cooperation in pursuing recovery of proceeds of corruption, including but not limited to establishment by the U.S. Department of Justice of a Kleptocracy Asset Recovery Unit (a dedicated team of prosecutors and investigators); the publication of a Guide to U.S. Asset Recovery Laws and Procedures in the six UN languages; and the launch under the U.S. G8 Presidency of the G8 Deauville

Partnership for Arab Countries in Transition Asset Recovery Action Plan and Arab Forum on Asset Recovery.

4. In your country, which are the human rights that are most affected by corruption? What specific negative impact can corruption have on the enjoyment of human rights by vulnerable groups such as women, children, elderly, persons with disabilities, indigenous people and others?

While the US does keep statistics about criminal prosecutions, it does not keep information about corruption and human rights specifically.

5. What measures can be taken by the Human Rights Council and its subsidiary bodies or by States to combat corruption with specific consideration regarding the negative impact of corruption on the enjoyment of human rights?

The Human Rights Council could continue to undertake activities that illustrate the impact of corruption on the enjoyment of human rights, such as organizing panels or participating in anticorruption events, taking a balanced approach. It could highlight the impact that severe restrictions placed on the ability of civil society (including NGOs, media, and others) to operate safely and effectively in some countries have on anticorruption and human rights. In its activities, the Human Rights Council and other UN bodies should coordinate with, avoid duplication with, and ensure policy coherence with, the cognizant bodies within the UN system for combating corruption, principally UNODC and the Conference of State Parties to the UN Convention against Corruption, so as to leverage the value of those programs.

6. How can the United Nations human rights mechanisms be utilized for anti-corruption efforts? What other institutional mechanisms could be used to integrate a human rights-based approach in combating corruption or vice-versa at both, the international and national level?

Given the very robust set of mechanisms and processes in place to promote and monitor anticorruption efforts, the U.S. does not think UN human rights mechanisms are appropriate to bring to bear in regards anticorruption efforts. On one hand, there is the possibility of duplication of efforts, commitment and monitoring fatigue, and inconsistent policy messages: there are already UN monitoring processes for anticorruption, and other global and regional fora for political commitment and policy discussion. On the other, adding significant, complex, new issues to the portfolio of human rights mechanisms risks diluting their efforts and exhausting scarce financial and human resources.

7. Are there any other observations or suggestions you wish to provide regarding the topic?

The United States emphasizes the significant role that an independent media plays with regard to stemming corruption. In addition, civil society activists who are fully guaranteed their

individual rights to freedom of association are a critical feature for an open and transparent governance structure that adheres to the rule of law.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter F. Mulrean', with a long horizontal flourish extending to the right.

Peter F. Mulrean  
Chargé d'Affaires ai