

Oral statement from Transparency International to the Advisory Committee of the UN Human Rights Council on the negative impact of corruption on the enjoyment of human rights (Council resolution 23/9)

Dear Advisory Committee members,

It is a pleasure to have the opportunity to be present here today as you set out to address the issue of the negative impact of corruption on human rights. As you may know, Transparency International (TI) is the global civil society organisation leading the fight against corruption, with national chapters in over one hundred countries working towards a world in which government, politics, business, civil society and the daily lives of people are free of corruption. My name is Gillian Dell and I am Head of the Conventions Unit at Transparency International. I hope that we may be able to provide some insights from the experience of the anti-corruption movement, and contribute to taking this important initiative forward through your work and beyond.

From an early stage, Transparency International has promoted the understanding that corruption can constitute an obstacle to, and often a direct violation of human rights. We have followed the Council deliberations carefully on the issue and moderated the March panel discussion of the Human Rights Council, from which the request came that the issue should be taken up by you, the Advisory Committee.

For Transparency International, the human rights connections to corruption are clear. Corruption can constitute a direct human rights violation, for example bribing judges in order to deny due process and fair trial, or buying votes to undermine peoples' right to political participation. Often violations are less direct, but the effect is the same, as when doctors demand payments for services that should be free. Often a corrupt act subsequently leads to human rights violations. For example, bribery of local officials to dump illegally, can later impact on the right to health of locals. Fixing public tenders can lead to endangering the lives of citizens. These are issues that TI deals with every hour, every day.

The wider effects are also clear. Corruption diminishes public trust and weakens the ability of governments to respect and protect human rights. Systemic corruption perpetuates discrimination and widens inequality when those who can afford to pay are the ones who climb the ladder, while those without financial means are denied opportunity. More widely, corruption obstructs the right to development. At its worst, corruption completely undermines the rule of law and denies any opportunity to protect human rights.

Consequently, there is a need for international human rights mechanisms to engage on the issue of corruption as it affects human rights. This need is only now really being recognised, as we are here today.

There is an extensive body of research on corruption and human rights, from the studies of the International Council on Human Rights Policy [co-published with Transparency

International] to a forthcoming extensive report of the European Parliament.¹ In addition, the Office of the High Commissioner for Human Rights is in the process of finalising an expert study on corruption and human rights. While we can see value in the Advisory Committee consolidating and advancing upon this cumulative research, it is our view that the real added value that the Advisory Committee can bring is in recommending [to quote Council resolution 23/9] “how the Council and its subsidiary bodies should consider the issue”.

Our hope is that the Advisory Committee can advise the Council on how to address corruption and human rights operationally and in a sustained and meaningful way. We believe [for the reasons detailed above, and in light of recent global events] that there is ample cause for corruption to become a standing issue on the agenda of the Human Rights Council. In our view, the most effective means to achieve this would be **the establishment of a mandate for a UN special rapporteur on corruption and human rights**. An effective, cross-cutting mandate could include, for example:

- producing annual reports on the linkage between corruption and human rights at the sectoral level, potentially co-authored with thematic rapporteurs, and presented to the UN Human Rights Council and General Assembly. This would advance our knowledge on more specific aspects of the linkage.
- undertaking country visits and producing reports and recommendations [also presented to HRC and General Assembly as addenda to main annual reports]
- receiving and responding to individual communications alleging human rights violations as a result of corrupt acts.
- strengthening the connections between anti-corruption and human rights mechanisms globally (UNODC, UNDP, OECD etc), regionally and nationally in order to strengthen conceptual links and working relations, and reporting to the UNCAC Conference of States Parties at the invitation of states parties.

We see enormous potential for linking the anti-corruption movement to the opportunities provided by the existing human rights machinery --from the human rights treaties, Universal Periodic Review and special procedures, through to applying human rights standards on the protection of human rights defenders to anti-corruption activists, and standards on the independence of national human rights institutions to anti-corruption agencies, to name a select few. The establishment of a rapporteur would provide the clearest step forward and the necessary incentive to engage anti-corruption organisations and activists.

It is worth noting that a forthcoming European Parliament resolution on corruption and human rights will encourage EU member states to support the establishment of a UN Special Rapporteur on corruption and human rights. We would expect that such a

¹ Report on corruption in the public and private sectors: the impact on human rights in third countries 2013/2074(INI).

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recommendation from the Advisory Committee would be instrumental in making the mandate a reality.

I look forward to your feedback and to further engagement with you in the development of your report the Human Rights Council.

Thank you.

