**Swiss Contribution**

**Corruption and Human Rights**

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| **Summary:** * Corruption is a **global phenomenon** that poses serious challenges in multiple policy areas – including peace and security, development and the rule of law. That is why Switzerland takes a holistic and complementary approach to combating corruption.
* Over the past 20 years, efforts to combat corruption have mainly focused on **criminal law instruments** and **good governance**. Because corruption also has the potential to **hamper the fulfilment of practically all human rights guarantees**, the effect of corruption on efforts to protect human rights is gaining growing attention. Countries with high levels of corruption have poor human rights records and weak institutions.
* Switzerland is convinced that a more **robust human rights approach** could significantly contribute to **preventing corruption and countering** its effects. This will require broadening our focus from individual offenders to governments' **systemic responsibility** as well as **empowering victims** (enhancing victims' legal standing). The debate is therefore increasingly taking place not only in Vienna (UN Convention Against Corruption) but also at the UN Human Rights Council – not least thanks to Switzerland's support.
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As a highly globalised country with an export-oriented economy, Switzerland depends on a stable environment for its security and prosperity. Our commitment to peace and security is also enshrined in the Federal Constitution (Art. 54 para. 1). In its foreign policy strategy, the Swiss Federal Council maps out concrete steps to achieve the foreign policy objectives formulated in the Federal Constitution, including the promotion of democracy, the peaceful coexistence of peoples and respect for human rights. The Federal Council's foreign policy strategy for 2016-19 sets out, among other priorities, a strengthened commitment to peace and security, and a world without poverty where sustainable development is promoted. These goals are interdependent: there can be no sustainable development without peace, and no peace can flourish without sustainable development (Foreign Policy Strategy 2016–19, p. 27). Corruption now plays a central role in the nexus between peace and sustainable development: it stands in the way of sustainable development by creating and perpetuating systems of privilege thereby preventing the development of healthy institutions and inclusive political systems and societies.

The international community has stepped up its efforts to combat corruption over the last 20 years, focusing in particular on criminal law instruments and good governance. Switzerland is involved in efforts to improve international cooperation under the United Nations Convention against Corruption, in particular to ensure the recovery and return of stolen assets to their countries of origin.

The connection between corruption and inadequate human rights protection is also attracting growing attention. Corruption hinders the implementation of practically all human rights guarantees and, conversely, inadequate human rights protections fuel corruption.

This approach is worth pursuing because the international anti-corruption instruments that have been adopted and come into effect since 1997– at least ten international and regional treaties with various additional protocols, and various soft law instruments – have yielded limited results so far. The number of convictions for bribery committed at home and abroad is also notoriously low worldwide – corruption continues to go hand in hand with impunity. The implementation of international anti-corruption instruments must therefore be improved. We are convinced that this could be achieved through clearly presented arguments for human rights and human rights instruments. During the three rounds of negotiations in the UN Human Rights Council (2013–15) concerning the resolution on the negative impact of corruption on the enjoyment of human rights, Switzerland therefore advocated extending anti-corruption law from an almost exclusive focus on criminal justice to a broader perspective that also takes account of human rights.

Switzerland aims to achieve mutual mainstreaming of efforts to combat corruption and to protect human rights. Although various authors have argued that large-scale corruption should be considered to be a crime against humanity because it can undermine states' responsibility to protect human rights, Switzerland's position is that the aim should not be to introduce a new human right to protection against corruption. Switzerland's approach – to mainstream human rights concerns into anti-corruption efforts – is also in line with its commitment to implement the 2030 Agenda (Target 16.5: substantially reduce corruption and bribery in all their forms). Switzerland is playing an active role within the international community in seeking innovative ways of implementing SDG 16 with due consideration of its politically sensitive nature.

From Switzerland's perspective, the long-term strategic objectives are to:

* broaden what has to date been an almost exclusive focus of anti-corruption instruments on the criminal activities of individual offenders to also include the systemic responsibility of governments;
* enhance victims' legal standing (empowerment): the human rights approach should help victims of corruption to articulate their claims and empower them to challenge corruption effectively;
* strengthen and raise awareness of anti-corruption instruments within the human rights mechanisms of the Human Rights Council and UN treaty bodies: in carrying out their mandate, they must systematically address existing gaps and identify measures to prevent and combat corruption in the signatory states.

The last objective is particularly relevant: a 2018 study[[1]](#footnote-1) conducted by the Centre for Civil and Political Rights found that none of the UN treaty bodies responsible for monitoring the nine core UN human rights conventions had taken a systematic approach to corruption and its impact on human rights guarantees.

Together with the UN Office of the High Commissioner for Human Rights and with interested actors from civil society and academic institutions, the Federal Department of Foreign Affairs (FDFA) has for some time been exploring ways of mainstreaming human rights in the anti-corruption activities of UN treaty bodies and in state-parties' reports and individual complaints procedures.

To this end, Switzerland launched a project with university partners to promote the sharing of expertise and experience between members of UN treaty bodies and anti-corruption experts and to produce a Practitioners' Guide on Corruption and Human Rights specifically geared towards anti-corruption practitioners.

The Practitioners' Guide is intended to help them to cooperate systematically and comprehensively with the relevant UN human rights mechanisms, in particular the UN treaty bodies. It aims in particular to enable anti-corruption practitioners to make better use of the UN human rights system and to provide targeted information to the relevant treaty bodies that are addressing situations in specific countries.

1. Centre for Civil and Political Rights (CCPR), *Improving the Human Rights Dimension of the Fight against Corruption – How UN Treaty Bodies address the issue of corruption?* (Geneva 2018). [↑](#footnote-ref-1)