
The Human Rights Case Against Corruption

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Thursday, 28 November 2013
New Sestas, Altapa Convention Center
Panama City, Panama

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I. Governance, Corruption and Human Rights

- Good governance has been said to encompass: **full respect of human rights**, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance. (*UN Human Rights*)
- Good governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner essentially **free of abuse and corruption**, and with due regard for the rule of law. **The true test of "good" governance is the degree to which it delivers on the promise of human rights:** civil, cultural, economic, political and social rights. The key question is: are the institutions of governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, fair justice and personal security? (*UN Human Rights*)
- Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish. (*UNCAC, Forward*)

II. Impact of Corruption on HR

- **Corruption has a negative impact on Human Rights:** unfair allocation of resources, hinders public participation, rights of victims...
- **Council of Europe (Convention of criminal law on corruption):** "corruption threatens the constitutional separation of justice and power, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundations of society. "

III. Example : violation of the right to health services

- **Violation of the « obligation to respect »** when public servants divert or steal funds that have been allocated to the health sector, accept bribes in exchange for a building permit to the health center, sell counterfeit or falsified medicines, etc.

- **The State violates the obligation to protect when it fails to:**
 - Enact or adopt legislation or policies that ensure equitable access to health care and health services.
 - Regulate the marketing of medical equipment and medicines by third parties.
 - Undertake action against illegal and inflated billing, and overconsumption of medical services ...

III. Example : Study about corruption in the Health sector (ICPC)

Corruption undermines good management of resources, hampers efforts to improve the quality of services rendered by the State and impedes efforts for human development and social equity. It creates large inequalities and therefore the relative deprivation of economic, social and cultural rights of the excluded population.

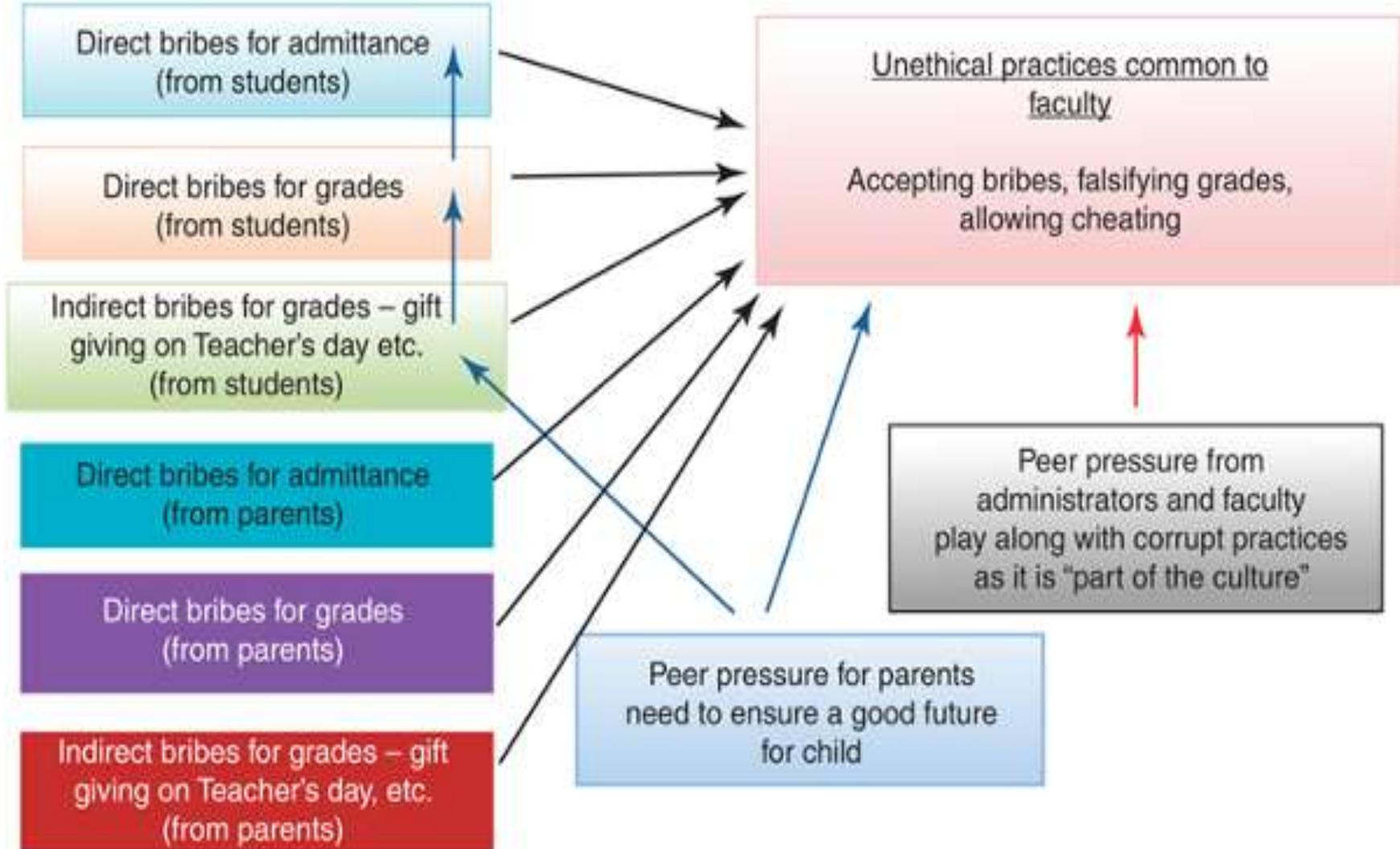
- **Economic impacts** on several actors: the citizen and their family, the state and the third-party payer.
- **Social impacts** : violating the fundamental principles of society: Impaired social equity, human rights, degradation of public health.
- **Cultural and behavioral impacts:** reducing the citizens' trust in health services: Corruption puts a pressure on the morale of citizens who can no longer trust the health services provided by the state. Past a certain point, it calls into question their legitimacy

4 main pillars to the right of education:

availability, accessibility, acceptability and adaptability.

- Embezzlement causes the reduction of educational resources, infrastructure and human and capital resources dedicated to education.
- Corruption in education also includes teacher absenteeism, student cheating during examinations and embezzlement by managers and principals of schools.
- Corruption can also occur in the recruitment of teachers, where under-qualified staff can be recruited after bribing recruiters.

III. Exemple : violation of the right to education



- The State shall guarantee equal access to food availability, food security, acceptability in terms of quality and accessibility in economic and physical terms.
- Effects of corruption on the right to food: food insecurity and insecurity of tenure.
- Corruption → lack of food because the funds for the purchase of food were either diverted or used for other purposes.
- The right to health and life is also violated when dangerous food products are sold on the market.

III. Example : violation of the right to housing

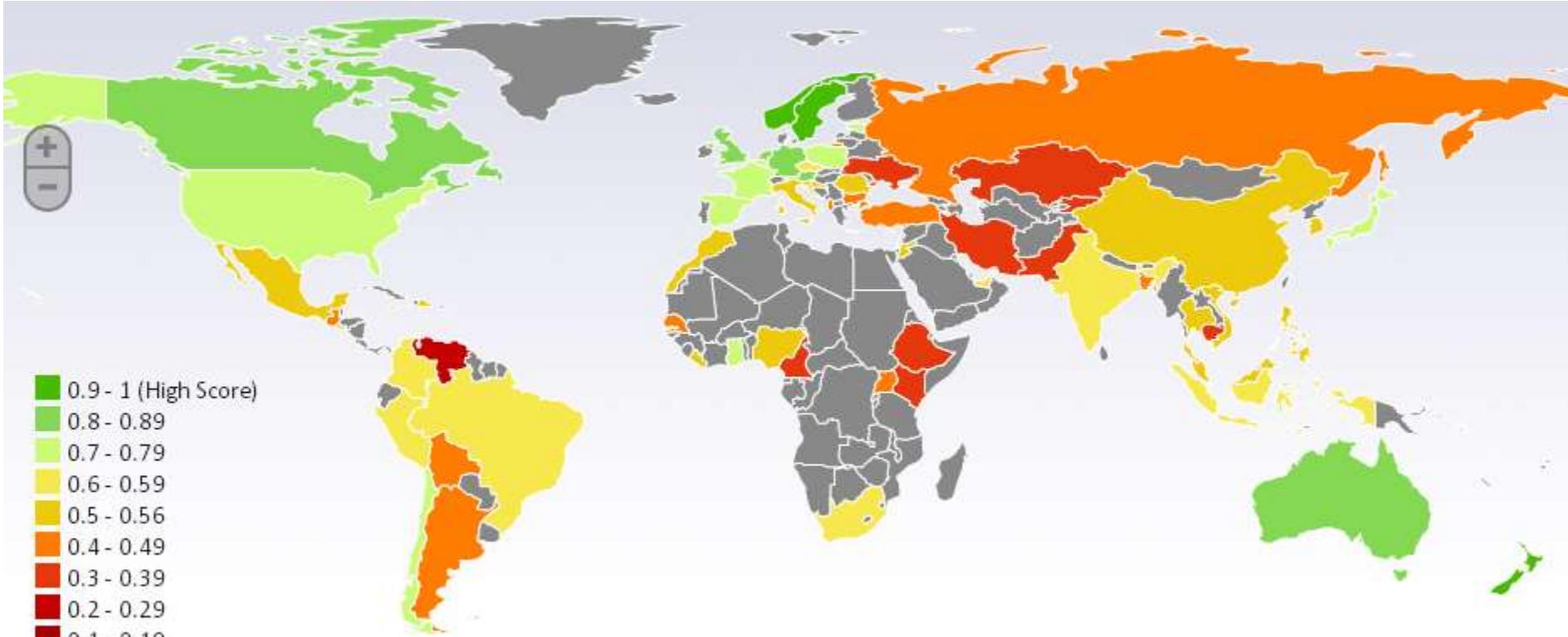
- The right to housing ensures that everyone has safe, healthy and adequate housing. The law promotes the principle of non-discrimination in access to housing. It prohibits forced or arbitrary evictions or acts of unfair spoliation.
- The main content of the right to housing involves ensured lease, accessibility, clean and healthy environment and located close to places of employment, health services, schools, child care and other social services. *ICESCR, Article 11(1)*

- The right to water, the right to health and the right to an adequate standard of living are closely related: the realization of the right to an adequate standard of living is dependent on access to drinking water.
- The right to water means the availability, accessibility of water facilities, services and information on access to water.
- **Corruption** can lead to water shortages, pollution and degradation of drinking water and waterborne diseases such as cholera causing unwarranted and premature deaths.

III. Example : violation of cultural heritage

- Private houses built on a site of cultural / historical heritage!
- Not only is this contrary to the legal and ethical principles, but it is also contrary to the aesthetic and human rights to a rich cultural heritage.

IV. Rule of Law Index 2011 : The World Justice Project



Les scores obtenus par le Maroc pour chaque facteur

WJP Rule of Law Index Factors	Score	Global Ranking	Regional Ranking	Income Group Ranking
Factor 1: Limited Government Powers	0.52	43/66	4/5	9/16
Factor 2: Absence of Corruption	0.32	59/66	5/5	13/16
Factor 3: Order and Security	0.74	39/66	4/5	7/16
Factor 4: Fundamental Rights	0.44	60/66	4/5	14/16
Factor 5: Open Government	0.43	49/66	4/5	11/16
Factor 6: Regulatory Enforcement	0.47	47/66	4/5	10/16
Factor 7: Access to Civil Justice	0.52	46/66	4/5	7/16
Factor 8: Effective Criminal Justice	0.37	59/66	5/5	14/16

Strong relationship between corruption and fundamental rights including human rights

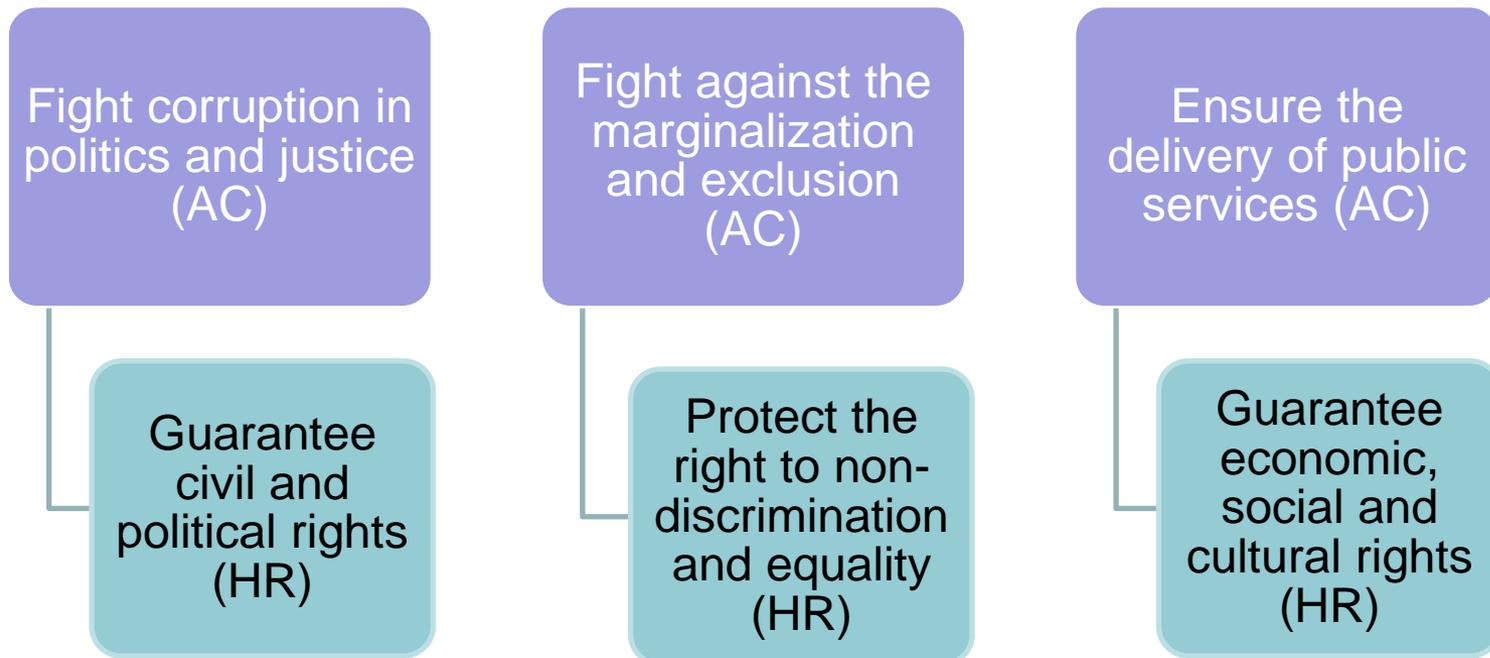
V. Anticorruption and HR: points of divergence

- Governments can implement anti-corruption programs that do not respect human rights: political leaders can make use of the popularity of an anti-corruption campaign to gain power and then use these measures to meet their goals against human rights.
- National legislative measures to improve the effectiveness of anti-corruption efforts may conflict with laws, norms and values relating to human rights: for example, the fact assemble evidence to prosecute against corruption could interfere with the right to respect for privacy.

- Anti-corruption measures can harm marginalized groups and thereby block their access to essential services: Dismantling of water systems whose existence is made possible by corruption and a network of relationships may deprive needy access to water communities.
- Instruments to fight against international corruption can experience legal failure when it comes to the respect of human rights.

VI. Respect human rights and fight corruption: common links

- Corruption is a major issue in the heart of numerous violations of human rights. When it come to the respect for human rights, there seems to be a general trend towards coexistence between systemic corruption and institutional failure :



Anti-corruption work must be based on an approach with a greater focus on human rights :

- Consider corruption as the source of major human rights abuses : an increased need to recognize and analyze how corruption contributes to the violation of human rights , and how these findings can be integrated in the reports of the two movements.
- Work to increase awareness : advocacy against corruption and in favor of human rights could be aligned more effectively to emphasize the common features of their governing bodies and frameworks
- Align strategies and political activities: political activities within each movement can strengthen their ties and benefit from mutual support
- Using citizen accountability mechanisms as an alignment platform is a new field to examine



**Thank you for your
attention**

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