

PREVENTION OF CORRUPTION THROUGH HUMAN RIGHTS



Open-ended Intergovernmental Working
Group on the Prevention of Corruption,
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- 4 December – The 25th anniversary of the UN Declaration on the Right to Development (R2D)
- R2D requires an “enabling environment for development” -
- at both the national and international levels
- Combat against CORRUPTION including “prevention” is one of the key elements of the “enabling environment for development”

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Human rights aspect of the prevention of corruption is twofold:

- ✓ Prevent corruption as a human rights obligation given its impact on the enjoyment of all human rights and development
- ✓ Protect human rights while preventing corruption

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Detrimental impact of corruption on human rights (HRC res. 7/11)

- ✓ Weakening of institutions
- ✓ Erosion of public trust in Government
- ✓ Impairment of the ability of Governments to full their human rights obligations, particularly economic and social rights of the most vulnerable and marginalized

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- UNCAC
 - ✓ Article 5 (Preventive policies and practices)
 - ✓ Article 7 (Public sector)
 - ✓ Article 12 (Private sector)
 - ✓ Article 13 (Participation of society)
- Implementation of UNCAC through human rights
 - ✓ Human rights-based approach
 - ✓ Guiding Principles on Business and Human Rights (HRC res. 17/4)
 - ✓ Active, free and meaningful participation (Article 2, RTD Declaration)

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Recommendations:

- ✓ Human rights-based approach to prevention of corruption
 - Human rights obligations of State Members (Respect, Protect and Fulfil Human Rights)
 - Integrate key human rights principles of NON-DISCRIMINATION, EQUALITY, PARTICIPATION, TRANSPARENCY, ACCOUNTABILITY and INTERNATIONAL COOPERATION
- ✓ Capacity-building (e.g. adequate resources, awareness-raising, knowledge and training)
- ✓ Monitoring and reporting including by civil society and NGOs

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OHCHR mandate and activities

- ✓ August 2004, Seoul, Republic of Korea, a seminar on “Good governance practices for the promotion of human rights”
 - OHCHR publication in 2007

- ✓ November 2006, Warsaw, Poland, a seminar on “Anti-corruption measures at the national and international levels in good governance practices for the promotion and protection of human rights” (HRC res. 7/11)
 - OHCHR publication in 2011

- ✓ HRC res. 17/23 “The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights”
 - OHCHR study in 2011

THANK YOU !

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