

Preventing Corruption Through Human Rights

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law is expanding its efforts to address the negative impact of corruption on the enjoyment of human rights. The objective is to contribute to a human rights based society that is free from corruption by strengthening the capacity of key actors in society to prevent corruption through human rights based action

It is today widely recognized that there is a clear relationship between corruption and the enjoyment of human rights and that corruption is one of the biggest impediments globally not only for the realisation of human rights but for the sustainable development agenda as well. Corruption diverts funds intended for investment in public services, erodes the rule of law, distorts justice systems, interferes with political processes and affects delivery of public services, such as access to education and adequate health care.

The examples of how corruption violates human rights are many. It is about the girl who died from appendicitis because the surgeon wouldn't carry out the operation when the parents could not pay the bribe. It is about the boy who wouldn't get his score card released by the school teacher without paying a bribe, the woman who was denied access to justice by a traditional court for denying the judge sexual services, or the victim of crime who went to the police station to report the crime only to find himself unjustly detained and extorted before being released. It is about discrimination of the poor, disadvantaged and vulnerable, who more often than others are exposed to situations of bribery in order to claim what should be their human rights enjoyed for free and without discrimination.

Apart from the direct consequences of corruption referred to above, the human rights consequences of corruption can also be indirect, such as when corruption is part of a chain of events that leads to a human rights violation. An example of this is when a corrupt procurement process for a waste-management system leads to the procurement of a system that turns out to negatively affect the health

of people living nearby, thus affecting their right to health. Another example is when a corrupt government procurement of earthquake-proof housing leads to the procurement of a sub-standard system not fulfilling the expected requirements, with the consequence that people are injured or killed, because of the quality of the structure itself.

Fighting corruption must happen within the boundaries of human rights and the rule of law. It is a long term process that goes beyond the classical criminal justice responses, which are only effective to a limited extent. There is a need for an integrated and holistic approach in the fight against corruption. This includes institutional reform programmes that, inter alia, address governance structures and legal frameworks, but also actions contributing to changes in ethical frameworks and cultural attitudes to the rule of law in practice. In addition to criminal justice institutions there is a need to also involve actors such as civil society, academic institutions, the business community, local councils, anti-corruption bodies, national human rights institutions and the media, just to mention a few.

Fighting corruption is a long term process that requires an integrated and holistic approach that requires institutional reform as well as change in cultural attitudes to the rule of law in practice. Prevention is one of the key strategies in the fight against corruption and Chapter 2 in the UN Convention against Corruption (UNCAC), calls on member states to "develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper

management of public affairs and public property, integrity, transparency and accountability". That prevention is a key area in the fight against corruption has also been repeatedly underlined by the UN Human Rights Council, which in resolution 35/25 "The negative impact of corruption on the enjoyment of human rights" recently reiterated that "preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on human rights".

Corruption often takes place in the dark and thrives in societies where there is a concentration of powers in the executive, weak or non-existent checks and balances, poor transparency regarding executive decisions, restricted access to information, weak systems of oversight and enforcements, a controlled media and high tolerance for corrupt activities. However, corrupt practices appear to be less frequent in societies with a high level of freedom of information, an independent judiciary, checks and balances, transparent public decision-making and a vibrant civil society. Subsequently, it is possible to argue that there is a correlation between the respect for human rights and the rule of law on the one hand and the level of corruption in society on the other hand. In this sense human rights implementation contributes to reduce corruption in society.

Thus, instilling knowledge on international human rights standards, principles and values - such as

empowerment, non-discrimination and equality, participation and inclusion, integrity, transparency and accountability - as well as addressing their relevance in the fight against corruption can play an important role as a preventive measure in the fight against corruption. As a consequence, education, training and awareness-raising programmes on human rights should be promoted at all levels in society, including in schools and professional training institutions for criminal justice officials. In line with this we should also consider what new innovative approaches we can develop through education, training and awareness-raising to combat corruption and subsequently promote the development of societies that are based on a culture of human rights and the rule of law.

The Raoul Wallenberg Institute will during the coming years prioritize its efforts to address the relationship between corruption and human rights, to identify and communicate the negative impact of corruption on the enjoyment of human rights and to develop human rights based responses aimed at contributing to the prevention of corruption. For this purpose, the Institute will continue to work in close cooperation with and support efforts by academic institutions, National Human Rights Institutions (NHRI's) and justice sector institutions throughout the world, while at the same time expanding partnerships to other actors such as anti-corruption bodies, local authorities, the business community and the media.

The Raoul Wallenberg Institute of Human Rights and Humanitarian law is an independent academic institution established at Lund University in 1984. Today, the Institute maintains offices in Amman, Beijing, Istanbul, Jakarta, Lund, Nairobi, Phnom Penh and Stockholm. We have programmes and convening power covering more than 40 countries throughout the world. Being a network-based organisation, we work through strong partnerships and alliances, including with international and regional organisations, government agencies, academic institutions, national human rights institutions and civil society organisations. The Institute is since 1994 member of the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes.

The Institute's mission is to contribute to a wider understanding of, and respect for, human rights and international humanitarian law. Our vision is just and inclusive societies with the effective realisation of human rights for all.



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