**Intersessional Panel Discussion on** **Challenges and Good Practices in the Prevention of Corruption, and the Impact of Corruption on the Enjoyment of Human Rights in the Context of the COVID-19 pandemic**

15 February 2022, 11:00-13:00, Conference Room XIX/Hybrid, Palais des Nations, Geneva

**Opening remarks**

*[Summary:*

*Ms. Strobel-Shaw’s intervention will focus on the nexus between human rights and anti-corruption, in particular during the COVID-19 pandemic. She will outline the impact of corruption on the enjoyment of human rights and highlight the important common ground between human rights and anti-corruption measures.]*

Today, there is little disagreement that corruption has a detrimental impact on the protection and enjoyment of human rights. Corruption not only leads to violations of specific human rights, but also represents a structural obstacle to the implementation and enjoyment of all human rights.

The COVID-19 pandemic is a clear example of this: Corruption reduces the impact of remedial measures targeted to address and respond to the effects of COVID-19, including the economic stimulus and relief packages implemented by Member States. Corruption in this context may manifest itself in a variety of ways, including the embezzlement of emergency funds and the manipulation of procurement processes for crucial health sector resources, such as personal protective equipment, with little to no transparency and accountability. In the context of COVID-19, we have all heard of cases of corruption in fraudulent sales; bribes and price gouging in essential commodities and services; the acceleration and diversion of political as well as legislative processes for personal gain; and information hoarding and increased private sector corruption risks owing to greater pressure on a business’s whole supply chain.

Corruption hampers the human rights of all individuals in a society, but the COVID-19 pandemic has also once again demonstrated that members of vulnerable groups and groups exposed to marginalization and discrimination may suffer first and may suffer disproportionately from corruption. These groups are often more reliant on public goods and services, such as education and health care, and have limited means to look for alternative private services. Corruption can have the effect of compounding the existing difficulties that are already experienced by members of such groups in accessing public goods and services as well as access to justice. Corruption, in other words, may further aggravate the existing human rights violations that are experienced by members of these groups. Another group at heightened risk of corruption-related human rights violations consists of individuals involved in efforts to investigate, report, and prosecute corruption.

Every State has an obligation to protect the human rights of people belonging to these groups within its territory and subject to its jurisdiction, and to guard them against human rights violations associated with corruption.

The preamble to the United Nations Convention against Corruption acknowledges the importance of addressing corruption to adequately protect democracy, the rule of law, and sustainable development. Therefore, even though the Convention does not explicitly mention human rights, there is a clear orientation towards protecting them as the ultimate goal, which is done by preventing and combatting certain practices that undermine people’s ability to enjoy their basic rights.

In this regard, it is important to refer to the close relationship between the Convention and the protection of human rights. By way of example, I would like to highlight the following:

1. Article 13 of UNCAC addresses the participation of society in the prevention and fight against corruption, specifically calling for the active engagement of individuals and groups outside the public sector, such as civil society, non-governmental organizations as well as the private sector. Transparency and accountability are key principles of a human rights-based approach to development that are also integral to successful anti-corruption strategies. Public participation in policy-making is also a basic right referred to in article 25 of the International Covenant on Civil and Political Rights, as well as Sustainable Development Goals target 16.7.
2. Access to information, including the freedom to seek, receive and impart information and ideas of all kinds, is a right enshrined under article 19 both in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. It also constitutes one of the measures to prevent corruption, in accordance with UNCAC article 10. Therefore, preventive anti-corruption measures designed to enhance transparency and ensure access to information also contribute to the fulfilment of this specific human rights obligation.
3. Other parts of the Convention also illustrate its human rights concerns, such as article 30 (Prosecution), which specifically safeguards the rights of defendants, as well as article 32 (Protection of witnesses, experts and victims) and article 33 (Protection of reporting persons). Articles on asset recovery, especially article 57, suggest that victims should be compensated through the return of assets. Due process is important from both a human rights and an anti-corruption perspective, ensuring that defendants’ human rights are respected, but also that anti-corruption efforts avoid being characterized as politically motivated and that international cooperation can be provided, where relevant.

Along these lines, when it comes to the COVID-19 pandemic, the Convention and the 2030 Agenda for Sustainable Development provide key entry points for Member States to recover better and ensure full enjoyment of human rights, including by:

1. Prioritizing anti-corruption measures as an integral aspect of all COVID-19 and future pandemic responses, and long-term development frameworks;

2. Developing, strengthening, using and providing access to technology and open data for all sectors of society to increase social auditing, participation and transparency, enable sound decision-making and afford appropriate oversight and accountability; and

3. Creating strong legal, regulatory and policy frameworks and enforcement measures, including transparent, inclusive and effective emergency response plans.

I look forward to today’s discussion and to learning more about the Challenges and Good Practices in the Prevention of Corruption, and the Impact of Corruption on the Enjoyment of Human Rights in the Context of the COVID-19 pandemic.