

Oral statement from Transparency International to the Advisory Committee on the final report on the negative impact of corruption on the enjoyment of human rights (pursuant to Council resolution 23/9)

Dear Advisory Committee members,

My name is Maggie Murphy and I am the Senior Coordinator for Global Advocacy and Policy at Transparency International, the global coalition against corruption. It is a privilege to be here to contribute to your important recommendations to the Human Rights Council.

Transparency International welcomed your interim report to the Council in June, which illustrated the impact that corruption can have, directly and indirectly, on the rights of individuals, groups and society as a whole. Corruption is not victimless. We fully support the human rights approach positioning people at the centre. We feel that the impact of corruption on human rights is well –documented and is further consolidated in your interim report.

However, we feel that the real added value that the Advisory Committee will bring is in this final phase, in recommending “how the Council and its subsidiary bodies should consider the issue” [to quote Council resolution 23/9].

As detailed in our questionnaire submission, we believe that there is ample cause for corruption to become a standing issue on the agenda of the Human Rights Council, through the creation of a mandate on corruption and human rights. We can see distinct advantages in both a **mandate for a UN special rapporteur** or a **Working Group on corruption and human rights**.

A **cross-cutting rapporteur mandate** could be more operationally focused, advancing our understanding of the impact of corruption on specific rights and identifying gaps in protection through joint reports with other thematic rapporteurs, strengthening synergies with other agencies such as UNODC [where the mandate of the UN Rapporteur on Counter-Terrorism provides a good template in this regard, for example], and raising issues related to corruption and human rights in country visits.

A **Working Group mandate** could be more conceptually focused, recognising that thematic reports on the impact of corruption by sector may benefit from round table discussions and multiple expert inputs.

We would consider that the Committee does not need to resolve this question but instead recommend the need for a mandate and simply present options to the Council.

In terms of other recommendations the Advisory Committee could consider putting forward to the Council, we see enormous potential in facilitating the use of the opportunities, mechanisms and protections provided by the existing human rights machinery.

- The Council could recommend enhanced focus on the role of corruption on human rights violations within the work of the treaty bodies, in the UPR and in the thematic reports of other special procedures.
- The Council could explore how to extend protections under the UN Declaration of Human Rights Defenders to anti-corruption activists and whistleblowers whose work relates to the protection of human rights. This could be via mandating the OHCHR to convene an experts' seminar for example.
- It could also include developing standards on the independence and modalities of anti-corruption agencies drawing from the experience of the OHCHR and the Council of strengthening national human rights institutions. For example, we are not aware of cases at national level where anti-corruption agencies have developed memorandums of understanding with national human rights commissions, and we would identify this as an opportunity for an international forum such as the International Coordinating Committee of NHRIs to advance cooperation.

As we mentioned in our last meeting here with the Committee, we would also encourage the Committee in its report to **anticipate the likely concerns** of certain Council members related to taking action on corruption. This may include that corruption is dealt with comprehensively by UNODC under the UNCAC process, or that there is a proliferation of special procedure mandates in Geneva.

In our view, the human rights dimension of corruption is not formally addressed in the UNCAC or elsewhere. There is overwhelming evidence of the value of a new mandate corruption and human rights, even accounting for resource limitations.

We would also anticipate differences of opinion in the Council over the scope of corruption issues that the Council should consider – whether only direct or also indirect violations, affecting individuals, groups or whole states. It would be helpful if the Advisory Committee could guide the Council in this regard.

Our previous questionnaire submission to the Committee provides some supporting material, and we are happy to discuss any aspect of our recommendations in more detail here in this session or in the coming months as you finalise your report. We hope that your final recommendations to the Human Rights Council are as targeted and actionable as possible in order to help advance our efforts to respect, protect and fulfil human rights in the fight against corruption. Thank you.