



WORKSHOP REPORT FORM

Number and title of workshop

Integrating Human Rights and Anti-Corruption Policies: Challenges and Opportunities

Date and time of workshop

31 October 2008 / 17:00 – 19:00

Moderator (Name and Institution)

Magdalena Sepulveda Carmona, International Council on Human Rights Policy (ICHRP)

Rapporteur (Name and Institution)

Julio Bacio Terracino, Office of the United Nations High Commissioner for Human Rights (UNHCHR)

Panellists (Name, institution, title)

- Philliat Matsheza, Policy Advisor at the Anti-Corruption Democratic Governance Group Bureau for Development Policy, United Nations Development Programme (UNDP)
- Stuart Gilman, Head of the Anti-Corruption Unit and the Global Programme against Corruption, United Nations Office on Drugs and Crime (UNODC), deputy director of the Stolen Asset Recovery Initiative StARS
- Keith E. Henderson, Senior Anti-Corruption and Rule of Law Advisor to the QED Group LLC and Adjunct Professor of Law at American University's Washington College of Law
- Christian Gruenberg, Lead Researcher, International Council on Human Rights Policy, and Director of the Transparency Programme at the Center for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC)

Main Issues Covered

The workshop was aimed at analysing (a) how corruption directly impacts on the enjoyment of specific human rights (b) where the adoption of human rights principles and methods would strengthen anti-corruption programmes, (c) where there might be tensions between the protection of human rights and the prosecution of corruption cases and (d) how to make human rights and anti-corruption mechanisms more accessible to the vulnerable segments of the society.

In this context, a number of different issues were discussed. There was agreement on the causal relation or correlation between corruption and human rights. Corruption negatively impacts on the enjoyment of human rights, and vice-versa, the denial and violation of human rights breed corruption. The discussion mostly centred on identifying measures or initiatives in which the human rights and the anti-corruption movements can collaborate.

A human rights approach to fighting corruption has the added value of applying cross-cutting principles that have the effect of empowering people, influence public attitudes against corruption and ultimately minimise opportunities for corrupt behaviour.

It was also emphasized that corruption should not be seen as an individual activity but as a



social practice shaped by cultural notions of power. Corruption needs to be regarded as a structural problem and anti-corruption strategies will be better equipped if they apply the human rights principles of participation, transparency, and accountability. Participation of marginalized groups was highlighted. Human rights would also benefit anti-corruption strategies by adding a bottom-up approach to fighting corruption.

However, it was stressed that human rights are not a policy panacea for every challenge faced by anti-corruption specialists but that they certainly constitute an added value to anti-corruption campaigns.

The areas where the anti-corruption and human rights movements might collide were addressed. Reference was made to certain anti-corruption practices, such as bank secrecy laws, reversal of burden of proof, and special investigative techniques which might infringe human rights. However, it was stated that anti-corruption measures as provided for in UNCAC are based in the rule of law guided and limited by human rights principles.

The issue of independence and impartiality of the judiciary and the media was also covered in the workshop. One possible area of collaboration between the anti-corruption and human rights movements was said that should be centred on the independence of the judiciary. It was stated that it is necessary to develop a new agenda to promote the rule of law in order to ensure an effective implementation of both UNCAC and the Universal Declaration of Human Rights.

Monitoring the implementation of anti-corruption conventions was highlighted as the key method to improve implementation and enforcement. To this end, the anti-corruption movement could learn from the extensive experience of the human rights movement and its monitoring mechanisms and methodologies.

Non discrimination and access to information are key human rights that will benefit the anti-corruption movement.



Main Outcomes

- Agreement on the causal relation or correlation between corruption and human rights.
- Clarification of the benefits of a human rights approach to fighting corruption.
- Raised awareness of the remedies that the human rights mechanisms can provide to those affected by corruption.
- Agreement on ensuring further collaboration between the human rights and anti-corruption movements.

Main Outputs

- Advocacy strategy for improved transparency, accountability, and participation in anti-corruption policies.
- Increased awareness of the disproportionate effect of corruption on the human rights of vulnerable and disadvantaged groups and the need to increase their participation in anti-corruption strategies.

Recommendations, Follow-up Actions

- Develop a joint human rights and anti-corruption approach to promote human rights in the anti-corruption global agenda.
- Need to discuss in the future how to improve access to information and participation, particularly for marginalised and vulnerable groups.
- The relationship between corruption and human rights is a complex issue with a number of different aspects. Thus, the next IACC should have more than one workshop on anti-corruption and human rights in order to go more deeply into all the variety of issues discussed in the workshop.



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Workshop Highlights (including interesting quotes)

- “People are dying today in Goma, Darfur, Afghanistan, and Irak. If we look at the CPI, countries at the bottom –the most corrupt- are also the recipients of vast amounts of aid, but mostly military. The single human rights abuse is the violation of the rights of the citizens of those regions. What should we, as anti-corruption and human rights advocates do? What can we do now to save lives today?”
- “We should not see the anti-corruption and human rights communities as different groups, but the same group with different emphasises.”
- Ms. Irene Khan, Secretary General of Amnesty International was welcomed today as a Member of the Advisory Council of Transparency International.

Signed

Julio Bacio Terracino, 1 November 2008