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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Argentina, Armenia, Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Brazil, Bulgaria, Chile,* Croatia,* Cyprus,* Czechia, Denmark, Ecuador,* Ethiopia,* Fiji, Finland,* Germany, Greece,* Hungary,* Indonesia, Ireland,* Israel,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Montenegro,* Morocco,* Netherlands, North Macedonia,* Pakistan, Paraguay,* Peru,* Philippines, Poland, Portugal,* Qatar,* Romania,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America,* Yemen:* draft resolution

47/... The negative impact of corruption on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Recalling also that the United Nations Convention against Corruption, to which 140 States are signatories and 186 States are parties, is the most comprehensive and universal instrument on corruption since its entry into force on 14 December 2005, the purposes of which are outlined in its article 1,

Reaffirming that States have the primary responsibility for the promotion and protection of human rights,

Noting with interest the outcomes of the sessions of the Conference of the States Parties to the United Nations Convention against Corruption, and stressing the need for States parties to the Convention to ensure the effective implementation of the decisions and resolutions adopted by the Conference,

Welcoming the upcoming ninth session of the Conference of the States Parties to the United Nations Convention against Corruption, to be held in Egypt in December 2021,

Taking note of the report of the Office of the United Nations High Commissioner for Human Rights on challenges faced and best practices applied by States in integrating human

* State not a member of the Human Rights Council.



rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector,¹

Acknowledging that the poor and those in marginalized and vulnerable situations are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,

Recognizing that the promotion and protection of human rights and the prevention of and fight against corruption are mutually reinforcing, and that improvements in the promotion and protection of human rights at the domestic level have a central role to play in the prevention of and the fight against corruption at all levels,

Recognizing also that good governance, democracy and the rule of law, and the promotion and protection of human rights and fundamental freedoms, including the right to seek, receive and impart information, the right to take part in the conduct of public affairs and the right to a fair trial before a competent, independent and impartial court, established by law, are essential in domestic efforts to prevent and fight against corruption,

Highlighting the transnational character of corruption and the consequential need for international cooperation and technical assistance to prevent and suppress corruption and to recover assets of illicit origin derived from acts of corruption, as defined in the United Nations Convention against Corruption,

Recognizing the importance of creating a safe and enabling environment, in law and in practice, for civil society, whistle-blowers, witnesses, anti-corruption activists, journalists, prosecutors, lawyers and judges, and of protecting these individuals from any threats arising from their activities in preventing and fighting against corruption,

Recognizing also that independent media and a diverse and pluralistic media landscape play an important role in ensuring transparency and scrutiny, which includes reporting on, investigating and exposing corruption and increasing public awareness of the link between corruption and human rights violations,

Underlining the importance of an independent and impartial judiciary, an independent legal profession, objective and impartial prosecution and the integrity of the judicial system to prevent and fight corruption and to address its negative impact on human rights, in line with the rule of law and the right to a fair trial, to access to justice and to an effective remedy, without discrimination,

Emphasizing that human rights education and awareness-raising campaigns and other measures are important enablers for the prevention of and the fight against corruption,

Acknowledging that the State should protect against any adverse human rights impact arising from acts of corruption involving State and non-State actors, including the private sector, through effective regulatory and investigative mechanisms with a view to holding perpetrators to account, recovering assets derived from acts of corruption and providing redress to victims, in accordance with the provisions of the United Nations Convention against Corruption, including Chapter V,

Recalling the obligation of States parties to the United Nations Convention against Corruption to implement policies in accordance with article 5 of the Convention with a view to fighting corruption, and inviting States to address the prevention and effect of corruption in the development of relevant national plans of action, including plans on business and human rights,

Highlighting that States should, in accordance with their respective legal systems, endeavour to establish and promote effective practices and tools aimed at the prevention of corruption and its impact on the enjoyment of human rights, and to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption, including by ensuring transparency, access to public information, accountability, non-discrimination and meaningful participation in the conduct of public affairs,

¹ A/HRC/44/27.

Observing that corruption frequently results in discriminatory access to public services and goods, and renders those in vulnerable situations more prone to adversely suffering from the negative social and environmental impact of economic activities,

Recognizing that corruption is even more damaging in times of crisis, such as the coronavirus disease (COVID-19) pandemic and has the potential to seriously undermine good governance around the world, erodes public trust in government, constitutes an obstacle in work to achieve the Sustainable Development Goals and to respond to the pandemic,

Highlighting that the response to the virus is creating new opportunities to exploit weak oversight and inadequate transparency,

Acknowledging that with health-care systems strained worldwide due to the COVID-19 pandemic, the diversion of critical resources due to corruption poses an even greater threat to the right to everyone to the enjoyment of the highest attainable standard of physical and mental health and the right to life,

Highlighting that national human rights institutions could play an important role in raising awareness and promoting educational and training activities regarding the impact of corruption on human rights through their complaint procedures, investigations and analysis,

Recognizing the opportunities provided by open data and digital technologies to strengthen transparency and accountability and to prevent, detect and investigate corruption,

Stressing the importance of indicators, as appropriate, for measuring the negative impact of corruption on the enjoyment of human rights and on the realization of the Sustainable Development Goals,

Underlining the importance of Human Rights Council mechanisms, such as the universal periodic review, and the treaty bodies in raising awareness and strengthening the commitment to tackle the negative impact of corruption,

Underlining also the importance of mainstreaming anti-corruption efforts in national development strategies and processes in order to address corruption and to achieve the Sustainable Development Goals,

Welcoming the engagement of States parties to the United Nations Convention against Corruption through appropriate measures, such as the development of national plans of action to strengthen the implementation of the Convention at the domestic level and participation in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, aimed at identifying gaps and assisting States parties in meeting the objectives of the Convention,

1. *Urges* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption, and calls upon States parties to the Convention to effectively implement it;

2. *Recognizes* the negative impact of widespread corruption on the enjoyment of human rights, including by reducing the resources available for all sectors, thereby hampering the realization of all human rights;

3. *Welcomes* the commitments made by all States in Sustainable Development Goal 16 and its target 16.5 to substantially reduce corruption and bribery in all their forms;

4. *Also welcomes* the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”, adopted by the General Assembly at its thirty-second special session, held from 2 to 4 June 2021, on challenges and measures to prevent and combat corruption and strengthen international cooperation;²

5. *Takes note* of the joint statement of 30 May 2021 of the treaty bodies on corruption and human rights;

² See A/S-32/2/Add.1.

6. *Underlines* the necessity to step up cooperation and coordination among different stakeholders, including the private sector and civil society at the national, regional and international levels, to fight corruption in all its forms as a means of contributing positively to the promotion and protection of human rights;

7. *Stresses* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, calls for the strengthening of preventive measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of those in vulnerable situations who may be the first victims of corruption;

8. *Urges* States to create and maintain, in law and in practice, while addressing the negative impact of corruption on the enjoyment of human rights, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;

9. *Recognizes* that the negative impact of corruption on human rights and sustainable development can be prevented and addressed through anti-corruption education, and notes with appreciation the capacity-building activities and specialized curricula developed by relevant institutions, such as the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy;

10. *Encourages* national anti-corruption authorities and national human rights institutions, where they exist, to cooperate through the exchange of information, where appropriate, and the development of joint strategies and plans of action to fight corruption and its negative impact on the enjoyment of human rights;

11. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, as the secretariat of the Conference of the States Parties to the United Nations Convention against Corruption, to exchange views and to keep each other abreast of ongoing activities to deepen the understanding of the nexus between corruption and human rights, as appropriate and within their respective mandates, under the aegis of the United Nations Office on Drugs and Crime;

12. *Encourages* the mechanisms of the Human Rights Council to consider, within their existing mandates, the issue of the negative impact of corruption on the enjoyment of human rights, and encourages treaty bodies to take into account the impact of corruption on human rights in their activities and recommendations;

13. *Stresses* the importance of policy coherence among the intergovernmental processes in Geneva, Vienna and New York on the issue of corruption and its impact on the enjoyment of human rights;

14. *Decides* to convene an inter-sessional panel discussion, before the fiftieth session of the Human Rights Council, on 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, and also decides that the discussions will be fully accessible to persons with disabilities;

15. *Requests* the Office of the High Commissioner to organize the above-mentioned panel discussion in coordination with the United Nations Office on Drugs and Crime, and to liaise with relevant stakeholders, including States, international and regional organizations, the Advisory Committee, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations agencies, funds and programmes within their respective mandates;

16. *Also requests* the Office of the High Commissioner to prepare a summary report of the above-mentioned panel discussion and to present it to the Human Rights Council at its fifty-first session.

17. *Decides* to remain seized of this issue.
