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Abstract

This thesis examines the interplay between human rights and corruption, emphasizing the need for a comprehensive approach to address both issues simultaneously. It explores synergies within the United Nations system, aiming to bridge gaps and promote collaboration between different entities. Although the United Nations has formulated documents highlighting the importance of embracing a comprehensive approach to tackle the interlinkages between corruption and human rights, the practical implementation of these principles seems to be falling behind. By breaking silos and fostering collaboration, the research aims to contribute to enhancing the UN's impact in promoting good governance, transparency, and accountability while safeguarding human rights. The methods involve analyzing Universal Periodic Review recommendations on anti-corruption issues and leveraging insights from literature and first-hand experience. The outcomes highlight existing limitations, potential improvements, and the pivotal role of civil society in advocating for a holistic approach to tackling complex global challenges.

Zusammenfassung

In dieser Arbeit wird die Wechselwirkung zwischen Menschenrechten und Korruption untersucht, wobei die Notwendigkeit eines umfassenden Ansatzes zur gleichzeitigen Behandlung beider Themen betont wird. Es werden Synergien innerhalb des Systems der Vereinten Nationen untersucht, um Lücken zu schließen und die Zusammenarbeit zwischen den verschiedenen Einrichtungen zu fördern. Obwohl die Vereinten Nationen Dokumente formuliert haben, in denen sie die Bedeutung eines umfassenden Ansatzes zur Bewältigung der Verflechtungen zwischen Korruption und Menschenrechten hervorheben, scheint die praktische Umsetzung dieser Grundsätze ins Hintertreffen zu geraten. Durch das Aufbrechen von Silos und die Förderung der Zusammenarbeit soll die Forschung dazu beitragen, die Wirkung der Vereinten Nationen bei der Förderung von guter Regierungsführung, Transparenz und Rechenschaftspflicht zu verstärken und gleichzeitig die Menschenrechte zu schützen. Zu den Methoden gehören die Analyse der Empfehlungen der Allgemeinen Regelmäßigen Überprüfung zu Fragen der Korruptionsbekämpfung und die Nutzung von Erkenntnissen aus der Literatur und Erfahrungen aus erster Hand. Die Ergebnisse zeigen bestehende Grenzen, mögliche Verbesserungen und die zentrale Rolle der Zivilgesellschaft bei der Förderung eines ganzheitlichen Ansatzes zur Bewältigung komplexer globaler Herausforderungen auf.

List of Abbreviations

CCPR	Centre for Civil and Political Rights
CoSP	Conference of the States Parties to the United Nations Convention against Corruption
CSOs	Civil Society Organizations
EITI	Extractive Industries Transparency Initiative
FATF	Financial Action Task Force
HCR	Human Rights Council
HRBA	Human Rights-Based Approach
IRG	Implementation Review Group
IRM	Implementation Review Mechanism
NHRI	National Human Rights Institutions
OGP	Open Government Partnership
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAC	United Nations Convention against Corruption
UNGASS	United Nations General Assembly Special Session
UNODC	United Nations Office on Drugs and Crime
UNSDG	United Nations Sustainable Development Group
UNTOC	United Nations Convention against Transnational Organized Crime
UPR	Universal Periodic Review

1. Introduction

‘The United Nations’ system is one family, fighting for the same cause of a more just and peaceful world. But it has become clear that stronger coordination and collaboration between all UN bodies is needed in order for the United Nations to be able to successfully fulfil its mandate. Only through regular and sincere dialogue and cooperation can we achieve this. Continuing with the status quo will only lead to further divisions amongst all of us, and the weakening of the UN as a whole.’¹

The violations of human rights and corruption have far-reaching impacts on societies around the world. Human rights encompass the fundamental rights and freedoms that all individuals are entitled to, regardless of their race, gender, religion, or other status. Corruption, on the other hand, involves the abuse of power for personal gain,² leading to the misappropriation of public funds, nepotism, bribery, and other unethical practices.³ The violations of human rights and corruption are closely interconnected and interdependent. When public funds are misappropriated through corruption, it can lead to undermining the enjoyment of human rights, in particular, the right to equality, non-discrimination, access to information, education, and health, among others.⁴ Moreover, corruption can erode the rule of law,⁵ weaken democratic institutions, and undermine the transparency and accountability necessary for the protection of human rights.⁶ In this context, corruption and human rights violations can perpetuate a vicious cycle, mutually reinforcing each other and eroding the well-being and dignity of individuals and communities. Consequently, it becomes essential to recognize that combatting corruption and promoting human rights share common fundamental objectives, including integrity, accountability and transparency. Addressing these

¹ V. Suc, President of the Human Rights Council, ‘Towards Sustaining Peace through Participation of All: Synergies of a cross-pillar approach to Peace and Security, Agenda 2030 and Human Rights’ (Speech at High-level Dialogue, New York 13 July 2018) <<https://www.ohchr.org/en/statements/2018/07/remarks-president-human-rights-council-vojislav-suc-slovenia-high-level-dialogue>> accessed 30 March 2023.

² Transparency International, ‘What is Corruption’ <<https://www.transparency.org/en/what-is-corruption>> accessed 30 March 2023

³ UNODC, ‘Module 1: What is Corruption and Why should we care’ (Knowledge tools for academics and professionals Module Series on Anti-Corruption) p.8-9 <https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_1_What_Is_Corruption_and_Why_Should_We_Care.pdf> accessed 10 April 2023.

⁴ UNCAC Coalition Working Group on Victims of Corruption, ‘Submission to CoSP9: Recognizing Victims of Corruption’ (1 December 2021) p.1 <<https://uncaccoalition.org/wp-content/uploads/UNCAC-Coalition-%E2%80%93-CoSP9-submission-%E2%80%93-Recognizing-Victims-of-Corruptions.pdf>> accessed 6 April 2023.

⁵ D. García-Sayán, ‘Corruption, Human Rights and Judicial Independence’ (UNODC July 2017) <<https://www.unodc.org/dohadeclaration/en/news/2018/04/corruption--human-rights--and-judicial-independence.html>> accessed 1 April 202

⁶ B. Kukutschka and others, ‘CPI 2021: Corruption, Human Rights and Democracy’ (Transparency International 2021) <<https://www.transparency.org/en/news/cpi-2021-corruption-human-rights-democracy>> accessed 10 April

interconnected challenges requires a systematic, comprehensive⁷ and multi-faceted approach, as relying solely on one tool or perspective may prove insufficient to resolve these complex issues.

Breaking the silos and fostering synergies at all levels within the United Nations (UN) becomes imperative to effectively tackle these intertwined problems. By transcending rigid boundaries between different UN entities and initiatives, the organization can collaborate more effectively, leveraging diverse expertise and resources to yield better outcomes and solutions. Integrating efforts across the UN allows for a more holistic response, addressing both the root causes and the broader impacts of corruption and human rights violations.

1.1 Research Questions

This research aims to advance our understanding of the possible coordination and collaboration between the UN Human Rights and the United Nations Convention against Corruption (UNCAC) fora in addressing corruption and human rights violations by analyzing the recommendations from the Universal Periodic Review (UPR) from its inception in 2008 to the 4th cycle during the 42nd session in February 2023. Additionally, a thorough review of relevant literature supplements the analysis.

Moreover, the research focuses on identifying potential entry points for synergies at the UN and recognizes the crucial role of Civil Society Organizations (CSOs) in bridging gaps and promoting synergy between anti-corruption and human rights efforts. Thereby this study aims to highlight the significance of their involvement in fostering collaboration and breaking down silos at the UN level.

To address these objectives, the research will explore the following research questions:

1. *Do the UPR recommendations offer opportunities for effective collaboration and synergistic efforts between the UN Human Rights mechanisms and the UNCAC fora to combat corruption and promote human rights?* This examination will reveal the

⁷ V. Sancin, 'Corruption as a serious inhibitor to Human Rights realisation: a response from the UN Human Rights Committee' (2021) Zbornik pravnog fakulteta u Zagrebu 71(1) p.24

extent to which these mechanisms align their efforts and identify areas where further collaboration can be enhanced.

2. What potential synergy entry points can be explored to break the silos and promote collaboration among different UN entities, fostering a more cohesive and synergistic approach at the global level? The research aims to identify practical solutions to enhance coordination and cooperation among various UN human rights and anti-corruption bodies.

3. What role do CSOs play in advancing synergies between the UN human rights and anti-corruption bodies? This inquiry will delve into potential ways in which CSOs can contribute to advocating for change and fostering a collaborative environment at the UN level.

By addressing these research questions, the study seeks to provide insights that can inform policy and practice, ultimately enhancing collaboration and effectiveness in combatting corruption and advancing human rights protection on a global scale.

1.2 Methodology

The methodology employed in this study combines multiple research approaches to comprehensively address the research questions and provide insights into the interlinkages between corruption and human rights, as well as the potential for collaboration and synergies among relevant UN bodies.

First of all, a thorough review of relevant literature is conducted to establish a strong foundation for the study. This review explores existing scholarly works, reports, and publications that discuss the linkages between corruption and human rights, the functioning of the UN Human Rights and UNCAC fora, and the role of civil society in promoting synergies. The literature review helps to contextualize the research and identify gaps and opportunities for further investigation.

Secondly, the author's position in an NGO working on anti-corruption at the UN level provides valuable first-hand insights into the practical aspects of advancing synergies

between UN bodies. Drawing from this experience, the study gains an understanding of the challenges and opportunities civil society faces in promoting collaboration and breaking down silos. The fieldwork experience contributes to the research by providing real-world examples of civil society's role in advocating for change and fostering a collaborative environment at the UN level.

The research delves into the Universal Periodic Review process and analyzes UPR recommendations from the 1st cycle in 2008 to the 42nd Session of the 4th cycle in 2023. By closely examining how corruption-related key terms and initiatives are addressed in the UPR recommendations, the study aims to understand the extent of collaboration and synergy between the UN Human Rights and UNCAC fora. The analysis helps identify common themes, patterns, and trends related to anti-corruption measures and human rights protection.

The recommendations of the UPR can be easily accessed through the Universal Human Rights Index⁸, a comprehensive database established by the Office of the United Nations High Commissioner for Human Rights (OHCHR). This repository serves as a vital resource for stakeholders, providing a wealth of up-to-date information by sharing observations and recommendations from various international human rights protection systems. This user-friendly platform allows easy navigation and search capabilities. Stakeholders can efficiently retrieve information from all human rights review mechanisms, with the data thoughtfully categorized by treaty, region, country, human rights themes, concerned groups, Sustainable Development Goals (SDGs), and other relevant research criteria. This extensive range of filters enables researchers, policymakers, and CSOs to tailor their searches and access the specific information they seek.

Initially, a comprehensive list of twenty-nine key terms related to anti-corruption was considered to explore potential entry points for synergies and assess their utilization in UPR recommendations. These terms are frequently present in the UNCAC fora and cover a wide range of issues, such as fair elections, abuse of function, cooperation with law enforcement, victim protection, and the independence of the judiciary, among others. However, it was observed that some of these terms are also applicable in other contexts, such as anti-terrorism, which could potentially lead to ambiguous analysis outcomes.

⁸ OHCHR, 'Universal Human Rights Index' <<https://uhri.ohchr.org/en/>> accessed 10 May 2023

To ensure more focused and meaningful analysis results, the scope of key terms was refined, and six essential anti-corruption terms were selected for further examination. These key terms include asset recovery/repatriation of funds, bribes/bribery, corruption, illicit enrichment/illicit financial flows, money laundering, and whistleblower/reporting person. By narrowing down the key terms, the research aims to gain deeper insights into how these specific aspects of anti-corruption are addressed and integrated into UPR recommendations.

During the analysis of key anti-corruption terms, a notable observation emerged, shedding light on the references to relevant conventions and anti-corruption initiatives also referred to in the UPR recommendations. Recognizing the significance of these references, the research was expanded to explore how these conventions and initiatives are leveraged to advance both corruption and human rights issues. The considered conventions and initiatives include the Extractive Industries Transparency Initiative (EITI), the Financial Action Task Force (FATF), the Open Government Partnership (OGP), the UN Convention against Corruption (UNCAC), and the United Nations Convention against Transnational Organized Crime (UNTOC).

The methodology of this analysis is based on the approach taken by Eeckeloo from the Centre for Civil and Political Rights (CCPR), in the study on corruption and the Human Rights Treaty Bodies.⁹ By examining the frequency with which the key anti-corruption terms and initiatives are addressed, the research aims to provide a comprehensive picture of how the UPR process approaches issues related to corruption and what are the entry points for synergy.

The analysis goes beyond merely counting the mentions of these terms and initiatives. It delves deeper into the nature and content of the recommendations. Specifically, it examines whether the UPR recommendations on corruption issues are presented in a consistent manner, if there are particular formulations or trends that emerge, and whether the recommendations are detailed or vague in their descriptions.

⁹ L. Eeckeloo, 'Corruption and Human Rights: Improving the Human Rights Dimension of the Fight against Corruption. How do UN Treaty Bodies address the issue of corruption?' (CCPR 2020) p.5
<https://ccprcentre.org/files/media/FINALCorruption_and_HR_%28research%29_-_2020_%2816,5x24%29.pdf> accessed 5 April 2023

Moreover, the analysis assesses whether the UPR recommendations provide specific technical and actionable recommendations to tackle anti-corruption issues or if they are merely mentioned in a superficial manner. Understanding the level of specificity and technicality in the recommendations is crucial in evaluating the effectiveness and feasibility of the proposed anti-corruption measures.

Through this methodology, the analysis aims to shed light on how the UPR process addresses corruption-related issues and the extent to which these recommendations contribute to synergies between human rights and anti-corruption efforts. By examining the patterns and trends in the UPR recommendations, the research seeks to identify areas for improvement and potential opportunities for enhancing collaboration and coordination between the Geneva and Vienna UN fora.

By employing a multi-faceted methodology that includes literature review, data analysis, and fieldwork experience, this study aims to offer a well-rounded and nuanced understanding of how corruption and human rights intersect and how the UN bodies can work in synergy to address these complex issues. The research findings are expected to contribute valuable insights to the academic and policy discourse on advancing collaboration and breaking down silos at the UN level for more effective and cohesive efforts in combating corruption and promoting human rights.

1.3 Research Limitations

The study comes with certain limitations that need acknowledgement. Primarily, the analysis is centred around the UPR's recommendations related to corruption issues. While it could have been more comprehensive to also include the reports from the UNCAC Implementation Review Mechanism (IRM) and United Nations Office on Drugs and Crimes' (UNODC) UNCAC implementation reports, these sources are not as accessible as the UPR data. Unlike the UPR, where reports are available in a searchable database, and there are high levels of transparency in all stages of the review process, the IRM only requires to publish short executive summaries of the review, making detailed research more challenging. As such, a direct comparison between the two mechanisms, given their differences in nature and transparency levels, is not entirely feasible.

Furthermore, the study did not include an analysis of the IRM's parallel reports¹⁰, which could have shed light on civil society's perspectives on the UNCAC implementation and its link to advancing human rights issues. Incorporating these reports could have offered valuable insights into the roles and views of anti-corruption civil society experts in the context of addressing human rights at the UNCAC fora.

Additionally, the monitoring of the implementation of anti-corruption recommendations at the UPR was not considered in the analysis. Examining the actual impact and effectiveness of the UPR in driving anti-corruption efforts could have provided a more comprehensive understanding of the influence that this review mechanism has on tackling corruption-related issues.

Moreover, the study excluded the United Nations Development Programme and the SDGs due to scope limitations. However, it is important to recognize that the SDGs are an essential expression of synergies between various global development goals, including anti-corruption and human rights objectives. Conducting a separate analysis of the SDGs could be valuable to understand how they contribute to the overall promotion of synergies within the UN system.

1.4 Relevant Literature

Existing research has examined the impact of corruption on human rights and the interconnection between these two critical issues. Scholars like Bacio, Cardona and Davis have explored how applying a human rights perspective can enhance corruption monitoring and responses. Despite this body of work, there remains a notable gap in the literature, as no previous research has specifically focused on analyzing the UPR with regard to corruption and identifying potential entry points for synergy between the UN Human Rights fora and the UNCAC.

Within the realm of civil society, two significant reports have addressed corruption-related issues within the Human Rights mechanisms. One such document is based on the work of Eeckeloo and Prasad, CCPR. Titled 'Corruption and Human Rights: How to better integrate

¹⁰ See: UNCAC Coalition, 'Civil Society Parallel reports'
<<https://uncaccoalition.org/uncac-review/cso-review-reports/>> accessed 15 July 2023.

corruption issues in the UN human rights mechanisms. A practitioners' guide and strategic advocacy tool for CSOs.¹¹ This work serves as a practical handbook for CSOs seeking to incorporate corruption issues into the UN human rights mechanisms. This guide equips them with strategic advocacy tools and offers valuable guidance to effectively address the synergies between corruption and human rights.

This work also offers a glance into an analysis of UPR recommendations concerning anti-corruption issues, spanning from the 1st to an incomplete 3rd cycle. Notably, a comprehensive report on the outcomes of this UPR analysis has not been published.

Eeckeloo's second work, 'Corruption and Human Rights: Improving the Human Rights Dimension of the Fight against Corruption. How do UN Treaty Bodies address the issue of corruption'¹² serves as a significant source of inspiration for the methodology implemented in this research. This comprehensive study delves into how UN Treaty Bodies address corruption from a human rights perspective, offering critical insights into the human rights dimensions of the fight against corruption. The methodological approach and analytical framework used in Eeckeloo's research have guided the UPR analysis undertaken in this study, ensuring a thorough and comprehensive examination of UPR recommendations related to corruption.

De Beco's article, 'Monitoring corruption from a human rights perspective,'¹³ is a valuable addition to the existing literature on the topic. The article delves into the intricacies and complexities of monitoring corruption through the lens of human rights, shedding light on the challenges and opportunities that arise within this framework.

One of the key insights provided by De Beco's research is the need to adopt a human rights perspective in assessing and addressing corruption. By doing so, it becomes possible to understand the profound impact of corruption on the enjoyment of human rights and, conversely, how the violation of human rights can contribute to or exacerbate corruption.

¹¹ L. Eeckeloo and D. Prasad, 'Corruption and Human Rights: How to better integrate corruption issues in the UN human rights mechanisms. A practitioners' guide and strategic advocacy tool for civil society organisations' (CCPR Centre 2019) <<http://ccprcentre.org/files/media/corruption-hr.pdf>> accessed 15 January 2023

¹² Eeckeloo L., 'Corruption and Human Rights: Improving the Human Rights Dimension of the Fight against Corruption. How do UN Treaty Bodies address the issue of corruption?' (n 9)

¹³ De Beco G. 'Monitoring corruption from a human rights perspective' [2011] *The International Journal of Human Rights*, 15 (7) p.1107-1124

The article also highlights the interconnections between corruption and human rights violations, emphasizing the importance of recognizing corruption not merely as an economic or political issue but also as a deeply rooted human rights concern. De Beco's work underscores the significance of approaching corruption with a human rights lens to ensure a more comprehensive and effective response to these intertwined challenges.

Furthermore, the article discusses the role of various stakeholders, including civil society, in monitoring corruption from a human rights perspective. It emphasizes the need for collaboration and engagement between CSOs, UN bodies, and other actors to foster a more holistic and synergistic approach to tackling corruption and promoting human rights.

In addition, 'Module 7: Corruption and Human Rights'¹⁴ from UNODC's Knowledge tools for academics and professionals offers a comprehensive and insightful perspective on the interlinkages between corruption and human rights. This resource provides a valuable framework for understanding how the implementation of the UNCAC aligns with the principles of human rights and how UNODC's mandate is intertwined with these critical issues. The module highlights the significance of considering human rights principles in the fight against corruption and underscores the need for a holistic approach that not only addresses corruption as a criminal and governance issue but also recognizes its profound impact on the enjoyment of human rights.

In 2021, a pivotal document developed for the UN General Assembly Special Session (UNGASS) on corruption is the 'UN Common Position to Address Global Corruption'¹⁵. This work establishes a framework for fostering cooperation and collaboration among UN member states and various UN bodies to effectively combat corruption. It places a spotlight on the critical significance of considering the human rights implications of corruption and advocates for a comprehensive approach that integrates anti-corruption efforts with human rights principles.

¹⁴ UNODC, 'Module 7: Corruption and Human Rights' (Knowledge tools for academics and professionals. Module Series on Anti-Corruption)

<https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_7_Corruption_and_Human_Rights.pdf> accessed 1 April 2023

¹⁵ UN, 'The UN Common Position to Address Global Corruption. Towards UNGASS 2021' (August 2020)

<https://ungass2021.unodc.org/uploads/ungass2021/documents/session1/contributions/UN_Common_Position_to_Address_Global_Corruption_Towards_UNGASS2021.pdf> accessed 1 April 2023

The literature selected for this research provides a robust foundation for exploring the synergies between anti-corruption and human rights within the UN. These sources offer valuable insights into the various approaches, challenges, and potential strategies for effectively integrating anti-corruption and human rights efforts. By incorporating these key works alongside additional relevant literature¹⁶, the research aims to make a significant contribution to the existing knowledge and understanding of the interconnectedness between anti-corruption and human rights within the UN framework while also highlighting the pivotal role of civil society.

1.5 Objective

Breaking the silos between the anti-corruption and human rights frameworks is a critical and timely area of study that requires in-depth research and analysis. This research aims to evaluate the hypothesis that the UN Human Rights mechanism and the UNCAC fora do not effectively collaborate and work in synergy to advance their agendas. It seeks to contribute to the ongoing discourse surrounding the interlinkages between corruption and human rights, exploring the challenges and opportunities in integrating a human rights approach into anti-corruption efforts and identifying potential entry points for synergy to bridge the gap between the two fora. Moreover, the research aims to underscore the pivotal role of civil society in promoting a more integrated approach to addressing human rights and corruption challenges.

1.6 Roadmap

This thesis is organized into seven chapters, each addressing specific aspects related to the synergies between anti-corruption and human rights efforts at the UN.

¹⁶ See: M. Freeman, *Human Rights* (Polity Press 2nd ed. 2107); K. Davis, 'Corruption as a Violation of International Human Rights: A Reply to Anne Peters' (November 2019) *European Journal of International Law* 29(4) p. 1294–1295; J. Bacio Terracino, 'Corruption as a violation of human rights', (International Council on Human Rights Policy 2008) <<https://ssrn.com/abstract=1107918>>; J. Gathii, 'Defining the relationship between human rights and corruption' (2009) *University of Pennsylvania Journal of International Law*, 31 (1) p.125; Cardona L. and others, 'Corruption and Human Rights: Possible Relations' (2018) *Human rights quarterly* 40(2) p. 317.

Chapter 1 introduces the research methodology and objectives, providing a clear outline of the study's scope and purpose.

Chapter 2 delves into the foundational concepts of corruption and human rights, examining their interconnectedness and shared principles. It explores how human rights and anti-corruption efforts are fostered at the UN, including an analysis of the UN Common Position on Corruption and the application of the Human Rights-Based Approach and Comprehensive Approach to Combating Corruption.

In Chapter 3, the focus shifts to the UPR and the IRM. This chapter provides an overview of their scope and purpose, detailing the review process and civil society participation and emphasizing transparency and accountability.

Chapter 4 maps the trail of anti-corruption efforts within the UPR by analyzing references to key anti-corruption terms and examining the inclusion of the UNCAC and other anti-corruption international initiatives.

Chapter 5 explores potential entry points for synergy at the UN, such as public awareness and advocacy, building capacity and technical assistance, and resolutions. This chapter highlights opportunities for collaboration and coordination between different entities within and outside the UN system.

In Chapter 6, the pivotal role of civil society is emphasized. This section delves into the active involvement of CSOs in bridging the gap and promoting a more integrated approach to addressing human rights and corruption challenges.

The final chapter, Chapter 7, presents the research's conclusions, summarizing key findings and their implications.

2. Human Rights and Corruption

‘There is no doubt that, in practical terms, corruption is an enormous obstacle to the realization of all human rights — civil, political, economic, social and cultural, as well as the right to development. Corruption violates the core human rights principles of transparency, accountability, non-discrimination and meaningful participation in every aspect of life of the community.

Conversely, these principles, when upheld and implemented, are the most effective means to fight corruption.’¹⁷

This chapter delves into the significance of synergies in addressing corruption and human rights issues. It starts by providing clear definitions of both corruption and human rights and explores their interconnections and shared principles. The main legal frameworks to tackle these challenges at the UN level are then presented, emphasizing the importance of adopting a human rights-based approach and a comprehensive strategy to combat corruption effectively. The chapter also introduces the UN Common Position on Corruption, which serves as a framework for cooperation and collaboration among UN member states and bodies. By understanding these foundational aspects, the chapter aims to highlight the critical role of synergies when addressing corruption and human rights issues and paves the way for further exploration into potential entry points for collaboration and the role of civil society in fostering a more integrated approach at the UN level.

2.1 Definitions

2.1.1 Human Rights

Human rights are universal rights that recognize the inherent dignity, freedom, and equality of every human being. As stated in the Universal Declaration of Human Rights (UDHR), Human rights are rights inherent to all human beings, regardless of ‘race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.’¹⁸ These rights have their origins in the concept of natural rights during the Enlightenment era and have evolved to encompass political, civil, economic, social, and cultural rights, setting the minimum conditions for a life of human dignity.¹⁹

Crucially, human rights are not granted by any government or authority; they are innate to our existence as human beings. They are considered universal and inalienable, applicable to all

¹⁷ OHCHR, ‘The Human Rights Case against Corruption’ (November 2013) p.8-9
<[https://www.ohchr.org/sites/default/files/Documents/Issues/Development/GoodGovernance/Corruption/HRCas
eAgainstCorruption.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Development/GoodGovernance/Corruption/HRCas
eAgainstCorruption.pdf)> accessed 20 March 2023

¹⁸ Universal Declaration of Human Rights, adopted 10 December 1948, UNGA Res 217 A (III) (UDHR) art. 2

¹⁹ M. Freeman, *Human Rights* (note 16) p.14-31

individuals, irrespective of their location or circumstances, and cannot be taken away or denied.²⁰

To establish a common understanding and application of human rights, international²¹ and regional legal frameworks have been developed, aiming to guarantee these basic rights and freedoms beyond national boundaries and cultural differences. These statutes set a standard for the treatment and protection of all individuals, emphasizing the importance of safeguarding human rights at the global level.

2.1.2 Corruption

Corruption is a multifaceted and complex phenomenon that manifests in diverse forms and contexts. It poses a significant threat to the principles of accountability, transparency, integrity, and fairness in both the public and private sectors, resulting in profound negative effects on societies, economies, and governance systems. The lack of a uniform definition of corruption adds to its complexity.²² Transparency International, a leading anti-corruption organization, defines corruption as ‘the abuse of entrusted power for private gain’²³, drawing attention to its broader scope beyond the confines of public offices.

The consequences of corruption are far-reaching and harmful to society. It erodes public trust in institutions, undermines the rule of law, distorts economic markets, discourages investments, hinders development initiatives, and perpetuates poverty. Moreover, corruption exacerbates social inequalities and disproportionately affects vulnerable communities, obstructing the realization of human rights. Furthermore, corruption undermines democratic processes, deepens social divisions, and contributes to the ongoing environmental crisis.²⁴

²⁰ OHCHR, ‘What are Human Rights?’ <<https://www.ohchr.org/en/what-are-human-rights>> accessed 4 July 2023

²¹ There are nine international human rights treaties, each equipped with an expert committee responsible for overseeing the implementation of the treaty provisions among the States parties. Several treaties are accompanied by optional protocols that address particular issues. In the case of the Optional Protocol to the Convention against Torture, it establishes its own committee of experts.

OHCHR, ‘The core international Human Rights Instruments and their monitoring bodies’ <<https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>> accessed 30 March 2023

²² UNODC, ‘Module 7: Corruption and Human Rights’ (note 14) p.8

²³ Transparency International, ‘What is Corruption’ (note 2)

²⁴ U4 Anti-Corruption Resource Centre at Chr. Michelsen Institute, ‘Basic guide to anti-corruption’ <<https://www.u4.no/topics/anti-corruption-basics/basics>> accessed 7 July 2023

Corruption can manifest in various ways, such as bribery, embezzlement, nepotism, favouritism, patronage, and fraud, among others. It permeates different levels of government, private businesses, and various sectors, including healthcare, education, law enforcement, and procurement. The pervasive nature of corruption demands comprehensive and concerted efforts to address its root causes and implications across all sectors of society.²⁵

2.2 A Closer Look at the Interlinkages between Corruption and Human Rights

*‘When there is corruption, human rights disappear’*²⁶

Corruption and human rights are deeply interconnected. When corruption is widespread, it often leads to a violation of human rights. Corruption can undermine the ability of a state to protect and promote the fundamental rights and liberties of its citizens. Corruption can hinder the efficient and fair allocation of resources.²⁷ For instance, when resources intended to provide essential public services like education, healthcare, or social security benefits are misappropriated, it directly impacts the rights to such services. Moreover, corruption can exacerbate inequality and social injustice, as it often affects the poorest and most vulnerable groups disproportionately. It might hinder their access to essential services or create barriers to justice.²⁸ Besides economic and social rights, corruption can also jeopardize civil and political rights. It can threaten the rule of law, hamper the fairness of judicial proceedings, and impede the democratic process by influencing electoral outcomes illegitimately.

Addressing the UN Security Council in 2018, Secretary-General António Guterres emphasized that corruption ‘deprives people of their rights, drives away foreign investment and despoils the environment. Corruption breeds disillusion with government and governance – and is often at the root of political dysfunction and social disunity.’²⁹

²⁵ *ibid*

²⁶ O. Makinwa, Global Compact Africa Chief, ‘Tweet: When there is corruption, human rights disappear’ (Transparency International 6 May 2019) <<https://twitter.com/anticorruption/status/1125322625352372224>> accessed 15 July 2023

²⁷ Council of Europe, ‘Corruption undermines human rights and the rule of law’ <<https://www.coe.int/en/web/commissioner/-/corruption-undermines-human-rights-and-the-rule-of-law>> accessed 28 July 2023

²⁸ OHCHR, ‘Corruption and Human Rights’ <<https://www.ohchr.org/en/good-governance/corruption-and-human-rights>> accessed 10 July 2023

²⁹ Guterres A, United Nations Secretary-General, ‘Remarks at the Security Council meeting on "Corruption and Conflict"' (United Nation, 8346th meeting 10 September 2018) p.2 <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv.8346.pdf> accessed 5 July 2023

Corruption can have a detrimental impact directly or indirectly on a wide range of human rights, including but not limited to the:

- ❖ *Right to Life³⁰ and Health³¹*: corruption can siphon off funds from healthcare services, which might result in inadequate medical care facilities, low-quality drugs, and diminished access to care. This threatens people's right to good health and, potentially, their right to life.
- ❖ *Right to Education³²*: misappropriated funds can lead to poor infrastructure, inadequate learning materials, and low-quality education. Bribes or unfair practices might also limit access to education, thereby violating the right to education.
- ❖ *Right to a Fair Trial³³ and the Rule of Law³⁴*: In judicial systems, corruption can lead to delayed hearings or unjust outcomes, thereby denying individuals their right to a fair trial and violating the principle of the rule of law.
- ❖ *Right to Equality³⁵*: corruption often benefits a select few at the expense of many, fuelling inequity in society. It can exacerbate social and economic disparities, thereby denying individuals their right to equal treatment. Corruption can perpetuate inequality by favoring certain individuals or groups based on bribes or nepotism, thus denying others their right to equal treatment and opportunities.
- ❖ *Right to Participation in Public Affairs³⁶*: when corruption influences political decisions or electoral outcomes, it undermines people's right to participate in public affairs, violating democratic principles.

³⁰ Universal Declaration of Human Rights (note 18) Art 3

³¹ *ibid* Art 25

³² *ibid* Art 26

³³ *ibid* Art 10 and 11

³⁴ *ibid* Art 7

³⁵ *ibid* Art 7

³⁶ *ibid* Art 21

- ❖ *Right to Work*³⁷: in many instances, corruption may cause job-seekers to lose employment opportunities unless they are willing to engage in corrupt practices, thus violating their right to work.
- ❖ *Right to an Adequate Standard of Living*³⁸: corruption can divert public resources, reducing allocations for housing, food security, and social security. This can deny people their right to an adequate standard of living. Addressing corruption effectively is a vital step in ensuring a better and more equitable realization of these and many other human rights.
- ❖ *Right to Freedom of Expression and Access to Information*³⁹: when corruption prevails unchecked, it can undermine the right to freedom of expression and the access to information. For instance, if the media, civil society, or individual whistleblowers are silenced, threatened, or punished for revealing corrupt practices or criticizing government actions, this constitutes a direct violation of this right. Freedom of expression is essential for democracy and for holding public officials to account, and corruption can intrude on this right by creating an environment of fear or repression. Corruption often involves deceit and a lack of transparency. Thus, it can inhibit the right to access information, which is essential for transparency, accountability and participation in public affairs.
- ❖ *Right to Development*⁴⁰: corruption can inhibit a country's overall development by negatively affecting economic progress and exacerbating disparities, thereby impacting the collective right to social, economic, and cultural development.
- ❖ *Right to a Healthy Environment*⁴¹: corruption in sectors like mining, logging, and other natural resource industries can lead to environmental degradation, thereby infringing on the rights to a clean and healthy environment. By creating barriers to access services and undermining trust in governing institutions, corruption erodes the

³⁷ *ibid* Art 23

³⁸ *ibid* Art 25

³⁹ *ibid* Art 19

⁴⁰ Declaration on the Right to Development, adopted 4 December 1986, UNGA Res 41/128

⁴¹ The human right to a clean, healthy and sustainable environment, adopted 1 August 2023, UNGA Res 76/300

social pact between a government and its citizens, ultimately infringing on human rights and impacting societal well-being.

- ❖ *Right to Self-Determination*⁴²: corruption can also undermine the peoples' right to self-determination. When corrupt practices lead to the mismanagement or embezzlement of public resources, it can impede the socio-economic development of certain regions or groups, limiting their ability to make decisions about their own development and future. Additionally, corrupt governance may marginalize certain populations or favour particular interests, preventing them from fully participating in shaping their political, economic, and social destinies. By eroding the right to self-determination, corruption hinders individuals and communities from exercising their inherent right to freely determine their political status and pursue their economic, social, and cultural development. Addressing corruption is crucial not only for safeguarding individual human rights but also for upholding collective rights, including the right to self-determination.

Human Rights can give to corruption a 'human face'⁴³ and establishing a direct causal relationship between corruption and human rights violations requires a case-by-case, evidence-based analysis.

2.3 Shared Principles

Understanding the interlinkages of corruption and human rights involves acknowledging the shared principles that underscore their interaction. These principles include transparency, accountability, participation, non-discrimination, integrity and rule of law, all of which can be undermined by systemic corruption.

- ❖ *Integrity*: it refers to the adherence to moral and ethical principles, and it forms the foundation for honesty and trustworthiness in all actions. Corruption, by definition, is a violation of integrity, as it involves dishonest behaviors for personal gain or advantage. In the context of human rights, integrity is instrumental in building

⁴² International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) art 1; International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 1

⁴³ B. Rothstein and A. Varraich, *Making Sense of Corruption* (Cambridge University Press 2017) p.60

confidence in public institutions and ensuring that all individuals are treated fairly and with respect. When public officials demonstrate integrity, they align their actions with social and ethical standards, enhancing the trust citizens place in them.⁴⁴ This significantly aids in reducing opportunities for engaging in corruption and subsequently promotes a better observance of human rights.

- ❖ *Transparency*: this principle insists on open governance, where information regarding the activities of public officials or institutions is freely available to the public. Corruption often involves hiding illicit activities, thereby violating the transparency principle. Transparency in government and public institutions is essential to ensure that resources are allocated fairly and efficiently and that decisions are made in the best interests of the people. When corruption occurs, resources may be diverted for personal gain, leading to the neglect of critical services such as healthcare, education, and infrastructure,⁴⁵ which are vital for the enjoyment of human rights.
- ❖ *Accountability*: the ability to hold individuals, organizations, or governments responsible for their actions is a core principle of both anti-corruption efforts and fulfilling human rights. Corruption can inhibit proper accountability, particularly when those in positions of power misuse their authority and face no repercussions. When corruption goes unpunished, it creates a culture of impunity, where individuals believe they can act without consequences, further perpetuating corrupt behaviours. This lack of accountability undermines the rule of law and erodes public trust in the justice system, making it harder for individuals to seek redress for human rights violations. Robust accountability mechanisms can help unveil and punish corruption, thereby promoting fairness and preventing rights infringements.⁴⁶
- ❖ *Participation*: in a democratic society, every citizen has the right to participate in decision-making processes. Corruption can compromise this right by enabling unfair advantage to those willing or able to engage in corrupt practices. Encouraging broad

⁴⁴ Ministry of Interior of the Slovak Republic, 'Corruption as a social problem'
<<https://www.minv.sk/?survey&okruh=2&tema=11>> accessed 7 July 2023

⁴⁵ C. Chen and S. Ganapati, 'Do transparency mechanisms reduce government corruption? A meta-analysis' (2023) 89(1) *International Review of Administrative Sciences* p.257

⁴⁶ OHCHR, 'Good Governance Practices for the Protection of Human Rights' p.6
<<https://www.ohchr.org/sites/default/files/Documents/Publications/GoodGovernance.pdf>> accessed 4 July 2023

and inclusive participation can help combat corruption by diffusing power and creating more checks and balances.⁴⁷

- ❖ *Non-Discrimination and Equality*: these principles insist on the equal treatment of all individuals, regardless of their identity or status. They are compromised when corruption intensifies inequality by disproportionately affecting those who can not engage in corrupt transactions. Corruption tends to disproportionately affect vulnerable and marginalized populations, as they are often the ones who suffer the most from the diversion of resources and the lack of access to basic services. By addressing corruption, governments can work towards ensuring that all individuals, regardless of their background or socio-economic status, can fully enjoy their human rights and build increased resilience against corruption.⁴⁸

2.4 Fostering Human Rights and Anti-Corruption Efforts

2.4.1 UN Human Rights Architecture

The international Human Rights architecture at the UN comprises a comprehensive framework of bodies and mechanisms that aim to promote, protect, and monitor human rights worldwide. This architecture is designed to uphold the principles enshrined in the UDHR proclaimed by the General Assembly in 1948 in resolution 217 A (III)⁴⁹ and subsequent international human rights treaties. At the core are the International Bill of Human Rights consisting of the UDHR, along with the International Covenant on Civil and Political Rights⁵⁰, the International Covenant on Economic, Social and Cultural Rights⁵¹, and their optional protocols. In addition, there are seven other human rights treaties and their optional protocols.⁵² According to OHCHR, all States have ratified at least one of the nine human rights treaties and one of the nine optional protocols. Eighty per cent of States have ratified four or more.⁵³ The implementation of these treaties is monitored by the treaty bodies, which

⁴⁷ UNCAC Coalition, 'Civil Society Participation: an Essential Element in Anti-Corruption Efforts' <<https://uncaccoalition.org/civil-society-participation-an-essential-element-in-anti-corruption-efforts/>> accessed 12 July 2023

⁴⁸ Transparency International, 'Double harm when corruption meets discrimination' <<https://www.transparency.org/en/news/double-harm-corruption-discrimination-sdgs-leave-no-one-behind>> accessed 4 July 2023

⁴⁹ UDHR (note 14)

⁵⁰ ICCPR (note 42)

⁵¹ IESCR (note 42)

⁵² OHCHR, 'The core international Human Rights Instruments and their monitoring bodies' (note 21)

⁵³ OHCHR, 'What are Human Rights?' (note 20)

are independent expert committees. These committees review State reports, issue concluding observations, and may also consider individual complaints.⁵⁴

Another important component is the Human Rights Council (HRC), comprised of 47 Member States. Established in 2006, the HRC addresses human rights violations globally, conducts regular sessions, and responds to emergencies through special sessions. One of its vital functions is the UPR, where the human rights records of all UN Member States are examined every four and a half years.⁵⁵ Working closely with the HRC is the Office of the United Nations High Commissioner for Human Rights (OHCHR) which serves as the focal point for UN human rights activities and provides support to the HRC, treaty bodies, and other human rights mechanisms. The High Commissioner plays a dual role in overseeing instances of human rights violations and openly condemning those responsible. Additionally, it is expected to collaborate with these very States to influence the development of global human rights standards and facilitate advancements in human rights situations fostering cooperation, constructive dialogue, and the establishment of mutual trust.⁵⁶

2.4.2 The UN Convention Against Corruption

The UNCAC⁵⁷ stands as the sole universal anti-corruption instrument possessing legally binding status. It was adopted by the United Nations General Assembly on 31 October 2003 by resolution A/58/4, entered into force on 14 December 2005 in accordance with article 68(1).⁵⁸ As of August 2023, a total of 189 countries have become parties to the UNCAC⁵⁹, making it one of the most widely ratified international conventions. Its Secretariat is housed within UNODC, and its aim is to provide support and guidance to parties in implementing the provisions of the convention effectively.

⁵⁴ OHCHR, 'Treaty bodies' <<https://www.ohchr.org/en/treaty-bodies>> accessed 2 July 2023

⁵⁵ For more information on latest main developments and achievements of the Human Rights Council see: Universal Rights Group, 'The Human Rights Council in 2022' <<https://www.universal-rights.org/urg-policy-reports/the-human-rights-council-in-2022/>> accessed 30 August 2023

⁵⁶ M. Limon and A. Ordonez Vahi, 'Is Türk succeeding in 'walking the tightrope' between the different dimensions of his mandate?' (Universal Rights Group, 14 August 2023) <<https://www.universal-rights.org/is-turk-succeeding-in-walking-the-tightrope-between-the-different-dimensions-of-his-mandate/>> accessed 29 August 2023

⁵⁷ United Nations Convention Against Corruption, adopted 31 October 2003, UNGA Res 58/4 (UNCAC)

⁵⁸ UN Treaty Collection, 'UNCAC' <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-14&chapter=18&clang=_en> accessed 3 July 2023

⁵⁹ UNODC, 'Signature and Ratification Status' <<https://www.unodc.org/unodc/en/corruption/ratification-status.html>> accessed 3 July 2023

The convention consists of eight chapters and contains a total of 71 articles, addressing a wide range of issues related to corruption prevention, criminalization, international cooperation, asset recovery, and technical assistance.⁶⁰

The primary policymaking body of the UNCAC is the Conference of the States Parties (CoSP). Since its first session in 2006, the CoSP facilitates the effective implementation of the UNCAC and offers policy guidance to UNODC for the development and execution of anti-corruption initiatives.⁶¹ The Conference was established in accordance with Article 63 of the UNCAC, with three key objectives:⁶²

1. *Enhancing States' Capacity*: the CoSP aims to strengthen the capacity of member States to effectively implement the provisions and requirements of the UNCAC, empowering them to combat corruption more efficiently.

2. *Fostering International Cooperation*: cooperation among States is vital in achieving the overarching objectives of the UNCAC. The CoSP serves as a platform to promote and facilitate cooperation among member States to combat corruption collectively on a global scale.

3. *Monitoring and Review*: the CoSP is responsible for reviewing and monitoring the implementation of the UNCAC across member States, ensuring that the provisions of the convention are effectively applied.

The CoSP convenes once every two years and includes all States that have ratified the convention, granting them full participation rights. Additionally, signatory States are entitled to participate as observers during the Conference sessions. Moreover, non-signatory States, as well as inter-governmental and non-governmental organizations, have the opportunity to apply for observer status at these sessions.⁶³

⁶⁰ UNCAC Coalition, 'About the UNCAC' <<https://uncaccoalition.org/the-uncac/about-the-uncac/>> accessed 3 July 2023

⁶¹ UNODC, 'Conference of the States Parties to the United Nations Convention against Corruption' <<https://www.unodc.org/unodc/en/corruption/COSP/conference-of-the-states-parties.html>> accessed 4 July 2023

⁶² United Nations Convention Against Corruption (note 57)

⁶³ UNODC, 'Conference of the States Parties to the United Nations Convention against Corruption' (note 61)

To enhance its efficiency and effectiveness, the Conference has established subsidiary bodies that operate under its mandate. These bodies are designed to offer valuable advice and make recommendations that aid in fulfilling the Conference's objectives, as outlined in Article 63, Paragraph 7 of the convention. By utilizing these subsidiary bodies, the Conference can better carry out its work and deliver on its mandate in the fight against corruption.

2.4.2.1 Exploring UNCAC Provisions and Their Impact on Advancing Human Rights

“[I]t must be noted that, while UNCAC is not a human rights instrument per se, the main challenge to integrating a human rights perspective into anti-corruption strategies remains that of communication. A number of anti-corruption measures prescribed under UNCAC mirror commitments made under certain human rights treaties as well as non-binding standards and norms. [...] it is also important to sensitize States parties on the extent to which specific human rights considerations may complement certain anti-corruption measures.”⁶⁴

Of the numerous UNCAC provisions⁶⁵, several distinctly stand out for their role in fostering an environment conducive to the advancement of human rights. These articles not only bolster the global fight against corruption but also contribute significantly to a broader and more integrated approach that upholds and promotes fundamental human rights.^{66 67}

- ❖ *Article 5 – Preventive anti-corruption policies and practices*: this article emphasizes the need for states to develop and implement comprehensive anti-corruption policies and practices. It calls for preventive measures to be taken, including the establishment of effective codes of conduct for public officials and measures to promote transparency and accountability in public administration. By implementing preventive anti-corruption policies and practices, states can create an environment that upholds

⁶⁴ UNODC, ‘Challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector’ (call for input 19 July 2019) p.7
<<https://www.ohchr.org/sites/default/files/Documents/Issues/Corruption/Challenges/UNODC.pdf>> accessed 5 April 2023

⁶⁵ United Nations Convention Against Corruption (note 57)

⁶⁶ See mayor areas of synergies according to UNODC’s views on this matter as a result of their technical assistance delivery here:

UNODC, ‘Challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector’ (note 64)

⁶⁷ See States perspectives on challenges faced and best practices applied in integrating human rights into their national strategies and policies to fight against corruption here:

HRC, ‘Challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector. Report of the Office of the United Nations High Commissioner for Human Rights’ (21 April 2020) HRC 44/27

human rights principles such as fairness, integrity, and equal treatment. Preventing corruption helps to ensure that resources are allocated equitably and used for the benefit of all individuals, particularly the most vulnerable populations. It also enhances public trust in government institutions and fosters a sense of accountability and responsibility towards the protection of human rights.

- ❖ *Article 9 – Public procurement and management of public finances:* this article calls for states to establish transparent and competitive systems for awarding public contracts and to implement measures to detect and prevent corruption in public financial management. By ensuring fair and transparent procurement processes, Article 9 helps to safeguard human rights by promoting equal access to public services and resources and by preventing corruption that could lead to the misallocation of funds intended for public welfare.
- ❖ *Articles 10 and 13 – Public reporting and participation of society:* these articles emphasize the importance of promoting transparency in the public sector. It calls for states to adopt measures that facilitate public reporting of corruption, as well as to provide access to information regarding the organization, functioning, and decision-making processes of public authorities. By ensuring access to information, Article 10 and 13 enhances accountability and empowers individuals to participate in public affairs. This transparency promotes human rights by allowing citizens to hold public officials accountable and to actively engage in the decision-making processes that affect their lives and well-being.
- ❖ *Article 11 – Measures relating to the judiciary and prosecution services:* this article primarily deals with anti-corruption measures within the legal and judicial systems, it relates to human rights by contributing to the protection of fair legal processes, whistleblower rights, and principles of impartiality and non-discrimination.
- ❖ *Article 13 – Participation of society:* this article recognizes the vital role of civil society in the fight against corruption. It encourages states to promote the active participation of individuals and groups in efforts to combat corruption, which is essential for upholding human rights principles of transparency, accountability, and citizen engagement.

- ❖ *Article 32 – Protection of witnesses, experts, and victims:* this article directly upholds the right to life and physical integrity, as well as the freedom of expression. Witnesses and experts play pivotal roles in exposing corruption, and by shielding them from retaliation or harassment, this provision supports their fundamental human right to express their views without fear. Furthermore, Article 32 contributes to the right to a fair trial by ensuring the integrity of the judicial process through the protection of key participants. In doing so, it aligns with broader human rights concerns, promoting an environment in which individuals, including victims of corruption, can seek justice and remedies without discrimination or fear of reprisals.
- ❖ *Article 33 – Protection of reporting persons:* this article safeguards the fundamental rights of freedom of expression, access to information, and protection against discrimination while also serving as a mechanism to protect whistleblowers who play a vital role in promoting transparency and combating corruption.
- ❖ *Articles 34 – Consequences of acts of corruption:* by emphasizing the legal repercussions and penalties for acts of corruption, this article reinforces the importance of the rule of law, a fundamental human rights principle. It indirectly supports the right to a fair trial for individuals accused of corruption, emphasizing due process and the rule of law in anti-corruption efforts. Additionally, by holding individuals involved in corrupt practices accountable, Article 34 contributes to ensuring justice.
- ❖ *Articles 35 – Compensation for damage:* this article supports victims' rights to restitution, remedy, and justice, which are fundamental human rights concerns. By stipulating that individuals harmed by corrupt practices have the right to seek compensation, Article 35 contributes to ensuring that victims can access legal recourse and remedies. This aligns with broader human rights principles related to access to justice and the protection of victims' rights, reaffirming the importance of providing redress to those who suffer as a result of corrupt acts.
- ❖ *Section IV – International Cooperation and Asset Recovery:* this section focuses on international collaboration and establishes a crucial framework for enhancing the impact of anti-corruption efforts while simultaneously advancing human rights. By promoting the exchange of information and best practices among countries, the

UNCAC fosters a collaborative environment that strengthens the fight against corruption, indirectly contributing to the protection of human rights. Notably, the emphasis on incorporating human rights safeguards within mutual legal assistance and extradition requests underscores the principle that anti-corruption measures must be pursued while upholding fundamental human rights.

- ❖ *Section V – Asset Recovery*: this section presents another significant avenue through which anti-corruption efforts intersect with the promotion of human rights.⁶⁸ Asset recovery measures play a crucial role in returning stolen assets to their rightful owners, often countries that have been severely affected by corruption. This process directly aligns with human rights principles by restoring resources that can be reinvested in public services and development, thereby contributing to the realization of socioeconomic rights. Moreover, the UNCAC acknowledges the importance of ensuring that asset recovery processes are conducted in a manner consistent with human rights standards, highlighting the necessity of safeguarding due process, protecting victims' rights, and preventing any undue interference that could compromise the rights of affected individuals.
- ❖ *Article 68 - Capacity-building*: while not directly related to human rights, Article 68 emphasizes the importance of capacity-building to enable effective implementation of the UNCAC. Capacity-building efforts are vital for strengthening judicial systems, law enforcement, and other institutions, contributing to a more conducive environment for the protection of human rights and combating corruption.

These provisions reflect the interconnectedness between anti-corruption measures and the realization of human rights.

2.5 Integrating a Human Rights-Based Approach

'A human rights based approach to anti-corruption means putting the international human rights entitlements and claims of the people (the 'right-holders') and the corresponding obligations of the State (the 'duty-bearer') in the centre of the anti-corruption debate and efforts at all levels, and integrating

⁶⁸ See: OHCHR, 'Recommended Principles on Human Rights and Asset Recovery' (March 2022) <https://www.ohchr.org/sites/default/files/2022-03/OHCHR-RecommendedPrinciplesHumanRightsAssetRecovery_0.pdf> accessed July 15 2023

*international human rights principles including non- discrimination and equality, participation and inclusion, accountability, transparency, and the rule of law.*⁶⁹

As part of the UN program for reform launched in 1997, Secretary-General Kofi Annan emphasized the necessity of integrating human rights into all activities and programs across the entire UN system, while still adhering to each entity's respective mandates. 'A major task for the United Nations, therefore, is to enhance its human rights program and fully integrate it into the broad range of the Organization's activities.'⁷⁰ This led to the development of the Human Rights-Based Approach (HRBA), which serves as a fundamental framework underpinning the UNs' efforts to promote and protect human rights worldwide.

The HRBA approach places the principles and norms of international human rights law at the centre of the design, implementation, monitoring, and evaluation of policies, programs, and development initiatives within UN programs. It ensures that human rights are at the core of all activities, with a focus on respecting, protecting, and fulfilling the rights of all individuals, without discrimination.⁷¹ There is no one-size-fits-all solution for implementing a human rights-based approach. However, UN agencies have collectively identified key essential attributes in the 2003 Common Understanding on Human Rights-Based Approach to Development Cooperation.⁷² Based on these common understanding, key HRBA principles include universality and indivisibility, equality and non-discrimination, participation and inclusion, accountability and rule of law, and empowerment.

UNODC recognizes that promoting and protecting human rights is an integral part of addressing corruption, crime, and the rule of law.⁷³ In practice, UNODC incorporates human rights considerations into its work on providing technical assistance and advancing the rule of law.⁷⁴

⁶⁹ OHCHR, 'The Human Rights Case against Corruption' (November 2013) (note 15) p.5

⁷⁰ Kofi Annan, 'Renewing the United Nations: a programme for reform. Report of the Secretary-General', p.14 July 1997 A/51/950, 26 <<https://digitallibrary.un.org/record/243753?ln=en>> accessed 5 July 2023

⁷¹ UNSDG, 'Human Rights-Based Approach' <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> accessed 4 July 2023.

⁷² UNSDG, 'The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies' <https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf> accessed 4 July 2023

⁷³ UNODC Central America and the Caribbean, 'The United Nations Convention against Corruption' (note 61)

⁷⁴ UNODC, 'UNODC and the Promotion and Protection of Human Rights' (2012) <https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Human_rights_position_paper_2012.pdf> accessed 8 July 2023

2.6 A Comprehensive Approach to Combat Corruption

While the UNCAC primarily enforces anti-corruption norms through criminal justice frameworks, prevention measures, technical assistance, and international cooperation,⁷⁵ it is essential to recognize that these approaches may not fully address the complexities of corruption.

The criminal justice approach assumes harm to the State and its public due to individual corrupt acts, like a government official's bribe acceptance or fund embezzlement.⁷⁶ While effective in dealing with specific offences, the criminal approach overlooks corruption's collective and systemic impacts. On the other hand, the HRBA highlights the State's failure to protect the public from corruption and the necessity to redress victims. The individuals hold rights, and States must ensure rights' respect, fulfilment, and protection.

The HRBA to combat corruption complements criminal justice by centring victims, underscoring corruption's adverse effects on individuals thus amplifying awareness of human rights violations due to corrupt practices, potentially empowering and engaging victims as active participants in addressing this issue.⁷⁷

Transparency and participation hold pivotal roles in the HRBA, aligning with UNCAC's Articles 5 and 13. The HRBA prioritizes non-discrimination, acknowledging that marginalized groups suffer disproportionately from corruption's consequences. Seeking equity it ensures universal protection against corruption, regardless of background or status. Moreover, the approach underscores preventive measures, recognizing the potential for corruption to trigger human rights violations, thereby prompting proactive State actions aligned with UNCAC's Article 34, aimed at mitigating corruption's harmful impacts. In addition, incorporating a HRBA into the fight against corruption also opens up opportunities for increased involvement of various actors like CSOs and individuals.⁷⁸

⁷⁵ UNODC, Technical Guide to the United Nations Against Corruption' (July 2009) <https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf> accessed 7 July 2023

⁷⁶ UNODC, 'Module 7: Corruption and Human Rights' (note 14) p.26

⁷⁷ B. Rothstein and A. Varraich, *Making Sense of Corruption* (note 43) p.64

⁷⁸ K. Davis, 'Corruption as a Violation of International Human Rights: A Reply to Anne Peters' (note 16) p.1294–1295

2.7 UN Common Position on Corruption

In August 2020, the document titled ‘UN Common Position to Address Global Corruption - Towards UNGASS 2021’ was published, serving as a significant milestone in the UN's approach to combating corruption. This important document emphasizes that ‘recommendations touching on corruption generated through other forums, including in the UPR Mechanism of the HCR and its special procedures, as well as the UN Human Rights Treaty Bodies, should also be taken into account when delivering technical assistance.’⁷⁹

Furthermore, the UN system recognizes the interconnected nature of corruption, political instability, economic development, and human rights. The document states that:

‘The UN system recognizes that corruption, political instability, economic development and human rights are interconnected. It will reinforce efforts to convene regular, thematic meetings, debates and discussions regarding the challenges faced by Member States in the prevention of, and fight against, corruption through inter-governmental bodies such as the General Assembly, Security Council, the Economic and Social Council, the Peacebuilding Commission, the HCR and the Conference of the States Parties to the UNCAC and its subsidiary bodies.’⁸⁰

A year later, in June 2021, the Special Session of the UN General Assembly Against Corruption took a significant step forward in the global fight against corruption by adopting the Political Declaration titled ‘Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation’⁸¹.

The UN Common Position advocates for a synergistic approach that transcends traditional silos, urging UN entities and member states to work together on tackling corruption and promoting human rights in tandem. Key elements of the UN Common Position include promoting transparency, accountability, and good governance as crucial tools in combating corruption. The document also advocates for the protection of whistleblowers/reporting persons⁸², who play a vital role in exposing corrupt practices and safeguarding human rights.

⁷⁹ UN, ‘The UN Common Position to Address Global Corruption. Towards UNGASS 2021’ (note 15) p.8-9

⁸⁰ *ibid* p.7

⁸¹ Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation, adopted 2 June 2021, UNGA Res S-32/1

⁸² *ibid* p.9(30)

Additionally, it emphasizes the importance of engaging civil society and empowering marginalized groups in the fight against corruption.⁸³

By providing this comprehensive framework, the UN Common Position serves as a resource for guiding member states and UN bodies in their efforts to address corruption effectively and promote human rights globally. This collaborative approach fosters synergy between various UN entities and maximizes the impact of anti-corruption measures. It reinforces the notion that fighting corruption is not only a matter of law enforcement and governance but also a fundamental human rights issue that requires collective action and cooperation at all levels.

2.7.1 OHCHR's Vital Role in Advancing the UN Common Position on Corruption

In alignment with the UN Common Position, OHCHR actively engages in combatting corruption and promoting human rights through two complementary workstreams.

Firstly, OHCHR endeavours to ensure that all anti-corruption efforts and responses are fully consistent with international human rights obligations. By integrating a victim-centred approach, OHCHR aims to prioritize the protection and well-being of individuals and communities impacted by corrupt practices. Victims of corruption often face human rights violations, and OHCHR seeks to safeguard their rights and provide them with appropriate support and redress.⁸⁴

Secondly, OHCHR conducts investigations into the adverse effects of corruption on human rights, with a specific focus on Economic, Social, and Cultural rights. Through this investigative work, OHCHR seeks to identify areas where corruption disproportionately impacts vulnerable and marginalized groups, hindering their access to basic needs such as education, health care, housing, and clean water.⁸⁵

Furthermore, OHCHR places significant emphasis on providing redress and reparations to victims of human rights violations caused by corrupt practices. Recognizing the importance of accountability and restorative justice, OHCHR works towards ensuring that those affected

⁸³ *ibid* p.7(21)

⁸⁴ OHCHR, 'Corruption and Human Rights' (note 28)

⁸⁵ *ibid*

by corruption receive appropriate remedies and measures to address the harm they have endured.

In conclusion, OHCHR's comprehensive approach to corruption and human rights underscores the interlinkages between these issues and plays a vital role in advancing the UN Common Position on Corruption and Human Rights.

3. A Comparative Analysis of the UNCAC Implementation Review Mechanism and the Universal Periodic Review

In the realm of the UN, the primary mechanism established to address corruption is the IRM. However, it is crucial to recognize that other review mechanisms within the UN fora, such as the UPR⁸⁶ and the mechanism of the Treaty bodies and the Special Procedures, also possess the capacity to address corruption-related issues. This chapter, presents the strengths and weaknesses of the IRM and the UPR and delves into the compelling rationale for considering both in tandem to effectively address and confront corruption challenges. By examining the synergies between these mechanisms, we aim to highlight the benefits of submitting complaints to both mechanisms and advocate for a comprehensive and collaborative approach to combating corruption at the UN level.

3.1 Background Information and Scope

3.1.1 UPR

The UPR was established by the UN General Assembly in 2006 through resolution 60/251, coinciding with the creation of the HRC. Its mandate states to ‘undertake a universal periodic

⁸⁶ ‘Moreover, it is recommended that examination of the issue of corruption as a possible cause for human rights violations be integrated into the universal periodic review. According to Human Rights Council resolution 5/1 and the provisions on the universal periodic review mechanism, the universal periodic review process provides the opportunity for each State to provide information about actions it has taken to fulfil its human rights obligations and to improve its human rights situation. In the universal periodic review process, particular attention could be given to the question of whether, and to what extent, human rights violations in various States are consequences of corruption. Furthermore, actions against corruption, as means of improving the general enjoyment of human rights, could be included in the universal periodic review’

HRC Advisory Committee, ‘Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights’

(January 2015) A HRC 28 (73) p.16 (53)

<<https://www.ohchr.org/en/documents/reports/final-report-human-rights-council-advisory-committee-issue-negative-impact>> accessed 30 March 2023

review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States.’⁸⁷

The UPR assesses human rights records of all 193 UN Member States every four and a half years through 14 sessions per cycle. The current 4th cycle spans 2022 to 2027⁸⁸, following the 1st (2008-2011)⁸⁹, 2nd (2012-2016)⁹⁰, and 3rd (2017-2022)⁹¹ cycles. It promotes transparency, dialogue, and cooperation, urging countries to address human rights issues.⁹²

The UPR's functions were outlined in HRC Resolution 5/1⁹³ and HRC Decision 6/102⁹⁴, with further amendments in HRC Resolution 16/21⁹⁵ and HRC Decision 17/119⁹⁶ following a comprehensive review. The Key UPR objectives are:

1. States declare measures for enhancing human rights and addressing implementation challenges.
2. Peer reviews by UN Member States through interactive dialogue to assess human rights performance.
3. Involvement of civil society, NGOs, and community groups to combat corruption and raise awareness.
4. Strengthening international cooperation by sharing best practices and challenges.⁹⁷

UPR's comprehensive review covers civil, political, economic, social, and cultural rights. It assesses adherence to obligations in documents like the UN Charter, UDHR, ratified human rights treaties, national policies, and relevant international humanitarian law.⁹⁸

⁸⁷ Human Rights Council, adopted 3 April 2006, UNGA Res 60/251

⁸⁸ OHCHR, ‘4th Cycle’ <<https://www.ohchr.org/en/hr-bodies/upr/uprcycle4>> accessed 4 July 2023

⁸⁹ OHCHR, ‘1st Cycle’ <<https://www.ohchr.org/en/hr-bodies/upr/uprcycle1>> accessed 4 July 2023

⁹⁰ OHCHR, ‘2 Cycle’ <<https://www.ohchr.org/en/hr-bodies/upr/uprcycle2>> accessed 4 July 2023

⁹¹ OHCHR, ‘3rd Cycle’ <<https://www.ohchr.org/en/hr-bodies/upr/uprcycle3>> accessed 4 July 2023

⁹² For more information see: HRC, ‘Universal Review Mechanism’ <<https://www.ohchr.org/en/hr-bodies/upr/upr-main>> accessed 20 May 2023

⁹³ Institution-building of the United Nations Human Rights Council, adopted 18 June 2007, HRC Res 5/1

⁹⁴ General Guidelines for the Preparation of the Information Under The Universal Periodic Review, adopted 20 September 2007, HRC Dec 6/102

⁹⁵ Review of the work and functioning of the Human Rights Council, adopted 12 April 2011, HRC Res 16/21

⁹⁶ Follow-up to the Human Rights Council resolution 16/21 with regard to the universal periodic review, adopted on 19 July 2011, HRC Dec 17/119

⁹⁷ Institution-building of the United Nations Human Rights Council (note 116)

⁹⁸ HRC, ‘Universal Review Mechanism’ (note 92)

3.1.2 IRM

In 2003, when the UNCAC was adopted, no specific review mechanism was initially established. However, following advocacy from civil society, during the UNCAC Conference of States Parties (CoSP3) in 2009, held in Doha⁹⁹, resolution 3/1¹⁰⁰ was successfully adopted, marking the formulation of the review mechanism's Terms of Reference¹⁰¹. The Implementation Review Group (IRG)¹⁰², was subsequently established as a specialized oversight body responsible for facilitating and overseeing the review process.

The UNCAC's review mechanism (IRM) is designed to strengthen the implementation of the convention and foster a more comprehensive, collaborative, and result-oriented approach to address corruption challenges globally. This involves periodic peer reviews of the 189 States parties, conducted in a five-year cycle. The first cycle (2010–2015) tackled criminalization, law enforcement (chapter III), and international cooperation (chapter IV). The ongoing second cycle (2015-2020) addresses preventive measures (chapter II) and asset recovery (chapter V), extended until June 2024 due to delays.¹⁰³

The guiding principles established through Resolution 3/1¹⁰⁴ are:

- ❖ Transparent, efficient, non-intrusive, inclusive and impartial;
- ❖ Non-adversarial and non-punitive, without any form of ranking;
- ❖ Opportunities to share good practices and challenges;
- ❖ Technical, promoting constructive collaboration; and
- ❖ Complements existing international and regional review mechanisms.

⁹⁹ R. Cássia Biason and others, 'The role of civil society in the UNCAC review process. Moving beyond compliance?' (U4 Anti-Corruption Resource Centre at Chr. Michelsen Institute 2013) p. V
<<https://www.u4.no/publications/the-role-of-civil-society-in-the-uncac-review-process-moving-beyond-compliance.pdf>> accessed 10 July 2023

¹⁰⁰ Review Mechanism, adopted November 2009, COSP Res 3/1

¹⁰¹ Terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (Anex Res 3/1) CoSP 2009
<<https://www.unodc.org/documents/treaties/UNCAC/COSP/session3/V1051985e.pdf>> accessed, 7 July 2023

¹⁰² UNODC, 'Implementation Review Group'

<<https://www.unodc.org/unodc/en/corruption/IRG/implementation-review-group.html>> accessed, 7 July 2023

¹⁰³ UNCAC Coalition, 'UNCAC Review Mechanism'

<<https://uncaccoalition.org/uncac-review/uncac-review-mechanism/>> accessed 6 July 2023.

¹⁰⁴ Review Mechanism (note 109)

The IRM encourages international collaboration, offering a platform for States parties to exchange approaches in fighting corruption.¹⁰⁵

3.2 Review Process and Civil Society Participation

3.2.1 UPR

The UPR is a peer review process where countries undergo assessments conducted by other State parties, with the involvement and support from civil society. ‘It is the first time that the protection and promotion of human rights is not an “internal affair” in any country in the world, and that all states are reviewed equally.’¹⁰⁶

The UPR Working Group, comprising 47 HRC members, conducts the reviews. However, any UN Member State can engage in discussions. To ensure fairness, each review is assisted by a *troika* of three States as rapporteurs, chosen through a lottery after General Assembly elections.¹⁰⁷

According to Resolution 5/1, the review process relies on three comprehensive reports highlighting progress and challenges in human rights protection within the respective country. The reviews are founded on three primary sources of information:

1. A national report no longer than twenty pages provided by the State under review, presenting its own perspective on the human rights situation within its borders.
2. A compilation of reports from the human rights treaty bodies¹⁰⁸, the Special Procedures – independent human rights experts and groups¹⁰⁹, and other UN entities, offering additional insights and assessments of the human rights landscape, prepared by OHCHR. The document may not exceed ten pages.
3. Information from various stakeholders, including national human rights institutions and non-governmental organizations, ensures a comprehensive and nuanced

¹⁰⁵ See more at: UNODC, ‘Implementation Review Mechanism’

<<https://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html>> accessed 6 July 2023.

¹⁰⁶ Federal Ministry Republic of Austria, ‘Universal Periodic Review (UPR)’

<<https://www.bmeia.gv.at/en/european-foreign-policy/human-rights/universal-periodic-review-upr/>> accessed 2 July 2023

¹⁰⁷ For more information see: OHCHR, ‘Basic Facts About the UPR’

<<https://www.ohchr.org/en/hr-bodies/upr/basic-facts>> accessed 3 July 2023.

¹⁰⁸ OHCHR, ‘Instruments and Mechanisms’ <<https://www.ohchr.org/en/instruments-and-mechanisms>> accessed 10 July 2023.

¹⁰⁹ OHCHR, ‘Special Procedures’ <<https://www.ohchr.org/en/special-procedures-human-rights-council>> accessed 10 July 2023.

understanding of the human rights landscape.¹¹⁰ All submissions are summarized by OHCHR in a document not longer than ten pages.

During a UPR Working Group meeting, which lasts for three hours and thirty minutes, any UN Member State can participate by raising questions, offering comments, and providing recommendations to the State under review. To ensure a well-organized dialogue, the troikas, may consolidate issues or questions to be presented to the State under review.¹¹¹

During the UPR sessions, only States are allowed to directly ask questions or provide recommendations to the State under review, making it an inter-governmental process. CSOs cannot intervene directly; instead, they must collaborate with a State to raise questions or propose recommendations on their behalf to the State under review.

After the Working Group session, a designated half-hour timeframe is allocated to adopt the outcome reports for the reviewed States. This adoption process occurs no sooner than 48 hours after the country review. During this period, the reviewed State can provide preliminary comments on the recommendations and decide whether to accept or note them. Both accepted and noted recommendations are included in the final report.

Following the formal adoption of the report, there is a two-week window during which States can make editorial modifications to their own statements in the report. After this, the report undergoes another adoption process at a plenary session of the HRC. During this session, the State under review has the opportunity to respond to any outstanding questions or issues that were not adequately addressed during the Working Group session. The State can also address the recommendations raised by other States during the review process.¹¹²

The plenary session also allows member and observer States to express their opinions on the review's outcome. Additionally, National Human Rights Institutions (NHRIs), CSOs, and

¹¹⁰ OHCHR, 'Basic Facts About the UPR' (note 107)

¹¹¹ *ibid*

¹¹² A Conscientious Objector's Guide to the International Human Rights System, 'Universal Periodic Review (UPR)' <<https://co-guide.info/mechanism/universal-periodic-review-upr>> accessed 10 July 2023.

other stakeholders can make general comments during this session, ensuring a comprehensive and inclusive approach.¹¹³

It is essential to note that States under Review cannot technically reject UPR recommendations. Instead, they can indicate which recommendations enjoy the State's *support* and which ones are *noted*. When a recommendation enjoys the State's support, it implies a political commitment to implement that recommendation before the next review. However, even if a recommendation is noted, the State can still choose to implement it at a later stage.¹¹⁴ During the first UPR cycle, approximately nineteen percent of noted recommendations were eventually implemented, underscoring the importance of ongoing dialogue with States about noted recommendations. The UPR mechanism is designed to ensure that no human rights issue or concern is dismissed, fostering continuous engagement and improvement.¹¹⁵

Through the UPR, both States and civil society actively contribute to promoting and safeguarding human rights worldwide. CSOs have harnessed the power of the UPR to foster coordination among themselves, exemplified by their proactive approach of formulating joint submissions before the review and diligently following up on recommendations.¹¹⁶ For CSOs, the mechanism provides a non-confrontational and constructive framework for state engagement which can lead to positive change on the ground.¹¹⁷

3.2.2 IRM

As per the terms of reference, each State party undergoes review by two peer countries, one of which belongs to the same regional group. As in the UPR, the selection of these peers is determined through a drawing of lots at the commencement of each year within the review

¹¹³ OHCHR, 'Information and guidelines for relevant Stakeholders on the Universal Periodic Review Mechanism' <<https://www.ohchr.org/sites/default/files/HRBodies/UPR/Documents/TechnicalGuideEN.pdf>> accessed 10 July 2023

¹¹⁴ UPR.info, 'Follow-up to the Universal Periodic Review. Information for NGOs' p.1 <https://www.upr.info/sites/default/files/documents/2015-01/upr_info_fs4_follow-up_e.pdf> accessed 10 July 2023

¹¹⁵ *ibid* p.1

¹¹⁶ D. Moeckli and others, *International Human Rights Law*, (Oxford university press 4th edition 2022) p.389

¹¹⁷ UPR.info, 'The Butterfly Effect. Spreading good practices of UPR implementation' <https://www.upr-info.org/sites/default/files/documents/2016-11/2016_the_butterfly_effect.pdf> accessed 15 July 2023

cycle. The IRG ensures effective functioning and UNODC, the secretariat of the convention, also plays a prominent role in facilitating and supporting the reviews.

The review process involves several key steps, including the nomination of a focal point for the review by the State Party under examination. Subsequently, the country under review completes a self-assessment checklist to evaluate its implementation of the UNCAC. The selected two peer countries' experts then conduct an in-depth review, including desk research on relevant legal texts and other related matters beyond the self-assessment checklist.

The evaluation of the country's UNCAC implementation is done through direct dialogue, which commonly involves conducting a joint meeting or, in the majority of cases, country visits. Following the assessment, the experts' team compiles a final country review report, which is then subject to a consensus-based process with the country under review to ensure accuracy and mutual agreement.¹¹⁸

Most countries have finished their reviews in the 1st cycle, with corresponding executive summaries published by UNODC.¹¹⁹ While the 1st cycle encountered significant delays, the 2nd cycle has faced more severe setbacks, leading to an extension by three years until June 2024. The IRM performance report presented at the 9th CoSP Session¹²⁰ underscores persistent delays in the 2nd cycle reviews. As of October 2021,¹²¹ only 57 executive summaries (less than one-third of the total) and 32 country review reports in the 2nd cycle have been completed.

In the IRM procedure, civil society involvement is not mandatory at any stage, but civil society actors may be invited or approved by the domestic government to participate in the national-level review process.¹²² However, civil society's role in combating corruption is widely acknowledged globally, as stated in the Preamble of the UNCAC:

¹¹⁸ See: UNODC, 'Country Profiles' <<https://www.unodc.org/unodc/en/corruption/country-profile/index.html>> accessed 10 July 2023

¹¹⁹ *ibid*

¹²⁰ Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, 28 September 2021, CoSP 2021/2 <https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-2/V2107189_E.pdf> accessed 10 July 2023.

¹²¹ Gilfillan C. 'The Way Forward: Ensuring an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism' (UNCAC Coalition 2022) p.13

<<https://uncaccoalition.org/wp-content/uploads/Final-IRM-Report-September-2022.pdf>> accessed 10 July 2023.

¹²² R. Cássia Biason and others, 'The role of civil society in the UNCAC review process. Moving beyond compliance?' (note 99) p.V

‘the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts in this area are to be effective.’¹²³

Article 13 of the convention explicitly calls for civil society's participation, but the level of involvement may vary depending on domestic law principles:

‘Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.’¹²⁴

Additionally, Resolution 8/2 adopted at CoSP8 emphasizes the importance of cooperation with individuals and groups outside the public sector in the prevention and eradication of corruption. It notes the efforts by States to promote active participation and encourages comprehensive national consultations involving all relevant stakeholders during the development of the self-assessment checklist.¹²⁵ Furthermore, States are advised to facilitate meaningful engagement with stakeholders throughout the country visit. However, the extent of stakeholder involvement during the review process ultimately depends on the country under review.¹²⁶

The CoSP engages with CSOs through informational sessions held in conjunction with the IRG gatherings. Additionally, CSOs are invited to provide updates either to the Conference or the Review Group, individually or collectively. These updates highlight their initiatives and contributions to implementing the resolutions and decisions endorsed by the Group. This includes addressing technical assistance requirements and enhancing their capacity to

¹²³ United Nations Convention Against Corruption (note 57) p.6

¹²⁴ *ibid* p.15

¹²⁵ Celebrating the tenth anniversary of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, adopted december 2019, CoSP Res 8/2

¹²⁶ Gilfillan C. ‘The Way Forward: Ensuring an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism’ (note 121) p.12

effectively execute the UNCAC. Under the procedural regulations of the CoSP,¹²⁷ CSOs have the potential to obtain observer status, which allows them to make oral statements or submit written reports on topics aligned with their missions.¹²⁸ However, this requires an invitation and confirmation from the Conference.¹²⁹

While CSOs have been actively advocating for greater inclusion in the IRM, they are currently unable to attend working group sessions and experts meetings as observers, despite the significant implications these discussions have on their work.¹³⁰

3.3 Transparency

3.3.1 UPR

The Universal Periodic Review process emphasizes transparency and accountability through various means:

Firstly, the UPR ensures transparency by live-streaming the interactive dialogue between the State under review and other UN Member States on the UN Web-TV platform.¹³¹ This practice allows the international community, CSOs, and stakeholders to observe the review process in real time and access information on the state's human rights situation.

Secondly, the HRC compiles country profiles that contain relevant documents pertaining to the State under review. These country profiles are made available on the website ten weeks before the start of the UPR working group. The information in these profiles is based on inputs from the State under review, reports from independent human rights experts and

¹²⁷ UNODC, 'Rules of Procedure for the Conference of the States Parties to the United Nations Convention against Corruption' (2007) Rule 17
<https://www.unodc.org/documents/corruption/Publications/MainPublications/RulesOfProcedure/07-80230_Ebook.pdf> accessed 10 July 2023

¹²⁸ UNODC, 'Guidance note on the participation of representatives of non-governmental organizations in sessions of the Conference of the States Parties to the United Nations Convention against Corruption and its subsidiary bodies' (October 2019)
<https://www.unodc.org/documents/treaties/UNCAC/COSP/session8/Guidance_note_participation_of_NGOs_in_COSP_and_subsiary_bodies.pdf> accessed 10 July 2023

¹²⁹ R. Cássia BIASON and others, 'The role of civil society in the UNCAC review process. Moving beyond compliance?' (note 99) p.4

¹³⁰ UNCAC Coalition, 'UNCAC – Key Documents and Resources'
<<https://uncaccoalition.org/the-uncac/uncac-key-documents-and-ressources/>> accessed 10 July 2023

¹³¹ HRC, 'UN Web TV' <<https://media.un.org/en/search/categories/meetings-events/human-rights-council>> accessed 12 July 2023

groups (such as Special Procedures and human rights treaty bodies), and contributions from other stakeholders, including CSOs and national human rights institutions.¹³² Following the review, the recommendations are shared, and the Universal Human Rights Index consolidates these recommendations in a centralized and easily accessible database.¹³³ This index further promotes transparency, accountability, and inclusivity.

3.3.2 IRM

Similar to the UPR, all country signatories to the UNCAC have a country profile available on the UNODC website.¹³⁴ However, the level of information published in these country profiles varies.

The IRM requires all States parties to publish the final executive summaries for each completed review. These summaries provide an overview of the review process and its outcomes. However, executive summaries often lack detailed information regarding stakeholder engagement during country reviews.¹³⁵

Encouragement is given to States parties to assert their sovereign right to publish their full review reports or specific sections. However, this is not mandatory, and as of October 2021, only approximately fifty percent of the country reviews conducted during the first cycle and merely twenty states in the second cycle have chosen to publish their full reports¹³⁶ hindering the ability to hold states accountable and raising concerns about the overall transparency of the process.¹³⁷ A UNODC report on the performance of the IRM highlights that during the 2nd review cycle, an overwhelming 97% of country visits reportedly involved meetings with

¹³² OHCHR, 'Documentation by Country Profile' <<https://www.ohchr.org/en/hr-bodies/upr/documentation>> accessed 12 July 2023

¹³³ OHCHR, 'Universal Human Rights Index' (note 8)

¹³⁴ UNODC, 'Country Profiles' (note 118)

¹³⁵ Gilfillan C. 'The Way Forward: Ensuring an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism' (note 121) p.37

¹³⁶ IFES, 'Piercing the veil using peer reviews in the fighting against corruption' (Jun 2021) p.19 <https://www.ifes.org/sites/default/files/migrate/ifes_inl_ceeli_piercing_the_veil_using_peer_reviews_in_the_fight_against_corruption_june_2021.pdf> accessed 10 July 2023

¹³⁷ Gilfillan C. 'The Way Forward: Ensuring an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism' (note 121) p.39

‘other stakeholders.’¹³⁸ However, the report did not provide any additional information or details clarifying who are the other stakeholders.¹³⁹

Unlike the Universal Human Rights Index, there is currently no dedicated database containing comprehensive information related to the IRM. While the executive summaries for each review are available on the UNODC website, the information is not presented in an easily researchable format.

The issue of transparency has also been a subject of discussion due to concerns about confidentiality requirements. Some have cited these requirements as the main reason for excluding civil society from the Self-Assessment exercise and withholding the results until they are seen by the reviewers. However, this perspective arises from a misinterpretation of certain provisions in the IRM terms of reference.¹⁴⁰ The first provision, paragraph 31, states that ‘[t]he reviewing States parties and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process.’¹⁴¹ Similarly, paragraph 37 mentions that ‘[t]he country review reports shall remain confidential.’¹⁴² It is essential to clarify that paragraph 37 specifically refers to the country review report and not the Self-Assessment checklist. In contrast, paragraph 28¹⁴³ actually supports consultations with all relevant stakeholders, including civil society, in responding to the Self-Assessment checklist. This indicates that there is room for transparency and engagement from civil society during this phase of the review process.¹⁴⁴

¹³⁸ UNODC, ‘Performance of the Review of the Mechanism for the Review of the Implementation of the United Nations Convention against Corruption’ (28 September 2021) p.10
<https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-2/V2107189_E.pdf> accessed 10 July 2023

¹³⁹ Gilfillan C. ‘The Way Forward: Ensuring an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism’ (note 121) p.2

¹⁴⁰ UNODC, ‘Mechanism for the Review of Implementation of the United Nations Convention against Corruption - Basic Documents’ (2011)
<https://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism_for_the_Review_of_Implementation_-_Basic_Documents_-_E.pdf> accessed 12 July 2023

¹⁴¹ *ibid* p.9

¹⁴² *ibid* p.10

¹⁴³ *Ibid* p. 9

¹⁴⁴ R. Cássia Biason and others, ‘The role of civil society in the UNCAC review process. Moving beyond compliance?’ (note 99) p.14

Regarding the country review report, the requirement in paragraph 37 that it ‘remains confidential’ may seem to conflict with paragraph 38¹⁴⁵, which encourages the State party under review to exercise its sovereign right to publish its country review report or a part thereof. This suggests that while confidentiality is emphasized during the review process, States are encouraged to assert their autonomy in deciding whether to publish their review reports.

Moreover, crucial details concerning the review process, such as updated timetables, country visit schedules, and contact information for UNCAC focal points and country reviewers, are not disclosed. However, there is some public information available about the general timing for a country's review under UNCAC through the IRM information page. This information provides a high-level annual schedule of planned review cycles, but it lacks precise timetables, and there may be delays in country reviews due to unforeseen circumstances.¹⁴⁶

In conclusion, the scheduling and the decision to publicize country reviews rest entirely in the hands of the countries undergoing the review. These countries are not obliged to disclose when their evaluation will transpire or any associated site visits. The decision to have a site visit from reviewers is optional and depends on the preferences of the country under review. Additionally, there is no mandatory requirement for the involvement or consultation with non-state actors during the review process; this is also left to the discretion of the country under review.¹⁴⁷

3.4 Follow-Up

3.4.1 UPR

Once the review is complete, the HRC creates a report that encompasses all generated proposals, which the state being reviewed may consider as supported or noted. In the following review cycle, the primary focus is the evaluation of carrying out the supported recommendations. The responsibility of implementing the recommendations mainly rests on the State.¹⁴⁸ During the following review cycle, the States are asked to disclose their strategies and actions undertaken to carry forward the suggestions presented during the initial

¹⁴⁵ UNODC, ‘Mechanism for the Review of Implementation of the United Nations Convention against Corruption - Basic Documents’ (note 140) p.10

¹⁴⁶ R. Cássia BIASON and others, ‘The role of civil society in the UNCAC review process. Moving beyond compliance?’ (note 99) p. 28

¹⁴⁷ IFES, ‘Piercing the veil using peer reviews in the fighting against corruption’ (note 136) p. 20

¹⁴⁸ OHCHR, ‘Basic Facts About the UPR’ (note 107)

review as well as any progressive developments in the human rights front. The global community extends its support in facilitating the realization of these recommendations, especially in areas demanding capacity-building and technical support. The Council stands ready to deal with situations where States show little to no cooperation. If a State refuses to work with the UPR, the HRC will devise necessary steps¹⁴⁹ to deal with the consistent non-compliance by a State towards the UPR.

As a form of consistent review, States are urged to submit an interim report detailing the progression of UPR recommendation execution to the HRC. This creates an added window for lobbying and gives CSOs an opportunity to provide feedback in the form of a written report to the HRC.¹⁵⁰

3.4.2 IRM

The unveiling of the executive summary, and the full report, should a country allow it, signifies the culmination of the review process. There is no mandatory or conceptualized further discussion at the UNCAC fora. The implementation of a defined follow-up process could allow the IRM to effectively address shortcomings in UNCAC implementation and carefully track progress made in enhancing corruption prevention measures. According to the views of States parties on the performance of the IRM: ‘[t]he States parties noted that it was essential to follow up on the implementation of recommendations made by governmental experts of reviewing States parties, but that the IRM lacked appropriate measures to urge States parties to rectify shortcomings identified by reviewing experts.’¹⁵¹

3.5 Unifying Forces: Leveraging the UPR and IRM

The simultaneous consideration of the UPR and the IRM presents a compelling rationale for a comprehensive and collaborative approach to effectively address and confront corruption challenges at the UN level. While the IRM is a critical tool in combating corruption, there are

¹⁴⁹ HRC, ‘Report of the Human Rights Council on its seventh organizational meeting’ (4 April 2013) <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/OM/7/1> accessed 12 July 2023

¹⁵⁰ Geneva Academy, ‘Research Brief: The Universal Periodic Review Mid-Term Reporting Process_ Lessons for the Treaty Bodies’ p. 1

<<https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20Universal%20Periodic%20Review%200.pdf>> accessed 29 August 2023

¹⁵¹ Views of States parties on the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, 11 October 2021, CoSP 2021/4 40(6)

certain loops in its transparency, civil society participation and accountability that can be covered by also leveraging the UPR.

By highlighting the following benefits of submitting complaints to both, civil society can promote a more transparent and accountable governance system:

- ❖ *Leveraging the UPR's Civil Society Engagement*: one of the key strengths of the UPR is its robust civil society engagement. CSOs play a pivotal role in providing valuable inputs, raising concerns, and advocating for human rights protection during the UPR process. In contrast, civil society does not have the same level of engagement in the IRM. By participating in the UPR, anti-corruption civil society groups can utilize this platform to present their findings, data, and evidence related to corruption issues. This allows them to advocate for greater transparency, accountability, and stronger anti-corruption measures within the framework of human rights.
- ❖ *Addressing Transparency Gaps*: transparency and accountability are essential in combating corruption effectively. While the UPR process is characterized by its openness and live-streaming of interactive dialogues, the IRM has faced some criticism for its lack of transparency. By submitting complaints and presenting corruption-related information during the UPR, civil society can shine a light on potential transparency gaps in the IRM process. This cross-utilization of mechanisms can encourage greater transparency in the review of anti-corruption efforts and promote best practices.
- ❖ *Maximizing the Impact of Findings*: submitting complaints to both the UPR and IRM can lead to a synergistic effect, where the findings and recommendations from one mechanism can reinforce the other. For example, if the UPR process highlights instances of corruption that hinder the enjoyment of human rights, the IRM can then delve deeper into these issues to assess the effectiveness of anti-corruption measures. Conversely, if the IRM identifies corruption-related challenges, the UPR can amplify these concerns and urge States to take more concerted actions in addressing them.

- ❖ *Advocating for Comprehensive Anti-Corruption Strategies*: by participating in both the UPR and IRM, civil society can advocate for more comprehensive and integrated anti-corruption strategies. Corruption often undermines human rights and good governance, and addressing it requires a multifaceted approach. Combining the UPR's focus on human rights and the IRM's scrutiny of anti-corruption efforts can promote a holistic approach that considers the interplay between corruption and human rights.
- ❖ *Fostering International Cooperation*: the UPR and IRM both involve peer reviews and cooperative dialogue among States. Submitting complaints to both mechanisms can strengthen international cooperation in combating corruption and upholding human rights. When States receive similar recommendations from both mechanisms, they are more likely to take them seriously and implement the suggested measures. This cooperation can lead to collective efforts to tackle corruption challenges globally.

In conclusion, considering both the UPR and IRM in tandem presents a compelling rationale for a comprehensive and collaborative approach to address corruption challenges at the UN level. The joint efforts of both mechanisms can foster a more robust and coordinated global response to combat corruption and protect human rights.

4. Tracing the Trail of Anti-Corruption Efforts in the UPR

This chapter presents an analysis of the UPR recommendations related to anti-corruption issues, starting from its first cycle in 2008 and extending to the 42nd session of the 4th cycle held in February 2023. This period encompasses a total of 98.832 recommendations, both supported and noted by the reviewed State parties. By leveraging the comprehensive data accessible through the Universal Human Rights Index, this research aims to gain deeper insights into the anti-corruption aspects of the UPR recommendations.

The primary objective is twofold: first, to discern patterns, trends, and common anti-corruption themes that emerge from the UPR recommendations, and second, to assess the level of refinement, technicality, and knowledge demonstrated in addressing anti-corruption issues.

To achieve the first objective, the research entails categorizing and classifying the recommendations according to the specific corruption issues they address, encompassing aspects such as bribery, money laundering, asset recovery, and illicit financial flows. Additionally, the study examines the extent to which the UNCAC and other anti-corruption international initiatives are promoted for implementation in the recommendations.

In pursuit of the second objective, the research will delve into the level of technical expertise and knowledge demonstrated in the UPR recommendations related to anti-corruption efforts. This aspect involves evaluating the clarity, precision, and effectiveness of the proposed measures to combat corruption.

4.1 Mapping References to Anti-Corruption Key Terms

The focus of this section revolves around specific key terms present in the UPR recommendations. These key terms were carefully selected and considered for the analysis:

1. *Asset recovery/ non-repatriation of funds*: refers to the process of recovering assets that have been acquired through corrupt practices or other illegal means, and returning such funds to their rightful owners or jurisdictions.¹⁵²
2. *Bribes/bribery*: involves the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of money, gifts, loans, fees, rewards or other advantages.¹⁵³
3. *Corruption*: refers to the abuse of entrusted power for personal gain,¹⁵⁴ leading to a deviation from ethical, moral, and legal standards.
4. *Embezzlement/embezzled*: involves the fraudulent appropriation of funds or assets entrusted to an individual, often in a position of authority or responsibility.¹⁵⁵
5. *Money laundering*: involves concealing the origins of illegally obtained funds to make them appear legitimate, thereby allowing individuals to enjoy the proceeds of crime

¹⁵² International Centre for Asset Recovery, 'Arab Forum on Asset Recovery Guide to the role of civil society organisations in asset recovery' (updated 2020) p. 3

<https://baselgovernance.org/sites/default/files/2020-08/CSOs_Asset_Recovery.pdf> accessed 14 July 2023

¹⁵³ Transparency International UK, 'What is Bribery?'

<<https://www.antibriberyguidance.org/guidance/5-what-bribery/guidance>> accessed 10 July 2023.

¹⁵⁴ Transparency International, 'What is Corruption' (note 2)

¹⁵⁵ Legal Information Institute, 'embezzlement' (Law Cornell)

<<https://www.law.cornell.edu/wex/embezzlement>> accessed July 10 2023

without detection.¹⁵⁶

6. *Whistleblower/reporting person*: relates to individuals who expose or report corruption or other unlawful activities within an organization or government, often at great personal risk.¹⁵⁷

While the UPR recommendations also contain other terms relevant to anti-corruption efforts, such as extortion/extorting money, fair elections, and independence of the judiciary, among others, they have not been included in this particular analysis. By focusing on the six key selected terms, the research aims to provide valuable insights into the prevalence and trends of corruption-related issues addressed within the UPR process.

References to Anti-Corruption Key Terms												
UPR Cycle	Asset recovery/ Non-repatriation of funds		Bribes/bribery		Corruption		Embezzlement / embezzled		Money laundering		Whistleblower / reporting person	
	Noted	Supported	Noted	Supported	Noted	Supported	Noted	Supported	Noted	Supported	Noted	Supported
1st 2008-2011	0	0	0	2	6	103	0	0	0	0	0	1
2nd 2012-2016	0	1	0	1	19	143	1	1	1	6	0	1
3rd 2017-2022	0	0	1	4	18	270	1	0	2	5	0	0
4th (41-42 Session) 2022 - Feb 2023	0	0	0	0	8	26	0	0	0	0	0	0
Sub-Total	0	1	1	7	51	542	2	1	3	11	0	2
Total	1		8		593		3		14		2	

Table 1: References to Anti-Corruption Key Terms in the UPR Recommendations from the 1st Cycle to 42nd Session of the 4th Cycle

4.1.1 Asset recovery/repatriation of funds

Asset recovery and the *repatriation of funds* are crucial pillars of international efforts to combat corruption, ensuring that ill-gotten gains are returned to their rightful owners or

¹⁵⁶ UNODC Romena, 'Money Laundering' <<https://www.unodc.org/romena/en/money-laundering.html>> accessed 10 July 2023

¹⁵⁷ National Whistleblower Center, 'What is a Whistleblower?' <<https://www.whistleblowers.org/what-is-a-whistleblower/>> accessed July 2023

jurisdictions and providing remedies to victims. The ten existing HRC resolutions, ranging from A/HRC/RES/17/23 to A/HRC/RES/52/21¹⁵⁸, tabled until April 2023, underscore the significance of addressing the issue of *asset recovery* and *non-repatriation of funds* within the UN Human Rights fora. Additionally, the OHCHR-recommended principles on Human Rights and Asset Recovery¹⁵⁹ further demonstrate the importance of this issue for the Human Rights agenda.

Having in mind the predominance of this issue at the UN Human Rights fora, it is indeed surprising that the term *repatriation of funds* was mentioned only once in the 2nd cycle of the UPR process. The recommendation directed towards the UK stated, '[s]et up a mechanism to carry out the repatriation of funds of illicit origin and illegally acquired assets to their countries of origin and to ensure cooperation with the requesting states'¹⁶⁰ (supported). While this recommendation displayed a certain level of precision by calling for the establishment of a mechanism, it could have further benefited from referencing Chapter IV of the UNCAC, which solely focuses on asset recovery and provides comprehensive guidelines on best practices for setting up a repatriation of funds framework.

Chapter IV of the UNCAC¹⁶¹ serves as a resource for countries seeking to enhance their asset recovery efforts. It outlines the necessary legal, institutional, and practical measures that can be adopted to ensure effective asset recovery and return. By referencing this chapter in the recommendation, it would have added technical depth and specific guidance to the call for a mechanism, strengthening the overall impact of the recommendation.

This recommendation, put forth during the 2012 UPR process, serves as a testament to the potential of international cooperation and collaborative efforts. The UK not only embraced this recommendation but also translated it into concrete action. In 2022, the UK successfully implemented the Framework for Transparent and Accountable Asset Return¹⁶², showcasing

¹⁵⁸ The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation, HRC Res 52/21, 46/11, 40/4, 34/11, 31/22, 28/5, 25/9, 22/12, 19/38, 17/23

¹⁵⁹ OHCHR, 'Recommended Principles on Human Rights and Asset Recovery' (2022) (note 68)

¹⁶⁰ HRC, 'Report of the Working Group on the Universal Periodic Review. United Kingdom of Great Britain and Northern Ireland' (6 July 2012) A/HRC/21/9 p. 23 110.132

¹⁶¹ United Nations Convention Against Corruption (note 57) p. 42

¹⁶² GoV UK, 'Framework for transparent and accountable asset return' (13 January 2022)

<<https://www.gov.uk/government/publications/framework-for-transparent-and-accountable-asset-return/framework-for-transparent-and-accountable-asset-return>> accessed 30 July 2023

its determination to repatriate funds of illicit origin and illegally acquired assets to their rightful countries of origin.

The implementation of this recommendation by the UK highlights the positive impact that the UPR process can have on fostering real change in the fight against corruption. By heeding the call to establish a mechanism for repatriation, the UK set a commendable example for other nations to follow.

The UK Framework for Transparent and Accountable Asset Return reflects the collaboration of various stakeholders, including government agencies, civil society, and international partners. This positive outcome reaffirms the importance of the UPR as an essential mechanism for promoting transparency, accountability, and effective anti-corruption measures that can have an impact on victims of corruption worldwide.

4.1.2 Bribes/bribery

The term *bribes/bribery* was mentioned a total of 8 times in the recommendations during the UPR process. Interestingly, half of these recommendations focused on *bribery* issues were observed during the 3rd cycle, with 3 recommendations being supported and 1 noted.

Upon analyzing the recommendations related to *bribery*, a noticeable pattern emerges - they tend to be quite broad and lack the necessary refinement and technicality. There is no consistent formulation being used across these recommendations, which can limit their effectiveness in combating corruption effectively. For instance, in the 1st cycle, a recommendation directed at Bosnia and Herzegovina was to ‘[c]ontinue efforts to eliminate bribery and impunity’¹⁶³ (supported). However, this recommendation lacked specific actions and detailed plans, which could have a more substantial impact in addressing corruption challenges.

While the majority of recommendations related to *bribery* within the UPR process have been vague, there are a couple of examples that warrant further consideration. One such recommendation from the 3rd cycle directed at Trinidad and Tobago: ‘[t]ake concrete actions to curb corruption by creating transparent public procurement processes at all levels of

¹⁶³ HRC, ‘Report of the Working Group on the Universal Periodic Review. Bosnia and Herzegovina’ (19 December 2019) A HRC 43/17 p. 16 120.109

government and investigating police officers who take or solicit bribes'¹⁶⁴ (supported). While this recommendation calls for concrete actions and provides tangible steps to combat bribery, it lacks specific guidelines on how to establish transparent public procurement procedures.

A notable recommendation from the 2nd cycle addressed to Palau demonstrates the potential for synergy between mechanisms, as it links the implementation of the IRM.

‘Implement the recommendations under the United Nations convention against Corruption peer review process conducted in April 2015 and in particular review its legal framework to criminalize the bribery of foreign officials and officials of international organizations and pass legislation that allows for the forfeiture of unexplained wealth by public officials’¹⁶⁵(supported).

This recommendation urges Palau to implement the recommendations from the UNCAC peer review process and serves as a prime example of how the UPR can reinforce and monitor the implementation of the IRM, showcasing the interconnectedness of different mechanisms in addressing corruption effectively.

4.1.3 Corruption

The term *corruption* has emerged as a recurring focus within the UPR, with a total of 593 mentions from the 1st cycle to the 42nd Session of the 4th cycle. Notably, the number of references to *corruption* has shown an upward trend from cycle to cycle. In the 1st cycle, it was mentioned 109 times, followed by 146 mentions in the 2nd cycle, and a significant increase to 288 in the 3rd cycle. Even in the 4th cycle, which comprises only 2 sessions, *corruption* has already been referenced 34 times.

Based on this trend, if approximately 17 recommendations containing the term *corruption* are made per Session, we can anticipate that by the end of the 4th cycle, there will be approximately 476 references to this term. This represents a considerable increase compared to previous cycles, indicating the growing recognition of *corruption* as a critical issue that needs to be addressed within the UPR process. This trend of a significant increase in references to *corruption* reflects a collective shift in thinking, recognizing the interlinkages

¹⁶⁴ HRC, ‘Report of the Working Group on the Universal Periodic Review. Trinidad and Tobago’ (20 December 2021) A HRC 49/16 p. 11 108.8

¹⁶⁵ HRC, ‘Report of the Working Group on the Universal Periodic Review. Palau’ (13 April 2016) A HRC 32/11 p. 19 104.59

between corruption and human rights and the importance of synergizing efforts to combat corruption and uphold human rights.

An intriguing observation is the higher percentage of recommendations that have been merely noted in the 4th cycle, reaching 23.5%, in contrast to 5.5% in the 1st cycle, 11.73% in the 2nd cycle, and 6.25% in the 3rd cycle. It is also worth it to mention that six of the eight noted recommendations of the 4th cycle were made to the same country, Guatemala. This rise in noted recommendations in the 4th cycle raises questions about State parties' willingness to address the issue of corruption within the Geneva fora.

The analysis reveals that the recommendations related to anti-corruption issues lack a consistent formulation and often cover a wide range of areas without providing specific levels of technicality on how to effectively tackle corruption. For instance, the recommendation to Azerbaijan to '[c]ontinue efforts to fight corruption'¹⁶⁶(supported) exemplifies the vague and general nature of some recommendations. These broad recommendations do not offer concrete actions, making it difficult to monitor or measure progress in tackling corruption effectively.

While the IRM is mentioned once in the context of bribery, along with the key term *corruption*, there is a missed opportunity to further integrate the IRM when addressing corruption-related issues. The IRM could be better utilized to enhance transparency and accountability in anti-corruption efforts, yet it appears to be underutilized in subsequent references.

19 of the recommendations refer to the development or implementation of National Anti-Corruption Strategies. One commendable example is the recommendation to South Africa in the 4th Cycle, urging them to '[e]nsure that the National Anti-Corruption Strategy receives adequate resourcing and involves all relevant stakeholders'¹⁶⁷(supported). This specific recommendation offers more clarity on the implementation of the National Strategy, emphasizing the importance of sufficient resources and inclusivity among stakeholders to enhance the strategy's effectiveness.

¹⁶⁶ HRC, 'Report of the Working Group on the Universal Periodic Review. Azerbaijan' (11 July 2018) A HRC 39/14 p. 14 140.86

¹⁶⁷ HRC, 'Report of the Working Group on the Universal Periodic Review. South Africa' (6 January 2023) A HRC 52/17 p. 13 143.67

Furthermore, it is worth noting that the term *corruption* is prominently linked to the judiciary, judicial independence, and the need for reforms, with a total of 138 instances in this context. This underscores the critical importance of addressing corruption within the judicial system to ensure fairness, integrity, and adherence to human rights standards during legal proceedings. Corruption within the judiciary can have far-reaching consequences, undermining the very essence of justice and the protection of human rights. As such, it becomes imperative for states to take decisive actions in combatting judicial corruption and strengthening the rule of law to safeguard the rights and freedoms of their citizens.

The analysis of the recommendations highlights the need for improvement in their formulation to enhance the impact of anti-corruption efforts. Currently, many of the recommendations lack specific details and technicality on how to effectively combat corruption. To address this, member states should strive to provide more refined and targeted recommendations, outlining concrete action plans and measurable goals.

Furthermore, Member states should call upon the UNCAC in their recommendations and use the findings and recommendations from the IRM to inform their UPR recommendations, creating a more coordinated and comprehensive approach to tackling corruption.

4.1.4 Embezzlement/embezzled

The analysis reveals a concerning lack of attention to *embezzlement* in the UPR recommendations. With only three mentions in total, and two of them merely noted, the issue of embezzlement appears to be overlooked or inadequately addressed in the UPR process.

Embezzlement of public funds poses a significant obstacle to the provision of public services and the fulfilment of human rights. It diverts resources away from essential programs and services, perpetuating poverty and inequality. As such, recommendations related to *embezzlement* should hold greater prominence in the UPR discussions.

The existing formulation of the recommendations on *embezzlement* also falls short in providing concrete and specific actions to combat this issue effectively. For instance, the recommendation to Liberia to ‘[c]ontinue and increase efforts to reduce impunity for those

responsible for embezzlement of public money'¹⁶⁸ is quite broad and lacks detailed steps on how to address embezzlement comprehensively.

To rectify this, member states and stakeholders involved in the UPR should prioritize crafting more targeted and technical recommendations to address *embezzlement* and call upon UNCAC articles 17 and 22.¹⁶⁹ These recommendations should outline specific measures to increase transparency, accountability, and oversight in public financial management. Additionally, they should address the need for robust legal frameworks and effective enforcement mechanisms to hold those responsible for embezzlement accountable.

4.1.5 Money laundering

The UPR recommendations have referred to *Money laundering* 14 times in both the 2nd and 3rd cycle. However, the absence of any mention in the 4th cycle raises concerns about its ongoing prioritization.

A key observation during the analysis is the broad and general nature of the recommendations related to *money laundering*. They lack specific and detailed actions needed to effectively combat this serious issue, leading to a lack of consistency in their formulation. An example is seen in the first cycle in the vague recommendation to Luxembourg to '[c]ontinue its efforts in combating money laundering and financing of terrorism'¹⁷⁰ (supported). These findings underscored the need for sharpening the formulation of recommendations and consistently addressing money laundering.

It is noteworthy to mention that the UNCAC has been referenced in a recommendation to Panama during the 3rd cycle, providing specific guidelines on how to combat *money laundering* putting emphasis on the importance of the exchange of information. The recommendation encourages Panama to '[i]ntensify the fight against money-laundering by continuing the necessary reforms aimed at strengthening cooperation in the field of exchange of information with States parties to the United Nations Convention against Corruption'¹⁷¹

¹⁶⁸ HRC, 'Report of the Working Group on the Universal Periodic Review. Liberia' (13 July 2013) A HRC 30/4 p. 22 100.153

¹⁶⁹ United Nations Convention Against Corruption (note 57) p. 18-19

¹⁷⁰ HRC, 'Report of the Working Group on the Universal Periodic Review. Luxembourg' (25 March 2013) A HRC 23/10 p. 22 118.76

¹⁷¹ HRC, 'Report of the Working Group on the Universal Periodic Review. Panama' (21 December 2020) A HRC 46/8 p. 14 104.70

(supported). This highlights the potential of leveraging the UNCAC in UPR recommendations to address specific anti-corruption challenges, such as money laundering, in a more targeted and effective manner.

Another recommendation from the 3rd cycle, directed towards Malta, also showcases the potential for integrating various anti-corruption initiatives into the UPR process. The recommendation urges Malta to '[c]omply with the European Union's anti-money-laundering and countering terrorism finance directive'¹⁷²(supported).

The synchronization of implementation efforts with other anti-corruption initiatives, such as the UNCAC and the European anti-money laundering directives, represents a step in the right direction. However, it is crucial to go beyond vague references and offer explicit actions for effective coordination.

By incorporating more specific and actionable measures in UPR recommendations, member states can demonstrate a stronger commitment to combating money laundering. Providing clear guidelines and targets can lead to more effective implementation of anti-corruption efforts, contributing to the global fight against financial crimes and the preservation of human rights and good governance.

4.1.6 Whistleblower/reporting person

The analysis of the UPR recommendations has brought to light a concerning trend regarding the term *whistleblower/reporting person*. Despite their crucial role in combating corruption and promoting human rights, as highlighted in the report 'At the heart of the struggle: human rights defenders working against corruption',¹⁷³ by the Special Rapporteur on the Situation of Human Rights Defenders, Mary Lawlor, this term has only appeared twice since the inception of the UPR in 2008. This lack of emphasis on *whistleblowers* is particularly surprising, given their significance not only in the anti-corruption field but also in various other areas where human rights and good governance are at stake.

¹⁷² HRC, 'Report of the Working Group on the Universal Periodic Review. Malta' (18 December 2018) A HRC 40/17 p. 13 110.34

¹⁷³ Mary Lawlor, Special Rapporteur on the Situation of Human Rights Defenders, 'At the heart of the struggle: human rights defenders working against corruption' (28 December 2021) HRC 49/49

The first recommendation, directed towards Madagascar in the 1st cycle, states:

‘[f]ollow through on recommendations articulated in the recent assessment of anti-corruption efforts undertaken by the Ministry of Justice and United Nations Development Programme, including ensuring the physical safety of anti-corruption officials and whistleblowers and encouraging civil society participation in the judicial reform process. (supported)’¹⁷⁴

This is a step in the right direction by encouraging the follow-through of recommendations provided in the recent assessment of anti-corruption efforts undertaken by the Ministry of Justice and the UN Development Programme. This is a commendable recommendation, but further specifics could be added to enhance its impact. For instance, more detailed measures could be proposed to establish a robust legal framework for *whistleblower* protection, ensuring their anonymity, providing adequate safeguards against retaliation, and setting up mechanisms to encourage reporting of corruption without fear of prosecution or harassment.

The second recommendation, directed towards Vietnam in the 2nd cycle, highlights the importance of adopting a whistleblower law to protect individuals who identify corruption. ‘Adopt a whistleblower law so that those who identify corruption are protected from prosecution or harassment’ (supported),¹⁷⁵ is a crucial step in combatting corruption, as whistleblower protection laws play a critical role in creating an environment where reporting corruption is safe and encouraged.

The notable underrepresentation of *whistleblowers/reporting persons* in UPR recommendations highlights the need for closer examination and greater focus on their protection and empowerment. Strengthening the role of whistleblowers is essential to ensure a more robust and comprehensive approach to advancing human rights issues and combatting corruption effectively.

4.1.7 Remarks

The analysis of key anti-corruption terms in UPR recommendations reveals some concerning

¹⁷⁴ HRC, ‘Report of the Working Group on the Universal Periodic Review. Madagascar’ (23 December 2014) A HRC 28/13 p. 20 108.116

¹⁷⁵ HRC, ‘Report of the Working Group on the Universal Periodic Review. Viet Nam’ (5 October 2009) A HRC 12/11 p. 35 8

trends, indicating the need for improvements in their formulation and specificity. Many recommendations lack high-level technicality, specificity, and consistency in their formulation, limiting their potential impact. This suggests a possible lack of in-depth knowledge about anti-corruption measures among both State Parties and civil society participants who contribute to UPR reports.

As mentioned by CCPR, ‘the corruption-related recommendations are less action-oriented than the average UPR recommendation.’¹⁷⁶ The broad and vague nature of recommendations makes it challenging to monitor and follow up on their implementation in the next review cycle. Without clear and measurable actions, it becomes difficult to assess progress and hold accountable those responsible for addressing corruption challenges. This highlights the importance of providing concrete and detailed recommendations that can be easily monitored and fact-checked.

Moreover, the lack of cross-referencing between different mechanisms, such as the IRM, is a missed opportunity to leverage their strengths and enhance the fight against corruption. Encouraging coordination and collaboration among UN bodies can lead to a more comprehensive and synchronized approach to addressing corruption at the global level. By tapping into the expertise and resources of different mechanisms, states can strengthen their anti-corruption efforts and promote collective action in combating bribery and corruption.

To maximize the impact of the UPR process, member states should emphasize the link between corruption and human rights. Recognizing that corruption undermines human rights and good governance can foster a stronger commitment to implementing effective anti-corruption measures. This holistic approach can lead to a corruption-free world that upholds the principles of transparency, accountability, and integrity in governance.

In conclusion, while there have been some actionable recommendations related to corruption within the UPR process, continuous efforts to improve their formulation and specificity are crucial. Strengthening the UPR's focus on anti-corruption measures can contribute significantly to promoting human rights and a more transparent and accountable global

¹⁷⁶ L. Eeckeloo and D. Prasad, ‘Corruption and Human Rights: How to better integrate corruption issues in the UN human rights mechanisms. A practitioners’ guide and strategic advocacy tool for civil society organisations’ (note 11) p. 29

governance system. By prioritizing concrete actions and cross-referencing with other relevant mechanisms, the UPR can play a pivotal role in advancing anti-corruption efforts and upholding human rights worldwide.

4. 2 Mapping References to the UNCAC, UNTOC and Anti-Corruption International Initiatives

During the analysis of key terms in the UPR, a notable observation emerged, highlighting the presence of references to other conventions and international initiatives related to anti-corruption issues. These references serve as significant entry points for fostering synergies between the realms of anti-corruption efforts and human rights, providing valuable opportunities to monitor the implementation of these instruments from diverse perspectives. The inclusion of these international initiatives in the UPR discussions underscores the interconnected nature of corruption and its impact on human rights and governance.

The international initiatives and conventions that have been taken into consideration for this research include:

1. *Extractive Industries Transparency Initiative (EITI)*: a global standard that promotes transparency in the extractive sector, urging countries to disclose information about their natural resource revenues and management.¹⁷⁷
2. *Financial Action Task Force (FATF)*: An inter-governmental body that sets standards and promotes measures to combat money laundering, terrorist financing, and threats to the international financial system's integrity.¹⁷⁸
3. *Open Government Partnership (OGP)*: An international platform that encourages governments to be more transparent, accountable, and responsive to citizens, focusing on open governance, citizen engagement, and anti-corruption measures.¹⁷⁹
4. *United Nations Convention against Corruption (UNCAC)*: A pivotal instrument in the global fight against corruption, UNCAC sets comprehensive guidelines for preventing corruption, criminalizing corrupt practices, and promoting international cooperation in anti-corruption efforts.¹⁸⁰

¹⁷⁷ EITI, 'Our Mission' <<https://eiti.org/our-mission>> accessed 20 July 2023

¹⁷⁸ FATF, 'What do we do' <<https://www.fatf-gafi.org/en/the-fatf/what-we-do.html>> accessed 20 July 2023

¹⁷⁹ OGP, 'Approach' <<https://www.opengovpartnership.org/about/approach/>> accessed 20 July 2023.

¹⁸⁰ United Nations Convention Against Corruption (note 57)

5. *United Nations Convention against Transnational Organized Crime (UNTOC) (Palermo Convention)*: While prominently associated with issues of human trafficking, UNTOC also addresses corruption as an underlying activity of transnational organized crime.¹⁸¹

These international initiatives and these two conventions collectively form a formidable network of efforts to address corruption, promote transparency, accountability and integrity, and uphold good governance practices on a global scale. They also involve the participation and collaboration of multiple countries and stakeholders on an international scale to promote human rights and corruption-free governance practices. Their inclusion in the UPR discussions presents an opportunity for countries to reflect on their commitment to these instruments and strengthen their implementation to better protect human rights.

References to the UNCAC, UNTOC and Anti-Corruption International Initiatives										
UPR Cycle	Extractive Industries Transparency Initiative (EITI)		Financial Action Task Force (FATF)		Open Government Partnership (OGP)		UN Convention against Corruption (UNCAC)		United Nations Convention against Transnational Organized Crime (UNTOC)	
	Noted	Supported	Noted	Supported	Noted	Supported	Noted	Supported	Noted	Supported
1st 2008-2011	0	6	0	0	0	0	1	8	3	10
2nd 2012-2016	1	0	0	0	1	1	1	6	4	11
3rd 2017-2022	1	1	0	0	0	0	0	3	9	20
4th (41-42 Session) 2022 - Feb 2023	0	0	0	0	0	0	0	0	0	1
Sub-Total	2	7	0	0	1	1	2	17	16	42
Total	9		0		2		19		58	

Table 2: References to the UNCAC, UNTOC and Anti-Corruption International Initiatives in the UPR Recommendations from the 1st Cycle to 42nd Session of the 4th Cycle

¹⁸¹ UNODC, 'United Nations Convention against Transnational Organized Crime and the Protocols Thereto' <<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>> accessed 16 July 2023

4.2.1 Extractive Industries Transparency Initiative

The EITI has received considerable attention in the UPR recommendations, with a primary focus on encouraging countries to join this important initiative. Over the course of all UPR cycles, EITI has been mentioned a total of 9 times, garnering support in 7 instances. Notably, the majority of these mentions occurred during the 1st cycle, totalling 6 times. However, there were no references to EITI in the 2nd cycle, and in the 3rd cycle, there were two mentions - one being noted and the other supported.

As mentioned above, the recommendations related to the EITI primarily emphasize the importance of countries becoming part of this initiative and adhering to its transparency and accountability standards. An example is the recommendation directed towards Angola during the 3rd cycle: '[t]o consider partnership in the Extractive Industries Transparency Initiative, as a measure against corruption and a means towards poverty reduction' ¹⁸² (supported). Joining EITI signifies a commitment by countries to disclose information about their natural resource revenues, contracts, and management processes.

The act of disclosure through the EITI is of great significance as it serves several vital purposes. Firstly, it helps to reduce corruption risks by promoting openness and transparency in the extractive industries sector. By making revenue-related information public, it becomes more challenging for vested interests to manipulate funds for personal gain, ultimately contributing to better governance and accountability.

Secondly, the implementation of the EITI enhances revenue management practices. By providing clear insights into the financial aspects of natural resource extraction, countries can adopt better resource management strategies that lead to more equitable distribution of revenues, which in turn can support poverty reduction efforts.

Lastly, the EITI's commitment to promoting sustainable development and human rights is paramount. Transparency in the extractive industries sector ensures that resource extraction activities are carried out in an environmentally and socially responsible manner. By adhering

¹⁸² HRC, 'Report of the Working Group on the Universal Periodic Review. Angola' (24 March 2010) A HRC 14/11 p. 20 126

to EITI standards, countries can foster a conducive environment for sustainable development and respect for human rights.

The EITI not only holds the potential to drive significant positive change in the extractive sector but also to protect the environment and the rights of minority groups, such as indigenous people. By promoting transparency and accountability in natural resource management, the EITI can help prevent environmental degradation and ensure that the rights and interests of marginalized communities are respected.

However, to fully harness the transformative power of the EITI, the UPR must go beyond merely encouraging countries to join the initiative and also prioritize monitoring its implementation. While joining EITI is a crucial step towards transparency, it is the effective implementation of its principles that will lead to tangible results.

By actively monitoring the implementation of the EITI, the UPR can ensure that countries are disclosing relevant financial information, engaging with all stakeholders, and taking concrete actions to protect the environment and respect the rights of indigenous people. It can also call upon countries to integrate environmental and human rights considerations into their natural resource governance strategies.

In conclusion, the EITI offers a unique opportunity to promote transparency, sustainable development, and the protection of minority rights in the extractive sector. The UPR's role in advocating for its effective implementation is crucial in realizing these positive changes and fostering a more equitable and responsible approach to natural resource management.

4.2.2 Financial Action Task Force

The FATF is not mentioned in any of the cycles of the UPR. The FATF is a prominent international inter-governmental body that plays a crucial role in setting standards and promoting measures to combat money laundering, terrorist financing, and other threats to the integrity of the international financial system.¹⁸³

¹⁸³ See Recommendations: European Center for Not for Profit, 'UN Human Rights Council Advisory Committee call for input for the study on Effects of Terrorism on the Enjoyment of All Human Rights, pursuant to the UN HRC resolution 34/8'

The absence of references to the FATF in the UPR is quite surprising, considering its global significance in the fight against financial crimes and illicit financial flows, issues that negatively impact the enjoyment of human rights. The FATF's efforts and recommendations directly align with the objectives of the UPR, which include promoting transparency, accountability, and integrity in governance.

One possible reason for the lack of mentions could be a knowledge gap or limited awareness among member states about the FATF's specific role and relevance in the context of the UPR. As the UPR covers a broad range of human rights issues, some countries may not have recognized the direct link between the FATF's anti-money laundering and counter-terrorist financing measures and their human rights implications. Another contributing factor could be the reporting process itself. The UPR relies on information submitted by various stakeholders, including CSOs. If countries or CSOs did not prioritize or highlight the FATF's role in their submissions, it may have led to its omission from the UPR discussions.

The absence of mentions of the FATF in the UPR presents an opportunity for member states and stakeholders to enhance their understanding and appreciation of the FATF's critical role in combatting financial crimes and safeguarding human rights. By proactively highlighting the FATF's efforts and recommendations in the UPR submissions and advocacy efforts, the international community can foster a more integrated approach to addressing financial integrity within the UPR process.

4.2.3 Open Government Partnership

The OGP has emerged as a crucial international platform promoting transparency, accountability, and citizen engagement in governance. Within the UPR second cycle, the OGP received mention twice, showcasing its growing significance in shaping global efforts towards open governance, anti-corruption measures, and its impact on human rights.

The first mention of the OGP in the UPR occurred in a recommendation to South Africa, where it was noted, '[c]ommit to procurement and e-governance reforms, including the full implementation of the Open Government Partnership national action plan and a permanent

<<https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/Terrorism/EuropeanCenter.pdf>> accessed 16 July 2023

dialogue mechanism with civil society'¹⁸⁴ (supported). This recommendation highlights South Africa's need to commit to the implementation of the OGP's national action plan, emphasizing the need for improved procurement practices and enhanced e-governance mechanisms. Furthermore, the call for a permanent dialogue mechanism with civil society underscores the value of citizen participation in governance processes, contributing to transparency, inclusivity, and human rights protection.

The second mention of the OGP appeared in a recommendation to Indonesia '[c]ontinue its active participation within the Open Government Partnership Initiative, the main objective of which is to ensure open, transparent, and accountable governance'¹⁸⁵ (supported). This broader recommendation reflects Indonesia's ongoing commitment to the OGP and its objectives, aligning with the promotion of open, transparent, and accountable governance, ultimately impacting the fulfilment of human rights.

These references to the OGP in the UPR demonstrate the increasing recognition that promoting good governance and anti-corruption measures globally also have a significant impact on human rights. Therefore, beyond merely referencing the OGP, the UPR should also focus on monitoring country commitments to this initiative.

Embracing the OGP and monitoring its implementation can reinforce democratic values and human rights protections. Transparent and participatory governance creates an environment of trust between governments and their citizens, fostering accountability and responsiveness. It enables people to actively participate in shaping policies and holding governments accountable for their actions, ultimately strengthening democratic institutions and human rights.

In conclusion, the UPR should make greater use of the OGP reference and actively monitor country commitments to this initiative. Embracing the OGP's national action plans and engaging civil society in policy-making to foster respect for human rights and democratic values.

¹⁸⁴ HRC, 'Report of the Working Group on the Universal Periodic Review. South Africa' (18 July 2017) A HRC 36/16 p. 12 139.41

¹⁸⁵ HRC, 'Report of the Working Group on the Universal Periodic Review. Indonesia' (14 July 2017) A HRC 36/7 p. 12 139.36

4.2.4 United Nations Convention against Corruption

The UNCAC stands as the only comprehensive, global, binding anti-corruption treaty, designed to combat corruption worldwide and regrettably, it has not received the attention it deserves during the UPR review processes.

Throughout the three review cycles, the UPR mentions the UNCAC a total of 19 times, but these references are scattered unevenly: 9 times in the 1st cycle, 7 times in the 2nd cycle, and 3 times in the 3rd cycle. Among these mentions, 11 instances focus on urging countries to ratify or accede to the UNCAC. An example is the recommendation to Germany in the second cycle calling for the country to ‘[r]atify the UN Convention against Corruption[...]’¹⁸⁶ (supported).

Considering the significance of the UNCAC as a pivotal international instrument in the fight against corruption, this lack of emphasis on its implementation within the UPR recommendations is notable. The UNCAC sets forth comprehensive guidelines and standards for preventing corruption, criminalizing corrupt practices, and promoting international cooperation in anti-corruption efforts. Its implementation is crucial for fostering transparency, accountability, and integrity in both domestic and international contexts. Therefore, in order to fully capitalize on this significant anti-corruption tool, the UPR process should go beyond its ratification and consider incorporating more targeted and precise recommendations related to the UNCAC's implementation and monitoring.

The two noteworthy recommendations concerning UNCAC demonstrate varying degrees of detail and specificity. The first recommendation to Belize in the 3rd cycle states, ‘[s]eek strategic guidance and technical assistance with a view to ensuring the effective implementation of the United Nations Convention against Corruption, as soon as possible’¹⁸⁷ (supported). This recommendation highlights the need for countries to seek guidance and technical support to effectively implement the UNCAC, but it does not benefit from additional details, such as identifying specific areas where technical assistance is required.

¹⁸⁶ HRC, ‘Report of the Working Group on the Universal Periodic Review. Germany’ (8 July 2013) A/HRC/24/9 p. 15 124.15

¹⁸⁷ HRC, ‘Report of the Working Group on the Universal Periodic Review. Belize’ (18 December 2018) A/HRC/40/14 p. 12 77.36

The second recommendation that is worth taking into consideration was already mentioned in the section on bribery., when the UPR recommends to Palau to ‘[i]mplement the recommendations under the United Nations Convention against Corruption peer review process conducted in April 2015’¹⁸⁸

While the UPR reflects some countries' recognition of UNCAC's significance, there is an opportunity to increase specificity in some recommendations. By elaborating on the required technical assistance and providing concrete steps for implementation, the UPR can guide countries in effectively addressing corruption challenges.

Encouraging countries to consider the full range of the UNCAC's provisions beyond ratification would be beneficial. Recommendations could call for the effective enforcement of anti-corruption laws, the establishment of strong anti-corruption institutions, and measures to combat money laundering and asset recovery. Additionally, promoting cooperation between countries in addressing cross-border corruption and facilitating mutual legal assistance would strengthen the UNCAC's impact on a global scale.

In conclusion, while the UNCAC's reference in the UPR signifies its importance in addressing corruption, there is room for improvement in the specificity and scope of recommendations and the frequency in which this legal instrument is called upon. Strengthening recommendations by providing more details on required technical assistance and focusing on specific areas of UNCAC implementation can enhance countries' efforts to combat corruption effectively. Furthermore, emphasizing the need for consistent attention to anti-corruption measures across UPR cycles will contribute to the sustained progress in promoting transparency, accountability, and good governance worldwide.

4.2.5 United Nations Convention against Transnational Organized Crime

The UPR reveals a notable disparity in the mentions of the UNTOC, commonly known as the Palermo Convention, and the UNCAC. While the UNTOC is referenced a significant 58 times, the UNCAC receives a mere 19 mentions. This striking contrast translates to a substantial difference of approximately 205% in favour of UNTOC, signifying its prominence in the UPR compared to UNCAC. This discrepancy underscores an opportunity

¹⁸⁸ HRC, ‘Report of the Working Group on the Universal Periodic Review. Palau’ (note 165)

to elevate the role of the UNCAC in UPR recommendations and intensify the focus on anti-corruption efforts.

It is crucial to recognize that the majority of UNTOC references in the UPR pertain solely to the issue of human trafficking. However, it is equally important to acknowledge that the UNTOC also holds substantial implications for anti-corruption regulations and endeavours. The convention addresses corruption as one of the underlying activities of transnational organized crime, providing a strong foundation for combating corruption through international cooperation and legal mechanisms.

Taking a broader perspective, the implementation of the UNTOC should be seen beyond its aim of combatting human trafficking and extended to encompass addressing corruption issues. Integrating references to UNTOC in tackling corruption issues within the UPR recommendations can reinforce the importance of addressing corruption as a key component of transnational organized crime prevention. By doing so, the UPR can foster a more holistic approach to combatting corruption and related criminal activities on an international scale.

4.2.6 Remarks

The presence of various anti-corruption initiatives and the UNCAC and UNTOC in the UPR indicates the potential for synergies between different UN mechanisms and anti-corruption efforts. However, the full potential of these initiatives is not realized as they are often under-referenced and not effectively leveraged. Beyond merely urging countries to join these initiatives, the UPR should also monitor their implementation and consider reports produced by these initiatives, such as those by UNODC, UNTOC, and OGP, among others, as a basis to formulate recommendations on good governance, transparency, and other anti-corruption issues that are closely intertwined with the enjoyment of human rights.

By utilizing these entry points within the UPR, the international community can collaborate to build a more transparent, accountable, and corruption-free world where human rights are respected and upheld for all. Integrating anti-corruption initiatives into UPR recommendations reinforces the interconnectedness of combating corruption and promoting human rights. As the UPR continues to serve as a platform for addressing global challenges,

it can effectively contribute to advancing corruption issues while upholding human rights standards.

Overall, leveraging the UNCAC, UNTOC, and anti-corruption initiatives in the UPR is an important step towards a more comprehensive and collaborative approach to addressing corruption challenges and creating synergies at the UN level. By combining efforts and sharing knowledge, the international community can work together to create a world where transparency, accountability, and human rights are upheld, fostering an environment free from corruption and conducive to sustainable development.

5. Exploring Synergy Entry Points

‘Anti-corruption efforts and efforts to promote and protect human rights complement and reinforce each other. They should be pursued in a mutually reinforcing manner that leverages their comparative strengths and minimizes their respective limitations. Both should contribute to a broader strategy for the promotion of good governance. States are called upon to fight corruption and protect human rights at the same time by upholding core good governance principles, such as participation, inclusion, transparency, accountability, integrity, probity and the rule of law’¹⁸⁹

The UN has recognized the detrimental impact of corruption on human rights, prompting various bodies and initiatives within the UN system to address this pressing issue. Reports from the HRC¹⁹⁰ and the General Assembly¹⁹¹ have highlighted the negative consequences of corruption on the enjoyment of human rights, emphasizing the urgent need for action. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment¹⁹² and Special Rapporteur on the situation of human rights defenders¹⁹³ have also echoed similar concerns.

In response to these challenges, this chapter explores potential entry points for synergy among different UN bodies and initiatives, aiming to enhance their collective efforts in

¹⁸⁹ HRC, ‘Challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector. Report of the Office of the United Nations High Commissioner for Human Rights’ (note 67) p. 14(75)

¹⁹⁰ OHCHR, ‘Reports: OHCHR and Good Governance’ <<https://www.ohchr.org/en/good-governance/reports>> accessed 17 July 2023

¹⁹¹ Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation (note 81) p. 2

¹⁹² Torture and other cruel, inhuman or degrading treatment or punishment (16 January 2019) HRC 40/59 p. 3 7

¹⁹³ Mary Lawlor, Special Rapporteur on the situation of human rights defenders (note 173)

promoting human rights and combating corruption. By breaking silos and working together, they can achieve common goals and enhance the overall impact of their endeavours. These collaborative approaches offer promising opportunities to address the interconnected challenges of human rights violations and corruption, ultimately fostering a more effective and holistic response at the global level.

Breaking silos is a key aspect of promoting synergy. Often, various UN bodies, agencies, and programs work in silos, focusing on specific mandates seeing one side of the picture and without tackling the problem from a comprehensive approach. This can result in fragmented efforts and missed opportunities for cross-cutting solutions. An integrated approach allows for a more comprehensive understanding of the complex interplay between human rights and corruption, leading to more effective and coordinated strategies to address these challenges.

5.1 Public Awareness and Advocacy

Finding synergies at the UN in raising awareness about the negative impact of corruption on human rights is crucial to effectively tackle these issues. Public engagement and advocacy efforts are also key components in galvanizing support for stronger anti-corruption measures and ensuring that human rights considerations are central to these initiatives. By combining efforts to raise awareness, UN entities can amplify their message and reach a wider audience, fostering a sense of collective responsibility in addressing these interconnected challenges.

One of the key ways to raise awareness is through targeted campaigns that highlight the detrimental effects of corruption on human rights. These campaigns can use various communication channels, such as social media, public service announcements, and educational materials, to inform the public about how corruption undermines the enjoyment of basic rights and freedoms. By providing concrete examples and real-life stories, these awareness campaigns can make the issue of corruption more relatable and tangible to people from different backgrounds and cultures.

UN agencies can collaborate with CSOs to leverage their expertise and grassroots networks in raising awareness about corruption's impact on human rights. Civil society plays a crucial role in advocating for human rights and promoting transparency and accountability. By

partnering with CSOs, UN entities can tap into their knowledge, experience, and community connections to foster a broader and more impactful outreach.

Furthermore, the UN possesses the capacity to leverage its global platforms and events¹⁹⁴ to shed light on these interconnected issues. Through high-level forums, international conferences, and special sessions, the UN bodies can come together and emphasize the significance of tackling corruption as a fundamental human rights concern. By organizing side events at key gatherings such as the CoSP¹⁹⁵ and the HRC Sessions, diverse stakeholders from the human rights and the anti-corruption fora have the opportunity to come together and collaborate to raise awareness about this critical matter.

Moreover, the UN can work with member states to integrate anti-corruption and human rights considerations into national awareness campaigns and educational programs. Empowering citizens with information and knowledge about their rights and the damaging effects of corruption can enable them to demand greater accountability from their governments and advocate for more robust anti-corruption measures.

In conclusion, finding synergies at the UN in raising awareness about the negative impact of corruption on human rights is essential. People must understand that this issue requires more than one perspective to be successfully tackled. By collaborating with civil society from both fora, leveraging global platforms, and integrating anti-corruption with human rights messages into national campaigns, the UN can build a stronger and more informed global movement against corruption while promoting and protecting human rights for all.

5.2 Data Sharing and Information Exchange

One crucial avenue for fostering collaboration at the UN is through knowledge sharing between agencies and delegates. Delegates involved in anti-corruption efforts or human rights promotion should have access to a broader spectrum of knowledge, not just confined to their

¹⁹⁴ A significant event that marked a precedent was the United Nations Conference on Anticorruption Measures, Good Governance, and Human Rights. This conference was convened in accordance with Commission on Human Rights resolution 2005/68 and took place in Warsaw on 8 and 9 November 2006 (see A/HRC/4/71). One of the sessions during the conference specifically focused on illuminating the detrimental impact of corruption on human rights. The objective of this session was to ascertain the role of anticorruption measures in safeguarding human rights and fostering an environment conducive to the promotion of these fundamental rights

¹⁹⁵ UNODC, ‘Special Events at CoSP Session 10’

<<https://www.unodc.org/unodc/en/corruption/COSP/session10-special-events/index.html>> accessed 16 July 2023

respective fields. This can be achieved through cross-training and briefings for delegates working in different UN fora. These briefings can highlight the relevance of corruption issues in human rights contexts and vice versa, fostering a better understanding of the interlinkages between the two areas.

Moreover, establishing clear channels for data sharing and information exchange among different UN agencies can facilitate a more comprehensive approach to addressing corruption and human rights violations. UNODC, as a key player in anti-corruption efforts, should consider appointing a Human Rights Officer, similar to OHCHR's Human Rights and Anti-Corruption Officer at the Economic, Social and Cultural Rights Section who was appointed in 2022. This would ensure that UNODC's actions and initiatives align with a human rights-based approach, thus further promoting the integration of human rights principles into anti-corruption measures beyond UNODC's technical assistance.

By breaking down barriers and fostering collaboration between UNODC, OHCHR, and other relevant UN agencies, a more cohesive and synergistic approach to tackling corruption and promoting human rights can be achieved. This approach allows for a better exchange of best practices, lessons learned, and information related to anti-corruption efforts, leading to more effective strategies and a more comprehensive response to the intertwined challenges of corruption and human rights violations at the global level.

5.3 Building Capacity and Technical Assistance

*'While national strategies to combat corruption and uphold human rights are generally developed on separate tracks, there is a growing momentum recognizing the potential of considering both in a holistic manner.'*¹⁹⁶

¹⁹⁶ HRC, 'Challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector. Report of the Office of the United Nations High Commissioner for Human Rights' (note 75) p. 14(74)

UN agencies have a unique and crucial role in fostering a shared understanding of the linkages between human rights and corruption through joint training programs and technical assistance at the national and regional levels. These initiatives provide a valuable platform for bringing together stakeholders from diverse backgrounds, including government officials, civil society representatives, law enforcement agencies, and international experts from both fora. By combining their expertise in human rights and anti-corruption efforts, these joint training programs led by the UN can lead to the development of comprehensive and integrated strategies for promoting transparency, accountability, and good governance

By ensuring that anti-corruption efforts are consistent with human rights obligations and adopting a victim-centred approach, stakeholders can better identify, prevent, and respond to human rights violations arising from corrupt practices. This mutual understanding forms the foundation for collaborative efforts to effectively tackle these intertwined challenges. Furthermore, UNODC and OHCHR can prepare guidelines, toolkits, and provide ongoing support, expertise, and resources to integrate human rights into anti-corruption measures. This integrated approach would foster a more holistic and sustainable response to these complex issues.

Moreover, joint training programs can emphasize compliance with international anti-corruption and human rights instruments, such as the UNCAC, UPR and the human rights treaties. This reinforces the importance of adhering to these instruments for promoting good governance and protecting human rights.

By building capacity and providing technical assistance that encompasses human rights and an anti-corruption approach guided by human rights principles, the UN bodies can finally enhance a victim-centred approach to corruption.

5.4 Tabling Resolutions

The resolutions adopted by the HRC and the CoSP serve as significant entry points for fostering synergy between human rights and corruption issues. Through these resolutions,

countries have the opportunity to address and confront challenges that are relevant to both realms, thereby promoting a more integrated approach.

Since 2008, the HRC has adopted twenty-seven resolutions that cover a wide range of topics, including good governance, asset recovery, public service delivery, and corruption itself.¹⁹⁷ These resolutions reflect the Council's recognition of the negative impact of corruption on human rights and its commitment to promoting good governance and transparency as crucial components of upholding human rights standards worldwide.

By leveraging resolutions that tackle both issues, embracing the synergies between human rights and anti-corruption efforts, the international community can collaborate more effectively in advancing these issues.

5.5 Leveraging Review Mechanisms

The review mechanisms provide valuable opportunities for collaboration and cooperation between the UNCAC and human rights frameworks, enabling the sharing of relevant information and fostering joint efforts to address corruption and human rights challenges. However, as stated by Gillian Dell, Head of Conventions Unit, Transparency International, 'UN discussions and monitoring of international frameworks and obligations relevant for national anti-corruption efforts are, for the most part, conducted in silos.'¹⁹⁸ To break out the silos, during country review visits, stakeholders from both mechanisms can come together to exchange insights and experiences, facilitating a more comprehensive understanding of the interplay between corruption and human rights violations.

One crucial aspect of this collaboration is the mutual monitoring of the implementation of the IRM and human rights recommendations. Through the exchange of pertinent information regarding the reviews and the status of the recommendations' implementations, the review mechanisms can complement each other's efforts and create a more comprehensive and synergistic response to combating corruption and protecting human rights. This information-sharing process enables a deeper understanding of the interplay between

¹⁹⁷ OHCHR, 'Reports: OHCHR and Good Governance' (note 190)

¹⁹⁸ Transparency International, 'UN & grand corruption: time to break out of silos'

<<https://www.transparency.org/en/blog/un-grand-corruption-organised-crime-break-out-of-silos>> accessed 17 July 2023.

corruption and human rights, facilitating more informed and effective actions to address these interconnected challenges.

For instance, the IRM's findings indicate that a significant number of countries lacked access to information laws during their review, highlighting the importance of promoting access to information legislation. This information can be shared with the human rights review mechanism to raise awareness and advocate for stronger protections of the right to access information, ultimately advancing transparency and accountability in anti-corruption efforts.¹⁹⁹

Furthermore, recommendations from one review mechanism can be referenced in other mechanisms to enhance monitoring and implementation. The recommendation made during the UPR to Palau calling for the implementation of the IRM recommendations related to criminalizing bribery of foreign officials and forfeiture of unexplained wealth by public officials is an exemplary illustration. This inter-mechanism synergy demonstrates how findings and recommendations from various review processes can complement and reinforce each other, leading to more effective measures to address corruption and human rights violations.

5.6 Special Procedures

The establishment of special procedures, such as a special rapporteur or a working group, would embody the synergy between combating corruption and promoting human rights. A special procedure mandate on corruption and human rights could effectively examine, monitor, advise on, and report on major human rights violations caused by corruption. Furthermore, it can identify gaps in protection, including issues related to remedies and compensation for damage. This focused approach can lead to a more coordinated and effective response in addressing corruption-related human rights violations.²⁰⁰

¹⁹⁹ 'Eighteen out of 52 countries (35%) who had gone through the review had no access to information laws in place at the time of their country reviews and in many cases, recommendations called for access to information legislation to be adopted or for existing laws to be more effectively implemented' Gilfillan C. 'The Way Forward: Ensuring an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism' (note 121) p. 33

²⁰⁰ HRC Advisory Committee, 'Final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights' (note 86) p. 15-16

Alongside this specialized mandate, every special procedure, thematic and country-specific mandate, should also consider the linkage between corruption and human rights. Special procedures can collaborate with relevant anti-corruption mechanisms within the UN system, such as the IRM. Sharing information, findings, and recommendations can strengthen the evidence base for addressing corruption-related human rights violations and vice versa.

Additionally, special procedures can engage with CSOs and human rights defenders working on anti-corruption initiatives. By soliciting input and information from these stakeholders, special procedures can better understand the challenges faced on the ground and gain insights into the interplay between corruption and human rights violations. This engagement can also amplify the voices of those affected by corruption and human rights abuses, leading to more informed and targeted recommendations.

In conclusion, special procedures offer a valuable entry point for promoting synergy between combating corruption and protecting human rights. By incorporating an anti-corruption lens into their work, collaborating with relevant anti-corruption mechanisms, and engaging with civil society actors, special procedures can contribute to a more comprehensive and effective response to the intertwined challenges of corruption and human rights violations. Their independent expertise and impartiality make them instrumental in advancing the shared goal of creating a more just world.

5.7 Remarks

Breaking silos is key to unlocking the potential of collaborative efforts. By exploring synergy entry points and dismantling the barriers between UN entities, a more holistic understanding of the intricate interplay between human rights and corruption emerges, leading to more effective and coordinated responses. Engaging civil society further enriches these efforts, ensuring transparency, accountability, and grassroots perspectives are central to the solutions proposed.

In this endeavour, public awareness and advocacy, data sharing and information exchange, capacity building, tabling resolutions, leveraging review mechanisms, and harnessing special procedures all offer crucial avenues for synergy. By embracing these approaches, the UN can create a powerful collaborative network, uniting its diverse entities and stakeholders in a comprehensive and dynamic effort to combat corruption and promote human rights.

6. The Role of Civil Society Organizations

CSOs play a crucial role in promoting human rights and combating corruption by bringing a comprehensive set of skills and expertise to these issues. As independent actors, CSOs can bridge the gap between governments, international institutions, and the public, acting as advocates and watchdogs to ensure transparency, accountability, and respect for human rights.

First of all, breaking silos and fostering collaboration between CSOs working on human rights and those focusing on corruption is indeed crucial for achieving meaningful change at the UN level. By joining forces, CSOs can create a comprehensive and impactful approach to addressing interconnected issues and ensure that problems are not tackled from just one perspective or limited to one type of expertise.

The trend of breaking silos and collaboration among CSOs is promising and indicates a growing recognition of the linkages between human rights and corruption. CSOs that traditionally focused solely on human rights, such as Amnesty International²⁰¹ and Human Rights Watch²⁰², are expanding their scope to include corruption-related issues. Similarly, organizations like Transparency International²⁰³ and the UNCAC Coalition, which have been dedicated to combating corruption, are acknowledging the importance of human rights in their efforts and advocating for change not only in the UNCAC but also in the UN Human Rights fora.

²⁰¹ See latest report on corruption:

Amnesty International, 'West & Central Africa: Authorities must fight corruption and uphold the human rights of those who expose it' (July 11 2023)

<<https://www.amnesty.org/en/latest/news/2023/07/west-central-africa-authorities-must-fight-corruption-and-uphold-the-human-rights-of-those-who-expose-it/>> accessed 12 July 2023

²⁰² See reports on corruption:

Human Rights Watch, 'Honduras Briefing: Strong Action Needed on Corruption' (9 June 2023)

<<https://www.hrw.org/news/2023/06/09/honduras-briefing-strong-action-needed-corruption>> accessed 12 July 2023; Human Rights Watch, 'Human Rights Watch Submission to UN Working Group on Business and Human Rights.Re: Corruption and Human Rights' (21 February 2021)

<<https://www.hrw.org/news/2020/02/21/human-rights-watch-submission-un-working-group-business-and-human-rights>> accessed 12 July 2023

²⁰³ Transparency International, 'CPI 2021: Corruption, Human Rights and Democracy' (25 January 2022)

<<https://www.transparency.org/en/news/cpi-2021-corruption-human-rights-democracy>> accessed 17 July 2023

Moreover, breaking the silos between human rights and anti-corruption CSOs allows for a more inclusive and informed approach during UN discussions and decision-making processes. When CSOs collaborate and bring diverse perspectives to the table, they enrich the dialogue at the UN level and enhance the effectiveness of proposed solutions.

6.1 Engagement

Civil society's presence and engagement at UN forums, such as the CoSP and the HRC, ensures that diverse perspectives are taken into account during policy discussions and decision-making processes. By providing evidence-based analysis and recommendations, CSOs contribute to informed and inclusive debates. Their active involvement fosters a more comprehensive understanding of the challenges at hand and helps identify innovative solutions that consider the needs and rights of all stakeholders.

Through their diverse networks and expertise, CSOs can facilitate dialogue and cooperation between different actors, creating opportunities for joint initiatives and coordinated responses. By fostering partnerships and collaborative efforts, civil society can leverage the collective strengths of various actors to address complex and interconnected challenges more effectively. Their ability to break silos and build bridges between different entities ensures a more holistic and integrated approach to advancing human rights and combating corruption at the global level.

6.2 Elevating Standards

CSOs can also play a crucial role in raising the bar for international standards and commitments in the fight against corruption and the protection of human rights. They can challenge the status quo and call for more ambitious goals and targets that go beyond mere compliance with existing treaties. By setting higher expectations and demanding concrete action, CSOs can drive the UN and its Member states to take bolder and more effective measures to combat corruption and promote human rights.

6.3 Independent Reporting

CSOs can play a critical role in enhancing synergies within the review mechanisms of human rights and corruption through independent reporting.

In the context of the UPR and other human rights mechanisms, CSOs can bring up anti-corruption issues and their impact on human rights. CSOs can shed light on instances where corruption has resulted in human rights violations, compromised access to basic services, or hindered the realization of fundamental freedoms. These independent reports provide alternative perspectives and highlight issues that might have been overlooked in the official State reports. By doing so, CSOs play an important role in broadening the scope of the review process, ensuring that anti-corruption efforts are considered from a human rights lens.

In the context of the IRM, CSOs can draw attention to the nexus between corruption and human rights violations by raising concerns related to access to information, independence of the judiciary, and whistleblower protection in the review country visits if they are invited, or by publishing a parallel report.²⁰⁴ This approach would urge States to take comprehensive and integrated actions to address these challenges.

Through their independent reporting, CSOs can break silos by providing a more nuanced and comprehensive understanding of the complex interplay between human rights and corruption. These reports offer valuable insights and evidence that complement the official State reports, contributing to greater transparency and accountability within the review mechanisms.

6.4 Monitoring

CSOs also play a vital role in monitoring and holding governments accountable for their commitments to human rights and anti-corruption measures.²⁰⁵ Through independent monitoring mechanisms and reporting, civil society can assess the implementation of international agreements, such as the UNCAC and human rights treaties, and advocate for necessary improvements and adjustments.

6.5 Remarks

In conclusion, CSOs can play a pivotal role in driving meaningful change, provided they initiate the process of bridging the gap between human rights and corruption in their own

²⁰⁴ UNCAC Coalition, 'Civil Society Parallel reports' (note 10)

²⁰⁵ See: UNCAC Coalition, 'Review Tools' <<https://uncaccoalition.org/uncac-review/>> accessed 13 July 2023
UPR info. 'Civil Society Organizations (CSOs) Take Action'
<<https://upr.info/en/get-involved/civil-society-organisations-csos/take-action>> accessed 17 July 2023

strategies and engage in collaborative efforts among themselves. Through advocacy, monitoring, and independent reporting, among others, CSOs contribute to a more inclusive, accountable, and effective international response to these critical global challenges. Their active involvement strengthens the overall impact of UN initiatives and advances the realization of human rights and good governance worldwide. The path towards a more sustainable and holistic response to these issues begins with CSOs uniting their efforts to advocate for positive change at the UN level and beyond.

7. Conclusion

The aim of this research was to answer the following questions:

- 1. Do the UPR recommendations offer opportunities for effective collaboration and synergistic efforts between the UN Human Rights mechanisms and the UNCAC fora to combat corruption and promote human rights?*
- 2. What potential synergy entry points can be explored to break the silos and promote collaboration among different UN entities, fostering a more cohesive and synergistic approach at the global level?*
- 3. What role do CSOs play in advancing synergies between the UN human rights and anti-corruption bodies?*

While the UN has formulated documents highlighting the significance of adopting a comprehensive approach to addressing the interlinkages between corruption and human rights, the practical implementation of these principles appears to be lagging. This discrepancy becomes evident through the scrutiny of UPR analyses, where it becomes clear that the intended impact of these documents has yet to be effectively realized in practice.

Recognizing the limitations of my research, it can be concluded that the analysis of the UPR recommendations highlights a number of opportunities for effective collaboration and synergistic efforts between the UN Human Rights mechanisms and the UNCAC fora to combat corruption and promote human rights. Nevertheless, these opportunities have largely gone unexplored. While the UPR and the IRM review mechanisms hold the potential to reinforce each other's recommendations, in practice, this potential remains largely untapped. The limited references to the IRM and the UNCAC in the UPR recommendations demonstrate that the fora are operating in silos.

Moving forward, there is a need to actively promote cross-referencing and information sharing between these two mechanisms. Given the UPR's transparency and active involvement of civil society, a significant contrast to the IRM, the UPR holds the potential to play a pivotal role in contributing to UNCAC commitments' implementation. This entails aligning anti-corruption strategies with human rights norms. Harnessing the strengths of both mechanisms, which share mutual objectives, could lead to a more comprehensive and effective approach to tackling interconnected challenges.

In addition, there are several synergy entry points that can be explored in practice to break the silos and foster collaboration among various UN entities, thereby promoting a more cohesive and synergistic approach at the global level. Key areas for consideration include public awareness and advocacy efforts, enhancing data sharing and information exchange, building capacity through training and knowledge-sharing initiatives, tabling resolutions that address interconnected challenges, and leveraging the review mechanisms and special procedures.

It is important to emphasize that CSOs play a vital role in advancing synergies between UN bodies, provided they take the first steps to break the silos between human rights and corruption and foster collaboration among them. Through their active engagement, elevation of standards, independent reporting, and monitoring efforts, civil society provides essential insights and perspectives that enrich policy discussions and decision-making processes. Their advocacy work can also bridge the gap between various stakeholders, fostering collaboration and coordination to effectively combat corruption and uphold human rights.

Moving forward, further research and analysis could build upon these insights to develop more effective and integrated strategies for addressing these interconnected challenges at the global level. Future research endeavours could serve as a cornerstone for the development of more robust, effective, and fully integrated strategies aimed at tackling the complex and intertwined challenges of corruption and human rights violations on a global scale. By delving deeper into the identified synergies between anti-corruption efforts and human rights promotion, CSOs, researchers, and policymakers could uncover innovative approaches, novel entry points, and comprehensive practical solutions that harness the collective strengths of the UN and other stakeholders.

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