



General Assembly

Distr.: Limited
20 June 2017

Original: English

Human Rights Council

Thirty-fifth session

6–23 June 2017

Agenda item 3

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

**Algeria,* Andorra,* Argentina,* Australia,* Austria,* Azerbaijan,* Belgium,
Bosnia and Herzegovina,* Brazil, Bulgaria,* Croatia, Cyprus,* Denmark,*
Equatorial Guinea,* Ethiopia, Gabon,* Georgia, Guinea,* Finland,* Honduras,*
Hungary, Iceland,* Indonesia, Ireland,* Israel,* Latvia, Lesotho,* Liechtenstein,*
Luxembourg,* Madagascar,* Malta,* Montenegro,* Morocco,* Netherlands,
Paraguay, Peru,* Poland,* Portugal, Qatar, Republic of Korea, Republic of
Moldova,* Romania,* Senegal,* Slovakia,* Slovenia, Spain,* Switzerland, Tunisia,
Ukraine,* United Kingdom of Great Britain and Northern Ireland, Yemen:*
draft resolution**

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

The Human Rights Council,

Guided by the Charter of the United Nations,

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

*Recalling all relevant resolutions of the Commission on Human Rights and the
Human Rights Council, including Council resolutions 19/20 of 23 March 2012 and 31/14 of
23 March 2016 on the role of good governance in the promotion and protection of human
rights, 21/13 of 27 September 2012 on a panel discussion on the negative impact of
corruption on the enjoyment of human rights, 23/9 of 13 June 2013 and 29/11 of 2 July
2015,*

*Recalling also that the United Nations Convention against Corruption, to which 140
States are signatories and 181 States are parties, is the most comprehensive and universal
instrument on corruption, since its entry into force on 14 December 2005, the purposes of
which are outlined in its article 1,*

* State not a member of the Human Rights Council.

GE.17-10158(E)



* 1 7 1 0 1 5 8 *

Please recycle



Noting with interest the outcomes of the third, fourth and fifth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held, respectively, in Doha in 2009, in Marrakech, Morocco, in 2011, in Panama City in 2013, and the sixth session of the Conference held in Saint Petersburg, Russian Federation, in 2015, as well as plans to convene the seventh session of the Conference in Vienna in 2017, and stressing the need for States parties to the Convention to ensure effective implementation of resolutions adopted by the Conference,

Noting the compilation of best practices of efforts to counter the negative impact of corruption on the enjoyment of all human rights developed by States, national human rights institutions, national anti-corruption authorities, civil society and academia, prepared by the Office of the United Nations High Commissioner for Human Rights and submitted to the Council at its thirty-second session,

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

Recognizing that the international legal frameworks for protecting human rights and combating corruption are complementary and mutually reinforcing,

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

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

Highlighting the global character of corruption and the consequential need for international cooperation to prevent and suppress corruption and to recover assets of illicit origin derived from acts of corruption,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, and through the impairment of the ability of Governments to fulfil all their human rights obligations and to realize, within the maximum available resources, the Sustainable Development Goals,

Welcoming the 2030 Agenda for Sustainable Development, including its recognition of the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights, on effective rule of law and on good governance at all levels, and on transparent, effective and accountable institutions, and its addressing of factors that give rise to violence, insecurity and injustice, such as inequality, corruption, poor governance and illicit financial and arms flows,

Acknowledging that marginalized groups are at particular risk of suffering from the adverse impact of corruption on the enjoyment of human rights,

Recognizing that such adverse impact can lead to and be further aggravated by discrimination,

Stressing that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights, and underlining that prevention measures should be strengthened at all levels,

Recognizing the importance of creating a safe and enabling environment for civil society, whistle-blowers, witnesses, anti-corruption activists, journalists, prosecutors,

lawyers and judges, and to protect these individuals from any threats arising from their activities in preventing and fighting against corruption,

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

Stressing the importance of setting up an appropriate legal framework to safeguard human rights while preventing and combating corruption,

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

Acknowledging that the State should protect against any adverse human rights impacts arising from acts of corruption involving non-State actors, including the private sector, through effective regulatory and investigative mechanisms, with a view to holding perpetrators to account, recovering assets of illicit origin derived from acts of corruption and providing redress to victims,

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

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

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

Highlighting the opportunities provided by information and communications technologies to strengthen transparency and accountability, as well as to prevent, detect and investigate corruption,

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

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

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

Recalls the final report of the Human Rights Council Advisory Committee on the issue of the negative impact of corruption on the enjoyment of human rights,¹

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

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

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

4. *Stresses* that preventive measures are one of the most effective means of countering corruption and of avoiding its negative impact on the enjoyment of human rights;

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

6. *Calls for* the strengthening of preventive measures at all levels, and underlines that one key aspect of preventive measures is to address the needs of those in vulnerable situations who may be the first victims of corruption;

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

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

9. *Stresses* that international cooperation can contribute to the prevention of the negative impact of corruption on the enjoyment of human rights, including through the delivery of advisory services, technical assistance and capacity-building, and the exchange of best practices to support States, upon their request, in their efforts in preventing and fighting against corruption;

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

11. *Encourages* the mechanisms of the Human Rights Council to consider, within their existing mandates, the issue of the negative impact of corruption on the enjoyment of human rights;

12. *Requests* the Office of the High Commissioner to organize, before the thirty-ninth session of the Human Rights Council, in September 2018, in coordination with the

¹ A/HRC/28/73.

United Nations Office on Drugs and Crime and with the participation of relevant United Nations entities, an intersessional, half-day open-ended expert workshop, with the objective of exchanging best practices on how the United Nations system supports States in preventing and fighting against corruption, with a focus on human rights;

13. *Requests* the Office of the High Commissioner to prepare a summary report of the above-mentioned seminar, and to submit the report to the Human Rights Council at its forty-first session.
