

Preventing and Countering Corruption to Realize Economic, Social and Cultural Rights



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Thematic Brief

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A commonly used definition of corruption is the abuse of entrusted power for private gain. It occurs and exists in all countries, regardless of their size or level of economic development.¹ In line with the United Nations Convention Against Corruption (UNCAC), the Advisory Committee of the United Nations Human Rights Council categorized corruption into 1) *public sector corruption*, which occurs within the State's government branches at all levels. In such cases, the State is directly accountable for any wrongdoing committed by individuals acting in their official capacity; and 2) *private sector corruption*, which is perpetrated by private entities engaging in commercial activities with state actors and non-state actors to obtain a private gain.² The scale of corruption can range from *grand corruption*, which "pervades the highest levels of government, engendering major abuses of power" and resulting in the "broad erosion of the rule of law, economic stability, and confidence in good governance," to *petty corruption* which entails "very small amounts of money, and the granting of small favours."³

LEGAL FRAMEWORK AND STATES' OBLIGATIONS

In 2003, the UN General Assembly adopted the United Nations Convention Against Corruption (UNCAC), the only global legally binding anti-corruption treaty.⁴ The UNCAC obliges states to criminalize various corrupt practices (e.g., embezzlement, bribery, abuse of functions) and emphasizes State duties of prevention, transparency, and public participation.⁵ At the national level, the Convention has prompted anti-corruption reforms and international cooperation in cross-border cases and asset recovery.⁶ It is also critical in driving forward the 2030 Agenda and SDGs.⁷

Significantly, States are bound under the ICESCR (as well as economic, social and cultural rights provisions in rela-

ted treaties such as the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of Racial Discrimination) to respect, protect, and fulfill the economic, social, and cultural rights.⁸ A state party's obligation under human rights treaties extends to third parties, that is, to prevent third-party violations, including those facilitated by corruption, and to protect human rights defenders, journalists, and other civil society actors that seek to report or expose such corruption.⁹

The Committee on Economic, Social and Cultural Rights' general comments further clarify that states must use the "maximum of available resources" to progressively realize economic, social and cultural rights such as the rights to health, housing, education, food, water, and social security, among others.¹⁰ States fail their human rights obligations when they do not take appropriate measures or exercise due diligence to prevent or respond to corrupt acts that undermine the enjoyment of rights.¹¹

Other international human rights treaties similarly engage rights that are often impacted by corruption. For instance, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) addresses discrimination that often intersects with corruption, particularly in access to services, and participation of women in leadership and governance.¹² The Convention on the Rights of the Child (CRC) emphasizes children's right to health and education, which is often undermined by misappropriation of public funds.¹³ The Convention on the Rights of Persons with Disabilities (CRPD) highlights non-discrimination in access to social services, which corruption can directly impede.¹⁴ For these State obligations to be respected, protected, and fulfilled, States must proactively prevent as well as address the corruption that weakens State capacities to realize such economic, social and cultural rights.

In conjunction, other bodies and mechanisms like the Human Rights Council, its Advisory Committee,¹⁵ the Special

Procedures,¹⁶ and the Universal Periodic Review,¹⁷ highlight the institutional safeguards that exist to link and address the negative impact of corruption on the enjoyment of human rights. Additionally, human rights treaty bodies further reinforce this work by monitoring States' compliance with their treaty obligations and linking corruption to systemic barriers to rights. Likewise, the UNCAC's monitoring body, known as the Implementation Review Mechanism, established in 2009 under Article 63(5),¹⁸ together with the Conference of the States Parties,¹⁹ provides the global legal framework for prevention, accountability, and international cooperation against corruption.

Similarly, within the private sector, businesses play a critical role in their corporate social responsibility to enact due diligence in eradicating corruption, particularly in line with frameworks like the UN Guiding Principles on Business and Human Rights,²⁰ the OECD Guidelines for Multinational Enterprises²¹ and UN Global Compact.²² Alongside these, corruption litigation, both domestic and transnational, offers a pathway to accountability and restitution. Together, these mechanisms form a complementary ecosystem, each contributing through monitoring, standard-setting, legal frameworks, or accountability processes that reinforce the nexus between corruption and human rights and ensure that anti-corruption efforts advance their realization.

THE NEXUS BETWEEN CORRUPTION AND HUMAN RIGHTS

Corruption is a cross-cutting human rights concern because it directly affects the state's capacity and ability to fully promote, protect, and fulfill civil and political rights²³ as well as economic, social and cultural rights (ESCRs). Because it foments damaging resource mismanagement and weakens the trustworthiness and reliability of public and private institutions, corruption ultimately distorts responsible government decision-making and the orderly functioning of markets towards the Sustainable Development Goals (SDGs).²⁴

Institutional weakening, resource misallocation and diversion, and the distortion of governmental and private sector decision-making negatively affects the enjoyment of economic, social and cultural rights, such as the right to an adequate standard of living (including the rights to food, water, housing, and essential infrastructure and basic services), the right to social security and social protection, the right to education, rights to self-determination through the free pursuit of economic, social, and cultural development, the baseline prohibition against discrimination, the prohibition against depriving any people of their means of subsistence, as well as the right to development and to a healthy, clean, safe, and sustainable environment.²⁵

Crucially, groups in situation of vulnerability that already experience heightened precarity and depend on public services (such as women, children and youth, Indigenous Peoples, sexual minorities, communities already living in extreme poverty), tend to be more negatively impacted



Participants to OHCHR's anti-corruption training in Sri Lanka. © OHCHR

in the enjoyment of their economic, social and cultural rights, as a result of corruption's corrosive distortions on responsible governmental decision-making, resource availability and accessibility, and the effectiveness of the public sector in the delivery of basic services to populations.²⁶ Groups in situation of vulnerability possess less resources, networks, and capacities to be able to establish resilience against distortionary public and private decision-making that persistently erodes vulnerable groups' enjoyment of economic, social and cultural rights. Additionally, they are often excluded from public and private policymaking and are less likely to attempt to claim their rights and seek redress when those rights are violated.²⁷

Criminal law approaches to corruption, by their very nature, focus on incrementally prosecuting specific acts as isolated offenses against the State and seek to forfeit or recover stolen public assets to vindicate the interest of the State.²⁸ This approach can disregard the structural causes and lived human rights impacts of corruption on individuals, groups, and populations within the State, and is often susceptible to political interference and beset by weak protections for whistleblowers.²⁹

The gaps in the existing anti-corruption framework can be addressed by adopting a human rights-based approach to corruption that focuses on the rights of individuals and the corresponding obligations of states and that is grounded in human rights principles of non-discrimination, participation, transparency, and the rule of law, among others.³⁰ A human rights-based approach to preventing and combating corruption places victims at the centre of the fight against corruption, considering and prioritizing the impacts and cost of corruption on human rights.³¹ It grounds and responds to the people's call for a social, political and economic order that delivers on the promises of "freedom from fear and want."³² In identifying victims of corruption and the respective obligation for redress, this approach also enables effective remedies to be devised to provide reparation for the harm caused.³³



Participants to OHCHR's anti-corruption training in The Gambia. © OHCHR

CHALLENGES, GAPS, AND BARRIERS

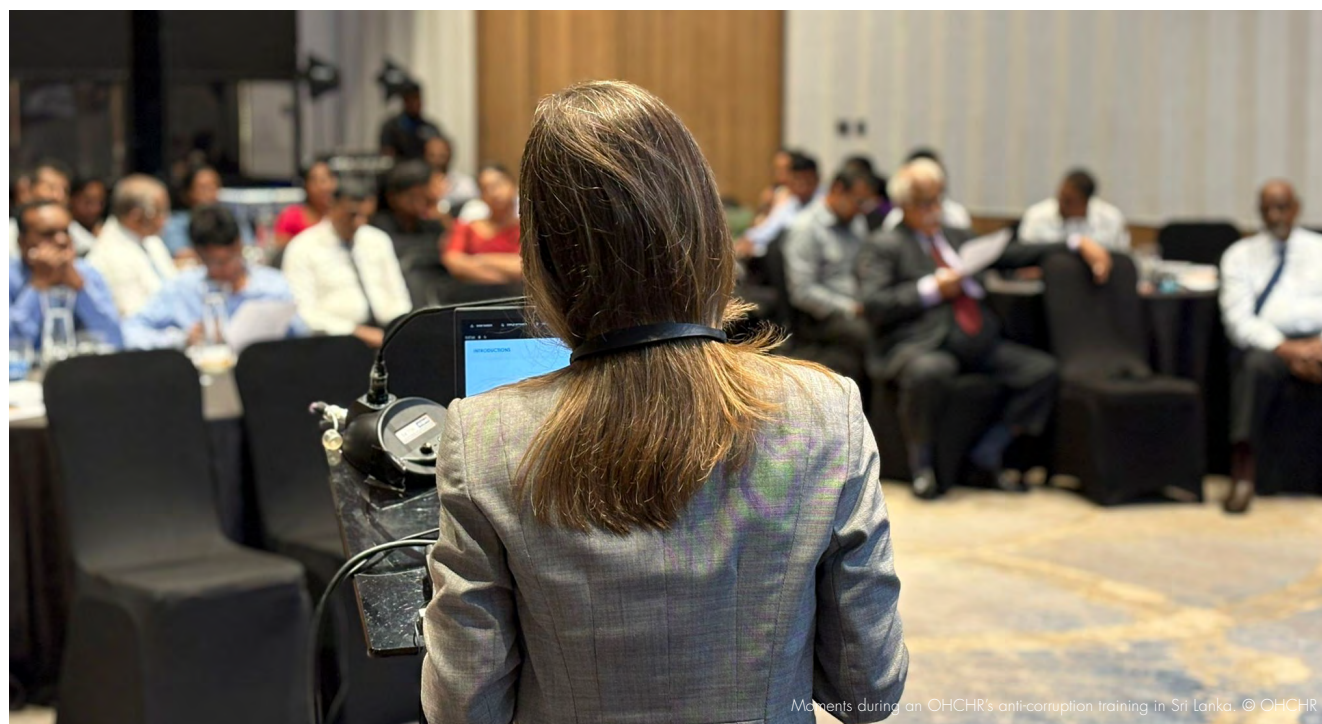
The efforts to combat corruption and promote the realization of human rights encounter numerous challenges, gaps, and barriers at various levels. Prevailing approaches to corruption tend to incrementally identify incidents of corruption, rather than acknowledging corruption as a systemic or structural problem.³⁴ This narrow focus neglects essential impact assessments—particularly for vulnerable populations—and hinders the development of appropriate and effective remedies that are victim centered and with human rights enjoyment at the forefront.³⁵ The absence of this human rights perspective results in a lack of accountability and potential incompatibility of anti-corruption measures with human rights standards.

Integrating a human rights perspective allows for greater emphasis on state responsibility for the impacts of unaddressed corruption on populations. This will require States to not only prosecute corruption, but also to take the necessary steps to address its negative impacts on their population's enjoyment of civil, political, economic, social and cultural rights. A human rights-based approach to anti-corruption can additionally assist policies to improve access for all to the justice system, as it places a more immediate focus upon the factors impeding such access as well as the capacity gaps of rights-holders seeking redress, and to protect the most vulnerable. It is also a way of combating systemic corruption, as a human rights perspective does not only target specific acts of corrup-

tion, but supports changes at institutional, structural and societal level to overcome the structural barriers that impede the realization of economic, social and cultural rights.

Studies have shown that persons living in poverty are more susceptible to being solicited for a bribe and paid for it to gain access to public services, given their reliance on such services.³⁶ The United Nations Committee on Economic, Social and Cultural Rights (CESCR) has emphasized that states may violate their obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) when they fail to effectively regulate and monitor the activities of private actors whose conduct may result in the abuse of individuals' rights.³⁷ Such failures can exacerbate discriminatory access to essential services and entrench a cycle of exclusion, particularly for individuals who depend on public services.

In addition, states can fail to provide sufficient protection for key civil society actors that engage in anti-corruption actions, such as journalists, human rights defenders, and whistleblowers.³⁸ They can be subject to retaliation, harassment, violence, and intimidation,³⁹ which thwarts the effectiveness of civil society's efforts to expose and prevent corrupt practices. The inability to obtain protection from retaliation, harassment, violence, and intimidation for anti-corruption activities can further erode trust in government institutions and the rule of law, fueling corruption in a vicious circle.



Moments during an OHCHR's anti-corruption training in Sri Lanka. © OHCHR

POLICY RECOMMENDATIONS

1. States should strengthen their efforts to combat corruption by fully adopting and enforcing **anti-corruption frameworks**, ensuring that they are in line with their human rights obligations.

2. States should take appropriate **judicial, regulatory, administrative, and policy actions** against individuals or companies that contribute to any act of reprisal, intimidation, or stigmatization against human rights defenders, especially those denouncing and fighting corruption.

3. States provide an enabling and **safe space** for relevant actors to participate, access information and express their opinions on corruption-related matters.

4. States should support the development of **tools for tracking corruption**, and creating inclusive places for dialogue between civil society, anti-corruption bodies, and national human rights institutions.

5. States should actively partner with civil society organizations to design and deliver anti-corruption **training programs** for public officials, private sector actors, and members of civil society. Such partnerships can ensure training is participatory and context-specific, equipping participants with analytical tools to detect, prevent, and address corruption. Partnerships with CSOs also allow for innovative approaches, such as train-the-trainer programs that expand reach across sectors, and specialized courses in investigative journalism that enhance transparency and accountability by empowering journalists to expose corruption through rigorous reporting.

6. States should strengthen **transparency and data collection** to assess how corruption affects different populations while addressing underlying inequalities that enable corruption. This requires collecting data through service delivery audits, complaint mechanisms, and surveys.

7. States should enhance international cooperation for the **prompt repatriation** of illicit funds to the countries of origin and to ensure that repatriated funds are used to fulfill human rights with the participation of civil society and victims of corruption, and with a specific focus on realizing economic, social and cultural rights.

8. In undertaking measures to adopt effective and efficient information and communication technologies (ICT) to strengthen anti-corruption transparency measures, States should ensure that human rights principles are integrated in the design and operation of technologies from the outset, in order to **bridge the existing digital divide**. States should promote access to information in accordance with open data frameworks, prioritize human rights principles, transparency, inclusivity and adaptability, as well as data integrity, user privacy, and data ownership.

9. States should provide support to civil society, research and academic institutions in strengthening their capacity to seek and achieve **justice and reparations for victims** of corruption and to conduct strategic public interest litigation before national and international justice mechanisms, eliminate barriers for CSO participation in cases concerning corruption, while improving whistleblower protections to insulate citizens from the risk of retaliation.

10. States should develop and implement measures to **prevent and address corruption in the private sector** in line with the UN Guiding Principles on Business and Human Rights and UN Global Compact.

11. States should integrate corruption-related developments and anti-corruption effectiveness measures into the **Universal Periodic Review**, as well as the **Treaty Body reviews** to ensure greater linkage between anti-corruption and the protection of human rights.

PROMISING PRACTICES

1 UNITED KINGDOM AND THE REPUBLIC OF MOLDOVA

On 22 September 2021, the Government of the United Kingdom, a state party to the UNCAC, signed a Memorandum of Understanding (MOU) with the Government of the Republic of Moldova on **returning funds illicitly** obtained by Luca Filat, son of former Moldovan Prime Minister Vlad Filat, who in November 2015 was placed in pre-trial detention and in June 2016 sentenced in first instance to nine years' imprisonment for accepting bribes and for influence peddling. In 2019 British courts forfeited £458,068 corruptly obtained by Luca Filat.⁴⁰ The two governments decided that the returned funds would be directed to **support social assistance**, financing additional personnel for the Personal Assistant social service.⁴¹ Personal assistance is a specialised social service intended for people with severe disabilities, including children with severe disabilities, who meet the eligibility conditions established by the Government⁴² which in turn promotes the **realization of their economic, social and cultural rights**. The MOU established that a civil society organization, Keystone Moldova, will monitor and assess the correctness of the use of financial resources returned.⁴³ This practice demonstrates how assets reclaimed from corruption can be **effectively directed to the fulfillment of ESCR** with appropriate civil society oversight.

2 COLOMBIA

Colombia has developed the *RADAR de Corrupción y Derechos Económicos, Sociales y Culturales*, an innovative measurement tool created by the Anti-Corruption Observatory of the Secretariat of Transparency (Secretaría de Transparencia). The RADAR evaluates how corruption **directly affects** the effective enjoyment of ESCRs, beginning with the rights to education and health, and expanding to other areas such as public services and labor. Structured around two components—(i) corruption, including observable and hidden forms as well as institutional capacity, and (ii) the specific economic, social, or cultural right under review—the tool applies advanced statistical methods to map territories where corruption most negatively impacts rights.⁴⁴ Within the observable corruption dimension, RADAR compiles data on both sanctions and corruption-related news. Sanctions cover three types: **criminal** (crimes against the administration of justice), **disciplinary** (imposed on public servants), and **fiscal** (rulings of fiscal responsibility). The news component draws on daily national and territorial reporting on corruption-related issues, which are coded and integrated into the indicator.⁴⁵ By identifying high-risk areas, RADAR helps prioritize public policies for transparency and anti-corruption, generate early alerts, and strengthen the State's response to rights violations. It also provides disaggregated data, maps, and analytical results, serving as an evidence-based instrument that can be adapted by other States to better understand and address the nexus between corruption and ESCRs.

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- 3 United Nations [Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators](#), Vienna, September 2004, at p 23 (last accessed July 17, 2025).
- 4 UNODC, [Learn about the United Nations Convention against Corruption \(UNCAC\)](#) (last accessed August 12, 2025).
- 5 United Nations Convention against Corruption, October 31, 2003, 2349 U.N.T.S. 41, at Articles 5, 9, 15, 16, 17, 19, 20.
- 6 UNODC, [Learn about the UNCAC](#), *supra* note.
- 7 *Id.*
- 8 International Covenant on Economic, Social and Cultural Rights, December 16, 1966, 993 U.N.T.S. 3 at art. 2 para 1.
- 9 Divya Prasad & Iazarie Eeckeloo, *supra* note 13, at p. 11. See Committee on Economic, Social and Cultural Rights, *General Comment No. 24, On State Obligations in the Context of Business Activities*, E/C.12/GC/24, 23 June 2017; Committee on Economic, Social and Cultural Rights, *General Comment No. 26 (2022) On Land and Economic, Social and Cultural Rights*, E/C.12/GC/26, 22 December 2022, at paragraphs 52 to 55.
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- 11 International Council on Human Rights Policy, [Corruption and Human Rights: Making the Connection](#) (2009), at p. 2.
- 12 Convention on the Elimination of All Forms of Discrimination Against Women, December 18, 1979, 1249 U.N.T.S.13.
- 13 Convention on the Rights of the Child, November 20, 1989, 1577 U.N.T.S. 3, at articles 4, 24, 28, 29.
- 14 Convention on the Rights of Persons with Disabilities, December 13, 2006, 2515 U.N.T.S. 3, at articles 5, 9, 19, 28.
- 15 [Final Report of the Human Rights Council Advisory Committee on the Issue of the Negative Impact of Corruption on the Enjoyment of Human Rights](#), U.N. Doc. A/HRC/28/73 (last accessed January 5, 2015).
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- 17 *Id.*
- 18 Conference of the States Parties to the United Nations Convention against Corruption, *Resolution 3/1 – Review Mechanism* (November 2009). The Convention entered into force in 2005, and left the design and exact contours of the review mechanism to the States parties. See also, UNODC, [Implementation Review Mechanism](#).
- 19 Learn more at United Nations Office on Drugs and Crime (UNODC), [Conference of the States Parties to the United Nations Convention Against Corruption](#).
- 20 U.N. Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, U.N. Doc. HR/PUB/11/04 (2011).
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- 23 Divya Prasad & Iazarie Eeckeloo, [Corruption and Human Rights: A Practitioners' Guide and Strategic Advocacy Tool for Civil Society Organisations](#) 9–11 (Ctr. for Civic & Pol. Rights & Geneva Acad. 2021)
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- 33 OHCHR, *The negative impact of corruption on the enjoyment of human rights*, at 3 (2015).
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- 37 *Id.* at para.18.
- 38 *Id.* at paragraphs 44-46.
- 39 *Id.* at paragraphs 44-46.
- 40 [Moldova: Former PM Sentenced in Billion-Dollar Bank Fraud Case](#), OCCRP (June 30, 2016).
- 41 MOU between UK and Moldova, *supra* note.
- 42 [Monitoring Report 1: Financial Resources for the Delivery of 'Personal Assistance' Social Services](#), Monitoring Reports for the Return of Funds by the UK to Moldova, Home Office (March 3, 2025).
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