

BREAKING THE VICIOUS CYCLE:
CORRUPTION AND POVERTY; OBSTACLES TO SOCIAL AND ECONOMIC RIGHTS.

A HUMAN RIGHTS BASED BOTTOM-UP APPROACH

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From the examinations of States parties to the UN Committee on Economic, Social and Cultural Rights we know of cases of pregnant women who cannot access basic public health services without bribing the nurses and doctors. We know of young people who have their right to education violated either because the victim cannot pay his way into and through the system, or because funds disappear from the education area due to corruption. Reading through the examinations of countries in the Committee on Economic, Social and Cultural Rights as well as other UN Committees such as the Committee on the Rights of the Child, there are clear indications of the close links between corruption and violations of economic and social rights.

Following the country examinations corruption violates economic and social rights most severely at three levels:

1. The institutional level, where money is often diverted from social services to pay for large-scale infrastructure projects such as roads and factories. Such projects are more likely to bring in revenue for politicians in the form of bribes.
2. At the population level, where citizens cannot access education and health services because they cannot afford the bribes. In some countries, for example, patients are expected to pay doctors directly to receive prescriptions. Such practice establishes severe patterns of discrimination and increases the gap between those who have and those who don't.
3. And thirdly, at the judiciary level, where inadequate redress of corruption crimes fails to deter the practice and adds to a culture of impunity that only makes the problem worse.

In the human rights world too little attention has been paid to the effects of corruption on human rights. The UN Committees address corruption, but not to the extent the issue deserves, and at the

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domestic level human rights institutions and NGOs are only in the early stages of developing their strategies in this regard.

The value added by involving the human rights world in the fight against corruption would be three fold:

Firstly, human rights institutions have developed a number of methodologies and strategies to create a human rights culture within a given institution and the environment relating to that particular area, be it the judiciary, police or other sectors. The human rights world has moved much further than only focussing on violations, impunity and redress. Human rights education is one key factor, but education should be developed together with organisational and institutional changes. Human rights education in a police or justice sector may be in vain without fundamental changes in procedures and structure.

Second, the rights based approach to development offers a unique possibility to move rights awareness from an exclusive focus on civil and political rights to include economic, social and cultural rights as well. The awareness raising and instrumentalisation of civil and political rights the last 20 years has empowered many marginalised groups in different parts of the world. When people realise that the international community shares their view that the violation of their rights is inhumane, their willingness grow to stand up and defend their rights. The global democratisation process the last 20 years got increased momentum from this awareness. Today we can prosecute a torturer from country A in country B. We could work toward a situation where a person who has seriously violated economic and social rights through corrupt behaviour could equally be prosecuted in foreign countries if the home country is not willing to do so. It has an effect.

If the past decade was about civil and political rights, this decade could be about economic and social rights. If awareness is created that the right of the individual to education or health services should be met by a duty-bearer the next step is almost automatic that people will try to identify the duty-bearer. In this process NGOs and others will have to learn how to read budgets of municipalities and governmental structures in order to follow the flow of resources in society. Knowledge needs to be conveyed regarding democratic standards for transparency, access to information and a number of other issues relevant to combat corruption. A bottom up approach can help to change the situation and create a higher level of accountability.

Thirdly, the added value would be that a number of existing institutions would relate to the issue. In the human rights world an interesting potential for the fight against corruption may be that the links between the international and national monitoring mechanisms are being tied more closely together. With the emergence in the last decade of National Human Rights Institutions and human rights ombudsmen world wide, the missing link between the international and national levels is created. Thus, we see that international and regional monitoring mechanisms are becoming still more relevant in the implementation of treaty obligations because key national actors have been established in more than 100 countries within a period of 10 years. Many of the National Institutions have taken ownership to the recommendations from the monitoring mechanisms. If the issue of corruption got a stronger standing in the human rights world the fight against corruption could benefit from this developing dynamics.

Thus, my suggestion for practical next steps would be to enter into dialogue with the network of National Human Rights Institutions to identify ways to create a higher level of interest, insight and

knowledge about their role in the fight against corruption. Some of our colleagues are already working in this field, so they could take the lead. National Institutions have strength in that they have a pluralistic composition of their governing structure, comprising NGOs, labour market representatives, parliamentarians, religious groups, etc. Thus, strategies will get important input from these diverse groups as well as having a considerable spreading effect. In particular the National Institutions can support the NGO community in their capacity building in local communities.

Furthermore, discussions should be initiated on how treaty bodies and special rapporteurs can address the issue of corruption within their mandates. Where is the borderline between human rights analysis and concern on the one side and politicising and internal affairs on the other? The closer interaction between national human rights institutions and treaty bodies will be useful in identifying the room for legitimate concern.

In conclusion, I believe that both the organisations and institutions working in the field of anti-corruption as well as human rights would greatly benefit from closer collaboration. The collaboration will solve neither the issue of corruption nor human rights violations, but the interaction may add important new dimensions that strengthen the overall issue of these global concerns.