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EXPLORING CORRUPTION AS A VIOLATION OF HUMAN RIGHTS IN THE PRACTICES OF INTERNATIONAL HUMAN RIGHTS INSTITUTIONS

ДОСЛІДЖЕННЯ КОРУПЦІЇ ЯК ПОРУШЕННЯ ПРАВ ЛЮДИНИ В ПРАКТИЦІ МІЖНАРОДНИХ ПРАВОЗАХИСНИХ ІНСТИТУЦІЙ

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The article considers an important aspect of the relationship between corruption and human rights violations in the context of the activities of international human rights institutions. The purpose of the study is to analyze the impact of corruption on various areas of human rights compliance, including economic, social and political aspects. It has been found that corruption can limit the availability of basic services, reveal the distribution of resources and lead to violations of the rights to justice, freedom of expression and participation in the political process. The article discusses the importance of fighting corruption in achieving the Sustainable Development Goals and ensuring a fair and dignified life for all.

The article analyzes the role of international human rights organizations that recognize corruption as a threat to human rights. The study reveals their efforts to set regulatory standards, monitor violations and promote the prosecution of corruption. The role of international organizations in raising awareness of the relationship between corruption and human rights violations is highlighted. Further analysis of the article reveals the role of international human rights organizations in this context. They recognize corruption as a threat to human rights and are actively working to establish regulatory standards to combat this problem. International organizations monitor violations and help bring individuals to justice for corruption.

It is also important to note that this article can serve as a basis for further research in this area. Although it has already identified many links between corruption and human rights violations, there may be even more aspects that require further disclosure and understanding.

In general, this article highlights the difficult and multifaceted nature of the impact of corruption on human rights violations. She emphasizes the importance of fighting corruption as a factor that can significantly limit the realization of citizens' rights and harm society as a whole. Such studies help to understand what steps should be taken at different levels to ensure justice, democracy and a decent life for every person.

Key words: corruption, anti-corruption activity, prevention of corruption, countering corruption, justice, violation of human rights, international human rights organizations.

У статті розглядається важливий аспект взаємозв'язку корупції та порушень прав людини в контексті діяльності міжнародних правозахисних інституцій. Метою дослідження є аналіз впливу корупції на різні сфери дотримання прав людини, включаючи економічні, соціальні та політичні аспекти. Було встановлено, що корупція може обмежити доступність базових послуг, виявити розподіл ресурсів і призвести до порушення прав на правосуддя, свободу вираження думок та участь у політичному процесі. У статті обговорюється важливість боротьби з корупцією для досягнення Цілей сталого розвитку та забезпечення справедливого та гідного життя для всіх.

У статті аналізується роль міжнародних правозахисних організацій, які визнають корупцію загрозою правам людини. Дослідження розкриває їхні зусилля щодо встановлення нормативних стандартів, моніторингу порушень та сприяння притягненню до відповідальності за корупцію. Висвітлюється роль міжнародних організацій у підвищенні обізнаності про взаємозв'язок між корупцією та порушеннями прав людини. Подальший аналіз статті розкриває роль міжнародних правозахисних організацій у цьому контексті. Вони визнають корупцію як загрозу для прав людини та активно докладають зусиль для встановлення нормативних стандартів щодо боротьби з цією проблемою. Міжнародні організації здійснюють моніторинг порушень та сприяють притягненню осіб до відповідальності за корупційні дії.

Важливо також зазначити, що дана стаття може послужити основою для подальших досліджень у цій області. Хоча вона вже виявила багато зв'язків між корупцією та порушеннями прав людини, можливо, існують ще більше аспектів, які вимагають подальшого розкриття та розуміння.

У цілому, дана стаття висвітлює важкий і багатогранний характер впливу корупції на порушення прав людини. Вона ставить акцент на важливість боротьби з корупцією як чинника, що може суттєво обмежити реалізацію прав громадян та завдати шкоди суспільству в цілому. Такі дослідження допомагають зрозуміти, які кроки мають бути підприйняті на різних рівнях для забезпечення справедливості, демократії та гідного життя для кожної людини.

Ключові слова: корупція, антикорупційна діяльність, запобігання корупції, протидія корупції, правосуддя, порушення прав людини, міжнародні правозахисні організації.

Formulation of the problem. Corruption is a negative social phenomenon that manifests itself in the criminal use by officials, first of all, of state and local self-government bodies, of the power or official position granted to them for the purpose of personal enrichment. However, this concept is not limited to this definition, corruption in its various forms permeates not only the government, but also the whole society, including the sphere of politics, fundamentally, and therefore, counteraction to these criminal offenses cannot be anything other than a struggle for the recovery of social relations affected by this negative phenomenon, which are the most favorable for the spread of corruption and for the elimination of the causes and basis of its generation and further existence.

Analysis of recent research and publications. The development of appropriate anti-corruption regulation of the activities of anti-corruption bodies remains one

of the important tasks in the field of legal science. Scientists such as P. Alston, J. Connors, R.G. Brun, H. Huebner, O. Bandurka, V. Bilous, A. Galai, I. Grabets, V. Dragan, D. Zabroda, M. Havronyuk, O. Shemyakin, O. Yarmysh, and N. Yarmysh, made a significant contribution to this process.

Presenting main material. Corruption is indeed a serious threat to human rights, development and stability of society. It affects all spheres of life: from economy and politics to education, health care and infrastructure. Corruption siphons resources, reduces trust in power structures, promotes inequality and limits development opportunities.

Corruption is a social phenomenon that is present in all countries and spheres of life. Anti-corruption requires an effective anti-corruption system consisting of special institutions and measures aimed at controlling, reducing

and stopping corruption phenomena. This is an important task of the state and a function that it must implement and protect with the help of special means of state influence. Without a proper anti-corruption system and the will of public authorities and society, its implementation is impossible. The level of corruption is an important indicator of rapid development and the desire to carry out transformations in the state. If this level is low and controlled, then it contributes to economic growth, social well-being of citizens, a good international image of the state, the rule of law and demonstrates the authority of the state. On the other hand, the high level of corruption indicates the decline of state institutions, law enforcement and judicial systems, violation of human and citizen rights [1, p. 23–25].

The main documents of the United Nations (UN) promote the thesis that corruption significantly affects human rights. They note that corruption harms the realization of human rights, its activities can undermine these rights and cause serious harm to their realization. This issue is particularly relevant in the context of the state and public levels, where corrupt management structures can become an obstacle to the effective provision of human rights. Human rights violations can even be facilitated if there are no adequate safeguards against corruption, especially among public officials or in the private sector [2].

At the same time, the human rights approach to the fight against corruption is criticized for its vagueness and conceptual ambiguity. Some critics question the effectiveness of this approach and point to the need for clearer and more specific strategies and measures. Such criticism may indicate the importance of developing more detailed tools and methods that ensure a more active and effective fight against corruption from the perspective of human rights.

Thus, the UN views corruption as a threat to human rights and development, and a human rights-based approach can be a valuable normative framework for combating corruption, even if its effectiveness and conceptual clarity remain subject to debate and criticism [2].

The proposal to include aspects of human rights in the fight against corruption arose because of the moderate success of existing international documents in this area. These instruments include at least 10 international and regional treaties with additional protocols, as well as soft law standards. They were created in the 1990s in response to the spread of corruption across borders, as major corruption cases are often cross-border in nature.

The United States of America, which proposed to conclude an agreement on the criminalization of foreign bribery, should be especially noted. US efforts at the Organization for Economic Co-operation and Development (OECD) led to the adoption of the Anti-Bribery Convention in 1997. The main purpose of this convention was to ensure fair competition for business by preventing unfair practices such as bribery. Attempts at new markets, especially in Eastern Europe. In addition, in 2003, the UN Convention against Corruption (UNCAC) was adopted, which became an additional international tool in the fight against corruption. This convention provides standards and mechanisms for the detection, prosecution and application of appropriate sanctions for corrupt practices. As of September 2018, 186 member states have adopted the UN CPC [3].

In general, the emergence and development of these international instruments reflects the reaction to the globalization of corruption and its cross-border influence. The proposal takes into account aspects of human rights in the fight against corruption is an attempt to increase the effectiveness of these measures and the importance of ensuring a level playing field and protecting the rights of citizens in this process.

On June 2–4, 2021, the General Assembly of National Assemblies of the United Nations (UNGA) held a special session to discuss challenges and measures to prevent and fight

corruption and strengthen international cooperation (UNGA: 13). At the meeting, a political declaration was adopted, which was agreed in advance by consensus during intergovernmental negotiations under the auspices of the Conference of States Parties to the UN Convention against Corruption (ibid.). The normative outcome emphasizes the importance of fighting corruption in achieving the Sustainable Development Goals (SDGs) by 2030, particularly in relation to peace and security, which emphasize effective public law and good governance at all levels (Goal 16) (ibid.). This is the latest development of the international anti-corruption consensus, where the problem of corruption is discussed from different parts of the UN General Assembly.

One of the examples that reflects the attention of international human rights institutions to the impact of corruption on human rights is the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) regarding the independence of the judiciary and advocacy.

In 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that corruption can seriously threaten the independence of the judiciary and the right to a fair trial. He added that insufficient independence and anti-corruption measures may lead to violation of the human right to a fair and independent court. The Office of the United Nations High Commissioner for Human Rights (OHCHR) noted that corruption in the justice system can influence unfair decisions, limit access to justice, and violate the principles of equality and transparency. This example shows how international human rights institutions study and analyze the impact of corruption on various aspects of human rights, especially on the independence of the judiciary. The results of these studies and reports can be used to provide recommendations and improve anti-corruption policies and practices in various countries to ensure respect for human rights.

Let's consider the ways in which corruption violates human rights and which are implemented through international human rights mechanisms [6, p. 43]:

1) Violation of economic rights. Corruption can lead to the illegal use of public resources, including public funds, for the benefit of a limited number of individuals. This can lead to restrictions on social services, education, health care and other basic human rights.

2) Violation of the right to a fair trial. Corruption can affect the independence of the judiciary, lower the level of justice and threaten the right to a fair trial.

3) Limit access to education. Corruption can contribute to the undermining of education systems and lead to bribes being demanded for access to education. This limits the opportunities of the most vulnerable sections of the population to acquire knowledge and skills.

4) Violation of the right to health. Corruption can lead to underfunding of health care, which can limit access to quality health care and medicines.

5) Impact on development and economic growth. Corruption can slow down the development of the economy, lead to underutilization of resources and investments in the real development of the country, which affects economic and social human rights.

Violation of economic rights due to corruption means that corrupt actions affect the use of state resources, including state funds, which can have a negative impact on society as a whole. Corruption can lead to insufficient or uneven funding of social programs that provide basic services such as housing for the most vulnerable, food for children, support for the unemployed, etc. Insufficient funding can limit access to these services and lead to social inequality.

For example, corruption scandals in the Brazilian company Petrobras led to the dismissal and imprisonment of high-ranking officials and entrepreneurs. This massive financial fraud deprived the state of important resources that could be

used to support social programs and guarantee the basic rights of citizens [7, p. 40].

Corruption in the education system can lead to situations where children and young people have to pay bribes or other illegal fees to gain access to education. This limits opportunities for the younger generation to get a quality education and develop their skills.

Corruption in the medical field can lead to insufficient financing of medical institutions, deterioration of the quality of medical services, and the inaccessibility of quality medical services to citizens.

Corruption can hinder a country's economic development, as resources that should be allocated to infrastructure, investment and development may not be available due to corrupt schemes. This can lead to a decrease in incomes and the standard of living of citizens in general.

In Zimbabwe, there have been cases of the use of corruption schemes to impoverish the population, especially in the area of distribution of food and land resources. This can lead to food and shelter restrictions and violations of basic social and economic rights [8].

Corruption among law enforcement agencies is widespread in Nigeria, which can lead to impunity for violations of citizens' rights. This can include acts of violence, arbitrary detention and threats against those who oppose the corrupt system [8].

In China, corruption in the public and business sectors can lead to restrictions on citizens' rights to participate in the political process and access to transparent and fair justice [8].

International human rights institutions, such as the UN, the European Court of Human Rights, the Inter-American Commission on Human Rights and others, consider corruption to be a violation of human rights. They can investigate complaints of corruption, require states to take measures to combat corruption, and recommend changes in law and practice to ensure the protection of human rights. In addition, these institutions can provide technical assistance to states in developing effective anti-corruption strategies and programs.

Accordingly, corruption not only violates ethical and moral standards, but also seriously affects the realization of human rights, and international human rights institutions play an important role in combating this phenomenon.

The fight against corruption as a violation of human rights requires a comprehensive approach and joint efforts of international organizations, states and citizens. Here are some ways to improve the fight against human rights violations through corruption [9, p. 101–103]:

- Develop and implement strong anti-corruption laws and compliance mechanisms. These laws should provide for punishment for corruption, including for high-ranking officials, and provide protection for victims of corruption.

- Ensure transparency of government and commercial transactions, especially public procurement and financial transactions. The dissemination and availability of information can help citizens monitor the activities of public officials and prevent possible corrupt practices.

- Guarantee of independence of judicial and anti-corruption bodies. Effective work of courts and law enforcement agencies is important for investigating and punishing corruption.

- Support and encourage the active role of public organizations, mass media and activists in identifying, documenting and disclosing cases of corruption. They can monitor and highlight issues and help bring them to the attention of the international community.

- Involvement of international organizations and states in the joint fight against corruption. Interaction, exchange of experience and resources will contribute to a more effective fight against this phenomenon.

Thus, the priorities for the implementation of the state anti-corruption policy and anti-corruption strategy in Ukraine until 2025 and in the future are [10]:

- Creation of an effective system of prevention and fight against corruption in state bodies, territorial communities and enterprises of the state sector of the economy.

- Increasing the transparency and openness of government and company activities, including by publishing open information about budget funds and procurement.

- Strengthening control over the declaration of income and property of civil servants and their relatives, as well as over financial transactions that may be related to corruption.

- Reforming law enforcement structures and the judicial system to ensure effective investigation and punishment of corruption crimes.

- Strengthening of international cooperation in the fight against corruption and fulfillment of international obligations in this field.

- Development of a culture of anti-corruption behavior in society, raising the level of legal education and information culture of citizens.

- Prevention of corruption in the field of education, in particular, by ensuring the transparency of decision-making regarding the approval of educational programs, the appointment of heads of higher education institutions and the disposal of budget funds.

Strengthening the fight against corruption is one of the main priorities of the state anti-corruption policy and implementation of the anti-corruption strategy in Ukraine until 2023 and beyond.

To achieve this goal, it is necessary to implement the following measures [10]:

- to improve legislation and ensure its effectiveness by creating appropriate legal instruments that will enable effective detection, investigation and punishment of corruption crimes.

- Ensure the independence and effectiveness of anti-corruption bodies, such as the National Agency for the Prevention of Corruption (NACP), the National Bureau of Investigation (BNI) and the Specialized Anti-Corruption Prosecutor's Office (SAP).

- To ensure effective interaction between various state and public bodies in order to detect, investigate and punish corruption crimes.

- Development of civil service culture, which includes increasing requirements for professional competence and moral and ethical qualities of civil servants.

- Increasing public awareness of the negative consequences of corruption and the need to fight it.

The effectiveness of the anti-corruption strategy depends on several factors, such as:

- active participation and involvement of citizens in the fight against corruption

- uncompromising and steadfast fight against corruption in all its manifestations and careful study and analysis of applied anti-corruption measures, their effectiveness and validity [10].

Conclusion. Corruption as a violation of human rights The practice of international human rights institutions confirms that corruption is not only an economic or political problem, but also an important aspect of the violation of basic human rights and freedoms. This phenomenon affects a wide range of life, including access to social services, health care, education and justice.

International human rights institutions recognize that corruption threatens the realization of human rights, and have begun to actively include this issue in their activities. Corruption affects the observance of the rule of law, freedom of speech and the right to a fair trial. The combination of corruption schemes and actual human rights violations such as violence, imprisonment and intimidation can lead to systematic violations. The importance of fighting corruption to ensure respect for human rights is manifested in various aspects. From ensuring the transparency and openness of government actions to the prohibition of undeclared enrichment of public officials, every step in the fight against corruption contributes to strengthening the legal protection of citizens.

The bottom line is that corruption and human rights violations are interrelated and interdependent phenomena. The fight against corruption should be an integral part of the protection and guarantee of human rights in the world.

International human rights organizations must play an active role in identifying, documenting and combating corruption in order to ensure a just and lawful world where the rights and dignity of every person are protected and protected.

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