HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE QUESTIONNAIRE ON IMPLEMENTING EXISTING PROCEDURAL AND SUBSTANTIVE HUMAN RIGHTS OBLIGATIONS OF STATES IN THE CONTEXT OF PREVENTING AND COMBATING CORRUPTION

Responses by the Working Groups of the Global Civil Society Coalition for the UNCAC[1]

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A. Core questions for all

1. If your State is a party to the United Nations Convention against Corruption (UNCAC), what measure have been taken across all three powers to give effect to its provisions, particularly regarding bribery, embezzlement, money laundering, obstruction of justice, private sector corruption, trading in influence, abuse of functions, illicit enrichment, asset recovery, protection of witnesses, experts and victims and protection of reporting persons)? Is your State a party to other regional anti-corruption conventions? What is the role of the private sector in corruption-related human rights violations?

2. What is the main constitutional and/or legal anti-corruption framework within the domestic legal system? To what extent does the anti-corruption legal framework make reference to human rights obligations?

3. To what extent does the national framework address corruption-related human rights violations? Is there a dedicated anti-corruption institution, and is it coordinated with other national bodies? How is information accessible and transparent on these matters?

[1] See: https://uncaccoalition.org/get-involved/working-groups/

4. Does your country have a national anti-corruption strategy / action plan? If yes, is it general, or targeted to specific sectors/risks (public procurement, customs, transnational crimes, health, extractive industries, etc.)? Does the national anti-corruption strategy include reference to human rights obligations?

5. Do you have anti-corruption/compliance program obligations for public authorities, international/foreign institutions and/or large companies (risk mapping, controls, due diligence)? What sanctions (administrative, civil, criminal) apply in cases of non-compliance? Does the anti-corruption due diligence, if in place, take into consideration human rights protections?

6. Does your system provide for risk mapping and strengthened internal controls/audits (accounting/financial, invoice/payment verification, receivables monitoring, etc.)? What new and emerging technologies/services do you consider drivers of corruption-related human rights violations?

7. Can you describe the framework to assess risks, prevent and address judicial corruption? To what extent does corruption within the judiciary and law enforcement agencies undermine the right to a fair trial, the independence of judges, and equal access to justice?

In general, corruption within the judiciary and law enforcement agencies is one of the manifestations as well as a driver of systemic corruption. Bribery, undue influence and abuse of authority undermine the rights to fair trial and equal access to justice, as well as political rights, rights to freedom of expression and association, and others. Processes of selection, discipline (including vetting where judicial corruption is widespread) and promotion are key to avoiding corruption in the judiciary.

One of the areas of the justice system most vulnerable to corruption is the process for selecting its highest authorities. A key factor underlying this vulnerability is the formal or informal involvement of political actors in the appointment of high court judges and attorneys general. While international standards recognize a range of selection models as equally valid, experience shows that models involving political bodies are ill-suited to contexts where corruption affects the political system. This concern has been underscored by the Inter-American Commission on Human Rights in its report *Corruption and Human Rights* (para. 306).

To mitigate corruption in these appointments and, consequently, the risk of capture of justice systems, the following measures should be considered:

- Regardless of the model adopted, the process should include a rigorous, merit-based technical evaluation stage that is clearly separated from the final decision-making stage. Wherever possible, these stages should be entrusted to

different bodies; in particular, the technical evaluation should not be conducted by a political body.
- The selection mechanism should ensure the participation or concurrence of multiple institutions, thereby preventing the concentration of decision-making power.
- The inclusion of social actors (such as universities and bar associations) does not, in itself, reduce the risk of judicial corruption. Without robust and transparent procedures for selecting their representatives, these actors may themselves be subject to capture and instrumentalization.
- Constitutional frameworks should establish clear eligibility requirements and a defined professional profile for the position, including both ethical standards and technical qualifications.
- Legal provisions should disqualify candidates who have maintained partisan political affiliations within a reasonable period prior to their application. Similarly, individuals for whom there are credible indications of involvement in serious human rights violations or acts of corruption should be deemed ineligible.
- It should be expressly established that transparency and access to public information laws apply fully to selection processes.
- Effective procedural mechanisms should be in place to allow for judicial review of both the selection procedures and their outcomes when they fail to comply with the applicable legal framework.

In situations of systemic corruption, vetting of sitting judges and prosecutors to combat corruption may be necessary, and such vetting does not violate guarantees of judicial and prosecutorial independence if it is done in an independent and rights-respecting manner.

8. Are there internal/confidential reporting mechanisms and protection for whistleblowers (anonymity, protection against retaliation, remedies)? How can States protect anti-corruption activists, whistleblowers and journalists from retaliation, intimidation, or physical violence?

A. EU Member States' Compliance

Internal / Confidential Reporting Mechanisms

European Union Directive (EU) 2019/1937 requires internal and confidential reporting channels across both the public and private sectors.

Private legal entities with 50 or more workers must establish internal reporting channels (Article 8(3)). Public sector entities, including municipalities with more than 10,000 inhabitants or 50 workers, must also establish channels (Article 8(9)). These systems must receive and follow up on reports and provide information on whistleblower rights.

Internal channels may be operated by third-party providers (Articles 5(5), 9(1)). In the private sector, channels must be managed by an impartial person or department and

maintain confidentiality (Article 9(1)(a), (c)). Recital 56 indicates channels should be independent, free from conflicts of interest, and where practical report directly to top leadership.

For competent external authorities, requirements are more detailed. Authorities must designate autonomous staff or offices, maintain confidentiality, and provide mandatory training for personnel handling reports (Articles 11(2), 12(5)).

A recent study by Government Accountability Project and Whistleblowing International Network found that only 8 EU Member States substantially complied with overall institutional reporting-channel requirements, 15 partially complied, and 4 did not comply.

These findings are reinforced by the 2026 Transparency International and Whistleblowing International report *How Effective is Whistleblower Protection in the EU?*, which found that implementation is frequently undermined by fragmented institutional arrangements, unclear mandates, weak coordination, and under-resourced authorities. The report notes that many systems exist formally in law but remain difficult for reporting persons to navigate or trust in practice. Transparency International's (TI) 2023 report *How Well do EU Countries Protect Whistleblowers,* examining 20 member states found that 19 of the 20 countries reviewed failed to comply with at least one core requirement of the Directive, including direct access to authorities, remedies, advice, or penalties for violations. TI also found that none of the 20 countries fully met best practices across key areas such as anonymous reporting, internal systems, and support for whistleblowers.

States should therefore ensure that reporting channels are accessible, well-publicized, available in multiple formats, and supported by independent authorities with sufficient staffing, expertise, and enforcement powers.

Remedies

The Directive requires that whistleblowers have access to remedies and full compensation for damage caused by retaliation (Article 21(8)). It also permits Member States to provide legal, financial, and psychological support during proceedings (Article 20(2)).

Government Accountability Project and Whistleblowing International Network's study found that 7 countries substantially complied, 13 partially complied, and 7 failed to comply with remedy requirements.

The 2026 Transparency International report similarly concludes that remedies across the EU are often limited, slow, difficult to access, or unclear in practice, with relatively few examples of effective reinstatement. It emphasizes that whistleblowers frequently must endure lengthy litigation before receiving relief, if any.

To be meaningful, remedies should include reinstatement, annulment of retaliatory measures, interim relief, compensation for financial and non-financial harm, legal costs, and restoration of career status. Protection without timely redress risks becoming symbolic.

Confidentiality / Anonymity

The Directive repeatedly emphasizes confidentiality. It protects the identity of reporting persons and any identifying information (Articles 9, 11, 16). Disclosure is only permitted where required by national or Union law, and ordinarily the whistleblower must receive advance notice and reasons (Article 16(3)).

States must also impose penalties for unlawful breaches of confidentiality (Article 23(1)(d)).

Anonymous reporting is optional for Member States, but if an anonymous whistleblower is later identified, anti-retaliation protections still apply (Article 6(3)).

The Government Accountability Project and Whistleblowing International Network study found that 18 countries substantially complied, 6 partially complied, and 3 failed to comply on confidentiality protections. However, subjective loopholes exist in almost every national law, such as when an investigation should be carried out.

Transparency International further found that none of the 20 countries reviewed fully met best practice standard**s** on anonymous reporting and internal whistleblowing systems.

States should therefore provide secure anonymous reporting options, strict identity controls, penalties for leaks, and modern digital security protections.

Protection Against Retaliation

In the EU Directive, protection extends beyond the whistleblower to:

- facilitators assisting the disclosure
- colleagues and relatives at risk of reprisal
- worker representatives such as unions
- lawyers and advisers assisting the whistleblower
- former employees, applicants, trainees, volunteers, contractors, suppliers, shareholders, and self-employed persons

The Directive also protects legal entities connected to the whistleblower such as the employer, helping prevent retaliation through cancelled contracts, licensing pressure, or commercial blocklisting.

Government Accountability Project and Whistleblowing International Network's study found 24 countries substantially complied and 3 partially complied with personal-scope protection requirements.

However, TI warned that whistleblowers may win legal recognition of retaliation yet still suffer unrecovered financial and career losses, discouraging future reporting.

States should therefore prohibit both direct and indirect retaliation, provide broad standing for associated persons, and ensure that once a whistleblower suffers detriment after reporting, the burden shifts to the employer or authority to prove that the action was not linked in any way to the disclosure.

Taken together, the Government Accountability Project, Whistleblowing International Network, and Transparency International's findings suggest that the principal challenge in the EU is no longer whether laws exist, but whether they provide trusted reporting channels, real remedies, meaningful enforcement, and practical incentives to speak up safely.

B. UNCAC States Parties' Compliance

UNCAC Framework

Article 32 requires protection from retaliation or intimidation for witnesses and experts who testify in corruption proceedings, and where appropriate their relatives or close associates. Measures may include relocation, identity protection, remote testimony, and international cooperation on relocation.

Article 33 calls on States Parties to consider legal measures protecting persons who report corruption in good faith and on reasonable grounds to competent authorities from unjustified treatment.

UNCAC Conference of States Parties resolutions have strengthened this framework:

- Resolution 9/1 called for confidential complaint systems and protected reporting systems that are accessible and inclusive.
- Resolution 10/8 (Protection of Reporting Persons) encourages confidential internal reporting systems, anonymous reporting where appropriate, digital tools, remedies for retaliation, and protection from reputational, financial, psychological, workplace, and physical harm. It also recognizes the role of civil society and media in protecting reporting persons.

Compliance Trends (UNODC 2025 Survey of ~80 States Parties)

According to a United Nations Office on Drugs and Crime report presented in June 2025:

Legal Frameworks

- 36 states + EU reported comprehensive laws covering public and private sectors
- 11 states were drafting dedicated laws
- 24 states had no dedicated whistleblower law

- 22 of those 24 nonetheless reported partial protections in labour, criminal, or anti-corruption laws
- 53 states reported some physical protection frameworks applicable to reporting persons
- 18 states extended witness-protection type measures to whistleblowers outside court proceedings

Reporting Channels

- 41 states had not assessed the effectiveness of reporting channels
- 29 states had conducted at least partial assessments
- Common challenges included weak legal frameworks, low trust in systems, poor handling of anonymous reports, and fragmented oversight structures

Remedies

- 52 states reported compensation/remedy mechanisms
- 26 states allowed damages claims in court
- 22 states offered reinstatement, injunctions, apologies, or financial remedies
- 23 states reported reward systems tied in some cases to recovered assets

C. Protection of Journalists Reporting on Corruption

Relevant international standards include:

- UNCAC Articles 5, 10, 13, and 33
- UNCAC Resolutions 10/1, 5/4, 10/8
- Article 19 of the Universal Declaration of Human Rights
- Article 19 of the International Covenant on Civil and Political Rights
- 2021 UNGASS Political Declaration against corruption
- United Nations Human Rights Council Resolution 39/6

Recent indicators show serious implementation gaps:

- Reporters Without Borders reported in 2025 that over half the world's population lives in countries with very serious or difficult press freedom conditions
- Committee to Protect Journalists reported 129 journalists/media workers killed in 2025, a record level, and Israel was responsible for ⅔ of deaths.

Arrests, detention, and legal harassment examples:

- China: Continues to be the world's largest prison for journalists, holding at least 121 journalists as of December 2025, often for reporting on government repression or corruption, including cases in Hong Kong.
- Azerbaijan: Journalists investigating corruption among top officials face severe penalties. Several reporters from Abzas Media were given lengthy prison sentences (7 to 9 years) for alleged "currency smuggling".
- Belarus & Russia: Actively target investigative journalists, often utilizing "fake news" or "terrorism" charges to imprison those covering war crimes or high-level government graft.
- Kyrgyzstan: Eleven journalists from independent outlets like Temirov Live were arrested in early 2024 for "calling for mass riots," a common tactic to suppress anti-corruption investigations.
- Italy: Recorded the highest number of SLAPPs in Europe (21 cases in 2024), frequently used by officials or businesses to suppress reporting on corruption, according to The Coalition Against SLAPPs in Europe CASE Report 2025.
- Germany: The CASE Report 2025 identified 20 new SLAPP cases, highlighting that these intimidation lawsuits are not just a periphery issue but a systematic threat.
- Serbia & Hungary: Frequently utilize defamation lawsuits and strategic legal actions to drain the resources of investigative outlets like KRIK or Direkt36.
- Mexico: State agents and the army have utilized Pegasus spyware to target journalists and human rights defenders investigating federal government corruption.
- Russia: Independent journalists and those in exile, such as those with The Insider, have been subjected to surveillance by special services designed to track their investigation into official corruption.
- United States: More than 80 journalists have been detained or charged just for doing their jobs over the past two years, according to Freedom of the Press Foundation.
- United Kingdom: Anti-terrorism legislation has been abused to intimidate journalists and detain them.
- Environmental Corruption: Reporters covering the illegal exploitation of natural resources are increasingly targeted in regions like the Amazon and Africa, as documented by Reporters Without Borders (RSF).
- Impunity: In 80% of cases where journalists are targeted, no one is held to account, according to the Committee to Protect Journalists (CPJ).

D. How States Can Protect Anti-Corruption Activists, Whistleblowers and Journalists

States can take concrete and measurable steps:

1. Strong Legal Protection Frameworks

- Prohibit retaliation, intimidation, threats, surveillance, and violence
- Protect disclosures to internal channels, regulators, prosecutors, ombuds institutions, and where justified, the media
- Extend protection to activists, facilitators, family members, lawyers, unions, and civil society partners

2. Safe and Trusted Reporting Channels

- Independent confidential reporting offices
- Secure digital and in-person channels
- Anonymous reporting options
- Mandatory timelines for response and follow-up

3. Effective Remedies

- Interim relief to stop retaliation quickly
- Reinstatement or restoration of status
- Compensation for financial, reputational, and psychological harm
- Legal aid and emergency assistance funds

4. Physical Safety Measures

- Rapid police protection where threats arise
- Emergency relocation programs
- Secure housing and witness-style protection in severe cases
- Cybersecurity assistance for targeted persons

5. Source and Press Protections

- Strong source confidentiality laws
- Anti-SLAPP legislation
- Narrow limits on compelled disclosure of sources
- Repeal misuse of criminal defamation and abusive secrecy laws

6. Accountability for Retaliators

- Independent investigation of threats and attacks
- Sanctions for officials or private actors who retaliate
- Public reporting on enforcement outcomes

7. Public Trust and Culture Change

- Awareness campaigns on the value of reporting corruption
- Training for employers, police, judges, and prosecutors
- Recognition that reporting serves the public interest

Many States now have partial frameworks[2], but implementation remains uneven. The most common failures are lack of trusted reporting channels, weak remedies, poor enforcement, and impunity for intimidation or violence. Protection systems must be practical, independent, and enforced. Unfortunately, today many of these systems are merely symbolic.

9. What are the reporting and prosecution pathways (reporting to agencies/prosecutors), and how are abuse of functions/power and trading in influence addressed?

Across nations, reporting and prosecution pathways for corruption generally follow a layered model: internal reporting within institutions; external reporting to anti-corruption agencies, inspectors general, ombuds offices, audit institutions, financial intelligence units, police, prosecutors, or sector regulators; and, in serious cases, referral for criminal investigation and prosecution. UNCAC Chapter III calls on States to criminalize, investigate, prosecute, and adjudicate corruption in both the public and private sectors, and emphasizes specialized law-enforcement capacity, coordination among authorities, information-sharing, protection of witnesses/reporting persons, and asset seizure/confiscation.[3]

In practice, the strongest systems do not force reporting persons into a single channel. They allow disclosures to competent authorities, specialized anti-corruption bodies, prosecutors, law enforcement, audit bodies, or regulators depending on the nature of the misconduct. The EU Whistleblower Directive, for example, provides an unqualified right to freely choose between internal and external channels for an initial report, and to immediately make a public disclosure if serious conditions exist including fear of retaliation, destruction of documents, or an imminent threat to the public (Arts. 6(1) and 15). The OECD foreign bribery framework similarly emphasizes timely cooperation and information-sharing among competent national authorities, and recommends that public officials have measures in place to report suspected foreign bribery and related offences detected through their work. This is important because corruption evidence often emerges through tax audits, procurement reviews, banking/AML supervision, customs controls,

[2] See: From Principle to Practice: A Joint Civil Society and Legal Expert Study on the Implementation of Whistleblower Laws, Government Accountability Project and the Global Civil Society for the UNCAC Working Group on the Protection of Whistleblowers and Other Reporting Persons, https://uncaccoalition.org/wp-content/uploads/GAP-and-Global-Civil-Society-Coalition-for-the-UNCAC_Written-Submission_Summary-of-International-Study-on-Implementation-of-Whistleblower-Laws_Submitted-21Nov2025.pdf

[3] See: https://www.unodc.org/corruption/en/learn/what-is-uncac/criminalization-and-law-enforcement.html

public contracting oversight, development aid monitoring, or whistleblower disclosures, not only through ordinary police complaints.

The UNCAC review process provides a useful framework for assessing whether these pathways exist in law and work in practice. The first review cycle examines criminalization, law enforcement, and international cooperation, while the second cycle covers prevention and asset recovery. Civil society guidance on UNCAC implementation similarly notes that first-cycle country reports cover criminalization, law enforcement, and international cooperation, making them relevant sources for assessing how reports move from disclosure to investigation and prosecution.

Abuse of functions and trading in influence are addressed unevenly across jurisdictions because the UNCAC treats both as "consider adopting" offences rather than fully mandatory offences. UNCAC Article 18 addresses trading in influence, broadly aimed at situations where an undue advantage is offered, promised, solicited, or accepted so that a person abuses real or supposed influence over a public authority. Article 19 addresses abuse of functions, meaning intentional performance or non-performance of an official act, in violation of law, to obtain an undue advantage.

This semi-mandatory status produces wide variation. Transparency International's 2025 comparative review explains that abuse of functions is often used as a residual or "catch-all" offence for official misconduct where bribery cannot be proven, but national laws differ significantly: some require proof of harm, some require proof of intent to obtain an undue advantage, and others define the offence more broadly or narrowly. Those differences can either weaken enforcement or create risks of vagueness and selective prosecution.

Trading in influence is also treated differently across legal systems. In Europe, the Council of Europe Criminal Law Convention on Corruption requires parties to criminalize trading in influence, making it a stronger obligation than under the UNCAC. The EU's 2026 anti-corruption directive is an important example of moving from soft-law encouragement toward binding regional harmonization of offences such as trading in influence, unlawful exercise of functions, bribery, misappropriation, obstruction of justice, and enrichment from corruption offences.

It's worth noting that Government Accountability Project and Whistleblowing International Network's report on the EU Whistleblower Directive's implementation in Lithuania raised some concerns generally about countries using their prosecutor's office as the sole external reporting authority for whistleblowers. Although the Prosecutor's Office in Lithuania is many respects sets a strong example for whistleblowing agencies, generally speaking, diversifying external channels may be a stronger model to ensure protection is provided to a wider scope of external audiences.[4]

[4] See: https://whistleblower.org/wp-content/uploads/2026/04/Lithuania-country-report_Final.pdf

States should ensure that corruption can be reported through multiple safe channels; that agencies, prosecutors, regulators, and financial-intelligence bodies have clear referral duties; that specialized anti-corruption bodies have independence and resources; and that abuse of functions and trading in influence are clearly criminalized with safeguards against both under-enforcement and politicized overreach. The key test is not only whether these offences exist on paper, but whether reports reliably trigger independent assessment, investigation, prosecution where warranted, protection for reporting persons, and recovery of illicit assets.

10. Are the asset recovery and return processes carried out with a human rights perspective ensuring victim participation? (e.g. participation of victims and civil society at all stages of the processes, decisions on allocation of return funds) How can the integration of a human-rights based approach to anti-corruption empower victims?

Victim participation is still lacking in the majority of asset recovery and return processes. When included, victims or victim communities are often positioned as beneficiaries of returned funds, rather than as rights holders with participation rights that should extend throughout the process and be effectuated in a much more substantial way.

As far as we are aware, no jurisdiction consults with victims and victims communities in asset return processes during court proceedings – either because of a lack of standing or a narrow legal definition of the notion of victim of corruption. This means that victims of corruption are very unlikely to have the opportunity to make their voices heard during court proceedings, particularly on the ways in which corruption has harmed them and their communities, and will not be part of decision making around the form of proceedings taken to prosecute the perpetrators of corruption.

Similarly lacking is the ability for victims and victims communities to formally engage in legal cases, due to a lack of standing in most jurisdictions. France is an exception to this, where following a 2008 complaint brought by Transparency International France and Sherpa, anti-corruption NGOs are able to file a complaint and sue for damages in corruption-related cases, acting in the collective interest (Cour de cassation, 9 novembre 2010, n° J 09-88.272 F-D). This case law has since been codified in a 2013 law (Loi n° 2013-907 du 11 octobre 2013 relative à la transparence de la viepublique) creating the Article 2-23 of the French Criminal Procedure Code.[5]

Also lacking is often victim consultation in decisions about the return. While there has been growth in victim inclusion processes around decisions in how returned funds are used, these decisions are often only possible within a narrow purpose or defined framework decided between governments involved in the return. Further, work to include

[5] See: France, International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption, Victims of Corruption Working Group of the Global Civil Society Coalition for the UNCAC, https://uncaccoalition.org/wp-content/uploads/France-Legal-Standing_-TI-France-1.pdf

representatives of affected communities is often left to NGOs, with little effort made to create truly inclusive processes.

A notable example of a more inclusive approach is in the Uzbek Vision 2030 Fund, where civil society has been included in an advisory role and is able to input both into the projects funded by the Fund, and on the strategic priorities of tranches of the return transferred to the Fund.[6] There is also an example of civil society monitoring of the implementation of agreements between governments on asset return. The most recent tranche of Abacha assets returned to Nigeria was the subject of an agreement among governments (after a civil society proposal) to spend the money on cash transfers to poor and vulnerable people, with civil society monitoring of the disbursement funded by foreign aid.

11. In what ways does corruption act as a significant driver of conflict, and how does it undermine the protection of human rights during political transitions and peacebuilding efforts?

Corruption is today one of the most significant drivers of conflict. Many of the popular protests, uprisings and insurgencies of the last decades have been driven at least in part by a reaction to systemic corruption. It enables environmentally and socially-destructive natural resource extraction, drains governments of public funds, allocates scarce jobs based on bribes and undue influence instead of merit, and stifles democracy. Weak governance, transparency, and accountability in the defence sector has led to high to critical corruption risks in many countries across all regions.[7] In numerous fragile and conflict-affected states, systemic corruption has served as a structural enabler for the proliferation of paramilitary and militia forces. These armed groups exploit corrupt networks to sustain their operational capacity through the manipulation of phantom personnel rosters, the illicit diversion of weapons from state stockpiles, and the institutionalisation of predatory economic practices such as kidnapping-for-ransom and organised extortion. A parallel and mutually reinforcing dynamic operates in the resource sector. The illegal extraction and trafficking of high-value commodities, including diamonds, timber, coltan, and gold, is consistently facilitated by corrupt state and security apparatus complicity. These flows constitute a durable financing mechanism for armed conflict, insulating non-state actors from external pressure while deepening their entanglement with formal political and economic structures. Taken together, these patterns reflect a coherent political economy of violence, in which corruption functions not as a byproduct of instability but as one of its primary organisational drivers and logics.

Corruption can undermine peacebuilding and transitional justice processes. Anti-corruption measures are often deprioritised and 'left for later' in peacebuilding

[6] See: http://mptf.undp.org/fund/uzb00
[7] See: GDI: https://ti-defence.org/gdi/)

processes. This begins with the absence of anti-corruption commitments in peace agreements. Security sector reform processes are too often focused on training and equipping forces, rather than addressing systemic governance challenges. Often, military and police services who have overseen massive human rights violations evolve into private security forces, clandestine networks or organized crime. Threats to human rights defenders and/or judicial system operators follow, making it difficult to implement any transitional justice efforts. Judicial and prosecutor corruption also can stymie those trying to prosecute rights violators, and lead to corrupt actors efforts to destroy or hide archives, intimidate witnesses and skew the outcomes of any kind of transitional process. Corruption can turn a reparations program into yet another opportunity for patronage politics, draining it of meaning, and can undermine or paralyze efforts to implement a reform agenda, frustrating measures of non-repetititon. Above all, corruption undermines social cohesion and trust in government, essential to reweaving the social fabric and overcoming legacies of trauma and war.

12. What measures can be taken to ensure that anti-corruption legislation, investigations and prosecutions do not violate human rights? Furthermore, how to ensure that anti-corruption measures are not misused as a pretext to silence political dissidents, journalists, or human rights defenders?

Anti-corruption and anti-money laundering laws are sometimes misused and weaponised to silence and restrict journalists, activists, human rights defenders and other civil society actors in countries across the globe.[8]

The following measures can help address this issue:

- Reform laws to include clear and explicit civic space safeguards to ensure that anti-corruption laws contain clear definitions and proportionate obligations, and that "AML/CFT regulations, foreign funding rules, beneficial ownership requirements, lobbying regulations, and administrative oversight mechanisms are tailored to the operational realities of CSOs and avoid creating unnecessary compliance burdens."[9]
- Put in place a regular reviews of laws and policies to evaluate their impacts on civic space and ensure they comply with human rights standards. Reviews should be done in a participatory manner, where the findings are public and actions are taken to address harmful provisions.[10] States Parties should regularly review and revise their national laws to ensure they comply with international standards,

[8] See: International Center for Not-for-Profit Law's (ICNL) report on Civic Space and Anti-Corruption, December 2025 for a summary and examples of where this has happened and concrete recommendations to prevent such misuse.
[9] See: ICNL report "Civic Space and Anti-Corruption" (2025), https://www.icnl.org/wp-content/uploads/Anti-corruption-report-Dec.-2025-final.pdf, p. 31.
[10] Ibid, p. 31

addressing any restrictive laws that make it difficult for CSOs to operate. For States with strong laws already in place, strong monitoring mechanisms are needed to ensure that these laws are implemented properly and upheld.[11]

- Ensure adequate and meaningful consultation of civil society in the design and monitoring of anti-corruption laws: Require clear consultation processes to obtain meaningful input and participation of civil society early on in drafting of laws/policies and in other key stages, which will help to help prevent the design and implementation of laws that are restrictive or have other types of harmful impacts on civil society.[12]
- Promote transparency and accountability in the development and implementation of anti-corruption laws and policies: Ensuring independent oversight mechanisms to monitor implementation and enforcement efforts (which include civil society), ensuring effective access to information through comprehensive and effectively implemented access to information laws (see section on access to information in the section below), and monitoring whether enforcement actions are being misused against civil society actors working on anti-corruption.[13]
- States should develop a national civic space strategy to actively develop and meaningfully implement a safe and enabling environment for civil society actors at the national level; this could be a more forward looking way to promote civil society engagement, citizen participation, actively ensure that the conditions exist for independent civil society actors, including marginalized and vulnerable groups, to participate and engage without fear of reprisal, create and implement laws, including anti-corruption laws and enforcement efforts with safeguards in place to ensure they do not violate human rights or harm civic space, and ensure that government institutions operate in an open, accountable and responsive manner. As one example of where this is trying to be done, consider the Dominican Republic's initiative to develop a national strategy on civic space as part of its Open Government Partnership commitments.[14]

[11] See also the Global Civil Society Coalition for the UNCAC's submission to the 11th UNCAC Conference of States Parties on civic space (November 2025) which highlights risks and challenges facing civil society actors working on anti-corruption and recommendations to protect and promote civil society participation in anti-corruption: https://uncaccoalition.org/wp-content/uploads/Protecting-and-promoting-civic-society-participation-in-anti-corruption-%E2%80%93-CoSP11-submission-%E2%80%93-Global-Civil-Society-Coalition-for-the-UNCAC-%E2%80%93-November-2025.pdf.

[12] See ICNL, "Civic Space and Anti-Corruption", https://www.icnl.org/wp-content/uploads/Anti-corruption-report-Dec.-2025-final.pdf, p. 33.

[13] Ibid, see p. 32 for recommendations including: "Monitor selective enforcement risks by tracking whether anti-corrup tion laws are applied disproportionately to certain CSOs, journalists or po litical opponents. Findings should be documented and shared with inter national mechanisms, such as the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association"

[14] See: https://www.opengovpartnership.org/dominican-republic-civic-space-story/.

From a protection perspective, an additional and often overlooked safeguard is to examine how retaliation actually occurs in practice. In many jurisdictions, those who expose corruption are not punished through overt anti-whistleblower measures, but through formally lawful tools applied for improper purposes: tax inspections, licensing delays, procurement exclusion, immigration pressure, data-leak investigations, professional disciplinary complaints, reputational smears, freezing of bank accounts, or selective enforcement of technical compliance rules. Anti-corruption frameworks should therefore be assessed not only by their text, but by whether they are being used disproportionately against critics, investigative journalists, opposition actors, or reporting persons.

A practical response is to require anti-retaliation impact screening for major enforcement actions involving journalists, civil society organizations, whistleblowers, or anti-corruption advocates. Where authorities seek intrusive measure like asset freezes, office raids, source-compelling orders, suspension of operations, deregistration, or criminal charges, there should be heightened internal review and rapid access to an independent court able to test necessity, proportionality, evidentiary basis, and possible retaliatory motive.

States should also distinguish between bad-faith false allegations and reasonable grounds reports that cannot ultimately be substantiated. Fear that an allegation may later be proven unsubstantiated often deters legitimate reporting. Protection systems should focus on the reporter's reasonable belief that the evidence they reported was true at the time of disclosure, not hindsight and not their personal reasons/motives. Whistleblowers are witnesses without the context that comes after full investigation and legal proceedings. It should be clear that all lawful reports are protected if supported by a reasonable belief, even if concerns eventually turn out to be mistaken.,

Another underdeveloped area is source-chain protection. Corruption disclosures frequently involve multiple actors: the insider source, a facilitating colleague, NGO intermediary, lawyer, union representative, or journalist. If only the original source is protected, retaliation simply shifts to the surrounding network. Effective safeguards should recognize this ecosystem and protect those who assist lawful reporting.

States should further ensure that anti-money laundering and beneficial ownership regimes do not inadvertently eliminate confidential reporting pathways. While transparency is important, systems should preserve secure channels for submitting evidence confidentially to competent authorities and should not expose personal data unnecessarily where there is a foreseeable retaliation risk.

Particular caution is warranted with so-called foreign influence, foreign agent, or FARA-style laws, which may be presented as transparency measures but in practice can be misused to stigmatize, burden, or disable independent civil society organizations, investigative media, anti-corruption groups, and human rights defenders, especially

where such actors rely on legitimate cross-border philanthropic or institutional support. To prevent weaponization, any such framework should be narrowly tailored to address genuine covert direction, control, or coordinated influence by foreign state actors, rather than the mere receipt of foreign funding. Laws should employ neutral disclosure requirements rather than pejorative labels, provide clear exemptions or heightened safeguards for journalism, legal advocacy, humanitarian work, academic research, and anti-corruption monitoring, and avoid punitive sanctions for ordinary administrative non-compliance. Enforcement actions such as deregistration, asset freezes, compelled donor disclosure, raids, or suspension of operations should be subject to prior judicial authorization and rigorous necessity and proportionality review. States should also recognize that many whistleblowers and corruption victims rely on trusted non-governmental intermediaries when official channels are ineffective or compromised; measures that weaken those institutions can inadvertently suppress reporting, reduce detection of corruption, and undermine the participatory objectives of United Nations Convention against Corruption Article 13.

Because many abuses occur quietly, oversight should rely on indicators beyond criminal convictions. Relevant metrics include patterns of raids against watchdog organizations, frequency of source-disclosure demands, abrupt tax or licensing actions following disclosures, dismissal rates after protected reporting, or prolonged pretrial measures against critics. These warning signs can reveal weaponization long before formal findings are issued.

Finally, anti-corruption policies should be judged by a simple test: does it increase truthful reporting and accountability, or does it increase fear? If people closest to wrongdoing become less willing to speak, the framework may be suppressing corruption detection rather than advancing it.

13. Do you cross-reference recommendations received by the Implementations Review Mechanism of the UNCAC with those received by the human rights mechanisms (Universal Periodic Review, treaty bodies, Special Procedures) to identify overlaps and complementarity? If yes, how do you carry out this process and how do the national institutions with the mandate to implement such recommendations coordinate with each other?

A 2025 Transparency International's report (Missing in Action: Where is Civic Space in UNCAC Reviews) cross-checked recommendations and findings from the Implementation Review Mechanism of UNCAC with relevant recommendations and findings by UN human rights bodies in relation to UNCAC article 13 on participation of civil society in anti-corruption efforts. While article 13 includes explicit obligations on, among others, access to information and freedom of expression, its implementation is dependent on respect for other human rights, including the right to freedom of association and of peaceful assembly. These rights are the conditions necessary for civil society

groups to be able to exist, operate freely and safely, and contribute to anti-corruption efforts. The report finds that IRM reviews have substantial limitations. Most alarmingly, it finds significant differences between the IRM findings and the findings of the UN human rights bodies in 86 per cent of the cases reviewed. These differences concern both issues explicitly covered by article 13 such as access to information (art. 13.1.b), freedom of expression (art. 13.1.d) and reporting by whistleblowers (art. 13.2), and issues implicitly within the scope of article 13 that directly affect the ability of civil society actors to contribute to anti-corruption efforts. To address this, ensure that UNCAC reviews contribute to an enabling environment for civil society and strengthen complementarity and synergies between UNCAC and human rights reviews.[15] The Transparency International report recommends the following:

1. IRM reviews should assess whether the necessary conditions are present for civil society actors to contribute to anti-corruption efforts, including respect for the core freedoms of association, assembly and expression.
2. They should draw upon relevant findings and recommendations of UN human rights mechanisms, which are a legitimate source of information for the UNCAC review process.
3. IRM technical guidance and documents for reviewers should be amended to ensure clarity on these points.
4. Transparency and meaningful participation of civil society in the review process should be strengthened.

B. Questions for stakeholders and rights-holders

1. Do victims of corruption have legal standing in corruption related cases? Can they claim reparations for the harm caused by corruption? Can you share concrete examples?

Many countries, especially those under civil law, allow some form of victim participation[16] in criminal proceedings.[17] Most are general statutes not specifically about

[15] See: Bridging Anti-Corruption and Human Rights Efforts: A Guide for Anti-Corruption Advocates to Engage in the Universal Periodic Review Process. https://uncaccoalition.org/bridging-anti-corruption-and-human-rights-efforts-a-guide-for-anti-corruption-advocates-to-engage-in-the-universal-periodic-review-process/ and Systemic Integration of Human Rights in Anti-Corruption Frameworks: A Policy Guide https://uncaccoalition.org/systemic-integration-of-human-rights-in-anti-corruption-frameworks/

[16] See: Consequences of Corruption: The Right of Victims to Participation and Reparation in Corruption Cases Submission, UNCAC Coalition Working Groups on Victims of Corruption, on Asset Recovery, on Grand Corruption and State Capture, and on Gender Inclusion & Corruption, https://uncaccoalition.org/joint-working-group-submission-on-victims-reparation/

[17] See: International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption, Victims of Corruption Working Group of the Global Civil Society Coalition for the UNCAC,

corruption. Several countries' legislation allows public interest organizations standing to intervene in cases involving the interests they represent – including Argentina, Brazil, Ecuador, Peru, Chile, Costa Rica, El Salvador, Guatemala, Paraguay, Venezuela and Bolivia.[18] For example, Peru's Criminal Procedure Code in Art. 94 provides standing for both individual and collective victims, including associations:

- A victim is considered to be anyone who has been directly offended by the crime or harmed by its consequences.
- In crimes that affect collective or diffuse interests, whose infringement harms an indeterminate number of persons, or in crimes classified as international crimes under international treaties approved and ratified by Peru, associations may exercise the rights and powers attributed to persons directly offended by the crime, provided that their institutional purpose is directly linked to those interests and that they were duly recognized and registered prior to the commission of the crime subject to the proceedings.

In the Dominican Republic, article 118 of the Criminal Procedure code creates the figure of "civil party," which allows victims to formally participate in criminal processes. Moreover, in corruption cases, Article 85, paragraph 3, states: "In punishable acts committed by public officials, in the exercise of their functions or in connection with them, and in human rights violations, any person may file a criminal complaint." Note that there is no directness or causality requirement. In the Díaz Rúa case, the Constitutional Court in a public corruption case recognized the standing of both individuals and organized civil society groups to intervene.[19]

In the Biens Mal Aquis case in France, the French Court of Cassation (the highest court in criminal matters) decided that organizations have standing to represent these interests, as they have been specifically affected as anti-corruption organizations. Article 2 of the French criminal procedure code requires a showing of damages to be classified as a victim and to be able to act in the criminal case. The acts of corruption reported were considered sufficient to generate personal and direct effects on the complainant organizations, and therefore to give them participation in the criminal trial even without specific authorization from the legislature.[20] In the Fraud on the Gualcarque River case

https://uncaccoalition.org/get-involved/working-groups/victims-of-corruption-working-group/database-on-legal-standing/

[18] Brasil, art. 37 CPP; Bolivia, arts. 76(4) and art. 78 CPP; Costa Rica, arts. 70 and following CPP; El Salvador, art. 12(4) and art. 302.; Guatemala, art. 117(4) and art. 302 CPP.; Paraguay, art. 70 CPP; República Boliviarana de Venezuela, arts. 118 and 301 CPP, Peru art. 82 CPCivil. See also https://acij.org.ar/wp-content/uploads/2018/12/Hacia-el-reconocimiento-de-la-querella-colectiva-en-causas-de-corrupcion.pdf

[19] See: https://dplf.org/en/2025/06/25/citizen-participation-and-integral-reparation-in-the-fight-against-corruption-a-view-from-dominican-law/

[20] Cass. crim., Nov. 9, 2010, No. 09-88-272, Association Transparence International France, F-D, § 1, Lexbase online subscription database, No. A4182GGY.

in Honduras, indigenous rights instruments required the state to allow a Lenca organization participation in a corruption case because the rights of the indigenous communities were at issue.

The problem has not principally been one of lack of law[21] (although in some places legislation is needed or would be helpful) but resistance or lack of knowledge by judges and prosecutors, and the closing of civic space for non-governmental or civil society groups.

As for reparations, there are only a few examples of victims of corruption obtaining redress, including in kickback schemes in Guatemala. Colombia's 2022 anti-corruption law creates a Fund for victims to be created from public or private offenders, although it is still not operational. Costa Rica awards damages to the Procuraduría (state attorney) for social harm in corruption cases.

2. What is the concrete role of civil society (monitoring, advocacy, assistance to victims, budget transparency, public procurement), and what obstacles exist (access to information, security, funding, reprisals)? Is public participation in anti-corruption decision making guaranteed in your State? Is the participation of civil society in UNCAC review processes guaranteed? How? Is the outcome report of the UNCAC review process made public in its entirety?

Access to information (ATI) is a fundamental pillar in the global fight against corruption. Globally, ATI legal frameworks have expanded significantly across the world over the past two decades, reflecting growing recognition of transparency as a core anti-corruption measure. According to findings from UNODC's reports on UNCAC implementation published in December 2025[22], approximately 65% of States reviewed under the second UNCAC review cycle have adopted access to information legislation. However, despite such progress, persistent implementation gaps and emerging restrictions in UNCAC States Parties continue to undermine ATI's transformative potential.

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[21] See: International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption, Victims of Corruption Working Group of the Global Civil Society Coalition for the UNCAC, https://uncaccoalition.org/get-involved/working-groups/victims-of-corruption-working-group/database-on-legal-standing/

[22] UNODC (2025), State of implementation of the United Nations Convention against Corruption: Preventive Measures and Asset Recovery, https://track.unodc.org/track/uploads/res/track/resourcehub/2025/state_of_implementation_of_the_united_nations_convention_against_corruption_preventive_measures_and_asset_recovery_html/UNODC_2025_State_of_UNCAC_-_Preventive_measures_and_asset_recovery.pdf; UNODC (2025), Implementation of chapter II (Preventive measures) of the United Nations Convention against Corruption - Thematic report prepared by the Secretariat, https://docs.un.org/en/CAC/COSP/2025/5.

In addition, these (growing/ evolving) obstacles contrast with the scarce attention by UNCAC States Parties (no resolutions adopted focusing on access to information) and lack of updated thematic guidance from UNODC (the last reports on Article 10 date back to 2016). Consistently, Resolution 11/4 for the prevention of corruption, adopted by the Conference of the States Parties in December 2025, calls for States Parties to adopt and implement laws, regulations and mechanisms that facilitate access to information on key aspects of governance, the economy and social sectors linked to corruption, including user-friendly procedures for submitting and responding to information requests, and requests the Working Group on Prevention to discuss best practices and challenges in this regard at its seventeenth session to be held in May 2026. Besides, resolution 11/7 calls upon States Parties to ensure effective access to information and support efforts to promote transparency in the funding of political parties and electoral campaigns.

Progress remains uneven and the practical realization of ATI remains deeply constrained across regions. Significantly, 60% of States have received recommendations (under the 2nd review cycle) to adopt, reform, or better implement ATI frameworks, which underscores persistent deficiencies. Moreover, civil society organizations (CSOs) consistently report that legal adoption does not always translate into effective access.

Important challenges to ATI identified in UNCAC implementation reports and reinforced/supported by civil society research show a stagnation or even regression in transparency in certain contexts and directly affect UNCAC implementation include:

1) The weakness of legal frameworks themselves, as many laws include overly broad exemptions allowing authorities to deny information, or legal amendments broadening exceptions and increasing opacity. For example, the government of several Latin American countries restricted through decrees the scope of the right of access to information, establishing exceptions to disclosure that go beyond what the law provides. This practice undermines the principle that access is the rule and secrecy should be the exception.
2) Administrative and institutional barriers. Even where legal frameworks are adequate, implementation is often undermined by complex bureaucratic procedures, lengthy response times, low levels of digitalization, lack of trained personnel or designated information officers.
3) Insufficient enforcement mechanisms and lack of sanctions for non-compliance; limited or inaccessible appeal procedures.
4) Certain governmental areas such as the judiciary show high levels of opacity. Across Latin America, for example,particularly in the appointment and

disciplinary processes of judicial officials, thisremains a major concern. In some cases, the absence of information is also related to the lack of production and publication of information on judicial statistics.

5) Constraints on civil society and media including legal and regulatory restrictions on NGOs, media censorship or pressure, lack of protection for investigative journalism, as well as financial and practical barriers

3. Regarding electoral integrity, which institution(s) intervene, and what measures exist to prevent corruption in political financing (transparency, access to information, sanctions, observation)?

Corruption in political finance affects the integrity of electoral outcomes as well as the integrity of democratic law and policy making, allowing affluent vested interests to exert undue, disproportionate, or even criminal influence on politics and policymaking. A lack of transparency and controls can lead to the capture of laws and resources by a powerful few, undermining the quality of government and eroding public trust in institutions. In 2025, the 11th Conference of States Parties to the UNCAC adopted a landmark resolution (11/7) on transparency in political finance. The resolution sets a basic expectation: citizens must know who funds those who ask for their votes. It calls for online publication of donations and donors, as well as expenditures, including before election day. It calls for states to restrict or prohibit donations by anonymous, state, foreign owned or controlled entities as well as government contractors. The resolution also calls upon states to prohibit, monitor and detect the abuse of state resources in election campaigns; recognises the importance of women's participation; and highlights the key role of civil society and election observers in enhancing transparency in political finance. The resolution, although non-mandatory, asks the UNODC to collect good practices, provide technical assistance to state authorities in coordination with other multilateral bodies, and report on the implementation of the resolution in 2027.

In 2024, Transparency International published a comprehensive set of standards to mitigate corruption risks and ensure the integrity of political finance (TI Standards on Political Finance: a global policy position), many of which were incorporated in the UNCAC CoSP resolution. In addition to outlining the measures needed to ensure the integrity of political finance, the document also provides an overview of current gaps and weaknesses globally. For example:

- While over two thirds of countries require political parties and candidates to report on their campaign finances, opacity remains prevalent: an expert survey of 109 countries in 2021 found that one in three countries did not mandate the publication of financial reports, while only 36 published details of donations, such as their timing, amounts, and identification of donors, online.
- By 2023, anonymous donations were allowed in at least 64 countries worldwide.

- To protect democracy from corruption and undue influence, political finance must originate from legitimate sources and use legal channels. However, by 2023, nearly half of 181 countries did not require political finance to flow through banking systems. Similarly, in-kind donations are not regulated in more than half of countries around the world.
- Transparency and accountability cannot be guaranteed without independent oversight bodies that are properly equipped to impartially verify and audit this information. However, an expert assessment of 109 countries in 2021 found that only 55 have rules which empower a body or official to ensure the accurate and timely collection and publication of political finance data.

For detailed information on digital disclosure of political party and candidate finance in 117 countries, see Transparency International Digital Disclosure of Political Finance in Africa, Asia and the Pacific, and Latin America and the Caribbean (2025)

4. How does corruption hinder the progressive realization of economic, social, and cultural rights, such as the rights to health, education and an adequate standard of living? Provide concrete examples and, if possible, data/reports.

Resources lost to corruption represent a profound, direct, and preventable loss of opportunity to invest in Economic, Social, and Cultural (ECOSOC) rights, such as health, education, housing, and water. For instance, corruption undermines the ability of health systems to deliver quality healthcare services, adds to inequitable access to services, increases costs for patients, and erodes trust in health systems – resulting ultimately in poor health outcomes. In Venezuela, a study conducted by several health and anti-corruption civil society organisations during the Covid-19 pandemic found that systemic corruption had disrupted the functioning of medical facilities. By March 2020, 35.2% of intensive care units were not operational and there were medical shortages of up to 80% in several states.[23] As a result, corruption threatens universal health coverage, especially limiting people's right to a system of health protection.

To better understand how in practice corruption obstructs access to health care and education, Transparency International and its national chapters in the Democratic Republic of Congo (DRC), Ghana, Madagascar, Rwanda and Zimbabwe conducted corruption risk assessments in these sectors and published findings in a 2024 report (Left Behind - Corruption in Health and Education in Africa). These national-level findings revealed stark common trends, pointing to multiple corruption risks across the entire service delivery cycle, summarised below. The report offers detailed recommendations including for national, regional and global policy-making (see report, page 47-50).

[23] See: https://transparenciave.org/wp-content/uploads/2020/10/Informe-salud-corrupcion-Venezuela-version-final-rev2.pdf

- The most visible manifestations of corruption occur at the point of service delivery, where service providers and users interact, and demands for bribes or illicit extra fees are made. This type of corruption impedes access to basic education and health care, such as where school principals demand undue registration payments for school enrolment.
- Less visible forms of corruption risks manifest in the use of organisational resources in education and health, such as nepotism sabotaging the fair recruitment of teachers; conflicts of interest and favouritism distorting fair public procurement processes; "ghost workers" receiving a salary from the state payroll. These all negatively affect the quality of services provided and contribute to shortages of essential materials. The financial pressures such shortages cause can, in turn, trickle down and limit people's access to services – for example, where a school restricts enrolment levels due to the lack of desks for students.
- At the policymaking level, corruption can manifest as large-scale misappropriation of budget funds, and undue influence resulting in the misallocation of education and health expenditures, with a trickle-down effect on education and health outcomes by causing extreme resource shortages.
- Leading drivers behind corruption in these sectors include wide information asymmetries, such as low transparency around prices and regulations, and the lack of consistent enforcement of policies and sanctioning of offenders.

In addition, a 2025 study by the UN Secretary-General examining the impact of increased military expenditure on the achievement of the Sustainable Development Goals noted that "[t]he defence sector remains one of the least transparent areas of public spending worldwide, with serious political, institutional and development consequences".[24] The report by the Office of the United Nations High Commissioner for Human Rights from 2024 on the impact of arms transfers on human rights also stated that the "lack of transparency and access to information constitutes a barrier to effective oversight of arms transfers, access to justice and effective remedies".[25]

The recent hikes in defence spending exacerbate the corruption risks in this sector. Corruption in defence can divert public resources away from health, education and other budgets, as well as directly drive human rights abuses, for example through the corruption-fuelled diversion of small and light weapons.[26]

[24] United Nations (2025): The Security We Need: Rebalancing Military Spending for a Sustainable and Peaceful Future: https://www.un.org/en/peace-and-security/the-true-cost-of-peace

[25] See: Office of the United Nations High Commissioner for Human Rights (2024): Impact of arms transfers on human rights, https://www.ohchr.org/en/calls-for-input/2024/call-input-impact-arms-transfers-human-rights-report-high-commissioner-human

[26] See: Transparency International Defence & Security: Under the Radar: Corruption's Role in Fueling Arms Diversion, https://ti-defence.org/wp-content/uploads/2025/04/Under-the-Radar-Corruptions-Role-in-Fueling-Arms-Diversion.pdf

5. How do you collect data to measure the negative impact of corruption on the enjoyment of human rights? What methodology or tool is utilized or applied to conduct such mapping/measuring?

There are different emerging initiatives to measure the negative impact of corruption on the enjoyment of human rights. In Colombia, for example, the Transparency Secretariat developed RADAR - an indicator that measures the impact of corruption on economic, social, and cultural (ECOSOC) rights. In its first cycle, RADAR focused on the right to education.RADAR uses a multivariate statistical model combining 43 variables related to corruption (both observable and hidden), institutional capacity, and education outcomes. It incorporates data on sanctions, complaints, media reports, and proxy indicators such as security risks and illiteracy. Higher scores reflect stronger negative associations between corruption and the right to education. Colombia's outer regions, where most marginalised communities reside, scored the highest RADAR values. RADAR has enabled the Transparency Secretariat to identify priority territories through a heatmap. It has also helped them advance the National Anti-Corruption Strategy (NACS) and provide useful information for how ministries should implement NACS commitments.

6. In what ways does corruption result in uneven or discriminatory access to public services and how does this disproportionately affect marginalized, vulnerable or economically disadvantaged groups?

Corruption contributes to unequal and discriminatory access to public services by shaping both who can access services and on what terms, with disproportionate effects on marginalised, vulnerable and economically disadvantaged groups.

Research, including Left Behind - Corruption in Health and Education in Africa) shows that women, girls and groups at risk of discrimination are most impacted by corruption in health and education. While the research did not explore all potential grounds of discrimination, it found evidence that rurality, poverty, disability status and gender are key vulnerability factors which – both in isolation and when intersecting – heighten service users' exposure to the occurrence and impact of corruption. This occurs directly, but also indirectly – for example, due to the greater reliance of women, girls and groups vulnerable to discrimination on public services, or their relative weaker access to financial resources.

The report Barriers to Basics (2025) identifies five key dynamics of the interplay between corruption and discrimination in access to health and education services and makes detailed policy recommendations (page 64-67):

1. Discrimination results in greater exposure to corruption: Discrimination can incentivise corrupt behaviour on the part of perpetrators to exploit the less powerful, while eroding the ordinary political, ethical and legal standards that work to constrain such behaviour.
2. Certain acts of corruption are directly discriminatory: In some cases, there is a direct causal link between a corrupt act or practice and the differential or unfavourable treatment of a person based on their protected status, identity or belief.
3. The impacts of corruption are felt disproportionately by groups exposed to discrimination: The impacts of corruption are felt differently by certain communities for reasons linked to their protected status, identity or beliefs. In some cases, there is a direct causal link between a corrupt act or practice and the particular disadvantage experienced by a group or an individual.
4. Both corruption and discrimination result in the denial of justice: Discrimination can prevent individuals affected by corruption from challenging corrupt acts and practices. Similarly, corruption and the perception of corruption in formal and informal justice mechanisms – can impede justice for victims of discrimination, and prevent them from achieving effective remedy and redress.
5. Corruption impedes the effectiveness of measures designed to advance equality: Measures that aim to address inequalities, and promote the equal enjoyment of rights by groups exposed to discrimination, may be themselves be undermined by corruption. For example, measures that involve the management and distribution of public resources towards defined beneficiaries can be vulnerable to embezzlement and favouritism.

Other studies show that corruption creates informal price barriers to accessing public services such as bribes, illegal fees, overcharging and "speed money" which make supposedly free or subsidised services unaffordable. For poorer households, this operates like a regressive tax - the amount may seem small to officials, but it is substantial for users from poor households. In the report Why are the poor more vulnerable to bribery in Africa?, Peiffer and Rose's analysis of Afrobarometer data across Africa show that poor people are especially vulnerable to bribery for services such as health and education because they depend more on public provision, while better-off groups can exit to private providers. The issue is therefore not simply that officials target the poor more aggressively; it is that the poor have fewer alternatives and more compulsory contact with public systems.[27]

The effect is cumulative. Marginalised groups are not only more reliant on public services, they are also less able to pay, less able to complain safely, and less able to use private alternatives. They may also lack documents, legal status, literacy, mobility,

[27] See: Peiffer, C. and Rose, R. 2018. Why are the poor more vulnerable to bribery in Africa? https://strathprints.strath.ac.uk/58677/7/Peiffer_Rose_JDS_2016_Why_are_the_poor_more_vulnerable_to_bribery_in_Africa.pdf

language access, political connections or social protection. Evidence from Bukari, Seth and Yalonetkzy's study using Afrobarometer data from 29 sub-Saharan African countries found that bribe payments in healthcare increase the likelihood of healthcare deprivation, and that corruption in education, police, utilities and identification services also has spill-over effects on healthcare access. Multi-sector exposure worsens deprivation, with loss of income and loss of trust acting as key channels.[28]

Corruption reduces the quantity and quality of services available to everyone, especially those who cannot opt out. Embezzlement, procurement kickbacks, ghost workers, absenteeism and collusion divert resources away from frontline delivery. In education, the World Bank identifies corrupt practices including bribes and illegal admission or examination fees, teacher absenteeism, withholding salaries, corrupt textbook and meal procurement, and private tutoring for curriculum that should have been taught in class. These practices undermine learning and shift costs onto households.[29]

In addition, corruption can take non-monetary and coercive forms, including sexual corruption[30], which disproportionately affects poor women from excluded groups. Data from Transparency International's 2019 Global Corruption Barometer shows the prevalence on this type of sexual corruption, with up to 1 in 5 respondents in Latin America and the Caribbean reporting having experienced it or knowing someone who had. Research from Transparency International Zimbabwe showed that over 55% of women surveyed had experienced this form of corurption or knew someone who had. This should not be understood only as "sextortion", because sexual corruption is not always explicitly extortive. It occurs when a person abuses entrusted authority to obtain a sexual favour in exchange for a service or benefit connected to that authority. This may involve withholding something the person is entitled to, such as a grade, document, treatment or job opportunity; but it may also involve offering an undue advantage, or operating in a context where sexual favours are expected or implied rather than openly demanded. Its insidiousness lies in the way abuse of power can be normalised, institutionalised or misread as consent, even though the service-seeker's body becomes the currency of the transaction. The key issue is therefore not who initiated the exchange, but the abuse of entrusted power for sexual gain. This is especially relevant where women, girls, migrants, refugees, students, patients or detainees depend on officials,

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[28] See: Bukari, C., Seth, S. and Yalonetkzy, G., 2024. Corruption can cause healthcare deprivation: Evidence from 29 sub-Saharan African countries. *World Development*, *180*, p.106630. https://doi.org/10.1016/j.worlddev.2024.106630

[29] World Bank, 2019. *Anticorruption Initiatives: Reaffirming Commitment to a Development Priority* https://documents1.worldbank.org/curated/en/365421591933442799/pdf/Anticorruption-Initiatives-Reaffirming-Commitment-to-a-Development-Priority.pdf

[30] See: Advancing Resolution 10/10 by Addressing Sexual Corruption: Understanding and Enforcement Working Group on Gender, Inclusion, and Corruption1 of the Global Civil Society Coalition for the UNCAC Submission to CoSP11: https://uncaccoalition.org/wp-content/uploads/Advancing-Resolution-1010-by-Addressing-Sexual-Corruption-Working-Group-on-Gender-Inclusion-and-Corruption-Written-Submission-to-CoSP11-November-2025.pdf

teachers, health workers, employers or gatekeepers for access to services, protection or opportunities.[31]

7. What measures have been adopted to address the negative effects of corruption on the enjoyment of human rights: promising and/or best practices, benchmarks, persistent challenges? What recommendations in this regard would you have for the Human Rights Council and its subsidiary bodies, the Office of the High Commissioner for Human Rights (and, where appropriate, to international organizations/the UN)?

A promising start is the improvements being made in collecting and analysing corruption data. There is a slow but detectable shift from headline corruption scores towards granular, experience-based and disaggregated corruption data that can show who is affected, in which services, and through what mechanisms. This matters for poverty and exclusion because aggregate indicators may show that corruption is "high" or "low" nationally, but they rarely reveal whether poor rural women face more bribe demands in health facilities, whether young urban men are more exposed to police extortion, whether persons with disabilities face additional barriers in accessing identity documents, or whether refugees, migrants or minority groups are deterred from reporting abuse. Disaggregated data on experiences of corruption by income, gender, age, disability, location, education, migration status and other relevant markers is essential if anti-corruption policy is to "leave no one behind".

Examples of ongoing initiatives in this area include Ghana's time series governance and corruption survey, which gathers household, enterprise and public official data; Nigeria's repeated corruption surveys, which disaggregate by gender, income, education, employment, geopolitical zone and type of official, and include sexual corruption; and Kenya's National Ethics and Corruption Survey, which breaks down exposure to bribery, reporting behaviour and trust by county, gender, income, education and service point. These approaches are useful because they move analysis from "how much corruption exists?" to "which groups experience which corrupt practices, in which services, and with what consequences?"[32]

This broader methodological direction is based on UNODC's statistical framework to measure corruption, which encourages countries to build national information systems using multiple sources, including household and business surveys, administrative records, procurement data, audit records, complaints, whistle-blowing files and justice-sector data. Importantly, the framework recognises that corruption measurement should combine direct experience indicators with indirect measures of risk and response, and should mainstream gender and other demographic and social characteristics, including age and

[31] See: Bjarnegård, E., Calvo, D., Eldén, Å., Jonsson, S., & Lundgren, S. (2024*). Sex instead of money: Conceptualizing sexual corruption.* Governance, 37(4), 1349–1367. https://doi.org/10.1111/gove.12844
[32] See: https://www.u4.no/blog/seeing-the-whole-picture-why-corruption-data-must-be-disaggregated

ethnicity, to identify sub-populations that may be more vulnerable and require specific policy responses.

At the same time, persistent challenges limit progress. In some contexts, anti-corruption laws are misused to target civil society, journalists and political opponents, undermining accountability and fundamental freedoms. Even where safeguards exist, weak enforcement and limited institutional independence reduce their effectiveness. Access to justice remains uneven, particularly for marginalised groups facing legal, financial or security barriers. Non-monetary forms of corruption, including sexual corruption, are still insufficiently addressed. Data gaps persist, especially in fragile or repressive contexts, while structural inequalities continue to shape who can report corruption, seek remedies or avoid exposure.

Benchmarks for progress should therefore go beyond formal legal[33] and institutional reforms and focus on outcomes. This includes assessing whether disparities in access to public services are decreasing, whether people can report corruption without fear of retaliation, whether trust in public institutions is improving, particularly among marginalised groups, and whether effective remedies are available to those affected.

In light of these findings, the Human Rights Council and its subsidiary bodies should adopt a more systematic approach to addressing corruption within human rights monitoring. This includes strengthening the use of disaggregated and cross-sectoral data, linking corruption with poverty, service delivery, discrimination and complaints, to identify where practices such as informal payments, patronage or weak complaint systems exclude certain groups from essential services. Building on this evidence, corruption should be more consistently integrated into human rights mechanisms such as the Universal Periodic Review and Special Procedures,[34] and States should be encouraged to recognise and report on corruption as a driver of human rights violations, particularly in relation to inequality and access to services.

At the normative level, there is a need for clearer and more operational guidance on the human rights impacts of corruption, including emerging issues such as digital governance and non-monetary forms of corruption. Stronger collaboration between human rights mechanisms and anti-corruption frameworks will be essential to ensure more coherent and mutually reinforcing approaches.

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[33] See: Policy Guide: Systemic Integration of Human Rights in Anti-Corruption Frameworks, developed by the Human Rights & Corruption Working Group together with the Cyrus R. Vance International Center for Justice, https://uncaccoalition.org/systemic-integration-of-human-rights-in-anti-corruption-frameworks_policyguide/#page=

[34] See: Bridging Anti-Corruption and Human Rights Efforts: A Guide for Anti-Corruption Advocates to Engage in the Universal Periodic Review Process https://uncaccoalition.org/bridging-anti-corruption-and-human-rights-efforts-a-guide-for-anti-corruption-advocates-to-engage-in-the-universal-periodic-review-process/

8. Are there measures in place to ensure that returned assets are devoted to the promotion and protection of human rights? Provide information on promising and/or best practices in this regard, including in relation to the establishment of management and oversight mechanisms to ensure the appropriate use of repatriated funds.

Explicit reference to the use of returned funds for the protection and promotion of human rights has not been included as a purpose in any international return mechanisms, as far as we are aware. Several returns however refer to the Sustainable Development Goals, which - alongside fighting corruption - is one of the main purposes referred to in return agreements, where these are specified.

Examples of this include the Uzbekistan Vision 2030 fund, which is explicitly anchored in the UN Sustainable Development Cooperation Framework.[35] France's asset restitution law, adopted in 2021 (loi n° 2021-1031 du 4 août 2021 de programmation relative au développement solidaire, Art. XI.2) which obliges French authorities to return proceeds of corruption confiscated in transnational corruption cases – even when the country of origin has not sent a request –, enshrined GFAR-inspired principles of transparency and accountability and expressly disposes that funds should be returned "as close as possible to the population of the relevant foreign country".

However, many return agreements fail to mention either as a purpose and rather only specifically reference the project agreed upon for funding with the returned funds. For example, the Ibori funds returned from the UK to Nigeria only reference the specific infrastructure projects in the 2021 MoU.[36]

On the national level, several countries have experimented with social reuse in cases of confiscation of property from Mafia-type organizations. Confiscated properties are used by cooperatives or civil groups to support a wide variety of projects, most related to human rights.

9. Can you share promising and/or best practices on how human rights obligations and commitments are used to inform, support and strengthen anti-corruption policymaking and/or international cooperation?

10. Do you have any other observations or suggestions that you would like to provide on this topic?

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[35] See: https://mptf.undp.org/fund/uzb00.

[36] See: https://www.gov.uk/government/publications/return-of-stolen-assets-confiscated-by-the-uk-agreement-between-the-uk-and-nigeria/mou-between-uk-and-nigeria-on-the-modalities-for-return-of-stolen-assets-confiscated-by-the-uk-annex-1

Drawing on the experience of the Coalition, an important structural challenge persists at the international level. Within the UNCAC fora, there is a certain reluctance to reference or build upon resolutions, standards, and experiences from other international processes like the human rights mechanisms. This contributes to siloed approaches, limiting the effectiveness and coherence of global efforts. Greater emphasis should be placed on fostering synergies between anti-corruption and human rights frameworks at the UN and the national level, including through cross-referencing normative standards, sharing good practices, and encouraging collaboration between institutions and stakeholders operating in these spaces.

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