

POLICY BRIEF

CORRUPTION: A HUMAN RIGHTS IMPACT ASSESSMENT

Angela Barkhouse, Hugo Hoyland and Marc Limon



UNIVERSAL RIGHTS GROUP



May 2018

PREFACE

This report was authored by Angela Barkhouse and Marc Limon, with assistance from Hugo Hoyland of Kroll, as part one of a wider project being undertaken jointly by Marc Limon of the Universal Rights Group and Angela Barkhouse on 'Combatting and preventing corruption: the key to unlocking the full enjoyment of human rights and the realisation of the Sustainable Development Goals.' The project has been funded by the UK Foreign and Commonwealth Office, URG and Kroll, with additional support from the Government of Argentina. Any communication, publication, disclosure, dissemination, or reproduction of this report or any portion of its contents to third parties without the advance written consent of the authors is not permitted. Neither the authors, nor the project funders, assume any direct, indirect, or consequential liability to any third party or any other person who is not the intended addressee of this report, for the information contained herein, its interpretation or application, or for omissions, or for reliance by any such third party or other person thereon. To the extent information provided in this report is based on a review of publicly-available records, such information, as presented, relies upon the accuracy and completeness of those records, which have not been corroborated by the authors. Unless specifically stated, the mention of any entity or individual in this document or any attachments thereto, does not imply the violation of any law, statute or international agreement, and should not be construed as such.

Authors

Angela Barkhouse
Hugo Hoyland, Kroll
Marc Limon, Universal Rights Group

Other contributors

Olivia Bebe, formerly with the Universal Rights Group
Mariana Montoya, Universal Rights Group

With the support of:



TABLE OF CONTENTS

Introduction	p. 2
Part I: Corruption and human rights	p. 4
1.1 The theory of social harm	p. 5
1.2 Violations of human rights	p. 5
1.3 SERAP vs. Nigeria	p. 6
Part II: Measuring the human impact of corruption	p. 8
Part III: The social impacts of corruption	p. 9
Part IV: The human rights impacts of corruption	p. 19
4.1 Right to life	p. 19
4.2 Right to health	p. 21
4.3 Right to education	p. 22
4.4 Rights of women	p. 23
4.5 Freedom of expression, freedom of information	p. 26
4.6 Political and justice rights	p. 27
4.7 Right to development	p. 29
Appendices	p. 32

INTRODUCTION

The 2030 Agenda for Sustainable Development¹ incorporates 17 Sustainable Development Goals (SDGs), focused on social, economic, political, cultural, and environmental development through good governance, the rule of law, access to justice, personal security, and the fight against inequality.

The realisation of human rights, including, *inter alia*, the right to health, the right to an adequate standard of living, the right to education, non-discrimination, gender equality, and the right to development, is an explicit objective of the SDGs, derived from the Universal Declaration of Human Rights and the core UN human rights treaties. The realisation and implementation of the SDGs are in turn dependent upon good governance, transparency, participation, and accountability - the cornerstones of anti-corruption policy.

The State holds the primary responsibility to promote and protect the human rights of citizens and other individuals within its jurisdiction, yet when corruption is prevalent, those in public positions often fail to take decisions with the interests of society in mind, causing violations of the State's obligations under the core UN human rights treaties, especially the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Where corruption is systemic, it directly affects the poorest sections of the population, as a result of the diversion and siphoning off of public expenditure budgets. In other words, corruption works in direct tension to, and contradiction with, the call made throughout the 2030 Agenda for Sustainable Development that 'no-one [should be] left behind.'²

At the very least, corruption compromises a government's ability to deliver an array of public services, including health, education and welfare – all essential for the realisation of economic, social and cultural rights. In the worst cases, corruption compromises the rights to dignity, security of person, and even the right to life.

The generally accepted definition of corruption (derived from the work of international organisations, international treaties and domestic legislation) is: the abuse of public office for private gain.³ Specifically, grand corruption 'involves the distortion

and exploitation of entire systems for the benefits of private interests.'⁴ This is also known as 'political corruption.' It is directly related to an individual's official duties, and is done under the 'colour of office:' i.e. it is conducted under the appearance of authority, but involves actions that manifestly exceed such authority. It involves those, who through their abuse of positions of power or influence use State institutions or policies to purloin, embezzle or enrich themselves or their allies, or sustain political power, at the expense of the State's wealth and its citizens' welfare.

Yet despite the seriousness of the crime of corruption, and despite the gravity of its consequences for universal human rights, and while States (including in the United Nations Human Rights Council) are quick to condemn it; there is a significant disconnect between such protestations and actual action to confront corruption and to hold perpetrators to account. There have been notably few successful prosecutions around the world, under either criminal or civil law, and - equally importantly - there are very few cases where victims have been able to secure remedy and redress.

There are a number of possible reasons for this. One is that corruption is, in a sense, an 'invisible crime,' compared to, for example, terrorism. Another is the high cost of, and difficulties involved in, fighting corruption (domestically and internationally) compared to, say, drug smuggling or human trafficking. Yet corruption is the common denominator in all these - and other - transnational crimes, and its impacts are more 'visible' and immediate than is commonly perceived.

The victims of corruption are not as remote from the wrongdoing as is often assumed. For example, where the diversion of public funds for the purchase of child immunisation kits for preventable diseases ends up in private pockets, children may die as a result; where money earmarked to build schools or pay teachers' salaries is instead paid into the private bank accounts of public officials, children will not be able to enjoy their right to education; and where kleptocrats tightly control the media, the police and the judiciary, individuals will be deprived of their rights to freedom of speech, liberty and family.

Moreover, a cursory review of every single situation of serious human rights violations on the UN Human Rights Council's agenda today, demonstrates that each and every one of those situations is the result, in large part, of corruption and related efforts of governing elites to safeguard their privileged positions - so that they can continue to be the principal beneficiaries of accumulated power and wealth.

It is with this type of corruption (political corruption - rather than petty corruption) and its severe and immediate impact on human rights - that this policy brief is specifically concerned.

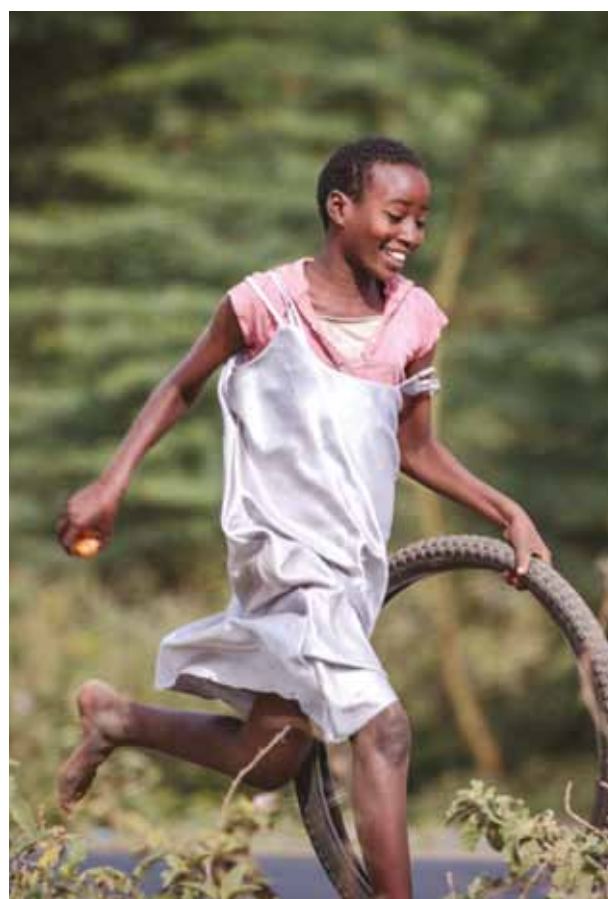
The main objective of the brief is to demonstrate, empirically and objectively, the immediate and serious impacts of corruption on internationally protected human rights. The hope of the authors is that this will help build a case for a serious push by the international community to combat and eliminate corruption, as an essential prerequisite to the full enjoyment of all human rights and the realisation of the SDGs 'leaving no one behind.'

In order to demonstrate and measure that impact, the brief presents the conclusions of a one-year data analysis project, using Kroll's proprietary data analysis software, that compares and correlates levels of corruption in 175⁵ different UN member States (as measured by Transparency International's corruption perception index - CPI) with levels of the enjoyment of basic human rights - especially economic, social and cultural rights, and the right to development - in those same countries (as measured by applying and analysing multiple human rights impact indicators, as defined by the UN Office of the High Commissioner for Human Rights - OHCHR). The data for said indicators was in turn taken from relevant reports by international organisations and UN agencies, including the World Health Organisation (WHO), the UN International Children's Emergency Fund (UNICEF), the UN Development Program (UNDP), the International Monetary Fund (IMF) and the World Bank.⁶

It is important to note that not all social indicator data was available for all States. For example, some States with poor human rights and/or development records may desist from providing data to relevant international organisations: This may lead to an unfair selection bias. A further issue with social indicator data is the collection year. Where possible, the authors used 2014 data; however in a few cases

this was not available, and therefore 2013 data was used instead. Moreover, some (mostly smaller) States were excluded from the analysis - by default - because they are not covered by Transparency International's corruption perception index (CPI).

When reviewing the results of the Barkhouse-Kroll-URG analysis, it is also important to recall that while we have used a single overarching index for corruption (Transparency International's CPI), in reality not all corrupt acts have an equal impact on human rights. Petty bribes cause social inequality, exacerbate poverty and undermine public health.⁷ High-level nepotism and patronage, on the other hand, cause market inefficiencies and distort whole economies.⁸ Furthermore, it is important to recognise that Transparency International's CPI index is based purely on public perceptions of corruption. It is not a detailed measure of actual levels of corruption and nor does it provide 'in-depth information about where corruption occurs or what types of corruption are predominant in a country.'⁹ Notwithstanding, as of the time of writing, the CPI is recognised as the best available proxy for actual measurements of corruption¹⁰ - as noted by the Global Institute for Peace and Economics, there is a strong correlation between the CPI and World Bank Control of Corruption Index ($r=0.998$).¹¹



PART I

CORRUPTION AND HUMAN RIGHTS

All UN member States are Party to one or more of the international human rights treaties and/or regional human rights instruments (e.g. the African Charter on Human and People's Rights).

States have different practices for incorporating those treaties into their domestic legal structures. For example, in some countries, international or regional human rights law automatically becomes part of national law. In others, international human rights law must be transposed into the domestic law of the ratifying State (through transformation, adaptation or adoption) before it takes effect. However, ultimately, in all cases, the State is bound by its obligations as a signatory to the treaties. In particular, States have a primary obligation to respect, protect and promote the human rights of people living within their jurisdiction.

Of the core UN human rights treaties, corruption is particularly relevant to the rights enunciated in the two covenants: the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR).

Article 2 of the ICCPR stipulates that: 'Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant.' Article 2 of the ICESCR states that: 'Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means.'

The human rights set out in the covenants, as well as the human rights contained in other international instruments, give rise to three kinds of obligations,

namely the obligations to respect, protect and fulfil human rights. The obligation to respect is essentially a negative obligation to refrain from infringements. The obligation to protect primarily refers to protection from dangers emanating from third parties. The obligation to fulfil requires positive action by the State. The UN Committee on Economic, Social and Cultural Rights (the Treaty Body established by the ICESCR) in-turn divides this latter obligation (to fulfil) into the three subcategories of facilitate, provide and promote.¹²

THE THEORY OF SOCIAL HARM

Social harm¹³ is a concept recognised in human rights law, for it encompasses the social, economic, psychological and environmental injury or damage inflicted on society by the acts of individuals, organisations or governments (national or international). It has allowed an assessment of illegal and harmful acts beyond domestic criminal justice systems, by providing a bridge to international human rights law.

Edwin Sutherland's¹⁴ 1949 study into corporate malpractice led to the recognition by criminologists of the need to move beyond prescriptive legal definitions of crime in order to include other more damaging forms of injury or social harm, thereby creating a more 'inclusive understanding of the causes of human suffering than traditional studies of crime and criminals.' Notwithstanding such advances, today it remains the case that the predominant focus of anti-corruption policies and programmes has been to sanction the wrongdoing, rather than address the consequences for victims.

Applying the concept of social harm could help move anti-corruption policy away from a narrow focus on



corruption as an economic 'crime' to be sanctioned under criminal law, to a more expansive understanding and approach designed to respect, protect and fulfil individual rights, and promote societal well-being.

Widening the focus of anti-corruption efforts in this way, to address the consequences of corruption for individual people and for society, enables the application of international law, with potentially far-reaching consequences.

The concept of social harm is reflected in the 2003 UN Convention Against Corruption (UNCAC). The preamble of UNCAC recognises 'the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice,' and states 'a comprehensive and multidisciplinary approach is required to prevent and combat corruption effectively.'

Similarly, a human rights-based approach to anti-corruption policy-making may help to focus international efforts on those who are most at risk, most marginalised and most vulnerable, or, to use the terminology of the 2030 Agenda for Sustainable Development, those who are 'left furthest behind.'

VIOLATIONS OF HUMAN RIGHTS

A crucial legal question when drawing a link between corruption and human rights is whether corrupt acts constitute an actual violation of human rights.

As Professor Anne Peters of the Basel Institute on Governance has noted, to-date, when relevant UN bodies and mechanisms (e.g. the Human Rights Council or Treaty Bodies) have considered the relationship between corruption and human rights, they have not used the word 'violation,' opting instead to apply weaker language that talks, for example, of the 'negative impacts' of corruption on human rights, or that claims that corruption 'undermines human rights.'

Similarly, where domestic courts have considered the consequences of corruption, they have tended to talk of corrupt acts as 'undermining' human rights (e.g. the Constitutional Court of South Africa).¹⁶

Notwithstanding such timidity, there is, nonetheless, a clear movement to strengthen language and to make the case that corruption, especially grand or political corruption, should be viewed as a human rights violation. For example, in the foreword to the UNCAC, the then UN Secretary-General Kofi Annan made clear that 'corruption is an insidious plague that has a wide range of corrosive effects on societies. 'It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism, and other threats to human security to flourish,' he concluded. Likewise, in a 2004 report to the UN Sub-Commission on Human Rights, the then Special Rapporteur on corruption, Christy Mbonu, argued that: 'corruption, whether systemic, endemic or petty, violates citizens' enjoyment of all the rights contained in all the international instruments.'¹⁷ Later, in a 2005 report, she focused on corruption as a violation of civil and political rights, stating: 'a



fundamental right is violated if, due to poverty, vote-buying by political parties denies the electorate from voting for the best candidates.'

In her detailed legal analysis of this question, Professor Peters argues that corruption violates all three types of obligations contained in the two international human rights covenants (i.e. to respect, protect and fulfil human rights). She notes that: 'a corrupt act by an individual official may, depending on the context and the human right in question, potentially violate each of these dimensions of obligation.' At a macro-level, she argues that 'the deficient implementation, application and enforcement of effective anti-corruption measures essentially constitutes an omission by the State,' thereby potentially violating the State's obligation to fulfil (facilitate, provide and promote) human rights, and to protect human rights. On the latter point, Professor Peters notes that 'the obligations to protect human rights are addressed to all three branches of government. They obligate the legislative power to enact effective laws, the executive power to undertake effective administrative measures, and the judicial power to engage in effective legal prosecution.' Where either or all of the branches of government fail to do so, the State is therefore in violation of its human rights obligations.

Taking the relationship between corruption and the right of everyone to the highest attainable standard of physical and mental health (article 12, ICESCR) as an example, State violations of the right to health may occur if States (including their agents at all levels of

government) fail to respect, protect and fulfil the right of individuals where the provision of healthcare has been impacted or denied as a result of:

- The misappropriation of funds allocated to the health sector.
- Accepting bribes.
- Embezzlement of funds from the health sector.
- Abuse of positions of authority, including conflicts of interest in the provision of services to the health sector.
- Collusion with criminal gangs for the distribution of counterfeit drugs and the diversion of genuine medicines.

In the case of child infant mortality, it could be suggested that in instances where a child has been denied access to immunisation programmes (due to insufficient availability of the necessary drugs) as a result of a corrupt act (e.g. the diversion of funds allocated to buy such drugs), and where that denial of access leads to illness or the death of a child, it represents a clear violation of the child's rights to health and to life.

SERAP VS. NIGERIA

The potential practical value of securing a paradigm shift from understanding corruption as a 'victimless' economic crime, to addressing it as a human rights

concern, indeed as a human rights violation, can be seen by reference to an important case study: namely the Socio-Economic Rights and Accountability Project (SERAP) vs. Nigeria case at the Economic Commission of West African States (ECOWAS) Court of Justice.

SERAP vs. Nigeria has raised awareness about how human rights laws and mechanisms can be used to strengthen accountability in corruption cases. SERAP vs. Nigeria also set important new precedents in terms of drawing a causal (financial) link between corrupt acts and human rights impacts - extremely important in order to argue that a violation of human rights has occurred.

The claim was based on alleged violations of the rights to education and human dignity, and the rights of peoples to freely dispose of their natural wealth and resources, caused by the plundering of State funds by the Universal Basic Education Commission (UBEC).

UBEC was established in 1999 by the Government of Nigeria to ensure access to quality basic education throughout the country. It was given statutory authority in 2004 with the Basic Education Act and Child's Rights Act. However, instead of fulfilling this important mandate, it was alleged that between 2006 and 2007 alone, the UBEC embezzled US\$351.54 million of public funds.²⁰

In bringing the case to court, SERAP argued that such grand corruption violated peoples' right to education. In Nigeria, over five million children do not have access to basic primary education.

Nigeria argued that the ECOWAS Court of Justice lacked jurisdiction to hear the case because it dealt with domestic law and policy, and that SERAP lacked standing - as it was not directly affected by the laws in question. The Court disagreed, reasoning that because the claim involved the right to education under the African Charter on Human and People's Rights (ACHPR), even if such a right was arguably non-justiciable in domestic constitutional or statutory law, it did have jurisdiction. Specifically, the Court noted that article 9 (4) of the Supplementary Protocol to the ACHPR granted the Court jurisdiction to determine cases of violations of human rights in member States of ECOWAS. It furthermore drew an important distinction between the provision of education in Nigeria's domestic legal framework and the human right to education, which Nigeria is bound to respect, protect and fulfil as a State Party to the ACHPR. The Court concluded:

'The fact that these rights are domesticated in the municipal law of Nigeria cannot oust the

jurisdiction of the Court.'

The case is highly significant in the context of wider efforts to reconceptualise the prosecution of corruption as a human rights violation - with individual victims, rather than as an economic crime. By deciding in favour of the justiciability of the right to education under the ACHPR, and by deciding that concerned individuals and civil society groups have standing before the court to bring public interest litigation cases (based on the doctrine of *action popularis*), the ECOWAS Court set an important regional and international precedent.

Notwithstanding these important legal advances, in the end the Court decided that it could not be proved that Nigeria had violated its obligations under the ACHPR because:

'In a vast country like Nigeria, with her massive resources, one can hardly say that an isolated act of corruption... will have such devastating consequence as a denial of the right to education.'

The Court did acknowledge that the embezzlement of funds by UBEC necessarily had 'a negative impact on education.' However, because it was not possible to prove a direct causal link between the act or omission of the State (the corrupt acts of UNEC officials) and the denial of the right to education, it was not possible, according to the Court, to find Nigeria in violation of its human rights obligations under the ACHPR.

The Court also argued that it could not agree that Nigeria had failed to fulfil its obligations *vis-à-vis* the right to education, because the Government had put in place policies and institutions (including UBEC) designed to facilitate, provide and promote that right. This would seem to suggest that the Court attributed responsibility for the harm caused (lack of access to education) to individual UBEC officials acting in a personal capacity, and not the State. However, somewhat confusingly, it also found that the State (represented by the Nigerian Government) did have an obligation to ensure that such funds were used properly, and that education is not undermined by corruption. This raises the obvious question: if the State has an obligation to ensure that public funds for education are used properly and to guard against corruption, and if UBEC officials are agents or representatives of that State, then surely the embezzlement of public funds is a violation of the State's obligations?

PART II

MEASURING THE HUMAN IMPACT OF CORRUPTION

The basic premise of the research project undertaken was to empirically quantify the impact of corruption on internationally protected human rights - to move beyond vague assertions that 'corruption undermines human rights,' to a more granular calculation of the precise nature and extent of that impact.

In order to do so, Barkhouse, Kroll, and the URG used OHCHR's human rights indicator framework, which suggests a range of social indicators to measure the on-the-ground enjoyment of the various human rights set down in the core UN human rights treaties (and, in the case of the right to development, in the UN Declaration on the Right to Development). For example, for the right to health, OHCHR suggests indicators including: child malnutrition, immunisation, life expectancy and maternal mortality.

The first step was to identify the sample States. As noted in part 1 of this report, that decision was made on the basis of their inclusion in Transparency International's CPI and the availability of data for those States from reports published by the IMF, UNDP and WHO. This process of selection highlighted a lack of adequate data for many countries. For example, in the context of the 'right to life' impact calculations undertaken for this report, adequate data was only available for 126 of the 175 States covered by the CPI.

The second step was to select a sample group of human rights. Based on a presumption of which human rights (especially economic, social and cultural rights) are likely to be most affected by corruption, Barkhouse, Kroll, and the URG selected the following seven rights: the right to health, the right to life, the right to education, women's rights, freedom and access rights, the right to justice, and the right to development.

Third, for each of those rights, Barkhouse, Kroll, and the URG identified a set of indicators. This was largely

based on suggestions contained in OHCHR's indicator framework, with final choices made according a number of criteria including:

- The indicator should be strongly linked to public policies and public expenditure budgets.
- There should be a relatively complete dataset for the indicator(s), across all sample States.

A final point of note is that some indicators were, where appropriate, used for more than one human right. For example, child immunisation rates were used to measure (through inclusion in the respective compound scores) the enjoyment of both the right to health and the right to life.

In the following two sections of this policy brief, the authors present the results of the:

- Comparative analysis of levels of corruption (CPI) against selected social indicators.
- Comparative analysis of levels of corruption (CPI) against selected internationally recognised and protected human rights (based on compound scores for each right made up of all relevant social indicators).



PART III

THE SOCIAL IMPACTS OF CORRUPTION

Comparative analysis of levels of corruption against selected social indicators

As noted above, to quantify the impacts of corruption on internationally protected human rights, Barkhouse, Kroll, and the URG first selected (based predominantly on guidance notes produced by OHCHR) a range of indicators that allow for some level of measurement of the enjoyment of those rights across selected countries. This section of the policy brief describes some of those indicators in more detail, and explains the results of the data analysis exercise, which compared levels of corruption (as measured by the CPI) with those indicators to provide evidence of social impact.

Part IV of this policy brief will then 'group' or 'cluster' relevant social indicators under the relevant human rights, as defined and protected by the international human rights treaties, thereby producing compound human rights indicators. This will allow for an assessment and determination of the impacts of corruption on specific human rights.

FIGURE 1. IMPACT OF CORRUPTION ON LIFE EXPECTANCY AT BIRTH

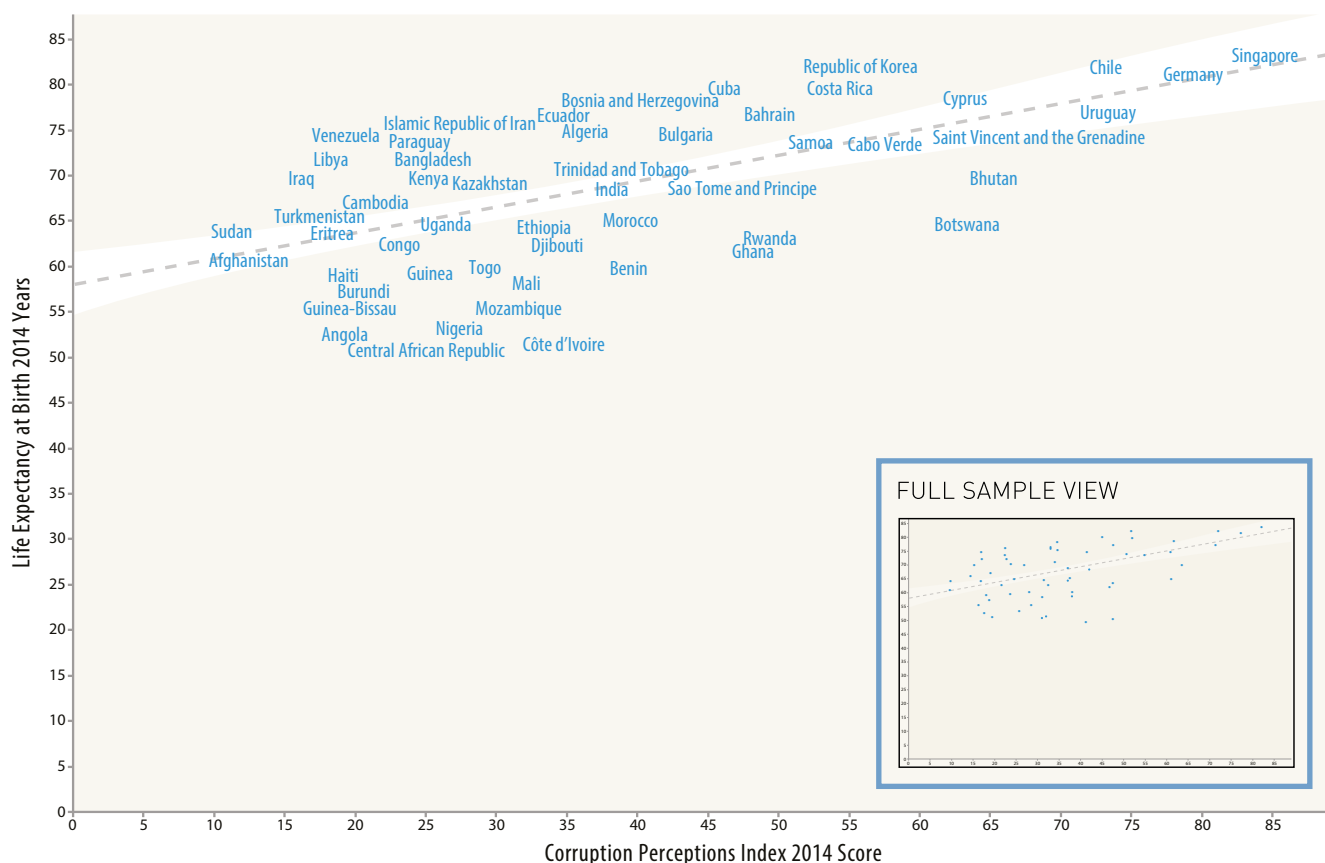
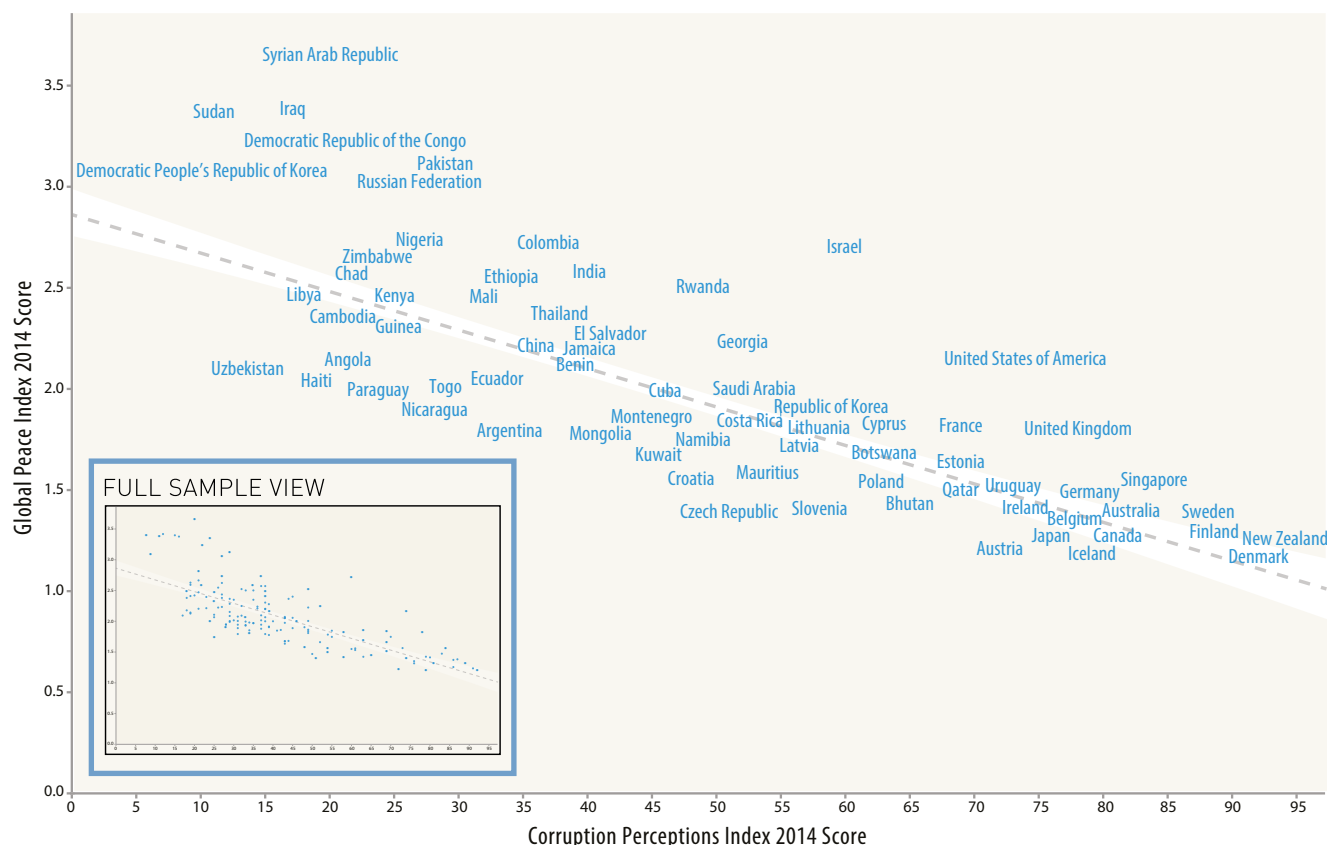


FIGURE 2. CORRUPTION AND THE GLOBAL PEACE INDEX



LIFE EXPECTANCY

A comparative analysis of levels of corruption (CPI) across the 126 sample States, as against life expectancy indicators, shows a moderately positive relationship (correlation coefficient 0.4695). In other words (and notwithstanding some outliers, such as Lesotho and Swaziland), the more corrupt a country, the lower the average life expectancy of its citizens.

Whilst the average life expectancy is around 68.4 years globally, if you are a citizen of a country in the lowest quintile of the CPI, then the average life expectancy is reduced to an average of 60.5 years. If you live in a country with low levels of corruption (i.e. in the top CPI quintile), your average life expectancy is over 80.

That said, there are clearly other factors at play in this picture, other than corruption (even if some of those factors may well be linked to corruption - see below). For example, the five countries with the lowest CPI scores (i.e. the most corrupt States) and with very low life expectancy indicators, also occupy the bottom five spots in the Global Peace Index (i.e. they have experienced civil conflict in recent times).

Notwithstanding, it can of course be argued that corruption is generally an important root cause of civil conflict, and thus the established statistical relationship between corruption and life expectancy remains valid and strong. For example, a 2016 report by the Institute for Economics and Peace, on the relationship between peace/security and corruption, demonstrated an empirical link. Moreover, the study showed that once a State reaches a certain level of corruption, there is a threshold or 'tipping point,' where just a small increase in corruption can lead to a large increase in insecurity (and a higher risk of conflict).²¹

At a more granular level, the Institute for Economics and Peace's analysis also demonstrates that police and judicial corruption have a particularly strong negative relationship with peace and security - i.e. where such corruption exists (especially at systematic levels) there is a far higher likelihood of conflict. This is perhaps not surprising when one considers the central importance of these two institutions within a rule of law system.

MATERNAL MORTALITY

An analysis of maternal mortality rates (covering deaths during pregnancy, childbirth or within 42 days of termination of pregnancy)²² against the CPI reveals a negative linear relationship between corruption and the number of deaths per 1'000 live births. That is, the higher the CPI score (i.e. the lower the level of corruption), the lower the number of maternal deaths per 1000 births. What is more, according to our comparative analysis (see Figure 3), the upward curve shown on the graph (at a CPI score of around 30 or lower) suggests that small decreases in corruption may have a significant positive effect on maternal mortality rates.

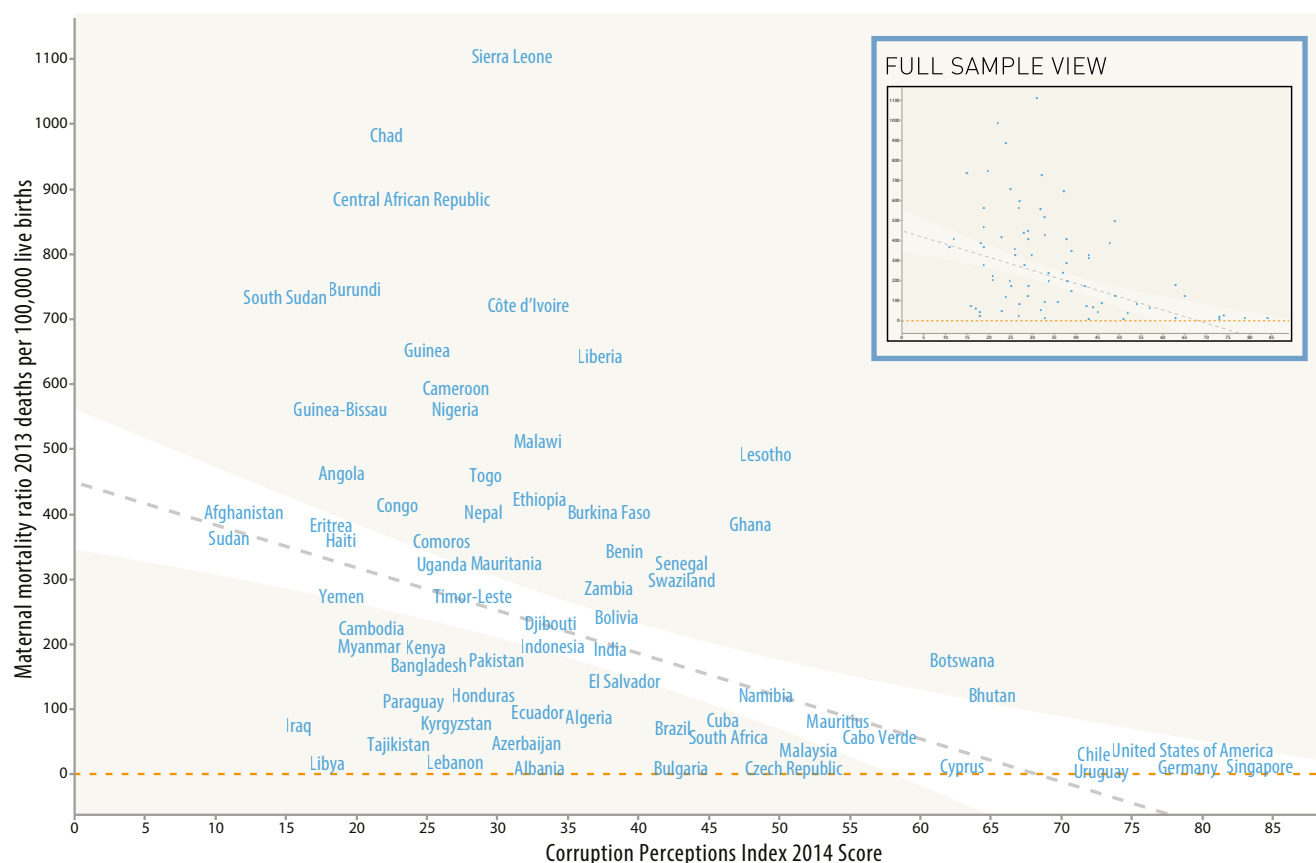
Maternal mortality is important as a social indicator for the purposes of this report because it is, in most cases, preventable - where a birth is attended by skilled health professionals with proper equipment, drugs and the ability to refer to emergency obstetric care when caesareans and blood transfusions are required.²³ However, where public funds are illegally diverted from the health sector, the ability to prevent such deaths becomes more and more difficult.

Again, it is important to recall that other factors, not controlled for in the Barkhouse-Kroll-URG analysis, such as the proportion of the population living in rural areas, or the presence of civil conflict, may have a distinct or related influence on maternal mortality (e.g. Burundi, CÔte d'Ivoire, and Cameroon).

However, even with that in mind, it appears that corruption can and does play a major role in determining maternal mortality rates. For example, a 2008 report by the Centre for Reproductive Rights entitled 'Broken promises: human rights, accountability and maternal death in Nigeria,' identified the 'inadequacy or lack of implementation of laws and policies, the prevalence of systemic corruption, weak infrastructure, ineffective health services, and the lack of access to skilled health-care providers,' as key contributors to the high prevalence of maternal mortality in Nigeria.²⁴

The WHO identifies Nigeria as having the world's second-highest number of maternal deaths, with approximately 59,000 such deaths taking place annually or a MMR of 1,100 maternal deaths per 100,000 live births.²⁵ Moreover, for every maternal death, 20 other women suffer serious and often permanent pregnancy-related complications and/or health problems. A woman in Nigeria has a 1-in-18

FIGURE 3. IMPACT OF CORRUPTION ON THE MATERNAL MORTALITY RATIO



risk of dying in childbirth or from pregnancy-related causes during her lifetime.²⁶

The WHO has also noted that, in the context of maternal mortality, Nigeria has the highest gap between rich and poor of any country in the world. The neo-maternal mortality rate amongst the richest quintile of the population is 23 per 1000 births, whereas for the poorest quintile that figure rises to 59 (a gap of 156%).²⁷

In a further WHO study of Nigeria's health sector, it was found that 42% of health-care staff had experienced salary delays exceeding six months, even though adequate funds had been delivered to the local government.²⁸

An examination of the World Bank data for maternal mortality rates shows that when the CPI is analysed against that data, certain countries appear higher in the rankings; thus appearing to demonstrate that corruption is a significant factor in maternal mortality rates in those countries.

Ranking	Maternal mortality rates ranking ²⁹	MMR vs. CPI Score
1	Sierra Leone	Sierra Leone
2	Chad	Chad
3	Central African Republic	Central African Republic
4	South Sudan	Burundi
5	Nigeria	South Sudan
6	Somalia	Democratic Republic of the Congo
7	Burundi	Côte d'Ivoire
8	The Gambia	Guinea
9	Democratic Republic of the Congo	Liberia
10	Guinea	Niger

CHILD MORTALITY

The under-five mortality rate is a key indicator of child well being (including overall health, and nutritional intake) and, more broadly, of socio-economic development.³⁰

As stated by UNICEF: 'most neonatal deaths are preventable.'³¹ Pneumonia, diarrhoea and malaria remain the leading causes of death among children under the age of five. Children that die in the first 28 days of life suffer from diseases and conditions that are often associated with quality of care around

the time of childbirth and are readily preventable or treatable with proven, cost-effective interventions.³²

The Barkhouse-Kroll-URG comparative analysis of child mortality against levels of corruption (see Figure 4A) shows that the average mortality rate in highly corrupt countries (i.e. countries with a low CPI ranking) is 68.39 per 1000 live births, as compared to a rate of only 13.38 in countries with low levels of corruption (i.e. countries in the top quintile of the CPI ranking).

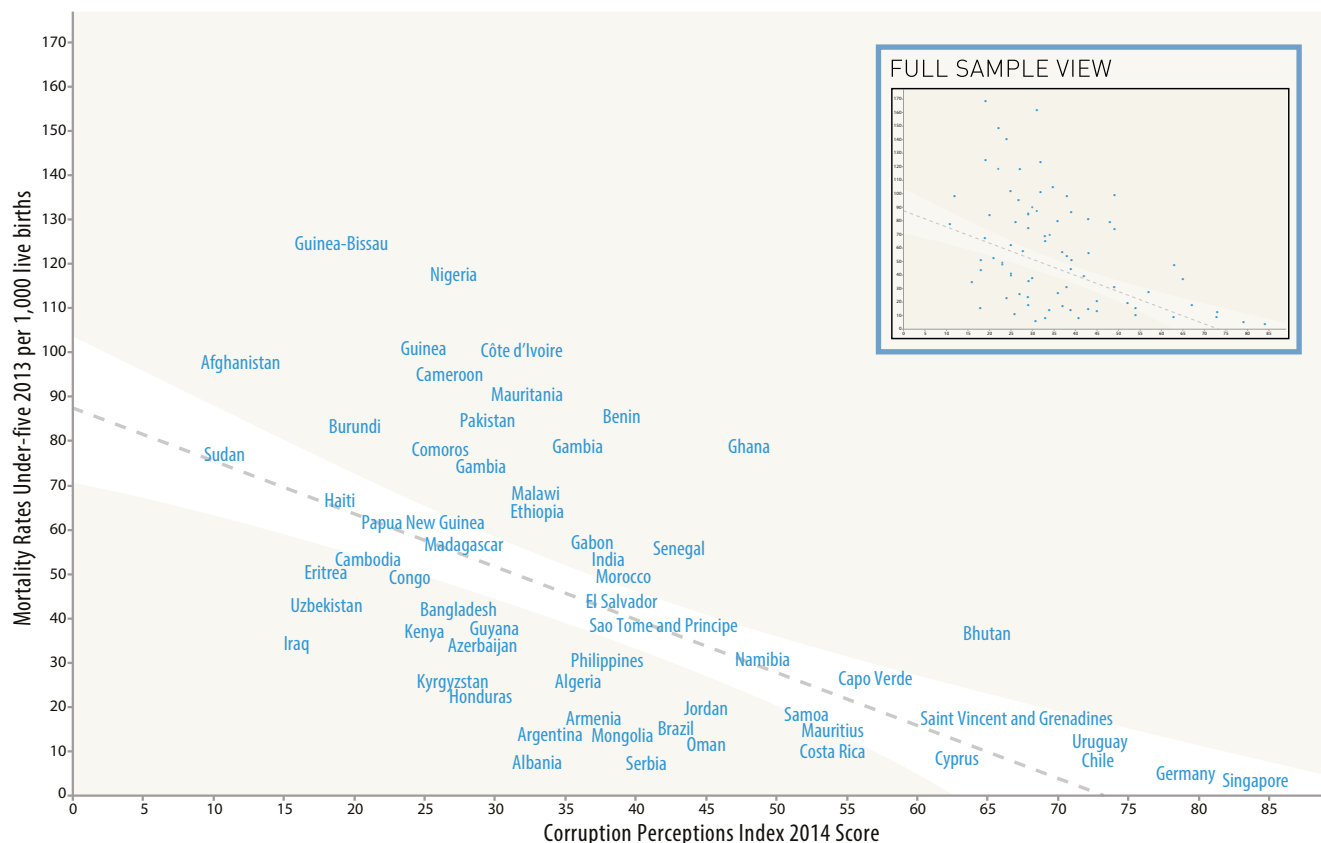
For example, in Angola, which holds sixth place in Transparency International's CPI and has the highest under-five mortality rate in the world (167 deaths per 1000 live births), children are 84 times more likely to die before the age of five than are children born in Luxembourg, which is the tenth least corrupt State.

Interestingly, as with life expectancy, there appears to be a 'tipping point' whereby once a country reaches a certain level of corruption (i.e. a CPI score of lower than 40), the risk of child death begins to increase significantly. Seen the other way around, the analysis suggests that small decreases in corruption in countries that have CPI score of between 30 and 40 can bring about a significant improvement in child mortality rates.

When CPI is applied to infant mortality rates, a country can shift significantly up or down the rankings (e.g. Guinea-Bissau), demonstrating that corruption may be considered a significant factor in infant mortality rates in those countries, and that efforts to combat child mortality rates would benefit significantly from anti-corruption reforms.

Ranking	Child mortality rates ranking ³³	MMR vs. CPI Score
1	Angola	Angola
2	Chad	Sierra Leone
3	Somalia	Chad
4	Central African Republic	Central African Republic
5	Sierra Leone	Guinea-Bissau
6	Mali	Mali
7	Nigeria	Democratic Republic of the Congo
8	Benin	Nigeria
9	Democratic Republic of the Congo	Niger
10	Niger	Guinea

FIGURE 4A. IMPACT OF CORRUPTION ON MORTALITY RATES OF CHILDREN UNDER FIVE YEARS



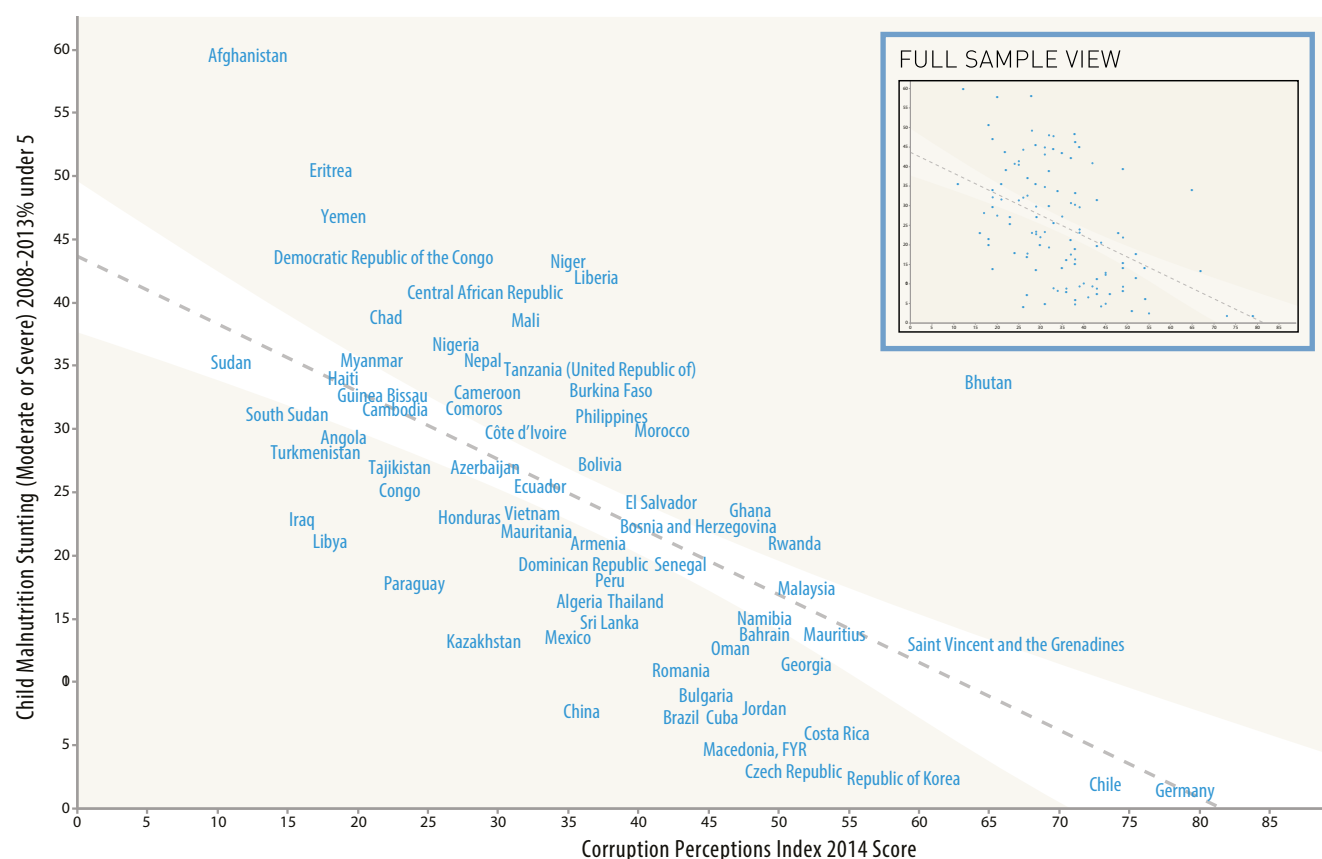
CHILD MALNUTRITION

The World Food Programme (WFP) defines malnutrition as 'a state in which the physical function of an individual is impaired to the point where he or she can no longer maintain adequate bodily performance processes such as growth, pregnancy, lactation, physical work, and resisting and recovering from disease.'³⁴ Between 1990 and 2015, the number of stunted children under 5 worldwide declined from 255 million to 156 million, though in some parts of the world (e.g. West and Central Africa), child malnutrition actually increased (from 19.9 million to 28.3 million). Child malnutrition is also a key contributory factor to child mortality. The Pan-African Medical Journal has estimated that '49% of the ten million deaths among children less than five years old each year in the developing world are associated with malnutrition.'³⁵

The Barkhouse-Kroll-URG statistical analysis shows a strong correlation between levels of corruption and child malnutrition (see Figure 4B). What is more, this relationship becomes even clearer if one focuses purely on developing countries, including 'medium developed countries,' such as India and Timor-Leste.



FIGURE 4B. IMPACT OF CORRUPTION ON CHILD MALNUTRITION STUNTING (MODERATE OR SEVERE)



Field research by the Asian Legal Resource Centre (ALRC) covering India, Bangladesh and Nepal, also found a strong causal relationship between corruption and child malnutrition (as well as maternal mortality), arguing that this represents a failure on the part of those States to fulfil the right to food.³⁶ That research also found that the impacts of corruption on food security are most acutely felt by those parts of the population in already vulnerable or marginalised situations. This runs counter to States' non-discrimination obligations and their commitments, under the 2030 Agenda, to 'leave no one behind.' The rankings for child malnutrition as compared against the CPI score were as follows:

Ranking	Child malnutrition vs. CPI score
1	Afghanistan
2	Timor-Leste
3	Burundi
4	Eritrea
5	Papua New Guinea
6	Madagascar
7	Guatemala
8	India
9	Malawi
10	Yemen

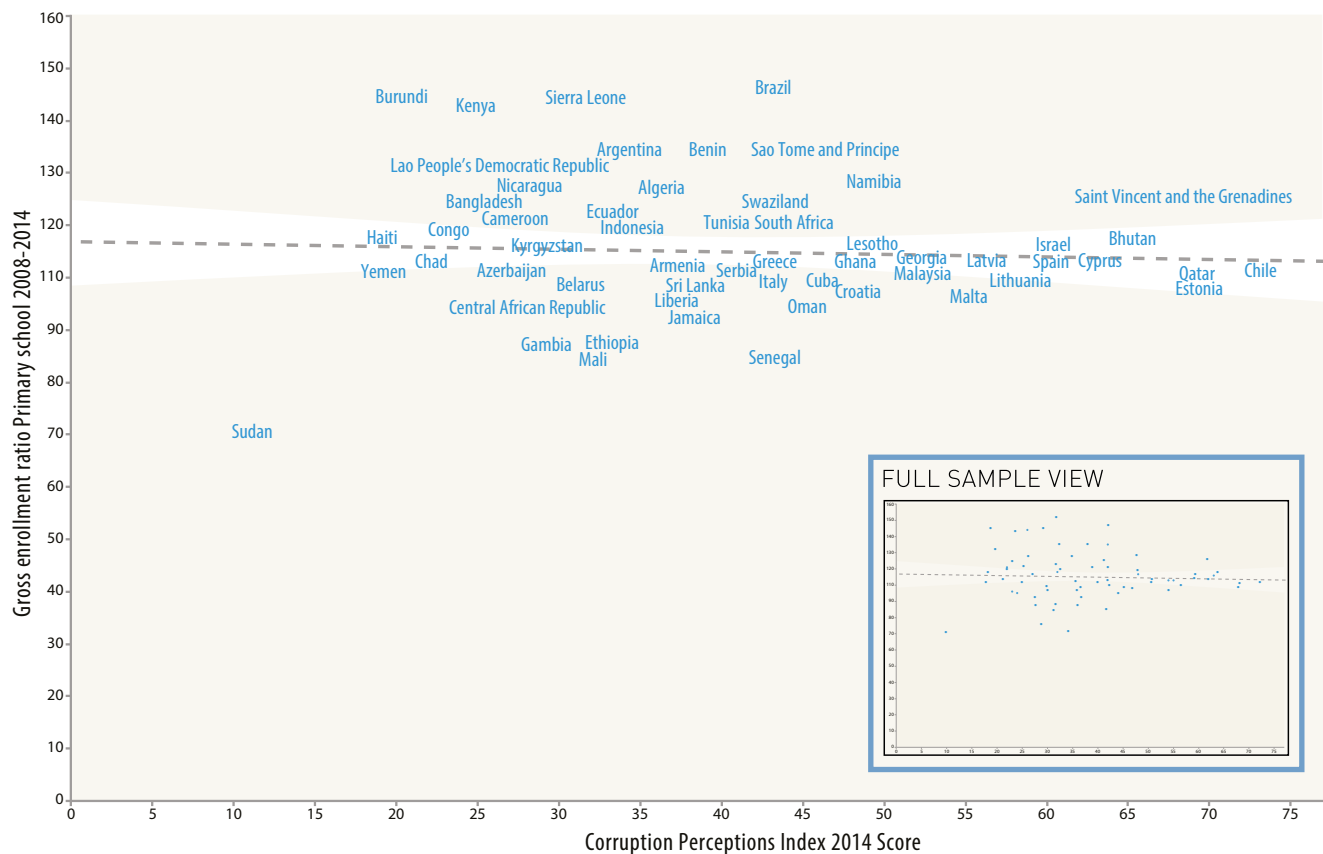
SCHOOL ENROLMENT

Barkhouse-Kroll-URG's analysis of school enrolment rates across sample States, as compared against corruption perception levels (CPI) failed to uncover a statistically significant relationship (see Figure 5).

This might suggest that education is one area relatively immune to corruption - i.e. even in countries where there are generally high levels of corruption, officials may be cognisant of the importance of schooling and therefore relatively reluctant to 'steal' from education budgets. However, other education indicators (see below) point in the other direction (i.e. they suggest that educational services are not immune from the corrosive impacts of corruption). What is more, the compound 'right to education score' (see Part IV of this brief) does show a significant correlation with corruption.

The data analysis did however find a statistically significant relationship between corruption rates and primary school dropout rates (though with some notable outliers such as Saint Vincent and the Grenadines and Bhutan). Moreover, this analysis - combined with the analysis on health indicators - appears to show that school drop out rates are more

FIGURE 5. IMPACT OF CORRUPTION ON GROSS ENROLLMENT RATIO (PRIMARY SCHOOL)



sensitive to corruption than are health indicators (e.g. life expectancy, child mortality, and maternal mortality). This means that as corruption becomes more prevalent, the education sector is often the first to suffer (indicators go down fairly rapidly for any country with a CPI score of 45 or less) - before, for example, the health sector (health indicators only begin to drop significantly for countries with a CPI score below 40). This is supported by research by Gupta et al., which suggests that student dropout rates in countries with high levels of corruption are five times as high as in countries with low levels of corruption.

Countries most affected when incorporating CPI results were Haiti, Mozambique, Uganda, Ethiopia, Central African Republic, Burundi, Sierra Leone, Nicaragua, Chad, and Benin (in that order).

LITERACY RATES

There is wide agreement that improved control of corruption leads to better adult literacy rates.³⁷ Our analysis (see Figures 6A and 6B) of corruption rates across the sample countries (i.e. those with available data), compared to national literacy rates (for people aged between 15 and 24), reveals a strong correlation for women (covering both medium developed and least developed countries) and a somewhat weaker (though still significant) correlation for men. In the case of men, the relationship becomes stronger if one focuses solely on Least Developed Countries (LDCs).³⁸

The gender disparity between male and female literacy rates also widens as corruption becomes more prevalent. The difference between male literacy and female literacy rates can be as high as 25% in countries with a CPI score of 40 or less.

FIGURE 6A. IMPACT OF CORRUPTION ON THE LITERACY RATE OF YOUNG FEMALES

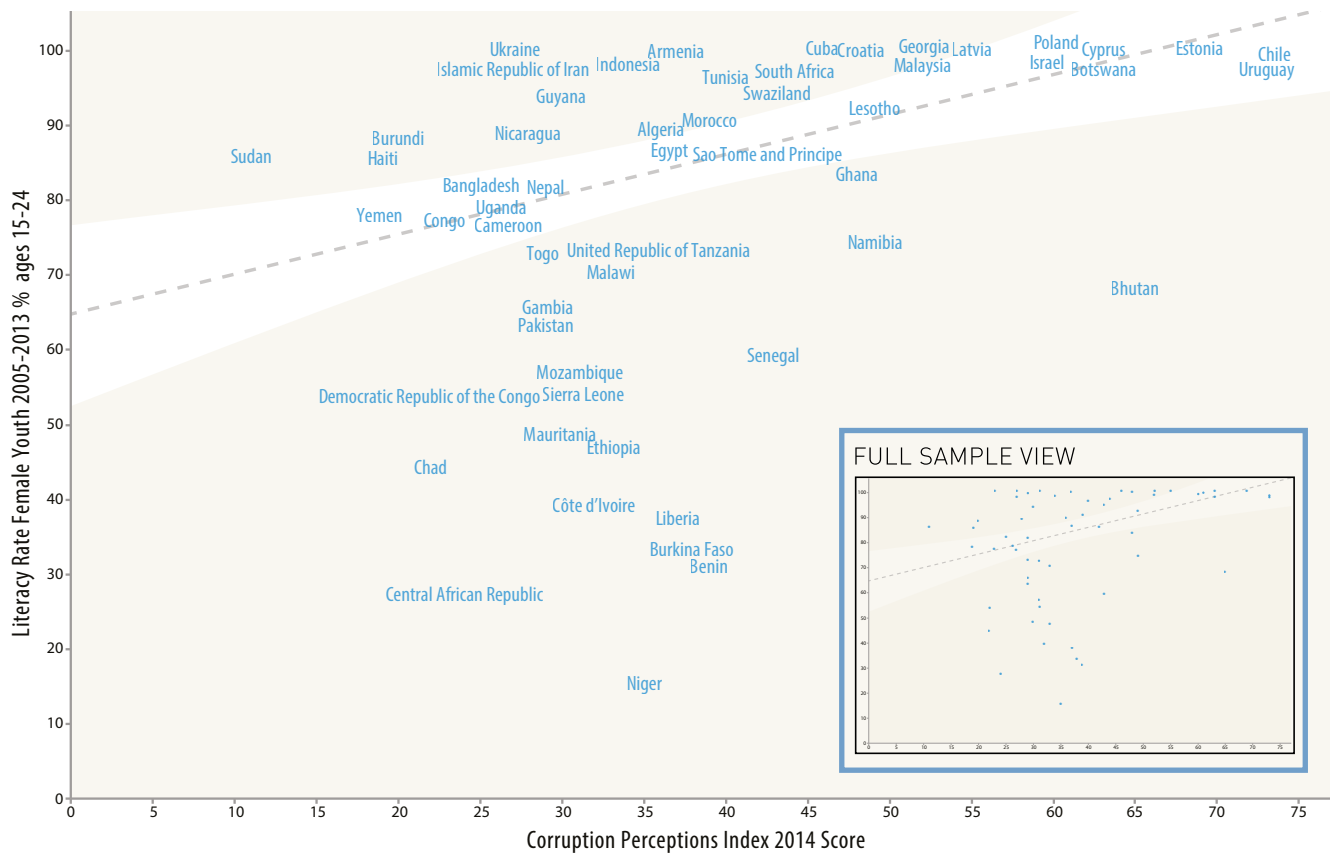
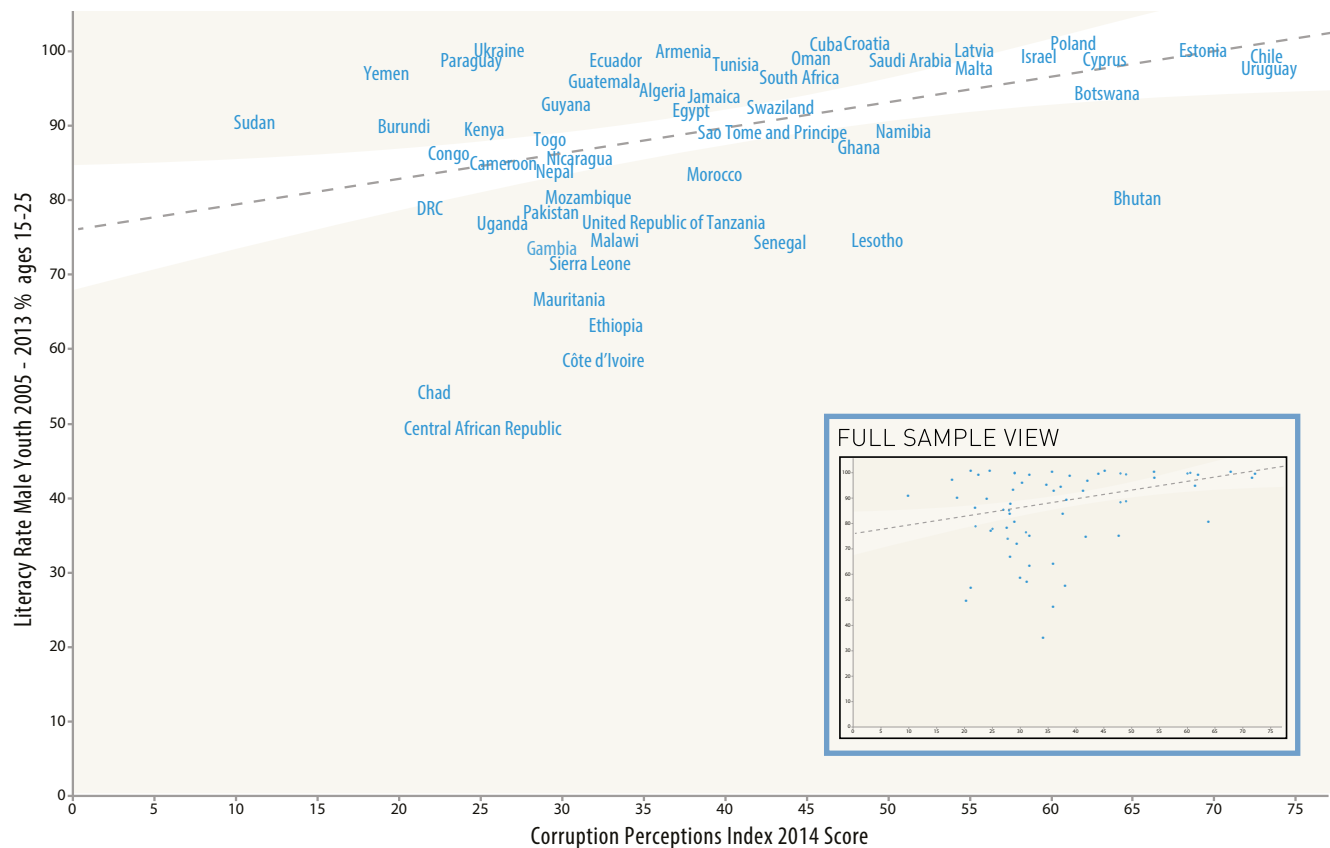


FIGURE 6B. IMPACT OF CORRUPTION ON THE LITERACY RATE OF YOUNG MALES



MEAN YEARS OF SCHOOLING

With one exception (Bhutan, again, appears to be an outlier), there is a statistically significant relationship between levels of corruption (CPI) and the average number of years that young people spend at school, (see Figures 7 and 8).

Broken down by gender, it again appears that female schooling suffers more from corruption than does male schooling - with average years at school dropping off more quickly the lower a country's CPI score. In some countries, such as Niger, women, on average, do not even receive one full year's worth of schooling.

FIGURE 7. IMPACT OF CORRUPTION ON MEAN YEARS OF MEN SCHOOLING

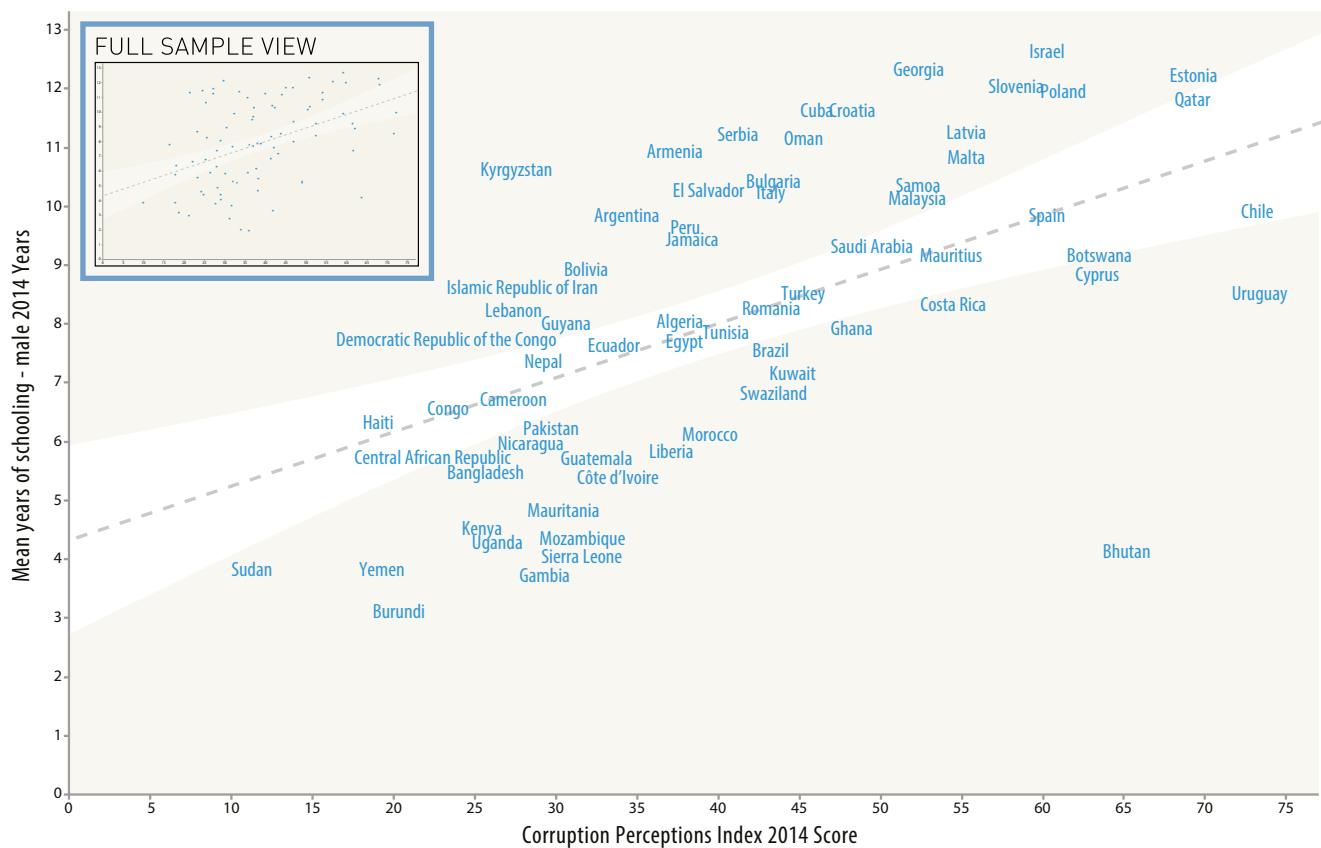
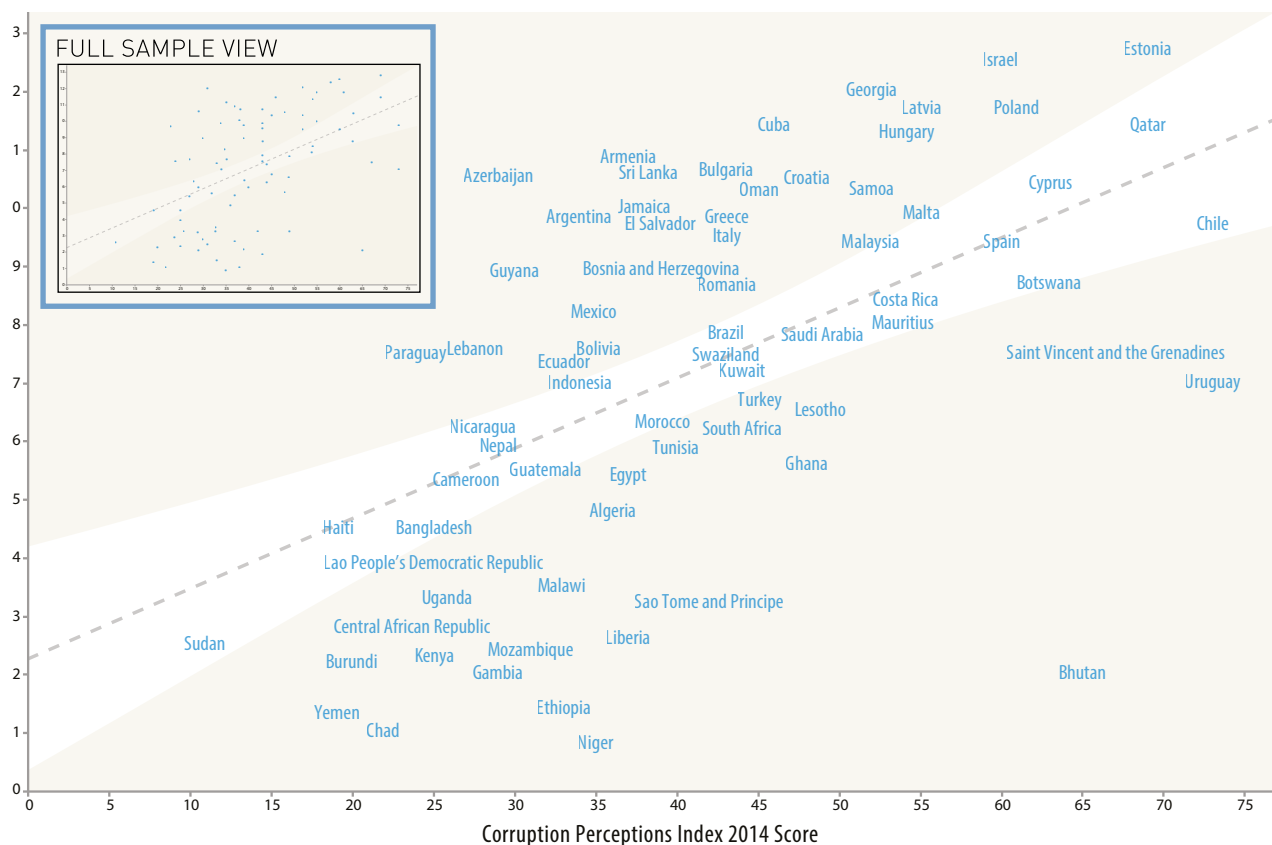


FIGURE 8. IMPACT OF CORRUPTION ON MEAN YEARS OF FEMALE SCHOOLING



TRUST IN GOVERNMENT AND THE JUDICIARY

Perhaps unsurprisingly, Barkhouse-Kroll-URG's research revealed a clear correlation between levels of corruption and levels of popular trust in government and the judiciary. Econometric research has also found evidence of a significant relationship between more press freedom and less corruption in a large cross-section of countries.³⁹

Interestingly, we did note that many Least Developed Countries (LDCs) showed a relatively high level of trust in government and the judiciary (compared to other, richer, developing countries); and those same countries also tended to have better CPI scores.

At the other end of the scale, Ukraine is notable as a developed country where (during the period of this analysis, namely 2013-2014) the population had low levels of trust in the government and judiciary (i.e. rule of law), and a strong belief that corruption was highly prevalent (low CPI score). 2013-2014 was a time of popular dissatisfaction with the Government

of President Victor Yanukovych, which stood accused of rampant corruption (during this period, Ukraine slipped from 134th in Transparency International's ranking to 144th - in only three years).

A lack of public trust in the judicial sector is not only detrimental to general dispute resolution and law enforcement, but also 'harms the broader accountability function that the judiciary is entrusted with - upholding citizens rights,'⁴⁰ which should be guaranteed by law and by a State's international human rights obligations.

THE HUMAN RIGHTS IMPACTS OF CORRUPTION

(CRPD), which reaffirms that 'every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others;' and article 4 of the African Charter on Human and Peoples' Rights, which states that 'every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.'

In order to provide a robust measurement of the level of enjoyment of the right to life across the 126 countries sampled for this policy brief, Barkhouse, Kroll, and the URG selected social indicators based primarily on the framework set out by OHCHR.⁴¹ This led to the identification of nine social indicators. These were then combined into a single 'compound indicator.' The selected social indicators were:

The right to life is enshrined in article 3 of the Universal Declaration of Human Rights and in article 6 of the International Covenant on Civil and Political Rights (ICCPR) which states that:

This fundamental human right is further addressed and elaborated in other international treaties including: article 12 of the ICESCR, which calls on States to take steps to prevent infant mortality; article 6 of the Convention on the Rights of the Child (CRC), which confirms that 'States Parties shall ensure to the maximum extent possible the survival and development of the child;' article 10 of the Convention on the Rights of Persons with Disabilities



1. Child malnutrition / stunting - moderate or severe (percentage under 5, 2008-2013).
2. Infants lacking immunisation for DTP (percentage of one-year-olds, 2013).
3. Infants lacking immunisation for measles (percentage of one-year-olds, 2013).
4. Life expectancy at birth (number of years, 2014).
5. Maternal mortality ratio (deaths per 100,000 live births, 2013).
6. Infant mortality rates (deaths of children under five-years-old per 1,000 live births, 2013).
7. Reported cases of arbitrary deprivation of life and death threats (e.g. as reported in the period between 1 March 2013 and 29 February 2014).
8. Homicide rate (per 100,000 people, 2008-2012).
9. Prison population (per 100,000 people, 2002-2013).

As discussed in the introduction and methodology section of this report, whereas other indicators (as proposed by OHCHR) could equally have been chosen, Barkhouse, Kroll, and the URG made the above selection based on the quality and availability of data.

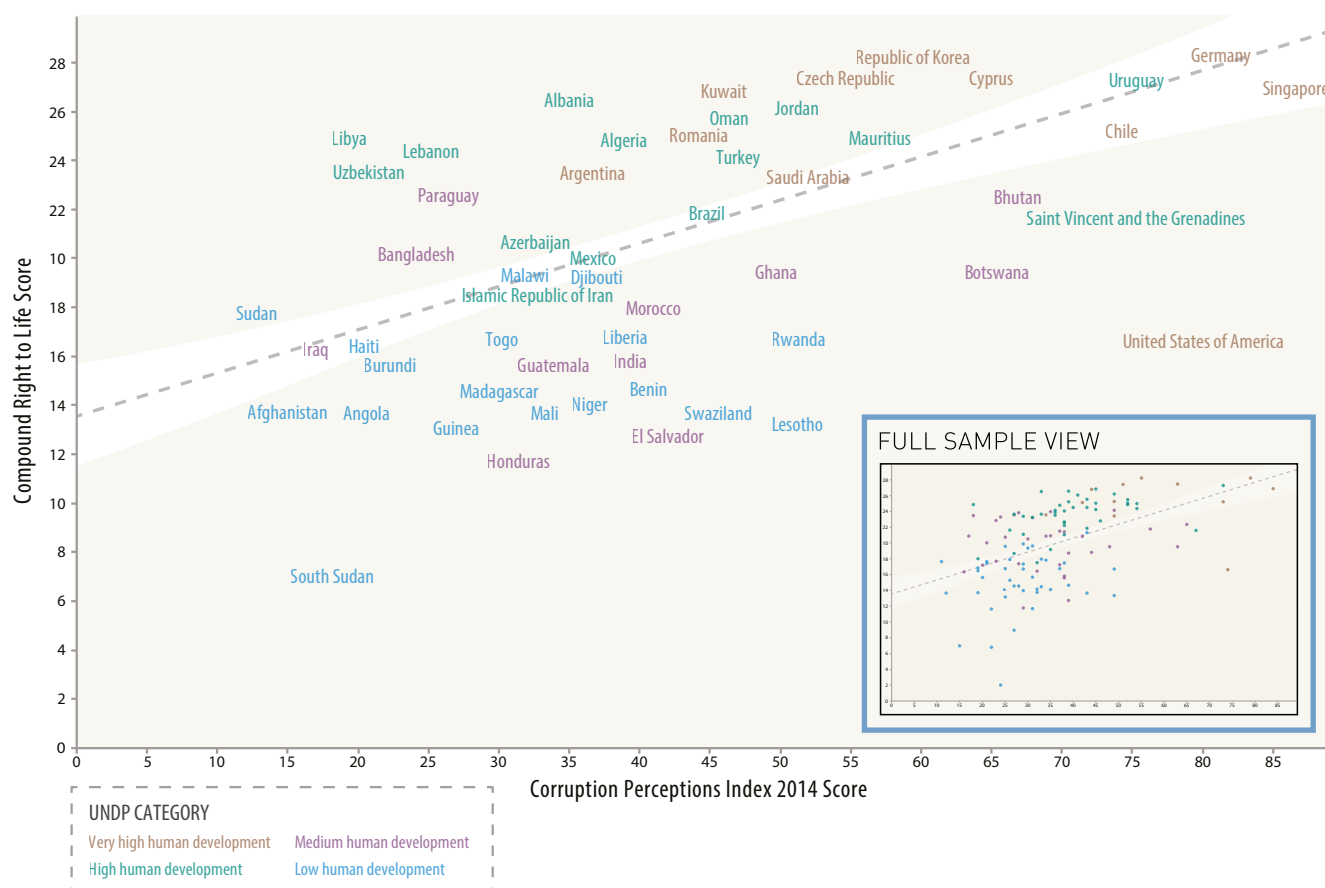
Barkhouse-Kroll-URG's analysis (see Figure 9) shows that the compound human rights indicator

score for the right to life has a positive (though not strong) linear relationship (correlation coefficient 0.4944) with levels of corruption (as measured by the CPI score). In other words, the enjoyment of the right to life is significantly better for people living in countries with low levels of corruption as compared to those living within highly corrupt governance systems. People living in countries with higher levels of corruption are more likely to die early, and to die from preventable diseases or complications at birth.

When considering these results, it is important to again bear in mind that countries with the very lowest levels of the enjoyment of the right to life, for example Chad, the Central African Republic and South Sudan, are countries that have faced, or are still embroiled in, armed conflicts. Such conflicts will clearly have a significant influence on the compound right to life indicator. However, it is equally true - as explained in part III of this report - that corruption often plays a significant contributory role in the emergence and escalation of such conflicts.

Likewise, it might be argued that the results of the analysis should be weighted/adjusted for levels of development. For example, in almost all cases Least Developed Countries (LDCs) have the worst

FIGURE 9. IMPACT OF CORRUPTION ON THE RIGHT LIFE





records in terms of promoting and protecting the right to life. However, here again, there is an obvious counter-argument: that corruption is a major block on sustainable socio-economic development (encompassing the realisation of the SDGs, and the promotion and protection of human rights). Indeed, supporting and 'proving' this counter argument is one of the main objectives of the current project and this policy brief: to demonstrate that a State's failure to respect, protect and fulfil civil and political rights (and thereby to establish a strong rule of law system where corruption is confronted), makes it almost impossible for that State to secure the full enjoyment of economic, social and cultural rights, and the right to development, and to achieve the SDGs by 2030.

THE RIGHT TO HEALTH

The right to health is set out in article 12 of the ICESCR, which affirms that individuals have the:

'Right to the highest attainable standard of physical and mental health' and the 'right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health.'

Article 12 furthermore calls upon States Parties, in order to achieve this right, to take steps necessary for: the reduction of the stillbirth rate and of infant mortality, and for the healthy development of the child; the improvement of all aspects of environmental and industrial hygiene; the prevention, treatment and control of epidemic, endemic, occupational and other diseases; and the creation of conditions which would guarantee medical service and medical attention for all, in the event of sickness.

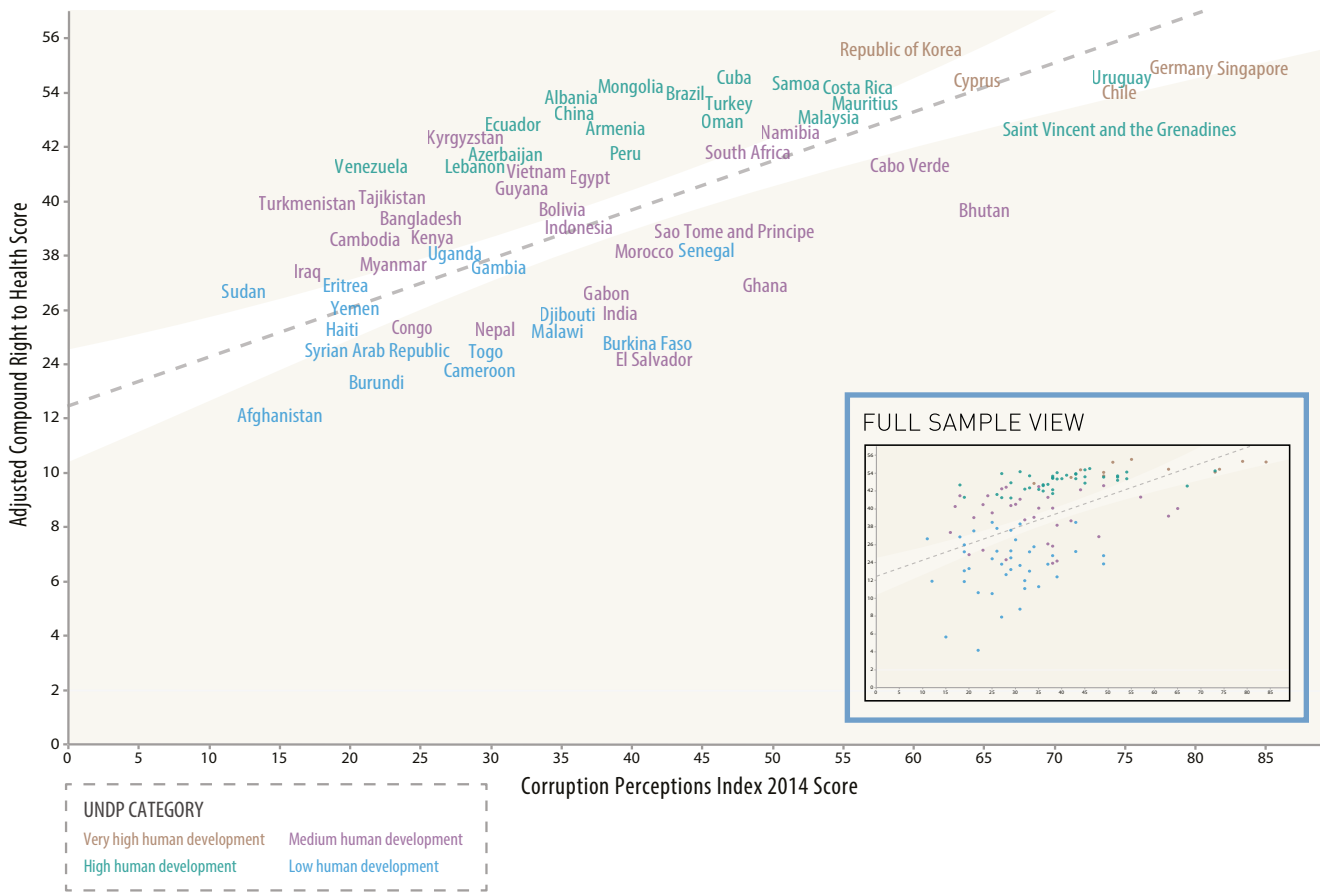
As with all economic, social and cultural rights, States parties to the ICESCR are obliged 'to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.'⁴²

The right to health is also asserted in other international human rights treaties. For example, article 24 of the Convention on the Rights of the Child (CRC) recognises 'the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.' Article 24 further elaborates that, in pursuit of the full implementation of this right, States should take appropriate measures to, *inter alia*: diminish infant and child mortality; ensure the provision of necessary medical assistance and health care to all children with an emphasis on the development of primary health care; combat disease and malnutrition, including within the framework of primary healthcare, through, *inter alia*, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; ensure appropriate pre-natal and post-natal health care for mothers; and develop preventive health care, guidance for parents, and family planning education and services.

Article 12 of CEDAW meanwhile calls on States Parties to ensure that women have access to 'appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.'

Every UN member State has ratified at least one international human rights treaty recognising the right to health.⁴³

FIGURE 10. IMPACT OF CORRUPTION ON THE RIGHT TO HEALTH



In order to develop a compound indicator for the right to health, Barkhouse, Kroll, and the URG, guided by OHCHR's indicator framework, identified and used six social indicators covering different core aspects of the right to health, as set down in article 12 of ICESCR, article 24 of CRC and article 12 of CEDAW. In making this determination, Barkhouse, Kroll, and the URG were, as with all compound indicators, somewhat constrained by the availability and completeness of data across all sample countries.

The six social indicators used to make up the compound indicator for the right to health were:

- Child malnutrition / stunting - moderate or severe, (percentage under 5, 2002-2013).
- Infants lacking immunisation - DTP, (percentage of one-year-olds, 2013).
- Infants lacking immunisation - measles, (percentage of one-year-olds, 2013).
- Life expectancy at birth, (in years, 2014).
- Maternal mortality ratio, (deaths per 100,000 live births, 2013).
- Mortality rates under-five, (deaths per 1,000 live births, 2013).

The analysis (see Figure 10) shows a positive correlation (0.5037) between levels of corruption and the enjoyment of the right to health, although it is asymmetrical in nature. As with the right to life, the enjoyment of the right to health is significantly better for people living in countries with low levels of corruption than it is for those living within highly corrupt governance systems. For example, people living in countries with higher levels of corruption are far more likely to suffer from preventable diseases and poor nutrition.

RIGHT TO EDUCATION

Under article 13 of the ICESCR, States Parties are obliged 'to the maximum of [their] available resources' and 'by all appropriate means,' to pursue the progressive realisation of the right to education.

The second part of article 13 sets down the component parts of this right, including: that primary education shall be compulsory and available free to all; secondary education shall be made generally available and accessible to all by all appropriate means, and in particular by the progressive introduction of free education; higher education shall

be made equally accessible to all, on the basis of capacity, by all appropriate means, and in particular by the progressive introduction of free education; and States shall develop a system of schools at all levels and continuously improve the material conditions of teaching staff.

In addition, the right to education is also guaranteed through article 28 of the CRC, and article 10 of CEDAW.

In order to develop a compound indicator for the right to education, Barkhouse, Kroll, and the URG, guided by OHCHR's indicator framework, identified and used ten social indicators covering different core aspects of the right to education, as set down in article 13 of ICESCR, article 28 of CRC and article 10 of CEDAW. In making this determination, Barkhouse, Kroll, and the URG were, as with all compound indicators, constrained by the availability and completeness of data across all sample countries.

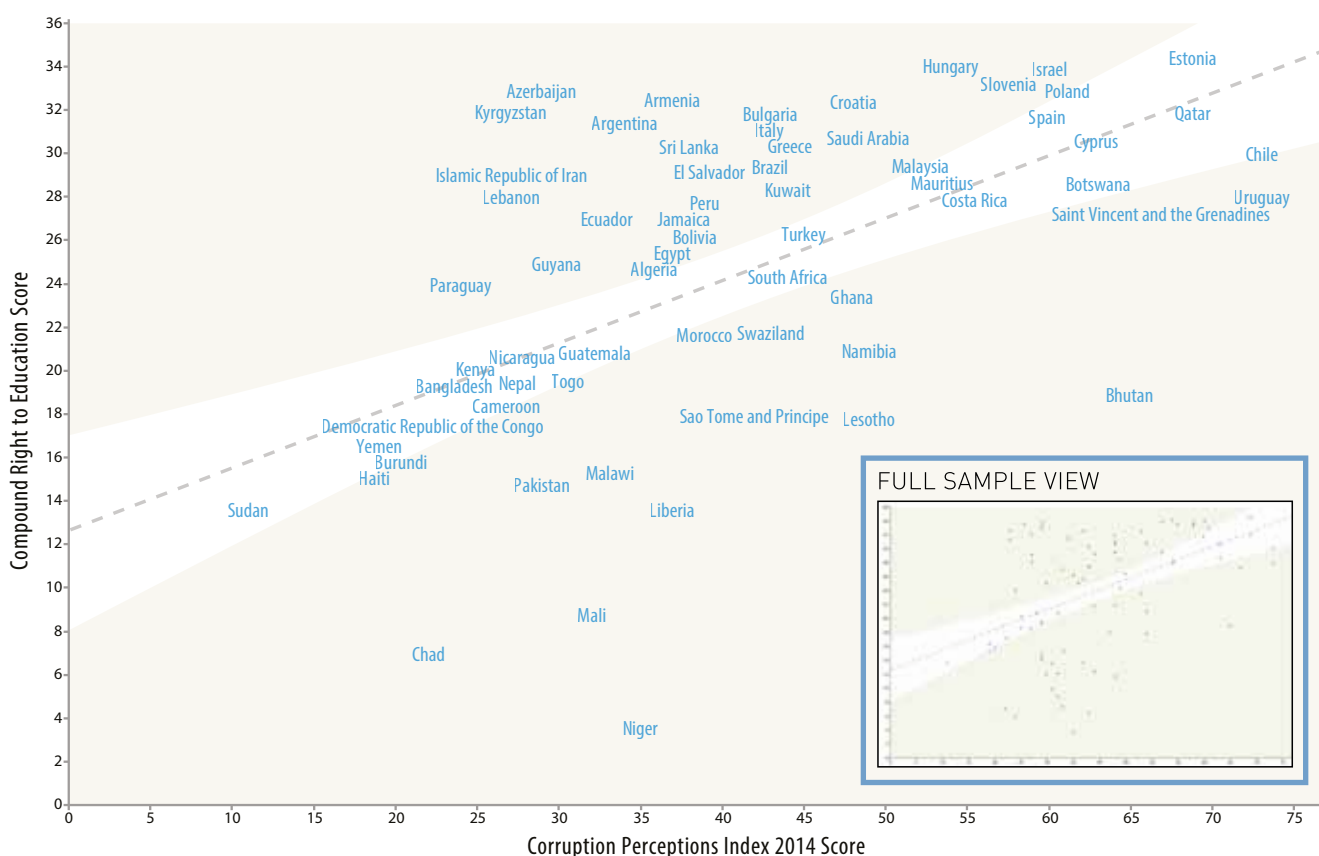
The ten social indicators chosen to make up the compound indicator for the right to education were:

1. Gross enrolment ratio - primary school, (2008-2014).
2. Primary school dropout rate, (2008- 2014).
3. Gross enrolment ratio - secondary school, (2008-2014).
4. Pupil-teacher ratio - primary school, (number of pupils per teacher, 2008-2014).
5. Mean years of schooling - female, (2014).
6. Mean years of schooling - male, (2014).
7. Population with at least some secondary education - female, (2014).
8. Population with at least some secondary education - male, (2014).
9. Literacy rate - female youth, (percentage of ages 15-24, 2005-2013).
10. Literacy rate - male youth (percentage of ages 15-24, 2005-2013).

Barkhouse-Kroll-URG's analysis (see Figure 11) shows that the compound human rights indicator score for the right to education has a positive linear relationship (correlation coefficient 0.4788) with levels of corruption (as measured by the CPI score).

As with other human rights indicators analysed for this study, the correlation between the right to education and levels of corruption is most pronounced (i.e. there is a strong correlation coefficient) for highly corrupt countries (i.e. States with a CIP score of less than 40). In other words, in countries with moderate levels of corruption, there is a discernable though not particularly pronounced impact on human rights, especially economic, social, and cultural rights, such as the right to education. That negative impact

FIGURE 11. IMPACT OF CORRUPTION ON THE RIGHT TO EDUCATION





becomes far more pronounced where corruption is a pervasive influence in the rule of law system. In countries where this is the case, corruption has a significant negative impact on human rights, including the right to education.

From the analysis, it appears that this negative impact on the right to education falls most heavily on women and girls. In countries with a corruption (CPI) score of less than 40, literacy rates among women and girls are, on average, 25% lower than among males.

From research undertaken for this policy brief, it appears that the risks associated with corruption are particularly pronounced in the case of the right to education because of the large amounts of money involved (the education sector, alongside the health sector, is usually one of the two largest areas of expenditure in national budgets).⁴⁴ Moreover, it is important to note that by undermining the domestic enjoyment of the right to education, corruption will, by extension, have a long-term negative impact on a range of other human rights, as well on society as a whole. Research shows that educated populations are better able to assert and enjoy all human rights, while society as a whole will be more stable, open, tolerant and prosperous.⁴⁵

RIGHTS OF WOMEN

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as the international bill of rights for women.

The Convention defines discrimination against women as: '...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the

political, economic, social, cultural, civil or any other field.'

The Convention provides the basis for realising equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life - including the right to vote and to stand for election - as well as education, health and employment. States Parties agree to take all appropriate measures, including through legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

In order to develop a compound indicator for women's rights, Barkhouse, Kroll, and the URG identified and used ten social indicators covering education, health, income equality and civil liberties. Unfortunately, the number of sample countries with suitable (disaggregated) data was only 106.

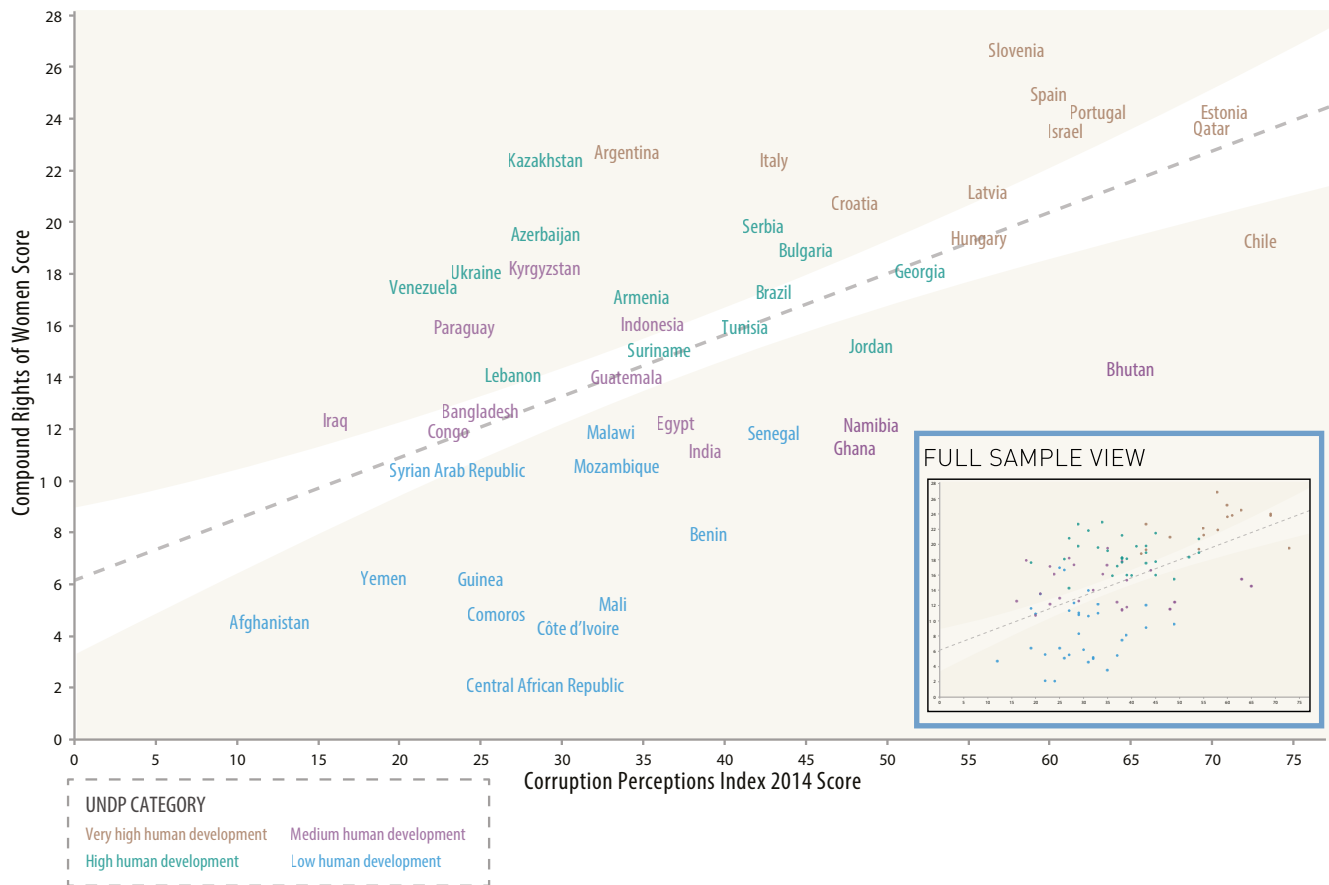
The ten social indicators used that make up the 'women's rights' compound indicator were:

1. [Maternal mortality ratio, \(deaths per 100,000 live births, 2013\).](#)
2. [Inequality in income, \(2014\).](#)
3. [Female life expectancy, \(years, 2014\).](#)
4. [Expected years of schooling - female, \(years, 2014\).](#)
5. [Mean years of schooling - female, \(years, 2014\).](#)
6. [Estimated gross national income per capita - female \(PPP \\$, 2011\).](#)
7. [Share of seats in parliament, \(percentage held by women, 2014\).](#)
8. [Labour force participation rate female \(percentage, 2014\).](#)
9. [Literacy rate - female youth, \(percentage of age 15-24, 2005-2013\).](#)
10. [Perceptions of individual well-being - freedom of choice, female, \(percentage answering yes, 2014\).](#)

The Barkhouse-Kroll-URG analysis (see Figure 12) shows that the compound human rights indicator score for the rights of women / discrimination against women has a positive linear relationship (correlation coefficient 0.5345) with levels of corruption (as measured by the CPI score).

This is consistent with and supports wider literature on the subject, which shows that corruption has a disproportionately large impact on the lives and rights of women and girls. For example, a review of recent literature by U4 Helpdesk, Transparency

FIGURE 12. IMPACT OF CORRUPTION ON THE RIGHTS OF WOMEN



International, the United Nations Development Fund for Women (UNIFEM) and UNDP indicates that corruption has a disproportionate negative effect on women in three key areas: access to decision-making power, protection, and the advancement of rights and access to resources.⁴⁶ The review found such unequal impacts are particularly pronounced for women and girls living in fragile situations/countries. Similarly, a 2009 report by UNIFEM⁴⁷ noted that women are more vulnerable to the negative consequences of corruption than men, particularly in the context of accessing public services. For example, as corruption increases, it is usually girls who are the first to drop out of primary and secondary education, and who fail to complete their schooling; it is women and girls who suffer because of poor or deteriorating maternal care and health care; and it is women who suffer most financially - with work opportunities and wage levels dropping more quickly for women than for men.

Corruption also undermines a range of other life opportunities for women and girls, and forms an important barrier to the realisation of the 2030 Agenda for Sustainable Development. Women are more deeply affected than men by poverty, food insecurity, water scarcity, environmental degradation, and domestic economic crises.



Seen the other way around, relevant research shows that where women are empowered in society, and are able to enjoy and assert their human rights, especially in the context of political and economic decision-making, they can be extremely powerful agents of change, including in the context of the fight against corruption.⁴⁸ The same holds true in the wider context of sustainable development - the 2030 Agenda recognises the critical role women must play if the world is to fully realise the SDGs leaving 'no one behind.' As a consequence, eliminating discrimination and achieving gender equality are seen as important preconditions for the realisation of all the SDGs, including the stand-alone Goal of gender equality (SDG5).

FREEDOM OF EXPRESSION, FREEDOM OF INFORMATION

Article 19 of the Universal Declaration of Human Rights, states:

'Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.'

The UN Convention against Corruption (UNCAC) also recognises freedom of expression and of information, specifically in the context of the fight against corruption. It requests States to respect the 'freedom to seek, receive, publish and disseminate information concerning corruption,' with limitations where information contains personal data or other private information. Whilst this is applicable to all States Parties, the treaty merely requests States to 'endeavour [to] promote and enhance' transparency and accountability. In other words, the UNCAC does not oblige governments to provide access to information on public expenditure (though States may of course have this obligation anyway where they are Party to the ICCPR, the ACHPR, or other relevant human rights treaties).

Moreover, the UNCAC makes clear that the right to information relates to data held by both public and private entities, where that information 'is necessary for the exercise or protection of any right.' Refusals to disclose such information 'shall be subject to appeal to an independent body and/or the courts.'

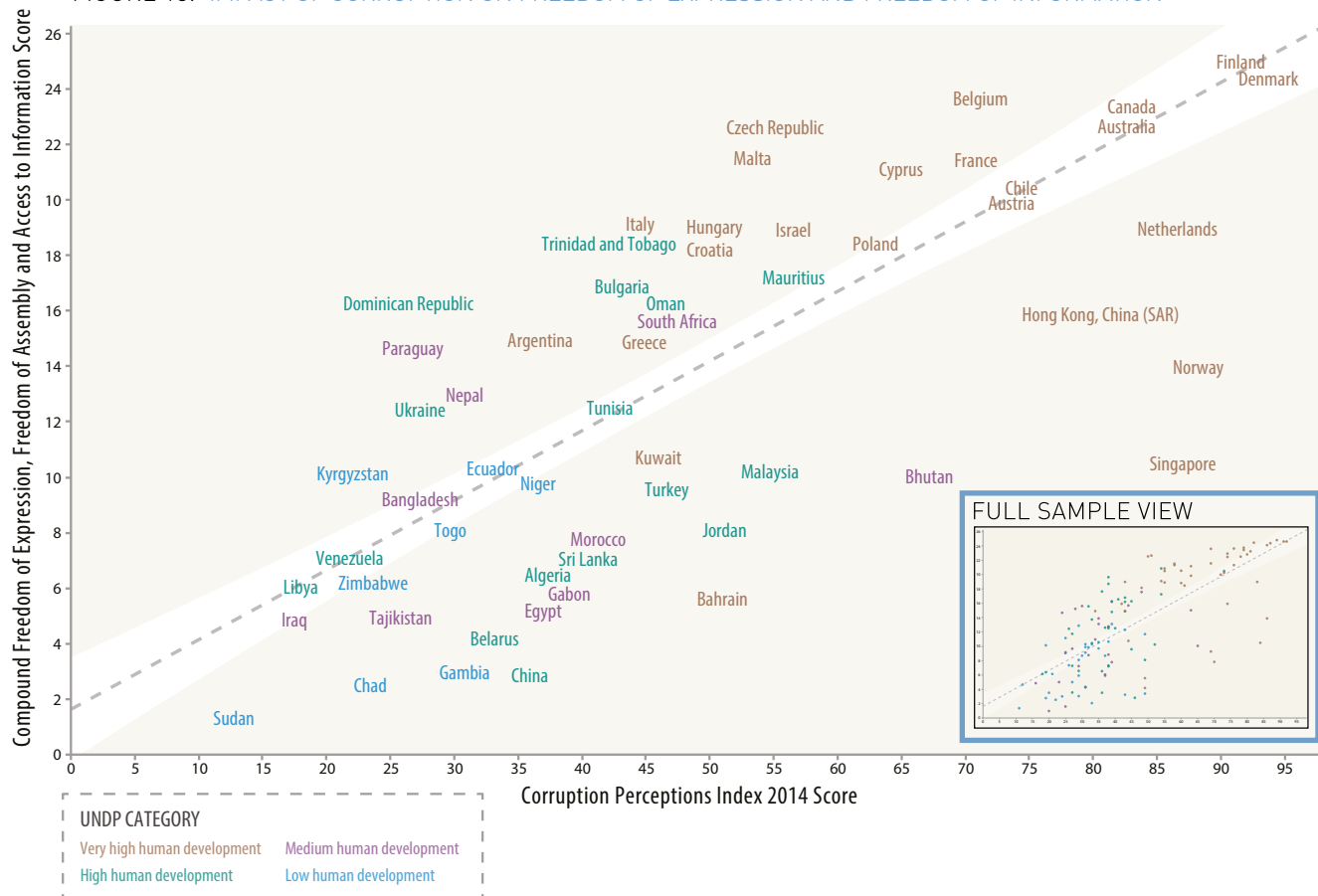
In order to develop a compound indicator for freedom of expression and freedom of information rights, Barkhouse, Kroll, and the URG identified and used eight social indicators covering different core aspects of the right to receive and impart information. In making this determination, Barkhouse, Kroll, and the URG were, as with all compound indicators, constrained by the availability and completeness of data for all sample countries. Nonetheless, for this compound indicator, available data made it possible to increase the number of sample countries to 138.

The eight social indicators used to make up the compound indicator for this analysis were:

1. Internet users, (percentage of the population, 2014).
2. Literacy rate - population with at least some secondary education, (percentage of people aged 25 or older, 2005-2013).
3. Press freedom ranking, (Reporters Without Borders Press Freedom ranking, 2014).
4. Political rights rating, (Freedom House, score of 1-7 (1 best, 7 worst), 2014).
5. Civil liberties rating, (Freedom House, score of 1-7 (1 best, 7 worst), 2014).
6. Legal environment, (Freedom House, score of 1-30 (0 best, 30 worst), 2014).
7. Political environment, (Freedom House, score of 0-40 (0 best, 40 worst), 2014).
8. Economic environment, (Freedom House, score of 0-30 (0 best, 30 worst), 2014).

Our research (see Figure 13) demonstrated a strong linear relationship between the enjoyment of freedom of expression and of information, and levels of corruption (correlation coefficient 0.7404). This is perhaps unsurprising, as a lack of transparency and access to information is a common problem across all countries with high levels of corruption. A lack of government transparency is a key facilitator of corruption, while low levels of respect for freedom of information and expression restricts the ability of a given population (e.g. via the press or civil society) to hold corrupt officials publicly accountable. As with other compound indicators, our analysis found the relationship between the enjoyment of freedom of expression and of information, and the pervasiveness of corruption, was particularly strong in Least Developed Countries (LDCs).

FIGURE 13. IMPACT OF CORRUPTION ON FREEDOM OF EXPRESSION AND FREEDOM OF INFORMATION



POLITICAL AND JUSTICE RIGHTS

The right to a fair trial is explicitly proclaimed in article 10 of the Universal Declaration of Human Rights, which states that:

'Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.'

The right to a fair trial is also protected in articles 14 and 16 of the ICCPR, which is binding upon those States that are Party to the Covenant. These articles establish the right to a fair trial, the presumption of innocence, and the minimum rights afforded during criminal proceedings. The treaty states that:

'All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing

by a competent, independent and impartial tribunal established by law.'

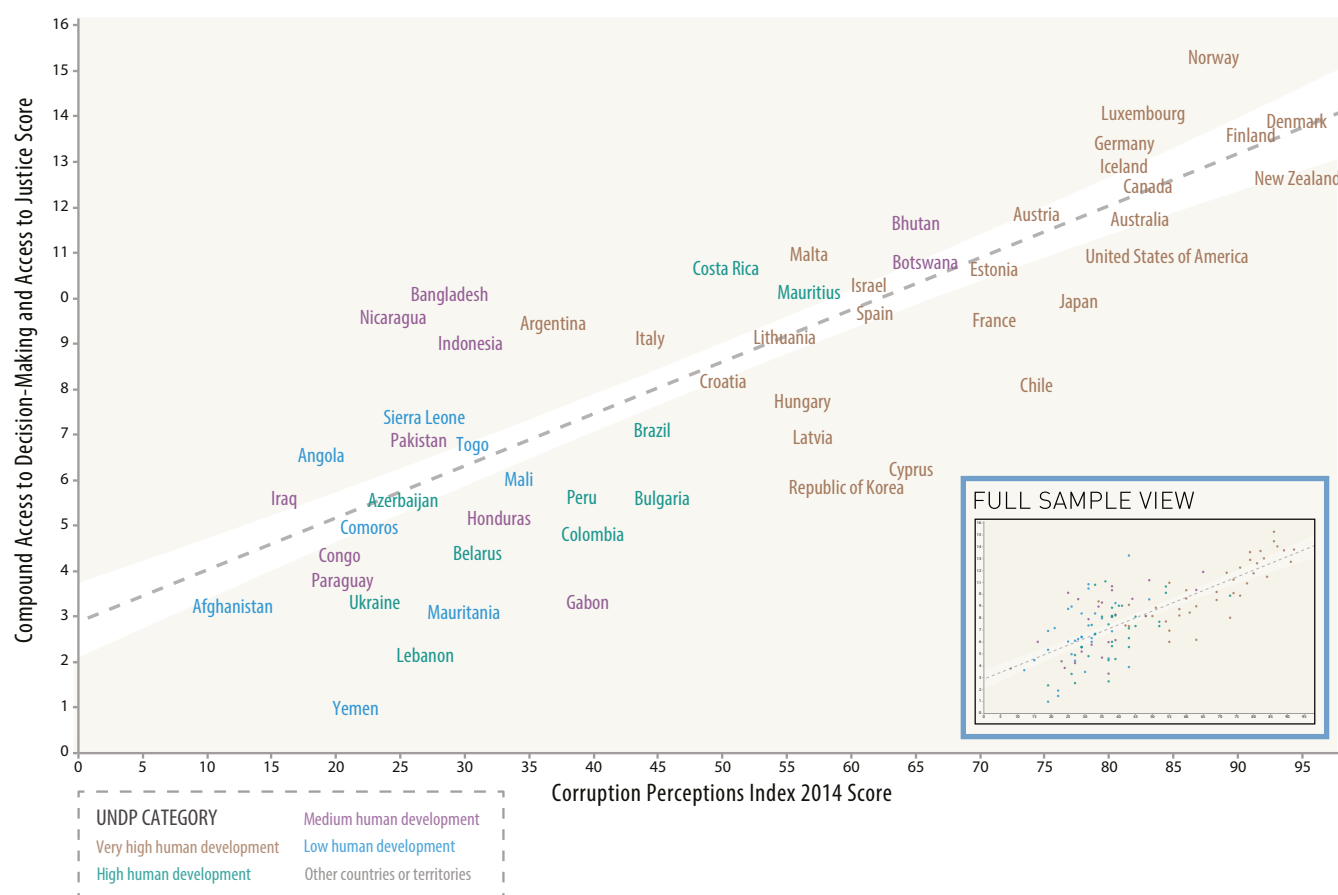
The ICCPR also sets down the civil and political rights of those within the State Party's jurisdiction, as well as the freedom to pursue economic, social and cultural development.

For example, article 1.2 of the ICCPR states that:

'All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.'

For our analysis in developing a compound indicator for political and justice rights, Barkhouse, Kroll, and the URG identified and used five social indicators covering different core aspects of those rights across 132 sample countries. The availability and completeness of data on civil, political and justice rights was, however, particularly limited. The five social indicators used to make up the compound indicator for this analysis were:

FIGURE 14. IMPACT OF CORRUPTION ON POLITICAL AND JUSTICE RIGHTS



1. Women's share of seats in parliament, (percentage held by women, 2014).
2. Perceptions of government - confidence in the judicial system, (percentage answering 'yes,' 2014).
3. Perceptions of government - trust in national government, (percentage answering 'yes,' 2014).
4. Political rights rating, (Freedom House, score of 1-7 (1 best, 7 worst), 2014).
5. Civil liberties rating, (Freedom House, score of 1-7 (1 best, 7 worst), 2014).

Our computer modelling (see Figure 14) found a very strong relationship between political and justice rights, and levels of corruption. Indeed, the statistical relationship between the compound score for these rights, and the CPI, was the clearest of all the rights covered by this Policy Brief.

Whilst this may be partly due to the limited availability of data, the findings are in line with and support relevant literature and previous research. It has long been argued and understood that weak or underdeveloped political systems or non-democratic political systems, and/or weak or non-independent judiciaries, are key facilitators of corruption, and a key characteristic of corrupt governance systems. This is especially the

case where a State enjoys abundant natural wealth and resources (e.g. oil or mineral wealth). In such situations, the governing elite (including politicians and members of the judiciary) often work to secure the material benefits of the country's natural wealth for themselves, by manipulating the national political or judicial system. This in turn restricts access to that wealth for a large majority of the population, exacerbating inequalities, violating the right to development, and rendering the achievement of the SDGs 'leaving no one behind' virtually impossible.

RIGHT TO DEVELOPMENT

Article 1 of the 1986 Declaration on the Right to Development declares that:

'Every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.'

The right to development, which is not asserted through any of the core international human rights

treaties, but which is recalled in the 2030 Agenda for Sustainable Development, is further elaborated in subsequent articles of the Declaration. Article 3 states that 'national development policies [should] aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.'

Crucially, when considering the impacts of corruption, article 8 calls on States to 'undertake, at the national level, all necessary measures for the realization of the right to development and - ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.' Clearly, corruption, embezzlement, nepotism and cronyism are incompatible with - even diametrically opposed to - the enjoyment of the right to development.

In order to develop a compound indicator for the right to development, Barkhouse, Kroll, and the URG, identified and used fourteen social indicators, covering different core aspects of the right to development, including those set down in article 8, namely indicators associated with: education, health and food. In making

this determination, Barkhouse, Kroll, and the URG were, as with all compound indicators, constrained by the availability and completeness of data across all sample countries.

The 14 social indicators selected to make up the compound indicator for the right to development were:

1. Electrification - total, (percentage of rural population).
2. Internet users, (percentage of population, 2014).
3. Net official development assistance (ODA) received, (Total amount of US\$ per year, 2014).
4. Life expectancy at birth, (years, 2014).
5. Trade - percentage of GDP, (percentage, 2014).
6. Foreign direct investment (FDI) - net inflows, (percentage of GDP, 2014).
7. Estimated gross national income per capita - female, (PPP US \$, 2011-2014).
8. Estimated gross national income per capita -male, (PPP US \$, 2011-2014).
9. Women's share of seats in parliament, (percentage held by women, 2014).
10. Perceptions of individual well-being - standard of living, (percentage answering 'yes,' 2014).
11. Overall life satisfaction, (score of 0-10 [0 least satisfied, 10 most satisfied], 2014).
12. Perceptions of government - trust in national government, (percentage answering 'yes,' 2014).
13. Perceptions of government - confidence in judicial system, (percentage answering 'yes,' 2014).
14. Unemployment (percentage of labour force, 2008-2013).



Barkhouse-Kroll-URG's computer modelling (see Figure 15) shows that the compound human rights indicator score for the right to development has a positive linear relationship (correlation coefficient 0.4717) with levels of corruption (as measured by the CPI score). In countries where corruption is prevalent and where governments do not act to prevent or address it (including by holding those responsible to account and by providing redress to victims), Barkhouse-Kroll-URG's findings demonstrate that large segments of the population are, in effect, excluded from the right to development. In other words, corruption is fundamentally incompatible with the enjoyment of the right to development.

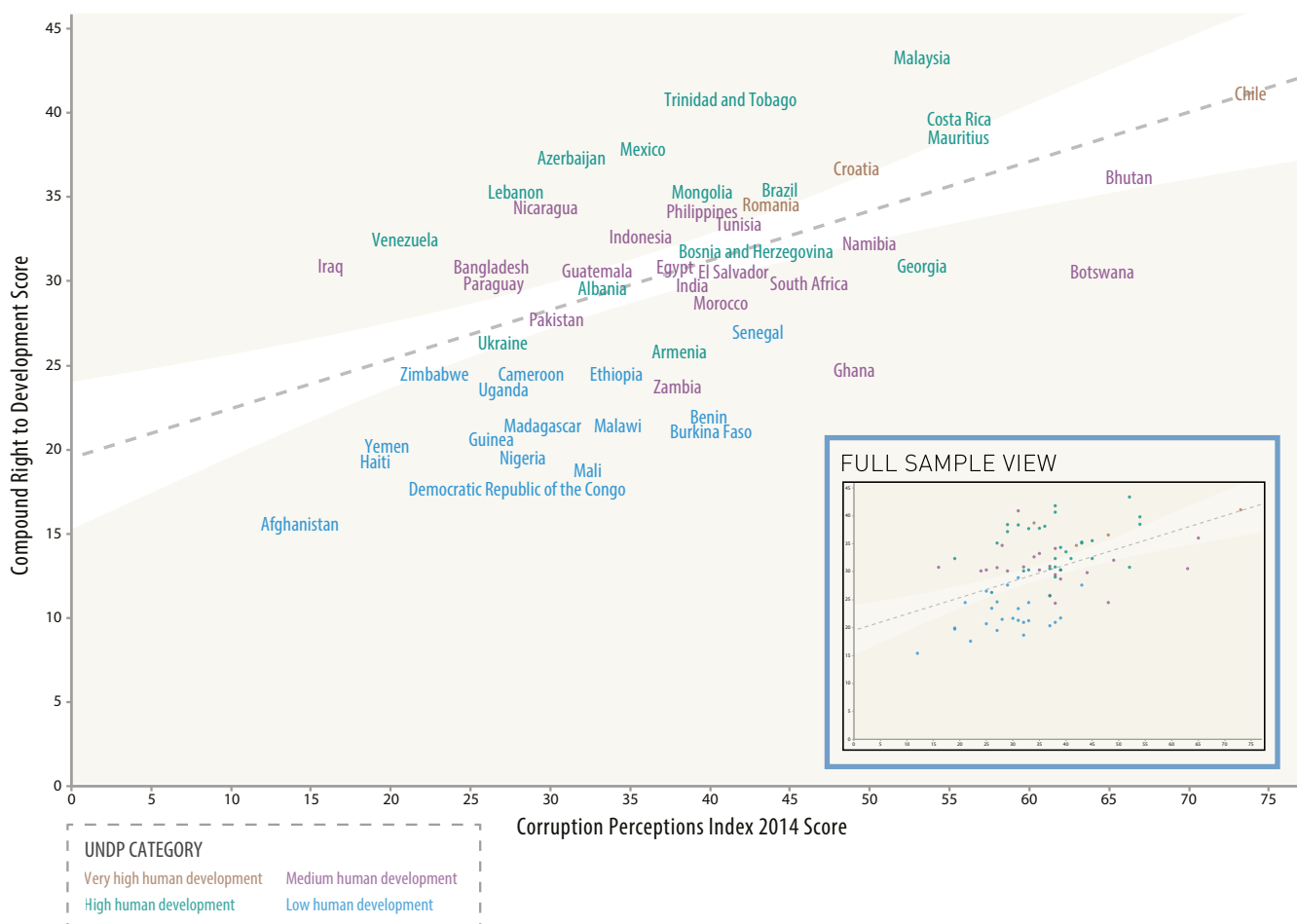
Our findings also support the conclusion that, in the absence of concerted and effective worldwide efforts to combat corruption through the effective implementation of the UNCAC, and in the absence

of State progress with the implementation of their international human rights obligations and commitments (in cooperation with the Human Rights Council and its mechanisms, OHCHR and the Treaty Bodies), it will impossible for States to achieve the 2030 Agenda for Sustainable Development in a manner that 'leaves no one behind.'

Seen another way, if one accepts the premise that human rights permeate the 2030 Agenda, and that the UN's human rights and the sustainable development agendas are interconnected, interdependent and mutually-reinforcing - representing, in the words of the UN Secretary-General 'two converging agendas' - then unless States, supported by the international community, make significant progress in achieving SDG16 (to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,') including target 16.5 (to 'substantially reduce corruption and bribery in all their forms,') then the realisation of all human rights, and especially economic, social and cultural rights, and the right to development, will remain a distant dream, as will the achievement of the 2030 Agenda as a whole.

Overall then, our analysis demonstrates that States with higher levels of corruption generally do not promote or protect the enjoyment of the right to development, and vice versa (i.e. States that do not promote and protect this right will generally, as a direct consequence, suffer from corruption). However, within that overall pattern there are some interesting subtexts. For example, while many African countries score poorly on the CPI corruption index and on the right to development composition score, many of them do rather better on individual indicators such as 'trust in government and the judiciary.' This may seem strange in countries with significant corruption challenges. It perhaps reflects the fact that in many States, corruption is seen as an unavoidable part of life. Or perhaps these countries have less developed media and civil society sectors, and thus corruption goes unreported; or less educated populations, meaning people are less able to read and assess independent sources of information. For example, in Ukraine (a developed country with a more educated population and an active civil society and media) a relatively high level of awareness of corruption is matched by a low level of trust in government and the judiciary.

FIGURE 15. IMPACT OF CORRUPTION ON THE RIGHT TO DEVELOPMENT





APPENDIX A

SCOPE AND METHODOLOGY

When initially undertaking this analysis, we undertook a broader view of the impact of corruption on the achievement of several key human rights objectives, including the right to development. However, due to practical and logical reasons, it became apparent that the focus of the paper needed to be on the impact of corruption on human rights which stem from abuse of power in public office, that is the links between violations of human rights to corruption by state officials where States have direct responsibility to ensure that the funds which it approves for public expenditure and the welfare of its citizens are distributed properly and accounted for. Private sector corruption, and the bribery of public officials for the obtaining of State awards has not been fully appreciated within this project, due to the extensive work required to complete a fuller analysis.

The first step in analysing the impact of corruption on human rights was to assess if there existed a correlation between the CPI and human rights as incorporated into national legislation or constitutions following the adoption of the core UN human rights conventions or treaties. The OHCHR adopted structural, process, and outcome indicators in their framework assessing the realisation of specific human rights. Structural indicators reflect the ratification and adoption of legal instruments and existence of basic institutional mechanisms deemed necessary for facilitating realization of a human right.⁵² However, whether a State was a signatory to a covenant produced binary conclusions, that is, a 'Yes' or 'No' response for which it was not possible to glean any conclusions about the impact of corruption against human rights, or whether corrupt States had refrained from becoming State Parties to such conventions. Indeed the fact that

a State was a signatory or Party to such a treaty did not necessarily mean that specific human rights are protected in practice.

As such, we looked to collating specific human rights indicators, on the basis of OHCHR's human rights indicators framework that collectively would satisfy the provisions enshrined within the core human rights covenants.⁵³ In particular our analysis focused on outcome indicators which as noted by the OHCHR, 'is not only a more direct measure of the realisation of a human right but... it is often a slow-moving indicator, less sensitive to capturing momentary changes than a process indicator would be.' This seemed to the authors to be most equitable mechanism for the analysis.

Nonetheless, even solely using outcome indicators, caused some difficulty in analysing countries that were included within the CPI. For example, in the case of the human right to life, forty-six illustrative indicators were proposed in OHCHR's indicators framework, which could be considered to collectively assessed as a compound indicator for the right. However immediately we were confronted with issues of data quality and availability, the completeness of data gathered, and the issue of consolidating different measurements into one scale to which the CPI could be correlated.

Therefore, we sought to exclude data, which was incomplete (i.e. it did not have sufficient data for a number of States for which a sensible conclusion could be made), and to consider disaggregating data so that violations of human rights according to specific social indicators could be properly assessed.

Thus, a number of social indicators were selected which had the most complete data available, in line with the OHCHR human rights indicator framework, to assess the impact of human rights on specific human rights. These were:

- The right to life;
- The right to health;
- The right to education;
- The rights of women;
- The right to development;
- Freedom and access rights;
- Decision-making and justice rights.

The compound score is based on a series of numeric values each representing one indicator. Each indicator has been standardised using the dataset's standard deviation and numerical field's average. This is a common practice in statistical analysis and helps ensure that, overall, no involuntary weighting is ascribed to a given indicator. Further work may be carried out to refine these calculations.

It is clear that there are a number of challenges to the current state of data quality, and collection, and in determining what social indicators should make up each compound score. However in principle we believe that this may be a good mechanism for determining geographically or sectorally where specific efforts should be focused, e.g. transparency in child immunisations, maternity health care, literacy rates etc., and for creating a more impactful measurement of corruption. Discussions on how best to achieve this may be required between both anti-corruption and human rights groups.

ENTITIES REMOVED FROM CALCULATIONS

A number of States were removed from the calculations as they did not feature in the CPI, or alternatively could not be assessed under human rights indicators due to insufficient or incomplete data. These are listed in Appendix C.

APPENDIX B

LIST OF DATA USED

- Comparative Constitutions Project, *Constitute Project*, (2015).
- Freedom House, *Freedom in the Press*, (2014).
- Freedom House, *Freedom in the World*, (2014).
- Institute for Democracy and Electoral Assistance, *Voter Turnout Database*, (2015).
- Office of the High Commissioner of Human Rights - *Status of ratification interactive dashboard*, (2015).
- Reporters without borders, *World Press Freedom Index*, (2015).
- The Institute for Economics and Peace, *Global Peace Index*, (2014).
- Transparency International, *Corruption Perceptions Index*, (2014).
- United Nations Development Programme, *UNDP Human Development Report*, (2015).
- United Nations Inter-agency and Expert Group on MDG Indicators, *Millennium Development Goals Indicators*, (2015).
- World Bank, *World Bank Open Statistical Data*, (2015).
- World Health Organization, *World Health Statistics*, (2015).
- WHO/UNICEF, *Progress on Sanitation and Drinking Water*, (2015).

APPENDIX C

DATA REMOVED FROM THE ANALYSIS

The lists below set out the countries removed from calculations due to incomplete or sufficient data.

TRANSPARENCY INTERNATIONAL'S CORRUPTION PERCEPTION INDEX

Entities Taken Out
Liechtenstein
Brunei Darussalam
Andorra
Antigua and Barbuda
Palau
Saint Kitts and Nevis
Grenada
Saint Lucia
Fiji
Tonga
Belize
Maldives
Palestine, State of
Micronesia (Federated States of)
Vanuatu
Kiribati
Equatorial Guinea
Solomon Islands
African Region
American Samoa
Arab States
Aruba
Bermuda
British Virgin Islands
Caribbean small states
Cayman Islands
Central Europe and the Baltics
Channel Islands
Cook Islands
Curacao
Developing countries
Early-demographic dividend

Entities Taken Out
East Asia & Pacific
East Asia & Pacific (excluding high income)
East Asia & Pacific (IDA & IBRD countries)
East Asia and the Pacific
Eastern Mediterranean Region
Euro area
Europe & Central Asia
Europe & Central Asia (excluding high income)
Europe & Central Asia (IDA & IBRD countries)
Europe and Central Asia
European Region
European Union
Faroe Islands
Fragile and conflict affected situations
French Polynesia
Gibraltar
Greenland
Guam
Heavily indebted poor countries (HIPC)
High human development
High income
High income World Bank
IBRD only
IDA & IBRD total
IDA blend
IDA only
IDA total
Isle of Man
Late-demographic dividend
Latin America & Caribbean
Latin America & Caribbean (excluding high income)
Latin America & the Caribbean (IDA & IBRD countries)
Latin America and the Caribbean
Least developed countries
Least developed countries: UN classification
Low & middle income
Low human development
Low income
Low income World Bank
Lower middle income
Lower middle income World Bank
Macao SAR, China
Marshall Islands
Maximum
Median
Medium human development
Middle East & North Africa

Entities Taken Out
Middle East & North Africa (excluding high income)
Middle East & North Africa (IDA & IBRD countries)
Middle income
Minimum
Monaco
Nauru
New Caledonia
Niue
North America
Northern Mariana Islands
Not classified
OECD members
Organisation for Economic Co-operation and Development
Other small states
Pacific island small states
Post-demographic dividend
Pre-demographic dividend
Region of the Americas
San Marino
Sint Maarten (Dutch part)
Small island developing states
Small states
South Asia
South Asia (IDA & IBRD)
South-East Asia Region
St. Martin (French part)
Sub-Saharan Africa
Sub-Saharan Africa (excluding high income)
Sub-Saharan Africa (IDA & IBRD countries)
Sub-Saharan Africa World Bank
Turks and Caicos Islands
Tuvalu
Upper middle income
Very high human development
Virgin Islands (U.S.)
West Bank and Gaza
Western Pacific Region
World

RIGHT TO HEALTH

The following were removed from calculations as a result of a lack of available data:

Countries Taken Out
Puerto Rico
Taiwan
Kosovo
Lao People's Democratic Republic
Panama
Seychelles
Dominica
Hong Kong, China (SAR)
Luxembourg
Iceland
Finland
Norway
Japan
Slovenia
Sweden
Estonia
Denmark
Italy
Qatar
Portugal
Ireland
Austria
Israel
Netherlands
Australia
Spain
Switzerland
France
Greece
Belgium
Croatia
United Kingdom
Lithuania
Poland
New Zealand
Malta
Hungary
Canada
Slovakia
United Arab Emirates
Latvia
Russian Federation

Countries Taken Out
Bahamas
Barbados
Colombia
Korea (Democratic People's Rep. of)
Zimbabwe
Somalia

RIGHT TO EDUCATION

The following were removed from calculations as a result of a lack of available data:

Countries Taken Out
Korea (Democratic People's Rep. of)
Somalia
Bahamas
Dominica
Rwanda
Gabon
Albania
Vietnam
Papua New Guinea
Myanmar
Guinea-Bissau
Eritrea
South Sudan
Puerto Rico
Taiwan
Kosovo
Djibouti
Nigeria
Guinea
Madagascar
Turkmenistan
Cambodia
Uzbekistan
Comoros
Timor-Leste
Colombia
Cabo Verde
Panama
Angola
Seychelles
Belgium
France
Finland
Luxembourg

Countries Taken Out
Germany
Denmark
Austria
Hong Kong, China (SAR)
Sweden
Ireland
Czech Republic
Slovakia
United Kingdom
Norway
United States of America
Japan
Netherlands
New Zealand
Australia
China
Korea (Republic of)
Canada
Switzerland
Barbados
Iceland
Dominican Republic
Bahrain
Singapore
Zambia
United Arab Emirates
Zimbabwe
Iraq
Afghanistan
India
Thailand
Mongolia
Libya
Portugal
Venezuela
Syrian Arab Republic
Montenegro
Suriname
Macedonia, FYR
Trinidad and Tobago
Jordan
Honduras

RIGHT TO LIFE

The following were removed from calculations as a result of a lack of available date:

Countries Taken Out
Puerto Rico
Taiwan
Kosovo
Russian Federation
Panama
Colombia
Lithuania
Latvia
Hungary
Bahamas
Barbados
Slovakia
Estonia
United Arab Emirates
Croatia
Poland
Dominica
Denmark
Qatar
Slovenia
Malta
United Kingdom
Finland
Belgium
Ireland
Portugal
Greece
Austria
Norway
Netherlands
Luxembourg
Canada
New Zealand
Sweden
France
Australia
Israel
Iceland
Spain
Switzerland
Italy
Japan
Hong Kong, China (SAR)

Countries Taken Out

Guinea-Bissau
Eritrea
Korea (Democratic People's Rep. of)
Somalia

RIGHT TO DEVELOPMENT

The following were removed from calculations as a result of a lack of available date:

Countries Taken Out
Puerto Rico
Taiwan
Kosovo
Central African Republic
Chad
Angola
Guinea-Bissau
Burundi
Togo
Gambia
Niger
Nepal
Djibouti
Congo
Papua New Guinea
Rwanda
Comoros
Eritrea
Turkmenistan
Myanmar
Guyana
Uzbekistan
Uruguay
Dominica
Somalia
Korea (Democratic People's Rep. of)
Sao Tome and Principe
Bahrain
Lao People's Democratic Republic
Cuba
Kuwait
Timor-Leste
Seychelles
United Arab Emirates
Saudi Arabia
Samoa

Countries Taken Out
China
Oman
Syrian Arab Republic
Saint Vincent and the Grenadines
Algeria
Iran (Islamic Republic of)
Cabo Verde
Tajikistan
Barbados
Sudan
Qatar
Bahamas
Cambodia
Libya
Jordan
South Sudan
Panama
Hong Kong, China (SAR)
Cyprus
Hungary
Japan
Malta
Russian Federation
Korea (Republic of)
Latvia
Slovakia
Czech Republic
United States of America
Estonia
Ireland
Bulgaria
Greece
Poland
Israel
Lithuania
United Kingdom
Singapore
France
Slovenia
New Zealand
Luxembourg
Switzerland
Italy
Austria
Australia
Portugal
Canada

Countries Taken Out
Germany
Netherlands
Spain
Denmark
Norway
Iceland
Belgium
Finland
Sweden
Swaziland
Lesotho

GLOBAL PEACE VS. CPI

The following countries were removed as they had no Global Peace Index Rank/Score:

Countries Taken Out
Luxembourg
Hong Kong, China (SAR)
Barbados
Bahamas
Saint Vincent and the Grenadines
Puerto Rico
Dominica
Cabo Verde
Malta
Seychelles
Samoa
Sao Tome and Principe
Suriname
Comoros



NOTES

ENDNOTES

1 General Assembly resolution 70/1, UN Doc. A/RES/70/1, (12 October 2015). Available at: http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf

2 UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, (21 October 2015), A/RES/70/1, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

3 For example the World Bank, Transparency International, the United Nations Convention on Anti-corruption, the OECD Anti-Bribery Convention, the African Union Convention on Preventing and Combatting Corruption (2003), the UK Bribery Act 2010, the US Foreign Corrupt Practices Act to name a few, all recognise corruption as the abuse of public position for private gain.

4 Mary Evans-Webster, Fifteen minutes of shame; the growing notoriety of grand corruption, Hastings International and Comparative Law Review, (2008).

5 CPI for 2014 had 175 countries, although not all social indicator results had the results for these same 175 countries, so these were removed as set out in the appendices.

6 Please see appendix B for a list of data used in this report.

7 See e.g. Susan Rose Ackerman, Corruption and Government: Causes Consequences and Reform, Cambridge University Press, (1999 and 2016).

8 The United Nations Anti-Corruption Toolkit, 3rd edition (2004). Available at: http://www.unodc.org/pdf/crime/corruption/toolkit/corruption_un_anti_corruption_toolkit_sep04.pdf

9 Elaine Byrne, Anne-Katrin Arnold, and Fumiko Nagano, Building Public Support for Anti-Corruption Efforts: The International Bank for Reconstruction and Development, The World Bank Communication for Governance & Accountability Program (CommGAP), (2010).

10 The World Bank Control of Corruption (WBC) measure uses a wide variety of survey data, other composite measures, and expert perceptions of corruption.

11 Institute for Economics & Peace, Peace and Corruption 2015, (2015). Available at: <http://economicsandpeace.org/wp-content/uploads/2015/06/Peace-and-Corruption.pdf>

12 Corruption and Human Rights, Basel Institute on Governance, Working Paper Series 20, (2015), p. 13. Available

at: http://www.mpil.de/files/pdf4/Peters_Corruption_and_Human_Rights20151.pdf

13 John Muncie and Eugene McLaughlin, The Problem of Crime, (2001).

14 Sutherland 'is considered as one of the most influential criminologists of the 20th century.' He is best known for defining white-collar crime and differential association, a general theory of crime and delinquency. For more information see e.g. Pamela J. Schram and Stephen G. Tibbetts, Introduction to Criminology, (2013), p. 253-261.

15 Paddy Hillyard & Steve Tombs, From Crime to Social Harm, Crime, Law and Social Change. 48, (2007), p. 9-25.

16 Constitutional Court of South Africa, South African Association of Personal Injury Lawyers v Health and Others, 28 November 2000, [CCT 27/00] [2000] ZACC 22, para. 4. See also *ibid.*, Hugh Glenister v President of the Republic of South Africa and others, 17 March 2011, [CCT 48/10] [2011] ZACC 6, para. 176: 'Endemic corruption threatens the injunction that government must be accountable, responsive and open [...]'; para. 177: 'It is incontestable that corruption undermines the rights in the Bill of Rights, and imperils democracy'.

17 Christy Mbonu, Sub-Commission Special Rapporteur on corruption and its impact on the full enjoyment of human rights, preliminary report, (2004), (UN Doc. E/CN.4/Sub.2/2004/23), para. 57.

18 Christy Mbonu, Sub-Commission Special Rapporteur on corruption and its impact on the full enjoyment of human rights, progress report, (2005), para. 24.

19 Matthias Korte in Wolfgang Joecks/Klaus Miebach, Münchener Kommentar zum StGB, (2014), § 331, para. 12.

20 Angela Barkhouse, Prosecuting Grand Corruption Cases for Heads of State: the Role of Domestic Courts.

21 Institute for Economics & Peace, Peace and Corruption 2015, (2015). Available at: <http://economicsandpeace.org/wp-content/uploads/2015/06/Peace-and-Corruption.pdf>

22 The maternal mortality rate (MMR) is the annual number of female deaths per 100,000 live births from any cause related to or aggravated by pregnancy or its management (excluding accidental or incidental causes). The MMR includes deaths during pregnancy, childbirth, or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, for a specified year.

23 UNICEF, Maternal health: Current status and progress, (2015). Available here: <http://data.unicef.org/maternalhealth/maternal-mortality>.

- 24 The Center for Reproductive Rights and Women Advocates Research and Documentation Centre, Broken promises: human rights, accountability, and maternal death in Nigeria, (2008). Available here: http://www.who.int/pmnch/topics/maternal/crr_broken_promises.pdf:
- 25 Ibid.
- 26 Ibid.
- 27 World Health Organization, World Health Report 2006: Working Together for Health, (2006). Available here: <http://www.who.int/whr/2006/en/>
- 28 Ibid.
- 29 World Bank Data, Maternal mortality ratio (modelled estimate, per 100,000 live births), 1990-2015, (2015). Available at: <https://data.worldbank.org/indicator/SH.STA.MMRT>
- 30 Danzhen You, Lucia Hug, and Yao Chen (UNICEF), Levels & Trends in Child Mortality - report 2014, (2014). Available at: https://www.unicef.org/media/files/Levels_and_Trends_in_Child_Mortality_2014.pdf
- 31 Ibid.
- 32 Ibid.
- 33 World Bank Data, mortality rate under-5 years old (modelled estimate, per 1.000 live births), 1990-2015, (2015). Available at: <https://data.worldbank.org/indicator/SH.DYN.MORT>
- 34 World Food Programme, Food and Nutrition Handbook, (2000).
- 35 Luchuo Engelbert Bain, Paschal Kum Awah, Ngia Geraldine, Njem Peter Kindong, Yelena Sigal, Nsah Bernard, and Ajime Tom Tanjeko, Malnutrition in Sub-Saharan Africa: burden, causes and prospects, The Pan African Medical Journal, 15:120, (2013).
- 36 OneWorld Asia, Poor governance, corruption driving malnutrition and hunger in South Asia, (2011). Available at: <http://southasia.oneworld.net/news/poor-governance-corruption-driving-malnutrition-and-hunger-in-south-asia#.WXhfgndh2u5>
- 37 Daniel Kaufmann, Aart Kraay, and Pablo Zoido-Lobaton, Corruption and literacy in Ukraine, (1999). Available at: <https://ti-ukraine.org/en/news/how-does-corruption-level-affect-the-literacy-rate-and-life-expectancy-of-the-population/>
- 38 Bhutan is noted as an outlier.
- 39 Aymo Brunetti and Beatrice Weder, A free press is bad news for corruption, Journal of Public Economics, 87: 7-8, (2003), pp. 1801-1824.
- 40 Siri Gloppen, Courts, corruption and judicial independence, (2014). Available here: <https://www.cmi.no/publications/file/5091-courts-corruption-and-judicial-independence.pdf>
- 41 Office of the United Nations High Commissioner for Human Rights (OHCHR), Human Rights Indicators - A Guide to Measurement and Implementation, (2012). Available here: http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf, page 101
- 42 International Covenant on Economic, Social and Cultural Rights, (3 January 1976), Article 2.1.
- 43 Office of the United Nations High Commissioner for Human Rights and World Health Organization, The Right to Health, Fact Sheet No. 31, (2008). Available here: <http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>
- 44 Chr. Michelsen Institute, Corruption in the Education Sector, (2006). Available here: <http://www.u4.no/publications/corruption-in-the-education-sector/>
- 45 Rory Truex, Corruption, Attitudes, and Education: Survey Evidence from Nepal, World Development, 39: 7, (2011), pp. 1133-1142.
- 46 Farzana Nawaz, Transparency International with UNIFEM and UNDP, State of Research on Gender and Corruption, (2009). Available here: <http://www.u4.no/publications/state-of-research-on-gender-and-corruption>
- 47 UNIFEM, Who Answers to Women? Gender and Accountability, Progress of the World's Women Report, (2009).
- 48 Magdy Martinez-Soliman, Women's empowerment and corruption prevention can go hand-in-hand, UNDP Perspectives Article, (2014). Available here: <http://www.undp.org/content/undp/en/home/ourperspective/ourperspectivearticles/2014/04/17/women-s-empowerment-and-corruption-prevention-can-go-hand-in-hand-magdy-martinez-soliman.html>
- 49 UN General Assembly, Declaration on the Right to Development, (December 1986), A/RES/41/128, Article 1.1.
- 50 Where data for 2014 was unavailable, 2013 data from UNDP reports were used.
- 51 Where data for 2014 was unavailable, 2013 data from UNDP reports were used.

52 Office of the United Nations High Commissioner for Human Rights (OHCHR), Human Rights Indicators - A Guide to Measurement and Implementation, (2012). Available here: http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf

53 Ibid.

which follows the first round of voting held on 17 march, un photo/bernardino soares, n.d., License: CC BY- NC-ND 2.0.

11. Right to development. Rice fields belonging to local hill tribes in sapa, viet nam, un photo/kibae park, n.d., License: CC BY-NC-ND 2.0.

PHOTO CREDITS

1. Introduction. Running with a smile. Alex proimos, december 29, 2017, license: CC BY-NC 2.0.

2. The theory of social harm. Agen mohammed ale, 30, stands by her latrine next to her house with her son abudilnigib duhala, in ber'aano woreda in somali region of ethiopia. Unicef, 12 february 2014. License: CC BY-NC-ND 2.0.

3. Violations of human rights. Demonstration in madrid against corruption and impunity / manifestación en madrid contra la corrupción y la impunidad. Adolfo lujan, 24 june, 2017. License: CC BY-NC-ND 2.0.

4. Measuring the human impact of corruption. Election materials are delivered to port-au-prince ahead of haiti's second round of elections due to take place. Un photo/logan abassi, january 29, 2017, license: CC BY-NC-ND 2.0.

5. Child mortality or child malnutrition. A child washes himself in kallyanpur, a slum in bangladesh's capital, dhaka. As of 2006 figures, 1.1 Billion people in developing countries have inadequate access to water, while 2.6 Billion lack basic sanitation. Un photo/kibae, june 12, 2010. License: CC BY-NC-ND 2.0]

6. The impacts of corruption on internationally protected human rights. Sessao impeachment, agência brasil fotografias, august 31, 2016. License: CC BY 2.0

7. Child mortality/right to life. A hmong woman and her baby in the village of sin chai, viet nam. According to unicef, the number of children who die before age five has fallen worldwide by more than half since 1960, un photo/kibae park, n.d., License: CC BY-NC-ND 2.0.

8. Right to education. Anti-corruption rally, delhi. Anna hazare, august 24 2011. License: C BY-NC-ND 2.0

9. Rights of women. A mongolian family in tarialan soum, uvs aimag (province), who cultivate potatoes in their yard, un photo/eskinder debebe, n.d., License: CC BY-NC-ND 2.0.

10. Right to development. A woman holds up her stained finger after voting in timor-leste's presidential run-off poll,



working together to protect universal human rights

ISBN 9782940626007



9 782940 626007



Universal Rights Group
Ch. du Grand-Montfleury 48
CH-1290 Versoix
Switzerland

T +41 22 755 14 56

info@universal-rights.org

www.universal-rights.org

[@URGThinkTank](https://twitter.com/URGThinkTank)



ISBN: 978-2-940626-00-7