

# Café Conversation Upholding Human Dignity: Addressing Corruption through a Human Rights Lens

24 | 04 | 2024

## INTRODUCTION

In the global discourse, human rights and corruption have often been discussed as separate issues, each with its own body of research and practical interventions. Human rights are seen as universal principles that safeguard the dignity and freedoms of individuals, while corruption is viewed as a breach of ethical standards and institutional integrity. However, recent studies and practical experience have revealed the deep interconnectedness between these two concepts. Traditionally, corruption has been seen mainly through an economic lens, focusing on its financial impacts. However, in recent times, there has been a shift in perspective. Corruption is now recognised as not just an economic crime but also a grave social issue. Scholars like Bacio-Terracino (2008); Olaniyan (2014) and Peters (2015) have emphasised its profound social implications, highlighting how corruption undermines the foundations of social institutions, threatening the cohesion of society itself. This approach means focusing on the impact of corruption on individuals and communities. It highlights how corruption infringes upon people's fundamental human rights, such as the right to access essential services, fair treatment, and justice. In this light, it becomes clear that addressing corruption is not just about the economy, but it is also about safeguarding the rights and dignity of every individual. Recognising the relationship between corruption and human rights, scholars and practitioners have increasingly advocated for a 'human rights-based' approach to combating corruption (Peters, 2015). This approach emphasises not only the legal and institutional dimensions of anti-corruption efforts but also the imperative to protect and promote human rights as a fundamental strategy in addressing corruption.

## IMPACT OF CORRUPTION ON HUMAN RIGHTS

There is a consensus that corrupt practices have far-reaching and detrimental effects on our society. According to the United Nations Human Rights Treaty Bodies (2018), corruption hinders the fair distribution of resources needed to promote equal rights for all. It is notable that countries considered highly corrupt often have a dismal human rights track record. For instance, the 2023 Transparency International Corruption Perceptions Index ranked Somalia, Venezuela, Syria, and South Sudan as the most corrupt countries in the world. These countries also face significant human rights challenges. Furthermore, international organisations, such as the Kenya National Commission on Human Rights, have gone to the extent of labelling corruption as a "crime against humanity." This designation stems from the damaging impact corruption has on a state's ability to fulfill its human rights duties. It diminishes both the state's capability to deliver services and the public's trust in the state's ability to do so. Similarly, in the case of *South African Association of Personal Injury Lawyers v Heath and Others* (2001), the Constitutional Court of South Africa affirmed that corruption and maladministration are incompatible with the rule of law and the core principles of the country's Constitution. They subvert the constitutional pledge to uphold human dignity, promote equality, and advance human rights and freedoms.

Moreover, corruption directly infringes upon human rights by obstructing individuals' access to those rights. The requirement of bribes for accessing human rights leads to this violation. For instance, when an individual must bribe a doctor to receive medical treatment, their right to health is undermined. Additionally, from the social human rights perspective, where the concept of 'affordability' is integral (such as the affordability of essential medicines as part of the right to health), the increased cost of medicine due to bribery in procurement processes could be interpreted as a violation of human rights. Furthermore, corruption within the judicial sector undermines the right to a fair trial by compromising the independence, impartiality, and integrity of the judiciary. The lack of independence among judges, prosecutors, and lawyers directly undermines this right. It hampers the effective and prompt dispensation of justice and undermines the credibility of the entire legal system. More so, when corruption influences the selection of judges or interferes with court proceedings, it violates the impartiality of the judiciary and the fair trial rights of defendants. Additionally, individuals face unequal access to justice when public officials demand bribes as a prerequisite for accessing the legal system or expediting court services. In addition, corruption precipitates a myriad of human rights violations. For instance, there are numerous cases where individuals investigating corruption and whistleblowers have been silenced through harassment, threats, imprisonment, and even murder. In these cases, fundamental rights such as the right to liberty, freedom of expression, and protection from torture or cruel, inhuman, or degrading treatment are blatantly violated. Similarly, a corrupted electoral process can have far-reaching consequences beyond mere political outcomes. When elections are tainted by corruption, the legitimacy of the entire democratic system is undermined. This can lead to widespread public discontent and unrest, manifested in protests and riots aimed at challenging the perceived injustice. In response to such turmoil, authorities may resort to heavy-handed tactics to quell dissent, resulting in the suppression of basic human rights in the name of restoring stability.

## CONCLUDING REMARKS

Despite the evident connection between corruption and human rights, the prevailing approach in current anti-corruption efforts primarily revolves around punishing wrongdoers, rather than addressing the impact on victims. There is a pressing need for a shift in strategy. Embracing a human rights perspective in anti-corruption initiatives could steer policy away from solely viewing corruption as an economic 'crime' punishable under criminal law. Instead, it could foster a broader understanding and approach aimed at upholding, protecting, and fulfilling individual rights while promoting the overall well-being of society.

*Corruption is one of the greatest obstacles to human rights and we all have a role to fight this insidious scourge!*