INTERNATIONAL
COUNCIL HUMAN POLICY
ON RIGHTS

CORRUPTION AND HUMAN RIGHTS

Co-ordinator: Magdalena Sepulveda

PROJECT DESIGN

PROPORTION FUNDED:

25%

Note

Project Designs are formal working documents for the Secretariat of the International Council on Human Rights Policy and those commissioned to work on a Council project.

Project Designs are a research tool and are not to be understood as statements of the International Council's policy on any subject, except where explicitly stated otherwise. They are not to be quoted without the approval of the Council's Secretariat.

PROJECT DESIGN

1. TITLE

2. PURPOSE

3. OBJECTIVES

4. DESCRIPTION OF THE SUBJECT

5. DEFINITION OF "CORRUPTION" FOR THE PROJECT

6. APPROACH

7. POLICY TARGETS AND AUDIENCE

    7.1 POLICY TARGET

    7.2 AUDIENCE

8. DESCRIPTION OF THE PROJECT

    8.1 PRIMARY RESEARCH ON GENDER

9. SUB-PROJECT I: HARD LAW CONNECTIONS BETWEEN CORRUPTION AND HUMAN RIGHTS

    9.1 DESCRIPTION OF THE SUBJECT

    9.2 OBJECTIVES

    9.3 QUESTIONS

    9.4 TARGET AUDIENCE

    9.5 METHODOLOGY

    9.6 PAPERS

10. DESCRIPTION SUB-PROJECT II: HOW TO COMBAT CORRUPTION WHILE RESPECTING HUMAN RIGHTS

    10.1 DESCRIPTION OF THE SUBJECT

    10.2 OBJECTIVES

    10.3 QUESTIONS

    10.4 TARGET AUDIENCE

    10.5 METHODOLOGY

    10.6 PAPERS

PROJECT DESIGN

1. Title

CORRUPTION AND HUMAN RIGHTS

2. Purpose

To identify, explore and clarify the links between corruption and human rights; to assess the direct impact of corruption on human rights; to assess the strengths and weaknesses of international anti-corruption strategies from a human rights point of view; and to assess where fuller use of human rights norms, principles and methods would make such strategies more effective in practice.

The project will be successful if (a) it clarifies, in practical terms, where corruption directly impacts on the enjoyment of specific human rights and where adoption of human rights principles and methods would strengthen or weaken anti-corruption programmes, and (b) makes human rights bodies and mechanisms more accessible to those who work to end corruption and make anti-corruption methods and practices more accessible to those working on human rights.

3. Objectives

- Assist individuals and institutions that combat corruption to recognise the value of human rights in their work and the advantages of closer collaboration with human rights organisations.

- Assist individuals and institutions working for the promotion and protection of human rights to recognise the value of anti-corruption measures and the advantages of closer collaboration with anti-corruption organisations.

- Assist officials, including law-enforcement officials, to design and implement anti-corruption measures that respect human rights, and assist human rights organisations to monitor the compliance of anti-corruption programmes with human rights.

In addition, the project may help to:

- Raise awareness among key stakeholders and the public of the links between corruption and human rights, thereby diminishing the level of public tolerance of corruption and strengthening public support for anti-corruption measures.

- Provide individuals with additional resources to denounce corruption and human rights violations at national and international level.

4. Description of the subject

In recent years, the subject of corruption has acquired greater prominence. As a result, governments have initiated many strategies to combat corruption. At international level governments have adopted several instruments to fight corruption.[1] These generally run side by side with long-standing commitments to respect human rights.

The fight against corruption and the more general goal of ensuring human rights share common ground.[2] In principle, strategies to end corruption and to promote and protect human rights are likely to reinforce one another. It is commonly agreed that "corruption violates human rights" and several documents signed under the auspices of United Nations and regional organisations have acknowledged the negative effects of corruption on human rights.[3] UN treaty bodies and special procedures also comment on the inability of states to comply with their human rights obligations as a result of corruption.[4] Some international documents have even considered corruption to be a "crime against humanity", a category of crimes that includes genocide and torture.[5]

However, these statements are generally very broad. The extent to which acts of corruption violate or lead to human rights violations is rarely identified or understood. Most existing work examines the causes of corruption, mechanisms and policies to prevent it, and forms of technical co-operation to assist developing countries and countries in economic transition. Little work has been done from a human rights perspective. The links between corruption and human rights remain largely unexplored.

This is now changing. New work, by UNDP and OHCHR, for example, is focusing specifically on human rights. Nevertheless, current studies either do not provide detailed guidance on where corruption and human rights link or have a narrower aim.[6] International and multidisciplinary studies on the link between corruption and human rights are still lacking.

---

[1] These include the UN Convention against Corruption, UN Declaration Against Corruption and Bribery in International Commercial Transactions, Convention Against Transnational Organized Crime, OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, EU Convention on the Fight Against Corruption Involving Officials of the European Communities or officials of Member States, Convention of the European Union on the Protection of Its Financial Interests and Protocols thereto, CoE Criminal Law Convention against Corruption, CoE Civil Law Convention against Corruption, CoE Joint Action of 22 December 1998 on Corruption in the Private Sector, OAS Inter-American Convention Against Corruption, AU Convention on Preventing and Combating Corruption.

[2] Laurence Cockcroft, TI Working Paper, 1998.

[3] See, e.g., UN Convention against Corruption adopted by the General Assembly in its resolution 58/4 of 31 October 2003.

[4] Statements remain broad however: "States face serious problems of corruption, which have negative effects on the full exercise of rights covered by the Covenant [ICESCR]" E/C.12/1/ADD.91 (CESCR, 2003, para. 12); or, by the Committee on the Rights of the Child, which states that it "remains concerned at the negative impact corruption may have on the allocation of already limited resources to effectively improve the promotion and protection of children's rights, including their right to education and health" CRC/C/COG/CO/1 para 14. See also statement of SR on Independence of Judges in E/CN.4/2006/52/Add.4 para 96.

[5] See, for example, the Seoul Findings, 11th International Anti-Corruption Conference, Seoul, May 2003 and the Nairobi Declaration adopted at the Regional Conference on the Human Rights Dimensions of Corruption, convened by Kenya National Commission of Human Rights, 22 March 2006.

[6] For example, the primary aim of the project commissioned by UNDP to the Raoul Wallemberg Institute is to provide policy recommendations to UNDP's staff on how to integrate a human rights perspective into anti-corruption and technical assistance programmes.

This project is designed to help fill this gap, complementing other initiatives in a timely manner and from an international and multidisciplinary perspective. We hope it will provide a long overdue contribution by analysing the practical links between corruption and human rights.

The project will be globally relevant and will examine the subject from a global perspective. Most countries in the world face serious perceived levels of domestic corruption. Corruption is certainly not an issue only for developing countries. Industrialised countries are also harmed by it.

Nor can corruption be treated in isolation. It is invariably a symptom or result of unresolved problems in the wider governance system of countries. One of the advantages of examining the links between corruption and human rights comes from the fact that human rights standards, as established in major international treaties, impose obligations upon states. Focusing on specific human rights will help to identify who is entitled to make claims when acts of corruption occur and who has a duty to take action against corruption and protect those harmed by it. The project will therefore aim to empower claim holders to demand their rights in relation to corruption, and to assist states (including all branches of government) and other public authorities to fulfil their human rights responsibilities at every level.

The project will focus on international human rights standards. It will identify when and how problems of corruption entail violations to human rights. Considering that in many countries the rights and obligations included in international treaties are incorporated in Constitutional or national law,[7] the project may assist local activists, prosecutors, judges and lawyers to apply human rights principles to denounce and prosecute corruption (in addition to, or instead of the criminal law). It may also assist non-governmental organisations fighting corruption and promoting human rights to frame corruption from a human rights standpoint and thereby focus their advocacy.

Linking human rights to corruption might also help to build public support for anti-corruption strategies. Despite strong rhetorical commitments to combat corruption, the political impact of most anti-corruption programmes has been low. To increase political support it is necessary to build public pressure. Identifying the specific links between corruption and human rights may persuade key actors - public officials, parliamentarians, judges, prosecutors, lawyers, business people, bankers, accountants, the media and the public in general - to take a stronger stand against corruption.

Governments are generally permeable to human rights pressure. The use of human rights language may diminish the level of public tolerance of corruption and strengthen public support for anti-corruption measures even in countries where references to human rights may be sensitive.

This project will also explore the potential conflicts or collisions between anti-corruption measures and human rights. It will identify the types of anti-corruption measures and techniques that lead to human rights violations. This, in turn, may assist authorities to incorporate human rights into the design and implementation of anti-corruption measures.

---

[7] The major human rights treaties require States Parties to take the necessary steps to give effect to their rights in the domestic order (see e.g. article 2.2 ICCPR). It follows that, unless the Covenants' rights are already protected by their domestic laws or practices, States Parties are required to make such changes to domestic laws and practices as are necessary to ensure their conformity with human rights standards. Thus, if international standards are not respected by domestic law or practices, the state will be in contravention with its international obligations.

According to major international treaties against corruption, anti-corruption measures must be compatible with human rights principles and should not adversely affect the rights of those involved. However, little guidance is given on how to conciliate the commitments to fight corruption and to promote and protect human rights. This project may assist states to comply with the requirements of anti-corruption conventions (e.g. the UN Convention against Corruption) and to ensure that, when states implement laws and procedures to detect, investigate and adjudicate cases of corruption, they comply with human rights standards.

By identifying the potential collisions between anti-corruption measures and human rights, this project will raise awareness. Staff of anti-corruption agencies, prosecutors, law-enforcement officials and the judiciary will have a better understanding of potential conflicts. Individuals subject to investigations, witnesses and whistle-blowers will be empowered to claim their rights and seek remedy when these are violated.

Combating corruption requires strong collective efforts from different sectors in society acting in co-ordinated ways. By clarifying the links between corruption and human rights, the project also seeks to encourage organisations and agencies working in the field of human rights of the potential of closer collaboration with national and international anti-corruption agencies and vice versa. It might persuade them of the need to look beyond traditional coalitions to energise their movements.

This project may also provide an international platform to bring together organisations and individuals from the human rights and corruption movements. It may facilitate the networking and cross fertilisation that are indispensable if international and national advocacy to fight corruption is to be effective and to promote human rights. It may also stimulate thinking on how professionals in each sector can learn from each other.

5. Definitions of corruption

There is currently no universally accepted definition of corruption. The most accepted definition describes it as "*the abuse of entrusted power for private gain*". The advantage of this definition is that it includes both the private and public sector.

For this project, however, the above definition is inadequate because the research will examine the connections between specific acts of corruption and specific human rights. The project therefore proposes to adopt a definition that focuses on corrupt acts.

For this reason, at least initially, the project will apply the definition of corruption adopted in the UN Convention against Corruption, which defines corruption as "*the bribery of national and foreign public officials, bribery in the private sector, embezzlement of property by a public official, trading in influence, abuse of functions, and illicit enrichment.*" This working definition also includes the private sector. It should be noted that the list of corrupt acts in the above definition is not an exhaustive one; interpretation is likely to enlarge the list to include other acts in the future.

The literature on corruption also identifies various forms of corruption, for example, grand and petty corruption. G*rand corruption* refers to the corruption of heads of state, ministers, and top

officials and usually involves large amounts of assets.[8] *Petty corruption* refers to the corruption of junior officials, customs clerks, and traffic police and generally involves relatively small amounts of assets.[9] The project will take into account both types of corruption.

6. Approach

The project will take into account the views of people working on human rights as well as people working to end corruption – in addition to the few who have a dual mandate. People working on corruption often find the language and concepts of human rights alien and abstract. They generally do not use human rights mechanisms and complain that a "human rights approach" does not give them practical solutions. On the other hand, people working on human rights largely ignore the specificity of different acts of corruption and do not use the mechanisms available to fight corruption.

This project is one of several Council projects that explore the links between human rights and different operational disciplines. The Research Team includes individuals with different professional expertise and with experience in both disciplines (corruption and human rights). The Team is international, as will be the research.

The research methodology reflects the character of the research objectives – being consultative and interdisciplinary. In addition to the Research Team, the project has an Advisory Group composed of experts from a variety of organisations to ensure that the Council's research is focused, of a high standard and useful. In addition, the Council will consult experts from different regions and backgrounds, throughout the process, and in particular during the three months in which the draft reports are disseminated. During this period the Secretariat will ensure contacts with professionals that have not been involved in the drafting process, giving them the opportunity to improve it. At the final Advisory meeting, the Research Director will submit a detail follow-up activity plan for their approval.

The importance of gender is now widely recognised by those who work in the field of corruption as well as in human rights. Recognising this, issues of gender will be given specific attention throughout the research process. Please refer to the "primary research on gender" (section 8.1). The findings of the project will be set out in two policy reports (see below). These will identify the links between corruption and human rights in terms that are accessible and relevant to national and international policy-makers, as well as human rights and corruption activists.

7. Policy target and Audience

7.1 Policy Target

This project aims to persuade public officials and organisations working on corruption of the value of applying the human rights framework in their work. The project will be successful if, as a direct

---

[8] G. Moody-Stuart, *Grand Corruption: How Business Bribes Damage Developing Countries*, Oxford, WorldView Publishing, 1997.
[9] *Ibid.*

and indirect result of the research conducted, officials and organisations in some countries adopt human rights principles and techniques to this end.

Secondly, it seeks to convince individuals and organisations working for the promotion and protection of human rights, inside and outside government, (a) to see the relevance of anti-corruption programmes to their work and (b) to monitor the potential impact of anti-corruption measures on the enjoyment of human rights. The project will be successful if, as a direct and indirect result of the research conducted, individuals and organisations working on human rights seek closer collaboration with anti-corruption bodies, and monitor anti-corruption measures for compliance with human rights.

7.2 Audience

- Public officials, including law-enforcement officials, responsible for designing and implementing anti-corruption policies and programmes.

- Staff in official and civil society organisations that work to promote and protect human rights.

- Other civil society organisations that work to prevent corruption.

For each sub-project the target audience is further specified. See sections 9.4 and 10.4.

8. Description of the project

The project is composed of two sub-projects:

    (a) **Hard law connections between corruption and human rights** (Sub-project I)

    (b) **How to combat corruption while respecting human rights** (Sub-project II)

The findings for each sub-project will be published separately. This project design describes first the overall project and then each sub-project. A description of the different phases of the project can be found in Section 12.

In addition, primary research will be undertaken to establish a baseline analysis of the impact of corruption on women's rights. This research will start at the same time as the two main sub-projects, and will be completed later. The primary research phase is described below.

8.1 Primary Research on Gender

As noted, because little research has been done on the links between corruption and human rights from a gender perspective, the project will undertake primary research (interviews, questionnaires and focal groups) in two countries – Ghana and India – to establish baseline information on this subject.

The primary research will map out the particular impact of corruption on the enjoyment of human rights of women and men. Information will be gathered from staff of anti-corruption agencies and civil society organisations, staff of national human rights institutions, inter-governmental organisations, government officials, staff of donor agencies and ordinary citizens.

The research will aim to:

    a. Map areas where corruption intersects with gender and human rights. When does corruption disproportionately affect the human rights of women? Do policies to combat corruption include any bias against women in their design or implementation?

    b. Assess the perceptions of organisational performance. Are organisations considered to be gender-sensitive in their work against corruption? Do their policies protect human rights?

    c. Do women and men perceive the impact of corruption on human rights and gender differently?

This field work will also gather information on the extent to which a gender approach is already used in practice when dealing with corruption.

The study will be conducted in Ghana and India. These countries were selected for a variety of reasons, including the fact that they are similarly ranked in the 2006 TI corruption perception index.

In each country information will also be gathered through focal groups and questionnaires. The content of the questionnaires will be prepared by a professional researcher on gender, who will supervise the research, and had up all the work in Ghana. In India, she will train the researcher and a partner organisation will assist with organising the interviews. Interviews will be conducted face-to-face using self administered questionnaires and exceptionally via internet. Some interviews will also be undertaken by the Research Director.

The material collected will be disaggregated by gender and analysed. The gender researcher will submit a paper setting out her findings. This research will enrich other elements of the project, and enable the Research Team to take account of gender considerations as it develops its assessment. The three lead researchers and lead writer will be expected to work closely together to achieve this end.

9. Sub-project I: Hard law connections between corruption and human rights

9.1 Description of the subject

The common assumption is that a state which does not combat corruption fails to fulfil its obligations to respect, protect and fulfil human rights. However, the impact of corruption on the enjoyment of specific human rights seems to be untested and remains rather unexplored.

Most of the work that analyses corruption as a violation of human rights fails to show in a detailed manner the ways in which rights are infringed by different corrupt practices. Most assertions are overtly general and unstructured, and seem to hold that every corrupt situation affects a human need and thus violates human rights. While all corrupt practices in the short- or long-run affect a human need, this is not synonymous with the violation of human rights. Human needs and human rights should not be confused.[10] In order not to fall into the trap of calling all corrupt practices a violation of human rights, it is essential to identify when and why human rights are violated by corrupt practices.

The project will examine when a corrupt act is itself a violation of human rights (i.e. it directly affects the exercise of the right), and when it has a more indirect link to a violation (in other words, when what violates human rights are the actions triggered by corruption, not the corrupt act itself).

It is worth noting the minority view that some acts of corruption may pragmatically have the effect of protecting human rights (for example, by enabling extremely underpaid public officials to feed their families).[11] Although the project will take into account this possible effect, it will focus on the negative impact of corruption on human rights – acts of corruption that lead to, or constitute a violation of human rights.

---

10 This is the so-called "fallacy of exaggeration". This fallacy calls every situation of deprivation (i.e., every situation where a basic human need is not satisfied) a violation of economic rights. R. Künnemann, "A Coherent Approach to Human Rights", Human Rights Quarterly, Vol. 17, 1995, p. 334. For example, a corrupt official leases to a private company a substantial portion of territory in which an indigenous population has always lived without consulting or allowing participation of the group. The lease of territory in itself would violate the right to self-determination of the indigenous group. What prompted that lease is secondary to the original infringement of the rights of that particular group.

11 This approach has been taken, for example in the Warioba Report. In 1996, the former Tanzanian President Benjamin Mkapa formed the "Presidential Commission of Inquiry against Corruption (PCAC)", commonly known as the Warioba Commission. The Commission was chaired by former Prime Minister Joseph Warioba and was entrusted to carry out diagnostic studies on corruption in the country. The report acknowledged that in many cases those who ask for bribes do so as a result of their meagre incomes and low standards of living. For these individuals, the small bribes they receive only help make ends meet. Presidential Commission of Inquiry against Corruption, Report of the Commission against Corruption Chaired by Hon. J. Warioba, State of Corruption in the Country, Executive Summary, Dar es Salaam, December 1996 (Warioba Report).

This sub-project will focus on the specific rights contained in the two major international human rights instruments: the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). [12]

These instruments impose legal obligations upon states parties.[13] The study will not discuss the impact of corruption on broader normative and institutional frameworks such as "democracy" or "good governance".

9.2 Objectives

- *To assess the impact of different corruption practices in all rights included in the ICCPR and ICESC.*

- *To draw attention to direct or immediate consequences for human rights that arise in the context of corruption.*

- *To report on "grey areas" in which corruption may not have a direct impact on the enjoyment of human rights.*

9.3 Questions

This project will explore the links between corruption and human rights by examining three principal questions:

(i) *What acts of corruption violate human rights immediately, and what acts lead to a violation of human rights?*

(ii) *When might failure to protect human rights increase the incidence of corruption?*

---

12 The rights to be examined are: the right to self determination; the right to life; prohibition of discrimination and equality before the law; the right to a fair trial (due process) and the independence of the judiciary; the right to liberty and security of the person; the prohibition of arbitrary arrest and detention; progressive realisation of economic, social and cultural rights; the right to health; the right to education; the right to participate in public life; the rights of the child; the rights to work and social security; the rights to freedom of opinion, expression, information and press; the right to access to justice, right to remedy; the prohibition of cruel, inhuman and degrading treatment or punishment; the right to adequate food; the right to adequate housing; the right to the highest attainable standard of physical and mental health; the right to culture; the right to be recognised as a person before the law; the right to freedom of movement (the right to chose a residence, the right to enter one's own country and the prohibition of collective mass expulsion of aliens); the right to family unity and the right to respect for private and family life; the right to vote and stand for election; freedom of thoughts, conscience and religion; freedom of opinion and expression and the freedom to receive information; freedom of association; and the right to peaceful assembly. Other rights not included in the major Covenants, such as the right to development and the right to property will not be included in the project.

13 The ICESCR was adopted by General Assembly resolution 2200A (XXI) of 16 December 1966. It entered into force on 3 January 1976. As of January 2007, it had 155 states parties. The ICCPR was adopted by General Assembly resolution 2200A (XXI) of 16 December 1966. It entered into force on 23 March 1976. As of January 2007, it had 160 States parties.

(iii)   Where might the use of human rights principles and methods improve the prevention, detection and punishment of corrupt practices?

9.4 Target audience

- Public officials responsible for designing and implementing anti-corruption policies and programmes, including staff of anti-corruption agencies, law-enforcement officials, staff of prosecutors' offices, staff of Auditor-Generals' offices, staff of national human rights institutions, and parliamentarians with investigative and accountability functions.

- Staff of non-governmental organisations that work for the promotion and protection of human rights.

- Staff of non-governmental organisations that work against corruption.

The research will also be useful in a more general way to members of the judiciary; staff of intergovernmental organisations working on corruption, good governance and human rights; staff of donor agencies active in the area of corruption; firms and professional associations of lawyers, accountants and bankers; reporters and editors who report or expose corruption; private companies; and academics.

9.5 Methodology

The preliminary phase of work will be led by Julio Bacio, who will prepare a report (up to 60 pages) addressing the main questions of the research. He will also address some fundamental questions. What is the most appropriate working definition of corruption for the purpose of the project? What constitutes a "violation" of human rights? Is there a human rights obligation to combat corruption?

For each of the rights, the researcher will identify the scope and content of the right and the duty bearers that need to fulfil their obligations in order for claim holders to effectively secure their rights. He will also provide a brief explanation of the most common corrupt practices. On this basis, the report will identify and analyse in detail the ways in which corrupt practices directly violate or lead to a violation of human rights. This exercise should create a list of the most common corrupt practices and their impact on specific human rights. This list will identify (a) corrupt practices, (b) the specific human rights (included in the major human rights treaties) likely to be violated by them, and (c) those who have a duty to act to prevent the violations and protect the rights of those who suffer because of them.

This paper will also assess the impact of corruption on the enjoyment of rights of specific groups, such as women (e.g. right not to be victim of sexual exploitation, discrimination on the basis of gender, trafficking and exploitation of prostitution); children (e.g. right to education and prohibition of sexual exploitation); migrant workers; and possibly other groups such as disabled persons, and Aids victims.

The conceptual paper of the main researcher (up to 60 pages) will be complemented by 5 additional papers (up to 20 pages each), the authors of which have been commissioned by the Council (see section 9.6).

During the second phase, a Lead Writer will prepare a more developed draft (up to 80 pages). He will (a) identify where the use of human rights principles and methods can help or be specifically useful to work against corruption by increasing the likelihood of corruption being detected and punished, and by minimising situations in which corruption may occur; (b) identify ways in which weak human rights promotion and protection may create conditions that increase the incidence of corruption.

9.6 Papers

Five additional papers will be commissioned.[14] The authors are individuals with appropriate professional expertise.

Paper 1: The impact of corruption on the right to health

Brigit Toebes (Netherlands).

Most countries spend large amounts on health services. These funds are an attractive target for corruption. According to Transparency International (2006 *Global Corruption Report*) the scale of corruption in this sector is vast in both rich and poor countries. Corruption deprives people of full enjoyment of their right to health. The poor are disproportionately affected by corruption in the health sector, as they are less able to afford small bribes for health services that are supposed to be free, or to pay for private alternatives where corruption has depleted public health services.

Anti-corruption organisations have identified several forms of corruption in the health sector. They include e*mbezzlement and theft* from the health budget or user-fee revenue; c*orruption in procurement; corruption in payment systems*; c*orruption in the pharmaceutical supply chain; and corruption at the point of health service delivery*. This paper will examine how different forms of corruption impact on the right of everyone to enjoy the highest attainable standard of physical and mental health (as the "right to health" is defined under human rights instruments).[15]

The paper will also address the following questions: (i) where might use of human rights principles and methods improve the prevention, detection and punishment of corrupt practices that violate the right to health; and (ii) would the adoption of a human rights approach increase transparency and accountability in the health sector?

The paper will give particular attention to the impact of corruption on women's right to health.

---

[14] Two of the papers will be prepared by a 2-person team.
[15] It will consider in particular the definition provided by the Committee on Economic, Social and Cultural Rights in General Comment No. 14. The Committee on Economic, Social and Cultural Right is the supervisory body of the ICESCR.

Paper 2: The impact of corruption on the rights to equal access to justice and effective remedy

Victoria Jennett (UK).

According to human rights standards, states shall adopt appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice. If the judicial system is corrupt, individuals do not enjoy the basic right to an effective remedy by a competent judicial authority. Individuals who belong to the most vulnerable and disadvantaged groups within a society are often particularly exposed to risk.

While anti corruption organisations have analysed this problem at length, there is still a need to help human rights advocates to "read" judicial corruption as a human rights issue. Conversely, anti-corruption organisations may be able to apply human rights principles and methods to combat judicial corruption.

This paper will try to assess to what extent judicial corruption constitutes a violation of human rights.

Paper 3: The right to information as a tool to combat corruption

Helen Darbishire (UK).

The right of access to government-held information is increasingly recognised as a fundamental human right, guaranteed in international law as part of the right to freedom of expression and information established, for example, by Article 19 of the ICCPR. At the domestic level, access to information is guaranteed through numerous constitutional provisions and the laws of over 70 countries worldwide, and confirmed through national jurisprudence.

There seems to be no doubt that ensuring access to information strengthens transparency and accountability, and therefore efforts to combat corruption. The anti-corruption movement is putting increasing emphasis on the importance of access to information as a key tool to ensure an informed citizenry, meaningful public participation and exposure of corruption and mismanagement, but still often addresses the topic in very general terms. More work needs to be done on the precise mechanisms for giving effect to the right to information in order to improve anti-corruption mechanisms. Similarly, there is a need to examine how the right to information can be used in transnational work to expose corruption and other violations of human rights, such as requesting information in one country in order to gather information in another.

Paper 4: The role of national human rights institutions

Maina Kiai (Kenya).

Combating corruption requires strong collective efforts from different sectors in society acting in co-ordinated ways. National Human Rights Institutions (NHRIs) may play a crucial role in fighting corruption while respecting human rights. These institutions are well placed to assist in educating the public and promoting awareness for transparency and human rights as well as making recommendations and providing advice to governments. However, the fight against corruption seems to be a new challenge for many NHRIs.

NHRIs will be required to find creative means to fight corruption while promoting and protecting human rights and overcoming challenges that their mandates and composition might pose. Some NHRIs have already incorporated into their work efforts to combat corruption. In order to assess possible collisions between corruption and human right it is relevant to evaluate the contribution of these NHRIs. What obstacles do they confront when trying to link corruption and human rights in their daily work? How well do they interact with anti-corruption agencies or other relevant institutions? What lessons can be learned from their experience of integrating a human rights-based approach into anti-corruption strategies?

Paper 5: The correlation between the human rights situation in a country and the level of corruption

Todd Landman (USA) & Carl J. W. Schudel (Netherlands)

In principle, strategies to end corruption and to promote and protect human rights are likely to reinforce one another. Measures to ensure human rights are likely to have a positive effect on the fight against corruption. Measures to ensure transparency and accountability are likely to improve the human rights situation.

The premise of this paper is that human rights and corruption specialists have not worked closely together and that more active co-operation could be helpful to both. Human rights advocates are not familiar with corruption indexes and those working on corruption are unfamiliar with human rights assessment techniques. There is a need to help human rights advocates to "read" anti-corruption indexes, and help anti-corruption advocates to assess the human rights performance of states.

10. Sub-project II: How to combat corruption while respecting human rights

10.1 The subject

Anti-corruption agencies, law-enforcement officials and the public in general often ignore or underestimate the potential conflicts between anti-corruption measures and human rights. This sub-project will examine to what extent programmes and policies designed to curb corruption – prevention, investigation, enforcement, institution building, awareness raising, legislation, monitoring – respect human rights standards. Should human rights standards be fully respected when dealing with corruption issues? These are complex questions. Rigorous measures are often required to effectively investigate corruption cases and many believe that full respect of human rights will obstruct effective implementation of anti-corruption strategies.

Potential sources of conflict include the following:

> *Standards of due process of law and judicial independence.* Several states have established agencies that investigate and prosecute corruption. The United Nations Convention against Corruption, for example, requires the establishment of anti-corruption agencies. The Convention sets minimum standards including compliance with human rights principles.[16] Is this requirement sufficient in practice? Do these bodies need to comply with principles such as judicial independence? Is it necessary to ensure an appropriate judicial review for their decisions? Are these principles an obstacle to effective investigation of corruption cases?

> *The principle of presumption of innocence.* Several national and international legislations (e.g. the United Nations Convention against Transnational Organized Crime and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances) provide rules for easing the burden of proof and shifting the onus of proving ownership of excessive wealth onto the beneficiary. This type of legislation contributes significantly to the detection of corruption and related offences by providing the basis for financial investigations. Does this type of legislation comply with the basic principle of presumption of innocence as it is established in human rights norms?[17] Are mechanisms in place to impede abuses?

> *Amnesty.* Sometimes prosecutors' offices promise amnesty in return of full disclosure in corruption cases. In certain jurisdictions amnesty may be granted automatically to those who report a corrupt. Broad amnesty can be declared when a new law takes effect or a new anti-corruption authority comes into being. Are these amnesties in line with human rights standards? Do these practices comply with the principle of equality and non-discrimination?

---

[16] See Article 65.2.

[17] The basic right to be presumed innocent until proven guilty according to law is universal, and found in Art.14 (2) of the International Covenant on Civil and Political Rights. Some legal systems apply this principle to all essential elements of the offence, including the presumption that unaccounted-for wealth was illicitly acquired. In other systems, the right to be presumed innocent is considered to have been satisfied by proof by the state of only some elements of an offence. In such cases, proof that wealth has been acquired is seen as sufficient to raise an evidentiary burden on the accused official to demonstrate that it was acquired by legitimate means, or in some cases to at least establish a reasonable doubt as to illicit acquisition.

Whistleblower laws. The main purpose of whistleblower laws is to provide protection for those who report cases of maladministration, corruption and other illicit behaviour within their organisations. Rules for the protection of whistleblowers are crucial to boost confidence and eliminating reprisals. In order to instil trust in would-be whistleblowers, some domestic legislations establish mechanisms that allow anti-corruption bodies to deal with the content of the message and not the messenger, even if the veracity of the message cannot be determined or the whistleblower was breaking the law by breaching confidentiality. Is there a collision between the rights of, and protection afforded to, whistleblowers and the right to reputation of others?

Asset recovery. Do asset recovery processes comply with basic human rights safeguards? Does the country from which return is sought ensure that human rights standards are respected, for example with regard to freezing, seizure, forfeiture and return of such assets? Are standards of asset recovery apt to secure assets for the purpose of providing victims with restitution? Is accountability adequate?

Investigation techniques. In order to fight and prosecute corruption, law enforcement officials are authorised to undertake undercover operations and electronic and other forms of surveillance. In practice it is not easy to strike a balance between the discretional power that they require to effectively investigate cases of corruption and the right to privacy. To what extent are these investigative techniques consistent with the right to privacy? How can one ensure that checks and balances are in place to protect individuals against abuses?

Good anti-corruption laws and regulations alone do not ensure respect for human rights, or transparency and accountability. This paper will also examine the legal and institutional measures that states should take to combat corruption effectively and ensure respect for human rights. To effectively implement anti-corruption measures states may be required to take measures to ensure that the judicial system functions properly, by training lawyers, prosecutors and judges and allocating sufficient resources for their work. This paper will identify the various changes that are required in order to combat corruption while respecting human rights.

10.2 Objectives

- *To draw attention to the potential conflict or collision between anti-corruption measures and human rights.*

- *To identify and illustrate, with examples, the conflicts and the difficulties in fighting corruption while respecting human rights.*

- *To review existing legislation and institutions empowered to investigate corruption to assess to what extent they take into account human rights principles and provide effective remedies to potential victims of human rights violations.*

- *To provide recommendations on how to reconcile a proper and effective investigation on corruption while respecting human rights.*

▪ *Provide recommendations on the institutional and structural measures necessary to combat corruption while respecting human rights.*

This part of the project will raise public awareness of the links between anti-corruption measures and human rights as well as provide practical advice to governments on implementing anti-corruption measures.

10.3 Questions

This project will explore the links between corruption and human rights by examining the following questions:

(i)   Where are anti-corruption measures at odds with human rights?

(ii)   When is the collision due to the design of the law and where it is due to problems of interpretation or abuse of power in the application of laws?

(iii)   To what extent are anti-corruption agencies required to comply with human rights standards?

(iv)   What are the challenges in applying human rights in the fight against corruption?

(v)   What preventive measures are necessary to ensure compliance with human rights and anti-corruption laws?

10.4 Target audience

The main target audiences of this sub-project are:

- Staff of anti-corruption agencies, including investigators and law enforcement officials.

- Staff of government departments, the judiciary and prosecutors' offices.

- Staff of national human rights institutions working on anti-corruption and/or human rights issues.

We hope it will also be useful, in a more general way; to staff of non-governmental organisations that work against corruption and organisations that work to promote and protect human rights; political parties; and parliamentarians with investigative and accountability functions.

10.5 Methodology

This research will be led by Noel Kututwa, who will write a conceptual paper (up to 60 pages) illustrated with specific examples. The approach will take into account experience in different regions. The research will examine the questions mentioned above. His report will be complemented by four short papers, commissioned by the Council, which will complement the main conceptual

paper and help the project to assess complex issues. Some papers will take a "corruption" perspective, others a "human rights" one.

In the second phase, a Lead Writer will prepare a report (of up to 80 pages) based on this work. He will be asked to (a) explore how far a sound accountability system protecting human rights supports strategies to prevent corruption; (b) assess how human rights can be integrated usefully into strategies to combat corruption; (c) clarify the challenges and obstacles that different stakeholders encounter when applying human rights principles and methods in the fight against corruption.

10.6 Additional papers for sub-project II

The following papers have been commissioned. The authors are individuals with appropriate professional expertise.

Paper 6: A comparative assessment of the compliance with human rights standards of anti-corruption legislations

Christian Gruenberg (Argentina)

Good anti-corruption laws and regulations alone do not ensure respect for human rights, or transparency and accountability. This paper will examine to what extent anti-corruption legislations should respect human rights standards. It will be a comparative assessment of selected anti-corruption legislation.

This paper will also examine the legal, political and institutional measures that states should take to enable disadvantaged groups in society to complain against corruption.

Paper 7: The challenges of investigating corruption: An insider view

Carlos Castresana (Spain)

This paper will be written from the perspective of an anti-corruption law enforcement official. It will include a practical assessment of the work of anti-corruption agencies. It will examine the tensions between the need to respect human rights and the challenges of investigating corruption cases. Do anti-corruption agencies formally incorporate human rights within their mandates? What measures do they take to ensure respect of the rights of the individuals subject to investigation? It will assess whether human rights principles of methods strengthen or weaken the fight against corruption.

This paper will also examine the granting of amnesties and immunities. In order to facilitate the investigation of certain complex corruption cases, prosecutor offices or anti-corruption agencies sometimes grant or promise amnesty to those involved in corruption cases in return for full disclosure. Are these amnesties in compliance with human rights principles?

The immunities and privileges enjoyed by certain categories of public officials and elected representatives pose additional challenges to the investigation of corruption. Sometimes Ministers, Members of parliaments and high level public officials are shielded from legal processes. The effective investigation of corrupt acts can thus be impaired by their immunities and privileges. Are immunities in accordance with human rights law? Do they respect the principle of equality and non-discrimination? Are their in conformity with the principle of due process?

Paper 8: The politicisation of anti corruption campaigns

José Ugaz (Peru)

In recent years the subject of corruption has acquired greater prominence and several governments have explicitly committed to fight corruption. However, some governments have skilfully used anti-corruption campaigns for political purposes, for example, to foster suspicion or to suppress political opponents and NGOs, or even to curb the rights of those who combat corruption. In these cases, far from contributing to increased transparency and accountability, anti-corruption campaigns have weakened democracy and public trust. In some cases, these manipulations have directly violated the human rights of those politically targeted.

This paper will describe cases where anti-corruption campaigns have been politicised and where non-transparent or authoritarian governments have used "anti-corruption measures" to suppress opposition or to eliminate political rivals. The paper will also examine situations in which governments have tried to manipulate anti-corruption policies for their electoral advantages as well as situations in which activists or journalists that expose corruption suffer from retaliation that threaten their civil, economic, political, social or cultural rights.

Paper 9: A Human rights approach to national integrity systems

Lucy Koechlin (Switzerland)

TI pioneered the concept of "National Integrity System". It refers to the sum of the institutions and practices within a given country that address aspects of maintaining the honesty and integrity of government and private sector institutions. The assumption is that any attempt to address corruption effectively and sustainably involves a holistic approach. The assumption is that the promotion of national integrity in different stakeholders from the executive, legislature and judiciary, to the private sector, the media and civil society organisations is crucial to any process of sustainable reform. By raising levels of national integrity, corruption can be reduced.

This paper will be written by a human rights expert. It will compare National Integrity Systems (NIS) and human rights systems. It will identify strengths and weaknesses of each system in the fight against corruption. What are the strengths and weakness of national integrity systems from a human rights perspective? What do NIS do that a human rights framework cannot do? How do NIS complement a human rights approach? How could human rights principles and methods complement?

11. Research Team

11.1 Researchers

During the first phase, the Research Team will be composed of two main researchers (for sub-project I and sub-project II) and a Gender and Methodology researcher. These three researchers have been identified.

In addition, 9 additional thematic researchers will work on the additional papers (1-5 for sub-project I and 6-9 for sub-project II). The project will also employ 2 local research assistants to facilitate the primary research in Mexico and Ghana.

The first phase will end once all researchers have submitted their papers to the Secretariat and once the papers have been evaluated in a Review Meeting (see below). The second phase will be led by the Lead Writer, who has also been identified. The Lead Writer will submit two draft reports. The first draft will refer to sub-project I (hard law connections between corruption and human rights) and the second draft will refer to sub-project II (how to combat corruption while respecting human rights).

Main researcher sub-project I

Julio Bacio Terracino (Argentina) is a PhD candidate in International Law at the Graduate Institute of International Studies in Geneva. His PhD thesis is concerned with the international legal framework against corruption. Mr Bacio Terracino has worked as a lawyer in the private sector in Argentina. His academic research experience includes being a teaching assistant at the Faculty of Law, University of Buenos Aires, and a researcher for the International Commission of Jurists and the Program for the Study of International Organization(s) in Geneva. Mr Bacio Terracino holds a Law Degree from the University of Buenos Aires and a Masters Degree in International Law from the Graduate Institute of International Studies Geneva.

Main researcher sub-project II

Noel Kututwa (Zimbabwe) is the Executive Director of the Human Rights Trust of Southern Africa (SAHRIT). Previously, he was Deputy Director of the same organisation, in charge of finance and administration. He is a founding member of the Human Rights Research and Documentation Trust of Southern Africa. Mr Kututwa has an M.B.A. and a J.D. from the University of Zimbabwe. His early experience was with Stumbles and Rowe Legal Practitioners in Harare, where he was involved in criminal and civil litigation, commercial law, labour law, family law, succession law, insurance law, taxation law and administrative law.

Gender and Methodology (G&M) Researcher

Namawu Alhassan Alolo (Ghana) has 3 years of international experience in consultancy work, research and training in governance. She has special interests and expertise in anti-corruption reforms and strategies, good governance, gender empowerment, HIV/AIDS, international relations and poverty reduction strategies. Dr Alolo has taught - as a small group teacher - two modules on

governance and political economy of Poverty Reduction and Development, at the University of Birmingham. She acts as an adviser on anti-corruption initiatives and good governance for Transparency International (Ghana Chapter). She also has undertaken substantial desk-based research and annotated bibliography, including on a CARE International (UK) funded project on the links between good urban governance and urban poverty reduction; a DFID project on the "Role of Religion in Development"; and a project by the Ghana Integrity Initiative (local chapter of Transparency International) on "public perceptions of corruption in Ghana". Dr Alolo is currently a Research Associate for the Religions and Development Programme, University of Birmingham, while working part-time as a Policy and Research Analyst at Islamic Relief.

Lead Writer

C. Raj Kumar (India) is Assistant Professor and Juris Doctor Programme Leader at the School of Law, City University of Hong Kong, Hong Kong, China. He is also the Chief Executive Officer of an India-based not for profit legal education and research promotion institution, Legal Education and Research Society (LEARS). He was a Rhodes Scholar at the University of Oxford, UK, where he obtained his Bachelor of Civil Law (BCL) degree; a Landon Gammon Fellow at Harvard Law School, USA, where he obtained his Master of Law (LLM) degree and a James Souverine Gallo Memorial Scholar at Harvard University. He also obtained a Bachelor of Laws (LLB) degree from the University of Delhi, India and a Bachelor of Commerce (BCom.) degree from the University of Madras, India.

Thematic researchers

There will be 10 thematic researchers who will write 9 additional papers. Their papers are designed to address complex issues or case studies that require in depth research. The Lead Writer will take into account their findings when drafting his report. The thematic researchers are:

Brigit Toebes (Netherlands) is a lecturer at the Law School of the University of Aberdeen. She was previously employed as a legislative advisor at the Netherlands Council of State. Among other things, she was involved in advising on the reorganisation of the Dutch health care sector and on the restructuring of the supervisory mechanisms in the financial sector.

Carl J. W. Schudel (Netherlands) is a PhD candidate in International Relations at the University of Essex

Carlos Castresana Fernandez (Spain) is a Project Coordinator of the UN Office on Drugs and Crime, Mexican Regional Office. He is a former member of the Public Prosecutors Office of Spain where he worked in the Office against Corruption. He authored the formal complaint and subsequent reports in the "Pinochet Case" before the Audiencia Nacional in Spain.

Christian Gruenberg (Argentina) is the Director at the transparency programme at the Center for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC), Buenos Aires. He has been one of the founders and the Director of Transparency International Argentina since 1996.

Helen Darbishire (UK) is the Executive Director of Access Info Europe.

Jose Ugaz Sanchez- Moreno (Peru) is President of *Consejo Nacional para la Etica Publica* (National Council for Public Ethics) (Proetica), Peru. He was special prosecutor in the case Fujimori-Montesinos in Peru.

Lucy Koechlin (Switzerland) is Programme Manager at the Basel Institute on Governance. She is currently in the process of completing a PhD on corruption and development ("Global Paradigms and Local Practices of Corruption: A Study of African Politics and Policies").

Maina Kiai (Kenya) is the Chairman of the Kenya National Commission on Human Rights (KNCHR).

Todd Landman (USA) is a Reader at the Department of Government at Essex University in Colchester, United Kingdom and Director of a project on State of Democracy run jointly with International IDEA.

Victoria Jennett (UK) is the Research Coordinator of Transparency International Secretariat in Berlin. She also manages the U4 Helpdesk.

Local researcher

For a short period (20 days) a local researcher will be employed to assist in gathering the information for the primary research in India.[18] The researcher will be based in India. She/he will be in charge of implementing the methodology prepared by the Gender and Methodology researcher, including identifying the sample units and soliciting official approvals from participating public institutions. The Gender and Methodology researcher will supervise her/him and will be keep closer collaboration via email. Before embarking on the primary research in India, the Gender and Methodology Researcher will visit India to train the researcher on the project's methodology and outcome.

11.2 Research Director

The project will be managed by Magdalena Sepulveda, Research Director at the International Council, who will be responsible for managing the project and the Research Team, completing the report, and ensuring that the research is disseminated widely and that the research findings are made available to relevant organisations and networks around the world.

---

[18] In Ghana the research will be undertaken by the G&M researcher.

11.3. Advisory Group

The Advisory Group will accompany the research. Its members will meet or consult several times in the course of the project's lifespan in order to:

- monitor the quality of the Research Team's work,
- assist and advise the researchers, Lead Writer, and Co-ordinator,
- ensure that the project remains relevant and focused on its objectives.

The members of the Advisory Group are:

Chong San Lee (Malaysia) is on the Board of Directors of Transparency International. Previously he worked as a tax analyst. In 1988 he was appointed the Financial Controller of the Esso companies in Malaysia.

Colin Gonsalves (India) is the Executive Director of the Human Rights Law Network and a pioneer of public interest law in India.

Eduardo Rodriguez Veltze (Bolivia) is a former President of Bolivia. He was also a Minister and President of the Supreme Court (1998-2000).

Ivan Krastev (Bulgaria) is a political scientist and Chairman of the Centre for Liberal Strategies in Sofia, Bulgaria.

Nihal Jayawickrama (Sri Lanka) is Co-ordinator of the UN-sponsored Judicial Integrity Group. He was formerly Executive Director of Transparency International, Berlin.

Philliat Matsheza (Zimbabwe) is an anti-corruption expert at the United Nations Office of Drugs and Crime. [Alternate]

Sandra Coliver (USA) is the Senior Legal Officer for Freedom of Information and Expression at the Open Society Justice Initiative, New York.

Stuart Gilman (USA) is Head of the Anti-Corruption Unit and the Global Programme against Corruption, at the United Nations Office of Drugs and Crime.

11.4 Support Team

The Support Team is made up of staff in the Secretariat of the International Council.

Executive Director   *Robert Archer*

Closely involved in the project design, approval of the draft Report, the final Report and in the evaluation. Supports and manages the Research Director.

27

Finance and Administration Officer   *Patrick Cattan*

Designs and manages the project's budget in collaboration with the Research Director. Reviews expenditures, arranges for financial transactions and oversees budget matters.

Research & Publications Officer   *Fairouz El Tom*

She will sub-edit, design and manage the translation, publication and printing of all documents.

Communications Coordinator   *Mariette Grange*

Responsible for the communications strategy, she will work closely with the Research Director to increase and amplify the impact and influence of the project.

Office Manager   *Corinne Baustert*

Responsible for practical organisation of meetings associated with the project. She manages a database of entries on organisations and individuals with an interest in the issues and to whom the draft Report and the Report will be sent.

Administrative Assistant   *Anne Claude Treboux*

She will assist the Finance Officer and Office Manager.

Intern   *To be appointed*

She will assist the Research Co-ordinator.

Translators   *To be appointed*

Five translators will be contracted to prepare the Spanish version of the report and the Spanish, French, Russian, Arabic and Hindi versions of the Council's Summary of Findings.

12. **Phases of the Project**

<u>Design Phase</u>   (November 2006 – March 2007)

In this phase, the Secretariat undertakes preliminary consultations. It identifies the Advisors and Researchers for the project and undertakes first contacts with them to identify their strengths and specific fields of expertise. The terms of reference of the two main researchers and the Gender & Methodology researcher are drafted.

This phase will be completed when the Design is approved by the Advisors during a first advisory meeting and when all researchers have been identified.

The advisory meeting (3-4 March 2007) is the key event during this phase. During the meeting the Advisors, the two main researchers, the Gender & Methodology researcher, the Lead Writer and the Research Director agreed on the overall design of the project.

<u>Phase I</u>   Conceptual papers and primary research (March – July 2007)

All researchers have been identified and their terms of reference have been agreed. They began work in late March 2007.

The outcomes of this phase will include: two conceptual papers, field research in two countries (Ghana, India) and nine short papers.

This phase will culminate at a *Review Meeting* on 28-29 July 2007 (tbc). The Advisory Group, all researchers and additional experts will participate. They will assess the findings of the first phase and discuss an analytical framework to guide the subsequent phase (by the Lead Writer).

<u>Phase II</u>   Preparation of draft reports and consultation (August 2007 – June 2008)

In this phase, the Lead Writer will prepare two draft reports. The drafts will incorporate previous papers and findings and will mainstream gender. The findings of the Review Meeting will also be taken into account.

The Lead Writer will submit the reports on November 2007. An Advisory Meeting (February 2008) will bring together the Advisors, lead Researchers and Lead Writer. After the Review Meeting, the draft will be edited and circulated for comment by the Secretariat.

The consultation is likely to take several forms: distribution to relevant individuals and organisations of hard copies of the drafts; circulation by email of information about the drafts to a larger number of individuals and organisations; and several face-to-face meetings in different regions, including some in countries where research has taken place.

Phase III　　　　Preparation of final reports and publications (July – September 2008)

At the end of the consultation, the Council will review the comments received and edit both the reports accordingly. When the texts have been agreed by the Advisory Group and the Council's Secretariat, the reports will be prepared for publication.

The Council will publish two reports: report I (working title: "Hard law connections between corruption and human rights") and report II (working title: "How to combat corruption while respecting human rights").

The Council will prepare a consolidated Summary of the two reports, which will be translated into Spanish, French, Russian, Arabic and Hindi and published simultaneously with the main report.

If, due to unforeseen circumstances, the research cycle of one of the drafts is delayed, the Secretariat will proceed to publish the first report which is ready.

Phase IV　　　　Follow-up and closure (October 2008 – May 2009)

After publication, up to 3,000 Summaries will be distributed to relevant individuals and organisations in different countries. The Council will take the opportunity to release the reports on different occasions and to draw the reports' findings to the attention of relevant institutions, through meetings and discussions and other means. The follow-up phase, which will be designed in more detail towards the end of the consultation phase, will last for several months.

At the end of the follow-up period, the project will close. A final narrative and financial report will be distributed to donors and Members of the Council, and made available on request to other interested parties.

13. Outputs

13.1. Publications

The following publications will be produced in the course of this project:

Papers
Twelve research papers will be produced in the course of this research, including the work of the two main researchers and the Gender & Methodology researcher (a data analysis paper) and that of the 9 thematic researchers. It is the Council's practice to post such papers on its web site, subject to the authors' approval.

Draft reports
Two draft reports will be produced. One draft will refer to sub-project I and the second draft to sub-project II. Each draft report will be up to 60 pages. According to the target audience the draft will be disseminated as a consolidated report or separately. Up to 300 hard copies of each draft report will be distributed. The drafts will be posted on the Council's web site, where they will be available for downloading. Up to 1,000 organisations and individuals will be alerted electronically that the draft reports are available. All will be invited to comment on the drafts and provide advice about how they may be improved. Parts of the drafts will be translated into one or more languages, for the purpose of consultation.

Main reports
Two reports will be published. The first report will examine "Hard Law Connections between Corruption and Human Rights" and the second "How to combat corruption while respecting human rights". The reports will be published in English (1,500 copies x 2) and Spanish (500x 2). The reports will also be posted on the Council's web site and will be available for free downloading.

Summary
One consolidated summary (of both Reports) will be published simultaneously (16 pages) with the main reports. It will be translated into Spanish, French, Russian, Arabic and Hindi and widely distributed. The Summaries will also be posted on the web site, where they can be downloaded. 3,000 copies of the Summary will be printed in English, 500 copies in Spanish, 500 copies in French, 500 copies in Russian, 500 copies in Arabic and 500 copies in Hindi.

Closure
At the end of the project, the Secretariat will review the project and prepare a final narrative and financial report.

2. Events

Advisory Group Meetings

The Advisors will meet three times throughout the lifetime of the project for periods of one or two days each. The second meeting will coincide with the Review Seminar. The third meeting will examine the draft prepared by the Lead Writer. A conference call will be organised with all of them to assess the outcome of the consultation.

Review Meeting

A Review Meeting will be organised to review the research findings by the two main researchers, the Gender & Methodology researcher and the thematic researchers. It will last two days, and will bring together all of the Researchers, Advisory Group members and a number of outside experts. The Review Meeting will discuss the reports prepared by the main Researchers and the additional papers with a view to developing the working framework for the Lead Writer.

Consultation

A consultation will be organised to review the two drafts submitted by the Lead Writer and edited by the Secretariat. The consultation will last up to three months (March to 31 May 2008). At the end of the consultation period, the Research Director, the Lead Writer and the Executive Director will review the comments received and agree changes to the text of the Report and its conclusions.

Regional and Institutional Workshops

At least three workshops will be organised in partnership with regional human rights NGOs or research centres during the consultation phase. Members of the Research Team may be asked to facilitate these. Participants will be asked to provide comments on the content, tone and conclusions of the documents. They will be encouraged to identify ways to improve their quality and comprehensiveness (in relation to their stated objectives). These workshops will last one or two days, and will bring together fifteen to twenty participants to discuss the research and the findings of the draft Reports. The comments received will be taken into account during the preparation of the final Reports. Whenever possible, the Lead Writer and/or the Research Director will attend.

Release

A meeting will be organised to release and launch the two reports. The Research Director, and possibly the Lead Writer and other members of the Research Team, will be present to explain the project to the media and to invited organisations.

Follow-up activities

Towards the end of the Consultation phase, the Research Director together with the Communication Coordinator will develop a follow-up strategy for the project. It will include participation in relevant conferences, seminars and workshops to bring attention to the reports by target audiences, such as staff of NGOs working on corruption, staff of NGOs working on human rights, staff of inter-governmental organisations, government officials, practitioners, analysts and scholars with an interest in the subject.

II. Timetable and Schedule

Timetable

The project's timetable is as follows:

November 2006 – 10 March 2007	Design Phase
12 March – July 2007	Phase I: Research
August 2007 – 31 June 2008	Phase II: Preparation of draft reports and Consultation
1 July – September 2008	Phase III: Preparation of final reports and Publications
October 2008 – May 2009	Phase IV: Follow-up and closure

Activity Schedule

3-4 March 2007	First meeting of Advisors, two main researchers, G&M researcher and Lead Writer.
31 May 2007	Thematic researchers submit their papers
31 June 2007	Two main researchers submit background papers
20 July 2007	G&M researcher submits data analysis paper
28-29 July 2007	Review Meeting with researchers, Advisors and experts
1 December 2007	Lead Writer submits two draft reports
3-4 February 2008	Advisory meeting to review the two draft reports with Advisers, main researchers, G&M researcher and Lead writer

15 March-31 May 2008	Consultation
1 June 2008	End of consultation
25 June 2008	Conference Call with Advisors
September 2008	Launch
May 2008	Closure

2.1. Key dates of the project

Draft Term of references (Main researchers and Lead Writer)	February 2007
Advisory Group's meeting	3-4 March 2007
Final agreement on the terms of references (main researchers and G&M researcher)	March 2007
Identification of thematic researchers	March 2007
Commission thematic researchers	April 2007
Thematic researchers submit their papers	31 May 2007
Main researchers submit their papers	31 June 2007
G&M researcher submits data analysis paper	20 July 2007
Review Meeting	28-29 July 2007
Lead Writer begins his work (immediately after the Workshop)	1 August 2007
Lead Writer submits two drafts	1 December 2007
Advisory Meeting in Geneva	3-4 February 2008
Consultation starts	15 March 2008
Closure of consultation	31 May 2008
Advisory Group's conference call	25 June 2008
Publication of reports and summary	September 2008
Closure	1 May 2009

2.2. Key dates for Main Researchers

3-4 March 2007	Attend Advisory Group Meeting in Geneva
1 April - 31 June	Research Work
31 June 2007	Submit research work to the secretariat
28-29 July 2007	Attend Review Meeting in Geneva
3-4 February 2008	Attend Advisory Meeting in Geneva
March-June 2008	Engagement in consultation process

2.3. Key dates for Gender and Methodology Researcher

3-4 March 2007	Attend Advisory Group Meeting in Geneva
March- 20 July	Research Work
1 - 30 June	Engagement with main researchers ensuring gender has been mainstreamed
20 July 2007	Submit data analysis paper to the secretariat
28-29 July 2007	Attend Review Meeting in Geneva
1- 30 November	Engagement with Lead writer ensuring gender has been mainstreamed
3-4 February 2008	Attend Advisory Meeting in Geneva
March-June 2008	Engagement in consultation process

2.4. Key dates for Lead Writer

3-4 March 2007	Attend Advisory Group Meeting in Geneva
28-29 July 2007	Attend Review Meeting in Geneva
1 August- 31 November 2007	Research Work
1 December 2007	Submit two drafts
3-4 February 2008	Attend Advisory Meeting in Geneva
March-June 2008	Engagement in consultation process

July 2008	Engagement in Advisory Group Conference Call
September 2008	Possible engagement in the launch of the two reports
September-December 2008	Possible engagement with follow-up activities

2.5. Support Team

Executive Director   **Robert Archer**

February 2007	Reviews project design
March- June 2007	Supports Research Director and liaises with the Board
July 2007	Attends Review meeting
December 2007- February 2008	Comments on and approves the two draft Reports submitted by the Lead Writer
February 2008	Attends Advisory meeting
July- September 2008	Comments on and approves final Reports
May 2009	Considers project evaluation

Administration and Finance Officer   **Patrick Cattan**

February 2007	Prepares budget in co-operation with the Research Director; reviews and approves it
March — May 2007	Issues payments to researchers
July 2008	Oversees financial aspects of review meeting
May 2009	Audits and closes project accounts

Research and Publications Officer   **Fairouz El Tom**

February - March 2007	Assists the Research Director in editing and proofreading the project design
June-July 2007	Sub-edits papers and reports of researchers
December- January 2008	Proofread and Sub-edits 2 drafts reports
July-August	Design and Lay-out of two reports

Communications Coordinator   **Mariette Grange**

March – September 2008	Works with the Research Director to develop a follow-up strategy for the reports
September –December 2008	Develop and implement plan to ensure impact of the reports

Office Manager   **Corinne Baustert**

February 2007	Organises logistics of the first advisory

	meeting
July 2007	Organises logistics of the Review meeting
March-June 2007	Organise logistics of the Consultation Workshops
February 2008	Organises logistics of the Advisory meeting
September 2008	Organises logistics for the launch of the reports
May 2005 — January 2006	Develops database of addresses for distribution of draft Report
October 2005 — January 2006	Develops database of addresses for distribution of the Report

Administrative assistant   **Anne-Claude Treboux**

March 2007 – September 2008	Helps develop the project's database
September 2008	Assists with the release of the report and its follow up activity

Intern   **tba**

May 2007 – September 2008	Assist the Research Director (e.g. to liaise with researchers)
September 2008	Assists with the release of the report and its follow up activity

Translators   **tba**

August 2008	Translate Main reports to Spanish
August 2008	Translate Summary of Report
September 2008	Submit translations of Summary