

RESEARCH ARTICLE

The Impact of Corruption on Civil and Political Rights under ICCPR

(International Covenant on Civil and Political Rights 1966)

Ali Alkubaisy

Assistant Professor, Lusail University, Qatar
aalkubaisy@lu.edu.qa

Accepted: 24 June 2023
Submitted: 29 October 2023

<https://doi.org/10.70139/rolac.2023.1.3>

© 2024 Alkubaisy, licensee LU Press. This is an open access article distributed under the terms of the Creative Commons Attribution license CC BY 4.0, which permits unrestricted use, distribution and reproduction in any medium, provided the original work is properly cited.

Cite this article as: Alkubaisy A. The Impact of Corruption on Civil and Political Rights under ICCPR (International Covenant on Civil and Political Rights 1966), Rule of Law and Anti-Corruption Journal, 2023:1, <https://doi.org/10.70139/rolac.2023.1.3>

ABSTRACT

Corruption, a pervasive and destructive phenomenon, has far-reaching implications for civil and political rights. This paper examines corruption's legal effects on civil and political rights, focusing on the International Covenant on Civil and Political Rights (ICCPR) 1966. It also studies corruption and the ICCPR 1966 to highlight the challenges and legal solutions to fighting corruption while protecting civil and political rights. The conceptual framework explains corruption, civil and political rights, and the ICCPR 1966. Corruption, the abuse of power for personal gain, undermines the principles of the ICCPR 1966, such as freedom of expression, political participation, fair and impartial judiciary, and access to effective remedies. This study shows how corruption affects these rights and democratic institutions, public trust, and good governance. The instances of Brazil's Operation Car Wash and Ukraine's Euromaidan Movement serve as influential case studies, demonstrating the damaging impact of corruption on civil and political rights. Furthermore, this study analyzes legal strategies and outcomes in combating corruption. It emphasizes international cooperation, judicial transparency, preventative measures, and surveillance and prosecutorial capabilities. Operation Car Wash in Brazil and the Ukrainian anti-corruption reforms are effective anti-corruption and civil rights endeavors.¹ The ICCPR 1966 and The United Nation Convention against Corruption (UNCAC) are also examined in the research. Regional and national instruments show the multi-layered strategy needed to fight corruption and preserve civil and political rights. This study's findings provide policy suggestions for protecting political and civil liberties from the corrupt government. There is a call to action to improve legal frameworks, increase judicial independence and accountability, foster a culture of integrity and ethics, empower civil society and the media, guarantee effective remedies, and implement international instruments.

Keywords: Corruption; rights; civil; political; convention

1 Benjamin Dearden, *From an International Anti-Corruption Court to Anti-Corruption Commissions: How the Global Push for Corruption Accountability Can Learn from the Atrocity Prevention/Accountability Movement*, 29 Willamette j. int. law dispute resolution, (2022), <<https://heinonline.org/HOL/LandingPage?handle=hein.journals/>>

1. INTRODUCTION

The International Covenant on Civil and Political Rights (ICCPR) is the fundamental international human rights agreement that codifies civil and political rights. It was not enacted as law until 1976, even though it was ratified in 1966. It has been bolstered by two Required Protocols, one of which seeks to do away with the death penalty and the other to guarantee that Convention Committee can look into specific allegations of alleged abuses of rights granted by the Covenant. The United Kingdom's laws against religious-motivated bigotry take a complex approach, protecting both free expression and the restriction on incitement. Incitement to racial prejudice, defined as hostility towards a group of individuals because of their skin color, race, citizenship status, ethnicity, or national background, is illegal under Part 3 of the Public Order Act of 1986. The Cultural and Religious Hatred Act 2006 introduced Section 3A, "Hatred towards persons on religious grounds," to the Public Order Act of 1986. One form of religious hatred is intolerance towards a group of people because of their beliefs, religion, or otherwise.

In contrast to racial hatred, which encompasses even mildly offensive or insulting statements or deeds, the *actus reus* of the offence is restricted to "threatening" words or behavior. Religious hatred is likely to be stirred up as insufficient, in contrast to laws governing racial hatred. The next part, which protects free speech, is crucial since it restricts the law's scope. It paves the way for the actualization of numerous fundamental human rights. The United Nations (UN) previously assessed the United Kingdom's work to implement ICCPR 1966. The British government achieves a decent balance between shielding its residents and holding its military to account for whatever human rights breaches it may have committed overseas. The ICCPR 1966 is also helping governments take steps to limit the number of inmates, both young and old, who take their own lives. As stated in the Charter of the UN, the respect for the fundamental worth and inalienable rights that are equal to all members of the human family is the basis upon which peace, justice, and freedom can develop anywhere in the world.

1.1. Background and Significance of the Topic

Corruption has long hindered civil and political rights everywhere. Corruption hurts governance, democracy, and the law. Corruption erodes trust, distorts decision-making, and promotes inequity and injustice.² Legally tackling corruption in civil and political rights is crucial. These rights are protected under ICCPR 1966. The success of reducing corruption and safeguarding civil and political rights under the ICCPR 1966 relies on a firm grasp of how corruption frightens these protections.

1.2. Research Objectives and Methodology

This research examines the legal effects of corruption on civil and political rights and the legal measures to combat corruption while protecting these rights. A systematic approach was used to attain these goals. An exhaustive literature analysis was used to gather relevant scholarly publications, reports, legal documents, and case studies on corruption and civil and political rights. This literature research established a theoretical framework and analysis. The conceptual framework defines corruption, civil and political rights, and the ICCPR 1966. It lays the groundwork for analysis by explaining essential concepts and their relationships. Corruption's impact on civil and political rights was assessed deductively. The study explored how corruption affects freedom of expression and information, political engagement, fair and impartial justice, and effective remedies. Brazil's Operation Car Wash and Ukraine's Euromaidan Movement examined the effects of corruption on fundamental rights.

Corruption's legal issues were also discussed through the examination of corruption-related ICCPR 1966 violations, civil and political rights violations, and democracy and good governance. The international legal framework segment investigated corruption, the ICCPR 1966, the United Nation Convention against Corruption (UNCAC), and the regional and national instruments. This analysis highlighted the legal foundation for anti-corruption and civil and political rights efforts. Preventive measures, investigative and prosecutorial mechanisms, judicial independence and accountability, and international collaboration were examined to understand legal responses to corruption. These legal strategies were evaluated using best practices and case studies. Qualitative descriptive and analytical research was used. The coherent presentation of the findings allowed legal analysis of corruption's effects on civil and political rights.

2. METHODOLOGY

The research technique encompasses a complete study of current literature, scholarly papers, legal frameworks, and case studies connected to corruption and civil and political rights, specifically focusing on ICCPR 1966. Qualitative research methods were used to critically analyze and synthesize legal principles, case law, and scholarly debates. Corruption's impact on civil and political rights were also examined through a comparative legal system and regional approach. This study aims to understand the complex relationship between corruption and civil and political rights, to offer legal strategies to combat corruption, and to recommend ways to protect these fundamental rights following the ICCPR 1966.

Moreover, the methodology relies on qualitative research. Critical analysis helps us understand legal concepts, case law, and scholarly arguments. Treaties, judicial rulings, and academic papers are carefully examined in this process. The researcher wants to study how corruption affects civil and political rights. Furthermore, comparative legal systems and regional approaches enable our study to cross borders. This means we study legal systems and regional circumstances in detail. We discover differences and similarities in corruption prevention and civil and political rights protection across regions. Additionally, effective legal techniques to combat corruption while protecting civil and political rights in accordance with the ICCPR are crucial. The researcher rigorously studies past legal interventions and creates a complete framework with real-world answers to this critical issue. Our research concludes with actionable recommendations. These guide politicians, lawyers, and civil society in protecting civil and political rights from corruption. Our goal is to understand this complicated interaction and help develop specific ways to mitigate corruption and protect these fundamental rights.

The researcher uses a holistic strategy that includes literature review, qualitative research, comparative analysis, and practical solutions. We want to understand how corruption affects civil and political rights and suggest solutions to protect them.

Various databases were researched using the keywords “anti-corruption”, “International Covenant on Civil and Political Rights 1966 (ICCPR)”, “anti-corruption treaties”, and “anti-corruption policies”. These terms yielded a range of results, but the researcher focused only on articles from authoritative websites, research projects, and journal articles. The research conducted a meta-synthesis of the available information to derive conclusions based on the studies available. Firstly, the researcher defined the research question and inclusion criteria, where studies that were not directly linked to anti-corruption policies in respect to ICCPR 1966 were excluded. The researcher assessed the quality of studies by comparing the methods of data collection and analysis and only studies that used qualitative data collection methods, such as phenomenology and grounded research, were included. Besides, the research focused on complete journal articles and excluded summaries and abstracts. Out of 43 studies accessed, only 23 met the criteria of inclusion. The researcher identified common themes across various studies and synthesized them through narratives. The narratives aimed at comparing the results of various studies and providing a conclusion based on findings.

3. CONCEPTUAL FRAMEWORK

3.1. Definition of Corruption

Corruption must be defined to understand its impact. Examples of corruption are extortion, theft of funds, favoritism, and other illegal behaviors.³ It misuses governmental funds and undermines accountability, openness, integrity, civil and political rights, public trust, progress, and making choices.

3.2. Overview of Civil and political rights

Civil and political rights guarantee liberty and involvement in the community’s decision-making. Everyone has these freedoms irrespective of color, age, faith, or other factors. Civil rights include safety and security, the release of thought, belief, conscience, liberty of speech and installation, and an impartial trial.⁴ Political liberties include voting, receiving data, and engaging in politics.

3.3. Overview of the ICCPR

The ICCPR was adopted in 1966 and covered civil and political rights. The ICCPR 1966 emphasizes non-discrimination and legal equality, recognizing everyone’s inherent dignity and inalienable rights.⁵ Civil and political rights must be upheld by states following the Covenant. Several of the articles in the ICCPR 1966 address the impact that corruption has on civil and political rights. Article 19 ensures that people have the right to free expression and knowledge; Article 25 ensures that people have the right to take part in public affairs, such as the right to cast their votes and to be elected; Article 14 guarantees the right to a fair trial; and Article 2 requires states parties to take effective measures to prevent and remedy Covenant violations. States can defend these rights and fight issues like corruption under the ICCPR. Understanding corruption, civil and political rights, and the ICCPR 1966 is essential for legalizing corruption’s effects. It lays the groundwork for examining specific rights and obligations, legal remedies, and procedures to prevent corruption and preserve civil and political rights under the ICCPR 1966.

3 Ludwina Harahap and Jaka Isgiyarta, *Corruption and Fraudulent Activities in Higher Education: A Study of Literature*, 14 *Jurnal Manajemen* (Edisi Elektronik) 217, (2023), <<https://doi.org/10.32832/jm-uika.v14i1.11239>>.
4 Alexandru Pantea, *Safeguarding the Personal Freedom and Safety: The ECHR and Reasonable Suspicion*, 5 *EIRP Proceedings*, (2021), <<https://proceedings.univ-danubius.ro/index.php/eirp/article/view/2083>>.
5 Inobatkhon M Khakimova, *International Mechanisms for the Realization of Women’s Rights*, 03 *J Crim Law Criminal*. 31, (2023), <<https://doi.org/10.37547/ijlc/volume03issue04-06>>.

4. IMPACT OF CORRUPTION ON CIVIL AND POLITICAL RIGHTS

4.1. Freedom of Expression and Information

Corruption harms civil, political, financial, societal, and cultural rights as well as the right to development rights, all interconnected and inalienable. Corruption comes in many shapes and sizes, and its impact on human rights is proportional to its pervasiveness. Corruption can impact human rights either as a violation of human rights or as an impediment to their realization. The impacts of corruption on human rights are felt across boundaries, both in the public and private sectors. It often takes money away from state coffers that could be used for human rights initiatives. This contradicts Article 2 of the United Nations Convention on Economic, Social, and Cultural Rights, which states must uphold to ensure the progressive realization of human rights.

Communication and access to knowledge are cornerstones of the republican system, but corruption gravely jeopardizes both. Corruption in media organizations stifles investigative reporting and restricts people's ability to get reliable data.⁶ When reporting the truth about corruption, journalists and media outlets are often the target of threats, harassment, and even physical assault. This restricts the general population from grasping correct and varied data because of censorship and a lack of accountability. Also, bribery and other unethical financial power can skew news coverage, spreading false information and destroying public faith in the government.

The media is also responsible for creating perceptions on corruption among the public and these perceptions affect how people interact with their governments. For instance, Flavin et al. revealed that the relationship between indicators that citizens and experts use to measure corruption increases with the level of press freedom.⁷ These findings imply that while freedom of the press is essential in creating corruption-free states, it also increases risks of a media dictatorship, especially if the press uses its freedom to push for other agenda. Therefore, as much as the media is entitled to freedom, it is also responsible in ensuring unbiased and objective reporting if it is going to support anti-corruption campaigns effectively.

4.2. Right to Political Participation

Corruption is an essential barrier to people practicing their constitutional right to vote since it impairs election operations, lowers the level playing subject matter, and weakens the trustworthiness of political organizations. Corruption in voting processes, whether through purchasing votes, deception, or illegal financing of campaigns, decreases the voice of the electorate and undermines the way democracy operates.⁸ As a result of corruption, the authority may accumulate in the palms of certain individuals, perpetuating inequality and hindering people with disabilities from having a voice in governance. Corruption ultimately impedes the capacity of citizens to actively participate in democracy by weakening the constitutionality of government.

Corruption undermines the legitimacy of regime leaders, leading to a decline in popular support and confidence in government institutions. Corruption hinders the state's ability to uphold the rule of law, provide for the safety of its citizens, and provide essential services like those mentioned above. In nations where corruption is widespread across the government, the legal system, law enforcement, legislative changes, and the unbiased handling of justice are hampered by corrupt politicians, legal professionals, prosecution, law enforcement personnel, investigations, and auditors. Within a system governed by the rule of law, corruption weakens the accountability institutions that protect human rights. Because individuals responsible for wrongdoing are not held accountable for their actions, this fosters a culture of impunity and contributes to its spread.

4.3. Right to Fair and Impartial Judiciary

Human rights refer to the collection of freedoms and protections that are essential to our survival as human beings and to our dignity as individuals. Rights guaranteed to all humans by nature and by no contract can be taken away from them. This includes both civil and political rights. However, the most basic human right to life and security is often overlooked. Justice, tolerance, mutual respect, and, most importantly, upholding one's inherent worth as a human being are all part of these fundamental rights. They are crucial to maintaining human dignity. Ratna Juwita, however, submits that the link between corruption and human rights lacks a clear legal standing since

6 Jeffrey Conroy-Krutz and Joseph Koné, *Promise and Peril: In Changing Media Landscape, Africans Are Concerned about Social Media but Opposed to Restricting Access – Pan African Profiles – Africa Portal*, (February 18, 2022) <<https://www.africaportal.org/publications/promise-and-peril-changing-media-landscape-africans-are-concerned-about-social-media-opposed-restricting-access-pan-african-profiles/>>.

7 Patrick Flavin and Fielding Montgomery, *Freedom of the Press and Perceptions about Government Corruption*, 41 *Int. Political Sci. Rev.* 554, (2019), <<https://doi.org/10.1177/0192512119858469>>.

8 Mohamed Omar Bincof, *The Effect of Corrupt Practices on Electoral Participation, Campaign Activities, and the Performance of the Democratic Transition in Somalia*, 10 *International Journal of Multicultural and Multireligious Understanding* 131, (2023), <<https://doi.org/10.18415/ijmmu.v10i5.4706>>.

the interpretation of international norms changes frequently and most agreements are based on non-legally binding instruments.⁹ For instance, most agreements and resolutions, such as the Committee on the Elimination of Discrimination against Women (Comm EDAW), are based on soft laws that present the principle but fail to address the roots of corruption.¹⁰ Consequently, most anti-corruption treaties are based on wide principles that fail to address specific instances and roots of the corruption problem.

Human rights are protected from being abused by governmental organs to create institutions that improve people's quality of life and allow them to seek remedies when their rights have been violated. Corruption and human rights violations are social phenomena that revolve around the equitable distribution of resources. Corruption is also seen as a threat to human rights in the international legal discourse. Corruption has far-reaching destructive effects on society and is analogous to a dangerous plague. As such, it plays a significant role in enabling, supporting, or establishing conditions that lead to human rights abuses. In the long run, corrupt actions can compromise basic human rights. Corruption and human rights are linked in theory, for sure. This study examines the conditions under which corruption practices constitute human rights violations. We have covered topics like bribery, embezzlement, and trading in influence, as well as more advanced topics like the abuse of power and the pursuit of personal gain through corrupt means. Women, children, and people experiencing poverty, particularly, have their human rights undermined by corruption. This article defines the state's responsibility concerning human rights and assesses the state's liability for harm. If corruption is not eradicated, human rights abuses will likely continue. Principles of human rights applicable to fighting corruption are also considered.

Justice and the rule of law depend on a fair and impartial court. Corruption threatens the judiciary's independence and integrity. Corruption in the court system undermines its impartiality and legitimacy. Corruption leads to skewed judgments, impunity for the powerful, and injustice for the marginalized. Corruption in the courts undermines public trust, deters citizens from pursuing legal action, and fosters a culture of impunity where evil can control the judicial system.

4.4. Right to Effective Remedy

Corruption and breaches of human rights are inextricably linked to one another. Because any corrupt practices can potentially affect human rights over the long term adversely, it is hard to conclude categorically that a particular instance of corruption violates a human right. Therefore, to successfully use the human rights system, it is essential to distinguish between corrupt practices, in which it is possible to create a causal relationship with a particular violation of rights, and unethical practices, in which it is not possible to establish a close connection with an infringement of rights. This is necessary to apply the framework for human rights effectively. Corruption is associated with human rights breaches because it thrives in environments with the opportunity and the incentive to violate human rights. Corruption of human rights is especially likely. Many countries and situations purposefully disregard these human rights. People tend to disregard the rights of others in their pursuit of power and a false sense of superiority. Anyone considering violating another person's fundamental human rights should stop and consider the consequences.

However, some scholars have explored the possibility that the human rights-based approach has an over-reaching effect. This is especially if cases, where the conditions under which corruption has been deemed a violation of human rights, are unclear.¹¹ For instance, some legal approaches to fighting corruption are not based on ethics and morality but rather on pure economic motivations. For instance, the United States was at the forefront to criminalize foreign bribery and managed to solicit the cooperation of various states within the Organization for Economic Co-operation and Development (OECD) to follow suit. However, the major goal of the intervention was to eliminate unfair competition gained by firms that offer bribes in East European markets. Susan Rose-Ackerman also mentions that anti-corruption policies in the international market first aim at improving market functions and promoting growth, and that they seek to enhance the legitimacy of the state but as a secondary objective.¹² Thus, there seems to be lacking an anti-corruption perspective that promotes good governance and moral action. Besides, since anti-corruption policies are based on economic goals, they are unsustainable, especially in cases where there are drastic changes in socioeconomic and political conditions. This environmental volatility may complicate the

9 Ratna Juwita, *Exploring Corruption as a Violation of Human Rights in the Practices of International Human Rights Institutions*, 15 Human. Rights Practice. 302, (2023), <<https://doi.org/10.1093/jhuman/huaco48>>.

10 Anne Peters, *Corruption as a Violation of International Human Rights*, 29 Eur. J. Int. Law 1251, (2018), <<https://doi.org/10.1093/ejil/chy070>>.

11 Juwita, *supra* note 9.

12 Susan Rose - Ackerman, *International Actors and the Promises and Pitfalls of Anti-Corruption Reform*, 34 Univ. Pennsylvania J. Int. Law. 447, (2013), <<https://www.law.upenn.edu/live/files/2253-roseackerman34upajintll4472013pdf>>

formulation and execution of anti-corruption campaigns. Charles Kojo VanDyck highlights the possibility that anti-corruption policies are unsustainable in the long-term and, in some cases, the oversight bodies may become corrupt.¹³ Consequently, anti-corruption campaigns are not immune to corruption in the long-run and, thus, there is a need for structures and policies to ensure the long-term sustainability of anti-corruption campaigns.

Corruption hinders victims' access to justice. Corruption in law enforcement hinders corruption investigations and human rights prosecutions. This restricts justice and perpetrator responsibility. Corruption also hinders anti-corruption authorities and victim-redress processes.¹⁴ Corruption-related breaches go unpunished and deny victims civil and political rights. Corruption has far-reaching effects on civil and political rights in several important areas. It emphasizes the essential need for legal tools and measures to combat corruption, preserve fundamental rights, and promote public institution accountability and openness. The ICCPR 1966 standards must be upheld to protect fundamental rights and promote a just and inclusive society.

5. LEGAL IMPLICATIONS AND CHALLENGES

5.1. Violations of ICCPR 1966 Articles

Corruption is the fundamental cause of many breaches of the ICCPR 1966 civil and political rights protections. When fraudulent techniques are employed to stifle opposition voices or manipulate the press, for illustration, this is a violation of Article 19, which safeguards the right to access communication. Corruption that affects voting procedures or keeps marginalized populations from receiving representation in government undermines Article 25, which protects the right to participate in politics. When corruption damages the judiciary's credibility as a neutral court of justice, Article 14 is breached. Article 2 of the ICCPR 1966, which calls on states that participate in taking the necessary measures to avert and redress misconduct of the rights established by the Covenant, also contradicts corruption.

5.2. Impediments to the Realization of Civil and Political Rights

Corruption hinders civil and political rights. Diverting resources from public services and fundamental rights creates inequality. Corruption undermines public faith in institutions, making citizens less likely to vote and exercise their rights. Corruption also hinders justice and rights enforcement by undermining legal and accountability systems.

5.3. Impacts on Democracy and Good Governance

Corruption undermines democracy and governance. It violates the notion of equal representation and undermines the legitimacy of elected leaders, weakening public trust in democratic institutions. Corruption concentrates power because corrupt actors control political processes. This undermines accountability and openness, hindering governance and socioeconomic progress. Corruption also promotes impunity, weakening the rule of law and democratic principles.

The conflict against injustice and upholding civil and political rights need to comprehend the legal implications and intricacies entailed. Companies, processes, and legal guidelines that encourage accountability, openness, and integrity are highlighted as of special significance. To combat these problems and protect the ICCPR 1966, anti-corruption measures, judicial independence, and citizen engagement must be bolstered. By tackling corruption's impact on civil and political rights, countries can achieve better justice, equality, and respect for human rights.

6. INTERNATIONAL LEGAL FRAMEWORK

6.1. ICCPR 1966 and Corruption

Corruption can take many forms, and sometimes it may be discriminatory. Unfair treatment, as defined by Article 26 of the ICCPR 1966, is not the same as discrimination. The last paragraph forbids arbitrariness, which is rendered ineffective by the numerous exceptions of state parties. It would appear that the concept of individual equality outlined in Article 26 does not provide a legal mechanism to fight corruption. Article 2(2) of the International Covenant on the Protection of Economic, Social, and Cultural Rights (ICESCR) and Article 2(1) of ICCPR, among others, prohibit unfair treatment and require that "individuals in similar situations be treated similarly and not considered less favourably basically because of a particular "protected" characteristic." Other international covenants also prohibit discrimination and require that "individuals in similar circumstances be treated similarly and not be regarded less favourably." Second, discrimination can also occur when a person or group is mistreated because of a feature unrelated to the rule. Corruption is a prime example of indirect discrimination outlawed by international human rights treaties. For instance, the cultural differences regarding gift giving may complicate the execution of anti-corruption laws since it gives a cultural basis for behavior that would otherwise be considered illegal. Finally, "passive discrimination" which might result from an absence, is another form of discrimination. Discrimination of this sort also appears to be especially pertinent when discussing corruption.

13 Charles Kojo VanDyck, *Concept and Definition of Civil Society Sustainability*, (Center for Strategic and International Studies 2017) <https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/170630_VanDyck_CivilSocietySustainability_Web.pdf> (last visited October 19, 2023).

14 Swati Ranjan, *Victim's Right and Victimology under Indian Criminal Justice System: An Analytical Study*, 8 *Vidhyayana - an International Multidisciplinary Peer-Reviewed E-Journal*, (2023), <http://www.vidhyayanaejournal.org/journal/article/view/678> (last visited October 19, 2023).

The study reveals that the ICCPR focused less on corruption. However, several ICCPR 1966 provisions indirectly address corruption and civil and political rights. Article 2 requires state parties to prevent and remedy Covenant violations, including corruption. The ICCPR 1966 also emphasizes the values of transparency, accountability, and ethical right, which are significant to the war against corruption and the defense of human rights.

6.2. United Nations Convention against Corruption (UNCAC)

In 2003, the League of Nations created the UNCAC, which offers an extensive worldwide legal structure for fighting corruption. The UNCAC acknowledges the need to avoid and fight dishonesty in the private and public sectors because of the harm it causes to communities.¹⁵ It prescribes changes to strengthen anti-corruption efforts internationally by increasing public understanding, individual responsibility, and global cooperation. While the main emphasis of the UNCAC is on the criminal elements of misconduct, its provisions aim to preserve the rule of law, encourage ethics, and protect the welfare of the public, all of which have a ripple effect on preserving political and civil liberties.

6.3. Regional and National Instruments

In addition to international tools, the fight against corruption, and civil and political rights are carried out through regional and state laws. Treaties and protocols aimed at preventing corruption and promoting good governance have been ratified by the African Union, the Organisation of American States, and the Council of Europe. These instruments generally include measures that safeguard political and civil liberties and attempt to avoid and solve corruption to protect these liberties at the regional level. However, the complex political reality in the international setting has led to most treating creating soft laws that have a wide room for interpretation.¹⁶ This situation has led to various legal interpretations some of which have watered down the intended objective of laws and policies for political expedience. Thus, regional and international instruments should seek to address the root causes of corruption, expedite the required judgments, and also promote moral and ethical dealings within and among countries.

Many organizations and governments globally aim to eradicate corruption. The significance of civil and political rights is acknowledged, and protections are established for safeguarding them, within these legal frameworks, as part of attempts to address and punish misconduct. Journalist security, wealth disclosure, conflict of fascination, and money laundering prevention are all topics that may be addressed by national laws.¹⁷ International, regional, and national legal frameworks counter corruption and defend civil and political rights in a multi-layered manner. These measures promote transparent, responsible, and inclusive societies that preserve the principles of ICCPR 1966 without directly addressing the impact of corruption on civil and political rights.

7. LEGAL RESPONSES TO CORRUPTION

7.1. Preventive Measures

Preventive measures combat corruption and protect civil and political rights. Transparency, accountability, and integrity laws are among these initiatives. Preventive measures include public official financial and asset disclosure, conflict of interest rules, and whistleblower protection. Preventing corruption and defending civil and political rights require strengthening oversight mechanisms like anti-corruption commissions and ombudsperson offices and encouraging citizen participation in decision-making. However, an area which has not received adequate attention is the training of whistle blower agencies on various legislation that exists in different settings. Failure to adequately prepare from a legal perspective risks jeopardizing the legality of the entire operation.¹⁸ Thus, the complexity of the international setting requires that whistle blowers have adequate skills to maneuver the diverse legal environment to achieve better results.

7.2. Investigative and Prosecutorial Tools

Strengthen investigative and prosecutorial tools to fight corruption. Law enforcement and anti-corruption agencies need funding, training, and independence. Enhancing the legal framework to facilitate the investigation, prosecution, and punishment of corrupt acts is crucial.¹⁹ This can involve establishing specialized anti-corruption courts or units, enhancing international cooperation in gathering evidence,

15 Alexandrina-Agusta Bora, *Research and Science Today - Multidisciplinary Scientific Journal*, (Research and Science Today, May 14, 2023) <<https://www.rstjournal.com/wp-content/uploads/mdocs/07%20Alexandrina-Augusta%20BORA%20->> (last visited October 25, 2023).

16 Jan Wouters, Cedric Ryngaert, and Ann Sofie Cloots, *The International Legal Framework against Corruption: Achievements and Challenges*, 14 *Melb. J. Int. Law* 205, (2013).

17 RAFAY ABDUL, *HANDBOOK OF RESEARCH ON THEORY AND PRACTICE OF FINANCIAL CRIMES* (2021), <<https://doi.org/10.4018/978-1-7998-5567-5>>.

18 Kim Loyens and Wim Vandekerckhove, *Whistleblowing from an International Perspective: A Comparative Analysis of Institutional Arrangements*, 8 *Adm. Sci.* 30, (2018), <<https://doi.org/10.3390/admsci8030030>>.

19 Liudmyla M Akimova, *The Negative Impact of Corruption on the Economic Security of States*, 11 (5) *Int. J. Manag.* 1058, (2020), <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3632656>.

extraditing offenders, and protecting witnesses and whistleblowers. Additionally, asset recovery measures and the freezing and confiscation of illicitly obtained assets contribute to discouraging corruption and ensuring that the proceeds of corruption do not threaten civil and political rights.

7.3. Judicial Independence and Accountability

Addressing corruption and protecting civil and political rights requires judicial independence and accountability. To guarantee neutrality, courts must be protected from political pressures. Measures to promote the judiciary's integrity include developing transparent recruitment and promotion processes, giving proper training on anti-corruption legislation and procedures, and establishing codes of behavior for judges. Judicial oversight, including disciplinary procedures and complaint systems, is essential to holding judges accountable and ensuring fair and impartial justice.

7.4. International Cooperation and Mutual Legal Assistance

International cooperation is necessary to combat transnational corruption. Mutual legal aid and extradition treaties should help investigate and prosecute corrupt persons and recover stolen assets. Sharing best practices, experiences, and expertise among countries leads to the development of effective anti-corruption policies. International institutions like the UN and regional agencies promote cooperation, technical aid, information sharing, and capacity-building.²⁰ International cooperation enhances the global fight against corruption, civil and political rights, integrity, and accountability.

Legal solutions to corruption can safeguard and promote civil and political rights by preventing corruption, improving investigative and prosecutorial tools, maintaining judicial independence and accountability, and promoting international collaboration. These measures collectively provide an enabling environment that supports the principles outlined in the ICCPR 1966, guaranteeing that persons can enjoy their rights without fear of corruption harming their basic freedoms. However, joint anti-corruption efforts face evidentiary challenges, such as lack of equal access to information by conflicting parties and unclear roles of arbitrators.²¹ Additionally, the definition of corruption differs significantly between countries, a situation that further complicates the quest for justice in the international setting. Thus, international cooperation and mutual legal assistance

should go beyond the functional legal roles and seek to establish comprehensive legal structures that address legal technicalities in detail. This approach ensures the proper dispensation of justice within the complex international environment.

8. CASE STUDIES

8.1. Examples of Corruption's Impact on Civil and Political Rights

Operation Car Wash in Brazil revealed a massive corruption scheme involving prominent politicians, government officials, and business leaders. Bribery, money laundering, and embezzlement affected civil and political rights. The strategy distorted elections and eroded public trust in politics, undermining political participation. Corrupt individuals tried to manipulate legal proceedings to avoid accountability, compromising the right to a fair and impartial judiciary. The investigation showed how corruption undermines democracy and civil and political rights.

In 2013, public fury against corruption sparked the Euromaidan Revolution in Ukraine. Government theft and abuse of authority sparked the revolt. Corruption in Ukraine damaged the rule of law, public trust, and political involvement, affecting civil and political rights. The movement resulted in significant legislative and political reforms to fight corruption, strengthen accountability, and defend civil and political rights. The Euromaidan Revolution was regarded as the Revolution of Dignity by the citizens of Ukraine, which was led by the new generation that had not participated in previous revolutions.²² This particular demographic was highly economically disadvantaged. Thus, the question on whether the revolution was to restore dignity or to improve economic conditions still lingers within the scholarly circles.

8.2. Analysis of Legal Strategies and Outcomes

Operation Car Wash in Brazil yielded important legal results. Corruption convictions included past presidents. Plea bargains, asset recovery, and international cooperation were beneficial in finding and prosecuting corruption cases. Results showed that influential people are accountable. However, lengthy legal processes, potential judicial prejudice, and systemic corruption underscore the need to strengthen legal methods and institutions.

20 Yongliang Yan, *Capacity Building in Regional Space Cooperation: Asia-Pacific Space Cooperation Organization*, 67 *Adv. Space Res.* 597, (2021), <<https://doi.org/10.1016/j.asr.2020.10.022>>. Cooperation enhances the global fight against corruption, civil and political rights, integrity, and accountability.

21 Belén Olmos Giupponi and Hong-Lin Yu, *Analysing Obstacles and Challenges in Fighting Corruption in Cases of Illegal Investments*, 11 *Laws* 59, (2022), <<https://doi.org/10.3390/laws11040059>>.

22 Yuriy Shveda and Joung Ho Park, *Ukraine's Revolution of Dignity: The Dynamics of Euromaidan*, 7 *J. Eurasian Stud.* 85, (2016), <<https://doi.org/10.1016/j.euras.2015.10.007>>.

Euromaidan in Ukraine led to legislative amendments to fight corruption and preserve civil and political rights. These changes included specialized anti-corruption authorities, increased financial and asset disclosure requirements for public officials, and an independent anti-corruption court. Despite improvements, adopting and enforcing these measures remains difficult. Political intervention, insufficient resources, and impunity prevent success. Legal measures and institutional reforms must be supported to advance Ukraine's rule of law.

Case studies show how corruption affects civil and political rights and how legal measures fight corruption. They offer the necessity of strong legal frameworks, independent judiciaries, international cooperation, and public mobilization in fighting corruption and preserving human rights. These examples help policymakers, legal practitioners, and activists create and implement effective legal solutions to corruption and civil and political rights.

9. CONCLUSION

9.1. Counter-arguments and limitations

We have uncovered persuasive evidence that corruption harms civil and political rights in our study of the relationship between the two rights. For a complete picture, counterarguments and limitations must be acknowledged.

The conventional thinking holds that economic, social, and cultural rights are more susceptible to corruption due to the belief that they require significant governmental funding. However, misallocation or misuse of public finances can greatly impair civil and political rights. Thus, corruption prevention solutions must account for the complex relationship between rights.

Effects of corruption are complex. Our research shows that corruption harms civil and political rights, but the environment is complex. Corruption has complex, context-dependent impacts. Not all corruption has the same effects. Corruption prevalence, anti-corruption efficacy, and public awareness all affect the effects. Creating targeted and effective solutions requires understanding these distinctions.

Corruption's impact on rights is difficult to assess due to data and measurement issues. Because corruption generally happens behind closed doors, gathering complete and reliable data is difficult. This can cloud our comprehension of the problem and countermeasures.

Additionally, corruption may affect civil and political rights differently regionally. Legal structures, cultural norms, and historical context might vary corruption's effects. Thus, corruption-fighting methods must be tailored to area characteristics.

Our research shows that corruption victims struggle to get justice, although legal remedies and anti-corruption efforts are not always effective. Systemic difficulties and a lack of political might hinder corruption prevention and civil and political rights protection. Complex issues may impede progress in this area.

Our analysis clearly shows how corruption corrodes civil and political rights, but the issue is complex. These counterarguments and limitations help us understand corruption and develop effective solutions to protect human rights. Addressing these distinctions will make fighting corruption's invasion of our liberty more inclusive and effective.

9.2. Summary of Findings

This study shows how corruption affects civil and political rights. Corruption threatens civil and political rights that include freedom of speech, administrations involvement, fair and impartial courts, and efficient remedies. The study indicates that corruption limits individuals from expressing their ideas, controls the media, and limit access to knowledge. As a result of this, fewer people will be able express their opinions, take part in civil discourse, and hold their administration to account. Corruption distorts elections, buys votes, and manipulates political appointments, undermining democratic participation. These activities erode public trust and disenfranchise citizens by undermining democratic processes.

Although economic, social, and cultural rights are generally seen to be particularly vulnerable to the effects of corruption, this is not always the case. Civil and political rights are often seen as merely demanding nations to abstain from infringing individual freedoms, but economic, social, and cultural rights are seen as demanding a bigger investment of public resources. Therefore, the misuse or misallocation of public monies can have a significant impact on the actualization of civil and political rights. This discussion has further demonstrated how corruption can negatively impact both political and civil rights in different ways.

The study shows that corruption undermines a fair and impartial judiciary. Justice is loosening when corrupt activities such as bribery, unjust influence, and nepotism are given a chance to take place. When judges are perceived to be prejudiced, the rule of law and public faith in the judicial system are both weakened. Corruption also prevents justice. Corruption victims have trouble getting justice. Lack of effective remedies promotes impunity and corruption, weakening civil and political rights. This research demonstrates why combating corruption is crucial for safeguarding fundamental liberties. Civil and political rights can only be protected by bolstering anti-corruption,

transparent, accountable, and democratic institutions. These results show the requirement for all-encompassing anti-corruption programs by indicating how corruption affects civil and political rights. This research's recommendations can help governments, civil society organizations, and international players fight corruption and protect civil and political rights.

9.3. Recommendations for Fighting Corruption and Protecting Civil and Political Rights

This article suggests numerous ways to fight corruption and protect civil and political rights. Policymakers, legal practitioners, civil society organizations, and international players committed to transparency, accountability, and human rights need these proposals. First, corruption prevention, investigation, and prosecution require stronger legal frameworks. International standards and public and private sector transparency should be included in national law. Protecting whistleblowers and promoting corruption reporting is important.

Combating corruption requires judicial independence and responsibility. The appointment, training, and integrity of court officers must be transparent. The judiciary needs capacity-building to handle corruption charges and enforce fair and impartial justice. Fighting corruption requires international cooperation and legal support. Countries should cooperate and share information and best practices in investigating and prosecuting cross-border corruption cases. Technical help and capacity-building from international organizations like the UN and regional organizations can boost global anti-corruption efforts.

Empowering civil society and independent media helps hold governments responsible and expose corruption. Combating corruption requires protecting civil society organizations and journalists who expose it. Citizen participation in decision-making can increase transparency and prevent corruption. The public and private sectors must promote integrity and ethics. Training, standards of conduct, and awareness campaigns promote ethics and deter corruption. Responsible corporate governance and anti-corruption business practices fight corruption at all levels.

Corruption victims need effective treatments. Witnesses and whistleblowers should be protected, and justice strengthened. Anti-corruption courts or units can speed up legal proceedings. Prioritize the implementation of the UNCAC. Ratifying and harmonizing national legislation with these instruments enhance anti-corruption laws. Regional and international organizations can help implement anti-corruption measures by sharing knowledge.

Disclosure of interest

The author has no competing interests to declare.