

# Human Rights Commissioner: Corruption Undermines Human Rights and Rule of Law



## News

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On 19 January 2021, the Commissioner for Human Rights, *Dunja Mijatović*, issued a [comment](#) on how corruption undermines human rights (HR) and the rule of law. In her concluding remarks, the Commissioner urges Member States to fully implement GRECO's recommendations.

*Mijatović* stressed that, in recent years, citizens of many European countries have protested against systemic corruption and demanded respect for the rule of law, accountability, and a determined fight against corruption. She warned member states that corruption undermines trust in public institutions, hinders economic development, and has a disproportionate impact on the exercise of human rights, especially among people belonging to marginalised or disadvantaged groups. It also disproportionately impacts women, children, and people living in poverty. In particular, the access of these groups to basic social rights, e.g. health care, housing, and education, is hampered.

It is estimated that every year corruption, bribery, theft, and tax evasion cost developing countries about USD 1.26 trillion a year. This sum would be enough to lift the 1.4 billion people living on less than USD1.25 a day above the poverty line and keep them there for at least six years. As a striking example, over 7% of health spending worldwide is lost to corruption, according to the 2019 Transparency International [report](#).

The Commissioner highlighted the serious threat that corruption poses to the administration of justice and human rights. In several CoE member states, governments have implemented hasty judicial reforms that reinforce the strong influence of the executive branch on the judiciary, which seriously undermines judicial independence and weakens judicial oversight. Thus, the ability of the judiciary to fight corruption is affected. GRECO has underlined the need to ensure the genuine independence of judges, namely to prevent undue political influence on the judiciary, which can lead to biased, corrupt judgments that do not serve the public interest. *Mijatović* raised these issues with [Turkey](#), [Poland](#), [Hungary](#), [Romania](#), and [San Marino](#).

Corruption is particularly dangerous in law enforcement, as it affects both citizens' safety and their pursuit of justice, including in cases of political corruption and police misconduct. An interesting aspect in this regard is GRECO's ongoing fifth round of evaluations, which enables a number of recommendations to be made to member states. These evaluations also help increase the representation of women in senior positions within the police and ensure their integration at all levels in law enforcement agencies. Recommendations in this regard have been made, for example, in relation to the police in [Estonia](#), [Denmark](#), and [Spain](#).

Another issue dealt with in the comment is corruption as a significant barrier to health care access. The practice of informal payments in some countries is problematic, as it discourages patients (especially those

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from poor families) from seeking medical care or doing so in a timely manner. The COVID-19 pandemic has further exacerbated existing systemic problems and increased corruption risks.

*Mijatović* emphasized the central role of investigative journalists and whistle-blowers in fighting corruption. She pointed to the murder of journalists in CoE member states as well as the phenomenon of so-called “Strategic Lawsuits against Public Participation” (SLAPPs), which are unfounded lawsuits filed by powerful individuals or companies seeking to intimidate journalists into giving up their investigations (for the discussion at the EU level → [eucrim 4/2020, 258-259](#) and [eucrim 2/2020, 106-107](#)). Since perceptions of corruption and reality do not always match, even countries with high levels of trust in their public institutions need to implement preventive anti-corruption measures, regardless of their place on perception indexes.

Overall, the Commissioner highlighted transparency as an indispensable tool in the prevention of corruption – it demonstrates that the public interest remains at the heart of decision-making. Despite the strict anti-corruption standards and GRECO’s effective monitoring, corruption continues to pose a serious threat to the rule of law and human rights in the CoE region. Therefore, *Mijatović* calls on states to fully comply with the relevant CoE standards and implement GRECO’s recommendations. This must particularly include the following:

- Public officials need to avoid engagements that may involve a conflict of interest and an increased risk of corruption.
- States must ensure a well-functioning and adequately funded system of oversight of police misconduct and provide regular training for members of law enforcement agencies on integrity and ethics.
- Public spending on health care needs to be effectively monitored .
- Governments must protect the right to freedom of expression and the safety of journalists by fighting impunity for crimes against journalists and by effectively combating SLAPPs. This could be done, for instance, by allowing early dismissal of such lawsuits and introducing measures to punish abuses. In particular, member states should reverse the costs of lawsuits and minimise the consequences of SLAPPs by providing practical assistance to those being sued.

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