INTERNATIONAL FEDERATION FOR HUMAN RIGHTS

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Breaking the Silos

A Practical Guide to Fighting Corruption with a Human Rights-Based Approach

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Abbreviations

ACHPR – African Commission on Human and Peoples' Rights

AUABC – African Union Advisory Board on Corruption

CESCR – Committee on Economic, Social and Cultural Rights

CICIG – International Commission against Impunity in Guatemala

COPINH – Consejo Cívico de Organizaciones Populares e Indígenas de Honduras

CORDE – Corporación Dominicana de Empresas Estatales

CSO – Civil society organisation

ECHR – European Convention on Human Rights

ECtHR – European Court of Human Rights

EU – European Union

FATF – Financial Action Task Force

FIDH – International Federation for Human Rights

GRECO – Group of States against Corruption (Council of Europe)

IACHR – Inter-American Commission on Human Rights

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

IGSS – Instituto Guatemalteco de Seguridad Social

MDBs – Multilateral development banks

MESICIC – Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption

MLA – Mutual legal assistance

MNE – Multinational enterprise

NCP – National Contact Point (OECD)

NGO – Non-governmental organisation

NHRI – National human rights institution

OHCHR – Office of the High Commissioner for Human Rights

OCCRP – Organised Crime and Corruption Reporting Project

OECD – Organisation for Economic Co-operation and Development

OSCE – Organization for Security and Co-operation in Europe

SFO – Serious Fraud Office (UK)

SLAPP – Strategic lawsuit against public participation

SOE – State-owned enterprise

UN – United Nations

UNCAC – United Nations Convention Against Corruption

UNODC – United Nations Office on Drugs and Crime

UNTOC – United Nations Convention against Transnational Organized Crime

UPR – Universal Periodic Review

WGC – Working Group on Communications

WGS – Working Group on Situations

Introduction

"All forms of corruption can have a serious negative impact on the enjoyment of all human rights."

United Nations Human Rights Council[1]

Over the past four decades, a global consensus has emerged recognising corruption as a plague that must be eradicated. States have accordingly strengthened their legal frameworks to combat it. A major milestone came in 2003 with the adoption of the United Nations Convention against Corruption (UNCAC), now ratified by 192 states parties.[2] Throughout the 21st century, the United Nations and regional human rights systems, among others, have increasingly acknowledged the adverse impact of corruption on the enjoyment of human rights. Worldwide, a growing, but limited, number of individuals and companies are prosecuted and sanctioned for corruption-related crimes in jurisdictions to which they are directly or indirectly linked.

These efforts are not enough to address corruption and its widespread, global impacts. Transparency International's 2025 Corruption Perceptions Index shows that corruption continues to thrive globally—with several countries recording their lowest scores (signalling high levels of corruption) in a decade.[3] Today, the foundations of democratic regimes—an independent judiciary, free and fair elections, respect for the rule of law, and minority rights—are being profoundly shaken in many countries around the world. Moreover, despite social protest movements, autocrats cling to power. The scourge of corruption, particularly grand corruption, is one of the major causes of this phenomenon. Indeed, grand corruption hinders the proper functioning of democratic institutions and exacerbates inequalities. It disproportionately affects the poorest populations—increasing costs and restricting access to essential public services such as health, education, and housing. Corruption also facilitates the disproportionate exploitation of natural resources and the enrichment of autocrats and their entourages.

Historically, the human rights and anti-corruption movements have operated largely in silos, with limited collaboration among civil society organisations (CSOs) and among international organisations. This is why the International Federation for Human Rights (FIDH) and Transparency International have decided to ally. As a first step, through this guide, FIDH and Transparency International seek to strengthen and develop shared strategies across their networks and beyond.

Transparency International and FIDH believe that by joining forces, placing victims at the centre of legal proceedings and advocacy, and applying a human rights-based approach, the anti-corruption and human rights communities can make meaningful progress in addressing corruption—especially grand corruption—and related human rights violations. Recognising how corruption fuels human rights abuses is essential to protecting and promoting human dignity.

This guide seeks to equip human rights defenders and anti-corruption advocates with practical tools to promote accountability for corrupt acts committed by corporations, public officials, and individuals that undermine democracy and human rights. It also provides strategies for holding states accountable when grand corruption results in human rights violations. Designed as a bridging resource for CSOs from both movements, the guide helps practitioners document, denounce, and litigate cases where corruption and human rights harms intersect.

1 Human Rights Council (20 June 2013), Resolution 23/9. The negative impact of corruption on the enjoyment of human rights, A/HRC/Res/23/9.

2 UNODC. Signature and ratification status.

3 Transparency International (2026), "Corruption Perception Index 2025," (Berlin).

By encouraging a human rights-based approach, this guide aims to strengthen national and international litigation, challenge the misconception that individuals cannot be victims of grand corruption, and advance jurisprudence recognising the human cost of corruption. It also offers tools to confront state capture and to raise awareness of corruption's far-reaching impacts on societies worldwide.

While a human rights-based approach cannot by itself eliminate structural obstacles such as political resistance, limited resources, threats to activists, or procedural barriers, this approach strengthens advocacy, mobilises international support, and introduces new legal tools for accountability.

CSOs are encouraged to use this guide as both a reference and practical manual to advance justice, transparency, and accountability, and to foster deeper collaboration across movements. Fighting grand corruption is never straightforward; it is lengthy, complex, and politically sensitive. CSOs should therefore develop robust and inclusive strategies involving legal experts, victims, and partner organisations, and they should pursue multiple avenues simultaneously at national, regional, and international levels. **Ultimately, the human rights narrative must make clear that the cost of inaction is too high—and that every failure to achieve justice strengthens the resolve to win the next fight.**

Navigating this guide

The guide is structured as a practical resource to help CSOs connect corruption and human rights and pursue accountability:

- **Part One** lays out the key conceptual frameworks. It defines corruption (petty corruption, grand corruption, and state capture through corruption), human rights (human rights generally, human rights violations, and a human rights-based approach) and "victims" within both fields; and provides a brief primer on causation as the link between human rights and corruption (Chapter 1). Part One also presents concrete tools for documentation (Chapter 2) and security guidance for those undertaking sensitive investigations (Chapter 3).
- **Part Two** presents pathways to accountability: individual liability through criminal and civil proceedings (Chapter 4), corporate accountability under anti-bribery laws and due diligence frameworks (Chapter 5), state responsibility through judicial mechanisms (Chapter 6), advocacy routes to bolster state responsibility through non-judicial and quasi-judicial mechanisms (Chapter 7) and asset recovery to ensure stolen funds benefit affected populations (Chapter 8). These chapters are complemented by "action pathways" that summarise practical steps for pursuing different accountability strategies.

Two annexes complement the guide:

- Annex 1: Key UN and regional human rights treaties.
- Annex 2: Procedural criteria for accessing human rights bodies.

PART ONE

Key concepts, good documentation practices, and security

Corruption, particularly grand corruption, does not merely distort the common good but inflicts concrete harm on individuals and communities. This section lays the groundwork for understanding how placing victims at the centre of accountability efforts reframes corruption as a human rights issue, thereby opening additional avenues for redress.

Chapter 1 clarifies the key concepts of corruption, human rights, and victims, defining the terms (such as petty corruption, grand corruption, state capture through corruption, human rights, human rights violations, and a human rights-based approach) that enable practitioners to trace how acts of corruption translate into concrete human suffering. The chapter also clarifies how "victims" are defined in both fields and then briefly explains how legal causation connects those harms to the underlying corrupt conduct so that grand corruption can be legally characterised—and litigated—as a human rights violation (see Chapter 6 for more detail). These foundations are essential not only for conceptual clarity but for strengthening documentation and advocacy on behalf of victims.

Placing victims at the centre of accountability efforts reframes corruption as a human rights issue, thereby opening additional avenues for redress.

Drawing on these key concepts and legal and theoretical insights for purposes of identifying corruption and human rights violations, this section then offers concrete methods for documenting such patterns (**Chapter 2**). Because confronting corruption—and the visibility of that confrontation through documentation and litigation—threatens powerful actors, this section also offers tools for ensuring the security of the information procured through, and the people involved in, documentation and litigation efforts (**Chapter 3**).

CHAPTER 1

Preliminary key concepts: Corruption, human rights, victims, and a causal link

Combating corruption when it has a negative impact on human rights requires conceptual clarity. This chapter defines the key terms—corruption, grand corruption, state capture, human rights, human rights violations, and victims—that frame the rest of this guide. Distinguishing between ordinary corruption, grand corruption, and state capture helps practitioners and advocates determine the appropriate legal and policy responses and helps them tailor documentation and litigation strategies accordingly. Beyond its technical value, this conceptual framework also serves an advocacy purpose: it strengthens the ability of civil society and affected communities to expose abuses, demand reform, and articulate how entrenched corruption erodes the rule of law and human dignity.

1.1 Defining corruption

Transparency International has offered a widely endorsed general definition of corruption: corruption is "the abuse of entrusted power for private gain."[4] This will be the operative definition throughout this guide. However, no single definition of corruption has gained universal recognition, and debates over a possible definition persist.[5] For example, UNCAC does not include one overarching definition; instead, it includes a collection of measures to prevent corruption and defines a set of corruption offences—such as bribery, embezzlement, and obstruction of justice—that constitute corruption.[6] This list need not be regarded as exhaustive.

While UNCAC remains the principal global anti-corruption instrument, several regional treaties complement its framework. These include the **Inter-American Convention against Corruption** (1996), the **African Union Convention on Preventing and Combating Corruption** (2003), the **Council of Europe's Criminal and Civil Law Conventions on Corruption** (1999), and the **Arab Anti-Corruption Convention** (2010). The **OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions** (1997) is also a global, though not universal, convention explicitly focused on foreign bribery, and the **United Nations Convention against Transnational Organized Crime** (2004) mandates states parties to criminalise and adopt measures against corruption.

Corruption: Two emblematic offences and their possible human rights impacts

Bribery: UNCAC defines bribery of national public officials as:[7]

- "The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
- The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties."

4 Transparency International, "What is corruption?"

5 See e.g., Dinsha Mistree & Arjuna Dibley (2018), "Corruption and the Paradox of Transparency," Working Paper Series of the Rule of Law Program, Stanford Law School.

6 See United Nations Convention Against Corruption (UNCAC), articles 15-25.

7 See UNCAC, article 15.

Beyond distorting fairness and equality before the law, bribery can lead to dangerous outcomes: e.g., unsafe goods entering markets or unqualified firms winning public contracts—sometimes with fatal consequences.

Characterising bribery requires knowledge of: (1) the identities of the actors involved in the corrupt pact; (2) the undue advantage received, promised, or solicited by the corrupted person; (3) the official duty which was performed or not performed for the benefit of the bribe giver.

Embezzlement of property: UNCAC mandates the state party to "adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position."[8]

The diversion of budgets away from essential services such as health or education can directly compromise rights, including the rights to health, education, and life, and may contribute to violations of the prohibition of torture and ill-treatment when justice and security services are underfunded.

Characterising embezzlement requires knowledge of: (1) the identities of the actors involved in the embezzlement; (2) the diversion of public funds and their destination; (3) which law, regulation, or other document shows that these actors were entrusted with management or handling of these funds, properties, or other assets.

1.2 Defining grand corruption

While corruption in all forms can impact human rights, this guide focuses on the impacts of *grand corruption* specifically. Transparency International's non-legal definition of grand corruption defines it as "the abuse of high-level power that benefits the few at the expense of the many and causes serious and widespread harm to individuals and society."[9] It often entails massive diversion of state resources, extensive networks of collusion between public and private actors, and serious

8 UNCAC, article 17.

9 Gillian Dell (2023), "Working Paper: Tackling grand corruption impunity", p.11. (Berlin: Transparency International).

consequences for human rights and development. However, like corruption generally, grand corruption lacks a universal definition.[10]

Grand corruption is distinct from petty corruption. Petty corruption is the "everyday abuse of entrusted power by public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies."[11] It typically involves low-level officials and small sums—for example, small bribes to expedite administrative procedures.[12]

Illustrative cases of grand corruption

Ukraine (2010–2014): Former president Viktor Yanukovych is alleged to have grossly misappropriated public funds through a state-level criminal enterprise (often referred to as a "mafia structure"), that penetrated nearly every state institution, costing Ukraine as much as $40 billion USD.[13] Private oligarchs close to Yanukovych's inner circle played key roles in diverting public wealth into private hands.[14] Through this grand corruption scheme, resources that could have advanced public services were siphoned away, depriving the population of basic rights and opportunities.

Angola (2010-2020): Isabel dos Santos, daughter of former Angolan president José Eduardo dos Santos, allegedly exploited her top positions in state-run companies to build an international corporate empire through insider deals, preferential loans, and contracts financed by public money.[15] Major private firms helped sustain this corruption scheme.[16] In 2020, the *Luanda Leaks*, dating back to 1980, but mostly covering 2010-2020,[17] revealed dos Santos' alleged links to over 400 companies in 41 countries.[18] According to a statement from UK authorities, she is said to have "systematically abused her positions at state-run companies to embezzle at least £350m [$442m], depriving Angola of resources and funding for much-needed development."[19] For example, one of the cases identified by the International Consortium of Investigative Journalists (ICIJ) involved the forcible eviction of thousands of families on land that was part of a redevelopment project involving a dos Santos company.[20] Prosecutors and regulators in multiple jurisdictions have since frozen assets and brought charges,[21] underscoring the global reach of such schemes.

10 The International Anti-Corruption Coordination Centre, in its leaflet, also defines grand corruption as including "acts of corruption by senior public officials that involve vast quantities of assets and that threaten political stability and sustainable development." These acts may include "bribery of public officials, embezzlement, abuse of function, or the laundering of the proceeds of crime."

11 Transparency International, "Corruptionary A-Z".

12 Petty corruption is widespread in many countries and, as such, can detrimentally impact a significant number of citizens around the world. It will not be studied in this guide, as it concerns low-level officials or low sums.

13 See Transparency International EU (2021), "Corruption, Opulence and Decadence in Ukraine" and CIFAR (2018), "The NeverEnding Story: the Yanukovych asset recovery."

14 Reuters (2014), "Toppled 'mafia' president cost Ukraine up to $100 billion, prosecutor says."

15 ICIJ (2020), "How Africa's richest woman exploited family ties, shell companies and inside deals to build an empire."

16 ICIJ (2020), "Western advisers helped an autocrat's daughter amass and shield a fortune."

17 ICIJ (2020), "How Africa's richest woman exploited family ties, shell companies and inside deals to build an empire."

18 Ibid.

19 Al Jazeera (2024), "Isabel dos Santos: From Africa's richest woman to 'dirty money' probe."

20 ICIJ (2020), "How Africa's richest woman exploited family ties, shell companies and inside deals to build an empire."

21 Al Jazeera (2024), "Isabel dos Santos: From Africa's richest woman to 'dirty money' probe."

1.2.1 Identifying an act of grand corruption: Essential characteristics

Transparency International has proposed a legal definition of grand corruption which can be used to identify the essential characteristics of the act.[22] According to this definition, recently amended:

"Grand corruption is the commission of any of the offences in UNCAC Articles 15 - 25, as well as participation in any of those offences pursuant to UNTOC Article 5, including by a private person, as part of a scheme that

i. involves a high-level public official; and

ii. results in or is intended to result in a gross misappropriation of public funds or resources, and/or gross violations, including indirect, of the human rights of a substantial part of the population or of a vulnerable group."

UNCAC lists acts such as bribery, trading in influence, embezzlement, illicit enrichment, money laundering,[23] and obstruction of justice, while UNTOC Article 5 lists participation in an organised criminal group as well as an agreement to commit a serious crime.[24] The constitutive acts, together with the above legal definition, can also be used to identify patterns of grand corruption.

In addition to the constitutive elements of specific corrupt acts, grand corruption is typically identified by the scale of resources diverted, the number of participants, the duration of the scheme, and the systemic nature of the harm.[25]

1.3 State capture through corruption

At its extreme, grand corruption may reach a level where state structures themselves are captured. Like "corruption," no universally agreed-upon definition exists for "state capture through corruption." The concept of state capture derives from the economic concept of regulatory capture, in which agencies regulate in favour of private interests.[26] However, state capture is a broader concept than regulatory capture.

The World Bank introduced the term *state capture* in the early 2000s to describe how firms in post-communist countries influenced lawmaking.[27] It defined state capture as the manipulation of laws, decrees, and regulations through illicit and opaque private payments to public officials,[28] which allows actors to secure undue benefits from the state.[29] The World Bank has explained that executive, legislative, and judicial institutions are all susceptible to being captured.[30]

Based on analyses of different scenarios of state capture in Latin America, Jimena Reyes, director of FIDH's Americas desk, has developed a working definition that may be used to identify the possible existence of state capture through corruption:

State capture occurs when (1) acts of corruption such as bribery or embezzlement are (2) covertly coordinated among individuals (including persons from the captured structure) (3) enabling captors (i.e., kleptocratic elites, organised crime, or private sector actors) to decisively shape the rules of the

22 For details on the constitutive elements of this definition, see: Gillian Dell (2023), "Tackling Grand Corruption Impunity: Proposals for a Definition and Special Measures," p. 12. (Berlin: Transparency International).

23 Laundering proceeds of crime can be characterised as corruption only when the proceeds emanate from an act constitutive of a corruption offence in the country where the funds originate (predicate offence). When the proceeds originate from drug trafficking, human trafficking, fraud or other offences, the laundering proceeds of crime is not a corruption offence.

24 United Nations Convention against Transnational Organized Crime (UNTOC), article 5.

25 Gillian Dell (2023), "Tackling Grand Corruption Impunity: Proposals for a Definition and Special Measures", p.12. (Berlin: Transparency International).

26 James Anderson et al. (2000), "Anticorruption In Transition: A Contribution To The Policy Debate," (Washington D.C.: World Bank).

27 Jimena Reyes (2019), "State Capture Through Corruption: How Can Human Rights Help?" (Harvard Law School).

28 Joel S. Hellman, Geraint Jones and Daniel Kaufmann (2000), "Seize the State, Seize the Day: State Capture, Corruption and Influence in Transition," (Washington D.C.: World Bank).

29 James Anderson et al. (2000).

30 Joel S. Hellman, Geraint Jones and Daniel Kaufmann (2000).

game to secure private gain or illicit revenue or to shield criminal activities, all this (4) resulting in a diversion of state institutions—or the state as a whole—away from the general interest.[31]

Empirically measuring state capture: The Global Programme on Measuring Corruption

The Global Programme on Measuring Corruption (GPMC) published a brief in 2023 titled "Measuring State Capture," summarising insights from its Expert "Think-In" on the subject. The brief presented four empirical methods of measuring the phenomenon and outlines country level indicators for identifying three major methods of state capture: when powerful actors shape policy and legislation to their benefit, misallocate resources such as budgets, concessions or subsidies, and disable accountability mechanisms (for example, by undermining the judiciary).[32] The factors the brief provides for identifying these axes help determine the presence of state capture. Consult the GPMC brief for further details on these helpful metrics.[33]

State capture may occur through the control of the entire state apparatus or of individual state institutions, such as the judiciary and law enforcement. While there is not universal agreement on definitions of state capture, one can consider the concept of state capture as falling within the broader category of grand corruption. When the entire state is captured, rather than individual structures, the situation may be described as kleptocracy,[34] which refers to a system where a government uses state power as the primary means to plunder government resources.

State capture in Guatemala

In 2006, Guatemala, in agreement with the UN,[35] established the Commission against Impunity in Guatemala (CICIG)[36] to investigate illegal and clandestine security groups (CIACS) that had penetrated state institutions. As an independent body, CICIG investigated major corruption cases involving presidents, ministers, judges, and legislators. The scale of CICIG's investigation exposed the capture of practically the entire state apparatus, where high-level officials and networks repurposed institutions for systemic corruption.

In Guatemala, as opposed to typical kleptocracy, state capture operated through multiple overlapping networks rather than a single dominant hierarchy. One of CICIG's reports explains that CIACS and other illicit political-economic structures embedded themselves across the executive, legislature, judiciary, autonomous institutions, and municipal governments—each exploiting distinct state functions for private gain.[37] Rather than a single group monopolising the state, CICIG demonstrated how competing and cooperating networks of politicians, business

31 Jimena Reyes (2021), "State Capture through Corruption: Can Human Rights Help?" in *The Transnationalization of Anti-Corruption Law*: pp. 263-281.

32 Elizabeth David-Barrett et al. (2023), "Measuring State capture," p. 2 (International Anti-Corruption Academy).

33 Ibid.

34 The Oxford Learner's Dictionary defines kleptocracy as "a form of government in which the leaders use their power to steal money and resources from the country that they rule". The United States' Federal Bureau of Investigation (FBI) also defines it as "a form of political corruption in which the government seeks personal gain and status at the expense of the governed."

35 United Nations and Guatemala (2006), "Agreement on the establishment of CICIG".

36 See the CICIG website: www.cicig.org/history/index.php?page=home. Last accessed 26.02.2026.

37 CICIG (2019), "Guatemala, Un Estado Capturado": pp. 5-7, 9-13.

elites, military actors, and criminal organisations carved out spheres of influence, alternately coordinating with or rivalling one another.[38] This produced a fragmented yet systemic form of capture, where the state as a whole was compromised even though different institutions were dominated by different actors.[39]

For example, CICIG's most high-profile case, *La Línea*, exposed President Otto Pérez Molina's role in a customs revenue embezzlement scheme, leading to his resignation and later conviction.[40]

The judiciary was also targeted for capture, whereby law firms, elites, and professional associations manipulated votes and appointments, turning judicial selection into a bargaining system.[41]

Recognising the complexity of corruption in the Guatemalan context, in its final report, CICIG experimented with several overlapping frameworks to accurately describe the situation.[42] Ultimately, CICIG found none of the concepts discussed to be fully representative, reflecting the need for a more robust and universal definition to describe circumstances of state capture.

1.4 Defining human rights

Human rights apply to all individuals, regardless of race, sex, nationality, religion, or other status, and form the foundation of international law's protection of human dignity.[43] They are universal, inalienable, and interdependent.

International and regional treaties codify these rights and states' corresponding obligations. At the global level, the nine UN core human rights treaties—particularly the International Covenant on Civil and Political Rights (ICCPR)[44] and the International Covenant on Economic, Social and Cultural Rights (ICESCR)[45]—form the backbone of protection of human rights, complemented by treaties addressing racial discrimination, gender equality, torture, children, migrants, enforced disappearances, and persons with disabilities. In this international legal framework, individuals are the holders of human rights, and states are the duty-bearers, bound to respect, protect, and fulfil them.

All UN human rights conventions establish expert treaty bodies to monitor compliance, providing an enforcement mechanism when gaps occur. At the regional level, the European, Inter-American, and African systems (with their own respective treaties) provide additional protections. Annex 1 provides a table listing the main international and regional human rights treaties, their protocols, and other relevant information.

Because treaty texts do not exhaustively define the extent of protection each right affords, interpretive materials developed by international and regional bodies help clarify their meaning. These include:

38 Ibid.: pp. 14-18.

39 Ibid.: pp. 9-10, 16-17.

40 Reuters (2024), "Guatemalan ex-President Perez enters house arrest after 8 years in prison."

41 CICIG (2019): pp. 77-84.

42 CICIG (2019): pp. 9-12.

43 United Nations General Assembly (1948), "*Universal Declaration of Human Rights,*" G.A. Res. 217 A (III), U.N. Doc. A/810.

44 The ICCPR has been ratified by 175 states, see: OHCHR. Ratification of 18 International Human Rights Treaties.

45 The ICESCR has been ratified by 173 states; notably the United States is not party to this treaty; see: OHCHR. Ratification of 18 International Human Rights Treaties.

- **General comments** by treaty bodies, which explain the meaning of treaty provisions.
- **Reports and thematic studies**, which highlight the application of rights in practice.
- **Jurisprudence** from UN treaty bodies, and from international and regional courts and commissions (see Annexes 1 and 2), which clarify how rights apply in specific situations. Judicial and quasi-judicial mechanisms—such as the UN Human Rights Committee, the Inter-American Court of Human Rights, and the European Court of Human Rights—issue binding or persuasive decisions that guide interpretation. Online databases like HUDOC (Europe), SUMMA (Inter-American), and the UN Treaty Body Jurisprudence Database make this case law accessible.

Identifying the scope of a human right: Right to health

If a dairy company sells contaminated milk that causes severe health issues among consumers, those consumers might claim that their right to health has been violated. To support a case to that end, practitioners would need to identify the rights implicated by the act. Review of international treaties would reveal that Art. 12 of ICESCR protects "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." Moreover, if the harms occurred in a region with a regional human rights treaty, regional human rights standards might also be consulted. Jurisprudence and general comments within treaty bodies or regional human rights systems might provide further clarification on the scope of the right.

While states are generally bound only by the treaties they have ratified, some rights have attained binding status for all states through consistent state practice accompanied by a belief in legal obligation (*opinio juris*).[46] These binding norms are known as **customary international law** (CIL). Common CIL norms include the rights to life and due process. Though states may derogate from CIL norms in limited circumstances, *jus cogens* norms are universal prohibitions (such as against torture, slavery, and genocide) that bind all states at all times.[47]

Understanding these distinctions helps clarify which rights remain legally enforceable even in the absence of treaty ratification. This is a crucial foundation for anti-corruption advocacy where violations may implicate peremptory or universally binding norms.

By knowing the scope of a human right, CSOs are better able to identify when that right has been infringed upon in a given context. Identifying the concrete human rights harm is the anchor for analysing the state's obligations with respect to the right violated and allows you to assess whether those obligations were infringed through an act of corruption (or a corruption-enabled omission), as discussed in the next subsection.

46 ILC (2018), "Draft conclusions on identification of customary international law."

47 ILC (2019), "Peremptory norms of general international law (jus cogens)."

1.5 What are human rights violations?

As mentioned, there are multiple conventions at the international and regional levels on human rights, along with international and national case law, which define the parameters of different human rights and their attendant obligations. To determine when a state bears legal responsibility for a human rights violation, it is necessary to identify the obligations to which it is bound with respect to the right in question. State obligations are commonly grouped into three categories:

- **The obligation to respect** – the state must refrain from interfering with rights[48] (e.g., avoid censorship or arbitrary detention).
- **The obligation to protect** – the state must safeguard rights from interference by third parties (e.g., regulate corporations, investigate abuses, prosecute perpetrators, and ensure remedies).[49]
- **The obligation to fulfil** – the state must adopt positive measures to guarantee access to rights (e.g., pass laws, allocate resources, and establish effective institutions).[50]

Obligations can be negative (do not interfere; i.e., the obligation to respect) or positive (take action; i.e., the obligations to protect and fulfil). When a state fails to uphold these obligations, a human rights violation has occurred.

These obligations are articulated in binding instruments and clarified through the interpretive sources listed in Section 1.4.

Identifying a state's obligations: Right to health

Pursuant to Art. 12 of the ICESCR, the Committee on Economic, Social and Cultural Rights has indicated that states are bound by several obligations to ensure the realisation of the right to health.[51] Applying that guidance to the acts of a dairy manufacturer producing contaminated milk, the following obligations for the state may be derived:

- **Respect:** The state should not directly permit or promote unsafe industries.
- **Protect:** The state must regulate the food and dairy industry, imposing food safety regulations, requiring disclosure of health risks, and ensuring access to remedies for affected communities.
- **Fulfil:** The state should adopt policies investigating the food and dairy industry to mitigate risks and invest in healthcare and monitoring systems.

If the state fails to regulate or remedy harm, even if the direct harm came from a private actor, it breaches its human rights obligations.

In Chapter 6, this guide explores how to identify states' obligations in the corruption/human rights nexus.

48 UNODC, "Knowledge tools for academics and professionals; Module Series on Anti-Corruption; Module 7 Corruption and Human Rights": p. 21.

49 Ibid. See also: Committee on Economic, Social and Cultural Rights (2000), "CESCR General Comment No.14: The Right to the Highest Attainable Standard of Health (Art. 12)": paragraph 33.

50 Ibid.

51 Committee on Economic, Social and Cultural Rights (2000).

Note that non-state actors may also bear human rights obligations.[52] For more on state obligations to identify, and protect against, human rights violations caused by non-state actors, see Chapter 6, and for emerging views on businesses' obligations to respect human rights, see Chapter 5.

Negative human rights impacts vs. human rights violations

A negative or adverse human rights impact occurs "when an action removes or reduces the ability of an individual to enjoy his or her human rights."[53] Both states and non-state actors can cause negative human rights impacts. A human rights violation, by contrast, is a legal term of art and occurs only when a state fails to uphold its obligations under international human rights law, whether arising from treaties, customary law, or *jus cogens* norms. Negative human rights impacts is the terminology most utilised by human rights entities and CSOs when conduct cannot be or has not yet been qualified as a human rights violation per se.[54]

As will be acknowledged throughout this guide, recognising how and when corruption's human rights impacts amount to a human rights violation is critical for litigating in human rights bodies. However, even when a strict legal violation is not established, showing the negative impact can strengthen advocacy for public policies aimed at combatting corruption and mitigating its human rights consequences.

Members of social organisations protest outside Congress in Guatemala City on 25 September 2018 against decisions by then-President President Jimmy Morales' regarding the International Commission against Impunity in Guatemala (CICIG). President Morales had challenged the decision of the country's highest court, the Constitutional Court—maintaining a ban on Iván Velásquez, head of the UN-backed anti-corruption mission, preventing him from entering the country. Johan Ordóñez/ AFP

52 See for example discussions on the obligations of business to respect human rights: FIDH, "Obligations of states under the main UN Human Rights Instruments" ("an international consensus has emerged recognising the responsibility of business enterprises to respect Human Rights.").

53 OHCHR (2012), "The Corporate Responsibility to Respect Human Rights": p. 5.

54 The term "negative human rights impacts" in relation to corruption was importantly used by the Human Rights Council in its resolutions on the subject first in 2013 (A/HRC/RES/23/9), then 2015 (A/HRC/RES/29/11), 2017 (A/HRC/RES/35/25), 2019 (A/HRC/RES/41/9), 2021 (A/HRC/RES/47/7), 2023 (A/HRC/RES/53/17), and again in 2025 (A/HRC/59/L.6).

1.6 Human rights-based approach and "victims"

1.6.1 Human rights-based approach

This guide adopts a **human rights-based approach** which places victims at the centre and analyses situations with the lens of human rights standards. In the area of corruption, this means linking facts of corruption with the human rights obligations of the state and linking victims of corruption with the human rights of people. The human rights-based approach reminds us that corruption is not victimless. The UN Office of the High Commissioner for Human Rights, in its practical guide on corruption and human rights, also emphasises that a human rights-based approach "integrat[es] international human rights principles such as non-discrimination, equality, participation, inclusion, accountability, transparency and the rule of law in anti-corruption action.[55]

1.6.2 Victims

Victims are those harmed by wrongful conduct. Because a human rights-based approach places victims at the centre, conceptual clarity about who may be considered a victim is essential. Indeed, as all victims of human rights violations have a right to remedy, effectively identifying victims is critical to ensuring both that victims' voices are centred in legal proceedings and that they receive the remedy they are owed. As "victim" is a legal term of art, the remainder of this subsection provides legal clarity on who may be considered a victim generally under both human rights and anti-corruption frameworks.

Effectively identifying victims is critical to ensuring both that victims' voices are centred in legal proceedings and that they receive the remedy they are owed.

It is important to emphasise, however, that the term "victims" also has a non-legal dimension. Not all individuals or communities who suffer as a result of a corruption scheme will qualify as victims within a given legal framework, but this does not render the harm they suffered insignificant or inconsequential. Indeed, communities harmed or impoverished by corruption may be considered victims for advocacy purposes even if a judicial body would not formally recognise them as such in a strict legal sense. **The legal definitions provided here are not meant to limit advocacy efforts, but rather to guide litigation strategies**. Civil society organisations should feel free to use broader definitions when engaging in non-legal advocacy.

Victims of a human rights violation

The term "victim" has different parameters across human rights mechanisms. *The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*[56] define victims as "persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights.

Other jurisdictions, however, have adopted more expansive or restrictive notions of victims. The Inter-American human rights system, for example, has developed a broader understanding of victimhood through its jurisprudence. It recognises relatives of direct victims of human rights

55 OHCHR (2025), "Corruption and Human Rights: A Practical Guide": p. 36. These particular concepts are beyond the scope of this guide and will not be detailed further. For more, see IACHR, "*Corruption and Human Rights*, Chapter 6: The Human Rights Approach to Public Policies for Fighting Corruption," pp. 175-183.

56 OHCHR (2005), "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law": paragraph 8.

violations as victims in their own right[57] and it acknowledges the collective dimensions of certain rights by recognising groups—such as Indigenous communities and trade unions—as victims, rather than limiting victim status to individual members alone.[58]

Human rights law, criminal law, and tort law/law of delict often intersect in acknowledging a person's victim status, as certain actions can be illegal or contrary to international norms under all those fields.

Victims of corruption

There has long been acknowledgement of the harm people suffer as a result of corruption. Corruption, for example, is implicitly understood as an abuse of power such as that referenced in the 1985 UN General Assembly *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.*[59] Following that declaration, the first explicit affirmation in a binding instrument that individuals can be harmed by corruption and possess a right of action appeared in the 1999 Council of Europe Civil Law Convention on Corruption.[60] Then, in 2003, UNCAC formally recognised victims of corruption. Article 35 of that instrument suggests that any natural or legal person who suffered damage because of an act of corruption qualifies as a victim, and it requires states parties to enable those affected to initiate legal proceedings and seek compensation claims.[61]

As discussed, the concept of "corruption" encompasses many crimes and, as such, "victims of corruption" overlap with "victims" under criminal law. In those cases, the *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* defines victims as persons (individually or collectively) who suffer physical, mental, emotional, economic, or rights-based harm due to acts or omissions that violate criminal law, including abuse of power.[62]

In practice, potential victims of grand corruption include:

- **States** (and sometimes foreign states) that lose public resources.
- **Individuals and communities** whose rights are impaired (often facing standing hurdles in courts).
- **Economic actors** like competing companies not selected for tendering procedures because of a collusion between corrupt agents.

Despite the basis for recognising individuals and communities as victims in the anti-corruption context, they have historically been left out of remediation for crimes of corruption. To mitigate this historic lack of redress, **this guide focuses on individuals and communities,** which may also be victims of human rights violations; it will not deal with states or economic actors as victims of corruption. The guide promotes a human rights-based approach to anti-corruption to centre victims and strengthen their access to remedies. [63]

57 Naomi Roht Arriaza (2024), "Fighting Grand Corruption: Transnational and Human Rights Approaches in Latin America and Beyond," (Cambridge University Press): 83, citing *Case of the 'Street Children' (Villagrán-Morales et al) v Guatemala* (Judgment) Inter-American Court of Human Rights Series C No 63 (19 November 1999) paras 174–176.; *Bámaca-Velásquez v Guatemala* (Judgment) Inter-American Court of Human Rights Series C No 70 (25 November 2000) paras 163–165.

58 Ibid.: 83-84, citing *Advisory Opinion OC-22/16* Inter-American Court of Human Rights (26 February 2016).

59 OHCHR (1985), "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power."

60 Council of Europe (1999), "Civil Law Convention on Corruption."

61 UNCAC, Article 35.

62 OHCHR (1985): Section A(1).

63 For more see: Transparency International (forthcoming), "Working Paper on Legal Remedies for People Harmed by Corruption," (discussing different categories of harm, including group harm and human rights harm).

1.7 Causation as a path to link victims' human rights harms and grand corruption: A primer

Within the legal analysis, putting victims at the centre means building a bridge between acts of corruption and harm to victims. In this context, causation is a key issue, as establishing a credible causal link between corrupt conduct and rights violations is essential for documentation, accountability, and securing remedy. Thus, practical guidance on documenting causal links is set out in Chapter 2, while the legal standards governing causation are examined in greater detail in Chapter 6.

Positions of regional and international bodies on corruption and human rights

Several human rights protection mechanisms have reported on or investigated the link between corruption and human rights. By way of illustration, two mechanisms merit particular attention:

In 2019, the Inter-American Commission published a report on the topic, discussing relevant related standards in the Inter-American system.[64]

Similarly, in March of 2025, the Commission held a regional thematic hearing titled "State Human Rights Obligations in Corruption Contexts," where CSOs, including FIDH and Transparency International, discussed the impact of corruption on human rights and the obligations of states in these contexts of corruption. After the interventions of the CSOs, Commissioners engaged participants with questions about how to translate these obligations into practice, reflecting continued commitment towards articulating corruption as a human rights concern.[65]

The Inter-American Court of Human Rights, in 2021, also published a *Cuadernillo* (journal) on corruption and human rights where the Court highlighted jurisprudence addressing corruption's effects on human rights in general as well as jurisprudence examining corruption's impact on specific rights included in the American Convention on Human Rights.[66]

International bodies have also recognised such a link. The Human Rights Council, for instance, has released several resolutions and reports on the negative impact of corruption on human rights.[67] Moreover, in December of 2025, the United Nations Office of the High Commissioner for Human Rights (OHCHR) published a practical guide on corruption and human rights where it detailed the various negative impacts that corruption has on a range of human rights obligations as they relate to corruption, and presented various institutions disposed to addressing the link.[68]

64 Inter-American Commission on Human Rights (2019), "Corruption and Human Rights in the Americas: Inter-American Standards."

65 FIDH (2025), "Civil society dialogues with IACHR on states' obligations on corruption and human rights in Latin America."

66 Corte Interamericana de Derechos Humanos (2021), "Corrupción y Derechos Humanos."

67 First in 2013 (A/HRC/RES/23/9), then 2015 (A/HRC/RES/29/11), 2017 (A/HRC/RES/35/25), 2019 (A/HRC/RES/41/9), 2021 (A/HRC/RES/47/7), 2023 (A/HRC/RES/53/17), and again in 2025 (A/HRC/59/L.6).

68 OHCHR (2025), "Corruption and Human Rights: A Practical Guide." Note that the OHCHR's guide, while broaching the topic of corruption and human rights, does so in a distinct manner, addressing or elaborating upon different points than the present guide. For instance, the OHCHR guide goes into extensive detail on how corruption undermines the enjoyment of a range of rights, an illustration that readers of this guide might find very helpful. Indeed, the OHCHR's guide is complementary to the present guide and readers are encouraged to consult it.

CHAPTER 2

Documenting human rights violations and grand corruption schemes: Patterns and best practices

Documentation transforms human rights violations and corruption suspicions into credible evidence that can be used for advocacy, litigation, or record-keeping. The process requires careful planning, sensitivity towards victims, and strategies for preserving evidence. This chapter sets out practical steps to produce reliable, admissible evidence.

This chapter begins by providing legal guidance on identifying actors involved in corruption and human rights violations, as victims and perpetrators are often the starting point for documentation. Next, the guide outlines practical methods for documenting a human rights violation and then an act of corruption. However, this order is not prescriptive; "following the money" may also be a starting point. Documenting corruption may reveal human rights violations, and vice versa.

This chapter then provides guidance on documenting the link between grand corruption and human rights violations, followed by advice on collaborating with partners to strengthen and sustain documentation efforts.

Note that different judicial mechanisms apply varying standards and thresholds for the admissibility of evidence gathered during documentation. Accordingly, evidence collection should align with the requirements of the jurisdiction in which it is intended to be presented. Chapters 4–6 of this guide examine key distinctions in litigation across forums. CSOs should thus both read this chapter in conjunction with Chapters 4–6 and undertake further research into the standards of specific jurisdictions. These efforts will help ensure that evidence collected during documentation has the greatest likelihood of admissibility.

2.1 General guidance on identifying victims and perpetrators in the human rights and corruption nexus

Documentation processes often begin by focusing on individuals directly connected to the conduct or situation, whether as victims or perpetrators. This subsection provides general guidance on identifying these actors within relevant legal frameworks. Two possible starting points for documentation efforts include: (1) identifying victims and tracing facts back to perpetrators or (2) identifying perpetrators and a corrupt scheme to map the broader network of involvement. The choice of approach depends on the context and information available at the outset. This section therefore provides general guidance on both methods.

2.1.1 Identifying victims

Some documentation processes may begin by identifying the victims of a given course of conduct. Identifying those who experienced harm may allow you to trace backward and determine the perpetrator, their actions, and any additional consequences of that conduct. This is consequential because whether one is considered a victim of a human rights violation, corruption, or both determines which forums are open for seeking redress.

Identifying victims does not require they meet the legal definition of "victim." As discussed in Chapter 1, the term "victim" has different meanings across legal regimes. Victim status is critical to bringing claims before judicial and non-judicial bodies; however, an individual must meet the parameters of the relevant legal system, whether human rights or anti-corruption based. Chapter 1 outlines how these mechanisms generally define victims, and practitioners should refer to those definitions when identifying victims for documentation purposes. While not all individuals harmed by corruption will qualify as victims under these legal frameworks, identifying non-legal victims is still important as it may reveal connections to individuals who do qualify, uncover additional information about the scheme, or support strategic litigation aimed at expanding existing notions of legal victimhood.

2.1.2 Identifying perpetrators

As is the case with victims, not all mechanisms can assess the liability of all types of perpetrators. Most criminal and civil systems evaluate individual liability, whereas regional and international human rights mechanisms assess state responsibility. Thorough documentation of the networks involved in a corruption scheme can open additional forums for evaluating the culpability of a broader range of actors. Practitioners should identify the direct perpetrator (for example, the agency that denied a service or the company executing a harmful contract), then map outward to those who decided, enabled, financed, profited from, or ignored the conduct. This process should extend up hierarchies and across networks—including owners, subsidiaries, intermediaries, and supervising authorities—to identify other relevant actors and connections that could establish corporate or state liability.

In practice, potential perpetrators of grand corruption include:

- Senior government officials
- Political leaders
- High-level civil servants
- Judicial or security force leadership
- State-owned enterprise executives
- Corporate executives/business intermediaries/consultants
- Financial sector facilitators (banks, advisors)
- Professional enablers (lawyers, accountants)
- Organised crime groups

To substantiate links between actors, practitioners should prioritise institutional records that reveal decision-making and benefit flows, such as procurement files (tenders, bids, contracts, and performance records), corporate filings (directors, shareholders, and beneficial owners), public budgets and transfers, parliamentary votes and committee agendas, asset and interest disclosures, and media ownership registries. Cross-referencing these materials with corruption documentation can help identify repeat actors and converging transactions. This form of actor mapping clarifies the causal narrative—who did what, and when, and how those actions foreseeably produced harm—and helps pinpoint where documentation efforts are most needed. It can also be useful to document the links and networks between possible perpetrators, in particular when trying to demonstrate state capture through corruption.[69]

69 See e.g., Sarah Chayes (2017), "When Corruption is the Operating System: The Case of Honduras." (Washington, D.C.: Carnegie Endowment for Peace) (describing how transnational kleptocratic networks functioned in Honduras).

A handout picture released by Iraq's Prime Minister's Media Office shows Prime Minister Mohamed Shia al-Sudani speaking next to piles of cash on 27 November 2022, reportedly part of recuperated $2.5 billion of government funds fraudulently withdrawn from a bank. The prime minister called upon on guilty parties to hand themselves in and return all the money. Sudani announced that a businessman implicated in the scandal, Nour Zouhair Jassem, had given back $125 million out of more than $1.0 billion that he "confessed" to having received. The businessman was released under caution, on the basis that he recover the remainder of the stolen funds within two weeks, Sudani added. AFP / Iraqi prime minister's office

2.2 Documenting a human rights violation

Once actors involved in a corruption scheme or human rights violation are identified, the next step (depending on contextual factors) might involve documenting how the corrupt conduct impacted individuals or communities. The aim is to gather, safeguard, and preserve evidence while protecting victims.

Often, the principal form of documentation in a human rights context involves working with victims of human rights violations and witnesses to those violations. This work can take various forms, including interviewing a victim or witness, drafting a testimony, reading their complaints, and collecting other forms of physical evidence (e.g., medical records, photos, and videos).

Because working with victims can be a particularly sensitive exercise, it is important to use trauma-informed interviewing practices. One must balance prioritising victims' safety and well-being when interacting with them with making sure to properly document the evidence they provide, such that it may be used in future litigation or advocacy strategies.

The following are **key principles to follow when working with victims and witnesses**:

- **Informed consent**: Before interviewing or having victims' or witnesses' information recorded or transmitted to other parties, obtain informed consent. Explain the purpose of the documentation and potential uses of their testimony and obtain permission before recording or sharing information. Consent should be revisited during the interviewing process.
- **Confidentiality**: Keep personal data secure. Disclosure should only occur with the person's agreement and if necessary for judicial or advocacy purposes.
- **Effective interviewing**: Use open-ended questions ("What happened next?" "Can you describe…") to elicit narratives. Avoid leading or yes/no questions. Testimonies must address the "who, what, when, where, and how." Corroboration of each fact given is essential; statements should be based on first-hand knowledge, not rumour or hearsay.

- **Chain of custody**: Record what was collected, from whom, when, and how it was handled. Evidence collected (e.g., documents, photographs, or videos)[70] must maintain a clear chain of custody to preserve the integrity of the information and prevent it from being tampered with or modified. Maintaining an unbroken chain ensures credibility before courts or other mechanisms.

When done responsibly, documentation not only strengthens cases but also empowers survivors by validating their experiences, particularly when trauma-informed interviewing practices are used to ensure their dignity, safety, and agency throughout the process.

For **additional resources** on best practices for documenting human rights violations, consult:

- Oxfam and FIDH, Community-Based Human Rights Impact Assessment: The Getting it Right Tool: Training Manual;[71]
- OHCHR, Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law, Guidance and Practice, 2015;[72]
- OHCHR Professional Training Series No. 7, Manual on Human Rights Monitoring, 2011;[73]
- Eurojust and International Criminal Court, Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations, 2022;[74]
- D. Groome, The Handbook of Human Rights Investigation, Human Rights Press, Second edition, 2011;[75]
- J. Duez et al., Huridocs events standard formats; A Tool for Documenting Human Rights Violations, HURIDOCS, Revised Second Edition, 2001;[76]
- Public International Law and Policy Group, Handbook on Civil Society Documentation of Serious Human Rights Violations, 2016;[77]
- Huridocs, Resources for Documenting Human Rights Violations.[78]

70 See WITNESS, "A library of free resources for video activists, trainers and their allies."

71 Available at https://s3.amazonaws.com/oxfam-us/www/static/media/files/COBHRA_Training_Manual_-_English.pdf. Last accessed 26.02.2026.

72 Available at https://www.ohchr.org/sites/default/files/Documents/Publications/CoI_Guidance_and_Practice.pdf. Last accessed 26.02.2026.

73 Available at https://www.ohchr.org/en/publications/policy-and-methodological-publications/manual-human-rights-monitoring-revised-edition. Last accessed 26.02.2026.

74 EUROJUST (2022), "Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations."

75 Dermot Groome (2011), "The Handbook of Human Rights Investigation," (Human Rights Press).

76 Available at https://huridocs.org/wp-content/uploads/2020/11/HURIDOCS_ESF_English1.pdf. Last accessed 26.02.2026.

77 Available at https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/59dfab4480bd5ef9add73271/1507830600233/Handbook-on-Civil-Society-Documentation-of-Serious-Human-Rights-Violations_c.pdf. Last accessed 26.02.2026.

78 Available at https://huridocs.org/resource-library/monitoring-and-documenting-human-rights-violations. Last accessed 26.02.2026.

2.3 Documenting potential corruption schemes

One documentation strategy may be documenting the corruption scheme before documenting its impacts. However, corruption is clandestine, frequently leaving CSOs without the full evidence needed to prove an offence (i.e., lacking proof of a material and mental element needed for criminal proceedings). As a result, civil society's role in these cases is typically to present prima facie evidence to law enforcement to trigger state investigations, focusing on actors, companies, and financial links connected to human rights violations. The state, presumably, will be able to use its resources to gather stronger evidence needed to bolster claims in a relevant jurisdiction. Therefore, the general goal of CSOs when documenting corruption will be to provide a solid basis for more powerful entities to pursue full-fledged investigations.

Civil society's role in these cases is typically to present prima facie evidence to law enforcement to trigger state investigations, focusing on actors, companies, and financial links connected to human rights violations.

CSOs often receive whistleblower disclosures, which can significantly strengthen their documentation efforts (for guidance on protecting whistleblowers, see Chapter 3). At times, however, corruption schemes become more publicly accessible—for example, through litigation—and whistleblowers may come forward with additional information linked to an ongoing case that requires greater visibility and clearer explanation. In such situations, documentation involves analysing and contextualising the information provided and presenting it in a clear, didactic way, so that a broader audience can recognise the corruption and understand its impacts.

If the corruption scheme is elucidated first through the identification and documentation of a human rights violation, several individuals or companies should have already been identified. The results then should be used to gather additional information on the actors identified, identify new actors linked with them, and gather evidence related to the corrupt schemes.

Alternatively, if a grand corruption scheme and its actors have been identified as a starting point, the documentation process should gather elements to establish links with actors who may have had an impact on human rights, to examine whether adverse impacts effectively occurred.

Below are main **research areas to prioritise when documenting corruption:**

- **People and assets:** lifestyles, properties, unexplained wealth
- **Companies:** ownership structures, subsidiaries, shell companies
- **Financial transactions:** tracing money flows and suspicious transfers[79]

2.3.1 Situations signalling corruption

Despite the clandestine nature of corruption, some situations indicate a potential scheme. The activities of suspicious individuals, companies, or public institutions in certain sectors indicate a higher probability of corruption.

79 Basel Institute on Governance (2010), Quick guide to following the money.

High-risk corruption contexts

State-owned enterprises (SOEs): SOEs are enterprises over which a government directly or indirectly exercises a dominant influence (e.g., being the majority shareholder; appointing a majority of the enterprise's managerial body or supervisory board). According to the Organisation for Economic Co-operation and Development (hereinafter "OECD"), more than 80% of the total value of bribes promised, offered, or given in investigated foreign bribery cases between 1999 and 2014 was linked to SOE officials.[80]

High-risk sectors: According to the OECD, extractives, construction, transport, and information and communication account for most foreign bribery cases.[81]

Some of the **most common red flags of corruption schemes**—serving as warning signs or indicators that a situation may be related to illegal activities—include:

- **Intermediaries**: The use of intermediaries (agents, brokers, offshore companies) is common in corruption cases; over 75% of OECD-reviewed bribery cases involved one.[82] Risks increase if the intermediary is located abroad, lacks transparency, appears late in a negotiation, or has ties to decision-makers.[83]
- **Politically exposed persons (PEPs):** PEPs (e.g., government officials, judges, senior military officers, or their relatives/associates) may use their influence to conceal illicit payments or assets.[84]
- **Front or shell companies**: Shell or front companies operate as facades to launder money. Warning signs include: no real business purpose, unusual pricing, complex structures, unexplained overseas transfers, excessive commissions, or excessively high turnover.[85] Investigators should ask basic questions (who owns, manages, benefits, when/where established) to uncover whether the company is a shell with no staff, operations, or physical presence, often based in tax havens. Investigators should seek to identify the ultimate beneficial owner (UBO; i.e., the person at the top of the control chain), as ownership may be hidden through multiple layers of companies. Business partners, intermediaries, and company policies on ethics or anti-corruption should also be scrutinised, as hospitality or gifts may disguise bribery.
- **Red flags for public procurement**: Lack of commercial logic, short timelines for submitting bids, deals awarded to inexperienced or newly formed firms, or bids priced suspiciously low may indicate kickbacks. Multiple contracts going to the same corporate group can also be a warning sign. Experts or trade unions can help assess whether a company's selection was legitimate. However, caution is needed when consulting competitors, as in some bribery schemes companies rotate contracts and may also be complicit.
- **Lack of transparency**: Missing or incomplete disclosures (e.g., unidentified shareholders in joint ventures) may hide corrupt arrangements. Exceptions exist, but unexplained secrecy is a red flag.

80 OECD (2014), "Foreign Bribery Report: An analysis of the crime of bribery of foreign public officials": p. 23.

81 Ibid.: p. 21.

82 Ibid.: p. 9.

83 For more on intermediaries see https://www.corporatecomplianceinsights.com/the-master-list-of-third-party-corruption-red-flags/. Last accessed 26.02.2026.

84 The scope of the definition of PEPs may vary depending on domestic laws. For a further definition of PEPs, see Financial Action Task Force (2013), "FATF Guidance: Politically exposed persons (recommendations 12 and 22)," pp. 10-12.

85 Bellingcat (2016), "How to Uncover Corruption Using Open Source Research."

For **additional resources** on methods of identifying red flags, consult:

- International Chamber of Commerce, *Red Flags or Other Indicators of Corruption in International Arbitration*;[86]
- In tender procedures, see for instance World Bank Group, *Warning signs of fraud and corruption in procurement*;[87] Open Contracting Partnership & Development Gateway, *RED FLAGS for integrity: Giving the green light to open data solutions*, 2016;[88] International Anti-Corruption Resource Centre, *Guide to Combating Corruption & Fraud in Development Projects*.[89]
- In the construction sector, see for instance International Anti-Corruption Resource Centre, *The Visible "Red Flags" of Implementation Fraud: Roads, Structures, Equipment*.[90]

Red flags signal high corruption risk, while **hints of corruption** suggest lower, often subjective suspicions. Hints indicate the need for further documentation but alone cannot justify a formal investigation without verification.

Hints of corruption include:

- Lavish lifestyles not matching official income.
- Multiple real estate holdings with no plausible source of funds.
- Substantial or suspicious money transfers[91] (often revealed in leaks or by whistleblowers).[92]
- Use of family members or associates to hide illicit assets.

86 Available at https://iccwbo.org/wp-content/uploads/sites/3/2024/12/2024-ICC-Red-Flags-or-Other-Indicators-of-Corruption_ICC-DRS-Bulletin.pdf. Last accessed 26.02.2026.

87 Available at https://documents1.worldbank.org/curated/en/223241573576857116/pdf/Warning-Signs-of-Fraud-and-Corruption-in-Procurement.pdf. Last accessed 26.02.2026.

88 Available at https://www.open-contracting.org/wp-content/uploads/2016/11/OCP2016-Red-flags-for-integrityshared-1.pdf. Last accessed 26.02.2026.

89 Available at https://guide.iacrc.org/red-flags-listed-by-project-cycle/. Last accessed 26.02.2026.

90 Available at https://guide.iacrc.org/wp-content/uploads/Visible-Red-Flags.pdf. Last accessed 26.02.2026.

91 The Society for Worldwide Interbank Financial Telecommunications (SWIFT) created a standardised messaging network that allows banks to send and receive information electronically. It allows banks from different jurisdictions to use the same system and standards for international funds transfers. Money transfers can be visible in bank statements and SWIFT messages. A SWIFT message includes more information than bank statements as they contain the sender and recipient's names, bank account numbers and bank names, along with the banks that act as intermediaries for international transactions.

92 More information on tracking assets abroad is available at: Global Investigative Journalist Network (2023), "GIJC23 – Tracking Assets Around the World," October 2023.

2.3.2 Sources of information

Sources to authenticate information, and detect and evaluate red flags and hints of corruption

(1) Open-source research

- Public data (news, social media, online databases) to be used for quick leads and pattern-spotting.
- Preserve evidence quickly; content can be deleted. Verify with multiple sources.[93]
- **Tools:** OpenCorporates[94] (company & UBO lookups); Organised Crime and Corruption Reporting Project (OCCRP)[95]/Aleph[96] (cross-reference leaks & public records); Bellingcat Toolkit[97] (OSINT methods); Artificial Intelligence (AI) search—but always cross-check.

Use for: fast mapping of people, companies, and connections.

(2) Government & public data

- Official records that corroborate ownership, transactions, and decisions.
- **Sources:** business or company registries; land & cadastral records;[98] court decisions;[99] settlements and arbitration awards;[100] freedom of information (FOI) requests.
- Access and redistribution can be restricted—check national laws.

Use for: authoritative confirmation.

93 Human Rights Center of UC Berkeley School of Law (2018), "The New Forensics. Using Open Source Information to Investigate Grave Crimes."

94 OpenCorporates. https://opencorporates.com. Last accessed 26.02.2026.

95 OCCRP, "Catalogue of Research Databases."

96 Available at: https://aleph.occrp.org. Last accessed 26.02.2026.

97 Available at: https://bellingcat.gitbook.io/toolkit. Last accessed 26.02.2026.

98 More information on land ownership and a list of databases is available at: Global investigative journalism network (2019), "Land Ownership Records: So Useful, but Challenging to Find."

99 Legal information institutes publish courts' decisions and other legal documentation (national laws, etc.). For instance: the World Legal Information Institute (http://www.worldlii.org); the African Legal Information Institute: (https://africanlii.org); the Pacific Islands Legal Information Institute (www.paclii.org); the British and Irish Legal Information Institute (https://www.bailii.org); the Southern African Legal Information Institute (https://www.saflii.org); Pappers Justice (https://justice.pappers.fr) in France.

100 Allegations of corruption may be addressed in arbitral awards, which have become increasingly numerous. They can be an important source of information and can also be used by civil society in judicial or other proceedings. Not all of them are public, but most of those relating to investor-state disputes are. For public sources arbitral awards see the International Centre for Settlement of Investment Disputes, decisions can be accessed at https://icsid.worldbank.org/cases or for the Permanent Court of Arbitration at https://pca-cpa.org/en/cases/; Specialised websites include the International Arbitration Database https://arbitration.org/, Jus Mundi (e.g., for decisions of the International Chamber of Commerce) https://jusmundi.com or the London Court of International Arbitration.

Sources to authenticate information, and detect and evaluate red flags and hints of corruption

(3) Leaks & whistleblower data

- Non-public documents (emails, bank records, contracts) that reveal hidden activity.
- **Trusted platforms:** OCCRP,[101] International Consortium of Investigative Journalists[102] (ICIJ), Distributed Denial of Secrets[103] (DDoSecrets),[104] Global Investigative Journalism Network (GIJN)[105]
- Check leaks before use: authenticity of leaks, admissibility of leaked information in legal proceedings, cybersecurity (consult technical support and avoid dark web).
- Treat leaks as leads for further investigation, not standalone proof.

Use for: uncovering illicit flows and beneficial ownership.

(4) Metadata

- The "data about data" (origin, author, creation date, location, format).
- Helps obtain information (who created/modified a file[106]) and authenticate evidence (confirm dates/locations, detect tampering).
- **Tools:** ExifTool[107] and similar extractors for metadata.
- Remove sensitive metadata before sharing externally to protect sources.

Use for: verifying authenticity and maintaining chain of custody.

Quick tips!

- Cross-check all findings
- Preserve originals
- Keep a clear chain of custody
- Prioritise safety of sources and victims

101 Aleph database (https://aleph.occrp.org - Last accessed 26.02.2026) and "ID" (https://id.occrp.org/ - Last accessed 26.02.2026).

102 ICIJ, "Offshore Leaks Database."

103 Distributed Denial of Secrets (DDoS), "Home." https://ddosecrets.com. Last accessed 26.02.2026. A list of leaks on https://data.ddosecrets.com can be downloaded with a torrent program, while some leaks are available online on Hunter research tool (https://hunter.ddosecrets.com) but their access is restricted to journalists and researchers who must make a request to DDoS.

104 Both OCCRP and ICIJ publish their datasets to some extent see for example, https://www.occrp.org/en/project/the-azerbaijani-laundromat/the-raw-data and https://offshoreleaks.icij.org/, but these datasets in public domain are only a fraction of the leaks/data they have. There are also many leaks that they do not publish beyond a few pages linked to their articles.

105 For a collection of sources: GIJN Resource Center.

106 When there is a date of a modification of a document, it could indicate that a document was transferred from one person to another at said date; it can also suggest that the original document was modified; or it can be the result of legitimate successive versions of a draft document.

107 ExifTool, "ExifToolGUI for Windows v5.xx". https://exiftool.org/gui. Last accessed 26.02.2026.

2.4 Documenting the link between corruption and human rights violations

A banner outside the La Guajira office of the Colombian Institute of Family Welfare in November 2024: "No more deaths from malnutrition." © FIDH

As mentioned in Chapter 1, establishing the connection between corruption and human rights abuses is crucial for accountability, but it often requires moving beyond circumstantial evidence to demonstrate a tight nexus. Chapter 1 introduced how causation functions as the legal bridge between a corrupt act and the resulting human rights harm, and Chapter 6 provides extensive detail on that process before regional and international tribunals; this subsection translates that analytical framework into documentation practice.

Corruption, by itself, may not always constitute a human rights violation. However, when corrupt acts directly or indirectly deprive individuals or communities of their rights, documentation must capture both the corrupt scheme and its human impact. This subsection provides guidance for charting that link.

1. Identifying the causal chain

- Map how the corrupt act (e.g., embezzlement, bribery, undue influence) leads to or exacerbates a rights violation (for general legal guidance see Chapter 6).
- Document whether the act prevented the state from realising its obligations to respect, protect, or fulfil rights (e.g., bribed officials ignoring environmental safeguards leading to health violations). For more, see Chapter 6.3.2.

- Where causality is indirect, collect corroborating evidence that shows the systemic nature of the link (patterns of neglect, repeated failures in oversight, budget shortfalls caused by misappropriation), showing that the harm was the foreseeable and natural consequence of the corrupt act.

2. Linking actors to outcomes

- Identify public officials, private actors, or corporations involved in the corrupt act. If private groups are involved, investigate whether there is any exercise of state control over the entity so that state accountability measures may be implicated.
- Document the rights-holders affected (victims, communities) and specify which rights were undermined (e.g., right to health, education, housing, fair trial).
- Use testimonies, contracts, financial flows, and official records to build a chain of responsibility linking the perpetrators to the harm suffered, thereby demonstrating both the material and legal connection emphasised in Chapter 6.

3. Cross-referencing corruption and human rights evidence

- Combine documentation of financial irregularities (e.g., leaked contracts, procurement fraud) with human rights indicators (e.g., hospital closures, displacement, denial of services).
- Apply a "dual lens" approach: each piece of evidence should show both how resources or power were diverted and the corresponding impact on rights, mirroring how causation must link act and injury in legal reasoning.

4. Case studies and patterns

- Highlight individual cases that illustrate broader patterns (e.g., a corrupt mining concession tied to displacement and environmental degradation).
- Patterns can establish foreseeability, demonstrating that actors should have known their corrupt practices would cause rights harms. This supports arguments for legal causation even in diffuse or systemic contexts.

5. Practical tips

- Use clear timelines to show the sequence between corrupt decisions and rights violations to illustrate the temporal link courts often require.
- Preserve the chain of custody for both corruption-related and rights-related evidence to maintain credibility of the causal narrative.
- Where direct causality is difficult to prove, frame the evidence in terms of state omissions—failures to prevent foreseeable harm, investigate, or punish harm—as discussed in Chapter 6. This demonstrates that even when the link is indirect, the state remains responsible for foreseeable consequences of inactions.

2.5 Collaborating with partners

Because CSOs lack formal investigative powers, partnerships broaden the scope and reliability of documentation. Collaboration, however, should involve identifying trustworthy partners with a solid track record in defence of human rights. Powerful individuals involved in grand corruption may threaten or attempt to bribe those who work on the case; partners must be able to withstand this undue influence.

Potential partners

- **Lawyers:** can ensure evidence meets legal standards, provide confidentiality through attorney–client privilege. However, there is the risk of conflicts of interest.
- **Investigators/forensics specialists:** can conduct difficult evidence gathering, asset tracing or technical analysis. These can be local, private detectives or financial intelligence firms.
- **Journalists:** can expose corruption, raise public awareness, and assist in investigations and discovering new pieces of information or evidence—including through their own sources. Where freedom of the press is respected, journalists are editorially independent. However, journalists may be concerned about the risk of exposing their sources or the substance of their reporting prior to publication.
- **Prosecuting authorities:** possess authority to investigate and prosecute. National anti-corruption agencies, if they exist in the country, can also be approached. The International Association of Anti-Corruption Authorities (IAACA) provides a list of national agencies and relevant documentation.[108] With prosecuting authorities, however, there is the risk of political pressure.
- **Academics:** provide sector-specific expertise.
- **Whistleblowers:** insiders with access to crucial documents. Check beforehand if evidence given by a whistleblower is admissible in court under national law; a court may refuse evidence obtained through what could be legally characterised as theft. Such evidence can still give leads on where and what to search for and obtain new evidence through legitimate ways. Whistleblowers also need strong protection against retaliation (discussed further in Chapter 3).
- **Local CSOs:** often have deep knowledge of communities and affected rights and may be better placed to engage in evidence gathering and facilitating cooperation with potential allies. However, there is the risk that the CSOs are coopted by the government and the information they produce could be used for political purposes.
- **International CSOs:** offer comparative expertise and transnational reach and visibility.
- **Intergovernmental organisations (IGOs):** IGOs like the World Bank or regional development banks may provide funding, norm-setting frameworks, sanctions (e.g., debarment), technical assistance, and monitoring. However, their actions may be constrained by political considerations and the influence of member states.

108 https://www.iaaca.net/. Last accessed 26.02.2026.

CHAPTER 3

Protecting security, data, sources, and whistleblowers

Investigating and documenting grand corruption exposes civil society actors to risks from powerful individuals and networks. These actors may use surveillance, intimidation, legal harassment, or violence to deter accountability efforts. Protecting people, information, and processes is therefore essential. This chapter outlines five core areas: (1) risk assessment, (2) secure communication and data storage, (3) protection of whistleblowers, (4) responding to retaliation, including abusive lawsuits, and (5) accessing emergency protection funds. The survey of these core areas provides comprehensive guidance on securing the safety of sources, both human and digital.

3.1 Performing a risk assessment

Before beginning an investigation, it is crucial to map risks and vulnerabilities. Threats can include:

- Surveillance of offices, phones, or online activity.
- Seizure of equipment or searches by complicit authorities.
- Harassment, arrests, or spurious legal action.
- Violence, threats, or smear campaigns.

Front Line Defenders[109] and similar organisations provide practical guides for CSOs to carry out structured risk assessments.

3.2 Keeping information secure

Information security is as important as physical security, since digital compromise can expose entire investigations. Organisations working in the field of digital security can provide support to civil society organisations to screen IT tools against hacks (e.g., Citizen Lab,[110] Access Now[111]) or to establish diagnoses on the fragilities of an organisation and propose solutions (e.g., Nothing2Hide,[112] Front Line Defenders[113]). The following subsections provide further guidance on information security.

3.2.1 Transmitting information

Information is often exposed to unintended third parties as a byproduct of communication and internet use. The following resources can help ensure information is transmitted as securely as possible.

- **Messaging apps:** Use **Signal**[114] or **Session**[115] for end-to-end encrypted calls and chats, which allow only the sender and recipient of a message to access its content—and prevents third parties, such as telecom providers, internet providers, or other actors, from being able to read it. Signal and Session can be used on both phones and computers. Session does not

109 Front Line Defenders offers a practical guide to assess, prevent and mitigate existing risks: Front Line Defenders (2016), "Workbook on security: Practical steps for Human rights defenders at risk."

110 Citizen Lab: https://citizenlab.ca. Last accessed 26.02.2026.

111 Access Now: https://www.accessnow.org. Last accessed 26.02.2026.

112 Nothing2Hide: https://nothing2hide.org. Last accessed 26.02.2026.

113 Front Line Defenders: https://www.frontlinedefenders.org/. Last accessed 26.02.2026.

114 Signal: https://signal.org. For more information on its use: https://support.signal.org/hc/en-us. Last accessed 26.02.2026.

115 Session: https://getsession.org. Last accessed 26.02.2026.

require a phone number, reducing traceability. You can enable disappearing messages for sensitive conversations.

- **Email:** Use services like **Proton Mail**[116] or **Tuta**,[117] which encrypt mail between users of the same platform. For cross-platform exchanges, use password-protected attachments.
- Virtual Private Networks **(VPNs):** Services like **Proton VPN**[118] and **NordVPN**[119] protect browsing and hide IP addresses when working from insecure networks.
- **Tor Browser**:[120] Provides anonymity by routing traffic through multiple servers. Best for targeted research, though it is slower and potentially flagged by website operators.
- **File transmission by whistleblowers:** Tools such as **GlobaLeaks**[121] allow anonymous and encrypted document submission so whistleblowers can share information securely.

3.2.2 Storing information

Data can be stored on a cloud server or on a computer, but without proper security measures, it may be accessed if the device is stolen or seized. The following are methods of securing information storage.

- **Encrypted cloud storage:** Services like **Proton Drive**[122] provide secure backups accessible from multiple devices.
- **Local encryption on a computer:** Use **VeraCrypt**[123] to encrypt files, USB drives, or entire hard disks. Encrypted folders can appear as a regular folder or be disguised as a file (e.g., Microsoft Word document, video icon) and are accessible through VeraCrypt with a password.

3.2.3 Additional digital security tips

Do	Don't
• Use a firewall and antivirus software on a computer	• Open suspicious links or email attachments
• Change passwords often; use long, complex passcodes.	• Save sensitive passwords in browsers; instead, use password managers.
• Use password managers such as Bitwarden,[124] Proton Pass,[125] or KeePass.[126] Locally based password management tools are even more secure.	
• Use incognito mode to reduce stored browsing data	• Plug in unknown USBs to your computer

116 Proton Mail: https://proton.me/email. Last accessed 26.02.2026.

117 https://mail.tutanota.com. Last accessed 26.02.2026.

118 Proton VPN: https://protonvpn.com. For the free version: see https://protonvpn.com/free-vpn. Last accessed 26.02.2026.

119 Nord VPN: https://nordvpn.com. Last accessed 26.02.2026.

120 Tor: https://www.torproject.org. Last accessed 26.02.2026.

121 GlobaLeaks: https://www.globaleaks.org/. Last accessed 26.02.2026.

122 Proton Drive: https://proton.me/drive. Last accessed 26.02.2026.

123 VeraCrypt: https://www.veracrypt.fr/en/Home.html. A tutorial is accessible at https://www.veracrypt.fr/en/Beginner%27s%20Tutorial.html. Last accessed 26.02.2026.

124 Bitwarden: https://bitwarden.com. Last accessed 26.02.2026.

125 Proton Pass: https://proton.me/pass. Last accessed 26.02.2026.

126 KeePass: https://keepass.info/. Last accessed 26.02.2026.

Do	Don't
• Install DuckDuckGo Privacy Essentials browser extension (available on Chrome and Firefox to block tracking • Keep an offline computer for risky files • On newer iPhones (iOS16+), use Lockdown Mode for stronger protection.[127] • On Android devices, turn on "Advanced Protection" to activate the strongest security and privacy features.[128]	

3.3 Protecting whistleblowers

Whistleblowers often provide valuable and decisive evidence of corruption but face professional, legal, and personal retaliation.

Common reprisals include:

- *Professional reprisals*: refusal of promotion, discrimination, professional relocation or isolation, negative professional assessment, disciplinary action, termination of contract, blacklisting;
- *Legal reprisals*: legal proceedings for defamation, breach of confidentiality, or theft;
- *Personal reprisals*: harassment, discrimination, reputational damage, physical violence, threats and death threats, killing.

Under various jurisdictions, however, whistleblowers may be afforded **legal protections:**

- Whistleblowers are not necessarily human rights defenders.[129] Therefore, they generally do not benefit from the protection measures afforded to human rights defenders or journalists. Nevertheless, the need to protect whistleblowers is recognised in **international and regional conventions**.[130]
- Some states also provide protections through dedicated **whistleblower laws, anti-corruption acts, or criminal codes.**[131] Safeguards for good-faith disclosures may include anonymity, witness protection programmes, protection from professional sanctions, and legal immunity. However, conditions often apply, such as reporting first internally or to public authorities (where appropriate for the whistleblower's safety) before going public.
- If no specific provisions exist for whistleblowers, the **law may provide protection for witnesses that whistleblowers can benefit from** (e.g., anonymous witness statement in legal proceedings, witness protection measures), or legal provisions on freedom of expression (e.g., journalistic sources' protection, protection against defamation lawsuits).

127 For more information about the iPhone Lockdown mode, see https://support.apple.com/en-us/105120. Last accessed 26.02.2026.

128 Google Support, "Improve device security with Advanced Protection."

129 If they subsequently defend a cause after witnessing wrongdoings, they could be considered human rights defenders.

130 For example: United Nations Convention Against Corruption, 2003, art. 13.2 and 33; International Labour Organization Termination of Employment Convention n°158, 1982, art. 5.c; Inter-American Convention Against Corruption, 1996, art. III.8; African Union Convention on Preventing and Combating Corruption, 2003, art. 5.5 and 5.6; Southern African Development Community Protocol on Corruption, 2001, art. 4.e; Civil Law Convention on Corruption of the Council of Europe, art. 9; Directive (EU) 2019/1937 of the European Parliament And of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. To be noted that many EU Countries have gone beyond breaches of Union law in their whistleblowing law transposing the EU Directive.

131 For non-exhaustive lists of countries with provisions related to whistleblowers, see: for the world: https://www.whistleblowers.org/whistleblower-laws-around-the-world; for Asia: UNODC, https://www.unodc.org/roseap/uploads/documents/Publications/2023/Whistlerblower_Protection_in_ASEAN_-_2023_UNODC_paper.pdf; for Africa: PPLAAF https://www.pplaaf.org/country-reports.html and iSPEAK https://ispeak.africa/whistleblower-protection-laws.

The following are general **good practices for whistleblowers' security:**

- Ensure whistleblowers have independent legal counsel to avoid conflicts of interest.
- Use secure communications (see section 3.2.1) and avoid employer devices or accounts.
- Meet in safe locations, delete online search history of the whistleblower and the metadata from the documents shared by the whistleblower, and preserve anonymity if requested.
- Anticipate risks to families; in severe cases, relocation may be necessary.
- Always coordinate with support organisations such as the Platform to Protect Whistleblowers in Africa (PPLAAF),[132] the Government Accountability Project (GAP)[133] in the United States, Protect[134] in the United Kingdom, or the Whistleblowing International Network (WIN).[135]

3.4 Responding to retaliation

3.4.1 Threats

If threats are received, document them carefully and report them to relevant authorities. Where domestic authorities are unwilling or complicit, international mechanisms (regional human rights bodies, UN rapporteurs) and global partners can provide support and visibility (See Annex 1). As a last resort, publicising the revelations and/or threats may itself provide a degree of protection by drawing attention to the risks faced.

3.4.2 SLAPPs

SLAPPs—strategic lawsuits against public participation—are abusive lawsuits (often defamation or libel) used to silence critics, intimidate human rights defenders or whistleblowers, and burden them with costly, stressful legal proceedings. Some jurisdictions make these suits easier through broad defamation laws. To reduce risks, publications and criminal complaints should be reviewed by lawyers familiar with defamation laws. Other groups can also provide guidance or legal support. The Coalition against SLAPPs in Europe (CASE),[136] for instance, published a guide on how to prevent SLAPPs and defend oneself against them[137] and Reporters Shield[138] can provide legal assistance (prevention and defence) to civil society organisations that report in the public interest.

132 Platform to Protect Whistleblowers in Africa: https://www.pplaaf.org. Last accessed 26.02.2026.

133 Government Accountability Project: https://whistleblower.org. Last accessed 26.02.2026.

134 Protect: https://protect-advice.org.uk. Last accessed 26.02.2026.

135 https://whistleblowingnetwork.org. Last accessed 26.02.2026.

136 https://www.the-case.eu. Last accessed 26.02.2026.

137 Advice available at https://www.the-case.eu/resources/how-to-prevent-slapps-or-get-help-if-its-too-late and guidebook at https://www.the-case.eu/resources/case-guidebook-how-to-prevent-slapps-or-get-help-if-its-too-late. Last accessed 26.02.2026.

138 https://www.reporters-shield.org. Last accessed 26.02.2026.

SLAPP: Corporate use of criminal defamation to silence public oversight in Colombia

One of FIDH's member organisations, the Colectivo de Abogados y Abogadas José Alvear Restrepo (CAJAR), is currently defending a municipal councillor from a SLAPP. In 2024, while the municipality of La Calera, Colombia, was experiencing water rationing, *Industria Nacional de Gaseosas* S.A. (*Indega S.A.*), a subsidiary of Coca-Cola FEMSA, sought the renewal of a long-standing concession to extract groundwater for bottling and commercial purposes. The company had been extracting water from the territory for over 40 years and had never suspended operations, even during severe droughts.[139]

Community members raised concerns about the concession, including Javier Cifuentes, a municipal councillor and member of the Muisca Indigenous community. No acts of corruption were discovered in this case; however, Cifuentes exercised political oversight by requesting information and publicly questioning the renewal of the water concession given the drought conditions in the area—an issue of clear public interest. Shortly thereafter, Cifuentes and his family were threatened. He reported the threats to the authorities and posted a preventive message on social media to alert the public in case something happened to him.[140]

The authorities did not address the threats, and the company initiated a criminal defamation proceeding against the councillor. The case illustrates a classic SLAPP pattern: a powerful corporate actor uses the criminal justice system to transform a whistleblower into a defendant, exploiting the asymmetry of power to deter public participation. Indeed, the purpose of the complaint did not seem to seek redress for reputational harm, but to intimidate and silence a public official engaged in legitimate oversight.

Recent developments in the concession-granting process, however, underscore the importance of sustained advocacy. While in April 2026, Indega S.A. was granted an extension of its groundwater concession, the environmental authority imposed significant restrictions on water use in La Calera.[141] It denied continued use of three of the seven springs previously exploited by the company and authorised extraction from the remaining four at a reduced flow rate. It also shortened the concession period from 10 to five years, after which a reassessment will determine whether a further extension is justified based on water availability in the territory.

According to the environmental authority, this decision followed a comprehensive evaluation, including hydrogeological studies, water balance modelling, climate variability assessments, and input from community members, local authorities, and oversight bodies. Its decision highlights the tangible impact of civic engagement and reinforces the importance of resisting SLAPPs to ensure that legitimate public oversight can continue.

139 CAJAR (2025), "Cajar advierte uso del poder corporativo para silenciar a concejal en La Calera".

140 Ibid.

141 El Espectador (2026), "Coca-Cola podrá seguir usando agua de La Calera, pero con menos caudal y por 5 años: CAR".

3.5 Emergency funds

A range of organisations provide rapid support when defenders are at risk:

- **CIVICUS Crisis Response Fund**[142] – small grants for urgent threats or resilience needs.
- **Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF)**[143] – emergency grants (≤ €5,000) within the South-Mediterranean region.
- **Freedom House Emergency Assistance Program**[144] – relocation, legal aid, and security support.
- **FIDH Protection Grants**[145] – funds for physical and digital security, legal and medical aid, and urgent relocation.
- **ProtectDefenders.eu**[146] – rapid grants of up to €10,000, including relocation.

Beyond urgent grants, the following organisations may be able to provide other forms of support:

- Funds for NGOs[147]
- Reporters Shield[148] (legal assistance for journalists or NGOs in SLAPP lawsuits).
- Front Line Defenders[149] (including physical and digital security, legal fees).

For a broader list of resources, see: https://srdefenders.org/resources/grants-financial-resources/

Security is not an optional add-on, but an integral part of documenting corruption and human rights violations. By assessing risks, protecting data, supporting whistleblowers, anticipating retaliation, and knowing where to turn for urgent assistance, CSOs can strengthen their resilience and ensure that their work contributes effectively to accountability and justice.

142 https://www.civicus.org/index.php/engage-and-act/explore-resourcing-opportunities/crisis-response-fund

143 https://emhrf.org/category/grants/. Last accessed 26.02.2026.

144 https://freedomhouse.org/programs/emergency-assistance-and-thematic-programs. Last accessed 26.02.2026.

145 https://www.fidh.org/en/issues/human-rights-defenders/financial-support/grant-application-for-human-rights-defenders-at-risk. Last accessed 26.02.2026.

146 https://protectdefenders.eu/protecting-defenders. Last accessed 26.02.2026.

147 https://www2.fundsforngos.org/category/human-rights/. Last accessed 26.02.2026.

148 https://www.reporters-shield.org/. Last accessed 26.02.2026.

149 https://www.frontlinedefenders.org/en/programme/protection-grants. Last accessed 26.02.2026.

PART TWO

Pathways for action: Methods of seeking accountability and redress

Drawing on Part One's foundations on key concepts and evidence gathering, Part Two explores avenues for holding individuals, corporations, and states accountable for human rights violations linked to grand corruption and for grand corruption that has an impact on human rights, as well as mechanisms for recovering stolen assets. Bringing a case before a regional or international body usually requires **exhaustion of domestic remedies**—that is, individuals or groups must first pursue all available and effective remedies within their own country before turning to international mechanisms.

As such, this section loosely follows the typical trajectory of a human rights case through different forums. **Chapter 4** examines individual liability, analysing criminal and civil proceedings and key case studies. **Chapter 5** turns to corporate accountability, showing how anti-bribery laws, due diligence frameworks, and international standards can address corporate complicity in grand corruption and related human rights harms. **Chapter 6** addresses state responsibility through judicial mechanisms at national and international levels with extensive discussion on the obstacles to litigation in these forums (including causation and attribution). **Chapter 7** discusses state responsibility as well but through advocacy channels like quasi-judicial and non-judicial mechanisms at national, regional, and international levels. Finally, **Chapter 8** focuses on asset recovery, highlighting the need to ensure that repatriated funds directly benefit affected populations.

Together, these chapters map the legal and non-legal tools available to confront corruption-driven human rights abuses and to seek remedies for victims.

CHAPTER 4

Holding individuals accountable for involvement in grand corruption schemes that affect human rights

Seeking accountability for the individuals involved in corruption is one method of achieving redress for corruption-related human rights harms. UNCAC requires states to enable victims of corruption to bring actions within their national legal systems.[150] The *travaux préparatoires* confirm that victims include states, legal persons, and natural persons,[151] provided they can demonstrate that corruption caused the harm.[152] UNCAC also sets out a list of offences that states are required to criminalise through national legislation, thereby ensuring that criminal proceedings are available as a pathway to justice.[153] With over 190 ratifications, most states have accepted this obligation.[154] However, provisions generally require domestic implementation before they are directly enforceable.[155] It is necessary to consult local counsel to understand national law, including rules on standing, evidence, interim measures, timelines, costs, and available remedies.

Litigating corruption cases is complicated by their inherent complexity, the significant costs involved, and the difficulty of obtaining evidence. Challenges to seeking legal remedy are heightened in cases of grand corruption, which are often politically sensitive and may expose prosecutors and judges to pressure, interference, or even threats. In such contexts, CSOs can play a crucial role by monitoring proceedings, advocating for judicial independence, and supporting mechanisms that protect justice actors so that corruption cases can be pursued safely and impartially.

Depending on the jurisdiction, victims should be able to pursue criminal and/or civil actions domestically. While parallel administrative routes (like sanctions by anti-corruption or asset-declaration bodies) may complement judicial efforts, the main forums reviewed here are criminal proceedings (4.1) and civil proceedings (4.2).

150 Article 35 of UNCAC is limited to compensation while the rights and remedies afforded to victims should be much more extensive. See e.g., OHCHR (1985).

151 UNDOC, "Travaux préparatoires of the negotiations for the elaboration of the United Nations Convention against Corruption": Article 35, p. 299.

152 Cecily Rose (ed) et al (2019), "Article 35: Compensation for damage" in Oxford, The United Nations Convention Against Corruption: A Commentary: p. 358. Note, however, as demonstrated later in this guide, there are major challenges for victims to participate in proceedings related to corruption.

153 See UNCAC Chapter III on Criminalisation and Law Enforcement obliging states to criminalise bribery of national public officials (Art. 15) and foreign public official and officials of public international organisations (Art. 16), along with embezzlement, misappropriation or other diversion of property by a public official (Art. 17), laundering of proceeds of crime (Art. 23), and obstruction of justice (Art. 25).

154 See the full list of ratifications at https://www.unodc.org/corruption/en/uncac/ratification-status.html.

155 Whether domestic implementation is required depends on whether the country is "monist" or "dualist." In monist states, international treaties automatically form part of domestic law upon ratification and may be directly applied by courts, whereas in dualist states, treaties have no domestic legal effect until they are incorporated through implementing legislation. Consult section 6.2.1 for clarity on this distinction and Section 1.1 of European Commission for Democracy Through Law (2014), "Comments On The Implementation Of International Human Rights Treaties In Domestic Law And The Role Of Courts."

The Global Civil Society Coalition for the UNCAC's working group on victims of corruption has developed a database to help people assess whether and how victims can benefit from legal remedies around the world.[156] This tool currently contains information on 31 countries.[157]

4.1 Criminal proceedings

Criminal law is the traditional anti-corruption vehicle, with varied corrupt acts classified as crimes in most national legal systems.[158] Its advantages include the investigative powers conferred onto public entities such as prosecutors, police, customs authorities, and tax authorities (e.g., searches, subpoenas, mutual legal assistance) that are not available to the parties in a civil suit. An additional advantage is the ability of victims (where allowed) to piggyback on the state's fact-gathering to prove causation and damages. A successful prosecution can yield conviction and, in some cases, remedies for victims. This subsection outlines threshold elements for bringing a criminal case in a national court, including standards of proof and legal standing, while also discussing the role that CSOs can play in criminal proceedings and the remedies these kinds of cases can offer.

Note two important caveats, however. (1) Criminal law varies significantly between countries; therefore, the following subsections provide general information on such proceedings. Practitioners should refer to their own national laws and jurisprudence for specific applicable procedures. (2) Relatedly, in most criminal frameworks, criminal corruption consists of (1) a material element (the act constituting the offence), and (2) a mental element (the intent of the offenders). This means that every method of corruption has specific constitutive elements. They have been defined extensively in various international instruments[159] and within national frameworks, including criminal legislation. Those bringing forth a criminal corruption case should ensure those material and mental elements are satisfied according to the pertinent legislation.

4.1.1 Standard of proof

Common law criminal systems typically apply the highest evidentiary threshold and usually adopt the "beyond a reasonable doubt" legal standard, under which there must be a very high degree of certainty that there is no explanation for the facts presented other than that the defendants committed the offence.[160] Civil law systems, on the other hand, rely on the "*intime conviction*" of the judges, meaning reasonable certainty.[161] Both standards are similar,[162] however, in that a level of certainty is required to support a conviction; if that certainty is lacking, the legal principle *in dubio pro reo* ("When in doubt, rule in favour of the accused") applies.[163]

156 UNCAC Coalition, "International Database on Corruption Damage Reparation and Legal Standing for Victims of Corruption."

157 Available at https://uncaccoalition.org/get-involved/working-groups/victims-of-corruption-working-group/database-on-legal-standing/country-profiles. Last accessed 26.02.2026.

158 UN Office on Drugs and Crime (2003), "Civil and Administrative Liability for Corruption : Domestic Practices and Ways to Enhance International Cooperation under the UN Convention against Corruption": p.7.

159 For a list of the relevant instruments, see UNODC (2003), "Compendium of International Legal Instruments on Corruption".

160 See C. Engel (2008), "Preponderance of the evidence versus intime conviction: a behavioural perspective on a conflict between American and continental European law," Preprints of the Max Planck Institute for Research on Collective Goods, pp. 441-442.

161 Ibid., p. 435.

162 For instance, the Internal rules of the Extraordinary Chambers in the Courts of Cambodia (ECCC) – a hybrid criminal court established to try former Khmer Rouge government officials who committed mass atrocities between 1975 and 1978 – use alternatively both notions in the English and French versions regarding the rules of evidence (art. 87): the Chamber must be convinced of the guilt of the accused beyond "beyond reasonable doubt" (in English), and the Chamber must have an *intime conviction* on the guilt of the accused (in French).

163 OSCE (2016), "Doubt In Favour Of The Defendant, Guilty Beyond Reasonable Doubt: Comparative study": p. 7.

In practice, given the opaque and complex nature of grand corruption schemes, these standards can make it challenging to build a solid case. Grand corruption rarely produces a "smoking gun"; successful evidence often relies on whistleblowers, insiders, financial analysis, and international cooperation. Moreover, cases often do not go to trial, as they are resolved through plea agreements or non-trial resolutions, which can still ground reparations and later civil claims but may prevent details of a case from being publicised.

4.1.2 Legal standing of victims and CSOs

"Standing" determines *who* may initiate or join proceedings beyond the public prosecutor. National legal frameworks on standing can be divided into two groups.[164]

- **Restrictive legal systems** allow only those victims who can demonstrate direct, personal, and concrete harm linked to the offence to bring a case, excluding claims based on "broad, diffuse, abstract, or ideological" injuries.[165] Such narrow standing rules create challenges for using litigation as part of an anti-corruption strategy, since the harms caused by corruption are often difficult to trace to specific individuals.
- **Liberal systems**, on the other hand, allow actions to be brought by persons or entities with a good-faith public interest,[166] including CSOs, sometimes subject to conditions (e.g., minimum years of existence, official accreditation, explicit statutory mandate).[167]

Grand corruption rarely produces a "smoking gun;" successful evidence often relies on whistleblowers, insiders, financial analysis, and international cooperation.

With respect to victims' legal standing, many legal systems are restrictive and require victims to demonstrate that they suffered direct and personal harm from the defendant's actions in order to have standing in court. This makes it difficult to prove that the human rights violations they experienced were caused by corruption, since a clear causal link between the corrupt act and the abuse must be established. Many legal systems also treat corruption primarily as an offence against the state, leaving little or no formal space for individual victims to participate in proceedings. The prevalence of such restrictive frameworks underscores the need for a human rights-based approach that centres victims within anti-corruption efforts.

Residents of Santo Domingo's Los Tres Brazos neighbourhood, accompanied by the legal team of the National Commission of Human Rights in the Dominican Republic. CNDH-RD

164 Matthew Stephenson (2016), "Standing doctrine and anti-corruption litigation: A survey": p. 3.

165 Ibid.

166 Ibid.

167 Ibid.: pp. 14-17.

Overcoming standing hurdles: Success in the case of *Los Tres Brazos* in the Dominican Republic

The case of *Los Tres Brazos* in the Dominican Republic offers a poignant example of CSO standing in a corruption case. For decades, more than 60,000 people lived in the Santo Domingo neighbourhood of Los Tres Brazos. But in 2010 the state enterprise CORDE sold over 1.2 million square metres of that land to the private company INFEPA for the grossly undervalued price of RD$80million—far below its official market valuation of RD$688[168]—without considering the rights of the more than 63,000 residents.[169] INFEPA then attempted to resell the land to the very residents who had lived there for decades, including many who already held legal documents or had acquired the land through a presidential decree, pressuring families into high-cost loans that left many unable to pay and ultimately forced some from their homes.[170]

Reports of intimidation, threats, and unlawful evictions by representatives of TITULATEC, a company linked to INFEPA,[171] provoked widespread public indignation and media attention. In response, the Dominican government suspended the sale and evictions in 2016[172] and appointed a commission that later found the transaction illegal, unconstitutional, and contrary to the public interest,[173] leading President Danilo Medina in 2017 to dissolve CORDE and CREP (Comisión de Reforma de la Empresa Pública) and to seek judicial nullification of the sale and unification of the tracts of land already sold.[174] Since then, NGO the National Human Rights Commission (CNDH-RD), alongside community organisations, has represented 107 residents in ongoing criminal and civil proceedings concerning corruption and the unlawful land sales.

In the criminal case, the defence challenged the standing of CNDH to file an appeal and to take legal action on behalf of all the persons they claimed to represent as victims.[175] In response, the Court of Appeals unequivocally recognised both the standing of the Los Tres Brazos residents and the legitimacy of their representation by CNDH. The court held that the 100+ residents possess homes, businesses, or land in the area and thus their status as victims and right to participation "cannot be denied."[176] The Court further stated that CNDH may litigate on its own behalf or on behalf of the residents it represents since the victims' rights could be effectively asserted through CNDH's representation and, as such, its claims "cannot be declined or dismissed."[177] The court grounded this authority in Article 51 of the

168 Hoy (2017), "Exdirector de Corde asegura tituló Los Tres Brazos, no vendió."

169 Ciudad Alternativa (2019). "La venta de un barrio: Caso Los Tres Brazos": p. 2.

170 FIDH. (2024). "Dominican Republic: FIDH urges dialogue and action on pollution, corruption, and human rights violations."

171 Acento. (2018). "Corrupción: caso terrenos de Los Tres Brazos estalló en 2016 y motivó destituciones y otras órdenes de Danilo". See also: El Nuevo Diario. (2017). "Gobierno disolverá CORDE tras escándalo por venta terrenos en barrio Los Tres Brazos."

172 Decreto Nº 392-16 (2016). "Decreto que Crea e Integra una Comisión para Examinar y Rendir Un Informe a la Presidencia de la República, sobre Todo Lo Concerniente a los Terrenos de la Urbanización los Tres Brazos," D.N.

173 Comisión Designada para Evaluar Situación de Los Tres Brazos (2017). "Informe sobre las ventas y transferencias de las parcelas núms. 153-A-1, 153-A-2, y 155 del Distrito Catastral núm. 15 del Distrito Nacional, ubicadas en el sector Los Tres Brazos, por parte de la Corporación Dominicana de Empresas Estatales (CORDE) a Inversiones Fernández Parache y Asociados (INFEPA)": pp. 38-39.

174 El Nuevo Diario. (2017). "Gobierno disolverá CORDE tras escándalo por venta terrenos en barrio Los Tres Brazos."

175 Dominican Republic, ***Cámara Penal de la Corte de Apelación del Distrito Nacional*** (Resolución núm 501-2024-SRES-00449, 27 December 2023) para 114.

176 Ibid. para 124.

177 Ibid. para 126.

Code of Criminal Procedure, which allows specialised CSO to pursue civil actions when collective or diffuse interests are implicated.[178]

This holding is especially important because it reflects a liberal and expansive understanding of standing, one that enables broader victim representation in corruption cases and ensures that affected communities can meaningfully assert their rights through collective legal action.

With respect to CSOs' legal standing, in many jurisdictions, only public prosecutors can indict, but in some countries with civil law systems, complaints by citizens or CSOs can trigger investigations and may allow for private prosecution or grant CSOs standing in criminal proceedings.[179] Prosecutors and courts may resist CSO participation absent individualised harm, but strategic litigation can shift case law. Moreover, regardless of standing outcomes, CSOs add value by surfacing evidence, shaping narratives of harm, proposing investigative leads, and enhancing public oversight.

CSO standing in the case of *Berta Cáceres* in Honduras

Berta Cáceres was a Lenca Indigenous woman and human rights defender from Honduras who co-founded and led the Council of Popular and Indigenous Peoples Organisations of Honduras (COPINH). In March of 2016, she was assassinated in her own home for denouncing corruption and for her advocacy against the construction of the Agua Zarca dam on the Gualcarque River in the Río Blanco region, whose construction threatened the Lenca community.

Thanks to national and international mobilisation, a first case was initiated to prosecute the murder of Berta Cáceres. During the murder trial, in 2021, the director of the company which had been awarded the contract for the dam was convicted as a co-perpetrator.[180] Then, a case was also initiated regarding the corruption that Cáceres denounced. During the corruption trial, COPINH challenged its exclusion from the proceedings and the Constitutional Chamber of the Supreme Court of Justice of Honduras held that COPINH must be admitted as a victim, acting in representation of the Lenca community.

In its ruling in the corruption case, the Court emphasised that the alleged corruption directly harmed the collective rights of the Indigenous people of Río Blanco and relied on international standards to affirm their right to participate in judicial proceedings that affect their lives, lands, and institutions.[181] By recognising COPINH's standing as a victim on behalf of the broader community, the Court acknowledged the link between corruption and the violence that ultimately culminated in Cáceres's killing, while establishing significant legal precedent for corruption cases affecting Indigenous and tribal communities in Honduras and around the world.[182]

178 Ibid. para 125.

179 Open Society Justice Initiative (2019), "Legal Remedies for Grand Corruption," 2019: p. 10.

180 FIDH (2021), "Honduras: Historic Murder Conviction in Berta Caceres Case Compels State to Fight Impunity."

181 FIDH (2021), "Honduras: COPINH recognized as victim in corruption trial."

182 Ibid.

Peruvian Supreme Court's historic recognition of an NGO as aggrieved party in corruption case

In August of 2025, the Peruvian Supreme Court set a historic precedent by recognising the status of the NGO, Proética, Transparency International's national chapter in Peru, as an aggrieved party in criminal proceedings for grand corruption.[183] Proética applied to join criminal proceedings related to corruption involving public officials in the Ministry of Development and Social Inclusion and their contractor, for allegedly improperly awarding contracts to favoured suppliers for a programme providing meals to schools. The so-called Qali Warma case allegedly led to poor food standards which resulted in the intoxication of pupils across the country.[184]

Prosecutors denied Proética's request to join proceedings on the basis that only the state had legal standing as a victim. The Supreme Court, however, acknowledged that corruption does not only harm the state but may cause harm to a range of individuals and groups, and found that civil society organisations have legal standing to defend collective and diffuse interests harmed by corruption, based on Article 94 of the Criminal Procedure Code and UNCAC.

CSOs can, and should, play a central role in efforts to ensure individual accountability. Their engagement may take the form of direct participation in judicial proceedings where permitted, or work outside the courtroom through the presentation of evidence, shaping narratives of harm, proposing investigative leads, and enhancing public oversight. CSOs should assess the scope of involvement allowed in the relevant jurisdiction and pursue that involvement to the fullest extent possible.

4.1.3 Seeking remedy

While jurisdictions vary in the measures available for remedy through criminal proceedings, common measures include declarations, compensation, restitution, publication of court judgments, orders (e.g., disqualification or prohibitions), confiscation of the proceeds of the defendant's crime (potentially funding compensation), and sometimes punitive damages. States may also offer material, medical, psychosocial, or community-based support.

In many instances, public authorities accept a resort to an alternative resolution of a case through non-trial resolutions rather than bringing a criminal proceeding before a judge. Indeed, most foreign bribery cases are resolved through non-trial resolutions.[185] Such systems are problematic as they do not typically contemplate any role for victims, though they may be taken into consideration.[186] Dissuasive sanctions for perpetrators may also be missing, and the processes themselves are often completely opaque. Compliance with non-trial resolutions is also dubious. Therefore, in instances of non-trial resolutions, CSOs should advocate for consultation clauses, transparency, and victim-compensation components.[187]

183 Proética (2025), "Proética obtiene reconocimiento histórico de la Corte Suprema como parte agraviada en caso de corrupción."

184 Proética (2025), "Qali Warma: When corruption directly impacts citizens."

185 OECD (2019), "Resolving Foreign Bribery Cases with Non-Trial Resolutions: Settlements and Non-Trial Agreements by Parties to the Anti-Bribery Convention": p. 13.

186 For example, in the guidelines of the French National Financial Prosecutor's Office on the implementation of the Public Interest Judicial Agreement (CJIP), mitigating factors regarding the amount of the fine to be imposed on the company includes the prior compensation of the victims (13 January 2023). See p. 16.

187 See e.g., Transparency International/UNCAC Coalition/Corruption Watch UK/Global Witness (2016), "Letter to OECD Secretary General Angel Gurria: Global Standards for Corporate Settlements in Foreign Bribery Cases."

4.2 Civil proceedings

Civil liability, usually under tort law/law of delict, aims to compensate those harmed by others' unlawful acts. Unlike criminal cases where typically only prosecutors can bring cases, in civil proceedings, private parties can sue others to compensate for their injuries, seek restitution, or ask a judge for an injunction (i.e., an order for the corrupt actor to cease their unlawful conduct).[188] Feasibility of these proceedings varies widely by jurisdiction (for comparative procedure—disclosure, interim relief, freezing orders, default judgments, class actions—see DLA Piper's *Global Litigation Guide*[189]).

In general, civil proceedings present several challenges, including the financial burden of litigation initiated by a plaintiff. These costs may include legal fees as well as expenses associated with conducting investigations necessary to support the case. Standards of proof may also pose difficulties. Although civil thresholds are lower than those in criminal proceedings—requiring less evidence to satisfy the burden of proof—they still demand persuasive and well-substantiated claims. In common law systems, courts typically apply the preponderance of evidence standard (the claim is "more likely than not"). In civil law systems, judges decide cases based on their *intime conviction*, based on objective proof.[190] Nevertheless, meeting these evidentiary thresholds can still prove challenging in practice.

While civil proceedings are typically pursued to obtain compensation for victims' harm, in the context of corruption there has been limited success in securing reparations in practice, despite Article 35 of the United Nations Convention against Corruption (UNCAC) expressly permitting actions for damages.[191]

Obstacles in litigating civil proceedings cases and obtaining reparations for corruption that harmed victims include limited access to information on the corruption and the lack of experience or methodology in quantifying damages and identifying the scope of reparation generally.[192] Courts handling grand corruption cases have frequently rejected claims for compensation—let alone other forms of reparation—because of the complexity of cases and the uncertainty of damages.[193]

A further difficulty lies in determining the required degree of causal connection between the wrongful conduct and the harm suffered. While some causal link must be established to ensure fairness to defendants and to avoid perceptions of arbitrariness, defining the appropriate proximity of that connection remains a challenging and contested issue.[194] While causation is discussed in greater detail in Chapter 6, note that establishing a causal link between corruption and harm is critical across judicial forums.[195]

Non-trial resolutions (rather than bringing a civil proceeding before a judge) are also possible, but CSOs should still advocate for consultation clauses, transparency, and victim compensation so that victims' roles are actively centred in such processes.

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188 For more information on possible remedies, see also OHCHR (1985).

189 Available at https://www.dlapiperintelligence.com/litigation/insight/. Last accessed on 26.02.2026.

190 C. Engel (2008): 439-441.

191 Naomi Roht Arriaza (2024), p. 130.

192 Ibid., p. 130.

193 Ibid., pp. 130, 139-145. In her work, *Fighting Grand Corruption: Transnational and Human Rights Approaches in Latin America and Beyond,* international human rights law expert Naomi Roht-Arriaza identifies and explains several paradigms of harms implicated in civil damages for victims of grand corruption including, personal or property damages, where bribes or undue influence change law or procure permits, and loss of opportunity.

194 Ibid., p. 150

195 For more information on causation in litigation, consult Transparency International. (Forthcoming). Working Paper on Legal Remedies for People Harmed by Corruption.

Compensation as remedy: Corruption in Colombia's *Ruta del Sol II* case

The *Ruta del Sol II* case in Colombia forms part of the broader Odebrecht corruption scandal across Latin America. In Colombia, bribes were paid to public officials to secure and modify a major highway concession contract (Concession Contract No. 001 of 2010) for the construction of Sector II of the *Ruta del Sol* project.

On 6 December 2018, the Administrative Court of Cundinamarca (*Tribunal Superior de Cundinamarca*), ruling on a popular action (*acción popular*)[196] filed by the Office of the Inspector General (*Procuraduría General de la Nación*), officially recognised that the acts of corruption in the Ruta Del Sol II project had caused collective harm.[197] As a remedy, the Tribunal ordered the payment of damages amounting to COP 800,156,144,362.50 (approximately USD 193 million). The compensation was to be paid to the Ministry of Transport, the public entity responsible for safeguarding the affected collective rights.[198]

On 27 July 2023, the Council of State (Consejo de Estado) upheld the finding that collective rights had been violated but revoked the compensation order.[199] As a result, although the violation of collective rights was judicially recognised, no financial compensation was ultimately awarded, and the harm identified by the Administrative Court remained without monetary reparation. Despite its ultimate lack of success, the Administrative Court's initial decision reveals possible pathways for achieving compensation.

4.3 Circumventing domestic inertia: Responding to obstacles to judicial independence in domestic forums; using foreign forums; anti-corruption sanctions frameworks

Often, the state where the majority of the acts or omissions related to the corruption and human rights violation took place (i.e., the most affected state) is unwilling or unable to act, making its domestic courts unsuitable places for bringing cases against individuals. In such situations, victims and CSOs can try to respond to obstacles to judicial independence in domestic forums and, in the event those responses fail, victims and CSOs can explore whether foreign forums and anti-corruption sanctions are available.[200] Even where domestic forums are willing and able, foreign forums and anti-corruption sanctions frameworks may offer stronger mechanisms for achieving redress than the domestic forum. This subsection explains how CSOs can mitigate and assess risks to judicial independence and provides insight on how to leverage foreign national courts and anti-corruption sanctions frameworks to seek justice against individuals.

196 The *acción popular* is a mechanism in Colombia for the protection, prevention, and restoration of violations of collective rights.

197 For further information on the analysis of collective harm addressed by the case consult: Vivian Newman (2023), "¿Hasta dónde llegan los daños de Odebrecht y el Grupo Aval en Colombia?"

198 Transparencia por Colombia (2025), "Línea del tiempo: acción de litigio estratégico frente a la decisión del Consejo de Estado en el caso de la ruta del sol II."

199 Colombia, *Consejo de Estado, Sala de lo Contencioso Administrativo, Sección Tercera* (Sentencia, Rad 25000-23-41-000-2017-00083-02 (64048), 27 July 2023) (Magistrado ponente: Martín Bermúdez Muñoz).

200 Foldes, Adam and Amin, Kush (2022), "International Pathways to Accountability for Grand Corruption."

4.3.1 Responding to obstacles to judicial independence in domestic forums

Grand corruption often entails judicial capture or intimidation, meaning even if victims of grand corruption have a viable cause of action and legal standing, they may not have their cases heard. These realities require CSOs to recognise and assess threats to judicial independence in domestic forums to mitigate potential risks and fairly determine a victim's chances of redress.

Judicial corruption may include any undue influence on the impartiality and independence of courts,[201] from bribery and embezzlement to political interference, patronage, or direct pressure on judges.[202] International and regional human rights mechanisms—such as UN Special Rapporteurs,[203] treaty bodies, the Inter-American Commission on Human Rights,[204] the Council of Europe's GRECO,[205] and the African Commission on Human and Peoples' Rights[206]—provide tools to assess judicial independence through reports, evaluations, and thematic studies. Independent indexes like Transparency International's CPI[207] and the World Justice Project's Rule of Law Index[208] also measure these risks. Based on such assessments, victims of grand corruption can gauge their chances of fair treatment in national courts and, if judicial independence is lacking, pursue non-judicial or foreign legal avenues.

CSOs can mitigate risks posed to judicial independence through advocacy, trial monitoring, and international attention. CSOs may appeal to organisations such as the International Commission of Jurists, FIDH and other human rights NGOs,[209] Bar associations,[210] or diplomatic missions to organise trial observation missions to monitor judicial proceedings and promote the rule of law. With findings from these efforts, CSOs can then issue communications/complaints to organisations such as the Organisation for Security and Cooperation in Europe (OSCE),[211] the African Commission on Human and Peoples' Rights (ACHPR),[212] the Inter-American Commission on Human Rights (IACHR), the UN Office of the High Commissioner for Human Rights (OHCHR), the UN Human Rights Council and UN Special Rapporteurs[213] to make legal conclusions about the independence of the judiciary. In addition, since prosecutors and judges who carry out their duties properly may be subject to threats, such appeals can contribute to their protection.

201 Transparency International (2007), "Global Corruption Report 2007: Corruption in Judicial Systems," p. xxii.

202 Commission on Human Rights (2003), "Civil and Political Rights, including the questions of independence of the judiciary, administration of justice, impunity : Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy," E/CN.4/2004/60, paragraph 39. See also: UN General Assembly (2017), "Report of the Special Rapporteur on the independence of judges and lawyers : Note by the Secretariat," A/HRC/35/31, paragraph 44.

203 The website of the Special Rapporteur on the independence of judges and lawyers is available here https://www.ohchr.org/en/special-procedures/sr-independence-of-judges-and-lawyers. Offering reports on judicial corruption; reports on country visits; Comments on national laws, regulations and policies.

204 These reports are drafted by the Commission when it receives alarming reports on the human rights situation in a member state.

205 GRECO stands for "group of states against corruption." This Council of Europe's body monitors state members compliance with the organisation's anti-corruption standards. Its website is available here https://www.coe.int/en/web/greco. Last accessed 26.02.2026.

206 In their reports, states party to the African Convention on Human and People's Rights must detail the efforts implemented to comply with their obligations under the Convention.

207 Available at https://www.transparency.org/en/cpi/2023. Last accessed 26.02.2026.

208 Available at https://worldjusticeproject.org/rule-of-law-index. Last accessed 26.02.2026.

209 For example, Front Line Defenders, the Clooney Foundation for Justice.

210 For example, the International Bar Association; the American Bar Association; or the Bar of England and Wales.

211 Through the Office for Democratic Institutions and Human Rights: https://www.osce.org/files/f/documents/e/e/123550.pdf. Last accessed 26.02.2026.

212 Through the Commission or, for instance, the Special Rapporteur on Human Rights Defenders.

213 Through the Special Rapporteur on the situation of human rights defenders: https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders. Last accessed 26.02.2026. Or the Special Rapporteur on the independence of judges and lawyers: https://www.ohchr.org/en/special-procedures/sr-independence-of-judges-and-lawyers.

4.3.2 Using foreign forums

Because grand corruption can have a transnational aspect, foreign courts often have jurisdiction to try offences. Indeed, UNCAC encourages states to establish jurisdiction on multiple grounds.[214] Foreign courts typically obtain jurisdiction in two main ways:

- **Nationality of the perpetrator** (active personality). Many systems criminalise unlawful conduct by their nationals anywhere in the world, though the principle may be limited to certain offences or conditions. Victim nationality (passive personality) can also ground jurisdiction, though standing and causation remain hurdles.
- **Territoriality and transnational elements**. Any constituent act within a state's territory may suffice for jurisdiction (e.g., planning meetings, wire transfers, shell-company arrangements). Money laundering often anchors jurisdiction where predicate bribery occurred elsewhere. [215]

Trials litigating the laundering of proceeds of corruption (i.e., money laundering)[216] often exemplify the territoriality approach.

- In **France**, Teodoro Nguema Obiang Mangue (son of Equatorial Guinea's President, Teodorín Obiang) and Rifaat Al-Assad (former Vice President of Syria) laundered wealth from corruption in their home countries through French real estate and luxury assets; both were convicted and their property confiscated.[217]
- In the **United States**, former Nigerian minister for petroleum resources Diezani Alison-Madueke was implicated in a bribery scheme over oil and gas contracts, with the illicit proceeds laundered into U.S. real estate, art, and luxury goods; the (now dismantled) Kleptocracy Asset Recovery Initiative seized these assets.[218] At the time of this guide's publication, Alison-Madueke is also standing trial in the United Kingdom for similar corruption offences.[219]

For more on asset recovery, see Chapter 8.

Depending on domestic rules, CSOs may initiate or join such foreign proceedings. In foreign cases, it is important to consider immunity constraints for sitting heads of state, heads of government, and foreign ministers (generally procedural, time-limited, and not shielding private assets post-tenure) as this could limit the exercise of jurisdiction.[220] Moreover, before pursuing a money laundering case, CSOs should attempt to leverage domestic law to freeze suspected assets so they cannot be hidden or dissipated before a court orders confiscation.

214 UNCAC, art. 42.

215 The laundering of proceeds of crime is defined by Article 23 of UNCAC as "the conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action". It can also consist in "the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime".

216 In France, these money laundering cases are often called "ill-gotten gains" cases (*biens mal acquis*).

217 RFI (2021), "French appeals court upholds property confiscation of Syrian president's uncle"; On Policy (2022), "Teodoro Nguema Obiang Mangue and the Case of "Mistaken Property": What Scope for Governance in Africa?"

218 U.S. Department of Justice (2017), "Department of Justice Seeks to Recover Over $100 Million Obtained From Corruption in the Nigerian Oil Industry."

219 Spotlight on Corruption (2026), "Alison-Madueke trial is "vital sign" of UK's role in the global fight against corruption."

220 Allard International Justice and Human Rights Clinic (2016), "Accountability in Foreign Courts for State Officials' Serious Illegal Acts: When Do Immunities Apply?"

4.3.3 Anti-corruption sanction frameworks

Beyond judicial avenues, states and international partners have also developed sanction frameworks to hold individuals accountable for corruption. Targeted sanctions regimes like the United States Global Magnitsky laws,[221] Canada's Justice for Victims of Corrupt Foreign Officials Act (JVCFOA),[222] the United Kingdom's Global Anti-Corruption Sanctions Regulations[223] and Global Human Rights Sanctions Regulations (GHRS),[224] and the Australian Serious Corruption Sanctions Regime[225] impose travel bans and asset freezes on corrupt actors.[226] CSOs play a key role in seeking sanctions:[227] in the US, NGO recommendations drove one-third of designations under Global Magnitsky.[228] Yet, sanctions face criticism for weak due process, circumvention by targets, and limited benefit to victims. Furthermore, sanctions may be treated as flexible diplomatic instruments rather than as components of a broader accountability framework. The EU still lacks a dedicated corruption sanctions regime, though proposals are under discussion.

Criminal and civil proceedings—domestic or foreign—are vital tools to ensure that perpetrators of grand corruption that has human rights impacts face consequences and victims obtain remedy, even where domestic systems are weak or compromised. Civil society organisations play a crucial role in bridging gaps: supporting victims, surfacing evidence, triggering investigations, and pressing for transparency and remedy in both domestic and foreign courts. Ultimately, holding individuals liable affirms that corruption tied to human rights violations is not only a systemic failure but also a personal crime, demanding justice and deterrence.

Drawing upon the legal and procedural analysis above, the following pathway translates these principles into practical steps for civil society organisations.

Action pathway for CSOs – Holding individuals accountable for grand corruption

Turn evidence of individual wrongdoing into concrete accountability for perpetrators and remedy for affected communities.

By acting strategically, CSOs can:

- Expose and challenge powerful individuals involved in grand corruption.
- Support victims seeking justice and compensation.
- Strengthen domestic and international legal systems.
- Shift the norm from impunity to personal responsibility.

Step 1: **Define the accountability route**

Ask yourself: What kind of case can we bring?

- Is there a *corrupt scheme*?

221 United States Global Magnitsky Human Rights Accountability Act, available at https://ofac.treasury.gov/sanctions-programs-and-country-information/global-magnitsky-sanctions Last accessed 26.02.2026. In December of 2017, Executive Order 13818, "Blocking the Property of Persons Involved in Serious human Rights Abuse or Corruption" was issued, significantly broadening the scope of the Global Magnitsky Act. For a detailed analysis on this expanded scope, consult https://humanrightsfirst.org/wp-content/uploads/2022/09/Global-Magnitsky-FAQs.pdf. Last accessed 26.02.2026.

222 Canadian Justice for Victims of Corrupt Foreign Officials Act.

223 United Kingdom Global Human Rights Sanctions Regulations.

224 Ibid.

225 Australian Serious Corruption Sanctions Regime.

226 The United States' sanctions frameworks go further, prohibiting U.S. persons from providing funds or services to the designated individual and blocking their assets under U.S. jurisdiction, effectively cutting them off from the U.S. financial system and most dollar-denominated transactions.

227 Global Investigations Review (2024), "Sanctions considerations for non-governmental organisations."

228 Human Rights First (2023), "U.S. Global Magnitsky Sanctions."

- Is there a *human rights harm* — displacement, denial of education or health, unlawful killings?
- Can we connect the two — showing that corruption directly or foreseeably was the cause, result, or enabling factor of the rights violation or vice versa?
- Is there an on-point *criminal* or *civil* statute related to either corruption or human rights harm?
- Are there any risks to bringing a case? If so, can any mitigation measures be employed?
- Consider potential entry points:
  - **Criminal route →** Support prosecution, advocate for victim status, assist investigators.
  - **Civil route →** Sue for damages, injunctions, or restitution or other remedies.
  - **Foreign or policy route →** Use extraterritorial jurisdiction, sanctions, or other legal mechanisms[229]

Step 2: Investigate & document

Build your factual foundation:

- Gather testimonies from victims and insiders (see Chapter 2)
- Document perpetrator networks
- Trace money flows and asset ownership (real estate, companies, offshore accounts).
- Collect open-source data, leaks, or court filings (see Chapter 2).
- Work with journalists, financial-crime analysts, and whistleblowers to corroborate leads.

Tip: Document both *the corrupt act* and *the resulting harm*. Evidence of causation is essential for success in courts.

Step 3: Choose the right forum

Think strategically about where accountability is possible:

- **Domestic courts** – criminal or civil actions, national anti-corruption and human rights laws.
- **Foreign courts** – in countries that have links to perpetrators (including accomplices), victims, proceeds of crime or the harm resulting from the wrongdoing
- *Keep **legal standing** in mind:* Does the forum you're considering have a **restrictive legal system** (direct, personal, and concrete harm) or is it a **liberal system** (allowing actions by persons or entities with a good faith public interest or CSOs representing diffuse groups of victims)?

229 See e.g., Pathways 6 (procedures by regulators) and 7 (debarment or other sanctions by a multilateral development bank, development agency or export credit agency) in Foldes, Adam and Amin, Kush (2022). For more on multilateral development banks, see chapter 5.

Apply a **forum-shopping** strategy:

- Where public authorities are unable or unwilling to genuinely investigate, prosecute or adjudicate grand corruption, explore foreign or hybrid venues.
- Prioritise jurisdictions with strong victim participation or asset recovery provisions.

Step 4: Take legal action

Criminal Path

- Push investigative authorities and prosecutors to open investigations.
- Support victims' applications to be recognised as harmed parties.
- Use corruption prosecutions to expose systemic human rights harms.

Civil Path

- File suits for civil remedies, including damages or restitution under tort/law of delict or contract law.
- Use findings from criminal, administrative, and human rights cases, both domestic and foreign, as evidence.
- Pursue collective or class-action models where possible.

Foreign path

- Invoke extraterritorial jurisdiction (e.g., foreign bribery, laundering of proceeds abroad).
- Leverage foreign law or international cooperation tools for asset freezing and confiscation.

Sanctions path

- Submit dossiers for targeted sanctions (e.g., Global Magnitsky).
- Monitor implementation to ensure transparency and potential restitution.

Step 5: Secure remedy & drive systemic reform

Go beyond convictions:

- Demand remedies, including restitution and compensation for victims.
- Push for institutional reforms: stronger judicial independence, whistleblower protection, and corporate-beneficial-ownership transparency.

Build alliances:

- Work with local and international CSOs, bar associations, and investigative journalists.
- Engage victims' groups to ensure accountability efforts reflect community priorities.
- Use successful cases to influence legislation and set precedent.

Address book – key platforms and resources for CSOs

Legal remedies & databases

- Global Civil Society Coalition for the UNCAC– Victims of Corruption Legal Standing Database
  https://uncaccoalition.org/get-involved/working-groups/victims-of-corruption-working-group/database-on-legal-standing/
- Transparency International – Anti-Corruption Helpdesk
  https://www.transparency.org/en/helpdesk

Foreign accountability & asset recovery

- U.S. DOJ Kleptocracy Asset Recovery Initiative (archived) – case releases and forfeiture filings
  https://www.justice.gov/archives/opa
- OECD Anti-Corruption Portal
  https://www.oecd.org/corruption-integrity/
- World Bank StAR Initiative – Asset Recovery Handbook & Case Studies
  https://star.worldbank.org/

Pro bono legal networks

- ISLP – International Senior Lawyers Project
  https://islp.org/
- ILP – International Lawyers Project
  https://www.internationallawyersproject.org/
- A4ID – Advocates for International Development
  https://a4id.org/about-a4id/
- PILnet – Global Network for Public Interest Law
  https://www.pilnet.org/
- TrustLaw (Thomson Reuters Foundation)
  https://www.trust.org/trustlaw/

Protection & Security

- Front Line Defenders
  https://www.frontlinedefenders.org/
- ProtectDefenders.eu
  https://protectdefenders.eu/
- PPLAAF – Platform to Protect Whistleblowers in Africa
  https://pplaaf.org/

CHAPTER 5

Holding corporations accountable: Using anti-corruption tools to defend human rights

While states are the principal duty-bearers under human rights law, their obligation to protect requires adopting measures to prevent non-state actors' interference with rights—including by business enterprises.[230] Firms can drive development of a country or region by creating jobs, promoting innovation, and contributing to public finance, yet they can also enable or commit corruption, abuses, violations, and environmental harm.[231] Indeed, corporate corruption is a major driver of human rights violations globally. Given their scale and influence, companies are indispensable actors in both anti-corruption and human rights protection. Any effort to align these agendas that ignores the private sector will be incomplete.

Companies such as multinational enterprises (MNEs) play a complex and multifaceted role in the corruption-human rights nexus.

- First, they are legal risk bearers subject to anti-corruption laws such as the U.S. Foreign Corrupt Practices Act (FCPA),[232] UK Bribery Act,[233] or France's Sapin II,[234] which require compliance systems but often treat corruption in isolation from human rights due diligence.
- Second, both companies as legal persons and their agents are often found to be perpetrators of major corruption offences despite their corruption prevention obligations.
- Third, MNEs can act as systemic enablers or direct perpetrators of human rights abuses and violations[235] by operating in or reinforcing corrupt environments, through opaque supply chains, reliance on intermediaries, bribes to public officials,[236] or complicity in local governance failures. In sectors like extractives, construction, or agriculture, this may involve direct or indirect[237] participation in land grabs, labour exploitation, or environmental harm.
- Fourth, MNEs can generate or maintain barriers to remedy by using complex corporate structures to avoid liability, settling corruption cases without compensating affected communities, or obstructing access to justice through legal or procedural tactics.

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230 The UN Guiding Principles on Business and Human Rights use "business enterprises" as a formal umbrella term encompassing companies, corporations, firms, and other private-sector actors whose activities may affect human rights. Throughout this chapter, these terms are used interchangeably, but should be understood as reflecting the broad scope of the private sector as defined by the UNGPs and the UN Working Group on Business and Human Rights.

231 In its interpretative guide on the corporate responsibility to respect human rights, the UN states that "the actions of business enterprises, like the actions of non-State actors, can affect the enjoyment of human rights by others, either positively or negatively. Enterprises can affect the human rights of their employees, their customers, workers in their supply chains or communities around their activities. Indeed, experience shows that enterprises can and do infringe human rights where they do not pay sufficient attention to this risk and how to reduce it." See OHCHR (2012), "The Corporate Responsibility to Respect Human Rights." It is also increasingly recognised, including as part of the negotiations on the UN Legally Binding Instrument on Business and Human Rights that business actors can commit human rights violations.

232 Available at https://www.justice.gov/criminal/criminal-fraud/foreign-corrupt-practices-act. Last accessed 26.02.2026.

233 Available at https://www.legislation.gov.uk/ukpga/2010/23/contents. Last accessed 26.02.2026.

234 Available at https://www.agence-francaise-anticorruption.gouv.fr/files/files/French%20AC%20Agency%20Guidelines%20.pdf. Last accessed 26.02.2026.

235 States are traditionally viewed as the sole duty bearers under international human rights law, and thus the only actors capable of committing human rights violations, while businesses are said to commit human rights abuses. However, this dichotomy excludes the acts committed by state-owned enterprises. Therefore, by "abuses and violations," FIDH refers to those committed by businesses, states, and state-owned enterprises.

236 MNEs may even systematise bribery of public officials through dedicating an entire division or department for those ends. For example, Odebrecht, S.A., the biggest engineering and contracting company in Latin America, created an entire division, the Division of Structure Operations, dedicated to making bribe payments to officials.

237 "Indirect participation" emphasises the role of actors beyond the corporation in commissioning human rights abuses and violations linked to corruption, while "direct participation" refers to situations where the corporation itself commits the abuse or violation without intermediaries.

Recognising this quadruple role is essential for civil society organisations (CSOs) seeking to hold companies accountable. It enables them to challenge impunity, push for integrated due diligence and corporate accountability laws,[238] and advocate for victim-centred remedies that address both the causes and consequences of corporate corruption.

This chapter addresses both MNEs and national companies, and offers concrete illustrations of (1) the human impact of corporate corruption (5.1); (2) how law addresses that impact (5.2); and (3) judicial and non-judicial remedies (5.3 and 5.4). It equips CSOs with practical tools to advance recognition of, and accountability for, corruption-driven human rights harm by corporations.

5.1 The human impact of corporate corruption

As the following examples of Serbia's Novi Sad station and Bangladesh's Rana Plaza illustrate, corporate corruption may cause human rights abuses and/or violations, including deaths.

Serbia (Novi Sad station, 2024–25)

On 1 November 2024, the roof of Novi Sad's railway station collapsed, killing 16.[239] Renovation works—contracted to Chinese construction companies through opaque public procurement processes—raised suspicions of corruption and negligence.[240] Citizens protested in late 2024 and early 2025 demanding accountability, despite reported intimidation by authorities.[241] Following those protests, the Serbian prime minister resigned. Mass protests seeking accountability persist.[242]

Investigations revealed contracts were awarded without transparency or competition, breaching safety standards and involving bribes laundered through donations. The Chief Prosecutor opened proceedings against officials and business actors implicated in the procurement process.[243]

The case exposes Serbia's failures in ensuring transparent, safe public procurement, raising concerns about its obligation to protect fundamental rights, especially the right to life and security.

Companies may be tempted to use bribery to evade the legal standards to which they are bound and to incentivise public officials to turn a blind eye to such violations.[244] In exchange for bribes paid to inspectors or regulatory authorities, a company may, for example, evade health and safety standards, jeopardising the health and safety of workers and users.

238 Corporate accountability laws may specify civil, criminal, or administrative liability for legal persons and go beyond setting mandatory human rights due diligence obligations.

239 See The Guardian (2025), "Major anti-corruption protests in Serbia add to pressure on President Vučić" and Balkan Insight (2025), "How the Novi Sad Station Disaster Changed a Serbian City."

240 China Observers (2025), "The Novi Sad Railway Station Collapse: The Cost of Sino-Serbian Infrastructure Deals."

241 Civicus (2025), "Serbian civil society under pressure as country sees biggest protests in decades – CIVICUS Monitor Watchlist."

242 Deutsche Welle (2025), "Serbia: One year after the tragedy that led to mass protests."

243 See: https://beograd.vjt.rs/aktuelnosti/saopstenje-893/. Last accessed 26.02.2026.

244 CCPR Centre (2019), "Corruption et droits de l'homme": p. 25.

Activists from the Industry All Bangladesh Council are staging a protest rally in front of the National Press Club in Dhaka, Bangladesh, on 24 April 2024, demanding a safe workplace for garment workers to mark the 11th anniversary of the Rana Plaza building collapse disaster. Mamunur Rashid/NurPhoto via AFP

The Rana Plaza collapse in Bangladesh (2013)

In April of 2013, the Savar building at Rana Plaza in Dhaka, Bangladesh collapsed after being built on swampy land not fit for a building of its size. The addition of unauthorised storeys and use of safety shortcuts, including poor-quality materials, led to its collapse. At least 1,100 people were killed and 2,500 injured, mainly young textile workers crammed into the garment factories housed in the building.[245] Despite the appearance of large cracks on the walls the day before the tragedy, the workers were forced to continue working or face dismissal.

In the aftermath of the collapse, Bangladesh's anti-corruption agency opened an investigation in June 2014 against 18 people accused of breaching regulations related to the construction of the building. Among the accused were the building's owner, the mayor of the municipality on whose territory the building was located, several engineers and three owners of the garment factories housed in the building.[246] More than a decade later, this investigation is still ongoing, not a single defendant has been brought to trial, and many victims are still awaiting compensation.[247]

The Rana Plaza tragedy illustrates how corruption can undermine human rights such as the right of everyone to enjoy just and favourable conditions of work, including safe and healthy working conditions.[248] Private companies share responsibility for this human rights violation: local factory owners forced workers back into a visibly unsafe building, while international brands sourcing from the factories failed to implement adequate human rights due diligence, despite operating in a context where corruption and regulatory capture were well known. The persistent lack of justice for victims underscores the continued need for corporate accountability efforts.

245 OCCRP (2014), "Bangladesh: Rana Plaza Collapse Result of Corruption."

246 Gulf Times (2014), "Bangladesh charges 18 over factory collapse."

247 Public Eye (2023), "Dix ans après le drame du Rana Plaza, l'industrie textile a bien peu évolué."

248 As enshrined in Art. 7 of the ICESCR.

Practices that go beyond mere corruption, such as grand corruption, state capture, and kleptocracy, have major consequences for human rights. Companies, professionals such as bankers and lawyers, and other private-sector players[249] can enable certain elites to engage in corruption and the plundering of public resources, which ultimately impedes the realisation of human rights and creates a context conducive to corruption.[250]

Despite numerous examples of human rights violations resulting from corporate corruption, legal and policy approaches continue to treat those two topics separately, leaving their intersections insufficiently addressed.[251]

5.2 How the law addresses corporate corruption and human rights violations

5.2.1 Fragmented international standards

International standards on corporate accountability for human rights abuses and corruption remain fragmented and largely siloed.[252] The UN Guiding Principles on Business and Human Rights—structured around states' duty to protect individuals from human rights abuses by businesses, businesses' duty to respect human rights, and both states' and businesses' duty to guarantee access to effective remedy—do not treat corruption as a human rights issue, mentioning it only in commentaries on fair judicial processes.[253]

However, efforts to clarify international businesses' obligations in relation to human rights have thus far relied primarily on "soft law" instruments, including voluntary guidelines such as the UN Guiding Principles. Beyond such instruments, there is an increasing effort to harmonise international accountability standards for corruption, corporate human rights abuses, and violations. Indeed, in an attempt to strengthen international recognition of binding corporate obligations, the UN Open-Ended Intergovernmental Working Group (OEIGWG) was established in 2014 with a mandate to draft a legally binding treaty to hold corporations accountable for their human rights abuses and violations. In formulating draft provisions on legal liability, the Chair-Rapporteur of the OEIGWG, during its 11th session, referred to UNCAC as a relevant source to be taken into consideration,[254] indicating support for both universalising standards and linking corruption and human rights.[255] Some convergence also appears in corporate social responsibility: the UN Global Compact for instance lists anti-corruption as one of its 10 principles,[256] and the OECD Guidelines on Multinational Enterprises include it as a core chapter.[257]

249 Financial Institutions and Designated Non-Financial Businesses and Professions (DNFBPs), see the Glossary of FATF Recommendations.

250 United Nations (2020), "Connecting the business and human rights and the anti-corruption agendas": paragraph 10.

251 EITI (2013), "Open Letter on a new HRW Report: Jonas Moberg writes to Human Rights Watch."

252 United Nations (2020), "L'interdépendance entre la problématique des entreprises et des droits de l'homme et les objectifs de lutte contre la corruption."

253 UNGP Principles 25 and 26.

254 See: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/igwg-transcorp/session11/igwg-11th-summary-intersessional-consultations-annex.pdf, p. 15. Last accessed 26.02.2026.

255 During the OEIGWG's 11th session of negotiations, Colombia recommended greater international cooperation between States Parties to enable the implementation of their upcoming obligations under the UN Treaty—including in preventing corruption—signalling increasing state recognition of the link between corporate accountability for human rights abuses and violations, and the fight against corruption. See: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/igwg-transcorp/session11/igwg-11th-textual-proposals-lbi.pdf (p. 71).

256 Available at: https://unglobalcompact.org/what-is-gc/our-work/governance/anti-corruption. Last accessed 26.02.2026. The United Nations Global Compact was an initiative launched in 2000 to encourage companies worldwide to adopt a socially responsible attitude by committing to integrate and promote several human rights principles.

257 The OECD Guidelines are a set of recommendations addressed to multinational companies by OECD member countries to encourage them to behave responsibly in their activities. The Guidelines are complemented by national-level grievance mechanisms, called National Contact Points (NCPs) that all OECD countries abiding by the guidelines must develop. For more on NCPs, see section 5.5.1.

Despite these developments, corporate due diligence and compliance practices rarely integrate both human rights and anti-corruption agendas, reflecting persistent incoherence between states' international commitments on corruption and human rights. The UN Working Group on Business and Human Rights has urged states to better incorporate corruption concerns into responsible business strategies.[258]

5.2.2 Legal asymmetry: Anti-corruption compliance vs. human rights due diligence

Many companies have anti-corruption compliance programmes, but human rights due diligence lags behind. This divergence reflects asymmetrical legal regimes for addressing corporate misconduct. In many countries, corporate corruption is addressed through binding laws like the U.S. FCPA, UK Bribery Act, and France's Sapin II, which are extraterritorial, criminal in nature, and strictly enforced. Human rights regimes that are applicable directly to corporations, by contrast, are newer, largely civil, weakly enforced, and usually framed as duties of care (e.g., sustainability or corporate social responsibility frameworks).

This asymmetry leads companies to typically manage corruption and human rights impacts in silos: compliance teams handle corruption, while sustainability or ESG (environmental, social and governance) units oversee human rights, with little coordination—even where binding due diligence laws exist.

Some countries are adopting due diligence frameworks that begin to converge human rights and corporate accountability, but their treatment of corruption remains imperfect. France's 2017 Duty of Vigilance Law was the first binding national legislation on human rights and environmental due diligence,[259] and provides a legal (albeit non-explicit) basis for treating corruption as a risk to be addressed when it contributes to human rights harm. Companies, however, rarely link corruption to human rights risks in practice. Nevertheless, country-level due diligence laws increasingly highlight corporate misconduct on the national level. For example, under the European Union's (EU) recently adopted Corporate Sustainability Due Diligence Directive (CSDDD), the largest companies in the EU will have to develop a due diligence policy and integrate it in their risk management systems, with the aim to prevent and address human rights and environmental impacts in their value chains. In tandem, EU member states must ensure that victims who are harmed because of a company's failure to comply with those diligence standards may pursue civil damages claims against those companies.[260] EU member states now have until July 2028 to transpose the binding framework into domestic law.[261] CSOs should consider such laws (whether existing or imminently adopted) as viable avenues for litigation of such harm.[262]

258 The Working Group on the issue of human rights and transnational corporations and other business enterprises, in a report presented to the 44th session (2020) of the Human Rights Council, called on member countries to "do more to incorporate human rights impacts when addressing corporate corruption" and "emphasised that any focus on responsible business conduct and human rights should include corruption-related factors." See: https://docs.un.org/en/A/HRC/44/43, paragraph 24.

259 Netherlands Institute of Human Rights (2025), "The French duty of vigilance law: A reference guide for the transposition of the corporate sustainability due diligence directive."

260 Art. 29 of Directive (EU) 2024/1760.

261 For more see: https://www.corporate-sustainability-due-diligence-directive.com/. Last accessed 26.02.2026.

262 Transparency International Cameroon, ActionAid France, and Intérêt à Agir are currently bringing a case under France's Duty of Vigilance Law against the Companie Fruitière for its "failure to fulfil its duty of diligence regarding the risks of human rights violations and environmental damage resulting from the activities of its Cameroonian subsidiary." In this action, NGOs are also calling on the Compagnie Fruitière to take measures against corruption—a first for the Duty of Vigilance law.

5.2.3 Regulating risky sectors: Sector-specific due diligence

Sector-specific laws show how corruption can be integrated into due diligence. The EU Timber Regulation (2013–2023)[263] required companies to assess corruption risks in timber supply chains, though weak enforcement allowed firms to set their own risk thresholds. Its successor, the 2023 EU Deforestation-Free Products Regulation,[264] explicitly mentions corruption in the context of legality risk, and companies are required to collect additional evidence of compliance where corruption risks are high, making this regulation one of the few instruments operationalising corruption as a due diligence concern.

By contrast, the EU Forced Labour Regulation (2024)[265] prohibits products made with forced labour from being sold or exported in the EU, but makes no explicit link to corruption, despite its central role in enabling abuses through bribery, fraudulent audits, and collusion. Similarly, the UK (2015)[266] and Australian (2018)[267] Modern Slavery Acts require companies to publish statements on modern slavery risks in their operations and supply chains but impose no binding due diligence or corruption-related obligations.

These gaps highlight a broader problem: corruption is not only a compliance risk but a structural enabler of deforestation, forced labour, and other abuses. Yet most laws treat it as external to human rights harm. Nevertheless, these laws offer strategic opportunities for civil society. Using sector-specific due diligence frameworks, CSOs can play a key role in pushing for integrated risk assessments, stronger enforcement, and cross-sectoral coalitions that address corruption and human rights together.

5.3 Seeking justice: Legal remedies for corruption-driven violations

Civil society organisations have increasingly fostered convergence between anti-corruption and human rights agendas. They now readily frame corruption as a human rights issue, including in judicial and non-judicial proceedings against companies. The following section examines avenues for pursuing corporate accountability through the courts.

5.3.1 Criminal justice: Challenges and openings

In some countries, human rights have shifted from acting as “shields” against state overreach to “swords” that criminalise violations.[268] In France, this has led to more prosecutions of companies for human rights violations abroad,[269] though none have addressed corporate corruption.[270] Linking corruption directly to specific human rights harms remains complex (see Chapter 6), and courts rarely recognise victims of corruption as such, leaving them without remedies.[271] Moreover, many legal systems do not recognise corporate criminal liability and permit prosecution only of individuals. It is therefore essential to verify whether a country’s criminal code allows for the

263 Available at: https://environment.ec.europa.eu/topics/forests/deforestation/eu-rules-against-illegal-logging_en. Last accessed 26.02.2026.

264 Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010.

265 Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937.

266 Available at https://www.legislation.gov.uk/ukpga/2015/30/contents. Last accessed 26.02.2026.

267 Available at https://www.legislation.gov.au/C2018A00153/latest/text. Last accessed 26.02.2026.

268 Y. Cartuyvels, H. Dumont, F. Ost, M. van de Kerchove, S. van Drooghenbroeck (2007), “Les droits de l’homme, bouclier ou épée du droit pénal” (F.U.S.L.).

269 Le Club des Juristes (2024), “Risque pénal des entreprises françaises pour violation des droits humains à l’étranger”: p. 11.

270 All cases identified in the Club des Juristes report are centralised in the National Anti-Terrorism Prosecutor’s Office (PNAT).

271 Juanita Olaya (2020), “Reparations for Corruption: How Corruption Enforcement Ignores Victims’ Rights.”

prosecution of corporations as legal entities, or if only administrative or civil liability rules apply to them, before pursuing criminal proceedings in that jurisdiction.[272]

International bodies now call for a human rights-based approach to corruption cases. The UN Working Group on Business and Human Rights urges prosecutors to treat human rights impacts of corruption as aggravating factors,[273] while the UN Office on Human Rights promotes similar integration.[274] This evolving discourse gives civil society a basis to press for recognition of victims and to frame grand corruption as a driver of human rights harm, opening pathways for strategic litigation.

Corruption and human rights violations in the DRC's mining industry:

In 2009, the government of the Democratic Republic of Congo withdrew the mining licence of Canadian company First Quantum Minerals (FQM). The licence was subsequently awarded to the UK-registered Kazakh company, Eurasian Natural Resources Corporation (ENRC), following a series of transactions that became the subject of scrutiny regarding alleged bribery. The loss of FQM's licence halted community projects on healthcare, education, pollution reduction, and resettlement, affecting some 32,000 residents and 700 workers (RAID UK, AFREWATCH).[275] The mine's closure suspended social projects, undermining rights to health, housing, education, and a healthy environment. In 2013, the UK Serious Fraud Office (SFO) opened an investigation into the transactions surrounding the award of ENRC's licence. Congolese citizens attempted to be recognised as victims under the SFO's 2018 Principles to Compensate Overseas Victims, which requires the UK authorities to identify overseas victims of corruption and compensate them using any available legal mechanism including criminal proceedings.[276] However, in 2023, the case was closed for lack of evidence.[277]

While this attempt was ultimately unsuccessful, the SFO's 2018 Principles to Compensate Overseas Victims offer an advocacy pathway that should not be discounted for corporate accountability.[278] Similar strategies may still be pursued by CSOs in other jurisdictions or contexts, where legal frameworks, evidentiary thresholds, or prosecutorial approaches may offer greater opportunities for victim recognition and redress.

5.3.2 Non-trial resolutions

Non-trial resolutions, such as deferred prosecution agreements, can offer flexibility. They allow prosecuting authorities to impose measures like independent monitors, policy reforms, cooperation with investigations, or victim compensation through payments, infrastructure, or social programmes.[279]

272 The OECD's "The Liability of Legal Persons for Foreign Bribery: A Stocktaking Report", although initially conceived to further enforcement against foreign bribery, offers survey findings relevant for most countries that have jurisdictions over multinational corporations.

273 See: https://docs.un.org/fr/A/HRC/44/43, paragraph 60. Last accessed 26.02.2026.

274 See: https://www.ohchr.org/en/good-governance/corruption-and-human-rights. Last accessed 26.02.2026.

275 RAID (2020), "Congo's Victims of Corruption."

276 Available at: https://www.gov.uk/government/publications/general-principles-to-compensate-overseas-victims/general-principles-to-compensate-overseas-victims. Last accessed 26.02.2026.

277 The Guardian (2023), "Serious Fraud Office drops 10-year corruption inquiry into Kazakh miner ENRC".

278 Civil society continues to push for upholding the 2018 principles as a means to compensate victims. See for example: Spotlight on Corruption (2024), "Letter to National Crime Agency highlights need for victim compensation."

279 Basel Institute on Governance (2025), "Compensating the victims of foreign bribery: UK legislation, practice and recommended reforms."

Yet in practice, victims remain largely excluded. The UK has issued principles and guidelines on compensating victims in corruption cases using corporate settlements,[280] but results are minimal.[281] France sees little CSO participation in settlements,[282] while in the US settlements usually do not share the proceeds of such agreements with foreign NGOs, and deferred prosecution agreements there do not compensate victims of corruption.[283] A World Bank and UNODC review found only 3% of foreign bribery settlement funds returned to affected countries.[284] Moreover, these settlements may be perceived as opaque and negotiated without victim involvement. Thus, while non-trial resolutions offer a pragmatic framework for redress of corporate corruption-related human rights harms, the tool itself could be improved. That said, there is continued advocacy in favour of standardising and increasing the transparency of settlements and non-trial resolutions[285] and for repatriating illicit profits confiscated from companies that benefited from investments obtained through corruption.[286] Should such efforts succeed, they could open promising new avenues for victim redress and compensation.

Non-trial resolutions and their pitfalls illustrated: the Punta Catalina thermoelectric power plant and Odebrecht

The Punta Catalina Thermoelectric Plant project in the Dominican Republic became a national symbol of corruption and environmental injustice. Though presented as a major energy investment, its bidding and construction were tainted by a scheme in which a consortium, led by the Brazilian company Odebrecht, secured the contract for its construction through millions of dollars in bribes to Dominican officials.[287] While Odebrecht's offer was the most expensive and exceeded legal budget limits, it still won the bid under irregular circumstances.[288] Later investigations revealed at least US$39.5 million in bribes linked specifically to the plant, and civil society uncovered additional irregularities in the state's lease of private land for its construction, which financially favoured powerful elites.[289]

Public anger over the corruption erupted into mass protests between 2017 and 2019, but national accountability mechanisms ultimately faltered.[290] Eventually, Odebrecht negotiated an agreement with the government in which it committed to pay US$184 million in compensation to the state over eight years to avoid criminal prosecution against its agents.[291] This non-trial resolution in effect replaced judicial action; however, the sum agreed upon did not account for reparations for victims and Odebrecht has paid only the first two instalments of USD $30 million each,

280 Basel Institute on Governance (2025): p. 10.

281 Since the introduction of deferred prosecution agreements in the UK in 2014, the Serious Fraud Office (SFO) has imposed over £1.5 billion in fines on companies for breaches of the Bribery Act. Yet only 1.4% of this sum was passed on to the citizens of the victim countries, who suffer the direct consequences of corruption. See: Basel Institute on Governance (2025).

282 Transparency International France (2024), "Justice Négociée : Quelle Place Pour La Victime?"

283 Basel Institute on Governance (2025): p. 19.

284 Stolen Asset Recovery Initiative (2013), "Left out of the Bargain: Settlements in Foreign Bribery Cases and Implications for Asset Recovery": p. 73.

285 See Transparency International (2015), "Can justice be achieved through settlements?"; UNCAC Coalition (2016), "Letter to OECD Secretary General Angel Gurria: Global Standards for Corporate Settlements in Foreign Bribery Cases;" and Transparency International (2023), "Analysis and recommendations on the proposed EU Directive."

286 See for instance Public Eye's petition "Pour que la corruption ne paie pas"; and Transparency International (2015), "Can justice be achieved through settlements?"

287 FIDH/CNLCC/INSAPROMA (2023), "Punta Catalina Thermoelectric Power Plant, body of the crime: violations of children's rights in the Dominican Republic and the Caribbean," p. 5.

288 Ibid. pp. 5-6.

289 Ibid.

290 Ibid. p. 6.

291 Ibid p. 6; Note this agreement was not made public, so it is not clear whether the resolution was related to the criminal responsibility of the agents of the company or the company itself. Corporate criminal liability was only introduced into the Dominican Criminal Code in 2025, however.

leaving most of the amount unpaid.[292] As such, civil society has criticised this agreement as ineffective accountability and is advocating for the criminal case to be reopened.[293]

For more information on this case, consult FIDH's report: "Punta Catalina Thermoelectric Power Plant, Body of the Crime: Violations of Children's Rights in the Dominican Republic and the Caribbean."[294]

5.4 Civil litigation: Holding companies accountable for enabling corruption

5.4.1 Due diligence legislation

Countries with binding human rights due diligence laws create new avenues for redress. Combining criminal prosecutions for corruption with civil actions for due diligence breaches could improve recognition of victims and their access to remedies.

In France, for example, linking the "Sapin II" anti-corruption law with the 2017 Duty of Vigilance Law may help overcome barriers victims face in corruption cases. Even when direct personal harm cannot be shown in criminal proceedings, plaintiffs could bring civil claims arguing that companies failed to exercise due diligence to prevent human rights abuses, with corruption as a key factor. Though only recently tested in courts,[295] this strategy could be explored by CSOs.

Moreover, once EU member states transpose the Corporate Sustainability Due Diligence Directive (CSDDD) into domestic law, victims of harm caused by corporate failures to comply with due diligence obligations will be able to pursue claims for damages against those companies (for more, see section 5.2.2).[296]

5.4.2 Class actions

Achieving a successful class action in a corruption case could be a strategic milestone for the anti-corruption and human rights movements, demonstrating that collective power can confront corrupt actors and hold them accountable.

Class actions provide a way for victims of corruption to seek remedies collectively. They allow individuals harmed by the same act or actor to combine their claims into a single case, strengthening their ability to pursue legal redress. A recent report by StAR, an initiative of the World Bank and the United Nations Office on Drugs and Crime, highlights class actions as a promising tool for compensating victims of corruption.[297]

In the U.S., a notable case involved a 2020 deferred prosecution agreement with Commonwealth Edison,

292 Dominican Republic, *Third Investigating Court of the National District* (Resolution 059-2017, 19 April 2017). See also Dominican Today (2023), "Odebrecht continues without paying their bribery fine in the Dominican Republic."

293 UNCAC Coalition (2024), "14th. Regional Meeting for Latin America and the Caribbean: The impact of the Odebrecht corruption case". ("The National Attorney of the Dominican Republic has announced that his office is gathering further evidence to present a case for bribery and corruption of other public officials and Odebrecht partners.")

294 FIDH, INSAPROMA, & CNLCC (2023), "Punta Catalina thermoelectric power plant, body of the crime: Violations of children's rights in the Dominican Republic and the Caribbean."

295 In June 2025, La Poste became the first company to be convicted on appeal for failing its duty of vigilance. In March 2026, the Yves Rocher group was also found liable on the same legal basis.

296 Art. 29 of Directive (EU) 2024/1760.

297 Stolen Asset Recovery Initiative (2023), "Victims of Corruption: Back for Payback": p. 23.

which admitted to bribing Illinois legislators. Over four million customers later filed a class action alleging they were overcharged more than $150 million due to the corrupt legislation.[298] While not a human rights case, its outcome could inspire victims' representatives and civil society organisations to use class actions in corruption contexts. Indeed, achieving a successful class action in a corruption case could be a strategic milestone for the anti-corruption and human rights movements, demonstrating that collective power can confront corrupt actors and hold them accountable.

5.4.3 Strategies for corporate accountability

Given the nature of corporate corruption—often undertaken by multinational enterprises complicit in cross-border human rights violations—practitioners should bear in mind that, where appropriate, both civil and criminal accountability strategies should be used in tandem and coordinated across jurisdictions to achieve maximum accountability and reparations for victims in corporate corruption-related human rights cases. Indeed, companies operating across borders are often subject to multiple legal systems (including both their home and host countries) which opens possibilities for transnational litigation. Choosing the right forum can mean the difference between a dismissed case and a precedent-setting decision.

Accountability efforts for Chiquita Brands International's involvement in human rights violations in Colombia provide a useful example of such a multipronged approach, as described below.

Combining civil and criminal strategies: Chiquita litigation

In 2024, a Florida federal jury delivered a landmark verdict in the long-running *Doe v. Chiquita Brands International* litigation, finding Chiquita Brands civilly liable for financing the Colombian paramilitary group the Autodefensas Unidas de Colombia (AUC) in connection with its operations in Colombia.[299] The case was advanced using common law tort claims.[300]

Between 1997 and 2004, company executives authorised payments to the AUC that were concealed through intermediaries, enabling the group to consolidate control in regions where it operated.[301] These payments continued even after the group was designated a U.S. terrorist organisation in 2001.[302] In 2024, the court ordered Chiquita to pay approximately $38.3 million in damages to the families of victims killed by the AUC.[303]

During the legal battle, plaintiffs and the jury rejected Chiquita's defence, which argued that Chiquita had been a victim of extortion by the paramilitaries and that the payments were made solely to protect its employees from armed groups in Colombia. They concluded that Chiquita's asserted justification did not absolve it of responsibility, as the company failed to demonstrate that such contributions were necessary or that no reasonable alternatives existed; instead, the evidence indicated that the funds provided substantial assistance to the AUC's violent operations.[304]

298 *Randall Kuhn and others individually and on behalf of all others similarly situated v Commonwealth Edison Company* (Circuit Court of Cook County, Case No 2020CH05138, 27 July 2020).

299 Earth Rights (2024), "U.S. court upholds landmark jury verdict for victims of paramilitary violence in Colombia against Chiquita."

300 Corporate Accountability Lab (2024), "When the Law Works: In re Chiquita, State Torts, and a New Frontier".

301 Earth Rights, "Doe v. Chiquita Brands International."

302 Ibid.

303 NPR (2024). "A jury says Chiquita should pay millions over paramilitary killings in Colombia."

304 *In re Chiquita Bananas Litigation* (MDL No 0:08-md-01916-KAM, Jury Verdict, US District Court for the Southern District of Florida, 10 June 2024) 3.

While the case did not directly address corruption, the underlying facts—extortion, illicit payments, and associated human rights abuses—illustrate how tort law/law of delict can function as a mechanism for addressing the corporate corruption-human rights nexus.

The U.S. civil proceedings unfolded alongside criminal litigation in Colombia, where courts later rejected similar extortion defences and convicted former Chiquita executives for crimes related to the financing, promotion, and organisation of illegal armed groups.[305]

Taken together, these cases demonstrate how multi-jurisdictional, multi-framework litigation strategies can be employed to pursue corporate accountability for overseas misconduct, an approach with broader relevance for corruption-related human rights litigation.

An additional challenge for corporate accountability is demonstrating corruption's harms. Recent jurisprudence, however, suggests growing judicial willingness to expand corporate human rights obligations in ways relevant to corruption. In *KlimaSeniorinnen v. Switzerland,* the European Court of Human Rights recognised states' obligations to protect individuals from the human rights impacts of climate change.[306] The *Shell* climate case in the Hague Court of Appeal built on this holding, recognising corporate responsibility where conduct contributes to systemic harm vis-à-vis climate change.[307]

This logic could extend to grand corruption, whereby a recognition of the link between human rights and corruption could lead to holding corporations accountable when their subversive business practices undermine fundamental rights. (For more on climate change litigation, see Section 6.3.2). This logic is echoed in the Political Declaration of the UN General Assembly recognising "the loss of resources caused by corruption at all levels and in all its forms . . . can undermine citizens' trust, have a negative impact on governance and the enjoyment of all human rights by all persons affected by corruption, including the victims of corruption, and facilitate various forms of crime."[308]

Moreover, even when litigation pathways are not immediately available, CSOs can still take strategic steps. Freedom of information (FOI) requests can uncover procurement contracts, inspection reports, or due diligence documents that reveal corruption risks or regulatory failures. These documents may later serve as the foundation for legal action or as leverage in advocacy and public campaigns.

5.5 Beyond the courtroom: Non-judicial pathways to corporate accountability

Alongside judicial mechanisms, several non-judicial avenues allow victims and civil society to hold companies accountable for corruption-related human rights harms. These pathways do not impose binding legal sanctions but can create pressure, generate remedies, and complement litigation strategies. Two of the most relevant are the OECD's National Contact Points and the accountability mechanisms of multilateral development banks.

305 CAJAR (2025), "Por financiar el paramilitarismo en Colombia, siete exdirectivos de la multinacional bananera Chiquita Brands fueron condenados a más de 11 años de cárcel."

306 *Verein KlimaSeniorinnen Schweiz and Others v Switzerland* (Judgment) App No 53600/20 (ECtHR, 9 April 2024).

307 Netherlands, *Milieudefensie and others v Royal Dutch Shell plc* (Gerechtshof Den Haag, 200.302.332/01, 12 November 2024)

308 Political Declaration of the UN General Assembly (see p. 3).

5.5.1 The OECD's National Contact Points

The OECD Guidelines for Multinational Enterprises[309] are a soft law instrument on responsible business conduct, covering human rights, labour, environment, and corruption. Adhering states must establish National Contact Points (NCPs), which promote the Guidelines and review complaints ("specific instances") against companies through a non-judicial grievance process.[310]

Anyone—individuals, communities, or CSOs—can file complaints about past, ongoing, or future harms.[311] To be admissible, the complaint must be against a company headquartered in a state that has adhered to the Guidelines or relate to damage that occurred in a such a state. NCPs mediate between victims and companies and issue final statements. If an agreement was reached, the final statement provides an overview of the agreement, and if no agreement was reached, the statement provides an overview of the issues raised and procedures followed.[312]

Some, like the UK NCP, can state whether the Guidelines were breached, making them useful for subsequent judicial or quasi-judicial action. The process is accessible and inexpensive, though often slow, voluntary for companies, and lacking enforcement powers.

While corruption is not often addressed in the Guidelines directly, many NCP cases reveal overlap with human rights and environmental harms. As of 2025, NCPs had handled 31 corruption-related complaints, linked to labour rights, consumer protection, Indigenous peoples' rights, and illegal resource extraction.[313]

Below is a list of pros and cons for pursuing NCPs as a non-judicial accountability method.

Pros to use of NCPs	Cons to use of NCPs
• Accessible, low-cost, and can be filed without legal representation. • Can target multiple companies at once and does not preclude judicial action. • Useful in some jurisdictions (e.g., UK) where NCP findings can inform later proceedings. • Flexible evidentiary standards: suspicions or indicative evidence may be enough to trigger review by an NCP. • Can expose links between corruption, human rights, labour, and environmental abuses.	• Lengthy process (often years) and dependent on company willingness to engage. • Participation is voluntary; companies can refuse without direct sanction (though reputational risks exist). • NCPs lack investigative and enforcement powers—agreements rely on company cooperation. • Final statements vary in quality; many NCPs avoid stating breaches of the Guidelines. • Limited use in corruption cases so far; overlap with human rights issues remains underdeveloped. • Inconsistent powers and approaches across countries reduce effectiveness.

309 Available at https://mneguidelines.oecd.org/mneguidelines/. Chapter VII of the Guidelines deals with the fight against corruption. Last accessed 26.02.2026.

310 The list of NCPs can be found on https://mneguidelines.oecd.org/ncps/. Last accessed 26.02.2026.

311 OECD (2023), "Guidelines for Multinational Enterprises on Responsible Business Conduct."

312 More information and a step-by-step guide on the procedure are available on the OECD Watch's website.

313 OECD, Specific instances database.

5.5.2 Multilateral development banks

Multilateral development banks (MDBs) are public institutions created by several countries to promote economic development. They provide billions in loans and donor funding each year to member governments for major projects. While central to development efforts, these funds are also vulnerable to misuse through grand corruption schemes. Each MDB has an integrity office that investigates misconduct, and most MDBs have established a sanctions system and can impose sanctions such as debarment or settlements.[314]

Most MDB investigations start by piggybacking on investigations by law enforcement authorities, whistleblower reports, or findings from project reviews. CSOs can submit evidence of wrongdoing through the bank's integrity services, often confidentially or anonymously. This allows human rights and anti-corruption groups to trigger sanctions against companies implicated in corruption linked to MDB-funded projects.[315]

In 2023, six major MDBs harmonised their guidance on business integrity and reinforced their cross-debarment agreement, barring sanctioned companies from participating in MDB-financed projects.[316] MDB sanctions are administrative rather than criminal, complement national proceedings, and act as a deterrent through public blacklists.

Pros of using MDB sanctions	Cons of using MDB sanctions
• Non-judicial, flexible mechanism with a lower standard of proof. • Independent integrity offices conduct investigations to protect MDB-financed projects, though often relying on law enforcement authorities • MDBs can refer cases to domestic authorities, reinforcing accountability. • Broad investigative powers. • Sanctions (e.g., debarment, "naming and shaming") can complement national or international penalties without legal conflict.	• Procedures are lengthy and often last years. • Weak due process guarantees compared to courts. • Limited only to MDB-funded projects. • Lack of harmonisation across MDBs creates inconsistent sanctions. • Potential conflict of interest: MDBs act as both funders and sanctioning authorities.

314 The following MDBs have set up a sanction system: The World Bank Group (World Bank complaint form); The New Development Bank (New Development Bank whistleblowing and report page); The African Development Bank (African Development Bank, Office of Integrity and Anti-Corruption); The Inter-American Development Bank (Interamerican Development Bank Sanctions system); The European Bank for Reconstruction and Development (Office of the Chief Compliance Officer); The European Investment Bank (Investigations Division); The Asian Development Bank (Office of Anticorruption and Integrity).

315 Civil society organisations play a vital role in promoting accountability within MDB operations by reporting suspected corruption or misconduct through dedicated, confidential channels. When such reports are specific and supported by credible evidence, they can trigger formal investigations and are protected by MDB whistleblower policies. CSOs also help maintain pressure that can lead to MDB sanctions, as illustrated by the case of the German firm Lahmeyer International. In the late 1990s, Lesotho prosecuted the chief engineer of the Lesotho Highlands Water Project for bribery involving Lahmeyer which led to the to the World Bank's decision in 2006 to debar Lahmeyer for five years. Shortly after, partly thanks to awareness raising of the case by CSOs such as Transparency International, the European Bank for Reconstruction and Development imposed a similar sanction.

316 Agreement for mutual enforcement of debarment decision among multilateral development banks: see "MDB General Principles for Business Integrity Programmes."

Corporate corruption is a major driver of human rights violations globally. This chapter aimed to showcase, however, that impunity is not inevitable; tools already exist to hold companies to account. From criminal frameworks to due diligence laws, class action suits and extra-judicial mechanisms, CSOs can turn evidence of corporate corruption into action for justice.

Drawing upon the legal and procedural analysis above, the following pathway translates these principles into practical steps for civil society organisations.

Action pathway for CSOs – Litigating corporate corruption as a human rights violation

Feed evidence of corporate corruption into legal action that delivers justice for affected communities.

By acting strategically, CSOs can:

- Hold companies accountable for enabling corruption, for participating in corruption that results in human rights violations, or for contributing to or committing human rights violations that facilitate corruption.
- Deliver justice to victims of rights violations.
- Push for stronger laws and enforcement.
- Shift the paradigm: from impunity to accountability.

Step 1: Define the legal angle

Ask yourself: ***What type of harm are we addressing?***

- Is it a criminal offence (e.g., bribery of public officials)?
- Is there human rights harm (e.g., unsafe working conditions, forced labour, land dispossession)?
- Can we establish a link between the two?

Consider potential entry points:

- Criminal route → pursue prosecution, victim status, or aggravating factors.
- Civil route → use due diligence laws or tort/law of delict liability.
- Non-judicial route → use OECD NCPs or MDB integrity systems.

Consider: are there any risks to bringing a case? If so, can any mitigation measures be employed?

Step 2: Investigate & document

Build your case:

- Gather testimonies from affected communities.
- Map the corporate structure and identify parent companies.
- Use Freedom of Information (FOI) tools to access procurement records, permits, or audit reports.
- Identify corruption red flags: shell companies, opaque subcontracting, political ties.

Tip: Collaborate with journalists, whistleblowers, or investigative NGOs to strengthen your evidence base.

Step 3: Choose your forum

Think transnationally: Where is the company headquartered? Where are its subsidiaries? Where are the harms felt?

Apply a **forum shopping strategy**:

- Choose jurisdictions with strong due diligence laws (e.g., France, Germany).
- Use countries with extraterritorial anti-corruption laws (e.g., UK, US).
- Consider civil, criminal, or administrative courts – or all three.

Remember: You don't need to prove everything. Some forums (e.g., OECD, NCPs) require only "credible allegations."

Step 4: Take legal action

Criminal path

- Push prosecutors and investigative authorities to open investigations.
- Advocate for victims to be recognised as harmed parties.
- Use corruption as a gateway to expose systemic human rights violations.

Civil path

- File a civil suit for failure to prevent human rights harm (e.g., under Duty of Vigilance law) or for any remedy under civil law (e.g., restitution, compensation, annulment or cancellation of contracts, declaratory relief concerning the violation of the law/harm caused)
- Combine corruption context with due diligence failures.
- Explore class actions where communities have suffered collective harm.

Non-judicial path

- File a complaint with an OECD National Contact Point.
- Report misconduct to MDB integrity offices.
- Develop advocacy strategies that target investors
- Use these platforms to trigger dialogue, mediation, or reputational pressure.

Step 5: Push for remedy and systemic change

Don't stop at legal action:

- Try to join settlement negotiations / court procedures and demand remedies (such as compensation) in settlements or court decisions.
- Insist on structural reforms (e.g., new due diligence policies, independent monitors).
- Use outcomes to influence legislation, strengthen enforcement, and set precedent.

Build alliances:

- Partner with legal clinics, pro bono lawyers, and transnational networks.
- Centre the voices of affected communities in all stages of the process.
- In national forums where legal standing is restricted to nationals, partner with local CSOs with legal standing.

Address book – Key platforms and resources for CSOs

Multilateral development banks (MDBs)

- **World Bank – integrity complaint form**
  www.worldbank.org/fraudandcorruption
  Submit anonymous or named reports of corruption, fraud, or collusion in World Bank-financed projects.
  All complaints are reviewed by the Integrity Vice Presidency (INT).
- **European Bank for Reconstruction and Development (EBRD) – Office of the Chief Compliance Officer**
  https://www.ebrd.com/integrity-and-compliance.html
  Report misconduct or corruption in EBRD-financed projects.
  Confidential reporting channels available.
- **Asian Development Bank (ADB) – Anticorruption and Integrity Office**
  https://www.adb.org/site/integrity/overview
  Online complaint form for reporting fraud, corruption, or abuse in ADB-funded projects.

OECD National Contact Points (NCPs)

- **OECD Specific Instances Database**
  https://mneguidelines.oecd.org/ncps/
  Find the contact details and complaint procedures for your country's NCP.
  File complaints under the OECD Guidelines for Multinational Enterprises.
- **OECD guide for filing complaints**
  https://www.oecdwatch.org/
  Practical guidance on how to prepare and submit a well-documented complaint.

Legal standing and victims' rights

- Global Civil Society Coalition for the UNCAC – **Victims of Corruption Legal Standing Database**
  https://uncaccoalition.org/get-involved/working-groups/victims-of-corruption-working-group/database-on-legal-standing/country-profiles/
  Country-by-country profiles on legal standing for victims of corruption.
  Useful for identifying where victims can initiate or join proceedings.

Pro bono legal networks

- **International Senior Lawyers Project (ISLP)**
  https://islp.org/
  Connects CSOs and governments with experienced pro bono lawyers for strategic litigation, legal reform, and capacity building.
- **International Lawyers Project (ILP)**
  https://www.internationallawyersproject.org/
- **PILnet – The Global Network for Public Interest Law**
  https://www.pilnet.org/
  Facilitates pro bono partnerships between civil society and law firms globally.
- **TrustLaw (Thomson Reuters Foundation)**
  https://www.trust.org/trustlaw/
  Matches CSOs with pro bono legal support from major law firms worldwide.

- **Advocates for International Development (A4ID)**
  https://www.a4id.org/
  Offers legal expertise for development-related and human rights issues through a global pro bono network.

Freedom of information (FOI) tools

- **Access Info Europe – FOI tools and resources**
  https://www.access-info.org/foi-tools/
  Templates, legal guides, and databases for filing FOI requests in Europe and beyond.
- **AskTheEU.org**
  https://www.asktheeu.org/
  Submit FOI requests to EU institutions and track responses publicly.
- **WhatDoTheyKnow (UK)**
  https://www.whatdotheyknow.com/
  File and browse FOI requests to UK public authorities.

Whistleblower protection and reporting

- **Transparency International – Anti-Corruption Helpdesk**
  https://www.transparency.org/en/helpdesk
  Submit questions or request guidance on corruption-related legal frameworks and redress.
- **Protect – Advice Centre for Whistleblowers (UK/EU)**
  https://protect-advice.org.uk/
  Free legal advice for whistleblowers and NGOs supporting them.
- **Platform to Protect Whistleblowers in Africa**
  https://www.pplaaf.org/

Legal and strategic resources

- **Business & Human Rights Resource Centre – Lawsuits Database**
  https://www.business-humanrights.org/en/lawsuits/
  Track corporate legal accountability cases globally, including those involving corruption.
- **OECD Anti-Corruption Portal**
  https://www.oecd.org/corruption-integrity/
  Access conventions, country reports, and policy tools on anti-bribery and integrity.
- **UNODC – Reporting Corruption**
  https://www.unodc.org/unodc/en/corruption/reporting-corruption.html
  Information on how to report corruption and access UN anti-corruption resources.
- **Action4Justice**
  https://action4justice.org/
  Global platform offering multi-jurisdictional in-depth legal resources and practical guidance, including on legal action against corporations.

CHAPTER 6

Judicial methods of holding the state accountable

Having examined how individuals and business enterprises can be held accountable for corruption and its human rights impacts, this chapter turns to the role of the state, the primary duty-bearer under international human rights law. The chapter proceeds in three steps, moving from national litigation to international mechanisms, and finally to the substantive legal tests required to establish state responsibility.

First, it explains how domestic mechanisms can be used to stop ongoing harm and secure remedies for victims.

Second, it examines international and regional human rights mechanisms as forums for obtaining remedies for human rights violations caused by corruption. To that end, this chapter presents relevant international and regional mechanisms, outlining the key procedural pathways to bringing litigation before different bodies and describing the doctrinal and practical obstacles that corruption cases must overcome. The latter include establishing a credible chain of causation, attributing corrupt conduct (or omissions) to the state, overcoming high levels of impunity to exhaust domestic remedies, and meeting the evidentiary thresholds required for success. This chapter also explains how to establish a course of corrupt conduct as breaching a state's obligations. As discussed in Chapter 1.5, states' human rights obligations include:

- The obligation to respect – the state must refrain from interfering with rights
- The obligation to protect – the state must safeguard rights from interference by third parties
- The obligation to fulfil – the state must adopt positive measures to guarantee access to rights

Finally, the chapter describes how to frame corruption as a breach of the state's human rights obligations, distinguishing among obligations to respect, protect, and fulfil human rights, and demonstrating how corruption—whether committed by state actors or by private actors—can constitute a violation of these duties.

Taken together, these strategies not only provide pathways for accountability but also strengthen public discourse on corruption and human rights, empower civil society advocacy, and pressure governments towards systemic reforms that reduce impunity for corruption-linked abuses.

6.1 National mechanisms: Judicial review of state conduct

National avenues are the front line for accountability in grand-corruption contexts. They serve three purposes:

i. **Stopping or mitigating the harm** through judicial orders, administrative remedies, sanctions, or other relief.

ii. **Building the evidentiary record** by documenting facts, actors, and institutional failures relevant to attribution and causation.

iii. **Satisfying the exhaustion requirement**, a prerequisite for admissibility before most international and regional human rights bodies.[317]

317 The exhaustion of domestic remedies is a customary principle on the admissibility of claims which provides that a complainant must in principle have exhausted all relevant avenues of seeking remedy available in the State party before bringing a claim to an international court or mechanism. See International Justice Resource Center (2017), "Exhaustion of Domestic Remedies in the United Nation System," pp. 4-10. United Nation Human Rights Council, "Frequently asked questions – What are the differences between the 1503 Procedure and the procedure under Council Resolution 5/1?"; European Court of Human Rights (2023), "Q&A, Exhaustion of Domestic Remedies."

Depending on the national system, victims and (where permitted) CSOs can proceed through administrative, civil, criminal, or constitutional routes, and may also engage quasi-judicial bodies such as NHRIs or ombudsmen (for more on this point, see Chapter 7).

Judicial review enables individuals and, in some jurisdictions, CSOs to contest state conduct whether by ministries, local administrations, public companies, or officials. While admissibility rules differ across countries, these actions provide states with an opportunity to address corruption-related failures to protect rights. Under international law, the duty to protect requires states to prevent, investigate, and prosecute corruption schemes that cause human rights violations, and to secure remedies for victims.[318] This section outlines how domestic proceedings can be used to litigate compliance with that obligation.

Under international law, the duty to protect requires states to prevent, investigate, and prosecute corruption schemes that cause human rights violations, and to secure remedies for victims.

Judicial review can take different forms depending on the legal system. **Administrative review** (or urgent administrative review) allows individuals and, in some cases, CSOs to challenge unlawful acts or omissions by public authorities of the executive branch, such as ministries, local administrations, or public companies. Courts may annul the contested decision, order the authority to act, prevent future violations, or award damages.

States and public bodies causing non-contractual harms may also be held to account through **private law actions** when they act as employers, contractors, or landowners. Victims can bring claims under private, labour, or property law to seek remedies (e.g., damages), injunctions, or orders requiring specific performance. Such proceedings may be especially relevant in cases where corruption has led to discriminatory hiring, forced displacement, or other abuses.

In certain situations, **criminal review** is possible. Public bodies or officials (see Chapter 4's discussion of individual criminal liability) may face liability where corruption contributes to unsafe or defective public infrastructure or goods (for example, in the purchase of substandard medicines or the construction of unsafe infrastructure) resulting in loss of life or other serious harm. When corruption degrades public services such as education or healthcare through the diversion or embezzlement of budgets, concurrent private and criminal law claims might also be pursued.

Finally, some countries provide **constitutional review** of legislation or administrative action. This route enables individuals to invoke fundamental rights guarantees directly before constitutional courts. Mechanisms such as the *amparo* in Mexico,[319] *tutela* in Colombia,[320] or writ petitions in India[321] offer important avenues for victims to contest corruption-related violations of their rights. **Constitutional review** might also be a good route for addressing areas of public law harmed by corruption, for example when illegal political financing through various corrupt acts undermines legislation on pluralistic democracy and free elections.

318 Divya Prasad and Lazarie Eeckeloo (2019), "Corruption and Human rights: How to better integrate corruption issues in the UN human rights mechanisms. A practicioners' guide and strategic advocacy tool for civil society organisations": p. 11.

319 CEPAD, "¿Qué es el Juicio de Amparo y para qué sirve?"

320 Ministry of Justice of Colombia, "¿Cómo debo presentar una acción de tutela para proteger mis derechos fundamentales?".

321 See: https://www.diligencecertification.com/writ-petition/?srsltid=AfmBOoowBg6bJps83idUL5fzA2sHGXEuCfShaMif2rKWY4BJNTcQg4WM. Last accessed 26.02.2026.

Colombia's Constitutional Court, corruption, and the malnutrition of Indigenous Wayúu children

Jurisprudence from Colombia's Constitutional Court provides an important example of how constitutional litigation can address systemic human rights violations linked to corruption. The Court has developed the doctrine of the *estado de cosas inconstitucional* ("unconstitutional state of affairs"), which is declared when there is a generalised and persistent violation of fundamental rights affecting a large number of people and caused by structural failures in state institutions.[322] This doctrine allows the Court to adopt structural remedies and monitor their implementation over time. Declarations of an unconstitutional state of affairs usually arise during the Court's review of tutela decisions—constitutional actions that any person may file to protect fundamental rights—that reflect a widespread and systemic problem rather than isolated violations.

The humanitarian crisis affecting the Wayúu people in the department of La Guajira illustrates this dynamic. Persistent corruption in the management of public resources has contributed directly to severe malnutrition and deaths among Wayúu children. Funds allocated to programs intended to guarantee access to food, clean drinking water, and health services have repeatedly been subject to embezzlement, irregular contracting, and weak oversight. As a result, essential public services frequently fail to reach rural Wayúu communities—leaving children without adequate nutrition, medical care, or safe water in a region already characterised by extreme poverty and geographic isolation.[323] According to the Association of Traditional Indigenous Authorities Wayúu, *Shipia Wayúu*, between 2007 and 2015, 4,770 Wayúu children died due to malnutrition.[324]

In Judgment T-302 of 2017, the Constitutional Court, in reviewing a tutela action on the matter, concluded that these circumstances constituted a massive and generalised violation of the fundamental rights of Wayúu children, particularly in the municipalities of Riohacha, Manaure, Maicao, and Uribia, and therefore declared an unconstitutional state of affairs.[325] Recognising that structural corruption was preventing effective protection of children's rights,[326] the Court ordered comprehensive institutional reforms, emphasised the need for transparency and oversight in public contracting, and retained supervisory jurisdiction to monitor compliance with its orders until the unconstitutional situation is remedied.[327]

6.2 International and regional accountability mechanisms: Procedural pathways

When domestic justice is obstructed or compromised, international and regional human rights mechanisms can provide victims and civil society with alternative pathways to engage state responsibility for corruption-related rights harms. As mentioned in Chapter 1, these bodies receive

322 See Colombia, *Sentencia T-302/17* (Corte Constitucional, 8 May 2017) para 9.1.1.

323 For more on the impact of corruption on Wayúu children's human rights, see FIDH & CAJAR (2025), *La corrupción mata: Infancia Wayúu y crisis de desnutrición*.

324 Ibid. p. 13 (citing *Comisión Interamericana de Derechos Humanos, Resolución 60/2015, Medidas Cautelares No 51/15* (11 December 2015) para. 1.

325 *Sentencia T-302/17* (Corte Constitucional, 8 May 2017) paras 9.1.1-9.1.2.

326 Ibid. paras 9.4.6.2.2-9.4.6.2.4.

327 Ibid. Anexo IV- Síntesis de objetivos, indicadores, acciones y órdenes específicas.

individual or CSO petitions (terminology varies) and issue decisions, views, or recommendations on the rights within their mandates. These forums are less vulnerable to capture than domestic courts and, if used strategically, can generate binding or authoritative findings, strengthen the evidentiary record, and amplify pressure for reform. At the same time, corruption-related claims face distinct challenges, including the absence yet of cases directly linking corruption and human rights before these mechanisms, requiring CSOs to advance novel and carefully constructed legal theories.

Most international and regional mechanisms allow individuals to submit complaints or petitions for rights violations, provided the state has ratified the relevant protocol or convention that grants such competence.[328] This section thus provides a practical roadmap for bringing corruption-linked human rights cases before UN treaty bodies, the Inter-American system, the European and African human rights mechanisms, and other specialised forums.

6.2.1 UN bodies

At the UN level,[329] each of the nine core human rights treaties has established a committee of experts to monitor the implementation of its provisions by states parties. However, while the Committees can monitor how the state party has implemented their recommendations through a follow-up procedure, their decisions are typically not considered legally binding.

Many UN treaties also carry additional protocols that, if ratified by a state, allow a person to initiate an individual action against that state before the committees. The decisions of the committees on individual applications represent an authoritative interpretation of the treaty concerned. These committees determine whether a state party has violated the applicant's human rights and issue recommendations to the non-compliant state. Annex 2 provides a list of relevant treaty bodies, identifying which ones receive individual complaints; before bringing a complaint before one of these bodies, determine whether the state under consideration is a party to the relevant additional protocol.

Treaty body decisions and their varying authority

The authoritative weight accorded to the decisions of UN treaty bodies—whether issued in their monitoring functions or in response to individual petitions—varies significantly by country and by treaty. In monist states, the rights and obligations contained in a treaty become directly enforceable as national law once the treaty is ratified, whereas in dualist states enforceability depends on the extent to which treaty provisions are reflected in domestic legislation. However, in both systems, states generally treat the decisions of treaty bodies not as legally binding but as authoritative or persuasive interpretations of the treaties they supervise, with varying degrees of deference.[330] A limited number of states recognise binding effects for certain treaty body actions; for example, Mexico's Supreme Court of Justice held in 2021 that urgent actions issued by the UN Committee on Enforced Disappearances have binding force because they give specific content to the State's obligations under the Convention on Enforced Disappearances.[331] However, many states still view them strictly as recommendations. Understanding the authority given by different states to treaty body decisions is important for

328 List of ratifications of human rights treaties per country: OHCHR, "Status of Ratification Interactive Dashboard", available at https://indicators.ohchr.org/. Last accessed 26.02.2026.

329 UN Office of the High Commissioner on Human Rights (2013), "Fact Sheet 7 : Individual complaint procedures under the UN Human Rights Treaties."

330 Danae Azaria (2020), "The Legal Significance of Expert Treaty Bodies Pronouncements for the Purpose of the Interpretation of Treaties."

331 Mexico, *Amparo en Revisión 1077/2019* (Suprema Corte de Justicia de la Nación, 16 June 2021) paras 115–133. IDHEAS, one of FIDH's Mexican member organisations, led the strategic litigation that resulted in this decision.

strategising on which forums are most likely to generate compliance to address corruption-related human rights harms. Readers are encouraged to pursue national actions to improve their respective state's recognition of treaty bodies' authority.

General guidance for submitting individual applications before the UN committees can be found on the UN website,[332] along with a brief of each committee's procedures.[333]

Concerning the **admissibility criteria of some of these UN bodies**, they are further detailed in the following sources:

- **Human Rights Council**: https://www.ohchr.org/en/hr-bodies/hrc/complaint-procedure/hrc-complaint-procedure-index
- **Committee on Economic, Social and Cultural Rights**, rules of procedure under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: https://docs.un.org/en/E/C.12/49/3
- **The Committee against Enforced Disappearances**: https://docs.un.org/en/CED/C/1 (see Part XXI)

The main procedural criteria to bring a complaint before UN bodies are summarised in **Annex 2.**

6.2.2 Regional systems

At the regional level, different types of bodies (courts, committees and commissions) are competent to monitor the implementation of human rights treaties by states which are party to such instruments. They can issue decisions on individual complaints, which are binding on the defendant state.

The African Court on Human and Peoples' Rights, in Arusha, Tanzania. Photo: FIDH

332 Available at https://www.ohchr.org/en/treaty-bodies/ccpr/individual-communications; Last accessed 26.02.2026. See also The Geneva Academy of International Humanitarian Law and Human Rights (2019), "Treaty Bodies' Individual Communication Procedures: Providing Redress And Reparation To Victims Of Human Rights Violations."

333 Available at https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-07-rev-2-individual-complaints-procedures-under-united. Last accessed 26.02.2026.

Guidance on the procedure for submitting individual applications can be found below:

- **The European Court of Human Rights** (for the European Convention on Human Rights): https://www.echr.coe.int/documents/d/echr/application_notes_eng
- **The European Committee of Social Rights** (for the European Social Charter): https://rm.coe.int/collective-complaints-procedure/1680745715
- **The Inter-American Commission on Human Rights** (for the American Convention on Human Rights), Rules of procedure: https://www.oas.org/en/iachr/mandate/Basics/RulesIACHR2013.pdf
- **The African Commission on Human and Peoples' Rights** (for the African Convention on Human and Peoples' Rights): Guidelines for the submission of communications**,** https://achpr.au.int/en/guidelines-submitting-complaints
- **The African Court on Human and Peoples' Rights** (for the African Convention on Human and Peoples' Rights): general guidelines https://www.african-court.org/wpafc/how-to-file-a-case/, Rules of Court https://www.african-court.org/wpafc/wp-content/uploads/2021/04/Rules-Final-Revised-adopted-Rules-eng-April-2021.pdf

The main procedural criteria to bring a complaint before these regional mechanisms are summarised in **Annex 2.**

6.3 International and regional mechanisms: Substantive requirements and principal challenges for building useful case law

The following subsection outlines the substantive hurdles that corruption-related human rights petitions face before international and regional mechanisms. It first identifies the principal challenges and then examines in greater detail the most complex substantive requirements for presenting corruption as a breach of a human rights obligation, with particular attention to the most challenging element: causation. The aim of this section is to equip civil society organisations with a clear, practical understanding of how to structure and present cases so as to overcome these critical obstacles.

No international or regional jurisprudence has directly established state responsibility for corruption-related human rights harms. As such, one of the aims of this guide is to provide practical guidance for conducting strategic litigation to build relevant precedent, so that human rights protection mechanisms can be used to provide remedies to victims of corruption-related human right harm. However, because corruption often produces diffuse or indirect harm and involves opaque networks of actors, corruption-related human rights petitions encounter specific practical and doctrinal hurdles, as outlined below.

i. **High levels of impunity:** Most international bodies require victims to pursue all reasonably available domestic avenues before filing an international complaint (a principle known as exhaustion of domestic remedies). This is particularly difficult in corruption contexts, where there are high levels of impunity in national systems, bolstered by judicial capture, political interference, delayed investigations, and retaliatory threats against victims or lawyers. However, in international and regional mechanisms, claimants can demonstrate that they attempted to seek domestic relief or that domestic remedies were unavailable, ineffective, or unduly prolonged.

ii. **Establishing causation**: This is a key issue present in different dimensions of the litigation against the state. Indeed, one will need to demonstrate: a sufficient nexus between the corrupt conduct at issue and the rights violation, a foreseeable chain of consequences stemming from the corrupt conduct, and, to obtain reparation, a harm that is not too "remote" or attenuated**.** These stringent requirements make it particularly difficult to establish causal links in human rights litigation, especially in cases involving corruption. For more on causation, see 6.3.2.

iii. **Establishing attribution** when corruption involves non-state actors: International human rights law is built on state responsibility rather than individual or corporate liability. When corruption mostly involves private actors such as companies, contractors, or criminal networks, attribution to the state becomes more complex, with the principal challenge being the identification of evidence that links state involvement to acts of corruption committed by such non-state actors. Where such evidence is lacking, state responsibility may still be established through the duty to prevent or foreseeable harm, as developed in systems like the Inter-American Court of Human Rights.[334] Under this doctrine as applied to corruption, even where the state did not commit the corrupt act itself, it may nonetheless incur responsibility if the resulting harm was foreseeable and the state failed to take reasonable preventive measures. This doctrine is essential for grand-corruption contexts.

iv. **Evidentiary standards and institutional reluctance** (human rights standards vs. criminal standards): Human rights bodies require a less strict standard of proof than those used in criminal prosecutions, but they do require credible evidence, coherent factual allegations, indicators of patterns or schemes, and documentation linking corruption to harm. While the standard is lower than "beyond a reasonable doubt," CSOs will face challenges when bringing cases where corruption is not proven to a criminal standard. Human rights protection mechanisms have historically been reluctant to engage with corruption-related claims,[335] in part because they do not view themselves as competent to assess such conduct in the absence of a criminal conviction formally establishing the acts as corruption. A major challenge for litigators, therefore, lies in addressing this institutional hesitation and the unsupported impression that corruption must first be proven at the national level, even though such a requirement is not mandated by human rights evidentiary standards.

6.3.1 General substantive requirements for international litigation

There are several options for including corruption in human rights litigation. However, to do so, we must first recall the primary elements that generally must be demonstrated to establish the responsibility of the state for infringing a human rights obligation. These five critical elements include:

i. **Attribution** — showing that the act or omission is legally attributable to the state;

ii. **Obligation** — showing that the state had a binding duty under international law (respect, protect, fulfil) regarding that conduct;

iii. **Breach** — showing that the state violated this duty through action or omission;

iv. **Causation** — showing that the breach caused the human rights harm;

v. **Harm/Damages** — showing that a harm did, in fact, occur.

The following subsections elaborate on these elements, beginning with causation as the most complex. These discussions provide doctrinal grounding to present corruption-related claims before international and regional bodies.

334 See e.g., *Environment and Human Rights* (Advisory Opinion OC-23/17) IACtHR (15 November 2017) para 120. (holding States may be internationally responsible for environmental harm stemming from the reneging of a positive obligation "[partly] at the time of the facts the authorities knew or should have known of the existence of a situation of real and imminent danger for the life of a specific individual or group of individuals and failed to take the necessary measures within their area of responsibility that could reasonably be expected to prevent or to avoid that danger.")

335 Martine Boersma (2012), "Corruption: A Violation Of Human Rights And A Crime Under International Law?": Chapter 3 (noting that between 1994 and 2012 UN treaty bodies referred 131 times to the negative impact of corruption on the enjoyment of human rights and emphasised the need to combat it, while stopping short of characterising corruption as a human rights violation and instead framing it in terms of negative impacts and concerns).

6.3.2 Causation: Establishing the link between the conduct and human rights harm

Establishing causation is a central challenge in corruption-related human rights litigation. In international proceedings, causation is the bridge that transforms wrongdoing into legally enforceable state responsibility and actionable relief. Without a sufficiently demonstrated causal link between the corrupt act or omission, the breach of a state's obligations with respect to a human right (i.e., the obligations to respect, protect, or fulfil) and the alleged human rights harm, claims are likely to fail.

Human rights litigation can address corruption in several ways, but all methods hinge on establishing causation—this subsection aims to highlight those different paths, particularly methods of establishing a link between corruption and acts of the state that cause human rights violations through a breach of their obligations.[336]

Types of causal links in corruption-related human rights cases

International and regional bodies have increasingly recognised that corruption undermines the enjoyment of human rights. Nevertheless, jurisprudence has never articulated a clear causal link between specific corrupt acts and specific rights violations. Drawing from existing practice and the insights of international law scholars, corruption-related human rights cases generally fall into one of the following causal configurations:[337]

i. **Corruption causes the violation** *(impinging a state's obligations to respect human rights)*. For example, if an innocent person is detained and a judge demands a bribe in exchange for not issuing a conviction—and then convicts the person when the bribe is not paid—that constitutes a clear violation of due process. In such a case, there is a direct link between the public official's pursuit of private gain and the resulting human rights violation; in other words, corruption triggers a breach of the state's obligations. While the example describes petty corruption, one can easily imagine a scenario where a network of judges routinely engages in such practices and releases individuals only upon payment. In those circumstances, the conduct could amount to grand corruption because of its scale and extent of victims.

ii. **Corruption is a determinative cause** of a human rights violation *(impinging a state's obligations to protect human rights).* In these situations, a corrupt act is a necessary part of a chain of events leading to a violation. For example, if an organised crime group corrupts the police through bribery (e.g., by asking them to arbitrarily detain people who are later disappeared by the same group), police corruption—though not the sole cause of the criminal enterprise—was a crucial element in the chain of events that led to enforced disappearances.

iii. **Corruption impedes the state from fulfilling its human rights obligations** *(impinging a state's obligations to fulfil human rights)***.** For instance, in a typical embezzlement case, diverted state resources hinder the state's ability to fulfil its obligation to take reasonable

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336 When assessing causal links between corruption and human rights harms, practitioners should be mindful of the causation standards that apply in the relevant jurisdiction, as these standards vary. By way of illustration, under the Articles on State Responsibility (ARSIWA), a state is required to make reparation only for injuries that are caused by its internationally wrongful acts. Two key principles shape causation under this framework. First, the harm must not be too remote from the alleged wrongful conduct. Second, the required strength of the causal link depends on the type of obligation that has been breached. In practice, obligations of conduct—those requiring a state to take reasonable measures—are assessed more flexibly than obligations of result, which require the achievement of a specific outcome. A state may therefore defeat both a finding of breach and the causal link for an obligation of conduct by demonstrating that it adopted reasonable and appropriate measures. This defence is not available where an obligation of result is at issue. Although these principles are not explored in detail here, they are important for practitioners to bear in mind. In general, the harm must not be too remote from the conduct, and the nature of the causal link will vary depending on the obligation involved. For more see: International Law Commission (2001), "Commentaries to the draft articles on Responsibility of States for internationally wrongful acts" in Report of the International Law Commission on the work of its Fifty-third session, Official Records of the General Assembly, Fifty-sixth session, Supplement No. 10 (A/56/10), chp. IV.E.2).

337 This typology is inspired by international law scholar, Claudio Nash's 2018 article, *"Derechos Humanos y Corrupción, Un enfoque multidimensional"* (Human Rights and Corruption: A multidimensional approach) and Julio Bacio Terracino's 2007 working paper, *Hard Law Connections Between Corruption and Human Rights,* on file with the Int'l Council on Human Rights Policy).

measures towards advancing development in areas related to socioeconomic rights. While some jurisprudence has treated this link as insufficient for establishing legal causation, strategic litigation may help clarify and strengthen this causal pathway.

iv. The **legal causal nexus is too attenuated** to establish, but the context of corruption can still be mentioned in a court or judicial body as part of the factual record.

Navigating weak or indirect causal links

Inevitably, there will be cases where the causal link between state conduct and the harm is too attenuated for a court to entertain, even if the broader pattern plainly stems from corruption. In those situations, litigators should still include the corruption-human rights connection in the statement of facts and contextual framing. Doing so documents the negative impacts and structural drivers of the corruption and educates tribunals about the nexus. While this framing may not strengthen the strict merits in a given case, it builds the jurisprudential and narrative groundwork for future claims in which the causal chain can be proven to the requisite standard.

The Inter-American Court of Human Rights, for instance, has examined the impact of corruption on human rights in several of its cases. Although the Court has not identified corruption per se as an independent violation of a human rights obligation, its treatment of corruption as a contextual element of such violations is laying the groundwork for the Inter-American human rights system to articulate a clearer causal relationship between the two.[338]

But see: Lessons from climate and environmental litigation in establishing causation when impacts are diffuse

In other cases, it may be the *impact* that is diffuse or collective.

Climate change litigation offers a useful example of how to establish a legally sufficient causal link where harms are widespread and diffuse.[339] In such contexts, courts have adapted by allowing NGOs and CSOs to act as representatives of collective interests, as seen in ***KlimaSeniorinnen v. Switzerland***, where the ECtHR rejected individual claims for lack of individualised harm[340] but granted standing to an NGO under special conditions.[341]

Courts have also recognised that climate change threatens fundamental rights, including the rights to life, health, and family life, as confirmed in European[342] and Dutch case law (***Milieudefensie v. Shell***).[343] These rulings affirm that diffuse harms

338 See Corte Interamericana de Derechos Humanos (2021), citing *Ramírez Escobar and others v Guatemala* (Merits, Reparations and Costs) IACtHR Series C No 351 (9 March 2018) paras 241–242, as well as jurisprudence examining corruption's impact on specific Convention rights, including the right to personal integrity, the prohibition of sex trafficking, freedom of expression, due process and the right of access to information.

339 Riccardo Luporini, Annalisa Savaresi (2023), "International human rights bodies and climate litigation: Don't look up?" *Review of European, Comparative & International Environmental Law* (RECIEL) Volume 32, Issue 2: International Climate Litigation.

340 *KlimaSeniorinnen v Switzerland* App No 53600/20 (ECtHR, 9 April 2024) paras 527- 535.

341 Ibid., para 523.

342 Ibid., para 519.

343 Note that the case is under Appeal to the Supreme Court, *Milieudefensie and others v Royal Dutch Shell plc* (Gerechtshof Den Haag, 200.302.332/01) para 7.17.

can constitute human rights violations where state or private actions contribute to widespread damage.[344]

In the landmark ***La Oroya*** case, the Inter-American Court of Human Rights applied similar rationale when it examined decades-long heavy-metal pollution from a metallurgical complex in La Oroya, Peru which exposed the surrounding population to severe environmental and health risks. There, the Court emphasised that the right to a healthy environment has individual and collective dimensions,[345] recognising that the contamination affected the community in La Oroya as a whole.[346] Peru's lack of due diligence in appropriately regulating polluting companies, despite clear evidence of widespread environmental harm, constituted a breach of its obligations to prevent these collective impacts on human rights.[347]

By analogy, the same legal reasoning offered by these cases can apply to grand corruption: diffuse harm across a large group or population caused by systemic corruption should be treated as a human rights violation, with obligations imposed on states when their role in enabling or perpetuating corruption is foreseeable and significant.

As discussed in Chapter 1.5, the obligation to respect is a negative obligation, requiring the state to refrain from certain actions while the obligations to protect and fulfil are positive obligations, requiring affirmative action from the state. Determining non-compliance is often straightforward for negative obligations: if the state itself restricts or denies a right, it has failed to respect it.

Positive obligations are more complex, requiring assessment of whether the state exercised due diligence to prevent or remedy violations by third parties, or whether the state engaged in proper conduct to work towards the realisation of certain rights. Accordingly, a state may be found in violation of its human rights obligations where it fails to prevent the acts or omissions of private actors that infringe the rights of those under its jurisdiction or where the state fails to undertake activity necessary to fulfil certain obligations. **Let's now consider some further examples of scenarios where acts of corruption could, in our view, lead a human rights body to conclude that a state has breached its obligations to protect or fulfil human rights.**

344 The Hague Court of Appeal in *Milieudefensie et al. v. Royal Dutch Shell* (para 7.24) set out factors to determine the actions required from a person or company to conclude that Shell has obligations regarding the effects of climate change. Relevant factors included, "the severity of the threat of a particular danger, the contribution to the creation of the danger and the capacity to contribute to the combating of the danger".

345 *Inhabitants of La Oroya v Peru* (Preliminary Objections, Merits, Reparations and Costs) IACtHR (27 November 2023) para 177.

346 Ibid., para 179.

347 Ibid., paras 179-180.

Causation and the obligation to protect: IGSS-Pisa (Guatemala)

The **IGSS-Pisa case in Guatemala** involved a $15.3 million contract awarded to Drogueria Pisa, a company without expertise in kidney treatment, after it paid a $2 million bribe to an advisor at the Guatemalan Social Security Institute (Instituto Guatemalteco de Seguridad Social, or IGSS). Despite the appeal of another bidder and rules prohibiting subcontracting, Pisa received the contract and began treating 530 patients, leading to widespread infections and over 50 deaths.[348] Complaints were filed with Guatemala's human rights ombudsman and CICIG, and patients with CSOs brought a criminal case.[349] Despite these actions, no one has been held responsible for the deaths, leaving no accountability.[350]

The case highlights that **corruption was a key element of the chain of events** that directly undermined the **state's obligation to protect** the right to health and life: by granting the tender to an unqualified company, the state did not protect the patients affected from the harmful acts of a third party. If the contract had gone to a qualified company, patients could have received proper care.

There are various theories of causation in public international law. In a case such as this, where causation is complex and multiple factors contributed to the harm, **the application of proximate cause theory**—which holds that a state is internationally responsible for conduct that is the foreseeable and natural consequence of its wrongful act—suggests that the state's failure to protect these rights was itself **a foreseeable and natural consequence** of the corrupt act.[351] This makes it arguable that the state breached its human rights obligations.

Causation and the obligation to fulfil: SERAP v. Nigeria and Universal Basic Education Commission

An illustration of establishing causation when corruption impedes a state's obligations to fulfil human rights is *SERAP v. Nigeria and Universal Basic Education Commission* (ECW/CCJ/JUD/07/10, 2010). In that case, the ECOWAS Community Court of Justice examined whether the large-scale embezzlement of public education funds in Nigeria amounted to a violation of the right to education under the African Charter on Human and Peoples' Rights. The case, brought by the Socio-Economic Rights and Accountability Project (SERAP), alleged that billions of naira meant for basic education had been diverted through corruption and that the state's failure to act had denied millions of children access to schooling.[352]

There, the Court acknowledged that large-scale embezzlement and mismanagement of public education funds can weaken an education system but that these adverse effects do not automatically amount to a **legal violation** under

348 Insight Crime (2021), "Social Insecurity: The case of IGSS-Pisa in Guatemala."

349 Ibid.

350 Naomi Roht-Arriaza (2023), "Empowering Victims of Grand Corruption: an Emerging Trend," (Connecticut Journal of international Law, Vol 37:1): p. 10.

351 For more on proximity and causation see: Anne Peters (2024), "Human Rights and corruption: Problems and potential of individualising a systemic problem," (International Journal of Constitutional Law, Vol 22 Issue 2), pp. 547-550.

352 See *Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v Nigeria and Universal Basic Education Commission (UBEC)* ECW/CCJ/JUD/07/10 (Community Court of Justice of the Economic Community of West African States, 30 November 2010) paras 4–6.

human rights law.[353] In this case, the Court declined to find a human rights violation, holding that the petitioners had not demonstrated a sufficiently direct causal link between the diversion of funds and a specific denial of the right to education.[354]

In its decision, the ECOWAS Court adopted an unduly narrow approach and missed a valuable opportunity to address corruption's impact on human rights.[355] As discussed in Chapter 1, determining whether corrupt conduct violates human rights requires clarifying the scope of the relevant right and the corresponding state obligations to respect, protect, and fulfil it. Here, the Court failed to fully examine how the Federal Government of Nigeria breached its duty to fulfil the right to education by not preventing officials from misappropriating funds earmarked for its realisation, nor did it adequately assess the extent to which that misappropriation impaired the enjoyment of the right.[356] Had the Court engaged with the obligation to fulfil, it could have articulated the necessary causal link between the diversion of resources and the resulting denial of the right to education.[357] The case thus illustrates how a proper understanding of state obligations under human rights law can clarify the specific ways in which corruption violates human rights.

Towards recognising an obligation to prevent corruption

While international and regional tribunals have not yet recognised an obligation of states to prevent corruption per se, FIDH and Transparency International believe that litigation efforts on corruption-related human rights harms can lead to the recognition of this obligation and that there is a basis for advocating for such an interpretation.

In *Ramírez Escobar v. Guatemala*, the Inter-American Court of Human Rights stated that states must take effective measures to prevent, punish, and eradicate corruption.[358] Although mentioned only in passing, this dictum provides a basis for arguing that an obligation to prevent corruption exists within the Inter-American human rights framework.[359] Drawing on instruments such as the Inter-American and UN Conventions Against Corruption, the Inter-American Democratic Charter, and related jurisprudence, this duty can be understood as an obligation of means:[360] states must take reasonable steps to prevent corruption, especially where it creates or contributes to risks of human rights violations.

353 Ibid., para 19.

354 Ibid., para 19.

355 Aisosa Jennifer Isokpan, Ebenezer Durojaye (2018), "The Child's Right to Basic Education in Nigeria: A Commentary on the Decision in SERAP v. Nigeria," p. 643.

356 Ibid., p. 646.

357 Ibid., p. 646; though analysing the obligation to protect in this context, the same analysis could be applied to the obligation to fulfil.

358 *Ramírez Escobar and others v Guatemala* IACtHR Series C No 351 (9 March 2018) para 242.

359 Jimena Reyes (2019), p. 27.

360 Jimena Reyes (2019), p. 27

If a duty to prevent corruption that contributes to or causes human rights violations were recognised, tribunals could focus on the content of the obligation to prevent corruption rather than relying on chains of causation to establish the link between corruption and the harm.[361] Such an obligation could mimic the general obligation of states to prevent human rights violations. FIDH and Transparency International encourage CSOs to argue that there is an obligation to prevent corruption when pursuing litigation strategies to further develop this theory.

6.3.3 Attribution: Showing that the corrupt conduct is a state act

Implicit in identifying a breach is the recognition that said breach was committed by a state as the duty bearer of human rights obligations under international law. Therefore, in order to establish the responsibility of the state, claimants must demonstrate **attribution** (that the act or omission in question can be legally imputed to the state) and, as such, that the conduct at issue resulted in the state's non-compliance with its obligations stemming from treaty, customary, or peremptory norms.

While different mechanisms articulate attribution in slightly different ways, all their approaches are rooted in the general law of state responsibility, outlined in the Articles on State Responsibility (ARSIWA). Under ARSIWA the state is responsible for:[362]

- Acts of state organs (Art. 4);
- Acts of entities empowered by domestic law to exercise governmental authority—including *ultra vires* acts in that capacity (Arts. 5 & 7);
- Acts of persons or groups acting on the state's instructions or under its direction or control (Art. 8).

Grand corruption frequently involves officials, SOEs, regulators, or private actors exercising public authority. Using the ARSIWA framework, many actions of individuals could be considered the acts of a state under international law.

Substantial jurisprudence provides guidance on the contours of attribution; consult case law from the relevant tribunal for more information.

N.B. Note that even where grand corruption cannot be attributed to a state (and thus an infringement of the obligation to respect), a state may still be found to have breached duties to protect by failing to prevent, investigate, and, where appropriate, punish or remedy harms caused by grand corruption. In *Velásquez Rodríguez v. Honduras,* the Inter-American Court confirmed that states may be responsible not for the act itself (e.g., an enforced disappearance by private actors) but for failing to prevent, investigate, or punish it.[363] Thus, a state can violate rights even if it, or its agents, did not commit the wrongful act directly.

6.3.4 Harm and reparations

Harm and reparations are both critical elements in building a case for international or regional human rights mechanisms. Harm establishes that a state's wrongful conduct did, in fact, cause a concrete impact on a victim while reparations refer to the measures aimed at repairing the harm suffered. Although definitions and approaches may vary across mechanisms (as discussed in Chapter 1), international human rights law generally recognises victims as individuals or groups whose rights

361 Ibid.

362 United Nations (2001), Responsibility of State for Internationally Wrongful Acts.

363 *Velásquez Rodríguez v Honduras* (Merits) Inter-American Court of Human Rights Series C No 4 (29 July 1988) paras 166 and 172.

have been violated by state acts or omissions, including failures to protect.[364] Harms may take multiple forms, including physical, psychological, economic, or social harm. When harm results from a breach of a legal duty, international human rights law requires states to provide reparations.[365]

The "harm" element thus establishes the applicant's victim status and transforms a legal violation into a justiciable human rights claim. Demonstrating harm also informs a tribunal's assessment of the seriousness of the violation,[366] the proportionality of the state's response (if there was one) to remedy the violation,[367] and the consequent scope of remedies to be ordered.[368] Documenting the extent of the harm enables tribunals to determine appropriate reparations. (For more on documentation, see Chapter 2).

International law obliges states to provide effective remedies and reparation for human rights violations.[369] The normative basis of this obligation is well established across international human rights instruments[370] and has been confirmed through practice.[371] While terminology and interpretation vary across systems, the doctrine of reparations generally encompasses restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, as reflected in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation.[372]

i. **Restitution** refers to measures that restore victims to the original situation before the human rights violation occurred;

ii. **Compensation** refers to monetary awards for economically assessable damage (including both pecuniary and non-pecuniary losses);

iii. **Rehabilitation** includes medical and psychological care as well as legal and social services provided to victims;

iv. **Satisfaction** encompasses measures aimed at addressing non-material harms including restoration of dignity, truth-seeking and public apologies; and

v. **Guarantees of non-repetition** involve measures designed to prevent future violations, such as institutional reforms addressing the structural causes of the violation.

Reparations can also be both individual and collective depending on the nature of the violation, the identity of the victims, and the applicable treaty.[373]

Demonstrating harm is therefore essential to the reparations process because it connects the abstract breach of a legal duty to the concrete experience of the individual(s) or community whose rights were violated. In doing so, it forms the basis for determining appropriate reparations before international and regional human rights tribunals.

International and regional courts, such as the Inter-American Court of Human Rights, the European Court of Human Rights and the African Court on Human and Peoples' Rights, have the authority to order binding reparations, meaning that states are legally obligated to implement the measures

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364 See UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005), principle 8.

365 See *Velásquez Rodríguez v Honduras* para 134. "The objective of international human rights law is not to punish those individuals who are guilty of violations, but rather to protect the victims and to provide for the reparation of damages resulting from the acts of the States responsible;" see generally UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005).

366 See e.g., *Selmouni v France* (Judgment) App No 25803/94 (ECtHR Grand Chamber, 28 July 1999) para 100.

367 See e.g., *Scordino v Italy* (No 1) (Judgment) App No 36813/97 (ECtHR Grand Chamber, 29 March 2006) para 206.

368 *González and others ('Cotton Field') v Mexico* (Preliminary Objections, Merits, Reparations and Costs) IACtHR Series C No 205 (16 November 2009) paras 450–451.

369 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005), principle 2(c) and principle 3(c).

370 See e.g., UDHR, article 8; ICCPR, article 2; Convention on the Elimination of Racial Discrimination, article 6; Convention against Torture, article 14; and Convention on the Rights of the Child, Article 39.

371 See OHCHR (2008). Rule-of-Law Tools for Post-Conflict States: Reparations programmes: p.8.

372 See also International Commission of Jurists (2018). The Right to a Remedy and Reparation for Gross Human Rights Violations: A Practitioners' Guide: p. xiii (Geneva)

373 For more, see ibid. pp. 195-201.

prescribed. By contrast, treaty bodies and quasi-judicial mechanisms like the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights can issue non-binding recommendations regarding reparations. For more on quasi-judicial mechanisms, see Chapter 7.

For victims, definitive recognition of the harm they have suffered through the decision of a tribunal already contribute as a reparation, as judicial processes serve an important truth-seeking function. However, it is equally important reparations include concrete and tangible remedies along with symbolic reparations that can materially and emotionally heal the individuals and collectives harmed by the corruption and human rights violation.

Action pathway for CSOs: Holding states accountable for grand corruption as a human rights violation

Turn evidence of corruption-linked rights harm into actions that engage state responsibility and deliver justice for affected communities.

By acting strategically, CSOs can:

- Hold states to account for corruption that violates human rights.
- Obtain concrete remedies for victims.
- Build binding/authoritative findings and systemic reforms.
- Shift the paradigm from impunity → accountability.

Step 1: Define the legal angle

Ask: What harm and right are at stake, and who did what?

- Is there a **human rights violation** (e.g., denial of health/education, unsafe infrastructure, discriminatory administration, denial of fair trial)?
- What **corrupt act or omission** enabled it (bribery, diversion of funds, capture of regulator, judicial corruption)?
- Can we **attribute** the conduct to the **state** (organ/SOE; entity exercising public authority; direction or control over private actors) and show **breach** of duties to **respect / protect / fulfil**?

Consider potential entry points (often in parallel):

- **Administrative/constitutional** review to stop harm (e.g., annul decisions, injunctions, amparo/tutela/writs).
- **Civil** claims (e.g., damages, injunctions, specific performance for displacement, discrimination, property/labour harms).
- **Criminal** complaints where corruption causes grave harm (e.g., substandard medicines, unsafe working conditions).
- **Quasi-judicial**: NHRIs/ombudsmen for investigations, recommendations, referrals.
- **International bodies** like regional human rights courts for binding assessments of state responsibility.

Step 2: Investigate & document

Build your case file:

- Gather **victim/community testimonies**; document specific harms and timelines.
- Map **actors & ties to the state** (ministries, SOEs, regulators; private actors with publicauthority roles).
- Collect procurement, budget, and audit records (use **FOI** where available); preserve digital evidence.
- Identify **red flags**: shell companies, opaque subcontracting, conflicts of interest, cash payments, political financing.
- Draft a clear **causal chain**: corrupt conduct → foreseeable risk → rights breach.
- Log all **domestic steps** and outcomes to support **exhaustion** (or unavailability/ineffectiveness exceptions).

Tip: Partner with investigative journalists, whistleblowers, and specialised NGOs to strengthen evidence and protect sources.

Step 3: Choose your forum

Think **laddered & transnational**. Use what advances protection fastest and best preserves evidence.

National (front line)

- Administrative/constitutional courts (injunctions, annulment).
- Civil and labour courts (damages, orders to act).
- Criminal justice (investigate/prosecute; victim participation where available).
- Quasi-judicial: NHRIs, ombudsmen (complaints, inquiries, referrals).

International/Regional (when domestic remedies are exhausted/ineffective)

- UN Treaty Bodies (individual communications), Human Rights Council **Complaint Procedure**.
- Regional systems: ECtHR, IACHR/InterAmerican Court, African Commission/Court, European Committee of Social Rights.

Non-judicial pressure (in parallel) (for more, see Chapter 7)

- **UN Special Procedures** (urgent appeals, communications, country visits).
- **UPR** and state reporting cycles (shadow reports, advocacy with states), EU rule of law reports, **monitoring and reporting mechanisms of regional parliaments** such as the European Parliament or the Parliamentary Assembly of the Council of Europe.
- **Anticorruption review bodies and mechanisms** (UNCAC Implementation Review Mechanism, MESICIC, GRECO, AUABC, OECD Working Group on Bribery, OECD/ACN Istanbul Plan, UNTOC Review Mechanism) for findings that support rights claims.

Remember: Some mechanisms accept **credible allegations** rather than full proof; use them to expose facts and create leverage.

Step 4: Take action

Domestic paths

- File for **urgent measures** (stay of works, supply of medicines, protection orders).
- Seek **disclosure** (records, audits, beneficial ownership, contracts).
- Pursue **damages** and **structural remedies** (policies, independent monitors, compliance programmes).
- Take all procedural steps to **exhaust (effective) domestic remedies**
- File **International or regional petitions**
- Frame claims around **attribution + breach** (respect/protect/fulfil) with a tight causation narrative.
- Request **provisional/precautionary measures** to prevent irreparable harm.
- Use domestic filings to prove exhaustion, attribution, and causation.

Non-judicial tracks (for more, see Chapter 7)

- Send **communications** to Special Rapporteurs; request country/urgent actions.
- Engage UPR/treaty reporting with **shadow/parallel reports** highlighting corruption → rights impacts.
- Leverage **anticorruption peer reviews** to press for reforms.

Step 5: Push for remedy & systemic change

Don't stop at a decision—secure implementation:

- **Compensation** and **rehabilitation** for victims; restitution or other remedies

CHAPTER 7

Advocacy: Non-judicial and quasi-judicial mechanisms for state accountability

Advocacy is a valuable tool that operates in parallel to litigation or documentation, enhancing the visibility and impact of documented evidence to drive change. Alongside judicial avenues at the national, regional and international levels, advocacy channels such as non-judicial and quasi-judicial mechanisms provide alternative or complementary pathways for addressing human rights and corruption. While these bodies do not produce binding conclusions, they can expose facts, create pressure and accelerate reform in ways that are especially useful where courts are slowed or captured. Although many advocacy mechanisms exist, this chapter focuses on those related to human rights and corruption.

Advocacy is a valuable tool that operates in parallel to litigation or documentation, enhancing the visibility and impact of documented evidence to drive change.

The bodies referenced throughout this chapter often allow broad participation and flexibility. They may investigate, assess compliance with regulations, and sometimes accept complaints from CSOs, affected communities, or individuals. They can generate accountability through reputational pressure, public acknowledgement, institutional reform, or symbolic reparations. They may also supply findings that strengthen later litigation or advocacy campaigns.

This chapter highlights permanent non-judicial/quasi-judicial mechanisms with mandates on human rights or anti-corruption that engage directly with CSOs and individuals. While they can be used separately, coordination between human rights and anti-corruption bodies can enhance systemic responses—CSOs should advocate for this coordination in their respective countries. Ad hoc mechanisms, though not addressed here, may also be useful in practice.

7.1 National mechanisms: Quasi-judicial and non-judicial review of state conduct

At the national level, courts remain the only institutions formally vested with judicial powers. Their role in safeguarding human rights is often complemented by bodies created by the state itself, most notably national human rights institutions and ombudsmen. National anti-corruption agencies also provide non-judicial avenues to expose grand corruption and its human rights impacts. This subsection addresses all these mechanisms as methods of addressing corruption-related human rights harm.

7.1.1 National human rights institutions (NHRIs)

Most countries have established a National Human Rights Institution (NHRI), independent state-based bodies with a constitutional or legal mandate to protect and promote human rights at the national level. Their independence is assessed against the Paris Principles, adopted by the UN General Assembly.[374] The Global Alliance of National Human Rights Institutions (GANHRI) maintains a list of accredited NHRIs, based on compliance with these standards.

374 UN General Assembly (1993), "Principles Relating to the Status and Functions of National Institutions for the Promotion and Protection of Human Rights" (Resolution 48/134); For Guidance on the principles, see Global Alliance of National Human Rights Institutions (2018), "General Observations of the Sub-Committee on Accreditation."

NHRIs have a dual role. First, they guide states towards compliance by monitoring laws, advising on government action, and assessing conformity with human rights obligations. Second, they address violations by reviewing complaints, investigating, and recommending remedies. Individuals, NGOs, trade unions, and other organisations may sometimes bring cases, though the scope of powers varies.

Some NHRIs have quasi-judicial powers, including mediation, conciliation, and referral to judicial bodies, though they cannot issue binding decisions.[375] For purposes of exhaustion of domestic remedies, the weight given to NHRI proceedings depends on their mandate: the UN Human Rights Committee has held that NHRIs without powers to prosecute, punish, or remedy do not count as effective remedies,[376] while the Human Rights Council recognises accredited NHRIs with quasi-judicial authority as remedies that should be exhausted.[377]

Beyond formal admissibility considerations, NHRIs are strategically important. Their investigative powers, reporting functions, and requirement to maintain close cooperation with civil society provide CSOs with accessible platforms to document corruption's human rights impacts, demand state action, and press for structural reforms. As NHRIs differ in structure and authority, practitioners should examine the mandate of the relevant institution before determining how best to leverage it.

7.1.2 The ombudsman

Many countries have established an ombudsman—an independent public official who investigates complaints about government actions and can issue findings, recommendations, and reports. In Spanish-speaking countries, the office is often called *Defensor del Pueblo* ("Defender of the People"). In some contexts, ombudsmen also serve as the NHRI.

Although not considered an effective remedy for purposes of the European Court of Human Rights,[378] ombudsmen can still play an important role. Two main models of ombudsmen exist: the "classical" ombudsman, focused on unfair or poor administration, and the human rights ombudsman, with a broader or issue-specific mandate (e.g., children's rights).

Ombudsmen provide an accessible channel for victims to challenge public bodies. While their decisions are not binding, they can recommend corrective measures, highlight systemic failures, and, in some jurisdictions, refer cases to constitutional courts for review.[379] Moreover, their findings and advocacy can carry significant weight in shaping policy and exposing corruption's human rights impacts. CSOs should leverage ombudsmen as accessible watchdogs to expose misadministration and push for remedies or systemic reforms.

7.1.3 National anti-corruption agencies

National anti-corruption agencies investigate and prevent corruption, sometimes with prosecutorial powers.[380] Their mandates vary widely, from asset freezing to policy reform. CSOs can file complaints, trigger investigations, or use reports to strengthen advocacy. However, agencies often face political interference, weak independence, or lack coordination with judiciaries when they do not have prosecutorial power.

375 Global Alliance of National Human Rights Institutions (GANHRI), "Responsibilities and functions of NHRIs: Complaint handling."

376 International Justice Resource Center (2017), "Exhaustion of Domestic Remedies in the United Nation System" pp. 7-8.

377 United Nations Human Rights Council, "Frequently asked questions – What are the differences between the 1503 Procedure and the procedure under Council Resolution 5/1?"

378 Juridica International (2020), The Ombudsman in the Eyes of the European Court of Human Rights.

379 European Ombudsmen (2010), "The Ombudsmen as human rights protection mechanisms;" Human Rights Ombudsman of the Republic of Slovenia (2002), "The role of the ombudsman in the day-to-day enjoyment of human rights."

380 Ramon Magsaysay Award Foundation, "Komisi Pemberantasan Korupsi (Corruption Eradication Commission)."

Examples of national anti-corruption agencies include Indonesia's Corruption Eradication Commission, which has strong investigative and prosecutorial powers, allowing it to tackle high-profile corruption cases successfully. Notably, "[i]t can conduct searches and seizures, freeze assets, impose travel bans, compel cooperation from government agencies, and even intercept communications without prior judicial approval."[381] In Kenya, the relevant agency, the Ethics and Anti-Corruption Commission, gathers information on corruption occurring in the government and the public sector but does not have prosecutorial powers. However, it can communicate its findings to the relevant authorities and has the power to conduct mediation, conciliation and negotiation.[382]

Nigeria's Economic and Financial Crimes Commission (EFCC)[383] and Independent Corrupt Practices and Other Related Offences Commission (ICPC)[384] have broad powers to investigate and prosecute corruption offences, including powers to recover assets (seizures, restraints, interim and final forfeiture). These prosecutorial powers are exercised subject to the constitutional authority of the Attorney-General and Minister of Justice, who may take over, continue, or discontinue criminal proceedings.[385]

7.2 Non-judicial international human rights mechanisms

International and regional human rights bodies combine judicial and non-judicial powers. Their findings, even when non-binding, are respected and can influence national authorities.

For CSOs and individuals, these mechanisms provide valuable tools to denounce corruption-linked rights abuses by:

- Raising awareness of grand corruption schemes and their negative impacts on human rights;
- Supplying evidence for advocacy or future litigation; and
- Strengthening claims through official recognition and reporting.

Anti-corruption organisations, alongside human rights NGOs, should also engage with these bodies to highlight how corruption directly undermines rights.

This section proceeds by listing major non-judicial mechanisms at the international and regional levels. Note, however, this section does not provide detail on their respective procedures or functioning.

381 Ibid.

382 See: https://eacc.go.ke/en/default/about-us/ (last accessed 26.02.2026).

383 See: https://www.efcc.gov.ng/. Last accessed 26.02.2026.

384 See: https://icpc.gov.ng/establishment-act/. Last accessed 26.02.2026.

385 Osita Mba (2024), "Prosecutorial powers of the Attorney-General under the Constitution": p. 1.

7.2.1 International mechanisms within the UN human rights system

Members of the UN Security Council visit the Palais des Nations, United Nations at Geneva, Switzerland, 26 August 2024. Photo by Elma Okic / UN Photo. Licensed under CC BY-NC-ND 2.0. https://creativecommons.org/licenses/by-nc-nd/2.0/

At the UN level, several non-judicial mechanisms can be used by CSOs to address corruption-related human rights harms; though these forums have been used in some cases, they must be used more systematically to help break down the existing silos.

The **Human Rights Council Complaint Procedure** allows individuals and CSOs to denounce consistent patterns of serious violations in any UN member state, regardless of treaty ratification.[386] It is confidential, relatively fast, and can serve as an early warning system for states who are incentivised to take remedial action quickly to avoid public scrutiny.[387] However, the procedure only issues recommendations and lacks sanctions, limiting its deterrent effect.

The Human Rights Council's **Universal Periodic Review (UPR)** is a peer review of every UN member state every four and a half years measured against standards in the UN Charter, the Universal Declaration of Human Rights, and states' treaty commitments. CSOs can contribute through submitting shadow reports (reports submitted after the state's report and before consideration of the latter by the Council, generally to challenge the validity of the state's claims in its own report), advocacy with other states, and commentary during adoption. The UPR is a valuable advocacy platform,[388] but its recommendations are often political, repetitive, or weakly monitored.

The **Treaty Bodies' State Reporting Procedure**[389] requires states to submit periodic reports on treaty compliance. CSOs can influence this process by intervening in the treaty body's drafting of the list of issues to be reviewed in its periodic review and by filing shadow reports, all of which shape concluding observations.[390] While influential, the process suffers from backlogs, non-binding outcomes, and weak follow-up.

386 Human Rights Council Resolution 5/1 (2007) 5, Annex, paragraph 85.

387 Daniel Moeckli, Sangeeta Shah & Sandesh Sivakimuaran (2022), "International Human Rights Law", (Oxford University Press 4th Edition): p. 398.

388 Ibid., p. 390.

389 For details on working with treaty bodies, see OHCHR (2008), "Working with the United Nations Human Rights Programme: A Handbook for Civil Society": pp. 46-56.

390 See Anne Peters (2018), "Corruption as a violation of International Human Rights" (European Journal of International Law, Volume 29 Issue 4): p. 1284.

The **Special Procedures**—independent experts such as Special Rapporteurs—offer more flexible engagement. Their mandates focus on specific countries or thematic issues. They conduct country visits, issue urgent appeals and communications, and produce thematic reports.[391] CSOs can make complaints or offer information to Special Procedures to inform their investigations. Their findings can be powerful advocacy tools, though their impact depends heavily on state cooperation, and they lack enforcement power.

7.2.2 Regional human rights mechanisms: The African Commission on Human and Peoples' Rights[392]

At the regional level, several human rights bodies possess non-judicial powers, including the authority to conduct fact-finding missions and investigations. The main mechanisms and their functions are listed in Annex 1. This section, however, highlights one such mechanism, the African Commission on Human and Peoples' Rights, as this body provides several avenues for monitoring state compliance with special potential for civil society engagement.[393]

State reporting:[394] States must submit biennial reports on their implementation of the African Charter, which are assessed in dialogue with the Commission. CSOs can challenge and complement these reports with shadow submissions, though effectiveness is undermined by late or missing state reports—only 10 of 54 were up to date in 2024[395]—and by limits on CSO access and fear of reprisals.[396]

Special rapporteurs and working groups: Independent mandate holders address thematic rights issues through research, recommendations, communications with states, and country visits.[397] CSOs can provide evidence of corruption-linked rights violations to shape reports or guidelines. However, their impact depends heavily on state cooperation, which is often weak, and missions are frequently blocked.

On-site visits: The Commission may conduct protective missions linked to urgent violations or promotional missions to assess a country's human rights context. CSOs can provide direct input during these visits or request investigations, but outcomes are limited by state consent, funding shortages, and delayed publication of mission reports, which often reduces their timeliness.

7.2.3 International anti-corruption treaty mechanisms

OECD's working group on bribery uses a peer review process to monitor and evaluate the adequacy of national legislation and the effectiveness of enforcement of the OECD's Anti-Bribery Convention among states parties to the OECD's Anti-Bribery Convention (1997), which commits signatory states to criminalise foreign bribery and promote corporate compliance.[398] The monitoring mechanism allows contributions from CSOs, and CSOs are always invited to a dedicated panel during country visits.

The **UNCAC Implementation Review Mechanism** (IRM) is the system that reviews implementation of the Convention by its member states. It reviews the implementation of two chapters of the

391 Office of the High Commissioner for Human Rights, "Special Procedures of the Human Rights Council".

392 Another useful mechanism in Africa is the Economic Community of West African States (ECOWAS) whose principal legal organ is the ECOWAS Court of Justice. Established under Article 6 and 15 of the ECOWAS Revised Treaty, the Court has jurisdiction over four general types of disputes: (1) those relating to the interpretation, application, or legality of ECOWAS regulations, (2) those that arise between ECOWAS and its employees, (3) those relating to liability for or against ECOWAS, and (4) those that involve a violation of human rights committed by a member state. Non state actors have successfully brought cases before this body. Though its focus is human rights, the Court can also be used to drive corruption-related agenda, as demonstrated in Chapter 6's reference to the case *SERAP v. Nigeria and Universal Basic Education Commission.*

393 Daniel Moeckli, Sangeeta Shah & Sandesh Sivakimuaran (2022), p. 498.

394 For further information on the procedure, see Centre for Human Rights (University of Pretoria), "The State Reporting Process under the African Commission."

395 International Service for Human Rights (2024), "ACHPR81: Situation of State reporting at the African Commission."

396 The African Centre for Democracy and Human Rights Studies (2024), "October 2024 NGOs Forum: State Reporting and Shadow Reporting."

397 Global Protection Cluster (2022), "Engagement with the African human rights mechanisms: An overview for protection actors," p. 3.

398 Available at https://www.oecd.org/en/data/dashboards/oecd-anti-bribery-convention-country-monitoring-dashboard.html. Last accessed 26.02.2026.

Convention in each cycle. Contrary to UN human rights mechanisms, participation by civil society is at the discretion of the state party under review. Civil society organisations can advocate towards their governments to allow their participation. When this is the case, civil society organisations can contribute to the state party's self-assessment of implementation, meet the reviewers during country visits and prepare their own reports of implementation, highlighting gaps and making recommendations.[399]

7.2.4 Regional anti-corruption mechanisms

Regional bodies like **MESICIC (Americas),**[400] **AUABC (Africa),**[401] **GRECO (Europe),**[402] and the **Istanbul Anti-Corruption Action Plan (Eastern Europe/Central Asia)**[403] monitor compliance with anti-corruption treaties and standards. They review state laws, conduct on-site visits, and issue recommendations. CSOs can engage by submitting information during reviews and advocacy around follow-up. Weak enforcement and political resistance limit their impact, but their reports can still support litigation or campaigns. Additional information on these regional mechanisms is outlined below:

GRECO monitors member states' compliance with the Council of Europe's anti-corruption standards through cyclical evaluation rounds. It first assesses compliance and then reviews the implementation of any resulting recommendations for reform. GRECO also recognises the role of civil society in fighting corruption and, whenever possible, engages with CSOs on topics of relevance to its monitoring work.[404]

AUABC was established by the African Union Convention on Preventing and Combating Corruption as a follow-up mechanism for the Convention. It monitors and reports on states parties' implementation of, and compliance with, Convention standards.

MESICIC reviews domestic laws and institutions to assess their conformity with the provisions of the Inter-American Convention against Corruption. It engages with civil society organisations throughout the review process, including in assessing states' implementation of the Convention and the Committee's subsequent recommendations. CSOs may also support MESICIC by contributing to the development of cooperation tools aimed at assisting states in reforming their legal frameworks.[405]

Istanbul Anti-Corruption Action Plan is a peer-review mechanism under the OECD Anti-Corruption Network for Eastern Europe and Central Asia which monitors anti-corruption progress against a set of uniform benchmarks. Civil society can contribute to the preparation of the monitoring report, submit their own reports, and participate in both country visits and the formal review sessions.[406]

Non-judicial mechanisms, though limited in their ability to impose binding remedies, provide important complementary avenues for advancing accountability in cases of corruption-related human rights harm. By documenting violations, generating reputational and political pressure, and supplying findings that can be leveraged in litigation or advocacy, they help fill gaps left by slow, inaccessible, or captured courts. Their flexibility and openness to civil society engagement make them especially valuable tools for exposing systemic patterns of abuse and pushing for institutional reform. When coordinated with judicial strategies, they expand the range of accountability options available to victims and advocates alike.

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399 See UNCAC Coalition, "UNCAC Review Tools".

400 Available at: https://www.oas.org/en/sla/dlc/mesicic/. Last accessed 26.02.2026.

401 Available at: https://anticorruption.au.int/en. Last accessed 26.02.2026.

402 Available at: https://www.coe.int/fr/web/greco. Last accessed 26.02.2026.

403 Available at: https://www.oecd.org/en/about/projects/acn-istanbul-anti-corruption-action-plan.html. Last accessed 26.02.2026.

404 For more information and a list of NGO working with GRECO, see https://www.coe.int/en/web/greco/non-governmental-organisations. Last accessed 26.02.2026.

405 See https://www.oas.org/en/sla/dlc/mesicic/. Last accessed 26.02.2026.

406 OECD (2003), "Istanbul Anti-Corruption Action Plan: Country monitoring."

CHAPTER 8

Asset recovery as a tool for justice and reparation in human rights cases

Asset recovery—the process of tracing, freezing, confiscating, and returning illicitly obtained assets—is increasingly recognised not only as an anti-corruption measure but also as a mechanism that can advance justice in contexts of systemic human rights violations. When properly implemented, it reinforces accountability, offers symbolic recognition of wrongdoing, and can provide resources for reparation or development. However, these possibilities remain underutilised, particularly by civil society actors, who could play a key role in linking asset recovery to victims' rights and broader justice processes.

This chapter sets out the importance of asset recovery for human rights, explains the legal and procedural architecture, reviews promising practices, identifies structural barriers, and highlights entry points for civil society organisations.

8.1 Why asset recovery matters for human rights

Corruption is frequently intertwined with human rights violations, whether through the diversion of public funds from essential services or by enabling repression and impunity. Recovering stolen assets can thus have a transformative effect: it restores resources to societies, reinforces the principle that perpetrators should not benefit from crime, and deters future abuses.

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From a legal standpoint, asset recovery is rooted in international frameworks such as UNCAC. While UNCAC does not explicitly present asset recovery as a human rights mechanism, its principles of transparency, accountability, and restitution align closely with restorative justice[407] and the protection of social and economic rights.

Asset recovery supports human rights enforcement in three main ways:

i. **Accountability and deterrence:** Confiscation of assets from political elites, heads of state, or other powerful actors demonstrates that impunity will not prevail. Asset recovery can also have a preventive effect by dismantling illicit enrichment mechanisms and deterring future abuses. Since asset recovery is not technically a criminal "punishment" but rather a corrective measure, it can be pursued even where criminal prosecution is blocked.

ii. **Reparation and development:** Returned funds can restore public services such as healthcare, education, or infrastructure, directly benefiting the fulfilment of rights and repairing the damage caused by corruption.

iii. **Symbolic value:** Confiscation and return of assets visibly recognise the harm suffered by victims and communities, helping to restore dignity.

These outcomes depend heavily on effective legal frameworks, political will, and the active participation of civil society in shaping restitution mechanisms.

407 UNODC (2006), "Handbook on Restorative Justice Programmes."

Zimbabwe's opposition party Movement for Democratic Change (MDC) supporters shout anti-government slogans and hold a placard reading "Where is our 15 billion dollars?", during a demonstration in Gweru, on 13 August 2016. Zimbabwean opposition leader Morgan Tsvangirai led this demonstration against state corruption and the country's economic collapse that has left government struggling to pay its workers. In August 2016, Zimbabwe's cash-strapped government once again delayed paying the salaries of civil servants, state media reported, in a further sign of the worsening economic crisis. Zinyange Auntony / AFP

8.2 A practical overview of asset recovery

From a procedural point of view, **asset recovery generally involves five main stages**:

- **Detection and investigation**: Identifying illicit assets through financial intelligence, audits, whistleblowers, or journalistic investigations.
- **Tracing and freezing/seizing**: Locating assets and preventing their dissipation through interim measures.
- **Confiscation**: Obtaining a court order to permanently deprive the offender of the assets.
- **Enforcement**: Executing the confiscation order, often across borders.
- **Return or restitution**: Transferring assets to the country of origin, to victims, or to development projects, depending on the legal framework.

Different jurisdictions employ varying legal bases for asset recovery: some require a criminal conviction, while others allow non-conviction-based confiscation (NCB) where prosecution is impossible due to immunity, death, or political obstacles. Some systems also provide for civil asset forfeiture on a lower standard of proof.

The cornerstone framework is Chapter V of UNCAC which establishes asset recovery as a "fundamental principle" and calls for international cooperation. Complementary frameworks include the Financial Action Task Force (FATF) Recommendations[408] (on confiscation powers, financial intelligence units, and beneficial ownership registries), regional instruments such as the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime,[409] EU directives,[410] and the African Union Convention on Preventing and Combating Corruption.[411]

Despite this robust architecture, implementation remains uneven. Political resistance, limited institutional capacity, and legal loopholes mean that asset recovery is often rare and slow.[412] Understanding these dynamics is crucial for CSOs aiming to intervene strategically.

8.3 Promising practices and emerging trends

Some jurisdictions and institutions have developed innovative approaches that illustrate possibilities for more transparent and equitable restitution through asset recovery:

- **The Principles for Disposition and Transfer of Confiscated Stolen Assets in Corruption Cases** were adopted at the Global Forum on Asset Recovery (GFAR) in 2017.[413] They provide an international benchmark for asset recovery, stressing that restitution must benefit the populations harmed by corruption—not the perpetrators—and should involve civil society oversight.
- **France**, in 2021, adopted legislation to use confiscated foreign corruption assets to fund development projects in the countries of origin.[414] This reflects the GFAR principles of transparency and accountability[415] but still stops short of direct victim compensation.
- **Switzerland** has long been a key actor in cross-border asset recovery, particularly in cases involving politically exposed persons (PEPs). It has returned assets in several high-profile cases, often through development cooperation projects monitored by international organisations. While transparent, these processes remain state-controlled, with limited victim or CSO participation, raising questions about accountability, and the effectiveness of this restitution in redressing specific human rights harms.[416]
- **United States' Kleptocracy Asset Recovery Initiative, (KARI):** Once a model of proactive, non-conviction-based confiscation,[417] KARI was dismantled in 2025,[418] weakening global leadership and signalling reduced U.S. commitment to combating transnational corruption.[419]
- **Stolen Asset Recovery (StAR) Initiative (World Bank/UNODC)** has developed key guidance on asset recovery, including the Asset Recovery Handbook and policy briefs on transparency and civil society engagement.[420]

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408 The Financial Action Task Force (FATF) is an intergovernmental body that sets global standards for anti-money laundering (AML) and counter-terrorism financing.

409 Also known as the Strasbourg Convention or CETS 141.

410 The European Union's directives on asset freezing and confiscation harmonise rules among member states and promote the use of non-conviction-based confiscation and extended confiscation. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.

411 African Union Convention on Preventing and Combating Corruption (2003), art. 16.

412 Note from the UNODC Secretariat to the UNCAC Working Group on Asset Recovery, "Collection of information on international asset returns, including challenges, good practices and lessons learned."

413 Available at: https://anticor.world/assets/upload/321_thegfarprinciples.pdf. Last accessed 26.02.2026.

414 Available at: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043898536 (article 2.XI). Last accessed 26.02.2026.

415 Principle 4: "Transferring and receiving countries will guarantee transparency and accountability in the return and disposition of recovered assets."

416 UNCAC Coalition (2025), "Switzerland: The opaque world of asset recovery."

417 KARI relied heavily on non-conviction-based confiscation, enabling U.S. authorities to pursue the recovery of assets linked to foreign corruption even in the absence of a conviction in the origin country. See United States Department of State, "U.S. Asset Recovery Tools & Procedures: A Practical Guide for International Cooperation."

418 Office of the Attorney General (2025), "Total Elimination of Cartels And Transnational Criminal Organizations."

419 Transparency International U.S. (2025), "Attorney General Memorandum Redirects U.S. Anti-Corruption Efforts Raising Questions and Concerns."

420 See, for instance, Stolen Asset Recovery Initiative (2011), "Asset Recovery Handbook: A Guide for Practitioners."

- **OHCHR** has increasingly recognised corruption as a structural barrier to human rights, advocating for victim-centred restitution.[421]
- **African Union's Common African Position on Asset Recovery (CAPAR 2020):** Asserted the right of African states to asset return, called for transparent and timely restitution, and emphasised civil society participation.[422]
- **Camden Asset Recovery Inter-agency Network (CARIN)** is an informal inter-agency network of law enforcement and judicial practitioners specialising in asset tracing, freezing, seizure, and confiscation. Its purpose is to enhance multi-agency cooperation to deprive criminals of illicit profits by supporting the full asset recovery process across jurisdictions.[423]

These examples highlight momentum towards more accountable asset recovery, though most models remain primarily state-driven and insufficiently victim-oriented.

8.4 Structural barriers and legal gaps

Despite growing international norms and several high-profile cases, actual recovery of stolen assets remains limited.[424] Persistent obstacles include:

- **Dependence on mutual legal assistance (MLA):** Many destination countries wait for requests from origin states rather than initiating their own proceedings, even though they often have legal grounds to do so.[425]
- **Evidentiary burdens:** Difficulties in proving the link between an asset and a criminal offence rank among the top barriers faced both by countries where assets are located and by those initiating legal action to recover them.[426] This stands in contrast to international standards, including those of the Financial Action Task Force (FATF)[427] and the EU,[428] which clearly state that money laundering should be prosecutable and sanctionable without requiring a prior or simultaneous conviction for the predicate offence—and without the need to establish all factual elements, such as the identity of the perpetrator.
- **Lack of beneficial ownership transparency:** Corrupt elites hide assets behind shell companies and trusts. Although international standards, notably those of the FATF,[429] require access to accurate and up-to-date beneficial ownership information, implementation remains inconsistent. A 2022 ruling by the Court of Justice of the European Union (CJEU) restricting public access to EU beneficial ownership[430] registers further undermined transparency.

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421 OHCHR (2022), "Recommended Principles on Human Rights and Asset Recovery."

422 Available at: https://au.int/sites/default/files/documents/42297-doc-COMMON-AFRICAN-POSITION-ON-ASSEST-RECOVERY-ENGLISH-NEWLY-PROOFREAD-1.pdf. Last accessed 26.02.2026.

423 For more, see https://www.carin.network/. Last accessed 26.02.2026.

424 According to a 2022 note from the UNODC Secretariat, the number of OECD countries reporting active cross-border asset recovery efforts had not increased significantly compared to the figures published in the 2014 report Few and Far, jointly produced by the OECD and the StAR Initiative. See UN Open-ended Intergovernmental Working Group on Asset Recovery, "Collection of information on international asset returns, including challenges, good practices and lessons learned," paragraph 20.

425 "Around 49 per cent of the asset restraints [reviewed in the report] were initiated by a mutual legal assistance request from the country of origin of the public official involved, which is in accordance with a "traditional" cross-border asset recovery action that involves a requesting jurisdiction of origin and a requested jurisdiction where corruption proceeds are kept concealed" (Ibid., paragraph 32). It should however be noted that the same note reveals that "around 38 per cent of all cases (53 out of 140) were initiated by a domestic investigation by law enforcement authorities, independent of a foreign request. That could be an indication that proactive actions by financial centres to close safe havens for corrupt funds and to protect their financial systems against abuse have been effective and that those actions play a critical role in meeting the goals of the Convention." (Ibid., paragraph 33).

426 Ibid., paragraph 48, table 11.

427 Financial Action Task Force (2012), "International Standards on Combating Money Laundering and The Financing of Terrorism & Proliferation: The FATF Recommendations:" pp. 38-39.

428 European Union (2018), "Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law," Art. 3(3).

429 Financial Action Task Force (2023), "Guidance on Beneficial Ownership of Legal Persons," p. 22.

430 Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62020CJ0037. Last accessed 26.02.2026.

- **Weak international cooperation:** MLA procedures are slow and politically sensitive. Differences in evidentiary rules often delay or block cases, especially when high-level officials are implicated.

These systemic weaknesses explain why, despite strong international commitments, asset recovery remains the exception rather than the norm.

8.5 Reluctance to frame asset recovery as a human rights issue

Even when assets are successfully confiscated, clear frameworks for victim-centred restitution are often lacking. In most jurisdictions, assets are returned to the state of origin without guarantees that they will benefit victims or affected communities. While some countries have created mechanisms to channel assets into development projects, these remain state-led and opaque, with limited civil society involvement. The absence of binding international standards continues to limit the reparative potential of asset recovery.[431]

A 2025 Human Rights Council resolution recognised that non-return of illicit assets undermines the enjoyment of human rights, particularly in developing countries.[432] It called for transparent repatriation in line with UNCAC.[433] Yet all EU member states of the Council opposed the resolution, insisting the Human Rights Council was not the proper forum. This resistance reflects a broader reluctance among powerful states to explicitly link asset recovery with human rights obligations.[434]

8.6 Entry points for civil society organisations

Despite these limitations, CSOs can shape asset recovery processes to make them more just and victim-centred:

a. **Strategic litigation:** In some jurisdictions, CSOs can act as civil parties, triggering investigations and gaining access to case files. Legal standing may be available either in the country where the assets are located (the destination country) or in the country where the corruption occurred (the origin country), depending on national laws and procedural rules.

The *biens mal acquis* (ill-gotten gains/money laundering) case against Teodoro Nguema Obiang Mangue, vice president of Equatorial Guinea, was a landmark in France's fight against transnational corruption. For the first time, a French court recognised an anti-corruption NGO (Transparency International France) as a civil party, allowing it to trigger and join proceedings. After years of litigation, Obiang was convicted of money laundering in relation with embezzlement and misuse of public funds used to buy luxury assets in France. The French courts ordered confiscation of these assets, setting a precedent that even ruling high-ranking foreign officials can be held accountable under French law.[435]

In parallel to the judicial proceedings, Transparency International France and its partners led sustained advocacy efforts to ensure that the confiscated assets would not simply be absorbed into the French state budget. These efforts culminated in the adoption of a groundbreaking law in 2021, which allows French authorities to return confiscated assets derived from foreign corruption without

431 For a compilation of examples, refer to the Handbook for Asset Restitution published by Transparency International France in 2022.

432 United Nations A/HRC/RES/58/L.16

433 Ibid., p. 2.

434 UNCAC Coalition (2025), "From repatriation to reparation: Promoting social justice through the recovery of stolen assets".

435 Transparency International (2017), "Obiang Verdict: Transparency International welcomes the corruption conviction and seizure of assets."

requiring a formal request from the country of origin.[436] The law also sets out that returned assets must be used for development purposes that benefit the local population. This reform was directly inspired by the Obiang case and the broader civil society campaign to ensure that asset recovery serves justice and reparation, not geopolitics.[437]

b. **Triggering investigations:** Even where legal standing is not available, CSOs can submit complaints or spontaneous disclosures (to alert relevant authorities to potential corruption or money laundering), file freedom of information (FOI) requests, and disseminate investigative journalism or open-source findings to authorities.

In the wake of Mozambique's "**hidden debt scandal**"—where three state-owned companies secured loans from international lenders worth $2.2 billion USD,[438] diverting public funds to private pockets and contributing to the country's economic downturn in 2016[439]—CSOs supported asset recovery by documenting corruption's impacts. In 2021, with backing from a Norwegian think tank, Mozambican CSOs published a report quantifying the loan's economic, social, and institutional costs.[440] By tracing the harms and making the evidence accessible, these efforts informed public debate and strengthened Mozambique's position in foreign judicial proceedings, showing how CSO research can link stolen assets to the harms caused.

c. **Monitoring asset return:** Civil society oversight helps ensure funds are not re-misappropriated. Nigerian CSOs, for example, have participated in oversight mechanisms to monitor the use of repatriated funds.[441]

d. **Advocacy and policy reform:** CSOs can push for structural reforms that make asset recovery more effective and equitable. Priority areas can include:

   i. Preventive safeguards: Advocating for asset and interest declaration requirements and stronger anti-money laundering laws to reduce opportunities for theft of public funds to make it harder to steal public funds in the first place;

436 Radio France (2021), "La restitution des biens mal acquis devient réalité."

437 None of the assets in the *biens mal acquis* case have been returned; funds are secured in the French Treasury pending their restitution, but negotiations are still ongoing as of publication.

438 Transparency International (2024), "Why corruption must take centre stage at the Summit of the Future."

439 Transparency International (2019), "Grand Corruption and the SDGs: The Visible Costs of Mozambique's Hidden Debts Scandal."

440 CMI (2021), "Costs and consequences of the hidden debt scandal of Mozambique."

441 See e.g., World Bank (2017), "World Bank Monitoring of Repatriated Abacha Funds."

The Global Civil Society Coalition for the UNCAC's project on asset and interest disclosures in Europe assesses how public officials are required to declare their assets, income, and interests, with a focus on transparency, accessibility, and reliability. To support this work, the Coalition has developed a publicly accessible **Asset and Interest Disclosure Database**, which provides country-by-country information on existing frameworks, their strengths, and their shortcomings. Together, the project and database aim to highlight good practices, expose gaps that undermine accountability, and promote stronger, more transparent systems to prevent conflicts of interest and illicit enrichment.

ii. Proactive enforcement: Advocating for destination countries to initiate asset recovery without waiting for MLA requests, beneficial ownership transparency, and victim-centred restitution mechanisms;

iii. Victim-centred restitution: Campaigning for laws and mechanisms that ensure confiscated assets are used to benefit affected communities;

iv. Civil society participation: Securing CSO involvement in restitution processes, oversight bodies, and legislative consultations.

Asset recovery has the potential to serve as a tool of accountability, justice, and reparation for corruption-related human rights violations. While international frameworks exist, they remain underutilised, and current practice is dominated by state-to-state restitution with little victim focus. Overcoming legal barriers, evidentiary challenges, and political reluctance requires sustained advocacy. Civil society organisations have a unique role to play—through litigation, investigation, monitoring, and reform efforts—in ensuring that recovered assets benefit those harmed by corruption and help dismantle cycles of impunity.

Drawing together the legal and procedural analysis above, the following pathway translates these principles into practical steps for civil society organisations.

Action pathway for CSOs — Engaging in asset recovery

Strategic litigation and legal standing

In civil law jurisdictions, identify whether CSOs can act as civil parties in criminal proceedings related to corruption or money laundering. Legal standing may be available either in the country where the assets are located (the destination country) or in the country where the corruption occurred (the origin country), depending on national laws and procedural rules.

Triggering investigations and building cases

Even where legal standing is not available, CSOs can:

- **File criminal complaints or spontaneous disclosure** to alert relevant authorities to potential corruption or money laundering;
- **Submit freedom of information (FOI) requests** to access data on asset freezes, confiscations or restitution agreements;
- **Share findings from investigative journalism** or open-source research to expose illicit enrichment.

Monitoring asset return and ensuring transparency

CSOs have a key role in monitoring the use of returned assets to ensure they benefit the public and are not misappropriated again.

To be effective in this role, CSOs must have access to case data, restitution agreements, and public reporting mechanisms.

Advocacy and Policy Reform

CSOs can also push for structural reforms that make asset recovery more effective and equitable. Priority areas include:

- **Preventive safeguards:** Advocating for asset and interest declaration requirements and stronger anti-money laundering laws to reduce opportunities for theft of public funds to make it harder to steal public funds in the first place;
- **Proactive enforcement**: Advocating for destination countries to initiate asset recovery without waiting for MLA requests;
- **Beneficial ownership transparency**: Promoting public registers and opposing legal rollbacks that shield asset holders;
- **Victim-centred restitution**: Campaigning for laws and mechanisms that ensure confiscated assets are used to benefit affected communities;
- **Civil society participation**: Securing CSO involvement in restitution processes, oversight bodies, and legislative consultations.

Address book – Key platforms and resources for CSOs

- **Asset Recovery Handbook: A Guide for Practitioners (Second Edition)**
  World Bank – Stolen Asset Recovery (StAR) Initiative, 2020
  Access the handbook
  This comprehensive guide provides a step-by-step overview of the asset recovery process, from investigation to return. While designed for practitioners, it is highly valuable for CSOs seeking to understand how cross-border asset recovery works in practice and where civil society can intervene or advocate for action.
- **Handbook for Asset Restitution: Ensuring Transparency and Accountability in the Return of Stolen Assets**
  Transparency International France, 2022
  Access the handbook
  This guide is tailored for civil society actors and provides concrete recommendations to ensure that the return of stolen assets benefits the populations harmed by corruption. It offers tools for monitoring restitution processes, advocating for victim-centred approaches, and ensuring transparency in the use of returned funds.

- **The Global Civil Society Coalition for the UNCAC's working group on asset recovery**
  Visit the working group's page
  This working group brings together CSOs from around the world to share experiences, coordinate advocacy, and strengthen civil society's role in promoting effective and fair asset recovery. The page includes meeting notes, policy briefs, and opportunities for engagement in international forums.

- **CiFAR – Civil society organisations and asset recovery: A manual for action, 2022**
  Access the manual
  This manual provides practical guidance for civil society organisations engaging in asset recovery. The manual highlights entry points for CSO involvement, including advocacy, case support, and oversight of returned funds. It also shares case studies and tools to strengthen CSOs' capacity to promote transparency, accountability, and victim-centred restitution in asset recovery processes.

- **CiFAR – Victim inclusion in asset recovery: Obligations under anticorruption and human rights law for victim inclusion in asset recovery, 2024**
  Access the research paper

- **Recommended Principles on Human Rights and Asset Recovery Office of the United Nations High Commissioner for Human Rights (OHCHR), 2022**
  Access the principles
  These principles offer a human rights-based framework for asset recovery, highlighting the importance of transparency, participation, accountability, and the right to reparation. They are a key reference for CSOs seeking to frame asset recovery as a tool for justice and redress in cases of corruption-related human rights violations.

- **Illicit Enrichment: A Guide to Laws Targeting Unexplained Wealth**
  Basel Institute on Governance (2022)
  Access the guide
  This guide explores laws on illicit enrichment and unexplained wealth, which are increasingly relevant for asset recovery and beneficial ownership transparency. It helps CSOs understand how these laws can be used to hold public officials accountable and recover stolen assets.

Acknowledgements

This guide has sought to demonstrate that corruption, particularly in its grand and systemic forms, is not only a governance or economic problem, but a profound human rights issue. By eroding institutions, diverting resources, and enabling repression, corruption directly harms individuals and communities and undermines the principles of equality, dignity, and justice that international law seeks to guarantee. Reframing corruption in this way allows victims to be recognised, state obligations to be clarified, and accountability to be pursued through a wider set of forums.

FIDH and Transparency International have aimed to emphasise that confronting grand corruption is not merely about punishing wrongdoing, but about advancing human dignity and protecting democratic space. For civil society, the task ahead is to use these tools creatively, forge stronger alliances across movements, and continue to insist that corruption is not abstract mismanagement, but a violation of human rights. Only by integrating anti-corruption and human rights struggles can we close accountability gaps, secure remedies for victims, and push for systemic reforms that serve the public good.

This publication is the work of many hands—the result of collaboration across the human rights and anti-corruption communities. Transparency International and the International Federation for Human Rights sincerely appreciate all who contributed to its development through their research, drafting, and review.

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Annex 1: UN treaty bodies and regional mechanisms

UN treaty bodies

Treaty	Date of entry into force	Associated body	Individual communications? *(see ratification status at Status of Ratification Interactive Dashboard)*	Non judicial powers
International Covenant on Civil and Political Rights (ICCPR)	23 March 1976	Human Rights Committee	If ratification by the state of the ICCPR and the First Optional Protocol	State reporting Conduct state inquiries Adoption of general comments
International Covenant on Economic, Social and Cultural rights (ICESCR)	3 January 1976	Committee on Economic, Social and Cultural Rights	If ratification by the state of the ICESCR and its Optional Protocol	State reporting Adoption of general comments
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	4 January 1969	Committee on the Elimination of Racial Discrimination	If ratification by the state of the CERD and acceptance of competence of the CERD Committee	State reporting Adoption of general comments
Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)	3 September 1981	Committee on the Elimination of Discrimination against Women	If ratification by the state of the CEDAW and its Optional Protocol	State reporting Conduct state inquiries Adoption of general comments
International Convention for the Protection of All Persons from Enforced Disappearances (CED)	23 December 2010	Committee on Enforced Disappearances	If ratification by the state of the CED and acceptance of competence of the CED Committee (Article 31 CED)	State reporting Adoption of general comments
Convention on the Rights of Persons with Disabilities (CRPD)	3 May 2008	Committee on the Rights of Persons with Disabilities	If ratification by the state of the CRPD and its Optional Protocol	State reporting Adoption of general comments

Treaty	Date of entry into force	Associated body	Individual communications? *(see ratification status at Status of Ratification Interactive Dashboard)*	Non judicial powers
Convention on the Protection of the Rights of All Migrants Workers and Members of their families (CMW)	1 July 2003	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	If ratification by the state of the CMW and acceptance of competence of the CMW Committee (Article 77 CMW)	State reporting Adoption of general comments
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	26 June 1987	Committee Against Torture	If ratification by the state of the CAT and acceptance of the competence of the CAT Committee (Article 22 CAT)	State reporting Conduct state inquiries Adoption of general comments
Convention on the Rights of the Child (CRC)	2 September 1990	Committee on the Rights of the Child	If ratification by the state of the CRC and its Optional Protocol	State reporting Adoption of general comments

Regional mechanisms

Regional organisation	Convention	Bodies	Individual communication?	Non-judicial Powers/Functions
Organisation of American States	Inter-American Convention on Human Rights	Inter-American Commission on Human Rights	Yes, pursuant to Article 44 of the Convention.	Reviews state reports; Conducts state visits; Reviews of annual reports; Adopts resolutions; Publishes thematic studies.
		Inter-American Court on Human Rights	No, only the Inter-American Commission on Human Rights and states parties can refer a case.	

Regional organisation	Convention	Bodies	Individual communication?	Non-judicial Powers/Functions
Council of Europe	European Convention on Human Rights European Social Charter	European Court on Human Rights European Committee of Social Rights	Yes, pursuant to article 34 of the Convention. No. Only competent to receive collective complaints, if the state has ratified the European social Charter[442] and the Additional Protocol on the system of collective complaint.[443]	Reviews state reports; and Reviews ad hoc reports from states parties.
African Union	African Charter on Human and Peoples' Rights	African Commission on Human and Peoples' Rights African Court on Human and Peoples' Rights	Yes Yes, if ratification by the state of the African Charter on Human and Peoples' Rights and acceptance of the procedure for individual complaints pursuant to Article 34(6) of the Protocol on the African Court.	Reviews state reports; Conducts state visits; Reviews annual reports; Adopts thematic resolutions.

442 Ratification status available at https://www.coe.int/en/web/european-social-charter/signatures-ratifications. Last accessed 26.02.2026.

443 Council of Europe (1995), "Additional Protocol to the European Social Charter Providing for a System of Collective Complaints."

Regional organisation	Convention	Bodies	Individual communication?	Non-judicial Powers/Functions
League of Arab States	Arab Charter on Human Rights	Arab Human Rights Committee Arab Court of Human Rights	No (Not operational as of June 2025)	Reviews state reports on the implementation of the Charter; Conduct country visits; Promotes awareness of the Charter in Member states Provides the Council of the League of Arab States with comments and recommendations through the Secretary-General.

Annex 2: Main procedural criteria to bring a complaint before UN and regional bodies

Main procedural criteria to bring a complaint before UN bodies

UN human rights body	Competent to receive individual communications	Requires the exhaustion of domestic remedies	Applies the principle of non-duplication[444]	Maximum delay to submit a complaint after the exhaustion of domestic remedies[445]	Can order reparation measures	Can order interim measures[446]
Human Rights Committee	If the state has ratified the Treaty and the First Optional Protocol	Yes (exception: unreasonably prolonged)	Yes[447]	5 years (or 3 years from the conclusion of another procedure of international investigation or settlement)	Yes	Yes
Committee on Economic, Social and Cultural Rights (CESCR)	If the state has ratified the Convention and its Optional Protocol	Yes (exception: unreasonably prolonged)	Yes	1 year	Yes	Yes
Committee against Torture (CAT)	If the state has ratified the Convention and has accepted the competence of the CAT	Yes (exceptions: ineffective or unreasonably prolonged)	Yes	None	Yes	Yes
Committee on the Elimination of Racial Discrimination (CERD)	If the state has ratified the Convention and has accepted the competence of the CERD	Yes (exception: unreasonably prolonged)	No	6 months	Yes	Yes

444 The principle of non-duplication means the case must not have been submitted to another treaty body or to a regional mechanism in the field of human rights.

445 With an exception when the author can demonstrate that it had not been possible to submit the communication within that time limit.

446 In urgent cases to prevent irreparable harm.

447 The Human Rights Committee may consider such case as long as it is no longer pending consideration before the other international instance and the concerned State party has not opposed this at the time of ratification or accession.

Committee on the Elimination of Discrimination against Women (CEDAW)	If the state has ratified the Convention and its Optional Protocol	Yes (exceptions: ineffective or unreasonably prolonged)	Yes	None	Yes	Yes
Committee on the Rights of the Child (CRC)	If the state has ratified the Convention and its Optional Protocol	Yes (exceptions: ineffective or unreasonably prolonged)	Yes	1 year	Yes	Yes
Committee on Enforced Disappearances (CED)	If the state has ratified the Convention and accepted the competence of the CED	Yes (exception: unreasonably prolonged)	Yes[448]	None	Yes	Yes
Committee on the Rights of Persons with Disabilities (CRPD)	If the state has ratified the Convention and its Optional Protocol	Yes (exceptions: ineffective or unreasonably prolonged)	Yes	None	Yes	Yes

Main procedural criteria to bring a complaint before regional bodies

Regional bodies	Competent to receive individual communications	Requires the exhaustion of domestic remedies	Applies the Principle of non-duplication	Types of applicants	Can order Reparation measures	Can order Interim measures
European Court on Human Rights	Yes	Yes	Yes	Individuals; Group of individuals; Legal entity	Yes	Yes

448 The Committee may consider the case if it is no longer pending before the other international instance.

European Committee of Social Rights	The Committee is competent to receive collective – not individual – complaints, if the European Social Charter and the Additional Protocol on the system of collective complaints are ratified	No	No	International organisations of employers and trade unions; Other international NGOs registered for this purpose	No, the Committee issues reco-mmendations.	Yes[449]
African Commission on Human and Peoples' Rights	Yes	Yes	Yes	Individuals; Group of individuals; Legal entity	Yes	Yes[450]
African Court on Human and Peoples' Rights	Yes, if ratification of the African Charter on Human and Peoples' Rights and acceptance of the procedure for individual complaints	Yes	Yes	Individuals; Legal entity	Yes	Yes[451]
Inter-American Commission on Human Rights	Yes	Yes	Yes	Individuals; Group of individuals; Legal entity	Yes	Yes[452]

449 These measures are also called "immediate measures" (European Committee of Social Rights (2024), "Rules").

450 These measures are also called "provisional measures" (Rules of Procedure of the African Commission on Human and Peoples' Rights).

451 These measures are also called "provisional measures" (African Court on Human and Peoples' Rights, Rules of Court).

452 These measures are also called "precautionary measures" (Rules of Procedure of the Inter-American Commission on Human Rights).

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Breaking the Silos

A Practical Guide to Fighting Corruption with a Human Rights-Based Approach

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COVER PHOTO:

Students take part in a demonstration against corruption outside the presidential palace on 17 October 2025, in Manila, Philippines. Filipino Gen Z protesters walked out of their classes and took part in what they called a "National Day of Action Against Corruption," amid revelations of massive corruption in multibillion-peso flood control projects that have implicated officials, engineers, contractors, and politicians. © Ezra Acayan/ Getty Images via AFP

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