



Tom Lantos Human Rights Commission Hearing

Corruption and Human Rights: Improving Accountability

June 16, 2016

3:00 – 4:30 PM

2200 Rayburn House Office Building

Opening Remarks *(as prepared for delivery)*

Good afternoon, and welcome to the Tom Lantos Human Rights Commission's hearing on *Corruption and Human Rights: Improving Accountability*.

I will introduce our witnesses in a few minutes, but I would like to thank them now for taking the time to be with us today.

As you may know, the U.S. State Department plays a primary role in developing foreign policy responses to address international corruption. We invited the State Department to testify at this hearing, but the invitation was declined yesterday. I regret that we will not be hearing from State on an important problem identified both in the 2015 National Security Strategy and the Quadrennial Diplomacy and Development Review. I was especially looking forward to hearing from State how Secretary Kerry viewed U.S. participation and outcomes from the Global Anti-Corruption Summit that happened last month in the U.K. However, since State is not here, we will be sending the Secretary written questions and will make his responses publicly available.

We have known that international corruption is a problem for a long time -- back in 1977 the Congress passed the Foreign Corrupt Practices Act which prohibits the bribery of foreign officials. More recently, U.S. anti-corruption efforts are focusing on "grand corruption" or "kleptocracy," an extreme form of high-level public corruption that often involves state capture by business elites or state predation by corrupt actors.

This Commission is interested in corruption because it is widely acknowledged to be linked to human rights abuses. Corruption can reduce the political will of a government to respect, protect, and fulfill human rights obligations, as well as the financial capacity of a government to provide basic services and welfare to its citizens. It can weaken government accountability and transparency, and facilitate the hold on power by authoritarian actors.

There are plenty of examples. When a judge accepts a bribe to alter a court decision, that deprives someone of the right to a fair trial. Offering basic services, such as medical treatment or access to water, on the basis of bribe payments discriminates against non-bribe payers and deprives them of the right to those services. When public funds destined for these same services disappear into the pockets of officials, the funding for them simply disappears. When officials accept bribes to import toxic waste or to grease the illegal passage of human trafficking victims across borders, at a minimum they are facilitating human rights violations. And when corrupt acts by government officials and elites are committed with impunity, then the rule of law is degraded for all.

We can see the correlation between international corruption, human rights and development just by comparing where countries fall on some well-known indices. In 2015, none of Transparency International's most corrupt countries were considered "free" by Freedom House, and most were categorized as having low or medium human development on the U.N. Development Programme's Human Development Index.

Under both Presidents George W. Bush and Obama, the U.S. developed strategies to fight corruption and kleptocracy. The Obama Administration announced additional anti-corruption commitments related to financial transparency, following release of the so-called Panama Papers in April 2016.

The questions that concern us today are whether we're doing enough, and whether what we're doing adequately addresses the relationship between corruption and human rights.

As I mentioned earlier, last month, Prime Minister Cameron of the United Kingdom hosted the international Anti-Corruption 2016 Summit. More than 40 countries, including the U.S., attended. The final 9-page communiqué emphasizes enhancing transparency, which is certainly appropriate, and includes a section on punishing the corrupt by ensuring and enforcing domestic laws, and increasing international cooperation around their pursuit. The communiqué highlights some measures I have supported for a long time: making it harder for those who are corrupt to travel and to do business in our country. So this all sounds good.

But the communiqué is also notable for what is not emphasized.

Human rights is mentioned exactly twice: first, to note that tackling corruption is vital for protecting human rights, and second, to say that the improvement of enforcement capabilities will be undertaken while respecting human rights. Meanwhile, the topic of corruption in sports merited two full paragraphs.

The Summit recognized that people should be able to report corruption without fear of reprisal, and there are references to protecting whistleblowers. But there's nothing explicit about the risks of physical attack, imprisonment and even death faced by people who expose corruption.

The communiqué mentions supporting those who have suffered from corruption, with a lot of attention on asset recovery. This is fine as far as it goes. But what principles should govern the use of recovered assets? Where corruption is linked to human rights violations, where is the commitment to use assets for reparations for the victims? Where would the sacrifice of Sergei Magnitsky be if Congress hadn't recognized his fight against corruption in Russia? What about the heroic efforts of civil society in Guatemala and Honduras to challenge decades – even centuries – of corruption by officials and elites in these two countries?

Finally, there is no reference in the communiqué to prosecution at the international level of those responsible for corruption. It seems to me that the option of international prosecution, especially for kleptocrats, should be on the table.

I am glad to see corruption and its consequences receiving more attention. Just this week the OECD and the International Bar Association are holding anti-corruption conferences in Paris.

But I'm concerned that, despite the clear linkages between human rights and corruption, policy efforts to address these two issues are running on distinctly separate tracks. International anti-corruption commitments, including those just made at the London Summit, do not reference international human rights instruments.

Yet regimes that commit human rights violations with impunity also commit corruption with impunity. Better said, impunity facilitates both human rights violations and corruption, and improving accountability is key to ending both human rights abuses and grand corruption.

I look forward to hearing today from our witnesses about what has been achieved in the fight against corruption, including their views on the London Summit. I am also eager to hear their recommendations for what more is needed to ensure accountability especially for public officials who are responsible for grand corruption.