



Outcomes Document

Regional dialogue on corruption and human rights

Human rights and anti-corruption: mutually reinforcing drivers to advance regional efforts

Event summary

Organized by the Regional Office of United Nations Office on Drugs and Crime (UNODC) for Southeast Asia and the Pacific and the Regional Office of the United Nations High Commissioner for Human Rights (OHCHR) for South-East Asia, a regional dialogue on corruption and human rights: *mutually reinforcing drivers to advance regional efforts* was held from 1 to 2 October 2024 in Kuala Lumpur, Malaysia.

51 participants from Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Thailand, Timor-Leste, and Viet Nam attended the event. Participants brought diverse experiences and perspectives from a range of backgrounds, including Government Officials, representatives of anti-corruption commissions (ACC), anti-corruption practitioners, representatives from national human rights institutions (NHRI), human rights defenders, experts and civil society organizations.

The event featured a combination of expert presentations, panel discussions and collaborative group exercises with a regional and country focus.

Event objectives

The regional dialogue highlighted the mutually-reinforcing nature of anti-corruption and human rights in line with Resolutions of the General Assembly, the Human Rights Council and the Conference of the States Parties to the UN Convention against Corruption.¹ It also reflected the intention of States parties in Southeast Asia to look at human rights as a cross-cutting element of their anti-corruption efforts, as identified in the region's roadmap on anti-corruption (2024-

¹ For example, resolution A/HRC/RES/52/21, entitled *The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation* (Human Rights Council, 2023); A/RES/S-32/1, entitled *Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation* (General Assembly, 2021); and Resolution 9/6, entitled *Follow-up to the Marrakech declaration on the prevention of corruption* (UNCAC Conference of States Parties, 2021).

2027)² and vice versa, to look at corruption in the framework of their work to promote human rights.

The objectives of the regional dialogue were to:

- Analyse regional trends and recommendations received by Southeast Asian countries under the United Nations Convention against Corruption (UNCAC)’s Implementation Review Mechanism and UN Human Rights Mechanisms and identify potential good practices, challenges and ways of addressing complementary recommendations;
- Explore the synergies between anti-corruption and human rights efforts by bringing together Government officials, representatives from anti-corruption commissions, representatives from national human rights institutions, experts and civil society organizations (both from the anti-corruption and human rights sectors); and
- Understand how anti-corruption and human rights efforts reinforce each other and result in greater collective impact.

Participants were invited to complete an evaluation of the event. Out of 42 responses, over a quarter noted that the most useful aspect from the event was peers’ experience sharing or country discussions about anti-corruption and human rights. Moreover, when surveyed during the concluding session, a third of 32 responses emphasized the importance of collaboration, cooperation, and collective action, whether domestically or regionally, on human rights and anti-corruption.

Outcomes Document

This document sets out the **key challenges, recommendations and next steps** highlighted by participants across six key themes:

- Whistle-blowers, witnesses and human rights defenders;
- Freedom of expression and opinion and right to information;
- Judicial integrity and corruption;
- Business integrity and human rights;
- Good governance; and
- Corruption and the death penalty.

A. Key challenges

	Challenges
Whistle-blowers, witnesses and human rights defenders.	<ul style="list-style-type: none"> • Lack of legislation/frameworks/policies for the protection of whistle-blowers, witnesses, and human rights defenders. • Limited public awareness of whistle-blower rights, available reporting channels, and processes with which to make reports. • Despite the availability of legislation/frameworks/policies, implementation and accessibility to services remain challenging and retaliation risks exist.

² UNODC, “Regional Roadmap to Reinvigorate the Platform to Fast-Track the Implementation of the UNCAC in Southeast Asia (2024 – 2027),” 2024. Available at: https://www.unodc.org/roseap/uploads/documents/Publications/2024/2024-2027_UNCAC_Implementation_Roadmap_in_Southeast_Asia.pdf

	<ul style="list-style-type: none"> • Legal frameworks may focus exclusively on financial compensation without adequately providing for access to justice. • Protection is individualized and may not be able to cover groups (such as indigenous communities). • Human rights defenders face challenges in being acknowledged as a group requiring protection.
Freedom of expression and opinion and right to information.	<ul style="list-style-type: none"> • Lack of legislation/frameworks/policies on freedom of expression and opinion and the right to information. For example, countries may have certain state laws on the right to information, but no laws at the federal level. • The arbitrary application of other legislation, such as legislation on official secrets, telecommunications, hate speech, and terrorism, erodes the freedom of expression and opinion and the right to information in practice, despite existing legislation/frameworks/policies. • The improper application of processes, such as vague and all-encompassing exemptions or allegations of exemptions, and the lack of efficient appeal/review mechanisms. • The use of technology to manipulate public opinion and disseminate false information. • The surveillance of human rights defenders, politicians, academics, and other members of the public with opposing views, including through the use of technology – which restricts the freedom of expression and opinion. • Practical challenges continue to exist in accessing information, such as in remote locations.
Judicial integrity and corruption.	<ul style="list-style-type: none"> • A lack of independence and conflicts of interests. • Constraints in investigating cases of judicial corruption, such as in instances of case fixing. • A lack of capacity for audit staff in investigating judicial corruption.
Business integrity and human rights.	<ul style="list-style-type: none"> • The private sector's varied role in facilitating corruption and human rights violations in different sectors, for example via nepotism, political financing, conflicts of interests, extortion, scams, and bribery. • A lack of legislation/frameworks/policies on corporate liability in the private sector, which would promote business integrity and human rights. • Challenges in generating solutions due to corruption risks within government agencies responsible for finance and tax matters.
Good governance.	<ul style="list-style-type: none"> • A lack of coordination mechanisms and convening platforms to advance joint work on anti-corruption and human rights at the national and regional levels. • Variations in terminology, such as good government, good governance, and democratic governance, and the need to better understand and distinguish the meaning behind such terms and how to target efforts in accordance with such terms.

B. Recommendations and next steps

In addition to the six key themes, recommendations and next steps also focused on the overarching need to enhance the intersection of human rights and anti-corruption work via further peer exchanges, collaboration, and awareness-raising.

Two discussions sessions were organized: one on brainstorming the way forward at the regional level, and one roundtable discussion per country to identify the next steps at the national level to implement the recommendations received under the UNCAC Implementation Review Mechanism and UN Human Rights Mechanisms. This section will provide an overall summary of such discussions.

Enhancing the intersection of human rights and anti-corruption work.	Dialogues, platforms, and further exchange	
	Regional actions	National actions
	<ul style="list-style-type: none"> Organize multisectoral anti-corruption and human rights forums to provide for more institutionalized ways of working on a regional level. Regional dialogues with representatives from national human rights institutions and representatives from anti-corruption commissions to identify synergies. 	<ul style="list-style-type: none"> Organize national dialogues on human rights and anti-corruption, with the inclusion of a broad range of sectors and civil society organizations. Such dialogues may wish to be open to the public, provide recommendations, and publish summaries of their discussions.
	Collaboration and coordination	
	Regional actions	National actions
	<ul style="list-style-type: none"> Enhance regional collaboration and coordination on anti-corruption and human rights, including by promoting a dialogue on the mutually reinforcing nature of anti-corruption and the promotion of human rights in regional bodies including ASEAN. 	<ul style="list-style-type: none"> Enhance collaboration and coordination on anti-corruption and human rights at national level, by way of joint planning and cooperation in relation to existing recommendations on anti-corruption and human rights, including prioritization of areas and key action points within a defined timeframe.

		<ul style="list-style-type: none"> • Provide resources to mobilize efforts on human rights and anti-corruption. • Establish processes which allow for inputs by both human rights and anti-corruption representatives – for example, in national anti-corruption plans and vice versa. • Take stock of existing recommendations on anti-corruption and human rights, follow up and ensure that such recommendations are responded to, including by providing for specific legislative agendas on dedicated action points if required. Recommendations on anti-corruption and human rights can be tracked by a national recommendations tracking database, such as the NRTD currently used by Malaysia and the Philippines.
	Advocacy and awareness	
	Regional actions	National actions
	<ul style="list-style-type: none"> • Utilize regional platforms for effective advocacy on anti-corruption and human rights, including for example ASEAN-PAC or AICHR. 	<ul style="list-style-type: none"> • Leverage civil society organizations and support their advocacy and campaigns, so as to highlight the impact of anti-corruption and human rights efforts on a personal level.
Whistle-blowers, witnesses and	Laws, policies, frameworks	
	Regional actions	National actions

human rights defenders.	<ul style="list-style-type: none"> Utilize regional platforms and international organizations to continue supporting the enactment of laws, policies, and frameworks for whistle-blowers, witnesses and human rights defenders, for example, by allowing national actors to provide updates on such work and encouraging the sharing of ideas, strategies, challenges, and good practices on a regional level. 	<ul style="list-style-type: none"> Enact effective legislation for the protection of whistle-blowers, witnesses and human rights defenders, including existing draft laws. Provide legal status to human rights defenders as a category of persons able to receive protection, even if they may not be a victim or witness. Provide protection to groups, such as indigenous peoples, as current protection measures remain individualized. Build the public's trust in governments and empower the public to use different avenues to report corruption. Establish different channels for reporting corruption and other human rights violations and ensure that effective protection mechanisms are in place, including in the private sector. Encourage reporting by reducing legal barriers for witnesses, for example by reducing lengthy trial times. Systematically collect data on cases of attacks or retaliation (including SLAPP) against whistle-blowers and human rights defenders.
	Coordination and cooperation	
	Regional actions	National actions
	<ul style="list-style-type: none"> Ensure the protection of whistle-blowers, witnesses and human rights defenders on a transnational level, including by reviewing and enhancing current laws, frameworks and policies, such as agreements to relocate such persons to a foreign country. 	<ul style="list-style-type: none"> Effectively implement laws on whistle-blowers, witnesses, and human rights defenders, and ensure that bodies and resources exist to provide for this implementation.

		<ul style="list-style-type: none"> Facilitate cooperation and feedback between civil society organizations and governments on the protection of whistle-blowers, witnesses and human rights defenders, including by leveraging the ability of civil society organizations to connect with different parts of society. Streamline processes for persons to obtain protection.
Freedom of expression and opinion and right to information.	Dialogues, platforms, and further exchange	
	Regional actions	National actions
	<ul style="list-style-type: none"> Regional dialogues on freedom of expression and opinion and the right to information to share good practices and make progress on regional collaboration. 	<ul style="list-style-type: none"> Promote awareness on the freedom of expression and opinion and the right to information – see “advocacy and awareness” below.
	Laws, policies, frameworks	
	Regional actions	National actions
	<ul style="list-style-type: none"> Call on international bodies to exert pressure on governments to adopt laws, policies and frameworks on freedom of expression and opinion and the right to information. 	<ul style="list-style-type: none"> Enact laws on the freedom of expression and opinion and the right to information, including existing draft laws. Ensure legislation on freedom of expression and opinion and the right to information aligns with international standards, including by repealing/amending other laws which may be interpreted to restrict such freedoms. Provide measures for data security, privacy, and appeal mechanisms.

	Monitoring, evaluation, and measurement	
	Regional actions	National actions
	<ul style="list-style-type: none"> • Use and engage with international and regional monitoring mechanisms to monitor and document right to information practices in the region. • Benchmark good practices on the right to information at the regional level. 	<ul style="list-style-type: none"> • Provide for the use of data custodians, which would ensure the availability of information from a central source, instead of being subject to uneven disclosures through different bodies.
	Advocacy and awareness	
	Regional actions	National actions
	<ul style="list-style-type: none"> • Regional bodies to collaborate with civil society organizations in Southeast Asia on promoting the freedom of expression and opinion and the right to information, including by promoting an interface with ASEAN. 	<ul style="list-style-type: none"> • Promote programmes that raise public awareness of freedom of expression and opinion and the right to information. • Provide support, including capacity-building, to civil society organizations that advocate for the right to information and increased transparency.
Judicial integrity and corruption.	Dialogues, platforms, and further exchange	
	Regional actions	National actions
	<ul style="list-style-type: none"> • Regional dialogue among judges on judicial independence, integrity, and impartiality in decision-making. • Regional learning exchange on good practices and justice reforms, with the participation of civil society organizations. 	<ul style="list-style-type: none"> • Dialogues between the judiciary and the private sector on judicial independence, integrity and impartiality in decision-making.

	<ul style="list-style-type: none"> Conduct a study in cooperation with UN Special Rapporteurs on judicial independence, integrity, and corruption in the judiciary. 	
	Transparency and accountability	
	Regional actions	National actions
	<ul style="list-style-type: none"> Promote the importance of transparency and accountability in the justice sector on a regional level, including via existing regional forums. 	<ul style="list-style-type: none"> Provide transparency on matters involving judicial integrity, including the progress of investigations into matters of corruption in the judiciary and the disposition of cases, by making such information accessible to the public.
Business integrity and human rights.	Dialogues, platforms, and further exchange	
	Regional actions	National actions
	<ul style="list-style-type: none"> Consider how existing international platforms/frameworks/tools, such as the European Union's environmental, social and governance ratings instrument, can be applied to Southeast Asian states. 	<ul style="list-style-type: none"> See "Coordination and cooperation" below.
	Laws, policies, frameworks	
	Regional actions	National actions
	<ul style="list-style-type: none"> Encourage States that have investments in Southeast Asia to compel their companies to adhere to rules/principles on business and human rights. 	<ul style="list-style-type: none"> Adopt laws, policies, and frameworks on business integrity and corporate governance, and provide for their implementation.

		<ul style="list-style-type: none"> • Continue to criminalize corrupt acts in the private sector and provide for the liability of legal persons, in accordance with UNCAC. • Monitor and study the costs and benefits of the adoption of laws on business integrity and corporate governance, so as to further improve such laws. • Continue the development of national action plans on business and human rights, ensuring that they also focus on effective remedies and on the protection of whistle-blowers, witnesses and human rights defenders.
	Coordination and cooperation	
	Regional actions	National actions
	<ul style="list-style-type: none"> • Enhance regional investigations and coordination mechanisms for transnational corruption and human rights violations, particularly in target sectors. • Provide for and enhance existing frameworks to facilitate the prosecution of transnational corruption and human rights violations. 	<ul style="list-style-type: none"> • Enhance engagement between the public and private sectors. • Incentivize the private sector to finance anti-corruption and human rights efforts, including by attracting investors and providing a level playing field for different sectors. • Consider the use of monitoring mechanisms by civil society organizations.
	Capacity building and training	
	Regional actions	National actions

	<ul style="list-style-type: none"> • Mutual learning and capacity-building between Southeast Asian States on business integrity and human rights. 	<ul style="list-style-type: none"> • Provide training on business and human rights to the government, law enforcement, and target groups, such as migrant workers. • Provide better investigative capacities and tools, such as beneficial ownership transparency to identify those who own or control shell companies.
	Advocacy and awareness	
	Regional actions	National actions
	<ul style="list-style-type: none"> • Raise awareness of business integrity and human rights on a regional level. • Conduct a review on Special Economic Zones, with a focus on the intersection of corruption and the violation of human rights. 	<ul style="list-style-type: none"> • Lobby and petition States where companies that violate anti-corruption and business laws are incorporated. • Continue educating the public and raising awareness of business integrity and human rights.
Good governance.	Dialogues, platforms, and further exchange	
	Regional actions	National actions
	<ul style="list-style-type: none"> • Organize a regional dialogue on good governance, which would enable good practices to be shared, with further considerations on the specific needs in Southeast Asia. • Organize a regional integrity forum on good governance between the private sector and Southeast Asian States to share peer learning. 	<ul style="list-style-type: none"> • Share good practices and align plans/action points on good governance between national human rights institutions and anti-corruption commissions.
	Building understanding, capacity, and coordination relating to good governance	

	Regional actions	National actions
	<ul style="list-style-type: none"> • Build and solidify a collective understanding of good governance at the regional level. • Undertake a study to better measure corruption and human rights in Southeast Asia. 	<ul style="list-style-type: none"> • Governments to continue developing, reviewing, and enhancing training models and guidelines to prevent corruption and the violation of human rights. • Enhance coordination and cooperation mechanisms between government agencies, the private sector, and civil society organizations to prevent corruption and the violation of human rights. • Enhance coordination and cooperation between national human rights institutions and national anti-corruption bodies.
	Institutional independence	
	Regional actions	National actions
	<ul style="list-style-type: none"> • Encourage the endorsement of the Jakarta Principles,³ which looks to the independence of anti-corruption bodies and continue encouraging the full compliance with the Paris Principles for national human rights institutions. 	<ul style="list-style-type: none"> • Ensure the independence of national human rights institutions and national anti-corruption bodies, including providing for budget independence, processes for the appointment/tenure of leadership positions, enhanced checks and balances, and increased transparency. • Consider the integration and use of a body on anti-corruption and human rights, such as the Republic of Korea's Anti-Corruption and Civil Rights Commission, and ensure the independence of such bodies.

³ UNODC, "Jakarta Statement on Principles for Anti-Corruption Agencies," accessed on 28 October 2024. Available at: https://www.unodc.org/documents/corruption/WG-Prevention/Art_6_Preventive_anti-corruption_bodies/JAKARTA_STATEMENT_en.pdf

Corruption and the death penalty.	<ul style="list-style-type: none"> • Increase awareness of, and advocate for, alternatives to the death penalty.
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Conclusion

UNODC and OHCHR seek to continue supporting work which mutually reinforces anti-corruption and the promotion of human rights in Southeast Asia, and as such, look forward to following up on and addressing action points from this document with all stakeholders. Additionally, the report “Corruption and human rights in ASEAN and Timor-Leste: Areas of overlap and progress based on UNCAC’s Implementation Review Mechanism and UN human rights normative standards” is anticipated to be published in 2025. The report aims to study and analyse recommendations received by ASEAN Member States and Timor-Leste under the UNCAC Implementation Review Mechanism and UN human rights normative standards to identify commonalities, shared challenges and potential ways of addressing those recommendations.