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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **At the heart of the struggle: human rights defenders working against corruption**

### **Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor**

#### *Summary*

In the present report, the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, analyses the situation of human rights defenders working against corruption and stresses that protection frameworks applicable to human rights defenders should apply to them. The report includes examples of the types of threats and structural difficulties faced by human rights defenders fighting corruption and suggests ways that relevant stakeholders might act to protect them and to promote their work.

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## I. Introduction

1. In January 2021, former President of Ecuador, Abdalá Bucaram Ortiz, posted a video to his personal Facebook account complaining about Dayanna Monroy, a human rights defender, saying “What people have failed to ask is: ‘Wouldn’t it make more sense to kill her?’”.<sup>1</sup>

2. Ms. Monroy, a reporter for the privately owned broadcaster Teleamazonas television who is known for exposing corruption, had been investigating Mr. Bucaram and his son, Jacobo, for several years. She said Teleamazonas had broadcast dozens of her reports linking the family to alleged crimes, including a scheme to sell body bags and other health supplies to State-owned hospitals at inflated prices during the coronavirus disease (COVID-19) pandemic. Following the threat, she was forced to seek 24-hour police protection.

3. Human rights defenders fighting and exposing corruption are often in severe danger, and the Special Rapporteur is committed to making the situation of human rights defenders fighting corruption one of her key priorities.

### A. What is corruption?

4. To this day, there is no single, consistent and recognized definition of corruption, at the international level. Remarkably, even the United Nations Convention against Corruption does not provide a succinct definition although the purpose of the Convention is specifically to promote and strengthen measures to prevent and combat corruption more efficiently and effectively and to promote and support international cooperation in that regard.<sup>2</sup>

5. A common approach to the notion of corruption is the definition proposed by Transparency International, which is that corruption is “the abuse of entrusted power for private gain”.<sup>3</sup>

6. In October 2020, the Secretary-General noted that “Corruption is not only a crime but immoral and the ultimate betrayal of public trust”,<sup>4</sup> and the United Nations Office on Drugs and Crime (UNODC) reported that: “Corruption undermines democratic institutions, slows economic development and contributes to governmental instability. Corruption attacks the foundation of democratic institutions by distorting electoral processes, perverting the rule of law and creating bureaucratic quagmires whose only reason for existing is the soliciting of bribes”.<sup>5</sup>

7. Corruption is a human rights-related issue and those motivated by concerns for human rights who are working peacefully against corruption, for transparency and the rule of law are human rights defenders.

8. Even without an unanimously agreed definition, different forms of corruption can be distinguished, including corruption by the State and corruption by the private sector, as well as active and passive forms of corruption. Corruption in the public sector can occur in government, in administration, in the legislature and in the judiciary. In these contexts, the State is clearly accountable for any violation of human rights resulting from the conduct of persons acting in their public capacity,<sup>6</sup> including human rights violations against activists fighting corruption.

<sup>1</sup> ECU 4/2021 (references to communications concerning the situation of human rights defenders in various countries made throughout the report are posted online by case number [i.e., ECU 4/2021, in this instance] and available at <https://spcommreports.ohchr.org/LatestReports/RepliesReceived>).

<sup>2</sup> A/HRC/28/73, para. 5.

<sup>3</sup> See <https://www.transparency.org/en/what-is-corruption>.

<sup>4</sup> See <https://news.un.org/en/story/2020/10/1075432>.

<sup>5</sup> See <https://www.unodc.org/unodc/en/corruption/>.

<sup>6</sup> A/HRC/28/73, para. 7.

## B. Human rights defenders working against corruption

9. Since the start of her mandate, the Special Rapporteur has heard directly from many human rights defenders working against corruption in criminal justice systems and in other contexts. Since uncovering corruption involves the investigation of power structures and those in power, and may lead to direct attacks on political elites, such work is considered to be a dangerous field for activists across all issues and at various levels of governments. For instance, human rights defenders working to protect the environment who expose corruption in business and development projects, including extractive industries, are often at real risk of physical attack, and those organizing anti-corruption protests may be targeted through means of surveillance, arrest and the excessive use of force.

10. Activists, whistle-blowers, journalists, academics, lawyers, medical workers and others fighting against and exposing corruption are human rights defenders, provided that their work is peaceful and motivated by human rights concerns.

11. Last year the Special Rapporteur presented a report to the Human Rights Council on the killing of human rights defenders.<sup>7</sup> The report showcased the fact that hundreds of human rights defenders are killed every year in peaceful defence of the rights of others. Very few perpetrators are brought to account for these murders, which only enables the cycle of killings to continue (see annex). Moreover, in many cases justice is not served owing to corruption in criminal justice systems themselves.

12. Journalists, whistle-blowers, academics, lawyers and others exposing or fighting corruption face severe risks. The Special Rapporteur also notes that some attacks on anti-corruption defenders are gender-based and that many defenders have been targeted for their work in the context of the COVID-19 pandemic or for fighting against corruption affecting their local communities.

13. From direct consultations with defenders working against corruption, and from other credible information received, the Special Rapporteur notes that defenders working in this area are often subjected to a range of attacks, including electronic or physical surveillance, cyberattacks, direct threats, online harassment and smear campaigns, criminalization, judicial harassment, attacks on their property and physical attacks, including murder.

14. Some human rights defenders are smeared for being unpatriotic, or as being part of a political opposition movement. Women human rights defenders working against corruption are also often attacked not only for what they do but for who they are. Research by Kvinna till Kvinna, a non-governmental organization (NGO) working on women's rights, has identified corruption as the issue that puts women human rights defenders and journalists most at risk.<sup>8</sup> The risks linked to work on fighting corruption appear to have gained prominence over the past years. The same research also shows that women human rights defenders and women's organizations are still underrepresented in anti-corruption organizations due to fear of repercussions.<sup>9</sup> Women human rights defenders not only fight corruption but are also targeted by it. One of the forms of corruption affecting women disproportionately is sextortion, in which sex, rather than money, is the currency of the demanded bribe.<sup>10</sup> Women human rights defenders, in particular, are frequently targeted by and vulnerable to smear campaigns, sometimes involving artificial intelligence tools, such as synthetic media, known as "deepfakes", which are aimed at tarnishing individual reputations.

15. Many defenders working against corruption report new difficulties in the context of the COVID-19 pandemic. The crisis has opened new avenues for corruption and some States have passed laws restricting access to information about the pandemic.

16. Activists working against corruption are often not recognized as human rights defenders, and their efforts may be invisible to the wider human rights community or seen as

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<sup>7</sup> A/HRC/46/35.

<sup>8</sup> Kvinna till Kvinna Foundation, "Solidarity is our only weapon – the situation of women human rights defenders", 2021, p. 10, available at <https://kvinna.tillkvinna.org/wp-content/uploads/2021/11/KvinnatillKvinna-Solidarity-is-our-only-weapon.pdf>.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

separate from or peripheral to human rights work. In many cases, activists fighting corruption may not consider themselves to be human rights defenders. But anti-corruption work is central to human rights, and those who undertake it should be acknowledged and protected and their work should be recognized.

17. Some activists, such as investigative journalists, are more likely to be acknowledged as human rights defenders, although there are many others who focus exclusively or partially on anti-corruption efforts whose work goes largely unnoticed.

18. Some whistle-blowers, motivated by human rights concerns, who make public issues of bribery, graft or petty or grand corruption, are often at great risk.

19. The Special Rapporteur notes that defenders who work against corruption are frequently attacked for exposing or researching abuses of power, graft, bribery, fraud and other related malpractices. Despite often very dangerous circumstances, some defenders have achieved real success in their work against corruption and many emphasize that while progress is often slow and piecemeal, it can be achieved.

20. While some United Nations mechanisms rightly address the issue of corruption as a human rights concern and recognize those who work against it as human rights defenders, too often national and international anti-corruption initiatives fail to adequately address, encourage or include measures to promote and protect the work of defenders fighting against corruption.

21. Some anti-corruption initiatives either downplay or outright ignore the vital role played by human rights defenders in combatting corruption. Too often defenders working on anti-corruption are shut out of forums where national and international anti-corruption initiatives are developed.

22. Some States have little or no protection for whistle-blowers exposing corruption while others have passed laws making it harder for anti-corruption defenders to do their work. Businesses and others use strategic lawsuits against public participation to intimidate whistle-blowers and defenders working to reveal corrupt practices. Defenders also report that some international bodies, including the Financial Action Task Force, are misused by Governments to impede their work.

23. Previous Special Rapporteurs on the situation of human rights defenders have been raising concerns about anti-corruption defenders with States for some time.

24. Every year over the course of the past decade Special Rapporteurs have outlined how corruption in criminal justice systems fuels the killing of human rights defenders and have presented many detailed cases describing how those exposing corruption have been physically attacked and murdered. While mandate holders have repeatedly reminded States of their obligations to protect defenders these violent attacks persist and are often perpetrated by State authorities themselves.

25. Seven years ago, the Special Rapporteur on the situation of human rights defenders recommended that States do more to disseminate the work of defenders and to support their work through campaigns and specific communication and information activities that pay tribute, in particular, to the contributions made by certain categories of defenders, such as those who combat impunity and corruption.<sup>11</sup>

26. The Special Rapporteur notes with regret that in preparing the present report, in extensive consultations with human rights defenders working against corruption she learned that many are still vulnerable to attack.

### **C. Data and methodology**

27. The report is based on discussions the Special Rapporteur has had with hundreds of human rights defenders around the world since the beginning of her mandate in May 2020 and on information she continuously receives on defenders carrying out anti-corruption work.

<sup>11</sup> [A/70/217](#), para. 93 (a).

28. Human rights defenders have shared their views with her on the specific challenges of undertaking anti-corruption work. Owing to the COVID-19 pandemic, these consultations were mostly carried out online.

29. The Special Rapporteur issued a call in six languages for written submissions, inviting relevant stakeholders – in particular Member States, businesses and civil society, including human rights defenders – to contribute to the present report. She has received 39 contributions in total: 1 from a Member State, 1 from a national human rights institution and 37 from civil society organizations (CSOs).

30. The Special Rapporteur thanks all those who contributed to the report.

31. Since the start of her mandate in May 2020, the Special Rapporteur also sent 44 communications on human rights defenders working on anti-corruption and related issues, concerning 27 countries. Most communications were sent to countries in Asia (eight countries), followed by countries in the Middle East and North African region (seven countries).<sup>12</sup>

32. Available literature and research materials on the work of anti-corruption defenders were also consulted. Other sources included consultations with anti-corruption experts, previous reports under the mandate and reports of regional bodies for the protection of human rights.

#### **D. Applicable legal framework**

33. The links between corruption, anti-corruption efforts and human rights are multidimensional but not always fully understood. Furthermore, the potential of human rights law and human rights approaches in anti-corruption efforts have not been thoroughly examined.

34. While corruption is often dealt with from a criminal perspective, with anti-corruption measures generally focusing on the prosecution of relevant criminal offences, States employ other anti-corruption initiatives, including efforts around transparency, open-government-data procedures and rules guiding public procurement and conflicts of interest. By applying an approach focused on human rights, victims are put at the centre of the fight against corruption.

35. The Special Rapporteur would like to stress the importance of using a human rights-based approach to tackling corruption and, most importantly, of applying a human rights law-based framework to the activities of those fighting corruption, including anti-corruption human rights defenders, whistle-blowers, journalists, judges and lawyers and other relevant actors. Applying a human rights perspective to acts of corruption by State and non-State actors is a reminder that the State bears the ultimate responsibility for protecting human rights defenders working on anti-corruption.

36. The United Nations Convention against Corruption,<sup>13</sup> which should be seen as the fundamental international instrument for the protection of human rights, warrants continued attention from the relevant competent bodies.<sup>14</sup> A linkage between human rights and anti-corruption measures can also promote access to human rights mechanisms to combat corruption. According to article 34 of the Convention, each State party shall take measures to address the consequences of corruption. If a violation of human rights can be determined as a consequence of corruption, the State is obliged to ensure that appropriate measures are undertaken.<sup>15</sup> Article 13 of the Convention stresses that each State party shall take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as civil society, NGOs and community-based organizations, in the prevention of

<sup>12</sup> References are made throughout the report to urgent appeals and allegation letters sent by the Special Rapporteur. All such communications are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>13</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>14</sup> A/72/140, para. 29.

<sup>15</sup> A/HRC/28/73, para. 32.

and in the fight against corruption as well as to raise public awareness regarding the existence, causes and gravity of, and the threat posed by, corruption.

37. Such participation should be strengthened by the following measure: (a) enhancing the transparency of and promoting the contribution of the public to decision-making processes; (b) ensuring that the public has effective access to information; and (c) respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption.<sup>16</sup>

38. Concerning the activities of human rights defenders, the provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are relevant. Both ensure the right to freedom of opinion and expression and the right to seek, receive and impart information (article 19 of the Universal Declaration and of the International Covenant). While the exercise of these rights may be subject to certain limitations, they should be provided by law, be necessary for the rights or reputations of others, for the protection of national security, of public order or of public health or morals. Other human rights and fundamental freedoms critical to addressing corruption and the lack of transparency are the right to life, freedom of association, the right to a fair trial and the right to participate in political and public affairs.

39. Promoting and strengthening human rights and those who defend them contribute significantly to preventing and addressing corruption.<sup>17</sup> An independent judiciary, freedom of the press, freedom of expression, access to information, transparency in the political system, and accountability are essential for both successful anti-corruption strategies and the enjoyment of human rights,<sup>18</sup> and thus enable the work of anti-corruption human rights defenders.

40. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the Declaration on Human Rights Defenders)<sup>19</sup> reaffirms already existing human rights and fundamental freedoms and frames them in a way relevant to the legitimate work of human rights defenders: (a) article 1 provides that everyone has the right to promote and strive for the protection of human rights and fundamental freedoms; (b) article 2 states that each State has a primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms; (c) article 5 affirms the right to meet or assemble peacefully; (d) article 6 states that everyone has the right to know, seek, obtain and receive and hold information about human rights and fundamental freedoms and freely to publish, impart or disseminate to others views, information and knowledge; (e) article 8 refers to the right to submit to governmental bodies and agencies concerned with public affairs criticism and proposals for improving their functioning; and (f) article 12 states that everyone has the right to participate in peaceful activities against violations of human rights and fundamental freedoms and that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of those rights.

41. The Human Rights Council has issued resolutions recognizing the negative impact of corruption on the enjoyment of human rights. The Council has highlighted the “increasing negative impact of widespread corruption on the enjoyment of human rights” and described corruption as “one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals and other internationally agreed development goals”.<sup>20</sup>

<sup>16</sup> United Nations Convention against Corruption, article 13 (1).

<sup>17</sup> *Ibid.*, paras. 30–31.

<sup>18</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), “The human rights case against corruption”, 2013, Geneva, p. 5.

<sup>19</sup> General Assembly resolution 53/144, annex.

<sup>20</sup> Human Rights Council resolution 21/13.

42. The issue of the negative impact of corruption on the enjoyment of human rights has also been addressed by the Human Rights Council Advisory Committee.<sup>21</sup>

43. The General Assembly, during a special session on corruption in 2021, adopted a political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”.<sup>22</sup> In the declaration, Member States expressed concern about “the negative impact that all forms of corruption, including the solicitation of undue advantages, can have on access to basic services and the enjoyment of all human rights”, and recognized “that it can exacerbate poverty and inequality and may disproportionately affect the most disadvantaged individuals in society”, acknowledging that this “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 ...”.<sup>23</sup>

44. In the political declaration, Member States also noted with appreciation the important role of civil society, academia, the private sector and the media in identifying, detecting and reporting on cases of corruption and pledged to take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as civil society, NGOs, community-based organizations and the private sector, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. Governments pledged to “respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary for respect of the rights or reputations of others and for the protection of national security, public order or public health or morals”.<sup>24</sup>

45. Promoting the active participation of civil society in the prevention of and the fight against corruption, including the protection of human rights defenders who uncover cases of corruption and advocate for anti-corruption measures, is fundamental to a human rights-based approach to combating corruption.<sup>25</sup> While major regional initiatives rightly promote the need for civil society participation in fighting corruption, there should be more explicit reference to human rights defenders who are engaged in the issue, as well as the importance of promoting and protecting them and their work.

46. During consultations with human rights defenders, concerns were also raised about difficulties presented by the Financial Action Task Force in cases where legal restrictions used by States to silence NGOs seem to be related to the inadequate implementation of global standards on money-laundering and terrorist financing set by the Task Force. It is reported that some States use recommendations from the Task Force that are intended to prevent the funding of organized crime and terrorism in order to enact measures that restrict the work of anti-corruption defenders. These unintended consequences can negatively impact civil society.<sup>26</sup>

## E. Trends

### 1. Successes

47. The Special Rapporteur recognizes and welcomes the steps taken by some States, working with human rights defenders and other experts, to take measures to prevent corruption and to protect human rights defenders and whistle-blowers.

48. A defender in Guatemala reported a success in the medical sphere, in which legal support was provided to patients who had been affected by a case of fraud, in which 57 people

<sup>21</sup> [A/HRC/28/73](#).

<sup>22</sup> General Assembly resolution S-32/1, annex.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*, para. 21

<sup>25</sup> See [A/HRC/44/27](#), para. 49.

<sup>26</sup> Submission of Transparency International and consultations with defenders. See also <https://knowledgehub.transparency.org/helpdesk/the-impacts-of-aml-cft-regulations-on-civic-space-and-human-rights>.

died and hundreds more were affected. The case, in which 23 people were prosecuted, led to changes in the State contracting law and procurement mechanisms in the national social security system, which has meant savings of around 4 billion quetzales (\$500 million) in the purchasing of medicines.<sup>27</sup>

49. In Pakistan, following an advocacy campaign by local anti-corruption defenders, three provincial governments and departments of the federal Government began publishing information on COVID-19-related procurement, reducing the risk of corrupt deals affecting the health of local residents.<sup>28</sup>

50. In Kenya, real progress has been made in realizing the Presidential directive of 2015 to have all public schools in the country titled, thus affording them protection from land grabs and corrupt development. Local defenders working in the Shule Yangu Campaign Alliance report issuance of nearly 9,000 new titles since 2018, with over 14,000 public schools out of the 32,354 registered schools in Kenya now titled.<sup>29</sup>

51. In Cyprus, following a concerted campaign by human rights defenders, the Government ended its citizenship-by-investment programme, which allowed corrupt individuals and criminals to gain citizenship in a member country of the European Union and the proceeds of corruption and crime to be laundered.<sup>30</sup>

52. The National Whistleblower Center, an NGO based in the United States of America, notes that between 2010 and 2019, the Government convicted 174 companies and 115 individuals for foreign bribery and other related offences and that whistle-blower laws have been commended by the Organisation for Economic Co-operation and Development (OECD) as an effective approach to reducing corruption.<sup>31</sup>

## 2. Challenges

53. In some international forums, the contribution of anti-corruption defenders is being recognized. For instance, in October 2020 the Inter-American Commission on Human Rights held online hearings with defenders in Peru, focused on their work against corruption.<sup>32</sup>

54. Elsewhere, there is a need for more progress. CSOs are currently not allowed to participate as observers in the subsidiary bodies of the Conference of the States Parties to the United Nations Convention against Corruption, including the Implementation Review Group, which oversees the review process.<sup>33</sup>

55. Some Member States have also recently passed laws threatening anti-corruption defenders and their work.

56. In Vanuatu, a state of emergency declared in 2020 introduced significant restrictions on freedom of expression and media freedoms, mandating, among other measures, that journalists and media outlets can only publish information on the COVID-19 pandemic after obtaining official government authorization.

57. Also in 2020, the Government of Mongolia introduced new provisions to its criminal code, stipulating that disseminating false information can be punished by heavy fines, up to 720 hours of community service or restriction of the right to travel for up to several months. Defenders are particularly concerned that the law does not define the term “false information”. In 2021, the Parliament of Zimbabwe passed a cybercrime and data protection bill, including a clause which criminalizes the spread of what the Government classifies as false information online, which is punishable by a jail term of up to five years.<sup>34</sup>

<sup>27</sup> Consultation with human rights defenders in Guatemala (questionnaire).

<sup>28</sup> Submission of Transparency International.

<sup>29</sup> Information received from the Shule Yangu Alliance.

<sup>30</sup> Submission of Transparency International.

<sup>31</sup> Submission of the National Whistleblower Center.

<sup>32</sup> <https://www.youtube.com/watch?v=nM39XIM8T8s>.

<sup>33</sup> Submission of the UNCAC Coalition.

<sup>34</sup> Submission of Transparency International.

58. Many defenders working on corruption cite the threat or reality of being subject to strategic lawsuits against public participation – well-known intimidation lawsuits. While this is not a new way to target defenders, as previous Special Rapporteurs have raised the issue with States, including in 2009<sup>35</sup> and in 2013,<sup>36</sup> it remains a dangerous deterrent to the rights of those exposing corruption.

59. According to a 2020 study commissioned by the European Commission, strategic lawsuits against public participation are increasingly used across member States of the European Union in an environment that is getting more and more hostile towards journalists, human rights defenders and various NGOs. A broad coalition of CSOs have been advocating for the European Union to undertake a number of complementary steps, including through the adoption of a directive limiting the use of such lawsuits. The European Commission has committed to “take action to protect journalists and civil society against strategic lawsuits against public participation” in its 2021 work programme.<sup>37</sup>

60. Strategic lawsuits against public participation are often brought by public authorities or private actors on the basis of alleged libel or defamation. Even when lawsuits are not initiated, just the threat of such a lawsuit can have a silencing effect on defenders. In 2020, the regional airline CityJet announced its intention to sue the anti-corruption NGO Transparency International Ireland for defamation, following the publication by the NGO of a national integrity index for private sector companies, which set out to measure the degree to which companies were prepared to address corruption-related risks, based on information disclosed to the public.<sup>38</sup>

## **F. Attacks faced by human rights defenders working against corruption**

61. Human rights defenders working against corruption report being smeared as unpatriotic or dismissed as part of political opposition movements. Others say their work is simply ignored. Some are targeted for engaging or attempting to engage with human rights mechanisms of the United Nations. The range of attacks also includes the criminalization of their work, judicial harassment, death threats and murder.

62. Journalists, whistle-blowers, academics, lawyers and others exposing or fighting corruption face severe risks. The Special Rapporteur also notes that some attacks on anti-corruption defenders are gender-based and that many defenders have been targeted for their work in the context of the COVID-19 pandemic or for advocating against corruption affecting their local communities.

63. The Asian Forum for Human Rights and Development, an NGO also known as FORUM-ASIA, reported that from January 2020 to June 2021 there were at least 54 attacks on defenders working on corruption issues in Asia, affecting 61 individuals, including family members.<sup>39</sup> It noted that judicial harassment was the most common type of harassment against anti-corruption defenders, with 40 recorded cases, in which defenders were prosecuted using fabricated charges or imprisoned in response to their human rights work. Aside from judicial harassment, the use of physical violence was recorded in nine cases and three defenders were killed during the 2020–2021 time period.<sup>40</sup>

64. Media workers – including journalists and members of media outlets – were the most affected, with 29 recorded cases of violations. This amounts to more than half of the recorded violations against anti-corruption defenders. In majority of cases, media workers were harassed for investigating, reporting or commenting on corruption cases or misuse of public funds. Twelve cases involved bloggers and social media activists, and there were 11 cases against women human rights defenders. FORUM-ASIA noted that oftentimes family members of defenders were also affected. In Bangladesh, in July 2020, a journalist reporting

<sup>35</sup> A/64/226.

<sup>36</sup> A/HRC/25/55.

<sup>37</sup> Submission from a United Kingdom coalition opposing strategic lawsuits against public participation.

<sup>38</sup> Submission of Transparency International Ireland.

<sup>39</sup> Submission of the Asian Forum for Human Rights and Development (FORUM-ASIA).

<sup>40</sup> Ibid.

on local corruption and his family members were severely injured after being attacked with a machete.<sup>41</sup>

65. The Special Rapporteur notes with concern that some defenders working on anti-corruption issues are not recognized as human rights defenders, either by the authorities or by other sectors of civil society. For example, human rights defenders in Peru report that when the authorities set up a new protection mechanism for human rights defenders in April 2021, it failed to explicitly mention anti-corruption defenders in the list of those eligible for State protection. Local defenders recommend that it should be amended to clearly include defenders working against corruption, as well as whistle-blowers.<sup>42</sup>

## G. Journalists

66. Human rights defenders who are journalists and bloggers continue to be targeted for their vital work in revealing corruption and holding corrupt officials to account. They are victims of intimidation, physical attacks and murder. Corruption in criminal justice systems means that the perpetrators, including the masterminds behind attacks, are rarely brought to justice.

67. In November 2020, the NGO Foreign Policy Centre published the findings of a global survey of 63 journalists working on financial crime and corruption in 41 countries. It found that over 70 per cent of respondents reported experiencing threats and/or harassment, including verbal threats, trolling on social media and written threats, while working on investigations into financial crime and corruption.<sup>43</sup>

68. Legal threats were specifically highlighted by survey respondents as an area of concern. The United Kingdom of Great Britain and Northern Ireland was by far the most frequent country of origin for legal threats, other than the journalists' home countries. Defamation pursued through civil lawsuits was the most frequently given reason in legal communication(s) addressed to respondents.<sup>44</sup> Journalists and bloggers on every continent are attacked for their anti-corruption work. Some are murdered.

69. Giorgos Karaivaz was a human rights defender and journalist in Greece whose work focused mainly on alleged corruption and crime-related issues. He founded the news website Broko. At the time of his murder, he was working for the private television broadcaster, Star Channel. According to information received, in April 2021 after Mr. Karaivaz parked his car near his house in the suburbs of Athens, two unidentified individuals on a motorbike shot him 10 times, killing him.<sup>45</sup> The police are exploring whether the killing is linked to his reporting on organized crime and its possible ties with the police. Prior to his assassination, he had published an article on the 2018 killing of a former police officer under investigation for corruption.<sup>46</sup>

70. Yama Siavash was a human rights defender and at one-time a prominent news anchor on the Tolo network in Afghanistan, well known for his reporting on corruption. He was forced to resign from the network following an interview he conducted with the former Minister of Borders and Tribal Affairs. In November 2020, while on their way to work, Mr. Siavash and two of his colleagues were killed by an improvised explosive device targeting a network vehicle in the Makroyan area of Kabul.<sup>47</sup>

71. In May 2021, Samira Sabou, a woman human rights defender, journalist and blogger, was arrested in Niger after posting a news report about alleged corruption from the online newspaper L'Événement on Facebook. According to information received, the report relayed an article published by an international NGO about drug trafficking in Niger. The article

<sup>41</sup> Ibid.

<sup>42</sup> See <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-crea-el-mecanismo-intersectorial-para-la-decreto-supremo-n-004-2021-jus-1946184-4/>.

<sup>43</sup> Submissions from the Foreign Policy Centre and the Justice for Journalists Foundation.

<sup>44</sup> Ibid.

<sup>45</sup> GRC 3/2021.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

claimed that a quantity of drugs seized in March 2021 by the Central Office for the Repression of Illicit Narcotics Trafficking was subsequently sold to the drug trafficking networks involved.<sup>48</sup> The director of L'Événement, human rights defender and investigative journalist Moussa Aksar, and Ms. Sabou were both charged under the cybercrime law of 2019, which provides for prison terms of up to three years.<sup>49</sup>

72. In July 2021, Chandrabhushan Tiwari came across congested traffic between the towns of Usauli and Kudra on national highway 2 in India, while travelling on a motorcycle with another individual. According to information received, he began filming the scene on his phone as he approached the area of traffic congestion.<sup>50</sup> Tiwari observed that the traffic had built up because police officers from the Kudra police station were collecting what appeared to be bribes from truck drivers. Three police officers, who saw him filming, reportedly confiscated his mobile phone and when he informed them that he was a journalist, they reportedly physically assaulted him and the person with whom he was travelling using their batons.<sup>51</sup>

73. Absar Alam is a senior journalist based in Islamabad, and former Chair of the Pakistan Electronic Media Regulatory Authority. According to information received, in September 2020 he was accused of abetting mutiny, sedition, defamation and statements conducive to public mischief. The sedition charges make explicit mention of Mr. Alam's Twitter account, through which he had reported on a corruption scandal.<sup>52</sup>

74. Coque Mukuta is a human rights defender and journalist in Angola. According to information received, in June 2021 the National Department of Investigation and Penal Procedure of the office of the Attorney General of Angola interrogated Mr. Mukuta and charged him with abuse of "press freedom". It is reported the charges against the human rights defender are in relation to an article he wrote in August 2020 that was critical of the Government's handling of widespread internal corruption.<sup>53</sup>

75. Tran Duc Thach is a human rights defender, writer, poet and blogger in Viet Nam. According to information received, in April 2020, the Nghe An provincial police took him from his house and, in December 2020, he was sentenced to 12 years in prison and three years probation by the Court of Nghe An province on charges of subversion.<sup>54</sup> Thach was initially arrested for "activities against the people's Government". Authorities reportedly used several Facebook posts he published criticizing corruption and human rights violations by the Government as the primary implicating evidence. During the trial, provincial prosecutors claimed that Thach's activism and writings threatened social stability, encroached upon national independence and socialism, reduced people's trust in the political institution of the State of Viet Nam, and infringed upon national security and social safety and order.<sup>55</sup>

76. Journalists and bloggers exposing corruption are being attacked, jailed, beaten and murdered for their human rights work. In most cases, their killings are unlikely to be properly investigated or the perpetrators brought to account because of corruption and structural problems in criminal justice systems.

## H. Whistle-blowers

77. In consultations with human rights defenders, the Special Rapporteur repeatedly heard how difficult or dangerous it is for whistle-blowers to expose corruption and that the fear of retaliation has a chilling effect on potential whistle-blowers. There are fears of legal and

<sup>48</sup> NER 2/2021.

<sup>49</sup> Ibid.

<sup>50</sup> IND 15/2021.

<sup>51</sup> Ibid.

<sup>52</sup> PAK 2/2021.

<sup>53</sup> AGO 1/2021.

<sup>54</sup> VNM 6/2021.

<sup>55</sup> Ibid.

financial consequences for publicly reporting on corruption and safeguards to protect whistle-blowers are often either weak or non-existent.

78. The International Service for Human Rights, an independent non-profit organization, reported that most countries in Africa do not provide a legal framework to protect against intimidation or other forms of reprisal against individuals who dare to expose corruption. For example, Mauritius has yet to enact any laws, such as a whistle-blower protection or freedom of information act, which would be important tools and provide protection for human rights defenders working to promote transparency and expose and combat corruption. In Madagascar, disclosing certain public interest information can lead to prosecution of defenders and whistle-blowers.<sup>56</sup>

79. Nouredine Tounsi is a human rights defender in Algeria who works with the Platform to Protect Whistleblowers in Africa. According to information received, in September 2020, he was arrested and charged for his efforts to expose corruption and social media posts criticizing members of the judiciary. In November 2020, he was sentenced to six months in prison and 50,000 Algerian dinars (\$375) in fines and a further 50,000 dinars in damages. He was charged with disclosure of official secrets and insults and violence against officials and state institutions.<sup>57</sup> He was reportedly arrested for his relationship with the Platform to Protect Whistleblowers in Africa, qualified by the court as a “foreign party”, and also for his posts on social media denouncing the functioning of the judiciary.<sup>58</sup>

80. The National Center for Whistleblowers noted that in the United States of America the treatment of whistle-blowers who disclose misconduct is highly inconsistent. While whistle-blowers are celebrated in certain contexts, there are several notable examples where whistle-blowers have been retaliated against for coming forward. For example, a Navy captain was relieved of his duty after exposing the seriousness of a COVID-19 outbreak aboard his ship.<sup>59</sup>

81. In 2020, the NGO Global Witness and the Platform to Protect Whistleblowers in Africa reported being targeted with four legal complaints in France in connection with their joint publication “Undermining sanctions”, a report taking a critical look at the business dealings of billionaire Dan Gertler in the Democratic Republic of the Congo.<sup>60</sup>

82. Whistle-blowers are often in severe danger when they expose corruption. Some risk their career, their livelihoods and sometimes their personal safety to expose wrongdoing that threatens the public interest. They may be fired, sued, blacklisted, arrested, threatened or, in extreme cases, assaulted or killed. States should do more to enact meaningful protections for whistle-blowers and encourage more people to publicly expose corruption.

## I. Lawyers working against corruption

83. Farzaneh Zilabi is a woman human rights defender and lawyer in the Islamic Republic of Iran. She has been representing the Syndicate of Workers of Haft Tappeh Cane Sugar Company. According to information received, the syndicate has organized a number of strikes, most recently in August 2021, in protest against the unpaid wages of employees and alleged corruption by management. She represented a number of individual labour rights defenders and has been outspoken about allegations of torture reported by her clients. Ms. Zilabi also defended several workers prosecuted for participating in the strikes.<sup>61</sup> In May 2021, she was summoned by the Central Revolutionary Court in Ahvaz on charges of “propaganda against the State” and “gathering and collusion to act against national security”, allegedly due to her work as a legal representative for labour rights defenders. In September 2021, it was reported that she had been sentenced by the Revolutionary Court in Ahvaz to

<sup>56</sup> Submission of the International Service for Human Rights.

<sup>57</sup> DZA 11/2021.

<sup>58</sup> Ibid.

<sup>59</sup> Submission of the National Whistleblower Centre.

<sup>60</sup> Submission of Transparency International.

<sup>61</sup> IRN 28/2021.

one year in prison and a two-year travel ban on the charge of propaganda activities against the State.<sup>62</sup>

84. Huang Yunmin is a human rights defender, former soldier and ex-judge in China who has exposed alleged corruption within the judiciary and promoted human rights in the Xinjiang Uyghur Autonomous Region of China since 2008. He has also supported military veterans seeking medical testing and State compensation for damages suffered in connection to their past work in protecting nuclear sites and conducting nuclear tests.<sup>63</sup> According to information received, he has been deprived of his liberty since March 2017, when he was arrested at his home in Xinjiang by Public Security Bureau personnel with a warrant for “inciting ethnic hatred and discrimination”.<sup>64</sup>

85. In April 2017, he was formally arrested and in July 2017 indicted on charges of “organizing, leading and actively participating in a terrorist organization” under article 120 of the Criminal Law. In September 2017, Huang was sentenced to 10 years in prison on those charges: he remains in prison today.<sup>65</sup>

## J. Attacks on academics exposing corruption

86. Academics in various parts of the world have also been attacked for their work in exposing corruption. Mohammed Ali Naim was the Director of the Engineering Consulting Centre and Professor at the Architectural Department at the College of Engineering at Sana’a University in Yemen. He was formerly Dean of the College of Engineering at Amran University. He was a human rights defender and used Facebook as a platform to speak out against alleged corruption and to defend human rights.<sup>66</sup> According to information received, in August 2021 he was assassinated by unidentified gunmen while leaving the house of one of his friends in Sana’a. Security services reported that Professor Naim was shot four times and died at the scene.<sup>67</sup> He was active on his Facebook page hours prior to his assassination and had republished a post he had written in August 2020, calling for accountability for alleged corruption.<sup>68</sup>

87. Professor Pal Ahluwalia joined the University of the South Pacific as the Vice-Chancellor in 2019. According to information received, he conducted investigations that resulted in the exposure of alleged mismanagement and abuse of process at the University under the previous Vice-Chancellor and current Pro-Chancellor, including links to the highest levels of government.<sup>69</sup> He alleged widespread financial irregularities under the previous head of the University, including misappropriation of allowances and unearned promotions under his predecessor and the current Pro-Chancellor.<sup>70</sup> On 3 February 2021, the Fiji Immigration Department declared Professor Ahluwalia and his spouse, Sandra Jane Price, prohibited immigrants. Later, on the night of 3 February 2021, as they were sleeping in their house, the police came, made them pack their personal belongings and escorted them to the airport. The next day, the police forced them to board a flight to Australia.<sup>71</sup>

88. Svitlana Blahodeteleva-Vovk is a woman human rights defender in Ukraine, who advocates for academic integrity and fights against corruption. She is also a coordinator of “Dissergate”, an organization founded by a group of scholars that exposes failures of academic integrity.<sup>72</sup> According to information received, in June 2020 she reported a case of plagiarism in connection with research carried out by a high-profile Ukrainian official to the National Agency for Higher Education Quality Assurance and the Ministry of Education and

<sup>62</sup> Ibid.

<sup>63</sup> CHN 4/2021.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> OTH 223/2021.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> FJI 1/2021.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> UKR 7/2021.

Science of Ukraine and spoke publicly about this matter at rallies. Academic qualifications often entitle employees to higher salaries in Ukraine, and her work involves the investigation into the use of plagiarism to obtain academic degrees.<sup>73</sup>

89. From June 2020 till March 2021, Ms. Blahodeteleva-Vovk was subjected to systematic harassment by unknown persons. There have been several attempts to hack her e-mail accounts. She received recurrent rape threats from a male stranger on her e-mail and messaging app. The messages included evidence that he was following and photographing her every step and knew where she and her family lived. She also received three handwritten letters hinting at her possible murder left at the door of her apartment. In October 2020, a smear campaign began against her on social and mass media, alleging that she had a criminal record for raping her husband.<sup>74</sup>

90. Whether exposing corruption in academia or in wider society, academics are targeted for their research and advocacy with attacks that include deportation, threats and murder.

## K. Gender-based attacks

91. Women human rights defenders like Ms. Blahodeteleva-Vovk often face additional gender-specific obstacles, risks and violations, as noted by the Special Rapporteur and her predecessors. The Special Rapporteur notes that many defenders have reported receiving gendered threats based on their identity, including threats of sexual assault, rape, harassment and killings. Those working on anti-corruption issues are often attacked not only for the work they do but also for their identity as women.<sup>75</sup>

92. In a report published in July 2021, the NGOs Equal Rights Trust and Transparency International explored the links between discrimination and those trying to expose corruption. As noted in their report, having a particular identity, status or belief can expose anti-corruption activists confronting abuses of power to higher levels of danger, ranging from surveillance, vexatious litigation, arbitrary arrest, torture, physical or sexual assault, or even murder.<sup>76</sup>

93. Women human rights defenders working against corruption face additional risks. Riham Yaquoub was a human rights defender and fitness expert living in Basra, Iraq. She was a strong advocate for women's safe access to sports facilities and public spaces in the city. She was a leader of women's marches that started in Basra in July 2018 in the context of the protest movement against corruption and other human rights issues.<sup>77</sup> In August 2020, according to information received, she was shot and killed by two unidentified gunmen riding a motorcycle while she was travelling in her car in the centre of Basra. Ms. Yaquoub had been the target of abuse online since 2018 through her social media accounts, had been named in a defamatory article along with a group of female politicians and had received at least one direct threat against her on a text message.<sup>78</sup>

94. Waad Bahjat is a woman human rights defender, engineer and blogger who focuses on women's rights in the Sudan. She is a member of the Umdba Resistance Committee, which peacefully mobilizes for the promotion of civil and economic rights in Sudan, and against public corruption. According to information received, in November 2020, she was arrested at a petrol station in the Al-Amarat neighbourhood of Khartoum by a member of the Sudanese police.<sup>79</sup> At the time of her arrest, she was broadcasting a live video on social media in which she alleged that women at the station were being discriminated against by members of the Sudanese police and armed forces. She was reportedly brought to Al-Imtedad Police Station, where her mobile phone was confiscated and she was interrogated and subjected to threats

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> See [A/HRC/46/35](#) and [A/HRC/40/60](#), para. 29.

<sup>76</sup> Submission of Equal Rights Trust and Transparency International.

<sup>77</sup> IRQ 5/2020.

<sup>78</sup> Ibid.

<sup>79</sup> SDN 4/2021.

and ill-treatment, including physical abuse resulting in an injury to her shoulder.<sup>80</sup> She was released on bail the following day and charged with publishing false news, public nuisance, insulting a public servant exercising judicial proceedings and defamation. In March 2021, Ms. Bahjat was sentenced to six months imprisonment (suspended) and a fine of 10,000 Sudanese pounds.<sup>81</sup>

95. The Special Rapporteur notes that in discussions with many human rights defenders the issue of sextortion has been raised. The Special Rapporteur understands human rights defenders to generally mean the term as the abuse of a position of power or authority to extort sex. The Special Rapporteur notes the gravity of this form of corruption and its impact on the work of human rights defenders.

96. Many anti-corruption defenders, like other human rights defenders, are targeted on the basis of their gender and exposed to additional layers of vulnerability and attacks. Some defenders have told the Special Rapporteur that they face multiple layers of discrimination in their work against corruption, including gender bias, but also discrimination based on poverty and race. The Special Rapporteur recognizes that human rights defenders confront different and complex forms of discrimination.

## L. Local anti-corruption defenders

97. Not all human rights defenders advocating against corruption are journalists, lawyers, medical professionals or academics – many are working against corruption in their local communities. Miguel Guimaraes is a human rights defender and President of the Federation of Native Communities of Ucayali and Tributaries, one of the oldest indigenous federations in the Amazon region of Peru, comprising more than 30 indigenous communities. According to information received, in October 2020 he participated in an Inter-American Commission on Human Rights hearing where he denounced alleged links between Government corruption and the killings of environmental defenders in the Peruvian Amazon. A week later he received a death threat on WhatsApp which said: “We’re coming for you, whatever it takes bastard”, with a picture of a dismembered body.<sup>82</sup>

98. In Ukraine, according to information received, beginning in May 2019, trucks carrying sand started moving through the Ukrainian village of Sorokivka. Human rights defenders Natalia Shybayeva, Iryna Korshunova, Mykhaylo Zubkov and Oleg Ivanichenko learned that the sand extraction was environmentally damaging and that the local authorities had granted a company an extraction permit without informing and consulting residents, as required by law.<sup>83</sup> They began attending and broadcasting sessions of the village and district councils, publicizing their activities and raising awareness among local residents about the violations of their rights to a safe environment and access to information. The residents submitted around 200 complaints to the local and central authorities. Local residents began to protest in January 2021, which eventually resulted in action to block the road used by trucks for four days.<sup>84</sup> At 1.20 a.m. on 5 February 2021, when Natalia Shybayeva, Mykhaylo Zubkov and their 11-year-old son were at home, unknown persons threw a grenade into their house. Hearing the explosion, they ran out onto the street and saw that unknown persons had set fire to their two cars, which were parked next to the house.<sup>85</sup> On 17 March 2021, three unidentified men, allegedly linked to the extraction company, attacked 10 peaceful protesters (including women human rights defenders Iryna Korshunova and Natalia Shybayeva) with knives.<sup>86</sup>

99. Defenders who challenge corruption in local communities are also at risk from authorities and businesses who seek to intimidate them into silence, including by using violence. Those who challenge corruption and work peacefully for the rights of others are

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> PER 9/2020.

<sup>83</sup> UKR 6/2021.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

human rights defenders, regardless of whether they are working at the local, national or international level.

### **M. Attacks on anti-corruption defenders in the context of the coronavirus disease (COVID-19) pandemic**

100. The pandemic has created new opportunities for corruption, as well as threats and attacks throughout the world against those exposing it. In May 2021, Rozina Islam, a woman human rights defender, went to the Ministry of Health and Family Welfare in Bangladesh for a meeting with the health services secretary. According to information received, shortly after her arrival, she was allegedly locked in a room and had her phone confiscated, which sources believe gave the authorities a chance to plant false evidence. She reportedly fell ill and fainted during her detention in the office, which lasted over five hours. She was reportedly subjected to harassment and intimidation during this period.<sup>87</sup> It is reported that an official of the Ministry accused her of having used her cell phone without permission to photograph documents related to government negotiations to purchase COVID-19 vaccines, in violation of the Official Secrets Act of 1923. She reportedly faces up to 14 years in prison and the possibility of the death penalty.<sup>88</sup> It is reported that her detention came a few weeks after she had published investigative reports on alleged corruption and mismanagement in the health sector and irregularities in the purchasing of emergency medical supplies to respond to the COVID-19 pandemic and that her detention and prosecution may be related to her critical reporting.<sup>89</sup>

101. Egi Primayogha and Miftachul Choir are human rights defenders who work with the NGO Indonesia Corruption Watch. According to the information received, in July 2021, the Chief of Staff of the President of Indonesia planned to file a complaint against the two defenders regarding a study published by Indonesia Corruption Watch that uncovered the possible involvement of public officials in promoting the circulation of the drug “Ivermectin” during the COVID-19 pandemic. The drug has not been officially approved as a drug to treat the virus. The study showed an alleged conflict of interest between State officials and private parties in the distribution of the drug. Both human rights defenders were involved in the research and presentation of the study.<sup>90</sup>

102. In September 2021, the Chief of Staff officially reported both Egi Primayogha and Miftachul Choir to the Criminal Investigation Unit of the National Police of Jakarta for alleged “defamation”, “harm to someone’s honour” and “slander or libel”. The accusations are believed to be related to the study published by Indonesia Corruption Watch. If charged, the human rights defenders could be sentenced to six years in prison.<sup>91</sup>

103. Hopewell Chin’ono is a freelance journalist and human rights defender based in Zimbabwe who investigates corruption and financial mismanagement. According to the information received, in July 2020, Mr. Chin’ono posted notices on social media encouraging his followers to take part in demonstrations organized for 31 July. The demonstrations called for reforms following a spate of recent corruption and financial mismanagement scandals.<sup>92</sup> In 2020, he also reported a case of corruption related to the COVID-19 pandemic, involving medical supplies, which led to the dismissal of a Government minister.<sup>93</sup> In addition, he helped uncover a corruption scandal in which the Government awarded a procurement contract for COVID-19 supplies to a company with alleged links to the President’s family. There was reportedly no transparent public tender before the contract was awarded. On 20 July 2020, a number of police officers arrested Mr. Chin’ono at his home in Harare.<sup>94</sup> He was arrested and detained in Harare Central Police Station and told that he faced “incitement to

<sup>87</sup> BGD 4/2021.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> IDN 9/2021.

<sup>91</sup> Ibid.

<sup>92</sup> ZWE 3/2020.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

commit public violence”. Authorities claim that three posts he made to Twitter were under investigation for “inciting the public to engage in violence” in the upcoming demonstrations. The next evening, a group of around 30 armed police in riot gear raided his home and seized a camera. In August 2020, he was moved to Chikurubi maximum security prison.<sup>95</sup> The Government of Zimbabwe replied to the allegations in a letter dated 20 October 2020, which stated that a lower court had refused bail, however he was granted bail by the High Court. The trial of Mr. Chin’ono is currently pending before the courts.

104. Ligia del Carmen Ramos Zúñiga is a doctor and woman human rights defender in Honduras, leader of La Plataforma para la Defensa de la Salud y Educación Pública en Honduras del 2019, which exposes acts of corruption in the country’s health and education systems. According to information received, since 2015, she has denounced alleged acts of corruption related to the country’s social security and the lack of access to the right to health on different occasions. She has been subjected to threats, harassment and surveillance.<sup>96</sup> During the COVID-19 pandemic, she has criticized alleged Government mismanagement of the pandemic, the lack of due process in obtaining medical supplies for health personnel and payments for mobile hospitals for COVID-19 patients.<sup>97</sup> In August 2020, police took pictures of her house, and in May 2021 she received a phone call notifying her of an assassination order against her, reportedly sent from military intelligence. Due to the continuous threats, harassment and surveillance, she and members of her family were forced to flee the country.<sup>98</sup>

105. The Special Rapporteur has heard directly from human rights defenders in many countries that the COVID-19 pandemic has been accompanied by a rise in corruption, and attacks on those who work to challenge it. Health-care professionals, medics, journalists and human rights researchers have been inadequately protected by many States when, in the interests of the public good, they have highlighted corruption arising from the COVID-19 pandemic.

## N. Reprisals

106. Each year the Secretary-General presents a report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. The report addresses intimidation and reprisals against those seeking to cooperate or having cooperated with the United Nations, its representatives and mechanisms in the context of human rights. In recent years, it has featured several cases of individuals working peacefully against corruption who were targeted for their engagements, or attempted engagement, with United Nations mechanisms.

107. For example, in the 2019 report, a pattern of attacks, reprisals and intimidation against judges and public prosecutors in Guatemala was noted,<sup>99</sup> in particular against those presiding over cases related to transitional justice and corruption. Alleged acts of reprisals against Constitutional Court judges José Francisco de Mata Vela, Bonerge Mejía and Gloria Porras were included in the 2019 report of the Secretary-General regarding their work for the International Commission against Impunity, a United Nations commission established in 2006 to investigate corruption, organized crime and other sensitive cases.<sup>100</sup>

108. In the 2020 report it was noted that two prosecutors resigned during the reporting period, following a reported increase in threats and intimidation related to their work in high-profile corruption cases in which the International Commission against Impunity intervened.<sup>101</sup>

109. Also in the 2020 report, between May and September 2020, it was reported that at least 20 criminal cases and disciplinary complaints were brought against the Chief Prosecutor

<sup>95</sup> Ibid.

<sup>96</sup> HND 4/2021.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> A/HRC/42/30, paras. 54–55.

<sup>100</sup> Ibid., annex I, paras. 40–45.

<sup>101</sup> A/HRC/45/36, annex II, para. 58.

and Head of the Special Prosecutor's Office against Impunity, Juan Francisco Sandoval, allegedly in reprisal for his work in high-profile corruption cases, including cases investigated with the technical assistance of the International Commission against Impunity.

110. The situation of the national human rights institution of Guatemala and its Ombudsperson, Augusto Jordán Rodas Andrade, was included in both the 2019 and 2020 reports of the Secretary-General,<sup>102</sup> following attempts to undermine the institution for its support to the work of the International Commission against Impunity. The High Commissioner noted in her 2020 report on the situation of human rights in Guatemala that the Ombudsperson has faced smear campaigns and interpellations in the Congress.<sup>103</sup> In her report she also noted that her office had observed an increase in discourse stigmatizing human rights defenders, with a view to discrediting or silencing them, and that campesino movements and organizations denouncing corruption had been branded as "criminals" or "terrorists".<sup>104</sup>

111. The Office of the United Nations High Commissioner for Human Rights has documented continued attacks against judges and prosecutors in Guatemala for their work in cases investigated by the Office of the Attorney General with the technical assistance of International Commission against Impunity. Acts of intimidation and reprisals include: requests to lift the judges' immunity for criminal prosecution; the misuse of other legal remedies/tools such as injunctions, disciplinary proceedings and habeas corpus requests; and vilification campaigns on social media, including continued accusations of corruption for real or perceived collaborations with the International Commission against Impunity.<sup>105</sup>

112. The situation of Essa Al Nukheifi, an anti-corruption human rights defender in Saudi Arabia who was sentenced to a six-year prison term, with a six-year travel and social media ban upon release, was included in the 2020, 2019 and 2018 reports of the Secretary-General on reprisals.<sup>106</sup> Mr. Al Nukheifi cooperated with the Special Rapporteur on extreme poverty during the visit of Special Rapporteur to Saudi Arabia in January 2017.<sup>107</sup>

113. In May 2021, this mandate joined others in raising his case and those of other human rights defenders, expressing concerns about his alleged arbitrary detention and long prison sentencing as well as abuse and torture in connection to their fields of work.<sup>108</sup>

## **O. Criminal charges and legal action against human rights defenders fighting corruption**

114. As illustrated by the cases showcased in the present report, apart from intimidation, smear campaigns and attacks, anti-corruption activists and their organizations often face civil and criminal lawsuits for their legitimate efforts exposing corruption. They may be targeted by civil or criminal defamation lawsuits; strategic lawsuits against public participation aimed at intimidating and silencing them; or charged with terrorism and national security related offences. Human rights defenders fighting corruption have also faced charges under cybercrime laws, charged with subversion, public mischief, sedition and mutiny. They are accused of disclosing official secrets, propaganda against the State, inciting ethnic hatred, publishing false news and of public nuisance. Those vulnerable to administrative harassment, including enhanced scrutiny by tax authorities and CSOs, are frequently themselves charged with misuse of funds.

115. Such legal proceedings not only act as a chilling effect but are also a serious drain of the human and financial resources of defenders and NGOs.

<sup>102</sup> [A/HRC/42/30](#), para. 55, and annex II, para. 52; and [A/HRC/45/36](#), annex II, para. 61.

<sup>103</sup> [A/HRC/46/74](#), para. 10.

<sup>104</sup> *Ibid.*, para. 77.

<sup>105</sup> *Ibid.*, paras. 10 and 65–68.

<sup>106</sup> [A/HRC/45/36](#), annex II, paras. 115–116; [A/HRC/42/30](#), para. 74, and annex II, para. 93; and [A/HRC/39/41](#), para. 65, and annex I, paras. 95–96 and 98.

<sup>107</sup> [SAU 2/2017](#).

<sup>108</sup> [SAU 6/2021](#).

## II. Conclusions and recommendations

116. Corruption is a human rights issue, which ought to be recognized as such by States, the business community and civil society. Those who peacefully work for the rights of others against corruption should be recognized, celebrated and protected as human rights defenders. States have an obligation to combat corruption in compliance with their human rights obligations, which includes taking appropriate steps to enable and encourage human rights defenders working against corruption.

### A. Recommendations to States

117. **The Special Rapporteur recommends that States:**

(a) **Ensure that human rights defenders working against corruption are protected from being attacked, threatened, intimidated or criminalized for their work;**

(b) **Ensure that cases of violations committed against human rights defenders fighting corruption are investigated and prosecuted in a prompt, efficient, transparent and independent manner and that the perpetrators of such violations are brought to justice;**

(c) **Ensure that State officials regularly and publicly recognize the value of the work of anti-corruption human rights defenders and publicly denounce threats and attacks against them;**

(d) **Ensure that existing national human rights defender protection mechanisms are accessible to defenders working against corruption and ensure that they are gender-sensitive;**

(e) **Ensure an enabling environment to protect anti-corruption defenders and that anti-corruption defenders can carry out their work without fear of intimidation, threats and attacks and promote the meaningful engagement of civil society as outlined in of article 13 of the United Nations Convention against Corruption;**

(f) **Ensure that agencies with responsibility for investigating, preventing and curbing corruption are mandated and required to consult groups exposed to discrimination and that these groups are empowered and supported to engage with the relevant agencies;**

(g) **Ensure that relevant national policies, such as national anti-corruption action plans, include provisions to support and protect defenders working against corruption and to prevent retaliation against them;**

(h) **Ensure that institutions mandated to fight corruption, such as independent anti-corruption agencies and the judiciary, are also mandated and adequately resourced to monitor the situation of human rights defenders fighting corruption and to receive individual cases of defenders being targeted, and that they are equipped to provide support and protection in case of retaliation;**

(i) **Meaningfully engage CSOs and other non-State stakeholders in all stages of the review process of the United Nations Convention against Corruption: specific details on how civil society is engaged should be disclosed in country review reports and executive summaries; and CSOs and other stakeholders should also be allowed to participate as observers in the subsidiary bodies of the Conference of the States Parties to the United Nations Convention against Corruption, including the Implementation Review Group, which oversees the review process;**

(j) **Prioritize the adoption and implementation of legislative and other measures to protect informants and whistle-blowers, including comprehensive whistle-blower protection laws in line with international human rights standards and best practices, including by:**

- (i) **Protecting whistle-blowers against all forms of retaliation, disadvantage or discrimination, including against legal proceedings, including in the defence and security sectors;**
- (ii) **Ensuring the confidentiality of the identity of whistle-blowers should be guaranteed and mechanisms should be provided allowing safe, secure, confidential or anonymous disclosures, including the application of penalties to persons who attempt to identify whistle-blowers, hinder reporting or retaliate against them;**
- (iii) **Providing personal protection measures to whistle-blowers whose lives or safety are in jeopardy, along with their family members: adequate resources should be devoted for such protection;**
- (k) **Ensure that domestic law and the judiciary offer strong protection against strategic lawsuits against public participation, inter alia, by allowing the early dismissal (with an award of costs) of such lawsuits and sanctions for their use;**
- (l) **Ensure the specific protection needs of anti-corruption defenders working on the distinct issue of discriminatory corruption and take into account the particular risks they face as a result of their work;**
- (m) **Conduct independent, impartial and transparent investigations in cases of unlawful targeted surveillance against defenders working on corruption and mandate comprehensive measures to prevent further violations linked to the sale, export and use of spyware technology;**
- (n) **Ensure that extraordinary restrictions adopted in the fight against the COVID-19 pandemic do not have an adverse impact on human rights defenders working against corruption.**

## **B. Recommendations to relevant international organizations and civil society**

118. The Special Rapporteur recommends that organizations mandated to fight against corruption, such as the United Nations Office on Drugs and Crime, the OECD Working Group on Bribery in International Business Transactions and the Council of Europe Group of States against Corruption, should:

- (a) **Ensure the regular monitoring of the situation of human rights defenders fighting corruption in countries covered by their mandates and provide regular assessments of the extent to which national institutions support and protect anti-corruption activists;**
- (b) **Establish a system to receive and review individual cases of human rights defenders suffering retaliation because of their anti-corruption work.**

119. The Special Rapporteur also recommends that the Financial Action Task Force and other international bodies should review the implementation of international standards by States and ensure they are not used by States to impede the work of anti-corruption defenders.

120. It is also vital that international, regional and domestic NGOs and civil society as a whole embrace anti-corruption defenders as human rights defenders, support their work and promote networks of defenders that include those working against corruption.

## Annex

### Update on the killings of human rights defenders

In her report to the Human Rights Council last year on death threats and killings of human rights defenders,<sup>1</sup> the Special Rapporteur noted the 1,323 recorded killings of human rights defenders between 2015 and 2019. In presenting the report to the Council, she noted that the defenders had been killed in 64 countries, almost one third of the total of States Members of the United Nations. She asked States for their help in preventing more killings of defenders and told the Council that she stood ready to engage with States to stop this scourge. To date, she has received no invitations from any State to explore ways of preventing such killings. Since she presented her report in March 2021, her mandate has led or joined at least 31 communications to States about further killings of human rights defenders. She reiterates her request to States to engage with her mandate to explore ways stop these killings.

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<sup>1</sup> [A/HRC/46/35](#).