Short Session Report

Session Title: Repression, corruption and human rights abuse
Date & Time: 2 December 2016, 11.30.
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Moderated by:
Session coordinated by: Government Accountability Project and Transparency International

Main issues raised in kick off remarks. What’s the focus of the session?

The relationship between corruption to human rights abuses and means to protect whistleblowers from global (UN, World Bank and other corruption and human rights multilateral processes) to national (Chile)
How to reform whistleblower protection at the UN in both peacekeeping and human rights offices.

Objectives of the Workshop to explicitly demonstrate the close relationship between human rights abuse and grand corruption.

2. Identify policies and legal measures (such as whistleblower protections and transparency guarantees) that can address both issues.

What initiatives have been showcased? Briefly describe the Game Changing strategies/ ideas (if applicable)

Briefly describe the highlights including the thematically interesting questions and ideas that were generated from the discussion or from the floor, and session quotes.

Best, most targeted and effective anti-corruption tool are whistleblowers at international organisations.

Possibly best positioned, best informed and best intentioned people to represent the public interest.

UN staff not provided adequate guidance on reporting child sexual abuse. In many countries there is an obligation to report. UN does NOT have clear guidance. So those in the field based on their decisions based on consent NOT given by the children.

The UN ethics office has a very poor track record on blame and retaliation. And if those that do suffer, like contract change or investigation, there is a dispute tribunal but those affected may find themselves out of a job as this can take 2-3 years. Even if
the tribunal rules in favour of the staff member, they do not get reinstated, but may receive some financial compensation.

Peacekeeping by far the largest sector in UN budget. Funding is the key issue, that is tax payer funds, and this aspect is being missed in terms of strengthening accountability within the UN.

In Chile historically the concentration of power without accountability brings a perfect formula for corruption and human rights. Yet it also creates the myth that there is no corruption, even if there are gross human rights violations.

The transition to democracy was based on as much truth as possible without putting democracy at risk.

Interplay of land, labour and corruption must be examined as a basis for where people have freedom and opportunity that limits corrupt conditions. Risk of regulatory capture.

We need to ensure that those affected by corruption are reflected in decision making processes.

There are systemic representational deficits within the UN and other multilateral processes.

We have seen success in the area of appointments of UN special rapporteurs in the areas of food and land tenure, where independent international recommendations can spur public impetus to get involved in legislative change.

Other forums (eg G20) should complement, not replace the UN processes to address corruption. The UN gives us a rights framework also. The question is how to bring bottom-line driven organisations in. There is forward movement on beneficial ownership etc While the UN is still moving forward on fair tax systems etc. We can get the G20 and others to open up wider (for example, only business and not civil society sits on the G20 Economic Growth Committee).

Anti-corruption and human rights movements need to work more closely together, to join forces on what is a common agenda.

GAP report shows that World Bank whistle blower policy is not transparent, not clear on rights and who it covers. Formal ‘freedom of information’ requests, interviews with enforcement agents etc got
no response. Most within the World Bank don’t know the policy or how it would work.

Whistleblower protection rights are human rights (FOE, ATI) as per human rights treaties.

Anonymity is central to effective whistleblowing, and the tools to support this needs to be developed. WB policy on this is that they won’t go forward on anonymous complaint without evidence. Nor are they informed of their rights. There is no detail in the policy to set out the risk and rights. It does far too much to discourage action.

The World Bank’s main mission seems to be protect itself. An internal survey revealed that most feared retaliation. Fear limits knowing what the scope of corruption is. We don’t know anything about retaliation from reporting except anecdotally.

The situation of whistleblowers in general is betting worse not better.

Further study should be done on employment status and whistleblowing patterns.

Corruption also exacerbates conflicts through diversion of humanitarian assistance. We know about the secrecy culture in the UN, and a lack of oversight to measure efficiency and deter these practices. So what to do?

Where do people get the time to make governments responsive? The regulation of civil society is resulting in shrinking space. In Canada, the law on public donations limits what you can do.

What are the key recommendations, follow-up Actions (200 words narrative form)

There is no purpose to divorce reform within the human rights system to peacekeeping within the UN.

Reforming UN and WB whistleblower protection requires making clear to the public that it is their money being spent and the UN is accountable to them. This needs to be the basis of a public campaign.

Pressure needs to be put on donor governments to ensure that peacekeeping does not engage in corrupt practices, and civil society
needs to lobby that taxes are used wisely and not to violate rights.

Change must be in countries, but often help from outside makes the difference. UN human rights treaty bodies force people to be held accountable, and provide an important tool.

Get the most at-risk people on to international NGO Boards – going international gives visibility and credibility and affords its own protection.

International groups must address the global problem of shrinking civil society space, against arguments of national sovereignty and the risk of foreign aid.

Social media is important for pursuing companies around reputational risks. Civil society must work more closely with companies to agree on conditions of impact/benefit agreements.

Need to look at how to engage with the Organisation of the Islamic Conference – not having them involved is missing an important vehicle to reach people.

WB needs to improve its whistleblower policy and civil society groups know how to the blow the whistle in WB corruption. We need to define more broadly who is covered (consultants etc) and their rights.

The UN and WB both need a proper freedom of information policy. Release of internal documents currently results in punishment for violation of bank policy, and much of this is not sensitive and should be available.

Anonymity needs to be respected and information needs to be pursued.

It may be useful to develop a whistle blower bill of rights, which could be a checklist tool that anyone can use.

Corruption proceeds captured could be used to fund civil society participation, eg in WB projects. STAR initiative funds % could go not back to corrupt governments but to civil society participation.

Chile – same persons/families that were involved in gross violations are now engaged in corruption. You cannot separate the two in your
approach to addressing the problem.

Key Insights that could be included in the IACC Declaration

Anti-corruption and human rights movements need to work more closely together, to join forces on what is a common agenda.

Reforming multilateral (eg UN and WB) whistleblower protection and access to information requires making clear to the public that it is their tax dollars being spent and these institutions are accountable to them.

Get the most at-risk people on to international NGO Boards – going international gives visibility and credibility and affords its own protection.

A whistleblower bill of rights, which could be a checklist tool that anyone can use.

Rapporteur’s name and date submitted

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