

Combating Corruption in New Uzbekistan And Ensuring Human Rights

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Received: 04 July 2026; **Accepted:** 30 July 2026; **Published:** 28 August 2026

Abstract: This article analyzes the connection between combating corruption and the protection of human rights within the framework of international law. It examines issues of corruption and human rights as addressed in the United Nations Convention against Corruption and international human rights treaties. Furthermore, although a human rights-based approach to combating corruption may be conceptually complex, it holds significant practical and normative advantages over purely criminal-legal or administrative approaches.

Keywords: Human rights, corruption, UN Convention against Corruption, rule of law.

Introduction: Within the framework of international human rights law, corruption undermines the ability of states to fulfill their legal obligations to several degrees. It violates the obligation to respect human rights when public officials engage in corrupt practices; weakens the obligation of the state to protect by limiting the ability of private actors to regulate and prevent corrupt behavior; and hinders the obligation to exercise rights, as corruption diverts financial and institutional resources from public welfare and development programs. This issue is particularly relevant within the framework of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which, in accordance with Article 2 (1), requires States to maximize the use of available resources to implement the rights contained in the Covenant. In practice, corruption reduces these resources and, as a result, hinders the consistent exercise of economic, social, and cultural rights.

The interconnection between corruption and human rights is increasingly becoming a subject of scientific and legal analysis in international law. Anne Peters divides this relationship into four main legal dimensions.

➤ first, corrupt acts may directly violate personal rights, for example, if bribery or political interference

violates the independence of the judiciary and the right to a fair trial;

➤ second, systemic or widespread corruption creates institutional environments that facilitate widespread human rights violations;

➤ third, fundamental rights such as freedom of expression, access to information, freedom of assembly, and the independence of the media serve as important mechanisms for detecting and preventing corruption;

➤ fourthly, anti-corruption initiatives themselves may lead to tensions regarding appropriate procedural guarantees and the procedural rights of persons accused of corruption-related offenses.

The negative consequences of corruption on human rights are also recognized by international institutions. In its 2015 report, the Advisory Committee of the United Nations Human Rights Council concluded that corruption negatively impacts the enjoyment of all categories of human rights. Empirical research once again confirms this position. Studies conducted in Moldova have shown that corruption significantly consumes state resources, which negatively affects rights related to life, guarantees of a fair trial, education, healthcare, property, and social security.

Similarly, a study by Mexican scholars found that lower levels of corruption, even after accounting for variables such as GDP and the nature of political regimes, are associated with greater protection and exercise of political rights.

Key anti-corruption conventions and their impact on human rights:

The modern international legal framework against corruption is based on four main multilateral conventions. The Organisation for Economic Co-operation and Development's (OECD) Anti-Bribery Convention (1997) focuses on the predominantly supply side of transnational corruption by mandating member states to criminalize bribery of foreign public officials under international commercial agreements. Within the European regional framework, the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption, adopted by the Council of Europe in 1999, establish comprehensive legal standards regulating criminal liability and civil remedies related to corruption. At a universal level, the United Nations Convention against Corruption (UNCAC) constitutes the most comprehensive, legally binding anti-corruption instrument, including measures related to corruption prevention, criminal prosecution, international cooperation, and asset recovery.

Despite their broad regulatory framework, these conventions do not explicitly include a human rights-based approach to corruption. Two Council of Europe conventions mention corruption as a threat to human rights only in their preamble, while the United Nations Convention against Corruption does not explicitly define corruption as a human rights violation, recognizing in its preamble that corruption undermines sustainable development and the rule of law. This regulatory gap is increasingly being addressed through the development of lenient legislation, in particular through resolutions adopted by the UN Human Rights Council on the negative impact of corruption on the enjoyment of human rights, including Resolution 47/7 in 2021. Additional achievements were reflected in the Joint Statement on Corruption and Human Rights, jointly issued by seven UN treaty bodies in 2021, further strengthening the conceptual link between anti-corruption commitments and international human rights protection.

At the regional level, the Inter-American Human Rights System has played a leading role in developing the link between anti-corruption measures and human rights protection. In 2018, the Inter-American Commission on Human Rights adopted an important resolution dedicated to the relationship between corruption and human rights, and in 2019, a comprehensive report was

published containing inter-American standards in this field. The jurisprudence of the Inter-American Court of Human Rights also made a significant contribution to this. *Ramírez Escobar v. Guatemala* (2018), the Court noted that the practices of illegal adoption occurred in the broader context of corruption and that this had serious negative consequences for the human rights of children and their biological parents, thus moving closer to recognizing corruption as an independent human rights issue.

The European Union is also increasingly recognizing the link between corruption and the protection of human rights. In 2022, the European Parliament called on EU institutions to formally recognize the link between corruption and human rights and to adopt a human rights-based approach to anti-corruption policies, specifically by placing victims of corruption at the center of legal and institutional measures. Furthermore, the EU's Global Human Rights Sanctions Regime, commonly referred to as the EU's Magnitsky Act, demonstrates the practical implementation of this approach by applying targeted sanctions against individuals involved in serious human rights violations and corruption-related activities.

Human rights aspects of corruption: main directions

The principles of equality and non-discrimination constitute the fundamental foundations of international human rights law and are enshrined in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Rights of the Child (CRC) enshrined in special conventions such as . Corruption fundamentally undermines these principles, as it creates unequal access to public services, opportunities, and public resources based on the ability of individuals to make illegal payments rather than objective or appropriate criteria.

The impact of corruption is particularly severe for women, who are often disproportionately exposed to corrupt practices due to existing structural inequalities in political participation, financial resources, and access to public services. Results obtained through the UN Convention against Corruption Implementation Review Mechanism show that corruption often exacerbates gender inequality and social exclusion. In particular, one of its harmful manifestations is "extortion," that is, the abuse of state power to obtain sexual interests, which is a direct violation of the dignity, independence,

and physical integrity of women. The Committee on the Elimination of Discrimination against Women, in its General Recommendation No. 35 on gender-based violence against women, recognizes that institutional corruption contributes to the continuation and normalization of such abuses.

The right to education is guaranteed by Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights and Article 28 of the Convention on the Rights of the Child. Corruption in the education sector is manifested by numerous practices, including fraudulent procurement, embezzlement of educational funds, illegal registration or examination fees, teacher absenteeism, and irregularities in concluding government contracts affecting educational infrastructure and materials. These practices undermine many aspects of the right to education by reducing access, quality, and equity in education systems.

In its 2021 Global Education Monitoring Report, the United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that informal payments related to school enrollment, assessment, and additional education effectively transform education from a universal right to a service dependent on financial capabilities. The negative consequences of such practices disproportionately affect economically disadvantaged families, ethnic minorities, and girls, thereby exacerbating existing social inequality and limiting equal educational opportunities for vulnerable populations.

The right to a fair trial is protected by Article 14 of the International Covenant on Civil and Political Rights, Article 6 of the European Convention on Human Rights, Articles 8 and 9 of the American Convention on Human Rights, and Article 7 of the African Charter on Human and Peoples' Rights. Corruption in judicial institutions poses a direct threat to the exercise of this right by undermining the independence, impartiality of the judiciary, and public trust in legal systems. Surveys conducted through the Transparency International Global Corruption Barometer show that in many countries, the judicial system is perceived as one of the most corrupt institutions.

Judicial corruption can take various forms, including bribery aimed at influencing court decisions, corruption in judicial administration that hinders the achievement of justice, nepotism in the appointment of judges, and disorder in the execution of decisions. These practices violate important safeguards related to the right to a fair trial, including equality before the courts, adjudication by an independent and impartial tribunal, timely proceedings, and the availability of effective

remedies for offenses. The European Commission for Democracy through Law (Venice Commission) further noted that systemic judicial corruption triggers a cycle of declining institutional legitimacy, with declining public trust in formal judicial mechanisms encouraging individuals to rely increasingly on informal and often corrupt alternatives to dispute resolution.

The link between corruption and the violation of social and economic rights, including the rights to healthcare, housing, food, and social security, is closely linked to the management and distribution of public finances. Large-scale corruption redirects public revenues and public assets toward private enrichment, which reduces the financial resources available for essential social programs and public services. At the same time, petty corruption in public administration and the service sector imposes informal costs on citizens, which effectively limits individuals' access to services they are legally entitled to receive. Corruption in public procurement exacerbates these problems by reducing the quality, efficiency, and accessibility of infrastructure and public services funded by public spending.

Empirical research consistently demonstrates the negative consequences of corruption development. Vito Tanzi and Hamid Davoodi found that high levels of corruption are linked to poor-quality public infrastructure, reduced public spending on healthcare, and declining enrollment in primary school. Further research by Augustin Kwasi Fosu found that corruption significantly undermines the poverty reduction effects of economic growth and contributes significantly to differences in poverty reduction outcomes between countries.

From the perspective of international human rights law, these findings support the view that systemic corruption undermines the ability of states to fulfill their obligations under Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Since states are required to maximize the use of available resources for the gradual realization of economic and social rights, mismanagement and mismanagement of public resources through corruption may constitute a structural violation of non-fulfillment of these obligations.

REFERENCES

1. United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 3: The Nature of States Parties' Obligations (Art. 2(1)), U.N. Doc. E/1991/23, 1990.
2. International Covenant on Economic, Social and Cultural Rights, art. 2(1), 16 Dec. 1966, 993 U.N.T.S. 3.

3. Anne Peters, "Corruption as a Violation of International Human Rights," *European Journal of International Law*, vol. 29, no. 4, pp. 1256–1260, 2018.
4. United Nations Human Rights Council Advisory Committee, Final Report on the Issue of the Negative Impact of Corruption on the Enjoyment of Human Rights, U.N. Doc. A/HRC/28/73, 2015.
5. Centre for Civil and Political Rights, The Impact of Corruption on the Fulfilment of Human Rights in Moldova. Geneva, Switzerland: CCPR, 2021.
6. Cardona, Luz Angela, Horacio Ortiz, and Daniel Vázquez. "Corruption and Human Rights: Possible Relations." *Human Rights Quarterly* 40, no. 2 (2018): 317–41. <https://www.jstor.org/stable/26802173>.
7. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 17 Dec. 1997, 37 I.L.M. 1, 1998.
8. United Nations Convention against Corruption (UNCAC), preamble, adopted Dec. 9, 2003, entered into force Dec. 14, 2005, 2349 U.N.T.S. 41.
9. United Nations Human Rights Council, The Negative Impact of Corruption on the Enjoyment of Human Rights, Res. 47/7, U.N. Doc. A/HRC/RES/47/7, 2021. United Nations Committee on the Elimination of Discrimination against Women et al., Joint Statement on Corruption and Human Rights, May 31, 2021.
10. Inter-American Commission on Human Rights, Corruption and Human Rights: Inter-American Standards (Washington, D.C.: IACHR, 2019).
11. Ramírez Escobar et al. v. Guatemala, Inter-Am. Ct. H.R. (Ser. C) No. 351, 242 (9 Mar. 2018).
12. European Parliament, Recommendation of 17 February 2022 to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning Corruption and Human Rights (2021/2066(INI)), para. 1(a).
13. Council of the European Union, Council Regulation (EU) 2020/1998 concerning restrictive measures against serious human rights violations and abuses, 7 December 2020, O.J. L 410I/1; and European External Action Service, "The EU Global Human Rights Sanctions Regime," Available: https://www.eeas.europa.eu/eeas/eu-has-new-powerful-tool-protect-human-rights-eu-global-human-rights-sanctions-regime-0_en.
14. International Covenant on Civil and Political Rights, arts. 2 and 26, 16 December 1966, 999 U.N.T.S. 171; International Covenant on Economic, Social and Cultural Rights, art. 2(2), 16 December 1966, 993 U.N.T.S. 3. United Nations Human Rights Committee, General Comment No. 18: Non-Discrimination (1989), para. 12. See: Besson, Samantha, and Eleonor Kleber, 'The Right to Non-Discrimination', in John Tobin (ed.), *The UN Convention on the Rights of the Child: A Commentary*, Oxford Commentaries on International Law (2019; online edn, Oxford Law Pro), <https://doi.org/10.1093/law/9780198262657.003.0003>.
15. United Nations Office on Drugs and Crime (UNODC), *An Introduction to Human Trafficking: Vulnerability, Impact and Action* (New York: United Nations, 2008). Eldén, Å., D. Calvo, E. Bjarnegård, S. Lundgren and S. Jonsson (2020), *Sextortion: Corruption and Gender-Based Violence*, EBA Report 2020:06, the Expert Group for Aid Studies (EBA), Sweden.
16. Committee on the Elimination of Discrimination against Women, General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19, U.N. Doc. CEDAW/C/GC/35 (2017), paras. 26, 29, 31.
17. Jacques Hallak and Muriel Poisson, *Corrupt Schools, Corrupt Universities: What Can Be Done?* (Paris: UNESCO International Institute for Educational Planning, 2007).
18. United Nations Educational, Scientific and Cultural Organization (UNESCO), *Global Education Monitoring Report 2021/2: Non-State Actors in Education: Who Chooses? Who Loses?* (Paris: UNESCO, 2021).
19. Transparency International, *Global Corruption Barometer* (Berlin: Transparency International) Available: <https://www.transparency.org/en/gcb>.
20. European Commission for Democracy through Law (Venice Commission), *Rule of Law Checklist*, CDL-AD(2016)007 (Strasbourg: Council of Europe, 2016).
21. Vito Tanzi and Hamid Davoodi, "Corruption, Public Investment, and Growth," IMF Working Paper WP/97/139 (Washington, D.C.: International Monetary Fund, 1997).
22. Augustin Kwasi Fosu, "Inequality and the Impact of Growth on Poverty: Comparative Evidence for Sub-Saharan Africa," *Journal of Development Studies* 45, no. 5 (2009): 726–745.