

The impact of administrative and financial corruption on human rights

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Abstract:

The spread of corruption and limited integrity in state institutions leads to a violation of the state's commitment to human rights, which will prevent the development of effective programs and policies to promote human rights. Corruption affects all areas of civil, political, economic and social human rights. Moreover, human rights and corruption can be linked in two ways, the first: the possibility of a human rights violation due to corrupt behavior, and the second: the possibility of a human rights violation shared by anti-corruption measures.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) 2013 stated, "In recent years, the United Nations and regional organizations have recognized the negative effects of corruption on human rights." This international interest in linking human rights issues and their negative impact on corruption is very clear, especially through the world's celebration on the ninth of December as the International Anti-Corruption Day to mobilize towards the goal of combating corruption that devours nations and destroys civilizations and countries, just like cancer, if it is not combated quickly, it will spread and be difficult to eradicate. On the day following the International Anti-Corruption Day – on the tenth of December – the world celebrates the International Human Rights Day. This sequence and linkage between the fight against corruption and human rights makes it clear that corruption is a flagrant violation of human rights and combating it is the most important means of stopping violations.

Corruption has a significant negative impact on the groups most vulnerable to abuse (women, children, the disabled, people with special needs and the elderly), as more corruption undermines the ability of states to fulfill their human rights obligations and diminishes the quality of public services due to manipulation of public budgets and detraction from the amounts allocated to promoting human rights. Therefore, a strategy is needed to protect human rights from corruption. And if the mastery of power and possession of it makes those in power invest it horribly and to the extreme, and sometimes use it for purposes other than those for which it was found, then this makes the practice of various forms of corruption, whether administrative or financial corruption, achieved to a high degree in these countries, especially in Iraq, where the phenomenon of corruption has emerged greatly.

Keywords: Corruption, limited integrity, human rights, Iraq

Moreover, human rights and corruption can be linked in two ways, the first: the possibility of a human rights violation due to corrupt behavior, and the second: the possibility of a human rights violation shared by anti-corruption measures.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) 2013 stated, "In recent years, the United

Introduction:

Research Significance:

The spread of corruption and limited integrity in state institutions leads to a violation of the state's commitment to human rights, which will prevent the development of effective programs and policies to promote human rights. Corruption affects all areas of civil, political, economic and social human rights.

availability, provision, facilitation, accessibility and quality of goods and services related to human rights, and to consider from a humanitarian perspective the opportunities and challenges related to combating corruption as a human rights issue.

There must be a strategy to protect human rights from corruption. If being in power and owning it makes those in power invest it horribly and to the extreme, and sometimes use it for purposes other than those for which it was found, this allows the practice of various forms of corruption, whether it is administrative or financial. It becomes achieved to a high degree in these countries, especially Iraq, where the phenomenon of corruption has emerged greatly.

If we know that corruption has a high social and economic cost because it stops the development process, undermines the edifice of democracy and reduces the scope of the state of truth and the law that must be applied and acted upon, then this requires the various governments in different countries to work to enhance the values of transparency and integrity in order to spread the culture of anti-corruption, establish the ethics of integrity and consolidate trust while making it popular among different segments of society. Therefore, the fight against corruption requires cooperation and coordination between countries and regional and international organizations in order to besiege and detect it and cut the lines of cooperation between its perpetrators, which necessitated effective oversight to combat corruption, as strengthening human rights principles and institutions is necessary for the success of anti-corruption strategies because human rights violations weaken efforts to combat corruption and reduce its effectiveness.

Human rights and corruption can be linked in terms of the possibility of human rights violations due to acts of corruption or anti-corruption measures. As a result of the developments, it became clear that spoiling the enjoyment of human rights is one of the effects of corruption.

Research outline:

Introduction

The first topic: the concept of corruption and human rights.

Nations and regional organizations have recognized the negative effects of corruption on human rights.” This international interest in linking human rights issues and their negative impact on corruption is very clear, especially through the world’s celebration on the ninth of December as the International Anti-Corruption Day to mobilize towards the goal of combating corruption that devours nations and destroys civilizations and countries, just like cancer, if it is not combated quickly, it will spread and be difficult to eradicate. On the day following the International Anti-Corruption Day – on the tenth of December – the world celebrates the International Human Rights Day. This sequence and linkage between the fight against corruption and human rights makes it clear that corruption is a flagrant violation of human rights and combating it is the most important means of stopping violations.

Problem Statement:

The spread of corruption deepens discrimination in access to public services in favor of those who are able to meet the demands of the corrupt such as bribery. It leads to the strengthening of the policy of discrimination between people concerning their rights. Corruption has a significant negative impact on the groups most vulnerable to abuse (women, children, the disabled, people with special needs and the elderly), as more corruption undermines the ability of states to fulfill their human rights obligations and diminishes the quality of public services due to manipulation of public budgets and detraction from the amounts allocated to promoting human rights.

Corruption may become a danger to children who grow up in a corrupt environment, which may make them familiar with these practices and consider them as normal behaviors and part of society interactions. It is also certain that corruption harms human rights and leads to depriving vulnerable social groups of their right to a decent life and an adequate standard of living. A commitment to human rights would contribute to preventing corruption and achieving development and prosperity.

Objectives:

This research aims to draw attention to the multiple negative effects of corruption on the application of human rights, especially on the

We note that Hammurabi, king of Babylon, referred in Article VI of his law to the crime of bribery. He stressed that the bribery applicant should be brought before him to sue him and take the order to root him out himself.

This indicates his great interest in combating the scourge of corruption. This Sharia also regulates the relationship between the ruler and the ruled (Daoud, 2003).

As for the Islamic community, despite the principles of purity and chastity that have characterized Islamic thought throughout the ages, it has also known manifestations of corruption, due to the split between theory and practice, between perception and behavior, and between convictions and performance. This is due to the weakness of religiosity and the predominance of whims and striving to achieve personal interests, in addition to the weakness of internal control and the control of society. However, the Prophet Muhammad (may God's prayers and peace be upon him) and his rightly-guided caliphs and those who followed them in goodness until the Day of Judgment, were able to address this issue by using several methods, including the method of encouragement and intimidation, because Islamic law knows how to probe the depths of the human soul and how to treat it.

The method of enticement means the use of various motivational methods that will make the employee to work with the same satisfaction and enthusiasm, so that he achieves a high achievement and performs his duties in an outstanding performance. The Almighty said in His Noble Book in Surat Al-Zumar, Verse 53: "Say, 'O My servants who have transgressed against themselves [by sinning], do not despair of the mercy of Allah. Indeed, Allah forgives all sins. Indeed, it is He who is the Forgiving, the Merciful'".

The method of intimidation means the use of the method of intimidation of its gradual types, and it is referred to in modern management (negative incentive). And the Caliph Omar Ibn Al-Khattab (may God be pleased with him) was one of the most effective caliphs who applied the method of intimidation to the rulers and workers in the Islamic state, and among his sayings: ((The easiest thing for me is to put a ruler in the place of a ruler if people complain against him)). He would punish them if he saw in them corruption, financial deviation, or the increase of their money without a legitimate justification. Monitoring

The first section: Defining corruption, including the definition of corruption and the characteristics of corruption.

The second section: Defining human rights, including the definition of human rights and the basics of human rights implementation.

The second topic: the repercussions of corruption crimes on human rights.

The first section: Corruption's relationship to human rights violations.

The second section: the impact of anti-corruption measures on human rights, including anti-corruption measures and violations of human rights anti-corruption measures.

The conclusion which includes the results and recommendations.

Introduction:

Administrative and financial corruption is a growing scourge in all countries due to its direct negative impact on the development of societies and limiting their development. It has also become a phenomenon with social, economic and political aspects, to combat which does not require the concerted efforts of the institutions of one country only, but also the cooperation of countries to reduce it.

The word (corruption) is used to describe a wide range of dishonest behaviors such as bribery, embezzlement, abuse of power, extortion, illicit enrichment, royalties and misuse of power, in addition to acts associated with major corruption activities.

It is used to assist in initiating these activities, such as money laundry and obstruction or prevention of the course of justice.

We point out that the peoples that settled the land of Iraq, which historical evidence confirms that they are the first civilizations in the world, have known the phenomenon of corruption. Therefore, we see references to crimes of corruption in the laws known to (Uruk) and (Urnu) in the Sumerian carvings and the minutes of the sessions of the Council (Ark). In addition, the documents that were found dating back to the third millennium (BC) show that the royal court at that time was looking into cases of corruption such as abuse of influence, abuse of public office, accepting bribery and denial of justice. Even ruling decisions in these crimes were up to the death penalty (Daoud, 2003).

development, undermines the prestige of the law, leads to impunity, and frustrates attempts to protect human rights.

The first topic: the concept of corruption and human rights:

The link between acts of corruption and human rights violations opens new horizons for work in the field of combating corruption, especially if the multiple national, regional and international mechanisms are used to monitor human rights situations and violations that have been developed during the past seventy-four years since the issuance of the Universal Declaration of Human Rights in 1948. Therefore, it is necessary to get acquainted with the meaning of the terms (human rights) and (corruption) to know the importance of linking them in combating corruption and promoting human rights.

The first section: Defining corruption

In this section, we will clarify the definition of corruption, linguistically and religiously, and then show the most important characteristics of corruption crimes.

First: the definition of corruption:

Linguistically, is derived from (corrupt) against peace (in Arabic). Moreover, (corruption) means invalidity, so it is said that something is corrupted, i.e. invalid and withering away. The expression has several meanings, depending on its location. It is (grass or drought), as in the Almighty's saying "Corruption has appeared throughout the land and sea by [reason of] what the hands of people have earned so He may let them taste part of [the consequence of] what they have done that perhaps they will return [to righteousness]." (Surat Al-Rum, verse 41), or it means (tyranny and arrogance), as in the Almighty's saying: "That home of the Hereafter We assign to those who do not desire exaltedness upon the earth or corruption. And the [best] outcome is for the righteous". (Surat Al-Qasas Verse 83). It also means (Disobedience to God's Obedience), as in the Almighty's saying "Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great

the performance of employees is the best method of intimidation to combat corruption.

Censorship begins with the self-monitoring of the Muslim individual, which he exercises on himself out of his conscience. But man is by nature prone to error, and few people prevent himself from slipping. So one needs to control it. God Almighty has made supervision a collective responsibility of the state and the entire Muslim community (Yamani, -). The aim is to protect and promote human rights against any kind of violations. Perhaps creating a safe environment free of corruption is the best guarantor of these rights.

The right to a society free of corruption is one of the intrinsic human rights because the right to life, dignity, equality and other basic human rights and values are highly dependent on this right. Hence, the fight against corruption and the protection of human rights are closely related. The roots of this right extend to the Charter of the United Nations of 1945, which referred in its preamble to the belief in fundamental human rights, in the dignity and worth of the individual, and in the equal rights of men and women and all nations. It was also affirmed by the Universal Declaration of Human Rights issued by the General Assembly on December 10, 1948, when it indicated in its preamble that recognition of the inherent dignity of all human family and their equal and inalienable rights is the basis of freedom, justice and peace. There is an important question that arises about the relativity of the relationship between corruption and human rights. If we examine the issue, we will find that the relationship is very strong and has no side effect or on specific areas of human rights. The spread of corruption and limited integrity in state institutions will inevitably lead to a violation of the state's commitment to human rights, which will prevent the development of effective programs and policies to promote human rights. Corruption can constitute a direct violation of human rights when it is specifically intended to restrict and enjoy those rights. The more human rights are weakened, the greater the opportunities for corruption that reduces the government's ability to respect and protect human rights. For example, it is inconceivable that there is respect for human rights if the police or the army do not respect those rights, or if the judiciary is politicized or accepts bribes. Corruption impedes

definition of corruption (the Advisory Committee of the Interim Human Rights Council, 14, May, 2014). Rather, the preamble of the convention clarified that corruption is: “a non-national phenomenon that affects all societies and economies, which makes international cooperation to prevent and combat it necessary (Said, 2019), but it criminalized the cases of corruption that it identified in:

- Bribery of national public officials.
- Bribery of foreign public officials and employees of public international institutions.
- The embezzlement, waste or other diversion of property by a public official.
- Misuse of power.
- Abuse of jobs.
- Illicit enrichment.
- Bribery in the private sector.
- Embezzlement of property in the private sector.
- Laundering of criminal income.
- Concealment.
- Obstructing the course of justice (Al-Barjawi, 2015).

As for the United Nations Development Program, corruption is defined as “the misuse of official force, position, or authority for private benefit, whether through bribery, extortion, abuse of influence, nepotism, fraud, fraudulent or dishonorable acts.)Palestinian Anti-Corruption Commission, February 2020.(The Arab Anti-Corruption Convention defined it as a criminal phenomenon of multiple forms with negative effects on moral values, political life, and economic and social aspects (the Palestinian Anti-Corruption Commission, February 2020).

Corruption, in its general sense, becomes the change from an ideal state to a sub-ideal state. And here it is against charity and against transformation or change to the ideal state. There is a difference in the definitions, there are those who consider it ((a violation of laws and regulations to achieve political, economic, financial, commercial and social interests for the benefit of individuals or a group)).Transparency International defined it as ((every act that involves the misuse of public office to achieve private interests)). The moral or religious aspect was not far from the definition of corruption, as it was defined as ((the moral deviation of some public officials, which necessitates this on the makers of preventive or deterrent policies, the need to

punishment”(Surat Al-Maidah verse 33). We see in the previous verse the Holy Qur’an emphasizing the prohibition of corruption in a complete way, and that its perpetrators get disgrace in this life and severe torment in the hereafter (Al-Waeli, January 1, 2006).

Corruption as a term: There is no specific definition of corruption in the sense in which this term is used today, but there are different opinions that agree that corruption is the misuse of public authority or public office for private gain (Al-Waeli, January 1, 2006).There are many definitions of corruption in jurisprudence, as it was defined as: “unnatural behavior that involves a person investing his position and powers in violation of laws, regulations and instructions to achieve a benefit for himself or his relatives, friends and acquaintances at the expense of the public interest.” And that: “Using a public office for personal gain.” It is also defined as: “Every act or behavior that takes place in contravention of the laws of the state, and which results in wasting its economic resources, profiting and enriching without reason, and achieving a private or public benefit for an individual or a sect that is not worthy, which hinders the process of development” (Hazet, -).

The term is directed towards excreting a meaning that contradicts the negative connotation of corruption. The Oxford English Dictionary defines corruption as “the perversion or destruction of integrity in the performance of public office through bribery and favoritism”. Corruption may mean: spoilage if the meaning is related to a commodity, and it is a comprehensive term for all negative aspects of life (Wikipedia, n.d.).

The World Bank has defined corruption as a form of dishonesty or crime committed by a person or organization entrusted with a position of power in order to obtain improper advantages or abuse that power for the benefit of the individual (Wikipedia, n.d.).

According to the concept of “Transparency International”, corruption means the abuse of power in order to achieve personal gains and benefits at the expense of public interest and benefits.

From this concept, corruption is a complex phenomenon that includes all the imbalances that affect the economic, political, moral and social aspects (Arab Economy website, 2020).

As for the “United Nations Convention against Corruption” of 2003, it did not address the

2016). It is the illegitimate influence on public decisions (Issa, 2015). It is also those violations issued by the public employee during the performance of his duties (Hussain, -). It is also a functional behavior that violates official regulations and laws and deviates from functional ethics and societal values in order to achieve a material or moral personal interest (Boutora and Smiley, 2019). Whereas financial corruption is known and is represented in the totality of financial deviations and violation of financial provisions that regulate the conduct of administrative work, the financial system in the state and its institutions, and the violation of the instructions of the financial control bodies, such as the Accounting Council specialized in controlling the accounts and funds of public bodies and institutions, and its manifestations: embezzlement or waste of public funds and their use for personal interests or for the benefit of others, and favoritism and nepotism in job appointments (Hazet, -). It is also defined as financial deviations and violation of the provisions and rules currently approved in the state's organizations (administrative) and its institutions, while violating the controls and instructions of financial control.

The manifestations of financial corruption also refer to a violation of the financial rules and provisions regulating the administrative and financial work in the state and its institutions, or a violation of the rules and provisions of the nature of the work of each department or institution, or a violation of the instructions of financial control bodies, such as the Central Organization for Financial Control, which is specialized in examining and controlling accounts and funds of governments, public bodies, institutions and companies (Hussain, -). It is also defined as violating the financial rules and provisions that regulate the financial workflow in the country, and violating the instructions of the oversight bodies (Coalition for Integrity and Accountability, 2019).

Second: The characteristics of corruption crimes:

Clarifying the characteristics of corruption crimes is a necessity in order to put in place appropriate legislative mechanisms to combat them, as corruption crimes are unique to a set of characteristics that must be taken into account when approving the criminal and

take advantage of the rules provided by religions to address this phenomenon and alert to its danger, 2016)) (Al-Zubaidi, 2016).

As for the Iraqi legislation, Article (1) of the Iraqi Integrity Commission Law No. 30 of 2011 stipulates that the corruption case "is a criminal case being investigated regarding one of the crimes that violate the duties of the job, namely bribery, embezzlement, and employees exceeding the limits of their jobs and any of the crimes stipulated In the amended Iraqi Penal Code No. 111 of 1969, and any other crime in which one of the aggravating circumstances stipulated in Paragraphs 5, 6 and 7 of Article 135 of the Penal Code is fulfilled. Corruption usually occurs when an employee accepts or extorts a bribe to facilitate a contract or the conduct of a public tender. Corruption can also occur by taking advantage of the public office without resorting to bribery, by appointing relatives within the logic of (nepotism) or directly stealing state funds (Al-Waeli, January 1, 2006). The concept of corruption has expanded to include every deviation from legal rules and generally accepted human values regarding job work. Definitions of corruption began to differ according to the angle from which it is viewed. Any behavior that violates any of the rules and regulations imposed by the system is considered corruption. It is also considered corruption as any behavior that threatens the public interest by betraying it and not adhering to it by giving priority to the private interest over the public interest, as well as any misuse of the public office to achieve private gains. The concept of corruption may include intent and sinful will that aims to gain from public office in any way (Palestinian Anti-Corruption Commission, February 2020).

As for administrative corruption, it relates to manifestations of corruption and administrative or functional deviation through the organization, which are issued by the public employee while performing work in violation of legal legislation and individual values controls. That is, it indicates state employees' use of their positions and powers to obtain gains and benefits by illegal means. It is also defined as the use of a position in order to carry out work and services for a group of people, provided that a financial compensation is obtained for that. It is also known as the misuse of the job, and its failure to apply it in an appropriate manner (Khader,

to achieve their goals and criminal projects across continents, pass their deals and recover them in the event of administrative seizure. It also relies on corruption to protect its members from accountability in the event of their arrest and obstruction of justice. On the other hand, corruption encourages the emergence of organized crime, as the state, whose body is infested with corruption, is an attractive factor for international criminal organizations (Abdul Karim, -). Besides, a large range of corruption crimes are global, that is, they transcend the borders of the region, and become cross-border, due to the multiplicity of its parties, the diversity of its tools and the intertwining of interests between its parties. This does not mean that all corruption crimes are cross-border, some of which are within the borders of the state such as bribery, embezzlement, employee fraud, and other crimes. Most of them are considered global crimes when they cross the borders of a single state, whether in terms of the actions that constitute them or their effects (Said, 2019).

- 4- It is a dangerous crime: it poses great harm and danger to entire societies. It refers to crimes in which a material result is not achieved. Rather, it can be said that a result has been achieved in its abstract legal sense, which is the attack on the interest protected by the criminal law, as it manipulates the capabilities of peoples and future generations. Corruption crimes are no longer represented by classic traditional crimes such as bribery of a small employee or theft of a store or embezzlement of a bank employee for a small amount, but corruption crimes have become organized crimes.
- 5- It is a premeditated crime: corruption crimes can't be unintentionally committed, because that will remove it from the circle of criminalizing corruption. The employee who causes his mistake by wasting public funds cannot be tried for corruption, even if he can be held administratively or criminally accountable, but his

punitive policy related to combating corruption.

The characteristics of corruption are:

- 1- Confidentiality: The acts related to corruption are characterized by secrecy and not being disclosed. It is characterized by a hidden practice in general, due to the illegal behavior it includes and is also rejected by society, and these methods of confidentiality vary depending on the party that practices corruption (Said, 2019). The resulting penalty does not stop at freedom-negating penalties such as imprisonment, nor at financial penalties such as fines. Rather, it may extend to dismissal from the job and perhaps to seizure and confiscation of movable and immovable funds in some legislations and depriving him of assuming public office in addition to the society's view of the corrupt person. That is why the corrupt resort to secrecy in order to avoid losing their revenues on the one hand and to ensure the continuity of those revenues and to avoid cutting them in case they are exposed on the other hand (the eighth and final lecture: Corruption and bribery crimes, n.d.).
- 2- Spread: The phenomenon of financial and administrative corruption is characterized by a rapid spread, whether at the level of the local community or by moving from one country to another, especially in light of globalization and the open market. When corruption is the result of those in power or influence or senior corrupt officials, the increase in the authority and influence of the corrupt gives them the power to pressure the rest of the administrative apparatus to follow in their footsteps voluntarily or unwillingly (Saud, 2018). It is generally described as an epidemic or contagious disease due to its ability to spread within the state and society very quickly, as it represents a quick way to earn large amounts of money that tempts others in return for weak control (Al-Emarah, 2012).
- 3- Global and closely related to organized crime: Organized crime institutions rely on corruption in order

that occupy public positions or exercise a public assignment (Abdul Karim, Nature of Corruption Crimes, n.d.). It is also an organized crime in one of its aspects. And the organized crime is the one whose commission is attributed to the public facility itself, and this characteristic is called a description or term (the deviation of government institutions). This characteristic is related to the public service and not to its members of the staff (Abd al-Karim, Nature of Corruption Offenses, -).

- 8- Deviant behavior: Corruption is an abnormal behavior that occurs in violation of laws, regulations, controls and correct morals, which we also express as a criminal act that constitutes a crime punishable by law (Al-Emarah, 2012). Financial and administrative corruption is represented by a group of financial deviations represented in the wasteful use of public money and violation of financial rules and provisions, as well as organizational deviations such as refraining from performing work or not performing it accurately and honestly, behavioral deviations related to not maintaining the dignity of the job, and criminal other violations committed by the employee and involve the criminal crimes, such as bribery, embezzlement, forgery of official documents, theft and other crimes against personal behavior (Saud, 2018).

The second section: Defining Human Rights:

In this section, we will clarify the definition of human rights as a term, and then show the most important basics of human rights implementation.

First: definition of human rights:

Since the beginning of the formation of the common life of groups of people as organized groups, the idea of protecting human rights appeared in the form of customary rules that protect human rights and defend their dignity in order to live in peace and renounce violence among people. After the organizing countries emerged, those customary rules developed into

behavior cannot be classified. This is a crime of corruption. In order for a person to be held accountable for corruption, this requires that he has criminal intent, that is, he is aware of his action and knows that what he is doing is criminal, and he wants to do this criminal behavior. For example, the employee realizes that what he is doing is asking for money and knows that this money is a bribe, yet he wants to do this behavior and does everything in his power to achieve its results (Mohammed, 2016).

- 6- It is one of the crimes that are committed jointly: more than one party is often involved in the crime of corruption, as there is a beneficiary from the act of corruption and in the interest of another party who benefits at the same time from the criminal act to obtain mutual benefits that bring together the parties to the act of corruption (Said, 2019). Just as corruption occurs from one person, but it is usually involved in the corrupt behavior of more than one person, whether he is a principal actor or a partner, due to the mutual relations of benefits and obligations between the parties to the process. Most of the time, corruption is practiced through anonymous intermediaries who play the main role in facilitating the task of the two parties without knowing each other or without meeting face to face. With the passage of time, functional corruption becomes professional agents who are distributed over geographical regions and administrative sectors to serve each other directly or through intermediaries (Al-Emarah, 2012). Mediators are often caught with large and orchestrated heads who have no signature or any evidence of them because they did not practice crime materials (Said, 2019).
- 7- In terms of legal qualification and the type of perpetrators: Corruption crimes are considered crimes that violate the duties of public office and public assignment according to the origin, as corruption crimes are committed by individuals and groups

origin or any other status and are protected as legal rights within the framework of domestic and international laws” (Wikipedia, n.d.) They are also defined as “rights inherent in all human beings, whatever their nationality, place of residence, gender, national or ethnic origin, colour, religion, language, or any other status may be. We all have the right to equal access to our human rights without discrimination. All of these rights are interdependent, interdependent and indivisible” (United Nations, n.d.).

Human rights are defined by the internal law of states “that they mean the just legal rules that govern the relationship between the state and its subjects, and they constitute in themselves the method, form and style of state rule that is based on justice instead of injustice, and on democracy instead of dictatorship and absolute rule” (Human Rights and Combating Decision Corruption, 2018).

The Iraqi Constitution of 2005 assigned it the second part of it (rights and freedoms) Articles (14-46) and stated in Article (14) that it is equal for all Iraqis: “Iraqis are equal before the law without discrimination based on gender, race, nationality, origin, color or religion or sect, belief, opinion, economic or social status.”

The problem, according to some, does not lie in stipulating human rights and freedoms in the constitution, but rather in strengthening and guaranteeing those rights, because merely stipulating them in the constitution without protection does not go beyond being a formal matter that is stipulated even in temporary constitutions or those enforced under dictatorial regimes (Shokri, 2008).

Second: The basics of applying human rights:

The basic principles of human rights that were first mentioned in the Universal Declaration of Human Rights, such as universality, interdependence, indivisibility, equality and non-discrimination, as well as the simultaneous inclusion of rights and obligations relating to rights holders and duty bearers, have been repeated in numerous conventions and declarations and international human rights resolutions. They are universal legal guarantees that protect individuals and groups from government actions that interfere with basic freedoms and human dignity

legal texts that guarantee and protect these rights. These rules developed in the modern era until, at the end of the last century, they became part of the international legal system, under the name “International Human Rights Law” (Human Rights and Anti-Corruption Decision, 2018).

Human rights are among the moral principles that represent the human model that man should be without detracting from it, because it is a right granted by God to man in general. It is binding on them regardless of their race, religion or morals. Its protection is guaranteed by the law that is set up everywhere so that all people can follow it and to ensure that one person is not oppressed by another. No right may be taken from a person to give it to another person without legal process or order from the governor or place judge (published article, undated).

And human rights also in terms of linguistic meaning are: stability, imposition, commitment, and disagreement with falsehood. There is a close relationship between the definitions of right and duty in the language, and the term “right” has been used with several meanings in the Qur’an, including that it means definitive, as God Almighty says: Those upon whom the word will have come into effect will say, “Our Lord, these are the ones we led to error. We led them to error just as we were in error. We declare our disassociation [from them] to You. They did not used to worship us”.

Human rights are defined as: “the basic standards without which people cannot live in dignity as human beings. They are the basis of freedom, justice and peace, and respect for human rights would enable the full development of the individual and society” (Al-Qahtani, -).

Some jurists also define human rights: “as those basic rights that prove to a person that he is a human being regardless of his nationality, religion, origin, affiliation or occupation” (Human Rights and Anti-Corruption Decision, 2018).

It is defined as “the moral principles or social norms that describe a model of human behavior that are generally understood as a set of fundamental, inviolable rights that are due and inherent to every person simply because they are human beings.”

They are inherent to them regardless of their identity, location, language, religion, ethnic

it and deprive him of other parts. It is also not possible to guarantee the protection of one type of human rights, and not to guarantee the protection of other types of rights. This characteristic was confirmed by what was stated in the Vienna Conference on Human Rights in 1993, which declared that the concept of human rights is universal and not fragmented, and that the international community must deal with all types of human rights based on a principle based on equality, justice and balance.

- 6- Not to prejudice or dispose of human rights: human rights are universal and inalienable and all human beings in the whole world deserve them.

After getting to know the two terms, the importance of linking and interconnecting them has become clear, as eliminating corruption means expanding the space for enjoying human rights and providing the state with all the requirements for enjoying them, and vice versa. Countries that suffer from the spread of corruption find that the human rights of their citizens are in serious violations.

The second topic: the repercussions of corruption crimes on human rights:

The whole world has realized that the scourge of corruption, in its various manifestations, is the biggest obstacle to all attempts to progress and the main underminer of the pillars of development, as corruption can have a devastating impact on the availability, quality and accessibility of goods and services related to human rights. It also undermines the functioning and legitimacy of institutions and procedures, the rule of law and ultimately, the state itself, as its disruptive role is not limited to some aspects of life without others.

The spread of corruption and declining levels of integrity in state institutions will inevitably lead to a violation of the state's obligations towards the international and national community on human rights, which will prevent the development of effective programs and policies to promote human rights. Corruption affects all areas of human rights; civil, political, economic, social and cultural rights (Kuwait Anti-Corruption Authority).

In the field of international relations, the corrupt reap great benefits and personal and

(Human Rights and Anti-Corruption Decision, 2018).

Human rights are based on several principles and basics that must be considered when applying human rights, which are (Aostaz, n.d.) (Samur, n.d.) (Al-Subbah):

- 1- Accountability and the rule of law: States and presidents are responsible for respecting human rights and must abide by the legal rules and texts in international human rights instruments.
- 2- Participation and inclusion: All people have the right to participate and have access to information related to making decisions that will affect their lives and psychological states.
- 3- Justice and Impartiality: All human beings are equal in the inherent dignity of the human person. Therefore, it is prohibited for any individual to suffer discrimination on the basis of race, language, sex, colour, sexual orientation, political opinion or origin. This principle applies to all persons and liberties, as it is found in all major human rights treaties. This principle can be read as all people are born free and equal in dignity and rights.
- 4- Interdependence: Human rights are inherent and interrelated to each other, and each individual contributes to achieving human dignity by obtaining his developmental, physical, spiritual and psychological needs.
- 5- Indivisibility of human rights: All human rights are considered indivisible, whether rights related to politics, culture, political, economic or civil issues because human rights are linked to a person's dignity, such as the right to equality before the law, the right to freedom of expression, or human rights economic, social and cultural; such as the right to freedom of work, education, social security, or collective rights; like the right to self-determination. All rights have an equal level, and no right is less than the other. All of them together constitute a single unit that cannot be divided, and that every field or type of human rights is a complement to the other and not a substitute for it. Therefore, it is not possible to give a person a part of

violations of human rights. This requires the state to eliminate the motives that lead to the violation of human rights, to provide legal remedies when violations occur in order to prevent further deprivation and to refrain from taking measures that would deprive individuals of the enjoyment of rights or their inability to fulfill those rights, especially civil and political rights.

In addition to the state's obligations, individuals have obligations as well. This is what the Iraqi constitution stipulates in Article 27/First, which makes public funds sacred and protecting them is the duty of every citizen. This commitment is also stipulated in the international agreements concerned with combating corruption. Article 10 of the 2003 United Nations Convention against Corruption stipulates the importance of educating people about corruption and its dangers and risks through the following measures: (Increasing transparency in the decision-making process and enhancing public participation in it; respecting, promoting and protecting the freedom to seek, receive, publish and circulate information about corruption; carrying out media activities that contribute to zero tolerance of corruption as well as public education programs that include school and university curricula; ensuring that the public has effective access to information).

The relationship between corruption and deprivation of rights is clear, as it is not possible to imagine a case of human rights that is not affected by corruption as an obstacle to the enjoyment of them. This means that corruption encourages the disregard of laws, regulations, and even constitutional texts, as it affects health, safety, the environment, education and the integrity of the judiciary and opens up opportunities for crime, organized gangs, money laundering, and trafficking in women and children with impunity. It also directly and multiply affects certain groups of individuals that are exposed to certain life risks, such as the poor, the sick, the displaced, the disabled, prisoners, and refugees, as well as the segment of women and children, as all of these groups are most in need of special care (Hajem, April 26, 2018) .

factional interests, but on the other hand, there are negative effects that are reflected on society much more than the benefits obtained by the corrupt (Said, 2019).Corruption can have a devastating impact on the availability and quality of goods and services related to human rights and the ability of the individual to obtain them and has few means to access alternative private services. It also undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately, the state itself regardless of its economic or political system and its degree of development in the public and private sectors (corruption and human rights). The spread of corruption and limited integrity in state institutions will certainly lead to a violation of the state's commitment to human rights, which will prevent the development of effective programs and policies to promote human rights.

International human rights mechanisms, including the Human Rights Council, have paid more attention to the negative impact of corruption on human rights and issued several recommendations to Member States with the aim of preventing and suppressing corruption (corruption and human rights). Efforts to combat corruption must comply with human rights standards or lose their legitimacy. Human rights standards, principles, and mechanisms provide additional opportunities to complement efforts to combat corruption.

Human rights and corruption can be linked in two ways. First, the possibility of human rights abuses caused by the corrupt. The second is the possibility of human rights violations due to measures to prevent and combat corruption.

The First Section: Corruption's Relationship to Human Rights Violations:

Corruption, as we explained earlier, constitutes a direct violation of human rights. The weaker human rights are, the greater the opportunities for corruption and the lessening of the government's ability to respect and protect human rights. For example, it is inconceivable that there is respect for human rights if the police or the army do not respect those rights, or if the judiciary is politicized or accepts bribes. Corruption impedes development, destroys the prestige of the law, leads to impunity and frustrates attempts to protect human rights (Hajem, April 26, 2018).

The state, towards the international community in this regard, is to take measures to prevent

-- The United Nations bodies concerned with human rights have been interested in studying the interrelationship between the fight against

public service (United Nations General Assembly; A/HRC/28/73 5, January 2015).

Corruption not only leads to specific human rights violations, but also represents a structural obstacle to the implementation and enjoyment of all human rights. In some cases, corruption leads to the failure of government institutions, making it difficult for countries to properly develop and implement human rights frameworks (Al-Hogail, 2012).

This leads to the spread of corruption and the power of the corrupt perpetrators and their alliance with the authority to use all means to reach their goals, including killing, torture, assaulting honor and imprisoning the innocent. Corrupt countries abound in cases of injustice and infringement of human rights.

Even if these grievances do not occur, corruption in itself represents a strong challenge to human rights by harming the conditions and rights of the weak and committed by the perpetrators of corruption crimes. Corruption encourages the disregard of laws and regulations and increases violations of constitutionally protected human rights. The violation is not limited to economic and social rights only, but also extends to basic civil and political rights.

This phenomenon, in all its forms and manifestations, that affects state institutions, has repercussions on human rights in a clear way, especially since the permanent constitution of Iraq for the year 2005 was not devoid of the text on human rights and basic freedoms in the titles and content of its chapters. We see these repercussions through the following human rights aspects (Kuwait Anti-Corruption Public Authority):

First, the economic rights aspect:

Corruption destroys the economic development of countries, even if a country is rich in wealth and resources. It leads to:

- 1- Impeding economic growth, which undermines all objectives of long- and short-term development plans.
- 2- Wasting state resources or at least misusing them in a way that does not lead to the desired benefit from optimal investment.
- 3- The flight of investments, whether national or foreign, due to the absence of their incentives.
- 4- Disturbing the distributive justice of income and resources, weakening

corruption and human rights. The Sub-Committee on the Promotion and Protection of Human Rights of the Economic and Social Council has adopted several resolutions in this field, including Resolution (2002/2) issued in August 2002, which stipulated Condemning corruption and bringing to justice those who commit acts of corruption if they evade national justice, and Resolution (2003/2) issued in August 2003, which stressed that the United Nations Convention against Corruption includes strict measures to criminalize corrupt practices, prevent the transfer of illegal funds and seize funds illegal and confiscated. However, the United Nations is accused of the absence of any reference to the phenomenon of corruption and its fight against it in the main human rights instruments

Strengthening human rights principles and institutions is imperative for the success of the anti-corruption strategy, because human rights violations weaken and reduce anti-corruption efforts and their effectiveness. As a result of the developments, it has become clear that spoiling human rights is one of the effects of corruption. The Office of the United Nations High Commissioner for Human Rights in 2013 stated that “the United Nations and regional organizations have recognized, in recent years, the negative effects of corruption on the enjoyment of human rights” (Soliman). Corruption is closely linked with human rights. The higher the rate of corruption, the lower the human rights rate in the country, and vice versa.

In the 1990s, the international community recognized the need to address and reduce corruption, as it was considered a global obstacle to economic development. It has also become clear that corruption undermines business efficiency and lowers the quality of life. For example, corruption offenses such as bribery and embezzlement can limit access to economic and social rights. We rarely see disagreement about whether corruption has a detrimental effect on the protection and enjoyment of human rights. Rather, there is a consensus that corruption destroys the principles of human rights, the most important of which is the principle of equality between citizens in access to services related to human rights and the principle of non-discrimination in case an individual may bribe a person to obtain preferential treatment or to obtain a

entitlement, and after paying a bribe to an employee. In another example, corruption may occur in all procedures for appointing employees in the field of education, and corruption may occur in the right to education, such as a teacher who gives a student higher grades than other students, for an unfair reason. These examples and many more, which may give a picture of the corruption that can occur in the right to education, and lead to the infringement of this right. Corruption may also affect the human right to work, as standard work procedures are not applied in inspecting labor institutions. According to the law, the inspection bodies in the Ministry of Labor must ensure that private institutions implement the conditions stipulated in the Labor Law. When the labor inspector does not point out the violations in this or that institution, as a result of his relationship with the owner of the institution, this would lead to a violation of the right to work, which could amount to a crime of corruption (Dais, 2016). On the other hand, corruption may pose a threat to the right to life, when the specifications and quality of goods and services are tampered with, and when goods harmful to human health are marketed. Corruption may also occur when the building specifications are not monitored, the electricity service is not monitored, or those who commit medical errors against a person for unfair reasons are not held accountable, or when the military medical authorities remain silent about a death that occurred in a military institution that enjoys the status of a judicial police force and does not refer in its medical reports to the reality accurately, or when officials are bribed in order to allow the burial of toxic waste in a residential area (Dais, 2016).

The second section: Impact of Anti-Corruption Measures on Human Rights:

We should first clarify anti-corruption measures, and then discuss how they may constitute, in part, human rights violations.

First: Anti-corruption measures:

Under Article 5 of the United Nations Convention against Corruption, the basic principles of anti-corruption in the public sector are the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. Articles 7 and 8 of the Convention require states to put in

economic efficiency and increasing the gap between the rich and poor groups.

- 5- Weakening the state's public revenues as a result of evading customs, taxes and fees by using fraudulent means and bypassing the laws in force.
- 6- The negative impact of poor public spending of state resources by wasting them in major projects, depriving important sectors such as health, education and services from benefiting from these resources.
- 7- The low efficiency of public investments and the weakening of the level of quality in the public infrastructure due to bribery that pays to disregard the required standard specifications.

Second: The aspect of social rights:

- 1- The collapse of the social integrity and the spread of hatred between classes and groups of society as a result of injustice, equality and equal opportunities.
- 2- The direct and indirect impact of the economic and political repercussions of corruption on the stability of security conditions and social peace.

Third: the political rights aspect:

- 1- Distorting the role required of the government in implementing the state's general policy and achieving the objectives of development plans.
- 2 – The collapse and loss of the prestige of the rule of law and institutions, in a way that lacks the confidence of individuals in them.
- 2- Weakening all reform efforts that enhance democracy, thus destabilizing political stability.
- 3- Excluding honest and qualified people from reaching leadership positions, which increases the state of discontent among individuals and their reluctance to cooperate with state institutions.
- 4- Obstructing and undermining all oversight efforts on the work of the government and the private sector.

Fourth: The Civil Rights aspect:

A person has the right to enjoy the right to education, and it is his duty not to obtain this right by violating the educational rights of others, as if he had obtained a scholarship outside the country despite his lack of

human rights. If corruption in all areas threatens the rule of law, democracy and human rights, the right to resort to the courts and the right to a fair trial before an independent, impartial and qualified judicial body are subject, in the case of corruption in the judiciary, to a direct impact (United Nations - General Assembly; A/HRC/28 /73 January 2015,5).

In cases of corruption, it may be difficult to determine the extent of the victim's involvement in the crime of bribery or bribery. It is very possible that the victim has distanced herself from agreements based on corruption.

For example, when people have to pay for public services, those who pay bribes are considered participants in corruption but victims at the same time. That is why the OECD Anti-Bribery Convention does not use the term "bribery", to avoid being misunderstood as stating that the bribery is the initiator and the recipient is merely a victim. It is therefore useful to determine who is the victim of the act of corruption. In many cases, this can be determined by examining the power relations distributed between the parties to the agreement on corruption. The least powerful party, subject to repression and pressure, is usually the victim. This is reflected in the differentiation between "soft corruption", which takes the form of bribery by lower-ranking public officials to do something originally required by law or to refrain from doing something prohibited by law, and "great corruption" that is issued by high-ranking officials who seek funds to exercise their discriminatory powers (United Nations General Assembly; A/HRC/28/73 January 2015,5) However, the negative impact of corruption on the enjoyment of human rights should not be seen as undermining any anti-corruption efforts by application of criminal law.

Corruption is a crime, and there must be an end to impunity in cases of corruption. From this point of view, the human rights perspective in combating corruption and its effects complements the approach based on the application of criminal law.

As for preventive measures to combat corruption, prevention programs represent one of the most important mechanisms that contribute to reducing corruption and preventing its causes. If we can put in place preventive ways to prevent corruption crimes,

place specific measures to demonstrate compliance with these principles, including the adoption of competency-based systems in the recruitment and promotion of public officials, the setting of criteria for appointment to public office, the promotion of transparency in the financing of political parties, and the establishment of systems for the declaration of assets.

Additional anti-corruption measures provided for in Articles 10 and 13 of the Convention also include promoting stakeholder participation and open governance.

Among the measures prescribed to combat corruption are:

- 1- Code of Conduct.
- 2- Rewards and incentives systems.
- 3- Human resource management.
- 4- Enabling all entities to benefit from government contracts opportunities.
- 5- Participation of citizens and stakeholders.
- 6- Open governance and e-government.
- 7- Conflict of interest management.

-Open governance is a method of governance that ensures citizens, the right to obtain documents, and government procedures to allow for effective oversight by the public. In its broadest sense, open governance is opposed to the concept of national interest, which tends to legitimize a wide range of state secrets. The origins of debates about open governance can be traced back to the Enlightenment in Europe, within the context of discussions of building a healthy democratic society. Wikipedia encyclopedia

It is also called the open government, in which the evidence indicates that even the government is open when it follows the principles of transparency, accountability and participation.

- 8- A friendly environment to abide by the rules and standards of anti-corruption in the public sector.
- 9- Monitoring and supervision.
- 10- Accounting and Auditing (United Nations Office on Drugs and Crime).

Perhaps corruption in the judiciary is a very concrete example that shows the negative impact of corruption on the enjoyment of

issuance of behavior regulations that include rules and standards of ethical behavior to ensure the correct, honorable and sound performance of the duties of a public office and to carry out any action that contributes to combating or preventing corruption. The human rights perspective on the impact of corruption can add an approach that places the victims of corruption within the basis and essence of the process of combating it, by focusing on the negative effects of corruption on the individual concerned with it and on the group of individuals affected by it; often weak and marginal groups and society as a whole, and then analyze the link between corruption and preventing or impeding the enjoyment of human rights.

This may contribute to a better understanding of the human dimension regarding the effects of corruption and its social repercussions, making it an issue of public opinion and interest (United Nations – General Assembly; A/HRC/28/73 (January 2015,5).

According to OHCHR: “Any effective anti-corruption strategy must be guided by key human rights principles. The independence of the judiciary, freedom of the press, freedom of expression, access to information, transparency in the political system and accountability are essential to the success of anti-corruption strategies and the enjoyment of human rights alike” (UN The Office of the High Commissioner for Human Rights, -).

- Article (310) of the Iraqi Penal Code No. 111 of 1969 states the crime of the briber or the so-called giver or giver of bribery: “Anyone who gives, gives, offers, or promises to give to an employee or a person charged with a public service something of what is stipulated in Article 308 is considered Rashaya”. Bribery is giving a bribe to the bribe. The crime of the briber is stipulated in Articles (307 and 308) of the Iraqi Penal Code. Article 307: “1- Every employee or person charged with a public service who requests or accepts for himself or for others a gift, benefit, advantage, or a promise of something of that to perform or refrain from performing an act of his position, or to breach the duties of the position shall be punished with imprisonment for a period not exceeding ten years or imprisonment and a fine. Provided that it is not less than what was requested, given or promised and in no case

this is a proactive step that enhances the fight against corruption, especially in the long run. From this standpoint, the United Nations Convention against Corruption devoted Chapter Two, including preventive measures to combat corruption, to its great importance.

Preventive measures represent one of the important tools in addressing corruption and its causes, so that these measures take the form of policies practiced to combat corruption through the establishment of anti-corruption bodies or other monitoring bodies independently to ensure the promotion of integrity and transparency and motivate all members of society to contribute to the prevention of corruption by strengthening the participation of civil society and increasing public awareness of corruption and ways to prevent it and prevent its causes (Kuwait Anti-Corruption Authority). Among these measures are:-

- 1- Law enforcement
- 2- Anti-corruption body or agencies
- 3- Promote integrity and transparency
- 4- Cooperation with government institutions
- 5- Encouraging the role of civil society organizations
- 6- Awareness and education of the community
- 7- Enhancing the concept of citizenship (Kuwait Integrity Commission, -) (Ramadan, 2021).

Referring to the Integrity Commission Law No. (30) of 2011, we find that the Iraqi legislator stipulated a set of preventive measures in the public sector, emphasizing on ensuring transparency in political life and public affairs and preserving integrity for all employees and those charged with a public service. The commission works to contribute to preventing and combating corruption and adopting transparency in the management of governance affairs at all levels by developing a culture of integrity and personal integrity, respecting the ethics of public service in the public and private sectors, adopting transparency, accountability and questioning through public awareness and education programs, and strengthening the confidence of the Iraqi officials in the government through commitment to disclose their financial liabilities, and their foreign activities, investments, assets, gifts or great benefits that may lead to a conflict of interest, as well as the

and for those who have been damaged by corruption must be compensated, as well as the multiplier effect of corruption on human rights in terms of linking human rights and corruption in terms of the possibility of a violation of human rights due to acts of corruption, and in terms of the possibility of a violation of human rights due to anti-corruption measures.

There is often a conflict between anti-corruption policies and measures and the principles of human rights and measures to enjoy them on the other hand. This is ignored or neglected by the institutions specialized in combating corruption. Therefore, it is very important that anti-corruption policies be defined in line with the policies of promoting human rights and principles (Ouishat, 2020).

Articles 3, 6, 16, 17 and 18 of the law.

- The strategy includes the use of international companies (not specified), which have experience and competence in the field of recovering smuggled funds and those convicted of corruption charges, and working to control the flow of money inflation and illegitimate gain." It also includes "activating participation in the process of diagnosing corruption phenomena and developing alternatives, as well as providing opportunities To train and develop the cadres of institutions and sectors included in the strategy in cooperation with international bodies." The new strategy will also provide wide opportunities for cooperation between the regulatory agencies, the three authorities, and the various state institutions and sectors, with a focus on activating participation in the process of diagnosing corruption phenomena and developing alternatives and treatments.

There is a major challenge in the proportionality between the measures taken to combat corruption and the risks to human rights that it entails. There are human rights associated with these measures represented by a set of rights and freedoms stipulated in the Constitution, which may very well be subject to violation as a result of the application and implementation of anti-corruption measures and procedures, especially with regard to the measures related to the provisions of criminal cases in the fight against corruption. In this regard, there are international efforts that call for anti-corruption measures to be compatible

exceeds five hundred dinars 2- The penalty shall be imprisonment for a period not exceeding seven years.

Second: Anti-Corruption Measures Violations of Human Rights:

The EU Delegation to Iraq, the United Nations Development Programme, the Iraqi Federal Institutions and the Kurdistan Region of Iraq have joined forces in a joint initiative entitled "Promoting Justice to Reduce Corruption and Strengthen Arbitration in Iraq" which was officially launched in May 2021. This project aims to Promote transparency and public accountability, and support Iraq to meet its national and international commitments to combat corruption, strengthen legislative laws to support the Iraqi anti-corruption strategy, ~~support the justice sector to improve the fight~~ against corruption crimes and also strengthen and empower Iraqi civil society to play a more effective role (iraq.un.org, -).

The Iraqi government has also ratified the provisions of the national anti-corruption strategy proposed by the Commission on Public Integrity for the years 2021-2024. The importance of this strategy comes from the fact that it represents a response to the requirements of the United Nations Convention against Corruption at the international level, which Iraq ratified under Law (35 of 2007), Article (5), and in application of preventive scientific approaches and practical methods in combating corruption with the participation of authorities (legislative, executive and judicial as well as for the supervisory authorities) at their different levels and in parallel with the deterrent trend based on the investigative side (Iraqi News Agency, -).

In order for the state to fulfill its international obligations to implement the human rights treaties it has ratified, it must take several measures to prevent human rights violations. It requires the state to eliminate the causes of human rights violations and provide legal remedies when any violation of these rights occurs to prevent it, put an end to the concerned and active parties committing these violations in the state and prevent them and refrain from taking measures that would prejudice or deprive individuals of the enjoyment of rights, especially civil and economic rights, as it is not possible for an individual to be a double victim of corruption,

television stations and news sites, direct and indirect threats.

In a clear violation of the right to obtain information and to prevent them from exposing corruption files and fighting the corrupt, which was the most prominent title of the demonstrations and the prevailing protests. This indicates an increasing escalation of restrictions on press freedoms (Journalistic Freedoms Observatory, -).

Article (38) of the Iraqi constitution states: "The state guarantees, in a way that does not violate public order and morals: First, freedom of expression by all means. Second, freedom of the press, printing, advertising, media and publication".

As the Iraqi Penal Code No. 111 of 1969 and Publications Law No. 206 of 1968

Article (47-2) of the Code of Criminal Procedure No. 23 of 1971 states that (a informant in crimes affecting the internal or external security of the state, crimes of economic sabotage and other crimes punishable by death or life or temporary imprisonment may request anonymity and not be considered as a witness, and the judge may prove this with the summary of the news in a special register...).

With regard to the protection of whistleblowers and witnesses to corruption crimes from violations of their human rights resulting from anti-corruption measures to protect persons who report corruption crimes and its perpetrators and work to combat it in various ways from acts of intimidation, threats, assault and arbitrary detention to which they are exposed, the Declaration of Protection Human rights defenders approved by the United Nations General Assembly on December 10, 1998 in Article 12 "The state shall take all necessary measures to ensure that the competent authorities protect each individual individually and in association with others, from any violence, threats, retaliation, de facto or legal harmful discrimination, pressure, or any other arbitrary action as a result of his legitimate exercise of the rights referred to in the This ad". Noting that Iraq has not legislated a law to protect informants, witnesses, victims and experts, with the exception of what was stipulated for a long time in Article (47-2) of the Code of Criminal

with human rights without violating the rights of those involved, including the perpetrators of corruption, journalists, informants and witnesses to their crimes.

With regard to the protection of the human rights of the perpetrators of corruption crimes from violations resulting from anti-corruption measures, the constitution protects the basic human rights of those accused of committing crimes in general, including corruption crimes, and this is stipulated in Article (19) of the Iraqi constitution, such as the right not to be detained (19-twelfth / A), informing the accused promptly of the charges against them (19-thirteenth) and the right to fair treatment in judicial and administrative procedures (19-seventh), and the right to be defended by a lawyer even if he does not have a lawyer on his part (19-eleventh). The detention of detainees in unofficial detention centers is a violation of the constitution and international standards (19-XII/b and Article 7 of the Covenant on Civil and Political Rights).

As for the protection of journalists from violations of their human rights resulting from anti-corruption measures, journalists are exposed to multiple violations of human rights because of the great role they play in disseminating information, revealing facts and raising public awareness, as well as in promoting human rights and combating corruption based on their reports on cases of corruption or on violations of human rights and revealing the facts in front of public opinion for the purposes of transparency and public responsibility. This exposes them to a lot of pressure, persecution, defamation, harassment, and even attacks on them and their lives. Although the Iraqi constitution guarantees the right to express opinion and freedom of the press, media and publication, there are many laws that are still in force despite their conflict with this article because of the restriction on freedom of expression and media. This, in turn, is invested to commit serious violations of the human rights and freedoms of journalists, as they represent the censor.

The indicators of the annual report of the Journalistic Freedoms Observatory (JFO) for the period from May 3, 2015 to May 3, 2016, showed that the dangers threatening journalists are still multi-form, including murder, kidnapping, threats, the closure of many

may vanish. The situation of those affected by corruption is not very strong in criminal proceedings.

There are similarities between the main anti-corruption principles (such as participation, transparency, access to information and accountability) and the scope of human rights (such as freedom of expression, freedom of information, access to information, the principle of non-discrimination and the independence of the judiciary). Thus, promoting the enjoyment of human rights in general, and the enjoyment of certain fundamental rights and the principle of non-discrimination and the principle of equality in particular, are among the valuable tools for combating corruption. While combating corruption through criminal and civil law means by taking repressive measures to restore the right to its right, the promotion and promotion of human rights is one of the preventive measures to combat corruption.

Conclusion:

Corruption is a serious violation of human rights and the major gateway through which most human rights violations enter. Despite its dangers, it is still considered an administrative or financial defect, and in the societal and official concept it has not amounted to a serious crime and a violation of human rights, despite the fact that it is the most serious violation of human rights and freedoms. Corruption binds the people with temperamental restrictions outside the framework of the law and by these restrictions breaks the human dignity of the people to continue its corruption. The right to a society free from corruption is a basic human right because the right to life, dignity, equality and other human values are highly dependent on this right. Moreover, this right is not intended to be ideal, as it is difficult to achieve. Rather, it is intended to preserve and protect society from corruption. The responsibility to protect this right is not limited to the state and the international community only, but also to individuals.

Efforts to combat corruption must comply with human rights standards or lose their legitimacy. Human rights standards, principles, and mechanisms provide additional opportunities to complement efforts to combat corruption. Corruption is closely linked with

Procedure regarding the permissibility of keeping the identities of whistleblowers about crimes confidential upon their request. The corrupt are enemies of the law and human rights and against anyone who tries to expose their corruption. They stand against the media and try to control it in any way, and they work to obstruct the issuance of laws that limit corruption, such as the Freedom of Information Act or the Law on Compensation for Victims of Corruption, and they use weapons that appear to the citizen to achieve this legitimacy such as national security, public security, state secrets and other terms that do not have a specific definition and can be used in different ways to combat human rights defenders and journalists who reveal serious facts about the perpetrators of corruption (Suleiman, Violation of human rights is a form of corruption, 2015).

Ultimately, the state bears responsibility for acts of corruption. In order to avoid human rights violations, the state must refrain from engaging in corruption, whatever its form. The state is also responsible for taking action on the negative effects caused by corruption in order to fulfill its human rights obligations as well as its constitutional obligations. To achieve this, criminal prosecution is one of the important tools for combating corruption. However, it is not correct to be satisfied with this measure only, as states are required from a human rights perspective, not only to prosecute the perpetrators of crimes, but to take additional measures to address the negative effects left or caused by corruption, such as compensation for its victims (Aouishat, 2020).

However, the UN Convention against Corruption and regional anti-corruption agreements include preventive measures (such as accountability, transparency and access to public information) that member states should strengthen. Without neglecting these efforts, anti-corruption measures focus on the consideration of criminal offenses, the necessary sanctions and international cooperation in the field of prosecution. The inclusion of anti-corruption measures in the Criminal Code would reduce opportunities for the corrupt. The purpose of criminal proceedings – in general – is to identify the person responsible for the crime. If criminal proceedings are focused on the perpetrators of crimes, the focus on the victims of corruption

crimes, regardless of their positions or the nature of their work, and canceling all texts that give any judicial immunities to any party. It is absolutely necessary to avoid establishing legal immunity in the prosecution of corruption crimes.

- 3- Incorporating a human rights perspective into anti-corruption strategies.
- 4- The necessity of educating individuals about their constitutional rights because it represents the first step towards building a society that values and respects human rights on both sides, individuals and authorities. Therefore, it is necessary to adopt practical and scientific methods for the purpose of enabling individuals to know and enjoy their rights.
- 5- Inclusion of corruption crimes within the crimes against humanity stipulated in the Rome Statute of the International Criminal Court, since corruption in all its forms constitutes a serious, systematic and directed violation against any group of the civilian population. Often these acts are committed within instructions issued by those in charge of the processes of power in the state or the dominant group, but they are carried out by individuals.
- 6- Raising awareness about the dangers of corruption and its effects on human rights.
- 7- Efforts to combat corruption must comply with human rights standards or lose their legitimacy. Human rights standards, principles, and mechanisms provide additional opportunities to complement efforts to combat corruption.
- 8- The state must activate the e-government and provide services to citizens without the need for direct contact with state employees. As we have to realize the need to follow modern technological methods in the systems of state administration and the governance of government institutions so that the political, economic and administrative authorities interact and work in an integrated system, each of which depends on the effectiveness of

human rights, as the higher the rate of corruption, the lower the rate of human rights in the state and vice versa. Further corruption undermines the ability of states to fulfill their human rights obligations and detracts from the quality of public services, due to the manipulation of public budgets and the reduction of the amounts allocated to the promotion of human rights.

Combating corruption is a national legal and moral task that contributes to the promotion and protection of human rights and to the success of development plans and the achievement of their goals.

At the level of Iraq, we found out a clear and undeniable fact that corruption has a clear impact on all or most of the human rights contained in the 2005 Iraqi constitution, directly or indirectly. This effect can be felt through the clear lack of services provided to individuals despite the allocation of sufficient and large funds in the state's public budgets, as well as the clear impact of corruption on the education and health sectors, as it helps to deteriorate educational health conditions and delays human development in accordance with global health foundations, in addition to its wide impact on a basic human right, which is the right to equality, as individuals feel discriminated against on the basis of nepotism, nationalism or sectarianism, and it perpetuates factionalism and class among them. And because of corruption, there is an increase in the rate of unemployment, crimes and the collapse of national production due to the waste of public wealth or its unfair distribution due to corruption operations. Corruption has a significant impact on undermining the confidence of individuals in the state's institutions and its three authorities, especially the judiciary when bribery and inequality spread and the perpetrators escape from punishment.

Recommendations:

- 1- Iraq must adopt an approach based on investment in fighting corruption to promote human rights and attention to human rights to prevent corruption, and adopt indicators to measure the negative impact of corruption on the enjoyment of human rights.
- 2- Reducing the texts that grant legal immunity from criminal prosecution for the perpetrators of corruption

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the performance of other elements at all levels to prevent corrupt practices and protect human rights at the same time.

- 9- Iraq should start developing a plan to fight corruption at the level of all sectors, and to start with education and establish values, ethics and principles that are based on transparency and integrity in the younger generations, especially since international anti-corruption treaties encourage ratifying countries and oblige them to make efforts in their legal system to criminalize some types of corrupt behavior. However, the United Nations Convention against Corruption and the regional anti-corruption conventions include preventive measures (such as accountability, transparency and access to public information) that Member States should strengthen, and without losing sight of these efforts, anti-corruption measures focus on the consideration of criminal offenses, the necessary sanctions and international cooperation in the field of prosecution, and the inclusion of anti-corruption measures in the criminal code would reduce opportunities for the corrupt.
- 10- The need to redouble international efforts and international cooperation between all countries of the world and international organizations specialized in combating corruption and respecting and promoting human rights.
- 11- The necessity of amending the Iraqi Integrity Commission Law No. 30 of 2011 to include corruption in the private sector as well and not limited to the public sector only.
- 12- Respect for human rights in the performance of the supervisory authorities charged with combating corruption.
- 13- There should be no injustice and unfairness to the employee or the citizen under the heading of fighting corruption.

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