

INTEGRATING HUMAN RIGHTS AND CRIMINAL LAW IN THE FIGHT AGAINST CORRUPTION: A NORMATIVE AND THEORETICAL APPROACH

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ABSTRACT

Corruption constitutes one of the most serious and complex systemic challenges confronting contemporary societies, with profound adverse effects on the rule of law, democratic institutions, and the enjoyment of human rights. It manifests not merely as an individual criminal offence, but as a structural phenomenon that undermines institutional trust, weakens equality before the law, and enables selective justice. This article examines the interrelationship between human rights, corruption, and criminal law, with particular emphasis on the complementarity between the traditional criminal law approach and the Human Rights-Based Approach (HRBA) in anti-corruption strategies. The research adopts a qualitative methodology, combining normative legal analysis of key international instruments, including the United Nations Convention against Corruption and the European Convention on Human Rights, with a review of relevant academic literature and a theoretical synthesis of contemporary anti-corruption models. The paper explores preventive and repressive mechanisms and assesses how core human rights principles - transparency, accountability, and public participation, can strengthen the criminal justice framework. The findings demonstrate that reliance on criminal law alone is insufficient to address the systemic causes of corruption. An integrated, human rights-based approach enhances prevention, builds public trust in institutions, and ensures sustainable protection of the rule of law.

Keywords: human rights protection, anti-corruption, criminal law

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1. Introduction

Corruption represents one of the most complex and detrimental social phenomena in contemporary society, with profound negative implications for the rule of law, democratic institutions, and the effective enjoyment of human rights (Rose-Ackerman & Palifka, 2016). It does not manifest solely as an individual criminal offence, but rather as a systemic phenomenon that undermines institutional trust, compromises the principle of equality before the law, and creates conditions for selective justice (Johnston, 2014; Heidenheimer & Johnston, 2011). In this context, corruption is perceived as a fundamental threat to the rule of law and to the core values upon which modern democratic societies are founded (Rose-Ackerman, 1999).

Traditionally, the fight against corruption has relied primarily on criminal law, focusing on the criminalisation, prosecution, and sanctioning of offenders (Mungiu-Pippidi, 2015). However, this approach is inherently retrospective and limited when addressing the structural and systemic issues that undermine institutional integrity and human rights. Common challenges include difficulties in proving criminal offences, political interference in the judiciary, and the constrained capacity of institutions to enforce sanctions effectively (Klitgaard, 1988). Consequently, an exclusive reliance on criminal law rarely provides sustainable solutions to systemic corruption and structural injustices, which directly restrict citizens' legal security (Heywood, 2018).

In recent decades, the international legal and scholarly community has emphasised the need for a holistic and interdisciplinary approach to combating corruption, integrating the criminal law framework with human rights principles (Khan, 2010; Søreide, 2014). According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), corruption is not a victimless crime but a phenomenon that directly and indirectly undermines civil, political, economic, and social rights. Institutional weakness, lack of transparency, and limited public participation constitute structural causes that cannot be addressed solely through repressive criminal law measures.

Mechanisms of the Human Rights Council, such as the Universal Periodic Review (UPR) and special procedures, provide systematic monitoring of corrupt practices, identification of structural weaknesses, and promotion of accountability. These tools facilitate the participation of civil society and affected individuals, thereby strengthening State responsibility and

enhancing the preventive dimension of anti-corruption policies. In this way, HRBA extends the traditional repressive function of criminal law and offers a holistic framework for the advancement of human rights.

The aim of this study is to analyse the complementarity between the criminal law approach and the human rights-based approach, emphasising that integrated strategies generate more sustainable and effective mechanisms for combating corruption. Through a systematic examination of theoretical, normative, and practical frameworks, the study seeks to demonstrate that only a combined approach allows for a balanced application of repressive and preventive measures, directly enhancing the enjoyment of fundamental human rights and reinforcing the institutional integrity of public institutions..

2. Aim and Methodology

2.1. Research Aim

The primary aim of this research is to examine and critically assess how, and to what extent, HRBA can complement and strengthen the criminal law framework in the fight against corruption. In the context of globalization, transnational institutional challenges, and increasing social inequalities, the need for an integrated, holistic approach to anti-corruption strategies is particularly evident. While the criminal law approach provides formal mechanisms for sanctioning and prosecuting corrupt conduct, it proves limited in addressing systemic corruption and structural weaknesses that directly affect the enjoyment of human rights.

The research aims to identify the synergistic value of integrating HRBA with criminal law, emphasising how human rights principles, including transparency, accountability, public participation, and non-discrimination, can enable more effective preventive and protective mechanisms. Furthermore, the study seeks to highlight the importance of a systemic approach, which is not limited to sanctioning individual offenders but focuses on promoting institutional ethics, strengthening legal and administrative oversight mechanisms, and ensuring the lasting protection of citizens' fundamental rights.

This objective also provides the basis for analytical reflection on international standards and frameworks, such as the United Nations Convention against Corruption (UNCAC), the European Convention on Human Rights (ECHR), and resolutions of the Human Rights Council, thereby offering a unified and comprehensive understanding of the legal

and normative mechanisms that can support the integration of HRBA into anti-corruption policy.

2.1.1. Research Questions

In order to achieve the objectives outlined above, this study focuses on the following research questions:

- How does corruption impact the enjoyment of human rights, and which specific rights are most directly threatened?
- What are the main limitations of the traditional criminal law approach in addressing corruption, and how do these limitations affect its effectiveness?
- How does HRBA contribute to improved prevention, protection of vulnerable groups, and systemic oversight of corrupt practices?
- Does the integration of criminal law and human rights lead to more sustainable and functionally effective anti-corruption policies, and which mechanisms are crucial for achieving such integration?

These research questions structure the analytical framework of the study, enabling a critical evaluation of existing models and the proposal of innovative solutions for linking repressive and preventive mechanisms with the normative principles of human rights.

2.1.2. Main Hypothesis and Sub-Hypotheses

Based on the research objectives and questions, the study formulates the main hypothesis as follows:

The criminal law approach, although essential for sanctioning and prosecuting corrupt conduct, is insufficient unless complemented by the Human Rights-Based Approach (HRBA), which provides a broader normative framework, institutional accountability, transparency, and more effective preventive mechanisms.

Additionally, the following sub-hypotheses are proposed:

1. The integration of HRBA into the criminal law framework enables more effective identification and addressing of the structural causes of corruption.

2. The application of human rights principles creates conditions for the protection of vulnerable groups, who are often the first victims of corruption, thereby reducing social injustice.

3. A holistic approach that combines repressive and preventive measures enhances public trust in institutions and reinforces the rule of law.

This methodological and conceptual framework allows for a systematic analysis of the interrelationship between criminal law and human rights in combating corruption, while simultaneously providing evidence-based recommendations for the improvement of national and international anti-corruption policies.

2.2. Methodology

The research was conducted using a qualitative scientific methodology, which allows for a systematic and well-substantiated analysis of the complex phenomenon of corruption within the context of human rights and criminal law. The selection of a qualitative approach is motivated by the need for an in-depth understanding of the theoretical, normative, and practical dimensions of the phenomenon, which cannot be fully captured through quantitative methods alone. Qualitative methodology enables an interdisciplinary analysis that integrates legal, sociological, and institutional perspectives, providing a critical interpretation of the complex interrelationships between corruption, criminal law, and human rights.

The key methods employed in this study include:

Doctrinal method - this method is based on the analysis of scholarly literature and theoretical concepts in the fields of criminal law, human rights, and anti-corruption policy. The doctrinal approach investigates various definitions of corruption, theoretical models explaining its emergence, and its impact on the institutional functioning of the State. It facilitates the interpretation of academic and legal debates, identification of different schools of thought, and critical evaluation of their practical implications.

Normative legal method - this method enables a systematic analysis of international and regional legal instruments regulating the fight against corruption. Particular attention is given to UNCAC, ECHR, and the resolutions and recommendations of the Human Rights Council. Through this method, the legal obligations of States are identified, mechanisms for the prevention and sanctioning of corruption are examined, and their

adequacy in protecting human rights is assessed. The normative legal approach allows for a critical reading of existing instruments and situates them within the broader theoretical frameworks of human rights.

Comparative method - the application of a comparative approach allows for the examination of different strategies in combating corruption at both national and international levels. This method highlights similarities and differences between criminal law approaches and human rights-based strategies, their strengths and limitations. Comparative analysis enables the formulation of recommendations for optimising integrated anti-corruption strategies based on best practices and proven models.

Analytical-synthetic method - this method is used for the systematisation, interpretation, and synthesis of theoretical and normative findings. It allows for a critical evaluation of the complex relationships between corruption, criminal law, and human rights, providing a comprehensive understanding of the complementarity between criminal law and HRBA. Through the analytical-synthetic approach, weaknesses and limitations of existing models are identified, institutional and legal challenges are highlighted, and concrete recommendations for improving anti-corruption efforts are proposed.

The methodological framework enables a critical assessment of current anti-corruption models. The integration of these methods allows for a multi-layered analysis encompassing normative, theoretical, and practical aspects of the research. Furthermore, it provides a foundation for the synthesis of findings and the formulation of evidence-based conclusions and recommendations that can inform future research and practical policy.

Given the complexity of corruption and its impact on human rights, the application of qualitative methodology facilitates an in-depth and critical analysis of existing legal and institutional mechanisms, the identification of structural causes of corruption, and the development of integrated strategies that combine repressive and preventive measures with the normative principles of human rights.

3. Findings

3.1. Violation of human rights through corruption

Corruption constitutes one of the most significant systemic risks to the protection and enjoyment of human rights, as it directly undermines the fundamental principles of the rule of law, equality before the law, and

access to public services (Rose-Ackerman & Palifka, 2016; Johnston, 2014). Its impact goes beyond individual criminal offences and, in essence, operates as a complex institutional and social phenomenon that erodes public trust in State institutions and creates conditions for discrimination and systemic barriers to the realisation of human rights. According to United Nations analyses, corruption adversely affects all categories of human rights - civil, political, economic, social, and cultural - and, through the diversion of public resources, reduces the State's capacity to fulfil its obligations to realise human rights as established in international treaties (UNODC, 2013).

In substantive terms, corruption hinders the respect, protection, and realisation of citizens' rights. It generates discrimination in access to public services and resources, most often affecting the most vulnerable groups, including low-income individuals, women, persons with disabilities, migrants, and other marginalised categories (Heidenheimer & Johnston, 2011). In such systems, citizens with financial or political influence frequently receive disproportionately favourable access to services, while those without such resources are deprived of fundamental rights. This results in deepened social injustice, in direct conflict with the universal principles of non-discrimination and equality before the law.

Corruption particularly threatens the realisation of human rights when present in key public sectors. In the judiciary, corrupt practices may result in selective law enforcement and the favouring of certain individuals, undermining the right to a fair trial and eroding the principle of legal certainty (Rose-Ackerman, 1999). In the health sector, the misallocation of medical resources leads to unequal access to healthcare services and medicines, with direct negative consequences for citizens' health rights, particularly for those with greater healthcare needs (Persson, Rothstein, & Teorell, 2013). Similarly, in the education sector, corruption can affect admission procedures, the allocation of scholarships, and the quality of educational services, thereby infringing upon the rights to education and personal development, especially for vulnerable groups (U4, 2015).

Corruption may also have indirect yet profound effects on human rights. It often diminishes the State's capacity to utilise public resources to fulfil human rights obligations, such as the provision of quality education, healthcare services, or social protection. Through the diversion of public funds, corruption substantially reduces the budgetary capacity for social investments, thereby limiting the State's ability to realise, protect, and meet the basic needs of its citizens (Rose-Ackerman & Palifka, 2016).

Contemporary international human rights mechanisms, including the United Nations Human Rights Council (UNHRC), its special procedures, and the Universal Periodic Review (UPR), recognise corruption as a key factor limiting States' capacity to respect and protect human rights (Peters, 2019; Gathii, 2009). These mechanisms play a crucial role in monitoring and identifying systemic corrupt practices, enabling the provision of specific recommendations for reforms and the tracking of progress in the promotion of human rights.

International standards emphasise States' obligation to prevent and sanction corruption as a means of realising guaranteed human rights. This entails that the State cannot rely solely on formal, post-facto criminal prosecution, but must establish systematic mechanisms to prevent corruption, including transparency in public administration, independent oversight bodies, whistleblower protection mechanisms, and effective internal accountability procedures (Mény & de Sousa, 2001). Such measures not only reduce the likelihood of corrupt practices but also create conditions for enhanced institutional accountability and the strengthening of public trust in governmental systems.

The integration of HRBA with criminal law significantly enhances the effectiveness of anti-corruption policies. While criminal law provides formal sanctions and a legal framework for prosecuting offenders, HRBA establishes a normative, preventive, and institutional framework that enables a systematic examination of the structural causes of corruption and the identification of vulnerable groups (Peters, 2019; Boersma, 2012). Through this integration, judicial and administrative authorities can develop mechanisms that ensure legal protection, access to justice, and active citizen participation in the oversight of public institutions. This synergy between criminal law and HRBA extends the traditional repressive function of sanctions and embeds it within a holistic approach that strengthens the integrity of State and public systems (Office of the United Nations High Commissioner for Human Rights, 2025).

The consequences of corruption are multi-layered and complex. It not only infringes directly upon individual rights but also generates institutional and social obstacles that undermine long-term social, economic, and political stability. Recognising corruption as a violation of human rights significantly broadens the role of criminal law and anti-corruption policies, shifting them from a purely punitive and reactive approach towards systemic, preventive, and value-based models of

addressing corruption. The integrated response model not only enhances institutional effectiveness but also strengthens public trust and brings the State closer to the realisation of universal human rights (Johnston, 2005).

3.2. The Criminal Law Approach to Corruption

Criminal law constitutes a fundamental pillar of anti-corruption policies at both national and international levels. Its primary role lies in clearly defining corrupt acts as criminal offences and establishing appropriate punitive sanctions for offenders. Through criminalisation, the State delineates the boundaries of permissible conduct, ensuring legal certainty and predictability, which are essential for the effective functioning of the rule of law (Geis, 2000). Criminal law mechanisms provide a formal framework enabling courts to impose sanctions and deter potential corrupt behaviour through legal consequences.

However, despite its fundamental role, criminal law has inherent limitations arising from its nature and the practical implementation of legal norms. Firstly, criminal law focuses on individual responsibility and operates retrospectively. This focus limits the system's ability to address the root causes of corruption, which often have structural and institutional origins (Persson et al., 2013). In other words, while sanctions may punish offenders, they do not resolve the systemic factors that facilitate the occurrence of corruption, such as concentration of power, opaque procedures, or the lack of effective oversight.

In addition, practical difficulties in the enforcement of criminal law further diminish its effectiveness. The proof of corrupt conduct is often complex and technically challenging due to its clandestine and coordinated nature. In many cases, documentary evidence, electronic communications, or witness testimony are limited, while sophisticated financial transactions and money-laundering networks complicate the presentation of compelling evidence before the courts (Rothstein & Tannenber, 2015). This results in situations in which a proportion of corrupt acts remain unpunished and perpetrators are not adequately sanctioned, thereby undermining the preventive function of criminal law.

Political interference constitutes another significant challenge. Criminal law may be applied selectively, creating risks of discrimination and unequal enforcement. Under conditions of political pressure, high-profile cases may be ignored or treated leniently for certain actors, while less influential individuals face disproportionate sanctions (Geis, 2000; van Dijk, van Hoof, van Rijn, & Zwaak, 2018). Selective enforcement erodes

public confidence in the judiciary and diminishes the legitimacy of the criminal law approach as an effective instrument in combating corruption.

Institutional inefficiency constitutes an additional limiting factor. Law enforcement institutions that lack adequate authority, autonomy, and independence are often unable to perform their functions effectively. Insufficient training, financial resources, or investigative and monitoring capacity may significantly weaken the State's ability to enforce criminal legislation (Johnston, 2005; Newburn, 2017). Even where the law provides for sanctions, implementation in the absence of robust institutional support frequently results in merely formal enforcement, which fails to produce substantive outcomes.

International anti-corruption instruments, such as UNCAC, emphasise the necessity of a criminal law framework while simultaneously recognising that repressive measures alone are insufficient. UNCAC provides for preventive measures, institutional accountability, and mechanisms for international cooperation, acknowledging that corruption is a complex phenomenon requiring an integrated approach (United Nations, 2004). This underscores the need to combine criminal law with a human rights-based approach, which facilitates prevention and a systemic analysis of corruption..

The complementarity between criminal law and HRBA lies in the fact that criminal law provides formal and punitive mechanisms, while HRBA establishes an institutional, preventive, and value-based framework for their effective implementation. Through HRBA, States are obliged to identify and address the structural causes of corruption, ensure the protection of victims, and guarantee transparent processes of law enforcement (Fredman, 2010; Gauri & Gloppen, 2012). This integrated approach enhances the effectiveness of criminal law measures and strengthens public trust in anti-corruption policies.

The systemic dimension of this complementarity is further reflected in the preventive function of HRBA. Criminal law, as a reactive instrument, operates after the commission of an offence, whereas HRBA enables early-stage prevention through mechanisms such as transparent public procurement procedures, independent oversight bodies, whistleblower protection, and continuous monitoring of high-risk areas. In this manner, criminal law and HRBA form a synergistic combination: the repressive function of the law is reinforced by preventive institutional measures that

reduce the likelihood of corrupt practices (Mungiu-Pippidi, 2015; Aidt, 2009).

Empirical research indicates that States with strong human rights institutions and transparent systems of governance achieve more effective outcomes in combating corruption than those relying exclusively on criminal law measures (Rothstein & Tannenber, 2015). This underscores the practical value of integrating HRBA with criminal law, enabling not only the punishment of offenders but also long-term prevention and the protection of public and civic interests..

3.3. The HRBA in Combating Corruption

HRBA constitutes a normative and practical framework that places the protection and promotion of human rights at the centre of public policies and institutional practices. In the context of corruption, HRBA is not confined to the formal definition of criminal offences and sanctions, but seeks to ensure systemic, continuous, and preventive protection that constrains the emergence of corrupt practices and strengthens the rule of law. This approach emphasises the core principles of transparency, accountability, non-discrimination, and active public participation, thereby creating a context in which criminal law can operate effectively and legitimately (Fredman, 2010; Nolan, 2013).

HRBA in anti-corruption policy transcends the traditional boundaries of criminal law. Criminal law focuses on ex post facto sanctioning of corruption perpetrators, providing a formal and clear legal framework. However, without systemic prevention, such measures often remain reactive and fail to address the structural and institutional causes of corruption. HRBA identifies these underlying causes, which may include a lack of transparency in public institutions, weak oversight and control of public administration, concentration of power, and inadequate procedural safeguards (Persson et al., 2013). By identifying these structural risks, HRBA facilitates the design of preventive mechanisms that reduce the likelihood of corruption occurring before a criminal offence is committed.

A core element of HRBA is the accountability of the state. In the anti-corruption context, this implies that the State is not only obliged to prosecute and sanction corrupt conduct, but also to actively provide mechanisms that protect the rights of citizens affected by corruption. This includes establishing institutions and procedures that guarantee access to public information, protection of whistleblowers, control of decisions of

public authorities, as well as mechanisms for compensation of damages to victims of corruption offences (United Nations, 2004).

The preventive dimension of HRBA is of particular significance. Rather than focusing exclusively on sanctions, HRBA emphasises systemic mechanisms that facilitate the early detection and prevention of corruption. Examples of such mechanisms include public oversight bodies, transparent public procurement procedures, independent accountability institutions, and the provision of education and awareness concerning human rights and the ethical standards of public officials (Bovens, Goodin, & Schillemans, 2014). These preventive measures exert a direct effect on reducing the risk of corruption, as they constrain opportunities for abuse and enhance the capacity of citizens to monitor and evaluate public administration.

The implementation of HRBA within anti-corruption policy also promotes public participation. Through mechanisms of transparency and accountability, citizens can actively contribute to the detection and prevention of corrupt practices. This principle aligns with international standards established under the United Nations Convention against Corruption and other regional instruments, which underscore that civic engagement and public oversight are essential for the long-term eradication of corruption (U4, 2025). Public participation enhances not only the effectiveness of preventive measures but also the legitimacy of criminal-law sanctions, as these are applied within a transparent and accountable framework.

Furthermore, HRBA enables the identification of vulnerable groups and victims of corruption, who may be the first to suffer the consequences of corrupt practices. Through systematic analyses and monitoring mechanisms, institutions can implement measures that ensure the protection of such groups and facilitate effective reparations (United Nations, 2015).

The complementarity between HRBA and criminal law is manifested in their mutual reinforcement. Criminal law provides formal sanctions and a legal framework, whereas HRBA establishes institutional and normative guarantees that enhance the effectiveness of such sanctions. In practice, this implies that criminal-law measures are not confined solely to a repressive function but become part of an integrated system that strengthens the rule of law, public trust in institutions, and the long-term sustainability of anti-corruption policies.

Moreover, HRBA offers an analytical and systemic perspective. Rather than treating corruption as isolated incidents, the approach allows for the identification of patterns of corruption, institutional vulnerabilities, and potential risks of abuse of public office. This results in the development of preventive strategies that address the root causes of the problem rather than merely its consequences. In this way, HRBA complements and augments the mechanisms of criminal law, enabling a broader and more effective anti-corruption approach.

The application of HRBA in combating corruption bridges the gap between formal sanctions and the practical effectiveness of anti-corruption measures. This approach integrates human-rights protection, preventive mechanisms, public participation, and state accountability within a coordinated framework. Such integration not only enhances the impact of criminal law but also strengthens the legitimacy, transparency, and sustainability of anti-corruption policies (Rothstein & Tannenber, 2015).

3.4. Complementarity of Criminal Law and Human Rights

Although deriving from distinct normative systems, criminal law and human rights, in the context of combating corruption, form an interdependent and complementary legal framework. Criminal law provides formal institutional mechanisms for the sanctioning of corrupt conduct, whereas human rights establish a normative and binding framework that ensures these mechanisms operate in accordance with fundamental human-rights standards (Ashworth & Zedner, 2014). Only through the harmonisation of both approaches can an effective, legitimate, and sustainable mechanism for combating corruption be established.

The complementarity between criminal law and human rights arises from their shared objective: the protection of societal values and individual interests from harmful phenomena, including corruption (Geis, 2000). Criminal law defines the substance of prohibited corrupt acts and establishes the legal consequences for perpetrators; however, it cannot operate effectively without the procedural and substantive guarantees derived from human rights (van Dijk et al. 2018). Such guarantees - including the right to a fair trial, the principle of legality, the prohibition of discrimination, and the right to equal treatment - not only protect the individual but also underpin the legitimacy of the entire criminal-law system (Amatrudo & Blake, 2014).

Conversely, human rights are embedded in universal legal instruments, notably the European Convention on Human Rights (1950) and the International Covenant on Civil and Political Rights (1966), which impose a range of obligations on States. These obligations encompass the protection of the rule of law, the prevention of discrimination, and the provision of access to justice, all of which are closely linked to the effective enforcement of anti-corruption norms (Nowak & McArthur, 2008).

One of the most critical aspects of this complementarity lies in the synergy between the sanctioning function of criminal law and the preventive role of HRBA. The mere imposition of sanctions for corrupt conduct cannot provide a sustainable solution if it is not supported by institutional mechanisms that minimise opportunities for corruption (Klitgaard, 1988). It is precisely here that human-rights protection mechanisms - such as transparency, accountability, and the safeguarding of whistleblowers - strengthen the preventive dimension (Galtung, 2006). Without transparent institutions, accountable mechanisms, and protection for individuals reporting abuses, criminal law loses a significant preventive function.

At the international level, UNCAC emphasises that anti-corruption measures should encompass both preventive and repressive elements, thereby integrating human-rights values with the legal codification of corrupt offences (UNCAC, 2004).

Complementarity is also manifested through the role of human rights in fostering institutional trust. When criminal law is applied without appropriate procedural safeguards, the public may perceive the system as arbitrary or discriminatory, which negatively affects both legitimacy and the rule of law (van Dijk et al., 2018). In contrast, the integration of principles such as equal treatment, fair procedure, and access to justice enhances perceptions of fairness and impartiality, thereby positively influencing overall social cohesion and respect for the law.

Criminal law, with its traditional repressive orientation, often focuses on individual cases and ex post sanctions. However, corruption frequently has structural and institutional roots that cannot be addressed solely through punitive measures (Persson et al., 2013). Human rights contribute a normative and institutional dimension, thereby enabling these structural factors to be addressed through ongoing mechanisms of accountability and participation. Essentially, sanctions without systemic reform may produce only temporary effects.

Although this study is primarily analytical and theoretically normative, empirical research often corroborates the same logic of complementarity. For instance, studies indicate that countries with robust human-rights protection institutions and transparent governance systems demonstrate stronger performance in combating corruption than those that focus solely on criminal-law measures (Rothstein & Tannenber, 2015). Indeed, these findings support the thesis that the integration of HRBA with criminal law produces more effective and sustainable models of anti-corruption policy.

The complementarity of criminal law and human rights is multi-layered and continuously evolving. On one hand, criminal law provides a formal legal framework with sanctions that deter corrupt behaviour. On the other hand, human rights establish the principles that ensure such sanctions are applied in a manner that does not compromise fundamental standards of fairness, transparency, and systemic accountability. Only through the integration of both perspectives can a system be achieved that is not only repressive in its efficacy but also democratically legitimate and justifiably fair.

3.5. The International Normative Framework for Combating Corruption from a Human Rights Perspective

In recent decades, the international community has developed a complex and multi-layered normative corpus aimed at combating corruption, evolving in parallel with international humanitarian law. At the core of this corpus lies the United Nations Convention against Corruption, the first universal and legally binding instrument to establish a comprehensive framework for prevention, criminalisation, international cooperation, and the recovery of illicitly acquired assets (de Sousa, 2024). By virtue of its breadth and ambition, UNCAC positions corruption as a global legal and institutional challenge with transnational implications, which cannot be effectively addressed solely within the confines of national legal systems (Lambsdorff, 2007).

Although the Convention is normatively grounded in criminal law and institutional development, contemporary trends indicate its increasingly explicit integration into the broader human-rights discourse. The preventive obligations arising from UNCAC correspond substantively with the fundamental principles of HRBA. In this manner, the Convention functions not only as an instrument for the repression of corrupt conduct but also as a normative mechanism for strengthening democratic governance and the rule of law (Peters, 2024).

The emphasis on human rights in the fight against corruption is further articulated in the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which explicitly highlights that effective anti-corruption strategies must be guided by fundamental human-rights principles. From this perspective, corruption is treated as a structural phenomenon that systematically undermines human rights, particularly by impeding equality before the law, access to justice, and the effectiveness of legal remedies (Pyman, 2023).

The United Nations Human Rights Council, through a series of resolutions and thematic reports, further codifies this relationship, emphasising that States have an obligation to prevent corruption as an integral component of their duty to respect, protect, and fulfil human rights. These documents identify corruption as a factor that erodes the rule of law, undermines institutional legitimacy, and creates conditions for systemic inequality, disproportionately affecting vulnerable and marginalised groups. Such normative developments indicate a gradual transformation of the anti-corruption discourse, from a narrowly criminal-law focus towards a broader, structural, and human-rights-oriented approach.

Although the principal international human rights treaties do not contain explicit anti-corruption provisions, the obligations arising therefrom establish a robust normative foundation for the integration of human rights into anti-corruption efforts. States are under a duty to establish effective legal and institutional mechanisms to prevent the abuse of public authority, particularly in circumstances where such abuse results in violations of fundamental rights (Andvig & Fjeldstad, 2001). Consequently, a failure to address corruption may constitute a breach of the States' international obligations to respect and protect human rights.

From a HRBA perspective, the international normative framework for combating corruption necessarily encompasses procedural guarantees that facilitate the detection, prevention, and sanctioning of corrupt practices. Accordingly, the right of access to public information, freedom of expression, and media freedoms serve a dual function: they constitute independent human rights in their own right, while simultaneously functioning as essential instruments for effective anti-corruption policy (Kaufmann, 2005). Their erosion, or formal but non-functional application, directly undermines society's capacity to resist corruption.

Therefore, the international normative framework for anti-corruption from a human rights perspective cannot be reduced to a mere collection

of isolated legal obligations. Rather, it constitutes a dynamic and evolving system in which prevention, criminal law enforcement, and the protection of human rights are conceptually and functionally interlinked..

3.6. Limitations of the Criminal Law Model from a Human Rights Perspective

Despite the significant role of criminal law in sanctioning corrupt practices, its effectiveness is constrained when viewed from a human rights perspective. Firstly, selective enforcement represents a fundamental challenge. In practice, legal mechanisms for the prosecution of corruption are sometimes applied inconsistently or unevenly, thereby creating a risk of discrimination (Goldsmith, 2005). Such practices exacerbate social and institutional inequalities and erode public confidence in judicial authorities, leaving vulnerable groups excluded from access to justice and the protection of their human rights.

Moreover, the principle of proportionality in criminal sanctions is often insufficiently established or effectively implemented. The absence of proportional penalties may result in either excessive sanctions or, conversely, in formalistic and ineffective penalties, thereby undermining the legitimacy of the system. Proportionality is not merely a matter of legal formality; it is a fundamental instrument for aligning criminal law with human rights, particularly in the context of the economic, social, and political rights of perpetrators or victims of corrupt conduct (Duff, 2001; von Hirsch, 1993).

Finally, criminal law in its traditional form does not address the systemic and institutional factors that facilitate corruption. The repressive nature of legal measures often creates an illusion of control, while the underlying drivers of corruption remain unaltered. A critical perspective emphasises the need for a comprehensive approach that integrates the repressive function of criminal law with preventive measures and the protection of human rights, thereby creating an effective and legitimate anti-corruption system.

In light of these limitations, criminal law alone cannot ensure the long-term eradication of corruption. Integration with a HRBA is essential, enabling sanctions to be applied systematically, proportionately, and transparently, with effective protection of victims.

4. Discussion

The analysis of the integration of human rights into anti-corruption efforts highlights significant structural and normative implications for criminal law. Firstly, the traditional criminal law model, which focuses on the sanctioning of individual acts of corruption, proves limited when addressing the systemic and collective effects of corruption. Criminal law provides clear standards for prohibited conduct and prescribes punitive sanctions, however, its effectiveness is contingent upon institutional independence, transparency, and accountability -factors that constitute essential elements of human rights (Mungiu-Pippidi, 2015). Consequently, the findings suggest that criminal law must be considered through the lens of effectiveness: the establishment of legal norms without appropriate mechanisms for their implementation and monitoring undermines the rule of law and the efficacy of anti-corruption measures (Heywood, 2018).

Secondly, the findings indicate the necessity of developing normative instruments that enable a preventive role for criminal law. This implies that legislators and judicial authorities should not limit themselves solely to reactive sanctioning, but should also establish systems that prevent the occurrence of corruption (Persson et al., 2013). Such systems may include statutory measures promoting transparency, integrity, and accountability, obligations to disclose conflicts of interest, protections for whistleblowers, and institutional mechanisms for independent oversight. In this way, criminal law is transformed into a tool not only for post-factum sanctioning but also for enhancing the preventive function of the system (Bauhr & Grimes, 2014).

Thirdly, the integration of human rights into criminal law generates new perspectives for the practical application of existing standards. For instance, the principle of legality, the right to a fair trial, and the prohibition of discrimination assume particular significance in corruption cases, as they ensure the protection of victims and the effective sanctioning of perpetrators. In this context, criminal law is employed not merely as a repressive mechanism but as an instrument for the realisation and protection of human rights, thereby enhancing its legitimacy and effectiveness (Peters, 2019).

From the perspective of anti-corruption policies, the findings indicate significant directions for the development of holistic and sustainable strategies. Firstly, a preventive focus is essential; fundamentally, states

must ensure transparency, accountability, and public participation as core components of any anti-corruption policy. This includes the adoption of standards for public procurement, systems for managing conflicts of interest, access to public information, and effective monitoring and accountability mechanisms. Secondly, policies should be systemically oriented, addressing institutional weaknesses and legal gaps that facilitate corrupt practices. Thirdly, an integrated approach allows for the alignment of criminal law sanctions with preventive measures aimed at protecting human rights, thereby creating a legitimate and comprehensive system that strengthens public trust in institutions and the rule of law (Kaufmann, 2005).

The findings also underscore the role of international anti-corruption instruments. The integration of a HRBA within these frameworks enables the recommendations and monitoring of international bodies to function not merely in a technical or procedural capacity, but to play a substantive role in the protection of human rights. In practice, this entails that criminal law and anti-corruption policies must be designed and implemented in a manner that simultaneously ensures prevention, sanctioning, and effective protection of victims, thereby creating an integrated and sustainable legal system (Gauri & Gloppen, 2012).

The research indicates that a holistic approach, which integrates criminal law and human rights, enhances the effectiveness of anti-corruption policies and contributes to the long-term sustainability of the system (Bovens et al., 2014). Such an approach not only provides a repressive and preventive response to individual acts of corruption but also addresses the structural causes and consequences, thereby establishing a foundation for an effective and consistent fight against corruption.

5. Conclusion

The research demonstrates that an effective fight against corruption cannot be reduced solely to repressive criminal law measures, but requires an integrated approach that combines criminal law mechanisms with human rights principles and standards. Criminal law provides a clear framework for the criminalisation and sanctioning of corrupt conduct, establishing boundaries of permissible behaviour and ensuring accountability for perpetrators. However, the criminal law approach alone is limited, as it primarily targets individual responsibility, whereas corruption often constitutes a systemic phenomenon with structural sources, linked to institutional weaknesses and the absence of effective oversight. This underscores the significance of a HRBA, which places the

protection of individual and collective rights at the centre of public policies and institutional practices. Through HRBA, the state not only identifies vulnerable groups and their specific needs but also establishes systemic mechanisms for their protection, enabling access to justice and participation in processes that affect them.

The application of a HRBA in the fight against corruption has multiple effects. It emphasises the state's obligation to ensure institutional transparency, accountability, and a legal framework that protects citizens' rights. Moreover, it introduces a preventive dimension into anti-corruption strategies, with particular attention to vulnerable and marginalised groups, who are often the first victims of corrupt practices. In this regard, HRBA facilitates the identification and addressing of the structural causes of corruption, complementing the criminal law approach and enhancing the sustainability of institutional measures. This indicates that criminal law and HRBA are not merely complementary, but create a synergistic effect, whereby prevention, sanctioning, and the normative framework of human rights operate in parallel and in a coordinated manner..

The integration of these approaches facilitates the establishment of mechanisms for monitoring and oversight of public institutions, promotes active citizen participation, and strengthens accountability systems. Under such conditions, the state acts not only repressively but also preventively, creating an institutional context that minimises opportunities for the abuse of public authority.

The research demonstrates that the integration of a HRBA and criminal law not only enhances the effectiveness of anti-corruption measures but also strengthens public trust in institutions, thereby promoting the rule of law and legal certainty. States that implement combined strategies are better equipped to reduce the impact of corruption on access to public services, economic resources, and citizens' rights, while simultaneously establishing a stable foundation for the long-term protection of human rights. An integrated approach, combining the criminal law framework with human rights, constitutes an essential prerequisite for an effective and sustainable fight against corruption. Only through the synergy of repressive, preventive, and normative measures can states establish institutional mechanisms that ensure equal and impartial treatment of citizens, minimise systemic injustice, and reinforce the transparency and accountability of public institutions.

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