

<Annual Human
Rights Campaign>

elsa

The European Law Students' Association

ANNUAL HUMAN RIGHTS CAMPAIGN 2023/2024

SUPPORTING MATERIALS
(MAY - JULY)



FOREWORD

Dear Network,

We are pleased to see such a positive response to the first and second sets of supporting materials. Your enthusiasm and dedication have been invaluable in helping us to develop the third and final edition of the Supporting Materials for this year Annual Human Rights Campaign's theme.

We would like to extend our heartfelt gratitude to every officer who contributed to bringing these materials to life and to everyone who took the time to read and engage with them. Your contributions have been pivotal in advancing our Annual Human Rights Campaign, and we are grateful for your dedication and commitment.

As we continue our Annual Human Rights Campaign, let us work together to promote and protect human rights, fostering a just world in which there is respect for human dignity and cultural diversity.

Best regards,

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I. May: Equality, Freedom and Justice for All

International Day Against Homophobia, Biphobia and Transphobia, 17th of May

1. A short Introduction

In August 2004, a concerted effort was initiated to establish a worldwide movement raising awareness, promoting inclusion, and celebrating diversity. This was inspired by the success of the inaugural National Day Against Homophobia in Quebec, Canada, held in 2003.¹ This initiative, designated as the International Day Against Homophobia, gained considerable momentum. Activists proposed 17 May as the date to commemorate the World Health Organisation's landmark decision on 17 May 1990 to remove homosexuality from the list of mental disorders.² This symbolic choice was intended to honour the progress made in the recognition of LGBTIQ+ rights while highlighting the ongoing struggle against discrimination and stigma.

Although the initial Article of the International Covenant on Civil and Political Rights states that "*All human beings are born free and equal in dignity and rights*", along with obligations pertaining to the prohibition of discrimination and the principle of equality before the law, as set forth in the International Covenant on Civil and Political Rights, which has been ratified by 173 countries,³ there are currently 60 countries that still have consensual same-sex sexual acts criminalised by law.⁴ This results in the deprivation of freedom of choice for approximately 1.5 billion people. Even in those instances where consensual same-sex relationships are not criminalised, the legal protection afforded to same-sex couples is still relatively limited. The dearth of countries that recognise the right of same-sex couples to marry is due to the fact that, globally, only 35 countries have done so. Similarly, only 35 countries permit various forms of civil partnership.⁵

Nevertheless, the absence of legal recognition and protection for same-sex couples represents only one of the challenges faced by members of the LGBTIQ+ community. In addition to the pervasive discrimination that is a significant contributing factor to the disproportionate risk of grave human rights violations faced by lesbian, gay, bisexual, transgender, queer, and intersex individuals, corruption represents a key driver of this inequality. This is particularly evident in the case of LGBTIQ+ individuals.

In light of the fact that the principle of "*All human beings are born free and equal in dignity and rights*" has yet to be fully realised for LGBTIQ individuals across the globe, as well as for those who are affected by various forms of inequality, the IDAHOBIT Committee has decided that this year's theme will be **"No one left behind: equality, freedom and justice for all"**.⁶ The theme of this year's IDAHOBIT represents a call for unity. It is only through solidarity with one another that we can create a world without injustice, where no one is left behind.

¹ [History of May 17th \(IDAHOTB\)](#)

² [World Health Organization | Moving one step closer to better health and rights for transgender people](#)

³ [United Nations Human Rights Office of the High Commissioner | Status of Ratification](#)

⁴ [ILGA Database | Legal Frameworks | Criminalisation of consensual same-sex sexual acts](#)

⁵ [ILGA Database | Legal Frameworks | Same-Sex Marriage and Civil Unions](#)

⁶ [IDAHOBIT 2024](#)

2. The Law

2.1 International Conventions

2.1.1 International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights, which was adopted by the United Nations General Assembly in 1966, represents a significant step towards the protection and advancement of fundamental human rights at the international level. This was necessitated by the continued violations of the legal protection of fundamental rights and freedoms.⁷

The ICCPR enshrines a number of fundamental rights, including the rights of all people to non-discrimination and equality before the law. In accordance with the first paragraph of Article 2 of the ICCPR, states that have ratified the Covenant must respect and ensure to all people within their territory and subject to their jurisdiction, without any distinction based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In addition, with regard to the principle of equality before the law, as set forth in Article 26 of the Covenant, the law must prohibit any form of discrimination and must guarantee equal and effective protection for all individuals against discrimination on any grounds.

Although the ICCPR does not explicitly mention sexual orientation, the United Nations Human Rights Committee (UNHRC) has determined that the treaty encompasses an obligation based on sexual orientation. Furthermore, the UNHRC has asserted that the concept of “sex” and “privacy” encompasses sexual orientation.⁸

2.1.2 European Convention on Human Rights

The Convention for the Protection of Human Rights and Fundamental Freedoms, which was signed on 4 November 1950, has provided and guaranteed a number of rights, including the right to respect for private and family life, residence, and correspondence.⁹ The enjoyment of the rights and freedoms enshrined in the Convention must be ensured for all individuals, without any distinction based on such grounds as sex, race, colour, language, religion, political or other opinion, national or social origin, association to a national minority, property, birth or any other status.

Although sexual orientation and gender identity are not explicitly referenced in the Convention, the European Court of Human Rights (ECtHR) has interpreted the concept of “private life” to encompass a broad range of personal aspects, including physical and psychological integrity,

⁷ [United Nations Human Rights Office of the High Commissioner | International Covenant on Civil and Political Rights](#)

⁸ [Human Rights Committee | Toonen v. Australia, Communication no. 488/1992](#)

⁹ [Council of Europe | European Convention on Human Rights](#)

social life, and elements such as gender identity, name, sexual orientation, and sex life. These aspects are protected by Article 8 of the Convention.¹⁰

2.1.3 Yogyakarta Principles

In 2006, a group of international human rights experts convened in Yogyakarta, Indonesia, to address documented instances of abuse related to sexual orientation and gender identity.¹¹ These endeavours resulted in the formulation of the Yogyakarta Principles, a set of international guidelines designed to protect the rights of individuals with diverse sexual orientations and gender identities.¹² These principles encompass a comprehensive range of human rights standards and their specific application to issues pertaining to sexual orientation and gender identity.

In order to supplement the Yogyakarta Principles, with the aim of documenting and elaborating developments in the field of international human rights and in understanding the violations affecting persons of diverse sexual orientations and gender identities, the Yogyakarta Principles plus 10 was adopted on the 10th of November, 2017.¹³

In addition to defining sexual orientation and gender identity, the Yogyakarta Principles, despite their non-binding status, have served as an inspiration for various legal documents, including the acts of the Council of Europe.¹⁴

2.2 National Laws

In light of the significance of equality before the law and the prohibition of discrimination, in addition to the guarantee of these rights in the Constitution, numerous countries have enacted other legislative measures, including the creation of special legislation for the protection against discrimination and the implementation of these constitutional principles in their internal legislation.

With regard to the protection at the constitutional level against discrimination for reasons such as sexual orientation and gender identity, states are divided into four categories.

The first category comprises states that have explicitly included in their Constitutions a prohibition of discrimination on the grounds of “sexual orientation” and “gender identity”. Article 32 of the Constitution of Malta states that: *“Whereas every person in Malta is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin,*

¹⁰ [Council of Europe | European Convention on Human Rights](#)

¹¹ [Introduction to the Yogyakarta Principles](#)

¹² [The Yogyakarta Principles | Principles on the application of international human rights law in relation to sexual orientation and gender identity](#)

¹³ [The Yogyakarta Principles plus 10 | Additional principles and state obligations on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics to complement the Yogyakarta Principles](#)

¹⁴ [Morgan Carpenter | Intersex human rights, sexual orientation, gender identity, sex characteristics and the Yogyakarta Principles plus 10](#)

political opinions, colour, creed, sex, sexual orientation or gender identity, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely - (a) life, liberty, security of the person, the enjoyment of property and the protection of the law; (b) freedom of conscience, of expression and of peaceful assembly and association; and (c) respect for his private and family life, the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms, subject to such limitations of that protection as are contained in those provisions being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.”¹⁵

The second category comprises those states whose constitutions protect the ground of “sexual orientation” from discrimination. In Article 13 of the Constitution of Portugal, it is provided that: *“1. All citizens possess the same social dignity and are equal before the law. 2. No one may be privileged, favoured, prejudiced, deprived of any right or exempted from any duty for reasons of ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation.”¹⁶*

The third category encompasses those states whose Constitutions do not explicitly recognise “sexual orientation” or “gender identity” as a ground for discrimination. As an illustration, Article 3 of the Basic Law of Germany stipulates that: *“(1) All persons shall be equal before the law. (2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist. (3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions. No person shall be disfavoured because of disability.”¹⁷*

Despite the absence of explicit constitutional provisions, the legislation of these states has extended protection from discrimination to encompass reasons such as “sexual orientation” and “gender identity”. Consequently, despite the absence of express constitutional provisions on “sexual orientation” and “gender identity” as grounds for prohibition of discrimination, the law no. 10221, dated 04.02.2010, “On Protection from Discrimination”, lists these grounds among those for which protection from discrimination is provided.¹⁸

The fourth category encompasses those states that have enshrined an open list of causes in their constitutional framework, thereby affording protection against discrimination. For example, the Constitution of Slovenia, as set forth in Article 14, provides that: *“In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance.”¹⁹*

¹⁵ [Legislazzjoni Malta | Constitution of Malta](#)

¹⁶ [Assembleia da República | Constitution of Portugal](#)

¹⁷ [Federal Ministry of Justice | Basic Law for the Federal Republic of Germany](#)

¹⁸ [Council of Europe | Law no. 10221, dated 04.02.2010 “On protection from discrimination”](#)

¹⁹ [Constitutional Court | Constitution of the Republic of Slovenia](#)

Nevertheless, many states, as a result of decisions by constitutional or international courts, as well as obligations under international law, are providing and increasing guarantees and levels of protection for LGBTQI+ individuals.

3. Current Trends and Challenges

3.1. Discriminatory corruption

The term “discriminatory corruption” describes a form of corruption in which the acts or corrupt practices in question are targeted at or result in differential or unfavourable treatment of an individual or members of the community on the basis of grounds such as race, gender, sexual orientation, religious belief or any other grounds.

There is limited but noticeable evidence indicating that discriminatory corruption against LGBTQI+ individuals could be a common phenomenon in societies where homosexuality is criminalized.²⁰

In countries where such legislation is in place, law enforcement agencies are afforded considerable discretionary authority in their interactions with and handling of cases involving LGBTQI+ individuals. This authority, in conjunction with other factors such as social stigma that compels individuals to conceal their sexual orientation or gender identity, the absence of efficacious means to assert rights, impunity, and the creation of an environment conducive to corruption, encourages law enforcement agencies to exploit LGBTQI+ individuals or their family members for illicit and unjust benefits in contravention of the law.²¹

Discriminatory corruption against LGBTQI+ individuals is a pervasive phenomenon, occurring in numerous countries and contexts. In Russia, gay men are subjected to a range of discriminatory practices, including threats of exposure, violence, and imprisonment unless they pay bribes.²² These abuses often occur after individuals have been lured into entrapment through dating apps. Similar instances of abuse have been documented in Nigeria, where police officers have been known to demand bribes and engage in extortion, even resorting to threats of rape and false charges.²³

Corruption is not limited to Russia; it extends to other countries where LGBTQI+ individuals are targeted, extorted, and subjected to abuse by law enforcement officials. These violations also extend to detention settings, where inmates are subjected to harassment, and complicit prison personnel contribute to a culture of abuse and exploitation.²⁴

²⁰ [Transparency International | The impacts of corruption on LGBTQI+ rights](#)

²¹ [Transparency International | Defying exclusion](#)

²² [Transparency International | Defying exclusion](#)

²³ [Human Rights Watch | “Tell Me Where I Can Be Safe” The impact of Nigeria’s Same Sex Marriage \(prohibition\) Act](#)

²⁴ [Human Rights Watch | Egypt: Security Forces Abuse, Torture LGBT People](#)

The pattern of discriminatory corruption is multifaceted, involving a range of tactics, including threats, entrapment, extortion, and abuse, across various regions and situations. This highlights the urgent need for effective measures to protect the rights and safety of LGBTIQ+ individuals.

3.2. Corruption and discrimination in public services for LGBTIQ+ individuals

Corruption serves to exacerbate the challenges faced by LGBTIQ+ individuals, particularly in accessing public services that are essential for their well-being. Marginalised within society and often facing unemployment, poverty, and lower literacy rates, LGBTIQ+ people rely heavily on public services. However, corruption within these services hinders their effectiveness, depriving institutions of the resources needed to reduce inequality and support vulnerable populations. Furthermore, corruption impedes LGBTIQ+ individuals' access to fundamental rights, including healthcare, thereby intensifying the adverse impact of discrimination on their lives.²⁵

In the United States, approximately one-third of transgender and non-binary individuals report being denied healthcare services on the grounds of their gender identity.²⁶ Corruption has a significant impact on funding for HIV/AIDS prevention and treatment, which has a disproportionate effect on the LGBTIQ+ community.²⁷ The considerable resources that are necessary for the control and prevention of HIV/AIDS, coupled with the exorbitant treatment costs and the social stigma that is attached to the illness, present a significant risk of corruption in these services. Specific demands for bribes, such as those related to changing one's name and gender identity, directly infringe on the fundamental rights of transgender individuals.

Discrimination based on sexual orientation and gender identity serves to exacerbate the already precarious situation faced by migrants and refugees, leaving them vulnerable to extortion and sextortion as they seek citizenship and essential rights.²⁸ These discriminatory practices not only impede their ability to access legal protections but also perpetuate cycles of marginalization and exploitation. Moreover, the fear of exposure and the potential for further discrimination further complicate their integration into new communities and inhibit their ability to fully exercise their rights and freedoms.

4. Potential Topics for Events and Advocacy

- Legal recognition and protection for same-sex couples
- Corruption in healthcare access for LGBTIQ+ individuals
- Anti-corruption measures to protect LGBTIQ+ rights
- Are you on top of the rainbow?

²⁵ [AFDA y Poder Ciudadano | Diversidad y Corrupción en América Latina: la urgencia de visibilizar el impacto diferenciado en personas LGBTIQ+](#)

²⁶ [Human Rights Campaign | Dismantling a culture of violence: Understanding violence against transgender and non-binary people and ending the crisis](#)

²⁷ [Transparency International | The impacts of corruption on LGBTIQ+ rights](#)

²⁸ [AFDA y Poder Ciudadano | Diversidad y Corrupción en América Latina: la urgencia de visibilizar el impacto diferenciado en personas LGBTIQ+](#)

5. Further Reading

- [Handbook on European non-discrimination law](#)
- [A comparative analysis of non-discrimination law in Europe](#)
- [Guide on the case-law of the European Convention on Human Rights | Rights of LGBTI persons](#)
- [Breaking the silence around sextortion: The links between power, sex and corruption](#)
- [Council of Europe | Sexual Orientation, Gender Identity and Expression, and Sex Characteristics](#)
- [Council of Europe | Combating discrimination on grounds of sexual orientation or gender identity](#)

II. June: Environment, Social, and Governance

World Environment Day, 5th of June

1. A short Introduction

It is for a fact, known that environmental and sustainability are some of the most talked about topics all over the world.

The impact a company can have on its surrounding ecosystem is clearer than ever, whether it's on a global scale or within its local community. This is where **ESG** comes in. This framework shows up and gives the view that sustainability extends beyond environmental issues, adding the Social and the Governance perspectives and aiming that the company reports on these matters so that it becomes able to capture all the non-financial risks and opportunities inherent to a company's day-to-day activities.

Regarding the **Environment**, it falls into the emissions, such as greenhouse gases and air, water, and ground pollution emissions, the resources used, and on positive sustainability impacts the company may have. More generally, it concerns climate change, pollution and waste, natural resources, and environmental opportunities.

The **Social** pillar concerns human capital, social opportunities, modern slavery, corporate security, diversity, employee relations, supply chain sustainability, consumer relations, and personal data protection.

Regarding our dear AHRC, Social stands for Human Rights, as it includes the 30 human rights listed in the Universal Declaration of Human Rights (such as the right to life, freedom, and security, the right to equality before the law, the prohibition of torture and slavery, the prohibition of forced labour, the prohibition of discrimination, etc.).

Lastly, but not less important, Governance stands for Corporate Governance and Corporate Behaviour, such as avoiding bribes, extortion, corruption, and anti-ethic practices. These can also relate to our AHRC theme, creating accountability and reporting methods.

It also refers to the governance factors of decision-making, from sovereigns' policymaking to distributing rights and responsibilities among different participants in corporations, data protection and cybersecurity, ethics, and risk management.

On **World Environment Day**, let us reflect on the need to protect our Home and raise awareness of environmental action because, as cliché as it sounds, we only have one planet.

This day acts as a powerful reminder of our collective responsibility to safeguard our planet, safeguarding that should be brought by individuals, communities, and organisations each year to take meaningful action toward environmental sustainability.

2. The Law

2.1 International Standards

2.1.1 UN Global Compact

The UN Global Compact²⁹ is a pact for companies to align their strategies and operations with ten universal human rights, labour, environment, and anti-corruption principles created in 2000.

As the world's largest voluntary corporate sustainability initiative, it involves 167 countries, but due to its non-binding category, there's still a lot of work to do.

Besides that, regarding our dear Human Rights, it contains principles such as “*Businesses should support and respect the protection of internationally proclaimed human rights*” and “*Businesses should support a precautionary approach to environmental challenges.*” Regarding our AHRC theme, “*Businesses should work against corruption in all its forms, including extortion and bribery.*”

The Principles previously mentioned are derived from the Universal Declaration of Human Rights, the International Labour Organization's Declaration on Fundamental Principles and Rights at Work, the Rio Declaration on Environment and Development, and the United Nations Convention Against Corruption making clear the need to reinforce the protection of Human Rights and to create accountability in between global companies.

2.1.2 UN Guiding Principles on Business and Human Rights

More recently, in 2011, the United Nations Human Rights Council endorsed the UN Guiding Principles on Business and Human Rights³⁰, a set of guidelines for States and companies to prevent and address human rights abuses committed in business operations.

These Guiding Principles recognise that States' existing obligations to respect, protect and fulfill human rights and fundamental freedoms; The role of business enterprises as specialised organs of society performing specialised functions, required to comply with all applicable laws and to respect human rights; and the need for rights and obligations to be matched to appropriate and effective.

These principles set a pioneering perspective to preventing and addressing the risk of adverse human rights impacts linked to business activity. Although not legally binding, they have become the basis and inspiration for national legislation. They are seen as the global authoritative standard on the business responsibility to respect human rights.

²⁹ [UN Global Compact](#)

³⁰ [UN Guiding Principles on Business and Human Rights](#)

2.1.3 Corporate Sustainability Reporting Directive

At the EU level, the Corporate Sustainability Reporting Directive was adopted in 2023 and created the first EU-wide mandatory sustainability reporting obligation. It imposed that all large companies publish regular reports on their environmental and social impact activities, reinforcing that the companies' information in these matters must be constantly checked and available for everyone, respecting the transparency required in any business.

When fully put into force, nearly 50,000 companies in the EU—corresponding to 75% of all EU companies—are expected to need to follow these measures.

France was the first country to transpose this directive in its national law, introducing the posture adopted by the country, which we will focus on in the next chapter.

2.1.4 Other international standards

Lastly, and in addition, there are various sector-specific guidelines from the **International Labour Organization (ILO)** and the OECD, such as **The OECD Guidelines for Multinational Enterprises (MNE)**, regarding due diligence as an ongoing process of systematically and proactively identifying risks and potentially negative consequences for corporate social responsibility.

We can also mention the **Global Reporting Initiative**, an international organisation created by the United Nations Environment Programme. It enables organisations to understand and report their impacts on the economy, environment, and people comparably and credibly, thereby increasing transparency regarding their contribution to sustainable development. They have developed three types of standards: universal (apply to all organisations), sectoral (apply to specific sectors), and topical (dedicated to particular topics, such as occupational health and safety).

2.2 National Laws

France adopted in 2017 an unprecedented law, the French Duty of Vigilance Law,³¹ requiring national big companies to establish, publish, and effectively implement adapted measures to identify risks and prevent severe abuse of human rights, fundamental freedoms, the health and safety of individuals, and the environment through a due diligence plan.

Even though it is an honourable measure, there's still much to do regarding the application to all national companies and not only the big ones, leaving a sense of impunity for violating human rights in further companies.

In 2020 and 2021, regarding the Environment, France adopted the Anti-Waste Law and the Climate Resilience Law, aiming to develop a circular economy, transparency towards consumers,

³¹ [French Duty of Vigilance Law](#)

and reductions in greenhouse gas emissions. However, these years were even more prosperous in legislation, with the Sapin II Law on Transparency and the Fight against Corruption (2020) requiring that companies establish a corruption risk-mapping.

Even though the focus went to France, it is also worth mentioning that Germany has also adopted the “*Act on Corporate Due Diligence in Supply Chains*”³², and countries like Norway, Italy, Spain, and Switzerland have incorporated the UN Guiding Principles in their respective national action plans.

Even though the focus went to France, it is also worth mentioning that Germany has also adopted the “Act on Corporate Due Diligence in Supply Chains”, and countries like Norway, Italy, Spain, and Switzerland have incorporated the UN Guiding Principles in their respective national action plans.

3. Current Trends & Challenges

3.1. Non-binding standards and lack of legal framework

As we began to say, ESG is one of the hot topics of the century, but it is not merely a trend; it’s a response to the pressing challenges facing our world today.

Most companies and specialists state that a unified set of standards is essential to ensuring that ESG can make a difference. The lack of standardisation makes ESG processes more complex as companies try to assess and adhere to the rules of the countries they are engaged in.

The absence of a unified ESG reporting standard has resulted in the emergence of numerous sustainability reporting frameworks, surveys, and initiatives to engage shareholders and data providers, each with its unique approaches and prerequisites. Consequently, organisations frequently must determine which sustainability aspects to emphasise, what to disclose, and which metrics to use. This lack of standardised ESG reporting metrics poses a significant challenge, hindering performance comparison and decision-making for organisations and investors. A set of consistent rules would not only reduce confusion but also improve the consistency of output and enhance the impact of the regulations.

Work towards a standardised ESG framework is already being done. In 2021, the International Sustainability Standards Board (ISSB) was created to bring some consistency to the ESG reporting space. The board aligned with the Global Reporting Initiative to create common ground for Asian companies to report on their environmental, social, and governance impacts.

Even though the UN Global Compact counts with the participation of 167 countries, their non-binding category leaves space for the non-application of voluntary corporate sustainability initiatives, with almost 30 United Nations Member States not having ESG implementations.

³² [Act on Corporate Due Diligence in Supply Chains](#)

Accepting bribes or special privileges, such as work opportunities or easier access to a certain position, makes the gap more profound and difficult to straighten day by day.

3.2 Greenwashing

It is likely that we have all encountered an advertisement containing greenwashing at least once in our lives. However, it is less clear whether we are aware of the extent of this problem.

Well, greenwashing is the process of conveying a false impression or misleading information about how a company's products are environmentally safe and eco-friendly.

Because it's a marketing strategy, and marketing is the best strategy, it inevitably leads consumers to make purchases believing that they are aligning themselves with certain environmental policies when in fact, they are not. However, greenwashing does not only affect the purchasing sector; it also involves, for example, claiming that a company is on the way to reducing its emissions to zero when there is no credible plan in place.

As dangerous as it sounds, greenwashing presents a significant obstacle to tackling climate change and also in the implementation of ESG.

If ESG information disclosed by firms is unreliable, a firm's greenwashing behaviour can be a barrier to integrating ESG factors into investment decisions, and we can't analyse and follow their progress.

3.3 Compliance

Corruption and a lack of respect for human rights often go hand in hand, and combating them can find synergy in the standard elements of an effective anti-corruption compliance system.

Compliance refers to the set of laws and regulations organisations must adhere to to ensure that ethical standards and principles are upheld. These may include national or international laws, industry-specific standards, established practices or procedures, and internal rules or policies.

ESG compliance also refers to a set of guidelines and standards that a company implements in internal policies that are mandated by regulatory bodies. Therefore, companies should be required to develop anti-corruption programmes that reflect their anti-corruption approach.

Compliance policies are essential for companies because they help to ensure the legality of their actions, protect their reputation, and avoid possible economic sanctions. They also ensure that the company meets the ethical and social standards of the society in which it operates.

The Global Reporting Initiative, mentioned earlier in these materials, is one of the frameworks for ESG compliance, but we also count ESG standards such as the International Sustainability Standards Board, the European Financial Reporting Advisory Group, and the Sustainability

Accounting Standards Board, all of which focus on combating disinformation about companies' activities, creating transparency in their operations and implementing financial reporting.

While we can point to success stories of ESG compliance in companies such as Microsoft and Unilever, there is still a long way to go. Compliance is closely linked to the ESG governance pillar, and actions directly affect how companies are governed and managed. By following good compliance practices, companies align themselves with laws and regulations and demonstrate their commitment to society's ethical and social values.

4. Potential Topics for Events and Advocacy

- The Unmasking Greenwashing Problem and how does this contribute to corruption;
- ESG: Constraints & opportunities for investors and business
- Compliance & ESG: the synergy for the future of the environment

5. Further Reading

- [Anti-Corruption Day: Governments must fight environmental corruption](#)

III. July: International Criminal Justice and Corruption

Day of International Criminal Justice, 17th of July

1. A short Introduction

In a world where corruption thrives in every possible way, the criminal justice system is predictably severely affected. Strengthening the judiciary to be truly independent and ending impunity for cruel crimes to protect human rights should be promoted.

The 17th of July marks the Day for International Criminal Justice, serving as a powerful reminder that establishing true justice for the victims' rights, ending impunity, and raising awareness on the prevention of crimes would require a global fight, a coordinated fight by the whole international community. International Criminal Justice Day is celebrated on this day because on 17 July 1998, the treaty establishing the International Criminal Court (the Rome Statute) was adopted as a step towards protecting individuals from crimes against humanity, including war crimes and genocide, and also towards seeking punishment for the perpetrators of such crimes.

This day is more important and meaningful than ever in the modern era when corruption has found its way into the criminal justice system, undermining individuals' human rights. The link between corruption and criminal justice is clear. The only way to fight corruption is to promote the criminal justice system. But how can this be achieved when people are seeking impunity? Isn't that the epitome of corruption?

It is easy to understand that corruption undermines the whole concept of justice, as it hinders exercising the right to an impartial and fair trial by a strong, independent, and well-functioning judicial system. Let's mark 17 July as a day to remind ourselves that only through collective efforts to raise awareness will we be able to truly enjoy our rights as individuals in a more just world.

2. The Law

The concept of international criminal justice is safeguarded by both international and national legal instruments. States are not only bound by the obligations imposed by international conventions but also adopt their provisions to resolve relative issues within their territory to facilitate the goal of establishing criminal justice worldwide. There is no such thing as a "right to criminal justice" because the concept of criminal justice is abstract. What is secured through legislative mechanisms are various rights/principles that shape the notion of what criminal justice is - or should be - such as "the right to a fair trial" and "the principle of respect for human dignity", to name a few.

2.1 International Conventions

2.1.1 Rome Statute of the International Criminal Court

The Rome Statute of the International Criminal Court (ICC) is the founding treaty of the ICC itself. The Rome Statute, followed by the founding of the ICC, represents a significant step forward in the international community's efforts to establish criminal justice globally. This is achieved by committing to end impunity for perpetrators of severe crimes and to prevent such crimes from occurring again in the future. The contracting states are required to make a considerable effort to comply with the obligations set out in the Statute. The preamble states that this would entail the exercise of criminal jurisdiction over those responsible for international crimes and the refraining from the threat or use of force against the territorial integrity of any state.³³

The Rome Statute provides a precise definition of genocide (Article 6), crimes against humanity (Article 7), and war crimes (Article 8). Furthermore, the Statute delineates the penalties for international crimes (Articles 77-80) and the standards that the international community should fulfil to facilitate the Court's efforts to establish criminal justice internationally (Articles 87-102).

2.1.2 Convention on the Prevention and Punishment of the Crime of Genocide

The prevention and punishment of genocide is also a crucial aspect of international criminal justice. Genocide is a particularly heinous crime, aimed at the complete or partial annihilation of a national, ethnic, racial, or religious group. It represents the epitome of human hatred and must be effectively prevented and punished. The Convention on the Prevention and Punishment of the Crime of Genocide of the United Nations (UN) is a key instrument in this regard. Since its inception in 1951, the Convention on the Prevention and Punishment of the Crime of Genocide of the United Nations has placed an obligation on the Contracting States to recognise genocide as a crime (Article I) and to strive for its prevention and punishment. This is to be achieved by enacting national legislation to give effect to the provisions of the Convention and by providing effective penalties for the perpetrators of genocide or genocide-related crimes (Article V).

2.2 National Laws

Provisions safeguarding criminal justice for all individuals can also be found in national legislation, such as the Constitution and the Criminal Code. For example, Article 2 (1) of the Greek Constitution states: "*Respect and protection of the value of the human being constitute the primary obligations of the State.*". The principle of respect for human dignity is fundamental to criminal justice systems worldwide, as it defines how states should treat individuals. In the criminal justice system context, this would mean that the perpetrators of serious crimes should be appropriately punished and sentenced, as this would be the minimum to make victims feel that the State cares about defending and protecting their human rights. This principle should also be applied to the perpetrators regarding the right to a fair trial and due process of law, as they are also protected by the Constitution as human beings.

³³[\[ICC| Rome Statute of the ICC, Preamble](#)

Furthermore, as an attempt to come closer to establishing international criminal justice, some European Penal Codes punish crimes that violate internationally protected interests, even though they have been committed abroad.

3. Current Trends & Challenges

Establishing criminal justice in a global context is fairly challenging when modern societies are full of corruption. This part of the Supporting Materials addresses some of the most frequent issues that put international criminal justice at risk, as corruption is thriving on an international level.

3.1. Getting away with impunity

In a corrupted criminal justice system, people obtaining money and power may influence justice services to even get away unpunished for a crime they committed³⁴. The paradox is that corruption will continue finding its way in modern societies, unless criminal justice services start properly punishing the wrongdoers who are involved in scandals and practices that severely threaten the criminal justice system's integrity and transparency³⁵. Ending impunity is an urgency, as it obviously undermines the whole concept of justice.

3.2. Atrocity crimes against civilians

It is self-explanatory that when corruption prevails in judicial systems, resulting in impunity issues, the rule of law is seriously undermined, as human rights violations are left without punishment. While there is not an actually direct link between corruption and genocide/crimes against humanity, we could at least say that corruption facilitates committing such grave crimes, either because the appropriate punishment is not always guaranteed or merely because in corrupted societies, stereotypes and false views on the value of human life are easier to be perpetuated, leading in committing crimes against particular races.

To begin with, reports on the human rights violations committed by rebels towards the civilian population of Sierra Leone's capital city back in 1999, while the eight-year civil war was still prevailing³⁶, revealed that there was a link between corruption and committing these atrocities³⁷. Committing such grave crimes, from homicides to sexual crimes and abductions, especially at the expense of civilian people, such as women and children, is the epitome of corruption. According to a fundamental principle of international humanitarian law, attacks shall never be directed against civilians. On the contrary, during armed conflicts, they should be treated humanely under all circumstances³⁸. Therefore, Sierra Leone's example proved the co-dependency between

³⁴[Transparency International | Judiciary and Law enforcement](#)

³⁵[Transparency International | CPI 2023: Highlights and Insights](#)

³⁶[Human Rights Watch | Human Rights Watch interview, United Nations Humanitarian Assistance Coordination Unit \(HACU\), Freetown, May 18, 1999](#)

³⁷[United Nations Office on Drugs and Crimes | Effects on Corruption](#)

³⁸[Human Rights Watch | Human Rights Watch interview, United Nations Humanitarian Assistance Coordination Unit \(HACU\), Freetown, May 18, 1999](#)

corruption and crimes against humanity and the importance of guaranteeing the proper punishment of perpetrators of such grave crimes.

Moreover, throughout the last decade, Mexico has been experiencing a series of atrocity crimes, mainly at the expense of journalists or human rights defenders. In 2017, the number of attacks largely increased, making crimes such as homicides, abductions, and tortures a reality. What made the situation deteriorate was the absence of proper investigation and prosecution of these crimes and of holding the perpetrators accountable, especially when they were public officials. This implies that putting an end to impunity is hindered by corruption in the judicial system, as accountability is not always the case. Thus, corruption expands and perpetuates since these crimes are left unpunished.

Furthermore, it has been alleged that Mexican drug cartels have colluded with government officials, resulting in the commission of atrocity crimes. This suggests a strong correlation between corruption in societies and the perpetration of such crimes. One illustrative example of such cartels is the Zetas cartel, which was active in Coahuila, Mexico, in 2011. The Zetas cartel committed atrocity crimes against Mexican civilians in this area, as a form of expressing their sovereignty in the territory, while also spreading fear to cartel members who could be considering turning against the cartel. These crimes fall under the category of atrocity crimes as they were organised and coordinated, not fragmentary and random. The Zetas have been associated with corruption due to their ability to gain public authorities' support through corrupt practices, such as bribery, or by instilling fear in their communities. In accordance with Mexican legislation and the Rome Statute of the ICC, those responsible for these crimes must be held accountable. Nevertheless, there has been a dearth of investigations and prosecutions, which has allowed this kind of corruption to persist.³⁹

Having said this, while atrocity crimes driven by corruption are not a trend, they still have to be considered as a challenge the international community has to deal with. And that's because modern human societies are consistently characterised by individualism and rising hatred towards each other, resulting in the armed conflicts of the last few years.

4. Potential Topics for Events and Advocacy

- Gender in the international criminal justice system
- The right to a fair trial
- The crime of genocide
- Crime prevention: International Criminal Justice Strategies

5. Further Reading

- Policy on Gender-Based Crimes
<https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>

³⁹[Open Society Justice Initiative | Corruption that kills](#)

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Do you have comments, suggestions, or ideas?

We'd love to hear from you! We hope you find these resources useful in helping to plan rewarding, meaningful, and enjoyable sessions for your group. If you have any suggestions for how we can improve these background materials, or if there are particular topics/international days you would like to see included in a future edition, let us know!

Please send any feedback, ideas, or suggestions to director.humanrights@elsa.org