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CORRUPTION AND THE REALISATION OF HUMAN RIGHTS: THE CASE OF SOUTH SUDAN AND THE RIGHT TO EDUCATION

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ABSTRACT

The South Sudan Anti-Corruption Commission denounced corruption as something which hinders sustainable education. The debate on the relationship between corruption and human rights thus continues. In South Sudan, like many parts of the world, public and private sector leaders have illegally allocated resources for education and related projects, to personal gain.

This article contends that corruption in South Sudan is an impediment to realising rights and it violates human rights. Drawing a link between corruption and human rights, as this article aims to do, enhances our understanding of corruption. This article seeks to bring a unique viewpoint by utilising human rights institutions and practices in combating the negative consequences of corruption on the realisation of human rights.

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1. INTRODUCTION

The South Sudan Anti-Corruption Commission (the Commission) denounced corruption as it hinders sustainable education and promotes mismanagement and public fraud.² The debate on the relationship between corruption and human rights continues.³ In many parts of the world, public and private sector leaders have illegally appropriated resources for education and other projects, for personal gain. According to investigations carried out by the Commission over a period of two years, more than \$73 million has been siphoned off since 2018.⁴ This figure is only a fraction of the overall amount looted, as South Sudan's ruling elites had diverted more than \$4 billion, since 2012 the year after independence. Consequently, the sentiment is widely held that South Sudan will never be in a position to create the future we want.⁵

The linkage between corruption and economic performance is already well-established in the existing literature. The relationship between corruption and its effects on the realisation of human rights is, however, less understood and hence it requires additional exploration.⁶ Recent studies seem to reveal a strong association between corruption, poverty, and inequality. Yet extent to which various human rights are violated by corruption is unknown. What is evident is that when corruption becomes a chronic feature in a democracy, it favours the affluent, while marginalising the poor.⁷ Inevitably, this weakens the accountability systems that are critical for preserving human rights.⁸

No credible theoretical framework for explaining corruption as a human rights violation has been advanced to date.⁹ Traditionally, corruption was viewed as having an effect on or contributing to human rights violations, and not as a 'right violation' in and of itself.¹⁰

2 The South Sudan Anti-Corruption Act, 2009.

3 Maguchu P 'Transitional Justice and Socio-Economic Rights in Zimbabwe' (2019).

4 Sooka Y 'South Sudan plagued by violence and corruption, Human Rights Council hears' (2021) available at <https://news.un.org/en/story/2021/09/1100932> (accessed 6 February 2023).

5 Alexander A, Julia H & Byun WJ 'Issues and Trends in Education for Sustainable Development' (2018)33.

6 Sano H, Alfredsson G & Clapp R "Human Rights and Good Governance: Building Bridges"(2021)174.

7 Banik D 'Poverty and Elusive Development' (2010) 59.

8 Banik (2010) 73.

9 Peters A 'Corruption as a violation of International Human Rights(2019) *EJIL* 1259.

10 Peters (2019) 1259.

This article contends that corruption is not only an impediment to realising rights, but that it is also a violation of human rights. To this end the human rights as defined in the Universal Declaration of Human Rights¹¹ and given legal force to by the African Charter on Human and Peoples' Rights¹², will be used as a starting point. This article also seeks to offer a unique viewpoint by utilising human rights institutions and practices in combating the negative consequences of corruption on the realisation of human rights.

The Commission emphasised the unique effect of corruption on the ability of states to meet various human rights obligation's particularly those related to social and economic rights.¹³ In response to corruption, countries and intergovernmental organisations such as the African Union, the East African Community (EAC), the United Nations (UN) and civil society have begun to focus on the relationship between corruption and human rights. Countries which previously focused on people's lives and well-being, is shifting their attention to the question of how corruption affects the enjoyment of human rights. The growing relationship between corruption and human rights is driven primarily by changing perceptions about the effect of corruption on individual lives. There is an increased recognition that corruption is not the only problem affecting a country's economic performance. In some cases, corruption has immediate and long-term effects on individuals and their ability to realise their human rights.¹⁴

Although corruption is a violation of human rights, there is still a wealth of literature that does not systematically show how these rights are violated by various corrupt practices.¹⁵ Therefore no theoretical framework has been established to explain corruption as a violation of human rights.¹⁶ There are attempts to define corruption as a violation of human rights and as a phenomenon which has a negative effect on human needs. To link corruption to human rights, especially the right to education as this article attempts to do, is mainly to add new

11 Universal Declaration of Human Rights(1948).

12 African Charter on Human and Peoples' Rights(1986).

13 South Sudan Anti-Corruption Commission Act, 2009.

14 Maguchu (2019).

15 Peters (2019) 1267.

16 Peters (2019) 1267.

perspectives to the implementation of human rights norms and institutions to counteract the detrimental effects of corruption on the realisation of human rights.

This article is divided into two sections. The first section presents the definition of corruption as used in this article in relation to the evolving approach to the relationship between corruption and human rights rather than focusing on the effects of corruption on economic education. The second part describes the emergence of the rights and the controversies surrounding the concept including its formal content.

2. CORRUPTION: THE DEFINITION IN SOUTH SUDAN

Corruption is a cunning affliction that has a pervasive effect on society.¹⁷ It undermines democracy, and the rule of law. It leads to human rights abuses, distorts markets and living standards and fosters organised crime, terrorism and other threats to the well-being of human beings. This phenomenon is visible in all countries, but the consequences are worse in developing countries. Corruption disproportionately affects the poor and is a major contributor to economic decline, and an obstacle to poverty reduction and education.¹⁸

Corruption has been defined as follows:

Corruption means conduct comprising an offence under sections 89 through 102 and sections 105 through 108 of the Penal code, 2008 and includes conduct comprising a conspiracy or attempt to commit or engage in an activity that would constitute corrupt conduct under those sections.¹⁹

Corrupt Practices mean soliciting, accepting, obtaining, giving, promising or offering gratification by way of a bribe or other personal temptation or inducement, or the misuse of a public institution/authority or office to achieve private advantage or benefit to the person or others.²⁰

This article will adopt the definition of corruption as provided for in the South Sudan Anti-Corruption Act, 2009 above, because its scope is broad and its detailed content covers a variety of behaviours that can be considered corrupt practices.²¹ The legal definition also

17 The definition of corruption by Transparency International, available at <https://www.transparency.org/en/what-is-corruption> (accessed 23 August 2022).

18 Chetwynd E, Chetwynd F & Spector B "Corruption and Poverty: A Review of Recent Literature" (2003)5 available at https://pdf.usaid.gov/pdf_docs/Pnacw645.pdf (accessed 23 August 2022).

19 Section 5 of the South Sudan Anti-Corruption Act, 2009.

20 Section 5 of the South Sudan Anti-Corruption Act, 2009.

21 South Sudan Anti-Corruption Act, 2009.

reflects a contemporary view of corruption that takes into account corrupt practices involving the public and private sectors. The following section examines the Bill of Rights and the content of the right to education. This provide a lens to analyse affects the law.

3. BILL OF RIGHTS IN SOUTH SUDAN

The transitional Constitution of the Republic of South Sudan has provisions related to the bill of rights.²² The Constitution provides that:

- (1) The Bill of Rights is a covenant among the people of South Sudan and between them and their government at every level and a commitment to respect and promote human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy.
- (2) The rights and freedoms of individuals and groups enshrined in this Bill shall be respected, upheld and promoted by all organs and agencies of Government and by all persons.
- (3) All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part of this Bill.
- (4) This Bill of Rights shall be upheld by the Supreme Court and other competent courts and monitored by the Human Rights Commission.²³

As provided above, the Constitution recognised international instruments in relation to the promotion of human rights. However, South Sudan is yet to ratify some of the international instruments.

The Constitution has been instrumental in providing clarity on the content of the right to education's internal dimension, as it applies to indigenous communities affected by education projects. The Constitution provides for a legally binding right to education. Article 29 of the Constitution provides:

- (1) Education is a right for every citizen and all levels of government shall provide access to education without discrimination as to religion, race, ethnicity, health status including HIV/AIDS, gender or disability.
- (2) All levels of government shall promote education at all levels and shall ensure free and compulsory education at the primary level; they shall also provide free illiteracy eradication programmes.²⁴

22 Part 2 of the Transitional Constitution of the Republic of South Sudan, 2011(as amended).

23 Article 9 of the Constitution (2011).

24 Article 29 of the Transitional Constitution of the Republic of South Sudan, 2011(as amended).

The Constitution's articulation of the right to education must be commended for giving content as well as practical steps toward the right's implementation by focusing not only on the outcomes, but also on the education process. As a result, any education process must not only ensure that all human rights are completely realised, but also that all persons affected by the process have the right to participate in and contribute to the education process. The next section explores and evaluates the value offered by viewing corruption not just as a hindrance to human rights realisation, but also as a human rights violation.

4. RIGHTS TO EDUCATION THROUGH AN INTERNATIONAL LENS

Human rights first emerged in the 1776s along with rights such as the right to life, privacy, self-determination, the right to peace and the right to a healthy environment as one of many so-called generation human rights.²⁵ Human rights' instruments were first signed by developing countries as part of the decolonisation process and was initially associated with the concept of a new international economic order. To strengthen these growing North-South equalities and the demand for favourable economic agreements in the developing countries developing countries argued that human rights cannot be achieved through the micro-view of individual human rights and that certain macro-level conditions are necessary for the achievement of these rights. Education is a key social and cultural right and plays an important role in reducing poverty and child labour, if they can acquire skills necessary for doing works. Furthermore, education promotes democracy, peace, tolerance, development and economic growth. There are several articles in the UN Convention on the Rights of the Child (UNCRC) that focus on a child's right to education.

The UNCRC provides for the right to education as as an inalienable human right by virtue of which every human person and all people are entitled to participate in, contribute, and enjoy economic, social, cultural and political education, in which all human rights and fundamental freedoms can be fully realised.

1. States Parties recognize the right of the child to education, and with a view to achieve this right progressively and based on equal opportunity, they shall, in particular:

25 UN, human rights short history available at <https://www.un.org/en/chronicle/article/international-human-rights-law-short-history> (accessed 23 August 2022).

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all based on capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular contribute to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.”²⁶

Furthermore, it is provided that:

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle outlined in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State”.²⁷

26 Article 28 of the United Nations Convention on the Rights of the Child (1989).

27 Article 29 of the United Nations Convention on the Rights of the Child (1989).

The 1990 World Declaration on Education for all supported the right to education. It declared that the right to education is an inalienable, universal right and an integral part of fundamental human rights. A number of adaptation mechanisms and independent experts defined the content of rights and the nature of state responsibilities regarding their implementation in the system.

The UN Charter empowers the UN General Assembly to pass resolutions that are not legally enforceable to carry out its mandate of presenting recommendations to UN members or the UN Security Council. It ought to be highlighted that several of the most critical declarations issued by the UN General Assembly, such as the Declaration and the Universal Declaration of Human Rights (UDHR), should not be regarded as having any legal force. General Assembly decisions such as the UDHR are regarded as authoritative interpretations of UN Charter duties since they were accepted by heads of state or governments forming the most representative organs of the UN.

The legal status, normative content, and implementation of the right to education have been extensively debated since its adoption in 1948.²⁸ Three major topics have dominated scholarly and policy arguments on the right to education. The first is the concept of 'education as a human right' – the question of whether or not the right to education is a normative human right was raised. The second concern is the difficulty in distinguishing between the rights of beneficiaries and duty-holders. This is because the UDHR has both individual and collective elements. The third is concerned with the practical realisation of the right to education.

Over the years, a substantial body of literature has emerged in favour of the UDHR, both within and outside the UN. Critical and sceptic perspectives have also emerged, casting doubt on the philosophical and legal grounds, as well as the possibility of implementing the right to progress. Scholars and political leaders from the global south generally praised the UDHR. Several scholars from the global north remain essentially dubious about the UDHR. They have challenged the right's underlying grounding, legality, justiciability, and coherence.

28 Universal Declaration of Human Rights(1948).

Opposition to the right has primarily come from the United States of America and a few other wealthy countries at the state level. These states see the 'rights-based global redistributive justice framework' as incompatible with a free market economy.

Despite conceptual critiques and legal challenges, any hostility to the concept of a right to education appears to be fading, at least as evidenced by advances inside the UN system over the last 100 years. Numerous resolutions in support of the right have been approved by the UN Human Rights Council and its predecessor, the UN Commission. This involves the adoption of resolutions establishing mechanisms with the mandate to further elaborate on the right's implementation.

The right to education is commonly understood as having an internal and an external dimension. The internal component of the right focuses on each state's obligations to guarantee that its domestic policies contribute to the realisation of all its people's human rights. The external dimension, on the other hand, is made up of nations' extraterritorial commitments to work together to realise the right to education. 'The external dimension addresses discrepancies of the international political economy that reveal huge global inequities'. The external dimension of the right is represented in article 29(3) of the UDHR, which calls on governments to work together to ensure education and remove barriers to progress.²⁹

This article does not seek to discuss the justifiability of socioeconomic rights, other than to emphasise that jurisdictions worldwide have now established without a doubt not only the legal nature, but also the justifiability of socioeconomic rights. This article looks at the internal elements of the right to education and how it might be violated by the negative effects of corruption. The section that follows explores and assesses the normative nature of the right to education.

5. NORMATIVE CONTENT OF THE RIGHT TO EDUCATION

This section relies on the work of UNICEF and other UN agencies on the right to education. The UN's reports and scholarly works, as indicated below, address both the theoretical and

29 Article 29(3) of the CRC(1989).

practical components of the right to education, and have aided in the elaboration of normative content and the elucidation of the right's practical application.

Article 26 of the UDHR provides that:

- 1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all based on merit.
- 2) Education shall be directed to the full education of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- 3) Parents have a prior right to choose the kind of education that shall be given to their children.³⁰

Three principles stand out in the preceding clause. First and foremost, the human right to progress is an inalienable one. The second point to note is the emphasis on a 'specific process of economic, social, cultural, and political education' in which all human rights can be completely realised. Third, the right to education is a 'human right that entitles every human being and all peoples to participate in, contribute to, and enjoy that particular process of growth.'³¹

The second and third principles are especially crucial in understanding the relationship between corruption and the right to growth. These ideas are examined further below to provide a thorough understanding of the nature and implications of the right to education. This will provide a better perspective in analysing how rights can be infringed upon in an atmosphere marked by rampant corruption.

The UDHR's most remarkable feature is its emphasis of the cohesion of all human rights. As a result, education is defined as a 'complete economic, social, cultural, and political process aimed at the continuous improvement of the well-being of the entire population.'³²

30 Article 26 of the Universal Declaration of Human Rights(1948).

31 Article 26 of the Universal Declaration of Human Rights (1948).

32 United Nations Office of the Human Rights, General Assembly resolution 2542 (XXIV) available at

Thus, the UDHR highlights the oneness of all human rights and that all human rights are indivisible and interdependent. In this regard, equal emphasis should be placed on the implementation, promotion, and protection of civil, political, economic, social, and cultural rights.

The accentuation of the interdependence of human rights is significant because it enhances the understanding the extent to which different rights are mutually dependent on one another. The violation of any right thus equates to a failure to realise the right to education. The consequence is that if any of the rights are violated, the entire scope of the right to education is also infringed upon. For example, if educational facilities are occupied by displaced people, the limitation of the right to adequate shelter will negate children's right to education. In reality, this may be why UNICEF reported that in 2021, an estimated 2.8million children were out of school.³³ The UN Expert on The Right to Education has described this as a 'paramount' of human rights made up of various aspects representing various economic, social, and cultural rights, as well as civil and political rights.³⁴ The realisation of the right to education consequently necessitates an improvement in this paramount. This entails improving some rights without infringing on others.

6. THE RIGHT TO EDUCATION AS A PARTICULAR PROCESS OF EDUCATION

A 'lack of involvement' has been identified as one of the causes of the failure of education policies in poor nations. In South Sudan the Minister of Education launched 'safe school declaration guidelines'.³⁵ She called for wider collaborations among actors to create a conducive environment for learning in South Sudan.³⁶ The lack of accountability of state

<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-social-progress-and-development> (accessed 24 August 2022).

33 UNICEF (2021) available at <https://www.unicef.org/southsudan/stories/what-about-right-education> (accessed 6 February 2023).

34 United Nations Office of the Human Rights, General Assembly resolution 2542 (XXIV) available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-social-progress-and-development> (accessed 24 August 2022).

35 Deng A "Safe school declaration guidelines"(2021) available at <https://southsudan.savethechildren.net/news/south-sudan-launches-%E2%80%98safe-school-declaration-guidelines%E2%80%99-support-save-children-protect-schools> (accessed 6 February 2023).

36 Deng(2021).

institutions and corruption caused the failure of education policies. corruption. The emphasis on participation is thus intended to guarantee that state institutions are ‘more accountable and transparent in the education process and outcomes.’ The crucial question is whether invoking and practicing the right to education adds any value to existing recognised rights, such as the economic, social, and cultural rights involved in human growth. Kiir points out, such a debate would be legitimate if the right to education were conceived as ‘the sum total of all human rights.’³⁷ The added value of the right to education is that it depicts a process that requires the realisation of all rights, not only individual human rights. Viewing the right to education as a process, highlights its additional worth to the human rights discourse. The nature of this education process is centred on equity and justice. Thus, any view of education must, at the very least, see the process and outcomes of education through a human rights perspective.

7. THE RIGHT TO EDUCATION AS BOTH A COLLECTIVE AND AN INDIVIDUAL RIGHT

The realisation that ‘growth’ is both an individual and a societal entitlement is a somewhat distinctive aspect of the right to education. The UDHR is one of the few human rights instruments that is based equally on the rights of peoples and those of individuals. The right to education, viewed as surpassing individual entitlements, also applies to ‘peoples’ and states. In article 26, the UDHR affirms the communal nature of the right to education, by providing that ‘every human individual and all peoples are entitled to the human right to education.’³⁸ This departs from the individual-centred focus of other international and regional human rights instruments, which are driven by the liberal tradition of individual protection. There is little doubt that there is an interdependent relationship between individual rights and collective rights, as certain individual rights cannot be effectively exercised outside of the group setting.

In many cases individual rights can only be completely realised when group rights are protected. This is especially true for indigenous people and trade union rights. Finally, the

37 President Kiir S “Children must learn right education” (2022) available at <https://www.eyeradio.org/kiir-on-exams-cheaters-children-must-learn-right-education/> (accessed 6 February 2023).

38 Article 26 of the Universal Declaration of Human Rights (1948).

individual stands to gain from the preservation of group rights. As a collective right, the right to progress should thus be regarded in this light. It should be stressed, however, that collective rights are not in conflict with individual rights. This is stated explicitly in article 26 of the UDHR, which states that ‘the human person is the central subject of education and should be an active participant and beneficiary of the right to education.’³⁹ The section that follows explores and analyses the right to education as articulated by the South Sudanese legislation focusing on its definition of the internal dimension of the right.

8. THE ADDED VALUE OF THE RIGHT TO EDUCATION AS A COUNTERWEIGHT AGAINST CORRUPTION

Economic, social, and cultural rights are already recognised as casualties in the battle against corruption. The question of whether or not the recognition of the right to education adds anything to the battle against corruption thus arises. The difference between the right to education and other human rights approaches to education is that the former (i.e. The right to education) aims to link education and human rights by putting the human person at the centre of education.⁴⁰

In its internal dimension, the right to education entails an integrated process of education of all human rights. Fulfilling socio-economic rights such as health, water, and housing, for example, would necessitate increasing available resources and properly allocating existing resources. In some circumstances, this may necessitate changes in broad economic policy to promote the realisation of any one right without hindering the enjoyment of other rights.

To realise the right to education, comprehensive anti-corruption measures must be implemented. Failure to do so, especially where corrupt acts result in the misallocation of public monies intended for the delivery of social goods such as housing, would constitute a

39 Article 26 of the Universal Declaration of Human Rights (1948).

40 Landman T & Schudel CJW, “Corruption and Human Rights, Empirical Relationships and Policy Advice, Working Paper” (2007), controlling for other explanatory variables (democratic level, prosperity, population size, and government spending ratio). There are of course numerous human rights violations that have little or nothing to do with corruption, such as discrimination against women. Conversely, there are forms of corruption that have few, if any, direct links to human rights, such as illegal funding of political parties.

breach of the right to education. The section that follows explores how certain acts of corruption would violate the right to education.

9. HOW CORRUPTION VIOLATES THE REALISATION OF THE RIGHT TO EDUCATION

Recently, several social scientists revived the age-old debate over the relationship between corruption and progress. It was argued that corruption should be considered as a 'useful lubricant' for growth's wheels.⁴¹ Scholars such as American political scientist, Samuel Huntington, claimed that corruption can contribute to political progress by facilitating the integration of disparate groups that would otherwise be unable to engage in the political process, which stimulates economic education.

It has also been claimed that corruption improves economic efficiency by eliminating red tape and superfluous bureaucracy.⁴² Corruption has been deemed 'helpful because it supplements the wages of low-paid civil officials.' Such a viewpoint is contrary to empirical studies which show that corruption harms a country's education. The debate centres around the question of whether or not corruption may be deemed a violation of human rights, particularly the right to growth. Attempts are frequently made to link corruption with human rights. According to Kiir, nearly all of the attempts to make the link relate solely to a bad effect on the enjoyment of human rights without utilising the language of violations.⁴³ While generic assertions regarding the effect of corruption on poverty and education are frequently made, there is little acknowledgement that corruption is more than just resource misappropriation.

It is important to dissect the concept of a human rights violation in the context of corruption. To consider whether acts of corruption is a violation of human rights, it is significant to delineate what a violation of human rights is before proceeding to identify instances when a right is violated by acts of corruption. A human right is violated when the conduct or omission of a state organ falls short of its human rights duties. To assess whether

41 Pearson, 'An International Human Rights Approach to Corruption', in P. Larmour and N. Wolanin (eds), *Corruption and Anti-Corruption* (2001) 30.

42 Rose-Ackerman, 'Introduction: The Role of International Actors in Fighting Corruption', in Rose-Ackerman S & Carrington P (eds), *Anti-Corruption Policy: Can International Actors Play a Constructive Role?* (2013) 3.

43 Kiir after his election as the president of the Southern Sudan in 2010 available at <https://sudantribune.com/article34861/> (accessed 26 August 2022).

a breach has occurred, it is necessary to examine the nature of the state responsibilities imposed by a human right. This will aid in determining which rights have been violated as a result of the corrupt activities. As a result, a state's failure to uphold its human rights obligations toward persons under its jurisdiction in a way that violates the rights of an individual or a group constitutes a human rights violation.

10. CONCLUSION

The article intended to investigate whether corruption can be viewed as a violation of human rights, using the right to education as a starting point. The modern perspective regards corruption as a contributor to human rights breaches but not as a violation of rights. The endeavour to describe corruption not just as a social evil that negatively affects human needs, but also as a potential violation of human rights is a relatively new phenomenon. Linking corruption with human rights, particularly the right to education, as this article aims to do, primarily serves to add a new viewpoint by utilising human rights norms and institutions in combating the negative consequences of corruption on human rights realisation.

This article explored and evaluated the genesis and normative substance of the right to education to provide some perspective on how corruption affects the right. Understanding the nature and content of the right to education allows for a more objective assessment of how corruption undermines human rights. This is true in an atmosphere where the graft is pervasive and there are no effective tools in place to combat the scourge of corruption.