



Conference of the States Parties to the United Nations Convention against Corruption

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**Open-ended Intergovernmental Working
Group on the Prevention of Corruption**
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Draft report

Addendum

III. Implementation of Conference resolution 6/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, and of the recommendations agreed upon by the Working Group at its meeting held in August 2016

A. Good practices and initiatives in the prevention of corruption

(ii) Integrity in criminal justice institutions (articles 7, 8 and 11 of the United Nations Convention against Corruption)

1. The Chair introduced the substantive discussion of the item, for which the Secretariat had prepared a background note ([CAC/COSP/WG.4/2017/3](#)).

2. The Secretariat thanked States parties for the information they had provided in advance of the meeting in which the importance of measures to ensure integrity in criminal justice institutions was recognized by all States. Based on these submissions, it was clear that a multi-faceted approach to promote and strengthen integrity in criminal justice institutions was required, which included: giving attention to systems of human resources, recruitment and training (article 7 of the Convention); the development and implementation of codes of conduct, accountability mechanisms and declarations of assets and interests (article 8 of the Convention); and measures specifically relating to the judiciary and prosecution services (article 11 of the Convention).

3. A panellist from Qatar gave a presentation on measures taken to strengthen integrity, transparency and accountability in criminal justice institutions, which were integral to the achievement of the Qatar National Vision and the National Development Strategy as well as the Sustainable Development Goals. He referred to the adoption of the Doha Declaration, which led to close cooperation with UNODC to promote judicial integrity at the global level, including through the Global Judicial Integrity Network. He referred to a national process to develop an integrity framework and identify appropriate indicators to measure progress in promoting integrity and transparency in both the public and private sectors.



4. A panellist from Germany gave a presentation on the importance of judicial integrity and independence. He described the work of the Judicial Integrity Group, which consists of high-level judges and justices, to strengthen judicial accountability, integrity and reform without compromising judicial independence. He emphasized that the successful implementation of the Bangalore Principles of Judicial Conduct was the joint responsibility of judiciaries as well as States, and formed a foundation for ethics and integrity programmes for the judiciary. He also described the findings and outcomes from a series of integrity scans conducted by the Judicial Integrity Group and the German Development Office (GIZ) to identify gaps and recommendations for integrity-building measures. He highlighted the forthcoming launch by UNODC of a Global Judicial Integrity Network that would provide a platform for judiciaries and other stakeholders to discuss challenges, share good practices and promote judicial integrity, accountability and independence worldwide.
5. A panellist from Myanmar gave a presentation on recent developments at the national level in strengthening prosecutorial integrity and the adoption of a Code of Ethics for Law Officers that was based on the Bangalore Principles. She described efforts in Myanmar to strengthen the rule of law, promote democratization and counter corruption, including by the adoption of codes of ethics in criminal justice institutions, including civil servants, law officers and members of the judiciary. She emphasized that the adoption of the Code of Ethics formed only the first step, which needed to be followed by training, implementation and monitoring of prosecutors and law officers and requested UNODC to provide technical assistance to Myanmar in that regard.
6. A panellist from Pakistan gave a presentation on progress achieved at the national level in the comprehensive strengthening of the integrity of criminal justice institutions. He provided an overview of the measures to strengthen integrity in institutions of the judiciary, police, prisons and prosecution services. He noted the application of anti-corruption laws across national criminal justice institutions and described the role of the National Accountability Bureau in the oversight and monitoring of potential violations of applicable laws and rules. He described provisions adopted to strengthen integrity in the police service and ensure accountability to the applicable professional standards. With regard to judicial integrity, he noted the establishment of a National Judicial Policy Making Committee, chaired by the Chief Justice of Pakistan, which was responsible for adopting policies to strengthen judicial integrity and increase access to justice.
7. During the ensuing discussion, speakers emphasized the importance of strengthening integrity and preventing opportunities for corruption throughout criminal justice institutions. Speakers noted the significant role of the Convention, as well as the second cycle of the Implementation Review Mechanism, as a key framework through which States parties can achieve integrity, accountability, credibility and transparency in criminal justice institutions. The interrelated nature of strong criminal justice institutions free of corruption and the achievement of the Sustainable Development Goals was also noted.
8. Several speakers reported on the adoption and implementation of codes of ethics and professional conduct for officials of criminal justice institutions, including judges, prosecutors, police officers and prison officials. It was further noted that it was important to establish a mechanism to ensure enforcement of the established standards and the reporting of violations, which could take place, inter alia, through a formal judicial inspection system. Speakers also noted the need to implement standards and measures to identify, prevent and resolve conflicts of interest, including through regular declarations of assets and interests by officials in criminal justice institutions, and in some cases by family members. Some speakers reported that public service regulations govern recruitment, retention, asset declarations and other administrative matters for officials in criminal justice institutions.
9. Speakers emphasized the importance of ensuring the integrity and independence of the judiciary in order to have an effective justice system in which cases were

resolved in an objective and impartial manner free of improper influence or corruption. Speakers described various mechanisms to investigate corruption and misconduct in the judiciary, including through a judicial inspectorate body. Several speakers underlined that accessible reporting mechanisms and adequate whistleblower protection systems were necessary to encourage internal reporting of corruption cases in the criminal justice sector. Speakers also reported on the availability of various measures or sanctions that could be imposed where violations were found, including reassignment, demotion, suspension or dismissal.

10. Speakers stressed measures taken to ensure that the recruitment and selection process for judges was objective, transparent and effective, including through the establishment of an independent body such as a judicial service commission. Speakers described a wide range of standard requirements that must be met for initial appointment of members of the judiciary, as well as the application of objective criteria for promotion or assignment. Several speakers outlined the scope and content of a competitive written examination process for qualification and appointment to the judiciary, both in terms of substantive knowledge as well as temperament and integrity. In some cases, interviews or public hearings were also required. Some speakers described conditions of service for members of the judiciary, including with regard to remuneration, tenure, retirement and prohibitions against compulsory transfer, which were made accessible to the public through electronic or other means.

11. Training of judges in ethics and integrity was also emphasized, both upon initial appointment and as refresher training, through judicial training institutes as well as anti-corruption academies. Some speakers noted that training programmes for the judiciary were based on the identification of specific training needs, and encompassed professional development courses as well as modules on ethics and integrity.

12. A number of speakers referred to specific requirements in relation to conflicts of interest for the judiciary. Speakers also reported on specific regulations restricting outside activities, including business or commercial activities as well as political activities, by members of the judiciary to avoid conflicts of interest. In addition, speakers referred to the obligation of the judiciary to provide declarations of assets and interests by members of the judiciary and to pro-actively report potential conflicts of interest. In some cases, it was reported that significant penalties, including criminal sanctions, could be imposed in cases where a member of the judiciary failed to report a conflict of interest or was untruthful in the declaration of assets and interests. With regard to judicial administration, one speaker noted the importance of an objective case assignment and distribution process, including through the use of a computerized system to ensure randomization of case distribution.

13. Efforts to ensure prosecutorial integrity were also reported by several speakers, including through the establishment of policies to prevent opportunities for corruption. Speakers also stressed the importance of prosecutorial independence in some legal systems to ensure that the prosecution process could take place free of outside influence in an objective manner. Speakers emphasized the need for transparency and access to information about the work of criminal justice institutions, in particular the courts and prosecution services, including through online and electronic platforms. Several speakers placed value on specialized training programmes for prosecutors on integrity and transparency, including the involvement of other criminal justice stakeholders, when appropriate.

14. Speakers reported on training programmes for the police and other law enforcement agencies to strengthen integrity and professionalism of law enforcement institutions. Speakers also described measures to promote the objective and transparent recruitment of police officers and to strengthen their career development. Some speakers described the activities of specialized bodies to oversee the functioning of the police service, which also had jurisdiction to investigate misconduct and corruption and to impose sanctions, as appropriate. One speaker reported on the declarations of assets and interests by the judicial police, in order to avoid conflicts of interest.

15. One speaker described measures to promote integrity and professionalism in the prison service, including procedures for declaring assets and interests as well as strict prohibitions on relations with detainees, and restrictions on engaging with the media. In addition, the speaker noted the establishment of a hotline for the families of detainees to report any violations of professional standards of conduct by the prison service.

16. Further, some speakers reported the adoption and implementation of comprehensive anti-corruption strategies as important tools in strengthening measures and policies to promote integrity and enhance accountability throughout the criminal justice sector. Some speakers referred to strategies that were being implemented to reform and strengthen the entire criminal justice system.

17. A representative of the Group of States against Corruption (GRECO) reported on the process and outcomes of the fourth evaluation cycle, which included the evaluation of measures to promote judicial integrity and to prevent conflicts of interest, as well as the compliance procedure to determine the implementation of its recommendations
