



Economic and Social Council

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Commission on Crime Prevention and Criminal Justice

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Item 6 (d) of the provisional agenda*

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters

Turkey: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

Enhancing transparency in the judicial process

The Economic and Social Council,

Recalling the Charter of the United Nations, in which Member States affirmed, inter alia, their determination to establish conditions under which justice can be maintained and to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without discrimination of any kind,

Recalling also the Universal Declaration of Human Rights,¹ in which, in particular, the principles of equality before the law, of the presumption of innocence and of the right to a fair and public hearing by an independent and impartial tribunal established by law are enshrined,

Recalling further the International Covenant on Civil and Political Rights,² which guarantees that all persons are to be equal before the courts, and that in the determination of any criminal charge against a person or their rights and obligations in a suit at law, everyone is to be entitled, without undue delay, to a fair and public hearing by a competent, independent and impartial tribunal established by law,

Recalling the Bangalore Principles of Judicial Conduct,³ the commentary thereon and the measures for effective implementation thereof, in which the importance of transparency in the exercise of judicial office is emphasized,

* E/CN.15/2019/1.

¹ General Assembly resolution 217 A (III).

² General Assembly resolution 2200 A (XXI), annex.

³ E/CN.4/2003/65, annex; see also Economic and Social Council resolution 2006/23, annex.



Recalling also the United Nations Convention against Corruption,⁴ which, in its article 11, obliges States parties, in accordance with the fundamental principles of their legal systems and without prejudice to judicial independence, to take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary,

Recalling further the *Implementation Guide and Evaluative Framework for Article 11*, in which the importance of transparency in combating corruption in the judicial process is emphasized,

Convinced that the lack of transparency in the judicial process undermines the rule of law, encourages corruption and adversely affects public confidence in the judicial system,

1. *Notes with appreciation* the combined efforts of the chief justices and senior justices of 37 countries from all continents who, at the invitation of the United Nations Development Programme Country Office in Turkey and successive chief justices of the Court of Cassation of Turkey, have, over a period of six years, developed and adopted principles designed to secure transparency in the judicial process, together with measures for the effective implementation of those principles;

2. *Recognizes* the Istanbul Declaration on Transparency in the Judicial Process and Measures for the Effective Implementation of the Istanbul Declaration⁵ as a significant contribution towards enhancing and strengthening public confidence in the right of the individual to a fair and public hearing by a competent, independent and impartial tribunal established by law;

3. *Requests* the United Nations Office on Drugs and Crime to disseminate, through the Global Judicial Integrity Network, the Istanbul Declaration among judges and others concerned with the administration of justice;

4. *Invites* Member States, consistent with their domestic legal systems, to encourage their judiciaries to take into consideration the Istanbul Declaration when formulating programmes designed to secure greater transparency in the judicial process.

⁴ United Nations, *Treaty Series*, vol. 2349, No. 42146.

⁵ E/CN.15/2019/CRP.2.