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Commission on Crime Prevention and Criminal Justice

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Agenda item 6 (d)

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: revised 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 United Nations Convention against Corruption,¹ in particular its article 11, which 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, and recalling also the *United Nations Convention against Corruption: Implementation Guide and Evaluative Framework for Article 11*, in which the importance of transparency in combating corruption in the judicial process is emphasized,

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

Recalling further all international principles, commitments and obligations of State parties relevant to transparency in the judicial process, including those contained in the Universal Declaration of Human Rights² and the International Covenant on Civil and Political Rights,³ as well as in other relevant international instruments, taking into account also other relevant, internationally recognized documents,

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

² General Assembly resolution 217 A (III).

³ General Assembly resolution 2200 A (XXI), annex.



Recognizing that certain members of society, such as children, victims of violence and individuals with special needs, are to be accorded additional protection and are more vulnerable when in contact with the criminal justice system,

Recalling General Assembly resolution [40/146](#) of 13 December 1985, in which the Assembly welcomed the Basic Principles on the Independence of the Judiciary,⁴

Bearing in mind the Bangalore Principles of Judicial Conduct,⁵ in which the values of independence, impartiality, integrity, propriety, equality, competence and diligence in the exercise of the judicial office are emphasized, and taking note of the commentary thereon,

Convinced that a lack of independence, impartiality, integrity, propriety, equality, competence and diligence in the judicial process can undermine the rule of law and encourages corruption and adversely affects public confidence in the judicial system,

Acknowledging the variety of the legal frameworks of Member States, and recognizing the diversity of approaches to transparency in the judicial process, in line with the constitutional and legal traditions of Member States,

1. *Notes* the combined efforts of the chief justices and senior justices of 37 countries that have, over a period of six years, developed principles designed to achieve transparency in the judicial process, together with measures for the effective implementation of those principles, and also notes that the Istanbul Declaration on Transparency in the Judicial Process and Measures for the Effective Implementation of the Istanbul Declaration⁶ are aimed at enhancing and strengthening public confidence in the right of the individual to a fair process by a competent, independent and impartial tribunal established by law;

2. *Requests* the United Nations Office on Drugs and Crime, within its mandate and existing resources, to continue to assist Member States, upon request, in their efforts aimed at reinforcing their judicial systems;

3. *Invites* Member States, consistent with their domestic legal frameworks and international obligations, to take into consideration all relevant good practices and documents, including the Istanbul Declaration on Transparency in the Judicial Process, when formulating their programmes and legislative reforms in the administration of justice;

4. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes of the present resolution, in accordance with the rules and procedures of the United Nations.

⁴ *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

⁵ [E/CN.4/2003/65](#), annex; see also Economic and Social Council resolution 2006/23, annex.

⁶ E/CN.15/2019/CRP.2.