

## Session Report for Substantive Sessions

### Launch of the Global Judicial Integrity Network

(9-10 April 2018, United Nations Vienna)

#### Substantive Breakout Session Report

#### I. TITLE OF THE SESSION:

Title of the Session:	Financial Disclosure for Judges
Date and time of the Session:	Monday, 9 April 2018, 15.45-17.00 hrs
Topic of the session:	Financial Disclosure for Judges
Organizer(s):	World Bank and UNODC
Contact information of the session coordinator:	Ms. Ivana Rossi, Senior Financial Sector Specialist, World Bank Group, irossi@worldbank.org

#### II. RAPPORTEUR<sup>1</sup>

Rapporteur:	Sophie Meingast
Position:	Crime Prevention and Criminal Justice Officer
Organization:	UNODC

#### III. MODERATOR AND PANELLISTS:

Moderator:	Ms. Ivana Rossi
Position:	Senior Financial Sector Specialist
Organization:	World Bank Group

#### PANELLISTS

Name:	Mr. Huang Wenjun
Position:	President
Organization:	National Judge's College of the People's Republic of China
Topic of presentation:	China's practice: promoting judicial integrity through judicial reform

<sup>1</sup>Responsible for drafting the session report.

Outline of presentation (max. 1000 characters):	Mr. Huang outlined China's efforts in maintaining judicial integrity through judicial reform. In particular, he highlighted how the use of information and communication technology tools, such as platforms used for live broadcasting of trials, have boosted transparency and integrity. In addition, he noted the importance of establishing systems for financial disclosure and for addressing potential conflicts of interest among the judiciary.
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Name:	Ms. Ivana Rossi
Position:	Senior Financial Sector Specialist
Organization:	World Bank / Stolen Asset Recovery Initiative
Topic of presentation:	Latest research on financial disclosure in the judiciary
Outline of presentation (max. 1000 characters):	Ms. Rossi presented preliminary findings of the research project on “Financial Disclosure for Judges”. a forthcoming descriptive study of disclosure systems for the judiciary across more than 60 jurisdictions.

Name:	Mr. Pablo Tonelli
Position:	Member
Organization:	Magistrates Council of the National Judiciary, Argentina
Topic of presentation:	Argentina's asset disclosure system for the National Judicial Branch
Outline of presentation (max. 1000 characters):	Mr. Tonelli presented Argentina's asset disclosure system for the National Judicial Branch based on the Ethics Law requiring all public officials to declare their assets annually. Declarations are separated into two parts, one that is publicly available and a confidential one that is only accessible to judges when the official is under investigation. The Council of Magistrates verifies the submitted forms for completeness but is currently not verifying the integrity of the content, which has led to a discussion on a potential amendment to the legislation. Such an amendment would also suggest the inclusion of information on interests of the person declaring, which is currently not included but crucial with regard to the prevention and detection of conflicts of interest.

Name:	Mr. Tilman Hoppe
Position:	Consultant
Organization:	Deutsche Gesellschaft für Internationale Zusammenarbeit (German International Cooperation Agency (GIZ))
Topic of presentation:	Financial disclosure for the judiciary – independence, verification and public access to information

<p>Outline of presentation (max. 1000 characters):</p>	<p>Mr. Hoppe's presentation focused on the independence of the judiciary in the context of financial disclosure, the verification of declarations and public access to information contained in declarations.</p> <p>In this regard, he argued for the verification of declarations not by the judiciary itself, but by a different body to prevent conflicts of interest that may arise if the judiciary verified its own asset declarations. Concerning the independence of the judiciary, Mr. Hoppe noted that financial disclosure systems did not infringe on the functional independence of the judiciary. With regard to public access to asset declarations and ensuing potential safety concerns for the judiciary, Mr. Hoppe argued that such concerns would apply to any officials required to disclose their finances and that judges should not be treated differently than other officials required to submit financial disclosures.</p>
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#### **IV. BACKGROUND INFORMATION ON THE TOPIC:**

Financial disclosure systems require public officials to periodically submit information about their income, assets, liabilities, and interests. Incorporated into several international conventions, including the United Nations Convention against Corruption, financial disclosure systems are widespread across regions and recognized as a key tool in promoting transparency, accountability, and fighting against corruption.

Such systems have been gathering momentum as a means to various ends, including anti-corruption, anti-money laundering, asset recovery, transparency and accountability; however, existing literature tends to focus on the systems in place for the executive and legislative branches of government and not for the judiciary due to, among others, considerations related to the independence of the judiciary.

To date, no comprehensive, descriptive cross-country study of financial disclosure systems for the judiciary exists. Therefore, building upon World Bank research on disclosure systems for the executive and legislative branches in 176 jurisdictions, the Stolen Asset Recovery (StAR) Initiative is undertaking an analysis of disclosure systems for the judiciary across more than 60 jurisdictions. The study aims to take stock and improve the understanding of current practices in disclosure systems for the judiciary; identify which features are specific to the judiciary, and which ones are shared with other branches of government.

#### **V. SUMMARY OF THE SESSION:**

Following presentations by Ms. Rossi and the panellists, the floor was opened for discussion and participants discussed whether establishing financial disclosure systems for the judiciary was crucial or whether such systems could potentially impact on judicial integrity. Some speakers noted that civil society demanded public asset declarations and highlighted that it was in the interest of the judiciary to declare their assets and demonstrate their integrity. Participants also highlighted the need for developing and including information on interests in declarations in order to prevent conflicts of interest from arising.

**VI. HOW THE SESSION SUPPORTS THE OVERALL OBJECTIVE OF THE GLOBAL JUDICIAL INTEGRITY NETWORK OF STRENGTHENING JUDICIAL INTEGRITY AND PREVENTING CORRUPTION IN THE JUSTICE SYSTEM:**

Effective financial disclosure systems for the judiciary promote integrity and prevent corruption among the judiciary through increased transparency and accountability. Furthermore, they can be used as a tool to detect corrupt practices in the judiciary. The session provided an opportunity to share knowledge, experience and good practices concerning financial disclosure and fostered discussion with regard to the necessity of establishing such systems for the judiciary.

**VII. PROPOSED OUTCOME(S) OF THE SESSION AND THEIR ACHIEVEMENT:**

In discussing financial disclosure systems for the judiciary, participants agreed that further information was required on whether such disclosure systems were required and how they could be implemented, in particular taking into account the independence of the judiciary.

**VIII. CONCLUSIONS OF THE SESSION AND RECOMMENDATIONS TO THE GLOBAL JUDICIAL INTEGRITY NETWORK:**

Pending availability of resources, it is suggested to convene an expert group meeting to discuss good practices and challenges relating to financial disclosure for the judiciary. Taking into account the independence of the judiciary, the workshop should focus on a number of key questions, including on which officials should be required to file declarations, the institutional arrangements for receiving such declarations, their public availability, and the verification process.

Furthermore, given the Judicial Integrity Network's unique position as platform for experts and practitioners, it is recommended that the Network assist in:

- a. the sharing of good practices relating to financial disclosure for the judiciary;
- b. the compilation and dissemination of knowledge products relating to financial disclosure for the judiciary; and
- c. where applicable and upon request, facilitating the provision of technical assistance with regard to financial disclosure for the judiciary.

**IX. ADDITIONAL OBSERVATIONS, IF APPLICABLE**

N/A