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Integrity in the judiciary, judicial administration and prosecution services

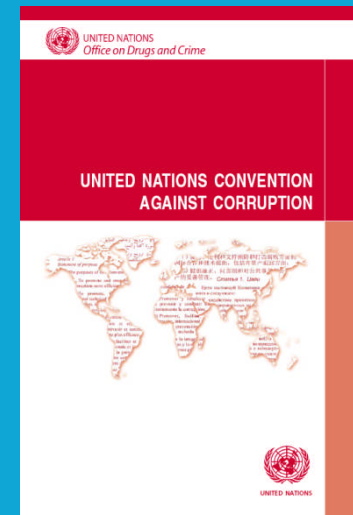
UNCAC Article 11

4th intersessional meeting of the open-ended
intergovernmental Working Group on Prevention

26 – 28 August 2013, Vienna

Judicial and Prosecutorial Integrity under UNCAC

- **Article 11, para 1** of the Convention requires States to:
 - strengthen integrity in the judiciary and;
 - prevent opportunities for corruption among the judiciary
- In taking such measures States should bear in mind the importance of, and avoiding prejudicing, the independence of the judiciary.
- **Article 11, para 2:** such measures may be introduced in the prosecution service where not of the judiciary but enjoy similar independence.





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Broad Range of Art. 11 Implementation Measures

- Recruitment, Professional Evaluation and Training
- Measures to enhance transparency in the judiciary and prosecution services.
- Conflicts of interest, Codes of Ethics and Asset Declaration Systems.
- Measures to support the independence of the judiciary and prosecution services.





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Recruitment, Professional Evaluation and Training

- Clear constitutional provisions for the appointment of senior members of the judiciary.
- Transparent and competitive recruitment procedures at all levels.
- Specialised training on ethics in judicial and prosecutorial work provided in many countries.
- Importance of specialised institutions for the provision of training.



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Measures to enhance transparency in the judiciary and prosecution services

- Access to judicial proceedings by the public and media.
- Engage with the public through technological platforms.
- Transparency and efficiency in case assignment.
- Enhanced mechanisms for reporting by the public of alleged acts of judicial or prosecutorial corruption.



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Conflicts of interest, Codes of Ethics and Asset Declaration Systems

- Codes of Conduct and restrictions on outside activities widely used.
- Diversity of practice regarding how to address judicial and prosecutorial ethics.
- Area in which States Parties are presently introducing significant reforms.



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UNCAC Implementation Guide and Evaluative Framework

- A tool to assist States in their implementation of Article 11 UNCAC.
- Provides substantive guidance and evaluative questions for each type of potential implementation measure.
- Builds on existing UNODC judicial integrity knowledge products.





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UNCAC Implementation Guide and Evaluative Framework

- Draft discussed at two high-level regional expert group meetings in Jordan and Thailand.
- Comments requested from Member States to be sent to jonathan.agar@unodc.org





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Potential Points for Discussion

- The diversity of implementation measures available to Member States.
- Enhancing integrity while preserving independence.
- Methods of addressing judicial and prosecutorial ethics: Education and guidance v legally-binding regulations.
- UNODC support to States Parties in their implementation of Art.11, including the draft Implementation Guide.



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Thank you

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