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.
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.
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.
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.
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.
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.
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
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.
Thank you

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