



# UNODC

United Nations Office on Drugs and Crime

## **Integrity in Criminal Justice Institutions (articles 7, 8 and 11 of the United Nations Convention against Corruption)**

8<sup>th</sup> intersessional meeting of the open-ended  
intergovernmental Working Group on Prevention

21 - 23 August 2017, Vienna



## Background Paper Prepared by the Secretariat

- Document number CAC/COSP/WG.4/2017/3
- Purpose: Collect information and good practices from States parties on measures taken to promote and strengthen integrity in criminal justice institutions

# Submissions by States parties

## Number of Submissions:

As of 29 May 2017, submissions were received from 29 countries:

<b>Afghanistan</b>	<b>Armenia</b>	<b>China</b>	<b>Czechia</b>	<b>Gabon</b>
<b>Germany</b>	<b>Greece</b>	<b>Guatemala</b>	<b>Honduras</b>	<b>Jamaica</b>
<b>Japan</b>	<b>Kuwait</b>	<b>Latvia</b>	<b>Malaysia</b>	<b>Mauritius</b>
<b>Myanmar</b>	<b>Norway</b>	<b>Pakistan</b>	<b>Panama</b>	<b>Qatar</b>
<b>Romania</b>	<b>Russian Federation</b>	<b>Saudi Arabia</b>	<b>Serbia</b>	<b>Slovakia</b>
<b>Slovenia</b>	<b>Sweden</b>	<b>Ukraine</b>	<b>Venezuela (Bolivarian Republic of)</b>	

Before the meeting of the Working Group, 16 additional countries provided submissions:

<b>Algeria</b>	<b>Bahrain</b>	<b>Belgium</b>	<b>Colombia</b>	<b>Cote d'Ivoire</b>
<b>Egypt</b>	<b>France</b>	<b>Iran</b>	<b>Israel</b>	<b>Paraguay</b>
<b>Peru</b>	<b>Philippines</b>	<b>Sri Lanka</b>	<b>Trinidad &amp; Tobago</b>	<b>United Arab Emirates</b>
<b>United States of America</b>				



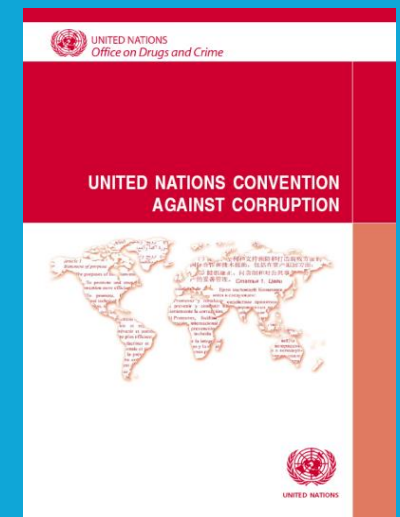
## Overview of Submissions

- **Importance of integrity in criminal justice institutions is well understood**
- **There is great diversity among States in the scope of measures taken – for example, with regard to declarations of assets and interests**
- **Significant focus on judiciary and prosecution, while less information on police and prison services**



## Article 7 as Applied to Criminal Justice Institutions

- **Article 7** of the Convention requires States to endeavour to:
  - adopt, maintain and strengthen systems
  - for recruitment, hiring, retention, promotion and retirement
  - based on principles of efficiency, transparency
  - and objective criteria such as merit, equity and aptitude.
- **Article 7** encourages education and training programmes to enable the correct, honourable and proper performance of public functions and awareness of risks of corruption.
- **Article 7** requires States to endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.



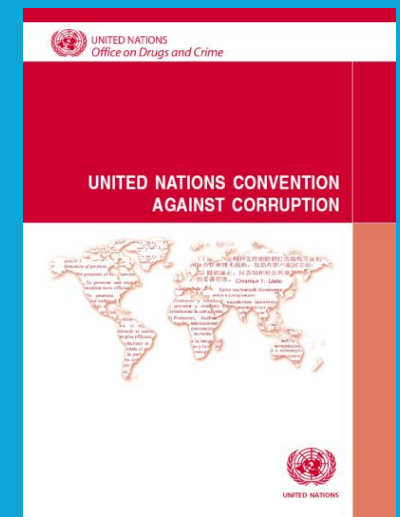


## Themes Identified in Article 7 Submissions

- **Variety of methods for selection of judges**
  - **Use of objective criteria for selection**
  - **Written exams, interviews, psychological exam**
  - **Some countries prioritize gender balance**
- **Measures for prosecutors very similar to judges**
- **Police and prison service are treated similar to recruitment of civil servants**

# Article 8 as Applied to Criminal Justice Institutions

- **Article 8** of the Convention requires States to:
  - promote integrity, honesty and responsibility among officials
  - endeavour to apply standards for correct, honourable and proper performance
  - consider disciplinary measures for violations
- **Consider** measures to facilitate internal reporting.
- **Endeavour** to establish measures requiring officials to declare activities, assets and gifts which may result in conflict of interest.





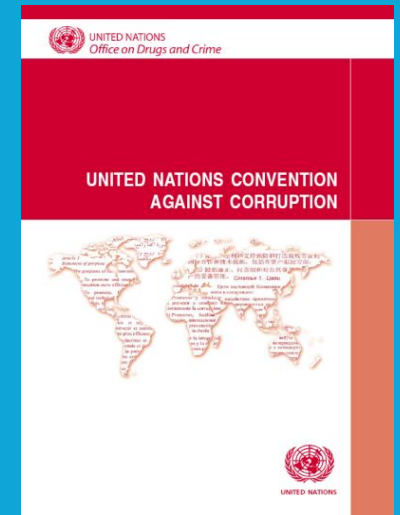
## Themes Identified in Article 8 Submissions

- **Codes or standards of conduct for judges, prosecutors, court clerks, judicial administration officials, police and prison officers**
- **Great diversity in procedures or mechanisms for reporting of corruption in criminal justice institutions**
- **Broad range of disciplinary procedures or mechanisms to enforce codes of conduct or ethics**
- **Regulations on the receipt of gifts and declarations of assets generally established a threshold and reporting requirement**



# Judicial and Prosecutorial Integrity

- **Article 11(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(2)**: Such measures may be introduced in the prosecution service where not part of the judiciary but similar independence.



## Broad Range of Art. 11 Implementation Measures

- Recruitment, Professional Evaluation and Training, often through specialised institutions
- Measures to enhance transparency in the judiciary and prosecution services
- Measures to support the independence of the judiciary and prosecution services





## 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

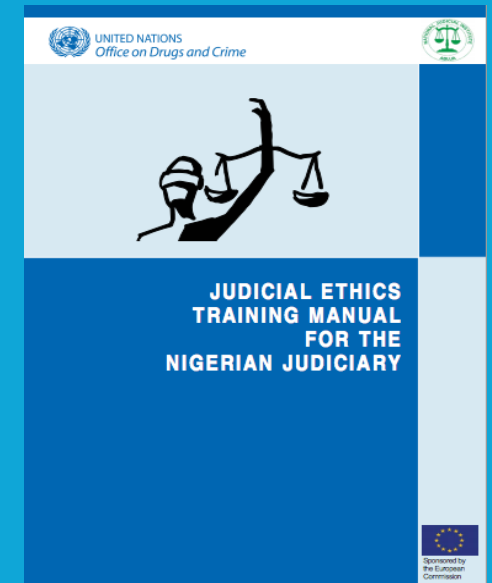
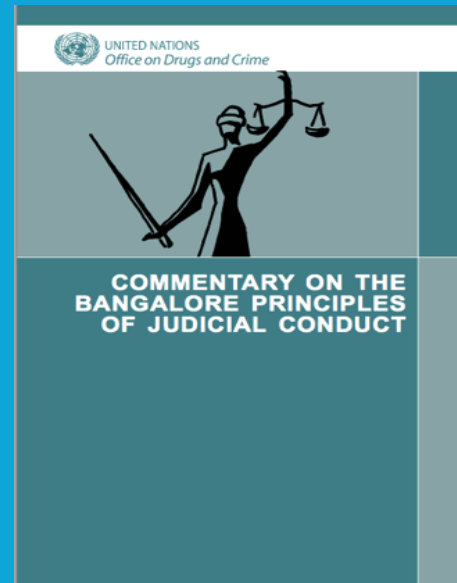
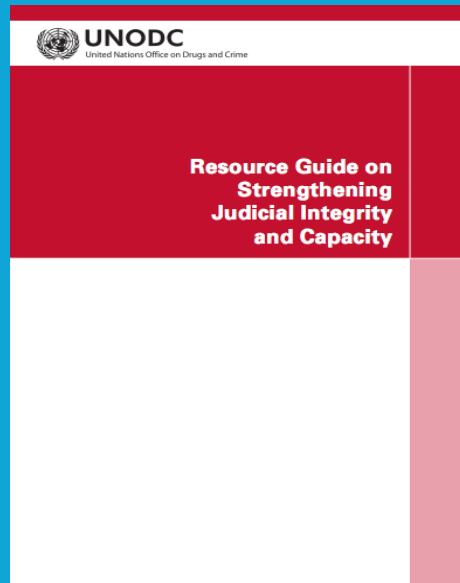
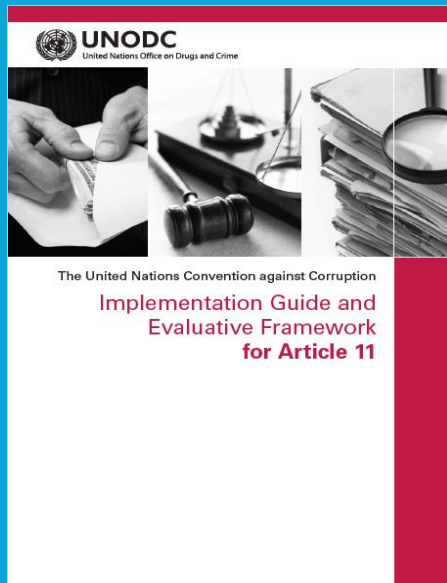


## Global Judicial Integrity Network

### A platform to:

- Support the implementation of Article 11 of the UNCAC and the Doha Declaration
- Harness the experience and expertise of judges, judicial associations and other stakeholders
- Promote peer learning and support activities among judges
- Facilitate access to relevant tools and resources on various issues relating to judicial integrity
- Support the further development and effective implementation of principles of judicial conduct and the prevention of corruption within the justice system

# UNODC Judicial Integrity Resources and Projects



- Article 11 UNCAC Guide and Evaluative Framework
- Resource Guide on Judicial Integrity and Capacity
- Commentary on Bangalore Principles
- Judicial Ethics Training Manual (Nigeria)



## Conclusions

- Similarities across jurisdictions on codes of conduct and declarations of assets and interests
- Significant focus on judiciary and prosecution services, with much less information on other criminal justice institutions, such as police and corrections services
- Working Group may wish to consider how States can further enhance efforts to strengthen integrity and prevent corruption across criminal justice institutions
- Working Group may wish to recommend that States parties exchange information and good practices on this topic, in particular with regard to police and corrections services
- Working Group may wish to call upon States parties to support and promote the establishment and launch of the Global Judicial Integrity Network, and encourage similar measures with regard to other criminal justice institutions



# UNODC

United Nations Office on Drugs and Crime

## Thank you

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