



# Conference of the States Parties to the United Nations Convention against Corruption

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## Open-ended Intergovernmental Working Group on the Prevention of Corruption

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Item 2 (a) (ii) of the provisional agenda\*

**Implementation of Conference resolution 6/6,  
entitled “Follow-up to the Marrakech declaration  
on the prevention of corruption”, and of the  
recommendations agreed upon by the Working  
Group at its meeting held in August 2016: good  
practices and initiatives in the prevention of  
corruption: integrity in criminal justice institutions  
(articles 7, 8 and 11, of the United Nations  
Convention against Corruption)**

## Integrity in criminal justice institutions (articles 7, 8 and 11 of the United Nations Convention against Corruption)

Background paper prepared by the Secretariat

### I. Introduction

1. In its resolution 6/1, the Conference of the States Parties to the United Nations Convention against Corruption requested the Secretariat to structure the provisional agendas of the subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions, while respecting their mandates. The Conference further requested the Secretariat, in its resolution 6/6, to continue to identify comparative good practices and to facilitate the exchange of expertise and lessons learned among States parties.

2. In the light of these resolutions, and in accordance with the conclusions of the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its seventh intersessional meeting, held in Vienna from 22 to 24 August 2016, it was decided that the topics for discussion at the forthcoming eighth intersessional meeting of the Working Group, to be held in Vienna from 21 to 23 August 2017, would be:

(a) Education in schools and universities on anti-corruption efforts (art. 13, para. 1 (c));

(b) Integrity in criminal justice institutions (arts. 7, 8 and 11).

3. At its second meeting, held in Vienna from 22 to 24 August 2011, the Working Group recommended that in advance of each future meeting of the Working Group,

\* [CAC/COSP/WG.4/2017/1](#).



States parties should be invited to share their experiences of implementing the provisions under consideration, preferably by using the self-assessment checklist and including, where possible, successes, challenges, technical assistance needs and lessons learned in implementation. The Working Group requested the Secretariat to prepare background papers synthesizing that information and decided that panel discussions should be held during its meetings, involving experts from countries who had provided written responses on the priority themes under consideration.

4. In accordance with the request of the Conference, the present note has been prepared on the basis of information relating to the implementation of articles 7, 8 and 11 of the Convention provided by Governments in response to the Secretary-General's note verbale CU 2017/51/DTA/CEB of 22 February 2017 and the reminder note verbale CU 2017/96/DTA/CEB of 10 April 2017.<sup>1</sup> By 29 May 2017 submissions had been received from 34 States. The submissions from the following 28 countries contained information relating to the topic of integrity in criminal justice institutions: Afghanistan, Armenia, China, Czechia, Gabon, Greece, Guatemala, Honduras, Jamaica, Japan, Kuwait, Latvia, Malaysia, Mauritius, Myanmar, Norway, Pakistan, Panama, Qatar, Romania, Russian Federation, Saudi Arabia, Serbia, Slovakia, Slovenia, Sweden, Ukraine and Venezuela (Bolivarian Republic of).

5. With the agreement of the countries concerned, the full text of the submissions has been made available on the United Nations Office on Drugs and Crime (UNODC) website of the meeting<sup>2</sup> and incorporated into the thematic website developed by the Secretariat.<sup>3</sup>

6. The present note does not purport to be comprehensive, but rather endeavours to provide a summary of the information submitted by States parties and signatories.

## **II. Analysis of submissions of States parties and signatories**

### **A. Thematic background**

7. The importance of integrity in criminal justice institutions is well understood and appreciated worldwide. It is also well established that in order to maintain strong criminal justice institutions, measures that strengthen integrity require constant vigilance and implementation over time. Safeguarding the integrity of criminal justice institutions — including the judiciary, prosecution services, police, prison services and court personnel — is an ongoing process that seeks to prevent opportunities for corruption, adopt and implement codes of professional conduct, and incorporate into the criminal justice system fundamental notions of fairness, objectivity and justice.

8. The need to take measures to ensure integrity in criminal justice institutions was recognized by all States that made submissions. Based on both these submissions and on the previous work of the Working Group, it was clear that measures to promote and strengthen integrity in criminal justice institutions require giving attention to systems of human resources, recruitment and training (article 7 of the Convention); the development and implementation of codes of conduct, accountability mechanisms and declarations of assets and interests (article 8 of the Convention); and measures specifically relating to the judiciary and prosecution services (article 11 of the Convention).

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<sup>1</sup> A summary of information submitted by States on the area of education in schools and universities on anti-corruption efforts in the context of article 13, paragraph 1 (c) of the Convention, is provided in a separate note by the Secretariat ([CAC/COSP/WG.4/2017/2](#)).

<sup>2</sup> Available at [www.unodc.org/unodc/en/corruption/WG-Prevention/session8.html](http://www.unodc.org/unodc/en/corruption/WG-Prevention/session8.html).

<sup>3</sup> Available at [www.unodc.org/unodc/en/corruption/WG-Prevention/thematic-compilation-prevention.html](http://www.unodc.org/unodc/en/corruption/WG-Prevention/thematic-compilation-prevention.html).

9. In the area of human resources, recruitment and training, States set forth the procedures and processes in place to ensure transparency and accountability in the recruitment, retention, promotion and retirement of public officials in criminal justice institutions. In some cases, States also addressed procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption. In most cases reported, public officials in criminal justice institutions were not subject to election, and thus no specific criteria for candidature as elected officials were required.

10. In the area of codes of conduct, accountability mechanisms and declarations of assets and interests, States described in considerable detail the applicable codes of conduct for various officials in criminal justice institutions. This included procedures, rules and regulations for the reporting of acts of corruption to the appropriate authorities, including by both the public and members of criminal justice institutions. States also explained the disciplinary procedures and mechanisms in place to enforce codes of conduct, including potential consequences or sanctions for violations. In a number of States, it was reported that public officials in criminal justice institutions were required to make regular declarations of their assets and interests, including those of designated family members. In addition, several States had incorporated regulations regarding the receipt of gifts by public officials in criminal justice institutions in their official capacities.

11. In the area of measures specifically relating to the judiciary and prosecution services, States provided information regarding measures to disseminate information and build awareness of national and international standards of judicial integrity, including through training requirements and curricula introduced at induction and in an ongoing manner. States also reported on mechanisms to evaluate the performance of the judiciary and prosecution services. Many States described mechanisms and procedures to govern declarations of assets and interests for judges, particularly in terms of the prevention or detection of conflicts of interest. States also set forth procedures in place to improve transparency, accountability and efficiency in procedures for case assignment and distribution.

12. Most of the submissions described measures taken on the implementation of articles 7, 8 and 11 with regard to the judiciary and prosecution services, while fewer submissions described similar measures with regard to the police and prison services.

## **B. Measures adopted by States to strengthen integrity in criminal justice institutions**

### **1. Human resources, recruitment and training**

13. Article 7 of the Convention requires States parties to endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants. Such systems ought to be based on principles of efficiency and transparency and objective criteria such as merit, equity and aptitude. They should include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption. They should promote adequate remuneration and equitable pay scales, as well as education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions. Such programmes may make reference to codes or standards of conduct in applicable areas.

14. In addition, article 7 requires States parties to consider adopting appropriate legislative and administrative measures to prescribe criteria concerning candidature for and election to public office. Submissions did not report information pertaining to this aspect of article 7 owing to a general incompatibility between the administration of justice and the participation in politics and elections. States parties are also required in article 7 to endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

15. With regard to members of the judiciary, Armenia reported that judicial reforms, as part of a broader Strategic Programme for Legal and Judicial Reforms (2012-2016), resulted in improvements to the selection procedure for judges and the introduction of objective criteria and procedures for their performance evaluation and promotion. Following a qualification test, interview and internal vote for persons who meet the basic qualifications, the Justice Council compiled a list of judicial candidates for consideration by the President. Gender balance was a key component for consideration, based on percentages of eligible candidates.

16. Malaysia described its approach to preventing political influence in the appointment of judges through application of its constitutional provisions setting strict limits on the number of judges on each court and objective qualifications required for appointment. The only exception could be made by the King, who was empowered by the Constitution to increase the number of superior court judges. The Judicial Appointments Commission, established in 2009, safeguarded the unbiased selection of judicial candidates through application of objective selection criteria and a detailed screening process for consideration by the Prime Minister, who made the final decision on appointment.

17. Norway set forth the functions of its Judicial Appointments Board, which was responsible for considering applications and making recommendations regarding the appointment of judges. All open judicial positions were publicly announced, and subject to application, interviews and an assessment by the Board. The Board was an independent body, whose membership was composed of judges, a lawyer, a jurist from the public sector and two members who were not jurists.

18. The appointment of judges in the Russian Federation was governed by the Constitution and applicable laws, which set forth the objective criteria which must be met in order to be eligible for appointment, including through successful passage of a written examination. The competitive selection of suitable judicial candidates was also subject to screening for potential conflicts of interest concerning family members in the judiciary or involved in the practice of law. Qualification boards were responsible for the consideration of applications and recommendation of selected candidates for appointment. The applicable law required that these boards include members of the public as full participants in the evaluation and selection process.

19. In Romania, judges and prosecutors were part of a single body of magistrates, whose recruitment was governed by law. The National Institute of Magistracy was the body designated to conduct open competitions for appointment, which consisted of a written test, logic test, interview and a psychological examination. Following graduation from the Institute, candidates were appointed by the Superior Council of Magistracy as junior magistrate-trainees. Following a year of practical work and a capacity exam, junior magistrates might be proposed by the Council to the President for official appointment.

20. Slovenia stated that it required, pursuant to applicable law, each court and prosecutor's office throughout the country to draft and implement an integrity plan, which set forth measures to prevent corruption in recruitment, hiring and promotion, among other matters. Slovenia reported a challenge in that regard owing to a lack of experience with conducting risk assessments and management required for the successful implementation of such integrity plans.

21. Latvia reported that pursuant to an ongoing project for the judiciary, a model of competencies was being developed for judicial candidates in order to ensure a united and objective set of criteria for selection of judges and other officials employed by the judiciary. Guatemala also reported proposed reforms under consideration to establish new mechanisms in the selection of officials responsible for the administration of the justice system to promote transparency and objectivity, and prevent corruption.

22. In Panama, the recruitment, retention, promotion and retirement of members of the judiciary was governed by law, which included a seniority bonus relating to retirement after 10 years of service. The selection process itself was governed by regulations pertaining to academic studies, examinations and interviews.
23. Greece reported that members of the judiciary were appointed following a demanding competition process and graduation from the National School of Judges. Appointment was conducted by presidential decree, within standards set by law regarding necessary qualifications and recruitment procedures.
24. Ecuador indicated that the appointment of some members of the judiciary, such as members of the Constitutional Court, were governed by the Constitution in identifying candidates, allowing for public challenges and seeking gender balance. Lower level judges were recruited through a merit-based competitive process and appointed by the Judicial Council.
25. Qatar reported recent developments to consolidate policies governing the recruitment and selection systems throughout the public sector, including members of the judiciary, public prosecutors and the police, based on merit, efficiency, transparency and objectivity. It was also reported that criteria were being developed to identify those groups most vulnerable to corruption in criminal justice institutions.
26. In Honduras, members of the judiciary were recruited and appointed through a detailed process established by a special committee. This committee was responsible for establishing and administering applicable procedures regarding evaluation criteria for candidates in the review of academic background, an assessment of legal knowledge, performance in an interview and other examinations.
27. In Gabon, the Superior Council of Magistracy was responsible for determining the appointment, assignment, transfer and promotion of judges. In time of need, a judge of a higher grade might be called upon to perform duties at a lower level on a temporary basis. In Mauritius, judges of the Supreme Court were appointed by the President, while magistrates and legal officers were appointed by the Judicial and Legal Service Commission, which operated as an independent body. Pakistan reported that judicial appointments were conducted by the Supreme Judicial Council, and applicable legislation ensured transparency and accountability in the process of recruitment, hiring, retention, promotion and retirement.
28. Saudi Arabia reported that appointed members of both the judiciary and prosecution services were subject to a probationary period of two years, and promotion was based on order of seniority as well as performance reports.
29. In relation to judicial clerks and administrators, Romania described the role and function of the National School of Clerks, which administered the operational procedures for the recruitment and evaluation of civil servants. In the Russian Federation, civil servants in the judiciary were recruited and appointed through the application of procedures governing civil service recruitment generally as well as a competitive process. Mauritius reported that court staff were recruited and appointed by the Public Service Commission.
30. Concerning the public prosecution, Czechia reported that under its current reform project, one of the main areas of focus was on ensuring the independence of the public prosecution service from political influence, including in the area of recruitment, hiring, retention and promotion of public prosecutors. Efforts had been made to ensure the transparency of the selection process through the application of standard qualifications, a written examination and an interview. A draft law was under consideration that would add objective factors for consideration in the event of promotion, assignment and transfer of prosecutors.
31. The Russian Federation indicated a range of appointment processes for prosecutors, depending on their level and jurisdiction. The federal Prosecutor

General and Deputy Prosecutor General were appointed by the President, as were the Prosecutor Generals of the subjects of the Russian Federation (i.e., the State level). The Prosecutor General appointed prosecutors at the city and district level, including military or other specialized prosecutors. All of those appointments were for a term of five years, which could be extended, and all prosecutors were subject to performance evaluations and a comprehensive training programme.

32. Guatemala reported on the adoption of Decree 18-2016, which provided detailed regulations with regard to public prosecutors and their selection, appointment, promotion and transfer to both maximize opportunities for professional growth and reduce susceptibility to acts of corruption. Norway indicated that recruitment to the public prosecution service followed the same rules as applied to public servants in general, although, once appointed, prosecutors were subject to extensive basic training, including on ethics. China reported that prosecutors were recruited and selected based on the principles of fairness, impartiality and openness, with strict confidentiality and examination rules to prevent fraud. In China, prosecutors were also subject to regular rotation and professional ethics training.

33. In December 2016, Ukraine established an independent Inspector General's Office to strengthen the system of the recruitment of public prosecutors to ensure transparency and accountability. The Office was also tasked with countering bribery and other abuse by prosecutors to prevent and detect corruption. Ukraine further referred to a system of annual "integrity checks" for prosecutors, particularly those in positions especially vulnerable to corruption.

34. Czechia reported the establishment of an internal anti-corruption programme that provided resources for prosecutors and established internal control and management mechanisms to prevent corruption. In Slovenia, the Commission for the Prevention of Corruption administered training for judges, prosecutors, police and prison officers in corruption prevention, public integrity and workplace ethics.

35. With regard to the police, Japan reported that the broadly applicable National Public Service Act and Local Public Service Act set forth detailed procedures concerning their recruitment, hiring, training, retention, promotion and retirement. The Bolivarian Republic of Venezuela stated that police were appointed through a multistep process that included an examination and probationary period. Romania described contests for admission to its police academy, as well as guaranteed rights of retirement and social security. In the Russian Federation, qualifications for the police, including education requirements, professional skills and health standards, were governed by law. The Russian Federation provided special guidance and training to persons who are appointed to positions in law enforcement with high corruption risks.

36. Norway reported the integration of a course in professional ethics at its police academy that also emphasized the development of good professional judgement. Romania provided training for all members of its Ministry of Internal Affairs in corruption prevention, ethics and professional behaviour. Slovakia indicated it was developing an anti-corruption e-learning programme through the Ministry of the Interior. Mauritius reported that its police force had adopted an integrity building programme that was led by the Independent Commission against Corruption and chaired by a Deputy Commissioner of Police.

37. For members of the prison service, Norway reported that recruitment and appointment was subject to the general Civil Servants Act, which ensured public advertisement of open positions and a fair competition in the application and hiring process. In addition, Norway provided training to prison officers that included a broad curriculum on ethics, professional behaviour and security.

38. Through its National Administration of Prisons, Romania provided training for prison employees who might be especially vulnerable to corruption, such as those who interacted directly with inmates or were involved in procurement. In addition,

all prison employees were given access to an internal e-learning platform that addressed the prevention of corruption and conflicts of interest. Slovenia reported a programme of regular training for prison officers on corruption recognition and prevention, as well as on the importance of public integrity and workplace ethics.

## **2. Codes of conduct, accountability mechanisms and declarations of assets and interests**

39. Article 8 of the Convention requires States parties to promote integrity, honesty and responsibility among its public officials. It also requires States parties to endeavour to apply codes or standards of conduct for the correct, honourable and proper performance of public functions. As part of these standards, States parties are further required to consider taking disciplinary or other measures against public officials who violate the codes or standards that have been established.

40. In addition, article 8 requires States parties to consider establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions. Finally, States parties are required to endeavour to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result.

41. With regard to the establishment of codes of conduct for criminal justice institutions, many submissions referred to codes or standards of conduct that had been adopted for various officers of criminal justice institutions, including judges, prosecutors, court clerks, judicial administration officials, police and prison officers. Some of the codes or standards were adopted through legislation, while others were administrative in nature. In addition, with regard to judges, most codes or standards of conduct included protections for judicial independence as well as standards for integrity, professionalism and ethics, and many drew upon the Bangalore Principles of Judicial Conduct. Myanmar reported that it was in the process of strengthening rules of conduct for members of the judiciary and was also finalizing a general code of conduct for public servants.

42. In terms of procedures or mechanisms to facilitate the reporting of acts of corruption in criminal justice institutions, many submissions outlined relevant hotlines, reporting procedures and whistle-blower protection mechanisms. Armenia reported that its Ministry of Justice was taking steps to introduce protections for whistle-blowers and establishing a platform for the submission of anonymous reports electronically. Gabon similarly reported that a draft law on combating corruption was under development, which included procedures, rules and regulations pertaining to reporting acts of corruption and mechanisms to provide protection to reporting persons. Romania reported that its legislation supported protection of whistle-blowers, but that implementation in practice had been a challenge owing to a lack of effective internal procedures. Ukraine described its legislation protecting whistle-blowers, and stated that anonymous internal reports would be investigated if the targets were identified and the allegations were supported by sufficient facts. China reported extensive legislation to protect and reward whistle-blowers.

43. Czechia described general mechanisms for reporting corruption, but noted that there was no specific legal regulation in place to protect whistle-blowers, which was identified as a current challenge. The Supreme Public Prosecutor's Office, however, had established its own internal system to receive reports, including anonymously, of suspected corruption, made by employees or members of the public.

44. Jamaica reported that, under its Protected Disclosures Act, public sector employees were encouraged to report improper conduct, including through anonymous or confidential reporting, and were provided with protection from occupational detriment in making such disclosures.

45. In the Russian Federation, it was obligatory for all civil servants to report corruption offences to their supervisors or to the prosecutor's office, or else be subject to dismissal from the civil service. Reporting persons were provided protection in accordance with relevant legislation. Special procedures applied to the filing and review of complaints of misconduct against a member of the judiciary.

46. Similarly, an affirmative duty was reported for public officials to report improper conduct in Mauritius and Saudi Arabia. Both States referred to protection measures for reporting persons, including confidentiality. Kuwait also mentioned rules and procedures for reporting acts of corruption, including by officials in criminal justice institutions, as well as corresponding protection measures.

47. Sweden emphasized the importance of establishing clear reporting routines and mechanisms that provided flexibility to the employee reporting to choose among various channels, depending on the context and the underlying situation. In Norway, complaints could be submitted by a party to a judicial proceeding, a lawyer or a witness with regard to judicial misconduct. For the corrections service, Norway had developed mechanisms for receiving and addressing complaints regarding professional misconduct and corruption, which can be submitted anonymously.

48. Japan reported that the police and correctional services had adopted procedures for receiving and processing internal reports of corruption, including referral to the Ministry of Justice or other senior authority, as appropriate.

49. In relation to disciplinary procedures or mechanisms to enforce codes of conduct or ethics, several submissions reported procedures in place to review and evaluate complaints, and to apply sanctions, as appropriate. In Serbia, for example, with regard to oversight of prosecutors, the State Prosecutorial Council was responsible for appointing a disciplinary prosecutor and disciplinary commission to address reports of misconduct. Sweden emphasized that such mechanisms should provide clear information on procedures and potential consequences, that they should seek to address reports of misconduct immediately, and that appropriate cases should be referred to the police for further investigation.

50. The Russian Federation reported that the dismissal and discipline of prosecutors were governed by specific instructions issued by Order of the Prosecutor General. Disciplinary measures for violations of the Code of Ethics could range from a verbal warning to dismissal. Disciplinary procedures against judges were governed by law, and disciplinary measures, ranging from verbal warnings to termination, were taken by the Qualification Collegium of Judges for all judges except for those of the Constitutional Court. Legal standards governed the application of various disciplinary penalties to protect against the possibility of arbitrary application.

51. In Czechia, the Union of Public Prosecutors adopted a voluntary code of ethics. Violation of the code would not give rise to disciplinary proceedings, but could result in exclusion from the Union. In Offices of Public Prosecutors, the Internal Anti-Corruption Programme included codes of ethics for both prosecutors and staff, which were legally binding, and could result in disciplinary proceedings.

52. Malaysia reported that with regard to judges, the Chief Justice had the discretion to initially decide whether an alleged breach of the code of ethics rose to the level of an offence for which removal would be warranted. If the breach could result in removal, the Chief Justice would refer the matter to a special tribunal appointed for the purpose of determining whether removal was appropriate. In all other matters, the Chief Justice would refer the matter to the appropriate body to review and determine appropriate disciplinary sanctions. It was reported that the Judicial Ethics Committee, chaired by the Chief Justice, had jurisdiction to review ethical violations, conduct proceedings in camera, and impose disciplinary measures. The Committee's decisions were final and could not be appealed.

53. In Romania, judges and prosecutors could be removed for a number of reasons set forth in law, including as a disciplinary sanction. Disciplinary investigations

were carried out by the Judicial Inspectorate, and appropriate cases could be referred to the Supreme Council of Magistracy. Decisions regarding removal were made by the Supreme Council of Magistracy and were subject to appeal on points of law.

54. The Bolivarian Republic of Venezuela reported that its General Inspectorate of Courts was responsible for the oversight and accountability of the judiciary, and had jurisdiction to investigate complaints filed by citizens. The investigation process involved multiple stages, including evidence-gathering, analysis and final determination of whether a violation of the professional standards of conduct had occurred.

55. Armenia reported that a working group was drafting legislation concerning a new corruption prevention body that would be responsible for investigating complaints, conducting administrative proceedings and imposing disciplinary penalties on public servants and high-ranking officials for violations of rules of ethics. With regard to judges, the Ethics and Disciplinary Committee of the General Assembly of Judges conducted oversight, although the Council of Justice was mandated to take any disciplinary measures against a judge. In disciplinary cases, the judge concerned had the right to review all materials submitted and respond with written explanations or request additional investigation. Statutes of limitation applied to disciplinary liability of members of the judiciary.

56. Greece described legal oversight measures taken for penitentiary officials, conducted by the Inspector General of Public Administration as well as the Body of Inspectors and Auditors of Public Administration. This oversight required regular inspections and audits, including review of disciplinary offences and the actions taken.

57. Norway reported that a supervisory committee was the authority for complaints and disciplinary measures against judges. The committee's members consisted of two judges, one lawyer and two members of the general public. The committee had the jurisdiction to both review complaints and initiate its own investigations.

58. Saudi Arabia reported procedures for oversight and discipline of both prosecutors and judges. For prosecutors, an investigation committee reviewed cases and made recommendations to a disciplinary board, which was responsible for taking the decision with regard to appropriate sanctions. Judges were subject to procedures established by the Supreme Council of Magistracy, and decisions of the Council could be reviewed before a disciplinary chamber.

59. Ukraine reported that complaints of misconduct were addressed at the level of the agency, including taking disciplinary action when required, and that cases of a criminal or administrative offence were referred by the agency to the appropriate law enforcement body for further investigation. Ecuador reported that several institutions were engaged in oversight and accountability with regard to the applicable codes and standards of conduct, including the Council of Citizen Participation and Social Control, the Ombudsman and the Comptroller General. These oversight bodies ensured accountability at the individual level as well as institutional practices. With regard to the judiciary, the Judicial Council provided the necessary oversight into violations of ethics rules.

60. With regard to measures to detect potential conflicts of interest, including through disclosures of assets or interests, many States reported procedures and mechanisms that were either in place or were under development with regard to civil servants, prosecutors, police and corrections officials. Similar measures with regard to the judiciary will be addressed below. In most mechanisms, the failure to adhere to the requirements of the declarations could result in administrative or disciplinary proceedings, and in the case of false reporting, criminal charges could result.

61. Norway reported that the Civil Servants Act, which covered prison officers, prohibited gifts in the line of duty if the gift might, or was intended to, influence the servant's professional conduct. Public prosecutors were subject to special ethics regulations, which regulated the receipt of gifts and the earning of income not related to their work as prosecutors.

62. In the Russian Federation, prosecutors had an affirmative legal duty to report to a supervisory authority on the existence or possibility of a conflict of interest as soon as the prosecutor became aware of it. Failure to do so could result in dismissal. Additional regulations governed the receipt and reporting of gifts, which were generally prohibited, with exceptions for donations in connection with protocol events, business trips or other official events. Legal procedures were in place governing the disclosure of the income, expenses, assets and liabilities of civil servants and their family members, which covered officials employed in criminal justice institutions.

63. Romania had established a comprehensive system to govern the declaration of assets, income and interests by a wide range of designated public officials, including parliamentarians. The system involved separate declarations of assets and interests administered by the National Integrity Agency which were available publicly through a searchable database. Afghanistan reported that in addition to publishing declarations of assets online, a list of public officials who had not submitted declarations was also published.

64. Ukraine had developed measures and conducted training for public officials in the identification and resolution of conflicts of interest, particularly with regard to the transfer of assets and investment property. In addition, ethical obligations that were applicable broadly to civil servants at all levels required the avoidance of conflicts of interest between public and private matters, as well as in the regulation of gifts.

65. Czechia reported the adoption of new legislation to address conflicts of interest for public prosecutors. Under the new law, prosecutors had a duty to report personal interests, activities, assets, income, gifts and liabilities to the Registry of Notices. Such information would not be available to the public, but would be used in case of criminal or disciplinary proceedings.

66. In Armenia, declarations of interests were implemented on the initiation of service, annually and upon separation for all public servants, including high-ranking officials. Those declarations, which included information on business activities, participation in political parties, and receipt of gifts, would be reviewed by the new corruption prevention body that was being established. It was noted that Armenia was in the process of developing and implementing an interest declaration system.

67. Saudi Arabia reported that public officials were required to disclose in writing any actual or potential conflicts of interest that arose during the performance of official functions, including in matters requiring decisions and procurement. Other regulations governed the acceptance of gifts, loans or other assistance. A draft law was under consideration concerning disclosures of assets and interests.

68. Kuwait referred to comprehensive asset disclosure mechanisms and procedures that apply across the public sector. Disclosures were submitted to the Kuwait Anti-Corruption Authority, which would conduct a review and preliminary investigation. Kuwait reported that legislation was under consideration to identify and prevent more broadly conflicts of interest across the public sector. Qatar reported measures to strengthen the legislative framework for transparency and integrity to identify and prevent conflicts of interest, particularly in terms of audits, tenders and financial management.

### **3. Additional measures relating to the judiciary and prosecution services**

69. Article 11 of the Convention requires that States parties, bearing in mind the independence of the judiciary and without prejudice to such independence, take

measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Article 11 suggests that such measures may include rules with respect to the conduct of members of the judiciary. Article 11 further notes that such measures may be introduced and applied within the prosecution service in those States parties where it does not form part of the judiciary but enjoys a similar degree of independence.

70. Submissions addressed a wide range of measures undertaken by States parties to strengthen the integrity of the judiciary and judicial administration, while safeguarding its independence and recognizing its important role in combating corruption.

71. With regard to training and building awareness of national and international standards of judicial integrity, many submissions described the establishment of formal judicial training institutes or academies for the formation of current and future members of the judiciary. Sweden emphasized that training in ethical considerations through their application to concrete examples was critical to integrating such values in the minds of employees and officials. In Armenia, for example, the Academy of Justice was established in 2013 as an independent body responsible for initial and continuing professional training of judges, prosecutors and judicial administration, including in the application of codes of conduct, integrity and independence.

72. Latvia described the functions of its Judicial Training Centre, which provided courses in conflicts of interest, corruption and ethics as part of its training for judges and others employed in the judiciary. Prosecutors had similar responsibilities, and training on ethics and integrity issues was regularly provided by the Prosecutor General's Office as well as through international training opportunities.

73. The Russian Federation reported that organizational and administrative documents and newsletters were regularly distributed to prosecution offices on ethics and countering corruption, including surveys of practice on relevant topics. In addition to basic training of prosecutors, experienced prosecutors received follow-up training at least once every five years, including in professional ethics. Members of the judiciary received comprehensive training on appointment and through an initial internship process, and received ongoing training at least once every three years. The Russian State University of Justice was providing comprehensive training on judicial ethics and integrity to judges and employees of the Supreme Court.

74. Malaysia reported the establishment of a judicial academy in 2012 to organize and conduct training programmes and courses for judges. While the academy did not yet have a permanent physical presence, it regularly conducted courses on a travelling basis to judges in substantive law, ethics, integrity and professionalism. Lower court judges and magistrates received training through the Judicial and Legal Training Institute, which offered a variety of courses in judicial ethics and human rights.

75. In Panama, training for judges was provided through the Higher Institute of the Judiciary, which included courses in performance management, integrity and professionalism. Training opportunities were extended to staff of the judiciary as well. Greece indicated that the National School of Judges was responsible for training members of the judiciary, including in ethics and integrity. Ecuador reported that special training institutions for judges and prosecutors provided comprehensive training in the application of the relevant codes of ethics, in addition to principles of transparency, integrity and the prevention of corruption.

76. Serbia reported that the High Judicial Council approved in 2017 a programme of continuous training for judges and court staff on judicial and prosecutorial ethics, including international standards and their application, conflicts of interest, case studies and disciplinary proceedings. The Judicial Academy also conducted training

courses for persons wishing to apply for a position of deputy public prosecutor or judge, including in corruption and integrity.

77. In Slovenia, training on the importance of public integrity in courts and the identification of corruption risks was administered through the Judicial Training Centre within the Ministry of Justice. Courses included topics related to ethics and integrity and the judicial field, and consisted of both long-term courses and shorter workshops and seminars.

78. Romania reported that training and public awareness of ethics and integrity was implemented through the National Institute of Magistracy in the field of ethics and deontology. Intensive training methodologies were used with judicial trainees to include debates on the application of ethics in practical cases, and were based on international standards, including the Bangalore Principles of Judicial Conduct. Training was also provided on a decentralized basis to local judges and prosecutors.

79. Slovakia stated that it had established a comprehensive e-learning programme, which was accessible to public administration staff, the private sector and civil society, as well as officials in criminal justice institutions. As part of that ongoing project, the e-learning portal would be further populated with educational models to strengthen integrity in public administration institutions, fostering a culture of integrity and increasing public awareness of corruption.

80. Czechia reported that initial and ongoing training of public prosecutors in ethics and professional conduct was delivered by Regional Public Prosecutor's Offices as well as by the Judicial Academy. It was noted that the Public Prosecution Service was preparing a comprehensive code of ethics for public prosecutors and other employees.

81. In Gabon, graduates of the National School of Magistrature who were appointed to serve in the judiciary began their careers as trainee magistrates. Ongoing training was provided during the trainee period and a subsequent probationary period. Through its Institute for Judicial and Legal Studies, Mauritius provided initial and continuing training for members of the judiciary based on the Code of Ethics as well as the Bangalore Principles of Judicial Conduct.

82. China referred to its comprehensive codes of ethics and professional conduct for both judges and prosecutors, based on foundational principles of justice, fairness and adherence to the rule of law. Judges and prosecutors were subject to disciplinary oversight and accountability to ensure compliance with professional standards.

83. In relation to case assignment and performance evaluation mechanisms of the judiciary and prosecution, many States parties, including Armenia, Czechia, Panama, Romania, the Russian Federation and Slovenia, noted that case assignment and distribution among judges was done through a randomized process.

84. Armenia reported that under legislation adopted in 2014, the activities of a judge were subject to regular evaluation after the second year of service, carried out by the Evaluation Committee of the General Assembly of Judges. The evaluations were intended to identify means of increasing the efficiency of the judge's work, to encourage the judge to conduct a regular self-analysis of their activities and to identify the best candidates for promotion to a higher court.

85. Romania reported that regular performance appraisals were conducted for magistrates, and that career advancement depended on both length of service and the achievement of a certain standard of positive performance evaluation. In addition, both judges and prosecutors were subject to regular assessments of their efficiency, quality of work and integrity, which occurred every three years and were conducted by the Superior Council of Magistracy.

86. The Russian Federation referred to the implementation of a programme for the Development of the Russian Judicial System 2013-2020, which aimed to ensure citizens' access to justice, strengthen independence and objectivity, and further

develop the judicial system. Measures taken were expected to significantly improve the quality of justice and the efficiency of court disputes.

87. Czechia reported that a draft law under consideration would introduce a comprehensive performance evaluation for prosecutors that would aim to provide recommendations to strengthen performance, increase transparency and strengthen the accountability of individual prosecutors for case outcomes. Latvia reported that since 2014, the Office of the Prosecutor regularly carried out assessments of the activities, functions and quality of individual prosecutors. China reported that judges and prosecutors were subject to regular inspection and performance evaluation to ensure integrity and effectiveness.

88. In Saudi Arabia, judges were subject to regular review by the Judicial Inspection Department under the authority of the Supreme Judicial Council. The inspection reviewed matters pertaining to efficiency, professionalism and integrity, and issued a rating to the reviewed judge. Mauritius reported on the implementation of an e-judiciary system to increase transparency of the court process, better track financial expenditures of the judicial system and increase efficiency of scheduling and tracking of hearings. While cases were not yet assigned through an automated system, Mauritius intended to take measures to strengthen and expand the implementation of the e-judiciary system to address these challenges and benefit other levels of the judicial system.

89. Regarding the prevention of conflicts of interest, including through declarations of assets and interests for judges and prosecutors, many States reported special mechanisms and procedures applicable to judges and prosecutors, while others reported that judges and prosecutors were subject to general declaration procedures applicable across the public sector.

90. In Armenia, for example, all high-ranking officials were required to submit their asset and income declarations to the Commission on Ethics of High-Ranking Officials. All judges were considered to be high-ranking officials, and thus submitted their declarations to the Commission, which were published on the Commission's website. In addition, special rules were in place regarding the prevention of conflicts of interest for judges, including with regard to outside influences; grounds for obligatory recusal in specified cases; the acceptance of gifts; and prohibitions on certain outside activities, including all political activity.

91. Malaysia reported that the Code of Conduct for Judges required the declaration, on initial appointment and whenever requested thereafter, of assets held by the judge to the Chief Justice of the Federal Court. The Code also contained detailed rules concerning prohibitions of outside activities and cessation of association with prior legal practice upon appointment.

92. It was a legal obligation in Norway for judges to register publicly and receive approval for all outside activities and investments. That legal duty extended to temporary judges, and was overseen by the National Court Administration. The Bolivarian Republic of Venezuela reported that judges, at the time of consideration for appointment, were required to submit current tax returns and to refrain, at all times, from political, partisan, union and trade activism. Judges might, however, hold academic positions on a part-time basis so long as such service was not incompatible with the exercise of their judicial functions.

93. In Greece, it was prohibited for members of the prosecution and judiciary to engage in any form of outside employment or to otherwise participate in government or political activities. In addition, judges and prosecutors were legally obligated to submit asset declarations on initial appointment and annually thereafter, including with regard to their spouses and minor children. In Panama, magistrates and judges were required to make, and regularly update, notarized statements of their assets. Those statements, which were made available online, were compared with their official salaries to ensure compliance with the prohibition on engaging in any form of commerce or business activity.

94. Magistrates in Romania, which include judges and prosecutors, were legally required to submit declarations of assets and interests on an annual basis, including with regard to specified family members. The declarations were made public on the website of the National Agency of Integrity. In addition, there was a general prohibition against engaging in any outside activities, with the exception of academic opportunities in higher education.

95. In the Russian Federation, judges had to be recused if they held, directly or indirectly, an interest in the outcome of the case or if there were any other circumstances which called into question the judge's objectivity and impartiality. Judges were legally required to submit to the judicial authority, on an annual basis, information about income and property held by the judge, as well as the judge's spouse and minor children. In addition, judges were subject to detailed rules governing the appropriate receipt and registration of gifts, within well-defined limits, in connection with their official duties.

96. Slovenia reported that judges and public prosecutors had the legal obligation to submit asset declarations to the Commission for the Prevention of Corruption within one month of their initial appointment as well as within one year after the end of their service. In addition, any change of ownership of assets in excess of 10,000 euros within a given calendar year must be reported by 31 January of the following year. Slovenia noted that a shortage of human capacity and resources presented a challenge to the review of submitted declarations.

97. In terms of making available ethical advice for judges and prosecutors or regular assessments of the risks of corruption in the judiciary or prosecution service, Sweden noted that all government institutions were encouraged to consider the risk of corruption and irregularities in their work on maintaining acceptable internal governance and control. Czechia reported that public prosecutors would obtain advice and information regarding ethics or professional conduct from senior public prosecutors, the Ministry of Justice and the Union of Public Prosecutors. In addition, the code of conduct for public prosecutors that was under development would include guidance and interpretation of the code's provisions for use in practice.

98. Panama reported that it regularly conducted risk assessments and performance evaluations of the functioning of the court system, including with respect to soliciting feedback from court users and members of the public. In Romania, a specific project was implemented to identify and assess risks to the integrity of the judiciary and implement concrete measures to address those risks. In addition, the Anti-Corruption General Directorate developed an electronic application called MARC (Assisted Management of the Risks of Corruption) that enabled a rapid analysis and report within the Ministry of Internal Affairs of the entire range of corruption risks.

99. The Russian Federation reported that the Prosecutor General's Office regularly worked with civil society institutions and sought input from a broad range of community stakeholders, including the private sector, through an interdepartmental working group.

100. Serbia reported that under the Law on the Anti-Corruption Agency, all public institutions, including the judiciary, were required to conduct self-assessments of the institution's exposure to risk of corruption and unethical behaviour, and to develop an integrity plan to address the risks identified. It was noted that in the first cycle of this exercise, 84 per cent of justice sector institutions participated and developed integrity plans, including prosecutor's offices, courts and other criminal justice institutions.

101. Slovenia reported that any public institution could submit ethics or integrity questions to the Centre for Public Integrity and Prevention at the Commission for the Prevention of Corruption for a comprehensive answer. Such questions might also be addressed through the ethics and integrity training programmes offered by the Centre. Slovenia noted, however, that with regard to the use of new technology

or social media, criminal justice institutions were left on their own to develop appropriate policies. Specifically with regard to judges, the Code of Judicial Ethics, adopted by the Judicial Council in 2015, was accompanied by various opinions and recommendations with regard to ethics, integrity and conflicts of interest, as well as an official commentary on the Code and its application in practice.

### **III. Conclusions and recommendations**

102. The submissions by States ahead of the meeting of the Working Group clearly demonstrated the breadth of approaches and measures that had been taken to strengthen integrity and address risks of corruption in criminal justice institutions. There were similarities across many jurisdictions in terms of codes of conduct and declarations of assets and interests, and also important differences and innovative approaches that may be drawn upon by other States parties that are considering such measures. It was notable that most of the submissions focused on measures taken with regard to the judiciary and prosecution services, while much less information was submitted regarding other criminal justice institutions, such as the police and corrections service.

103. As part of its discussions, the Working Group may wish to consider how States parties can further enhance efforts to strengthen integrity and prevent corruption across criminal justice institutions, including sharing good practices and common challenges among States parties.

104. The Working Group may also wish to recommend that States parties strengthen the exchange of information on the impact of measures taken to prevent corruption and strengthen integrity in criminal justice institutions, particularly with regard to the police and corrections service.

105. The Working Group may wish to request the secretariat to continue its efforts to gather information on good practices related to the prevention of corruption and strengthening of integrity in criminal justice institutions, particularly in the context of the second implementation review cycle.

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