

Challenges, lessons learned, best practices and enabling factors needed to enhance the functioning of criminal justice systems to ensure equal access to justice for all

Information from International Anti-Corruption Academy (IACA)

The UN General Assembly Resolution 78/227 adopted on 19 December 2023 encouraged “*Member States, in accordance with their domestic legislation and within their capacity, to ensure equal access to justice and application of the law to all*”. It also recognized “*the fundamental role of effective international cooperation in preventing and combating crime, and to this end underlined the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures, that hinder such cooperation, and which are not consistent with the Charter of the United Nations and obligations under international law*”.

Corruption undermines the Rule of Law at the national and international levels. It obstructs the achievement of the 2030 Agenda for Sustainable Development. Corrupt judicial systems impede access to justice.

Successful anti-corruption policies and frameworks are a prerequisite for the maintenance and protection of the Rule of Law. Furthermore, the full implementation of the UN Convention against Corruption of 2003 and the achievement of the SDG 16 are both essential to building an international order based on the Rule of Law.

In the UN General Assembly political declaration “*Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation*” adopted on 2 June 2021, the General Assembly stated that “*no country is free of corruption and that, overall, while progress in preventing and combating corruption has been made, those efforts are not enough, and we commit to doing more to address remaining gaps and existing and emerging challenges and difficulties, in particular in the implementation of the Convention*”.

In paragraph 66 of the declaration, the United Nations General Assembly “*called upon all international and regional organizations concerned, such as*

the International Anti-Corruption Academy, to strengthen their cooperation with the United Nations Office on Drugs and Crime, with full respect for its mandate, and other relevant United Nations entities”¹.

Since its inception, IACA has played an important role in the implementation of UNCAC. Through its various academic programmes, capacity-building activities, technical assistance programmes, research, and awareness-raising activities the Academy has assisted states to meet their obligations under the UNCAC. The coverage of IACA is global. Its alumni network consists of over 5,700 members coming from 168 countries and jurisdictions.

The IACA’s role in the global fight against corruption has been widely recognized by various international actors, including the UN bodies. In particular, prior to the already mentioned UNGASS 2021 political declaration, the General Assembly welcomed in two separate resolutions the work of IACA as a “*centre of excellence for education, training and academic research*” in the field of anti-corruption. References to IACA’s work can be found in various resolutions of the UN Human Rights Council, which also highlighted that “*the negative impact of corruption on human rights and sustainable development can be combated through anti-corruption education.*” IACA’s work has also received explicit tribute in recent years in numerous resolutions adopted by the Conferences of the States Parties to UNCAC.

IACA believes that cooperation among agencies tasked with combating corruption greatly contributes to enhancing the functioning of criminal justice systems and ensuring equal access to justice. This is why the Academy developed the Anti-Corruption Collective Action Certificate - a programme combining the relevant tools and methodologies with the practical implementation of collective action projects.

This programme aims to strengthen the capacities of participants (often coming from public agencies) who seek to drive change in their countries through an alternative model to the traditional regulatory approach, which is often based on control and sanctions. This model has proven particularly promising in challenging environments, where even the law enforcement agencies themselves face internal corruption challenges.

¹ <https://undocs.org/A/RES/S-32/1>

The collective action model is grounded in trust and the use of incentives, where stakeholders recognize the added value of collaboration and voluntarily contribute to system improvements. This approach is not intended to replace the regulatory model but rather to complement and enhance it. Through activities focused on awareness, coordination, and trust-building, a solid foundation is established for cooperating institutions to achieve mutual benefits.

In addition, IACA's master's programmes provide anti-corruption practitioners and those in working in related field, with the tools they need to protect judiciary from corruption.

A number of IACA's trainings are also designed to respond to the unique anti-corruption challenges faced by judges, prosecutors, defense lawyers, and other relevant stakeholders. In particular, IACA conducted tailor-made trainings for judiciary of Burkina Faso, Mongolia, and Thailand on corruption risks, ethics and integrity, innovation in corruption case proceedings and investigation of public figures.

The implementation of new technologies in the judiciary can enhance the functioning of criminal justice systems and its protection from corruption and ensure equal access to justice for all. In its academic programmes and trainings, IACA pays special attention to the role of emerging technologies and good practices in the implementation of such technologies in the judicial system.

The access to legal aid and effective mechanism of whistleblowers protection are crucial elements of fair criminal justice system.

According to the IACA's comparative study on anti-corruption compliance standards and guidelines, an effective corporate policy on reporting misconduct should contain provisions on:

- confidential reporting without fear of retaliation,
- reporting channels available in multiple languages, depending on the countries of operations,
- the contact person designated to receive reports within the organization, and the person responsible for processing reports, if it is not the same person,

- confidentiality of the data, including whistleblower's identity, the contents of the report and the persons implicated,
- indicators to assess the quality and effectiveness of the whistleblowing system.

In 2022, IACA launched a course on Successful Strategies in Whistleblower Casework. Modules on whistleblowing and whistleblower protection are also an integral part of the curricula of our master's programmes. IACA also conducts webinars on whistleblowing that contribute to raising awareness of various stakeholders on their rights and available reporting channels and protection mechanisms.

IACA wishes to further develop its mutually beneficial cooperation with the United Nations on issues related to the prevention of corruption in the judicial system and ensuring equal access to justice.