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World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice

Strengthening basic principles of judicial conduct

Report of the Secretary-General

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* E/CN.15/2007/1.



I. Introduction

1. In its resolution 2006/23 of 27 July 2006, the Economic and Social Council invited Member States, consistent with their domestic legal systems, to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct¹ when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary. The Council also requested the United Nations Office on Drugs and Crime (UNODC) to convene an open-ended intergovernmental expert group, in cooperation with the Judicial Group on Strengthening Judicial Integrity and other international and regional judicial forums, to develop a technical guide to be used in providing technical assistance aimed at strengthening judicial integrity and capacity, as well as a commentary on the Bangalore Principles of Judicial Conduct, taking into account the views expressed and the revisions suggested by Member States. The Council also invited Member States to submit to the Secretary-General their views regarding the Bangalore Principles of Judicial Conduct and to suggest revisions, as appropriate.

2. The Council also requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixteenth session on the implementation of its resolution 2006/23.

3. The present report provides an overview of the implementation of Economic and Social Council resolution 2006/23, including the measures taken by Member States to apply the Bangalore Principles of Judicial Conduct domestically, as well as their suggestions for amendments and additions to the principles and guidelines for application contained in the Bangalore Principles. The report also contains a summary of the discussions and recommendations of the Meeting of the Open-ended Intergovernmental Group of Experts on a Technical Guide for Strengthening Judicial Integrity and Capacity, which was held in Vienna on 1 and 2 March 2007 for the purpose of reviewing the draft commentary on the Bangalore Principles, the comments on the Bangalore Principles provided by Member States and the outline for a technical guide on strengthening judicial integrity and capacity.

II. Implementation of the Bangalore Principles of Judicial Conduct

4. Subsequent to the adoption of Economic and Social Council resolution 2006/23, the Secretary-General invited Member States to submit their views on the Bangalore Principles of Judicial Conduct and to suggest revisions, as appropriate.

5. The following 14 Member States submitted their views concerning the Bangalore Principles of Judicial Conduct: Afghanistan, Belarus, Burkina Faso, Ecuador, Germany, Greece, Hungary, Latvia, Lithuania, Mexico, Namibia, Philippines, Slovenia and Venezuela (Bolivarian Republic of). All of the responding States welcomed the Bangalore Principles as a useful basis for the development of domestic standards and rules governing the professional conduct of judges. Many States regarded the guidance contained in the Principles as a valuable tool for strengthening the independence, impartiality, integrity, propriety, competence and

¹ E/CN.4/2003/65, annex.

diligence of judges, as well as to ensure equality of treatment for all before the courts. Ten of the responding States informed UNODC that they had already adopted standards and rules that complied with the values and guidelines enshrined in the Bangalore Principles of Judicial Conduct, while four reported that they were in the process of reviewing existing professional standards and rules of judicial conduct in the light of the Bangalore Principles.²

III. Meeting of the Open-ended Intergovernmental Group of Experts on a Technical Guide for Strengthening Judicial Integrity and Capacity

A. Background

6. As mandated by the Economic and Social Council in its resolution 2006/23, UNODC convened a meeting of an Open-ended Intergovernmental Group of Experts on a Technical Guide for Strengthening Judicial Integrity and Capacity in Vienna, on 1 and 2 March 2007, for the purpose of reviewing the draft commentary on the Bangalore Principles, the comments on the Bangalore Principles provided by Member States and the outline for a technical guide on strengthening judicial integrity and capacity.

7. The Meeting was attended by representatives of Algeria, Azerbaijan, the Dominican Republic, Finland, France, Germany, Hungary, Indonesia, Iran (Islamic Republic of), Latvia, the Libyan Arab Jamahiriya, Moldova, Morocco, Namibia, the Netherlands, Nigeria, Pakistan, Panama, the Republic of Korea, Romania, the Russian Federation, Saudi Arabia, Serbia, Spain, Sri Lanka, the Syrian Arab Republic, Turkey and the United States of America.

8. The Meeting was also attended by members of the Judicial Group on Strengthening Judicial Integrity, as well as representatives of the American Bar Association, the Consultative Council of European Judges, the German Agency for Technical Cooperation, the National Judicial Institute of Nigeria, the Research Institute on Judicial Systems of the Italian National Research Council, the International Institute of Higher Studies in Criminal Sciences and the Programme on Governance in the Arab Region of the United Nations Development Programme.

B. Summary of discussions

9. The Meeting conducted a detailed review of the draft text of the commentary on the Bangalore Principles of Judicial Conduct, which had been prepared by the coordinator of the Judicial Group on Strengthening Judicial Integrity, in close consultation with the members of that Group. A wide range of changes and additions were suggested by participants, all with a view to improving the quality of the document and ensuring its relevance and applicability across different legal traditions.

² Afghanistan, Burkina Faso, Ecuador and Namibia.

10. With regard to the specific comments provided by Member States concerning potential amendments or additions to the Bangalore Principles, participants were of the view that, since the text of the Principles had only recently been endorsed by the Economic and Social Council, it was premature to consider amending it. In addition, as most of the comments were aimed at clarifying and developing the values and guidelines already contained in the Principles rather than raising new points, it was felt that it would be more appropriate to insert these comments in the commentary rather than in the text of the Principles itself.

11. Participants decided that the comments on the Spanish translation of the Bangalore Principles that had been provided by Member States should be reviewed by the Secretariat and appropriate changes made to the Spanish version of the Principles.

12. Following the review of the draft commentary, the Secretariat presented, in accordance with Economic and Social Council resolution 2006/23, an outline for a technical guide to be used in providing technical assistance aimed at strengthening judicial integrity and capacity. Participants decided that the guide should discuss the following issues: judicial career; judicial ethics and discipline; assessment and evaluation of court performance; case management; consistency, coherence and equality in judicial decision-making; access to justice; function and management of court personnel; resources and remuneration; and the promotion of public trust in the judiciary. They proposed that, in developing the guide, the Secretariat should collect and draw from existing best practices in strengthening judicial integrity and capacity. Participants were also of the opinion that the guide should not exclusively address the needs of the providers of technical assistance, but should rather present information that would benefit all stakeholders in the justice system, in particular judges and other justice-sector officials in managerial positions. Participants decided on the following title for the publication: "Guide on strengthening judicial integrity and capacity".

C. Conclusions and recommendations

13. Participants urged the Judicial Group on Strengthening Judicial Integrity and its coordinator to finalize the commentary on the Bangalore Principles, taking into account the comments and views provided by Member States, as well as the views expressed and recommendations made in the course of the Meeting.

14. Participants requested UNODC to publish and disseminate the commentary to Member States, within available extrabudgetary resources, not excluding the use of existing resources.

15. Participants also requested UNODC to continue working on the development of the guide on strengthening judicial integrity and capacity, in close consultation with Member States, the Judicial Group on Strengthening Judicial Integrity, other relevant organizations and individual experts.

16. Following the suggestion of members of the Judicial Group on Strengthening Judicial Integrity, the Open-ended Intergovernmental Expert Group recommended that the Commission on Crime Prevention and Criminal Justice explore the desirability of the establishment of an international judicial academy.