



The Hashemite Kingdom of Jordan

High Level Regional Workshop

"Implementation Guide of Article 11 of the United Nations Convention against Corruption"

Amman, 1 July 2013

Programme



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INTRODUCTION

The UN Convention Against Corruption (UNCAC) is the sole global, legally binding instrument designed to promote comprehensive measures to prevent and combat corruption. 17 Arab countries are States parties to the UNCAC among 167 countries worldwide. The UN Office on Drugs and Crime (UNODC) is the body responsible for supporting all States parties in their efforts to meet the requirements of the Convention and, in this capacity, is seeking to develop a knowledge product that will support States in the implementation of Article 11 UNCAC. In the Arab states region, UNODC works with the UN Development Programme (UNDP) to provide technical assistance to the States parties to the Convention and the Arab Anti-Corruption and Integrity Network (ACINET), which was established in 2008, plays a leading role in providing a regional inclusive mechanism for capacity development, information sharing, and policy dialogue in anti-corruption.

Article 11, paragraph 1 of the UNCAC requires State parties to “take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary”. A specific form of measure cited as an example is the introduction of rules with respect to the conduct of members of the judiciary. Furthermore, Article 11, paragraph 2, provides that similar 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 independence similar to that of the judicial service”.

UNODC, as guardian of the Convention, is developing an Implementation Guide for Article 11, including a practical evaluative framework for use by States parties to the Convention. This resource will serve as a valuable tool for Governments by firstly identifying and summarizing in one place international standards and resources relevant to judicial and prosecutorial integrity and, secondly, by outlining a practical framework for States parties to use in evaluating their own implementation of Article 11 UNCAC, with reference to those existing standards and resources. It is envisioned that the final product would cover, as a minimum, the following thematic areas:

- Recruitment, professional evaluation and training of judges and prosecutors
- Case and court management
- Codes of conduct and disciplinary mechanisms
- Access to justice and legal Services
- Court transparency
- Assessment and evaluation of courts and court performance

OBJECTIVES

The main purposes of this high-level regional expert workshop are two-fold:

- First, the workshop will provide a forum for participants to discuss and critically analyze the draft Article 11 Implementation Guide produced by UNODC;
- Second, in discussing the draft guide, participants will use it as a framework for exploring the measures currently in place in the region aimed at strengthening integrity and preventing opportunities for corruption among members of the judiciary and prosecution services. This will provide an opportunity for mutual

learning amongst participants regarding the effective measures that can be taken to enhance the transparency, accountability and integrity of their judicial systems.

Having considered and discussed the draft tool, participants will be asked for their comments and feedback on its usefulness in identifying potential gaps in the measures adopted by States in relation to judicial and prosecutorial integrity. In light of these comments, and drawing on some of the good practices identified during the workshop's discussions, the draft tool will be updated in preparation for its finalization in August 2013.

The final product will provide a comprehensive tool for States parties wanting to know the relevant standards available to assist them in their implementation of Article 11 and will structure those standards in a format that allows States to use the product to carry out a self-evaluation of their implementation.

METHODOLOGY

The workshop is designed to be conducted in an interactive manner in two main parts over a period of a full concentrated day preceded by an opening session the evening before that will provide an overall framework for this workshop and potential follow-up action. During the workshop, participants will address (i) judicial integrity; and (ii) the independence of the judiciary, including linkages between them and implications for broader anti-corruption and rule of law efforts. The workshop will generally be held in plenary sessions, thereby enabling experts to engage in group discussions regarding specific sections of the Implementation Guide. The workshop will also include sessions in which attendees break into smaller groups, with presentations back to plenary, to maximize the collection of expert feedback and discussions on concrete examples and applications, including related experiences in participating countries.

PARTICIPANTS

The workshop will involve high-level representatives and experts, including members of the judiciary and prosecution services, as well as national anti-corruption agencies, from countries in the Arab states region.

AGENDA

Monday, 1 July 2013

09.00 – 11.00 First Session

Measures to Enhance Integrity in the Judiciary and Public Prosecution

Objective: To present the UNCAC with a specific focus on Article 11 (Judicial Integrity) and related implementation efforts; and to present and discuss the sections of the Implementation Guide and Evaluative Framework which address the domestic measures States can take to enhance the integrity of the judiciary and public prosecution.

- **Chair**

Honorable Judge Dr. Akram MUSAIDA, Chief of the Public Prosecution and member of the Judicial Council, Hashemite Kingdom of Jordan

- **Panel**

Mr. Jonathan AGAR, Associate Crime Prevention and Criminal Justice Officer, UNODC

Dr. Nihal Jayawickrama, Coordinator, Judicial Integrity Group

- **Small Group Discussions**

Division of participants into small group discussions that aim to (1) critically analyze the effectiveness of the draft tool in assessing national judicial bodies; and (2) reflect on the key success and challenges countries are facing in the area of corruption prevention in the judicial sector.

10.00 – 11.00 Small Group Discussions on the Integrity of the Judiciary and the Public Prosecution

11.00 – 11.30 Break and group picture

11.30 – 13.00 Small Group Discussions on the Integrity of the Judiciary and the Public Prosecution (Continued)

13.00 – 14.00 Lunch

14.00 – 15.00 Second Session

Measures to Enhance the Independence of the Judiciary

Objective: To present and discuss the sections of the Implementation Guide and Evaluative Framework which address the domestic measures States can take to support the independence of the judiciary. Similar to the first part of the day, participants will be asked to break out into groups and engage in interactive discussions to (i) critically analyze the utility of the Guide in evaluating their own systems and; (ii) Reflect on the successes and challenges they face in reducing corruption in this area.

- **Chair**

Honorable Justice Adel Omar Al Sherif, Deputy head of the Supreme Constitutional Court, Arab Republic of Egypt

- **Panel**

Mr. Jason REICHEL, Crime Prevention and Criminal Justice Officer, Corruption and Economic Crime Branch, Division for Treaty Affairs, UNODC

Dr. Nihal Jayawickrama, Coordinator, Judicial Integrity Group

- **Small group discussions**

Division of participants into small group discussions that aim to (1) analyze the effectiveness of the draft Implementation Guide to assess national judicial bodies; and (2) present the success and key challenges countries are facing in corruption prevention in the judicial sector.

15.00 – 16.30 **Small Group Discussions on the Independence of the Judiciary**

16.30 – 17.00 **Break**

17.00 – 18.00 **Closing Session**
Feedback and Closing Statement

Session Objective: To summarize the comments received from participants regarding the effectiveness of the draft Implementation Guide in assisting States to assess the implementation of Article 11 in the UNCAC.

- **Chair**

Judge Ali DMOUR, member of the Jordanian Anti-Corruption Commission

- **Summary of discussions on the integrity of the judiciary and the public prosecution**

Honorable Judge Dr. Akram MUSAIDA, Chief of the Public Prosecution and member of the Judicial Council, Hashemite Kingdom of Jordan

- **Summary of discussions on the independence of the judiciary**

Honorable Justice Adel Omar Al Sherif, Deputy head of the Supreme

Constitutional Court, Arab Republic of Egypt

- **Concluding remarks**

*Mr. Jason REICHEL, Crime Prevention and Criminal Justice Officer,
UNODC*

*Mr. Arkan EL SEBLANI, Manager, Regional Project on Anti-Corruption
and Integrity in the Arab Countries, UNDP*
