



UNITED NATIONS
Office on Drugs and Crime

Organised by OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN),
in co-operation with Council of Europe Group of States against Corruption (GRECO),
United Nations Office on Drugs and Crime (UNODC),
OECD Public Sector Integrity Network,
Co-organised and Hosted by the Ministry of Justice of Turkey and
the High Council of Judges and Prosecutors of Turkey

EXPERT SEMINAR

INDEPENDENCE AND INTEGRITY OF THE JUDICIARY

28 – 29 June 2012
Istanbul, Turkey

Venue: *Point Hotel Barbaros*, Esentepe Yıldız Posta Cad. No:29 Şişli

AGENDA

The seminar is made possible thanks to
financial support provided to ACN by
UK, US and Switzerland,
as well as support by Turkey



AGENDA

DAY I THURSDAY, 28 JUNE

9:30 **Welcome remarks**
Mr. Veysi Kaynak, Deputy Minister of Justice, Turkey
Ms. Inese Gaika, Anti-Corruption Division, OECD, on behalf of *Mr. Patrick Moulette*, Head of the Anti-Corruption Division, OECD

Moderators: *Mr. Marin Mrčela*, GRECO's President; *Mrs. Olga Savran*, Manager, Anti-Corruption Network for Eastern Europe and Central Asia

10:00 – 11:30 **SESSION 1: INDEPENDENCE AND INTEGRITY SAFEGUARDS IN JUDICIAL SYSTEMS**

External and internal aspects of the independence of the judiciary

Prof. Guido Neppi Modona, Vice-President of the Constitutional Court (1996-2005), Substitute member of the Venice Commission, Italy

Judicial councils, other self-governance institutions and their role to ensure integrity and independence of judges

Mr. Đuro Sessa, President of Association of Croatian Judges, Justice of Supreme Court of Republic of Croatia

Questions/answers

11:30 – 12:00 Coffee break

12:00 – 13:00 ***Reforms promoting independence, integrity and accountability in the judiciary in Turkey***
Mr. Ibrahim Okur, Judge, Head of First Chamber of the High Council of Judges and Prosecutors, Turkey

Judicial independence in the appointment process: in search of a “perfect model”. Polish experience

Mr. Szymon Janczarek, Judge, Ministry of Justice, Poland

13:00 – 14:00 Lunch

14:00 – 15:30 **SESSION 2: RULES OF CONDUCT AND ETHICS FOR JUDGES AND THEIR EFFECTIVE ENFORCEMENT**

Judicial ethics and enforcement mechanisms. European Court for Human Rights practice

Ms. Nina Betetto, Vice-President and Judge of the Supreme Court, Member of the Consultative Council of European Judges, Slovenia, GRECO evaluator

Judicial ethics in Ukraine and main challenges for enforcement

Ms. Valentyna Simonenko, Judge, Higher Specialized Court of Ukraine in Civil and Criminal Cases, member of the Expert group for drafting new Code of Judicial Ethics, Ukraine

Questions/answers

15:30 – 16:00 Coffee break

16:00 – 17:00 **SESSION 3: DISCIPLINARY PROCEEDINGS AND IMMUNITY OF JUDGES**

Disciplinary proceedings against judges

Mr. Vasiliică-Cristi Danileț, Member of the Superior Council of Magistracy, Romania

Immunities of judges and procedures for their lifting

Dr. Tilman Hoppe, former judge, anti-corruption expert, Council of Europe

Questions/answers

19:30 Official dinner offered by the Ministry of Justice of Turkey at the *Doğatepe Restaurant*

DAY II **FRIDAY, 29 JUNE**

Moderators: *Mr. Engin Durnagöl, Deputy Secretary General of the High Council of Judges and Prosecutors of Turkey; Mrs. Olga Savran, Manager, Anti-Corruption Network for Eastern Europe and Central Asia*

9:30 – 11:00 **SESSION 4: ACCOUNTABILITY AND TRANSPARENCY IN THE JUDICIARY**

Transparent work of the judiciary, making judicial decisions public and assuring access to court hearings. Assets and conflict of interests' disclosure for judges and its control mechanism in Estonia

Ms. Kaidi Lippus, Ministry of Justice of Estonia, OECD Public Sector Integrity Network

Questions/answers

11:00 – 11:30 Coffee break

11:30 – 13:00 ***Transparency of procedures related to judicial careers***

Mr. José Manuel Igreja Martins Matos, Judge, Portugal, GRECO evaluator

Round-table discussion

13:00 – 14:00 Lunch

14:00 – 15:30 PARALLEL WORKING GROUPS

<p>WORKING GROUP 1: Training on ethics and prevention of corruption for judges Moderators: <i>Mrs. Olga Zudova; Mr. Jason D. Reichelt</i>, UNODC</p>	<p>WORKING GROUP 2: Effective enforcement of ethical rules among judges Moderator: <i>Mr. Marin Mrčela</i>, GRECO's President</p>
<p>Participants will be split in two working groups and invited to discuss the topics based on a set of questions and should develop a joint proposal. Each participant is encouraged to actively participate in the discussion and share her/his professional experience and good practices in her/his country.</p>	
	<p><u>Working Group 2 Issues for discussion:</u></p> <ul style="list-style-type: none">- What body is best fit to oversee enforcement of ethical rules among judges?- Should there be a mechanism for judges to obtain consultation about ethical rules and their implementation in specific situations?- What link should exist between compliance with ethical rules and disciplining of judges?- Can violation of ethical rules lead to dismissal of a judge?- What consequences should follow violation by a judge of ethical rules? Who and how can initiate proceedings and adjudicate in such cases?

15:30 – 16:00 Coffee break

16:00 – 17:00 **Reporting back from Working Group 1**, *Ms. Valentyna Simonenko*, High Specialized Court in Civil and Criminal matters of Ukraine
Reporting back from Working Group 2, *Mr. Đuro Sessa*, President of Association / Justice, Supreme Court of Republic of Croatia
Emerging good practice/recommendations for further work
Conclusions

17:00 Farewell reception offered by OECD at the *Point Hotel Barbaros*

NOTES TO THE AGENDA

OBJECTIVES OF THE SEMINAR

Judiciary plays a crucial role in the system of governance and in sustaining the rule of law. Corruption in the judiciary corrodes legitimacy of public authorities, undermines justice system and fosters impunity. It is impossible to fight corruption in other sectors when judges lack integrity. Corruption and lack of integrity in the judiciary is perceived as a serious concern in many ACN countries, as well as OECD countries.

There are a number of international instruments aiming to promote integrity in the judiciary. Some basic principles of judicial conduct are set out in the 2002 Bangalore Principles on Conduct of Judges. UN Convention against Corruption in its Article 11 calls upon the Member Countries to take measures to strengthen the integrity and to prevent opportunities for corruption among members of the judiciary. There are also a number of Council of Europe and OSCE documents setting standards in this area.¹ The GRECO First Round of Evaluation dealt with the independence of judiciary and the Fourth Round of Evaluation, which started in 2012 and will address prevention of corruption in respect of judges and prosecutors.²

To support evidence-based reforms, the OECD Public Sector Integrity Network has collected comparative data on the level of disclosure of private interests for judges as part of [OECD Government at a Glance](#). This work helps understand how the OECD Guidelines on Managing Conflict of Interest are applied in practice in different branches of government, including the judiciary.

This seminar will promote exchange of practical experience and good practice, as well as networking among judges and institutions responsible for integrity of judges from Eastern European and Central Asian countries, as well as OECD countries and international partners.

The **main themes** to be discussed at the seminar are as follows:

- Independence of judiciary;
- Integrity of judges and respect of ethical rules;
- Transparency and accountability of judiciary.

¹ Council of Europe documents include: opinions of the Consultative Council of European Judges, http://www.coe.int/t/dghl/cooperation/ccje/textes/Avis_en.asp; Recommendation of the Committee of Ministers of the Council of Europe No. CM/Rec (2010) 12 on judges: independence, efficiency and responsibilities, November 2010, <https://wcd.coe.int/ViewDoc.jsp?id=1707137>; opinions of the Venice Commission on national laws and various studies, including on independence of the judicial system, http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&OID=494. OSCE Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia, 2010, <http://www.osce.org/odihr/73487>.

²See, for example, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/reference%20documents_round4_en.asp

ORGANISERS

The **Anti-Corruption Network for Eastern Europe and Central Asia (ACN)** is one of global relations programmes of the OECD Working Group on Bribery. Its aim is to support anti-corruption reforms in the ACN countries, including: *Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Romania, Russia, Serbia, Slovenia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan*. The OECD countries, international organisations and civil society also take part in the ACN work. The ACN Secretariat is based at the OECD Anti-Corruption Division; it is guided by the ACN Steering Group and reports to the Working Group on Bribery. The ACN Work Plan for 2012 includes two main elements: *peer review* under the Istanbul Action Plan and *peer learning* for all ACN countries. In the framework of the peer learning programme, the ACN will organise several expert seminars during the year, including on asset declarations for public officials, on integrity in the judiciary, on ethics training for public officials and a seminar for law-enforcement officials on investigation and prosecution of corruption offences. More information is provided at the ACN web site www.oecd.org/corruption/acn.

Turkey is committed to contribute to the international efforts to tackle corruption because of its increasingly transnational character. In order to achieve this, Turkey plays an active role in various international organisations involved in the fight against corruption. The UN Convention against Corruption is considered as a landmark in this field. Turkey took part in the preparation works of this Convention and became party as of 9 December 2006. Turkey also ratified the Council of Europe Civil and Criminal Law Conventions on Corruption and the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and became a member of the Group of States against Corruption (GRECO). Turkish Ministry of Justice participates in the plenary meetings of GRECO which are held fourth or fifth times in a year. Furthermore, Turkey is a member of the Financial Action Task Force (FATF) and a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and of the OECD Working Group on Bribery. The coordination in the framework of this Convention is undertaken by the Turkish Ministry of Justice.

The **Group of States against Corruption (GRECO)**, which is composed of 49 member States³, monitors the compliance of its member States with the Council of Europe's anti-corruption instruments⁴. A dynamic

³ Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Republic of Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine, the United Kingdom and the United States of America.

⁴ * Criminal Law Convention on Corruption (ETS No. 173)

* Civil Law Convention on Corruption (ETS No. 174)

* Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191)

* Twenty Guiding Principles against Corruption (Resolution (97) 24)

* Recommendation on Codes of Conduct for Public Officials (Recommendation No. R (2000) 10)

process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and State representatives sitting in plenary. The country-specific reports adopted by GRECO identify shortcomings in national legislation, regulations, policies and institutional set-ups and contain recommendations tailored to prompt the reforms needed to improve the capacity of States to fight corruption. The current Fourth Evaluation Round, launched on 1 January 2012, is devoted to the prevention of corruption in respect of Members of Parliament, Judges and Prosecutors. All evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.

United Nations Office on Drugs and Crime (UNODC), in the context of its mandates relating to crime prevention and criminal justice reform, including anti-corruption, assists Member States to develop strategies to prevent and investigate crime, and prosecute offenders. This includes helping to build the capacity of justice systems to operate more effectively within the framework of the rule of law, paying particular attention to at-risk groups. UNODC also actively promotes professional standards of conduct among criminal justice practitioners, including police, prosecutors and judges, and helps States improve criminal justice case management and monitoring and oversight systems.

In December 2011, UNODC finalised and published the *Resource Guide on Strengthening Judicial Integrity and Capacity*. The guide draws together ideas, recommendations and strategies developed by contemporary experts on judicial and legal reform, and includes reference to successful measures taken in a range of countries to address particular challenges in strengthening the justice system. Ultimately, the guide aims to provide practical information on how to build and maintain an independent, impartial, transparent, effective, efficient and service-oriented justice system that enjoys the confidence of the public and lives up to the expectations contained in relevant international legal instruments, standards and norms.

Among other things, UNODC offers assistance in developing legislation that will allow the judiciary to function independently, impartially, and with integrity, enhancing the capacity of the judiciary to train and educate judges and judicial officers, and enhancing the capacity of the judiciary to uphold human rights standards and norms in criminal cases. More information is available at <http://www.unodc.org>.

Also the **OECD Public Governance Committee** has launched a new area of work on the performance of justice institutions across OECD countries. A key component of this work focuses on integrity in the judiciary, which provides an opportunity to share lessons learned between ACN countries and OECD countries. This work builds on the expertise developed by the **OECD Public Sector Integrity Network** under the leadership of the Public Governance Committee on conflict of interest management for government, including in the judiciary branch.

* Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns (Recommendation Rec(2003)4).

PARTICIPANTS AND SPEAKERS

The seminar will bring together judges, representatives of judicial councils and other public officials involved in the issues of independence and integrity of judiciary. Speakers from ACN and OECD countries with advanced and useful experience will be invited. Experts, academics and researchers specialised in judicial integrity can also be invited, as well as international bodies, including the OECD Working Group on Bribery, UNODC, GRECO and representatives of OECD Public Sector Integrity Network.

The ACN Contact Points and National Co-ordinators will propose participants by sending nominations to the ACN Secretariat. The ACN Secretariat will select from each country 1 – 2 participants whose expertise corresponds to the themes of the seminar and who would most benefit from it.

PRACTICAL ARRANGEMENTS

FINANCIAL SUPPORT: The organisers will cover costs for participants from ACN countries and in some cases speakers, including their economy-class travel, accommodation and meals during the seminar.

LANGUAGE: Seminar will be conducted in **English**, with **Russian** and **Turkish** interpretation.

HOTEL AND THE VENUE OF THE SEMINAR:

“Point Hotel Barbaros”

Esentepe Yıldız Posta Cad. No:29 Şişli’

Istanbul, Turkey

www.pointhotel.com

CONTACT PERSONS

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