



Economic and Social Council

Distr.: Limited
18 April 2007

Original: English

Commission on Crime Prevention and Criminal Justice

Sixteenth session

Vienna, 23-27 April 2007

Item 5 of the provisional agenda*

Use and application of United Nations standards and norms in crime prevention and criminal justice

Nigeria: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

Strengthening basic principles of judicial conduct

The Economic and Social Council,

Recalling the Charter of the United Nations, in which Member States affirm, inter alia, their determination to establish conditions under which justice can be maintained to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without any discrimination,

Recalling also the Universal Declaration of Human Rights,¹ which enshrines in particular the principles of equality before the law, of the presumption of innocence and of the right to a fair and public hearing by a competent, independent and impartial tribunal established by law,

Recalling that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,² both guarantee the exercise of those rights and that the International Covenant on Civil and Political Rights further guarantees the right to be tried without undue delay,

Recalling the United Nations Convention against Corruption,³ in article 11 of which States parties are required, in accordance with the fundamental principles of their legal systems and without prejudice to judicial independence, to take measures

* E/CN.15/2007/1.

¹ General Assembly resolution 217 A (III).

² General Assembly resolution 2200 A (XXI), annex.

³ General Assembly resolution 58/4, annex.



to strengthen integrity and to prevent opportunities for corruption among members of the judiciary, including rules with respect to the conduct of members of the judiciary,

Convinced that corruption of members of the judiciary undermines the rule of law and adversely affects public confidence in the judicial system,

Convinced also that the integrity, independence and impartiality of the judiciary are prerequisites for the effective protection of human rights and economic development,

Recalling General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the resolutions adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan, Italy, from 26 August to 6 September 1985, including the resolution containing the Basic Principles on the Independence of the Judiciary,⁴

Recalling also General Assembly resolution 40/146 of 13 December 1985, in which the Assembly welcomed the Basic Principles on the Independence of the Judiciary,

Recalling further the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Cairo from 29 April to 8 May 1995,⁵ concerning the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of criminal justice,

Recalling further Commission on Human Rights resolution 2003/43, on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, in which the Commission took note of the Bangalore Principles of Judicial Conduct and brought those principles to the attention of Member States, relevant United Nations organs and intergovernmental and non-governmental organizations for their consideration,

Recalling further Economic and Social Council resolution 2006/23 of 27 July 2006, on strengthening basic principles of judicial conduct, in which the Council emphasized that the Bangalore Principles of Judicial Conduct⁶ represented a further development and were complementary to the Basic Principles on the Independence of the Judiciary, and invited Member States, consistent with their domestic legal systems, to encourage their judiciaries to take the Bangalore Principles into consideration when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary,

1. *Takes note with appreciation* of the report of the Secretary-General on strengthening basic principles of judicial conduct,⁷ in particular the progress

⁴ See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

⁵ See A/CONF.169/16/Rev.1, chap. I, resolution 1, sect. III.

⁶ Economic and Social Council resolution 2006/23, annex.

⁷ E/CN.15/2007/12.

reported by several Member States on the implementation of the Bangalore Principles of Judicial Conduct;⁸

2. *Calls upon* Member States to continue to encourage their judiciaries to take into consideration the Bangalore Principles of Judicial Conduct when reviewing or developing rules with respect to the professional and ethical conduct of members of the judiciary;

3. *Welcomes* the imminent finalization of the commentary on the Bangalore Principles of Judicial Conduct and commends the work of the open-ended intergovernmental expert group established pursuant to Economic and Social Council resolution 2006/23 and the Judicial Group on Strengthening Judicial Integrity;

4. *Requests* the United Nations Office on Drugs and Crime to translate the commentary on the Bangalore Principles of Judicial Conduct into all official languages of the United Nations and to disseminate it to Member States, international and regional judicial forums and appropriate organizations;

5. *Requests* the United Nations Office on Drugs and Crime, in line with the recommendations of the intergovernmental expert group, to continue its work aimed at developing a guide on strengthening judicial integrity and capacity and to circulate the guide to Member States for comment;

6. *Requests* the United Nations Office on Drugs and Crime to convene an open-ended intergovernmental expert group, involving the Judicial Group on Strengthening Judicial Integrity and other international and regional judicial forums, to finalize the guide on strengthening judicial integrity and capacity, taking into account comments received from Member States;

7. *Also requests* the United Nations Office on Drugs and Crime, in particular through its Global Programme against Corruption, to develop and implement technical cooperation projects and activities aimed at supporting Member States in their implementation of the Bangalore Principles of Judicial Conduct;

8. *Further requests* the United Nations Office on Drugs and Crime to explore the development of technical cooperation projects and activities aimed at strengthening the integrity and capacity of other criminal justice institutions, in particular prosecution services and the police;

9. *Expresses its appreciation* to Member States that have made voluntary contributions to the United Nations Office on Drugs and Crime in support of its technical cooperation activities aimed at strengthening judicial integrity and capacity, including the promotion of the implementation of the Bangalore Principles of Judicial Conduct;

10. *Invites* Member States to make voluntary contributions, as appropriate, to the United Nations Crime Prevention and Criminal Justice Fund to support the United Nations Office on Drugs and Crime in providing, through its Global Programme against Corruption, technical assistance to developing countries and countries with economies in transition, upon request, to strengthen the integrity and

⁸ Economic and Social Council resolution 2006/23, annex.

capacity of their judiciaries, including through the implementation of the Bangalore Principles of Judicial Conduct;

11. *Requests* the Secretariat to submit the Bangalore Principles on Judicial Conduct and the commentary on the Bangalore Principles to the Conference of the States Parties to the United Nations Convention against Corruption at its second session;

12. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session on the implementation of the present resolution.
