



STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

THIRD INTERSESSIONAL MEETING OF THE CONFERENCE OF THE STATES PARTIES TO THE UNITED NATIONS CONVENTION AGAINST CORRUPTION ON PREPARATIONS FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY AGAINST CORRUPTION (UNGASS)

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Mr. Chairman,

IDLO welcomes the organization of the Third Intersessional Meeting on Preparations for the Special Session of the General Assembly against Corruption (UNGASS). We salute your unwavering commitment to a maximally inclusive process, despite the ongoing challenges posed by the COVID-19 pandemic.

IDLO is the only global intergovernmental organization exclusively devoted to advancing the rule of law. We are encouraged that the theme of addressing impunity, namely by strengthening the independence, transparency and integrity of the judiciary, is receiving prominence in the preparatory process leading up to the adoption of the Political Declaration at the UNGASS. This theme is also given special prominence in IDLO's new Strategic Plan for 2021 to 2024, which commits the organization to strengthen its work to support capacities and enhance coordination across the criminal justice chain. It also commits to IDLO promoting greater transparency, accountability and integrity in public institutions, under the overarching commitment of making laws and institutions work for people.¹

The crucial role of an independent, transparent, and accountable judiciary in curbing corruption is widely recognized. Even the most professional, state-of-the-art, and efficient processes of detection and investigation lose their significance if the judiciary cannot be counted on in properly adjudicating these cases.² Corruption within the judiciary itself undermines the entire justice chain, precluding access to justice, violating fundamental human rights, and corroding the very foundations of the rule of law. This importance of ensuring integrity of the judiciary in respect of combating corruption is enshrined in Article 11(1) of the UN Convention against Corruption (UNCAC). It is also recognized under SDG16's

¹ IDLO, Strategic Plan 2021-2024, Strategic Objective 2, at: <https://strategicplan.idlo.int>.

² See, e.g. UNODC, "Integrity in the Criminal Justice System," at: <https://www.unodc.org/unodc/en/corruption/criminal-justice-system.html>.

targets on developing effective, accountable and transparent institutions (16.6), promoting the rule of law and ensuring equal access to justice for all (16.3).

And yet, judicial integrity remains a challenge globally. Even before the COVID-19 pandemic, judiciaries were among the institutions most plagued by corruption.³ Following the outbreak in 2020, pressure for governments to mount a swift response to the pandemic, meant some of the fundamental checks and balances took a hit. Indeed, the World Justice Project's Rule of Law Index for 2020 documented a pronounced global decline in the absence of corruption, and that emergency measures, which restricted the functioning of key government institutions, resulted in increased attacks on the independence of the judiciary.⁴

In its recent Rule of Law and COVID-19 Policy Brief, IDLO has stressed the importance of maintaining the independence of the judiciary, even in a time of public emergency. The brief emphasizes the crucial importance of continued access to redress through an independent judiciary for any violations that may occur.⁵ We would also like to highlight the important contribution made by the Honorable Mr. Diego García-Sayán, the Special Rapporteur on the Independence of Judges and Lawyers. He emphasized the importance of an independent and functioning judiciary during the COVID-19 pandemic. In particular, he noted, that efforts must be increased to guarantee the functioning of an independent judiciary, ensuring cases related to rights protection and the commission of serious crimes—including corruption, are prioritized.⁶

For its part, IDLO continues working on the ground with its national partners, to ensure that independence, transparency and accountability of the judiciary play a central role, both as long-term national commitments, but also as paramount priorities during this unprecedented global crisis. We are providing technical assistance to judicial partners, in developing and implementing—fairly and justly—digital technologies to reduce incentives for corruption. We are also supporting the integrity-based creation of specialized anti-corruption courts, including through Constitutional and related criminal justice reform, among other initiatives.

Specifically, in response to the pandemic, IDLO has developed a Self-Assessment Questionnaire that can be used by judiciaries. It helps them to assess the pandemic-related challenges they have faced, review relevant countermeasures taken, and consider the best steps forward as the pandemic unfolds into another year.

As part of our contribution to the global debate on the role of SDG 16, the 2030 Agenda, and a sustainable recovery from COVID-19, IDLO is consistently emphasizing the imperative of strengthening peoples' confidence in state institutions, and the importance of an independent and transparent judiciary. In April, IDLO is hosting an online conference with UNDESA and the

³ Goal 16, Promote Just, Peaceful and Inclusive Societies, at: <https://www.un.org/sustainabledevelopment/peace-justice/>.

⁴ IDLO, Rule of Law and COVID-19 Policy Brief, at: https://www.idlo.int/sites/default/files/pdfs/publications/idlo-rule_of_law_and_covid19-policy_brief-final.pdf.

⁵ IDLO, Rule of Law and COVID-19 Policy Brief, at: https://www.idlo.int/sites/default/files/pdfs/publications/idlo-rule_of_law_and_covid19-policy_brief-final.pdf.

⁶ "Coronavirus Emergency: Challenges for the Justice System," Mr. Diego García-Sayán, UN Special Rapporteur on the Independence of Judges and Lawyers, at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25810&LangID=E>.

Italian Government, focusing on how SDG16 can be a road map for the global recovery by helping renew the social contract and rebuild trust between people and state. The event will also include the issue of the integrity of the judiciary and look at whether a new vision of "transformative governance" can be used to overcome the societal fragilities that the pandemic has brought so starkly to light. You are all most welcome to participate and contribute your insight in this Conference. It is intended to feed into the deliberations of the 2021 High-Level Political Forum on Sustainable Development.⁷

Mr. Chairman, distinguished participants,

As the UNGASS Political Declaration is a forward-looking document, we take this opportunity to reemphasize our ongoing support for and long-term commitment to this initiative.

IDLO stands ready to continue to provide and expand its technical support and assistance to national partners in practically realizing the commitments to be undertaken with the Declaration's adoption, and to ensure sustained policy momentum to turn the Political Declaration into action on the ground.

⁷ IDLO, SDG-16 Conference Concept Paper, at: https://www.idlo.int/system/files/event-documents/sdg_16_conference_concept_note_finalized.pdf.