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**First session**

Agenda item  
26 March 2022

**Synopsis for Addressing Corruption in  
Criminal Justice Systems**

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Justice Systems**

**Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the United Nations Office on Drugs and Crime the topic synopsis entitled "Addressing Corruption in Criminal Justice Systems" (UNODC/SYN/IIIE/01.3).



# Addressing Corruption in Criminal Justice Systems

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## Section I—Introduction

The United Nations Office on Drugs and Crime is a branch within the United Nations dedicated to fighting against illicit drugs and international crime. Since its establishment in 1997, it has worked to improve technology across the field to better counteract illicit drugs, crime, and terrorism, while also working with member states to implement international treaties through legislation combating drugs and crime.

## Section II—Topic Background

Corruption has plagued and hindered governmental institutions for millennia, existing since the inception of governing bodies. This fact itself demonstrates the difficulty attached to cleansing institutions of corruption. Its effects are crippling, undermining a nation's economic growth, political stability, and social fabric, which has made it one of the UNODC's major points of concern. One such type of institution that is adversely impacted by corrupt behavior, and is universal across the world, is the criminal justice system.

Corruption in criminal justice systems is a complex phenomenon that affects all countries. It involves the dishonest act of an individual or individuals who intends to secure benefits for themselves or another through the legal system. Corruption may occur at every level of the criminal justice chain: the judiciary, the prosecutor's office, the police, and the prison system. All countries around the world are facing this type of corruption whether it shows overtly or is done covertly, slowing down the pace of criminal justice management. The erosion of these key institutions rebounds onto everyday life in the affected regions, reducing the overall quality of life in the aforementioned categories.

A tainted judiciary translates to allowing unfair access to court proceedings and court hearings, and more gravely, leads to influencing judges to hand down unjust verdicts. It is the people who have come into conflict with the law who are most vulnerable in a corrupted system, though the attack on the rule of law puts all at risk. Judicial corruption is universally prevalent, found in developing and developed nations. In prisons, corruption translates into human rights abuses and deprivation of liberty. Both detainees and detainers are deeply involved in initiating corrupt practices within the system. A system lacking transparency combined with the power dynamic created between inmates and prison operators enables illicit business practices and extortion to run rampant. For women, corruption can be associated with sexual exploitation. Another form of corrupt practice includes forced labor; inmates are forced to work in hazardous working conditions for unfair wages.

At the federal level as well as the regional level, fraud and bribery are the main charges of corruption. In developed nations, fraud (intentional deception and misrepresentation) can account for around 44% of corruption that occurred in criminal justice systems, followed by bribery, which consists of around 41%. Bribery has been especially reported to be associated with the police and associated law enforcement bodies. Public surveys in a sizable proportion of regions and nations have reported police demanding bribes for basic services, or being paid to look the other way. Due to these practices, corruption in criminal justice systems erodes the public's trust in the law as well as society.

The UN, especially the UNODC, responds to the crisis of corruption in criminal justice systems through drafting laws and creating national anti-corruption strategies as well as assisting countries with resources to implement these laws and strategies. As of the present, the only binding resolution that has been adopted by the UN is the UN Convention Against Corruption. Requiring member nations to institute a comprehensive set of rules to fight corruption, is a meaningful step against corrupt judiciaries. However, it is only a preliminary step.

### **Section III—Possible Solutions**

Recognizing that corruption in the criminal justice systems can potentially occur in any area of the world, solutions should focus on addressing corruption on all levels; the criminal justice system consists of not just the courts, but also the police and the prison system. Devising potential solutions requires finding areas of risk in the criminal justice system (e.g.: the high amount of judicial discretion that judges enjoy, the means by which judges are selected, the privatization of prisons as a for-profit enterprise, and so on), and seeking to address them. Because this issue largely involves institutional affairs, solutions can include legal resolutions for countries to adopt, as well as smaller, more narrowly focused programs. However, make sure to consider differences in justice systems around the world concerning the implementation of solutions.

### **Section IV—Bloc Positions**

African: Some nations such as those in Southern Africa have initiated incremental reforms. However, even though a large proportion of nations have recognized the issue, corruption in the courts and criminal justice system is eminent in most African nations, and members of the African bloc have made little meaningful progress in this field.

Asia and the Pacific: Judicial confidence and corruption vary widely across Asian and Pacific Island nations, but largely, criminal justice integrity has caught more public attention and is being improved. Many nations have instituted anti-corruption legislation, while others such as Thailand, Indonesia, and the Philippines have started judge networks to root out corrupt judiciaries. Confidence in the judiciary is generally higher, but dissatisfaction has been rising concerning law enforcement practices.

Eastern European: Out of all regional blocs, Eastern European nations have by far the lowest confidence in the integrity of their criminal justice systems. While this issue has been widely recognized, a combination of organized resistance and weak democratic institutions has led to poor enforcement of anti-corruption initiatives.

Latin American and Caribbean: Latin America and the Caribbean play host to many relatively new democracies, and are deeply impacted by corrupt institutions. Corruption and bribery run deep in many judicial, law enforcement, and penal institutions, abetting in the economic inequality and social instability that many regions are affected by.

Western European and Others: Corruption is generally lower and institutions are more transparent in nations with developed democracies. Corruption in these nations is often deeply covert or nestled within layers of bureaucracy. Even so, this higher level of transparency and information dissemination also leads people to be more critical of their criminal justice institutions.

## Section V—Questions That Should Be Taken Into Consideration

How can technology be used to reduce corruption in criminal justice systems? How will this technology be used in developing countries that may not be able to afford it?

How did the criminal justice systems originally become corrupted? Have any past anti-corruption efforts been effective?

How do the corrupt criminal justice systems in different nations compare as well as how do they address the situation?

What measures can be taken to ensure the criminal justice system will end up in the desired state?

## Section VI—Helpful Sites and Resources

Article—United Nations Office on Drugs and Crime—Integrity in the Criminal Justice System

[bit.ly/IIMUN2022-UNODC1](https://bit.ly/IIMUN2022-UNODC1) (Shortened URL from unodc.org)

Article—Penal Reform International—Corruption is a Significant Factor in Human Rights Violations in Many Criminal Justice Systems

[bit.ly/IIMUN2022-UNODC2](https://bit.ly/IIMUN2022-UNODC2) (Shortened URL from penalreform.org)

Report—United Nations Office on Drugs and Crime—United Nations Convention Against Corruption

[bit.ly/IIMUN2022-UNODC3](https://bit.ly/IIMUN2022-UNODC3) (Shortened URL from unodc.org)

Overview—Transparency International—Fighting Judicial Corruption Topic Guide

[bit.ly/IIMUN2022-UNODC4](https://bit.ly/IIMUN2022-UNODC4) (Shortened URL from transparency.org)

Article—Gallup—Confidence In Judicial Systems Varies Worldwide.

[bit.ly/IIMUN2022-UNODC5](https://bit.ly/IIMUN2022-UNODC5) (Shortened URL from gallup.com)

Potential Search Terms—Judicial misconduct, bribery, fraud, prison reform, anti-corruption, Bangalore Principles, judicial transparency, fair judicial appointments