GROUP 3

STRENGTHENING THE CAPACITY AND INTEGRITY OF CRIMINAL JUSTICE AUTHORITIES, THEIR PERSONNEL AND PREVENTIVE MEASURES

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I. INTRODUCTION

Group 3 started its deliberations on 26 October 2012. The group selected Mr. Jumire Mawanda James Ereemye and Mr. Yasutomo Mitsuhashi as its chair and co-chair respectively. Ms. Ludmila Petru Popa was selected as rapporteur and Mr. Moses Matongo O'Mirera, Mr. Heinrich Wilhelm Siemsen and Ms. Abimbola Catherine Ewewie as co-rapporteurs.

The group discussed and agreed upon the following agenda:

1. Independence of criminal justice authorities for 26 October 2012;
2. Integrity of the personnel of criminal justice authorities for 29-30 October 2012;
3. Impartiality, transparency and accountability in the relevant divisions in criminal proceedings for 31 October 2012;
4. Strengthening the capacity of the criminal justice system in dealing with corruption cases, including specialization for 5 November 2012;
5. Preventive measures for 12 November 2012.

During the discussions it was agreed that the group will tackle all the issues set up in the agenda firstly by asking each member of the group to explain the situation in their respective country, secondly by determining based on the exposed practices the existing challenges and thirdly the group as a whole will propose or recommend best practices or solutions for identified challenges.

II. SUMMARY OF THE DISCUSSIONS

1. Independence of Criminal Justice Authorities

A. *Judiciary*

The members of the group agreed that the independence of the judiciary should be analyzed in three directions:

(i) institutional independence of judiciary;

(ii) individual independence of the judges;

(iii) financial independence of the judiciary.

(i) Institutional independence of judiciary

In accordance to Principle 1 of the Bangalore Principles of Judicial Conduct[1] "the independence of judiciary shall be guaranteed by the state and enshrined in the Constitution or the law of the country and it is the duty

[1] The Bangalore Principles of Judicial Conduct 2001, adopted by the Judicial Group on the Strengthening Judicial Integrity, as revised at the Round Table Meeting of the Chief Justices, held at the Peace Palace, the Hague, November 25-26, 2002.

of all governmental and other institutions to respect and observe the independence of the judiciary". The same guarantees are required by article 2 of The Universal Charter of the Judge.[2]

Analyzing the national practices of the members of the group, it was established that in most of the states the principle of independence of the judiciary enshrined in the above-mentioned international instruments is guaranteed by constitutional provisions. Moreover most of the states went further and adopted specific laws in order to give effect to their constitutional provisions.

Still, despite of the existing constitutional provisions and specific laws on the judiciary it is obvious that in some cases the constitutional provisions are either too vague, or do not ensure the sufficient levers for the protection of the independence of the judiciary. As to the provisions of the specific laws, it should be mentioned that they are sometimes controversial and leave place for maneuver and misinterpretation. In this context the group agreed that there is a need to amend those provisions in order to ensure a real independence of the judiciary.

(ii) Individual independence of the judges

Is not the judiciary, per se, supposed to be granted with independence? The individual judges, too, have a right to enjoy independence in carrying out their professional duties (article 3 of The Universal Charter of the Judge). In this way the judge must be able to exercise judicial powers free from social, economic and political pressure, and be independent from other judges and the administration of the judiciary (article 2 of The Universal Charter of the Judge).

Bearing that in mind, the group agreed that most of the states ensure more or less the individual independence of the judges within the process of selection, appointment and promotion of the judge or while he/she exercises his/her duties (by ensuring security tenure, financial security and that no one will give the judge orders or instructions of any kind), etc.

■ Selection and appointment of judges

As a matter of fact most of the states provide for a competitive and comprehensive process of selection of the judges, by allowing the appointment of the candidates according to objective and transparent criteria based on their professional qualification. Thus, states foresee the appointment of the candidates that have a bachelor's degree in law or have great experience in law field (i.e. have been lawyers, worked in different criminal justice authorities for a specific number of years or are professors in law faculties, etc.). Moreover, in accordance with the provisions of article 9 of The Universal Charter of the Judge in some states the selection of the judges is carried out by an independent body, which in several cases includes substantial judicial representation.

Based on the exposed practices, the group as well agreed that in most of the jurisdictions there are clear guidelines in the Constitution or specific laws regarding the appointment of the judges. Thereby, it was settled that in terms of the body responsible for the appointment of the judges, states have different systems of appointment. In some jurisdictions the appointment is done either by legislative or executive power after the consultation or recommendation of the independent body, which in some cases includes substantial judicial representation. In the states, where Heads of States or Parliament still play a role in the appointment of judges, there exist provisions that provide for the check and balance system. For instance, in case a Head of the State will refuse to follow a first proposal from the High Council for the Judiciary as to a judicial appointment but is bound to approve a further proposal of the same candidate.

In the context of the above-mentioned the group agreed that despite of the existence of the different systems of the appointment of judges most of the states fully respect the provisions of article 9 of The Universal Charter of the Judge.

■ Terms of judicial office

In regard to the appointment of the judges the group agreed that there are two different systems related to the mandate of the judges. On the one hand in some jurisdictions the judges are appointed for life; on

[2] The Universal Charter of the Judge unanimously approved by the delegates attending the meeting of the Central Council of the International Association of Judges in Taipei (Taiwan) on November 17, 1999.

the other hand there are states that provides for two types of duration of judicial office: initially, judges are appointed for terms of 5 years, and after the expiry of that term they may be appointed until they reach the retirement age set out in law or they are appointed for a term of 10 years, and each 10 years there is a need to renew the mandate.

Some members of the group considered that the temporary appointment of the judges for a certain period of time, for instance for 5 years, can create issues in relation to the independence of the judge because in order to be appointed after the expiration of that period, the judges can be tempted to serve the persons who are supposed to appoint them later on. In this sense, the exclusion of the temporary appointment and the creation of other mechanisms that will allow the evaluation of the performances of the judges would be advisable.

■ Transfer and discharge

The group agreed that in most of the countries the transfers of the judges are done with their consent. Still there are some jurisdictions where the transfer is possible without the consent of the judge. In these cases the law provides specific conditions which should be followed in order to perform the transfer. Thus, the group agreed that the existing transfer practices do not affect the individual independence of the judge.

As to the discharge of the judges the group agreed that most of the jurisdictions provide for detailed conditions and procedures in which a discharge of a judge should be performed. Moreover, the existing conditions and procedures ensure the respect of the principle of independence and exclude the cases when a judge can be discharged for political or other reasons, except the ones that are based on lack of proficiency of the judge, misconduct or incapability to exercise the duties due to health or other reasons.

■ Remuneration of the judges

Most of the members of the group agreed that the salaries of the judges are sufficient in order to ensure that the judge will be able to perform his/her duties without being financially influenced. However, some members of the group stated that in their countries the salaries are still considered to be low and that is the main reason why many lawyers are not willing to be appointed as a judge, because they earn more money by being lawyers or just legal advisers.

(iii) Financial independence of the judiciary

Principle 7 of the Bangalore Principles of Judicial Conduct states that the judiciary must be granted sufficient funds to properly perform its functions. The same obligation is set up in article 2 of The Universal Charter of the Judge. The reasoning of such an obligation relies on the fact that without adequate funds, the judiciary will not be able to perform its functions efficiently and may also become vulnerable to undue outside pressures and corruption. Moreover, there must logically be some kind of judicial involvement in the preparation of courts' budgets.

In this context, the group discussed and agreed that most of the countries provide for a more or less separate budget for the judiciary and its self-governance institutions in their respective laws. Still some improvements can be done at the level of implication of the judiciary in the process of drafting of the budget for the judiciary. Likewise, within the discussions the group agreed that in some countries the allocated budget is not enough to ensure the independence of the judiciary.

In this way, the group agreed that a possible solution would be to establish by law a percentage of the national budget dedicated to the financing of the judiciary (or to the adoption of laws, to the inclusion of certain provisions in the Constitution, or to the adoption of concrete laws related to the financing of the judiciary). Moreover, in order to ensure that the needs of the judiciary are met, there is the need for the involvement of self-governing judicial bodies in (1) the process of drafting budgets for the judiciary and its institutions, and (2) the process of negotiation with government and parliament is a pre-requisite to ensuring judicial institutional independence.

B. *Prosecution*

As in the case of the judiciary, in the process of examination of the issue of the independence of the

Prosecution, the group decided to focus its attention on two issues:

(i) independence of the prosecutorial institution;

(ii) personal independence of the prosecutor.

(i) Independence of the prosecutorial institution

In accordance to the UN Guidelines on the Role of Prosecutors[3] the "states shall ensure that prosecutors are able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability" (Guideline 4). Furthermore, the UN Guidelines on the Role of Prosecutors mention that "the adopted law or published regulations shall, inter alia, set out reasonable conditions of service of prosecutors, adequate remuneration" (Guideline 6).

The group agreed upon the fact that all the countries follow the above-mentioned principle by providing for the institutional independence of the prosecution, either in the constitutional provisions or in the specific laws.

Still there are several issues that in the opinion of the group shadow the "independence umbrella" set up by the laws, thus making those provisions somehow declarative and making the institution vulnerable to corruption and interferences, such as lack of adequate budgeting of the institution and low salaries for the prosecutors.

Thereby, as in the case of the judiciary, the group agreed that it would be suitable to solve the above-mentioned issues by the increase of funding for prosecutorial institutions, which will allow the institution itself to work properly without any interference and also it will allow to offer the prosecutors a decent salary that will shelter them from seeking the bribes. Still, the increase of the salaries should be done together with the implementation of other systems of strengthening the integrity within the prosecutorial authority.

(ii) Personal independence of the prosecutor

UN Guidelines on the Role of Prosecutors mentions that "wherever a system of promotion exists, it "shall be based on objective factors, unparticular professional qualifications, ability, integrity and experience, and decided upon in accordance with fair and impartial procedures" (Guideline 7).

All members of the group agreed that national legislation of the states provide rules regarding the appointment of the prosecutors, regardless of the rank, specifying the conditions for appointment, such as qualifications, abilities, experience etc. Also, in all jurisdictions there are specific provisions for the appointment of the Prosecutor General.

In the case of the appointment of the prosecutors the group considered obvious that the existent legislative provisions are in line with the above-mentioned guideline. Even so, some participants stated that generally the prosecution, and more specifically prosecutors themselves, can be considered semi-independent. As to the appointment of the Prosecutor General the group agreed that in some jurisdictions the appointment is rather a political process than a process based on skills and experience of the person, a fact that puts into question the independence of the appointed candidate.

In this way, the group considered that there is the necessity to revise the procedure of the appointment of the prosecutors in such a manner that politics will not be able to influence their independence.

C. *Authorities that conduct criminal investigations*

In regard to the authorities that conduct criminal investigations the group agreed that on the one hand there are some jurisdictions where the authorities conducting criminal investigations are completely independent, on the other hand there are some countries where there is an issue with their independence, mainly because there is always the risk that they can be influenced by politics. The lack of independence is also connected to the lack of sufficient funding.

[3] UN Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

Thus, the group agreed that in order to ensure the independence of the authorities that conduct criminal investigations it would be advisable first of all to ensure financial guarantees (i.e. offering sufficient salaries and funding for the institution where the investigators work); secondly, there is a need to provide for procedural guarantees against political pressures.

2. Integrity of the Personnel of Criminal Justice Authorities

Integrity is essential to the proper discharge of the duties of criminal justice authorities. That is the main reason why most countries have measures to ensure integrity within the criminal justice authorities, by providing rules of conduct for public servants, including rules for conflict of interests situations, establishing the detailed recruitment procedure, disciplinary actions and impeachment procedures in the case of misconduct of the personnel of the criminal justice authorities, applying the merit system in the process of appointment and promotion of the personnel of the criminal justice authorities.

■ Rules of conduct for public servants

Within the discussion the group agreed that in accordance with the provisions of article 8 par. 1-3 of United Nations Convention Against Corruption[4] (hereinafter - UNCAC) the majority of the countries have the so-called "umbrella Code of conduct", which is applied for all public servants. In some countries besides the general Code of conduct for public servants there are separate codes of conduct for some legal professions, i.e. judges, prosecutors, lawyers, notaries etc. Still the existence of the general rules providing the conduct for public officials is not enough in order to ensure integrity of the personnel of the criminal justice authorities, namely because each institution has it peculiarities which have to be reflected in their own codes of conduct. In this context, the group agreed that in most countries there is a need to ensure the adoption of codes of conduct for each criminal justice authority.

Moreover, the group agreed that the existence of general rules of conduct for public servants and separate codes of conduct for the personnel in each criminal justice authority is not enough and that most of the jurisdictions miss effective mechanisms capable of categorizing complaints made by the members of the public against the conduct and corruption acts of the judges, prosecutors and law enforcement officials. Hence, the revision and the creation of such mechanisms were considered by the group to be the best solutions.

■ Measures to maintain integrity

Article 11 of the UNCAC establishes that states "in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, shall take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary".

The group reached the conclusion that most of the countries comply with the provisions of the above-mentioned article. In this way in order to guarantee integrity of the personnel of the criminal justice authorities most of the countries ensure the training of the personnel of the criminal justice authorities. Still some members of the group mentioned that just the insurance of the training of the personnel of the criminal justice authorities is not enough and that it would be recommended to ensure the training of the citizens as well in the field of preventing corruption. Such training will allow the creation of a feedback system between criminal justice sector and members of the public.

During the discussions the group agreed that most of the states do not apply integrity testing of the personnel of the criminal justice authorities. Still there are some jurisdictions where such testing is applied for limited number of criminal justice sector authorities. In this context the group agreed that in order to ensure integrity of the personnel of the criminal justice authorities there is still place for improvement in the states that apply integrity testing, but in the case of jurisdictions where such integrity testing is not performed there is a need to ensure the application of several other measures that will ensure the integrity of the personnel.

■ Mechanisms for investigation and detection of corruption acts committed within criminal justice authorities

During the discussions the group agreed that most of the participants have investigating and prosecuting mechanisms for cases of corruption in their existing criminal justice authorities (i.e. judiciary, prosecution), but they do not take the form of separate bodies. In this context, the group agreed that in all countries there

[4] United Nation Convention Against Corruption, adopted by the General Assembly, Resolution 58/4 of 31 October 2003.

is still a lack of instruments to detect, investigate and prosecute corruption acts in the form of separate specialized bodies responsible for carrying out investigation of corruption acts committed by the personnel of these authorities.

3. Impartiality, Transparency and Accountability in the Relevant Decisions in the Criminal Proceedings

The group agreed that all jurisdictions have provisions regarding the assurance of impartiality, transparency and accountability by adopting and domesticating the Bangalore Principles of Judicial Conduct and the UN Guidelines on the Role of Prosecutors. Also, it was agreed that most of the states have effective systems for disqualification and recusal of judges and prosecutors in criminal cases and mechanisms to check and review decisions made by prosecutors and judges at each stage of the criminal justice process.

Despite the existing mechanisms to check and review decisions at each stage of the criminal justice process the group agreed that there is a need to improve the existing system for prosecution, by creating an audit system, through the creation of a special unit that will carry out the evaluation of all the cases that the prosecutors handled.

Moreover the group agreed that there is a need in some countries to improve and strengthen the existing systems for responding to complaints against discretionary decisions made by prosecutors or judges by making them more accessible and transparent, while in other jurisdictions it was agreed that there is a need to establish an independent and credible mechanism for responding to complaints against discretionary decisions made by criminal justice authorities.

4. Strengthening the Capacity of the Criminal Justice System in Dealing with Corruption Cases, Including Specialization

In accordance with article 6 par. 1 of the UNCAC, "each state party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies" to prevent corruption. Moreover, the same article states that "each state shall grant the body or bodies the necessary independence…to enable the body or bodies to carry out its or their functions effectively and free from any undue influence".

In this context the group discussed and agreed as mentioned above on the topic regarding the integrity of the personnel of the criminal justice authorities that most of the participants have investigating and prosecuting mechanisms for cases of corruption in their existing criminal justice authorities (i.e. judiciary, prosecution), but they do not take the form of separate bodies. In this context, the group agreed that in all countries there is still a lack of instruments to detect, investigate and prosecute corruption acts in the form of separate specialized bodies responsible for carrying out investigations of corruption acts committed by the personnel of these authorities. So, the group decided that it is more beneficial for a particular country to have specialized criminal justice authorities.

In regard to article 6 par. 2 of the UNCAC, which establishes that the states shall provide the institutions responsible for investigation of corruption acts with "the necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions," the group agreed that most of the states more or less comply with the above-mentioned provisions. Nevertheless, there is a need for improvements in some areas as follows.

■ Allocation of sufficient material resources

However, the group agreed that in several jurisdictions there is a problem with the compliance with the provisions that provide that states have to ensure "necessary material resources and specialized staff". Thus, in these cases the authorities conducting criminal investigations of criminal acts suffer from lack of sufficient capacity. In this sense, the group agreed that necessary action should be taken in order to strengthen the capacity of the above-mentioned authorities in terms of sufficient funding and creation of conditions for their success.

■ Assurance of qualified staff

The group agreed that expertise and skills of the personnel are key elements in the fight against corruption. That is the main reason why states are asked to take measures to ensure the recruitment of

qualified personnel. The group agreed that most of the jurisdictions have an adequate system for selection of the personnel, but this is not enough to ensure the success of investigations. This happens namely because even if skillful investigators are hired, the methods of commission of corruption offences develop day by day and this makes the investigators sometimes unable to solve the corruption cases because of the lack of knowledge. In this context, the group agreed that a solution for the authorities conducting criminal investigations of corruption acts will hire a specialist for a specific period of time to help with the investigation.

Another option is the creation of a team of investigators from different investigation authorities or from different departments or the creation of a team for investigation that will involve specialists, lawyers, engineers, etc. Nevertheless, in this case measures to ensure the secrecy of the investigation should be taken into account as well. In the case of creation of a team formed from different investigators it would also be necessary to establish a hierarchy within the investigation team.

■ Ensure training for recruited staff

In regard to the obligation to ensure training for the authorities conducting criminal investigation of the corruption acts the group agreed that most of the jurisdictions provide the initial training for the newly hired personnel and continuous training that is performed, depending on the country, every three months, six months or every year.

■ Proper case management

Therewith, during the discussions, the group reached the conclusion that another issue that appears in connection with the topic of strengthening the capacity of the criminal justice system is the issue of proper case management of the corruption cases. In relation to this issue the group agreed that some jurisdictions have no problem with the management of criminal cases and that the existing systems create premises for speedy investigation and trail. Though there are some states where the investigation and trial of corruption acts lasts too long. This situation is caused in some cases by the lack of electronic systems capable to announce each delay in investigation and trial or lack of computer literate personnel. In other cases the group established that the delay in the investigation and trial is caused in several jurisdictions by the provisions that establish the immunity from investigation or trial of certain high officials.

Thereby, in order to ensure the speedy investigation and trial the group agreed that it would be advisable at the level of investigation to enforce the "3C concept — cooperation communication and coordination between the investigators and other agencies", to enforce electronic systems that will allow detection of any delays in the investigation and trial of corruption cases. And last but not least in order to enforce and apply electronic systems there is a need to ensure recruitment of personnel capable of using such systems.

As, to the issue of immunity the group agreed that there is a need to ensure the implementation of the provisions of article 30 of UNCAC which establishes that each state "shall take such measures…to establish or maintain,…an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating" of corruption offences.

5. Preventive Measures

The members of the group agreed that in order not to repeat the topics that will be brought by other groups the issue of preventive measures should focus its attention on two main issues:

(i) assistance to prevent corruption in the private sector;

(ii) creation of opportunities for the involvement of young people as key actors in the prevention of corruption.

(i) Assistance to prevent corruption in the private sector

During the discussions the group agreed upon the fact that in accordance with article 12 of the UNCAC most of the countries have taken measures to prevent corruption involving the private sector, to enhance accounting and auditing standards in the private sector and to provide for administrative or criminal penalties for failure to comply with such measures. Still, there are countries where there is the general

perception that there is no corruption in the private sector at all and that the adopted measures should be applied only in relation to the public sector.

Even if we talk about measures undertaken to prevent corruption, the group agreed that the most common for all jurisdictions are: the application of the whistle-blower protection in the private sector, the adoption and application of the rules of conduct for private entities and the creation of systems that will allow the identification of the misconduct of the employees of the private entities.

In regard to the whistle-blower system in the private sector, the group agreed that such systems are implemented in several jurisdictions. However there are countries that have just taken the first steps in the application of such systems to the private sector. That is why there are still no sufficient measures to implement them, the persons to whom such provisions apply are not aware of the existing provisions or they have no idea how to use the existing mechanisms. Also, the main problem for the effective implementation of the whistle-blower system in some jurisdictions is the fact that people regard the private sector as being "immune" from all regulation related to the prevention of corruption.

In this context, the group agreed that there is the need to concentrate the efforts in order to facilitate the education of the people about what the whistle-blower system is and also, about the fact that corruption is not legal even in the private sector. As well, in order to increase the implication of the people in detecting corruption acts in the private sector the group agreed that the states should create initiatives for reporting of corruption acts (for instance giving rewards for reporting). Moreover, the states shall facilitate and encourage that the leaders of the private sector actors get involved in the prevention of corruption. and one way to do it is by leaders' public statements that they do not tolerate corruption in their companies.

Given the fact that in some jurisdictions the citizens have the idea that there is no corruption in the private sector, the group agreed that as a prevention measure the states can adopt a specific law on prevention and punishing corruption in private sector and providing adequate sentences. But another option will be the amendment of the existing laws in the field of prevention of corruption by making sure that their provisions will be applicable equally both to the private and public sectors.

The second common preventive measure in the opinion of the group is the adoption and the application of the Codes of conduct in the private sector. The group established that most of the countries do not have a "general umbrella Code of conduct" for the private sector. However, in some jurisdictions even if there is no code of conduct, still there are general rules and regulations governing the activity of each private sector actor and how they are supposed to conduct their business.

Hence, the group agreed that despite the existing rules, more efforts should be undertaken by the states in order to ensure a specific conduct for private companies and that it would be ideal to adopt a Code of Conduct for private sector actors.

The group also agreed that as a preventive measure in most of the countries, the private companies still do not have specialized units or systems that will investigate whether the employees follow the rules of conduct or commit corruption acts. In this regard the group agreed that the states should take appropriate measures to encourage private companies to create separate units or systems for preventing corruption within their companies and also to encourage the performance of the risk assessment of corruption.

(ii) Creation of opportunities for the involvement of young people as key actors in the prevention of corruption

In order to change the view of the population on corruption and to strengthen the states' actions in the process of preventing corruption the group agreed that there is a need to take measures to change the perception of the public towards the toleration of corruption. In this sense the change should be regarded in a wider perspective, including the representatives of all generations, regardless of age. Also, the group stressed that in order to ensure the prevention of corruption for the future it is advisable to get the younger generation involved as much as possible.

In this way, the group noted that some countries have already taken some measures in order to involve the young generation in the process of prevention and the fight against corruption, but still there is place

for improvement. Thus, some countries included in university curricula the topic of preventing corruption; in other jurisdictions the educational system allows to teach young people that everyone should follow the rules and what is moral or what is not. That is why the group considered that the states should revise their educational systems or create an opportunity within the systems to train younger generations that corruption is illegal and when an illegal acts is committed, they have to report it. So, as a solution the group agreed that the state should develop a curriculum that will include the topic of preventing corruption in the private and public sectors. Also, the state shall undertake steps in order to deliver qualified trainers that will deliver training to the young generations.

The group as well agreed that in the training process the public authorities should think of coming up with role models for younger generations that can affect their perception of the corruption acts and effects.

Simultaneously, the group considered that in order to get young people involved in the process of prevention of corruption the states shall take measures to create initiatives for establishment of the youth non-governmental organizations which will tackle the issues of corruption. This conclusion was reached by the group basically because in most of the countries, even if there have been taken measures to involve the younger generations, there is still place for improvement. In some countries the founders of the non-governmental organizations regard their creation as a way to get money; in other jurisdictions the existing non-governmental organizations are not so active. That is why in this case the state should get involved and monitor their activity in order to see if they respect the purposes of the creation of such non-governmental organizations. Such a monitoring can be done by the authority that is conducting registration of such non-governmental organizations or the ones that are conducting youth affairs.

Furthermore the group noted that there is a need to guarantee the involvement of the young generation in the prevention of corruption. Although several countries have created systems to give the young generation the possibility to participate in decision-making processes at local or national levels, nevertheless those measures are sporadic and leave place for enhancement. That is why within the discussions the group agreed that there is a need to take measures to make sure that in connection to all drafts of decisions, specifically in the field of prevention of corruption the opinion of younger generations would be taken into account. This goal can be reached by setting out an obligation of the public authorities to seek the opinion of the law faculty's students or of the youth non-governmental organizations which aim is to prevent corruption.

III. CONCLUSIONS

As a result of the discussion on all the topics established in the agenda of the group it was agreed that the process of the prevention and fight against corruption is complicated and implies huge efforts from criminal justice authorities. The main reason for that is the fact that corruption is like a virus that spreads rapidly, affecting daily more and more fields till it affects the whole society, becoming in the end a way of life, and the worst part is that there is no general cure for it.

Consequently, the group analyzed the topics of independence of criminal justice authorities; integrity of the personnel of criminal justice authorities; impartiality, transparency and accountability in the relevant divisions in criminal proceedings; strengthening the capacity of the criminal justice system in dealing with corruption cases and preventive measures noted that a lot of efforts were taken by the states in order to implement the provisions of different international instruments that concern the prevention of corruption and to create adequate legal and institutional frameworks to deal with the phenomenon of corruption. Despite such efforts, the group reached the conclusion that in some cases there is still a need to improve the existing framework, to strengthen the capacity of the criminal justice authorities and to ensure the integrity of the personnel of these authorities.

Also, the group agreed upon certain general solutions for identified challenges, but it is necessary to mention that in all cases these solution should be regarded as recommendations, and each state should adapt them to its national peculiarities in cases where the states want the proposed solution to work in their respective countries.

In addition to that, the group agreed that even if the public authorities take all necessary steps for prevention and the fight against corruption, still these efforts might be not enough, because it will mean that they are fighting a "big evil", and without joint forces it cannot be defeated. In this way the group considered that there is a need to involve in the fight against corruption all forces in the society. It means that, on the one hand the politicians must have the political will to fight this phenomenon; on the other hand that the community as a whole must get involved as much as possible in the process. And only by having an alliance between politicians and by efforts made by criminal justice authorities and civil society will a state be successful in the defeat of the "corruption evil".