



UIA Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados

« Rassesembler les avocats du monde • Bringing Together the World's Lawyers • Reunir a los abogados del mundo »

Corruption, Transparency and Justice

Macau SAR (China), 3 November 2013

Resolution presented at the close of the 57th Congress of the Union Internationale des Avocats (UIA- International Association of Lawyers) in Macau SAR, China and adopted by the Governing Board in Barcelona, Spain on March 29, 2014.

The *Union Internationale des Avocats* (UIA - International Association of Lawyers), which brings together lawyers, bar federations and lawyers' associations from 120 countries, who represent all the regions of the world and all legal systems, met at its 57th Congress in Macau SAR (China) and adopted the following resolution:

Having regard to the signature of numerous multilateral instruments that aim to prevent and fight corruption, and in particular the United Nations Convention against Corruption, which was adopted on 31 October 2003,

Being persuaded that corruption threatens individual trust in institutions and governments, undermines democratic principles, hinders the social and economic development of a country and negatively impacts human rights,

Observing that this global, complex phenomenon represents one of the greatest challenges with which States and international institutions are confronted,

Whereas the judicial system and its stakeholders have a key role to play in this fight, both in investigations and prosecuting those persons who are involved in corruption-related cases, as well as in guaranteeing effective protection of the victims of corruption,

Wishing to make an active commitment to this fight, as key officers in the administration of justice, in particular when representing victims or the suspected perpetrators of crimes of corruption or corruption-related crimes, or when representing individuals or organisations that expose corrupt practices,

Being of the opinion that the fight against corruption cannot justify restricting and/or violating the principles of the Rule of Law and/or international standards concerning rights of defence, and that it is moreover in the interest both of suspects and victims that the procedures implemented conform to these rights and principles,

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Calls on lawyers and professional associations of lawyers to:

- Familiarise themselves with and receive training on the existing international and national mechanisms that prevent and combat corruption, in order to be able to fulfil their mandate as guardians of fundamental rights as effectively as possible in procedures that involve corruption offences:
 - o for the protection of the rights of defence, as set forth, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Basic Principles on the Role of Lawyers.
 - o for the defence of victims' right to adequate and effective compensation, regardless of the perpetrator of the acts of corruption.
- Within the limit of their mandate, to implement national or international checks and balances on procedures if breaches are reported of human rights and fundamental freedoms, as recognised by international and national law, including all rights of defence,
- Make their experience available to States and international or regional organisations that are specialised in the fight against corruption, in particular for the design and periodic assessment of the legal instruments that are adopted in this field.

Calls on States to:

- Guarantee that the judicial system has the requisite resources (in particular legislative) to combat corruption with complete independence and impartiality, in particular vis-à-vis the executive authorities,
- Ensure that the rights of defence and the right to a fair trial – fundamental rights that are recognised by all international conventions – are strictly upheld during procedures involving corruption cases, regardless of the body before which proceedings were brought. The authorities must, in particular, be attentive to respect for such rights where responsibility for oversight, enquiries and/or investigations is entrusted to specialised bodies, in particular by providing for accessible and effective avenues of appeal,
- Take appropriate measures in order to encourage the active participation of civil society in the design of anti-corruption policies, and in particular professional lawyers' associations where such policies are liable to affect the essential principles of the profession and the role of professional associations,
- Adopt the necessary measures so that the bodies that are involved in the fight against corruption are subject to external control that guarantees their independence, freedom from manipulation, procedural transparency and respect for the Rule of Law.

Lastly, calls on international organisations to:

- Continue their efforts to combat corruption, while ensuring the effective implementation of the principles and rules set forth in the international and regional instruments that are ratified by States for the attention of the public and private sectors,

- Ensure that the various systems for assessing the measures implemented by States and enterprises to combat corruption take into account respect for fundamental rights by all the parties involved,
- Facilitate international cooperation between the various parties involved in the fight against corruption and encourage multilateral exchanges between States, as well as between States and international organisations, in particular in the field of judicial cooperation.