

Committee: United Nations Office on Drugs and Crime (UNODC)

Topic: Corruption in criminal justice and law enforcement.

I. Introduction

Corruption is defined as dishonest or fraudulent conduct by those in power, typically involving bribery. It is a complex social, political and economic phenomenon found in all countries—big and small, rich and poor—but it is the developing world where its effects are most destructive. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability.¹ As highlighted by the UN Secretary-General in his 2014 statement for the International Anti-Corruption Day corruption directly strikes the foundation of democratic institutions by distorting electoral processes, perverting the rule of law and creating bureaucratic quagmires, whose only reason for existing is the soliciting of bribes. Economic development is stunted because foreign direct investment is discouraged and small businesses within the country often find it impossible to overcome the "start-up costs" required because of corruption. Furthermore, the most malicious is the corruption within public organs wielding the rightful power to prosecute and judge those involved in the practice.



II. Sectors of interest

II.1. Police corruption

II.1.1. Introduction

Law enforcement institutions are entrusted with a diverse set of tasks requiring a high degree of integrity within police agencies and their oversight. Where this does not function properly, law enforcement officers may become vulnerable to acting unlawfully and outside their remit. In post-conflict societies in particular, but also in many communities best described as peaceful, police reform interventions are much needed. Highly advised would be the form of retraining police officers with a particular focus on human rights principles. In addition, a longer-term effort is required to establish a framework for police oversight and accountability in order to strengthen integrity within systems of policing.² Widely mentioned³ types of this sort of police misconduct include:

- ✓ Soliciting or accepting bribes
- ✓ Flouting the police code of conduct in order to fabricate frame convictions of civilians and suspects

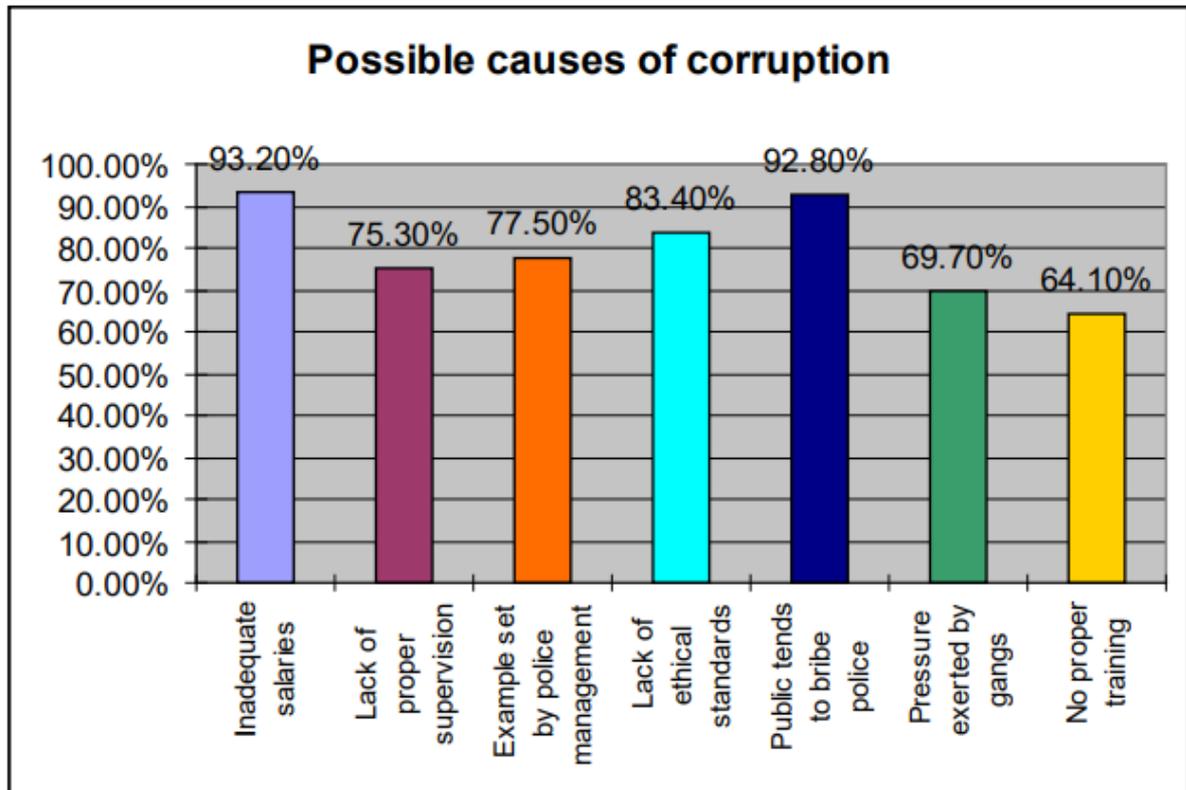
¹ <http://www.unodc.org/unodc/corruption/>

² https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability_Oversight_and_Integrity_10-57991_Ebook.pdf

³ https://en.wikipedia.org/wiki/Police_corruption

- ✓ Selective enforcement

II.1.2. Causes of police corruption



The diagram above makes it clear that the majority of the respondents felt that an inadequate salary is the prime contributor for the occurrence of corruption among police officials. Furthermore, having read various media and other reports of how corrupt the public think the police are it is very interesting to note that the public are perceived as contributing to the occurrence of corruption in that they tend to bribe the police. The lack of ethical standards by police officials was also perceived as a major cause of corruption.⁴

II.1.3. Effects of police corruption

This section discussed those effects that most corrupt acts have in common. They damage areas such as the morale of honest officers, the level of integrity within police structures and the degree to which citizens are willing to co-operate with the police. Thus, their impact needs to be seen in a broader context.⁵ One impact that basically all corrupt activities share is that they decrease public trust in, as well as respect for, the police. Any corrupt act - from citizens witnessing minor kickbacks or "gifts" given by business owners, to reports in the press of bribe taking or collusion with criminal syndicates - reduces the confidence people have in the fairness, integrity and honesty of

⁴https://www.researchgate.net/publication/266327005_ANALYSING_POLICE_CORRUPTION_AND_POSSIBLE_CAUSES

⁵ <http://www.csvr.org.za/publications/1485-not-victimless-understanding-the-harmful-effects-of-police-corruption>

police officers.⁶ Secondly, corruption has a strong impact on spreading a culture of illicitness, or at least allowing illegal activities to flourish, giving incentive to the enhancement of the bent scale, and therefore reducing the effectiveness as well as undermining the criminal justice system as a whole.

II.2. Judicial corruption

One of the main objectives of Transparency International is to act in name of fair and conscionable judicial system securing transparency leading to legitimate sentences. An



effective judiciary guarantees fairness in legal processes. It's a powerful weapon against corruption. But people's experiences in court are often far from fair. In some countries, most people in contact with the courts face demands for bribes. Their payments total

staggering amounts.⁷ Court efficiency is of imperative importance. A backlog of cases creates opportunities for demanding bribes to fast-track a case. Court personnel can be paid to slow down or speed up a trial, or dismiss a complaint. Judges can also bribe or be bribed, or they can suffer pressure from above. If politicians abuse their power, they can influence decisions and distort appointment processes. Against this backdrop, people are often unaware of their rights. Or worse still, countless negative experiences can simply resign them to their fate before a corrupt court.⁸

II.3. Prison corruption

Corruption in prisons causes problems that go far beyond mere dishonesty on the part of employees. First, corrections officers, as well as other inmates, are frequently injured by smuggled weapons. Systemic corruption thus creates a violent and dangerous environment within prisons that affects every corrections officer. For example, New York City administration officials attributed rising violence in Rikers Island prisons to gang activity as well as an increasing number of smuggled blades within the prison walls.⁹ Studies, including a 2013 United Nations report, have also determined that corruption by prison officers leads to abuses resulting in the prominence of certain groups of inmates at the expense of vulnerable groups. Additionally, gang leaders and other criminals have used smuggled cell phones to orchestrate crime and maintain external criminal networks from behind bars.¹⁰

⁶ <http://www.csvr.org.za/publications/1485-not-victimless-understanding-the-harmful-effects-of-police-corruption>

⁷ <http://www.opinionnigeria.com/incorruptible-judiciary-as-a-catalyst-for-an-equitable-and-progressive-society-by-gado-ageh-gado-esq/#sthash.5I5jtMwy.dpbs>

⁸ <https://www.transparency.org/topic/detail/judiciary>

⁹ <https://www.nytimes.com/2014/08/14/nyregion/why-violence-toward-inmates-at-rikers-grew.html>

¹⁰ http://www.law.columbia.edu/sites/default/files/microsites/public-integrity/files/prison_corruption_-_capi_community_contribution_-_september_2016.pdf

III. Final words

As a matter of fact, closing the circle of interest to just the sectors below might be misleading, as it could lead to perplex assumption, as if those were the sole areas of public corruption in context of justice and law enforcement however, there is more to it than meets the eye. Even the expert witness' unrighteous statement provided in favour of the bribing party can result in unjust sentence.

Questions to consider

1. What are the main issues relating with corruption in criminal justice and law enforcement?
2. How does the delegate's country fights with the issue of corruption?
3. What are the international non-governmental organisations putting in work to fight with corruption? What do they suggest?
4. What should be implied to countries' law to minimise the spectrum of corruption acts?