

High-Level Meeting of the Global Judicial Integrity Network

(25-27 February 2020, Doha, Qatar)

**JUDGING WITH INDEPENDENCE AND INTEGRITY: UNIQUE CHALLENGES AND OPPORTUNITIES WITHIN THE MIDDLE EAST AND NORTHERN AFRICA**

American Bar Association Rule of Law Initiative

**1. SESSION ORGANIZER**

Session Organizer:	Mary Adele Greer
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Organization:	American Bar Association Rule of Law Initiative

**2. RAPPORTEUR<sup>1</sup>**

Rapporteur:	Mary Adele Greer
Position:	Senior Criminal Law Advisor
Organization:	American Bar Association Rule of Law Initiative

**3. MODERATOR AND PANELLISTS:**

Moderator:	Mary Adele Greer
Position:	Senior Criminal Law Advisor
Organization:	American Bar Association Rule of Law Initiative

**PANELLISTS**

Name:	Judge Nawal Al Jawhari
Position:	Member of Judicial Council; Member of Court of Appeals-Jordan
Organization:	Jordanian Judiciary
Topic of presentation:	Evolution and Implementation of Judicial Code in Jordan
Summary of presentation:	Judge Nawal was one of the members of the original drafting working and implementing group for the rules of conduct for the judicial ethics,

<sup>1</sup> Responsible for drafting the session report.

	eventually implemented through the Judicial Council. She therefore focused on the Jordanian model for empowering judicial institutions and inspectorates in furthering integrity, transparency and efficiency within justice systems, and the critical incorporation of those ethical mandates into judicial training and legal education.
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Name:	Judge Abdellatif Chentouf
Position:	First Instance Judge; Professor at the University of Rabat
Organization:	Moroccan Judiciary
Topic of presentation:	The role of civil society in furthering independence and integrity in the judiciary
Summary of presentation:	The role of professional associations in furthering integrity, transparency and efficiency within justice systems, including liaising with the community to further public education and with other branches of the government to provide input into legislative and institutional reforms is critical. The Association of Magistrates in Morocco has served as an important source of advocacy to support the independence and integrity of the judiciary vis-à-vis the government and the Judicial Council.

Name:	Dr. Prof. Mohamed AbdulAziz Alkulaifi
Position:	Dean
Organization:	Qatar University Law School
Topic of presentation:	The role of legal education in furthering integrity, transparency and efficiency within justice systems
Summary of presentation:	The role of legal education in furthering integrity, transparency and efficiency within justice systems is critical. While this process should begin earlier in one's life and education, Qatari legal education has undertaken to ensure that these ethics and professional integrity are included in the law school curriculum.

**4. BACKGROUND INFORMATION ON THE TOPIC:**

The purpose of the session was to continue to engage participants in substantive exchanges and discussions on topics, approaches and emerging challenges and good practices related to the strengthening of judicial integrity and preventing corruption in the justice system. Opening interventions noted the critical confluence of the enhanced attacks on judicial independence and integrity all over the world and the ever so timely launch of the Global Judicial Integrity Network and its impressive and targeted, responsive activities, especially the development of practical resources and guidance on foundational issues and needs. The panel was aware of its needed focus on the judicial integrity and organizational efficiencies mandated by Article 11 of the United Nations Convention against Corruption (UNCAC).

## **5. SUMMARY OF THE SESSION:**

Panellists and many audience participants had been directly involved and credited with furthering the integrity, independence and accountability of their respective judicial systems vis-à-vis the communities in which they serve. Specifically, the discussion highlighted the critical functions of Judicial Councils in the neutral, fair and transparent selection of judges; drafting and effectively overseeing and enforcing ethical mandates of behaviour; and the Council's further oversight to ensure the neutral and efficient implementation of judicial duties, including adherence to international standards and best practices. The discussion also highlighted the importance of judicial associations and civil society to further the functions of advocacy on behalf of the judiciary vis-à-vis the government, related judicial institutions and with community engagement, education, and civic participation in the administration of justice and reform efforts. Lastly, it was recognized that integrity is fostered from the very beginnings of one's home and formal education, especially legal education, and must be emphasized and enhanced by practical training and access to relevant resources and expertise throughout the course of one's career.

## **6. HOW THE SESSION SUPPORTS THE OVERALL OBJECTIVE OF THE GLOBAL JUDICIAL INTEGRITY NETWORK OF STRENGTHENING JUDICIAL INTEGRITY AND PREVENTING CORRUPTION IN THE JUSTICE SYSTEM:**

The panellists, through their first-hand insight and depth of practical experience, and while acknowledging the immense challenges they face, did recognize and emphasize the critical importance of the operational and practical commitment of the Global Judicial Integrity Network to fostering judicial independence and to strengthening integrity, accountability and transparency in the justice system.

## **7. PROPOSED OUTCOME(S) OF THE SESSION AND THEIR ACHIEVEMENT:**

The panel did, indeed, facilitate a discussion among panellists and audience members regarding the critical functions of judicial inspectorates and judicial councils, and the challenges faced in the implementation of those responsibilities. Also, as intended, the discussion also highlighted the importance of providing information, technical assistance, resources and practical expertise on an ongoing basis to legal professionals, especially as part of a law school and continuing education curriculum to further integrity and independence of individual justice actors and the profession writ large.

## **8. CONCLUSIONS OF THE SESSION AND RECOMMENDATIONS TO THE GLOBAL JUDICIAL INTEGRITY NETWORK:**

- A primary reason to implement practices and processes to address issues with integrity and independence is to address the public perceptions on these problems, and then to engage in proactive public education.
- We must start inculcating ethical behaviour in educational systems at all levels, even before law school, to guide students in integrous behaviour and accountability. Methodology should involve thoughtfully selected real situations and case studies, and interactive teaching techniques.
- Furthering judicial integrity and accountability is grounded upon expert drafting, socialization, implementation and enforcement of codes of judicial conduct. In order to create the will to address issues and change behaviour, it is critical to involve all stakeholders (not just judges)

at all stages of the process, and not just stakeholders from large jurisdictions. It is also critical to mandate regular review of the codes of judicial conduct and implementation framework.

- Accountability processes, in addition to specifically spelled out disciplinary processes, should include the incorporation of compliance with codes of judicial conduct into a fair and transparent judicial inspection process (in Jordan it comprises 40% of a judges total score).
- In addition to representatives from the judiciary, the composition of Judicial Councils should include representatives from the defence bar, prosecution, the executive (MOJ) as well as civil society. To further ensure its independence, it is suggested that a Judicial Council have independent status, and its budget be protected.