

High-Level Meeting of the Global Judicial Integrity Network  
(25-27 February 2020, Doha, Qatar)

**ENFORCING JUDICIAL INTEGRITY THROUGH CODES OF CONDUCT AND ETHICS  
TRAINING**

Institute of African Women in Law

**I. SESSION ORGANIZER**

Rapporteur:	Dr. Jarpa Dawuni
Contact Information:	jdawuni@ yahoo.com, +1 202 790 8062
Organization:	Institute of African Women in Law

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

Rapporteur:	Ms. Tabeth Masengu
Position:	PhD Fellow and Honorary Research Associate
Organization:	Ghent University and University of Cape Town

**III. MODERATOR AND PANELLISTS:**

Moderator:	Dr. J. Jarpa Dawuni
Position:	Executive Director
Organization:	Institute of African Women in Law

**PANELLISTS**

Name:	Judge Monica Mugenyi
Position:	Judge
Organization:	East African Court of Justice/ Uganda Court of Appeal
Topic of presentation:	Judicial ethics in East Africa
Summary of presentation:	The presentation focused on challenges experienced by judiciaries in maintaining judicial integrity. Amongst others, Judge Mugenyi highlighted:

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

	<ul style="list-style-type: none"> <li>a. The culture of the judiciary depends on its leadership – as she noted, “a fish rots from the head!”. Judicial leadership should lead the way in entrenching a culture of integrity in the judiciary.</li> <li>b. The need for judiciary budgets to be independent from the executive.</li> <li>c. The need for judicial appointment bodies to be accountable.</li> <li>d. The need for technical training of judges in order to ensure that they have the requisite knowledge of the law, which will dissuade reliance on external influences.</li> <li>e. The importance of judicial ethics training. She advanced that ethical training:             <ul style="list-style-type: none"> <li>- informs judges of the high standard of ethics they must abide by;</li> <li>- solicits a lifestyle change from judges to avoid impropriety in conduct, interpersonal relations, etc.; and</li> <li>- therefore, should be conducted as early as possible at the onset of a judge’s judicial career, most appropriately by way of induction into a judicial career, followed by repeated routine refresher training.</li> </ul> </li> </ul>
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Name:	Judge Elisa Samuel Boerekamp
Position:	Judge of the High Court of Mozambique, Director of the Judicial Training Institute
Organization:	Judiciary of Mozambique
Topic of presentation:	Access to justice for women, judicial integrity and the role of judicial training
Summary of presentation:	<p>The presentation explored judicial training and the difficulties judges face in maintaining judicial integrity. Current challenges in Mozambique include amongst others:</p> <ul style="list-style-type: none"> <li>a. Absence of separation of powers leading to executive interference;</li> <li>b. Lower levels of professional competence;</li> <li>c. Challenges in investigating corrupt judicial behaviour;</li> <li>d. Weakening of public trust in the judiciary; and</li> <li>e. Lack of institutionalised and compulsory training of judges and prosecutors on gender equality and women’s rights, including national, regional and international human rights law and jurisprudence.</li> </ul> <p>The judiciary has historically been a preservation for men. In the African perspective, most women lack access to justice and there are gender stereotypes in the judiciary. Despite appointment of more women as judges, women and children still struggle in gaining access to justice. Judges’ backgrounds and experience inform how they behave and so these gender questions have to be brought to the fore and discussed in the judiciary. There is a need for judiciaries to appoint more women, because the way they deal with cases is different.</p>

	<p>The Judicial Training Centre, the Centro de Formacao Juridica Judiciaria (CFJJ), has conducted various ethic training activities over the years, but there has been no survey measuring the impact of these training activities on the judiciary. The CFJJ is using the UNDP Assessment on Strengthening Judicial Integrity through Enhanced Access to Justice to strengthen judicial integrity. This includes working with the local UNDP on a comprehensive “Human Rights, HIV and Gender Based Violence” training curriculum for judges, prosecutors, legal aid lawyers and other judicial officials.</p>
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Name:	Mr. David J. Sachar
Position:	Executive Director
Organization:	Judicial Discipline and Disability Commission, Arkansas, the United States of America
Topic of presentation:	Judicial conduct and training
Summary of presentation:	<p>The Judicial Conduct Commission seeks to prevent corruption in the public sector by reinforcing the vital role of the rule of law. Judicial audiences must be engaged by the presentation as well as the content.</p> <p>Making sure that the code of conduct for judges is the standard for ethics training is important. Just using broad concepts is not enough. Concrete examples that teach the code of conduct are needed. Teaching judicial officers using only the text of an ethics code can be quite sterile and boring. Real case examples help explain the concepts and give the judges context.</p> <p>There is a great value in having qualified trainers and representatives from judicial administration and/or conduct committees at the sessions. Not only will it improve the presentations and materials, it lends a name and contact person for judges to use as a resource.</p> <p>Longstanding gender stereotypes hinder fair and neutral judgements by courts. While it can manifest in many ways (i.e. men often claim to be unfairly treated in child custody cases on the issue of primary custody of the children), most of these roadblocks work against women and other minorities. It would be naive to overlook these biases. Inherent bias training should be offered.</p>

Name:	Judge Abdulla Alsaadi
Position:	Deputy President of the Court of Cassation and Director of Judicial Inspection Department
Organization:	Judiciary of the State of Qatar
Topic of presentation:	Judicial integrity: Perspectives from the State of Qatar

<p>Summary of presentation:</p>	<p>The presentation focused on drawing guidelines that restrict a judge and a road map for dealing with judicial behaviour. A judge needs to demonstrate good behaviour but also to do so in his or her daily life. One of the judicial principles adopted by the United Nations General Assembly is that judges need to exercise their rights to maintain independence and integrity. The countries' implementation of the Bangalore Principles of Judicial Conduct and individual codes of ethics will help judges in that regard.</p> <p>With the rise of the use of social media, many conferences are held on this and most agree that judges can use social media based on pre-determined rules and conditions so judges can know their limits.</p> <p>Judges may face some practical issues when dealing with particular issues and in showing lawyers how to regulate their sessions, they should not forget their role. Judges with experience need to convey to other colleagues how to address particular circumstances and also give lectures or training courses to their colleagues.</p> <p>On the issue of gender in the judiciary, it was noted that Qatar is a conservative place and previously women were not allowed to work in places where men were, with the exception of teaching. Recently, women have joined the labour markets and the judiciary and women judges have proved their competency as judges. Right now, Qatar has 12 per cent women judges and plans to announce a target to hit 30 per cent by 2030. This will make Qatar the first country in the Gulf region to do so.</p>
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#### IV. SUMMARY OF THE SESSION:

The key issues covered by the panellists included:

1. The definition of judicial integrity and how it needs to be present in an individual before they are appointed. It was emphasised that appointing bodies need to be aware of who they appoint and what their behaviour is because once they are on the bench, judicial training will not be helpful if they lack the basic standards of integrity.
2. The independence of the appointing body is important to ensure that they appoint people with integrity.
3. Judicial training must be holistic, practical and with examples of instances where judges have acted inappropriately.
4. The need to take into account gender-related issues that sometimes negate the practical application of judicial integrity, affecting litigants, court administrators and in some cases women judges too.
5. The use of the Bangalore Principles of Judicial Conduct was also considered as very important for guiding jurisdictions.

Comments from the floor included:

1. The view that competence is the core of integrity (70% of integrity is based on competence).

2. Independence is relative to the individual, therefore there is the need to focus on the jurisdictions and the heads of their departments and courts.
3. Integrity does not come when a person is appointed as a judge. The focus should be on university education and an emphasis on integrity in addition to the acquisition of skills and knowledge.
4. The difficulty of separating judicial integrity from judicial independence.
5. The need for appointing bodies to come with guidelines to measure integrity.

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

This session supported the objectives of the Global Judicial Integrity Network by:

1. Discussing best practices and success stories of judicial training in some jurisdictions across Africa, the State of Qatar and the United States.
2. Highlighting challenges of maintaining integrity standards within and across jurisdictions.
3. Providing expert policy recommendations on best practices to tackle specific judicial integrity issues.

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

The proposed outcomes for the session were:

1. The provision of first-hand accounts from judges who have worked within judiciaries on judicial training. Hearing their personal and collective experiences would provide the Global Judicial Integrity Network with qualitative data for analysing some of the challenges facing the work of judges in enforcing ethics training.
2. The provision of policy recommendations on what can be done to achieve judicial integrity and independence in judiciaries.
3. The development of a report based on an empirically grounded methodological framework for purposes of a comparative analysis of judicial integrity issues across different jurisdictions.

The first and second session outcomes were achieved. The third outcome is an ongoing process and it is suggested that UNODC engage the services of the IAWL to produce a comparative report grounded in empirical data and rich qualitative analysis.

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

1. It is important to lay a foundation domestically for what is required as good judicial behaviour. Countries need to have codes of judicial conduct and continuously update them when needed.
2. The selection process for appointing judges needs to be emphasised in order to ensure that candidates with integrity are appointed.
3. Integrity needs to be present before somebody is appointed, it is not acquired while on the bench. Values of the judiciary can be passed on to candidates who understand and respect important judicial values before they are appointed.

4. Training on ethics and judicial conduct needs to be practical, not just theory. Real life examples are always useful.
5. Judges need to be above reproach, not just in their public life as judges but in their personal lives too.

#### **VIII. ADDITIONAL OBSERVATIONS, IF APPLICABLE**

Overall, it was a great conference with well-chosen topics and informative organized panels. IAWL looks forward to continued engagement to help address the issues of gender-related judicial integrity issues across African judiciaries.