Discussion Guide Template for Substantive Sessions

Launch of the Global Judicial Integrity Network

(9-10 April 2018, United Nations Vienna)

This form provides guidance to the organizations that will coordinate sessions to address one of the conference’s work streams.

The Conference’s main goal is to officially launch the Global Network and to kick start its activities by engaging participants in substantive exchanges and discussions on topics, approaches and emerging good practices related to the strengthening of judicial integrity and preventing corruption in the justice system.

As such, the Conference will work under three streams:

- Strengthening Judicial Integrity & Accountability
- Preventing Corruption in the Justice System
- Assessing and Monitoring Integrity

A session lasts approximately 90 minutes and must provide for sufficient time to allow for Q&A or any other engagement of the audience. Roundtables and guided discussions are ideal formats for sessions, in order to achieve concrete and substantive inputs and conclusions from each session.

Each organization coordinating a session is required to prepare a 5 to 10 pages max. discussion guide for their sessions (Times New Roman, 12 pt, single space).

The objective of this document is to provide guidance to the session moderator, panellists and the session rapporteur, in a way that promotes a targeted, concrete and inclusive debate about the topic of the session. The guide should also be distributed to participants, as background information for the sessions.

The discussion guide must cover the following areas:

1. **Introduction of the topic** – providing background information on the issue to be addressed in the session. The information should include, whenever possible, reference to academic materials, surveys, publications or other reference material, as well as an overall summary of the experiences, practices and challenges to date under the topic;

2. **Outline the main issues** to be addressed during the session – reference to what aspects of the topic each panellist will be addressing is also welcome;

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1 Sessions might have to last 80min. to accommodate the schedule of interpreters.
3. **Propose specific questions** to facilitate the discussions during the session – the objective is to guide the work of the moderator, foster targeted interventions from panellists and inform the audience about the starting point of the discussions.

All discussion guides will be later incorporated to the library of resources of the Global Judicial Integrity Network, along with the session report prepared by organizers, as relevant resources on judicial integrity and the prevention of corruption within the justice system. Further guidance on the reports will also be provided.

**Background**

With a view to provide sustained support and technical assistance to Member States in implementing the Doha Declaration’s goals, UNODC launched in 2016 a **Global Programme for Promoting a Culture of Lawfulness**, with the support of the State of Qatar. The **four-year programme** covers specific areas addressed in the Doha Declaration, including strengthening judicial integrity and the prevention of corruption in the justice system. One of the key objectives of the Global Programme is the establishment of a **Global Judicial Integrity Network**.

**Deadline for Submissions:**
Discussion guides should be submitted until **23 March 2018**.

**How to Submit:**
By email addressed to **unodc-judicialintegrity@un.org**

In case of further questions, please contact:

Ms. Roberta Solis  
Crime Prevention and Criminal Justice Officer  
Judicial Integrity Team Leader  
United Nations Office on Drugs and Crime  
T: +43-1-26060-83245  
M: +43-699-1458-3245  
E: roberta.solis@un.org  
W: www.unodc.org/dohadeclaration
I. **TITLE OF THE SESSION:**

<table>
<thead>
<tr>
<th>Title of the Session:</th>
<th>Assessing corruption and integrity in the justice system - what have we learned?</th>
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<tbody>
<tr>
<td>Topic of the session:</td>
<td>Assessing and Monitoring Integrity</td>
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<tr>
<td>Organizer(s):</td>
<td>The German Agency for International Cooperation (GIZ)</td>
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<td></td>
<td>The United Nations Development Programme (UNDP)</td>
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<td>The United Nations Office on Drugs and Crime (UNODC)</td>
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<td>The Research Institute on Judicial Systems (IRSIG-CNR)</td>
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<td></td>
<td>U4 Anti-Corruption Resource Centre (U4)</td>
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<tr>
<td>Contact information</td>
<td>Marcus Zamaitat (<a href="mailto:marcus.zamaitat@giz.de">marcus.zamaitat@giz.de</a>), Mobile: +4917698318690, Landline: +49 6196 79-2658</td>
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<tr>
<td>of the session</td>
<td>Coordinator:</td>
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<tr>
<td>Brief presentation of</td>
<td>The Anti-Corruption and Integrity Programme is commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and is a part of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The Programme works with partner countries on promoting anti-corruption reforms (i.a. in the justice sector), provides information, training and advisory services to the BMZ and the German Development Cooperation, and feeds its experiences back into the international debate.</td>
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<tr>
<td>the organizer(s):</td>
<td>UNODC is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism. The three pillars of the UNODC work programme are: Field-based technical cooperation projects to enhance the capacity of Member States; research and analytical work to increase knowledge and understanding of drugs and crime issues; and normative work to assist States in the ratification and implementation of the relevant international treaties. Within the overall framework, UNODC is the guardian of the United Nations Convention against Corruption (UNCAC) and mandates to advance the implementation of the UN standards and norms in the area of crime prevention and criminal justice, including those relating to the strengthening of judicial integrity and independence.</td>
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<td>(max. 300 words)</td>
<td>UNDP works in 170 countries and territories to support countries in achieving the 2030 Agenda for Sustainable Development. Strengthening the rule of law and promoting human rights are cornerstones of UNDP’s work to achieve sustainable development. In the last decade UNDP’s Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development has provided assistance to national partners to build resilient communities that are supported by just institutions. Judicial integrity is a key pillar of the programme, recognising that measures</td>
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to strengthen the rule of law and prevent corruption are the basis for creating accountability between citizens and their governments. In this context UNDP launched in 2017 a network of Judicial Integrity Champions in APEC to learn from each other in their reform efforts to deliver justice for all.

U4 is a permanent centre at the Chr. Michelsen Institute (CMI) in Norway. CMI is a non-profit, multi-disciplinary research institute with social scientists specialising in development studies. The U4 partners’ development agendas inspire our independent research. We apply academic rigour to explain the complex nature of corruption. We communicate practical entry-points for countering corruption – through dialogue, publications, online training, workshops, helpdesk, and innovation.

IRSIG-CNR is a public research institute, established by the National Research Council of Italy in 1992. Its mission is to study and carry out research in the domain of justice, both as a scientific effort and as a service for policies to improve the administration of justice. IRSIG also aims at facilitating the convergence of basic features of European Union justice systems. Its research deals with the "law in action", governance, court management and ICT, working practices, design and assessment of judicial institutions and reforms in comparative perspective.

II. BRIEF INTRODUCTION OF MODERATOR AND PANELLISTS:

| Moderator: | Daniel Kempken |
| Position: | Head of Division 301 – Governance, Democracy, Rule of Law |
| Organization: | Federal Ministry for Economic Cooperation and Development (BMZ) |

| PANELLISTS |
| Name: | Tilman Hoppe |
| Position: | Independent Adviser on Judicial Integrity |
| Organization: | on behalf of GIZ |
| Topic of presentation: | |
Name: Elodie Beth  
Position: Programme Adviser  
Organization: UNDP Bangkok Regional Hub  
Topic of presentation: 

Name: Francesco Contini  
Position: Senior Researcher  
Organization: Research Institute on Judicial Systems – National Research Council of Italy (IRSIG-CNR)  
Topic of presentation: 

Name: Sofie Schütte  
Position: Senior Adviser  
Organization: U4 Anti-Corruption Resource Centre  
Topic of presentation: 

Name: Oliver Stolpe  
Position: Senior Programme Officer  
Organization: United Nations Office on Drugs and Crime  
Topic of presentation: 

### III. BACKGROUND INFORMATION ON THE TOPIC:

Corruption in judiciaries takes many forms and involves a wide range of actors. It may occur at national or local levels, or be concentrated in certain areas of law or circles of people. Fostering integrity and the independence of the judiciary is essential to fighting corruption – not only within the judiciary, but also in other sectors. Empirical Knowledge on the reasons for improper behaviour of judges and for the general malfunctioning of the judiciary are valuable commodities, as they can offer systematic, realistic and achievable anti-corruption or integrity action plans. It is self-evident that strengthening judicial integrity necessitates assessments of judicial integrity. Therefore, courts greatly benefit from assessing their own work to improve their performance and integrity in order to deliver effective justice. Having a feedback
loop that can direct the attention of courts to issues that need adjustment thus plays an essential role in facilitating and monitoring progress. When it comes to judicial reform, assessments are an essential tool for courts to monitor compliance. In addition, on a systemic level, assessing integrity on a regular basis ensures public accountability and thus, confidence in the judiciary. A comprehensive evaluation of judicial systems is still strategic challenge for judiciaries around the world. Budget constraints, new management techniques, the challenge of digitalisation and competition for resources with other public bodies require approaches of judicial evaluation fit for purpose.

When thoughtfully designed and carried out in a systematic way, self-assessments of integrity by judicial leaders and courts can be the crucial first step towards change. By helping detect deficiencies, they can reveal needs for change and inspire action.

It is for this reason that the German Agency for International Cooperation (GIZ), UNDP, UNODC, IRSIG-CNR, and U4 are hosting a panel discussion as part of the third work stream of the GJIN, "Assessing and Monitoring Integrity", to address the question: “Assessing corruption and integrity in the justice system - what have we learned?”

IV. MAIN ISSUES TO BE ADDRESSED AND KEY OBJECTIVES OF THE SESSION:

Bringing together experts on the topic to share their expertise, this session is aimed at contributing to the exchange of knowledge and experiences with tools and frameworks designed to assess judicial integrity. Input from our panellists, both external and from the organisations themselves will provide the basis for an open discussion on the effective assessment and monitoring of behaviour and performance in the justice sector (e.g. GIZ Judicial Integrity Scan, UNODCs Evaluative Framework of Implementation of Article 11 UNCAC, and UNDP APEC Self-Assessment Methodology on Judicial

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3 See for example the Judicial Integrity Champions in APEC Inception Meeting, more information available here: http://www.asia-pacific.undp.org/content/rbap/en/home/presscenter/events/2018/judicial-integrity- champions-in-apec-inception-meeting0.html?cq_ck=1520581039339.


5 For more information on GIZ Judicial Integrity Scan, see here: https://www.giz.de/expertise/downloads/giz2015-en-judicial-integrity-scan.pdf.

Integrity and Performance). Through guided discussions, our panellists will provide an overview of the methodology and scale of assessment tools based on the Bangalore Principles of Judicial Conduct (hereinafter: Bangalore Principles) and Article 11 of the UNCAC, but also on domestic judiciary development plans and judicial reforms. Consequently, there will be a discussion of existing tools, their merits and shortcomings, as well as an open analysis of achievements. The impact of assessment and monitoring on judicial reform is of particular interest. Finally, our panellists, with input from the plenary, will discuss ways to incorporate lessons learnt into future tools and frameworks.

Key objectives of the session are to:

- Provide a space for discussing the value of self-assessment and judicial integrity-based reform monitoring
  - In-depth expert discussion on judicial performance and accountability frameworks
  - Overview on the diagnostic tools available for assessing, monitoring, and strengthening integrity
  - Capture the merits of existing assessment tools, including the GIZ Judicial Integrity Scan and the UNODC Criminal Justice Assessment Toolkit
- Ascertain the value of ‘Action Learning’ principles for assessments and the ownership of a country for the development and implementation of activities and the responsibility for outcomes
- Explore how integrity can benefit from the enhancement of other fundamental judicial values in a comprehensive assessment of capacity within the justice sector, e.g. timeliness and quality of justice delivery
- Seek an understanding of a baseline for reform and monitoring progress over time that promises easy to use and widespread acceptance

V. SPECIFIC QUESTIONS AND DISCUSSION POINTS TO BE ADDRESSED IN THE SESSION:

Permanent slido-question in the background to Plenum:
How can judiciaries be better equipped to assess and monitor judicial integrity?

Round one:

1. What is the value of judicial performance and accountability frameworks?
2. Is there consensus on the areas and topics that are to be included within judicial integrity and what are the sources for the development of integrity mechanisms and safeguards around the globe?
   In detail:
   - UN Convention against Corruption (Article 11)
3. What are the different types of assessment tool’s advantages and disadvantages?
   In detail:
   - Compliance reviews (UNCAC Implementation Review Mechanism, GRECO)
   - Household surveys
   - Stakeholder surveys
   - Qualitative assessments (GIZ Judicial Integrity Scan)
   - Self-assessments (UNDP Judicial Integrity Champions in APEC)

4. What are the findings to recommend developing a methodology for self-assessment of judicial integrity and performance?

– Questions from the plenary –

Round two:

5. Justice systems are a hybrid between judicial and administrative operations - following a comprehensive approach including other primal judicial values, what are the challenges of assessing judicial integrity as a key element of court excellence?

6. Would you highlight some recommendations/selection of appropriate indicators that should guide all assessments in terms of a robust methodology for detailed and systematic assessment?

7. How best to implement approaches to assessments and regular monitoring on both national and regional levels (e.g. example of Nigeria)?

8. In your opinion, what is still needed for countries to deploy assessment frameworks that ensure meaningful results and inform policy or capacity development?

To facilitate discussion and Q&A, the session is designed as a panel discussion with two rounds of concise questions posed by the moderator and multiple short answers, followed by questions from the plenary. After the first round of questions, the floor is opened to questions from the plenary. This is repeated after the second round of questions. Audience interaction shall be assisted by www.sli.do to capture additional questions that are not asked in person.

VI. PROPOSED OUTCOME(S) OF THE SESSION:

Judges and participating organisations will be provided with the specifics of judicial performance and integrity assessments. Through examples of successful assessment and monitoring of judicial integrity, participants will be provided with an appreciation for its value for sustainable reformatory process. Building on the discussions, the session will deliver a set of recommendations on what is required for judicial performance and accountability frameworks in order to ensure meaningful results.