

ENFORCING JUDICIAL INTEGRITY THROUGH CODES OF CONDUCT AND ETHICS TRAINING

INSTITUTE FOR AFRICAN WOMEN IN LAW,
EUROPEAN JUDICIAL TRAINING NETWORK

Judicial integrity is a core foundation for the survival of the judicial branch of government. Different countries have adopted context-specific models of ethical standards to guide the functioning of their judicial officers. For purposes of this panel discussion, we examine judicial integrity in two ways; first the integrity of the judicial officer as an individual, and second, the integrity of the judiciary as a collective institution embodying principles such as justice, equality, and fairness. Together, these two facets condition the institutional culture of the judicial branch and determines the level of citizen trust and confidence in the judiciary and judicial outcomes. For purposes of this discussion, we frame judicial integrity as including but not limited to how judges and judicial staff are appointed, the methods of training and providing continuous assessment of the appointment of judges, the terms of tenure, promotion and discipline of judges, the prevention of judicial corruption and addressing different forms of gender stereotyping.

Since the coming into force of the *Bangalore Principles of Judicial Conduct*, global efforts have been made to harmonize judicial ethics and integrity. Notwithstanding the concerted global efforts and the work of UNODC working under the umbrella of the Doha Declaration's investment in promoting a culture of lawfulness, many jurisdictions continue to grapple with issues of judicial integrity due to falling standards of ethics. Despite the principles espoused by the *Bangalore Principles*, issues of judicial integrity are also culture and context dependent, therefore requiring different strategies and training models to address them. This panel brings together judges selected from different geographical regions to discuss issues of judicial conduct, training and ethics of judges from a comparative perspective.

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INSTITUTE FOR AFRICAN WOMEN IN LAW

IAWL is a non-profit, non-governmental organization committed to supporting the formidable works of women in law across the continent of Africa and the Diaspora. The Institute relies on the skills and expertise of highly qualified lawyers, judges and law professors as forerunners in the development of best practices, skill sets and innovative programming for women across the various fields of law. The Institute has five focal areas: training, mentoring, advocacy, researching and consulting/advising.



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Main Issues:

The administration of justice by domestic and regional courts is a critical tenet of the rule of law and notions of good governance in so far as the judiciary provides a neutral, structured avenue for the resolution of disputes. A judge is considered a neutral arbiter in the context of litigation, thereby engendering trust in the judicial process. Maintaining standards of judicial integrity is critical at many levels— at the macro level for purposes of promoting global peace and stability; at the meso level (state) for purposes of judicial confidence and a system of checks and balances, and, at the micro level (individual) for promoting equity, fairness and justice. However, the efficiency of regional and domestic judiciaries can only be realized against the backdrop of minimum ethical standards. At the heart of these standards are the competence, integrity, independence and impartiality of the judges who preside over the judicial process with appropriate regard for the equality of all persons that submit to their judicial authority.

The notion of equality of all persons can be found in the United Nations Declaration of Human Rights, as well as the numerous rights-based international conventions that articulate the human rights of different categories of people. Equality entails the right by all persons to a fair trial for the enforcement and enjoyment of designated human rights. To that end, whereas the United Nations Basic Principles on the Independence of the Judiciary enjoins nation states to provide the necessary environment within which judicial independence may effectively operate, the Bangalore Principles of Judicial Conduct provide the standards by which judiciaries themselves can be held to account. The context within which these standards have developed, requires a comparative assessment and evaluation of how these judicial standards have been applied cross-nationally.

Main objectives and issues to be addressed include:

1. Judicial ethics and training of judges for preventing corruption and maintaining judicial independence
2. Expanding opportunities for training and enforcing judicial integrity and ethics in developed and developing countries
3. Gender, judicial integrity and judicial ethics in national and regional courts

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

1. Discussing best practices and success stories of judicial training in some jurisdictions across Africa 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.

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Specific Questions and Discussion Points:

Based on the distinguished background of the panellists, the session questions to be explored include:

1. Based on your experience engaging with judicial training, what would you consider to be some of the enduring challenges to maintaining judicial integrity in the jurisdictions you have worked in?
2. How can judicial training help judiciaries insulate judges from corruption?
3. How can ethics training help judges maintain their personal and professional integrity and independence?
4. How do cultural and gender norms affect judicial integrity and ethics?

Proposed Outcomes of the Session:

Increasingly, judiciaries across the world are facing challenges, some of which include executive overreach in the functioning of judiciaries with negative impacts on the integrity and independence of the judicial institution. In some other cases, the challenges arise from the lack of, or inadequate training of newly inducted judges and magistrates on important issues such as judicial conduct and how to identify, address and abide by ethical standards either within national guidelines or standards set by the *Bangalore Principles of Judicial Conduct*. The outcome of this session is to provide a cross-national synthesis of some key judicial integrity and ethical issues. The anticipated outcomes include;

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