PAST PRESENT FUTURE

HIGH-LEVEL EVENT
24-27 FEBRUARY 2020
DOHA, QATAR
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Dear Network participants,

It is with great pleasure that I welcome you to the second High-Level Meeting of the Global Judicial Integrity Network in Doha. Since its launch in April 2018, at UNODC headquarters in Vienna, the Network has taken great strides in advancing the cause of judicial transparency and integrity and in establishing and consolidating a unique platform for judges around the world to network with each other, to learn from one another and to share best practices.

The Network has already provided support to many jurisdictions through its continuously expanding resource database, exclusive Judicial Ethics Training Tools and valuable meetings on key topical themes. By any measure, this is a highly successful beginning for the only international network of its kind in the world. It is only through your participation and your support that it can continue to thrive and expand, and that we can better contribute to our shared goal of promoting judicial integrity, with the support of the UNODC Global Programme for the Implementation of the Doha Declaration.

I am grateful that so many of you have joined us, so that we can continue strengthening – together – the foundations for a global culture of lawfulness. While challenges remain, I know that our common resolve is unshakable.

I am pleased to welcome you personally in Qatar, and to continue with you on this joint and worthy journey.
INTRODUCTION

The Global Judicial Integrity Network is one of the key results of the efforts of the UNODC Global Programme for the Implementation of the Doha Declaration, which aims to assist Member States in implementing vital areas of the Doha Declaration adopted at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in 2015.

The Global Judicial Integrity Network was launched in April 2018 in Vienna at a high-level event that brought together over 350 high-level participants, including 35 Chief Justices and other senior representatives of judiciaries, from 106 countries and 40 judicial associations, thus representing the largest gathering of judges ever organized under the auspices of the United Nations. The launch event concluded with the adoption of the terms of reference of the Network and a landmark Declaration on Judicial Integrity. In addition, the launch participants endorsed the composition of the first Advisory Board of the Network and UNODC was tasked with the secretariat role.

As set out in the terms of reference, the Network provides assistance to judiciaries in strengthening judicial integrity and preventing corruption in the justice system, including through the promotion of networking opportunities, facilitation of access to resources and concentration on existing and emerging challenges related to judicial integrity.

Within a two years of existence, the Global Judicial Integrity Network has successfully created a global movement for the strengthening of judicial integrity and the level of participation and interest from judiciaries and other stakeholders continues to grow. The Network’s work and activities have been guided by an ambitious 2018-2019 workplan developed by the Advisory Board, and some of the concrete achievements include: the finalization of the widely applicable Judicial Ethics Training Tools; the development of several knowledge products; the organization of meetings and networking opportunities; and the provision of peer-support and guidance.

The purpose of the second High-Level Meeting of the Network is to:

(i) take stock of the achievements of the Network since its launch and discuss the work conducted in the priority areas of the 2018-2019 workplan of the Network;
(ii) discuss existing and emerging challenges related to judicial integrity and explore the efforts made by judiciaries to address them; and
(iii) identify priority areas for the Network beyond 2019.

For more information about the Global Judicial Integrity Network and the High-Level Meeting, please visit: www.unodc.org/ji.
DOHA HIGHLIGHTS

1. UNESCO Desert Sentinel
This UNESCO World Heritage site is one of the most extensive and best preserved examples of an 18th–19th century settlement in the region.

2. Islamic Art Museum
Experience 14 centuries in a few hours at one of the leading collections of Islamic art in the world.

3. Souq Waqif
The maze of small shops offer a dazzling array of Middle Eastern merchandise from spices and seasonal delicacies, to perfumes, ornate jewellery, clothing, handicrafts and a treasure trove of souvenir bargains.

4. Doha Waterfront
A seven-kilometre long waterfront promenade which stretches for the entire length of Doha Bay, the Corniche offers spectacular vistas of the city.

5. The Pearl
An artificial island off the West Bay coast featuring Mediterranean-style yacht-lined marinas, upmarket residential towers, villas and internationally renowned hotels, as well as luxury shopping
INFORMATION ABOUT QATAR*

Venue
The Sheraton Doha Resort and Convention Hotel
http://www.sheraton.com/doha

Taxes and Tipping
There are no taxes or tipping in Qatar.

Currency
The currency unit of Qatar is the Qatar riyal (QR), which is divided into 100 dirhams. The exchange parity has been set at the fixed rate of $US 1 = QR 3.65.

Telephone services
Telephone services are available in hotels, restaurants and cafes. Pre-paid mobile telephone cards are available at hotels and local shops.

Business hours
Banking hours are from 7:30 to 13:30 from Sunday through Thursday.

Weather
Qatar has a moderate desert climate, with long hot summers and short mild winters and little rain in winter. The average temperature in Doha, Qatar in November is 30/21 degrees Celsius.

Time
Qatar is three hours ahead of Greenwich mean time (GMT + 03:00).

Dress Code
Please dress modestly in public areas. When visiting tourist locations please ask the hotel for guidance.

Useful Telephone Numbers
To call within Qatar, no additional area code is needed. For international calls, dial 00 + country code + required number. To call a telephone number in Qatar from abroad, dial +974

Electricity
Electrical power in Qatar is supplied at 240 Volts (50 Hertz). Please note that a three-pronged plug is needed.

* information taken from "Information for Participants" from the Third Session of the Conference of State Parties to the United Nations Convention against Corruption
NOTE FOR PARTICIPANTS

THIS SECTION INCLUDES ADDITIONAL LOGISTICAL INFORMATION FOR EVENT PARTICIPANTS.

ACCOMMODATION

Participants who are funded by the State of Qatar will be staying at the Sheraton Hotel.

The accommodation package includes both room and board (meals) during the event dates at the Sheraton, including breakfast and lunch on 27 February.

Food will be served buffet-style, so that participants can select the options that meet their personal needs.

Please also note that the payment of any additional charges, such as, for example, mini-bar use, room service, laundry, dry-cleaning, etc. are the responsibility of the participant.

Due to its close proximity to the event, The Mövenpick Hotel West Bay in Doha is the recommended location for all self-funded participants. It is within five minutes walking distance of the Sheraton Hotel.
HOTEL SERVICES

An on-site clinic with a nurse and doctor will be located at the Sheraton. The Sheraton has a printing and business centre, which will be available to participants.

TRANSPORTATION

Transportation will be provided between the Doha airport and the Sheraton Hotel.

ATTIRE

Participants should note that the dress code of the conference, as well as the gala dinner, is business wear or national attire.

Participants are invited to wear casual attire for the optional events on 27 February.

INTERPRETATION

Sessions held in the plenary hall will feature interpretation in all of the United Nations languages, with the exception of the final breakout session in the plenary hall. All other sessions will feature interpretation in English-Arabic.

NOTE

It is expected that all participants respect local laws and the values of the United Nations throughout their travel and stay.
AGENDA

Under the patronage of his Royal Highness the Emir Sheikh Tamim bin Hamad al-Thani

24 FEBRUARY 2020

<table>
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<tr>
<th>EVENT</th>
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<tbody>
<tr>
<td>ARRIVAL OF GUESTS</td>
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<td>REGISTRATION</td>
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<tr>
<th>EVENT</th>
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<tbody>
<tr>
<td>HIGH-LEVEL OPENING SESSION</td>
<td>9.00 - 10.30</td>
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<tr>
<td>Hon. Dr. Hassan bin Lahdan Alhassan Almohandai, Chief Justice, Qatar</td>
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<td>Mr. John Brandolino, Director, Division of Treaty Affairs, UNODC</td>
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<th>EVENT</th>
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<tr>
<td>PRESENTATION ON THE ACHIEVEMENTS OF THE NETWORK</td>
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<tr>
<td>Mr. Marco Teixeira, Coordinator, Doha Declaration Global Programme, UNODC</td>
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<tr>
<td>Ms. Roberta Solis, Judicial Integrity Team Leader, UNODC</td>
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25 FEBRUARY 2020 (CONT.)

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<tr>
<th>EVENT</th>
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<tr>
<td>PLENARY SESSION - SOCIAL MEDIA</td>
<td>10.30 - 12.00</td>
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Moderator: Brigitte Strobel-Shaw, Chief - Corruption and Economic Crime Branch, UNODC
Panellists:
Hon. Judge Jean Tannous, Judicial Superior Council, Lebanon
Hon. Judge Emmanuelle Perreux, National Magistrates’ School, France
Hon. Justice Patrick Kiage, Court of Appeal, Kenya
Hon. Judge Virginia Kendall, District Court for the Northern District of Illinois, United States

| LUNCH | 12.00 - 14.00 |

| THEMEATIC BREAKOUT SESSIONS I | 14.00 - 15.10 |

Thematic breakout sessions will take place simultaneously and will be organized by various stakeholders. The sessions will provide ample opportunity for all participants to engage actively and share the relevant experiences. At the end of each session, organizers will collect the recommendations emerging from discussions as inputs for the future work of the Network.

*Please note that interpretation into all UN languages will be provided in the first two plenary sessions. All other sessions will have Arabic-English interpretation.

<table>
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<tr>
<th>PLENARY HALL</th>
<th>AL-SALWA 1</th>
<th>AL-SALWA 2</th>
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| THEMEATIC BREAKOUT SESSIONS II | 15.25 - 16.35 |

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<tr>
<th>PLENARY HALL</th>
<th>AL-SALWA 1</th>
<th>AL-SALWA 2</th>
<th>AL-SALWA 3</th>
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<tbody>
<tr>
<td>JUDGING WITH INDEPENDENCE AND INTEGRITY: UNIQUE CHALLENGES AND OPPORTUNITIES WITHIN THE MIDDLE EAST AND NORTHERN AFRICA</td>
<td>REGIONAL USER-CENTRED APPROACHES TO ASSESS JUDICIAL PERFORMANCE AND PERCEPTIONS OF CITIZENS</td>
<td>REASSESSMENT AND REMOVAL OF JUDGES IN CONSTITUTIONAL TRANSITIONS</td>
<td>JUDICIAL ETHICS EDUCATION - IMPROVING ITS REACH, QUALITY AND IMPACT THROUGH ALGORITHMS?</td>
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25 FEBRUARY 2020 (CONT.)

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<th>EVENT</th>
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<tr>
<td>THEMEATIC BREAKOUT SESSIONS III</td>
<td>16.50 - 18.00</td>
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<tr>
<td>PLENARY HALL</td>
<td>AL-SALWA 1</td>
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<tr>
<td>CIVIL LEGAL SYSTEM MODERNIZATION: IS ONLINE DISPUTE RESOLUTION MAKING A DIFFERENCE IN ACCESS TO JUSTICE?</td>
<td>JUDICIAL INDEPENDENCE: NEW CHALLENGES AND JUDICIAL GOVERNANCE INNOVATIONS</td>
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<th>EVENT</th>
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<tr>
<td>GALA DINNER</td>
<td>20.00 - 22.00</td>
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<th>EVENT</th>
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<tr>
<td>PLENARY SESSION: GENDER-RELATED JUDICIAL INTEGRITY ISSUES</td>
<td>9.00 - 10.30</td>
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<tr>
<td>Moderator: Ms. Tatiana Balisova, Crime Prevention and Criminal Justice Officer, UNODC Panellists: Hon. Chief Justice Ivor Archie, Supreme Court of Judicature, Trinidad and Tobago Hon. Justice Margarita Beatriz Luna Ramos, Supreme Court, Mexico (ret.) Hon. Judge Vanessa Ruiz, President, International Association of Women Judges Hon. Judge Fatima Al Mal, Criminal Branch Court of First Instance, Qatar Mr. Edward Wageni, HeForShe Programme Manager, UN Women</td>
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| PLENARY SESSION: THE USE OF ARTIFICIAL INTELLIGENCE IN JUDICIARIES | 10.30 - 12.00 |
| Moderator: Ms Roberta Solis, Judicial Integrity Team Leader, UNODC Panellists: Hon. Judge Dory Reiling, Amsterdam District Court, Netherlands (ret.) Hon. Judge Victor Momotov, Council of Judges, Supreme Court, Russian Federation Hon. Judge Ju Yeon Lee, Suwon District Court, Republic of Korea Hon. Judge Madan Lokur, Supreme Court, Fiji, Supreme Court of India (ret.) Professor Karen Yeung, University of Birmingham, United Kingdom |
### 26 FEBRUARY 2020 (CONT.)

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<tr>
<th>EVENT</th>
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<tr>
<td>LUNCH</td>
<td>12.00 - 14.00</td>
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**OUTCOMES OF THE BREAKOUT SESSIONS**  
14.00 - 15.30  
This session will explore the recommendations from the thematic breakout sessions and how judges, judiciaries, judicial associations and other actors can work together to promote and strengthen judicial integrity through the Global Judicial Integrity Network. This session could also provide space for some participants to share their views and observations on the debates that took place in the two days of the conference.  
Moderator: Mr. Marco Teixeira, Coordinator, Doha Declaration Global Programme, UNODC

**FINAL PLENARY SESSION - WORKING TOGETHER FOR JUDICIAL INTEGRITY**  
15.30 - 16.45  
Moderator: Ms. Roberta Solis, Judicial Integrity Team Leader, UNODC

**CLOSING REMARKS**  
16.45 - 17.00  
Hon. Dr. Hassan bin Lahdan Alhassan Almohanadi, Chief Justice, Qatar  
Mr. Marco Teixeira, Coordinator, Doha Declaration Global Programme, UNODC

### 27 FEBRUARY 2020

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<tr>
<th>EVENT</th>
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<tr>
<td>NETWORKING BREAKFAST HOSTED BY THE STATE OF QATAR (OPTIONAL)</td>
<td>9.00 - 10.30</td>
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<tr>
<td>LUNCH</td>
<td>13.00 - 14.30</td>
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<tr>
<td>VISIT TO NATIONAL MUSEUM HOSTED BY THE STATE OF QATAR (OPTIONAL)</td>
<td>15.00</td>
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Plenary sessions will focus on the key emerging issues of judicial integrity listed to the right. Please note that all sessions will feature English-Arabic interpretation and that the plenary sessions will feature interpretation in all UN languages.

- **Opening session**
- **The use of social media by judges**
- **Gender-related integrity issues**
- **Artificial intelligence and judicial integrity**
- **Breakout sessions’ outcomes**
- **Closing session**
The topic of the use of social media by judges is complex. On the one hand, particular instances of judges using social media have led to situations where those judges have been perceived to be biased or subject to inappropriate outside influences. On the other hand, social media can create opportunities to spread the reach of judges’ expertise, increase the public’s understanding of the law, and foster an environment of open justice and closeness to the communities that judges serve. Additionally, there have been instances where social media has served as a platform for online abuse or harassment of judges.

PANELLISTS

Moderator:  
Ms. Brigitte Strobel-Shaw  
Chief, Corruption and Economic Crime Branch, UNODC

Panellists:  
Hon. Judge Jean Tannous  
Judicial Superior Council, Lebanon

Hon. Judge Emmanuelle Perreux  
National Magistrates’ School, France

Hon. Judge Virginia Kendall  
District Court for the Northern District of Illinois, United States
Gender-related judicial integrity issues take many forms, including extortion, sexual harassment, sexual discrimination, gender bias, unequal gender representation, gender stereotyping, or inappropriate sexual conduct. While some gender-related conduct might be seen as more offensive or egregious than other conduct, none of it is compatible with the principles of judicial ethics. Judges are expected to set an example for the rest of society and are held to a higher standard of conduct that is defined, not by what is lawful or intentional, but also by what is ethical.

**PANELLISTS**

Moderator:  
**Ms. Tatiana Balisova**  
Crime Prevention and Criminal Justice Officer, UNODC

Panellists:  
**Hon. Chief Justice Ivor Archie**  
Supreme Court, Trinidad and Tobago

**Hon. Justice Margarita Beatriz Luna Ramos**  
Supreme Court, Mexico (ret.)

**Hon. Judge Vanessa Ruiz**  
President, International Association of Women Judges

**Hon. Judge Fatima Al Mal**  
Criminal Branch Court of First Instance, Qatar

**Mr. Edward Wageni**  
HeForShe Programme Manager, UN Women
The use of Artificial Intelligence (AI) in judiciaries is increasing as technological advancements are made, but it remains largely unregulated. AI can improve the efficiency of judiciaries, especially in regards to court administration tasks. However, these benefits come with risks—judiciaries need to be aware of and prevent risks to principle of judicial conduct and the fair administration of justice. Ultimately, judiciaries should ensure that they are still adhering to the Bangalore Principles when using AI.

**PANELLISTS**

Moderator:  
**Ms. Roberta Solis**  
Judicial Integrity Team Leader, UNODC

Panellists:  
**Hon. Judge Dory Reiling**  
Amsterdam District Court, Netherlands (ret.)

**Hon. Judge Victor Momotov**  
Council of Judges, Supreme Court, Russian Federation

**Hon. Judge Madan Lokur**  
Supreme Court, Fiji, Supreme Court, India (ret.)

**Professor Karen Yeung**  
University of Birmingham, United Kingdom
DISCUSSION GUIDES

THIS SECTION INCLUDES THE DISCUSSION GUIDES FOR THE INDIVIDUAL BREAKOUT SESSIONS, ORGANIZED CHRONOLOGICALLY.

Thematic breakout sessions will take place simultaneously and will be organized by various stakeholders to address pertinent judicial integrity-related issues. The sessions will provide ample opportunity for all participants to engage actively in the discussions of the respective topics and share the relevant experiences of their jurisdictions and institutions. At the end of each session, organizers will collect the recommendations emerging from discussions as inputs for the future work of the Global Judicial Integrity Network.

ANNOUNCEMENTS WILL BE MADE IN REGARDS TO THE LOCATIONS OF THE BREAKOUT SESSIONS AND DETAILED INFORMATION IS ALSO AVAILABLE ON THE BREAKOUT SESSION FLYER.
THE JUDGES SHALL HOLD THEIR OFFICES DURING GOOD BEHAVIOUR: 
ETHICS AND DISCIPLINARY MEASURES

IBERO-AMERICAN COMMISSION OF JUDICIAL ETHICS (IACJE)

Article III, section 1 of the Constitution of the United States laid down in 1787: "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour." This is a wise and accurate formula for expressing the need of controlling independent judges in a democratic society. Notwithstanding, to achieve this constituent purpose is a very complex task that is based not only on criminal or disciplinary measures, but also on the adoption of codes of conduct, as it has been suggested by Article 11, paragraph 1 of the United Nations Convention against Corruption.

The Bangalore Principles on Judicial Conduct, the Ibero-American Code on Judicial Ethics, the London Declaration on Judicial Ethics and the Spanish Principles of Judicial Ethics are progressive and meaningful examples of codes adopted from this approach at different international, regional and national levels. Usually, these codes of conduct for judges are established in order to supplement disciplinary measures against judges. Notwithstanding, there are several models for adopting and interpreting the content of the codes of ethics for judges, bearing in mind that ethical rules and legal norms overlap each other. Thus, it is crucial to distinguish different scopes of ethical, disciplinary or criminal responsibilities regarding judges' behaviour.

According to the growing importance of the ethical approach in a given legal traditional world where only legislative measures and law courts were relevant, it is crucial to underline the full effectiveness of ethical standards and the tasks of consultative committees delivering non-binding opinions. Fast developments and changes in some special features of our society call not only for law, hard and soft law, but, additionally, for common moral standards regarding technologies, social networks, means of communications and so many other substantial and dramatic changes made in the context where judges live and do their jobs.
The Ibero-American Commission of Judicial Ethics is an outstanding regional organization, shared by European and American countries, in order to cooperate and coordinate efforts of applying judicial ethics at the international level.

In 2006 the Ibero-American Judicial Summit, composed of 23 countries, adopted the *Ibero-American Code of Judicial Ethics*.

The Code accomplishes two goals: on the one hand, it extensively enshrines fundamental principles and ethical duties for judges; and, on the other hand, the Code itself sets up one Commission.

The Ibero-American Commission of Judicial Ethics, composed of nine commissioners and the secretary executive, gives consultative opinions regarding whether the behaviour of judges complies with the ethical code and disseminates ethical culture within the Ibero-American judges.
The Judges Shall Hold Their Offices During Good Behaviour: Ethics and Disciplinary Measures

Main Issues:
The session will be dedicated to four great topics concerning comparative models of judicial ethics, the process of adopting and enforcing the codes of conducts for judges, the separate treatment of ethical and disciplinary measures and, finally, the institutional experiences developed at the international, regional and national levels.

The first part is dedicated to analyzing idealistically the models of judicial ethics according to different legal cultures. The traditional model (where there is not an ethical level, but everything could be considered under a disciplinary or criminal perspective; then, moral issues as such are not taken seriously in an exclusive legal view). The transitional model (ethics and disciplinary measures are adopted by the same authority over judges concerning disciplinary rules and professional standards). Finally, in the dual model there is a clear distinction between ethical rules and disciplinary measures, as applied by two different institutions with very different moral or legal responsibilities; as the Spanish Principles of Judicial Ethics categorically states, “The disciplinary regime is completely unrelated to judicial ethics.”).

Secondly, there is a very interesting practice for drafting, adopting and enforcing codes of judicial ethics, and it deserves to be analyzed from a comparative approach. This issue will cover the ways for adopting the codes; their content, notably principles and values to be considered; and, finally, the institutional enforcement of the ethical standards. Special consideration will be given to European and American experiences.

Thirdly, it is of great value for judges to explain the overlapping interaction between ethical, disciplinary and criminal areas; on this issue, the Ibero-American Commission’s experience would be meaningful. The discussions will distinguish legal and ethical enforcements using the case to case approach. It is noteworthy that the Ibero-American Commission is the convergence point for European and American legal cultures, notably as the contributions made by the European Court of Human Rights (Strasbourg Court), the Inter-American Court of Human Rights (San José Court) and the Court of Justice of the European Union (Luxembourg Court).

Finally, national and international experiences regarding the functioning of institutional mechanisms of judicial ethics will be discussed. In this regard, it will be of interest to explain how the process of giving opinions on ethics for judges is developed and used as an instrument of fighting against corruption. The discussion will be linked to the management of judicial tasks and economic activities from the perspective of judicial independence.
THE JUDGES SHALL HOLD THEIR OFFICES DURING GOOD BEHAVIOUR: ETHICS AND DISCIPLINARY MEASURES

Key Objectives:
The key objectives of the session will be to distinguish the binding (morally and legally) nature of codes of conduct for judges, to exchange ideas between different legal cultures (civil law and common law), to analyze how to draft, adopt, improve and enforce codes of ethics for judges; to examine specific codes of conduct (international, regional and national experiences) and their enforcement through disciplinary and ethical committees; to compare and to compile disciplinary resolutions and ethical advisory opinions on particular issues.

Specific Questions and Discussion Points:
- The classification of each code of conduct or principles that suits the most to the traditional, transitional or dual models.
- Suggestions and good practices in the process of adopting, improving and enforcing each particular code of conduct in each country/region.
- The internal morality of disciplinary and criminal sanctions against judges and the complementary relationship of the enforcement of codes of conduct.
- The experience and the effectiveness of giving opinions on ethical standards for judges: economic independence, impartiality, etc.
- Is there a code of conduct in force in your country/region?
- Is any part of your (national/regional) code of conduct for judges legally/morally binding?
- Are there any disciplinary measures differentiated from ethical commitments (legal norms and codes of conduct) to be applied to judges in your country/region?
- Do you think that your code of conduct deserves to be improved? Regarding its substantive content, institutional mechanisms or both of them?
- Could you provide some specific experiences of implementing your national/regional code of conduct?
- Could you explain and justify legally and morally the ethical and disciplinary committees’ compositions and their different approaches?
- Do you have compiled disciplinary resolutions and ethical advisory opinions in your country/region?
- What kind of issues are of the utmost interest to be dealt by the institutional mechanisms setting up by your code of conduct?
- This session is completely open to relevant issues and new inputs submitted by all the participants.
THE JUDGES SHALL HOLD THEIR OFFICES DURING GOOD BEHAVIOUR: ETHICS AND DISCIPLINARY MEASURES

Proposed Outcomes of the Session:
The main outcomes of the session must be produced in terms of knowledge, policy-making and democratic legitimacy of judges and their judicial tasks.

It is necessary to achieve a careful understanding of the different levels of responsibility (morally and legally) according to national and international mechanisms. This output requires a deep study and comparison of several codes of conduct in order to keep in mind the ideal code of conduct to be set up or to be improved and enforced depending on each society where judges accomplish their duties. Likewise, this session should improve the expertise of the relationship between different codes, at the international (Bangalore Principles), regional (Ibero-American Code of Judicial Ethics, Magna Carta of European Judges, etc.), or national levels and depending on their legal and moral cultures.

There is a need to clarify the overlapping and complementary functions played by legal rules and moral standards. It is appropriate to draw the thin line that exists between ethics and law as applied to judicial behaviour and it is convenient to identify the overlapping areas according to different legal cultures in all regions and nations all over the world. The session should provide practical tools in order to be adopted in each country and region, as appropriate. All these procedures and mechanisms should contribute to overcoming the reluctance of many judges and judiciaries to all kinds of ethical approaches.

Finally, this session is expected to strengthen the confidence of a democratic society in judges. This is the most fundamental value of all kinds of moral and legal mechanisms of control over judges. Nowadays, courts need legitimacy and citizens' support. This is the challenge of our courts or, as it has stated by the European Court of Human Rights, "In this connection even appearances may be of a certain importance or, in other words, 'justice must not only be done, it must also be seen to be done.'" As the Strasbourg Court has said, "what is at stake is the confidence which the courts in a democratic society must inspire in the public."
US TOO? BULLYING, SEXUAL HARASSMENT AND OTHER GENDER-RELATED INTEGRITY ISSUES IN THE JUDICIARY

INTERNATIONAL BAR ASSOCIATION

Since the New York Times published allegations against Harvey Weinstein in October 2017, concerns about sexual harassment have swept through almost every sector. The legal profession, and the judiciary, have been no exception. In the past two years, there has been increasing recognition of the problem of bullying and sexual harassment in courts and other legal workplaces. In India, Judge Gautam Patel of the Bombay High Court recently stated that while sexual harassment within the profession “is not discussed, it happens everywhere.” Similarly, U.S. Chief Justice John Roberts has publicly recognized that “the judicial branch is not immune [from sexual harassment issues].” Earlier this year, Justice Allsop of the Federal Court of Australia warned fellow judges that “whether we like it or not, many of us have been guilty at some point of being hurtful or rude or intimidating.”

In May 2019, the International Bar Association published its landmark report on bullying and sexual harassment in the legal profession. The report detailed the results of a global survey of almost 7,000 legal professionals from 135 countries, the largest ever survey of this kind. The survey results provide empirical confirmation that bullying and sexual harassment is common in judicial workplaces, perpetrated both by and against judicial officers and employees. The survey found that almost half of female respondents working in the judiciary had been sexually harassed during their legal career. Bullying is even more common in judicial workplaces: affecting approximately one in four male respondents and three in four female respondents. Qualitative data also suggested that judges are often perpetrators of bullying and harassment. These findings have troubling implications for both judicial well-being and integrity, and community confidence in the judiciary.
PANEL: AL-SALWA 1

US TOO? BULLYING, SEXUAL HARASSMENT AND OTHER GENDER-RELATED INTEGRITY ISSUES IN THE JUDICIARY

Session Organizer:
Mr. Kieran Pender
International Bar Association
kieran.pender@int-bar.org

Moderator:
Mr. Kieran Pender
International Bar Association

Rapporteur:
Ms. Sara Carnegie
International Bar Association

Panellists:
Justice Laura Cox
High Court of Justice, England

Ms. Nancy Hendry
International Association of Women Judges

Justice Shiranee Tilakawardane (ret.)
Sri Lanka Judges Institute, Sri Lanka

THE INTERNATIONAL BAR ASSOCIATION (IBA)

The International Bar Association, established in 1947, is the world’s leading organization of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of over 80,000 individual lawyers and more than 190 bar associations and law societies spanning 170 countries.

The IBA Legal Policy & Research Unit undertakes research, develops and implements innovative strategies, projects and initiatives that are relevant to business and the rule of law, the global legal profession and the broader global community.
US TOO? BULLYING, SEXUAL HARASSMENT AND OTHER GENDER-RELATED INTEGRITY ISSUES IN THE JUDICIARY

Main Issues:
The session will explore the relationship between bullying, sexual harassment and related conduct in judicial workplaces and judicial integrity. It will also discuss potential solutions in the judicial sector and the legal profession more broadly.

Firstly, the session will examine the integrity implications of pervasive bullying and sexual harassment in the judiciary. This discussion will build on data from the IBA’s 2018 bullying and harassment survey. The session will explore the well-being implications of bullying and harassment for judges and judicial staff – noting that commentary on the Bangalore Principles recognises the relevance of physical and mental wellbeing to judicial competence and diligence (p.129). It will also consider the structural features that may contribute to high rates of bullying and sexual harassment in judicial workplaces. This discussion will engage with broader gender-related integrity issues – noting that unacceptable workplace behaviour impacted female respondents at significantly higher rates than their male colleagues.

The session will then turn to the cognate issue of bullying and sexual harassment perpetrated by judicial officers. A growing body of literature, as well as qualitative data from the IBA’s recent survey, has identified the troubling phenomenon of bullying and sexual harassment carried out by members of the bench. Australian research, for example, found that almost two thirds of barristers in the region of Victoria who responded to a wellbeing survey had experienced judicial bullying. This type of conduct has serious integrity implications. As recognised by the Bangalore Principles, the personal conduct of judges affects public confidence in the integrity and competence of the judicial system as a whole (p.83).

The session will conclude by considering the practical solutions available to judicial workplaces in addressing this issue, and the measures individual and institutional stakeholders can take to combat bullying and sexual harassment. As the legal profession confronts these pervasive phenomena worldwide, judiciaries need to be at the forefront of that movement.

Specific Questions and Discussion Points:
1. Are bullying and sexual harassment common in judicial workplaces?
3. What are the integrity implications of bullying and sexual harassment in the judiciary?
4. To what extent do these issues in the judiciary mirror the problem in the legal profession?
5. How can we expect the legal profession to improve if its role model for integrity and ethical standards, the judiciary, is just as bad?
US TOO? BULLYING, SEXUAL HARASSMENT AND OTHER GENDER-RELATED INTEGRITY ISSUES IN THE JUDICIARY

6. What can judicial sector stakeholders do to address these issues in the judiciary? What practical solutions are available? Are existing sanction/disciplinary models adequate?
7. What role can the judiciary play in leading wider positive change in the profession as a whole?
8. Is the independence of judiciaries a help or a hindrance in addressing bullying and sexual harassment?
9. Sextortion – should it be treated as a form of sexual harassment or a form of corruption? Does it matter?

Proposed Outcomes of the Session:
This session will be a frank discussion of bullying and harassment in the judiciary, and associated gender-related integrity issues. The session aims to achieve the following primary outcomes:

1. Greater empirically-informed awareness about these issues among judicial sector stakeholders;
2. Collective commitment that action is needed to address these issues, both as they manifest in the judiciary specifically and the legal profession more broadly;
3. The sharing of potential solutions and best practice standards; and
4. The forming of informal and formal networks of interested individuals wishing to become involved in addressing these issues.

The discussion will feed into the International Bar Association Legal Policy & Research Unit’s ongoing project on bullying and sexual harassment in the legal profession, informing the next stages of the research.
Mainstreaming Anti-Corruption at the Top: Transparency and Accountability of the Highest Bodies of the Judiciary

GROUP OF STATES AGAINST CORRUPTION, COUNCIL OF EUROPE DUE PROCESS OF LAW FOUNDATION

Corruption is a pervasive phenomenon in today’s world, but citizens are increasingly aware of their rights; hence, calls for reform are more pressing than ever nowadays. Public demands to their respective governments refer to greater assurances of transparency, integrity and accountability; they are particularly relevant for the judiciary given the prominent role it plays in fighting corruption at large.

However, perception indices show a growing disconnection between citizens and the judiciary. In recent years, public trust in key state institutions, including the judiciary, has progressively eroded over corruption probes. The situation is at variance around the globe. In many countries, judges still enjoy strong levels of confidence of society. In others, public polls reveal low levels of trust, and in a small but significant number of countries, judicial corruption is a decidedly topical matter. In some countries this gives rise to concerns about a culture of impunity.

The judiciary plays a key role in fighting corruption and ending impunity. For this reason, its fairness, legitimacy and credibility are cornerstone principles that must be preserved at all times. Hence, there is a special onus on its members to lead by example, hold themselves to the standards they demand of others and nurture a practice of honest public service within their own ranks.

This is all the more important for the hierarchies of the justice system, which are nowadays under greater public scrutiny and criticism. In this regard, public distrust is particularly rife towards the governing structures of justice which are often perceived as politicized, opaque and unaccountable. On many occasions, this criticism is also shared by the profession itself. When this is the case, internal independence and inclusive governance of the judiciary are at high risk.

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Rapporteurs:
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Judicial Independence Program,
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Council of Europe

Panellists:
Judge José Igreja Matos
Council of Europe

Judge Claudia Escobar (ret.)
Court of Appeals, Guatemala

Judge Abdulla Alsaadi
Court of Cassation, Qatar

Judge Hannah Okwengu
Court of Appeal, Kenya

GROUP OF STATES AGAINST CORRUPTION, COUNCIL OF EUROPE

The Group of States against Corruption (GRECO) is the Council of Europe’s flagship anti-corruption body. It fulfills its mandate by monitoring compliance of its members with the Council of Europe’s anti-corruption standards, making sure that they are effectively implemented. GRECO seeks to identify deficiencies in national anti-corruption policies and legal frameworks.

DUE PROCESS OF LAW FOUNDATION

The Due Process of Law Foundation (DPLF) is an international, non-profit organization, based in Washington, D.C., dedicated to promoting the rule of law and human rights in Latin America, from a comparative perspective and using international law. For more than 20 years, DPLF has worked with local and regional organizations, providing analysis and legal technical assistance, promoting dialogue with government representatives and creating opportunities for exchange of information and experiences through all the region.

Main Issues:
Anticorruption and integrity policies have been developed over the last twenty years, but have primarily targeted the executive branch, or more generally, the political class. Transparency, integrity and accountability have proven to be a most valuable tool to deter malpractice and illicit deals, as well as to recast public confidence in institutions.

The reforms undertaken in the judiciary, during the same time period, have rather focused on the modernization of court infrastructure and efficiency in case management, with the ultimate goal of increasing legal certainty and thus promoting broader economic growth and development. It is a relatively recent development that the judiciary has been put under closer scrutiny. However, nowadays, significant efforts are being taken by the judiciaries around the world to show their commitment and determination to fight graft, corruption and malfeasance, including among its own members.

The principles of transparency, integrity and accountability are crucially important for the top echelons of an organization because of their decision-making powers and because they are the ones setting the tone for their base. Comparative experience shows that, precisely because of this, corruption networks seek to control these high officials, and in this way, guarantee impunity and utilize the justice systems in favour of their interests, exerting undue influence on their appointments, their functioning and even promoting structural reforms that weaken them.

This session focuses on the highest/governing bodies of the judiciary, notably, Councils for the Judiciary and Supreme Courts. These bodies hold key management and/or jurisdictional functions the integrity of which it is paramount to uphold. Their role varies quite significantly among countries. Wherever Councils for the Judiciary have been established, they are centrally involved in all matters related to the administration of the judiciary: appointment, promotion, transfers and dismissal of judges, disciplinary proceedings against judges and so on. They can also represent and be the voice of the national judiciary. In many countries, Supreme Courts do not only operate as a last instance jurisdiction (and/or the one that decides on high-ranking officials and major political cases), but they also hold important administrative functions. Some countries have mixed systems where both Councils for the Judiciary and Supreme Courts share administrative and managerial responsibilities. It therefore follows that the aforementioned bodies, in performing their tasks, play a primordial role in protecting the independence and impartiality of the justice system as a whole, as well as that of individual judges.
Session I

Mainstreaming Anticorruption at the Top: Transparency and Accountability of the Highest Bodies of the Judiciary

Key Objectives:
- Explore anti-corruption reforms as applied to the highest bodies of the judiciary: Supreme Courts and Judicial Councils, with a particular emphasis on transparency and accountability tools in their appointment and functioning (operational and administrative aspects, as well as jurisdictional tasks)
- Discuss emerging trends and challenges
- Present good practices and elaborate on international standards
- Propose next steps for further advancements in this subject area

Specific Questions and Discussion Points:
The following topics will be explored in the session, including by providing specific country examples from different geographical areas around the world (Africa, America, Asia and Europe).

Independence and appointment

The governing bodies of the judiciary are the guardians of the independence and impartiality of the judicial system as a whole and of individual judges. A balance must be struck between guarding against undue external influence and a system where the preponderance of judges gives rise to concerns about self-protection, self-interest and cronyism. A number of countries have started to open up the selection process of members of judicial governing bodies to broader sectors of society (e.g. mixed composition of selection boards, public hearings, etc.); as a minimum, the general public should have a general insight into the selection and appointment procedure of judicial governing bodies. Likewise, measures can be taken to ensure diversity so that no one is, or feels, excluded on the basis of gender or ethnicity from the judicial profession. Ensuring diversity also serves to better guarantee the independence of the judiciary so that the public do not perceive the highest ranks of the judiciary as being drawn predominantly from a specific group or class of society.

Prospective members, whether judges or not, must be appointed on the basis of their competence, experience, understanding of judicial life and culture of independence. Also they should not have significant links to political bodies, or be members of the executive or the legislature.

Members of governing bodies should be granted guarantees for their independence and impartiality; their remuneration and working conditions should be commensurate to their position and workload.
MAINTAINING ANTICORRUPTION AT THE TOP: TRANSPARENCY AND ACCOUNTABILITY OF THE HIGHEST BODIES OF THE JUDICIARY

- Composition (solely of judges/mixed composition of judges and non-judges, number of members and decision-making procedures)
- Election/selection (qualification of members, selection methods)
- Diversity
- Term of office (duration of mandate, re-election, status of members, remuneration)

Transparency and management

Internal judicial independence requires that individual judges be free from directives or pressure from governing bodies. It is, therefore, important to ensure transparency and accountability over the decisions of such bodies. In particular, decisions must be reasoned and subject to challenge. Likewise, the judiciary has a transparency duty vis-à-vis the general public. This requires a proactive information policy, transparent procedures, as well as accessible, timely, simple and clear decisions.

Moreover, because of the multiplicity of responsibilities that the top echelons of the judiciary may perform, tensions could arise between the different functions (e.g. advice on ethics and discipline matters). Ways must be sought to avoid such conflict and to prevent concentration of decision-making powers over judicial careers in a limited number of persons.

- Working methods (presidency, required majority, publicity of sessions and decisions)
- Separation of functions
- Challenging channels
- Public reporting mechanisms

Preventing conflicts of interest

Systemic safeguards should be in place to avoid situations of conflicts of interest where personal goals may prevail over the neutrality and objectivity of a given process. These safeguards may encompass self-recusal mechanisms, rules on incompatibilities, post-employment and accessory activities, bans on gifts and other benefits, confidentiality requirements, etc. Financial disclosure and interest declarations have also proven to be powerful tools to uncover corruption; when applicable, such a system should always be in line with the principle of proportionality and with due regard to privacy and security concerns.

It is important that members of judicial governing bodies are also given the opportunity to have proper guidance (dedicated advisory channels, training, guidelines) on how to behave when faced with ethical dilemmas, and that they actually make effective use of those as any other judge.
Mainstreaming anticorruption at the top: transparency and accountability of the highest bodies of the judiciary

- Incompatibilities
- Self-recusal
- Financial and interest disclosure
- Advice and training on integrity matters

Accountability and immunity

Allegations of corruption at the highest levels of the judiciary have a very detrimental effect on the perceived integrity of the judiciary as a whole. While it is recognized that functional immunity from civil and criminal liability may be necessary to protect impartiality and independence of the judiciary, it is also important to ensure that members of judicial governing bodies are accountable.

- Disciplinary and criminal liability
- Immunity and other liability waivers (absolute/limited)
- Specialized mechanisms to fight judicial corruption

This session intends to encourage the exchange of experiences from a critical, but constructive, angle, and to identify innovative ways to further advance on anti-corruption and transparency policies in the judiciary. It will collect on-going efforts, good practices and challenges across the world (Africa, America, Asia and Europe) in mainstreaming integrity in the governing structures of the judiciary.

Proposed Outcomes of the Session:

The panel takes the shape of an informal and semi-structured panel discussion. To ensure that the panel’s focus is on interactive discussion and exchanges of ideas, the moderator will have an active role. Guiding questions for the panelists will be prepared in advance to avoid lengthy or open speeches or presentations.

The discussion will be structured accordingly: opening words and short introduction of the panel by the moderator, main discussion, with two or three rounds, describing and exploring the main topics, especially looking into particular examples of existing good practices, lessons learned, concrete suggestions and solutions to gaps in existing models, an agenda for action, Q&A’s from the public.

The panel is structured so that it results in “short lists” of recommended actions, strategies, best practices, collaborative activities or initiatives that participants can take back with them to their respective communities.
SELECTION AND APPOINTMENT OF JUDGES AND JUDICIAL INDEPENDENCE: NEW PERSPECTIVES ON FACING AN OLD PROBLEM

NATIONAL COUNCIL OF JUSTICE, BRAZIL
DEMOCRATIC GOVERNANCE AND RIGHTS UNIT, UNIVERSITY OF CAPE TOWN.

This panel discussion falls within the broad topic of selection and appointment of judges, and judicial independence.

A strong process of recruiting and appointing judges, which fulfils the United Nations Basic Principles on the Independence of the Judiciary, and guarantees the implementation of the Bangalore Principles of Judicial Conduct, is of crucial importance in several respects. It has been cogently argued that judges must be independent, impartial, honest and competent. A sound process and structure of judicial selection and appointment is therefore vital to ensuring the actual independence of the judiciary, and to furthering public trust and confidence in the independence of the judiciary. An independent judiciary plays a critical role in the fight against corruption at all levels of government and at both the domestic and international levels.

A robust and strong system of judicial selection and appointment is also vital to ensuring judicial integrity. This is so both because it affirms public confidence in the quality of the judges appointed, and as it serves to identify and eliminate from possible judicial selection candidates who are shown to have a weak grasp of legal ethics, or who have engaged in professional misconduct or corruption. Judicial integrity can also be strengthened by expressly including, among the criteria for selection, qualities that indicate the integrity, probity and personal independence of individual judges.

However, the process and modalities by which judicial selection is made is one that can vary significantly between different jurisdictions, and the importance of the judicial office means that the process is often the subject of strong political pressure and public scrutiny. This guided panel discussion aims to examine potential ways of developing effective processes and structures for judicial selection, drawing on three sets of regional experiences: from Europe, Latin America and Africa.
SELECTION AND APPOINTMENT OF JUDGES AND JUDICIAL INDEPENDENCE: NEW PERSPECTIVES ON FACING AN OLD PROBLEM

Session Organizer:
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Moderator:
Judge Herman Benjamin
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Director-General of the National School of Magistrates

Rapporteur:
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National Council of Justice, Brazil

Panellists:
Mr. Hartmut Rank
Konrad Adenauer Foundation, Germany

Mr. Chris Oxtoby
University of Cape Town, South Africa

Judge Richard Pae Kim
National Council of Justice, Brazil

Judge Ibrahim Alnisf
Court of Appeal, Qatar

THE BRAZILIAN NATIONAL COUNCIL OF JUSTICE (CNJ)

The Brazilian National Council of Justice is a public institution in charge of supervising the administrative and financial activities of the judiciary. The 15-member Council is an organ of the Brazilian Judicial System established in 2004 by the 45th Amendment to the Federal Constitution of Brazil.

DEMOCRATIC GOVERNANCE AND RIGHTS UNIT (DGRU)

The Democratic Governance and Rights Unit is an applied research unit based in the Department of Public Law at the University of Cape Town. The DGRU aims to advance social justice and constitutional democracy in Africa.
SELECTION AND APPOINTMENT OF JUDGES AND JUDICIAL INDEPENDENCE: NEW PERSPECTIVES ON FACING AN OLD PROBLEM

Main Issues:
- The selection and appointment of judges;
- The impact of the process of judicial selection on judicial independence;
- Creating best practice standards and developing institutions to ensure the appointment of the best judges possible.

Key Objectives:
To promote a global conversation that can inform policy development in Latin America, taking into account experiences from other regions in the Global South (Africa), and from the Global North (Europe). Specifically:

- To analyze the role that has been played by the recruitment and nomination of judges in the construction and protection of institutional and individual judicial independence;
- To discuss how appropriate selection criteria for judges strengthens judicial independence;
- To explore the global scenarios on selection and appointment of judges, focusing on Africa, Latin America and Europe;
- To explore distinct experiences on selection and appointment of judges, mainly of southern and eastern Africa and Brazil;
- To discuss and propose possible guidelines to improve the process of the selection and appointment of judges, drawing particularly on the experience in Europe and Africa, and discussing the feasibility of the eventual creation of bodies responsible for the recruitment and selection of judges;
- To explore the practicalities and desirability of regional integration of selection and appointment criteria, how this can be achieved, and what pitfalls may exist.

Specific Questions and Discussion Points:
- The impact of the recruitment process on the independence of judges, and the importance of having adequate criteria for appointment. These issues will be analyzed by highlighting different scenarios from around the globe, particularly the experience in Europe, Southern and Eastern Africa, and Latin America;
- The implementation of the Lilongwe Principles and Guidelines on the Selection and Appointment of Judicial Officers, which was adopted by the Southern African Chief Justices’ Forum in October 2018. What issues and challenges have been encountered, and what lessons can be drawn from this experience that may be of relevance to other jurisdictions that may undertake a similar project,
SELECTION AND APPOINTMENT OF JUDGES AND JUDICIAL INDEPENDENCE: NEW PERSPECTIVES ON FACING AN OLD PROBLEM

- The experience of judicial recruitment and appointment in Latin America, focusing specifically on the experience of Brazil, and the role of the Brazilian National Council of Justice;
- Identification of potential methods of selecting judges, and how they impact perceived and actual judicial independence;
- Whether the creation of bodies responsible for the recruitment, appointment, promotion and discipline of judges, such as national councils or equivalent organizations, is a viable approach.
- How such institutions can be structured in such a way that their independence is secured;
- Drawing specifically on the Brazilian experience, is the selection of judges with the supervision of a Council of Justice a possible alternative to the existing system of judicial selection?

Proposed Outcome of the Session:

- Identify the desirability of best practice principles for Latin America;
- Identify lessons learned from the European and African experiences to inform the modalities, content and practice of developing and implementing such principles;
- Identify ways in which the Bangalore Principles can be effectively implemented through a strong judicial selection process;
- Identify potential difficulties that may be foreseeable or be experienced, and develop possible strategies for how these could be addressed;
- Identify effective methods of implementation in different contexts, that may be adapted and applied to best practices on judicial recruitment and appointment;
- Develop networks for future collaboration, and identify potential topics and issues for such collaborations to address.
JUDGING WITH INDEPENDENCE AND INTEGRITY: UNIQUE CHALLENGES AND OPPORTUNITIES WITHIN THE MIDDLE EAST AND NORTHERN AFRICA

AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE

The American Bar Association Rule of Law Initiative (ABA ROLI) looks forward to facilitating discussions that address the goals of the Global Judicial Integrity Network and continuing 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. Furthermore, the discussion will also focus on the judicial integrity and organizational efficiencies mandated by article 11 of the United Nations Convention against Corruption (UNCAC).
JUDGING WITH INDEPENDENCE AND INTEGRITY: UNIQUE CHALLENGES AND OPPORTUNITIES WITHIN THE MIDDLE EAST AND NORTHERN AFRICA

Session Organizer:
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Rapporteur:
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Panellists:
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Judge Abdellatif Chentouf,
Club of Magistrates, Morocco

Professor Mohamed AbdulAziz Alkulaifi,
Qatar University Law School, Qatar

THE AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE

The mission of the American Bar Association Rule of Law Initiative is to promote justice, economic opportunity and human dignity through the rule of law.
Judging with Independence and Integrity: Unique Challenges and Opportunities Within the Middle East and Northern Africa

**Main Issues:**

In this session, ABA ROLI will coordinate a discussion by partners in Middle Eastern and African (MENA) countries tasked with furthering the integrity, independence and accountability of the judicial system vis-à-vis the communities in which they serve. Specifically, the discussion will highlight the critical functions of judicial training institutes, supreme judicial councils and inspectorates in the neutral, fair and transparent selection of judges, effectively overseeing and enforcing ethical mandates of behaviour, and the neutral and efficient implementation of judicial duties, including adherence to international standards and best practices. The discussion will also highlight the importance of community education, participation and public oversight in the administration of justice and reform efforts.

**Key Objectives:**

- To facilitate a discussion among panellists and with audience members regarding the critical functions of judicial inspectorates and judicial councils, and the challenges faced in the implementation of those responsibilities.
- To facilitate a discussion around the ongoing training needs and capacity building of judicial actors and institutions to further integrity reforms.

**Specific Questions and Discussion Points:**

- Functions of judicial training institutes, supreme judicial councils and inspectorates as they relate to integrity, efficiency and accountability.
- Challenges of the implementation of those tasks and duties.
- The critical role of professional associations and civil society actors in furthering community involvement, participation and accountability.

**Proposed Outcomes of the Session:**

Sharing of information and best practices among participants across the MENA region and globally on matters related to judicial independence, integrity, transparency and efficiency.
REGIONAL USER-CENTRED APPROACHES TO ASSESS JUDICIAL PERFORMANCE

AFROBAROMETER, WORLD JUSTICE PROJECT

There is a growing recognition that access to justice should be seen from the perspective of people and should emphasize their practical ability to activate their formal rights. In spite of this movement, courts and other agencies rarely use user-focused or citizen-centered indicators to evaluate their performance. User-centered justice indicators could be helpful to summarize and communicate relevant information on various aspects of the justice system, evaluate performance, draw attention to issues for reform, and establish benchmarks.

The session will discuss the advantages of such approaches and the characteristics of such measures, and will provide examples of outcome indicators derived. The session will also touch on an important indicator often forgotten, trust in the judiciary, and will discuss some of the reasons why citizens often do not trust the judiciary or why they sustain that the judiciary cannot stand its ground against other branches of government. The panellists will examine the experience of various regions, with a special emphasis on Africa, and Latin America and South-East Asia and will focus on the findings of recent surveys conducted by Afrobarometer, the World Justice Project, and judicial bodies in some countries. The data in Africa illustrate the importance of public opinion data in the analysis of judicial integrity.
REGIONAL USER-CENTRED APPROACHES TO ASSESS JUDICIAL PERFORMANCE

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Professor Robert Nyenhuis
Cal Poly Pomona University, United States

Mr. Juan Salgado
World Justice Project

Mr. Nicholas Booth
United Nations Development Programme

AFROBAROMETER

Afrobarometer is non-partisan, pan-African research institution conducting public attitude surveys on democracy, governance, the economy and society in 30+ countries repeated on a regular cycle.

WORLD JUSTICE PROJECT

The World Justice Project (WJP) is an independent, multidisciplinary organization working to advance the rule of law worldwide. WJP’s mutually-reinforcing lines of work therefore employ a multidisciplinary approach through original research and data, an active and global network and practical, locally-led programs to advance the rule of law worldwide.
REGIONAL USER-CENTRED APPROACHES TO ASSESS JUDICIAL PERFORMANCE

Main Issues:
This session will contribute to the overall objectives of the Global Judicial Integrity Network in two important ways. First, it will underscore the power of user-centred assessments for evaluating and monitoring judicial institutions, and therefore, for strengthening judicial integrity and accountability. In addition, it will showcase the power of citizens’ perceptions about judicial independence to monitor their legitimacy. Up to now, this crucial link between the judiciary and citizens has too often been overlooked. Second, by comparing countries in Africa, and Latin America and South-East Asia, this session will also contribute to our understanding about the differences in the causes of mistrust within the Global South. Ultimately, such a comparison can facilitate the finding of new ways to fight corruption.

Specific Questions and Discussion Points:
Starting from the assumption that public support is critical to the legitimacy of the courts, the following questions will guide the session:
• What are the advantages and challenges of implementing user-centred approaches to evaluate judicial performance and as a result, strengthen judicial integrity?
• What types of indicators are more conducive to strengthening judicial integrity?
• How has trust and judicial legitimacy changed over time in Africa, and Latin America and South-East Asia?

Proposed Outcomes of the Session:
This session aims at building a bridge between social science and the legal profession across regions. Specifically, it will help communicate the benefits of this measurement approach to audiences that often do not rely on data.

It will also aim at building a network of researchers and practitioners across disciplines. Finally, it will form a link between practitioners in three world regions – Africa, Latin America and South-East Asia - and practitioners in the Global North to further strengthen existing collaborations and develop new ones.

The session will also draw attention to the important work of projects such as the World Justice Project, Afrobarometer, Latinobarometer, the Judiciaries in Africa project and the Judicial Integrity Network in ASEAN.

Continued collaboration between the organizations after the meeting and exchange of information, approaches, findings, learnings and advice is anticipated as well.
Societies in transition to constitutional democracy can face a difficult choice when their courts are staffed with judges from a period of conflict or authoritarian rule. While security of tenure is rightly seen as a fundamental guarantee of judicial independence, there are often demands for a mechanism that will examine each judge’s history and possibly lead to the removal of those judges who are considered unwilling or unable to serve with integrity and competence in the new era. The situation is particularly complex when the judiciary as a whole has systematically failed to act with independence, impartiality and integrity.

A wide variety of transitions have included different mechanisms in relation to the judiciary: from ‘de-Nazification’ and ‘de-Communization’ in Europe, to a range of processes in other parts of the world, such as the screening of judges when Argentina returned to civilian rule in the 1980s, the ‘de-Baathification’ of the Iraqi judiciary that began during the U.S. occupation and the vetting of judges in Kenya under its 2010 constitution. However, not every transition has seen judges replaced. For instance, South Africa and Chile transitioned to constitutional democracy while retaining their judges, albeit with truth commissions providing some scrutiny of the judiciary’s track record. These have often been, and sometimes still are, intensely controversial decisions. An obvious area of controversy concerns the risk of legitimizing political interference in the courts, which has become a live issue again in contemporary Europe.

The session focuses on developing practical guidance for countries where a significant proportion of the pre-transition judiciary is perceived to be lacking in integrity, on grounds such as complicity in human rights violations or corruption. Judicial corruption, even in its narrowest sense of financial or other pecuniary benefit, is one of the primary areas of concern in many cases. For example, corruption was one of the main reasons for the vetting process in Kenya, as well as the current vetting process in Albania. In the larger sense of corruption as abuse of the judicial office for improper personal or political purposes, corruption is the central concern of most if not all transitions.
REASSESSMENT AND REMOVAL OF JUDGES IN CONSTITUTIONAL TRANSITIONS

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International Legal Expert

Rapporteur:
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UN Special Rapporteur on the Independence of Judges and Lawyers

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L’Institut d’Études sur le Droit et la Justice dans les Sociétés Arabes

Ms. Andrea Huber
OSCE Office for Democratic Institutions and Human Rights

Mr. Jan van Zyl Smit
Bingham Centre for Rule of Law, United Kingdom

THE BINGHAM CENTRE FOR THE RULE OF LAW

An independent research centre dedicated to the study, promotion and enhancement of the rule of law worldwide. It forms part of the British Institute of International and Comparative Law. The Centre has worked extensively on issues relating to the judiciary, contributing to the development of standards such as the Cape Town Principles on the Role of Independent Commissions in the Selection and Appointment of Judges.
**REASSESSMENT AND REMOVAL OF JUDGES IN CONSTITUTIONAL TRANSITIONS**

**Main Issues:**
The session focuses on the lessons that can be learned from countries that have grappled with challenges relating to the integrity of the existing judiciary during a constitutional transition.

The overall objective of the session is to build practical knowledge and understanding of three main issues:

- An overview of strategies and mechanisms have been developed in response to perceived integrity problems in the existing judiciary, analyzing their effectiveness and outcomes. Examples include: retention of judges and the use of ordinary disciplinary proceedings, a truth commission inquiry into the judiciary, individualized vetting of judges, wholesale replacement of judges through competitive reappointment.
- How mechanisms of each of the main types have been designed and implemented in particular countries.
- The extent to which international standards provide useful guidance on possible responses in the context of a constitutional transition, or could be revised to reflect the risks and benefits to the Rule of Law of the various types of mechanisms in the context of a constitutional transition.

In support of the overall objective of increasing practical knowledge and understanding of these issues, the session will pursue a number of more specific objectives that can be grouped under two headings:

1) Sharing preliminary findings and recommendations from the Bingham Centre’s research project on "Special Processes for the Reassessment and Removal of Judges in the Context of Constitutional Transitions: Strengthening the Rule of Law?"

- This project has brought together experts who have written case studies on jurisdictions in Africa (Kenya and South Africa), Asia (Pakistan), Europe (the Czech Republic, Estonia, Germany, Hungary and Serbia) and Latin America (Argentina, Chile, El Salvador and Guatemala). These case studies written by experts from their respective jurisdictions will be published in an edited volume which will also involve cross-cutting analysis by the Bingham Centre team that will consider the implications for international standards. The volume will be accompanied by a policy brief written for a wider audience.
- A working paper with preliminary findings and recommendations will be published by early February 2020, and copies will be available at this session. Bingham Centre members Dr van Zyl Smit and Dr Razai will highlight key points from the working paper. All other panellists will be invited to comment on the working paper.
REASSESSMENT AND REMOVAL OF JUDGES IN CONSTITUTIONAL TRANSITIONS

2) Discussing the approach taken in selected regions, based on the personal experience of panellists:

Mr García-Sayán will offer not only global reflections as UN Special Rapporteur on the Independence of Judges and Lawyers, but also a personal perspective on his experience in government during the Peruvian transition and on regional issues and regional Human Rights Court rulings encountered during his service as Justice and later President of the Inter-American Court of Human Rights.

Ms Huber will speak in her capacity as Deputy Chief of the Rule of Law Unit within the OSCE Office for Democratic Institutions and Human Rights, which has been closely involved in analysing and advising on judicial reforms in the OSCE region for several decades, including within the framework of the OSCE Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia (2010).

Bingham Centre representatives Dr van Zyl Smit and Dr Razai will speak about their own research advisory experience in transitional countries of Africa and MENA respectively.

Specific Questions and Discussion Points:
The three main issues for discussion that were highlighted above give rise to a series of more specific questions and issues for countries undergoing a transition to constitutional democracy.

Strategies and mechanisms for responding to integrity challenges in the existing judiciary:

- What are the main types of response? Comment and discussion will be invited on the classification proposed in the Bingham Centre working paper, which will include the following: retention of judges and the use of ordinary disciplinary proceedings, a truth commission inquiry into the judiciary, individualized vetting of judges, wholesale replacement of judges through competitive reappointment.
- What are the risks and benefits for the integrity and independence of the judiciary that are associated with each type of response, both at the time it is adopted and over the longer term?
- Under what conditions do the various types of response become justifiable? The justification for responding to integrity concerns about the existing judiciary in a particular way could depend on matters such as the scale and seriousness of alleged judicial wrongdoing, the availability of qualified persons who could be appointed to replace judges who are removed, and the likelihood that a particular mechanism would be open to political manipulation.
- Which institutions and groups should participate in the decision, or be consulted, when a country is considering how to respond to integrity challenges in the existing judiciary?
REASSESSMENT AND REMOVAL OF JUDGES IN CONSTITUTIONAL TRANSITIONS

Design and implementation of transitional mechanisms

- If there is to be a transitional mechanism for the existing judiciary, which judges should be subject to it?
- What criteria should be used for the assessment and possible removal of judges?
- What bodies, temporary or permanent, are suitable to conduct each type of mechanism? Is there a role for international members in such bodies?
- How should evidence and information be gathered?
- How should the assessment of judges be conducted to ensure: fairness to judges, complainants, witnesses and others directly involved in the mechanism; and appropriate transparency and accountability to the general public?
- What review or appeal mechanisms, if any, should be available to judges in the case of adverse findings or decisions, particularly when it has been decided that a judge should be removed from office?

International standards

- Which international standards offer guidance on the extent to which members of the existing judiciary can be held accountable during a constitutional transition?
- How is the relationship between judicial security of tenure and judicial accountability in the specific context of constitutional transitions addressed by these standards?
- Is there a need for further international guidance focusing exclusively on transitional situations, and if so what would be the best process and form for such guidance?

Proposed Outcomes of the Session:
The principal outcome which this session aims to achieve is an increase in practical knowledge and understanding (on the part of panellists as well as the session audience) regarding ways of responding to integrity challenges in the existing judiciary during a constitutional transition.

The Bingham Centre research project team will take into account any feedback from session participants on the project working paper when finalising the volume of case studies and the accompanying policy brief for a wider audience, both of which will be completed by July 2020 (the end of the grant funding period). Outputs of the research project will be made available through the Bingham Centre website. It will be particularly useful to receive feedback from the session audience on any recommendations which the project may make for revising international standards that are relevant to the treatment of the existing judiciary during constitutional transitions.
More efficient court processes that lessen the opportunities for corruption, lessen process delay and support just decision-making are worldwide objectives of judicial modernization and reform. The use of artificial intelligence to achieve this result is a new and potentially extremely effective tool to achieve this. Algorithms can be written to improve most if not all of the steps in the judicial process.

However, there are grave ethical issues that arise in the writing and application of algorithms to make the judicial process more efficient. These must be identified and responded to remedially to ensure the efficiency artificial intelligence can bring to the justice system enhances, not impedes, just results.
JUDICIAL ETHICS EDUCATION - IMPROVING ITS REACH, QUALITY AND IMPACT THROUGH ALGORITHMS?

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Judge Madan Lokur
Supreme Court, Fiji
Supreme Court, India (ret.)

Mr. Karan Kalia
LegitQuest, India

COMMONWEALTH JUDICIAL EDUCATION INSTITUTE

The Commonwealth Judicial Education Institute (CJEI) is a Commonwealth accredited organization dedicated to supporting the integrity, competence and efficiency of judiciaries. The strength of the judiciary depends upon its ability to attract public trust. Therefore, its effectiveness in performing its function in a way that achieves this is a paramount objective. We seek to support judicial excellence through judicial education mechanisms. This includes training in the organization and running of judicial academies, the development of curricula to respond to reoccurring and emerging challenges and the education of judicial teachers in effective, experiential and interactive programming.
JUDICIAL ETHICS EDUCATION - IMPROVING ITS REACH, QUALITY AND IMPACT THROUGH ALGORITHMS?

Main Issues:

1. Identification of areas where artificial intelligence (AI) can be used in the judicial system – topics, existing experience and analysis of advantages and disadvantages of these to judicial integrity and the image of justice. Identification of required judicial education programmes;
2. Identification of ways to use AI in the judicial system without jeopardizing the first judicial principle of fairness;
3. Familiarization of participants with the judicial education principle that to be effective behavioural change education must teach self-evaluation, behavioural change techniques and application of these techniques in the judicial role;
4. Illustration of appropriate AI supported judicial education programming by presentation and use of an interactive AI supported programme on judicial ethics based on the Bangalore Principles; and
5. Identification of teaching techniques to retain interest in distance learning programmes.

Specific Questions and Discussion Points:

1. What areas of the justice system can be improved by the use of AI assisted training
2. What would be the relevance of such training to improve judicial integrity?
3. How can unfairness in algorithms in teaching tools be diagnosed? Can such unfairness be remedied?
4. Familiarization of participants with the judicial education principle that to be effective behavioural change education must teach self-evaluation, behavioural change techniques and application of these techniques in the judicial role.
5. Illustration of appropriate AI supported judicial education programming by presentation and use of an interactive AI supported programme on judicial ethics based on the Bangalore Principles.
6. Identification of teaching techniques to retain interest in distance-learning programmes.
CIVIL LEGAL SYSTEM MODERNIZATION: IS ONLINE DISPUTE RESOLUTION MAKING A DIFFERENCE IN ACCESS TO JUSTICE?

NATIONAL CENTER FOR STATE COURTS

Equal justice under the law is a core court value of most legal systems and is even chiselled into stone on the front of the United States Supreme Court building. In an increasingly complex, technology-centric world, how are courts delivering on that core value?

A pragmatic assessment of judicial integrity includes a frank reconciliation between the public’s expectations and judicial systems’ processes and mechanisms that purport to deliver justice. For a country that values justice, estimates are that upwards of 85% of civil legal issues never actually reach the courts. The reasons for this lack of access to justice are diverse: financial constraints, language barriers, knowledge inequalities, physical or mental health issues, caregiving responsibilities, and, ultimately, a cost-benefit determination that court processes are too expensive, complicated, and slow. If, in practice, courts are only available to those with wealth, knowledge and ample free time, who speak the majority language, then courts are failing to provide equal justice under the law.

Court-sponsored online dispute resolution (ODR) is a tangible demonstration that the judiciary is aware of the constraints the public faces when it comes to accessing the rule of law and is a pro-active step toward easing those constraints. ODR is opening the courthouse door, metaphorically speaking, to broader populations, including those with particular challenges, e.g., language barriers and physical disabilities. Removing these types of barriers improves the perception of fairness not only among individuals facing these challenges, but also among their families, friends, and the public as a whole.

Across the globe, judicial leaders are reaching the conclusion that court-connected Online Dispute Resolution can dramatically improve access to justice and, therefore, courts’ adherence to the core value of equal justice under law.
Civil Legal System Modernization: Is Online Dispute Resolution Making a Difference in Access to Justice?

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Judge Jerome Abrams
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Ms. Mirèze Philippe
International Court of Arbitration at the
International Chamber of Commerce

The National Center for State Courts is an independent, nonprofit court improvement organization in the United States. In the early 1990s, an international division was formed to offer a similar array of research, consulting, education and information services to strengthen the rule of law in countries around the world.

All of its services - research, information services, education, consulting - are focused on helping courts plan, make decisions and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision-making.
CIVIL LEGAL SYSTEM MODERNIZATION: IS ONLINE DISPUTE RESOLUTION MAKING A DIFFERENCE IN ACCESS TO JUSTICE?

Main Issues:
Those who advocate for court-sponsored ODR see it as enhancing access and reducing the need for legalese and expert knowledge, while critics fear that an imbalance of the parties’ resources and experience might aggravate inequalities and simply automate injustices. The National Center for State Courts is testing the hypothesis that online dispute resolution in civil cases – family, small claims, landlord-tenant and other civil case types – will improve Americans’ access to justice. Data gathered from ODR implementations is being used to assess the real impact.

Panellists will discuss initial research results regarding the question, “is online dispute resolution making a difference in access to justice?” (Spoiler alert: the answer is “Yes!”) From these initial research findings, the panellists will discuss their hypotheses about ODR’s positive impact on the public’s perception of judicial integrity and the ability of courts to fulfil their promise of equal justice under the law.

Specific Questions and Discussion Points:
• At a macro level, what benefits does ODR bring to the judicial branch and the public they serve?
• At a case-specific, micro level, what are ODR’s initial impacts?
• What ODR design decisions best mitigate risks of corruption and implicit bias?
• What are ODR users’ impressions of the procedure’s fairness and opportunity to be heard?
• What are trial-level judicial officials saying about the cases moving through ODR into their courts?
CIVIL LEGAL SYSTEM MODERNIZATION: IS ONLINE DISPUTE RESOLUTION MAKING A DIFFERENCE IN ACCESS TO JUSTICE?

Proposed Outcomes of the Session:
As a result of attending this session, participants will:
- recognize that technology applied in the right way can not only increase access to justice but also better utilize scarce court resources, enhance judicial integrity, mitigate some forms of bias, and improve the public’s perceptions of the court.
- see the application of data-driven decision-making through ODR.
- recognize new opportunities for implementing or expanding the scope of ODR in their jurisdictions.

Hearing directly from a state supreme court justice about one US state’s very positive experience with ODR can help participants see ODR as more mainstream with potential for beneficial application to a wide variety of courts processes.
Judicial independence—meaning the ability of judges to function independently from outside influences that may corrupt or curtail their ability to fairly administer justice—is fundamental to maintaining judicial integrity and the rule of law itself. Yet efforts to curtail and infringe judicial independence are increasingly common across the globe, chiefly as a result of overreaching executive and legislative actions to restrict the function of the judiciary. Often, such governmental infringements on judicial independence are insidious and not immediately obvious. Many small and incremental changes in judicial function and administration may nevertheless have a cumulative consequence of reducing the ability of judges to act independently, and apply the law fairly and without undue external pressures.

This session will examine current trends that undermine judicial independence, looking both at broad politically motivated campaigns against judiciaries, but also at the more subtle ways in which administrative and legislative changes can undermine independence. However, threats to individual independence of judges are not only external, but internal. Institutional factors such as disciplinary rules and institutions, or the participation of judges in the election of the head of the judiciary might have relevant effects in the individual independence of judges.

The session will also examine ways in which the judiciary itself can protect and promote judicial independence. The institutional structure with the aim of developing the set of actions directed to preserve judicial independence has been known as Judicial Government. This responsibility usually rests in the High Courts and Judicial Councils. By shining light on these practices, this session will assist the Global Judicial Integrity Network in promoting its overall goals.
JUDICIAL INDEPENDENCE: NEW CHALLENGES AND JUDICIAL GOVERNANCE INNOVATIONS

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Justice Madan Lokur
Supreme Court, Fiji
Supreme Court, India (ret.)

Justice Luz del Carmen Ibáñez Carranza
International Criminal Court

Judge Lozan Panov
Supreme Court of Cassation, Bulgaria

THE CEELI INSTITUTE

CEELI is an independent not-for-profit organization, based in Prague and dedicated to the development and training of an international network of legal and judicial professionals committed to advancing the rule of law. Through innovative training programmes and other activities, the Institute works to build laws-based societies.

THE JUSTICE STUDIES CENTER OF THE AMERICAS

Its mission is to support the countries of the region in their justice reform processes. To this end, it develops training activities, studies and empirical research, as well as other initiatives in order to meet its three key goals: to undertake in-depth studies of justice systems and develop innovative approaches in the discussion of judicial reforms; to promote cooperation and the exchange of experiences among key regional stakeholders and to generate and disseminate tools that improve the quality of the information available about justice in the Americas.
JUDICIAL INDEPENDENCE: NEW CHALLENGES AND JUDICIAL GOVERNANCE INNOVATIONS

Main Issues:
Judicial independence is critical to maintaining the integrity of the judiciary. Judges must feel free to fairly evaluate the matters before them based on the evidence presented and the relevant law, secure from external pressures. Judges who are subject to such outside pressures and interests will feel constrained in their decision-making powers. Limits on judicial independence corrupt the function of the judiciary, subject it to external pressures and undermine the transparency of the judicial function.

Increasingly, however, judges are subject to outside interference and pressures that reduce their independence, in both subtle and direct ways. Obvious, but common, threats to judicial independence include very public political attacks on the judiciary, as currently seen in the U.S., Poland and Ukraine, often involving personal threats against individual judges. Similarly, in some instances, one faction of judges gains administrative control of a court and uses the accompanying power to limit, punish or demote opposing factions. One particularly notable practice in recent years is the use of legislative “reforms” to manipulate the membership of high judicial councils in such a way as to increase control of the government or of a ruling political party over the council, and by extension over the national judiciary—effectively ending self-governance of the judiciary, and removing judicial control of the council.

More common, however, are the use of incremental legislative and administrative steps, implemented by governments and designed to directly limit the jurisdiction of judges and courts, or to make judges more directly accountable to political and governmental authorities. Such incremental changes often seem relatively innocuous to the casual observer, the public or the media, and the impact of such incremental changes is not always immediately apparent. Recent examples of such incremental limits on judicial independence include: giving the Ministry of Justice the ability to reassign court presidents without cause; reducing retirement ages (with the aim of forcing judges out of office early); increased use of contract judges, whose term is limited and whose reappointment is discretionary; the creation of additional layers of review, so that a decision of a first instance court can be set aside, even before the appeal process begins; budget cuts, which undermine working conditions; and changes in criteria for performance evaluations, including the use of non-transparent performance criteria.
JUDICIAL INDEPENDENCE: NEW CHALLENGES AND JUDICIAL GOVERNANCE INNOVATIONS

This session will also look at steps courts and judges themselves can undertake to protect and preserve their independence. The session will examine and discuss possible guidelines to improve the role of the Supreme Courts and Judicial Councils in key dimensions for judicial independence and prevention of corruption within the judiciary, including disciplinary rules and procedures; the judicial selection process; the participation of judges in the election of the head of the judiciary and the institutional management of social and media pressures. In particular, the session will incorporate discussions of the findings and insights produced by the empirical study Judicial Government. Independence and strengthening of Judiciary in Latin America, conducted by JSCA. The Latin American examples are particularly useful in demonstrating how the judiciary itself can take greater control over judicial governance and assert its role with the aim of developing the set of actions directed to preserve judicial independence.

Specific Questions and Discussion Points:
- What new trends are we witnessing with regard to efforts by governments to limit judicial independence?
- What are the personal experiences of the panellists in witnessing attacks and limitations on judicial independence, and from where have those attacks come?
- How do seemingly small administrative or legislative changes have large impacts on judicial independence?
- What is the cumulative effect of increased governmental or political control over the administration of the judiciary?
- In which ways are the political and institutional independence of the judicial branch critical to enhancing the individual independence of the judges?
- To what extent are limits on judicial independence self-imposed by the judiciary, through its own judicial governance tools, and to what extent are these limits imposed by external factors?
- How do limits on judicial independence increase the likelihood that a judiciary will be subject to external pressures, including corrupt influences?
- How do these limits on judicial independence undermine relevant international standards?
- How do attacks by politicians and the media (especially state-controlled media) create an atmosphere in which judges feel threatened in their ability to act independently or in ways that may bring about political threats and attacks?
- How do judges self-censor themselves as a result of public attacks?
- How can judges and judicial associations effectively respond to challenges to their independence?
- What steps can the judicial branch institutional structures, such as councils of justice or judicial associations, take unilaterally to strengthen and enhance judicial independence?
JUDICIAL INDEPENDENCE: NEW CHALLENGES AND JUDICIAL GOVERNANCE INNOVATIONS

- What has been the impact of judicial self-governance in promoting both institutional and individual independence?
- How do different aspects of judicial self-governance (i.e. judicial selection, disciplinary rules and institutions, relations with executive and legislative branches) have an impact on institutional versus individual judicial independence?
- How do measures aimed at enhancing judicial independence help in the efforts to prevent judicial corruption?

Proposed Outcomes of the Session:
- To facilitate broader understanding as to how judicial independence is currently being undermined, both through political attacks and through more subtle legislative and administrative efforts that limit the powers, function and discretion of judges;
- To inform participants about actual examples of current efforts to restrict judicial independence, and how seemingly small administrative changes can have large impacts;
- To establish the link between lack of judicial independence and the increased susceptibility of the judiciary to external influences and increased corruption;
- To highlight effective responses—by judicial associations, individual judges, NGOs and the public—to such political and governmental efforts at limiting judicial independence;
- To discuss the findings of an empirical study, prepared by JSCA, highlighting the contributions of different institutional actors in enhancing judicial independence;
- To discuss issues and factors that have a key role in enhancing judicial independence;
- To construct, from a collaborative approach, key aspects of judicial governance and function that have been identified by empirical research as key for maintaining and securing judicial independence: Disciplinary rules and institutions; judicial selection processes; participation of judges in the election of the head of the judiciary and the institutional management of the social and media pressure.

These outcomes will allow for the exchange of good practices between the audience and the speakers, in order to construct a commonly understood set of prescriptive actions to be used in support of maintenance of judicial independence.
JUDICIAL IMMUNITY AND DUE PROCESS IN THE DETERMINATION OF ALLEGATIONS OF JUDICIAL MISCONDUCT

COMMONWEALTH MAGISTRATES’ & JUDGES’ ASSOCIATION INTERNATIONAL ASSOCIATION OF JUDGES INTERNATIONAL BAR ASSOCIATION

The difficulty in balancing the need for effective judicial disciplinary procedures whilst ensuring on the one hand due process for the judicial officer involved and on the other hand protecting the underlying principles of judicial independence are acknowledged.

The session will explore the practical issues which arise and will also seek to differentiate between process in criminal proceedings and those for cases of alleged ill discipline. The session will work through the different issues, separating day to day disciplinary issues (with consideration of triage methods, disciplinary bodies and sanctions) from issues of dishonesty and criminal behaviour and the particular issues that these present to criminal justice.

Underlying the whole topic will be the imperative of protecting judicial independence (including the identification of false or mischievous allegations).
JUDICIAL IMMUNITY AND DUE PROCESS IN THE DETERMINATION OF ALLEGATIONS OF JUDICIAL MISCONDUCT

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Panellists:
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International Association of Judges

Ms. Sara Carnegie
International Bar Association

Justice Lynne Leitch
Superior Court of Ontario, Canada

Justice Mankhambira Charles Mkandawire
High Court, Malawi

COMMONWEALTH MAGISTRATES’ & JUDGES’ ASSOCIATION
INTERNATIONAL ASSOCIATION OF JUDGES
INTERNATIONAL BAR ASSOCIATION

The three organizations are well-known international legal bodies with a wide and acknowledged experience in dealing with the day to day practical issues which arise in different jurisdictions when dealing with issues of judicial misconduct whilst at the same time safeguarding the principle of judicial (and bar) independence. Included in the session will be a report on research on assessing the quality of disciplinary processes and practices.
JUDICIAL IMMUNITY AND DUE PROCESS IN THE DETERMINATION OF ALLEGATIONS OF JUDICIAL MISCONDUCT

Main Issues:
To identify best practices in the determination of allegations (or complaints) of judicial misconduct to ensure due process and fairness to the judicial officer and proportionality in the response, with particular consideration of:

- the nature of the institutions tackling issues of judicial misconduct, and
- the criminal and disciplinary sanctions available for addressing all levels of judicial misconduct

To consider a framework and methodology for assessing the quality of disciplinary processes, practices and sanctions for misconduct or judicial corruption.

Specific Questions and Discussion Points:
- What is the most appropriate forum for the determination of allegations of judicial misconduct, how should that forum be constituted and led?
- In dealing with cases of judicial corruption how would that forum interact with the normal criminal justice system? What special procedures may be necessary in the criminal justice system to deal with issues of judicial corruption?
- What fundamental principles should be applied to ensure that disciplinary proceedings are fair both to the judicial officer and to the complainant?
- Should a triage system be employed? Should representation be available to the judicial officer?
- Should the proceedings be held in public or in private?
- What sanctions should be available for dealing with cases of judicial misconduct?
- How can the Global Judicial Integrity Network best contribute to the promotion of good practices?

Proposed Outcomes of the Session:
The promotion of debate between the different stakeholders in the judicial sector with a view to:
- promoting confidence in legal processes and the judiciary at all levels;
- establishing guidelines on good practices for proceedings involving allegations against members of the judiciary, with particular emphasis on the need to safeguard threats to judicial independence.
- exploring how far the Global Judicial Integrity Network can contribute to the promotion of good practices.
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.
ENFORCING JUDICIAL INTEGRITY THROUGH CODES OF CONDUCT AND ETHICS TRAINING

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East African Court of Justice

Judge Elisa Samuel
Judicial Training Institute, Mozambique

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Ms. Omnia Taher Gadalla
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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.
ENFORCING JUDICIAL INTEGRITY THROUGH CODES OF CONDUCT AND ETHICS TRAINING

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:
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.
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.
NETWORK INVOLVEMENT

This section includes further information on the Global Judicial Integrity Network.

There are many opportunities for participants to benefit from the resources that the Global Judicial Integrity Network has to offer. Please see the following two flyers for more information on how to register for the Network’s website, as well as how judiciaries can become involved with the Judicial Conduct and Ethics Training programme.

Further information about the Global Judicial Integrity Network is available online at: www.unodc.org/ji
Global Judicial Integrity Network Website

The website is the hub of all Network activity. It enables participants to share their opinions, through opinion pieces or podcasts, and provides key resources, such as an online database of sources and the judicial ethics training package. Most importantly, it helps participants to stay connected and informed, because ultimately it is a network by judges, for judges.

unodc.org/ji
How to Register

Please contact unodc-judicialintegrity@un.org with any questions or concerns.

Visit our Website
Visit: https://www.unodc.org/ji/registration.html

STEP 01

Submit the Form
Enter your contact details and submit the form for approval.

STEP 02

Account Creation
Unite ID creates the accounts manually. Please note this process can take 1-2 weeks.

STEP 03

Account Activation
Unite ID will email you your username and request that you create a password.

STEP 04

Login
Use your new username and password to login at: www.unodc.org/ji

STEP 05

unodc.org/ji
The pilot sites are jurisdictions committed to the implementation of the Judicial Conduct and Ethics Training Tools at the national or regional levels.
PILOT SITE STEPS

Implementation

Contact UNODC to express your interest

Formalize your pilot site status with an exchange of letters between UNODC and the judiciary

Nominate a focal point for your jurisdiction

Participate in at least one train-the-trainers workshop

Organize a judicial conduct and ethics workshop and encourage judges to complete the course

For more information please visit: www.unodc.org/ji or contact us at: unodc-judicialintegrity@un.org
WE THANK THE FOLLOWING INSTITUTIONS FOR THEIR ORGANIZATION OF THE BREAKOUT SESSIONS: