



Global Judicial Integrity Network Substantive Breakout Session Report

I. TITLE OF THE SESSION:

Title of the Session:	Assessing corruption and integrity in the justice system – what have we learned?
Date and time of the Session:	April 10, 10.45 – 12.00
Topic of the session:	Assessing and monitoring integrity
Organizer(s):	The German Agency for International Cooperation (GIZ) The United Nations Development Programme (UNDP) The United Nations Office on Drugs and Crime (UNODC) The Research Institute on Judicial Systems (IRSIG-CNR) U4 Anti-Corruption Resource Centre (U4)
Contact information of the session coordinator:	Marcus Zamaitat (marcus.zamaitat@giz.de), Landline : +49 6196 79-2658

II. RAPPORTEUR¹

Rapporteur:	Marcus Zamaitat, Martin Lipp
Position:	Anti-corruption and integrity adviser
Organization:	GIZ

III. MODERATOR AND PANELLISTS:

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

Please note: due to the “guided discussions” format, panellists did not give presentations.

PANELLISTS

Name:	Tilman Hoppe
-------	--------------

¹ Responsible for drafting the session report.



The Doha Declaration:
PROMOTING A CULTURE
OF LAWFULNESS



GLOBAL
JUDICIAL
INTEGRITY
NETWORK

Position:	Independent Adviser on Judicial Integrity
Organization:	On behalf of GIZ
Topic of presentation:	
Outline of presentation (max. 1000 characters):	

Name:	Elodie Beth
Position:	Programme adviser
Organization:	UNDP Bangkok Regional Hub
Topic of presentation:	
Outline of presentation (max. 1000 characters):	

Name:	Francesco Contini
Position:	Senior researcher
Organization:	Research Institute on Judicial Systems – National Research Council of Italy (IRSIG-CNR)
Topic of presentation:	
Outline of presentation (max. 1000 characters):	

Name:	Sofie Schütte
Position:	Senior adviser
Organization:	U4 Anti-Corruption Resource Centre
Topic of presentation:	
Outline of presentation (max. 1000 characters):	



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

I. BACKGROUND INFORMATION ON THE TOPIC:

Corruption in judiciaries takes many forms and involves a wide range of actors. It may occur at national or local levels, or be concentrated in certain areas of law or circles of people. Fostering integrity and the independence of the judiciary is essential to fighting corruption – not only within the judiciary, but also in other sectors. Empirical knowledge on the reasons for improper behaviour of judges and for the general malfunctioning of the judiciary are valuable commodities, as they can offer systematic, realistic and achievable anti-corruption or integrity action plans. It is self-evident that strengthening judicial integrity necessitates assessments of judicial integrity.

Therefore, courts greatly benefit from assessing their own work to improve their performance and integrity in order to deliver effective justice. Having a feedback loop that can direct the attention of courts to issues that need adjustment thus plays an essential role in facilitating and monitoring progress.² When it comes to judicial reform, assessments are an essential tool for courts to monitor compliance. In addition, on a systemic level, assessing integrity on a regular basis ensures public accountability and thus, confidence in the judiciary. A comprehensive evaluation of judicial systems is still a strategic challenge for judiciaries around the world. Budget constraints, new management techniques, the challenge of digitalisation and competition for resources with other public bodies require approaches of judicial evaluation fit for purpose.

When thoughtfully designed and carried out in a systematic way, self-assessments of integrity by judicial leaders and courts can be the crucial first step towards change.³ By helping detect deficiencies, they can reveal needs for change and inspire action. It is for this reason that the German Agency for

² For more information see: UNDP, U4 (2016) “A Transparent and Accountable Judiciary to Deliver Justice for All”, Bangkok, Available at: <https://www.u4.no/publications/a-transparent-and-accountable-judiciary-to-deliver-justice-for-all/pdf>.

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



The Doha Declaration:
PROMOTING A CULTURE
OF LAWFULNESS



International Cooperation (GIZ), UNDP, UNODC, IRSIG-CNR⁴, and U4 hosted this panel discussion as part of the third work stream of the launch of the Global Judicial Integrity Network, "Assessing and Monitoring Integrity", to address the question: "Assessing corruption and integrity in the justice system - what have we learned?"

II. SUMMARY OF THE SESSION:

Bringing together experts on the topic, the session on assessment contributed to the exchange of experiences with the tools and frameworks designed to assess judicial integrity. Input from our panellists provided the basis for an open discussion on the value of effective assessment and monitoring of behaviour and performance in the justice sector (e.g. the GIZ Judicial Integrity Scan⁵, UNODCs Evaluative Framework of Implementation of Article 11 UNCAC⁶, and the UNDP APEC Self-Assessment Methodology on Judicial Integrity and Performance). Through guided discussions, our panellists provided an overview of the methodology and scale of assessment tools and the importance of international standards such as the Bangalore Principles of Judicial Conduct and Article 11 of the UNCAC as universal measuring units. Moreover, the panel unanimously emphasized the importance of assessments and evaluation frameworks in support of domestic judiciary development and judicial reforms.

What followed was a lively discussion on existing tools and their merits and shortcomings. In their interventions participants expressed the need for information pertaining to the tools available, their respective application and purpose as well as to better understand when and how assessments are part of international compliance reviews.

The discussion focused in particular on the causes and implications of public perceptions of corruption in the judiciary. Panellists highlighted that the perception of wide-spread corruption in the judiciary was often caused by other factors, such as corruption among other justice sector actors, in particular court personnel, political interference by the executive or legislature into judicial

⁴ From IRSIG-CNR on this topic: Francesco Contini, ed (2017) "Handle with Care Assessing and designing methods for the evaluation and development of the quality of justice", Bologna, Available at <https://www.lut.fi/hwc>.

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

⁶ For more information, see here: https://www.unodc.org/documents/corruption/Publications/2014/Implementation_Guide_and_Evaluative_Framework_for_Article_11_-_English.pdf.



The Doha Declaration:
PROMOTING A CULTURE
OF LAWFULNESS



GLOBAL
JUDICIAL
INTEGRITY
NETWORK

appointments or judicial decisions, opacity of court proceedings, as well as poor access to justice. Therefore, judicial assessment reports in itself and when made public can be an important tool to inform the public on the actual scope and prevalence of judicial corruption, correct mis-perceptions where they exist, and analyse risks and causes of judicial corruption. Using surveys and public perception together with integrity assessments of justice systems can not only inform but also amplify the understanding of judicial integrity in a country. Finally, our panellists, with input from the plenary, discussed ways to incorporate lessons learnt into future tools and frameworks.

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

The session allowed for a critical stocktaking of the assessment tools currently available. A critical evaluation of their shortcomings and possible ways to improve them is vital to accomplish the overall objective of the Global Judicial Integrity Network. This session contributed to this objective by highlighting the plethora of existing assessment tools and approaches, learning from past assessment measures, and outlining ways to improve assessments of judicial integrity. The session made apparent that multi-stakeholder dialogue when assessing the judiciary as well as collaboration between research academia and courts doing self-assessment can make assessment and court performance evaluation more effective and increases accuracy of the assessments. The network might consider furthering facilitating exchanges on the topic with a view to promoting the conduct of judiciary-led multi-stakeholder assessments.

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

The session was designed to provide judges and organisations with an opportunity to exchange ideas and experiences with assessment tools. Furthermore, by including panellists from academic institutions, it was hoped that participants would be provided with expert knowledge of analysis of different types of assessments of judicial performance and integrity. By showcasing successful examples of assessments, the aim was for participants to take away lessons applicable to their own judiciaries and reform processes.

Those objectives were in part achieved by means of a panel discussion, in which experts engaged in a thorough exchange of ideas and points of view on assessment tools. Most notably, however, the exchange of ideas took place in



The Doha Declaration:
PROMOTING A CULTURE
OF LAWFULNESS



GLOBAL
JUDICIAL
INTEGRITY
NETWORK

the open discussion, during which participants were eager to share their own experiences with assessment tools such as the UNODC Implementation and Evaluative Framework on Article 11.

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

Participants made a number of valid observations and specific recommendations for improving the quality and accessibility of judicial integrity assessment tools. They stressed in particular the importance of:

- (a) Capturing the **synergies between academia and the judiciary**;
- (b) Ensuring that assessments which were conducted in the context of the review of compliance with relevant international standards, would **involve the judiciary** and be used to also **advance domestic stock-taking and reform processes**;
- (c) Developing a **clearer understanding of what each assessment tool entails**, what situations a specific tool is most appropriate for, and what to expect from different tools under different circumstances;
- (d) Compiling **good practices** or developing **standards** as benchmarks **for specific assessments**, such as for example on the issue of how to solve procedural conflicts of interest or establishing efficient complaints mechanisms;
- (e) Making the results of **assessments publicly available** with a view to facilitating a transparent and **open dialogue around the findings** and their interpretation;
- (f) Regularly repeating assessments to allow the **monitoring of results over time**, identify trends and assess the success or failure of reform measures; and
- (g) **Assessing judicial integrity within the broader context** of overall access to justice and court performance.

The panel concluded by recommending that the Network would further facilitate the development of knowledge among judiciaries of the different types of assessments and provide easy access to the respective methodologies, checklists, survey tools as well as related expertise to the members of the Network.