JUDICIAL CONDUCT AND ETHICS

TRAINERS’ MANUAL
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ACKNOWLEDGEMENTS

The present manual was drafted by Jeremy Cooper (UNODC consultant). The manual was developed by the United Nations Office on Drugs and Crime (UNODC) Global Programme for the Implementation of the Doha Declaration under the overall guidance of Oliver Stolpe and coordinated by Roberta Solis Ribeiro Martins and Tatiana Balisova.

UNODC expresses its appreciation to jurisdictions that have agreed to become pilot sites for the development of the Judicial Ethics Training Tools Package and provided important feedback and input: Belize; Brazil; the Federated States of Micronesia; Jamaica; Madagascar; Mauritius; Mozambique; Pakistan; Tunisia; Solomon Islands; Uganda; and Zimbabwe. In particular, UNODC would like to thank the trainers from pilot sites who participated in the first train-the-trainers workshop in Brussels in March 2018, the purpose of which was to test the present manual: Hon. Carl Olav Smith (Brazil); Hon. Dennis Kiyoshi Yamase (Federated States of Micronesia); Hon. Vinette Beverlin Graham Allen (Jamaica); Hon. Marva McDonald Bishop (Jamaica); Ms. Mokshda Pertaub (Mauritius); Hon. José Norberto Carrilho (Mozambique); Hon. Carlos Mondlane (Mozambique); Hon. Albert Rocky Palmer (Solomon Islands); and Hon. Henry Peter Adonyo (Uganda). UNODC also wishes to extend its gratitude to the European Judicial Training Network (EJTN) for providing facilities for the train-the-trainers workshop and its feedback on the manual, and to Michelle Austin and Jeremy Cooper for leading the workshop.

Special thanks are extended to the Advisory Board of the Global Judicial Integrity Network for their valuable guidance: Hon. Adrian Saunders; Hon. Duro Sessa; Hon. Masood Bin Muhammad Alamari; Hon. Maria Thereza Moura; Hon. Zainun Ali; Hon. Kashim Zannah; Dr. Nihal Jaywickrama; Hon. José Igreja Matos; Hon. Lynne Leitch; and Hon. Diego García-Sayán.

Thanks are also due to the participants of the Global Judicial Integrity Network who gave their time and expertise in reviewing various draft sections of the text, including: Hon. Jerome Abrams; Ms. Vanja Karth; Hon. Murray Kellam; and Ms. Otilia Pacurari.
PART 1
PRELIMINARY TRAINING ISSUES
Lack of judicial integrity in the justice sector—whether actual or perceived—poses a real threat to confidence in the rule of law. With this in mind, boosting and maintaining judicial integrity is a core obligation of judges around the world and an integral part of the UNODC Global Programme for the Implementation of the Doha Declaration.

The Judicial Integrity initiative within the Global Programme aims to assist judiciaries across the globe in strengthening judicial integrity and preventing corruption in the justice sector, in line with article 11 of the United Nations Convention against Corruption. For that purpose, the initiative has facilitated the establishment of the Global Judicial Integrity Network, a platform of judges for judges to share good practices, learn from each other, provide peer-to-peer support, and join forces in the development of knowledge products and tools. The establishment of the Network represents a historic milestone in creating a space for judges and other justice sector stakeholders to work together on strengthening judicial integrity, a message that was echoed by many participants at the official launch of the Global Judicial Integrity Network in April 2018 in Vienna.¹

One of the priority areas for the Global Judicial Integrity Network, as identified during seven regional preparatory meetings in 2016–2017, the 2017 online survey disseminated to more than 1,000 stakeholders and at the launch event itself, is to strengthen training for judges on judicial integrity issues. For this reason, UNODC decided to develop the Judicial Ethics Training Package, based on the broadly accepted Bangalore Principles of Judicial Conduct and the requirements for the implementation of article 11 of the United Nations Convention against Corruption. The package aims to be easily adaptable to different jurisdictions and equip judges with a deep understanding of the Bangalore Principles and their relevance and application to the work and life of a judge.

¹ For more information about the Network and its activities, please visit www.unodc.org/ji.
The Judicial Ethics Training Package is composed of the following tools:

- A widely applicable and interactive e-learning course dealing with various aspects of judicial conduct and ethics.
- A text-based self-directed “offline” course capturing the key points of the e-learning course for those who cannot complete the online course.
- The present trainers’ manual to guide national trainers in developing and designing their own training courses, ideally once the participants have completed the e-learning or the self-directed course.

These tools are the result of several rounds of consultations with pilot sites, i.e. jurisdictions that have agreed to pilot-test the tools and roll out national/regional training activities based on the tools. The manual was already put into practice in its draft form during the successful first train-the-trainers workshop for pilot sites in March 2018 in Brussels. The workshop was an excellent opportunity for national trainers to acquaint themselves with the manual and provide additional input. Numerous other stakeholders and partners in the context of the Global Judicial Integrity Network have also provided valuable comments on the tools.

This manual has been designed as a tool to assist in the face-to-face training of judges (both newly appointed and experienced) around the world. The subject matter of the manual is judicial conduct and ethics.

Although the primary participant “target group” for this face-to-face course is likely to be newly, or recently appointed judges, it may also be the case that senior lead judges will wish to take the course themselves. Such an approach would reflect the view of the Judicial Integrity Group, as stated in their first draft of the Bangalore Principles in 2002 when they advocated that senior judges should “lead by example” in the promulgation of the Principles. In this manner, senior judiciary members could add their considerable authority to the course brand, and at the same time guide their more junior colleagues concerning possible ethical dilemmas they may face, as well as examine possible emerging breaches of the principles of judicial conduct in their own jurisdictions.

The manual provides an indicative course structure, content and suggestions for the most appropriate training methodologies in the delivery of training courses of this nature. Additionally, there are a number of sample questions, case studies and other
tests that can be used by trainers in the delivery of training on this topic. Typically, a course will last for 1.5 days, although this can be flexible to reflect local resources and logistical challenges. The target audience for this training manual is the body of judicial trainers, rather than the trainees themselves. It is hoped that trainers, when designing a course for those judges for whom they have national, regional or local training responsibility, will find that the materials contained in this manual can be easily adapted to meet their particular training requirements.

It is strongly advised that before attending a face-to-face training course that forms the subject matter of this manual, identified course participants take up one of the following two options provided by way of preliminary work (a process commonly described as blended learning). The two options could also be considered preconditions for participation in the face-to-face training.

**Option 1**

**UNODC e-learning on judicial conduct and ethics**

UNODC has produced an e-learning course consisting of three modules on the topic of judicial conduct and ethics. Individual judges can enroll in this course worldwide free of charge and work their way through the course materials at their own pace, returning to the modules as often as they wish. To successfully complete all three modules, an individual judge will require approximately 3–4 hours online in total, although this can be broken down into convenient chunks of time to suit individual needs.

**Option 2**

**Self-directed introductory course on judicial conduct and ethics**

While it is strongly recommended for trainee judges to complete the e-learning course prior to attending the face-to-face training, it is recognized that there may be valid reasons—logistical, technical or personal preference—why this is not always possible. To cover this eventuality, UNODC has developed a self-directed “offline” introductory course based upon the three e-learning modules for judges unable to take them, giving
them a summary of the key issues covered in the e-learning materials and the opportunity to take the exercises associated with the e-learning.

Following the completion of the e-learning or self-directed course, the face-to-face training could then aim to allow judges to apply and deepen the acquired knowledge and set the topic of judicial ethics into the local context and existing domestic judicial ethics regulations.

However, there may be instances where neither of the two above options is possible. In such case, it is suggested that the organizers of the face-to-face training event should give those attending the event an opportunity to work through the core content and exercises contained in options 1 or 2 together as a guided activity. This can be conducted as an additional first session before the face-to-face training.
PRELIMINARY OBSERVATIONS ON METHODOLOGY

It is widely acknowledged that judges, being highly practical individuals, learn best by doing. This is particularly important to acknowledge as judicial training time is necessarily limited, and for newly trained judges the need to have the practical experience of using acquired skills in a judicial setting will be paramount. To this end, the manual is heavily oriented towards small group work, and the ratio that is adopted for the model course contained in the manual is approximately 80/20 (80 per cent small group work, 20 per cent plenary work). Tried and tested over many years, this formula is widely acknowledged as the best structure for effective training of this nature.

Given the proposed structure of the course, it is of paramount importance that the trainer(s) who design and deliver this course are assisted by a group of trained facilitators (for further details on the number of facilitators required and their role, please refer to the section on the role of facilitators). The training of facilitators need not be burdensome, but for this course to be a success, each facilitator must be given at least some basic guidance on how to facilitate, before taking on the task.

More information about the training methodology can be found throughout the text, in particular in the sections on the Role of the Trainers, the Role of the Facilitators and the Course Planner. In addition, annex II gives advice on the delivery of presentations and annex V provides an overview of various training methods that can be used.
THE ROLE OF THE TRAINERS

The European Judicial Training Network (EJTN) has defined the key tasks of a judicial trainer in the following terms:²

- To interact with judges as capable and self-directed persons.
- To create a pleasant and positive learning environment in which the trainees feel that they are the protagonists.
- To actively involve trainees as much as possible, including subtly drawing in particularly noncommittal or secluded participants.
- To devise individualized teaching and learning strategies which allow tailor-made training for each and every judge.
- To use a wide variety of interactive, practice-oriented, and experiential methods and techniques.
- To foster and enhance teamwork.
- To enable trainees to cope effectively with real-life situations.
- To awaken the full potential of each and every trainee.
- To give well-focused and constructive feedback, allowing for an immediate reaction.
- To boost trainees’ motivation by way of internal stimuli (for example desire for increased job satisfaction, self-esteem).

This manual is modelled around these aspirational tasks.

Whenever possible, the training of judges on judicial conduct and ethics should be led by judges. Trainers who are judges or former judges may best relate to the ethical challenges faced by their colleagues and give practical examples of problems which are known to have arisen. As they have previously walked in the students’ “shoes”, they

have enough credibility to impart the important subject of judicial ethics. Ideally, judicial trainers have served as judges at the same level as the judges being trained.

In addition, this manual distinguishes between the role of the trainer and the role of the facilitator. The trainer should be an expert in the subject of judicial conduct and ethics, and possess relevant experience, skills and knowledge to allow for learning and knowledge transfer. It is usually the trainer who designs the training, sets objectives, and plans activities and individual sessions. Please refer to the next section for more information about the role of facilitators.
THE ROLE OF THE FACILITATORS

Paramount to the success of the course to be delivered to trainee judges will be the availability of well-briefed and appropriately trained facilitators. As something in the order of 80 per cent of the course will be delivered in small breakout groups, the role of the facilitator in forming, leading and nurturing small group activities will be crucial. Facilitators can either form a discrete part of the training team or, if appropriately skilled/trained, can also be participants on the course. The amount of time required to train and prepare the facilitators for each course will depend upon their existing level of skill and/or experience. A half day working with the lead trainer in advance of the course should be ample preparation, so long as the lead trainer provides the facilitators with all the case studies and exercises, together with model answers prior to this briefing session.

For small group work to be effective, there should be sufficient numbers in the group to generate lively dialogue, but not so many that participation becomes restrictive. In this manual it is recommended that the optimum number for an effective small group be six (plus the facilitator).

When drawing up the groups of six, care should be taken by the lead trainer, in consultation with the identified facilitators, to ensure a good mix of age, gender, experience and, where appropriate, ethnicity, in each group. Although different groups can be set up for each day of the course, our experience suggests that training works best when the group remains the same throughout the course as this facilitates group bonding, and the development of mutual trust, friendship and camaraderie.

TIP

When planning this course, the total number of participants should be capable of division into multiples of 6 (12, 18, 24, 30, etc.).
As the name already suggests, the role of facilitators is to facilitate, make communication easier and enable a productive discussion. Facilitators do not necessarily need to be knowledge experts and do not need to know all the right answers. They need to ask questions and create an atmosphere conducive to learning, open communication and meaningful exchanges. They should maximize the group’s potential by encouraging all participants to contribute and by keeping discussions on track. The following checklist offers tips and suggestions for facilitators:

- Create a safe environment where people feel comfortable to share their views and treat everyone respectfully.
- Clarify learning outcomes, check if all participants have read the case studies (in order to have some point of departure).
- Communicate a sense of enthusiasm and interest in the subject matter.
- Ask open questions (as opposed to leading or suggestive questions) and relevant follow-up questions.
- Be an excellent listener and be curious.
- Encourage different opinions and counter-arguments; at times play the “devil’s advocate” and turn the arguments around.
- Be aware of your body language (maintain eye contact, be friendly, etc.).
- Be flexible, vary styles and methods, adapt to the group’s mood and learning styles (see also the “Learning styles and group dynamics” part below).
- Take notes on the main ideas.

It may be useful for the lead trainer to organize debriefing sessions with facilitators. Such sessions would help identify challenges in small groups and how to address them, and allow for self-reflection for facilitators on what worked well and what could be improved.
LEARNING STYLES AND GROUP DYNAMICS

The previous sections have offered some practical guidance for the trainers and facilitators on this course. It would also be useful to draw attention to some important theoretical observations concerning the nature of group work, which will further inform course planning and delivery.

Empirical evidence exists to the effect that there is a range of learning styles, and that different people have different learning style preferences. Therefore, the first piece of advice to judicial trainers is to ensure that the face-to-face training event contains a range of learning styles thereby incorporating into the event as many learning preferences as possible: something for everybody!

There have been many studies and theories regarding differences in individuals’ learning. One of the most widely recognized theories is that of Honey and Mumford, which identifies four basic types of learners:

**ACTIVISTS** are “hands-on” learners who prefer to get involved and learn through trial and error. They have an open-minded approach to learning, wanting to involve themselves fully and without prejudice in any new experience.

**REFLECTORS** prefer to learn more quietly by observing and thinking about what happened. They prefer to stand back and view experiences from a number of different perspectives, taking time to arrive at a conclusion.

**THEORISTS** like to understand the theory behind the actions. They need models, concepts and facts in order to engage in the learning process. Theorists prefer to analyse and synthesize, drawing new information into a systematic and logical “theory”.

**PRAGMATISTS** need to be able to see how to put their learning into practice in the real world. They like to try out new ideas, theories and techniques to see if they work, and find that theories alone alienate them from the learning process.
LEARNING STYLES QUESTIONNAIRE

Consider the following four statements. Place a score of 4 to 1 in each of the four boxes concerned with each statement, according to which response is most like you or least like you:

4 = most like you  1 = least like you

Ensure you rank each of the responses for each of the statements.

1. When I approach a new task, I prefer to:
   - ☐ Read all the instructions and follow the models given to ensure I am doing it correctly (T)
   - ☐ Have a go without too much preparation (A)
   - ☐ Consider different ways of doing it and practise to see if they work (P)
   - ☐ Observe someone doing it first and reflect on what happens (R)

2. I learn best when:
   - ☐ I listen and observe carefully (R)
   - ☐ I trust my hunches and feelings (P)
   - ☐ I reason things out in a logical way (T)
   - ☐ I get involved and participate (A)

3. I enjoy tasks when:
   - ☐ There is a challenge or problem to solve (P)
   - ☐ It is new and unfamiliar (A)
   - ☐ There is time to think things through first (R)
   - ☐ It is clear which is the best way to do it (T)

4. In day-to-day life:
   - ☐ I tend to notice details that others miss (R)
   - ☐ I act first and think about the consequences later (A)
   - ☐ I like to have everything in its proper place (T)
   - ☐ I am a “hands on” practical person (P)

Now add up all of your scores for each of the letters A, R, T, P

A  Activist score: ________  R  Reflector score: ________
T  Theorist score: ________  P  Pragmatist score: ________
TIP

Ensure that your face-to-face training event offers opportunities for the use of all four learning styles over the duration of the course.

Another important preliminary matter to acknowledge is that judges enjoy themselves and learn best when training with their peers in small secure groups where they can share experiences and exchange ideas in a safe environment. The life of a judge can be isolated and lonely, and face-to-face training offers a great opportunity to counter this problem. However, groups have their own issues, their own dynamics, and trainers should be alert to this fact. Wilfred Bion, a distinguished British psychoanalyst, developed an interesting theory of group dynamics.

For Bion, when a group of strangers first come together (including in the context of an organized training event), there will be an initial period of confusion. Individuals may be unsure as to where they stand in relation to others in the group, or they may be uncertain about what is required of them. Typical emotions include anxiety and excitement. Typical behaviours at this stage will include tentativeness, superficial politeness, questions about what will happen and when, and either holding back or searching for someone to talk with. At the outset, members of the group will be looking for a structure, or a framework of authority in which to function. To moderate these tensions, trainers and facilitators should therefore, from the outset, be welcoming, set the right tone, clarify the purpose and outline of the course, agree upon any ground rules, and generally encourage people to speak to one another, also ensuring that each person in the group has a chance to speak early on.

In these early stages, group members are likely to be reliant on the trainer or their group facilitator to instill confidence and thus the trainer and group facilitator both have important guidance and leadership roles. For most group members, it is still too early to take risks of their own choosing, such as voicing a disagreement of opinion with the rest of the group, especially where there are more senior people present. Trainers and facilitators need to be aware of their power at this stage. Weaning the group off this dependence may require gentleness and firmness, such as encouraging and demonstrating support, deflecting questions back to the group and building on points made.
Clarity in delegating tasks and empowering individuals may help the process. The trainer or facilitator should be astute enough to ensure that one or more individuals are not being allowed to dominate the discussion, particularly if they seem to be “pulling rank” by virtue of their status or experience. Failure to deal with this is likely to breed resentment and dissent among other group members, who do not yet have the confidence to deal with the issue directly themselves.

The next stage in a group’s development can be the most difficult, as it may involve the impulses described by Bion as “fight or flight”. Difficult issues may begin to arise—of which there could well be many in the field of conduct and ethics—but the group may avoid addressing them, still unsure of its ground. Alternatively, group members may start to challenge the programme, or the trainer, or the facilitator, or others in the group. If this is not sensitively and carefully managed, the group can lose its cohesion and start to disintegrate.

Where there are difficulties it is generally better for the trainer and the group facilitator to bring them to the surface and deal with them calmly, maturely and openly; to encourage listening and feedback without blame or guilt, and to respond positively by taking action (or encourage the group to take action) based on the expressed needs of individuals and the group as a whole.

If the fight or flight mode has either been circumnavigated or successfully resolved, the group will most likely begin blossoming, which involves pairing, sharing, friendliness, and ultimately, full group maturity. A mature group produces good work, and its members will be able to work together effectively and handle difficult problems, including emotional ones, without threatening the group’s stability. There will be a cohesive culture in the group and individuals will be accepted for who they are and what they can offer. At this final stage, the group should be working autonomously, where required.

**TIP**

Generally speaking, to avoid losing group cohesion, trainers should plan for activities that are likely to promote stimulation and mutual support.
The trainer or the facilitator should by now be regarded more as an equal than as a formal leader, and his or her role may well change to principally one of support and interpretation. As the group reaches the time for moving on to other things, the trainer or facilitator will nevertheless need to pick up the reins and ensure that progress remains on track.

A simpler analysis of group dynamics has been mapped by Tuckman and Jensen (see further reading) in the following alternative language, although the analysis remains the same: forming (confusion and dependency); storming (fight/flight); norming (pairing); performing (maturity).

One important issue that trainers need to consider is whether groups of judges at the training should be of equal rank or not. While the answer to this question depends on a particular jurisdiction, its size and the national context, trainers should ensure that judges at higher levels in the hierarchy do not dominate the discussions. The trainer should always aim at creating a friendly environment where everyone feels equal and not afraid to speak.

**TIP**

Ensure that as a trainer or facilitator you understand group dynamics and let them work for you rather than against you. Time will be limited at this face-to-face event, and every positive moment is a bonus.

**TIP**

Ensure as a priority that you build an effective and meaningful course evaluation into the training from the outset, and throughout the course. One of the leading authorities in this field is Donald Kirkpatrick who has developed the classic four-stage evaluation framework. This issue will be addressed later in the manual (see section on Course evaluation).
PART 2
THE FACE-TO-FACE COURSE
The next section of this manual provides a detailed blueprint for a face-to-face course on judicial ethics and conduct. The course can be delivered as it is, or rendered bespoke to reflect local or regional differences. What follows is a blueprint that can be used by any trainer or facilitator charged with the design and delivery of face-to-face training of judges on the central role of conduct and ethics in the personal and professional life of a judge.

**COURSE AIM**

The aim of the course is to provide members of the judiciary at all levels with a deep awareness and understanding of the central role of conduct and ethics in the professional and personal life of a judge.

**COURSE LEARNING OUTCOMES**

On completion of this course (together with options one, or two, as explained above in the Introduction), the trainee judge will have acquired or strengthened the following knowledge and skills:

- A deep understanding of the origins, purpose and content of the Bangalore Principles of Judicial Conduct and their relevance and application to his or her work and life as a judge.
- An increased capacity to recognize when judicial conduct and ethics issues come into play, both within and outside the workplace, and a range of methods to help him or her deal with any associated challenges.
- An awareness of a range of cognitive biases that can affect his or her work as a judge, and the reflective skill to counter these biases.
- A basic understanding of the interaction between social media and judicial conduct.
CORE COURSE DOCUMENTS

The core documents for this Course are:

- The Bangalore Principles of Judicial Conduct 2002
- Commentary on the Bangalore Principles 2007

These documents must be made available to trainees and easily accessible, either online on tablets, or in hard copy throughout the course. A small booklet of the Bangalore Principles is attached to this manual and may be helpful during the preparations for and the delivery of the training workshop.

Trainees in the course should also be familiar with the United Nations Convention against Corruption, including article 11, which states in paragraph 1:

Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

While article 11 specifically addresses judicial integrity, many more provisions of the Convention are of direct relevance to the judiciary. This is primarily because article 2 (a) of the Convention defines a public official as including: “any person holding a legislative, administrative or judicial office of a State Party.” As a consequence, all provisions of the Convention that are applicable to public officials are of direct relevance to judges as well. The Convention can be accessed and downloaded in all six United Nations official languages.

Additional documents include:

- Resource Guide on Strengthening Judicial Integrity and Capacity
- Measures for the Effective Implementation of the Bangalore Principles
- Basic Principles on the Independence of the Judiciary
- Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary

The above-mentioned documents can be accessed in all official United Nations languages.

INDICATIVE COURSE PROGRAMME

DAY ONE

09.00 – 09.15 Arrival and registration
09.15 – 09.30 Course welcome
09.30 – 10.00 Icebreaker in plenary room
10.00 – 10.45 Overview presentation on Bangalore Principles
10.45 – 11.15 Tea/coffee break
11.15 – 12.15 Group work with individual presentations on each of the six Principles
12.15 – 13.00 Group work on structural issues
13.00 – 14.00 Lunch
14.00 – 15.30 Group work: Case studies on independence, impartiality and propriety
15.30 – 16.00 Tea/coffee break
16.00 – 16.45 Group work: practical exercise on integrity
16.45 – 17.30 Plenary feedback from group work sessions

DAY TWO

09.00 – 09.15 Review of Day One and outline of Day Two
09.15 – 10.00 Plenary exercises
10.00 – 11.00 Group work: Case study on equality, competence and diligence
11.00 – 11.30 Tea/coffee break
11.30 – 12.15 Group work on critiquing the Principles
12.15 – 13.00 Plenary feedback on group work sessions
13.00 – 14.00 Lunch
14.00 – 15.00 (or longer) Regional, local issues
### COURSE PLANNER

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>PREPARATION AND ACTIVITY DETAIL</th>
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</thead>
</table>
| **PRE-COURSE PREP** | Please refer to the two options for pre-course activities outlined in Part I above.  
Whatever pre-course option is taken, all participants in the face-to-face course must have a copy of the Bangalore Principles and the Commentary on the Bangalore Principles with them throughout the course either in hard copy or on their personal laptops, tablets or phones. Both documents are available to download online. | To be carefully taken care of by the training team well in advance of the event:  
- Room  
- Possibly smaller breakout rooms for group work  
- Possibly computers with Internet access  
- Projector  
- Flipcharts (or white boards)  
- Copies of the Bangalore Principles  
- Copies of the Commentary on the Bangalore Principles  
- Documents for participants (agenda, list of participants, information sheet (accommodation, travel, venue, etc.))  
- Other equipment  
- Housekeeping checklist  
- Details of meal arrangements (as applicable)  
- Technical support (as applicable)  

Particular care should be taken to ensure that technical support is available to back up those aspects of the course that will be using technology.  
A pre-meeting between the facilitators and the lead trainer, lasting for up to half a day, should be organized prior to the training event. The desired methodology and the indicative answers to the exercises and the case studies should be clarified.  
All participants must arrive and be registered by 9.15 a.m. |
<table>
<thead>
<tr>
<th>DAY ONE</th>
<th>ACTIVITY</th>
<th>PREPARATION AND ACTIVITY DETAIL</th>
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</thead>
<tbody>
<tr>
<td>9.15–9.30</td>
<td>Opening and introduction</td>
<td>Lead trainer sets scene, introduces self, plus any other trainers and/or facilitators, deals with housekeeping, any other practical matters, and gives a very brief outline of the programme.</td>
</tr>
<tr>
<td>9.30–10.00</td>
<td>Icebreaker in plenary room</td>
<td>This is the opportunity for participants to get to know one another, relax and have a bit of fun. It is very important to break the ice for the activities that follow. Icebreakers should be conducted in the plenary room and the relevant conversations should take place in groups of two or more, depending on the nature of the icebreaker, on an entirely informal basis. It is suggested you spend around 20 minutes on the Icebreakers, with around 10 minutes of plenary feedback.</td>
</tr>
<tr>
<td>10.00–10.45</td>
<td>Overview presentation on the Bangalore Principles</td>
<td>Introductory presentation conducted by lead trainer, followed by a coffee break. A summary of the key points that might be covered by the lead trainer in this presentation can be found in annex II.</td>
</tr>
<tr>
<td>10.45–11.15</td>
<td>Tea/coffee break</td>
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</table>

**Plenary work**

Icebreakers are short exercises used at the beginning of a training event to allow trainees to get to know each other before the main work of the event begins. They also enable the trainer to assess group members at a behavioural level. Some icebreakers can be used to separate people who already know each other and encourage the group to mix. The most effective icebreakers (a) make use of the personal or professional background of the participants, (b) are not subject related, and (c) are participant related.

For inspiration, please refer to the attached card that includes some examples of icebreakers you can use.
### ACTIVITY PREPARATION AND ACTIVITY DETAIL

<table>
<thead>
<tr>
<th>11.15–12.15</th>
<th>Group work with individual presentations on each of the six Principles</th>
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<tbody>
<tr>
<td></td>
<td>This is the first opportunity for trainees to join and work in their small groups. It is also a moment to engage one or more facilitators to guide the discussions. The facilitator(s) will need to spend a few minutes on round table introductions and then organize the group so they can work in pairs.</td>
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<tr>
<td></td>
<td>Six cards will be available, each with one of the six Bangalore Principles. Each trainee will draw a card at random. The purpose of the session is for each trainee, in tandem with their partner, to prepare a 2–3-minute summary of the practical implications for a judge of the Principle (both within and outside the courtroom) with examples of challenges this may present. In the last 20 minutes of the session, each pair will make their presentation on their two topics to the group, seeking critical feedback. Working in pairs encourages cooperation and greater clarity of expression.</td>
</tr>
<tr>
<td>12.15–13.00</td>
<td>Group work on structural issues</td>
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<td>Having done some broad preliminary work on the Principles, this session will encourage trainees to take some time to reflect on any structural issues that might interfere with the effective implementation of the Principles in a particular jurisdiction. The facilitator will pose the following question to the group:</td>
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<td>Is there an optimum operating judicial framework in which the Bangalore Principles can flourish?</td>
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<td></td>
<td>Small group work</td>
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<td>In preparing for this session, each facilitator will have six cards ready for distribution, assuming that there are six participants in the small group. If the number of participants is different from six, you can bring more cards, give the participants two cards or discuss some cards together—whatever works for your group. One set of the cards is attached to the manual and you can use it during this activity.</td>
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<td></td>
<td>Facilitators should also have a plan for a strong and steady control of the time, to ensure that all six trainees have an opportunity to give their presentations to the group. As such, please limit pair work to a maximum of 20–25 minutes.</td>
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<tr>
<td></td>
<td>Small group work</td>
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<td></td>
<td>Facilitators should enable an open and productive discussion on the issues and questions raised. The following issues could be borne in mind.</td>
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<td></td>
<td>The Bangalore Principles of Judicial Conduct conclude with the following statement which has come to be known as the Implementation Clause:</td>
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<td>By reason of the nature of judicial office, effective measures shall be adopted by national judiciaries to provide mechanisms to implement these principles if such mechanisms are not already in existence in their jurisdictions.</td>
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</tbody>
</table>
The answer according to the Judicial Integrity Group (JIG) must be ‘yes’. In particular, the JIG has stressed that for judges to be able to carry out their work with full independence and integrity, the following judicial framework should be in place:

- Agreed procedures and qualifications for the appointment of judges
- Guarantees relating to judges’ security of tenure either until a mandatory retirement age, or the expiry of their term of office
- Clear conditions governing the promotion, transfer, suspension and cessation of judicial functions
- An explicit guarantee of the independence of the judiciary both from political interference by the executive branch and legislature, and also more generally from attempts to influence the judge’s exercise of his or her independent duty to carry out judicial responsibilities without external interference.

In this group exercise, the facilitator should invite each member to consider:

- How any of these four components do or do not currently underpin their own jurisdiction?
- Where any component is weak, or even entirely lacking, which of the Bangalore Principles they consider to be most affected?
- What can be done to address this issue?

These measures and mechanisms were debated and agreed upon by the Judicial Integrity Group (JIG) at their meeting in Lusaka in January 2010. Trainers and facilitators are encouraged to find out more about the discussion that led to these conclusions at:


Following this meeting, the JIG published a detailed set of measures for the effective implementation of the Bangalore Principles, together with a further set of activities designed to encourage the further promotion and dissemination of the Principles.

They introduced this initiative in the following terms:

The Measures for the Effective Implementation of the Bangalore Principles ("Implementation Measures") are offered by the Group as guidelines or benchmarks to further the implementation of the Bangalore Principles at the domestic level. In preparing the Implementation Measures, reference was made to several national constitutions and to regional and international initiatives to ensure that they reflected a broad national and international consensus. The Implementation Measures are in two parts.

Part One describes the measures that are required to be adopted by the judiciary.

Part Two describes the institutional arrangements that are required to ensure judicial independence and which are exclusively within the competence of the State.
### ACTIVITY

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<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>14.00–15.30</td>
<td><strong>Group work case studies on independence, impartiality and propriety</strong></td>
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</table>

This is the first session in which your groups will be working on concrete case studies. To facilitate the activity, some indicative examples of case studies are provided in this manual. Note these are only indicative case studies. You are also encouraged to adjust the case studies, or develop your own case studies that reflect issues that could arise in your own jurisdictions more accurately.

The 90 minutes allocated for this session should be enough to cover all four case studies.

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<thead>
<tr>
<th>Time</th>
<th>Preparation and Activity Detail</th>
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<tbody>
<tr>
<td>14.00–15.30</td>
<td><strong>Small group work</strong></td>
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</table>

For this exercise, it is important for the trainer(s) to ensure that facilitators are given a written brief in advance. It should contain the main conduct and ethics issues likely to be raised by each of the case studies, and references to the Principles and Commentary sections that might assist the discussion.

Four indicative case studies are provided on separate cards attached to the manual (case studies University Board; Trial of Government Official; Massage Parlour; and Abortion Judge). You will find two sets of cards—one with scenarios only and one with both scenarios and references to the relevant Principles and Commentary paragraphs. In addition, the case studies, references to the relevant Principles and Commentary paragraphs as well as more detailed summaries of the key issues likely to be raised by each of the case studies are also available in annex III.

It should also be stressed that these case studies often give rise to disagreement about the correct answer. This should not be discouraged, where arguments are reasonable and backed up by authority.

*Good timekeeping is essential for this session.*

It is highly desirable that the case study scenarios are circulated to participants in advance so that they can prepare their thoughts by referring to the Principles and the Commentary as the guiding tools.

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<tr>
<th>Time</th>
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<tr>
<td>15.30–16.00</td>
<td><strong>Tea/coffee break</strong></td>
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<td>TIME</td>
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<tr>
<td>16.00–16.45</td>
<td><strong>Group work: Practical exercise on integrity</strong>&lt;br&gt;In this session, trainees will discuss integrity via the case of Judge McKenzie. It is suggested that the session should begin with a brief facilitated discussion as to what the key aspects of integrity are for a judge. These should be recorded by the facilitator on the flipchart.&lt;br&gt;The facilitator will then distribute copies of the case study to the group. Many will already be familiar with the case study from the e-learning course. However, this is likely to be the first time they have had a face-to-face discussion with other judges on the merits or otherwise of Judge McKenzie’s behaviour.</td>
</tr>
<tr>
<td>16.45–17.30</td>
<td><strong>Plenary feedback from small group sessions</strong></td>
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</table>
**ACTIVITY**

**DAY TWO**

<table>
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<tr>
<th>Time</th>
<th>Activity</th>
<th>Preparation and Activity Detail</th>
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</table>
| 9.00–9.15 | Review of Day One, outline of Day Two | **Plenary**
It is always useful to begin the second day on a positive note. Hopefully, all participants had a stimulating Day One, have got to know one another, shared experiences, and learned something new. They are now coming to Day Two eager to further their knowledge.

Building on this atmosphere, the lead trainer should be warm, welcoming and upbeat. The session should therefore (a) begin with some words of welcome and comfort; (b) provide a brief résumé of the key points of Day One; and (c) outline the programme for Day Two, stressing its continuity with the first day. |

| 9.15–10.00 | Plenary exercises | **Plenary work**
These two exercises serve as a form of light relief (but with serious intent) that enables participants to consider serious issues in a relaxed mode. Both exercises are designed to remind the participants to be cautious about overconfidence.

**Exercise One: How likely is likely?**
This exercise challenges trainees to put a percentage figure against a series of words that are frequently used by witnesses (including experts), lawyers and judges in court proceedings. Each trainee is given the list of 20 words or phrases, and is asked rapidly to ascribe a percentage figure against each word e.g. “sure” might score 100 per cent, “on balance” 51 per cent, etc. Loud background music helps raise the excitement in the room. After one minute, trainees must stop writing. The trainer then uses a flipchart to record the highest and the lowest percentage recorded by members of the group against each word or phrase. For Exercise One, a flipchart and a music player with some rousing music are recommended. The trainer also needs to prepare a list of around 20 words/phrases, which are indicative examples of words that might be used to describe “risk” (moderate, likely, overwhelming, slight, possible, extremely unlikely, certain, probable, remote, quite likely, inevitable, obvious, very likely, quite possible, on balance yes, uncertain, extreme, fairly likely, impossible, beyond reasonable doubt). The purpose of this session is to allow judges to experience first-hand the range of subconscious biases they may have in assessing evidence, and of which they were previously unaware. |
### ACTIVITY

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<tr>
<th>Time</th>
<th>Activity</th>
<th>Preparation and Activity Detail</th>
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<tbody>
<tr>
<td>10.00–11.00</td>
<td><strong>Group work case study on equality, competence and diligence</strong></td>
<td>For Exercise Two, there must be a computer/laptop, projector and screen in the room, with Internet access. In Exercise Two, you will be playing this short video to the trainees. Follow instructions contained in the link: <a href="http://www.youtube.com/watch?v=IGQmdoK_ZlY">www.youtube.com/watch?v=IGQmdoK_ZlY</a> Both exercises are designed to encourage trainees to be cautious of over self-confidence as a judge.</td>
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<tr>
<td>11.00–11.30</td>
<td>Tea/coffee break</td>
<td><strong>Small group work</strong></td>
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<td></td>
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<td>Similarly to the previous examples, this case study (The venerable judge) can be found on separate cards and in annex III.</td>
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</table>

The results are usually a big shock with variances in excess of 50 per cent for several of the words. This exercise should be followed by a brief cautionary discussion on the conclusions of the session.

**Exercise Two: The basketball game**

This exercise involves the trainees watching a short YouTube video in which a number of students are passing basketballs to one another in a confined space. The video asks one question that the participants must answer immediately as soon as the video ends. The video then asks a second surprise question.

For Exercise Two, there must be a computer/laptop, projector and screen in the room, with Internet access. In Exercise Two, you will be playing this short video to the trainees. Follow instructions contained in the link: [www.youtube.com/watch?v=IGQmdoK_ZlY](http://www.youtube.com/watch?v=IGQmdoK_ZlY)
<table>
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<th>ACTIVITY</th>
<th>PREPARATION AND ACTIVITY DETAIL</th>
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<tbody>
<tr>
<td><strong>11.30–12.15</strong></td>
<td><strong>Group work on identifying the three “core areas” of judicial activity where judges in your jurisdiction are most vulnerable to criticism</strong></td>
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<td>These ideas will be fed back to the plenary session by the rapporteur of each group.</td>
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<tr>
<td><strong>Small group work</strong></td>
<td>Flipchart[s] should be available.</td>
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<tr>
<td></td>
<td>The best way to conduct this session is to use the brainstorming technique. The participants are asked to generate ideas or solutions to challenging problems and are actively involved throughout the session. The participants voice ideas as they occur to them. All ideas are noted down on a flipchart by the facilitator and are not criticized. Only after all the responses have been recorded is there subsequent analysis or categorization, and a discussion on the appropriateness of the ideas. By the end of the session, the group must have agreed on its three “core areas” and a rapporteur will be appointed within the group (or ideally volunteered at the beginning of the session) to feed back to the plenary session that follows immediately after this session.</td>
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<tr>
<td><strong>12.15–13.00</strong></td>
<td><strong>Plenary feedback on “Critiquing the Principles”</strong></td>
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<td></td>
<td><strong>Plenary work</strong></td>
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<tr>
<td></td>
<td>Flipchart[s] should be available.</td>
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<td></td>
<td>This session will need careful management in order to distill the key ideas. It does not need much preparation, as all the ideas come from the small groups and some surprises may emerge. The important thing is to capture the big ideas on flipcharts (or white boards).</td>
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<td>The lead trainer should ask each group for their three big ideas, and then have the facilitators record them on a series of flipcharts, with approximately two ideas per flipchart. Each time an idea is repeated aloud, the facilitator should add a point to that idea on its flipchart. This process should allow for about six ideas to come forward using just a few flipcharts. In this way, one or two of the ideas will probably emerge as the “highest scorers” with their marks going up faster than the others.</td>
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<td>ACTIVITY</td>
<td>PREPARATION AND ACTIVITY DETAIL</td>
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<td>This will add a certain drama to the session and should also strengthen the sense of solidarity among the group, if there is general agreement on the “big topics”. The session might end with a brief discussion on “what to do with the results”.</td>
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<tr>
<td>Lunch break</td>
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<tr>
<td><strong>13.00–14.00</strong></td>
<td>Regional and local issues</td>
</tr>
<tr>
<td><strong>14.00–15.00</strong></td>
<td>Small group work with plenary feedback</td>
</tr>
</tbody>
</table>
| (or longer, if time is available) | Depending on the time available, every course should endeavour to dedicate time to allow trainees to discuss issues and problems regarding conduct and ethics specific to their jurisdictions. Trainees in particular should be given an opportunity to discuss overlaps and/or tensions between the Bangalore Principles and their own codes of ethics and conduct (if they exist).

There are a number of ways in which this session might be structured. This session is best conducted in the small group format, chaired by the lead trainer, with a brief plenary feedback session to draw together any common themes. This session will work well if:

(a) The lead trainer, prior to the training event, does some preliminary analysis of any codes of conduct and ethics effective in the jurisdiction in question (the judicial oaths sworn by the judges in that jurisdiction should also be brought into this analysis. A number of examples of such oaths can be found in annex IV.)

(b) The lead trainer provides each facilitator with a brief bullet-pointed summary of any issues of potential conflict, which should help steer the discussions.

Via a post-course debrief (always a good exercise to carry out), the training team might wish to consider writing to the relevant Chief Justice(s) for the jurisdiction(s) in question, bringing to their attention any conflicts, actual or potential, that have been uncovered by this session.

As a possible steer for this session, lead trainers can refer to a list of 10 key issues addressed by the Judicial Integrity Group (JIG) at its meeting in Lusaka in 2010. |
COURSE EVALUATION

There is a close connection between the assessment of training needs and the evaluation of the effectiveness of subsequent training activities. In general, training activity evaluation shows the degree to which training needs have been successfully addressed. At the same time, the assessment of training activities helps to identify new or additional training needs. The two categories represent key elements of the needs assessment-planning-delivery-evaluation cycle.

There are several models for measuring the effect of training activities. One of the best-known models is the training evaluation model developed by Donald Kirkpatrick. He divides training evaluation into four graduated levels:

**LEVEL 1: REACTION.** This level measures how trainees react to the training event—what they thought and felt about the training, its content and topics covered. The use of feedback forms, verbal reactions and post-training surveys or questionnaires are the common manifestations of this level of evaluation. You may ask the trainees whether the training was successful and worth their time, what the biggest strengths and weaknesses of the training were or whether they liked the venue and presentation style. Once you have gathered this information, look at it carefully and think about what changes you could make next time around. Please see annex VI for a suggested questionnaire on participants’ satisfaction with the course.

**LEVEL 2: LEARNING.** Here you are measuring what your trainees have learned and how much their knowledge and/or capacity has increased as a result of the training. To measure learning, start by identifying what you want to evaluate e.g. trainees’ improvement in knowledge, skills, confidence, attitudes, etc. It can also be helpful to measure these areas both before and after training. If possible, develop pre- and post-training tests (preferably in an anonymous format) that include the same questions and dedicate around 15–20 minutes to them at the beginning and end of the training. Annex VI contains a few example questions previously used in a UNODC training questionnaire. These tests will help you to understand what your trainees are learning and what they are not, and will help you improve future training.

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3 Donald Kirkpatrick first published his Four-Level Training Evaluation Model in 1959, in the United States Training and Development Journal. The model was then updated in 1975, and again in 1994, when he published his best-known work, Evaluating Training Programs.
**LEVEL 3: BEHAVIOUR.** At this level, you evaluate how much your trainees have changed their behaviour based on the training, as well as how they apply the information when back in their work. It can be challenging to measure behaviour effectively. This is a longer-term activity that should take place weeks or months after the initial training. One of the best ways to measure behaviour is to conduct observations and interviews over time. You may wish to consider such questions as: Did the trainees put any of their learning to practical use? Are trainees able to talk about their new knowledge, skills or attitudes to other people? Are the trainees aware of any change in their behaviour? Please bear in mind that behaviour will only change if conditions are favourable. For instance, effective learning could have taken place in the training session, but, if the overall organizational culture is not set up to accommodate any subsequent behavioural changes (or if trainees do not receive support for their behavioural change from their supervisors), the trainees might not be able to apply what they have learned.

**LEVEL 4: RESULTS.** At this level, you analyse the final results of your training and the effect of training upon the whole judicial institution. Of all the levels, measuring the final results of training is likely to be the costliest and most time-consuming. The biggest challenges are identifying which outcomes, benefits or final results are most closely linked to the training programme, then coming up with an effective way to measure these outcomes over the long term. Trainers may wish to construct some evaluation process that seeks evidence that the face-to-face training (combined with the pre-course work) might have led, for example, to increased productivity, better morale, fewer judicial complaints, enhanced public respect for the judiciary, and improved behaviour both between colleagues and with third parties, etc.

In 2018, the European Judicial Training Network (EJTN) published a comprehensive manual which provides valuable assistance to all judicial trainers on the organization of best practice approaches to the evaluation of judicial training based upon the Kirkpatrick Model.¹

¹ EJTN Judicial Training Methods Guidelines for Evaluation of Judicial Training Practices. Available at: www.ejtn.eu/Templates/Public/Pages/NewsItem.aspx?id=4975
FURTHER READING


- *EJTN Handbook on Judicial Training Methodology in Europe* (2016). This handbook summarizes the best European practices in judicial training. It also advises trainers on the design and delivery of effective training sessions, with a large variety of training methods.

Judicial Conduct and Ethics (5th Edition) Shaman, J., Lubret, S. and Alfini, J. (The Michie Company, Virginia). Judges are expected not only to simply decide the law, but to exemplify it. In the face of increasing public scrutiny and a jumble of new decisions, even the best-intended judges can find themselves at a loss. Here is an authoritative, practical guide designed to help judges to ensure their judicial activities are irreproachable.

The Strange Alchemy of Life and Law (2009) Sachs, A. (Oxford University Press). This book offers a unique insight into the judicial philosophy of one of the world’s most prominent constitutional judges, now retired.

The Judicial Process: Realism, Pragmatism, Practical Reasoning and Principles. (2005) Thomas E. (Cambridge University Press). This book explores the tensions that exist between the expectations of modern society of their judicial systems and the critical role these expectations may play in the determination of legal principles.

The Limits of Judicial Independence? (2016) Borkowski, G. (ed.) (Warsaw-Torin). This volume is a collection of the papers and speeches delivered at an international conference on judicial independence in Poland in 2016. The contributors are a mixture of international academics and judges.


Training Methods (2018) Judicial College London (full text at annex V). The Judicial College, recognized as one of the world’s most innovative judicial training organizations, has produced this helpful short summary of the range of training methods available for judicial trainers, outlining what each method can achieve and its possible limitations.
ANNEXES
I. GLOSSARY OF TERMS

**BLENDED LEARNING:** Educational method that combines online with traditional face-to-face training.

**BRIBE:** Any undue advantage that is promised, offered or given to a public official, or solicited or accepted by a public official, directly or indirectly, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

**CODE OF CONDUCT:** A listing of rules on the correct, honorable and proper performance of functions that, if violated, might result in disciplinary action. In many cases the distinction between aspirational codes and disciplinary codes is not clear cut.

**CODE OF ETHICS:** Usually aspirational standards of good behaviour and goals to reach, established and agreed within a profession. In many cases the distinction between aspirational codes and disciplinary codes is not clear cut.

**COMPETENCE:** State of having requisite or adequate ability or qualities.

**CONFLICT OF INTEREST:** A conflict between the private interests and the functions of public officials. Conflict of interest can arise, for example, from outside activities, employment, investments, assets, substantial gifts or benefits.

**DILIGENCE:** Careful, industrious and persistent application of effort to a task.

**EQUALITY:** The state of being equal in status, rights and opportunities.

**ETHICAL DILEMMAS:** Situations that require resolution by ethical judgment.

**ETHICS:** System of moral principles that guides behaviour.

**GLOBAL JUDICIAL INTEGRITY NETWORK:** A platform of judges for judges launched in April 2018 aimed at promoting in-person and online opportunities for information-exchange and peer-to-peer advice, helping to identify priority challenges and issues, and connecting existing local and regional initiatives to amplify their results.

› www.unodc.org/ji
**IMPARTIALITY:** Treating all sides in a dispute fairly, equally and without prejudice or bias.

**INDEPENDENCE:** Freedom from the influence, control or determination of others.

**INTEGRITY:** Consistency between beliefs, decisions and actions, and continued adherence to values and principles.

**PROPRIETY:** Conformity to conventionally accepted standards of behaviour or morals.

**RULE OF LAW:** A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.

**SOCIAL MEDIA:** Websites and other technology-based applications that enable users to create and share content, or to participate in social networking.

**TRANSPARENCY:** Sharing information and acting in an open manner. Acting visibly, predictably and understandably.

**UNCAC:** United Nations Convention against Corruption.

**UNODC:** United Nations Office on Drugs and Crime.

**VALUES:** Something that an individual or community believes has a worth that merits it being pursued, promoted or privileged.
II. ADVICE ON THE DELIVERY OF A PRESENTATION AND INDICATIVE CONTENT OF THE INTRODUCTORY PRESENTATION

The EJTN Handbook on Judicial Training Methodology (2016) offers the following useful advice on the preparation and delivery of a presentation:

Presentations combined with group work are two training methods in judicial education that facilitate new knowledge acquisition. Considering that participation is an important factor ensuring success in learning, it is recommended to allow adequate time for group or individual discussions immediately after the presentations, both to allow uncertainties or confusions to be clarified, and also to guard against any danger of “mere didactic” teaching (i.e. “spoon-feeding”).

When do we use presentations? Presentations can be used in a variety of situations and for a variety of tasks:

- Input from a leading practitioner to underline practicality issues.
- Input from panel members to open up a comparative or interdisciplinary approach to the topic under discussion.
- Short presentations from groups on allocated tasks, thus allowing identification of contrasting or novel approaches to a topic.

The scope of presentations is not the content itself but the setting up of a platform for discussions and exchange of views on new topics that needs informational input.

The main challenges are:

- The attention span of the audience is a maximum of 20–30 minutes.
- The different learning styles of the audience might affect information transfer.
- The rapport with the audience requires appropriate language and body language.
• The structure of the presentation.
• The visual materials, PowerPoint slides designed following appropriate standards.

**Preparation stage: Tips for the trainer**

No matter how short the presentation, it should be public oriented. It is important to start by working out what the audience is interested in and/or expects from the presenter. The composition of the audience will determine how formal or informal a presentation should be.

Work on a clear and logical structure. There should be:

- **AN INTRODUCTION:** In the introduction, you should tell the audience what you are going to be talking about, perhaps posing a question that you intend to answer.

- **A MAIN BODY:** In the main body, you should expand on your topic, breaking down the discussion into a number of subtopics that follow logically from one another.

- **A CONCLUSION:** Finally, what you say in your conclusion will depend on exactly what you are setting out to achieve. If you are simply describing something, then a summary of the main points should suffice. If you are trying to make a case for something, on the other hand, then a restatement of your main argument, or answering the question that you posed at the outset, might be more appropriate. The structure should be signaled to the audience.

The choice of words and style of discourse ensures message transfer. You might want to say, for example, “The first point I want to make is […]”, “In this section I am going to talk about […]”, “In conclusion […]”. Similarly, pauses between points, or gestures, such as holding up one finger for your first point, two for your second, and so on, can help emphasize important links.

It is very important to get the timing right because other people may be relying on you talking for a particular length of time, and no more or no less. In fact, you should probably aim for your presentation to be marginally shorter than the allotted time because it is quite likely that, on the day, you will embroider or depart from your prepared speech to some extent.
Delivery stage: Tips for the trainer

Consider the mode of delivery that you are going to employ: What sort of prompts are you going to use? What visual aids might be helpful? Will you be sitting or standing? What kind of gestures should a trainer use?

Consider the speed, volume, enunciation and tone of voice.

Getting your speed right is not only important for ensuring that you stick to your time limit. If you speak too quickly, the audience will not be able to keep up with you; if you are too slow, you are likely to bore them. Nevertheless, the appropriate speed will vary depending upon, for example, whether or not your listeners are expecting to take notes, whether they are listening to their native language, and their familiarity with or the complexity of the issues you are talking about.

The appropriate volume will vary depending upon the size of the room you are speaking in and how good its acoustics are; it is always worth asking the audience whether they can actually hear you. If you cannot make yourself heard without shouting, you should ask to use a microphone, otherwise your voice will sound strained.

Also, be aware of the tone of your voice. When people are giving presentations (particularly if they are reading from a text), they often sound much more monotonous (and hence more boring) than they do when having an everyday conversation. In order to keep your audience’s attention, it is probably necessary to sound more animated and to use greater vocal variety than you would normally.

Checklist of skills of a good presenter

- Could the speaker be heard at the back of the room?
- Was eye contact continually used to involve the audience?
- Were audio-visual aids used appropriately?
- Was any text written on blackboards, whiteboards or on the video projectors visible from all parts of the room?
- Did the trainer make appropriate use of any handouts?

Voice, eyes, technology and training materials should all be prepared and even practised in advance.
INDICATIVE CONTENT FOR THE INTRODUCTORY PRESENTATION

Every lead trainer will wish to stamp their own style and authority on this presentation (the only formal presentation in the entire course). It is nevertheless suggested that the presentation should broadly cover the following issues:

- Summary of relevant international instruments preceding the Bangalore Principles
- Status of the Bangalore Principles
- Summary of the Principles
- Role of the Commentary
- The United Nations Convention against Corruption
- The JIG 2010 Statement (the “Lusaka Statement”)
- Regional and national codes
- Judicial oaths
- Special features to consider
- Future evolution of the principles
- The 2015 Doha Declaration: Promoting a Culture of Lawfulness
- Global Judicial Integrity Network

Relevant international instruments prior to the Bangalore Principles

Brief background reference should be made to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the United Nations Basic Principles on the Independence of the Judiciary, and the Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary. While these may not necessarily have to be covered in any detail, participants need to be aware that several key instruments of international law already contain at least some of the elements of the Bangalore Principles and that the Principles are not the first instrument of the United Nations focusing on the issue of judicial integrity.
Background to the Bangalore Principles
The Judicial Integrity Group (JIG) was established in 2000, as a group of judges all of whom were (or had been) heads of the judiciary or senior judges either in their respective countries, or at the regional or international level. (For more information on JIG visit www.judicialintegritygroup.org/). They shared common values and beliefs in the integrity of the judiciary together with a determination to deepen and broaden the quality of the administration of justice in appropriate ways. The objectives of the Group were as follows:

- To formulate and develop the concept of judicial accountability
- To design mechanisms capable of being utilized by the judiciary to strengthen the integrity of the judicial system
- To formulate and promote standards, guidelines and instruments, as appropriate, relating to vital aspects of the judicial system
- To identify, and assist in the implementation of measures of judicial reform which are demonstrably effective in eliminating corruption within judicial systems and providing greater, more expeditious and less expensive access to justice

The JIG further agreed that (a) it was the responsibility of the judiciary, and in particular of the senior judiciary, to take the lead in setting down the definitive set of core principles of conduct and ethics underpinning the exercise of judicial office; and (b) these principles should be of universal application, and not subject to any regional variation.

Status of the Bangalore Principles
The Principles establish standards for the ethical conduct of judges and are designed to provide guidance to judges and to afford the judiciary a framework for regulating judicial conduct. They form part of the United Nations Standards and Norms in Crime Prevention and Criminal Justice, and as such offer guidance to the judiciaries of the world, rather than directly enforceable standards of behaviour.

The Principles were endorsed by the Economic and Social Council of the United Nations in 2006 (after the United Nations Human Rights Commission had taken note of them in 2003).
Summary of the Principles

The Bangalore Principles consist of a preamble, six key principles around six key values (independence, impartiality, integrity, propriety, equality, competence and diligence) and detailed application provisions. While not binding, over the years the United Nations standards and norms in crime prevention and criminal justice have provided a collective vision of how criminal justice systems should be structured. Despite their “soft-law” nature, the standards and norms have made a significant contribution to promoting more effective and fair criminal justice.

Role of the Commentary

In 2007, UNODC published an extensive Commentary on the Principles providing further detailed guidance on their implementation. The JIG was the core group responsible for the development and publication of the Commentary. This course will be making detailed reference to the Commentary.

The United Nations Convention Against Corruption

Another key international instrument underpinning the Principles and the Commentary is the United Nations Convention against Corruption. Adopted in 2003 and entered into force in 2005, article 11 of the Convention states as follows:

1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

The JIG 2010 Statement (the “Lusaka Statement”)5

In 2010, the Judicial Integrity Group published an important statement with an entreaty that the judiciary, wherever they may be sitting in the world, should be adequately

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trained in the content and importance of the Bangalore Principles. To this end, they invited the judiciary everywhere to:

- Adopt a statement of principles of judicial conduct, taking into consideration the Bangalore Principles of Judicial Conduct.
- Ensure that such a statement of principles of judicial conduct be disseminated among judges and in the community.
- Ensure that judicial ethics, based on such a statement of principles of judicial conduct, are an integral element in the initial and continuing training of judges.
- To the full extent of their powers, should organize, conduct, or supervise the training of judges. In jurisdictions that do not have adequate training facilities, the judiciary should, through the appropriate channels, seek the assistance of appropriate national and international bodies and educational institutions in providing access to such facilities or in developing the local judiciaries.

**Regional and national codes**

Judiciaries across the globe have reacted to the Bangalore Principles in a number of different ways. Some have adopted them directly as their own binding code of conduct and ethics, often linked to disciplinary codes, others have developed their own regional or national codes, although they are normally based broadly on the Principles. A good example of such a regional code is the *Código Iberoamericano de Ética Judicial*.


**TIP**

At this stage trainers may wish to insert any key information on the domestically applicable code of conduct in their region.
Judicial oaths
When appointed to the judiciary, it is normal practice for a new judge to swear an oath of solemn intent, normally before the Chief Justice, or another judge of high status. Annex IV sets out a number of such oaths. It is interesting to note that judicial oaths tend to include some of the content of the Bangalore Principles, but by no means all of it. Account should however be taken of the fact that a large number of judicial oaths were developed before the Bangalore Principles came into existence.

Special features to consider
It should be stressed that the Principles cover a very wide range of the aspects of a judge’s life and are not limited to the narrow confines of the court or hearing room. In the latter context they extend to a judge’s relations with the defendants, witnesses, lawyers, court staff and the general public. In addition, they relate to some aspects of a judge’s personal life, including family members. Finally, the issues of dealing with fellow judges whose standards fall below the acceptable should be mentioned.

Future evolution of the Principles
The Principles came into existence at the beginning of the twenty-first century and have not been revised yet. Although they remain broadly and fundamentally relevant to the contemporary judge, a case could be made for their refinement and revision to take account of changing social values, and the impact of technology upon professional practice, including the universal availability of powerful search engines and social media websites.

The 2015 Doha Declaration: Promoting a Culture of Lawfulness
At the thirteenth United Nations Congress on Crime Prevention and Criminal Justice held in Qatar in 2015, the Doha Declaration was adopted. Calling for the integration of crime prevention and criminal justice into the wider agenda of the United Nations, and endorsed by the General Assembly, the Doha Declaration has at its core an understanding that the rule of law and sustainable development are interrelated and mutually reinforcing. Member States, committed in the Declaration, inter alia, to make every effort to prevent and counter corruption and to implement measures aimed at enhancing transparency in public administration and promoting the integrity and accountability
of their criminal justice systems, in accordance with the United Nations Convention against Corruption. With a view to effectively implement the Doha Declaration, UNODC launched the Global Programme for the Implementation of the Doha Declaration in 2016. The Programme focuses on several key areas of the Doha Declaration, including judicial integrity.

**The Global Judicial Integrity Network**

One of the key outcomes of the Global Programme for the Implementation of the Doha Declaration is the creation of the Global Judicial Integrity Network. Following an extensive process of consultations, preparatory meetings and exchanges with around 4,000 judges and other relevant justice sector stakeholders from across the world, the Network was officially launched on 9 and 10 April 2018 in Vienna. The Network promotes peer learning and support activities among judges and other justice sector stakeholders; facilitates access to relevant tools and resources on various issues relating to judicial integrity; and supports the further development and effective implementation of principles of judicial conduct and the prevention of corruption within the justice system. Through the Network, global guidance and technical materials on judicial integrity and anti-corruption will be developed and strengthened, and technical assistance will be provided to support judiciaries in the development and implementation of strategies, measures and systems to strengthen integrity and accountability in the justice system. In particular, the Network will promote networking opportunities through virtual and face-to-face opportunities for dialogue and will assist in the identification and addressing of priority areas, emerging challenges and gaps in international standards.

› For more information about the Network, please visit: www.unodc.org/ji
III. SUMMARY OF DISCUSSION POINTS FOR CASE STUDIES

Each case study is designed to generate debate and there are no absolute right or wrong answers to these cases. Trainers and facilitators should ensure they are properly prepared for the discussions that follow. The Principles and Commentary paragraphs set out below are relevant to each of the case studies and also provide guidance on model answers.
Case study 1: 
University board

Since graduation you have maintained close links with your old university of which you are deeply fond. You have been invited to join its governing body. The letter of invitation makes particular reference to your “judicial knowledge and your authority in the local community”. The position is unpaid but will take up a lot of your time. There has been much criticism of the university in the press over recent months, in particular regarding the huge salary of its President, the controversial courses it is running, and the lack of an ethnic mix among its undergraduates. The Registrar is currently on suspension following reports of financial irregularities. Should you accept the invitation?

**PRINCIPLE 4.6:** A judge … is entitled to freedom of expression, belief, association and assembly.

**PRINCIPLE 4.11.4:** A judge may engage in other activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.

**PRINCIPLE 6.1:** The judicial duties of a judge take precedence over all other activities.

Relevant paragraphs of the Commentary

134: Judges enjoy rights in common with other citizens

136: Judges should not be involved in public controversies

137: Criticism of the judge by others

167: Membership of a non-profit making organization

195: A judge’s primary obligation is to the court
This case study engages Principle 4 (Propriety) and Principle 6 (Competence and diligence). A judge should always exercise caution in his or her selection of extra-curricular activities however strongly he or she may support the cause in question. But Principle 4.11.4 and the accompanying Commentary paragraphs provide clear encouragement and support to a judge wishing to play a role in the community commensurate with his or her experience and authority, and paragraph 167 specifically mentions joining a University Board as a concrete example. The danger signs are, however, present in the controversies in which the University is currently embroiled, and each example should be discussed on its merits, both individually and cumulatively. The group should also discuss the implications of the phrase in the invitation letter referring to the judge’s “judicial knowledge and authority in the local community”. Will this be used as a weapon to defend the University against adverse criticism, and will the judge be compromised if this happens?

Finally, the group should consider the cumulative effects of this extra responsibility upon the judge’s ability to ensure he or she gives precedence to judicial duties over all other activities.
Case study 2:

Trial of a government official

You are the appointed judge in the trial of a government official who is charged with accepting bribes in exchange for granting a lucrative contract to a well-known local building firm. Your brother-in-law is an architect who receives frequent remunerative work from this firm, though this is not generally known. The week before the case begins, the senior judge in your courthouse informs you that he has reallocated the case to himself, without explanation. His wife works in the same government department as the defendant. What should you do?

**PRINCIPLE 1.2:** A judge must be independent in relation to the particular parties to a dispute which the judge has to adjudicate.

**PRINCIPLE 2.5:** A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially.

**PRINCIPLE 3:** Integrity is essential to the proper discharge of the judicial office.

**PRINCIPLE 4.4:** A judge shall not participate in the determination of a case in which any member of the judge’s family…. is associated in any manner with the case.

**PRINCIPLE 4.8:** A judge shall not allow the judge’s family, social or other relationships improperly to influence the judge’s judicial conduct as a judge.

Relevant paragraphs of the Commentary

25: Judges not beholden to the government of the day
37: Public perception of judicial independence
40: The hierarchical organization of the judiciary is irrelevant
90: Friendship, animosity and other relevant grounds for disqualification
110: Justice must be seen to be done
130: If the family member is employed in a legal department of government
143: Duty to avoid being improperly influenced
This case study engages Principle 1 (Independence), Principle 2 (Impartiality), Principle 3 (Integrity) and Principle 4 (Propriety). It also raises difficult questions about how a junior judge can challenge a more senior judge, when his adherence to the Principles is questionable. The question should be addressed in two stages. First, should the junior judge have recused him- or herself when appointed to this trial on the grounds of the brother in law’s position? If he or she believed that the fact the relationship was not generally known was sufficient to avoid the issue, a question of integrity arises: “Justice must be seen to be done.” Discussion should follow as to whether, once revealed, the relationship should lead to recusal or not? A more complicated discussion is likely to take place regarding the senior judge’s actions. There is clear guidance in the Commentary regarding the dangers of hearing a case when the judge’s spouse works in the same government department as the defendant. The problem will be compounded if it transpires that the senior judge has not declared this connection, nor invited a discussion on his possible recusal. The junior judge’s suspicions in this case are no doubt further aroused by the senior judge’s failure to give any explanation for taking the case himself. Bearing in mind the Commentary’s advice that “the hierarchical organization of the judiciary is irrelevant”, a discussion will no doubt ensue canvassing the junior judge’s options which will include: keep quiet; talk directly to the senior judge about his actions; speak in confidence to another senior judge; make a formal complaint. These are all options to discuss.
Case study 3:
Massage parlour

When on a trip abroad to a country where paying for sexual services is legal, Judge A visits a massage parlour. He is recognized on leaving the establishment and his photograph ends up in his local paper with the caption “How our Judges Relax!” He is a very efficient popular judge with a reputation for integrity and fairness. The local press calls for his dismissal or resignation. What should happen?

**PRINCIPLE 3.1:** A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.

**PRINCIPLE 4:** Propriety, and the appearance of propriety, are essential to the performance of all the activities of a judge.

**PRINCIPLE 4.2:** As a subject of constant public scrutiny, a judge must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, a judge shall conduct himself in a way that is consistent with the dignity of the judicial office.

Relevant paragraphs of the Commentary

- **76:** Relations with the media
- **103:** High standards are required in both public and private life
- **109:** The personal conduct of a judge affects the judicial system as a whole
- **111:** How might this look in the eyes of the public?
- **112:** The test for impropriety
- **115:** Requirement of an exemplary life
- **116:** Visits to public venues such as bars
- **118:** Frequenting clubs
This case study engages Principle 3 (Integrity) and Principle 4 (Propriety). It should be recognized at the outset that the judge has not done anything illegal and he was a long way away from home at the time, acting quite possibly in the sincere belief that this was firmly within the protected territory of his “private life” and this activity should not therefore affect his professional standing. At the heart of this discussion will be paragraph 103 of the Commentary which is therefore reproduced in full:

A judge must maintain high standards in private as well as public life. The reason for this lies in the broad range of human experience and conduct upon which a judge may be called upon to pronounce judgment. If the judge is to condemn publicly what he or she practises privately, the judge will be seen as a hypocrite. This must inevitably lead to a loss of public confidence in the judge concerned, which may rub off upon the judiciary more generally.

Views on this case study may well differ, depending upon the gender, age and general culture of participants in the group. On the other hand, they may not! It is recommended that the group be encouraged to pay close attention to the wording of the Commentary paragraphs referred to above, and to centre their discussions on a balancing act between the rights of an individual and the legitimate expectations of the public. Also, the question should be asked: Would your views differ if the judge’s photo and caption had not appeared in the newspaper?
Case study 4:
Abortion judge

Before becoming a judge, you were an elected politician with a reputation for your radical views on abortion. You have been allocated the trial of a case in which a doctor is charged with carrying out illegal abortions, which he denies. Should you hear the case?

**PRINCIPLE 2:** Impartiality is essential to the proper discharge of the judicial office.

Relevant paragraphs of the Commentary

- **28:** A judge must act irrespective of popular acclaim or criticism
- **43:** Attempts to undermine judicial independence should be resisted
- **52:** Perception of impartiality
- **55:** A perception of impartiality erodes public confidence
- **60:** What may not constitute bias or prejudice: opinion should be distinguished from bias.
- **81 et seq.:** Reasonable apprehension of bias
- **88:** Previous political affiliations may not be grounds for disqualification

This case study engages Principle 2 (Impartiality). The Commentary provides a lot of good examples of circumstances where a judge should or should not recuse him or herself. The case study should be seen largely as a vehicle to discuss the whole principle of recusal and the contradictory arguments it presents. It could be argued that the whole panoply of training, judicial oaths, ethical and conduct rules to which judges are harnessed should temper any suspicion of bias except in the most egregious cases. If a judge complies with the Impartiality Principle, why should there ever be any need for recusal? And the perceptions of the general public (as compared to the more esoteric concept of the “fair-minded and well-informed member of the public”) cannot be reliable grounds for determining bias, especially in an age so heavily influenced by the media, in particular by social media. So, any discussion on recusal must seek to balance such considerations against the need for justice to be seen to be done. The need for the judiciary to embrace people with a range of differing views in its number should also be emphasized. Paragraph 60 makes this point via the following observation:
The fact that a judge has a general opinion about a legal or social matter directly related to the case does not disqualify the judge from presiding. Opinion, which is acceptable, should be distinguished from bias, which is unacceptable. It has been said that “proof that a judge’s mind is a tabula rasa (blank slate) would be evidence of a lack of qualification, not lack of bias”.

Finally, on the specific question of the judge’s political activities prior to becoming a judge, the Commentary offers the following advice (paragraph 88):

In assessing the impartiality of a judge, account may be taken of the responsibilities and interests which the judge may have had during the course of a professional career which had preceded appointment to the judiciary. In those countries where judges are drawn from the private profession of advocate, a judge is likely to have held an office or appointment in which he or she may have given public expression to particular points of view or acted for particular parties or interests. This will necessarily be so where he or she had been involved in political life. Experience outside the law, whether in politics or in any other activity, may reasonably be regarded as enhancing a judicial qualification rather than disabling it. But it has to be recognized and accepted that a judge is expected to leave behind and put aside political affiliations or partisan interests when he or she takes the judicial oath or affirmation to perform judicial duties with independence and impartiality. That has to be one of the considerations which should weigh in the mind of a reasonable, fair-minded and informed person in deciding whether or not there is a reasonable apprehension of bias.
Case study 5:
Judge McKenzie

Judge McKenzie is 48 years old. He is a married man with two teenage children. He is looking forward to participating in a conference on international regulatory law on a Caribbean Island. He has been asked to give a paper on the state of law in his country on the conference topic. The conference will be attended by judges and lawyers from across the world. His economy air fare is paid for by his court as are the fares of the two people accompanying him, a junior judge in his court, and his female clerk. He will receive a cash per diem from the conference organizers in the local currency upon arrival, to cover the cost of his hotel accommodation and meals during the conference. The following sequence of events occurs:

(Issues that are likely to be in breach of the Bangalore Principles are underlined in red; those that are likely to be in compliance are highlighted in bold).

Upon check-in, he is allocated a seat with his two colleagues at the rear of the plane. He later returns to the check-in desk stating that he has a bad back (not true) and also, he is a judge. He is subsequently upgraded to Business Class. He does not inform his colleagues.

Armed with his Business Class ticket he goes to the VIP lounge and enjoys a free meal, and drinks. On leaving, he takes a couple of small miniatures of alcohol, as he sees others doing so, despite notices stating they are not to be taken from the lounge.

Upon arrival at the destination airport, Judge McKenzie heads for the VIP exit on the basis that he is a judge travelling in Business Class. He waves to his two colleagues, lost in a long immigration queue.

Upon exiting the airport, he bumps into an old friend, an attractive widowed judge who lives locally. She immediately invites him and his colleagues to dinner with her at her villa. He accepts, but declines on behalf of his colleagues, without consulting them, claiming they will be “too tired”.

At the end of a happy evening, his friend suggests he stays in her villa with her for the duration of the conference, in the guest suite. He willingly accepts.
Upon arrival at the conference the next day, he claims his per diem expenses for the conference “to cover all meals and accommodation.” (This behaviour could either be underlined or in bold).

During the day he telephones his wife and children telling them that his hotel accommodation is “fantastic”.

On Day 2 of the conference, feeling a little guilty towards his colleagues, he treats them to dinner in an expensive local restaurant.

Before returning home, the Judge buys his host a sumptuous bouquet of flowers as a “thank you” gesture. He also leaves a generous donation to her favourite charity “Donkeys in Distress”.

Judge McKenzie does not deliver a paper at the conference stating that he unfortunately left it in his office back home. He had not written any paper. He does however take copious notes at the conference with the intention of briefing his judicial colleagues on his return.
Case study 6:  
The venerable judge

Judge K is venerable, charming and much loved. He is the second most senior judge in your courthouse. He is also very slow, and his cases take on average twice as long to complete as those of his colleagues (because, he says, he is “thorough”). He likes women, and often comments on their appearance when they attend as witnesses or counsel in his court. He has always ensured that if at all possible he has a female clerk to assist in the running of his court, as he says “women are more reliable and hardworking than men”. One of his favourite sayings over lunch with fellow judges in the courthouse is “cherchez la femme!”, but it is not usually clear in what context! Since you joined as the youngest female judge in the courthouse, he has been keen that you sit next to him when you attend such lunches, so he can “show you the ropes”. Most of the other young judges are male and he does not seem to have the same need to show them any “ropes”. You are unhappy and feel compromised. What should you do?

**PRINCIPLE 5:** Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

**PRINCIPLE 6:** Competence and diligence are prerequisites to the due performance of judicial office.

**PRINCIPLE 6.5:** A judge shall perform all judicial duties, including the delivery of reserved judgements.

Relevant paragraphs of the Commentary

- **42:** Due consideration of a case takes precedence over productivity
- **55:** A perception of impartiality erodes public confidence
- **184:** Judge must avoid stereotyping
- **185:** Gender discrimination
- **207:** Duty to dispose of matters with reasonable promptness

This case study engages Principle 5 (Equality) and Principle 6 (Competence and diligence). This case study may generate more complexity in the reactions from group members than anticipated. It presents the prototype of an old-fashioned, kindly individual rather fixed in his ways, who in many ways is the prototype judge of his
generation, at least in some cultures. It could be argued by some that Judge K’s attitudes towards women are avuncular, kindly, supportive and appropriate, and by others that they are arrogant, sexist, insensitive and inappropriate! It is undoubtedly the case that Judge K is a “stereotype” and when it comes to women, a “stereotyper” (see paragraph 184 of the Commentary). And the point is likely to be made that if his comments about the superiority of women had referred alternatively to men, they would almost certainly have been challenged as unacceptable.

The key issues for discussion will be as follows:

1. Which of Judge K’s recorded positions on women are unacceptable in a modern judge? The answer should include (a) his comments on the appearance of female witnesses and counsel; (b) his insistence on preferring female clerks, whatever reason he gives for this; and (c) his preferential treatment of a young female judge over her male colleagues (his regular use of the phrase “cherchez la femme” is probably too vague and fatuous to necessitate any further action).

2. What can you do, as the young female judge in question, to address this problem? The obvious way forward is to seize on the fact that Judge K is the second most senior judge in the courthouse. This will enable the young judge to seek a private meeting with the senior judge to raise her concerns (possibly in conjunction with some of her male colleagues, whom she is currently probably antagonizing through no fault of her own). The senior judge, who should have addressed these issues long ago, will hopefully now take his or her pastoral and managerial responsibilities seriously and intervene directly on her behalf. If appropriate to the group, you may also wish to discuss how this might be done.

Commentary paragraph 185 provides some helpful guidance on this issue as follows:

The judge has a role to play in ensuring that the court offers equal access to men and women. This obligation applies to a judge’s own relationships with parties, lawyers and court staff, as well as the relationship of court staff and lawyers with others. Overt instances of gender bias by judges towards lawyers may not today occur frequently in court, although speech, gestures or other conduct may sometimes be perceived as sexual harassment; for example, using terms of condescension in addressing female lawyers, or commenting on such a lawyer’s physical appearance or dress in a way that would not be ventured in
relation to a male counterpart. ... Sexual harassment of court staff, advocates, litigants or colleagues will often be illegal as well as unethical.

3. Does the judge’s slowness in determining his cases raise further “Bangalore issues”? The answer to this question is probably “yes”, unless there are specificities to Judge K’s cases that explain why they take so much longer to determine than those of his colleagues. It is clearly a matter for the senior judge to address.

Commentary paragraph 207 provides some helpful guidance on this issue, as follows:

In disposing of matters efficiently, fairly and promptly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs. A judge should encourage and seek to facilitate settlement, but parties should not feel coerced into surrendering the right to have their dispute resolved by the courts. The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. A judge can be efficient and businesslike while being patient and deliberate.
IV. JUDICIAL OATHS

Methodology

This summary highlights a number of judicial oaths from various parts of the world. The research platforms used to obtain this information were Westlaw International, various countries’ official web pages in conjunction with the Constitute Project, which provides a number of constitutions already translated into English, and individual country’s legislation pertaining to their judiciaries. Each judicial oath has been analysed for its compliance with the six values outlined in The Bangalore Principles of Judicial Conduct.

Please also note that the online resources database of the Global Judicial Integrity Network is a valuable resource and contains numerous codes of conduct and codes of ethics from countries all over the world.

Afghanistan

“In the name of God, (sic) Most Gracious, Most Merciful, I swear in the name of God Almighty to attain justice and righteousness in accordance with tenets of the Holy religion of Islam, provisions of this Constitution as well as other laws of Afghanistan, and to execute the judicial duty with utmost honesty, righteousness and impartiality.”

Bangalore Principles covered in oath: Integrity, Competence and diligence; Impartiality; and Propriety (4).

Albania

“I solemnly swear that during the performance of duty I will always be faithful to the Constitution of the Republic of Albania, the laws in force and I will respect the rules of professional ethics.”

Bangalore Principles covered in oath: Impartiality; Propriety; and Competence and diligence (3).

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Armenia
“Taking the high office of a judge, I swear during administration of justice to be subordinate only to the Constitution and laws, to be impartial and a man of a principle, fair and humane, to keep high the reputation of the state and court.”
Bangalore Principles covered in oath: Impartiality; Integrity; Equality; and Competence and diligence (4).

Azerbaijan
“I do swear to fulfil properly and honestly the duties of the Judge of Constitutional Court, protect supremacy of the Constitution of Azerbaijan Republic and make decisions on examined matters on the basis of law, impartiality and justice.”
Bangalore Principles covered in oath: Competence and diligence; Integrity; and Impartiality (3).

Bahrain
“I swear by God, The Almighty, to render justice amongst people and to observe the Kingdom’s laws and regulations.”
Bangalore Principles covered in oath: Competence and diligence; and Equality.

Belarus
“I, (surname, name, patronymic), assume the commitment before the People of the Republic of Belarus to safeguard the constitutional order and supremacy of the Constitution of the Republic of Belarus honestly, impartially and in good faith”
Bangalore Principles covered in oath: Impartiality; Integrity; and Competence and diligence (3).

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**Belize**

*Oath of Allegiance and Office:*

“I do swear that I will bear true faith and allegiance to Belize, and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as [_____] and do right to all manner of people without fear or favour, affection or ill-will. [So, help me, God.]”

*Affirmation of Allegiance and Office:*

“I, do solemnly and sincerely affirm and declare that I will bear true faith and allegiance to Belize, and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as [_____] and do right to all manner of people without fear or favour, affection or ill-will.”

Bangalore Principles covered in oath: Independence; Impartiality; Integrity; Propriety; and Equality (5).

**Botswana**

“I do swear that I will well and truly serve the Republic of Botswana in the office of [_____] and that I will do justice in accordance with the Constitution of Botswana as by law established and in accordance with the laws and usage of Botswana without fear or favour, affection or ill-will. So, Help Me God”

Bangalore Principles covered in oath: Competence and diligence; Propriety; and Integrity (3).

**Bulgaria**

“In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my duties according to my conscience and inner conviction; I shall be impartial, objective, and fair; I shall contribute to raising the prestige of the profession; I shall keep the secret of the deliberation, always remembering that I am responsible before the law for everything. I have taken my oath!”

Bangalore Principles covered in oath: Competence and diligence; Propriety; and Impartiality (3).

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**Burundi**

“I swear before the President of the Republic and the Burundian people to respect the National Unity Charter, the Arusha Agreement for Peace and Reconciliation in Burundi and the Transitional Constitution, to faithfully discharge my duties with integrity, impartially and independently, and confidentiality of the deliberations and to constantly carry myself with dignity.”

Bangalore Principles covered in oath: *Competence and diligence; Integrity; Impartiality; Independence; and Propriety (5).*

**Costa Rica**

“So you swear before God and promise the Country to observe and defend the Constitution and the laws of the Republic and faithfully fulfill the duties of your office? –Yes, I swear. –If you do, may God help you, and if you do not, may He and the Country call you to account.”

Bangalore Principles covered in oath: *Integrity; and Propriety (2).*

**France**

“I swear to perform my duties faithfully, to keep the secret of deliberations, and to conduct myself in everything like a worthy and loyal magistrate.”

Bangalore Principles covered in oath: *Competence and diligence; Integrity; and Propriety (3).*

**Germany**

“I swear to exercise judicial office in conformity with the Basic Law of the Federal Republic of Germany and with the law, to adjudicate to the best of my knowledge and

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15 Aimé-Parfait Niyonkuru, “The Independence of the Judiciary Vis-à-vis the Executive” Last viewed 25 September 2017, [www.hamann-legal.de/upload/7Aime-Parfait.pdf](http://www.hamann-legal.de/upload/7Aime-Parfait.pdf) accessed 22 September 2017. Burundi’s first oath made by the judiciary when taking office as found in law no 1/4 of 19 December 1966, which was: “I pledge loyalty to the President of the Republic and obedience to the laws of Burundi.” Law no 1/004 of 14 January 1987 amended the oath to: “I pledge loyalty to the President of the Republic and obedience to the Constitution and Laws of Burundi”.

16 Costa Rica Constitution, Title XVI, article 194, [www.servat.unibe.ch/icl/cs000000_.html](http://www.servat.unibe.ch/icl/cs000000_.html) accessed 19 September 2017. As outlined in article 11 all public officials (including judges) must undertake this oath.

belief, without distinction of person, and to serve the cause of truth and justice alone — so help me God.”  

Bangalore Principles covered in oath: Competence and diligence; Impartiality; Independence; and Integrity (3).

**Jordan**

“I swear by all Mighty God, to be faithful to my King and homeland, and to rule among people equally, respect the laws, perform my duties honestly and faithfully, and adhere to attitude of the honourable and honest judge.”

Bangalore Principles covered in oath: Equality; and Integrity (2).

**Kazakhstan**

“I solemnly swear honestly and conscientiously to carry out my duties, to administer justice subject only to the Constitution and the laws of the Republic of Kazakhstan, and to be impartial and fair as my duty of a judge tells me.”

Bangalore Principles covered in oath: Competence and diligence, Impartiality, and Integrity (3).

**Kenya**

“I, (The Chief Justice /President of the Supreme Court, a judge of the Supreme Court, a judge of the Court of Appeal, a judge of the High Court) do (swear in the name of the Almighty God)/(solemnly affirm) to diligently serve the people and the Republic of Kenya and to impartially do Justice in accordance with this Constitution as by law established, and the laws and customs of the Republic, without any fear, favour, bias, affection, ill-will, prejudice or any political, religious or other influence. In the exercise of the judicial functions entrusted to me, I will at all times, and to the best of my knowledge and ability, protect, administer and defend this Constitution with a view to upholding the

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18 The German Judiciary Act, chap. 5, sect. 38 (1–3), www.gesetze-im-internet.de/englisch_drig/ accessed 1 October 2017. Please note: the oath is taken in a public setting of the court and the judge may choose to omit “so help me God”. Judges who are in the service of a Land the oath can include a commitment to the Land constitution and can be taken publicly in a different manner from being taken before a court.


dignity and the respect for the judiciary and the judicial system of Kenya and promoting fairness, independence, competence and integrity within it. (So, help me God.)\textsuperscript{21}

Bangalore Principles covered in oath: *Equality; Impartiality; Independence; Competence and diligence (4).*

**Latvia**

“I xxx undertaking the duties of a judge, am aware of the responsibility entrusted to me, and solemnly swear to be honest and fair, to be loyal to the Republic of Latvia, to always endeavour to determine the truth, never to betray it, and to adjudge strictly in accordance with the Constitution and the laws of the Republic of Latvia.”\textsuperscript{22}

Bangalore Principles covered in oath: *Propriety; Equality; and Competition and diligence (3).*

**Liberia**

“I, do solemnly swear (affirm) that I will support, uphold, protect and defend the Constitution and laws of the Republic of Liberia, bear true faith and allegiance to the Republic, and will faithfully, conscientiously and impartially discharge the duties and functions of the office of to the best of my ability. So, help me God”\textsuperscript{23}

Bangalore Principles covered in oath: *Competence and diligence; Impartiality; and Integrity (3).*

**Malaysia**

“I having been elected (or appointed) to the office of [_____] do solemnly swear (or affirm) that I will faithfully discharge the duties of that office to the best of my ability, that I will bear true faith and allegiance to Malaysia, and will preserve, protect and defend its Constitution.”\textsuperscript{24}

Bangalore Principles covered in oath: *Competence and diligence; and Integrity (2).*


\textsuperscript{24} Forms of Oath and Affirmation Constitution of Malaysia, 1957, Schedule 6, www.commonlii.org/my/legis/const/1957/21.html accessed 27 September 2017. Please note that a judge of the Supreme Court or a judge of a High Court shall use the words “my judicial duties in that or any other office” in place of the words “the duties of that office”.
Micronesia (Federated States of)
“I solemnly swear (or affirm) that I will faithfully execute the Office of [_____] of the Federated States of Micronesia, and will, to the best of my ability, uphold, promote, and support the laws and the Constitution of the Federated States of Micronesia, so help me God.”

Bangalore Principles covered in oath: Competence and diligence (1).

Montenegro
“I do solemnly swear that I will perform my judicial duties in accordance with the Constitution and the law.”

Bangalore Principles covered in oath: Competence and diligence (1).

New Zealand
“I, [specify], swear that I will well and truly serve Her [or His] Majesty [specify as above], Her [or His] heirs and successors, according to law, in the office of [specify]; and I will do right to all manner of people after the laws and usages of New Zealand, without fear or favour, affection or ill will. So, help me God.”

Bangalore Principles covered in oath: Independence; Impartiality; Integrity; Equality; and Competence and diligence (5).

Nigeria
“I swear that in the service of my country in the office of [_____] I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times. I will well and truly exercise the judicial functions entrusted to me and will do right to all manner of people in accordance with the Constitution of the Federal Republic of Nigeria as by law established and in accordance with the laws and usage of the Federal Republic of Nigeria without fear or favour, affection or ill-will. I will always place service to the nation above all selfish interests, realizing that a public office is a public trust. I will always perform my judicial duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge. I will, in the performance of my judicial duties, eschew corruption in all its facets. I will always follow the

path of justice, honesty and concord amongst all the people of Nigeria in all I do. So, help me God.”

Bangalore Principles covered in oath: Competence and diligence; Equality; Impartiality; Propriety; Integrity; and Independence (6).

Pakistan

“(In the name of Allah, the most Beneficient, the most Merciful.) I, [_______] , do solemnly swear that I will bear true faith and allegiance to Pakistan:
That, as Chief Justice of Pakistan (or a Judge of the Supreme Court of Pakistan or Chief Justice or a Judge of the High Court for the Province or Provinces of [_______] ), I will discharge my duties, and perform my functions, honestly, to the best of my ability, and faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan and the law;
That I will abide by the code of conduct issued by the Supreme Judicial Council;
That I will not allow my personal interest to influence my official conduct or my official decisions;
That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan;
And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.
[May Allah Almighty help and guide me (A’meen)]”

Bangalore Principles covered in oath: Independence; Impartiality; Integrity; and Competence and diligence (4)

Philippines

I, recently appointed as … solemnly swear to administer justice fairly and without delay; to perform my duties with honesty, impartiality and diligence according to the best of my ability; to enforce the rule of law and defend the Constitution as well as to uphold the integrity and independence of the judiciary.

I also promise to obey the laws of the land and dispense justice without fear or favour in pursuit of an honourable, competent and independent judiciary in order to promote

29 Articles 178 and 194 of the Constitution of Pakistan: Chief Justice of Pakistan or of a High Court or Judge of the Supreme Court or a High Court.
the unity of the country, the stability of government and the well-being of the citizens of the Republic of the Philippines. So help me God.

Bangalore Principles covered in the oath: Competence and diligence; Integrity; Impartiality; and Independence (4)

The Philippines Judicial Academy has introduced a further interesting initiative. Besides the oath of office, they also ask newly appointed judges to adhere to an “integrity pledge”. It is a voluntary pledge, but it seems that it has been taken by all new judges for the last five years. It read as follows:

Commitment to the Cause of Justice.

On me, the People and the Government of my country has reposed their trust by placing me on the Bench to administer justice. Today, in the awareness of this sacred mandate, I commit myself without reserve to the cause of justice. I call on God to be my witness that I bind myself to the promises that I now make. I commit myself to be a servant of the people by rendering unto each person and demands of truth and fairness. In all cases that may come before me, I shall pronounce judgment only in accordance with the precepts of the law and on the basis of the evidence adduced. To fear or favor, I shall pay no heed. The wealth or poverty, influence or lowliness of litigants before me, I shall ignore, and only on the merits of a case shall my verdict rest. I solemnly swear to keep my hands clean of unwarranted influences and my office free of the stain of dishonesty and impropriety. I pledge to bear the dignity of my office with humility and be the exemplar of modest living and dedication to duty. I shall preside over all sessions of the Court with zeal to grant redress to those who are wronged and to bind the wounds of those injured by inequity, malice and greed. I shall endeavor at all times to turn the wheels of justice swiftly without however leaving the track of due process. Finally, I will dedicate myself to the continuous study of the law so that I may ever be its competent minister. May God, the Springhead of Justice, grant me the ardor and vigor to be true to this commitment.

Romania

“I swear to abide by the Constitution and by the laws of this country, to defend the persons’ rights and fundamental freedoms, to fulfill my duties with honour, conscience and without prejudice. So, help me God!”

Bangalore Principles covered in oath: Competence and diligence; Equality; Integrity; and Propriety (4).

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Russian Federation
“I solemnly swear to discharge my duties honestly and conscientiously, to administer justice, obeying only the law, and to be impartial and just, as my duty as judge and my conscience dictate to me.”

Bangalore Principles covered in oath: Competence and diligence; Integrity; Impartiality; and Propriety (4).

Sierra Leone
“I do hereby (in the name of God swear) (solemnly affirm) that I will faithfully and truly discharge the duties of the office of and that I will support and uphold the Constitution of Sierra Leone as by Law established, and that I will do right to all manner of people after the laws and usages of Sierra Leone without fear or favour, affection or ill-will. (So, help me God.)”

Bangalore Principles covered in oath: Competence and diligence; Equality; Propriety; Integrity; and Impartiality (5).

South Africa
“I swear/solemnly affirm that, as a Judge of the Constitutional Court/Supreme Court of Appeal/High Court/ E.F. Court, I will be faithful to the Republic of South Africa, will uphold and protect the Constitution and the human rights entrenched in it, and will administer justice to all persons alike without fear, favour or prejudice, in accordance with the Constitution and the law.” (In the case of an oath: So, help me God.)

Bangalore Principles covered in oath: Competence and diligence; Equality; Impartiality; Propriety; and Integrity (5).

Sri Lanka
“I solemnly declare and affirm/swear that I will faithfully perform the duties and discharge the functions of the office of [_____] in accordance with the Constitution of the Democratic Socialist Republic of Sri Lanka and the law, and that I will be faithful to

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the Republic of Sri Lanka and that I will to the best of my ability uphold and defend the Constitution of the Democratic Socialist Republic of Sri Lanka.”

Bangalore Principles covered in oath: Competence and diligence; and Integrity (2).

**Thailand**

“I, (name of the declarer) do solemnly declare that I will be loyal to His Majesty the King and will faithfully perform my duties in the name of the King without any partiality in the interest of justice, of the people and of the public order of the Kingdom. I will also uphold and observe the democratic regime of government with the King as Head of the State, the Constitution of the Kingdom of Thailand and the law in every respect.”

Bangalore Principles covered in oath: Competence and diligence; Impartiality; Integrity; and Equality (4).

**Turkmenistan**

“I (surname, name, middle name), assuming the judge's obligations, solemnly I swear: it is sacred to observe the Constitution and the laws of Turkmenistan, fairly and honesty to fulfill the judge's duties, to protect the rights and freedoms of citizens, interests of independent, constantly neutral Turkmenistan, be impartial and fair, always to keep purity of high rank of the judge, be to the right oath, the Homeland and the President of Turkmenistan”.

Bangalore Principles covered in oath: Competence and diligence; Integrity; Impartiality; Equality; Propriety; and Independence (6).

**Tuvalu**

“I do swear by Almighty God that I will well and truly serve Our Sovereign Lady Queen Elizabeth II Her Heirs and Successors, as a judicial officer, and will do right to all manner of people after the laws and usages of Tuvalu, without fear or favour, affection or ill-will. So, help me God.”

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Bangalore Principles covered in oath: Competence and diligence; Equality; and Impartiality (3).

**Ukraine**

“In assuming my duties as a judge, I, (name and last name), do solemnly swear to administer justice in an objective, fair, and unbiased manner abiding only by law, guided by the principle of rule of law, to discharge my judicial duties honestly and conscientiously, to comply with moral-ethical principles of judicial conduct and not to commit any actions disgracing the title of a judge and diminishing the authority of the judiciary.”  

Bangalore Principles covered in oath: Independence; Impartiality; Integrity; Propriety; Equality; and Competence and diligence (6).

**United Kingdom of Great Britain and Northern Ireland**

**England and Wales**

Oath: “I do swear by Almighty God that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the office of [_______] , and I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill will.”

Affirmation: “I do solemnly sincerely and truly declare and affirm that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the office of [_______] , and I will do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will.”

Bangalore Principles covered in oath: Independence; Impartiality; Integrity; Equality; and Competence and diligence (5).

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39 Courts and Tribunal Judiciary, “Oaths” (Judicial Press Office), https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/oaths/ Last viewed 12 September 2017. Please note: There are other acceptable forms of the oaths above dependent upon specific religious beliefs. For example, members of the Hindu faith will omit the words “I swear by Almighty God” and substitute the words “I swear by Gita”. Members of the Jewish faith use the oaths above while some may wish to affirm instead of stating the oath. Members of the Muslim faith will omit the words “I swear by Almighty God” and substitute the words “I swear by Allah” and members of the Sikh faith will omit the words “I swear by Almighty God” and substitute the words “I swear by Guru Nanak”.
Northern Ireland

Oath:
“I, (name), do swear that I will well and faithfully serve in the office of (office).”

Affirmation:
“I, (name), do solemnly and sincerely and truly affirm and declare that I will well and faithfully serve in the office of (office).”

Bangalore Principles covered in oath: Competence and diligence (1).

Scotland

“I will do right to all manner of people after the laws and usages of this Realm, without fear or favour, affection or ill-will.”

Bangalore Principles covered in oath: Equality; Competence and diligence; Independence; Impartiality; and Integrity (5).

United States of America

“I do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as [_____] under the Constitution and laws of the United States. So, help me God.”

Bangalore Principles covered in oath: Independence; Impartiality; Competence and diligence; and Equality (4).

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V. TRAINING METHODS

The attached summary is the work of the Judicial College in London and is designed as a guide to the wide range of training methods. The following table offers an indication of the possible uses and limitations for each method. The role of the designer/deliverer is to consider the available options and to decide on the appropriate method in light of the training needs that have been identified, the learning outcomes/objectives that have been set, the resources available and the learning needs of learners.

<table>
<thead>
<tr>
<th>METHOD</th>
<th>WHAT IT CAN ACHIEVE</th>
<th>LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDIVIDUAL APPLICATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mentoring</td>
<td>Positive role model. Gives practical support and guides learning. Provides an opportunity to question, test, and experiment.</td>
<td>Mentor matching may not to take account of personality, ability to work at one-to-one level and role of both mentor and learner.</td>
</tr>
<tr>
<td>Reading</td>
<td>If used as pre-course preparation it encourages learners to reflect in advance and enables trainers to go into the content in more depth. Suits learners who enjoy reflection. Useful as a post-course future resource.</td>
<td>Assumes the time to read. Not all learners enjoy reading as a method of learning. If used as pre-course, it must adhere to the training protocol of no more than four hours of preparation.</td>
</tr>
<tr>
<td>Shadowing</td>
<td>Appreciation of another person’s role in a practical way. Useful when two jobs are interdependent.</td>
<td>Shadowing may not work where confidential aspects of work arise.</td>
</tr>
<tr>
<td><strong>METHOD</strong></td>
<td><strong>WHAT IT CAN ACHIEVE</strong></td>
<td><strong>LIMITATIONS</strong></td>
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<tr>
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</tr>
<tr>
<td><strong>Coaching</strong></td>
<td>Personal support to help learners reach work or personal objectives. Focuses on needs of individuals. Often empowering and motivating.</td>
<td>Can be seen as remedial, so needs to be arranged sensitively. Rapport with the coach is vital to the success of coaching and alternative coaches may need to be found. Can be expensive if external.</td>
</tr>
<tr>
<td><strong>e-learning</strong></td>
<td>Access to information and training by many people. Encourages reflection. Provides flexibility and bite-sized learning. Delegate controls the pace of learning, when and where. Excellent for short pieces of learning, particularly on knowledge and process. Can be developed as an ongoing resource to be re-accessed when needed. It can be part of a “blended learning” approach and used within face to face training i.e. pre-reading, mid-programme consolidation or post course work/refresher.</td>
<td>Some learners do not enjoy self-managing their learning. It may require a level of competence with technology. Some elements of skills training can be lost i.e. plenary practice sessions, etc. Need to plan e-learning 3–6 months in advance of training.</td>
</tr>
</tbody>
</table>

**FACE-TO-FACE APPLICATION**

| **Snowball** | Effective way of getting large numbers of people to arrive at a shared agreement. People physically move to join groups and this keeps energy high. | Can be noisy/high energy in the room which can help/hinder different individuals. Needs facilitation to ensure individuals don’t dominate and ensure everyone participates. |

Four or more small groups come together in stages (eventually forming a single group) combining and distilling group discussions and agreements at each stage.
<table>
<thead>
<tr>
<th>METHOD</th>
<th>WHAT IT CAN ACHIEVE</th>
<th>LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Talking wall</strong></td>
<td>Involves physically moving which keeps energy high—good for energy slump times.</td>
<td>Requires physical mobility from all participants (can be adapted to move flipcharts around groups rather than groups moving). Also requires a large enough room for moving around.</td>
</tr>
<tr>
<td><strong>Post-it note brainstorm</strong></td>
<td>A visual way of representing ideas. Good when there are lots of possible ideas. Facilitator or learner can cluster post-it notes into themes.</td>
<td>Needs one mobile group member to put post-it notes on wall. Requires facilitator to sort post-it notes into themes during training.</td>
</tr>
<tr>
<td><strong>Filming learners</strong></td>
<td>The learner is able to see their performance and link it to the feedback given.</td>
<td>Reluctance to be filmed may affect an individual’s performance. Clear guidance for feedback helps to allay fears.</td>
</tr>
<tr>
<td><strong>Role play</strong></td>
<td>Gives practice at handling situations in safe environment. Can boost confidence if managed well. Opportunity to learn from watching others and receive feedback.</td>
<td>Learners may feel intimidated. Sometimes not treated seriously—”well it’s only a game, that’s not what I would do in real life!” Takes time for everyone to participate.</td>
</tr>
<tr>
<td><strong>Card sort</strong></td>
<td>Provides prompts for learner’s thinking. Good where there are lots of possible options/answers.</td>
<td>Takes time to prepare. Need to ensure language is understood by all.</td>
</tr>
<tr>
<td>METHOD</td>
<td>WHAT IT CAN ACHIEVE</td>
<td>LIMITATIONS</td>
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<tr>
<td><strong>Film clips</strong></td>
<td>Cost-effective way of ensuring availability of speakers’ content at multiple events. Can be used as a demonstration (below).</td>
<td>Requires familiarity with technology to play films. A passive method, it needs to be combined with activity to create learning potential.</td>
</tr>
<tr>
<td><strong>Demonstration</strong></td>
<td>Brings a process to life; visually provides an understanding of a process. Enables participants to learn from the approach of others, e.g. decisions—written or oral</td>
<td>If there is no opportunity for the learner to practise themselves, the learning can be forgotten. Can be expensive if using actors.</td>
</tr>
<tr>
<td><strong>Lecture</strong></td>
<td>Conveys information to large audiences. Can be cost effective via conference call. Can be timely if done in bite-sized virtual sessions e.g. podcasts.</td>
<td>Lack of participation means audience may lose interest, unless activity is built in. No means to check learning. Little flexibility to tailor to needs of group.</td>
</tr>
<tr>
<td><strong>Simulation</strong></td>
<td>Ability to try it out and practise is a key part of learning. Good for behaviour training, e.g. judge craft or using case management systems. Useful for skills training and inductions. Helps to transfer learning. Tests application of theory.</td>
<td>Learners may reject the whole exercise if they feel the exercises are unrealistic. Needs careful setting up as learners can lose confidence if they don’t do well.</td>
</tr>
<tr>
<td><strong>Tutorial</strong></td>
<td>Useful to review pre-course work, progress, and plans for their return to the office. Chance to deal with situations which have arisen in group.</td>
<td>Time should be shared between trainer and learner to allow both to raise issues. Trainer needs to be prepared to receive personal feedback. Can be time consuming.</td>
</tr>
<tr>
<td>METHOD</td>
<td>WHAT IT CAN ACHIEVE</td>
<td>LIMITATIONS</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Webinar</strong></td>
<td>Effective way of holding a live training event with a large audience who are in various locations. Participants can ask questions of the trainer via a text forum which are answered by the trainer.</td>
<td>Requires all learners to log in at a specific time (if live), although they can then view the recording. Doesn’t allow participants to actively practise learning.</td>
</tr>
<tr>
<td><strong>Virtual classroom</strong></td>
<td>Goes a step further than webinars as it enables active engagement between participants and the trainer and with training materials.</td>
<td>Requires all learners to log in at a specific time (if live), although they can then view the recording. Needs planning ahead of delivery.</td>
</tr>
<tr>
<td><strong>Discussion</strong></td>
<td>One of the most popular methods in judicial training. Allows participants to share experience and knowledge. Learners may feel more comfortable in smaller groups for some exercises.</td>
<td>A skilled facilitator may be needed as learners may stray from the subject. Mix within groups can help or hinder learning. If the group is similar, it may reinforce current rather than new perspectives.</td>
</tr>
<tr>
<td><strong>Case study</strong></td>
<td>Encourages exploration of options. Freedom to explore issues away from real life pressure. If in groups, it can promote the exchange of ideas/approaches.</td>
<td>Can be treated as make-believe and feedback not accepted if the case study is not based on real life examples. Needs drafting and clear facilitator guidance/briefing.</td>
</tr>
</tbody>
</table>
VI. QUESTIONNAIRES FOR PARTICIPANTS

Pre/post training questionnaire

These are only a few example questions. Trainers are free to ask more or different questions that they find relevant.

1. Which of the statements below is correct? Please check.
   - ☐ Article 11 of the United Nations Convention against Corruption is the only provision in the Convention directly relevant to integrity in the judiciary.
   - ☐ Many provisions of the United Nations Convention against Corruption are of direct relevance to strengthening judicial integrity and preventing corruption in the judiciary.

2. Which of the below are Bangalore Principles of Judicial Conduct?
   - ☐ Independence
   - ☐ Impartiality
   - ☐ Professionalism
   - ☐ Propriety
   - ☐ Confidentiality
   - ☐ Competence and diligence
   - ☐ Fairness
   - ☐ Equality

3. Which of the following issues are not covered by the Bangalore Principles?
   - ☐ Conflict of interest
   - ☐ Sexual harassment
   - ☐ Recusal
   - ☐ Diversity in society
   - ☐ Independence from other judges

4. True or false: Judicial independence is the most fundamental right and privilege of every judge?
   - ☐ True
   - ☐ False
5. True or false: The Bangalore Principles seek to guide a judge’s conduct in the exercise of his or her judicial functions. They have no direct relevance to the judge’s private sphere.
   ☐ True
   ☐ False

6. Do the Bangalore Principles apply to retired judges?
   ☐ Yes
   ☐ No

7. List the specific aspects of diversity and difference in society to which a judge should be sensitive, when carrying out his or her duties.
   ☐ Race
   ☐ Colour
   ☐ Sex
   ☐ Religion
   ☐ National origin
   ☐ Caste
   ☐ Disability
   ☐ Age
   ☐ Marital status
   ☐ Sexual orientation
   ☐ Social and economic status

8. Should a judge take appropriate action when he or she becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by another judge?
   ☐ Yes
   ☐ No
End of training questionnaire—satisfaction

These are only example questions. Trainers are free to ask more or different questions that they find relevant.

Dear participant, we constantly strive to improve our service delivery to ensure that it is relevant to your work and your needs. In this context, we would like to ask you for your constructive feedback on this training/workshop.

Please answer all questions. Your responses will be anonymous and treated confidentially!

<table>
<thead>
<tr>
<th>TRAINING:</th>
<th>LOCATION AND DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Overall how satisfied were you with the training?</td>
<td></td>
</tr>
<tr>
<td>Very satisfied</td>
<td>Satisfied</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>2. How relevant was this training for your work?</td>
<td></td>
</tr>
<tr>
<td>Very relevant</td>
<td>Somewhat relevant</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>3. How likely is it that you will use the skills learned over the next six months?</td>
<td></td>
</tr>
<tr>
<td>Very high</td>
<td>High</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
</tr>
</tbody>
</table>

If not likely, please explain why:
4. What is the most important issue you have learned about during this event and how will it affect your work (if applicable)?

<table>
<thead>
<tr>
<th>Question</th>
<th>Very high</th>
<th>High</th>
<th>Average</th>
<th>Low</th>
<th>Very low</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. How much prior knowledge on the subject did you have?</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>6. How much new knowledge did you gain through this training?</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>7. How satisfied were you with the overall content/topics covered?</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>8. To what extent did the following meet your needs?</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>(a) Interactive methods</td>
<td></td>
<td></td>
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<tr>
<td>(b) Debriefing</td>
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<tr>
<td>(c) Demonstration of the sessions</td>
<td></td>
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</tr>
</tbody>
</table>

Comments:
9. How satisfied were you with the training material (reading material, handouts, presentations)?

<table>
<thead>
<tr>
<th>Satisfied</th>
<th>Average</th>
<th>Unsatisfied</th>
<th>Very unsatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

Comments:

10. How satisfied were you with the training methodology (presentations, discussion, group work, etc.)?

<table>
<thead>
<tr>
<th>Methodology</th>
<th>Very satisfied</th>
<th>Satisfied</th>
<th>Average</th>
<th>Unsatisfied</th>
<th>Very unsatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Introductions</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>(b) Group work</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>(c) Discussion</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>(d) Experience-sharing</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Comments:
11. Please rate the trainer’s skills:

<table>
<thead>
<tr>
<th></th>
<th>Very high</th>
<th>High</th>
<th>Average</th>
<th>Low</th>
<th>Very low</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Knowledge</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>(b) Clear presentation</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>(c) Good facilitation</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>(d) Methods used</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Comments:

12. How satisfied were you with the course guidance and instructions (i.e. clarity, pace, explanations, etc.)?

<table>
<thead>
<tr>
<th></th>
<th>Very satisfied</th>
<th>Satisfied</th>
<th>Average</th>
<th>Unsatisfied</th>
<th>Very unsatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

13. How satisfied were you with the overall organization and administration of the event?

<table>
<thead>
<tr>
<th></th>
<th>Very satisfied</th>
<th>Satisfied</th>
<th>Average</th>
<th>Unsatisfied</th>
<th>Very unsatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

14. Which sessions or topics were of special interest? What did you like most about the training?
15. Do you have comments on how the course could be improved? [i.e. topics that were missing, topics that should be deleted, changes in the methodology, any other changes]

16. What additional training/topics would be relevant to improve your work?

Thank you for your participation and for your feedback.
VII. INDICATIVE COURSE PROGRAMME

DAY ONE

DAY TWO
VIII. INSTRUCTION CARDS

Together with this Manual, you will have also received the following set of cards. They are also available at:

› www.unodc.org/ji/trainersmanual.html

CARD 1  Icebreakers: examples

1. Provide your neighbour with a brief summary of:
(a) what “positives” you hope to get out of this course; and
(b) what you anticipate will be the most challenging aspect of the course.

2. Give your neighbour:
(a) a brief example of what you consider your greatest achievement in life so far; and
(b) something unusual about yourself. They will feed this back in plenary.

3. Judges believe in reasons. Work together with your neighbour to try to find one or more examples of something in life that has occurred for apparently no reason and try to prove your neighbour’s example to be wrong. This is harder than it sounds. Your examples may be challenged in the plenary feedback!

4. Give each person a piece of paper with instructions to write words or draw pictures that describe themselves. Then they are to pin their paper on their chest, walk around and look at each other’s self-description, without comment. Pictures are collected and shuffled, and participants try to identify to whom each picture belongs.

CARD 2–7  Bangalore Principles

1. Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of the due process of law. It therefore underpins and exemplifies judicial independence in both its individual and institutional aspects.

2. Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is reached.

3. Integrity is essential to the proper discharge of the judicial office.

4. Propriety, and the appearance of propriety, are essential to the performance of all the activities of a judge.
CARDS 8–19  Case studies

**CASE STUDY 1  UNIVERSITY BOARD**

**SCENARIO**
Since graduation you have maintained close links with your old university of which you are deeply fond. You have been invited to join its governing body. The letter of invitation makes particular reference to your “judicial knowledge and your authority in the local community”. The position is unpaid but will take a lot of your time. There has been much criticism of the university in the local community. The position is unpaid but will take a lot of your time. There has been much criticism of the university in the local community.

**PRINCIPLES & RELEVANT PRINCIPLES**
- Competence and diligence are prerequisites to the due performance of judicial office

**CASE STUDY 2  TRIAL OF GOVERNMENT OFFICIAL**

**SCENARIO**
The trial judge is the appointed judge in the trial of a government official who is charged with accepting bribes in exchange for granting a lucrative contract to a well-known local building firm. The trial judge’s brother-in-law is an architect who receives frequent remuneration from this firm, though this is not generally known. The trial judge’s husband works in the same government department as the defendant. What should you do?

**PRINCIPLES & RELEVANT PRINCIPLES**
- Duty to avoid being improperly influenced
- Public perception of judicial independence

**Relevant paragraphs of the Commentary**
- Membership in a non-profit making organization
- Judges not beholden to the government of the day
- Judges enjoys rights in common with other citizens
- Judges should not be involved in public controversies

**Relevant paragraphs of the Commentary**
- Judges' primary obligation is to the court
- Judges not beholden to the government of the day
- Judges enjoys rights in common with other citizens
- Judges should not be involved in public controversies
- Judges' primary obligation is to the court
Before becoming a judge, you were an elected politician with a reputation for integrity and fairness. The local press called you an "efficient popular judge with a reputation for integrity and fairness."

You were well liked and respected by your colleagues in the courthouse. You were known for your fairness and your ability to make difficult decisions. You were a role model for your fellow judges and a respected figure in the community.

However, there was one thing that set you apart from your colleagues: you were female. This was not unusual in the courthouse, but it was not always clear in what context. Since you were the youngest female judge in the courthouse, you had to work harder to prove yourself. You did not want to be judged by your gender, but rather by your ability to do the job.

You were the second woman ever to be appointed as a judge in the courthouse. This was a historical moment, and you were determined to make the most of it. You were appointed as the vice-president of the trial court, and your cases took on average twice as long to complete as those of your male colleagues (because, you said, you are "thorough").

You were thorough in all your work, and your colleagues respected your approach. You were the only judge in the courthouse who always had a female clerk to assist you. This was not because you were female, but because you believed that women make better clerks. You believed that women were more compassionate and more understanding of the needs of others.

You were also known for your ability to work long hours. You often worked until late at night, and your colleagues knew that you never missed a deadline. This was not because you were female, but because you believed that work came first.

You were also known for your ability to maintain a low profile. You did not seek the limelight, but rather worked quietly and intently. You were known as a "Judge with the judicial dignity of an invisible second-class citizen."

You were also known for your ability to handle difficult cases. You were the judge who handled the trial of a case in which a doctor was charged with carrying out illegal abortions, which he denied. Should you hear the case?

PRINCIPLE 6.5: A judge shall maintain the highest standards of personal and professional conduct.

Is there an inherent conflict of interest if a judge travels in Business Class?

If you are a judge who travels in Business Class, you may be seen as having a higher status than your colleagues. This could be seen as a conflict of interest if it is not handled appropriately.

You are a judge, and you are entitled to the same benefits as your colleagues. However, you must ensure that your conduct is not perceived as being above the rest of the bench.

You must also ensure that your conduct is not seen as being inappropriately high-profile.

You should consider the following:

- You are entitled to travel in Business Class if you have a Business Class ticket.
- You may travel in Business Class if you have a Business Class seat allocated to you.
- You may travel in Business Class if you are upgraded to Business Class.
- You must ensure that your conduct is not seen as being above the rest of the bench.
- You must ensure that your conduct is not seen as being inappropriately high-profile.

You should consult with your colleagues and your ethics officer if you have any questions.
To access the electronic version of this Manual please go to

WWW.UNODC.ORG/JI/TRAINERSMANUAL.HTML