



The Doha Declaration:  
PROMOTING A CULTURE  
OF LAWFULNESS



## **- Check against delivery –**

***Joining Forces in Strengthening Judicial Independence and Integrity  
– IAJ, the Global Judicial Integrity Network and the United Nations***

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61<sup>st</sup> meeting of the International Association of Judges  
Marrakesh Morocco

17 October 2018

Honourable Judges,

Distinguished delegates,

Ladies and Gentlemen,

It is a great honour to address you on the occasion of the 61<sup>st</sup> general meeting of the International Association of Judges.

I have been asked to speak specifically on the topic of Strengthening Judicial Independence and Integrity and, within that context, the milestones we have been able to achieve together in particular this year with the launch of the Global Judicial Integrity Network.

Safeguarding judicial independence and upholding judicial integrity are not new to the United Nations. Indeed, these concepts have formed part of our work for decades: first with the development of the United Nations Basic Principles of Judicial Independence endorsed by the General Assembly in 1985, followed by adoption of the United Nations Convention against Corruption and in particular its Art. 11 in 2003 as well as the endorsement of the Bangalore Principles of Judicial Conduct by the Economic and Social Council in 2006.

In particular, the Bangalore Principles of Judicial Conduct formulate the concept of judicial accountability resting on the pillars of independence, impartiality, integrity, propriety, equality, competence and diligence. None of these values can be fully achieved in isolation just as the challenges faced by judiciaries across the globe come in various shapes and forms. As the United Nations Deputy Secretary General Amina Mohammed put it in her opening remarks at the launch of the Global Judicial Integrity Network: “Today countries all over the world face judiciary challenges. They come in many forms, [ranging] from political interference to outright attacks on the independence of the judiciary. Some countries face severe budgetary constraints in the face of exploding case-loads. Others have seen diminishing public confidence stemming

from perceived corruption.” Similarly, research conducted by UNODC and others at the global, regional and country levels suggests that, more often than not, challenges related to judicial independence and judicial integrity are intertwined and mutually reinforcing.

Unfortunately, judiciaries appear to demonstrate greater readiness in sounding the alarm about attacks on judicial independence, while concerns about integrity or dwindling public confidence are often considered the mere consequence of low salaries, inadequate working conditions, a lack of enforcement of judicial decisions or frequent political interference with judicial decisions and appointments.

Moreover, attempts to increase judicial accountability, e.g. through the establishment of complaints mechanisms, the strengthening of disciplinary bodies and proceedings, introduction of more stringent financial disclosure and conflict of interest regimes, etc. remain relatively unpopular among judges and often have been driven by the Executive branch or the Legislature. Judiciaries are cautious to tackle integrity related challenges with the same vigour as attacks on their independence or calls for improved working conditions and resource allocations. This caution seems to be informed by two main concerns: On the one hand there is an understandable fear that any step to increase accountability

could jeopardize judicial independence or create instruments in the hands of the other arms of government to curtail judicial independence whenever it should suit them. On the other hand, many judges are concerned that being too vocal about integrity related challenges may undermine public confidence in the judiciary.

At UNODC our experience does not confirm these concerns. On the contrary as long as judicial reform efforts aimed at enhancing accountability are holistic and driven by the judiciary, they seem to positively impact on both judicial integrity and judicial independence. E.g. in a country in this region, UNODC has been working closely with the judiciary and other stakeholders in enhancing access to justice; improving quality and timeliness of justice delivery; strengthening accountability, oversight, integrity and independence of the courts; and increasing coordination across the justice system. Over the relatively short time span of five years this approach had helped to significantly improve the overall performance of the courts. Most notably, lawyers and court users reported a dramatic drop in the attempts to solicit bribes in the context of their ongoing cases<sup>1</sup>, while both judges and lawyers were significantly more

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<sup>1</sup> In 2002, 77% of lawyers and 43% of court users claimed that within the last 12 months prior to the interview they had been approached for the payment of a bribe in the context of a court case. When these stakeholders were asked the same question in 2007, only 16% of the lawyers and only 2% of the court users admitted that they had been approached for the payment of a bribe.

positive as concerns the independence of judicial decision-making as well as the selection of judicial appointments.

However, the lessons learned by judiciaries in individual countries pursuing reforms as well as those advising and supporting them do not seem to have contributed significantly to improving our collective efforts. Successes are not being replicated, they sometimes turn out to be short-lived and lessons are collected repeatedly, but do not seem to sink in.

This realisation led us to conclude that we were missing a broader platform enabling us to share good practices as well as tools and materials more widely with judges everywhere. The idea for the creation of a Global Judicial Integrity Network was born as a network of like-minded judges who would share their experiences, join forces in the development of tools and provide peer-to-peer support in strengthening judicial independence, integrity and accountability. Judging by the quality and level of attendance at the launch event it would appear, this was an idea whose time had come.

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With regard to the independence, impartiality and fairness of the courts, in 2002, 19% of the judges felt that judicial appointments were politically influenced and not based on merit, while 50% of the lawyers claimed to know of judicial decisions that had been inspired by politics. However, in 2007 findings seemed to suggest that judicial independence had been strengthened with 24% of lawyers stating that they were aware of a judicial decision during the last 12 months which in their opinion had been influenced by politics, and 8% of judicial officers claiming to be aware of a judicial appointment having been influenced by political considerations rather than merit.

## Global Judicial Integrity Network



### Launched in April 2018

- ✓ 350+ participants from 106 States, 35 Chief Justices
- ✓ 40 judicial associations
- ✓ TOR and Declaration adopted



### [www.unodc.org/ji](http://www.unodc.org/ji)

- ✓ Resource library
- ✓ Events
- ✓ Views, multimedia, articles
- ✓ Restricted area – contacts, queries



In April this year we saw 350 judges and other justice sector stakeholders from more than 100 countries, including 35 Chief Justices and Presidents of Supreme and Constitutional Courts, the leadership of the International Association of Judges as well as other international and regional judicial associations, fora and organisations, all gathered at the United Nations in Vienna to jointly launch the Global Judicial Integrity Network.

The support you have provided through your member on the Advisory Board of the Network, the Hon. Judge José Igreja Matos, and the many IAJ members who continue to provide guidance and input to the work being carried out under the Network has been exemplary.



Most notably, under the guidance of the Advisory Board and with the active support of the IAJ we have been able to develop a comprehensive training package on judicial ethics.

## Judicial Ethics Training Tools



### I. E-Learning Course

An interactive e-learning course consisting of three modules dealing with various aspects of judicial ethics and conduct.

### II. Self-Directed Course

A text-based (PDF) course on judicial ethics and conduct for those who cannot complete the e-learning course.

### III. Trainers' Manual

Upon completion of the e-Learning or self-directed course, a face-to-face workshop can be organized to allow judges to apply and deepen the acquired knowledge. The trainers' manual guides national trainers in developing their own training courses.

For more information on how to participate: [www.unodc.org/ji/judicial\\_ethics.html](http://www.unodc.org/ji/judicial_ethics.html)

This course which is based on the Bangalore Principles of Judicial Conduct as well as the Universal Charter of the Judge is unique and the first of its kind. It provides a comprehensive induction to judges on the key ethical principles and their practical relevance and application in their day-to-day conduct in and out of court. It is composed of three inter-active online modules of approximately 90 minutes each as well as a trainers' module for a one- to two-days classroom training. So far, we have, with

the support of the Judicial College of England and Wales, trained judicial trainers from 21 countries across all regions.

### Workplan 2018-2019



- Use of **social media** by judges – EGM November 2018
- **Gender-related integrity issues** in the judiciary – EGM December 2018
- Exchange of good practices in the **investigation of judicial misconduct**
- Exchange of good practices in **financial disclosure** regimes for judges
- How to draft, review and implement **judicial codes of conduct**
- **Review of the Bangalore Principles** of Judicial Conduct (and Commentary)
- Finalization of **judicial ethics training** tools and training of trainers – regional ToT Jamaica, November 2018; next global ToT, UN Vienna 1<sup>st</sup> Q 2019
- Exchange of good practices in the **selection and appointment of judges**
- Exchange of good practices in **transparency and community outreach**
- Supporting **networking among anti-corruption courts**
- Facilitation of peer-to-peer support

The course materials also include a manual for self-directed learning for those judges who prefer not to use e-learning tools or for those environments where e-learning remains technically difficult. I am, thus, extremely grateful to the IAJ for allowing me the platform of your annual general meeting to officially launch the judicial ethics training package and I would like to encourage all of you to familiarize yourselves with our dedicated website providing access to the online modules and the trainer's manual as well as a wealth of supplemental training resources and further information on how to join the quickly growing number of pilot



jurisdictions already testing the tools and rolling them out through their judicial training facilities.

I should also not miss the opportunity to mention that the Global Judicial Integrity Network has embarked on the implementation of an ambitious workplan tackling other pressing issues, such as the use of social media by judges, gender-related integrity challenges in the judiciary, good practices in the investigation of allegations of misconduct against judges, financial disclosure regimes for judges, a how-to-guide for the development, review and implementation of codes of conduct and the review and possible updates to the Bangalore Principles.

In conclusion, it is our conviction that the Global Judicial Integrity Network has great potential to assist judiciaries across the world in upholding the highest standards of integrity and independence and in building public trust in judicial institutions. The intention is to provide a platform of judges and for judges to share good practices, learn from and support each other and join forces in the development of new practical tools, guidelines and resource materials. As our director John Brandolino stated at the launch of the Network: “The power of networking is immense and often the key to success – so let’s put the Global Judicial Integrity Network into action and reap its benefits! “



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Thank you very much for your kind attention and please do register with the Global Judicial Integrity Network if you would like to receive regular updates on its activities and contribute to its work.



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**Thank you for your kind attention.**

**To participate in the Global Judicial Integrity Network, please register at:  
[www.unodc.org/ji/registration.html](http://www.unodc.org/ji/registration.html)**



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