



Federal Ministry
for Economic Cooperation
and Development



UNODC
United Nations Office on Drugs and Crime



**Regional Workshop on Judicial Integrity in Southeast Asia:
Integrity-based Judicial Reform
26 – 27 January 2012, Jakarta, Indonesia**

Communiqué

Background

On 26 and 27 January 2012 the Supreme Court and the Judicial Commission of the Republic of Indonesia in partnership with the Federal Ministry for Economic Cooperation and Development of Germany, the United Nations Development Programme and the United Nations Office of Drugs and Crime, gathered 132 participants, including Chief Justices, Justices, senior judges, academics and legal practitioners from Afghanistan, Australia, Bangladesh, Germany, Indonesia, Japan, Lao PDR, Malaysia, Mongolia, Myanmar, Nepal, the Netherlands, the Philippines, Singapore, Sri Lanka, Thailand, and Timor-Leste.

The opening session was chaired by the Hon. Chief Justice Dr. Harifin A. Tumpa of the Supreme Court and by Prof. Dr. Eman Suparman, Chairman of the Judicial Commission of the Republic of Indonesia. The working sessions were chaired by Hon. Justice Takdir Rahmadi, the Supreme Court of the Republic of Indonesia, the Hon. Chief Justice Abdul Salam Azimi, the Supreme Court of the Islamic Republic of Afghanistan, the Hon. Chief Justice Md. Muzammel Hossain, the Supreme Court of Bangladesh, Hon. Dr. Ibrahim, the Judicial Commission of the Republic of Indonesia, Hon. Justice Suresh Chandra, the Supreme Court of Sri Lanka, and the Hon. Michael Kirby, retired Justice of the High Court of Australia. The meeting was also attended by the Hon. Justice Rudolf Mellinghoff, President of the Federal Supreme Court of Finance of Germany, and Dr. Nihal Jayawickrama, former Secretary of Justice of Sri Lanka, representing the Judicial Integrity Group.

In a quest to identify good practices and advance regional cooperation, participants discussed intensely for two days approaches to promote integrity-based reforms of judicial systems in the region as a crucial element of promoting political, social and economic development and upholding human rights and the rule of law. The workshop focused on international standards to uphold integrity in the justice sector, pursuant to Article 11 of the United Nations Convention against Corruption (UNCAC) and the Bangalore Principles of Judicial Conduct (ECOSOC Res. 2006/23), as well as mechanisms and institutions designed to provide for accountability and both internal and external oversight of the judiciary, including through the involvement of judicial commissions, anti-corruption bodies, and non-state actors such as the media and specialized NGOs.

Conclusions and Recommendations:

1. Participants acknowledged that significant progress had been made in many countries in the region in advancing judicial reforms, including on strengthening judicial integrity. Several speakers highlighted in this context the value of establishing **multi-stakeholder judicial reform committees**, involving representatives of the justice sector institutions, the bar as well as academia and civil society in the strategic planning, implementation, monitoring and evaluation of judicial reform programmes.

2. Participants concurred on the importance of developing and reviewing national **codes of conduct** based on the Bangalore Principles of Judicial Conduct (“Bangalore Principles”) taking into account the universal nature of the values and virtues as well as the practical and detailed nature of the behavioural guidance contained therein as well as in the *Commentary on the Bangalore Principles of Judicial Conduct*.
3. Participants identified the need to develop assessments allowing **measurement of progress and impact** of the implementation of the Bangalore Principles. The creation of judicial integrity indices, judicial scorecards and other methodologies were proposed as tools to collect quantitative and qualitative data on the performance of the judiciary against the benchmarks and performance standards provided by the Bangalore Principles.
4. Many participants emphasised that the effective implementation of codes of conduct required a **multi-pronged and holistic approach combining prevention and enforcement**, as outlined in the *Measures for the Effective Implementation of the Bangalore Principles of Judicial Conduct*. Moreover, both the judiciary and the state have specific roles to play in taking concrete implementation action and creating an environment conducive to the effective implementation of the Bangalore Principles.
5. Participants proposed a range of measures to implement the Bangalore Principles, including the wide **dissemination** of the principles among judges and other stakeholders, the creation of an continuous and open **dialogue** on the concepts of judicial integrity amongst judges and their staff, the exercise of **peer monitoring**, the development of performance evaluation systems based on the professional values enshrined in the Bangalore Principles and national codes of conduct, the issuing of **ethics advisories**, the conduct of court inspections and **integrity audits**, as well as functioning complaints and disciplinary systems.
6. Participants stressed the importance of continuous legal education, including the development of **training programmes on judicial ethics** and the practical aspects of complying with the requirements of the national codes of conduct. Such programmes should be based on common ethical dilemmas faced by judicial officers, including as evidenced by public complaints received. Similar curricula should also be considered for law schools with a view to promoting ethics in the legal profession.
7. Several participants also underlined the need for **credible, accessible and responsive complaints systems** which allowed members of the public to lodge their complaints through multiple channels and for complainants and witnesses as well as the concerned judges to be appropriately protected from legal process. Participants also concurred in the principle that the investigation against individual judges should remain confidential until a final decision had been reached and that decisions of disciplinary bodies should be subject to appeal or review.
8. Some participants considered the introduction of **income and asset declaration** systems as a means to monitor inexplicable increase of wealth of judges as well as identifying potential conflicts of interest.
9. Participants highlighted the importance of attracting and retaining only the very best professionals to the bench, which required an appropriate **salary and welfare** structure, security of tenure as well as a thorough assessment of both professional skills and ethical aptitudes as part of a transparent **selection process** and in decisions affecting judicial promotion.
10. Participants stressed the importance of conducting regular **court inspections/audits** aimed at identifying, *inter alia*, integrity and reputational risks.

11. Participants also emphasized the need to enhance **consistency** and **efficiency** in the delivery of justice. In this context, some noted the usefulness of information and communication technologies, including **integrated electronic case management systems** to enhance judicial performance, provide relevant statistics and data, ensure the timely delivery of justice, and prevent undue prioritisation and delays.
12. Participants agreed that measures designed to **uphold and promote integrity** in the court system would need to include **court personnel** as they present the first line of contact for court users and significantly contribute to the work of the justice system and the shaping of the public image of the court.
13. Participants agreed on the importance of establishing mechanisms for both the **internal and external oversight** of the justice system. In this context participants from the non-governmental sector highlighted the role of the **media and civil society** in holding judicial authorities to account as well as the challenges they face in performing their external oversight role over the judiciary. Participants encouraged **transparency in the delivery of justice** and reasonable public access to information pertaining to judicial proceedings in order to facilitate public oversight.

Concrete proposals for follow up actions:

14. Participants requested the organisers to **make this Communiqué available** to the ASEAN Secretariat and members of the ASEAN Intergovernmental Commission on Human Rights (AICHR), and all judiciaries in the region.
15. Participants requested the Judicial Integrity Group **establish an e-mail network** to permit the continuation of the dialogue commenced among participants at this workshop and for ongoing distribution of information amongst the participants.
16. Participants encouraged the continuing **translation** of the Bangalore Principles as well as its *Commentary* and the *Measures for the Effective Implementation of the Bangalore Principles* into regional languages and the **dissemination** of the same to members of their judiciaries.
17. Participants called upon the UNDP and UNODC to undertake missions to countries undergoing major transition in the region, upon request, to explore jointly with the judiciary and other justice sector stakeholders on possible **technical assistance** that could be provided with a view to strengthening judicial integrity.
18. Participants acknowledged the efforts of other organisations present, such as the Asia Pacific Judicial Reform Forum, the Konrad Adenauer Stiftung and bilateral development partners, and called upon them to further **advance the dialogue** on strengthening judicial integrity within the context of their respective activities.

Participants expressed their gratitude to the Supreme Court and the Judicial Commission of the Republic of Indonesia for hosting the workshop as well as to the Federal Ministry for Economic Cooperation and Development of Germany, the United Nations Development Programme and the United Nations Office on Drugs and Crime. Participants further noted with appreciation the contributions of the chairpersons and presenters and thanked in particular the members of the Judicial Integrity Group for their contribution.

Jakarta, Indonesia, 27 January 2012