

Short WORKSHOP REPORT FORM

Number and title of workshop: WS 1.8 Facilitating Integrity in the Judiciary

Coordinator: Johanna Wysluch, GTZ

Date and time of workshop: Friday, 12 November 2010, 17:30 – 19:30

Moderator: Dr. Nihal Jayawickrama, Coordinator, Judicial Integrity Group (JIG)

Rapporteur: Anselme Sadiki, UNDP Southern Sudan

Panellists

1. Eduard Westreicher: Alternative Executive Director for Austria, Germany, Luxembourg, Turkey and the United Kingdom at the Asian Development Bank
2. Judge Michael Kirby, Rapporteur of JIG and Judge of the High Court of Australia (retd)
3. Prof. Dr. Komariah Sapardjaja, Judge of the Supreme Court, Republic of Indonesia
4. Judge Horst Schoenbohm, German Judge
5. Judge Besarion Alavidze, Judge of Administrative Chamber in Tbilisi Court of Appeal
6. Prof. Dr. Rudolf Mellinghoff, Judge of the Constitutional Court of Germany, and President of the German Section of the International Commission of Jurists

Main Issues Covered

1. Implementation and use of the Bangalore Principles and its Implementation Measures as guidelines in the judicial reform process.
2. Adoption of the Bangalore Principles by all national judiciaries.
3. Finding a home for the Judiciary Integrity Group.

Main Outcomes

1. Adoption of the Bangalore Principles as a guideline or benchmark by judiciaries of more than 50 countries to regulate their conduct
2. Endorsement of the Bangalore Principles and the Commentary by ECOSOC in 2006/2007 – Resolution made by representatives of the governments themselves
3. Legitimacy of the Bangalore Principles derives from the fact that the document has been drafted by judges based on their own experience and is to be utilized by judges without the intervention of the executive or the legislative branches of the government
4. Other products developed by the JIG, namely, the Commentary on the Bangalore Principles and the Measures for the Effective implementation of the Bangalore

Principles address both judiciary and government and give answers to judicial reform based questions.

Main Outputs

1. Reports on the integration and incorporation of the Bangalore Principles in the judiciary systems in Indonesia, Georgia and Latin America.
2. Importance of disseminating the products of the JIG
3. Use of the Bangalore Principles, the Commentary and the Implementation Measures to strengthen the integrity of the judiciary and to ensure the effective, inexpensive, transparent and expeditious delivery of justice.

Recommendations, Follow-up Actions

Implementation measures:

1. Establishment of ethics review committees
2. Transparency in the exercise of judicial power
3. The values set out in the Bangalore Principles should be taken into account in the appointment of judges
4. Training of judiciary
5. State should give consideration to ensure that judges are adequately remunerated.
6. It is the duty of both the judiciary and the state to ensure that the Bangalore Principles are implemented
7. Global adoption of the Bangalore Principles
8. Use of modern technologies in the implementation of the Bangalore Principles
9. Use of the commentary and measures for effective implementation

Workshop Highlights (including interesting quotes)

1. Integration and adoption of the Bangalore Principles Guideline in Indonesia and Georgia
2. Quotes:

“Judges don’t come from the sky like angels”
“Corruption is not only fought by punishment but also by infrastructure of the judiciary”