

## BUILDING INTEGRITY AND COMBATING CORRUPTION IN COMMONWEALTH JUDICIARIES – AN UPDATE

Paper by the Commonwealth Secretariat

### Introduction

1. Law Ministers will recall that at their meeting in St Vincent and the Grenadines in 2002, they considered the conclusions and recommendations contained in the report of the Commonwealth Judicial Colloquium on Combating Corruption within the Judiciary which was held in Limassol, Cyprus in June 2002.
2. Law Ministers will further recall that the Colloquium conclusions and recommendations cover a range of subjects and areas but those of importance are:

#### The Colloquium:

- i. recommends the adoption of guidelines on judicial ethics as a means of underpinning the integrity of the judiciary and promoting better public awareness of the requisite ethical standards. Such guidelines should be formulated by judicial officers and kept under constant review by them. Judicial officers should take responsibility for ensuring compliance with those guidelines;
  - ii. urges all national and international legal professional organisations within the Commonwealth to promote anti-corruption programmes for the legal profession;
  - iii. encourages the formulation of national strategies aimed at eliminating conflicts in interest and corrupt practices within the judiciary;
  - iv. recognising that transparency assists in combating corruption, encourages judicial officers and their court staff to foster greater public awareness of the court's operations, role and functions;
  - v. place on record its support in principle for the Latimer House Guidelines and their footnotes as they relate to the judiciary; and
  - vi. notes that traditional or customary courts and other tribunals recognised in some national constitutions make a positive contribution to the administration of justice. The public that is served by such bodies should continue to expect and receive fair and just resolution of their disputes.
3. The Colloquium also expressed the view that in considering action within courts:
    - vii. judicial training programmes should be available and should include training on ethical and corruption issues. For newly appointed judicial officers the practice of mentoring should be encouraged; and
    - viii. there should be greater interaction between judicial officers at all levels nationally, regionally, and internationally in order to promote the best judicial practice.

## Activities

4. In furtherance of the Limassol Conclusions, the Commonwealth Secretariat by its Legal and Constitutional Affairs Division and the Commonwealth Magistrates and Judges Association conducted a workshop on Judicial Ethics and Anti-Corruption in June 2003 for judicial trainers in the Caribbean. Amongst the recommendations of the workshop are that appointments to the magistracy and terms and conditions of service for magistrates should be made by a body that is independent of the executive branch of the government. They also recommended that magistrates had a duty to be accountable to the public they serve, and each individual magistrate is responsible for upholding high ethical standards. Participants recognised that support staff have a vital role to play in the smooth running of the administration of justice and greater attention should be given to the training needs of support staff.
5. Taking a holistic approach to the legal sector, a workshop for the judiciary, the legal profession, and court staff in Zanzibar was conducted in June 2004 on Integrity in the Courts. In this workshop it was emphasised that the terms and conditions of service needed to be improved both for the judiciary and the court staff in order to smooth and prevent them falling into temptations which might compromise their integrity in the administration of justice.
6. Also in June 2004, a workshop was held in Mauritius on Combating Corruption and Enhancing the Integrity of the Judiciaries of the SADC region. Besides dealing with substantive issues relating to judicial independence, codes of conduct and separation of powers, the workshop discussed practical issues such as challenges in presiding over corruption cases, the importance of mentoring for newly appointed judicial officers and the training of judicial mentors, delay and time management and judgment writing.
7. Questionnaires have been developed to canvass information from countries on issues such as integrity of the court, institutional capabilities and vulnerabilities, continuing judicial education, transparency and accountability. A survey instrument is being developed on the terms and conditions of service for Judges.
8. Needs assessment missions on the judiciary and the legal sector have been carried out in a number of countries.
9. Future activities revolve around specific requests from countries for building capacity for the judiciary.