

UNDP Judicial Integrity Network in ASEAN (“JIN ASEAN”)

Evolving Justice: ASEAN Judges Conference

5-6 October 2023 Bangkok

SESSION OUTLINE

Session 4: Striking the balance between independence and accountability within judicial systems

14:30-15:30 Bangkok time, 5 October 2023

Background

Goal 16 of the Agenda 2030 for Sustainable Development focuses on Peace, Justice and Strong Institutions and includes targets to ensure effective, accountable and transparent institutions along with access to justice for all. Further, the United Nations Convention Against Corruption (UNCAC) binds States to take measures to strengthen integrity and prevent corruption among members of the judiciary¹.

The judiciaries in ASEAN have a great responsibility in driving progress towards the achievement of the sustainable development goals in the region. Judicial integrity and court excellence are a means to ensure that all citizens have equal access to transparent and effective justice. A strong and independent judiciary catalyses sustainable growth and lifts people out of poverty, contributing to fairer, just and peaceful societies.

Aligned with these global goals, and with the support of the Bureau of International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State, the UNDP Bangkok Regional Hub convened the inception meeting of the [Judicial Integrity Network in ASEAN](#), *a Network for Judges by Judges*, in 2018. The initiative was designed to support countries in pursuing judicial reforms, focusing particularly on transparency, accountability, integrity, accessibility and court excellence. This group aims to strengthen a forum for networking, peer-to-peer exchange, and collaboration among ASEAN judges interested in exchanging knowledge and seeking solutions related to court excellence.

In 2019, the Supreme Court of Indonesia and UNDP hosted the Second Network Meeting, “[The Path towards judicial excellence](#)”, where the [Judicial Integrity Self-assessment Checklist](#) developed by UNDP in consultation with the International Consortium for Court Excellence (ICCE), was presented as a tool for courts to readily identify measures for improving judicial integrity.

In 2021-2023, JIN ASEAN supported the implementation of country-specific initiatives in [Indonesia](#), [Thailand](#), [Lao PDR](#) and [Vietnam](#), gathered judiciaries for online and in-person [events](#), and published three research projects: [Gender and Judicial Excellence](#), [Emerging Technologies and Judicial Integrity](#) and [Empowering Judiciaries to Bring ROLHR Leadership to Decisions about Court Technology](#).

Objectives of the event

¹ Article 11 of the UNCAC: 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 event aims to achieve the following objectives:

- Facilitate the exchange of experiences and lessons learned among judges and legal professionals to enhance judicial excellence and integrity.
- Share the results of the regional and country-led efforts to improve court performance, enhance transparency, integrity and accountability and achieve internationally accepted standards of judicial excellence.
- Discuss the benefits of the International Framework for Court Excellence and particularly the e-version of the Integrity Checklist as a tool for guiding judicial reform
- Reflect on how innovation and technologies can be instrumental in improving court performance, including access to justice, transparency and accountability of the courts.
- Present the results of the regional survey on judicial integrity and independence.
- Discuss future priorities for the Network and ways to ensure its impact and sustainability.
- Strengthen regional cooperation and collaboration among judiciaries and legal institutions for a more cohesive and effective response to regional and global challenges.

Session Description

This session examines the different judicial systems and will provide an opportunity for discussion on the possible challenges and solutions for safeguarding judicial independence while ensuring transparency, accountability and upholding the rule of law.

Session Objectives

The key objectives of this session are to:

- Understand the different systems for striking a balance between independence and accountability in ASEAN member states and globally.
- Identify the challenges and solutions for safeguarding judicial independence while ensuring transparency and upholding the rule of law.
- Provide recommendations on strategies for strengthening judicial independence and accountability in ASEAN

Format

Question 1

What are some of the common challenges to judicial independence and accountability?

Question 2

How can judiciaries in ASEAN strengthen their independence and accountability?

Question 3

What role can civil society play in safeguarding judicial independence and accountability in ASEAN?

Question 4

What can ASEAN countries learn from other jurisdictions about strengthening judicial independence and accountability?

Speakers and Panellists

Panellists:

- Dr. Noppadon Detsomboonrut, Faculty of Law, Thammasat University
- Srirak Plipat, Asia Pacific Regional Director, World Justice Project
- Judge Filipe César Marques, former President of the European Magistrates for Democracy and Liberties, Portugal (virtually)

Moderator: Diana Torres, Assistant Resident Representative and Head of Governance and Participation, UNDP Viet Nam

Detail Agenda

The session will consist of presentations from experts on judicial independence and accountability in ASEAN, followed by a Q&A session.

Speakers Profiles



Dr. Noppadon Detsomboonrut currently serves as an assistant professor of law at Thammasat University, Thailand. He holds degrees from Chulalongkorn University (LLB (1st Hons)), Thammasat University (LLM), University of Cambridge (LLM (Upper 2nd Hons)) and University of Edinburgh (PhD). His doctoral thesis, titled "International Law as a Constitutionalized Legal System," presents a forward-looking perspective on the future of international law, envisioning it as a constitutionalized legal system grounded in the principles of global constitutionalism. Dr. Detsomboonrut imparts knowledge through a diverse array of courses and has authored a number of publications in the areas of international law and public law. In 2022, Noppadon published a monograph titled "Fundamental Rules and Principles of Treaty Interpretation".



Dr. Srirak Plipat, the Asia Pacific Regional Director of the World Justice Project, brings over 20 years of expertise in international law and governance. In his prior role as Executive Director of Freemuse, he championed human rights in over 20 countries by advocating for policy reforms. Serving as Transparency International's Asia Pacific Director, he focused on anti-corruption measures and accountable governance, expanding TI's reach to countries like Afghanistan, Bhutan, East Timor, and Myanmar. At Amnesty International, Dr. Plipat oversaw movement building, engagement strategies, and human rights education in 15+ countries. He holds a PhD in Public and International Affairs from the University of Pittsburgh and degrees from Thamassat University, Thailand.



Filipe César Marques is a Judge in Portugal, currently (since 2021) at the Court of Auditors, in Lisbon. Between 2017 and 2022, he was president of MEDEL - *Magistrats Européens pour la Démocratie et les Libertés*, a European NGO gathering 25 associations of judges and prosecutors coming from 17 European countries, representing more than 18.000 magistrates. He has worked as an expert for the Council of Europe and in European Union projects and was appointed by the Portuguese Ministry of Foreign Affairs to join the list of experts of the OSCE's Moscow Mechanism. He has been a speaker at several conferences and has authored or co-authored articles in various national and international publications, mainly on the need to preserve the independence of the Judiciary.