



Judicial Excellence to ensure *Justice for All*: The Judicial Integrity Network in ASEAN

Phase 2 of the UNDP regional initiative supported by INL

1 OVERVIEW

Project title:	Judicial Excellence to ensure <i>Justice for All</i> : Judicial Integrity Network in ASEAN ¹
Implementing Agency:	United Nations Development Program (UNDP)
Estimated budget:	USD 200,000
Implementation period:	2 years (Oct 2019 – Sep 2021)
Beneficiary countries:	Lao PDR, Indonesia, Malaysia, Myanmar, Philippines, Thailand, Vietnam. Government counterparts involved in the initiative include institutions such as Supreme Courts, Federal Courts, Offices of the Chief Justices and National Judicial Academies
Partners:	The initiative is expected to benefit from the cooperation with key partners such as: <ul style="list-style-type: none"> the International Consortium on Court Excellence (ICCE), developers of the <i>International Framework for Court Excellence</i> the Global Judicial Integrity Network set up by UNODC in 2018 and will seek to establish new partnerships with relevant regional bodies such as e.g. the Council of ASEAN Chief Justices (CACJ) The United States will be a key stakeholder in the initiative, not only through funding support through the Bureau of International Narcotics and Law Enforcement Affairs (INL) but also by lending technical expertise, for example through the National Centre for State Court – NCSC, which is an Executive Committee member of the International Consortium for Court Excellence, together with the Federal Judicial Center (FJC), the Australasian Institute of Judicial Administration (AIJA), and the State Courts of Singapore.
Objectives:	1. Supporting the further development and strengthening of the “Judicial Integrity Network in ASEAN” (the Network) as a means for sharing knowledge, good practices and tools to enhance judicial integrity, transparency and other aspects of court excellence which will build public trust. This will include expanding its membership and exploring the potential for cooperation with relevant global and regional bodies such as the <i>Global Judicial integrity Network</i> and the <i>Council of ASEAN Chief Justices</i> .

¹ During Phase 1, the project was named “Judicial Integrity Champions in APEC”. In the course of project implementation and specifically during the latest Network Meeting in March 2019, members of the Network unanimously decided to change the name of the network into “Judicial Integrity Network in ASEAN”.



	<p>2. Supporting courts in the target countries to enhance judicial integrity, transparency and court excellence, through self-assessments facilitated by peers and expert members of the Network, using the <i>International Framework for Court Excellence and Judicial Integrity Checklist</i>. This will be done specifically through:</p> <ul style="list-style-type: none"> • Providing technical assistance to interested courts in undertaking the self-assessments • Supporting the development of “improvement action plans” to address findings from the self-assessments • Supporting the implementation of relevant commitments in the action plan
<p>Contribution to Outcome and Outputs of Regional Programme Document (RPD) 2018-2021 and UNDP Strategic Plan 2018-2021:</p>	<p>OUTCOME 2: Accelerate structural transformations for sustainable development</p> <ul style="list-style-type: none"> • National, local and urban governance institutions are transparent and accountable for equitable access to services (Output 2.2 RPD and Output 2.2.2 UNDP Strategic Plan) • Institutions, networks and non-state actors strengthened to promote inclusion, access to justice, and protect human rights (Output 2.3 RPD and Output 2.2.3 UNDP Strategic Plan)

2 BACKGROUND

The *2030 Agenda for Sustainable Development* emphasises the critical role of a well-functioning justice system for sustainable development, particularly through *Sustainable Development Goal 16 on Peaceful, Just and Inclusive Societies*, which include targets such as ensuring equal access to justice for all, reducing corruption and bribery, ensuring access to information, and building effective, accountable and inclusive institutions at all levels. Goal 16 is seen as an “enabler” goal (SDG 16+), as peace, justice and strong institutions are all fundamental elements for accelerating progress towards other SDGs and guaranteeing that no one is left behind.

Judiciaries which uphold high standards of integrity and enjoy public trust are the cornerstone for ensuring equal access to *justice for all*; they are essential to the fight against corruption and to ensuring accountability. Accordingly, in 2018 UNDP, with support from the US Bureau of International Narcotics and Law Enforcement Affairs, has **launched the “Judicial Integrity Champions” Network**, in partnership with the judiciaries of Indonesia, Malaysia, Philippines and Thailand, aiming at fostering transparency, promoting integrity and increasing public trust through exchange of good practices and peer-to-peer learning.

In the period of implementation 2017-2019 the project achieved encouraging results:

- The Judicial Integrity Network was established, with initial participation of Indonesia, Malaysia, Philippines and Thailand, and addition, in 2019, of Vietnam. During the second network meeting in March 2019 members of the network reiterated their interest in the network activities, proposing ways to increase



national ownership (i.e. rotating secretariat) and indicating some areas² where they would like the network to offer further capacity building

- In response to the need of guidance identified by the network, UNDP and the International Consortium for Court Excellence produced the *Judicial Integrity Checklist* (available [here](#)³), a tool specifically designed to complement the *International Framework for Court Excellence* (IFCE), to support judiciaries in taking active steps to promote transparency, integrity and accountability within their courts, as part of the broader quality management systems.
- The tool was piloted in Malaysia and the experience was shared with the members of the network, to reflect on the benefits of its implementation, as well as to identify areas for improvement both in the tool per se and in the process of implementing it. Following the conclusion for the self-assessment, UNDP is providing technical assistance to implement the recommendations resulting from it.

Building on these results, in the next phase of the project, UNDP aims at exploring the opportunities for other judiciaries to join the network (for example Lao PDR and Myanmar); seeking to strengthen cooperation with global and regional relevant bodies (such as the Global Judicial Integrity Network and Council of ASEAN Chief Justices) to ensure sustainability to the network and improve the capacity building offer; providing technical assistance through the network on a variety of areas related to judicial integrity, transparency and court excellence.

3 BENEFICIARIES AND PARTNERS

The main beneficiaries of the project are members of the judiciary from ASEAN countries, with an interest in pursuing court excellence by advancing the agenda of judicial integrity.

Since its inception, the project targeted as beneficiary countries Indonesia, Malaysia, Philippines, and Thailand. All these countries are:

- ASEAN members;
- lower or middle-income developing countries;
- interested in taking steps to promote judicial integrity;

In the course of the first phase of implementation of the project, in 2019, Vietnam representatives joined the network and took part in the initiative.

Through this second phase, the initiative “Judicial Excellence to ensure *Justice for All*: Judicial Integrity Network in ASEAN”, has the ambition of exploring the potential interest of more ASEAN countries to join the initiative – such as Myanmar and Lao PDR.

Despite ASEAN Member States’ diversity and different level of development, they have committed through the ASEAN 2025 Blueprint to build and strengthen transparent and accountable institutions, promoting the principles of good governance, adherence to the rule of law and respect and protection of human rights.

Members of the judiciaries value opportunities to discuss and exchange views on common issues they face, particularly with colleagues from other ASEAN judiciaries. As a platform to promote dialogue, exchange good practices, share lessons learned and pilot new tools, the *Regional Judicial Integrity Network in ASEAN* promotes

² As indicated in the [Network Meeting Report](#) (page 15): transparency and its limits (for instance court openness to media); ii) accountability vs. immunity/independence of judges; (iii) the role of automation and mediation.

³ The checklist is published as a “draft”, because we are still pilot-testing it, therefore, in the course of the process, we are eager to learn and adapt, and some parts may change.



judicial cooperation and collaboration to enhance court excellence through judicial integrity, which has an impact on the overall socio-economic growth and development of ASEAN.

In this second phase, following the recommendations from Members at the second network meeting, the initiative will seek opportunities to strengthen and institutionalize the network, for example exploring collaboration with ASEAN bodies such as the Council of ASEAN Chief Justices (CACJ) and the ASEAN Intergovernmental Commission on Human Rights (AICHR).

While the focus of the initiative is on the judiciaries from the beneficiary countries, it is expected to benefit from the cooperation with representatives of other countries (such as Australia, Singapore, USA, Europe, Japan...), who can lend technical expertise, serve as resource persons and high-profile experts/judges to be involved in the network activities, such as members of the International Consortium for Court Excellence, with whom we cooperated during phase 1 to develop the *Judicial Integrity Checklist*, and to pilot test the tool in Malaysia, and members of the *Global Judicial Integrity Network* launched by UNODC in 2019.

Finally, the initiative will look for opportunities to involve a growing number of women judges and experts in the network, as well as bring the topic of gender balance and gender inclusion as a way to positively affect judicial integrity, openness and fairness of the courts.

4 OBJECTIVES, OUTCOME AND OUTPUTS

With the project “Judicial Excellence to ensure *Justice for All*: Judicial Integrity Network in ASEAN”, UNDP will contribute to the achievement of the Goal 16 of the 2030 Agenda for Sustainable Development: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.

The initiative will contribute to the outcome of enhanced public trust in judicial institutions in ASEAN.

This project contributes to achievement of Outcome 2 of the Regional Programme and UNDP Strategic Plan 2018-2021: “Accelerate structural transformations for sustainable development”, and Outputs 2.2 “National, local and urban governance institutions are transparent and accountable for equitable access to services” and 2.3 “Institutions, networks and non-state actors strengthened to promote inclusion, access to justice, and protect human rights”

The two main objectives of the second phase of the project are:

1. **Supporting the strengthening and institutionalization of the Network in ASEAN** as a means for sharing knowledge, good practices and tools to enhance judicial integrity, transparency and other aspects of court excellence which will build public trust. This will include expanding the network’s membership, responding to the needs of the members by supporting relevant research projects and knowledge exchange opportunities, exploring the potential for cooperation with relevant global and regional bodies such as the Global Judicial integrity Network and the Council of ASEAN Chief Justices.
2. **Supporting courts in the beneficiary countries** to enhance judicial integrity, transparency and court excellence, through self-assessments facilitated by peers and expert members of the Network, using the International Framework for Court Excellence and Judicial Integrity Checklist. This will be done specifically through:
 - Providing technical assistance to interested courts in undertaking the self-assessments



- Supporting the development of “improvement action plans” to address findings from the self-assessments
- Supporting the implementation of relevant commitments in the action plan

In line with the objectives mentioned above, the project will be delivered over a period of two years through two main outputs, each of them divided into sub-outputs, as described below.

Output 1. Judicial Integrity Network in ASEAN strengthened and institutionalized

1.1 Organization of network meetings; support participation of members of the network in other relevant global and international networks and fora to promote mutual learning and knowledge sharing; support relevant research projects responding to the members’ needs

Based on the experience of the first phase, members of the network benefit from the opportunity to participate to at least one network meeting per year (indicatively in Q1-Q2 of each year), where good practices can be shared, specific themes can be analysed, lessons learned on the application of particular tools can be discussed and network activities proposed. Yearly network meetings are useful to create and reinforce a sense of community, enhance trust among members and thus promote opportunities for peer support.

UNDP will also encourage and support the participation of representatives of the network in other significant global and regional fora, such the ones organized by the Global Judicial Integrity Network. This will be important to disseminate good practices and lessons learned from members of the network, build their capacities, strengthen opportunities for international cooperation.

In the course of the last Network meeting, members suggested also possible topics for further analysis: i) transparency and its limits (for instance the engagement of judiciaries with media including social media); ii) accountability vs. immunity/independence of judges; (iii) the role of automation and mediation. UNDP will support research activities as needed and can coordinate the production of relevant studies or discussion papers.

1.2 Support member judiciaries to take on leading functions in the secretariat of the network, on a rotating basis (interested courts can be identified through calls for expression of interest)

As advised by network members during the latest network meeting, UNDP will provide technical and financial support, during this second phase, to the court in the region that will express its interest in undertaking the function of secretariat of the network. The rotating Secretariat will respond to queries within the network, document best practices, facilitate South-South exchange between members, organize the annual network meeting and synthesize highlights to contribute to the Global Judicial Integrity Networks and other international and regional fora. As such, countries will build their own institutional capacity and foster a sense of ownership across the various levels of the judiciary.

1.3 Explore cooperation with ASEAN regional bodies, such as CACJ, to institutionalize the network

As advised by network members during the latest network meeting, UNDP will explore synergies with ASEAN regional bodies, such as the Council of ASEAN Chief Justices or the ASEAN Intergovernmental Commission on Human Rights (AICHR), to promote knowledge sharing among countries and to encourage more jurisdictions to become pilot sites for the Judicial Integrity Self-Assessment Checklist (used together with the IFCE). Expanding cooperation with regional bodies can lead to an institutionalization of the network and enhance its sustainability over time.

Output 2. Capacity of the judiciaries strengthened on integrity, transparency and other aspects of court excellence leading to increased public trust



2.1 Conduct self-assessment in interested courts, using the IFCE and integrity checklist tools

UNDP, in partnership with the International Consortium for Court Excellence, will share information on the IFCE Self-assessment and Judicial Integrity Checklist, as well as provide practical support to interested courts in the region to undertake it. The process may take on average 3-6 months. It will be important to establish a trusted relationship with the courts, gain their full support and interest in the successful completion of the self-assessment, managing the risk of being perceived as an external “evaluator” or “auditor”. Past experience suggest that the process of involving stakeholders at all levels of the institutions is key to provide a comprehensive picture of the status of the institution. It is also key to share adequate information on the process and objectives of the self-assessment, which needs to be presented as a tool for improvement, and not as an assessment where it is required to achieve top scores.

2.2 Support the development of improvement action plans based on the results of the self-assessment

UNDP will provide support to courts that have conducted the self-assessment of their institution to develop an “improvement action plan” to address the recommendations resulting from the self-assessment. This plan is more likely to succeed if it is fruit of extensive and inclusive consultations with several stakeholders, as well as priorities and sequential actions are identified.

2.3 Support the implementation of relevant commitments in the action plan

Once the improvement action plan is approved, UNDP will provide support to the implementation of selected activities, more closely related to judicial integrity, access to justice and communication.

5 TIMELINE, RISKS AND INDICATIVE BUDGET

The period of performance (POP) of the project “Judicial Excellence to ensure *Justice for All*: Judicial Integrity Network in ASEAN” is from October 2019 to September 2021 (24 months).

The experience during phase 1 of the project shows that even with limited amount of funds, it is possible to build momentum in ASEAN region on judicial integrity and court excellence. It is important to balance the creation of opportunities for dialogues and knowledge exchange with hands-on support to courts reform efforts.

The pilot UNDP supported in Malaysia has attracted international attention, and more courts are requesting information, even outside the region, on the tools piloted.

The main risk lies in Output 2, which focuses on in-country support. Indeed UNDP will need full commitment from the court leadership in order to support the courts to undertake the self-assessments, develop improvement action plans and implement them. The timeline of the assessments and related activities may therefore shift based on the courts’ needs and priorities.

UNDP will distribute the 200,000 USD provided by INL between the two outputs of the initiative.

The *Judicial Integrity Network in ASEAN* will also benefit from financial support from the UK, Foreign Commonwealth Office, through the project “Promoting a fair business environment in ASEAN”.



Relevant RPD Outcome: 2 - Relevant RPD Output: 2.2 and 2.3	
Relevant RPD Indicator: 2.2.1 Number of countries supported to develop or update preventive anti-corruption policies, plans or strategies	
Outcome: enhanced public trust in judicial institutions in ASEAN	
Outputs	Indicative budget
1. Judicial Integrity Network in ASEAN strengthened and institutionalized	115,800 USD
1.1 Organize network meetings; support participation of members of the network in other relevant global and international networks and for a to promote mutual learning and knowledge sharing	
1.2 Support members judiciaries to take on leading functions in the secretariat of the network, on a rotating basis (interested courts to be identified through calls for expression of interest)	
1.3 Explore cooperation with ASEAN regional bodies, such as CACJ, to institutionalize the network	
2. Capacity of the judiciaries strengthened on integrity, transparency and other aspects of court excellence leading to increased public trust	52,550 USD
2.1 Conduct self-assessment in interested courts, using the IFCE and integrity checklist tools	
2.2 Support the development of improvement action plans based on the results of the self-assessment	
2.3 Support the implementation of relevant commitments in the action plan	
Total Outputs 1+2	168,350 USD
Project support management (approx. 10%)	16,835 USD
GMS 8%	14,815 USD
Total Project Budget	200,000 USD

A detailed multi-year workplan and budget plan is attached separately.

6 PROJECT MANAGEMENT ARRANGEMENTS

The initiative is designed as part of *UNDP Global Programme on Strengthening the Rule of Law and the Human rights to Sustain Peace and Foster Development*. As for the first phase of the initiative, it will be managed by the UNDP Bangkok Regional Hub (BRH), which is UNDP’s regional Centre for Asia and the Pacific.

UNDP BRH will provide in-country and remote technical support for the implementation of the outputs of the project, and will be responsible for monitoring and reporting.

The UNDP regional team directly supporting this project will include: UNDP’s regional Programme Advisor on Access to Justice and Human Rights, a Programme Specialist and a Programme Assistant, providing respectively advisory and technical support, project management and coordination, communication and administrative support.

The regional project “Judicial Excellence to ensure *Justice for All*: Judicial Integrity Network in ASEAN” will also benefit from UNDP’s architecture, including policy support and access to global networks, knowledge and experiences through the global team on Rule of Law, Justice, Human Rights and Security (which has identified judicial integrity as a strategic area for engagement), as well as the global team on anti-corruption, transparency and accountability, together with in-country presence and existing relationships at the national level with Supreme



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Courts, Office of Chief Justices and other judicial institutions. The UNDP Country Offices will play a key role the national level for ensuring smooth operationalization of Output 2, which focuses on providing direct support to the courts who request assistance.

The regional project will also continue to cooperate closely with the Global Judicial Integrity Network established by UNODC.

The project will benefit from the technical guidance of the Advisory Committee that was set up during the first phase, which brings together high-profile judges and experts in the area of judicial integrity as well as selected partners. International experts can be hired, if necessary, to provide technical advice, provide recommendations as well as help conduct the self-assessments in the courts, as well as assist courts in the target countries to develop and implement improvement action plans.