



Judicial Integrity Champions in APEC


Project document

1 OVERVIEW

Project title:	Judicial Integrity Champions in APEC
Implementing Agency:	United Nations Development Program (UNDP)
Estimated budget:	USD 200,000
Implementation period:	2 years (Sep 2017 – Aug 2019)
Countries covered:	Beneficiary countries: Indonesia, Malaysia, Philippines, and Thailand. The United States will be a key stakeholder in the initiative, not only through funding support but also by lending technical expertise. Other selected APEC members in the Asia-Pacific will be invited to share their expertise on a pro-bono basis (such as Australia, Japan, and Singapore).
Implementing Partners	Government counterparts: Supreme Court and National Judicial Academy Development partners: International Consortium on Court Excellence, UNODC, International Commission of Jurists (ICJ), US Bureau of International Narcotics and Law Enforcement Affairs (INL)
Objectives	<ol style="list-style-type: none"> 1. Launch a network of judicial integrity champions in APEC that support each other in their reforms through peer learning, both at regional and national levels 2. Create ownership by the Courts of a methodology for self-assessment of judicial integrity and performance that identifies capacity gaps 3. Pilot the methodology in at least one country in the region, with a Court in the region undertaking a self-assessment of judicial integrity and developing a capacity development plan on that basis

2 BACKGROUND AND RATIONALE

Corrupt judicial systems are a major **impediment to ensuring access to justice for ordinary citizens**. In Asia and the Pacific one out of four people on average reported paying a bribe to the courts within the preceding 12 months, according to the TI's Global Corruption Barometer 2016¹:

SERVICE USERS WHO SAID
THAT THEY HAD PAID A BRIBE  23%

The recently approved 2030 Agenda for Sustainable Development, at the core of which are the Sustainable Development Goals (SDGs), includes for the first time a **Goal on Peace, Justice and Strong Institutions (SDG 16)** with targets on reducing corruption and delivering justice for all. SDG 16 highlights that corruption is a stumbling block for peace, justice and security within the 2030 Agenda for Sustainable Development.

The judiciary is the ultimate guardian of security and the rule of law. When corruption occurs in the judiciary, it undermines the very principles of fairness, due process of law and accountability, weakens the legitimacy of institutions and triggers insecurity. Therefore it is essential that the judiciary leads by example when it comes to integrity.

To strengthen law enforcement and tackle the corruption-security nexus judiciaries should **champion integrity as part of their judicial reforms**. So far, international efforts in the area of judicial integrity have focused primarily on capacity development, for example through development of judicial integrity codes and training curricula based on the Bangalore Principles of Judicial Conduct.

While these efforts are commendable, there is growing recognition that, in order to be effective, **judicial integrity standards need to be anchored in broader judicial performance frameworks**. This requires not only that the Courts develop judicial integrity codes, but also that the conditions for their implementation are in place – in terms of drivers (court management and leadership), systems (policies, resources, court proceedings) – and that results are monitored (affordable and accessible court services; users' satisfaction). Otherwise, experience shows judicial integrity standards are not translated into practice.

3 UNDP EXPERIENCE AND CURRENT SUPPORT

UNDP has a **long-standing experience spearheading rule-of-law projects on the ground** to improve access to justice, strengthen the rule of law as well as security. With its in-country presence in 24 countries in Asia and the Pacific UNDP has been able to engage with judiciaries on sensitive issues, including judicial integrity. UNDP has expertise both at country-level and regional level, with Chief Technical Advisors embedded in Supreme Courts at country level, rule-of-law officers in UNDP country offices, as well as advisors in the area of anti-corruption and rule of law at the regional level facilitating the exchange of knowledge at the regional level and providing technical backstopping.

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https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer



In Asia and the Pacific UNDP is **currently supporting Supreme Courts in the area of judicial integrity in Indonesia, Myanmar and Nepal**. In [Indonesia](#) UNDP is partnering with the EU to support the Supreme Court in four sectors of intervention: 1) Supervision and oversight through monitoring of asset declarations of judges and development of a public complaint mechanism within the court 2) Capacity building via the Judicial Academy, 3) Human resource management and organization and, 4) Transparency of judicial decisions² (uploading of judicial decisions on accessible website) and an internal case tracking system. In [Myanmar](#) UNDP supported, together with ICJ and UNODC, the development of a code of judicial ethics for the Office of the Supreme Court of the Union (OSCU) and is now developing a training manual on the code. In [Nepal](#) UNDP prioritized judicial integrity as one of the pillars of its rule of law project, and supported a self-assessment of judicial integrity by the Supreme Court³.

In 2016 UNDP Bangkok Regional Hub, in cooperation with the global rule-of-law team, conducted a **global review of its rule-of-law programs that prioritize judicial integrity**. The report [A Transparent and Accountable Judiciary to Deliver Justice for All](#) mapped out elements of good practice in judicial integrity reforms from 11 countries around the globe. In addition, the findings from the review highlighted judicial reforms are most effective when:

- Judicial integrity standards (e.g. codes of judicial ethics) are anchored in broader *judicial performance and accountability frameworks*;
- The Courts have *ownership* of the reforms - in particular assessments are most useful when they are carried out by courts while international experts facilitate the process; and
- *Peer learning* amongst judges goes a long way in facilitating the reform process, especially when learning from those who have carried out reforms successfully⁴.

Building on these findings, UNDP Bangkok Regional Hub has held national, regional and international [workshops](#) to foster **exchanges amongst peer judges on judicial integrity reforms** in the last two years, in cooperation with UNODC, ICJ, as well as Transparency International. In addition, UNDP involved high-caliber judges - such as previous members of the Judicial Integrity Group - in national reform efforts of other countries so that they can directly advise the reform process.

Direct peer to peer learning amongst peer judges has proven to be invaluable to guide a reform process, building on international standards such as the *Implementation Measures of the Bangalore Principles of Judicial Conduct* and the *Evaluative Framework of Article 11 of the UN Convention against Corruption*. However, to be effective judicial integrity standards (e.g. codes of judicial integrity) should be **grounded into a judicial performance and accountability framework/reform strategy**.

² For additional information please refer to the case study on Indonesia at <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/a-transparent-and-accountable-judiciary-to-deliver-justice-for-a.html>

³ The judicial integrity self-assessment is currently on hold, because the first female Chief Justice in Nepal, who was spearheading the process, is being impeached. The reason for her impeachment is due to the fact she has taken a tough stance against corruption. See <http://www.aljazeera.com/news/2017/05/nepal-chief-justice-sushila-karki-suspended-170501124314347.html>

⁴ See blog at <https://globalanticorruptionblog.com/2016/04/14/guest-post-curbing-judicial-corruption-to-make-justice-for-all-a-reality/>



4 OBJECTIVES AND OUTCOMES

The objectives of the project “Judicial Integrity Champions in APEC” are:

1. **Launch a network of judicial integrity champions in APEC to provide mutual support in their judicial reforms through peer learning.** This network will foster exchange of experiences at the regional level amongst judges and other stakeholders such as association of judges. It will also facilitate direct advice of judges into reform processes at the national level, building on established partnerships in the region with organisations such as LawAsia⁵ or the Council of ASEAN Chief Justices, UNODC, the International Commission of Jurists, as well as selected civil society organizations active in the justice sector in the target countries for the project.
2. **Create ownership by the Courts of a methodology for self-assessment of judicial integrity and performance that identifies capacity gaps,** endorsed by the network. The self-assessment methodology will build on the methodology of the International Framework of the International Consortium on Court Excellence⁶ (the US is one of the founding members of the International Consortium on Court Excellence along with Australia and Singapore) as well as the Evaluative Framework of article 11 of the UN Convention against Corruption.
3. **Pilot the methodology in at least one country in the region,** with a Court undertaking a self-assessment of judicial integrity, receiving advice from peers and developing a capacity development plan on that basis. This process will benefit from peer learning and advice from another judge from another country participating in the network. To identify entry points for the self-assessment the project will leverage on the existence of UNDP’s rule-of-law projects in APEC countries in the region, in particular in the Philippines, Malaysia, Indonesia and Thailand.

With the project “Judicial Integrity Champions in APEC”, 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”. It is expected that the project will contribute to the following outcomes:

A. Chief Justices are empowered to promote integrity in judicial reforms through a network of Judicial Integrity Champions in APEC

B. Obstacles to judicial integrity reforms are alleviated through support from peer judges, including through e-discussions

C. Courts in the region champion the development of a self-assessment methodology on judicial integrity and performance

D. Courts prioritize judicial integrity as part of their judicial reform strategies

⁵ LawAsia regularly hosts the Conference of Chief Justices of Asia and the Pacific.

⁶ The self-assessment method assists courts in identifying capacity gaps in delivering justice to the people based on ten values: transparency, fairness, integrity, timeliness, independence, competence, impartiality, accessibility, certainty and equality before the law. The methodology enables to assess not only whether systems and drivers are in place, but also understand court user’s satisfaction.



E. Court users' experience and citizens' trust in the judiciary improve as a result of more effective and less corrupt court operations.

As a result of judicial reform strategies prioritizing integrity and peer learning amongst reformers, it is expected that corruption will be reduced, courts will operate more effectively (in compliance with UNCAC - Art. 11), court users' experience will improve and citizens' trust in the judiciary will increase.

5 BENEFICIARIES

The main beneficiaries of the project will be Supreme Courts and National Judicial Academies in selected APEC countries. The target countries for the project identified for the project are: Indonesia, Malaysia, Philippines, and Thailand, based on the following criteria:

- Countries members of APEC;
- Not a high-income country;
- Judiciaries that have fairly strong judicial independence and have taken steps to promote judicial integrity;
- A balanced mix of countries from civil and common law traditions to facilitate peer learning.

One of the target countries mentioned above will be selected to pilot a self-assessment of judicial integrity. The selection of the country for the pilot will be based on a number of factors:

- There is a genuine commitment of the Supreme Court to judicial integrity reforms;
- The country is willing to disseminate its experience with the self-assessment with other members during a workshop bringing together the Judicial Integrity Champions in APEC.

The project will strengthen international cooperation among judiciaries of countries members of APEC. The United States will be a key stakeholder in the initiative, not only through funding support but also by lending technical expertise. The project will actively seek out the involvement of other APEC member countries in the Asia Pacific region (for example Australia, Japan, Singapore and United States) to encourage them to provide contributions such as resource persons and high-profile experts/judges to be involved in the network on a pro-bono basis.

The preliminary results of the overall project are expected to be presented after its completion to all APEC countries during the 2019 meeting of the APEC Anti-Corruption and Transparency Experts' Working Group.

All the countries involved will have equal representation in the network, and be able to share their experience, as well as to ask for peer support from other members of the network. Women judges and experts will be encouraged to become part of the network, and provide their contribution. Members of the network will be invited to share virtuous examples of how gender balance can positively affect judicial integrity, openness and fairness.



6 OUTPUTS AND TIMELINE

Output 1.1: Advisory Committee set up for the APEC Judicial Integrity Champions Network (Sep 2017- Dec 2017)

As a first step, an Advisory Committee for the APEC Judicial Integrity Champions Network will be set up. UNDP will lead a series of remote consultations, phone calls, and surveys to identify the stakeholders to be involved in the network, map out excellence in the field as well as initiate a dialogue on the development of the self-assessment methodology on judicial integrity and performance.

Output 1.2: APEC Judicial Integrity Champions Workshop held to launch the peer-learning network (March 2018)

The Judicial Integrity Champions Workshop will gather experts and representatives of the judiciary from the target countries of the project, as well as UNDP rule-of-law officers working in relevant country offices (around 40 participants). The network will encourage peer learning exchange at national and regional levels on judicial integrity reforms as part of broader performance strategies. Members of the network will be available to actively provide their advice to judges into judicial reform processes at the national level.

The self-assessment methodology on judicial integrity and performance will provide the main background document for discussion at the workshop. Participants will be expected to provide comments on the methodology before it is finalized in order to ensure ownership and inclusiveness. At the end of the workshop the judiciaries in the Asia-Pacific region interested in piloting the self-assessment methodology will be identified. The first pilot will be selected based on the criteria outlined in the previous section. Discussions will be pursued at the country level to prepare and carry out the self-assessment in-country work.

The Network will be nurtured over time through the organization of e-discussions, including via the Asia-Pacific Integrity in Action (AP-INTACT) online community of practice, and periodic advice exchange.

Output 2.1: Self-assessment methodology developed (Dec 2017 - May 2018)

The self-assessment methodology on judicial integrity and performance will build on the [International Framework of the International Consortium on Court Excellence](#), the [Evaluative Framework of Article 11 of the UNCAC](#) and the [institutional capacity assessment methodologies](#) developed by UNDP. The International Framework of the International Consortium on Court Excellence provides a quality management system designed to help courts improve their performance, which has been used by several Courts in the region. The methodology will build on UNDP's long-standing experience with institutional capacity development in the context of [UNDP Capacity Assessment Methodology User's Guide](#).

The self-assessment methodology will be developed by an independent expert under the supervision of UNDP, in close cooperation with the Advisory Committee for the APEC Judicial Integrity Champions Network. The Advisory Committee will include, amongst others, members of the International Consortium on Court Excellence and the US Bureau of International Narcotics and Law Enforcement Affairs. The methodology will be presented and discussed at a Regional Workshop in March 2018. It will be revised based on the comments received from the workshop participants and is expected to be finalized by May 2018.

Output 3.1: Self-assessment conducted in one pilot country (June 2018 - March 2019)



The self-assessment methodology is piloted in one country in the region (as per criteria listed in section 5), with a court undertaking the self-assessment of judicial integrity, receiving peers' recommendations and developing a capacity development plan. While the self-assessment will ensure ownership by the court, the involvement of experts from the Judicial Integrity Champions Network will facilitate peer exchange in the process. The members of the network will provide advice to the court on the capacity development action plan to address the gaps identified. Two country missions will be organized by UNDP once the self-assessment is completed to discuss the results and to design the capacity development action plan accordingly (during the period between June 2018 and March 2019). The mission team will include UNDP experts and at least two judges and/or experts.

Output 3.2: Workshop hosted by the pilot country to share the results of the self-assessment with the Judicial Integrity Champions Network (August 2019)

The results of the pilot are shared with members of the Judicial Integrity Champions Network in a workshop at the end of the project, hosted by the country that conducted the self-assessment by August 2019.

The results of the overall 2-year project will also be shared with the wider APEC community on the occasion of the meeting of the APEC Anti-Corruption and Transparency Experts' Working Group, after the completion of the project.

7 STAFFING, MANAGEMENT AND PARTNERSHIPS

The project 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 against the targets. The UNDP regional team directly supporting this project will include: an Anti-Corruption Advisor, a Programme Analyst and a Programme Assistant, providing respectively technical, management, coordination & communication, and administrative support. The activities will be carried under the leadership of the Advisor, who will liaise closely with the rule-of-law and anti-corruption teams within UNDP. The Regional Programme Analyst and Programme Assistant will carry on the day to day regional activities (workshops organization, network management, communication, reports, logistics, etc).

The regional project "Judicial Integrity Champions in APEC" will also benefit from UNDP's architecture and presence at national and global levels. The project will benefit from UNDP's in-country presence and its existing projects at national level with Supreme Courts. The UNDP Country Offices will play a key role as the conduit at the national level for ensuring smooth operationalization of each of the outputs that require in-country activities. The results of the project will be disseminated both regionally and globally in cooperation with UNDPs' global rule of law and anti-corruption teams.

The project will benefit from the technical guidance of an Advisory Committee for the APEC Judicial Integrity Champions Network that will bring together high-profile judges and experts in the area of judicial integrity on a pro-bono basis as well as selected partners. In addition to the US Bureau of International Narcotics and Law Enforcement Affairs (INL), UNDP will leverage on its existing partnerships at the regional and international levels with organisations such as UNODC, ICJ, LawAsia and the International Consortium on Court Excellence.

International experts will be hired to provide technical advice, provide recommendations as well as help develop the self-assessment methodology.

8 RESULTS FRAMEWORK

The results framework provides an overview of the objectives, outputs, outcomes of the project, as well as a performance management plan, with indicators on how to measure progress over time. Risks and mitigation measures are also included.

Planned Objectives, Outcomes and Outputs	Results: Outcomes	Performance indicators	Means of Verification: Evidence and Data Collection	Risks and mitigation measures	Indicative Timeline (for outputs)
Objective 1: Launch a network of judicial integrity champions in APEC to provide mutual support in their judicial reforms through peer learning					
Outcome A. <i>Chief Justices are empowered to promote integrity in judicial reforms through a network of Judicial Integrity Champions in APEC</i>	<i>Baseline: No network for peer learning on judicial integrity in the region</i> <i>Target: A Network of Judicial Integrity Champions in APEC is active to encourage peer learning exchange at national and regional levels on judicial integrity reforms</i>	Report on network launch and e-discussion	The creation of the APEC Judicial Integrity Champion Network will provide an instrument for Chief Justices in the target countries to exchange lessons learned and provide/obtain mutual support from trusted and experienced partners. The main risk is that after the network is created it does not remain active. To address this risk, UNDP will undertake several consultation prior to the setting of the network, to set up an Advisory Committee with judges and experts that take ownership of the project. UNDP will facilitate the organization of periodic e-discussions, calls with members, exchanges among members, based on the courts' needs.	N/A	
Outcome B. <i>Obstacles to judicial integrity reforms are alleviated through support from peer judges, including through e-discussions</i>	<i>Baseline: No on-line exchanges amongst peer judges</i> <i>Target: E-discussions amongst judges</i>	Number of contributions during e-discussions via AP INTACT Virtual Community of Practice			
Output 1.1 <i>Advisory Committee to APEC judicial integrity champions network set up (through remote consultations)</i>	<i>Baseline: No Advisory Committee for the network for peer learning on judicial integrity in the region</i> <i>Target: An Advisory Committee to the Network of Judicial Integrity Champions in APEC is set up by Dec 2017</i>	Concept note for the development of the self-assessment methodology integrates comments by members of the Advisory Committee			Sep 2017- Dec 2017
Output 1.2 <i>Workshop held to launch the APEC Judicial Integrity Champions network</i>	Number of participants taking part in the workshop aiming at: (i) discussing the	Judicial Integrity Champions Workshop Proceedings including participants list			March 2018



	<p>methodology; (ii) identifying pilot country</p> <p><i>Baseline:</i> 0</p> <p><i>Target:</i> 40 participants from target countries</p>			
Objective 2: Create ownership by the Courts of a methodology for self-assessment of judicial integrity and performance				
<p>Outcome C <i>Courts in the region champion the development of a self-assessment methodology on judicial integrity and performance</i></p>	<p><i>Baseline:</i> Assessments of judicial integrity are driven by development partners, with limited ownership by Courts of existing methodologies</p> <p><i>Target:</i> Agreement by the Courts on a self-assessment methodology</p>	<p>Judicial Integrity Champions Workshop Proceedings documenting the endorsement of a self-assessment methodology by the Courts</p>	<p>Assessments of judicial integrity can be perceived by the courts as potential violation of the principle of independence of the judiciary. Thus there is no ownership on the results/recommendations from the assessment.</p> <p>UNDP mitigates this risk by : -creating an Advisory Committee to co-develop with the courts the methodology for the assessment -validating the methodology by the Network; and -facilitating periodic consultations.</p> <p>In addition the methodology proposed is based on self-assessment to create ownership on the part of the courts. At the same time the process will involve a phase of peer to peer exchange and advice to ensure objectivity and guide the court in devising the capacity development plan.</p>	<p>N/A</p>
<p>Output 2.1 <i>Self-assessment methodology developed building on international standards (i.e. Article 11 of the UNCAC)</i></p>	<p><i>Baseline:</i> Current self-assessment checklist of the International Consortium on Court Excellence does not have a dedicated section on judicial integrity</p> <p><i>Target:</i> Self-assessment methodology on court performance with a dedicated chapter on judicial integrity by May 2018</p>	<p>Production and dissemination of the self-assessment methodology with a dedicated chapter on judicial integrity</p>		<p>Dec 2017 - May 2018</p>
Objective 3: Pilot the self-assessment methodology and peer exchange				
<p>Outcome D: <i>Courts in the region prioritize judicial integrity as part of their judicial reform strategies</i></p>	<p><i>Baseline:</i> 0 The self-assessment methodology does not currently include a judicial integrity chapter</p> <p><i>Target:</i> 1 pilot country undertakes the self-assessment, including the judicial integrity chapter</p>	<p>Capacity development plan adopted in the pilot country</p>	<p>Risks include the lack of genuine and sustained commitment from the court. Another risk could be associated to delays in the conduction of the self-assessment due to internal Court's procedures, out of UNDP control, or to the unavailability of peer judges to provide their advice.</p>	<p>N/A</p>



<p>Outcome E. <i>Court users' experience and citizens' trust in the judiciary improve as a result of more effective and less corrupt court operations</i></p>	<p><i>Baseline: 0</i> No measurement of court users' experience <i>Target:</i> Improved feedback from court users on the transparency and integrity of the Court</p>	<p>Survey with court users</p>	<p>UNDP will help address this risk by: -carefully selecting the pilot court based on the selection criteria outlined earlier; -agreeing with the pilot court and the peer judges on a calendar for the self-assessment and peer exchange within the specified timeline.</p>	<p>After the end of the project</p>
<p>Output 3.1 <i>Self-assessment conducted in one pilot country</i></p>	<p>The methodology is piloted in at least one country in the region, with a Court undertaking a self-assessment of judicial integrity, receiving advice from peers members of the Judicial Integrity Champions Network and designing a capacity development plan</p> <p><i>Baseline: 0</i> <i>Target: 1 by August 2019</i></p>	<p>Self-assessment checklist report</p> <p>Peers' recommendations</p> <p>Capacity Development Plan</p>	<p>Secondly UNDP will ensure the coordination of all the phases of the assessment. Regular communications will be set up, to check progress and take counter-measures in case of need.</p>	<p>June 2018 - March 2019</p>
<p>Output 3.2 <i>Workshop hosted by the pilot country to share the results with the Judicial Integrity Champions Network</i></p>	<p>Results of the pilot are shared with members of the Judicial Integrity Champions Network in a workshop</p> <p>Baseline: 0</p> <p>Target: 40 participants from target countries participate in the results workshop</p>	<p>Results Workshop report disseminated to members of the network by September 2019</p>		<p>August 2019</p>