

## POSSIBLE APPLICATIONS

- As an **ENGAGEMENT TOOL** to initiate discussions with relevant stakeholders
- As a **NEEDS ASSESSMENT** prior to the planning of legal or judicial reforms
- As an **EVALUATION TOOL** for ongoing legal and judicial reforms
- As a **REVIEW MECHANISM** with respect to the implementation of the Bangalore Principles of Judicial Conduct
- As an **INSTRUMENT** in the context of an UNCAC Self-Assessment or UNCAC Gap Analysis



Successful applications of the Scan thus far:  
**GEORGIA (2012), COTE D'IVOIRE (2013), BHUTAN (2015),  
 MONGOLIA (2016) AND KYRGYZSTAN (2016)**

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JUDICIAL INTEGRITY MATTERS

## JUDICIAL INTEGRITY SCAN

Corruption is one of the major obstacles to development. It constitutes a risk to democracy and creates legal uncertainty, thus deterring foreign investment. Fostering integrity and the independence of the judiciary are essential to fighting corruption – not only within the judiciary, but also in other sectors. This means the judiciary must respect integrity standards if they want to effectively combat corruption.

In order to examine the judiciary's compliance with integrity standards, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH working on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) has developed the tool **JUDICIAL INTEGRITY SCAN**. The Scan assesses the legal and institutional framework of a country, particularly with regards to the Bangalore Principles of Judicial Conduct and Article 11 of the United Nations Convention against Corruption (UNCAC). It helps to gather data on the institutional framework, the legal provisions and their implementation, and civil society's perception of the judiciary in order to draw-up recommendations on integrity-building measures. The **JUDICIAL INTEGRITY SCAN** follows a three step approach. First, local experts fill in a

detailed questionnaire as part of a desk study. Then, based on the findings of this desk study, interviews are held with relevant stakeholders. The aim of the interviews is to verify the findings in the questionnaire and to learn how the interviewed groups perceive the judiciary. Finally, the results of the interviews and the findings of the desk study are combined to provide a detailed overall picture that can be used to design tailored measures to address potential areas for improvement.

The **JUDICIAL INTEGRITY SCAN** can be used to initiate, evaluate and support legal and judicial reforms and is applicable in any country. It requires relatively little time and effort, offers customised applications, and produces valuable and forward-looking results and recommendations.

**PUBLISHED BY** Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH  
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**AS AT** 05/2017

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# HOW DOES THE JUDICIAL INTEGRITY SCAN WORK?



## BEFORE THE SCAN: PARTNERSHIP & SCOPE

Once the decision has been taken to conduct a Scan, the responsible partner institution and GIZ discuss and define its scope. Depending on the specific judicial system and the partner institution's needs, the Scan can either focus on the actual legal and institutional situation or on specific aspects of judicial integrity.



## DESK STUDY

The desk study aims at assessing the legal and institutional framework for judicial integrity and the extent to which the Bangalore Principles have been implemented on national level. Local experts complete a detailed questionnaire provided by GIZ that ensures comprehensive coverage of all aspects concerning judicial integrity. International experts analyse the responses.

- The desk study assesses responsibilities of the judiciary: assignment of cases | court administration | access to justice | transparency | judicial training | immunity of judges
- The desk study assesses responsibilities of the state: judicial independence | qualifications | appointment of judges | tenure and remuneration of judges | discipline of judges | removal of judges from office



## INTERVIEWS

International experts conduct interviews with relevant stakeholders to verify or supplement the responses provided by the local experts in the desk study. During the in-depth interviews, the interviewees also have the opportunity to describe their perception of the judiciary.

- To achieve the best results, a wide range of interviewees should be involved, e.g.: judges from different levels, prosecutors, representatives of disciplinary bodies, heads of schools for judges, lawyers associations, NGO's, court users, media and donors.
- Interviewees are asked to comment on the results of the desk study and to assess whether the judiciary acts in compliance with integrity standards.



## REPORT

The international experts analyse the results of the interviews and combine them with the findings of the desk study. This provides an overall picture that can be used to design tailored measures to address potential areas for reform.

- Based on the overall picture, key findings and follow-up recommendations are provided in a comprehensive report and can be presented at a stakeholder workshop.
- The responsible partner institutions also have the opportunity to discuss the results and decide the next steps.



## AFTER THE SCAN: IMPLEMENTATION

Based on the results and recommendations of the Scan, tailored integrity-building measures will be designed in more detail and implemented in the respective country. GIZ offers to support this implementation process.

## BANGALORE PRINCIPLES OF JUDICIAL CONDUCT

The Bangalore Principles of Judicial Conduct have been recognised as an international standard for judicial integrity. According to these principles, judicial integrity requires the judiciary to commit fully to six values:

### INDEPENDENCE

A judge should uphold and exemplify judicial independence in both its individual and institutional aspects.

### IMPARTIALITY

Impartiality must exist both as a matter of fact and as a matter of reasonable perception in all the processes leading to the decision, including the decision itself.

### PERSONAL INTEGRITY

In private as well as in public life, a judge should always act honourably and in a manner befitting the judicial office; be free from fraud, deceit and falsehood; and be good and virtuous in behaviour and in character, since the public demands from the judge standards of conduct that are much higher than those demanded of society as a whole.

### PROPRIETY

In respect of both professional and personal conduct, a judge must accept restrictions on his or her activities, even when those activities might not be viewed negatively if carried out by other members of the community or of the legal profession.

### EQUALITY

A judge should be aware of, and understand, diversity in society and differences arising from various sources, and should ensure equality of treatment to all who appear before the court.

### COMPETENCE AND DILIGENCE

Competence in the performance of judicial duties requires legal knowledge, skill, thoroughness and preparation, while diligence is exhibited by sober consideration, impartial decision-making and expeditious conduct.