

JUDICIAL INTEGRITY CHAMPIONS IN APEC

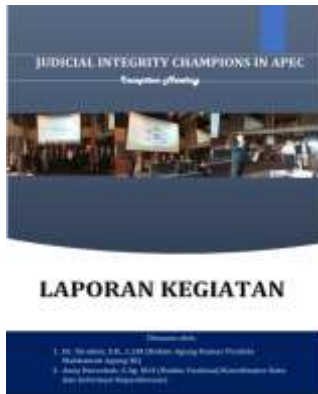
Inception Meeting



LAPORAN KEGIATAN

Disusun oleh:

1. Dr. Ibrahim, S.H., L.LM (Hakim Agung Kamar Perdata Mahkamah Agung RI)
2. Asep Nursobah, S.Ag. M.H (Hakim Yustisial/Koordinator Data dan Informasi Kepaniteraan)



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 - 1. Judicial Reform and The Effort to Build The Judicial Integrity: a perspective of Indonesian court experiences (presentasi dari Delegasi Indonesia)
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LAMPIRAN-LAMPIRAN

- 1. Surat permintaan peserta dari Phil Matsheza UNDP Bangkok Regional Hub
- 2. Surat Penunjukan Peserta dari Ketua Mahkamah Agung RI
- 3. Printout Berita Kegiatan yang dimuat di website Kepaniteraan MA

LAPORAN KEGIATAN

INCEPTION MEETING JUDICIAL INTEGRITY CHAMPIONS IN APEC

BANGKOK, 8-9 MARET 2018

A. PENDAHULUAN

Delegasi Mahkamah Agung RI diundang mengikuti *inception meeting Judicial Integrity Champions in APEC* yang diselenggarakan di Bangkok, 8-9 Maret 2018. Undangan ditujukan kepada Ketua Mahkamah Agung oleh Regional Team Leader, Governance dan Peacebuilding, UNDP Bangkok Regional Hub, dalam suratnya tertanggal 26 Januari 2018. Menindaklanjuti undangan tersebut, Ketua Mahkamah Agung dengan surat Nomor 16/KMA/Kp.01.1/2/2018 tanggal 12 Februari 2018, menunjuk DR. Ibrohim, S.H., L.LM (Hakim Agung pada Kamar Perdata) dan Asep Nursobah, S.Ag., M.H, (Hakim Yustisial pada Kepaniteraan Mahkamah Agung) untuk mengikuti kegiatan tersebut. EU UNDP SUSTAIN

Pertemuan ini diselenggarakan oleh UNDP Regional Hub Bangkok yang didukung oleh beberapa organisasi internasional, antara lain: *International Narcotics and Law Enforcement Affairs Section (INL)*, *International Commission of Jurist, Judicial Integrity Group*, *United Nations Office on Drugs and Crime (UNODC)*, *U4 Anti-Corruption Resource Center*, dan *Australasian Institute of Judicial Administration dan Transparency International*. Peserta yang terlibat dalam pertemuan ini adalah delegasi dari Mahkamah Agung RI, Mahkamah Agung Malaysia, Mahkamah Agung Filipina, Mahkamah Agung Thailand dan Pengadilan Negeri Singapura. Disamping itu dihadiri pula oleh para pimpinan dari organisasi internasional tersebut di atas.

Salah satu tujuan pertemuan pendahuluan *Judicial Integrity Champions in APEC* adalah memfasilitasi adanya diskusi lintas institusi peradilan di negara APEC untuk mengembangkan metode *self assessment* yang mampu menguatkan *judicial integrity* di pengadilan. Forum ini menggagas adanya edisi baru kerangka internasional untuk peradilan yang unggul (*International Framework for Court Excellence*) yang mampu mendukung terwujudnya pengadilan berintegritas.

International Framework for Court Excellence (IFCE) adalah sebuah kerangka kerja untuk mengukur kinerja pengadilan menggunakan pendekatan *self assessment*. Keberlakuan metode ini telah diakui secara internasional. Sebanyak 33 lembaga peradilan di 20 negara telah mengadopsi IFCE sebagai rujukan untuk mengaudit kinerja badan

peradilan. Mahkamah Agung RI telah menjadikan IFCE sebagai kerangka acuan dalam penyusunan arah pembaruan peradilan yang tertuang dalam Cetak Biru Pembaruan Peradilan Indonesia 2010-2035. IFCE adalah metode yang terbuka untuk dilakukan modifikasi sesuai dengan kebutuhan dan karakteristik pengadilan, termasuk dimodifikasi untuk penguatan integritas pengadilan.

Tema diskusi selama dua hari tersebut (8-9 Maret 2018) dibagi ke dalam beberapa sub tema. Pertama, berbagi pengalaman tentang reformasi judicial integrity di beberapa negara APEC. Kedua, Bagaimana instrumen dan metode penilaian judicial integrity yang dapat mendukung reformasi peradilan. Ketiga, penataan bersama jejaring pelopor judicial integrity di negara-negara APEC dengan memetik pelajaran dari beberapa inisiatif dan peluang bersinergi. Keempat, judicial integrity sebagai elemen kunci bagi pengadilan yang unggul. Kelima, bagaimana mengarusutamakan *judicial integrity* ke dalam IFCE, dan keenam, bagaimana mengukur *judicial integrity* dalam *International Framework for Court Excellence*.

B. NAMA, TEMPAT DAN WAKTU KEGIATAN

1. Nama Kegiatan: "*Judicial Integrity Champions in APEC: Inception Meeting*"
2. Tempat Kegiatan: Vie Hotel Bangkok: 117/39-40 Phaya Thai Rd. Bangkok 10400, Thailand
3. Waktu Kegiatan : 8-9 Maret 2018
4. Pembiayaan dibebankan kepada anggaran UNDP.

C. PESERTA PERTEMUAN

1. Delegasi Mahkamah Agung RI:
 - a. Yang Mulia Hakim Agung Dr. Ibrahim, S.H., L.LM;
 - b. Asep Nursobah, S.Ag., M.H., Hakim Yustisial
 - c. Gilles Blanchi, Senior Advisor/Program Manager EU-UNDP SUSTAIN
 - d. Fatahillah Syukur, Coordinator Sector bidang Pengawasan
2. Delegasi Mahkamah Agung Malaysia;
3. Delegasi Mahkamah Agung Filipina;
4. Delegasi Mahkamah Agung Thailand;
5. Delegasi State Court of Singapore;
6. Delegasi beberapa organisasi internasional yaitu: *International Narcotics and Law Enforcement Affairs Section (INL)*, *International Commission of Jurist*, *Judicial Integrity Group*, *United Nations Office on Drugs and Crime (UNODC)*, *U4 Anti-Corruption Resource Center*, dan *Australasian Institute of Judicial Administration dan Transparency International*
7. The Hon. Justice Murray Kellam (Hakim Agung Supreme Court of Australian Capital Territory);

8. The Hon. Michael Kirby (Mantan Hakim Agung Hight Court of Australia)

D. AGENDA KEGIATAN

WAKTU	AGENDA KEGIATAN
Kamis, 8 Maret 2018	
8:30- 9:00	Registration
9:00 – 9:20	Opening remarks
	Mr. Nicholas Booth (<i>Regional Cluster Leader, Governance and Peacebuilding UNDP Bangkok Regional Hub</i>) Ms. Jenny Malheiro, <i>Director, International Narcotics and Law Enforcement Affairs Section (INL) U.S. Embassy Bangkok</i>
9:20 – 9:30	Introduction of the project “Judicial Integrity Champions in APEC”
	Objective: <i>The session will provide a brief introduction to the regional project, as well as an overview and objectives of the inception meeting.</i> Ms. Elodie Beth Programme Advisor, Governance and Peacebuilding UNDP Bangkok Regional Hub
9:30 – 9:45	Round of introduction
9:45 – 10:00	Group photo
10:00 – 11:30	Session 1: National judicial integrity reforms: lessons learned from Asia Pacific Economic Community (APEC) economies
	Objective: <i>This session will take stock of current national judicial integrity reform processes in countries in the region and beyond. Speakers will be able to share best practices, highlight challenges faced, as well as present needs and priorities that can be addressed with the support of a Network of Judicial Integrity Champions in APEC.</i> “Judicial integrity reforms in the Philippines” The Hon. Presiding Justice Amparo M. Cabotaje-Tang , Sandiganbayan, The Anti-Graft Court of the Philippines “Judicial integrity reforms in Indonesia” The Hon. Justice Ibrahim Tambaru Maddi , Supreme Court of Indonesia “Lessons learned on judicial integrity reforms from Australia and beyond”

WAKTU	AGENDA KEGIATAN
	<p>The Hon. Justice Murray Kellam, former Justice of Court of Appeal, Supreme Court of Victoria and current Acting Justice Supreme Court of Australian Capital Territory</p>
11:30 – 11:45	Coffee/tea break
11:45 – 13:00	<p>Session 2: How tools and methodologies to assess judicial integrity can support judicial Reforms</p>
	<p><i>Objective: This session will present existing tools and methodologies designed by judicial experts, practitioners and development partners to assess judicial integrity. Panelists will highlight achievements in assessing judicial integrity, which can foster effective judicial reform anchored into integrity.</i></p> <p>Moderator: Mr. Frederick Rawski, Director, Asia & the Pacific Programme, International Commission of Jurists</p> <p>“Adapting the International Framework for Court Excellence: the Experience from Singapore”</p> <p>Ms. Chan Wai Yin, Senior Director (Crime), Criminal Justice Division, State Courts of Singapore</p> <p>“The Implementation Guide and Evaluative Framework for Article 11 of the UN Convention Against Corruption”</p> <p>Ms. Roberta Solis Ribeiro, Crime Prevention and Criminal Justice Officer, Judicial Integrity Team Leader, UNODC</p>
13:00 – 14:00	Lunch
14:00 – 15:15	<p>Session 3: Designing the Network of Judicial Integrity Champions in APEC building on lessons learned</p>
	<p><i>Objective: This session will review the lessons learned from networks (such as the Judicial Integrity Group) and peer-to-peer mechanisms that courts have used to strengthen the integrity and performance of their court management systems. The session will serve as an introduction for the group work in Session 4.</i></p> <p>Moderator: The Hon. Michael Kirby, member of the Judicial Integrity Group and former Justice of the High Court of Australia, Champion of the Judicial Integrity Network</p> <p>“Lessons learned from the Judicial Integrity Group”</p>

WAKTU	AGENDA KEGIATAN
	<p>Dr. Nihal Jayawickrama, Coordinator of the Judicial Integrity Group</p> <p>“Peer-to-peer exchange as a cornerstone of the Network of Judicial Integrity Champions in APEC”</p> <p>Dr. Sofie Arjon Schuette, Senior Advisor, U4 Anti-Corruption Resource Center</p>
15:15 – 15:45	Coffee/tea break
15:45 – 17:15	<p>Session 4: Governance and activities of the Network of Judicial Integrity Champions in APEC: feedback sharing session</p>
	<p>Objective: <i>This session aims at mapping out the needs and priorities of the members of the network, as well as brainstorm of the most effective ways to manage it. Participants will be divided into groups. Guiding questions will be provided to facilitate discussion. Each group will identify a rapporteur who will report back the main ideas shared and recommendations given.</i></p> <p>Moderator: The Hon. Michael Kirby, member of the Judicial Integrity Group and former Justice of the High Court of Australia, Champion of the Judicial Integrity Network</p> <ol style="list-style-type: none"> a) What needs can be addressed by the network? b) What are the most effective mechanisms for peer-to-peer learning? c) How shall the network be organized? d) What synergies can be built with networks such as the Council of ASEAN Chief Justices and the upcoming Global Network of Judicial Integrity?
19:00 – 21:00	Networking dinner and get-together session
Jum’at, 9 Maret 2018	
8:30 - 9:00	Registration
9:00 – 10:30	<p>Session 5: Anchoring judicial integrity into broader performance management frameworks</p>
	<p>Objective: <i>This session will introduce the International Framework for Court Excellence methodology and provide illustrations of concrete applications in different country contexts. Speakers will describe the benefits, challenges, and potential areas for improvement, especially from the perspective of judicial integrity. Country representatives will share their experience on the application of the International Framework for Court Excellence.</i></p>

WAKTU	AGENDA KEGIATAN
	<p>“The International Framework for Court Excellence – a self-assessment methodology for court performance” Mr. Laurie Glanfield, Deputy President, Australasian Institute of Judicial Administration</p> <p>“The importance of courts users and stakeholders’ feedback to inform judicial reforms” Dr. Victor Alistar, Coordinator of the Programme for Integrity, Independence and Accountability in Judiciary, the Global Thematic Network Initiative of Transparency International</p> <p>“Enhancing the International Framework for Court Excellence: presentation of the proposed changes to the methodology” Mr. Ajit Joy, Consultant, UNDP Bangkok Regional Hub</p>
10:30 – 11:00	Coffee/tea break
11:00 – 12:30	<p>Session 6A: How to mainstream integrity into the International Framework for Court Excellence - feedback sharing session</p>
	<p><i>Objective: This session aims at collecting participants’ feedback to the proposed revision of the IFCE methodology, deciding on how to mainstream integrity into the framework. Participants will be divided into groups. Guiding questions will be provided to facilitate discussion. Each group will identify a rapporteur to report back the main recommendations for the finalization of the methodology.</i></p> <p>Moderators: Mr. Ajit Joy, Consultant, UNDP Bangkok Regional Hub, and Mr. Laurie Glanfield, Deputy President, Australasian Institute of Judicial Administration</p> <p>a) How do you recommend to integrate judicial integrity within the areas of court Excellence? b) How do we ensure that the methodology is user-friendly and provides a practical self-assessment framework to guide judicial reform processes?</p>
12:30 – 13:30	Lunch
13:30 – 15:00	Continuation of session 6A
15:00 – 15:30	Coffee/tea break
15:30 – 16:45	<p>Session 6B: How to measure integrity in the International Framework for Court Excellence -</p>

WAKTU	AGENDA KEGIATAN
	<p>Objective: <i>This session aims at collecting participants' feedback to the proposed revision of the IFCE methodology, elaborating on measurement and scoring. Participants will be divided into groups. Guiding questions will be provided to facilitate discussion. Each group will identify a rapporteur to report back the main recommendations for the finalization of the methodology.</i></p> <p>Moderators: Mr. Ajit Joy, Consultant, UNDP Bangkok Regional Hub, and Mr. Laurie Glanfield, Deputy President, Australasian Institute of Judicial Administration</p> <ol style="list-style-type: none"> 1) What is the most effective way to score integrity as one of the elements of the judicial performance framework? 2) What kind of measurement tools could complement the self-assessment, especially to seek feedback from court end-users and other stakeholders? What tools are currently used for this purpose?
16:45 – 17:00	Conclusion: Which way forward?
	<p>Objective: <i>This session will provide a summary of the discussions held on the network and on the methodology. A tentative agreement on the next steps should be presented, including expected timeline for finalization of the revised methodology and countries interested in piloting it.</i></p> <p>Summary of the meeting</p>

E. PERAN DELEGASI INDONESIA

1. Kegiatan hari pertama (Kamis, 8 Maret 2018): Pengalaman MA dalam membangun judicial Integrity Mendapat Perhatian Negara Lain

Yang Mulia Hakim Agung Ibrahim menjadi pembicara sesi pertama pada pertemuan *Judicial Integrity Champions in APEC*, Kamis (8/3/2018) di Bangkok. Dipandu oleh moderator Nicholas Booth (*Regional Cluster Leader, Governance and Peacebuilding UNDP Bangkok Regional Hub*), Hakim Agung Ibrahim membagi informasi mengenai pengalaman Mahkamah Agung RI dalam membangun *judicial integrity*. Presentasi dari delegasi Indonesia mendapatkan perhatian khusus dan apresiasi dari delegasi negara lain, termasuk The Hon. Michael Kirby, anggota dari *Judicial Integrity Group*, mantan Hakim Agung High Court of Australia.



Figure 1; Hakim Agung Ibrahim menjadi salah seorang narasumber pada kegiatan Judicial Integrity Champions in APEC, Kamis (8/3/2018) di Bangkok

Dalam paparannya, Ibrahim menjelaskan bahwa Mahkamah Agung Indonesia telah menjadikan *judicial integrity* sebagai agenda strategis yang terstruktur sejak diluncurkannya Cetak Biru Pembaruan Peradilan 2003-2009. Upaya membangun *judicial integrity* yang telah dilakukan MA RI sesuai arahan *Blue Print* tersebut adalah publikasi putusan sejak tahun 2007, pengembangan Teknologi Informasi dan Pelaksanaan Kode Etik dan Pedoman Prilaku Hakim.

Upaya membangun *judicial integrity*, kata Ibrahim, semakin mendapat perhatian dalam *Blue Print* Pembaruan Peradilan 2010-2035.

“Arah pembaruan peradilan , termasuk pembaruan aspek akuntabilitas yang meliputi sistem pengawasan dan keterbukaan informasi, didasarkan pada kerangka internasional untuk pengadilan yang unggul. Bahkan dalam Cetak Biru Pembaruan juga telah ditetapkan nilai-nilai utama Pengadilan Indonesia “, jelas Hakim Agung Ibrahim.

Lebih lanjut Ibrahim menjelaskan 6 (enam) kebijakan Mahkamah Agung dalam wemujudkan *judicial integrity*. Pertama, pelaksanaan rekrutmen yang transparan dan akuntabel. Kedua, pengembangan kompetensi dan integritas. Ketiga, peningkatan transparansi pengadilan. Keempat, pelibatan pihak eksternal dalam pengawasan pengadilan. Kelima, penguatan pengawasan dan keenam, pelaksanaan akreditasi untuk penjaminan mutu pelayanan pengadilan.

Dalam kaitannya dengan kebijakan yang pertama, Ibrahim menjelaskan bahwa proses rekrutmen adalah langkah pertama yang berpengaruh signifikan terhadap terbangunnya pengadilan yang berintegritas. Indonesia, kata Ibrahim, baru saja melakukan proses rekrutmen hakim secara transparan dan akuntabel yang dilakukan oleh Panitia Seleksi Nasional. Pansel ini, kata Ibrahim, terdiri dari berbagai institusi pemerintah, yaitu: Menpan, BKN, BPKP, BPPT dan Lembaga Sandi Negara.

Sementara itu, kebijakan penguatan pengawasan dan pelibatan pihak eksternal dalam pengawasan peradilan, Ibrahim menjelaskan bahwa Mahkamah Agung RI telah memiliki SIWAS. Sistem ini mengintegrasikan semua pengaduan yang disampaikan melalui berbagai media, baik itu melalui sistem online, SMS, telepon, email, faks, meja pengaduan ataupun kotak pengaduan.

Menarik Perhatian

Pengalaman Mahkamah Agung RI dalam membangun integritas pengadilan ternyata menarik perhatian delegasi negara lain dan termasuk fasilitator. Beberapa diantaranya menyatakan cukup terinspirasi dengan upaya yang telah dilakukan Indonesia. Berbagai pertanyaan eleboratif diajukan kepada Hakim Agung Ibrahim sebagai panelis pada sesi pertama dan semua pertanyaan tersebut dapat dijawab dengan jelaskan .

2. Kegiatan Hari Kedua (Jum'at, 9 Maret 2018): Integritas Peradilan adalah Elemen Kunci Menuju Pengadilan yang Unggul

Hari kedua *Judicial Integrity Champions Meeting* di Bangkok berkonsentrasi pada bahasan bagaimana mengarusutamakan integritas ke dalam kerangka internasional untuk peradilan yang unggul (*International Framework for Court Excellent*). Para nara sumber yang dihadirkan adalah Deputy President, AIJA (*Australasian Institute of Judicial Administration*), Mr. Laurie Glanfield, Ajit Joy, konsultan UNDP Regional Hub Bangkok, dan Dr. Viktor Alistar dari Transparansi Internasional. Forum diskusi menyepakati bahwa integritas peradilan adalah elemen kunci menuju pengadilan yang unggul.

Laurie Glanfield dalam paparannya mengatakan bahwa metode untuk menilai kinerja pengadilan telah ada sebuah kerangka kerja internasional yang dikenal dengan *International Framework for Court Excellence*. Metode ini digagas pada tahun 2007 oleh konsorsium internasional yang terdiri dari AIJA, *Federal Judicial Center* (FJC)

Amerika, *National Center for State Court (NCSC)* Amerika, dan *State Courts of Singapore*. Framework ini, kata Glanfield, telah digunakan oleh 33 lembaga peradilan di 20 negara. Menurut Glandied, IFCE adalah metode yang sangat terbuka dan dapat diadaptasikan dengan kebutuhan dan karakteristik pengadilan, termasuk untuk meningkatkan integritas pengadilan.



Figure 2: Foto bersama seluruh peserta *Judicial Integrity Champions in APEC*, Kamis (8/3/2018) di Bangkok

Dalam kaitannya dengan metode untuk meningkatkan judicial integrity, Ajit Loy dalam paparannya yang bertajuk “*initial reflections for developing with the network a new edition of the IFCE*”, menjelaskan bahwa perlu dilakukan modifikasi yang mengakomodir metode untuk mengukur bukan hanya kinerja tetapi juga integritas pengadilan.

“Kita perlu menyusun edisi baru dari *International Framework for Court Excellence*”, jelas Ajit.

Dalam pertemuan tersebut Ajit memfasilitasi para peserta untuk berdiskusi dan memberikan masukan terhadap konsep penyempurnaan IFCE. Ide dari konsep perubahan tersebut adalah terakomodirnya metode pengukuran integritas dalam setiap area IFCE. Salah satu ide perubahan pada konsep IFCE adalah perubahan nomenklatur pada area ke 7 yang semula *Public Trust and Confidence* menjadi *Public Trust and Integrity*.

Pandangan Delegasi Indonesia

Delegasi Indonesia melalui Hakim Agung Ibrahim menyampaikan bahwa konsep kerangka internasional untuk pengadilan yang unggul telah diadopsi oleh Mahkamah Agung Indonesia dalam Blue Print

Pembaruan Peradilan 2010-2035. Indonesia juga telah mempunyai metode untuk mengukur kinerja pengadilan., bahkan audit Kinerja dan audit Integritas telah menjadi program reguler dari Badan Pengawasan Mahkamah Agung.

Mahkamah Agung Indonesia sejak tahun 2014 telah melakukan akreditasi kinerja pelayanan pengadilan merujuk kepada standar ISO 9001:2008. Tahun 2016, MA dalam hal ini Direktorat Jenderal Bada Peradilan Umum, telah melakukan inisiatif membangun sistem akreditasi penjaminan mutu. Kerangka kerja sistem akreditasi MA merupakan kombinasi dari berbagai konsep, yaitu: ISO 9001:2008/2015, *International Framework for Court Excellence* (IFCE), Pedoman Audit Kinerja dan Audit Integritas Badan Pengawasan Mahkamah Agung RI, dan dokumen lain yang relevan. Tahun 2017, Sistem Akreditasi Penjaminan Mutu pengadilan diberlakukan bagi semua lingkungan peradilan.

Dalam laporan tahunan MA 2017, disampaikan bahwa Jumlah pengadilan yang telah terakreditasi dalam kerangka SAPM untuk lingkungan peradilan umum sebanyak 250 pengadilan negeri, 30 pengadilan tinggi, 98 pengadilan agama, 5 pengadilan tata usaha negara, dan 5 pengadilan militer.

Terkait dengan gagasan menyusun edisi baru *International Framework for Court Excellence* yang mengintegrasikan aspek *judicial integrity*, delegasi Indonesia menyetujui hal tersebut.

“Dalam pengalaman Indonesia, pedoman audit pengadilan yang dilakukan oleh Badan Pengawasan Mahkamah Agung, aspek integritas dan kinerja adalah dua hal yang tidak dapat dipisahkan”, ujar Ibrahim.

F. TINDAK LANJUT PERTEMUAN

Pertemuan pendahuluan *Judicial Integrity Champions in APEC* yang diselenggarakan di Bangkok, 8-9 Maret 2018 menghendaki para peserta pertemuan menjadi pelopor terwujudnya *judicial integrity* dan terbangunnya jaringan diantara para champions tersebut. Oleh karena itu ada 5 rekomendasi dirumuskan, dan tiap peserta memilih satu rekomendasi tersebut. Kelima rekomendasi tersebut adalah sebagai berikut:

1. Pelibatan pengguna pengadilan dan para pemangku kepentingan dalam menyusun program pembaruan peradilan;
2. Berbagi informasi mengenai pengalaman terbaik yang terkait dengan pembaruan peradilan/*judicial integrity* kepada negara lain;

3. Menjadi bagian dalam jejaring yang berupaya mengintegrasikan *judicial integrity* ke dalam *International Framework for Court Excellence*;
4. Mengadvokasi penggunaan Bangalore Principles di negara-negara APEC
5. Bersedia saling memberi saran/pandangan terhadap sesama anggota jejaring.

Dalam kaitannya dengan 5 rekomendasi tersebut, Mahkamah Agung Indonesia memilih rekomendasi yang kedua. Pilihan tersebut, selain kesepakatan dari delegasi Indonesia juga harapan dari penyelenggara. Mereka memandang Indonesia memiliki pengalaman yang baik dalam mereformasi pengadilan.

G. KOMPILASI MATERI

JUDICIAL REFORM AND THE EFFORTS TO BUILD THE JUDICIAL INTEGRITY: A PERSPECTIVE OF INDONESIAN COURT EXPERIENCES

By: IBRAHIM | Justice at the Supreme Court of Republic of Indonesia



<http://kepaniteraan.mahkamahagung.go.id/>

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Supreme Court Of
The Republic Of Indonesia
<https://www.mahkamahagung.go.id/id>

Topics to be discussed

- Overview on Indonesian Courts
- The efforts of the Supreme Court in realizing judicial integrity
- Implementation of *International Framework for Court Excellence* (IFCE) in the Quality Assurance Accreditation System of Courts in Indonesia



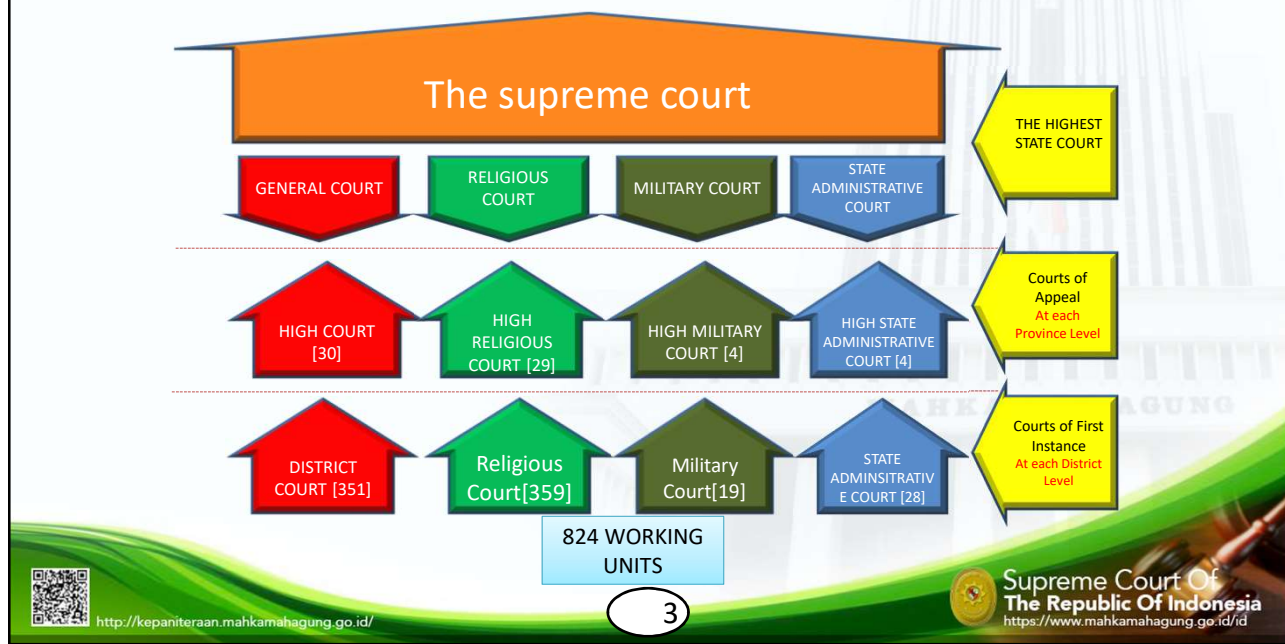
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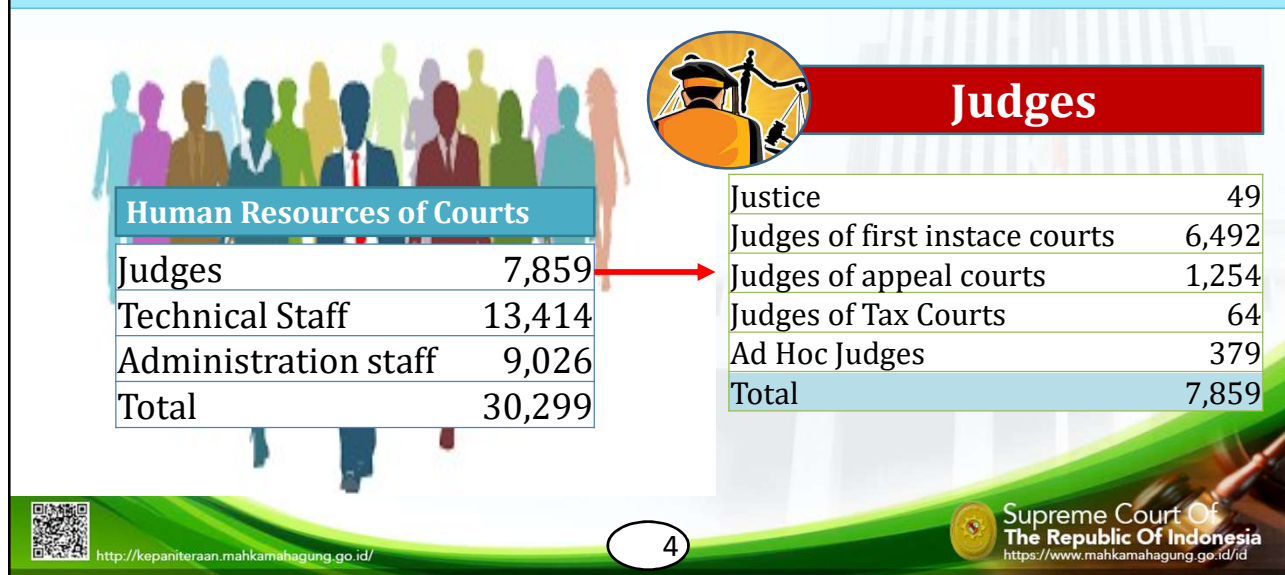


Supreme Court Of
The Republic Of Indonesia
<https://www.mahkamahagung.go.id/id>

Indonesian Justice System at glance



Profile of Indonesian Court Personnels



Case load at the Supreme Court and Indonesian Courts

Courts	Remainin g of 2016	Incoming in 2017	Total of case load	Decided in 2017	Revoked	Remainin g	% of Decided
Supreme Court	2,357	15,505	17,862	16,474	0	1,388	92.23%
Appeal Courts	2,829	17,39	20,768	17,562	12	3,194	84.56%
Courts of First Instance	115,216	5,362,915	5,478,131	5,303,397	39,112	135,622	96.81%
Courts of Tax	13,453	9,580	23,033	11,216	0	11,817	48.70%
Total	133,855	5,405,939	5,539,794	5,348,649	39,124	152,021	96.55%



<http://kepaniteraan.mahkamahagung.go.id/>

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Supreme Court Of
The Republic Of Indonesia
<https://www.mahkamahagung.go.id/id>

THE EFFORTS OF THE SUPREME COURT IN REALIZING JUDICIAL INTEGRITY



<http://kepaniteraan.mahkamahagung.go.id/>

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Supreme Court Of
The Republic Of Indonesia
<https://www.mahkamahagung.go.id/id>

Background

The diagram features a central circular image of a court building with the words "Public Trust" overlaid in red. Two arrows point towards this center: a red arrow from a red box labeled "Judicial Integrity" on the left, and a green arrow from a green box labeled "Judicial Competency" on the right.

<http://kepaniteraan.mahkamahagung.go.id/>

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Supreme Court Of
The Republic Of Indonesia
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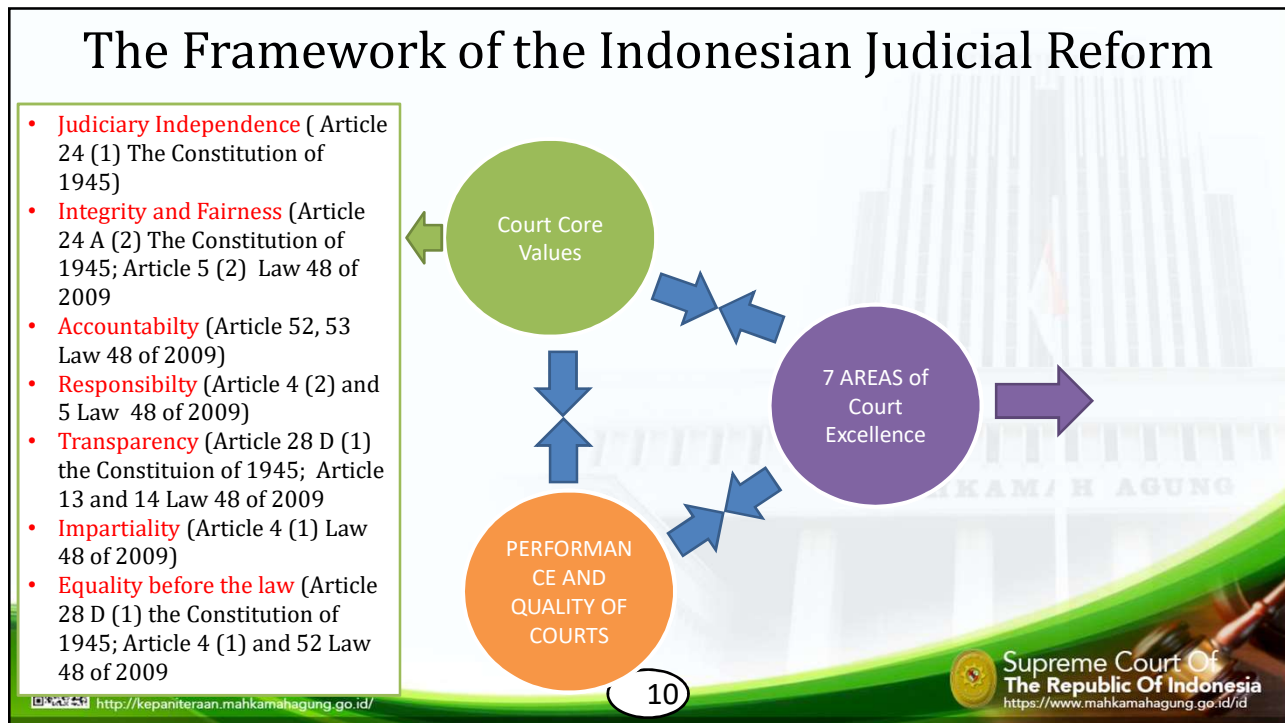
IMPORTANT ISSUES FACED BY INDONESIAN COURTS

The diagram shows three overlapping semi-circular shapes: a purple one labeled "Delay", a red one labeled "Access", and a green one labeled "Judicial Integrity". A large blue arrow points from these three shapes towards a rectangular image of a newspaper clipping. The clipping contains the text "point of view", "Reform | ri'form", "change for the b", and "tter as a resu".

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7 Areas of Court Excellence`



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THE ENFORCEMENT OF JUDICIAL INTEGRITY IN INDONESIAN LEGAL SYSTEM

SUPREME COURT

- Supervision of Conduct
- Judicial Technical Supervision

JUDICIAL COMMISSION

- Supervision of Judge Conduct

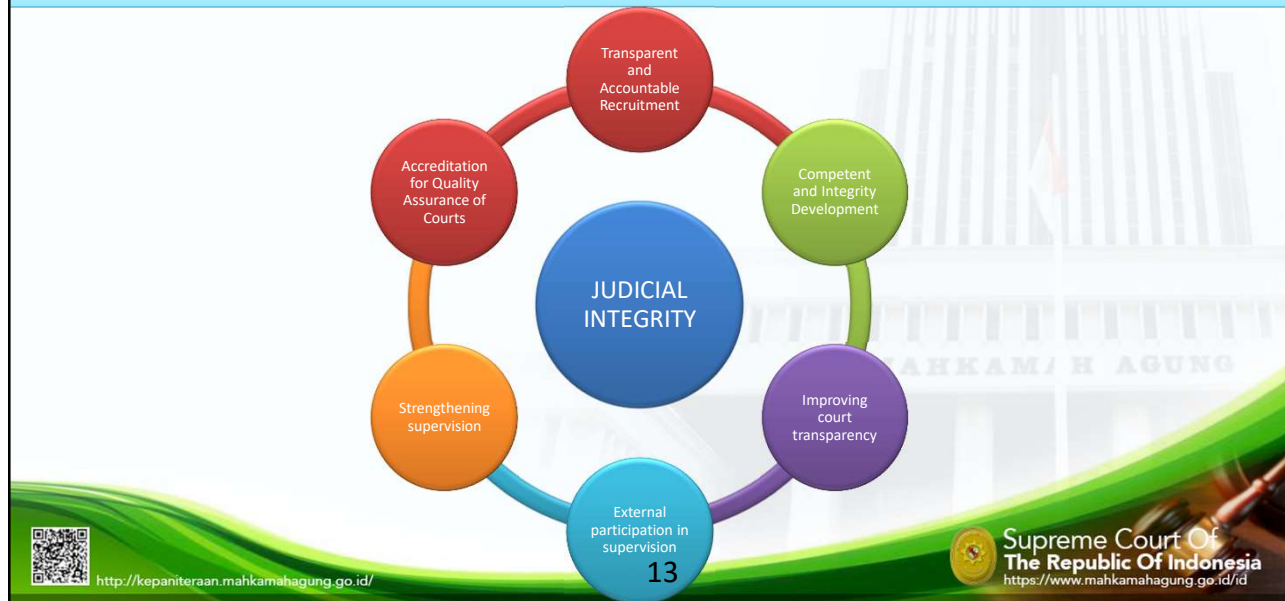


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Supreme Court Policies in Realizing Judicial Integrity



The Supreme Court Policies to overcome problem on *Judicial Integrity* (#1)

2007

The Supreme Court issued a policy on Information Disclosure in Court (Decree of the Chief Justice Number 144 of 2007). To support this policy, the Supreme Court created the National Decision Data Center (Directory of Decisions). Every court must publish all verdicts to the Directory of Decisions. There are now more than 2.5 million decisions published and they are easily accessible by public.



2008

The Supreme Court revitalized the case information system so that the public could access the status of the handling cases of the supreme court through the website.

2009

The Supreme Court and the Judicial Commission issued a Joint Decree on the Code of Conduct for Judges.



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The Supreme Court Policies to overcome problem on *Judicial Integrity* (#2)

2011

- The Supreme Court issued the Guidance on Complaint Handling through Short Message Service (Decree Number 216 of 2011). The complainant who can use this service is the court apparatus.

2012

- The Supreme Court and the Judicial Commission issued a Joint Decree on the Guidance of the Enforcement of Judicial Code of Conduct
- The Supreme Court issued a Decree on Court Service Standard
- The Supreme Court issued a Circular Letter Number 3 of 2012 on the Signing of Integrity Pact.
- All District Courts have used the Case Information System

2013

Supreme Court Supervisory Board revised the Performance Audit Guidelines and Judicial Integrity Assessment. Performance Audits include: Judicial Administration Services, Legal Aid Services, Complaint Handling Services, Information Disclosure Services, and Public Administration Services. Integrity Assessments include: Transparency and accountability of the courts, integrity of judicial apparatus, environment and organizational culture.



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The Supreme Court Policies to overcome problem on *Judicial Integrity* (#3)

2014

- The Supreme Court implements the certification of the court service performance using the ISO 9001: 2008 system
- The Supreme Court conducted a survey of the implementation of the Blueprint in 20 appellate courts. The audiences include: 2 judges (including leaders), Court Clerks / Secretariat, and Echelon IV Officials. Survey materials and methods refer to International Framework for Court Excellence.

2015

- The Supreme Court created the Case Information System which is implemented in the Religious Courts, Military Courts and Administrative Courts
- The Supreme Court appoints 7 courts as a Corruption-Free Territory and a Clean Servicing Bureaucracy Mahkamah Area
- The Supreme Court (Directorate General of the General Courts) establishes a Quality Assurance Team for Quality Assurance Services. The Accreditation Team is in charge of implementing quality assurance that refers to ISO 9001: 2008, ISO 9001: 2015 and International Framework for Court Excellence
- The Supreme Court conducts the Fit and Proper Test for Court Leaders (Decree of the Chief Justice Number 42 of 2015)



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The Supreme Court Policies to overcome problem on *Judicial Integrity* (# 4)

2016

- The Supreme Court launched a Web-based Supervision Information System at <https://siwas.mahkamahagung.go.id/> This system integrates 8 media that can be used to submit complaints namely: SIWAS MA RI Application, Short Message Service, Electronic Letter, Facsimile, Phone Number, Complaint Desk, Letter and Complaint Box.
- The Supreme Court issued 3 regulations on supervision (Regulation 7 of 2016, 8 of 2016 and 9 of 2016)



2017

- The Supreme Court implemented the Quality Assurance Accreditation System for all courts which is based on IFCE
- The Supreme Court issued the Declaration Number 1 of 2017 on the Strengthening Supervisory Function
- The Supreme Court recruits 1591 candidates of judges transparently and accountably by involving the National Selection Committee



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Transparent and Accountable Recruitment



Candidate Civil Servant/Justice selection process has been conducted in a transparent and accountable manner by involving the National Selection Committee comprising of

- the Ministry of Utilization of State Apparatus-Bureaucratic Reform,
- the Government Service Agency,
- Finance and Development Supervisory Agency (BPKP),
- Agency For The Assessment And Application Of Technology (BPPT), and
- the State Signals Office.

Implementation of the process is overseen by the Oversight Team and controlled by the Quality Assurance Team, both established by the National Selection Committee.

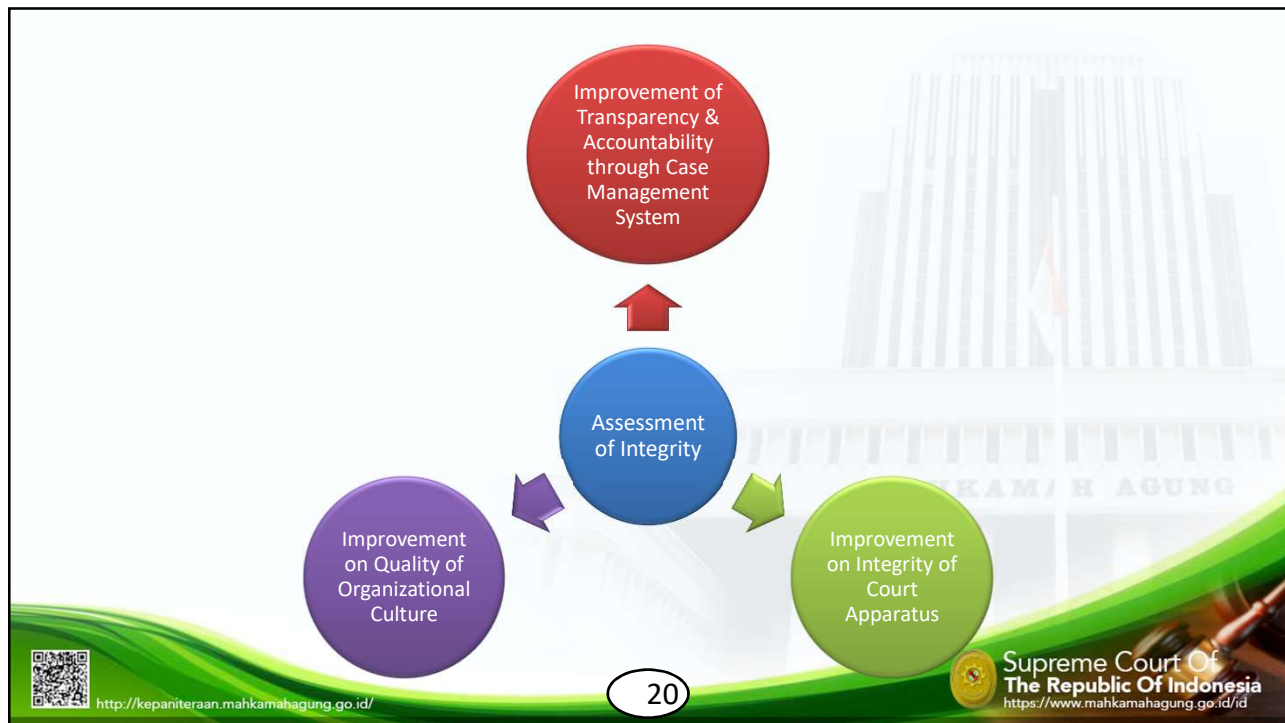
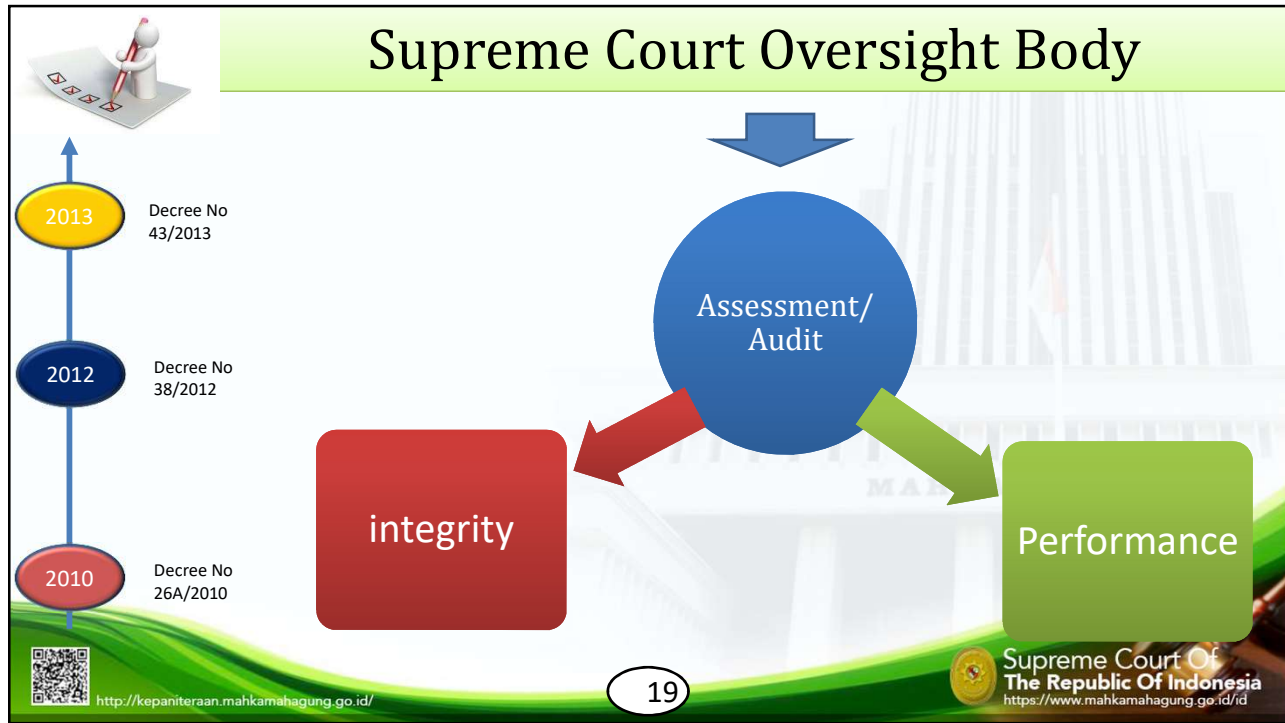


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The Implementation of *International Framework for Court Excellence (IFCE)* In Accreditation System of Quality Assurance of Courts in Indonesia

The Implementation of *International Framework for Court Excellence (IFCE)* in some policies issued by the Supreme Court

THE BLUE PRINT FOR COURT REFORM

- IFCE becomes the important reference in the making of the Blue Print for Court Reform 2010-2035
- The Blue Print explains the court core values which is adopted from IFCE

MAIN PERFORMANCE INDICATOR OF THE SUPREME COURT

- The main performance indicator of the Supreme Court is adopted from some parameters used by IFCE including Clearance Rate, on time case processing, case backlog, court user satisfaction,

ACCREDITATION SYSTEM FOR QUALITY ASSURANCE OF THE COURTS

- It refers to the criterion of IFCE and ISO



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ACCREDITATION SYSTEM FOR QUALITY ASSURANCE OF THE COURTS

Background

- Since 2014 the Supreme Court has certified the services delivered by the courts using the ISO 9001: 2008 and ISO 9001: 2015 standards. The certification is conducted by the External Certification Board.
- In order to avoid dependency with the External Certification Board, the Supreme Court established a Team of Accreditation of Quality Assurance of Court Services. It is stipulated in the Decision of the General Directorate of the General Courts Number 1455 of 2015.
- The reference of the quality standard is ISO 9001: 2015 which is enriched with the court excellence concept promoted by the International Framework for Court Excellence. The implementation of Bureaucracy Reform, Integrity Zone Development and Performance Audit Standards and Integrity Assessment are supported by the Supervisory Board of the Supreme Court.



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THE STANDARD REFERENCE

- ISO 9001:2015 on Quality Management System.
- ISO 19011:2012 on Audit Guidelines.
- ISO 17021 :2011 on Conformity Assessment - Requirements of the Audit Organizer.
- *International Framework for Court Excellence/IFCE.*
- The Blue Print for Court Reform of the Supreme Court 2010-2035
- Other regulations issued by the Supreme Court and the Indonesian Government related to Bureaucracy Reform



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PURPOSE AND OBJECTIVE



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Information Collection Method

The Lists of the Assessment

Check List

1. Court Leadership
2. Strategic Plan and policies
3. Client Needs and Satisfaction
4. Resource Management
5. Proceedings and Processes Management
6. Documentation System
7. Reformance Result

METHOD

- Interview
- Observation of processes and activities
- Test of quotes toward the Registrar and Secretariat
- Document review



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PROCESS FLOW of IMPLEMENTATION OF ACCREDITATION FOR QUALITY ASSURANCE



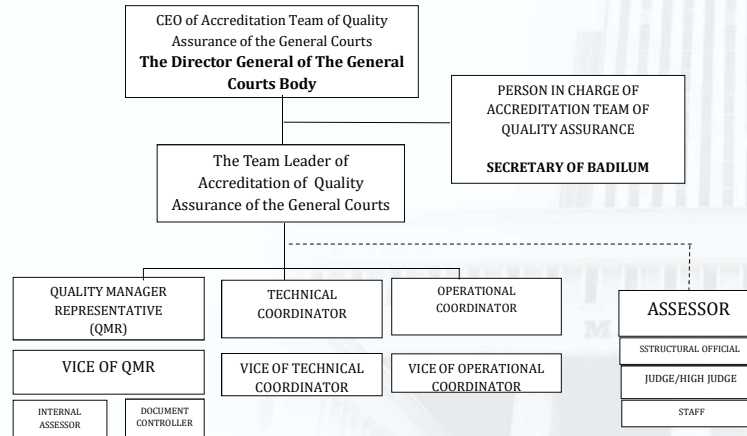
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National Accreditation Team of Quality Assurance



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Committee of Accreditation Decisions

Chief

- Director General of the General Courts

Secretary

- Secretary of the Directorate General of the General Courts

Members

- Officials of Echelon II
- Technical Coordinator
- Operational Coordinator

Secretariat Staff

- QMR and DC TAPM the Directorate General of the General Courts



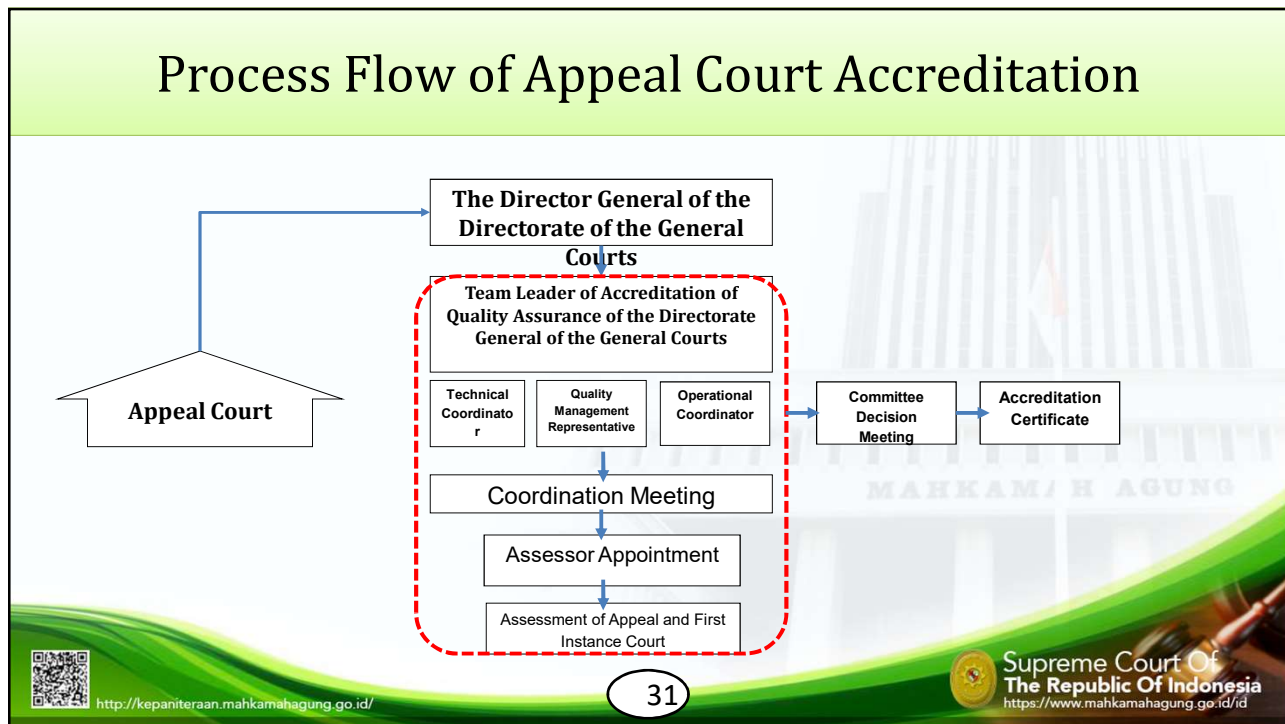
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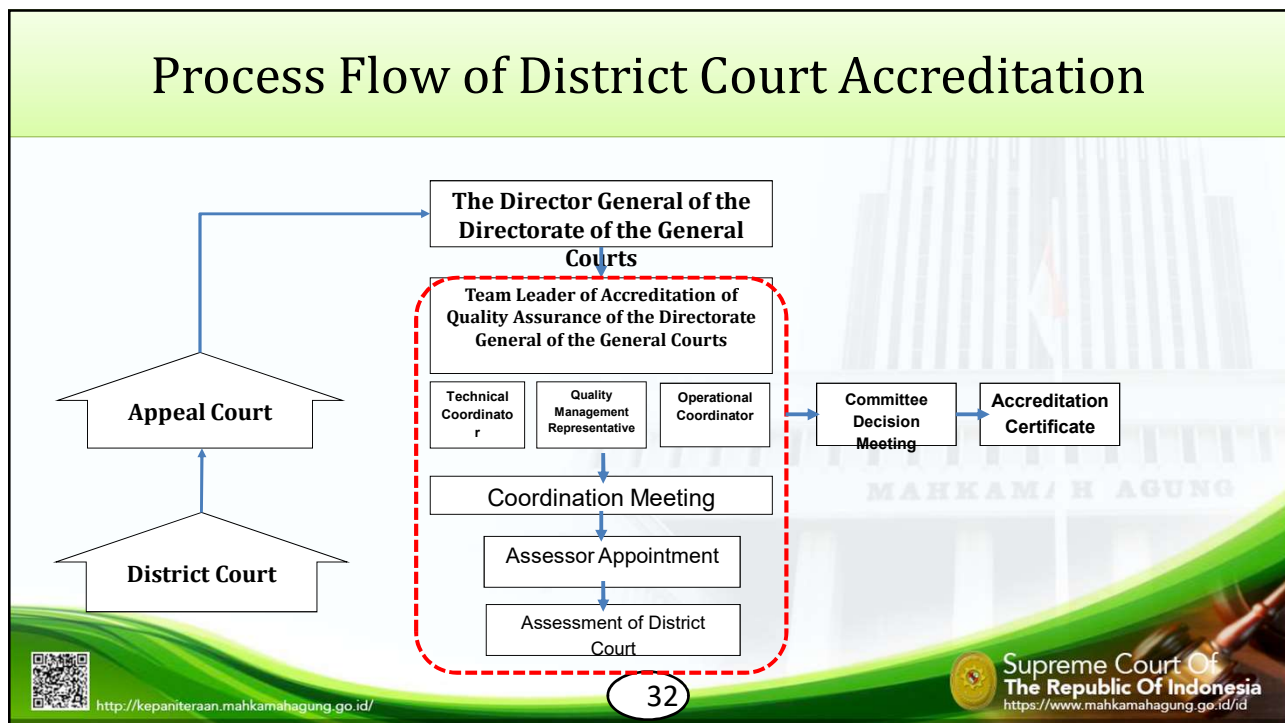


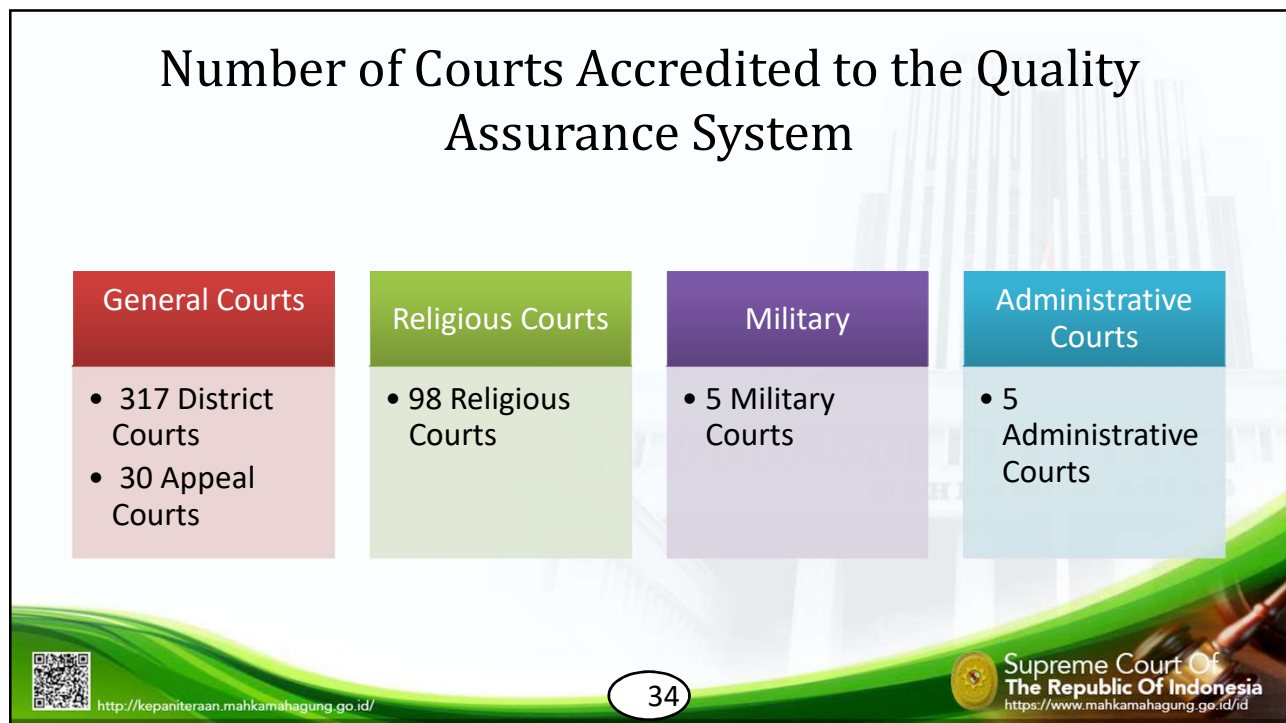
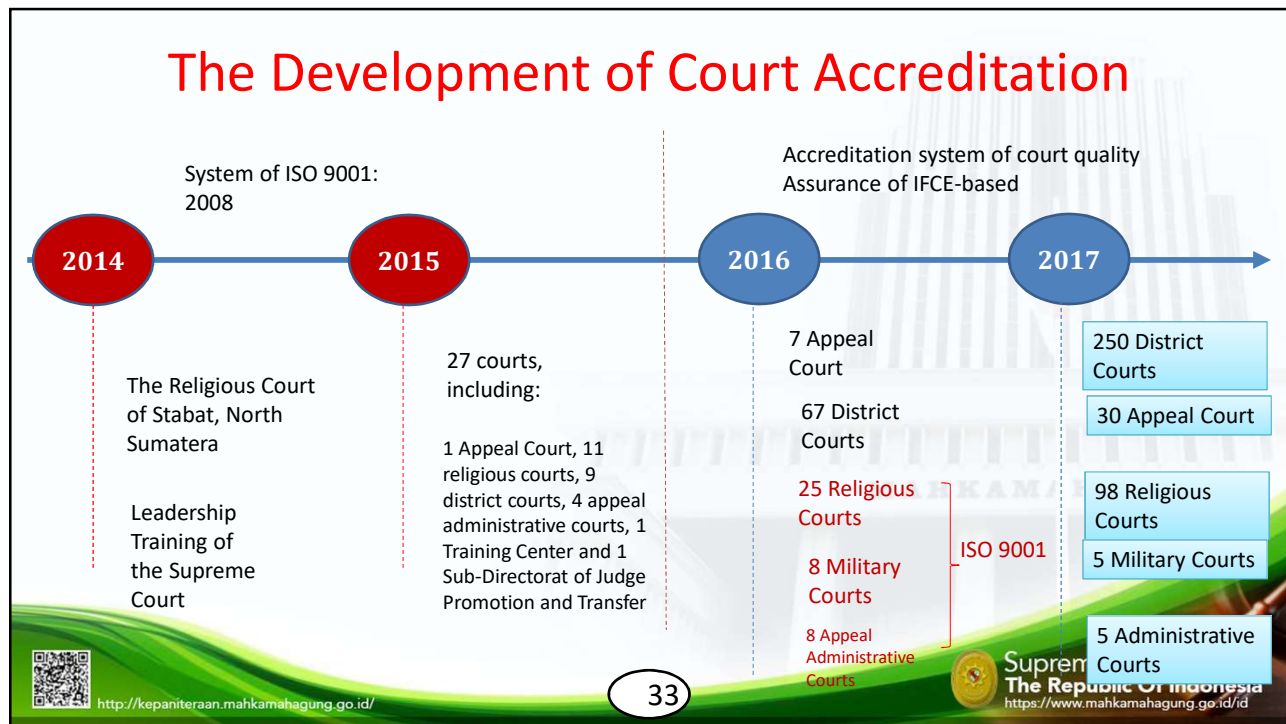
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Process Flow of Appeal Court Accreditation

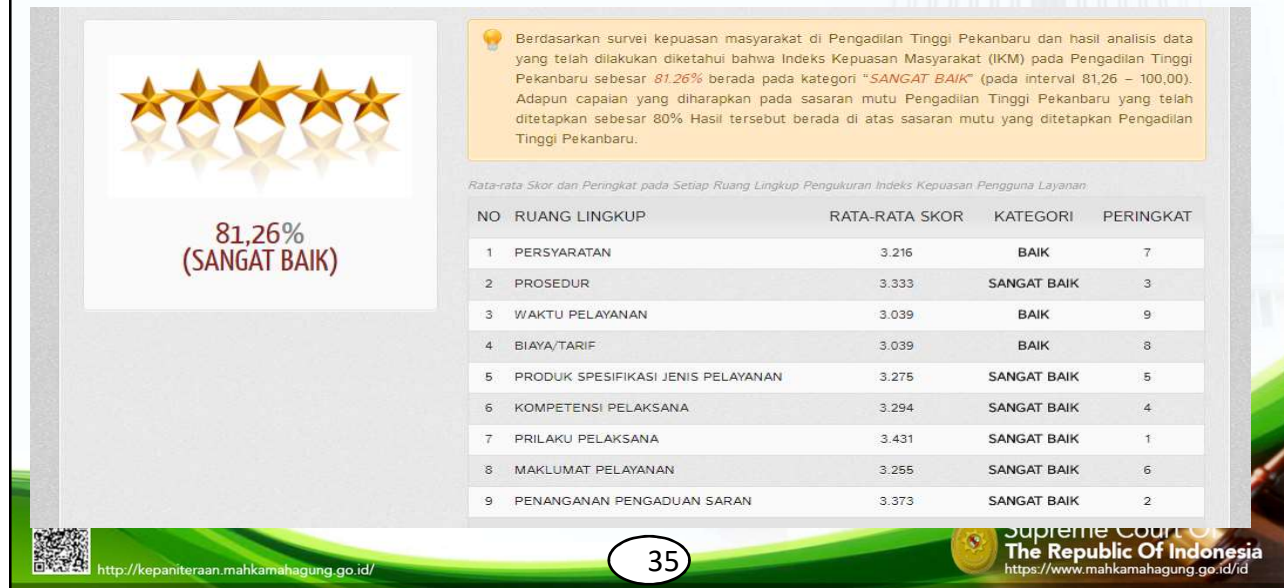


Process Flow of District Court Accreditation





Example of Public Satisfaction to Court Services



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Compare

IFCE (MODIFICATION)

1. Court Leadership
2. Strategic Plan and policies
3. Client Needs and Satisfaction
4. Resource Management
5. Proceedings and Processes Management
6. Documentation System
7. Performance Result

IFCE

1. Court Leadership and Management
2. Court Planning and policies
3. Court Resources (Human, Material and Financial)
4. Court Proceedings and Processes
5. Client Needs and Satisfaction
6. Affordable and Accessible Court Services
7. Public trust and Confidence



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THANK YOU



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JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES



March 8, 2018

AMPARO M. CABOTAJE-TANG
Presiding Justice
Sandiganbayan, The Philippines' Anti-Graft Court

EXISTING MECHANISMS FOR JUDICIAL INTEGRITY IN THE PHILIPPINES

- ▶ **1987 CONSTITUTION**
 - The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption. –Art. II, Sec. 27
 - Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.– Art. IX, Sec. 1

EXISTING MECHANISMS FOR JUDICIAL INTEGRITY IN THE PHILIPPINES

- ▶ 1987 Constitution
 - A Member of the Judiciary must be a person of proven **competence, integrity, probity, and independence**– Art. VIII, Sec. 7 (3)

EXISTING MECHANISMS FOR JUDICIAL INTEGRITY IN THE PHILIPPINES

- ▶ JUDICIAL AND BAR COUNCIL
 - tasked with recommending appointees to the Judiciary. The President, as appointing authority, is mandated to appoint from the list of nominees prepared by the JBC.
 - The JBC is the office principally tasked with assuring that only persons of competence, integrity, probity and independence are allowed entry into the Judiciary.

EXISTING MECHANISMS FOR JUDICIAL INTEGRITY IN THE PHILIPPINES

- ▶ Codes of Conduct of the Philippine Judiciary
 - **New Code of Judicial Conduct for the Philippine Judiciary.**
 - adopts the universal declaration of standards for ethical conduct of judges as embodied in the Bangalore Principles of Judicial Conduct
 - code enumerates six (6) canons of conduct: **independence, integrity, impartiality, propriety, equality, competence and diligence**

EXISTING MECHANISMS FOR JUDICIAL INTEGRITY IN THE PHILIPPINES

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 - adopts the universal declaration of standards for ethical conduct of judges as embodied in the Bangalore Principles of Judicial Conduct
 - code enumerates six (6) canons of conduct: **independence, integrity, impartiality, propriety, equality, competence and diligence**
 - Violations may lead to an administrative or disciplinary case with a penalty ranging from censure to dismissal from the service with forfeiture of all retirement benefits

EXISTING MECHANISMS FOR JUDICIAL INTEGRITY IN THE PHILIPPINES

- ▶ Codes of Conduct of the Philippine Judiciary
 - **New Code of Judicial Conduct for the Philippine Judiciary.**
 - Complaints may be filed by anyone, or upon the initiative of the Supreme Court
 - investigation and recommendation of action is done by the Office of the Court Administrator for lower court judges
 - For appellate court justices, an ad-hoc committee may be constituted consisting of a retired member of the Supreme Court.
 - In both cases, it is ultimately the Supreme Court that decides the liability and penalty to be imposed

EXISTING MECHANISMS FOR JUDICIAL INTEGRITY IN THE PHILIPPINES

- ▶ Codes of Conduct of the Philippine Judiciary
 - **Code of Conduct for Court Personnel**
 - recognition of the fact that the dispensation of justice involves every court employee, from the lowliest to the clerk of court or any position lower than that of a judge or justice
 - applies to all personnel in the judiciary who are not judges or justices.
 - provides for four (4) Canons, namely: Fidelity to Duty, Confidentiality, Conflict of Interest, and Performance of Duties
 - Violations subject the erring court employee to administrative liability

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ **REVISED Judicial and Bar Council (JBC) RULES**

- Promulgated on September 20, 2016
- Amended the rules of Procedure for the Application, Vetting, and Recommendation of appointments to the Philippine Judiciary

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ **REVISED Judicial and Bar Council (JBC) RULES**

- in determining *Integrity and Probity*, the JBC expressly mandates applicants to submit up to date clearances from the Office of the Ombudsman, Office of the Bar Confidant, Integrated Bar of the Philippines, Philippine National Police, and other agencies
- added the automatic disqualification of applicants who have been found to have made false statements, misrepresentations, or concealments of material information in their personal data sheet

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ REVISED Judicial and Bar Council (JBC) RULES

- in determining *Independence*, the JBC must probe into an applicant's personal, social, and professional relationships; as well as his/her business interests, financial connections and political party affiliations to determine whether the same may give rise to a potential conflict of interest

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)

- Light offenses under the Anti-Red Tape Act include refusal to accept an application and/or request with the prescribed period; failure to act on an application within the prescribed period; failure to attend to clients who are within the premises of the office or agency. These offenses are punishable by suspension for the first and second infractions, and dismissal for the third.

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ CREATION OF THE SUPREME COURT TECHNICAL WORKING GROUP ON JUDICIAL INTEGRITY

- On September 28, 2016, the Supreme Court issued Memorandum Order No. 38-A-2016 establishing the Technical Working Group (TWG) on Judicial Integrity under the Committee on Continuing Legal Education and Bar Matters
- TWG is tasked with evaluating and studying appropriate measures to strengthen integrity and prevent corruption in the Philippine Supreme Court

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ CREATION OF THE SUPREME COURT TECHNICAL WORKING GROUP ON JUDICIAL INTEGRITY

- recently, the TWG approved the proposal of Justice Romeo J. Callejo to create a Judicial Integrity Board (JIB) and a Corruption Prevention and Investigation Office (CPIO), patterned after the Judicial Commission System in the United States and Western Europe
- need to create a “permanent body of judicial peers to investigate judicial misconduct and the imposition of the appropriate sanctions.”

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ PROPOSED CREATION OF A JUDICIAL INTEGRITY BOARD (JIB)

- JIB will be tasked with conducting formal administrative investigations or hearings against members of the Judiciary and to submit a report and recommendation to the Supreme Court for appropriate action
- JIB will be given the power to issue subpoenas and subpoena *duces tecum* for the appearance and attendance of the parties and their witnesses in its proceedings
- JIB will also have its own support staff in the form of an Executive Director, Administrative Services Division, Complaints Docket Division, Research and Investigation Section

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ PROPOSED CREATION OF A JUDICIAL INTEGRITY BOARD (JIB)

- there will also be an **Office of the General Counsel** in the JIB whose primary task will be to serve as the Counsel of the Court Administrator and/or other private complainants in disciplinary actions before the JIB and those who cannot financially afford the legal services of a private counsel
 - also tasked to provide legal services to the said complainants in connection with said actions

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ PROPOSED CREATION OF A CORRUPTION PREVENTION AND INVESTIGATION OFFICE (CPIO)

- tasked with investigating and/or conducting intelligence, surveillance or entrapment operations or conducting lifestyle checks to detect and identify Judges and Justices of lower courts and court personnel who violate the pertinent codes of conduct and criminal laws
- will also be authorized to coordinate with and seek assistance from government agencies – such as the relevant law enforcement and investigatory agencies
- Will also have its own dedicated support divisions

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ JUDICIAL AFFIDAVIT RULE (A.M. No. 12-8-8-SC)

- Took effect on January 1, 2013
- Prescribes the use of Judicial Affidavits in lieu of the direct testimony of witnesses
- In pilot courts, time for completing the testimonies of witnesses was reduced by two-thirds (2/3), thus speeding up the hearing and adjudication of cases
- In practice, witnesses called to testify are only made to identify and affirm their judicial affidavit, after which cross-examination may be conducted immediately

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ REVISED GUIDELINES FOR CONTINUOUS TRIAL OF CASES (A.M. No. 15-06-10 SC)

- Took effect on September 1, 2017
- Guidelines mandate the conduct of trial at 8:30 a.m. and 2:00 p.m. from Monday to Thursdays
- Motions, Arraignment, Pre-Trial and promulgation of decisions are to be conducted on Fridays

JUDICIAL INTEGRITY REFORMS IN THE PHILIPPINES

▶ REVISED GUIDELINES FOR CONTINUOUS TRIAL OF CASES (A.M. No. 15-06-10 SC)

- mandates shorter periods to conduct case proceedings and strict adherence to the one-day examination of witness rule

THANK YOU



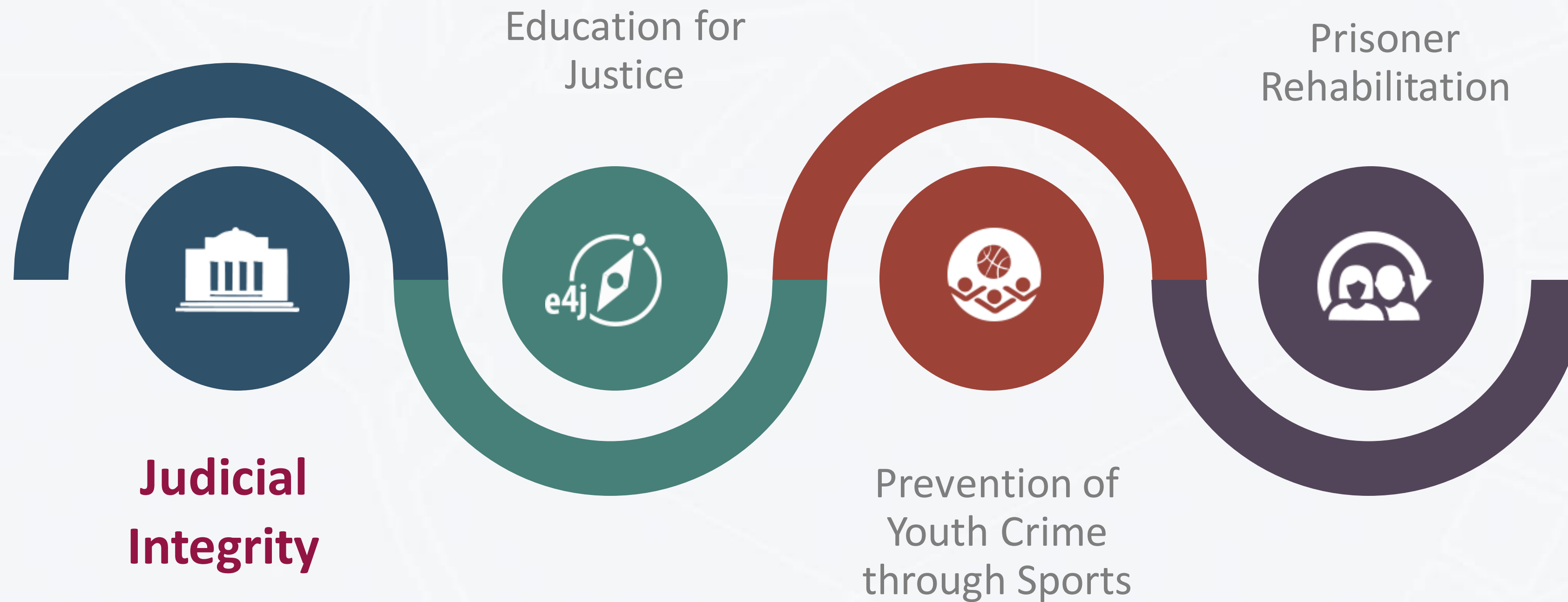
Towards a
Global Judicial Integrity Network

The Doha Declaration



- Adopted in 2015 at the 13th UN Congress Congress on Crime Prevention and Criminal Justice
- Commitment to: prevent and counter corruption, enhance transparency in public administration, and promote integrity and accountability in the criminal justice system
- 2016 – Global Programme for Promoting a Culture of Lawfulness launched to support implementation of the Declaration

The four components of the Doha Declaration Global Programme



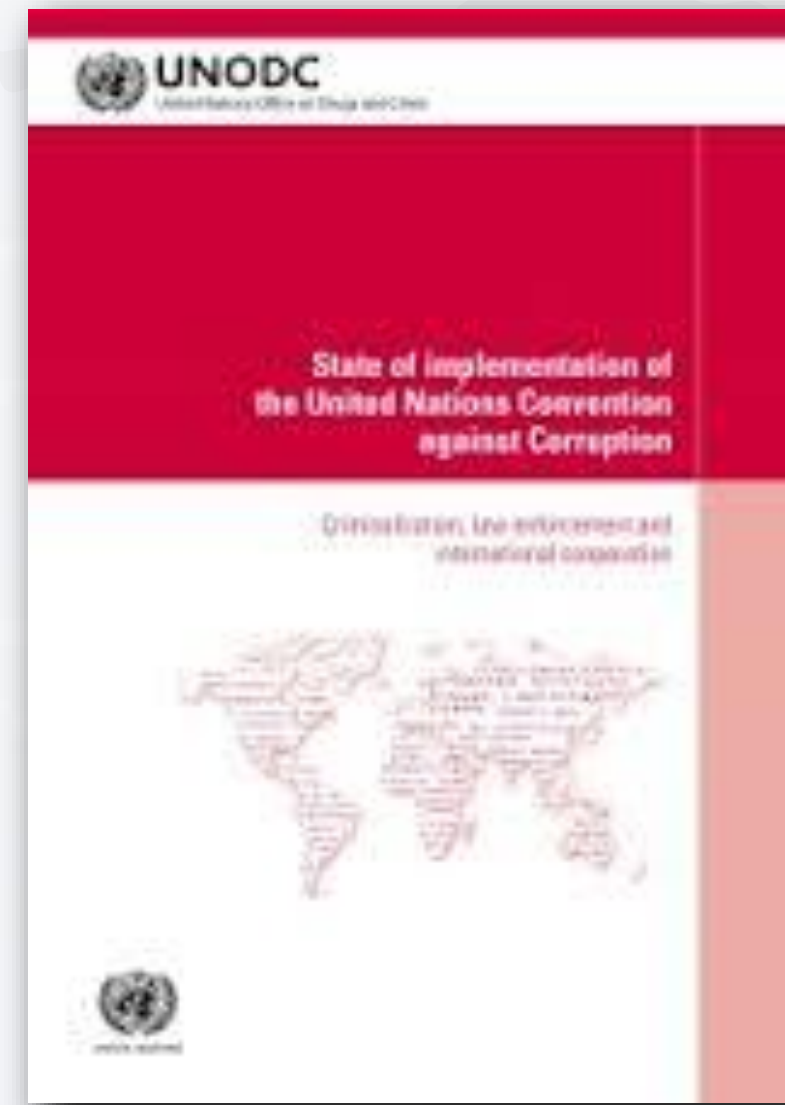


GLOBAL **JUDICIAL**
INTEGRITY NETWORK

United Nations Convention against Corruption

Chapter II
Preventive Measures

Chapter V
Asset
Recovery



Chapter III
Criminalization &
Law Enforcement

Chapter IV
International
Cooperation

140
Signatories

182
States Parties



Article 11

Measures relating to the judiciary and prosecution services

1. 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

Global Judicial Integrity Network

A platform support to the implementation of Article 11 of the UNCAC and the Doha Declaration



Core Functions



Knowledge Building

Harness the experience and expertise of judges, judicial associations and other stakeholders



Facilitate

Access to relevant tools and resources on various issues relating to judicial integrity



Promote

Peer learning and support activities among judges



Support

Further development and effective implementation of principles of judicial conduct and the prevention of corruption within the justice system

Priority Actions



International launch on 9 and 10 April 2018 in Vienna of the **Global Judicial Integrity Network** after a series of regional preparatory meetings.



Continued collaboration and building **partnerships** with judicial associations, platforms and other justice sector stakeholders.



Technical assistance to various Member States in the development and implementation of, for example, judicial codes of conduct, Art. 11 evaluations, financial disclosure systems and judicial ethics training.



Judicial Ethics Training Package consisting of an e-learning course and a teachers' manual for in-classroom.



GLOBAL
JUDICIAL
INTEGRITY
NETWORK

Global Judicial Integrity Network?



What networking and learning opportunities should be provided through the Network?



What resources and tools should be available through the Network's website?



What technical cooperation services should be available through the Network?

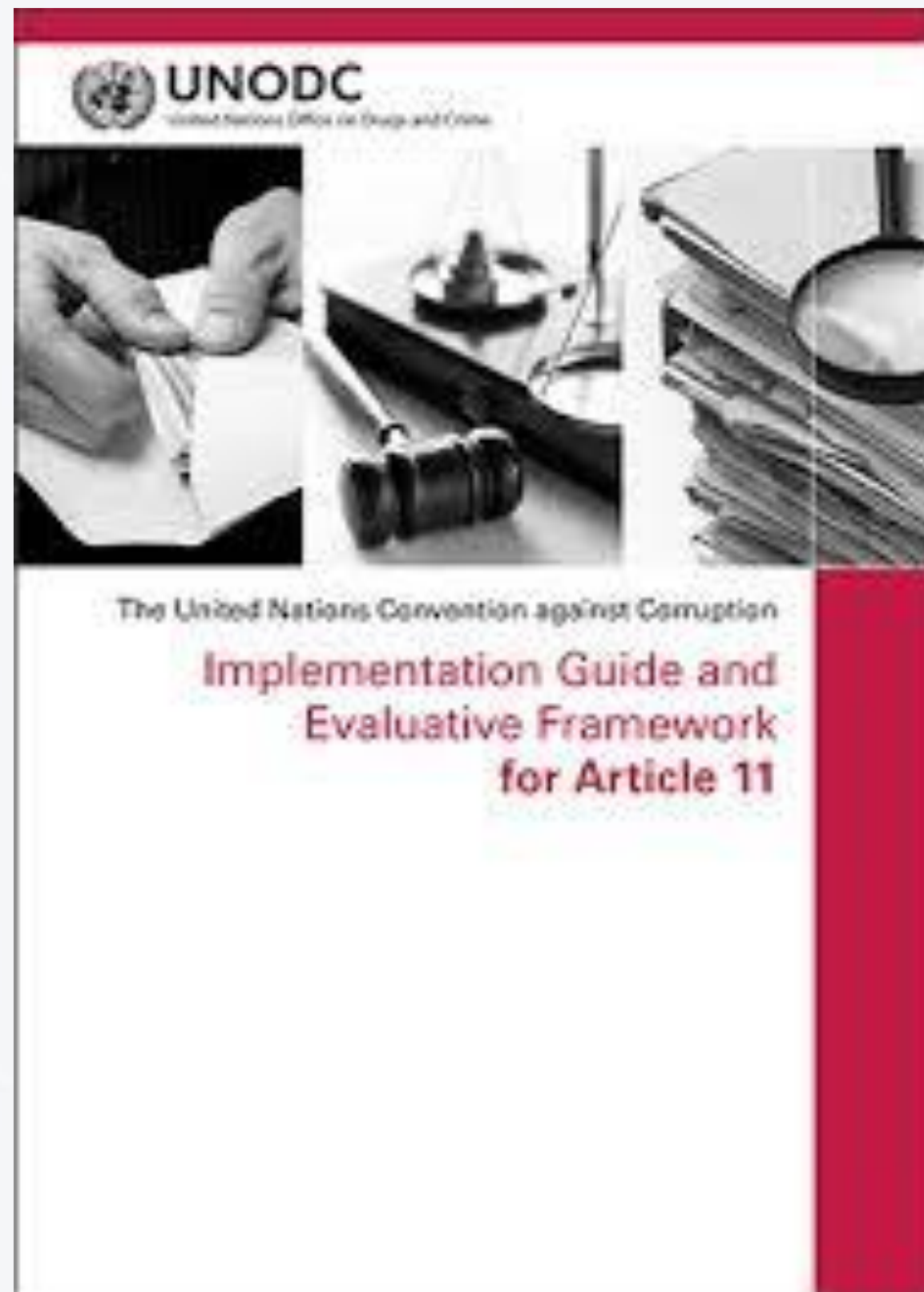


Help us to meet your expectations !

<http://bit.ly/GJIN-Survey>

Implementation Guide and Evaluative Framework for Article 11

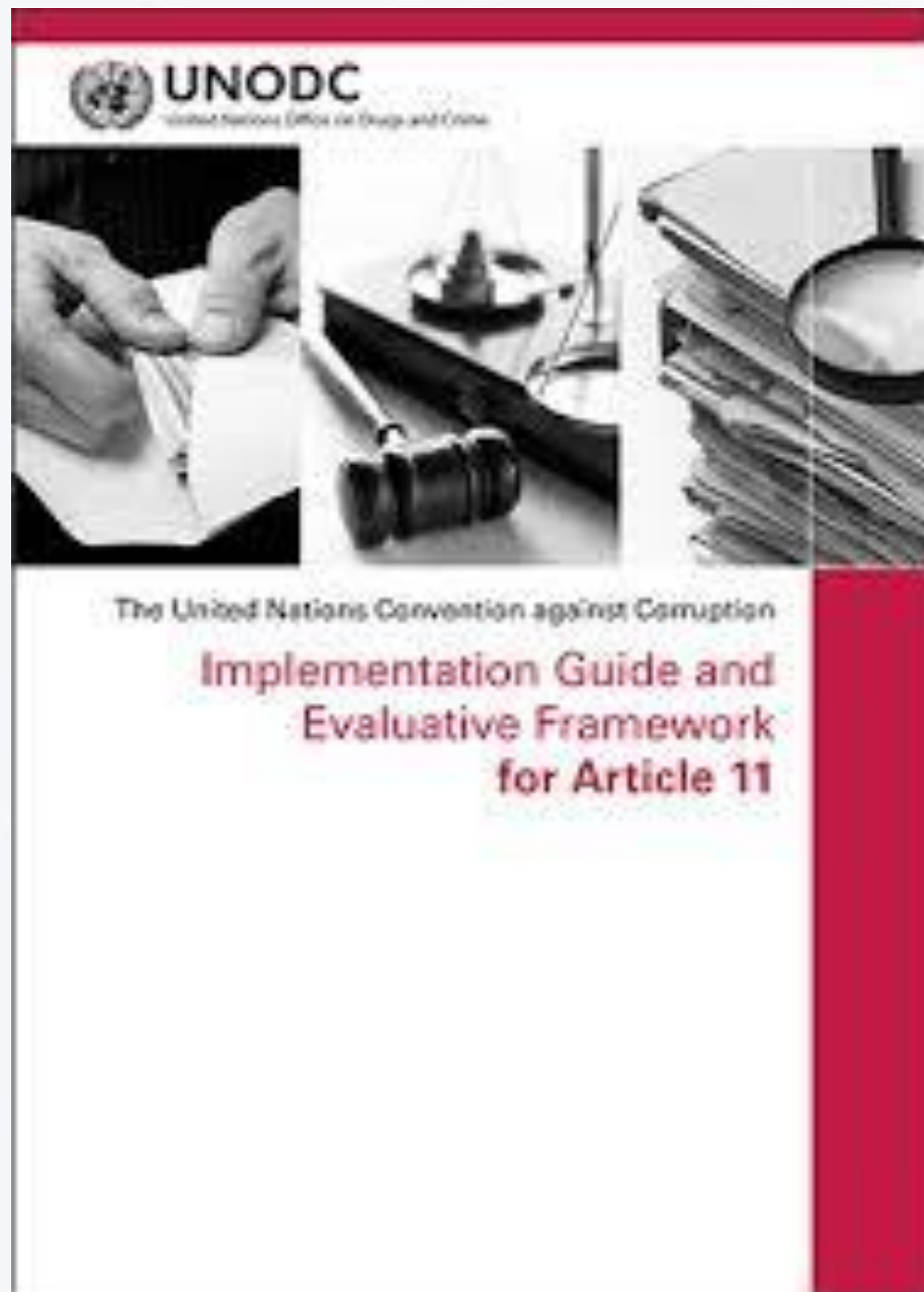
HISTORY OF THE IMPLEMENTATION GUIDE AND EVALUATIVE FRAMEWORK FOR ARTICLE 11



- Wide consultations with judicial authorities and experts *from countries around the world*.
- High-level Regional Judicial Integrity Workshops – gathering senior members of the judiciary and experts from *over 60 countries* – July 2013 to May 2014 (Thailand, Jordan, Trinidad and Tobago and Micronesia).
- Fourth Meeting of the UNCAC Working Group on Prevention in August 2013 – substantive contributions from States such as China, Israel, Japan, Mexico, Russia and USA.
- Supreme Court of the Republic of Indonesia - first national pilot of Guide in Jakarta in November 2013.

OVERALL RESULT EXPECTED

- Identification of areas that may require additional attention or do not meet generally accepted international standards consistent with Art. 11 of UNCAC.
- Tool for Judiciaries and other stakeholders, e.g. academia, civil society, media, development and cooperation agencies, etc.
- **How ? Two key tools !**
 1. Relevant **international standards** and best practices for an overview of the range of measures that can be adopted
 2. Sets of **questions** to assess **each relevant thematic area**.



STRUCTURE OF THE GUIDE

Two core requirements of Article 11:

1. Measures to **Strengthen Integrity** among Members of the Judiciary;
2. Measures to **Prevent Opportunities for Corruption** among Members of the Judiciary.

Additionally:

3. The Prosecution Services – Art. 11, paragraph 2 of UNCAC

MEASURES TO STRENGTHEN INTEGRITY AMONG MEMBERS OF THE JUDICIARY



- **Judicial Integrity** – Bangalore Principles of Judicial Conduct and Commentary
- **Code of Judicial Conduct**
 - Adoption of a Code of Conduct
 - Dissemination of the Code of Conduct
 - Application and Enforcement of the Code of Conduct
- **Judicial Training**
- **Conflicts of Interest** and Disclosure of Financial Interests and Affiliation

Evaluative framework: Codes of conduct

Has the judiciary or other body developed rules or standards with respect to the professional and ethical conduct of members of the judiciary [hereinafter referred to as the code of conduct]?	YES	NO
ANSWER		
Explanation:		
Does the code of conduct take into consideration the Bangalore Principles of Judicial Conduct?	YES	NO
ANSWER		
Explanation:		
Describe the process that governed its development and adoption. In particular, did this process involve consultation with stakeholders outside the judiciary, such as civil society and court user organizations?	YES	NO
ANSWER		
Explanation:		
Has the code of conduct been made available to every judge?	YES	NO
ANSWER		
Explanation:		
To which institutions has the code of conduct been disseminated in the community or otherwise made publicly available?		
Answer and explanation:		
Is there a mechanism or procedure, formal or informal, to advise members of the judiciary on the propriety of proposed conduct?	YES	NO
ANSWER		
Explanation:		
Is there a mechanism or procedure to receive and inquire into complaints of misconduct against members of the judiciary?	YES	NO
ANSWER		
Explanation:		
Is this mechanism or procedure within the judiciary or external from it? Does it function independently of the judiciary ?	YES	NO
ANSWER		
Explanation:		

Who participates in this mechanism or procedure, and how are members selected?		
--	--	--

Answer and explanation:

What transparency measures are in place in that mechanism or procedure to promote public confidence in the process to address such complaints?		
--	--	--

Answer and explanation:

MEASURES TO PREVENT OPPORTUNITIES FOR CORRUPTION AMONG MEMBERS OF THE JUDICIARY

Part A – Institutional Integrity System

- Appointment, Promotion, Transfer, Tenure of Judges
- Judges on Probation
- Remuneration of judges
- Discipline, removal from office, immunity and security of judges
- Freedom of expression, association and assembly
- Budget of the Judiciary
- Guarantee of jurisdiction over issues of a judicial nature
- Protection against interference by the Executive or Legislative

Part B – Minimizing Opportunities for Corruption

- Integrity of Court Personnel
- Court Administration
- Assignment of Cases
- Maintenance of Case Records
- Case Management
- Access to Justice
- Transparency in the Judicial System
- Measuring Public Confidence in the delivery of justice
- Relations with the Media

Evaluative framework: Appointment of judges

What are the essential legal requirements for appointment to judicial office? Describe the requirements for various types or levels of courts if they differ.		
Answer and explanation:		
To what extent are judicial vacancies, including for high judicial office, advertised?		
Answer and explanation:		
What appointment and selection criteria are applicable? How were these criteria developed? Are these criteria made accessible to the general public?		
Answer and explanation:		
Are the names of judicial candidates published?	YES	NO
ANSWER		
Explanation:		
Is there an independent body established for the purpose of appointing, or nominating persons for appointment, to judicial office?	YES	NO
ANSWER		
Explanation:		
How, and by whom, are the members of such body selected and appointed, and what criteria are applied in making such selections?		
Answer and explanation:		
Is civil society or the community represented on such body?	YES	NO
ANSWER		
Explanation:		

How is this body perceived by members of the legal community and the general public in terms of its fairness and objectivity?		
Answer and explanation:		
Does this body conduct interviews of judicial candidates? Are these interviews open to the public? Is the media allowed to attend?	YES	NO
ANSWER		
Explanation:		
Is a candidate's ethical attributes and other personal qualities, such as temperament and communication skills, taken into consideration in the recruitment process?	YES	NO
ANSWER		
Explanation:		
Are efforts made to attract qualified candidates from particular groups, such as women or ethnic minorities?	YES	NO
ANSWER		
Explanation:		

Remuneration of judges

66. The salaries, conditions of service and pensions of judges should be adequate, commensurate with the status, dignity and responsibilities of their office, and should be periodically reviewed for those purposes. The objective of adequate remuneration is to shield the judges “from pressures aimed at influencing their decisions and more generally their behaviour”.⁵³ Therefore, the salaries, conditions of service and pensions of judges should be guaranteed by law, and should not be altered to their disadvantage after appointment.

67. Some national constitutions or laws specify that judges may not hold any other office, whether public or private, except non-remunerated positions in teaching and scientific research in the legal field.

Evaluative framework: Remuneration of judges

Are the salaries, conditions of service and pensions of judges guaranteed by law?	YES	NO
ANSWER		
Explanation:		
Are the salaries, conditions of service and pensions of judges adequate, and commensurate with the status, dignity and responsibilities of their office?	YES	NO
ANSWER		
Explanation:		
Have the terms of service and/or remuneration of any judge/judges been altered to their disadvantage after appointment?	YES	NO
ANSWER		
Explanation:		
Does any judge concurrently hold another office of a non-judicial nature, or a judicial office in another jurisdiction?	YES	NO
ANSWER		
Explanation:		

More information



@DohaDeclaration



unodc.org/dohadeclaration



unodc-judicialintegrity@un.org



unodc.org/judicial-integrity

P2P exchange as a cornerstone of the *Network of Judicial Integrity Champions in APEC*

Dr Sofie Schütte

U4 Anti-Corruption Resource Centre, Chr.
Michelsen Institute

What is stronger than a superhero?



Examples from ACA networks

- Purpose and goals: Standard assurance, capacity and institution building, cross-border investigations and asset recovery
- Age: 4-20 years (still alive?)
- Membership: 10-20, individual- and organisation-based.
- Different organisational models: rotating chairs, fixed secretariat attached to larger regional organisation, 'sponsor driven'
- Finance: membership, rotation, donor
- Achievements/ failures: some formalised outputs but otherwise little evidence collection

A definition of peer learning



- Peer learning is a potentially powerful way of sharing knowledge about doing public sector reform.
- This learning involves individuals **exchanging knowledge and experience with each other, and diffusing this learning back to their organisations to ensure an impact—at scale—on reform initiatives.** [...] ultimately learning takes place between individuals and it facilitates interpersonal interchanges that are well-matched and that are based on trust and commitment.
- **Peer learning can be evaluated** based on whether peer engagements and sustained individual contacts produced the right learning outcomes for the right individuals to achieve changes which matter.

[Andrews, M. and N. Manning \(2016\). A Guide to Peer-to-Peer Learning. How to make peer-to-peer support and learning effective in the public sector. Effective Institutions Platform.](#)


Engaging peers: peer group foundational event



Peer engagement sustained over time (to build trust and sharing)

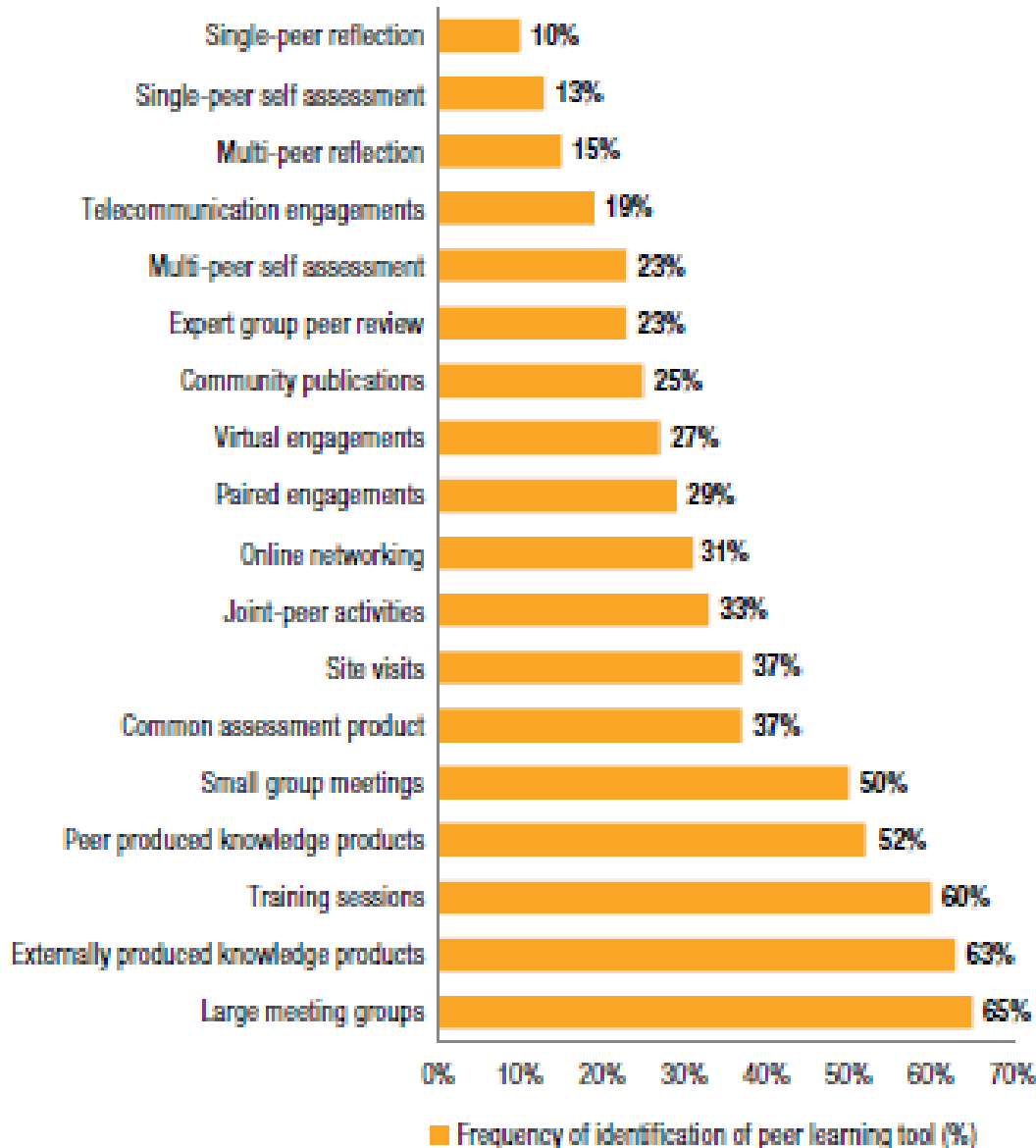


Structured engagement (technical skills, flexibility, political savvy, constructive subversion)



Diffusing learning to organisations to foster impact at scale

Figure 6. Peer learning tools



Mapping of 52 peer learning initiatives

[Andrews, M. and N. Manning \(2016\). A Guide to Peer-to-Peer Learning. How to make peer-to-peer support and learning effective in the public sector. Effective Institutions Platform.](#)

Principles of effective peer learning

(adapted from Andrews and Manning, 2015)

1. Clear learning objectives with peer engagements structured accordingly
2. Peers are matched appropriately and (formally) authorised and empowered to engage effectively
3. Peers engage honestly and committed and over a medium to long run period.
4. Peers engage in multiple ways, including through shared work and site visits
5. Peers do things together and regularly reflect together on what they are learning
6. Learning gains are communicated back to those authorising the peer engagement to ensure continued support
7. Home organisations empower peers to communicate their learning back into organisations, and structure a strategy to ensure this is done regularly.
8. Facilitators simplify the process to reduce administrative demands and costs for peers
9. Different phases and aspects of peer learning are evaluated.

Questions for us

- What kind of learning do we want to generate/share: technical, process, other knowledge? (expectations)
- What are appropriate tools for engagement and to evaluate peer learning gains?
- Do we want to 'share forward' in home institutions and how so?

Back up slides

Common risks (Andrews and Manning, 2016)

- Magic bullet thinking «It's peer engagement, so must be peer learning, so must be good»
- Hitting formal target but missing the politically smart point
- Standard reform solutions are promulgated via peer learning
- Weak evaluation of the peer learning engagement
- Learning outcomes not focused on results at scale

Peer learning process by Effective Institutions Platform

Process steps	Interaction/facilitation	Knowledge generation	Sharing and exchange	Reflection, application and diffusion
Creating foundational engagement	<ul style="list-style-type: none"> • Purposeful matching • Large group meetings • Small group meetings 	<ul style="list-style-type: none"> • Common assessment product • Externally produced knowledge products • Peer produced knowledge products • Training sessions 	<ul style="list-style-type: none"> • Expert group peer review • Single peer self assessment • Multi-peer self assessment 	
Sustaining individual contacts	<ul style="list-style-type: none"> • Paired engagements • Online networking, virtual and telecom engagements 	<ul style="list-style-type: none"> • Peer produced knowledge products • Community publications • Site visits • Joint peer activities 	<ul style="list-style-type: none"> • Community publications • Site visits • Joint peer activities • Defining learning objectives • Good natured competition between peer groups 	
Achieving learning outcomes		Same as above	Same as above	<ul style="list-style-type: none"> • Single-peer reflection • Multi-peer reflection

INTERNATIONAL FRAMEWORK for COURT EXCELLENCE

*a self-assessment methodology
for court performance*

LAURIE GLANFIELD
DEPUTY PRESIDENT AIJA

JUDICIAL INTEGRITY CHAMPIONS IN APEC
BANGKOK
8 – 9 MARCH 2018



The Australasian Institute of
Judicial Administration Incorporated



THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

2nd Edition, March 2013

Who Has Been Involved in Developing the Framework?

Founding Members of the *International Consortium for Court Excellence*:

- Australasian Institute of Judicial Administration (AIJA)
- Federal Judicial Center (FJC) - USA
- National Center for State Courts (NCSC) - USA
- State Courts of Singapore

Assisting Organisations:

- European Commission for the Efficiency of Justice (CEPEJ)
- Spring Singapore
- World Bank

Consortium's Goal

“ The development of a framework of values, concepts, and tools that courts worldwide can use to assess and improve the quality and administration of justice. ”

Purpose of the Framework

1. Provide courts with a resource for assessing their performance against areas of court excellence
2. Provide clear guidance for courts intending to improve their performance

Development of Framework

Framework released at International Court Quality Forum in Sydney



Second Edition launched at Asia-Pacific Courts Conference in Auckland



2007

Sept
2008

Oct
2010

Nov
2013

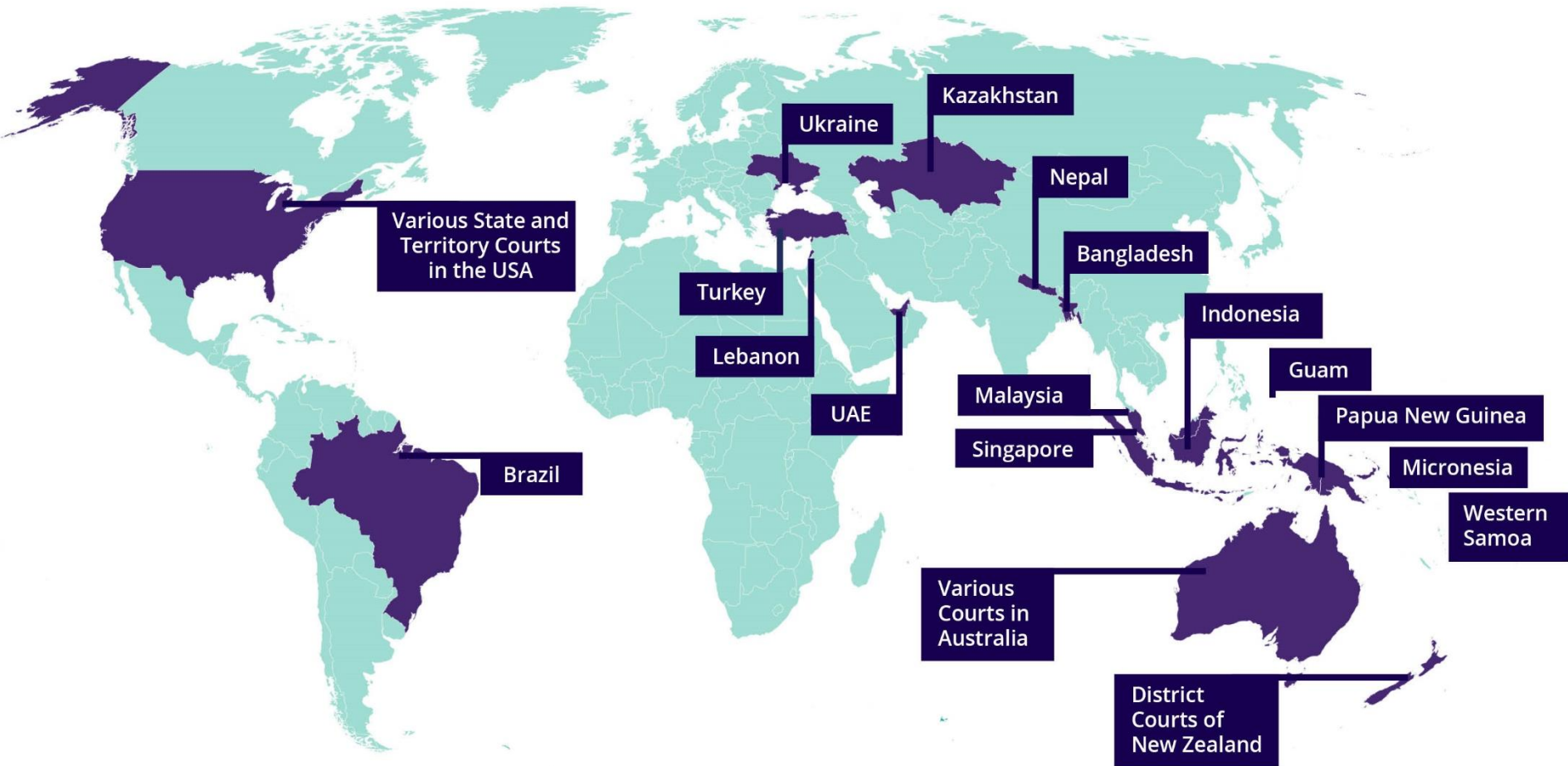


International Consortium established



Framework focus of Asia-Pacific Courts Conference in Singapore

International Implementation



Court Focus

- Quality management methodology – continuous improvement
- Designed specifically for courts
- Court controls the process
- Court's progress measured against itself
- Builds integrity and public trust
- Reaffirms independence and accountability system

The Framework



**Court
Values**

Equality (Before the Law)

Fairness

Impartiality

**Independence of Decision
Making**

Competence

Integrity

Transparency

Accessibility

Timeliness

Certainty

The Framework

DRIVER

1. Court Leadership and Management

SYSTEMS AND ENABLERS

2. Court Planning and Policies
3. Court Resources (Human, Material and Financial)
4. Court Proceedings and Processes

RESULTS

5. Client Needs and Satisfaction
6. Affordable and Accessible Court Services
- 7. Public Trust and Confidence**



Seven Areas for Court Excellence

The Framework

**Court
Performance
and Quality**

**Seven
Areas for
Court
Excellence**

**Court
Values**

DRIVER

1. Court Leadership and Management

SYSTEMS AND ENABLERS

2. Court Planning and Policies
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Equality (Before the Law)

Fairness

Impartiality

Independence of Decision Making

Competence

Integrity

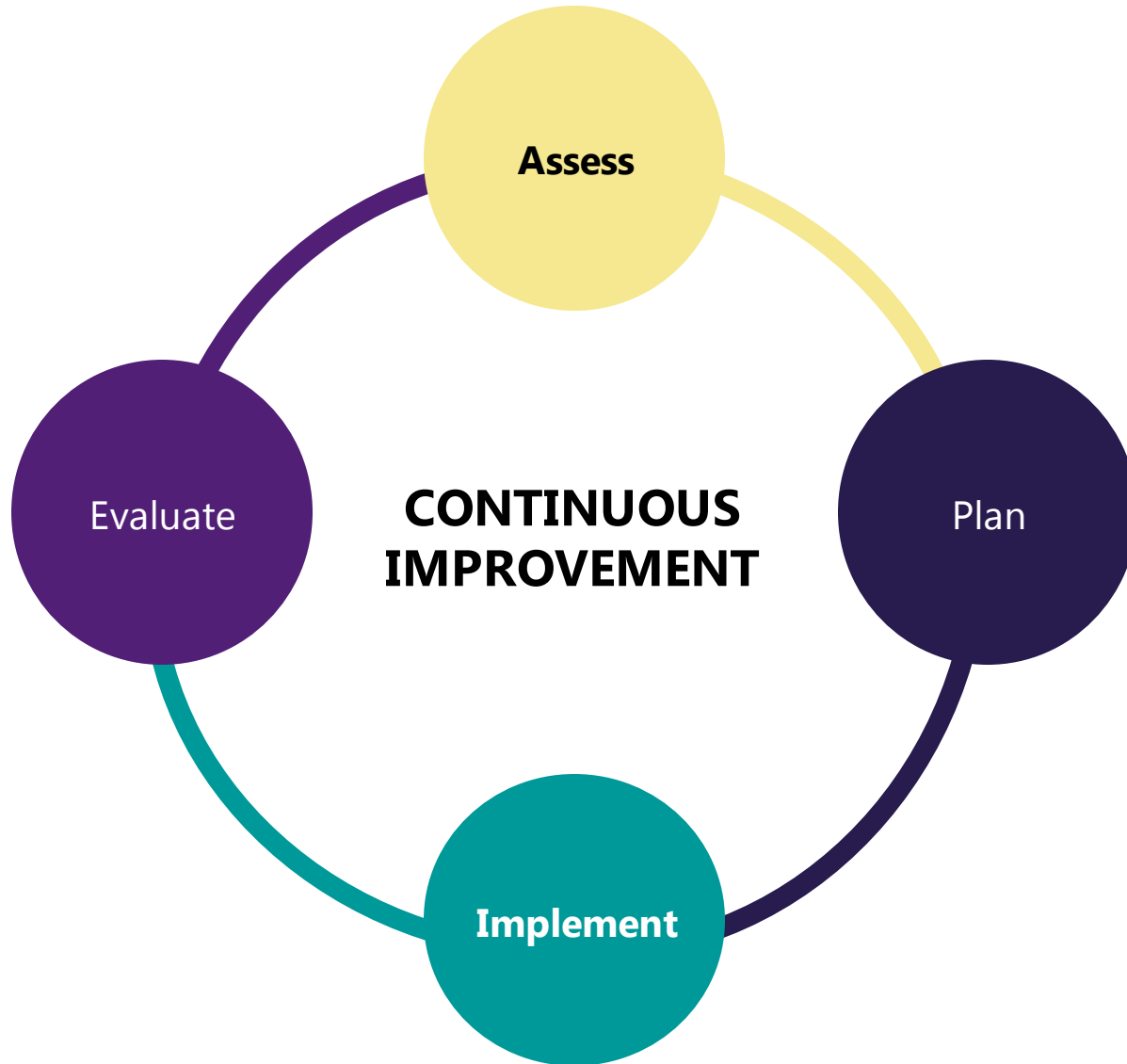
Transparency

Accessibility

Timeliness

Certainty

Implementing the Framework



Self Assessment Questionnaire - Example

COURT EXCELLENCE: SELF-ASSESSMENT QUESTIONNAIRE

		APPROACH AND DEPLOYMENT						RESULTS							
		NONE	REACTIVE	DEFINED	INTEGRATED	REFINED	INNOVATIVE	TOTAL	NONE	LIMITED	FAIR	GOOD	VERY GOOD	EXCELLENT	TOTAL
Area 6	Affordable and Accessible Court Services	0	1	2	3	4	5	TOTAL	0	1	2	3	4	5	TOTAL
6.1	Court has processes in place that promote affordable court proceedings														
6.2	Court publishes information on court services and access														
6.3	Physical access to court buildings is easy														
6.4	Court provides support for people with disabilities to ensure easy access to its services														
6.5	Court has policies to ensure equal treatment for all court users														
6.6	Court provides information to assist those who are unrepresented														
6.7	Court uses plain language to assist all court users														
6.8	Court has electronic and remote access available														
6.9	Court uses technology and innovation to improve access for all court users														
Subtotal									Subtotal						

Self Assessment Checklist - *Example*

COURT PLANNING AND POLICIES

Actions		Assess Using Points Below				
		NO (0 points)	REVIEWING (1 point)	CAN IMPROVE (2-4 points)	YES (5 points)	Total Score
Court Planning						
1	We have a strategic plan that identifies the court's values, targets and plans.					
2	We involve judges and court staff in the court's review and planning processes.					
3	We have a process for monitoring and reviewing the strategic plan.					
4	We allocate resources for actions identified in our strategic plan.					
Court Policies						
5	We have judicial and court policies to support our values, targets and plans.					
6	We publish our policies and monitor compliance.					
7	We review our policies regularly to ensure court quality and efficiency.					
Innovation						
8	We have put in place a court innovation strategy, with short and long term goals, as an integral part of our planning that is aligned with our court's objectives and goals.					
Total						

Self Assessment Questionnaire

Weighted Scoring Table

	AREAS	MAXIMUM POINTS	SCORE ACHIEVED	MULTIPLIER	RESULTING SCORE	MAXIMUM WEIGHTED SCORE
1	Court Leadership and Management	70		2		140
2	Court Planning and Policies	60		2		120
3	Court Resources (Human, Material and Financial)	80		2		160
4	Court Proceedings & Processes	50		2		100
5	Client Needs and Satisfaction	50		3		150
6	Affordable and Accessible Court Services	90		2		180
7	Public Trust and Confidence	50		3		150
	Total					1,000

Sample Action Plan *

	AREAS OF COURT EXCELLENCE (& SELF-ASSESSMENT SCORES IN MARCH 09)	ACTION TO BE UNDERTAKEN AND EXPECTED OUTCOME	STEPS TO ACHIEVE ACTION AND OUTCOME	RESPONSIBILITY/ PARTICIPANTS	TIMING OF STEPS	PERFORMANCE INDICATOR
1	Area 1: Court Leadership and Management	To provide organisational leadership that promotes a proactive and professional management culture, pursues innovation and is accountable and open.				
1.1	Articulating the court's purpose (1-1-1) Court has published a statement of its vision and mission (purpose) together with details of how it meets its fundamental values (such as accessibility, timeliness and fairness)	1.1.1 Statement of purpose Develop, adopt and publicise a statement describing the Court's purpose.	Develop statement. Adopt statement. Publicise statement.	LEC, IFCE Working Group LEC, IFCE Working Group Registrar Gray	30.06.09 31.07.09 30.09.09	Action taken by target date. Action taken by target date. Action taken by target date.
1.2	Pursuing working relationships with professional participants and users (2-2-3) Court holds regular meetings with court users to provide information on the court and seek feedback	1.2.1 Court users' group Continue regular meetings of the Court users' group.	Hold meetings.	Justice Preston		Four meetings a year.
		1.2.2 Mining users' group Establish a specialist Court users' group for mining matters in the Court and hold regular meetings.	Identify group and invite to first meeting. Hold first meeting, identify dates for future meetings to 30.06.10 and issue dates.	Senior Commissioner Moore	31.07.09 31.08.09	Action taken by target date. Four meetings a year, first meeting on 31.08.09.
		1.2.3 Additional users' group Consider desirability of other specialist users' groups.	LEC Rules Committee to meet and decide.	LEC Rules Committee	30.09.09	Action taken by target date.

Benefits of Adopting the Framework

- Courts are able to deliver higher quality services
- Planning for the future not leaving it to others
- Establishes a positive values-driven court culture
- Improved understanding of performance
- Establishes community confidence in court
- Strengthens integrity, independence and accountability of court
- More persuasive funding submissions

Resources

Framework itself includes:

Sample Template for Improvement Plan

Performance Measures Aligned to the Seven Areas of Excellence

Court Performance Management Policies and Tools

Self Assessment Checklist

For more information visit

www.courtexcellence.com



THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

JUDICIAL INTEGRITY CHAMPIONS IN APEC



Empowered lives.
Resilient nations.

Developing A New Edition of the International Framework for Court Excellence

Integrity as a key element of court
performance

Self-Assessment Checklist



Ms. Elodie Beth, Programme Advisor

Mr. Ajit Joy, Consultant

UNDP Bangkok Regional Hub

International Consortium on Court Excellence



*Empowered lives.
Resilient nations.*

- A 'Framework' developed by the consortium helping **assess and build courts performance** on the basis of **internationally accepted 'court values'**
- First step of the methodology: **self assessment across seven areas of court excellence**
- Simplified **checklist**

Why developing a new edition of the IFCE Checklist?



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- **Strong ownership** of judiciary - Methodology used by 20 countries and 33 judiciaries globally
- Self-assessment allows judicial leaders to **prioritise reforms**
- Recognition of **judicial integrity** as a **key** element of court performance
- Executive of the ICCE open to consider **mainstreaming integrity** into the 7 areas of Court Excellence

How to develop together the new edition of the IFCE Checklist

Consultations with Advisory Group on concept note with possible options (separate pillar / mainstreaming / hybrid)

Bilateral discussions with ICCE Executive, Judicial Integrity Group and development partners (UNODC, GIZ, U4)

First face-face discussion today on proposed changes

Written comments on the draft to be collected after workshop

Follow-up discussion and endorsement by ICCE Executive after consultation with JIG

Challenges requiring guidance from the Network



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- Judges are busy
- If a court is corrupt how can you expect honest answers
- Keeping the simplicity of the methodology while taking into account judicial integrity standards

But..

- Opportunity to judicial leaders and court teams to put their heads together to critically introspect and plan change
- How can we complement the self-assessment to ensure the credibility of results (e.g. by involving peer judges from another country or combining the results of the self-assessment with the results of surveys with court end-users)

Guiding Principles for developing the new edition of the IFCE



*Empowered lives.
Resilient nations.*

- Not to reinvent the wheel. Use and integrate methodology already developed
- User friendly methodology. Request guidance from the Network to reduce number of questions / simplify language (group work)
- Court owned and managed. With full ownership of ICCE.
- Alignment with international standards on judicial integrity

Seven Areas of Court Excellence



*Empowered lives.
Resilient nations.*

1. Court leadership and management
2. Court planning and policies
3. Court resources
4. Court proceedings and processes
5. Client needs and satisfaction
6. Affordable and accessible court services
7. Public trust and confidence

*Source: International Framework on court Excellence
(March 2013)*



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Resilient nations.*

Judicial Integrity Standards

- **Article 11 of the UN Convention against Corruption:** States mandated to strengthen integrity and prevent opportunities for corruption among members of the judiciary.
- **Implementation Guide and Evaluative Framework for Article 11** by the UNODC offers guidance
- Judicial Integrity Group - "**Bangalore Principles of Judicial Conduct**": independence, impartiality, integrity, propriety, equality and competence, diligence



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Resilient nations.*

Advisory Committee's Feedback

- Existing framework (IFCE) is adaptable
- Judicial Integrity: cross cutting issue across each of the 7 areas
- Look on the area of Public Trust and Confidence to build on Judicial Integrity
- Use questions related to integrity from the Implementation Guide and Evaluative Framework for Article 11
- Keep questions simple and direct
- Have a separate Court User Survey on Judicial Integrity if needed
- Scoring ought to be there

Introduction of Group Work



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Resilient nations.*

- IFCE anchored on integrity as one of the court values
- Background document: an initial attempt to include integrity related questions throughout the 7 areas
- Issue: questions in the IFCE relate to Court as an institution; whereas questions on judicial integrity relate to conduct of individual judges
- A lot of work remains to be done on the draft revised methodology for which we seek your assistance

Introduction of Group Work ctd.



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Resilient nations.*

- IFCE questions and format have been retained.
- Some of the questions in the framework that are repetitions are shown with a strikethrough.
- New sub areas and integrity questions (i.e. Implementation Guide for Article 11) have been inserted.
- The original checklist has 80 questions
- Scoring mechanism also should be discussed

Group Work Questions – Session 6

Mainstreaming integrity into the IFCE



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Resilient nations.*

1. How do you recommend to integrate judicial integrity within the areas of court Excellence?
2. How do we ensure that the methodology is user-friendly and provides a practical self-assessment framework to guide judicial reform processes?
3. Can you please point out to essential questions on judicial integrity that should be retained vs. others that are not essential?

Group Work Questions – Session 7

Measuring integrity in the IFCE



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1. What is the most effective way to score integrity as one of the elements of the judicial performance framework?
2. How we can ensure the credibility of results in corrupt environments? Could we combine the self-assessment based on the IFCE with some form of external assessment (e.g. advice from peer judge from another country)?
3. What kind of measurement tools could complement the self-assessment, especially to seek feedback from court end-users and other stakeholders? What tools are currently used for this purpose?

Championing judicial integrity reforms



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- What are the recommendations you will bring back as a network to your Chief Justices?
- Share one good practice in our courts with the network
- Be part of the network's efforts to integrate judicial integrity within International Framework for Court Excellence
- Advocate the use of the Bangalore Principles in APEC
- Availability to provide peer advice to other members of the network
- Consult court users and stakeholders' in the design of the reforms