

**THE RECORD OF THE SECOND MEETING
OF THE
JUDICIAL GROUP ON STRENGTHENING JUDICIAL INTEGRITY**

BANGALORE

FEBRUARY 24-26, 2001

The 2nd Meeting of the Judicial Group on Strengthening Judicial Integrity

Bangalore, February 24-26, 2001

1. INTRODUCTION

1.1 Context

In April 2000, under the framework of the United Nations Global Programme Against Corruption and in conjunction with the tenth United Nations Congress on the Prevention of Crime and Treatment of Offenders, a two day workshop for Chief Justices and other senior judges from eight Asian and African countries was convened in Vienna. The initiators of the Judicial Group were the United Nations Centre for International Crime Prevention and Transparency International. A second meeting of the Judicial Group took place in Bangalore, India between 24-26 February 2001. On this occasion, the meeting was facilitated by the Department for International Development (DFID), United Kingdom, and organized with the assistance of the High Court and the Government of Karnataka State, India, and supported by the United Nations High Commissioner for Human Rights (UNHCHR). The purposes of the meeting were:

- to continue the work of the Judicial Group begun in Vienna;
- to consider, and agree upon, the elements of a draft Code of Judicial Conduct;
- to investigate ways of authenticating this Code for use throughout the world to secure judicial accountability and promote judicial integrity;
- to consider methodologies for diagnosing systemic weaknesses, including corruption, in the judicial system; and
- to agree upon focus countries in which to undertake pilot programmes designed to strengthen judicial integrity.

1.2 Membership

The Judicial Group was chaired by HE Judge Christopher Weeramantry (former Vice-President of the International Court of Justice). The other participants were:

Chief Justice M L Uwais (Nigeria); Chief Justice B A Samatta (Tanzania); Chief Justice B J Odoki (Uganda); Deputy President of the Constitutional Court, Justice Pius Langa (South Africa); Chief Justice S N Silva (Sri Lanka); Chief Justice P V Reddi (Karnataka, India); Justice M R Chowdhury (Bangladesh); Chief Justice K P Upadhyaya (Nepal).

The rapporteur of the Group was Justice Michael Kirby (High Court of Australia). A specially invited participant at the meeting was Madame Justice Claire L'Heureux Dubé (Supreme Court of Canada and President of the International Commission of Jurists). The observers were the Hon P N Bhagwati (Vice-Chairman of the UN Human Rights Committee, representing UNHCHR); Dato' Param Cumaraswamy (UN Special Rapporteur on the Independence of the Judges and Lawyers); Justice Vishwanatha Shetty (High Court of Karnataka, India); Justice G C Bharuka (High Court of Karnataka, India); Hon A N Jayaram (Advocate-General, Karnataka, India). The resource persons included Mr Jeremy Pope (Executive Director, Transparency International); Hon Y Bhaskar Rao (former Chief Justice of Karnataka, India); Mr David Wood (Deputy Chief Governance Adviser, DFID, UK); and Dr Nihal Jayawickrama (Coordinator, Programme on Strengthening Judicial Integrity).

1.3 Introduction

The inaugural session of the Bangalore meeting took place at the Karnataka Judicial Academy, Bangalore. The participants were welcomed by Chief Justice P V Reddi. The inaugural address was given by Justice S P Bharucha (Supreme Court of India). He described the procedures and protocols observed in India for considering complaints against judges. He emphasised the importance of education of the public concerning judicial independence and the vital causes served by the judge. He favoured procedures for the disclosure of assets by judges and made suggestions for the consideration of the Judicial Group.

The presidential address was delivered by Judge Weeramantry. He placed the work of the group in the context of other developments of international law. He emphasised the universality of the expectation of judicial integrity. He explained that it was important to be alert not only to financial corruption but to intellectual corruption, given the choices which it falls to judges to make in the discharge of their judicial duties.

Dr Jayawickrama described the origins of the Judicial Group and the purposes of the meeting. He mentioned many initiatives which had been taken in Bangalore in the past and viewed the venue as propitious for the success of the second meeting.

2. DRAFT CODE OF JUDICIAL CONDUCT

2.1 Secretariat draft

Much of the second meeting was devoted to consideration of a draft Code of Judicial Conduct prepared by the secretariat and considered by the participants. This draft was introduced by Dr Jayawickrama who described the way in which it had had been developed after study of codes of judicial conduct accepted by the judiciary in many

countries in all parts of the world. The participants agreed to proceed by way of examination of the draft. They agreed to the reorganisation of some of the concepts and the addition of others.

2.2 *Adoption of the Bangalore Draft*

By the conclusion of deliberations the Judicial Group adopted as a draft the draft Code of Judicial Conduct which is annexed to this record.

2.3 *Explanatory note*

The participants agreed that Dr Jayawickrama would prepare an explanatory note to accompany the draft Code. This would set out the origins of the project and describe the way in which the Code had been developed by reference to operative codes adopted elsewhere. The Chief Justice of Nepal and the Chief Justice of Karnataka insisted, and the participants agreed, that the explanatory note would make it clear (as is in any case the law which judges would fully understand) that the judicial duty is to conform to any code of conduct which, by law or practice, is already in force in a judge's jurisdiction. The development and existence of an international code cannot relieve judges of their duties under municipal law to comply with currently operating codes of conduct applicable to their jurisdiction. Nevertheless, the present Code is designed:

- to spread the example of codes of judicial conduct to those jurisdictions which do not yet have them;
- to encourage deliberation amongst judges and others concerning the terms of the code and the improvement of codes of judicial conduct already in force; and
- to develop the broad principles appropriate to a code drawing on the best practice and precedents in many jurisdictions of the world.

3. IMPLEMENTATION

3.1 *Civil law jurisdictions*

The participants considered the way in which the project of the Judicial Group should be taken further. They recalled the deliberations at the first meeting at which it had been proposed that the draft Code, developed by judges from common law countries, should be scrutinized by judges of other legal traditions. Dato' Param Cumaraswamy emphasised the need to take the draft Code to other regions of the world. He indicated his own interest and that of the UN High Commissioner for Human Rights to promote

the eventual adoption by the UN General Assembly of a duly authenticated international code of judicial conduct.

3.2 *Institution of Chief Justices*

Justice L'Heureux Dubé mentioned the desirability of organising a body representative of Chief Justices from all countries around the world. She said that such a body could promote a draft international Code, test local codes by reference to the international draft, and speak on behalf of the judiciary when attacks occurred on judges and the judicial institutions anywhere in the world.

3.3 *African Chief Justices Meeting*

Chief Justice Uwais (Nigeria) mentioned a meeting of African Chief Justices that would take place in September 2001 in Nigeria, supported by the World Bank. It was agreed that the Bangalore Draft should be available for distribution and discussion at that meeting. Judge Weeramantry offered to take the draft to the International Court of Justice and to provide it to the judges of that Court who were interested in such themes. They in turn, might choose to pass it on to judicial authorities in their own countries.

3.4 *Commonwealth Chief Justices Meeting*

Chief Justice Odoki (Uganda) reported that a meeting of Chief Justices of the Commonwealth in April 2001 was designated for Uganda. It was agreed that the Bangalore Draft should be distributed at that meeting.

3.5 *The World Bank*

The Hon P N Bhagwati emphasised the importance of consulting judges of the civil law tradition, given that they sometimes approached issues of judicial organisation and conduct in ways different from the approach of common law. He indicated that he would bring the work of the Group and the Bangalore Draft to the notice of the International Advisory Council of the World Bank, upon which he served, concerned with matters of legal reform. The participants agreed to this.

3.6 *Home Jurisdictions*

The participants also agreed that they would bring the work of the project to the notice of judicial and governmental authorities in their own jurisdictions, as appropriate. They agreed that it was important to promote consideration of the project,

understanding of its objects and study of the Bangalore Draft with a view to its refinement, improvement and final adoption.

4. SURVEY INSTRUMENTS AND CASE AUDITS

The participants agreed that the Secretariat should continue to develop the survey instruments proposed at the meeting. It was noted that trial implementation of such surveys in a number of jurisdictions would take place provided appropriate funding was forthcoming. The participants noted the offer of Chief Justice Silva (Sri Lanka), of Chief Justice Uwais (Nigeria) and of Chief Justice Odoki (Uganda) to facilitate the administration of pilot studies for the implementation of the survey in their countries. It was agreed that the surveys would need to be carefully revised by the judges concerned to ensure that they were appropriate to their particular jurisdictions. It was to be emphasised that the conduct of the survey, and the priority given to particular jurisdictions, was not to be interpreted as indicating any special concern about the judicial institutions in those jurisdictions.

The participants agreed that the survey instruments and case audits should proceed with a view to reinforcing and supporting the efforts of the judiciary in the countries concerned, in their attempt to address the improvement of judicial standards and the effective implementation of codes of judicial conduct.

The participants noted that reports on the implementation of the survey instruments and case audits would be received at the third meeting of the Judicial Group.

5. EXISTING BEST PRACTICE

The participants were briefed on existing practice observed in a number of jurisdictions. In particular, Chief Justice P V Reddi and his two colleagues, Justice Bharuka and Justice Vishwanatha Shetty, briefed the participants on two initiatives adopted in the Karnataka High Court, building upon those instituted by Chief Justice Bhaskar Rao, namely the use of information technology to refine the judicial process, and the structure and activities of the Karnataka Judicial Academy. The participants expressed their interest in the developments reported in Karnataka and elsewhere.

6. NEXT MEETING

The participants noted with thanks the offer of Chief Justice Uwais to convene the third meeting of the Judicial Group in Nigeria. They agreed, in principle, that this meeting should be held in a country in which a pilot programme had been undertaken

and completed. The Secretariat will liaise with the members of the Judicial Group concerning the timing of the third meeting.

7. THANKS

On behalf of the participants, the President of the Judicial Group, Judge Weeramantry, expressed thanks to the Governor of Karnataka, Her Excellency Smt V S Rama Devi and for the official dinner given to the participants on 24 February 2001; to the Chief Justice and judges of the High Court of Karnataka for the official reception given to the participants on 25 February 2001. Thanks were also expressed to the Government of Karnataka, the Advocate General, the Director of the Judicial Academy, the Registrar-General and Senior Protocol Officer of the High Court of Karnataka, and others who had contributed to the success of the second meeting. The meeting closed at 5 p.m. on 26 February 2001.

NOTE

The following papers were tabled at the meeting:

1. *Strengthening Judicial Integrity* by Justice Y. Bhaskar Rao.
2. *Best practice in dealing with corruption in the judiciary and other legal reforms in Uganda* by Chief Justice B.J. Odoki.
3. *Disciplinary Control of Judges in Uganda* by Chief Justice B.J. Odoki.
4. *A critical analysis of the constitutional and other mechanisms for disciplining judicial officers in Nepal* by Chief Justice Keshav Prasad Upadhyaya.
5. *Disciplining of judicial officers in Australia* by Justice Michael Kirby.
6. *Supervisory powers of the Supreme Court over courts and judicial officers of Bangladesh* by Justice Mainur Reza Chowdhury.
7. *Disciplining judicial officers in Nigeria* by Chief Justice Uwais.
8. *Mechanisms for disciplining judicial officers in Uganda* by G.P. Wolimbwa.
9. *Reform measures adopted by the Tanzanian judiciary to combat judicial corruption* by Lawrence Uzia.
10. *Some thoughts on judicial codes of conduct and mechanisms for disciplining judges* by Dato' Param Kumaraswamy.

The following documents are annexed to this report:

- A: Code of Judicial Conduct – The Bangalore Draft
- B: List of Participants
- C: Programme
- D: Annotated Agenda
- E: Statement at Inaugural Session.

ANNEX A

CODE OF JUDICIAL CONDUCT

THE BANGALORE DRAFT

Explanatory Note

At its first meeting held in Vienna in April 2000, the Judicial Group on Strengthening Judicial Integrity recognized the need for a code against which the conduct of judicial officers may be measured. Accordingly, the Judicial Group requested that codes of judicial conduct which had been adopted in some jurisdictions be analyzed, and a report be prepared concerning: (a) the core considerations which recur in such codes; and (b) the optional or additional considerations which occur in some, but not all, such codes and which may or may not be suitable for adoption in particular countries.

In preparing a draft code of judicial conduct in accordance with the directions set out above, reference was made to several existing codes and international instruments including, in particular, the following:

- (a) Restatement of Values of Judicial Life adopted by the Chief Justices Conference of India, 1999.
- (b) Code of Conduct for the Judges of the Supreme Court of Bangladesh, prescribed by the Supreme Judicial Council in the exercise of power under Article 96(4)(a) of the Constitution of the People's Republic of Bangladesh, May 2000.
- (c) The Judges' Code of Ethics of Malaysia, prescribed by the Yang di-Pertuan Agong on the recommendation of the Chief Justice, the President of the Court of Appeal and the Chief Judges of the High Courts, in the exercise of powers conferred by Article 125(3A) of the Federal Constitution of Malaysia, 1994.
- (d) The Code of Judicial Conduct of the Philippines, September 1989.
- (e) The Canons of Judicial Ethics of the Philippines, proposed by the Philippines Bar Association, approved by the Judges of First Instance of Manila, and adopted for the guidance of and observance by the judges under the administrative supervision of the Supreme Court, including municipal judges and city judges.
- (f) Code of Conduct to be observed by Judges of the Supreme Court and of the High Courts of Pakistan.
- (g) Yandina Statement: Principles of Independence of the Judiciary in Solomon Islands, November 2000.
- (h) Code of Conduct for Judicial Officers of the Federal Republic of Nigeria.
- (i) Code of Conduct for Judicial Officers of Tanzania, adopted by the Judges and Magistrates Conference, 1984.
- (j) Code of Conduct for Judicial Officers of Kenya, July 1999.

- (k) Code of Conduct for Judges, Magistrates and Other Judicial Officers of Uganda, adopted by the Judges of the Supreme Court and the High Court, July 1989.
- (l) The Judicial (Code of Conduct) Act, enacted by the Parliament of Zambia, December 1999.
- (m) Guidelines for Judges of South Africa, issued by the Chief Justice, the President of the Constitutional Court, and the Presidents of High Courts, the Labour Appeal Court, and the Land Claims Court, March 2000.
- (n) The European Charter on the Statute for Judges, Council of Europe, July 1998.
- (o) Ethical Principles for Judges, drafted with the cooperation of the Canadian Judges Conference and endorsed by the Canadian Judicial Council, 1998.
- (p) The Code of Judicial Conduct adopted by the House of Delegates of the American Bar Association, August 1972.
- (q) The Code of Conduct of the Judicial Conference of the United States.
- (r) The Canons of Judicial Conduct for the Commonwealth of Virginia, adopted and promulgated by the Supreme Court of Virginia, 1998.
- (s) The Iowa Code of Judicial Conduct.
- (t) Draft Principles on the Independence of the Judiciary ("Siracusa Principles"), prepared by a committee of experts convened by the International Association of Penal Law, the International Commission of Jurists, and the Centre for the Independence of Judges and Lawyers, 1981.
- (u) Minimum Standards of Judicial Independence adopted by the International Bar Association, 1982.
- (v) United Nations Basic Principles on the Independence of the Judiciary, endorsed by the UN General Assembly, 1985.
- (w) Draft Universal Declaration on the Independence of Justice ("Singhvi Declaration") prepared by Mr L.V. Singhvi, UN Special Rapporteur on the Study on the Independence of the Judiciary, 1989.
- (x) The Beijing Statement of Principles of the Independence of the Judiciary in the Lawasia Region, adopted by the 6th Conference of Chief Justices, August 1997.
- (y) The Latimer House Guidelines for the Commonwealth on good practice governing relations between the Executive, Parliament and the Judiciary in the promotion of good governance, the rule of law and human rights to ensure the effective implementation of the Harare Principles, 1998.
- (z) The Policy Framework for Preventing and Eliminating Corruption and Ensuring the Impartiality of the Judicial System, adopted by the expert group convened by the Centre for the Independence of Judges and Lawyers, February 2000.

At its second meeting held in Bangalore in February 2001, the Judicial Group, proceeding by way of examination of the draft placed before it, identified the core values, formulated the relevant principles, and agreed on the code set out in this document: the Bangalore Draft. The Judicial Group recognized, however, that since the draft Code had been developed by judges drawn principally from common law countries, it was essential that it be scrutinized by judges of other legal traditions to

enable it to assume the status of a duly authenticated draft international code of judicial conduct.

In deciding to publish the Bangalore Draft, the Judicial Group agreed that the judicial duty is to conform to any code of conduct which, by law or practice, is already in force in a judge's jurisdiction. The development and existence of an international code does not relieve a judge of his or her duty under municipal law to comply with a code of conduct currently in operation in that judge's jurisdiction. The Bangalore Draft is designed:

- to spread the example of codes of judicial conduct to those jurisdictions which do not yet have them;
- to encourage deliberation amongst judges and others concerning the terms of the code and the improvement of codes of judicial conduct already in force; and
- to develop the broad principles appropriate to an international code of judicial conduct drawing on the best practice and precedents in many jurisdictions of the world.

Preamble

WHEREAS the *Universal Declaration of Human Rights* recognizes as fundamental the principle that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations and of any criminal charge.

WHEREAS the *International Covenant on Civil and Political Rights* guarantees that all persons shall be equal before the courts, and that in the determination of any criminal charge or of rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

WHEREAS the foregoing fundamental principles and rights are also recognized or reflected in regional human rights instruments, in domestic constitutional, statutory and common law, and in judicial conventions and traditions.

WHEREAS the importance of a competent, independent and impartial judiciary to the protection of human rights is given emphasis by the fact that the implementation of all the other rights ultimately depends upon the proper administration of justice.

WHEREAS an independent judiciary is likewise essential if the courts are to fulfil their roles as guardians of the rule of law and thereby to assure good governance.

WHEREAS the real source of judicial power is public acceptance of the moral authority and integrity of the judiciary.

AND WHEREAS consistently with the *United Nations Basic Principles on the Independence of the Judiciary*, it is essential that judges, individually and collectively, respect and honour judicial office as a public trust and strive to enhance and maintain confidence in the judicial system.

The following principles and rules are intended to establish standards for ethical conduct of judges. They are principles and rules of reason to be applied in the light of all relevant circumstances and consistently with the requirements of judicial independence and the law. They are designed to provide guidance to judges and to afford a structure for regulating judicial conduct. They are intended to supplement and not to derogate from existing rules of law and conduct which bind the judge.

The values which this Code upholds are:

- Propriety
- Independence
- Integrity

- Impartiality
- Equality
- Competence and diligence
- Accountability

I

Value:

PROPRIETY

Principle:

Propriety, and the appearance of propriety, are essential to the performance of all of the activities of a judge.

Code

- 1.1 A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities¹.
- 1.2. As a subject of constant public scrutiny, a judge must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, a judge shall conduct himself or herself in a way that is consistent with the dignity of the judicial office².
- 1.3. A judge shall avoid close personal association with individual members of the legal profession, particularly those who practise in the judge's court, where such association might reasonably give rise to the suspicion or appearance of favouritism or partiality³.
- 1.4 Save in exceptional circumstances or out of necessity, a judge shall not participate in the determination of a case in which any member of the judge's family represents a litigant or is associated in any manner with the case⁴.
- 1.5 A judge shall avoid the use of the judge's residence by a member of the legal profession to receive clients or other members of the legal profession in circumstances that might reasonably give rise to the suspicion or appearance of impropriety on the part of the judge⁵.

¹ cf ABA Code, Bangladesh, Beijing Principles, Pakistan, Philippines, Solomon Islands.

² cf Bangladesh, India, Philippines.

³ cf Bangladesh, India, Kenya.

⁴ cf Bangladesh, India.

⁵ cf India.

- 1.6 A judge shall refrain from conduct such as membership of groups or organisations or participation in public discussion which, in the mind of a reasonable, fair-minded and informed person, might undermine confidence in the judge's impartiality with respect to any issue that may come before the courts⁶.
- 1.7 A judge shall, upon appointment, cease all partisan political activity or involvement. A judge shall refrain from conduct that, in the mind of a reasonable fair-minded and informed person, might give rise to the appearance that the judge is engaged in political activity⁷.
- 1.8 A judge shall refrain from:
- 1.8.1 Membership of political parties;
 - 1.8.2 Political fund-raising;
 - 1.8.3 Attendance at political gatherings and political fund-raising events;
 - 1.8.4 Contributing to political parties or campaigns; and
 - 1.8.5 Taking part publicly in controversial discussions of a partisan political character⁸.
- 1.9 A judge shall not allow the judge's family, social or other relationships improperly to influence the judge's judicial conduct and judgment as a judge⁹.
- 1.10 A judge shall not use or lend the prestige of the judicial office to advance the private interests of the judge, a member of the judge's family or of anyone else, nor shall a judge convey or permit others to convey the impression that anyone is in a special position improperly to influence the judge in the performance of judicial duties¹⁰.
- 1.11 A judge shall not testify voluntarily as a character witness, except that a judge may testify as a witness in a criminal proceeding if the judge or a member of

⁶ cf ABA Code, Canada, European Charter, South Africa.

⁷ cf Canada, Virginia.

⁸ cf Canada, Bangladesh, India, Pakistan, Philippines, Uganda, Virginia, Zambia.

⁹ cf ABA Code, Iowa, Tanzania, Texas, Virginia, Washington.

¹⁰ cf ABA Code, Bangladesh, Iowa, Pakistan, Philippines, South Africa, Tanzania, Virginia, Zambia.

the judge's family is a victim of the offence or if the defendant is a member of the judge's family or in like exceptional circumstances¹¹.

- 1.12 Subject to the proper performance of judicial duties, a judge may engage in activities such as:
 - 1.12.1 The judge may write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice and related matters;
 - 1.12.2 The judge may appear at a public hearing before an official body concerned with matters relating to the law, the legal system and the administration of justice or related matters; and
 - 1.12.3 The judge may serve as a member of an official body devoted to the improvement of the law, the legal system, the administration of justice or related matters¹².
- 1.13 A judge may speak publicly on non-legal subjects and engage in historical, educational, cultural, sporting or like social and recreational activities, if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties in accordance with this Code¹³.
- 1.14 A judge may participate in civic and charitable activities that do not reflect adversely on the judge's impartiality or interfere with the performance of judicial duties. A judge should not be involved in fund-raising or membership solicitation¹⁴.
- 1.15 A judge shall not serve as the executor, administrator, trustee, guardian or other fiduciary, except for the estate, trust or person connected with a member of the judge's family and then only if such service will not interfere with the proper performance of judicial duties¹⁵.

¹¹ cf ABA Code, Iowa, Zambia.

¹² cf ABA Code, Bangladesh, Kenya, Philippines, Zambia.

¹³ cf ABA Code, European Charter, Iowa, Tanzania, Virginia, USA.

¹⁴ cf ABA Code, Bangladesh, Iowa, Kenya, Philippines, Uganda.

¹⁵ cf ABA Code, Iowa, Kenya, Nigeria, Philippines, Tanzania, Virginia, Zambia.

- 1.16 Save for holding and managing appropriate personal or family investments, a judge shall refrain from being engaged in other financial or business dealings as these may interfere with the proper performance of judicial duties or reflect adversely on the judge's impartiality¹⁶.
- 1.16 Confidential information acquired by a judge in the judge's judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to the judge's judicial duties¹⁷.
- 1.17 A judge shall not practise law whilst the holder of judicial office¹⁸.
- 1.18 Except as consistent with, or as provided by, constitutional or other law, a judge shall not accept appointment to a government commission, committee or to a position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, the administration of justice or related matters. However, a judge may represent the judge's country or the state on ceremonial occasions or in connection with historical, educational, cultural, sporting or like activities¹⁹.
- 1.19 A judge may form or join associations of judges or participate in other organisations representing the interests of judges to promote professional training and to protect judicial independence²⁰.
- 1.20 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties²¹.
- 1.21 Subject to law and to any legal requirements of public disclosure, a judge may receive a small token gift, award or benefit as appropriate to the occasion on

¹⁶ cf ABA Code, Bangladesh, Iowa, Nigeria, Philippines, Uganda, Virginia, Zambia.

¹⁷ cf ABA Code, European Charter, Iowa, Philippines, South Africa, Virginia, Zambia.

¹⁸ cf ABA Code, Iowa, Kenya, Malaysia, Nigeria, Philippines, South Africa, Tanzania, Uganda, Virginia, Zambia.

¹⁹ cf ABA Code, Iowa, Pakistan.

²⁰ cf Beijing Principles, European Charter, Nigeria, Singhvi Declaration, Siracusa Principles, South Africa, UN Basic Principles.

²¹ cf Bangladesh, India, Iowa, Kenya, Nigeria, Pakistan, Philippines, Uganda, Virginia, Zambia.

which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality²².

- 1.22 A judge may receive compensation and reimbursement of expenses for the extra-judicial activities permitted by this Code, if such payments do not give the appearance of influencing the judge in the performance of judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:
- (a) Such compensation and reimbursement shall not exceed a reasonable amount nor shall it exceed what a person who is not a judge would receive for the same activities; and
 - (b) Reimbursement shall be limited to the actual cost of travel and accommodation reasonably incurred by the judge and, where appropriate to the occasion, by the judge's family. Any payment in excess of such an amount is compensation²³.
- 1.23 A judge shall make such financial disclosures and pay all such taxes as are required by law²⁴.

²² cf ABA Code, India, Iowa, Nigeria, Virginia.

²³ cf ABA Code, Iowa, Virginia, USA, Zambia.

²⁴ cf ABA Code, Bangladesh, Philippines.

II

Value

INDEPENDENCE

Principle:

An independent judiciary is indispensable to impartial justice under law. A judge should therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

Code

- 2.1 A judge shall exercise the judicial function independently on the basis of the judge's assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason²⁵.
- 2.2 A judge shall reject any attempt to influence his or her decision in any matter before the judge for decision where such attempt arises outside the proper performance of judicial duties²⁶.
- 2.3 In performing judicial duties, a judge shall, within the judge's own court, be independent of judicial colleagues in respect of decisions which the judge is obliged to make independently²⁷.
- 2.4 A judge shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary²⁸.

²⁵ cf Beijing Principles, Singhvi Declaration, Siracusa Principles, Solomon Islands, South Africa, UN Basic Principles.

²⁶ cf Beijing Principles, Canada, Philippines.

²⁷ cf Singhvi Declaration.

²⁸ cf Canada, Iowa, Virginia.

- 2.5 A judge shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence which is fundamental to the maintenance of judicial independence²⁹.

²⁹ cf Canada.

III

Value

INTEGRITY

Principle:

Integrity is essential to the proper discharge of the judicial office.

Code:

- 3.1 A judge shall ensure that his or her conduct is above reproach in the view of reasonable, fair-minded and informed persons³⁰.
- 3.2 The behaviour and conduct of a judge must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done³¹.
- 3.3 A judge, in addition to observing personally the standards of this Code, shall encourage and support their observance by others³².

³⁰ cf Canada, Philippines, Uganda.

³¹ cf Bangladesh, India, Philippines.

³² cf Canada.

IV

Value

IMPARTIALITY

Principle

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the making of a decision itself but also to the process by which the decision is made.

Code

- 4.1 A judge shall perform his or her judicial duties without favour, bias or prejudice³³.
- 4.2 A judge shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary³⁴.
- 4.3 A judge shall, so far as is reasonable, so conduct himself or herself as to minimise the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases³⁵.
- 4.4 A judge shall not knowingly, while a proceeding is before, or could come before, the judge, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall the judge make any comment in public or otherwise that might affect the fair trial of any person or issue³⁶.
- 4.5 A judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in

³³ cf ABA Code.

³⁴ cf Canada, European Charter.

³⁵ cf Canada.

³⁶ cf ABA Code, Bangladesh, Iowa, Nigeria, Philippines, South Africa, Tanzania, Uganda, Virginia, Zambia.

which a reasonable, fair-minded and informed person might believe that the judge is unable to decide the matter impartially³⁷.

- 4.6 A judge shall disqualify himself or herself in any proceedings in which there might be a reasonable perception of a lack of impartiality of the judge including, but not limited to, instances where:
- 4.6.1 The judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;
 - 4.6.2 The judge previously served as a lawyer or was a material witness in the matter in controversy;
 - 4.6.3 The judge, or a member of the judge's family, has an economic interest in the outcome of the matter in controversy³⁸.
- 4.7 A judge shall inform himself or herself about the judge's personal and fiduciary financial interests and shall make reasonable efforts to be informed about the financial interests of members of the judge's family³⁹.
- 4.8 A judge who would otherwise be disqualified on the foregoing grounds may, instead of withdrawing from the proceedings, disclose on the record the basis of such disqualification. If, based on such disclosure, the parties, independently of the judge's participation, agree in writing or on the record, that the judge may participate, or continue to participate, in the proceedings, the judge may do so⁴⁰.
- 4.9 Disqualification of a judge is not required if necessity obliges the judge to decide the matter in controversy including where no other judge may lawfully do so or where, because of urgent circumstances, failure of the judge to participate might lead to a serious miscarriage of justice. In such cases of necessity, the judge shall still be obliged to disclose to the parties in a timely

³⁷ cf ABA Code, Bangladesh, Canada.

³⁸ cf ABA Code, Bangladesh, European Charter, India, Iowa, Kenya, Nigeria, Philippines, Siracusa Principles, Uganda, USA, Virginia, Zambia.

³⁹ cf ABA Code, Iowa, Nigeria, Tanzania, Virginia.

⁴⁰ cf ABA Code, Iowa, Nigeria, Philippines, Tanzania, Virginia, Zambia.

way any cause of disqualification and ensure that such disclosure is included in the record⁴¹.

- 4.10 Save for the foregoing, a judge has a duty to perform the functions of the judicial office and litigants do not have a right to choose a judge.

⁴¹ cf Canada.

V

*Value***EQUALITY***Principle:*

Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

Code

- 5.1 A judge shall strive to be aware of, and to understand, diversity in society and differences arising from various sources, including but not limited to race, colour, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes ("irrelevant grounds")⁴².
- 5.2 A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds⁴³.
- 5.3 A judge shall carry out his or her duties with appropriate consideration for all persons (for example, parties, witnesses, lawyers, court staff and judicial colleagues) without unjust differentiation on any irrelevant ground, immaterial to the proper performance of such duties⁴⁴.
- 5.4 A judge shall not knowingly permit court staff or others subject to the judge's influence, direction or control to differentiate between persons concerned, in a matter which is before the judge, on any irrelevant ground⁴⁵.
- 5.5 A judge shall require lawyers in proceedings before a court to refrain from manifesting, by words or conduct, bias or prejudice based on irrelevant

⁴² cf Canada.

⁴³ cf ABA Code, Iowa, South Africa, Virginia, Zambia.

⁴⁴ cf Canada.

⁴⁵ cf ABA Code, Iowa, Virginia, Zambia.

grounds. This requirement does not preclude legitimate advocacy where any such grounds are legally relevant to an issue in the proceedings⁴⁶.

- 5.6 A judge shall not be a member of, nor associated with, any society or organisation that practises unjust discrimination on the basis of any irrelevant ground⁴⁷.
- 5.7 Without authority of law and notice to, and consent of, the parties and an opportunity to respond, a judge shall not engage in independent, personal investigation of the facts of a case.
- 5.8 Without authority of law and notice to, and consent of, the parties and an opportunity to respond, a judge shall not, in the absence of the other parties to the proceedings, communicate with any party to proceedings in the judge's court concerning such proceedings⁴⁸.

⁴⁶ cf ABA Code, Canada, Zambia.

⁴⁷ cf ABA Code, Bagladesh, Canada, Iowa, Nigeria, South Africa, Uganda, Virginia, USA.

⁴⁸ cf ABA Code, Nigeria, Philippines, Tanzania, Virginia, Zambia.

VI

Value

COMPETENCE AND DILIGENCE

Principle

Competence and diligence are prerequisites to the due performance of judicial office.

Code

- 6.1 The judicial duties of a judge take precedence over all other activities⁴⁹.
- 6.2 A judge shall devote his or her professional activity to judicial duties. Such duties are broadly defined and include not only the performance of judicial duties in court and the making of decisions but other tasks relevant to the court's operations or to the judicial office⁵⁰.
- 6.3 A judge shall take reasonable steps to maintain and enhance the judge's knowledge, skills and personal qualities necessary for the proper performance of judicial duties⁵¹.
- 6.4 A judge shall keep himself or herself informed about relevant developments of international law, including international conventions and other instruments establishing human rights norms and, within any applicable limits of constitutional or other law, shall conform to such norms as far as is feasible⁵².
- 6.5 A judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness⁵³.

⁴⁹ cf ABA Code, Bangladesh, Iowa, South Africa, Virginia.

⁵⁰ cf Canada.

⁵¹ cf ABA Code, Bangladesh, Canada, European Charter, Malaysia, Philippines, South Africa, Tanzania.

⁵² cf Bangalore Principles, Beijing Principles, European Charter, Iowa, Nigeria, Tanzania, Virginia.

⁵³ cf ABA Code, Bangladesh, Canada, Kenya, Nigeria, Philippines, South Africa, Uganda.

- 6.6 A judge shall maintain order and decorum in all proceedings in which the judge is involved. He or she shall be patient, dignified and courteous in relation to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity. The judge shall require similar conduct of legal representatives, court staff and others subject to the judge's influence, direction or control⁵⁴.
- 6.7 A judge shall not engage in conduct incompatible with the diligent discharge of judicial duties⁵⁵.

⁵⁴ cf ABA Code, Bangladesh, Canada, Kenya, Nigeria, Philipines, Tanzania, Virginia.

⁵⁵ cf Canada.

VII

Value

IMPLEMENTATION AND ACCOUNTABILITY

Principle

Implementing these principles and ensuring the compliance of judges with them are essential to the effective achievement of the objectives of this Code.

Code

- 7.1 Institutions and procedures for the implementation of this Code shall provide a publicly credible means of considering and determining complaints against judges without eroding the essential principle of judicial independence.
- 7.2 By the nature of the judicial office judges are not, except in accordance with law, accountable to any organ or entity of the state for their judicial decisions but they are accountable for their conduct to institutions that are established to implement this Code.
- 7.3 The institutions and procedures established to implement this Code shall be transparent so as to strengthen public confidence in the judiciary and thereby to reinforce judicial independence.
- 7.4 Ordinarily, except in serious cases that may warrant removal of the judge from office, proceedings established to implement this Code shall be conducted in confidence.
- 7.5 The implementation of this Code shall take into account the legitimate needs of a judge, by reason of the nature of the judicial office, to be afforded protection from vexatious or unsubstantiated accusations and due process of law in the resolution of complaints against the judge.
- 7.6 The judiciary and any institution established to implement this Code shall promote awareness of these principles and of the provisions of the Code.

VIII

DEFINITIONS

In this Code, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used:

"Court staff" includes the personal staff of the judge including law clerks.

"Judge" includes a magistrate, a member of customary or village courts and any person exercising judicial office, however designated.

"Judge's family" includes a judge's spouse, the judge's son, daughter, son-in-law or daughter-or-law. it also includes any other close relative or person who is a companion or employee of the judge and who lives in the judge's household.

"Judge's spouse" includes a domestic partner of the judge or any other person of either sex in a close personal relationship with the judge.

ANNEX B

LIST OF PARTICIPANTS

**2nd Meeting of the Judicial Group on Strengthening Judicial Integrity
Bangalore, February 24-16, 2001.**

<i>Chairperson</i>
H.E. Judge Christopher Weeramantry, Former Vice-President of the International Court of Justice.
<i>Rapporteur</i>
The Hon. Mr Justice Michael Kirby, Judge of the High Court of Australia,
<i>Members</i>
The Hon. M. L. Uwais, Chief Justice of Nigeria,
The Hon. B. A. Samatta, Chief Justice of Tanzania,
The Hon. B.J. Odoki, Chief Justice of Uganda,
The Hon. Pius Langa, Deputy President of the Constitutional Court of South Africa,
The Hon. Sarath Silva, Chief Justice of Sri Lanka,

The Hon. P. V. Reddi, Chief Justice of Karnataka,
The Hon. Mr. Justice Mainur Reza Chowdhury, Judge of the Supreme Court of Bangladesh (Appellate Division),
The Rt. Hon. Keshav Prasad Upadhyay, Chief Justice of Nepal,
<i>Special Invitee</i>
The Hon. Justice Claire L'Heureux Dube, Judge of the Supreme Court of Canada,
<i>Observers</i>
The Hon. P. N. Bhagwati, Vice-Chairman of the UN Human Rights Committee, Representative of the UN High Commissioner for Human Rights.
Dato Param Kumaraswamy, UN Special Rapporteur on the Independence of Judges and Lawyers,
The Hon. Justice P. Vishwanatha Shetty Judge of the High Court of Karnataka and President of the Karnataka Judicial Academy,
The Hon. Justice G.C. Bharuka Judge of the High Court of Karnataka and Chairman, Judges' and Technical Committees for Computerization of Karnataka Judiciary,
The Hon. A.N. Jayaram, Advocate-General of Karnataka,

<i>Resource Persons</i>
Mr. Jeremy Pope, Executive Director, Transparency International, London Office,
The Hon. Justice Y Bhaskar Rao, Former Chief Justice of Karnataka,
Mr David Wood, Deputy Chief Governance Adviser, Department for International Development, United Kingdom.
<i>Coordinator, Programme on Strengthening Judicial Integrity</i>
Dr Nihal Jayawickrama,

In Attendance

Mr Benedict Latto, DFID, United Kingdom
Mr Vikram Menon, DFID Governance Adviser in India

Mr Ajit C. Kabbin, Registrar-General, High Court of Karnataka
Mr K.S. Raghavendra Rao, Senior Protocol Officer, High Court of Karnataka

Dr Anand Mohan Bhattarai, Judge of the Kathmandu District Court, Nepal
Mr Lawrence Uzia, Legal Secretary to the Chief Justice of Tanzania
Mr Gadenya Paul Wolimbwa, Personal Assistant to the Chief Justice of Uganda.

ANNEX C

**THE JUDICIAL GROUP
ON
STRENGTHENING JUDICIAL INTEGRITY**

**2nd Meeting of the Judicial Group
Bangalore, India
February 24-26, 2001**

Organized with the assistance of the Department for International Development, United Kingdom, and the High Court and Government of Karnataka; and supported by the United Nations High Commissioner for Human Rights.

Programme

SATURDAY 24 FEBRUARY

4.00 pm: Inaugural Session, at the Karnataka Judicial Academy.

Invocation: Vandemataram

Welcome Address: The Honourable Shri P.V. Reddi, Chief Justice of Karnataka.

Inaugural Address: The Honorable Shri S.P. Barucha, Judge of the Supreme Court of India.

Presidential Address: His Excellency Judge Christopher Weeramantry, former Vice-President of the International Court of Justice

Concluding Remarks

& Vote of Thanks: Dr Nihal Jayawickrama, Co-ordinator of the Programme

8.30 pm: Dinner hosted by Her Excellency Ms V.S. Rama Devi, Governor of Karnataka, at Raj Bhavan

SUNDAY 25 FEBRUARY

9.15 am: **Working Session 1: Westminster Hall, Windsor Manor Sheraton Hotel**

10.45 am–11.00 am: Tea break

1.00 pm–2.00 pm: Working Lunch

2.00 pm: **Working Session 2**

3.45 pm–4.00 pm: Tea break

5.30 pm: End of Session 2

8.30 pm: *Dinner hosted by the Honourable Shri P.V. Reddi, Chief Justice of Karnataka, at the Taj Residency.*

MONDAY 26 FEBRUARY

9.15 am: **Working Session 3**

10.45 am–11.00 am: Tea break

1.00 pm–2.00 pm: Working Lunch

2.00 pm: **Working Session 4**

3.45 pm–4.00 pm: Tea break

5.30 pm: End of Session 4.

8.30 pm: *Dinner at the Raj Pavillion, Hotel Windsor Manor Sheraton.*

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- All working sessions will be held in Westminster Hall at the Windsor Manor Sheraton Hotel.
 - The tea and coffee breaks, the Working Lunches, and Dinner on Monday 26 February, are very kindly hosted by the High Court of Karnataka.

ANNEX D

**THE JUDICIAL GROUP
ON
STRENGTHENING JUDICIAL INTEGRITY**

**2nd Meeting of the Judicial Group
Bangalore, India
February 24-26, 2001**

Organized with the assistance of the Department for International Development,
United Kingdom, and the High Court and Government of Karnataka; and supported by
the United Nations High Commissioner for Human Rights.

Annotated Agenda

1. DRAFT CODE OF JUDICIAL CONDUCT

- (a) To agree upon the elements of a future code of judicial conduct which could be employed in each jurisdiction to prescribe standards of judicial behaviour.

Note: As requested by the Judicial Group at its 1st meeting, a draft code of judicial conduct has been prepared, incorporating the core considerations which recur in existing national codes, and the additional considerations which occur in some but not all such codes.

- (b) To identify the steps necessary to introduce and apply an effective code at the national level to measure the conduct of individual judicial officers and the mechanisms available for the purpose.
- (c) To determine the mechanism for disciplining judicial officers for violations of the draft code consistent with the principle of judicial independence.

Note: To facilitate discussion, each member of the Judicial Group has been requested to prepare a paper containing a critical analysis of the constitutional or other mechanisms, if any, existing in his jurisdiction for disciplining judicial officers, and proposals for the development of an effective instrument capable of being employed in respect of improper conduct, both within and outside court, preferably without the intervention of the legislative or executive branches of government.

- (d) To consider and agree upon procedures for the development and 'validation' of the draft code of judicial conduct through the Office of the UN High Commissioner for Human Rights, UN Special Rapporteur on the Independence of Judges and Lawyers, international NGOs, etc.

Note: This may entail the assignment of responsibilities as between members of the Judicial Group for follow-up action in various strategic quarters.

2. SURVEY INSTRUMENTS AND CASE AUDITS

- (a) To agree upon the content of survey instruments to be employed in the focus countries for the purpose of surveying stakeholders in order to test the indicators of corruption which may have surfaced in public perception surveys, identify specific problem areas, and track the effectiveness of reform measures.

Note: As requested by the Judicial Group at its 1st meeting, a draft survey instrument has been prepared. The survey instrument is intended to be a working 'tool' for the judiciary in each focus country, enabling the diagnosing of systemic weaknesses. It is upon this diagnosis that the judiciary, in consultation with stakeholders, will formulate reform measures.

- (b) To determine different methodologies for using the survey instruments among different categories of respondents (e.g. whether in face-to-face interviews or anonymously; feasibility of exit surveys, prison surveys, newspaper surveys, household surveys, etc).
- (c) To determine the best and most effective means for carrying out the surveys (law faculties, non-governmental organizations, government agencies, the advantages of independence in the conduct of the surveys, etc.).
- (d) To determine 'who owns the data' once the surveys have been completed and how this can best be employed in the pilot countries.

3. EXISTING BEST PRACTICE

- (a) To examine the relevance of reform measures adopted in other jurisdictions to deal with judicial corruption, and to share with each other any national 'best practice' experience worthy of emulation

Note: The members of the Judicial Group have been requested to document their own experience for presentation at the meeting. In addition, a paper documenting available best practice measures will be tabled.

- (b) To examine at first hand reform measures already initiated by the Karnataka judiciary (eg. computerization of court decisions, judicial training institute, etc).

4. FOCUS COUNTRIES AND IMPLEMENTATION OF PILOT PROGRAMME

- (a) To identify the focus countries in which pilot programmes will be implemented.
- (b) To reach agreement on timetables for the following activities in the focus countries:
 - (i) Application of the survey instruments.
 - (ii) Peer evaluation.
 - (iii) National workshop to review the results of the surveys and audits, examine the evaluation report, and consider options for reform.
 - (iv) Implementation of a reform programme.
 - (v) Application of the survey instruments to track the progress of reform.

Note: Particular attention will need to be given to the role of other members of the Judicial Group during the pilot exercises and the peer evaluation processes envisaged.

- (c) To examine sources of funding for the pilot programmes.

5. ANY OTHER BUSINESS

ANNEX E

**SECOND MEETING OF THE JUDICIAL INTEGRITY GROUP
Bangalore, India**

**Inaugural Session – 24 February 2001
Karnataka Judicial Academy**

Dr Nihal Jayawickrama

Co-ordinator, Judicial Integrity Programme

The Judicial Group came into existence ten months ago when the Chief Justices of eight countries sharing a common legal tradition – four in Africa and four in Asia – met in Vienna under the auspices of the United Nations, in response to an invitation from Transparency International London to participate in a pilot programme to formulate the concept of judicial accountability, and devise the methodology for introducing that concept without compromising the principle of judicial independence. It was a challenge that had not been undertaken before.

The reason for that initiative was the steadily and increasingly surfacing evidence that the public was losing confidence in the judicial system. For example, a national household survey in an Asian country revealed that 63% of those involved in litigation had paid a bribe either to a court official or to the opponent's lawyer. In an African country, 32% of those surveyed reported payments to persons engaged in the administration of justice. In another African country, only 9% were willing to say that corruption in judicial administration was "greatly exaggerated". In fact, in one district in that country, 100% of the people surveyed claimed that they had paid bribes to the judiciary. The picture that emerged was not significantly different either in Eastern and Central Europe or in Latin America.

If these claims were true, it means that in the determination of a criminal charge or of one's rights and obligations in a suit at law, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, which international, regional and national human rights instruments recognize as a fundamental right, is being denied to unquantified sections of the community. The procedural equality of parties – or what is generally called "equality of arms" – which is an essential element of the right to a fair trial, does not exist if one of the parties has bribed the judge, or has bribed a court official, to obtain some advantage in the course of the proceedings. The importance of the right to a fair trial in the protection of human rights is underscored by the fact that the implementation of all other rights depends upon the proper administration of justice.

Corruption in the judiciary is, of course, not limited to conventional bribery involving the transfer of money or property. An insidious and equally corrosive form of corruption could arise from the interaction between the judiciary and the executive, as well as from the relationship between the judiciary and the legal profession. Similarly, when a family member regularly appears before a judge, or when a judge selectively ignores sentencing guidelines in cases when particular counsel appear, the conduct of the judge would give rise, at the least, to the suspicion of corruption. In certain countries, the active involvement of judges in community organizations has evoked a similar response. While it may be argued that such conduct does not fall easily within the conventional definition of corruption, it is capable of eroding public confidence in the integrity of the judicial system, and thereby undermines the rule of law.

The focus, however, both at the international and national levels, continues to be on securing the independence of the judiciary through constitutional provisions, but not on ensuring the accountability of judges or meeting the challenge of developing methodologies to clean up a corrupt judicial system. The *UN Basic Principles on the Independence of the Judiciary*, which were endorsed by resolution of the UN General Assembly in 1985, focus only on securing the independence of judges, and do not contain any principles of accountability. Indeed, the question of judicial accountability has not been, and is not being, addressed. Consequently, the executive sometimes uses allegations of corruption as a convenient pretext for taking punitive measures against the judiciary as a whole, such as mass dismissals without due process of law, as happened recently in countries such as Peru, Ethiopia, the Democratic Republic of Congo and Venezuela.

The Judicial Group is, in many respects, unique. It seeks to strengthen the integrity of the judicial system through self-regulation, preferably without the need for intervention by the executive or legislative branches of government. It seeks to create new instruments for that purpose, since none exist. It seeks to formulate reform programmes in consultation with stakeholders, instead of replicating traditional approaches which many international donor agencies indiscriminately offer to recipient countries. Above all, the Judicial Group is an autonomous entity, owned and driven by its members, all of whom are the heads of the judiciary in their respective countries.

This meeting in Bangalore would not have happened, and this programme would not have moved forward, but for the interest demonstrated and the assistance provided by the Department for International Development of the United Kingdom, which is here represented by its deputy chief governance adviser, Mr David Wood. The support and encouragement offered in regard to the formulation of a Code of Judicial Conduct by the UN High Commissioner for Human Rights, Mrs Mary Robinson, who will be represented at this meeting by former Chief Justice Shri Bhagwati, and the assistance provided by the UN Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Cumaraswamy, from the inception of this programme, and who is present with us today, must be acknowledged with gratitude.

When former Chief Justice of Karnataka, Shri Bhaskar Rao, invited the Judicial Group to meet in Bangalore, no one could have anticipated the degree of warmth and generosity with which we would be received in this city, and I must record our deep appreciation and gratitude for everything that the High Court and the Government of Karnataka have done to make this meeting a reality. With meticulous care in respect of every detail, whether it be in regard to reception at the airport; hotel accommodation; the provision of transport; the arrangements for the meeting including the provision of tea, coffee, lunch and dinner, photocopiers and typewriters; the preparation of documentation and their presentation in an easily retrievable form; and the hospitality for which Bangalore is legendary, everything was undertaken and performed to perfection.

I hesitate before naming names, but I must record our deep appreciation and gratitude to the Chief Justice of Karnataka, Shri P.V. Reddi, who supervised the arrangements personally, and even amended the calendar of court sittings to enable this ceremony to be held today; to Mr Justice Vishvanath Shetty, who was delegated the responsibility for this meeting when Chief Justice Bhaskar Rao left Bangalore on his retirement; the Advocate-General, Shri A.N. Jayaram, my oldest friend in Bangalore, whom I first met together with his future wife, 33 years ago at about the time they first met each other, and who was the first person I contacted when faced with the almost insurmountable task of convening this meeting at six weeks' notice; the Registrar General of the High Court of Karnataka, Shri Ajit Kabbir and his staff, who have worked long and late hours outside their normal duties; the Senior Protocol Officer, Shri Raghavendra Rao and his staff who have spent many hours commuting between airport and hotel and seeing to every other need; and, of course, to Mr Justice Barucha who has travelled down from Delhi to represent the Chief Justice of India, and the Governor of Karnataka, Her Excellency Rama Devi.

I know I speak for every participant in this, the 2nd Meeting of the Judicial Group on Strengthening Judicial Integrity, when I say that we are honoured and privileged to be in India, and in this beautiful garden city of Bangalore. The Supreme Court of India enjoys an unrivalled reputation for judicial activism and fierce independence, which is not only helping make access to justice for all a reality, but has also expanded the content and meaning of fundamental rights concepts, and extended the frontiers for their promotion and protection.

It is here, in this city of Bangalore, that many very significant initiatives in the field of law, justice and human rights have commenced. I was here in 1968 when the International Commission of Jurists sought to define the meaning and content of the right to freedom of movement at an Asian-African Conference in which the brother of our Chairman, Judge Weeramantry, played a prominent role. My colleague, Jeremy Pope, when he was Director of the Legal Division of the Commonwealth Secretariat, together with Justice Michael Kirby and Chief Justice Bhagwati, initiated, here in Bangalore, that extremely successful series of Commonwealth Colloquia on the judicial application of human rights law. Five years ago, Justice Kirby, in his capacity as President of the International Commission of Jurists – a position which Madame

Justice Claire L'Heureux-Dube, who is with us at this meeting as a representative of the civil law system, now holds – presided over a ground-breaking symposium here in Bangalore on the promotion and protection of economic, social and cultural rights.

As with all such ventures, I am confident that what we begin here in Bangalore today will prove to be a catalyst in developing instruments of change and reform in our common endeavour to strengthen the integrity of judicial systems everywhere.