Report of the IAJ 1st Study Commission on measures to promote integrity and combat corruption within the judiciary

Introduction

Recent events in Turkey involving the arbitrary detention and dismissal of judicial officers represent the antithesis of the conditions necessary for a stable, independent system for the administration of justice. Those events highlight the importance of the issues raised by the First Study Commission and the promotion of practices to protect the values of equal, fair and non-corrupt judicial decision-making.

This report aims to illuminate common themes evident in the responses received from across the range of member jurisdictions, as well as to draw out potential areas of disagreement and highlight specific suggestions.

The First Study Commission concentrated its discussions on best practice to promote transparency of court proceedings, judicial selection, and judicial administration; methods for supporting judicial integrity and non-corrupt practices; and major threats to these ideals. It is the role of the judiciary worldwide to attend to methods for supporting judicial integrity and non-corrupt practices rather than being instructed what to do by outside agencies.

The Study Commission thanks all of the jurisdictions that provided written responses and the delegates who contributed to discussions at the meeting of the Study Commission. We are grateful to the skilled simultaneous translators who assisted in the work of the Commission and enabled full participation of all the delegates.

Transparency of Court Proceedings

Key Themes

The Study Commission is of the view that court proceedings should be publicly accessible, as far as possible. Nearly all countries explicitly endorsed the proposition that members of the public and the media should be able to attend court proceedings, with limited exceptions. Specific exceptions identified included cases where there is a need to protect the privacy of complainants,[1] family matters, where minors are to give evidence,[2] and where public access might prejudice ongoing pre-trial police investigations.[3] Other responses referred to exceptions more generally, for instance 'the most sensitive and exceptional cases',[4] where 'necessary in the interests of justice'[5] and 'where a court unanimously holds that publicity would be dangerous to public order or morals.'[6]

[1] Greece; France; Israel; Portugal; Slovenia. Sweden refers to there being some limitations on disclosure of names to protect the privacy of complainants in sensitive cases such as those involving the offence of rape.
[2] Bermuda; Brazil; Canada; Croatia; France; Greece; Israel; Portugal; Slovenia.
[3] Sweden. France refers to an exception to public hearings in the interests of security.
[4] United Kingdom
[5] Bermuda.
[6] Japan.

The next most commonly reported element of best practice was the publication of reasoned judicial decisions.[7] Some respondents elaborated by stating that the reasons ought to be available for easily accessible online download;[8] others referred to a desire for the parties subject to the decision being anonymised (at least, as necessary);[9] and others supported the production of case summaries, especially for cases of great complexity or public importance.[10]

The idea of electronically broadcasting proceedings received more cautious endorsement. A number of jurisdictions referenced, with apparent approval, the existence currently of televised broadcast of cases in their countries;[11] others indicated that electronic broadcast might be desirable in limited types of proceedings but drew attention to potential drawbacks (such as cost and negative effects on witnesses or other court participants).[12]

The Study Commission endorsed active steps by courts to engage openly with the media, whether by the appointment of a media spokesperson for the court;[13] pre-trial meetings between the judge and the media in high-profile cases;[14] or training of judges on how to communicate openly with journalists.[15]

One respondent endorsed the open reporting of the performance of the judicial system as regards matters such as timeliness of case disposal, case duration, and appeal waiting times.[16] Another respondent endorsed a system for tracking trial progress online and receiving email notifications of where the case is at.[17]

Other Suggestions

A few individual, specific, suggestions should be mentioned. One respondent referred to the retention of audio recordings of hearings, that should be available on request, and which should not be erasable until judgment is delivered and any appeal period expired.[18] Another respondent indicated that the written transcript or protocol of a hearing should reflect the entirety of submissions and remarks made in court.[19] One respondent also referred to the

[7] For example, Spain referred, with approval, to the constitutional requirement to publish reasons for decisions in that jurisdiction. Throughout the responses to each item of the questionnaire, many jurisdictions referenced requirements, in law, to put certain best practice measures in place. As noted by Ireland, different ways of guaranteeing such measures are possible: constitutional guarantees (strongest), laws changeable by majority of Parliament, and customary practice (weakest). For each measure referred to in this summary, consideration of how best to ensure it is implemented will be relevant, balancing considerations of strength of protection, flexibility and practicality.

[8] Australia; Bermuda; Croatia; Germany; Israel; Slovenia.

[9] Germany; Switzerland. Norway referred to some limitations applying to the reporting of names in court decisions, particularly in family law cases.

[10] Australia; United Kingdom.

[11] Brazil; Georgia.

[12] Australia; United Kingdom. The Liechtenstein response referred to the desirability of "media coverage in important cases."

[13] Croatia; Slovenia.

[14] Portugal, this response also specifically endorsing the use of "communication cabinets".

[15] Slovenia.

[16] Ireland.

[17] Taiwan.

[18] Taiwan. Bermuda also referred to the availability of audio recordings of proceedings, whether in court or in chambers, to the parties and their counsel.

[19] Israel.

ability for members of the public to access, for a small fee and subject to certain restrictions, court documents, and that a decision by the Registrar to refuse access was subject to appeal.[20]

As a means of reducing, as far as possible, the use of *ex parte* hearings, one respondent referred to the use of special advocates in closed court proceedings, for example in national security cases, to ensure the court is able to hear alternative submissions even in very sensitive cases.[21]

One further respondent noted that oral hearings, rather than those based largely or exclusively on written material, afforded greater transparency.[22] In some countries the public has access to written materials referred to in hearings for transparency reasons and therefore to fight any suggestion of corruption. Others reject this kind of transparency having in mind the protection of privacy and the data protection of the information of the parties.

All of the suggestions made in response to the issue of transparency of court proceedings support undertaking measures that, *as far as possible*, permit the accountability of court participants, including judges, by ensuring proceedings are heard and determined in public and are a matter of public record.

Transparency of Judicial Selection

Key Themes

The Study Commission endorsed two propositions. First, that the process for judicial selection must incorporate merit-based criteria and be publically accessible; that is, that the method by which selection takes place must be known and not secret. Second, that it is desirable for candidates to be short-listed and recommended for appointment by a panel or committee entirely independent of the executive, or at least consisting of a clear majority of judicial members.[23] These approaches are desirable in order to promote a diversified judiciary of the highest order, with selection to be free from discrimination, political influence or other bias.[24]

Other propositions that received significant support included, first, that vacancies for judicial positions be publically advertised or that standing expressions of interest for future posts be invited[25] and, second, that the judicial selection process ought to involve some form of objective examination or testing.[26] Some of the forms of testing cited as current or suggested practice included written examinations, oral examinations, and problem solving or role playing exercises. One response referred to that jurisdiction's practice of ranking candidates

---

[20] Bermuda.

[21] United Kingdom. Taiwan also emphasised that *ex parte* communications should be permitted only in exceptional circumstances.

[22] Denmark.

[23] The preferred or actual composition of such a body varied among responses. Some had a greater role for the Executive than others; some did not specify a preferred composition beyond stating that it should be "independent". However, as a general proposition, many responses expressed a preference for strong representation by the judiciary in the selection process.

[24] Australia; France; Ireland; Japan; United Kingdom. France made the point that "competition" as part of a selection process facilitates equal access to an appointment opportunity.

[25] Australia; Austria; Bermuda; Brazil; Norway; Portugal; Slovenia; Switzerland; United Kingdom.

[26] Brazil; Georgia; Germany; Greece; Italy; Portugal; Sweden; Taiwan; United Kingdom.

in an order of merit and then allowing the top candidates to choose which appointment they wanted from available positions.[27] Another referred to the creation of a merit list based on examination results and open public competition with appointments to conform to that list unless accompanied by sound written reasons.[28]

Further specific suggestions for components of the selection process that were favoured by a number of respondents included that there be an interview of candidates[29] and consultation or referee checks as regards candidate suitability.[30] One respondent favoured a consultation process that invited written comments directed at relevant, evidence-based competencies.[31]

As concerns more direct methods of enhancing the transparency of the selection process, more varied responses were received. Some jurisdictions referred, with either explicit endorsement or without disapproval, to the practice of "open public competition"[32] or permitting interviews / sessions of the selection body to be "open to the public".[33] Other jurisdictions, however, viewed the practice of public interviewing of candidates as "undesirable", expressing concern that this could unduly politicise the selection process.[34]

Once a decision has been made on who to appoint as a new judge, several jurisdictions favoured the production of a "reasoned decision" for the selection.[35] Several respondents went on to endorse a process for allowing the selection decision to be challenged or reviewed.[36] One respondent indicated that the last stage in the selection process was to publically publish the names of the proposed candidates and allow any citizen to voice an objection.[37] One respondent indicated that its calls for the implementation of best practice guidelines for judicial selection are being only partially implemented.[38]

The Commission expressed concern over the use of "short term judges" and the "limited transparency" regarding their appointment.[39] The Commission expressed grave concern about the appointment of inexperienced lawyers and judges to the superior courts of the country.

Finally, the politicisation of the appointment of judges is opposed by the Commission.

---

[27] Brazil.
[28] Portugal.
[29] Bermuda; Canada; Croatia; Greece; Israel; Norway; Slovenia; Sweden; United Kingdom.
[30] Australia; Canada; Ireland; Israel; Italy; Norway; United Kingdom.
[31] Ireland.
[32] Portugal; Slovenia.
[33] Croatia; Greece.
[34] Australia.
[35] Austria; Croatia; Ireland; Portugal; Serbia; Slovenia; Sweden. Switzerland referred to the production of a report regarding the selection arrived at, but stated that the names and other personal information of unsuccessful candidates ought not to be published in order to protect their privacy.
[36] Croatia; Ireland; Portugal; Slovenia.
[37] Israel.
[38] The response from Serbia lists a series of demands which it says have been only partially fulfilled, including having pre-determined criteria for selection and advancement of judges; selection decisions being made by judicial councils comprising a majority of judicial members; non-interference by the executive and legislature regarding selection decisions; and the publication of reasons for selection decisions.
[39] Norway.

The appointment of judges at all levels should be open, transparent, merit-based and free from political influence.

Transparency of Administration of the Judiciary

Key Themes

Two of the most significant patterns of responses to this issue include, first, the desirability of making publically accessible the ways in which courts are run and, second, the need for sound procedures for the investigation and disposition of complaints made against judges in a way that balances transparency with protection from frivolous, malicious, or otherwise unfounded complaints.

In relation to the first theme, a number of responses advocated promoting the public's understanding of the court's work by communicating the roles of different judges within a court;[40] periodically reporting decisions reached regarding operational or governance related issues;[41] and engaging in dialogue with the media about matters of judicial administration, such as through the appointment of a spokesperson.[42] There were also a number of responses that supported specific public education activities, whether delivered through the use of a Court press office or website;[43] through activities organised by the National Judicial Council;[44] or through the use of public debates and roundtables involving members of the judiciary.[45]

In relation to the second theme, the Commission expressed the view that a procedure should be in place for handling complaints that is both clear and transparent.[46] One response referred to setting up a 'hotline' for complaints and a body to administer this.[47] The body that is at least partially external to the judiciary, but also independent of the executive, handles complaints by first distinguishing those which are frivolous or better framed as an appeal from those which require further investigation.[48] Other responses supported a judicial-led disciplinary process in response to complaints of negligence or malpractice.[49] Two responses emphasised that there could not or should not be personal liability for judges found to have engaged in misconduct, apart from recommending dismissal by the executive in cases of

[40] Australia; Brazil; Ireland; Portugal.

[41] Australia; Brazil; Croatia; Georgia; Ireland; Portugal; Serbia; Slovenia; Switzerland. Japan refers to its access to information rules, permitting access to documents relating to judicial administration on request. Israel referred to the practice of annually compiling a public file with statistics capturing the nature of proceedings heard throughout the year. It also proposed that regulations and standards regarding administrative procedure be published and open to the public.

[42] Croatia; Slovenia. Canada referred to the practice of its National Judicial Council engaging in "public education activities". Switzerland suggested that figures and statistics resulting from "court controlling measures" should be accessible, though with safeguards to protect judicial independence.

[43] Brazil.

[44] Canada.

[45] Slovenia.

[46] See, in particular, United Kingdom.

[47] Armenia. Similarly, Israel referred to the appointment of a retired judge as a judicial ombudsman.

[48] Australia. See also Bermuda's reference to its Judicial Complaints Protocol and Canada's reference to the approach taken by its Judicial Council.

[49] France; Liechtenstein; Italy; Taiwan. Italy indicated a preference that any sanctions arising from disciplinary proceedings be subject to review by judicial authorities.

serious wrongdoing.[50] However, it was suggested that a decision to uphold a complaint should be communicated to the complainant and, if appropriate, some offer of reparation extended.[51] This is not meant to replace the usual appeals procedure.

Other suggestions

A number of responses made reference to the process by which judges are allocated to hear particular cases. Some responses favoured the allocation process being randomised – one stating that it should be akin to a lottery.[52] Another response saw no difficulty with a practice whereby senior judges assigned junior judges on the basis of perceived skills or experience.[53] Whichever process of case allocation is used, the Commission's view is that the allocation must be based on pre-established objective criteria.[54]

There were also some best practice suggestions made in relation to transparent measures for improving the efficiency of court administration. One response suggested that a National Judicial Council develop policies designed to achieve efficiencies across the country and to standardise management practices.[55] Similarly, one response suggested that a body independent of the executive and legislature, with a long-term budget, should be responsible for managing court staffing, ICT equipment and the training of court personnel.[56] The Study Commission believes that courts should have a right to propose and manage their own budgets.[57] Judges should be responsible for, and in control of, court administration rather than civilian administrators.[58] One practice, cited with approval, was the award of a prize to judges, courts, and public attorneys who have distinguished themselves by introducing innovative ways of delivering justice.[59]

Supporting Integrity and Preventing Corruption

Key Themes

Three main themes emerged in relation to this issue. First, the Study Commission believes that there must be secure and adequate working conditions for judges. Second, there should be ongoing judicial education that reinforces standards of appropriate conduct. Third, many jurisdictions contributed to desirable approaches for responding to complaints of judicial misconduct.

---

[50] Australia; Liechtenstein.

[51] Liechtenstein reports of a system whereby the State is able to provide compensation to victims of judicial negligence or malpractice.

[52] Brazil. Italy and Spain also thought that there should be a randomisation element to the allocation of judges and, moreover, that the allocation process should strictly adhere to a pre-established allocation protocol.

[53] United Kingdom. This is also the current practice in many Australian courts.

[54] Austria; France; Italy; Ireland; Switzerland. Ireland also suggested that the procedure for allocation of judges should be open to public scrutiny. Norway indicated that there should be "transparent systems for case allocation/reallocation".

[55] Brazil.

[56] Norway.

[57] Ireland.

[58] France.

[59] Brazil, referring to the annually awarded 'Innovare Prize'.

As regards judicial conditions, judicial salaries, pensions and entitlements should be reasonably generous, in order to reduce the likely effectiveness of bribery.[60] These conditions should be safeguarded from reduction by the executive during the tenure of the judge, in order to avoid threats to judicial independence.[61] Similarly, judges should have security of tenure.[62] One respondent reflected on the importance of the judicial office holding high social status or esteem, the loss of which might act as a deterrent to poor conduct.[63] A problem arises with regard to whether there should be exceptions to the protection of judicial salaries in a time of significant national economic difficulty.[64] If so, an exception to the principle of non-reduction of salaries may only be made at a time of severe economic difficulty if there is a general reduction of public service salaries and the judiciary is treated no differently.[65] Finally, there was a clear indication from one respondent that the current state of judicial working conditions (in particular, salary level) is inadequate in that jurisdiction.[66]

In relation to judicial education and support, the Study Commission endorses that this occur upon appointment to the judiciary and for it to be ongoing and include education for leadership. Specific recommendations include the use of courses (potentially delivered through a National Judicial Council, if established);[67] workshops/seminars covering topics such as conflict of interest, receipt of gifts, etc.;[68] and, in particular, the discussion of case scenarios on such topics.[69] The Commission endorses the judicial-led development of a code or principles of ethical conduct, incorporating practical advice on appropriate responses to ethical issues, which could be referenced in ongoing judicial education activities, updated to deal with contemporary circumstances such as the use of social media.[70] Indeed, the process of judges working together to develop a code of ethics is valuable in itself.[71] Other suggestions accepted by the Commission refer to the value of advisory or guideline opinions being produced on issues relating to ethics or integrity by a special judicial body (e.g., a Judicial Commission made up only of judges) and the use of structured debates on those issues.[72] In addition to formal or structured support of ethical conduct, the Study Commission emphasises the importance of peer group support within the judiciary, where

[60] Armenia; Australia; Austria; Croatia; Denmark; France; Georgia; Germany; Ireland; Liechtenstein; Sweden; United Kingdom. France also noted that judicial remuneration should not be fixed and not associated with performance metrics ("quantitative results"). Norway indicated that a judge's salary and pension should reflect the judge's responsibilities and position.

[61] Australia; France; Georgia; Ireland; Liechtenstein; Japan; United Kingdom. Greece advocated for the establishment of an institutional framework that made provision for all aspects of judicial functioning, including working conditions, salaries and pensions. Israel proposed that financial benefits should be paid directly to the judge, but not as an "employee", to ensure judges are not perceived as beholden to the executive.

[62] Australia; Greece; Ireland; Italy; Japan; Liechtenstein; United Kingdom.

[63] United Kingdom.

[64] Ireland.

[65] Ireland, citing the ENCJ 2015/2016 *Report on Funding of the Judiciary*.

[66] Armenia. Georgia suggested that there may have been a connection between increases in judicial salaries, along with tighter controls on corruption, and the reduction in corrupt practices in that country since these measures were introduced in 2004.

[67] Australia; Bermuda; Brazil; Canada; Denmark; Georgia; Ireland; Israel; Italy; Sweden; Switzerland.

[68] Armenia; Bermuda; Croatia; Denmark; Israel; Italy; Slovenia.

[69] Portugal. Serbia refers to the organisation of debates on matters concerning judicial integrity.

[70] Bermuda; Brazil; Croatia; Denmark; France; Georgia; Germany; Ireland; Israel; Italy; Liechtenstein; Norway; Portugal; Serbia; Slovenia; United Kingdom.

[71] Switzerland.

[72] Portugal; Serbia; Slovenia.

colleagues can feel comfortable sharing experiences and can receive confidential counsel in relation to any concerns they may have.[73]

The Study Commission supports an emphasis on the importance of fostering a culture of integrity within the judiciary and the courts more generally.[74] Informal discussion between judges is often a very good way to encourage that culture. The Commission endorses the practice of declaring conflicts of interest and the avoidance or declaration by judges of any affiliation with public causes which might engender a perceived or actual conflict.[75] If there is any doubt, the judge should formally consult with the judge's colleagues about the issue. Some countries have a private register of a judge's assets and income and others a public register of the judge's assets and the assets of the other members of the judge's household. The majority of the members of the Commission do not support the necessity for any register to be made public unless there is justified suspicion of misconduct of the individual judge or of the judiciary as a whole in that country. The Commission accepts that it would be a good measure to prevent corruption but stresses that such measures are only acceptable where required by the concrete circumstances and that the measures must be proportionate to the situation that exists. Therefore, if there is no suspicion of corruption of a single judge or of the judiciary in general, a register of assets and income of judges would be disproportionate to the reduction of the judge's privacy and personal security. The Commission opposes any requirement for a judge to reveal that a judge is a member of a judicial association as this information could be misused in some countries to unfairly discriminate against the judge or the association.

There should be appropriate decorum in the interaction between judges and other members of the legal profession, such that breach of formal protocols in the form of inappropriate familiarity (which could be or suggest corrupt practice) would be noticeable.[76] Judges must conform to the highest standards and avoid any inappropriate behaviour in their public and private lives. Being a judge is an obligation to society and not only a job, but a way of life.[77] Finally, the Study Commission endorses that the obligation of judges to take an oath to adhere to the fundamental principles of independence and impartiality has more than just ceremonial significance; it is an important practical step in ensuring a culture of independence and integrity be maintained.[78]

With regards to establishing a system to handle complaints of misconduct made against judges, the Study Commission expresses the view that the body which deals with complaints should be independent of the executive and legislative branches of government.[79] The

[73] Australia; Canada; Croatia; Denmark; Germany; Israel; Liechtenstein; Slovenia; Sweden. France referred favourably to judges having an avenue for seeking advice from an independent, experienced body about any ethical issues they might have.

[74] Australia; Germany. Denmark referred to a longstanding tradition of fostering integrity in its public officials, where merit-based appointments stand in the face of attempts to secure positions by rank or bribery.

[75] Australia; Bermuda; Georgia; Israel; Liechtenstein; Spain; Sweden; Taiwan. Israel expressed the view that private work should only be undertaken by judges if special permission is sought and granted.

[76] Australia.

[77] Israel. See also Georgia, which noted that judges should act in a manner that promotes public confidence in their integrity.

[78] Bermuda; Israel; Italy.

[79] Australia; Brazil; Croatia; Georgia; Germany; Ireland; Portugal; Slovenia. Bermuda noted that although the Head of the Civil Service has overall disciplinary responsibility, as an incidence of judicial independence the Registrar of the Courts is operationally responsible for discipline in that jurisdiction. Bermuda also noted an important step in promoting ethical conduct in that country was the voluntary adoption by the judiciary of a

Commission expresses the view that to increase transparency and therefore public confidence, one approach, which is generally supported, would be to make the body partly external to the courts.[80] There should be strict treatment of ill-founded complaints against judges;[81] judges should have an obligation to report witnessed corruption or attempts to corrupt;[82] and "sanctions" should be imposed on judges who are subject to well-founded complaints.[83] As to what any sanctions imposed might be, some respondents referred to suspension or removal from office by the executive or the legislative body when very serious complaints (e.g., of corruption) are made out.[84] The penal or criminal codes should apply to judges for corrupt behaviour or behaviour outside their judicial work, in the same way they would be applied to any other citizen.[85]

Other Suggestions

The Commission noted that it might be useful to have matters decided by panels of judges, rather than individual judges, as it is easier to corrupt one judge than a number of judges and it can protect individual judges against unfair criticism.[86] It was noted that the availability of requesting an *en banc* hearing of the case was a useful protocol.[87]

Threats to Integrity & Non-Corruptibility

Key Themes

Many of the major threats identified are implicit from the suggested best practice procedures identified for resolving them.[88] However, two threats, in particular, were explicitly identified.

The first key threat relates to court resourcing. This could manifest as inadequate working conditions for judges, potentially increasing their susceptibility to bribes.[89] It could also manifest as inadequate resourcing of the court system more generally and an excessive workload for judges.[90] Finally, it might manifest in a lack of financial independence for the

---

Judicial Complaints Protocol to facilitate judicial conduct complaints being made to the judicial and Legal Services Committee for conduct falling short of the constitutional threshold for removal from office.

[80] Australia. Germany supported an independent prosecution service prosecuting cases of judicial corruption.

[81] Croatia; Slovenia.

[82] Austria.

[83] Brazil; Croatia; Ireland; Spain; United Kingdom.

[84] Australia; Brazil; Ireland; Israel; Portugal; Spain.

[85] Denmark; Germany; Israel; Japan; Spain. Bermuda refers to a specific provision in its Criminal Code making judicial corruption an offence punishable by a fine or imprisonment.

[86] Austria; Switzerland.

[87] Switzerland. A case is heard 'en banc' if it is heard by all available judges of the court and not just a subset.

[88] Serbia's response to this item illustrates the point well by denoting the following as threats, in counterpoint to its best practice suggestions: interference by the executive and legislative branches of government in the operations of the judiciary; lack of argumentation leading up to decisions affecting the judiciary such as selection and advancement of judges; absence of a judicial code of conduct; lack of training for judges on integrity and corruption; inadequate working conditions for judges; and, more broadly, lack of systemic measures for prevention of corruption.

[89] Armenia; Austria; Denmark; France; Ireland; Israel; Portugal; Sweden; Switzerland; United Kingdom. The threat Taiwan refers to, of illegal lobbying through offers of money or sexual favours, would be more pronounced if judges were poorly remunerated.

[90] Austria; Denmark; France; Georgia; Ireland.

courts and the opportunity for the Executive to abuse its power by using decisions around funding as a threat to secure or influence a particular court outcome.[91]

The second key threat identified by the Study Commission relates to attempts by external parties to exert influence over the exercise of judicial functions. There is a particular threat attendant upon excessive proximity between judges and those who exercise political or economic power.[92] The politicisation of judicial appointments is a particular area of concern.[93] The Study Commission also expressed concern about corrosive commentary by politicians or the media, seeking to influence the determination of cases.[94] The Commission identified pressure to conform to a particular ideological view, backed with vigorous press reporting, as an insidious threat which is as much a threat to the integrity of the judiciary as bribery or secret representations.[95] Related to this is the concern about inaccurate publicity of court sessions[96] and the impact of social media.[97]

Other Threats

The Commission identified other sources of threat to judicial integrity.

One source of threat was expressed to be the conditions of the society in which the court system operates. For instance, increased consumerism and the rise of a 'society of celebrities' (in which fame is seen as valuable in and of itself) will likely mean that members of that society, from which judges are not a world apart, will be more susceptible to personal temptations.[98] Another example raised was that wide-scale corruption in daily life, especially in politics, can have a flow-on effect to the operation of the courts,[99] perhaps because such behaviour can become normalised.

Another potential source of concern relates to the recruitment of judges and allocation of cases. The process must be consistent, merit based, open and transparent. If the status of the judicial office is decreased, the result may be a reduction in the number of high-quality lawyers who choose to accept appointment as judges.[100]

Conclusion

It is heartening that so many written responses to the Study Commission indicated that judicial corruption is not presently a problem for their jurisdiction. It is equally heartening that there is no indication that this positive status was being taken for granted. Steps to improve the transparency of the court system along with the implementation of measures to

[91] Georgia; Greece; Ireland; Switzerland; United Kingdom.

[92] Austria; Brazil; France; Greece; Portugal. France referred specifically to concerns expressed by the European Court of Human Rights regarding the lack of independence of French prosecutors, who are appointed, transferred and promoted by the Executive.

[93] Australia; Ireland.

[94] France; Portugal; Slovenia; United Kingdom. Canada referred to the issue of micro-management by government and the media, particularly where the judiciary is not in a position to make public comment on the issues raised. Japan referred to the threat of 'unjustifiable internal or external interference.'

[95] United Kingdom.

[96] Georgia.

[97] Canada.

[98] Brazil; France.

[99] Germany.

[100] Sweden.

support and enhance the integrity of judges should continue to be examined and, where appropriate, put into practice, in order to reduce the risk of corrupt behaviour by judicial officers into the future.

Topic for 2017

The topic for next year is "The Threats to the Independence of the Judiciary and the Quality of Justice: workload, resources and budgets."

New Officers elected

***President*:**	Roslyn Atkinson AO (Australia)
***Special Vice-President*:**	Mehmet Tank (Turkey)
***Vice-Presidents*:**	Virginie Duval (France) Thomas Stadelmann (Switzerland)
***Secretaries*:**	Walter Barone (Brazil) Michael Tamir (Israel)
***Board members*:**	Nicholas Blake (England and Wales) Marilyn Huff (USA)

The First Study Commission expressed its thanks to Peter Hall for his leadership as President of the Study Commission.