

DRAFT ACTION PLAN FOR THE IMPLEMENTATION OF THE ISTANBUL DECLARATION

Principle 1

**Judicial proceedings must, as a general rule,
be conducted in public.**

1. The judge must ensure that court proceedings are open to the public and the media.
2. Measures should be taken to ensure that there is sufficient seating space for the public inside the courtroom.
3. Information regarding the time and venue of hearing should be made available to the public in advance.
4. Adequate facilities should be provided for the attendance of members of the media.
5. The judge must ensure that judgments are delivered in public.

Principle 2

**The judicial system should ensure easy access to court
premises and to information.**

1. Courts should, wherever possible, be located near public transportation hubs.
2. Innovations such as mobile courts or night court programmes, telephone or video-conferencing, or the conducting of pre-trial hearings in online chat rooms, should be considered as options available to persons who are physically unable to travel to court.
3. Offices within a courthouse should be easily identifiable by clearly readable signs.
4. An information counter or a customer service desk should be established at the court entrance to provide necessary information to court users.
5. Schedules of hearing and proceedings and courtrooms should be posted in the courthouse in clearly visible areas.
6. Court personnel should be able to speak the language of court users, or to obtain the assistance of interpreters.
7. Comfortable waiting areas should be provided for court users, including witnesses.

8. The special needs of particular categories of court users, such as children, victims of sexual violence or domestic violence, and special- needs users, should be addressed.
9. Court users should have access to safe, clean, convenient and user-friendly court premises.
10. A resource centre should be established to provide single-window service delivery.
11. Court user guides, posters and other printed information material should be published in a simplified format.
12. Management training should be provided for judicial officers and court staff.
13. A public website containing information useful to court users such as court sitting times and relevant case information should be developed.

Principle 3

The judiciary should facilitate access to the judicial system.

1. Court users should be provided with standard, user-friendly forms and instructions. Clear and accurate information on matters such as filing fees, court procedures and hearing schedules should be furnished. If resources permit, such information should be disseminated via the Internet or automated telephone systems.
2. Court users should be enabled to download court forms from the Internet, and make online payments of court fees.
3. Case lists and judgments should be published on a website.
4. The office of Public Defender, whose intervention may be sought in respect of any criminal matter, should be established.
5. The offering of *pro bono* services should be made a requirement for attaining the rank of Senior Attorney.
6. The establishment of Legal Aid Clinics to provide legal services to the indigent should be encouraged.
7. A multi-door court house that offers a variety of alternative dispute resolution processes should be established. These may include case evaluation, mediation, arbitration, conciliation and complex case management. These services may be provided by skilled, experienced mediators, case evaluators and arbitrators, and should be available before the filing of a law suit or at any stage of litigation.
8. An amicable dispute resolution centre that offers litigants a cost- effective alternative to the conventional means of resolving civil disputes, especially in matters such as inheritance, maintenance, custody and marriage disputes, should be established.

9. A Data Protection Act and Evidence Act to enable counsel to present evidence through electronic tools should be enacted.
10. Existing legislation should be reviewed to allow ICT based material to be presented as evidence in court.
11. Permission may be granted by the judge for appropriate non-qualified persons to represent parties in court.

Principle 4

The judiciary should provide court-users with translation and interpretation facilities, free of charge.

1. The judge must ensure that the parties before the court understand the language in which the proceedings are being conducted.
2. The free assistance of an interpreter should be available to a court user or a witness if he or she cannot understand or speak the language used in court.

Principle 5

The judiciary should ensure transparency in the assignment of cases.

1. The division of work among the judges of a court, including the distribution of cases, should ordinarily be performed under a predetermined, transparent arrangement provided by law or agreed by all the judges of the relevant court. For example, the allocation of cases may be made by a system of alphabetical or chronological order or other random selection process.
2. A case should not be withdrawn from a judge without valid reasons, such as serious illness or conflict of interest. Permissible reasons for withdrawal, and the procedure for withdrawal, should be provided by law or rules of court.

Principle 6

The judiciary should ensure transparency in the delivery of justice.

1. The Registry should be reorganized to enable easy access to court records and quick retrieval of information.
2. Information pertaining to judicial proceedings, both pending and concluded, including reasoned judgments, pleadings, motions and evidence, should be made accessible by the public.

3. Information regarding caseload statistics and case clearance rates should be publicly available.
4. Information on budget-related data, such as collection of court fees and the use of budgetary allocations, should be publicly available.
5. Members of the judiciary should be required to declare affiliations, outside activities and other non-financial interests, and such declarations should be made available to the public and/or for reference in the court registry by litigants and their legal representatives.

Principle 7

The judiciary should have supervisory powers over executive detention.

1. A structured Prison Visits system by members of the judiciary, which could serve an oversight function, should be instituted.
2. A law should be enacted to confer on the judiciary the power to bring before court persons held in administrative or executive detention.

Principle 8

The judiciary should ensure that judicial decisions of the superior/appellate courts are regularly published.

1. A website should be established to enable court users to access relevant information, including new laws, with greater ease.
2. The judgments of appellate and superior courts should be regularly published.
3. A publicly available data base that stores the texts of court decisions and statutes, as well as scholarly articles from law reviews and legal journals, should be established.

Principle 9

The judiciary should promote programmes to orientate students on the judicial process.

1. The judiciary should organize visits to courts by judges, classroom appearances by judges, role playing, the use of audio-visual material, and the active teaching of judicial procedures.

Principle 10

The judiciary should initiate and/or support outreach programmes designed to educate the public on the role of the justice system.

1. Town hall meetings should be introduced to provide an opportunity for court users to interact with the judiciary on the problems they have experienced.
2. Radio and television programmes should be introduced to disseminate information on the functioning of the judicial process.
3. Short pamphlets that provide basic information on arrest, detention and bail, criminal and civil procedures, and useful contacts for crime victims, witnesses and other users, should be published.

Principle 11

The judiciary should afford access and appropriate assistance to the media to enable it to perform its legitimate function of informing the public about judicial proceedings, including decisions.

1. A press or public affairs office should be established within the court to facilitate media coverage of judicial proceedings, by liaising with media representatives, responding to and managing requests from journalists, issuing press releases, and generally providing accurate information about judicial decisions and legal issues. This office will also provide schedules of upcoming cases, monitor the media for accurate reporting, and design media campaigns that promote public understanding about the judiciary.
2. The training of journalists should be organized to provide them with basic knowledge about court procedures and legal issues, designed to improve journalistic skills and ethics, and to build trust between judges and journalists.

Principle 12

The judiciary should assess public satisfaction with the delivery of justice, and thereby seek to promote the quality of justice.

1. A Public Complaints Committee should be established to enable court users to channel their complaints against judicial officers and court staff.
2. Public complaints boxes should be placed in every court to accept even anonymous complaints.

3. An “Open Door” policy for complaints should be adopted by the Chief Judge and/or Registrar.
4. A regular performance evaluation of court staff should be conducted.
5. A Court User Committee should be established in every court.
6. The judiciary should regularly meet with, and conduct surveys of court-users and other stakeholders, to identify systemic challenges or weaknesses.
7. The judiciary should conduct a regular case audit.
8. The judiciary should conduct a regular review and analysis of court user complaints.
9. The judiciary should conduct un-scheduled court inspections.
10. The judiciary should encourage critical assessments of its performance by academia.
11. The judiciary should formulate a comprehensive system-wide strategy aimed at correcting negative public perceptions and eliminating inefficiencies or other obstacles that lead to such perceptions.
12. The judiciary should publish an annual report of its activities, including any difficulties encountered and measures taken to improve the functioning of the justice system.

Principle 13

There should be transparency in the appointment process of judges.

1. An independent body should be established for appointing, or nominating persons for appointment, to judicial office, with civil society being represented in that body.
2. All judicial vacancies, including for high judicial office, should be advertised, with information on the qualities required from candidates for such offices.
3. A list of vacant offices, and the list of candidates for such offices, should be published.
4. The public and the media should be allowed access whenever candidates for judicial office are being interviewed by the body responsible for appointing or nominating persons for judicial office.
5. A merit based recruitment and promotion process that reflects the diversity of society should be established
6. Transfers of judges should be made pursuant to a system of regular rotation provided by law or formulated by the judiciary.

Principle 14

The judiciary should respond to complaints of unethical conduct of judges in a transparent manner.

1. Rules or standards with respect to the professional and ethical standards of members of the judiciary should be developed by the judiciary, taking into consideration the Bangalore Principles of Judicial Conduct.
2. The code of judicial conduct should be made available to every judge.
3. The code of judicial conduct should be disseminated in the community or make publicly available.
4. A mechanism or procedure, either formal or informal, should be established to advise members of the judiciary on the propriety of proposed conduct.
5. An independent mechanism or procedure, with sufficient lay representation, should be established to receive and inquire into complaints of unethical conduct against members of the judiciary.
6. Specific courses or modules on judicial ethics and conduct should be a mandatory requirement in the initial training for judges.
7. Members of the judiciary should be required to make regular declarations of their assets and liabilities, including the assets of their spouses, children and close family members, and such declarations should be available to the public, as well as for reference in the court registry by litigants and their legal representatives.

Principle 15

There should be transparency in the disciplinary process of judges.

1. Conduct that may give rise to disciplinary sanctions should be defined by law or in the code of conduct.
2. A procedure for making a complaint against a judge in his or her professional capacity should be instituted and made known to the public.
3. An independent disciplinary body should be established to receive complaints against a judge in his or her professional capacity, and to investigate a complaint in accordance with a procedure guaranteeing full rights of defence and by reference to established standards of judicial conduct. Civil society should be represented in such body.
4. A complainant should be kept informed of the progress of the investigation.
5. The final decision in a disciplinary proceeding against a judge that results in a sanction should be published or otherwise made public.

6. An independent body vested with the power of removal of judges should be established. A judge subject to removal shall be entitled to full rights of defence before such body and, in the event of a decision to remove a judge, the judge is entitled to appeal to an appropriate court.