

# JuREX

## Justice Reform Exchange

World Bank Law and Justice Institutions website: <http://www.worldbank.org/lji>

December 2010

### News

## New Lending Operation: Total US\$30 Million to Improve Peru's Justice Services

In November 2010, the World Bank's Board approved a US\$20 million loan, supplemented by government counterpart funding of US\$10 million, to improve Peru's justice system. The four year project will help reduce the duration of court proceedings, improve the provision of justice services including legal aid and support the implementation of a newly enacted criminal procedure code. Along with the Judiciary, participating agencies include the Attorney General's Office, the Ministry of Justice, the National Judicial Council and the Judicial Academy. The project represents a second phase, which seeks to scale up activities begun from 2005-2010 and address criminal justice reforms.

The announced loan follows the completion of the *Peru Justice Services Improvement Project (2005-2010)*, which among other activities, supported 10 out of 29 judicial districts, created an important inter-institutional coordination mechanism and focused on strengthening the technical capacity of key actors within the judicial system.

The new criminal procedure code in Peru will allow greater transparency in criminal procedures while reducing their duration by incorporating oral proceedings. Other activities to be funded by the new project include expanding the merit-based human resources management systems within the Judiciary and strengthening the planning and management capacities of the five participating institutions.

Specific results expected from the project include:

- reducing the average duration of criminal proceedings in at least three judicial districts;
- increasing the number of cases handled by the "ALEGRAS" (i.e. free legal aid centers managed by the Ministry of Justice) from 100,000 to 250,000;
- increasing the number of ALEGRAs in urban and rural areas from 25 to 49;
- Increasing access to information via the internet in each of the participating institutions;
- applying new evaluation standards to the performance assessment of all judges and prosecutors as applicable;
- reducing the response time of the Legal Medical Institute's services from 20 days to 1 day.

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## Justice Sector Leaders Plead for Patience in Developing Conflict-Affected States

Fourteen years of warfare in Liberia will not be remedied quickly, despite the hopeful expectations among some donors of achieving short term improvements, according to Christiana Tah, Minister of Justice and Attorney General of Liberia. Minister Tah spoke as a member of a panel discussion on justice reform in fragile and conflict-affected areas at the World Bank's recent *Law, Justice and Development Week* on November 8, 2010. Minister Tah



Chief Justice Professor Abdul Salam Azimi of Afghanistan and Minister Christiana Tah of Liberia

described the effect on Liberian citizens of protracted fighting and social chaos, particularly the effect on Liberia's youth.

"Very little attention has been given to assimilate apparently insignificant, but very crucial areas of concern, such as the persistent traumatized population, the weaknesses in the capacity building programs and a disintegrated values system.", Ms Tah said.

"Security, rule of law and the level of productivity in the country will depend on how well we adjust to these psycho-social problems of our society; and restore the country to the value system, which was so badly damaged during the war, by

disabusing citizens of mixed messages about the difference between right and wrong. These confused values are clearly reflected in the persistent corruption in the country, in spite of the commendable efforts of the government to stamp it out," she said.

Ms Tah also called for more balance in the mix of support that donors offer.

"We have repeatedly requested from donors that projects be identified and funded in a very balanced manner, so that an attempt to strengthen the sector is not lop-sided, with the net effect being that the entire system continues to remain weak. Most donors, for example, openly express a preference for providing assistance for the police, which is good on the one hand, because there is a need for increased assistance for the police. However, when immigration services, prosecutions and corrections receive little or no assistance, the entire system continues to remain weak."

Those sentiments were echoed by Chief Justice Professor Abdul Salam Azimi of Afghanistan, who participated in the same panel discussion. He too emphasized the effect of conflict and corruption as a major impediment to institutional reform in his country. Expressing regret at the slow pace of Afghan institutions in embracing donor funded programs, the chief justice implored donors to maintain their support, particularly in developing the human capacity of his court and other institutions.

"The worst damage we have sustained in Afghanistan has been the damage to its human capacities. If roads, bridges and buildings are destroyed, we can build them again if we have money. But how about human resources? Even if we have plenty of money, we cannot just go to the market and buy more human power."

The chief justice described the challenges and slow pace of re-establishing a competent and ethically sound judiciary in Afghanistan after thirty years of conflicts. Initiatives have been introduced by the Supreme Court only over the last four years to remove judges and other personnel who were found to be unqualified, illegally appointed or corrupt. But according to the



chief justice, “Cleaning a house is one thing, but keeping it clean is another”. Appointment procedures were also tightened so that only those who pass law school examinations and a subsequent two year training period will be qualified for appointment as a judge. “If we keep the house clean from the inside, and also keep the doors and windows under control so that only qualified and properly appointed people get in, it means that, maybe, after five years or ten years, we will have a new Supreme Court with educated and qualified judges.”

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## World Bank Awarded for Contribution to the International Framework for Court Excellence

The 2010 Asia Pacific Court Conference (APCC) was held in Singapore from October 4 through 6, 2010. APCC 2010 served as a formal international launch and introduction for the [International Framework for Court Excellence](#).

Sponsored by the International Consortium for Court Excellence the APCC was attended by some 220 delegates representing 56 judiciaries around the world, the conference was a milestone in the progress of judiciaries working together to establish global judicial excellence standards. Heike Gramckow attended the conference as part of a study tour with representatives of the Abu Dhabi Judicial Department (ADJD) and presented on the efforts of the ADJD to apply an excellence framework to plan and measure its progress.



Heike Gramckow accepts the award on behalf of the World Bank



Launched in 2008, the framework is a methodology that any court in any country can use to evaluate its own performance against a set of universal values of courts of justice – equality, fairness, impartiality, independence, competence, integrity, transparency, accessibility, timeliness and certainty. In the context of these values, the framework describes what effective courts typically do by reference to seven areas of court excellence – (i) management and leadership; (ii) policies; (iii) resources; (iv) court procedures; (v) client needs; (vi) affordability and accessibility; and (vii) public trust and confidence. The framework offers a means of not only evaluating a court’s performance, but also for designing services and strategies by which courts may improve themselves. The key value of the framework is that it is designed to be applicable to any court of justice in any kind of legal system.

During the conference the World Bank, along with the other four organizations that were involved with the development of the framework, received a commendation from the Singapore Subordinate Courts and the Asia Pacific Courts Conference for its "outstanding contributions to the International Framework for Court Excellence". Several staff members of the Bank’s Justice Reform Practice Group (LEGJR), particularly Heike Gramckow and Klaus Decker (now with PREM ECA) have been actively contributing to the development of the framework since 2007. Before joining the Bank and LEGJR, Barry Walsh, also worked with the framework, applying it in courts in Australia.

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## Business Regulation Law Reform in Russia – Visit by CLES Delegation

The World Bank's Europe and Central Asia Justice Practice Group (ECA-JPG) hosted a presentation on November 3, 2010 by a delegation of experts visiting the Russian Center for Legal Economic Studies (CLES) in Moscow. CLES experts, Vladimir Radchenko (a former first deputy chairman of the Russian Supreme Court) and Elena Novikova (research leader for CLES) presented the case for criminal law reform in Russia as part of a delegation that included Andrey Fedotov, an attorney of the Odintsovo City Bar Association.



From left to right: Vladimir Radchenko (former first deputy chairman, Russian Supreme Court), Viktor Zhuykov (former deputy chairman, Russian Supreme Court), Andrey Fedotov (attorney), Sergei Vladov (interpreter), Hassane Cisse, Marsha Olive, Leonid Grigoriev (Director of CLES for energy and finance), Elena Novikova (research leader, CLES)

According to Mr. Radchenko, the essential thesis of CLES's research is that the diversity of criminal offences relating to business regulation in Russia, and the associated practice of the courts in broadly interpreting those laws, has extended criminal liability in unpredictable ways, a phenomenon CLES experts describe as "artificial criminalization". CLES research concludes that this has facilitated broader opportunities for official abuses of the criminal law in relation to economic offences that can affect legitimate economic activity in Russia. The research proposes a range of reforms including legislative changes to tighten prosecution procedures and the repeal of statutory economic offences that are considered overly general or likely to be arbitrarily applied.

The presentation was chaired by Marsha Olive, Country Coordinator of the World Bank's Moscow Office. She was joined on behalf of the Bank's Legal Vice Presidency by Hassane Cisse, Deputy General Counsel, Knowledge and Research, who thanked the visitors for sharing the results of their research.

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## Workshop on Criminal Process Review in Belgrade, Serbia

In preparation for conducting a study entitled *Review the Criminal Case Process in Serbia (RCCP)*, the Multi-Donor Trust Fund (MDTF) team organized an introductory workshop for key stakeholders that will be part of the review. The purpose of this review will be to assess the current processes by which criminal cases enter into and move through the system from initial reporting to police to final conviction by the courts; in order to identify barriers to access to criminal justice and to determine potential entry points for legal aid. The workshop was held in the World Bank's office in Belgrade on November 1, 2010 and approximately 25 representatives from police, prosecution, courts, and Ministry of Justice attended. The local MDTF Program Coordinator, Srdjan Svircev opened the workshop with a short introduction to the MDTF. Dr. Heike Gramckow (Justice Reform Practice Group - LEGJR), who will lead the implementation of the study, then explained the purpose, methodology and expected implementation schedule. The project is currently in the process of procuring a firm to conduct the study throughout Serbia. Implementation is scheduled to be conducted in the first quarter of 2011. For more information, contact Heike Gramckow, email: [hgramckow@worldbank.org](mailto:hgramckow@worldbank.org)

## Guest Speaker: Michael Kirby Advocates Extension of the Bangalore Principles of Judicial Conduct

Recently retired justice of the High Court of Australia, Michael Kirby, visited the World Bank headquarters on September 23, 2010 to talk about his role in the development of the *Bangalore Principles of Judicial Conduct*. Adopted in 2002 by a committee of eminent justices drawn from many countries and known as the *Judicial Integrity Group*, the statement of principles amounts to a comprehensive judicial code of conduct intended to be applicable to the judiciary of any country. The principles, described by Mr. Kirby as an example of “soft law” with the potential to gain wide voluntary acceptance among the diversity of judiciaries across the world, has been developed gradually via regular international conferences, each time with funding from a variety of donors, including DFID, GTZ and UNODC.



Former Australian High Court Justice Michael Kirby (second from left), flanked left by Chief Counsel, Christina Biebesheimer (LEGJR), and at his right, by Senior Counsel Vikram Rhagavan (LEGES), and World Bank LEGVPU Australian staff (from left), Barry Walsh, Danielle Malik and Nicholas Menzies

Mr. Kirby's talk reviews the challenges currently facing the Judicial Integrity Group, including its work in extending the scope of the principles to a wider range of distinct legal systems from its original common law base; and the value of extending it also into other language groups, such as French, Spanish, Portuguese and Russian. He also highlights the dilemma of securing independent sponsorship, without regard to national or international political influences, that assures the Group's work in advancing a process by which judges persuade other judges

in adopting universal standards of integrity. His talk also offers his perspective on a range of



other topics as a judicial veteran, holding the record as Australia's longest serving judge over a career that kept him heavily engaged in the development of international law. The video record of his talk is viewable on the World Bank's website at this link: [The Bangalore Principles of Judicial Conduct - September 23rd, 2010](#).

For further information, contact Barry Walsh, email: [bwalsh@worldbank.org](mailto:bwalsh@worldbank.org)

## Assisting Prosecutors – Discussion with IAP Representative

On November 15, 2010, the Bank's Justice Reform Practice Group (LEGJR) sponsored a discussion session with Ms. Janne Huebner Holst, communications director of the International Association of Prosecutors (IAP). The purpose of this event was to learn about the assistance the IAP provides to its members and to explore opportunities to leverage on those existing resources in Bank activities. Participants from the Bank's Integrity Vice Presidency (INT) were particularly interested in exploring how IAP members could facilitate referrals of INT investigations in individual countries. The IAP network presents a ready resource to disseminate information and assist in the development of knowledge products that are of interest to prosecutors. IAP members also are an important resource to tap into as expert trainers and advisors on prosecutorial matters.

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## Training programs and seminars

### International Association of Prosecutors - 5th Regional Conference for Central and Eastern Europe and Central Asia in Belgrade



At the invitation of the Serbian Prosecutors Association, members of the Serbia Multi Donor Trust Fund team participated in the 5th Regional Conference for Central and Eastern Europe and Central Asia of the International Association of Prosecutors (IAP). The conference was held October 28 and 29, 2010, in Belgrade.

The theme of the conference was "Cooperating against corruption". This conference brought together prosecutors from many Central and Eastern European and Central Asian countries as well as international experts. For the World Bank, Dr.

Heike Gramckow (pictured at right), presented a paper on *Managing for Internal Integrity - Prevention of Corruption Inside Prosecutors' Offices*.

Some of the presentations can be downloaded from the conference website at this [link](#). Dr Gramckow's presentation is also expected to be published in early 2011 via the Bank's Justice & Development Working Papers series.

For more information, contact Heike Gramckow, email: [hgramckow@worldbank.org](mailto:hgramckow@worldbank.org)



## Performance Management Training in Abu Dhabi

The Abu Dhabi Judicial Department (ADJD) is a very young organization with a very ambitious goal: to become internationally recognized as a court that is aiming at excellence. Having been created as an independent institution in 2007 only, it had to re-create all administrative functions that before were carried out by the Ministry of Justice. At the same time the organization experienced a rapid growth in caseload, which almost tripled, and in staffing, which also more than doubled. The ADJD has been able to keep up with this rapidly rising caseload and even increased its disposition rate. According to data provided by the ADJD, the department had a 98% case clearance rate in 2008 and in 2009. Under a fee-based agreement the World Bank's Justice Reform Practice Group (LEGJR) has been providing technical assistance to the ADJD since March 2009 to address a range of organizational challenges with the aim of furthering its ultimate goal of pursuing court excellence. Among the assistance provided so far, a series of training modules for court managers and judges has been developed. The first two modules on team building and communication skills were delivered to almost 50 managers in March 2010. The next module on performance management skills was delivered twice to at total 40 managers. The modules were developed by Heike Gramckow (LEGJR) and Hamish Hay (Senior Human Resources Officer of the Legal Vice Presidency), based international good practice material used in other organizations and adjusted to the court environment. Heike and Hamish conducted the training in Abu Dhabi with great success. In addition to very positive evaluation results, requests for further training on these topics to other managers and for additional topics attest to the success of these events. For more information, contact Heike Gramckow, email: [hgramckow@worldbank.org](mailto:hgramckow@worldbank.org).

## Re-run of Popular Justice Sector Reform 101 Training Program

As the concluding event of Law, Justice and Development Week, the Justice Reform Practice Group conducted its popular Justice Sector Reform 101 (JSR101) training program on November 11 and 12. Aimed at World Bank officers who aspire to designing and managing justice sector reform projects, the program reviews the fundamentals of justice sector assessments that are preliminary to project design and the major thematic areas of projects.

These included formal presentation and discussion sessions concerned with court infrastructure and technology; case delay and backlog reduction; human resource skills and competencies development; legal pluralism and access to justice; and monitoring and evaluation. LEGJR is grateful for the contributions of experienced staff from other parts of the Bank and expert consultants and who made presentations and participated in the structured discussions. These include Waleed Malik, Klaus Decker and David Varela from PREM, Rick Messick from INT, and consultants Linn Hammergren and Gerald Thacker.



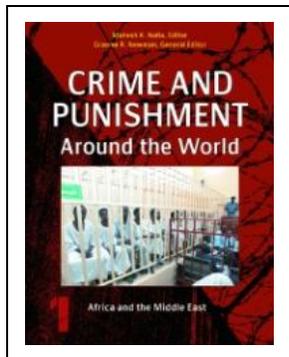
Klaus Decker and Gerald Thacker explain the Bank's work on courthouse construction

A detailed course outline and the associated PowerPoint slides can be downloaded from this [link](#). For more information, contact Barry Walsh, email: [bwalsh@worldbank.org](mailto:bwalsh@worldbank.org)



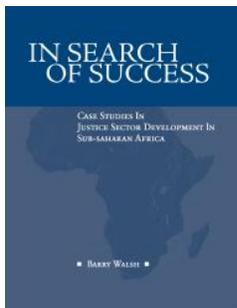
## Publications

### Crime and Punishment around the World, Doris Chu and Graeme Newman (eds.), ABC-CLIO Publishers



The many and varied aspects of crime and government responses are brought together in a new publication titled *Crime and Punishment around the World*. This unprecedented work provides descriptions of crimes reported and the justice systems that define and punish them in more than 200 nations. This comprehensive, detailed account explores crime and punishment throughout the world through the eyes of leading experts, local authors and scholars, and government officials. Each chapter examines the historical, political, and cultural background, as well as the basic organization of the subject state's legal and criminal justice system. It also reports on the types and levels of crime, the processes leading to the finding of guilt, the rights of the accused, alternatives to going to trial, how suspects are prosecuted for their crimes, and the techniques and conditions of typical punishments employed. Comprising a study that is at once extraordinarily comprehensive and minutely detailed, the essays collected here showcase the variety and the universality of crime and punishment the world over. The four volumes cover Africa and the Middle East (vol.1), The Americas (vol.2), Asia and Pacific (vol.3), and Europe (vol.4). While this authors and editors recognize that direct comparison of the information gathers across countries is not possible, each volume begins with a short general introduction and a summary of topics and similarities that emerge when reviewing the individual country contributions together. The chapter on Mongolia was written by Heike Gramckow, LEGJR.

### In Search of Success: Case Studies in Justice Sector Development in sub-Saharan Africa

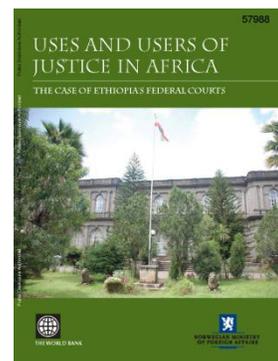
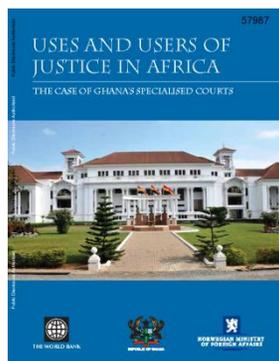
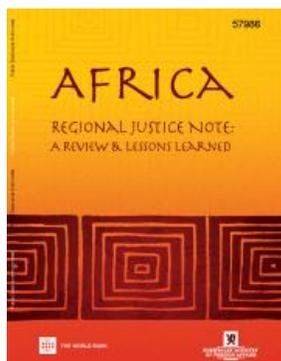


A lunchtime seminar to share a World Bank/ DFID study of successful justice sector development initiatives took place on September 29th in Washington, DC. The author of the report, Barry Walsh, took the opportunity to present a detailed presentation on each of the case studies covered in the book with commentary offered by Lisa L. Bhansali, the Task Team Leader for the joint research. The launch and presentation was recorded and is available via the World Bank's website at this link: [Justice Sector Development in Sub-Saharan Africa - September 29th, 2010](#). A full copy of the report itself, along with the presentation is recorded in the ImageBank (report 57445).

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## Africa Regional Justice Note: A Review and Lessons Learned



A Bank-wide Working Group, including staff from PREM, LEG, DEC, OPCS, WBI, SDV, FPD and various country offices in the region, has prepared a Justice Note on the World Bank's rule of law work in the region since its inception in the 1990s (downloadable via this [link](#)). This report, which seeks to support Bank teams that are working on justice reform, is the fourth in a series and draws on empirical caseload data as well as providing concrete recommendations based on a review of projects financed by the Bank and other donors.

In addition, the task team working with international and national experts in judicial statistics also prepared two "*Uses and Users of Justice in Africa*" studies, one on *The Case of Ethiopia's Federal Courts* and the other on *The Case of Ghana's Specialised Courts*. All of these reports are available via the World Bank's Imagebank webpages (reports 57986, 57987 & 57988).

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### Call to Authorship: Justice Sector Issues

The Justice Reform Practice Group is seeking expressions of interest from would-be authors who are able to write material suitable for publication as part of the *Justice and Development Working Paper Series*. Launched in 2009 to facilitate the rapid publication of works relevant to justice sector reform programming, primary consideration will be given to publishing papers that fall within the following topical areas:

1. Institutional reform of justice sector agencies (e.g. infrastructure of justice agencies, training programs, case management systems improvement, automation of justice services, anti-corruption agencies development)
2. "Just Development" - legal empowerment, access to justice, justice in development (e.g. legal aid system development, access to public legal information, land dispute resolution, alternative dispute resolution)





3. Criminal justice administration reform (e.g. prosecutorial process reform)
4. Justice in conflict-affected and fragile areas (e.g. civil justice system reconstruction, international dispute resolution processes)
5. Monitoring and evaluation of justice systems and projects (e.g. the International Framework for Court Excellence, measurement of justice system performance).

Drafts considered for publication are generally no more than 30 pages in length.

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**Objective of the Justice Reform Exchange newsletter:** The objectives of this newsletter are to provide information about justice reform activities across various Bank units; to support communication and coordination about justice reform within the World Bank; to enhance knowledge exchange and learning across the Bank; to provide information about related activities and knowledge development in related sectors; and to provide information about JR activities and knowledge development outside the Bank. While the main emphasis is on contributions from World Bank staff, allowance will be made from time to time for contributions from external institutions and authors.

**Direct contributors to this edition:** Heike Gramckow, Lisa Bhansali, Nancy Charani Meza, Barry Walsh and Yoko Enomura.

**Next edition:** March 2011 – please submit contributions by our first draft deadline on February 21, 2011. Email contributions to: [bwalsh@worldbank.org](mailto:bwalsh@worldbank.org)

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