

Short WORKSHOP REPORT FORM

Number and title of workshop: 1.4 Laws are not Enough: Citizens against Corruption in Police and Judicial Institutions

Coordinator: Cathy Stevulak

Date and time of workshop: 11 November 2010, 17:30 – 19:30

Moderator: Anabel Cruz, Partnership for Transparency Fund

Rapporteur: John Clark, The Policy Forum

Panellists

Joseline Korugyendo, National Foundation for Democracy and Human Rights in Uganda, Head of Programmes

Sylvia Mukasa, Uganda Law Society, Executive Director

Sukhee Dugersuren, Transparency International Mongolia, Executive Director

Ezequiel Nino, Asociacin Civil por la Igualdad y la Justicia (Argentina), Founder and Co-Director

Main Issues Covered

Presentation and discussion of 4 case studies (all supported by grants from Partnership for Transparency Fund), illustrating issues of corruption within the police and judiciary and how civil society can be effective in tackling these issues.

Case Studies:

- Combating corruption and promoting integrity within the police in Uganda
- Prevention of corruption in the judiciary in Uganda
- Building the capacity and willingness of the judiciary to tackle corruption in Mongolia
- Enhancing capacity and public scrutiny of corruption cases in Argentina's courts

Main Outcomes/Conclusions/Common Themes

- Importance of having a sound legal framework designed to require and enforce *integrity* and to enable meaningful civil society oversight of this integrity (e.g. ACIJ seeks legal reform to ensure public access to information about corruption investigations)
- Good laws by themselves don't guarantee good outcomes, determined leadership is needed to ensure they are implemented and that they enjoy public confidence (e.g. post-transition law reforms in Mongolia haven't stopped officials working in the "old ways"; in Kazakhstan, malfeasance in courts may even be worse.)
- CSOs can *expose and shame* those responsible for the types of corruption described, but they can also be very effective in fighting corruption by helping public agencies make **systemic changes** that promote integrity. For this, CSOs must be highly professional, disciplined and constructive, in particular reaching out to and working with **reform champions** in government.
- CSOs can help these champions in many ways, including in particular:
 - Researching the extent of the problems and citizens' experience of them
 - Developing codes of ethics and other tools for reform champions to use
 - Designing/implementing integrity training and other capacity building
 - Building bridges between police/judiciary and the public
 - Pointing out, and encouraging resolution of, inconsistencies and ambiguities within the law
 - Building professional associations (lawyers, judges, police etc) and working with them to promote integrity amongst their members
 - Connecting reform champions to peers in other countries or sectors who can lend support
 - Helping to develop new legislation, e.g. to prevent collusion in procurement processes (as in Serbia)
- Reform is more likely to flourish in sunshine, hence fostering public debate and responsible media coverage of corruption is important – but this presents a dilemma: while it heightens the demand for integrity, if the coverage is seen as hostile it can push even reformers onto the defensive. E.g. in Serbia, CSO pressure now means that the Public Prosecutor must be prepared to explain publicly why they choose *not* to take forward a prosecution. Responsible media coverage can actually foster community confidence to take concerns directly to public authorities (e.g. in Uganda with police radio programmes).
- CSOs can also help ensure voices and experience from the regions, not just the capital, come to decision-makers attention, and can help "break the silos" in bringing people from different disciplines together.

Main Outputs

- Written 5-page papers on each case study,
- PowerPoint presentations of the case studies
- Workshop report (short and full versions)

All these are available on IACC and PTF websites (www.partnershipfortransparency.info)

Recommendations, Follow-up Actions

- International forums and standards can be used to reinforce national CSO actions and provide professional resources for champions in government
- Funding and other support for such CSO actions must be sustained over a long period, and also indigenous support (local contributions and volunteer support) needs to be promoted
- Stronger channels for sharing information and experience between CSOs tackling similar challenges

Workshop Highlights (including interesting quotes)

Immunity from personal prosecution enjoyed by some public servants shouldn't be blanket impunity; legislation must be clear on this.

The battle against corruption is a long haul, we can't expect quick results, and it requires the cooperation and perseverance of all stakeholders (government, donors, CSOs, private sector).

There needs to be greater public accountability of judicial officials, but this entails questions about who speaks for the public, who represents the victims of the victimless crime of corruption.

We need to help restore trust in the judicial system, but this won't be possible unless there is greater openness, e.g. the public must be informed about outcomes of prosecutors' decisions.

Heightening a sense of honour and public trust (e.g. amongst judges) is a motivating factor for partnering with civil society in addressing corruption concerns.