




MASTER ENFORCEMENT TRAINING PROGRAM

# **Enforcing Labor and Criminal Law to Address Child Labor, Forced Labor, and Human Trafficking**

SENTENCING



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# Introduction to Module 5

Module 5 of the *Enforcement Training Program* focuses on sentencing, the final step of the child labor, forced labor, and human trafficking case process unless there is an appeal. Sentencing plays an important role in the case process. It sanctions offenders, can serve as a deterrent to other potential offenders, and can provide closure and compensation to survivors. The module looks at sentencing guidelines and factors that judges should consider when determining a sentence. The role of restitution is examined, along with the positive impact it can have for survivors. The module examines the benefits and challenges of plea bargaining and how plea bargaining can be used in jurisdictions in which it is permitted. Finally, the module examines judicial ethics and the Bangalore Principles of Judicial Ethics. The module uses three interactive exercises to help apply what is learned to real-life scenarios; it also gives participants an opportunity to discuss important sentencing issues. Module 5 completes the case process that began with Modules 1 through 4. However, it should be noted that survivor services may continue past sentencing.



Photo Credit: Murkas, 2006, Tanzania

# Lesson 5.1: Sentencing Guidelines

## Objective:

- To learn about sentencing guidelines and challenges. Practice child labor, forced labor, and human trafficking sentencing using scenarios.

## Time:



1 hour and 40 minutes

## Steps:

- Exercise 5.1.1: Sentencing Discussion
  - 15 minutes
- Present PowerPoint Presentation 5.1: Sentencing Guidelines
  - 15 minutes
- Exercise 5.1.2: Sentencing Scenarios
  - 1 hour and 10 minutes

## Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 5.1: *Sentencing Guidelines*
- Projector
- Handout 5.1.2: *Sentencing Scenarios*

In many jurisdictions, sentencing is discretionary, permitting the circumstances of the individual case, the accused, and the victims to be taken into account. Because of this individualized, discretionary approach, there can be sentencing disparities. These disparities can cause the public to lose confidence in the penal system if they feel sentences are arbitrary, and the sentencing process is unpredictable and unfair. While mandatory sentences may reduce sentencing disparities, they can also increase overcrowding in prisons and hinder the appropriate discretion of courts.

## **Sentencing Guidelines**

Many jurisdictions have sentencing guidelines. The guidelines may cover specific classes of cases or specific offenses. Sentencing guidelines are developed for the following reasons:

- Align the sentencing process with the country's Constitution
- Guide the process of determining sentences
- Link the sentencing process to the overarching objectives of sentencing
- Structure the use of discretion to reduce disparities
- Provide a framework for exercising discretion
- Address the need to reduce the use of custodial sentences and promote the use of non-custodial sentences
- May encourage the participation of survivors in the sentencing process

Judges should always consult local guidance and stay up to date on any changes to local sentencing guidelines.

## **Sentencing Procedures**

Sentencing procedures can vary by jurisdiction, but they generally require a judge to issue a sentence after considering a series of special factors. In some jurisdictions, a pre-sentence report may be required for some or all cases. A pre-sentence report is completed by a probation officer and includes information about the defendant and any reasons for imposing a greater or lesser sentence.

**Factors that should be considered when determining the sentence for a defendant include things such as:**

- Circumstances under which the offense was committed
- Offender's age
- Offender's health and means of livelihood
- Offender's attitude and remorsefulness
- Offender's likelihood of reform
- Offender's standing and role in the community
- Impact of the offense on the child labor, forced labor, or human trafficking survivor
- Aggravating and mitigating factors
- Other relevant information

In determining the sentence, the judge must consider aggravating and mitigating factors, particularly when they are included in legislation as increasing a penalty. In many jurisdictions, there are mandatory increases in penalties if a victim is killed, injured, or is a child. The judge should also consider whether, if relevant, sentences should be served concurrently or consecutively. If permitted, an additional consideration is whether restitution should be granted to the child labor, forced labor, or human trafficking survivor(s). More information about restitution can be found in Lesson 5.2 (Restitution). Once the factors have been weighed, and the judge has made his or her decision, a sentence should be properly issued.

# Exercise 5.1.1: Sentencing Discussion

## Objective:

- To begin discussing sentencing and thinking about factors to consider when sentencing child labor, forced labor, and or human trafficking cases.

## Time:



15 minutes

## Materials and Preparation:

- One flip chart and markers for the facilitator

## Steps:

- Explain to the participants the objectives of the exercise.
  - 2 minutes
- Ask participants to discuss the following questions in a large group. Write key points on the flip chart:
  - What factors should be considered when sentencing cases?
  - Are there additional factors that should be considered for child labor, forced labor, and/or human trafficking cases?
  - 10 minutes
- Wrap up with key messages below.
  - 3 minutes

## Key Messages:

- There are a variety of factors to consider when sentencing cases, such as whether the offender is a first-time or repeat offender, the severity of the offense, the offender's remorsefulness, and other factors that will be discussed in the lesson.
- In child labor, forced labor, and human trafficking cases, factors to consider include the impact on the survivors, the victims/survivors' age(s), and other factors that will be discussed in the lesson.

# Exercise 5.1.2: Sentencing Scenarios

## Objective:

- To determine appropriate sentences for child labor, forced labor, and human trafficking offenses.

## Time:



1 hour and 10 minutes

## Materials and Preparation:

- Relevant local legislation and sentencing guidelines
- One flip chart for each group and one for the facilitator
- Markers
- Facilitator should print copies of the scenarios in Handout 5.1.2 to give to groups to guide group discussions
- Facilitator should prepare one flip chart in advance that lists the following questions:
  - What sentence or sentences did your group feel was appropriate?
  - What factors did the group consider when making the determination?
  - Did any aggravating or mitigating factors impact the group's decision?

## Steps:

- Before the workshop, the facilitator should obtain copies of local relevant legislation and sentencing guidelines and ensure that participants receive an overview of those topics prior to completing this exercise.
- Explain to the participants the objectives of the exercise.
  - 5 minutes
- Ask participants to form small groups of 4–5 people. Instruct the groups to review the scenarios assigned to their group. Each group should determine a sentence they feel is appropriate for the case. The groups should then answer the questions on the flip chart at the front of the room by recording them either on a sheet of flip chart paper or on another sheet of paper.
  - 40 minutes
- Reconvene participants and ask each group to share their answers to the questions. Encourage comment and questions.
  - 20 minutes
- Wrap up with Q&A and key messages below.
  - 5 minutes

## Key Messages:

- Discretionary sentencing leaves room for judges to consider the facts and circumstances of each individual case. It also means that different judges could evaluate the same case and give different sentences.
- Mandatory penalties and aggravating factors can help make sentences more uniform but may also lead to an increase in incarceration and an inability to respond to the unique circumstances of a case.



## HANDOUT 5.1.2: SENTENCING SCENARIOS

**Scenario 1:** The defendant is accused of employing five children under the age of 14 on a fishing boat that operates under hazardous conditions. One of the children was seriously injured.

**Scenario 2:** The defendant is accused of running a small recruitment agency that recruited many workers from your country to work in the Gulf States. Recruited workers were required to pay a recruiting fee that was the equivalent of two months' salary. The defendant told recruits they would be working in a hotel, but instead, they were forced to work long hours in construction. The defendant claims he did not know the workers were being given different jobs upon arrival in the Gulf States. However, there is email evidence showing that this is false.

**Scenario 3:** The defendant employed two children under the minimum age of employment to work full time in her shop. The children were responsible for taking inventory of goods and working the cash register. The defendant has said, she was only trying to help the children provide additional support to their families.

**Scenario 4:** The defendant is accused of trafficking 20 women and three girls under the age of 14 for prostitution. The women and girls were trafficked from rural areas in the country and brought to the capital with the promise of working as cleaners in an office building.

**Scenario 5:** The defendant is accused of forced labor offenses, forcing men to work in a mine for little pay. Several of the men have become sick or injured during their time working in the mine.

**Scenario 6:** The defendant is accused of having children perform hazardous work on a large farm, including using chemicals and sharp tools. While the defendant claims the children were safe because they were trained and provided gloves, the children were not supervised.

**Scenario 7:** The defendant is accused of forcing women and children to work in a garment factory. They were forced to work long hours and could not leave the premises without supervision. Their pay was frequently withheld to cover expenses. Multiple employees were beaten for failing to meet their quota for the day.

**Scenario 8:** The defendant is accused of child labor offenses because several parents brought their children to work on his farm to meet their quota. The employer claims not to have known that the children were working. He has since started posting that children are not allowed to work in the fields.

**Scenario 9:** The defendant is accused of trafficking girls from a neighboring country to work as domestic workers. The girls had been told they would be attending school and working part time to cover their tuition fees. None of the girls were enrolled in school, and they have been forced to work long hours.

# Lesson 5.2 Restitution

## Objective:

- To learn about restitution and how to determine damages.

## Time:



1 hour and 15 minutes

## Steps:

- Exercise 5.2.1: Restitution Discussion
  - 15 minutes
- Present PowerPoint Presentation 5.2: Restitution
  - 15 minutes
- Exercise 5.2.2: Restitution and the Enforcement Training Program (ETP) Case Studies
  - 45 minutes

## Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 5.2: *Restitution*
- Projector
- Copies of ETP Case Studies



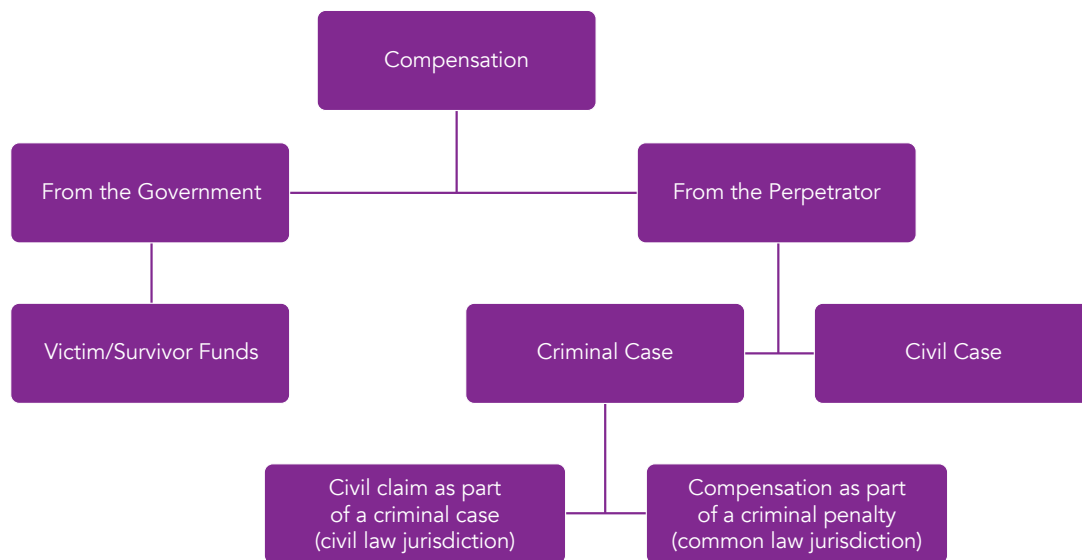
Photo Credit: Rutger van der Maar, 2007, China

## The Role of Restitution

Restitution aims to make recipients whole. In the case of child labor, forced labor, and human trafficking, this means trying to put the victim/survivor in the situation they would have been in had they not been subjected to child labor, forced labor, or human trafficking. Survivors are also entitled to adequate compensation, which is provided for in some countries through binding legislation. However, often survivors do not receive any compensation through criminal court judgments and are often unable to access civil compensation due to a lack of understanding of the process, lack of access to legal assistance, and a lack of the time and resources needed to pursue a civil claim. For those reasons, it is important for each government to have in place specific mechanisms for providing compensation to survivors that can be utilized by agencies assisting survivors and enforced legally, if necessary. Criminal justice officials play an important role in assisting survivors in the compensation process. Judges and prosecutors should ensure survivors receive adequate compensation for their physical, psychological, and financial harm. Potential options for sources of and avenues for receiving compensation include:<sup>1</sup>

- Allowing survivors to sue offenders or others involved in the trafficking in a civil suit, so they may be compensated through civil damages.
- Allowing for survivors to be compensated through criminal damages paid by the offenders.
- Imposing requirements that convicted offenders be ordered to pay compensation or restitution.
- Creating legal provisions for dedicated funds for survivors to claim compensation directly from the government for injuries or damages caused by a criminal offense.

**Figure 1: Options for Survivor Compensation<sup>2</sup>**



1 *Anti-Trafficking Training Material for Judges and Prosecutors Handbook*, International Centre for Migration Policy Development, 2006. [http://lastradainternational.org/Isidocs/540%20AGIS\\_JUD\\_Handbook.pdf](http://lastradainternational.org/Isidocs/540%20AGIS_JUD_Handbook.pdf)

2 *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons*, Organization for Security and Co-operation in Europe (OSCE), 2004, p. 84. <https://www.osce.org/odihr/13967>

## **Considerations for Survivors**

Restitution plays several roles for survivors. In cases of child labor, forced labor, and human trafficking, survivors may be entitled to withheld wages, medical expenses, and damages. Access to restitution can encourage child labor, forced labor, and human trafficking survivors to engage with the justice system, particularly if they are far from home and not permitted to work during the trial process. In many instances, survivors have earned little or no money as a result of child labor, forced labor, and human trafficking and need a source of income, either in the form of employment or restitution. Additionally, survivors may have had to pay high recruitment fees, and to do so, they or their family may have taken on debt that still needs to be paid to a third party.

## **Civil Procedures**

In many jurisdictions, child labor, forced labor, and human trafficking survivors can gain access to compensation, and sometimes damages, through civil cases. Sometimes this may be done through administrative proceedings in a Labor Court to collect back pay and unpaid wages. In civil proceedings, survivors often have to pay their court fees and are not entitled to an attorney, which can make the process expensive and daunting, particularly for survivors who only have a limited understanding of the country's language and/or lack formal education.

## **Criminal Procedures**

There may be several ways that child labor, forced labor, and human trafficking survivors can receive compensation or restitution through a criminal proceeding. These options vary by country, and it is important to note that not all countries allow survivors to receive compensation or restitution during criminal proceedings. In some jurisdictions, child labor, forced labor, and/or human trafficking survivors can receive damages as part of the offender's sentence. Damages typically must either be set or approved by a judge and are determined on a case-by-case basis, with discretion playing an important role. Damages can cover medical costs, psychological support, and pain and suffering. Child labor, forced labor, and human trafficking survivors may also be able to gain back pay/withheld wages as part of the sentencing terms. In some jurisdictions, offenders may be issued a fine that must be paid to a victims or survivors' fund. This fund is used to provide services for survivors and to compensate survivors. Survivors may be entitled to access these funds and services as part of the criminal process.

## **Exercise 5.2.1: Restitution Discussion**

### **Objective:**

- To have participants start thinking about restitution, its different forms, and the benefits for survivors.

### **Time:**



15 minutes

### **Materials and Preparation:**

- One flip chart and markers for the facilitator

### **Steps:**

- Explain to the participants the objectives of the exercise.
  - 2 minutes
- Ask participants to discuss the following questions, writing the answers on the flip chart
  - What forms can restitution take?
  - What benefits does restitution have for survivors?
  - 10 minutes
- Wrap up with key messages below.
  - 3 minutes

### **Key Messages:**

- Restitution can come in different forms and through different means. Depending on what is permitted within a jurisdiction, restitution may cover things such as medical costs, unpaid wages, and pain and suffering.
- Restitution can help a survivor recover and move on with his or her life. Restitution can also show that the justice system views the victim/survivor as a victim/survivor and someone worthy of support, not as a criminal.
- Restitution will be discussed further in the lesson.



# Exercise 5.2.2: Restitution and the ETP Case Studies

## Objective:

- To practice determining restitution for survivors Learn about the benefits that restitution could bring to the Enforcement Training Program (ETP) case study survivors.

## Time:



45 minutes

## Materials and Preparation:

- Copies of the ETP Case Studies 1–4
- Flip charts for each group
- Markers
- Before the workshop, the facilitator should determine if there are any existing legislation or guidelines for restitution for survivors of child labor, forced labor, and/or human trafficking. If so, copies should be obtained.

## Steps:

- Explain to the participants the objectives of the exercise.
  - 5 minutes
- Have participants split into four groups; give each group copies of a different case study and have them answer the following questions:
  - What facts in the case study could be addressed by restitution?
  - What would you recommend for restitution for this survivor?
  - What impacts would the recommended restitution have for the survivor?
- 15 minutes
- Reconvene the groups and have each group present their restitution recommendations. Allow time for discussion and comments.
  - 20 minutes
- Wrap up with Q&A and key messages below.
  - 5 minutes

## Key Messages:

- Restitution can cover a variety of costs. Depending on the jurisdiction, this may include medical costs, withheld wages, and possibly damages for pain and suffering.
- Restitution can help a survivor recover and start a new job and/or reestablish him or herself. Restitution can also reassure survivors that they are valued and that what happened to them was wrong.

# Lesson 5.3: Plea Bargaining

## Objectives:

- To learn about plea bargaining and its benefits and challenges.

## Time:



1 hour and 15 minutes

## Steps:

- Present PowerPoint Presentation 5.3: Plea Bargaining
  - 30 minutes
- Exercise 5.3.1: Plea Bargaining Discussion
  - 45 minutes

## Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 5.3: *Plea Bargaining*
- Projector

Plea bargains are also known as plea negotiations. As of 2017, 66 countries used some form of plea bargaining. In a plea bargain, a defendant pleads guilty, often to a lesser crime, with the expectation of a reduced sentence. Using plea bargains can help improve case management and reduce the time before a verdict is reached; however, care should be taken to ensure that there is still access to justice. Anytime a plea bargain is being considered, the following should be taken into account: the strength of the evidence against the accused, the accused's criminal history, and the seriousness of the offense.

## Requirements for a Plea Bargain

Generally, to secure a plea bargain, the following three requirements must be met:

- There is sufficient admissible evidence to sustain the charges related to the plea
- The charges accurately reflect the culpability of the accused
- The charges give the court adequate scope to impose an appropriate penalty

In many jurisdictions, there are some offenses that cannot use plea bargaining, so reviewing proposed charges is an important first step.

## Often during a plea negotiation, several things can be negotiated, including:

- **Charge:** The accused will often plead guilty in exchange for a lesser charge.
- **Sentence:** In some instances, a reduced sentence can be negotiated. Typically, this must be approved by the judge and cannot be negotiated in all jurisdictions or for all crimes. A prosecutor can often agree to request a lesser sentence from the court but cannot guarantee that a reduced sentence will be granted.
- **Facts:** The accused pleads guilty, and certain facts are entered into the record

Plea bargains have to meet certain standards to be valid. These standards help ensure that the accused understands the agreement and what is being gained and lost by not having a trial. Typically this is accomplished by meeting the following requirements:

- The agreement must be in writing
- The agreement must:
  - Be written in a language that the defendant understands
  - State in full the terms of the agreement
  - Contain all relevant facts including admissions
  - Be signed by the accused or his/her lawyer
  - Be signed by the child labor, forced labor, and human trafficking victim/survivor(s) (if the agreement provides compensation to victims/survivors)

## **Roles and Responsibilities**

**Prosecutors:** When conducting a plea bargain, prosecutors must remember to respect the rights of child labor, forced labor, and human trafficking survivors and the rights of the accused. This can be challenging in instances when the accused does not have the right to an attorney. In those instances, prosecutors must make sure that the accused understands his or her options and can make an informed decision. The prosecutor should make sure that the accused is able to access due process while also being mindful of the need for justice for child labor, forced labor, and human trafficking survivors, including access to compensation. Once the plea is accepted, prosecutors should read the facts in court. The court will ask the accused to admit or deny the facts. Prosecutors should never accept a plea if the facts upon which the plea is agreed to do not conform to the facts of the investigation and the crime charged.

**Accused:** The accused may have to forfeit the proceeds earned from child labor, forced labor, and human trafficking. The accused may also have to forfeit any instrumentalities used to commit child labor, forced labor, and human trafficking, which means any property other than real property or any buildings, fixtures, or improvements. The agreement or court may determine if any of the forfeited assets should be used to compensate survivors. The court must find that the accused is competent and agreed to the plea agreement voluntarily. A plea agreement is binding once the court accepts it. If the agreement was not voluntary or was misrepresented, the accused may apply to the court to set aside the agreement.

**Victims/Survivors:** A plea agreement may provide for compensation or restitution to be paid by the accused to child labor, forced labor, or human trafficking victims/survivors. More information about restitution can be found in Lesson 5.2 (Restitution).

**Judges:** In most jurisdictions, judges do not participate in plea negotiations. The judge is typically responsible for confirming the factual basis for the plea, determining that the defendant's agreement was voluntary, and exercising some discretion in sentencing. An important role of the judge is to inform the accused of his or her rights. In many jurisdictions, these rights include:

- Right to plead not guilty
- Right to be presumed innocent until proven guilty
- Right to remain silent and to not testify during proceedings
- Right not to be compelled to give self-incriminating evidence

- Right to a full trial
- Right to be represented by counsel of his or her choice or to have a legal representative
- Right to examine witnesses called by the prosecution
- Right to call witnesses in support of his or her case

The judge must also inform the accused that by accepting the plea agreement, he or she is waiving his or her right to a full trial. Additionally, the judge must inform the accused that by entering into a plea agreement, he or she is waiving the right to appeal, except for the extent or legality of the sentence. The judge may also need to inform the accused that the prosecutor has the right to use statements in the plea agreement against the accused should he or she be prosecuted for perjury or false statements.

## **Arguments for Plea Bargaining**

Plea bargaining has several benefits. Plea bargains increase judicial economy, which benefits the community and public courts. Using plea bargains also removes the uncertainty of trial for prosecutors, survivors, and the accused. Child labor, forced labor, and human trafficking survivors in these cases do not have to wait months or years to learn the outcome of the case and receive compensation. They do not have to remain in shelters during a long trial process and can return to school, work, and their communities more quickly.

Plea bargains reallocate scarce resources, benefiting prosecutors and judges. Prosecutors do not have to use time and office resources to prepare for and prosecute a case. Instead, they can conduct a thorough investigation, often relying on the work done by police and labor inspectors to build an evidence-based argument that leads to a plea agreement with the accused. Plea agreements also reduce the case backlog for judges, prosecutors, and public defenders. In many countries, extensive backlogs mean it can be months or years before a case has a court date, and trials can take a long time to complete. Reducing the case load of judges and prosecutors can reduce the amount of time required to bring a case to trial and provide the opportunity to focus more time and effort on cases that do go to trial.

Plea bargains provide a definitive resolution of the matter for all involved. Defendants know the outcome and do not have to spend months or years waiting for a result. They also know that they will likely be receiving a reduced sentence. Prosecutors know the outcome and do not need to worry about presenting a case during a trial. Survivors can often receive closure by knowing that the child labor, forced labor, or human trafficking offender was found guilty and that a sentence was given. Additionally, for foreign survivors who wish to be repatriated, it is more likely that a decision would be reached before a survivor leaves the country.

## **Arguments Against Plea Bargaining**

There are several arguments against plea bargaining. Some people feel that plea bargains are too soft on criminals, and plea bargains undermine the deterrent effect of criminal penalties. Additionally, there are concerns that plea bargains offer inducements that are likely to produce involuntary guilty pleas. Some defendants may seek to falsely admit guilt. Defendants may feel the lengthy wait for a trial—and the possibility of receiving a severe sentence—makes it wise to accept a plea with a lower fine and/or reduced imprisonment; these factors may also lead some defendants to feel it is worth pleading guilty, even if they are innocent of the crime. Having a greater social emphasis on not punishing innocent persons can help reduce this, as can having additional restrictions for plea bargaining.<sup>3</sup>

Plea bargaining can shift power to prosecutors, leaving judges to do little more than ratify the plea deal negotiated by the prosecutor. Some believe that plea bargains are contrary to constitutional principles, ethics, and offend fair trial rights and guarantees.

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3 Givati, Yehonatan, "The Comparative Law and Economics of Plea Bargaining: Theory and Evidence" in *Harvard: John M. Olin Center for Law, Economics, and Business Fellows' Discussion Paper Series*, July 2011, p. 4. [http://www.law.harvard.edu/programs/olin\\_center/fellows\\_papers/pdf/Givati\\_39.pdf](http://www.law.harvard.edu/programs/olin_center/fellows_papers/pdf/Givati_39.pdf)

## **Exercise 5.3.1: Plea Bargaining Discussion**

### **Objective:**

- To discuss the benefits and challenges of plea bargaining and when the use of plea bargains may be appropriate.

### **Time:**



45 minutes

### **Materials and Preparation:**

- Relevant plea bargaining guidelines
- One flip chart and markers for the facilitator
- Before the workshop, the facilitator should verify whether plea bargains are permitted for child labor, forced labor, and/or human trafficking cases; obtain copies of local relevant plea bargaining guidelines; and ensure that participants receive an overview of those guidelines (should they exist) prior to completing this exercise.

### **Steps:**

- Explain to the participants the objectives of the exercise.
  - 5 minutes
- Ask participants to discuss the following questions in a large group. Write key points on the flip chart:
  - What benefits can plea bargains offer? Have you seen any benefits in cases or the legal system?
    - 10 minutes
  - What challenges do plea bargains present? How can they be addressed?
    - 10 minutes
  - Are there any instances where plea bargains could be useful? What guidelines are needed?
    - 15 minutes
- Wrap up with Q&A and key messages below.
  - 5 minutes

### **Key Messages:**

- Plea bargains can have some benefits, such as reducing case backlogs, reducing prison sentences, and providing all parties and survivors with closure.
- Plea bargains can result in innocent defendants pleading guilty to crimes they did not commit. If plea bargains include jail time, they can lead to an increase in the prison population.
- Regulating plea bargains to reduce case backlogs without negatively impacting the rights of defendants can help alleviate some of these risks.



# Lesson 5.4: Judicial Ethics

## Objectives:

- Learn about the Bangalore Principles and how to apply them.
- Put the ethical principles into practice using a series of scenarios.

## Time:



1 hour and 50 minutes

## Steps:

- Exercise 5.4.1: Judicial Ethics Discussion
  - 15 minutes
- Present PowerPoint Presentation 5.4: Judicial Ethics
  - 20 minutes
- Exercise 5.4.2: Applying Ethics to Daily Practice
  - 1 hour and 15 minutes

## Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 5.4: *Judicial Ethics*
- Projector
- Handout 5.4.2A: *Judicial Ethics Scenarios*
- Handout 5.4.2B: *Bangalore Principles of Judicial Conduct*

Judicial ethics are an integral part of the judicial process. Often, countries have their own judicial ethics guidelines in addition to the guidance provided by the Bangalore Principles of Judicial Conduct.

## The Bangalore Principles

A United Nations-affiliated committee drafted the Bangalore Principles to provide guidance and establish standards for judges. The principles include six core values: independence, impartiality, integrity, propriety, equality, competence, and diligence. The United Nations Social and Economic Council (Resolution 2003/26) encouraged countries to create their own judicial ethics codes based on the Bangalore Principles.

**Independence:** It is imperative that judges are able to act independently. Judges need to hear and decide cases without being subject to the influence of anyone, whether a government, interest group, individual, or another judge.<sup>4</sup>

There are three main requirements for judicial independence:

- Security of tenure until the age of retirement. This allows judges to make decisions based on the law and precedent. With tenure, judges do not have to make politically based decisions to either help them be reelected by the public or reappointed by the executive.
- Financial security with the right to a salary and pension, which should not be subject to the arbitrary change by the government in charge.
- Institutional independence for administrative matters. Allowing the judiciary to control their own administrative matters means they are not dependent on another branch of government or subject to their control or influence, even in day-to-day activities.

**Impartiality:** Impartiality is needed both in decisions and in the process of decision-making. Judges should be disqualified from matters if they have bias or prejudice in the matter. This means that if a judge has a personal connection to a case, such as when it involves a friend or family member, the judge should recuse him or herself. Impartiality is needed both as a matter of fact and as a reasonable perception. Even if a judge does not have a personal opinion about a case, if the public would have a reasonable belief that the judge was partial, it would harm the case. For example, if the case involved the school that the judge's child had previously attended, the judge should consider recusal. While the judge may not actually have a personal interest in the case, the public might believe that there was prejudice. A judge may not act under the influence of subjective or objective bias in a case. A judge may not have personal prejudice or bias with regard to a case, and judges must offer sufficient guarantees to exclude any legitimate doubt as to their impartiality.

Judges should not have *ex parte* communications or give the appearance of having *ex parte* communications. *Ex parte* communications occur when a party to a case talks, writes, or communicates in some other form with the judge about issues in the case without the other party's knowledge. Judges should not meet alone with a party to a case, or a likely party to a case—even if the meeting is purely social—as such meetings can give the impression of bias. Judges must disqualify themselves from matters in which they have a conflict of interest. For example, if a forced labor case involves a large company that the judge owns stock in, the judge would have a conflict of interest and would be required to disqualify him or herself. Best efforts should be made to show that the judge can try each case without bias.

**Integrity:** Integrity plays an essential role in the administration of justice. "Justice must not merely be done but must also be seen to be done."<sup>5</sup> It is essential that judges maintain high standards in both public and private life, with a careful respect of the law. Judges should consider the following factors before making a judgment as to whether their act or conduct meets the integrity requirement:

- Whether the act is public or private in nature
- The extent to which the conduct is protected as an individual right

4 *Commentary on the Bangalore Principles of Judicial Conduct*, United Nations Office on Drugs and Crime (UNODC), 2007, p. 27. [https://www.unodc.org/res/ji/import/international\\_standards/commentary\\_on\\_the\\_bangalore\\_principles\\_of\\_judicial\\_conduct/bangalore\\_principles\\_english.pdf](https://www.unodc.org/res/ji/import/international_standards/commentary_on_the_bangalore_principles_of_judicial_conduct/bangalore_principles_english.pdf)

5 *Bangalore Principles of Judicial Conduct*, United Nations Social and Economic Council (Resolution 2003/26), Principle 3.2, 2002.

- The degree of discretion that the judge is exercising
- Whether the conduct was specifically harmful or reasonably offensive to others
- The degree of respect or lack of respect to the public
- The degree to which the conduct demonstrates bias, prejudice, or improper influence.

**Propriety:** Judges are expected to meet a higher standard than the general public, and to do so, they must act with propriety at all times. This is because judges are subject to public scrutiny. The following guidance on maintaining propriety has been suggested by commentary on the propriety rule of the Bangalore Principles:<sup>6</sup>

- Judges should live an exemplary life. In doing so, they can demonstrate that judges can meet the high standards needed to administer justice.
- Use discretion and caution when socializing.
- Judges should avoid situations that may cast suspicion on their propriety. Where a judge's propriety is in question, the public can lose trust in the fairness of the justice system.
- Judges should recuse themselves from cases involving their friends or family. The risk of bias, real or perceived, is too high in these types of cases.
- Members of the legal profession should not be permitted to use a judge's personal phone or residence to contact clients. Allowing such activities can be perceived as favoring one side in a case. Additionally, it may be seen as conducting proceedings outside of the court and away from the public.
- Refrain from public controversies and political activities. Engaging in these types of activities can give the appearance of bias and could limit a judge's ability to hear future cases in a way that appears fair to the public.
- Judges should be cautious and exhibit restraint when providing references, character testimony, or in publications.
- Confidential information should not be disclosed. Disclosing information about child labor, forced labor, or human trafficking victims can be traumatizing for victims and put them at risk. Additionally, disclosing confidential information undermines the authority and integrity of the court.
- Gifts should not be accepted. While most gifts are well-intended gestures from friends and family, gifts can also give the impression of trying to gain favor.

**Equality:** Equal treatment to all is an essential part of justice. To ensure equal treatment, judges should:

- Not make derogatory comments. This should be applied in the court at all times and should be upheld in all aspects of a judge's life.
- Ensure court staff complies with court standards and not engage in prejudicial behavior and treat all parties before the court equally and fairly.
- Prevent lawyers from engaging in racist or sexist behavior. Permitting this behavior can give the impression that the court approves of racism or sexism.
- Set the tone for a fair trial by showing all parties equal dignity and respect; this is particularly important for child labor, forced labor, and human trafficking victims, and other vulnerable individuals.

**Competence and Diligence:** A judge's judicial duties must always come first. Judges must make sure that they devote sufficient time and effort to their judicial duties. Judges also need to be aware of the latest developments in international law and maintain decorum during all proceedings. Judicial duties should be performed with legal knowledge, skill, thoroughness, and preparation. This may require judges to research topics, legislation, and case law to hear a case on an unfamiliar topic or aspect of law competently.

<sup>6</sup> *Commentary on the Bangalore Principles of Judicial Conduct*, United Nations Office on Drugs and Crime (UNODC), 2007, pp. 85-119. [https://www.unodc.org/documents/nigeria/publications/Otherpublications/Commentary\\_on\\_the\\_Bangalore\\_principles\\_of\\_Judicial\\_Conduct.pdf](https://www.unodc.org/documents/nigeria/publications/Otherpublications/Commentary_on_the_Bangalore_principles_of_Judicial_Conduct.pdf)

The law should be applied evenly to all people, without the abuse of process. This equality should apply whether the person is young or old, a victim or accused, or any other distinction. The judiciary is responsible for training judges and developing a judicial training curriculum. Training plays an important role in judges deciding cases effectively and can cover new legislation, best practices, and other topics deemed necessary by the judiciary. Judges should be punctual and transparent during trial. Decisions should be made in a timely manner. The order and decorum of the court should be maintained throughout all trials.

## **Considerations for Online Activities**

Many interactions now occur online. Judges need to be careful what they communicate, post, or “like,” as often online activity is public. The first consideration that should be made before posting is to determine if the activity readily identifies the judge with the court system. Next, judges should determine whether the activity will reveal information about a case or confidential court information. Judges should not post information that could reflect poorly on the court or express an opinion about a controversial topic that could come before the court, as having expressed an opinion publicly could be used to demonstrate bias.

Before posting a picture, comment, or writing a post, judges should consider if they will detract from the dignity of the court or the judicial process. The ultimate question a judge should ask before making a post is whether he or she would be comfortable with the post becoming front-page news.



Photo Credit: USAID Girls Opportunity to Access Learning (GOAL) Project, Emily Doerr, 2013, Liberia

## **Exercise 5.4.1: Judicial Ethics Discussion**

### **Objective:**

- To begin discussing judicial ethics and start to consider what role ethical responsibilities play in and out of the courtroom.

### **Time:**



15 minutes

### **Materials and Preparation:**

- One flip chart and markers for the facilitator

### **Steps:**

- Explain to the participants the objectives of the exercise.
  - 2 minutes
- Ask participants to discuss the following questions in a large group. Write key points on the flip chart:
  - What role do judicial ethics play?
  - What are the benefits of having rules for judicial ethics?
  - What are the challenges of having rules for judicial ethics?
- 10 minutes
- Wrap up with key messages below.
  - 3 minutes

### **Key Messages:**

- Judicial ethics help ensure the judiciary is seen as impartial and having integrity.
- Having a code of judicial ethics makes it easier for judges to know how to ensure that their conduct helps promote public trust in the judicial system.



## Exercise 5.4.2: Applying Ethics to Everyday Practice

### Objective:

- Practice applying the Bangalore Principles to everyday scenarios.

### Time:



1 hour and 15 minutes

### Materials and Preparation:

- Relevant local legislation and sentencing guidelines
- One flip chart for each group and one for the facilitator
- Markers
- If there are local judicial ethics guidelines, copies of the guidelines should be obtained for participants.
- Facilitator should print copies of the scenarios in Handout 5.4.1: *Judicial Ethics Scenarios* and the Handout 5.4.2 *Bangalore Principles of Judicial Conduct* to give to groups to guide group discussions
- Facilitator should prepare one flip chart in advance that lists the following questions:
  - What decision did your group feel was appropriate?
  - What factors did the group consider when making the determination?
  - Which Bangalore Principle and/or local judicial guidelines did you rely on in making your decision?

### Steps:

- Before the workshop, the facilitator should obtain copies of local judicial ethics guidelines (if they exist) and ensure that participants receive an overview of those guidelines prior to completing this exercise.
- Explain to the participants the objectives of the exercise.
  - 5 minutes
- Ask participants to form small groups of 4–5 people. Instruct the groups to review the scenarios assigned to their group. Each group should determine which action they feel is appropriate and consistent with the Bangalore Principles of Judicial Ethics and local ethics guidelines. The groups should then answer the questions on the flip chart at the front of the room by recording them either on a sheet of flip chart paper or on another sheet of paper.
  - 40 minutes
- Reconvene participants and ask each group to share their answers to the questions. Encourage comment and questions.
  - 25 minutes
- Wrap up with Q&A and key messages below.
  - 5 minutes

### Key Messages:

- Because of the responsibility judges have for ensuring that justice is properly rendered, judges' actions are under more scrutiny than those of most other people. Judges have the privilege of serving as role models.
- In making choices both in and out of court, judges can look to local guidance and the Bangalore Principles.
- When in doubt, ask if the comment or action would be embarrassing if it became front page news.



Photo Credit: Oliver Gryson, 2007, Thailand

## HANDOUT 5.4.2A: JUDICIAL ETHICS SCENARIOS

**Scenario 1:** A judge issued a verdict after a long trial. Immediately after the verdict was issued, the plaintiff, who won the case, approached the bench and thanked the judge for her professionalism during the trial. The plaintiff also presented the judge with an expensive bracelet at this time. The judge did not want to be rude and accepted the bracelet, which she immediately gave to her clerk as a gift once she reached her chambers. **Can her clerk take the gift?**

**Scenario 2:** A judge is presiding over a contract dispute. The defense attorney requests that the judge recuse himself because the plaintiff is a brother-in-law of the judge. The judge knows that his brother-in-law has a weak case and that he will rule against his brother-in-law, so the judge decides to hear the case. At the end of the trial, the judge rules against his brother-in-law. **Is this OK?**

**Scenario 3:** A judge is presiding over a fraud case on appeal. The case began as an investigation the judge worked on while she served as a prosecutor. **Can the judge hear the case?**

**Scenario 4:** A judge is at a birthday party and runs into the defense attorney in a case he is presiding over. The defense attorney asks the judge how the case is looking and when a judgment will be issued. The judge does not say anything about the merits of the case but tells the defense attorney that a judgment will be issued soon. **Is this OK?**

**Scenario 5:** Judge Smith has been a judge for 15 years. He has fallen behind in his cases in the past few years and regularly adjourns court at 1 p.m. Some of the cases on his docket have been waiting to be heard for over two years. He has said rude things to victims and attorneys in court, and there are rumors that he drinks heavily and gambles. An attorney who has been waiting for nearly two years for a case to be heard became frustrated and complained to Judge Frank about the problem. **What ethical issues does Judge Smith have?**

**Scenario 6:** During the lead-up to the presidential election, Judge Jones has been careful not to express political views or endorse a candidate. His wife is planning to hold a lunch fundraiser for a candidate, which will be held at Judge Jones' residence. Judge Jones will not be attending the fundraiser, and none of his money will be used to pay for the event. **Can Judge Jones' wife hold the lunch fundraiser at his residence?**

**Scenario 7:** At the wedding of Judge Garcia's daughter, a card containing money and addressed to Judge Garcia is left with the other gifts. The card is signed by the defense attorney in a case before Judge Garcia. **Can Judge Garcia accept the gift?**

**Scenario 8:** A judge regularly uses his Facebook account to stay in touch with friends and family. The judge has been assigned a case that has received a lot of press, and the public is monitoring it closely. Family members and friends are posting on the judge's page asking about the case. **Can the judge respond on her Facebook page?**

**Scenario 9:** A judge went on a vacation with her husband. On the trip, they went to a casino. She wants to post photos from the trip, including one of her and her husband in front of a slot machine. **Can the judge post the photos?**

## HANDOUT 5.4.2A KEY: JUDICIAL ETHICS SCENARIOS

### Scenario 1: No

#### Bangalore Principles

##### Value 1 — Independence

*“Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.”*

### Scenario 2: No

#### Bangalore Principle

##### Value 4 — Propriety

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

**4.4** 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 case.

### Scenario 3: No

#### Bangalore Principle

##### Value 2 — Impartiality

**2.5** 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 which it may appear to a reasonable observer that the judge is unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:

**2.5.1** the judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;

### Scenario 4: No

#### Bangalore Principle

##### Value 4 — Propriety

**4.3** A judge shall, in his or her personal relations with individual members of the legal profession who practice regularly in the judge’s court, avoid situations which might reasonably give rise to the suspicion or appearance of favoritism or partiality.

### Scenario 5:

#### Bangalore Principles

##### Value 6 — Competence and Diligence

**6.6** A judge shall maintain order and decorum in all proceedings before the court and 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 control.

### Scenario 6: No

#### Bangalore Principle

##### Value 4 — Propriety

**4.9** 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 duties.

### Scenario 7: No

#### Bangalore Principle

##### Value 4 — Propriety

**4.14** A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties

### Scenario 8: No

#### Bangalore Principle

##### Value 2 — Impartiality

**2.4** 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 issue.

### Scenario 9: No

#### Bangalore Principle

##### Value 2 — Impartiality

**2.2** 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 judiciary.



## HANDOUT 5.4.2B BANGALORE PRINCIPLES OF JUDICIAL CONDUCT

### VALUE 1: INDEPENDENCE

*Principle:* Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

*Application:*

- 1.1** 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 reason.
- 1.2** A judge shall be independent in relation to society in general and in relation to the particular parties to a dispute which the judge has to adjudicate.
- 1.3** A judge shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to a reasonable observer to be free therefrom.
- 1.4** In performing judicial duties, a judge shall be independent of judicial colleagues in respect of decisions which the judge is obliged to make independently.
- 1.5** 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 judiciary.
- 1.6** A judge shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary which is fundamental to the maintenance of judicial independence.

### VALUE 2: IMPARTIALITY

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

*Application:*

- 2.1** A judge shall perform his or her judicial duties without favor, bias or prejudice.
- 2.2** 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 judiciary.
- 2.3** A judge shall, so far as is reasonable, so conduct himself or herself as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.
- 2.4** 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 issue.
- 2.5** 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 which it may appear to a reasonable observer that the judge is unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where
  - 2.5.1** the judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;



- 2.5.2** the judge previously served as a lawyer or was a material witness in the matter in controversy; or
- 2.5.3** the judge, or a member of the judge's family, has an economic interest in the outcome of the matter in controversy: Provided that disqualification of a judge shall not be required if no other tribunal can be constituted to deal with the case or, because of urgent circumstances, failure to act could lead to a serious miscarriage of justice.

### VALUE 3: INTEGRITY

*Principle:* Integrity is essential to the proper discharge of the judicial office.

*Application:*

- 3.1** A judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.
- 3.2** The behavior 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 done.



Photo Credit: The Children of War, 2006

## VALUE 4: PROPRIETY

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

*Application:*

- 4.1** A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.
- 4.2** 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 office.
- 4.3** A judge shall, in his or her personal relations with individual members of the legal profession who practice regularly in the judge's court, avoid situations which might reasonably give rise to the suspicion or appearance of favoritism or partiality.
- 4.4** 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 case.
- 4.5** A judge shall not allow the use of the judge's residence by a member of the legal profession to receive clients or other members of the legal profession.
- 4.6** A judge, like any other citizen, is entitled to freedom of expression, belief, association and assembly, but in exercising such rights, a judge shall always conduct himself or herself in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.
- 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 family.
- 4.8** 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 judge.
- 4.9** 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 duties.
- 4.10** Confidential information acquired by a judge in the judge's judicial capacity shall not be used or disclosed by the judge for any other purpose not related to the judge's judicial duties.
- 4.11** Subject to the proper performance of judicial duties, a judge may:
  - 4.11.1** Write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice or related matters;
  - 4.11.2** Appear at a public hearing before an official body concerned with matters relating to the law, the legal system, the administration of justice or related matters;
  - 4.11.3** Serve as a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with the perceived impartiality and political neutrality of a judge; or
  - 4.11.4** engage in other activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.
- 4.12** A judge shall not practice law whilst the holder of judicial office.
- 4.13** A judge may form or join associations of judges or participate in other organizations representing the interests of judges.

- 4.14** A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the judge in connection with the performance of judicial duties.
- 4.15** A judge shall not knowingly permit court staff or others subject to the judge's influence, direction or authority, to ask for, or accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done in connection with his or her duties or functions.
- 4.16** Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or benefit as appropriate to the occasion on 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 partiality.

## **VALUE 5: EQUALITY**

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

*Application:*


- 5.1** A judge shall be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, color, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes ("irrelevant grounds").
- 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 grounds.
- 5.3** A judge shall carry out judicial duties with appropriate consideration for all persons, such as the parties, witnesses, lawyers, court staff and judicial colleagues, without differentiation on any irrelevant ground, immaterial to the proper performance of such duties.
- 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 before the judge, on any irrelevant ground.
- 5.5** A judge shall require lawyers in proceedings before the court to refrain from manifesting, by words or conduct, bias or prejudice based on irrelevant grounds, except such as are legally relevant to an issue in proceedings and may be the subject of legitimate advocacy.

## **VALUE 6: COMPETENCE AND DILIGENCE**

*Principle:* Competence and diligence are pre-requisites to the due performance of judicial office.

*Application:*

- 6.1** The judicial duties of a judge take precedence over all other activities.
- 6.2** A judge shall devote the judge's professional activity to judicial duties, which include not only the performance of judicial functions and responsibilities in court and the making of decisions, but also other tasks relevant to the judicial office or the court's operations.
- 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 duties, taking advantage for this purpose of the training and other facilities which should be made available, under judicial control, to judges.

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- 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.
  - 6.5** A judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.
  - 6.6** A judge shall maintain order and decorum in all proceedings before the court and 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 control.
  - 6.7** A judge shall not engage in conduct incompatible with the diligent discharge of judicial duties.

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