



# **Corruption in the Judiciary: International Trends**

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# TI's *Global Corruption Report* 2007

Corruption in judicial systems:

- 28 comparative essays on judicial corruption
- 37 country reports on judicial corruption
- 16 empirical studies on corruption-related issues

Europe/Central Asia

Country Studies

Azerbaijan

Croatia

Czech Rep.

Israel

Georgia

Romania

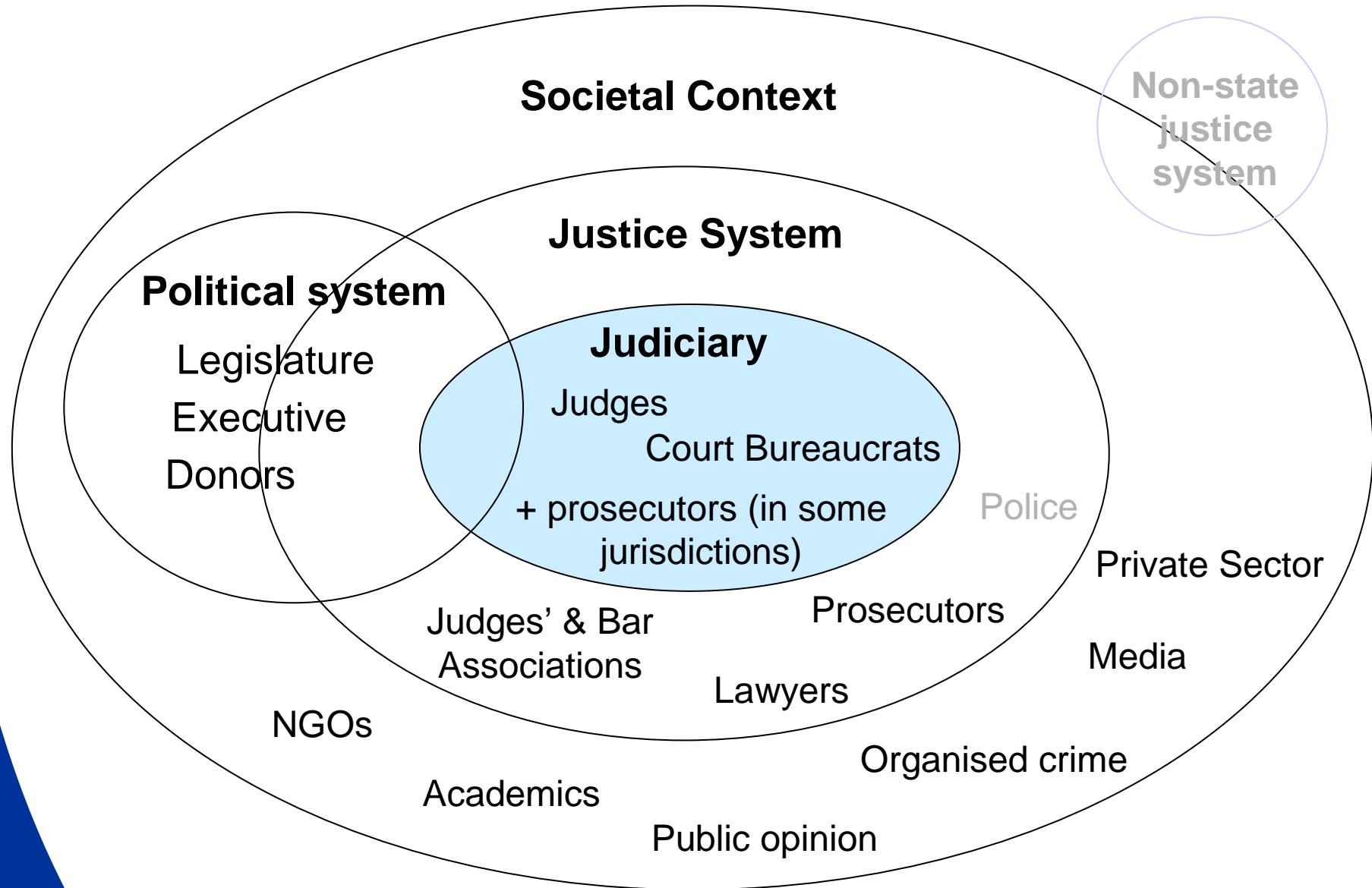
Russia

Spain

Turkey

UK

# Scope of Global Corruption Report 2007



# Types of judicial corruption

## Two main types:

1. Bribery
2. Undue influence
  - From political powers
  - From business

# Types of judicial corruption

## Bribery:

- Re-engineer/reduce sentence (judge)
- Speed up/slow down case (judge/court staff)
- Reduce/re-engineer charges (prosecutor)
- Admit/omit evidence (police)
- Present sub-standard case or bribe judge (lawyer)
- Embezzle court funds, put relatives on payroll (judges)

# Types of judicial corruption

## Undue influence:

### From political powers

- Pliant judges appointed
- Independent judges, cowed by fear of dismissal, transfer or loss of earnings, rule in favour of political powers, including in corruption cases

### From business

- ‘Buying judges’ - judges are elected in a majority of US states, leading to potential corruption in campaign funding

# How big a problem?

## Judicial Corruption Barometer of 62 countries

Region	% who had contact with the judiciary in past year	% of them who paid a bribe
Africa	20%	21%
Latin America	20%	18%
Newly independent states	8%	15%
South-East Europe	9%	9%
Asia/Pacific	5%	15%
EU/other Western European countries	19%	1%
North America	23%	2%

Big difference between systemic and sporadic judicial corruption

# How big a problem?

## Judicial Corruption Barometer of 62 countries

- **Trust is low**

Region	Percentage who think their judiciary is corrupt (%)
Latin America	73%
Newly independent states	65%
South-East Europe	66%
Africa	59%
North America	43%
Asia/Pacific	40%
EU/other Western European countries	29%

In these regions  
< 3% actually  
experienced  
bribery

When asked *who* in the judicial process is corrupt (judges, court staff, prosecutors, lawyers, police), the majority point to judges.

# Europe and Central Asia Focus

- Political interference is a significant problem
- Selection, transfer and disciplining of judges are still influenced by executive
- Some countries have been backsliding on international standards
- Lack of resources is an obstacle to citizens' access to justice
- Poor accountability mechanisms and lack of transparency increase possibilities for corruption
- EU accession processes, although influential, are limited drivers of judicial reform

# Causes of judicial corruption

- Undue influence by the executive and legislative branches (appointments, promotions, transfers, removals)
- Weak disciplinary mechanisms
- Low judicial and court staff salaries (but raising salaries may do little to dent corruption – e.g. Georgia and Singapore)
- Poor training
- Fear of retribution (by political or judicial powers, media, criminal gangs)
- Inadequately monitored court administrative procedures
- Lack of transparency (litigants, media, public don't know what happens in court)
- Social tolerance of corruption

# Important safeguards

Safeguard	Who can implement it?
<b>Fair appointments</b>	<u>Executive and legislature</u> : restrict their role in appointments process <u>Judiciary</u> : be vocal in demands for independence
<b>Decent working conditions</b> (Salaries, tenure, training, transfers, promotion)	<u>Political powers</u> : guarantee adequate funding for judiciary <u>Judiciary</u> : ensure objective promotion and transfer system; introduce random case assignment
<b>Accountability and discipline</b>	<u>Political powers</u> : restrict their role in disciplinary processes; grant (limited) immunity for judges <u>Judiciary</u> : ensure that removal is considered only when serious misconduct is suspected, and after a rigorous and fair investigation; enforceable code of conduct
<b>Transparency</b> (media, NGOs, academics, general public should have access to info on, and be able to monitor, court performance)	<u>Legislature</u> : amend 'gagging' laws on press <u>Judiciary</u> : provide access to judgements and decisions; monitor asset declarations

## Key Messages: GCR 2007

- Judicial corruption erodes the foundations of society
- Ordinary people suffer from judicial corruption
- An impartial judiciary must be based on transparency