

Europe and Central Asia

Divergence in the perception of judicial corruption

- **Denmark, Sweden and Finland** lead TI's *Global Corruption Barometer 2006* with the lowest perceived levels of judicial corruption. In Denmark, 81 percent of respondents perceive little or no corruption in the legal system/judiciary.
- However, in all former communist countries, 45 percent or more of those polled described the legal/judicial system as corrupt.

Political interference is a significant problem

- Selection, transfer and disciplining of judges are still influenced by the executive.
 - **Azerbaijan:** The president has the final word on the selection of new judges. Supreme Court judges and the general prosecutor owe their positions to the executive branch.
 - **Croatia:** The state judicial council, which appoints and disciplines judges and state attorneys, has been criticised for appointing judges according to political loyalty.
 - **Turkey:** Appointment and transfer lists are vetted by the Ministry of Justice, which exerts critical influence on the removal of judges and prosecutors from cases.
- Some countries have seen backsliding on international standards.
 - **Russia:** Political powers have increased their influence over the judiciary. The International Bar Association is particularly concerned by a number of cases of judicial dismissals where undue influence appears to have been wielded by court chairpersons or other parties.
 - **Georgia:** A report by the American Bar Association's Europe and Eurasia Division of the Rule of Law Initiative, or CEELI, named executive influence as one of the most serious issues facing the country's judiciary, and concluded that the problem has increased since 2003.

Other concerns

- Lack of resources is an obstacle to citizens' access to justice.
 - **Azerbaijan:** The country has 4.06 judges per 100,000 citizens, compared to 25.3 in Germany. This is the lowest number of judges per capita in the region.

- **Georgia:** Lack of qualified personnel, poor infrastructure, inadequate financial support and poor enforcement of judgements deter citizens from pursuing justice through the courts.
- **Romania:** Only 89 percent of judicial and 78 per cent of prosecutors' posts are currently filled, while the number of parties waiting for their cases to be heard exceeds 22 million.
- Poor accountability mechanisms and lack of transparency diminish the chance of corruption being properly detected and punished.
 - **Czech Republic:** There is no universal, formal and transparent system of evaluating judges - the basis for a high quality human resource policy within the justice system.
 - **Turkey:** To protect their independence, judges and prosecutors are entitled to immunity from investigation and prosecution for crimes, even bribery. This leads to serious abuse, and the high council rarely lifts this immunity.
- Corruption in the broader judicial system
 - **France:** Close links between public prosecutors and the executive allow room for political interference in the investigation of major corruption scandals.
 - **United Kingdom:** Whilst allegations of corruption are seldom made against judges, allegations and convictions of corruption, particularly in the enforcement agencies, have been more common.

EU accession processes are limited drivers of judicial reform

- **Czech Republic:** The European Union accession process has had a relatively limited impact on judicial reform, the chief exception being the creation of a new career system in the Czech Republic.
- **Georgia:** The government is seeking stronger ties with the EU and has formed a government commission on judicial reform that is expected to include representatives from international and local organisations. However, it has yet to undertake substantive activities.
- **Romania:** The EU accession process has helped increase the pace and effectiveness of judicial reforms, but many exist only as well-articulated legal frameworks and have not been put into practice.

TI's work

- **Raising awareness of court procedures and offering advice to victims:** TI has established Advocacy and Legal Advice Centres (ALACs) that offer corruption hotlines and legal advice to victims of corruption in **Azerbaijan, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and Romania.** For more information about ALACs, please see:

http://www.transparency.org/regional_pages/europe_central_asia/priority_issues/alac