

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

MAPPING OF NIS RECOMMENDATIONS ON THE JUDICIARY

QUERY

What recommendations have been provided on the judiciary area during recent National Integrity System assessments?

PURPOSE

Provide support for the chapter's initiative on the judiciary.

CONTENT

1. Corruption in the judiciary: overview of findings
2. Mapping of recommendations on the judiciary
3. Sources and references

SUMMARY

This answer compiles the recommendations for the judiciary pillar of a wide range of National Integrity System assessments conducted over the past years.

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1. CORRUPTION IN THE JUDICIARY: OVERVIEW OF FINDINGS

General trends

The judicial system has a key role to play in the fight against corruption and against impunity. An independent, efficient and impartial justice system underpins the effective implementation of the anti-corruption legal framework that has emerged in the last two decades at both the national and international levels. The best anti-corruption laws criminalising corruption become toothless without a functioning judicial system to enforce them. In addition, the toll of a corrupt judiciary on society at large can be huge. Citizens may lose faith in their institutions' ability to ensure justice, and as the business sector has no guarantee that contracts will be enforced and disputes fairly settled, economic investment and growth might be severely harmed.

Beyond context-specific issues that can affect national judiciaries, there are common patterns of judicial corruption across countries, which can guide reforms. Corruption in the judiciary can occur at all stages of the proceedings, from the initial stages at the police station or prosecution office to the highest appeal courts. It can also manifest itself in a great variety of forms that mostly fall under two types: bribery to speed up or influence the outcome of judicial processes, and political interference in judicial processes by either the executive or legislative branches of government. Corruption can also vary greatly in extent across countries, from relatively rare instances to systemic manipulation of courts, as reflected by Transparency International's *Global Corruption Report 2007*.

The review of National Integrity System (NIS) assessments conducted in recent years identifies common trends, especially with regards to the practical issues that may hamper judicial systems' ability to efficiently address corruption such as insufficient funding or case overload. Although there is not always an agreement on best practices to address these challenges, there is a wide consensus across countries (irrespective of the region, level of development or overall judiciary integrity performance) on key requirements to allow judiciaries to fulfil their mandate in an efficient and ethical manner:

- The need for the judiciary to be independent from political influence is emphasised in most assessments.
- The need for careers and working conditions of judges to be fair, balanced and based on objective criteria is also a related concern across countries.
- Similarly, ensuring sufficient funding to avoid overload of the judiciary and enable sufficient specialized capacities is another consensual point.
- The implementation of effective integrity mechanisms such as codes of conduct, ethical training and prevention of conflicts of interest is also emphasised across countries and regions.
- While there are variations in the recommendations on the administrative sanctions of judges and ensuring the right balance between independence and accountability, the need to ensure the appropriate level of accountability of members of the judiciary is also relatively consensual across countries.
- There is also a wide consensus on the need to ensure transparency of all judicial processes, including judicial decisions, performances, case management, and accounts, among others.

In a minority of cases, some recommendations are tailored to the specific circumstances of the country or the institutional setup. For instance, in Belgium, a majority of the recommendations tend to address the fragmentation of the Belgian judicial system. In two cases, Kosovo and Lebanon, recommendations for protecting judges against physical harm also reflect the specific national security contexts.

Recommendations to address specific judicial corruption risks

More specifically, the *Global Corruption Report 2007* and the NIS country assessments identify key areas of concerns that are likely to have an impact on judicial corruption and can be clustered into six major categories:

Independence

Judicial independence is essential in order to ensure that judges and court personnel do not face pressure to rule in favour of powerful political or economic entities rather than according to the law. Through the manipulation of the judiciary, those in power might try to obtain "legal" protection for dubious or illegal strategies such as embezzlement, nepotism, crony privatisations or political decisions that might otherwise encounter resistance in the legislature or from the media.

This issue covers problems related to political interference in the appointment, promotion, remuneration and transfer of judges, and organisational and financial independence from the executive. Political and/or personal criteria can be applied, rewarding partisan ties or docility rather than merit or professional qualifications. The assignment of cases can also be subject to political manipulation, if cases are deliberately allocated to pro-government or pro-business judges. For instance, in Algeria, judges that are deemed “too independent” are often sanctioned and transferred to distant locations. In Russia, the International Bar Association confirmed that several judges of the Moscow courts were dismissed on dubious grounds in the early 2000s for refusing to follow directives from the executive in their rulings.

To address judicial independence related issues, the NIS assessments provide several recommendations depending on the form that the independence issue takes:

➤ **Appointment, promotion, remuneration and transfer of judges**

Appointment of judges

For the appointment of judges, there is a wide consensus that clear and transparent procedures and criteria should be implemented to ensure that candidates are designated based solely on their merit and experience and not for political reasons. For instance, the Bulgarian NIS stresses the need for the process to be transparent and predictable. In Guatemala, the assessment calls for “more objective and measurable” criteria. In Switzerland, there is a call to “de-politicise” the election of judges.

There are different ways to ensure transparent and merit-based appointment of judges. An important number of assessments recommend that appointments be the collegial responsibility of an independent, non-political judicial body rather than a single official or the executive. Supreme judicial councils or equivalent bodies are suggested as the best option in several countries such as Latvia and Lebanon. In at least two cases (Egypt and Lebanon), the assessment suggests that some or all of the members of this highest court be elected rather than appointed.

In cases where the judiciary is supervised by a single senior official, it is also recommended that this nomination should be non-political, for instance by entrusting the appointment of the head of the judiciary to an independent body, as suggested for Greece.

These recommendations are consistent with Transparency International’s policy position on judicial appointments. In the *Global Corruption Report 2007*, Transparency International also recommends that:

- The process should ensure that judges do not feel indebted to the particular politician or senior judge who appointed them.
- Election criteria should be clear and well publicised, allowing candidates, selectors and others to have a clear understanding of where the bar for selection lies; candidates should be required to demonstrate a record of competence and integrity.
- Civil society groups including professional associations linked to judicial activities should be consulted on the merits of candidates.
- Security of tenure for judges should be guaranteed for about 10 years – not subject to renewal – since judges tend to tailor their judgements and conduct towards the end of the term in anticipation of renewal.

The policy position on judicial appointments can be accessed [here](#).

Promotions, transfers and remuneration

Similar recommendations are provided regarding the promotion, transfers or differences in remuneration of judges. For instance, in Belgium, the assessment calls for a harmonisation of roles and job description of judges for their evaluation. A few also insist on taking workload of judges in consideration when dealing with evaluation and remuneration, as in Hungary and Poland.

These recommendations are also consistent with Transparency International's policy position as the *Global Corruption Report 2007* recommends objective criteria for the assignment of judges:

- Objective criteria that determine the assignment of judges to particular court locations ensure that independent or non-corrupted judges are not punished by being dispatched to remote jurisdictions. Judges should not be assigned to a court in an area where they have close ties or loyalties with local politicians.
- Laws should safeguard judicial salaries and working conditions so that they cannot be manipulated by the executive or by the legislature punishing independent judges and/or rewarding those who rule in favour of government.

Allocation of cases to specific judges

The assignment of cases to judges can also affect judicial independence, as it can be a tactic for the executive to transfer "sensitive" cases to pro-government or pliable judges. A few recommendations are provided to avoid the allocation of cases to judges according to their political connections – that is, to make sure cases are not assigned to specific judges by the executive because they are expected to follow their directives. For instance, in the Netherlands, it is suggested to introduce a transparent randomised case allocation system. Interestingly, a similar recommendation is made for Lithuania, although more for efficiency reasons than to address independence issues.

On this aspect, the *Global Corruption Report 2007* more specifically states that case assignments that are based on clear and objective criteria, administered by judges, and regularly assessed efficiently protect against the allocation of cases to pro-government or pro-business judges.

➤ Organisational and financial independence from the executive

In addition to the treatment of judges, many NIS assessments recommend increasing organisational and financial independence from the executive to ensure judicial independence. For instance, in Finland, it is recommended that the judiciary should not be controlled by the ministries. The question of financial independence is specifically addressed in some cases, as with Ukraine where it is recommended that local budgets should not participate in financing the judiciary to avoid local political interference. In other cases, such as in France, it is the allocation of cases of other type of resources (such as investigative police officers) that should not be dependent on the executive.

Accountability and discipline

Accountability and discipline are other key questions for the judiciary. As the judiciary is expected to uphold the highest standards of integrity and be accountable to the law and the public they serve, there must be mechanisms to ensure the respect of such standards by judges and court personnel. However, these mechanisms should not be used by the executive or private interests among the public to threaten the judiciary's independence.

Indeed, a recurring problem is unfair or ineffective processes for the discipline and removal of corrupt judges that can often lead to the removal of independent judges for reasons of political expediency. In other countries, such as Pakistan or Turkey, legal immunities for judges or draconian contempt laws may prevent any public criticism of judicial decisions. While these dispositions increase the judges' independence, they also undermine any form of public accountability of the judiciary by deterring constructive criticism or comments.

Among recommendations from NIS assessments, there is widespread consensus on the need to have clear, impartial and harmonised rules for sanctioning misconducts regardless of political affiliations. In several cases, there is a call for implementing clear and fair regulations on disciplinary measures. For instance, the assessment of Ukraine recommends to "Streamline procedures for lifting judiciary immunity". In Spain, it is recommended that the judges should be held accountable for mistakes and undue delays. In parallel, however, there is a focus in recommendations on protecting judges from politically motivated reprisals. This can be done by clarifying the rules of conduct (Egypt), by establishing a clear, collegial, independent procedure (Sri Lanka), or by clearly separating the accusation and the actual investigation of the disciplinary issue (Belgium and Ukraine).

Again, these recommendations are in line with Transparency International's policy position on the subject of judicial accountability and discipline as expressed in the *Global Corruption Report 2007*. Transparency International additionally recommends to:

- Limit immunity for actions relating to judicial duties to allow judges to make decisions free from fear of civil suit; immunity should not apply in corruption or other criminal cases.
- Implement strict and exacting standards that apply to the removal of a judge. Removal mechanisms for judges must be clear, transparent and fair, and reasons need to be given for decisions. If there is a finding of corruption, a judge is liable to prosecution. It should also be ensured that a judge has the right to a fair hearing, legal representation and an appeal in any disciplinary matter.
- Quality of comment should also be favoured. Journalists and editors should be better trained in reporting what happens in courts and in presenting legal issues to the general public in an understandable form. Academics should be encouraged to comment on court judgements in legal journals, if not in the media.

Transparency International's policy position is accessible [here](#).

Integrity of judicial bodies

The perceived judicial integrity is of particular importance since it underpins public trust in the institution. This involves having an effective integrity management system in place to address judicial integrity issues, including the adoption of a code of conduct, the prevention of conflicts of interest, and awareness raising and training on integrity issues to ensure that judicial officials adhere to the highest ethical standards.

NIS recommendations in this regard identify three major components of an effective integrity management system for the judiciary:

Codes of conduct

Firstly, there is a consensus on the need to implement codes of ethics or codes of conduct for judicial officials, including rules regarding conflicts of interest. For instance, this is stressed in the NIS recommendations of countries like Ireland, Slovakia, Spain and Sweden. The role of audits in the proper functioning of the judiciary is also mentioned in some cases such as in Spain where a public yearly audit is recommended for a series of key courts and institutions.

A Helpdesk answer has specifically focussed on codes of conduct for judges and can be accessed [here](#).

In addition, the *Global Corruption Report 2007* stresses that mechanisms should be in place to receive complaints so that breaches are investigated and sanctioned by a judicial body.

Training on ethical issues

As codes of conduct are not self-implementing, there is a need to raise awareness on ethical issues and dilemmas and build the capacity of judicial officials to effectively recognise and deal with sensitive situations that may undermine the integrity of their operations. In countries such as Slovakia it is recommended to establish a system of regular training regarding ethical matters.

An additional recommendation by Transparency International, as published in the *Global Corruption Report 2007*, is that an independent judges association should represent its members in all interactions with the state and its offices. It should be an elected body that is accessible to all judges, supports individual judges on ethical matters, and provides a safe point of reference for judges who fear they may have been compromised.

Post-employment

Perspectives of employment within the public or private sector have often been perceived as a way for parties to influence judges. As a matter of fact, judges that have been promised a high level or lucrative position within a major company, agency or party may appear less neutral in their rulings. This problem is even more acute when external employment happens while the judge is still in his judicial career as it can often constitute a clear conflict of interest.

Incompatibilities of functions and other formal bans are thus sometimes recommended to prevent judges from performing other duties during or after their judicial career. For instance, the assessment for Sri Lanka recommends not to appoint judges to most public offices, while for Greece it is recommended to restrict both participation in arbitrations and access to a series of post-employment positions.

Temporary judges are used in some countries where they are granted a temporary authority or for specific cases. This is seen as problematic, as temporary judges can hardly comply with the same requirements of integrity, professionalism and independence as permanent judges. They often do not benefit from the same protections as full-time judges, their assignment mechanism can raise doubts of manipulation, and their extra-judicial activities may bring suspicions regarding their integrity and potential conflicts of interest.

Overall, the end of such practices is called for – such as in Norway where the only recommendation for the judiciary is to reduce the use of temporary judges and to publicly advertise the remaining positions.

Remuneration and conditions

Under-resourced judicial systems can undermine the integrity of the judiciary. Poor salaries and insecure working conditions, including unfair processes for promotion and transfer, and a lack of continuous training lead to judges and other court personnel being vulnerable to bribery.

NIS recommendations in this regard focus on two major aspects: (1) ensuring that staff and judges receive competitive wages compared with other sectors and (2) harmonising the allocation of wages and workload between judges and courts.

Remuneration of judges and judicial staff

Regarding salaries, several assessments recommend increasing salaries to attract highly qualified candidates and to avoid temptations of “need” bribery. This is the case for Egypt, for instance. In Estonia, the need to ensure an appropriate level of wages is accompanied by the necessity to have sufficient support staff such as clerks or councillors.

Fair remuneration and repartition of workload

The other trend of recommendations for appropriate working conditions is a fair repartition of workload and remuneration between judges and courts. In Guatemala, for instance, it is suggested that workload should be balanced and taken into account in the evaluation of judges. In Lithuania, it is recommended that judges of similar rank should receive similar salaries, regardless of the branch of the judiciary they work in.

Although recommendations on remuneration and conditions can be found in very different countries, in our sample they seem to be more frequent among the countries with the lowest judiciary scores. Yet, it is difficult to draw conclusions from such a limited coverage.

In addition to similar recommendations on fair salaries, pensions and conditions, the *Global Corruption Report 2007* also recommends that salaries and conditions should be safeguarded by law so that they cannot be manipulated by the executive to punish independent judges or reward those who rule in favour of the government.

Transparency International’s policy position on judicial terms and conditions can be found [here](#).

Lack of capacities

The lack of technical capacities can severely hamper the ability of judicial systems to address corruption. It entails both court efficiency (overload and inefficient case management system or resource allocation) and specialised capacities such as investigative techniques or asset recovery expertise.

Resources

This issue has been identified as an area of concern in most countries. One of the most commonly recommended solutions is to increase the judiciary's general funding, as well as its financial management capacities. For instance, in Finland, the assessment recommends moving towards a more demand-driven allocation of resources that would match actual needs. A more general increase is recommended for Germany, while the recommendations for Kosovo even suggest doubling the budget of rule of law institutions. Some also stress the need for improving the management of existing resources such as in Bulgaria.

Case management systems

Case management issues and overload is a problem faced by many judiciaries that can have a negative impact on corruption cases. Inefficient case management limits the judiciary's capacity to deal with cases, thus leading to unnecessary delays that can discourage citizens from using courts to seek redress or undermine their trust in the judicial system. Inefficient judiciaries can also create a supportive environment for corrupt practices, providing court users with incentives to resort to bribery to circumvent established procedures, smuggle their way through the judicial system and speed up court proceedings.

In many countries, recommendations call for the modernisation of the judiciary, including through the increased use of technology to improve its performance. For instance, the assessment for Italy calls for a better use of technology, while the Lebanese assessment recommends the development of updated electronic cases database.

Some NIS assessments also discuss the issue of settlements as a strategy to address efficiency concerns. Interestingly, the question of settlements is the only point of actual divergence between recommendations. For some countries, like France and Greece, this option is presented as a way to accelerate judicial proceedings and reduce overload. Yet, in the case of Germany, it is recommended to counteract the increase of such plea bargains.

The question of judiciary efficiency in corruption cases has been developed by the Helpdesk in a previous answer and can be accessed [here](#).

Technical capacity to handle corruption cases

In many countries, the NIS assessment recommends the establishment or strengthening of specialised investigative units or judges in corruption and economic crimes. For instance, the assessment for Portugal recommends the creation of specialized courts for financial and economic crimes. In other cases, recommendations focus on the training of judges and investigators in corruption investigation techniques (Hungary, Lebanon), increasing the number of these investigators (Kosovo) or even developing a methodology for improving the investigation of such crimes (Bulgaria).

Transparency

Lack of transparency of judicial processes is one of the key elements identified by the *Global Corruption Report 2007*, and it has also been identified in a number of NIS assessments. Opaque court processes prevent citizens, the media and civil society from monitoring court activity and exposing judicial corruption.

Recommendations on transparency can be specific or cross-cutting depending on the context. However, there is a clear consensus on the need to have transparent processes at every level of the judiciary.

Transparency of judicial processes

Processes are another key focus of transparency recommendations. There is a consensus on the need to establish transparency at various levels, from the accounts of the courts (Greece) to the prosecutor's office dealing with cases (Czech Republic). In both countries, judicial systems are expected to proactively publish relevant and detailed data. The assignment of cases to judges should also be based on transparent criteria (Netherlands), and violations of the code of ethics (Slovenia) should not only be sanctioned but also made public.

Some recommendations focus on the accountability of judges and allowing criticism – thus mixing accountability and transparency demands – and even participation. For instance, the Sri Lanka assessment calls for a modification of laws that prevent academics and lawyers from discussing judgments freely. The assessment of Latvia focuses on participation and provides recommendations on the introduction of participation mechanisms for citizens and civil society, as well as increasing legal literacy of the public.

Other recommendations focus on the online publication of rulings. For instance, the assessment of Denmark recommends the publication of all rulings, orders, case tables and other proceedings on the internet, as well as the inclusion of the judiciary in existing access to information procedures. In countries where rulings are already published, as in Ukraine, it is stressed that these platforms should allow quick access to the necessary information. In the assessment of Lithuania, it is also recommended that alternative sources of information should be developed for citizens with no internet access.

Transparency on judicial performance

Another set of recommendations underline the importance of the general availability of data and statistics to allow for research and discussion of the judiciary's overall performance. Belgium's assessment proposes, for instance, that empirical research and analysis should be conducted by universities on the treatment of corruption cases, and that it should be financed by the justice department. For Hungary, it is recommended that researchers should have greater access to courts and trials.

It must be noted that although transparency is constitutively present across country recommendations, it tends to be more present in our sample of countries with high judiciary scores. For instance, Denmark, Germany or Sweden all score above 85, but they still have space for improvement in terms of transparency. Such recommendations seem to be almost totally absent for low-scoring countries.

Regarding transparency, the recommendations are once again consistent with Transparency International's recommendations of the *Global Corruption Report 2007*. The report recommends transparency for judiciary as an organisation, in its work, in prosecution, and in asset disclosures when it is required for civil servants. It also recommends donors to show integrity and transparency when addressing issues within the judiciary, including through sharing knowledge of diagnostics, evaluation of court processes and efficiency.

The full policy position on transparency can be found [here](#).

Other recommendations

Other recommendations focus on aspects only indirectly related to the six problems identified above. A diverse set of recommendations address the role of the judiciary in fighting corruption; some suggest that prosecutors should step up and protect their own independence from the executive (Spain), some call for improving the public image of the judiciary (Slovenia) and reducing the distance with citizens (Lithuania), and some underline the lack of initiative of the judicial system in proposing anti-corruption improvements (Sierra Leone).

A few recommendations also aim at addressing the wider problem of unequal access to justice. The assessment for Lebanon, for example, calls for increasing the amounts of legal aid grants. In Belgium, it is recommended to give wider publicity to the existing mechanism.

2. MAPPING OF RECOMMENDATIONS ON THE JUDICIARY

Using the National Integrity System (NIS) assessments' methodology, the judiciary has been assessed as a separate pillar of the national system of integrity. In only one country (Czech Republic) it has been divided into two pillars. Each pillar is assessed and scored based on a number of objective indicators, which assess the capacity, governance and role in combating corruption of the judiciary. These indicators capture both law and practice.

This mapping of recommendations focuses on all the NIS assessments published since 2010 that use this new methodology. As those were mostly realised as part of the ENIS (European National Integrity Systems) campaign, older assessments from other continents were added to the sample of countries to give it a more global coverage. However, given the great number of ENIS assessments, a possible European bias cannot be totally discarded.

Recommendations were extracted from the relevant section of the NIS report when such a section exists. Others were taken from the ENIS platform (see link below).

Country (date)	Recommendations	URL/Contact
Belgium (2012)	<ul style="list-style-type: none"> • Develop a global framework which details the risks and priorities for the judicial system; take measures to prevent a fragmented approach after identifying the causes for this fragmentation (a “business plan” for the judiciary). • Improve exchange of information between the different institutions and geographical zones of judicial power. • The legislature and executive should allocate means to the judicial power transparently by decentralising the decision-making process and using a management and control system. • The legislature and executive should take measures to address the quantitative and qualitative structural lack of judicial resources dedicated to financial and economic crime and dedicate specialised judges to these cases. • Take measures to reduce the fragmented systems of appointment, evaluation, discipline, and treatment of complaints. • Improve the appointment procedure for judges through enhanced transparency in the recommendation for candidates in the Superior Council of Justice (CSJ) and through a review of the role of the head officer in the appointment procedure of judges. • Improve systems for career evaluation and promotion through clear job descriptions and profiles for judges and a proper review of the evaluation process, so that all magistrates are evaluated in a uniform way. • Improve the disciplinary procedure by creating distance between those involved in the disciplinary process; create a department in charge of disciplinary issues and review the procedures. • Improve treatment of complaints by granting the CSJ access to all complaints in relation to its advisory role to parliament (for example, first there should be a centralised intake from regions, and second, transmission to the CSJ who should act in the role of mediator). • Collect, follow up and publicise data at the level of the judiciary in cooperation with the Federal Justice Department. • Conduct empirical research and analysis on the number and nature of corruption cases on which judgment has passed, on an estimation of unreported corruption cases (also private), and on cases which closed due to a lack of evidence, for example. This should be carried out by universities and financed by the justice department. • Create one general website for the judiciary and inform about the internal workings of the judiciary through this website. • Make known the existence of legal assistance. 	http://www.transparency.org/whatwedo/nisarticle/belgium_2012

	<ul style="list-style-type: none"> • Introduce one or more ethical codes for all actors (for example, regarding political commitments, memberships and privacy) and guidelines containing concrete examples of ethical behaviour. • Increase awareness of the dangers of corruption amongst judges within the advisory councils. • Analyse the risks of a lack of transparency in the activities of judicial experts and consular judges and examine the measures to be taken to improve this. • Eliminate the secondment of prosecutors to cabinets and federal departments (with the exception of the justice department). • Introduce training adapted to the effective needs of the judiciary. 	
<p>Bolivia (2009)</p>	<ul style="list-style-type: none"> • The Judicial Council should strengthen the human resource management from selection and evaluation processes of staff to training mechanisms. It should ensure that remuneration is in adequacy with their responsibilities and workload. • The Supreme Court should give effect to the enactment of the code of ethics of the institution and create the conditions for its effective implementation through integrity promotion programmes targeted at all staff. • The authorities of all powers should take responsibility of guaranteeing the independence of powers, eliminating political interference between them as well as economic influence. • In the context of the election of members of the Judiciary through universal suffrage, the legislature should ensure that the systems of selection and of qualification of candidates are oriented towards suitability of the positions, preventing political interference. 	
<p>Bulgaria (2011)</p>	<ul style="list-style-type: none"> • Improve disciplining practices and the promotion system in the Supreme Judicial Council in order to enhance personal integrity and merit within the judicial system. • Improve the process of candidate nomination for the Judiciary and the judicial council for the benefit of transparency and predictability through clear rules. • Improve decision making and the elaboration of decision-proposals in the judicial council and provide substantive reasons for specific decisions. • Eliminate the problem of excessive caseload in certain courts and prosecutorial offices through an improved management of resources. • Develop a methodology for comprehensive investigation and interaction with other institutions on complex financial, economic and corruption offences linked to organised crime. 	<p>http://www.transparency.org/whatwedo/nisarticle/bulgaria_2011</p>
<p>Czech Republic* (2011)</p> <p>* The NIS Report of Czech Republic is the only one to assess the judiciary through two different pillars: the courts and the prosecution service</p>	<p>No specific recommendations are provided for the courts or for the prosecution service.</p> <p>However, courts are considered to have only limited influence on the integrity system due notably to their lack of financial independence from the executive. The prosecution service is under the authority of the executive, and is therefore considered to lack the necessary independence to fulfil its oversight role. According to the NIS, it is also characterised by its opacity (described as a “black hole”).</p>	<p>http://www.transparency.org/whatwedo/nisarticle/czech_republic_2011</p>
<p>Denmark (2012)</p>	<ul style="list-style-type: none"> • Establish a publicly accessible judicial database with electronic records of rulings, orders, case tables and other proceedings. • Include the Judiciary and Parliament in the Danish Access to Public 	<p>http://www.transparency.org/whatwedo/nisarticle/denmark_2012</p>

	Administration Files Act in order for Denmark to comply with the Council of Europe Convention on Access to Official Documents.	
Egypt (2009)	<ul style="list-style-type: none"> The Supreme Council should go through an election process; at least 50 per cent thereof should be elected judges and they should elect their own president of the supreme council. The monitoring of elections should be referred back to the Judiciary in an effective manner by giving it the responsibility of full supervision of the election process The asset monitoring system should be more effective. Draw lines to distinguish what is meant by misconduct of judges to avoid the misuse of disciplinary action so as to politically manipulate judges. Set rules for gifts and presents to avoid corruption while increasing the salaries of the judiciary. Further enhance the independence of the judiciary by reducing the interference of the Minister of Justice (through the Judicial Inspection Committee) and granting it formal power to monitor elections. 	
Estonia (2012)	<ul style="list-style-type: none"> The first and second instance courts in the administration should be separated from the executive (the prime minister) and an independent judicial administrative centre should be established. The Judiciary should be stable and committed to hiring support staff (clerks, councillors) as well as increasing the number of officers to execute its duties, while ensuring an appropriate level of wages. 	http://www.transparency.org/whatwedo/public/national_integrity_system_assessment_estonia
Ethiopia (2011)	The Ethiopian NIS assessment does not provide recommendations. However, the general comments for the Judiciary stress the implementation gap between relatively strong legal provisions and recurrent funding and equipment and human resources issues that hamper the judicial system's effectiveness.	? Not available online
Finland (2011)	<ul style="list-style-type: none"> Ensure the Finnish Judiciary is equipped with sufficient resources to match the demand and prevent it from being too slow. In order to ensure maximum independence of the judiciary, it should be considered to take the judiciary away from the direct control of the ministries. 	http://www.transparency.org/whatwedo/nisarticle/finland_2012
France (2011)	<ul style="list-style-type: none"> Consider a new mechanism for greater independence of the police vis-à-vis the Ministry of Interior; guarantee the judicial power enough investigative resources, even for politically sensitive cases (for example, judicial police officers could be joined to a court). Extend settlement procedures (by pleading guilty) to corruption cases under certain circumstances, thus offering a faster and more efficient judicial system. 	http://www.transparency.org/whatwedo/nisarticle/france_2011
Georgia (2011)	<ul style="list-style-type: none"> Rules for the formation of the High Council should change: the chairperson of the Supreme Court should not have an exclusive right to nominate judiciary's representatives in the council. Instead, members of the Conference of Judges should also have the right of nomination. Consent of the president and the Parliament's representatives in the council should not be required for judicial appointments. Posting of judicial decisions on court websites should become mandatory. 	http://archive.transparency.org/policy_research/nis/nis_reports_by_country
Germany (2011)	<ul style="list-style-type: none"> Remedial measures must be taken by increasing human and financial resources in order to alleviate the overloading of courts. The increasing number of "deals" (plea bargain) must be counteracted. Statistics must be published regarding non-profit-making institutions to which money has been paid as part of a condition for the suspension of 	http://www.transparency.org/whatwedo/nisarticle/germany_2012

	proceedings (Section 153a of the German Code of Criminal Procedure) or a condition of probation (Section 56b of the German Criminal Code).	
Greece (2011)	<ul style="list-style-type: none"> Accelerate judicial proceedings through, for example, out-of-court dispute settlements and the granting of judicial competences to notaries. Improve the curriculum at the National School for Judges by teaching modules on contemporary issues of society and the market, offering traineeships in courts abroad, and introducing field trips to important agencies. Reform the disciplinary law and inspection procedure for judicial officers. Reform rules regarding the appointment of the head of the Judiciary so that it is subject to an independent body and not the executive. Restrict judges' activities (for example, their participation in committees or arbitrations). Introduce post-employment restrictions for judges. Establish standards for drafting and publishing annual activity accounts (for example, include statistical data). 	http://www.transparency.org/whatwedo/nis/article/greece_2011
Guatemala (2007)	<ul style="list-style-type: none"> For the appointment of the magistrates of the Supreme Court of Justice, the Court of Appeals and other courts of this category, more objective and measurable criteria must be established for how candidates are chosen to appear in the lists that the appointment committees present to Congress. 	http://archive.transparency.org/policy_research/nis/nis_reports_by_country
Hungary (2011)	<ul style="list-style-type: none"> Review the latest judicial reforms with regard to the independence of the Judiciary; ensure that the decision-making process of the new judicial administration is fully transparent and based on normative standards. Balance the workload of judges; set up a normative evaluation of the efficiency of judges that is proportionate to the workload. Enhance transparency of the organisational structure of the administration of the judiciary, as well as the courts, which should be more transparent. Adopt a unified code of ethics and enforce it in a transparent way. Address the issue of whistleblower protection in the judiciary. Unify the practice of the courts; establish a transparent academic research tool for the judiciary to enhance the unified implementation of the law. Prioritise anti-corruption training for judges. Modernise the regulation of judicial information in order to increase the openness of the trials, provide the possibility to carry out scientific research and create more transparency in the administration of the judiciary. 	http://www.transparency.org/whatwedo/nis/article/hungary_2011
Italy (2011)	<ul style="list-style-type: none"> Modernise the judicial sector by improving the use of financial and technological resources. Revise the statutes of limitation for corruption-related offences. Adopt efficient mechanisms for accountability and transparency in the law enforcement sector. 	http://www.transparency.org/whatwedo/nis/article/italy_2011
Ireland (2009, 2012)	<ul style="list-style-type: none"> A judicial ethics bill should be published and open to consultation as a priority. This legislation should provide for an independent statutory based Judicial Council and clear disciplinary procedures to regulate judicial conduct and ethics. 	http://transparency.ie/resources/NIS
Kosovo (2011)	<ul style="list-style-type: none"> Increase the overall budget for judiciary and rule of law agencies (at least double the existing one) so that they are equipped with the necessary infrastructure (for example, modern libraries, new modern court rooms, and more professional and administrative staff). Increase the number of judges, prosecutors and investigative police officers in order to be able to deal with the complex and high number of backlog cases. Ensure the process of reappointment of judges and prosecutors is based 	http://www.kdi-kosova.org/publications/NIS2011en.pdf

	<p>on meritocracy and without political interference.</p> <ul style="list-style-type: none"> • Kosovo Judiciary Council and the Government of Kosovo should provide security for judges and prosecutors so that they are free to do their work in accordance with principles of integrity, independence and impartiality. • The politically motivated senior appointments in law enforcement agencies should be stopped. • Kosovo Judicial Council needs to improve its implementation of the recommendations of the Judicial Audit Unit in relation to the functioning of courts. 	
<p>Latvia (2011)</p>	<ul style="list-style-type: none"> • Gradually expand the capacity and mandate of the Judiciary Council in order to give it a more tangible role in the selection of candidate judges and the preparation of budget proposals for courts. • Abolish secret voting on candidate judges in the <i>Saeima</i> (Parliament). • Develop a code of ethics for judges through the Judges Ethics Committee, bringing it fully in line with current international standards, legal provisions and accumulated experience. • Reconsider the excessively liberal approach to judges' administrative violations or lift judges' immunity against administrative punishment. • Re-examine procedures and practice in order to identify possibilities for greater effectiveness and speedier adjudication. Recommended measures include better planning of court schedules, introduction of quantitative performance indicators for courts and judges to encourage speedier work, and stronger control over the issuing of sick-leave certificates for defendants and lawyers (to reduce unjustified absences), among others. • Expand proactive publication of criminal and civil courts judgments. 	<p>http://www.transparency.org/whatwedo/public/national_integrity_system_assessment_latvia</p>
<p>Lebanon (2009)</p>	<ul style="list-style-type: none"> • Entrust the Judiciary with the independent status as stipulated in Article 20 of the constitution, by ensuring: <ul style="list-style-type: none"> ◦ Financial independence: the judiciary's budget must be independent from the executive authority (that is, the Ministry of Justice, National Defence and the Office of the Prime Minister). ◦ Administrative independence: judiciary appointments should be solely issued by the Supreme Judiciary Council and not by the Council of Ministers. ◦ Organizational independence: the judiciary should be able to develop its own organisational decrees exempt from third party intervention. • If the judiciary system is not given financial independence, then the salaries of judges should be increased, and the government should augment its contribution to "the judiciary mutual funds" to provide more financial resources to judges. • The judicial council should be the only body managing and regulating judicial affairs. • Fill all vacant positions in the Judicial Inspection Agency. • Carry out regular training and capacity building sessions especially on corruption. • Elect, rather than appoint, members of the judicial council. • The judicial council should make all judiciary appointments and transfers on the basis of merit. • Enhance and modernise the court system to help judges achieve higher performance standards. For example, develop updated databases to ensure access to judicial information and records. • Protect judges against physical threats. • Increase the size of the grant for legal aid to make it a more effective tool for citizens. 	<p>http://archive.transparency.org/policy_research/nis/nis_reports_by_country</p>

<p>Lithuania (2011)</p>	<ul style="list-style-type: none"> Expand guarantees against unfounded pressure on the Judiciary from the mass media and different social groups; define limits of the confidentiality of legal entities. Increase ability of judges to withstand public pressure, particularly with regards to the recruitment of judges, which should be based on merit, abilities and expertise; it is worth considering the possibility of introducing cognitive tests in the judicial selection procedure to ensure tasks can be carried out impartially under external pressure. Use electronic case allocation in judicial investigation processes in order to address delays of investigation and hearings in a court of law which are conducive to corruption. Monitor the electronic case allocation in order to identify flaws in the system. Reduce remuneration differences between employees occupying similar positions such as judges of the different types of courts. Introduce mechanisms that allow the general public to participate in the decision-making processes in courts of law; encourage non-governmental organisations to get involved in the monitoring of court performance and to disclose potential shortcomings. Increase the openness of the judiciary and make it more comprehensible to the public; reduce alienation between the public and the judiciary; increase citizens' legal literacy; direct the public to judicial information available on the internet and provide alternative sources of information for those without internet access. 	<p>http://www.transparency.org/whatwedo/nisarticle/lithuania_2011</p> <p>http://transparency.lt/media/filer_public/2013/01/22/lietuvos_nacionalines_atsparumo_korupcijai_sistemas_tyrimas.pdf</p>
<p>Netherlands (2012)</p>	<ul style="list-style-type: none"> Provide transparency about the process in which cases are assigned to judges; develop a system that guarantees a random allocation of cases. 	<p>http://www.transparency.org/whatwedo/nisarticle/netherlands_2012</p>
<p>Norway (2012)</p>	<ul style="list-style-type: none"> The independence of the courts should be protected by limiting the use of temporary judges, which is currently considerable. Where an appointment is nonetheless necessary, such positions should be advertised. 	<p>http://www.transparency.org/whatwedo/pub/national_integrity_system_assessment_norway_executive_summary_english</p> <p>http://www.transparency.org/whatwedo/pub/national_integrity_system_assessment_norway_norwegian</p>
<p>Paraguay (2011-12)</p>	<ul style="list-style-type: none"> Implement a judicial career plan with a competitive pay scale while depoliticising the institutions responsible for the appointment of magistrates and civil servants. Improve the coordination and effectiveness of the Judiciary for the implementation of the law against corruption, for instance, through creating a specialised unit in economic crimes and anti-corruption and an economic criminal jurisdiction. Separate administrative from jurisdictional management from the functions of the members of the Supreme Court of Justice. 	<p>http://www.transparency.org/whatwedo/pub/evaluacion_del_sistema_nacional_de_integridad_paraguay_2011_12</p>
<p>Poland (2012)</p>	<ul style="list-style-type: none"> Curtail prolixity of legal proceedings. Correlate judges' remunerations with their workload. Implement a common communication scheme with clients and set up a client service office in all courts. Increase the efficiency of disciplinary measures, which is currently limited by favouritism among judges. 	<p>http://www.transparency.org/whatwedo/nisarticle/poland_2012</p>
<p>Portugal (2011)</p>	<ul style="list-style-type: none"> Set up a comprehensive website for the Portuguese judicial system, including detailed information about the activities of all related bodies. Create a specific, adequate and binding code of conduct for the duties performed by each position (prosecutor, judge, criminal investigator, judge 	<p>http://www.transparency.org/whatwedo/nisarticle/portugal_2012</p>

	<p>at the Supreme Auditing Court) – defining sanctions for non-compliance.</p> <ul style="list-style-type: none"> • Create specialised courts dealing with proceedings related to financial and economic crimes (including corruption-related crimes). • Rethink the current management models for courts and proceedings; redesign the judicial system in order to adapt it to the current Judiciary outlook. • Prohibit the temporary suspension of the duties of magistrates in order to take temporary positions of parliamentary, administrative or governmental nature. 	
Romania (2011)	<ul style="list-style-type: none"> • Unify the jurisprudence by ensuring the effective use of the available “justice portal” by all courts. • Apply accountability mechanisms in a timely and objective manner. • Monitor the independence of the Judiciary and ensure its impartiality. 	http://www.transparency.org/whatwedo/nisar/ticle/romania_2012
Sierra Leone (ongoing – non definitive results)	<ul style="list-style-type: none"> • No recommendations are provided. However, the report sheds light on specific issues, such as a major lack of state funding, which leads to an insufficient number of regional courts, the inability to attract qualified individuals because of low salaries, and an over-reliance on international aid to fund court budgets and expatriate staff. • Another critical issue is the lack of initiative of the Judiciary in fighting corruption. 	
Slovakia (2011)	<ul style="list-style-type: none"> • Establish clear rules on conflicts of interest and binding codes of ethics in the form of law, together with a system of sanctions for violations for all types of courts in Slovakia. • Establish a system of regular training for employees as well as a system of interpretation of conflict of interest (along with the code of ethics) available to all employees whose interpretation will be binding. 	http://www.transparency.org/whatwedo/nisar/ticle/slovakia_2012
Slovenia (2011)	<ul style="list-style-type: none"> • Provide solutions for problems related to spatial and human resources. • Align judicial salaries according to the directives of the Constitutional Court. • Preserve the permanent judicial mandate. • Provide direct public access to concrete information about disciplinary proceedings against judges. • Ensure that public information requests are responded to. • Increase control over the work of the judges without encroaching upon their independence. • Ensure the availability of information related to any procedures imposed by the code of judicial ethics. • Improve the public image of the Judiciary. • Intensify anti-corruption efforts and reforms. 	http://www.transparency.org/whatwedo/nisar/ticle/slovenia_2012
South Korea (2006)	<ul style="list-style-type: none"> • Strict enforcement and obedience of the regulatory framework, including through the commitment of prosecutors and courts. • Rigorous internal rules and regulations to help prosecutors and courts to attain fairness and independence. 	http://archive.transparency.org/policy_research/nis/nis_reports_by_country
Spain (2011)	<ul style="list-style-type: none"> • Ensure sufficient allocation of public funds to the Judiciary – especially taking into account the current economic climate. • De-politicise the supreme bodies of the judicial power; establish a judicial career path based on meritocratic criteria and objectives in order to obtain positions in the supreme courts. • Update the norms on conflicts of interest for the judges, magistrates and prosecutors regulating inter alia post-judicial employment. • Pass a law on judicial accountability regulating in an effective manner the responsibilities for mistakes and undue delays; the law should incorporate existing practices like the annual appearance of the president of the <i>Consejo General del Poder Judicial</i> (General Council of the Judiciary), 	http://issuu.com/tispain/docs/spain_nis_en?mode=window&viewMode=doublePage

	<p>CGPJ) in front of the chambers and/or the development of judicial statistics.</p> <ul style="list-style-type: none"> • De-politicise the CGPJ; appoint members by lot and chosen from a list of qualified magistrates, professional lawyers and jurists; organise public hearings in front of the Congress and Senate as a form of selection interviews. • Strengthen the independence of the Prosecutor’s Office from the government, especially when working on criminal cases; the anti-corruption prosecutor should step up and protect their independence. • Protect law enforcement agencies that investigate corruption from unfair professional dismissals. • Introduce a code of ethics and improve regulations concerning conflicts of interest; require public auditing and annual evaluations for bodies such as the Electoral Boards, the Constitutional Court, Ombudsman and the Court of Audits. • De-politicise appointments at the constitutional court, ombudsman and court of audits by, for example, avoiding re-election and extending mandates in return. 	
<p>Sri Lanka (2010)</p>	<ul style="list-style-type: none"> • A code of conduct for judges should be established and enforced. • The judges should provide reasons for all decisions, even in the instance of refusing leave to proceed. • The content of court legislation that prevents academics and lawyers from speaking freely about judgments should be reviewed to provide space for academic criticism of the Judiciary. • The president should adopt the same criteria adopted by the Constitutional Council to appoint persons with high integrity to the Supreme Court and Court of Appeal. • The proceedings of the Judicial Services Commission should be open and transparent and its records publicly accessible. There should be a transparent recruitment and disciplinary processes for minor judiciary. • The due process governing the removal of judges should be strengthened. Judges of the court of appeal and supreme court should be removed only after an inquiry before a panel of three judges or after inquiry before an independent panel of the judicial services commission set up specifically for that purpose. • Retired judges should not be appointed to any public office, except as members of independent commissions. • The Sri Lankan Constitution must be amended to enable the supreme court to review the constitutional validity of legislation passed by Parliament (judicial review). 	<p>http://www.tisirilanka.org/?p=8765</p>
<p>Sweden (2011)</p>	<p>No recommendations are specifically formulated. However, it is noted that despite the high results of the Judiciary, no specific mechanisms such as codes of conduct or rules of prevention of conflicts of interests are in use. Current statistical tools also fail to establish a clear overview of the number of corruption cases dealt with every year.</p>	<p>http://www.transparency.org/whatwedo/nisarticle/sweden_2011</p>
<p>Switzerland (2011)</p>	<ul style="list-style-type: none"> • De-politicise the election of judges, that is, more consideration should be given to expertise so as to ensure greater independence of the judges. • Enact clear regulations regarding vested interests and the partiality of judges at cantonal level, in particular with regard to the part-time employment of lawyers as judges. 	<p>http://www.transparency.org/whatwedo/nisarticle/switzerland_2012</p>
<p>Ukraine (2011)</p>	<ul style="list-style-type: none"> • Bring the constitutional provisions pertaining to appointment, dismissal of judges and composition of the High Council of Justice in line with the European standards to ensure appropriate level of independence of the Judiciary. • Terminate the practice of receiving private donations by courts and exclude financing of the judiciary from local budgets. 	<p>http://www.transparency.org/whatwedo/nisarticle/ukraine_2011</p>

	<ul style="list-style-type: none"> • Review technical solutions ensuring functioning of the court decisions web-portal in order to provide for the possibility of quick search of the necessary court decisions. • Review the role of disciplinary inspectors under the new Law on the Judicial System and the Status of Judges in order to ensure separation of accusation and decision-making functions. • Streamline procedures for lifting judicial immunity. • Raise awareness on corruption offences among judges. • Improve reporting on court statistics and provide regular and comprehensive information on consideration in courts of corruption-related criminal offences. 	
United Kingdom (2011)	The judiciary is considered one of the most solid pillars of the United Kingdom's integrity system. Therefore, no specific recommendation is formulated, although the reduction of public spending in courts is identified as a future potential concern.	http://www.transparency.org.uk/our-work/publications/93-corruption-in-the-uk--part-three---nis-study
Zimbabwe (2007)	<ul style="list-style-type: none"> • Moves to place all Judiciary members under the Judicial Service Commission must be expedited as this will strengthen the middle and lower judiciary from excessive pressure from the executive. • As corruption in the judiciary is escalating, it is imperative to introduce whistleblowing provisions. To this extent, corruption witnesses need to be protected by law. • Allied to the above is the need for asset disclosure provisions and rules on gifts and hospitality. • The present judiciary is hopelessly under-resourced and resources need to be dedicated to this pillar to enable it to perform its job efficiently, effectively and with integrity by allocating the judiciary a separate budget. • 	http://archive.transparency.org/policy_research/nis/nis_reports_by_country

SOURCES:

The NIS methodology can be found [here](#).

More information on the NIS can be found [here](#).

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