

FIGHTING JUDICIAL CORRUPTION TOPIC GUIDE

Compiled by the Anti-Corruption Helpdesk

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Topic guides are a series of publications developed by the Anti-Corruption Helpdesk on key corruption and anti-corruption issues. They provide an overview of the current anti-corruption debate and a list of the most up-to-date and relevant studies and resources on a given corruption related topic.

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JUDICIAL CORRUPTION

All sectors of society rely on the courts to sanction corrupt officials, politicians, citizens and businesspeople, who steal resources and weaken integrity in public and private life. When the judicial system is corrupt, justice cannot be done.

KEY ISSUES AND CHALLENGES

The key issues in judicial anti-corruption reform centre around balancing the wide discretionary power afforded to judges to enable them to act independently and the need for oversight mechanisms to hold judges to account. A challenge for anti-corruption reformers is identifying the particular opportunities for judicial system actors to act corruptly, that is, identifying the risks of corruption within judicial institutions.

Judicial independence and accountability

Judicial anti-corruption reformers must find the correct balance between demanding accountability of judicial actors and protecting their independence. Judicial independence should be safeguarded so that political actors and other powerful interests cannot influence judicial decision making. Judicial independence requires not just independence in the constitutional sense, that is, the separation of powers between the three branches of government (executive, legislature and judiciary), but also the personal independence of judges so that they are free to decide cases based on the application of the rule of law.

However, judges and the courts deliver a service to society – justice – and, like other service providers, should be accountable for their decisions and actions. Judges are accountable for their decisions to higher courts, but their wide discretion in decision making can result in “selective justice”, that is, not applying the same standards to every case, and can also veil corruption.

Transparency tools may not always be appropriate for the judiciary since transparency and accountability must be balanced with the need for confidentiality and privacy. Closed courts are sometimes necessary to, for example, protect the identity of victims or witnesses, protect the details of ongoing investigations or protect national security. Similarly, privacy rights may trump demands for the disclosure of information.

Identifying corruption risks within the justice system

Carrying out successful reforms depends on countering the particular corruption risks associated with the roles of judicial system actors within the judiciary.

Judicial System Actors

Judicial system actors include officials involved in criminal and civil proceedings such as judges, jury members and laypersons who assist judges, prosecutors, defence lawyers and lawyers acting in

civil cases, court clerks and administrators as well as security staff. Other actors vulnerable to corruption when they interact with the judiciary include victims, witnesses and expert witnesses as well as NGOs that provide court services and members of the media who report cases.

There are various forms of corruption that affect judicial system actors in fulfilling their respective roles:

1. There may be *political interference* to influence the outcome of a civil case or a criminal trial.
2. Judicial system actors, as well as victims and witnesses, may be *bribed* to influence the process and outcome of court cases.
3. Judicial system actors may face *extortion*, that is, they are coerced to act corruptly under the threat of violence or the release of damaging information.
4. Judicial system actors may engage in *nepotism* to enable close contacts or family members to benefit from any largesse it is in their discretion to distribute, such as awarding procurement contracts for court security services.
5. There may be a *misuse of public funds and resources* that result in trials being delayed or collapsing.

Risks of Corruption in the Judiciary

There are key areas where judicial system actors may be exposed to or engage in these forms of corruption.

- **Management of courts.** In the management of courts, there is a risk that political actors apply pressure to judges and court officials to act in their interests, for example, by withholding or manipulating court budgets or interfering with processes to select or discipline judges and other court personnel.
- **Criminal proceedings.** In criminal proceedings, there are risks that political actors or higher judges direct courts on how to rule. Court clerks or other court administrators may be bribed to abuse their power in case management, such as by causing delays to the scheduling of cases or losing evidence. Prosecutors and defence lawyers might be directed to mishandle cases. Private parties or political actors could tamper with juries or laypersons assisting judicial decision making. Witnesses and victims may be threatened or bribed by political officials or defence lawyers. Political authorities or higher courts might hamper the enforcement of judgments.
- **Civil proceedings.** There are similar risks in civil proceedings when court clerks and other court administrators can be bribed to abuse their powers. Risks include clerks charging unauthorised fees for court services, accepting bribes to lose files or giving access to judicial decisions before they are scheduled for release. Political authorities could direct judges' decisions or judges could solicit bribes for favourable judgments. Lawyers could accept bribes to mishandle cases.
- **Enforcement of judicial decisions.** At this stage, there are risks that lawyers or other parties negotiate with judges, bailiffs or other enforcement agents so that sanctions are not enforced. Court appointed experts who undertake evaluations of assets could be bribed to alter their estimations. Government actors could refuse to comply with judicial orders.

APPROACHES, TOOLS AND SOLUTIONS

Adherence to universal standards of due process and due diligence found in international human rights conventions can help ensure that cases flow through the justice system free of corruption. Where these standards are not observed, a range of anti-corruption tools can also bolster integrity and accountability in the judicial sector. An effective approach to countering corruption within the judicial sector integrates anti-corruption tools within broad structural reforms of the judiciary. This enables anti-corruption efforts to be mainstreamed and part of technical reforms within judicial institutions.

Strengthening control or oversight mechanisms for the judiciary

Control or oversight mechanisms can be integrated into the judicial system. Civil society involvement or layperson representation on judicial appointments bodies can open the process to greater scrutiny. An electronic case allocation system can randomly assign cases so that pliant judges are not cherry-picked to hear particular cases. An electronic case management system can provide oversight of the progress of cases through the courts and identify irregularities. Official complaints mechanisms can receive complaints from court users about judges or court officials. Court user committees can be established so that courts can get feedback on the effectiveness, efficiency and integrity of their work.

Improving human resources management within the judiciary

Human resources management tools can be applied to the judiciary to increase transparency and accountability. Recruitment standards for judges and other court officials can help ensure that appointments are made on merit through an objective and transparent process. Security of tenure guaranteed for a period of time can contribute to promote judicial independence. Objective criteria for judicial transfers can ensure that independent judges are not punished and dispatched to remote jurisdictions. Cases should be assigned to judges based on clear and objective criteria to prevent case allocation on the basis of political considerations or private interests. Judges and judicial officials should enjoy adequate salaries and good working conditions protected by law so that salary and working conditions cannot be used to punish independent judges or reward judges who rule in accordance with government interests.

Improving the education and training of judicial actors

Providing judges with regular training throughout their careers helps to promote high standards of professionalism. Training programmes can cover ethical issues, including how to handle ethical dilemmas. One effective training mechanism can be the facilitation of peer-to-peer mentoring and exchanges of experiences and good practices across countries as judges may be more open to discussing ethical issues with their peers from other countries.

Strengthening accountability and discipline

Internal disciplinary mechanisms can contribute to safeguarding judicial integrity. Judges and other judicial officials should be required to sign codes of conduct and conflict of interest policies. In connection with this, the regular submission – and verification – of asset and income declarations is essential. A body dedicated to verifying income and asset declarations of judges, other senior judicial officials and their families can ensure that judges' conflicts of interest are identified. An

independent body needs to investigate allegations made against judges or breaches of the code of judicial conduct and give reasons for its decisions. Strong whistleblowing policies and effective complaints mechanisms should also be in place to ensure safe reporting of corruption and other misconduct. At the same time, judges have the right to a clear, transparent and fair disciplinary process, due process and appellate reviews in any disciplinary matters. Judges should be represented by independent judges' associations that can support judges on ethical matters.

Promoting transparency

Transparency tools can require judges to publish their decisions and require courts to improve access to information on how courts function as well as the progress of individual cases. Judges should also have easy access to information, legislation, cases and court procedures, and parties using the courts need to have access to information on due process rights and the nature of their rights during and after court proceedings. Simple tools, such as posters displayed in courts stating the costs of court fees, can minimise the risk of unscrupulous court officials demanding unauthorised fees. Journalists should also be able to report freely and fairly on legal proceedings as well as suspicion of corruption or undue influence in judicial processes.

Strengthening budgeting processes within the judiciary

The publication of publish contracts and procurement documents can enable civil society, the media and court users to oversee court budgets and help to implement budget tracking tools. Capacity development for civil society organisations can allow them to train citizens in budget literacy so that judicial budgeting can be understood and checked.

Implementing assessments or monitoring of the judiciary

Corruption risk analyses can help identify and understand the behavioural and institutional factors that facilitate corruption. Research, including indices measuring corruption and reports on levels of corruption, can inform reform efforts and put pressure on judicial actors to behave with integrity.

Court monitoring programmes by international organisations, donors or civil society organisations can assess whether there are irregularities in judicial decision making. Judges enjoy wide discretion in their decision making and sometimes it will not be clear if a judge is acting corruptly or if he/she is honest but incompetent. Court monitoring will not necessarily detect corruption but it can indicate problems in courts that require further investigation.

Journalists trained in reporting legal issues and aware of both the evidence required to bring proceedings against the corrupt, as well as the pitfalls of reportage that can lead to the collapse of cases, can be instrumental in both uncovering corruption cases in society and holding courts to account. Judicial bodies, civil society and donors can undertake integrity reviews of the judiciary to ascertain whether they meet internationally agreed standards such as the Bangalore Principles for Judicial Conduct. Service delivery surveys may also be used to assess the satisfaction of court users with access to justice and the resolution of their legal affairs.

Increasing public awareness to the role of the judiciary

Public information campaigns can make citizens and court users aware of their rights and what they can expect from courts. Such campaigns can help court users to resist paying bribes or unauthorised fees to access court services.

THE ROLE OF THE INTERNATIONAL COMMUNITY

The international community has played an important role in developing norms and standards on the structures of court systems and the behaviour of judges and other judicial actors, such as Article 11 of the 2005 UN Convention against Corruption and the 2002 Bangalore Principles on Judicial Conduct. The international community can also be instrumental in ensuring that mutual legal assistance functions between countries so that national judges cooperate in tackling cross-border criminality.

Multilateral and bilateral donors typically support anti-corruption efforts from “within” judicial institutions, working with judges and other judicial actors to strengthen the transparency, accountability and integrity of judicial systems. The approach has had mixed results in engaging judges and judicial actors in resisting corruption. Donors can also encourage judicial reform from “below” by supporting civil society, citizens, the media and court users to demand judicial integrity, accountability and transparency, through implementing some of the tools described above.

RESOURCES ON JUDICIAL CORRUPTION

Background studies and resources

***Corruption risks and assessment tools in the criminal justice chain.* Messick R., Forthcoming.**

U4 Anti-Corruption Resource Centre

<http://www.u4.no/articles/corruption-risks-and-assessment-tools-in-the-criminal-justice-chain>

This forthcoming U4 issue gives an overview of where corruption is most likely to arise within investigations, arrest, detention, prosecution and trials. It also explains existing tools to assess these risks.

***U4 justice sector theme page.* The U4 Anti-Corruption Resource Centre, 2014.**

<http://www.u4.no/themes/justice-sector/>

The U4 Anti-Corruption Resource Centre works in thematic areas including the justice sector. They regularly publish papers and briefs on aspects of judicial corruption, primarily targeted at international development practitioners.

***Courts, corruption and judicial independence.* Gloppen, S., 2014.**

in Tina Søreide and Aled Williams (eds), *Corruption, grabbing and development: real world challenges*. Cheltenham and Northampton (MA): Edward Elgar Publishing.

<http://www.cmi.no/publications/file/5091-courts-corruption-and-judicial-independence.pdf>

The chapter describes the forms of corruption that can take place in the judicial sector and explains how corruption threatens judicial independence. It also describes how governments can misuse corruption charges and investigations to pursue their own political agendas. Finally, it sets out approaches to addressing corruption problems in the judicial sector and how to balance the need for increased accountability with respect for judicial independence.

Ethics and Accountability in Criminal Justice: Towards a Universal Standard – Second edition.

Prenzler T., 2013. Griffith University

<http://trove.nla.gov.au/work/28572113?selectedversion=NBD51788854>

This book aims at raising ethical standards in criminal justice practice, making the case for academics, advocates and policymakers to speak with one voice in articulating universal ethical standards and, most importantly, in prescribing systems and techniques that must be in place for criminal justice to be genuinely accountable and as free from misconduct as possible. The focus of the book is on the core components of the criminal justice system - police, courts and corrections - and the core groups within this system: sworn police officers; judges, prosecutors and defence lawyers; and custodial and community correctional officers. By using quality research and policy analysis of these core components Professor Prenzler formulates a basic checklist that can be used to assess the ethical quality and accountability of the criminal justice system in any jurisdiction.

***Reducing corruption in the judiciary.* United States Agency for International Development, 2009.**
http://pdf.usaid.gov/pdf_docs/PNADQ106.pdf

The USAID Program Brief provides valuable advice for those undertaking anti-corruption reform in the judiciary. It describes the principles that underpin a well-functioning judicial system and sets out approaches to tackling the many forms of corruption that can take place among the various judicial actors. The guide recommends that efforts to address judicial corruption should be integrated with broader efforts to improve the justice system, such as reform of judicial appointments procedures and case management systems.

***Global corruption report 2007: corruption and judicial systems.* Transparency International, 2007.**
http://www.transparency.org/whatwedo/pub/global_corruption_report_2007_corruption_and_judicial_systems

Transparency International's 2007 report analyses the key issues in strengthening the integrity of judicial systems. It describes the challenges of balancing judicial independence with accountability, the problem of political interference in the judiciary and provides lessons learned from around the world about fighting corruption in the judicial systems. A series of country reports documents examples of judicial corruption in those countries and describes successes and failures in attempts to sanction the corrupt and reform judicial systems.

International norms and standards

***United Nations Convention against Corruption.* United Nations, 2005.**
https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

UNCAC introduces a comprehensive set of standards, measures and rules to strengthen countries' legal and regulatory regimes to fight corruption. It calls for preventive measures and the criminalisation of the most prevalent forms of corruption in both public and private sectors. Article 11 specifically addresses measures to strengthen judiciaries' ability to fight corruption. The convention also requires member states to return assets, obtained through corruption, to the country from which they were stolen.

***The Bangalore principles of judicial conduct.* Judicial Group on Strengthening Judicial Integrity, 2002.**
http://www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf

The principles establish six standards for the ethical conduct of judges. They are designed to provide guidance to judges and to afford the judiciary a framework for regulating judicial conduct. They are also intended to assist members of the executive and the legislature, and lawyers and the public in general, to better understand and support the judiciary.

The Limassol conclusions on combating corruption in the judiciary. 2002.

presented at Limassol Cyprus Conference 25-27 June 2002.

<http://www.cmja.org/downloads/limassolconclusionwithannexe.pdf>

An eminent group of judges and judicial officials from the Commonwealth countries met in Limassol, Cyprus in 2002 and agreed a series of conclusions and recommendations to secure the independence of judicial officers and a judicial system free from corruption. The recommendations are directed at the judiciary, government and the legal profession as well as international organisations and NGOs.

The Latimer House principles on the three branches of government. 2003.

<http://www.cmja.org/downloads/latimerhouse/commprinthreearms.pdf>

The Latimer principles on the three branches of government set out the relationship between parliament, the judiciary and the executive in Commonwealth member countries and confirm the separation of powers as a fundamental principle of the Commonwealth. Among others, the principles provide mechanisms for safeguarding ethical governance and accountability (paragraph 2.3) and combatting corruption (paragraph 2.4). Within this framework, the Plan of Action for Africa and the Edinburgh Plan of Action reaffirm the importance of implementing the Commonwealth (Latimer House) principles for the accountability of and relationship between the three branches of government.

Enhancing judicial transparency. Transparency International, 2007.

Policy Position 01/2007.

http://www.transparency.org/whatwedo/publication/policy_position_01_2007_enhancing_judicial_transparency

Transparency relating to the judiciary serves to increase public knowledge about the judicial system, provides recourse for redress when problems occur and decreases the opportunities for corrupt practices. It is vital that appointments, complaints and disciplinary processes are transparent and objective, and that the public has a means of challenging decisions where they are unreasonable or improper. In addition, information on judicial conduct and discipline enables the public and civil society to act as a check against arbitrary executive interference.

Judicial accountability and discipline. Transparency International, 2007.

Policy Position 02/2007

http://www.transparency.org/whatwedo/publication/policy_position_02_2007_judicial_accountability_and_discipline

The judiciary needs to be independent of outside influence, particularly of political and economic entities such as government agencies or industry associations. But judicial independence does not mean that judges and court officials should have free rein to behave as they please. Indeed, judicial independence is founded on public trust and, to maintain it, judges must uphold the highest standards of integrity and be held accountable to them. Where judges or court personnel are suspected of breaching the public's trust, fair measures must be in place to detect, investigate and sanction corrupt practices.

***Promoting decent judicial terms and conditions.* Transparency International, 2007.**

Policy Position 04/2007

http://www.transparency.org/whatwedo/publication/policy_position_04_2007_promoting_decent_judicial_terms_and_conditions

The terms and conditions under which judges and court officials work are important for determining their likelihood to engage in corrupt practice. Judiciaries faced with low salaries, poor training and benefits, uncertain security of tenure, or sub-standard administration are unlikely to attract and retain high-quality candidates. Even where able judges and court staff are in place, poor terms and conditions can provide both incentives and opportunities for resorting to corruption. The security of tenure is an essential means of securing judicial independence but, more broadly, conditions of service should provide a professional environment that is a transparent, motivating and safe place for judicial officers to work.

***Promoting fairness in judicial appointments.* Transparency International, 2007.**

Policy Position 03/2007

http://www.transparency.org/whatwedo/publication/policy_position_03_2007_promoting_fairness_in_judicial_appointments

Where political power plays a significant role in the appointment, promotion and conditions of service of judges there is a risk that judicial candidates, as well as sitting judges, will feel compelled to respond positively to the demands of the powerful. Rather than act as a check on government or economic interests in protecting civil liberties and human rights, judges who have been appointed unfairly may be more likely to promote their own interests over the rights of the individual. Appointment procedures must therefore be transparent, fair and robust enough to ensure that only those candidates with the highest professional qualifications and standards of personal integrity are allowed to sit on the bench.

European norms and standards

***Opinion no. 3 on the principles and rules governing judges' professional conduct.* Consultative Council of European Judges, 2002.**

[https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE\(2002\)OP3&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3](https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2002)OP3&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3)

The Consultative Council of European Judges (CCJE) adopted this opinion on standards of professional conduct, in particular ethics, incompatible behaviour and impartiality in 2002 for the attention of the Council of Europe's Committee of Ministers. It proposes standards of conduct applying to judges on issues regarding the exercise of their functions, extra-judicial and other professional activities of judges.

***Compendium of the judiciary's ethical obligations.* Supreme Council of the Judiciary (Conseil Supérieur de la Magistrature), 2010.**

http://www.conseil-superieur-magistrature.fr/files/recueil_des_obligations_deontologiques_des_magistrats_EN.pdf

The objective of these principles, comments and recommendations is to establish ethical references for the French judiciary. This compendium, created by the French Supreme Council of the Judiciary, does not constitute a disciplinary code but rather a guide for judges and prosecutors, specifying the ethical requirements of their office. Matters of judicial ethics are presented in a concrete manner and organised thematically, followed by comments concerning the same obligations or situations and recommendations. Principles discussed in this compendium include independence, impartiality, integrity, probity, loyalty, strictly upholding to the law, attention to others, discretion and reserve.

Practical insights: toolkits and guides

***Enhancing judiciary's capacity to curb corruption: a practical guide.* Transparency International Romania, Forthcoming**

This Guide synthesises international standards on how judicial systems must be composed and actors in the judicial system must behave, which if adopted by governments and followed by the judiciary, can ensure judiciary's independence, accountability and integrity. Furthermore, it provides the knowledge for natural and legal persons to hold the judiciary accountable for its own integrity, proper administration and delivery of justice, or for its failure to provide adequate remedies to those affected by inequalities or by corruption. It provides an overview of judicial corruption challenges that prevent the judiciary to play its role in fighting corruption, presents principles and standards for an effective judiciary, as well as tools to strengthen the role of the judiciary in fighting corruption.

***UNCAC Article 11 implementation guide and evaluative framework.* UNODC, 2014.**

http://www.unodc.org/documents/corruption/Publications/2014/UNCAC_Article_11_Implementation_Guide_and_Evaluative_Framework.pdf

The UN Office on Drugs and Crime developed the UNCAC Article 11 Implementation Guide and Evaluative Framework to help states assess their fulfilment of UNCAC Article 11 measures relating to the judiciary and prosecution services. It provides two tools. First, it summarises international standards and best practices and sets out the types of measures states could adopt in order to implement Article 11. Second, sets of questions (the "evaluative framework") are posed about measures a state could adopt. Answering the questions highlights gaps and potential risks of corruption.

***Measures for the effective implementation of the Bangalore principles of judicial conduct.* Judicial Integrity Group, 2010.**

<http://www.summitofhighcourts.com/2013/docs/standarts/UN2.pdf>

Adopted by the Judicial Integrity Group in 2010, the implementation measures enable a state to check if they have mechanisms within the judiciary and their state structures that fulfil the Bangalore Principles of Judicial Conduct.

Assessment tools and datasets

***Independence and accountability of the judiciary – ENCJ report 2013-2014.* European Network of Councils for the Judiciary (ENCJ), 2014.**

http://www.encj.eu/images/stories/pdf/workinggroups/independence/encj_report_independence_accountability_adopted_version_sept_2014.pdf

The report details indicators for measuring the independence and accountability of the judiciary and judges in EU justice systems, as well as an overview of risks threatening the independence of the judiciary.

***Fourth evaluation round on prevention of corruption in respect of members of parliament, judges and prosecutors.* Group of States against Corruption, launched in 2012**

http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/ReportsRound4_en.asp

GRECO evaluation procedures involve the collection of information through questionnaires, country visits – enabling evaluation teams to solicit further information during high-level discussions with domestic key players – and drafting of evaluation reports. Country reports contain recommendations to the evaluated countries in order to improve their level of compliance with the provisions under consideration. Measures taken to implement recommendations are also subsequently assessed by GRECO under a separate compliance procedure. The fourth evaluation round focuses on prevention of corruption in respect of members of parliament, judges and prosecutors.

***Diagnostic checklist for assessing safeguards against judicial corruption.* Transparency International, 2007.**

in Transparency International, *Combating corruption in judicial systems: advocacy toolkit*, pages 23-32.

<http://www.u4.no/recommended-reading/transparency-international-advocacy-toolkit-combating-corruption-in-judicial-systems/>

Transparency International developed a diagnostic checklist together with a group of judicial experts, including judges, lawyers and academics, from around the world. It is intended to be an inexpensive and quickly implemented assessment tool that provides a snapshot of risks of corruption or weaknesses in integrity or oversight systems in the judicial sector. It focuses on “(1) the system requirements for a clean judiciary; and (2) the responsibilities of actors involved in the judicial system”.

***Criminal justice assessment toolkit.* UNODC, 2006.**

http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/2_Detention_Prior_Adjudication.pdf

The Criminal Justice Assessment Toolkit (CJAT) is a diagnostic tool that consists of detailed sets of questions about different sectors of the criminal justice system. The overall aim is not to assess corruption risks but, nevertheless, the tool dealing with the courts includes questions about the risks of corruption and the existence and effectiveness of oversight mechanisms in criminal courts. A major strength is that the tool shows profound understanding of the differences between and within the common law and civil law systems, as well as hybrid systems and traditional or customary law systems, and so may be used in many different countries. The CJAT contextualises the great number of key UN – and other – standards, guidelines and norms concerning the responsibilities of official actors and the rights of victims, witnesses and the accused in the criminal justice system.

Case studies

***Judicial corruption in Ethiopia.* Hammergren, L., 2012.**

in Janelle Plummer, (ed.), *Diagnosing corruption in Ethiopia: perceptions, realities and the way forward for key sectors*. Washington, D.C.: World Bank.

<http://elibrary.worldbank.org/doi/abs/10.1596/978-0-8213-9531-8>

The chapter by Hammergren maps corruption in the justice sector in Ethiopia. The judiciary is one element of the justice sector that is analysed. The chapter sets out a general overview of the forms of corruption that can affect the various judicial system actors in different areas of the justice sector. It describes the tension between respecting judicial independence and making judiciaries more accountable and it describes the particular challenges of attempting to make more accountable the wide discretionary powers enjoyed by judicial actors.

***Assessment of justice sector integrity and capacity in three Nigerian states.* UNODC, 2010.**

https://www.unodc.org/documents/nigeria/publications/Otherpublications/Assessment_of_Justice_Sector_Integrity_and_Capacity_in_10_Nigerian_States_20071.pdf

The United Nations Office on Drugs and Crime (UNODC), in collaboration with the justice system in Nigeria in 2006, undertook an assessment to understand the levels of integrity and capacity of justice sector institutions in three states in Nigeria. The part of the assessment that deals with the judiciary's role in criminal justice includes questionnaires carried out with official actors as well as defendants awaiting trial. The questionnaire asks about corruption risks and experiences and perceptions of corruption. The assessment also reviewed criminal cases to assess patterns of corruption risks, including how a judge exercised discretion in adjudicating bail applications. A rigorous methodology was applied in the assessment as well as an analysis of the findings. Actions for reform are listed.

***Corruption risks in criminal process and judiciary (Ukraine).* Council of Europe, 2009.**

http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Technical%20Papers/UPAC/System%20Studies/344-UPAC_Corruption%20risks%20in%20criminal%20process_en.pdf

The Council of Europe, together with a Ukrainian-based NGO and a consulting company, analysed the risks of corruption in criminal trials in Ukraine, among other aspects of the Ukrainian criminal, civil, economic and administrative justice system. The methodology included research of the laws and practices of the courts, case studies and questionnaires concerning perceptions and experiences of corrupt behaviour as well as the effectiveness and efficiency of the system. Interviews and focus-group discussions took place with stakeholders, including court officials and court users.

***Assessment of judicial integrity and capacity in two Indonesian provinces.* UNODC, 2006.**

https://www.unodc.org/pdf/corruption/publications_indonesia_e_assessment.pdf

Using the same methodology as the above Nigerian assessment, with a similar questionnaire, the tool assessed the levels of integrity and capacity of justice sector institutions in two Indonesian provinces.

Resources from Transparency International's Anti-Corruption Helpdesk

***Innovative anti-corruption reforms in the judiciary.* Martini, M., 2014.**

http://www.transparency.org/whatwedo/answer/innovative_anti_corruption_reforms_in_the_judiciary

Operational reforms that may help prevent political influence and reduce certain types of corruption usually include measures such as the introduction of an adequate case management system, ethical and technical training for judges, court staff and prosecutors, appropriate salaries and benefits, the adoption of clear rules for the appointment, promotion, transfer and removal from office of judges and prosecutors. Innovative approaches in this area seem to relate to the use of technology, not only to improve the management of documents and communication within the judiciary system, but also to enhance transparency and accountability to the general public. Within this framework, civil society organisations are increasingly playing an important role in monitoring and overseeing, as well as providing training courses to the judiciary and even ensuring the fair appointment of judges. Other innovative approaches include the adoption of specialised prosecution bodies, the recording and monitoring of court proceedings, and limitations to immunity, prosecutorial discretion and duration of proceedings. This answer is also available in [French](#) and [Spanish](#).

***Initiatives to reduce corruption in the judiciary in francophone West Africa.* Wickberg, S., 2014.**

http://www.transparency.org/whatwedo/answer/initiatives_to_reduce_corruption_in_the_judiciary_in_francophone_west_africa

The judiciary is a key pillar of good governance and a necessary element of anti-corruption efforts. Governments, donors, international organisations and civil society are working, together or separately, to address the issue of corruption in the judiciary. Judicial corruption in francophone West Africa stems from the systematic interference of the other branches of the government and the politicisation of the affairs of the judiciary, combined with a lack of transparency and a distance from users that prevent citizens from holding magistrates to account. The initiatives presented here attempt to reduce corruption by addressing these issues and make the judiciary more transparent, independent and accountable. Social accountability initiatives as well as programmes focussing on the use of technology are featured as they have become increasingly popular methods of measuring accountability and transparency. This answer is also available [in French](#).

***Panama: overview of corruption risks in the judiciary and prosecution services.* Jennett, V., 2014**

http://www.transparency.org/whatwedo/answer/overview_of_corruption_risks_in_the_judiciary_and_prosecution_service_in_pana

The legal system in Panama faces serious challenges to its integrity. There is political interference in appointing judges, particularly to the supreme court. There is no independent body to investigate corrupt acts of public officials. It is problematic that, by law, only supreme court judges can investigate corrupt acts of National Assembly members and vice versa. Anti-corruption prosecution offices are underfunded and understaffed. Some state institutions do not cooperate with prosecutors in corruption cases involving illicit enrichment of public officials.

Actors and stakeholders

United Nations Office on Drugs and Crime manages UNCAC monitoring and reporting processes. It carries out research on judicial reform, including tackling corruption in the judiciary and undertakes in-country fact-finding and assessment missions. It formerly hosted the Judicial Integrity Group (JIG) that drafted the Bangalore Principles. JIG is now hosted by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The website can be accessed [here](#).

The UN Special Rapporteur on the Independence of Judges and Lawyers was created in 1994 by the UN Commission on Human Rights, to address attacks on the independence of judges, lawyers and court officials. The mandate of the special rapporteur is to: identify and record attacks on the independence of the judiciary, lawyers and court officials; inquire into any substantial allegations and to report conclusions and recommendations; report progress achieved in protecting and enhancing judicial independence; identify ways and means to improve the judicial system, and make concrete recommendations. The website can be accessed [here](#).

Centre for the Independence of Judges and Lawyers (CIJL)/International Commission of Jurists. The CIJL helped formulate and carries out work on the UN Basic Principles on the Independence of the Judiciary and the UN Basic Principles on the Role of Lawyers. It monitors the implementation of these principles and intervenes with governments where jurists are harassed. The website can be accessed [here](#).

Judicial Integrity Group are the authors and guardians of the Bangalore Principles on Judicial Conduct. The website has a useful resources section that sets out JIG documents as well as other documents covering UN resolutions and standards concerning judicial integrity, regional standards, examples of codes of conduct, donor guides to judicial conduct, details of conferences and court decisions concerning the discipline of judges. The website can be accessed [here](#)

The European Commission for the Efficiency of Justice aims to improve the efficiency and functioning of justice in the member states of the Council of Europe, and the development of the implementation of the instruments adopted by the Council of Europe. It consists of experts from all 47 member states and its work is assisted by a secretariat. Its activities include analysing the justice systems of the member states, assessing their challenges and preparing benchmarks, defining instruments of measure and means of evaluation, developing reports and organising hearings. Country reports are available on the website and they also have details of cooperation programmes with countries that are not members of the Council of Europe. The website can be accessed [here](#).

The Consultative Council of European Judges (CCJE) is an advisory body of the Council of Europe on issues related to the independence, impartiality and competence of judges. It is the first body within an international organisation to be composed exclusively of judges. The CCJE adopts [opinions](#) for the attention of the Committee of Ministers on issues regarding the status of judges and the exercise of their functions. The website can be accessed [here](#)

The Commonwealth Magistrates' and Judges' Association (CMJA) includes members from all Commonwealth judiciaries. One of its aims is to secure judicial independence, and fighting corruption is a priority area (see Limassol Conclusions in *International norms and standards* above). It has agreed several seminal standards for the judiciary and has a Judicial Education Programme. It is the repository for Commonwealth judiciaries' codes of conduct/ethics. The website can be accessed [here](#).

[Magistrats Européens pour la Démocratie et les Libertés \(MEDEL\)](#) is an association of European judges and judges' bodies that aims to bring together European judiciaries to protect judicial independence and the democratisation of the judiciary, to promote the judiciary as a public service that allows for citizens' control over its functioning and to defend the rights of minorities, especially immigrants. They organise conferences, publish articles and record threats to the judiciary across the wider European region (not just the countries of the EU) and the website lists activities they support, including training for judges and prosecutors as well as a variety of projects on tackling corruption and crime. The website can be accessed [here](#).

[IFES rule of law programme](#) focuses on judicial independence as well as building integrity and tackling corruption in the judiciary. The website can be accessed [here](#).

[International Association of Judges \(IAJ\)](#) consists of members of national associations of judges and focuses on safeguarding judicial independence and the judiciary's role in guaranteeing freedom and human rights. The website can be accessed [here](#).

[International Center for Transitional Justice \(ICTJ\)](#) assists countries pursuing accountability for past mass atrocity or human rights abuse. It supports, among other activities, prosecuting perpetrators, and documenting and acknowledging violations. The website can be accessed [here](#).

[International Development Law Association \(IDLO\)](#) provides training courses on judicial corruption and justice sector reform in post-conflict environments. The website can be accessed [here](#).

[International Bar Association \(IBA\)](#) provides training courses for judges and lawyers and undertakes fact-finding missions to countries where the rule of law is threatened. It encourages compliance with fair trial standards and monitors legal proceedings. The website can be accessed [here](#).

[American Bar Association \(ABA\)](#) supports legal reform, including judicial reform programmes, and offers technical assistance in [Europe and Eurasia](#), [Africa](#), [Latin America and the Caribbean](#), and [Asia and the Pacific](#).

[Group of States against Corruption \(GRECO\)](#) is responsible for monitoring observance of the Guiding Principles for the Fight against Corruption and implementation of the international legal instruments adopted in pursuit of the Programme of Action against Corruption. Expert teams are appointed to evaluate member countries, and to prepare country reports for discussion and adoption at plenary sessions. The website can be accessed [here](#).

[Due Process of Law Foundation](#) focuses on legal reform, including strengthening judiciaries against corruption in Latin and Central America. The website can be accessed [here](#).

[The Law Association for Asia and the Pacific \(LAWASIA\)](#) is a professional association of bar councils, law associations, lawyers, law firms and corporations that promotes the rule of law throughout the Asia-Pacific region. The website can be accessed [here](#).

[Arab Center for the Independence of the Judiciary and the Legal Profession \(ACIJLP\)](#) is a regional organisation that supports judicial independence, the rule of law and the protection of human rights in Egypt and other Arab countries. The website can be accessed [here](#).

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