

Transparency International's *Global Corruption Report 2007* Frequently Asked Questions

1. What is the Global Corruption Report?

The *Global Corruption Report (GCR)* provides an annual assessment of the state of corruption around the world. Produced by Transparency International (TI), the global civil society organisation leading the fight against corruption, the *GCR* brings together news and analysis from experts and activists to highlight recent developments in corruption. Each *GCR* covers a 12-month period, from July to June, and reviews the impact of corruption in a specific sector, including detailed studies from various countries. The *GCR 2007* focuses on corruption in judicial systems. In 2006, the *GCR* analysed corruption in the health sector and in 2005, in construction and post-conflict reconstruction.

2. Why is the *GCR* important?

The *GCR* offers an annual, systematic analysis of corruption around the world, unrivalled in scope. As well as addressing one key corruption issue in depth, the *Report* features assessments of corruption at the national level, offering more than 30 country reports each year. Empirical findings from leading researchers on different aspects of corruption bring together perspectives from academia and voices from the field. Contributions to the research section of the report are selected for their policy implications and innovative methodologies.

3. Why does the *GCR 2007* focus on corruption in judicial systems?

Whilst a large number of anti-corruption laws have been ratified over the past decade, enforcement remains weak in many countries. Clean judicial systems are of paramount importance if anti-corruption laws are to be upheld. Many of Transparency International's national chapters have identified a corrupt judiciary as their country's number one corruption-related problem. Offering in-depth analysis and concrete solutions contributes to developing solutions.

4. Why does fighting judicial corruption matter?

Judicial corruption erodes democratic societies and the foundations on which they are built. Corruption undermines judicial systems around the world, denying citizens access to justice and the basic human right to a fair and impartial trial, sometimes even to a trial at all. Judicial corruption disrupts social cohesion, hampers the fight against organised crime and deters economic investment. And it is the poorest segments of society that suffer most from judicial corruption. In Kenya, the saying, "Why hire a lawyer when you can buy a judge?" means that justice is for sale, and it is the rich and powerful who usually benefit.

5. What is corruption? What does 'corruption in the judiciary' entail?

Transparency International defines corruption as "the abuse of entrusted power for private gain", which includes not just financial but non-material gain, such as the furtherance of political power.

Judicial corruption refers to any inappropriate influence on the judicial process by anyone in a position to do so. It takes two main forms: political interference through intimidation of judges, manipulation of judicial appointments or other means, all of which endanger judicial independence, and bribery. A lawyer may charge a ‘fee’ to delay a case, or a judge may accept bribes to speed it up. In a household survey by TI’s chapter in Bangladesh, two out of three people who used the lower courts in 2004 paid bribes, with the average bribe amounting to 25 percent of average annual income.

In short, corruption affects the *independence* of the judiciary to act without undue influence from powerful interests. And it affects its *accountability*, such as the effectiveness of rules and oversight.

6. What is a ‘judicial system’?

Judges form only one part of the ‘judicial system’. They only operate after the police, prosecutors, lawyers and other court personnel have entered the scene. Decisions taken by judges have a profound effect on a country and as a result, civil society organisations, the media and academia have important parts to play in the way a justice system develops and operates.

7. What causes judicial corruption?

There are four main conditions that can facilitate corruption in the judiciary:

- The failure to appoint judges on merit, which can lead to the selection of corruptible judges.
- Poor salaries and working conditions and a lack of training, making personnel susceptible to bribery.
- Unfair processes for the removal of corrupt judges, which can lead to the politicisation of judge transfers and removals.
- Opaque court procedures that can make it difficult for the media and civil society to monitor court activities.

8. What can be done to overcome corruption in the judiciary?

There is no magic set of structures that will reduce corruption in *all* situations. The recommendations in the *Global Corruption Report* offer a consensus of views on what should be the *minimum standards* for developing and maintaining integrity, accountability and transparency within a judicial system.

The *GCR* recommends that judicial appointments be independent, merit-based and made in consultation with civil society. Judicial salaries should be proportionate to a judge’s position and clear criteria should be established to determine judicial transfers and case assignments. The *GCR* also suggests that judges should benefit from limited immunity and that an independent body be set up to investigate complaints against judges.

To ensure a more transparent organisation, the judiciary should publish an annual report of its activities and spending, and judges should disclose assets and conflicts of interests. Civil society should monitor and research how and when judicial corruption occurs.

9. Is tackling judicial corruption any different from tackling corruption in other public sectors?

Yes. Judges must be independent from other branches of government, and even from other judges. For this reason, determining how to hold them accountable can be more challenging.

10. Who should read the *GCR*?

The *GCR* is aimed at a wide audience. It is essential reading for policymakers who must keep in touch with developments in other countries and with current research. This year's *GCR* is aimed specifically at policymakers and practitioners in the judiciary, such as ministers of justice, judges and prosecutors. However, anyone concerned about the rule of law, including journalists, civil society activists, academics and private sector representatives, will find the *GCR* an important resource.