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# Corruption in Albania

## Perception and Experience

### Judges Survey 2009

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# Executive Summary

- Judges tend to show more trust on institutions compared to last year. The overall average of 14 institutions evaluated on a 0-100 scale where 0 means “no trust at all” and 100 means “trust a lot”, is 58 points, 3 points higher than in 2008 judges survey.
- The most trusted institutions/groups for judges are Supreme Court, General Prosecutor’s Office and military, evaluated respectively with 77, 75 and 73 points in the trust scale. Instead the least trusted institutions/groups are newspapers (23 points) and political parties (31 points).
- Judges perceive the institutions on average as transparent, evaluating the 8 institutions/groups with an overall average of 55 points on 0-100 scale when 0 means “not at all transparent” and 100 means “very transparent”. The most transparent institution/group is courts (84 points) while the least transparent is Property Restitution and Compensation Agency with 38 points on the transparency scale.

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# Executive Summary

- There is a significant decrease on the percentage of the interviewed judges who affirmed that litigants approach them with bribe offers, from 41% in the 2008 survey, down to 23,3% in the 2009 survey.
- The percentage of the interviewed judges that affirmed that lawyers approach them outside of court to influence their decision has decreased as well from 55,5% in the 2008 survey down to 37,2% in the 2009 survey.
- 66,9% of the interviewed judges think that corruption among public officials is either “widespread” (16,9%) or “somewhat widespread” (50%). 9.9% of the interviewed judges did not express an opinion on the issue.
- 11% of the interviewed judges think that corruption among public officials has increased compared to last year, 39% think it has not changed in the last 12 months and 29,7% think there is less corruption among public officials than a year ago. 20,3% of the interviewed judges had no comment on the issue.



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# Background and Methodology

Institute for Development and Research Alternatives

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## ■ Introduction

This report presents the findings of the 2009 judges survey on corruption issues. This survey is the third annual survey following the 2005 and 2008 surveys. The main objective of these surveys is to measure over time the perception of judges on justice issues as well as judges' perception of corruption in Albania. This survey is part of the set of surveys "Corruption in Albania, Perception and Experience" performed annually and consisting of the general public sample, public sector employees sample and judges survey.

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- **Sample population**

Targeted – A sample of 300 judges of the Albanian courts in all levels

Interviewed – 172 respondents

- **Timing**

The survey was conducted during the period of January-February

- **Method**

Face-to-face interview\*

\*In only one case the respondent refused the face-to-face interview agreeing to fill the questionnaire her/himself

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- **Margin of error**

A sample of 172 respondents assures us a margin of error of 7,6% with a confidence interval of 95%. Such a large margin of error makes comparisons in years statistically insignificant in most of the case. However those cases where the comparison has been statistically significant have been pointed out.

- **Questionnaire**

The questionnaires used in the three waves are the same, with the 2009 questionnaire having few questions than the previous ones due to respondents available time.

- **Refusal rate**

The refusal rate for the judges survey is 42,7%.

- **Average time of interviews**

Interview average time has been 23 min.



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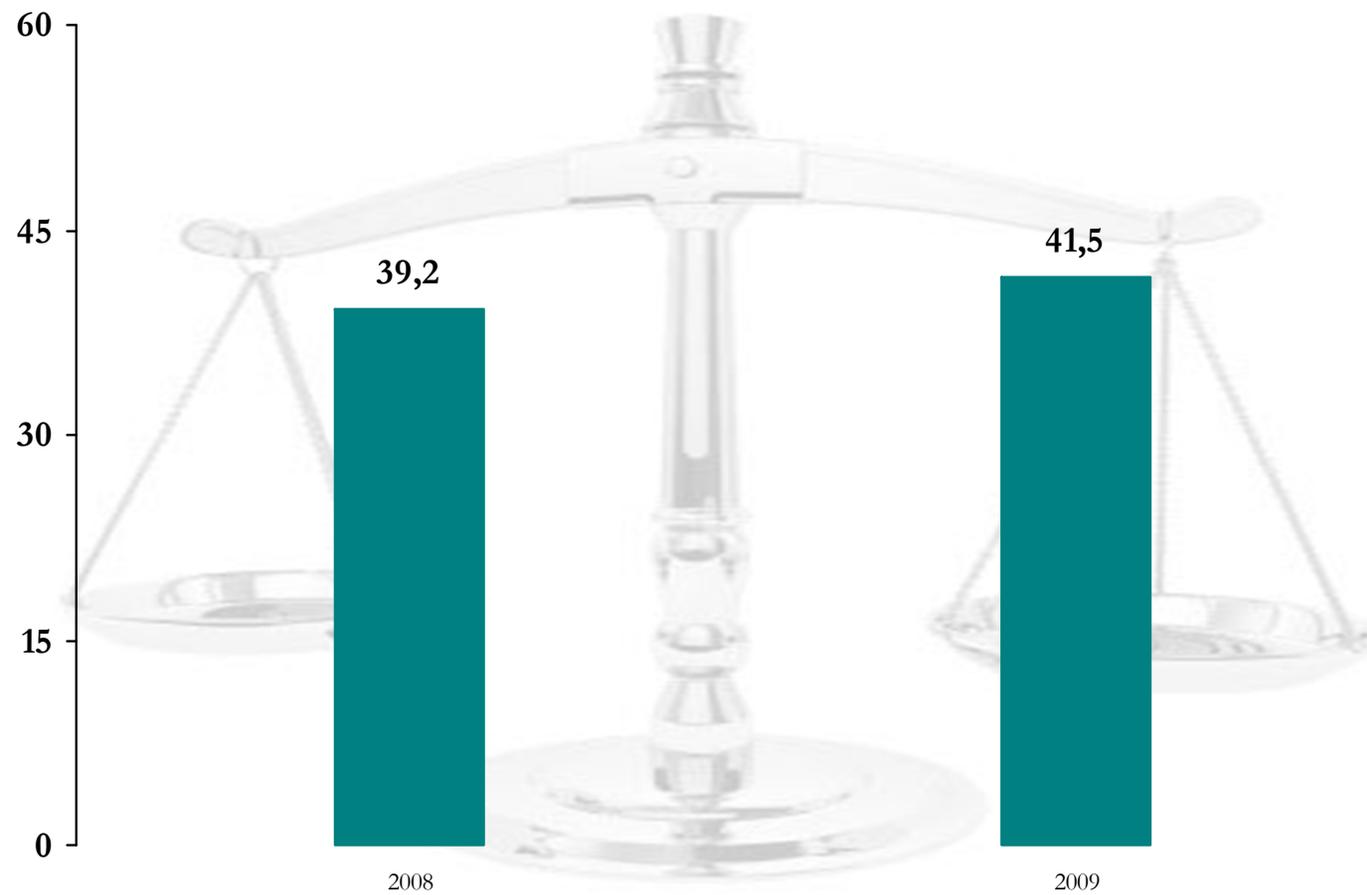
# Sample Description

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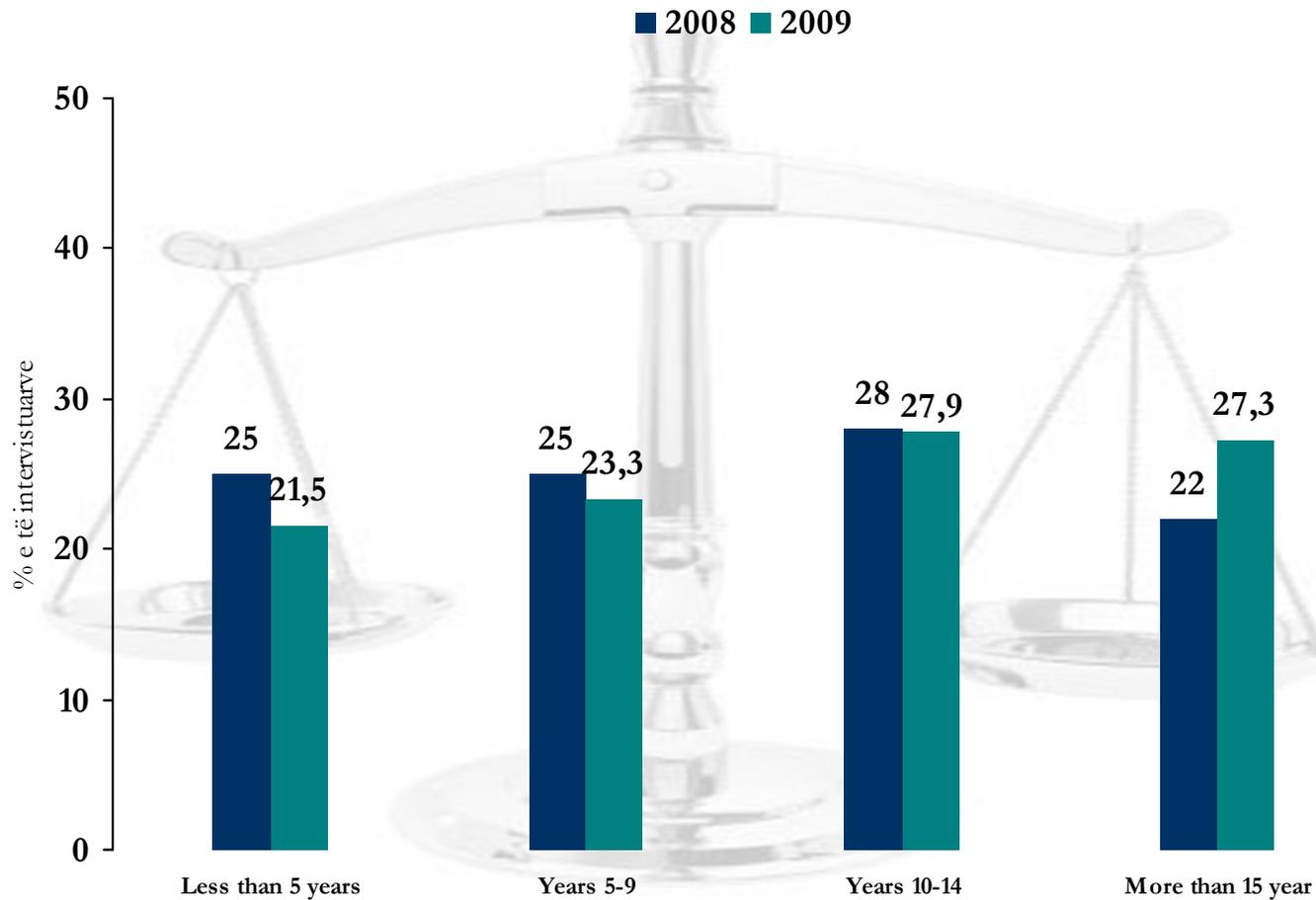
# Mean age

## Judges surveys



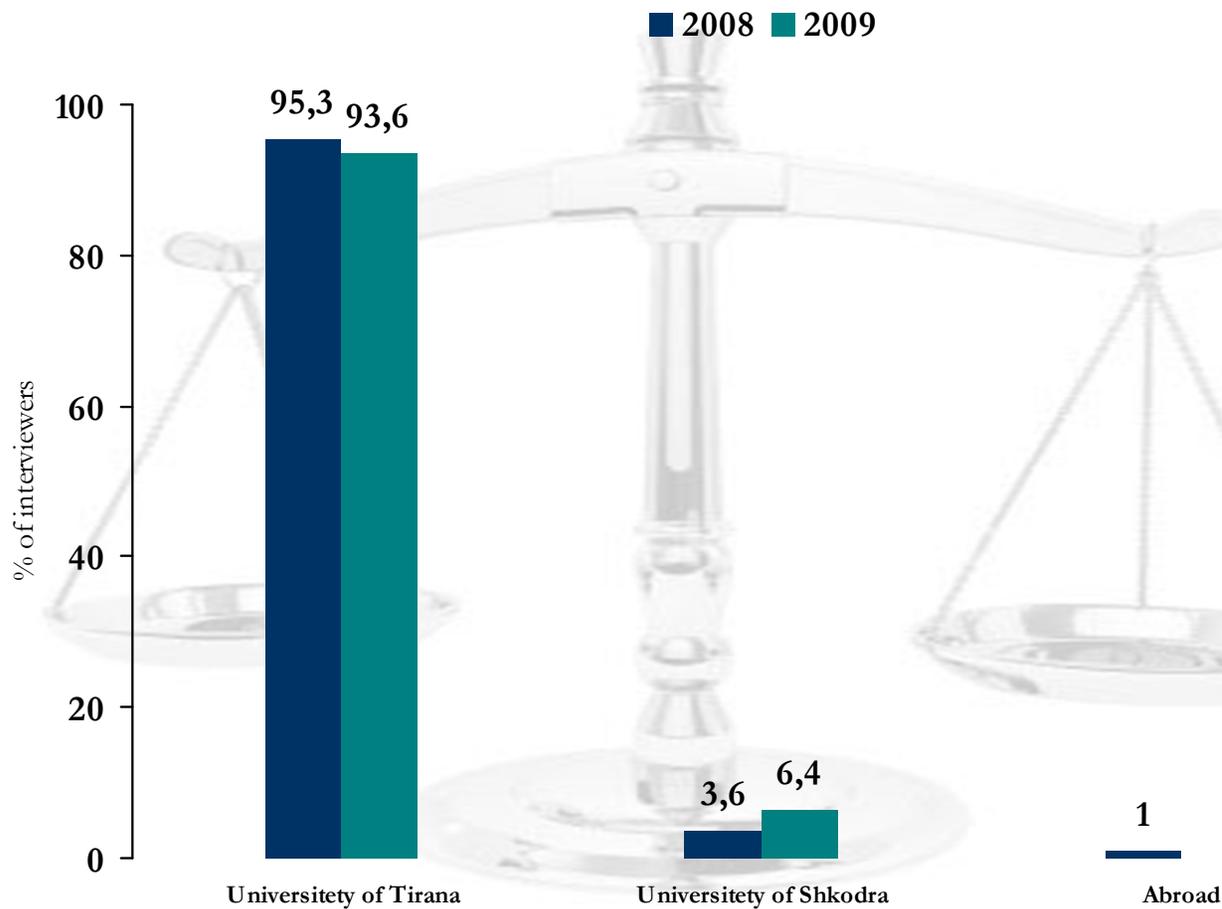
# How many years have you held the current position?

## Judges surveys



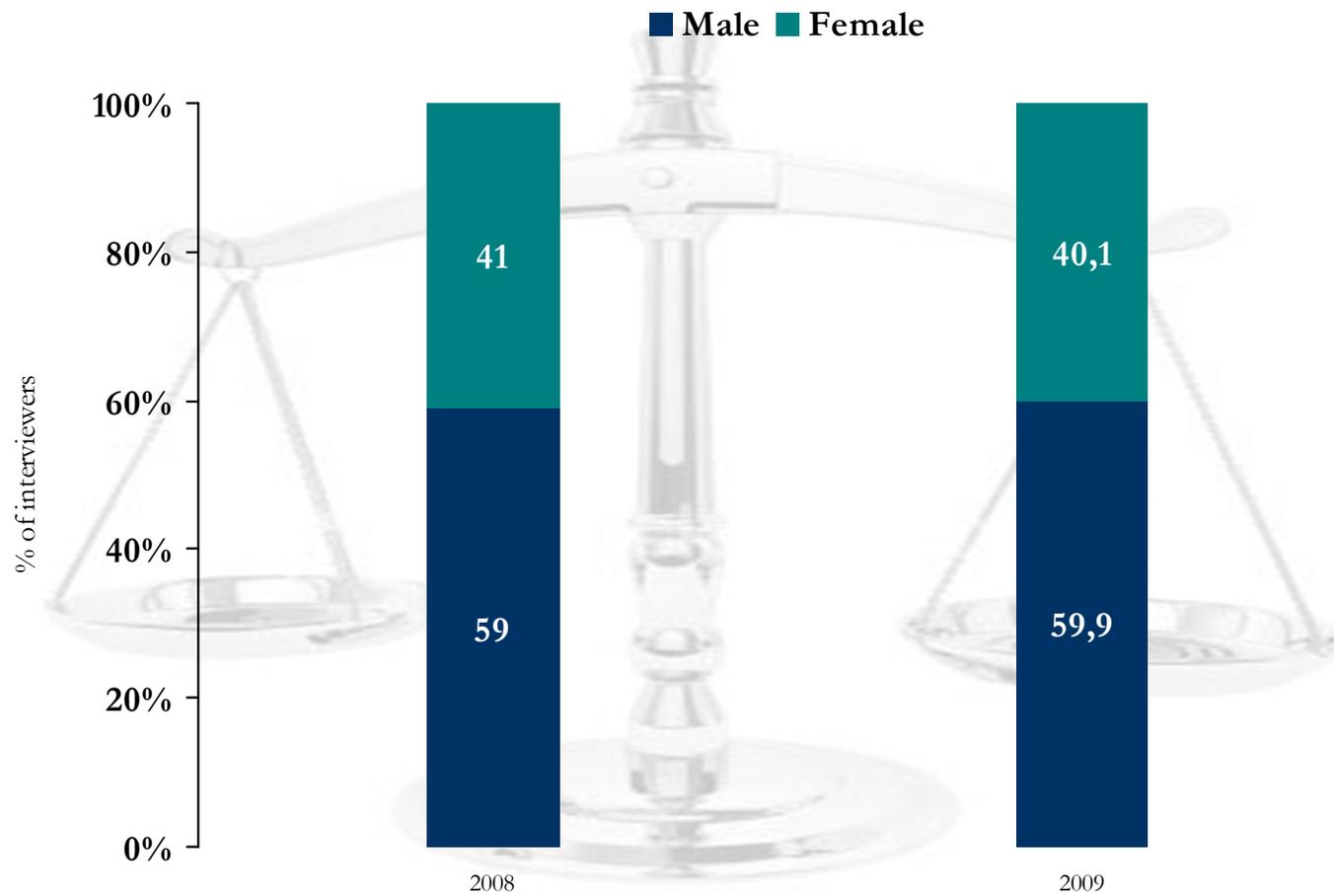
# Which university did you graduate from?

Judges surveys



# Gender

## Judges surveys

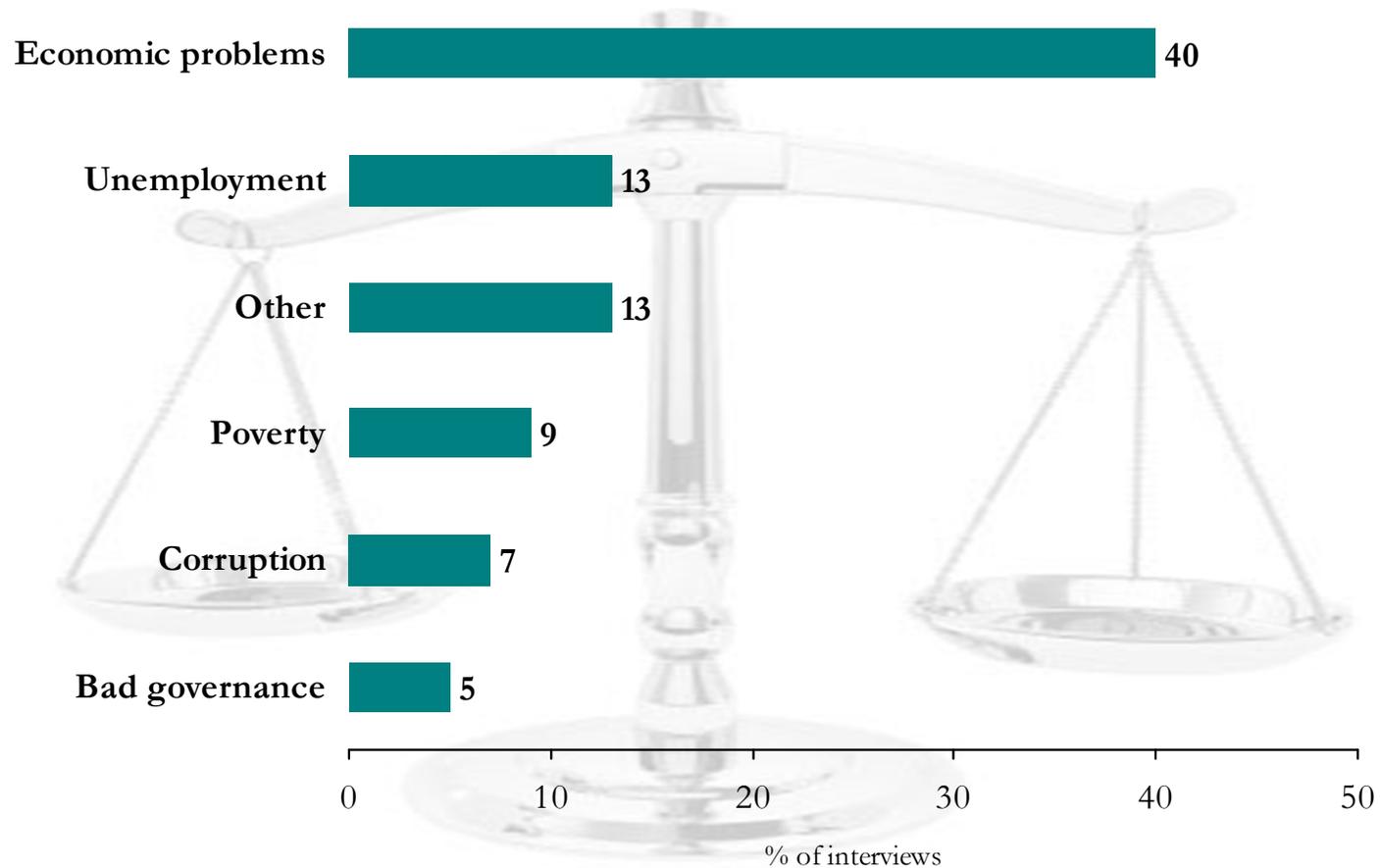




# Results

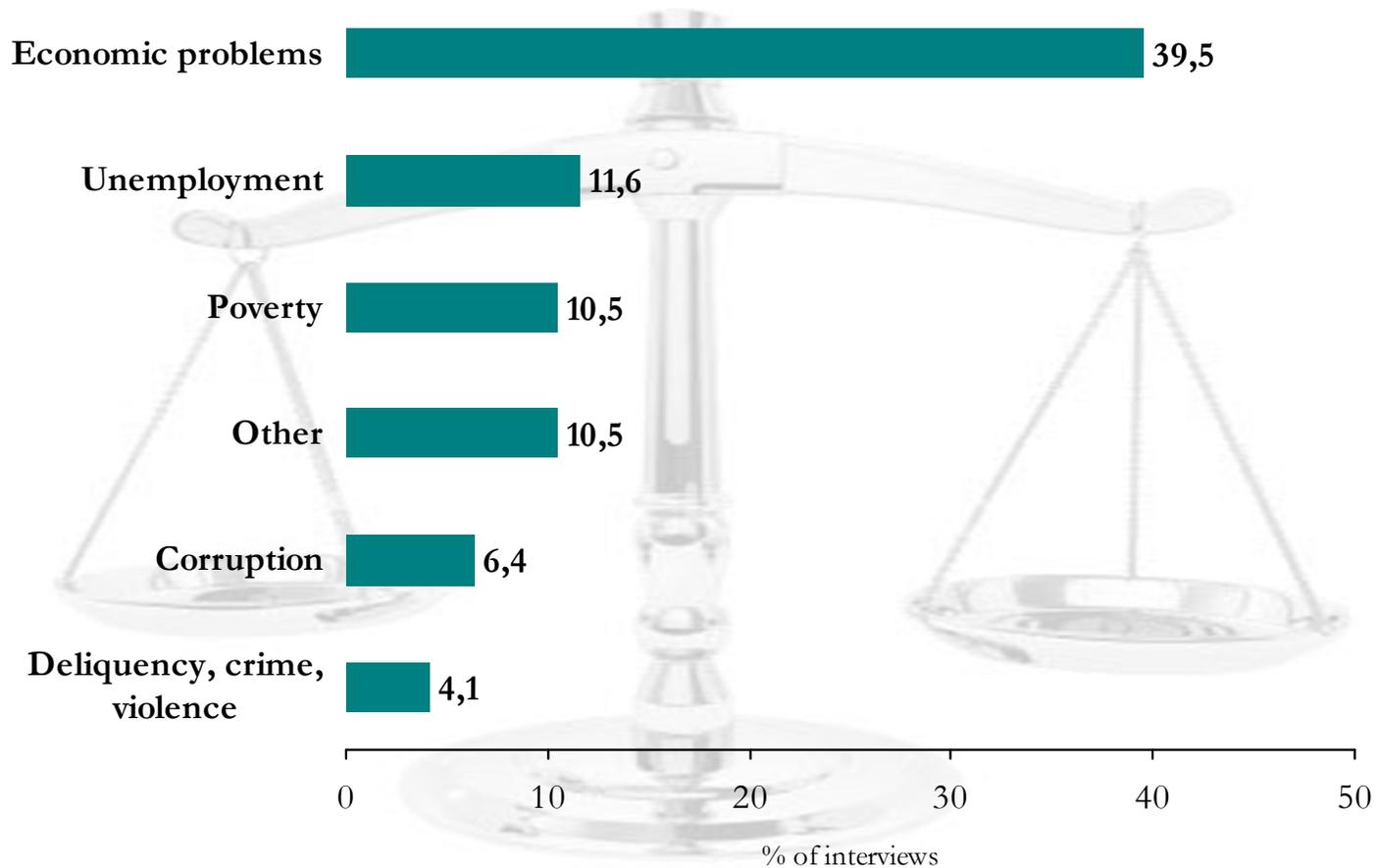
# The most difficult problem Albania is facing...

Judges survey 2008

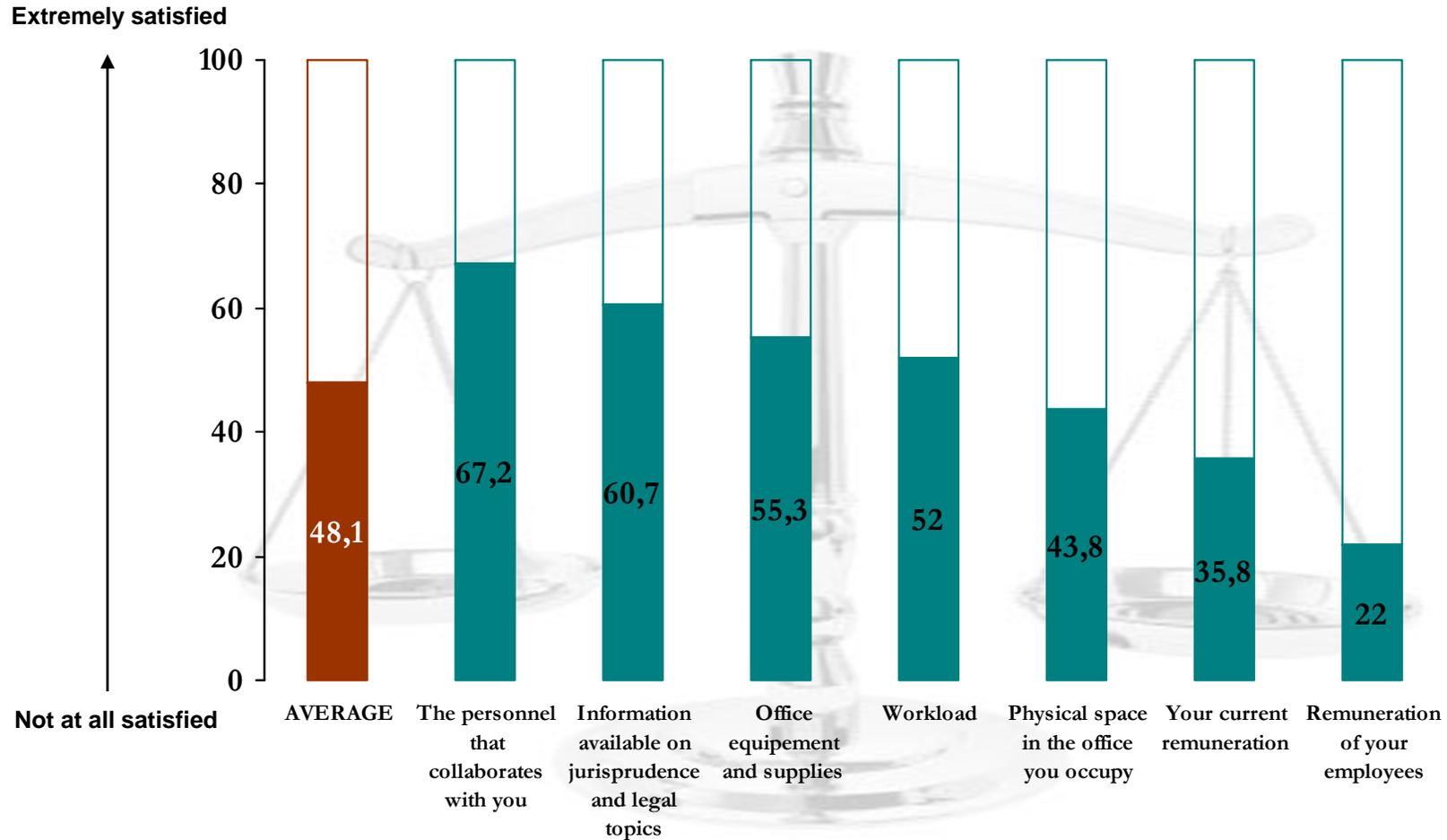


# The most difficult problem Albania is facing...

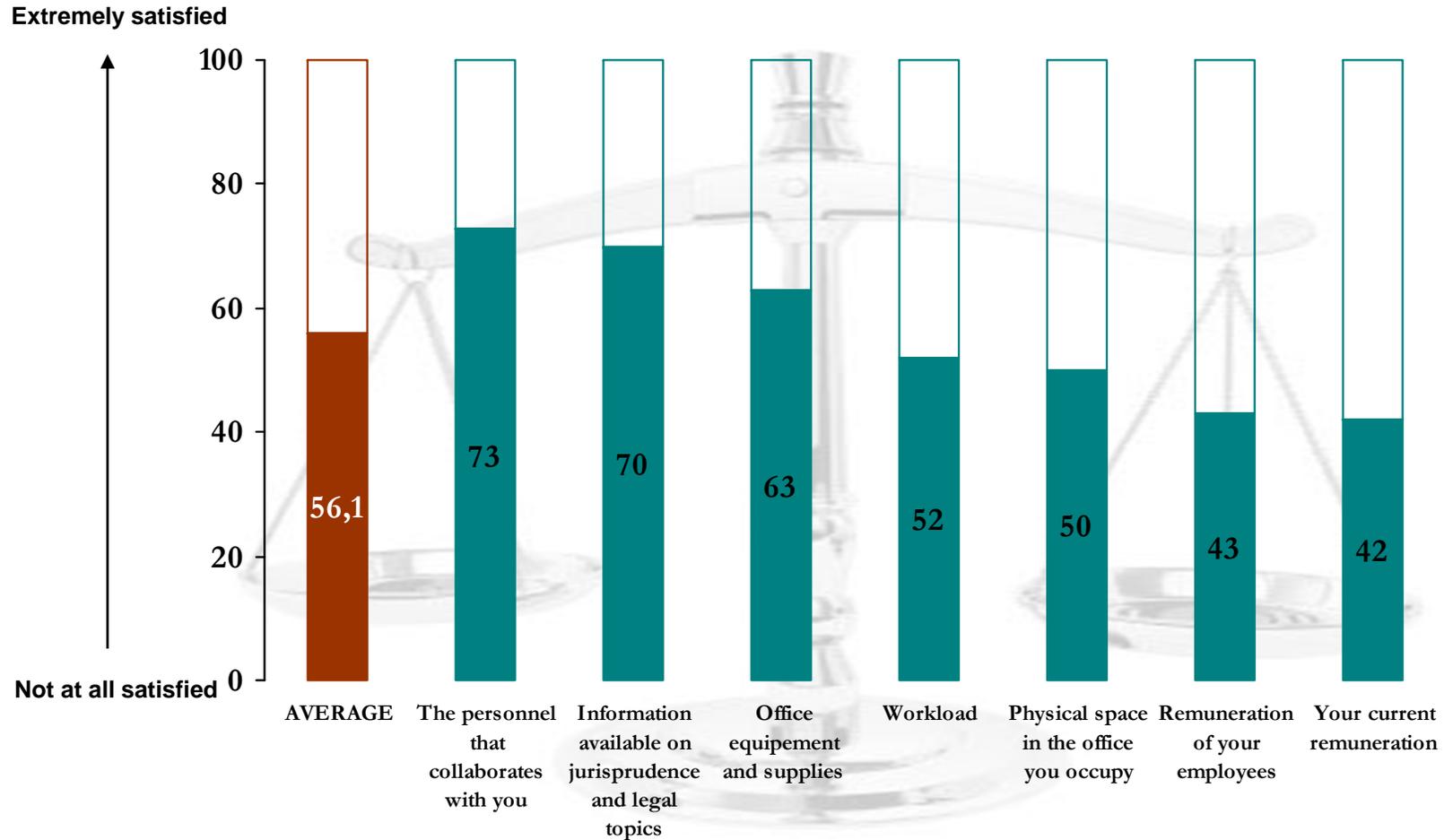
Judges survey 2009



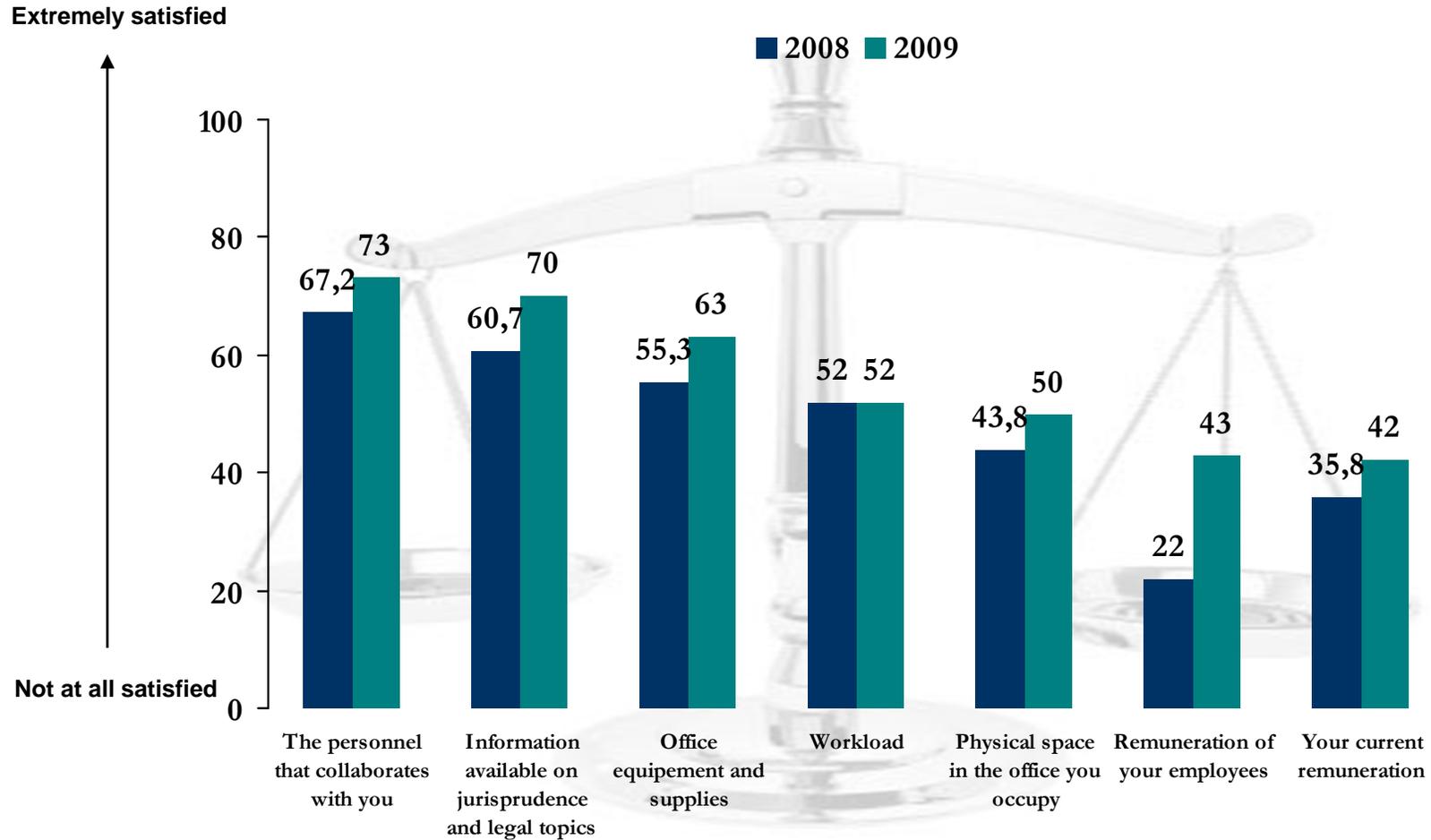
# How satisfied are you with the following: Judges survey 2008



# How satisfied are you with the following: Judges survey 2009

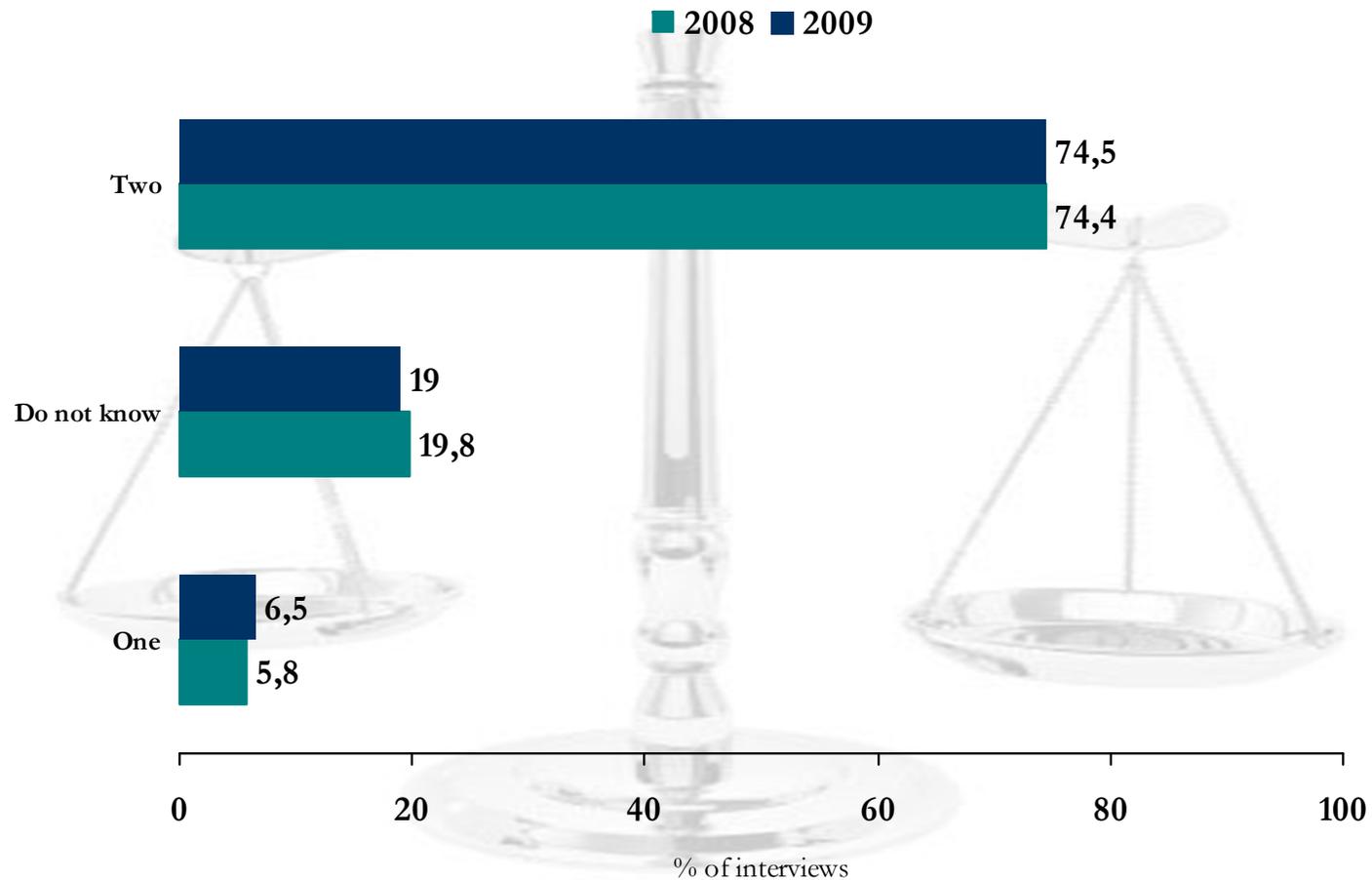


# How satisfied are you with the following: Judges surveys



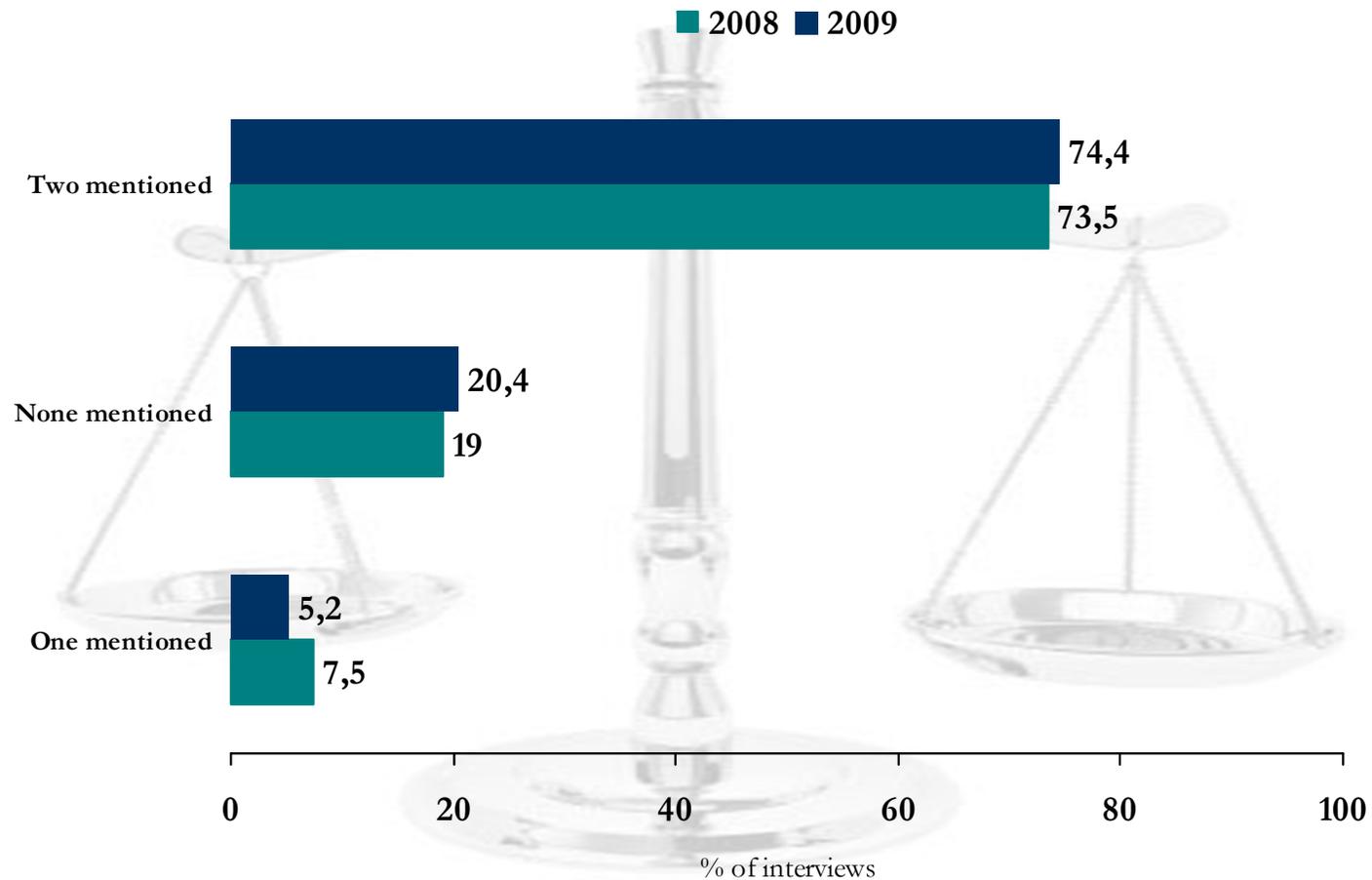
# How many government/independent agencies regulate the judicial inspection process?

Judges surveys



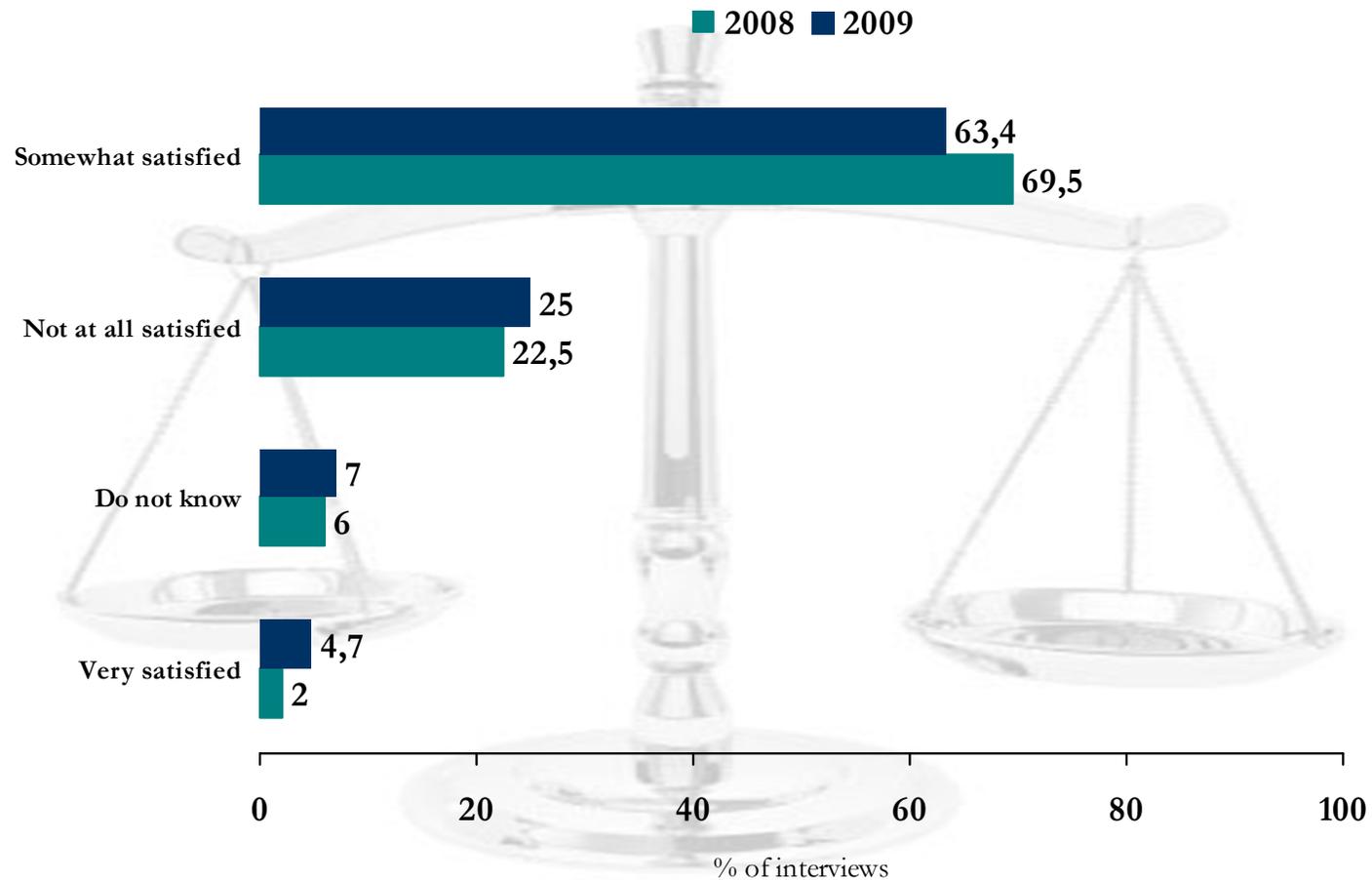
# Can you name them? (High Council of Justice – Ministry of Justice)

Judges surveys



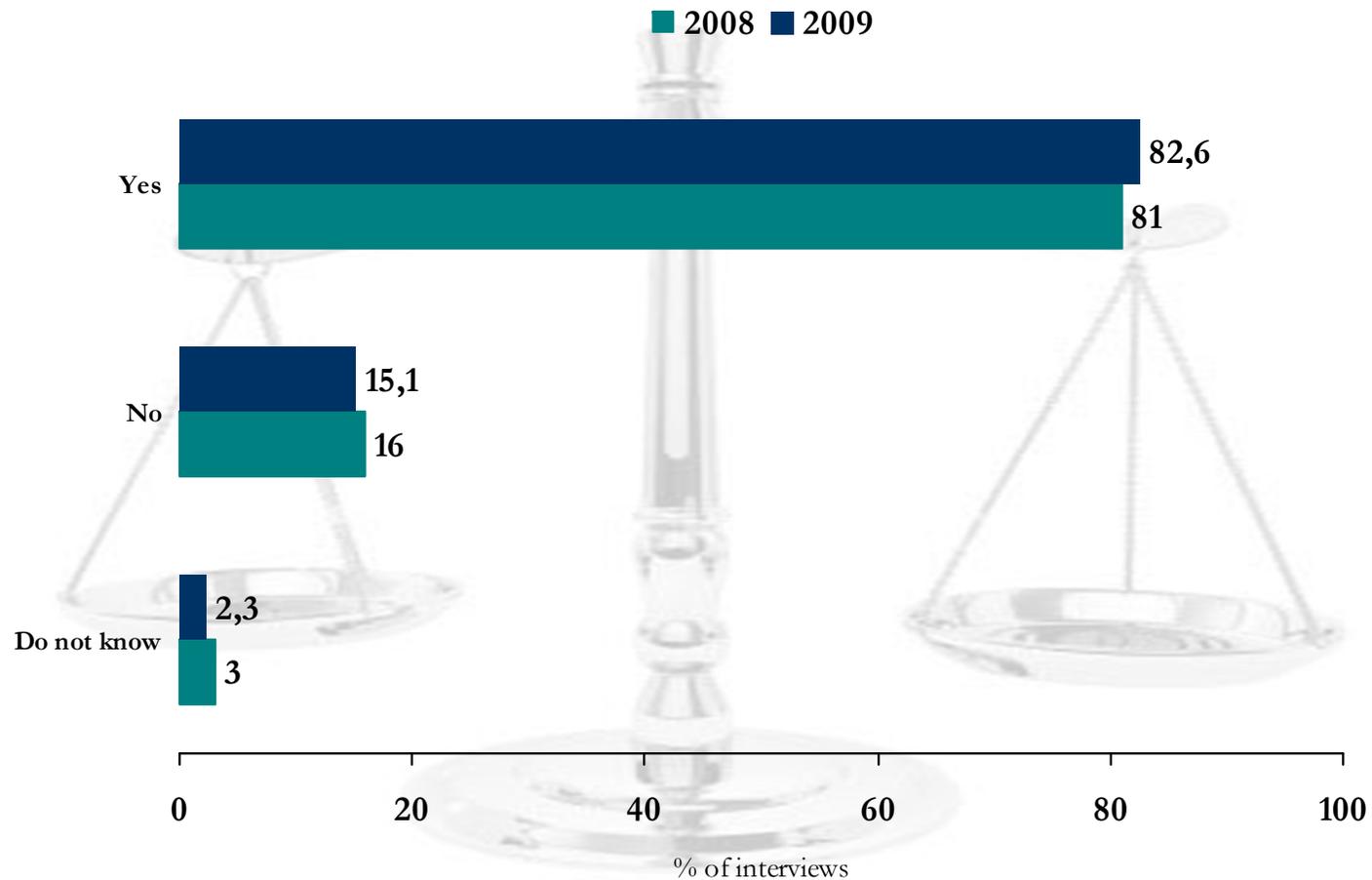
# How satisfied are you with the current evaluation system?

Judges surveys



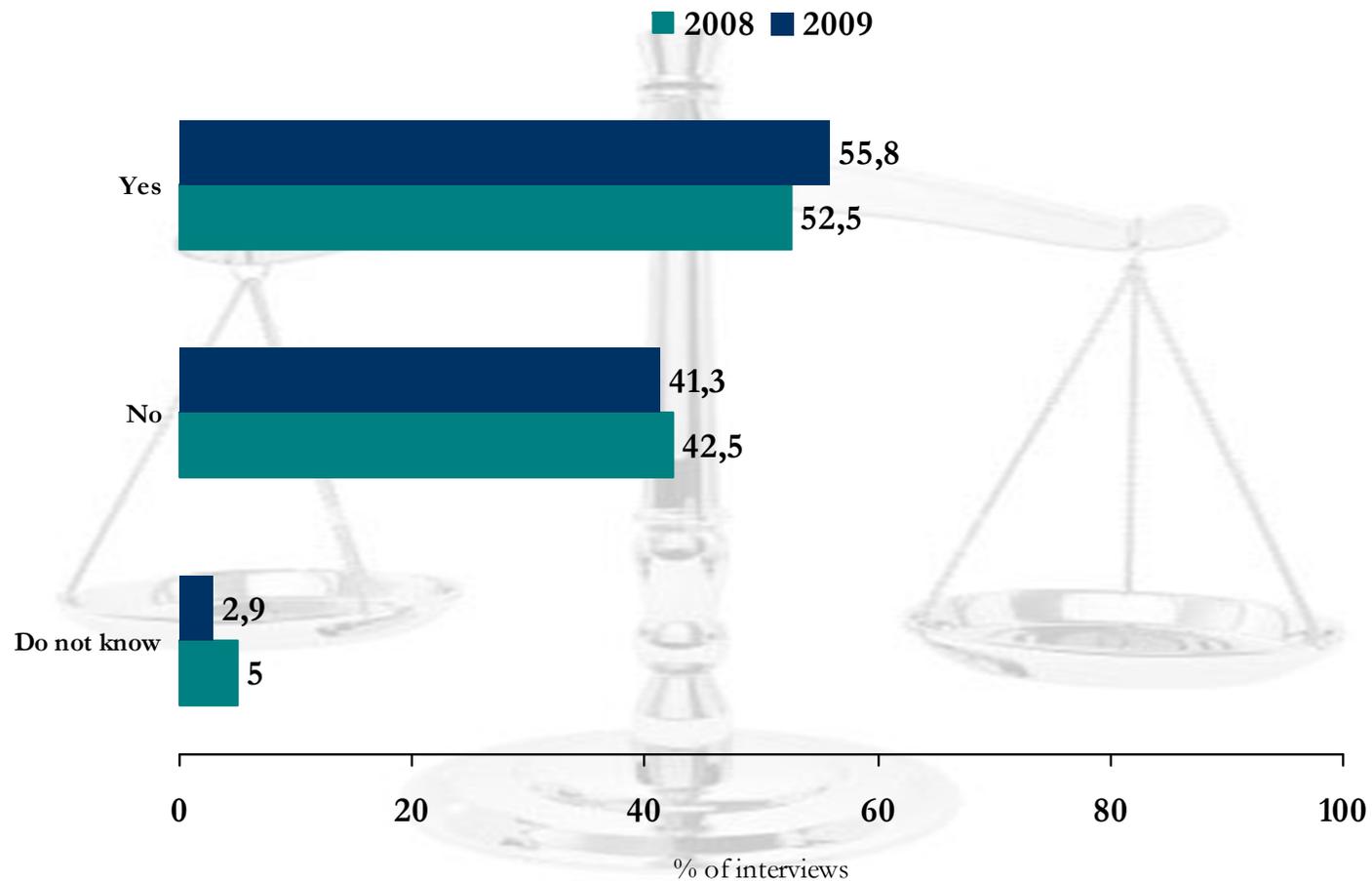
# Are you aware of how judges' performance is assessed?

Judges surveys



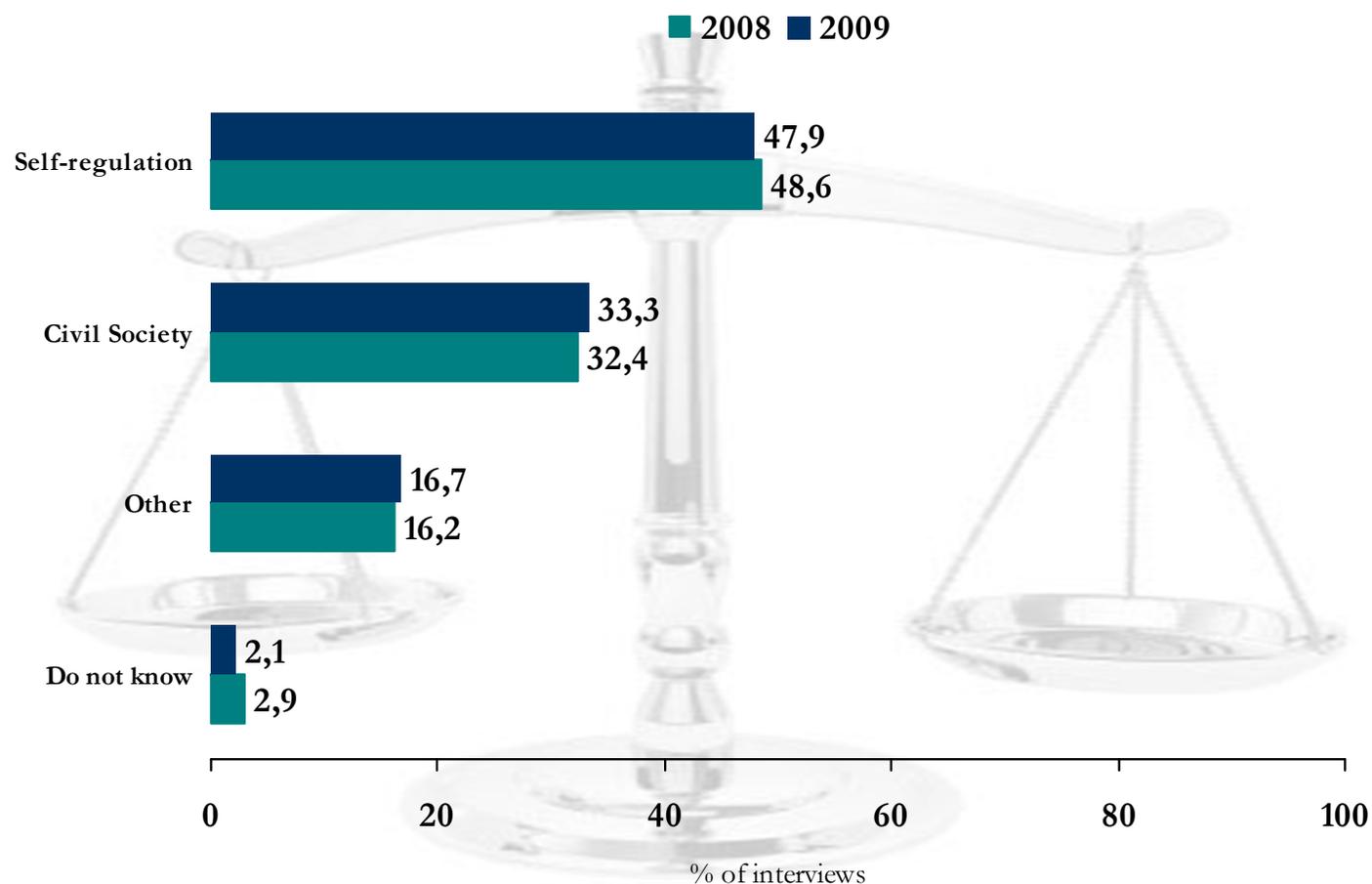
# Should there be other alternatives outside State inspections to evaluate judicial performance?

Judges surveys



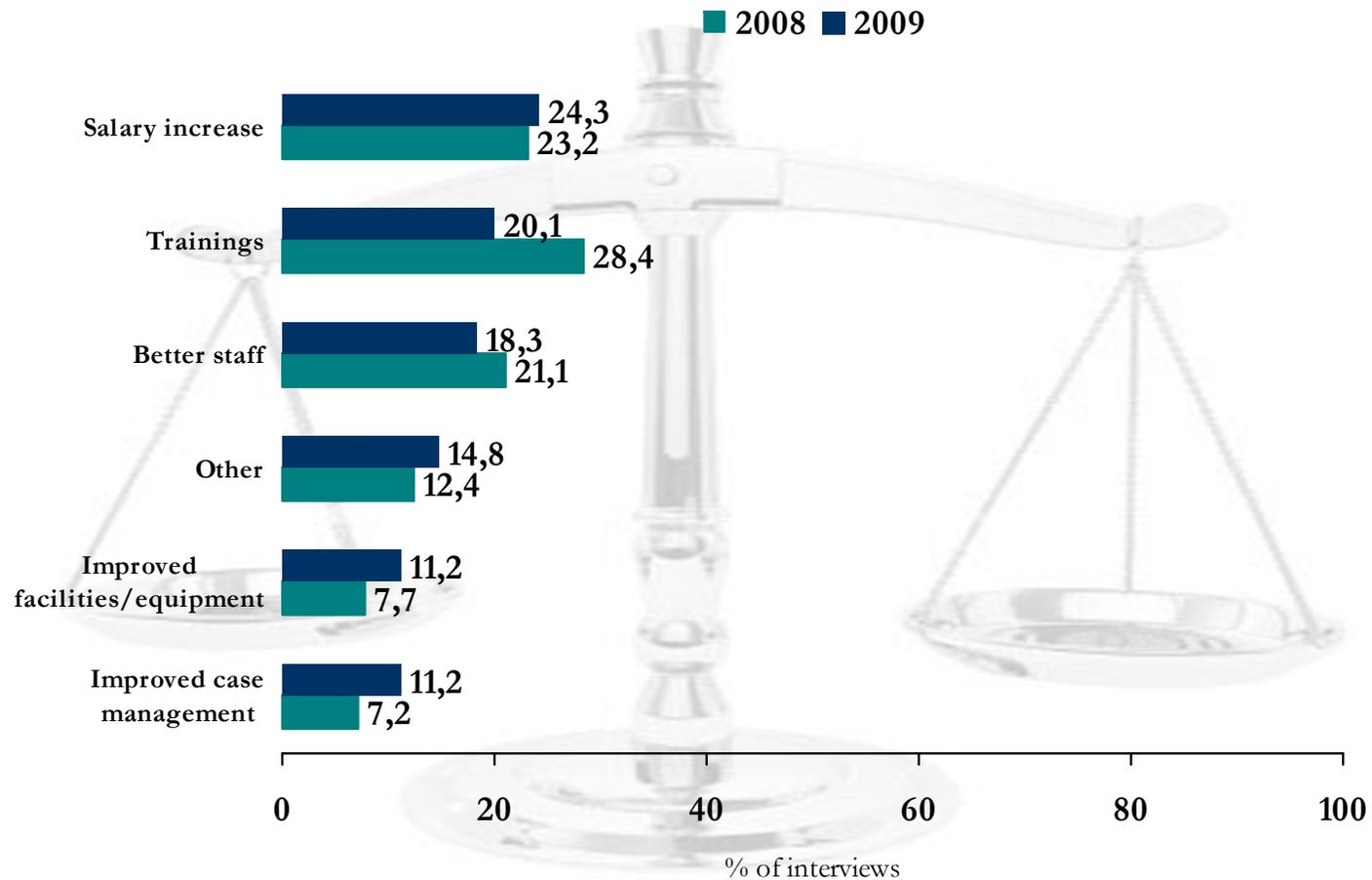
# If yes, what alternatives would be most appropriate for Albania?

Judges surveys



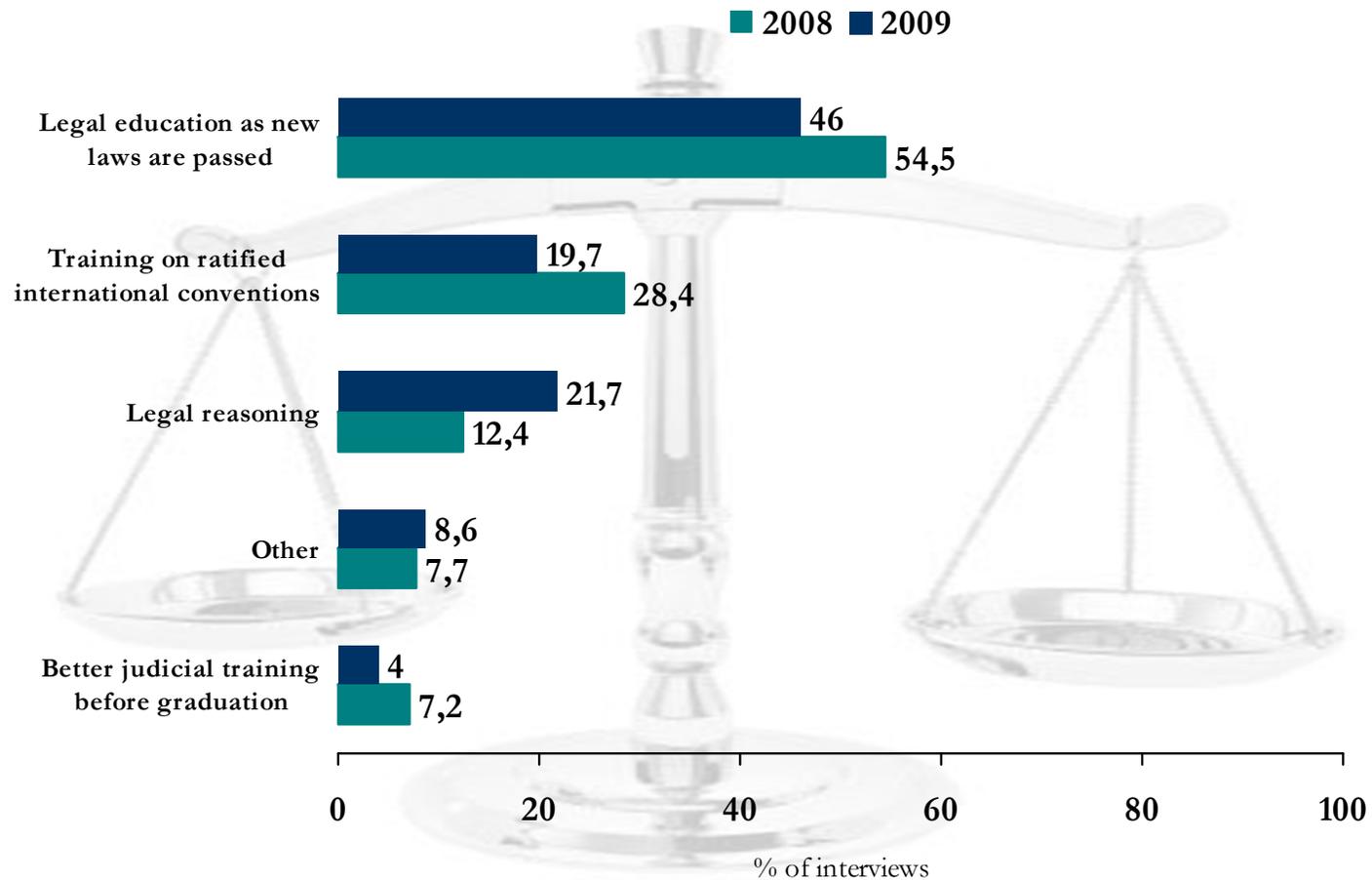
# What would help you improve your performance?

Judges surveys



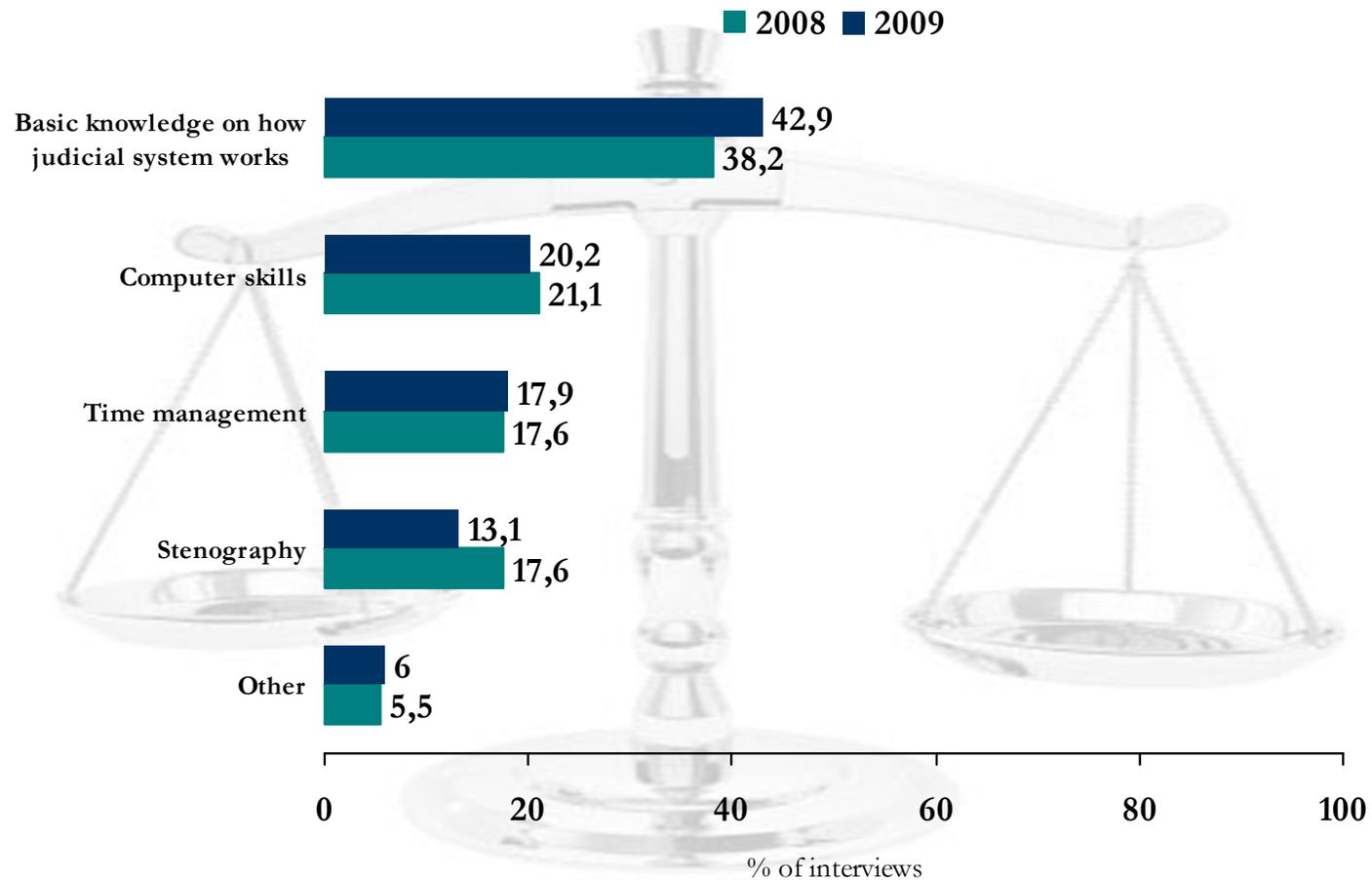
# The most important training judges should receive?

## Judges surveys



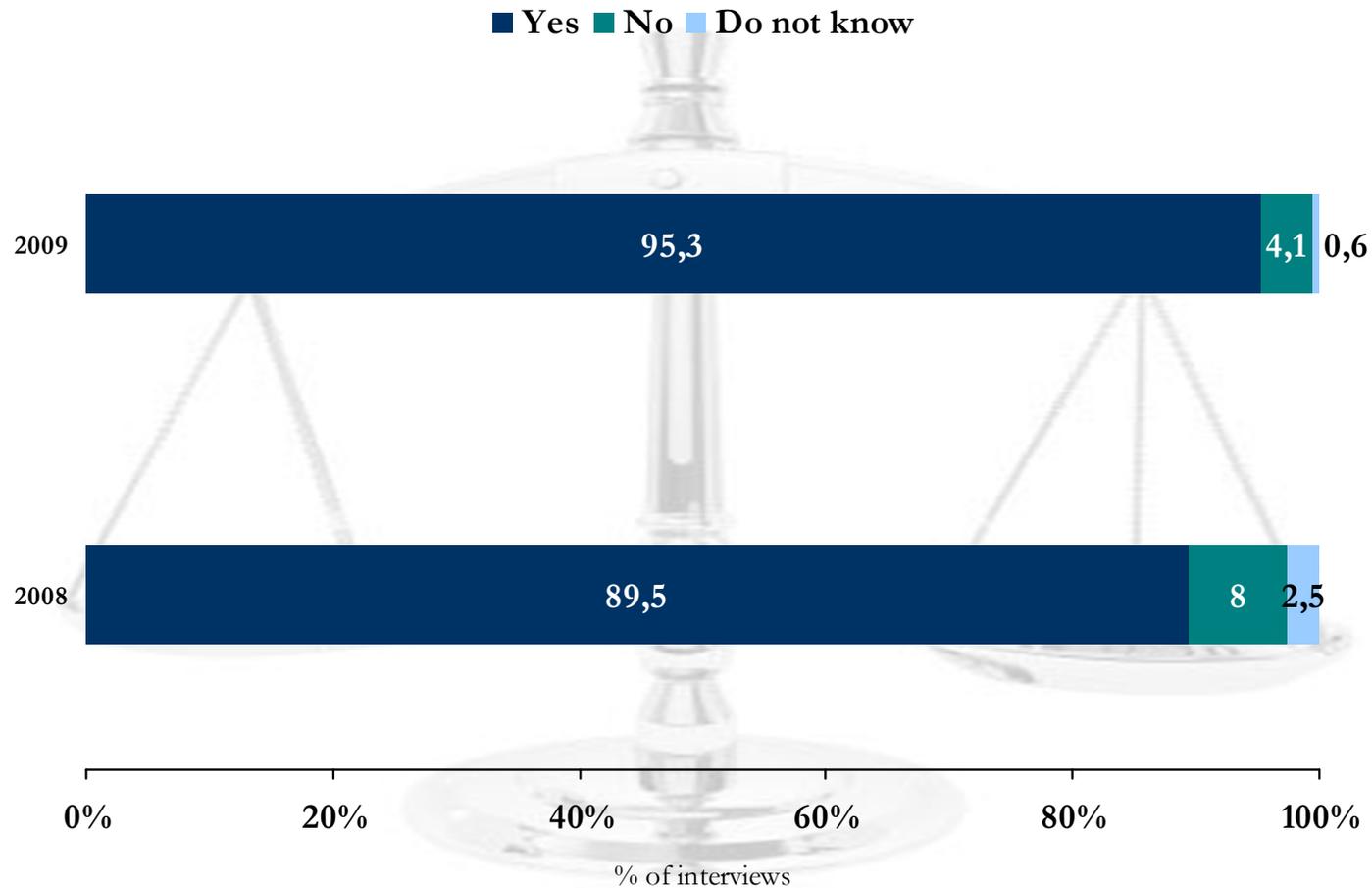
# The most important type of training court staff should receive?

Judges surveys



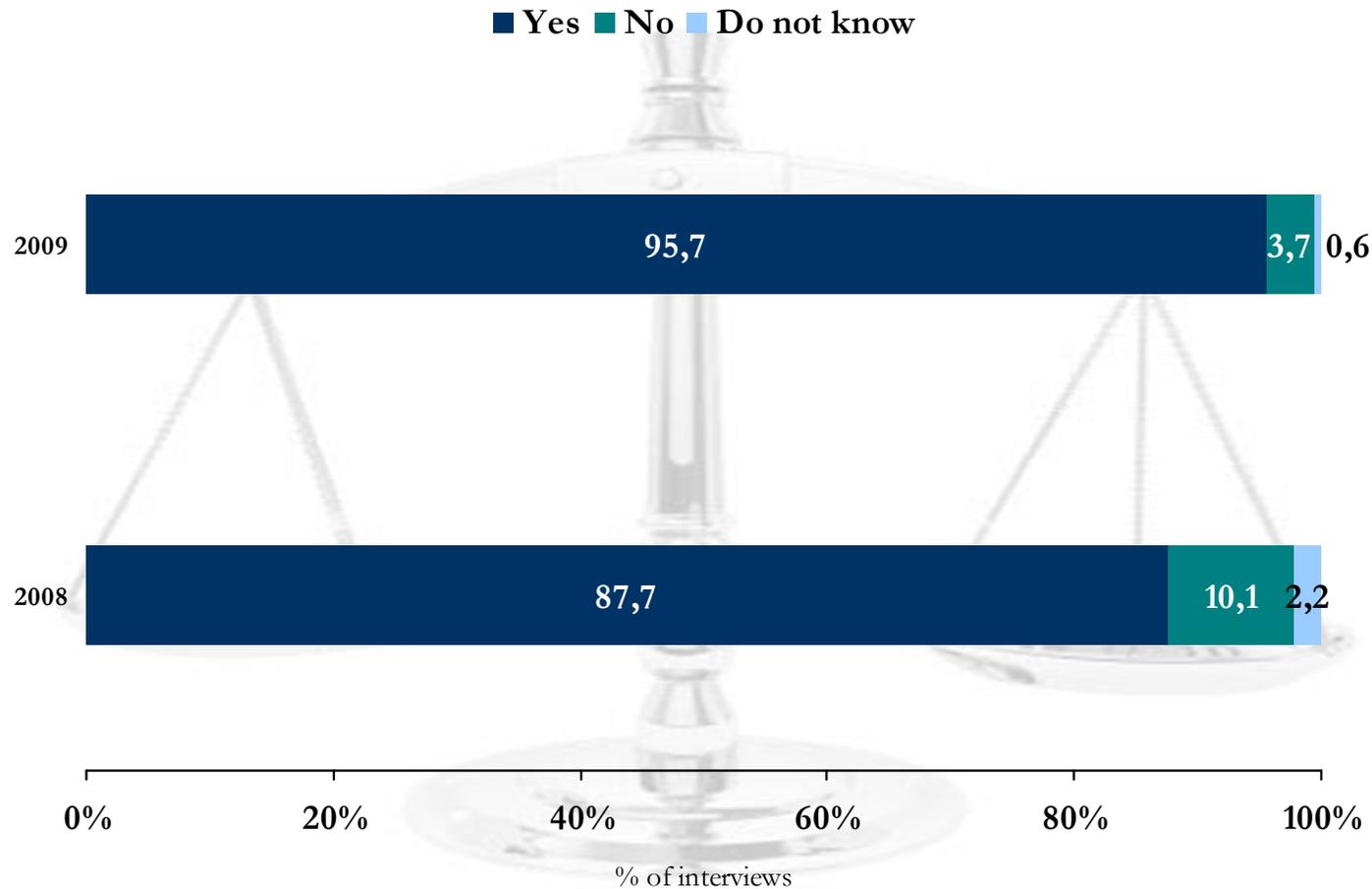
# Are you familiar with Alternative Dispute Resolution techniques?

Judges surveys



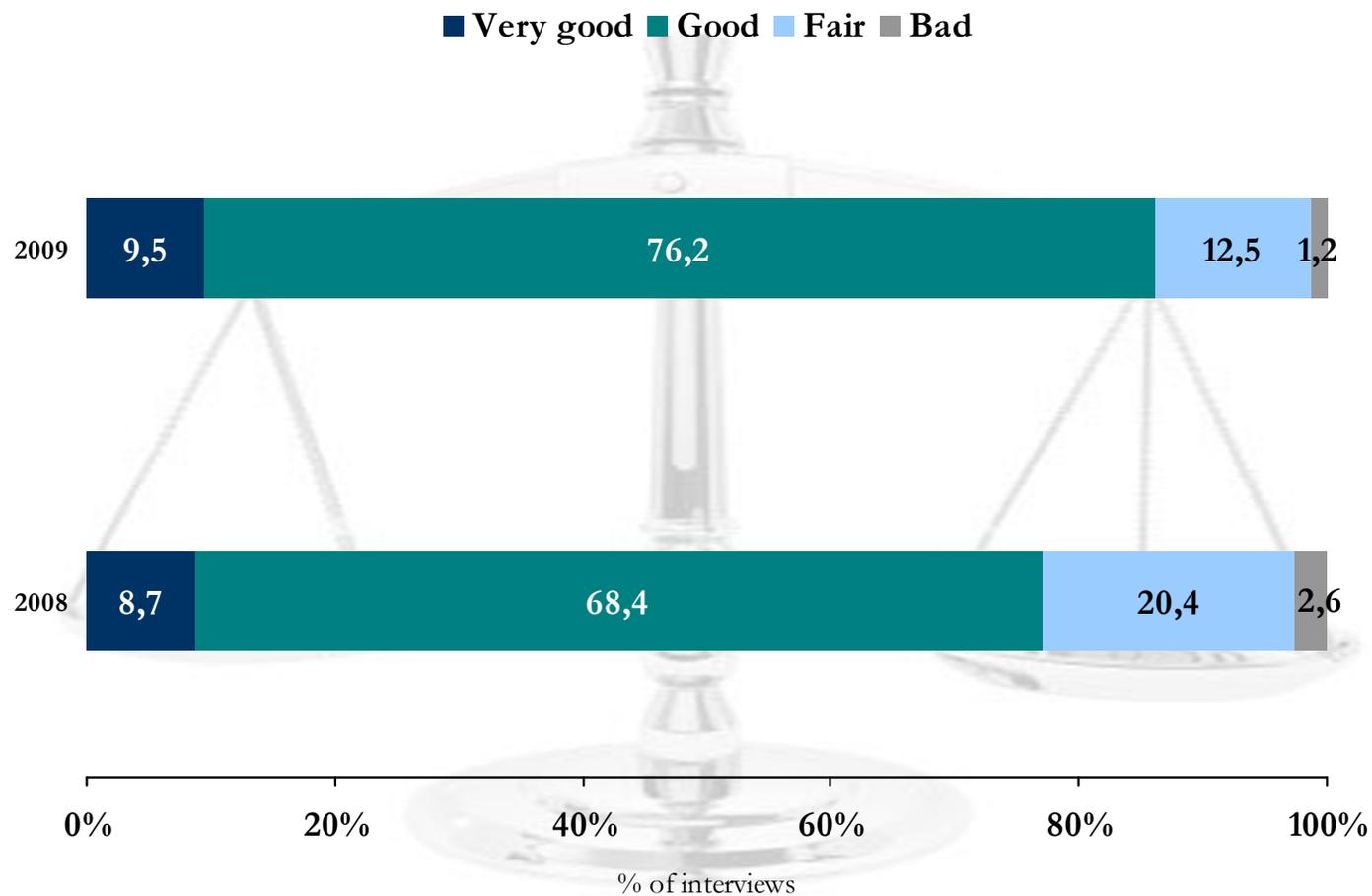
# Would Alternative Dispute Resolutions be a viable alternative to reduce case loads in the courts?

Judges surveys



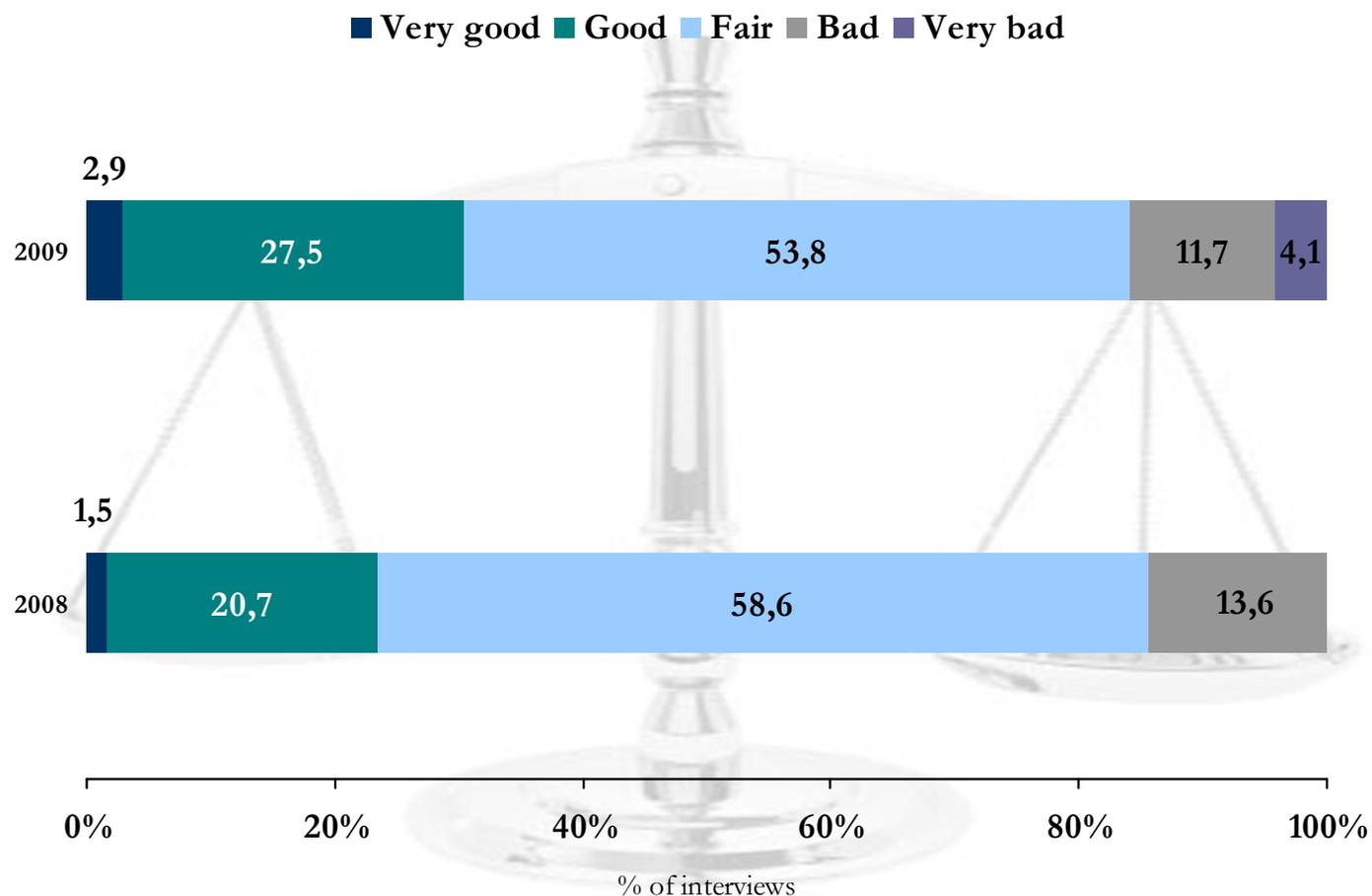
# How would you evaluate the performance of most judges in Albania ?

Judges surveys



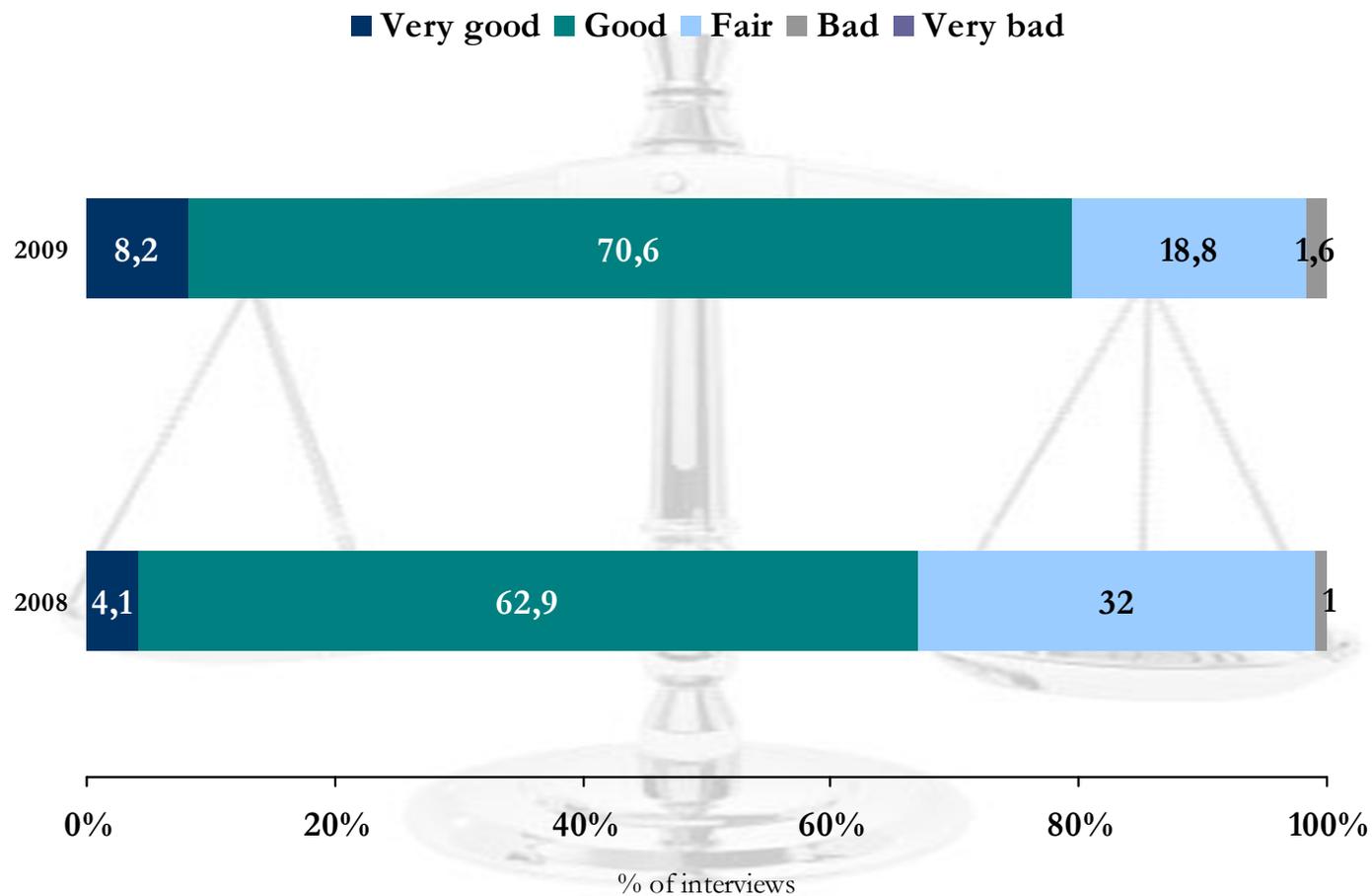
# How would you evaluate the performance of lawyers in Albania ?

Judges surveys



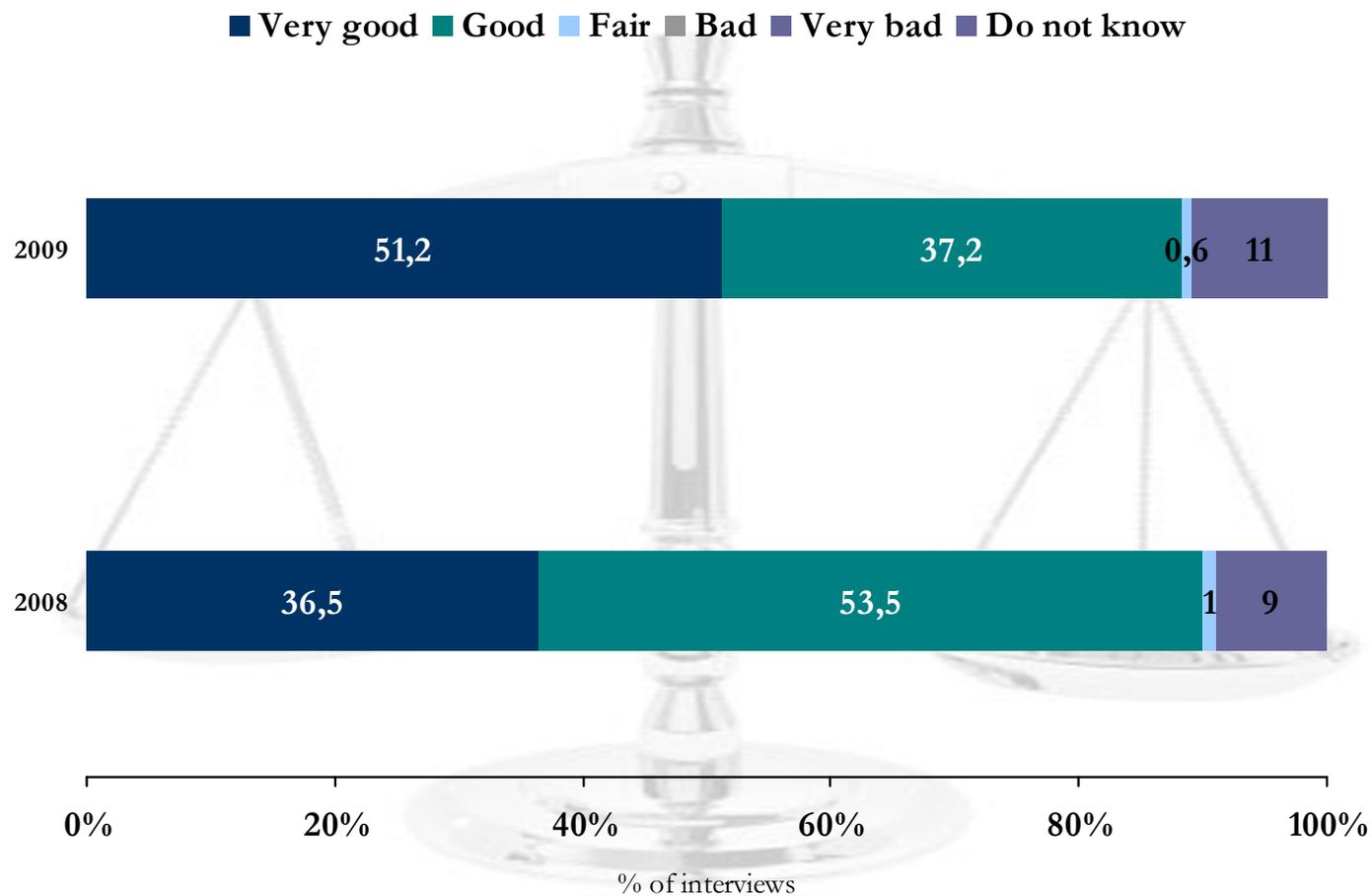
# How would you evaluate the performance of court staff in Albania?

Judges surveys



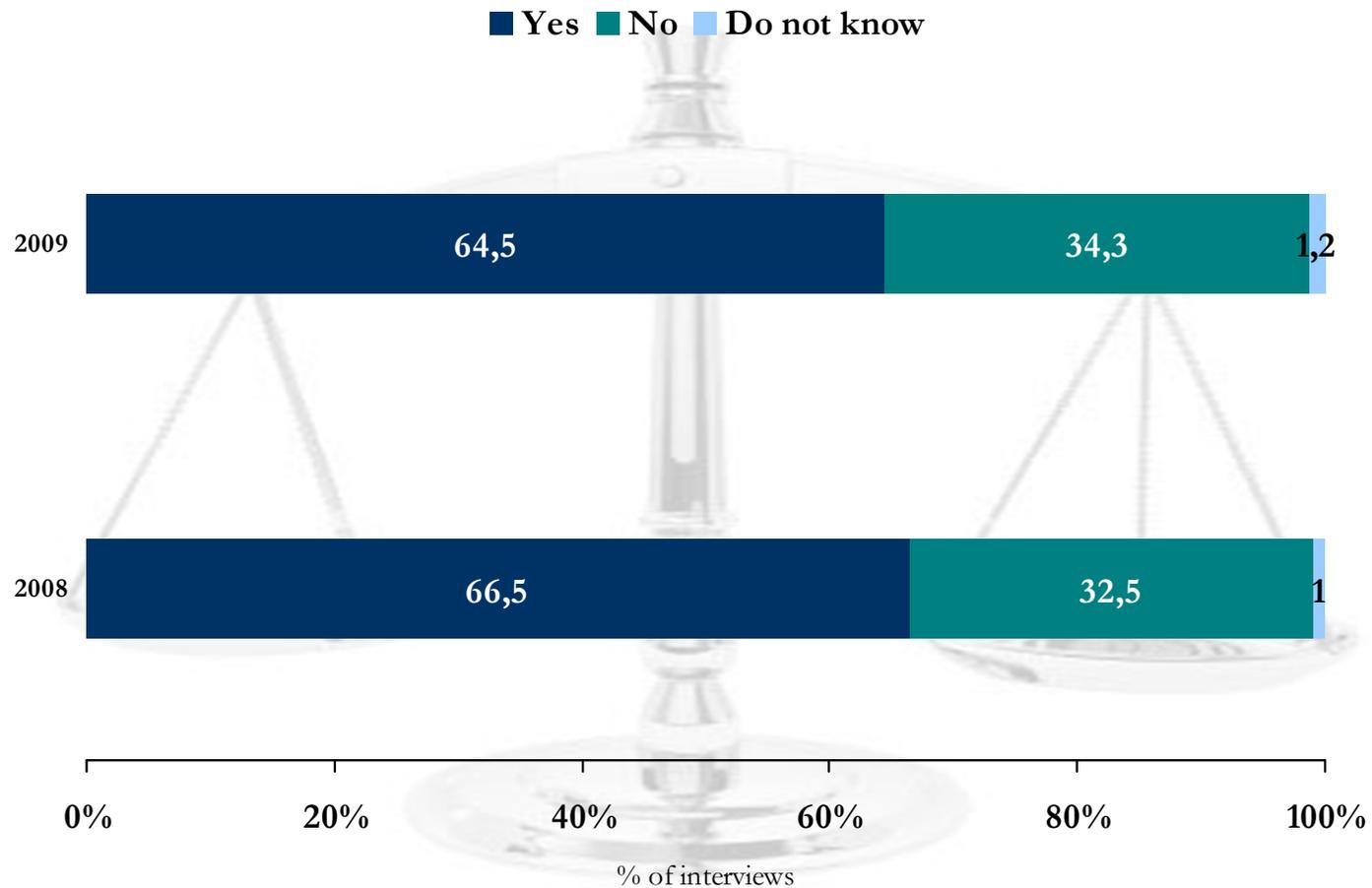
# How would you evaluate your performance?

## Judges surveys



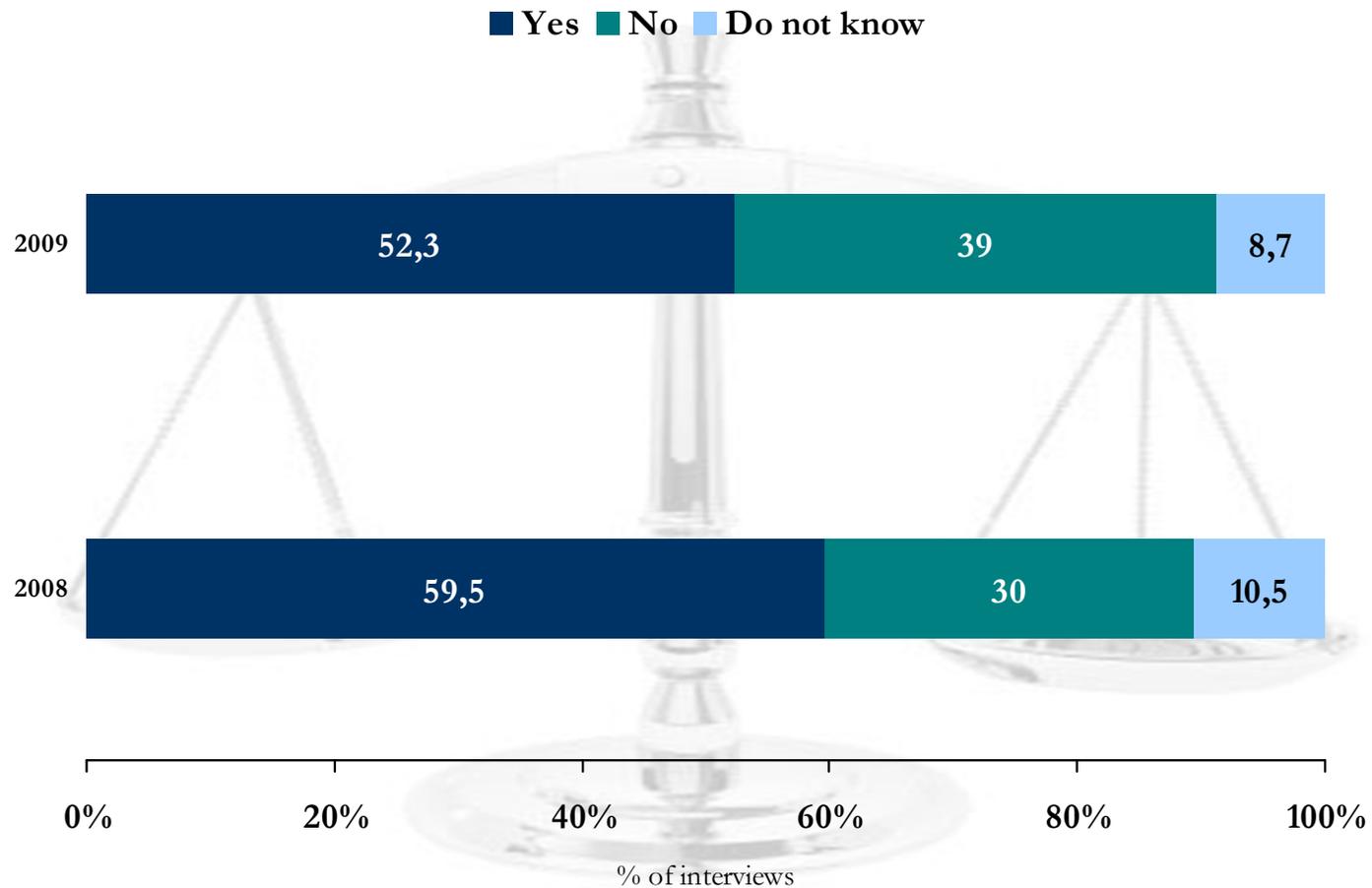
# Do you think yourself overworked?

Judges surveys



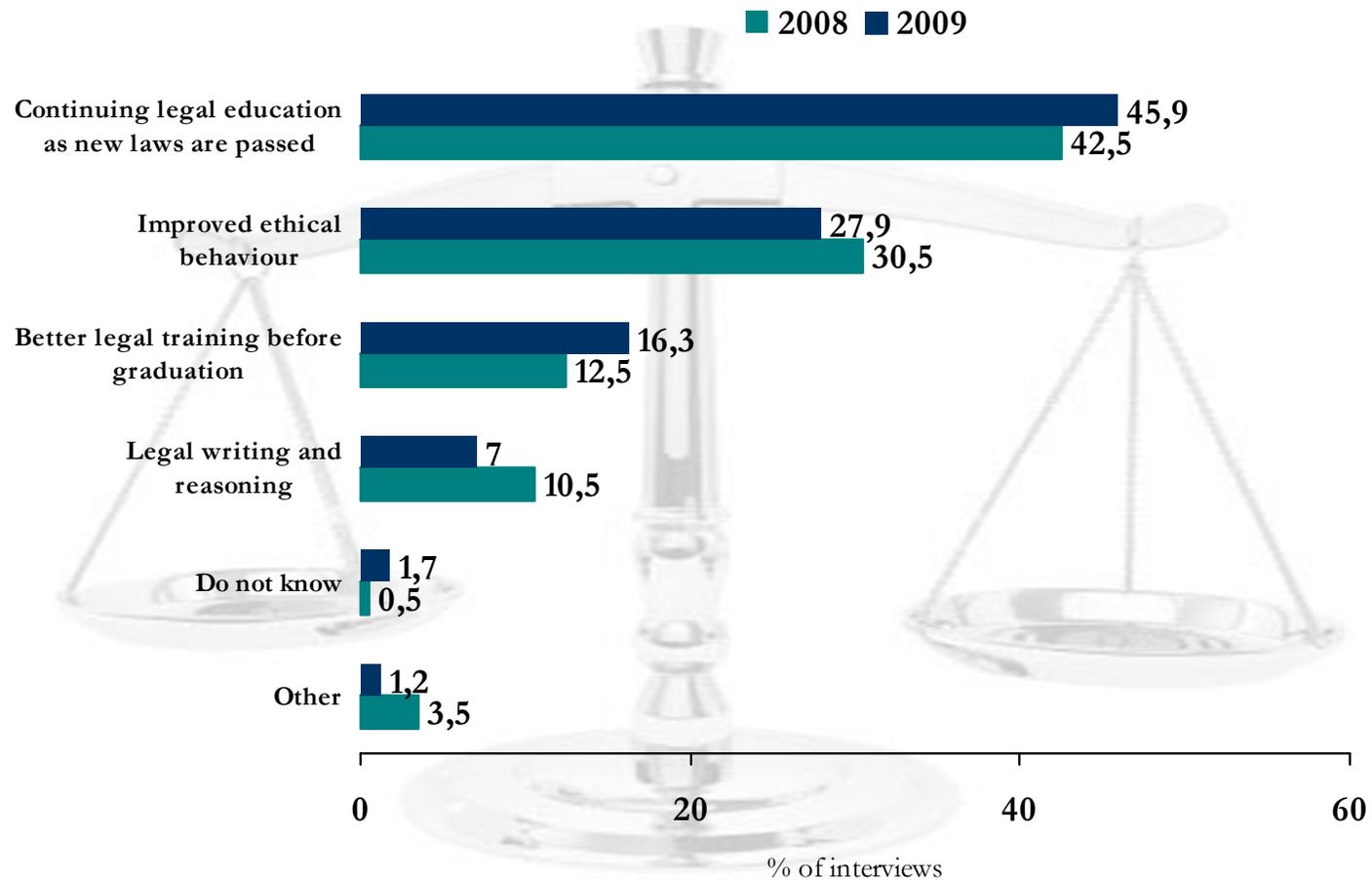
# Has your performance ever been evaluated by the court system evaluation authority?

Judges surveys



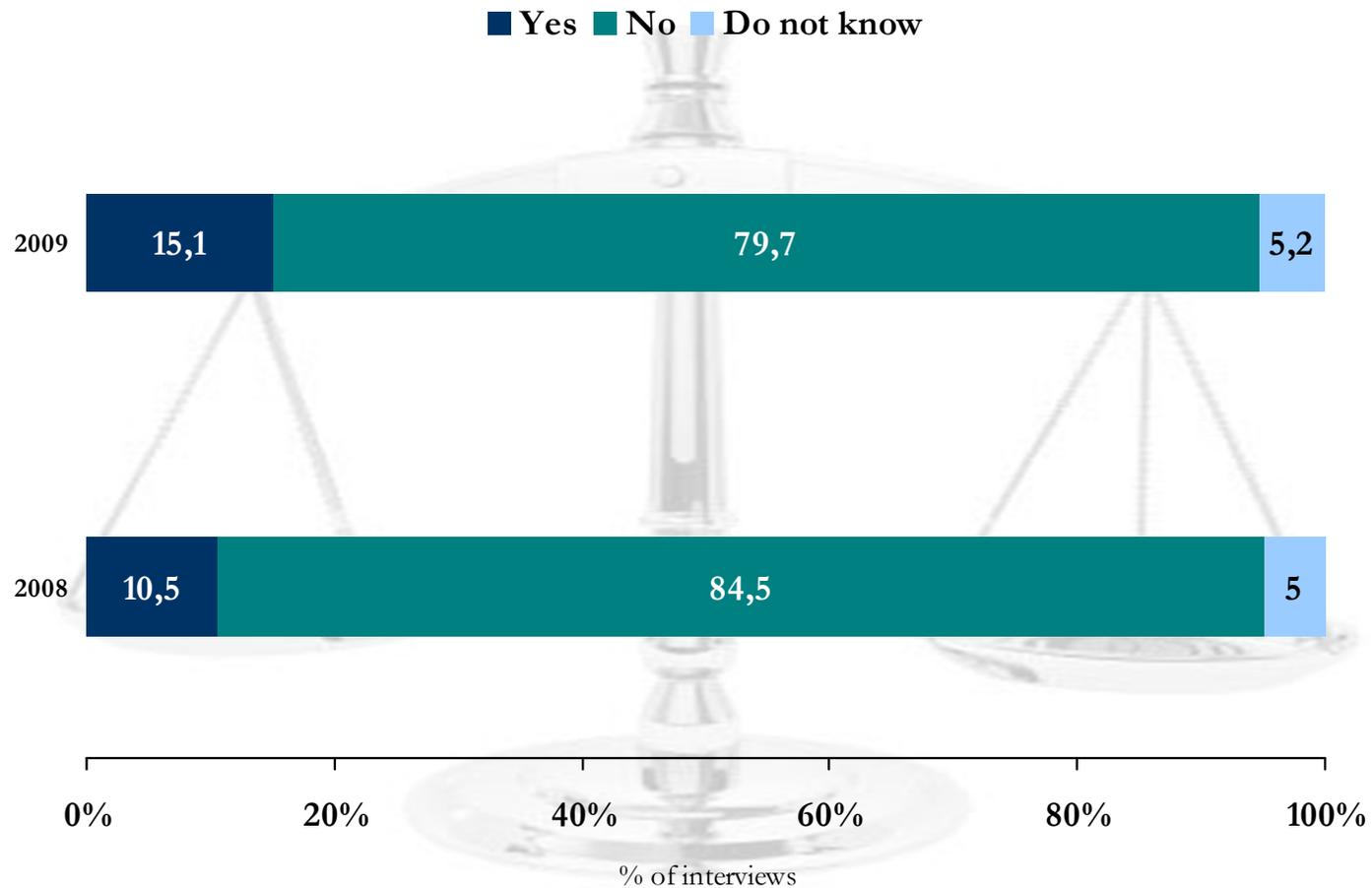
# Which of the following do you think would be more important to improve the training of lawyers?

Judges surveys



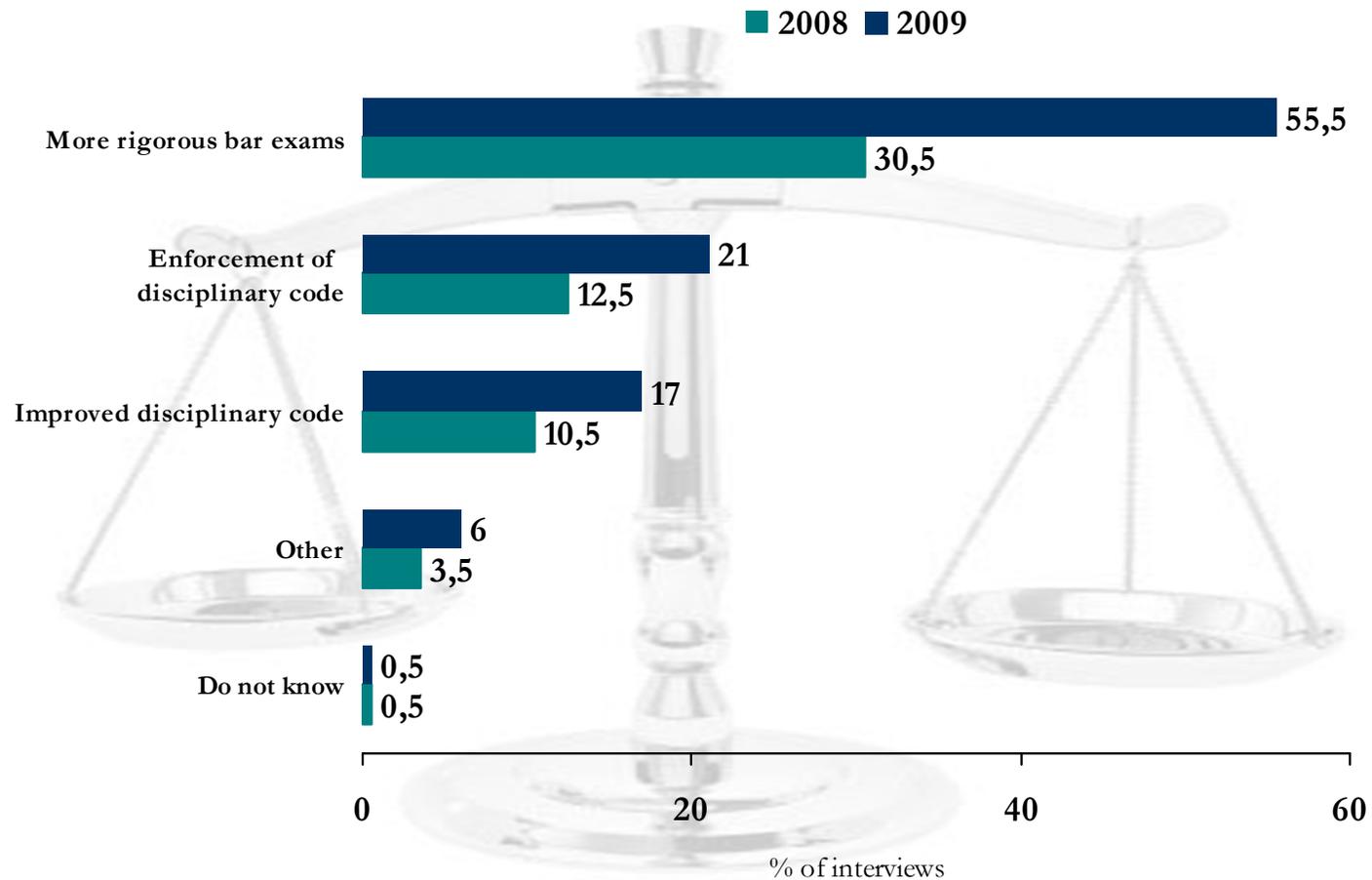
# Are the lawyers dealing with you properly trained?

Judges surveys



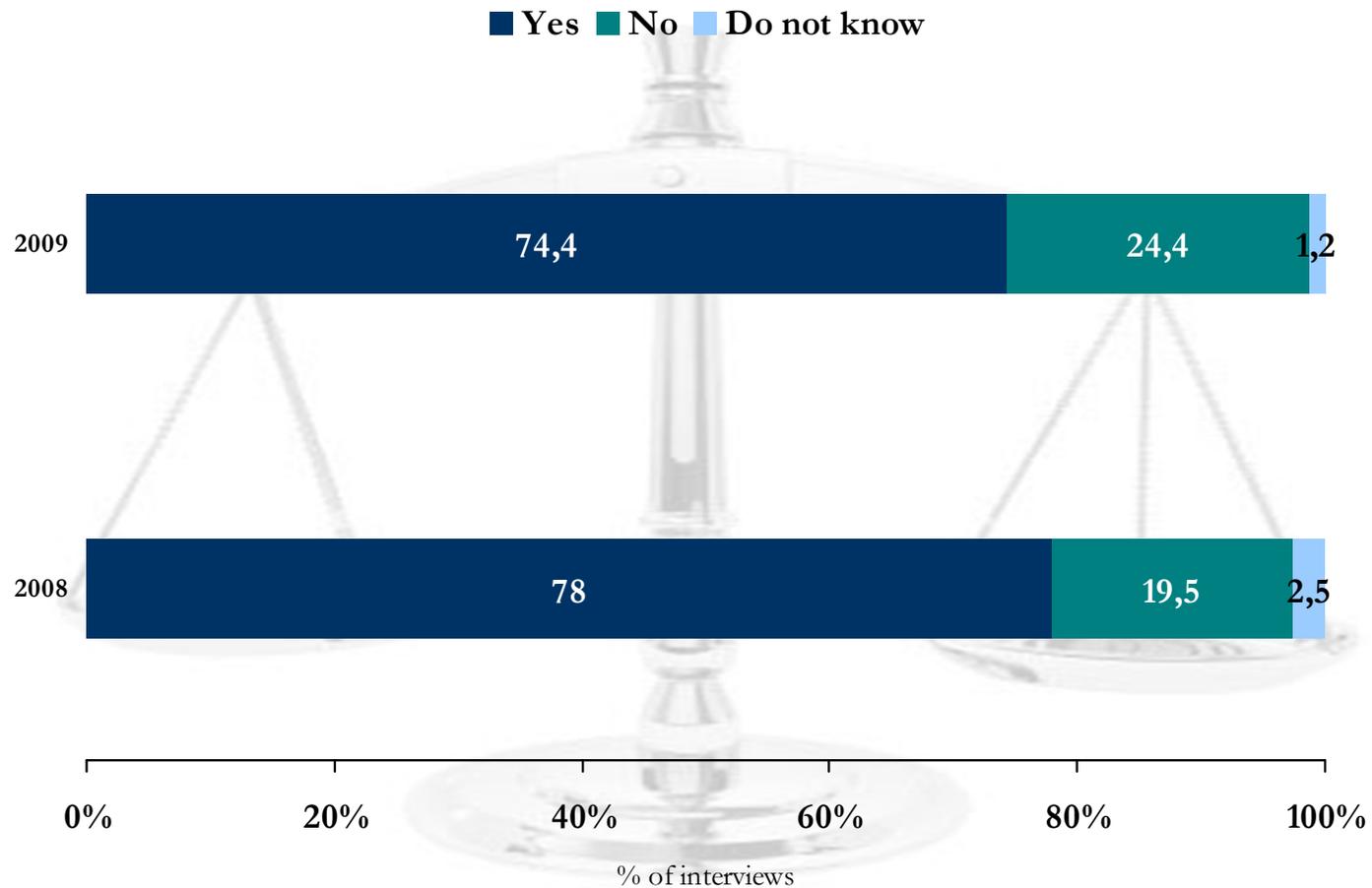
# What would most improve lawyer's performance in Albania?

Judges surveys



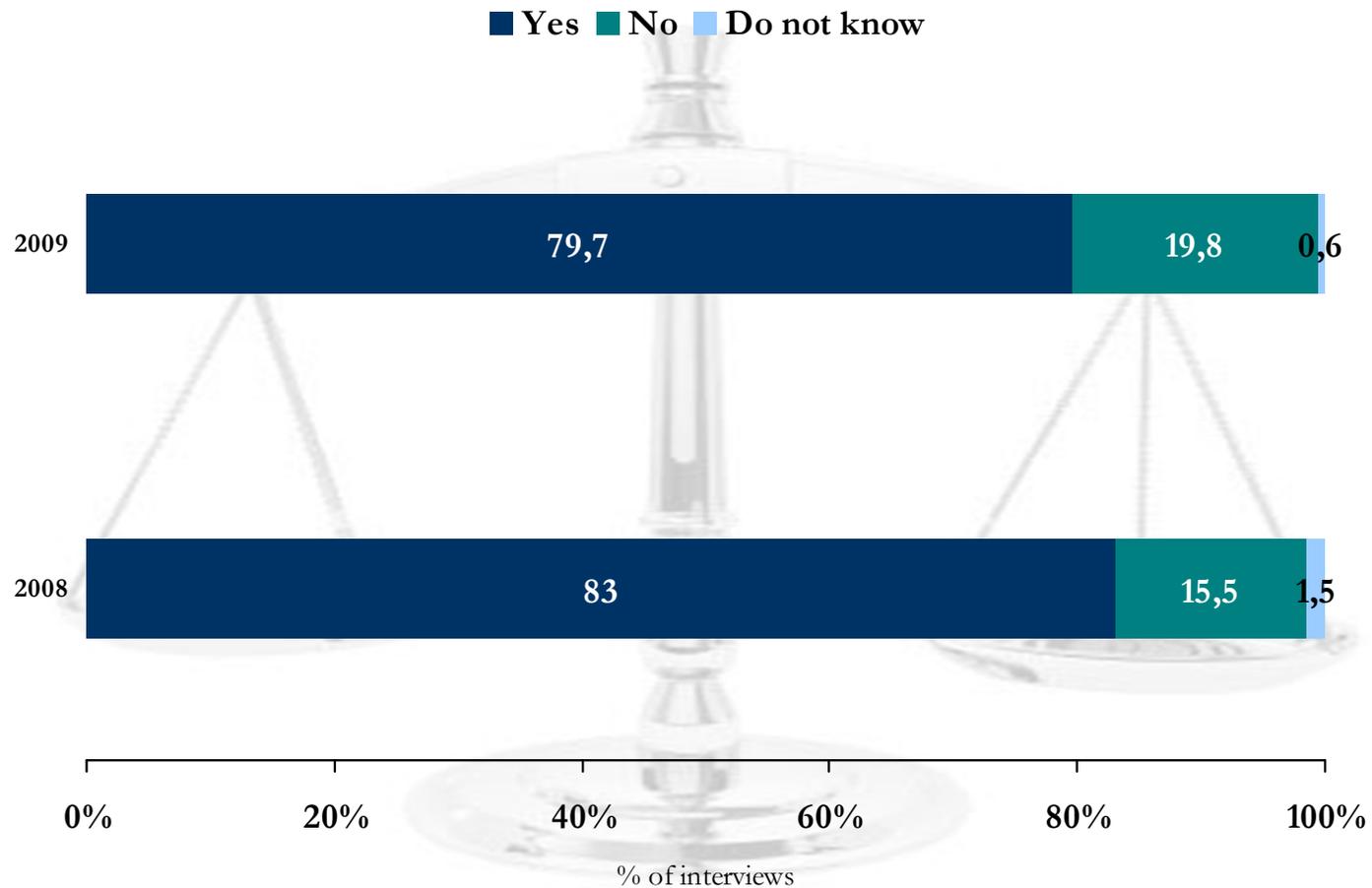
# Are you interested in being trained regarding the framework of Property Restitution and Compensation?

Judges surveys



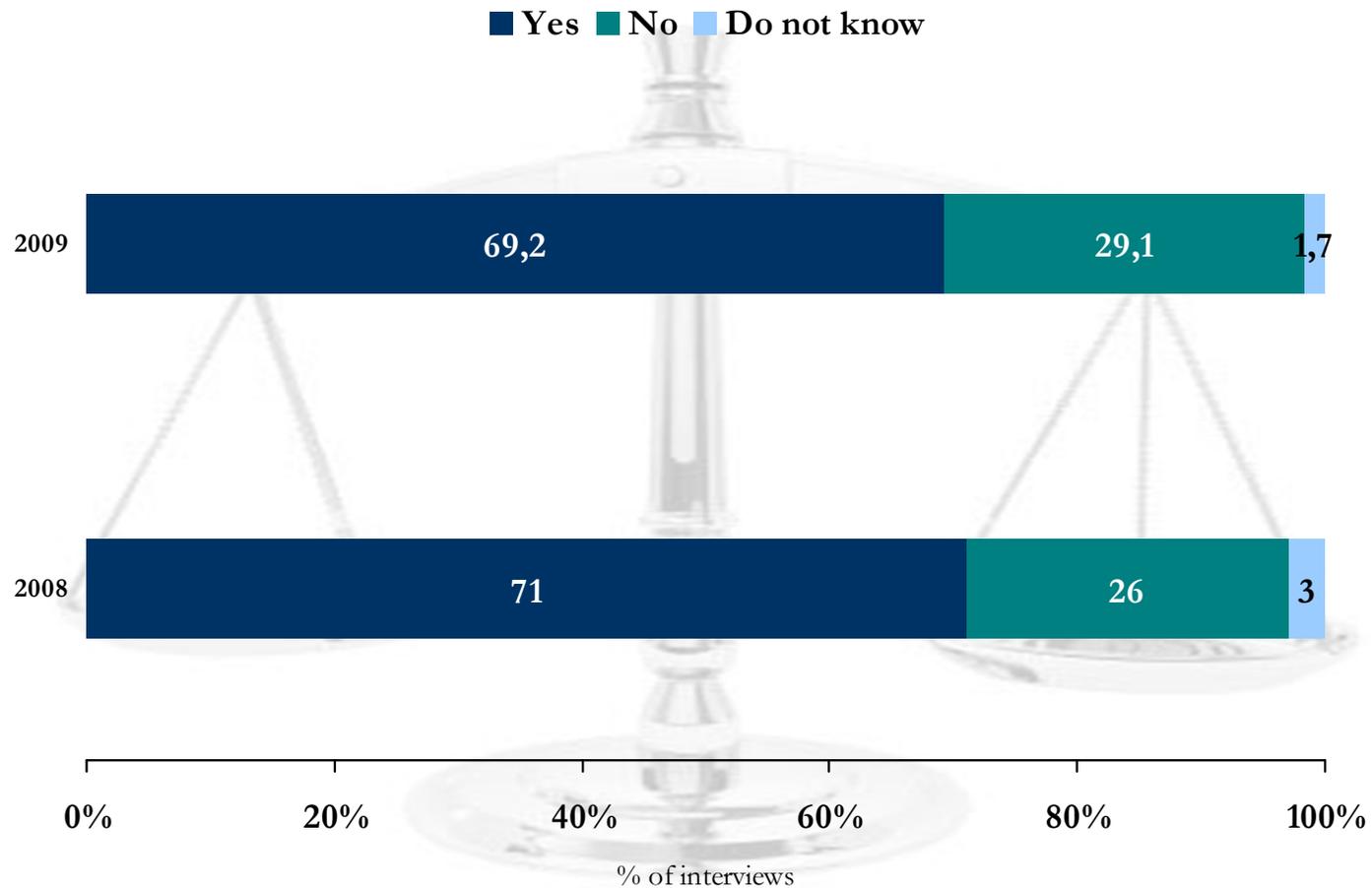
# Are you interested in being trained regarding the Administrative Procedures Code?

Judges surveys



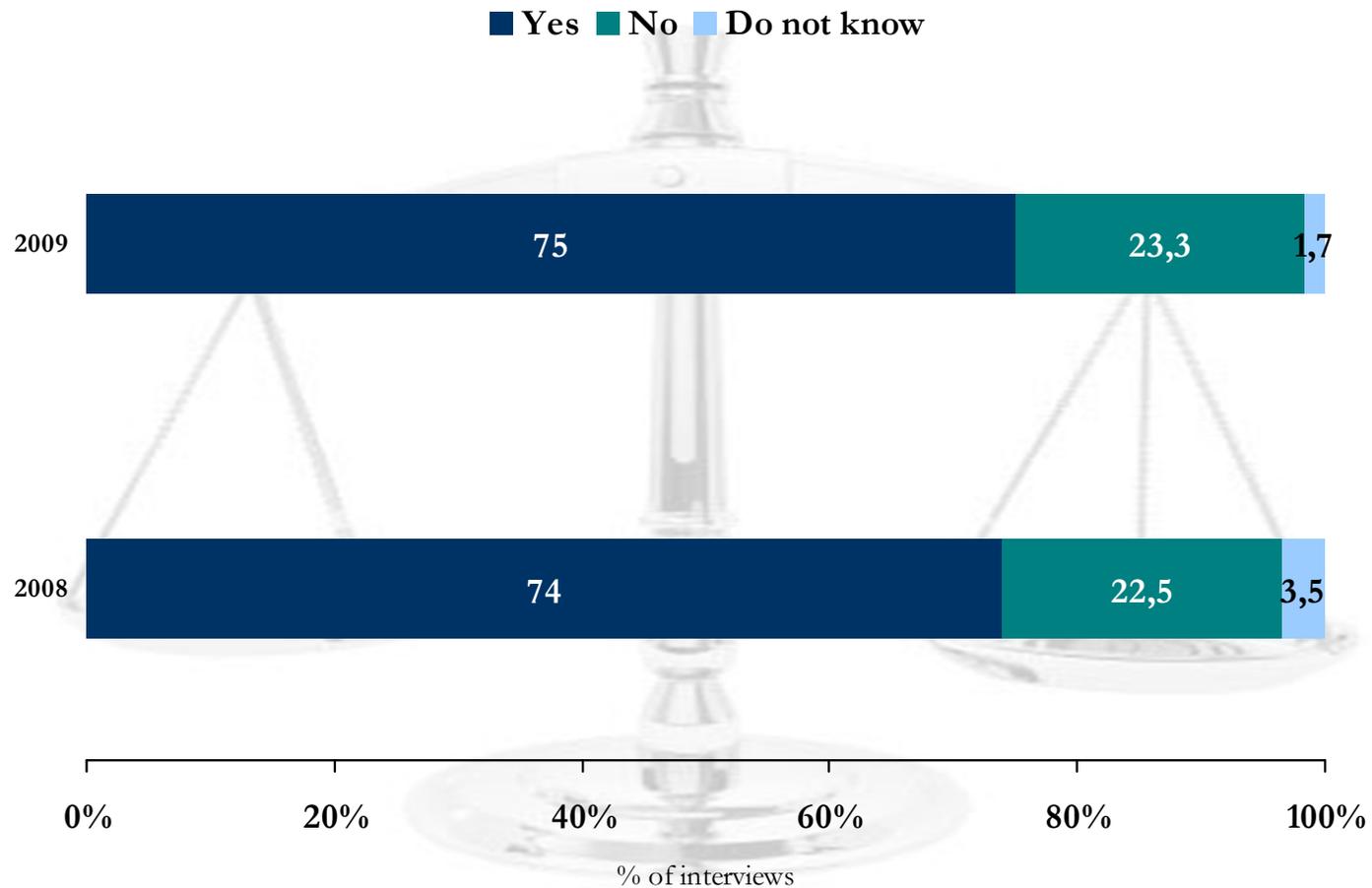
# Are you interested in being trained regarding the Conflict of Interest Law?

Judges surveys



# Are you interested in being trained regarding the Freedom of Information Law?

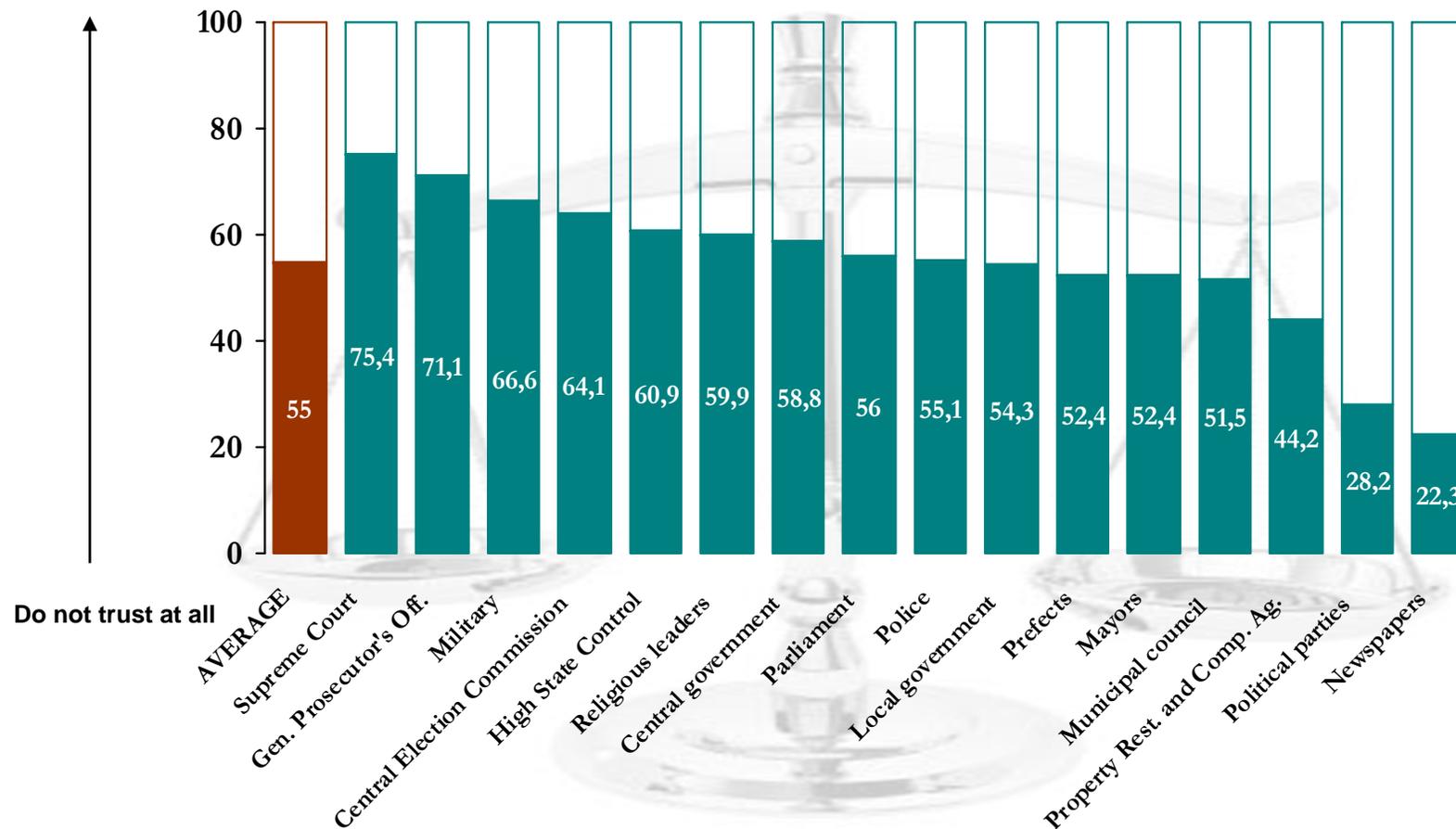
Judges surveys



# Trust in institutions

## Judges survey 2008

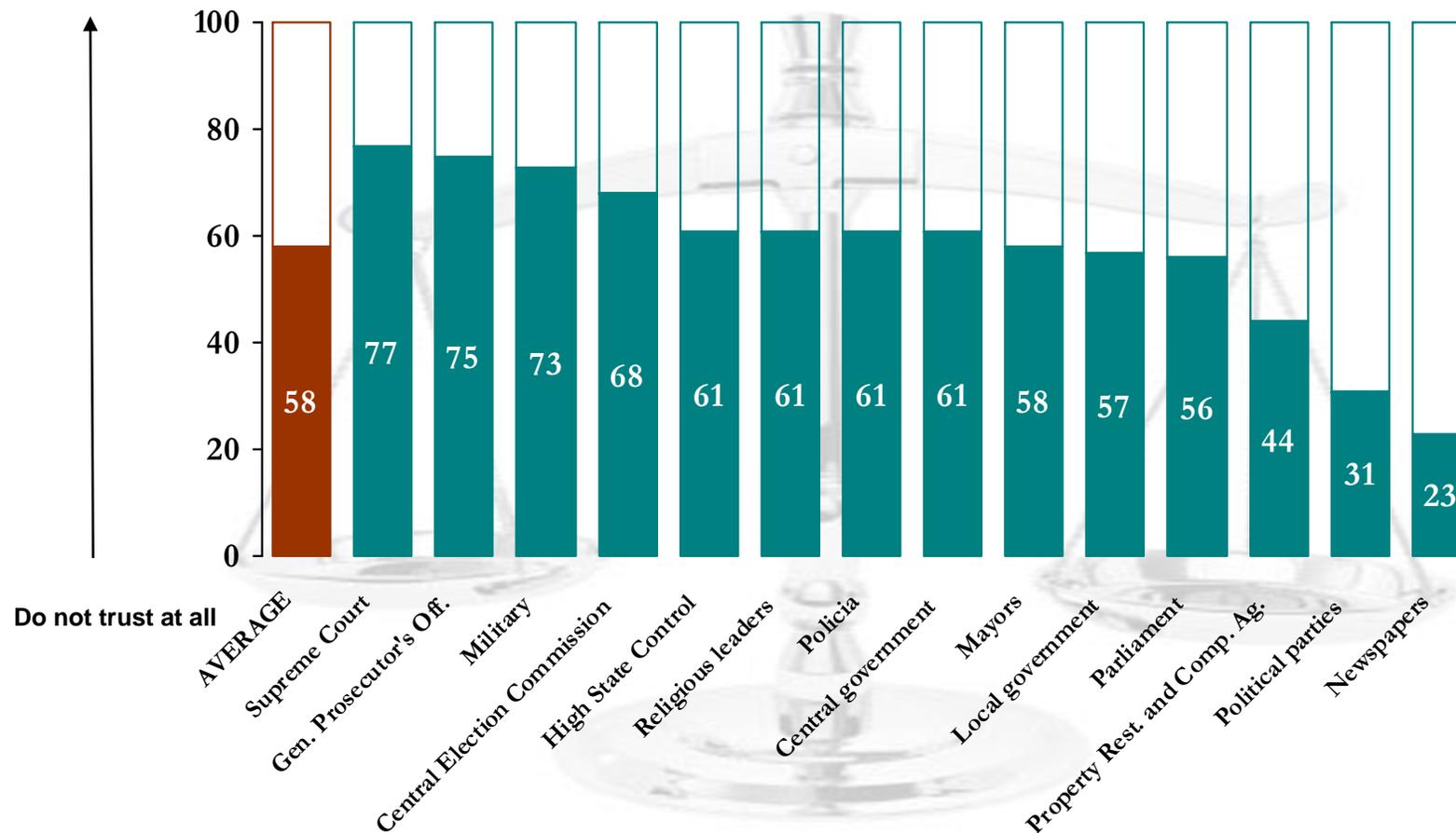
Trust a lot



# Trust in institutions

Judges survey 2009

Trust a lot

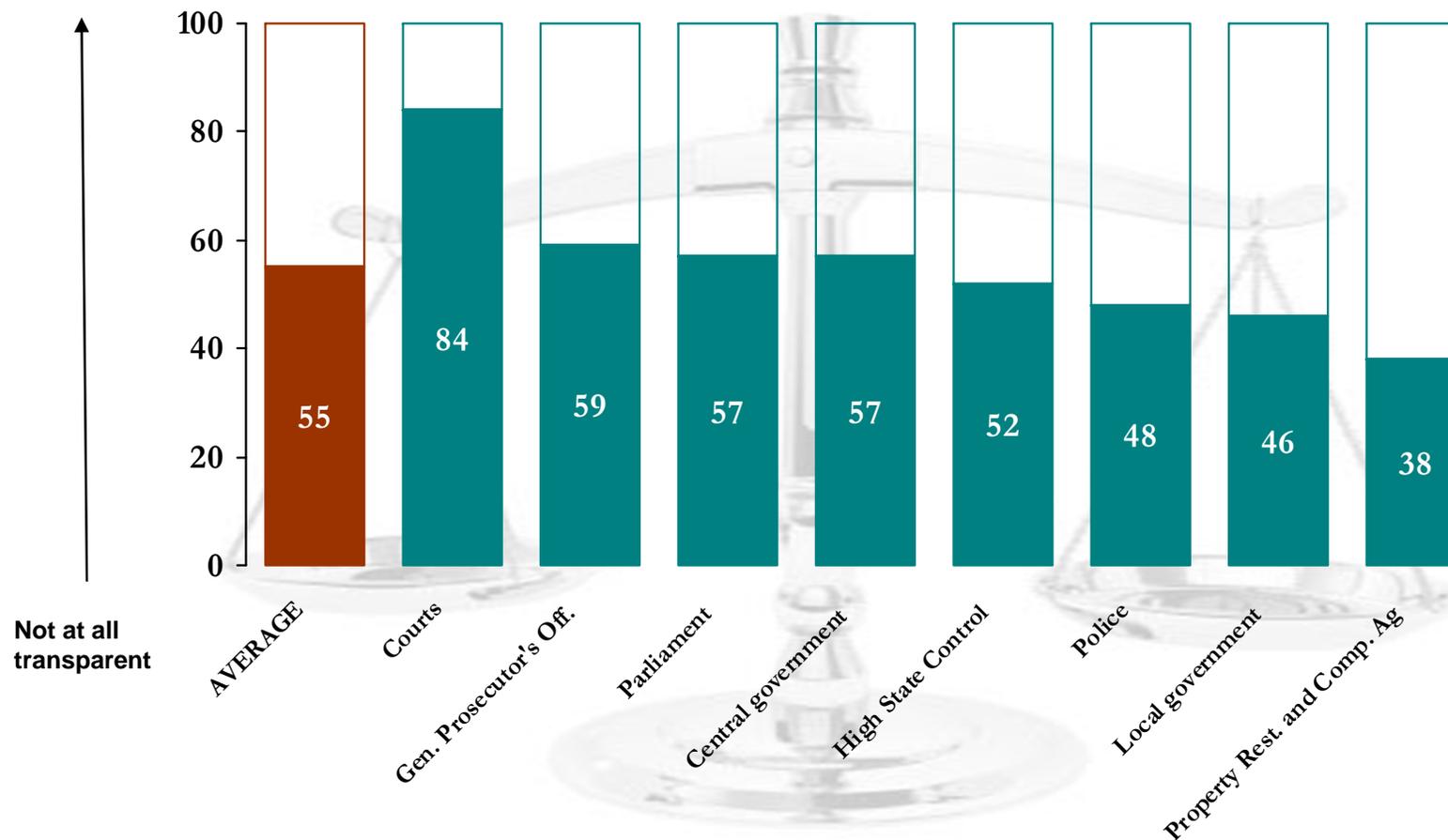


Do not trust at all

# Institutional transparency

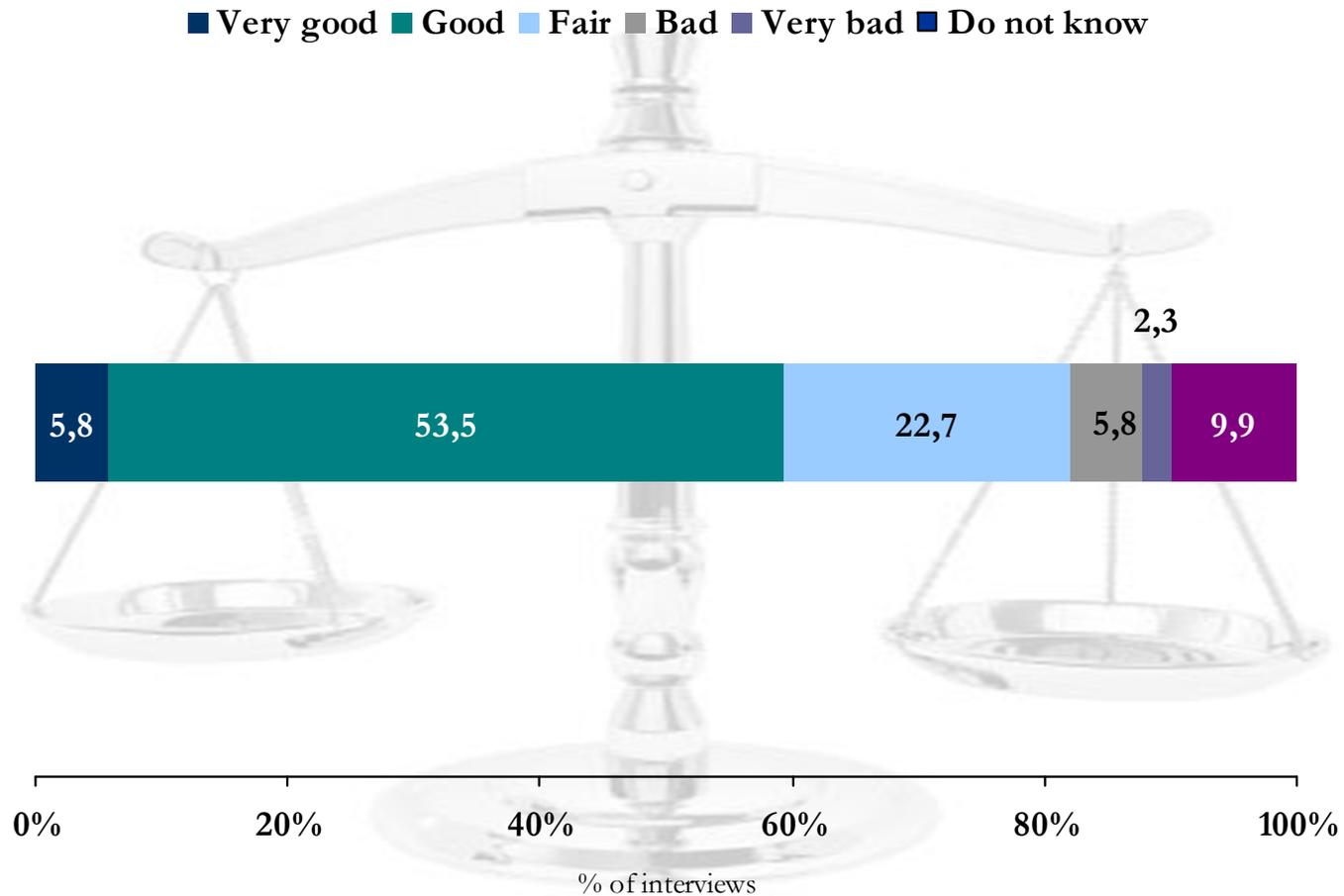
Judges survey 2009

Very transparent



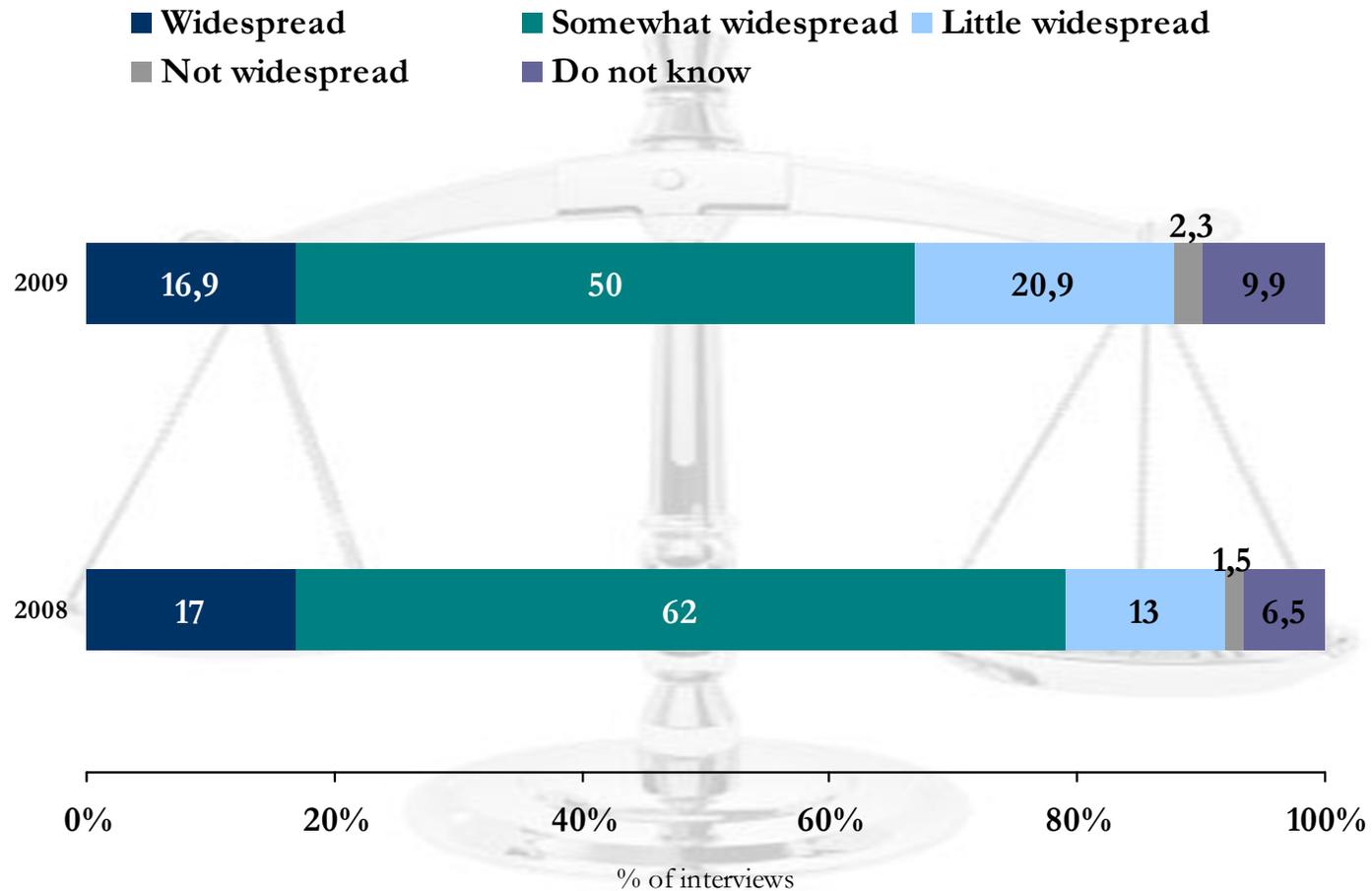
# How would you evaluate current government's work?

## Judges survey 2009



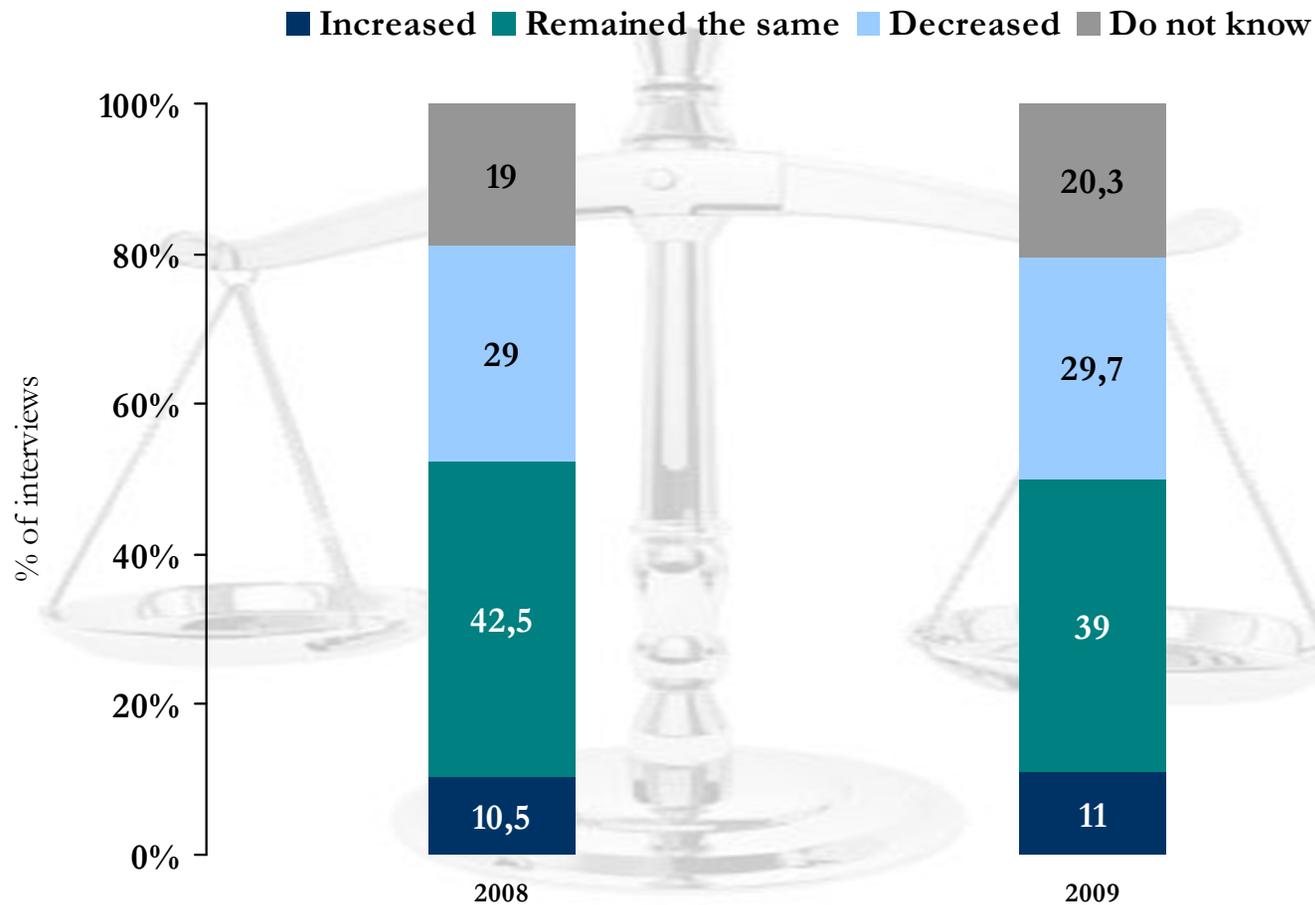
# Corruption among public officials is...

## Judges surveys



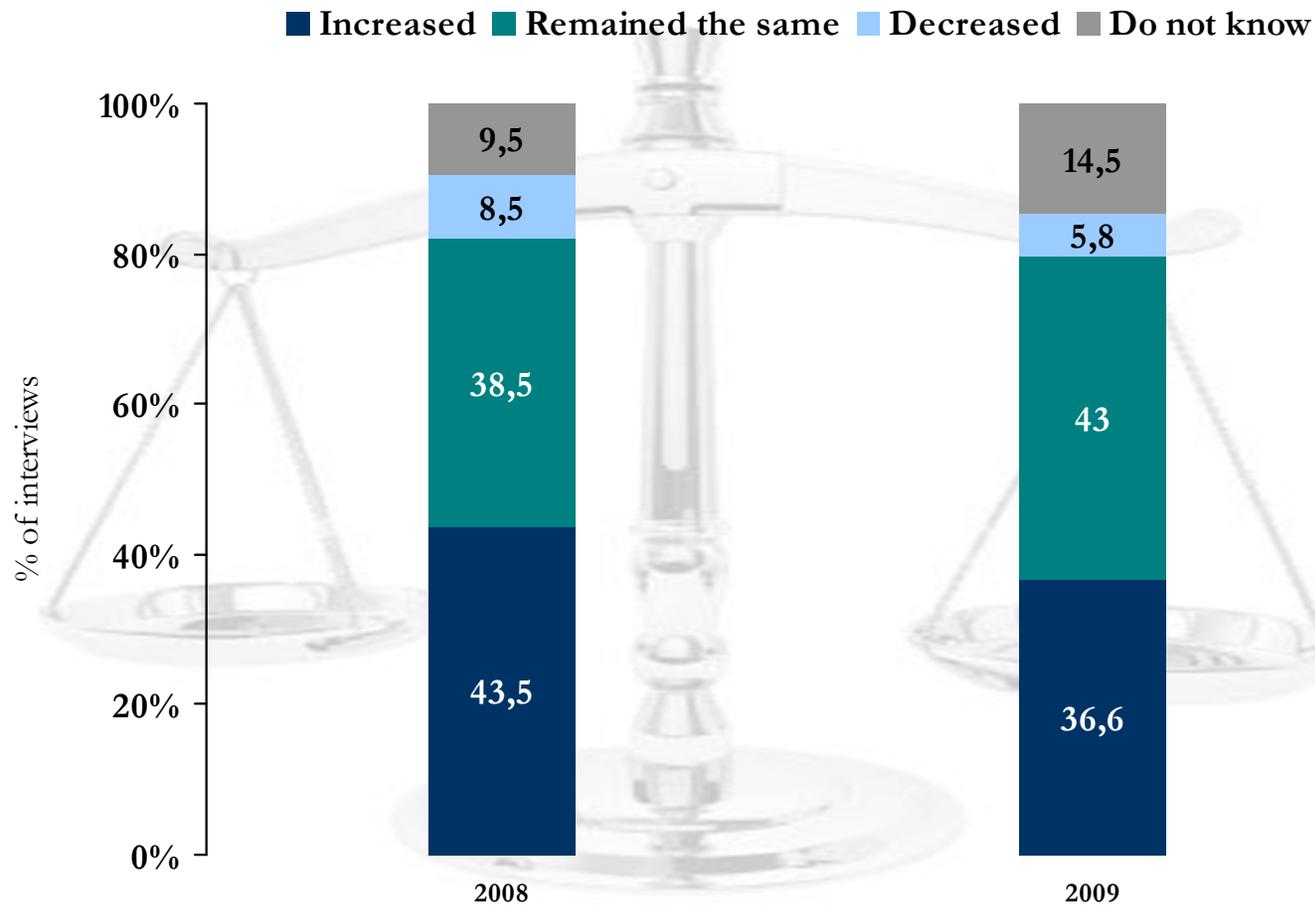
# Corruption among public officials compared to the last year has...

Judges surveys



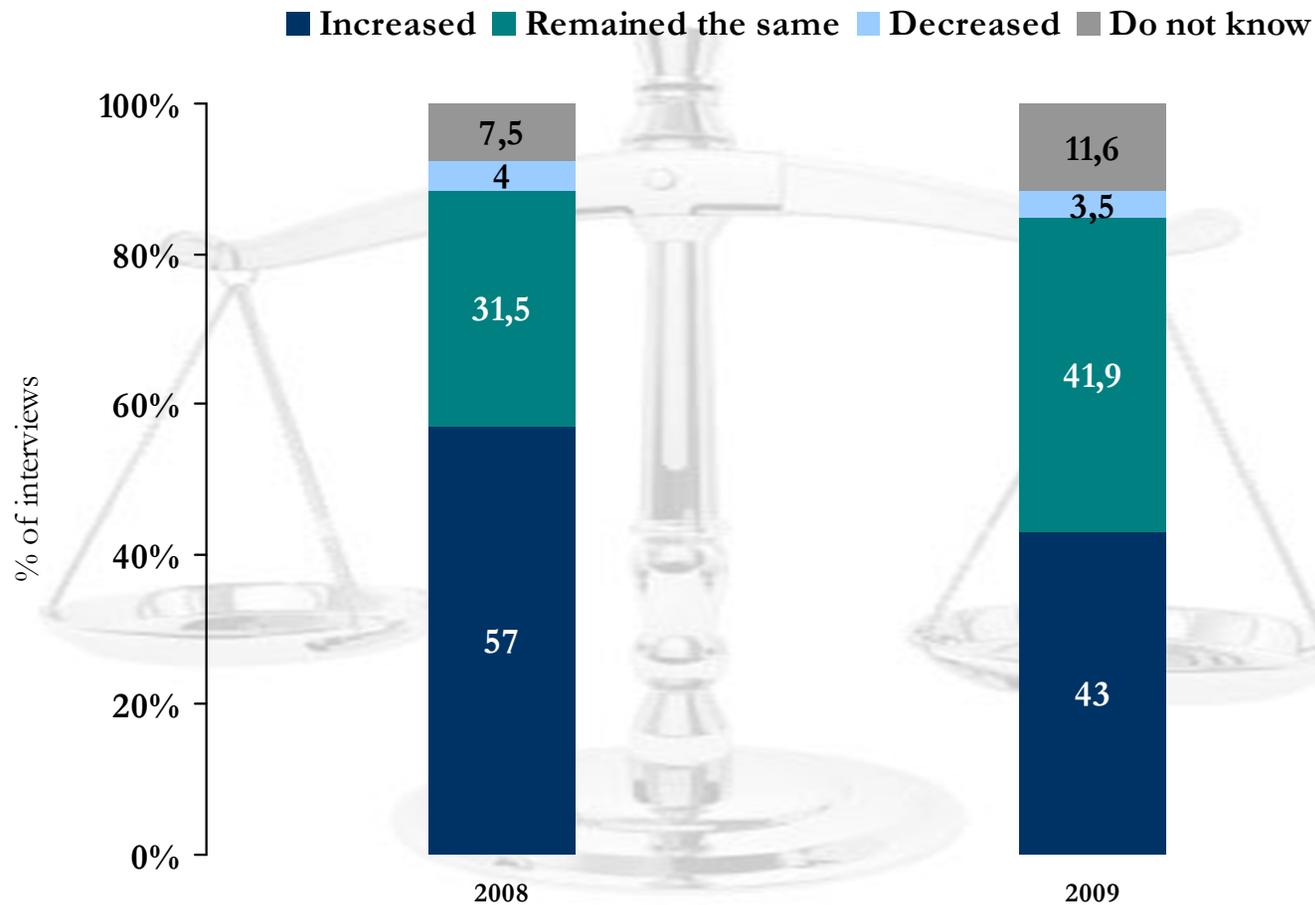
# Media's coverage toward the management of the public funds during the last year has...

Judges surveys



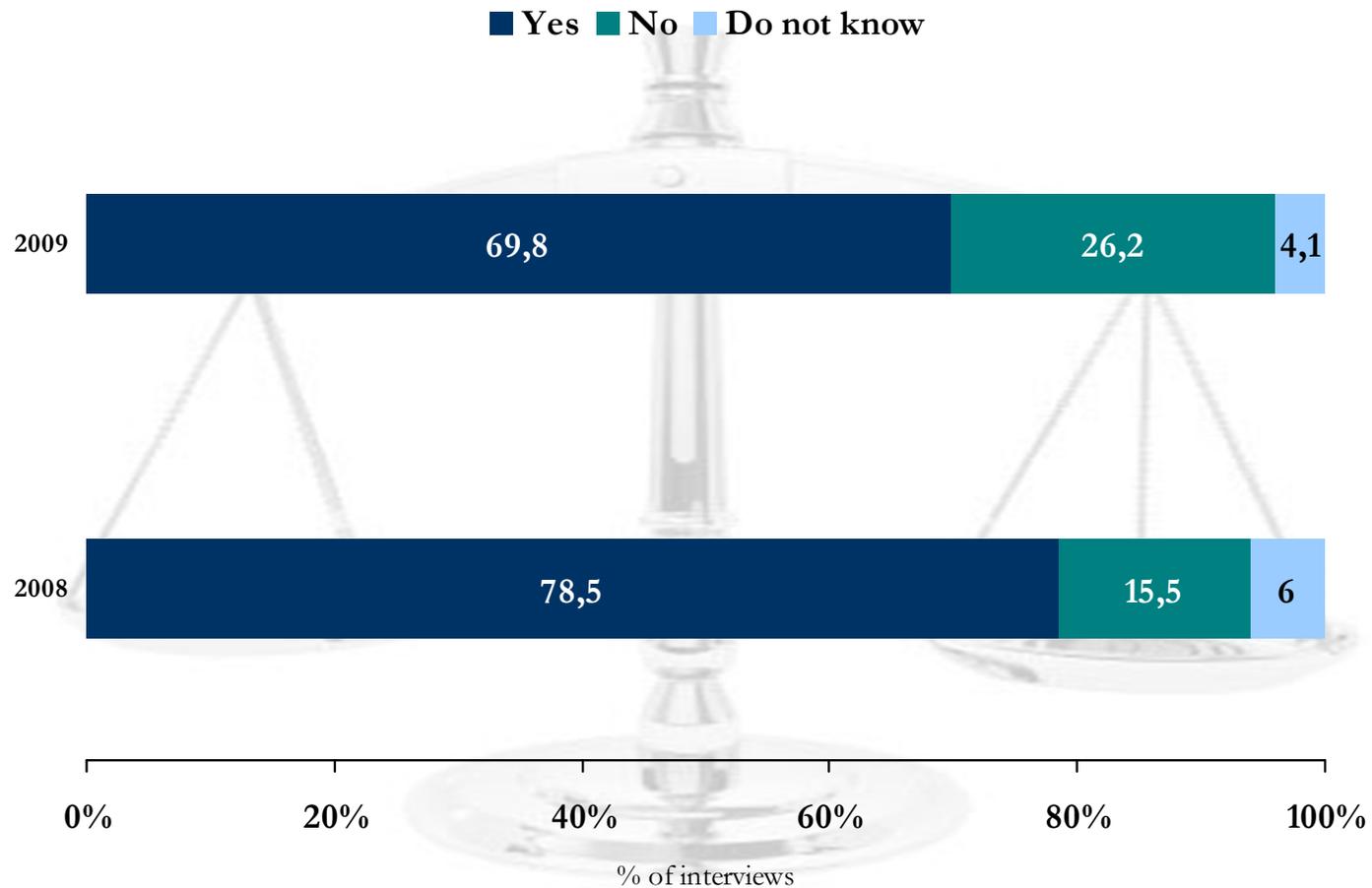
# Media's attention toward the problem of corruption during the last year has...

Judges surveys



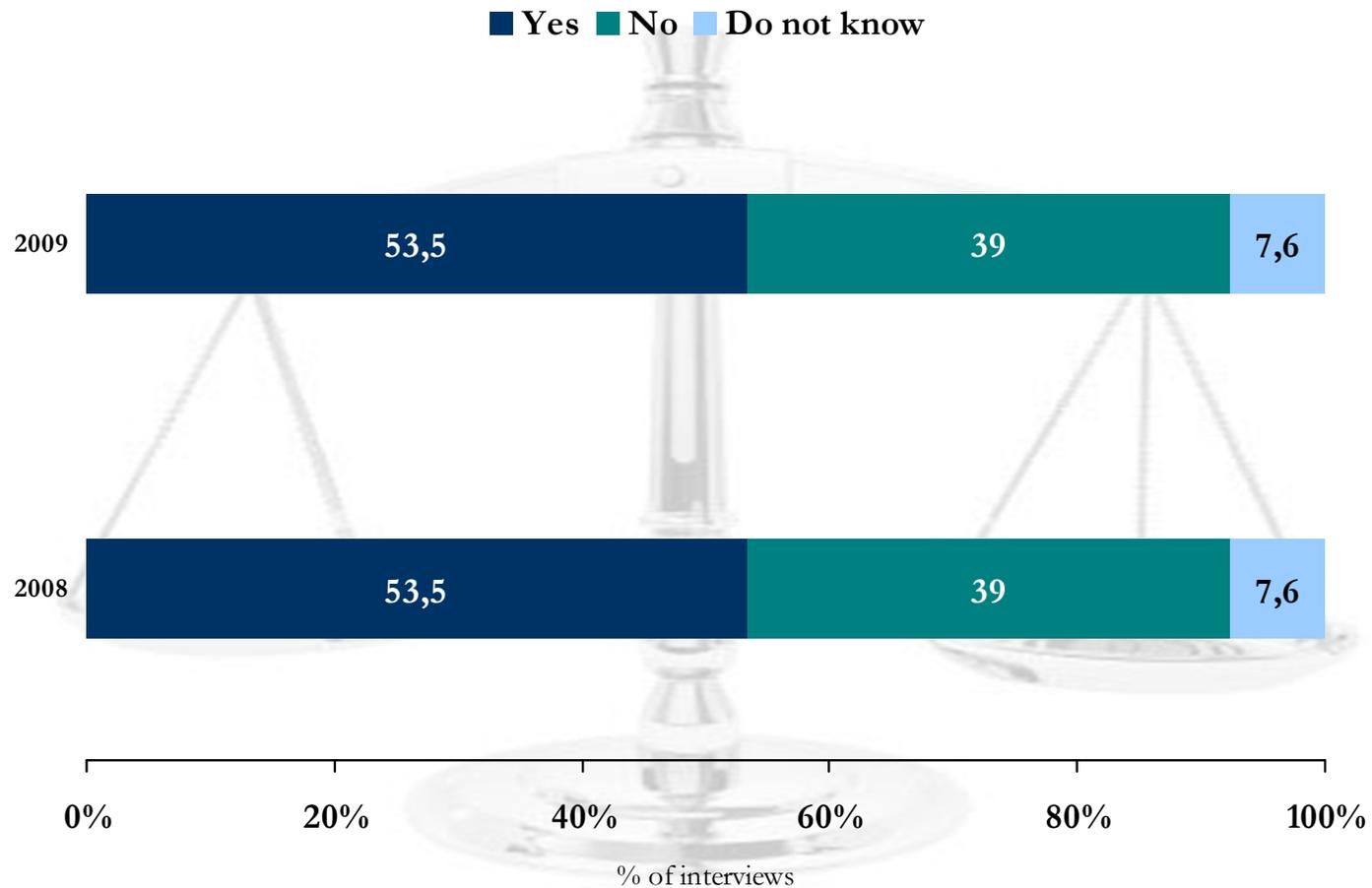
# Are you aware of any anti-corruption initiatives in the country?

Judges surveys



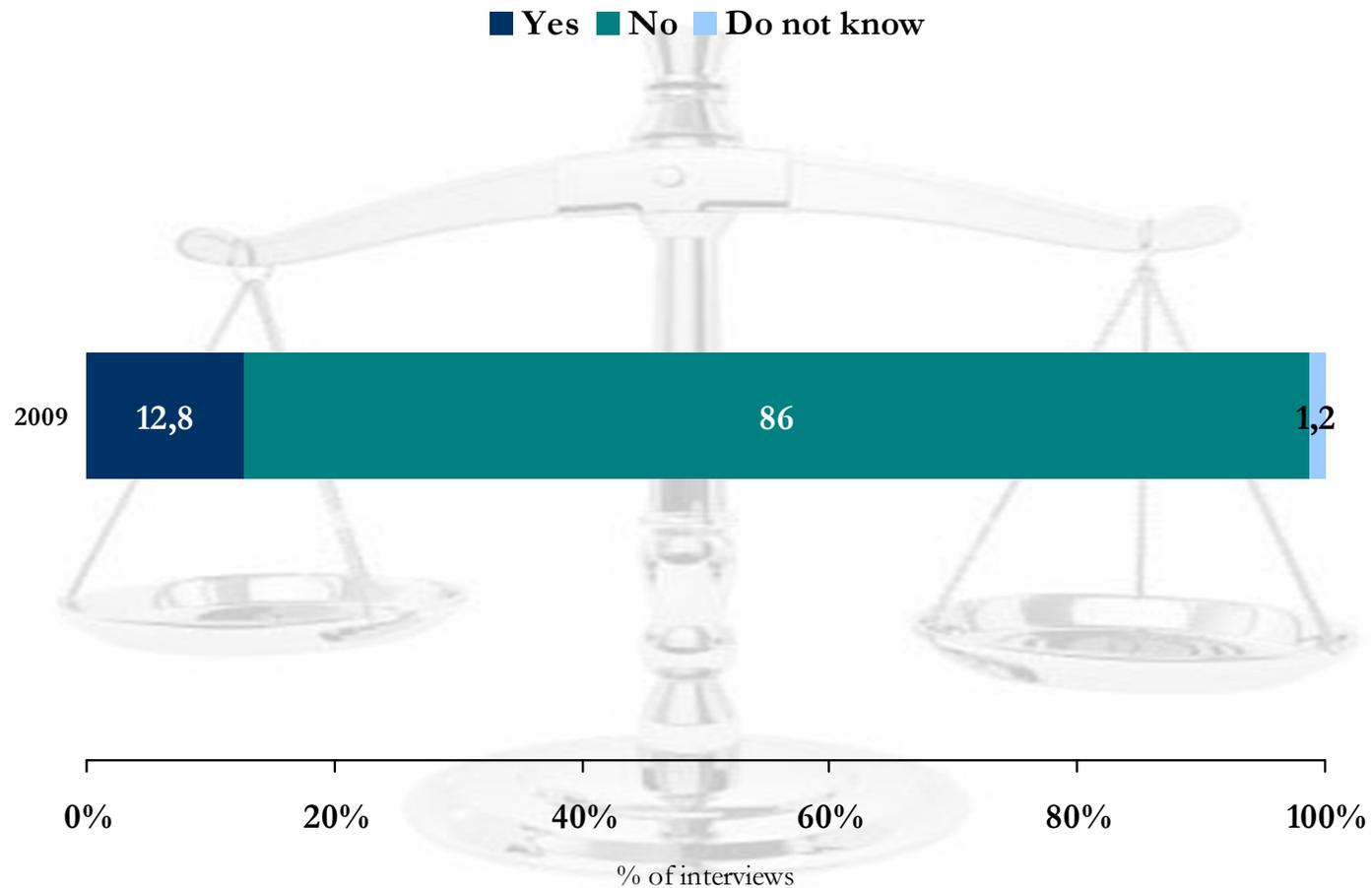
# Are you aware of any anti-corruption initiatives of the civil society?

Judges surveys



# Have you ever attended or participated in any Civil Society activity?

Judges surveys



When was the last time you participated in these activities?

Name one of the activities.

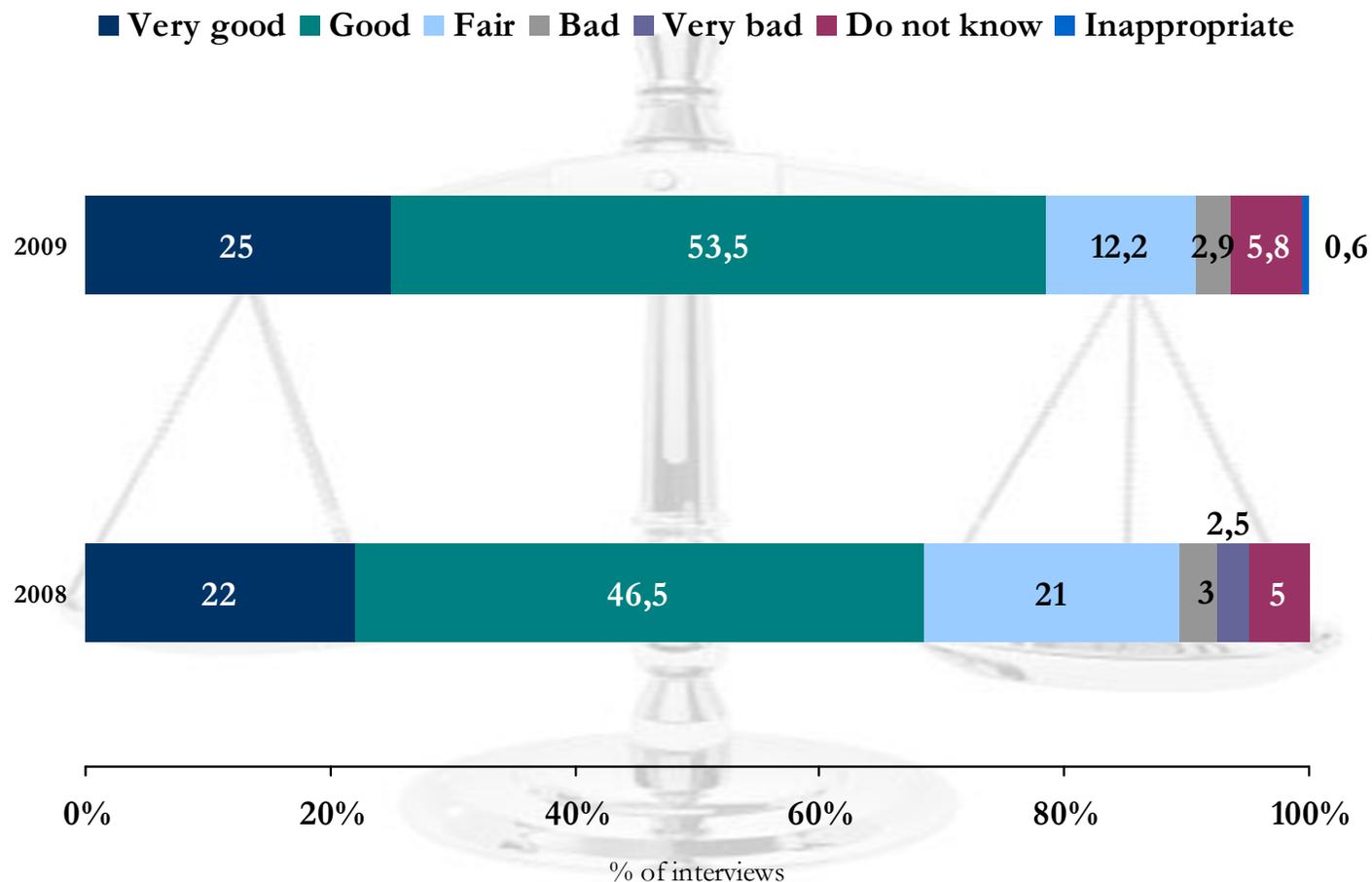
Judges survey 2009

Year	Frequency	Percent (%)
2002	1	4,5
2004	1	4,5
2006	2	9,1
2007	3	13,6
2008	13	59,1
2009	2	9,1
Totali	22	100,0

- Against violence toward women
- Against violence in the family
- Conflict resolution with reconciliation
- Regional cooperation held in Vienna
- Conflict conciliation
- Eurolins
- Democratic culture
- Citizens safeguarding office
- Public forum and community service (financed by USAID)
- Raising the workgroup for the anti-corruption strategy in the judicial system

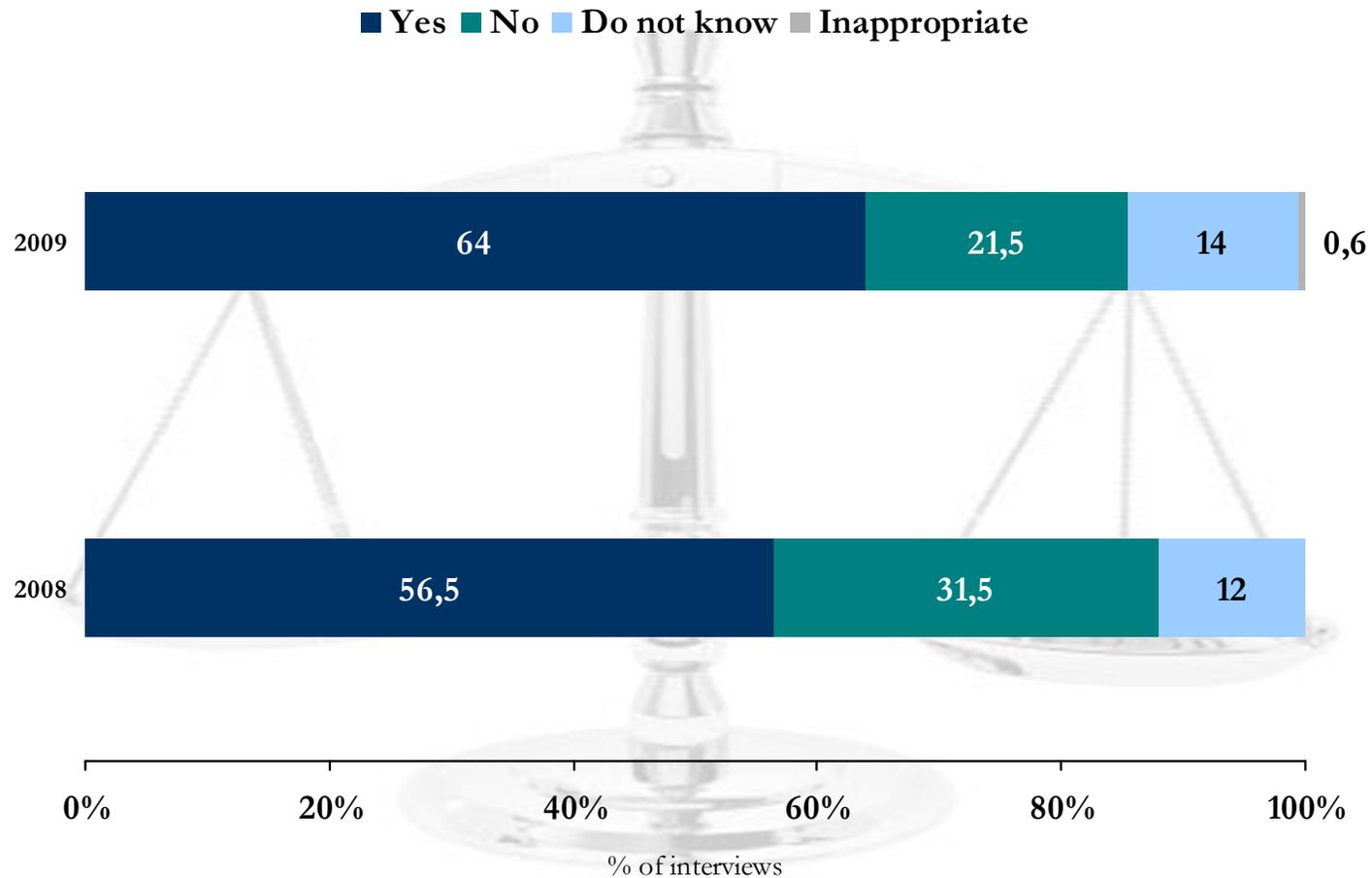
# How would you evaluate the performance of the High Inspectorate for the Declaration of Assets and Audits

Judges surveys



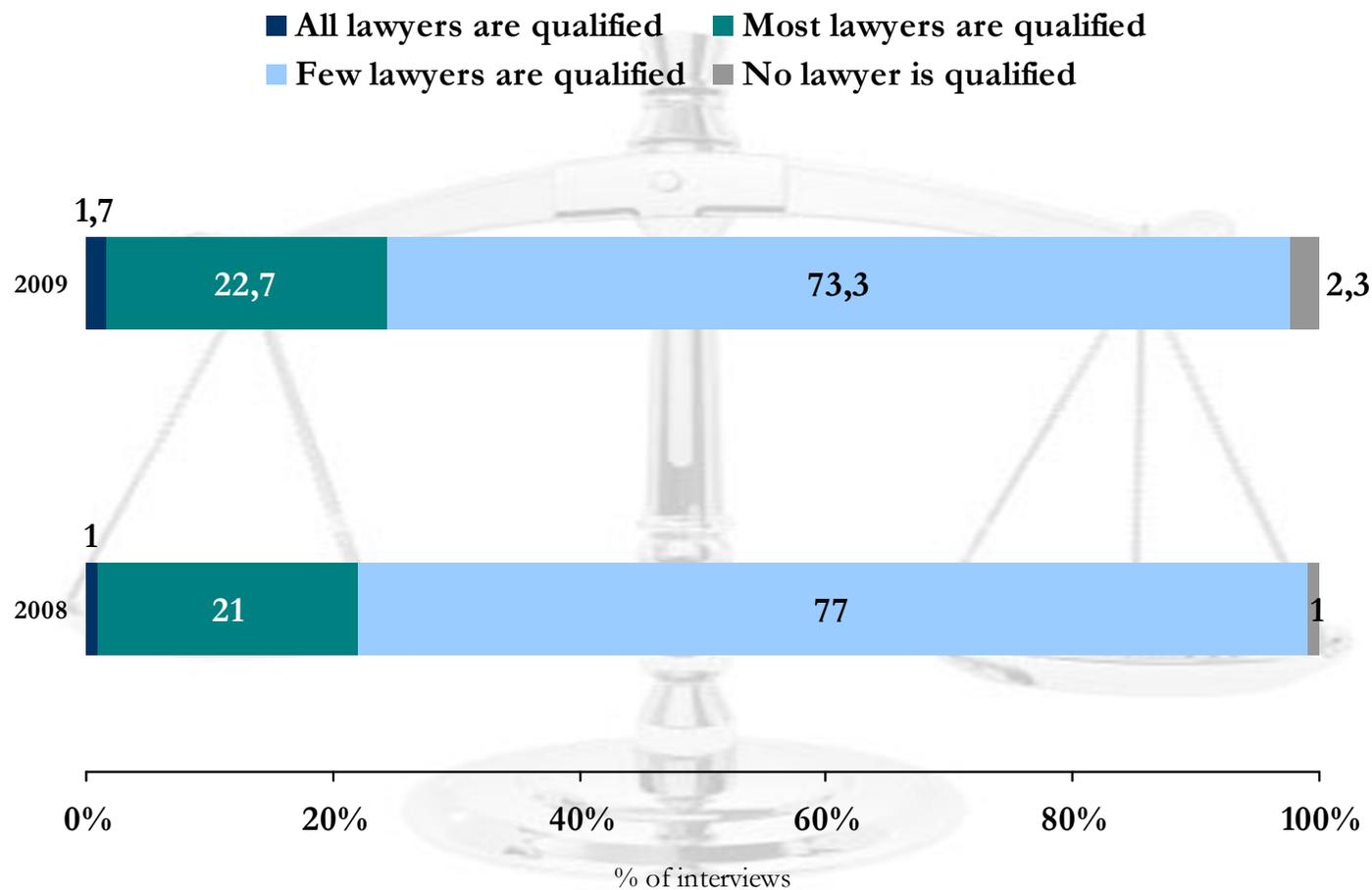
# Do you think HIDAA has helped in the fight against corruption?

Judges surveys



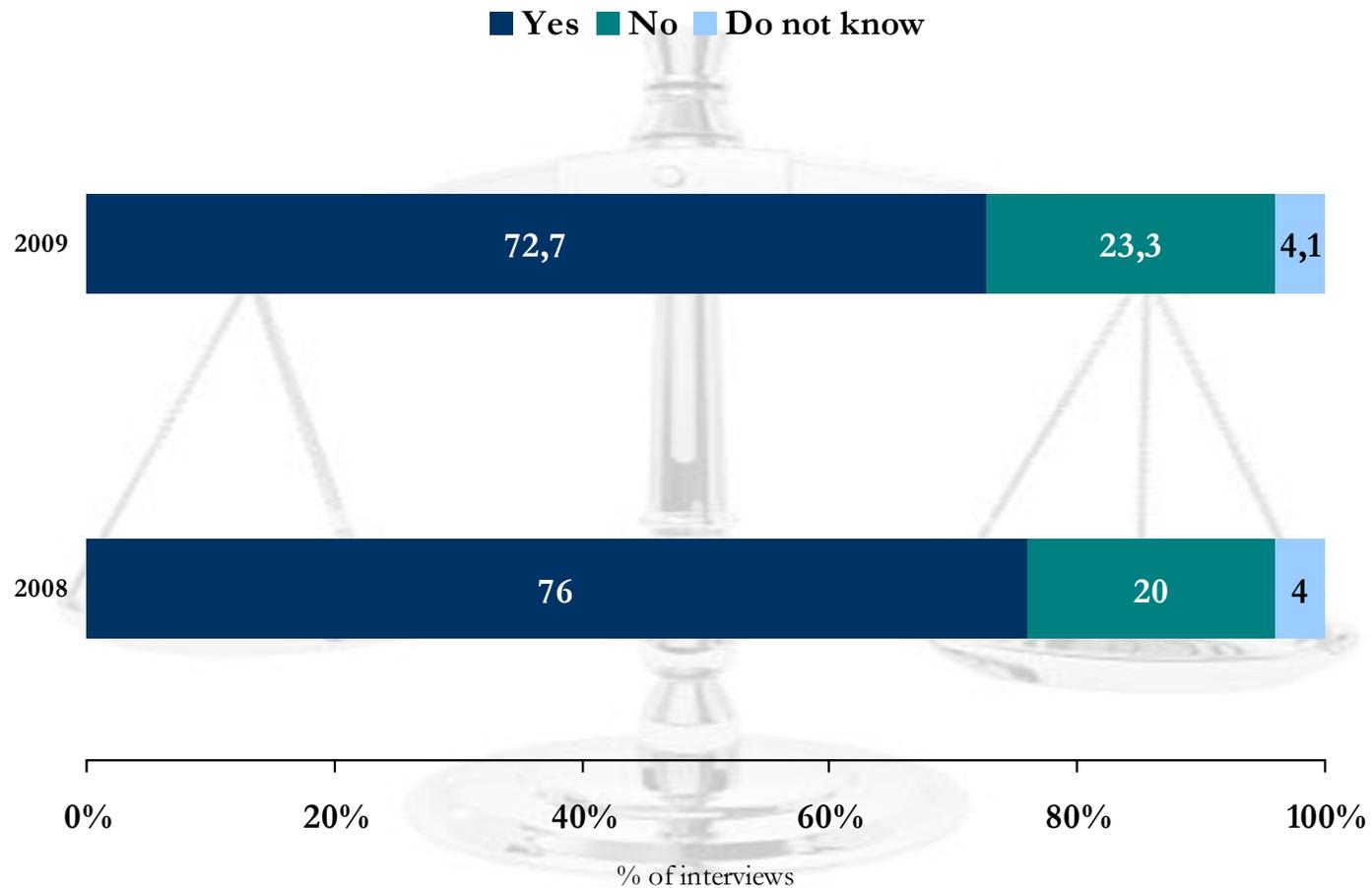
# Your opinion about the lawyers in Albania?

Judges survey 2009



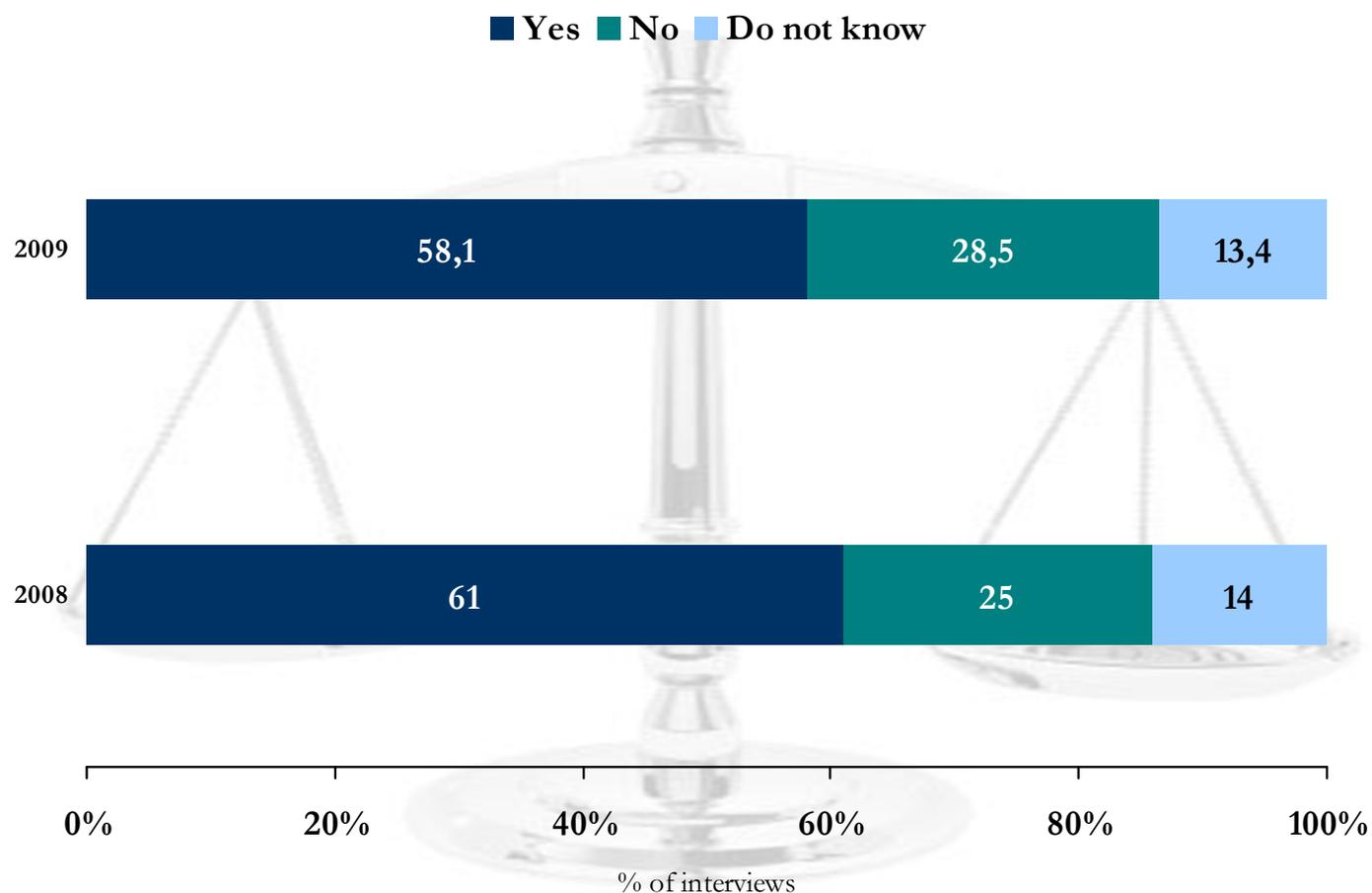
# Do you know of any judge who has been sanctioned for not fulfilling his job?

Judges surveys



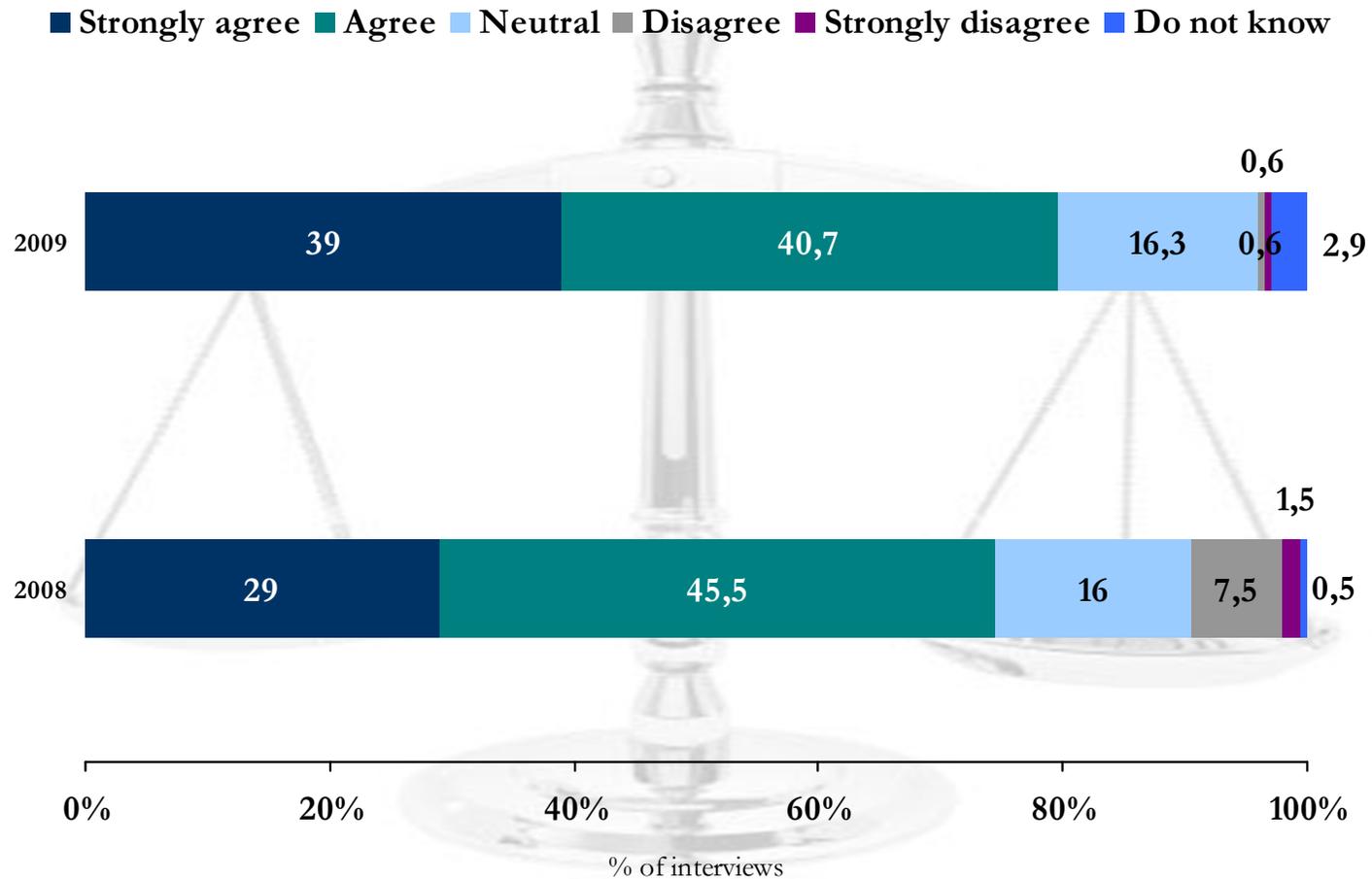
# Do you think the process of sanctioning judges in Albania is fair?

Judges surveys



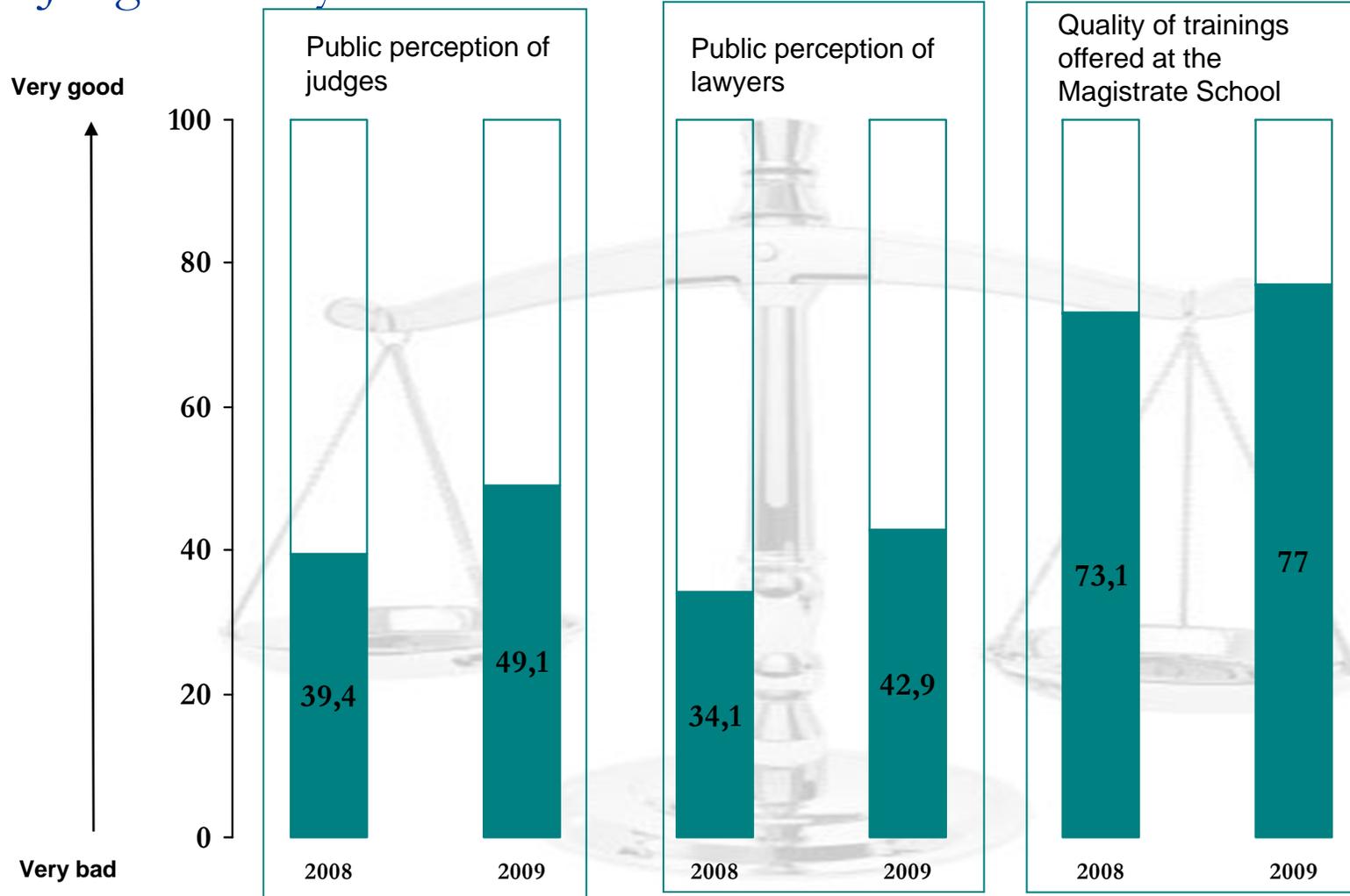
# Judges are impartial in conducting trials?

Judges surveys



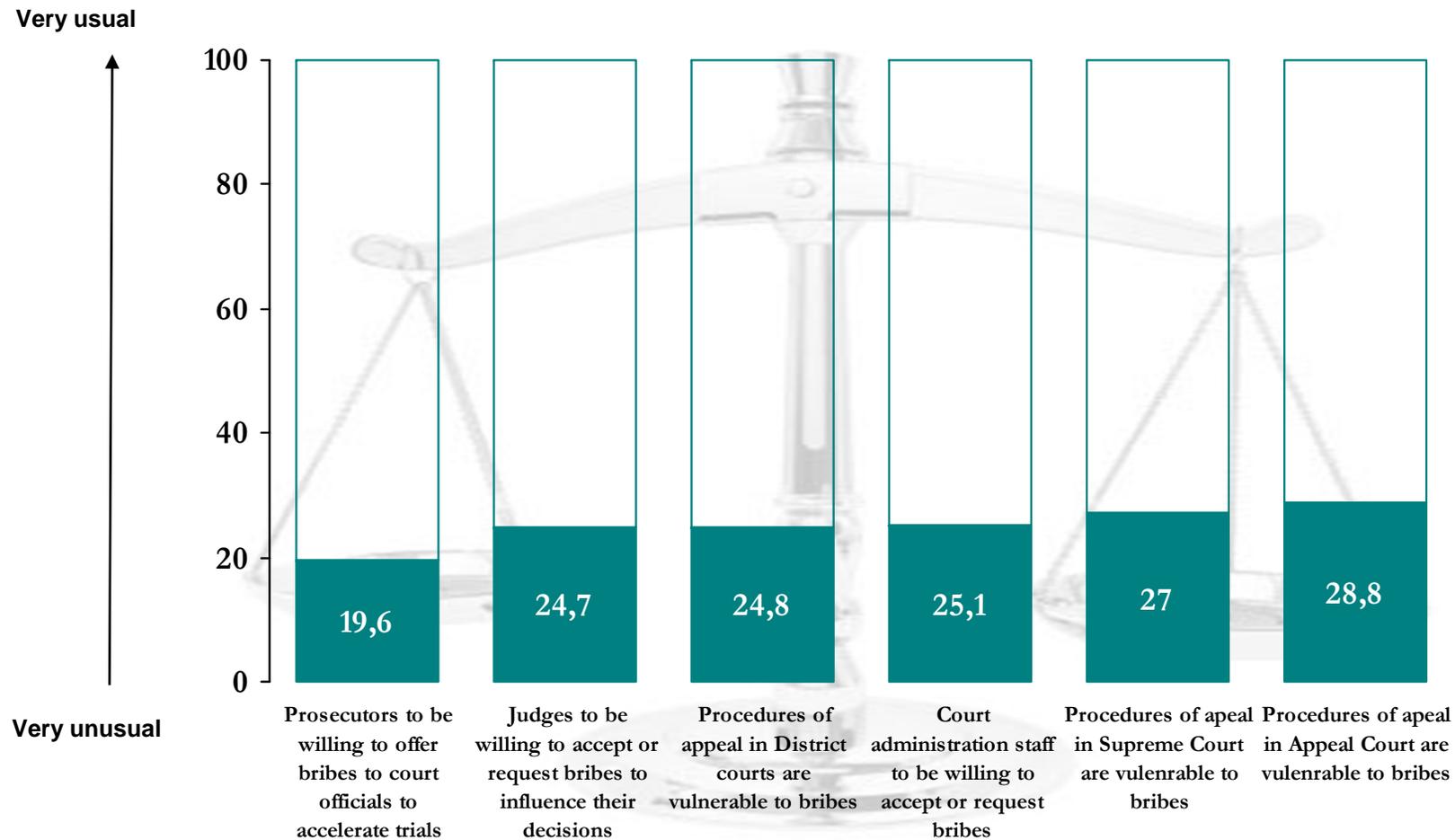
# According to judges' opinion...

## Judges surveys



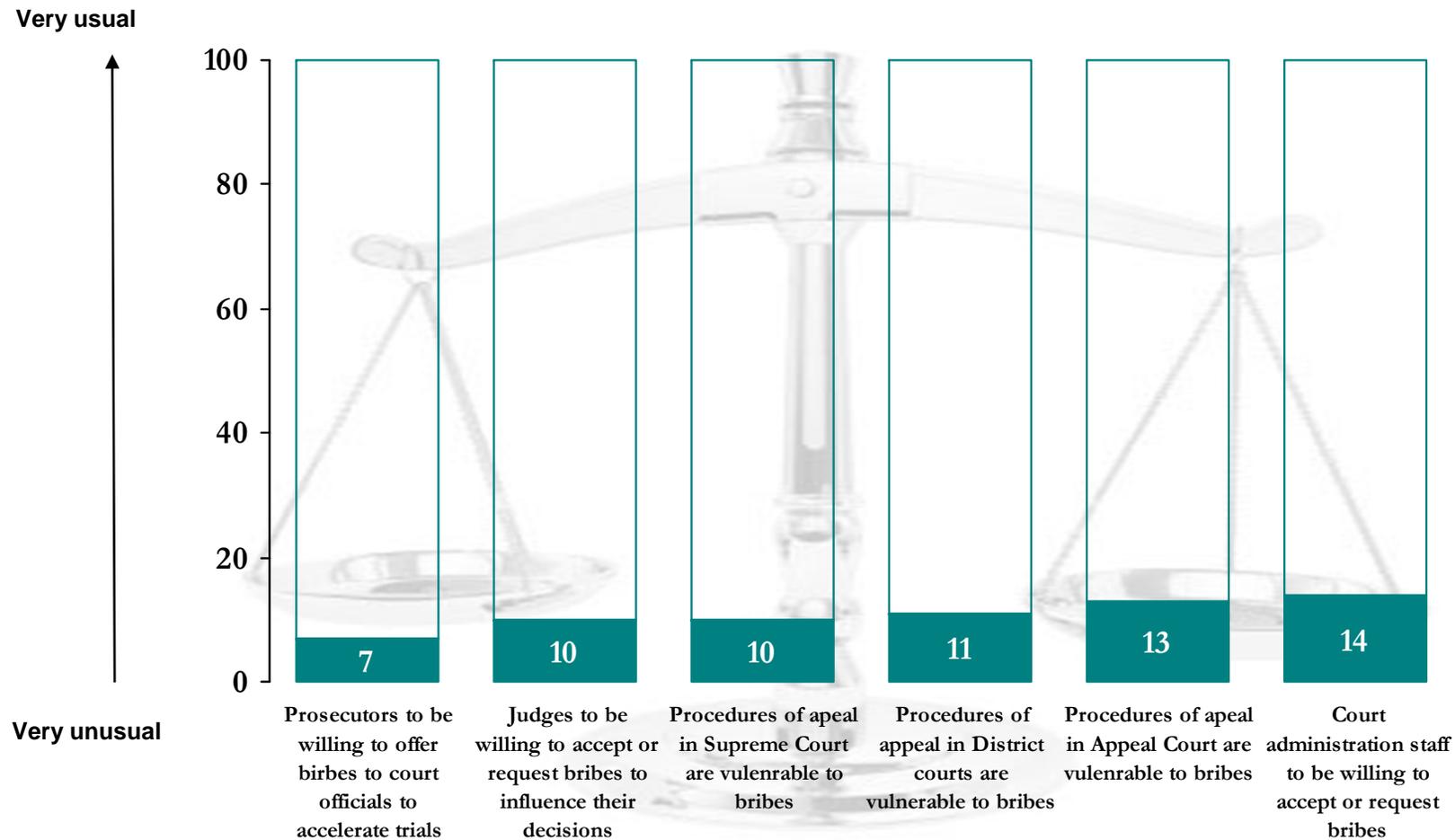
# How usual are the following?

Judges survey 2008



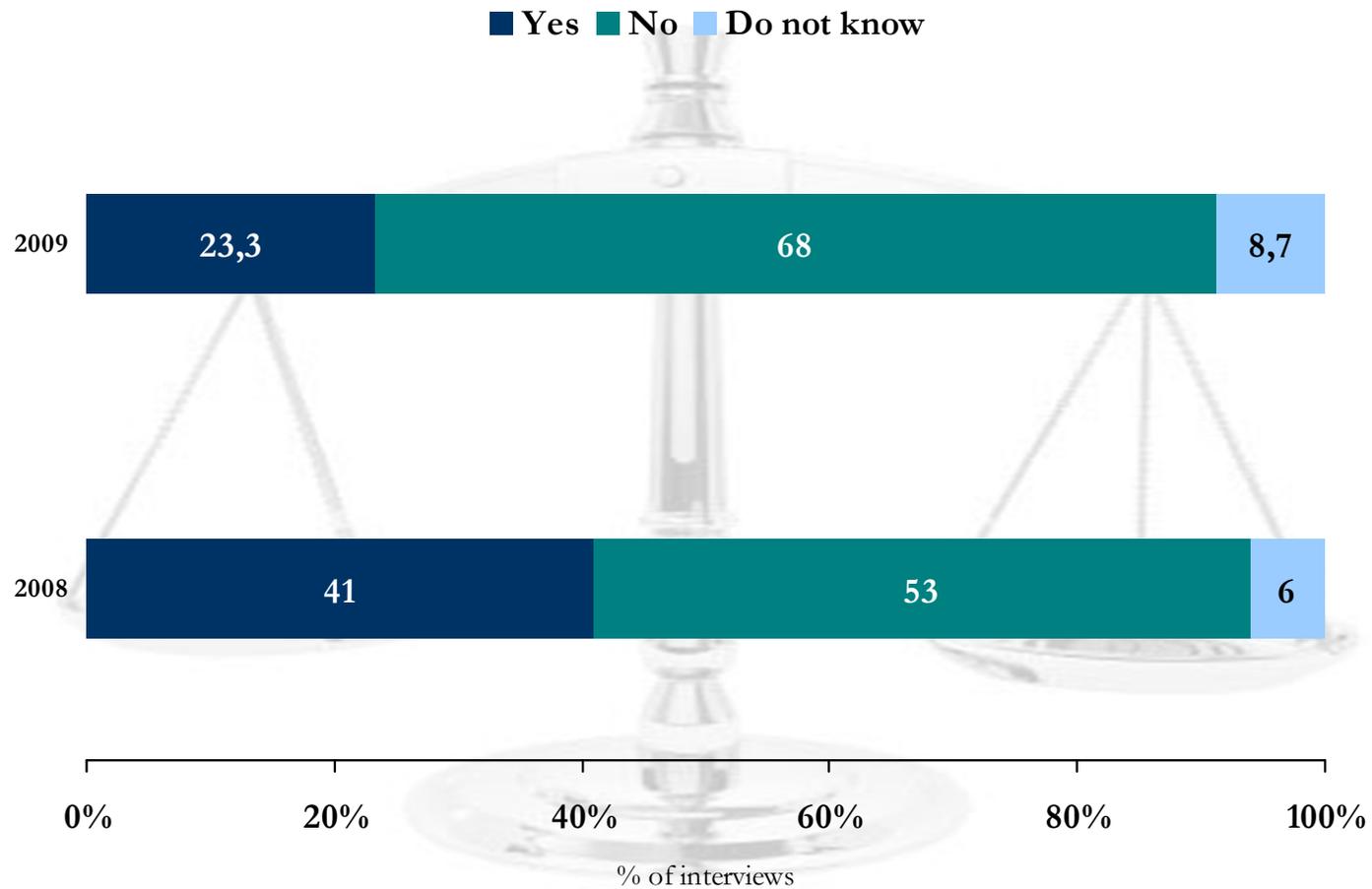
# How usual are the following?

Judges survey 2009



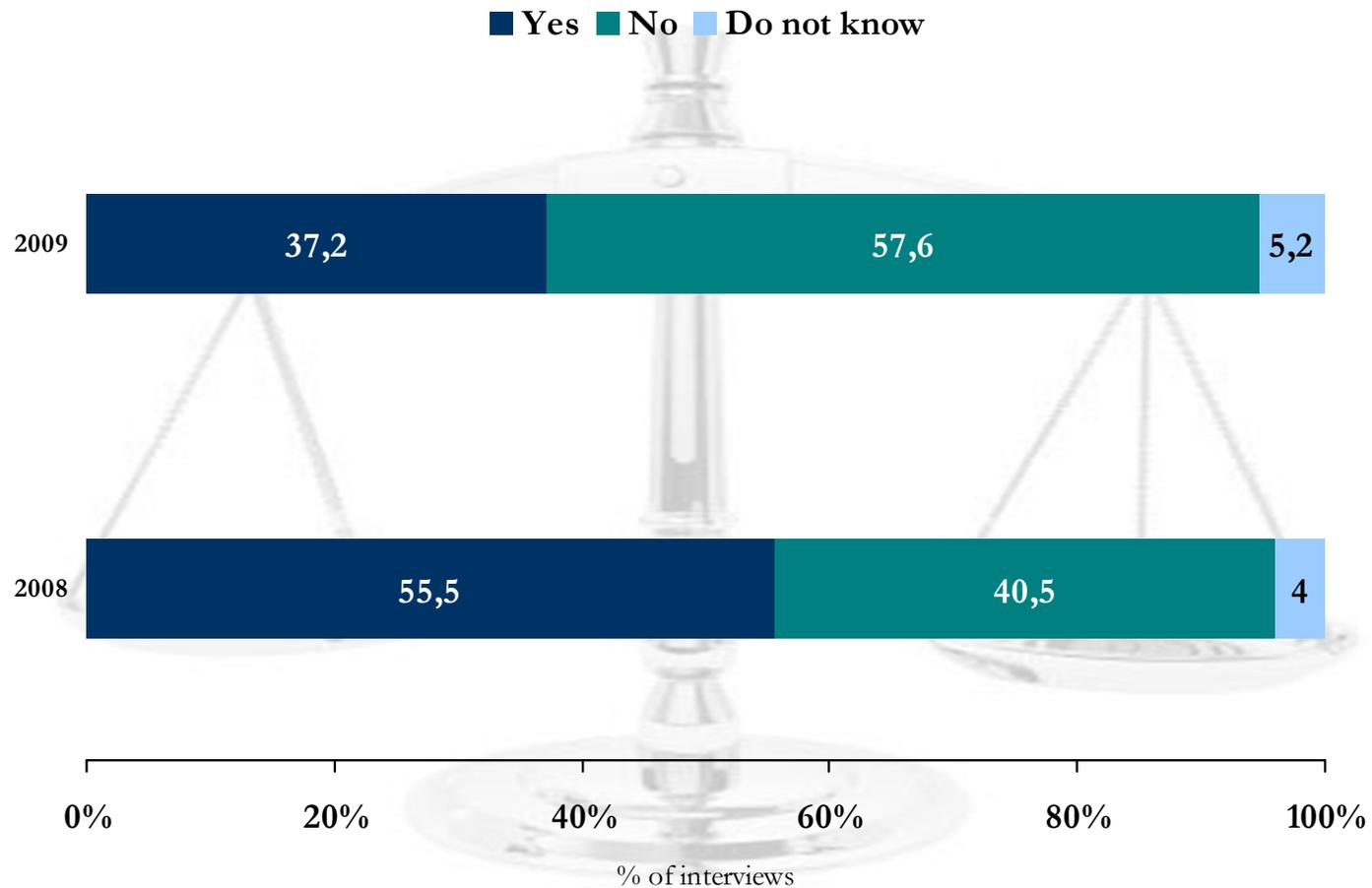
# Do litigants approach you with bribe offers?

Judges surveys



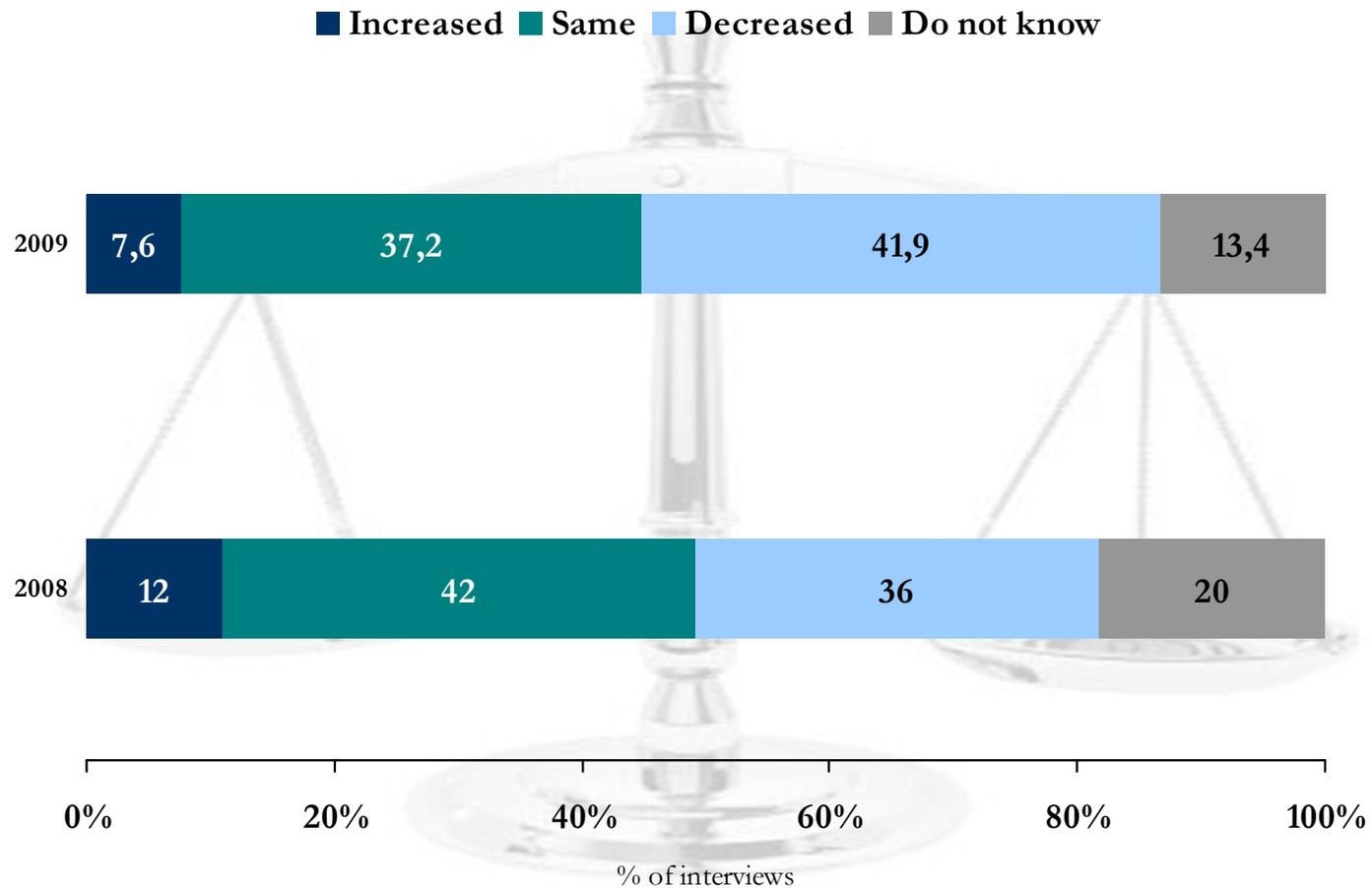
# Do lawyers approach you outside of court to influence your decisions?

Judges surveys



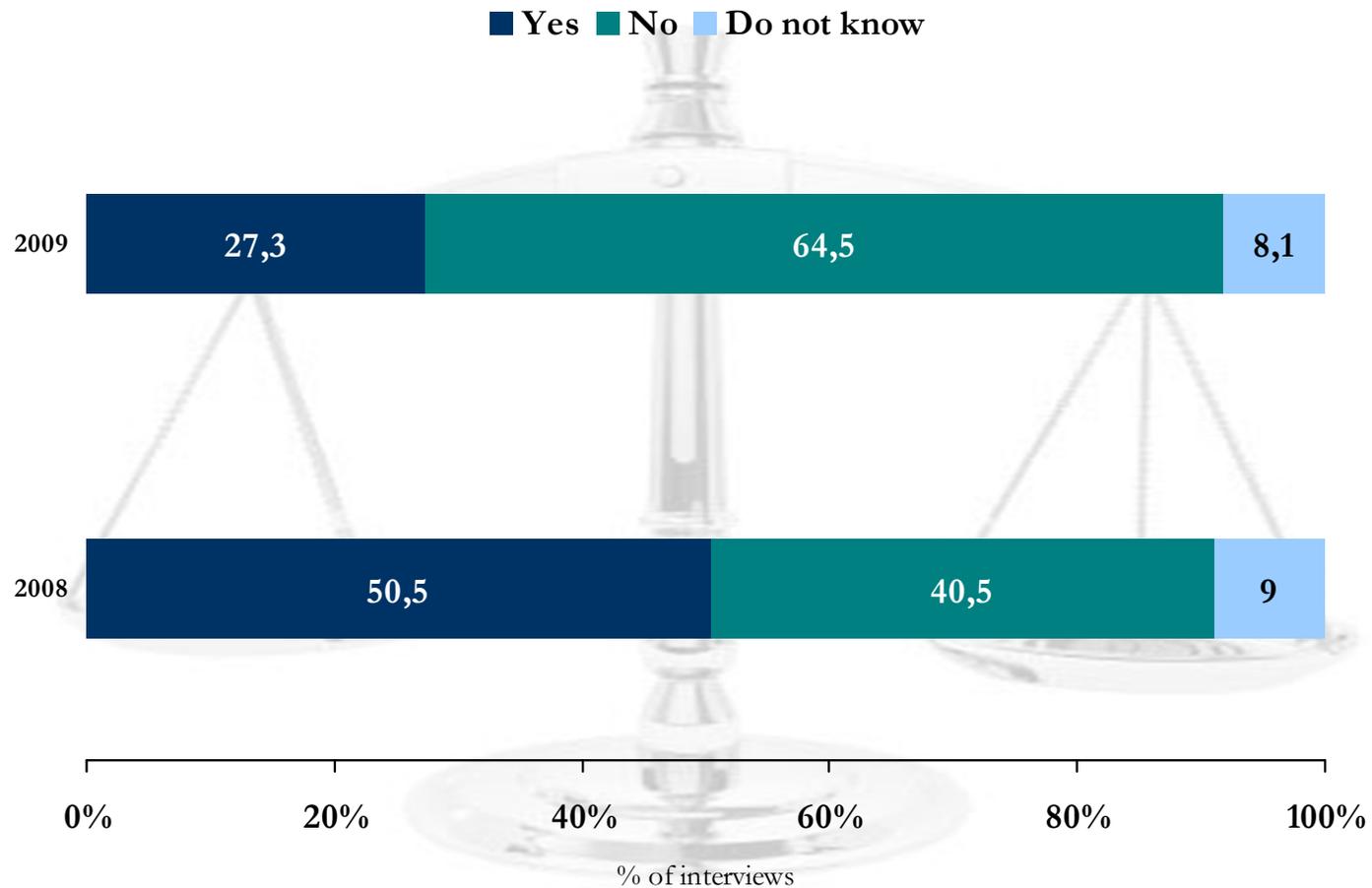
# Is corruption more of a problem now than a year ago?

Judges surveys



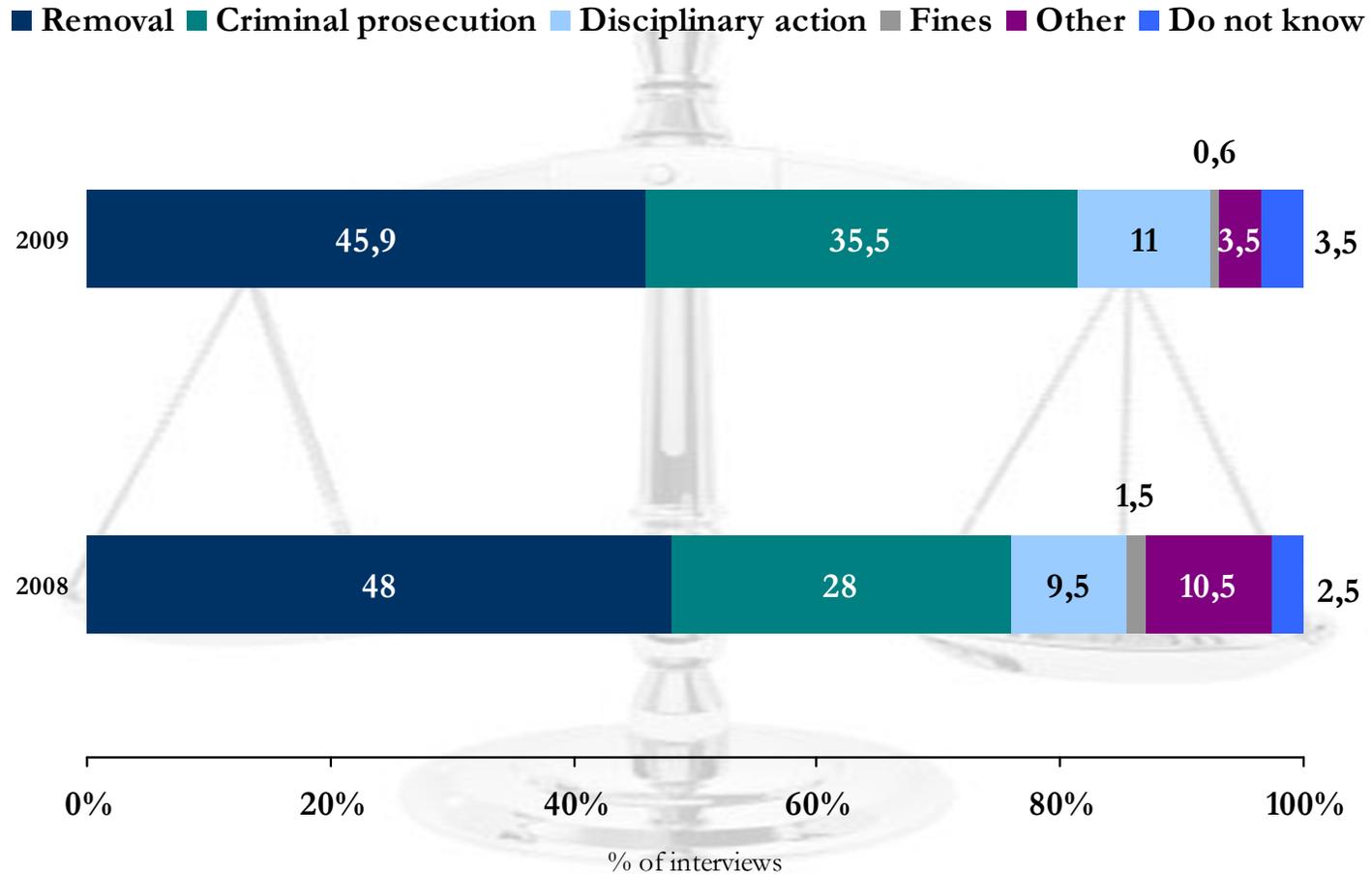
# Is corruption in the Albanian court system a serious problem?

Judges surveys



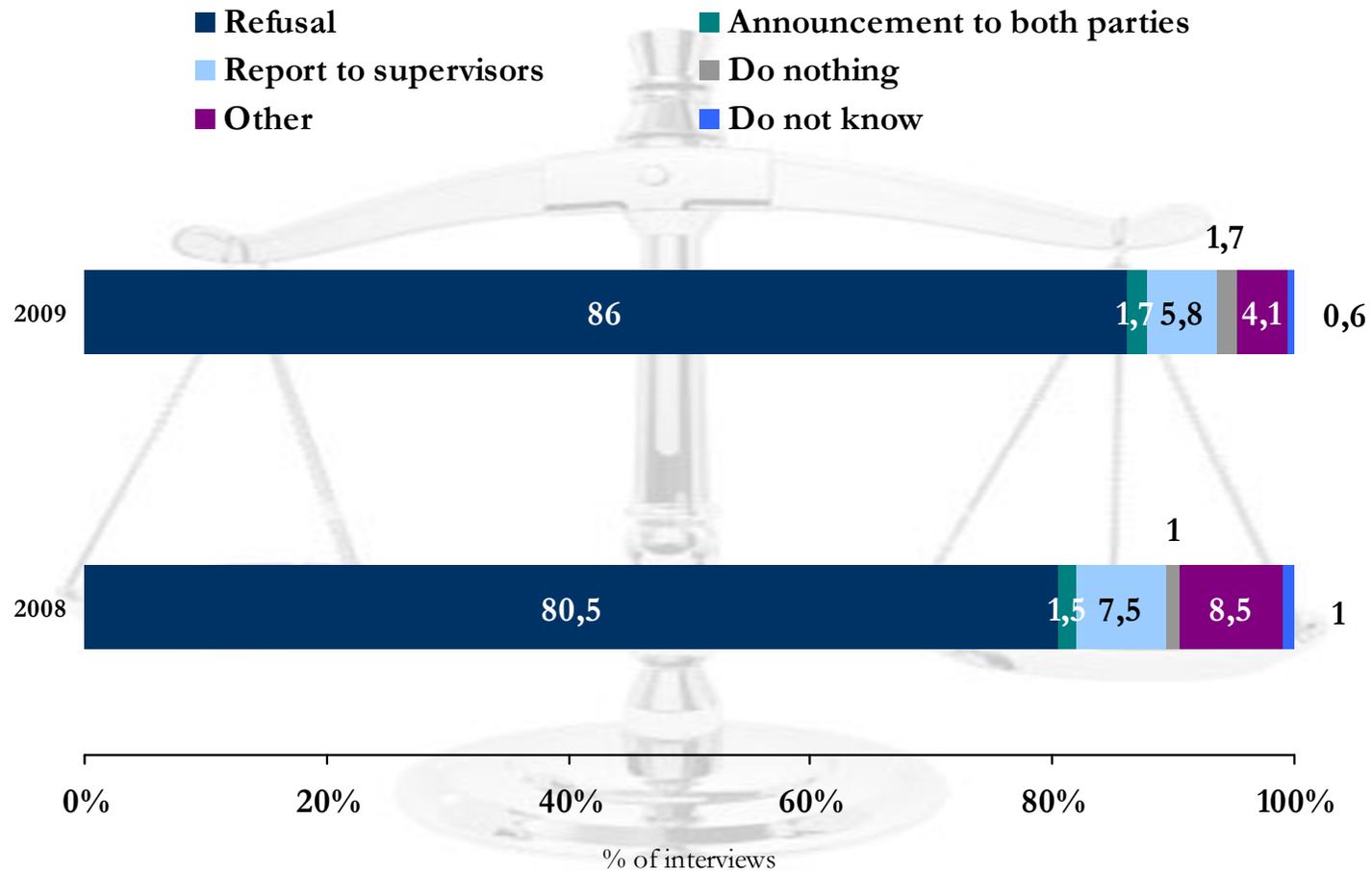
# How should the State deal with corrupt judges?

Judges surveys



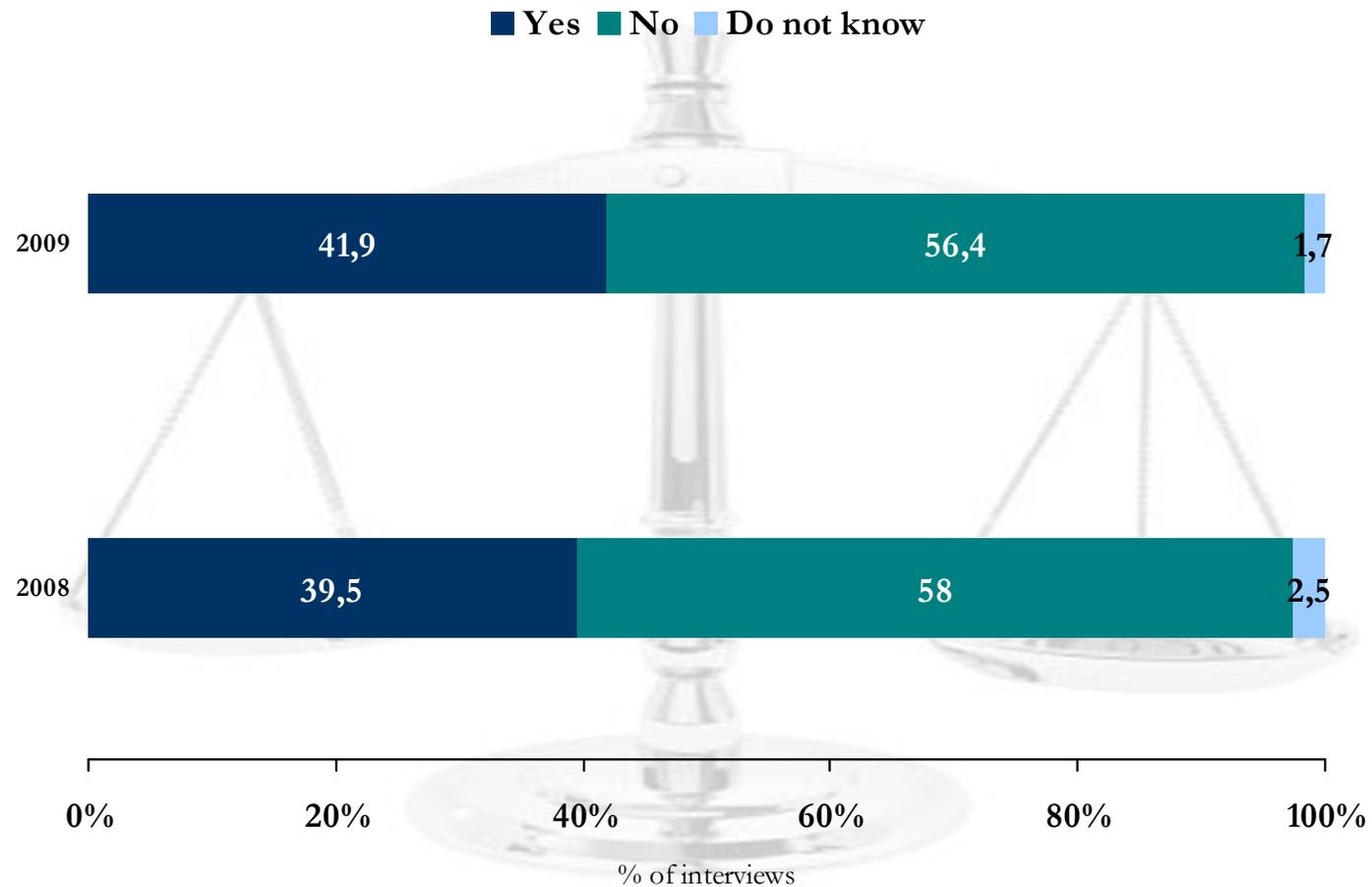
# How would you handle a trial where you may be facing a personal conflict of interest?

Judges surveys



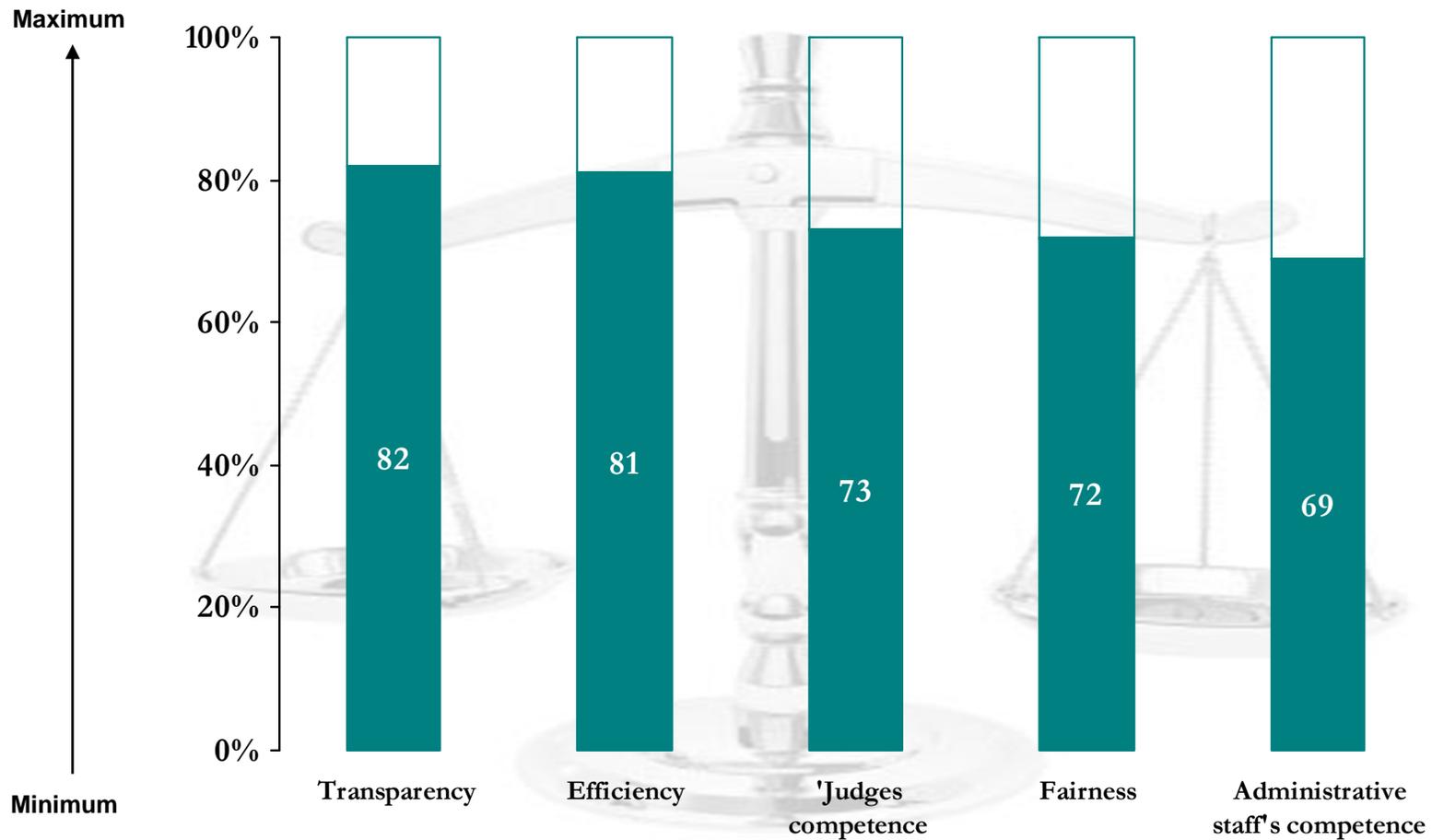
# Has your family integrity or that of a family member ever been threatened when rendering legal decisions?

Judges surveys



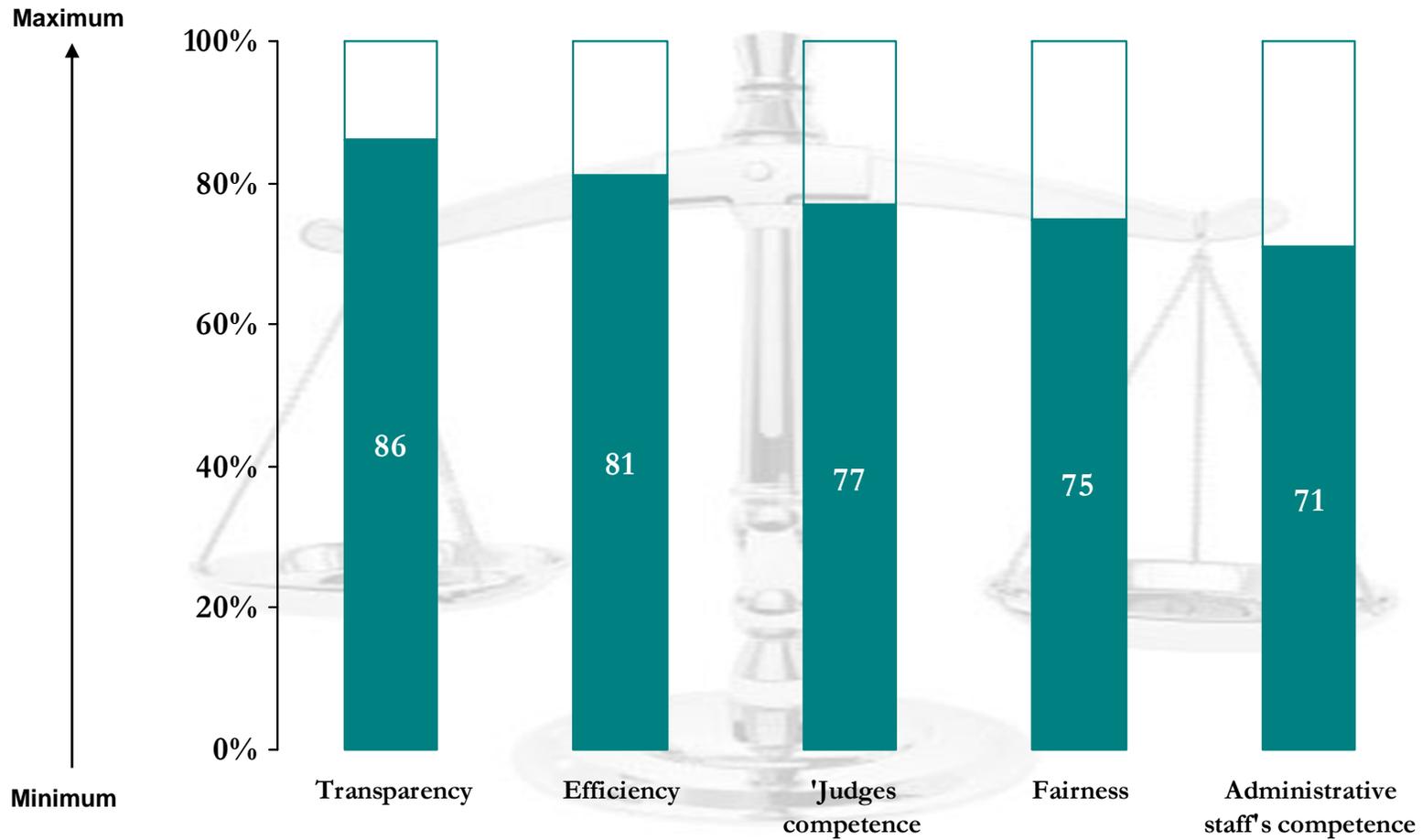
# Evaluation of different aspects of courts

Judges survey 2008



# Evaluation of different aspects of courts

Judges survey 2009





# Conclusions

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## Judges satisfaction

- Judges satisfaction on personnel, information, equipment, workload, space and remuneration has increased significantly from 2008. Overall average satisfaction evaluation of the above in 2009 is 56.1 points on 0-100 scale where 0 means “not at all satisfied” and 100 means “extremely satisfied”. In 2009 judges are more satisfied than unsatisfied with personnel, information, equipment, workload, space and remuneration, while in 2008 the average score of their satisfaction was 48,1 points, less than the midpoint of the 0-100 scale.

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## Judges' performance evaluation system

- 63,4% of the interviewed judges are somewhat satisfied with the current evaluation system of judges performance. 25% of them expressed they are “not at all satisfied” and only 4,7% expressed “very satisfied”. 7% made no comment on the issue.
- Judges' opinion whether there should be other alternatives outside state inspection to evaluate judges performance is rather split. 55,8% of the interviewed judges agreed on other alternatives, while 41,3% did not think of other alternatives as necessary. 2,9% had no opinion on the topic.
- Of those judges who approved other alternatives outside state inspection to evaluate judges performance, 47,9% suggested self-regulation as another alternative and 33,3% suggested Civil Society.

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## Judges, lawyers and court administrative staff performance

- 85,7% of the interviewed judges evaluate the performance of most judges in Albania as either “very good” (9,5%) or “good” (76,2%).
- 78,8% of the interviewed judges evaluate the performance of courts staff in Albania as “very good” (8,2%) and “good” (70,6%)
- Only 30,4% of the interviewed judges evaluate the performance of lawyers as either “very good” (2,9%) or “good” (27,9%). Around half of the judges (53,8%) evaluated lawyers’ performance as “fair”.
- Only 15,1% of the interviewed judges think that the lawyers dealing with them are properly trained while 79,7% think they are not. 5,2% of the interviewed judges had no opinion on the issue.

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# Improving performances

- When asked what would improve their performance, 24.3% of the interviewed judges replied salary increase, 20,1% suggested for more trainings and 18,3% answered better staff. Other mentioned things that can help in a better performance are improved facilities/equipment (11,2%) and improved case management (11,2%).
- Legal education as new laws are passed (46%), legal reasoning (21,7%) and training on ratified international convention (19,7%) are the three most important trainings judges should receive according to their own opinion.
- Basic knowledge on how the judicial system works (42,9%), computer skills (20,2%) and time management (17,9%) are the three most important trainings the court staff should receive according to judge's opinion.
- Continuing legal education as new laws are passed is thought as the most important way to improve the trainings of lawyers by 45,9% of the interviewed judges. 27,9% mentioned improving ethical behavior as a way to improve trainings of lawyers, while 16,3% suggested better legal training before graduation

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## Topics of training and workload issue

- Judges show an open interest toward trainings. 74,4% of the interviewed judges expressed interest in being trained regarding the framework of Property Restitution and Compensation, 79.9% said they are interested in being trained regarding the Administrative Procedures Code, 69,2% regarding the Conflict of Interest Law and 75% regarding the Freedom of Information Law.
- 64,5% of the judges think of themselves as overworked and 95,7% of the judges thought of Alternative Dispute Resolution as a viable alternative to reduce case loads in courts (95,3% of the interviewed judges are familiar with the technique of Alternative Dispute Resolution).

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# Trust in institutions and Institutional transparency

- Judges tend to show more trust on institutions compared to last year. The overall average of 14 institutions evaluated on a 0-100 scale where 0 means “no trust at all” and 100 means “trust a lot”, is 58 points, 3 points higher than in 2008 judges survey.
- The most trusted institutions/groups for judges are Supreme Court, General Prosecutor’s Office and military, evaluated respectively with 77, 75 and 73 points in the trust scale. Instead the least trusted institutions/groups are newspapers (23 points) and political parties (31 points).
- Judges perceive the institutions on average as transparent, evaluating the 8 institutions/groups with an overall average of 55 points on 0-100 scale when 0 means “not at all transparent” and 100 means “very transparent”. The most transparent institution/group is courts (84 points) while the least transparent is Property Restitution and Compensation Agency with 38 points on the transparency scale.

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## Corruption among public officials

- 66,9% of the interviewed judges think that corruption among public officials is either “widespread” (16,9%) or “somewhat widespread” (50%). 9.9% of the interviewed judges did not express an opinion on the issue.
- 11% of the interviewed judges think that corruption among public officials has increased compared to last year, 39% think it has not changed in the last 12 months and 29,7% think there is less corruption among public officials than a year ago. 20,3% of the interviewed judges had no comment on the issue.

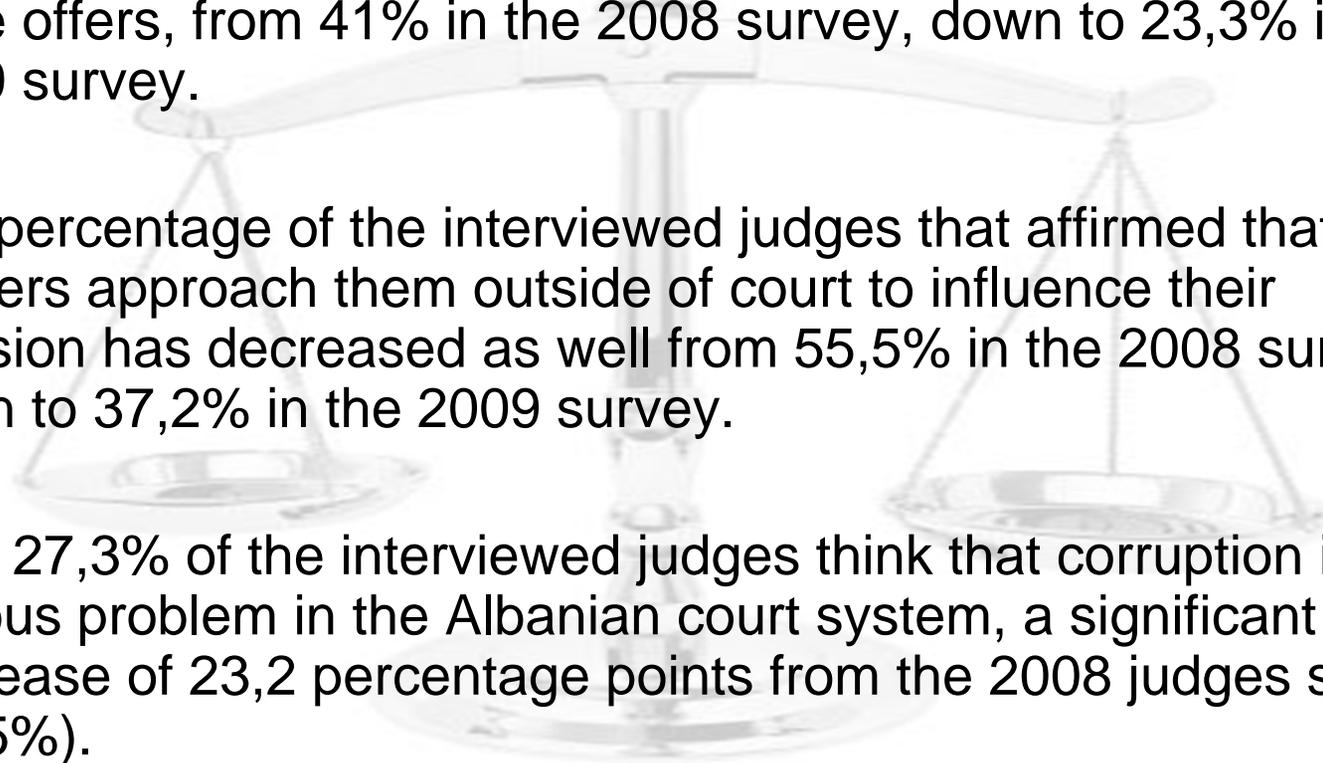
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## Public perception and frequency of corruption phenomena

- According to judges public perception of judges and public perception of lawyers scored respectively 49,1 points and 42,9 points on a 0-100 scale where 0 means “very bad” and 100 means “very good”. There is a respective increase of 9,7 points and 8,8 points from the 2008 judges survey.
- There is a decrease in the evaluation of the judges on how usual are court-related bribing phenomena such as prosecutors to be willing to offer bribes to court officials, judges to be willing to accept or request bribes, court administration staff to be willing to accept or request graphs etc. All the phenomena evaluated received scores less than 15 points on a 0-100 scale where 0 means “very unusual” and 100 means “very usual”. In the 2008 judges survey the same phenomena received scores above 18 points on the 0-100 scale.

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## Corruption in the judicial system

- There is a significant decrease on the percentage of the interviewed judges who affirmed that litigants approach them with bribe offers, from 41% in the 2008 survey, down to 23,3% in the 2009 survey.
  - The percentage of the interviewed judges that affirmed that lawyers approach them outside of court to influence their decision has decreased as well from 55,5% in the 2008 survey down to 37,2% in the 2009 survey.
  - Only 27,3% of the interviewed judges think that corruption is a serious problem in the Albanian court system, a significant decrease of 23,2 percentage points from the 2008 judges survey (50,5%).
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## Rating of different aspects of courts

- Judges have rated different aspects of courts such as transparency, efficiency, judges' competence, fairness and administrative staff's competence higher in the 2009 survey compared to the ratings of the 2008 survey. All the aspects rated received a score above 70 points on 0-100 scale where 0 means "at minimum" and 100 means "at maximum".
- The better rated aspect was transparency with 86 points, followed by efficiency 81 points, judges' competence 77 points, fairness 75 points and administrative staff's competence with 71 points.