



Corruption and the Justice Sector

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CORRUPTION IN THE JUSTICE SYSTEM

I. INTRODUCTION

Systemic corruption within the justice system is commonly defined as the use of public authority for personal gain that results in an improper delivery of judicial services and legal protection for citizens. The justice system can be broadly defined to include judges, prosecutors, police, public defenders, private bar, court personnel, and court decision enforcement agencies, such as penal institutions. This paper will cover corruption carried out by judges, prosecutors, police, and court personnel within developing countries and countries in transition.

As the ultimate decision-maker and the highest governmental official within the justice system, the judge is the focal point for reducing corruption within the justice system. Whether the judge is engaged in criminal, civil, commercial or administrative decision-making is essentially immaterial to the causes and forms of corruption. Corruption in the justice system covers all aspects of judicial oversight. Police, prosecutors and court staff play a role in improperly influencing the provision of judicial services, and their involvement in corruption can have a menacing effect on the entire judicial process.

Why should a democratic country be concerned that corruption pervades its justice system?

In a democracy based on the rule of law, the role of the judiciary, as an independent and equal branch of government, is to protect human rights and civil liberties by ensuring the right to a fair trial by a competent and impartial tribunal. All citizens expect equal access to the courts and equal treatment by the investigative bodies, prosecutorial authorities, and the courts, regardless of their position in society. Yet, under most corrupt judicial systems, the powerful and wealthy can escape prosecution and conviction, while large

segments of society are excluded from their rightful access to fair and effective judicial services.

Police and magistrates in developing countries receive dismally low salaries, perform their duties under abominable working conditions, overcrowded office space, and dilapidated courtrooms, with little or no support staff or equipment, and a modicum of access to current laws or revisions to laws. A justice system replete with individuals who are ill-informed, underpaid and overworked is a well-tested recipe for corruption.

Although the role of the courts is to protect the human rights and civil liberties of every citizen in a democratic country, many public opinion polls show that the public typically views the judicial branch as one of the most corrupt governmental institutions in their countries.

The perception of corruption is as insidious, and just as important to overcome, as corruption itself for they both produce the same results. Citizens are less likely to abide by the law if they believe others, particularly governmental leaders, are disobeying the law and avoiding detection and punishment. Aggrieved individuals will resort to “taking the law into their own hands” to resolve disputes rather than submit to a judicial system that is perceived to be dishonest and biased. Foreign investors will shun those countries where the judicial system has the reputation of applying the law in an inconsistent and capricious manner. In an increasingly global arena with highly competitive markets, the economic growth of countries with corrupt judiciaries, real and perceived, will be severely retarded.

USAID’s rule of law programs have traditionally comprised of assistance to the judiciary, attorneys in the courtroom, specifically prosecutors and defense counsel, and the police. With such a broad focus, the rule of law programs have resulted in positive outcomes in USAID’s attempt to contain corruption across the board.

Until corruption within the judicial sector is severely controlled or eradicated, most legal and programmatic mechanisms put forth to reduce corruption in other sectors of society will be significantly undermined.

II. VULNERABILITIES TO CORRUPTION IN THE JUSTICE SYSTEM

It is critical to understand the vulnerabilities to corruption, that is, the factors, forms, levels and location of corruption in the justice system, to effectively design a response to the problem.

A. Underlying Factors of Corruption in the Justice System

There are several underlying factors of corruption in developing countries or countries in transition that tend to make their judiciaries more prone to corruption practices, some of which are institutional and others attitudinal.

Role of Government

Government and those who serve in government in corrupt countries receive little respect from within and outside the government. Governmental leaders are viewed cynically by citizens as serving their own self-interests rather than the interests of the public. Given the fact that in many countries around the world, the role of government is to promote the State's rights over citizens' rights, citizens have traditionally observed with skepticism the legitimacy of their own governmental leaders.

Rather than view the judicial branch as a separate and equal branch of government with a democratic check on the other two branches, citizens often view the judicial branch, particularly judges, as being part of the problem rather than part of the solution. In such countries, judges do not receive the same respect and prestige which accompanies their position in other countries.

Governmental Leaders Engaged in Corrupt Behavior

It is difficult to expect citizens to abide by the law when governmental leaders, particularly police, prosecutors and judges, seemingly disregard the very laws, rules and procedures they are mandated to enforce. Until governmental leaders who publicly sidestep laws are prosecuted and convicted, the average citizen will consider himself foolhardy if he continues to abide by the very system his leaders are eschewing.

System Based on Personal Influence and Contacts

When the foundation of receiving governmental goods and services is based on contacts rather than on merit, where appointment and promotion is a product of patronage, and professional success is achieved when the right connections are employed, citizens will gravitate to powerful individuals rather than succumb to the law to secure a self-serving outcome. In countries where it is whom you know and not what you know, merit-based rewards are seldom forthcoming. The conviction in the power of contacts rather than content is so pervasive in many countries that even when governmental decisions are based on merit, most citizens dismiss the decisions as the product of personal influence.

Tolerance towards Corruption

In most corrupt countries, there is a tolerance for corruption, particularly because it is viewed as the only avenue for accomplishing certain actions. In some instances, the payment of a bribe is a normal and acceptable way of doing business. Corruption is so common in certain arenas that citizens do not even view their behavior as immoral. For instance, attorneys who consider themselves law-abiding do not hesitate to pay a bribe to a court clerk to expedite a case file. Since the attorney is not interfering in the substance of the case, he does not believe any corrupt activity has been conducted. Such an attorney overlooks the fact that his behavior can have the effect of distorting the average citizen's access to the court's procedural process.

Non-Judicial Role of the Judge

Governments in many countries require judges to undertake non-judicial responsibilities, such as serving on commissions of inquiry, or assume heavy burdens of administrative

duties, which deter judges from pursuing their primary judicial duties, thus causing severe delay in the resolution of cases. In corrupted systems, such delay is averted by using improper influence on judges.

Lack of Professional Benefits

When the remuneration system, including wages and other employment benefits, retirement and working conditions of those within the justice system is meager, and does not adequately correspond to the functions of the office nor allow for an acceptable standard of living, police, prosecutors and judges will be forced to pursue self-serving rather than public-serving ends.

Administrative Court Procedures

The vast array of administrative responsibilities which are inadequately monitored create a climate for unfettered corruption in the courts. In many countries, administrative court procedures are bureaucratic, cumbersome and confusing, and are carried out by court personnel who have broad discretionary powers with little accountability.

B. Forms of Corruption in the Justice System

Corruption that exists in the justice system can take place at any time beginning at the commencement of a criminal investigation or the filing of a civil lawsuit through the judicial process culminating in enforcement of the court's decision. Much of the corruption occurs outside the public eye and often between only two individuals, both of whom are engaged in the illegal conduct and each receiving a personal benefit.

Consequently, corruption within the justice system is difficult to expose and challenging to prove, which impedes prosecution of the corrupt behavior.

In the investigation of criminal conduct, police have wide discretionary powers, much of which goes unchecked. For a proper sum, police can suppress the filing of police reports, can distort the evidence thereby ensuring certain outcomes, can engage in delaying tactics until the evidence is lost or destroyed, and can even refuse to investigate. If the alleged perpetrator is politically powerful, wealthy, or of a certain ethnicity, the police can use

their discretionary powers to protect rather than investigate the individual. Police can also commit crime, such as rape or robbery, in the investigation of other crimes.

Even with excellent police investigation, prosecutorial discretion can thwart the lawful processing of a criminal case. Similar to the police, prosecutors can also be bribed to delay the investigation and processing of a case. Moreover, powerful governmental ministries can exert substantial pressure on the public prosecutor to withhold prosecution. Such prosecutorial indiscretions go unchecked as there are no objective criteria for managing caseloads and prioritizing investigations that would allow a departure from the procedures to be identified.

Other criminal procedures such as the inconsistent issuance of summons, the unjustifiable refusal or granting of bail, the discrepancy in prosecuting high profile criminal suspects versus petty criminals, unwarranted acquittals, and the disparities in sentencing give rise to the public's suspicion that corruption exists within the criminal justice system.

In the filing of a civil lawsuit, the court user is faced with a daunting array of court procedures, many of which are complex and arcane. Often, court employees are willing to circumvent the administrative process for their private benefit. Due to their vast responsibilities, which receive little oversight by court administrators, court personnel are in a position to manipulate the rules and procedures. They may accelerate or delay a case without detection. They may "lose" the case file and then "find" it for a fee. They may allow or deny access to a judge for a fee. They may influence the assignment of cases for a fee.

And lawyers do not hesitate to single out those court employees who knowingly and expertly engage in corrupt, unsupervised administrative tasks in exchange for an illicit fee, as they know there is a low risk of being detected. For those litigants who do not have legal representation and can barely pay the legitimate fees, let alone the illicit payments of bribery, equal access to justice is denied.

Financial, Political and Societal Pressures

One of the most common forms of corruption within the police and judiciary is the payment of a bribe, either sought after by the police or magistrate (prosecutor or judge) or offered by the accused, the litigant or lawyer as an inducement to make certain decisions. For the payment of a fee, police and magistrates can alter the substance of the outcome. Judges can also affect the procedural process of a case, i.e. continually adjourning a case until a fee is paid.

Illicit remuneration comes in many forms. Governmental leaders, particularly those who wield immense power over the judicial system, are in a position to offer tangible benefits such as housing, car and vacations to those magistrates who curry favor by tacitly agreeing to decide according to the leader's desires. In some cases, the magistrate becomes accustomed to the higher standard of living and, when facing retirement, will accelerate the quest for illegal financial means from the private sector to maintain a higher lifestyle after leaving office.

Apart from receiving an illicit fee payment, magistrates may also benefit from succumbing to political pressure by obtaining professional advancement. Responding favorably to those who have undue influence on the judicial system, who have power or powerful connections, can result in promotion or other professional benefits to the magistrate.

During the Soviet regime, "telephone justice", i.e. directives received by telephone concerning pending cases by senior governmental officials, was not uncommon, and continues today to a lesser degree. Ministries with historical power over the judiciary are accustomed to exerting pressure on the judicial branch and are loathed to relinquish their control. Evidence of such political pressure is substantiated by the disproportionate number of decisions favoring the executive branch or powerful local enterprises that have political or financial connections to the government.

Other sources of pressure are family members or friends who seek “favours” from the magistrate. Due to their personal relationship with the magistrate, close associates expect certain outcomes. Rather than reveal the conflict of interest and seek disqualification, magistrates often submit to the pressure without compunction.

Pressure Within the Justice System

An insidious form of corruption emanates from within the justice system itself. Chief police officers, prosecutors or judges can exert significant administrative authority over their subordinates. By the simple act of assigning an investigation to a certain police officer, or a case to a certain prosecutor or judge, the outcome of the investigation or case can be determined. In some courts, the senior judge reviews the decisions of the other judges to assure the “correctness” of their opinions. While the purpose of the review may be to seek accuracy of the facts and law, such internal pressure can have the effect of assuring compliance with senior officer’s position in order to maintain good relations and to receive future benefits.

Fear of reprisal

Rather than being motivated to receive a tangible benefit from making certain decisions, police and magistrates are often cowed into making decisions out of fear of retribution. The fear of demotion or transfer to an undesirable location or position is a powerful incentive to make unjustifiable decisions. Fear of revenge if the decision is against or in favor of an objectionable political party or ethnic group can distort the outcome. Being perceived as politically incorrect or unpatriotic can force police and magistrates to decide against their better judgment.

Ineffective Enforcement of Judgments

Civil or criminal lawsuits that have emerged unscathed from the judicial process can still be subject to corruption during the enforcement phase. Bailiffs can extort payments from losing parties to ignore the judgment. Even reputable bailiffs can encumber difficulty during the enforcement phase due to imprecise and confusing judgments or even contradictory judgments. Police who object to the judge’s conviction of an individual

can refuse to incarcerate the guilty. Banks that are required by a judicial decision to levy the bank account of a powerful or wealthy individual can refuse to do so. Such defiant behavior stems from acute disrespect for the judicial system.

III. RESPONSES TO CORRUPTION IN THE JUSTICE SECTOR

A. Assessment of Corruption

An independent assessment of corruption involving all stakeholders to corruption, i.e. parties to a civil dispute, the accused, the victim, police, prosecutor, defense counsel, private bar, judges, court personnel, and court decision enforcement agencies, including penal institutions, is essential before any systematic response to eradicating corruption can be developed and implemented. Evidence of corruption, and not just suspicions or popular belief, is required in order to effectively assess corruption and develop a framework of anti-corruption policies.

False Assumptions and Allegations of Corruption

One of the major issues when developing a response to combat corruption is the public's perception of corruption. In countries where corruption is endemic, where the public views the government with disrespect, where governmental leaders reputedly engage in serious corruption, and where contacts and not content determines the outcome, citizens view any unfavorable decision to be the product of corruption.

Citizens in such countries refuse to believe that unfavorable judicial decisions are based on merit. Incompetent attorneys exacerbate the problem in masking their own shortcomings by convincing their clients that the case was lost because the other party paid a bribe to the magistrate. It is not uncommon for attorneys who are unscrupulous to seek a bribe from their client under false pretenses, claiming the judge demanded it for a favorable outcome, when in fact the illicit fee only lines the pocket of the attorney. If the outcome is unfavorable, the attorneys' defense is simply that the bribe was not sufficiently adequate.

Judicial Leadership in Assessing and Combating Corruption

Reform-minded and respected leadership of the police and magistracy within the justice system must not only be involved in the assessment of corruption, but also, and more important, in determining the priorities and sequencing of reforms. Corruption within the justice system is multi-faceted and multi-layered and to be effectively combated must have committed leadership at each level of corruption.

B. Institutional and Attitudinal Reforms

As with the factors of corruption, the responses to corruption can be grouped into two categories, institutional and attitudinal. In general, anti-corruption reforms must:

- limit the authority of decision-makers within the justice system and those who have control over the justice system;
- reduce the unfettered discretion of administrative officeholders within the justice system;
- strengthen the transparency and accountability of all who are involved in the justice system;
- improve the terms of employment within the justice system, including appointment, remuneration, working conditions, and training; and
- transform societal attitude's towards corruption in general and the justice system in particular.

Increase Independence of the Judicial Branch

The judiciary must fiercely guard its independence in order to balance powers equitably among the branches of government. To insulate magistrates from political influence, the judicial branch, rather than the executive branch, should control or at least have oversight authority of its administration and budget. Additionally, the budget for the justice system must be at a level that allows for effective and efficient administration of justice.

Role of Judicial Councils

Judicial councils that are independent from the ministry of justice can be helpful in promoting judicial independence by assuming the responsibility of appointing and promoting judges. When employed, judicial councils have usually substituted the traditional authority of the president or parliament in making judicial appointments. When properly utilized, judicial councils are less bureaucratic and less politicized and can achieve more efficient results than the government. During the last fifteen years, numerous **Latin America** countries have created judicial councils that have developed substantial track records.¹

Enhance Prosecution Capability of Public Prosecutor

The autonomous role of the public prosecutor in fighting corruption must be strengthened in order to effectively investigate governmental officials, including judges, and well-known businessmen. Additionally, the criminal code must allow for prosecution and conviction not only with direct evidence of bribery, but also with circumstantial evidence, such as possessing wealth that is unexplained by employment and other lawful activities. Until the public observes that corrupt behavior by governmental leaders and private individuals is not tolerated within the justice system, corruption within other sectors of society will continue.

In Latin America, efforts have been underway to strengthen the prosecutor's office. For instance, in **Colombia** the Attorney General was granted significant investigatory powers to fight corruption, which he used successfully to prosecute senior governmental officials and drug lords. In **Honduras** an office of the general prosecutor against corruption was established and sufficiently funded which allowed the general prosecutor to successfully expose corruption in the military. In **India** the Supreme Court took a leadership role in exposing political kickbacks and is now rated as one of India's most trusted institutions.²

¹ See Linn Hammergren, *Do Judicial Councils Further Judicial Reform? Lessons from Latin America*, June 2002.

² See USAID Handbook for Fighting Corruption, Washington, DC, 1999.

Appointment, Promotion, Dismissal

The system for appointments, promotions and dismissals must be transparent and based on due process procedures in order to reduce nepotism and political patronage within the employment process. Objective and merit-based standards must be applied to each applicant for appointment and promotion. Even competitive examinations are acceptable ways to distinguish the competent from the well-connected.

The **Republic of Georgia**, with the assistance of foreign donors, required all sitting judges to pass a rigorous examination resulting in numerous judges being forced out of office. A competitive examination is an excellent tool in securing competent magistrates, but it can only be effective if the demand exceeds the supply.

Term of Appointment

In order to shield the judge from external influence and to reduce the opportunity and need to succumb to political pressure and favoritism, the term of office for judges should be lengthy, if not life-time, to increase job security and stability, and to enhance the personal will to avoid governmental pressure. If there were a system of life-time appointments, there must be substantial and visible accountability mechanisms that ensure judges do not take advantage of their positions.

Increase Salary and Enhance Working Conditions

It is very difficult to combat corruption within the justice system when magistrates and police are paid considerably lower wages than individuals in comparable governmental offices and in the private sector. Increasing the income of magistrates and police will aid in eliminating the necessity to supplement their paltry income with bribes. However, it has been noted that a significant increase in the compensation across the board for judges and law clerks in **Venezuela, Ecuador and Argentina** (78, 89 and 130 percent respectively) may have affected corruption, but did not affect the perception of corruption in these countries from the period of 1991-1999.³

³ See *An Economic and Jurimetric Analysis of Official Corruption in the Courts*, UNDP, CICP-12, May 2001.

In **Bosnia** a pre-condition by the international community in assisting to eradicate corruption within the judiciary was to require the government to significantly increase the wages of judges. As of 2002, Judges in Bosnia receive \$900-\$1,800 monthly while judges in Serbia receive only \$200-\$350 monthly.⁴ Although it is too early to ascertain the affect increased compensation will have on the ethics of judicial decision-making in Bosnia, it is the intent of the donors that higher wages will reduce corruption.

Enhancing the working conditions of magistrates, particularly judges, so that their environment is conducive to thoughtful deliberation is essential to ensuring that judicial decisions are well-reasoned. Many judges within corrupt judiciaries share offices, often four judges to a small room, with malfunctioning office equipment and little support staff. Improving their working conditions will not only assist in improving the quality of their decision making, but also increase their professional prestige.

Declare Assets

In order to combat corruption as well as the perception of corruption, all magistrates and police should disclose their assets and the assets of close family members 1) prior to taking office, 2) periodically throughout their tenure, and 3) upon departing from office. Such declarations should be verified and monitored on a regular basis by an independent official.

Enhance Professionalism

An effective weapon against corruption is an acute understanding of the law. Often magistrates succumb to pressure because their knowledge of the law and its application is faulty and unsound. A government-sponsored system for the education and training of magistrates on substantive and procedural legal matters prior to assuming their roles, and a comprehensive curriculum which enables magistrates to be continually educated and trained during their term in office is essential to enhance judicial accountability.

⁴ See ABA/CEELI's *Judicial Reform Index for Bosnia and Herzegovina*, October 2001, and ABA/CEELI's *Judicial Reform Index for Serbia*, February 2002.

In numerous countries in Central and Eastern Europe as well as the former Soviet Union, foreign donors, with the assistance of the local ministry of justice or the judges' association, have created judicial training schools that have successfully trained all new judges as well as most of the sitting judges in the country. Judicial training centers in **Latvia, Albania, Bulgaria, Moldova and Kyrgyzstan** are examples of such assistance.

Enforce Codes of Ethical Conduct

In order to strengthen the integrity of magistrates and police, a code of ethical conduct, one that is rigorously enforced, is crucial. Codes of ethical conduct oblige magistrates and police to become accountable for their actions and decisions. If magistrates are seen to prosecute their own for inappropriate behavior, the public's respect for prosecutors and judges will increase.

In Albania, comprehensive training of the ethics code for mid-level police officers was conducted throughout the country by a democracy NGO under a USAID grant. Not only did this training reinforce an understanding of appropriate ethical conduct by the police, but it reestablished the linkage and sense of mutual responsibility between the police and the civil society that it is meant to protect.

Ensure Immediate Access to the Laws

Lack of legal knowledge about the prevailing laws and regulations, and lack of immediate access to such legal doctrines can result in incorrect rulings, part of which is based on the innocent ignorance of the magistrate. However, an unsuspecting magistrate who is subject to improper external or internal influence has little legal defense when he is without timely access to the laws and their amendments.

Random Case Assignment

In countries with corrupt judiciaries, case assignment is usually within the jurisdiction of a powerful authority who can manipulate assignment to ensure certain court decisions. On the surface, purposeful assignment can be defended if it is based on the experience,

expertise or workload of magistrates, but it is a system susceptible to abuse. Thus, the distribution of cases should be random and not influenced by any person concerned with the outcome of the case.

Publication of Judicial Decisions

One of the most effective responses to eliminating corruption within the justice system, one that not only reduces corruption, but also the perception of corruption is the publication of judicial decisions. In numerous countries, often civil law countries, judicial decisions are not traditionally published, nor are there verbatim court transcripts. Thus, where there are inconsistent applications of the law, or where there is an indefensible ruling, it is difficult for the public to ascertain and establish such facts.

It is not uncommon for judges sitting on the same bench to apply the law differently to similar fact patterns, or, more insidiously, for a judge to apply the law differently to cases with similar fact patterns. Without verbatim court transcripts or published decisions, such discrepancies are difficult to detect.

Although not for the purpose of establishing precedence, publication of judicial decisions that are well-reasoned and that properly apply the applicable law to the facts can protect the innocent judges while exposing the guilty ones.

Vigorous Enforcement of Judicial Decisions

In many countries, over half of the judicial decisions are not enforced. The delay or even absence of court decision enforcement gives rise to the public's disrespect for the judicial system. Much of the enforcement problem is due to a lack of sufficient resources. Yet, when those resources do exist and individuals or institutions defy the court's decision by refusing to enforce it, vigorous sanctions must be imposed.

Alternative Dispute Resolution (ADR)

An essential component of a multi-faceted response program to reduce corruption within the judiciary is a system which provides for alternative dispute resolution. Alternative

dispute resolution is a process by which the plaintiff and defendant attempt to reach a settlement outside the courtroom, either through arbitration, mediation or civil settlement. Alternative dispute resolution reduces the monopolistic nature of state-sponsored judicial services by providing alternative channels to secure a resolution through the private sector. **Chile, Ecuador and Uganda** have implemented ADR mechanisms which have resulted in a reduction in the reports of court-related corruption.⁵

Increase Transparency and Accountability of the Administrative Process

Due to the complexities of administrative procedures, there is a significant level of administrative discretion given to court personnel. This intricate environment entices not only court staff to seek illegal payment for services, but also a willingness on the part of the court user to pay them. Court administrative procedures must be streamlined and easily understood by all so that arbitrary decision-making by court staff is reduced. Uniformity and transparency in the administrative process significantly diminish court personnel's capacity to obtain illicit payments.

The institutional accountability of the justice system must ensure that public resources are allocated and used efficiently and for their intended purposes. The personal accountability of court staff requires them to perform their roles and responsibilities in compliance with all applicable rules and regulations and standards of ethical conduct. Performance standards for all court personnel must require that salaries and promotion be based on clearly enunciated performance standards.

Enhance Transparency and Efficiency of Case Management Systems

A case tracking system is essential in order to enhance the transparency of court administration. Computerization of court files can significantly reduce the labor-intensive workload of court personnel, particularly those who are still handwriting their work or sewing case files, while enhancing the quality of judicial administration.

⁵ See E. Buscaglia, *Judicial Corruption in Developing Countries: Its Causes and Economic Consequences*, Hoover Institution, 2002.

Further, the use of tamper-proof software can prevent documents or case files from being “lost” for a fee.

Computerization not only strengthens case management, but also increases the transparency of court proceedings by providing court users with an opportunity to observe the consistent, or inconsistent, application of time standards to each case filed. In several courts in **Bulgaria**, most notably the Supreme Administrative Court, the court record system has been computerized allowing litigants and their attorneys to access public court records and track each case through its resolution. Users of the Supreme Administrative Court’s web site may learn the date of filing of each case, the location of the file, and the length of time a particular file has languished at each judicial station.⁶

Role of the Bar Associations

Anti-corruption measures for the judicial system do not rest solely within the court structure. Frequently overlooked is a recognition by the bar that it contributes to the corruption of the judiciary by acting as a conduit between the litigant and the magistrate. Bar associations have the responsibility to expose and reduce bribery within the justice system by imposing strict sanctions against any of its members who engage in corrupt judicial practices.

Role of Law Faculties

The culture for bribing decision-makers begins at a very young age. In law faculties in those countries where corruption is endemic, it is not uncommon for students to bribe school administrators and law professors to be admitted, to receive passing grades, or to ultimately graduate from the law faculty.

The legal education system must be significantly improved, including increasing the compensation of academics and mandating courses on professional ethics, so that law

⁶ See www.sac.government.bg.

students who become the future lawyers and judges of the country are no longer learning how to manipulate the system, but rather how to succeed within it.

Role of Civil Society

Non-governmental organizations can play an important role in reducing corruption within the justice system by enhancing public awareness of judicial procedures and citizens' rights, while also creating pressure on the government for reform. In **Latvia and Albania**, non-governmental organizations in conjunction with the court system developed and distributed to the public street law pamphlets which clearly enunciated the public's rights and obligations under certain laws, and the process for filing and adjudicating cases.

Non-government organizations can be useful in ferreting out corruption by engaging in court monitoring. In **Croatia**, an NGO was successful in exposing magistrates who were not abiding by judicial procedures during war-crime trials of public individuals.

In **Ukraine, Russia and Albania**, Citizen Advocacy Offices (CAO) specializing in providing legal support to victims of alleged corruption and excessive bureaucracy have been established under USAID grants. Publicity of their very establishment produces hundreds of requests for legal help with issues of corruption, indicating a pent-up demand in society for a trusted and independent source of legal assistance. These CAOs have been extremely effective not only in representing individual claimants, either through court proceedings or administrative solutions, but in identifying institutions or groups of officials where corruption is endemic by analyzing trends in grievances. Through their independence and objectivity, these CAOs quickly achieve legitimacy not only among the public, but with judicial authorities as well. For example, in **Albania**, a tripartite commission was established to expedite the investigation and prosecution of corruption cases that included the general prosecutor and the minister of state in charge of anti-corruption programs.

Role of the Private Sector

As with NGOs, the private sector must also play a role in demanding reform from the government. Additionally, the business community must address its own behavior in contributing to the problem.

Role of the Press

News reporters who cover the courts and who are ignorant of the law and judicial procedures can nourish the public perception of a corrupt judiciary by inaccurately reporting false allegations of judicial corruption. Reporters who do not understand judicial rulings or decisions may misinterpret a judge's reasoning and thereby distort the motive of the judge. Such reporters grossly misuse their power as the gatekeeper of public information. Those reporters who routinely cover the courts must be educated in the law and about court procedures, and must recognize their responsibility to be factually correct. Further, they must have access to court records and court press officers who can enhance their understanding of court rulings and decisions.

A multi-year USAID program in **Paraguay** focused on training journalists of the new penal code while teaching court employees of the critical role the media plays in developing public trust in the judiciary.

IV. CONCLUSION

Most anti-corruption vulnerabilities and responses are institutional, and are, indeed, essential to eradicating corruption within the judiciary. But the ultimate response, without which corruption will never be eradicated, is societal. Clearly, one's behavior is shaped by the threat of apprehension, conviction and punishment, but one's personal ethics and moral values are the fundamental incentives for behavior.

Reforms must focus on one's personal ethics, and the societal attitude towards ethical behavior. There must be a common belief in society that ethics matter. Ethical behavior must be rewarded, and the rewards must exceed the risks of engaging in corrupt behavior.

While unethical behavior benefits individuals and companies, the country always suffers. There must be a societal awakening to the deleterious effects corruption has on the economic and political growth of a country. In this regard, public leaders who are reform-minded must lead public campaigns exhorting anti-corruption reforms.