

INTEGRITY AND RESISTANCE TO CORRUPTION
OF THE LAW ENFORCEMENT BODIES
IN
SOUTH EAST EUROPEAN COUNTRIES

Survey Report

“Integrity and Resistance to Corruption of the Criminal Judicial System in South Eastern European Countries”



Edited by

TRANSPARENCY INTERNATIONAL ROMANIA

Research Coordinator

Victor ALISTAR, PhD

Authors

Elena CALISTRU

Iuliana COȘPĂNARU

Monica MĂROIU

Research Review

Finn HEINRICH, Transparency International Secretariat

Local Research Coordinators

Lutfi DERVISHI

Emir DJIKIC

Diana KOVATCHEVA

Sasa KUCAN

Metodi ZAJKOV

Lilia CARASCIUC

Monica MĂROIU, Iuliana COȘPĂNARU

Iuliana COȘPĂNARU, Monica MĂROIU

Nemanja NENADIC

Albania

Bosnia and Herzegovina

Bulgaria

Croatia

Former Yugoslav Republic of Macedonia

Republic of Moldova

Montenegro

Romania

Serbia

Contributors

Valentin CORNĂȚEL

Cristina ALIMAN

Anca CIORICIU

Cristina GOLOMOZ

Luca BICA

This study has been made by Transparency International Romania and its partners within the project “Integrity and Resistance to Corruption of the Criminal Judicial System in South East European Countries” financed the Regional Anti-corruption Initiative through the Regional Cooperation Council, recipient of the US Government funds.

“Integrity and Resistance to Corruption of the Criminal Judicial System in South Eastern European Countries”

The methodology of the study corresponds to the terms of reference and quality standards.

CONTENTS

1. INTRODUCTION.....	7
2. OBJECTIVES OF THE PROJECT	10
3. METHODOLOGY OF THE SURVEY.....	12
3.1 Preliminary analysis.....	12
3.2 Questionnaire.....	13
3.3 Implementation of the survey.....	15
3.4 Data collection and processing.....	16
3.5 Focus groups.....	18
THE RESULTS OF THE SURVEY.....	20
4. OVERVIEW OF THE REGIONAL FRAMEWORK	21
4.1 National characteristics.....	21
4.1.1 ALBANIA	21
4.1.2 BOSNIA AND HERZEGOVINA	27
4.1.3 BULGARIA	31
4.1.4 CROATIA	35
4.1.5 FORMER YUGOSLAV REPUBLIC OF MACEDONIA	39
4.1.6 REPUBLIC OF MOLDOVA	44
4.1.7 MONTENEGRO	47
4.1.8 ROMANIA	51
4.1.9 SERBIA	54
4.2 International and European standards.....	58
4.3 Common regional challenges regarding law practitioners in investigating, prosecuting and trailing corruption	61
4.3.1 General remarks	61
4.3.2 Weak points	61
4.3.3 Strong points	62

4.4	Regional analysis.....	64
4.4.1	Establishing the perception among the judges, prosecutors, and police officers dealing with high level corruption cases upon the degree of independence and effectiveness of the national criminal judicial systems	64
4.4.2	Identifying the causes and factors that generate or favor the interferences and the nature of the pressures exerted upon the criminal judicial system, internal and/or external – political, socio-economic, media, administrative, professional, psychological pressures	74
4.4.3	Pointing out the weak points and causes of failure or success in addressing high level corruption, as well as the concrete steps which have to be taken in support of law enforcement bodies, prosecution and judicial system (the key points in which a coherent regional legislative solution would act as a facilitator for the improvement of the regional cooperation between the targeted practitioners)	81
4.4.4	Assessing the regional dimension of the corruption phenomenon as well as the level of compliance of the criminal judicial system measures with this regard with the international and European standards	87
5.	RECOMMENDATIONS.....	96
	Annex – National Data.....	99
	1. Albania.....	99
	2. Bosnia and Herzegovina.....	107
	3. Bulgaria.....	116
	4. Croatia.....	125
	5. FYR Macedonia.....	134
	6. Republic of Moldova.....	143
	7. Montenegro.....	152
	8. Romania.....	160
	9. Serbia.....	169

I. INTRODUCTION

The high level corruption problem is not absent in Western Europe or the EU institutions, of course, but the common reiterated assessment is that in many parts of Eastern Europe the phenomenon is endemic. No doubt can be brought to the harsh effect of corruption on the fundamentals of the democratic principles (such as rule of law, openness, transparency and democratic accountability and equity in dealing with citizens). In the process of democratization, the post-Communist South and Eastern European countries have adopted Judicial Reform and Anti-Corruption Strategies with the purpose of creating the necessary legal and institutional framework or strengthening/enforcing the existing ones. Nevertheless, after more than two decades from the fall of communism, the SEE countries are still ranked in the Corruption Perception Index (CPI) by Transparency International at the bottom as “very corrupt” compared to the Western European countries.

Among the most frequent stated causes for the perception of SEE countries as subject to rampant high-level corruption are several common characteristics determined by their transition towards democracy and free market. Examples of often cited vulnerable points vary and can be counted as common regional challenges. One of the most visible costs of corruption in the region is economic, since the region depends on foreign capital and expertise for sustainable growth. Corruption discourages investment and, besides, corrupt administrations hinder the management of many EU aid programs aimed at smoothing their transition.

Privatization programs, on the other side, have fed corruption throughout the region. Even though the process is almost

It is often said that, compared to the rest of Europe, South Eastern Europe countries face high level corruption to a greater extent. Identifying the common challenges in fighting high level corruption within a functional analysis of law enforcement, prosecution and judicial anti-corruption activity, focusing on the inside view of the system’s functionality in the countries of the region, could provide elements for establishing the measure in which corruption is indeed one of the greatest obstacle to the integration of Eastern Europe into the European Union.

Country	CPI
Denmark	9.3
Sweden	9.2
Finland	8.9
Croatia	4,1
Montenegro	3.9
Bulgaria	3.8
Macedonia	3.8
Romania	3.8
Serbia	3.5
Moldova	3.3
Bosnia and Herzegovina	3.0

Source: *CPI 2009*

http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table

complete, in many countries of the former Soviet bloc the privatization was an opportunity for the governments to distribute favors for their private interests or gains. The mismanagement of the state assets led to additional issues, which were translated into further corruption prospects – few East European states can afford to pay their civil servants, judges, police or border guards an income considered adequate, leading thus to informal payments.

Corruption also undermines fragile democratic systems, by fuelling popular disillusionment with politics. Political apathy is widespread in most liberal democracies, but it is far more destructive in Eastern Europe where the growth of an active civil society is crucial to ensuring that democratic norms take root.

In this context, the centrality of judiciary in the anti-corruption fight comes from the basic conditionality between the enforcement of such laws and an independent functional judiciary system. Without the integrity and resistance to corruption of the practitioners dealing with high-level corruption cases, not even the best anti-corruption legislation can prove its results. The consequences of a corrupted judiciary can vary from lack of confidence in governance, corruption in all sectors of government, low investment rate and scarce business development and growth, as well as important consequences on the common citizens ranging from unjust treatment to general public distrust in the public institutions.

Most South-East European governments, driven by their enthusiasm to join the EU, are making efforts to tackle corruption and reform their judiciary, efforts revealed by the legislative measures taken either as responses to their Partnership with the EU, either as a result of the relevant international conventions ratified. To what degree do these statutory guarantees of independence reflect the actual behavior of practitioners that deal with high level corruption cases?

Our analysis reveals that expert opinions of judges, prosecutors and police officers on internal or/and external vulnerabilities that impede their independence and the good functioning of the pre-trial and trial phase in the justice systems are rather influenced by exogenous factors, including financial conditions, relation with legislature or with the executive, or mass-media and public opinion pressures. Both formal and informal factors create the parameters in which the criminal judicial system operates and expresses its integrity. Although the judiciary has become a more powerful institution in the post-communist era, it faces a diverse set of constraints on independent action. And as independent judiciaries are important actors in democratic consolidation, the expressions taken by judicial independence in the regional context are important to define common challenges and orient SEE regional policies related to fighting high level corruption towards their compliance with international and European standards and best practices.

PARTICIPATING COUNTRIES

Albania

Bosnia and Herzegovina

Bulgaria

Croatia

Former Yugoslav Republic
of Macedonia

Republic of Moldova

Montenegro

Romania

Serbia

2. OBJECTIVES OF THE PROJECT

The main goal of this project was to identify common challenges in fighting *high level corruption* using criminal law proceeding in the view to improve the efficiency and effectiveness of the investigations, prosecution, and trials.

The *overall objective* was the improvement of the national and regional law enforcement capacities and coordination in preventing and combating high level corruption in SEE, bringing existing national mechanisms into compliance with international and European standards and best practices.

The project resulted in a systematic and functional analysis of law enforcement prosecution and judicial anti-corruption activity, focusing on an internal approach, based on expert opinions of relevant criminal law professionals themselves. It provides an inside view of the system’s functionality, aiming to identify the weak points and causes of failure or success in addressing high level corruption in the countries of the region, in parallel with the real challenges and concrete steps which have to be taken in support of law enforcement bodies, prosecution and the judiciary system as a whole.

The survey results provide data for making estimates in order to:

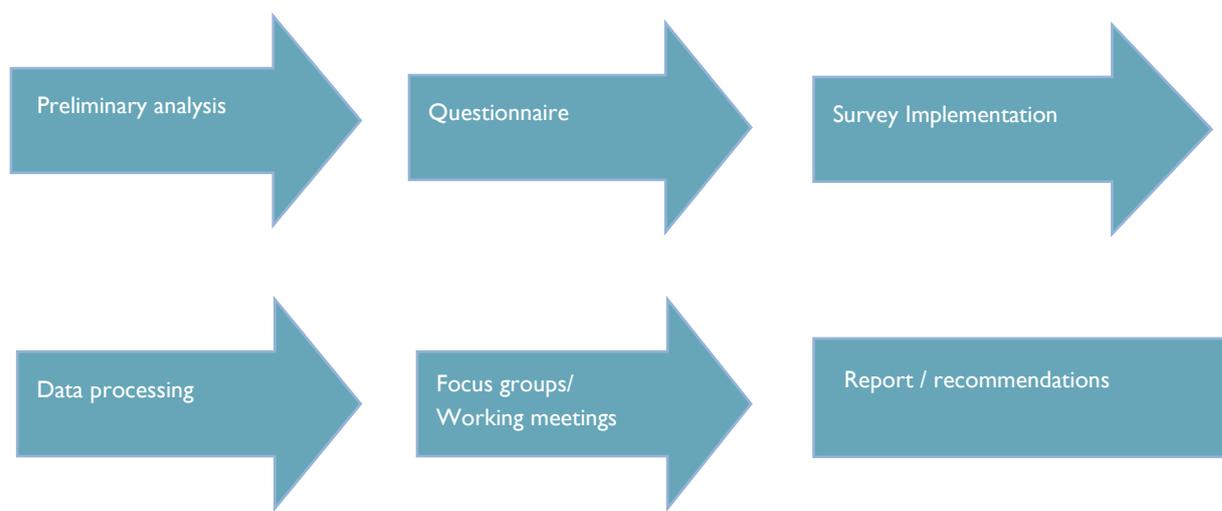
Consequently, under the framework of the Regional Anticorruption Initiative (RAI) Secretariat activities in the target countries, the survey results will be used as a basis for policy recommendations in the area of strengthening the integrity and resistance to corruption of the criminal judicial systems, including:

- ✓ Assistance in national and regional policies and strategies formulation,
- ✓ Institutional capacity building, and
- ✓ Improving regional networking and cooperation between practitioners and relevant state agencies.

- ✓ Identify the expert opinions of judges, prosecutors and police officers on internal or/and external vulnerabilities that impede their independence and the good functioning of the pre-trial and trial phase in the justice systems;
- ✓ Evaluate the expert opinions of judges, prosecutors, and police officers on the efficiency and effectiveness of the criminal law tools used to fight against corruption;
- ✓ Evaluate the level of integrity and resistance to corruption of the national criminal judicial system in order to properly adapt legal and governmental measures and bring national mechanism into compliance with international and European standards and best practices;
- ✓ Orient SEE regional policies related to fighting high level corruption and give coherency to the legislative solution that would be adopted in the national packages of laws on the reform of the judiciary;
- ✓ Strengthen the integrity of police investigation, prosecution and justice system and resistance to high level corruption.

3. METHODOLOGY OF THE SURVEY

The research was structured into six correlated successive phases, meant to provide the most accurate and relevant results. Each of these phases has had, besides the specific outputs, the role of refining, correcting, and adapting the previous and next steps:



3.1 PRELIMINARY ANALYSIS

The preliminary analysis was intended to provide the initial findings of the survey. Accordingly, the objectives of the Preliminary analysis were to clearly identify *the population of the target groups* – the number and occupation, the general framework of legislation and institutions used in each of the SEE Member States in fighting against high level corruption, the institutional cooperation between different state entities dealing with law enforcement, prosecution, and judicial anti-corruption activities.

The Preliminary analysis sought to ascertain the main topics of interest in assessing the weak points and causes of failure or success in addressing high level corruption in the countries of the region – discussions with the officials from the national anticorruption structures associated to the RAI, through an extensive desk research and an initial common questionnaire that was sent via e-mail to the RAI focal points. Consequently, it was envisaged to collect data as follows:

PRELIMINARY DATA TO BE COLLECTED	THE DETAILED STRUCTURE
General considerations regarding the working framework in the fight against corruption in each of the SEE Member States.	<ul style="list-style-type: none"> • Structure of institutions dealing with law enforcement; • Structure of institutions dealing with prosecution; • Structure of institutions dealing with judiciary activities; • Structure of specialized state bodies dealing with anti-corruption activities; • International/Regional Pacts of Cooperation for fighting against corruption your state is part of
Identify the target group officials (no names, only the exact number and structure) subject to the survey	<ul style="list-style-type: none"> • Number of police officers • Number of prosecutors • Number of judges
Working relationship of co-operation between institutions dealing with fighting against corruption	<ul style="list-style-type: none"> • Description, as simplified and structured as possible, of the cycle a certain case of corruption should take, as stipulated in the legislation, from the beginning of the investigation to the final decision pronounced by the judge.
Cases of high level corruption	<ul style="list-style-type: none"> • Number of cases of high level corruption where final decisions have been pronounced • Report on the number of high level corruption cases to the total number of corruption cases where final decision has been pronounced (%)

The RAI focal points were requested to complete the preliminary questionnaire in order to provide the necessary data for adapting the questionnaire to each country and to establish the most relevant population for each target group so as to determine the indicators that had to be met in order to provide the results with the smallest error margin possible.

3.2 QUESTIONNAIRE

The objective of the quantitative research, which was carried out through a questionnaire, was to identify the perception of the judges, prosecutors and police officers dealing with high level corruption about the extent of independence and effectiveness of the criminal judicial system. They were asked about identifying the causes and the manner of the interferences in the pre-trial and trial

phases of the high level corruption cases, where such indicators appear, whether the corruption cases they deal with have a national or a regional specificity, etc., in order to provide a set of proposals for the adoption of legal and governmental measures to bring national mechanisms into compliance with international and European standards and best practices.

TARGET GROUPS

Judges relevant sample population – persons invited to respond through the Ministry of Justice

- ✓ Judges from the Supreme Courts
- ✓ Judges from the Courts of Appeal
- ✓ Judges from the Courts of Law

Prosecutors relevant sample population – persons invited through the General Prosecutor’s Office

- ✓ Prosecutors attached to the Supreme Courts
- ✓ Prosecutors attached to the Courts of Appeal
- ✓ Prosecutors attached to the Courts of Law
- ✓ Prosecutors from dedicated Anticorruption Structures

Police officers relevant sample population – participants invited through the Department within the Ministry of Internal Affairs responsible for the investigation of high level corruption cases

(Police officers from dedicated anticorruption structures within the Ministries for Internal Affairs of each participating country, i.e. General Anticorruption Directorate in Romania, Inspectorate Directorate in Bulgaria, Internal Control Service in Albania, etc.)

The questionnaire which was developed as part of the project responded to the following objectives and topics:

TOPIC/OBJECTIVE	CORRESPONDING QUESTIONS
Establishing the perception among the judges, prosecutors, and police officers dealing with high level corruption cases upon the degree of independence and effectiveness of the national criminal judicial systems	Q1, Q5, Q15, Q21, Q22, Q24, Q25, Q26, Q27, Q31, Q36, Q37
Identifying the causes and factors that generate or favour the interferences and the nature of the pressures exerted upon the criminal judicial system, internal and/or external – political, socio-economic, media, administrative, professional, psychological pressures	Q2, Q3, Q4, Q6, Q7, Q8, Q9, Q16, Q19, Q20, Q28, Q29, Q32, Q38
Pointing out the weak points and causes of failure or success in addressing high level corruption, as well as the concrete steps which have to be taken in support of law enforcement bodies, prosecution and judicial system (the key points in which a coherent regional legislative solution would act as a facilitator for the improvement of the regional cooperation between the targeted practitioners)	Q10, Q11, Q12, Q13, Q14, Q17, Q18, Q30, Q33, Q34, Q35
Assessing the regional dimension of the corruption phenomenon as well as the level of compliance of the criminal judicial system measures with this regard with the international and European standards	Q23, Q39, Q40, Q41, Q42, Q43, Q44, Q45

3.3 IMPLEMENTATION OF THE SURVEY

Based on the results of the completed questionnaires received within the Preliminary analysis phase of the survey, the population of the target groups from the countries participating in the study was established. Nevertheless, where the preliminary analysis questionnaire and desk research did not secure relevant data for the sampling purposes of the survey, working meetings between members

of the research team and representatives of the focal points were organized so as to determine both the relevant population of the target groups to be surveyed.

The questionnaire was also adapted in view of the local structures engaged in fighting high level corruption, and further on sent to the local coordinators to be translated in the national languages of each of the countries targeted by the study.

With regard to the covering of the distribution, answering, and procedures to fill in the questionnaire, an online solution was agreed upon having regard to the main advantages such option provides within a multi-country approach.

The questionnaire was subsequently available online, and access was provided on the basis of a unique access code to the legal professionals in the target groups in each country. A number of unique access codes, established in accordance with the sampling methodology, were generated for each category of legal professionals in every country of the survey. The unique access codes, altogether with the methodology for the filling in of the questionnaires, were distributed by the local coordinators to the RAI focal points in sealed envelopes to ensure the complete anonymity of the response.

With the support of the National Justice and Home Affairs Ministries together with the General Prosecutor’s Offices, the RAI focal points further disseminated the envelopes to judges, prosecutors and police officers dealing with high level corruption cases.

A closing date for the online survey was announced to all institutions, and such time limit was additionally subject to extension, so that sufficient time for the completion of the questionnaire could be available. However, given the nature of data to be produced at regional level, the different collecting periods were not of nature to affect the internal validity of the research¹.

3.4 DATA COLLECTION AND PROCESSING

Transparency International Romania built an integrated database for processing the information resulted from the survey, while the data was generated automatically from the online questionnaire. The structure of the database approaches the following variables: answers structured according to

¹ For the relevant population and the interpretation comparative paradigms, no such event coincides with a different data collecting period. It should be noted that although the inquired individuals may have varied (historical) experiences, some of which are of nature to modify perception scores, across individuals these will cancel out, unless most of the individuals have the same experience, which exerts a consistent effect, in one direction, on all their scores. For a comprehensive overview, please see: W. D. CRANO, M. B. BREWER, *Principles and Methods of Social Research*, New Jersey, 2002, pp. 26-27

the main topics developed within the survey; formation of the respondent (legal practitioner category, i.e. judges, prosecutors, police officers); comparative data for each country, etc.

All the answers to the questionnaire were processed through the database and the records were structured according to the information received from all the countries targeted in the survey. The results generated the key points to be developed within the interpretation focus groups and working meetings, providing the general framework for identifying the main vulnerabilities, as well as certain possible solutions and recommendations for improving the experiences of the legal practitioners in investigating, prosecuting and trying high level corruption cases.

The shape of the general database provides an accurate overview of the interpretation variables used within the survey. Statistical data were used for the two comparative levels:

- ✓ Between target group officials (police officers, prosecutors and judges) within the same country;
- ✓ Between target group officials at regional level.

Two types of global overview of the interpretation variables used within the survey were also taken into account in the data analysis:

- ✓ General trends for all target group officials (police officers, prosecutors and judges) within the same country;
- ✓ General trends for all target group officials at regional level.

Still, for three of the of the target group populations included in the survey, the irrelevant response rate had as outcome their exclusion from data interpretation:

- ✓ Albania – judges
- ✓ Croatia – judges
- ✓ FYR of Macedonia – judges

Given the different size of the population target groups included in the survey, as well as the non-response rate² for each comparative topic the data was balanced and the respective weighting unit was applied.

The regional survey has a *standard error estimated at maximum 2%*.

3.5 FOCUS GROUPS

The objectives of the focus groups were to identify the elements of perception among the judges, prosecutors and police officers on the internal or/and external vulnerabilities that impede their independence and the good functioning of the criminal law proceedings with regard to the fight against high level corruption, for each of the targeted countries, through:

- ✓ Identifying the overall conditions and specificities so as to establish the indicators for weighting and interpreting the survey, where data was available; in case data was not available or it was not sufficient and/or conclusive, the focus groups were conducted following the same topics and questions as used in the questionnaire, without being means of verifications and interpretation of any survey results;
- ✓ Distinct qualitative analysis of the involved categories (judges, prosecutors, police officers);
- ✓ Including the proposals which came from the group members (in a 15% proportion), representatives of the institutions involved in the law enforcement, prosecution and judicial anti-corruption activity.

The focus groups were intended to analyze and conclude upon the findings of the survey and to try to establish the main interpretation lines for the study. However, where such results were found to be insufficient or inconclusive, the focus groups were held on the basis of the same topics and questions used in the survey questionnaire, without being means of verification or interpretation of survey results.

For each country, a focus group was conducted by the local coordinator based on a common interview guide designed for all countries; thusly, the result was a number of nine focus groups providing a basis for policy recommendations in the area of strengthening the integrity and resistance to corruption of the criminal judicial systems.

The focus groups benefited from the participation of representatives from all the targeted legal practitioner categories and were designed to be flexible, since their main aim was to provide the

² In this regard, the methodological recommendations of the Joint European Commission – OECD Task Force on Improvement of Response Rates and Minimisation of Respondent Load were used.

fluid research tool, which involved the participant fully rather than just getting them to passively answer questions.

The methodology employed the following:

- ✓ Alternation of open-closed questions: questions for fixing problems and questions to identify causes, conditions, and manifestations;
- ✓ Debating topics with perception topics: questions of perception were used;
- ✓ The report frequency/intensity: the manner of quantifying the results of the focus group and of extracting the validated answers will be to underline the dominant points of view by the frequency of their appearance in the participants’ answers (quantitative) and by extracting the points of view expressed with a high intensity (qualitative).

The focus groups were thematic, approaching and refining the topics provisioned in the objectives of the study:

- ✓ Emphasizing the perception among the judges, prosecutors, and police officers upon the system’s functionality in addressing high level corruption within their countries.
- ✓ Identifying the causes and factors that generate or favour the interferences and the nature of the pressures exerted upon the law enforcement bodies, internal and/or external – political, socio-economic, media, administrative, professional, psychological pressures, etc.

**THE
RESULTS
OF THE
SURVEY**

4.OVERVIEW OF THE REGIONAL FRAMEWORK

4.1 NATIONAL CHARACTERISTICS

4.1.1 ALBANIA

Context

After 19 years since the collapse of the communism, Albania continues its journey through the transition towards democracy and European integration. Albania is a potential candidate country for EU accession following the Thessaloniki European Council of June 2003. On 18 February 2008 the Council adopted a new European partnership with Albania. The Stabilisation and Association Agreement (SAA) with the country was signed on 12 June 2006 and entered into force on 1 April 2009. It succeeds the Interim Agreement on trade and trade-related aspects, which entered into force in December 2006. The EU-Albania visa facilitation agreement entered into force in January 2008 while the readmission agreement entered into force in 2006. Albania submitted its application for EU membership on 28 April 2009.

Albania is a parliamentary republic, whose legal system is based on civil law traditions. In the hierarchy of laws, the Constitution has the highest legal force, while ratified international agreements have superiority over domestic laws and legal acts issued by the Cabinet of Ministers. Following the fall of the communist rule in 1991, the country operated on the basis of a packet of interim constitutional provisions. In November 1998, the interim constitutional provisions were replaced by a new Albanian Constitution, which incorporates the principles of the separation of powers, guarantees fundamental human rights, and provides for the rule of law.

Country data analysis

Note: For Albania, only the answers for prosecutors and police officers were taken into account.

The criminal judicial system is generally perceived by prosecutors and police officers as being independent, only 4% of the legal professionals agreeing that the Albanian judiciary is not at all independent. If the prosecutors seem to be more neutral in their assessment – 67% consider the criminal judicial system somewhat independent –, police officers evaluate it as fully or to a large extent independent in a proportion of 57%. The relative confidence in the independence of the judiciary is further underlined in the awareness of concrete situations of influence attempts on the practitioners – in the last twelve months, 17% of the prosecutors never or rarely heard about pressures exerted on their colleagues or on them specifically, while 79% police officers answered in the same manner.

However, 39% police officers and prosecutors are aware of cases in which political pressures were exerted on the appointment process of a senior prosecutor/police officer. Amongst these cases, the most common source of pressures indicated is the political parties, by both prosecutors (50%) and police officers (21%).

While these attempts to influence the decision on high level corruption cases were observed on their colleagues by 17% prosecutors and 14% police officers, when it comes to a direct attempt to influence their own decision 67% prosecutors and 29% police officers were confronted with such situation.

The groups which are held by the participants to the survey as being mostly responsible for exerting direct or indirect pressure upon the criminal judicial system are differently ranked by prosecutors and police officers, the common point at national level being that the dominant position in the scores given by the practitioners is held by the members of Parliament for both categories (with 33% of the options expressed by prosecutors and 36% by police officers). Besides the national trend, for prosecutors, the following categories are seen to be exerting pressure upon their activity: Ministry of Justice (17%), mass-media (17%), other members of the Government (8%). For police officers, the subsequent positions are held by mass-media (36%) and other members of government (14%).

As for the frequency of such instances of pressure in giving a solution to a high level corruption case are evaluated as occurring often or sometimes by 43%, respectively 27% of the practitioners. The frequency is assessed as being more present by prosecutors, 58% of them recognizing that these pressures appear often.

Prosecutors consider that the institutions that are to be responsible for protecting their independence are the presidency (42%), General Prosecutor’s Office (33%), and parliamentarians (25%). For police officers, this role should be assumed by The Ministry of Internal Affairs (36%), followed at an equal percentage of choices of 21 by the Government, Ministry of Justice, Members of the Parliament.

These answers are to be correlated with the level of content the target groups have with regards to the bodies responsible for the administration of the system they work in and with the assessment they did on the degree to which the Government and the Presidency respect the independence of the criminal judicial system.

Therefore, 58% prosecutors are fully or to a large extent pleased with the activities of the General Prosecutor’s Office and 71% police officers share a similar opinion with regards to the Ministry of Internal Affairs. Moreover, the survey participants consider in a 44% proportion that the Government respects the independence guaranteed by law to them, while for the Presidency the percentage is slightly higher – 61%.

The evaluation of the relation between the criminal judicial system and the Executive and the Presidency confirm the above tendencies. The Executive is seen as being able to exercise more informal influence and power or at least having an equal influence (43% responding that the executive is more influential and 42% responding that both are equally influential), while Presidency is seen as holding a dominant position in its relation with the judiciary by only 12% of the practitioners. Moreover, 67% prosecutors and 79% police officers grant a relation on equal positions for the Presidency and the criminal judicial system.

The legislative framework meant at ensuring the independence of the practitioners dealing with high level corruption cases is assessed in a positive manner at national level – 68% of them consider that the existing provisions (laws and regulations of the responsible institutions) ensure fully or to a large extent the independence of prosecutors and police officers. Amongst prosecutors, the level of appreciation is more reserved, half of them being somewhat confident in the capacity to guarantee their independence of the existing framework.

The same trend is preserved within the opinions expressed with regards to the legal statute of the two categories of professionals. If 65% police officers tend to agree or strongly agree that their legal statute guarantees their independence, prosecutors are more skeptical, 42% of them disagreeing in this matter. A significant percentage of prosecutors (25%) is also undecided with regards to their legal statute. It is to be further analyzed if this difference registered by the prosecutors’ opinion is a

consequence of the large set of amendments to the Law on the Organization of the Prosecution Office, which were adopted by the parliament at the end of 2008.

The legislative framework is of high importance for the Albanian practitioners, its instability having severe consequences on the activities of the personnel dealing with high level corruption cases. An overwhelming percentage (70%) of the target groups agree fully or to a large extent that the legislative instability affects the judicial system, an opinion that is even more acutely present among prosecutors (83%).

The influence of the secret services upon the criminal judicial system is seen very differently by the surveyed categories – prosecutors clearly describe as negative their influence (58%) and police officers are more inclined to believe that they do not influence in any manner their activity (71%).

Mass-media is seen as a negative influence on the independence of the practitioners by 43% of the personnel at national level. The opinion is though differently distributed between prosecutors (50% of them consider mass-media a negative influence) and police officers (57% of them considering it a positive influence). Also, the frequency of such pressures on behalf of mass-media is evaluated as highly recurrent by 67% of the practitioners, prosecutors experiencing them often or very often (83% in comparison with 50% police officers).

On the contrary, the negative perception upon the mass-media influence does not seem to influence the perception of/on public opinion, which is considered at national level to have a positive influence upon the independence of criminal judicial system by 58% prosecutors and police officers.

The manner in which high level corruption cases are assigned to police officers and prosecutors in Albania seem to be not very familiar to the participants to the survey, 25% of the prosecutors and 43% of the police officers answering that they do not know if the distribution is randomized. Yet, at national level, 32% of the cases are at least somewhat randomly assigned, and in a larger extent for prosecutors (33% to a large extent and 42% somewhat). However, when asked if a random assignment of cases would act as an appropriate solution to avoid/prevent political pressures on the legal professional dealing with high level corruption cases, 92% prosecutors and 79% police officers agree or strongly agree. 8% prosecutors are undecided with regards to the causality between the two, while 21% police officers disagree or strongly disagree with the effects of such measure for their work.

The assessment and promotion criteria used in the departments are generally seen as appropriate to ensure the independence of the staff, with 68% of the prosecutors and police officers agreeing, while performance indicators are considered useful to a large extent or fully by 89% of them.

The financial limited resources constitute an important issue for Albania, 79% of the practitioners disagreeing or fully disagreeing that the current wage level is adequate to ensure their independence. An even wider discontent is noticeable for prosecutors, who answered in this matter unanimously.

The current Albanian professional training system is seen as effective by most of the police officers and prosecutors (61%), while 21% are undecided whether the system corresponds to the training needs. Several differences appear within each category – while 42% prosecutors are undecided about the effectiveness of the training system, 29% police officers disagree that the current system is addressing their professional needs.

A great volume of work is considered a potential factor affecting the integrity and resistance to corruption by 30% of the practitioners, police officers being even more affected by this (43%). At national level and within each category, there is also a considerable proportion of undecided representatives of the target groups about the direct relation between the work volume and their resistance and integrity to corruption. It is to be further analyzed in more detail the exact consequence of the workload of practitioners in this field.

The disciplinary system is assessed as a strong point by the practitioners of the Albanian judicial system – 68% police officers and prosecutors consider it appropriate to ensure their independence in investigating and prosecuting high level corruption cases. Within each category, prosecutors are more distrustful in the capacity of their disciplinary system in ensuring their independence, one out of four participants disagreeing.

The system protecting persons investigating and prosecuting high level corruption cases is analyzed differently by prosecutors and police officers – while 50% of the prosecutors disagree or strongly disagree that the system is effective in protecting them from eventual reprisals, only 14% of the police officers share the same opinion. However, at national level, 50% of the target groups are considering the system apt to ensure their independence.

The international political institutions are widely considered to have a positive influence on the independence of the criminal judicial system by 92% of the Albanian prosecutors and police officers. Police officers are the more optimistic, with 100% answering that the influence of the international institutions has a positive effect on the independence of the judiciary, while amongst prosecutors 17% consider that these institutions have no influence whatsoever. The same optimistic view was expressed on the outcomes of the assistance provided by international organizations in formulating national and regional policies and strategies in the area of fighting high level corruption. The international expertise is seen as significantly strengthening the effectiveness of the criminal judicial

system by 95% of the professionals, police officers registering again a full agreement on the role of the international assistance.

The degree of information with regards to international and European anticorruption standards and best practices is assessed as existing fully or to a large extent among 65% of the surveyed practitioners. On the other hand, 41% of the prosecutors and 28% of the police officers consider themselves somewhat or to a low extent informed in this matter. Nevertheless, the fact that the transposition of international and European standards within the Albanian criminal judicial system would have a positive effect on the system is widely recognized by police officers and prosecutors, who believe in a proportion of 92% that the harmonization process would fully or to a large extent enhance their independence. A certain reserve is preserved by 8% of the prosecutors who consider that the transposition would moderately enhance their independence and by 7% of the police officers that consider a low extent effect.

When it comes to the current transposition of such standards, 68% of the inquired Albanian practitioners consider that their legal system is fully or to a large extent in compliance with the international and European standards in the field of dealing with high level corruption cases. However, 27% of the prosecutors believe it to exist to a low extent.

As for the regional dimension of the corruption phenomenon, the Albanian criminal judicial system practitioners dealing with high level corruption cases follow the regional trend, by answering in an overwhelming proportion of 82% that it is fully or to a large extent a common feature of all countries in South Eastern Europe. In this regard, 72% of them consider to a large extent or fully that a regional policy in fighting high level corruption would significantly increase the effectiveness of the system they operate in. If the opinion is shared by 79% police officers, amongst prosecutors we can identify a less confident approach in the effects of a regional policy – 25% answered that it would somewhat enhance the national judiciary, while 8% assess a low extent impact. Within the same positive record, the regional networking and cooperation within similar agencies is perceived as significantly improving the integrity of the criminal judicial system professionals by 96% of the Albanian prosecutors and police officers.

4.1.2 BOSNIA AND HERZEGOVINA

Context

Bosnia and Herzegovina is as well a potential candidate country for EU accession subsequent to the Thessaloniki European Council of June 2003. On 16 June 2008 the EU and Bosnia and Herzegovina signed the Stabilization and Association Agreement (SAA) which will enter into force once its ratification process has been completed. An Interim Agreement on Trade and Trade-related issues, which was signed on the same day, entered into force on 1 July 2008. The EC launched a visa liberalization dialogue with Bosnia and Herzegovina on 26 May 2008 and a new European partnership with Bosnia and Herzegovina was adopted by the Council on 18 February 2008. On 1 January 2008 the visa facilitation and readmission agreements entered into force.

Much of the reform efforts envisaging the European integration³ are subject to the delays caused by the nationalist conflicts present in Bosnia and Herzegovina, conflicts further accentuated by Kosovo's declaration of independence in February 2008 and by the elections in October 2008. Under such circumstances, these problems also affected the judiciary, which continues to be separated into four jurisdictions (the State level, the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District), favoring an inarticulate approach for the judiciary, further amplified by the lack of a Supreme Court. Even though a National Strategy for Development of the Justice Sector was adopted, in the absence of harmonization bodies and of a single common budget for the judiciary to unify the function of the judiciary at national level, no account can be taken with regards to its implementation and effects upon the practitioners.

The legislative incoherence and instability, the political interference and the widespread sense of corruption⁴, transform the efforts to guarantee the independence and effectiveness of judges/prosecutors/police officers dealing with high level corruption in a simple desiderate. Also, the difficulties faced within the cooperation between prosecutors and police officers transform the investigations in acts mainly concerned with the decoding, understanding and application of the

³ As set within the *Council Decision of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC*, published in the *Official Journal L 080, 19/03/2008 p. 0018-0031*

⁴ Bosnia and Herzegovina's ranking in Transparency International's *corruption Perception Index*, shows a regress from 2003 (when BiH scored 3.3) to 2008 (3.2), that is further underlined by additional researches undertaken by TI BiH. For example, a September 2009 research report on "Promoting anti-corruption reforms" indicates that BiH "has not accomplished any progress in fighting against corruption, and that anti-corruption activities are still uncoordinated and with no real political will and systematic approach. Processing corruption in courts and prosecution in BiH is difficult and with no significant effect, since the criminal acts of corruption remain unpunished or end up with probation." For further details please see: www.ti-bih.org

different criminal codes in force. Moreover, the recommendations of GRECO or of the EC⁵ suggest that the enforcement of the legal framework and the improvement of coordination of the agencies involved in fighting corruption is a mandatory step in achieving the standards imposed by the BiH Euro-Atlantic objective.

Country data analysis

The judiciary system is generally perceived by judges, prosecutors, and police officers as being independent (86% judges, 71% prosecutors, and 39% police officer identify the system as being fully or to a large extent independent). The relative confidence in the independence of the judiciary (at global level, only 4% of the practitioners consider it independent to a low extent or not at all) is further underlined in the awareness of concrete situations of influence attempts on the practitioners – in the last twelve months, 41% of the legal professionals never heard about pressures exerted on their colleagues or on them specifically.

Important differences appear when taking into consideration factors assessing the independence through its level of separation from other authorities and its attributions clearly delimited through functional and budgetary autonomy. In this sense, the extent to which the practitioners are undecided whether the Government respects their independence (35% judges, 33% prosecutors, and 41% police officers) reveals this possible intrusion as an issue affecting the investigation of high level corruption cases. The influence of the government comes in a apparent contradiction with the general perception of the practitioners regarding the lack of direct political pressure on judicial system (72% judges, 78% prosecutors, and 59% police officers do not came across situations where the influencing of their decision was attempted). Consistent with the qualitative analysis, the pressure seems to exist but it is not directly exerted, but rather determined through indirect governmental decisions (such as new and frequent legislative measures, or scarce budgetary allocations for the judiciary).

The existing provisions aimed at ensuring the independence of the practitioners are similarly assessed by the three categories of practitioners - 77% of the judges agree that the legislative framework is fully or to a large extent ensuring their independence, 78% of the prosecutors and 67% of the police officers assessing in the same positive manner the relevant laws and regulations. The same tendency of agreement is found in their perception upon their legal statute – 68% of the judges agree or strongly agree that their legal statute guarantees their independence from the

⁵ Commission of the European Communities, *Bosnia and Herzegovina 2008 Progress Report* accompanying the *Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2008-2009*. {COM(2008)674}

political power, while the percentage of positive answers from the prosecutors is of 53%. Only 26% police officers reach a similar agreement, their majority (52%) considering that their legal statute is only somewhat guaranteeing their independence.

Also, the system protecting persons investigating, prosecuting, and trailing high level corruption cases from eventual reprisals is found appropriate for ensuring their independence by only 21% of the practitioners from Bosnia and Herzegovina, while almost a third of them are undecided if there are sufficient protection means in this regard. Moreover, 40% judges, 48% prosecutors, and 45% police officers disagree or strongly disagree that the protection system in place is of manner of ensuring their independence.

Differences can also be noticed in the view they have on the categories of professional from the criminal justice system most affected by the pressures – the judges nominated to a 53% extent the police officers (prosecutors scoring 16% and 26% of them seeing an equal pressure upon all the categories) as being the most affected, whilst the prosecutor’s opinions also ranked the police officers in the first position with 60% (the opinion that the three categories are equally subject to pressure is shared by 23% of them). The difference comes within the police officers’ assessment, which appointed prosecutors with 20% as the most affected, followed by police officers with 15% and judges with 9%.

The other powers exercising potential influence upon the judiciary are scored similarly by judges, prosecutors and police officers, even though the percentages vary. As a result, in the relation with the executive, 56% of the judges considered the executive as being more influential, at slight difference from 53% of the prosecutors, and 52% of the police officers that considered the same power relation. However, in the relation between the criminal judicial system and the Presidency, the two branches are seen as holding an equal position by a third of the participants to the survey, while 40% of them consider that the judicial system holds a dominant position – 37% judges, and 50% of both prosecutors and police officers.

Yet, the source of pressure most often cited by the practitioners is the mass media, 64% of all the participants to the survey indicated as the most responsible for exerting direct or indirect pressure upon the criminal judicial system.

A common agreement is to be found for the influence exerted by the mass-media. The cases in which mass-media never or rarely exerts pressures on the judiciary are extremely low – 14% in the case of judges, 8% for the prosecutors, and 7% in the case of police officers. Thus, at the level of the national criminal judicial system mass-media is perceived as influencing in a negative manner the

independence of the practitioners by 66% of the legal professionals, the opinion being shared with different intensity by each category (72% judges, 90% prosecutors, and only 33% police officers).

A comparative understanding of a common threat for the judicial system is found within the extent in which the judges, prosecutors and police officers agreed that the legislative instability affects them – all practitioners agree or strongly agree in a similar proportion (70% judges, 83% prosecutors and 78% police officers) that the legislative instability affects the judicial system.

Other common weak points are also stated by all categories – 70% of the practitioners disagree or strongly disagree that the current level of salaries is adequate for ensuring their independence, on the effectiveness of the professional training system in addressing their needs disagree or strongly disagree 35% judges, 40% prosecutors, and 41% police officers (39% of the practitioners at national level, at difference from 34% agreeing with its effectiveness), as well as on the objectivity of the hiring system for senior staff (if 21% judges and 25% prosecutors disagree or strongly disagree, the percentage is even higher among 44% police officers, while a very large extent of the target groups were undecided if the hiring system ensures the selection of the most qualified candidate for senior positions – 35%). A lower disagreement or strong disagreement is to be found within their perception upon the disciplinary system (53% judges, 55% prosecutors and 39% police officers find it appropriate).

When comparing the procedural flaws of the judiciary, several solutions are mainly noted as common agreement between the practitioners: the random distribution of cases (61% judges and 68% prosecutors agree or strongly agree that it is an appropriate means to avoid pressure, while the percentage of the police officers finding the solution appropriate is more temperate, 28% of them agreeing on it, while 35% of them believe it as somewhat appropriate) or the use of performance indicators for ensuring the independence of the system (53% judges and 60% prosecutors find it useful fully or to a large extent, in comparison with only 32% police officers which tend to be again more temperate, 48% considering them somewhat useful).

There is a low perceived negative influence of the international political institutions upon the independence of the national criminal judicial systems is perceived in a similar low percent among judges (19%), prosecutors (23%) and police officers (26%), at global level 59% of the practitioners granting a positive influence on the judiciary to them.

The degree of information with regards to international and European anticorruption standards and best practices is perceived as existing in a rather limited proportion of the practitioners – only 27% of them consider themselves informed largely or fully about them, while half of the practitioners are somewhat knowledgeable in the matter. Nevertheless, the fact that the transposition of

international and European standards within the criminal judicial system from Bosnia and Herzegovina would have a positive effect on the system is recognized by a significant proportion of judges, police officers and prosecutors, whom believe in a proportion of 41% that the harmonization process would fully or to a large extent enhance their independence. A certain reserve is preserved by 40% judges, 43% prosecutors and 35% police officers who consider that the transposition would moderately enhance their independence.

An optimistic view was expressed on the outcomes of the assistance provided by international organizations in formulating national and regional policies and strategies in the area of fighting high level corruption. The international expertise is seen as significantly strengthening the effectiveness of the criminal judicial system by 87% of the professionals, while only 10% were undecided in this regard.

When it comes to the current transposition of such standards, 29% of the inquired practitioners consider that their legal system is fully or to a large extent in compliance with the international and European standards in the field of dealing with high level corruption cases. However, a wider moderation exists in this regard, 42% judges, 58% prosecutors and 57% police officers considering that the standards are somewhat implemented in their country.

As for the regional dimension of the corruption phenomenon, the criminal judicial system practitioners dealing with high level corruption cases in Bosnia and Herzegovina follow the regional trend, by answering in an overwhelming proportion of 93% that it is at least somewhat a common feature of all countries in South Eastern Europe. In this regard, 76% of them consider to a large extent or fully that a regional policy in fighting high level corruption would significantly increase the effectiveness of the system they operate in. Within the same positive record, the regional networking and cooperation within similar agencies is perceived as significantly improving the integrity of the criminal judicial system professionals by 79% judges, 88% prosecutors, and 74% police officers.

4.1.3 BULGARIA

Context

Since its EU accession in 2007, Bulgaria has succeeded to a certain extent to meet the requirements established within the Cooperation and Verification Mechanism (CVM) set up to assist the states in achieving the judicial reform and the fight against corruption and organized crime standards. Even though some of the Action Plan to meet the CVM benchmarks measures was accomplished, the

constant perception upon corruption and judiciary vulnerability shows that the EU member state status is not a sufficient guarantee for an irreversible democracy.

The 2009 CVM Progress report for Bulgaria showed that the judiciary reform still requires concentrated efforts, since the complexity and formality of the criminal procedure is in itself a major cause for the inefficiency of the judicial system. The setting up of specialized structures (functionally and politically independent from government) for prosecuting and judging high level corruption and organized crime cases is another area in which Bulgaria needs to act in order to achieve the EU standards in the anti-corruption field.

The Constitution and the Judicial System Act establish the structure and outline the functioning of the judicial system in Bulgaria. One basic principle in the regulation of the judiciary is its independence from the other two branches of state power, the executive and the legislature.

Country data analysis

The judiciary system is generally perceived by 52% of the practitioners of the Bulgarian criminal judicial system as being fully or to a large extent independent. At the same time, a moderate opinion is shared by more than a third of the target groups which consider it somewhat independent. Nonetheless, within each category of analyzed practitioners, several differences appear – while a full or large independence is granted to the judicial system by 62% of the judges and 53% of the prosecutors, a more temperate general positive perception is to be noted within the police officers investigating high level corruption cases, only 23% perceiving the system as fully or to a large extent independent. The conviction of the majority of practitioners that the system is at least somewhat independent is further depicted in the awareness of concrete situations of influence attempts on the practitioners – in the last twelve months, 65% of the judges have rarely or never heard about pressures exerted on their colleagues or on them specifically, while 67% of the prosecutors and 50% of the police officers answered in the same manner.

The existing provisions aimed at ensuring the independence of the practitioners are perceived as ensuring the independence of the criminal judicial system practitioners at least somewhat, even though within each category noteworthy differences appear – while only 8% of the judges consider the existing provision as not ensuring or ensuring to a low extent their independence, the same opinion is endorsed by 13% of the prosecutors and 34% of the police officers. Thus, even though the legislative framework is seen as a strong point in the existing system, the qualitative data showed that it is also necessary to evaluate the proven will to observe the legal procedures and instructions. The same paradigm must be applied when assessing the perception upon their legal statute – 36% of

the judges, 32% of the prosecutors, and 55% of the police officers disagree or strongly disagree that their legal statute guarantees their independence from the political power.

As for the interaction of the criminal judicial system with the Executive, it seems that the Bulgarian practitioners are mostly of the opinion that the criminal judicial system tends to be more influential, a perception held by 55% of the judges and 45% of the prosecutors and police officers. However, almost one out of three practitioners grants an equal influence and power to both branches. An even wider sense of independence is seen in the relationship with the Presidency, on which the judicial system is considered to hold a dominant position by 74% of the target groups.

The perception upon the activities of the institution responsible for the administration of the criminal judicial system are quite balanced, for all the categories the neutral position being the dominant one: 53% of the judges are somewhat pleased with the activity of the Ministry of Justice, 39% of the prosecutors have the same opinion on the activity of the General Prosecutor’s Office, and 28% of the police officers evaluate the Ministry of Internal Affairs in the same manner.

The causes of pressure identified by the target groups are ranked similarly by all the three categories, the main source perceived as responsible for exerting direct or indirect pressure on the judiciary being mass-media (56% of the judges, 42% of the prosecutors, and 26% of the police officers), followed by the members of the Parliament (indicated by 20% of the judges, 25% of the prosecutors, and 26% of the police officers) and the presidents of the courts/chief prosecutors/chief police officers (15% of the judges, 16% of the prosecutors, 19% of the police officers).

Among the participants to the survey, there seems to exist a strong belief about the public opinion pressure upon the effective investigation process – at national level, 54% of them indicated it as a negative pressure, the opinion being even more present amongst judges (68% in comparison with 43% of the prosecutors and 36% of the police officers). However, the opinion, consistent with the qualitative analysis, must be correlated with the belief that the greater part of existing negative stereotypes against the judicial system is created by the media, a conclusion further underlined by the huge recurrence of the answers related to the negative influence of the mass-media (72% at national level, with 83% of the judges above this average). Moreover, the perceived frequency of pressures exerted through the mass-media on judges, prosecutors, and police officers is high: only 10% of the practitioners believe that these pressures appear rarely or never.

At functional level, several factors are seen as potential solutions for increasing the effectiveness of the criminal judicial system, as well as the resistance to pressures on personnel dealing with high level corruption cases – the random distribution of cases is seen as a proper solution in this regard by 68% of the participants to the survey (there is though a greater support on behalf of 73% of the

judges and 70% of the prosecutors, in comparison with 53% of the police officers), as well as the existence of performance indicators for the professionals of the criminal judicial system (only 22% of the practitioners see the efficiency of such measure as non-existent or with limited effects).

Common weak points are also strongly stated by all categories – all practitioners disagree or strongly disagree in similar proportions (78% of the judges, 79% of the prosecutors and 87% of the police officers) that the current level of salaries is adequate for ensuring their independence, on the effectiveness of the professional training system in addressing their needs (40% of the judges, 52% of the prosecutors and 68% of the police officers), as well as on the objectivity of the hiring system for senior staff (63% of the judges, 54% of the prosecutors and 55% of the police officers).

Other common vulnerable points are identified within their perception upon the disciplinary system (38% of the practitioners at national level find it inappropriate for ensuring their independence, while 37% were undecided or did not express a clear opinion on the matter) and upon the system protecting the personnel dealing with high level corruption cases from eventual reprisals (56% of the criminal judicial system professionals find it inappropriate, while 41% of them were undecided or did not express a clear opinion).

Also, a strongly underlined weak point is identified in the legislative instability – only 3% of the Bulgarian practitioners believe that its influence affects to a low extent or not at all the criminal judicial system, and the opinion is widely endorsed by all categories (91% of the judges, 91% of the prosecutors, and 76% of the police officers consider it to fully or to a large extent affect the system).

The level of information the practitioners hold on the international anti-corruption standards and best practices is perceived to be rather low – 56% of the judges, 66% of the prosecutors, and 70% of the police officers consider themselves informed to a low extent or not at all in this area. However, the perception of the advantages for their independence possibly attained through the transposition of such standard in their criminal judicial system is quite positive – 60% of the judges and 58% of the prosecutors consider that the transposition would enhance fully or to a large extent the independence of the practitioners, while the same opinion is undertaken by a smaller percent of the police officers (44%).

Even so, the general perception upon the level of compliance with international standards in the field of investigating high level corruption is balanced at national level, with 38% of the responses showing a full or large compliance, 31% certain compliance, and 16% assessments of a low or nonexistent compliance. However, differences are to be noted in the assessment of each category – judges

consider that the system is fully or largely compliant in a 39%, prosecutors in a 46%, and police officers in an 18%.

The regional dimension of the corruption phenomenon assessment also revealed comparable perceptions among the categories of practitioners – corruption is not seen as a common feature of all countries in SEE 21% of all the surveyed Bulgarian practitioners, who considered the regional dimension of corruption to be present to a low extent or not at all. Consequently, the general national trend reveals a wide confidence in the benefits of a regional policy related to fighting high level corruption cases – 67% of the judges, 55% of the prosecutors and 39% of the police officers fully or largely agreeing with a significant increase in the effectiveness of their criminal judicial system as a result of such policy. Also, at national level, only 13% are less optimistic in this concern. Also, the regional cooperation and networking, is seen as a positive influence leading to improvements in the integrity of the criminal judicial system – judges expressed the largest confidence in such an approach (60%), followed by 57% of the prosecutors and 39% of the police officers.

4.1.4 CROATIA

Country data analysis

Note: For Croatia, only the answers for prosecutors and police officers were taken into account. For details please see Methodology of the Survey.

The criminal judicial system is widely perceived by Croatian prosecutors and police officers as being independent, 82% prosecutors and 85% police officers considering it fully or to a large extent independent. The confidence in the independence of the judiciary is further underlined in the awareness of concrete situations of influence attempts on the practitioners – in the last twelve months, 91% of the prosecutors never or rarely heard about pressures exerted on their colleagues or on them specifically, while 61% police officers answered in the same manner.

The groups which are held by the participants to the survey as being mostly responsible for exerting direct or indirect pressure upon the criminal judicial system are similarly ranked by prosecutors and police officers, the common point at national level being that the dominant position in the scores given by the practitioners is held by the mass-media for both categories (with 100% of the options expressed by prosecutors and 54% by police officers). Besides the national trend, for police officers a significant option is represented by the representatives of international institutions present in country, with 31% of the answers.

These answers are to be correlated with the level of content the target groups have with regards to the bodies responsible for the administration of the system they work in and with the assessment they did on the degree to which the Government and the Presidency respect the independence of the criminal judicial system.

Therefore, 64% prosecutors are to a large extent pleased with the activities of the General Prosecutor’s Office and 85% police officers share a similar opinion with regards to the Ministry of Internal Affairs.

The Executive is seen as being able to exercise more informal influence and power by 64% prosecutors, while the opposite perception was expressed by 62% police officers who grant a more influential position to the criminal judicial system. A convergence in opinions is not reached by the two categories neither with regards to the relation of the criminal judicial system with the Presidency – most of the prosecutors (73%) answered that the presidency holds an equal position in relation to the judicial system, while for police officers the judicial system holds a dominant position (69%). However, none of the categories acknowledges a dominant role of the Presidency. These trends are fully in line with the overall perception at national level that the Government respects the independence guaranteed by law to persons investigating and prosecuting high level corruption cases (91% agreeing or strongly agreeing with such position), and with the same positive perception upon the respect of their independence on behalf of the Presidency (87% of the participants to the survey).

The legislative framework meant at ensuring the independence of the practitioners dealing with high level corruption cases was assessed both qualitatively and quantitatively in a positive manner at national level – 76% of them consider that the existing provisions (laws and regulations of the responsible institutions) ensure fully or to a large extent the independence of prosecutors and police officers. Amongst police officers, the level of appreciation is more reserved, 31% of them being somewhat confident in the capacity to guarantee their independence of the existing framework.

The same trend is preserved within the opinions expressed with regards to the legal statute of the two categories of professionals. If 69% police officers tend to agree or strongly agree to the effectiveness of their legal statute and 15% considering that their legal statute guarantees somewhat their independence, prosecutors seem to be more moderate. Even though 72% of them agree or strongly agree in this matter, 27% disagree that their independence is guaranteed by their legal statute.

The instability of the legislative framework is differently assessed by the two categories of Croatian practitioners, its instability having consequences on the activities of the personnel dealing with high level corruption cases in the opinion of the prosecutors (73% agree fully or to a large extent that the legislative instability affects the judicial system), an opinion that is not present among police officers (31% believe that it somewhat affects the judicial system and 46% that it affects it to a low extent or not at all).

Mass-media is seen as a negative influence on the independence of the practitioners by 34% of the personnel at national level. The opinion is though doubled by a large percentage granting no influence to the mass-media (45% prosecutors and 54% police officers). Also, the frequency of such pressures on behalf of mass-media is evaluated as recurrent by 87% of the practitioners, 45% prosecutors and 77% police officers experiencing them often or very often.

On the contrary, the negative perception upon the mass-media influence does not seem to influence the perception of/on public opinion, which is considered at national level to have either a positive influence upon the independence of criminal judicial system (45% prosecutors and 38% police officers), either no influence at all (27% prosecutors and 62% police officers).

The manner in which high level corruption cases are assigned to police officers and prosecutors in Croatia seem to be not very familiar to the participants to the survey, 45% prosecutors and 23% police officers answering that they do not know is the distribution is randomized. Yet, at national level, 57% of cases are fully or largely randomly assigned, and in a larger extent for prosecutors. However, when asked if a random assignment of cases would act as an appropriate solution to avoid/prevent political pressures on the legal professional dealing with high level corruption cases, 45% prosecutors and 54% police officers agree or strongly agree. 54% prosecutors and 38% police officers are undecided or do not know if such measure would have such effects on their work.

The assessment and promotion criteria used in the departments are generally seen as appropriate to ensure the independence of the staff, with 51% prosecutors and police officers agreeing, while performance indicators are considered useful to a low extent by only 12% of them.

The adequacy of the current salary level to ensure the independence of the judicial system practitioners is differently assessed by the two categories of professionals. 45% prosecutors agree or strongly agree that the level is adequate, while 36% expressed the contrary opinion. For 38% of the police officers, the wage level is also adequate, but more than half of them (54%) are rather undecided with regards to this issue.

The current Croatian professional training system is seen as effective by half of the police officers and prosecutors, while 32% are undecided whether the system corresponds to the training needs, a

proportion which might be explained through the results of the focus group in which the participants expressed the need to improve more the implementation of existing laws by realization of improvement of institutional capacity of judicial system, including with better professional training programs.

The disciplinary system is assessed as a strong point by the practitioners of the Croatian judicial system – 45% prosecutors and 54% police officers consider it appropriate to ensure their independence in investigating and prosecuting high level corruption cases. However, a quarter of the practitioners at national level is undecided in assessing the role played by the disciplinary system in ensuring the independence of the prosecutors and police officers dealing with high level corruption cases.

The system protecting persons investigating and prosecuting high level corruption cases is analyzed similarly by prosecutors and police officers – 55% prosecutors and 46% police officers agree or strongly agree that the system is effective in protecting them from eventual reprisals. However, at national level, 41% of the target groups is undecided or does not know how to evaluate the system protecting them.

The international political institutions are widely considered to have a positive influence on the independence of the criminal judicial system by 55% of the Croatian prosecutors and police officers. Prosecutors are the more optimistic, with 64% answering that the influence of the international institutions has a positive effect on the independence of the judiciary, while amongst police officers there is an equal distribution of 46% answers acknowledging them a positive role or no influence whatsoever. The same optimistic view was expressed on the outcomes of the assistance provided by international organizations in formulating national and regional policies and strategies in the area of fighting high level corruption. The international expertise is seen as significantly strengthening the effectiveness of the criminal judicial system by 68% of the professionals, with 82% prosecutors and 54% police officers registering agreeing or strongly agreeing on the positive role of the international assistance.

The degree of information with regards to international and European anticorruption standards and best practices is assessed as existing fully or to a large extent among 71% of the surveyed practitioners. On the other hand, 27% prosecutors and 23% police officers consider themselves somewhat or to a low extent informed in this matter. Nevertheless, the fact that the transposition of international and European standards within the Croatian criminal judicial system would have a positive effect on the system is recognized by 55% prosecutors and 46% police officers, whom believe that the harmonization process would fully or to a large extent enhance their independence.

A certain reserve is preserved by 18% prosecutors and 38% police officers who consider that the transposition would moderately enhance their independence.

When it comes to the current transposition of such standards, 59% of the inquired Croatian practitioners consider that their legal system is fully or to a large extent in compliance with the international and European standards in the field of dealing with high level corruption cases, while 33% of them consider that their criminal judicial system is at least somewhat compliant with these standards.

As for the regional dimension of the corruption phenomenon, the Croatian criminal judicial system practitioners dealing with high level corruption cases follow the regional trend, by answering in an overwhelming proportion of 75% that it is fully or to a large extent a common feature of all countries in South Eastern Europe. In this regard, 47% of them consider to a large extent or fully that a regional policy in fighting high level corruption would significantly increase the effectiveness of the system they operate in. However, 45% prosecutors consider such policy as having effect to a low extent, while 46% police officers consider it in a moderate degree. The regional networking and cooperation within similar agencies is perceived as significantly improving the integrity of the criminal judicial system professionals by 55% of the Croatian prosecutors and police officers, while moderate opinions were expressed by 18% prosecutors and 38% police officers that answered that such cooperation would somewhat improve their work.

4.1.5 FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Context

The Former Yugoslav Republic of Macedonia became a candidate country for EU membership in 2005. On 18 February 2008 the Council adopted the Accession Partnership for the country, thus updating the previous European Partnership of January 2006. A visa facilitation agreement and readmission agreement with the EU has been in force since 1 January 2008. The Stabilisation and Association Agreement (SAA) with the country was signed on 9 April 2001 and entered into force on 1 April 2004.

The judicial reform is a key aspect of the Accession Partnership set by the EU for Macedonia, aimed at strengthening the integrity and efficiency of judiciary, among others. In this sense, important legislative measures are developed, like the Law on Council of Public Prosecutor and the regulations regarding the public prosecutor's office which established key tasks for the 2007-founded Council of Public Prosecutors. The Council is responsible for the nomination of public prosecutors in Macedonia, a measure aimed at enhancing their independence (the appointing of the General

Prosecutor remains though the attribute of the Parliament, at the proposal of the government). A similar objective in the field of the integrity and resistance to corruption for the judges is assumed by the Judicial Council, whose activity is though under the possible subjection of the Ministry of Justice whose public statements were assessed as pressure attempts⁶.

The problem of tackling corruption remains a strong linked issue with the judiciary reform process. The SACC is responsible also for the compliance with European standards in the fight against corruption, the GRECO recommendations being taken into consideration in the state program for prevention and suppression of corruption (the OECD convention on combating bribery of foreign public official was not signed yet, though). The Ministry of Interior is currently implementing a code of police ethics through special training within the framework of anti-corruption programs. These measures, along with some further steps taken in the area of unifying the cooperation mechanism between the law enforcement bodies, come thus as an answer to the stringent issue of corruption, a problem in which even though constant improvement was remarked, serious threats are still present⁷.

Country data analysis

Note: For the Former Yugoslav Republic of Macedonia, only the answers for prosecutors and police officers were taken into account. For details please see Methodology of the Survey.

The criminal judicial system is generally perceived by prosecutors and police officers as being independent, only 22% of the legal professionals assessing the judicial system as independent to a low extent. However, both categories are neutral in their assessment – 72% prosecutors and 69% police officers consider the criminal judicial system somewhat independent –, only 8% police officers evaluating it as independent to a large extent. The relative confidence in the independence of the judiciary is further underlined in the awareness of concrete situations of influence attempts on the practitioners – in the last twelve months, 76% of the prosecutors never or rarely heard about pressures exerted on their colleagues or on them specifically, while 38% police officers answered in the same manner.

However, 69% police officers and 14% prosecutors are aware of cases in which political pressures were exerted on the appointment process of a senior prosecutor/police officer. Amongst these

⁶ Commission of the European Communities, *The Former Yugoslav Republic of Macedonia 2008 Progress Report* accompanying the *Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2008-2009*. {COM(2008)674}

⁷ FYR Macedonia scored 2.3 in TI's Corruption Perception Index 2003, a score with a continuous improvement until now – CPI 2008 rating for FYR Macedonia rising until 3.6.

cases, the most common source of pressures indicated is the political parties (23% of all the responses).

While these attempts to influence the decision on high level corruption cases were observed on their colleagues by 17% prosecutors and 62% police officers, when it comes to a direct attempt to influence their own decision 41% prosecutors and 62% police officers were confronted with such situation.

The groups which are held by the participants to the survey as being mostly responsible for exerting direct or indirect pressure upon the criminal judicial system are differently ranked by prosecutors and police officers. For prosecutors, the following categories are seen to be exerting most pressure upon the criminal judicial system: Ministry of Internal Affairs (41%), Ministry of Justice (24%), and mass-media (14%). For police officers, the first choices were the representatives of international institutions present in FYR of Macedonia and the chief police officers (both with 31% of the options), followed by the members of Parliament (23%).

As for the frequency of such instances of pressure in giving a solution to a high level corruption case are evaluated as occurring differently by the two categories. While 52% prosecutors consider that these pressures appear sometimes or rarely, the same option is endorsed by 31% police officers (61% of them consider their frequency ranges from often to very often).

These answers are to be correlated with the level of content the target groups have with regards to the bodies responsible for the administration of the system they work in and with the assessment they did on the degree to which the Government and the Presidency respect the independence of the criminal judicial system.

Therefore, 55% prosecutors are somewhat pleased with the activities of the General Prosecutor’s Office and 54% police officers share a similar opinion with regards to the Ministry of Internal Affairs.

The evaluation of the relation between the criminal judicial system and the Executive and the Presidency confirm the above tendencies. The Executive is seen as being able to exercise more informal influence and power or at least having an equal influence (42% responding that the executive is more influential and 45% responding that both are equally influential), while Presidency is seen as holding a dominant position in its relation with the judiciary by only 21% of the practitioners.

The legislative framework meant at ensuring the independence of the practitioners dealing with high level corruption cases is generally assessed in a rather positive manner at national level – 45% of them consider that the existing provisions (laws and regulations of the responsible institutions)

ensure fully or to a large extent the independence of prosecutors and police officers. Amongst prosecutors, the level of appreciation is more reserved, 59% of them being somewhat confident in the capacity to guarantee their independence of the existing framework.

As for the legal statute of the professionals dealing with high level corruption cases, only 10% prosecutors reach an agreement in considering it a guarantee for independence in front of political influence, at difference from 27% of them answering in an opposite manner. Moreover, almost half of the prosecutors (45%) considered them undecided in this respect. For the police officers, the dominant opinion is that their legal statute tends not to guarantee their independence (53%), but in this case there are also a significant percentage of undecided representatives (15%).

Mass-media is seen as a positive influence on the independence of the practitioners by only 14% of the personnel at national level. The opinion is though differently distributed between prosecutors (24% of them consider mass-media a negative influence and 66% that it has no influence) and police officers (54% assess a negative influence, while 31% no influence at all). Also, the frequency of such pressures on behalf of mass-media is evaluated as highly recurrent by 41% of the practitioners, police officers largely experiencing them often or very often (46% in comparison with 24% prosecutors).

On the contrary, the negative perception upon the mass-media influence does not seem to influence the perception of/on public opinion, which is considered at national level to have no influence upon the independence of criminal judicial system by 56% prosecutors and police officers.

The manner in which high level corruption cases are assigned to police officers seems to be not very familiar to 58% police officers that do not know if the distribution is randomized. Yet, at national level, 29% of cases are somewhat randomly assigned, and in a larger extent for prosecutors (79%). When evaluating if a random assignment of cases would act as an appropriate solution to avoid/prevent political pressures on the legal professional dealing with high level corruption cases, 41% prosecutors and 62% police officers agree or strongly agree. 17% prosecutors are undecided with regards to the causality between the two, while 14% of them and 31% police officers disagree or strongly disagree with the effects of such measure for their work, as a result of the preference revealed within the qualitative analysis for the specialization needed in such cases.

The assessment and promotion criteria used in the departments are seen as appropriate to ensure the independence of the staff by only 19% of the participants to the survey. However, a considerable percentage of 93% prosecutors were undecided or did not know and 54% police officers disagreed or strongly disagreed. The performance indicators, on the other hand, were considered somewhat useful to ensure the independence of the criminal judicial system by 39% of the practitioners, out of

which police officers expressed more optimism with regards to such measure (46% agree fully or to a large extent with their usefulness, in comparison with 17% prosecutors).

The financial limited resources seem to be for FYR of Macedonia an important issue, 68% of the practitioners disagreeing or fully disagreeing that the current wage level is adequate to ensure their independence. An even wider discontent is noticeable for police officers, amongst which only 8% strongly agree with the adequacy of the salaries.

The current professional training system is seen very differently by the two categories. While most police officers disagree that the current system is addressing their professional needs in 61% proportion, amongst prosecutors the trend is present in only 14% of the answers. On the contrary, 44% prosecutors consider that the current professional training system is effective, but an important percentage (28%) is still undecided.

The disciplinary system is assessed as a vulnerable point by the practitioners of the judicial system – only 30% police officers and prosecutors consider it inappropriate to ensure their independence in investigating and prosecuting high level corruption cases. Within each category, prosecutors are more distrustful in the capacity of their disciplinary system in ensuring their independence, with only 17% of them agreeing or strongly agreeing with it being appropriate.

The degree of information with regards to international and European anticorruption standards and best practices is assessed as existing fully or to a large extent among 19% of the surveyed practitioners, while 32% consider themselves somewhat informed. Nevertheless, the fact that the transposition of international and European standards within the Albanian criminal judicial system would have a positive effect on the system is widely recognized by police officers and prosecutors, whom believe in a proportion of 53% that the harmonization process would fully or to a large extent enhance their independence. A certain reserve is preserved by 34% prosecutors and 23% police officers who consider that the transposition would moderately enhance their independence.

The same optimistic view was expressed on the outcomes of the assistance provided by international organizations in formulating national and regional policies and strategies in the area of fighting high level corruption. The international expertise is seen as significantly strengthening the effectiveness of the criminal judicial system by 49% of the professionals, while one out of three answers were still undecided.

When it comes to the current transposition of such standards, 53% of the inquired practitioners consider that their legal system is fully or to a large extent in compliance with the international and European standards in the field of dealing with high level corruption cases. However, a certain

moderation exists in this regard to, 41% prosecutors and 23% police officers considering that the standards are somewhat implemented in their country.

As for the regional dimension of the corruption phenomenon, the Macedonian criminal judicial system practitioners dealing with high level corruption cases follow the regional trend, by answering in a overwhelming proportion of 91% that it is at least somewhat a common feature of all countries in South Eastern Europe. In this regard, 50% of them consider to a large extent or fully that a regional policy in fighting high level corruption would significantly increase the effectiveness of the system they operate in. If the opinion is shared by 62% prosecutors, amongst police officers we can identify a less confident approach in the effects of a regional policy – 16% answered that it would enhance to a low extent or not at all the national judiciary. Within the same positive record, the regional networking and cooperation within similar agencies is perceived as significantly improving the integrity of the criminal judicial system professionals by 71% of the prosecutors and police officers.

4.1.6 REPUBLIC OF MOLDOVA

Context

At almost two decades after its independence, Moldova continues to face political struggles on its way towards democratic governance. The systematic reforms required for achieving the standards of rule of law received a further input in 2003, when Moldova made out of the EU integration a priority . The framework in which an Action Plan in this regard was formulated (2005) came after the European Union Neighborhood policy came into force in 2003. The shortcomings in the area of fight against corruption, the rule of law and independency of the judiciary represent milestones for the reforms to be undertaken.

In 2001, Moldova started taking concrete steps in the area of the fight against corruption by approving the Law on prevention of, and fight against, money laundering, ratifying the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from crime, which came in force in 2002. A Centre for fighting economic crimes and corruption was established in the same year, but serious key points are still to be taken into consideration. Moreover, not even some of the recommendations in the field of judiciary independence and fight against corruption stipulated within the EU-Moldova Action Plan were implemented, leading to a constant perception of the judiciary as an inefficient and corrupt system. The perception upon the high level of corruption is accentuated by the scarce resources allocated to the judiciary, that transform the

system into a very susceptible to corruption one. Some legislative initiatives as the Law on Conflict of Interest and the Law on Preventing and Fighting Corruption were adopted in 2008.

Country data analysis

The perception of the Moldavian practitioners on the independence of the criminal judicial system seems to be very balanced – while 28% of the legal professionals assess it as fully or to a large extent independent, 30% hold the opposite opinion. Moreover, a consistent proportion of 42% consider the Moldavian judiciary as somewhat independent, a trend that is to be seen also within each category of practitioners and with greater recurrence amongst prosecutors who assessed the judiciary as somewhat independent in a larger proportion (56%). The relative confidence in the independence of the judiciary is further underlined in the awareness of concrete situations of influence attempts on the practitioners – in the last twelve months, 69% of the judges heard rarely or never about pressures exerted on their colleagues or on them specifically, while 39% of the prosecutors and 50% of the police officers answered in the same manner.

Important differences appear when taking into consideration factors assessing the independence through its level of separation from other authorities and its attributions clearly delimited through functional and budgetary autonomy. In this sense, the extent to which the Moldovan practitioners disagreement or strong disagreement on the government’s respect of their independence (58% at the level of all analyzed categories) reveals this possible intrusion as an issue affecting the investigation of high level corruption cases. A similar perception value among the three categories seems to describe the relation with the Presidency – 53% of the legal professionals disagree or strongly disagree that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high-level corruption cases.

The existing provisions aimed at ensuring the independence of the practitioners are differently assessed by the three categories of practitioners. While at national level 23% of the legal professionals are undecided with regards to their legal statute, judges hold a stronger position, 69% of them disagreeing or strongly disagreeing with the fact that their legal statute ensures their independence. The same opinion is also shared by most of prosecutors and police officers, but to a lesser extent – 44% prosecutors and 46% police officers disagree or strongly disagree that their legal statute ensures their independence. Similarities can also be noticed in the view they have on the categories of professional in the criminal justice system most affected by the pressures – even though several differences appear within each category of legal professionals, at national level the perception is not strongly biased, the distribution of answers showing that 36% consider the influences are equally exerted upon all three categories.

The scoring for other powers exercising potential influence upon the judiciary varies significantly. In the relation with the executive 50% of the prosecutors considered the executive as being more influential in comparison with only 31% judges and police officers that considered the power relation reversed. The same larger extent in which the prosecutors experience a wider influence is maintained when it comes to the Presidency – 83% of the prosecutors in comparison with 66% of the police officers consider that the Presidency holds a dominant position, but is even more severe amongst judges (92%).

A common agreement is to be found in the assessment of the influence exerted by the mass-media. The mass-media is perceived as exerting pressures on the judiciary very often, often or at least sometimes by 61% of the practitioners. Out of these pressures, only 27% are perceived as having a positive influence on the independence of the practitioners. However, even if the general trend shows a negative perception upon the mass-media influence on the judiciary, within each category of practitioners notable differences appear – while 62% judges assess the media influence as negative, only 33% prosecutors 25% police officers considers it as such.

A comparative understanding of a common threat for the judicial system is found within the extent in which the practitioners agreed that the legislative instability affects them – 82% of them agree fully or to a large extent that the legislative instability is a threat for the judiciary. The trend is almost equally distributed within each category of professionals – 84% judges, 81% prosecutors, and 78% police officers answered in the same way.

Other common weak points are also strongly stated by all categories – all the three categories disagree or strongly disagree in a massive proportion (100% judges, 94% prosecutors and 90% police officers) that the current level of salaries is adequate for ensuring their independence, as well as on the effectiveness of the professional training system in addressing their needs (53% judges, 63% prosecutors and 62% police officers).

When comparing the procedural flaws of the judiciary, several differences are to be noted also in the case of measures as the random distribution of cases (16% judges, 28% prosecutors disagree or strongly disagree that it is an appropriate means to avoid pressure, while the percentage of police officers is of 43%) or the use of performance indicators for ensuring the independence of the system (53% judges and 42% prosecutors find it useful to a low extent or not at all, in comparison with 28% police officers).

The regional dimension of the corruption phenomenon assessment also revealed comparable perceptions among the categories of practitioners – 73% of the legal professionals consider corruption a common feature of all countries in the South Eastern Europe. The positive influence of

the international political institutions upon the independence of the national criminal judicial systems is perceived in various percentages among judges (31%), prosecutors (39%) and police officers (58%). However, at national level the dominant opinion is that the international political institutions do not influence in any manner the independence of the criminal judicial system – 52%.

The level of information the practitioners hold on the international anti-corruption standards and best practices was perceived by 15% judges, 22% prosecutors and 27% police officers to a low extent or not at all in this area. Differences appear though in their perception upon the level of compliance with international standards in the field of investigating high level corruption – 44% of the judges consider that the compliance is met in a large extent or fully, at a considerable difference from prosecutors (31%) and even more from police officers which agree with a large or full extent of the compliance in at 22%.

Discrepancies appear also in the perception of the advantages for their independence possibly attained through the transposition of such standard in their criminal judicial system – 0% judges and only 6% of the prosecutors consider that the transposition will enhance to a low extent or not at all the independence of the practitioners, while the same opinion is undertaken by 13% of the police officers. In what concerns the regional cooperation and networking, the prosecutor’s opinion seems to be slightly more optimistic with regards to the improvements in the integrity of the criminal judicial system (83% fully agree or agree to a large extent in comparison with 78% of the police officers, and an even lower level of 53% judges). Police officers seem to be though more optimistic with regards to a potential increase of the effectiveness of the system through a regional policy related to fighting high level corruption – 75% fully agree or agree to a large extent in comparison with 67% of the prosecutors and only 54% judges.

4.1.7 MONTENEGRO

Context

Montenegro is a potential candidate for membership to the EU, a position reaffirmed by the Council in June 2006 after the recognition of the country's independence by EU member states. On 15 October 2007 Montenegro signed the Stabilization and Association Agreement (SAA) and an Interim Agreement on trade and trade-related issues (entered into force on 1 January 2008). The SAA will enter into force once its ratification process is completed. A European partnership with Montenegro was adopted by the Council on 22 January 2007. The Montenegrin government adopted an action plan for its implementation on 17 May 2007. Montenegro further submitted its application for EU membership on 15 December 2008. On 23 April 2009 the Council decided to invite the Commission to prepare an Opinion on Montenegro's application.

As a new state, Montenegro is still in the process of unifying the 2007 Constitution with judiciary prospects aiming at reaching the European standards. In 2008, a wide legislative process envisioned changes in the judicial framework in order to improve the independence and efficiency of the judiciary. The changes included the expansion of the Office of the Special Prosecutor for Organized Crime and Corruption, the adoption of the Law on the Judicial Council, amendments to the Law of the State Prosecutor and to the Law on courts, as well as punctual legislative measures as a Law on Conflicts of Interest. The Judicial Council has attributions in electing, promoting, dismissing, and applying disciplinary sanctions to judges, as well as budgetary ones. Still, these new provisions do not guarantee at most the independence of the judiciary, the Ministry of Justice, and the executive by extension, having still the capacity to influence the judiciary.

Country data analysis

The judiciary system is generally perceived by judges, prosecutors, and police officers as being independent (67% judges, 78% prosecutors, and 79% police officers identifying the system as being fully or to a large extent independent). The relative confidence in the independence of the judiciary is further underlined in the lack of awareness of concrete situations of influence attempts on the practitioners – in the last twelve months, 76% of the national target group representatives never heard about pressures exerted on their colleagues or on them specifically.

Important differences appear when taking into consideration factors assessing the independence through its level of separation from other authorities and its attributions clearly delimited through functional and budgetary autonomy. In this sense, the extent to which the practitioners disagreement or strong disagreement on the government’s respect of their independence (33% judges, 55% prosecutors, and 14% police officers) reveals this possible intrusion as an issue affecting the investigation of high level corruption cases. Consistent with the qualitative analysis, the pressure seems to exist but it is not direct and violent, but rather determined through indirect governmental decisions (such as new and frequent legislative measures or budgetary allocations). The same differences are to be noted within the influence the Presidency exerts upon the judiciary – while 33% of the prosecutors disagree or strongly disagree that the Presidency respects their independence, the percentage of police officers with the same opinion (14%) and judges (8%) is considerably lower.

The other powers exercising potential influence upon the judiciary are scored differently. As a result, in the relation with the executive 25% of the judges considered that the executive is more influential, as well as 56% of the prosecutors 37% of the police officers that considered the same power relation. A reversed assessment is shown within the relation with the Presidency, for which

all the three categories indicated a dominant position of the judicial system, in various percentages though – while 68% of the police officers consider that the judicial system holds a dominant position, the percentage of judges and prosecutors is lower (58% and 56% respectively).

The existing provisions aimed at ensuring the independence of the practitioners are basically similarly assessed by the three categories of practitioners: at national level 76% of the criminal judicial system practitioners fully or to a large extent agree that the legislative framework ensures their independence. Different tendencies of agreement are found though in their perception upon their legal statute – 50% judges agree or strongly agree that their legal statute guarantees their independence from the political power, while the percentage of positive answers from the prosecutors is of 33%, and of much wider amplitude within police officers (70%).

As for the authorities responsible for the administration of the system they work in, there is a general positive view upon their actions – the participants to the survey are frequently fully or to a large extent pleased by the activities of the Ministry of Justice (66%), Ministry of Internal Affairs (65%), and of the General Prosecutor’s Office (56%).

A common agreement is to be found though for the influence exerted by the mass-media, both qualitatively and quantitatively. The cases in which mass-media never or rarely exerts pressures on the judiciary are low – 8% in the case of judges, 22% for prosecutors, and 18% in the case of police officers. These pressures are considered to be mostly of a negative nature, 63% of the practitioners at national level perceiving as such.

A comparable understanding of a common threat for the judicial system is found within the extent in which the judges, prosecutors and police officers agreed that the legislative instability affects them – 83% of the total number of participants to survey (91%, as well as 78% prosecutors and 79% police officers) fully or to a large extent agree the legislative instability as affecting the judicial system.

The opinion on the wage level is very balanced at national level – while 32% of the practitioners agree or strongly agree with its adequacy to ensure their independence, 29% hold the opposite opinion. However, it is to be noted that within each category several deviations from the national trend appear – whereas 58% judges are undecided in this concern, prosecutors and police officers disagree or strongly disagree with the adequacy of the current salary level in significant percentages of 44% and 73% respectively. Other common weak points are also strongly stated by practitioners – more than a third of judges, prosecutors and police officers are undecided on the effectiveness of the professional training system in addressing their needs (whilst 25% judges and 24% police officers assess it as ineffective, at a considerable difference from the 55% similar opinion expressed by

prosecutors), while the objectivity of the hiring system for senior staff follows the same line (if 67% judges and 55% police officers agree or strongly agree on the objectivity of the system, only 33% prosecutors confirm the same opinion). The same different results in disagreement or strong disagreement are to be found within their perception upon the disciplinary system (16% judges, 33% prosecutors and 11% police officers find it inappropriate) and upon the system protecting the personnel dealing with high level corruption cases from eventual reprisals (33% judges find it inappropriate, as well as 44% prosecutors and 13% police officers).

When comparing the procedural flaws of the judiciary, several differences are to be noted also in the case of measures as the random distribution of cases (92% judges agree or strongly agree that it is an appropriate means to avoid pressure, while the percentage of prosecutors is of 55%, and of police officers is of 39%) or the use of performance indicators for ensuring the independence of the system (59% judges find it useful fully or to a large extent, in comparison with 55% prosecutors and an equal 56% of police officers).

The regional dimension of the corruption phenomenon assessment also revealed different perceptions among the categories of practitioners. The positive influence of the international political institutions upon the independence of the national criminal judicial systems is perceived in a high percent among judges (67%) and police officers (74%), and to a lower extent by the prosecutors (44%). Also, corruption as a common feature of all countries in SEE is perceived fully and to a large extent in similar percentages by both prosecutors (44%) and police officers (48%), whilst the percentage in which the opinion is represented among judges is of only 17%.

The level of information the practitioners hold on the international anti-corruption standards and best practices is perceived to be very low for both 50% judges and 78% prosecutors. However, police officers consider themselves informed fully or to a large extent in this area (33%). Difference of opinion among the three categories do not appear though in their perception upon the level of compliance with international standards in the field of investigating high level corruption – 50% judges consider that the compliance is met in a large extent or fully, in a similar trend with prosecutors (55%) and police officers which agree with a large or full extent of the compliance in an 53% proportion.

Similarities in tendencies (even though discrepancies between percentages resulted) appear also in the perception of the advantages for their independence possibly attained through the transposition of such standard in their criminal judicial system – less than 1% judges and police officers considered that the transposition will enhance to a low extent or not at all the independence of the practitioners, while prosecutors are more skeptical in a proportion of 22% with regards to the impact of such harmonization on the criminal judicial system. However, in what may concern

regional cooperation and networking, the prosecutor’s opinion seems to be the most optimistic with regards to the improvements in the integrity of the criminal judicial system (100% fully agree or agree to a large extent in comparison with 90% police officers and 83% judges). The same positive trend manifests with regards to potential increase of the effectiveness of the system through a regional policy related to fighting high level corruption (92% judges fully agree or agree to a large extent, as well as 89% prosecutors and 82% of the police officers).

4.1.8 ROMANIA

Context

Following the fall of the communist regime, Romania adopted characteristic features of most constitutional democracies. The 1991 Romanian Constitution defined Romania as a republic in which the State shall be organized under the basic principles of the division and balance of powers - legislative, executive, and judicial. However, it was only when negotiations with the UE and the NATO became more serious, that Romania started to address foreign pressures for reforms in the area of justice and corruption – the government passed new laws about corruption-related offences, created specialized anticorruption agencies, and also introduced specialized investigative techniques to prosecute corruption offence. During the process of adhering to the EU, consolidation of the independence of the judicial system was a theme of great interest, Chapter Justice and Internal Affairs being intensively debated and evaluated while measures to finish reforms being often taken. At the beginning of 2007, Romania became a full rights member of the EU, but the Adhering Treaty contained an unprecedented safeguarding clause.

After three years from the EU accession, the Monitoring Report of the Commission published in July 2009, showed that efforts in the area of judiciary reform and fight against corruption still are to be undertaken. The Government proposed four new codes (Civil Code, Criminal Code, and the corresponding procedural codes) which were adopted in 2009, but it still needs to be proven that their implementation will not lead to the reintroduction of provisions which would undermine the efficiency of meaningful investigations into high level corruption and subsequent court proceedings.

Country data analysis

The judiciary system is generally perceived by judges, prosecutors, and police officers as being independent (only 12% judges, 16% prosecutors, and 19% police officer identify the system as being not at all or to a low extent independent). The relative confidence in the independence of the judiciary (at global level, only 16% of the practitioners consider it independent to a low extent or not at all) is further underlined in the awareness of concrete situations of influence attempts on the

practitioners – in the last twelve months, 65% of the legal professionals never or rarely heard about pressures exerted on their colleagues or on them specifically.

Important differences appear when taking into consideration factors assessing the independence through its level of separation from other authorities and its attributions clearly delimited through functional and budgetary autonomy. In this sense, the extent to which the Bulgarian practitioners disagreement or strong disagreement on the government’s respect of their independence (76% judges, 64% prosecutors, and a lower percent of 31% police officers) reveals this possible intrusion as an issue affecting the investigation of high level corruption cases. The influence of the government comes in the general perception of the practitioners regarding the lack of direct political pressure on judicial system (64% judges, 79% prosecutors, and 81% police officers do not come across situations where the influencing of their decision was attempted). Consistent with the qualitative analysis, the pressure seems to exist but it is not direct and violent, but rather determined through indirect governmental decisions (such as new and frequent legislative measures, or scarce budgetary allocations for the judiciary).

The existing provisions aimed at ensuring the independence of the practitioners are differently assessed by the three categories of practitioners. While only 24% of the judges disagree or strongly disagree that the legislative framework ensures their independence, 26% of the prosecutors and 14% of the police officers do not assess in a positive manner the relevant laws and regulations. The same tendency of disagreement is found in their perception upon their legal statute – 40% of the judges agree or strongly agree that their legal statute guarantees their independence from the political power, while the percentage of positive answers from the prosecutors is of 57% and 51% for police officers. Differences can also be noticed in the view they have on the categories of professional from the criminal justice system most affected by the pressures – the judges nominated to a 44% extent the police officers (prosecutors scoring 16% and the judges 20%) as being the most affected, whilst the prosecutor’s opinions also ranked the police officers in the first position with 30% (judges and prosecutors score 21% each). The difference comes within the police officers’ assessment, which appointed judges with 33% as the most affected, followed by police officers with 21% and prosecutors with 7%.

The other powers exercising potential influence upon the judiciary are scored similarly by judges, prosecutors and police officers, even though the percentages vary. As a result, in the relation with the executive, 76% of the judges considered the executive as being more influential in comparison with 67% of the prosecutors, and 53% of the police officers that considered the same power relation. The same larger extent in which judges experience a wider influence is maintained when it comes to the Presidency – while 100% of the judges consider that the Presidency holds a dominant position, 54% of the prosecutors and 46% of the police officers assess the same relation. However, at

national level, the Executive is perceived as more influential than the criminal judicial system by 64% of the legal practitioners, an equal percentage being registered with regards to the dominant position of the Presidency.

A common agreement is to be found for the influence exerted by the mass-media. The cases in which mass-media never or rarely exerts pressures on the judiciary are extremely low – 4% in the case of judges, 8% for the prosecutors, and 2% in the case of police officers. Thus, at the level of the Romanian criminal judicial system mass-media is perceived as influencing in a negative manner the independence of the practitioners by 79% of the legal professionals.

A comparative understanding of a common threat for the judicial system is found within the extent in which the judges, prosecutors and police officers agreed that the legislative instability affects them – all practitioners agree or strongly agree in a similar proportion (100% judges, 97% prosecutors and 93% police officers) that the legislative instability affects the judicial system.

Other common weak points are also strongly stated by all categories – 82% of the practitioners disagree or strongly disagree that the current level of salaries is adequate for ensuring their independence, on the effectiveness of the professional training system in addressing their needs disagree or strongly disagree 76% judges, 80% prosecutors, and 43% police officers, as well as on the objectivity of the hiring system for senior staff (56% judges, 64% prosecutors and 49% police officers disagree or strongly disagree). The same conclusions of disagreement or strong disagreement are to be found within their perception upon the disciplinary system (60% judges, 39% prosecutors and 24% police officers find it inappropriate) and upon the system protecting the personnel dealing with high level corruption cases from eventual reprisals (76% judges and 53% prosecutors find it inappropriate, as well as 43% police officers).

When comparing the procedural flaws of the judiciary, several differences are to be noted also in the case of measures as the random distribution of cases (84% judges agree or strongly agree that it is an appropriate means to avoid pressure, while the percentage of prosecutors is of 56% and of the police officers is of 53%) or the use of performance indicators for ensuring the independence of the system (40% judges find it useful fully or to a large extent, in comparison with 48% prosecutors and 60% police officers).

The regional dimension of the corruption phenomenon assessment also revealed comparable perceptions among the categories of practitioners. The negative influence of the international political institutions upon the independence of the national criminal judicial systems is perceived in a similar low percent among judges (16%), prosecutors (10%) and police officers (2%), even though at global level 46% of the practitioners do not grant any influence on the judiciary to them. Also,

corruption is perceived fully and to a large extent as a common feature of all countries in SEE by 79% of the Romanian practitioners, a percentage that is to be similarly distributed amongst judges (84%), prosecutors (79%), and police officers (76%).

The level of information the practitioners hold on the international anti-corruption standards and best practices is perceived to be medium-high 53% of the legal professionals consider themselves fully or to a large extent informed in this area. Differences appear though in their perception upon the level of compliance with international standards in the field of investigating high level corruption – 71% of the prosecutors and 55% of the police officers consider that the compliance is met in a large extent or fully, in contradiction with the judges which agree with a large or full extent of the compliance in 36% of the answers.

Discrepancies between the perceptions registered among the analyzed categories do not appear though in assessing the advantages for their independence possibly attained through the transposition of such standard in their criminal judicial system – 75% consider that the transposition will enhance to a large extent or fully the independence of the practitioners. Also, in what concerns the regional cooperation and networking, the improvements in the integrity of the criminal judicial system are widely envisioned (96% judges, 77% prosecutors, and 71% police officers fully agree or agree to a large extent), or to the potential increase of the effectiveness of the system through a regional policy related to fighting high level corruption (80% judges, 71% prosecutors, and 81% police officers fully agree or agree to a large extent).

4.1.9 SERBIA

Context

Serbia is a potential candidate country for EU accession following the Thessaloniki European Council of June 2003. On 29 April 2008, the EU and Serbia signed the Stabilization and Association Agreement (SAA) which will be submitted to parliaments for ratification and the implementation of the Interim Agreement will start as soon as the Council decides that Serbia fully co-operates with the International Criminal Tribunal for the former Yugoslavia (ICTY). On 18 February 2008 the Council adopted the new European partnership for Serbia, which includes the principles, priorities and conditions for Serbia’s EU integration.

Judiciary reform and independence as well as the fight against corruption remain key priority of the European Partnership. Overall, corruption continues to be widespread and to pose a serious problem in Serbia, several necessary major legislative measures being adopted at the end of 2008

(Law on Organization of Courts, Law on Judges, Law on High Judiciary Council, Law on the State Council of Prosecutors, Law on Public Prosecutor, Law on Seats and Areas of Courts and the Offices of Public Prosecutors) important steps in the reform process. After the Civil Law Convention on Corruption and the Additional Protocol to the Criminal Law Convention on Corruption were ratified in 2007, specialized departments within the prosecution offices have been set up at district level to investigate corruption cases, and at national level a Public prosecutor has a coordination role on anti-corruption cases. The police directorate has specialized units dealing with corruption and financial investigations. The current role of other specialized institutions (as the Anti-Corruption Council) is limited to advising the government.

Country data analysis

For the Serbian judges, prosecutors, and police officers dealing with high level corruption cases, the criminal judicial system is generally seen as largely or fully independent by 76% percent of the surveyed representatives. The prosecutors seem to be the most confident in the independence of the system they work in (90%), at difference from judges (77%), and from police officers (46%). Police officers on the other hand, are the most moderate of the practitioners, 32% of them considering that the system is somewhat independent.

The existing laws and regulations are generally assessed as ensuring to a large extent or fully the independence of the practitioners, 71% of the target groups expressing this opinion. In line with the general assessment of the overall independence of the judicial system, police officers expressed again a more temperate confidence in the capacity of the legislative framework to ensure their independence – 65% of them find the existing law and regulations somewhat appropriate for ensuring their independence.

The political pressures on the practitioners meant at influencing the manner in which they investigate, prosecute, or trial a certain case are seen as occurring sometimes by 31% of the surveyed professionals, while 34% evaluate the frequency of pressures as being rare. Within each category, significant differences appear – 8% judges say that such pressures never exist, while 62% prosecutors and 27% police officers do not know. A rather common agreement amongst all three target groups is reached with regards to the category of professional most affected by these pressures – 61% of the surveyed practitioners believe that all the three categories suffer this type of pressures in an equal measure.

In the same line, all categories of practitioners have rarely or never heard in the last twelve months of pressures being exerted on their colleagues or on themselves – 84% judges, 67% prosecutors, and 67% police officers.

The groups indicated as mostly responsible for exerting direct or indirect pressure upon the criminal judicial system are differently ranked by each category. If for judges and prosecutors mass-media is by far the main source of pressures (indicated by 54% judges and 76% prosecutors), for police officers the main cited source of pressure is the members of the government (49%). However, even for 16% police officers mass-media is an important source of pressure. Mass-media is seen to be exerting these pressures often or very often by 35% of the target groups, while for 43% of them the pressures appear sometimes.

High level corruption cases seem to be randomly distributed among practitioners to a large extent or fully at national level in the opinion of 51% practitioners (a higher level is registered for prosecutors – 76%). However, that this kind of measure is an appropriate means to avoid or prevent the exertion of pressure on the staff is strongly agreed or agreed by 69% of the surveyed representatives of the judiciary dealing with high level corruption cases. A disagreement with the effectiveness of the solution is registered among 19% prosecutors and 11% police officers, while 23% judges and 67% police officers are undecided on its appropriateness.

The assessment and promotion criteria used in the departments are widely considered as being appropriate to ensure the independence of the practitioners dealing with high level corruption cases – 77% judges, prosecutors and police officers of the Serbian judicial system agree or strongly agree with this opinion. The same agreement is reached at 61% at national level, as well as within each category, with regards to the usefulness of performance indicators in ensuring the independence of the criminal judicial system professionals.

The current wage level is an important problem for the Serbian criminal judicial system – 42% of the practitioners consider it inadequate to ensure their independence, while almost one out of four are undecided in this concern. Within the categories of practitioners, prosecutors agree to a wider extent about the adequacy of the level of the salaries (57%), at significant difference from judges (15%) or police officers (24%).

The professional training system currently in place in the Serbian judiciary is seen to be addressing effectively the professional needs by 46% judges, 67% prosecutors, and 34% police officers. Disagreement or strong disagreement in this regard is expressed though by more than a third of the practitioners, at national level (35%).

When it comes to the relation with the Executive, the most spread opinion (45%) at the level of all practitioners is that both the Government and the criminal judicial system are equally influential. However, most judges (46%) present another dominant opinion – in their opinion, the Executive is more influential. A less ambiguous relation is with the Presidency – for all categories the either they both hold an equal position (46%), either the criminal judicial system is seen as dominant (39%).

The influence exerted by mass-media is generally seen as a negative one, this opinion being shared by 73% of the surveyed practitioners, prosecutors being the most clear in their opinion with 95% responses in this trend.

The influence of the public opinion is seen though in a very different manner by the surveyed categories – if for 54% judges it influences in a negative manner the independence of the criminal judicial system, 52% prosecutors and 56% police officers hold an opposite opinion.

The bodies that are considered to be responsible for protecting the independence of the criminal judicial system are differently ranked by each category. For 85% judges, the Ministry of Justice is the first option, followed by the Government (38%) and the parliamentarians (31%). Prosecutors identify naturally the General Prosecutor’s Office as the first option, which is followed by the Ministry of Justice (48%), and 24% responses equally identifying mass-media and civil society. For the police officers, the first responsible for the protection of their independence is the Government (43%), followed by the Ministry of Internal Affairs (40%) and the Presidency (32%).

In what may concern the extent to which the practitioners are pleased with the institutions responsible for the administration of their activity, at national level, an overall satisfaction is noticed – 54% judges are fully or largely pleased with the Ministry of Justice, 90% prosecutors are fully or largely please with the activity of the General Prosecutor’s Office, and 21% police officers are fully or largely pleased (51% are somewhat pleased) with the Ministry of Internal Affairs.

The legislative instability is considered to be an important factor affecting the judicial system by 77% of the Serbian criminal judicial system professionals, similar percentages being registered among each category – 84% judges, 66% prosecutors, and 77% police officers.

Important differences are noted though in the manner in which judges, prosecutors, and police officers perceive the guarantees offered to their independence by their legal statute. Judges agree or strongly agree in a 53% proportion that their legal statute is appropriate for guaranteeing their independence, while a significant part of 38% are undecided in this regards. Prosecutors seem to be even more content with their legal statute, with 91% of them agreeing or strongly agreeing that it guarantees their independence. On the contrary, only 11% police officers dealing with high level

corruption cases agree with this attribute of their legal statute, their large majority being either undecided (16%) or not knowing (52%) if it is of nature to guarantee their independence.

The degree of information with regards to international and European anticorruption standards and best practices is assessed as existing fully or to a large extent among 19% of the surveyed practitioners. On the other hand, 40% considering themselves somewhat informed in this matter. Within the categories of practitioners, 30% judges, 19% prosecutors, and 38% police officers believe that they informed to a low extent or not at all about international and European anticorruption standards and best practices. Nevertheless, the fact that the transposition of international and European standards within the Serbian criminal judicial system would have a positive effect on the system is widely recognized by judges and prosecutors, whom believe in a proportion of 70% and 62% respectively that the harmonization process would fully or to a large extent enhance their independence. A certain reserve is preserved by 16% police officers who consider that the transposition would enhance their independence to a low extent effect.

When it comes to the current transposition of such standards, 69% of the inquired Serbian practitioners consider that their legal system is fully or to a large extent in compliance with the international and European standards in the field of dealing with high level corruption cases.

As for the regional dimension of the corruption phenomenon, the Serbian criminal judicial system practitioners dealing with high level corruption cases follow the regional trend, 46% of them answering that it is fully or to a large extent a common feature of all countries in South Eastern Europe (the opinion is more moderately shared by 38% judges, 48% prosecutors, and 17 police officers that believe that corruption is somewhat a common feature). In this regard, 89% of them consider to a large extent or fully that a regional policy in fighting high level corruption would significantly increase the effectiveness of the system they operate in. If the opinion is shared by 92% judges and 95% prosecutors, amongst police officers we can identify a less optimistic opinion (65%). Within the same positive record, the regional networking and cooperation within similar agencies is perceived as significantly improving the integrity of the criminal judicial system professionals by 83% of the Serbian judges, prosecutors and police officers.

4.2 INTERNATIONAL AND EUROPEAN STANDARDS

The existing international and European standards confirm the integrity and resistance to corruption as a main aspect for the independence of the judiciary system, especially in the area of investigating high level corruption cases.

ORGANIZATION	CONVENTION	RATIFICATION BY SEE STATES	STANDARDS FOR THE JUDICIARY
United Nations	United Nations Convention against Corruption	<ul style="list-style-type: none"> • Albania (2006) • Bosnia and Herzegovina (2006) • Bulgaria (2006) • Croatia (2005) • Macedonia (2007) • Moldova (2007) • Montenegro (2006) • Romania (2004) • Serbia (2005) 	<p>Article 11. Measures relating to the judiciary and prosecution services</p> <p><i>Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.</i></p> <p><i>2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.</i></p>
Council of Europe	Criminal Law Convention on corruption (STE No. 173)	<ul style="list-style-type: none"> • Albania (2001) • Bosnia and Herzegovina (2002) • Bulgaria (2001) • Croatia (2000) • Macedonia (1999) • Moldova (2004) • Montenegro (2002) • Romania (2002) • Serbia (2002) 	<p>Article 20 – Specialized authorities</p> <p><i>Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialized in the fight against corruption. They shall have the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure. The Party shall ensure that the staff of such entities has adequate training and financial resources for their tasks.</i></p>

OECD	OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions	• Bulgaria (1998)	Article 9 <i>1. Each Party shall, to the fullest extent possible under its laws and relevant treaties and arrangements, provide prompt and effective legal assistance to another Party for the purpose of criminal investigations and proceedings brought by a Party concerning offences within the scope of this Convention and for non-criminal proceedings within the scope of this Convention brought by a Party against a legal person. The requested Party shall inform the requesting Party, without delay, of any additional information or documents needed to support the request for assistance and, where requested, of the status and outcome of the request for assistance.</i> <i>2. Where a Party makes mutual legal assistance conditional upon the existence of dual criminality, dual criminality shall be deemed to exist if the offence for which the assistance is sought is within the scope of this Convention.</i> <i>3. A Party shall not decline to render mutual legal assistance for criminal matters within the scope of this Convention on the ground of bank secrecy.</i>
------	---	-------------------	---

The most frequent causes of judicial corruption⁸:

- ✓ Undue influence by the executive and legislative branches (appointments, promotions, transfers, removals)
- ✓ Weak disciplinary mechanisms
- ✓ Low judicial and court staff salaries
- ✓ Low judicial and court staff salaries
- ✓ Low judicial and court salaries
- ✓ Poor training
- ✓ Fear of retribution (by political or judicial powers, media, and criminal gangs)
- ✓ Inadequately monitored court administrative procedures
- ✓ Lack of transparency (litigants, media, public don't know what happens in court)
- ✓ Social tolerance of corruption

To this end, the international and European conventions focus on the minimal aspects to be taken into consideration by the signatory Parties for ensuring an independent criminal judicial system as a main pre-requisite for an effective fight against corruption.

⁸ As centralized in Transparency International's *Global Corruption Report 2007. Corruption in Judicial Systems*.

4.3 COMMON REGIONAL CHALLENGES REGARDING LAW PRACTITIONERS IN INVESTIGATING, PROSECUTING AND TRAILING CORRUPTION

4.3.1 General remarks

Legal professionals agree that SEE countries face high level corruption, and recurrently express the opinion that the intensity of such occurrence is still present to a certain degree. High level corruption emerges as a complicated and multi-level system problem involving relations of inter-dependencies.

REGIONAL HIGHLIGHT

Legal practitioners generally regard high level corruption in the South East European countries as a common occurrence.

4.3.2 Weak points

According to the findings of the survey, it appears that the perception of corruption is that of a general incidence pertaining to a series of factors enabling it, which we intend to draw attention to in the current section.

The legal practitioners frequently identified **legislative instability** and, at times, the lack of a participatory process during the legislative process, as a persistent cause within corruption enabling features. At the same time, even in the cases when the legal framework is perceived as overall satisfactory, the major issue in this respect is seen as the lack of implementation of the legal regulations. The same state of affairs is considered when discussing the **implementation of anticorruption standards and conventions**, the legal professional generally agreeing that the simple transposition of such international standards and norms in the national legislation is not sufficient to ensure its implementation.

One of the major issues the legal practitioners commonly indicated as extremely significant was **the too low overall financing of the system**, while a noteworthy emphasis was set on the wages level as a potential factor to affect the independence of judges, prosecutors and police officers. The predominant financial resources shortage is deemed to be a constant obstacle in pursuing investigations or in providing the legal professionals dealing with high level corruption cases with the essential skills and instruments to address such cases in a proper manner.

A weak point generally singled out by legal practitioners is the negative influence of the media in high corruption cases. Aside from leaks of confidential information to the press during the investigation phase, legal professionals mostly pointed to the fact that media usually lacks knowledge of the legal framework and, in these circumstances, distortedly reports with regard to ongoing high corruption cases. The influence media has on the shaping of the public opinion creates a particular inequality of arms, as the press does not usually provide the right of reply. In this respect, some of the legal practitioners also raised the impossibility to defend their professional reputation in these circumstances. In other cases, media is cited as being used by politicians as a pressure instrument to influence representatives of the institutions dealing with high level corruption cases. As mentioned before, one of the negative effects of the media is the false perception generated with regard to certain high level corruption cases within the public opinion – identified to a certain degree by legal practitioners as a negative factor which further influences the course of the investigation, prosecution and/or trial; one of the adverse outcomes being identified as the refusal to collaborate of potential witnesses and whistleblowers.

Having mainly a focus on the national procedural particularities, legal practitioners oftentimes identified **procedural flaws in the investigation, prosecution and trial phases**.

Another frequently accused deficiency relates to the currently **protection mechanisms** in place. Legal practitioners were largely of the opinion that an efficient legal system in this matter does not exist, be it that the pressures they are subjected to are subtle or rather open threats. This failing of the system is seen as a special risk to corruption.

Although legal practitioners referred to the **regional cooperation** as usually in place – as cooperation agreements between the SEE countries do exist to a certain extent, it appears that there are no special departments for regional cooperation within the various targeted institutions. The opinion according to which a regional policy for fighting corruption would be valuable was also expressed, on the condition that such policy would imply networks of practitioners whom would have direct contact with each other. Also, it was also conveyed that the technical assistance is valuable only as long as it implies exchange of experience and not the adoption of templates which may work for certain countries, but which could not be applicable to other national frameworks.

4.3.3 Strong points

In many cases, **the legal framework** was distinguished as a strong point. At the same time the legal practitioners pointed out the necessity of actually implementing such laws and regulations, which is not always the case.

With regards to the procedure of trailing corruption cases, a significant part of the legal practitioners emphasized the benefits of a **random distribution of files system** – a general procedure for all cases in certain countries – which is seen as a mechanism backing the independence of the judges. The same random distribution system does not appear to be, from the point of view of legal practitioners, as not so clearly applicable to police officers or prosecutors, as they specialize on the investigation and prosecution, respectively, of certain types of cases, while it is viewed that judges should be able to try a larger range of cases.

Usually mentioned as a negative factor, **media** appears to have positive features as well being at times mentioned as a source of information and evidence in high level corruption cases, and as a potential starting point for investigations in such cases, even though there are cases where media enquiries do not have such effects.

Another strong point mentioned by the legal practitioners is the **ratification of international conventions against corruption** and further transposing them within the national legislation. It is however stressed that such provisions, as well as the rest of the anticorruption legal framework, needs to be implemented so as to have real impact.

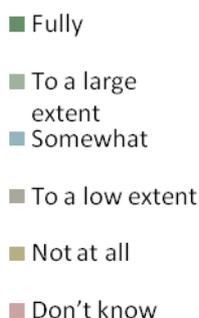
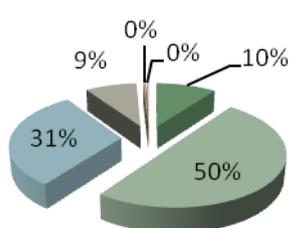
4.4 REGIONAL ANALYSIS

4.4.1 Establishing the perception among the judges, prosecutors, and police officers dealing with high level corruption cases upon the degree of independence and effectiveness of the national criminal judicial systems

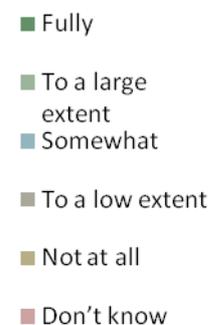
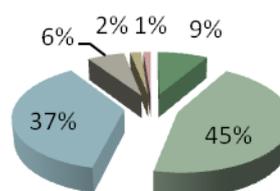
At regional level, the analysis shows that the criminal judicial systems are generally seen as being at least somewhat independent, with only 11% of the legal professionals assessing it as independent to a low extent or not at all independent. The differences between the perceptions of the different categories of practitioners are not fundamental, the general tendency revealing to a wide extent independent systems – 60% judges, 53% prosecutors and 47% police officers consider the criminal judicial systems in which they work as independent to a large extent or even fully.

In your view, to what extent is the criminal judicial system in your country independent? (One answer only.) The criminal judicial system is defined for the purpose of this project as the framework including courts, prosecutors’ offices, and judicial police.

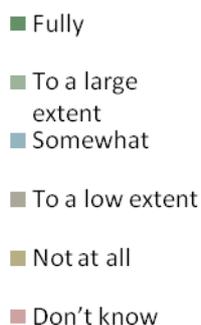
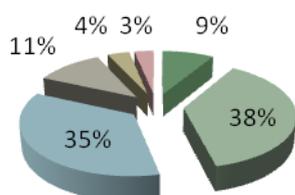
Judges



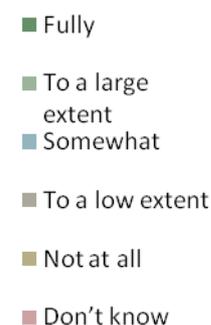
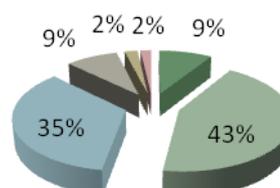
Prosecutors



Police officers



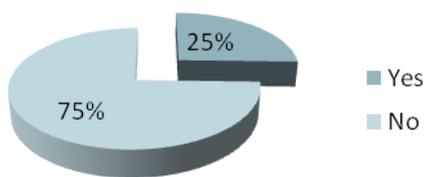
Total



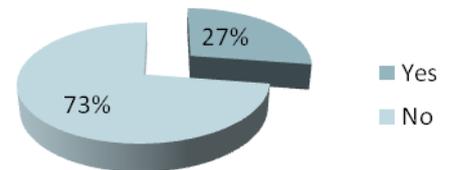
Accordingly, the legal professionals from all the countries largely revealed that they have not heard of pressures being exerted upon them or upon their colleagues in the last twelve months – a large proportion of 41% have never heard of such cases. The same regional negative answers trend resulted for the questions concerning the awareness of cases in which political pressures were exerted upon the appointment process of a senior judge/prosecutor/police officer – 75% judges, 73% prosecutors and 59% police officers were not aware of such situation.

Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?

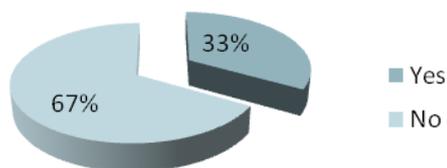
Judges



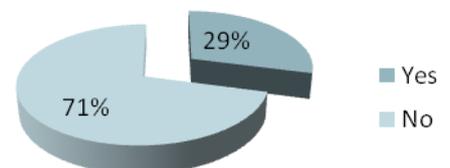
Prosecutors



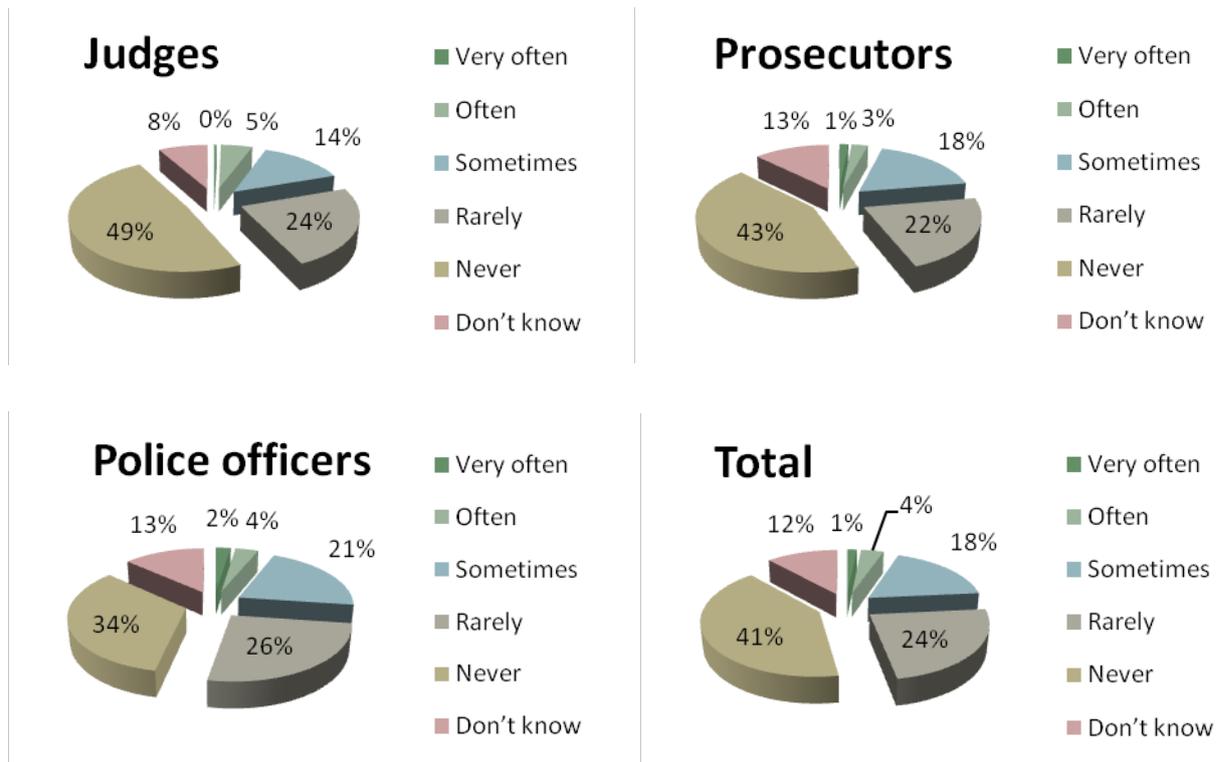
Police officers



Total

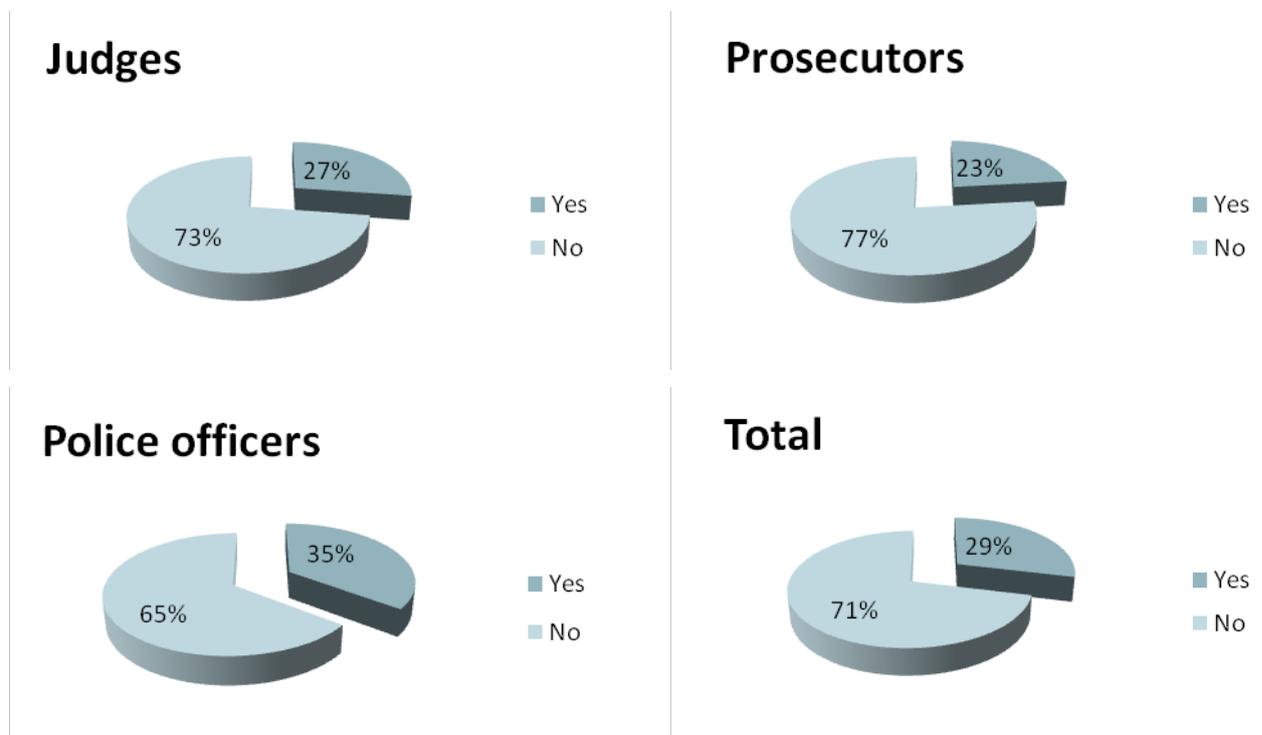


In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?



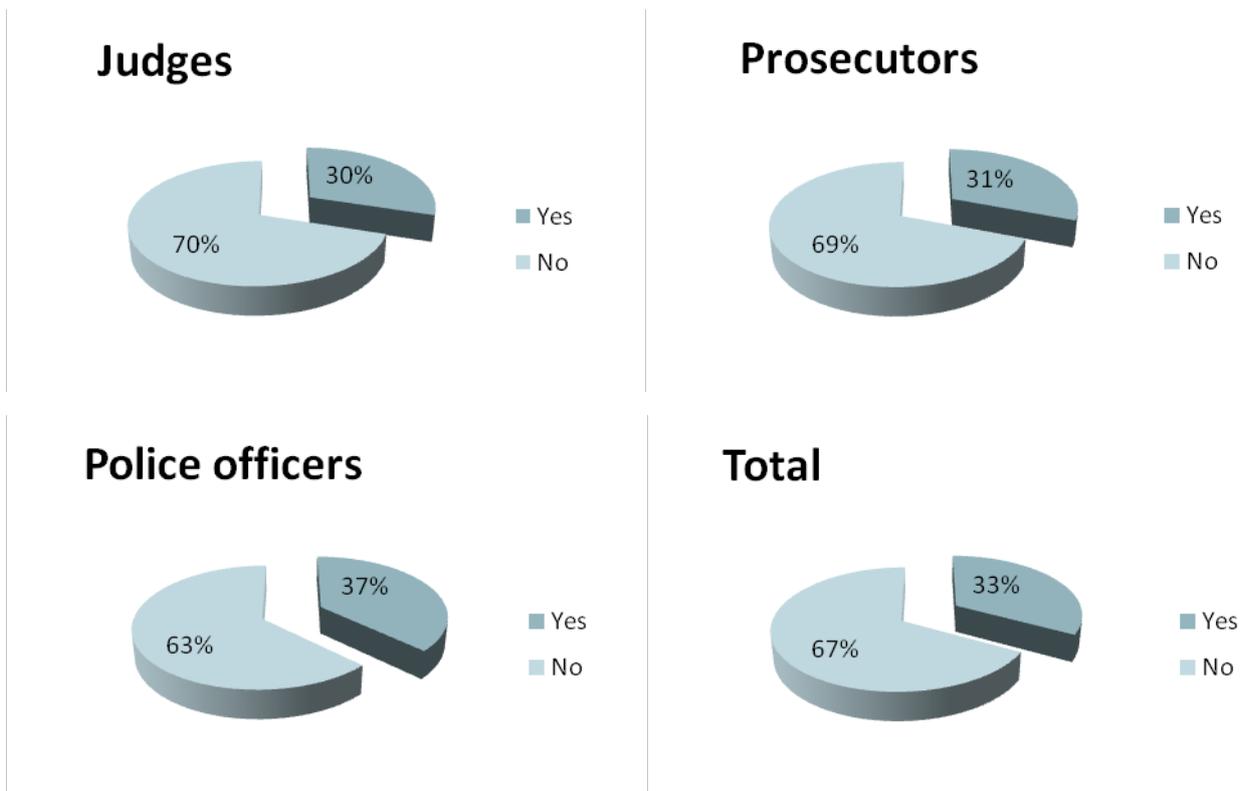
Nevertheless, almost one in three (29%) practitioners of the criminal judicial systems asserts that s/he is aware of situations in which his/her decision or his/her colleagues' decisions were the subject of direct and deliberate influencing attempts.

Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?



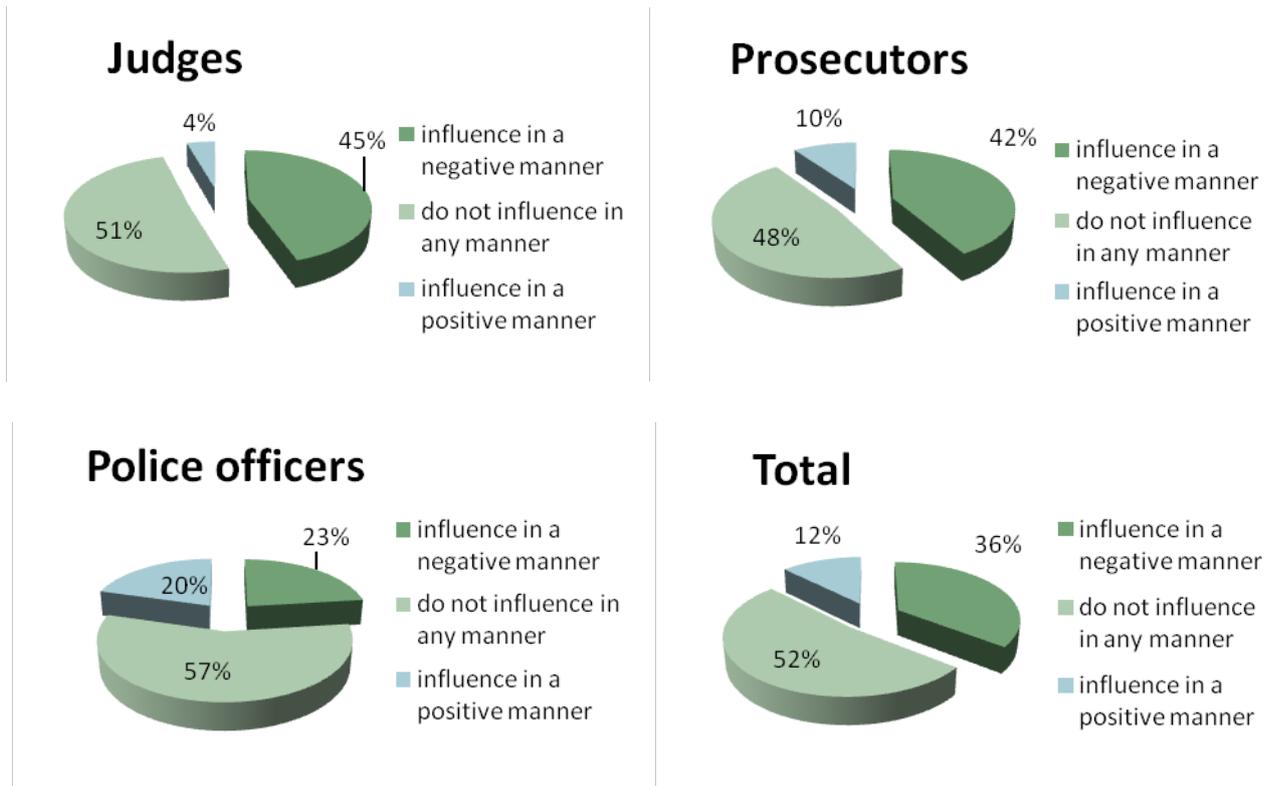
The legal professionals indicate globally that this perception is largely generated by their direct experience, the answers to Q26 and Q27 depiction illustrating very sensitive differences. 33% of all the practitioners affirm that they came across situations where the influencing of their own decision was attempted. The percentages suffer insignificant variations within each category of practitioners – 30% judges, 31% prosecutors, 37% police officers recognize such attempts.

Did you come across situations where the influencing of you decisions was attempted?



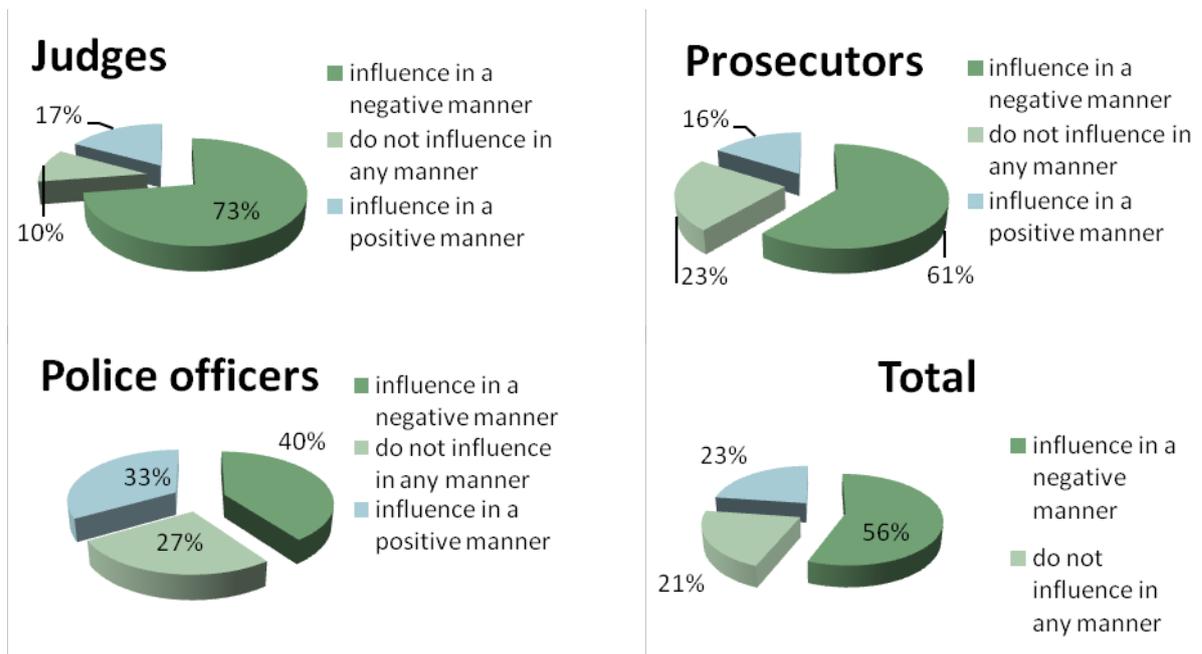
The majority of high level corruption investigation practitioners from the region affirm that the secret services do not influence in any manner the criminal judicial system, this predominant opinion being shared in similar percentages by each category of practitioners. It is to be noticed though, that the consistency of the regional trend in this regard suffers at the two opposite poles variations dependant on each category – if the percentage of judges that see the influence of the secret services as a positive one is of only 4%, the police officers perceive it as such to a larger extent of 19%.

Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?



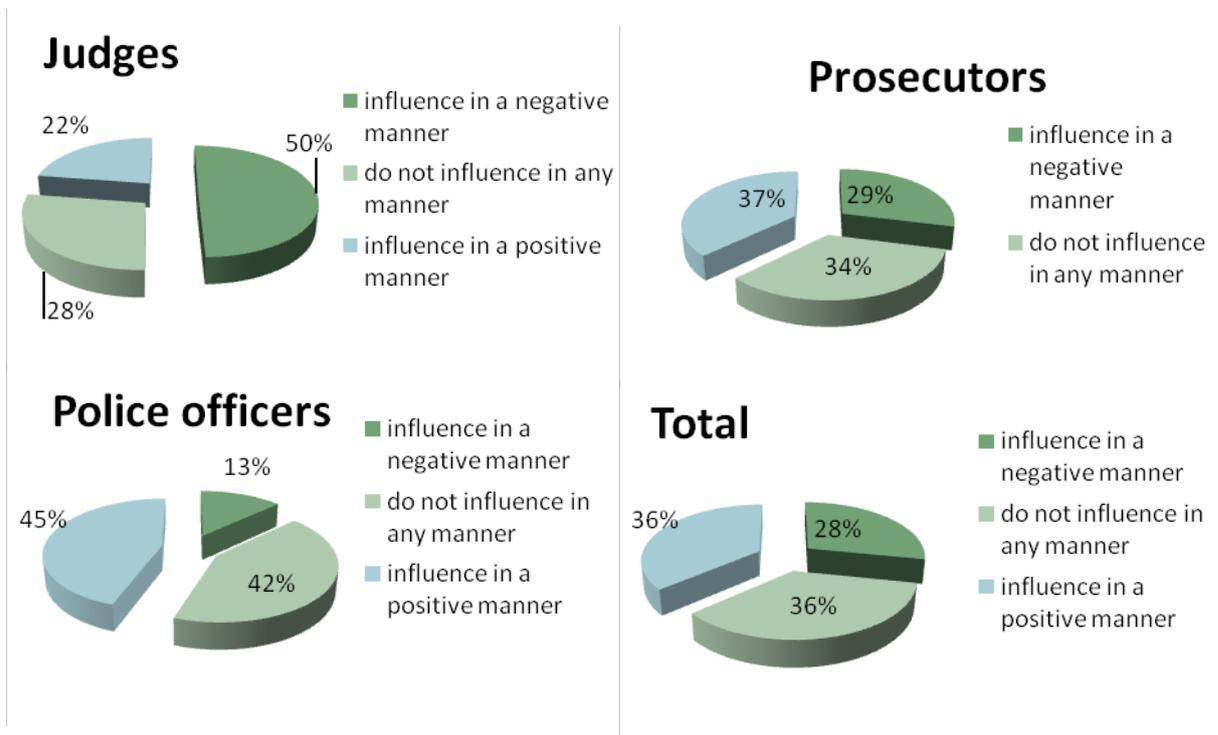
In what the influence of the mass-media may concern, the perception upon it shows a clear regional trend. Among the practitioners at regional level, mass-media is perceived as exerting a negative influence upon the independence of judges, prosecutors, and police officers by 56% of the legal professionals. Along these lines, while mass-media is considered to have a considerable negative influence upon the judiciary for judges (73%) and prosecutors (61%), for police officers the main findings show a rather balanced perception upon the mass-media influence – 40% consider it negative, 27% as a non-influence, and 33% evaluate it positively.

Do you consider that mass-media ... the independence of judges/prosecutors/police officers?



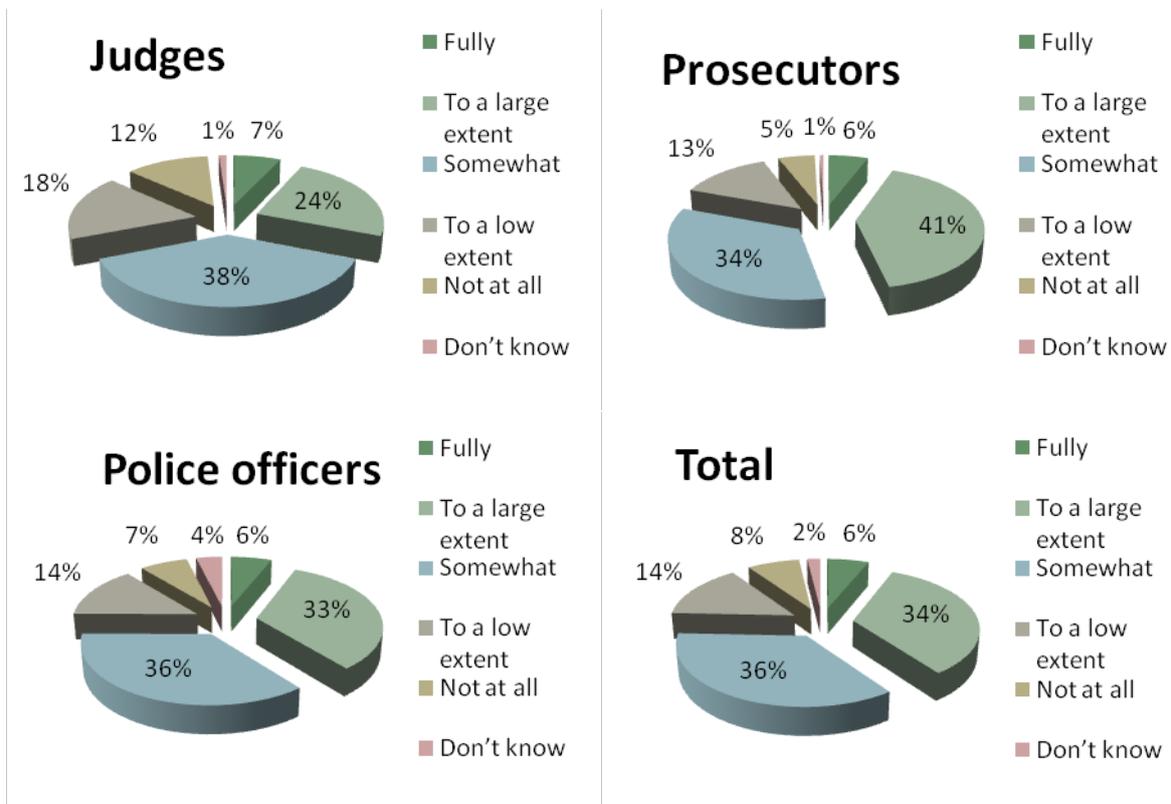
The same regional heterogeneous results among practitioners are found when assessing the public opinion influence upon the independence of the judiciary, varying slightly from a positive influence (36%) to not influencing in any matter (35%), and a negative influence (28%). These results illustrate, on one side, the specificity of the social context from each country (the qualitative analysis revealed a correlation between the perception of a strong influence of mass-media on public opinion and thus a transfer of the negative “value” in the perception of public opinion), and, on the other side, the individual position undertaken by each individual practitioner in certain circumstances.

Do you consider that the public opinion ... the independence of the criminal judicial system?



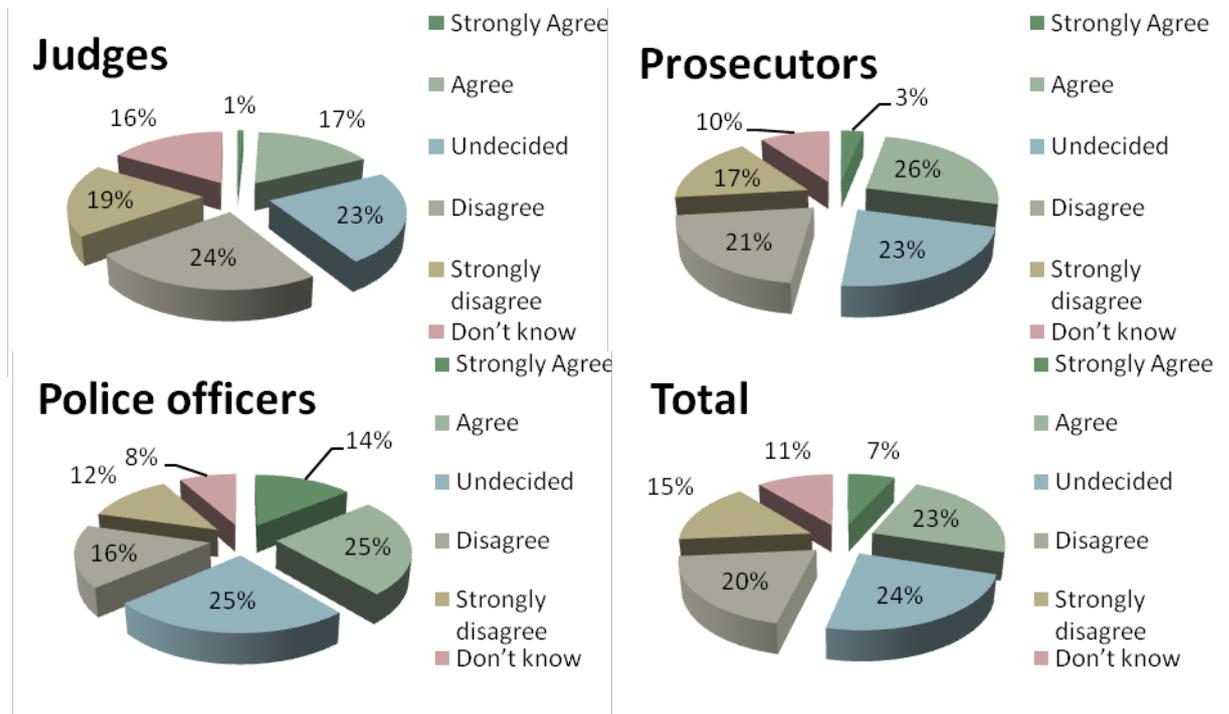
At a regional level, the satisfaction of the practitioners with regards to the activities of the corresponding governmental bodies, responsible for the coordination of the activities of each category of professional seems to reveal a generally positive trend, with 23% of the legal professionals being pleased to a low extent or not at all with the activities of the Ministries of Justice and Internal Affairs and of the General Prosecutor’s Offices. However, the dominant opinion is generally neutral with regards to these institutions, the regional percentage of 36% practitioners that are somewhat pleased being almost constant also within the analyzed categories.

To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutors’ Office?

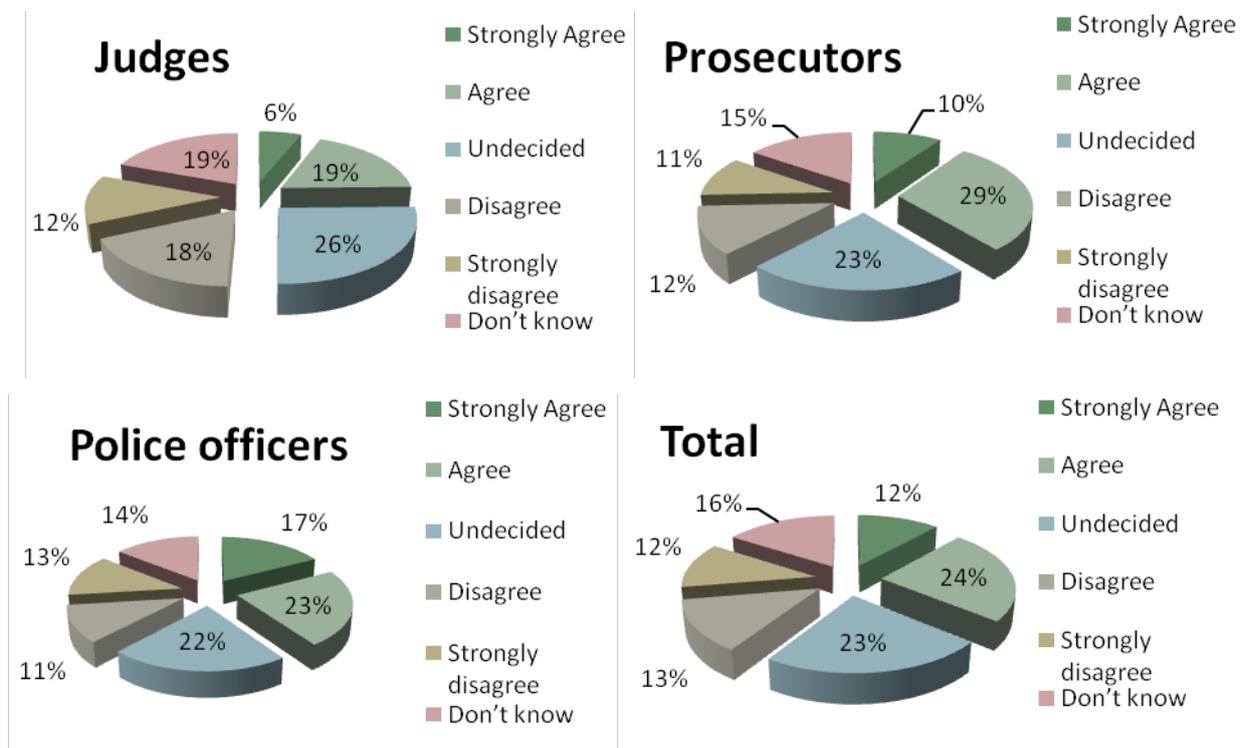


Another regional trend regards the observation of the independence of the criminal judicial system by the Cabinet and Presidency. 36% of the legal professionals point to the fact that the executive institutions do not observe the independence of the legal practitioners dealing with high level corruption cases, while 30% consider the opposite. As for the Presidency, a similar distribution of opinions is to be noticed, both at global level and within each category of legal professionals. The minor difference as well as the consistent level of undecided responses (almost one in four practitioners was unable to fundament a clear opinion on the influence of the Government or of the Presidency) ought to be interpreted with a view to the different constitutional and governance framework of each country.

To what extent do you agree/disagree with the following statement: *The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?*



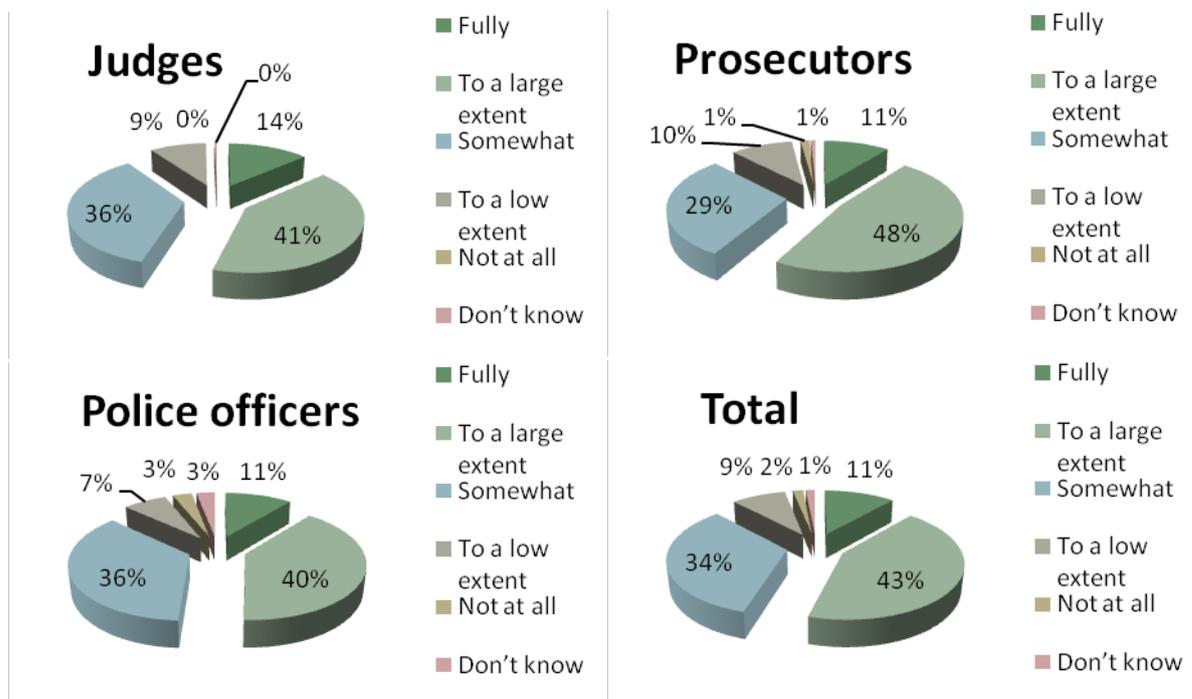
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?



4.4.2 Identifying the causes and factors that generate or favor the interferences and the nature of the pressures exerted upon the criminal judicial system, internal and/or external – political, socio-economic, media, administrative, professional, psychological pressures

In which the national legal framework is concerned, a general positive trend can be remarked in the confidence the practitioners have in its potential to ensure the independence of the judges, prosecutors and police officers, alongside the statutory framework for these categories of legal professionals. Accordingly, only 11% of the analyzed practitioners seem to consider that the existing provisions ensure to a low extent or not at all their independence, a trend that is further found also within each category of legal professionals. Nevertheless, almost one out of three practitioners (a proportion noticeable also among judges, prosecutors, and police officers as individual categories) are not able to clearly evaluate if the legal framework is of nature to ensure their independence in dealing with high level corruption cases.

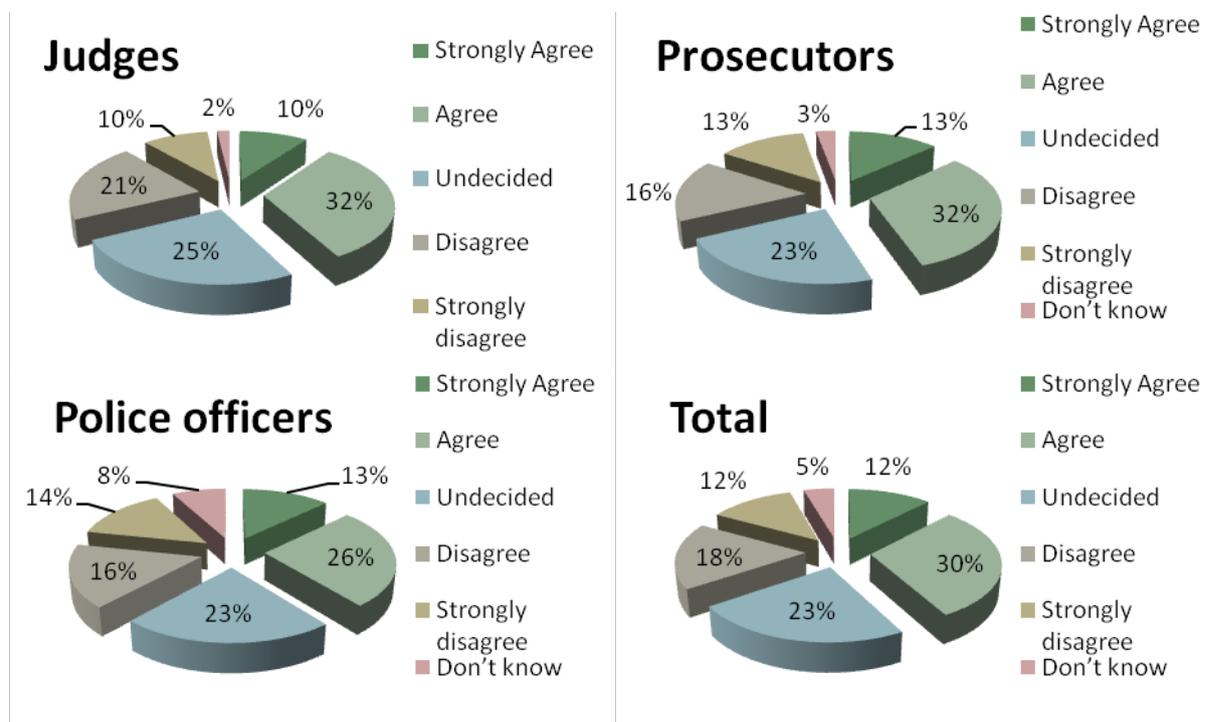
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?



A similar balanced perception is registered with regards to the legal statute of the practitioners from the criminal judicial system, though both the global regional trend and the values within each

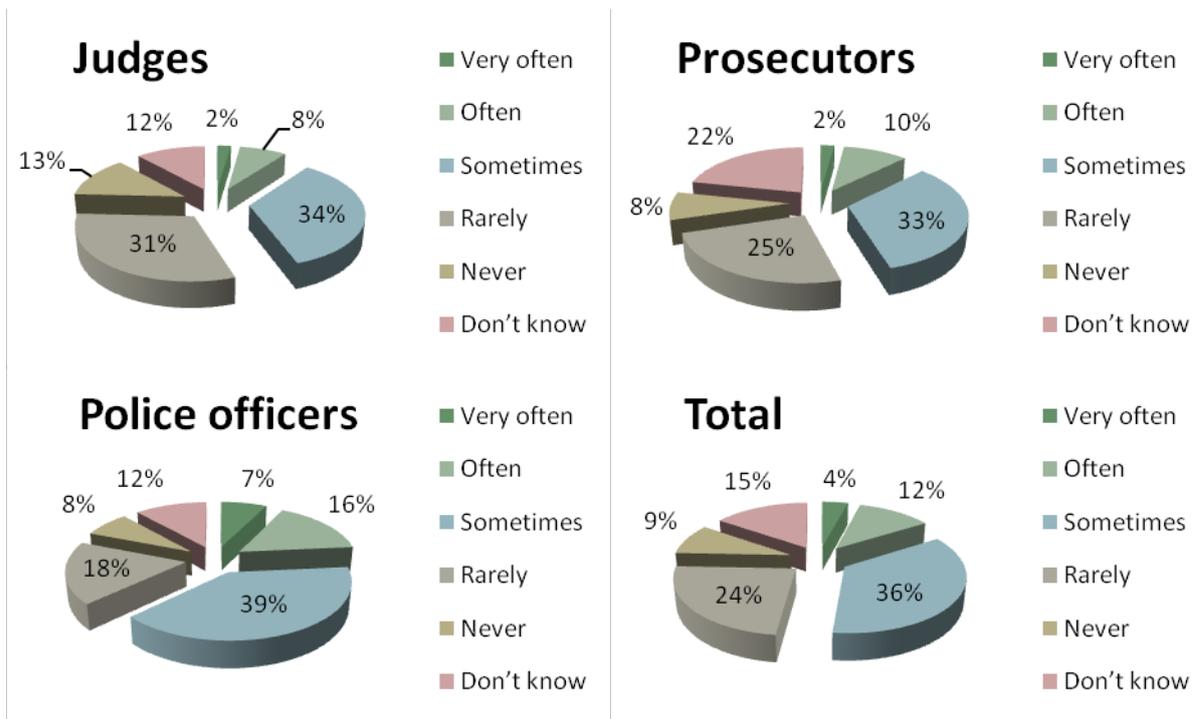
category show that the largest part of the legal professionals agree or strongly agree that their legal statute guarantees their independence from political influence. Although 42% of the answers reveal this opinion, still one out of four professionals is undecided whether its legal statute is a sufficient pledge for their independence.

To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?



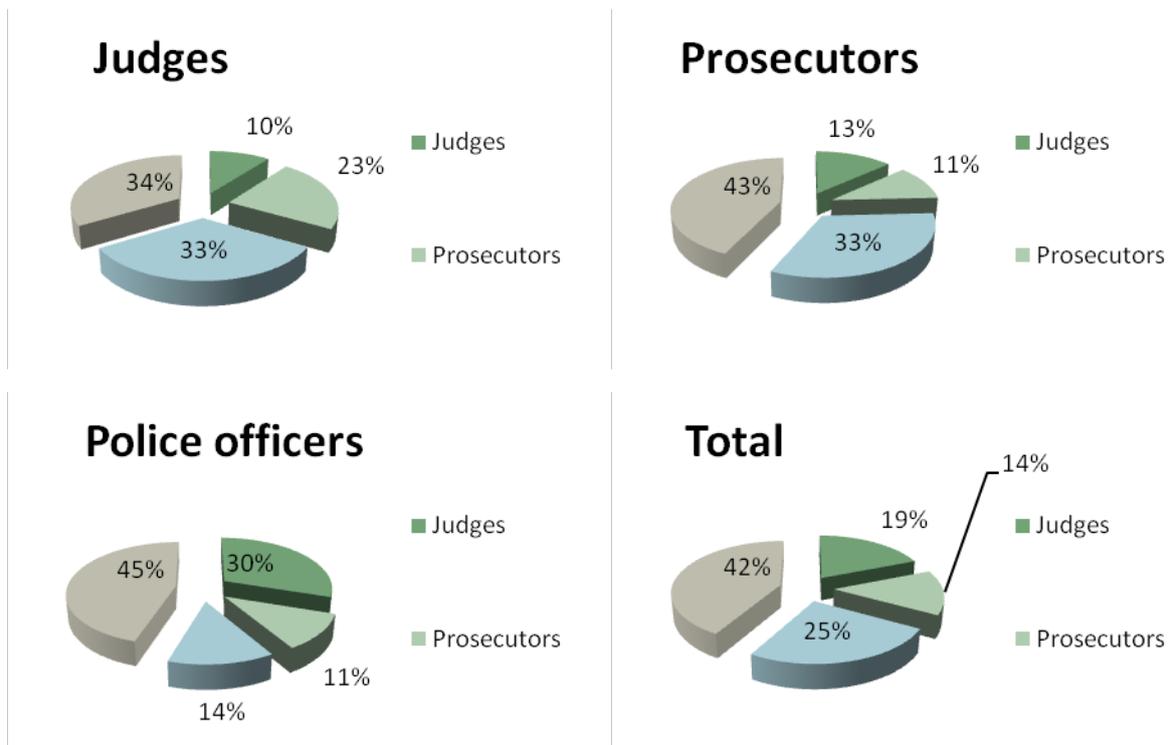
The same tendency can be observed with regards to the frequency of the political pressures. Although the percentage of answers indicating that the political pressures to treat cases in a certain manner are exerted rarely or never, is of 33% at regional level and slightly higher within some categories of practitioners (44% judges), the rate of legal professionals that fluctuate between positive and negative responses (36% answered “sometimes”) remains extremely high.

In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?



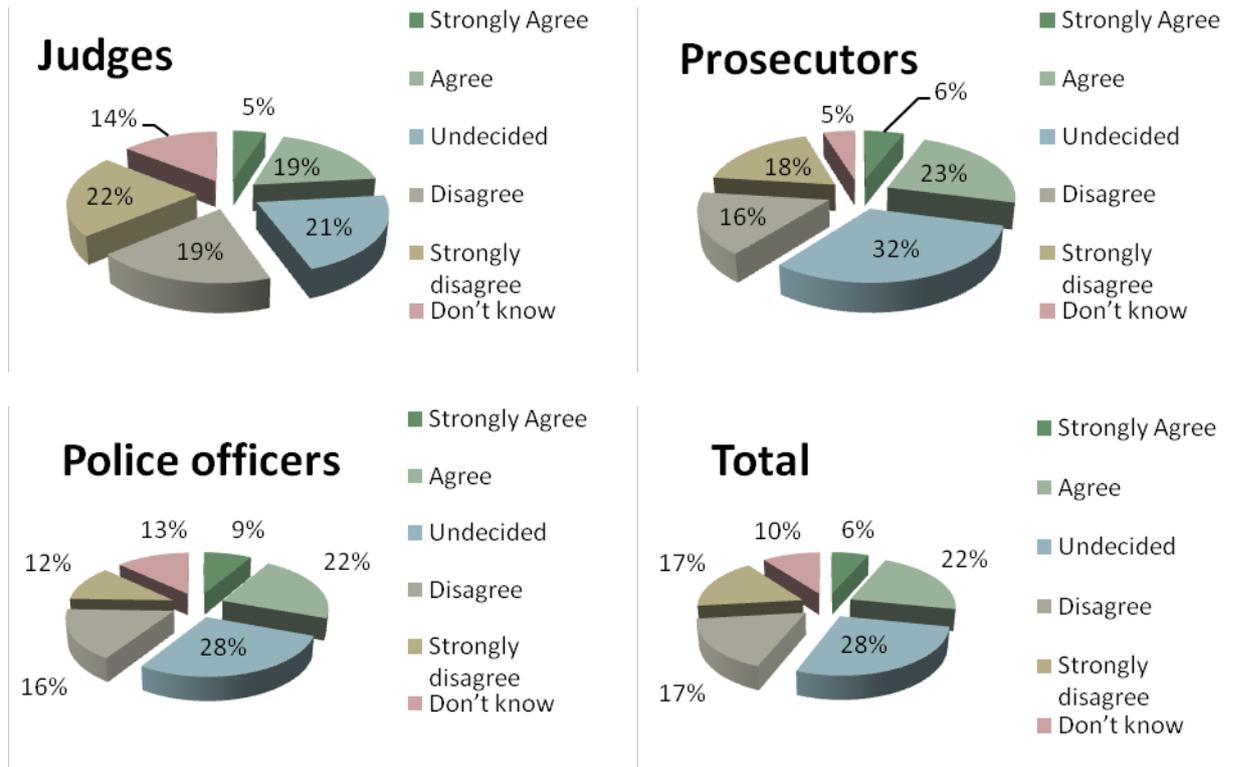
Alike, an unclear balance is revealed when identifying the category of professionals in the criminal justice system which is the most affected by these pressures, the dominant answer being that these pressures are equally exerted upon all three categories – 41%. The tendency is maintained as a dominant option within each individual category of professionals.

In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?



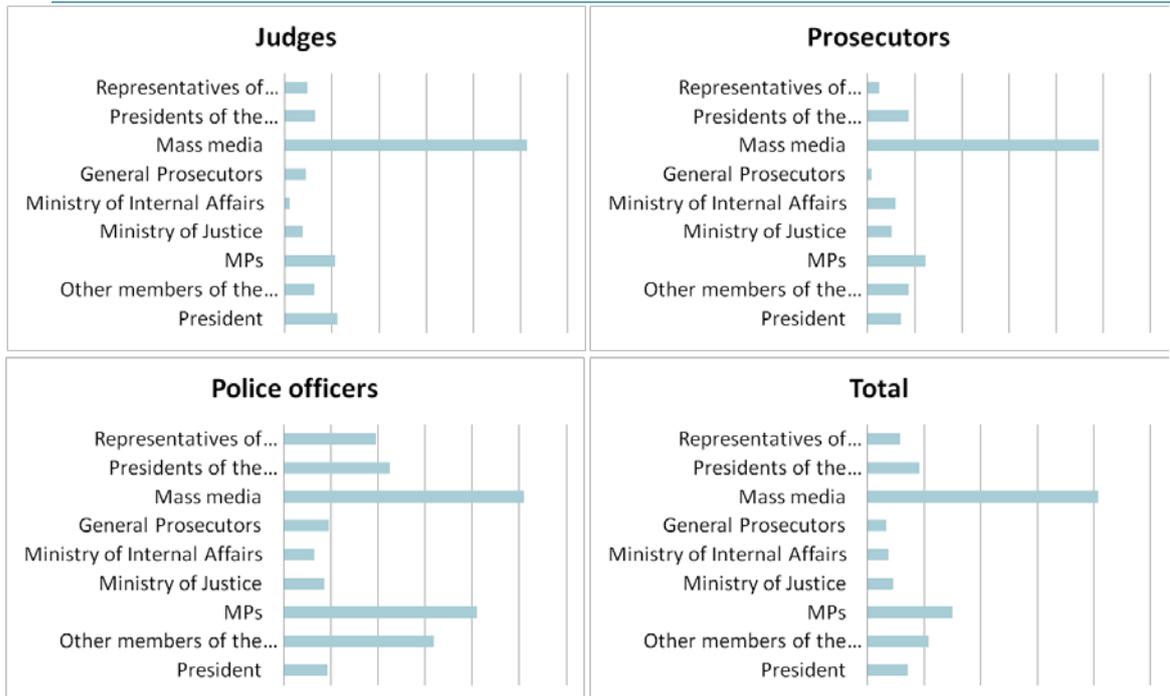
The relations between judges/prosecutors/police officers investigating high level corruption cases are seen as a factor of influence in a very heterogeneous manner, a real tendency in this regard not being identifiable. These results can be argued as dependent on the personal perception of the legal professionals, as well as on the different professional context of each country.

To what extent do you think that the relation between the Judges, Prosecutors, and police officers investigating high level corruption cases affects the independence of those?

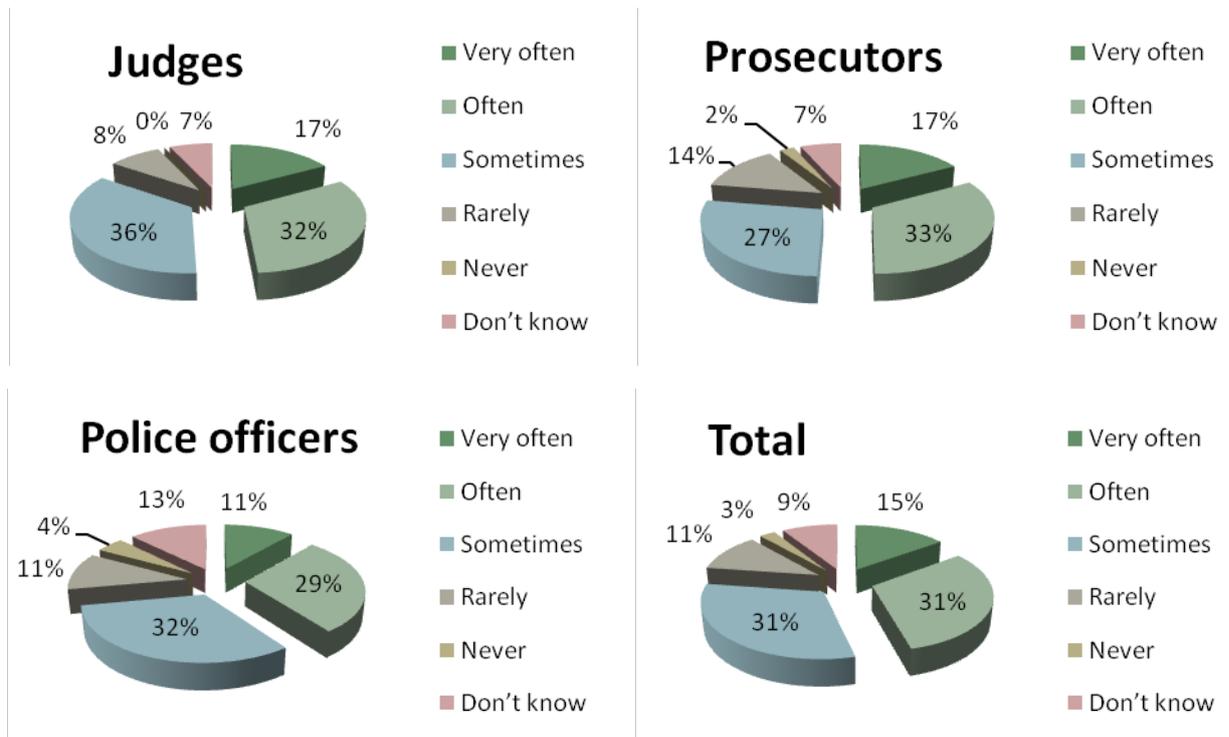


The quantitative research, consistent with the qualitative one, shows that the mass-media is perceived as the main source responsible for direct/indirect pressures upon the criminal judicial system, both by 41% of the legal professionals at regional level and within each category of practitioners. Even though significant differences in the intensity with which mass-media is indicated as primary source of pressures appear – by 51% judges and 49% prosecutors at difference from 26% police officers -, it still remains the first option for each category. Moreover, the analysis shows that mass-media pressures are perceived as being exerted often and very often by the majority of legal professionals at regional level (46%).

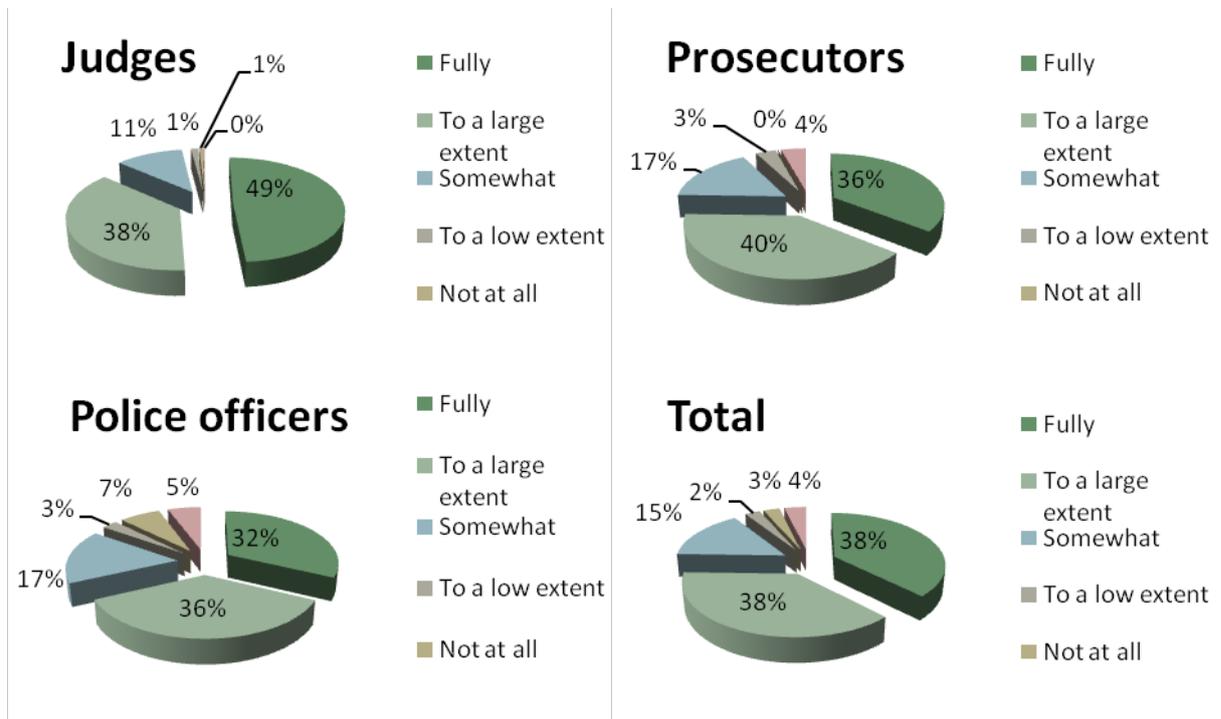
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?



In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?



To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?



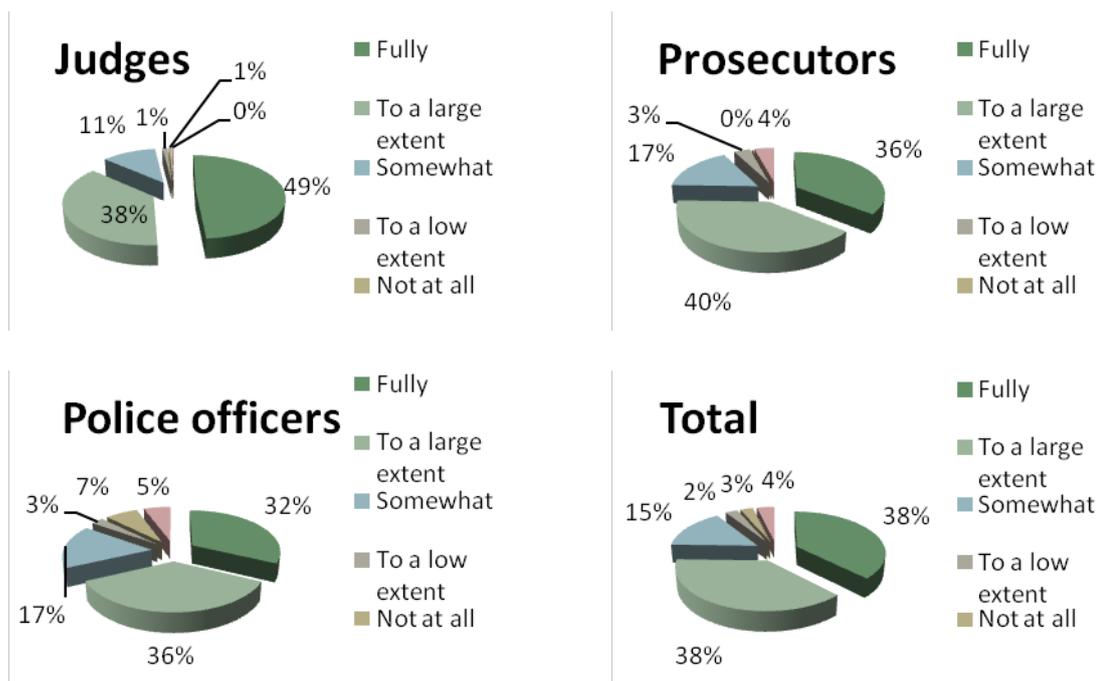
The majority of practitioners indicate the instability as a regional factor with negative consequences on the criminal judicial system, with 76% of the legal professionals agreeing to a large extent or fully that it affects the system. Similar opinions are sustained within each category of practitioners, the percentages varying from 87% for judges to 76% for prosecutors, and 68% for police officers.

4.4.3 Pointing out the weak points and causes of failure or success in addressing high level corruption, as well as the concrete steps which have to be taken in support of law enforcement bodies, prosecution and judicial system (the key points in which a coherent regional legislative solution would act as a facilitator for the improvement of the regional cooperation between the targeted practitioners)

As for the most frequent reasons for the threatening of the criminal judicial system practitioners, various potential factors were taken into account, several trends and solutions being regionally relevant.

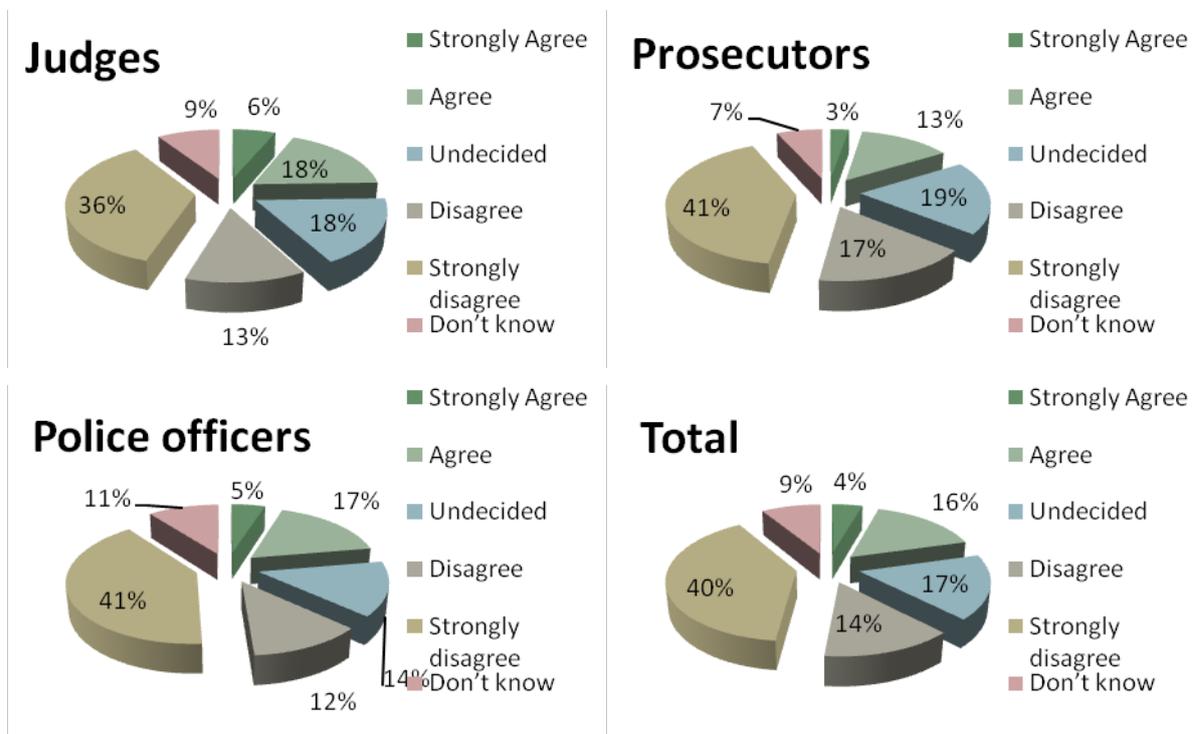
The random distribution of cases is seen as being an appropriate means to avoid/prevent political pressures on the legal professional dealing with high level corruption cases, only 18% of the practitioners disagreeing or strongly disagreeing with such a solution. Moreover, the solution is endorsed within each category, but in a larger extent by judges (74%), the qualitative analysis revealing that even though this solution might prevent the exertion of pressures, prosecutors and police officers tend to value the specialization in matters of investigating high level corruption cases, a requirement which correlated with the relative small number of specialized professionals in this field does not always allow a random distribution of cases.

To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?



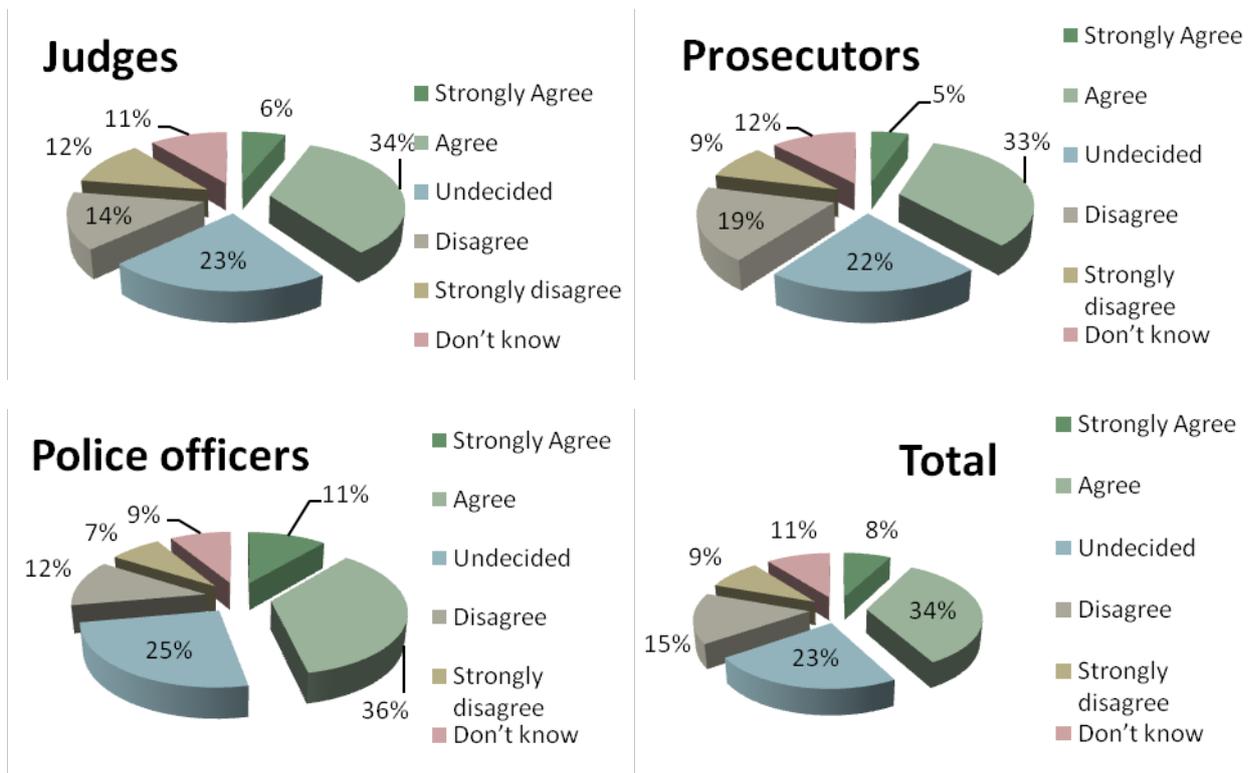
However, a great volume of work is not seen as affecting the integrity and resistance to corruption by 54% of the personnel dealing with high level corruption cases. The qualitative analysis shows that the issue of an overload in work cases is not grounds for the lack of integrity and resistance to corruption of the professionals by itself, but only when correlated with other factors. In this light, it is to be further analyzed the fact that one fifth of the practitioners agree or strongly agree that a great volume of work might affect the pre-trial and trial phases in high level corruption cases, by correlating this factor with other potential threats to the integrity of the practitioners.

To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a Judge is responsible of) affects its integrity/resistance to corruption?



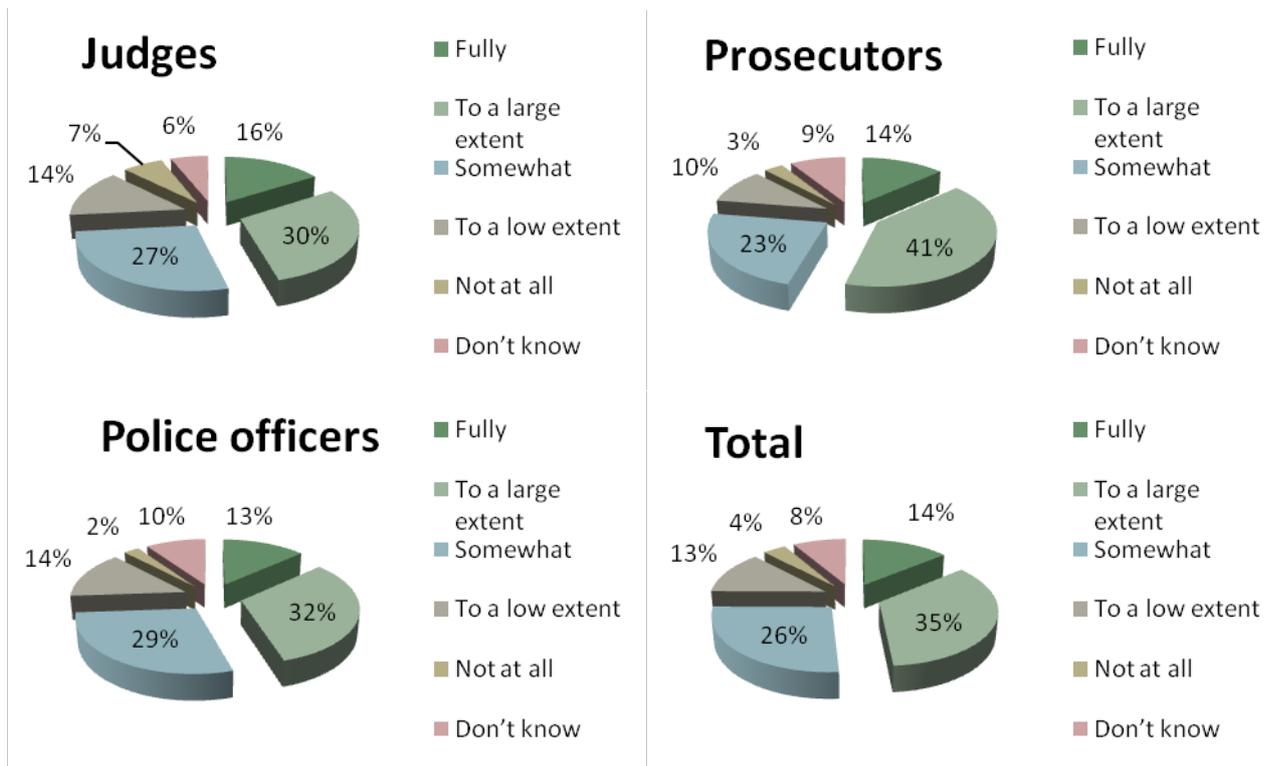
In evaluating the degree in which the disciplinary system within the institutions they work in is appropriate for ensuring the independence of the legal professionals dealing with high level corruption cases, the results showed a rather balanced perception. Even though 42% consider the respective disciplinary systems as being appropriate, the large proportion of ambivalent answers – 23% undecided responses globally, and similar proportions within each category – as well as the significant proportion of disagreement (26% judges, 28% prosecutors, and 19% police officers disagreeing or strongly disagreeing) make of the disciplinary system an issue to be considered at regional level rather delicate.

To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of Judges/ Prosecutors/ police officers dealing with high level corruption cases?



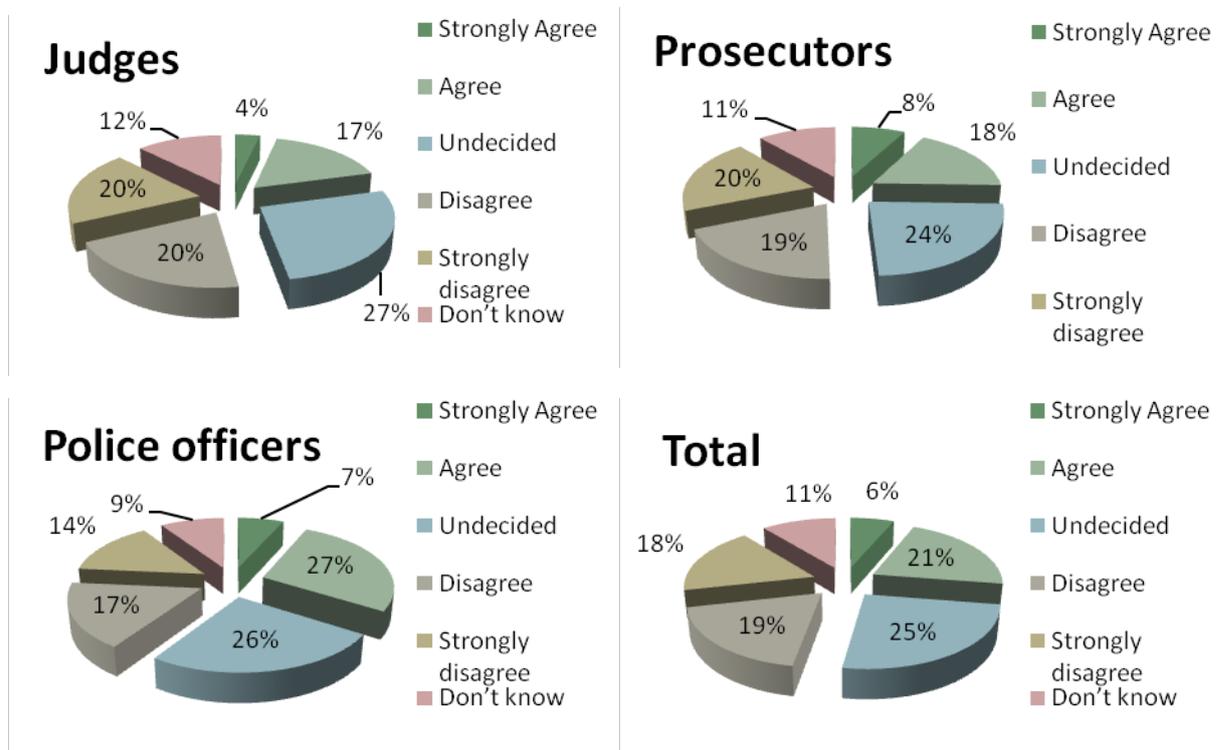
Consequently, another important factor with potential effects on the independence of the practitioners dealing with high level corruption cases is the assessment and promotion criteria used for the respective legal professionals – at global regional level, only 17% of the analyzed practitioners consider the performance indicators as useful to a low extent or not at all. The same trend is revealed within each category of professionals; more than two thirds of each of these categories considering a sound set of performance indicators an assurance for their independence.

To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?



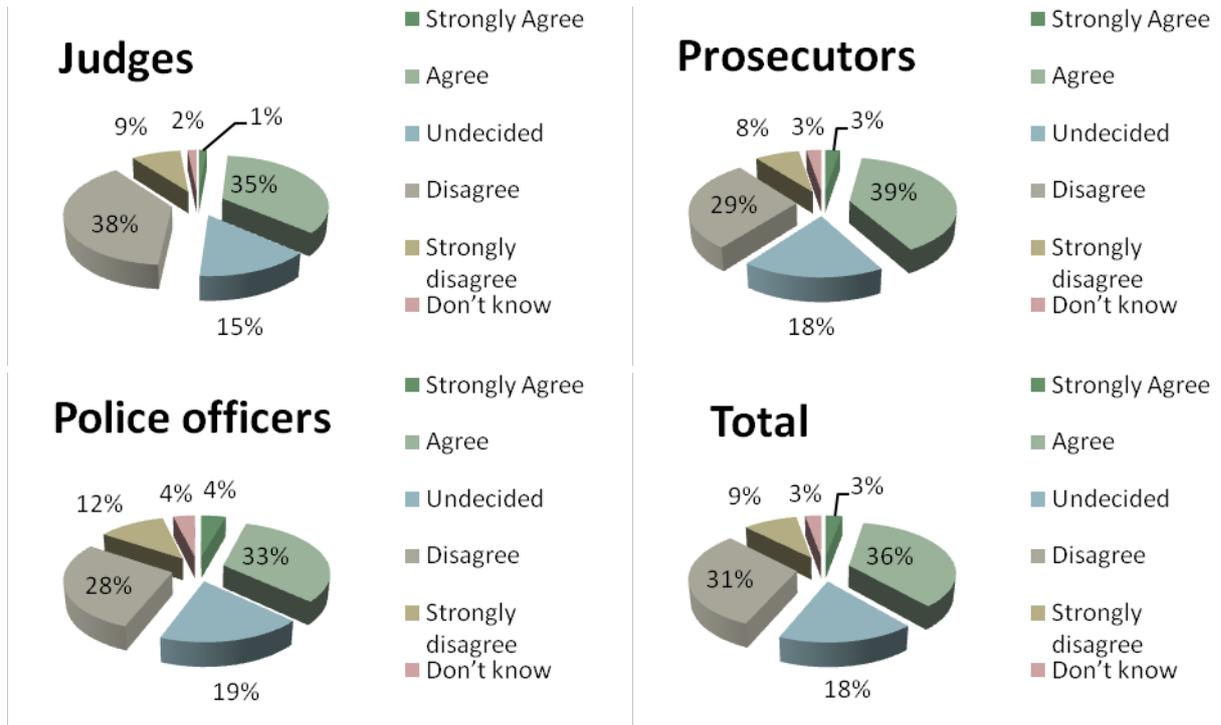
Of equal importance is the system protecting persons investigating, prosecuting, and trailing high level corruption cases from eventual reprisals, a system which is assessed as appropriate for ensuring their independence by only 27%. It should be noted that, consistent with the focus groups results, the quantitative data shows an even lower extent to which judges find the protection system appropriate – 21% in comparison with 26% prosecutors and 34% police officers. Further examination appears as necessary, taking into consideration the common practices and cases in each individual country, so as to establish whether a causal relation could be considered between the greater media exposure of the personnel at the end of the high level corruption cases cycle and the degree of distrust in the system protecting them.

To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the Judges/Prosecutors/police officers?



The professional training system receives an equal importance, being seen as a prerequisite for the effectiveness of the criminal judicial systems. However, at regional level, only 39% of the practitioners seem to agree or strongly agree that the current systems are effective in addressing the professional need of the personnel dealing with high level corruption. Within the categories of professionals, the regional global trend is preserved, even though judges seem to disagree or strongly disagree to a wider extent with the effectiveness of the training system (47% at difference from both the other categories – 37% prosecutors and 41% police officers – and of the global value of 41%).

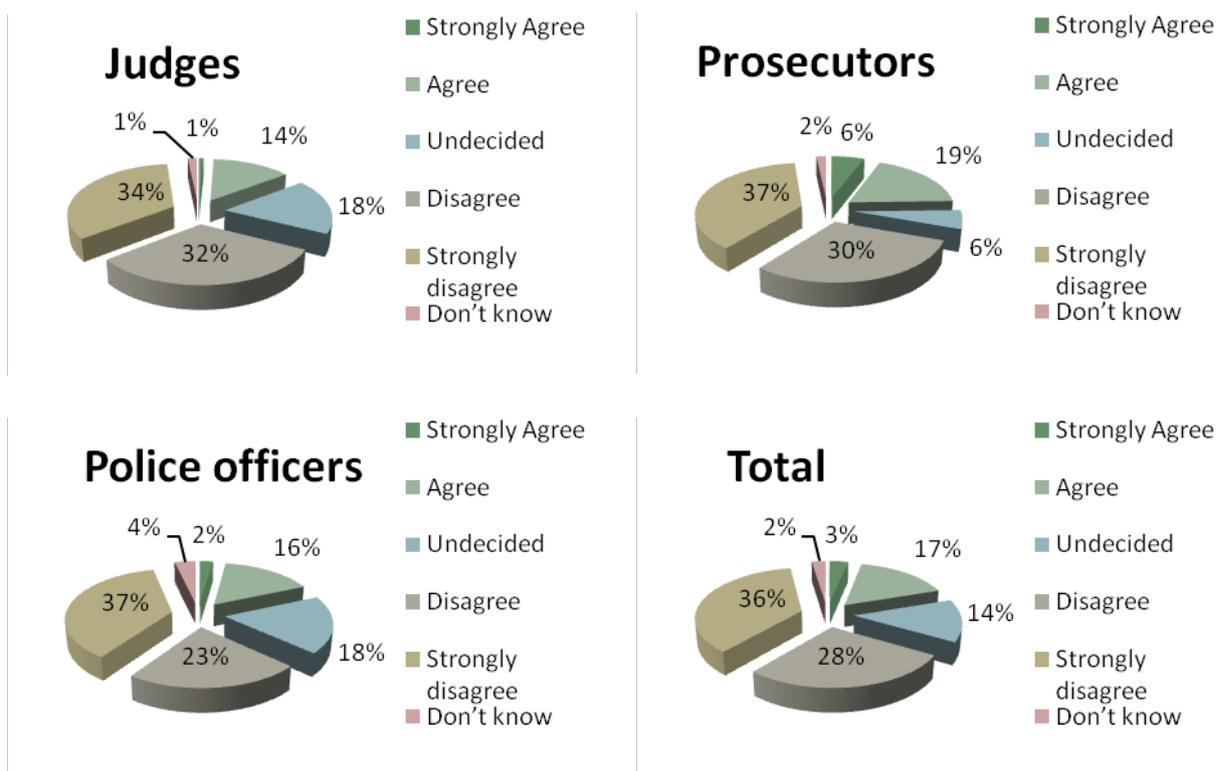
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the Judges/Prosecutors/police officers?



One of the potential explanations for the ineffectiveness of the professional training system seems to be the scarce financial resources, as shown by the results of the focus groups. However, the financial shortage affects not only the professional training, but several other aspects of the judiciary (i.e., investigation resources). The practitioners consider that a proper system of salaries is considered necessary in order to diminish the vulnerabilities towards corruption, as well as to contribute to the optimal deployment of the activity.

The quantitative data enhances the qualitative evaluation resulted from the focus groups, showing that the legal practitioners from the region disagree or strongly disagree in an overwhelming percentage (64%) about the adequacy of the current level of the salaries in direct link with their independence. Besides the general trend, a similar perception is registered within each category of practitioners of the criminal judicial systems – only 15% judges agree that the salary level is of nature to ensure their independence, whilst the same perception is held by 25% prosecutors and 18% police officers.

To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the Judges/Prosecutors/police officers?

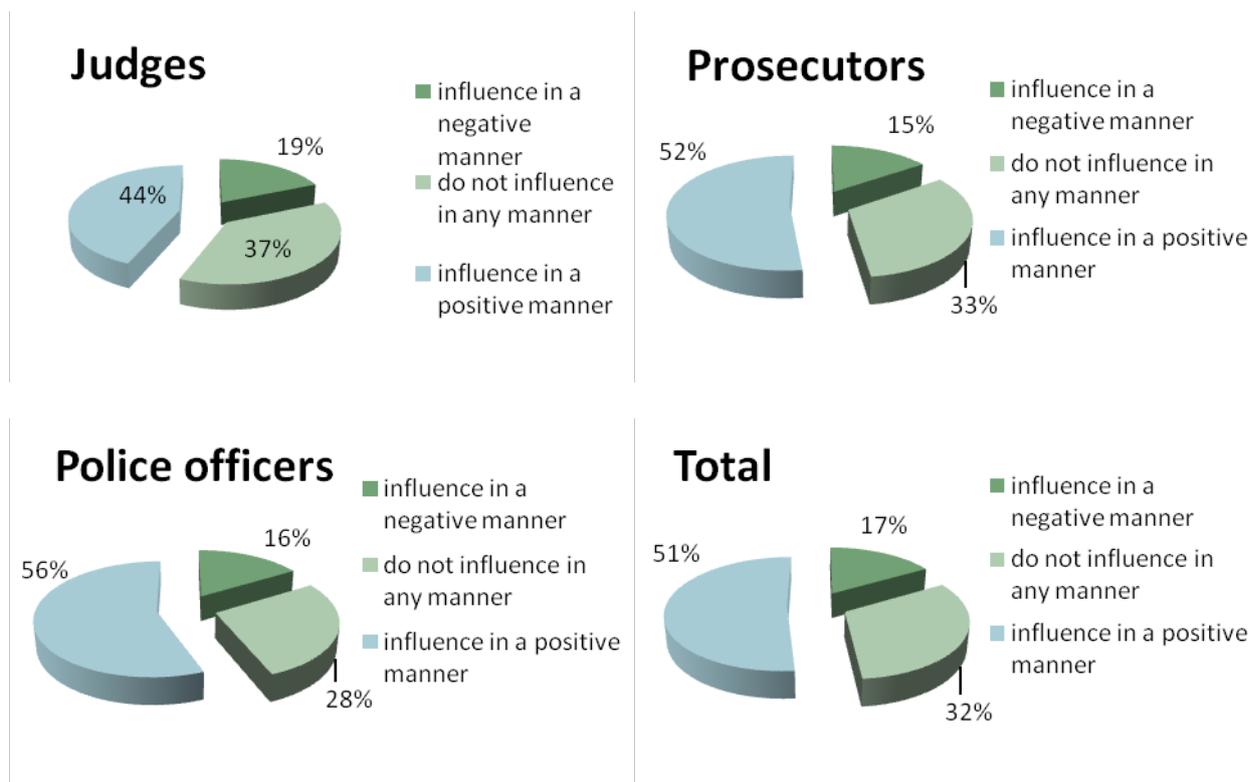


4.4.4 Assessing the regional dimension of the corruption phenomenon as well as the level of compliance of the criminal judicial system measures with this regard with the international and European standards

The international political institutions are considered to positively influence the independence of the criminal legal system as per the majority of the legal professionals at regional level, amongst which

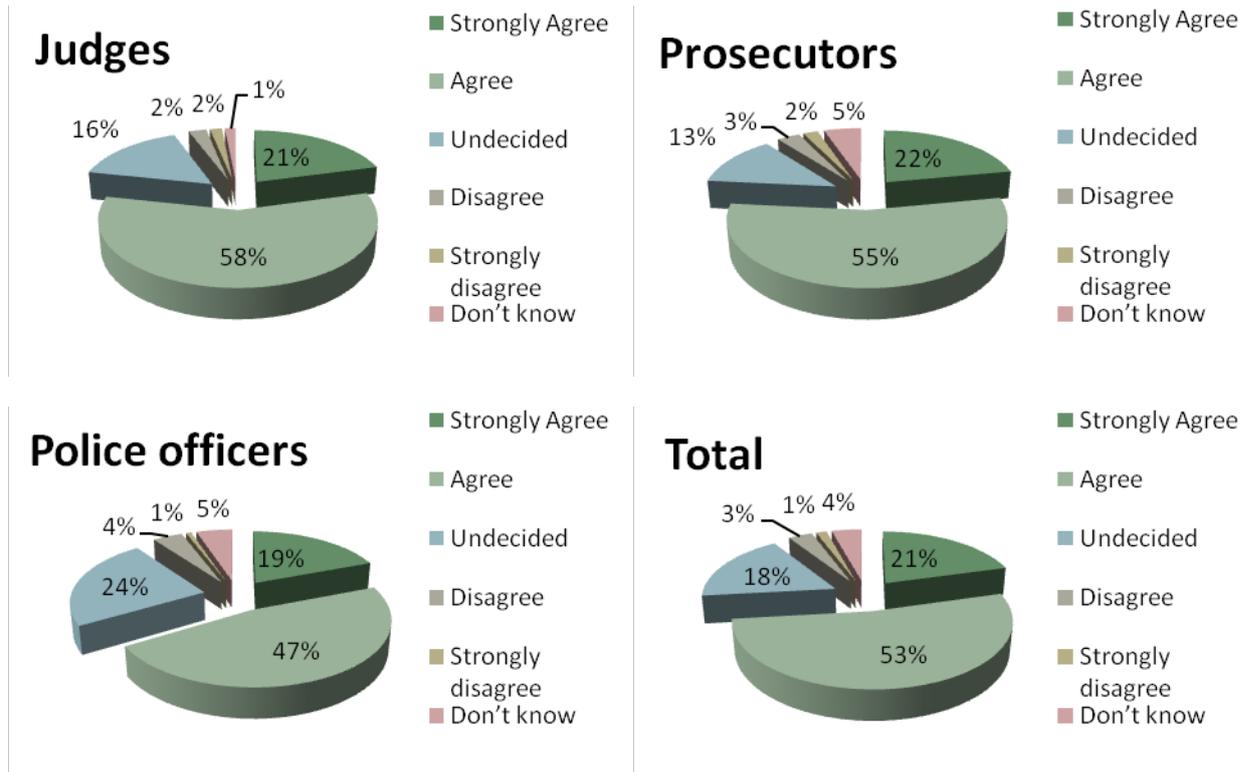
police officers seem to be the opinion leader with a result of 56%. The perception is equally shared by prosecutors (52%) and, to a slightly lower extent, by judges (44%). However, a skeptical opinion according to which these institutions have no influence whatsoever is rather broad represented amongst almost a third of the practitioners at regional level, as well as within each category of professionals.

Do you consider that the international political institutions ... the independence of the criminal judicial system?



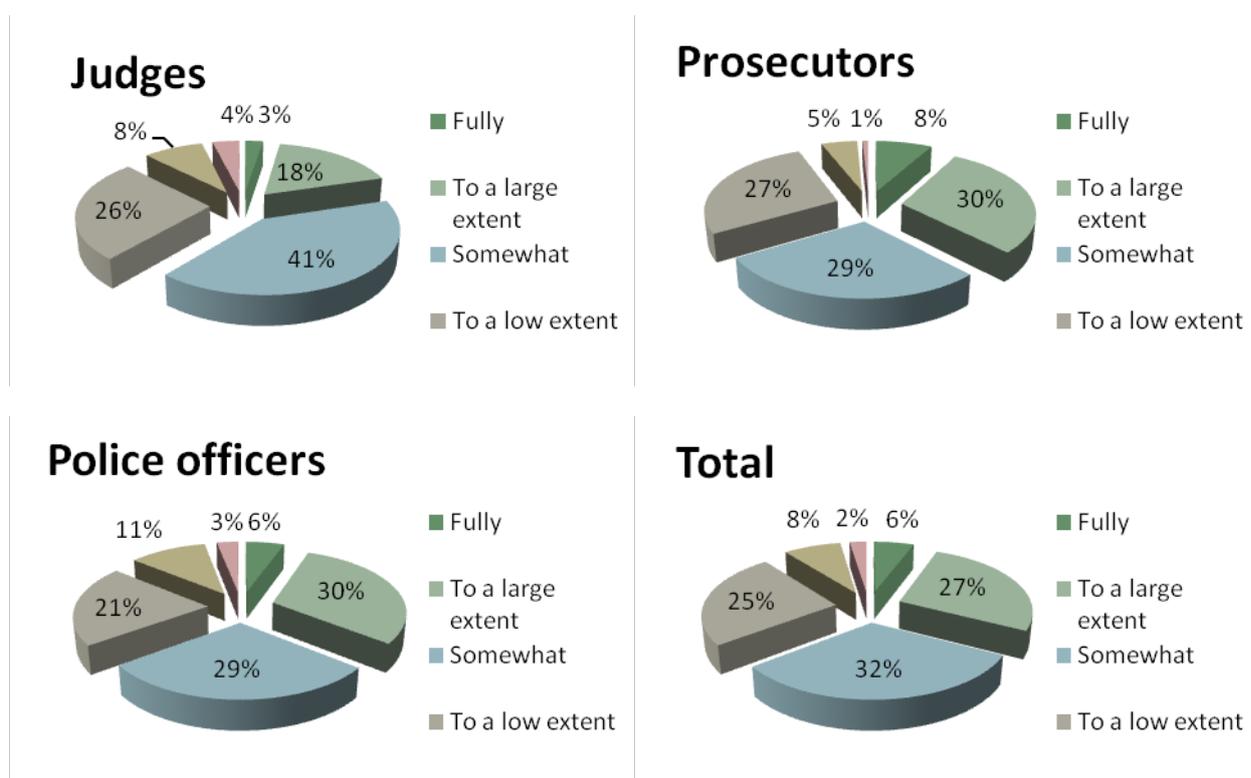
Nonetheless, the skepticism is not so widely present when it comes to assess the added value of the assistance provided by international organizations in formulating national and regional policies and strategies. The transfer of expertise and the standards approach intrinsic to the areas covered by international organizations is seen as significantly strengthening the effectiveness of the criminal judicial systems by 74% of the professionals, only 4% of the participants to the survey disagreeing or strongly disagreeing with the enhancement effects of these. The trend is reflected almost identical within each category covered by the survey.

To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS?



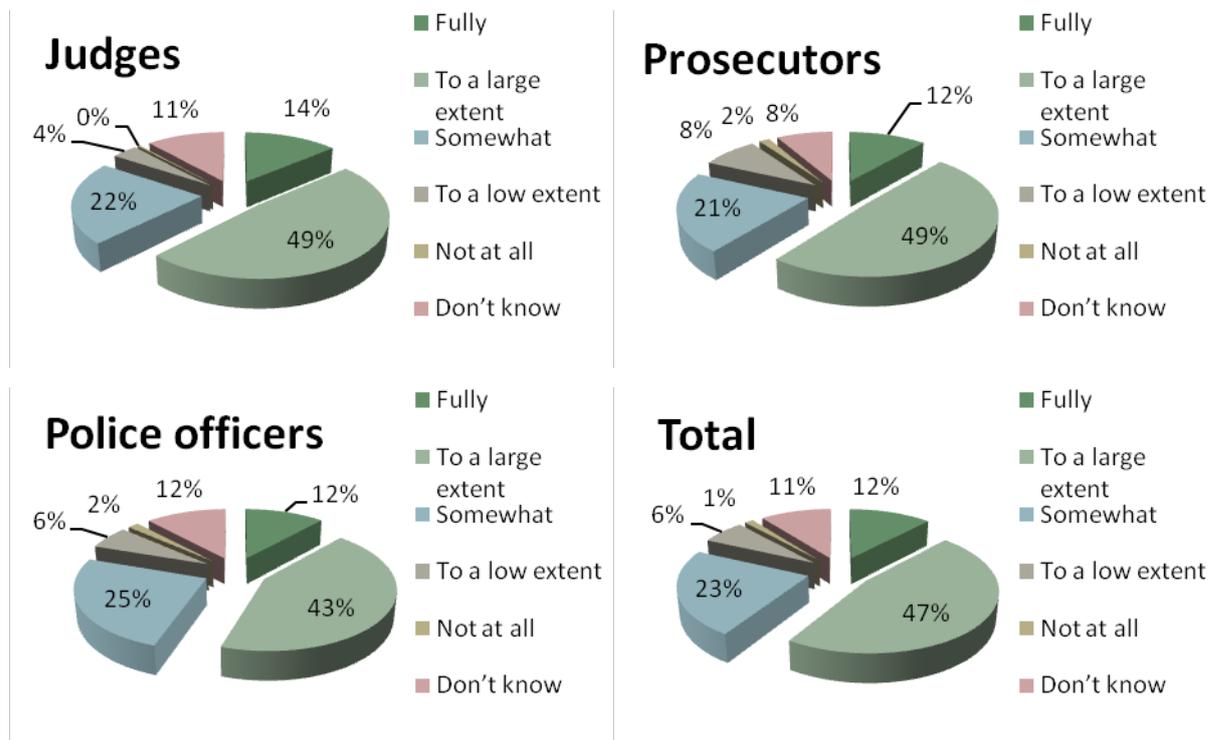
However, when it comes to self-assessing their level of information with regards to international anticorruption standards and best practices, less than a third (33%) of the surveyed professional categories consider themselves informed fully or to a large extent. A significant amount of answers also show that the level of information with regards to these standards is rather vague, 41% judges and 29% prosecutors and police officers considering themselves somewhat informed.

To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?



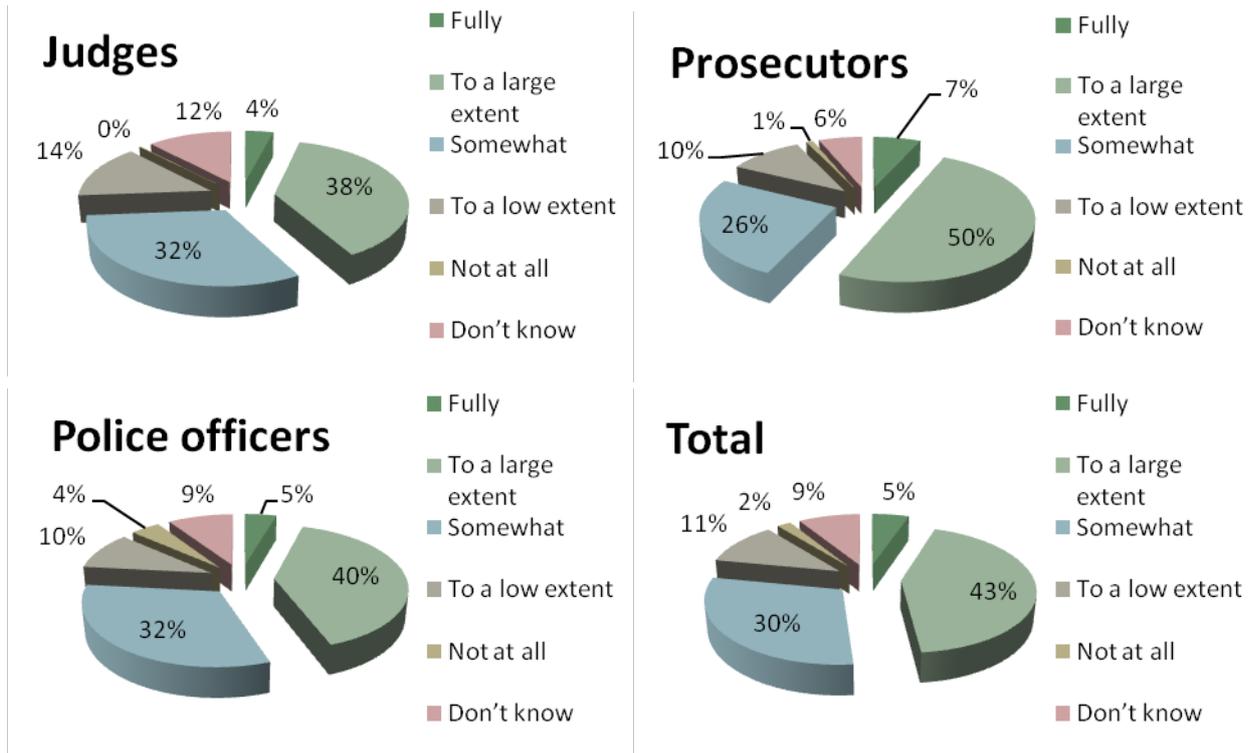
Nevertheless, a very small percentage of the practitioners regard the transposition of international and European international standards in their national criminal judicial system as enhancing their independence to a low extent (6%) or not at all (1%). Within each category of professionals dealing with high level corruption cases, the wide majority of the questioned persons show that this manner of harmonization is appropriate for the support and improvement of the independence of the criminal judicial system, most of these answers being registered for judges (63% agreeing to a large extent or fully), followed closely by both prosecutors (60%) and police officers (55%). The qualitative research revealed the fact that such harmonization process must take into account the adjustment of these standards to the national context, and not their transposition *tel quel*.

To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?



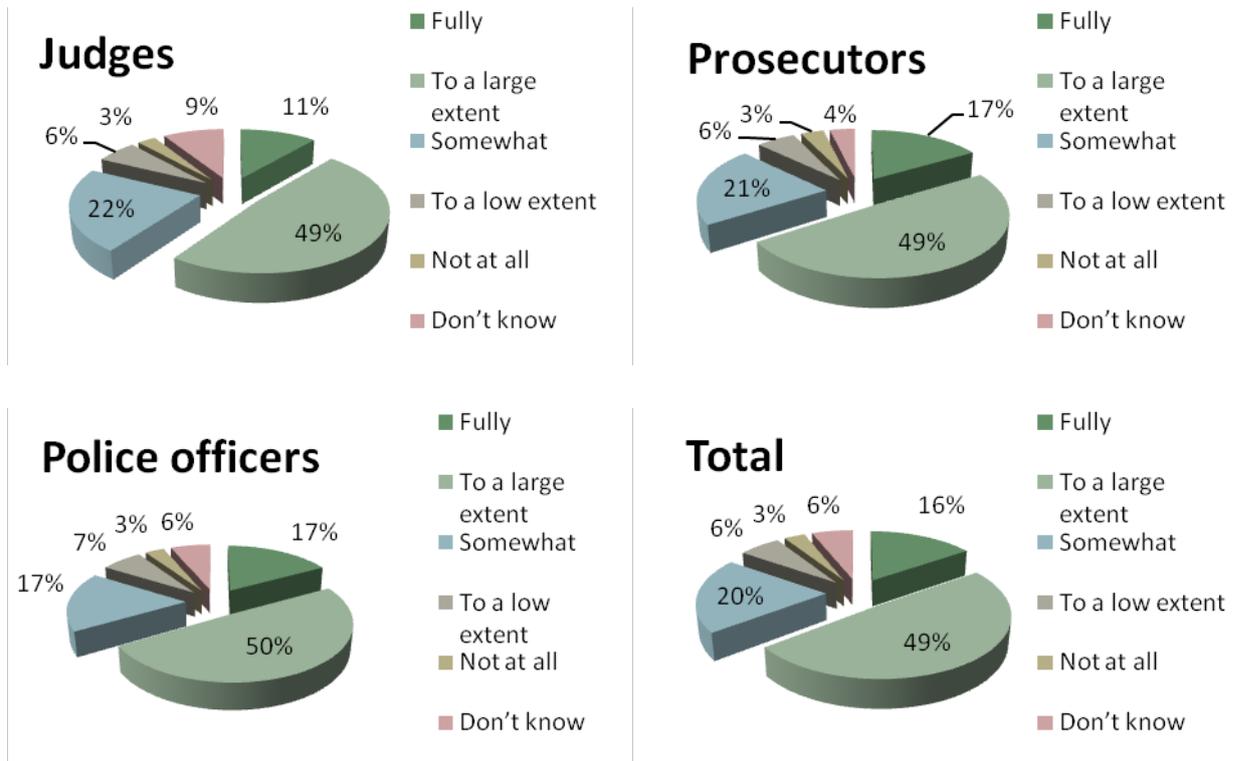
These results need to be correlated with the outcomes regarding the harmonization of the national norms with the international standards. According to the regional trend, 48% of the practitioners consider that their systems comply with international standards in the field of investigating high level corruption cases, and the general trend is propagated also within the categories of professionals. While judges and police officers follow closely the regional trend, with 42% and 44% respectively, prosecutors are less critical and consider the full or large extent compliance in a percentage of 57.

In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?



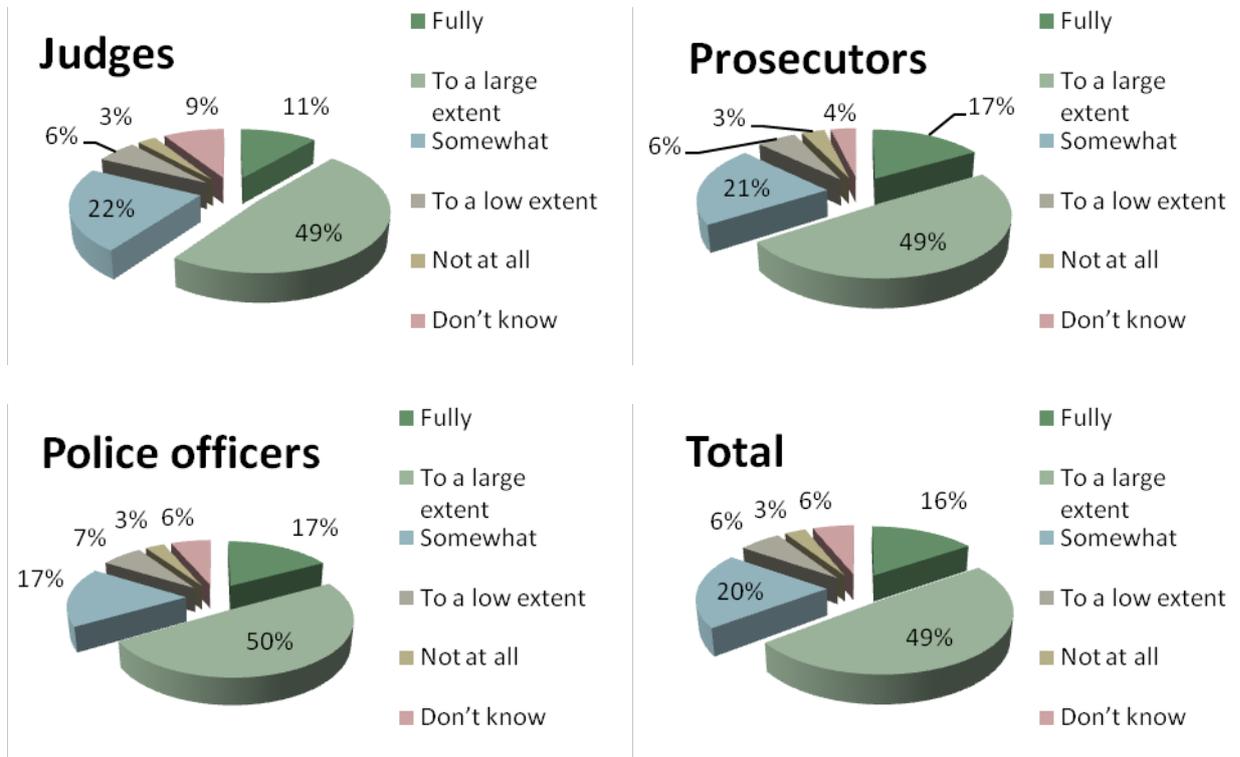
When it comes to assessing directly the regional dimension of the corruption phenomenon, the criminal judicial system practitioners dealing with high level corruption cases overwhelmingly perceive it as a common feature of all countries in South Eastern Europe. Thusly, only 9% of the total number of inquired practitioners believes that corruption is a common characteristic of the SEE countries to a low extent or not at all. The regional trend is also recurrent within each category of professionals, with 60% judges, 65% prosecutors, and 66% police officers believing that corruption is fully or to a large extent a regular feature.

In your view, to what extent is corruption a common feature of all countries in South Eastern Europe?

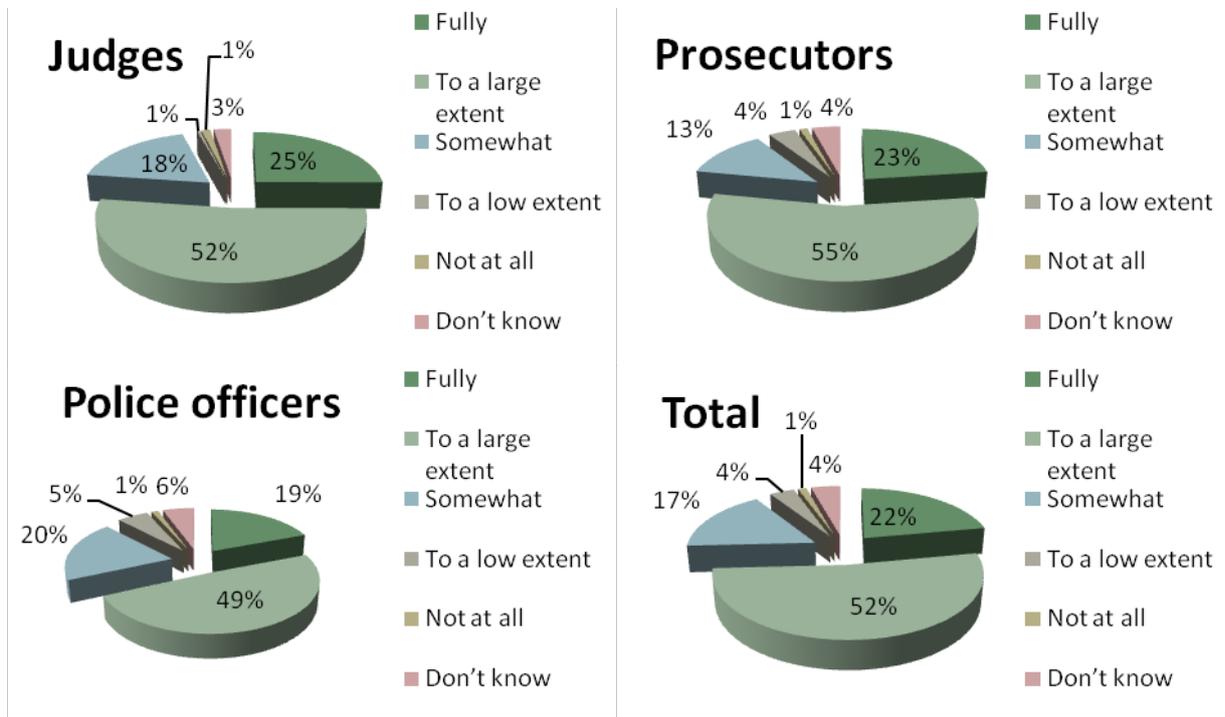


In this regard, at regional level it can also be noticed that 70% of the surveyed practitioners agree to a large extent or fully with the benefits of a regional policy related to fighting high level corruption in significantly increasing the effectiveness of their criminal judicial systems. The level of doubt in this regard is of only 7% per total practitioners, whereas 4% of the judges, 10% of the prosecutors, and 6% of the police officers believe to a low extent or not at all in the effects of a regional policy in the matter.

To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?



To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the integrity of the CJS.



Within the same positive record, the regional networking and cooperation within similar agencies are perceived as significantly improving the integrity of the criminal judicial system professionals – 74% of the inquired practitioners believe to a large extent or fully in the direct causality between regional cooperation and an improved judiciary in the area of fighting high level corruption cases. The most reserved within the categories of professionals seem to be the police officers with a 68% rate of similar answers, but at an insignificant distance from the regional trend.

5. RECOMMENDATIONS

These recommendations take into account the problems identified in the majority of the states targeted by the present study. It is therefore possible that such recommendations have already been applied to a certain extent by several of the SEE states participating in the study.

Additionally, it should be stressed that a number of the recommendations arising from the present study are directed primarily to the national judiciary systems, having a regional dimension only to a lesser extent. Nevertheless, we consider that a general regional policy considering national factors is an essential prerequisite for a good cooperation at regional level.

These recommendations are based upon the opinions expressed within the focus groups and the analysis of the survey results.

The adoption and implementation of international anticorruption standards should be done with a view to the national judicial system of each of the countries in the SEE region, so as to have a correspondence between existing national framework and international conventions, which will further enable the development of coherent mechanisms and instruments to fully implement such conventions within a consistent structural context. Consequently, international technical assistance must take into consideration national conditions and not insist on patterns which may be functional in certain legal systems, yet not applicable to others.

The efforts to increase the compliance of national judicial systems with the international standards in the field of investigating high level corruption cases need to be continued, several progresses being registered in this area. Moreover, the harmonization process should be doubled with *permanent informing and attentiveness* of the legal professionals with regards to available standards and mechanisms when dealing with high level corruption cases.

Drawing up a *regional policy on cooperation* on the investigation, prosecution and trailing of high level anticorruption cases and coordination of the professionals dealing with such cases should have a particular view to the outlining, developing and setting up a *regional mechanism for proceedings of corruption crimes*, strengthening concrete cooperation on punctual transnational corruption cases while focusing on the weakest and less regulated matters.

Regional cooperation mechanisms need to take into account a dual level approach, both at *institutional level* between similar bodies, as well as *professional networking* through which legal practitioners can have direct contact thus enabling professionals dealing with high level corruption cases to have an open, unambiguous and immediately accessible exchange of experience, expertise and good practices. Such networks could also represent additional means to facilitate *coordination* and faster *response structures in cases of transnational high level corruption cases*, alongside cooperation at institutional level. Concurrently, mechanisms increasing *inter-institutional cooperation within national structures* need to be implemented, taking into account the correspondences between institutions with similar competences and attributions.

National legal frameworks should be designed within *participatory processes* thus allowing for legal practitioners to provide with inside views and facilitate the identification of *concrete regulation needs and adequate legislative solutions and sufficient legal mechanisms* which would furthermore provide for a higher likelihood of implementation and would set a solid ground for *legal stability* in this area.

The *legal statute* of judges, prosecutors, and police officers should provide a clear and firm regulatory framework with a view at ensuring the independence of legal professionals dealing with high level corruption cases. Such provisions should go hand in hand with the adoption and enforcement of strong *protection mechanisms for the legal practitioners* dealing with high level corruption cases.

The *hiring/appointment system* needs to make use of adequate criteria, based on relevant professional knowledge and track record, while the *promotion system* should also take into account performance indicators; generally closely connected to the professional track record, the *disciplinary system* must offer sufficient procedural guarantees against abuse so as to ensure an independent evaluation and justified sanctioning; all these factors reduce potential pressure and overall vulnerabilities. The *professional training* must be a continuous process, addressing specific professional needs enabling for cross-training whenever necessary; while specialization on certain types of cases has obvious benefits, over-specialization condenses options and may lead to eventually reducing professional abilities as well as to the impossibility to implement additional mechanisms to avoid/prevent the exertion of pressure (i.e. random assignment of the high level corruption cases).

The amelioration of the *overall financing of the judiciary system*, including the provision of reasonable wages for the legal practitioners dealing with high level corruption cases, as well as improving the management of available resources for investigations and professional trainings, are essential factors to within those ensuring the independence of the judiciary.

Rules and limitations should also be put in place with regard to the *relations and cooperation with the media*, which places a rather justifiably great interest on high corruption cases, typically providing large coverage on such issues. In this case, it is recommended that the rapid reaction capacity of spokespersons is enhanced, in order to compensate the negative image of the judiciary that mass-media disseminate. At the same time, *public awareness* on the negative effects of corruption, while also stressing the positive aspects of public integrity needs to be raised.

Annex — National Data

I. ALBANIA

In your view, to what extent is the criminal judicial system in your country independent? (one answer only). The criminal judicial system is defined for the purpose of this project as the framework including courts, prosecutor office and judges.			
	Prosecutors%	Police officers%	Total %
Fully	0	14	7
To a large extent	33	43	38
Somewhat	67	29	48
To a low extent	0	7	4
Not at all	0	0	0
Don't know	0	7	4
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?			
Fully	0	21	11
To a large extent	50	64	57
Somewhat	50	14	32
To a low extent	0	0	0
Not at all	0	0	0
Don't know	0	0	0
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?			
Very often	0	0	0
Often	42	36	39
Sometimes	50	21	36
Rarely	0	21	11
Never	0	14	7
Don't know	8	7	8
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?			
Judges	25	29	27
Prosecutors	25	7	16
Police officers	0	36	18
Equally upon the three categories	50	29	39

In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?			
Very often	0	0	0
Often	0	7	4
Sometimes	50	14	32
Rarely	17	36	26
Never	0	43	21
Don't know	33	0	17
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?			
0			
President	0	0	0
Other members of the government	8	14	11
MPs	33	36	35
Ministry of Justice	17	0	8
Ministry of Internal Affairs	0	0	0
General Prosecutor	0	36	18
Mass media	17	14	15
Presidents of the Courts/Chief prosecutors/Chief police officers	25	0	13
Representatives of international institutions present in country	0	0	0
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?			
Very often	0	0	0
Often	58	29	43
Sometimes	33	21	27
Rarely	8	29	18
Never	0	14	7
Don't know	0	7	4
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?			
Very often	8	7	8
Often	75	43	59
Sometimes	17	7	12
Rarely	0	14	7
Never	0	14	7
Don't know	0	14	7
To what extent are high-level corruption cases distributed randomly among staff in your court/ prosecutor's office/ department?			
Fully	0	0	0
To a large extent	33	0	17
Somewhat	42	21	32
To a low extent	0	21	11

Not at all	0	14	7
Don't know	25	43	34
To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?			
Strongly Agree	42	29	35
Agree	50	50	50
Undecided	8	0	4
Disagree	0	14	7
Strongly disagree	0	7	4
Don't know	0	0	0
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?			
Yes	17	29	23
No	83	71	77
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?			
Strongly Agree	0	29	14
Agree	50	57	54
Undecided	25	7	16
Disagree	17	7	12
Strongly disagree	0	0	0
Don't know	8	0	4
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?			
Fully	33	43	38
To a large extent	67	36	51
Somewhat	0	14	7
To a low extent	0	0	0
Not at all	0	0	0
Don't know	0	7	4
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?			
Yes	50	29	39
No	50	71	61
Which group/individual exerted these pressures?			
The chief of the superior court/prosecutor's office/police department	17	0	8
Ministry of Internal Affairs	0	7	4
Ministry of Justice	0	0	0
Political parties	50	21	36
General Prosecutor's Office	0	0	0
Members of the government	0	14	7

Local administration	0	14	7
President	0	0	0
MPs	0	0	0
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?			
Strongly Agree	0	7	4
Agree	0	7	4
Undecided	0	29	14
Disagree	33	29	31
Strongly disagree	67	29	48
Don't know	0	0	0
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?			
Strongly Agree	8	0	4
Agree	50	71	61
Undecided	42	0	21
Disagree	0	29	14
Strongly disagree	0	0	0
Don't know	0	0	0
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?			
The Executive is more influential	50	36	43
Both are equally influential	42	43	42
The CJS is more influential	8	21	15
How would you describe the relation between the Presidency and the criminal judicial system?			
The Presidency holds a dominant position	17	7	12
The Presidency hold an equal position in relation to the judicial system	67	79	73
The judicial system holds a dominant position	17	14	15
Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?			
influence in a negative manner	58	14	36
do not influence in any manner	17	71	44
influence in a positive manner	25	14	20
Do you consider that mass-media ... the independence of judges/prosecutors/police officers?			
influence in a negative manner	50	36	43
do not influence in any manner	17	7	12
influence in a positive manner	33	57	45
Do you consider that the international political institutions ... the independence of the criminal judicial system?			

influence in a negative manner	0	0	0
do not influence in any manner	17	0	8
influence in a positive manner	83	100	92
Do you consider that the public opinion ... the independence of the criminal judicial system?			
influence in a negative manner	25	14	20
do not influence in any manner	8	36	22
influence in a positive manner	67	50	58
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?			
Yes	17	14	15
No	83	86	85
Did you come across situations where the influencing of you decisions was attempted?			
Yes	67	29	48
No	33	71	52
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?			
0			
Fully	33	14	24
To a large extent	50	43	46
Somewhat	17	21	19
To a low extent	0	0	0
Not at all	0	14	7
Don't know	0	7	4
To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?			
Fully	0	50	25
To a large extent	50	7	29
Somewhat	42	29	35
To a low extent	8	7	8
Not at all	0	7	4
Don't know	0	0	0
To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected			
Strongly Agree	0	7	4
Agree	33	50	42
Undecided	50	14	32
Disagree	8	21	15
Strongly disagree	8	0	4
Don't know	0	7	4
To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor's Office?			

Fully	8	14	11
To a large extent	50	57	54
Somewhat	33	14	24
To a low extent	8	7	8
Not at all	0	7	4
Don't know	0	0	0
To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?			
Strongly Agree	0	21	11
Agree	33	50	42
Undecided	67	14	40
Disagree	0	0	0
Strongly disagree	0	0	0
Don't know	0	14	7
To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?			
Strongly Agree	0	14	7
Agree	17	29	23
Undecided	58	14	36
Disagree	0	0	0
Strongly disagree	25	36	30
Don't know	0	7	4
To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/ prosecutors/ police officers dealing with high level corruption cases?			
Agree	50	71	61
Undecided	25	14	20
Disagree	25	0	13
Strongly disagree	0	0	0
Don't know	0	0	0
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the judges/ prosecutors/ police officers.			
Strongly Agree	42	14	28
Agree	0	43	21
Undecided	8	29	18
Disagree	25	14	20
Strongly disagree	25	0	13
Don't know	0	0	0
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?			
Strongly Agree	0	36	18

Agree	17	36	26
Undecided	17	21	19
Disagree	58	0	29
Strongly disagree	8	7	8
Don't know	0	0	0
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?			
Strongly Agree	17	43	30
Agree	33	29	31
Undecided	33	21	27
Disagree	17	7	12
Strongly disagree	0	0	0
Don't know	0	0	0
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?			
Strongly Agree	0	36	18
Agree	33	29	31
Undecided	25	14	20
Disagree	25	21	23
Strongly disagree	17	0	8
Don't know	0	0	0
To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?			
Fully	0	7	4
To a large extent	58	64	61
Somewhat	33	14	24
To a low extent	8	14	11
Not at all	0	0	0
Don't know	0	0	0
To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?			
Fully	42	29	35
To a large extent	50	64	57
Somewhat	8	0	4
To a low extent	0	7	4
Not at all	0	0	0
Don't know	0	0	0
To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the independence of the judicial system.			
Fully	50	36	43
To a large extent	42	64	53
Somewhat	8	0	4

To a low extent	0	0	0
Not at all	0	0	0
Don't know	0	0	0

In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?

Fully	0	14	7
To a large extent	58	64	61
Somewhat	17	21	19
To a low extent	25	0	13
Not at all	0	0	0
Don't know	0	0	0

To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?

Fully	17	36	26
To a large extent	50	43	46
Somewhat	25	21	23
To a low extent	8	0	4
Not at all	0	0	0
Don't know	0	0	0

In your view, to what extent is corruption a common feature of all countries in South Eastern Europe?

Fully	33	29	31
To a large extent	58	43	51
Somewhat	8	21	15
To a low extent	0	0	0
Not at all	0	0	0
Don't know	0	7	4

To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS?

Strongly Agree	42	57	49
Agree	50	43	46
Undecided	8	0	4
Disagree	0	0	0
Strongly disagree	0	0	0
Don't know	0	0	0

2. BOSNIA AND HERZEGOVINA

In your view, to what extent is the criminal judicial system in your country independent?				
	Judges%	Prosecutors%	Police officers%	Total %
Fully	7	18	2	9
To a large extent	79	53	37	56
Somewhat	12	28	50	29
To a low extent	0	3	11	4
Not at all	0	0	0	0
Don't know	2	0	0	1
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?				
Fully	12	13	4	10
To a large extent	65	65	63	64
Somewhat	21	23	28	24
To a low extent	0	0	4	1
Not at all	0	0	0	0
Don't know	2	0	0	1
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?				
Very often	0	0	15	5
Often	5	3	17	8
Sometimes	40	38	52	43
Rarely	26	30	13	23
Never	21	15	0	12
Don't know	9	15	2	9
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?				
judges	0	13	9	7
prosecutors	16	5	20	13
police officers	53	60	15	44
Equally upon the three categories	26	23	57	34
In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?				
Very often	0	3	0	1
Often	0	3	4	2
Sometimes	21	15	50	28
Rarely	19	25	24	22
Never	51	50	20	41
Don't know	9	5	2	6

In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?				
President	0	5	2	2
Other members of the government	0	8	24	10
MPs	5	0	26	10
Ministry of Justice	0	0	0	0
Ministry of Internal Affairs	2	0	0	1
General Prosecutor	2	0	0	1
Mass media	81	78	30	64
Presidents of the Courts/Chief prosecutors/Chief police officers	5	0	9	4
Representatives of international institutions present in country	5	10	9	8
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?				
Very often	0	0	7	2
Often	5	5	24	11
Sometimes	23	40	48	37
Rarely	21	15	11	16
Never	14	10	0	8
Don't know	37	30	11	26
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?				
Very often	14	28	13	18
Often	49	48	41	46
Sometimes	16	18	39	24
Rarely	14	8	7	9
Never	0	0	0	0
Don't know	7	0	0	2
To what extent are high-level corruption cases distributed randomly among staff in your court/prosecutor's office/ department?				
Fully	14	10	0	8
To a large extent	9	13	7	10
Somewhat	2	15	35	17
To a low extent	12	8	22	13
Not at all	44	25	9	26
Don't know	19	30	28	26

To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?				
Strongly Agree	40	23	0	21
Agree	21	45	28	32
Undecided	9	5	35	16
Disagree	7	10	13	10
Strongly disagree	5	5	2	4
Don't know	19	13	22	17
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?				
Yes	40	55	50	48
No	60	45	50	52
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?				
Strongly Agree	19	15	15	16
Agree	49	38	22	36
Undecided	12	20	15	16
Disagree	12	18	39	22
Strongly disagree	5	3	0	2
Don't know	5	8	9	7
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?				
Fully	23	20	4	16
To a large extent	30	40	28	33
Somewhat	33	33	48	37
To a low extent	5	5	7	5
Not at all	2	0	0	1
Don't know	7	3	13	7
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?				
Yes	28	33	57	38
No	72	68	43	61
Which group/individual exerted these pressures?				
The chief of the superior court/prosecutor's office/police department	7	3	2	4
Ministry of Internal Affairs	0	0	2	1
Ministry of Justice	2	0	0	1
Political parties	19	35	57	36
General Prosecutor's	2	0	2	1

Office				
Members of the government	5	0	7	4
Local administration	2	3	4	3
President	0	3	0	1
MPs	2	0	7	3
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	2	3	0	2
Agree	12	13	30	18
Undecided	12	5	13	10
Disagree	37	55	35	43
Strongly disagree	37	25	17	27
Don't know	0	0	4	1
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?				
Strongly Agree	0	3	4	2
Agree	44	33	26	34
Undecided	14	18	13	15
Disagree	35	40	41	39
Strongly disagree	7	8	13	9
Don't know	0	0	2	1
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?				
The Executive is more influential	56	53	52	53
Both are equally influential	23	33	43	33
The CJS is more influential	21	15	4	14
How would you describe the relation between the Presidency and the criminal judicial system?				
The Presidency holds a dominant position	28	23	30	27
The Presidency hold an equal position in relation to the judicial system	35	28	39	33
The judicial system holds a dominant position	37	50	30	40
Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?				
influence in a negative manner	33	35	33	33
do not influence in any	65	53	46	54

manner				
influence in a positive manner	2	13	22	12
Do you consider that mass-media ... the independence of judges/prosecutors/police officers?				
influence in a negative manner	72	90.0	33	66
do not influence in any manner	9	2.5	11	7
influence in a positive manner	19	7.5	57	26
Do you consider that the international political institutions ... the independence of the criminal judicial system?				
influence in a negative manner	19	23	26	22
do not influence in any manner	19	23	13	18
influence in a positive manner	63	55	61	59
Do you consider that the public opinion ... the independence of the criminal judicial system?				
influence in a negative manner	37	35	11	28
do not influence in any manner	28	30	24	27
influence in a positive manner	35	35	65	44
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?				
Yes	35	33	74	46
No	65	68	26	54
Did you come across situations where the influencing of you decisions was attempted?				
Yes	28	23	41	30
No	72	78	59	70
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?				
Fully	30	28	37	31
To a large extent	40	55	41	45
Somewhat	23	15	22	20
To a low extent	7	3	0	3
Not at all	0	0	0	0
Don't know	0	0	0	0
To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?				
Fully	5	5	7	5
To a large extent	21	35	22	26

Somewhat	30	28	37	31
To a low extent	16	10	15	14
Not at all	16	23	7	15
Don't know	12	0	13	8

To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected

Strongly Agree	12	10	11	11
Agree	14	28	11	18
Undecided	40	30	35	35
Disagree	14	20	22	18
Strongly disagree	7	5	22	11
Don't know	14	8	0	7

To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor's Office?

Fully	2	0	2	1
To a large extent	30	30	22	27
Somewhat	44	53	61	52
To a low extent	12	13	15	13
Not at all	12	5	0	6
Don't know	0	0	0	0

To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?

Strongly Agree	7	0	7	4
Agree	26	35	26	29
Undecided	30	35	52	39
Disagree	12	10	4	9
Strongly disagree	12	13	0	8
Don't know	14	8	11	11

To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?

Strongly Agree	5	3	2	3
Agree	35	20	39	31
Undecided	16	25	22	21
Disagree	12	10	17	13
Strongly disagree	28	35	9	24
Don't know	5	8	11	8

To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/ prosecutors/ police officers dealing with high level corruption cases?

Strongly Agree	16	5	15	12
----------------	----	---	----	----

Agree	37	50	24	38
Undecided	19	23	41	27
Disagree	7	13	11	10
Strongly disagree	12	8	7	9
Don't know	9	3	2	5
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the judges/ prosecutors/ police officers.				
Strongly Agree	7	3	0	3
Agree	19	18	17	18
Undecided	23	30	37	30
Disagree	21	10	28	19
Strongly disagree	19	38	17	25
Don't know	12	3	0	5
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	2	0	0	1
Agree	23	25	13	21
Undecided	35	33	41	36
Disagree	16	23	28	22
Strongly disagree	5	13	13	10
Don't know	19	8	4	10
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	12	3	0	5
Agree	26	33	20	26
Undecided	35	30	46	36
Disagree	7	8	15	10
Strongly disagree	5	10	7	7
Don't know	16	18	13	16
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?				
Strongly Agree	21	15	2	13
Agree	47	38	24	36
Undecided	28	28	52	35
Disagree	2	10	13	8
Strongly disagree	2	10	7	6
Don't know	0	0	2	1
To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?				
Fully	2	3	0	2

To a large extent	26	30	20	25
Somewhat	56	50	43	50
To a low extent	12	13	26	16
Not at all	5	5	11	7
Don't know	0	0	0	0

To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?

Fully	5	0	2	2
To a large extent	33	48	37	39
Somewhat	40	43	35	39
To a low extent	5	3	11	6
Not at all	2	3	0	2
Don't know	16	5	15	12

To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the independence of the CJS.

Fully	19	33	20	24
To a large extent	60	55	54	56
Somewhat	19	10	22	16
To a low extent	0	0	2	1
Not at all	0	0	0	0
Don't know	2	3	2	2

In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?

Fully	0	0	2	1
To a large extent	33	33	22	29
Somewhat	42	58	57	52
To a low extent	19	3	13	11
Not at all	0	3	2	2
Don't know	7	5	4	5

To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?

Fully	28	18	15	20
To a large extent	51	65	50	56
Somewhat	21	15	28	21
To a low extent	0	0	2	1
Not at all	0	0	0	0
Don't know	0	3	4	2

In your view, to what extent is corruption a common feature of all countries in South Eastern Europe?				
Fully	19	23	20	20
To a large extent	79	75	65	73
Somewhat	0	3	15	6
To a low extent	0	0	0	0
Not at all	0	0	0	0
Don't know	2	0	0	1
To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS?				
Strongly Agree	28	23	22	24
Agree	53	73	63	63
Undecided	14	3	15	10
Disagree	5	0	0	2
Strongly disagree	0	3	0	1
Don't know	0	0	0	0

3. BULGARIA

In your view, to what extent is the criminal judicial system in your country independent?				
	Judges %	Prosecutors %	Police officers %	Total %
Fully	11	6	7	8
To a large extent	51	47	16	44
Somewhat	36	39	38	37
To a low extent	3	5	23	7
Not at all	0	3	13	3
Don't know	0	1	3	1
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?				
Fully	13	6	3	9
To a large extent	41	44	27	40
Somewhat	37	38	34	37
To a low extent	8	11	21	11
Not at all	0	2	13	3
Don't know	0	0	2	0
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?				
Very often	3	1	8	3
Often	7	13	19	11
Sometimes	29	35	40	33
Rarely	33	19	9	25
Never	11	10	9	10
Don't know	17	21	15	18
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?				
judges	7	19	26	14
prosecutors	48	18	25	34
police officers	16	28	17	20
Equally upon the three categories	29	35	32	32
In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?				
Very often	0	0	1	0

Often	5	0	5	4
Sometimes	8	18	18	13
Rarely	29	24	26	27
Never	36	43	24	36
Don't know	21	16	26	20
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?				
President	0	0	0	0
Other members of the government	1	6	8	4
MPs	20	25	26	23
Ministry of Justice	3	0	7	2
Ministry of Internal Affairs	4	9	12	7
General Prosecutor	1	1	2	1
Mass media	56	42	26	46
Presidents of the Courts/Chief prosecutors/Chief police officers	15	16	19	16
Representatives of international institutions present in country	0	2	2	1
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?				
Very often	1	2	6	2
Often	13	15	16	14
Sometimes	9	22	22	16
Rarely	16	13	12	14
Never	5	5	6	5
Don't know	55	44	38	48
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?				
Very often	31	19	17	24
Often	24	35	23	28
Sometimes	31	30	29	30
Rarely	11	9	12	10
Never	0	1	1	0
Don't know	4	6	18	7
To what extent are high-level corruption cases distributed randomly among staff in your court/ prosecutor's office/ department?				
Fully	47	40	8	38

To a large extent	25	23	13	23
Somewhat	1	7	13	5
To a low extent	3	15	26	11
Not at all	1	6	18	5
Don't know	23	9	22	18
To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?				
Strongly Agree	25	30	16	25
Agree	48	40	37	43
Undecided	12	7	26	13
Disagree	9	15	13	12
Strongly disagree	5	6	4	5
Don't know	0	3	4	2
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?				
Yes	23	35	25	27
No	77	65	75	73
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?				
Strongly Agree	12	7	4	9
Agree	29	38	25	32
Undecided	15	11	24	15
Disagree	31	27	28	29
Strongly disagree	9	10	10	10
Don't know	4	6	8	6
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?				
Fully	20	10	5	14
To a large extent	28	31	24	28
Somewhat	25	22	23	24
To a low extent	13	15	26	16
Not at all	3	9	9	6
Don't know	11	13	13	12
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?				
Yes	40	44	34	41
No	60	56	66	59
Which group/individual exerted these pressures?				
The chief of the superior court/prosecutor's	0	3	3	1

office/police department				
Ministry of Internal Affairs	3	3	7	3
Ministry of Justice	1	0	2	1
Political parties	24	35	11	26
General Prosecutor’s Office	0	2	2	1
Members of the government	0	1	2	1
Local administration	3	2	2	2
President	0	0	0	0
MPs	13	6	6	9
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	3	0	0	1
Agree	17	18	5	15
Undecided	1	1	5	2
Disagree	47	48	26	44
Strongly disagree	31	31	61	36
Don’t know	1	3	4	2
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?				
Strongly Agree	0	2	7	2
Agree	52	39	11	41
Undecided	5	6	9	6
Disagree	32	39	37	35
Strongly disagree	9	13	31	14
Don’t know	1	1	6	2
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?				
The Executive is more influential	20	25	13	20
Both are equally influential	25	30	42	30
The CJS is more influential	55	45	45	50
How would you describe the relation between the Presidency and the criminal judicial system?				
The Presidency holds a dominant position	5	11	6	7
The Presidency hold an equal position in relation to the judicial system	17	22	17	19
The judicial system holds a dominant position	77	67	77	74

Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?				
influence in a negative manner	45	44	30	42
do not influence in any manner	47	45	51	47
influence in a positive manner	8	11	19	11
Do you consider that mass-media ... the independence of judges/prosecutors/police officers?				
influence in a negative manner	83	63	61	72
do not influence in any manner	7	20	23	14
influence in a positive manner	11	17	17	14
Do you consider that the international political institutions ... the independence of the criminal judicial system?				
influence in a negative manner	16	10	11	13
do not influence in any manner	36	26	33	32
influence in a positive manner	48	64	56	55
Do you consider that the public opinion ... the independence of the criminal judicial system?				
influence in a negative manner	68	43	36	54
do not influence in any manner	21	31	37	27
influence in a positive manner	11	27	27	19
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?				
Yes	44	42	33	41
No	56	58	67	59
Did you come across situations where the influencing of you decisions was attempted?				
Yes	37	38	32	37
No	63	62	68	63
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?				
Fully	59	62	40	57
To a large extent	32	29	36	32
Somewhat	7	6	13	8
To a low extent	0	3	6	2
Not at all	1	0	2	1
Don't know	1	0	4	1

To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?				
Fully	20	21	10	19
To a large extent	43	24	17	32
Somewhat	25	28	41	29
To a low extent	4	12	12	8
Not at all	1	12	12	7
Don't know	7	3	7	5
To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected				
Strongly Agree	4	6	11	6
Agree	28	28	15	26
Undecided	5	9	12	8
Disagree	47	39	30	41
Strongly disagree	16	15	25	17
Don't know	0	3	7	2
To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor's Office?				
Fully	0	5	4	2
To a large extent	20	37	16	25
Somewhat	53	39	28	44
To a low extent	15	13	32	17
Not at all	5	5	14	7
Don't know	7	2	6	5
To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?				
Strongly Agree	4	7	3	5
Agree	21	9	25	18
Undecided	23	31	34	27
Disagree	27	19	19	23
Strongly disagree	15	15	6	13
Don't know	11	19	13	14
To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?				
Strongly Agree	5	1	9	5
Agree	12	9	14	11
Undecided	23	14	22	20
Disagree	11	18	17	14
Strongly disagree	47	54	27	46

Don't know	3	5	10	5
To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/ prosecutors/ police officers dealing with high level corruption cases?				
Strongly Agree	5	6	5	5
Agree	21	18	13	19
Undecided	25	14	23	21
Disagree	17	21	28	20
Strongly disagree	16	22	18	18
Don't know	15	19	13	16
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	4	1	3	3
Agree	12	8	11	11
Undecided	29	25	22	27
Disagree	24	24	24	24
Strongly disagree	16	29	27	22
Don't know	15	13	13	14
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	3	6	5	4
Agree	17	15	14	16
Undecided	21	25	24	23
Disagree	27	29	24	27
Strongly disagree	15	15	20	16
Don't know	17	11	13	15
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	13	11	8	12
Agree	21	30	25	25
Undecided	27	15	24	22
Disagree	7	14	9	10
Strongly disagree	4	5	11	5
Don't know	28	26	21	26
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?				
Strongly Agree	8	6	4	6
Agree	20	27	14	21
Undecided	33	35	23	32

Disagree	20	16	22	19
Strongly disagree	16	16	33	19
Don't know	3	1	5	2
To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?				
Fully	3	2	1	2
To a large extent	8	9	8	8
Somewhat	32	22	16	26
To a low extent	36	48	40	41
Not at all	20	18	30	21
Don't know		1	5	1
To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?				
Fully	9	10	9	10
To a large extent	51	48	35	47
Somewhat	19	22	27	21
To a low extent	3	1	15	4
Not at all	0	3	3	1
Don't know	19	16	10	16
To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the integrity of the CJS.				
Fully	12	9	7	10
To a large extent	48	48	32	45
Somewhat	27	23	39	28
To a low extent	3	5	13	5
Not at all	5	6	3	5
Don't know	5	9	6	7
In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?				
Fully	8	10	3	8
To a large extent	31	36	15	30
Somewhat	32	29	35	31
To a low extent	8	15	28	14
Not at all	1	1	8	2
Don't know	20	9	10	15
To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?				
Fully	15	14	5	13

To a large extent	52	41	34	45
Somewhat	19	26	31	23
To a low extent	8	9	16	10
Not at all	1	4	7	3
Don't know	5	6	7	6
In your view, to what extent is corruption a common feature of all countries in South Eastern Europe?				
Fully	5	5	6	5
To a large extent	35	37	40	36
Somewhat	35	31	31	33
To a low extent	9	19	11	13
Not at all	8	8	7	8
Don't know	8	1	6	5
To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS?				
Strongly Agree	12	15	10	13
Agree	56	54	34	52
Undecided	28	21	34	27
Disagree	3	6	13	5
Strongly disagree	0	1	4	1
Don't know	1	4	6	3

4. CROATIA

In your view, to what extent is the criminal judicial system in your country independent?			
	Prosecutors %	Police officers %	Total %
Fully	9	8	8
To a large extent	73	77	75
Somewhat	18	15	17
To a low extent	0	0	0
Not at all	0	0	0
Don't know	0	0	0
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?			
Fully	9	23	16
To a large extent	82	38	60
Somewhat	9	31	20
To a low extent	0	0	0
Not at all	0	0	0
Don't know	0	8	4
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?			
Very often	0	0	0
Often	0	0	0
Sometimes	9	62	35
Rarely	45	23	34
Never	18	8	13
Don't know	27	8	17
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?			
judges	0	31	15
prosecutors	9	0	5
police officers	36	0	18
Equally upon the three categories	45	69	57
In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?			
Very often	0	0	0
Often	0	0	0

Sometimes	9	23	16
Rarely	27	46	37
Never	64	15	40
Don't know	0	15	8
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?			
President	0	0	0
Other members of the government	0	0	0
MPs	0	8	4
Ministry of Justice	0	0	0
Ministry of Internal Affairs	0	0	0
General Prosecutor	0	0	0
Mass media	100	54	77
Presidents of the Courts/Chief prosecutors/Chief police officers	0	8	4
Representatives of international institutions present in country	0	31	15
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?			
Very often	0	0	0
Often	9	38	24
Sometimes	27	15	21
Rarely	18	23	21
Never	0	8	4
Don't know	45	15	30
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?			
Very often	27	23	25
Often	18	54	36
Sometimes	36	15	26
Rarely	0	0	0
Never	0	0	0
Don't know	18	8	13
To what extent are high-level corruption cases distributed randomly among staff in your court/ prosecutor's office/ department?			
Fully	9	38	24
To a large extent	27	38	33
Somewhat	0	0	0
To a low extent	9	0	5
Not at all	9	0	5

Don't know	45	23	34
To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?			
Strongly Agree	9	0	5
Agree	36	54	45
Undecided	9	23	16
Disagree	0	8	4
Strongly disagree	0	0	0
Don't know	45	15	30
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?			
Yes	100	31	65
No	0	69	35
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?			
Strongly Agree	9	8	8
Agree	64	23	43
Undecided	9	23	16
Disagree	9	0	5
Strongly disagree	0	0	0
Don't know	9	38	24
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?			
Fully	0	8	4
To a large extent	55	15	35
Somewhat	27	38	33
To a low extent	0	23	12
Not at all	0	0	0
Don't know	18	15	17
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?			
			0
Yes	0	0	0
No	100	100	100
Which group/individual exerted these pressures?			
The chief of the superior court/prosecutor's office/police department		8	4
Ministry of Internal Affairs		0	0
Ministry of Justice		0	0
Political parties		0	0

General Prosecutor’s Office		0	0
Members of the government		0	0
Local administration		0	0
President		0	0
MPs		8	4
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?			
Strongly Agree	9	0	5
Agree	36	38	37
Undecided	9	54	31
Disagree	18	0	9
Strongly disagree	18	0	9
Don’t know	9	8	8
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?			
Strongly Agree	0	0	0
Agree	55	46	50
Undecided	18	46	32
Disagree	18	0	9
Strongly disagree	0	0	0
Don’t know	9	8	8
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?			
The Executive is more influential	64	15	40
Both are equally influential	9	23	16
The CJS is more influential	27	62	44
How would you describe the relation between the Presidency and the criminal judicial system?			
The Presidency holds a dominant position	0	0	0
The Presidency hold an equal position in relation to the judicial system	73	31	52
The judicial system holds a dominant position	27	69	48
Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?			
influence in a negative manner	9	0	5
do not influence in any manner	82	92	87
influence in a positive manner	9	8	8
Do you consider that mass-media ... the independence of judges/prosecutors/police officers?			
influence in a negative manner	36	31	34
do not influence in any manner	45	54	50
influence in a positive manner	18	15	17

Do you consider that the international political institutions ... the independence of the criminal judicial system?			
influence in a negative manner	9	8	8
do not influence in any manner	27	46	37
influence in a positive manner	64	46	55
Do you consider that the public opinion ... the independence of the criminal judicial system?			
influence in a negative manner	27	0	14
do not influence in any manner	27	62	44
influence in a positive manner	45	38	42
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?			
Yes	9	46	28
No	91	54	72
Did you come across situations where the influencing of you decisions was attempted?			
Yes	9	38	24
No	91	62	76
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?			
Fully	18	0	9
To a large extent	55	0	27
Somewhat	18	31	24
To a low extent	9	15	12
Not at all	0	31	15
Don't know	0	23	12
To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?			
Fully	0	0	0
To a large extent	27	8	17
Somewhat	18	23	21
To a low extent	9	15	12
Not at all	45	31	38
Don't know	0	23	12
To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected			
Strongly Agree	9	8	8
Agree	36	62	49
Undecided	18	15	17
Disagree	27	0	14
Strongly disagree	9	0	5
Don't know	0	15	8

To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor’s Office?			
Fully	0	0	0
To a large extent	64	85	74
Somewhat	18	8	13
To a low extent	18	0	9
Not at all	0	0	0
Don’t know	0	8	4
To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?			
Strongly Agree	0	0	0
Agree	0	0	0
Undecided	27	8	17
Disagree	18	46	32
Strongly disagree	55	8	31
Don’t know	0	38	19
To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?			
Strongly Agree	0	0	0
Agree	27	0	14
Undecided	0	0	0
Disagree	9	15	12
Strongly disagree	64	77	70
Don’t know	0	8	4
To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/ prosecutors/ police officers dealing with high level corruption cases?			
Strongly Agree	9	8	8
Agree	36	46	41
Undecided	9	38	24
Disagree	9	0	5
Strongly disagree	9	0	5
Don’t know	27	8	17
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the judges/ prosecutors/ police officers			
Strongly Agree	0	0	0
Agree	55	46	50
Undecided	18	31	24
Disagree	0	8	4

Strongly disagree	9	0	5
Don't know	18	15	17
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?			
Strongly Agree	18	31	24
Agree	73	62	67
Undecided	9	0	5
Disagree	0	0	0
Strongly disagree	0	0	0
Don't know	0	8	4
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?			
Strongly Agree	36	62	49
Agree	45	31	38
Undecided	18	0	9
Disagree	0	0	0
Strongly disagree	0	0	0
Don't know	0	8	4
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?			
Strongly Agree	36	15	26
Agree	36	54	45
Undecided	0	15	8
Disagree	27	8	17
Strongly disagree	0	0	0
Don't know	0	8	4
To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?			
Fully	36	15	26
To a large extent	36	54	45
Somewhat	0	15	8
To a low extent	27	8	17
Not at all	0	0	0
Don't know	0	8	4
To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?			
Fully	0	8	4
To a large extent	55	38	47
Somewhat	18	38	28
To a low extent	18	0	9

Not at all	0	0	0
Don't know	9	15	12
To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the			
Fully	9	0	5
To a large extent	55	46	50
Somewhat	18	38	28
To a low extent	9	0	5
Not at all	0	0	0
Don't know	9	15	12
In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?			
Fully	0	0	0
To a large extent	73	46	59
Somewhat	27	38	33
To a low extent	0	0	0
Not at all	0	0	0
Don't know	0	15	8
To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?			
Fully	9	0	5
To a large extent	45	38	42
Somewhat	0	46	23
To a low extent	45	0	23
Not at all	0	0	0
Don't know	0	15	8
In your view, to what extent is corruption a common feature of all countries in South Eastern Europe?			
Fully	9	23	16
To a large extent	73	46	59
Somewhat	0	8	4
To a low extent	9	8	8
Not at all	0	8	4
Don't know	9	8	8
To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS.			
Strongly Agree	0	0	0
Agree	82	54	68

“Integrity and Resistance to Corruption of the Criminal Judicial System in South Eastern European Countries”

Undecided	9	38	24
Disagree	9	0	5
Strongly disagree	0	0	0
Don't know	0	8	4

5. FYR MACEDONIA

In your view, to what extent is the criminal judicial system in your country independent?			
	Prosecutors %	Police officers %	Total %
Fully	0	0	0
To a large extent	0	8	6
Somewhat	72	69	70
To a low extent	17	23	22
Not at all	0	0	0
Don't know	10	0	3
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?			
Fully	3	0	1
To a large extent	14	54	44
Somewhat	59	31	38
To a low extent	17	8	10
Not at all	0	8	6
Don't know	7	0	2
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?			
Very often	0	31	23
Often	3	15	12
Sometimes	31	31	31
Rarely	45	15	23
Never	0	0	0
Don't know	21	8	11
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?			
judges	28	54	47
prosecutors	0	0	0
police officers	48	0	12
Equally upon the three categories	24	46	41
In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?			

Very often	0	15	12
Often	0	0	0
Sometimes	17	31	27
Rarely	45	23	29
Never	31	15	19
Don't know	7	15	13
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?			
President	0	0	0
Other members of the government	10	0	3
MPs	0	23	17
Ministry of Justice	24	15	18
Ministry of Internal Affairs	41	0	10
General Prosecutor	3	0	1
Mass media	14	0	3
Presidents of the Courts/Chief prosecutors/Chief police officers	3	31	24
Representatives of international institutions present in country	3	31	24
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?			
Very often	0	38	29
Often	7	23	19
Sometimes	21	23	22
Rarely	31	8	14
Never	10	0	3
Don't know	31	8	14
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?			
Very often	7	23	19
Often	17	23	22
Sometimes	10	31	26
Rarely	41	8	16
Never	7	8	7
Don't know	17	8	10
To what extent are high-level corruption cases distributed randomly among staff in your court/ prosecutor's office/ department?			
Fully	0	8	6
To a large extent	3	8	7
Somewhat	79	13	29

To a low extent	14	8	10
Not at all	0	4	3
Don't know	3	58	45
To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?			
Strongly Agree	3	31	24
Agree	38	31	33
Undecided	17	8	10
Disagree	14	31	27
Strongly disagree	0	0	0
Don't know	28	0	7
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?			
Yes	34	46	43
No	66	54	57
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?			
Strongly Agree	0	8	6
Agree	7	15	13
Undecided	38	15	21
Disagree	10	31	26
Strongly disagree	0	23	17
Don't know	45	8	17
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?			
Fully	7	15	13
To a large extent	10	31	26
Somewhat	41	38	39
To a low extent	7	15	13
Not at all	0	0	0
Don't know	34	0	9
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?			
Yes	14	69	55
No	86	31	45
Which group/individual exerted these pressures?			
The chief of the superior court/prosecutor's office/police department	10	15	14
Ministry of Internal Affairs	3	0	1
Ministry of Justice	0	8	6

Political parties	0	31	23
General Prosecutor’s Office	0	8	6
Members of the government	14	0	3
Local administration	0	0	0
President	0	8	6
MPs	0	0	0
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?			
Strongly Agree	0	8	6
Agree	21	0	5
Undecided	10	23	20
Disagree	38	15	21
Strongly disagree	28	54	47
Don’t know	3	0	1
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?			
Strongly Agree	3	8	7
Agree	41	8	16
Undecided	28	23	24
Disagree	7	46	36
Strongly disagree	7	15	13
Don’t know	14	0	3
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?			
The Executive is more influential	52	38	42
Both are equally influential	41	46	45
The CJS is more influential	7	15	13
How would you describe the relation between the Presidency and the criminal judicial system?			
The Presidency holds a dominant position	14	23	21
The Presidency hold an equal position in relation to the judicial system	34	31	32
The judicial system holds a dominant position	52	46	48
Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?			
influence in a negative manner	17	15	16
do not influence in any manner	79	62	66
influence in a positive manner	3	23	18
Do you consider that mass-media ... the independence of judges/prosecutors/police officers?			
influence in a negative manner	24	54	46
do not influence in any manner	66	31	39
influence in a positive manner	10	15	14

Do you consider that the international political institutions ... the independence of the criminal judicial system?			
influence in a negative manner	7	31	25
do not influence in any manner	59	31	38
influence in a positive manner	34	38	37
Do you consider that the public opinion ... the independence of the criminal judicial system?			
influence in a negative manner	24	8	12
do not influence in any manner	62	54	56
influence in a positive manner	14	38	32
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?			
Yes	17	62	50
No	83	38	50
Did you come across situations where the influencing of you decisions was attempted?			
Yes	41	62	56
No	59	38	44
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?			
Fully	10	38	31
To a large extent	17	38	33
Somewhat	21	15	17
To a low extent	14	0	3
Not at all	0	8	6
Don't know	38	0	9
To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?			
Fully	3	8	7
To a large extent	7	15	13
Somewhat	31	54	48
To a low extent	7	0	2
Not at all	3	23	18
Don't know	48	0	12
To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected			
Strongly Agree	0	0	0
Agree	0	8	6
Undecided	31	15	19
Disagree	31	38	37
Strongly disagree	10	31	26
Don't know	28	8	13

To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor’s Office?			
Fully	0	0	0
To a large extent	31	23	25
Somewhat	55	54	54
To a low extent	7	8	7
Not at all	7	15	13
Don’t know	0	0	0
To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?			
Strongly Agree	3	15	12
Agree	14	15	15
Undecided	48	31	35
Disagree	14	31	27
Strongly disagree	7	8	7
Don’t know	14	0	3
To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?			
Strongly Agree	0	8	6
Agree	14	31	27
Undecided	17	23	22
Disagree	31	8	14
Strongly disagree	3	8	7
Don’t know	34	23	26
To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/ prosecutors/ police officers dealing with high level corruption cases?			
Strongly Agree	3	8	7
Agree	14	31	27
Undecided	24	23	23
Disagree	24	15	18
Strongly disagree	3	15	12
Don’t know	31	8	14
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence judges/ prosecutors/ police officers.			
Strongly Agree	0	8	6
Agree	0	15	12
Undecided	21	31	28
Disagree	38	8	15

Strongly disagree	0	23	17
Don't know	41	15	22
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?			
Strongly Agree	0	8	6
Agree	14	23	21
Undecided	45	38	40
Disagree	3	8	7
Strongly disagree	7	23	19
Don't know	31	0	8
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?			
Strongly Agree	3	0	1
Agree	14	23	21
Undecided	34	31	32
Disagree	10	8	8
Strongly disagree	3	15	12
Don't know	34	23	26
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?			
Strongly Agree	7	0	2
Agree	3	23	18
Undecided	45	15	23
Disagree	24	23	23
Strongly disagree	3	38	30
Don't know	17	0	4
To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?			
Fully	3	0	1
To a large extent	28	15	18
Somewhat	34	31	32
To a low extent	24	15	18
Not at all	7	38	31
Don't know	3	0	1
To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?			
Fully	7	15	13
To a large extent	45	38	40
Somewhat	34	23	26
To a low extent	10	0	3

Not at all	3	0	1
Don't know	0	23	17
To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the effectiveness of the CJS.			
Fully	21	15	17
To a large extent	31	62	54
Somewhat	21	15	17
To a low extent	14	8	9
Not at all	0	0	0
Don't know	14	0	3
In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?			
Fully	10	0	3
To a large extent	38	54	50
Somewhat	41	23	28
To a low extent	3	0	1
Not at all	0	15	12
Don't know	7	8	7
To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?			
Fully	14	0	3
To a large extent	48	46	47
Somewhat	31	31	31
To a low extent	3	8	7
Not at all	0	8	6
Don't know	3	8	7
In your view, to what extent is corruption a common feature of all countries in South Eastern Europe ?			
Fully	21	31	28
To a large extent	24	46	41
Somewhat	45	15	23
To a low extent	3	0	1
Not at all	3	0	1
Don't know	3	8	7
To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS.			
Strongly Agree	7	8	7
Agree	31	46	42

“Integrity and Resistance to Corruption of the Criminal Judicial System in South Eastern European Countries”

Undecided	21	38	34
Disagree	3	0	1
Strongly disagree	0	0	0
Don't know	38	8	15

6. REPUBLIC OF MOLDOVA

In your view, to what extent is the criminal judicial system in your country independent?				
	Judges %	Prosecutors %	Police officers %	Total %
Fully	8	8	11	9
To a large extent	31	6	13	19
Somewhat	31	56	46	42
To a low extent	31	19	15	24
Not at all	0	11	13	6
Don't know	0	0	2	0
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?				
Fully	0	8	5	4
To a large extent	23	17	28	22
Somewhat	54	39	51	48
To a low extent	23	31	11	24
Not at all	0	6	3	2
Don't know	0	0	2	0
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?				
Very often	0	11	7	5
Often	8	19	31	16
Sometimes	31	39	36	34
Rarely	31	19	11	24
Never	23	8	10	16
Don't know	8	3	5	6
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?				
judges	15	8	26	15
prosecutors	31	19	5	23
police officers	23	31	28	26
Equally upon the three categories	31	42	41	36
In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?				

Very often	0	8	5	4
Often	15	19	7	15
Sometimes	8	25	28	17
Rarely	46	22	20	34
Never	23	17	31	22
Don't know	8	8	10	8
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?				
President	31	53	31	38
Other members of the government	8	3	11	7
MPs	23	8	8	16
Ministry of Justice	0	0	2	0
Ministry of Internal Affairs	0	3	13	3
General Prosecutor	23	3	3	13
Mass media	15	19	7	15
Presidents of the Courts/Chief prosecutors/Chief police officers	0	8	23	7
Representatives of international institutions present in country	0	3	2	1
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?				
Very often	0	8	10	4
Often	23	22	20	22
Sometimes	23	28	38	27
Rarely	23	17	8	18
Never	0	6	8	3
Don't know	31	19	16	25
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?				
Very often	8	3	7	6
Often	15	19	15	17
Sometimes	46	33	25	38
Rarely	15	33	25	23
Never	0	8	10	4
Don't know	15	3	20	12
To what extent are high-level corruption cases distributed randomly among staff in your court/ prosecutor's office/ department?				
Fully	8	0	2	4
To a large extent	15	28	16	20
Somewhat	0	31	26	15

To a low extent	23	14	20	19
Not at all	8	3	8	6
Don't know	46	25	28	36
To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?				
Strongly Agree	0	8	10	4
Agree	69	31	23	49
Undecided	15	28	15	19
Disagree	8	22	30	16
Strongly disagree	8	6	13	8
Don't know	0	6	10	3
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?				
Yes	15	56	57	36
No	85	44	43	64
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?				
Strongly Agree	8	6	13	8
Agree	23	36	30	28
Undecided	8	8	13	9
Disagree	38	39	28	37
Strongly disagree	15	11	13	14
Don't know	8	0	3	4
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?				
Fully	8	3	10	6
To a large extent	23	28	28	25
Somewhat	15	28	31	22
To a low extent	38	28	20	32
Not at all	15	14	8	14
Don't know	0	0	3	1
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?				
Yes	23	36	44	31
No	77	64	56	69
Which group/individual exerted these pressures?				
The chief of the superior court/prosecutor's office/police department	0	3	7	2
Ministry of Internal Affairs	0	0	8	1

Ministry of Justice	0	0	0	0
Political parties	0	0	3	1
General Prosecutor’s Office	0	6	2	2
Members of the government	0	0	3	1
Local administration	0	0	0	0
President	23	19	18	21
MPs	0	8	3	3
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	0	3	0	1
Agree	0	0	2	0
Undecided	0	3	7	2
Disagree	8	22	16	14
Strongly disagree	92	72	74	83
Don’t know	0	0	2	0
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?				
Strongly Agree	0	0	0	0
Agree	38	31	21	33
Undecided	8	6	15	8
Disagree	38	44	41	41
Strongly disagree	15	19	21	18
Don’t know	0	0	2	0
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?				
The Executive is more influential	31	50	31	37
Both are equally influential	15	14	5	13
The CJS is more influential	54	36	64	50
How would you describe the relation between the Presidency and the criminal judicial system?				
The Presidency holds a dominant position	92	83	66	85
The Presidency hold an equal position in relation to the judicial system	0	11	23	8
The judicial system holds a dominant position	8	6	11	8
Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?				
influence in a negative manner	62	67	51	61
do not influence in any manner	31	14	28	25
influence in a positive manner	8	19	21	14
Do you consider that mass-media ... the independence of judges/prosecutors/police officers?				
influence in a negative manner	62	33	25	46

do not influence in any manner	23	28	38	27
influence in a positive manner	15	39	38	27
Do you consider that the international political institutions ... the independence of the criminal judicial system?				
influence in a negative manner	8	17	3	10
do not influence in any manner	62	44	39	52
influence in a positive manner	31	39	57	38
Do you consider that the public opinion ... the independence of the criminal judicial system?				
influence in a negative manner	31	19	10	24
do not influence in any manner	46	44	54	47
influence in a positive manner	23	36	36	30
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?				
Yes	38	56	36	44
No	62	44	64	56
Did you come across situations where the influencing of you decisions was attempted?				
Yes	46	64	52	53
No	54	36	48	47
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?				
Fully	46	39	34	42
To a large extent	38	42	43	40
Somewhat	15	17	16	16
To a low extent	0	3	2	1
Not at all	0	0	2	0
Don't know	0	0	3	1
To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?				
Fully	23	22	18	22
To a large extent	31	33	36	33
Somewhat	23	33	23	26
To a low extent	0	0	10	2
Not at all	8	11	11	9
Don't know	15	0	2	8
To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected				
Strongly Agree	31	22	15	25
Agree	15	19	41	21
Undecided	8	22	23	15
Disagree	31	25	8	25

Strongly disagree	15	8	11	12
Don't know	0	3	2	1
To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor's Office?				
Fully	0	3	2	1
To a large extent	8	17	10	11
Somewhat	38	44	49	42
To a low extent	38	22	25	31
Not at all	15	11	15	14
Don't know	0	3	0	1
To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?				
Strongly Agree	8	0	5	5
Agree	15	14	18	15
Undecided	15	17	31	18
Disagree	15	47	21	27
Strongly disagree	38	22	21	30
Don't know	8	0	3	4
To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?				
Strongly Agree	15	3	5	9
Agree	15	11	11	13
Undecided	15	25	16	19
Disagree	23	25	10	22
Strongly disagree	31	36	52	36
Don't know	0	0	5	1
To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/prosecutors/ police officers dealing with high level corruption cases?				
Strongly Agree	8	0	8	5
Agree	46	28	26	37
Undecided	23	31	33	27
Disagree	8	19	13	13
Strongly disagree	15	19	13	16
Don't know	0	3	7	2
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	0	8	7	4
Agree	38	14	16	27

Undecided	23	31	33	27
Disagree	8	11	20	11
Strongly disagree	31	28	21	28
Don't know	0	8	3	3
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	0	0	0	0
Agree	0	17	13	8
Undecided	15	19	39	21
Disagree	38	36	20	35
Strongly disagree	23	22	23	23
Don't know	23	6	5	14
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	0	3	3	1
Agree	0	11	10	5
Undecided	23	22	30	24
Disagree	31	28	28	29
Strongly disagree	23	28	21	24
Don't know	23	8	8	16
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?				
Strongly Agree	0	6	5	3
Agree	15	17	16	16
Undecided	15	31	33	23
Disagree	54	22	23	38
Strongly disagree	15	22	23	19
Don't know	0	3	0	1
To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?				
Fully	0	8	5	4
To a large extent	23	36	26	28
Somewhat	62	31	43	48
To a low extent	15	19	25	18
Not at all	0	3	2	1
Don't know	0	3	0	1
To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?				
Fully	15	11	7	12
To a large extent	46	53	56	50

Somewhat	31	25	18	27
To a low extent	0	3	10	3
Not at all	0	3	3	1
Don't know	8	6	7	7
To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the integrity of the CJS.				
Fully	15	22	21	19
To a large extent	38	61	57	49
Somewhat	46	14	11	30
To a low extent	0	3	8	2
Not at all	0	0	0	0
Don't know	0	0	2	0
In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?				
Fully	0	0	2	0
To a large extent	31	44	20	33
Somewhat	54	28	43	43
To a low extent	8	25	21	16
Not at all	0	3	8	2
Don't know	8	0	7	5
To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?				
Fully	8	17	16	12
To a large extent	46	50	59	50
Somewhat	46	19	20	33
To a low extent	0	8	5	4
Not at all	0	0	0	0
Don't know	0	6	0	2
In your view, to what extent is corruption a common feature of all countries in South Eastern Europe ?				
Fully	15	22	28	20
To a large extent	54	56	48	53
Somewhat	31	17	16	24
To a low extent	0	0	7	1
Not at all	0	3	2	1
Don't know	0	3	0	1
To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS?				

“Integrity and Resistance to Corruption of the Criminal Judicial System in South Eastern European Countries”

Strongly Agree	23	11	18	18
Agree	31	56	43	41
Undecided	38	22	25	31
Disagree	8	6	11	8
Strongly disagree	0	6	2	2
Don't know	0	0	2	0

7. MONTENEGRO

In your view, to what extent is the criminal judicial system in your country independent?				
	Judges %	Prosecutors %	Police officers %	Total %
Fully	25	11	27	18
To a large extent	42	67	52	56
Somewhat	25	22	15	23
To a low extent	8	0	4	4
Not at all	0	0	1	0
Don't know	0	0	1	0
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?				
	Judges %	Prosecutors %	Police officers %	Total %
Fully	33	11	31	21
To a large extent	42	67	35	55
Somewhat	25	11	31	18
To a low extent	0	11	2	6
Not at all	0	0	1	0
Don't know	0	0	0	0
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?				
	Judges %	Prosecutors %	Police officers %	Total %
Very often	8	0	1	3
Often	0	11	4	6
Sometimes	33	44	25	39
Rarely	25	11	35	18
Never	8	11	20	11
Don't know	25	22	16	23
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?				
Category	Judges %	Prosecutors %	Police officers %	Total %
judges	8	0	46	6
prosecutors	8	0	5	4
police officers	42	22	1	29
Equally upon the three categories	17	78	48	51
In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?				
	Judges %	Prosecutors %	Police officers %	Total %
Very often	0	0	1	0
Often	0	0	1	0
Sometimes	17	11	6	13
Rarely	8	11	6	10

Never	75	78	70	76
Don't know	0	0	15	1
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?				
President	0	0	2	0
Other members of the government	8	33	22	23
MPs	8	11	14	10
Ministry of Justice	0	0	4	0
Ministry of Internal Affairs	0	0	0	0
General Prosecutor	0	0	1	0
Mass media	58	44	52	50
Presidents of the Courts/Chief prosecutors/Chief police officers	17	11	0	13
Representatives of international institutions present in country	8	0	5	4
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?				
Very often	8	0	4	4
Often	0	0	6	0
Sometimes	33	33	22	33
Rarely	8	11	12	10
Never	8	11	16	10
Don't know	42	44	40	43
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?				
Very often	8	22	5	16
Often	17	33	17	26
Sometimes	67	22	41	41
Rarely	8	22	14	16
Never	0	0	4	0
Don't know	0	0	20	1
To what extent are high-level corruption cases distributed randomly among staff in your court/ prosecutor's office/ department?				
Fully	50	0	10	21
To a large extent	8	0	5	4
Somewhat	17	0	11	7
To a low extent	0	22	15	13
Not at all	8	56	30	35
Don't know	17	22	30	20
To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?				

Strongly Agree	42	44	20	42
Agree	50	11	19	27
Undecided	8	11	16	10
Disagree	0	33	28	20
Strongly disagree	0	0	5	0
Don't know	0	0	12	1
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?				
Yes	33	22	65	30
No	67	78	35	70
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?				
Strongly Agree	17	44	20	32
Agree	50	33	40	40
Undecided	17	11	20	14
Disagree	0	0	14	1
Strongly disagree	8	0	1	3
Don't know	8	11	6	10
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?				
Fully	17	11	20	14
To a large extent	42	44	36	43
Somewhat	25	33	27	30
To a low extent	0	11	10	7
Not at all	8	0	0	3
Don't know	8	0	7	4
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?				
Yes	33	44	28	39
No	67	56	72	61
Which group/individual exerted these pressures?				
The chief of the superior court/prosecutor's office/police department	17	0	4	7
Ministry of Internal Affairs	0	0	1	0
Ministry of Justice	0	0	1	0
Political parties	17	22	16	20
General Prosecutor's Office	0	0	0	0
Members of the government	0	22	2	12
Local administration	8	0	2	3

President	0	0	0	0
MPs	17	0	1	7
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?				
				0
Strongly Agree	0	11	4	6
Agree	33	33	17	32
Undecided	58	11	6	30
Disagree	0	11	26	8
Strongly disagree	0	33	47	21
Don't know	8	0	0	3
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?				
				0
Strongly Agree	8	0	11	4
Agree	8	11	41	12
Undecided	50	33	25	39
Disagree	25	44	20	35
Strongly disagree	0	11	4	6
Don't know	8	0	0	3
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?				
The Executive is more influential	25	56	37	42
Both are equally influential	33	22	37	28
The CJS is more influential	42	22	26	30
How would you describe the relation between the Presidency and the criminal judicial system?				
The Presidency holds a dominant position	8	0	6	4
The Presidency hold an equal position in relation to the judicial system	33	44	26	39
The judicial system holds a dominant position	58	56	68	57
Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?				
				0
influence in a negative manner	25	78	17	53
do not influence in any manner	67	22	65	43
influence in a positive manner	8	0	17	4

Do you consider that mass-media ... the independence of judges/prosecutors/police officers?				
influence in a negative manner	50	78	27	63
do not influence in any manner	8	11	23	11
influence in a positive manner	42	11	49	26
Do you consider that the international political institutions ... the independence of the criminal judicial system?				
influence in a negative manner	8	44	5	27
do not influence in any manner	25	11	21	17
influence in a positive manner	67	44	74	55
Do you consider that the public opinion ... the independence of the criminal judicial system?				
influence in a negative manner	42	22	5	29
do not influence in any manner	25	44	38	36
influence in a positive manner	33	33	57	35
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?				
Yes	8	11	17	10
No	92	89	83	90
Did you come across situations where the influencing of you decisions was attempted?				
Yes	17	11	21	14
No	83	89	79	86
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?				
Fully	58	56	49	56
To a large extent	33	22	28	27
Somewhat	8	22	16	16
To a low extent	0	0	1	0
Not at all	0	0	2	0
Don't know	0	0	2	0
To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?				
Fully	17	33	26	26
To a large extent	42	11	27	24
Somewhat	0	44	22	25
To a low extent	8	11	5	10
Not at all	25	0	11	11
Don't know	8	0	9	4
To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected				

Strongly Agree	25	0	20	11
Agree	42	33	35	37
Undecided	17	33	27	26
Disagree	0	33	11	19
Strongly disagree	8	0	5	4
Don't know	8	0	2	3
To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor's Office?				
Fully	8	0	21	5
To a large extent	58	56	44	56
Somewhat	33	44	25	39
To a low extent	0	0	2	0
Not at all	0	0	2	0
Don't know	0	0	5	0
To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?0				
Strongly Agree	0	22	20	13
Agree	25	44	27	36
Undecided	42	22	25	30
Disagree	8	11	6	10
Strongly disagree	0	0	10	1
Don't know	25	0	12	11
To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?				
Strongly Agree	0	11	5	6
Agree	8	11	17	10
Undecided	25	22	19	23
Disagree	8	22	6	16
Strongly disagree	33	33	43	34
Don't know	25	0	10	11
To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/ prosecutors/ police officers dealing with high level corruption cases?				
Strongly Agree	0	0	21	1
Agree	33	22	33	27
Undecided	42	33	25	36
Disagree	8	22	9	16
Strongly disagree	8	11	2	9
Don't know	8	11	10	10
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	8	0	15	4
Agree	0	11	36	8
Undecided	33	33	22	33

Disagree	8	44	14	28
Strongly disagree	25	0	9	11
Don't know	25	11	5	16
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	0	0	28	2
Agree	25	11	31	18
Undecided	25	11	20	17
Disagree	8	11	10	10
Strongly disagree	25	44	4	34
Don't know	17	22	7	19
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	8	0	21	5
Agree	17	22	30	20
Undecided	42	22	15	30
Disagree	8	11	7	10
Strongly disagree	0	22	7	12
Don't know	25	22	20	23
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?				
Strongly Agree	8	11	32	11
Agree	42	22	38	31
Undecided	25	33	20	29
Disagree	8	0	2	3
Strongly disagree	8	33	4	21
Don't know	8	0	4	4
To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?				
Fully	0	0	11	1
To a large extent	8	0	22	5
Somewhat	42	22	44	31
To a low extent	42	67	17	53
Not at all	8	11	2	9
Don't know	0	0	2	0
To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?				
Fully	25	0	19	11
To a large extent	42	44	47	43
Somewhat	25	11	26	18
To a low extent	0	22	1	12
Not at all	0	0	0	0
Don't know	8	22	7	16

To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the integrity of the CJS.				
Fully	58	22	36	38
To a large extent	25	78	54	55
Somewhat	17	0	6	7
To a low extent	0	0	1	0
Not at all	0	0	0	0
Don't know	0	0	2	0
In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?				
Fully	8	11	17	10
To a large extent	42	44	46	43
Somewhat	17	11	25	14
To a low extent	17	11	5	13
Not at all	0	0	0	0
Don't know	17	22	7	19
To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?				
Fully	33	33	36	33
To a large extent	58	56	46	56
Somewhat	8	11	10	10
To a low extent	0	0	2	0
Not at all	0	0	0	0
Don't know	0	0	6	0
In your view, to what extent is corruption a common feature of all countries in South Eastern Europe?				
Fully	0	11	10	7
To a large extent	17	33	37	27
Somewhat	25	33	17	29
To a low extent	17	11	17	14
Not at all	8	11	11	10
Don't know	33	0	7	14
To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS?				
Strongly Agree	33	44	36	39
Agree	67	33	52	48
Undecided	0	22	7	12
Disagree	0	0	0	0
Strongly disagree	0	0	0	0
Don't know	0	0	5	0

8. ROMANIA

In your view, to what extent is the criminal judicial system in your country independent?				
	Judges %	Prosecutors %	Police officers %	Total %
Fully	3	10	7	7
To a large extent	28	51	50	43
Somewhat	56	23	24	34
To a low extent	10	13	17	13
Not at all	3	3	2	3
Don't know	0	0	0	0
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?				
Fully	0	8	7	5
To a large extent	21	38	38	32
Somewhat	54	28	40	41
To a low extent	26	21	12	19
Not at all	0	5	2	3
Don't know	0	0	0	0
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?				
Very often	3	8	5	5
Often	28	3	12	14
Sometimes	36	41	33	37
Rarely	26	23	26	25
Never	5	10	7	8
Don't know	3	15	17	12
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?				
judges	21	21	33	25
prosecutors	18	21	7	15
police officers	44	31	21	32
Equally upon the three categories	18	28	38	28
In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?				
Very often	3	3	0	2
Often	10	3	5	6

Sometimes	23	18	10	17
Rarely	23	21	14	19
Never	38	46	55	46
Don't know	3	10	17	10
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?				
President	36	5	5	15
Other members of the government	5	5	14	8
MPs	8	28	38	25
Ministry of Justice	5	0	0	2
Ministry of Internal Affairs	0	0	2	1
General Prosecutor	0	0	0	0
Mass media	44	51	31	42
Presidents of the Courts/Chief prosecutors/Chief police officers	3	10	10	7
Representatives of international institutions present in country	0	0	0	0
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?				
Very often	10	5	5	7
Often	31	15	19	22
Sometimes	31	31	29	30
Rarely	15	15	21	17
Never	3	3	7	4
Don't know	10	31	19	20
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?				
Very often	41	31	7	26
Often	33	33	29	32
Sometimes	23	23	52	33
Rarely	3	8	10	7
Never	0	0	2	1
Don't know	0	5	0	2
To what extent are high-level corruption cases distributed randomly among staff in your court/prosecutor's office/ department?				
Fully	51	26	21	33

To a large extent	18	33	31	27
Somewhat	15	13	7	12
To a low extent	8	10	19	12
Not at all	8	8	0	5
Don't know	0	10	21	11
To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?				
Strongly Agree	31	10	21	21
Agree	46	46	50	47
Undecided	3	13	5	7
Disagree	10	23	12	15
Strongly disagree	8	8	7	8
Don't know	3	0	5	2
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?				
Yes	23	82	74	60
No	77	18	26	40
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?				
Strongly Agree	10	13	31	18
Agree	31	51	52	45
Undecided	13	10	2	8
Disagree	28	21	10	19
Strongly disagree	15	3	0	6
Don't know	3	3	5	3
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?				
Fully	5	8	14	9
To a large extent	26	41	45	37
Somewhat	28	21	19	23
To a low extent	28	23	14	22
Not at all	10	5	2	6
Don't know	3	3	5	3
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?				
Yes	28	26	14	23
No	72	74	86	77
Which group/individual exerted these pressures?				
The chief of the superior	8	0	0	3

court/prosecutor's office/police department				
Ministry of Internal Affairs	3	0	5	2
Ministry of Justice	8	0	0	3
Political parties	26	13	10	16
General Prosecutor's Office	5	0	0	2
Members of the government	3	3	0	2
Local administration	3	0	0	1
President	18	8	0	9
MPs	3	3	0	2
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	0	8	2	3
Agree	5	10	21	12
Undecided	5	0	2	3
Disagree	69	36	48	51
Strongly disagree	21	46	26	31
Don't know	0	0	0	0
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?				
Strongly Agree	0	3	5	2
Agree	21	33	40	31
Undecided	5	5	12	7
Disagree	62	46	26	45
Strongly disagree	13	13	17	14
Don't know	0	0	0	0
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?				
The Executive is more influential	74	67	52	64
Both are equally influential	8	5	2	5
The CJS is more influential	18	28	45	30
How would you describe the relation between the Presidency and the criminal judicial system?				
The Presidency holds a dominant position	92	54	45	64
The Presidency hold an equal position in relation to the judicial system	8	36	40	28

The judicial system holds a dominant position	0	10	14	8
Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?				
influence in a negative manner	59	41	26	42
do not influence in any manner	41	51	60	51
influence in a positive manner	0	8	14	7
Do you consider that mass-media ... the independence of judges/prosecutors/police officers?				
influence in a negative manner	100	79	57	79
do not influence in any manner	0	13	29	14
influence in a positive manner	0	8	14	7
Do you consider that the international political institutions ... the independence of the criminal judicial system?				
influence in a negative manner	15	10	2	9
do not influence in any manner	54	38	45	46
influence in a positive manner	31	51	52	45
Do you consider that the public opinion ... the independence of the criminal judicial system?				
influence in a negative manner	67	46	17	43
do not influence in any manner	23	28	50	34
influence in a positive manner	10	26	33	23
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?				
Yes	31	21	21	24
No	69	79	79	76
Did you come across situations where the influencing of you decisions was attempted?				
Yes	36	21	19	25
No	64	79	81	75
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?				
Fully	62	62	55	59
To a large extent	36	36	38	37
Somewhat	0	3	5	2
To a low extent	0	0	0	0

Not at all	3	0	2	2
Don't know	0	0	0	0
To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?				
Fully	15	13	5	11
To a large extent	44	28	14	29
Somewhat	13	13	14	13
To a low extent	18	23	33	25
Not at all	3	21	24	16
Don't know	8	3	10	7
To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected				
Strongly Agree	3	5	12	7
Agree	23	18	29	23
Undecided	10	10	5	8
Disagree	38	36	31	35
Strongly disagree	23	28	19	23
Don't know	3	3	5	3
To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor's Office?				
Fully	0	3	7	3
To a large extent	5	28	26	20
Somewhat	13	18	33	21
To a low extent	41	31	26	33
Not at all	41	21	7	23
Don't know	0	0	0	0
To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?				
Strongly Agree	3	5	2	3
Agree	0	3	19	7
Undecided	10	13	17	13
Disagree	38	28	12	26
Strongly disagree	44	49	48	47
Don't know	5	3	2	3
To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?				
Strongly Agree	5	3	0	3
Agree	15	3	0	6
Undecided	10	0	2	4
Disagree	8	21	5	11

Strongly disagree	62	74	93	76
Don't know	0	0	0	0
To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/ prosecutors/ police officers dealing with high level corruption cases?				
Strongly Agree	8	10	17	12
Agree	21	33	38	31
Undecided	13	13	14	13
Disagree	38	31	14	28
Strongly disagree	18	8	10	12
Don't know	3	5	7	5
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	3	3	14	6
Agree	18	21	24	21
Undecided	13	15	17	15
Disagree	46	18	26	30
Strongly disagree	21	36	17	24
Don't know	0	8	2	3
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	0	5	19	8
Agree	5	15	21	14
Undecided	13	13	24	16
Disagree	38	26	17	27
Strongly disagree	44	38	14	32
Don't know	0	3	5	2
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	3	10	19	11
Agree	10	38	29	26
Undecided	5	8	14	9
Disagree	38	13	19	23
Strongly disagree	44	26	14	28
Don't know	0	5	5	3
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?				
Strongly Agree	8	10	21	13
Agree	31	46	29	35

Undecided	13	10	14	12
Disagree	33	18	21	24
Strongly disagree	15	15	14	15
Don't know	0	0	0	0

To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?

Fully	3	10	10	7
To a large extent	33	51	55	46
Somewhat	23	13	14	17
To a low extent	38	23	21	28
Not at all	3	3	0	2
Don't know	0	0	0	0

To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECs, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?

Fully	21	18	17	18
To a large extent	59	54	60	57
Somewhat	18	10	14	14
To a low extent	0	13	2	5
Not at all	0	3	2	2
Don't know	3	3	5	3

To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the integrity of the CJS.

Fully	8	26	31	21
To a large extent	87	51	40	60
Somewhat	3	10	7	7
To a low extent	0	5	17	7
Not at all	3	5	5	4
Don't know	0	3	0	1

In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?

Fully	0	5	2	3
To a large extent	31	67	52	50
Somewhat	31	10	19	20
To a low extent	33	13	19	22
Not at all	0	3	2	2
Don't know	5	3	5	4

To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?

Fully	8	18	17	14
To a large extent	67	54	64	62
Somewhat	15	13	12	13
To a low extent	8	8	2	6
Not at all	3	8	0	3
Don't know	0	0	5	2
In your view, to what extent is corruption a common feature of all countries in South Eastern Europe?				
Fully	13	15	5	11
To a large extent	69	64	71	68
Somewhat	5	8	14	9
To a low extent	10	5	10	8
Not at all	0	0	0	0
Don't know	3	8	0	3
To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS?				
Strongly Agree	13	23	14	17
Agree	69	51	60	60
Undecided	15	10	12	13
Disagree	0	5	12	6
Strongly disagree	3	5	0	3
Don't know	0	5	2	3

9. SERBIA

In your view, to what extent is the criminal judicial system in your country independent?				
	Judges %	Prosecutors %	Police officers %	Total %
Fully	8	14	2	9
To a large extent	69	76	44	67
Somewhat	23	10	32	20
To a low extent	0	0	3	1
Not at all	0	0	3	1
Don't know	0	0	16	3
In your view, to what extent do the existing provisions (laws and regulations of the responsible institutions) ensure the independence of the judges/prosecutors/police officers?				
Fully	23	38	3	25
To a large extent	54	52	11	46
Somewhat	23	10	65	26
To a low extent	0	0	5	1
Not at all	0	0	0	0
Don't know	0	0	16	3
In your view, how frequent are instances of political pressure on the judges/prosecutors/police officers to treat the case in a certain manner/arrive at a certain judgment?				
Very often	0	0	0	0
Often	0	0	11	2
Sometimes	38	10	54	31
Rarely	46	29	8	34
Never	8	0	0	4
Don't know	8	62	27	29
In your view, which category of professionals in the criminal justice system is the most affected by these pressures - judges, prosecutors, police officers or all of them equally?				
judges	8	5	16	8
prosecutors	8	0	32	9
police officers	8	33	2	15
Equally upon the three categories	69	57	44	61
In the last twelve months, how often have you heard of pressures being exerted on your colleagues or on you specifically?				
Very often	0	0	0	0
Often	0	0	5	1

Sometimes	8	0	10	5
Rarely	15	5	38	16
Never	69	62	29	60
Don't know	8	33	19	18
In your view, which groups are mostly responsible for exerting direct or indirect pressure upon the criminal judicial system?				
President	0	0	2	0
Other members of the government	15	5	49	17
MPs	0	5	6	3
Ministry of Justice	15	5	11	11
Ministry of Internal Affairs	0	0	2	0
General Prosecutor	0	0	2	0
Mass media	54	76	16	55
Presidents of the Courts/Chief prosecutors/Chief police officers	0	5	3	2
Representatives of international institutions present in country	15	5	10	11
In your opinion, how frequent are instances of pressures on behalf of some interest groups upon the judges/prosecutors/police officers in giving a solution to a high level corruption case?				
Very often	0	0	2	0
Often	8	0	5	5
Sometimes	23	14	24	20
Rarely	31	10	32	24
Never	23	5	3	14
Don't know	15	71	35	37
In your opinion, how frequent are the pressures exerted through the mass-media on judges/prosecutors/police officers?				
Very often	0	10	0	3
Often	54	19	13	35
Sometimes	31	57	51	43
Rarely	0	0	10	2
Never	0	5	2	2
Don't know	15	10	25	15
To what extent are high-level corruption cases distributed randomly among staff in your court/ prosecutor's office/ department?				
Fully	38	33	29	35
To a large extent	0	43	13	16

Somewhat	8	0	10	5
To a low extent	8	0	8	5
Not at all	8	10	10	9
Don't know	38	14	32	29
To what extent do you agree/disagree with the following statement: A random distribution of the cases among staff is an appropriate means to avoid/prevent the exertion of political pressure on staff?				
Strongly Agree	54	24	2	35
Agree	23	57	21	34
Undecided	8	0	43	11
Disagree	0	19	11	8
Strongly disagree	0	0	0	0
Don't know	15	0	24	12
In the department you work in, is there a set of performance indicators for the judges/prosecutors/police officers dealing with high level corruption cases?				
Yes	15	86	21	40
No	85	14	79	60
To what extent do you agree/disagree with the following statement: The assessment and promotion criteria used in your department are appropriate to ensure the independence of the staff?				
Strongly Agree	31	29	2	25
Agree	54	52	44	52
Undecided	15	5	17	12
Disagree	0	0	11	2
Strongly disagree	0	0	3	1
Don't know	0	14	22	8
To what extent do you agree/disagree with the following statement: Performance indicators are useful to ensure the independence of the criminal judicial system?				
Fully	23	29	2	21
To a large extent	31	52	44	40
Somewhat	38	5	17	24
To a low extent	0	5	11	3
Not at all	0	0	3	1
Don't know	8	10	22	11
Are you aware of any cases in which political pressures were exerted on the appointment process of a senior judge/prosecutor/police officer?				
Yes	0	0	24	4
No	100	100	76	96
To what extent do you agree/disagree with the following statement: The current salary level is adequate to ensure the independence of the judges/prosecutors/police officers?				
Strongly Agree	0	19	0	6

Agree	15	38	24	24
Undecided	31	14	27	25
Disagree	31	10	11	20
Strongly disagree	23	19	22	22
Don't know	0	0	16	3
To what extent do you agree/disagree with the following statement: The current professional training system is effective in addressing the professional needs of the judges/prosecutors/police officers?				
Strongly Agree	0	5	5	2
Agree	46	62	29	48
Undecided	8	10	27	12
Disagree	38	24	17	30
Strongly disagree	8	0	5	5
Don't know	0	0	17	3
In your view, which branch between the Executive and the criminal judicial system is able to exercise more informal influence and power?				
The Executive is more influential	46	29	25	37
Both are equally influential	31	62	52	45
The CJS is more influential	23	10	22	18
How would you describe the relation between the Presidency and the criminal judicial system?				
The Presidency holds a dominant position	23	5	11	15
The Presidency hold an equal position in relation to the judicial system	38	62	38	46
The judicial system holds a dominant position	38	33	51	39
Do you consider that the secret services ... the independence of judges/ prosecutors/ police officers?				
influence in a negative manner	46	29	21	36
do not influence in any manner	54	71	33	56
influence in a positive manner	0	0	46	8
Do you consider that mass-media ... the independence of judges/prosecutors/police officers?				
influence in a negative manner	69	95	38	73
do not influence in any manner	15	5	24	13
influence in a positive manner	15	0	38	14

Do you consider that the international political institutions ... the independence of the criminal judicial system?				
influence in a negative manner	46	19	60	39
do not influence in any manner	31	48	21	35
influence in a positive manner	23	33	19	26
Do you consider that the public opinion ... the independence of the criminal judicial system?				
influence in a negative manner	54	19	17	36
do not influence in any manner	23	29	27	26
influence in a positive manner	23	52	56	38
Are you aware of situations in which influencing the decisions of your colleagues was attempted in a direct and deliberate manner?				
Yes	8	5	14	8
No	92	95	86	92
Did you come across situations where the influencing of you decisions was attempted?				
Yes	15	5	40	16
No	85	95	60	84
To what extent do you agree/disagree with the following statement: The legislative instability affects the judicial system?				
Fully	38	14	21	27
To a large extent	46	52	56	50
Somewhat	15	33	11	21
To a low extent	0	0	0	0
Not at all	0	0	2	0
Don't know	0	0	11	2
To what extent do you agree/disagree with the following statement: The hierarchical reports between prosecutors exert an influence upon the correct prosecution?				
Fully	8	19	6	11
To a large extent	54	38	37	46
Somewhat	15	19	27	19
To a low extent	0	19	5	7
Not at all	8	0	6	5
Don't know	15	5	19	12
To what extent do you agree/disagree with the following statement: The hiring system for senior staff in my institution (exams, contests for various executive positions) ensures that the objectively most qualified candidate is selected				
Strongly Agree	23	19	0	18
Agree	23	62	11	34

Undecided	46	14	46	36
Disagree	8	0	16	6
Strongly disagree	0	0	6	1
Don't know	0	5	21	5
To what extent are you pleased with the activities of the Ministry of Justice/Ministry of Internal Affairs/General Prosecutor's Office?				
Fully	31	33	5	27
To a large extent	23	57	16	33
Somewhat	46	0	51	32
To a low extent	0	10	10	5
Not at all	0	0	3	1
Don't know	0	0	16	3
To what extent do you think that the relation between the judges, prosecutors, and police officers investigating high level corruption cases affects the independence of those?				
Strongly Agree	8	14	3	9
Agree	23	57	19	34
Undecided	8	24	44	19
Disagree	15	0	8	9
Strongly disagree	23	5	3	14
Don't know	23	0	22	15
To what extent do you agree/disagree with the following statement: A great volume of work (files/cases which a judge is responsible of) affects its integrity/resistance to corruption?				
Strongly Agree	8	5	2	6
Agree	23	10	14	17
Undecided	15	14	11	14
Disagree	15	14	32	18
Strongly disagree	15	43	21	25
Don't know	23	14	21	20
To what extent do you agree/disagree with the following statement: The disciplinary system within my institution is appropriate to ensure the independence of judges/ prosecutors/ police officers dealing with high level corruption cases?				
Strongly Agree	0	14	5	6
Agree	46	48	37	45
Undecided	15	24	17	19
Disagree	8	5	16	8
Strongly disagree	0	0	2	0
Don't know	31	10	24	23
To what extent do you agree/disagree with the following statement: The system protecting persons investigating, prosecuting, trailing high level corruption cases from eventual reprisals is appropriate to ensure the independence of the judges/ prosecutors/ police officers.				

Strongly Agree	0	14	0	5
Agree	15	33	37	25
Undecided	38	33	8	32
Disagree	15	5	13	11
Strongly disagree	8	14	14	11
Don't know	23	0	29	16
To what extent do you agree/disagree with the following statement: The Government respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	0	0	0	0
Agree	31	48	11	33
Undecided	31	33	14	29
Disagree	15	5	37	15
Strongly disagree	0	5	8	3
Don't know	23	10	30	20
To what extent do you appreciate that the Presidency respects the independence guaranteed by law to persons involved in the investigation of high level corruption cases?				
Strongly Agree	0	5	0	2
Agree	38	38	11	34
Undecided	23	24	14	22
Disagree	15	10	6	12
Strongly disagree	0	0	38	6
Don't know	23	24	30	25
To what extent do you agree/disagree with the following statement: The legal statute of the judges/prosecutors/police officers guarantees their independence from the political influence?				
Strongly Agree	15	29	0	17
Agree	38	62	11	42
Undecided	38	0	16	22
Disagree	8	5	14	8
Strongly disagree	0	0	6	1
Don't know	0	5	52	10
To what extent do you consider yourself informed about international anti-corruption standards and best practices (EU, UN, OECD, etc.)?				
Fully	8	10	0	7
To a large extent	8	19	8	12
Somewhat	31	52	41	40
To a low extent	15	19	22	18
Not at all	15	0	16	10
Don't know	23	0	13	14
To what extent do you think that the transposition of anti-corruption standards (EU, UN, OECS, etc) in the criminal judicial system of your country would enhance the independence of the practitioners?				

Fully	8	14	0	9
To a large extent	62	48	16	49
Somewhat	0	19	44	14
To a low extent	15	5	10	11
Not at all	0	0	6	1
Don't know	15	14	24	16
To what extent do you agree/disagree with the following statement: Improving the sharing of experiences in regional networking and cooperation with similar agencies involved in the fight against corruption would significantly improve the effectiveness of the CJS.				
Fully	38	14	6	25
To a large extent	54	76	32	58
Somewhat	0	10	37	9
To a low extent	0	0	0	0
Not at all	0	0	3	1
Don't know	8	0	22	8
In your view, to what extent does the legal system in your country comply with international standards in the field of investigating high level corruption cases?				
Fully	8	24	0	12
To a large extent	62	57	41	57
Somewhat	15	10	29	16
To a low extent	0	0	2	0
Not at all	0	0	2	0
Don't know	15	10	27	15
To what extent do you agree/disagree with the following statement: A regional policy related to fighting high level corruption would significantly increase the effectiveness of the CJS in fighting high level corruption?				
Fully	23	38	5	25
To a large extent	69	57	60	64
Somewhat	0	5	5	2
To a low extent	0	0	5	1
Not at all	0	0	2	0
Don't know	8	0	24	8
In your view, to what extent is corruption a common feature of all countries in South Eastern Europe?				
Fully	15	10	3	11
To a large extent	38	24	49	35
Somewhat	38	48	17	38
To a low extent	0	5	8	3
Not at all	0	5	0	2
Don't know	8	10	22	11

To what extent do you agree/disagree with the following statement: Assistance provided by international anti-corruption entities (EU, UN, OECS, etc) in formulating national and regional policies and strategies would significantly strengthen the effectiveness of the CJS?

Strongly Agree	15	33	8	20
Agree	69	62	32	61
Undecided	0	0	41	7
Disagree	0	0	2	0
Strongly disagree	8	5	2	6
Don't know	8	0	16	6