

# ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

## INNOVATIVE ANTI-CORRUPTION REFORMS IN THE JUDICIARY

### QUERY

Can you provide innovative good practices and possible solutions in preventing and fighting corruption within the judiciary (courts, judicial self-administered bodies and prosecutors' offices) in countries where the separation of powers and freedom of the media are limited?

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1. Innovative approaches to preventing and reducing corruption in the judiciary
2. Anti-corruption measures in the organisation and staffing of courts
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### SUMMARY

Fighting corruption in the judiciary remains a great challenge, particularly in countries where the separation of powers is weak and courts and prosecutors are subject to political influence. While eradicating undue influence in the judiciary requires a complete overhaul of social norms and values, there are several operational reforms that may help prevent political influence and reduce certain types of corruption. They usually include measures such as the introduction of an adequate case management system, ethical and technical training for judges, court staff and prosecutors, appropriate salaries and benefits, the adoption of clear rules for the appointment, promotion, transfer and removal from office of judges and prosecutors, as well as several others.

Innovative approaches in this area seem to relate to the use of technology, not only to improve the management of documents and communication within the judiciary system, but also to enhance transparency and accountability to the general public. Within this framework, civil society organisations are increasingly playing an important role in monitoring and overseeing, as well as in providing training courses to the judiciary and even in ensuring the fair appointment of judges. Other innovative approaches include the adoption of specialised prosecution bodies, the recording and monitoring of court proceedings, and limitations to immunity, prosecutorial discretion and duration of proceedings.

## 1. INNOVATIVE APPROACHES TO PREVENTING AND REDUCING CORRUPTION IN THE JUDICIARY

### *Corruption in the judiciary*

Corruption in the judiciary may take many forms and involve a wide range of actors. For instance, bribery may happen at every point of interaction in the judicial system. During the investigation process, prosecutors may be bribed in order to not investigate a case. Court staff may deliberately alter court records, deliberately lose documents or charge extra for court services. Judges may accept bribes to delay or accelerate cases, accept or deny appeals, influence other judges or simply decide a case in a certain way.

Corruption can also manifest itself through political interference in the judicial process. That means that laws are no longer applied equally and those in powerful positions may, through intimidation, threats, or personal relationships, receive special treatment and remain unpunished. Members of the government can also manipulate the appointment of judges and prosecutors or discretionarily decide on salaries and promotions in order to influence decisions (Pepys 2007).

### *Judicial independence and the fight against corruption*

Improving the judiciary in countries where the separation of powers is limited remains a challenge in spite of years of reforms and support from donors and international organisations.

In many countries, constitutions and other laws provide a clear foundation for judicial independence, but in practice, judges and prosecutors still suffer from excessive external influence. Targeted, operational reforms may help judges, prosecutors and judicial staff to operate more independently and to reduce certain types of corruption in the judiciary (Laver 2012).

However, experience has also shown that if issues related to judicial independence are not addressed in the long run, the successes achieved through more operational and structural reform may also be

jeopardised (Laver 2012; Mendelski 2012). According to Laver, improvements in judicial independence will require greater emphasis on social values and attitudes (Laver 2014).

This answer focuses on more innovative and timely interventions aimed at strengthening part of the judicial services and at preventing/reducing certain types of corruption that affect the quality of services provided.

### *Innovative anti-corruption approaches in the judiciary*

Judicial reform has been the focus of many donor interventions in developing countries, but successes so far have been limited (Laver 2012). The literature highlights a wide range of issues that should be considered to strengthen the judiciary and reduce opportunities for corruption. These include strengthening the independence of judges and prosecutors through fair and clear appointment procedures, clear rules for promotion and removal from office, decent salaries, and qualification training, including on ethics. In addition, the judiciary should have full control over its finances as well as over legislative issues related to the functioning of courts and the number of judges. A well-functioning system will also require qualified staff and pre-established and well-known rules and procedures<sup>1</sup>.

This answer focuses on more innovative initiatives that have helped to prevent and reduce corruption in the judiciary in a certain context. Innovation in this area seems to be related to the use of technology and the enhanced participation of citizens in monitoring and overseeing.

Information and communications technologies (ICTs) are already widely used to assist judges and court clerks in their daily work. More recent reforms, however, have also emphasised the use of ICTs to manage and register cases as well as to facilitate the communication and information exchange between the courts and other stakeholders who enhance transparency and accountability (European Network of Councils for the Judiciary 2013).

<sup>1</sup> More information on remedies to fighting corruption in the judiciary is available at Transparency International Global Corruption Report 2007.

Successful anti-corruption interventions in the judiciary also have a strong element of social control. Civil society is playing an instrumental role in several areas of judicial reform and is helping to improve transparency and accountability, reducing the opportunities for corruption.

Other successful interventions include judicial specialisation, which allows for better evidence collection and more effective punitive actions (Buscaglia 2007).

The following sections provide examples of initiatives that have helped to reduce corruption in relation to court organisation and staff, legal and judicial procedures, as well as among judges, prosecutors, and judicial and prosecutorial councils.

## 2. ANTI-CORRUPTION MEASURES IN THE ORGANISATION AND STAFFING OF COURTS

There are several targeted reforms that may reduce the opportunities for corruption in the way cases are managed and judicial staff are organised. More generally, it is important that the judiciary has ownership of the reforms implemented. The judiciary should also be the responsible for the financial management of the courts and other administrative and legal decisions related to courts, staff and judges, provided that the adequate inspection mechanisms are in place.

With regards to case management, court personnel and the broader administration of courts, the following initiatives have been introduced with positive results:

### *Case-management system*

Inefficient case management limits the judiciary's capacity to deal with cases, undermines citizens' trust in the judicial system and allows a supportive environment for corrupt practices. If there are no rules and if proceedings are slowly creating bottlenecks and backlogs, both court users and staff would have an incentive to resort to bribery.

Improved case management systems often include

the simplification of procedures and the use of technology, such as the establishment of an adequate infrastructure for the management of data, records and documents in a way that transparency is increased and the opportunities for court staff to manipulate proceedings, or alter/destroy documents are reduced significantly. Technology can ensure that cases are dealt with in a more reliable, efficient and timely manner (UNDP 2011).

Many countries have been reforming their case management systems with successful results. In order to achieve the expected outcomes, a comprehensive computerised system, covering lower and higher courts as well as police and prosecutors (joint case management), seems to be more effective than stand-alone e-government systems. In addition, staff, judges, prosecutors, lawyers and users should receive the appropriate training to operate and use the system adequately.

Turkey provides a good example of integration. The country established a single system available to all court staff, judges, prosecutors and users. For instance, attorneys can file a case electronically, follow the proceedings in the case, get access to the files and be informed by SMS (European Network of Councils for the Judiciary 2013).

It is also that the use of technology in case management is accompanied by measures aimed at enhancing judicial accountability to the world outside. Civil society, the media, and court users should be able to easily access cases and monitor court procedures.

Case tracking, which refers to the possibility of following the progression of cases online, is considered a promising practice with regards to increasing transparency and accountability in the management of cases. In Romania, information on involved parties, procedural delay and judgments are available online and can be accessed by the wider public (Berenschot & Imagos 2013). In Brazil, information on corruption-related cases (the so-called administrative probity cases) is available on the National Council of Justice (CNJ) website.

### *Random allocation of cases*

Opaque rules regarding the allocation of cases to

specific prosecutors and judges can also facilitate corruption and increase citizens' distrust in the judiciary. The computerised allocation of cases following objective criteria, which are known beforehand, may help to improve the situation.

In Serbia, for instance, while the judiciary still faces many problems, the impartiality of judges has been strengthened after an electronic system to allocate court cases was introduced in courts (Berenschot & Imagos 2013).

In Montenegro, almost all courts use the Judicial Information System to electronically (and randomly) allocate cases. The system has helped reduce opportunities for manipulation and corruption, but other reforms, such as a more transparent appointment of judges, are still required to de facto reduce political influence and corruption in the judiciary (European Commission 2013).

#### *Court personnel*

In order to reduce corruption in administrative processes, procedures should be simplified and court staff should have clear job descriptions and division of tasks so that they can be held accountable for their activities. It is also important that judicial staff are hired through competitive processes based on merit.

In Brazil, the great majority of positions within the judiciary are filled based on professional qualification through a competitive process. However, for some positions, judges and heads of court are allowed to appoint personnel from within or outside the judiciary. In order to enhance integrity in these appointments, the CNJ, a judicial agency responsible for the administrative and financial control of the judiciary, adopted several measures. In 2005, the CNJ prohibited nepotism in the judiciary (Martini 2011), and in 2012 it passed a resolution disqualifying those convicted of racism, homicide, rape, drug trafficking and corruption by a second-level court (even if an appeal is still pending) from being appointed to any position in the judiciary (Oliveira 2014).

In Bulgaria, transparency in court administration was improved with the reconstruction of court houses in a way that each staff member could be observed by other staff members and the public, reducing the opportunities to alter case files (Pepys 2007).

#### *Court users committees*

The involvement of stakeholders, such as lawyers and court users, in the monitoring and decision-making of courts also helps to enhance accountability. In Kenya, for instance, the government established court users committees to foster public participation in the judicial process. Among their functions, the committees identify challenges that affect the efficient delivery of justice and propose solutions. They promote information exchange and learning among stakeholders, propose policy and legislative interventions to improve judicial services, and promote the use of alternative dispute resolutions (Commission for the Implementation of the Constitution 2012).

#### *Judicial Charter*

Petty corruption can be reduced if court users have a clear understanding of their rights, main court proceedings, calendars and fees. The use of a so-called citizen's charter in the judiciary may help to address some of these problems. A citizen's charter is a formal document produced by a public body or institution to facilitate access to its services. It is an instrument created to inform users on how an agency/institution works, what kind of services it provides, what are the costs and prices, and how complaints can be made (World Bank 2007).

In India, for instance, the High Court of Punjab and Haryana published a citizen's charter in 2014 detailing the operations and services offered by the court, and is available online and in the court. The charter includes a detailed plan of the court, information about the working hours, filing cases, the inspection of files, and for dealing with urgent cases. It also includes the costs for making certified copies. Moreover, the charter provides an explanation of the electronic judicial system and of the kinds of services that can be accessed through touch screen kiosks installed at the court and available via SMS (High Court of Punjab and Haryana 2014).

#### *Complaint mechanisms*

An independent and well-resourced body should be in place to receive and investigate complaints about judges and the court administration in general. Some

countries have opted for establishing an independent judicial ombudsman to deal with complaints related to the judiciary (Hatchard 2014). This is the case in Israel, Papua New Guinea and the UK, for example (Transparency International 2007). In Kenya, the office of the ombudsman in the judiciary is being expanded and now also includes an internet-based and SMS complaint system (Supreme Court of Kenya 2012).

A system to monitor complaints may also be accompanied by an official anti-corruption hotline where people can report corruption and other wrongdoings committed by judges and judicial staff.

In some countries, civil society organisations have also established external complaint mechanisms where citizens can denounce corruption in the judiciary. For instance, Transparency International's anti-corruption legal advices centres (ALACs) have been successfully used in several countries, not only to support victims of corruption but also to identify the areas where citizens/private sector face the most problems and to advocate for reforms. In Serbia, for instance, the judiciary features as the area with the second-highest number of corruption cases reported to the ALAC (Transparency International Serbia 2012).

### 3. ANTI-CORRUPTION REFORMS RELATED TO LEGAL AND COURT PROCEDURES

Improvements in the legal framework and in the way procedures are conducted in the judicial system may also help reduce corruption. Several countries have reformed their criminal procedure codes to accelerate investigations and improve the cooperation between the police and prosecutors. Reforms have also been aimed at reducing the number of appeals while streamlining due process.

In addition, in order to enhance transparency and accountability, several countries have started publishing judicial decisions online. If they are published in a timely manner, they can help to expose judges who are unable to provide enough reasoning for their decisions as well as allow civil society and the media to follow relevant corruption cases more closely (GIZ 2005).

Innovations in this area however are primarily related to duration, recording and monitoring of trials and court proceedings.

#### *Standards for the duration of procedures*

In order to avoid manipulation and deliberative delays in cases, the enactment of guidelines containing deadlines and a time schedule for the various steps involved in court procedures is advisable. It seems that the great majority of countries have opted for establishing deadlines for specific parts of a procedure rather than to the overall length of the case (European Network of Councils for the Judiciary 2013). However, in corruption-related cases it has become more common to set guidelines regarding the timeliness for the final judgement to be made.

In Indonesia, the Anti-Corruption Court is required to decide cases within 90 days of the case commencement. First instance courts and the Supreme Court also have 90 days to provide a sentence, while high courts are obliged to provide a decision within 60 days. The measure has worked well in the Anti-Corruption Court, which has so far managed to operate without any backlog. It is still to be seen whether other courts – which enjoy fewer resources – will manage to comply with those deadlines (Schutte & Butt 2013).

In Brazil, the National Council of Justice (CNJ) requested courts to prioritise the judgement of corruption cases to address the current backlog. By the end of 2013, appeal courts in the country were expected to judge all corruption-related cases initiated prior to 2011 which were still pending a decision. Implementation was successful in the majority of states, but in a couple of states, more than 80 per cent of the cases are still awaiting a decision (CNJ website, 2014). This measure can have a significant impact on the elections taking place this year as, in Brazil, individuals convicted for corruption by a high court are not allowed to run for public office, even if an appeal is pending. The decision to prioritise rulings on corruption cases could leave thousands of allegedly corrupt individuals out of the 2014 elections.

#### *Recording court procedures*

The recording of relevant court procedures may not only help increase transparency in cases but also enhance the reliability of court records.

In Indonesia, the Anti-Corruption Court introduced audio-visual recordings of all its proceedings. Based on this successful initiative, the Supreme Court determined that all corruption cases and other important trials in the country should be recorded. The measure allows for an easier assessment of a judge's reasoning and conduct (Shutte & Butt 2013). Other countries have unsuccessfully tried to adopt such an approach. This is the case, for instance, in Armenia where the latest reform in the judiciary included the requirement to record court hearings as a means to enhance transparency and provide better evidence during the appeal process. However, the recordings are of very poor quality and the voices of each participant in the proceedings are recorded on separate CDs, making it impossible to use them effectively (American Bar Association 2012).

Several organisations are advocating for having hearings of important cases broadcast so that a wider audience can have access to relevant rulings and the arguments used by judges when deciding on cases of public interest. In the US, the Coalition for Court Transparency launched a campaign calling for greater transparency at the Supreme Court by allowing cameras to broadcast its verbal arguments. According to the coalition, state supreme courts already allow recording equipment in high-level judicial hearings (to varying degrees). Moreover, the Judicial Conference of the United States is piloting a programme to study the impact of broadcasting federal court proceedings. As part of the project, 14 federal courts have been recording their debates.

In the UK, Supreme Court appeals are usually broadcast. Citizens can thus watch live hearings of the UK Supreme Court for all civil and criminal cases. A YouTube channel has been created by the Supreme Court to show short summaries of the judgements.

#### *Court monitoring*

Civil society and the media have been contributing to the fight against judicial corruption by monitoring the incidence of corruption among judges, prosecutors and court staff, as well as other potential indicators of

corruption, such as delays in decisions and the quality of evidence collected and justifications given by judges (Pepys 2007).

For instance, Transparency International Bosnia and Herzegovina conducted an analysis of corruption cases in the country over a period of one year. The results show that throughout 2010 only two defendants received prison sentences for bribery and related offences. TI Bosnia and Herzegovina also found out that the great majority of cases do not even progress beyond initial investigations (Transparency International Bosnia and Herzegovina 2011).

The Cambodian Center for Human Rights has been systematically monitoring court activities in Cambodia since 2009. Trained monitors attend criminal trials on a daily basis to assess, based on a check list, their adherence to international and domestic fair trial standards. The findings are analysed and discussed with the Ministry of Justice and court officials and then made available to the public. In addition, since 2013, the centre has been publishing all data collected in a dedicated web portal, allowing the general public, legal professionals and other civil society organisations to also use the data (Chak 2014).

According to the centre, the quality of decisions has improved significantly since the project started, particularly in regard to adherence to international standards (Chak 2014).

## 4. PREVENTING CORRUPTION AMONG JUDGES

Qualified and ethical judges are key to ensuring fair and impartial decisions. Within this framework, it is important that rules regarding the judge's appointment, promotion, transfers, tenure and removal from office are based on objective criteria so that they are not used to favour individuals with political connections and punish those judges who take on powerful interests. Similarly, laws should also safeguard judicial salaries, working conditions, and special attention should be given to professional and ethical training.

More innovative measures undertaken to enhance the independence and integrity of judges as well as to support the detection and punishment of corruption

include:

### *Appointment of judges*

There is a wide consensus that clear and transparent procedures and criteria should be implemented to ensure that judges are selected based solely on their merit and experience and not for political reasons.

There are different ways to ensure transparent and merit-based appointment of judges. One option is to establish an independent collegial judicial body rather than decisions taken by a single official or the executive. Judicial councils or equivalent bodies have also been given this task in several countries, while in others, members of the highest court are elected rather than appointed. There is no agreement on which approach works best. The decision on whether to transfer such responsibility to an independent collegial body, a judicial council or by conducting elections should take into consideration the legal system and the country context.

Nevertheless, with respect to the appointment of judges, the participation of civil society groups, including professional associations linked to judicial activities, in the selection process appear as the most innovative approach with successful results in some countries.

For instance, Transparencia por Colombia was part of the Visible Election Alliance created to promote independence and transparency in the judiciary. During 2009, the alliance worked to bring transparency to the selection of six Supreme Court magistrates and the Attorney General. As a result, the magistrate openings were advertised in the national media, there was a public hearing with the candidates and the timetable for the process was made public. The alliance also generated debate on the requirements for the Attorney General's position, resulting in the Supreme Court rejecting the presidency's shortlist and a new shortlist being compiled (Transparencia por Colombia 2012).

### *Ethics*

Codes of conduct and ethical standards have featured among the initiatives to strengthen judicial ethics and they are also important to help broader judicial reform efforts to succeed. Codes of conduct

help judges address questions of professional ethics, inform the public about the proper conduct expected from judges, and provide the judiciary with standards against which to measure its performance (Cárdenas & Chayer 2007).

In addition to other accountability measures already discussed, the enactment of specific rules on asset declaration and conflicts of interest may also help to set clear behavioural standards and detect the involvement of judges in wrongdoing.

Moreover, regular ethical training is important to ensure that judges understand what is expected from them and the consequences of not complying with the rules. Civil society organisations and donors have been supporting the promotion of ethical standards among judges in several countries. For instance, in Ghana, GIZ offers ethical training and swearing in on the new Code of Ethics for the entire judiciary. Parallel to this, Judiciary Watch Initiative is monitoring how the code is implemented and enforced (GIZ 2005).

In Palestine, AMAN, a non-governmental organisation, prepared *codes of conduct* for the key pillars of the justice system to raise ethical standards in the judiciary. Two guidelines were tailored for the judiciary and another two were customised for the *prosecution office*. Workshops were carried out for judges and the council. As a positive outcome, the codes of conduct are now integrated into the High Judicial Council's training programmes. These programmes are also conducted by the Palestinian Judicial Institute for judiciary employees at all levels

### *Limits to immunity*

Immunity should be limited to actions relating to judicial duties to allow judges to make decisions without fear of prosecution. However, narrow limits are advisable since judges should also be held accountable for their actions, particularly for corruption and other crimes. In many countries, for example in Albania up until 2012, immunity provisions protected judges from being investigated for corruption (European Commission 2013b).

### *Disciplinary measures*

It should be possible to discipline judges who are

corrupt without interfering or threatening the independence of the judiciary (Cárdenas & Chayer 2007). Countries have adopted different approaches, including the establishment of disciplinary authorities in judicial councils, internal disciplinary entities and external disciplinary entities. The problem with the latter is that there is a risk of political interference. Internal disciplinary bodies formed solely of members of the judiciary may not be impartial enough to judge peers. The best approach seems to be an independent body which combines judges and "lay members" (UNODC 2011).

In Brazil, disciplinary measures against judges are taken by the National Council of Justice (CNJ), an independent body comprised of 15 members: nine judges, two members of the Public Prosecutor's Office (appointed by the Attorney General), two lawyers (appointed by the Bar Association) and two citizens (appointed by Congress). The CNJ is very active and considers the fight against corruption among its priorities. In March 2014, several corruption cases involving judges are being adjudicated. The cases can be consulted online and include judges accused of selling sentences, of employing "ghost" staff, nepotism, or trafficking influence.(Bergamo 2014).

## 5. PREVENTING CORRUPTION IN THE PUBLIC PROSECUTOR'S OFFICE

Prosecution services should be independent from other branches of government, including from the judiciary, as well as from external interests. They should be guided by clear rules and principles and carry out their functions in a transparent and accountable manner (World Bank 2011).

Prosecutors are instrumental in the fight against corruption and, therefore, it is essential that they uphold the highest levels of integrity. A combative prosecutor depends to a large extent on the legal culture of a country. According to Kurkchyan, legal culture "is understood as legally oriented behaviour that derives from shared attitudes, social expectations, and established ways of thinking" (Kurkchyan 2007). The feeling of honour and pride that come with group membership can make a huge

difference with regard to the role prosecutors see themselves playing in the fight against corruption. This is the case in Brazil, for instance, where, according to several studies, public prosecutors see themselves as the most important body in the country responsible for defending social rights. They believe that the social and political performance of the executive and legislature is very poor, either because they are corrupt or unable to fulfil their duties (Kerche 2008; Arantes 2002)

Nevertheless, there are several operational measures that can be adopted to reduce corruption risks within the prosecutor's office. As is the case with judges, prosecutors should also be selected based on their qualifications, preferably following a competitive process. A clear career path and adequate salary and working conditions may also help to "encourage staff to aspire to be part of a respected organisation in the long term" (World Bank 2011).

With regards to case management, electronic systems to allocate cases to prosecutors, as well as electronic document management systems, may reduce opportunities for corruption (World Bank 2011). As mentioned, experience has shown that systems that are implemented jointly with the police and courts are more likely to be successful.

### *Specialised prosecutorial services*

Innovative approaches to fight corruption within prosecutorial services also include setting limits on prosecutorial discretion and establishing specialised prosecutorial services.

According to the OECD (2013), a specialised anti-corruption prosecutorial body is particularly useful when "structural or operational deficiencies within an existing institutional framework does not allow for the effective preventive and repressive actions against corruption".

Anti-corruption specialisation may also help to overcome political influence by granting investigators and prosecutors special investigative powers and access to information from other public bodies which may be relevant in identifying illegal wealth and abuse of office, among other corruption offences. Moreover, such powers may help to build stronger

evidence in complex cases to make it harder for courts to dismiss or issue acquittals in cases involving high-level officials.

Specialised anti-corruption prosecution bodies have been established in several countries, and so far the results achieved are considered positive in many of them. For instance, in Romania a special prosecution body to deal with medium and high-level corruption was created. According to the European Commission, the body has a successful track-record of non-partisan investigations and prosecutions involving politicians and judges, among others (European Commission 2014). Innovations in the composition of the body, which include prosecutors, investigators, judicial police, and economic and financial IT experts, are considered instrumental for the effective operation and the results achieved until now (European Commission 2014)<sup>2</sup>.

In addition, the establishment of anti-corruption agencies with investigative and even prosecutorial powers (in “competition” with the public prosecutor’s office) also seem to have positive results in the fight against corruption. This is the case, for instance, in Brazil, Indonesia, Latvia and Slovenia (European Commission 2014). A previous study conducted by Voigt also concluded that eliminating the “monopoly” of prosecution agencies to initiate the prosecution of suspects could have a positive impact in reducing judicial corruption (Voigt 2007).

#### *Limits to prosecutorial discretion*

The term prosecutorial discretion relates to the prosecutor’s power to choose whether or not to bring criminal charges, what charges to bring, as well as which cases can be dealt with without criminal proceedings (The Bordeaux Declaration 2009).

Limiting the discretion given to the prosecution can significantly reduce the opportunities for corruption. In fact, studies have shown that “strict and uniform prosecutorial criteria for archiving and dropping criminal indictments, subject to a supervisor’s control,

reduce the frequency of bribes offered to prosecutors” (Buscaglia 2007).

## 6. PREVENTING CORRUPTION IN JUDICIAL AND PROSECUTORIAL COUNCILS

Judicial and prosecutorial councils were established in many countries to enhance independence and improve the administration of courts. In many places, they are responsible for the appointment and promotion of judges as well as for overseeing the actions of judges and prosecutors and judging their illegal practices.

However, the experience with judicial and prosecutorial councils varies to a great extent across the world. In many countries, these bodies have failed to produce the expected results as they lack independence and autonomy themselves or are also prone to corruption. In others, the lack of technical capacity and financial resources pose challenges to the effectiveness of these bodies.

The effective operation of such bodies depends, to a great extent, on their composition and on how members are appointed. As is the case with judges and prosecutors, members of such councils should be selected based on objective criteria taking into consideration their qualifications and prior experience. In addition, to reduce opportunities for corruption, rules regarding their removal should be clear and fair. Salary and working conditions are also of great importance. Finally, the actions of these councils should be transparent to the highest standards.

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<sup>2</sup> For more information please refer to a previous Helpdesk answer: Anti-corruption specialisation: law enforcement and courts, available at: [www.transparency.org/whatwedo/answer/anti\\_corruption\\_specialisation\\_law\\_enforcement\\_and\\_courts](http://www.transparency.org/whatwedo/answer/anti_corruption_specialisation_law_enforcement_and_courts)

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