

Judicial corruption – Going beyond Bangalore

Nick Booth

Policy Advisor, Governance, Access to Justice and
Human Rights

UNDP Asia-Pacific Regional Centre, Bangkok

Nicholas.booth@undp.org

Perceptions of judicial corruption in Asia-Pacific

- Transparency International Global Corruption Barometer (since 2005), 1000 respondents in each of over 100 countries
 - 2013: on a scale from 1 (least corrupt) to 5 (most corrupt), AP average score of 3.3 (global average 3.6), range from 2.5 to 4.4, ranked 3rd= most corrupt institution
 - Broadly consistent with results from previous surveys (2005, 2006, 2007, 2009)
 - Between 0% and 66% reported paying a bribe in previous 12 months (24% global average) – less than 10% in 5 countries, more than 60% in 4 countries (2011: 0% to 80%)

Perceptions of judicial corruption in Asia-Pacific

- World Justice Project (since 2009)
 - Mix of general public (1000 in 3 cities) and expert questionnaires
 - Composite judicial corruption score based on several questions across questionnaires (0 – very poor, 1- very good)
 - AP range in 2012/3 from 0.19 to 0.94 (average 0.56)

The pros and cons of global indices

- Based on perception
 - Not a reliable indicator of actual corruption
 - Although strongly correlated with public trust...
- Small-n survey, broad brush approach, non-contextualised
- The global indices tell us that we should be worried about corruption, and doing more about it – but they don't help us diagnose it, and without diagnosis there is no cure
- What can be done??

JUPI 2012 – chisocongly.vn/en/ (Viet Nam)

The screenshot displays the website for the Justice Index in Vietnam. The page features the title "Chỉ số công lý Justice index" and logos for the Vietnamese National Assembly (1955), CECODES, and UNDP. A navigation menu includes links for HOME, PROVINCIAL DATA, INDEX METHODOLOGY, NEWS & EVENTS, and CONTACT. A colorful graphic of stylized human figures is on the left, and a radar chart titled "PROVINCIAL DATA" is on the right. The radar chart shows five data points for different provinces, with values ranging from -1.50 to 2.50. The Windows taskbar at the bottom shows several open files and the system clock.

Chỉ số công lý
Justice index

HOME PROVINCIAL DATA INDEX METHODOLOGY NEWS & EVENTS CONTACT

PROVINCIAL DATA

Province	Value
1	1,56
2	0,01
3	0,57
4	2,08
5	0,32

Justice Index – Assessment of Distributive Justice and

JUPI 2012

- 5045 respondents in 21 out of 63 provinces (next year: nationwide)
- Conducted by independent team of Vietnamese legal and survey experts with international advice on methodology, under auspices of Vietnam Lawyers' Association and National Assembly Judiciary Committee, with UNDP support
- Data at provincial level – cross-comparisons are revealing (and create competition!)
- 5 dimensions of law enforcement and rights protection:
 - Accessibility;
 - Equity;
 - Integrity;
 - Reliability and efficiency;
 - Guarantee of fundamental rights

JUPI 2012 – some shortcomings

- Integrity dimension includes questions about judicial corruption, but little data (few respondents accessed courts)
- As in Singapore, citizen survey should be complemented by court user survey – (retired) judges, lawyers, litigants ...
- And... more fundamentally...

Do we understand the problem yet?

- Surveys can tell us about prevalence, but not a diagnostic of causes
- “Need to understand the game” (as our Indonesian colleague said...)
 - Case studies to analyse the cases that were prosecuted
 - Dig deeper (full structured interviews with court staff, lawyers, judges, serving and retired) to understand the ‘ecosystem’ of corruption to generate a theory of change
 - Evaluating the impact of reforms, successes and failures?
- Highly contextualised, but needs to be shared and discussed regionally
- Has it been done??? Where?

A future UNDP/APJRF research agenda?

- UNDP is preparing to support this type of research in Viet Nam in 2014
- Open to discuss with APJRF and its members:
 - Dialogue on the methodology
 - Supporting research in other countries (funding permitting!)
 - Sharing results of pilots....

Your ideas, thoughts, comments and
recommendations please!!

Nicholas.booth@undp.org