

2005 Survey of Judges in Albania
Revised 16 May .006

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I. Executive Summary

This report presents the results of comparisons between data collected from two opinion surveys conducted in Albania, the first a nationwide survey of voting-age adults and the second a survey of judges. The national survey was conducted in December 2005-January 2006 and the judges survey was conducted in January-February 2006. In addition, the report presents the results of selected questions that were asked only in the judges survey. Both surveys we

- Judges seem to apply a narrower definition, on the whole, of what constitutes corrupt behavior among lawyers: higher percentages nationwide found the behavior in all the four scenarios to be corrupt compared to judges.
- Judges also have a bleaker view of lawyers' qualifications to do their job. In contrast, they have a far more positive view of their own impartiality in conducting trials than do respondents nationwide.
- In general, judges

- Training in the new Administrative Procedures Law proved to be the most popular of four areas of training for judges.
- A large plurality of judges felt that court staff would benefit most from training in basic knowledge of the working of the judicial system.
- A large majority of judges (58%) identified continuing legal education on new laws as the most important way of improving lawyers' training.
- More rigorous bar exams was the measure identified by most judges for improving the legal profession in Albania.
- Judges gave the highest score to their own performances compared to the performances of court staff, most judges and lawyers. Lawyers received the worst performance rating, below the midpoint of the scale.
- The performance of little more than half (57%) of the judges had been evaluated by the court system evaluation authority.
- Sixty-four percent of the judges thought they were overworked.
- Political tolerance of those who disagree with the Albanian system of government is high overall among judges, and is highest with respect to allowing such persons to stage peaceful protests and lowest with respect to letting them address the public on TV.
- When political tolerance is combined with system support in a model of democratic stability, it is found that 70% of judges have both high system support and high political tolerance. This bodes well for the stability of Albanian democracy .

The larger the sample and the more concentrated the responses, the smaller will be the “I,” which means a smaller confidence interval, and the more certain we can be that the mean value represented by the bar is very close to the “true value” for the population. An error bar represents the 95 percent confidence interval, i.e., if 100 identical surveys were done at the same time by similarly drawing 100 samples from the target population, in 95 of the 100 samples the mean would lie between the upper and lower horizontal lines of the “I.”

The practical utility of these error bars, or “I”s, at the top of the bars is that they enable us to verify easily if the differences between the means of two or more groups represented by the bars are the result of stable statistical patterns or are solely due to chance (that is, the “sampling error.”) If the “I” error bars overlap considerably, we can say that statistically one mean is no different from the other and therefore the two groups are effectively the same on that characteristics. For example, if the percent of persons being victimized by corruption in 2004 were 10% but it declined to 9% in 2005, and the two “I”s overlap in our chart, then we would say that there was no significant decline in corruption even though in absolute terms, there was a 1% drop. If they do not overlap, we may assume that the differences in the mean estimates correspond to the groups selected for comparison, and that one group is different from another with respect to the

Figure II-1 Map of Albania



Source: www.geographic.org, used with permission.

Kavajë	Number of respondents	22	0
	%	1.8	.0
Kukës	Number of respondents	15	5
	%	1.3	3.2
Delvinë	Number of respondents	9	0
	%	.8	.0
Kamez		23	0
		1.9	.0
Lezhë		0	0
		.0	.0
Librazhd			0
	%	.0	.0
Orikum			

Albania, 95% of them would reflect the views of the population with no greater inaccuracy than $\pm 2.8\%$. Of course, factors other than sampling error can reduce the accuracy of the results, including non-response, errors in selecting the respondent, misunderstanding of the question, etc. But in terms of the science of survey sampling, a confidence interval of $\pm 2.8\%$ is very good because it means that even relatively small differences in the results will found to be statistically significant in our surveys

A multistage random sample was constructed by taking a series of simple random samples in stages. This type of sampling is almost always more practical than simple random sampling for studies requiring "on location" analysis, such as door-to-door surveys. In a multistage random sample, a large area, such as a country, is first divided into smaller regions (such as states), and a random sample of these regions is collected. In the second stage, a random sample of smaller areas (such as counties) is taken from within each of the regions chosen in the first stage. Then, in the third stage, a random sample of even smaller areas (such as neighborhoods) is taken from within each of the areas chosen in the second stage. If these areas are sufficiently small for the purposes of the study, then the researcher might stop at the third stage. If not, he or she may continue to sample from the areas chosen in the third stage, and so on, until appropriately small areas have been chosen.

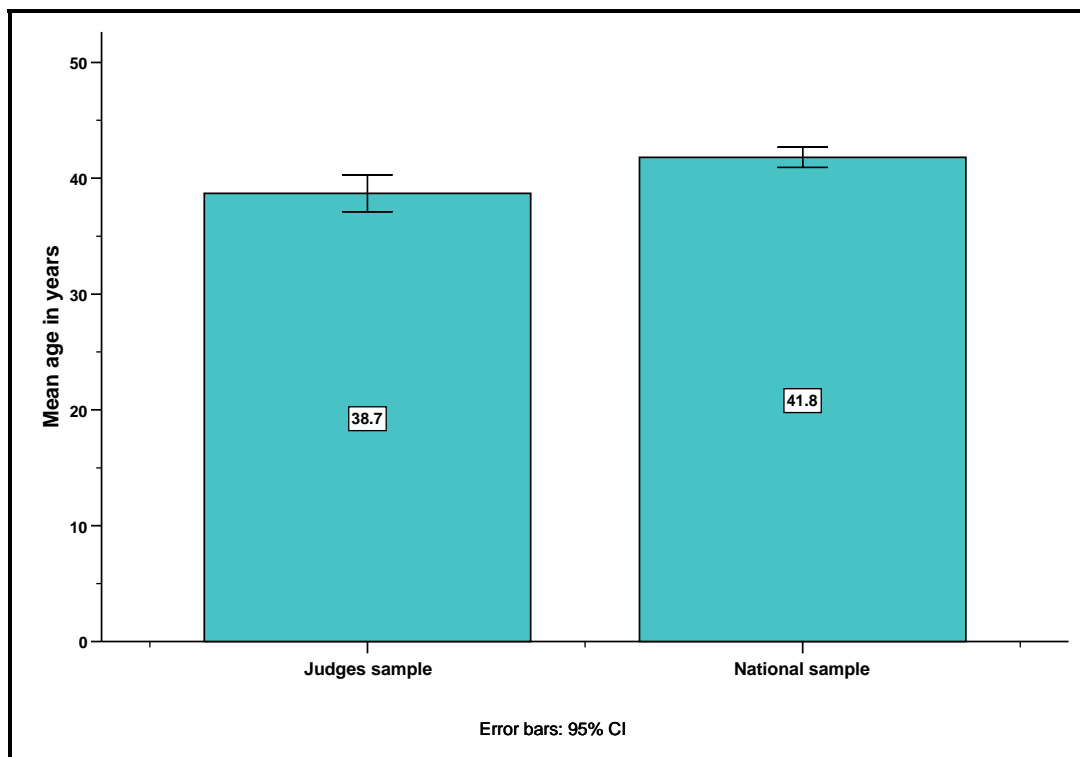
In the case of our survey, the first stratum consisted of the entire country. In the second stage, a decision was made to restrict the sampling to the 10 most important districts of the country, each consisting of several areas chosen in the first stage.

Judges Sample Domain

The sample design was for a total of 363 interviews, all of the judges in Albania. However only 155 judges were interviewed.

Details of the sample design for the judges are contained in the final appendix of this

Figure II-3 Mean Age by Sample



There is a statistically significant difference (the “I” symbols for the two bars do not overlap) of almost 3 years between the mean ages of the judges and national samples, with the judges being the younger sample (38.7 years). This is to be expected given the institutional age limits imposed on judges,8.38imposed8n j-15 TD0dge-5.9()JTJ-5e24 401.22 v7.6(g)-5.h

1

2

3

4

5

Table II.4 Number of Years in Current Post

	Frequency	Percent
5 yrs. or less	49	31.6
6-10 yrs.	51	32.9
11-20 yrs.	47	30.3
21-30 yrs.	4	2.6
31-40 yrs.	4	

III. Corruption

Perceptions of Institutional Integrity

The two surveys included a common set of questions relating to the integrity of different institutions and sections of Albanian society.

[Use card "C (CHANGED FORM CARD D to CARD C)"] Now, I will name various public and private institutions. I am interested to know how Corrupt or honest do you think the representatives of these institutions are. Please, rate each one of them from

Figure III-2 Mean Perception of Corruption in Selected Institutions and Groups in the 2005 National Sample

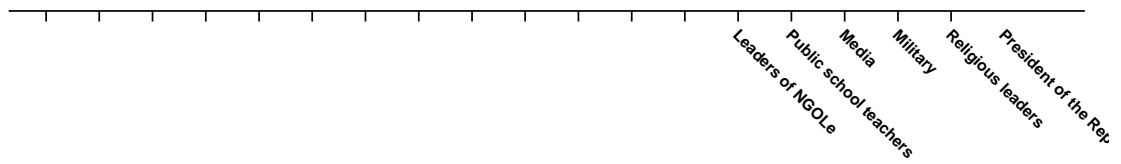


Figure III-3 Mean Perception of Corruption in Selected Institutions and Groups: Comparisons between the 2005 Judges and National Samples

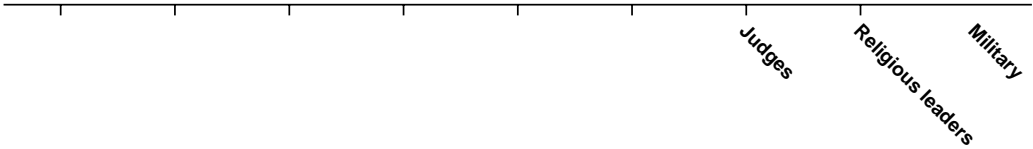
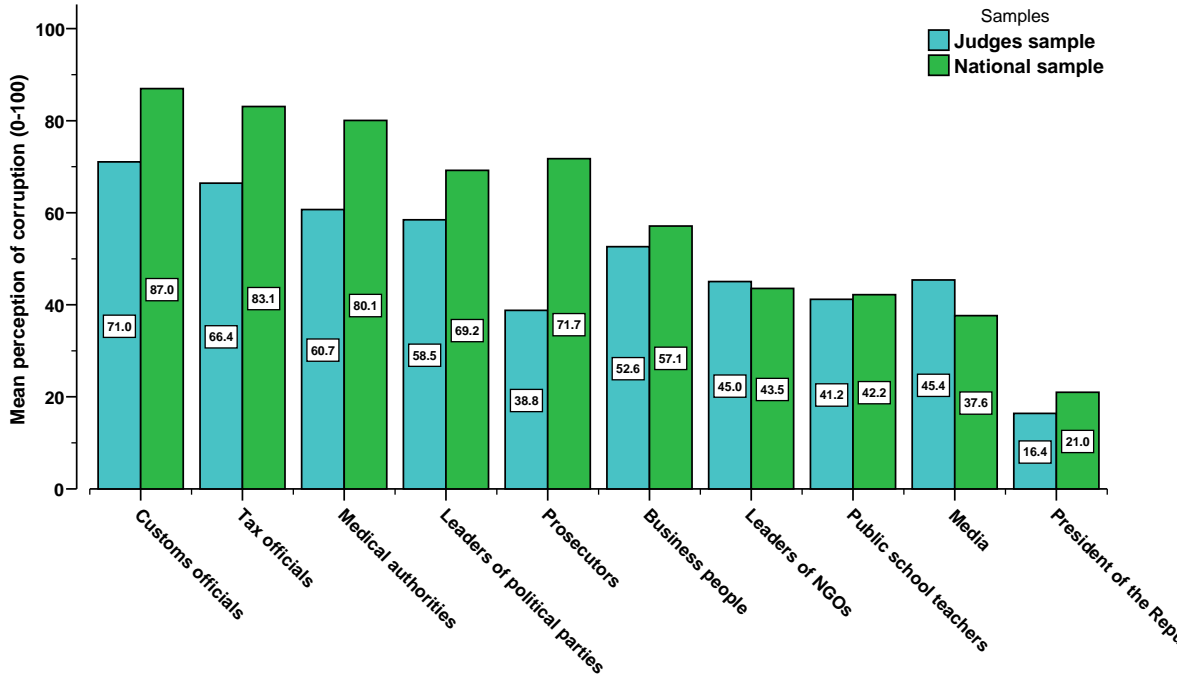


Figure III-4 Mean Perception of Corruption in Selected Institutions and Groups: Comparisons between the 2005 Judges and National Samples



The surveys also included an item that asked respondents to assess, directly and indirectly, how common corruption among public officials was:

EXC15

Summary: Perceptions of Corruption

Of the 19 categories discussed above, there is a striking consonance between the perception of the mass public and that of judges with respect to the three least corrupt categories (the President, religious leaders and the military) and the three most corrupt ones (customs officials, tax officials and the medical authorities). The most important differences between national perceptions and those of judges are with respect to two figures in the judicial sector, judges and prosecutors. Both of these have a very high level of probity in the eyes of judges, but a very low one in those of the mass public.

While both judges and the nationwide public had a serious view of widespread corruption among public officials, nationwide the perception of the problem was more negative. The mass public also had a more negative view of changes in the level of corruption among public officials during the previous year, with larger percentages of respondents indicating that it had increased.

Figure III-7 Transparency of Selected Institutions, Judges Sample

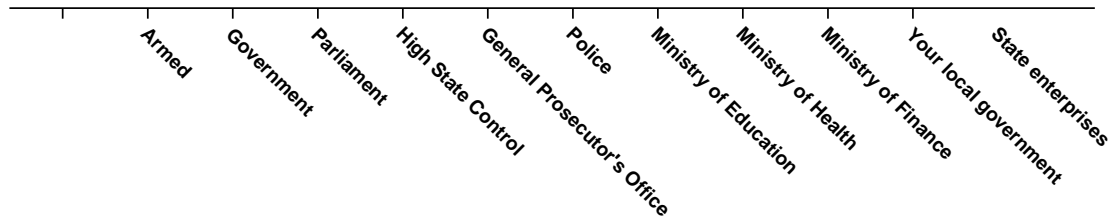
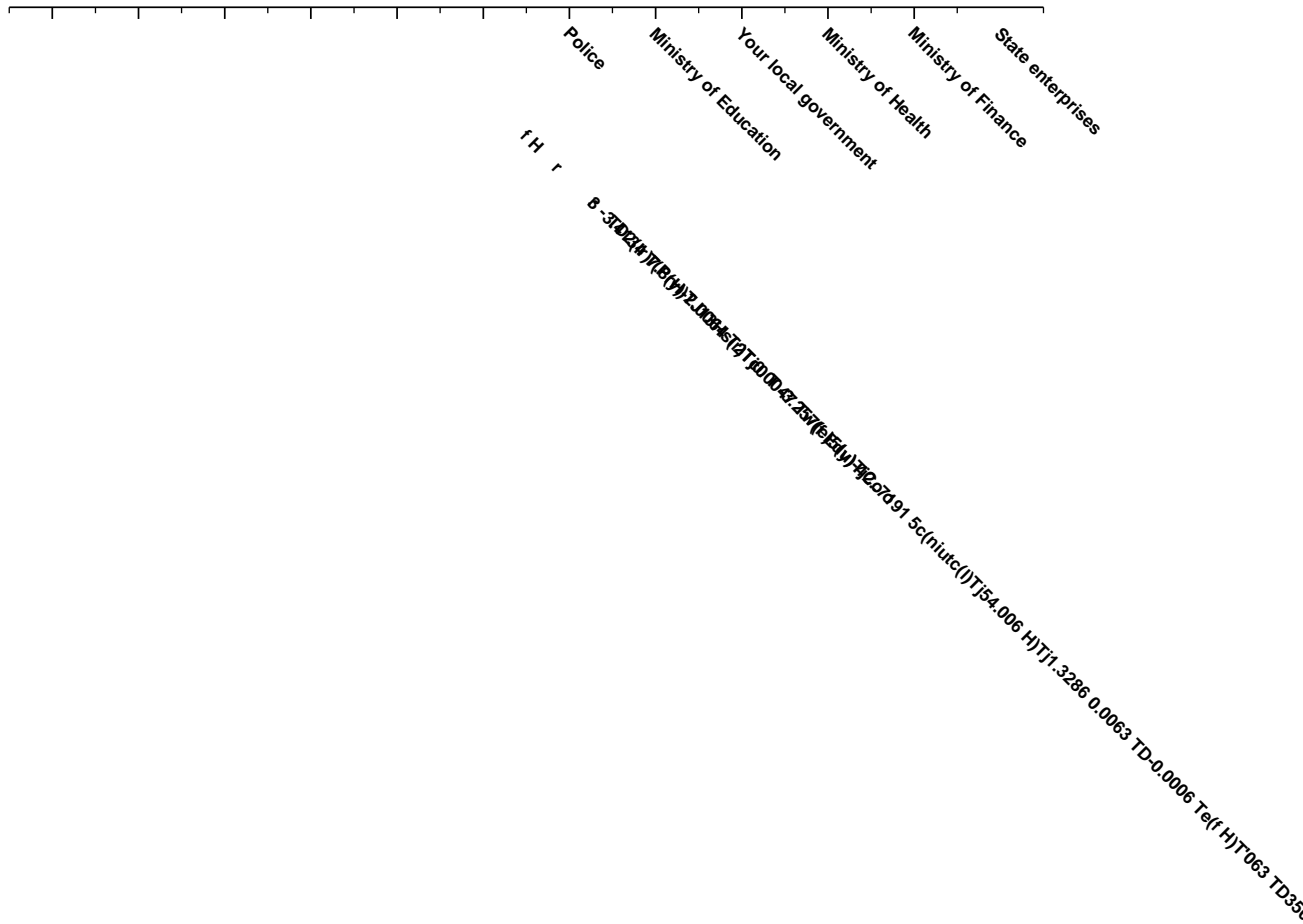


Figure III-9 Transparency of Selected Institutions, Comparisons between Judges and National Samples



The figure below depicts responses to the following questions regarding the Albanian Coalition against Corruption (ACAC) and the Citizens' Advocacy Office (CAO).

OPC11. Are you aware of the work of the Alba

Summary: Awareness of the Corruption Problem and Anti-Corruption Efforts

Judges are more positive about changes in the extent of media coverage of corruption and about the government's anti-corruption efforts than the nation as a whole. They are also more aware of the activities of the ACAC and the CAO than respondents across the nation. In both samples, there is greater familiarity with the CAO than with the ACAC.

also be some degree of price regulation that imposes an upper ceiling on lawyers' services.

Regarding the second scenario, there is no clear case for labeling a lawyer's delaying tactics as corrupt; at first glance it is a

Figure III-14 Perceptions of How Qualified Lawyers Are for Their Job, by Sample

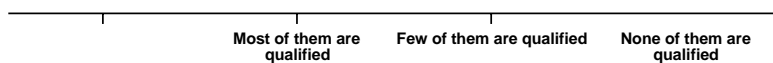
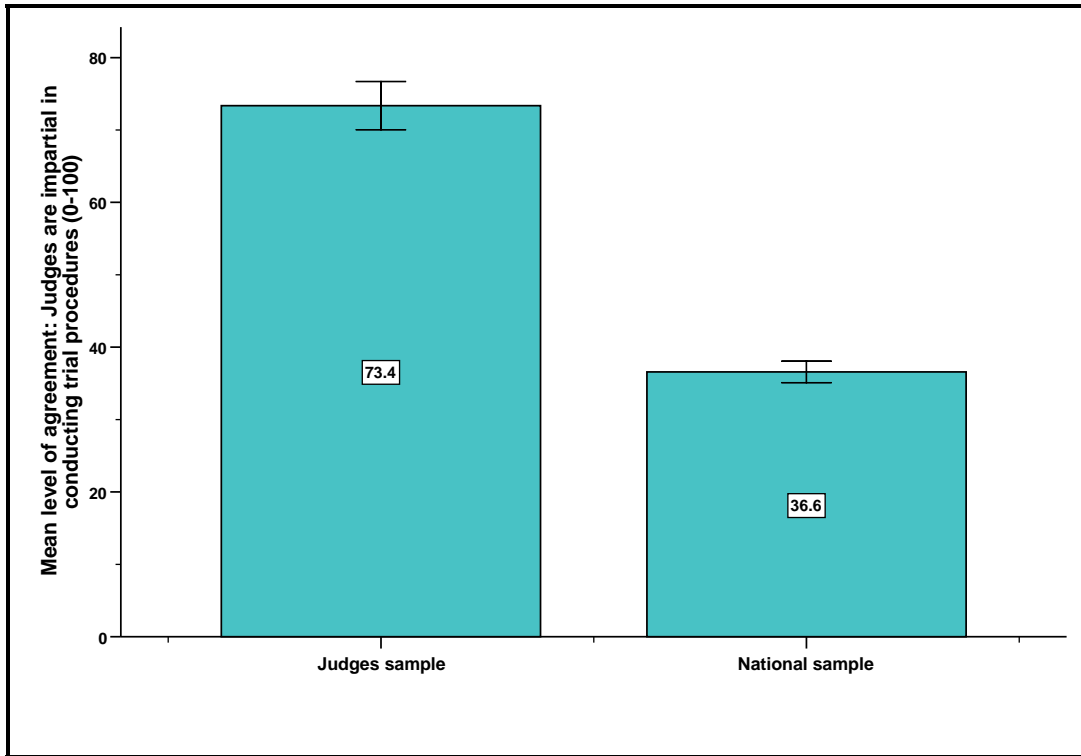


Figure III-15 Perceptions of Judges' Impartiality in Conducting Trial Procedures, by Sample



The figure shows that nationwide there is very little faith in judges' impartiality in conducting trials, the average score of 37 points indicating a lack of agreement with the statement. However, this perception is clearly not shared by judges themselves, as reflected in the difference of almost 37 points in the mean scores for the two samples.

Summary: Indicators of Corrupt Behavior

Judges seem to apply a narrow

IV. Political Support

For the past four decades, work on the attitudinal foundations of democratic stability has been centered on the concept of political support. Building on the pioneering work of David Easton⁴, Norris and her colleagues have proposed a framework that recognizes at the outset that political support is a multi-dimensional concept, comprising five objects or levels of support: “political community,” “regime principles,” “regime performance,” “regime institutions” and “political actors.”⁵

Political Community and Regime Institutions

It is argued that, at the most general level, citizens must believe in the existence of, and have support for, the “political community.” A “political community” is a group of persons bound together by a political division of labor, usually within the boundaries of a nation-state, but also in smaller communities, which may be defined by geography or by political cleavages based on ethnic, class, or religious identities (Easton 1965: 77; Norris 1999: 10-11). “Regime institutions” refers to the way in which democratic and authoritarian regimes work in practice and focuses on the benefits they provide. Support for “regime institutions,” also called “system support,” refers to generalized support for the key institutions or constitutional arrangements of the regime.

A series of questions probing the sense of political community (e.g., item SYS25), and the institutional dimensions of political support (e.g., SYS8, SYS9, SYS10, SYS15) was also included in the surveys, together with similarly worded questions measuring confidence in other important institutions and groups such as the media, religious leaders and private enterprises (e.g., SYS22, SYS23, SYS24). The 1-7 scale on which the responses to the questions were originally measured was converted into a 0-100 scale on which 0 meant “Not at all” and 100 meant “A lot.”

Five of the questions in the series (SYS1-SYS5), developed by the Latin American Public Opinion Project, have been used to measure “system support,” or a generalized sense of the legitimacy of the political system. The system support scale constructed from these five items is treated separately from the other items in the battery.

⁴ Easton, David. 1965. *A Framework for Political Analysis*. Englewood Cliffs, NJ: Prentice-Hall; 1975. “A Reassessment of the Concept of Political Support.” *British Journal of Political Science* 5: 435-57.

⁵

[Hand respondent Card A] -13.3u6k(een)-665 37 9 90 694.92 Tm0.0008 Tc0.im0.en -09.9(0 TDu(-020.006 .7(uthis card. T)-3

SYS23. To what extent do you trust trade unions?

Summary: Political Support

In general, judges' evaluations are far more positive across the board compared to those of voting age adults across the nation. Judges also tend to place far greater trust – not surprisingly – in the Supreme Court and the General Prosecutor's Office. There are two elements common to the evaluation of social and political institutions across the samples: the Armed Forces are among those receiving the highest support while political parties and trade unions have the lowest.

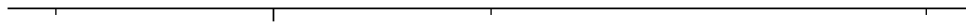
System Support

As mentioned earlier, five of the questions in the preceding series (SYS1-SYS5), developed by the Latin American Public Opinion Project at Vanderbilt University, are used to measure "system support," or a generalized sense of the legitimacy of the political system. In other words, system support is a composite indicator of the extent to which citizens think they should be governed by the existing political system. The responses to the five items making up the scale, which are reproduced below, were recorded on a 1-7 scale where 1 meant "Not at all" and 7 meant "A lot."⁶

SYS1. In general, to what extent do you think that Albanian Courts guarantee citizen's a fair trial?	
---	--

SYS2. In general, to what extent do you respect the state institutions of Albania?	
---	--

Figure IV-3 System Support by Sample



V. Questions Asked Only in the Survey of Judges

A question in the 2005 public officials' survey tapped judges' assessment of the resources available to them for doing their work:

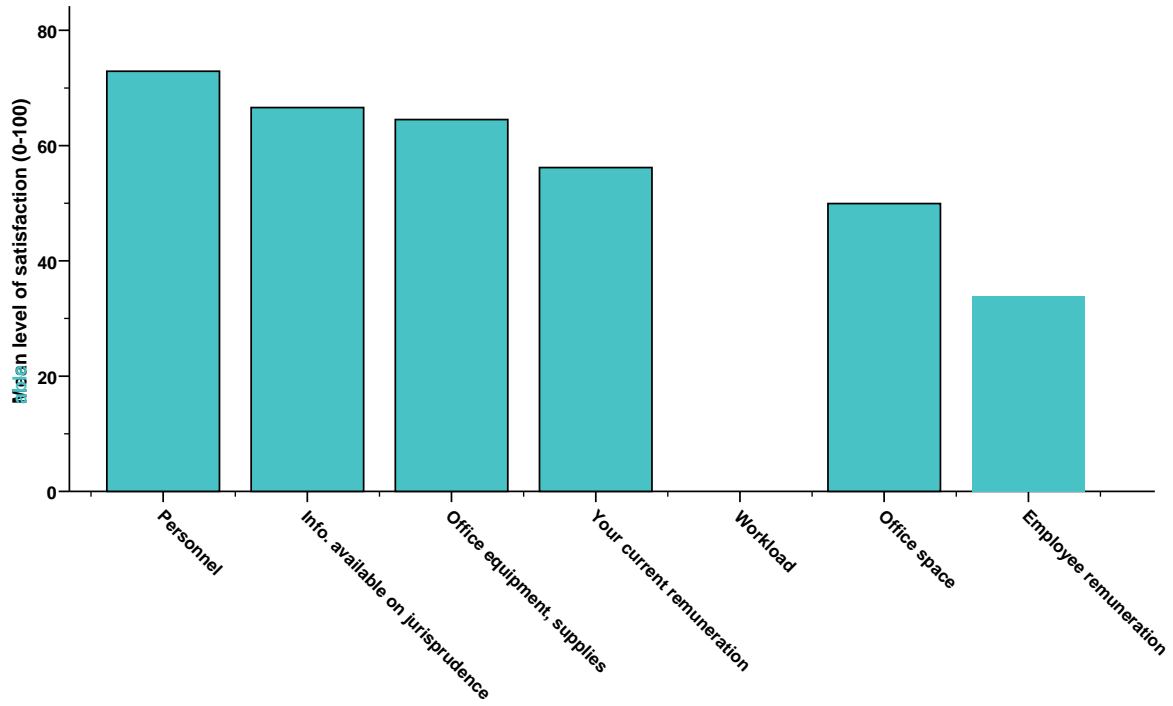
(Interviewer: Show Card)

Give card # 1. Let us now consider the resources that you need to do your daily work. I am going to list a series of resources that can be important for carrying out your work. On a scale from one to ten, in which one means "not at all satisfied" and ten means "extremely satisfied," how satisfied do you feel about the quality of and access to. . . ?

1	2	3	4	5	6	7	8	9	10	Don't know=88
Not at all satisfied										Extremely satisfied

REC01. The physical space in the offices you occupy

Figure V-1 Satisfaction with Quality of and Access to Basic Resources



Another set of questions asked the judges to assess the public's opinion of judges and lawyers and the quality of training offered at

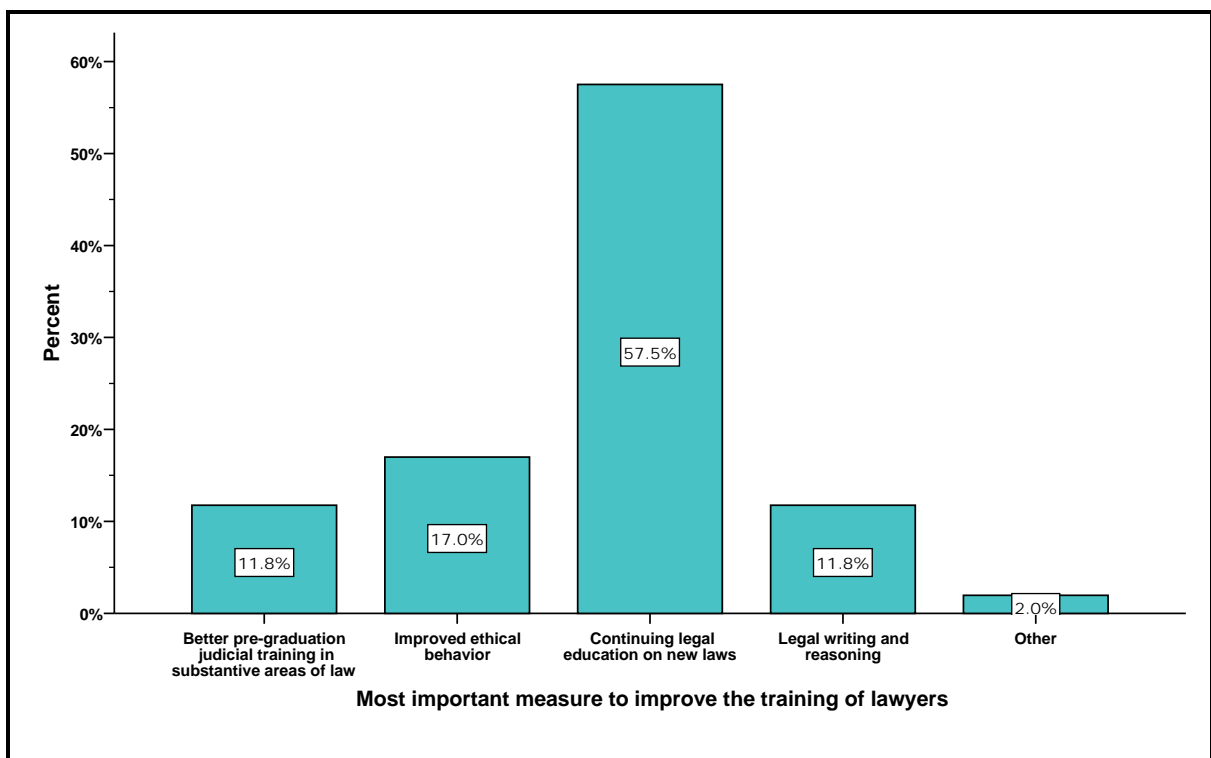
A battery of questions also asked the judges to assess their own performance and that of most judges, lawyers and court staff in Albania. The 1-5 response scale was converted into a 0-100 scale where 0 meant “Very bad” and 100 meant “Very good.”

The figure below shows the responses to the following question regarding training for lawyers:

TRA2. Of the following, which do you think would be more important to improve the training of lawyers?

- 1) Better judicial training before graduation in substantive areas of the law, such as bankruptcy and arbitration.
- (2) Improved ethical behaviour
- (3) Continuing legal education as new laws are passed
- (4) Legal writing and reasoning
- (7) Other (specify)_____ (8) DK

Figure V-10 Most Important Measure to Improve the Training of Lawyers



A large majority of judges (58%) identified continuing legal education on new laws as the most important way of improving lawyers' training. The next most cited measure focused on more ethical behavior (17%).

Another question asked judges to choose one of 3 measures that would most improve the legal profession.

TRA5. What would most improve the qual

The figure below illustrates the responses to the following series of questions probing judges' preferences regarding subjects for their own training.

TRA7. Are you interested in receiving training regarding the new Intellectual Property Law?
(1) Yes (2) No (8) Don't know / No response

The survey also included four questions on political tolerance, defined as the willingness to respect civil liberties of all citizens, even those with whom you disagree. The importance of political tolerance stems from the theory that in order for a political system to be both stable and democratic, its citizens ought not only to believe in the legitimacy of the regime, but also be tolerant of the political rights of others, especially those with whom they disagree. The four questions were developed by the Latin American Public Opinion Project. The original 1-10 response scale for the questions was converted into a 0-100 scale where 0 meant “Firmly disapprove” and 100 meant “Firmly approve.”

Hand respondent card # 3 Now lets change to another card (give to respondent card 3). This new card has on it a scale of 10 points, which goes from 1 to 10, with 1 indicating you firmly disapprove and 10 indicating you firmly approve. The following questions are designed to know your opinion about different ideas that people living in Albania have.

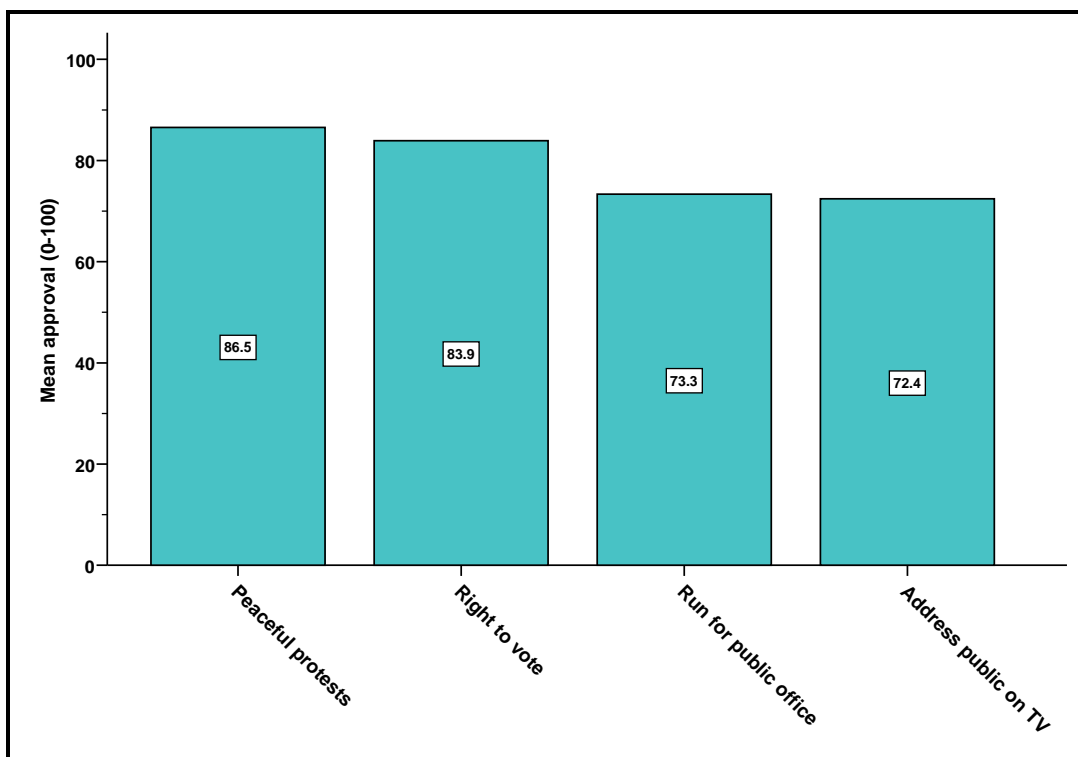
(01)	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)	(10)	(88)	
Firmly disapprove									Firmly approve		Don't know

D1. There are people who never agree with what the government does, not only the incumbent government, but also Albanian governments over the years, how firmly do you approve or disapprove that these people should have the right to vote? Please read the number to me.

D1

D2

Figure V-13 Extent of Approval of the Right of Those Who Disagree with the Albanian System of Government to Take Certain Actions



Prior studies carried out by LAPOP have examined the relationship between system support and tolerance, in order to develop a predictive model of democratic stability.⁷ The model predicts that political systems would be most likely to be stable when their citizens have system support and high political tolerance. The other three combinations of system support and political tolerance – high support-low tolerance, low support-high tolerance and low support-low tolerance – should all lead to outcomes other than stable democracy, i.e., authoritarian stability, unstable democracy and democratic breakdown, respectively.

How might one apply this framework to judges? One would expect higher percentages to

Summary: Questions from the Judges Survey

Of seven resources important for their daily work, the judges were most satisfied with the quality of personnel they worked with and least satisfied with the pay of their employees. They also approved the quality of training at the Magistrates School. Bribery was not thought to be a common feature in any of six areas of the judicial system: court administration staff, state prosecutors, judges, and appeals procedures in District courts, Appeal courts and the Supreme Court. Slightly more than half the judges surveyed agreed that corruption in the Albanian court system was a serious problem and that lawyers approached them outside of court to influence their decisions. A large plurality of judges cited training as the factor that would help them to improve their performance. The next most cited factor was a salary increase. A majority of judges felt that the most important type of training judges should receive was continuing legal education to keep them up-to-date on new laws that are passed. A large plurality of judges

VI. Appendices

Albania: Mass Public Questionnaire, November, 2005

NEWS1. Which of the following newspapers do you read most frequently? [Accept most frequent **NEWS1** if more than one.]

(1) Shekulli (2) Panorama (3) Gazeta Shqiptare (4) Koha Jone (5) Tema (6) Korieri (7) Zeri Popullit
10) Metropol (11) Rilindja Demokratike (88) Don't know (99) Do not read newspapers

Other _____

[Hand respondent card A]

IDIO1. (Scale from left –to right) Now; just to change the subject. On this page there is a scale from 1 to 10 that goes from left to right. Nowadays when people talk about political tendencies, they talk about left and right in other wo

[Give Card “B” to the interviewee]

Now we will use a new card. This card contains a scale of 7 points; each one indicates a point that goes from 1 that means **NOT AT ALL** to 7 that means **A LOT**. For example, if I asked “up to what point do you like watching TV” if you do not like watching TV at all, then you would choose point 1 but on the contrary, if you really like watching TV a lot then you would choose number 7. If your opinion is somewhere between nothing and a lot then you would choose a number in the middle. Then, up to what point do you like watching TV? Please, read me the number **[Make sure that the interviewee understands correctly]**.

1	2	3	4	5	6	7	8
NOT AT ALL			A LOT				Do not know

Now using card “B” please answer these questions

SYS1. In general, to what extent do you think that Albanian Courts guarantee citizen’s a fair trial?

SYS25. How proud are you of being an Albanian?

SYS25

Using the same scale of 7 points [CARD B], please answer the following questions. To what extent do you think the following organizations or individuals help to fight corruption?

COR1. To what extent do you think the Government of Albania helps to fight corruption?

COR1

Now we will talk about transparency in various governmental institutions. By transparency we mean permitting citizens and the mass media access to information that would enable them to hold public

his/her family on vacation to a beach resort. In your opinion this official is :
(1)

EXC9. During the last year, did you deal with the courts?
[If “no” mark 9 and go to EXC10]

Did you have to pay any bribe at the courts during the last year?

(0) (1) (8) (9) **EXC9**

(1) Very Good (2) Good (3) Fair (4) Bad (5) Very Bad (8) Don't know / No response

OPC10. Are you aware of any civil society and community organizations in your area? ES995726 cm/Im580 DoQq0.48 0 0 0.968s?

(1) Yes [**Continue to HEALTH2**] (2) No [**Skip to IP1**]

(8) Don't Know/No response [**Skip to ED**]

Q10

Card "B"

Card "C"

Approve strongly

Card "D"

Very honest

4

Card E

- (00) Nothing
- (01) Less than 10,000
- (02) Between 10,001-15,000
- (03) 15,001-20,000
- (04) 20,001-50,000
- (05) 50,001-80,000
- (06) 80,001-100,000
- (07) 100,001-150,000
- (08) 150,001-200,000
- (09) 200,001-300,000
- (10) more than 300,000

Albania: Judges Questionnaire, December 2005

.....
IDNUM. [assigned in office]_____

IDNUM

SOCT1. Now,

Section C

REG1

response

BRO2. Do lawyers approach you outside of court to influence your decisions?
(1) Yes (2) No (8) Don't know / No response

BRO2

Appendix: Public Administration Sample

We have divided the public admini

2. Local Government

This groups is divided in three categories:

- 1) Communes
- 2) Municipalities
- 3) Prefectures

Sub-sample 2

	Entity	Nr. of Employees	%	Nr. of Interviews
Local Administration	Communes	4538	47%	71
	Municipalities	3608	38%	56
	Prefectures	1467	15%	23
Total		9613	100%	150

Source: INSTAT, Min. of Local Gov. and Decentralization

Based on broad categories of the employed in the local government the following is the detailed sub-sample of Local government.

Communes	Heads of Communes	5
	Directors	14
	Specialists	52
	Total	71

Municipalities	Mayors	1
	Directors of Departments	4
	Heads of Sectors	11
	Specialists	39
Total	56	

Prefectures	Prefects	0
	Director of Departments	3
	Specialist	20
	Total	23

Geographical distribution of Sample

	Communes		Municipality		Prefectures	
	Nr.	Interviews	Nr.	Interviews	Nr.	Interviews
North	2	8	1	6	1	4
Middle	6	28	3	22	2	10
South	5	22	2	14	1	5
South east	3	13	2	14	1	4
Total	16	71	8	56	5	23

3. Medical System

The medical system included all public employed people in the medical system with the exception of the Ministry of Health administration.

Geographical Distribution

	District	Nr. of Employees	%	Nr. of Interviews
1	Berat	1333	0.06	9
2	Diber	1367	0.06	10
3	Durres	814	0.04	6
4	Elbasan	2236	0.10	16
5	Fier	1108	0.05	8
6	Korca	1955	0.09	14
7	Kukes	0.263.64		

Shkoder

Shkoder	1	8	2	2	13
Tirane	3	22	5	4	34
Vlore	1	7	1	1	10
Total	15	98	25	12	150

Appendix: Field Work Report on Judiciary System Anti-Corruption Survey

January 23 –February 4th, 2006

Prepared by *Institute for Development Research and Alternatives - IDRA*

Contents

- **Sample used for the survey**
- **Conducted interviews**
- **Methodology used**
- **Methodology implementation & problems faced**

- **Sample used for the Survey**

The sample used for the Judiciary System survey included all universe of the judges in Albania. The sample is made up of 363 judges.

The table below shows the court levels and the number of judges in each court per city.

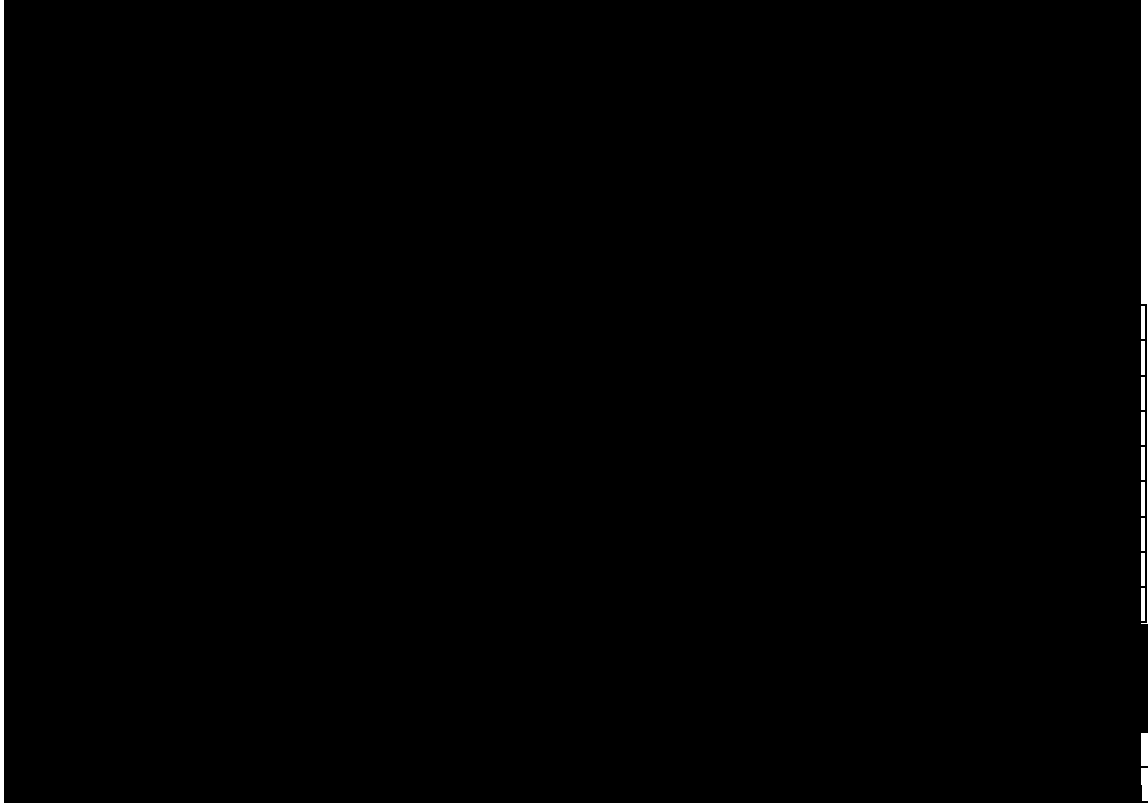
Court Level	Number of Judges
District Court	280
Appeal Court	50
First Instance of Severe Crimes Court	16
Appeal Court of Severe Crimes	11
Military Appeal Court	6
TOTAL	363

Source: Ministry of Justice

Appeal Court	Number of Judges
Appeal Court, Tirana	17
Appeal Court, Shkoder	7
Appeal Court, Dures	7

Districts Court	Number of Judges
Berat	11
Bulqize	4
Diber	5
Durres	17
Elbasan	17
Fier	19
Gramsh	4
Gjirokaster	8
Kavaje	7
Kolonje	4
Korce	19
Kruje	7
Kukes	6
Kurbin	5
Lezhe	6
Librazhd	4
Lushnje	6
Mat	5
Mirdite	5
Permet	4
Pogradec	6
Puke	4
Sarande	8
Skrapar	4
Shkoder	20
Tepelene	4
Tirane	50
Tropoje	5
Vlore	16
First Instance of Severe Crimes Court (TIRANA)	16
TOTAL	296

Source: Ministry of Justice



Appeal Court, Shkoder

7

0

Lushnje	6	7
Mat	5	0
Mirdite	5	0
Permet	4	0
Pogradec	6	0
Puke	4	0
Sarande	8	4
Skrapar	4	0
Shkoder	20	14
Tepelene	4	3

1. After contacting the judges, they wanted to know first what the questionnaire was about. After looking it because of the nature of the questions they refused because they saw it as too much personal information was given and they were afraid in answering them.
2. Some of judges said that this questionnaire contains information about personal political beliefs and for this reason they refused to answer to the questions.
3. The workload of the judges was also a big problem. Because of this it was unable to contact with them and impossible to fix meetings.
4. In most of cases many of the judges refused to give their personal phone numbers, because they were afraid that they can be easily identified.
5. The average length of the interview was about 35 minutes and because of the lack of the time judges had this was a problem.

Question problems

Although generally the questionnaire was easily perceivable by the respondents there also some questions which resulted problematic.

Questions D1-D4

Many of the judges interviewed had a concern about this set of questions. The right to vote is guaranteed from the constitution and asking a judge about this is quite offending they replied.

Question PER11

Some of the judges resisted in giving opinions about their performance.

