



**GLOBAL  
INITIATIVE**  
AGAINST TRANSNATIONAL  
ORGANIZED CRIME

# INTEGRITY AND INDEPENDENCE OF CRIMINAL JUSTICE INSTITUTIONS IN THE WESTERN BALKANS

JUDICIARY AND ANTI-CORRUPTION BODIES

*Edited by*

**UGLJEŠA UGI ZVEKIĆ  
IOANNIS VLASSIS**

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## ABOUT THE AUTHORS

**Ambassador Uglješa (Ugi) Zvekić** is a senior adviser to the Global Initiative Against Transnational Organized Crime (GI-TOC), ambassador of the European Public Law Organization at the UN in Vienna and a professor in the School of Government at LUISS University in Rome, Italy.

**Ioannis Vlassis** is an analyst at the GI-TOC. He has an LLB from the University of Warwick and an advanced LLM cum laude in international criminal law from the University of Leiden, Netherlands.

## INTERNATIONAL COOPERATION EXPERT

**Sunčana Rokсандić** is an associate professor and head of the Department of Criminal Law at the Faculty of Law of the University of Zagreb.

## JUDICIARY REGIONAL EXPERT

**Aneta Arnaudovska**, PhD, is a senior legal consultant, former judge and director of the Academy for Judges and Public Prosecutors of North Macedonia.

## JUDICIARY NATIONAL EXPERTS

**Albania:** Alban Koçi is a full-time professor at the Anti-Corruption Legal Clinic of the Criminal Department of the Faculty of Law in Tirana.

**Bosnia and Herzegovina:** Eldan Mujanović is a full professor in the Faculty of Criminal Justice, Criminology and Security Studies at the University of Sarajevo.

**Kosovo:** Gzim Shala is a senior legal researcher at the Kosovo Law Institute.

**Montenegro:** Miloš Vukčević is a lawyer and associate professor at the Faculty of Law, Mediterranean University, Podgorica.

**North Macedonia:** Darko Avramovski is the executive director of the Coalition All for Fair Trials.

**Serbia:** Radmila Dragičević Dičić is a former judge of the Supreme Court of Serbia and vice president of the International Commission of Jurists.

## ANTI-CORRUPTION BODIES REGIONAL EXPERT

Drago Kos is the chair of the OECD Istanbul Anti-Corruption Action Plan.

## ANTI-CORRUPTION BODIES NATIONAL EXPERTS

**Albania:** Rozarta Rrgallina is a rule of law expert.

**Bosnia and Herzegovina:** Srdjan Blagovcanin is the chair of the Center for Governance Studies in Banja Luka.

**Kosovo:** Mentor Vrajolli is a senior researcher and executive director at the Kosovar Centre for Security Studies.

**Montenegro:** Dejan Milovac is the director of the MANS Investigative Centre.

**North Macedonia:** Vladimir Georgiev is a senior anti-corruption consultant and former commissioner at the State Commission for Prevention of Corruption of North Macedonia.

**Serbia:** Jovan Nicić is the director of the Prospector LLC Belgrade, and an anti-corruption and good governance consultant.

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Please direct inquiries to:  
The Global Initiative Against Transnational Organized Crime  
Avenue de France 23  
Geneva, CH-1202  
Switzerland

[www.globalinitiative.net](http://www.globalinitiative.net)

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# ACRONYMS AND ABBREVIATIONS

<b>ACA</b>	Anti-corruption agency
<b>APC</b>	Law on the Agency for Prevention of Corruption, Kosovo
<b>APIK</b>	Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption, Bosnia and Herzegovina
<b>BiH</b>	Bosnia and Herzegovina
<b>CoE</b>	Council of Europe
<b>CSO</b>	Civil society organization
<b>EC</b>	European Commission
<b>ECtHR</b>	European Court of Human Rights
<b>ECOSOC</b>	Economic and Social Council, United Nations
<b>GRECO</b>	Group of States Against Corruption
<b>HIDAACI</b>	High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest – Albania
<b>HJC</b>	High Judicial Council
<b>HJPC</b>	High Judicial and Prosecutorial Council – Bosnia and Herzegovina
<b>IQC</b>	Independent Qualification Commission – Albania
<b>ITA</b>	Indirect Taxation Authority – Bosnia and Herzegovina
<b>KEK</b>	Kosovo Energy Corporation
<b>KJC</b>	Kosovo Judicial Council
<b>KPA</b>	Special Appellate College – Albania
<b>MONEYVAL</b>	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>RAI</b>	Regional Anti-Corruption Initiative
<b>SCPC</b>	State Commission for Prevention of Corruption, North Macedonia
<b>SPAK</b>	Special Organized Crime and Anti-Corruption Structure – Albania
<b>UNCAC</b>	United Nations Convention Against Corruption
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>WB6</b>	Western Balkans Six





## INTRODUCTION

**F**or the Western Balkans Six (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia, hereafter WB6), organized crime and corruption present major obstacles to achieving prosperity, stability and democracy. To build on anti-corruption pledges made by the WB6 at the 2018 Berlin Process summit in London, the Global Initiative Against Transnational Organized Crime (GI-TOC)'s Observatory of Illicit Economies in South Eastern Europe, with the support of the UK government, has published a trilogy of reports analyzing 'organized corruption' – a system in which organized crime and political parties combine to exploit state funds for financial gain or political and social influence.

The first report, 'Infrastructure of integrity: Corruption and anti-corruption pledges in the Western Balkans' (March 2021), analyzed the political economy of corruption in the WB6, as well as a number of anti-corruption reports by regional and international organizations. It also provided an overview of the implementation of anti-corruption pledges made at the London summit.<sup>1</sup> Establishing a culture of integrity was identified as one of the most pressing needs for the region. This led to an international conference held in Šibenik, Croatia (25–26 May 2022), co-hosted by the Croatian Ministry of Justice and the GI-TOC. This provided a forum for justice ministers, senior officials, NGOs and academics from the region to exchange views and experiences on strengthening integrity, resulting in the Šibenik Conclusions.<sup>2</sup>

The second study, 'Organized corruption: Political financing in the Western Balkans' (June 2023),<sup>3</sup> looked at the funding of political parties and elections, as well as corrupt influences over public institutions and public procurement. These were the main issues discussed at another conference held in Tirana, Albania (4–5 March 2024), co-hosted by the Albanian Ministry of Justice and the newly formed State Ministry of Public Administration and Anti-Corruption. Following deliberations between justice officials, NGOs and academics from the region, the Tirana Conclusions were developed and adopted at the end of the conference. The study and Tirana conference placed special emphasis on the criminal justice system, including law enforcement, prosecutors, the judiciary and anti-corruption bodies. Trust in the professionalism and independence of these institutions provides a bulwark against corruption.

In light of these findings, it was decided that the third study would focus on the integrity and independence of criminal justice institutions in the Western Balkans, alongside the international conference held in Ljubljana, Slovenia (10–11 March 2025) on these issues, which was directly reflected in the Ljubljana Conclusions.

## Political and legal context

In the 1990s, countries in the Western Balkans started a transition from totalitarian to democratic governance based on the rule of law. Across the region, police forces were the first institutions to undergo reform. No longer the guardians of state power, their philosophy shifted to that of a professional institution responsible for maintaining public order and serving citizens by preventing and fighting crime.

In recent years, Western Balkan countries have continued their efforts to strengthen democracy and the rule of law. They have promoted significant organizational reforms and anti-corruption measures to harmonize their national legislation with the EU acquis and other international instruments related to the independence and impartiality of the police and judiciary. But, even after years of reforms, the UN, European Commission (EC) and other international and civil society organizations have consistently reported that corruption and a weak rule of law continue to undermine Balkan democracy and the strategic goals of the WB6.

While progress has been made, efforts have been largely hamstrung by a lack of national implementation of legislation, as well as various threats to the integrity of the prosecution office, both external and internal. Throughout the region, corruption and organized crime exert influence over many state institutions and the economy, which has created a certain social and political tolerance of the phenomenon. Such influences compromise the independent and impartial decision-making of the police, prosecution and judges, infringe fundamental human rights and ultimately undermine the rule of law.

## Project objectives and methodology

This project focused on how police, prosecution institutions, judiciary and anti-corruption bodies work in the WB6, including their appointments, control and oversight mechanisms and the extent to which they are subject to corruption or undue influence from organized crime. Particular attention was paid to specialized law enforcement units, prosecution and courts that were created to improve the processing of organized crime and corruption cases. Based on this analysis, we make a number of policy recommendations, along with strategies and measures to mitigate corruption. These include strengthening individual and institutional resilience – particularly through transparency and accountability – and proposals for enhancing multilateral cooperation and the role of civil society.

The project was divided into two phases: the first focusing on the police and prosecution (carried out between June 2023 and March 2024);<sup>4</sup> and the second on the judiciary and anti-corruption bodies (carried out between July 2024 and March 2025).

Phase one (police and prosecution) was drafted by three regional coordinators per component, an expert on international cooperation and one national expert for each country of the WB6. Phase two (judiciary and anti-corruption bodies) involved two regional coordinators per component, an expert on international cooperation and one national expert for each WB6 country. In total, the project team comprised 35 members – eight regional coordinators, one international cooperation expert, 24 national experts, and the GI-TOC project director and project manager.



The overall methodological framework had several dimensions: the main theoretical perspective (organized corruption); the specific methodological framework for each component (police, prosecution, judiciary, anti-corruption bodies and international cooperation); the timeline of activities; and the monitoring and communications modalities. The respective teams of regional coordinators drafted the methodological guidelines, which were provided for consultations with the national experts. The methodological guidelines outlined the need for detailed normative/institutional analysis, and case studies and interviews with key informants from the police, prosecution, judiciary and anti-corruption bodies, civil society organizations, media representatives and independent experts.

Several technical meetings were held to discuss the methodological guidelines, the information gathering and the ensuing analysis. The first meeting under phase one was held in June 2023 in Skopje, North Macedonia, and the meeting for phase two was held in June 2024 in Belgrade, Serbia. National experts conducted the interviews, collected all the necessary and available information before analyzing the key issues in June 2023–January 2024 (phase one) and July 2024–January 2025 (phase two). Regular consultations were held within the project teams and, in particular, with the regional coordinators.

In order to verify the information and the analysis for each country and component, a number of independent reviewers were invited to read the draft reports (one reviewer per country, per component). The independent reviewers had a mix of expertise drawn from the types of institution under analysis (police, prosecution, judiciary and anti-corruption bodies) as well as from the civil sector (NGOs and academia).

The project team and independent reviewers for phase one met on 6 March 2024 in Tirana, Albania.<sup>5</sup> A technical meeting with independent reviewers for phase two was held (online) in February 2025. Observations by the independent reviewers were welcomed and, to a great extent, reflected in the national reports.

This report presents the regional overviews of the key issues and recommendations as well as the executive summaries of the national reports with a specific list of recommendations for each country.



# EU ALIGNMENT AND MULTILATERAL COOPERATION

SUNČANA ROKSANDIĆ

**T**he GI-TOC's 'organized corruption' series maps out the phenomenon of organized corruption in the Western Balkans with the aim of enhancing the rule of law, international cooperation and preventive and responsive measures.

The WB6, as EU candidates or aspirant countries, have undertaken tremendous and sometimes painful reforms to harmonize their legislative and institutional frameworks with international and EU law, as well as with the recommendations of monitors such as the United Nations Convention against Corruption (UNCAC), the EC, the Group of States Against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).<sup>6</sup>

The cooperation of criminal networks goes well beyond national borders, so it is vital to assess the cooperation of the judiciary and anti-corruption agencies across the WB. Corruption risk assessments are also needed in the judiciary and anti-corruption agencies, since both are central to preventative and reactive anti-corruption efforts, and the development of the rule of law more broadly.

The EC 2024 Communication underlined that fighting corruption remains a priority for the prospective enlargement countries. Democratic stability and economic development are undermined by high-level corruption and oligarchs, and criminal networks attempting to infiltrate various sectors. Despite some progress in strengthening legal and institutional arrangements in recent years, corruption continues to affect many areas – from the judiciary, public administration and public procurement, to the economy as a whole (especially vulnerable sectors, such as energy, health, construction and the media).<sup>7</sup>

As underlined by EU, the enlargement process is merit-based and depends on objective progress being made by each candidate country. While it was expected that incorporating international standards into national legislation would have improved judicial independence and political accountability, there have been few tangible results in bringing to justice senior officials who have embezzled public funds or engaged in political white-collar crimes. International standards and rules on integrity, ethics and conflicts of interest must be implemented in full by anti-corruption and judicial bodies. Engendering shared standards and behaviours would also boost trust between WB6 countries when cooperating on organized crime.



State capture is the most difficult challenge to tackle, requiring urgent and determined responses from governments. Undue political interference continues to affect the credibility of the judiciary in the eyes of the population. This clearly undermines the level of trust both in anti-corruption agencies and in the judiciary, and undermines regional and international cooperation.

Governments should not only adopt international standards but demonstrate genuine and consistent political will to implement them by providing sufficient resources for the judiciary to apply robust sectoral accountability and control mechanisms based on risk and vulnerability. The judiciary must be independent and composed of professionals who value and respect ethical principles. Judges must also have continuous education on complex, evolving crimes – such as organized corruption and financial crimes. A high level of integrity and professionalism is needed to guarantee fair trial rights. Significant challenges affecting the quality and efficiency of the justice system, such as court backlogs, difficulties in filling open vacancies and insufficient funding, should also be addressed. Judicial integrity has a wider impact on organized corruption as it helps to shape public perception of the state's ability to address the issue.

Mutual legal assistance is another key area to be strengthened; regional and international cooperation on organized corruption cases is hampered by forum shopping, political interference, failures to process extradition requests, and criminals abusing dual citizenship to evade prosecution or sanctions. This study has shown that the prosecution of senior officials for corruption cases is often subject to political influences and, later on, avoiding justice by finding sanctuaries across the region. Difficulties in dealing with such cases could be discussed in regional networks.



Do Kwon, founder of crypto platform Terraform Labs, is escorted by police in Podgorica, Montenegro, in March 2024 after serving a prison sentence for document forgery. His extradition to the United States was delayed for months before being completed in December 2024. © Filip Filipovic/Getty Images

Anti-corruption agencies (ACAs) also need better resources, independent mandates and freedom from political interference and influence. The key findings in the EU's 2024 enlargement report (such as the need for effective asset declaration systems, prevention of conflicts of interest, transparency of beneficial ownership and integrity measures across public services) must be seriously addressed by each WB state. Strong and independent anti-corruption agencies help to guarantee a system in which officials understand the importance of integrity for the development of each WB country.

Throughout the WB, there is a dearth of binding mutual cooperation agreements between anti-corruption agencies to fast track cooperation over issues such as asset declarations. It is currently too easy (particularly with the assistance of criminal networks) for public officials throughout the region to hide the proceeds of corruption by buying real estate and other assets across borders. As such, it is recommended that each member of the WB6 signs up to the Regional Anti-Corruption Initiative's (RAI) International Treaty on Exchange of Data for the Verification of Asset Declarations.<sup>8</sup>

Moreover, good neighbourly relations and regional cooperation are essential elements of the EU's stabilization and association processes, let alone full accession. Ongoing bilateral tensions must be resolved – such as the normalization of relations between Kosovo and Serbia – to allow for meaningful progression towards EU membership.<sup>9</sup>

More action and regional and international cooperation are needed to investigate and prosecute organized crime and corruption cases effectively, especially at the higher levels of government, and to ensure the effective seizure of assets hidden outside national borders.<sup>10</sup> Only then can a systemic approach be taken to removing oligarchic vested interests in economic, political and public life. Criminal prosecutions can only deal with detected cases of organized corruption, so preventive measures that build a culture of integrity are paramount.

## **EU concerns: Assessment reports for Western Balkan countries**

All Western Balkan countries have stabilization and association agreements with the EU, opening up trade by aligning the region with EU standards and allowing progress towards full accession. In February 2020, the EC presented proposals to strengthen the EU accession process and the European Council endorsed a new methodology aiming to make the accession process more predictable and subject to stronger political steering by publishing regular assessment reports.<sup>11</sup> The findings of these reports are also evaluated in this study by national and regional experts.

In November 2023, the EC adopted a growth plan for the Western Balkans.<sup>12</sup> A key plank of this, the six-billion-euro Reform and Growth Facility, entered into force on 25 May 2024.<sup>13</sup> The new growth plan aims to complement the previous Economic and Investment Plan for the region to help its economic convergence with the EU and accelerate reforms related to the accession process.<sup>14</sup>

The process continues to be merit-based and depends on the objective progress made by each of the partners. It is essential for the enlargement countries to demonstrate the effectiveness of their investigative agencies, prosecution services and criminal courts. To be credible, all actors in the chain must produce solid results through targeted financial investigations, prosecutions and final convictions for corruption, organized crime and money laundering, which result in the systematic confiscation of the proceeds of crime.<sup>15</sup>



Corruption, including high-level corruption, continues to be widespread across the candidate countries, and the entanglement of public and private interests remains a concern.<sup>16</sup> In some cases, there are significant risks of state capture, with corrupt practices and influence exercised by oligarchs sitting alongside attempts by organized criminal networks to infiltrate economic and political systems, administrations and the media.<sup>17</sup> These challenges need to be urgently addressed through systemic and comprehensive approaches.<sup>18</sup> A key indicator of success will be a credible track record of proactive investigations, prosecutions and final convictions related to corruption, organized crime and money laundering.<sup>19</sup>

The assessment report published on 30 November 2024<sup>20</sup> gave a detailed analysis of progress made by Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia, Georgia, Moldova, Ukraine and Türkiye. The assessments are accompanied by recommendations and guidance on reform priorities,<sup>21</sup> and the section relating to the judiciary and fundamental rights made the following points:<sup>22</sup>

- Sustained efforts to implement justice reforms and conduct vetting have led to an improvement in the judiciary's independence and accountability, particularly in Albania, Moldova and Ukraine.
- Bosnia and Herzegovina has also launched integrity checks across the judiciary. However, in most countries, threats to independence remained and political interference continued to affect the credibility of the judiciary in the eyes of the population. Improving quality and efficiency remains a priority.
- Many enlargement countries also face court backlogs, difficulties in filling open vacancies and insufficient funding. Several have reformed their judicial training systems, but some are still not in compliance with European standards. Efforts to digitize the justice system (including case management and information systems), improve specialization and introduce safeguards against manipulation must continue.
- Progress on justice, freedom and security, law enforcement and judicial cooperation between the EU and enlargement countries continued, but challenges remain. Investigations, prosecutions and final convictions of organized crime and corruption, particularly at a high level, need to be improved in general. The Western Balkans continues to act as a hub for criminal activities and groups that operate in the EU.<sup>23</sup>

## Main findings and recommendations

### Judiciary

The journey towards EU judicial standards is well underway but has been hampered by challenges, setbacks and shortcomings. The prevalence of political and criminal influence, especially in cases of systemic or organized corruption and war crimes, significantly undermines efforts to strengthen the rule of law. Of particular concern are the lack of execution of extradition requests, forum shopping and convicts avoiding sentencing or punishment.

Standards on judicial integrity and independence are closely monitored in WB countries by the EU. The European Union and the International Bar Association have established detailed standards to uphold judicial independence, a critical pillar of the rule of law and democracy. These frameworks provide a roadmap for member states and candidate countries to ensure their judicial systems remain impartial, transparent and effective.

**T**he EU Rule of Law Framework<sup>24</sup> underscores judicial independence as a cornerstone of the rule of law. Member states and candidate countries are expected to align their judicial systems with EU standards. Complementing these efforts, the International Bar Association's Minimum Standards of Judicial Independence,<sup>25</sup> adopted in 1982, provide a global perspective on judicial integrity.<sup>26</sup>

The Council of Europe has long emphasized the importance of an independent and impartial judiciary as a cornerstone of democracy and the rule of law. Two key instruments, the European Charter on the Statute for Judges (1998),<sup>27</sup> and the Recommendation CM/Rec (2010)12 of the Committee of Ministers to Member States on Judges: Independence, Efficiency, and Responsibilities,<sup>28</sup> outline comprehensive standards to ensure judicial integrity and independence. The charter highlights the need for transparent and merit-based procedures in the selection and appointment of judges.<sup>29</sup> Further strengthening these principles, the EU recommendation underscores the dual importance of judicial independence and accountability.<sup>30</sup>

Here, the GI-TOC also underlines the importance of adherence to the Bangalore Principles of Judicial Conduct (endorsed by the UN Office on Drugs and Crime in 2006)<sup>31</sup> and UN General Assembly Resolutions 40/31 (29 November 1985) and 46/146 (13 December 1985), in which the assembly endorsed the Basic Principles on the Independence of Judiciary, adopted by the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan from 26 August–6 September 1985.<sup>32</sup> In July 2006, the UN Economic and Social Council (ECOSOC) adopted a resolution recognizing the Bangalore Principles as a development on the 1985 Basic Principles.<sup>33</sup> ECOSOC invited states to encourage their judiciaries to take the principles into consideration when reviewing or developing rules with respect to judicial conduct.

In ECOSOC 2006/23 'Strengthening basic principles of judicial conduct', ECOSOC asked the United Nations Office on Drugs and Crime to convene an open-ended intergovernmental expert group (with the Judicial Group on Strengthening Judicial Integrity and other international judicial forums) to develop a technical guide for strengthening judicial integrity and capacity, and to comment on the Bangalore Principles, taking into account the views and revisions suggested by member states.<sup>34</sup> ■

Ensuring these principles are made integral to the judiciary and individual judges would both boost public trust and lead to more efficient mutual cooperation, particularly in organized corruption cases.

The efficiency of international and regional cooperation over organized corruption can be judged in different ways – whether there is a legal framework governing cooperation in criminal matters, but also whether effective use is being made of available instruments and platforms. In all WB6 countries, the ministry of justice is the focal point of cooperation as the central authority for legal assistance in criminal matters. In operational terms, the courts play a key role in providing international legal assistance in criminal matters, especially in extradition cases. Another important partner on judicial cooperation is the EU Agency for Criminal Justice Cooperation (Eurojust).



A number of bilateral agreements have been concluded, but in many cases there have been problems with their implementation. In the last few years, Bosnia and Herzegovina (BiH) and Croatia have rejected high-profile extradition requests from each other, casting doubt over the implementation of international agreements.<sup>35</sup> Lack of cooperation over war crimes cases is particularly problematic. It places a heavy burden on relations by undermining the search for missing persons, harming regional reconciliation and delaying justice for the victims of atrocities during the Yugoslav conflicts. It is believed that there are dozens – if not hundreds – of people convicted, accused and suspected of war crimes who have taken advantage of dual citizenship to avoid justice in neighbouring countries. Moreover, war crimes and organized corruption cases tend to overlap, since many of those sought for war crimes charges are former state officials living off the proceeds of embezzled public funds from their time in power.

Delays in mutual legal assistance requests are noted as a recurring issue, with perceived political interference in high-profile corruption cases undermining trust among regional and international partners.

There have been several examples of extradition requests being denied due to a lack of guarantees on fair trial and other rights based on the principle of non-refoulement (a bar on extradition if there is a risk to the requested person's rights). The extradition procedures of some countries and their adherence to international conventions and standards have also proven contentious. Therefore it is essential not only that judges and judicial institutions throughout the region are independent, but also that they implement international standards to encourage mutual recognition and the execution of warrants.

Again, the complexities of organized corruption trials, particularly those with transnational elements, could be assessed in joint workshops. The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism is a very useful platform for international cooperation over freezing and confiscating assets.

As noted in the national reports conducted for this study, the Balkan judiciary is in dire need of new technological platforms, specialized training and standards that should be incorporated into the mandatory judicial curriculums – particularly aimed at addressing transnational organized corruption. Recommendations to improve cooperation between jurisdictions include:

- Removing any political influence over extradition proceedings. The forums used to prosecute high-level corruption cases with transnational elements must be based solely on professional criteria and standards set by the European Court of Human Rights (ECtHR). The same applies for asylum cases involving former government officials seeking to avoid to avoid prosecution for corruption.
- Regularly discussing the complexities of organized corruption cases and best practices in regional joint meetings, conferences and workshops. Minimum and maximum penalties for corruption offences should be compared as well as elements of crimes. There is a need for better cooperation and understanding between the judiciary and the executive, and experts should be consulted and involved in law commissions.
- Facilitating mutual legal assistance requests. The perception of political influence in high-profile corruption cases undermines trust among regional and international partners. The processing of mutual legal assistance requests should be modernized in order to improve cooperation.
- Improving financial and human resources, which affect countries' ability to participate fully in regional and international initiatives. Judicial budgets should be higher and more independent to address issues detected by judges themselves.

- Preparing joint screening reports in which stakeholders analyze and cross check the legal instruments in place in each WB country. Impediments to their application must be identified and measures undertaken to promote regional cooperation and mutual recognition.
- Preventing the weaponization of dual citizenship to avoid the execution of warrants and sentences, including fines, in the region.
- Establishing a regional network on the judiciary, to share data, contact points for quick information, translations and organize joint education.
- Establishing continuous education in judicial academies on efficient regional and international cooperation, legal tools to prevent political interference and manage trials in organized corruption, particularly with transnational and international elements. This should include up-to-date and context-specific education on the application of digital enforcement tools,<sup>36</sup> and the interpretation of international standards, and ECtHR and European Court of Justice decisions.
- On the part of professional judicial associations, promoting international constitutional standards, judicial integrity and independence, and transparent and effective international and regional cooperation against organized corruption and crime.
- Closely monitoring (and ideally implementing) new international and EU legislation, as well as amendments in criminal codes throughout the region to ensure compatibility of offences and assets confiscation rules, and ensure the protection of rights in line with ECtHR standards.

## Anti-corruption agencies

ACAs are not very active when it comes to international cooperation, especially if they only have a preventive remit (which is the case with all the ACAs covered in this report) and they predominantly deal with domestic matters. The RAI developed the International Treaty on Exchange of Data for the Verification of Assets Declarations to rectify this and enhance international and regional exchange.<sup>37</sup>

The aim of the treaty is to enable cross-border data exchange to verify assets disclosed in one country, but located in another country.<sup>38</sup> Respective anti-corruption bodies from the region and beyond will be able to communicate more effectively and efficiently than now. Therefore, all WB countries and EU member states should seriously consider joining. The treaty was signed by three WB countries – Serbia, North Macedonia and Montenegro – in October 2023,<sup>39</sup> and ratified in Montenegro and North Macedonia in March 2025.

ACAs are not members of the International Anti-Corruption Academy<sup>40</sup> and only participate in its education programmes. According to data from all WB countries, the Serbian ACA is the only one involved in a significant programme, and only Bosnia and Herzegovina's ACA is a member of the International Association of Anti-Corruption Authorities.

The UN Office on Drugs and Crime (UNODC) runs the Global Operational Network of Anti-Corruption Law Enforcement Authorities, but only ACAs with law enforcement powers can participate, and again only Bosnia and Herzegovina's ACA is a member. For preventive ACAs, there is also the Network for Integrity, of which only Albania's High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI) is a member.

However, there are other international institutions and organizations such as GRECO; the OECD Anti-Corruption Network for Eastern Europe and Central Asia; the European Partners Against Corruption; the Council of Europe's National Counter Corruption Police Association; the EU's European Lobbyists Registration Network; and the Organization for Security and Co-operation in Europe (OSCE).

To address the lack of effective cooperation among ACAs, it is highly recommended that all WB countries:

- Join the RAI international treaty, which enables the exchange of information to verify the assets of public officials.
- Formalize cooperation between ACAs through bilateral agreements on data-sharing and other collaborations and ensure a structured approach to joint activities.
- Open channels for ACAs to share information, best practices and coordinate efforts in various fields of corruption prevention; conduct impact assessments for anti-corruption mechanisms; and use existing platforms such as those developed by the UNODC and RAI, or support the establishment of new networks.
- Establish continuous education to enhance regional and international cooperation alongside ethical principles.
- Promote integrity among public officials by addressing malpractice and breaches, as well as managing any conflicts of interest for ACA advisers.





# INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

ANETA ARNAUDOVSKA

Over the past 20 years, the Western Balkan states have been working on robust reforms to enhance the independence and efficiency of the judiciary, and bring it in line with international standards. The UN, CoE and EU conventions are the main standards governing the judicial ecosystem accompanied by monitoring reports such as the UNCAC review process, GRECO evaluation and compliance reports, and the EC annual progress and rule of law reports for candidate and aspirant countries. Reforms were accelerated across the Western Balkans by the EU accession process and streamlined by the Venice Commission Opinions on judicial safeguards.

Judges do not operate in a vacuum; they hand down decisions within a constantly evolving political, economic and social context. The most recent documents adopted by international organizations and judicial forums call for the digitalization of court systems, the use of data analytics and AI, corruption risk assessments and monitoring the influence of social media on judicial ethics.

New IT and communication technologies have streamlined case management, digitized files and enhanced access to international legal databases. However, they also present challenges over data security and privacy. In many cases, these developments have not led to a reduction in procedural delays due to a shortage of specialized IT staff resulting from low salaries and a lack of opportunities for career advancement.

The modernization of court equipment, which has brought more openness to a traditionally closed-off profession – combined with a rise in interest from the media (especially social media), investigative journalists and civil society – has created the conditions for a transparent, publicly accountable justice system. This greater focus from the general public on the judicial process, especially in high-profile corruption and organized crime cases, has also opened up criticism of judicial behaviour, including accusations of bias and corruption. There is a need for fine balance between judges giving opinions through interviews or postings on social media and a professional obligation to preserve impartiality, respect, due process and the dignity of the judicial profession. There is still a need for modern communication policies developed with civil society and the media to include citizens' perspectives in criminal justice.

The application of international law, along with the presence of Western Balkan judges on major international courts, associations, conferences and forums, as well as support from foreign donors, has opened new avenues for bringing in global knowledge and skills, and changing the local judicial mindset. This has been supported by the establishment of judicial academies to provide continuous professional development to judges and judicial staff.

The independence of judges is fundamental to upholding the rule of law, fairness and the protection of individual rights, and is therefore enshrined in the national constitutions of Balkan countries in line with the continental and international legal tradition. The Balkan states have introduced statutory rules for judicial recruitment, retirement age, promotions, tenure, training, immunity, discipline, remuneration and financing of the judiciary.

Western Balkan countries have introduced functional and operational judicial councils with varying criteria and procedures for the election of judicial and non-judicial members; oversight of the election, promotion and dismissal of judges; and involvement in the administration of the judiciary. Despite some differences, all judicial councils in the WB are established on and operate under specific laws, with the common goal of ensuring independence by maintaining checks and balances, and the separation of judicial power from the legislative and executive branches. Still, given the turbulence of many WB countries, it is questionable whether the councils have fulfilled this role, both in reality and as perceived by judges and citizens.

In the WB states, following European Commission and GRECO recommendations, the process for the appointment and promotion of judges has been separated from the legislative and executive. All have introduced meritocratic standards for appointment and career advancement, established judicial academies for future judges and continuous training, introduced qualitative performance appraisal systems, objective and independent disciplinary procedures, ethical principles and digital allocation of cases. Despite all these reforms, the judiciary still lack appropriate control mechanisms to secure fair trials in a reasonable timeframe and boost professional behaviour to the highest standards.

In line with international requirements, WB states have established specialized courts or departments with specialized judges for dealing with corruption and organized crime cases. These entities need to be equipped with judges and auxiliary staff who are trained in new topics such as forensics, the use of electronic evidence, data analytics and mutual legal assistance and fair trial requirements.

Given the sensitivity of these cases, judges must meet the highest professional standards. Despite this, these appointments are not always based on qualifications and merit. Additionally, in the WB, there is a pattern of specialized judges being transferred to other departments following a change of government, which reflects a concerning overlap between politics and the judiciary.

The absence of effective communication practices, including regular press conferences by court presidents and infrequent public statements, creates room for the spread of disinformation and misinformation.

Under influence of the US legal system, WB jurisdictions have introduced elements of common law criminal procedure, which has raised serious doubts about the preparedness of judges, prosecutors and lawyers to implement the concepts and rules derived from an alien legal tradition.

Regional cooperation between prosecutors and police functions well for the most part, through formal and informal channels. All of the WB6 states cooperate to some degree with the key regional and international judicial and prosecutors' networks, including INTERPOL, Eurojust and Europol. Judges participate in committees such as the CoE Consultative Council of European Judges; GRECO and other crime-related CoE bodies; the International Association of Judges; the CEELI Institute; and Magistrats Européens pour la Démocratie et les Libertés.

## Regional challenges

The biggest challenge for the modern judiciary around the world is balancing the principles of independence and accountability. WB judicial systems are striving to build guarantees of judicial independence in line with the international standards, while holding judges accountable for their actions through public and peer scrutiny mechanisms. These principles need not be mutually exclusive; balancing the two ensures that judges can perform their duties impartially while also being responsive to any misconduct or failures. Reforms have reshaped the judicial architecture by establishing new self-governing institutions, judicial councils, inspections, election and promotion commissions. These have promoted independence and strengthened accountability in the fight against judicial corruption.

While judges are considered a key safeguard in the fight against corruption, in many WB jurisdictions judges and prosecutors are themselves implicated in organized crime and corruption. A combination of weak enforcement and a lack of consequences for corrupt and unethical behaviour among legal officials has created an environment of impunity.

Constitutional safeguards covering the process of selection, promotion on merit, integrity and qualifications have been introduced. But despite these legal guarantees, political interference continues, particularly in the appointment of court presidents and other senior judges.

### ***Influenced judicial councils***

Judicial councils generally ensure the separation of powers by leading on all matters relating to judges. A common challenge is the lack of transparency in councils' decisions. Judicial councils are sometimes seen as influenced by political forces, and their ability to operate independently is often undermined for a number of reasons, including

- undefined accountability mechanisms and disciplinary responsibility for council members;
- imprecise provisions on conflicts of interest; and
- inadequate budgets for the proper administration of the judiciary (e.g. poor quality premises; a lack of courtrooms, judges' offices, and IT and other equipment; no strategic planning for filling vacancies, etc).

There is also a lack of clear criteria or transparent procedures for the election of non-judicial members of the judicial councils (the current criterion of 'a distinguished lawyer' is vague and open to arbitrary interpretation). In some jurisdictions, the qualified and complex parliamentary majority required for the election of senior judicial officials – presidents of the supreme court, the chief public prosecutor and non-judicial members of judicial councils – has caused significant delays in appointments, leaving critical positions vacant. These blockages have created room for political bargaining over the appointments. These tactics are also evident in the process of filling vacancies in the specialized departments for organized crime and corruption.



### ***Lack of safeguards against political influence***

Although in some jurisdictions judges are able to report to their judicial councils on political interference or attacks on their integrity, there are no concrete safeguards against influence from politicians, the media and higher courts. In surveys and self-assessments conducted so far, judges often complain of external influence. Inconsistent legal frameworks on what constitutes political interference allows for selective interpretation, uneven application or a total abstention in the face of attacks on judges, especially when these attacks come from politicians.

This is seen to stem from the politicization of judicial councils, whose members may prioritize their personal interests over judicial independence, face repercussions or simply accept political interference as normal. Passiveness from judicial councils and associations creates a lack of trust in the bodies to whom the judges could address problems and leads to self-censorship by judges due to their fear of dismissal.

### ***Lack of judicial integrity and oversight***

There is also an absence of strategies against corruption in the judiciary, encapsulated by selective discipline, which has led to a public perception of judicial impunity. All ethical standards and oversight mechanisms in the national judiciaries are aligned with the GRECO Fourth Round Evaluation (code of ethics, implementing guidelines, confidential counselling and tailored training on ethical issues). Maintaining the independence and efficiency of oversight mechanisms remains a challenge particularly given the imprecise role of confidential counsellors. Due to connections with politicians or high judicial officials, fear of confidentiality breaches, reputational damage and an overall lack of trust in the system, judges are reluctant to take their ethical concerns to counsellors.

Although the rules are in place, there are major challenges to effective implementation, including ineffective and inconsistent monitoring, and limited resources for oversight bodies (anti-corruption commissions). A lack of internal controls, corruption risk assessments, safe disclosure channels and whistle-blower protection remains a problem in all WB jurisdictions.

### ***Political criticism***

Politicians openly criticize and delegitimize court decisions and attack judges personally, especially when cases involve high-ranking officials, undermining the perception of judicial independence and impartiality. This escalates during election periods or when significant societal changes occur. Judges who express critical views or engage with the media often face attacks from the executive and legislative branches.

### ***Low public support for judges***

There is a striking lack of trust in judicial independence, and a widespread public perception that the judiciary is compromised. A perception exists that judges are corrupt and inefficient. The lack of means to address undue pressures, paired with reprisals against judges who speak up about these problems have led to a general passiveness of judges and associations.

While there are ongoing reform efforts and some positive developments, such as the prosecution of some high-ranking officials, the overall assessment suggests that corruption among judges remains a serious issue that undermines public trust in the rule of law. Cases often involve judicial officials accepting bribes to alter outcomes, influence verdicts and inconsistencies or delays without reasonable explanations.

The principle of functional judicial immunity strikes a balance between protecting judges and prosecutors from criminal prosecution and civil lawsuits for opinions or decisions they give and make in the performance of their functions, and the possibility of criminal and civil proceedings being initiated against them in accordance with the law.

### ***Impartial performance evaluations***

In many of the jurisdictions, performance evaluation criteria are in place but are primarily based on quantitative and not on qualitative parameters. In some cases they are not clearly defined, which leads to confusion and arbitrariness in the calculation and measurement. The fact that, in many WB jurisdictions, almost all evaluated judges are given the highest score can only be for two reasons: first, that all judges are perfectly performing; or second, that the evaluation methodology lacks meaningful differentiation and scores are being inflated. This could be the result of judicial solidarity, where evaluators tend to avoid conflicts with their colleagues or even pretend that the judiciary is delivering overall positive results.

### ***Cyberattacks and lack of digital tools***

Even though some measures have been taken to protect court proceedings from cybercrime (such as encryption of case files, access controls and penalties for breaches), they are incomplete. There is still no comprehensive approach, such as a clear cybersecurity legal framework and infrastructure, a cybersecurity strategy, or regular training for the judiciary.

A lack of human and operational resources, and budgetary support has resulted in outdated infrastructure and dependence on the support of donors and international organizations; a lack of regular maintenance and updates for court IT systems to ensure functionality; and a brain-drain of IT and other advanced-technologies skilled staff.

A lack of digital tools causes delays in publishing court decisions. Public scrutiny of the fairness of procedures and legal reasoning behind decisions is hampered by a lack of access to documents and prevents the uncovering of inconsistencies or corruption.

### ***Low external oversight***

International organizations and civil society play a vital role in overseeing the reforms. Trial monitoring, public surveys and integrity assessments conducted by these organizations have provided valuable insights and recommendations for improvement. However, these mechanisms are incidental and not systematically accepted and incorporated in judicial strategies and policies.

### ***Lack of specialization for organized corruption***

Specialized courts and departments are usually understaffed, leading to excessive workloads. Judges lack access to specialized training on financial crimes, forensic investigations and the complexities of organized corruption cases. Limited availability of advanced digital tools and case management systems tailored for complex cases hampers efficiency. Audio-visual recording systems for court proceedings, mandatory for organized crime cases, are not uniformly implemented. Updating IT infrastructure, as well as training human and operational resources, depends on donor support, which is often discontinued after the completion of projects. There are also challenges in the handling of high-level corruption cases, as well as a lack of internal control, a tolerance of delaying tactics and other inefficiencies in case management, which leads to prolonged trials in high-profile corruption cases.

### ***Lack of accountability mechanisms***

In most cases, the assessment of the legal requirements for plea bargaining is very formalistic. The perception that judges serve only to passively approve the already negotiated plea undermines public trust. This perception is primarily caused by the fact that no national reports have highlighted instances of judges rejecting plea agreements, paired with frequent imposition of very low sentences that are not proportionate to the severity of the crime. The role of the judge is not only to uphold the defendant's rights but also to preserve the public interest, and should avoid potential perceptions of bias, particularly when senior politicians or businesspeople are involved.

### ***Poor inter-agency coordination***

The lack of seamless data-sharing between WB courts, anti-corruption bodies and other information holders delays evidence collection and decision-making.

### ***Passive judicial associations***

Judicial associations play an important role in supporting judges, promoting judicial independence and working to improve the efficiency, integrity and quality of the justice system. While these associations should not become trade unions, in the majority of WB legal systems they are too passive and not visible enough in the public to become a significant factor in protecting and promoting the status, the rights and obligations of judges.

### ***Accelerated legislation***

There are frequent legislative changes, accompanied by accelerated and shortened procedures to pass laws in parliament, without an adequate assessment of the suitability of anti-corruption measures or risk assessments. Recent amendments to the criminal law framework in many WB countries, altering statutes of limitation and sentencing, have tipped criminal prosecutions in favour of powerful political and business figures. The accelerated parliamentary procedures, under the pretext of harmonization with the EU acquis, are designed to serve particular private interests and political agendas, rather than strengthening the efficiency of criminal prosecution.

## **Recommendations**

### ***Independence and accountability***

Significant efforts should be made to enhance judicial independence across the WB – ensuring that judges are elected and promoted based solely on merit, and that disciplinary procedures are applied consistently and objectively. Critical to this will be establishing clear and transparent criteria for selecting members of judicial councils. Transparency should also be improved by clearly elaborating decisions taken by these councils and publishing candidates' files to enable public scrutiny.

Moreover, it is essential to develop robust oversight and audit mechanisms to detect any system malfunctions, violations of asset or conflict disclosure rules, or potential corruption at an early stage. Implementing an internal control system tailored to high-risk areas, along with clear procedures for investigating reports and safeguarding whistle-blowers, will substantially strengthen the organization. Additionally, empowering corruption prevention bodies (or designated judicial bodies responsible for asset verification) will further reinforce accountability within the judiciary.

It is also crucial to facilitate effective communication and coordination among judges, particularly through professional bodies such as judges' associations. Spotlighting judicial independence and professionalism can mitigate feelings of isolation and vulnerability among judges.



Finally, close collaboration between the judiciary and other branches of government is necessary to prevent the misuse of accelerated legislative procedures. Such procedures are sometimes improperly employed for legislation that impacts on judicial independence or which may create de facto immunity for certain types of offenders. Ensuring transparent legislative debates will help identify and address potential corruption risks.

### ***Judicial councils***

Clear and precise criteria must be established for electing non-judicial members of the judicial councils. Their election should be an open and transparent process with active participation from civil society organizations and academics, and should be broadcast publicly. This approach aligns with GRECO and EU recommendations. Additionally, the practice of excluding ex-officio members not only from the councils but also from other judicial bodies should be reinforced. However, merely ensuring their physical absence during appointments, promotions or dismissals of judges is insufficient because of their ongoing influence within the judiciary. The mandates of all council members must be defined explicitly to prevent discretionary interpretations of legal norms.

The role of judicial councils should extend beyond merely appointing, promoting and dismissing judges. They should be proactive in strategic planning, engaging openly and transparently in budget negotiations to secure a sustainable financial basis to enhance judicial independence. Judicial councils should advocate for aligning judges' retirement ages with those of other public officials. Furthermore, councils should support the adoption of specific legislation to regulate salaries for judges and court administrative staff; and develop and implement a national staffing strategy. Such a strategy would address personnel shortages and optimize the distribution of judges and administrative staff based on actual workloads and regional needs.

Boosting accountability and refining disciplinary mechanisms is equally important. This should involve clear provisions governing the termination of judicial council members' mandates. Additionally, new procedures should prevent excessive concentration of power, both within the councils and beyond – for instance, by preventing council members from simultaneously holding positions within judicial academies, examination committees or similar bodies.

### ***Public trust and cooperation with civil society***

Urgent action should be taken to restore public trust and support for judicial independence, by judicial councils and associations taking a more proactive role in promoting a culture of independence, public awareness campaigns and research.

Civil society organizations (CSOs) must play a more significant role in judicial accountability. Relationships with CSOs should not only be on paper through specific research, but involve sustained cooperation on the implementation of recommendations, joint training and regular meetings with court presidents and judges to present findings.

Media relations could be improved with greater transparency and access to reliable judicial information. This could be done by holding regular press conferences, informal meetings with journalists and other trust-building exercises such as establishing mixed judicial-media councils.

### ***Gender equality***

Gender-disaggregated data within the judiciary should be collected and analyzed to identify disparities and tailor policies accordingly; as well as developing and implementing comprehensive gender equality action plans, including gender-sensitive budgeting.

### ***Specialized courts and high-level corruption***

It is essential to strengthen the capacities of criminal courts and departments that handle organized crime cases. This requires enhancements to the legal framework and setting mandatory deadlines for procedural steps, especially in high-profile cases, to prevent unnecessary delays.

Ensuring a fair trial within a reasonable timeframe for high-level corruption cases is also important. Courts should be equipped with adequately trained judges and staff, as well as suitable facilities, particularly for the secure storage of evidence. Additionally, strict internal and external audits must be established to monitor case progress and promptly identify and respond to any undue influences. It is critical to implement measures preventing parties from abusing procedural rights to obstruct or delay proceedings.

Moreover, WB states should adopt clear public rules for allocating cases to minimize the risk of corruption, including bribery to gain a favourable allocation. Improved IT infrastructure and enhanced interoperability with other data providers are also necessary. This includes the capability to track and enforce confiscation orders.

Furthermore, tailored training for judges and court staff on financial investigations and data analytics should be prioritized. All these initiatives need to be part of a systematic, strategic planning effort overseen by active and committed decision-makers within the judiciary. Such an approach will ensure long-term sustainability and help reduce dependence on external or foreign-funded projects.

### ***Culture of integrity and oversight***

Judges should receive regular ethical training, and foster a good personal reputation both within the judiciary and in the broader society. Such efforts can promote a culture of integrity and responsibility, motivating judges to voluntarily adhere to ethical norms and high standards of professionalism. Consequently, individual judges can play a significant role in restoring public trust in the WB judiciary. Participating in public outreach, such as appearing on social media or podcasts, engaging in anti-corruption campaigns, education initiatives, civil society events, and organizing public forums and consultations would ameliorate citizens' concerns over judicial independence and fairness.

Moreover, it is essential to ensure clarity both in the legal definitions and practical implementation of rules by distinguishing between ethical and disciplinary violations. This distinction enables judges to understand which types of misconduct are being targeted and the corresponding consequences or sanctions. Disciplinary procedures should be applied consistently, avoiding any selectivity and reducing opportunities for misuse. Such misuse creates perceptions that some judges are immune from accountability. At the same time, it is vital to preserve fairness in disciplinary processes, ensuring they do not infringe Article 6 of the European Convention on Human Rights.

Establishing an ongoing dialogue and exchange of expertise with parliament regarding the values and role of judicial independence is also critical. In parallel, freedom of expression for judges should be safeguarded by adopting the latest international standards and providing comprehensive training on the appropriate boundaries of judicial freedom of expression. Judges should also receive specialized training in effective communication, including the responsible use of media and social networks.

Finally, oversight of ethical standards and conflict-of-interest rules should be significantly improved. Ethical committees should be empowered and encouraged to develop guidance on best practice. Their involvement should not be limited to responses to individual enquiries from judges but should also encompass emerging trends violations of ethical rules, such as on social media or improper conduct in judges' private lives.

## Country summaries

The following country reports summarize how judicial independence is faring across the region, as assessed by experts who examined the integrity and independence of the judiciary in their respective countries.

### ***Albania***

#### **ALBAN KOÇI**

Albania officially started the formal EU accession process in July 2024 and so aims to align with EU standards. A robust justice reform process, which began in 2016,<sup>41</sup> has reshaped the judicial architecture by restructuring existing institutions and creating new ones. Notably, the introduction of the Special Anti-Corruption Structure (SPAK), an investigative body, along with the special prosecution service and court, was achieved through constitutional and legislative amendments. These reforms, which made improving the vetting process the top priority, aimed to strengthen the judiciary's independence, transparency and efficiency while addressing corruption and organized crime, including the prosecution and adjudication of high-profile public officials, judges and prosecutors. Still, corruption remains one of the most pressing challenges in Albania, undermining the integrity, credibility and efficiency of the criminal justice system. This includes allegations of connections with criminal networks, unfair practices, outside interference in prosecutions, and a politicized judiciary lacking proper oversight.

The importance of the vetting process, strongly supported by the European Commission and the Venice Commission, lies in cleansing the justice system of judges and prosecutors who do not meet recognized standards of competency and ethics, and restoring public trust in justice institutions. However, the process has revealed systemic problems such as a failure to pursue criminal investigations against dismissed judges; the sluggishness of the process, which has created staffing vacuums; allegations of interference and a lack of transparency, which has seen those with political connections avoid significant consequences; and the large numbers of judicial decisions to release individuals convicted of organized crime and sentenced to life imprisonment on parole.<sup>42</sup> Albanian judicial independence faces persistent challenges in the form of external pressures (including political and corporate interests), internal issues (such as nepotism) and a lack of accountability.

While the vetting process revealed some systemic deficiencies with a direct impact on judicial independence, there have been positive developments. Namely, since 2016, the constitutional amendments have strengthened the role of the High Judicial Council (HJC) in safeguarding the judicial independence and accountability. Judicial independence has also been boosted by financial autonomy, preventing undue influence from other branches of government. The project 'Strengthening the quality and efficiency of justice in Albania', running from January 2023 until December 2026, continues to aim to enhance transparency and quality of the Albanian justice system based on the European Commission for the Efficiency of Justice's tools and methodologies.<sup>43</sup>

Journalists play an essential role in exposing corruption in the justice system, strengthening democratic institutions through investigative work and objective reporting. In 2022 and 2023, SPAK reported an increase in the number of prosecutions involving senior officials, judges and prosecutors, in proactive investigations and in the use of international forums for professional training in organized crime and corruption cases. One key feature of the SPAK court system is its periodic review mechanism, which monitors the communications of court personnel (in accordance with the constitution), alongside periodic financial account reviews.





A High Court official searches through Albania's court archives in Tirana, June 2019, where over 32 000 unresolved cases awaited processing. Albania's anti-corruption judicial reforms had dismissed all but two Supreme Court judges by this time, effectively shutting down the country's highest court for months.  
© Gent Shkullaku/AFP via Getty Images

Women's participation in the Albanian justice sector has improved over the years, but leadership roles, such as chief prosecutors and court presidents, are still predominantly held by men, underscoring a need to address barriers preventing women from advancing to top positions. The HJC and the High Prosecutorial Council have introduced gender-sensitive recruitment policies and training programmes.

### **Recommendations**

- Build strong and effective oversight and control mechanisms, along with consistent budgetary support, to ensure ongoing scrutiny of judges' conduct and performance even after their vetting. This includes regular and thorough checks for conflicts of interest and assets, regular publication of judicial decisions to allow public scrutiny, followed by stricter penalties for unethical behaviour.
- Ensure sustainable funding and investment in computerization, training and modern IT solutions to reduce the dependence on donor support; unify case management systems and incorporate e-communication to ensure secure data exchange between the courts and other databases holders; introduce a comprehensive cybersecurity strategy; and timely publish court decisions, with particular attention to cases involving public figures or sensitive issues, to increase the overall system's efficiency and transparency.
- Make further improvements to the periodic review mechanism in the SPAK courts and introduce legal changes to establish a special mechanism, known as 'court watchers', with the legal authority to receive complaints about corruption or unethical behaviour from judges and prosecutors and actively oversee the courts.
- Strengthen institutional capabilities in the fight against corruption by modernizing investigative methods with improved logistics and digital tools, and enable the use of audio-visual recording of proceedings across all territories to ensure transparency and accuracy in criminal trials.
- Develop reliable and comparable statistics on cases listed by type of criminal offence (e.g., corruption versus organized crime) and making statistical data publicly available on the SPAK website.
- Ensure judges and prosecutors comply with asset declarations and allow the media to exert constant public pressure to investigate allegations of unjustified wealth among judges and prosecutors; boost the capacity of HIDAACI; and introduce digital tools for asset verification to improve transparency and accountability.

- Develop safeguards to increase judges' resilience to political influences with HJC oversight of the implementation of ethics and integrity rules through training, confidential counselling and mentoring; develop digital ethics training to tackle the rural areas that are not covered; promote a culture of accountability and transparency in judicial appointments and promotions.
- Promote overall integrity and accountability with comprehensive policies and proactive measures, such as integrity officers, internal controls and corruption risk assessments, accompanied by mitigation plans to address identified risks.
- Establish official mechanisms for exchanging information between the judicial system and journalists, such as press conferences or periodic reports on judicial performance, and improve access to court decisions with an integrated digital platform; and organize continuous training sessions for journalists on law and judicial procedures, to improve the quality of reporting.
- Develop strategies to tackle gender inequality in the justice sector, such as senior representation and closing the pay gap; and develop mentorship and training programmes tailored to women in the justice sector, encouraging their progression into leadership roles, particularly in rural areas.
- Continue to cooperate with international organizations and civil society, which play a vital role in overseeing efforts through trial monitoring, public surveys and integrity assessments, while providing valuable insights and recommendations for improvement.

## From judge to defendant

**T**he Special Appellate College (KPA) is an independent institution, composed of seven judges, tasked with overseeing the re-evaluation of judges and prosecutors. In February 2022, AH, a former judge of the KPA, was suspended, having been appointed as a member in June 2017.<sup>44</sup>

In June 2020, AH was denounced by three other judges (that were subsequently fired during the vetting process) for allegedly consuming the elements of the criminal offences of 'concealment of income' and 'refusal to declare, non-disclosure, concealment or false declaration of assets, private interests of elected persons and public servants or any other person who has the legal obligation to declare'.<sup>45</sup> Criminal charges were also filed alleging that AH had 'falsified documents' claiming to have worked as an attorney for 17 years during his application process to be elected as a member of the KPA.<sup>46</sup> The case was investigated by SPAK and sent to trial. On 7 February 2022, the KPA suspended him<sup>47</sup> and on 24 January 2024,<sup>48</sup> the court found him guilty of concealment of assets and failure to declare income, and was sentenced to one year of imprisonment, converted to two on probation.<sup>49</sup>

According to SPAK investigations, AH made a declaration of his assets to HIDAACI on an annual basis. The same declaration form was filled out when AH applied for the position on the KPA, but the column 'income of the declarant' was left empty. During his interview with the KPA, he declared that he had a lot of experience as an attorney, when he could not work in public administration and act as an attorney simultaneously. SPAK noted that his failure to declare his income as an attorney was not forgetfulness but genuine concealment over several years.<sup>50</sup> From the checks that were carried out, it was revealed that AH acted in many cases as a lawyer for several years, but did not declare the income on his tax forms.<sup>51</sup>

The SPAK court later reduced the sentence, from one year to six months, converted to one year of probation. ■

## Bosnia and Herzegovina

ELDAN MUJANOVIĆ

### ***Legislative and institutional framework***

Bosnia and Herzegovina's legal system is characterized by its complexity and multi-layered structure, reflecting the country's unique political organization. It is further complicated by the High Representative for Bosnia and Herzegovina (an international official overseeing the Dayton Peace agreement<sup>52</sup>), who has broad legislative and executive powers.

The multi-tiered judicial system of Bosnia and Herzegovina is divided into several levels:

- State level
  - Constitutional Court of Bosnia and Herzegovina, which includes three foreign judges appointed by the ECtHR.
  - Court of Bosnia and Herzegovina, which is a court with regular and 'extensive' competences (including war crimes, organized crime, economic crime and corruption), established as a part of the comprehensive legal reforms that began in 2002.
- Entity level
  - Federation of BiH
    - Constitutional Court of the Federation
    - Supreme Court of the Federation
    - Cantonal courts (10 cantons)
    - Municipal courts
  - Republika Srpska
    - Constitutional Court of Republika Srpska
    - Supreme Court of Republika Srpska
    - District courts
    - Basic courts
    - District commercial courts and High Commercial Court
- Brčko District
  - Appellate Court
  - Basic Court

This means that, at the state level of BiH, each entity (Federation of BiH and Republika Srpska) effectively has its own legal system, partially separate court and registry systems. Meanwhile, the Brčko District has its own parliament and government, and judicial commission. Laws are adopted at multiple levels: state, entity, cantonal and district. This highly complex structure can impede legal reform and create inconsistencies across different jurisdictions.

### ***Main issues***

The BiH judiciary has undergone a series of reforms, the most important of which was the establishment of a single regulator in the form of the High Judicial and Prosecutorial Council (HJPC), which is responsible for making appointments and promotions of judicial office holders throughout the territory according to uniform standards – ensuring their accountability and actively participating in the management of the judicial system.

It has been an arduous journey, fraught with obstacles and challenges. International support has played a key role in building capacity and strengthening the effectiveness of the courts and prosecutors'



offices that operate within the four autonomous legal systems at the state level of BiH, the two entities (the Federation of BiH and the Republika Srpska) and the separate Brčko District. However, over time nascent problems have crystallized and become chronic: inefficiency, dependence on political and other influences, public distrust of the judiciary and the inability of the judicial sector to vigorously tackle endemic corruption.<sup>53</sup>

The reforms that were initiated should be intensified for the above reasons. A key reform initiative is currently underway (part of the EU integration framework) to fully implement amendments to the Law on the High Judicial and Prosecutorial Council that sought to increase the integrity of the council itself, but also of the system of asset and conflict of interest checks for all judicial office holders. On the other hand, the adoption of the new Law on the HJPC, in accordance with the recommendations of the Venice Commission, broad public consultations, the EU and other international partners, is something that has yet to be done.<sup>54</sup>

The positioning of the HJPC; its reconstruction into two sub-councils for judges and prosecutors; strengthening independence, integrity and professionalism; together with reducing the influence of politics and further ethnic and regional divisions, are just some of the assumptions for creating a strong regulator that will be capable of leading an independent and functional judiciary of Bosnia and Herzegovina in the spirit of European standards. Together with setting the HJPC, the Court of BiH and the Prosecutors' Office of BiH on a constitutional footing, the state needs a Supreme Court that will ensure equality of citizens before the law and legal certainty. These are crucial steps that the state has yet to make within the framework of EU negotiations.

Public attention is still focused on progress in the fight against systemic corruption, which hinders overall social development, in which the judiciary plays a very important but not exclusive role. Effective prosecution of corruption by officials at all levels of government, together with decisive sanctions and the confiscation of illegally acquired assets, is a very important step towards restoring citizens' trust in the judicial system. In this sense, much remains to be done to improve the independence and efficiency of the judiciary in the country, and 2025 will be a crucial year in fulfilling these expectations at the legal and implementation level.



Bosnian citizens take part in a rally calling for the resignation of all members of the High Judicial and Prosecutorial Council, the body tasked with ensuring an impartial judiciary, after a video appeared to show the body's president negotiating a bribe, Sarajevo, May 2019. © Elvis Barukcic/ AFP via Getty Images

## **Recommendations**

### **Adopt key legislation to reform the HJPC**

- Finalize and adopt the new Law on the High Judicial and Prosecutorial Council in line with the Venice Commission's recommendations from June 2024.
- Submit the revised draft of the HJPC law for a follow-up Venice Commission opinion before parliamentary adoption.
- Finalize and adopt the new Law on the Courts of Bosnia and Herzegovina.
- Within the framework of this recommendation, it is particularly important to reform the HJPC, as the central and supreme regulator of the judiciary, based on a broad public debate and with the assistance of the Venice Commission, which gave a final opinion on the draft of the new HJPC law in March 2025.<sup>55</sup>
- The council should be restructured into two sub-councils (judicial and prosecutorial) with the necessary balance in decision-making.
- Members of the council should be professionals with significant achievements and morality, who will be independent and shielded from political and other influences (including regional, guild or other interest groups) that might seek to shape the decision-making processes in the HJPC.

### **Implement integrity measures**

- Fully implement the integrity-related provisions of the amendments to the Law on the HJPC in 2023, to establish a robust system of asset and conflict of interest verification under close external monitoring.
- Strengthen the HJPC's resources for and right to access additional information from natural and legal persons for asset verification purposes.
- Implement data protection requirements in accordance with relevant decisions of the Data Protection Agency of BiH.

### **Strategic planning**

- Adopt a new justice sector reform strategy.
- Implement the HJPC Reform Programme for 2024–2026.
- Adopt and implement the security strategy for the judiciary and an accompanying action plan.

### **Improve judicial appointments and evaluations**

- Consistently appoint judges based on merit, without reference to ethnic criteria.
- Appraise the performance of judges based on quality rather than quotas.

### **Address political interference**

- The Republika Srpska entity should fully recognize and enforce the decisions of the Constitutional Court, repealing any legislation to the contrary.
- Strengthen mechanisms to reduce inappropriate influence in the appointment of judges and prosecutors.

### **Improve transparency**

- Make significant improvements to transparency in the judiciary, particularly regarding the effectiveness of disciplinary procedures.
- Include civil society organizations in monitoring and promoting judicial accountability.

### **Improve court management**

- Prioritize and accelerate court proceedings, especially those related to important systemic corruption cases and cases that attract public attention.
- Improve trial management methodologies, which should be aligned with expected changes in the system for evaluating judges' work, which will be based more on quality and outcomes than on mere quantitative performance.

## Discipline or suppression?

One recent case that garnered significant media attention was that of a former judge of the Court of Bosnia and Herzegovina, Honourable Judge BP, who has faced multiple disciplinary proceedings throughout his career. The case underlines some of the issues still present in the use of disciplinary procedures. In 2017, he was charged with making three inappropriate statements about war crimes cases, in which he criticized the lack of action taken against Bosniak officers, violating the judicial code of ethics.<sup>56</sup> In June 2023, the Office of the Disciplinary Prosecutor initiated new proceedings against BP. The charges included ‘making decisions that clearly violate the law or persistent and unjustified violation of procedural rules’.<sup>57</sup>

BP has criticized the use of disciplinary proceedings against judges, stating they are sometimes initiated based on media rumours rather than genuine problematic behaviour. He believes disciplinary procedures should be used to establish standards for judicial conduct, not as a punitive measure. He has claimed there is a system ‘that sees me as a problem’ and that he was taken through disciplinary procedures unjustly.<sup>58</sup> These proceedings took place against a backdrop of concerns about judicial independence in Bosnia and Herzegovina. The HJPC has faced criticism for its handling of such disciplinary cases, and there is ongoing debate about the appropriate limits of judicial speech, particularly on issues related to the administration of justice. ■

## Kosovo

GZIM SHALA

### *Legislative and institutional framework*

Kosovo’s constitution ensures judicial independence, supported by laws clarifying judicial appointments, mandates and immunity. While legal guarantees for impartiality exist, practical independence is undermined by regular political interference, including public criticism and parliamentary investigations into decisions. Public trust remains low, with only 34.28% viewing the judiciary as independent in 2024.<sup>59</sup>

The Code of Ethics and the Law on Prevention of Conflict of Interest set standards for judges, prohibiting political activities and personal benefits, but weaknesses remain in the mechanisms for assessing judicial integrity and holding court presidents accountable for disciplinary complaints against judges. Reform efforts have encountered constitutional challenges. Transparency in the judiciary has improved through public hearings, citizen monitoring and published judgments; however, challenges persist, particularly in granting public access to documents. The Kosovo Judicial Council (KJC) should adopt a regulation defining the classification of judicial documents to improve transparency and accessibility.

The constitution and the Law on Courts guarantee immunity for judges, protecting them from criminal prosecution, civil lawsuits or dismissal as a result of their decisions. However, this immunity does not extend to judges violating the law outside the course of their duties. Some judges have even been accused and convicted of criminal offences while in office.

A special department was established in July 2019 within the Basic Court of Pristina and the Court of Appeal to handle indictments from Kosovo’s Special Prosecution. While efficiency in first-instance

hearings has not significantly improved, there has been a notable reduction in retrials. The department boasts a 57.14% conviction rate in corruption cases, primarily involving lower-level individuals such as police officers and citizens.<sup>60</sup> Despite these developments, overall public trust in the judiciary has not substantially increased, although perceptions of corruption in the courts have decreased from 42% in November 2019 to 36.5% in May 2024.<sup>61</sup>

### **Main issues**

The judiciary uses the Case Management Information System, which assigns all cases automatically. In instances where judges are excluded from a case, cases are reassigned electronically. In practice, there have been cases where suspicions arose concerning attempts by lawyers to manipulate this allocation process.<sup>62</sup> This system is interconnected with the prosecutorial system and the Kosovo Police. The lack of interrelation of this system with lawyers has been highlighted as a critical issue. The judiciary aims to extend the system's interrelation in the future, including not only lawyers but also other law enforcement institutions.

A number of corruption cases have been dismissed on limitation grounds (the maximum time after an event within which legal proceedings may be initiated), and while this trend has continued, the rate has reduced. The extension of limitation periods in the Criminal Code, for example for the offence of abuse of official position, implemented without adequate analysis, has jeopardized the legal certainty of citizens. Policies did not adequately focus on efforts to increase judicial efficiency to prevent limitation expiring but instead extended the statute of limitations itself. In some cases, the limitation periods have been extended up to 40 years.<sup>63</sup> This situation provides the judiciary with more time but infringes on citizens' rights, as they remain uncertain of financial or criminal consequences for lengthy periods.

The duration of trials continues to be a significant challenge within the judiciary. Kosovo still lacks a mechanism to address violations related to the right to a trial within a reasonable time. Attempts by the ministry of justice to address this issue resulted in a draft law that risked causing chaos in the justice system.<sup>64</sup>

In Kosovo, several laws on the judiciary and the prevention of corruption have been approved. In principle, actors from the justice system have participated in drafting these laws, but there is concern that these anti-corruption measures have been introduced primarily on political grounds without sufficient analysis of their suitability. This is evidenced by the fact that key laws, such as the Criminal Code, the Code of Criminal Procedure, the Law on the KJC and the Law on Courts are continuously being amended.

Kosovo has concluded its Functional Review of the Rule of Law Sector, which resulted in the adoption of the Rule of Law Strategy. However, the implementation of this strategy has been hindered by the government's failure to update the action plan. A vetting process is necessary to address the issues within the judiciary and improve public trust. This process must be conducted in full accordance with the constitution and the conclusions of the Venice Commission.

The main obstacles judges face in organized corruption cases are political interference in the judicial system through critical statements about live cases; frequent legislative changes without an adequate assessment of the suitability of anti-corruption measures; a lack of efficiency in handling corruption and organized crime cases; high public perception of corruption in the judiciary; and deficiencies in accountability mechanisms.



## Recommendations

- Ensure the constitutional independence of the judicial system.
- Conduct periodic assessments and evaluations of the suitability of anti-corruption measures and related legislation.
- Prevent political actors from undermining the judicial independence through public statements that build distrust in the justice system.
- Raise efficiency in handling court cases.
- Implement an appropriate and unified sentencing policy, adhering to the Criminal Code and the Supreme Court's sentencing guidelines.
- Strengthen the judiciary's financial independence.
- Upgrade the Case Management Information System and interrelate it with other law enforcement institutions.
- Establish mechanisms to address the accountability and integrity of judges and prosecutors.
- Implement a vetting process as per the requirements set by the Venice Commission to improve public trust.
- Ensure the KJC adopts the Regulation on Document Classification, specifying rules and procedures related to the publication and protection of documents produced by the judicial system.

## The hydroelectric power plant affair

In this case, 19 people including four members of former Prime Minister Hashim Thaçi's government were charged with corruption over the privatization of four hydroelectric power plants.

On 8 May 2013, members of Thaçi's government unanimously voted for the transfer of a number of hydroelectric power plants to the Kosovo Energy Distribution and Supply Company, and subsequently for their privatization by the Limak-Calik company.<sup>65</sup>

They were charged almost a decade later under the Kosovan Criminal Code for abusing their official position.<sup>66</sup> According to the indictment, filed on 10 April 2020, the chairperson of the Government Committee for Privatization and four members of the committee were accused of exceeding their authority with the intent to enable undue material benefit to another person and to cause harm to another.<sup>67</sup> Several agreements were signed as part of this process despite the fact that the transfer and privatization of these assets were prohibited by the Law on the Energy Regulatory Office.<sup>68</sup> Among other things, the indictment alleged that the accused harmed the interests of the Kosovo Energy Corporation (KEK) and the Government of Kosovo as shareholder, and that the damage caused, just in terms of monthly rent, amounted to €1 054 000. According to the prosecution, this rent should have been paid to KEK, not to the privatized company.<sup>69</sup>

But the case fell apart once it went to court. In March 2021, the Basic Court in Pristina terminated the criminal proceedings for 13 of the accused due to the statute of limitations expiring.<sup>70</sup> At the trial of the former ministers, the Basic Court in Pristina issued an acquittal judgment on 8 November 2022.<sup>71</sup> The court found that the allegations in the indictment were not supported by evidence,<sup>72</sup> that there was no intent or purpose to commit a crime,<sup>73</sup> and that it was not proven that the accused had gained any benefit or caused harm to the KEK.<sup>74</sup> This acquittal judgment was upheld by the Court of Appeals in March 2023.<sup>75</sup> However, even if a final decision had not been rendered by all judicial instances by 8 May 2023, the case would have reached the end of the limitation period. ■

## Montenegro

MILOŠ VUKČEVIĆ

### *Legislative and institutional framework*

The autonomy and independence of the judiciary in Montenegro is primarily established by the Constitution of Montenegro,<sup>76</sup> and the Law on the Judicial Council and Judges.<sup>77</sup> The Judicial Council is intended to be an independent body tasked with ensuring the independence, responsibility and professionalism of courts and judges. However, the minister of justice and the president of the Supreme Court are automatically permanent members. Therefore, under the constitution, the minister of justice is able to participate in any vote, including on the election and promotion of judges. This constitutional arrangement was criticized both by the Venice Commission and by the GRECO committee.

The Special Department of the High Court in Podgorica was established in 2008 but in 2015 gained centralized jurisdiction over cases of corruption, organized crime, money laundering,<sup>78</sup> terrorism and war crimes. In order to more effectively counter organized crime and corruption, three departments were formed: the Special Police Department, the Special State Prosecutor's Office and the Special Department of the High Court in Podgorica. There are only six judges in the Special Division of the High Court, and only two courtrooms are available, of which only one is sufficiently large. The special department has around 168 cases in its workload, involving between 15 and 30 accused persons charged with five to six criminal offences each, with very complex and numerous factual descriptions and voluminous evidence running to thousands of pages.<sup>79</sup>

### *Main issues*

The Judicial Council has not adopted ethics and conflict of interest rules for its members nor has it introduced internal audits, controls, investigations and other mechanisms for early detection of corruption and integrity risks at all levels in the judiciary.

In 2022, the judicial inspectorate carried out an extraordinary supervision of the High Court in Podgorica to check the random distribution of cases and found that, in practice, the president of the court decides on the composition of the judicial panel.<sup>80</sup>

There are no online platforms, digital channels, tools or other spaces for consultation on public policies covering judges and for easy access to the information held by courts. Courts hold press conferences only sporadically, especially when it comes to cases of organized crime and corruption.<sup>81</sup>

From 1 January 2023 to 1 November 2024, 10 disciplinary proceedings against judges were initiated. Only one case found the judge responsible.<sup>82</sup>

Another serious problem in organized crime and corruption cases is the length of the procedure and the impossibility of completing it (at least in the first instance) within a reasonable time frame and frequently beyond the limitation period of three years from the filing of the indictment. In several cases against members of organized criminal groups, the state has been unable to finish the trial within the limitation period, resulting in their release – attracting great public condemnation.

Criminal proceedings and indictments brought against the former president of the Supreme Court, presidents of other courts and judges, the former chief special prosecutor, and other prosecutors and high-ranking police officials indicate a high degree of infiltration of organized crime into the judiciary, the police and the prosecution office.

The large number of indictments and criminal proceedings initiated by the Special State Prosecutor's Office against the highest public officials in the government, judiciary, prosecution and the police (and the number of successful first-instance verdicts) indicate that Montenegro has the capacity to fight against organized crime and corruption. However, court premises are not up to par. There is a lack of courtroom space and offices for judges, IT and other equipment, in particular for the special department of the High Court, whose premises for the storage of evidence and documentation are below European and international standards. There is also an insufficient number of judges and experts to work on such a large number of cases of organized crime and corruption.

The workload for judges is alarming. Each judge sitting in the Special Division of the High Court is dealing with more than 25 to 30 cases. In addition to these special cases, each judge has 70 to 100 cases from other departments.<sup>83</sup>

### **Recommendations**

- Strengthen the administrative, personnel and spatial capacities of authorities working against organized crime and corruption to ensure cases are carried out within a reasonable timeframe. Ensure adequate working premises and sites for storing evidence, as well as IT equipment for courts, especially the High Court in Podgorica's Special Department for Organized Crime and Corruption.
- Amend court rules to enable lawyers to bring laptops, tablets and other technical aids into courtrooms to facilitate their inspection of case files and evidence, as well as monitoring the course of the trial.
- Fill vacancies for judges, especially in the special department of the High Court and increase the number of judges in this department.
- Start the construction of the new judicial district, announced by the government and the minister of justice, as soon as possible.
- Change the procedure for planning and approving budgets for the work of the prosecution, especially the special department of the High Court, and enable a greater degree of independence for the prosecution. Improve administrative capacity of the Judiciary Council, including regarding planning and management of strategic, budget and human resources, as well as public communication.
- Amend Art. 127 of the Montenegro's constitution so that the minister of justice is excluded from the Judicial Council.
- In the Law on Judicial Council and Courts, remove the ability to extend the mandate of members of the Judicial Council for two years if parliament cannot agree on the election of new members, because it is unconstitutional.
- Ensure that judges of the Supreme Court of Montenegro are also evaluated.
- Review the existing legal framework on asset confiscation and its enforcement, in line with the EU acquis, European standards and best practice, and improve financial investigations.
- Amend the Criminal Procedure Code to help reduce the excessive length of court proceedings.
- Upgrade the legal, institutional and strategic frameworks for the prevention of corruption, with a new integrated strategy and action plan.
- Improve the existing assignment of cases and adopt a rulebook on the random assignment of cases.
- Implement all recommendations of the evaluation reports from GRECO, including the fourth evaluation round on prevention of corruption in respect of members of parliament, judges and prosecutors.
- Improve the training of judges on topics related to integrity and ethical behaviour, and amend the Code of Ethics so that an ethical violation is clearly distinguished from a disciplinary violation according to the Law on Judiciary Council and Courts.



- Amend the law so that the disciplinary prosecutor is also given the authority to initiate disciplinary proceedings and ensure disciplinary proceedings last no longer than one year.
- Amend the Law on Pension and Disability Insurance so that judges, like other holders of public offices, perform their duties until the age of 66, or adopt a new law to comprehensively regulate the rights and obligations of judges.
- Adopt a special law on the salaries for judges and prosecutors.
- In the Criminal Code, add a clear definition of criminal activity from which illegal income originates, so that criminal courts are not overwhelmed by minor cases.
- Limit the use of secret surveillance measures so that they primarily serve the needs of detecting and prosecuting cases of high-level corruption and organized crime.

## Corruption at the highest levels of the judiciary

In April 2022, a series of criminal prosecutions began with the arrest of VM, the former president of the Supreme Court, after Europol transcripts of intercepted communications were published in which her son (M) arranged the smuggling of drugs and cigarettes.<sup>84</sup> She and her son were accused of being members of a criminal organization and engaging in drug smuggling, giving and receiving bribes, illegal influence and abuse of position. M spent half a year in custody.<sup>85</sup> The proceedings were beset by delays. After the presentation of her defence, the trial was postponed for the twentieth time by the High Court in Podgorica, due to the non-appearance of one of the lawyers, the defendant and the judge. The judge handling the case went on sick leave, so the case was assigned to another judge. In November 2024, VM was finally sentenced to six months in prison for abuse of office.<sup>86</sup>



The High Court in Podgorica, Montenegro. © *Balkaninsight.com*



## North Macedonia

DARKO AVRAMOVSKI

### ***Legislative and institutional framework***

The constitutional and legislative framework of North Macedonia is the foundation for the judiciary's structure and operations. The constitution defines the courts' independence, their role in upholding the constitution and their responsibility to deliver justice impartially.<sup>87</sup> This includes provisions regarding the Supreme Court, Constitutional Court and lower courts, as well as provisions on the appointment, promotion and disciplinary proceedings against judges.

Under these provisions, the judiciary is free from political influence, with no limitation to the length of their term – except for retirement –, enjoy immunity from suit and can only be removed in situations set by law, such as criminal activity, misconduct or incapacity. The constitution also provides that judges must adjudicate without any external influence, and explicitly forbids political organization and activities in the judiciary. One of the most important amendments of the constitution was the establishment of the Judicial Council as the highest self-governing body of the judiciary that appoints, promotes and dismisses judges.<sup>88</sup>

The appointment, promotion and dismissal of judges is also enshrined in the constitution and detailed in the Law on Courts.<sup>89</sup> The Judicial Council plays a crucial role in the process, with provisions on the appointment procedure in the Law on the Judicial Council of the Republic of North Macedonia.<sup>90</sup> As part of reforms to improve judicial independence and professionalism, the Academy for Judges and Public Prosecutors was founded, to serve as the sole source for recruitment of judges, based on performance, and minimizing external influences. Frequent interventions in these laws in the past indicate constant attempts at improvement, but also the persistence of problems and issues related to the independence and professionalism of judges.

### ***Main issues***

Despite constitutional safeguards, political influence and systemic issues persist, undermining the judiciary's autonomy – with judges reporting external and internal pressures, political interference and undue influence from other judges, court presidents or Judicial Council members. The Judicial Council's transparency and objectivity in appointments and promotions remain contentious, and judges express great distrust in the council.

Chronic understaffing and inadequate funding hinder the judiciary's effectiveness. Budget allocations have consistently fallen short of the legally mandated 0.8% of GDP, and efforts to modernize the judiciary are inconsistent, with courts lacking the necessary IT infrastructure and integration with state databases, but also the knowledge and expertise to implement modern technologies.<sup>91</sup> Specialized court departments for organized crime and corruption face particular issues with understaffing and limited resources, affecting their efficiency and public trust to a greater extent than other courts. Delays in high-profile corruption cases, compounded by procedural inefficiencies, have led to widespread public dissatisfaction with the judiciary. Statutes of limitation have expired in numerous high-profile corruption trials, due to protracted proceedings, as well as dubious legal amendments.<sup>92</sup>

Mechanisms to prevent and address corruption in the judiciary are underutilized, with a high percentage of the public perceiving the judiciary as corrupt and ineffective in combating high level corruption. While women make up 60% of the judiciary, their representation diminishes in leadership roles.<sup>93</sup> Gender-sensitive policies and data collection are underdeveloped.



Macedonian nationals stage a protest demanding the resignation of former president Gorge Ivanov over his decision to block judicial proceedings against top politicians embroiled in a wiretapping scandal, Skopje, April 2016. © Ilin Nikolovski/Anadolu Agency/Getty Images

There is a lack of effort by judges to address these issues, a lack of self-organization and coordination in initiating and implementing actions to address interference, and insufficient investment in the judiciary. This makes the judiciary vulnerable to undue influence, especially since often judges do not see the Judicial Council as their protector and guardian of judicial integrity and independence.<sup>94</sup>

Because of this, it is necessary for North Macedonia to enhance judicial independence by reforming the Judicial Council's composition and procedures for the election of its members, as well as the appointment and promotion of judges. Increases to the judicial budget to address staffing shortages and infrastructure needs are crucial for greater effectiveness and resilience to corruption.

There is also a need to strengthen oversight and enforcement of anti-corruption measures, including disciplinary proceedings and asset declarations. This includes improving the cooperation, communication and data sharing of the judiciary with specialized anti-corruption bodies, such as the State Commission for Prevention of Corruption. The country should also expand and standardize digital tools across courts to improve efficiency and transparency. This will also improve case management processes in the courts to prevent delays and ensure timely resolutions.

### **Recommendations**

- Strengthening judicial independence
  - Amend the constitution and relevant laws to eliminate the involvement of ex-officio members (minister of justice and the president of the Supreme Court) in the Judicial Council, ensuring a fully independent judiciary.
  - Enhance merit-based selection and promotion criteria by establishing transparent, measurable and consistent benchmarks for appointments and promotions.
  - Introduce regular, independent audits of judicial processes to detect and deter undue influence.
- Improving accountability mechanisms
  - Publish detailed reasoning for Judicial Council decisions on appointments, promotions and disciplinary actions to increase transparency.

- Develop a structured disciplinary framework with clear criteria for sanctions, ensuring proportionality and consistency.
- Establish an independent body to monitor the ethics and performance of Judicial Council members.
- Reducing corruption risks
  - Strengthen the corruption-proofing of laws by introducing mandatory risk assessments before adoption.
  - Enhance whistle-blower protections and ensure they are widely publicized and accessible.
  - Increase resources for the State Commission for Prevention of Corruption to verify asset declarations thoroughly.
- Enhancing resources and staffing
  - Implement a national judicial staffing strategy to address shortages and optimize the allocation of judges and non-judicial staff based on workload and geographical need.
  - Secure funding to ensure judicial salaries and staff compensation are competitive, reducing susceptibility to corruption.
- Boosting technological integration
  - Modernize the Automated Case Management and Information System to allow electronic file transfer between courts and integrate with other public institution databases.
  - Allocate resources for training judges and court staff on using advanced technologies.
- Promoting gender equality
  - Collect and analyze gender-disaggregated data within the judiciary to identify disparities and tailor policies accordingly.
  - Develop comprehensive gender equality action plans, including gender-sensitive budgeting.
- Addressing public trust and perceptions
  - Increase judicial engagement with the public through transparent communications, such as detailed press releases and accessible court websites.
  - Organize public forums and consultations to address citizens' concerns about judicial independence and fairness.
- Improving case management and trial efficiency
  - Set mandatory deadlines for procedural action in high-profile cases to prevent delays.
  - Increase the use of recording equipment for court proceedings to ensure transparency and efficiency.
  - Enhance the capacity of the Academy for Judges and Public Prosecutors to train specialized judges for handling corruption and organized crime cases.
- Strengthening oversight of anti-corruption mechanisms
  - Formalize cooperation between courts and anti-corruption bodies through joint training sessions and shared access to critical data.
  - Create an integrated system to monitor the enforcement of confiscation orders and improve asset tracking.
- Reforming specialized judicial mechanisms
  - Revisit the allocation and specialization of judges in corruption cases to prevent overburdening specific departments.
  - Provide mandatory, ongoing training for judges in financial crimes and forensic investigations to improve the adjudication of corruption cases.

## Justice for sale

In 2024 a Supreme Court judge and a member of the Council of Public Prosecutors were found to have accepted bribes to influence the outcome of an ongoing criminal case. The defendants were convicted of using their position to solicit a total of €15 000 from the son of a defendant in a case managed by the Basic Public Prosecutor's Office for Organized Crime and Corruption, under the promise to secure a more lenient sentence for the defendant.

In May 2024, the Supreme Court judge was apprehended accepting a €10 000 bribe in a coordinated police sting.<sup>95</sup> A few days after his arrest, the prosecution service announced that the investigation had spread to a prosecution council member. Following a short investigation, in August 2024, both defendants reached a plea agreement with the Basic Public Prosecutor's Office. The Supreme Court judge accepted a three-year prison sentence and a three-year prohibition from practicing his profession, while the council member received a suspended sentence and a three-year ban from practicing.<sup>96</sup>

The case attracted major public interest for the blatant misuse of judicial authority for personal gain, undermining the integrity of the judiciary and seeming to confirm the widespread perception of severe corruption problems in the judiciary. The apprehension of the defendants was seen as an opportunity for the country and the judiciary to showcase its dedication to fighting corruption and to remove the corrupt judges from the system. However, the lack of transparency in the case (as it was resolved by plea bargain in the investigative phase), as well as the limited sanctions imposed, raised questions about the integrity, professionalism and competency of judges and prosecutors in fighting high-level corruption.

The verdict gave no substantive explanation of why the court deemed the plea agreement to be fair and in accordance with the public interest, and made no reference to the positions held by the defendants, only to the amount of money received. The lenient sentencing of the defendants – holders of very high positions in the judiciary, which they had blatantly abused – worsened already poor public perceptions about the effective prosecution of serious organized corruption. ■

## Serbia

RADMILA DRAGIČEVIĆ DIČIĆ

### *Legislative and institutional framework*

The Serbian constitution guarantees the independence of the judiciary.<sup>97</sup> Article 4 establishes the principle of separation of powers, ensuring that the judiciary operates independently of the executive and legislative branches. Article 142 explicitly states that courts are independent in their work and judges shall be autonomous in exercising their judicial function.<sup>98</sup>

These constitutional provisions on the judiciary have been subject to criticism since the adoption of the constitution. The Venice Commission, the expert body of the Council of Europe on rule of law and democracy, has expressed fundamentally the same views in a series of its opinions on Serbia (in 2007, 2018 and 2021).<sup>99</sup> The core issue has been that the institutional arrangements of the Serbian constitution allow for political influence on the judiciary.

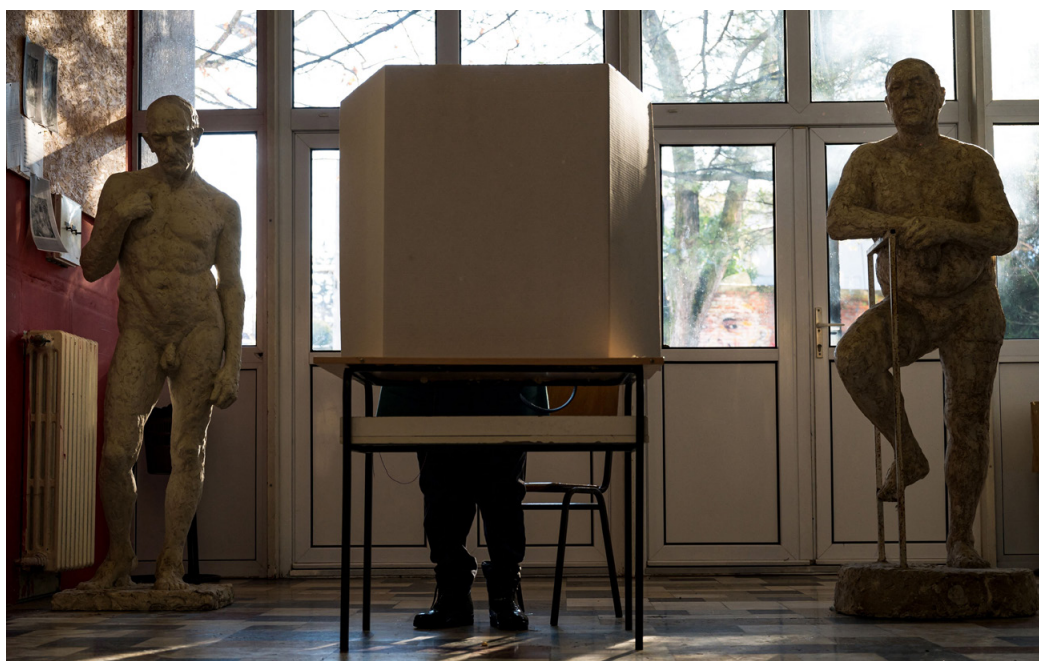


In 2021 Serbia implemented significant constitutional changes, amending the provisions to strengthen judicial independence and align the country's legal framework with EU standards.<sup>100</sup> The influence of the legislative and executive branches in the selection of judges, prosecutors, and the elected members of the High Judicial Council and the State Prosecutorial Council, was eliminated based on the legal framework of the EU and the recommendations and standards of the Council of Europe. However, this process was neither smooth nor straightforward.<sup>101</sup>

The National Assembly no longer plays a role in the appointment of judges. The new system places greater emphasis on the role of the HJC in selecting and appointing judges based on merit, and the amendments restructured the composition and role of the HJC accordingly. The 2022 constitutional amendments marked a significant step to strengthen judicial independence. These reforms transferred the authority for appointing judges from the National Assembly to the HJC, aiming to ensure merit-based procedures and reduce political influence. Nevertheless, shifting the authority to elect judges, court presidents and seven members of the HJC from the National Assembly to the HJC does not necessarily mean the removal of political influence. Criticisms remain, particularly regarding unclear provisions and the continued potential for interference through indirect channels.

### **Main issues**

Judges frequently encounter external pressure from government officials and politicians, undermining public trust in the judiciary. Material conditions for judges, including low salaries and inadequate funding, not only jeopardize their independence but also deter highly qualified candidates from entering the profession. Public perception of the judiciary has been further eroded by media attacks and public statements by politicians commenting on judicial proceedings, creating an environment of distrust.



A polling station in Belgrade during Serbia's 2022 referendum on constitutional amendments to strengthen the independence of the country's judiciary as part of its bid to join the European Union. © Andrej Isakovic/AFP via Getty Images

Accountability mechanisms for judges exist but are underutilized. Criminal cases against judges are rare, though some recent convictions have shed light on corruption concerns within the system.

The Draft Law on the Judicial Academy has become a focal point of controversy. The proposal to make the academy the sole entry point into the judiciary has drawn widespread criticism, with fears that it could serve as a conduit for political control. While the Venice Commission acknowledged the potential benefits of a single-entry model, it emphasized the need for safeguards against undue influence to protect judicial independence.<sup>102</sup>

Women dominate Serbia's judiciary, holding over two-thirds of judicial positions, including many leadership roles. However, systemic challenges persist, such as inadequate salaries and limited support for work-life balance.<sup>103</sup> These issues highlight the need for broader reforms to create an equitable and supportive environment for all judges.

Corruption remains a significant concern. Although there have been some successes in high-level corruption cases, such as an increase in final convictions and property confiscations, progress is limited.

While Serbia has a solid legal framework designed to ensure judicial independence and integrity, practical challenges such as political influence, corruption, lack of transparency and inadequate resources continue to undermine these principles. Addressing these challenges requires comprehensive reforms aimed at strengthening and preserving the judiciary's independence and restoring public trust in the justice system.

## **Recommendations**

To address these challenges, Serbia must improve the financial remuneration of judges, to ensure their independence and attract the most qualified professionals. Efforts to limit political influence, enforce ethical standards and build public trust through transparent communication are essential. The effective implementation of constitutional amendments and legislative reforms will be crucial to achieving a truly independent judiciary that serves the principles of democracy and the rule of law.

- Strengthening independence and integrity
  - Ensure the independent operation of the HJC, and promote integrity and transparency through targeted education, international exchanges and best practices.
  - Define judicial boundaries by introducing clear legal definitions of prohibited political activity for judges and unlawful influence on their work.
  - Education and training
    - Adopt recommendations from the Consultative Council of European Judges<sup>104</sup> to provide training on the boundaries of judicial freedom of expression, and adequate training on communication, including the use of media and social networks.
  - Address concerns raised by judges about their reluctance to speak publicly and clarify what constitutes improper influence.
  - Offer training on international standards and recommendations related to judicial independence and improper influence.
  - Implement continuous education on judicial ethics and establish judicial ethics as a core subject in law schools.

- Strengthen the capacity and quality of the Judicial Academy as well as the control of the HJC over its work.
- Educate members of parliament on the value and role of judicial independence.
- Communication and outreach
  - Develop communication strategies, enhancing the HJC and courts' public relations to improve transparency and engagement.
  - Regularly inform citizens about the judiciary's role, achievements and reforms to rebuild trust. Bottom of Form
- Material and institutional improvements
  - Provide higher salaries for judges and other staff to minimize the draw to corruption.
  - Amend laws to ensure judges receive at least 80% of their final salary upon retirement.
  - Provide competitive salaries and benefits to attract and retain skilled personnel including judicial associates and court employees
  - Entrust the HJC with full authority over the hiring, management and supervision of all court employees, including interns and judicial assistants.
  - Grant the HJC full autonomy to manage and allocate the judicial budget.

## Judges vs journalists

In May 2024, a controversial case occurred when a judge from the special department for organized crime at the Court of Appeals in Belgrade filed two lawsuits against the Crime and Corruption Reporting Network (KRIK) over a database called 'Judge Who Judges'. This database investigated the Serbian judiciary, including the work of the aforementioned judge, as well as provided information about their properties.<sup>105</sup>

The judge filed the lawsuits for an alleged violation of the right to privacy, seeking not only monetary compensation but also a two-year occupational ban for KRIK journalists and 10-month prison sentences.<sup>106</sup> The judge claimed that KRIK journalists were 'putting a target' on her and helping criminals to find her. KRIK considered this to be an unprecedented form of pressure on the media, as well as an attempt to prevent journalists from reporting on the work and integrity of judges.<sup>107</sup> ■





# INTEGRITY AND INDEPENDENCE OF ANTI-CORRUPTION AUTHORITIES

**T**his section looks at overarching issues concerning the independence and effectiveness of specialized anti-corruption agencies (ACAs) across the Western Balkans. For each of the WB countries, experts compiled a national report presenting detailed analysis of the agencies' mandate, independence and effectiveness; how their staff are appointed and trained; and how transparency, oversight and accountability mechanisms function. The country-specific reports identify a number of shortcomings and offer recommendations for improving their independence and effectiveness.

In this section, after giving an overview of the relevant international standards, some cross-regional observations are made that highlight common problems for ACAs throughout the Western Balkans, from a lack of independence due to political pressure, to a lack of effectiveness through self-restraint. This is followed by an executive summary for each of the country reports and a summary of the regional and country-specific recommendations.

## International standards

### DRAGO KOS

Only one international legal instrument requires the establishment of specialized ACAs and describes their essential features – the UNCAC. But within this, there is huge scope for variation, as different types of anti-corruption bodies are mentioned in three of its articles (Article 6,<sup>108</sup> Article 36<sup>109</sup> and Article 58).<sup>110</sup>

In order to clarify the rather general UNCAC principles concerning specialized anti-corruption and law enforcement agencies, the Jakarta Statement on Principles for Anti-Corruption Agencies was drawn up in 2012 under the auspices of the UNODC.



## Jakarta Statement on Principles for Anti-Corruption Agencies

- **Mandate:** ACAs shall have clear mandates to tackle corruption through prevention, education, awareness, investigation and prosecution, either through one agency or multiple coordinated agencies;
- **Collaboration:** ACAs shall not operate in isolation. They shall foster good working relations with state agencies, civil society, the private sector and other stakeholders, including international cooperation;
- **Permanence:** ACAs shall, in accordance with the basic legal principles of their countries, be established by proper and stable legal framework, such as the Constitution or a special law to ensure continuity;
- **Appointment:** ACA heads shall be appointed through a process that ensures his or her apolitical stance, impartiality, neutrality, integrity and competence;
- **Continuity:** In the event of suspension, dismissal, resignation, retirement or end of tenure, all powers of the ACA head shall be delegated by law to an appropriate official within a reasonable period of time until the appointment of the new ACA head;
- **Removal:** ACA heads shall have security of tenure and shall be removed only through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the chief justice);
- **Ethical conduct:** ACAs shall adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime;
- **Immunity:** ACA heads and employees shall have immunity from civil and criminal proceedings for acts committed within the performance of their mandate. ACA heads and employees shall be protected from malicious civil and criminal proceedings.
- **Remuneration:** ACA employees shall be remunerated at a level that would allow for the employment of sufficient number of qualified staff;
- **Authority over human resources:** ACAs shall have the power to recruit and dismiss their own staff according to internal clear and transparent procedures;
- **Adequate and reliable resources:** ACAs shall have sufficient financial resources to carry out their tasks, taking into account the country's budgetary resources, population size and land area. ACAs shall be entitled to timely, planned reliable and adequate resources for gradual development and improvement of operations and fulfilment of the ACA's mandate;
- **Financial autonomy:** ACAs shall receive a budgetary allocation over which ACAs have full management and control without prejudice to the appropriate accounting standards and auditing requirements;
- **Internal accountability:** ACAs shall develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power;
- **External accountability:** ACAs shall strictly adhere to the rule of law and be accountable to mechanisms established to prevent any abuse of power;
- **Public reporting:** ACAs shall formally report at least annually on their activities to the public.
- **Public communication and engagement:** ACAs shall communicate and engage with the public regularly in order to ensure public confidence in its independence, fairness and effectiveness.

SOURCE: UN Office on Drugs and Crime, Jakarta Statement on Principles for Anti-Corruption Agencies, 26–27 November 2012

Just a year earlier, in 2011, a regional network – the European Partners Against Corruption and the European contact-point network against corruption – had developed a set of anti-corruption authority standards,<sup>111</sup> with the following elements: the rule of law, independence, accountability, integrity and impartiality, accessibility, transparency and confidentiality, resources, recruitment, career and training, cooperation, and a holistic approach to preventing and fighting corruption.

## Regional overview

### The wave of establishing specialized ACAs in the Western Balkans

All of the most important specialized anti-corruption agencies in the Western Balkans were established in the period between 2002 and 2015 and are of a preventative nature: HIDAACI in Albania was established in 2003; the Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption in Bosnia and Herzegovina in 2009; the Agency for Prevention of Corruption in Kosovo in 2006; the Anti-Corruption Agency in Montenegro in 2015; the State Commission for Prevention of Corruption in North Macedonia in 2002; and the Agency for the Prevention of Corruption in Serbia in 2010, nine years after the establishment of the first specialized anti-corruption body in the country, the Anti-Corruption Council. While most of the agencies were established in the seven years after the launch of the UNCAC, the later establishment of the Montenegrin ACA is a consequence of the country's independence in 2006.

None of the countries established a specialized anti-corruption law enforcement agency,<sup>112</sup> which is partly due to the satisfactory functioning of their police, and partly a consequence of the desire of the ruling governments to maintain control over the investigative and prosecutorial activities of the existing police and prosecutorial bodies. In Kosovo, the agency had some powers to investigate corruption offences until 2022, resulting in an overlap with the powers of the prosecution and police, which was removed by the new Law on the Agency for Prevention of Corruption. In Albania, there is also the SPAK, a specialized law enforcement body against corruption, already the subject of previous reports and not analyzed again in this report.

### Recommendations

- Significantly strengthen the political will in all countries of the region to fight corruption.
- Consider establishing new specialized anti-corruption agencies with law enforcement powers or transform the existing agencies into ones with both preventive and law enforcement powers.

### The most important national peculiarities

When it comes to the functioning of specialized anti-corruption agencies in the Western Balkans, there are a number of national peculiarities – except in Kosovo and North Macedonia – that influence not only the functioning of the ACAs but also set the tone for anti-corruption efforts as a whole.

In Albania, the fragmentation of the national anti-corruption institutions prevents a coherent and comprehensive national response. HIDAACI, the central preventive anti-corruption institution, has a very narrow mandate,<sup>113</sup> much narrower than the newly established Ministry of State for Public Administration and Anti-Corruption, with its General Directorate of Anti-Corruption acting as the National Coordinator Against Corruption. In addition to these two preventive bodies, there is the Ad-hoc Parliamentary Commission, established in 2024, and the Agency for Dialogue and Co-Governance, which deals with citizens' complaints of corruption and inspects the relevant authorities.

Such fragmentation often results in overlapping powers and duplication of the competences of existing anti-corruption bodies. In the law enforcement area, there is the SPAK, an independent entity tasked with investigating and prosecuting corruption and organized crime at the highest levels of government and society.

Bosnia and Herzegovina also has a fragmented and complex anti-corruption framework, mainly due to its decentralized constitutional structure, which was introduced by the Dayton Peace Agreement. This leads to poor coordination across the various levels of government and limited institutional effectiveness in tackling corruption. The problem of fragmentation can be seen both vertically, in the lack of a countrywide coordinated approach to corruption (eight permanent professional bodies have been set up at the entity, district and cantonal levels, along with a number of ad hoc bodies), and horizontally, in the lack of adequate coordination of strategic documents dealing with key areas, such as reform of the judiciary, public administration and the fight against corruption. Another concerning feature of the ACA in Bosnia and Herzegovina is the appointment of its top officials based on ethnic quotas,<sup>114</sup> which politicizes its leadership and significantly weakens the agency's independence.

The functioning of the ACA in Montenegro was severely affected by the arrest of its director in 2024,<sup>115</sup> following serious allegations of corruption. After the adoption of qualitative legislation on the ACA in 2015, the directorship between 2015 and 2024 was, contrary to all expectations, entrusted to two candidates who were not up to the demands of the position, causing a significant drop in the level of trust from the public and private sectors, and of civil society and the population more generally. The current management of the ACA is trying to regain the lost trust but this is a very laborious and lengthy process.

The ACA in Serbia started work in 2010, fulfilling its mandate lawfully and professionally until 2015, when – following an internal struggle for dominance in the functioning of the agency – its former director was arrested.<sup>116</sup> This was a politically orchestrated move with the intention of sending a clear message to future senior officials to obey the government. This led to a decline in trust in the ACA's activities and worsened the susceptibility of the ACA's management to political influence.

## **Recommendations**

- Review the institutional anti-corruption landscape to ensure a coherent and comprehensive response to corruption, without overlapping mandates and powers of responsible agencies.
- Where their functions are allegedly hindered by the countries' international legal obligations, ACAs should examine these obligations thoroughly and adjust their functions accordingly.
- ACAs should develop action plans for cases of serious internal threats to their integrity (e.g., arrests of their directors).

## **Independence at risk**

According to their legislations, all the ACAs in the Western Balkans are formally independent, but in practice they have not reached this target yet.

A look at the short history of the Western Balkan ACAs shows how important their managers are. The selection of ACA managers of different characteristics has led to significant differences in the quality but also the quantity of achievements, and to serious doubts over the independence of ACAs in the region:

- In North Macedonia, commissioners had very different results in their terms, characterized also by serious fluctuations in the level of trust by the population.

- In Serbia, since the term of the first director, which ended in 2012, the independence of the ACA has been regularly questioned due to its handling of prominent cases involving the ruling party and high-ranking officials. Its decisions over potential violations of corruption laws and political financing have been repeatedly criticized as politically influenced.
- The first two heads of the ACA in Montenegro appear to have been selected on the basis of their political acceptability, and had very poor and sparse achievements.
- The first two heads of the ACA in Kosovo did not show a very high level of commitment, which seriously undermined the ACA's standing in the country.
- In BiH, the top three positions – the director and two deputies – are filled on ethnic grounds and the ruling parties each get to fill their own ethnic quota. Therefore, the top three office holders tend to be members/supporters of the ruling political party and loyal to them rather than fighting corruption. One member of parliament who had been sanctioned by the US for corruption became a member of the Commission for the Agency Selection and Monitoring, which supervises the work of the ACA.

If objective and meritocratic appointment criteria are not applied, committees do not select the best but the most susceptible or acceptable candidates,<sup>117</sup> and if even the best candidates are selected but swiftly adapt to 'political realities', the ACAs are not really independent. In the majority of the Western Balkan countries, management structures of the ACAs are selected through a process that is always at least partly political. In Albania, BiH, Kosovo, North Macedonia and Serbia, the heads of the ACAs are selected by parliament. In Montenegro, the ACA's director is chosen by the agency's council, which is in turn appointed by parliament.

Appointments of the ACA heads by national parliaments underscores the importance of the ACAs, but easily leads to politically motivated selections. Therefore, the process of nominating the candidates for the final confirmatory decision by parliament is extremely important. If this process is not exclusively meritocratic, objective and impartial, or if it is politically guided or motivated, the chances for national parliaments to select the best candidates are slim.

There are also other areas where the ACAs in the region cannot realize full independence. In BiH, the agency has to obtain the approval of the council of ministers for all decisions related to the number of staff,<sup>118</sup> and it has been waiting since 2017 for the latest approval. The Ministry of Finance of Kosovo often modifies the proposed budget of the ACA despite a clear legal prohibition on doing so. And in Montenegro, the law does not prohibit the director or council members from engaging in political activities.

In the Western Balkans, a region where politics penetrates and controls almost all areas of social life, achieving and maintaining the true independence of an ACA is a difficult task. However, individual cases from some countries and from certain time periods prove that it is possible to achieve this. Therefore, all the ACA managements in the region need to do much more to defend their agencies against attempts to improperly influence them, whether through legislative change, institutional development or direct pressure. Only true independence will enable them to become effective and gain the respect of the population. These three elements – independence, effectiveness and respect – are the most important pillars for the functioning of any ACA in the world and make the difference when it comes to assessing the willingness and effectiveness of countries in fighting corruption.



## Recommendations

- Countries should introduce legislative and practical changes to ensure meritocratic recruitment procedures for ACA management.
- Where a political body decides on the selection and appointment of the ACA management, the procedures for the proposal of candidates should be designed in such a way that representatives of the relevant profession,<sup>119</sup> rather than political figures, play a decisive role.
- The criteria for joining the bodies responsible for selecting the ACA management and/or for monitoring the work of the ACAs should, without exception, be at least as strict as those for the selection of the candidates for the ACA management.
- Illicit interference in the work of the ACAs should be prohibited and effective, dissuasive penalties imposed for breaches.
- ACA managers should be empowered to make any decision concerning the use of the ACA's resources within its approved budget independently.
- If an ACAs' budgetary proposals are rejected or amended, the responsible government ministries should issue a public explanation.
- Members of ACA management and staff should be strictly prohibited from engaging in any form of political activity.
- Disciplinary procedures in the ACAs should allow internal sanction of politically motivated actions or omissions by management and staff.

## Lack of cooperation with other bodies

Compared to other public institutions, the ACAs are relatively new organizations that are still trying to find their place in the comparatively more established institutional set-up of their respective countries. Areas of jurisdiction are normally not a problem since they depend more or less on the mandate and powers of the ACAs themselves. However, in many cases the ACAs need the cooperation of other public institutions, either to collect the necessary information or to follow up on their work, since activities such as law enforcement investigations, prosecutions, adjudications and sanctioning mostly fall under the remit of other public institutions. The ACAs cannot operate in a vacuum, as they are only one – albeit important – element of countries' anti-corruption efforts. The level of their acceptance, respect and cooperation with other public bodies varies widely across the WB, but they all have one thing in common: the level of cooperation with other bodies could and should be increased.

In Albania, the effectiveness of HIDAACI is limited by the significant fragmentation among anti-corruption institutions, which in some cases leads to overlapping powers and duplication of competences.

In Bosnia and Herzegovina, there is no real obligation for other institutions to cooperate with its ACA, since the law does not provide for sanctions against institutions that do not, which limits its ability to enforce compliance.

In Kosovo, the anti-corruption agency faces capacity constraints due to staff shortages, struggles to contribute to the development of integrity plans and lacks a presence in corruption prevention awareness. Additionally, mandate restrictions limit its impact, such as its inability to set technical standards for internal whistle-blowing and to foster dynamic stakeholder cooperation.

In North Macedonia, the anti-corruption agency identifies an overall lack of commitment and ownership across other institutions, especially in the implementation of the National Anti-Corruption

Strategy 2021–2025: only 13% of the activities envisioned for 2023 have been implemented in full, 33% are ongoing and 54% have not been implemented.<sup>120</sup> Also evident is a lack of follow-up in the case of initiatives instigated by the agency by the authorities responsible for determining non-criminal liability of public officials and referrals to the public prosecutor's office for criminal prosecution.

In Serbia, the agency is authorized to make recommendations to public institutions, which are obliged to notify the agency of the measures taken within prescribed time limits. However, there are no sanctions if public institutions ignore these obligations. There appears to be scope for further strengthening of cooperation between the agency and other relevant institutions in this field, in particular through better coordination with the public prosecutors' offices.

The low level of cooperation between the ACAs and other public institutions has many negative consequences for the agencies and for the countries' overall response to the threat of corruption: WB countries' anti-corruption efforts remain weak, citizens continue to lose trust in public bodies and the level of corruption does not decrease. Since the ACAs are usually the most visible anti-corruption bodies in their respective countries, they are also seen as the most responsible, which leads to the peculiarity that they are also blamed for the lack of cooperation and effectiveness of other institutions.

### **Recommendations**

- ACAs should organize regular meetings with public institutions to exchange views and solve problems of cooperation.
- Countries should introduce legislation that unambiguously authorizes the ACAs to make requests of other institutions, including the power to set mandatory deadlines for their responses and to request explanations for non-cooperation.
- Countries should introduce a legal obligation for all public institutions to cooperate with the ACAs and introduce sanctions for the heads of public institutions who do not comply.
- Wherever possible, give ACAs direct online access to the databases of other institutions.
- The ACAs should promptly inform the public about all problems that arise when communicating with other bodies, including documenting negative or unsatisfactory responses of other institutions, including the public prosecution offices.
- A specific obligation should be introduced for public prosecution offices, requiring them
  - in cases where they accept the ACA's submissions, to report regularly to the ACA on the work carried out;
  - in cases where they reject the ACA's submissions, to explain their rejection to the ACA.

### **Reduced transparency**

Transparency of public institutions is a well-accepted standard all over the world. Access to information held by institutions has become an important right for citizens in most countries. Globally, ACAs play an important role in promoting the right of access to public information and are, therefore, expected to be at the forefront of transparency efforts in their countries and to serve as models. In the WB, this is not yet the case in all of the countries.

In Albania, HIDAACI largely adopts a closed-door approach. Specifically, contrary to a clear legal requirement to publish all declarations of private interests online, HIDAACI publishes individual declarations only upon request of interested stakeholders. In addition, its annual reports lack an adequate level of detail concerning its work.

The Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption (APIK) in Bosnia and Herzegovina is not a go-to resource for anti-corruption issues and its website remains very poor in terms of material on any level of anti-corruption efforts in the country.

The Law on the Agency for Prevention of Corruption (APC) in Kosovo, the country's anti-corruption agency, has recently invested heavily in increasing transparency, notably through a new website, which is still under development and not yet fully accessible to visitors. It is expected to be completed in 2025.

In North Macedonia, following serious criticism by CSOs, the media and experts in the country, as well as from the international community, about the opacity of the State Commission for Prevention of Corruption (SCPC) in 2008–2018, the SCPC is now working hard to ensure the highest possible level of transparency, including by publicizing its sessions.

In Montenegro, despite publishing a significant amount of data, the transparency of the ACA's operations is hindered by the poor quality of the data and its limited accessibility. The ACA exploits loopholes in the Law on Free Access to Information by providing information only in paper form on its bulletin board upon request, rather than online or electronically, which contravenes the spirit of the law by practically limiting access to information.

In Serbia, the agency avoids publishing relevant information for the public, such as decisions, reports, warnings and proceedings against public officials and political parties. Furthermore, the agency does not cooperate sufficiently with investigative journalists and fails to treat journalists' questions as requests of public importance.

It is quite surprising that transparency is not one of the most important bases for the work of all ACAs in the region. Some, especially those in Kosovo and North Macedonia, are trying to solve the problem, while others seem not to understand the problem or see transparency as less important than achieving other goals.

### **Recommendations**

- ACAs should develop attractive websites, containing all information that can be published (in compliance with data protection and protection of other confidential and sensitive data).
- ACAs should reply to public requests for information and media enquiries comprehensively, in the shortest possible time and in a user-friendly way (e.g., electronically).
- ACAs should rethink their strategies for engaging with CSOs, shifting from formal sporadic meetings towards focused, one-to-one engagement on specific cases or areas of the ACA's work that could benefit from specialized civil society input.
- ACAs should enhance public trust through targeted communication campaigns that reaffirm their commitment to combating corruption and more actively promote success stories, and redesign media and public relations strategies to ensure that the ACA is more open and responsive to investigative journalism and collaboration with CSOs.
- Disciplinary procedures in the ACAs should allow internal sanctioning of omissions by the ACAs management and staff in general, and in public information requests and media enquiries in particular.

## Insufficient resources

Adequate resources are a prerequisite for all organizations, including those fighting corruption. After the formal establishment of the ACAs in the Western Balkans, one of the ongoing issues limiting their effectiveness was the unwillingness of governments to provide sufficient resources for their work. Governments often justify the limited funding of anti-corruption agencies by pointing to broader fiscal constraints or shifting priorities, such as general austerity policies, the need to raise public sector salaries across the board, or efforts to reduce what is deemed non-essential expenditure. There were not many cases where these justifications were genuine and it was more likely the threat of the ACAs powers that prevented governments from allocating the necessary resources.

In Albania, various international reports have concluded that HIDAACI has insufficient resources, especially human resources, which has led to ineffectiveness in its preventive and investigative role. An increase in its administrative and financial capacity was included in a resolution issued by the Albanian parliament in 2022,<sup>121</sup> on the recommendations and priorities of HIDAACI for the upcoming year. Moreover, the EU Country Report for 2024 underlines that the efficiency of HIDAACI remains constrained by resources.<sup>122</sup> GRECO also recommended in its Fifth Evaluation Round Report that HIDAACI be provided with the necessary legal, human, financial and other resources.<sup>123</sup>

According to the latest EU Country Report for BiH, the independence of corruption prevention bodies at entity and cantonal level, as well as their human and material resources, need to be significantly strengthened.<sup>124</sup>

In Kosovo, the agency's financial constraints have limited staff expansion, motivation and training in the past. However, a significant budget increase in 2024 has provided the opportunity to address these issues through increased salaries and recruitment. Despite this, the number of staff remains low, resulting in current staff being overstretched. Consequently, the agency continues to operate in emergency mode, prioritizing quantity over quality, with implications for human resource management, promotions and career development.

Montenegro is the only country in the region to ensure the fiscal stability of the ACA's budget by law, providing for a minimum allocation of 0.2% of the state budget each year. Moreover, the law requires that any governmental changes to the ACA's proposed budget, as submitted by the Anti-Corruption Committee, must be accompanied by a written justification. Despite all these positive features and an increase in the annual budget since 2016, the ACA still faces staffing challenges and ended 2022 with 21 vacant positions.

In North Macedonia, there has been an increase in the SCPC's budget and staff numbers over the last five years. However, in order for the SCPC to be able to carry out its many responsibilities efficiently, the government must provide additional financial, technical and human resources. In particular, the amount of the approved budget for the procurement of ICT hardware and software is consistently insufficient, and the SCPC relies on donations from international organizations. According to the EU Country Report 2024, in order to enhance the performance of the SCPC, the public prosecutor's office, investigative centres and law enforcement units should all receive more human resources and financial support.<sup>125</sup>

In Serbia, in accordance with its EU Country Report 2024, the human and technical resources of the ACA should also be increased to enable it to carry out its work in a comprehensive manner.



Although there have been some improvements, in general the ACAs of the Western Balkans do not have sufficient financial, material and human resources to function effectively. If the WB6 want to improve their performance on corruption, this is where they can solve one of the most pertinent problems of the ACAs in an effective and expedient manner.

### **Recommendations**

- Legislation should be introduced in all WB6 countries prescribing a minimum allocation of the yearly state budget to ACAs that is sufficient to cover all their operational needs.
- Governments and parliaments should also ensure the material and human resources needed for the effective functioning of the ACAs.
- Subject to strict self-monitoring, the ACAs should be allowed to obtain resources for their work also from extra-budgetary sources.
- Reports on the ACAs' resources and on their disposal should be made available on the respective websites at least annually.

### **Low level of effectiveness**

The founding of new institutions, especially in the anti-corruption field, is always met with enthusiasm and high expectations from the public. For many, a new institution is a magic wand against corruption and they expect tangible results in a matter of weeks if not days. If the results do not come, enthusiasm and excitement are easily and quickly replaced by disappointment and indifference. Therefore, the ACAs' effectiveness is extremely important, not only for the ACAs themselves but to provide motivation for the rest of society to engage in the fight against corruption. A lack of results (or an inability to demonstrate good results) will lead to disappointment and inertia among the population.

The ACAs in the WB region have an additional problem. Despite now being sovereign and democratic, not so long ago these countries were under communist regimes, where the usual proof of success in the fight against corruption was the number of people arrested and convicted, with prevention only of secondary importance. All the ACAs in the region have a purely preventive character, which, in this context, makes them more susceptible to doubts from the outset. A demonstrably high level of efficacy is therefore all the more important. Unfortunately, the ACAs in the region are still struggling to prove that they can be effective.

The fragmented approach in the fight against corruption in Albania is a recipe for ineffectiveness. The very narrow mandate of HIDAACI cannot translate into a successful fully-fledged anti-corruption agency. But even within its mandate, HIDAACI is not seen as very effective. In 2016, a process of re-evaluating judges and prosecutors was introduced by the constitution. Almost all magistrates have undergone vetting since 2017.<sup>126</sup> So far, 56% of them have been dismissed, mostly for issues related to unjustified assets, and a few have resigned. According to the media, since the commencement of the vetting process, 130 individuals affected by vetting have taken their cases to the ECtHR. The vetting process has revealed many cases of inadequate verification of declarations of assets and interests by HIDAACI, which was unable to identify problems that were easily identified by vetting authorities with much weaker powers.<sup>127</sup>

The entire anti-corruption agenda in BiH is more the result of external pressures, such as the country's EU accession process, driven by the European Commission. In the absence of a genuine will to fight corruption, no country can be particularly effective. There have been some high-profile achievements by the Bosnian criminal justice system lately, with figures like the former prime minister

of the Federation receiving a final conviction, and the former minister of security a first-instance conviction. Indictments were confirmed against the head of a Sarajevo municipality, the former mayor of Sarajevo and the former minister of human rights and refugees. However, these achievements are not a result of APIK's work. APIK, which should be at the heart of all corruption prevention activities in the country, lacks the capacity to exercise its duties properly and has been barely operational – its role is almost ceremonial.<sup>128</sup>

Despite tangible improvements in the APC's activities in recent years, the latest EU report still requires Kosovo to further strengthen the capacity of the APC, in terms of staff and expertise.<sup>129</sup> A significant budget increase in 2024, new APC legislation and new management have accelerated the APC's activities. However, inconsistencies in other legislation, its lack of powers to compel cooperation by other bodies and – most importantly – the low number of officials do not allow the APC to reach the highest possible level of the effectiveness in its anti-corruption efforts.

In the past year, the corruption prevention record of the ACA in Montenegro has improved in quantitative terms, but the overlap of its powers with other public bodies, unclear provisions in the legislation, and the lack of convictions of judges and prosecutors arising from asset declaration checks still give the impression that the ACA is largely ineffective. The ACA's management is currently fighting on three fronts: to overcome the alleged criminal legacy of the former director; to improve the quality of basic anti-corruption legislation, which was significantly weakened in 2024; and to re-engage fully in its tasks. Despite some glimmers, the population in general and civil society in particular are still very distrustful of the new management of the ACA.

Despite some improvements, the lack of human resources and financial support to the SCPC in North Macedonia continues to limit its efficacy. The lack of follow-up actions by the public prosecutor's office and similar institutions after SCPC engagement is notable. This continues to undermine citizens' trust in the SCPC despite the fact that its engagement and results have improved significantly in recent years.<sup>130</sup>

The Serbian ACA operates in the best conditions in the Western Balkans in terms of financial and human resources. However, all its quantitative achievements are clouded by the impression that it is hamstringing itself under pressure from the ruling party and its senior officials in important cases within its mandate. Thus, the agency is objectively limited in its most important functions due to its selective approach to the cases it is dealing with.

If effectiveness is the main criterion for assessing the usefulness of ACAs, the situation in the Western Balkans is rather worrying. None of the agencies is characterized by a really high level of performance. There are examples of ACAs dealing with important cases involving high-level officials (the head of the Tirana Prosecution Office in Albania, the foreign affairs minister in Kosovo, the deputy prime minister and minister of culture in North Macedonia), but in most cases other responsible institutions, mostly the prosecution services, do not pick up the cases and bring them to a conclusion.

There were also cases, involving high-level officials, where the ACAs, despite their mandate, did not fulfil their duties (in Albania, against a former president, prime minister, parliamentary speaker, a finance minister<sup>131</sup> and a judge of the Special Appellate College;<sup>132</sup> and in Serbia against the ruling political party<sup>133</sup>).

There are also cases where the ACAs themselves have committed serious irregularities: the ACA in BiH, in violation of the law, omitted to protect many whistle-blowers from retaliation;<sup>134</sup> the ACA in

Montenegro violated the Law on Personal Data Protection and improperly handled information related to public officials and their family members;<sup>135</sup> the ACA in Serbia, in violation of the law, refused to share information on registered weapons owned by ministers with the public.<sup>136</sup>

Although the regional anti-corruption landscape suffers from various undue influences that undermine all ACAs' effectiveness and social prestige, it appears that at present, normatively and organizationally, the ACAs most equipped to reach the expected level of efficiency are those of Kosovo, Montenegro and North Macedonia; both Albania and BiH are in need of serious institutional overhaul, while targeted efforts to increase the reach, autonomy and effectiveness of the Serbian ACA are needed at the political, organizational and management levels.

### **Recommendations**

- Countries should review their anti-corruption legislation to eliminate loopholes, gaps, duplications and overlaps, and ensure comprehensive and coherent provisions enabling the existing or new ACAs to fulfil their mandates properly.
- Without exceptions, the ACAs should fulfil their duties in full compliance with the law and professional rules, objectively and impartially.
- The ACAs should develop priority guidelines for all the workstreams they deal with, based on the following criteria: the possibility of preventing any further damage; the positions of the officials involved; the value of bribes, gifts and other advantages; the amount of the existing or threatened damages; and the public importance of the cases.
- The ACAs should provide internal and external whistle-blower mechanisms and protect whistle-blowers in cases of poor and ineffective management performance.
- Disciplinary procedures in the ACAs should be developed to the extent that they also allow for internal sanctioning of poor or ineffective performance of management and staff, especially in relation to high-profile cases.

## **Country summaries**

The following country reports examine how anti-corruption institutions are performing across the region, as assessed by experts who analyzed the integrity and independence of these oversight bodies in their respective countries.

### **Albania**

ROZARTA RRGALLINA DODAJ

#### ***Legislative and institutional framework***

Albania is a party to all major international anti-corruption conventions and has continuously improved its legal framework on the prevention and fight against corruption. In light of this, in October 2024 the country opened negotiations with the EU for the first cluster of chapters on accession.

Since 2015, the Albanian government has adopted and implemented a number of government strategies to address corruption, of which the first three national action plans have been implemented (2015–2017, 2018–2020 and 2020–2023). The last Intersectoral Anti-Corruption Strategy 2024–2030 and its action plan were approved in December 2024.<sup>137</sup> It builds on the commitments and objectives from the previous strategies with particular emphasis on enhancing integrity in public institutions.

Albania has a complex web of anti-corruption institutions, units and agencies tasked with preventing and fighting corruption. The institutional set-up varies from the executive level to independent institutions. Anti-corruption efforts were strengthened by a dedicated ministry of state for public administration and anti-corruption. Following the adoption of a new strategic document, the Anti-Corruption Resolution, an ad-hoc parliamentary commission was established in 2024. All these efforts have resulted in the fragmentation of anti-corruption institutions, leading to overlapping powers and duplication of competences as indicated in the EU country reports.

HIDAACI was one of the first anti-corruption agencies established in the country, dating back to 2003. It is a central independent institution responsible for controlling the assets of elected persons and public officials, preventing conflicts of interest, monitoring and investigating reports by whistle-blowers.

The recently established Electronic Asset Declarations and Conflict of Interest System has been a positive development for transparency. However, HIDAACI should go further to adopt information security policies that prevent the leakage of confidential data and cyber-attacks as well.

HIDAACI has a comprehensive framework on integrity. A code of ethics was adopted in 2014, and amended in 2024, stipulating that there are dedicated employees in charge of monitoring the implementation of this document.

### **Main issues**

The institutional independence of HIDAACI lies in the political independence of its staff. However, there is no law providing for the stability and the protection of HIDAACI's autonomy. HIDAACI's organization and functioning is governed by the law regulating asset declarations, which can be amended through a simple majority. As a result, there have been frequent amendments (including the election of the General Inspector) that clearly indicate HIDAACI's vulnerability to political influences.

Transparency and accountability are two key elements for anti-corruption agencies. HIDAACI is not applying best practice when it comes to either. During recent years, HIDAACI has adopted a closed-door approach. Contrary to its legal duty to publish all declarations of private interests online, HIDAACI only publishes individual declarations upon requests by interested stakeholders. HIDAACI has never provided any explanation for this failure to comply with this legal requirement that is also addressed in the EU country report.

HIDAACI is accountable to the Assembly through submitting annual reports. These regularly lack substantive detail but the Assembly has failed to hold HIDAACI accountable for this.

In 2016, the process of vetting judges and prosecutors was introduced by the constitution. Almost all (798 of 805) magistrates have undergone vetting since 2017. So far, 56% have been dismissed from office, mostly for issues related to assets, and a few resigned.<sup>138</sup> According to the media, since the commencement of the vetting process, 130 individuals affected by the decisions of the vetting bodies appealed to the ECtHR. The vetting process has revealed many cases of insufficient verification of asset and interest declarations by HIDAACI.<sup>139</sup> The vetting process uncovered cases of magistrates who had no legal justification for their assets, while HIDAACI had reported no problems with their declarations over the years.<sup>140</sup>



Various international reports have concluded that HIDAACI has insufficient resources, especially human resources, but efficient internal coordination among institutional structures and employees has been established.<sup>141</sup>

HIDAACI is accessible to the wider public through a variety of reporting channels, such as a whistle-blower hotline and a dedicated e-mail address to report any information on hiding or making a false declaration of private interests. These reporting channels are functional, but HIDAACI gives no concrete statistical data on the outcome of these reports. Providing feedback to citizens on the information they reported should also be urgently addressed by HIDAACI.

### **Recommendations**

- HIDAACI's mandate, competences and powers should be expanded to create a central, consolidated and independent anti-corruption agency. Albania does not have a consolidated anti-corruption agency with centralized powers and competences. HIDAACI seems to be the most appropriate candidate, based on the legal framework, its functions and current mandate
- Avoid frequent amendments to the functioning and organization of HIDAACI by introducing comprehensive legislation, regulated by the constitution. In order to ensure its independence, the law should be approved by a qualified majority, to protect the institution from any political interference.
- Strengthen internal and external accountability, and the transparency of HIDAACI's work to increase public trust. HIDAACI should take a proactive role in communicating with civil society and the media by establishing a communications strategy and a dedicated public and media relations representative.
- Enhance the oversight and intervention role of HIDAACI, including concrete actions to address conflicts of interest in public officials and to strengthen whistle-blowing investigations in the public and private sector.
- HIDAACI should be given the resources to effectively and proactively implement all of its legal duties in practice. It should strengthen administrative investigations, including complex ones that involve high-level public officials.
- HIDAACI should publish declarations of private interests online. Online publication is a significant factor in institutional transparency, and HIDAACI is legally bound to do this.
- Conduct a comprehensive assessment of HIDAACI's operating environment, to identify strengths, weaknesses or challenges, alongside a risk assessment identifying corruption trends and categories of public officials that are most exposed to corruption.
- Improve HIDAACI's cooperation with auditing agencies and other institutions responsible for corruption and economic crime, and other relevant public and private entities. Likewise, its information exchange should be bolstered with counterpart agencies in the region – and beyond – in the course of asset investigations.
- Hold regular and ad-hoc training for personnel. HIDAACI should develop an internal system enabling its staff to enhance their professional capacities and establish a culture of continuous learning.



## Undeclared wealth

In 2022, the former head of the Tirana Prosecution Office, PF, was indicted for non-declaration and concealment of assets.<sup>142</sup> He was subject to the vetting process that began on 15 January 2018. On 28 February 2019, he resigned from this position, and the vetting process was suspended on 4 April 2019. Based on the legal provisions, the Independent Qualification Commission (IQC) banned PF from exercising his function for a period of 15 years after his resignation.<sup>143</sup> The IQC referred the case to the prosecution office in 2019, based on documents received by HIDAACI, that uncovered many discrepancies and irregularities during the vetting process.<sup>144</sup> The Prosecution Office of general jurisdiction sent the case to trial for the criminal offence of 'refusal to declare, failure to declare, concealment or false declaration of the assets of elected persons and public officials, or of any person who has a legal obligation to declare',<sup>145</sup> foreseen in the Criminal Code.

During the investigations, irregularities regarding his assets were discovered, including Mai Tai, a 2 000-square-metre resort located on the outskirts of Tirana, which he declared in 2003. The land was given to him by his uncle, but the source of the funding for building the resort was suspicious. PF declared the total value as US\$300 000, of which US\$157 000 was given as a gift by his father and sister.<sup>146</sup> The remaining funding was apparently provided by bank loan and the proceeds from the sale of some agriculture land. Some years later, in 2007, PF declared that he had invested a further US\$235 000 in the resort.<sup>147</sup> He claimed this had come from a bank loan and income from other agriculture land donated to his uncle.

The IQC was also provided with a report from the Classified Information Security Directorate showing that PF had not declared the conviction of his brother in Spain for drug trafficking, adding that this individual may be susceptible to pressure from criminal structures.<sup>148</sup> This suggested that PF might have established inappropriate contacts with organized crime, and that this could be the source of the funding. This allegation is strongly contested by PF, who asserts that he has no knowledge of his brother's illegal activity, has derived no economic or financial benefit from it, and that the responsibility lies entirely with the individual concerned.<sup>149</sup>

The case was sent to trial in December 2023. Meanwhile, PF manages his own legal and consulting company.<sup>150</sup>



The Mai Tai resort near Tirana, owned by the former head of the Tirana Prosecution Office, raised concerns about concealment of assets.  
© Mai Tai Resort Facebook page



## Bosnia and Herzegovina

SRDJAN BLAGOVČANIN

### *Legislative and institutional framework*

Bosnia and Herzegovina has a fragmented and complex anti-corruption framework due to its decentralized constitutional structure. This leads to poor coordination across various levels of government and limited institutional effectiveness in tackling corruption. Fragmentation is vertical, with no coordination between the various levels of government (eight professional, permanent bodies have been established at the level of entities, district and cantons, while there are also ad hoc bodies), but also horizontal, with no common strategic documents that deal with key areas such as reforming the judiciary, public administration and fight against corruption.<sup>151</sup>

Another issue is that the entire anti-corruption agenda has been the result of external pressures such as the country's EU accession process, driven by European Commission. However, even according to the priorities outlined in the European Commission's Opinion on BiH's Application for EU Membership, BiH must develop a genuine political desire to deal with the issue of corruption systemically.<sup>152</sup>

The APIK is the main corruption prevention body, but it has limited powers and faces significant issues in terms of authority, independence and capacity.<sup>153</sup> The APIK operates under two main laws: the Law on the Agency for Prevention of Corruption and Coordination of the Fight Against Corruption (2009, amended in 2013) and the Law on the Protection of Persons Reporting Corruption in the Institutions of BiH (2013). However, these do not provide any sanctions against institutions that fail to cooperate with the agency, limiting its ability to enforce compliance.<sup>154</sup>

Strategically, APIK is responsible for creating the national anti-corruption strategy and action plan. The latest anti-corruption strategy, adopted in May 2024, focuses on three main objectives: strengthening prevention and coordination mechanisms, improving detection and prosecution of corruption, and enhancing inter-institutional cooperation. The agency also prepares an annual work programme but lacks other long-term development or strategic plans, although efforts are underway to create a development plan with external support.<sup>155</sup>

The agency's human resources management follows the Law on the Civil Service, and recruitment processes prioritize internal candidates. While selection criteria are based on merit, there is flexibility in appointments, which can lead to discretionary decisions. In 2023, the agency only had 33 of 41 staff positions filled, approximately 80% of the statutory staffing levels.<sup>156</sup> With 33 employees, the APIK remains one of the smallest prevention agencies in the region. The organizational structure consists of five key departments that manage support services, conflicts of interest, corruption prevention, anti-corruption coordination, and legal, personnel and financial matters.

### *Main issues*

While the APIK is central to BiH's anti-corruption framework, its impact is severely limited by political interference, insufficient resources and fragmented governance structures. APIK is intended to be an autonomous body reporting only to the Parliamentary Assembly. A special parliamentary committee oversees its work but cannot interfere in daily operations or access case-specific information. Despite this, APIK's independence is compromised in both staffing and decision-making. The agency's director needs approval from the Council of Ministers for internal staffing decisions. Additionally, the fact that the appointment of top officials is based on ethnic quotas politicizes its leadership, weakening the agency's independence.<sup>157</sup>



A protestor displays anti-corruption messages during demonstrations outside Bosnia and Herzegovina's presidency building in Sarajevo, March 2014. © Elvis Barukcic/AFP via Getty Images

APIK faces significant challenges in terms of strategic focus, organizational development and independence. The lack of a clear mission and vision, along with politicized appointments, insufficient staffing and weak accountability mechanisms, severely limits the agency's capacity to lead an effective anti-corruption agenda in BiH.

In summary, while APIK has frameworks to ensure integrity and accountability, its functional independence is undermined by political influence, staffing limitations and inconsistent funding. Furthermore, public oversight remains weak due to limited transparency and accountability.

### **Recommendations**

- Ensure the independence of the agency by preventing the election of politicians or other politically selected candidates for leadership positions, and ensure an appropriate level of financial independence and human resources management.
- Improve mandatory cooperation with the agency by amending its governing laws to introduce response mechanisms as well as sanctions for non-compliance. This is particularly important for requests to grant whistle-blower status, where all other public institutions must act on the agency's requests as a matter of highest priority.
- Increase the agency's analytical and research capacities, by streamlining and completing the systematization of work with skilled employees and clarifying the division of labour with other agencies.
- Improve collaboration with all institutions charged with fighting corruption, most notably anti-corruption teams at lower levels of government, by setting up compulsory collaborative mechanisms for both sides and providing the necessary resources to the agency for such coordination.
- Improve the mechanisms for monitoring the implementation of strategic documents that fall within the agency's purview, including by hiring experts. Aim to engage the public at large and collaborate with CSOs and the media in monitoring and reporting.



## A whistle-blower at risk

An employee of the Indirect Taxation Authority (ITA), EM, reported irregularities in the work of the ITA to the State Prosecutor's Office and officially received whistle-blower status from APIK. Following this, three internal disciplinary proceedings were initiated against EM, relating to violations of rules and damaging the reputation of the ITA by disclosing information to the public, as well as his role in a controversial procurement of hygiene supplies for the Rača Border Crossing.<sup>158</sup>

The human rights ombudsman of Bosnia and Herzegovina warned that the ITA could not prove that EM would have been subject to disciplinary prosecution even if he had not blown the whistle on corruption within the agency, and ordered APIK to respond. The ombudsman's decision followed a complaint filed by Transparency International in BiH because APIK refused to intervene in this case and safeguard someone with 'protected corruption whistle-blower' status.<sup>159</sup>

APIK did not take measures within its jurisdiction to protect him, that is, to request the suspensions of the disciplinary proceedings that were initiated against him.<sup>160</sup> APIK continues to claim that he should not have spoken about it in public – although the law protects this – and says that the whistle-blower 'is not absolved from full respect and strict adherence to work procedures.'<sup>161</sup>

## Kosovo

MENTOR VRAJOLLI

### *Legislative and institutional framework*

The Law on the Agency for Prevention of Corruption in 2022 rebranded the agency from its previous name, the Anti-Corruption Agency, and removed its investigative powers, which was a key recommendation in multiple past reports.<sup>162</sup> The new law ensured that the agency's competencies do not overlap with those of the prosecution and police,<sup>163</sup> and its focus shifted to corruption prevention and education.

The law also assigned new responsibilities to the agency, designating it as the authority for supervising the drafting and monitoring of integrity plans, which are compulsory for all public institutions. This presents a considerable challenge for the agency, given that Kosovo has approximately 170 public institutions. Until recently, the agency's budget was insufficient,<sup>164</sup> preventing it from coping with these newly assigned tasks.

The agency continues to carry out most of the tasks previously performed by the Anti-Corruption Agency, which derive directly from other anti-corruption laws. This includes responsibilities under the Law on Prevention of the Conflict of Interest in Discharging of Public Functions, where the APC's role is to handle conflict of interest reports from senior officials and address complaints from other officials regarding internal decisions on conflict of interest assessments.

## **Main issues**

The excessively narrow legal definition of conflict of interest in Kosovo is a major obstacle, only recognizing conflicts relating to marital partners and offspring, and excluding other household members or close associates.<sup>165</sup> As a consequence, the agency struggles to establish a clear connection between indictments and the legal definition of conflict of interest, resulting in dismissals of cases. The law also overlooks functional conflicts of interest that arise when officials hold multiple roles, increasing the risk of abuse.

There are other major deficiencies in the area of asset declarations. The Law on Declaration, Origin and Control of Assets and Gifts limits the obligation to declare assets to specific, listed positions. Consequently, individuals such as members of the municipal assembly, contract managers and others with access to classified information, which represent high potential for corruption, are excluded. Also, while the agency can verify the accuracy of declared assets, it lacks the mandate to investigate their origin.

Nevertheless, the agency has recently addressed some issues, including the absence of an interactive open-data platform for online asset declarations. The new platform will enable the agency to extend asset declaration requirements to all public officials without increasing staff. However, there are no discussions about introducing mandatory risk assessments for individual positions. According to the agency, the prosecution often conducts redundant investigations into asset declarations cases, causing unnecessary delays without adding significant value. The situation in the courts is even more problematic, where most cases result in acquittals.

Another area covered by the agency with significant legal and capacity challenges is the protection of whistle-blowers. Issues stem from the fact that the law does not establish minimum requirements for institutions when setting up internal whistle-blowing mechanisms. As a result, the agency lacks the authority to compel these institutions to appoint individuals with specific education standards or ensure they have all the necessary technical facilities, including separate office space. Public awareness about whistle-blowing remains relatively low, as does the capacity of the agency to take on a proactive role in monitoring the implementation of the law or serving as an external whistle-blowing entity.

In view of its legislative duty to establish integrity plans for institutions, the agency still lacks capacity to assist and contribute to working groups on developing integrity plans, assess their quality and monitor their implementation. There is also a lack of capacity and involvement in anti-corruption education.

Another important issue is the weak position of the agency director, whose appointment and dismissal can be done by a simple majority of the Assembly, making them highly vulnerable to political influences. On the other hand, there is a lack of willingness from the responsible parliamentary committee to scrutinize the agency, and its director is rarely invited to report.

The agency's financial constraints in the past have limited staff expansion, motivation and ongoing training. However, a significant budget increase in 2024 provided opportunities to address these issues with higher salaries and new hires. Despite this, recruitment remains low, resulting in current staff being overburdened. Consequently, the agency continues to operate in emergency mode, prioritizing quantity over quality, which affects human resource management, promotions and career development. To address this, the agency needs to recruit new members and implement a performance management system that values qualitative assessments for promotion and career growth.

The current management has generally shown resilience against influences over decision-making and recruitment processes, which highlights the fact that impartiality is closely tied to the personal integrity of the senior management.<sup>166</sup> Recent recruitment processes, though limited in scope, have been transparent and largely free from irregularities, demonstrating a merit-based approach to hiring new staff.

### **Recommendations**

- The Law on Conflict of Interest should be amended to widen the scope of the definition, including functional conflicts of interest. This would ensure comprehensive coverage of all potential conflict areas, thereby maintaining checks and balances within the institutions.
- Incorporate a corruption risk assessment mechanism into the asset declaration system to ensure that positions at high risk of corruption are subject to compulsory review of assets. This would also allow the APC to develop a more strategic and risk-based approach when it comes to verification of the declared assets.
- Set a minimum legal standard for internal whistle-blowing protections with impartial officials in separate offices.
- Increase the APC's capacity to assist public institutions in drafting high-quality integrity plans and to monitor their implementation. This can be achieved through targeted training and resource allocation to bolster the agency's expertise in this area.
- Implement targeted recruitment and training programmes to address staffing shortages and build specialized expertise within the APC.

## **Misreporting and immunity**

In 2021, it was reported that DGSH, the foreign affairs minister, inaccurately reported her assets to the APC. Specifically, she did not accurately report the income of her husband; failed to disclose the firm Alb Lingua UG, registered under her name in Germany; and only reported 2 000 square metres out of 3 964 square metres of agricultural land she owned in Decan municipality.<sup>167</sup>

According to Article 430, Paragraph 2 of the Criminal Code of Kosovo,<sup>168</sup> it is APC's responsibility to conduct preliminary investigations to verify asset declarations. In August 2024, the APC director forwarded the case to the prosecution service due to suspicions that DGSH had deliberately misreported. The trial lasted until November 2024. In her testimony about her husband's income, she claimed his income and taxes are considered confidential in Germany. Regarding the undeclared business, she said that was inactive due to her political commitments.<sup>169</sup>

The inaccurate asset declaration was taken as an unintentional mistake, leading to the case being dropped in November 2024.<sup>170</sup> However, in December 2024, the head of the agency criticized the court for dismissing cases on asset declarations too easily or replacing sentences with fines, citing inadequate international cooperation on sharing information. It remains unclear if his statement referred to her case. ■



## Montenegro

DEJAN MILOVAC

### ***Legislative and institutional framework***

The Agency for Prevention of Corruption (APC) is insufficiently integrated into the broader anti-corruption framework of the country, experiencing jurisdictional encroachments from other entities. Specifically, the APC's responsibilities concerning conflicts of interest and asset declaration intersect with those of the Ministry of Interior and the Judicial and Prosecutorial Council. These bodies have established their own procedures for asset declaration. For instance, the Law on Interior Affairs mandates police officials to submit annual asset reports to a specialized anti-corruption unit within the Ministry of Interior, governed by its own rules and procedures. This unit is tasked with verifying the accuracy of declared assets and initiating disciplinary action if discrepancies are found between reported assets and actual financial standings.

Similarly, the Judicial and Prosecutorial Council handles inaccurate asset declarations by judges and prosecutors as disciplinary offences, further diluting the APC's mandate.

The administrative investigative powers of the APC do not significantly overlap with those of the police or prosecution due to its narrowly defined jurisdiction. Conflicts of interest for public officials and government employees are regulated under various sector-specific laws, such as those pertaining to spatial planning and public procurement, which assign the responsibility to manage these issues to different institutions.

In the area of political party financing and election campaign oversight, the APC is the primary agency tasked with monitoring and control. Nonetheless, some of its functions overlap with the State Audit Institution, which also conducts annual audits of political parties.

Overall, current legislation inadequately delineates the boundaries between the APC and other institutions, leading to inefficiencies and conflicts in handling cases of conflict of interest. This vague statutory environment complicates the APC's operations and undermines its efficacy as a central anti-corruption body.

### ***Main issues***

The APC operates in a challenging environment characterized by overlapping jurisdictions and limited administrative investigative powers. This overlap not only causes confusion but also dilutes the APC's authority by dividing similar responsibilities among multiple agencies.

The legislative underpinning of the APC, primarily the Law on Prevention of Corruption, is marred by ambiguities and a lack of comprehensive coverage across all areas prone to corruption. These legislative gaps weaken the APC's enforcement capabilities. In June 2024 amendments introduced a statute of limitations for breaches of the Law on Prevention of Corruption. These pose additional challenges by potentially allowing corruption to go unpunished if delays occur in its discovery or prosecution. The current legislation also inadequately defines the APC's oversight capabilities and reduces the agency's effectiveness in maintaining operational independence.

Structurally, the APC is designed to function under a clear mission to enforce anti-corruption measures proactively. However, organizational challenges persist, particularly in human resources. A significant number of positions remain unfilled, despite budget increases. This shortfall in personnel directly impacts the APC's ability to carry out its mandate effectively and respond dynamically to corruption.



The governance of the APC is managed through its council and director, with appointments heavily regulated to prevent undue political influence. However, concerns about the real-world independence of these appointments and the potential for political interference persist. The APC aims to address these challenges through strategic documents and plans that outline priorities and tactics for combating corruption. Yet, the effectiveness of these strategic initiatives is often compromised by the broader issues of vague legal mandates and overlapping jurisdiction.

In its strategic approach, the APC attempts to coordinate with various national and international bodies to create a comprehensive anti-corruption framework. This includes efforts to enhance transparency, improve legislative alignment and engage with civil society to foster a more corruption-resistant culture. However, these efforts are frequently undermined by the APC's limited legal authority and the practical challenges of implementing broad-based, effective anti-corruption strategies without full institutional support and clear operational guidelines.

To fortify the APC's impact in Montenegro's anti-corruption framework, it is crucial to refine legal definitions and expand the APC's authority. Clarifying the Law on Prevention of Corruption and related legislation with precise, unmistakable terms will significantly enhance their enforceability. By broadening the APC's legal authority to comprehensively cover all aspects of corruption without jurisdictional conflicts, it will significantly streamline the APC's role in overall country anti-corruption efforts. Moreover, addressing human resource deficiencies is vital; ensuring that the APC is fully staffed with competent personnel is fundamental for its operational success. Establishing robust, independent oversight mechanisms will safeguard the APC's operations against political interference and bolster its institutional credibility.

Enhancing the APC's transparency and public engagement is essential. By making its operations more transparent and proactively engaging with the public and civil society, the APC can build trust and encourage a cooperative approach to combating corruption. These improvements will also boost Montenegro's reputation in international anti-corruption circles. By focusing on these strategic areas, the APC can strengthen its role significantly and ensure a more corruption-resistant Montenegrin society.

The main obstacles can be summarized as:

- **Ambiguous legal framework:** The laws governing the APC lack precise definitions for key concepts such as 'public property', 'official roles' and 'conflicts of interest', which leads to enforcement challenges and misinterpretations.
- **Transparency and access to information:** There is a significant gap in the proactive disclosure of information and in the infrastructure that supports public access. This deficiency hampers the ability of media and civil society to effectively monitor and scrutinize the activities of public officials.
- **Inadequate enforcement mechanisms:** The penalties and mechanisms for enforcing laws related to conflicts of interest and political campaign financing are insufficiently robust, reducing their deterrent effect and complicating accountability efforts.
- **Limited civil society engagement:** Engagement with CSOs is typically formal and lacks substantive impact, which reduces the potential for these groups to contribute effectively to the APC's anti-corruption efforts.
- **Erosion of public trust:** Due to transparency issues, perceived inefficiencies and inadequate communication about its achievements, the APC faces significant challenges in maintaining and rebuilding trust among the public and key stakeholders.

## Recommendations

- **Strengthen the legal framework.** Amend the Law on Prevention of Corruption and the Law on Financing Political Parties and Election Campaigns to enhance the APC's authority in curbing corruption. Proposed amendments should
  - define property, public official roles and conflicts of interest more clearly to prevent misinterpretation and enforcement issues;
  - mandate proactive public disclosure of information on public officials to facilitate more effective monitoring by CSOs and the media;
  - impose stricter penalties for violations related to conflicts of interest and political campaign financing; and
  - establish a clearer and more efficient mechanism for overseeing the APC's operations.
- **Enhance proactive transparency.** Improve the enforcement of the Free Access to Information Law by enhancing public access, the publication of income and asset reports, and financial disclosures related to political parties and election campaigns. In addition, remodel the presentation of data to be more user-friendly and interactive, thereby increasing its value and ensuring greater transparency of APC's activities.
- **Foster effective cooperation with civil society.** Rethink strategies for engaging with CSOs, shifting from formal, impact-limited meetings to more focused, individual engagements on specific cases or areas of APC's work that could benefit from specialized civil society input.
- **Make senior officials accountable.** In response to EU enlargement recommendations, refine internal procedures for prioritizing cases involving high-ranking officials. This should include a detailed work plan that ensures thorough annual check-ups and detailed controls of financial disclosures, actively monitored and shared with relevant stakeholders like CSOs and the media.
- **Protect and support whistle-blowers.** Adopt a specific law and create a dedicated body within the APC to handle whistle-blower cases effectively. This initiative should focus on improving the reception, processing and protection of whistle-blowers.
- **Rebuild public trust.** Enhance public trust through targeted communication campaigns that reaffirm APC's commitment to combating corruption. Promote success stories more actively and redesign media and public relations strategies to ensure APC is more open and responsive to investigative journalism and CSO collaborations.

## Who watches the watchdog?

In 2022, Montenegro's ACA faced reputational damage after the Council for the Protection of Personal Data and Free Access to Information (AZLP) concluded it had violated national data protection laws. The case related to the unauthorized transfer of personal data belonging to several thousand public officials and their relatives to a company based outside Montenegro.<sup>171</sup>

In April 2022, the NGO MANS filed a complaint alleging that the APC had outsourced sensitive data processing to a Novi Sad-based IT company. Over a six-year period, the APC had signed contracts worth approximately €250 000 with this company, granting it access to highly sensitive information.<sup>172</sup> AZLP, with assistance from Serbian counterparts, determined that this arrangement lacked a valid legal basis under Montenegrin law, which prohibits the export of personal data without proper safeguards and authorization. AZLP ordered the APC to cease using the company for such processing and to provide evidence of compliance by the year's end.

The APC rejected the findings, citing a 2015 protocol between Montenegro's Ministry of Justice and Serbia's Anti-Corruption Agency, supported by the UN Development Programme, which had involved the company in developing the APC's information system. The APC argued that this constituted a bilateral international agreement that superseded the need for separate AZLP approval.<sup>173</sup>

The incident has had lasting repercussions. It undermined public confidence in the APC's capacity to protect sensitive data, calling into question its adherence to both its anti-corruption mandate and European data protection standards. It also exposed weaknesses in internal control systems, contract oversight and inter-agency cooperation frameworks. ■

## North Macedonia

VLADIMIR GEORGIEV

### *Legislative and institutional framework*

North Macedonia has ratified all relevant anti-corruption conventions and is a party to many international anti-corruption networks. This has had a positive impact in enhancing the legislative framework. However, various assessment reports from international anti-corruption mechanisms express serious concerns on the progress in North Macedonia's fight against corruption in practice.<sup>174</sup>

The country has institutions for the prevention and fight against corruption in place. This includes the SCPC, an independent body established in 2002 in accordance with the Law on the Prevention of Corruption. The latest development in the general anti-corruption structure happened in 2024, when an Inter-Party Parliamentary Group against Corruption was founded to monitor the efficiency of the institutions responsible for the fight against corruption.

The 2019 Law on the Prevention of Corruption and Conflicts of Interest (LPCCI) which replaced the 2002 version, added several new competences to the SCPC.<sup>175</sup> Among other things, the SCPC is empowered to coordinate the adoption of the five-year National Strategy for Prevention of Corruption and Conflicts of Interest (NACS) action plan. Although the participation and contribution of public institutions in the development of the NACS 2021–2025 plan were at a high level, the implementation appears very slow, indicating an overall lack of commitment and ownership across institutions. Only 13% of the activities envisioned for 2023 were implemented in full, 33% are ongoing and 54% have not been implemented.<sup>176</sup>

The only ambiguity in the SCPC's mandate is in monitoring the financing of election campaigns and political advertising, since, according to the electoral code, its competencies are intertwined with the State Audit Office and the State Election Commission.<sup>177</sup>

The independence of the SCPC is mainly secured by the manner of selection for the president and members of the commission. The 2019 LPCCI introduced transparent and merit-based procedures of selection and in February 2019, the president and six members were appointed by parliament. Their independence and integrity must be demonstrated in intensive and impartial work on prevention and cases of conflicts of interest and corruption. However, concerns have been expressed about the

transparency, objectivity and impartiality of the selection process for the last SCPC president, who took office in February 2024.

The president and members of the SCPC are accountable to parliament, reviewing and eventually adopting the annual report of the SCPC. Parliament must dismiss a president or member of the SCPC, if they refuse to submit a statement of assets and interests or if the data is largely untrue; or if they violate the rules on conflict of interest during their work.

In 2020, the SCPC adopted a code of ethics for the president and members of the SCPC. Given that the employees of the SCPC secretariat are civil servants, they are subject to the civil service code. Yet, the SCPC has also adopted the 'Rules for Internal Order and Discipline of Employees in the SCPC Secretariat', which regulate certain professional and ethical issues for employees.

The 2019 LPCCI and the SCPC's rules of procedure require the publicity of the SCPC sessions and regular information about its activities. The SCPC has adopted a communications strategy, which provides for various communications with the public and the media. Statements of the assets and interests of all public officials are also published on the SCPC's website, but the system for verification of the assets and interests lacks full interoperability between SCPC and different institutions. The LPCCI also obliges the SCPC to publish information on violations and the fines imposed. In compliance with the Law on Free Access to Public Information, the SCPC has published a list of information it possesses with links to the relevant information and documents. If the information is not available online, instructions are provided on how it can be accessed.

The SCPC is very active in international cooperation. It participates in the UNODC and GRECO evaluation teams, and it has been active in the drafting of the RAI International Treaty on Exchange of Data for the Verification of Assets Declarations, and signed the treaty on behalf of North Macedonia together with Serbia and Montenegro.

### **Main issues**

In the last five years, there has been a notable increase in the SCPC budget and staffing. However, in order to enable it to carry out its large number of responsibilities more efficiently, the government must provide additional financial, technical and human resources. In particular, the amount of the approved budget for procuring ICT hardware and software is continuously insufficient, making the SCPC reliant on donations from international organizations.

The SCPC needs to have an analytical unit, tasked with researching and producing reports about international anti-corruption efforts and about corruption within the country. Information from these reports would serve as a basis for corruption risk assessments in various sectors and could be used for training and education activities by the SCPC.

Public institutions largely fulfil their legal obligations to respond to the SCPC's requests for information. But when it comes to initiatives instigated by the SCPC, there is little follow-up by authorities responsible for determining non-criminal liability of public officials and the Public Prosecutor's Office (PPO) in the case of criminal prosecutions.<sup>178</sup> This undermines efficiency and public trust in its activities.<sup>179</sup>

The LPCCI does not provide for integrity checks of secretariat employees. This gap is being partly filled by internal and external training on integrity. Various measures have been undertaken to boost



staff motivation and competences, such as a 30% salary increase, targeted training, study visits and promotions. The main obstacles for the SCPC are:

- Lack of political will and commitment of the government and responsible public institutions to follow-up on the recommendations and initiatives of the SCPC.
- Lack of efficient cooperation with the PPO on SCPC initiatives for criminal prosecution of officials.
- Lack of interoperability with all 17 institutions listed in the LPCCI over direct electronic access to databases.
- Budget and personnel constraints.
- Insufficient analytical tools and analytical capacities.

### **Recommendations**

- The government and institutions at the central and local levels should comply with the recommendations of international reports (especially EC progress reports) and follow up on findings, recommendations and initiatives from the SCPC and other independent institutions (e.g., state audit office and the ombudsman) to demonstrate political will.
- Advance SCPC cooperation with the PPO in order to increase the number of public prosecutors' decisions on corruption. This can be implemented on the basis of a memorandum of cooperation with the PPO and a task force composed of representatives of both institutions (for example, one member of the SCPC, one public prosecutor and two or three administrative staff) for the purpose of strategic planning of activities of mutual interest, exchanging information and mentoring the preparation of SCPC initiatives, without influencing the decision of the SCPC to instigate.
- Establish interoperable connections to the databases of all relevant institutions, as per the LPCCI.
- Establish routine debates in parliament on corruption issues, as identified in the SCPC reports. The Inter-Party Parliamentary Group against Corruption, established in July 2024, could take this forward and implement as a practice in parliament.
- Ensure continuous reinforcement of the SCPC's resources (financial, material and personnel) to enable optimal operational capacity.
- Provide training for the secretariat staff, such as
  - specialized training on preventive and analytical capabilities;
  - specialized training on investigation techniques for the verification of assets;
  - joint training with investigative bodies to exchange experiences and the most common corruption patterns; and
  - training from the PPO on presenting criminal offences, including the required elements for a successful criminal prosecution.
- Establish a special analytical unit in the SCPC tasked with researching and producing reports about international anti-corruption measures and patterns of corruption in the country. These reports should serve as a basis for corruption risk assessments in various sectors, and could be used for training and public awareness activities of the SCPC.
- Implement a system of performance assessment to advance staff competences.
- Publish gender-disaggregated data on complaints and cases in the SCPC.

## Impunity at home, accountability abroad

In 2019, the SCPC opened a case against the deputy prime minister (in charge of economic issues for the government), KA, for his decision to abolish the customs rate on lithium-ion electric batteries – directly benefiting a company that he owned. After reviewing all data and information requested from the relevant institutions (the Customs Administration, the Central Register, the Chamber of Commerce, the Cabinet Office, and the ministries of the economy and finance), the SCPC concluded that the deputy prime minister had used his office for personal gain.

It was revealed that he allegedly participated in working meetings about the decision and in discussions at a session with the agenda item: 'Proposal – decision on the abolition of the customs rate for lithium-ion electric batteries'.<sup>180</sup> By doing this, he appeared to have acted contrary to the provisions of the LPCCI to immediately request to be exempted and to stop with actions that may give rise to conflicts of interest.

The government adopted the proposal and the customs rate of 15% was reduced to 0%, for a period of 10 months, through which the company KA co-owned gained financial benefit from the import of batteries.<sup>181</sup>

The SCPC instigated an initiative for the conflicts of interest liability of the deputy prime minister and submitted it to the government. The government decided that there was no liability, as in this case no violation of the provisions of the LPCCI had been established. With this, the case was closed.

Nevertheless, on 5 December 2023, the US Department of State designated KA as ineligible for entry into the United States due to his involvement in significant corruption, stating that 'while serving as Deputy Prime Minister, [KA] abused his official position to benefit his private business interests, undermining the confidence of North Macedonia's public in their government institutions and public processes'.<sup>182</sup>

## Serbia

JOVAN NIKIĆ

### *Legislative and institutional framework*

The Serbian agency was established based on the Law on the Prevention of Corruption in 2010 as an independent state authority that reports to the National Assembly.<sup>183</sup> From the normative and institutional perspectives, it represents the central and most significant body in the field of corruption prevention in Serbia. The management bodies of the agency are the director and the board, elected by the National Assembly for a five-year term after an open call, with the possibility of reappointment.

The legal provisions on the status and powers of the agency are mostly clear. However, the scope of the Law on the Prevention of Corruption should be extended to all high-ranking public officials particularly vulnerable to corruption and amended in line with OSCE recommendations on electoral campaigns.<sup>184</sup> The Law on Financing Political Activities should also be amended to comply with the

outstanding OSCE recommendations and initiative submitted by the agency to the finance ministry.<sup>185</sup> Furthermore, civil society representatives believe that adequate provisions are missing in terms of obliging the agency to use its powers.<sup>186</sup> According to them, the agency's powers related to submitting opinions on draft laws and verifying public officials' assets and income reports should be further improved and expanded.

The legal framework includes avenues for challenging agency decisions and procedures. For example, there are avenues for challenging decisions on the violation of the rules set out in the Law on the Prevention of Corruption.<sup>187</sup> Representatives of civil society organizations emphasized that the agency is not obliged to investigate complaints regarding violations of the Law on Financing Political Activities outside of election campaigns within a specific timeframe.<sup>188</sup> They also noted that some decisions of the agency, such as rejecting complaints against public officials for violating provisions on membership of a political entity during the election campaign, cannot be contested.<sup>189</sup>

The agency is accountable to the National Assembly and submits annual reports on its work and reports on the implementation of strategic documents. The agency also submits extraordinary reports at the request of the National Assembly or on its own initiative.

Under the legislative framework, the agency's independence appears to be high, but in practice, its independence was questioned by CSOs and investigative journalists based on its dealing with some prominent cases related to the ruling party and senior officials.<sup>190</sup>

Employees within the agency are civil servants and state employees. The Code of Conduct for Civil Servants and several internal acts regulate their conduct.<sup>191</sup> But these regulations do not require integrity testing of employees. Based on the data provided by the agency, daily oversight conducted by managers includes monitoring employees' ethical behaviour to ensure that their conduct aligns with the code. There are also policies in place to support whistle-blowers. The director and members of the agency's board hold the status of public officials. Currently, there is no code of conduct for public officials of the agency.

According to the agency's 2023 Annual Report,<sup>192</sup> there are 92 employees out of a total of 162 positions outlined in the Rulebook on Internal Organization and Workplace Systematization (56.69% of its staffing capacity). The Law on the Prevention of Corruption prescribes that the salaries of employees in the agency's service may be increased up to 30%, as decided by the director.<sup>193</sup> However, the law does not prescribe criteria for increasing the salaries. The criteria for deciding on this issue are outlined in the Rulebook on Salary Increases for Employees of the Agency for the Prevention of Corruption. This rulebook is accessible to all employees, but it is not available to the public.

### **Main issues**

The agency is authorized to provide recommendations to public institutions, while these institutions are obliged to notify the agency of the measures undertaken based on recommendations (for dismissal from public office and the elimination of corruption risks) within prescribed time limits. However, there are no sanctions if public institutions ignore these obligations.

Key national stakeholders agree that there is space for further strengthening coordination and cooperation between the agency and other relevant institutions, especially the public prosecutors' offices.<sup>194</sup>

The recent National Integrity System Assessment prepared by Transparency Serbia<sup>195</sup> indicates that legal provisions governing the election of the agency's management in the National Assembly have diminished the agency's independence. According to the report,<sup>196</sup> these legal provisions could lead to external interference in the agency's decision-making by the ruling parties in the National Assembly. However, it was stressed that external interference is more likely to take the form of self-censorship rather than the direct outcome of legal provisions.

One of the findings in this report is that the National Assembly does not properly evaluate the work of the agency and that there is little public accountability and a lack of response to most criticism.<sup>197</sup>

The agency regularly publishes reports on its work.<sup>198</sup> Only information about whether a procedure has been initiated against a public official and the outcome of that procedure is accessible to the public, per the Law on the Prevention of Corruption. Also, the agency is obliged to publish the register of public officials, the register of assets and income of public officials, the register of lobbyists and lobbied persons, and a catalogue of gifts. The agency stressed that it continuously publishes all reports prescribed under the law and regularly answers journalists' questions about various aspects of its work. On the other hand, representatives of CSOs and investigative journalists pointed out that the agency avoids publishing other highly relevant information for the public, such as information on initiated misdemeanor proceedings against public officials and political parties.

The agency has not adopted or published a communication policy or strategy. Although it regularly conducts activities to raise public awareness about the importance of preventing corruption, it does not have an established practice of organizing regular press conferences related to its work.

Since its establishment, the agency has aimed to build relationships with CSOs through several mechanisms, namely guidelines for cooperation with CSOs, coordination meetings and competitions for allocating financial resources specifically to CSOs. According to our interviewees, communication between the agency, CSOs and the media seems to have weakened in the last five years.<sup>199</sup> Investigative journalists also stressed that the agency should revise its problematic practice of failing to treat journalists' questions as requests for information of public importance.

The agency says it takes a comprehensive approach to executing its mandate. On the other hand, stakeholders from civil society noted that there were several cases of suspected corruption or draft laws that threatened the prevention of corruption, to which the agency did not react. They noted that other institutions rarely use the findings and recommendations of the agency, and the agency is not sufficiently open to the public.<sup>200</sup>

The agency's approach to potential violations of anti-corruption laws highlighted by CSOs and investigative media<sup>201</sup> has raised suspicions among the public about possible external interference from the ruling political parties or self-censorship. To address these issues, the agency should establish and consistently enforce additional internal policies for countering undue influence, thereby maintaining the highest standards of professional conduct.



## Recommendations

- Extend the Law on the Prevention of Corruption to all high-ranking public officials particularly vulnerable to corruption, and amend in line with OSCE recommendations. Prescribe sanctions if public institutions ignore the agency's recommendations for dismissal from public office and the elimination of corruption risks within a prescribed time limit, and improve and expand the agency's powers related to submitting opinions on draft laws.
- Amend the Law on Financing Political Activities to comply with outstanding OSCE recommendations and initiatives submitted by the agency to the finance ministry.
- Further strengthen coordination and cooperation between the agency and relevant institutions, particularly public prosecutors' offices, in cases concerning the control of financing political activities, as well as the assets and income of public officials.
- Ensure that the public is provided with regular, timely and complete information about all aspects of the agency's work, especially regarding the initiation and outcome of all proceedings against public officials and political parties.
- The agency should monitor and inform the public if public institutions fail to respond to its recommendations.
- The agency should establish and enforce internal policies for tackling attempts of undue influence to uphold the highest standards of professional behaviour and reduce suspicions of external interference.
- Prioritize transparency, openness and responsiveness, to strengthen public trust and set a high standard for effectiveness. As the central anti-corruption authority, the agency should be a model of best practice in accountability and ethical governance.

## Undisclosed assets

In 2018, the mayor of Belgrade, AŠ, purchased a villa and other properties in Trieste, Italy, totalling over 804 square metres. In January 2023, journalists from the Balkan Investigative Reporting Network (BIRN) revealed that he had failed to disclose these properties in his 2019 report on assets and income, as required by the Law on the Prevention of Corruption.<sup>202</sup>

After the journalists published this information, AŠ claimed that he had reported a 150-square-metre apartment in Trieste to the agency in January 2019, which the agency confirmed in a press release.<sup>203</sup> However, this property did not match BIRN's findings. Following public pressure, the agency announced that it had initiated an extraordinary verification procedure on the accuracy and completeness of the data from the 2019 information submitted by AŠ.<sup>204</sup>

In late 2023, during a lawsuit filed by AŠ against BIRN for defamation before the Higher Court in Belgrade, it was revealed that the agency had initiated its extraordinary verification process in early 2019 – contradicting its earlier claim that the extraordinary procedure was started after media reports in 2023. The procedure that began in 2019 stalled for years because of untranslated documents submitted by AŠ, leaving the matter unresolved. ■



# GENDER REPRESENTATION

IOANNIS VLASSIS

**T**he data collected for this study indicates varied female representation in the judiciary across the Western Balkans, from near parity in some places to a clear female majority in others. Overall, women's involvement in judicial careers has grown steadily, often surpassing the rates seen in police and prosecution services.<sup>205</sup> Nevertheless, at the higher levels of judicial decision-making, men still tend to predominate. This disparity highlights the interplay of systemic barriers – such as traditional views of leadership, uneven promotion pathways and wage gaps – that continue to deter women from advancing into senior roles.

While a number of Western Balkan jurisdictions have introduced laws and policies supporting gender equality, enforcement remains sporadic. Political influence and limited resources pose additional obstacles, leaving female judges and aspiring legal professionals vulnerable to long-standing cultural biases. These hurdles impede women's professional growth, but also harm the overall effectiveness of the judiciary as well as influence public perception.

Balanced representation within courts has the potential to enhance trust in the judicial system, particularly in sensitive areas such as low- and high-level corruption. It also fosters a more nuanced understanding of the diverse populations the judiciary serves.

From an international and European Union perspective, closing these gender gaps is critical for candidate countries to demonstrate their democratic maturity and adherence to core values of fairness and inclusivity.<sup>206</sup> When delving deeper into patterns of representation and comparing different countries, it becomes evident that the region needs to refine, and in some cases establish, transparent promotion criteria, collect better disaggregated data and implement stronger accountability measures. These are key pillars not only for achieving gender parity, but also for strengthening the overall integrity and independence of judicial institutions and anti-corruption bodies throughout the region.

## In the judiciary

Across the Western Balkans, women's representation in the judiciary varies significantly, revealing notable achievements and persistent shortcomings. The EU average stands at 57%, with only three member states falling below this. Most Western Balkan countries surpass this threshold, indicating significant progress and dedication particularly in light of the EU accession process.

In Bosnia and Herzegovina, female judges constitute a majority at 64.4% and half of the court presidents are women, suggesting a high degree of institutional balance.<sup>207</sup> Serbia's judiciary also has a strong



female presence, with women representing more than two-thirds of judges (1 906 out of 2 703) and holding key positions such as the presidency of the Supreme Court and the High Judicial Council.<sup>208</sup> Montenegro reports an overall female participation rate of nearly 59% among judges; however, detailed breakdowns show considerable fluctuations among different courts with women making up 80% in some, while men prevailing in others.<sup>209</sup>

Albania, on the other hand, has approximately 40% female judges, with steady increases following the Albanian 2021–2030 national strategy and action plan on gender equality.<sup>210</sup> Notwithstanding this progress, there are considerable gaps evident at senior levels. Only five out of 17 Supreme Court justices are women,<sup>211</sup> while there is a 10% wage gap reflecting deeper systemic inequities.<sup>212</sup> North Macedonia, often lauded for having a ‘female profession’ in its lower courts (exceeding 60% representation),<sup>213</sup> still drops below 40% in the appellate courts and the Supreme Court.<sup>214</sup> Meanwhile, Kosovo’s figures hover at 35%,<sup>215</sup> and only two out of 10 court presidents are female.<sup>216</sup> These patterns highlight the glass-ceiling effect at work in multiple jurisdictions, where women occupy a substantial share of entry and mid-level positions but struggle to attain leadership roles.

Despite these inconsistencies, several positive trends have emerged. Many Western Balkan countries have enacted legislation and policies aimed at bolstering gender equality, ranging from national strategies to address these issues to specialized judicial councils that oversee recruitment and appointment processes. Some have also initiated training programmes designed to address unconscious biases. Nevertheless, the practical enforcement of these reforms remains uneven. Embedded cultural norms and traditional perceptions of leadership often deter women from pursuing senior positions, while political influence in many cases impedes merit-based promotions.

Moreover, social factors, such as limited childcare options or other family obligations may further limit women’s opportunities for professional advancement, particularly in rural or underserved areas. In these settings, judges often have fewer resources, less access to mentorship or training, and may be subject to greater scrutiny or more entrenched stereotypes. Such conditions reinforce the need for robust, data-driven evaluations of promotion pathways, salary structures and workplace environments to pinpoint where reforms must be targeted.



High-level meetings in the region have long been predominantly male, reflecting limited female representation in senior justice positions. © STRINGER/AFP via Getty Images

Attaining a genuinely equitable judiciary is not merely a matter of fulfilling EU accession requirements or meeting statistical targets. A more balanced representation of men and women contributes to judicial legitimacy, fosters trust among citizens and brings diverse perspectives to sensitive cases, including organized corruption and gender-based violence. By improving transparency in recruitment, strengthening gender-disaggregated data collection, and promoting mentorship and leadership opportunities, the Western Balkans can capitalize on the current progress. Ultimately, embedding female judges at all levels, while eliminating systemic barriers, will help ensure that the countries demonstrate democratic maturity while also reflecting and serving the diverse populations across the region.

## In anti-corruption bodies

Anti-corruption agencies across the Western Balkans similarly have a varied degree of female participation, from near-equal representation in some offices to a clear gender imbalance in others. In Albania, for instance, HIDAACI employs more women than men (50 female vs 20 male employees) and has been led by a female inspector general multiple times.<sup>217</sup> Yet HIDAACI, like many similar bodies, does not release gender-disaggregated data on complaints or investigative outcomes. Without such detailed statistics, it remains unclear whether women face additional barriers in reporting corruption as members of the public, or as staff in progressing to managerial roles within the institution.

Bosnia and Herzegovina presents a striking case. Its national anti-corruption agency publishes no data on how women interact with complaint mechanisms and has no formal gender-sensitive guidelines. There has not been a female director since the agency's establishment in 2009, although a female deputy director was appointed in August 2022.<sup>218</sup> The absence of gender policies and training raises questions about opportunities for female personnel and whether corruption's gendered impacts are being sufficiently addressed.

Kosovo's agency faces similar transparency gaps, as detailed data on staff composition is not publicly available, but interviews indicated that men occupy the majority of leadership positions. Out of 16 managerial posts, just five are filled by women, and these are heads of division rather than top-level managers.<sup>219</sup> Without genuine efforts to promote women to leadership roles, the agency risks perpetuating gender imbalances that undermine both internal fairness and public trust.

By contrast, Montenegro's ACA upholds a near-equal distribution of men and women in managerial roles, with women even slightly outnumbering men.<sup>220</sup> This points to a progressive stance on leadership diversity. However, the ACA (similar to its counterparts in the region) lacks in-depth analysis regarding how gender might influence the fight against corruption.

In North Macedonia, the SCPC consists of seven appointed members. Notably, the presidency has been held by a woman in both its 2019 and 2024 incarnations, reflecting an institutional openness to female leadership. Of the current six members (excluding the director), half are women.<sup>221</sup> As for the secretariat, the current secretary general is a man (appointed in November 2024) but throughout 2002–2024, the position was held by women. In the remaining management positions (head of sector or head of unit), 12 out of a total of 14 filled positions are women.<sup>222</sup> Although this relatively balanced leadership dynamic suggests a degree of gender inclusivity, the SCPC, similar to many other anti-corruption bodies in the Western Balkans, does not compile gender-disaggregated data on corruption cases. This data gap poses challenges in assessing whether women and men encounter or perceive corruption differently, or whether female officials and complainants face additional barriers.



Despite this lack of systematic data collection, a 2021 OSCE-supported survey consisting of 1 013 female respondents<sup>223</sup> provides insights into public perceptions of gender and corruption in North Macedonia. When asked whether women are equally susceptible to corruption as men, 63.5% believed both genders to be equally susceptible, while 18% viewed women as more vulnerable.<sup>224</sup> On whether corruption affects men and women equally, 59% agreed, but 21.3% felt that women bear a heavier burden.<sup>225</sup> Finally, 53.5% of participants indicated they believe corruption levels would decrease if more women held higher managerial positions, whereas 26.7% did not.<sup>226</sup> These findings underscore the varying ways in which gender intersects with corruption perceptions. Although respondents did not see women as inherently less corruptible, a sizeable proportion viewed greater female leadership as a potential remedy for corrupt practices.

Serbia's anti-corruption agency demonstrates how training and policy revisions can bolster inclusive practices. After developing a manual on measuring gender progress,<sup>227</sup> the agency incorporated a dedicated section on gender within its annual reports. Today, half of its 10 appointed civil servants are women, and out of 94 total employees, 63 are female.<sup>228</sup> This move toward transparency in reporting, if sustained, could offer a template for other agencies in the region aiming to track and improve their gender balance.

Overall, the Western Balkans' anti-corruption bodies appear increasingly aware of gender-related issues, though many lack structured data collection and targeted policies. Strengthening these institutions' ability to capture gender-disaggregated information, and to ensure women are equally represented in leadership, will be crucial for building and implementing inclusive, credible and effective anti-corruption systems and strategies across the Western Balkan region.

## Recommendations

Despite regional variances in female participation, the common thread running through the judiciary and anti-corruption bodies across the Western Balkans is that leadership positions, and thus decision-making powers, are still largely in male hands. This glass-ceiling effect emerges even in countries with workforces that have high overall numbers of women, indicating that policy frameworks alone cannot overcome entrenched norms and practices. Addressing these systemic barriers requires a multifaceted approach that includes transparent criteria for appointments and promotions, consistent data collection that is also disaggregated, and genuine accountability mechanisms to ensure gender equality measures do not remain merely aspirational.

In the judiciary, ongoing challenges such as wage gaps, family responsibilities and political influence continue to limit female advancement. In anti-corruption agencies, the lack of published, gender-disaggregated data compounds the problem, making it difficult to analyze how women either engage with or are affected by institutional processes. Targeted mentorship programmes, flexible working arrangements and specialized training, particularly in rural or deprived areas, can help retain and empower female professionals. Moreover, creating official guidelines to address potential gender biases in decision-making can reinforce fair and balanced representation at all levels.

Crucially, the drive toward EU accession offers both the momentum and the opportunity for deeper reforms. Aligning national statutes with EU directives is an important step, but ensuring robust enforcement necessitates the active involvement of judicial councils, anti-corruption commissions and civil society groups. These stakeholders can collaborate to monitor progress, improve recruitment and report achievements or setbacks. By instituting a culture of integrity and meritocracy, states can strengthen public trust in criminal justice institutions, promote more equitable working conditions, regain public trust and ultimately boost their resilience against corruption.



## CONCLUSION

**T**his second report of the 'Integrity and independence of criminal justice institutions' study (itself the third instalment of a trilogy on organized corruption in the Western Balkans) has focused on the judiciary and anti-corruption bodies. Countries in the Western Balkans have emerged from the fractious wars of the 1990s with a complex shared political, economic, social and legal history as well as a number of common cultural traits. They have undergone similar economic and political transformations in the last few decades, including reforms of their police, prosecution and judiciary, as well as the establishment of anti-corruption bodies. Yet, all have experienced a rise in organized crime and corruption.

Most share the hope and challenge of building an independent and sovereign state based on the rule of law and democracy – aiming to become fully fledged members of the European Union and other international and regional organizations. On the long road towards the EU, they are expected to develop, adopt and strive to implement a set of values, standards and norms, as well as being subject to international reviews. Upholding rule of law standards and practices is a major priority, with particular emphasis on improving the integrity and independence of criminal justice institutions.

There are many differences among the six countries reviewed. Yet, there are also a number of common issues when it comes to the prevention and fight against organized corruption. The regional overviews on the judiciary and anti-corruption bodies highlighted both shared challenges and strategic improvements that might be made to counter organized crime and corruption across the region. These can be summarized as follows.

### Undue interference

Interference from the world of politics and crime is the most visible – and probably the most effective – way that the independence and integrity of the judiciary is undermined. Political influence takes many forms, from subtle means such as influencing recruitment, promotion criteria, procedures and membership of the decision-making bodies to explicit disciplinary actions and threats to jobs. It is often done through statements about particular cases or the whole profession, including outright accusations of corruption. Threats from organized crime, as well as corruption among members of judicial institutions or their families, are also present. Influence might be exerted through the management of investigations, prosecutions and adjudication, with either rushed (and poorly prepared) cases or undue delays (such as by failing to submit documentation), or through systemic under-resourcing. While the media plays an important role in unveiling cases of corruption, there are also instances of unfounded criticism of officials that can damage the independence of the judiciary and anti-corruption bodies.

## **Increased expertise and cooperation**

Organized corruption and crime are complicated legal, social, political and cultural phenomena. Specialized anti-corruption/organized crime police units, prosecutors, courts and anti-corruption bodies have been established to provide the expertise needed in such cases. Focused training, including strategic approaches and management as well as practical skills, is a prerequisite for these bodies to be effective. Training should cover the investigative and adjudicative skills needed to deal with complex organized crime and corruption cases (including money laundering, cybercrime and dark-web platforms). It should also cover the collection, processing and presentation of admissible evidence in an effective format – ensuring adjudication on the merits and taking into account international experiences.

Professionals should develop innovative approaches to organized corruption, beyond routine case processing. Cooperation should be bolstered with other professional, academic and civil society bodies, including investigative journalists, to provide additional expertise. The effectiveness of anti-corruption efforts must be measured on their outcomes rather than simply the quantity of cases dealt with by the criminal justice system.

## **Promoting accountability and transparency**

The independence and accountability of the judiciary rests on its transparency and openness to peer and public scrutiny, as well as being responsive to an ever-changing economic, social, cultural and legal environment.

All information that can be made public (protecting personal, confidential and sensitive data) should be made available and up to date on websites and other social platforms. Special attention needs to be paid to ensuring faster and better responses to media and other public requests for information, including through regular and ad hoc press conferences. Such events can be used to give updates on investigations of public interest as well as outlining institutional strategies against organized corruption. Moreover, special efforts need to be made to guarantee the freedom of expression of members of the legal profession in line with international standards. Transparency and communication with civil society, the media and the general public is an important investment in public trust. It is vital, for instance, that institutions report any attempt to influence or prevent them from carrying out their duties independently and effectively.

## **Enhancing oversight**

Criminal justice institutions in the Western Balkans are predominantly self-governing. High-level judicial councils are important in promoting integrity within Western Balkan institutions by overseeing recruitment, promotions, disciplinary measures, management, resources and relations with parliament and the government. However, there are a number of problems with the configuration of the councils themselves, including the selection and election of lay members as well as the presence of ex-officio roles in leadership and governance. In some cases, there is a lack of transparent and merit-based decision-making in these councils. Codes of ethics are an important pillar in the promotion of integrity and professional values, while professional associations are also an important way of protecting collective interests as well as promoting professional ethics, integrity and independence. Notable efforts have been made to improve the mandates, roles, accountability and transparency of these self-governing bodies, but there is much room for improvement in line with international standards.

Greater cooperation with civil society will improve the quality, efficiency and transparency of both adjudicative and anti-corruption preventive bodies. Trial monitoring, public surveys and integrity assessments conducted by these organizations have provided valuable insights and recommendations. Still, these mechanisms are infrequent and not systematically incorporated into oversight policies and practice.

External control over anti-corruption bodies must be balanced with legislation that protects their independence and guards against political influence. Special attention needs to be paid to the process of selecting agency leaders, as they have the power to pursue or end investigations into corruption, asset declarations and conflicts of interest among parliamentarians, members of the executive, the judiciary and political parties and electoral fundings. The selection process should have input from civil society organizations, academia, lawyers and professional associations.

Internal oversight relies not only on the internalization of high professional standards, ethical codes and best practices, but also on trust in the members of disciplinary panels. There is an urgent need to develop appropriate sanctions, both internal and external, for management and staff in cases where disciplinary procedures are abused in high-level organized corruption cases.

## **Cooperation and coordination among anti-corruption bodies**

As a complex phenomenon, organized corruption requires a comprehensive approach. The criminal justice system is populated by a number of institutions with very broad and often overlapping mandates. There is a somewhat clearer division of labour when it comes to specialized anti-corruption bodies, such as courts as well as the anti-corruption agencies. However, there is a general lack of cooperation. Even within bodies, there is a lack of coordination between structures with a more general mandate and those with a specialized anti-corruption (and often organized crime) mandate. The complexity of the system is compounded by imprecise mandates, self-preserving bureaucratic attitudes, jurisdictional conflicts, a lack of collective strategies and policies, poor lines of communication and information exchange, and often a lack of mutual respect and willingness to work together.

In most of the WB6, interoperability and the exchange of documents should be improved between the anti-corruption bodies and courts (and other institutions) by further digitalizing working processes. There is often a lack of proper feedback from the prosecution in cases originating from anti-corruption bodies, as the majority in the region lack investigatory powers. The Office for the Suppression of Corruption and Organised Crime in Croatia and the SPAK in Albania provide excellent models for independent bodies with investigative powers. The concept of prosecution-led investigations is relatively new, not only in the Western Balkans but in the rest of Europe. Plea bargaining, which was imported from the US, is also relatively new. Procedures in which judges serve only to rubber stamp the negotiated plea may undermine public trust – especially in cases of politicians or businesspeople striking plea deals to avoid punishment.

A comprehensive strategy and policy against organized corruption does not only involve criminal justice bodies but also other institutions such as banks, finance ministries, financial task units, customs and tax authorities. Therefore, cooperation should extend beyond the four pillars dealt with in this study, requiring constant checks, monitoring, evaluation and adaptation to new challenges. Such a comprehensive approach requires online and in-person exchange of information, lessons learned and suggestions for new proposals. For example, working groups and annual conferences on a national and regional level would greatly advance cooperation and coordination.



## Promoting gender reforms

In the Western Balkans, women continue to encounter significant hurdles to advancement in the judiciary and specialized anti-corruption bodies, while men continue to dominate the top-tier roles. While the overall representation of women in some countries appears promising, taking a closer look at high-level positions reveals an enduring lack of gender parity that undermines the inclusivity and effectiveness of these key institutions.

Gender-inclusive reforms have the potential to strengthen accountability and mitigate corruption risks, particularly when women's perspectives are integral to policymaking and oversight. Equally, a more balanced leadership fosters an environment that is less prone to groupthink and better able to serve the diverse needs of the public. By boosting female participation at all levels, judicial institutions and anti-corruption agencies can bolster their credibility, reflect societal realities more accurately and ultimately function more effectively. Achieving gender equality is therefore not only a question of fair representation but also an essential component of a comprehensive anti-corruption strategy that seeks to uphold integrity and public trust. It is also vital to encourage institutions to collect gender-disaggregated data so that disparities can be accurately identified, enabling the development of more effective, evidence-based policies.

## Respect for international standards

Developing independent, professional and citizen-oriented judiciary and anti-corruption bodies – after almost half a century of autocratic regimes in the Western Balkans – will require respect for and adherence to international standards.

All standards are based on the 1948 Universal Declaration of Human Rights and, for Council of Europe countries, the 1953 European Convention on Human Rights. These have been overlaid with standards aiming to safeguard judicial integrity and independence in the form of standalone international instruments or conventions, protocols, declarations and principles under international treaties.

Concern for the integrity and independence of the judiciary also has a long history, as the final guarantor of the rights of citizens and the victims of crime and abuse of power (UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985). Even today, the independence of judges is considered the best test of the rule of law in a country and of its adherence to universal human rights.

Among the most important instruments are the Basic Principles on the Independence of Judiciary (UN, 1985), the Bangalore Principles of Judicial Conduct (UN, 2002), the European Charter on the Statute for Judges (1998) and the International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors (International Commission of Jurists, 2004).

The establishment of various specialized anti-corruption bodies was inspired by the UNCAC in 2005, which has devoted provisions to these bodies in several articles (6, 36 and 58). These provisions lay out the mandates, role, structure (and importance of the independence) of these bodies. The Jakarta Statement of the Principles of Anti-Corruption Agencies (2012) developed the UNCAC provisions further, and a number of other relevant standards are contained in the Anti-Corruption Authority Standards (European Partners Against Corruption) of 2011. Many of those standards are contained in Western Balkan national legislation regulating the position, mandates, responsibilities and duties of anti-corruption bodies.

The role of the International Association of Anti-Corruption Authorities is vital in promoting standards and best practices for the community of anti-corruption bodies.

## **International and regional cooperation**

It was hoped that the introduction of international standards would lead to more effective regional cooperation and mutual recognition. Unfortunately, there have been few tangible results in bringing former officials to justice for embezzling public funds or engaging in political white-collar crime across regional borders. Recurring issues include forum shopping and the abuse of dual citizenship to evade extradition requests and imposed sanctions. Mutual legal assistance should be strengthened, and any political influence stripped from proceedings. This study has shown that corruption cases involving senior officials are a breeding ground for such influences.

International standards on integrity, ethics and conflicts of interest must be implemented in full both in anti-corruption agencies and the judiciary. Significant issues affecting the quality and efficiency of the justice system (such as court backlogs, difficulties in filling vacancies and insufficient funding) should also be addressed. This may also elevate trust and mutual cooperation in combating organized crime, within the region and outside of it. The judiciary is extremely important in organized corruption cases, as it shapes public perception and reflects the state's capacity to address this persistent issue.

Anti-corruption bodies need more resources, stronger and independent mandates, and freedom from undue political interference and influence. The key findings mentioned by the EU in the 2024 enlargement report – such as a lack of effective assets declaration systems, prevention of conflicts of interest, transparency of beneficial ownership and integrity measures across public services – must be seriously addressed by each Western Balkan state. Moreover, there is a lack of binding cooperation agreements between anti-corruption agencies that would fast-track mutual cooperation in asset declaration cases. Furthermore, the practice of hiding real estate and assets throughout the region, particularly through criminal networks, needs appropriate legislative responses on both the national and regional level. Ratifying the International Treaty on Exchange of Data for the Verification of Assets Declarations would go a long way to promote more effective regional cooperation against organized corruption.

## **Culture of integrity**

The above considerations are by no means exhaustive, but represent some of the most critical issues, which require special political, social, professional and cultural mobilization and engagement. Reforms encouraged by the international community have improved the rule of law and the institutional capacities of Western Balkan countries to fight challenges such as state capture, organized corruption and cross-border organized crime. However, concrete results – in terms of tackling organized corruption and crime cases, arresting perpetrators and dismantling criminal links to political and economic power structures – have been limited. The situation is even worse when it comes to dealing with organized corruption and crime at the regional level.

Political pressure, as well as influences from business and organized crime, is still frequently exerted over anti-corruption institutions and their staff. In spite of positive efforts to promote and safeguard integrity and independence, there have been efforts to curtail them through various legislative and executive interventions backed by narrow political and economic interests, as well as through the use of delaying tactics, indirect pressure and direct interventions from politicians in high-profile cases. To counter this, governments in the region should demonstrate genuine political will to fully implement

international standards by insisting on legal and ethical accountability and control mechanisms. These would apply to internal policies, procedures and audits, as well as external parliamentary and civilian oversight. Developing formal structures and procedures for regular independent oversight is fundamental to creating a culture that fosters professional integrity.

The judiciary belong to the professional bureaucracy. They operate in a unique context of institutional rules, procedures, missions and core values, all of which interact with the professional knowledge and ethical standards of the individuals responsible for handling cases at hand. This is inherently a fragile system, open to tensions and conflicts and often threatened by malign political influences. Individual and organizational resilience, therefore, is absolutely crucial if they are to provide a just, impartial and equal service to citizens.

Foundational education, continuous on-the-job training in ethical standards and developing a professional code founded on integrity and independence are the most effective resilience mechanisms. To achieve high ethical and professional standards, the police, prosecution, judiciary and anti-corruption structures should have the full support of national parliaments, international and regional organizations, and, above all, civil society, academia and the media. Public protests over unsatisfactory action taken in high-profile organized corruption cases can be very effective not only in terms of initiating police and prosecutor investigations, but in continuously encouraging institutional integrity and independence.

Professional values must apply to all, from rank and file to senior management, and must be upheld daily even in the face of challenges. This is the culture of integrity.



## NOTES

- 1 Ugljesa Zvekic and Suncana Roksandic, Infrastructure of integrity: Corruption and anti-corruption pledges in the Western Balkans, GI-TOC, March 2021, <https://globalinitiative.net/analysis/corruption-western-balkans/>.
- 2 GI-TOC, Šibenik Conclusions: Strengthening a culture of integrity, 23–24 May 2022, <https://globalinitiative.net/wp-content/uploads/2022/05/Final-Sibenik-Conclusions-.pdf>.
- 3 Ugljesa Zvekic, Suncana Roksandic and Bojan Dobovsek, Organized corruption: Political financing in the Western Balkans, GI-TOC, 23 June 2023, <https://globalinitiative.net/analysis/organized-corruption-political-financing-western-balkans/>.
- 4 Ugljesa Zvekic and Ioannis Vlassis, Integrity and independence of criminal justice institutions in the Western Balkans: Police and prosecution, GI-TOC, November 2024, <https://globalinitiative.net/analysis/integrity-and-independence-of-criminal-justice-institutions-in-the-western-balkans/>.
- 5 The technical meeting was held following the above-mentioned regional justice ministers' conference and therefore most of the participants of the technical meeting had also taken part in the regional conference.
- 6 Kosovo is not a UN or Council of Europe member.
- 7 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2024 Communication on EU enlargement policy, COM(2024) 690 final, 30 October 2024, pp 8–9. Also see Annexes to the Communication: [https://neighbourhood-enlargement.ec.europa.eu/2024-communication-eu-enlargement-policy\\_en](https://neighbourhood-enlargement.ec.europa.eu/2024-communication-eu-enlargement-policy_en).
- 8 Regional Anti-Corruption Initiative, Regional Data Exchange on Asset Disclosure and Conflict of Interest, <https://rai-see.org/what-we-do/regional-data-exchange-on-asset-disclosure-and-conflict-of-interest/>.
- 9 Ibid., p 20.
- 10 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2024 Communication on EU enlargement policy, COM(2024) 690 final, 30 October 2024, p 9.
- 11 EU External Action, The Diplomatic Service of the European Union, 16 March 2023, [https://www.eeas.europa.eu/eeas/eu-and-western-balkans-towards-common-future\\_en](https://www.eeas.europa.eu/eeas/eu-and-western-balkans-towards-common-future_en).
- 12 European Commission, COM(2023) 691.
- 13 European Commission, Regulation 2024/1449.
- 14 European Commission, COM(2020) 641.
- 15 Ibid., p 28.
- 16 Ibid.
- 17 Ibid., p 29.
- 18 Ibid., pp 8–9.
- 19 Ibid., p 9.
- 20 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2024 Communication on EU enlargement policy, COM(2024) 690 final, 30 October 2024.
- 21 European Commission, Commission adopts 2024 Enlargement Package, 30 October 2024, [https://neighbourhood-enlargement.ec.europa.eu/news/commission-adopts-2024-enlargement-package-2024-10-30\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/commission-adopts-2024-enlargement-package-2024-10-30_en).
- 22 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2024 Communication on EU enlargement policy, COM(2024) 690 final, 30 October 2024, pp 8–9.
- 23 Ibid., p 9.
- 24 European Commission, A new EU framework to strengthen the rule of law (Communication from the Commission to the European Parliament and the Council, COM/2014/0158 final), 11 March 2014.
- 25 International Bar Association, Minimum Standards of Judicial Independence, 1982, <https://www.ibanet.org/Document/Default.aspx?DocumentUid=D1EE2F7E-C027-4663-91E3-54DE4A0A1E64>.
- 26 The International Bar Association emphasizes the judiciary's independence from the executive branch, insisting on transparent and fair procedures for judicial appointments, promotions and disciplinary action. Judges must also enjoy security of tenure, with removal allowed only through an impartial process that adheres to established legal criteria.



- 27 Council of Europe, European Charter on the Statute for Judges, 10 July 1998, <https://rm.coe.int/090000168092934f>.
- 28 Committee of Ministers, Recommendation CM/Rec (2010) 12 to Member States on Judges: Independence, Efficiency, and Responsibilities, 17 November 2010.
- 29 By ensuring that only the most qualified candidates are chosen through objective criteria, the Charter establishes a foundation of trust in judicial systems. Once appointed, judges must enjoy security of tenure, with promotions and transfers based solely on their qualifications and performance. Their removal or discipline, however, is strictly limited to cases of proven misconduct or incapacity, determined by an independent body.
- 30 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Communication on EU Enlargement Policy, 8 November 2023, Serbia 2023 Report, [https://neighbourhood-enlargement.ec.europa.eu/document/download/9198cd1a-c8c9-4973-90ac-b6ba6bd72b53\\_en?filename=SWD\\_2023\\_695\\_Serbia.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/9198cd1a-c8c9-4973-90ac-b6ba6bd72b53_en?filename=SWD_2023_695_Serbia.pdf).
- 31 UNODC, The Bangalore Principles of Judicial Conduct, 2018, <https://www.unodc.org/documents/ji/training/bangaloreprinciples.pdf>.
- 32 See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August–6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.
- 33 UNODC, The Bangalore Principles of Judicial Conduct, 2018, <https://www.unodc.org/documents/ji/training/bangaloreprinciples.pdf>.
- 34 Ibid.
- 35 The Court of Bosnia and Herzegovina rejected the request for the extradition of Mamić to Croatia, Al Jazeera, 11 June 2019, <https://balkans.aljazeera.net/news/balkan/2019/6/11/sud-bih-odbio-zahhtjev-za-izrucenje-mamica-hrvatskoj>; The Court of BiH refuses to extradite Zdravko Mamić to Croatia, the Minister of Justice has the final say, Dvenik, 1 October 2021, <https://dnevnik.hr/vijesti/hrvatska/sud-bih-odbio-izrucenje-zdravka-mamica-hrvatskoj---669008.html>; Croatia does not approve the extradition of Lejla Fazlagić of Bosnia and Herzegovina, Radio Sarajevo, 25 September 2017, <https://radiosarajevo.ba/vijesti/bosna-i-hercegovina/hrvatska-ne-odobrava-izrucenje-lejle-fazlagic-bh-pravosuđu/275884>.
- 36 Such as the Sky ECC and ANOM encrypted messaging platforms being used by criminal networks. Authorities in Belgium, France, Germany, the Netherlands and Spain joined forces with Europol to infiltrate and disrupt the networks operating across the European continent. A total of 232 suspects were arrested, including those who played a pivotal role in drug trafficking and money laundering operations. See Europol, Encrypted app intelligence exposes sprawling criminal networks across Europe, 15 April 2025, <https://www.europol.europa.eu/media-press/newsroom/news/encrypted-app-intelligence-exposes-sprawling-criminal-networks-across-europe>.
- 37 The treaty was developed under the Southeast Europe Regional Programme on Strengthening the Capacity of Anti-corruption Authorities and Civil Society to Combat Corruption and Contribute to the UNCAC Review Process, which is being implemented by the RAI in partnership with the UNODC, and with funding from the Austrian Development Agency. Legal basis: UNCAC (Article 43, para 1: 'Parties shall consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption and developing an effective financial disclosure systems for appropriate public officials'; Resolution 6/4 of the 6th Conference of UNCAC State Parties 2015, which urges: 'providing widest possible assistance, concluding multilateral, regional or bilateral treaties, international cooperation, in order to promote the legal basis for granting mutual legal assistance requests concerning natural or legal persons in a timely and effective manner'). Text of the treaty: [https://rai-see.org/php\\_sets/uploads/2023/08/Treaty-Asset-Declarations-FINAL-ENG\\_signing\\_Belgrade\\_2021.pdf](https://rai-see.org/php_sets/uploads/2023/08/Treaty-Asset-Declarations-FINAL-ENG_signing_Belgrade_2021.pdf).
- 38 UNODC, Conference room paper submitted by the Regional Anti-Corruption Initiative (RAI): The International Treaty for the Verification of Asset Declarations, CAC/COSP/2021/CRP.7, 9 December 2021, [https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-CRP.7\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-CRP.7_E.pdf).
- 39 The Republic of Moldova will exchange data with other states for the verification of asset and interest declarations submitted by public officials. The Cabinet approved a draft law that stipulates a mechanism to create conditions for identifying and investigating properties, businesses or bank accounts held by public officials abroad. 'The main purpose of the Treaty is to prevent and combat corruption by detecting abuses and strengthening the integrity of public officials,' said the Ministry of Justice. The International Treaty on Exchange of Data for the Verification of Asset Declarations was signed by the Republic of Moldova in October 2023, and it was ratified by its parliament. See IPN, 16 January 2025, [https://www.ipn.md/en/moldova-will-exchange-data-with-other-countries-to-verify-assets-7965\\_1110888.html#ixzz8xamjh8xJ](https://www.ipn.md/en/moldova-will-exchange-data-with-other-countries-to-verify-assets-7965_1110888.html#ixzz8xamjh8xJ).
- 40 International Anti-Corruption Academy, Empowering Professionals, <https://www.iaca.int/iaca-programmes.html>.
- 41 Inva Nela, Lessons learned from the justice reform in Albania, 22 December 2021, <https://www.oegfe.at/policy-briefs/lessons-learned-from-the-justice-reform-in-albania/?lang=en>.
- 42 Xhevahir Zhabina and Eni Ferhati, Albanian judges face scrutiny over early release rulings, BalkanInsight, 13 June 2022, <https://balkaninsight.com/2022/06/13/albanian-judges-face-scrutiny-over-early-release-rulings/>.
- 43 European Commission for the Efficiency of Justice, Strengthening the Quality and Efficiency of Justice in Albania (SEJ IV), Council of Europe, <https://www.coe.int/en/web/cepej/strengthening-the-quality-and-efficiency-of-justice-in-albania-sej-iv->.

- 44 Kristo Kote, Suspended judge interrogated by SPAK, Albanian Daily News, 11 February 2022, <https://albaniandailynews.com/news/kpa-suspended-judge-taken-in-for-questioning-by-spak-1>.
- 45 Ibid.
- 46 Ibid.
- 47 Ibid.
- 48 AH is sentenced/ The KPA judge hid his wealth, CNA, 24 January 2024, <https://www.cna.al/english/aktualitet/denohet-ardian-hajdari-gjyqtari-i-kpa-se-fshehu-te-ardhurat-i388150>
- 49 Judge AH is accused of hiding assets sentenced to 1 year in prison, Pamfleti, 24 January 2024, <https://pamfleti.net/english/aktualitet/akuzohet-per-fshehje-pasurie-denohet-me-1-vit-burg-gjyqtari-ardian-ha-i209342>.
- 50 Ibid.
- 51 AH is sentenced/The KPA judge hid his wealth, CNA, 24 January 2024, <https://www.cna.al/english/aktualitet/denohet-ardian-hajdari-gjyqtari-i-kpa-se-fshehu-te-ardhurat-i388150>.
- 52 The General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Peace Agreement, is the peace agreement reached in Dayton, Ohio, United States, in November 1995, and formally signed in Paris in December 1995. It put an end to the four-year-long Bosnian War, one of the armed conflicts in the former Socialist Federative Republic of Yugoslavia.
- 53 Reinhard Priebe, Expert Report on Rule of Law Issues in Bosnia and Herzegovina, European Commission, 5 December 2019, <https://www.eeas.europa.eu/sites/default/files/documents/2024/ExpertReportonRuleofLawissuesinBosniaandHerzegovina.pdf>.
- 54 European Commission, Bosnia and Herzegovina 2024 Report, 30 October 2024, [https://enlargement.ec.europa.eu/document/download/451db011-6779-40ea-b34b-a0eada451746\\_en?filename=Bosnia%20and%20Herzegovina%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/451db011-6779-40ea-b34b-a0eada451746_en?filename=Bosnia%20and%20Herzegovina%20Report%202024.pdf).
- 55 Venice Commission, Bosnia and Herzegovina follow-up opinion to previous opinion on the draft law of the high judicial and prosecutorial council, 18 March 2025, [https://www.venice.coe.int/webforms/documents/default.aspx?pdfFile=CDL-AD\(2025\)004-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdfFile=CDL-AD(2025)004-e).
- 56 Admir Muslimovic, Bosnian Judge faces censure for war crimes comments, Balkan Insight, 5 June 2017, <https://balkaninsight.com/2017/06/05/bosnian-judge-faces-censure-for-war-crimes-comments-06-05-2017/>.
- 57 Emina Dizdarević Tahmišćija, *Podignuta disciplinska tužba protiv sudije Branka Perića*, Detektor, 7 June 2023, <https://detektor.ba/2023/06/07/podignuta-disciplinska-tuzba-protiv-sudije-branka-perica/>.
- 58 Ibid.
- 59 UNDP, *Përmbledhja e pulsit publik XXVI* (Summary of Public Sentiment XXVI), May 2024, p 12, [https://www.undp.org/sites/g/files/zskgke326/files/2024-08/public\\_pulse\\_alb\\_final\\_29071.pdf](https://www.undp.org/sites/g/files/zskgke326/files/2024-08/public_pulse_alb_final_29071.pdf).
- 60 Zamira Krasniqi and Florian Smajli, *Politika Ndëshkimore në "Krimet Speciale"*, Kosovo Law Institute, December 2024, p 6, <https://kli-ks.org/wp-content/uploads/2024/12/Politika-ndeshkimore-ne-krimet-speciale.pdf>.
- 61 UNDP, Summary of Public Sentiment XXVI, May 2024, p 19, [https://www.undp.org/sites/g/files/zskgke326/files/2024-08/public\\_pulse\\_eng\\_final\\_29071.pdf](https://www.undp.org/sites/g/files/zskgke326/files/2024-08/public_pulse_eng_final_29071.pdf).
- 62 Betimi për Drejtësi, *Ushtrimi i dy padive të njëjta nga avokatët*, 24 February 2023, <https://betimiperdrejtesi.com/betimi-per-drejtesi-353-ushtrimi-i-dy-padive-te-njejta-nga-avokatet/>.
- 63 Leotrim Gashi and Gzim Shala, *Korrupsioni në prag të vjetërsimit*, Kosovo Law Institute, December 2021, p 6, <https://kli-ks.org/wp-content/uploads/2021/12/Korrupsioni-ne-prag-te-vjetersimit-Final.pdf>.
- 64 Ibid.
- 65 *Deklarohen të pafajshëm 19 të akuzuarit për rastin e njohur si 'Afera e Hidrocentraleve'*, Betimi për Drejtësi, 28 October 2020, <https://betimiperdrejtesi.com/deklarohen-te-pafajshem-19-te-akuzuarit-per-rastin-e-njohur-si-afere-e-hidrocentraleve/>.
- 66 Ibid.
- 67 Ibid.
- 68 Law on the Energy Regulatory Office, Official Gazette No. 05/L-04, 4, Article 35, para 4.
- 69 Ibid.
- 70 *Arsyetimi i vendimit të gjykatës në rastin "Hidrocentralet", ku konfirmoi aktakuzën ndaj ish-ministrave dhe dy të akuzuarve tjerë dhe pushoi procedurën penale ndaj 13 të tjerëve*, Betimi për Drejtësi, 11 March 2021, <https://betimiperdrejtesi.com/arsyetimi-i-vendimit-te-gjykes-ne-rastin-hidrocentralet-ku-konfirmoi-aktakuzen-ndaj-ish-ministrave-dhe-dy-te-akuzuarve-tjere-dhe-pushoi-proceduren-penale-ndaj-13-te-tjereve/>.
- 71 *Lirohen nga akuza katër ish-ministrat e Qeverisë Thaçi 2 dhe dy të tjerët për rastin e njohur si "Afera e Hidrocentraleve"*, Betimi për Drejtësi, 8 November 2022, <https://betimiperdrejtesi.com/shpallen-te-pafajshem-te-akuzuarit-ne-rastin-e-hidrocentraleve/>.
- 72 *Arsyetimi i Themelores në aktgjykimin lirues në rastin e njohur si "Afera e Hidrocentraleve"*, Betimi për Drejtësi, 26 January 2023, <https://betimiperdrejtesi.com/arsyetimi-i-themelores-ne-aktgjykimin-lirues-ne-rastin-e-njohur-si-afere-e-hidrocentraleve/>.
- 73 Ibid.
- 74 Ibid.
- 75 *Afera e Hidrocentraleve, Apeli vërteton aktgjykimin lirues ndaj katër ish-ministrave të Qeverisë Thaçi 2 dhe dy të tjerëve*, Betimi për Drejtësi, 29 March 2023, <https://betimiperdrejtesi.com/afere-e-hidrocentraleve-apeli-verteton-aktgjykimin-lirues-ndaj-kater-ish-ministrave-te-qeverise-thaci-2-dhe-dy-te-tjereve/>.
- 76 The Constitution of Montenegro (Official Gazette of Montenegro, no. 001/07 of 25 October 2007) was adopted one year after the declaration of independence, while amendments Sections I to XVI were adopted in 2013 (Official Gazette of Montenegro, no. 038/13 from 2 August 2013). The part of the Constitution on the judiciary is regulated by Articles 118–128.

- 77 Official Gazette of Montenegro, 011/15 of 12 March 2015, 028/15 of 3 June 2015, 042/18 of 29 June 2018, 060/24 of 24 June 2024.
- 78 Defined by Article 268 para. 3 and 4 of the Criminal Code of Montenegro.
- 79 Interview with a judge of the Special Division of the High Court, Podgorica, Montenegro, 30 October 2024.
- 80 *Slučajna raspodjela predmeta nije tako slučajna, moguće ispitivanje odgovornosti Borisa Savića*, Vijesti, 2 December 2022, <https://www.vijesti.me/vijesti/politika/633223/slucajna-raspodjela-predmeta-nije-tako-slucajna-moguće-ispitivanje-odgovornosti-borisa-savica>.
- 81 Interview with a judge of the Special Division of the High Court, Podgorica, Montenegro, 30 October 2024.
- 82 Human Rights Action, Selection, Advancement, and Accountability of Judges in Montenegro in 2023 and 2024, 17 December 2024, <https://www.hraction.org/wp-content/uploads/2024/12/Nacrt-izvjestaja-17-12-2024.pdf>.
- 83 Interview with a judge of the Special Division of the High Court, Podgorica, Montenegro, 30 October 2024.
- 84 Borislav Visnjic, Montenegro Supreme Court's ex-president convicted of abuse of office, Balkan Insight, 4 November 2024, <https://balkaninsight.com/2024/11/04/montenegro-supreme-courts-ex-president-convicted-of-abuse-of-office/>.
- 85 Ibid.
- 86 Ibid.
- 87 Constitution of the Republic of North Macedonia, Official Gazette no. 52/1991; 1/1992; 1/1992; 31/1998; 31/1998; 91/2001; 91/2001; 84/2003; 84/2003; 107/2005; 107/2005; 3/2009; 3/2009; 13/2009; 49/2011; 49/2011; 6/2019; 6/2019.
- 88 Amendment XXIX to the Constitution of the Republic of North Macedonia, Official Gazette no. 107/2005.
- 89 Law on Courts, Official Gazette no. 58/2006; 62/2006; 35/2008; 61/2008; 118/2008; 16/2009; 150/2010; 39/2012; 83/2018; 198/2018; 96/2019.
- 90 Law on the Judicial Council of the Republic of North Macedonia, Official Gazette no. 102/2019; 51/2023.
- 91 Report from the Onsite Visits of the President of the Supreme Court to the Primary and Appellate Courts in North Macedonia, 2024.
- 92 Darko Avramovski et al, Analysis of the Trial Monitoring Data for 2023, Coalition All for Fair Trials, 2023.
- 93 Information obtained through requests for access to public information.
- 94 OSCE Mission to Skopje, State Commission for Prevention of Corruption, Association of Judges of the Republic of North Macedonia, Association of Public Prosecutors in the Republic of North Macedonia- Corruption Risk Assessment in the Judiciary in North Macedonia, 2023.
- 95 Skopje: A Supreme Court judge is arrested, suspected of bribery, CNA News, 21 May 2024, <https://www.cna.al/english/kosova-bota/shkup-arrestohet-nje-gjykates-i-supremes-dyshohet-per-ryshfet-i399021>.
- 96 North Macedonia's Supreme Court Justice sentenced to three years in prison for bribery, Beta Briefing, 15 August 2024, <https://betabriefing.com/news/region/28260-north-macedonias-supreme-court-justice-sentenced-to-three-years-in-prison-for-bribery>.
- 97 Official Gazette of the Republic of Serbia, No.98/2006 and 115/2021.
- 98 Ibid.
- 99 Venice Commission, Serbia - Opinion on the Draft Amendments to the Constitutional Provisions on the Judiciary, 25 June 2018, paras. 28–36, 55–56; Venice Commission, Serbia - Opinion on the Draft Constitutional Amendments on the Judiciary and the Draft Constitutional Law for the Implementation of the Constitutional Amendments, 15–16 October 2021, para 31.
- 100 The Act on amending the Constitution was adopted in Parliament on 30 November 2021, and confirmed by referendum on 16 January 2022.
- 101 Association of Judges of Serbia, Influence on the Legal Framework for Judicial Independence, 2024, <https://www.sudije.rs/Dokumenta/Publikacije/jas%20uticaj%20na%20pravni%20okvir.pdf>.
- 102 Venice Commission of the Council of Europe, Opinion No. 1211/2024, 9 December 2024, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)036-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)036-e)
- 103 Supreme Court of Serbia, Annual Report on the work of the courts, 8 March 2024, <https://www.vrh.sud.rs/en/annual-report-work-courts>.
- 104 Council of Europe, CCJE Opinion No. 25/2022 on freedom of expression of judges, 2 December 2022, <https://rm.coe.int/opinion-no-25-2022-final/1680a973ef%0A%0A>.
- 105 Jelena Radivojevic, Judge sues KRIK, seeks jail time for journalists and occupational ban, KRIK, 30 May 2024, <https://www.krik.rs/en/judge-sues-krik-seeks-jail-time-for-journalists-and-occupational-ban/>.
- 106 Ibid.
- 107 Ibid.
- 108 UNCAC, Article 6 outlines the required features of specialized anti-corruption preventive agencies:  
'1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as: (a) Implementing the policies referred to in article 6 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies; (b) Increasing and disseminating knowledge about the prevention of corruption.  
2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.'

- 109 UNCAC, Article 36 outlines the required features of the specialized anti-corruption law enforcement agencies: 'Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.'
- 110 UNCAC, Article 58 outlines the required features of financial intelligence units (not dealt with in this report) as entities fighting laundering of proceeds of corruption, without requiring them to be specialized for corruption, which is also the reason why these units do not qualify as 'specialized anti-corruption agencies'.
- 111 European Partners Against Corruption., Anti-Corruption Authority Standards, November 2011, [https://www.epac-eacn.org/fileadmin/Documents/Recommendations/Anti-Corruption\\_Authority\\_Standards.pdf](https://www.epac-eacn.org/fileadmin/Documents/Recommendations/Anti-Corruption_Authority_Standards.pdf).
- 112 This is also the case in Slovenia, serving as a blueprint for similar institutions in the region, which established a preventive anti-corruption body in 2004.
- 113 Controlling the assets and conflicts of interests of public officials.
- 114 Croats, Muslims and Serbs.
- 115 Head of anti-graft agency in Montenegro arrested on suspicion of abuse of office, Radio Free Europe, 17 April 2024, <https://www.rferl.org/a/montenegro-anti-corruption-agency-perovic-arrested-abuse-office/32909799.html>.
- 116 Serbian police arrest 79 in anti-corruption swoop, Balkan Insight, 26 December 2015, <https://balkaninsight.com/2015/12/26/serbia-police-arrest-80-in-anti-corruption-swoop-12-26-2015-1/>.
- 117 Susceptible to different initiatives and suggestions of the government.
- 118 Including the adoption of the Rules on Internal Organization and Staffing.
- 119 Judges, prosecutors, lawyers, journalists and members of CSOs.
- 120 European Commission, North Macedonia 2024 Report, 30 October 2024, p 33, [https://neighbourhood-enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88\\_en?filename=North%20Macedonia%20Report%202024.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88_en?filename=North%20Macedonia%20Report%202024.pdf).
- 121 Albanian Parliament, Resolution, 21 July 2022, Dergim-Rezolute.pdf (ildkpi.al).
- 122 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the committee of the regions 2024 Communication on EU enlargement policy, COM (2024) 690 final, 30 October 2024.
- 123 GRECO, Fifth Evaluation Round Compliance Report Albania, 2 March 2023., <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680aa6125>
- 124 Ibid.
- 125 Ibid.
- 126 798 of 805.
- 127 Institute for Democracy and Mediation, National Integrity System Assessment: Albania 2023, April 2024, <https://idmalbania.org/publication-cpt/national-integrity-system-assessment-albania-2023/>.
- 128 GRECO, Fifth round evaluation report on Bosnia and Herzegovina, 9 March 2023, <https://www.coe.int/en/web/human-rights-rule-of-law/-/greco-publication-of-5th-round-evaluation-report-on-bosnia-and-herzegovina>.
- 129 Ibid, p 6.
- 130 Macedonian Center for International Cooperation and SELDI, Corruption Assessment Report on North Macedonia, 2023, <https://mcms.mk/images/docs/2023/corruption-assessment-report-on-north-macedonia.pdf>.
- 131 SPAK, *Njoftim per shtyp*, 21 October 2024, <https://spak.gov.al/njoftim-per-shtyp-date-21-10-2024-2/>.
- 132 Pamfleti, Judge Ardian Hajdari is accused of hiding assets, sentenced to 1 year in prison, 24 January 2024, <https://pamfleti.net/english/aktualitet/akuzohet-per-fshehje-pasurie-denohet-me-1-vit-burg-gjyqtari-ardian-ha-i209342>.
- 133 In relation to suspicions of illegal interference in the 2023 elections.
- 134 The ombudsman reacted due to the punishment of the ITA worker who reported corruption: APIK must protect Emir Mešić, Transparency International BiH, 13 August 2021, <https://transparentno.ba/2021/08/13/ombudsman-reagovao-zbog-kaznjavanja-radnika-uio-koji-je-prijavio-korupciju-apik-mora-zastititi-emira-mesica/>.
- 135 Antena M, *Leković: Skandal ASK koja je nezakonito dozvolila uvid u podatke svakog crnogorskog funkcionera firme iz Novog Sada*, 11 July 2024, <https://www.antenam.net/drustvo/330873-lekovic-skandal-ask-koja-je-nezakonito-dozvolila-uvid-u-podatke-svakog-crnogorskog-funkcionera-firme-iz-novog-sada>.
- 136 Pistaljka Повереник: Одбрана земље била би угрожена ако би грађани знали шта од оружја имају министри, 18 February 2024, <https://pistaljka.rs/home/read/1081>.
- 137 Albania's Intersectoral Anti-Corruption Strategy 2024–2030, Council of Ministers' Decision No. 859, 26 December 2024, <https://aksedrejttesi.al/dokumenta/1736247570vendim-2024-12-26-859.pdf>.
- 138 Institute for Democracy and Mediation, National Integrity System Assessment: Albania 2023, April 2024, <https://idmalbania.org/publication-cpt/national-integrity-system-assessment-albania-2023/>.
- 139 Ibid.
- 140 Ibid.
- 141 See European Commission, Screening Report Cluster 1 – Fundamentals, 27 July 2023, <https://enlargement.ec.europa.eu/document/download/b83313ef-48c5-4bef-9f00->



- f5d66509572e\_en?filename=AL%20Cluster\_1%20Draft%20screening%20report\_external%20version.pdf; GRECO, Fifth Evaluation Round Compliance Report Albania, 2 March 2023, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680aa6125>.
- 142 Politiko, Accused of false declaration of assets, the former head of the Tirana Prosecutor's Office is sent for trial, 11 December 2023, <https://politiko.al/english/e-tjera/akuzohet-per-deklarim-te-rreme-te-pasurise-dergothet-per-gjykim-ish-drejt-i497624>.
- 143 Republic of Albania Independent Qualification Commission, Vendim – Petrit Fusha, 13 July 2012, Magjistral.al, <http://magjistral.al/dokumenta/16040499791594459593Vendim-Petrit-Fusha.pdf>.
- 144 Gazeta Tema, *Ishshefi i Prokurorisë, Petrit Fusha cihet në gjyq për fshehje pasurie*, 11 December 2023, <https://www.gazetatema.net/kronika/ish-shefi-i-prokurorisë-petrit-fusha-cohet-ne-gjyq-per-fshehje-pasurie-i418804>.
- 145 Republic of Albania General Prosecutor's Office, Durres Prosecutor's Office completes investigations and sends former prosecutor P.F., investigated for false declaration of assets, to trial, [https://www.pp.gov.al/Durresi/Media/Prokuroria\\_e\\_Durresit\\_perfundon\\_hetimet\\_dhe\\_dergon\\_ne\\_gjyq\\_ish-prokurorin\\_P\\_F\\_i\\_hetuar\\_per\\_deklarim\\_te\\_rreme\\_te\\_pasurise.html](https://www.pp.gov.al/Durresi/Media/Prokuroria_e_Durresit_perfundon_hetimet_dhe_dergon_ne_gjyq_ish-prokurorin_P_F_i_hetuar_per_deklarim_te_rreme_te_pasurise.html).
- 146 Pamfleti, *Akuzohet për deklarim të rremë pasurie, mbyllen hetimet për ish-prokurorin Petrit Fusha*, 11 December 2023, <https://pamfleti.net/aktualitet/akuzohet-per-deklarim-te-rreme-pasurie-mbyllen-hetimet-per-ish-prokur-i202597>.
- 147 Ibid.
- 148 Entela Barjamaj, *'Piratët' e Spanjës: Drejtësia bën një sy qorr ndaj pastrimit të parave në ndërtim*, 21 July 2022, Reporter.al, <https://www.reporter.al/2022/07/21/piratet-e-spanjes-drejtësia-ben-nje-sy-qorr-ndaj-pastrimit-te-parave-ne-ndertim/>.
- 149 Ibid.
- 150 Politiko, Accused of false declaration of assets, the former head of the Tirana Prosecutor's Office is sent for trial, 11 December 2023, <https://politiko.al/english/e-tjera/akuzohet-per-deklarim-te-rreme-te-pasurise-dergothet-per-gjykim-ish-drejt-i497624>.
- 151 European Commission, Bosnia and Herzegovina 2023 Report, 8 November 2023, [https://enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_691%20Bosnia%20and%20Herzegovina%20report.pdf](https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf).
- 152 Interview with Emsad Dizdarevic, Transparency International BiH, 18 September 2024, Sarajevo.
- 153 European Commission, Bosnia and Herzegovina 2023 Report, Brussels, 8 November 2023, [https://enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_691%20Bosnia%20and%20Herzegovina%20report.pdf](https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf).
- 154 Official Gazette, Law on the Agency for the Prevention of Corruption and Coordination of the Fight Against Corruption, Article 24, para 2.
- 155 Interview with Mevludin Džindo, Assistant Director of APC, 24 October 2024, Sarajevo.
- 156 Office for the Audit of BiH Institutions, Report on the Financial Audit of the Agency for Prevention of Corruption and Coordination the fight against corruption in Bosnia and Herzegovina for the year 2022, 2023.
- 157 Interview with Emsad Dizdarević, Transparency International BiH, 18 September 2024, Sarajevo.
- 158 The ombudsman reacted due to the punishment of the ITA worker who reported corruption: APIK must protect Emir Mešić, Transparency International BiH, 13 August 2021, <https://transparentno.ba/2021/08/13/ombudsman-reagovao-zbog-kaznjavanja-radnika-uio-koji-je-prijavio-korupciju-apik-mora-zastititi-emira-mesica/>.
- 159 Ibid.
- 160 Ibid.
- 161 Ibid.
- 162 Official Gazette of the Republic of Kosovo, Law No. 08/L-017 On The Agency For Prevention Of Corruption, 21 July 2022, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=60591>.
- 163 Ibid.
- 164 Interview with Yll Buleshkaj of the APC in BiH, 22 October 2024, Pristina.
- 165 Agency for the Prevention of Corruption, Annual Report: January–December 2023, March 2024, [https://apk-rks.net/wp-content/uploads/2024/05/Raporti-Vjetor-2023-Agjencia-per-Parandalimin-e-Korrupsionit\\_compressed.pdf](https://apk-rks.net/wp-content/uploads/2024/05/Raporti-Vjetor-2023-Agjencia-per-Parandalimin-e-Korrupsionit_compressed.pdf).
- 166 Interview with Albana Hasani, researcher for the NGO 'Levizja FOL', 6 December 2024, Pristina.
- 167 Telegrafi, The complete file of the Prosecutor's Office: What did Minister Gërvalla not declare from the property and what did he declare to the Prosecutor's Office?, August 2024, <https://telegrafi.com/en/dosja-e-plote-e-prokurorisë-cka-nuk-deklaroi-nga-pasuria-ministria-gervalla-e-efare-kishte-dekluar-ne-prokurori/>.
- 168 Official Gazette of the Republic of Kosovo. Law No. 04/L-082 Criminal Code of the Republic of Kosovo, 13 July 2012.
- 169 Ibid.
- 170 Kosovo Online, RFE: Managing with not so clean hands, 21 December 2024, <https://www.kosovo-online.com/en/news/analysis/rfe-managing-not-so-clean-hands-21-12-2024>.
- 171 RTCG, ASK podatke o funkcionerima nezakonito ustupila firmi iz Novog Sada, 23 December 2022, <https://rtcg.me/vijesti/drustvo/391712/ask-podatke-o-funkcionerima-nezakonito-ustupila-firmi-iz-novog-sada.html>
- 172 Antena M, Leković: Skandal ASK koja je nezakonito dozvolila uvid u podatke svakog crnogorskog funkcionera firmi iz Novog Sada, 11 July 2024, <https://www.antenam.net/drustvo/330873-lekovic-skandal-ask-koja-je-nezakonito-dozvolila-uvid-u-podatke-svakog-crnogorskog-funkcionera-firmi-iz-novog-sada>
- 173 Aneta Durovic, Lični podaci zvaničnika Crne Gore 'na izvolite', Radio Slobodna Evropa, 21 September 2023, <https://www.>

- slobodnaevropa.org/a/crna-gora-licni-podaci-funkcioneri-agencija-sprjecavanje-korupcije-prozone-srbija/32603271.html
- 174 European Commission, North Macedonia 2024 Report, 30 October 2024, [https://neighbourhood-enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88\\_en?filename=North%20Macedonia%20Report%202024.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88_en?filename=North%20Macedonia%20Report%202024.pdf).
- 175 European Commission, North Macedonia Progress Report 2019, 29 May 2019, <https://enlargement.ec.europa.eu/system/files/2019-05/20190529-north-macedonia-report.pdf>.
- 176 European Commission, North Macedonia 2024 Report, 30 October 2024, p 33, [https://neighbourhood-enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88\\_en?filename=North%20Macedonia%20Report%202024.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88_en?filename=North%20Macedonia%20Report%202024.pdf).
- 177 Official Gazette of the Republic of North Macedonia, Law on Prevention of Corruption and Conflict of Interest, Article 17, <https://dsk.mk/wp-content/uploads/2021/04/LAW-ON-PREVENTION-OF-CORRUPTION-AND-CONFLICT-OF-INTERESTS.pdf>.
- 178 European Commission, North Macedonia 2023 Report, 11 November 2023, [https://enlargement.ec.europa.eu/document/download/28a9322a-3f18-434e-89d2-0890c90b2f96\\_en?filename=SWD\\_2023\\_693%20North%20Macedonia%20report.pdf](https://enlargement.ec.europa.eu/document/download/28a9322a-3f18-434e-89d2-0890c90b2f96_en?filename=SWD_2023_693%20North%20Macedonia%20report.pdf).
- 179 Macedonian Center for International Cooperation and SELDI, Corruption Assessment Report on North Macedonia, 2023, <https://mcms.mk/images/docs/2023/corruption-assessment-report-on-north-macedonia.pdf>.
- 180 Mia.mk, U.S. designates former Deputy PM KA for significant corruption, 5 December 2023, <https://mia.mk/index.php/en/story/u.s.-designates-former-deputy-pm-kocho-angjushev-for-significant-corruption>.
- 181 Former Deputy PM Of North Macedonia Barred From Entering U.S. Over Corruption, Radio Free Europe, 5 December 2023, <https://www.rferl.org/a/north-macedonian-official-barred-us-corruption/32715674.html>.
- 182 Matthew Miller, Designation of North Macedonia Public Official Kocho Angjushev for Significant Corruption, US Department of State, 5 December 2023, <https://2021-2025.state.gov/designation-of-north-macedonia-public-official-kocho-angjushev-for-significant-corruption/>.
- 183 Official Gazette of the Republic of Serbia, Law on the Prevention of Corruption (No. 35/19, 88/19, 11/21- Authentic interpretation, 94/21, 14/22), [https://www.acas.rs/storage/page\\_files/Law%20on%20Corruption%20Prevention%20consolidated.pdf](https://www.acas.rs/storage/page_files/Law%20on%20Corruption%20Prevention%20consolidated.pdf).
- 184 European Commission, 2024 Country Report for Serbia, October 2024, p 34, [https://neighbourhood-enlargement.ec.europa.eu/document/download/3c8c2d7f-bff7-44eb-b868-414730cc5902\\_en?filename=Serbia%20Report%202024.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/3c8c2d7f-bff7-44eb-b868-414730cc5902_en?filename=Serbia%20Report%202024.pdf).
- 185 Ibid.
- 186 Interview with Nemanja Nenadić, Transparency Serbia, 21 November 2024, Belgrade, Serbia.
- 187 See Official Gazette of the Republic of Serbia, Law on the Prevention of Corruption (No. 35/19, 88/19, 11/21- Authentic interpretation, 94/21, 14/22), Article 80.
- 188 Interview with Nemanja Nenadić, Transparency Serbia, 21 November 2024, Belgrade, Serbia.
- 189 Ibid.
- 190 Transparency Serbia, National Integrity System Assessment – Serbia 2023, February 2024, pp. 157–158, [https://transparentnost.org.rs/images/dokumenti\\_uz\\_vesti/NIS-2023-EN.pdf](https://transparentnost.org.rs/images/dokumenti_uz_vesti/NIS-2023-EN.pdf).
- 191 Official Gazette of the Republic of Serbia, Code of Conduct for Civil Servants (No. 29/08, 30/15, 20/18, 42/18, 80/19, 32/20), <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/drugidrzavniorganiorganizacije/kodeks/2008/29/1/reg>.
- 192 Agency for the Prevention of Corruption, Annual Report on the Work of the Agency, 2023, [https://www.acas.rs/storage/page\\_files/Izveštaj%20o%20radu%20za%202023.%20godinu%20Agencije%20za%20sprečavanje%20korupcije.pdf](https://www.acas.rs/storage/page_files/Izveštaj%20o%20radu%20za%202023.%20godinu%20Agencije%20za%20sprečavanje%20korupcije.pdf).
- 193 Official Gazette of the Republic of Serbia, Law on the Prevention of Corruption (No. 35/19, 88/19, 11/21- Authentic interpretation, 94/21, 14/22), Article 32.
- 194 See, Serbian National Anti-Corruption Strategy for the period 2024–2028, 25 July 2024, [https://www.mpravde.gov.rs/files/ENG\\_nac\\_strat\\_borba\\_protiv\\_korupc\\_2024-2028\\_017\\_lat%20\(1\).pdf](https://www.mpravde.gov.rs/files/ENG_nac_strat_borba_protiv_korupc_2024-2028_017_lat%20(1).pdf).
- 195 Transparency Serbia, National Integrity System Assessment – Serbia 2023, February 2024, pp. 156–158, [https://transparentnost.org.rs/images/dokumenti\\_uz\\_vesti/NIS-2023-EN.pdf](https://transparentnost.org.rs/images/dokumenti_uz_vesti/NIS-2023-EN.pdf).
- 196 Ibid.
- 197 Ibid.
- 198 Available at [https://www.acas.rs/eng/pages\\_eng/annual\\_reports\\_1](https://www.acas.rs/eng/pages_eng/annual_reports_1).
- 199 Interviews with Nemanja Nenadić, Transparency Serbia, 21 November 2024, and Vladimir Radomirović, Pištaljka, 27 November 2024 and Valdimir Kostić, Center for Investigative Journalism of Serbia, 5 December 2024.
- 200 Ibid.
- 201 For example, the Center for Investigative Journalism of Serbia reported on a large call centre in Belgrade, where over 100 individuals contacted citizens daily to inquire about their voting intentions for the ruling party (Serbian Progressive Party) in the December 2023 elections; see Ivana Milosavljević, Teodora Ćurčić and Vladimir Kostić, CINS in the SNS call center: Agency for hostesses, buying votes and millions in cash, 29 November 2023, <https://www.cins.rs/cins-u-kol-centru-sns-a-agencija-za-hostese-kupovina-glasova-i-milioni-u-kesu/>; Ivana Milosavljević and Teodora Ćurčić, Transparency submitted a report to the Agency because of the SNS call center, 5 December 2023, <https://www.cins.rs/transparentnost-podnela-prijavu-agenciji-zbog-sns-kol-centra>; Jelena Veljković and Aleksandar Đorđević, *Šapićeva vila u*

- Trstu: Gradonačelnik Beograda nije prijavio kuću vrednu 820.000 evra*, BIRN, 26 January 2023, <https://birn.rs/aleksandar-sapic-vila-u-trstu/>.
- 202 Jelena Veljković and Aleksandar Đorđević, *Šapićeva vila u Trstu: Gradonačelnik Beograda nije prijavio kuću vrednu 820.000 evra*, BIRN, 26 January 2023, <https://birn.rs/aleksandar-sapic-vila-u-trstu/>.
- 203 For more details, see ACAS, Press Release, 27 January 2021, <https://www.acas.rs/cyr/news/329>.
- 204 Mladen Savatović, *Agencija za sprečavanje korupcije vanredno proverava izveštaje o imovini Šapića*, N1 Info, 30 January 2023, <https://n1info.rs/vesti/agencija-za-sprecavanje-korupcije-odgovorila-na-pitanja-n1-o-sapicevoj-vili/>.
- 205 Ugljesa Zvekic and Ioannis Vlassis, Integrity and independence of criminal justice institutions in the Western Balkans: Police and prosecution, GI-TOC, November 2024, <https://globalinitiative.net/analysis/integrity-and-independence-of-criminal-justice-institutions-in-the-western-balkans/>.
- 206 Processes related to accession to the EU combined with international obligations like the UN Women, Peace and Security Agenda from 2000 and the 2030 Agenda for Sustainable Development from 2015.
- 207 United Nations Economic Commission Europe, Share of women among judges, 2022, <https://w3.unece.org/PXWeb/en/Table?IndicatorCode=32>.
- 208 Supreme Court of the Republic of Serbia, Annual Report on the work of Courts, 8 March 2024, <https://www.vrh.sud.rs/sr-lat/godisnjiizvestaj>.
- 209 Judicial Council Montenegro, Annual Report on the work of the Judicial Council and overall situation in the judiciary for 2021, 2021, [https://sudovi.me/static/sdsv/doc/ANNUAL\\_REPORT\\_2021\\_JUDICIAL\\_COUNCIL.pdf](https://sudovi.me/static/sdsv/doc/ANNUAL_REPORT_2021_JUDICIAL_COUNCIL.pdf).
- 210 European Commission, Albania 2023 Report, 8 November 2023, [https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b\\_en?filename=SWD\\_2023\\_690%20Albania%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf).
- 211 Supreme Court of the Republic of Albania, Members of the Supreme Court, 2024, <https://gjkataelarte.gov.al/en/anetaret-e-gjykates-se-larte>.
- 212 Republic of Albania Institute for Statistics, Men and Women 2023, 2023, <https://www.instat.gov.al/en/themes/demography-and-social-indicators/gender-equality/publication/2023/men-and-women-in-albania-2022/>.
- 213 Information obtained through requests for access to public information from the Judicial Council of the Republic of North Macedonia, 24 November 2024.
- 214 Kosana Beker and Neda Chalovska Dimovska; Gender and Diversity in the Judiciary - North Macedonia, OSCE Mission to Skopje, December 2021.
- 215 Lavdim Makshana, Challenges in Judicial Administration, Kosovo Law Institute, April 2023, p 18, <https://kli-ks.org/wp-content/uploads/2023/04/Raportit-i-monitorimit-te-KGJK-se-per-vitin-2022-FINAL-12.04.2023.pdf>.
- 216 Arrita Rezniciq, The gender dimension of corruption, Kosovo Law Institute, December 2024, pp 12–13, <https://kli-ks.org/wp-content/uploads/2024/12/ENG-The-Gender-Dimension-of-Corruption-2.pdf>.
- 217 Information received by official reply from HIDAACI, by email, 21 November 2024.
- 218 Agency Management, Agency for the Prevention of Corruption and Coordination of the Fight against Corruption, <https://apik.ba/o-nama/default.aspx?id=31&langTag=en-US>.
- 219 Primary data acquired through field work, Pristina, Kosovo, December 2024.
- 220 Ibid.
- 221 SCPC, Current Composition of the SCPC, <https://dksk.mk/en/2499-2/>.
- 222 SCPC, List of employees in the Secretariat of the SCPC, <https://dksk.mk/en/list-of-employees-in-the-secretariat-of-the-scpc/>.
- 223 Organization for Security and Co-operation in Europe, Gender and corruption: research for the Republic of North Macedonia, 7 November 2022, p. 6, <https://www.osce.org/mission-to-skopje/530527>.
- 224 Ibid., p. 13.
- 225 Ibid., p. 14.
- 226 Ibid., pp 23–24.
- 227 Agency for the Prevention of Corruption, Manual for Measuring Progress in Advancing Gender Equality through the Work of the Agency for the Prevention of Corruption, 2021, [https://www.acas.rs/storage/page\\_files/Rodna%20perspektiva%20sprečavanja%20korupcije-Priručnik%20za%20merenje%20pomaka%20u%20doprinosu%20unapređenju%20rodne%20ravnopravnosti%20kroz%20rad%20Agencije%20\(2021\).pdf](https://www.acas.rs/storage/page_files/Rodna%20perspektiva%20sprečavanja%20korupcije-Priručnik%20za%20merenje%20pomaka%20u%20doprinosu%20unapređenju%20rodne%20ravnopravnosti%20kroz%20rad%20Agencije%20(2021).pdf).
- 228 Agency for the Prevention of Corruption, Annual Report on the Work of the Agency, 2023 [https://www.acas.rs/storage/page\\_files/Izveštaj%20o%20radu%20za%202023.%20godinu%20Agencije%20za%20sprečavanje%20korupcije.pdf](https://www.acas.rs/storage/page_files/Izveštaj%20o%20radu%20za%202023.%20godinu%20Agencije%20za%20sprečavanje%20korupcije.pdf).



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#### ABOUT THE GLOBAL INITIATIVE

The Global Initiative Against Transnational Organized Crime is a global network with over 700 Network Experts around the world. The Global Initiative provides a platform to promote greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime.

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