2020 Corruption Perception Study
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EXECUTIVE SUMMARY

A combination of a number of political, social, economic factors and, above all, the situation with the COVID-19 pandemic, which has prevailed throughout the period of 2020, may have determined the degree of this year’s level corruption perception and the impact of these common factors on doing business in Kosovo.

The Corruption Perception Study conducted by the American Chamber of Commerce over the last three years has shown that the level of corruption is increasing year by year, making it impossible for businesses, in different sectors, to function properly and affecting the overall social and economic development of Kosovo.

The 2020 Corruption Perception Study is a genuine indicator that corruption continues to plagues the private sector in Kosovo, with the level of corruption marking an increase for almost 20 percent compared to 2019 (38.67%). The negative impact of corruption in Kosovo is almost equivalent with the impact COVID-19 pandemic has had on businesses.

According to the survey conducted with 364 enterprises, in all regions and municipalities of Kosovo, the COVID-19 pandemic and corruption are ranked by around 60% of respondents, as the two main issues the country is facing, followed by a slightly over 40% of respondents ranking lack of FDI and 38.60% of those who believe the inefficiency of the justice system is the fourth most serious issue.

Assessing the critical aspect of corruption, the 2020 Survey shows that around 78% of businesses assess it as a very critical issue for Kosovo. Meanwhile, about 70% of respondents see it as a systemic reflection of the current corruption situation, therefore one may conclude that businesses in Kosovo do not have a full trust in the institutions of the Republic of Kosovo.

This year again, around 42% of respondents believe that compared to five years ago, corruption in Kosovo has increased, which is a similar rate from the 2019 Study as well.

Despite being one of the biggest factors during this year, the COVID-19 pandemic has not been present in any other previous studies; nevertheless, 38.24% of respondents believe that the outbreak of the pandemic has had a significantly large impact on the growth of corruption.

Bribery is the most common type of corruption in Kosovo, followed by abuse of public funds, nepotism and cronyism, public procurement specification to favor individual bidders, and extortion.

The weak rule of law is reported to be the number one factor contributing to by more than 80% of respondents, thus marking an increase by up to 20% compared to the 2019 Study, followed by the lack of political will to fight corruption by 80% of businesses.

Nearly 50 percent of respondents have given negative answers about their trust in the justice system, while over 45 percent of them have assessed their trust as partial, in this system, which compared to the 2019 survey has increased as well.

In addition, 50% of respondents have claimed that they do not believe in the enforcement mechanisms, i.e. police, prosecutor’s office and courts in Kosovo, are effective in the fight against corruption.

The reporting of corruption cases to the authorities continues to be worrisome, with over 80% indicating that they have never reported.
It is inevitable that the high level of corruption impedes growth of foreign direct investment, with nearly 100% of business individuals sharing the same opinion.

The 2020 survey has revealed that government is believed to be the most corrupted institution, and this in the view of around 70%, followed by courts as per the opinion of around 57%. Finally, around 50% of respondents rank the Procurement Reviewing Body and municipalities among the most corrupted institutions.

However, there seems to be a contradiction between the level of perception of corruption and the level of transparency, as close to 60% of respondents rank the government as the most transparent institutions, followed by the publicly-owned enterprises as per the opinion of around 55% of respondents, and 50% of businesses who rank courts in third place in terms of transparency.

Compared to the 2019 Corruption Perception Study, when the media reports being primarily used as a source of information, in the 2020 Study the experience of friends and partners, personal experience and reports prepared by International organizations are listed as the top three sources of their information.

Approximately 40% of respondents, report to have encountered corruption, which is an increase of about 20% in comparison to the 2019 Study of around 22%. More than 45% have ranked municipalities as the first institutions in terms of encountered corruption, followed by around 35% of respondents who claim to have encountered corruption in the Tax Administration of Kosovo. The list continues with the government as per 34.68% of respondents and courts according to 29.48%. Whereas, a close number of 30.72% have indicated that that they have never encountered corruption.

For the first time, the survey is measuring the perception of corruption within the private sector, i.e. in business to business transactions and relations and finds that almost 70% of respondents believe that there is corruption in the private sector.

Around 30% of respondents have actually encountered with corruption, whereas 40% claimed not to have encountered any form of corruption. It should be noted that similarly to corruption perception in the public sector, there is a significant gap between the perceived corruption and encountered corruption.

When it comes to the perceived corruption by business functions, over 50% of respondents believe that corruption is present more in legal services, followed by 45% of respondents who believe that corruption occurs in sales, and slightly above 40% of the respondents who believe that corruption is present in accounting and auditing, as well. The latter is particularly concerning, knowing that accountancy professionals have an important role to play in fighting of informal economy as well.

Similarly to previous years, the percentage of respondents who have reported corruption remains very low. This year, only 15% of respondents have claimed to have reported corruption. Compared to the 2019 Study, in 2020 there is a further decrease in the percentage of businesses, who have reported corruption from 22% to 15%. The study finds though there is a direct correlation between the trust on the judiciary institutions and the level of reporting of corruption. There is a significant difference, between those who claim to report corruption, in the future, compared to those who have actually reported it. Finally, this year’s survey finds that the percentage of those who have reported corruption in the Anti-Corruption Agency has increased from 7% to over 22%, compared to 2019.
INTRODUCTION

The 2020 Corruption Perception Study is the third annual publication of the American Chamber of Commerce in Kosovo, which in the last two years is also supported by the USAID Commercial Justice Activity Program.

The 2020 was characterized with the outbreak of the COVID-19 pandemic, which has had tremendous negative impact on all regards, including private sector growth and economic development. Therefore, one may have rightly expected that questions related to the impact of COVID-19 on corruption would have necessarily been included in this year’s survey.

The 2020 survey was conducted with 364 businesses of all sizes and sectors around Kosovo via internet-based survey platforms.

Thus, the sample size is significantly larger compared to the previous years, and this was made possible thanks to the coordination with Kosovo’s Business Registration Agency, to whom both, AmCham and USAID CJA are particularly grateful.

The 2020 Study also focuses for the first time on corruption within the private sector, i.e. on business to business transactions and relations.
1. KEY ISSUES FACED BY BUSINESSES IN 2020

This year’s survey reveals that the COVID-19 pandemic and corruption share top priority among problems businesses face in Kosovo, with approximately 60% of the respondents who see it as very problematic. As set out in Figure 1, 60% of businesses, reporting in this year’s survey, have listed corruption as a key problem, just barely second place after the pandemic. This represents a 20% increase over the 2019 study. Following that, the lack of foreign direct investment (with 41.21%), inefficient judicial system (with 38.60%), labor emigration (with 34.20%), underdeveloped education system (34.04%), and others, such as poverty, unemployment, weak infrastructure, poor health care services within the 20%, as presented in graphic form below.

Respondents have ranked under ‘The other’ option the following aspects:

- lack of support for businesses by the Government and municipalities;
- lack of experts and professional decision-making by the Procurement Reviewing Board;
- lack of professionalism of inspecting bodies;
- late payments by the Government for goods and services;
- pressure for kickback;
- small market;
- informal economy;
- proper implementation of the legal framework;
- lack of grants for startups;
- visa liberalization;
- access to finance;
- labor capital;
- reassessment of imported goods by Customs;
- inefficient state administration;
- low purchase power;
- politics.

![Figure 1.1. The main issues businesses face today](image-url)
2. CORRUPTION AS VIEWED BY BUSINESSES

Corruption continues to remain at the highest level, according to the study, with 77.62% considering corruption as a very critical issue in Kosovo, while 69.49% see it as a systematic reflection of the current corruption situation in Kosovo. In addition, this helps us in understanding that business individuals do not have full confidence in the institutions of the Republic of Kosovo, as presented in the graph below.

Compared to 2019, The percentage of those considering the corruption as a critical issue has gone up for 5%. And at the same time the level of those who consider that corruption is an important issue but not in alarming level has gone down for around 4% compared to the 2019 survey.

Moreover, Kosovo continues to face major problems with the fight against corruption. Poor countries are said to be amongst the most corrupted, although this is not considered to be one of the only factors. Among the other common causes are also the economic and political environment, ethics and morality, customs, traditions and demographics.

Based on the survey conducted, 41.53% of the respondents believe that corruption in Kosovo has increased within the last 5 years and 38.24% believe that the impact of the outbreak of COVID-19 pandemic has had an even greater impact on the growth of corruption. Additionally, corruption has been considered one of the worst issues, even before the outbreak, but now, under these circumstances, COVID-19 has only deepened, instead of heightening stronger governance.

An almost similar percentage of respondents compared to the 2019 study believes that corruption has increased in the last five years, and again a similar percentage of respondents believes that corruption levels have not changed in 2020.
Bribery, abuse of public money, nepotism and clientelism, public procurement specification in favoring individual bidders/applicants, extortion, delay in answering formal questions in order of receiving compensation, non-disclosure of conflict of interest, and misuse of natural resources, are ranked as the types of corruption that exist and are applicable in Kosovo. However, among all these, bribery remains at the top of the list with approximately 70% of the business individuals ranking it as such, as presented in the graph below.

However, the involvement of businesses in corruption happens because of the need of favorable treatment in an open procedure (with 70.93%), the acceleration of bureaucratic procedure (with 57.72%), avoiding penalties (52.85%), and having access to special services (45.93%), as seen in the graph below.
Figure 2.4. What motivates businesses to get involved in corruption?

Respondents have specified the following reasons under ‘The other option’ in the question above:

- It is an alternative to survival;
- To accelerate the payment for the provided the goods and services;
- To obtain access to finance;
- Politically influenced crime;
- Tax evasion.

Among the most developed factors in the impact of corruption in Kosovo is considered to be the weak rule of law, which has marked an increase from last year by up to 20% and is worrisome, since it makes the function of businesses, meeting the legal obligations, and protecting the legal rights harder. The other causes are the lack of political will to fight it (with 80.17%), low wages and poverty (39.02%), incomplete legal framework (34.97%), political insecurity (with 29.85%).

Figure 2.5. What factors contribute to the presence of corruption in Kosovo?
The other factors contributing to the presence of corruption, as ranked by respondents, include:
- Mentality;
- Lack of transparency;
- Improper administration of evidence by Anti-Corruption Agency and PRB;
- Poor education system;
- Non-punishment of crime;
- Lack of patriotism;
- Relationships between businesses and politicians.

It is inevitable that the high level of corruption affects the growth of foreign investment, thus this is considered one of the biggest obstacles to foreign investors, with nearly 100% of business individuals sharing the same opinion.

Additionally, the study also shows that 52.71% of businesses believe that the presence of corruption has influenced their investment decisions in Kosovo, in the past, as presented in the graphs below.

Figure 2.6. Is corruption an obstacle to FDI?

Figure 2.7. Has corruption influenced your investment decisions?
According to the survey, approximately 60% support their beliefs of corruption based on the experiences of a friends/partners, 58% in their own personal experience, 54.22% in reports conducted by international and other organizations.

Figure 2.8. What information do you rely on regarding your assessment of the level of corruption?

Moreover, the Government of the Republic of Kosovo is ranked as the institution with the highest level of corruption, with approximately 70%. In addition, court is ranked the second with 55.38%, procurement review body with 49.20%, municipalities with 48.51%, Kosovo customs with 42.11%, publicly-owned enterprises with 41.19%, and others ranked with a lower percentage of less than 30%.

Figure 2.9. Institutions with the highest level of corruption

The efficiency of the above-mentioned institutions in fighting corruption is ranked as not at all efficient by more than 60% of the business individuals seeing it as such. Approximately 30% have ranked it as not very efficient, and the other 10% have stated that they do not know. Moreover, a very low percentage of the business individuals have ranked the institutions as very efficient in the fight against corruption.
Figure 2.10. How do you assess the efficiency of the above institutions in fighting corruption?
3. ENCOUNTERING CORRUPTION

Approximately 40% of respondents claimed to have encountered corruption, whereas a close number of 30.72% have indicated that that they have never encountered corruption, and approximately 30% prefer to not declare, as presented in the graph below.

**Figure 3.1. Have you ever encountered corruption?**

Furthermore, when asked to rank the institutions in which corruption has encountered, we can see by the graph presented below that more than 45% have ranked municipalities as the first institution, followed by the tax administration of Kosovo (35.26%), the government (34.68%), court (29.48%), public enterprise (25.43%), Kosovo customs (23.12%), procurement review body (20.81%), prosecution offices (14.45%), and others with less than 15%.

**Figure 3.2. Institutions in which corruption has been encountered more**

The other option in the question above includes:

- Education institutions;
- Public universities;
- University Clinical Center of Kosovo;
- Independent Mining and Minerals Commission;
- Kosovo Forestry Agency;
- Police;
- Central Bank.
4. FIGHTING OF CORRUPTION

![Bar Chart: Institutional Transparency](chart.png)

**Figure 4.1. Institutional Transparency**

Government of the Republic of Kosovo seems to stand well in the view of businesses in terms of transparent, with close to 60% of respondents believing that the Government is one of the most transparent institution, in comparison with the other institutions highlighted in the graph above. Additionally, public enterprise is considered as second in the level of transparency with up to 55%, court with 50%, procurement offices with 48.70%, procurement review body with 47.92%, municipalities with 42.71%, and other institutions with a percentage under 30.

Furthermore, one of the biggest concerns we have encountered, is the lack of trust in the function of the judicial system in Kosovo. A close number of 50% of the respondents have expressed their concern with a negative response towards this, while 45% see the functioning of the judicial system in Kosovo as partially functioning and a low percentage of less than 10% believe that the judicial system in Kosovo functions properly.
Figure 4.2. Do you believe in the judicial system of Kosovo?

Additionally, in the graph below, 50% of the respondents have claimed that they do not believe the enforcement mechanisms, i.e. the police, prosecution, and courts, in Kosovo, are effective in the fight against corruption, 37.60% have ranked it as not at all efficient, only 7.83% have ranked the enforcement mechanisms as efficient.

Figure 4.3. How efficient do you think the enforcement mechanisms are in the fight against corruption?
Figure 4.4. Reporting of corruption to the relevant authorities

There is a significant difference, though, between those who claim to report corruption in the future compared to those who have actually reported it. The difference is smaller compared to the 2019 Study, in which over 75% of businesses committed to report all cases of corruption in the future. It should be noted that the percentage of those who commit to report corruption, only if it has a significant impact for their company, has increased compared to last year from around 19% to 33%. And regretfully, the percentage of respondents who will definitely not report corruption has tripled from 1.5% to 4.5%.

Figure 4.5. Will businesses report corruption in the future?

40% of respondents who have reported corruption have done so in Kosovo’s Police or Prosecutor’s Office, followed by 30% of them who have reported it in the institution in which corruption has occurred, and around 22.5% of respondents who have reported it to the Anti-Corruption Agency.
This year’s survey finds that the percentage of those who have reported corruption in the Anti-Corruption Agency has increased from 7% to over 22%, compared to 2019. It is encouraging to see an increased reporting to this agency, knowing that it has the authority to initiate and conduct procedures for preliminary detection or investigation of corruption and file criminal charges for suspected cases of corruption to the relevant public prosecutor’s office.

The remaining 8.5% of respondents have used other mechanisms, such as media and non-governmental organizations to report corruption. A detailed overview of the findings in this indicator may be seen in the graph below.

![Figure 4.6. Where is corruption reported?](image)

When it comes to reporting of corruption in the Anti-Corruption Agency, it should be noted that around 60% of respondents are aware that they can report corruption anonymously in this Agency, as shown in the graph below. A significant portion of those not being aware of this opportunity may also be a factor of businesses being reluctant to reporting corruption in this or other bodies, as well.

The remaining 8.77% of respondents that have selected ‘The other’ option have specified the following institutions:

- Independent Reviewing Board;
- Police Inspectorate;
- Tax Administration of Kosovo.
Figure 4.7. Are businesses aware they can report corruption anonymously in the Anti-Corruption Agency?

Figure 4.8. Reasons behind businesses’ reluctance to report corruption

As shown in the graph above, fear of future retaliation remains the key reason behind businesses’ reluctance to report corruption with over 85% of respondents claiming this, followed by lack of trust on the judiciary institutions as per 76.5% of respondents. Over 50% of respondents state dissatisfaction with the results of fighting of corruption. Compared to the 2019 Study, the fear of retaliation has increased from around 64% to 85%, while the lack of trust on judiciary institutions remains at the similar ratio. This year’s study finds a significantly higher ration of those being reluctant to reporting corruption because of unsatisfactory results in fighting of corruption from 32% to 50%.
5. CORRUPTION WITHIN THE PRIVATE SECTOR

For the first time, the survey is measuring the perception of corruption within the private sector, i.e. in business to business transactions and relations. The study finds that almost 70% of respondents believe that there is corruption in the private sector.

![Pie chart showing perception of corruption within the private sector transactions]

Figure 5.1. Perception of corruption within the private sector transactions

When asked about whether they have encountered any forms of corruption, only around 30% of respondents have actually encountered with corruption, with 30% of respondents preferring not to answer to this question, and the remaining 40% claimed not to have encountered any form of corruption. It should be noted that similarly to corruption perception in public sector, there is a significant gap between the perceived corruption and encountered corruption.

![Pie chart showing encountering corruption within the private sector]

Figure 5.2. Encountering corruption within the private sector
The other option from the question above includes the following aspects:

- Hiring;
- Bank loans;
- Advisory services.

When it comes to the perceived corruption by business functions, over 50% of respondents believe that corruption is present more in legal services, followed by 45% of respondents who believe that corruption occurs in sales, and slightly above 40% of respondents who believe that corruption is present in accounting and auditing as well. Similarly to previous years, the percentage of respondents who have reported corruption remains very low. This year, only 15% of respondents have claimed to have reported corruption. Compared to the 2019 Study, in 2020 there is a further decrease in the percentage of businesses who report corruption from 22% to 15%, which was the same percentage in the 208 Study as well. Last year we reported a slightly encouraging finding regarding the reporting of corruption, therefore it is unfortunate to see this year a deterioration in this indicator, as businesses have a significant role to play in fighting of corruption, by reporting it to the relevant authorities.
6. CORRUPTION AND PUBLIC PROCUREMENT

Perception of corruption presence in public procurement activities remains quite high compared to previous years as well, with over 50% of respondents believing that corruption is very much present in public procurement activities. In general, 89.7% of respondents believe that corruption is present to some extent in public procurement activities, with the remaining portion of respondents not knowing this, and zero respondents saying that corruption is not present at all in the public tendering process.

Regarding the impact of electronic procurement, over 46% of respondents believe electronic procurement will help to some degree in fighting of corruption, with less than quarter of respondents believing that e-procurement will greatly help in fighting of corruption and slightly above 10% of respondents believing that it will not help at all in fighting corruption, which is also slightly more positive compared to the 2019 Study.
Figure 6.2. Will e-procurement help in fighting of corruption?

Less than a quarter of the respondents believe that Kosovo’s legal framework is good enough to fight corruption, which is significantly lower compared to last year’s Study which found that 34% of businesses believed that the legal framework is good.

41.30% of respondents believe that the legal framework is partially good and less than quarter of respondents, i.e. 23.4% claiming the legal framework is not good and the remaining portion of respondents not knowing at all.

Figure 6.3. Is Kosovo’s legal framework good in fighting of corruption?
7. STRENGTHENING CORPORATE GOVERNANCE TO DETER CORRUPTION

Businesses report a satisfying level of knowledge on the principles of corporate governance, as this year’s Study finds that 80% of respondents have knowledge about these principles and only 20% of them who lack knowledge on corporate governance principles. Almost 11% of respondents have knowledge on the principles but have not implemented them yet. The knowledge on corporate governance principles seems to have significantly increased compared to last year’s study in which 32% of respondents claimed not to have knowledge on these principles.

![Pie chart showing knowledge on corporate governance principles](image)

Figure 7.1. Knowledge on the principles of corporate governance

The graph below shows that almost half of respondents believe that business associations should undertake activities to raise the awareness of businesses on corporate governance, followed by almost 27% of those who believe that financial institutions of donor organizations have a role to play in this regard. The quarter of respondents, unfortunately, claim that it is not their priority at the moment, which might also be because of the current situation in which the private sector companies are going after the outbreak of COVID19 pandemic.
As shown in the graph above, less than two thirds or 60.5% of respondents have a code of ethics and it is properly implemented, which is almost an exact finding from the 2019 Study of 59%. There is a slight increase of respondents who claim to have a code of ethics but who have not implemented it yet, 8% this year compared to 5% in 2019. The percentage of those who have reported not to have a code of ethics has also decreased, from 18% in 2019 to 11.2% in 2020, which is an encouraging finding. And finally, this year’s study finds that 20% of respondents do not have a code of ethics, but plan to have one.
8. CONCLUSIONS

- Businesses perceive that there has been an increase in the corruption rate, from 38.67% in 2019 to over 58% in 2020.
- COVID-19 pandemic and corruption are the two main factors that Kosovo faces, followed by the lack of foreign direct investment and the inefficiency of the justice system.
- The rate of perception of corruption compared to the previous five years has increased in the view of 45% respondents.
- The COVID-19 pandemic is estimated to have had a major impact on businesses and corruption.
- Bribery remains at the top of the list with approximately 70% of respondents ranking it while abuse of public money becomes increasingly a key factor in corruption with more than 67%.
- The key factor contributing to corruption is the weak rule of law as per 80% of respondents.
- The lack of political will to fight it is also a significant factor to corruption according to 80% of respondents.
- 50% of respondents claimed a lack of trust on the judiciary.
- 50% of the respondents do not believe the enforcement mechanisms, i.e. the police, prosecution, and courts, in Kosovo, are effective in the fight against corruption.
- Over 80% of the respondents indicate that they have never reported corruption cases to the authorities.
- The institutions that are considered the most corrupt, according to the respondents, are the Government with about 70%, followed by the Courts with about 57%, as well as Review Procurement Bodies and Municipalities with about 50%.
- Around 60% of responders have ranked the Government as one of the most transparent, followed by the public enterprises with about 55% and the court with near 50%.
- Approximately 40% of the answers given in the survey, indicate that during their career years, business have encountered corruption, which is an increase of about 20% in comparison with the Study of 2019 (22%).
- More than 45% have ranked municipalities as the first institution, followed by the tax administration of Kosovo (35.26%), the government (34.68%) and the courts (29.48%) as the institutions in which corruption has been encountered.
- Whereas 30.72% have indicated that that they have never encountered corruption.
- 70% of respondents believe that there is corruption in the private sector.
- Around 30% of respondents have actually encountered with corruption and 40% claimed not to have encountered any form of corruption.
- Perceived corruption by business functions: over 50% of respondents believe that corruption is present more in legal services, 45% believe that corruption occurs in sales, 40% believe that corruption is present in accounting and auditing, as well.
- In 2020 only 15% of respondents have claimed to have reported corruption.
- 75% of businesses committed to report all cases of corruption in the future.
- The percentage of respondents who will definitely not report corruption has tripled from 1.5% to 4.5%.
ANNEX A1: CORRUPTION PERCEPTION BY BUSINESS SECTORS

Encountering corruption in the public sector by business sectors

Figure A1.2. Encountering corruption in the private sector by business sectors
Figure A1.3. Reporting corruption by business sectors

Figure A1.4. Trust in the judiciary by business sectors

A1.4. Trust in the judiciary by business sectors
ANNEX A2: CORRUPTION PERCEPTION INDEX IN THE LAST THREE YEARS

Figure A2.1. Two-year index of the highest perceived forms of corruption

Figure A2.2. Three-year index of encountered corruption
Figure A2.3. A three-year comparison of corruption perception over the last five years

Figure A2.4. Sources of building corruption perception in the last three years
Figure A2.5. Three-year index of corruption presence in public procurement activities

Figure A2.6. Three-year index of trust on the judiciary
Figure A2.7. Three-year index of efficiency of law-enforcement institutions in fighting of corruption