



NEW JUSTICE PROGRAM SURVEYS OF JUSTICE SECTOR PROFESSIONALS AND JURORS REGARDING JUDICIAL REFORM AND CORRUPTION

2019

USAID Nove Pravosuddya Justice Sector Reform Program

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BACKGROUND

GOAL

USAID Nove Pravosuddya Justice Sector Reform Program (New Justice) supports the establishment of an independent, accountable, transparent, and effective justice system that upholds the rule of law, and is empowered to fight corruption

Objectives

- Objective 1: Judicial Independence and Self-Governance Strengthened
- Objective 2: Accountability and Transparency of the Judiciary to Citizens and the Rule of Law Increased
- Objective 3: Administration of Justice Enhanced
- Objective 4: Quality of Legal Education Strengthened
- Objective 5: Access to Justice Expanded and Human Rights Protected

15 Sub-objectives

88 Expected Results

OBJECTIVES OF SURVEYS

Technical implementation

Contribute to achieving Program Expected Results, primarily those related to judicial independence and accountability, combatting corruption, administration of justice and access to justice by generating comprehensive findings for developing recommendations to GOU and civil society partners

Monitoring, Evaluation and Learning

Support New Justice monitoring and evaluation processes, especially related to measuring complex changes occurring in the justice sector regarding judicial independence and accountability, combatting corruption, administration of justice, access to justice and public trust and confidence in the judiciary

Collaboration

Contribute to GOU monitoring and evaluation of the implementation of Justice Sector Reform Strategy for 2015 to 2020 and Sustainable Development Strategy “Ukraine 2020”

HYPOTHESES TO BE TESTED

USAID-supported justice sector reform helps to increase public trust in the judiciary and other branches of government

USAID-supported GOU anti-corruption measures decrease public tolerance for corruption and increase public involvement in combatting corruption

Justice sector personnel and citizens are aware of justice sector reform and perceive it in a positive way

Opinions of legal professionals regarding judicial independence, accountability, impartiality and efficiency reflect the actual status of the judiciary and their attitudes help to demonstrate justice sector reform successes

Jurors involvement in some type of cases consideration in Ukraine supports rule of law but needs reforming



SURVEY OF LEGAL PROFESSIONALS – PARTICIPANTS OF COURT PROCEEDINGS WHO ARE NOT JUDICIAL EMPLOYEES WAVE FOUR

2019

USAID Nove Pravosuddya Justice Sector Reform Program

— OVERVIEW



OVERVIEW



Geography

Cities of Ukraine 50K+
Only the government controlled areas of Ukraine



Target audience

Professional lawyers who are participants of court proceedings but are not judges or court staff:

- Attorneys
- Prosecutors
- Legal specialists who perform the functions of attorneys for state bodies and enterprises
- Experts, representatives of the bodies of forensic examination or investigators of the Ministry of Internal Affairs (or other law enforcement agencies)



Sample

400 respondents
Quota by region and professional affiliation, proportion for the proficiency according to the number of cases that were on pending in local general courts



Method

Face-to-face interview (F2F) using a tablet (CAPI) in respondent's place of work



Field work

- Wave I: July 2017
- Wave II: December 2017
- Wave III: September 2018
- [Wave IV: February 2019](#)



Data analysis

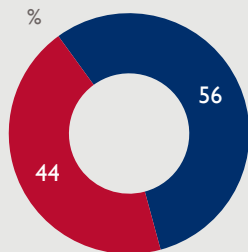
Two-years trends 2017-2019
Significant difference between Wave IV and Wave III: **green arrows** – positive trends, **red arrows** – negative trends

— PROFILE OF RESPONDENTS

PROFILE OF RESPONDENT(1/2)

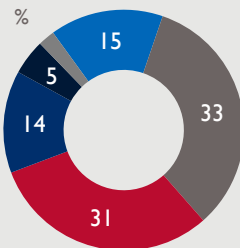
- Gender

■ Male ■ Female



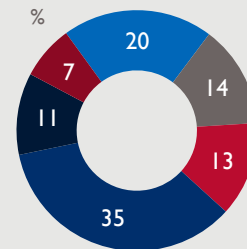
- Age group

■ Under 30
■ 31-39
■ 40-49
■ 50-59
■ over 60
■ Refused to answer



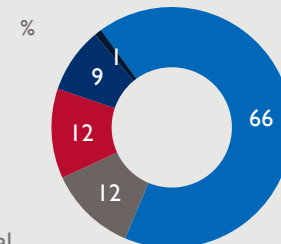
- Region

■ West
■ Center
■ South
■ East
■ North
■ Kyiv City



- Current position

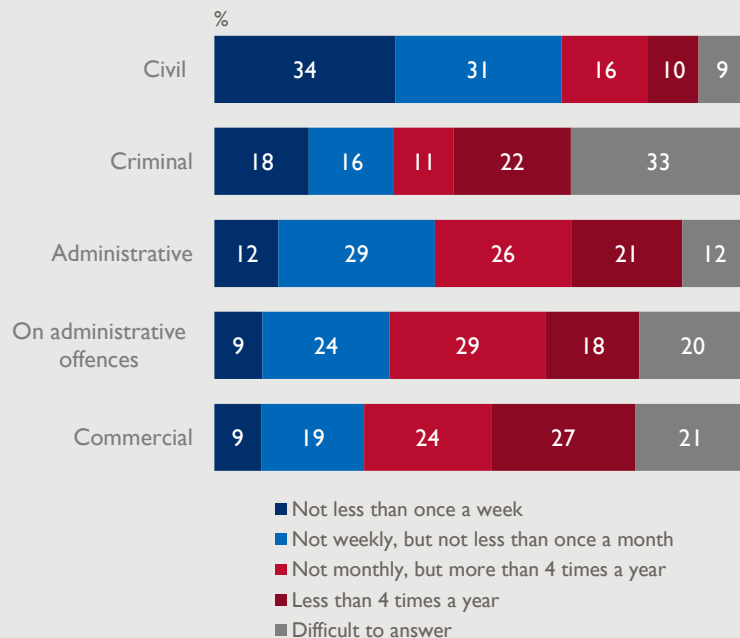
■ Attorney
■ Criminal bar
■ Prosecutor
■ Legal consultants, lawyers
■ Experts Ministry of Internal Affairs of Ukraine



PROFILE OF RESPONDENT(2/2)

ALL RESPONDENTS

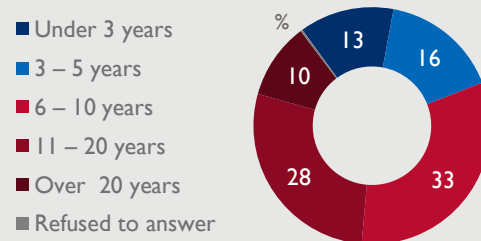
• Participation in the court proceedings



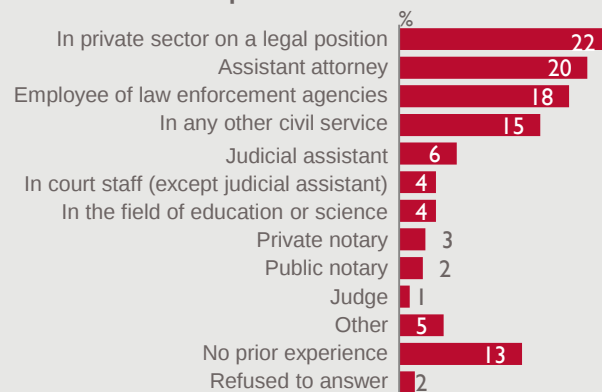
Base: All respondents, N=400

ATTORNEY AND PROSECUTOR

• Length of work



• Professional experience

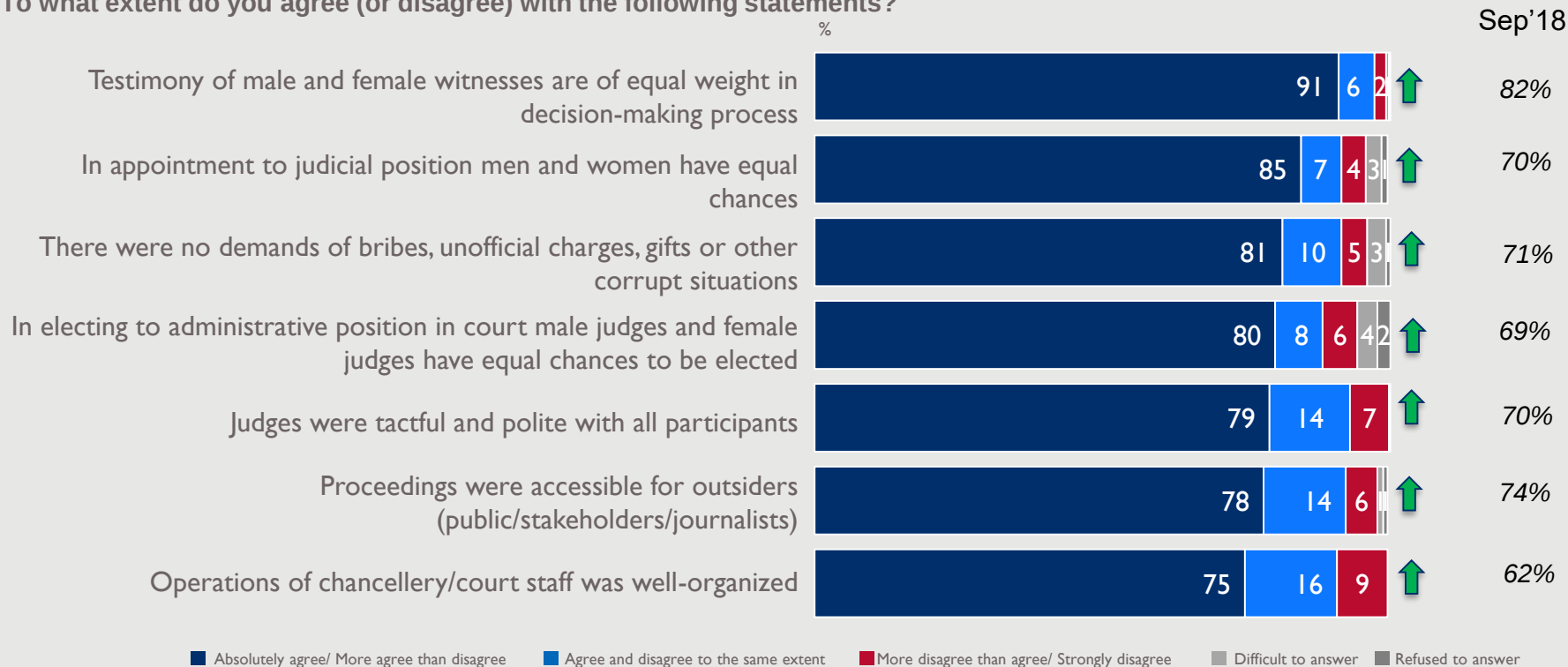


Base: Attorney and prosecutor, N=363

— CURRENT STATUS OF THE JUDICIARY AND JUDICIAL REFORM

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (I/13)

Based on your own experience of participating in court proceedings in the last 24 month
To what extent do you agree (or disagree) with the following statements?

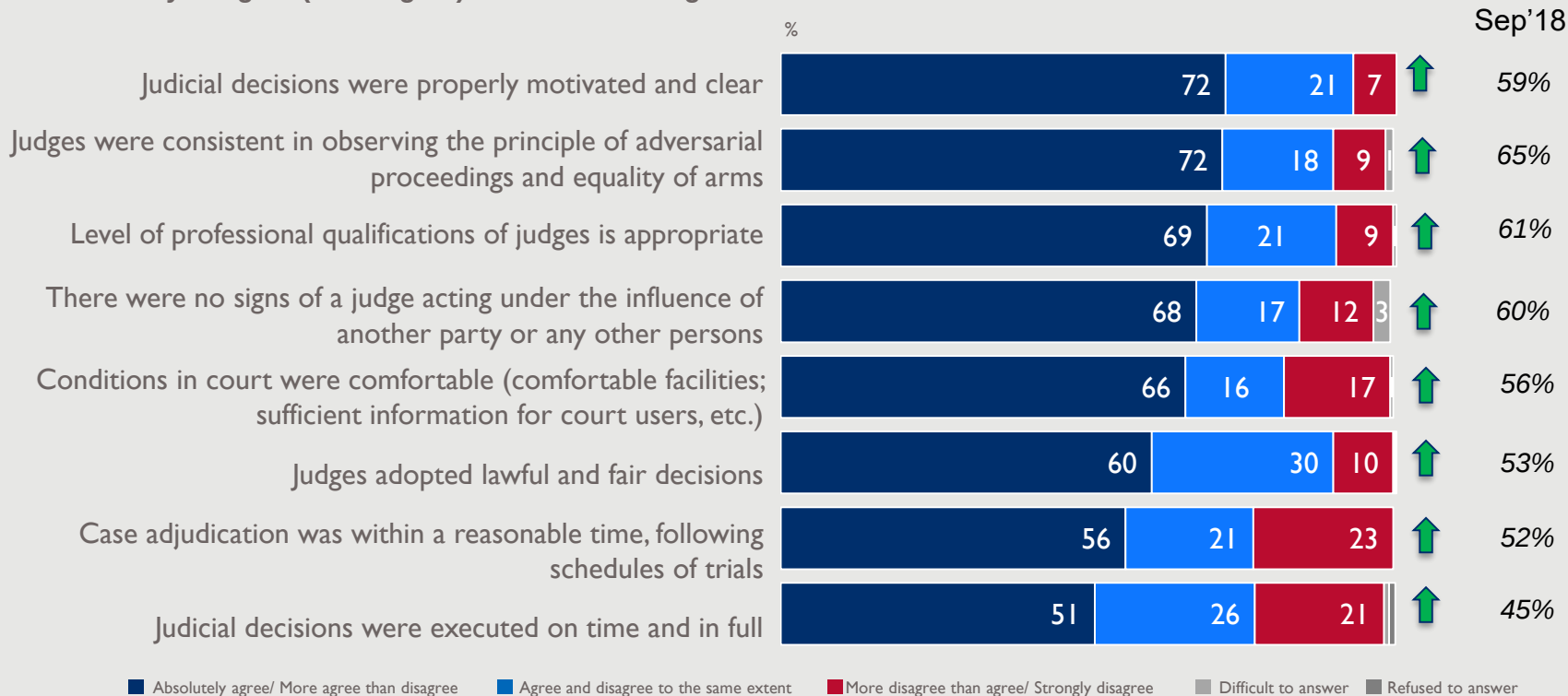


Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (2/13)

Based on your own experience of participating in court proceedings in the last 24 month
To what extent do you agree (or disagree) with the following statements?



Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (3/13)

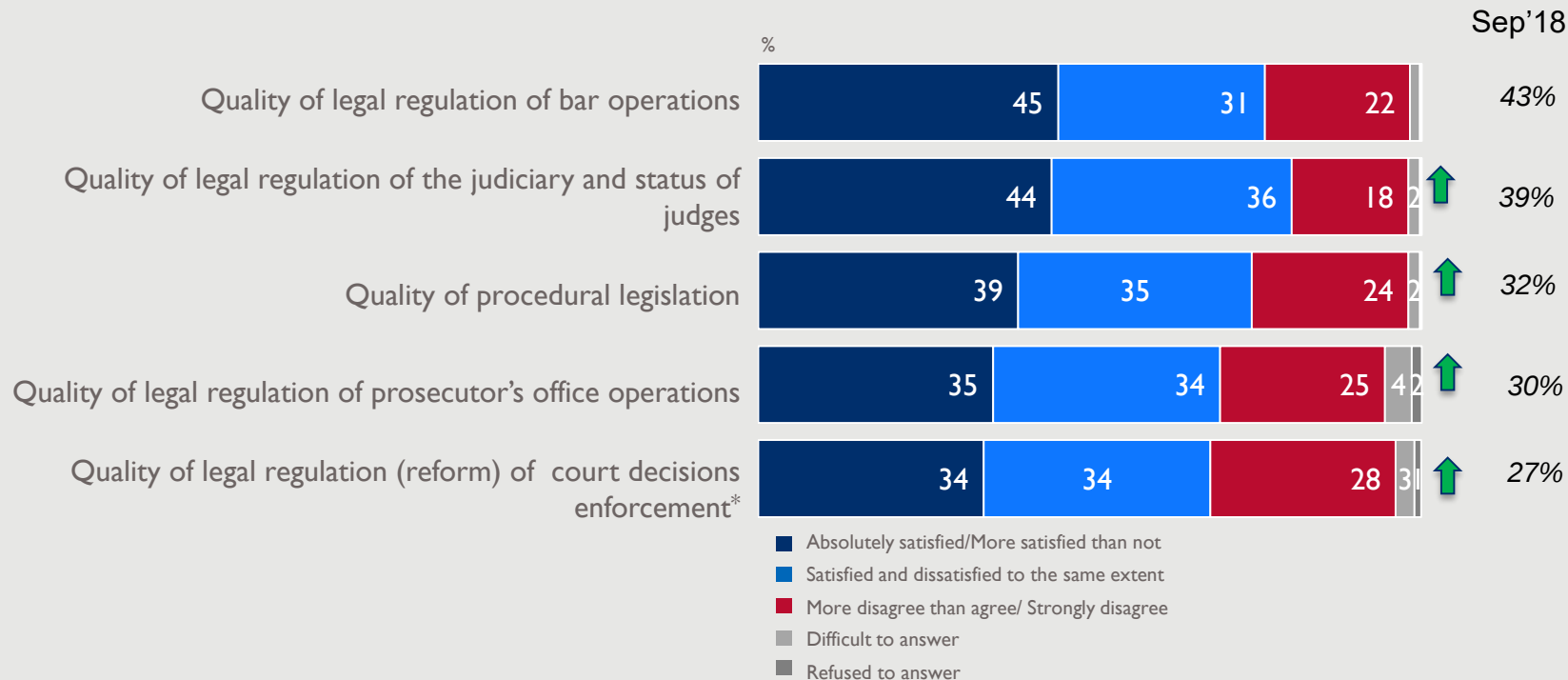
Dynamics 2017- 2019 **Wave I-IV**

To what extent do you agree (or disagree) with the following statements?

Top2box, Ranked by Wave IV (February 2019)	July 2017	December 2017	September 2018	February 2019
Testimony of male and female witnesses are of equal weight in decision-making process	89	86	82	91
In appointment to judicial position men and women have equal chances	75	74	70	85
There were no demands of bribes, unofficial charges, gifts or other corrupt situations	78	68	71	81
In electing to administrative position in court male judges and female judges have equal chances to be elected	72	71	69	80
Judges were tactful and polite with all participants	71	63	70	79
Proceedings were accessible for outsiders (public/stakeholders/journalists)	83	72	74	78
Operations of chancellery/court staff was well-organized	67	59	62	75
Judicial decisions were properly motivated and clear	60	59	59	72
Judges were consistent in observing the principle of adversarial proceedings and equality of arms	69	65	65	72
Level of professional qualifications of judges is appropriate	66	59	61	69
There were no signs of a judge acting under the influence of another party or any other persons	62	57	60	68
Conditions in court were comfortable (comfortable facilities; sufficient information for court users, etc.)	57	55	56	66
Judges adopted lawful and fair decisions	59	54	53	60
Case adjudication was within a reasonable time, following schedules of trials	51	43	51	56
Judicial decisions were executed on time and in full	-	-	45	51

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (4/13)

Assess, please, to which extent you are satisfied with:



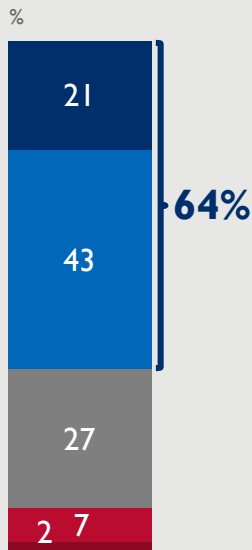
Ranked by Absolutely satisfied/More satisfied than not

Base: All respondents, N=400

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (5/13)

Ukraine implements the Strategy of Reforming the Judiciary, Judicial Proceedings and Related Legal Institutes for 2015-2020. In your opinion, to what extent are you familiarized with this Strategy?

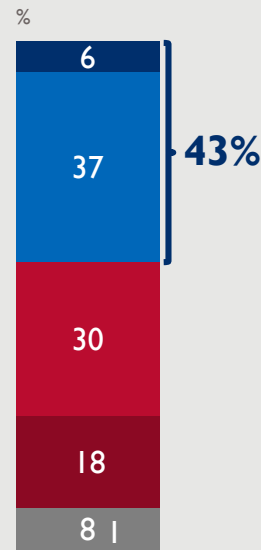
- Well familiarized with all its provisions.
- Well familiarized with some provisions, but with some – tenuously
- Tenuously familiarized with all provisions
- Almost not familiarized
- Not familiarized at all



Sep 2018: 62%

Speaking about the progress of judicial reform in Ukraine in general during last 12 months, which of the statements below you think to be the most accurate:

- Facilitates addressing almost all existing problems of the judiciary
- Facilitates addressing only some of existing problems of the judiciary
- Not so much addresses the problems of the judiciary as creates the new ones
- Does not substantially change the situation in the judiciary
- Difficult to say



Sep 2018: 41%

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (6/13)

To what extent do you agree (or disagree) with the statement that the following specific aspects of the judicial reform have a positive impact on the independence of judges, sustainability of the Ukrainian judiciary, and increase of public trust in the judiciary:

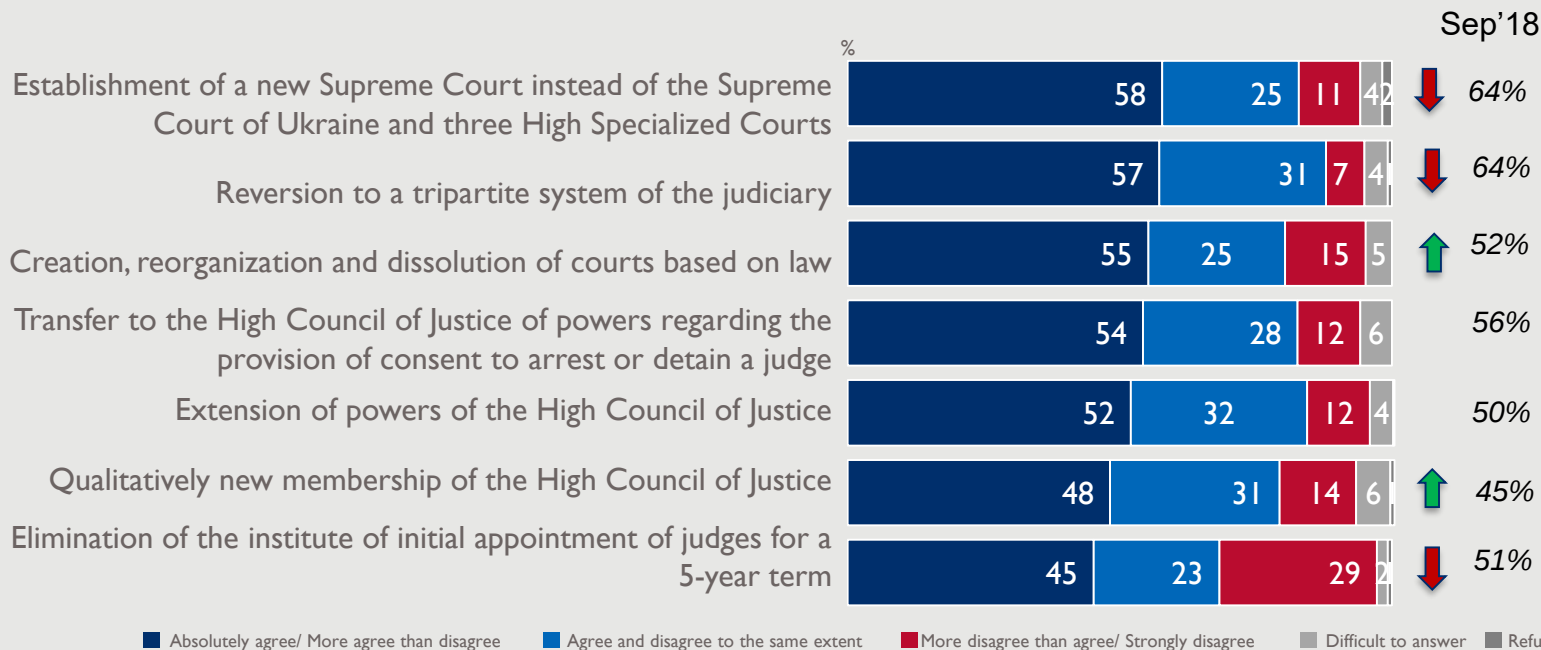


Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (7/13)

To what extent do you agree (or disagree) with the statement that the following specific aspects of the judicial reform have a positive impact on the independence of judges, sustainability of the Ukrainian judiciary, and increase of public trust in the judiciary:

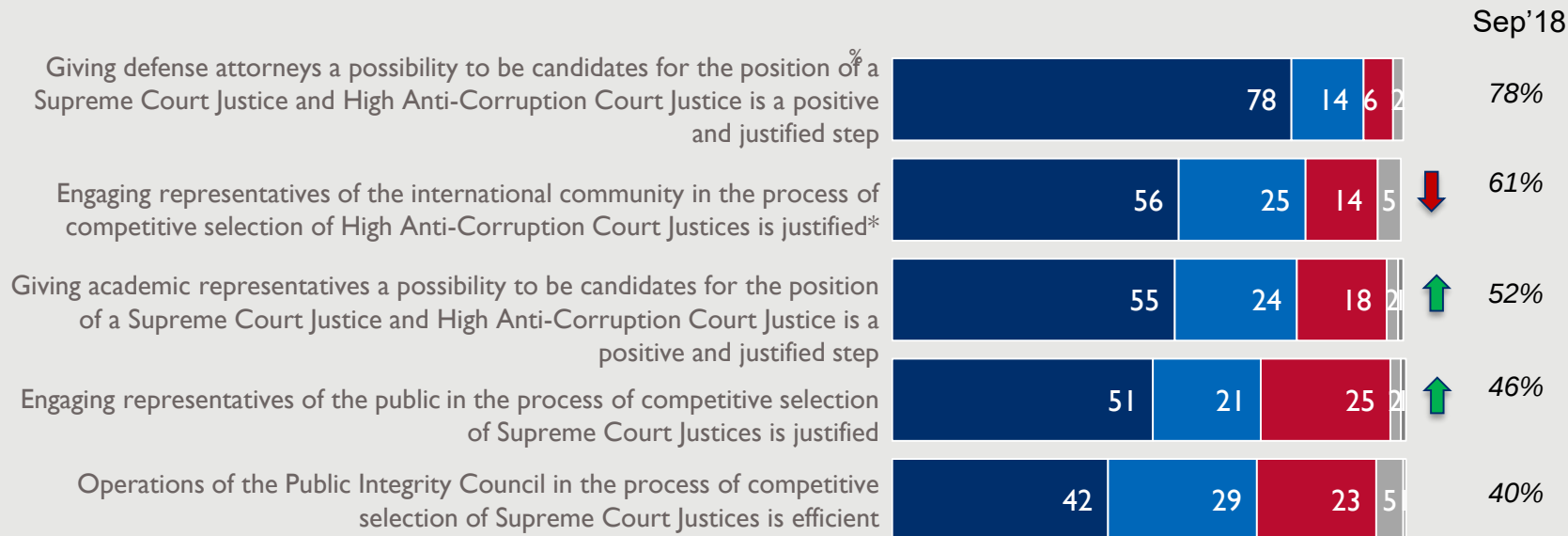


Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (8/13)

One of the most pressing issues of judicial reform is competition for judicial positions in courts of cassation within the Supreme Court and High Anti-Corruption Court. To what extent do you agree (or disagree) with the following statements?



■ Absolutely agree/ More agree than disagree
 ■ Agree and disagree to the same extent
 ■ More disagree than agree/ Strongly disagree
 ■ Difficult to answer
 ■ Refused to answer

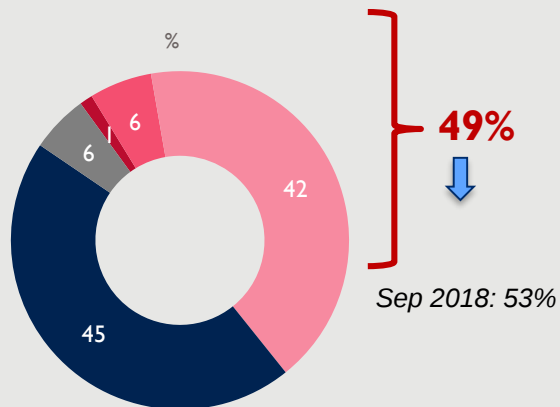
Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (9/13)

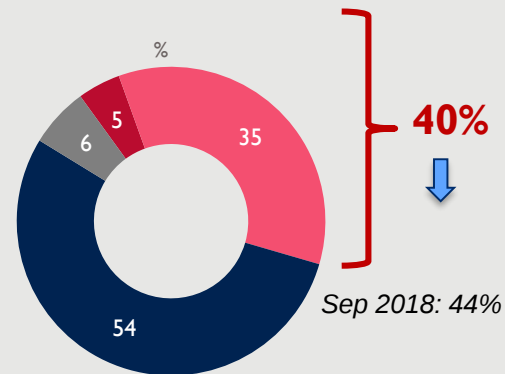
Do you happen to appeal to disciplinary authorities with complaints against judges' actions in court proceedings or outside the courthouse?

- In each trial where I participate
- Frequently
- In rare cases
- Never
- Refused to answer



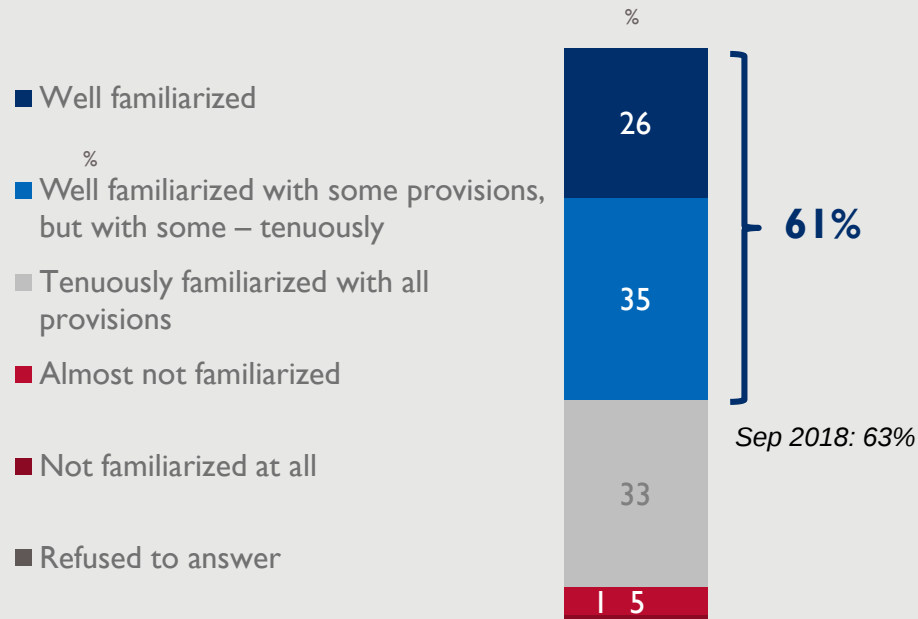
Do you apply a disciplinary complaint against a judge to prevent the delay of a trial and/or other procedural violations during the case consideration in which you participate:

- Rather frequently
- Occasionally
- Never
- Refused to answer



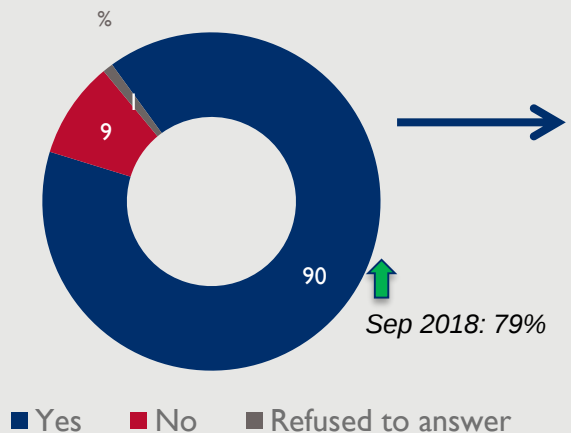
CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (10/13)

To what extent do you consider yourself to be familiarized with the latest reform of court decisions enforcement?

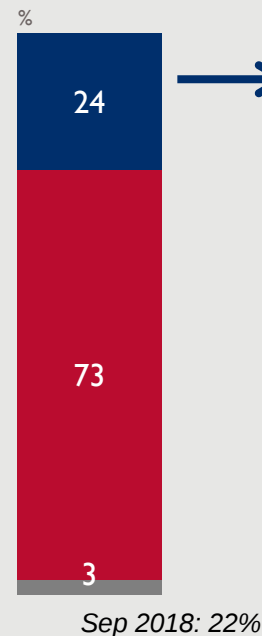


CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (I I/13)

Are you aware of the institution of private enforcement agents?



Did you happen to apply for services to private enforcement agents?

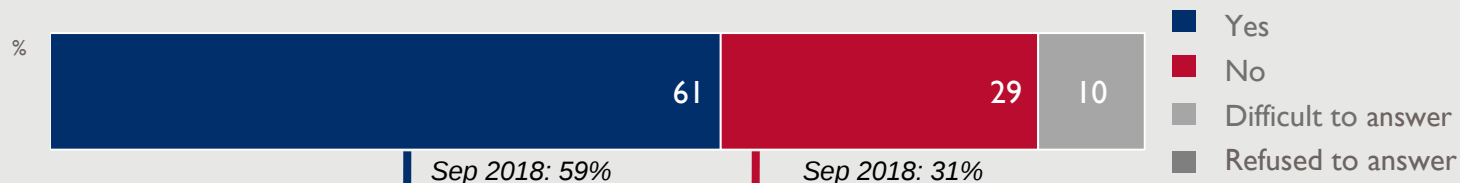


If so, how do you evaluate their work in general?



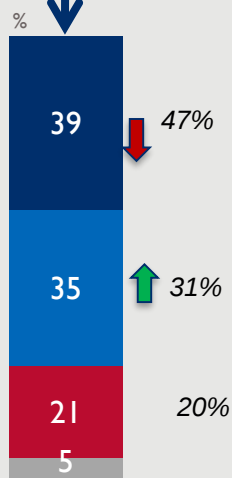
CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (12/13)

Do you think that the involvement of jurors in the administration of justice is the key to raising public trust in courts?



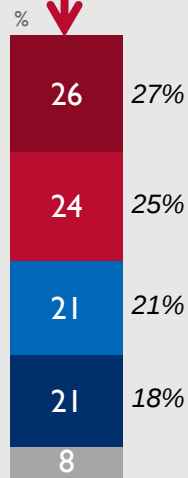
If yes, why?

- For a more fair trial
- To prevent the manifestations of corruption in the judiciary
- To strengthen the independence and accountability of judges
- Other



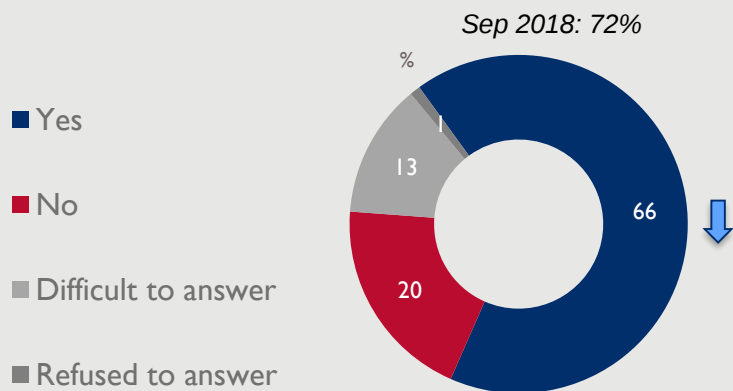
If no, why?

- Jurors lack legal knowledge to deal effectively with cases
- Jurors are affected by emotions and are not able to objectively assess the circumstances of the case
- Professional judges can administer fair justice without the jurors involvement
- Jurors are easily exposed to external pressure / influence

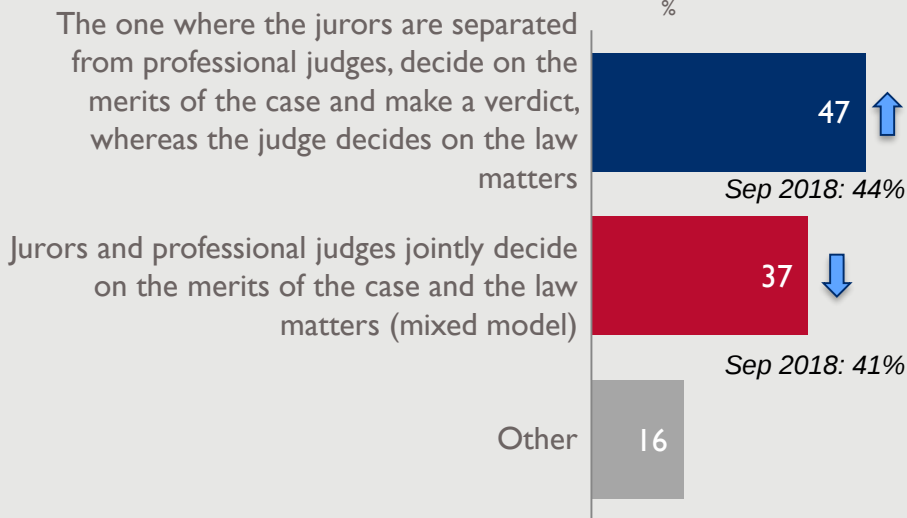


CURRENT STATUS OF JUDICIARY AND JUDICIAL REFORM (13/13)

Do you think that the institution of jurors in Ukraine needs reforming?



Which model institution of jurors do you consider most appropriate for Ukraine?

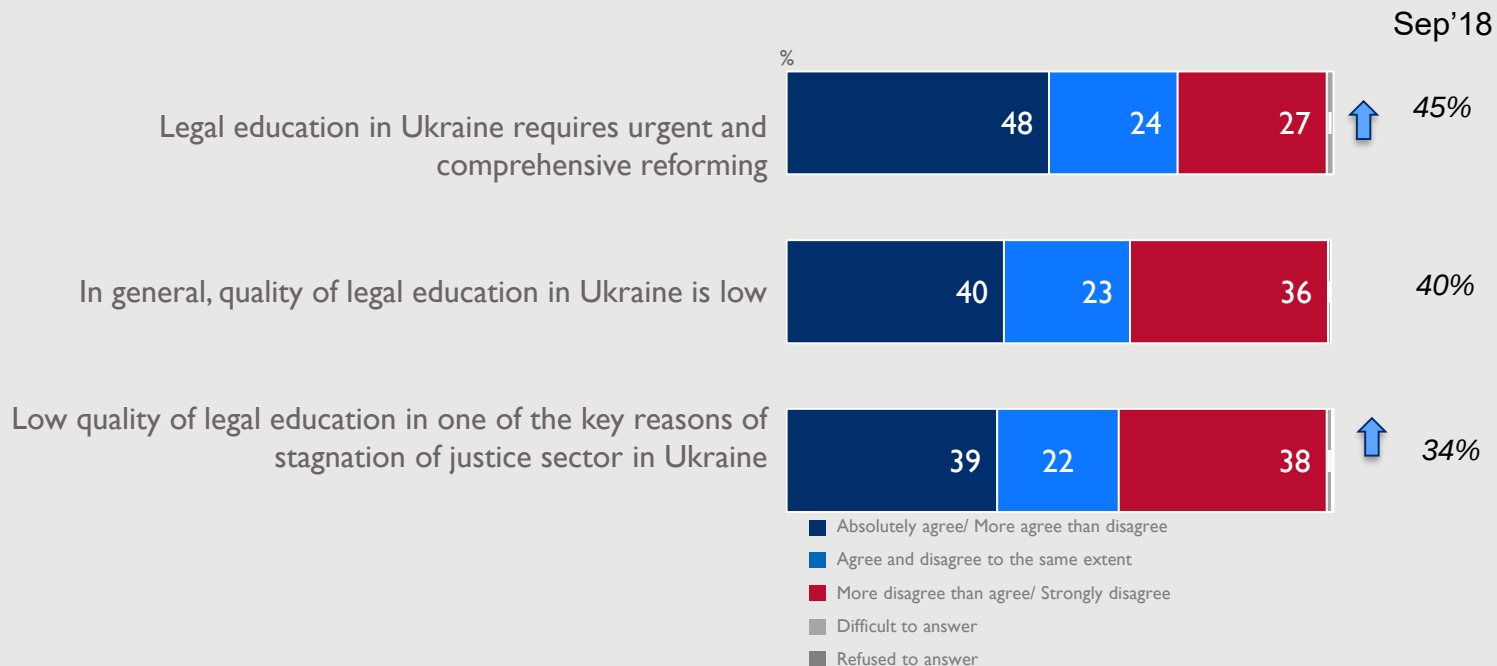


— LEGAL EDUCATION REFORM



LEGAL EDUCATION REFORM (1/3)

Representatives of all branches of power in Ukraine and legal community confirm the need to reform legal education in order to ensure quality training of representatives of legal profession in Ukraine. In this regard, to what extent do you agree (or disagree) with the following statements:



Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

LEGAL EDUCATION REFORM (2/3)

If, in your opinion, legal education in Ukraine requires reforming, to what extent do you agree (or disagree) that priority actions to increase the quality of legal education must be:

Sep'18

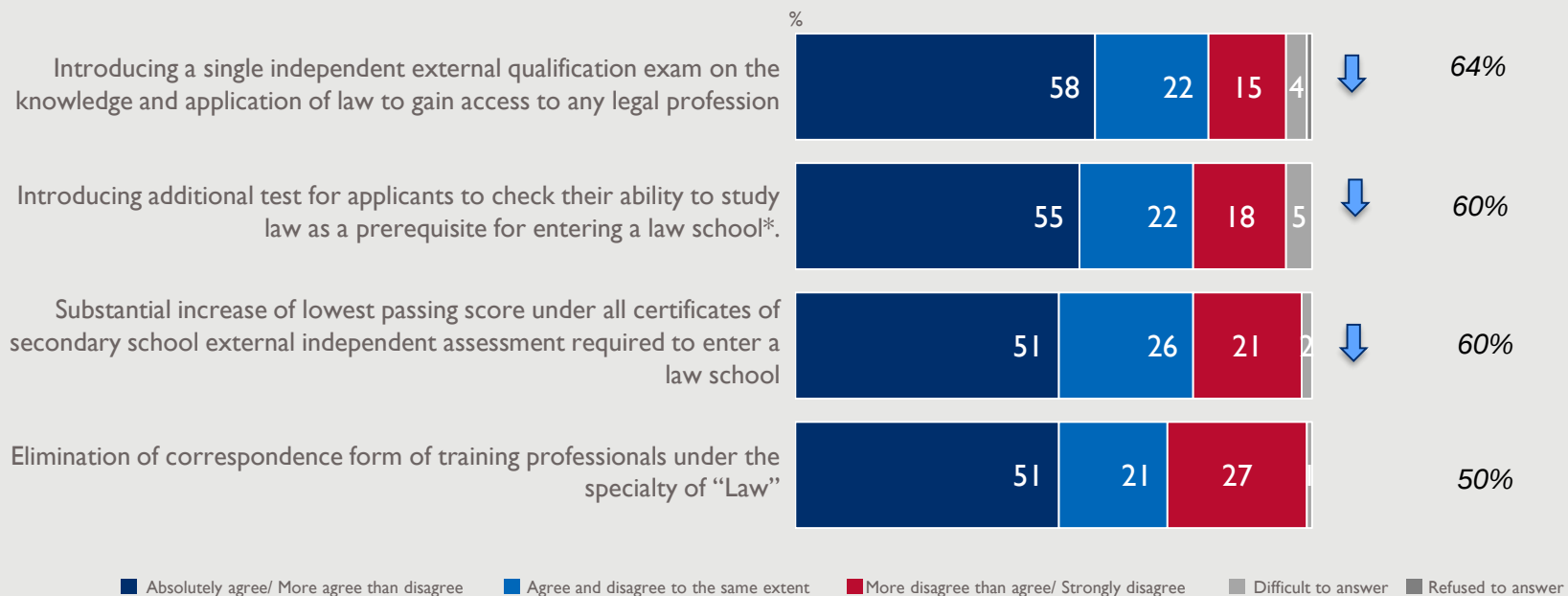


Ranked by Absolutely agree/ More agree than disagree

LEGAL EDUCATION REFORM (3/3)

If, in your opinion, legal education in Ukraine requires reforming, to what extent do you agree (or disagree) that priority actions to increase the quality of legal education must be:

Sep'18



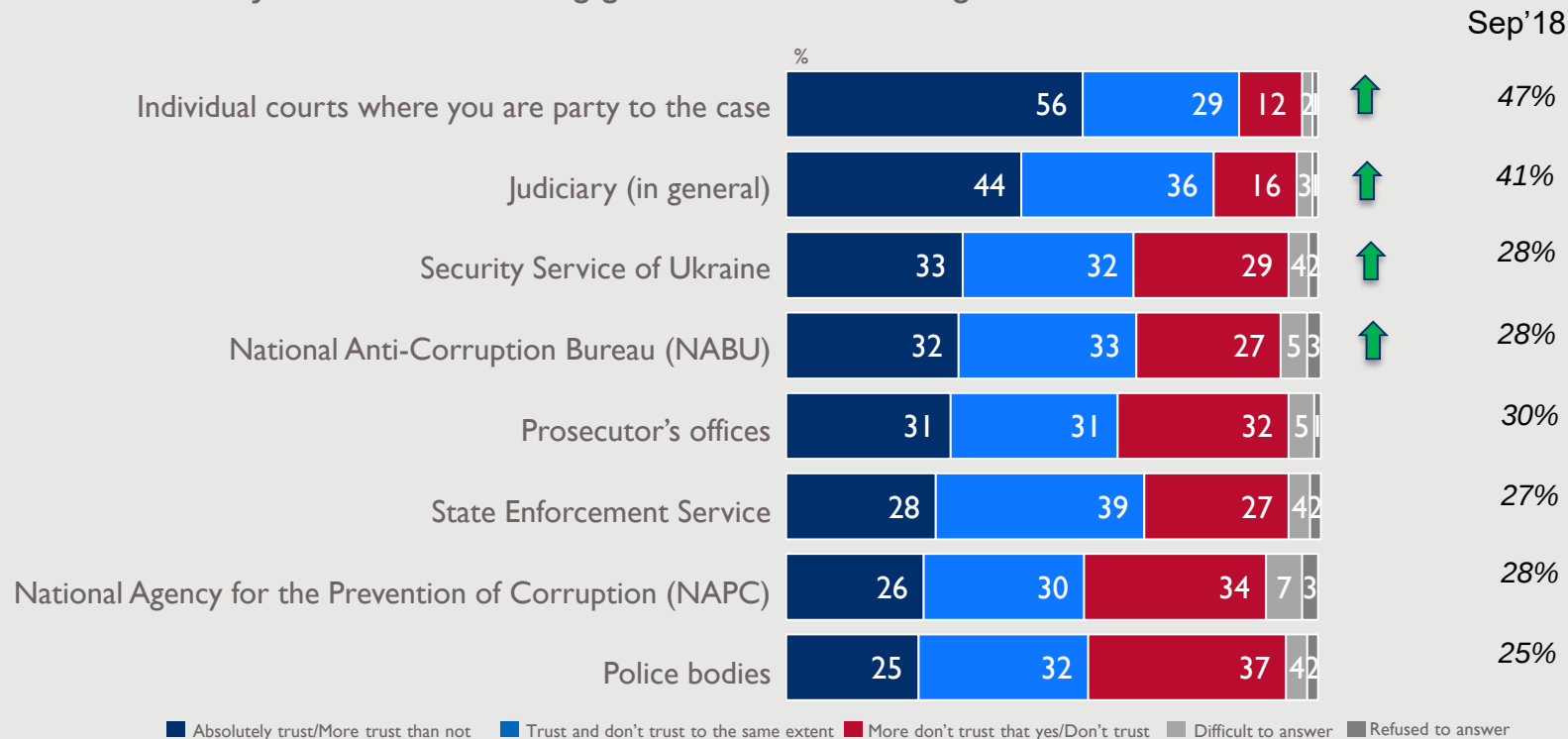
Ranked by Absolutely agree/ More agree than disagree

Base: Those who believe that legal education is in need of reform, N = 297 (in the question, 12 answered: Absolutely agree+More agree than disagree+ Agree and disagree to the same extent

— TRUST IN THE JUDICIARY AND ACCESS TO JUSTICE

TRUST IN THE JUDICIARY AND ACCESS TO JUSTICE (1/7)

To what extent do you trust the following governmental and non-governmental institutes:



Ranked by Absolutely trust/ More trust than not

Base: All respondents, N=400

TRUST IN THE JUDICIARY AND ACCESS TO JUSTICE (2/7)

To what extent do you trust the following governmental and non-governmental institutes:



■ Absolutely trust/More trust than not
 ■ Trust and don't trust to the same extent
 ■ More don't trust that yes/Don't trust
 ■ Difficult to answer
 ■ Refused to answer

Ranked by Absolutely trust/ More trust than not

Base: All respondents, N=400

TRUST IN THE JUDICIARY AND ACCESS TO JUSTICE (3/7)

Dynamics 2017- 2019

Wave I-IV

Top2box Ranked by Wave IV (February 2019)	July 2017	December 2017	September 2018	February 2019
Individual courts	50	43	47	56
Judiciary	38	38	41	44
Security Service of Ukraine	29	28	28	33
NACB	34	34	28	32
Prosecutor's offices	26	25	30	31
NAPC	24	24	28	26
Police bodies	20	19	25	25
Local self-government bodies	21	19	22	24
President of Ukraine	21	15	19	23
CSOs	20	16	20	19
Ministries and agencies	16	16	16	18
Media/journalists	16	11	18	16
Cabinet of Ministers of Ukraine	14	12	16	16
Verkhovna Rada of Ukraine	12	9	13	15
Political parties	5	4	8	6

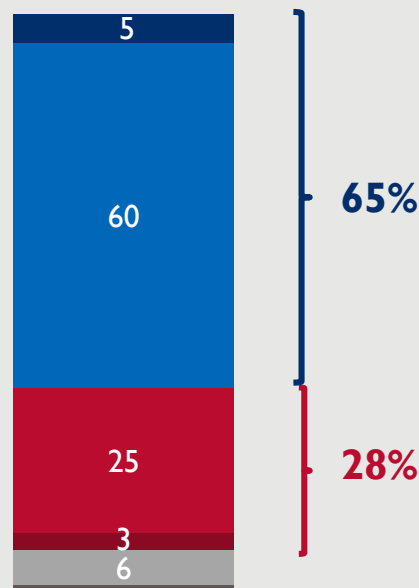
Results are significantly **better** / **worse** compared to the previous wave

TRUST IN THE JUDICIARY AND ACCESS TO JUSTICE (4/7)

TRUST IN THE JUDICIARY USING EUROBAROMETER SCALE

Which of the following statements most accurately conveys your personal attitude to the judicial system of Ukraine?

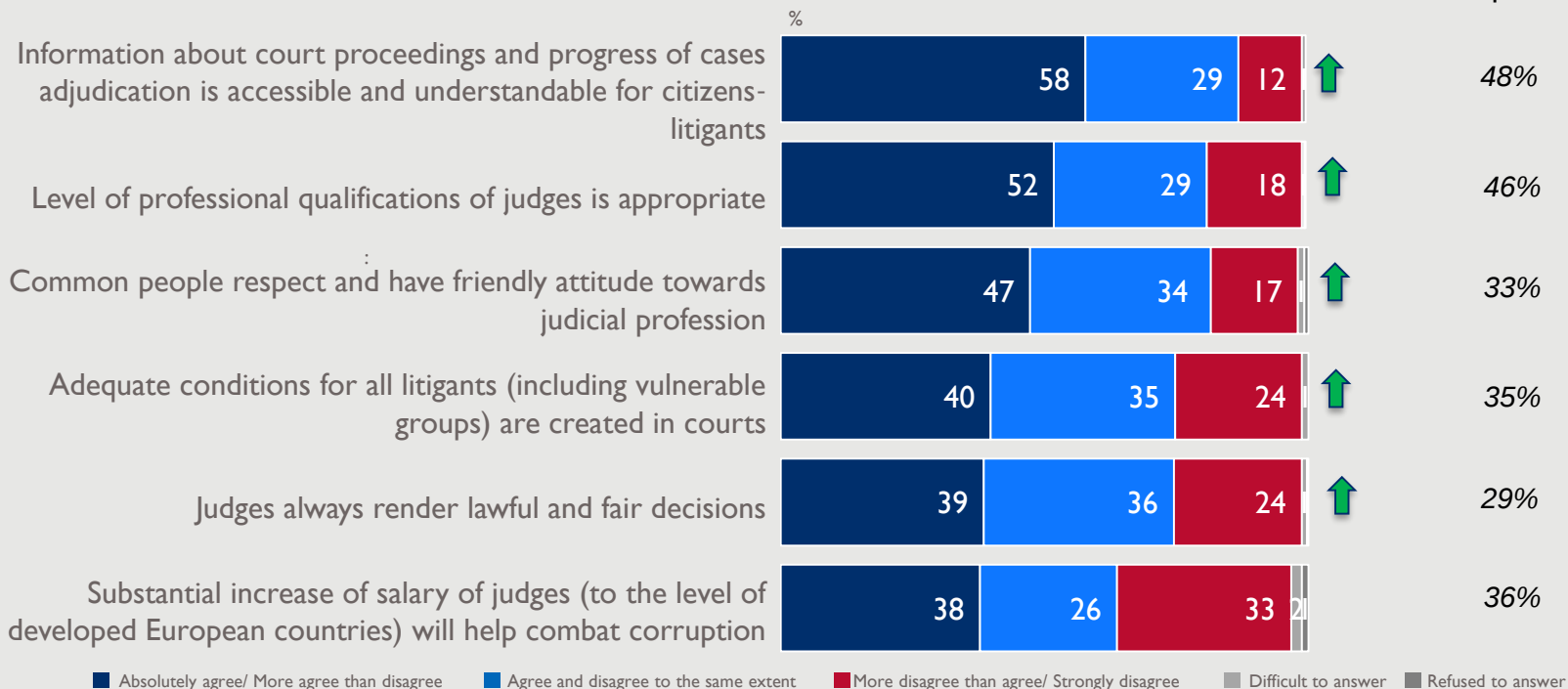
- %
- I fully trust the Ukrainian courts
 - Rather trust
 - Rather don't trust
 - I absolutely do not trust the Ukrainian courts
 - Hard to tell, undecided
 - Refused to answer



TRUST IN THE JUDICIARY AND ACCESS TO JUSTICE (5/7)

To what extent do you agree (or disagree) with the following statements:

Sep'18



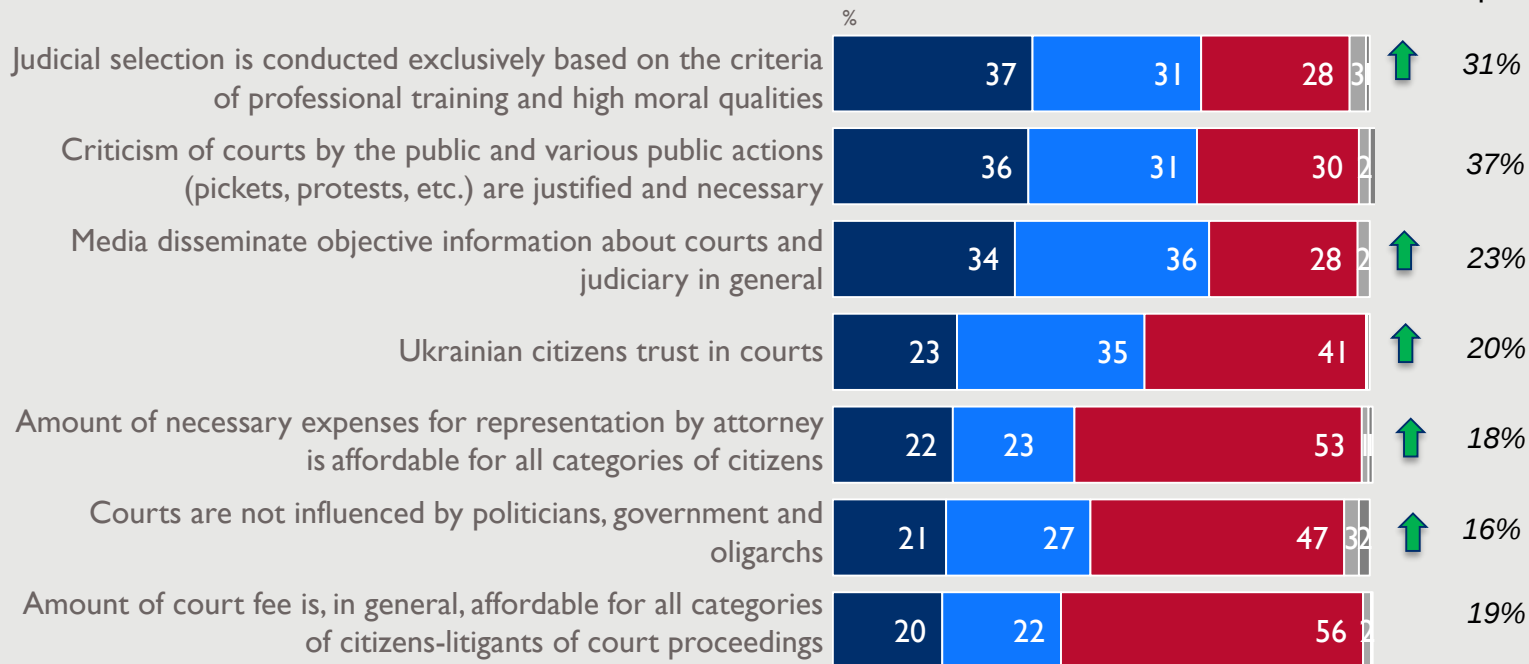
Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

TRUST IN THE JUDICIARY AND ACCESS TO JUSTICE (6/7)

To what extent do you agree (or disagree) with the following statements:

Sep'18



■ Absolutely agree/ More agree than disagree
 ■ Agree and disagree to the same extent
 ■ More disagree than agree/ Strongly disagree
 ■ Difficult to answer
 ■ Refused to answer

Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

TRUST IN THE JUDICIARY AND ACCESS TO JUSTICE (7/7)

Dynamics 2017- 2019

Wave I-IV

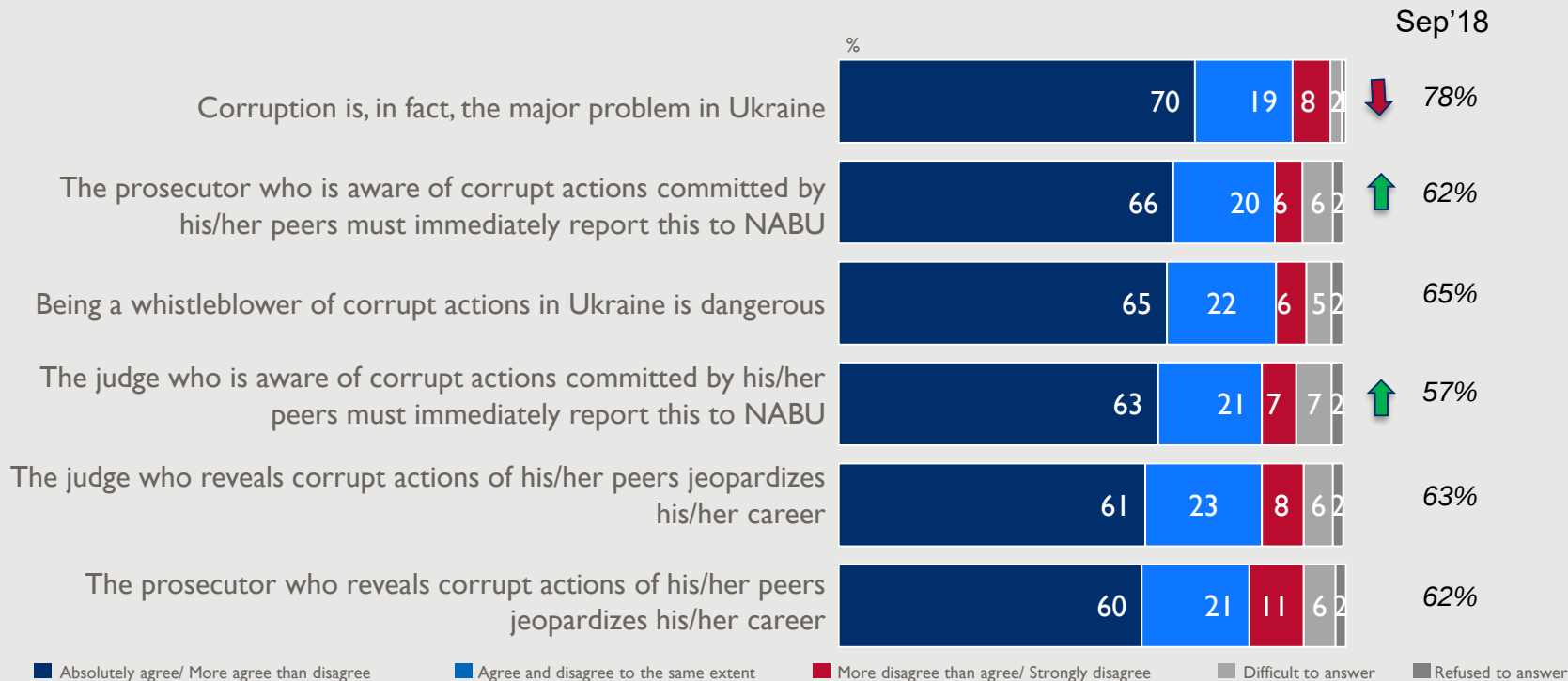
Top2box, ranked by Wave IV (December 2018)	July 2017	December 2017	September 2018	February 2019
Information about court proceedings and progress of cases adjudication is accessible and understandable for citizens-litigants	58	53	48	58
Level of professional qualifications of judges is appropriate	43	40	46	52
Common people respect and have friendly attitude towards judicial profession	40	33	38	47
Adequate conditions for all litigants are created in courts	31	35	34	40
Judges always render lawful and fair decisions	23	30	29	39
Substantial increase of salary of judges will help combat corruption	39	33	35	38
Judicial selection is conducted exclusively based on the criteria of professional training and high moral qualities	32	30	31	37
Criticism of courts by the public and various public actions are justified and necessary	37	35	36	36
Media disseminate objective information about courts and judiciary in general	22	17	23	34
Ukrainian citizens trust in courts	14	12	20	23
Amount of necessary expenses for representation by attorney is affordable for all categories of citizens	24	15	18	22
Courts are not influenced by politicians, government and oligarchs	12	17	16	21
Amount of court fee is, in general, affordable for all categories of citizens-litigants of court proceedings	17	13	19	20

Results are significantly better / worse compared to the previous wave

— PERCEPTION OF CORRUPTION

PERCEPTION OF CORRUPTION (1/5)

To what extent do you agree (or disagree) with the following statements:

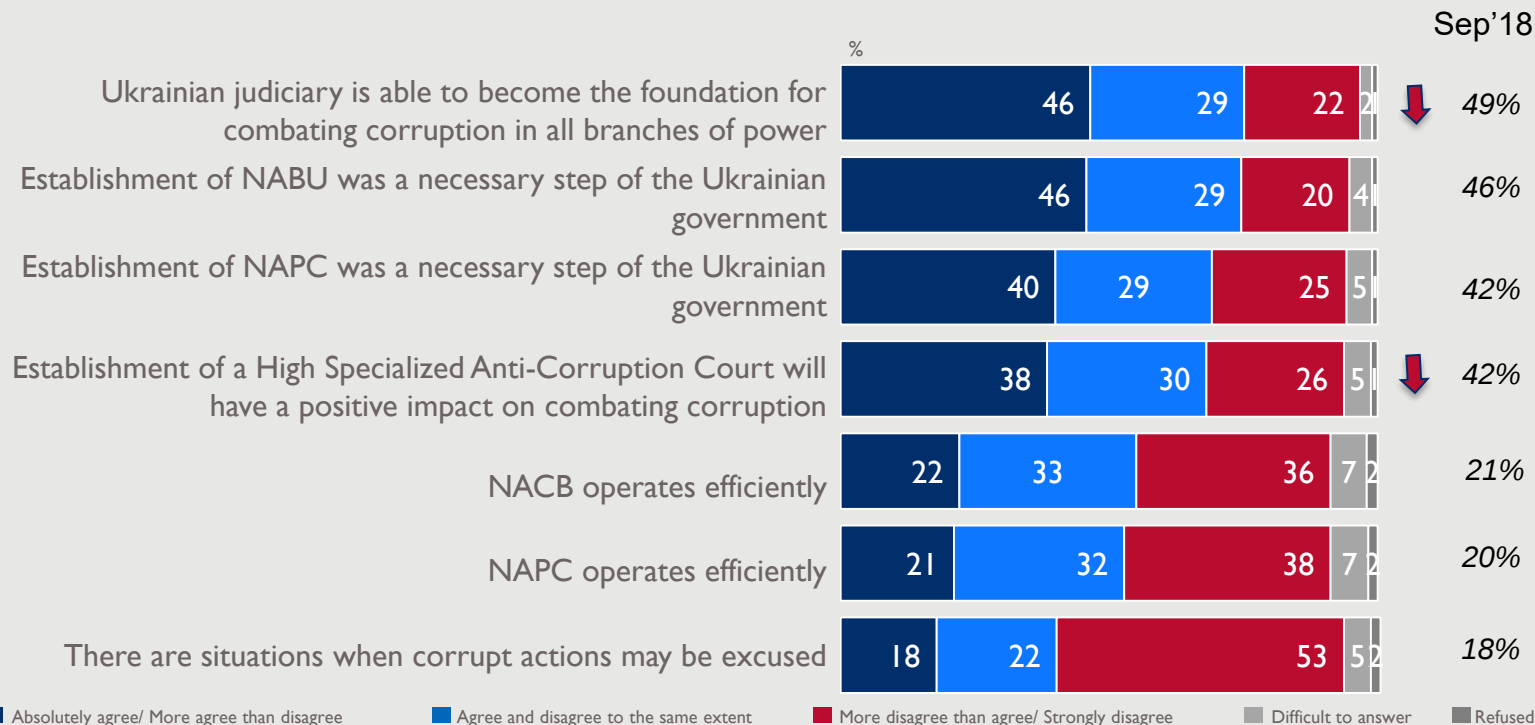


Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

PERCEPTION OF CORRUPTION (2/5)

To what extent do you agree (or disagree) with the following statements:



Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

PERCEPTION OF CORRUPTION (3/5)

Dynamics 2017- 2019

Wave I-IV

Top2box, ranked by Wave IV (December 2018)	July 2017	December 2017	September 2018	February 2019
Corruption is, in fact, the major problem in Ukraine	81	77	78	70
The prosecutor who is aware of corrupt actions committed by his/her peers must immediately report this to NACB	67	60	62	66
Being a whistleblower of corrupt actions in Ukraine is dangerous	65	61	65	65
The judge who is aware of corrupt actions committed by his/her peers must immediately report this to NACB	65	56	57	63
The judge who reveals corrupt actions of his/her peers jeopardizes his/her career	62	54	63	61
The prosecutor who reveals corrupt actions of his/her peers jeopardizes his/her career	61	54	63	60
Ukrainian judiciary is able to become the foundation for combating corruption in all branches of power	56	48	49	46
Establishment of NACB was a necessary step of the Ukrainian government	54	50	46	46
Establishment of NAPC was a necessary step of the Ukrainian government	51	46	42	40
Establishment of a High Specialized Anti-Corruption Court will have a positive impact on combating corruption	47	38	42	38
NACB operates efficiently	29	28	21	22
NAPC operates efficiently	22	23	20	21
There are situations when corrupt actions may be excused	18	15	18	18

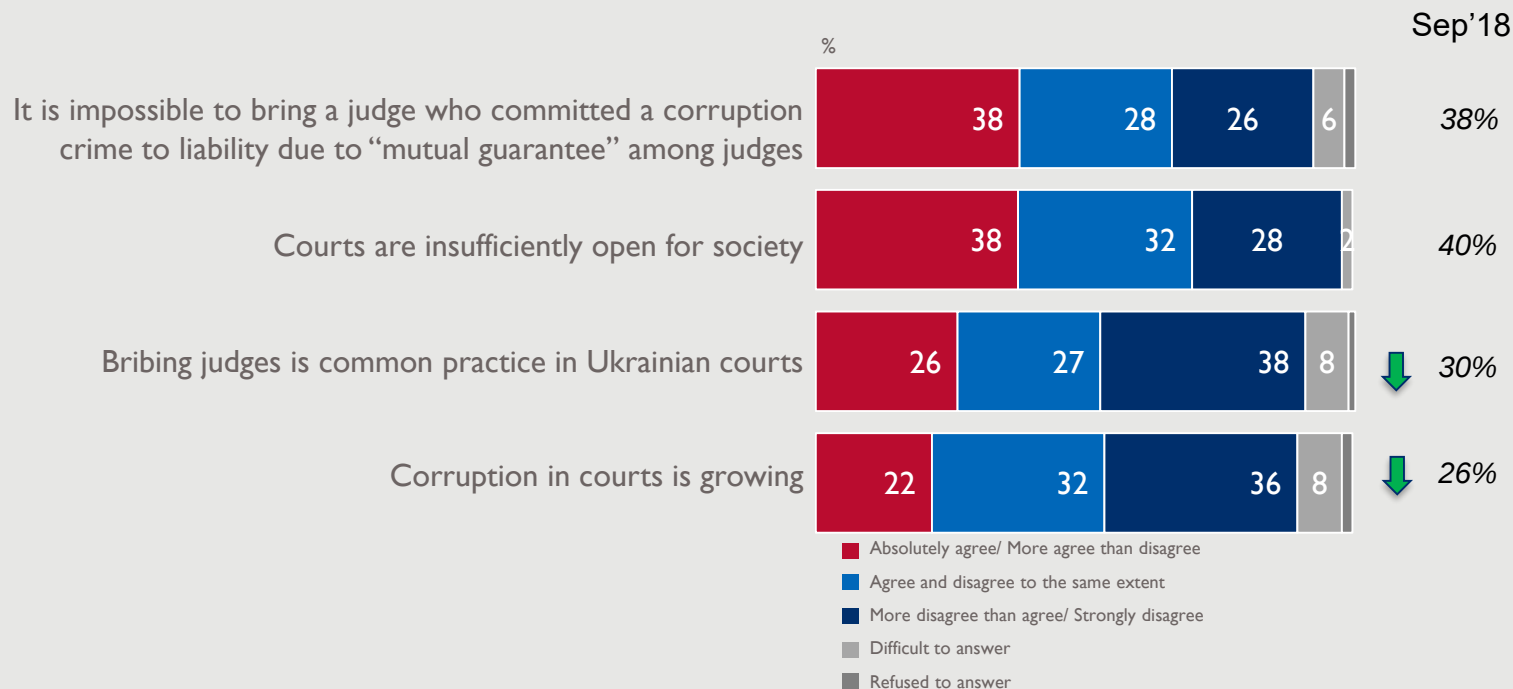
Base: All respondents, N=400



Results are significantly better / worse compared to the previous wave

PERCEPTION OF CORRUPTION (4/5)

To what extent do you agree (or disagree) with the following statements:



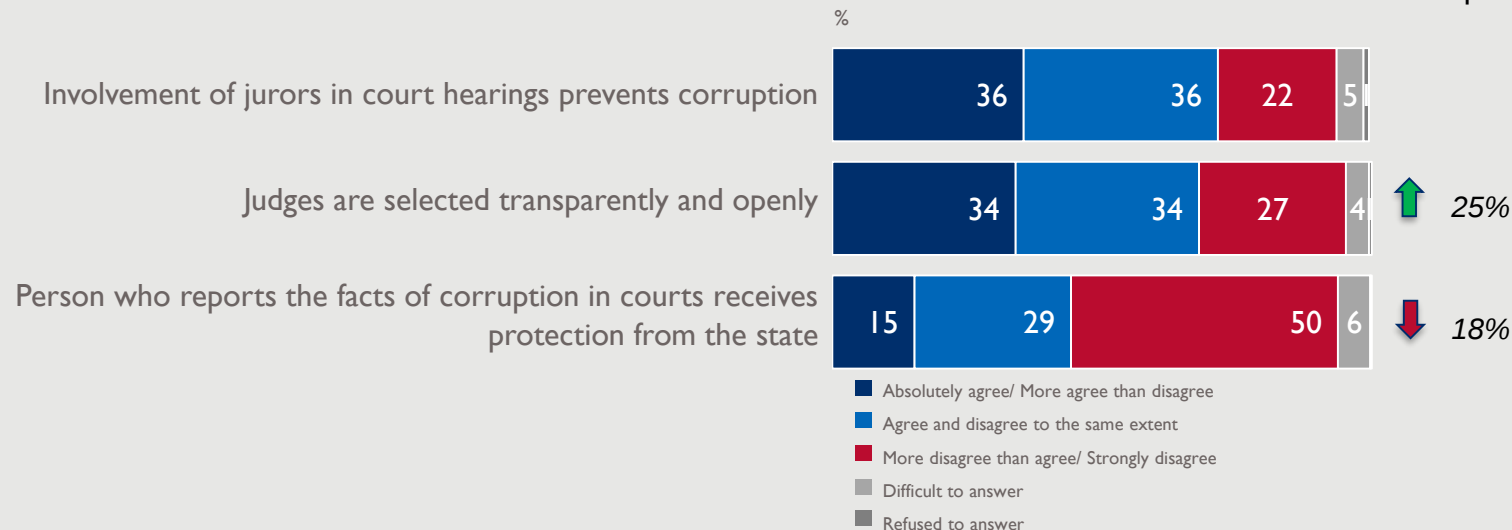
Ranked by Absolutely agree/ More agree than disagree

Base: All respondents, N=400

PERCEPTION OF CORRUPTION (5/5)

To what extent do you agree (or disagree) with the following statements:

Sep'18



Ranked by Absolutely agree/ More agree than disagree

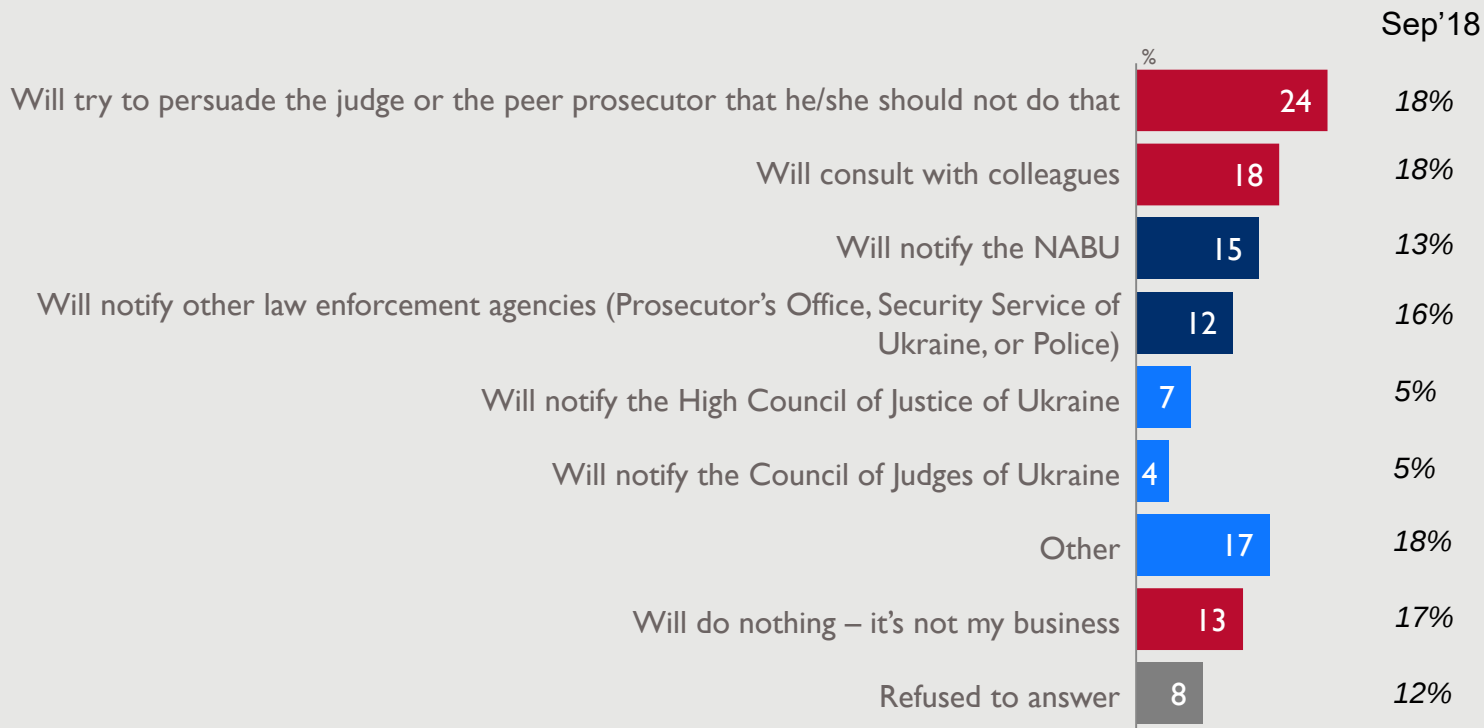
Base: All respondents, N=400

— READINESS TO REPORT ON CORRUPTION



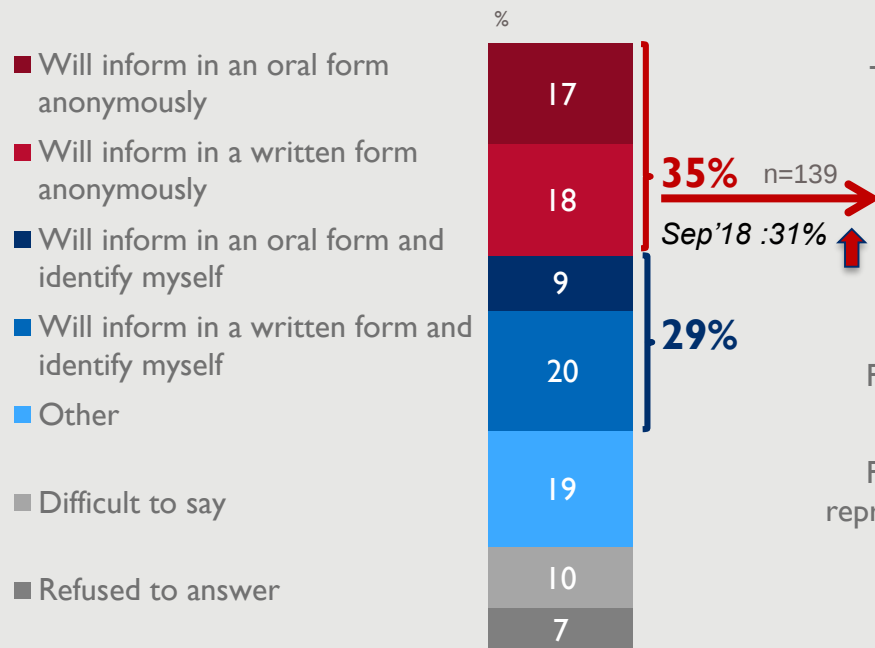
READINESS TO REPORT ON CORRUPTION (1/2)

If you received information which indisputably affirmed that the judge in your case or colleague-prosecutor demanded a bribe from a litigant, what would your possible actions be?



READINESS TO REPORT ON CORRUPTION (2/2)

If the necessity arises to inform any state bodies about the signs of corruption of which you are aware, what way will you choose?



You chose anonymous options of informing state bodies about signs of corruption. Which of the below mentioned circumstances influenced your choice?





NATIONAL SURVEY OF COURT STAFF REGARDING THE INDEPENDENCE AND ACCOUNTABILITY OF THE JUDICIARY COURT ADMINISTRATION IN UKRAINE AND CORRUPTION IN THE JUDICIARY

2019

USAID Nove Pravosuddya Justice Sector Reform Program

— OVERVIEW



OVERVIEW (1/2)

Sample

1027 court administration employees were surveyed in total in 179 courts of Ukraine

The following courts are included in the sample:

- ✓ courts of higher instance: Supreme Court, including Cassation Commercial, Cassation Civil, Cassation Criminal and Cassation Administrative;
- ✓ courts of appeal (courts of appeal of general jurisdiction, administrative courts of appeal, commercial courts of appeal);
- ✓ local courts of general jurisdiction (rayon, town-rayon, town, district in towns), local administrative courts and local commercial courts.

The sample included all courts of higher instance, all administrative courts of appeal and commercial courts of appeal. Since there is no current statistics on the number of administration employees, the distribution of interviews between the courts corresponds to the distribution of interviews in a sample of judges, based on the assumption that the number of administration employees is proportional to the number of judges.

Method

The survey was conducted with face-to-face interview method.

Self-completion of the questionnaire by the respondents was allowed if (s)he had no opportunity to meet with the interviewer, or wanted to do so in order to keep confidentiality of responses.

Questionnaire

The questionnaire was designed by USAID Nove Pravosuddya Justice Sector Reform Program in cooperation with international experts.

Pre-test of the questionnaire (20 respondents in different courts of Ukraine) was conducted after its design and approval. Amendments into the questionnaire were made upon the results of the pre-test.

Coverage

All regions of Ukraine were included into the survey except for the occupied territories of Donetsk, Luhansk oblasts and Crimea.

OVERVIEW (2/2)

Fieldwork

Prior to the fieldwork start the Letter of Support was obtained from the State Judicial Administration with the kind request to all judges/courts included into the sample to participate in the survey.

Duration

The survey was conducted between March 11 and April 30, 2019.

Data analysis

Results analyzed and presented:

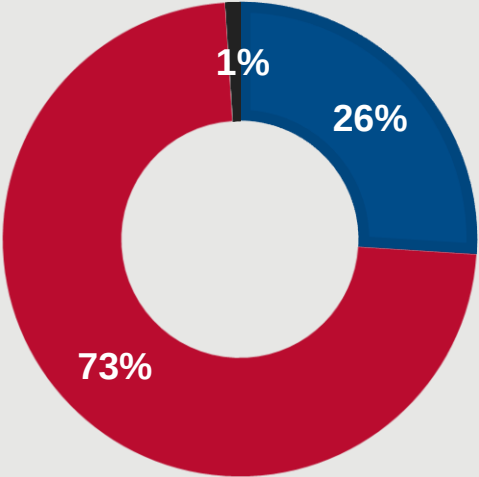
- ✓ in total;
- ✓ for courts of first instance (local courts of general jurisdiction (rayon, town-rayon, town, district in towns), local administrative courts and local commercial courts);
- ✓ for courts of appeal and cassation
- ✓ Significant difference between this survey and similar survey in 2017 indicated with **green arrows (positive trends)** and **red arrows (negative trends)**



— PROFILE OF RESPONDENTS

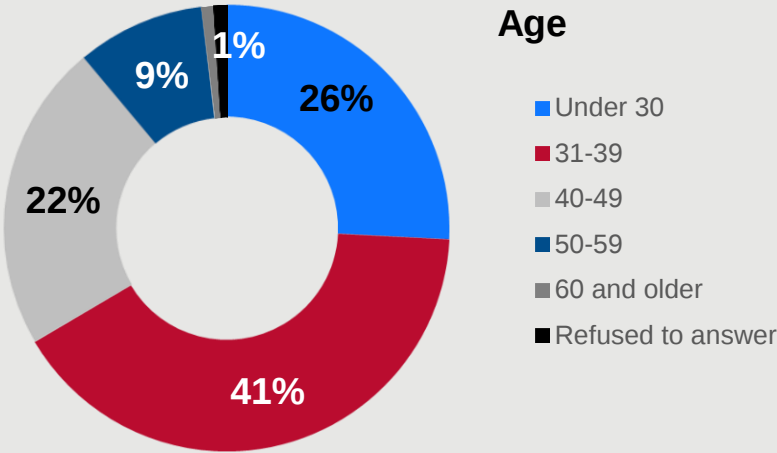
PROFILE OF RESPONDENTS (1/2)

Gender



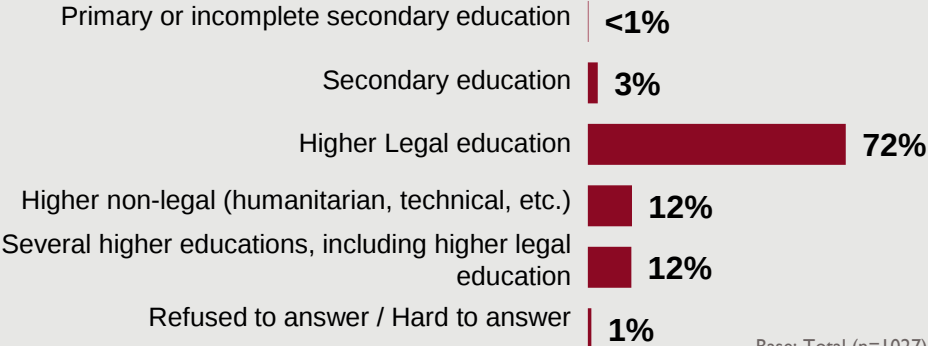
■ Male ■ Female ■ Refused to answer

Age



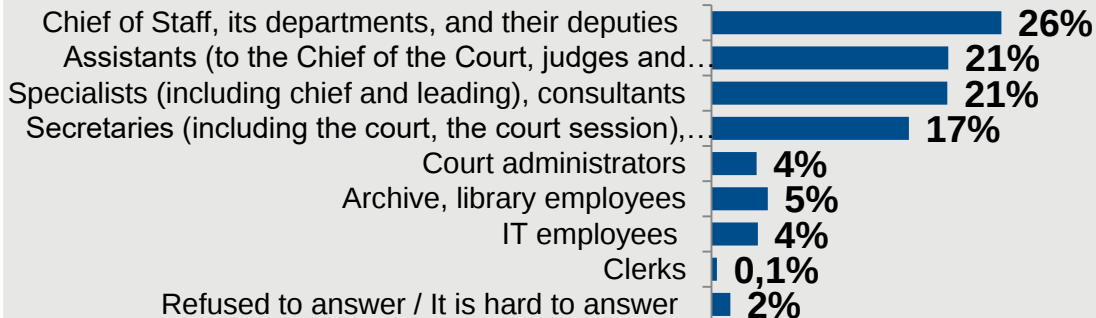
■ Under 30
■ 31-39
■ 40-49
■ 50-59
■ 60 and older
■ Refused to answer

Education

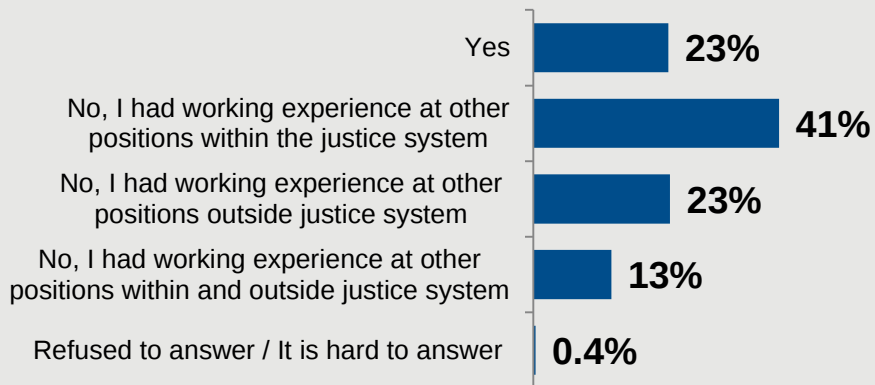


PROFILE OF RESPONDENTS (2/2)

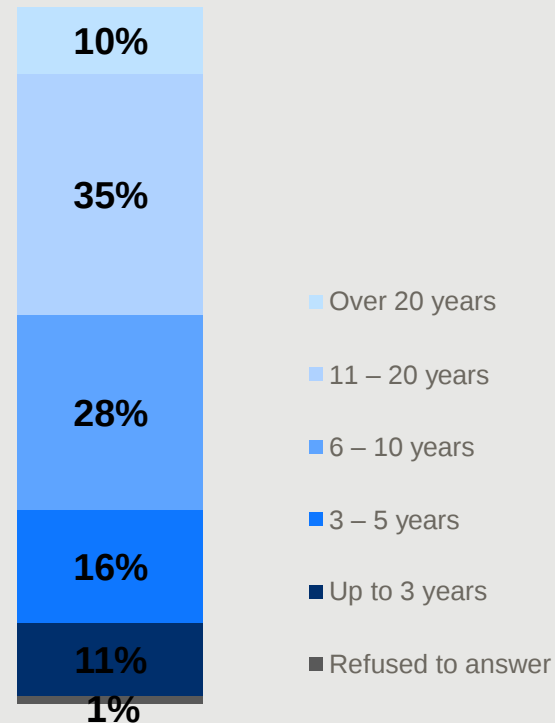
Category of the position in the court



Is this position your first post?



Duration of the position of justice system



Base: Total (n=1027)

— PERCEPTION OF JUDICIARY AND JUDICIAL REFORM

PERCEPTION OF JUDICIARY AND JUDICIAL REFORM (1/7)

Generalizing your personal experience of court proceedings at your court during the last 12 months, to what extent do you agree (or disagree) with the following statements:

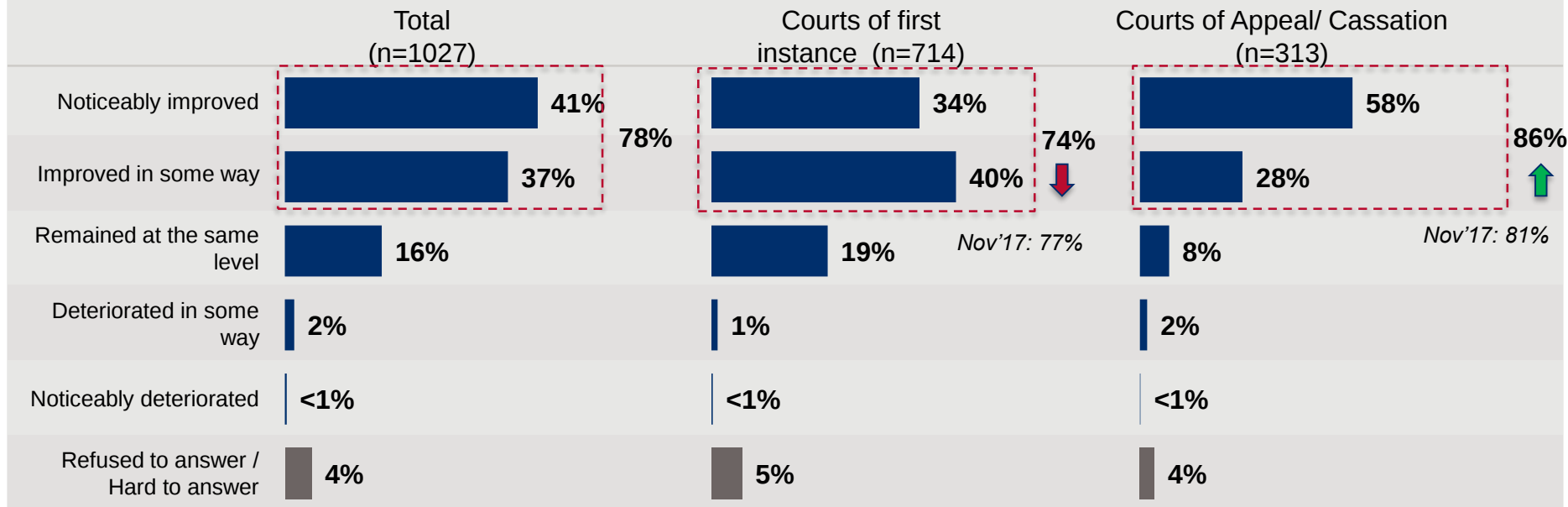
		Total (n=1027)		Courts of first instance (n=714)		Courts of Appeal/ Cassation (n=313)	
Evidence of women and men witnesses have equal weight while decision taking	0%	97%		0%	97%	0%	96%
When election to an administrative post at the court men judges and women judges have equal chances to be elected	0%	96%		1%	96%	0%	96%
The process is accessible for third parties (general public/ interested persons/ journalists could get to the court session)	0%	94%		1%	94%	0%	97%
Judges took legitimate and fair decisions	0%	94%		0%	93%	0%	95%
Judges have appropriate level of professional qualification	0%	93%		0%	93%	0%	94%
Court decisions are properly substantiated and clear	0%	92%		0%	92%	0%	93%
Judges were tactful and polite with all participants	1%	92%		1%	92%	0%	94%
Effectiveness of court administration is one of prerequisites for increasing citizens' confidence to judicial authority	1%	91%		2%	89%	0%	93%
Court office/administration is well organized	1%	91%		1%	90%	1%	92%
Demands for bribes, unofficial payments, gifts or other corruption practices are absent	1%	89%		2%	87%	1%	90%
There were no sings, that the judges acted under the influence of other party or any other persons	2%	87%		2%	86%	1%	90%
The proceeding is conducted within a reasonable period of time, meeting the schedule of sessions	3%	83%		3%	83%	4%	83%
Comfortable conditions were created at the court (convenient premises; availability of sufficient information for visitors; etc.)	6%	83%	↑	7%	79%	2%	93%

■ Strongly disagree/ Rather disagree

■ Strongly agree/ Rather agree

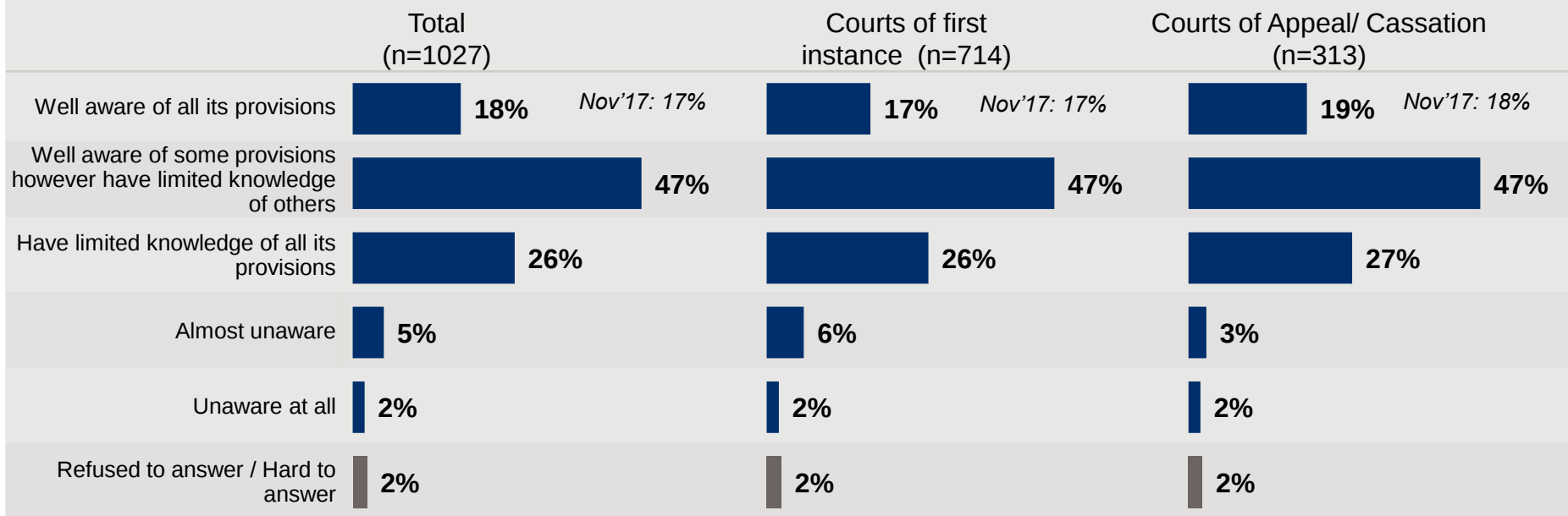
PERCEPTION OF JUDICIARY AND JUDICIAL REFORM (2/7)

How, in your opinion, during the last two years have changed the organization of work at your court?



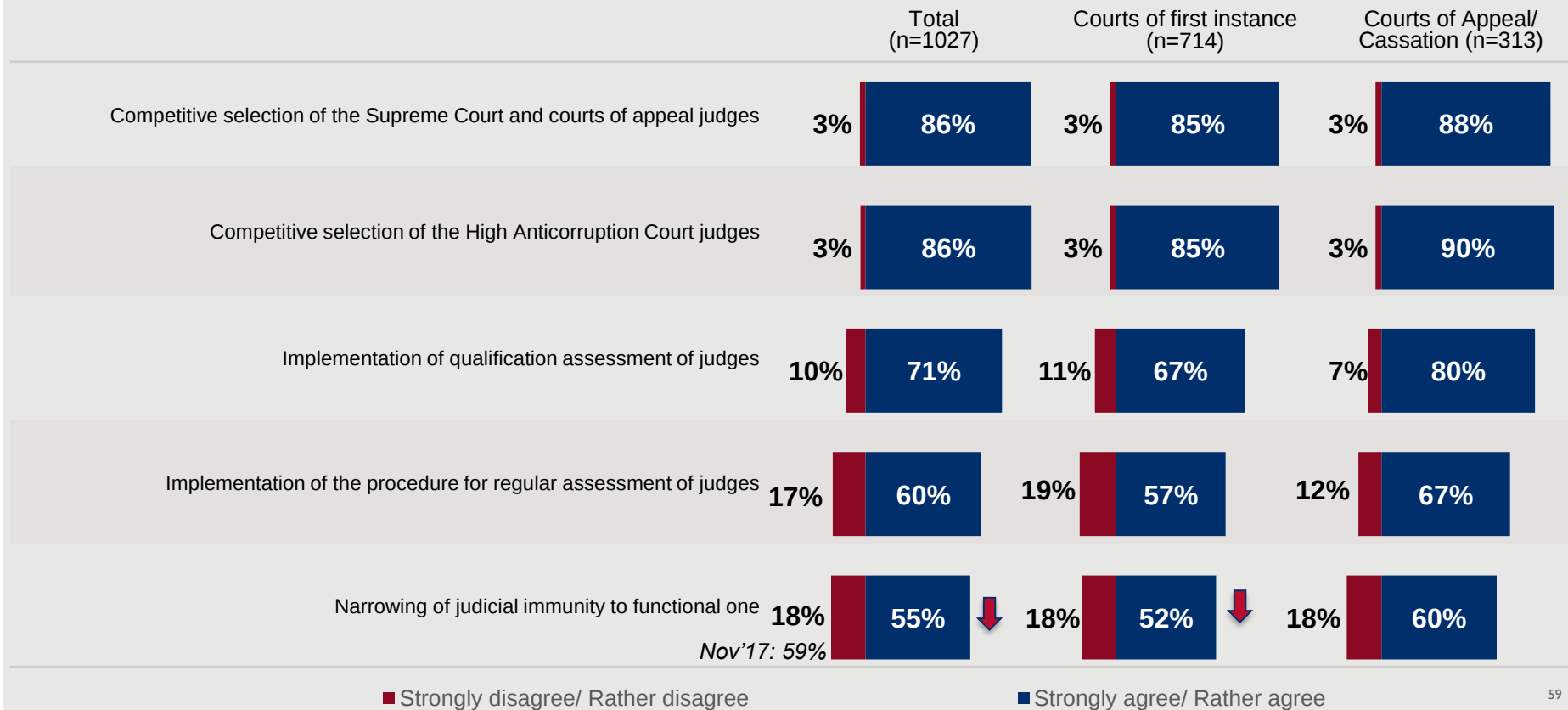
PERCEPTION OF JUDICIARY AND JUDICIAL REFORM (3/7)

Ukraine implements the Justice Sector Reform Strategy 2015-2020 (Strategy for reforming of justice, proceeding and related legal institutions). How well do you consider yourself aware of the Strategy?



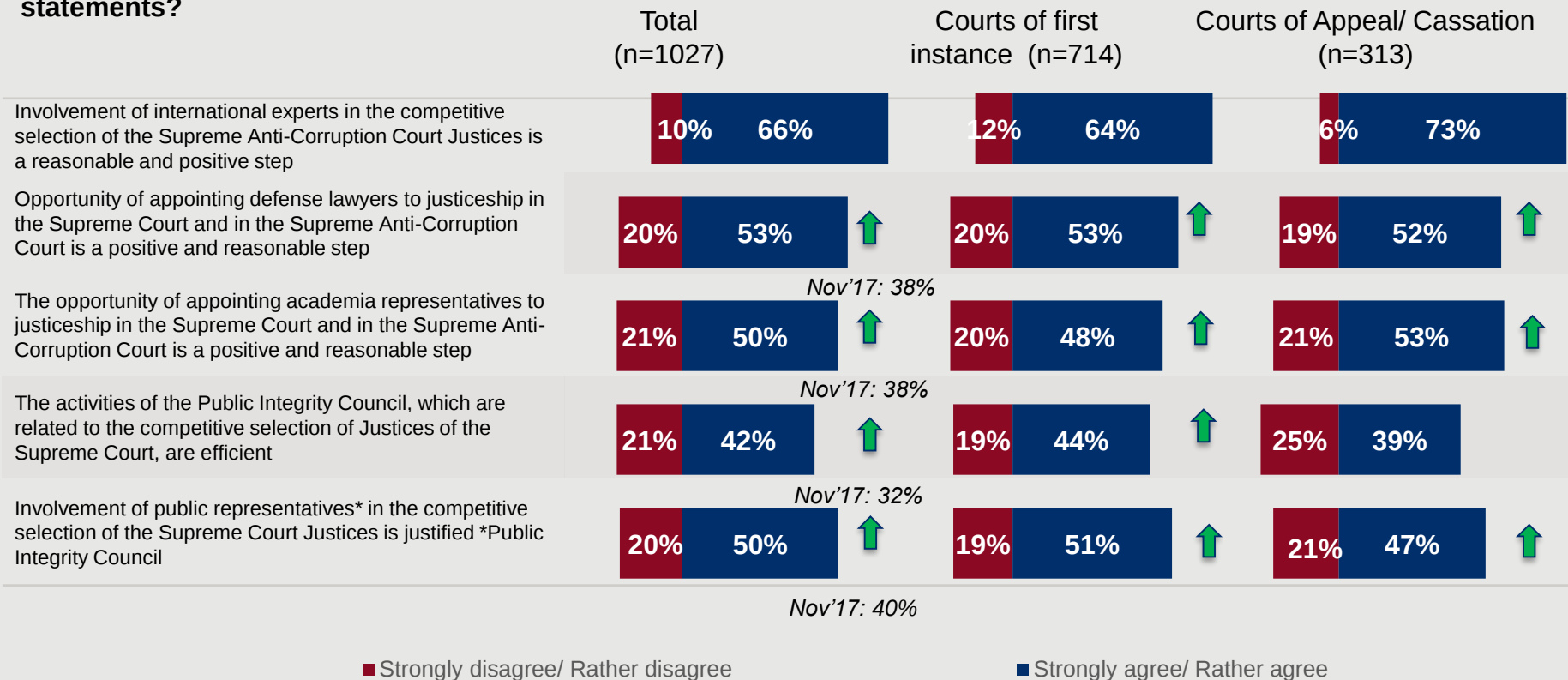
PERCEPTION OF JUDICIARY AND JUDICIAL REFORM (4/7)

To what extent do you agree (or disagree) that the below listed amendments to the Constitution of Ukraine and the laws on judiciary enhance judicial independence and make positive impact on the development of judiciary:



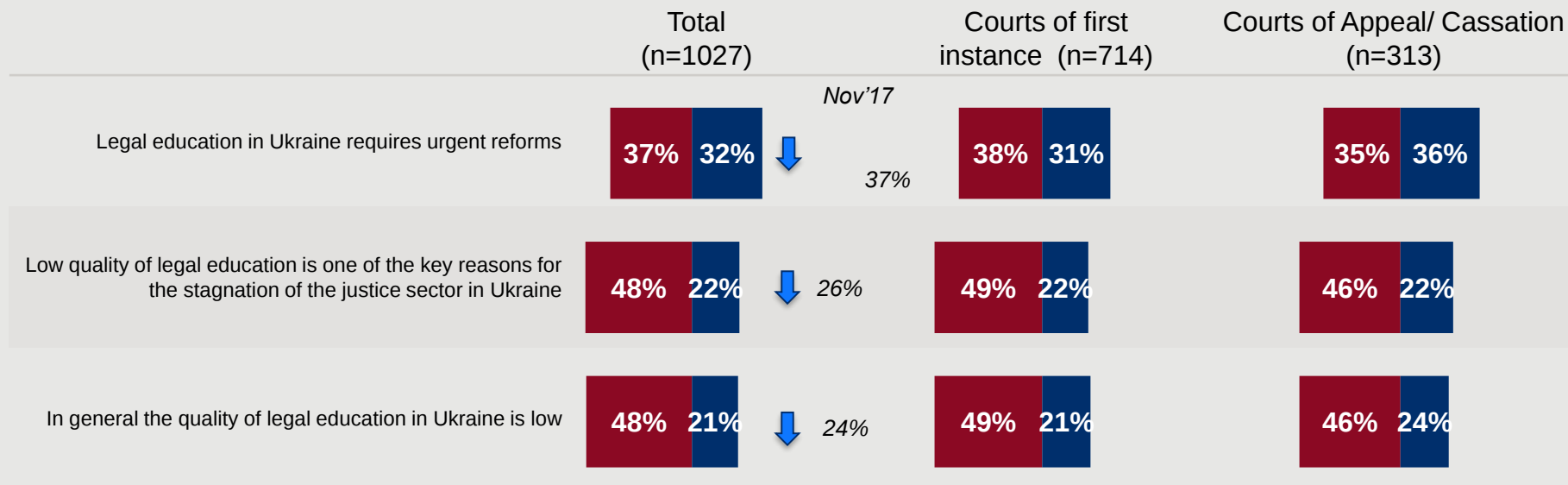
PERCEPTION OF JUDICIARY AND JUDICIAL REFORM (5/7)

One of the most urgent matters of the judicial sector reform is a competition for employment to vacant positions of judges of the cassation courts within the Supreme Court. To what extent do you agree with the following statements?



PERCEPTION OF JUDICIARY AND JUDICIAL REFORM (6/7)

Representatives of all power branches in Ukraine and legal community assert the need to reform legal education in order to ensure qualitative training for the representatives of legal profession in Ukraine. In this connection, to what extent do you agree (or disagree) with the following assertions:

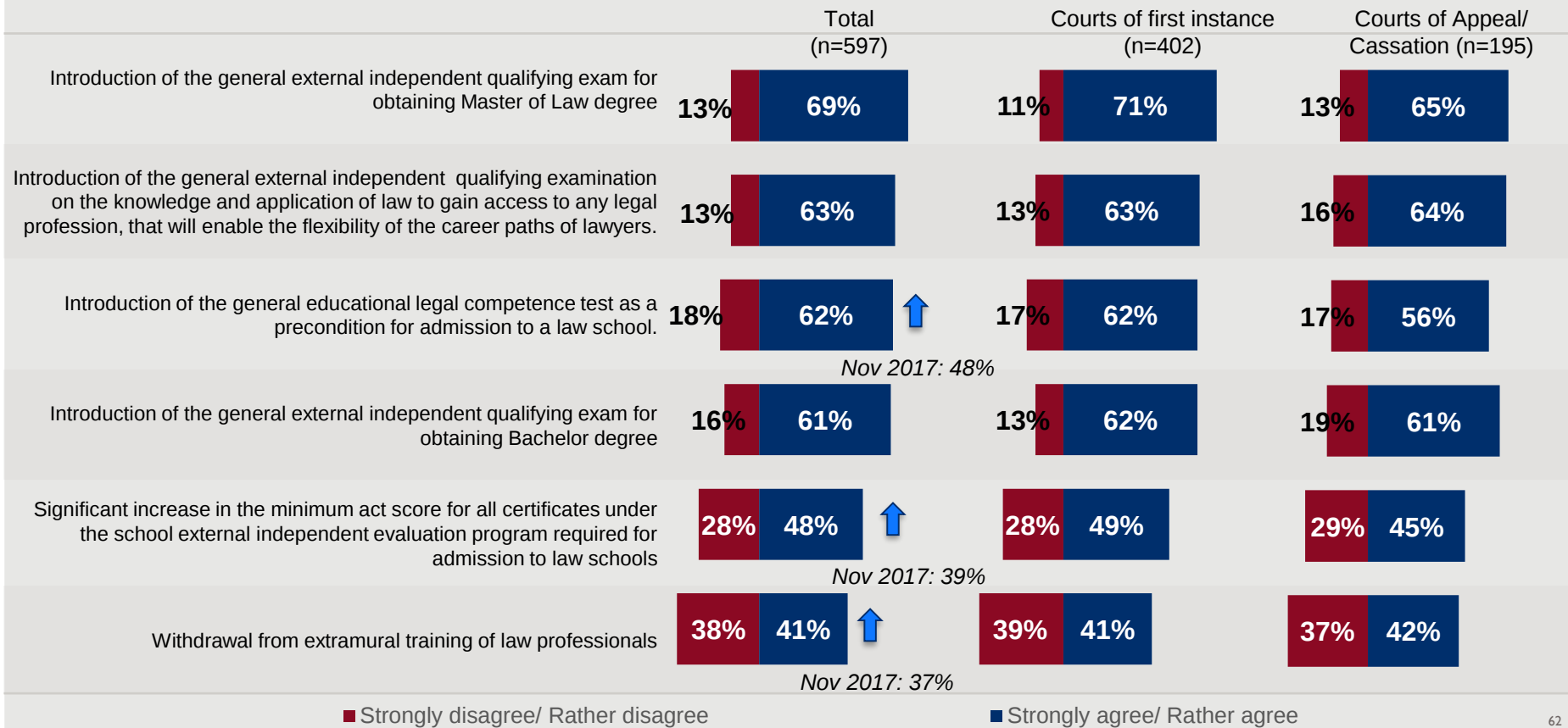


■ Strongly disagree/ Rather disagree

■ Strongly agree/ Rather agree

PERCEPTION OF JUDICIARY AND JUDICIAL REFORM (7/7)

If, in your opinion, legal education in Ukraine requires reforms, how do you agree (or disagree), that priority actions with regards to increasing the quality of legal education should become the following ones:



— PERSONAL EXPERIENCE



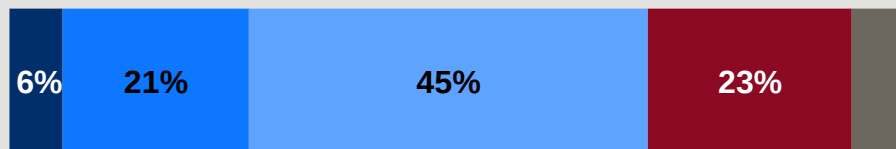
PERSONAL EXPERIENCE (1/6)

Please specify how often during the last year (recent 12 months) the following situations were happening:

The court management (Chief Judge, Chief of Staff or Head or your department) recognized and commemorate your achievements in work



You submitted proposals regarding improvement of the court activities and they were adopted by management

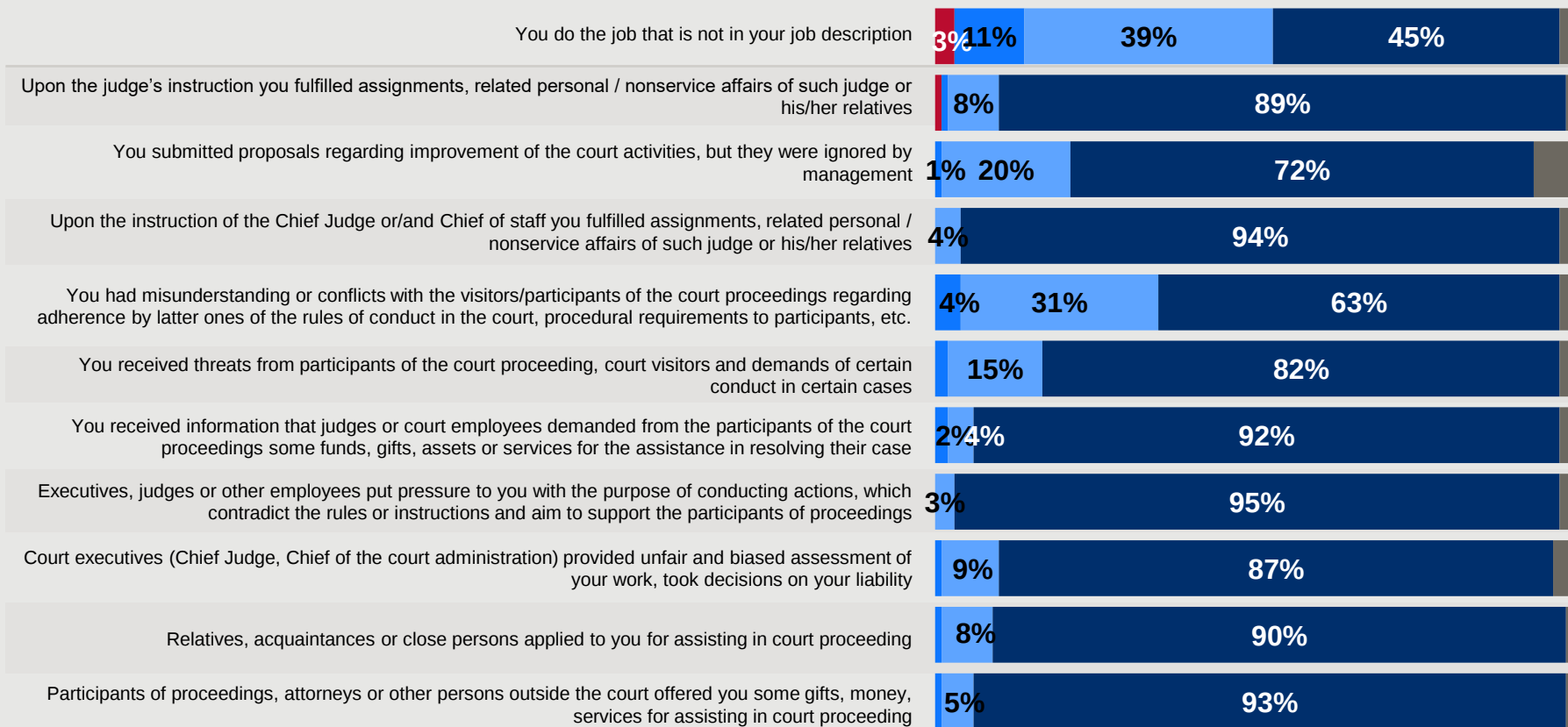


■ Constantly
■ Sometimes

■ Quite often
■ Never

PERSONAL EXPERIENCE (2/6)

Please specify how often during the last year (recent 12 months) the following situations were happening:

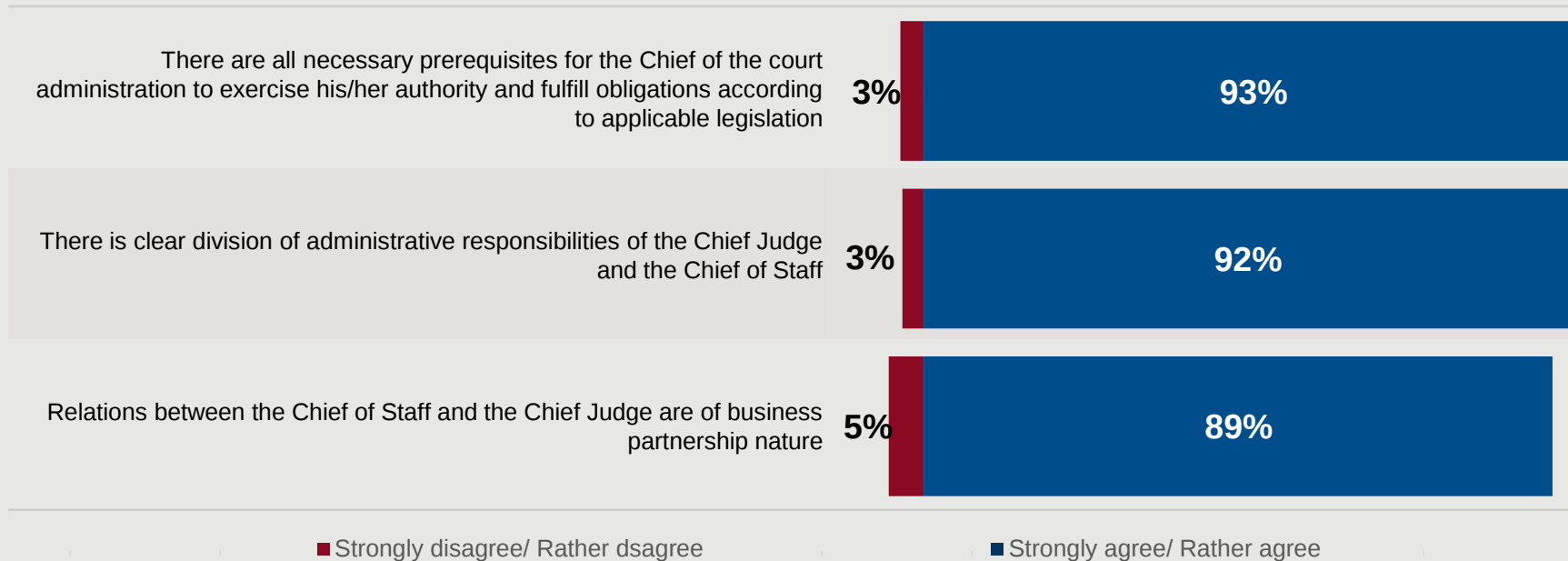


■ Constantly
 ■ Quite often
 ■ Sometimes
 ■ Never
 ■ Refused to answer / Hard to answer

Base: Total (n=1027)

PERSONAL EXPERIENCE (3/6)

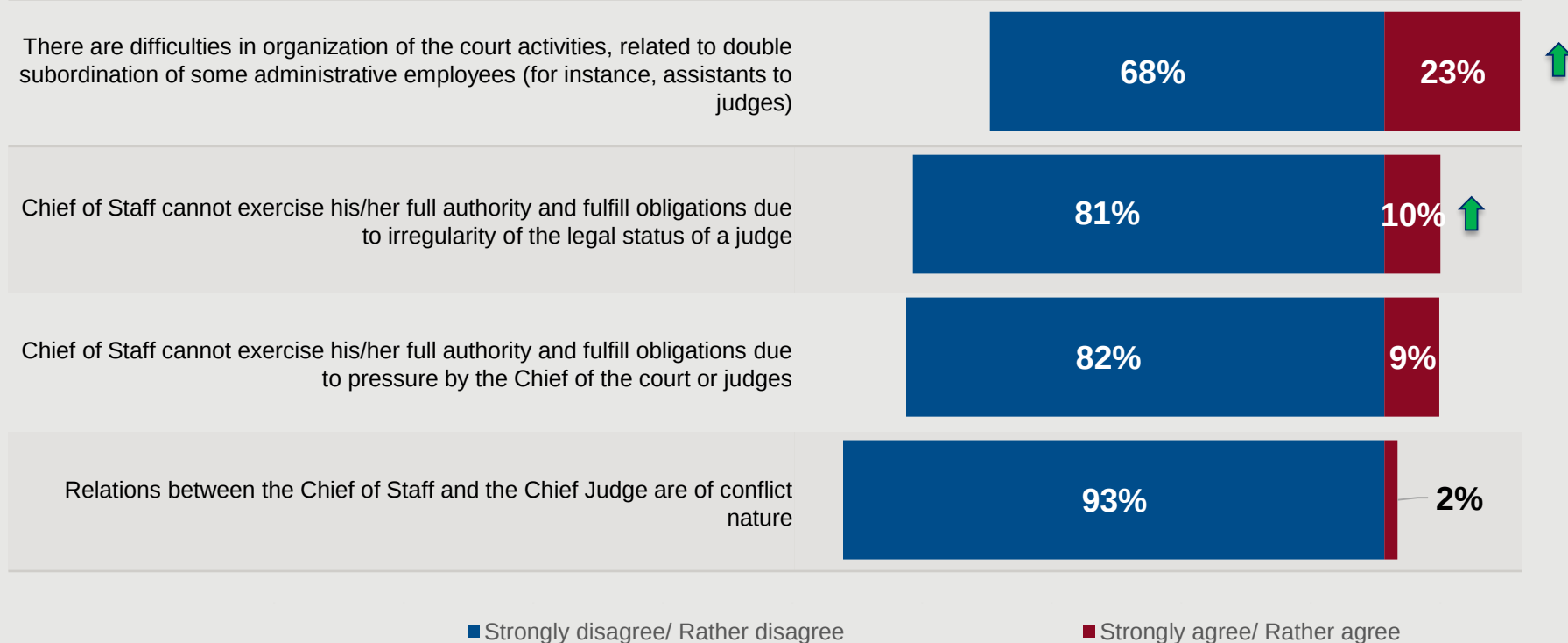
Specify, to what extent do you agree with the following assertions regarding the situation in your court:



Base: Total (n=1012)

PERSONAL EXPERIENCE (4/6)

Specify, to what extent do you agree with the following assertions regarding the situation in your court:



PERSONAL EXPERIENCE (5/6)

Please specify in which aspects of the court administration activities do you see problems or unresolved issues:



Base: Total (n=1027)

PERSONAL EXPERIENCE (6/6)

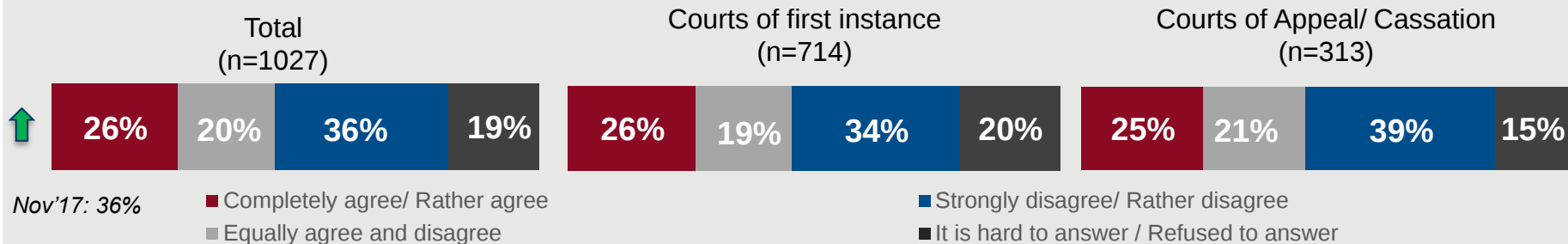
What are your future plans?



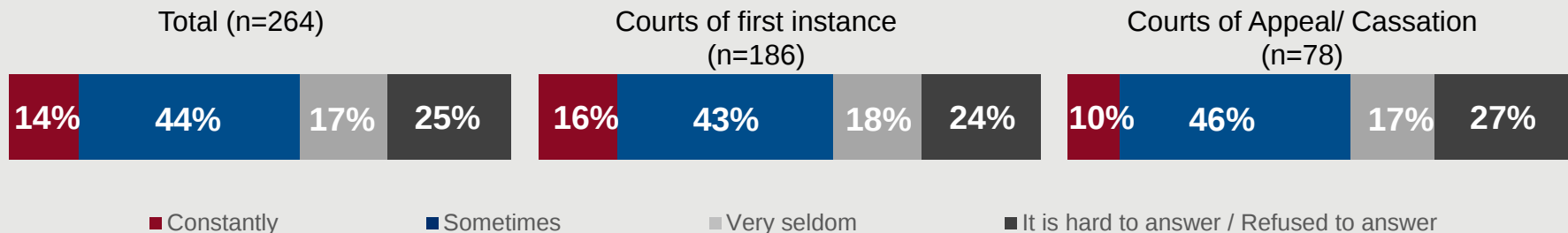
— PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT

PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT (I/8)

I suppose that in my country during the last two years certain judges took bribes for the adoption of certain decision in a case (cases)



How often in your opinion such cases happened? (among those, who mentioned cases of bribes)



PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT (2/8)

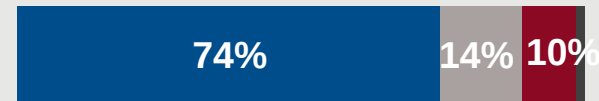
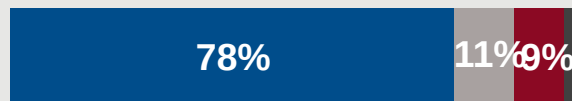
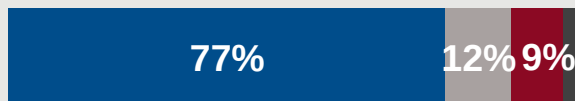
To what extent do you agree (or disagree) with the following assertions:

Total
(n=1027)

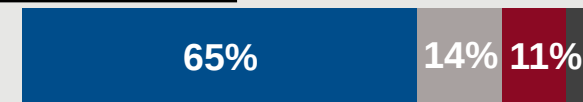
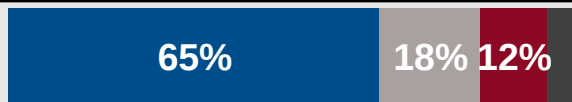
Courts of first instance
(n=714)

Courts of Appeal/ Cassation
(n=313)

Corruption is the biggest problem in Ukraine



Judicial system in Ukraine is able to become a basis for overcoming corruption in all branches of power



Nov'17: 62%

■ Completely agree/ Rather agree ■ Equally agree and disagree ■ Strongly disagree/ Rather disagree ■ It is hard to answer / Refused to answer

PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT (3/8)

To what extent do you agree (or disagree) with the following assertions:

Total
(n=1027)

Courts of first instance
(n=714)

Courts of Appeal/ Cassation
(n=313)

Creation of the National Anti-corruption Bureau (NABU) was a necessary step for the Ukrainian government



Creation of the National Agency for Prevention of Corruption (NAPC) was a necessary step for the Ukrainian government



Nov'17: 45%

■ Completely agree/ Rather agree ■ Equally agree and disagree ■ Strongly disagree/ Rather disagree ■ It is hard to answer / Refused to answer

PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT (4/8)

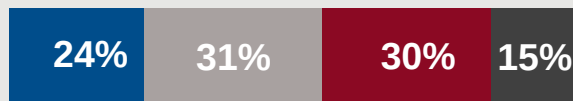
To what extent do you agree (or disagree) with the following assertions:

Total
(n=1027)

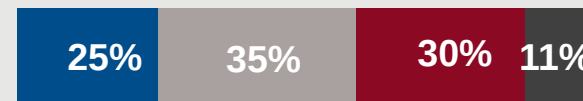
Courts of first instance
(n=714)

Courts of Appeal/ Cassation
(n=313)

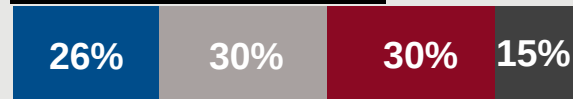
NABU functions effectively



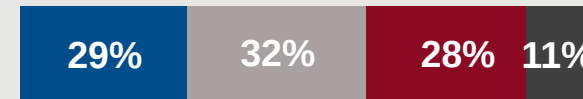
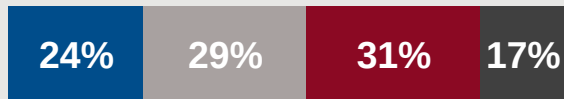
Nov'17: 21%



NAPC functions effectively



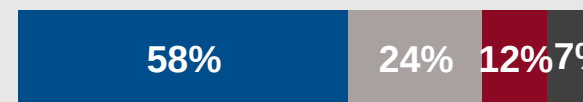
Nov'17: 19%



Creation of the Higher Specialized Anti-Corruption Court shall have a positive impact to overcoming of corruption



Nov'17: 38%



■ Completely agree/ Rather agree ■ Equally agree and disagree ■ Strongly disagree/ Rather disagree ■ It is hard to answer / Refused to answer

PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT (5/8)

To what extent do you agree (or disagree) with the following assertions:

Total
(n=1027)

Courts of first instance
(n=714)

Courts of Appeal/ Cassation
(n=313)

There are situations, when corruption actions can be justified



The court administration employee having information about corruption actions of judges or his/her colleagues should urgently notify the National Anti-corruption Bureau (NABU) thereof



The court administration employee having information about corruption actions of judges or his/her colleagues should urgently notify other (besides NABU) law enforcement bodies



■ Completely agree/ Rather agree ■ Equally agree and disagree ■ Strongly disagree/ Rather disagree ■ It is hard to answer / Refused to answer

PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT (6/8)

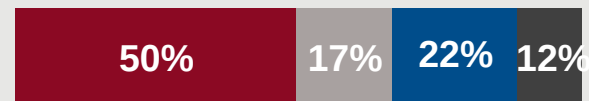
To what extent do you agree (or disagree) with the following assertions:

Total
(n=1027)

Courts of first instance
(n=714)

Courts of Appeal/ Cassation
(n=313)

The court administration employee, denouncing corruption actions of his/her colleagues seriously risks with his/her career



Nov'17: 53%

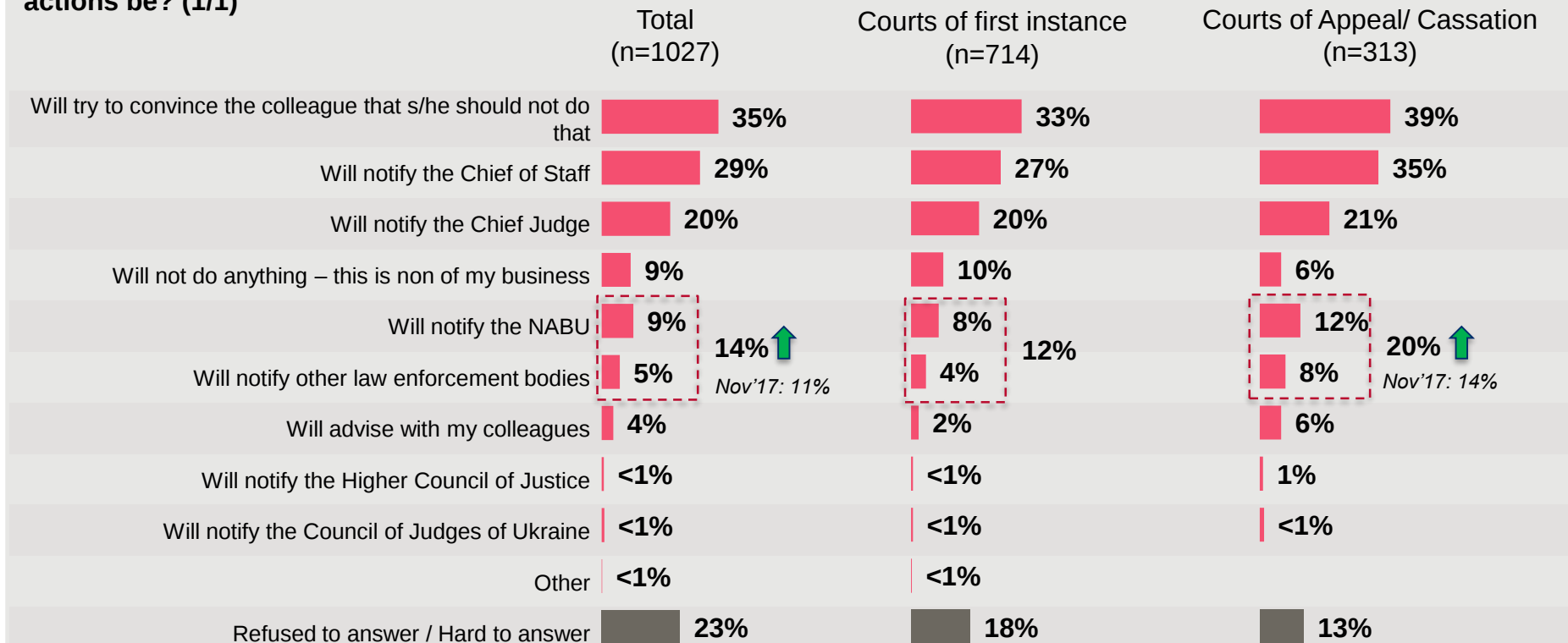
It is dangerous to be whistleblower of corruption in Ukraine, since there is no effective system of protection of witnesses and exposers



■ Completely agree/ Rather agree
 ■ Equally agree and disagree
 ■ Strongly disagree/ Rather disagree
 ■ It is hard to answer / Refused to answer

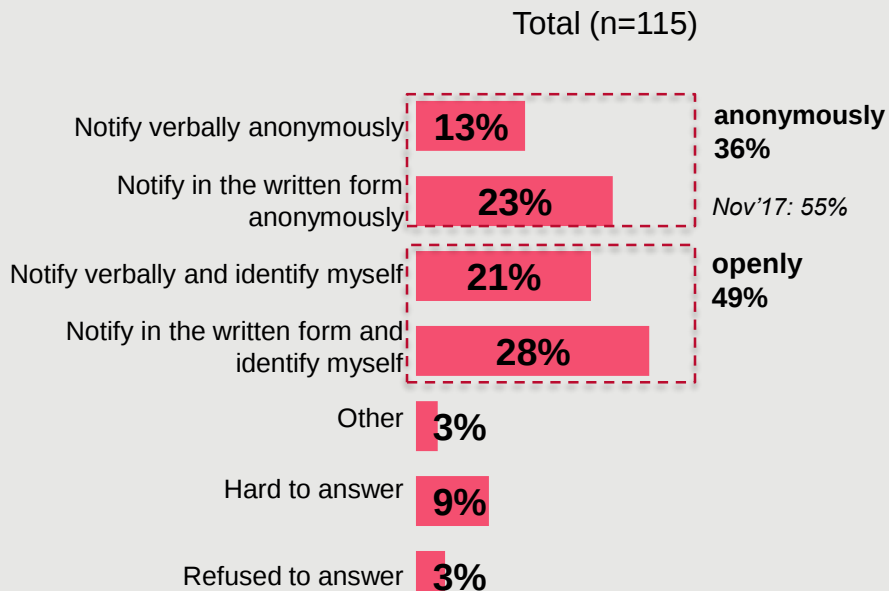
PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT (7/8)

If you personally receive information, which undeniably justifies that a judge or your colleague – court administration employee – demands a bribe from the participant of the court proceeding, what will your probable actions be? (1/1)

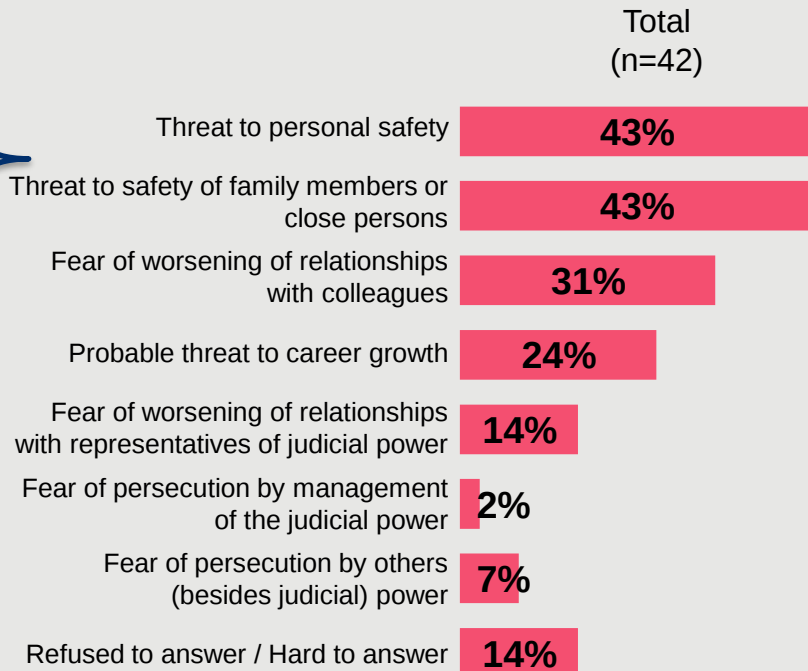


PERCEPTION OF CORRUPTION AND READINESS TO COUNTERACT IT (8/8)

In case of informing NABU or other enforcement bodies, which method will you choose? *(among those, who will inform NABU or other enforcement bodies)*



Have the below mentioned circumstances affected your choice? *(among those, who choose anonymous form)*



— TRUST IN GOVERNMENT AND SOCIAL INSTITUTES



TRUST IN GOVERNMENT AND SOCIAL INSTITUTIONS (I)

How do you personally trust...?

Nov'17





NATIONAL SURVEY OF UKRAINIAN JURORS ON INDEPENDENCE AND ACCOUNTABILITY OF THE JUDICIARY, COURT ADMINISTRATION IN UKRAINE, AS WELL AS CORRUPTION IN THE JUDICIARY

2019

USAID Nove Pravosuddya Justice Sector Reform Program

OVERVIEW (I)

Sample

407 of jurors were surveyed in total in 86 courts of Ukraine.

Local courts of general jurisdiction (rayon, town-rayon, town, district in towns) were included in the sample.

Courts were selected randomly according to the proportional distribution of the number of jurors. Jurors in each court were also selected randomly.

Method

The survey was conducted with face-to-face interview method (self-completion in the presence of an interviewer). Respondents met with an interviewer in court, usually after a session involving a jury. The jury were given the questionnaires, explained the rules of filling, the interviewer answered the questions while filling out the questionnaires. After completion of the questionnaire, he collected the completed questionnaires.

Questionnaire

The questionnaire was designed by USAID Nove Pravosuddya [New Justice] Justice Sector Reform Program in cooperation with international experts.

Pre-test of the questionnaire (20 respondents in different courts of Ukraine) was conducted after its design and approval. Amendments and supplements into the questionnaire were made upon the results of the pre-test.

Coverage

All regions of Ukraine were included into the survey except for the occupied territories of Donetsk, Luhansk oblasts and Crimea.

OVERVIEW (2)

Fieldwork

Prior to the fieldwork start the Letter of Support was obtained from the State Judicial Administration with the kind request to all judges/courts included into the sample to participate in the survey.

Duration

The survey was conducted between March 11 and April 30, 2019.

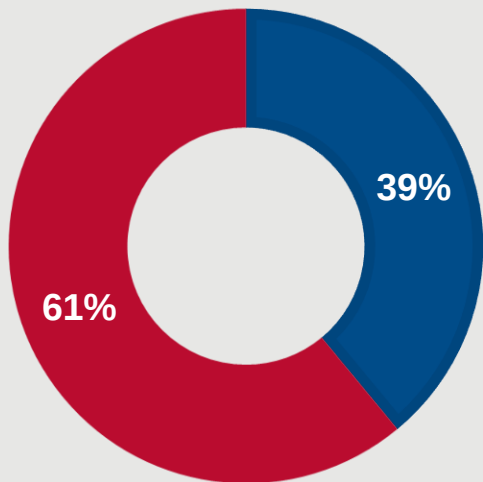
Data analysis

All questions were analyzed by respondents in total without disaggregation

— PROFILE OF THE RESPONDENTS

PROFILE OF THE RESPONDENTS (1/2)

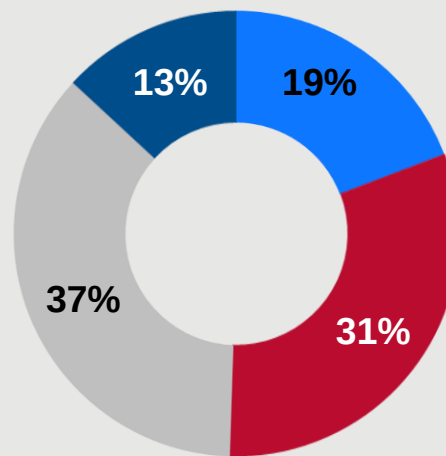
Gender



■ Male

■ Female

Age



■ 30-39

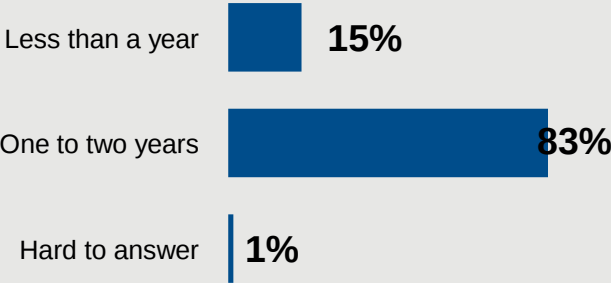
■ 40-49

■ 50-59

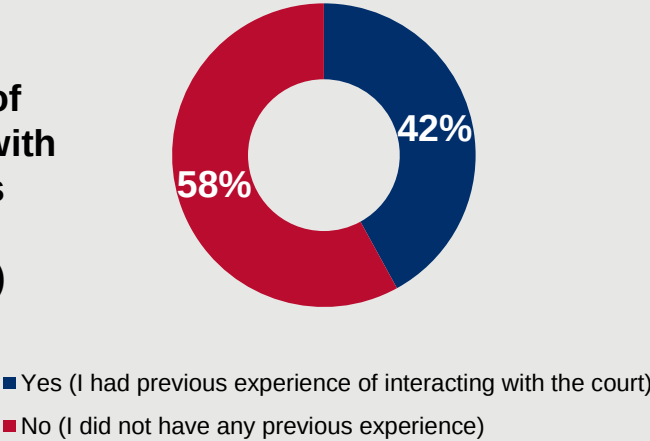
■ 60 and older

PROFILE OF THE RESPONDENTS (2/2)

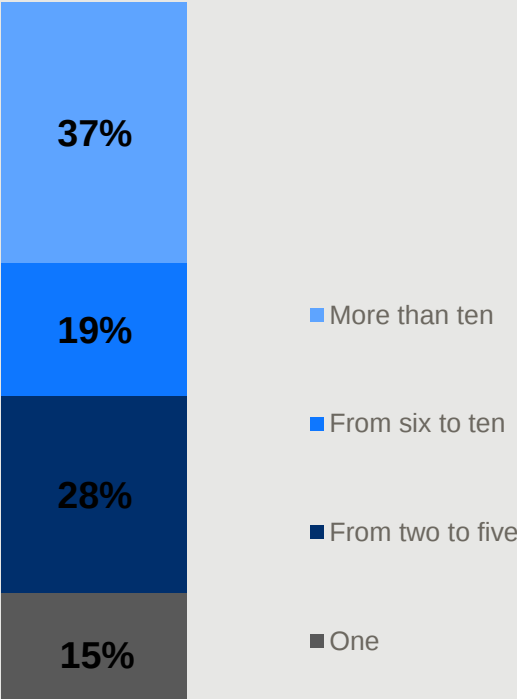
Experience as a juror



Previous experience of interacting with the court (as other participants)



The number of cases, which you attended as a juror



— PERCEPTION OF JUDICIARY

PERCEPTION OF JUDICIARY (1/2)

Summing up your personal impressions of the trials, which you have attended as a jury over the past 12 months, to what extent do you agree (or disagree) with the following statements:

Total
(n=407)

The judges were tactful and polite with all parties

1%

98%

Judges adopted lawful and fair decisions

0%

98%

The testimony of female and male witnesses are equally important in the decision-making process

1%

97%

Well-organized performance of court office/administration

2%

96%

Judicial decisions are properly motivated and understandable

1%

95%

There were no indications that judges were acting under the influence of another party or any other persons

1%

93%

The proceedings took place within a reasonable time, subject to scheduled appointments

3%

92%

There are comfortable conditions in the courtroom (comfortable premises, enough information for visitors, etc.)

3%

90%

The proceedings are accessible to third parties (public / interested parties / journalists could get to the court session)

4%

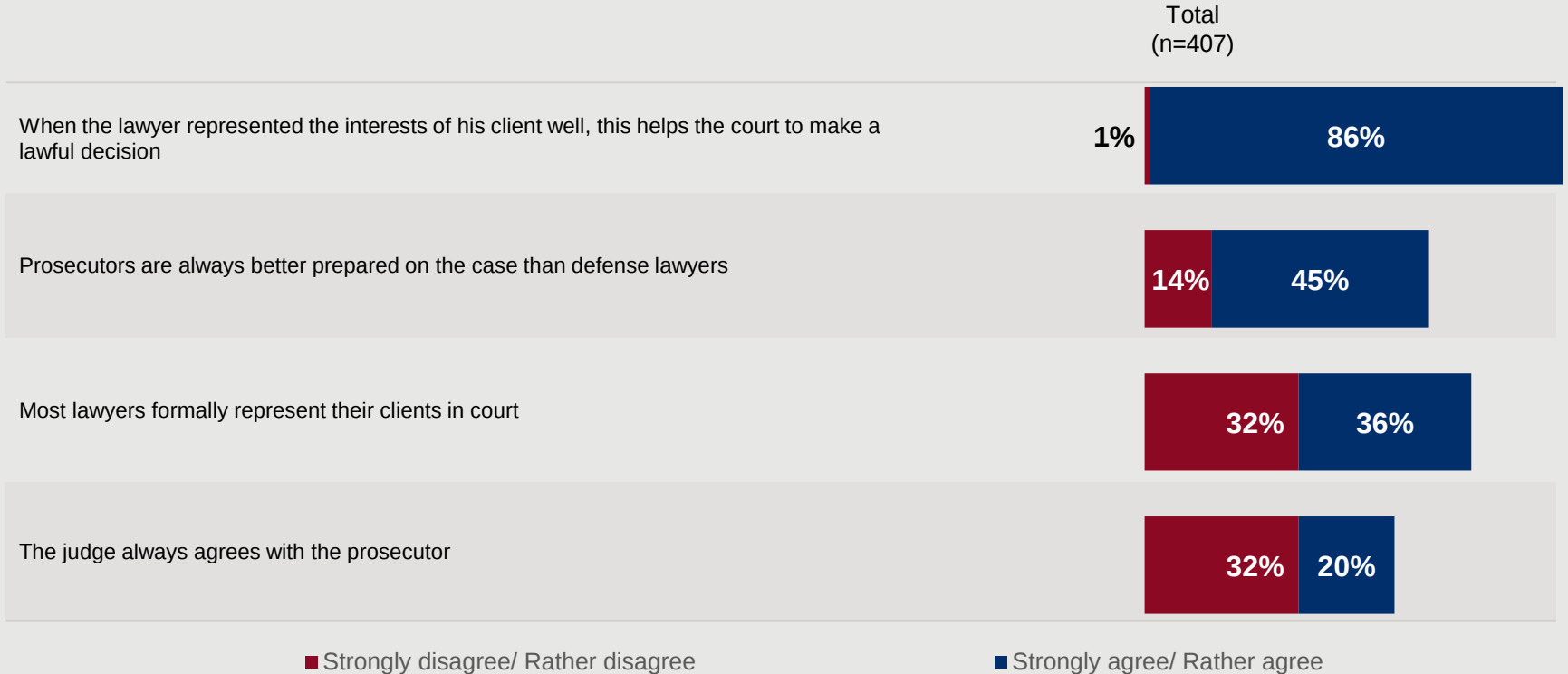
85%

■ Strongly disagree/ Rather disagree

■ Strongly agree/ Rather agree

PERCEPTION OF JUDICIARY AND JUDICIAL REFORM (2/2)

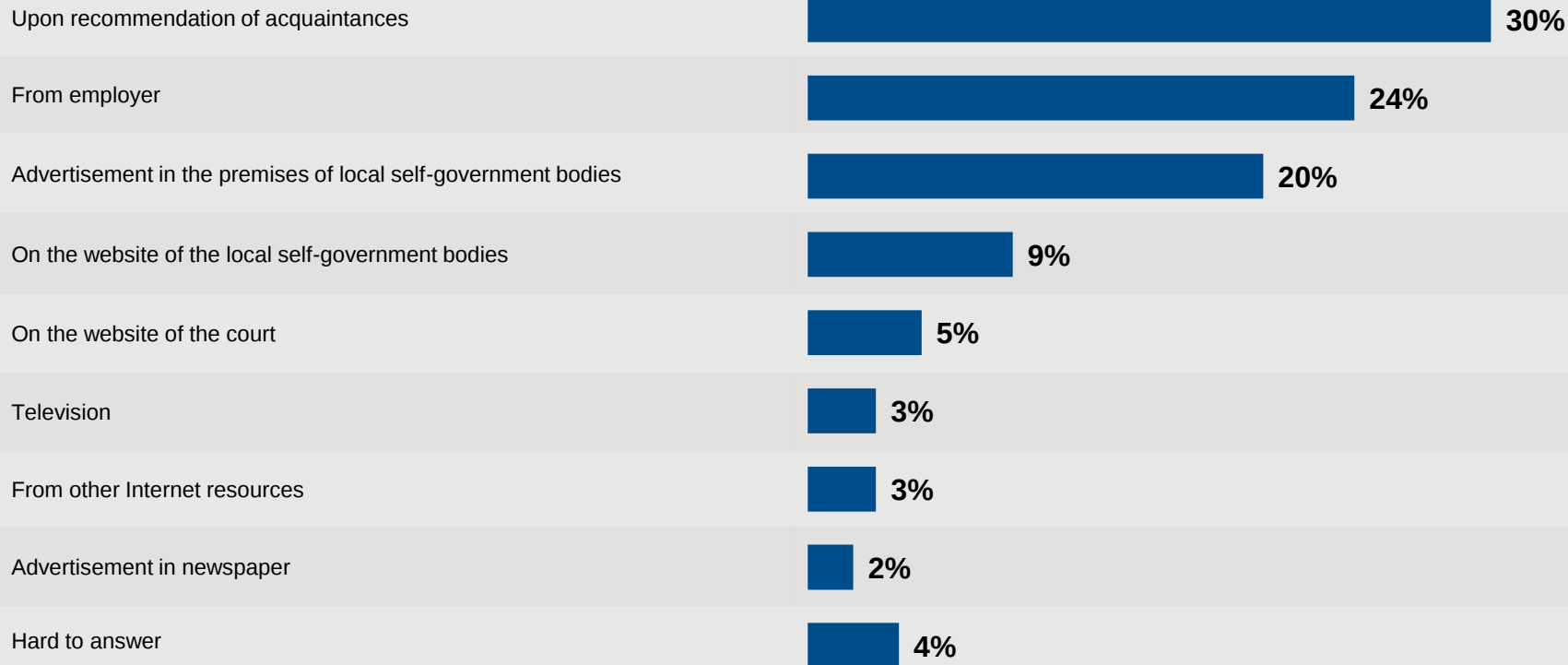
Summing up your personal impressions of the trials, which you have attended as a jury over the past 12 months, to what extent do you agree (or disagree) with the following statements regarding the work of lawyers and prosecutors:



— MOTIVATION AND SELECTION OF JURORS

MOTIVATION AND SELECTION OF JURORS (1/3)

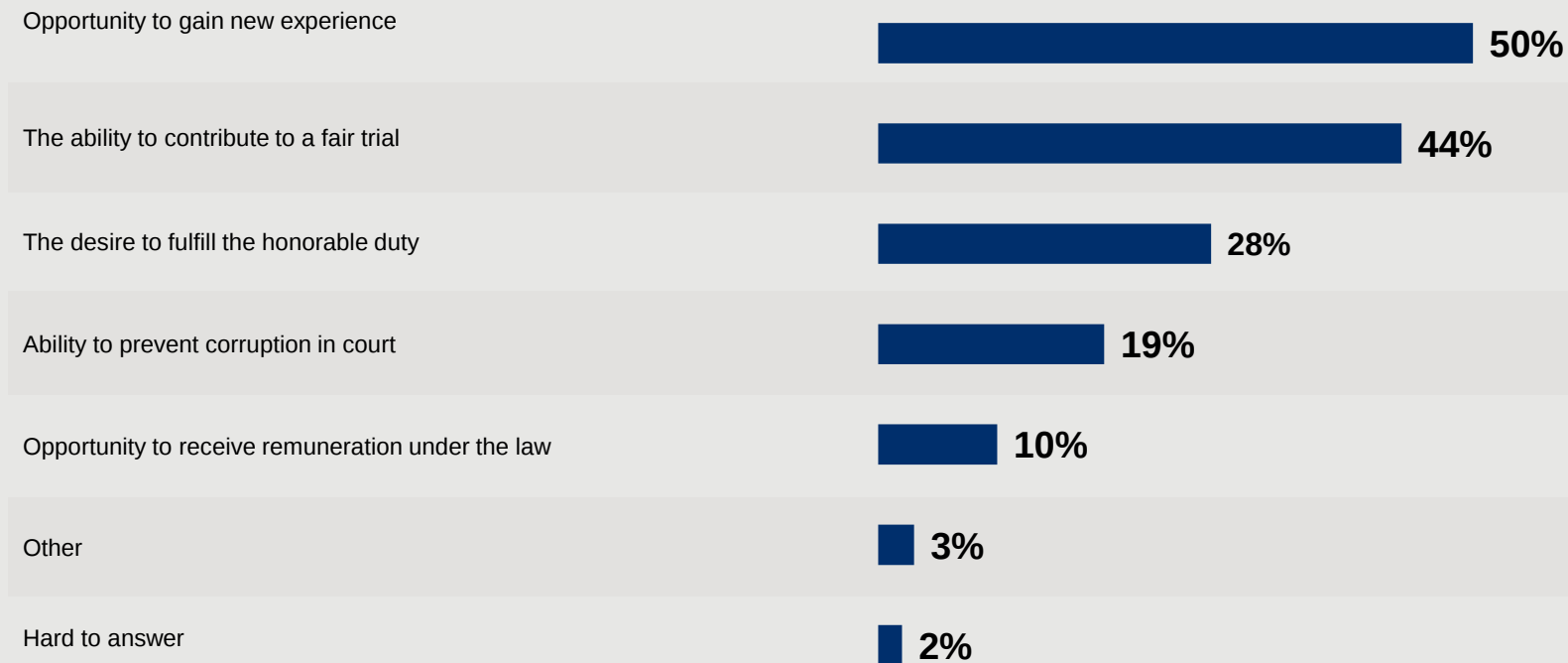
How did you find out about the opportunity to become a jury?



Base: Total (n=407)

MOTIVATION AND SELECTION OF JURORS (2/3)

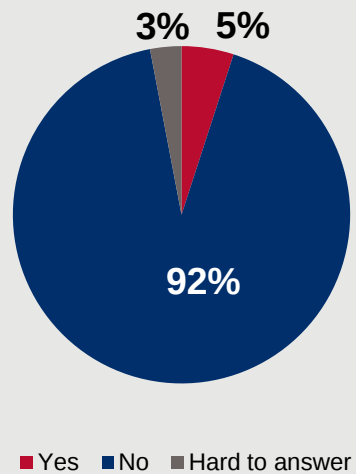
What led to your decision to be in the jury?



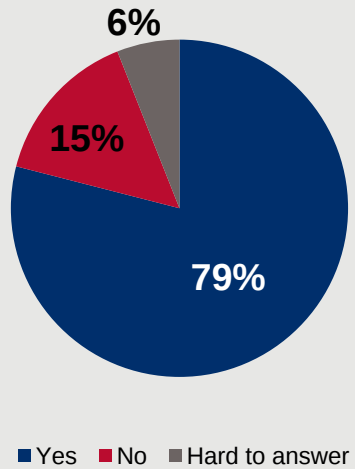
Base: Total (n=407)

MOTIVATION AND SELECTION OF JURORS (3/3)

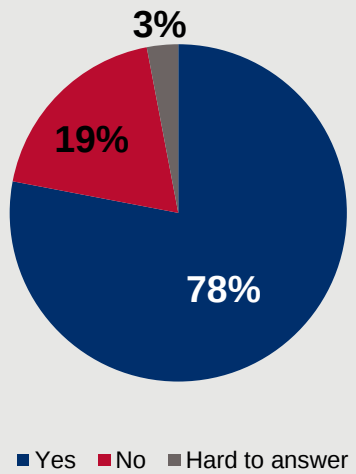
Did you have any difficulties in collecting and submitting the necessary documents to get in the jury pool?



At the stage of your selection in the jury, have you received comprehensive answers of the representatives of local self-government bodies to your questions related to jury participation?



Did the representatives of the local self-government body interview you when you were selected to be a juror?



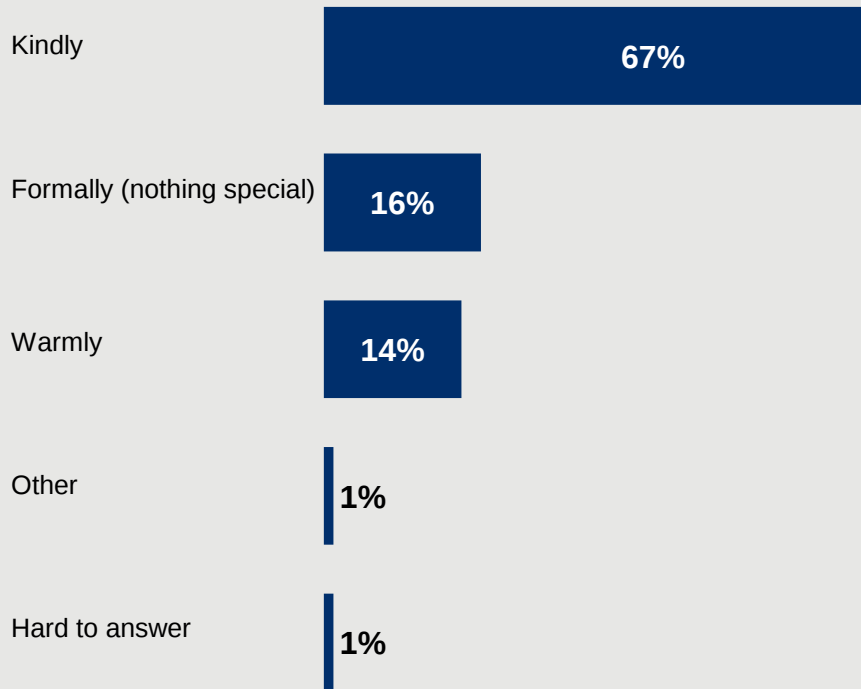
Base: Total (n=407)

— PERSONAL EXPERIENCE

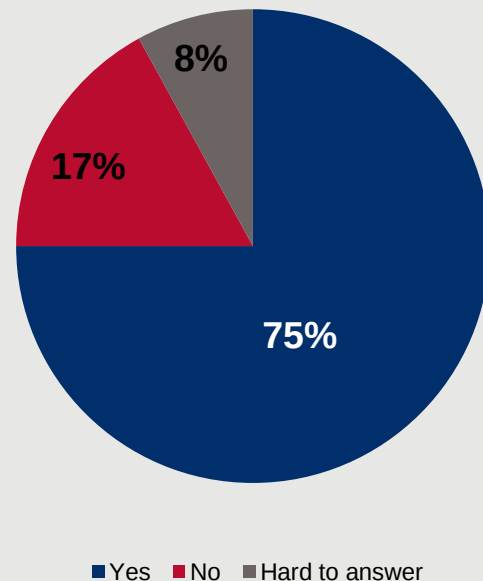


PERSONAL EXPERIENCE (1/9)

How were you greeted at the court?

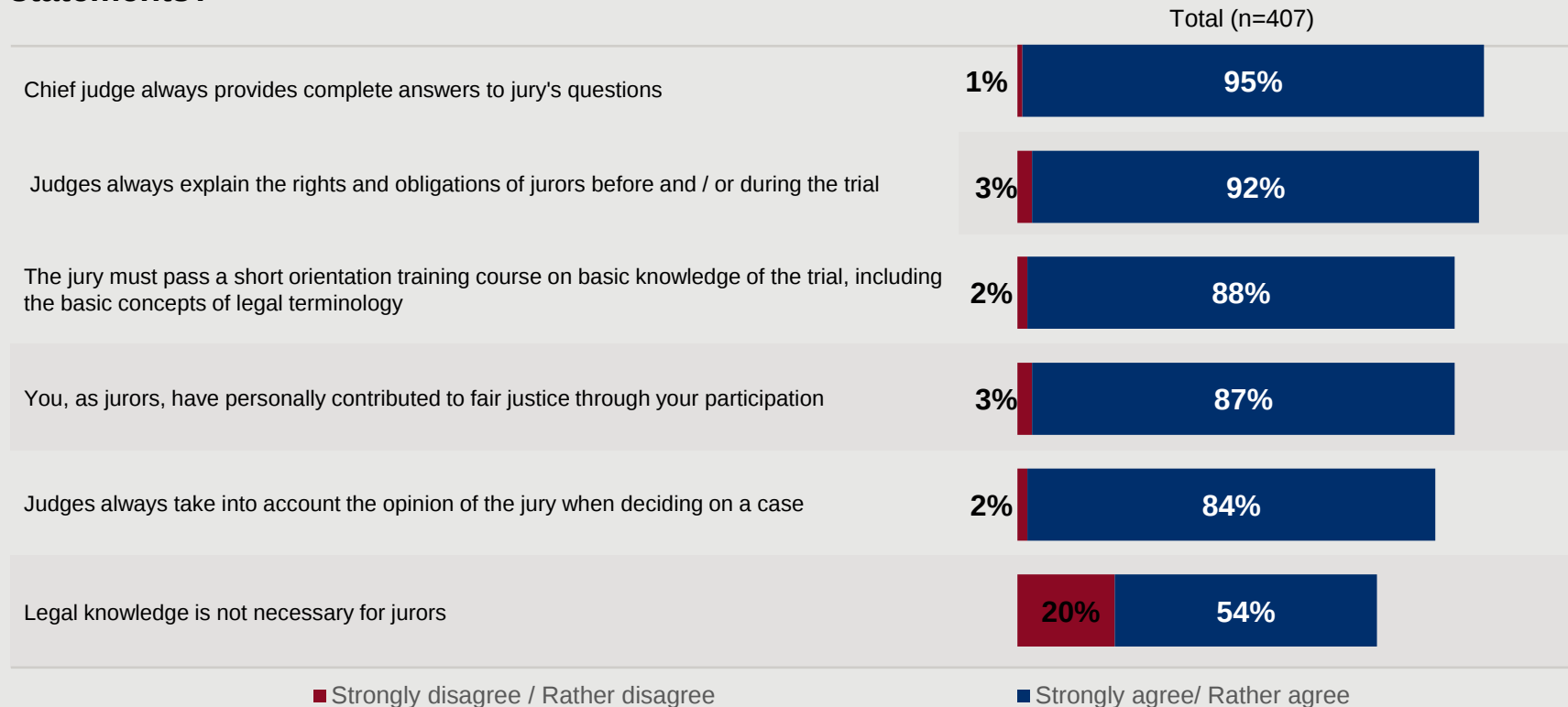


Did you have an orientation session in court about the basic knowledge of the trial, the rights and responsibilities of the jury?



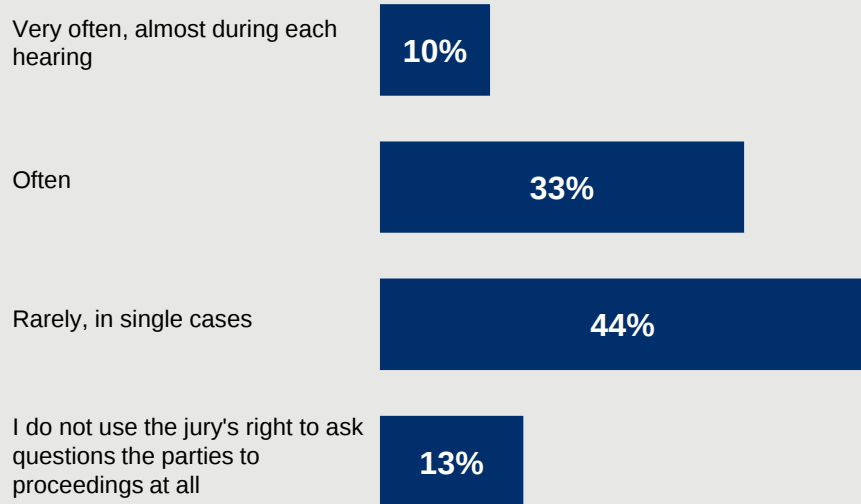
PERSONAL EXPERIENCE (2/9)

Given your experience as jury, to what extent do you agree (or disagree) with the following statements?

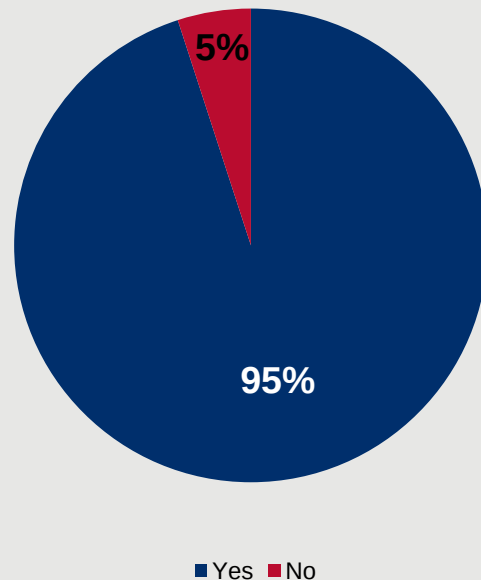


PERSONAL EXPERIENCE (3/9)

How often do you ask questions the parties to proceedings of essence of the case?

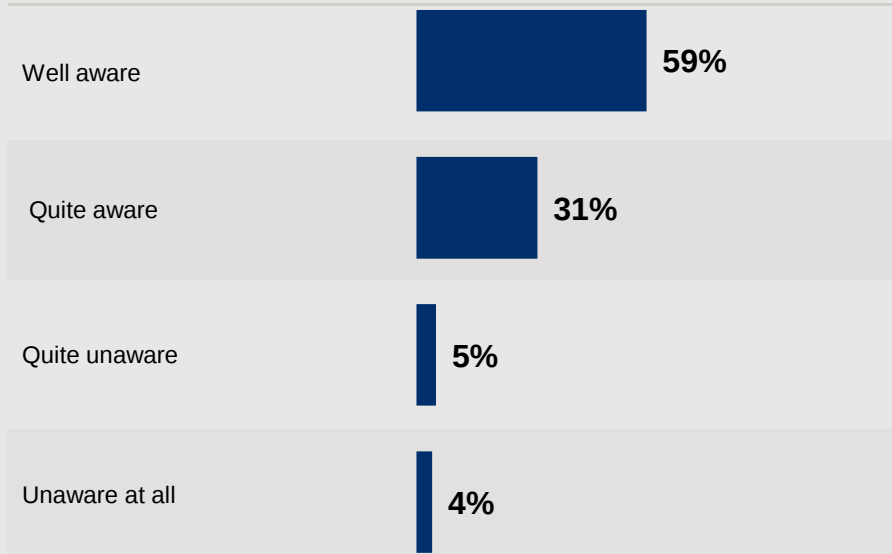


Do you know about the jury's right to ask questions the parties to proceedings?

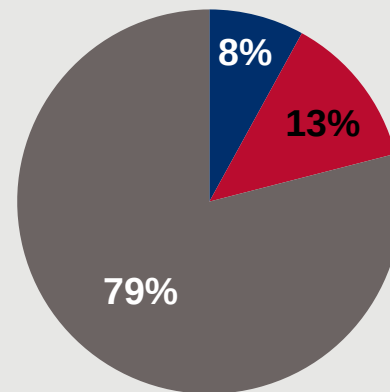


PERSONAL EXPERIENCE (4/9)

Do you know about the jury's right to express an opinion when the decision on a case is made?



Did you have an experience of expressing a separate opinion when the decision on a case was made?

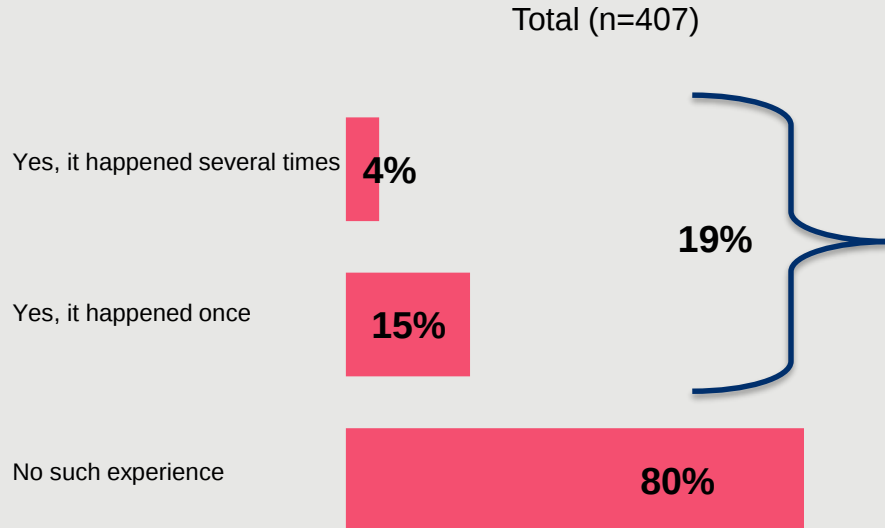


■ Yes, it happened several times ■ Yes, it happened once
■ No such experience

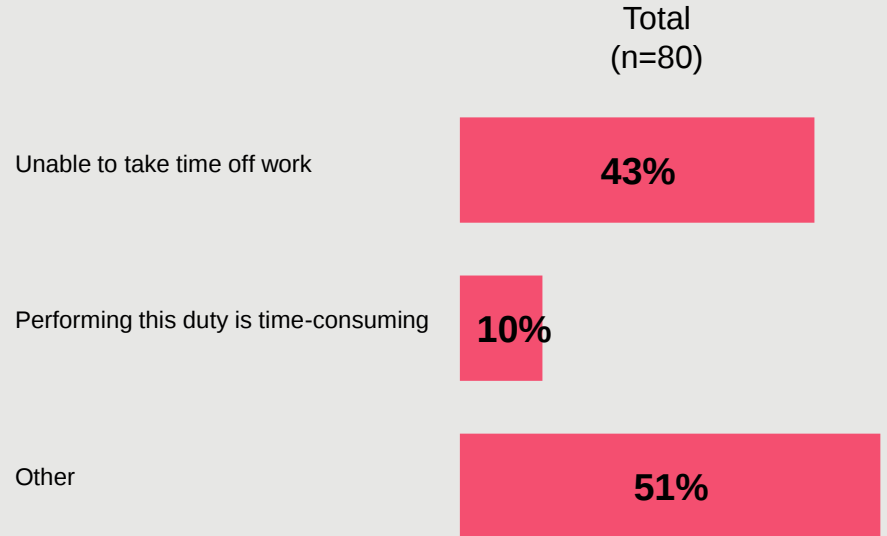
Base: Total (n=407)

PERSONAL EXPERIENCE (5/9)

Has it ever happened that you did not show up in the court as a juror?



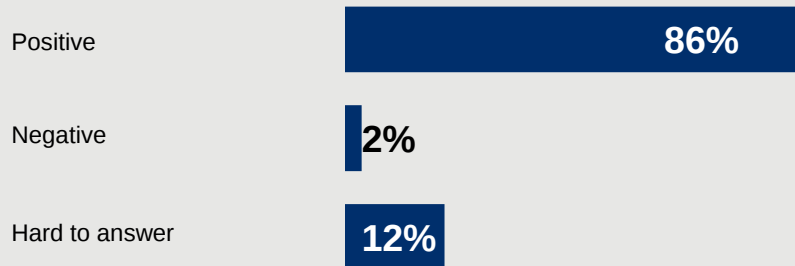
Could you tell me all the reasons, why you did not show up in the court as a juror?



PERSONAL EXPERIENCE (6/9)

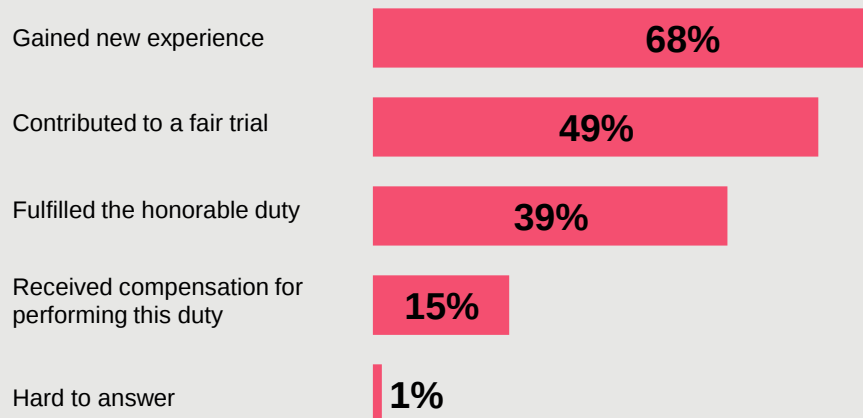
Summing up your experience of participating in juridical proceedings as a jury, what is your overall impression of the trial?

Total (n=407)



What are all the reasons which are associated with a positive impression of your participation in the proceedings?

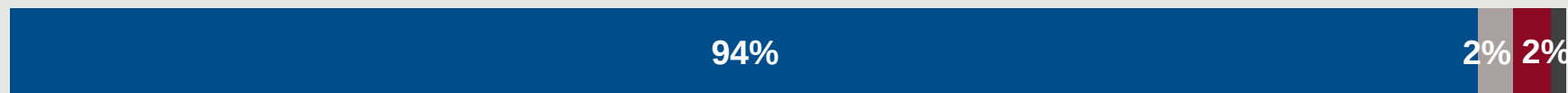
Total (n=350)



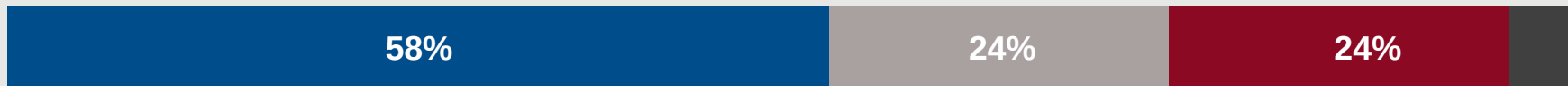
PERSONAL EXPERIENCE (7/9)

To what extent do you agree (or disagree) with the following statements:

The verdict of the jury trial I participated in was fair



It was comfortable for me to be in the courtroom, when I was a juror



I have received adequate remuneration and compensation for the expenses for being on jury duty



■ Strongly agree/ Rather agree

■ Equally agree and disagree

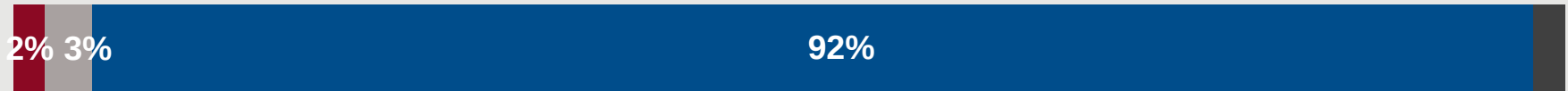
■ Strongly disagree / Rather disagree

■ Hard to say/ Refuse

PERSONAL EXPERIENCE (8/9)

To what extent do you agree (or disagree) with the following statements:

Over the past two years, I experienced an inappropriate pressure to make a decision on the case (in whole or partially)



Over the past two years, I have received threats of physical violence or other negative consequences from case parties or other persons that was related to my participation in the case as a juror



Over the past two years in the cases where I was in a jury, I felt that the judge was biased against one of the parties of the case



■ Strongly agree/ Rather agree

■ Equally agree and disagree

■ Strongly disagree / Rather disagree

■ Hard to say/ Refuse

PERSONAL EXPERIENCE (9/9)

To what extent do you agree (or disagree) with the following statements:

Over the past two years, in the cases where I was in jury, there was an inappropriate pressure on judge to make a decision on the case



Over the past two years, I experienced pressure from peer jurors who persuaded me to make a certain verdict on the case



Over the past two years, I experienced pressure from the judge(s) who persuaded me to make a certain verdict on the case



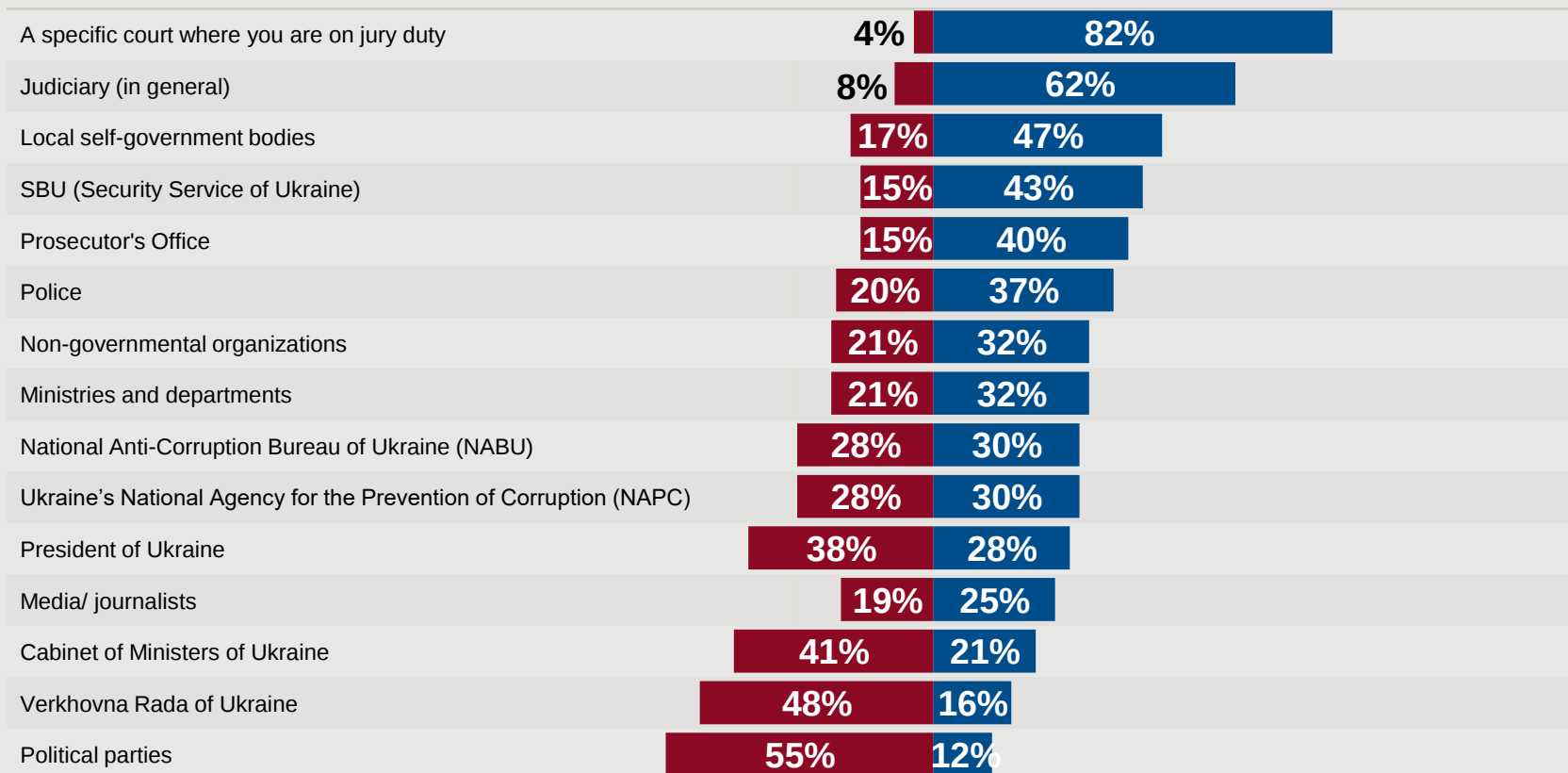
■ Strongly agree/ Rather agree ■ Equally agree and disagree ■ Strongly disagree / Rather disagree ■ Hard to say/ Refuse

— TRUST IN GOVERNMENT AND SOCIAL INSTITUTIONS



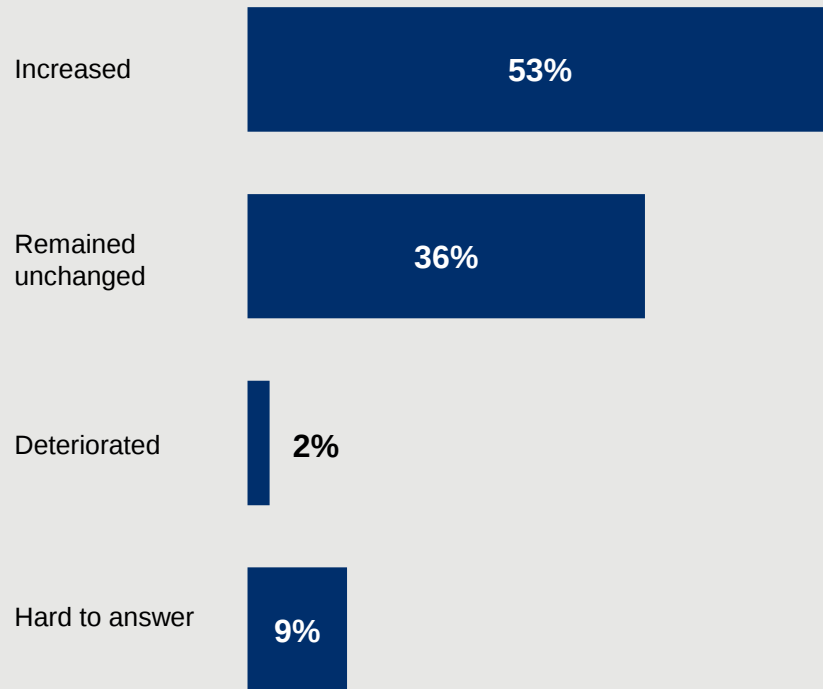
TRUST IN GOVERNMENT AND SOCIAL INSTITUTIONS (1/2)

To what extent do you trust...?



TRUST IN GOVERNMENT AND SOCIAL INSTITUTIONS (2/2)

How has your level of confidence in the judiciary changed after you became a juror in court?

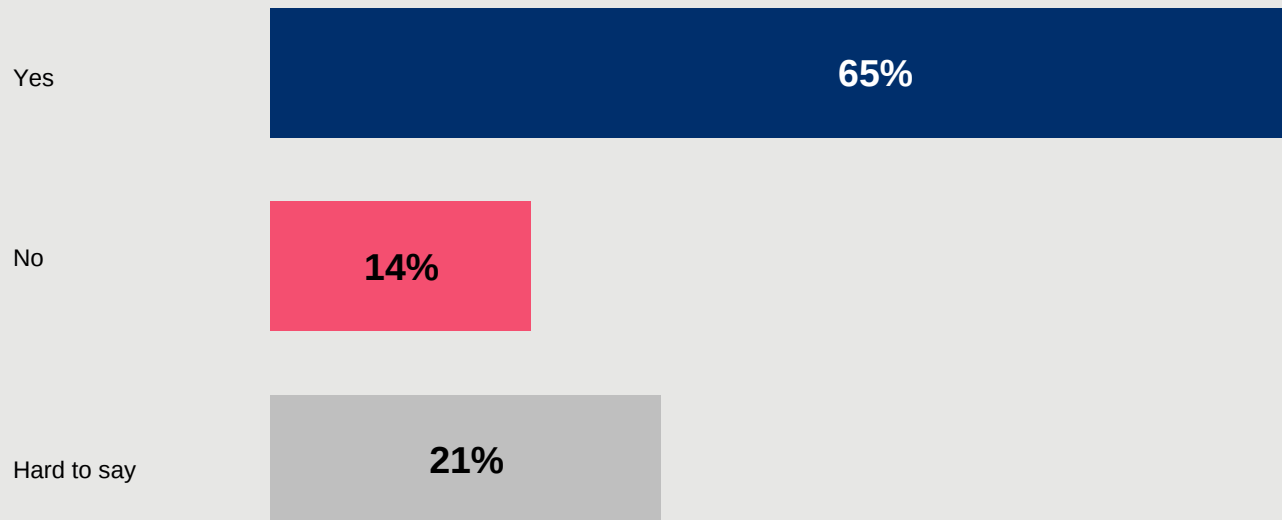


— JURY TRIAL REFORM IN UKRAINE



JURY TRIAL REFORM IN UKRAINE (1/4)

In your opinion, should the jury trial institute be improved?



JURY TRIAL REFORM IN UKRAINE (2/4)

The panel for the hearing of certain categories of civil cases consists of one judge and two jurors. In your opinion, is the panel composition sufficient to resolve the civil case, is it necessary to change it?

Such panel composition is sufficient

74%

It is necessary to increase the number of jurors and to keep the number of the judges (one)

10%

It is necessary to increase both the number judges and the number of jurors

3%

It is necessary to increase the number judges and to keep the number of jurors (two)

2%

It is necessary to increase the number judges and to decrease the number of jurors

1%

Hard to answer

10%

JURY TRIAL REFORM IN UKRAINE (3/4)

The panel for the hearing certain categories of criminal cases consists of two judges and three jurors. In your opinion, is the panel composition sufficient to resolve the criminal case, or is it necessary to change it?

Such panel composition is sufficient

53%

It is necessary to increase the number of jurors and to keep the number of the judges (two)

16%

It is necessary to increase both the number judges and the number of jurors

7%

It is necessary to increase the number of jurors and to decrease the number of the judges to one (for example, panel composition should have one judge and four or more jurors)

5%

It is necessary to increase the number judges and to keep the number of jurors

3%

It is necessary to increase the number judges and to decrease the number of jurors

0,3%

Hard to answer

17%

JURY TRIAL REFORM IN UKRAINE (4/4)

What model of jury institute do you consider most appropriate for Ukraine?

Jury and professional judges decide jointly upon both matter of fact and law (mixed model that is valid now)

72%

The model, when the jury are separated from professional judge and decide upon the matter of fact and render a verdict, and the judge decides upon matter of law, which means that he makes the acquittal / conviction on the basis of the jury's verdict and imposes sentence

26%

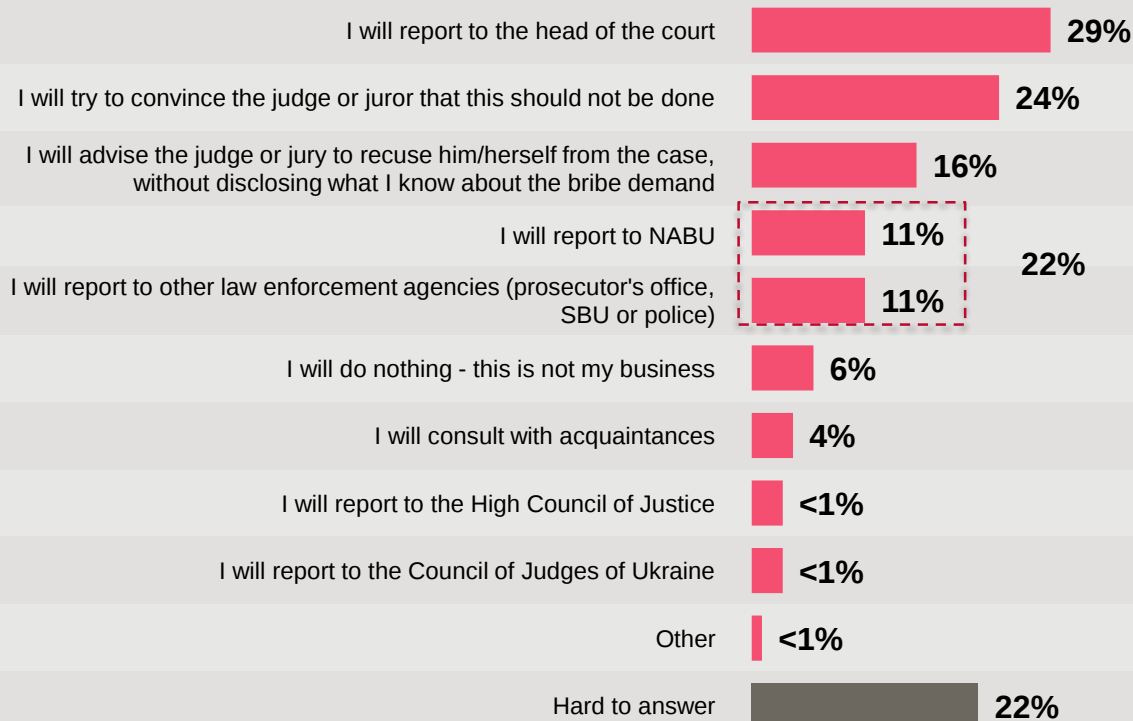
Hard to answer

2%

— COUNTERACTING CORRUPTION

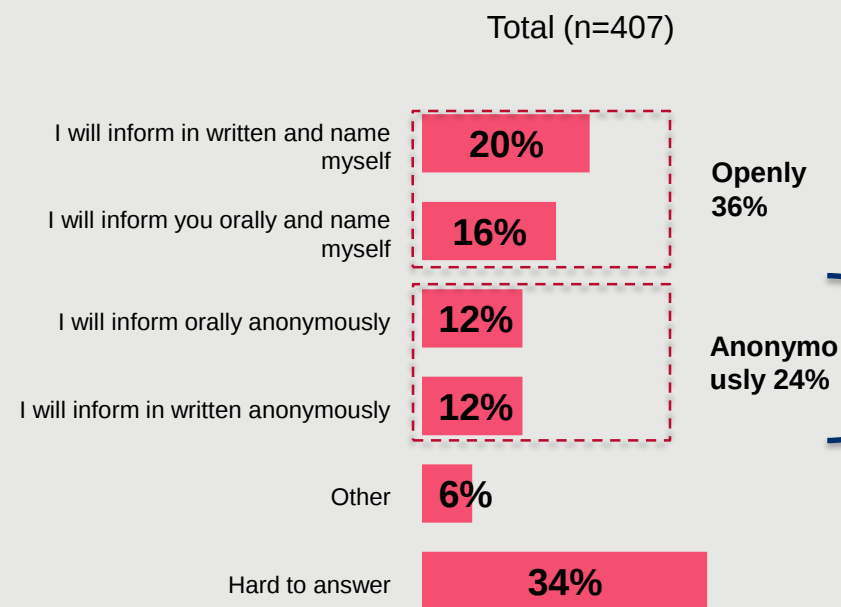
COUNTERACTING CORRUPTION (1/2)

If you personally receive the information that clearly indicates that a judge or juror demands a bribe from the participant in the trial, what will your possible actions be?

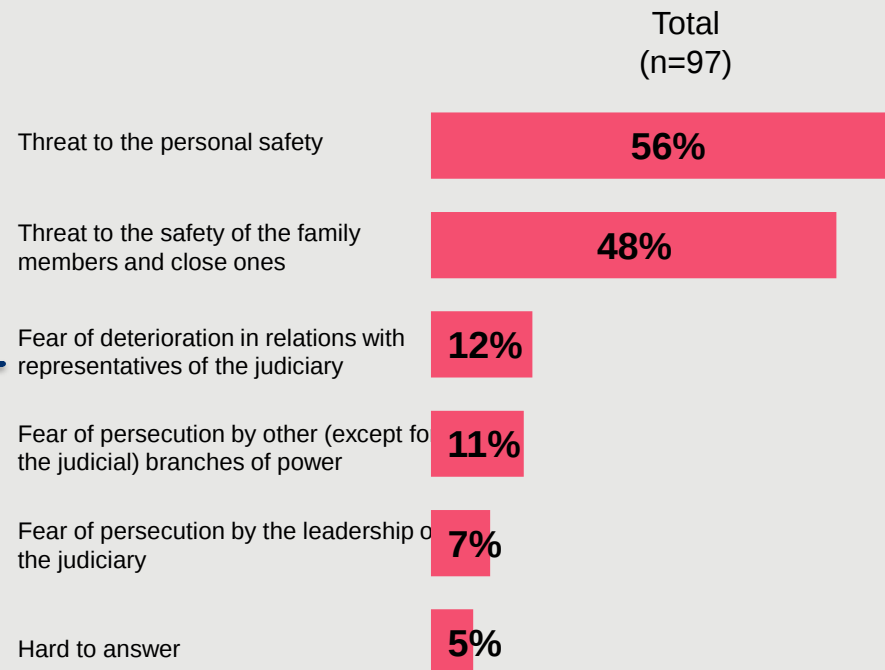


COUNTERACTING CORRUPTION (2/2)

If you have the need to inform any government authorities about the manifestations of corruptions, what method will you use?



Have the circumstances listed below affected your choice (*Total, among those who have chosen anonymous option*):



— COMPARING SELECTED SURVEY RESULTS

COMPARING SELECTED SURVEY RESULTS: TRUST IN GOVERNMENT AND SOCIAL INSTITUTIONS

Government and Social Institutions	Legal Professionals	Jurors	Court Staff
President of Ukraine	23%	28%	32%
Cabinet of Ministers	16%	21%	25%
Verkhovna Rada	15%	16%	21%
Local self-governance	24%	47%	34%
Police	25%	37%	36%
Prosecutors	31%	40%	38%
Judiciary	44%	62%	72%
Media	16%	25%	16%

COMPARING SELECTED SURVEY RESULTS: PERCEPTION OF COURT PROCEEDINGS

Based on own experience of participating in proceedings:	Legal Professionals	Jurors	Court Staff
Judicial decisions were properly motivated and clear	72%	95%	92%
There were no signs of a judge acting under the influence of another party or any other persons	68%	93%	87%
Conditions in court were comfortable (comfortable facilities; sufficient information for court users, etc.)	66%	90%	83%
Judges were tactful and polite with all participants	79%	98%	92%
Judges adopted lawful and fair decisions	60%	98%	94%
Proceedings were accessible for outsiders (public/stakeholders/journalists)	78%	85%	94%
Case adjudication was within a reasonable time, following schedules of trials	56%	92%	83%

COMPARING SELECTED SURVEY RESULTS: REPORTING CORRUPTION

Positive answer	Legal Professionals	Jurors	Court Staff
Admit responsibility to report corruption	66%	N/A	67%
Will report corruption cases to NABU	15%	11%	9%
Will report corruption cases to other law enforcement	12%	11%	5%
In case of reporting will do it openly	29%	36%	49%
In case of reporting will do it anonymously	35%	24%	36%

— FUTURE STEPS

NEXT STEPS

- Conduct national public survey and survey of judges (Sep - Oct 2019)
- Expert analysis of surveys results, trends and forecast
- Adjust New Justice programming based on findings
- Share results and provide recommendations to governmental and non-governmental partners as well as other donor programs active in rule of law and anti-corruption reform
- Follow-up survey of legal professionals working in courts planned for January 2020