



Collection of Baseline Information on Court and Prosecutorial Performance in the Republic of Serbia

Judiciary system in Serbia before the reforms



Ipsos Strategic Marketing

GENERAL PUBLIC

- **Universe:** Citizens of Serbia 18+
- **Type of sample:** Three stage random representative stratified sample (1st stage: Polling stations territories, 2nd stage: household, 3rd stage: respondent) with booster of the users of the court services
- **Definition of user of the court services:** Members of general population (18+) who were PERSONALLY involved in court case which was FINISHED, that is THE FIRST-INSTANCE JUDGMENT WAS RENDERED in the period from the beginning of 2007 till the end of 2009. The court case could be criminal, civil or misdemeanor, and the person should be involved ONLY as a party in court case (not as a witness or in some other way).
- **Total sample size:** 1590 (with experience with court case 636)
 - Representative sample: 1035
 - Booster sample: 555
- **Data collection method:** face to face in respondents' household
- **Data collection:** 14th of May to 23th of June 2010

VULNERABLE GROUPS

- **Universe:** (1) Roma from Roma settlements and (2) Internally displaced persons (IDPs) and Refugees from official and unofficial Collective Centers
- **Type of sample:** Three stage random representative stratified sample (1st stage: settlements inhabited by the target groups, 2nd stage: household, 3rd stage: respondent) with booster of the users of the court services
- **Total sample size:** 329 Roma and 294 IDPs (with experience with court cases Roma 121, IDPs and refugees 93)
 - Representative sample of Roma: 214
 - Representative sample of IDPs and refugees: 211
 - Booster sample Roma: 105
 - Booster sample IDPs and refugees: 83
- **Data collection method:** face to face in respondents' household
- **Data collection:** 14th of May to 23th of June 2010

ENTERPRISES FROM PRIVATE SECTOR

- **Universe:** Private enterprises (with at least three employees) listed in the register of the Business Register Agency in Serbia, which submitted their annual balance sheets for the fiscal years 2008
- **Type of sample:** Random representative stratified sample (stratification by geographical strata regions, economic activity and size of the enterprise) with booster of the users of the court services
- **Definition of user of the court services:** Private enterprises which were involved in a court case which was FINISHED, that is THE FIRST-INSTANCE JUDGMENT WAS RENDERED in the period from the beginning of 2007 till the end of 2009
- **Respondent:** highest available manager and / or person most knowledgeable about interaction with court services (Director of legal department, jurist, legal representative outside the enterprise...)
- **Total sample size :** 1065 (with experience with court cases 450)
 - Enterprises from private sector, representative sample: 853
 - Booster sample of users of court services (enterprises from private sector): 212
- **Data collection method:** face to face
- **Data collection:** 14th of May to 30th of June 2010

MEMBERS OF LEGAL PROFESSION WORKING IN PRIVATE PRACTICE (Lawyers)

- **Universe:** Members of legal profession working in private practice listed in the register of Serbian Bar Chamber
- **Type of sample:** Random representative stratified sample (stratification by geographical regions)
- **Respondent:** randomly chosen from the list of the register of Serbian Bar Chamber in the defined strata
- **Total sample size :** 800
- **Data collection method:** face to face
- **Data collection:** 14th of May to 23th of June 2010

PROSECUTORIAL INSTITUTIONS / prosecutors and their associates

- **Universe:** Prosecutors and their associates who at the time of the survey were employed in Prosecutorial institutions of Serbia, and who were employed as prosecutors / prosecutors associates up to the end of 2009..
- **Respondents:** All prosecutors and their associates / total estimated universe, n=587
- **Response rate:** 59% (n=348)
- **Data collection method:** The self-administration method (filling out the questionnaire and sending it back via mail or collected by the interviewer)
- **Data collection:** 10th of June to 9th of July 2010

METHODOLOGY

- **The areas of measurement** were defined based on internationally accepted typical values underlying the justice system: independence, fairness, equality, impartiality, competence, timeliness, integrity, accessibility, and transparency.
- Based on these values, **six areas of justice system performance** were defined:
 - **1. Efficiency**
 - **2. Quality of services**
 - **3. Accessibility**
 - **4. Fairness**
 - **5. Integrity**
 - **6. Cost-effectiveness**
- The performance indicators were defined time-bound, up to the end of 2009

A. Experiences with court proceedings and evaluations of the judicial system prior to reforms

A1. Efficiency – duration of the process

A2. Quality of the services

A3. Fairness

A4. Integrity

A5. Accessibility

A6. Cost effectiveness

Roma specific experience with court cases

B. Evaluations of the performance of the administrative services of the courts before the reforms

A1. Efficiency

A2. Quality of the services

A3. Accessibility

A4. Integrity

A5. Cost effectiveness

C. Attitudes towards the reforms of the judiciary system in Serbia

A. EXPERIENCES WITH COURT PROCEEDINGS AND EVALUATIONS OF THE JUDICIAL SYSTEM PRIOR TO REFORMS

A1. Efficiency

Indicators:

- Duration of the process
- Number of scheduled hearings and their distribution over time
- Percentage of canceled hearings
- Percentage of hearings contributing to the resolution of the case

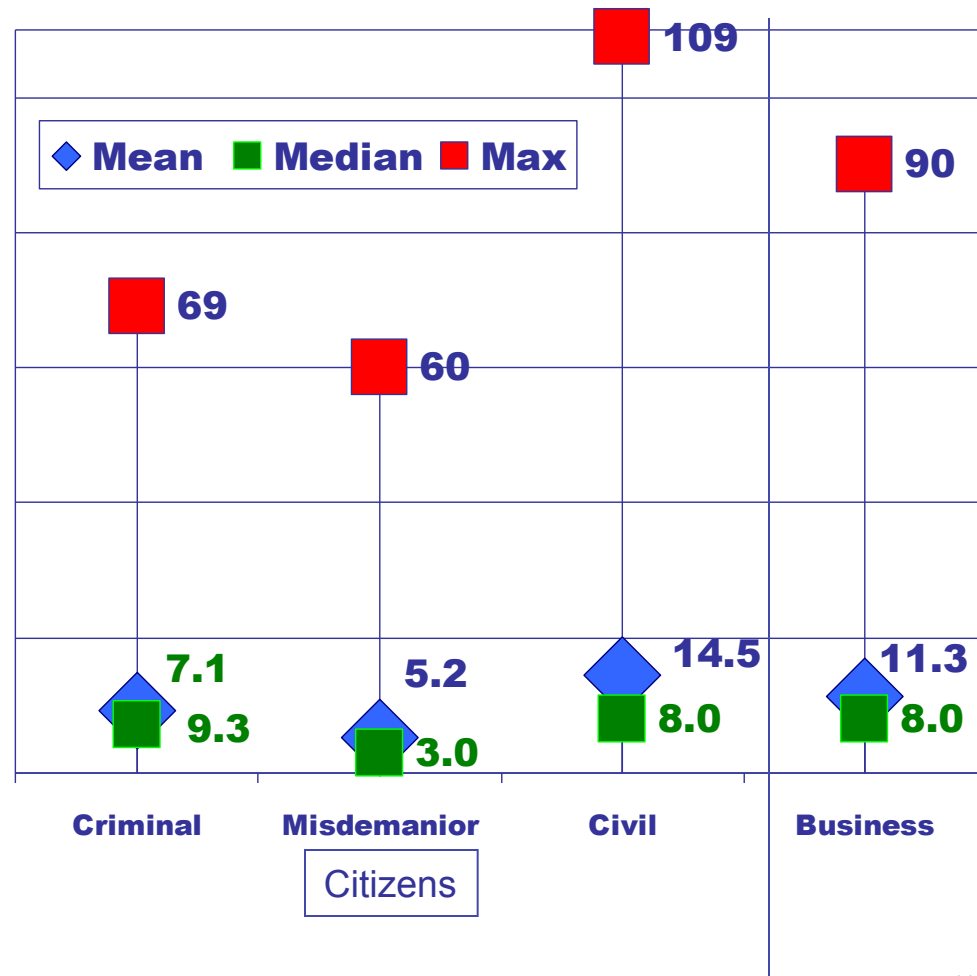
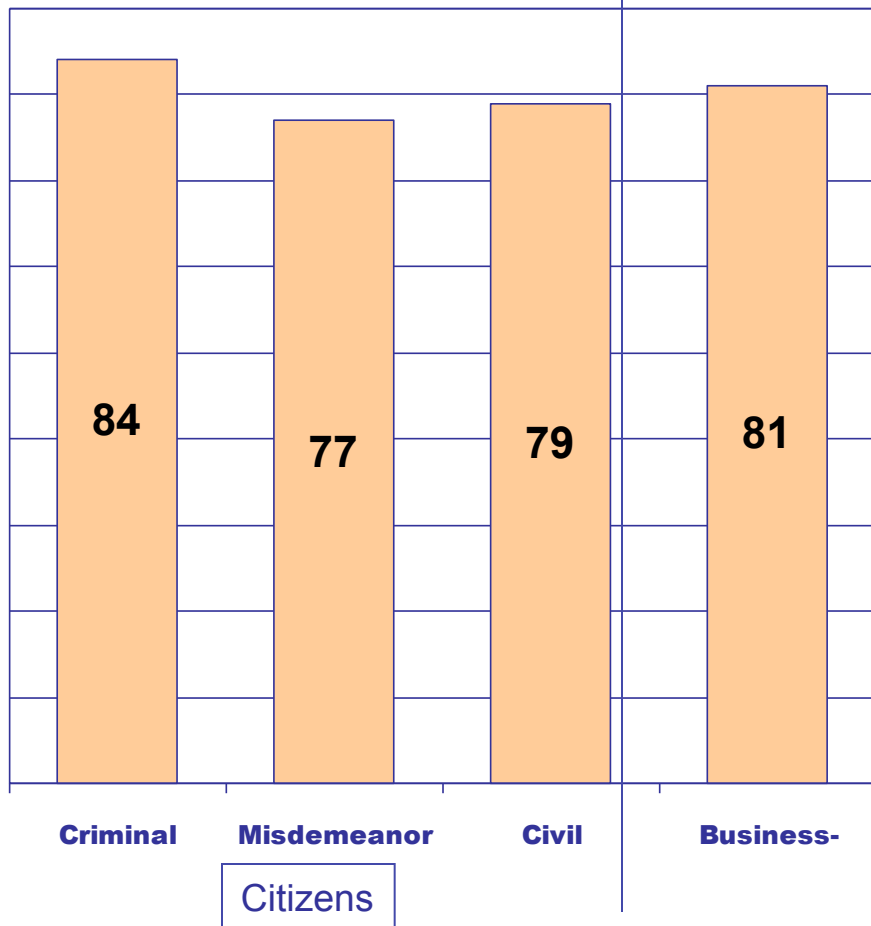


The great majority of court users estimated that their cases lasted longer than should have. The extended duration, on average, was the highest in the civil type of cases*

Base: part of the population who reported data (missing/don't know dropped)

% reported individual cases in population and business sector perceived as lasted longer than they should for at least one month

Number of months the cases lasted longer than it should have (users' estimation)

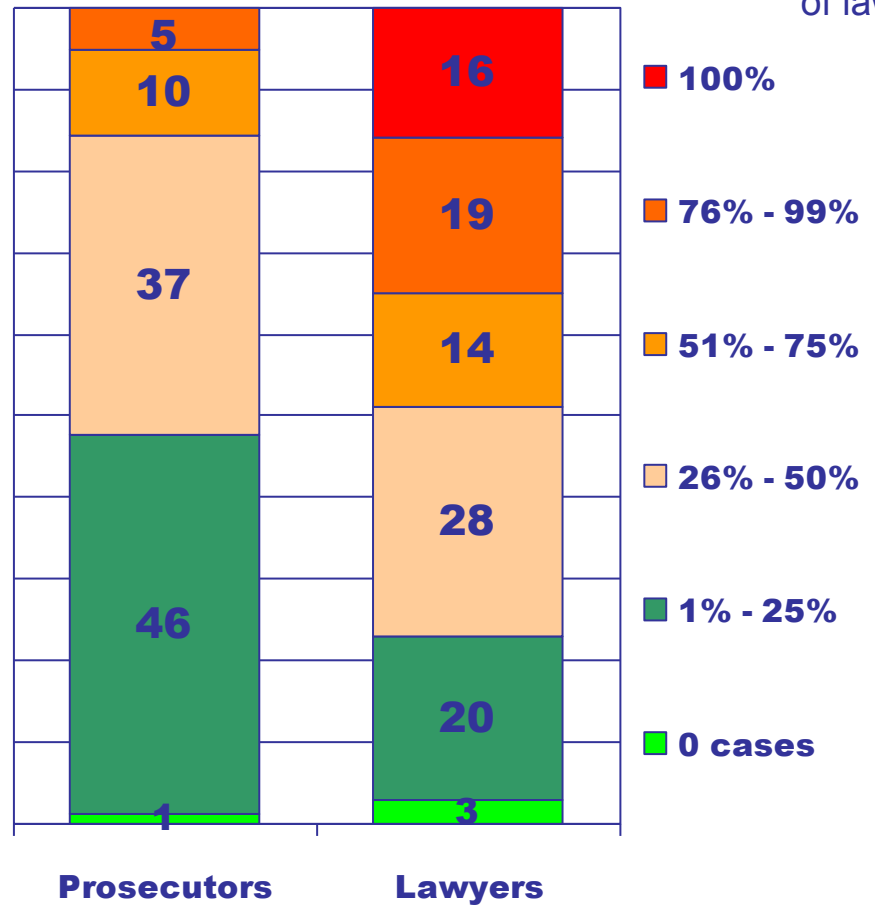




On the average, one third of the cases according to prosecutors' estimations, and more than half cases according to lawyers estimations lasted longer than they should have

Estimate the percentage of your cases in 2009 that lasted longer than they should have for any reason?

Base: part of the population who reported data (missing/don't know dropped) base: 72% of prosecutors and 99% of lawyers)

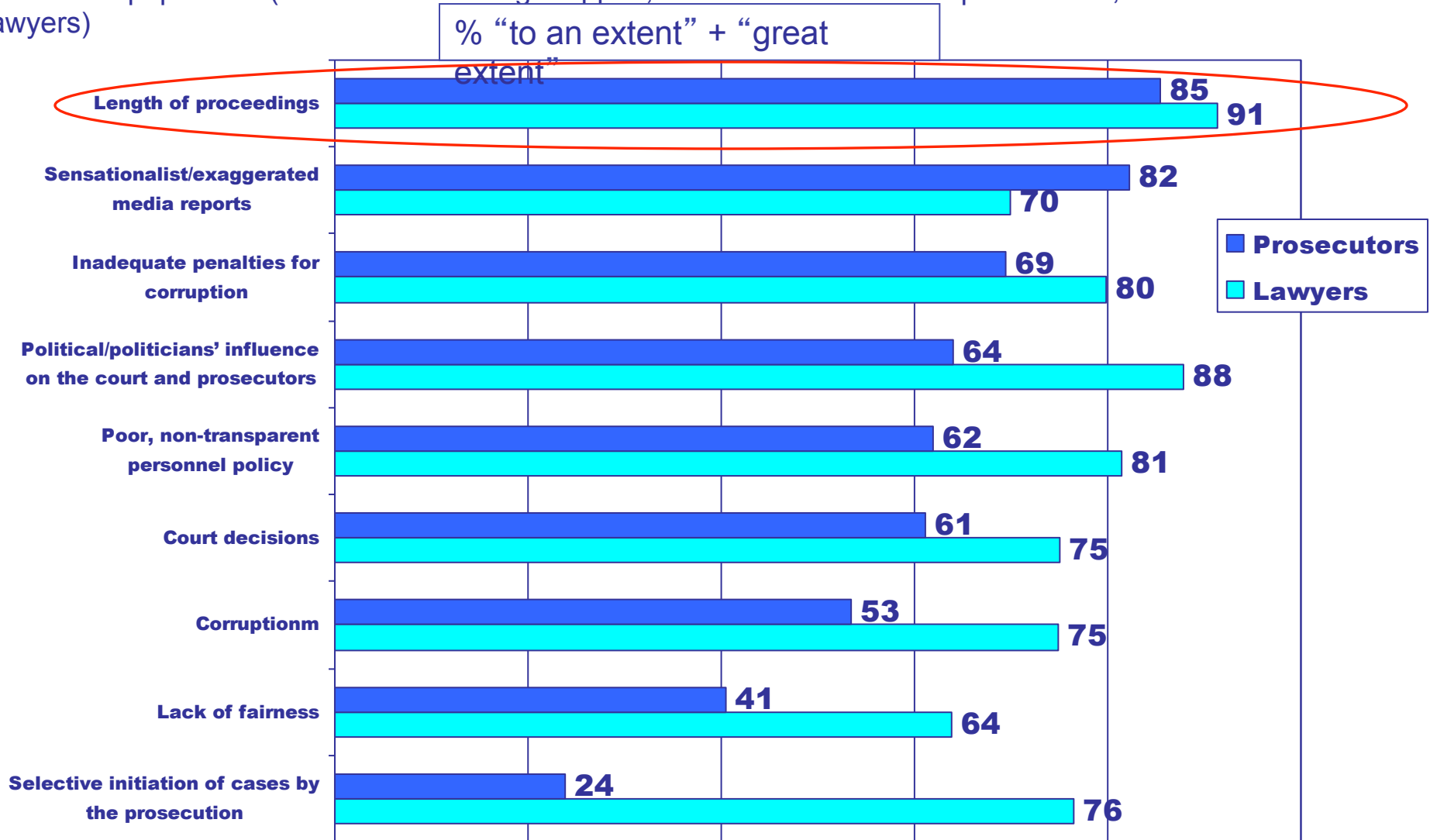




According to lawyers and prosecutors, the integrity was undermined by more than a few factors, but length of proceedings was the top one

To what extent did the following factors undermine the integrity of the judicial system in 2009?

Base: total population (don't know/missing dropped; data base 87% to 90% prosecutors; 98% and 99% lawyers)



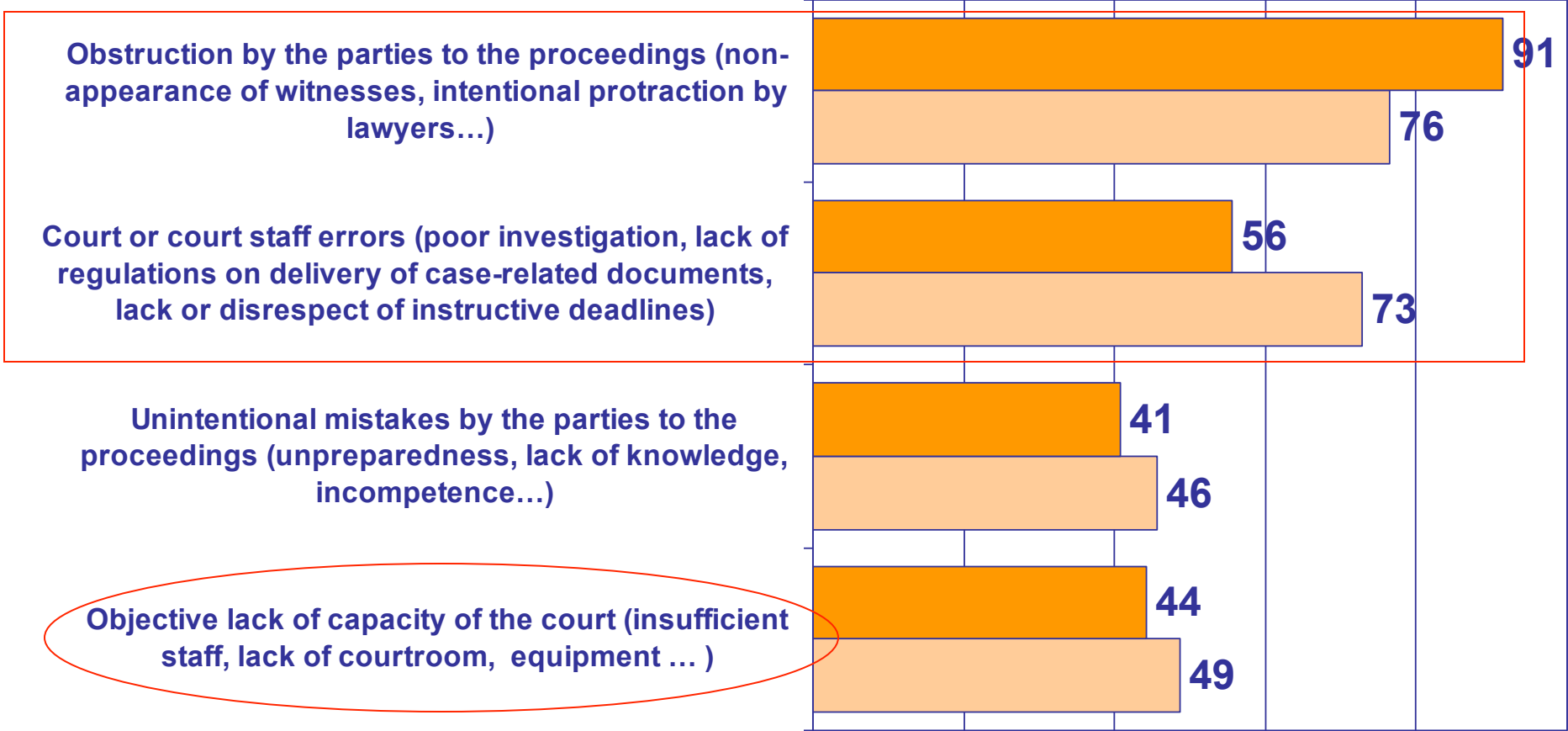


As high as 56% of prosecutors, and 73% of lawyers named court / court staff errors as occasional or often reasons for which the cases lasted longer than they should have /

Main reasons for which cases lasted longer than they should have (prompted)

Base: part of the population who reported data (missing/don't know dropped) base: 83% of prosecutors and 98% of lawyers

% occasionally + often

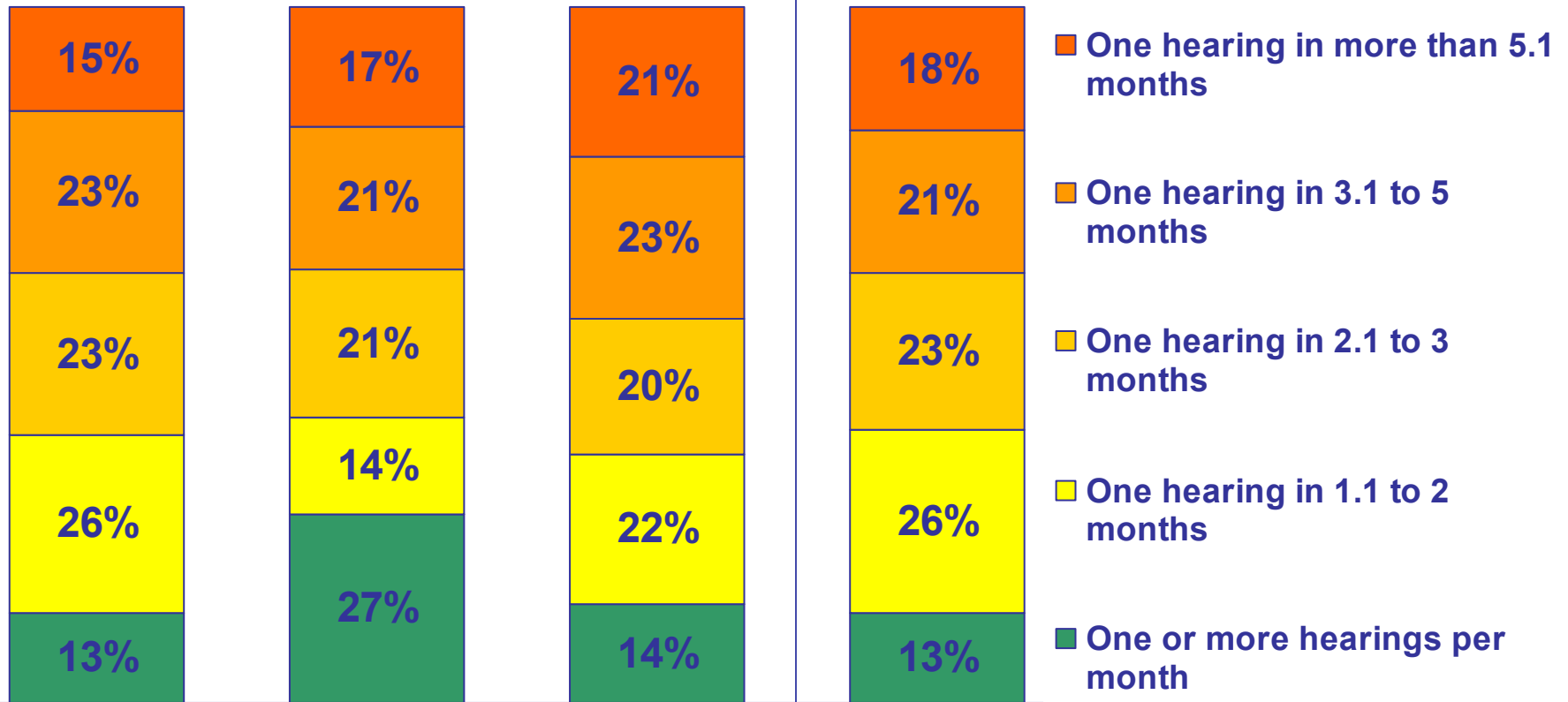




On the average, one hearing was scheduled in 3 to 4 months

Number of months per one scheduled hearing (Duration of the proceeding divided by number of scheduled hearings)

Base: part of the population who reported data (missing/don't know dropped)



Criminal

Misdemeanor

Civil

Business

Mean 1 hearing in 3,4 months

1 hearing in 3,8 months

1 hearing in 3,8 months

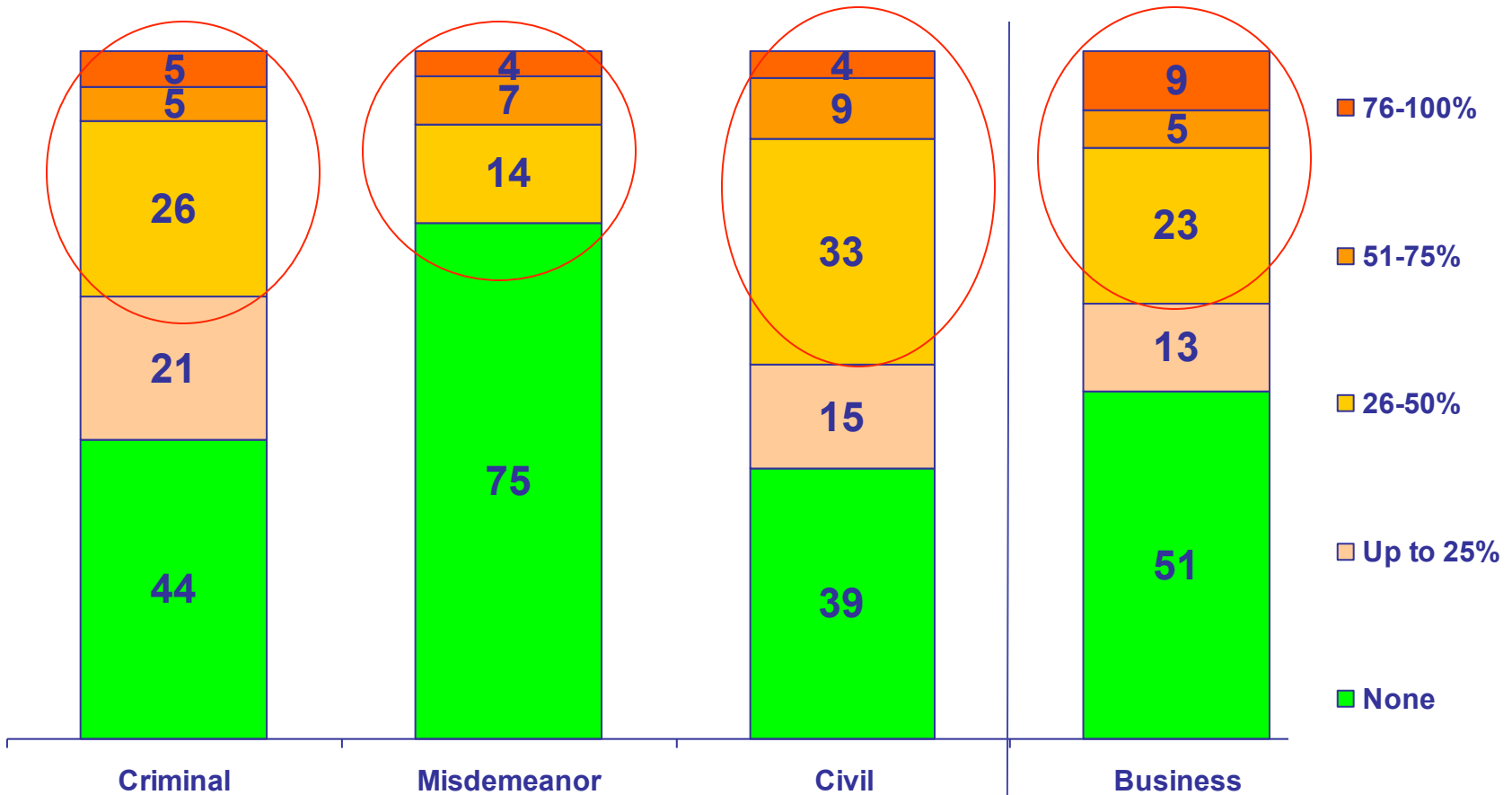
1 hearing in 3,8 months



In 36% of the criminal cases, 46% of civil cases, and 37% of business cases more than 25% of the scheduled hearings were canceled

Percentage of canceled hearings out of total number of scheduled hearings

Base: part of the population who reported data (missing/don't know dropped)

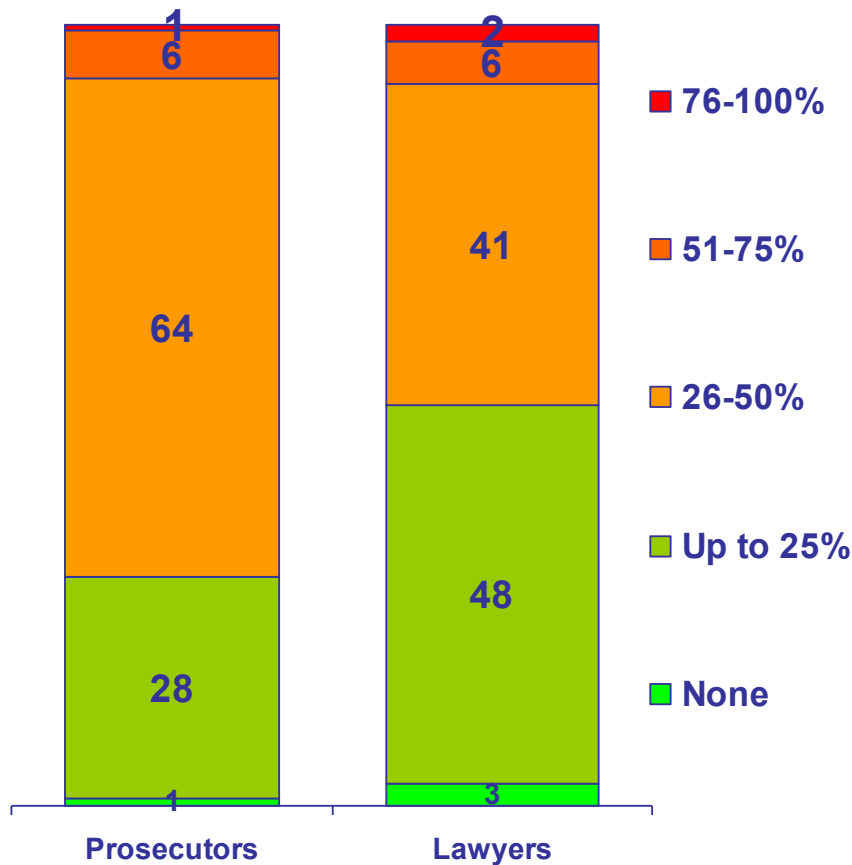




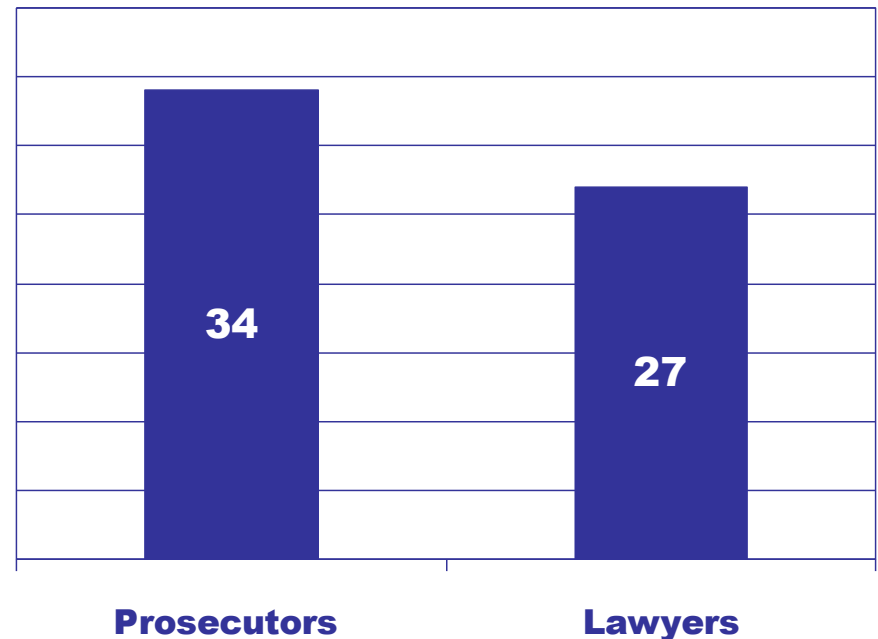
As high as 64% of prosecutors estimated that 26% to 50% of the scheduled hearings in their cases in 2009 were canceled - 34% of the scheduled hearings on average

Estimated percentage of scheduled hearings which were canceled (Please estimate the percentage of hearings scheduled for your cases in 2009 that were not held?)

Base: part of the population who reported data (missing/don't know dropped; base: 54% of prosecutors, 99% of lawyers)



Average % of hearings that were canceled in 2009 (prosecutors and lawyers estimation)



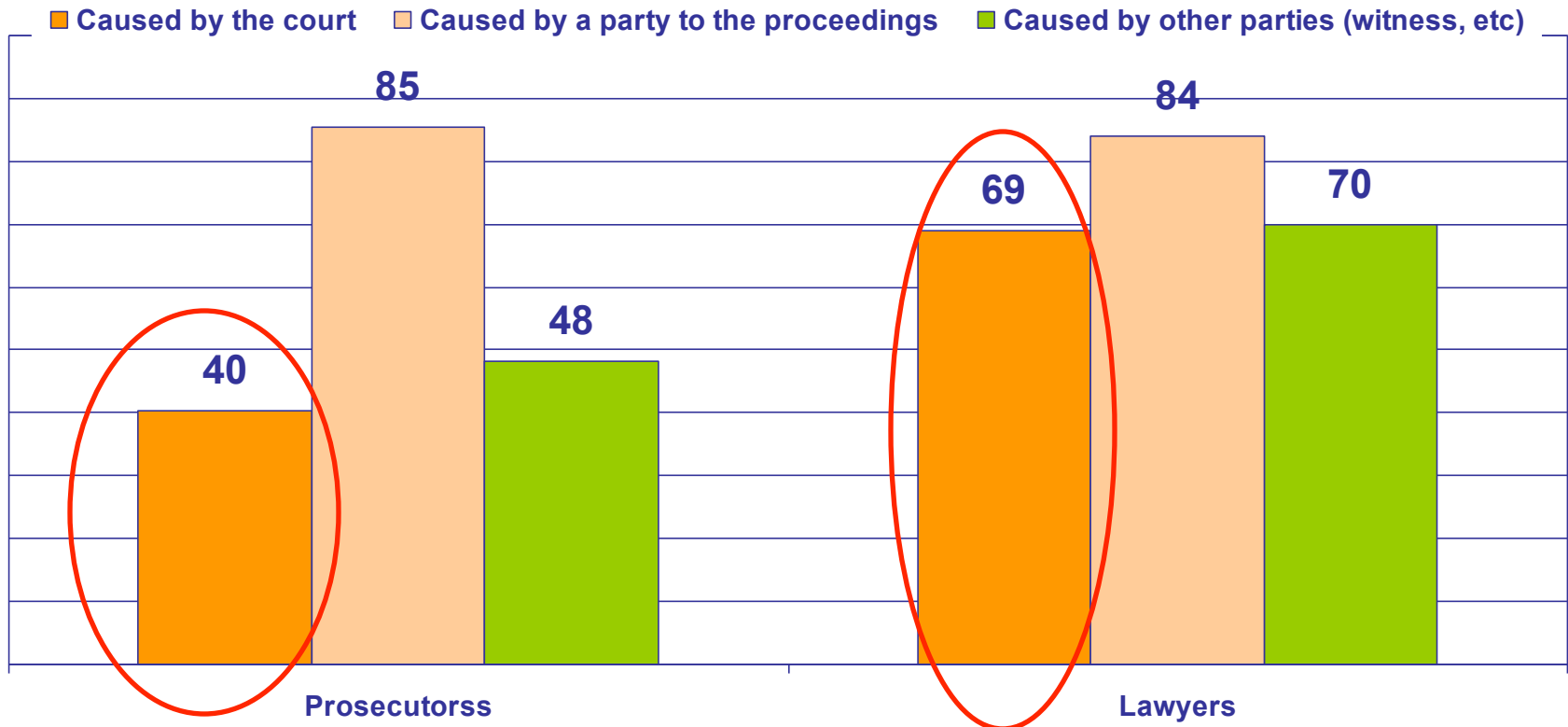


A substantial number of prosecutors, 40%, and 69% of lawyers think that the reasons for which scheduled hearings were not held were occasionally or often on the side of court

Thinking about the hearings which have not been held, what were the reasons why they were not held? Indicate how frequently, if at all, the particular circumstance was the reason why the hearings were not held ? (Prompted)

Base: part of the population who reported data (missing/don't know dropped; base: 77%, 80% and 82% of prosecutors with respect to causes, and 98% of lawyers)

Prosecutors and lawyers: % occasionally + often

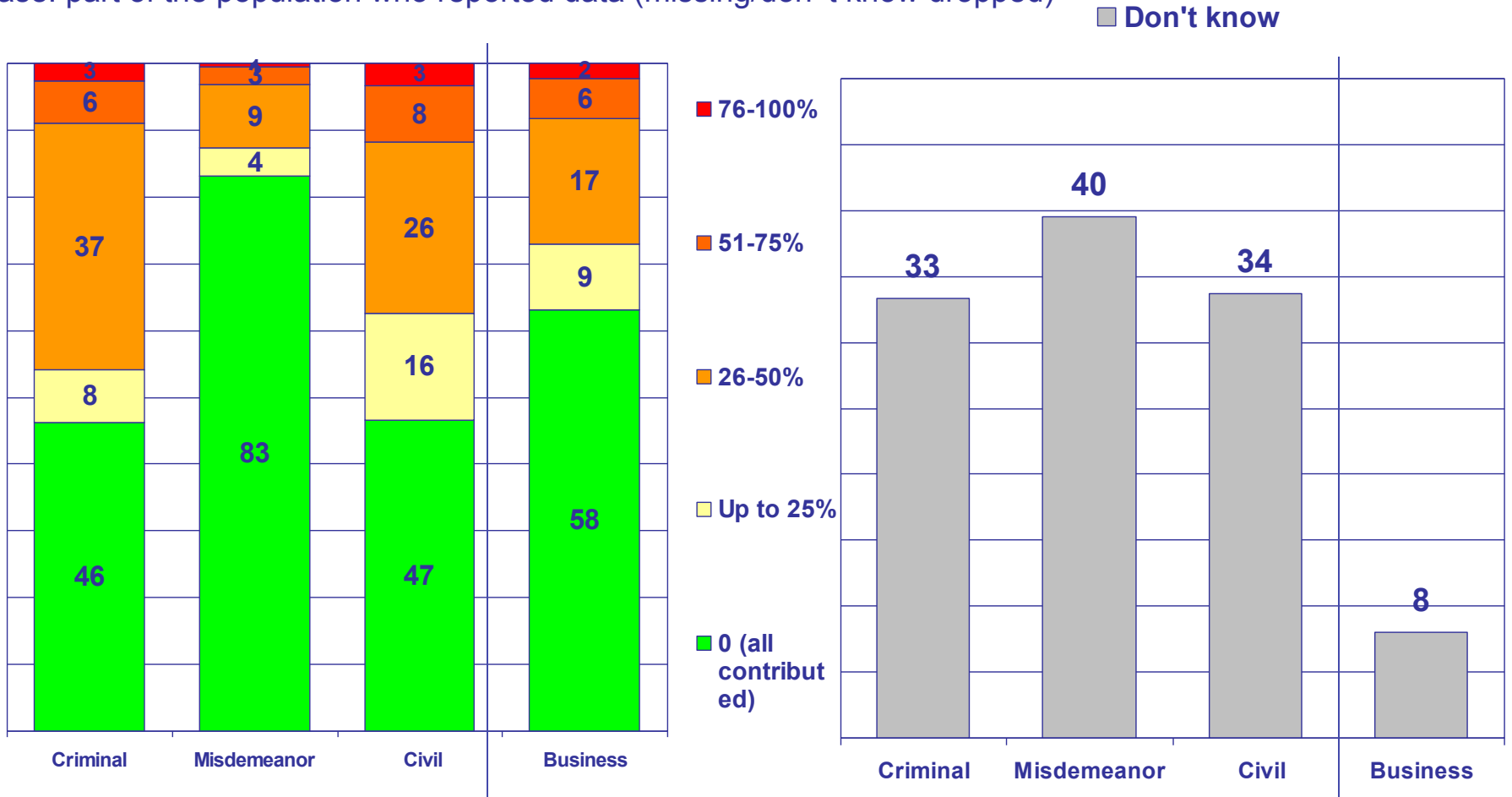




In 46% of criminal cases, and 37% of civil cases, over 25% of hearings were considered ineffective.

Percentage hearings which did not contribute to progress in the resolution of the case (out of total number of scheduled hearings)

Base: part of the population who reported data (missing/don't know dropped)

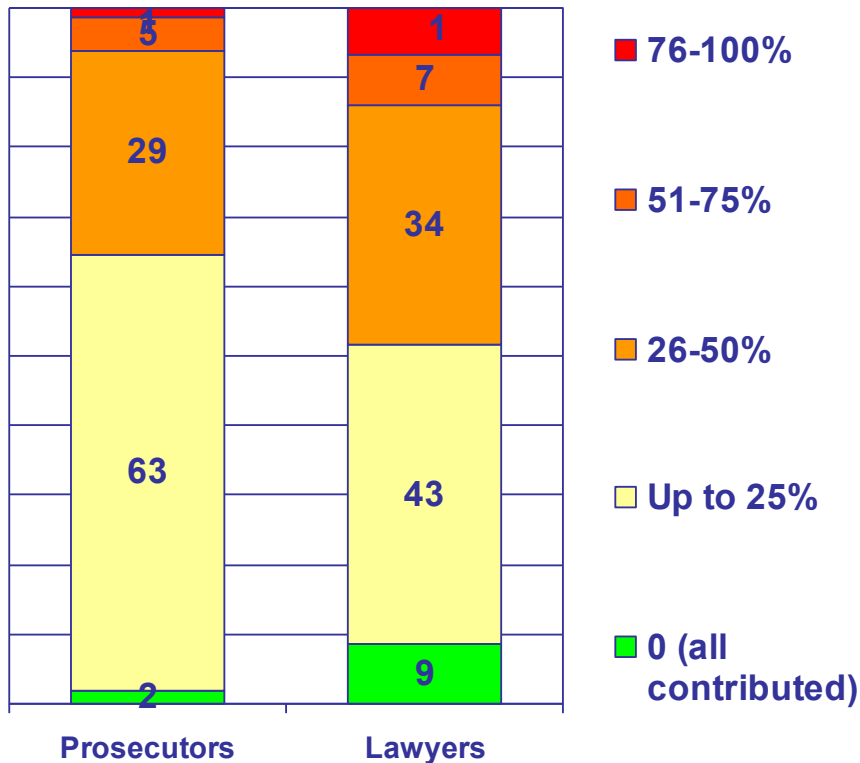




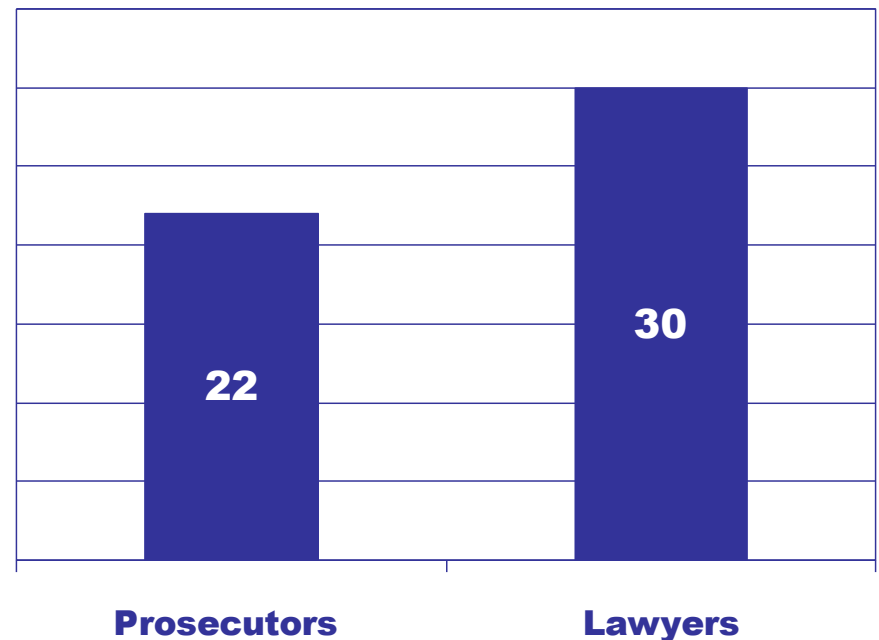
More than one third of the prosecutors and 48% of lawyers estimated that over 25% up to all 100% of hearings were unproductive.

Estimate the percentage of all hearings held in 2009 that DID NOT SIGNIFICANTLY contribute to progress in the resolution of court cases?

Base: part of the population who reported data (missing/don't know dropped: base 44% of prosecutors and 96% of lawyers)



Average % of hearings that were ineffective in 2009 (prosecutors and lawyers estimation)

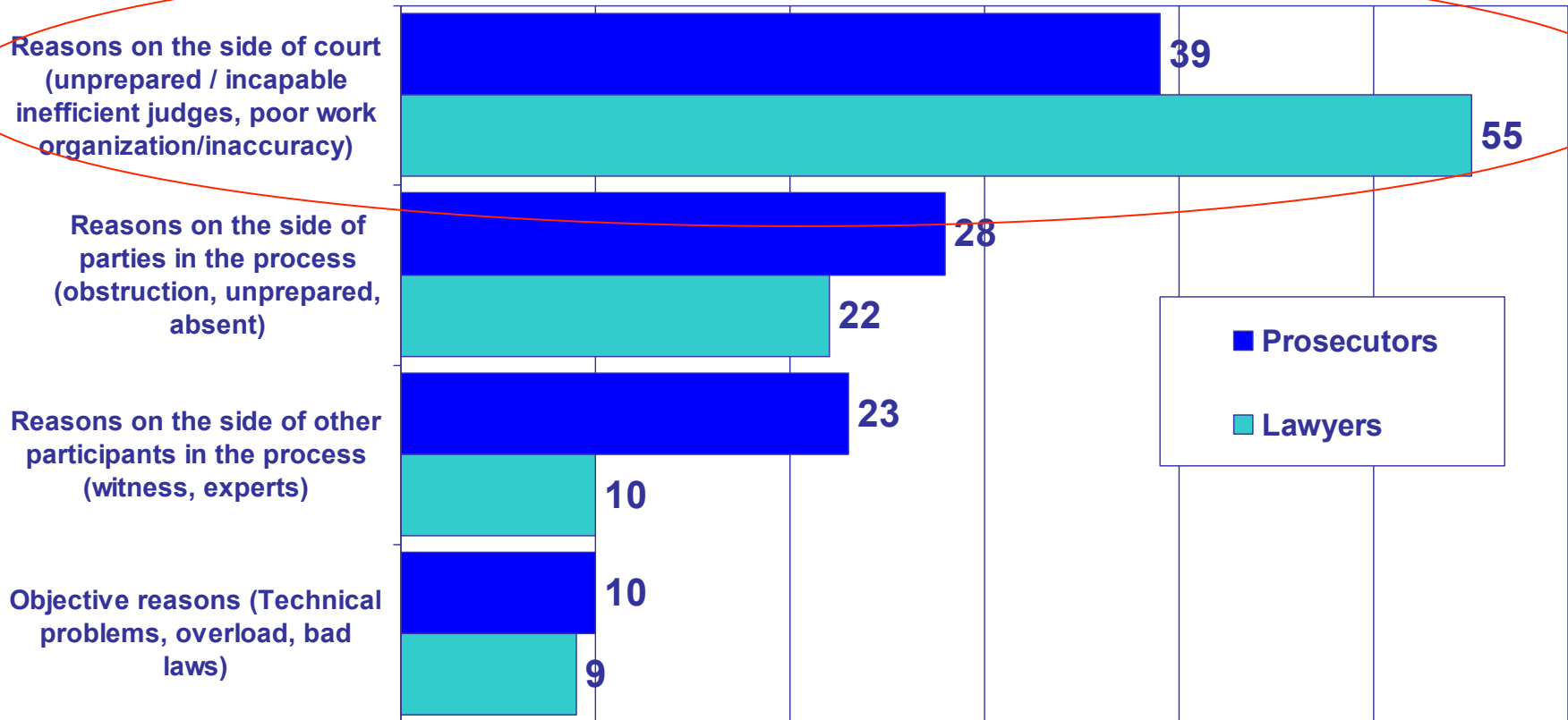


Prosecutors and lawyers most frequently associate the reasons for the ineffective hearings with the inefficiency of the court (39% and 55% respectively)

Main reasons for the hearings not contributing to progress in the resolution of the case (SPONTANEOUS, MULTIPLE ANSWERS)

Base: part of the population who reported data (missing/don't know dropped) base: 31% of prosecutors and 87% of lawyers)

% of ANSWERS (out of total number of answers)



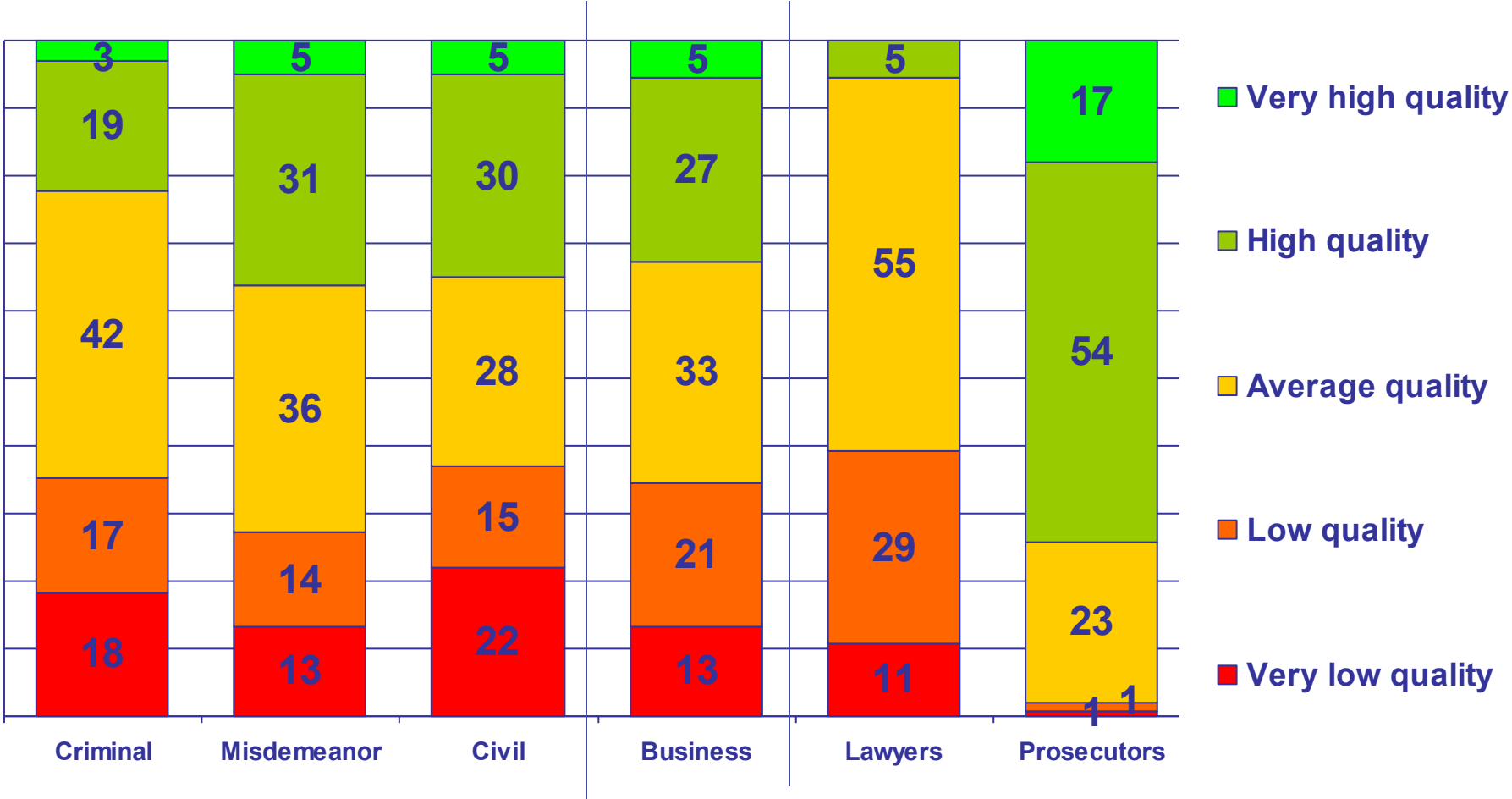
A2. Quality of service



On the average, with exception of prosecutors, the quality of judicial work was evaluated as average tending to low

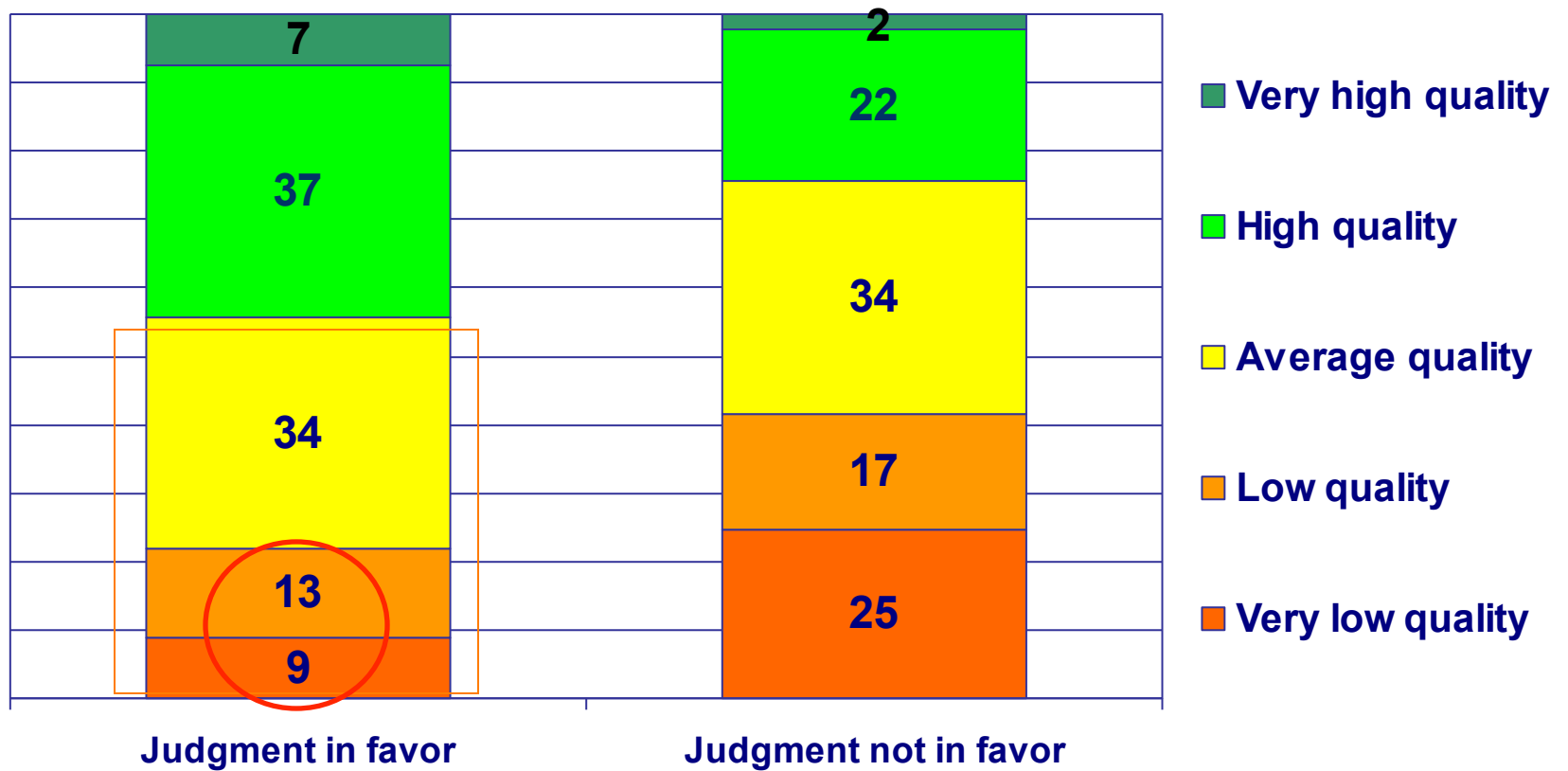
Evaluation of the quality of judicial work: population's and business sector's evaluation of the particular case, lawyers' evaluations in general in 2009, and prosecutors' evaluations of the quality of work in the institution they worked in 2009

(Base: Total target population)



The citizens in whose favor the judgment was passed evaluated, on average, the quality of the judicial work with higher grades, but still 22% evaluated it as low or very low

Evaluations of the quality of the judicial work - Citizens - (average for all types of cases) in dependence of the outcome

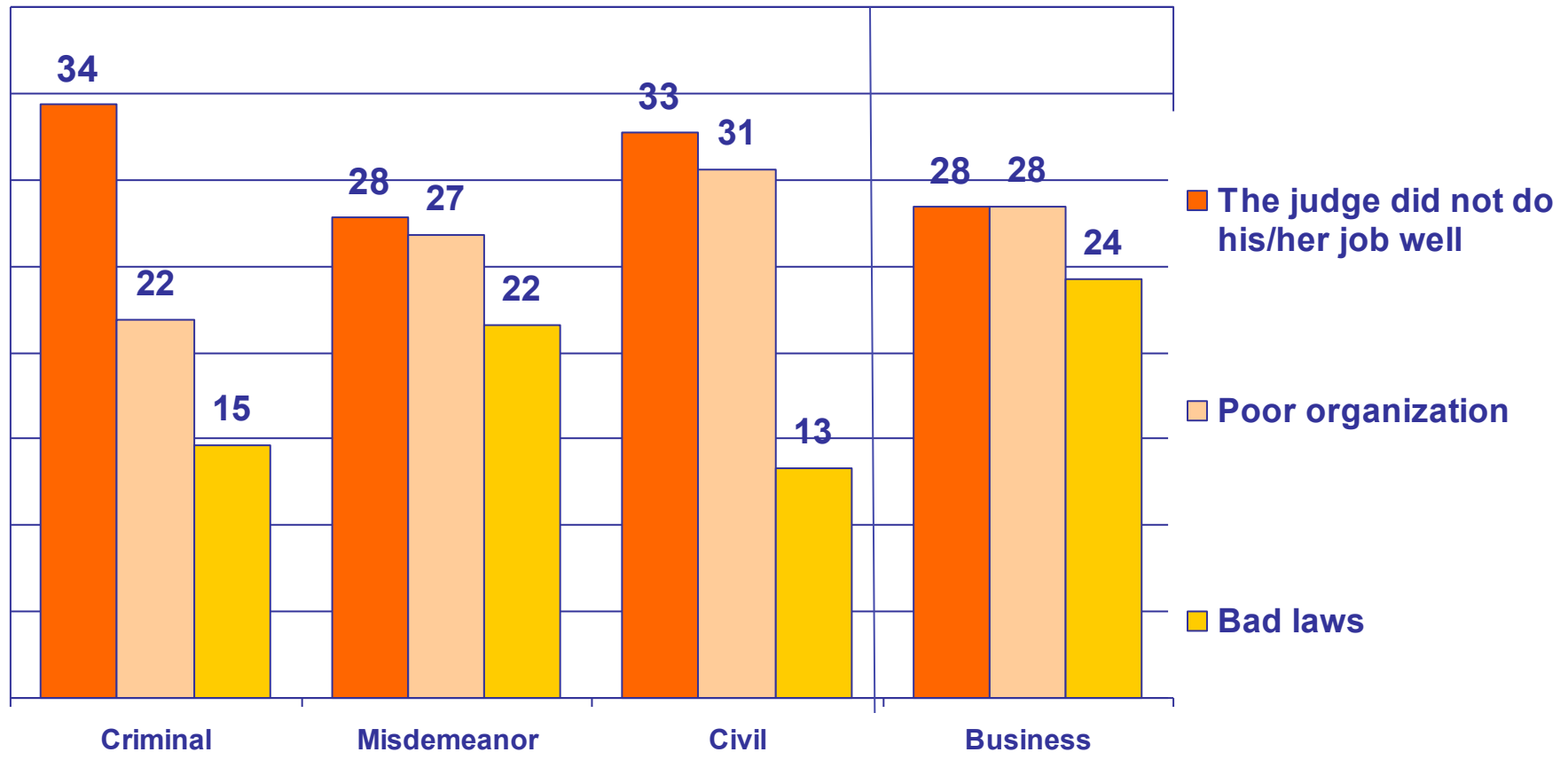




General population and business sector most often attribute the reasons for judiciary works being less than “high quality” to the judge not doing his/her job well and to poor organization

Perceived most important reason for evaluations of the quality of judicial work being less than “high quality” (Prompted)

Base: part of the population who evaluated the quality of judicial work less than “high quality”

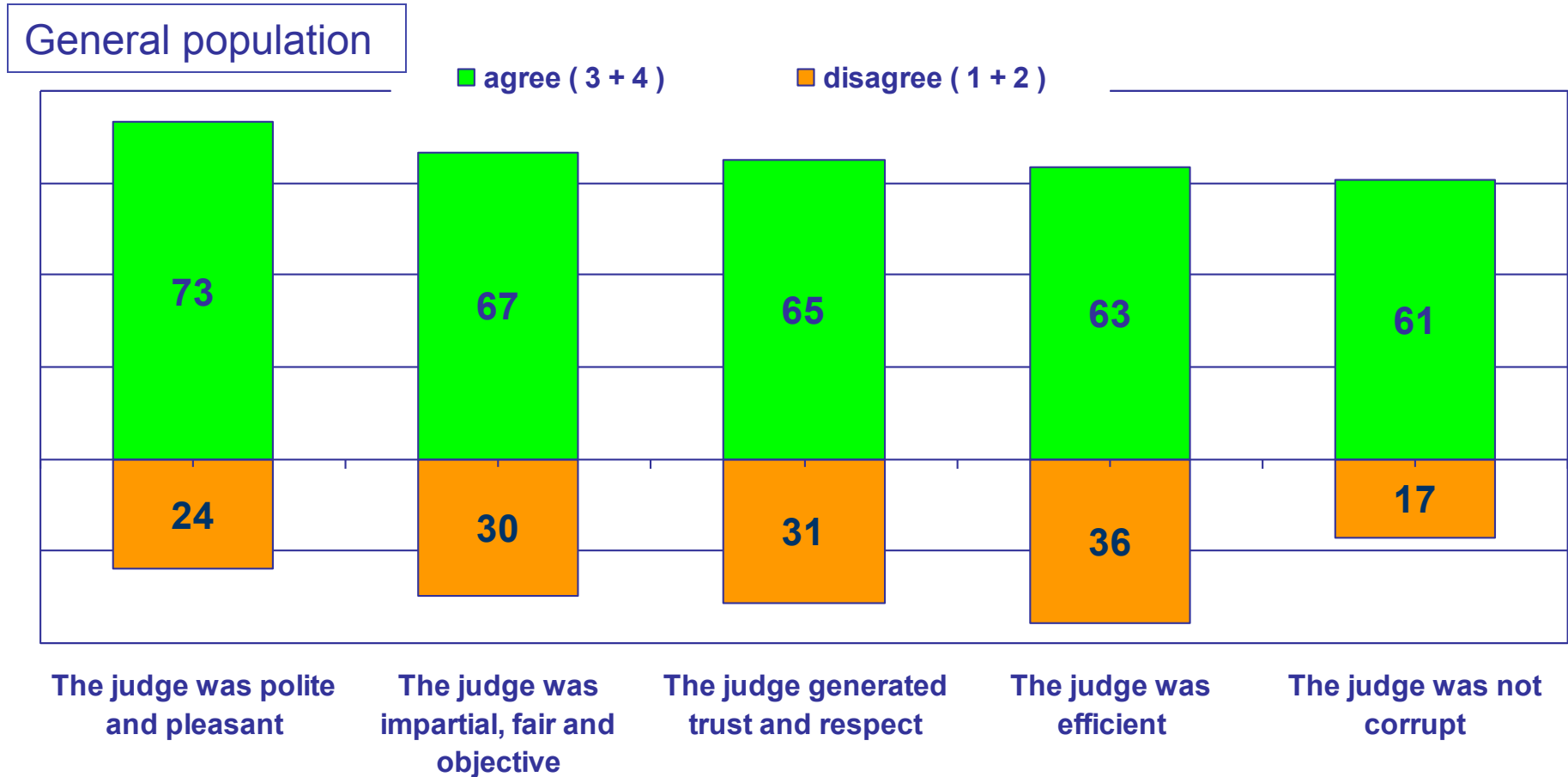


Most frequent answers

Despite that just slightly more than one third of the general population evaluated the quality of judicial work as high, majority evaluated positively the judge's performance.

Base: total population

To what extent do you agree with the following assertions?

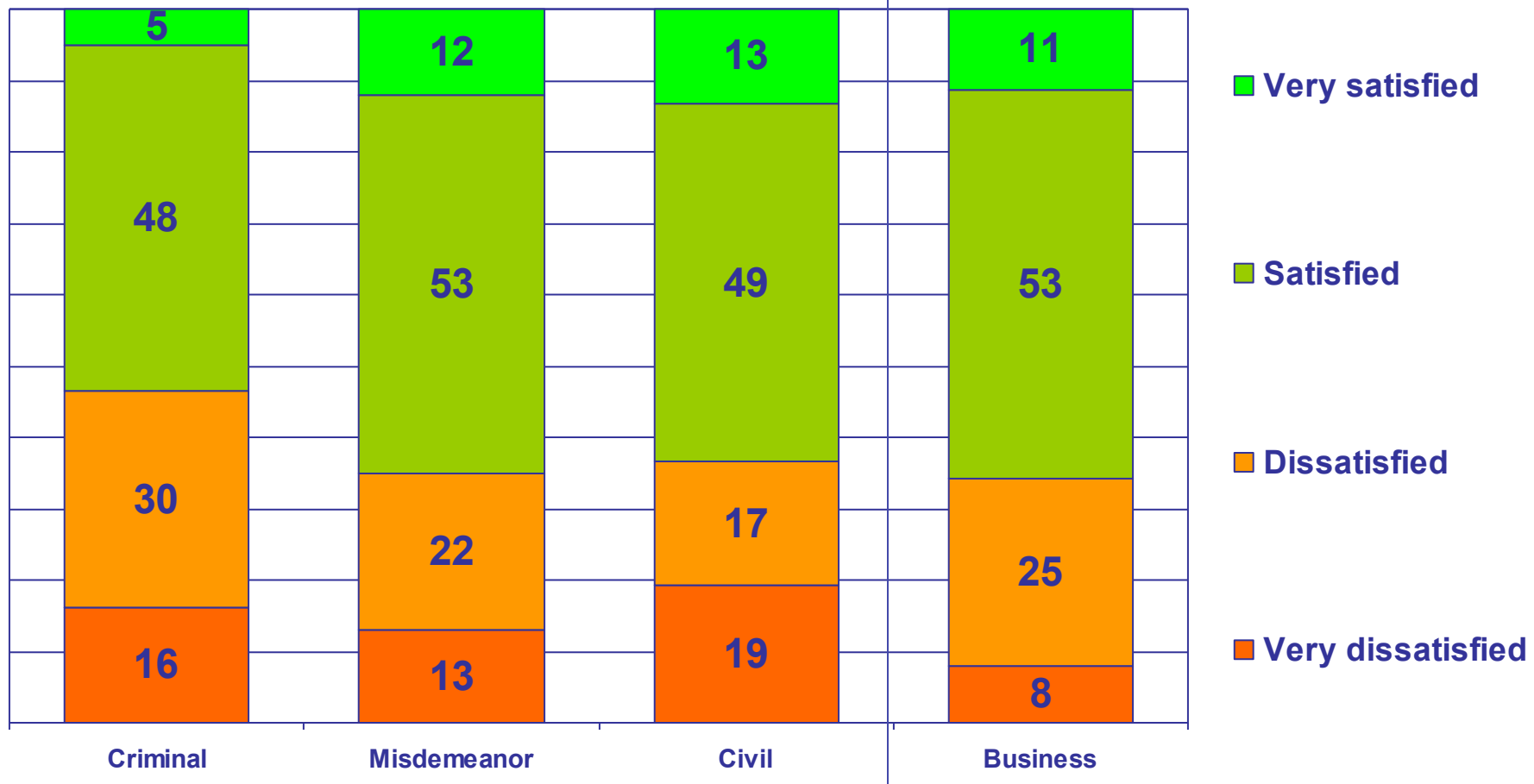




Majority of people with experience with court cases were satisfied with the work of the judge at first-instance court, but a substantial part still uttered dissatisfaction.

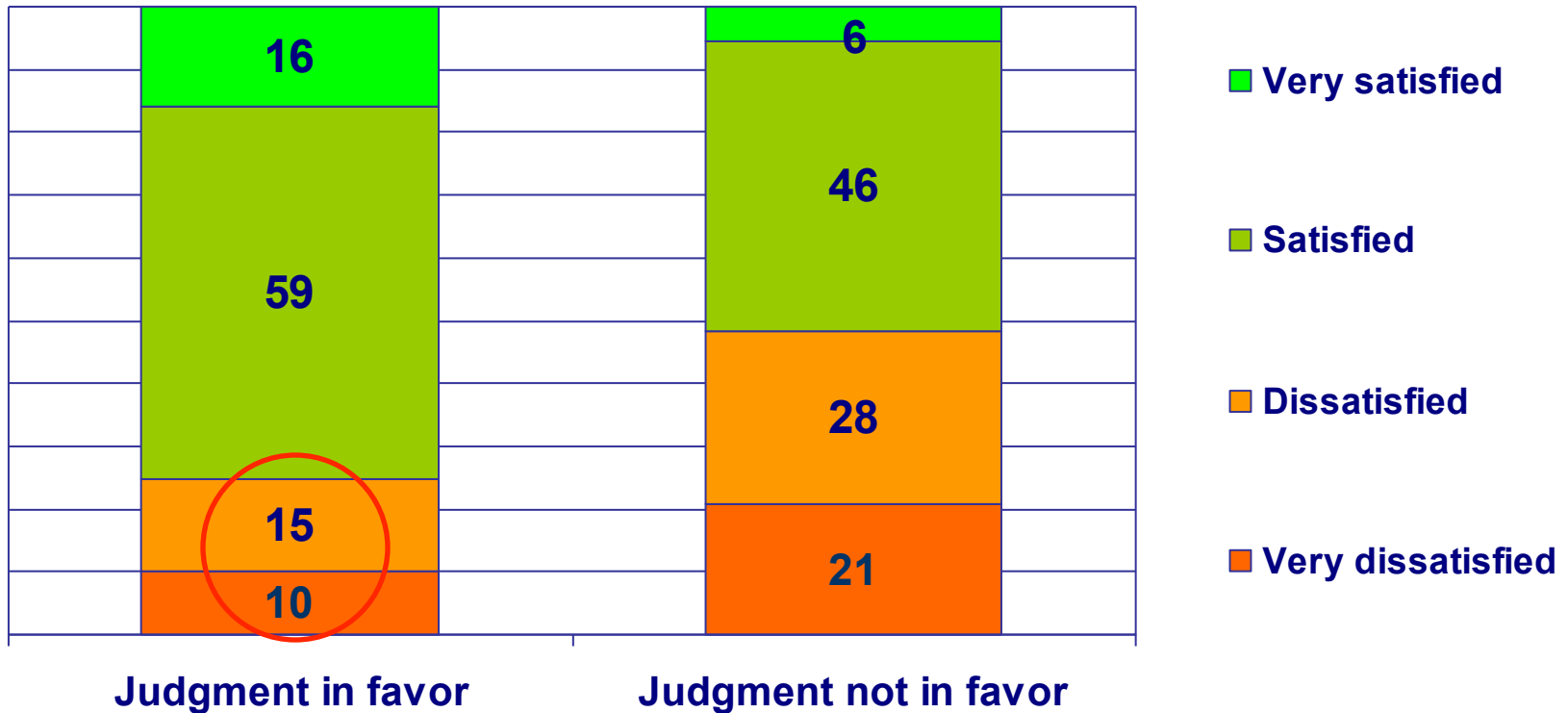
How satisfied were you with the work of the judge in the first-instance court?

Base: total population



The citizens in whose favor the judgment was passed were more satisfied with the work of the judge, but still each forth was dissatisfied or very dissatisfied

*How satisfied were you with the work of the judge in the first-instance court?
Citizens - (average for all types of cases)*





In giving the reason why the quality of judiciary work have not been higher in 2009 lawyers stressed the poor organization, while prosecutors stressed the lack of staff

Perceived most important reason for the quality of the judiciary work have not being higher / for prosecutors: the quality of work in the institution their worked for (Prompted)

Base: part of the lawyers who evaluated the quality of judicial work less than “high quality” , all target group for prosecutors (Don’ t know dropped); base 86% prosecutors, and 90% lawyers



Most frequent answers

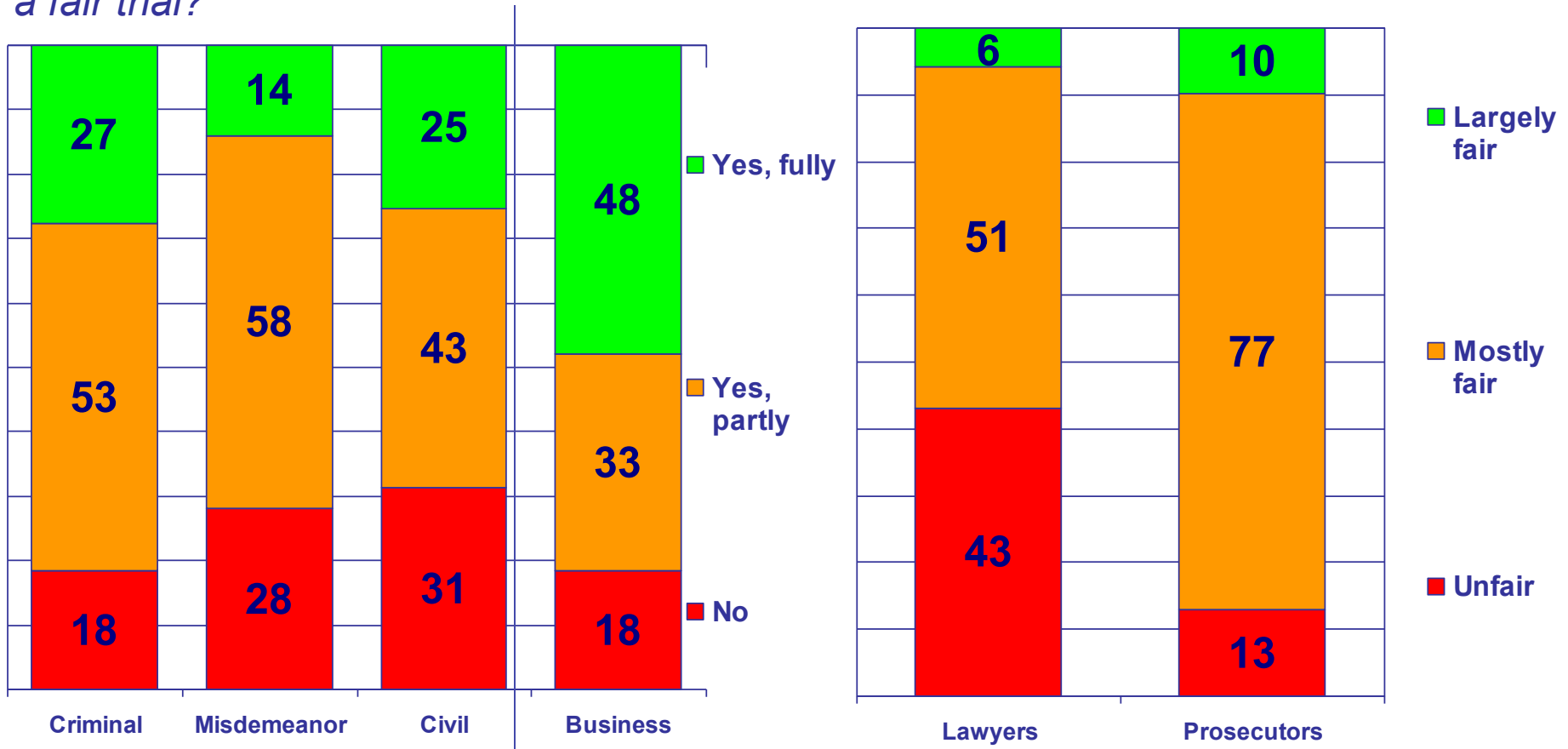
A3. Fairness

Majority of users estimated that their first instance trial was not fully fair, and only 10% of prosecutors and 6% of lawyers estimated that judiciary system in 2009 was largely fair

Base: total population; (Prosecutors 96% / don't know dropped)

Notwithstanding the outcome of the court proceedings, did you have a fair trial?

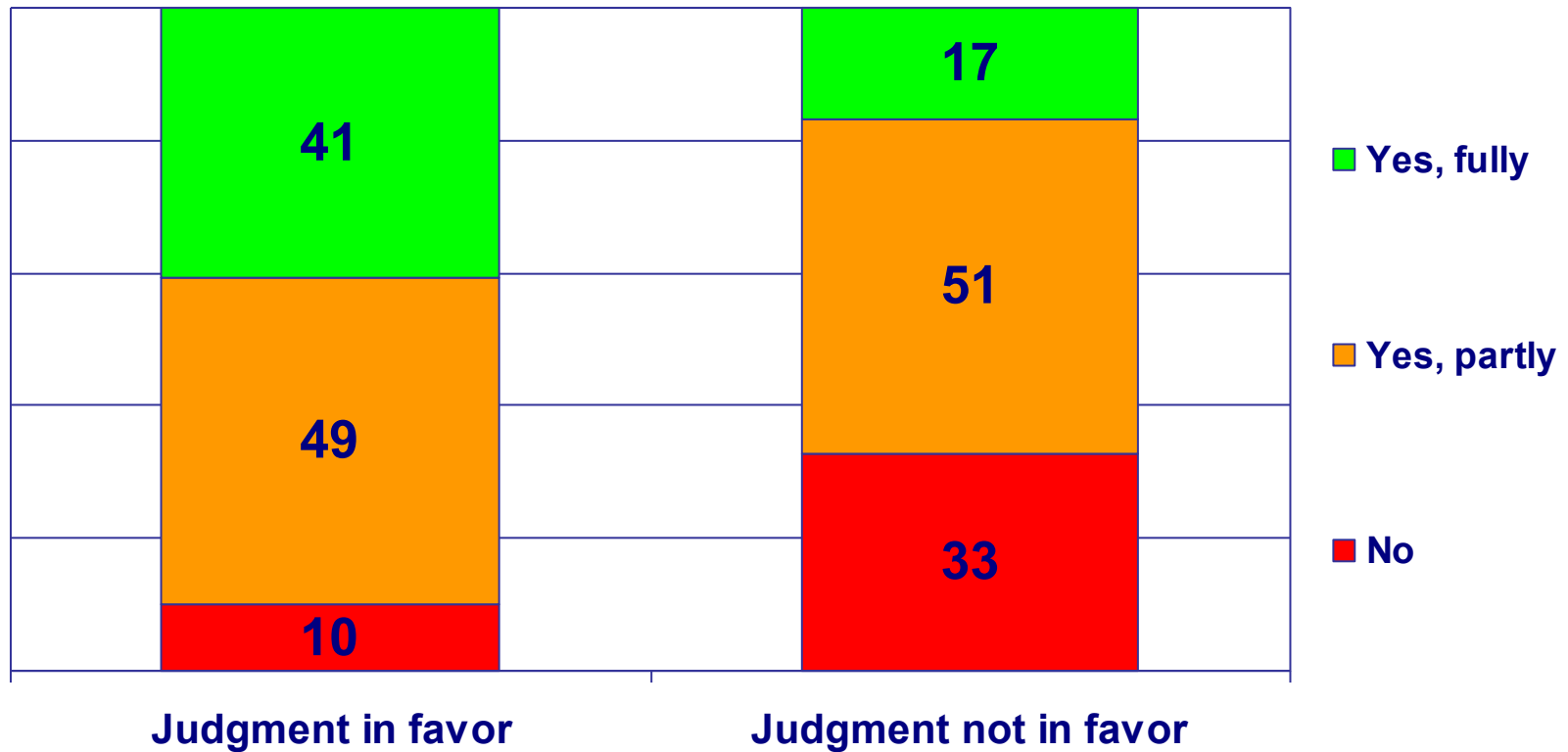
How fair was the judiciary system in 2009?





The citizens in whose favor the judgment was passed, evaluated in higher percentage that they had a fair trial, but still each tenth uttered that

Notwithstanding the outcome of the court proceedings, did you have a fair trial? - Citizens - (average for all types of cases)

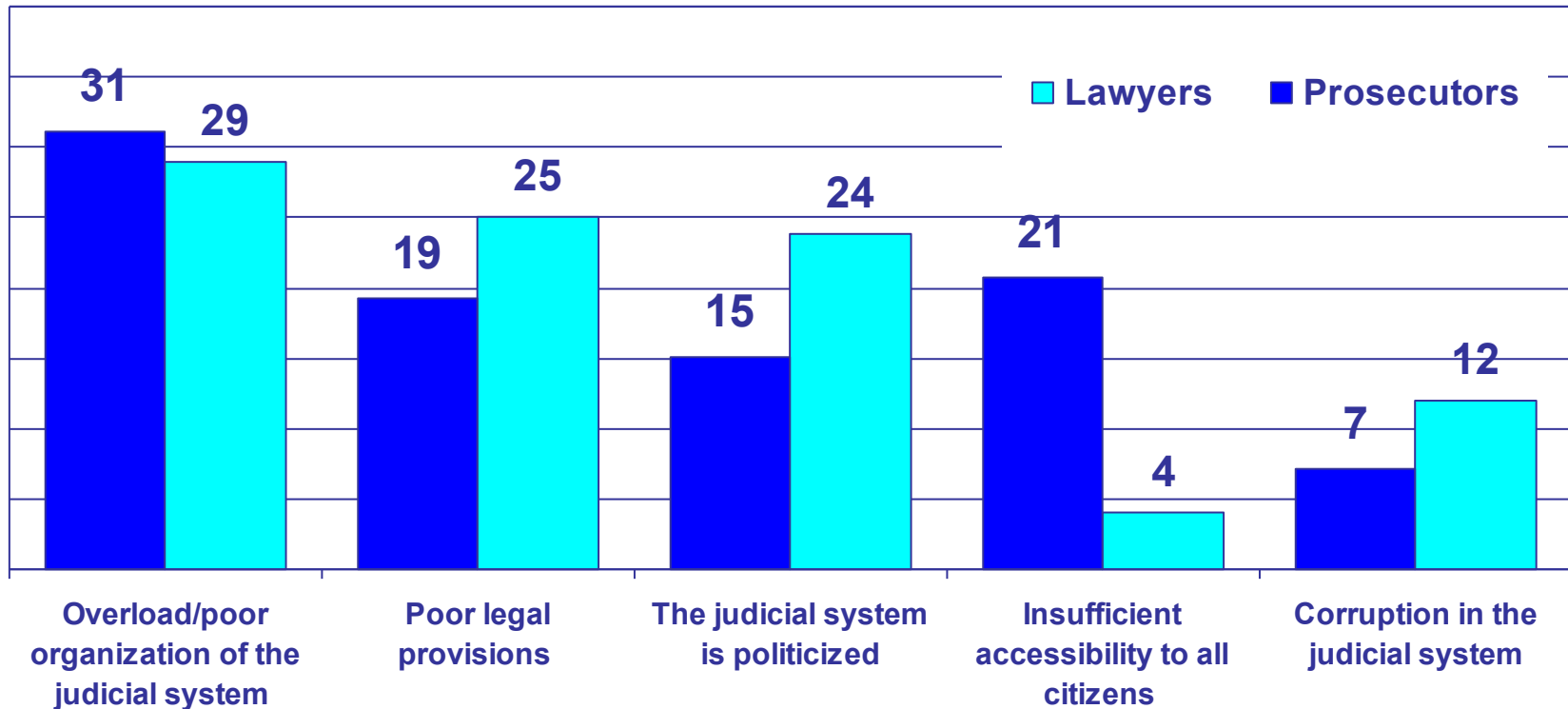




Overload/poor organization, poor legal provision and politicized justice system were named most often as the chief reasons for the judiciary not being fair in 2009; but politicization, corruption and insufficient accessibility were mentioned too

The chief reason for evaluating the judiciary system as not being fair in 2009? (PROMPTED)

Base: part of population who have not evaluated the judiciary system to be largely fair; don't know dropped (base: prosecutors 68%, lawyers 93%)

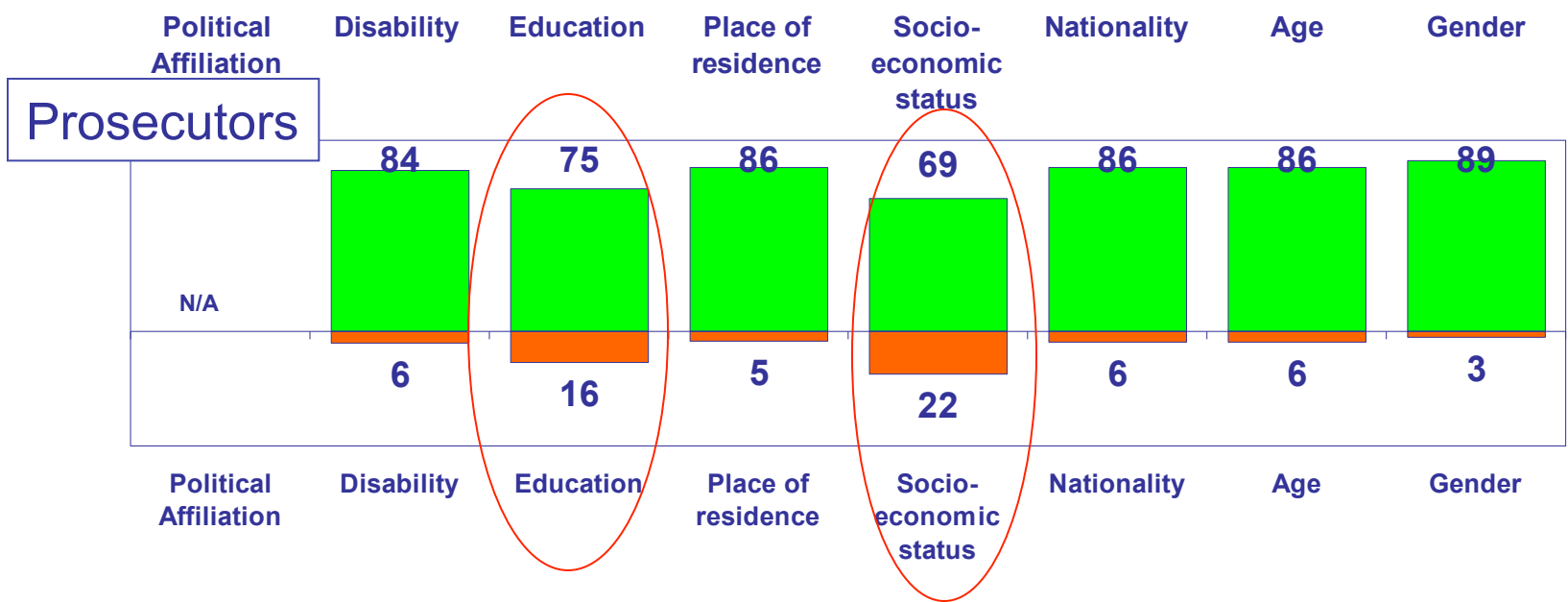


Most frequent answers



99% of lawyers thought that political affiliation was an element of unequal treatment of the citizens

Did the judicial system treat all citizens equally, notwithstanding their ...

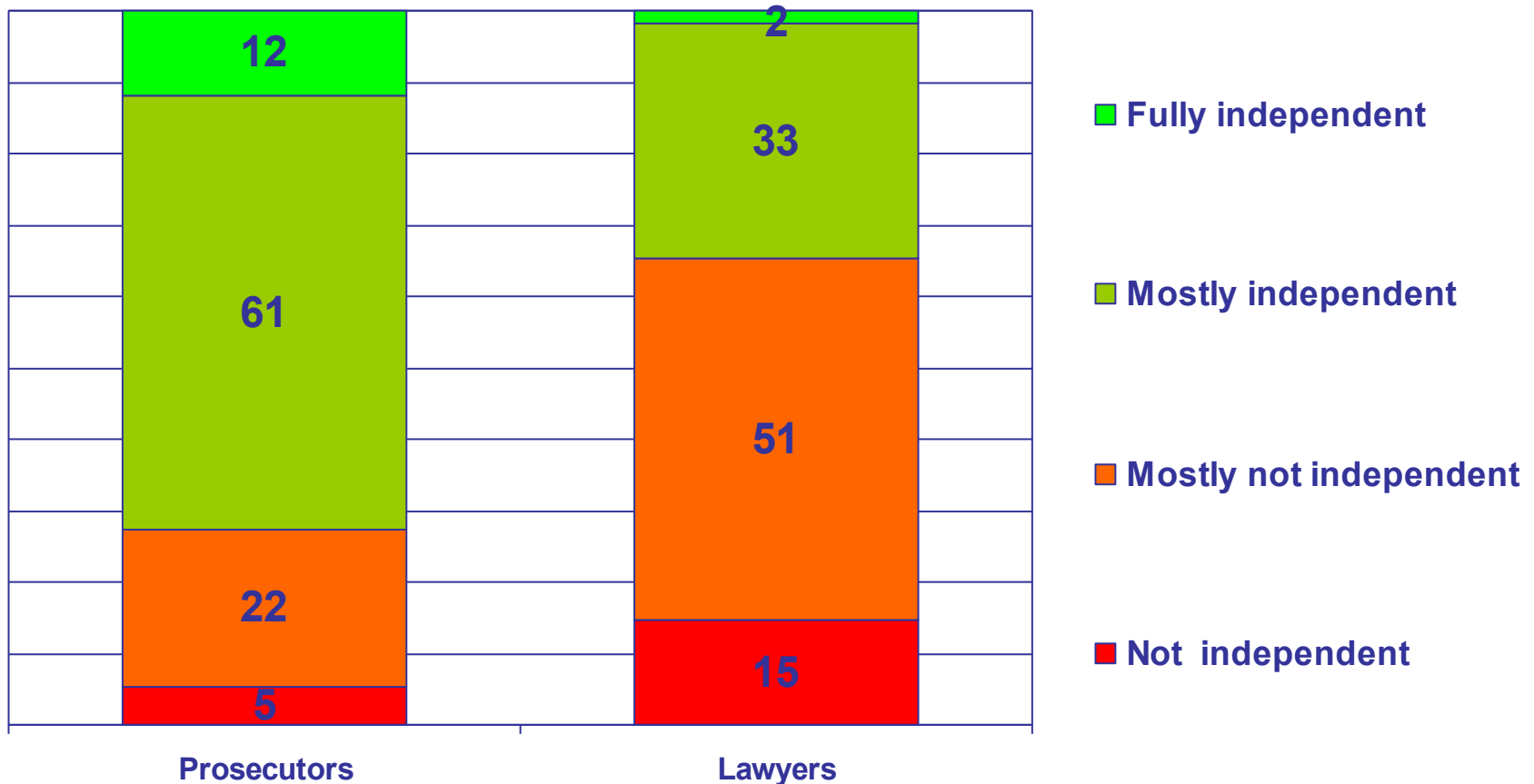


A4. Integrity

As high as 27% of prosecutors, and 66% of lawyers think that judiciary system was not independent in 2009

How independent was the judicial system in Serbia in 2009?

Base: total population; don't know dropped (base: prosecutors 93%, lawyers 97%)

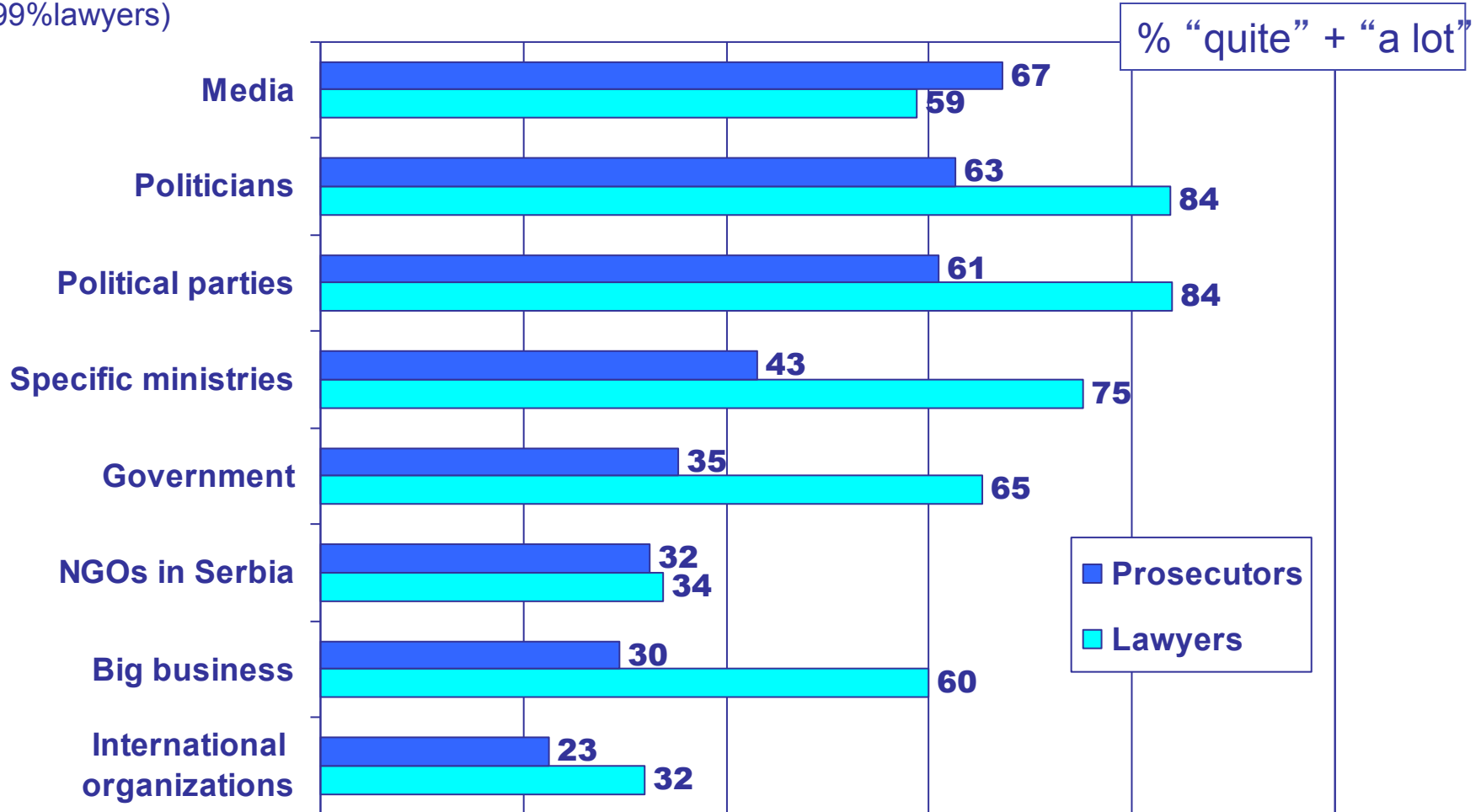




Media and politicians /political parties were mostly perceived as the institutions that jeopardized the independence of the judicial system in 2009

How much did the following institutions jeopardize the independence of the judicial system in 2009?

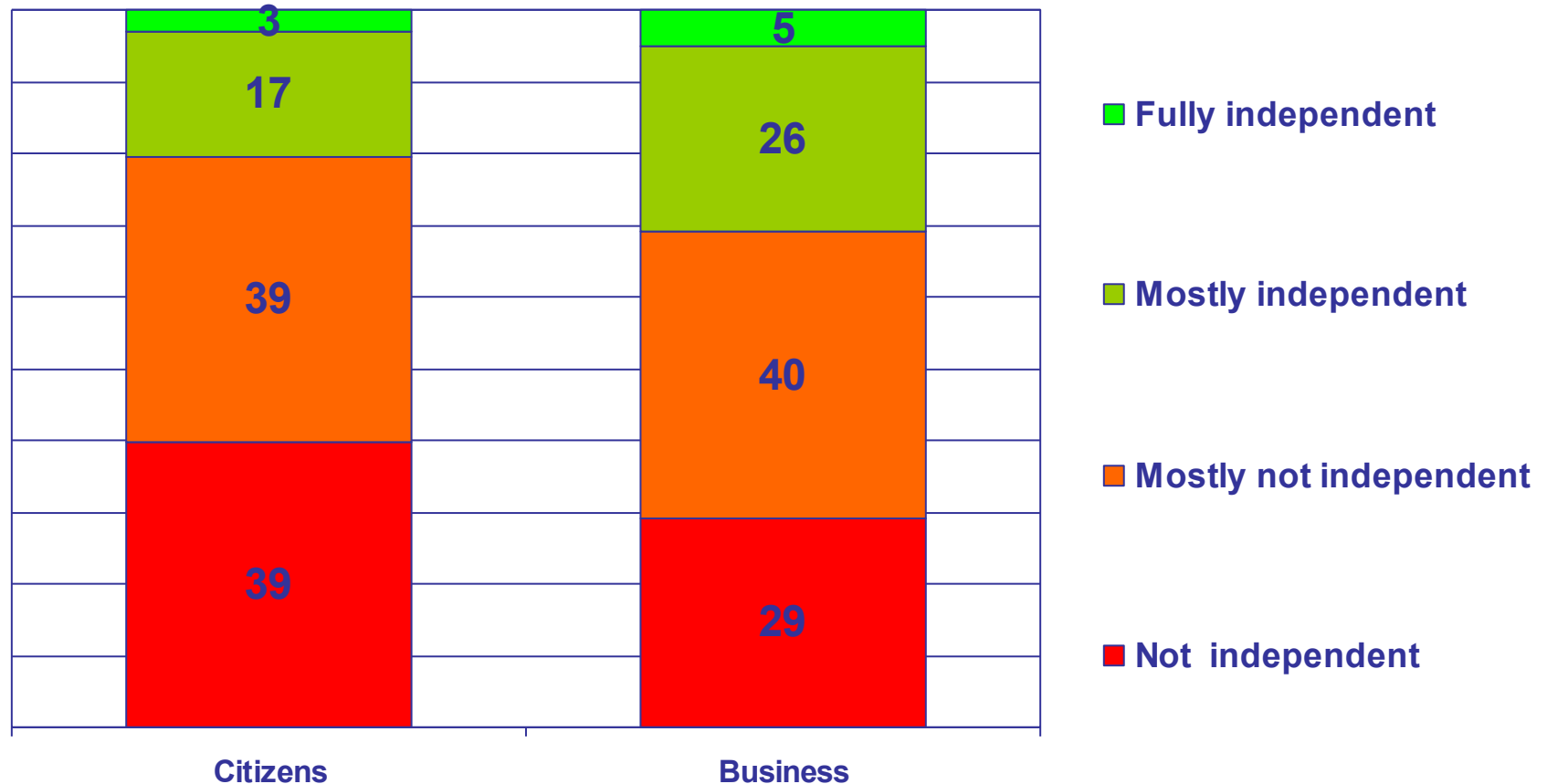
Base: total population (don't know/missing dropped; data base 87% to 90 prosecutors 98% to 99%lawyers)



As high as 72% of the citizens and 69% of the court representatives think that judiciary system was not independent in 2009

To what extent was the judicial system in Serbia in 2009 truly independent from the executive authorities (politics)?

Base: total population withy court proceedings experience; don' t know dropped (base: citizens 94%, business 91%)

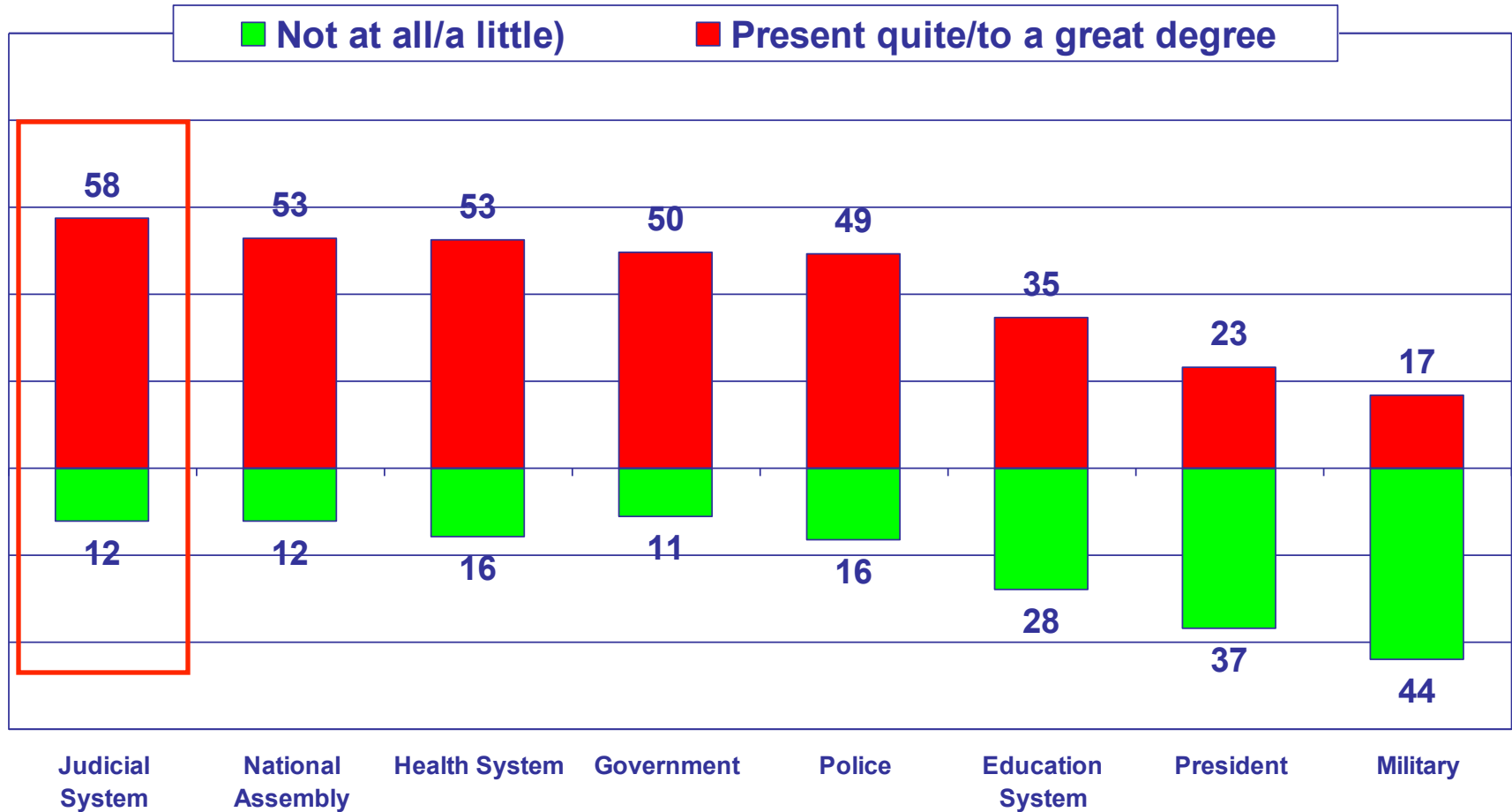


Judicial system was perceived as the most corrupted among the state institutions: Only 12% of citizens believe that judicial system is not corrupted (or just a little)

How present is corruption in the following sectors and institutions

Base: total target population

General population

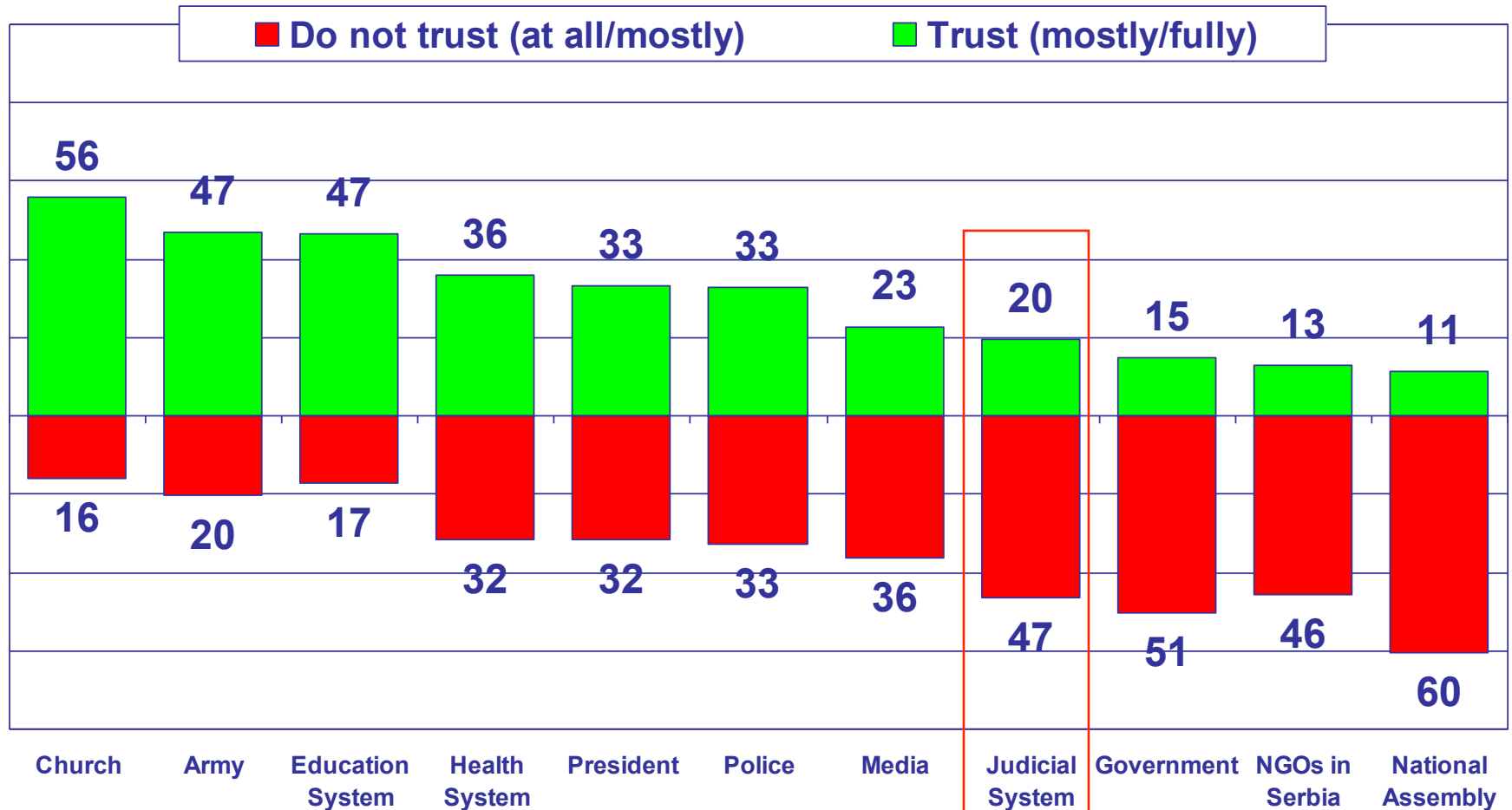


Judicial system was one of the least trusted institutions

Rate the degree in which you trust the following sectors and institutions

Base: total target population

General population



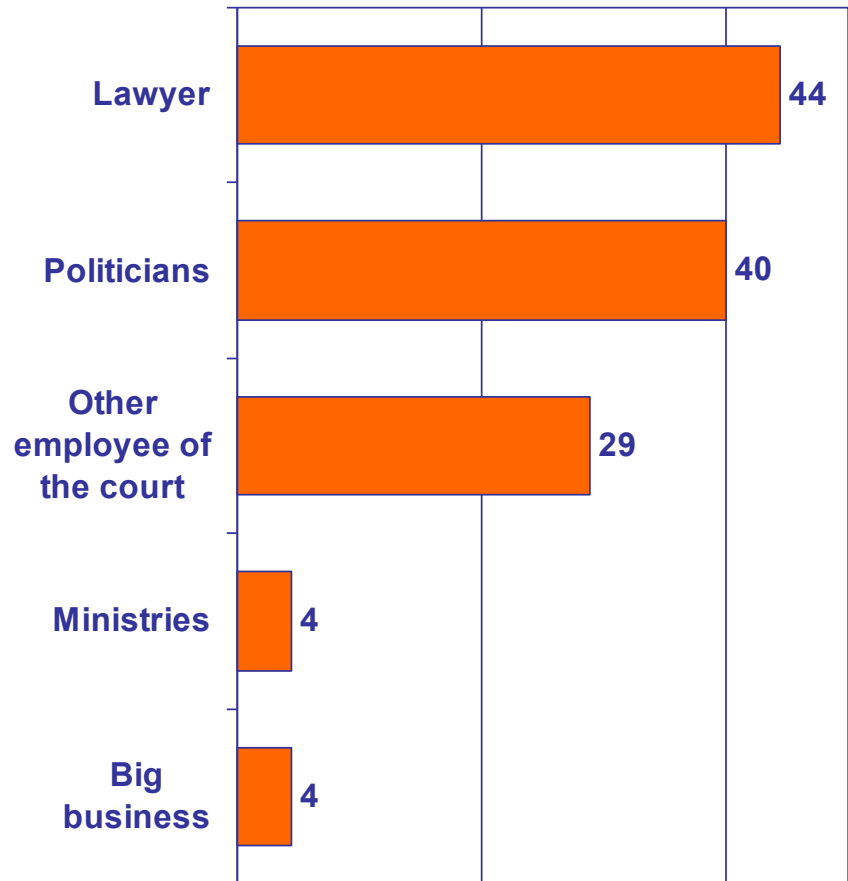
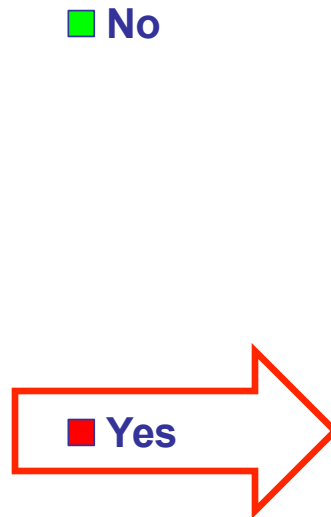
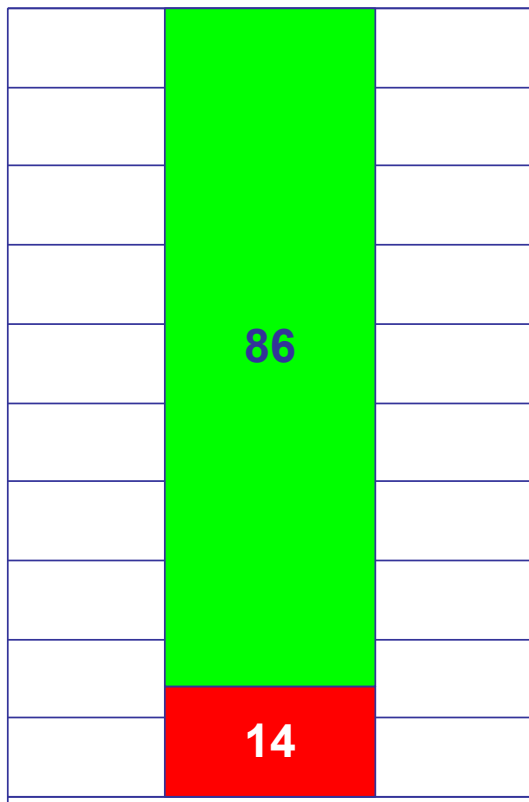


13% of prosecutors reported that they found themselves in the situation in which someone tried to resort to informal means. Most often these were lawyers, politicians, and other employees of the court

Base: total population; don't know dropped (base: prosecutors 93%)

PROSECUTORS: Did you ever find yourself in a situation in which someone tried to resort to informal means?

PROSECUTORS: Who tried to resort to informal means to affect your work?





45% of lawyers reported that their clients tried to resort to informal means, while 2% reported that judges tried it, and 1% that prosecutors tried it

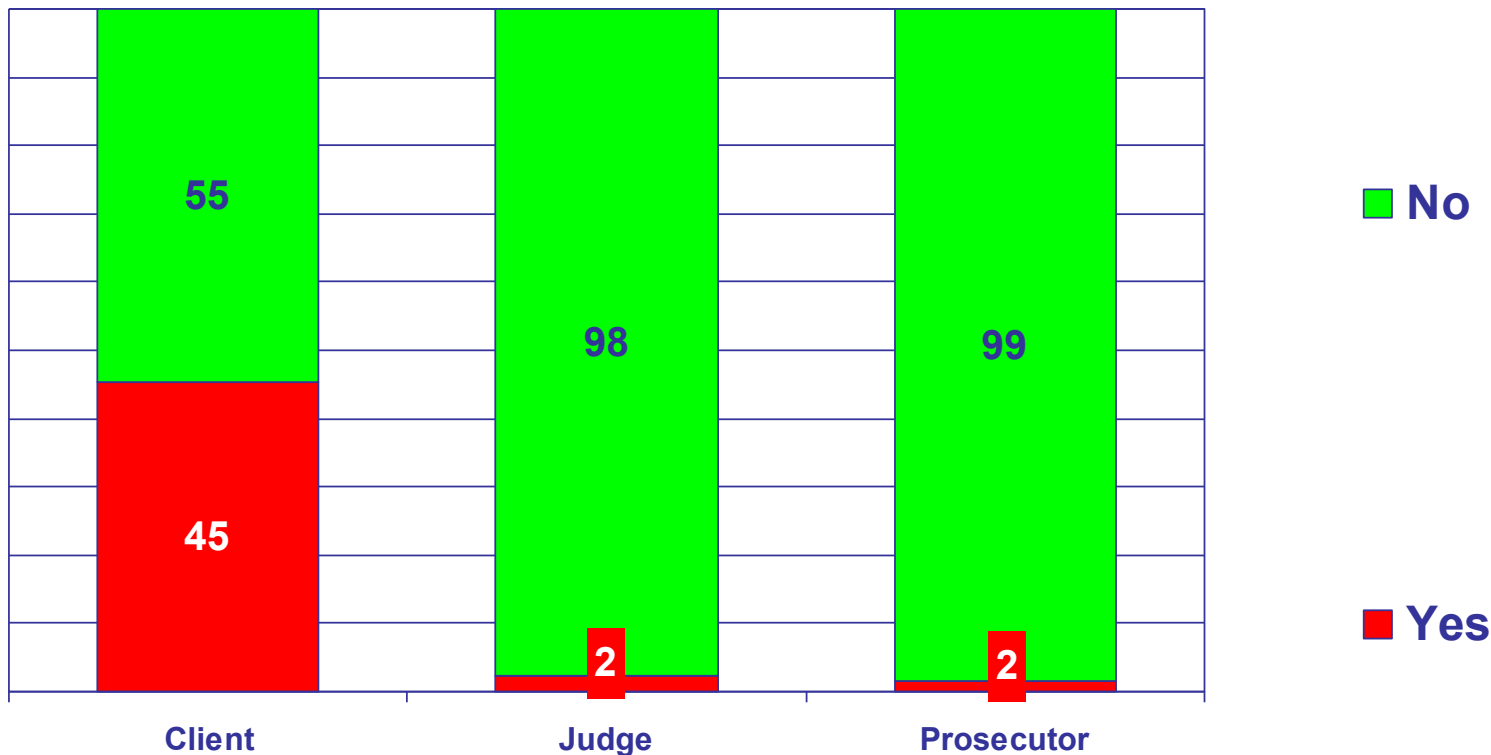
LAWYERS: Did you ever find yourself in a situation in which:

Your client asked you to use some informal means

Judge offered you an agreement which implied some pecuniary advantage to make a judgment in favor of your client?

Prosecutor offered you an agreement which implied some pecuniary advantage to do his/her work in favor of your client?

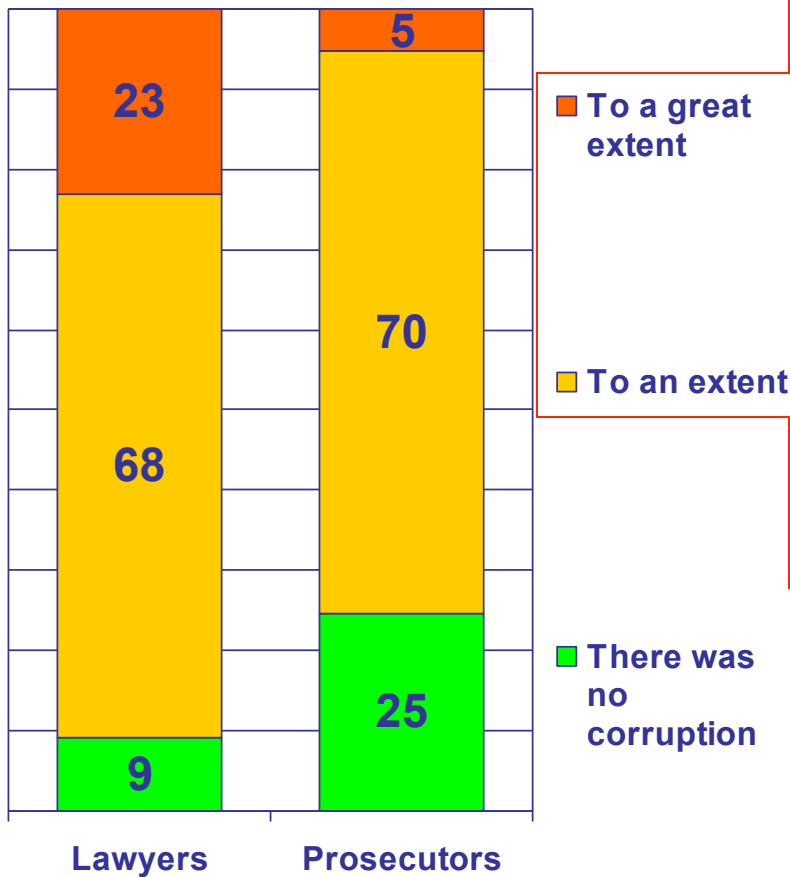
Base: total population; don't know dropped (base: lawyers 98%)



Only 9% of lawyers and 25% of prosecutors think that there was no corruption in judicial system in 2009.

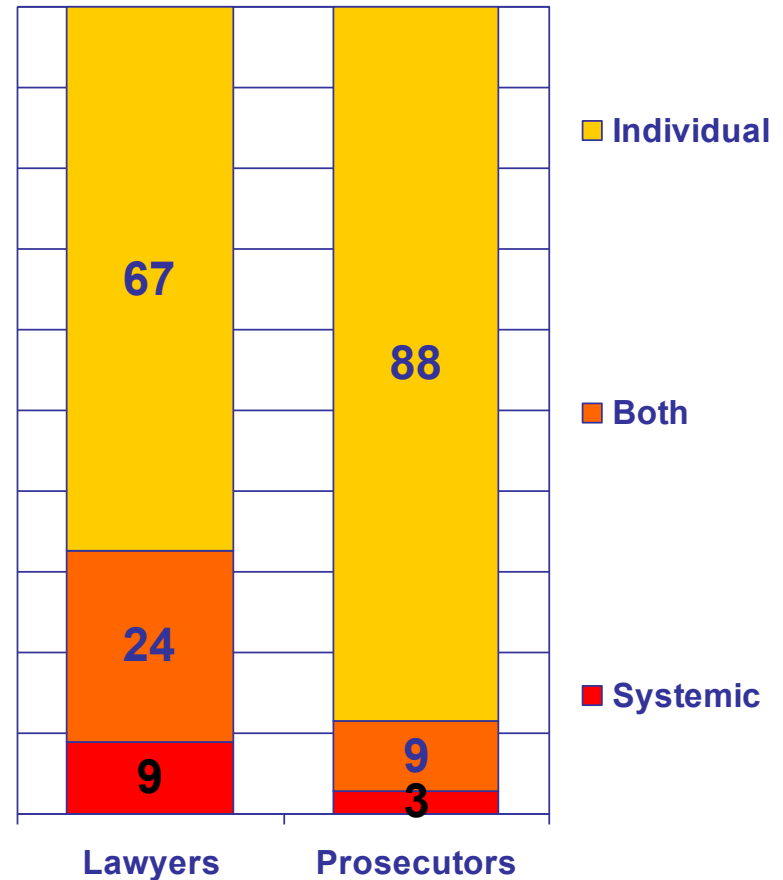
Base: total population; don't know dropped (base: prosecutors 93%, lawyers 77%)

In your opinion, was there corruption in the judicial system in 2009?



Base: those who think that there was corruption; don't know dropped (base: prosecutors 60%, lawyers 76%)

Was corruption systemic or individual?



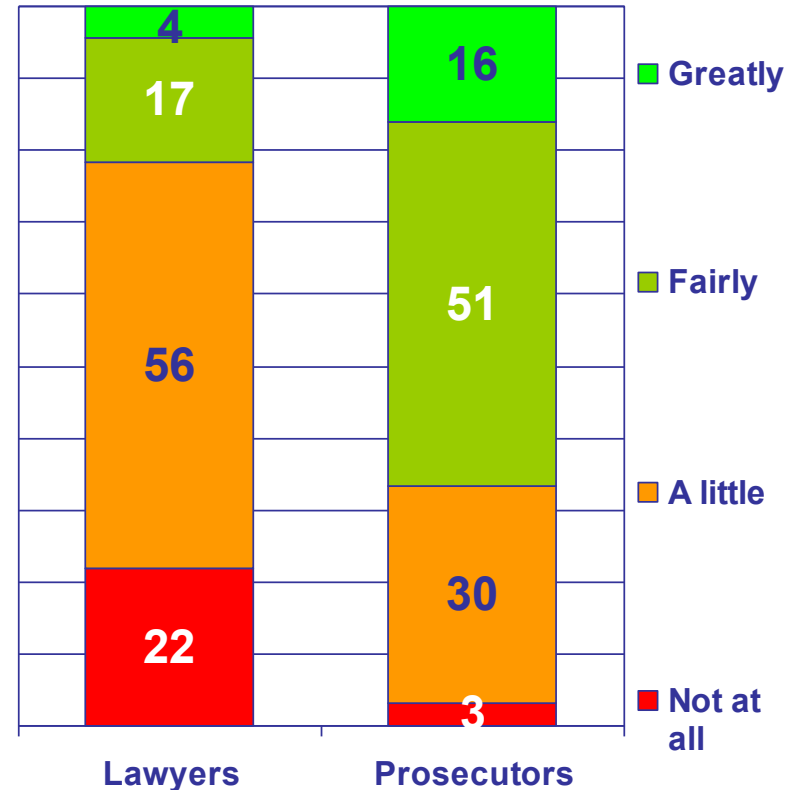
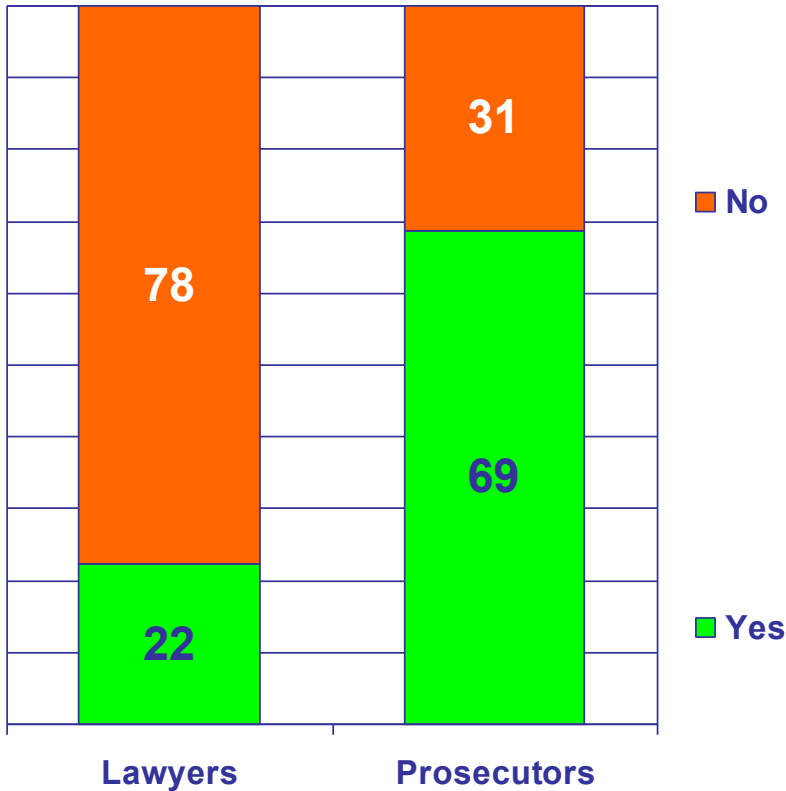
Less than half of the prosecutors (46%) and only 5 % of lawyers declared that an internal control contributing to the integrity of the judiciary existed within the judicial system in 2009 –

Base: total population; don't know dropped (base: prosecutors 86%, lawyers 65%)

Base: part of the population who think that there was internal control; don't know dropped (base: prosecutors 63%, lawyers 21%)

Was there any form of internal control within the judicial system in 2009?

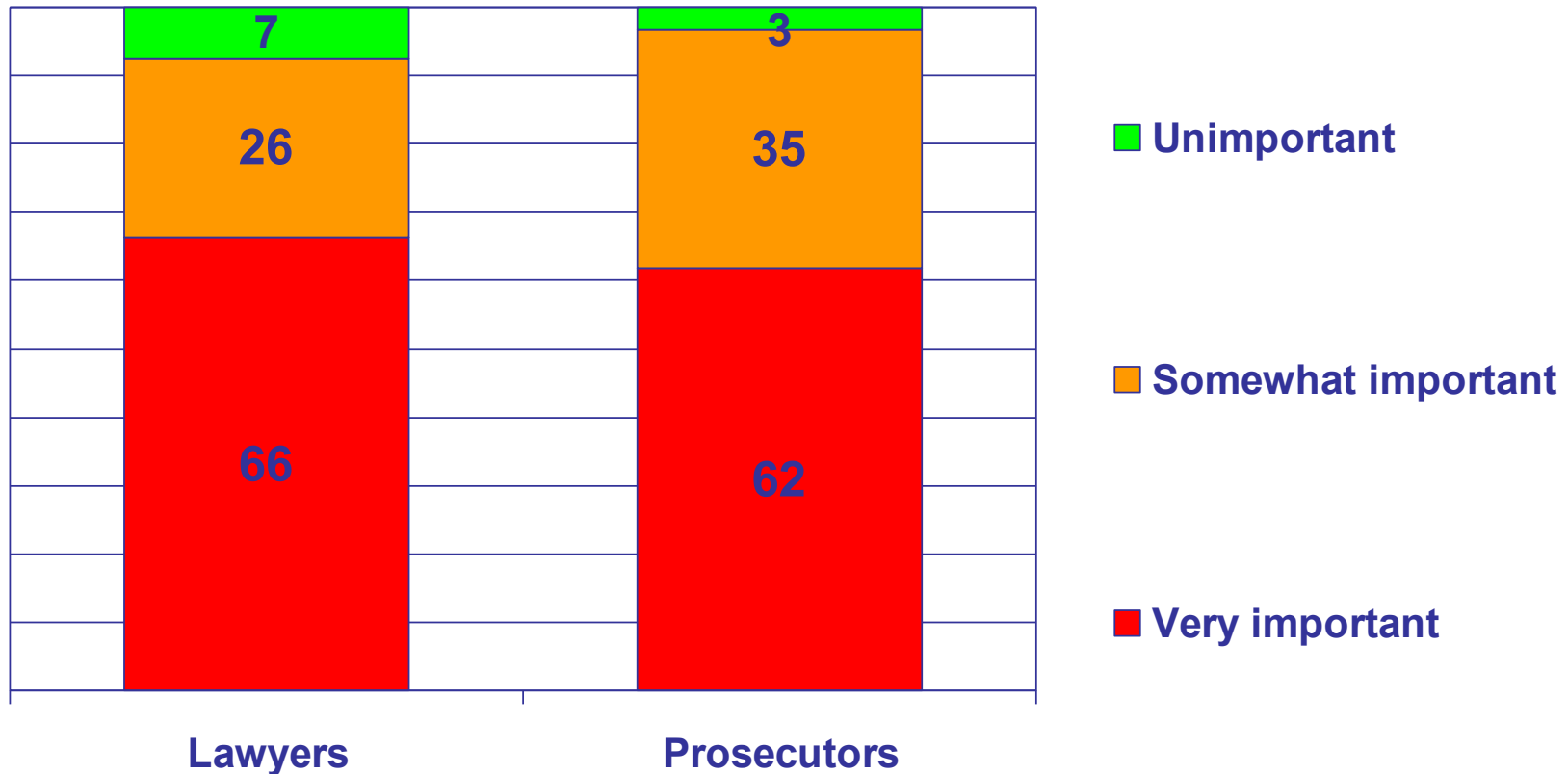
To what degree did the internal control that existed contribute to the integrity of the judiciary?



A huge majority of the prosecutors as well as lawyers think that the internal control is important for strengthening the integrity of the judicial system

Base: total population; don't know dropped (base: prosecutors 87%, lawyers 99%)

In principle, how important is internal control for strengthening the integrity of the judicial system?

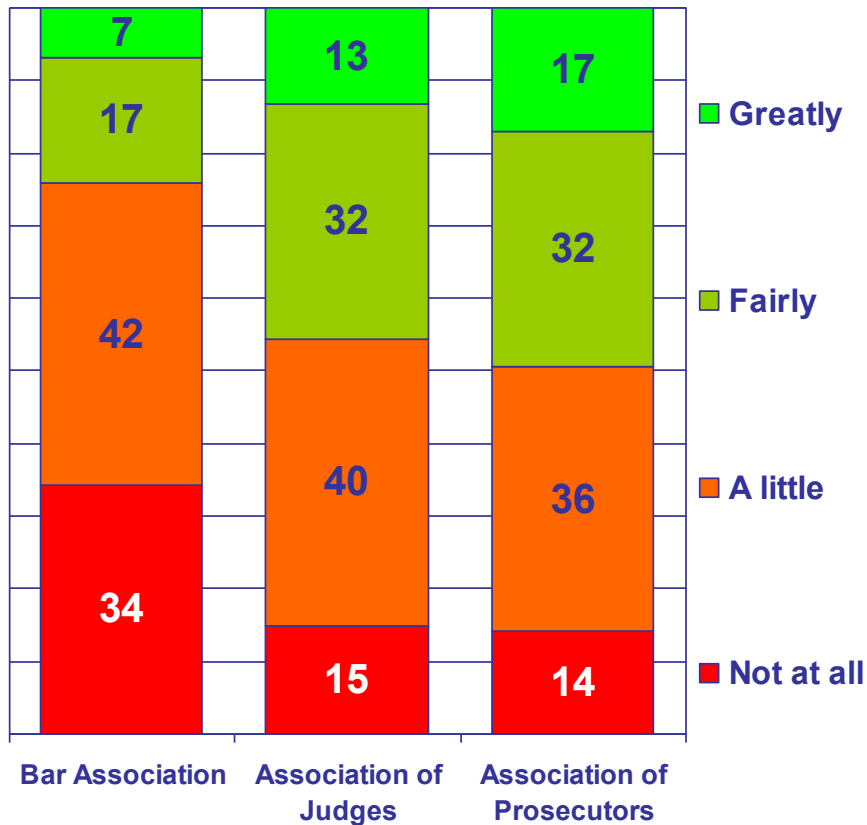


Neither prosecutors, nor lawyers think that professional associations really helped to strengthen the integrity of the profession they represent

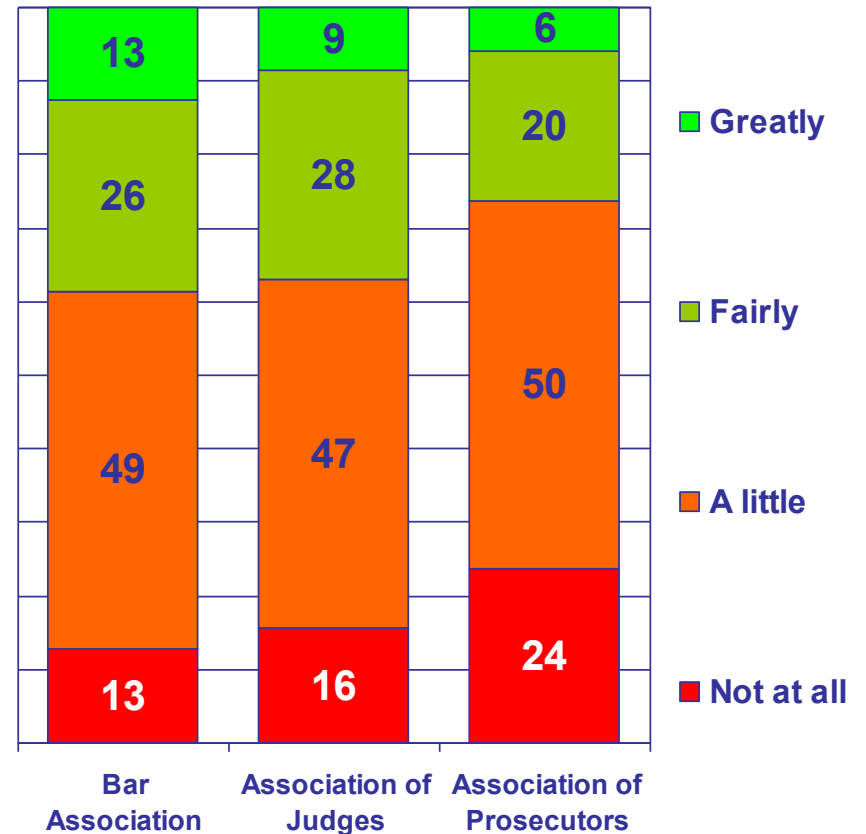
Base: total population; don't know dropped (base: prosecutors 80%, 80% and 91% respectively; lawyers 100%, 99% and 98% respectively)

To what extent did professional associations help strengthen the integrity of the profession they represent?

Prosecutors



Lawyers



A5. Accessibility and A6. Cost effectiveness

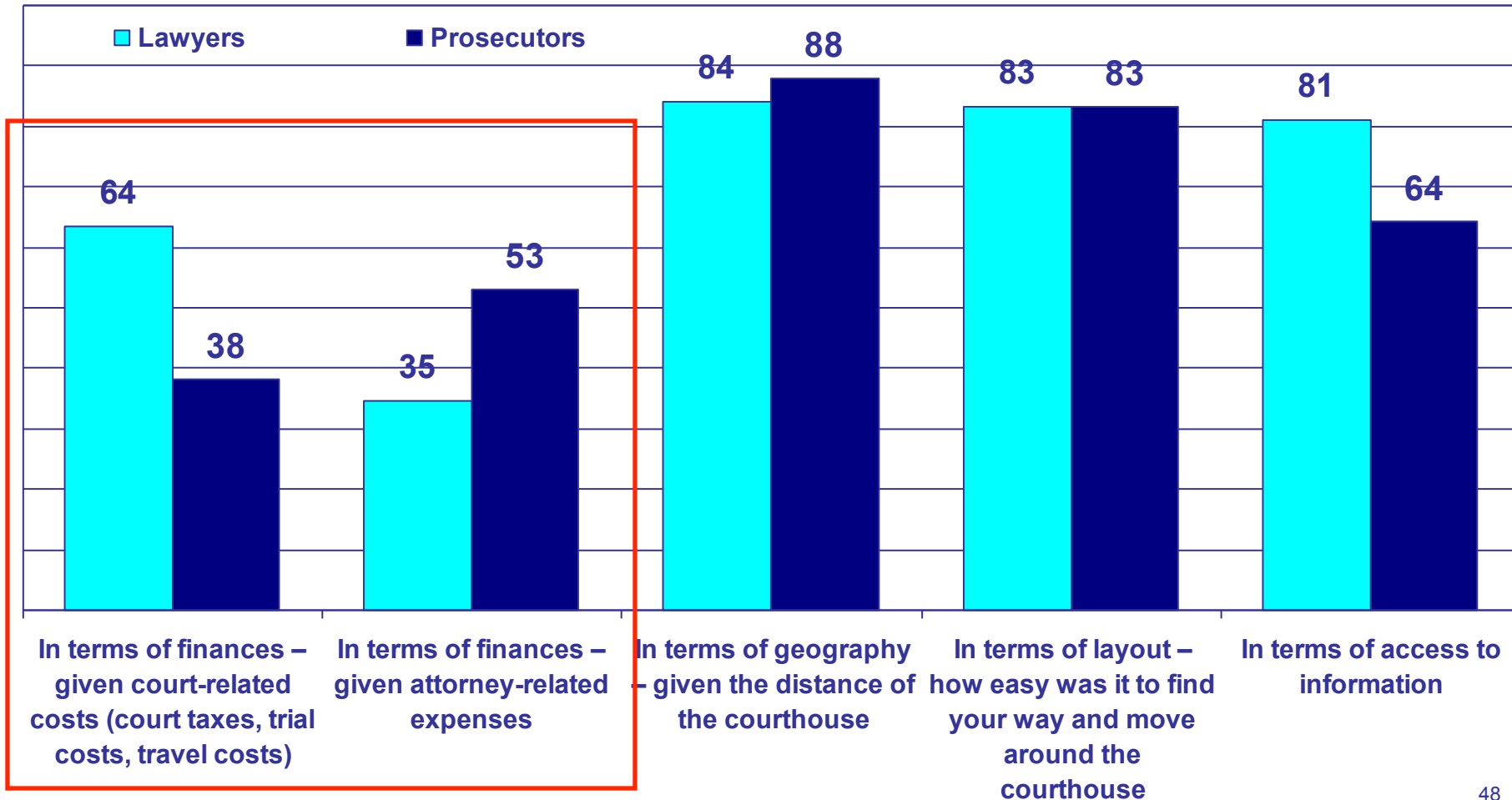


Both lawyers and prosecutors agreed that the least accessible element of the judicial system was the finances, but in reverse order in relation to the costs to the court and to the attorney

How accessible was the judicial system to citizens until the end of 2009 according to lawyers and prosecutors

Base: total population

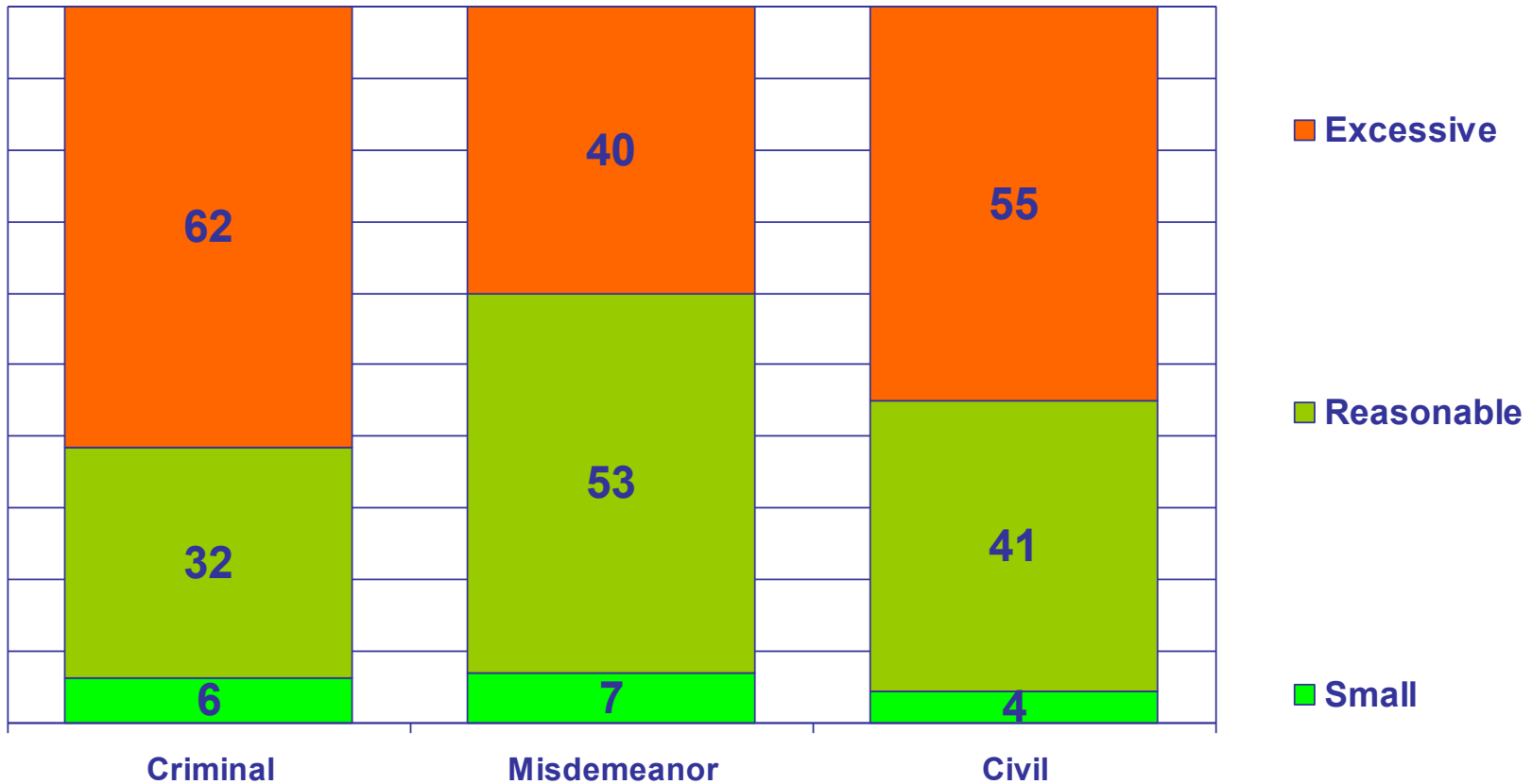
% accessible (mostly + very)



The majority of the users of the court services in criminal and civil cases evaluated overall costs as excessive

Base: total population; don't know / missing dropped (base: 92%)

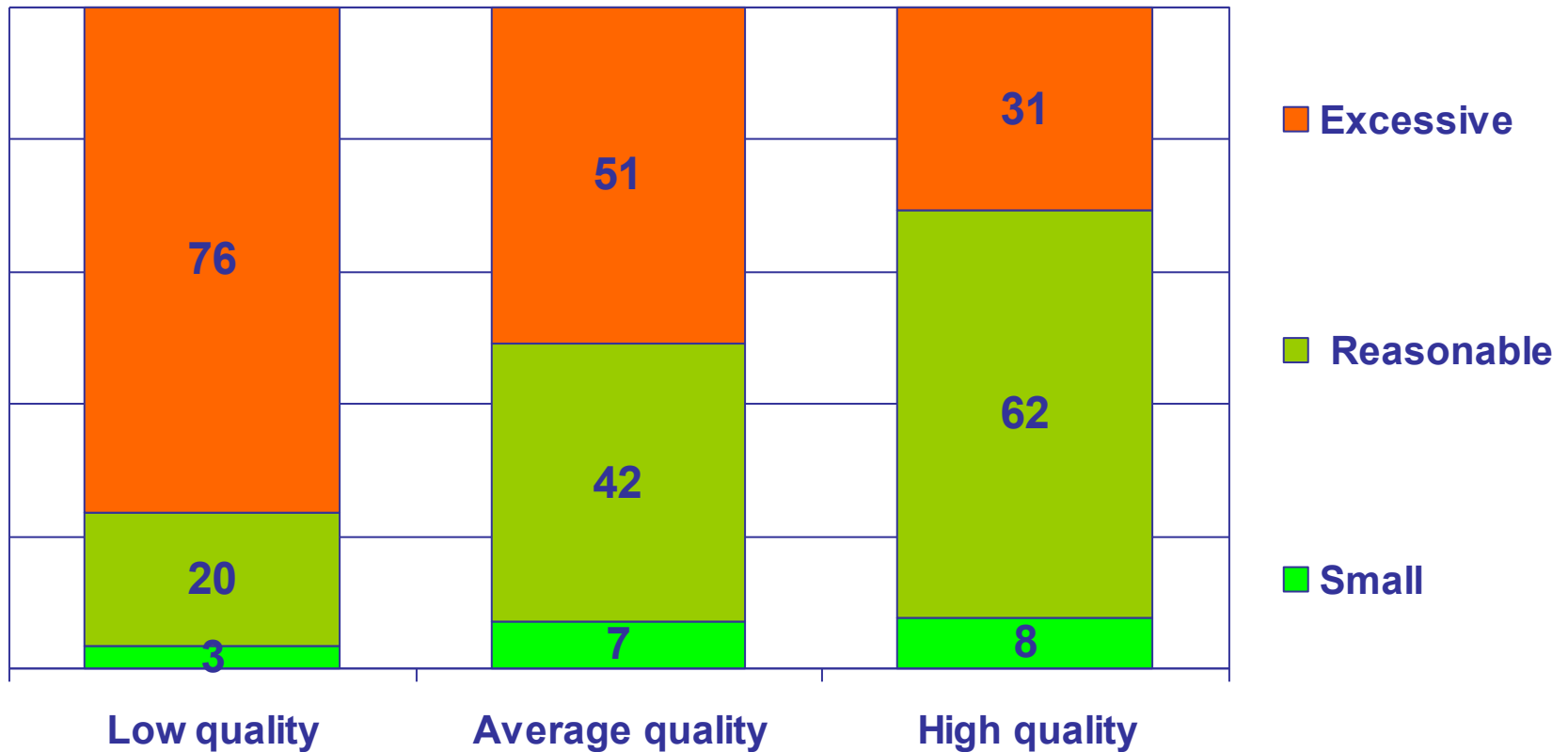
Do you think the overall costs were small, "reasonable" or excessive given the quality of the court services you were provided?



Evaluation of the overall costs was significantly associated with the evaluation of the quality of the judiciary work

Base: total population; don't know / missing dropped (base: 92%)

Do you think the overall costs were small, "reasonable" or excessive given the quality of the court services you were provided?



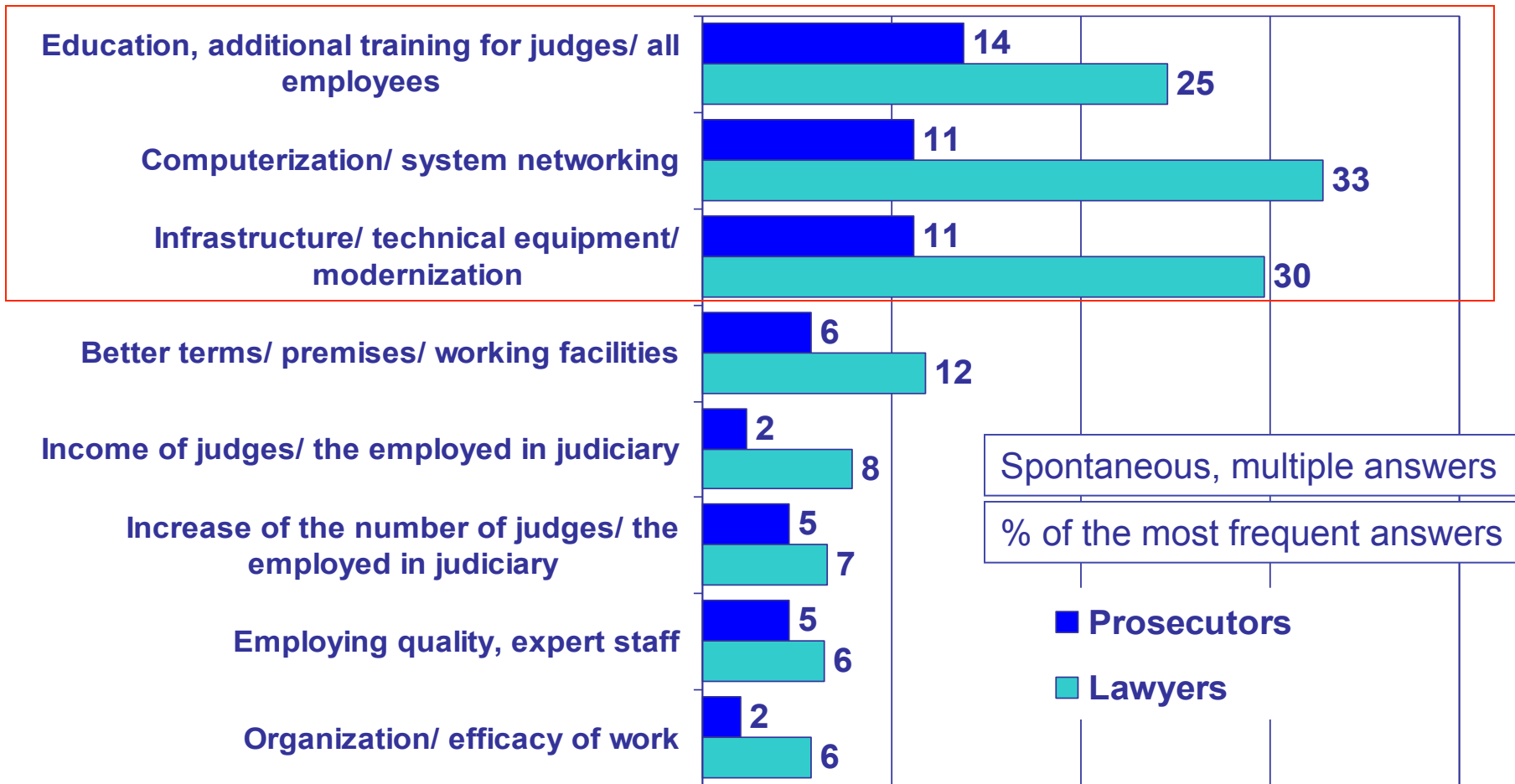
What was the quality of judicial work in that specific case?



Education, and modernization of equipment were most often mentioned area of investments which would in the long term actually cut costs

Base: total population; don't know / missing dropped (base: prosecutors 44%, lawyers 97%)

Was there a need for investing any additional funds, which would, in the long term, actually cut costs, since such investments would result in considerable improvement of judicial efficiency?



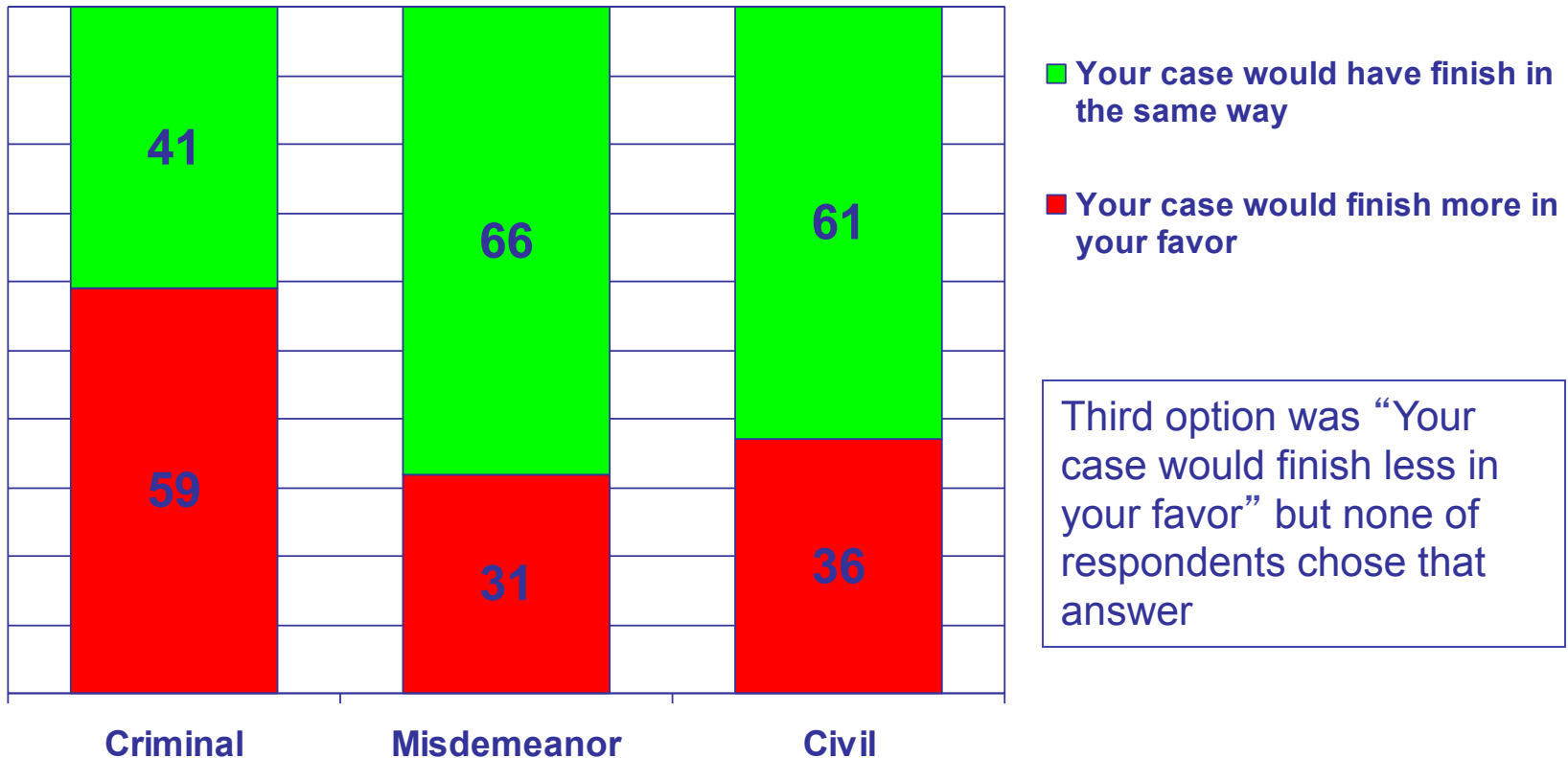
Roma specific experience with court cases



Majority of Roma involved in criminal cases, and quite substantial percentage involved in the misdemeanor and civil cases, thought that their case would finish more in their favor if they were not Roma

Base: total target population; don't know dropped (base: criminal 92%, misdemeanor 97%, civil 93%)

If you were not Roma, do you think that your case would finish more in your favor, would have finished in the same way, or less in your favor?



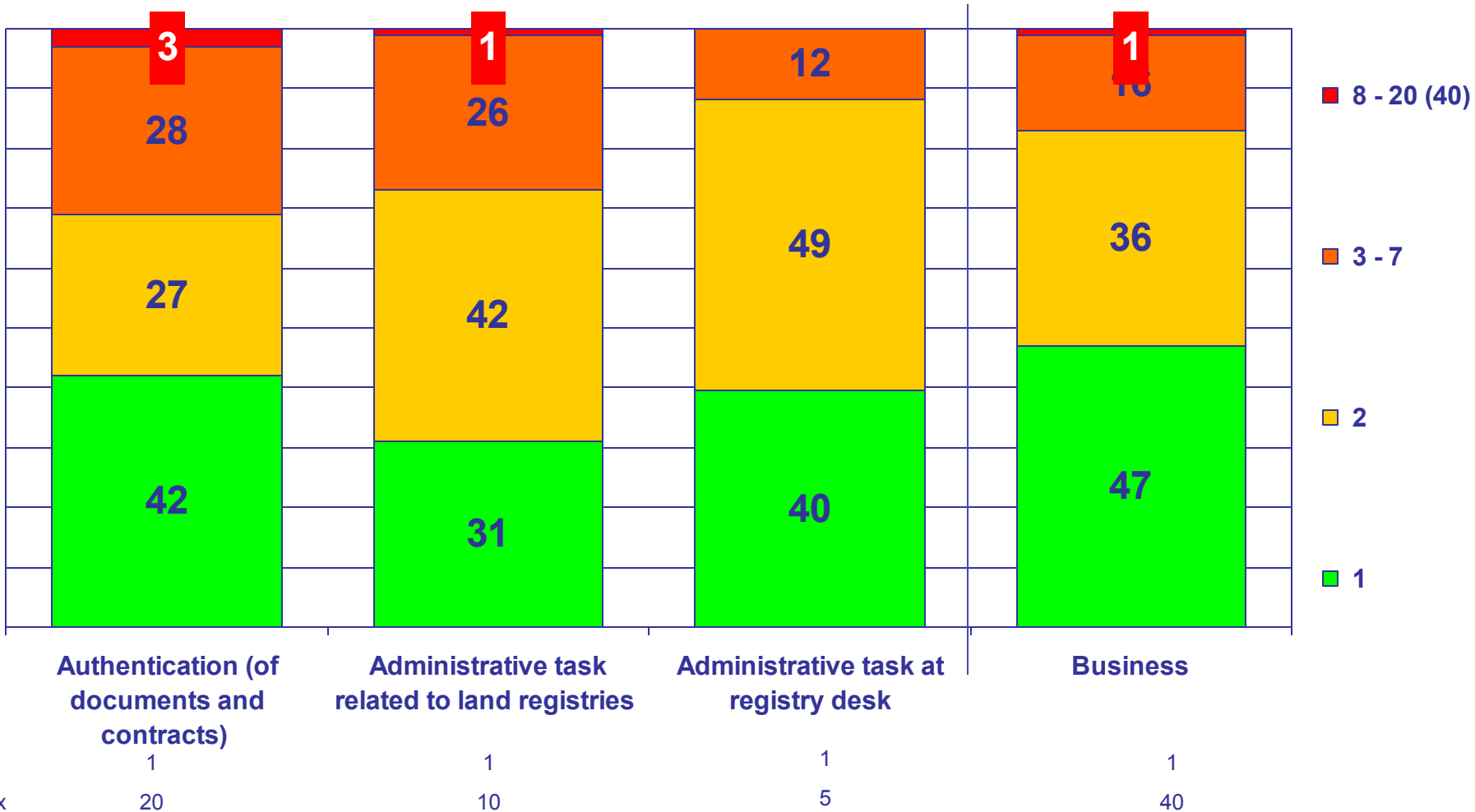
B. EVALUATIONS OF THE PERFORMANCE OF THE ADMINISTRATIVE SERVICES OF THE COURTS BEFORE THE REFORMS

B1. Efficiency

Most of the users had to visit court house more than once in order to finish administrative task

How many times did you have to go to the courthouse to complete the task?

Base: part of the population who reported data

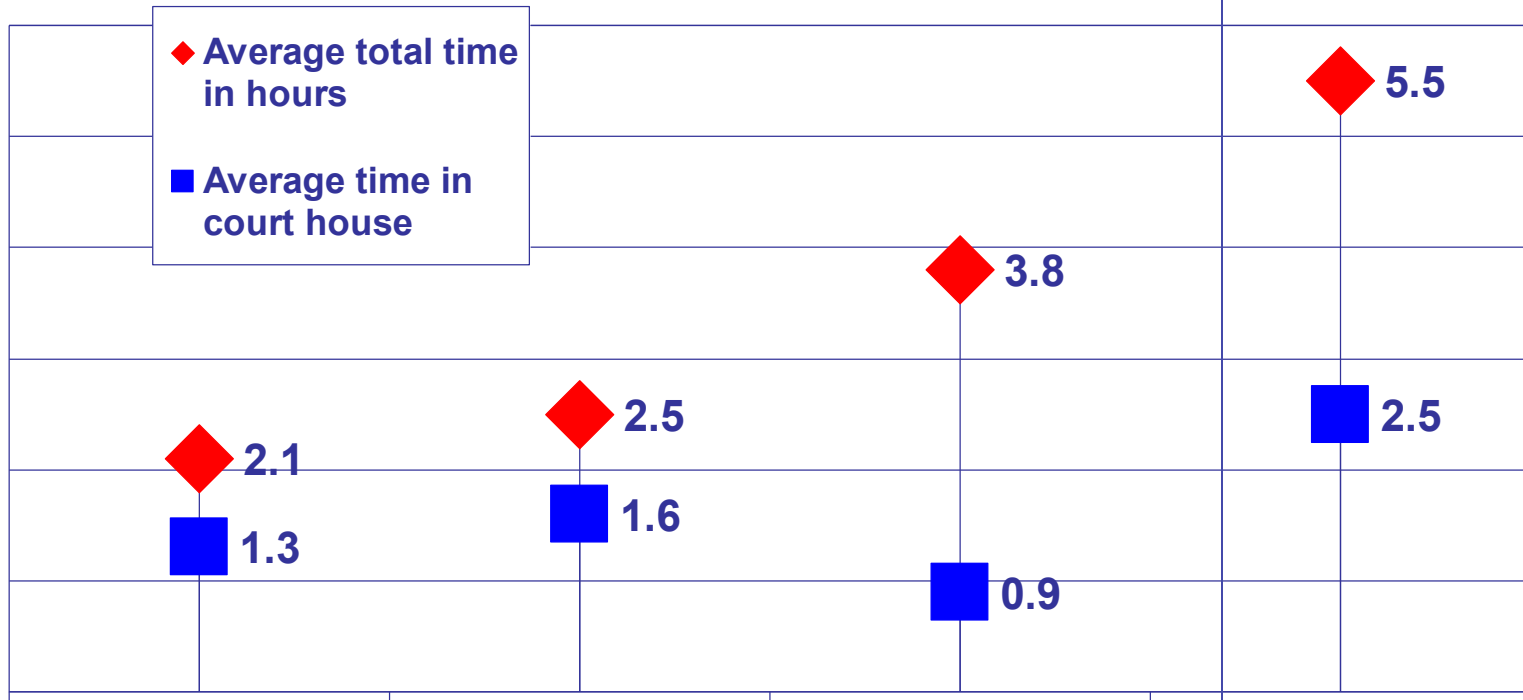


General population administrative task



Citizens spent, on average, slightly more than 1 hour and business sector 2.5 hours in the court house in order to finish the administrative task

Average time spent to complete the administrative task in hours/ average working hours for business sector and average time in court house (h)/ number of visits to court house



Authentication (of documents and contracts)

Administrative task related to land registries

Administrative task at registry desk

Business

Median (total) 1,3h
Median (in court house) 1h

1,5h
1h

1h
1h

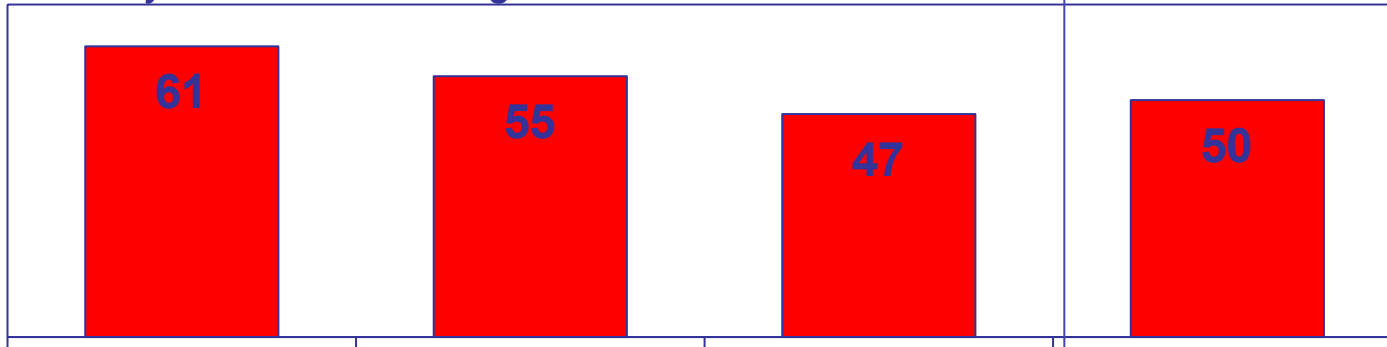
2h
1h

General population administrative task



A substantial part of users evaluated that their task could have been completed in shorter time

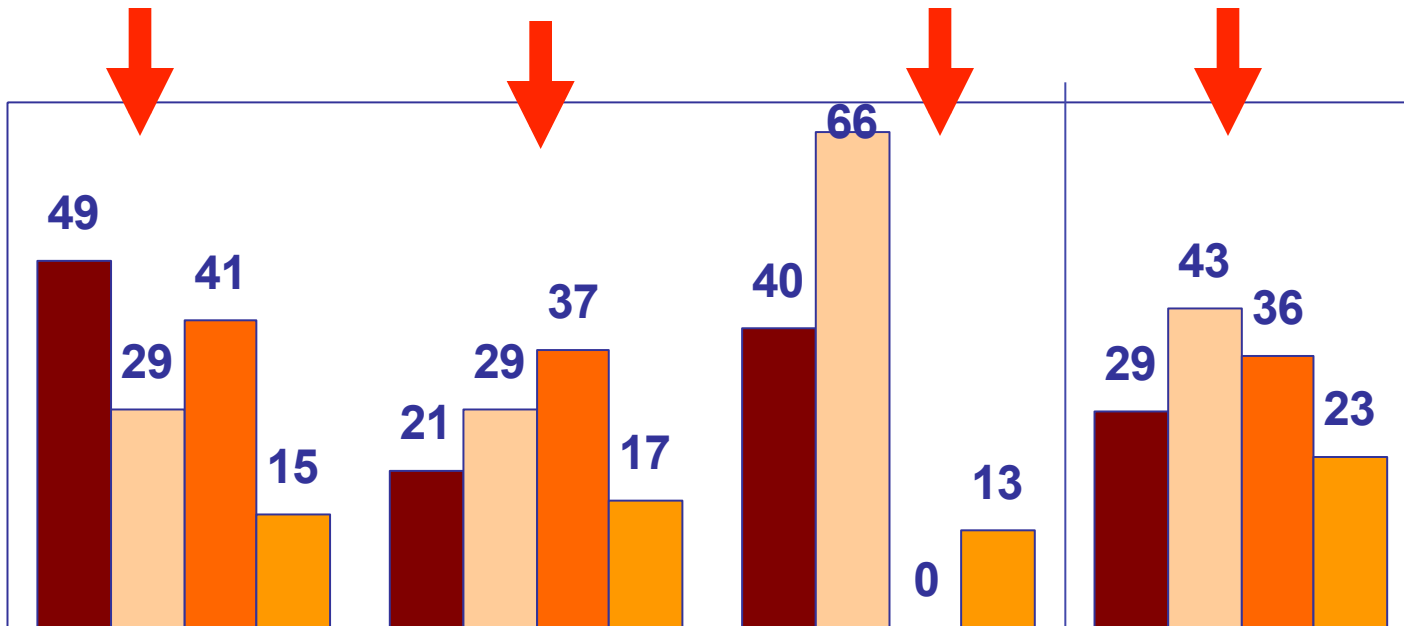
Users estimate if the task could be completed in the shorter time and perceived reasons why the task took longer



■ Could have been completed in shorter time

Authentication (of documents and contracts) Administrative task related to land registries Administrative task at registry desk Business

What were the reasons why this task took longer time?



■ Staff is slow because it is indolent

■ The procedure is complicated

■ Insufficient number of service counters/staff

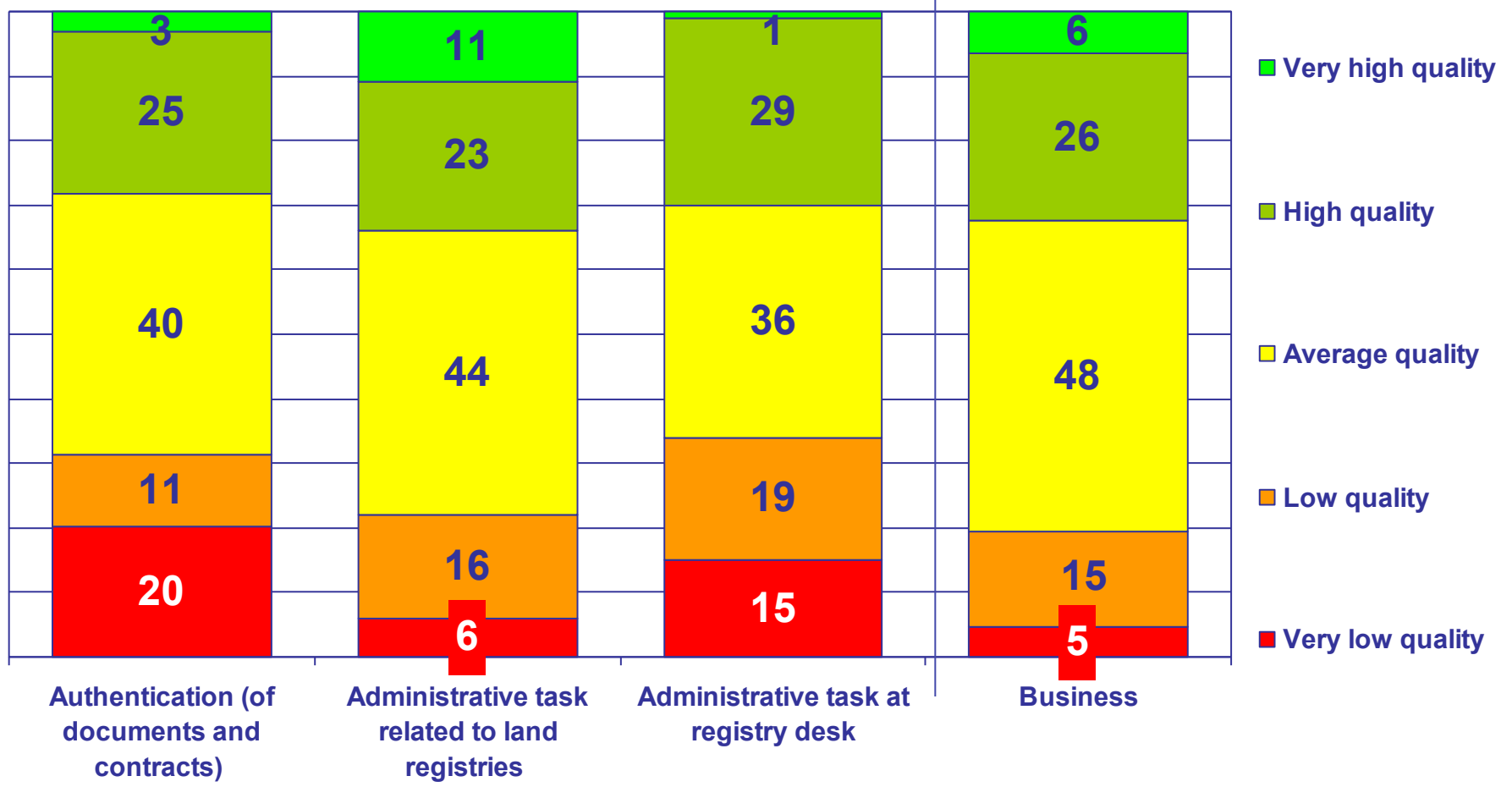
■ Staff is slow because it is not trained well

B2. Quality of service



1/3 of population who completed task of authentication and 1/3 of those who completed task at registry desk evaluated quality of administration as low or very low

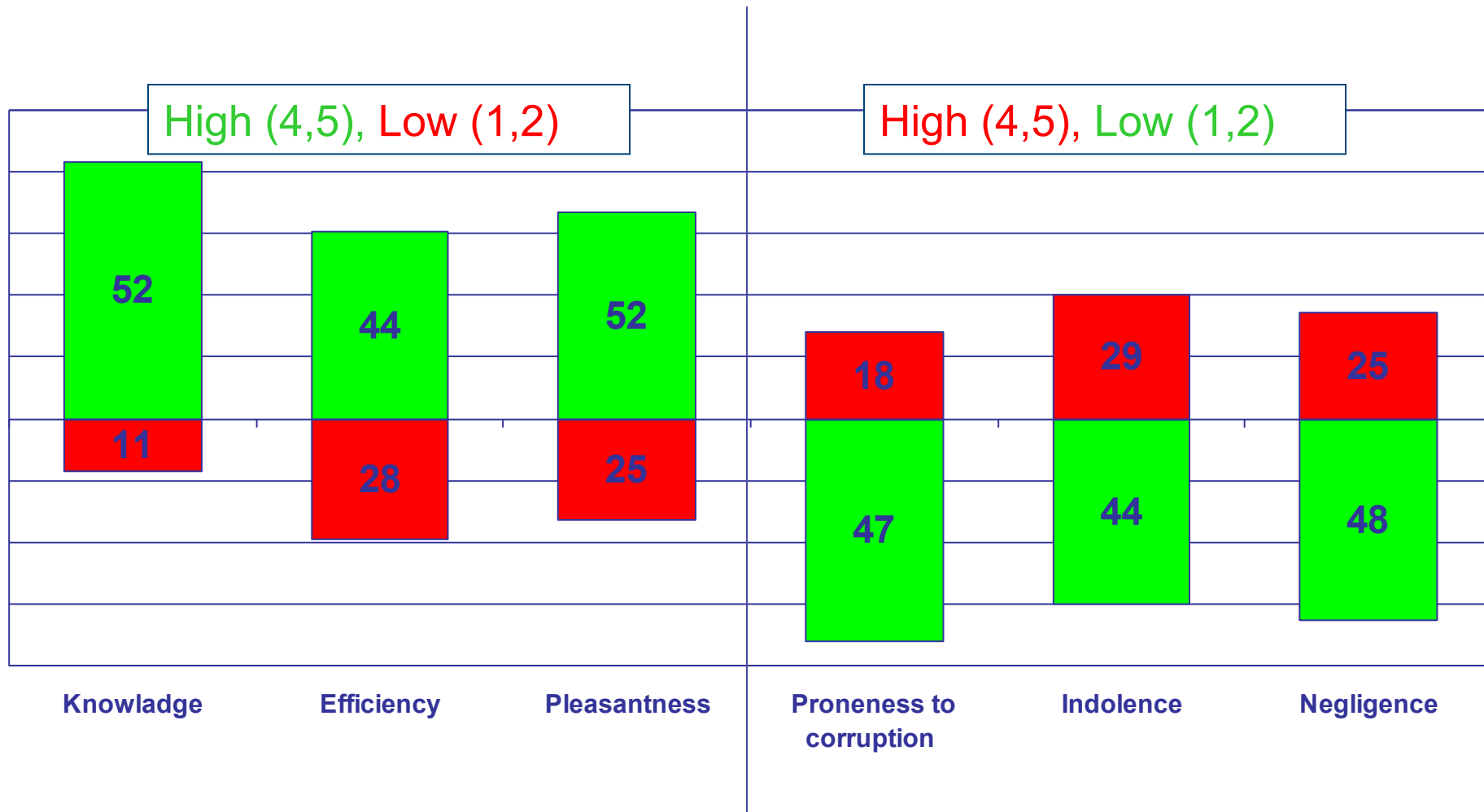
General impression of the quality of work of the judiciary administration in that specific case



General population administrative task

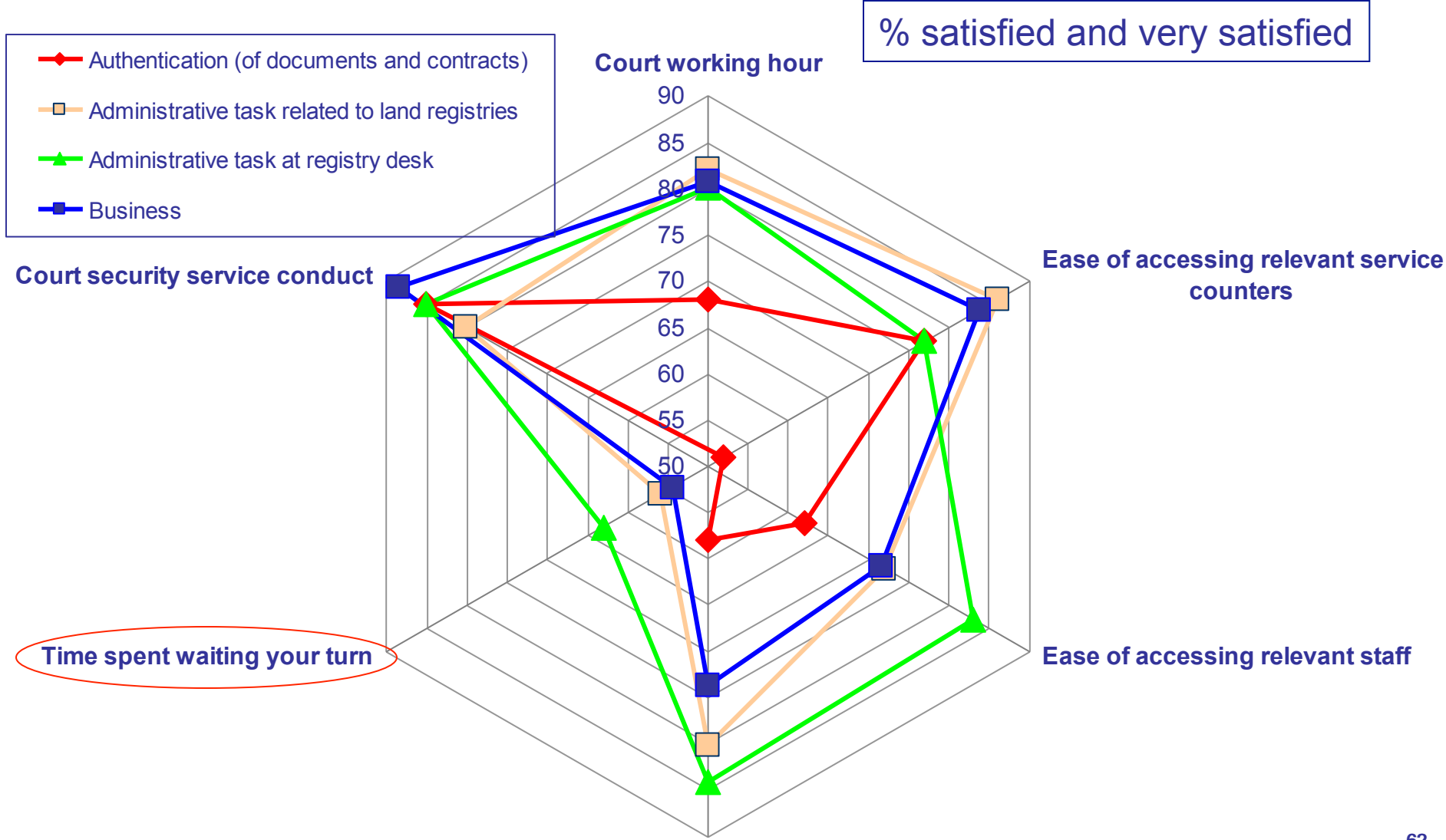
Quite a substantial part of the users evaluated the administrative staff as inefficient, unpleasant, indolent, and negligent, and as high as 18% as prone to corruption

GENERAL POPULATION: Please rate the staff in the court administrative services with respect to the following features (scale 1= very low level to 5=very high level)



Time spent waiting was the least satisfying aspect of completing the administrative tasks.

Rates of the satisfaction with defined aspects of the administrative service with respect to experience with the last administrative case before January 2010.



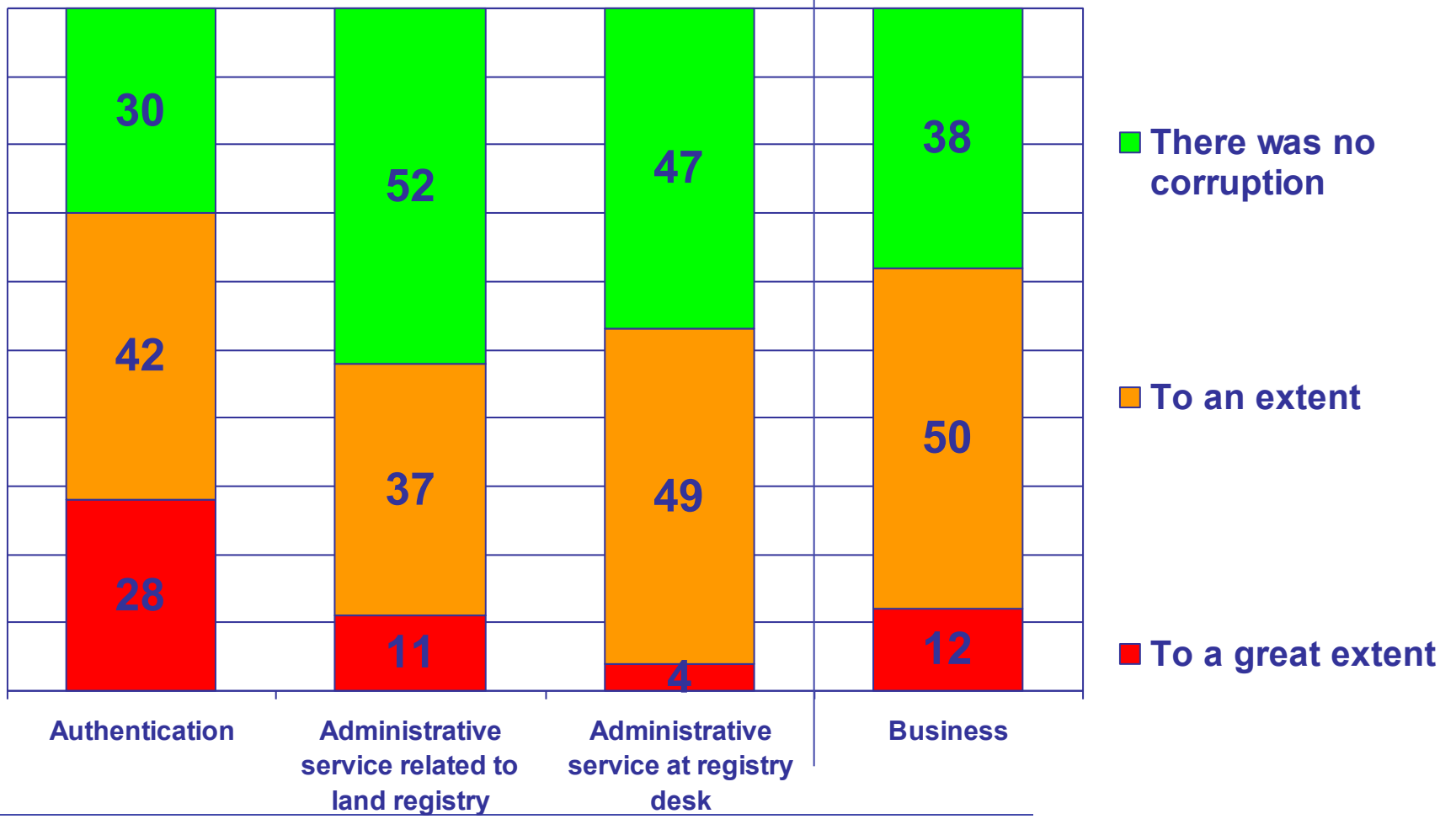
B4. Integrity



Most of the users of the administrative court services agreed that corruption in court administrative services is present, especially in the service of Authentication (of documents and contracts)

Was there corruption in court administrative services?

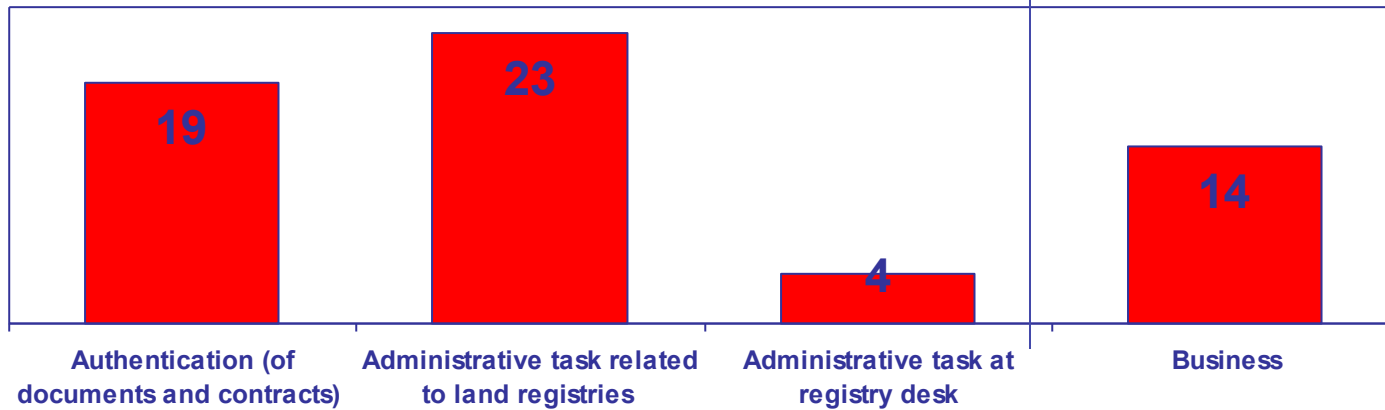
Base: part of the population who reported data (missing/don't know dropped; base: 73% of general population and 73% business)



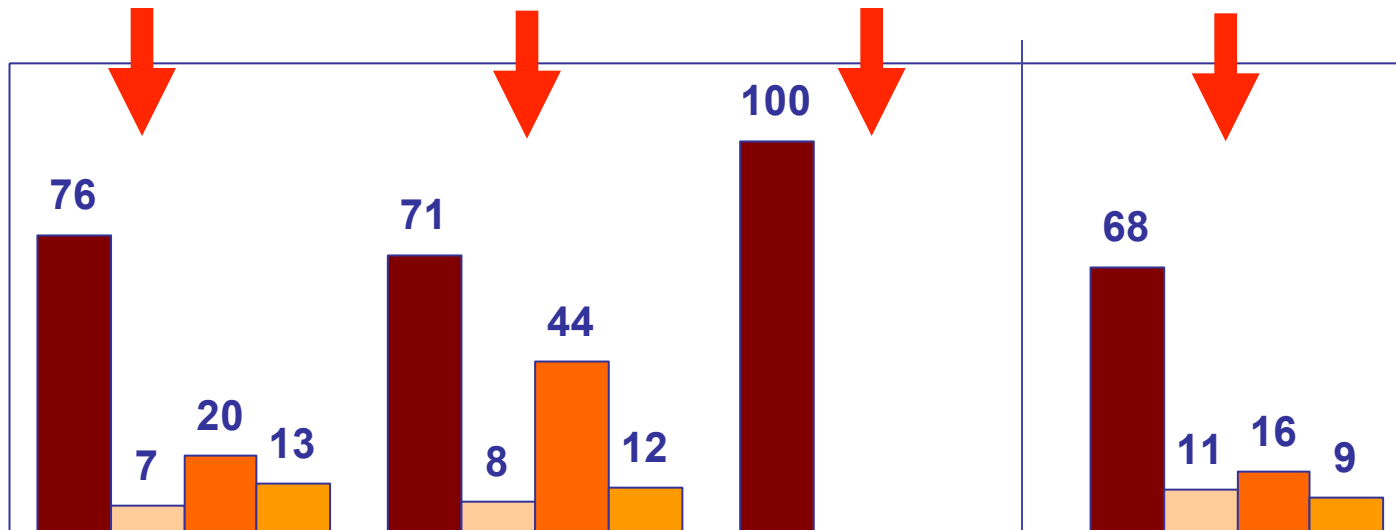


In 19% of tasks of authentication and 23% of administrative tasks related to land registry some sort of informal means were used, usually pulling strings

Did you ever find yourself in circumstances in which you resorted to informal means to have your case adjudicated more efficiently? What did you do?



■ Yes, I resorted to informal means



What did you do?

■ I pulled strings (with an employee, exerted political influence)

■ I made an additional payment

■ I gave a gift

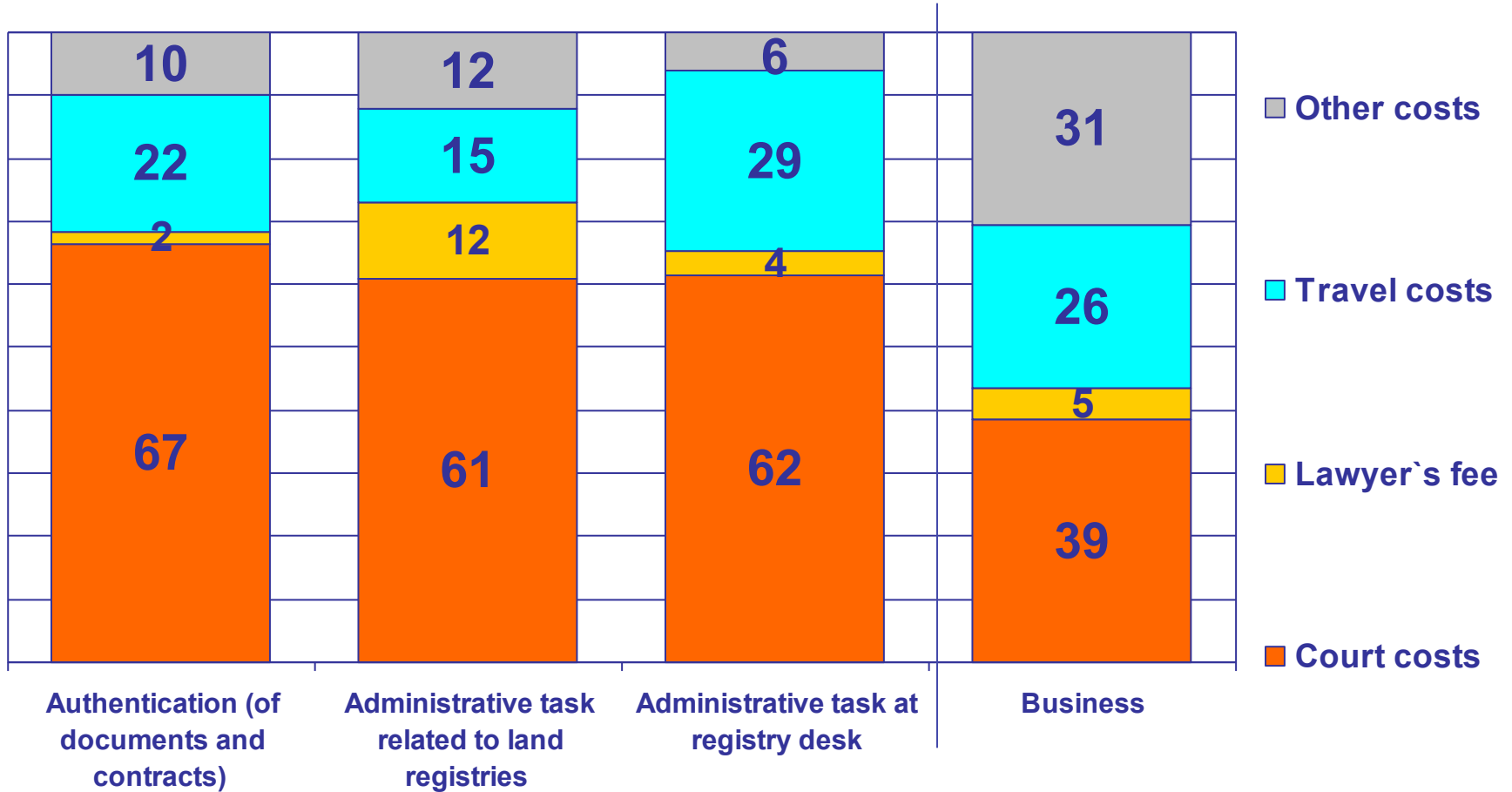
■ I rendered a "service in return"

B5. Cost effectiveness

More than 60% of the citizens' total expenditure for completion of administrative task were court costs

Base: part of the population who reported data (missing/don't know dropped; base: 87% of general population)

Cost break

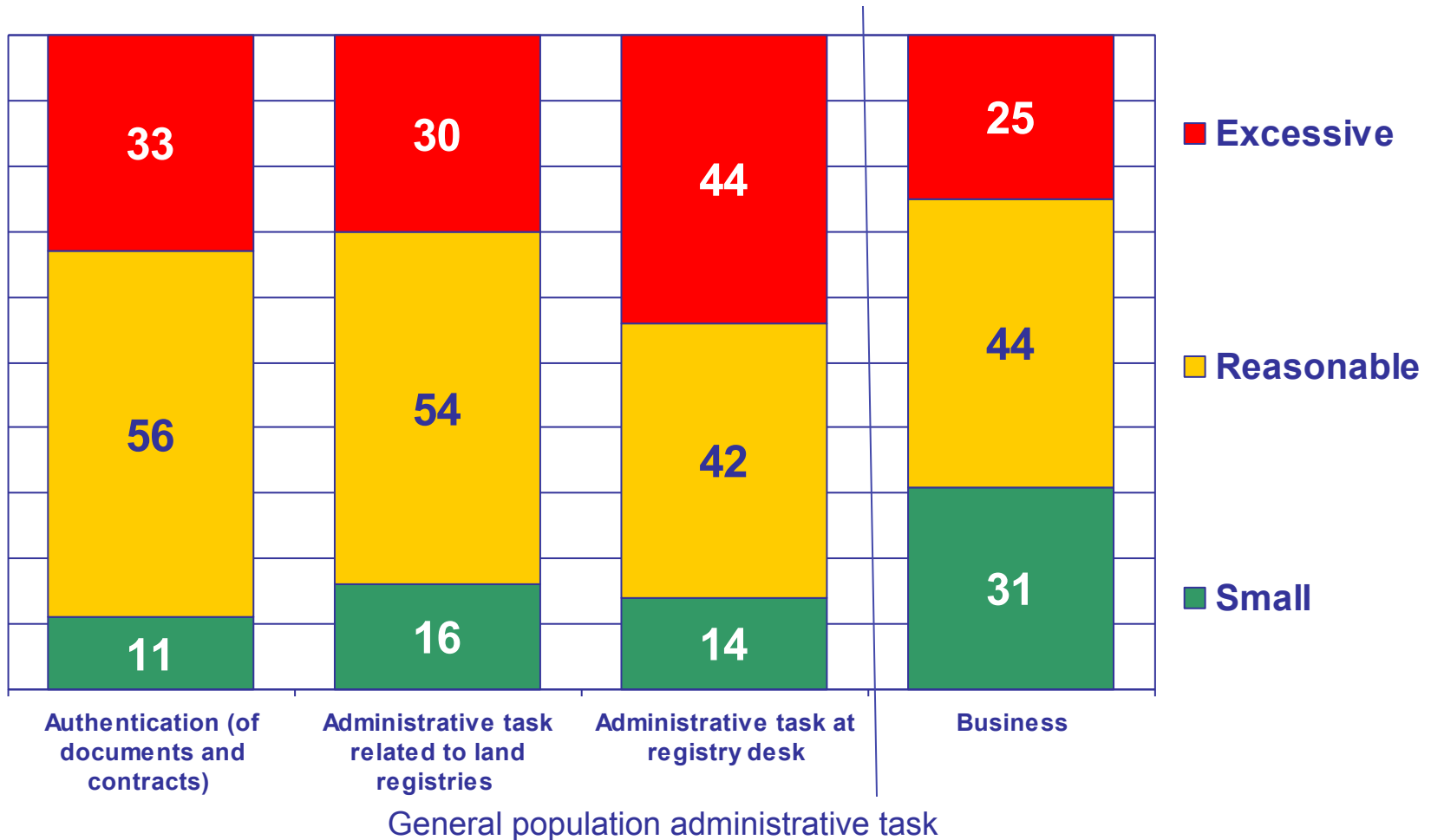


General population administrative task

Quite a substantial part of the users evaluated the costs of the administrative tasks as excessive

Base: part of the population who reported data (missing/don't know dropped; base: 88% of general population)

Do you think the OVERALL costs were small, "reasonable" or excessive given the quality of the administrative services you were provided?

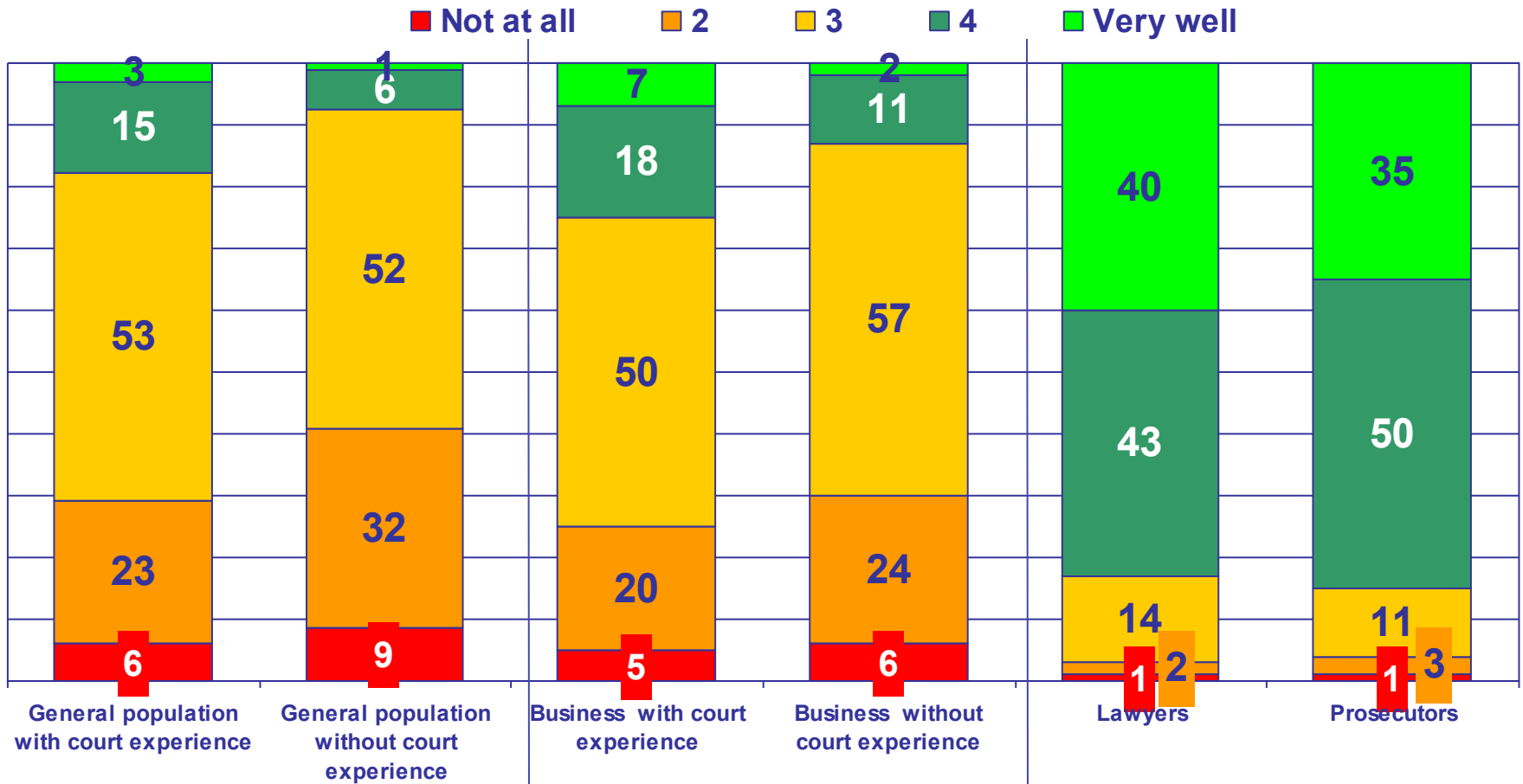


C. ATTITUDES TOWARDS THE REFORMS OF THE JUDICIARY SYSTEM IN SERBIA

Most of the citizens feel to be fairly informed (grade 3) about the judicial system reforms

How well informed are you about the judicial system reform launched on 1 January 2010?

Base: part of the population who reported data (missing/don't know dropped; base: 87% and 92% of business with respect, 70% of lawyers, 70% of prosecutors)

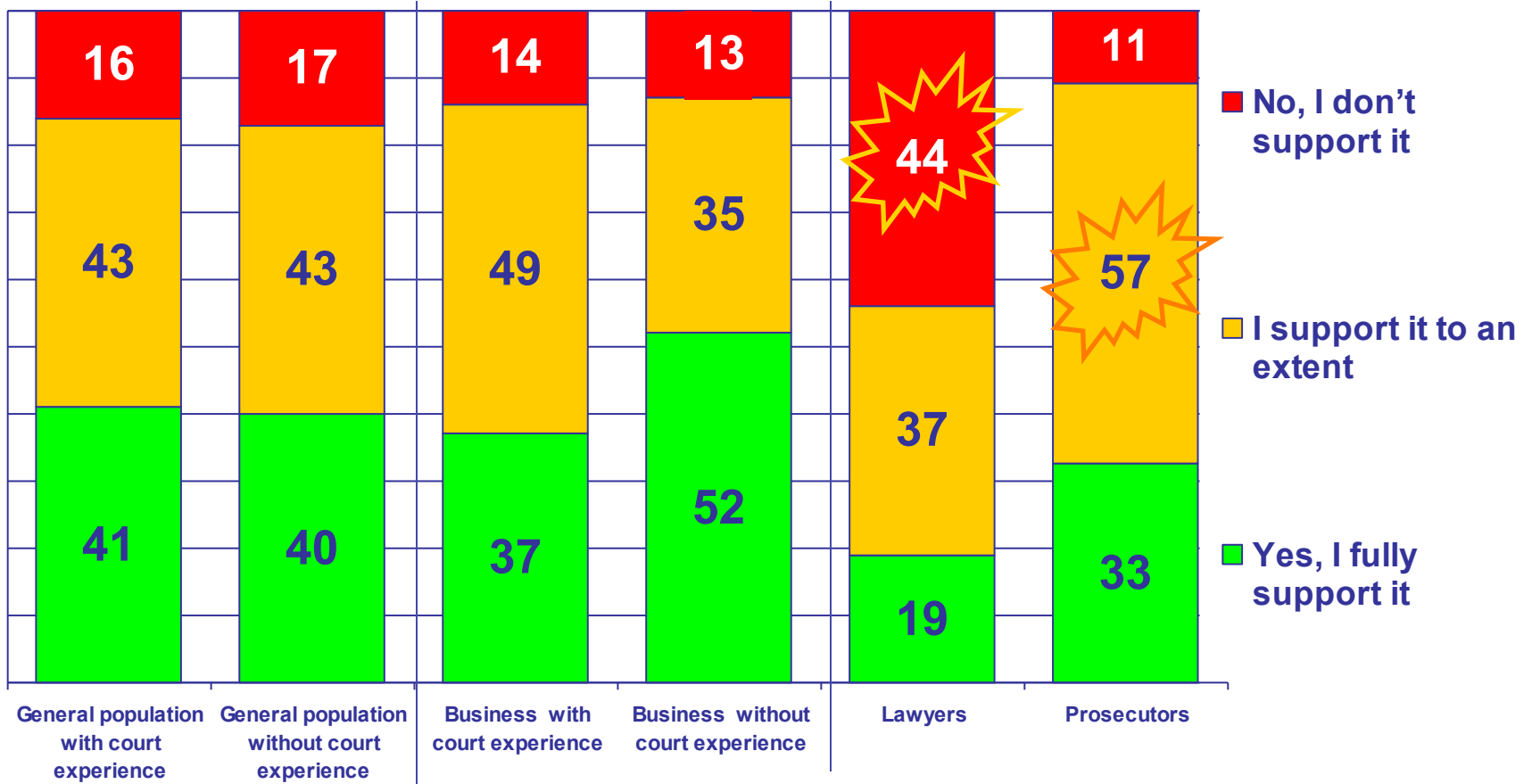




Only one third of the prosecutors, and hardly every fifth lawyer fully support the reform

Do you support the current judicial reform in general or not?

Base: part of the population who reported data (missing/don't know dropped; base: 85 and 82%, of general population and 84% and 76% of business with respect, 92% of prosecutors)



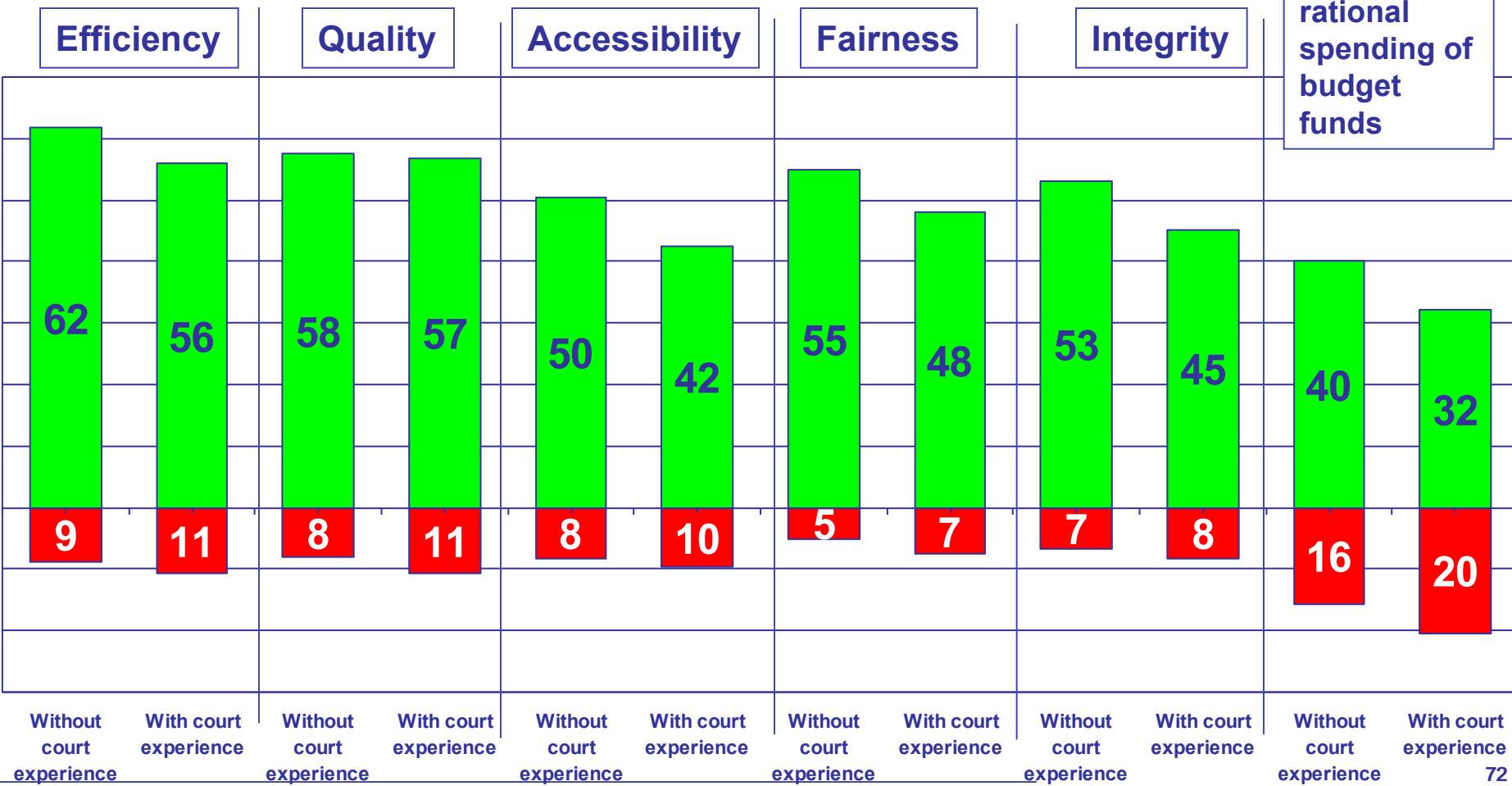


Most people expect that judicial system will be improved in most of its dimensions, with exception of more rational spending of the budget funds.

To what extent will the judicial system reform launched on 1 January 2010 improve the following dimensions of the judicial system?

Population

■ Improve ■ Worsen

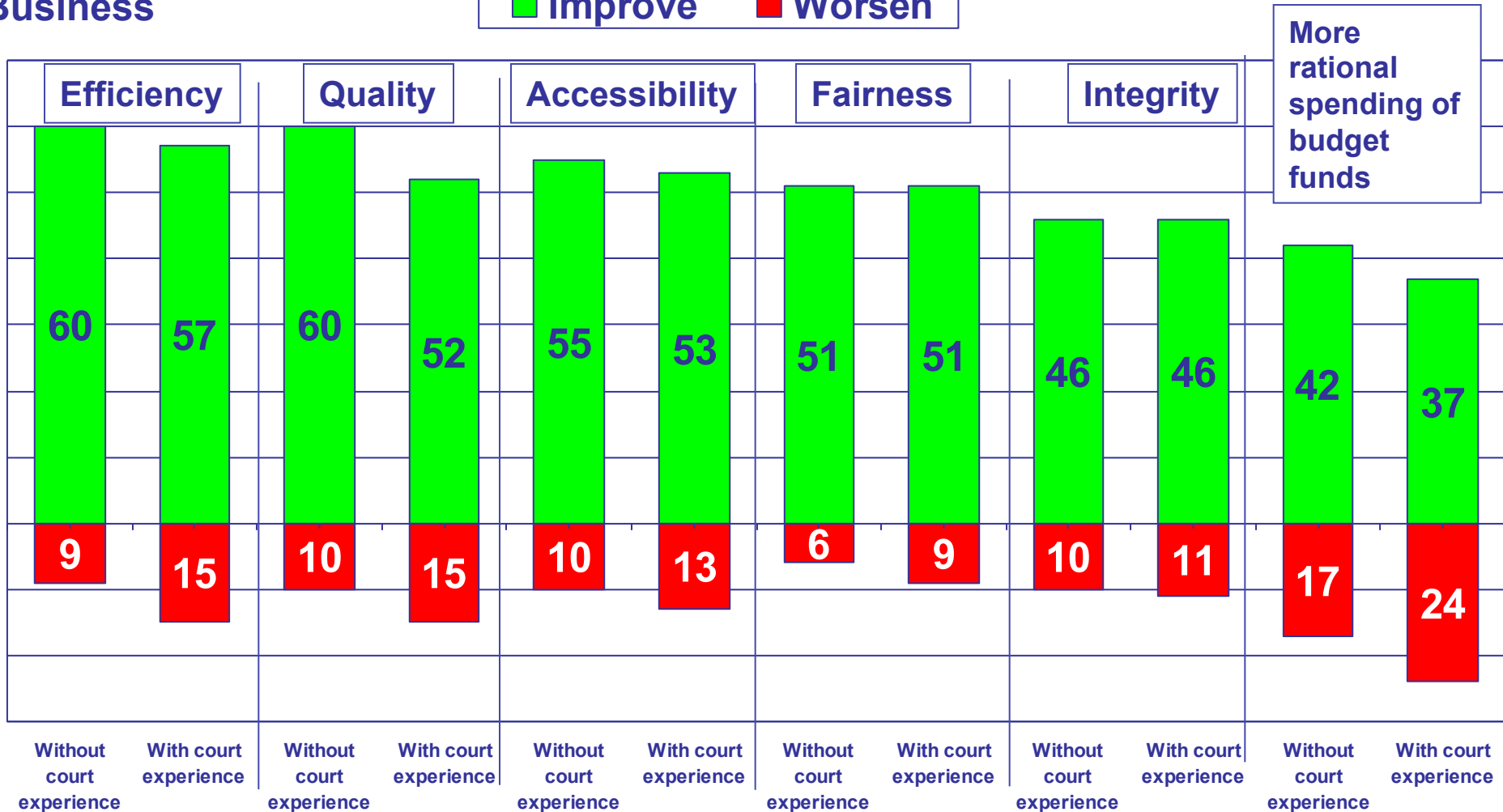


Most of the business sector expect positive changes in judiciary system, with exception of integrity and more rational spending of budget funds

To what extent will the judicial system reform launched on 1 January 2010 improve the following dimensions of the judiciary system?

Business

■ Improve ■ Worsen

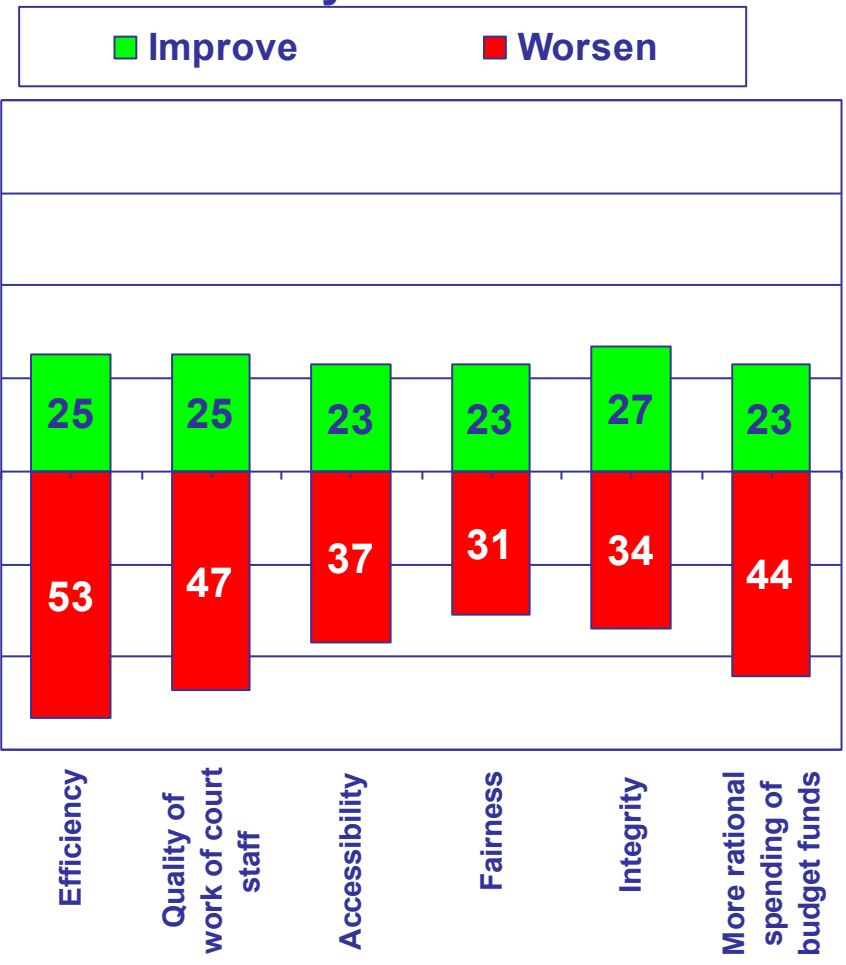




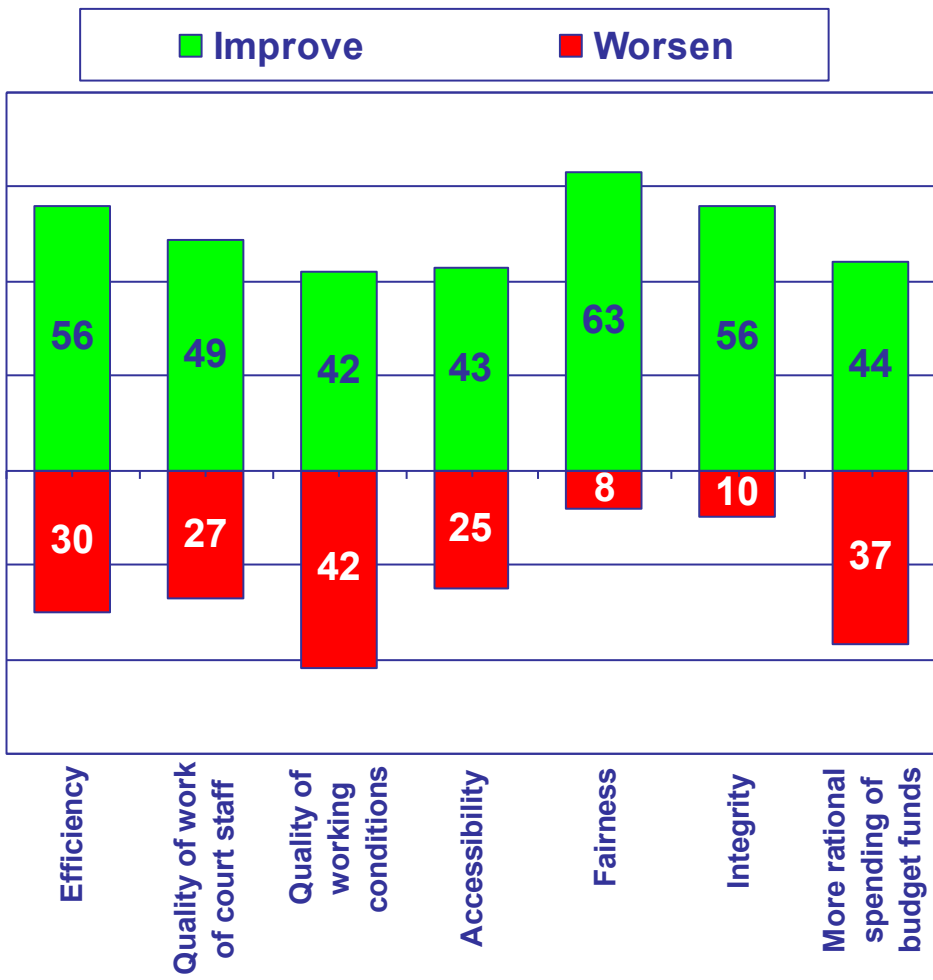
Half of lawyers expect that due to reforms the judicial system will be even less efficient

To what extent will the judicial system reform launched on 1 January 2010 improve the following dimensions of the judicial system?

Lawyers



Prosecutors





Most of the prosecutors think that current number of judges is too small given all other changes introduced by the reforms

Prosecutors: *Given all the other changes introduced by the reforms as a whole, is the current number of judges too small, sufficient or could it have been even smaller in the context of the reforms as a whole?*

Base: part of the population who reported data (missing/don't know dropped; base: 92% of prosecutors)

