



NEW JUSTICE PROGRAM

2019 SURVEYS OF JUSTICE SECTOR PROFESSIONALS AND JURORS REGARDING THE JUSTICE SECTOR REFORM AND CAPACITY OF THE JUDICIARY IN UKRAINE TO PROMOTE THE RULE OF LAW AND COMBAT CORRUPTION

During February - May 2019 the USAID Nove Pravosuddya Justice Sector Reform Program (New Justice) conducted three surveys of justice sector personnel regarding the judicial independence and accountability, combatting corruption, administration of justice, access to justice and public trust and confidence in the judiciary.

These are three separate surveys for specific group of respondents including legal professionals participated in court proceedings, who are not court's employees (advocates and prosecutors), court staff (not judges) and jurors.

These surveys aim to support New Justice monitoring, evaluation and learning processes as well as to contribute to GOU monitoring of the implementation of Justice Sector Reform Strategy for 2015-2020 and Sustainable Development Strategy "Ukraine 2020." One of the initial hypotheses for these surveys is that the opinions of legal professionals and jurors regarding judicial independence, accountability, impartiality and efficiency reflect the actual status of affair in the judiciary and, thus, positive trends to the change in their opinion demonstrate justice sector reform success.

General information about the survey

Three surveys conducted nationwide in Ukraine except occupied Crimea and parts of Donetsk and Luhansk Oblast that are outside of Ukraine's government control. Survey of advocates and prosecutors engaged 400 respondents and was conducted by New Justice forth time since October 2016 (Program start). Survey of court staff is second New Justice program survey and engaged 1,029 respondents, Survey of jurors is first time ever survey of this group in Ukraine and had 407 respondents.

Key results

- Advocates and prosecutors became much more loyal to courts. 72% of respondents admitted that according to their experience of participating in court proceedings in the last 24 months judicial decisions were properly motivated and clear, and 60% of them think that judges adopted lawful and fair decisions. Similar values for previous New Justice survey of advocates and prosecutors conducted in September 2018 were 59% and 53% accordingly.

- Advocates and prosecutors became less positive about several key provisions of judicial reform. 63% of them in February 2019 against 68% in September 2018 believe that the narrowing the scope of judicial immunity to functional leads to better situation in Ukrainian judiciary; 57% of them (against 64% in September 2018) think so in regard to reversion to a three-tier court system; 58% against 64% in September 2018 believe in progress with establishment of new Supreme Court instead of Supreme Court of Ukraine.
- Advocates and prosecutors increased their trust in courts where they represent parties (56% against 47% in September 2018), judiciary in general (44% against 41% in September 2018), SBU (33% against 28% in September 2018) and NABU (32% against 28% in September 2018).
- 63% of advocates and prosecutors admit the responsibility to report corruption cases in judiciary to NABU, however only 15% of them are ready to do it by themselves. In September 2018 these results were 57% and 13% accordingly.
- Same as advocates and prosecutors, court staff increased their trust in the judiciary and other government branches. 82% in 2019 against 60% in November 2017 (less than year and half ago) admitted that they trust courts where they work and 72% against 59% in November 2017 trust judiciary in general.
- Surveyed jurors demonstrate full sympathy to courts and satisfaction with court performance: over 90% of them admit that judicial decisions are properly motivated, clear, lawful and fair, case adjudication in courts is done within the reasonable time and there are no signs that judges act under pressure or influence of third party.
- Court staff similarly to jurors perceive very positively courts they work for and criticism is very rare.
- Only 11% of surveyed jurors and even less – 9% - of surveyed court staff are ready to report to NABU known corruption cases.

Key conclusions

- The situation in Ukrainian courts slightly improves over the last year, e.g. courts on the ground continue to become more “user oriented” which anyhow leads by better user perception of courts.
- The situation with reporting corruption stagnates, we do not see any progress in these regards and we also do not see any regress. It indicates lack of progress in terms of anti-corruption policy implementation regarding whistleblowers protection and further drastically emphasizes the importance of newly created High Anti-Corruption Court.