



NEW JUSTICE PROGRAM

SURVEYS REGARDING TRUST IN THE JUDICIARY, JUDICIAL INDEPENDENCE AND ACCOUNTABILITY, PERCEPTION OF AND REPORTING CORRUPTION

Survey of general population
and legal professionals participating in court proceedings who are not judges or court staff

2021

USAID Nove Pravosuddya Justice Sector Reform Program (New Justice)

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— OVERVIEW



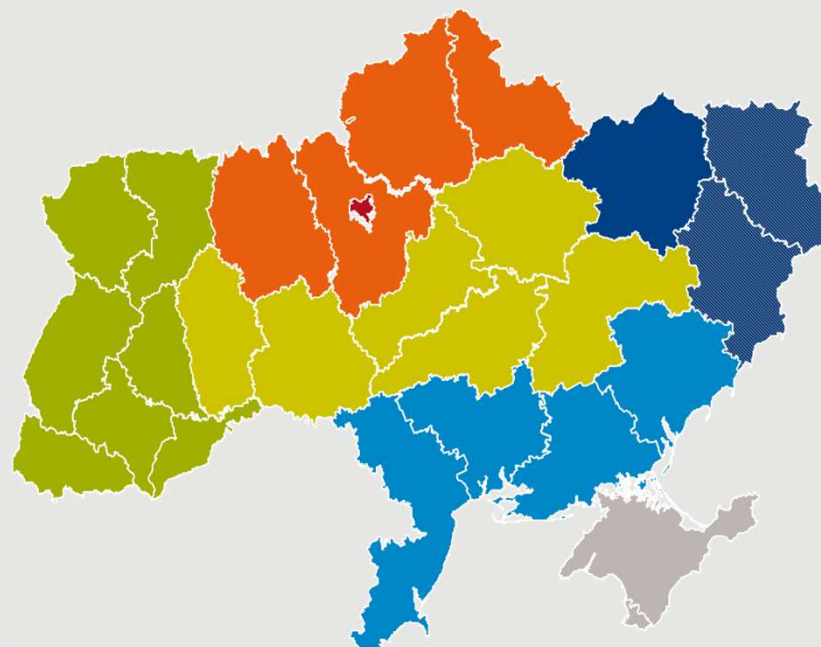
OVERVIEW (1/2)

	Population	Legal Professionals
Sample	<ul style="list-style-type: none"> • 2020 respondents • adult population >18 y.o. • corresponds to Ukraine's demographic data according to State Statistics as of 1/01/2019. 	<ul style="list-style-type: none"> • 637 respondents • stratified by type of court cases and the role of an attorney (defense lawyers, civic lawyers, prosecutors) • based on SJA 2019 annual statistics
Method	<ul style="list-style-type: none"> • Computer Assisted Telephone Interviewing (CATI) • Random sample of mobile phone numbers 	<ul style="list-style-type: none"> • Computer Assisted Web Interviewing (CAWI) • Random messages to advocates and prosecutors email addresses published in open sources
Coverage	all regions of Ukraine except the occupied territories	
Duration	<ul style="list-style-type: none"> • Feb 25 - March 19, 2021 	<ul style="list-style-type: none"> • Feb 24 – Mar 31, 2021
Data analysis	<ul style="list-style-type: none"> • Totals all country • By macro-regions where difference is significant • Comparing to the previous survey 	<ul style="list-style-type: none"> • Totals • By role: advocates vs prosecutors • Comparing previous survey
Trend analysis	➡ positive trend (>3% better than previous survey)	➡ negative trend (>3% worse than previous survey)

OVERVIEW (2/2): Regions

Macro-regions composition:

- ✓ **West:** Volynska, Zakarpatska, Ivano-Frankivska, Lvivska, Rivnenska, Ternopilska, Chernivetska
- ✓ **North:** Zhytomyrska, Kyivska, Sumska, Chernihivska
- ✓ **Kyiv City**
- ✓ **Center:** Vinnytska, Dnipropetrovska, Kirovohradska, Poltavska, Khmelnytska, Cherkaska
- ✓ **South:** Zaporizska, Mykolaivska, Odeska, Khersonska
- ✓ **East:** Kharkivska, Donetsk and Luhanska (areas controlled by the Ukrainian government)



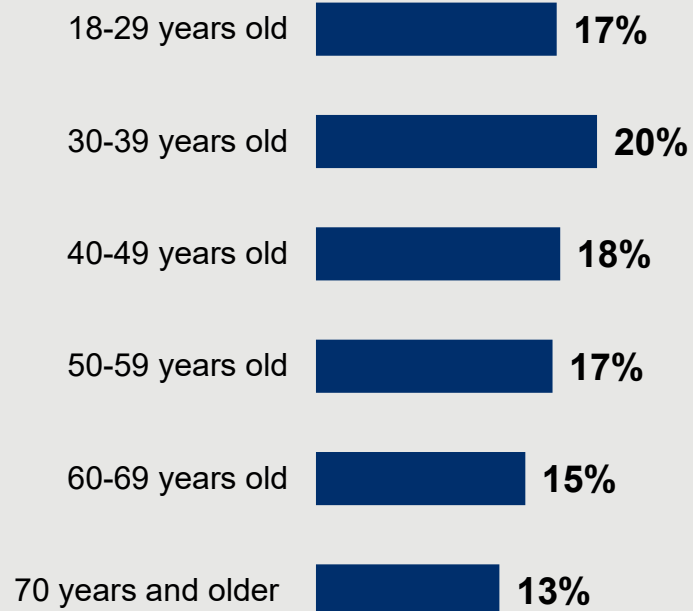
Population: Total (n=2020), North (n=272), West (n=478), Center (n=512), South (n=331), East (n=272), Kyiv City (n=156)
Legal Professionals: Total (n=637), Advocates (n=558), Prosecutors (n=63), Others (n=16)

— RESPONDENT PROFILES

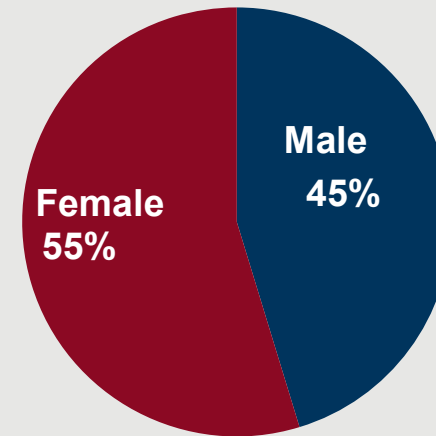


PROFILE OF RESPONDENT: GENERAL POPULATION

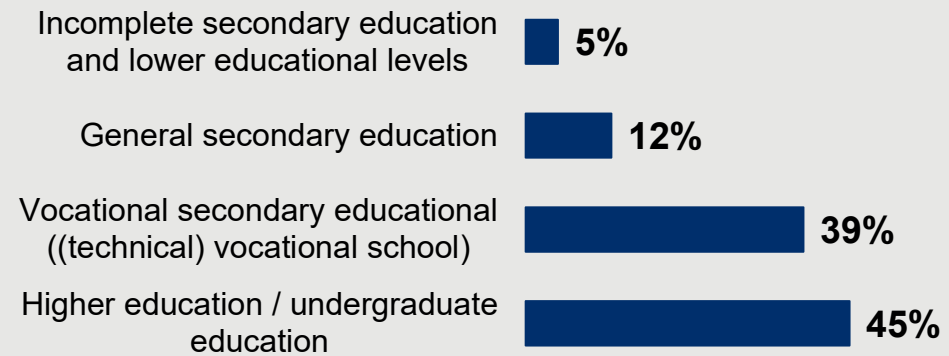
AGE



SEX

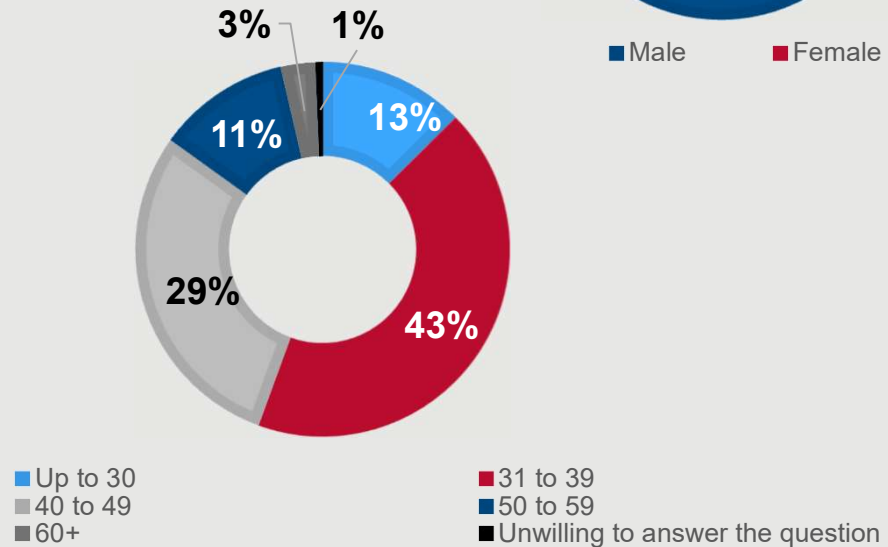
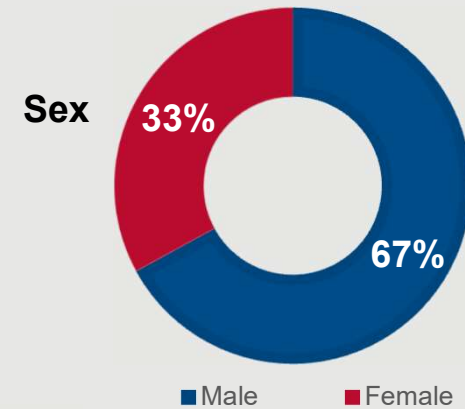
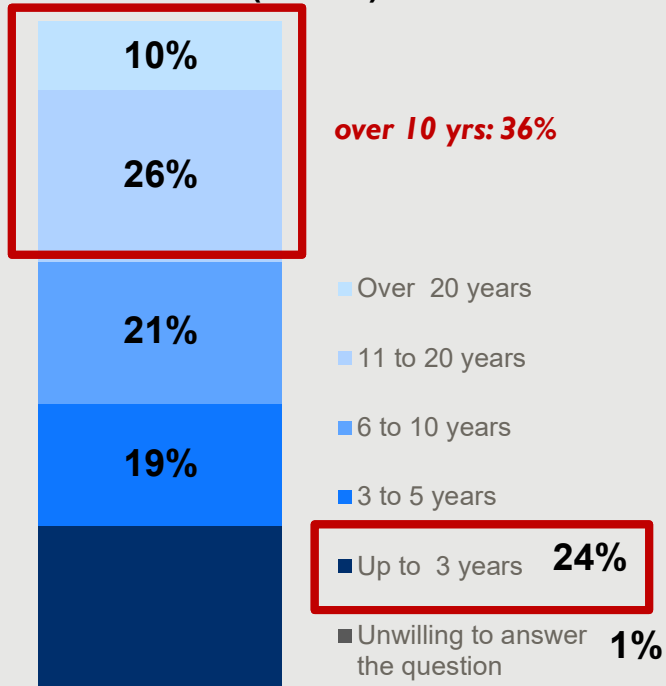


EDUCATION



PROFILE OF RESPONDENT: LEGAL PROFESSIONALS

For how long have been working in the prosecutor/advocate capacity?
(n=637)



— TRUST TO THE VARIOUS BRANCHES OF POWER AND
SELECTED SOCIAL INSTITUTES



PUBLIC

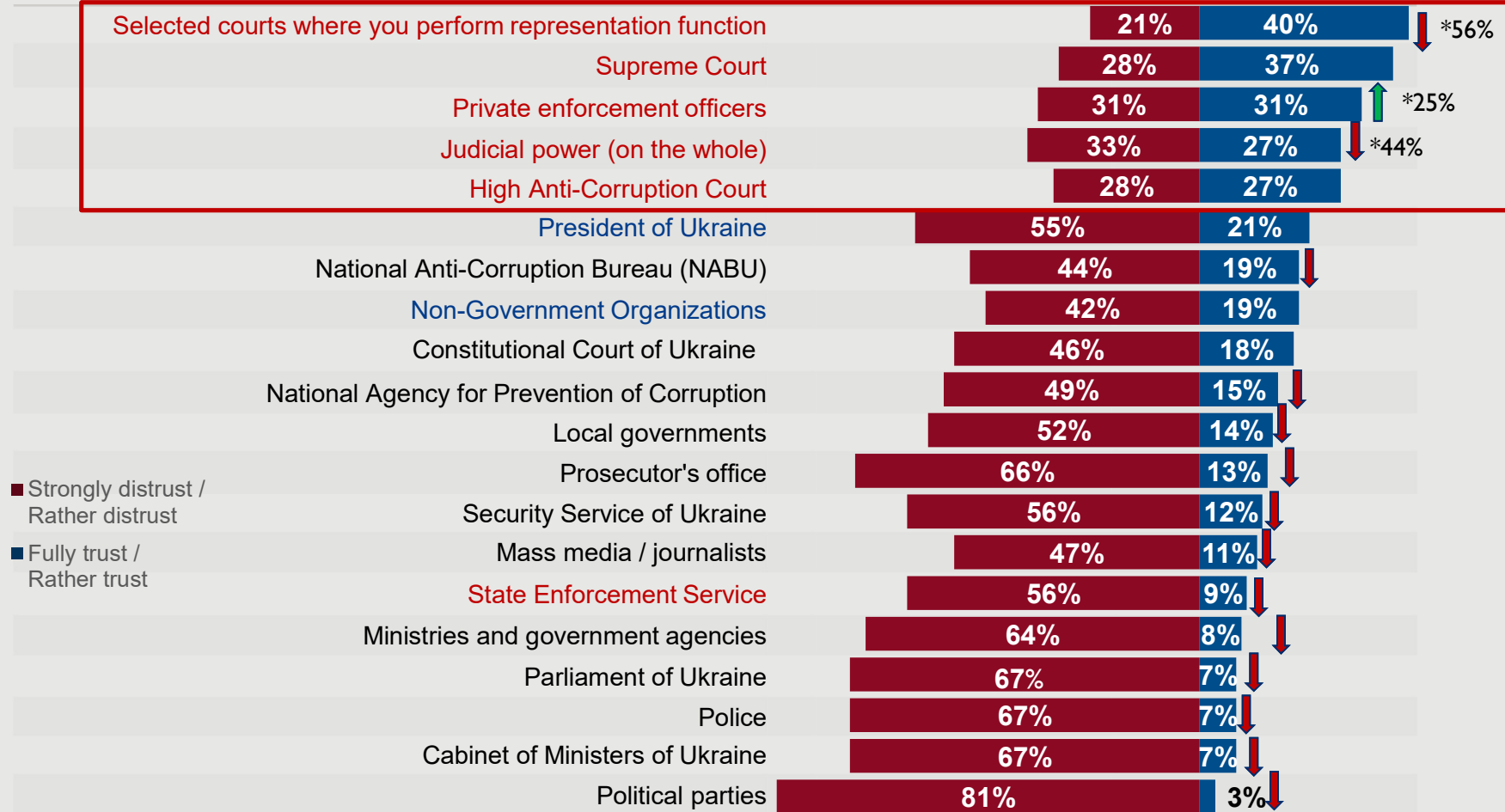
HOW MUCH DO YOU TRUST:

Base: total (n=2020)



* Here and after: previous survey figure on selected data

LEGAL PROFESSIONALS HOW MUCH DO YOU TRUST:



TRUST IN THE JUDICIARY SIX YEARS TREND

	2015		2016		2017		2018		2019		2021	
Public	5%	79%	10%	69%	12%	65%	16%	59%	17%**	56%**	10%	59%
Court users	16%	66%	13%	67%	28%	50%	34%	39%	n/a	n/a	35%***	35%***
Legal Professionals	n/a	n/a	n/a	n/a	38%	18%	41%	16%	44%	16%	27%	36%
					40%***	21%***						

Critical downside in 2015, overall positive trend from 2015 to 2019. Significant fall in 2019-2021.

Key factors for fall

- Poor performance of courts and national judicial institutions
- Shortage of HR and funding in judiciary, COVID-19 causes delays
- Low public awareness
- Fall of trust in all branches

Footnotes on this slide:

** 2019 public survey – New Justice partner CSO

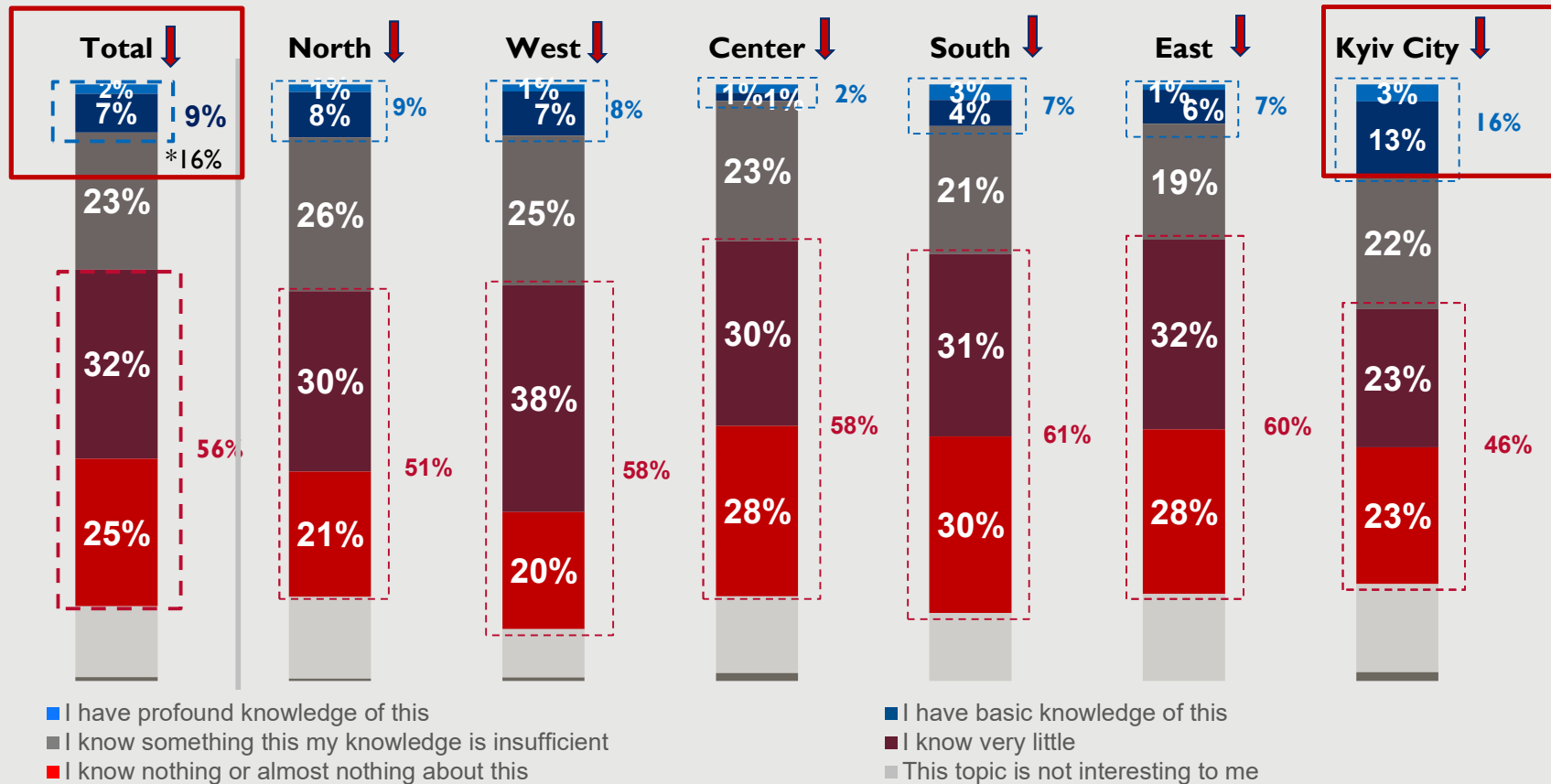
*** trust in particular courts where respondent had experience of litigations

— GENERAL PUBLIC PERCEPTION
OF THE JUDICIAL REFORM
AND CURRENT SITUATION IN THE UKRAINIAN JUDICIARY



PUBLIC AWARENESS OF THE JUDICIAL REFORM (1 of 2)

TO WHAT DEGREE DO YOU CONSIDER YOURSELF TO BE AWARE OF THE JUDICIAL REFORM IMPLEMENTATION PROGRESS; ITS COMPONENTS, ACHIEVEMENT, AND FAILURES?



PUBLIC AWARENESS OF THE JUDICIAL REFORM (2 of 2)

AS FAR AS SELECTED ASPECTS OF THE JUDICIAL REFORM ARE CONCERNED, TO WHAT DEGREE DO YOU DEEM YOURSELF TO BE AWARE OF THE FOLLOWING:



■ I have profound knowledge of this / I have basic knowledge of this

15

Base: total (n=2020)

PUBLIC PERCEPTION OF THE JUDICIARY (1 of 2)

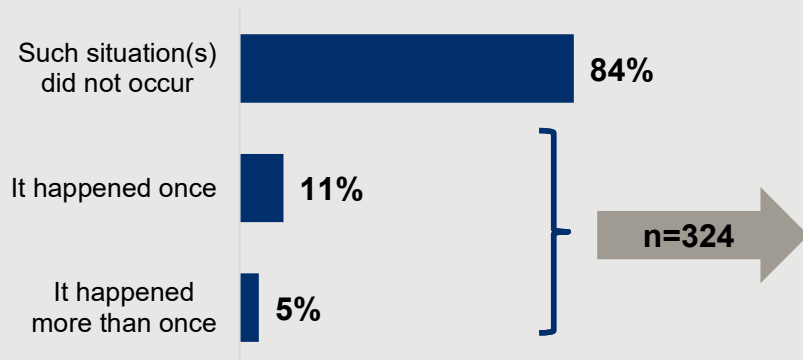
TO WHAT DEGREE DO YOU AGREE OR DISAGREE WITH THE FOLLOWING STATEMENTS?

■ Fully agree / Rather agree than disagree



PUBLIC PERCEPTION OF THE JUDICIARY (2 of 2)

DID SITUATIONS OCCUR DURING THE LAST 24 MONTHS WHERE CIRCUMSTANCES DEMANDED OR ENVISAGED THAT YOU SHOULD REFER TO THE COURT (FOR EXAMPLE, YOUR INDIVIDUAL RIGHTS WERE VIOLATED; CERTAIN INDIVIDUALS OR ORGANIZATIONS INFLICTED DAMAGES TO YOU ETC.) BUT YOU REFRAINED FROM DOING SO?



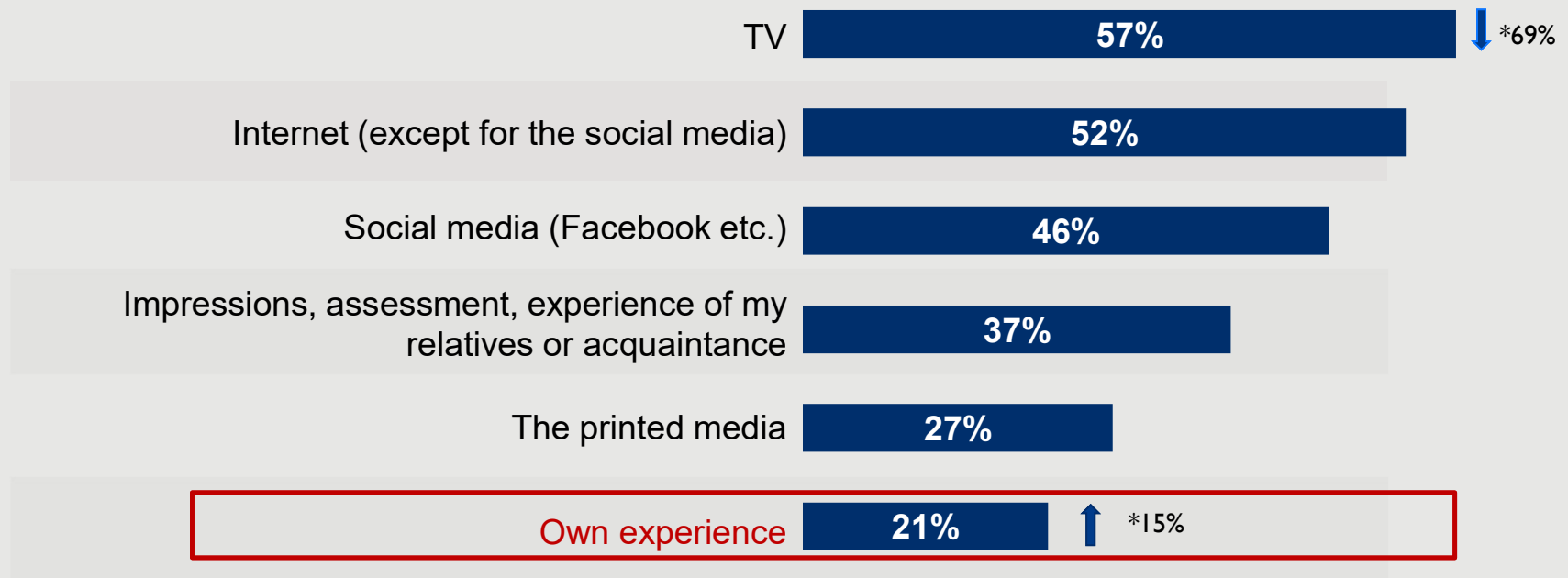
Base: total (n=2020)

IF IT DID HAPPEN THEN WHAT KEPT YOU FROM REFERRING TO THE COURT?



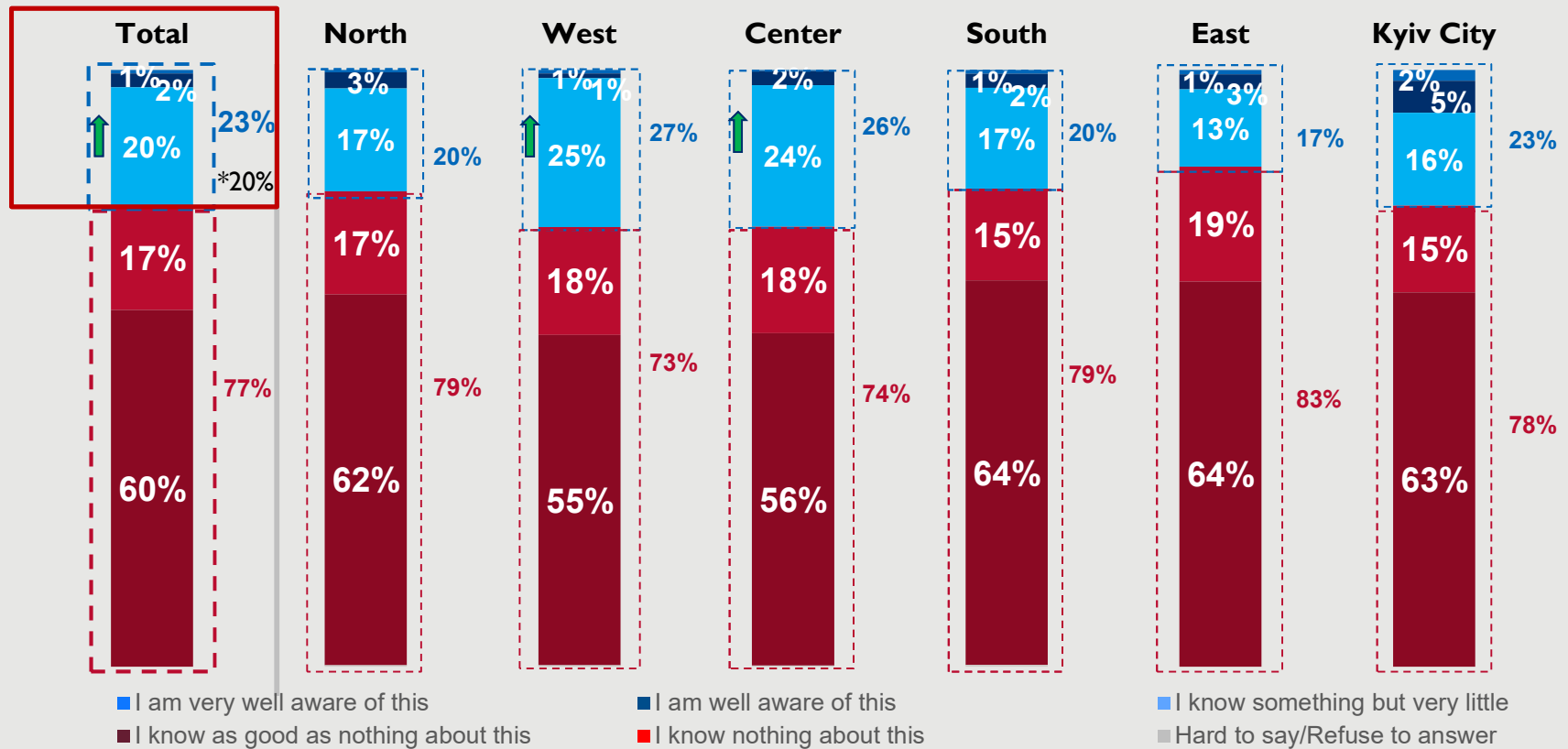
GETTING INFORMATION ABOUT THE JUDICIARY

FROM WHAT SOURCES DO YOU RECEIVE INFORMATION ABOUT THE UKRAINIAN JUDICIAL SYSTEM AND JUDICIAL REFORM?



PUBLIC AWARENESS OF ADR

THERE ARE ALTERNATIVE (EXTRAJUDICIAL) WAYS TO RESOLVE DISPUTES IN UKRAINE, FOR EXAMPLE, THROUGH MEDIATION. TO WHAT DEGREE DO YOU DEEM YOURSELF TO BE AWARE OF ALTERNATIVE DISPUTE RESOLUTION



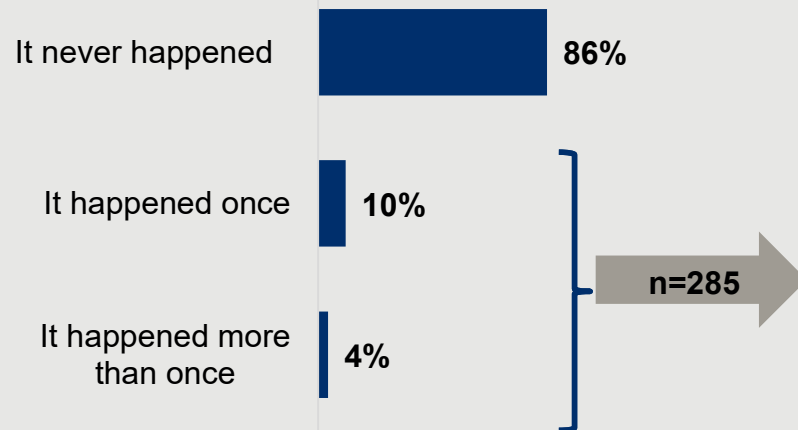
Base: Total (n=2020), North (n=272), West (n=478), Center (n=512), South (n=331), East (n=272), Kyiv City (n=156).

— GENERAL PUBLIC OWN EXPERIENCE OF
PARTICIPATING IN COURT PROCEEDINGS



OWN EXPERIENCE OF INTERACTING WITH COURTS (1/3)

DID YOU HAPPEN TO BE A PARTICIPANT TO JUDICIAL PROCEEDINGS DURING THE LAST 24 MONTHS (IN THE CAPACITY OF PLAINTIFF, RESPONDENT, WITNESS, VICTIM, SUSPECT / THE ACCUSED ETC.) REGARDLESS WHETHER IT WAS YOUR PRIVATE MATTER OR YOU REPRESENTED ANOTHER PERSON



TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) THAT THE JUDICIAL PROCEEDINGS IN WHICH YOU PARTICIPATED, IS CHARACTERIZED BY THE FOLLOWING

■ Fully agree / Rather agree than disagree

There were no requests for bribes, unofficial payments, or gifts. Now did other corruption-related situations occur

↑ **62%**
*54%

The court's office operations / staff members' work was properly organized

53% ↓

Judges had a proper level of professional qualification

52% ↓

Judges adopted lawful and fair decisions

46%

Court decisions were executed on time and in full

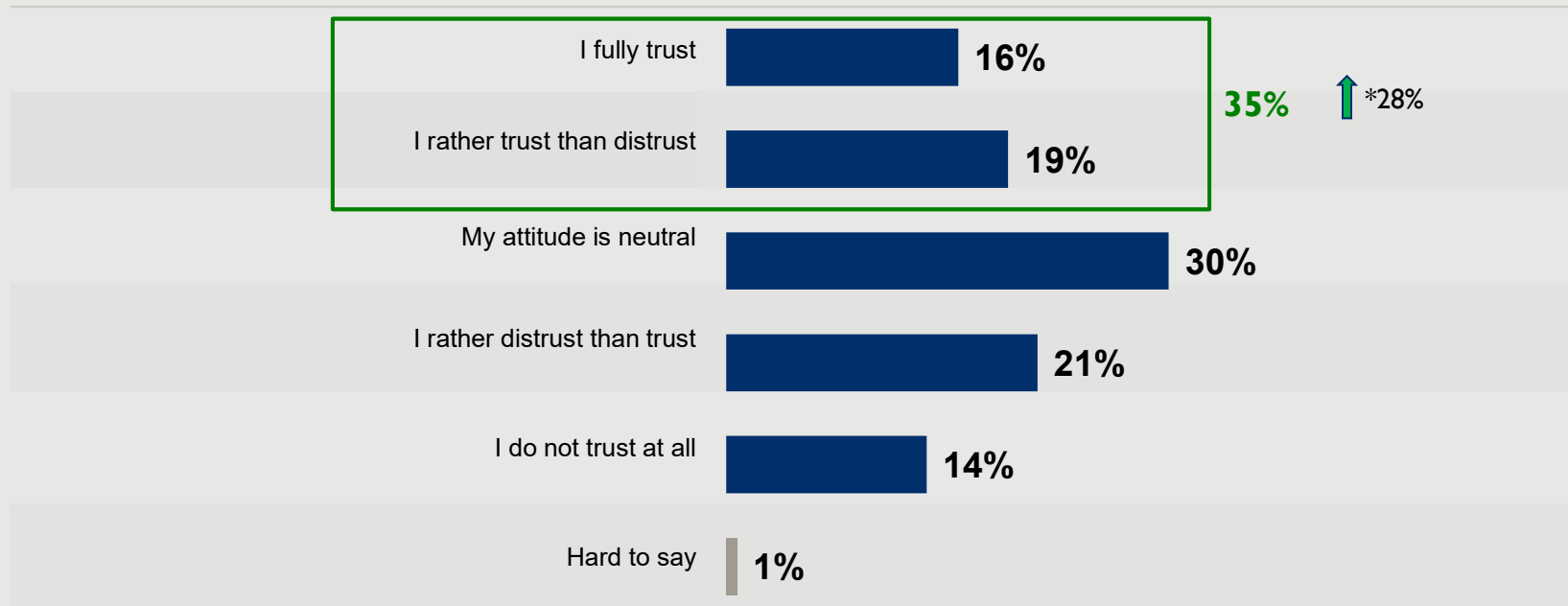
43% ↓

The case was considered within a reasonable timeframe without an ungrounded delay on the part of the judge

40% ↓

OWN EXPERIENCE OF INTERACTING WITH COURTS (2/3)

TO WHAT DEGREE DO YOU TRUST THE COURT(S) WHERE YOU PARTICIPATED IN JUDICIAL PROCEEDINGS



Base: involved in court proceedings (n=285)

— LEGAL PROFESSIONALS' PERCEPTION
OF THE JUDICIAL REFORM
AND CURRENT SITUATION IN THE UKRAINIAN JUDICIARY



PERCEPTION OF CERTAIN ASPECTS OF JUDICIAL REFORM

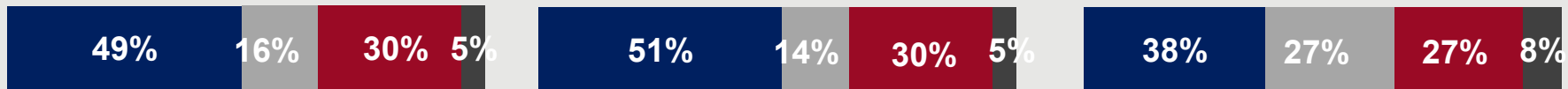
TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) WITH THE FOLLOWING STATEMENTS:

Total (n=637)

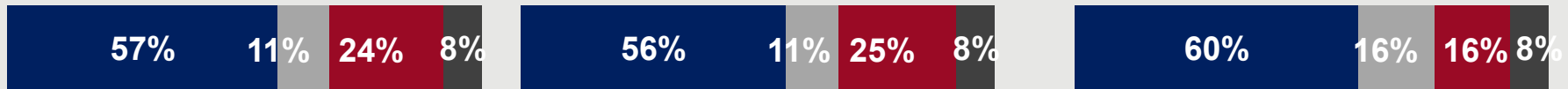
Advocates (n=558)

Prosecutors (n=63)

Engagement of public representatives in the processes of competitive selection and qualification evaluation of judges is quite justified



Engagement of international community representatives in the process of competitive selection of High Anti-Corruption Court judges was justified

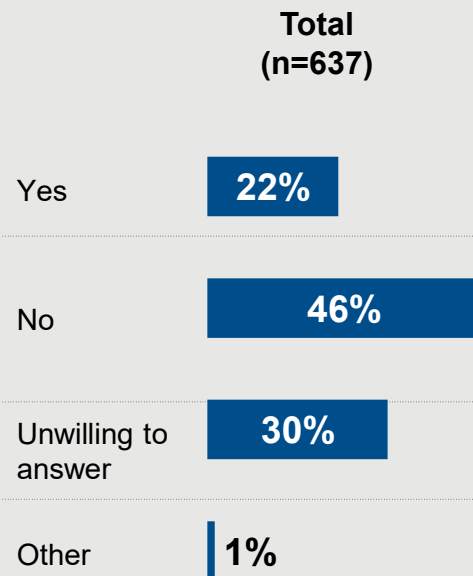


■ Strongly agree / Rather agree than disagree
 ■ Agree and disagree to the same degree

■ Strongly disagree / Rather disagree than agree
 ■ Unwilling to answer

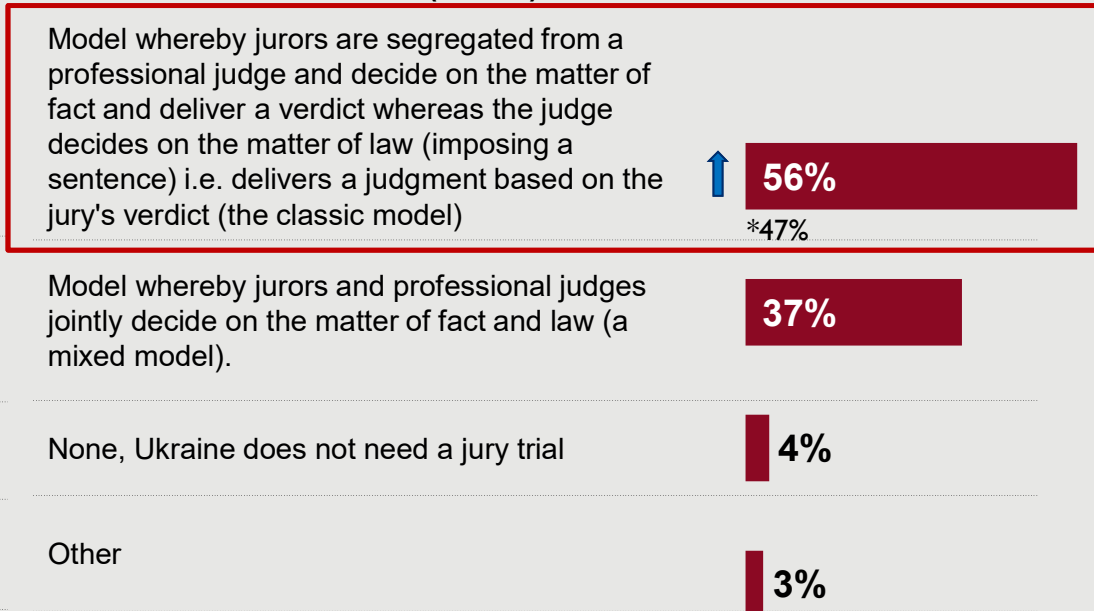
JURY TRIAL REFORM

DO YOU DEEM THE CURRENT MODEL OF ENGAGING CITIZENS IN THE JUSTICE ADJUDICATION PROCESS IN THE JUROR CAPACITY TO BE EFFICIENT?



WHICH JURY TRIAL MODEL DO YOU BELIEVE IS THE MOST APPROPRIATE FOR UKRAINE?

Total (n=637)



JUDICIAL INDEPENDENCE AND ACCESS TO JUSTICE

TO WHAT DEGREE DO YOU AGREE OR DISAGREE WITH THE FOLLOWING STATEMENTS:

Total (n=637)

Advocates (n=558)

Prosecutors (n=63)

Court are not influenced by politicians, government, oligarchs



*21%

Proper conditions are created in courts for all participants to judicial proceedings (including vulnerable groups): convenient rooms, sufficient space for waiting, proper conditions for familiarization with documents etc.



*40%

■ Strongly agree / Rather agree than disagree
 ■ Agree and disagree to the same degree

■ Strongly disagree / Rather disagree than agree
 ■ Unwilling to answer

PERCEPTION OF COURT PUBLIC IMAGE

TO WHAT DEGREE DO YOU AGREE OR DISAGREE WITH THE FOLLOWING STATEMENTS:

Total (n=637)

Advocates (n=558)

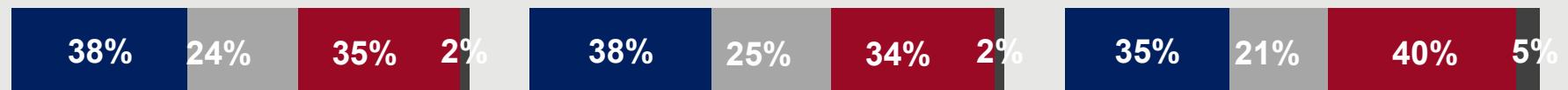
Prosecutors (n=63)

The mass media (TV, newspapers etc.) disseminate objective information on courts and the judiciary on the whole



*34%

Criticism of court by the public and various public protest rallies are justified and needed



■ Strongly agree / Rather agree than disagree
 ■ Agree and disagree to the same degree

■ Strongly disagree / Rather disagree than agree
 ■ Unwilling to answer

— OWN EXPERIENCE OF LEGAL PROFESSIONALS
PARTICIPATING IN COURT PROCEEDINGS



PERSONAL EXPERIENCE (1 of 3)

SUMMARIZING YOUR PERSONAL IMPRESSIONS OF COURT PROCEEDINGS THE PARTICIPANT OF WHICH YOU HAVE BEEN DURING LAST 12 MONTHS, TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) WITH THE FOLLOWING STATEMENTS:

Total (n=637)

Advocates (n=558)

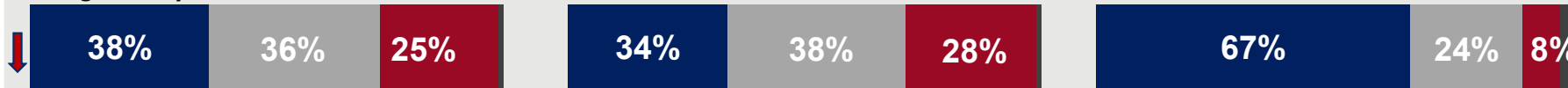
Prosecutors (n=63)

The case was considered within a reasonable timeframe. Hearings were held according to the docket



*56%

Judges adopted lawful and fair decisions



*60%

Judges had a proper level of professional qualification



■ Strongly agree / Rather agree than disagree

■ Agree and disagree to the same degree

■ Strongly disagree / Rather disagree than agree

■ Unwilling to answer

PERSONAL EXPERIENCE (2 of 3)

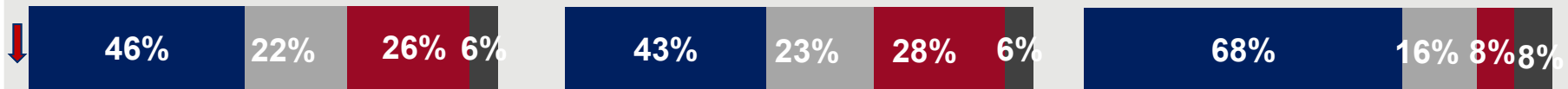
SUMMARIZING YOUR PERSONAL IMPRESSIONS OF COURT PROCEEDINGS THE PARTICIPANT OF WHICH YOU HAVE BEEN DURING LAST 12 MONTHS, TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) WITH THE FOLLOWING STATEMENTS:

Total (n=637)

Advocates (n=558)

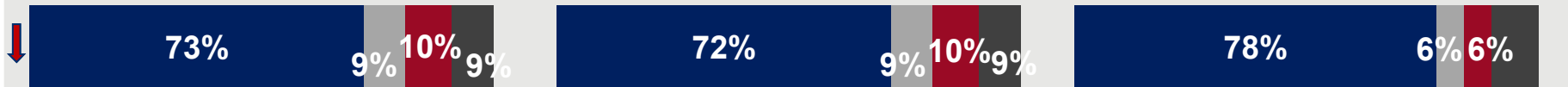
Prosecutors (n=63)

There were no signs that the judge acted under influence of another party or any individuals



*68%

There were no requests for bribes, unofficial payments, or gifts. Now did other corruption-related situations occur



*81%

Judges consistently ensured adherence to the adversary process principle and did not give advantage to any party



■ Strongly agree / Rather agree than disagree

■ Agree and disagree to the same degree

■ Strongly disagree / Rather disagree than agree

■ Unwilling to answer

PERSONAL EXPERIENCE (3 of 3)

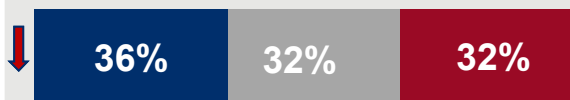
SUMMARIZING YOUR PERSONAL IMPRESSIONS OF COURT PROCEEDINGS THE PARTICIPANT OF WHICH YOU HAVE BEEN DURING LAST 12 MONTHS, TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) WITH THE FOLLOWING STATEMENTS:

Total (n=637)

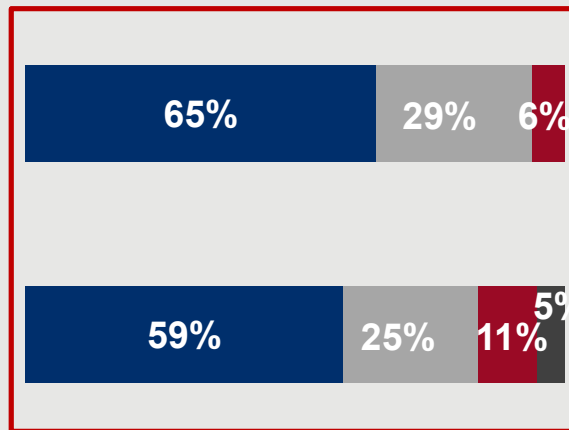
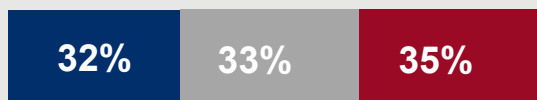
Advocates (n=558)

Prosecutors (n=63)

Court decisions were duly reasoned and understandable



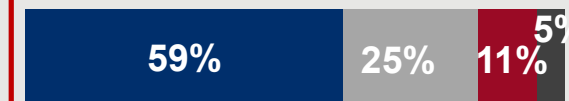
*72%



Court decisions were executed on time and in full



*51%



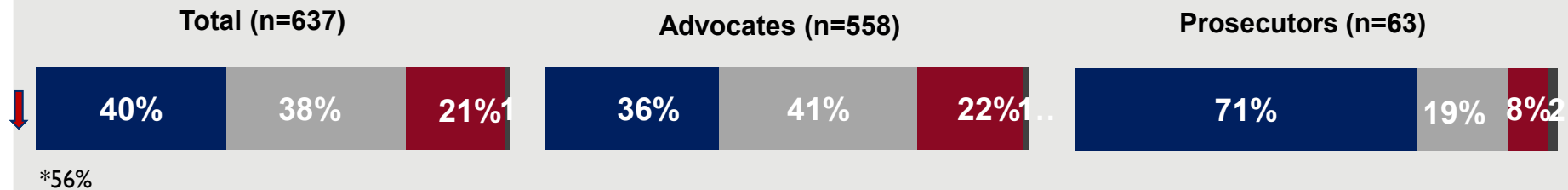
■ Strongly agree / Rather agree than disagree
 ■ Agree and disagree to the same degree

■ Strongly disagree / Rather disagree than agree
 ■ Unwilling to answer

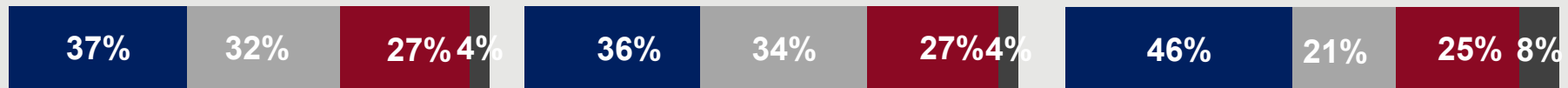
TRUST IN THE JUDICIARY AND OTHER BRANCHES: DIFFERENCE BETWEEN ADVOCATES AND PROSECUTORS (1 of 4)

TO WHAT DEGREE DO YOU TRUST THESE GOVERNMENT AND NON-GOVERNMENT INSTITUTES:

Selected courts where you perform representation functions



Supreme Court



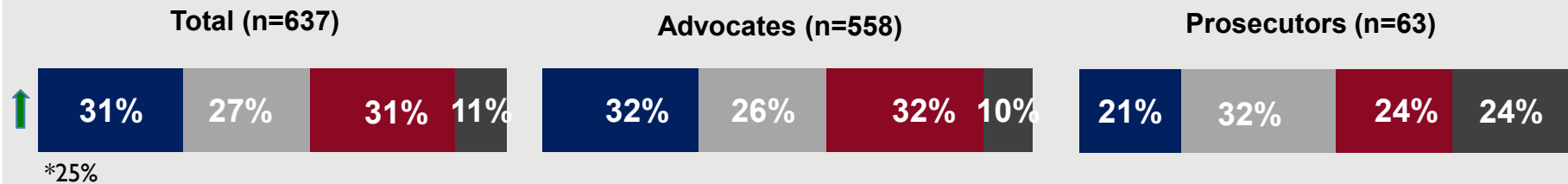
■ Fully trust / Rather trust than distrust
 ■ Trust and distrust to the same degree

■ Do not trust at all / Rather distrust than trust
 ■ Unwilling to answer

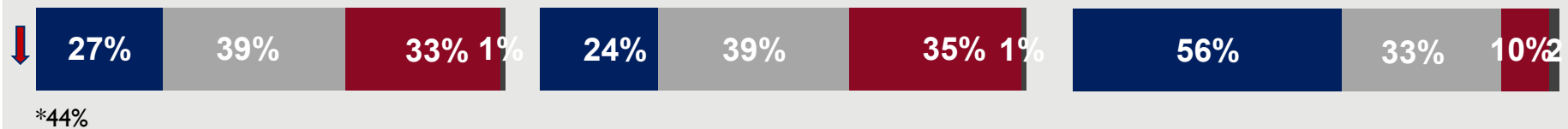
TRUST IN THE JUDICIARY AND OTHER BRANCHES: DIFFERENCE BETWEEN ADVOCATES AND PROSECUTORS (2 of 4)

TO WHAT DEGREE DO YOU TRUST THESE GOVERNMENT AND NON-GOVERNMENT INSTITUTES:

Private enforcement officers



Judicial power (on the whole)



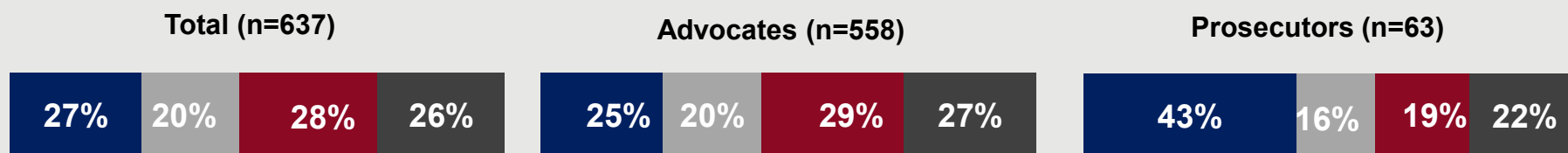
■ Fully trust / Rather trust than distrust
 ■ Trust and distrust to the same degree

■ Do not trust at all / Rather distrust than trust
 ■ Unwilling to answer

TRUST IN THE JUDICIARY AND OTHER BRANCHES: DIFFERENCE BETWEEN ADVOCATES AND PROSECUTORS (3 of 4)

TO WHAT DEGREE DO YOU TRUST THESE GOVERNMENT AND NON-GOVERNMENT INSTITUTES:

High Anti-Corruption Court



President of Ukraine



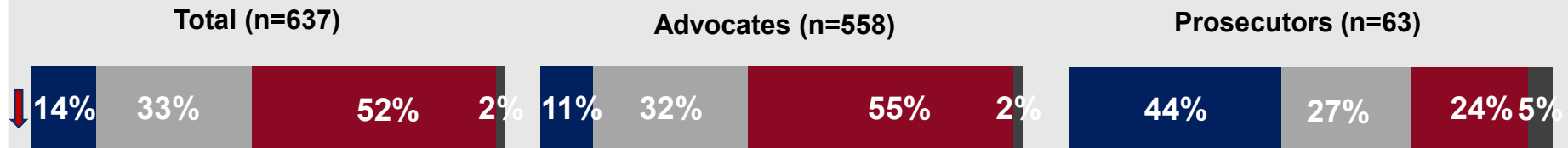
■ Fully trust / Rather trust than distrust
 ■ Trust and distrust to the same degree

■ Do not trust at all / Rather distrust than trust
 ■ Unwilling to answer

TRUST IN THE JUDICIARY AND OTHER BRANCHES: DIFFERENCE BETWEEN ADVOCATES AND PROSECUTORS (4 of 4)

TO WHAT DEGREE DO YOU TRUST THESE GOVERNMENT AND NON-GOVERNMENT INSTITUTES:

Local governments



Prosecutor's office



■ Fully trust / Rather trust than distrust
 ■ Trust and distrust to the same degree

■ Do not trust at all / Rather distrust than trust
 ■ Unwilling to answer

— PERCEPTION OF AND REPORTING CORRUPTION



PERCEPTION OF AND REPORTING CORRUPTION: GENERAL PUBLIC

IMAGINE A SITUATION: Your rights are violated, and you decided to protect them in the court. You receive – directly or indirectly (through third parties) – a proposal that the judge would adopt a decision in your favor on the condition that he/she received a bribe from you. What would be your next actions

	Total	North	West	Center	South	East	Kyiv City
I will reject the proposal, withdraw the lawsuit, and seek other ways to solve the problem	54% ↑ *31%	53%	51%	58%	53%	52%	53%
I will report to law enforcement, anti-corruption or judicial authorities	42% ↑ *20%	46%	45%	37%	43%	36%	44%
I will accept the proposal and give a bribe to the judge	5%	5%	3%	5%	4%	5%	5%
I will not accept the offer, but I will not take the application	1%	0%	0%	1%	0%	2%	0%
Maybe I will accept, maybe I will not accept - depends on the circumstances, including size / first consult	1%	0%	1%	1%	1%	1%	1%
I will try to challenge the judge / replace the court or judge	0%	0%	1%	0%	1%	0%	0%
Hard to say/ Refuse to answer	10%	8%	10%	9%	9%	12%	10%

Base: Total (n=2020), North (n=272), West (n=478), Center (n=512), South (n=331), East (n=272), Kyiv City (n=156).

PERCEPTION OF CORRUPTION: LEGAL PROFESSIONALS (1 of 4)

TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) WITH THE FOLLOWING STATEMENTS:

Total (n=637)

Advocates (n=558)

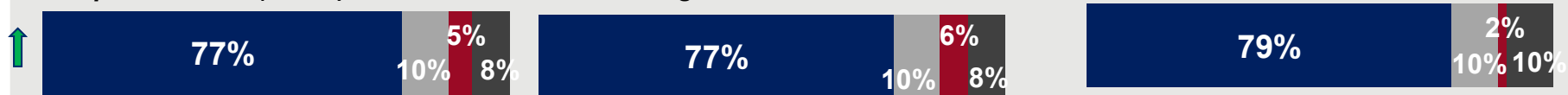
Prosecutors (n=63)

The High Anti-Corruption Court operations help Ukraine to overcome corruption



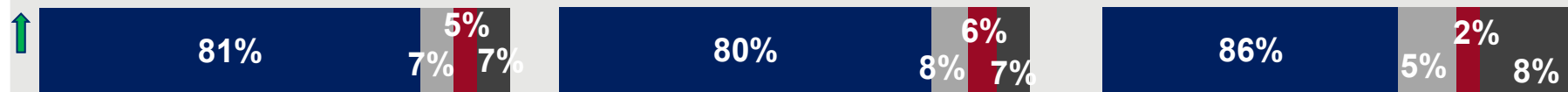
*38%

A judge who is aware of corruption among his/her colleagues must immediately report on this to the National Anti-Corruption Bureau (NABU) or other law enforcement agencies.



*63%

A prosecutor who is aware of corruption among his/her colleagues must immediately report on this to the National Anti-Corruption Bureau (NABU) or other law enforcement agencies



*60%

■ Strongly agree / Sooner agree than not ■ Strongly disagree / Rather disagree ■ Neither agree nor disagree ■ Refuse to answer

PERCEPTION OF CORRUPTION: LEGAL PROFESSIONALS (2 of 4)

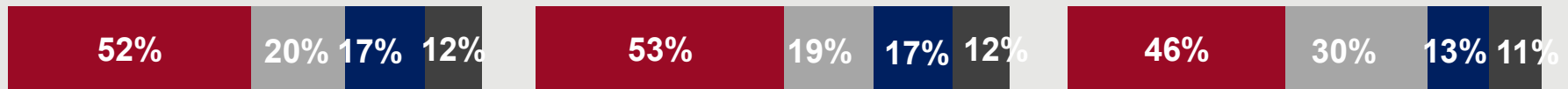
TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) WITH THE FOLLOWING STATEMENTS:

Total (n=637)

Advocates (n=558)

Prosecutors (n=63)

Corruption is a common phenomenon in Ukrainian law schools



■ Unconditionally agree / Rather agree than disagree

■ Strongly disagree / Rather disagree than agree

■ Agree and disagree to the same degree

■ Unwilling to answer

PERCEPTION OF CORRUPTION: LEGAL PROFESSIONALS (3 of 4)

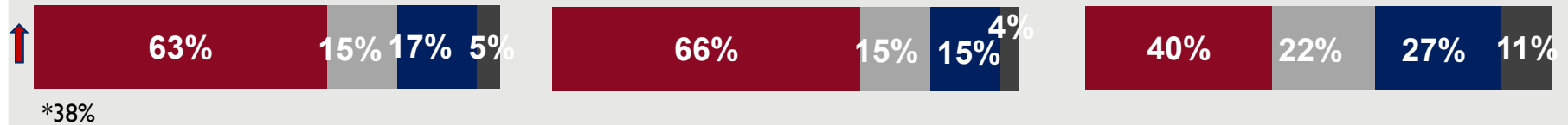
TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) WITH THE FOLLOWING STATEMENTS:

Total (n=637)

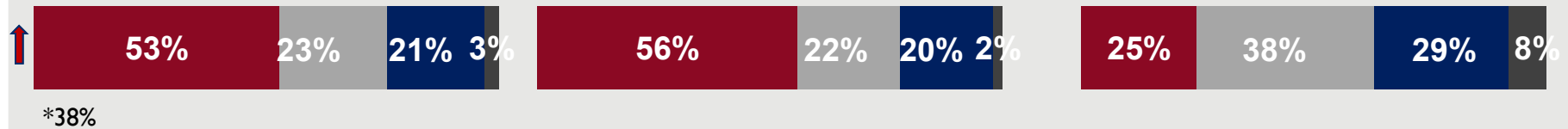
Advocates (n=558)

Prosecutors (n=63)

It is not possible to hold a judge liable for a corruption-related crime because of the conspiracy of silence among judges



Courts are not sufficiently open to the society



■ Unconditionally agree / Rather agree than disagree
 ■ Agree and disagree to the same degree

■ Strongly disagree / Rather disagree than agree
 ■ Unwilling to answer

PERCEPTION OF CORRUPTION: LEGAL PROFESSIONALS (4 of 4)

TO WHAT DEGREE DO YOU AGREE (OR DISAGREE) WITH THE FOLLOWING STATEMENTS:

Total (n=637)

Advocates (n=558)

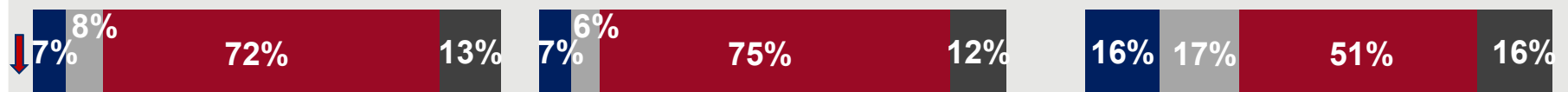
Prosecutors (n=63)

Corruption is a common phenomenon in Ukrainian courts



*26%

An individual who reports about corruption in courts is protected by the state



*15%

■ Unconditionally agree / Rather agree than disagree

■ Agree and disagree to the same degree

■ Strongly disagree / Rather disagree than agree

■ Unwilling to answer

REPORTING CORRUPTION: LEGAL PROFESSIONALS (1 of 2)

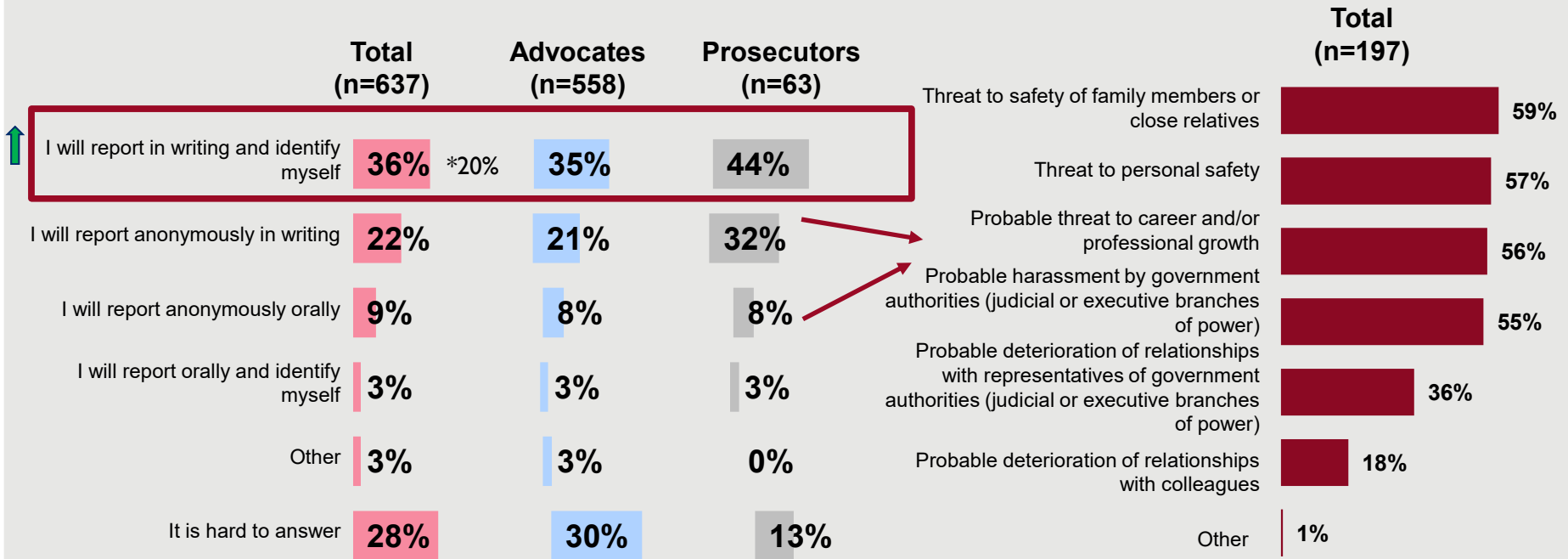
IF YOU RECEIVE INFORMATION CLEARLY EVIDENCING THAT A JUDGE IN YOUR CASE OR PROSECUTOR REQUESTS FOR A BRIBE FROM A PARTICIPANT TO JUDICIAL PROCEEDING, WHAT YOUR PROBABLE ACTIONS WILL BE?

	Total (n=637)	Advocates (n=558)	Prosecutors (n=63)
I will report to NABU	32% *15%	33%	27%
I will report to other law enforcement agencies (Prosecutor's Office, State Security Service or Police)	24% *12%	21%	48%
I will report to the High Council of Justice	22%	24%	10%
I will try to convince the judge or colleague prosecutor not to do so	16%	16%	17%
I will seek advice from my colleagues	13%	13%	3%
I will report to the Council of Judges of Ukraine	11%	12%	3%
I will do nothing. This is none of my business	5%	5%	2%
Other: I will apply for the removal of the judge	1%	1%	0%
Other	5%	4%	5%
It is hard to answer	28%	29%	17%

REPORTING CORRUPTION: LEGAL PROFESSIONALS (2 of 2)

In case of a need to report to any government authorities about the manifestations of corruption you are aware of, which way of such reporting will you use?

What from the listed below affected your choice? (among those who chose the anonymous form)

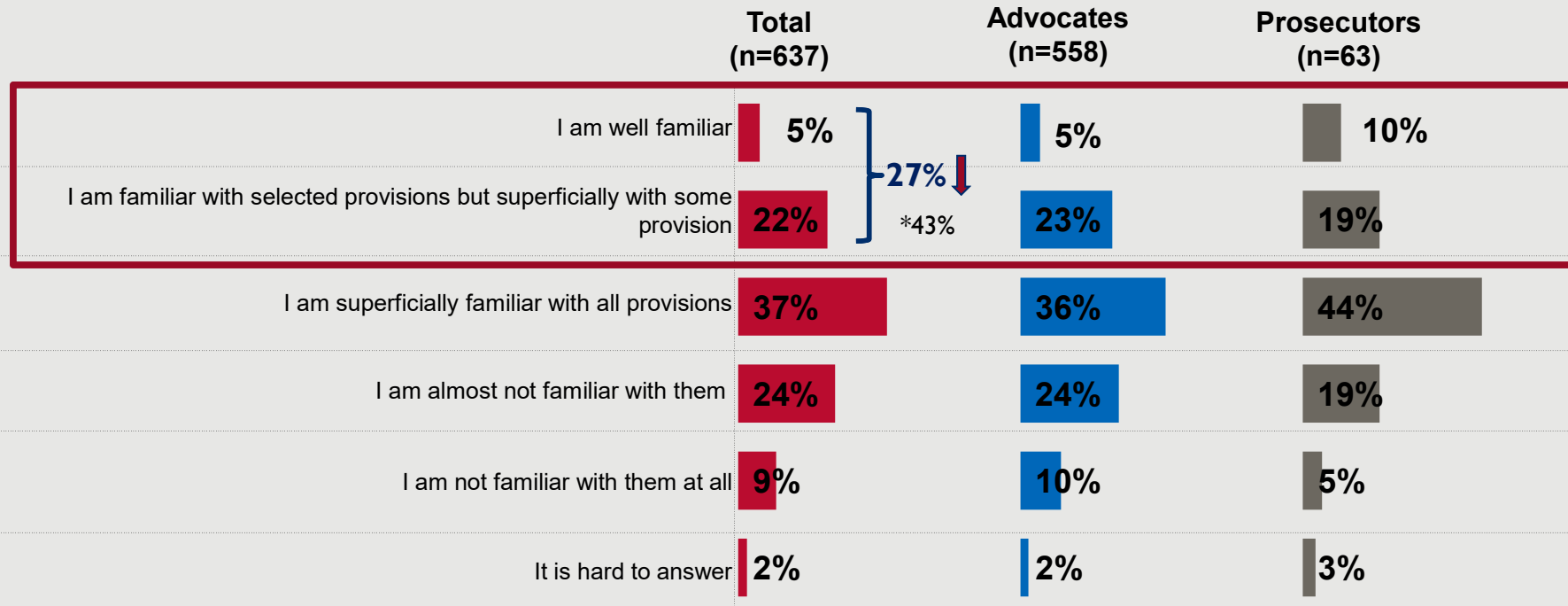


— INTERNATIONAL HUMANITARIAN LAW



INTERNATIONAL HUMANITARIAN LAW: LEGAL PROFESSIONALS

TO WHAT DEGREE DO YOU DEEM YOURSELF TO BE FAMILIAR WITH PROVISIONS OF INTERNATIONAL HUMANITARIAN LAW (GENEVA CONVENTIONS AND ADDITIONAL PROTOCOLS THERETO, ROME STATUTE OF INTERNATIONAL CRIMINAL COURT)?





2021

USAID Nove Pravosuddya Justice Sector Reform Program

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