



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Data CCBE-ENCJ Survey

on the Perception of the
Independence of Judges among
Lawyers

2017



In co-operation with the CCBE

The Executive Board of the ENCJ asked the CCBE, the Council of Bars and Law Societies of Europe to disseminate a survey among lawyers on the independence of judges. The CCBE sent the survey to its members and asked them to disseminate it on the national level.

The reply rate was good in some countries, but bad to non-existent in many other countries. In this overview replies are shown for countries with a rate above 0,5% of the total number of lawyers (CEPEJ data).

When interpreting the data the reply rate must be taken into account.

Replies received per country

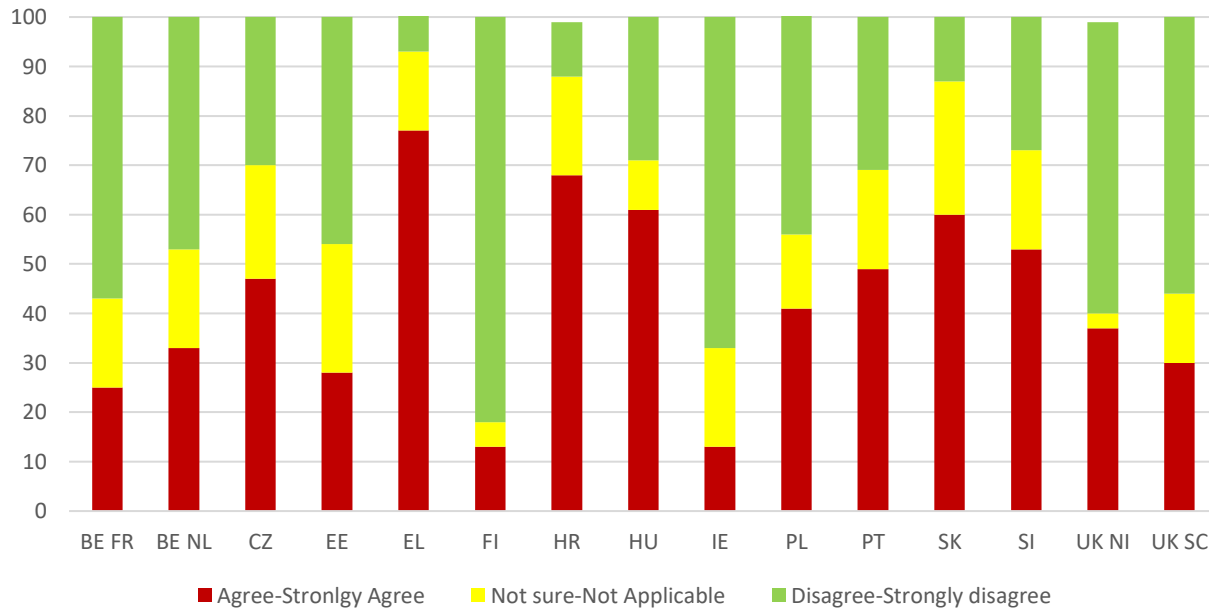
Country no. replies		CEPEJ 2016 no of lawyers	Reply rate
BE FR	94		
BE NL	693	18134	3,8%
CZ	163	11842	1,3%
EE	71	934	7,6%
EL	236	42052	0,56%
FI	246	2115	11,6%
HR	47	4487	1%
HU	109	13000	0,83%
IE	128	11588	1,1%
PL	501	52760	0,94%
PT	252	29337	0,85%
SK	179	5827	3%
SI	132	1628	8%
UK NI	30	740	4%
UK SC	80	11181	0,7%

BE FR – Represents the replies from French speaking lawyers in Belgium

BE NL – Represents the replies from the Dutch speaking lawyers in Belgium

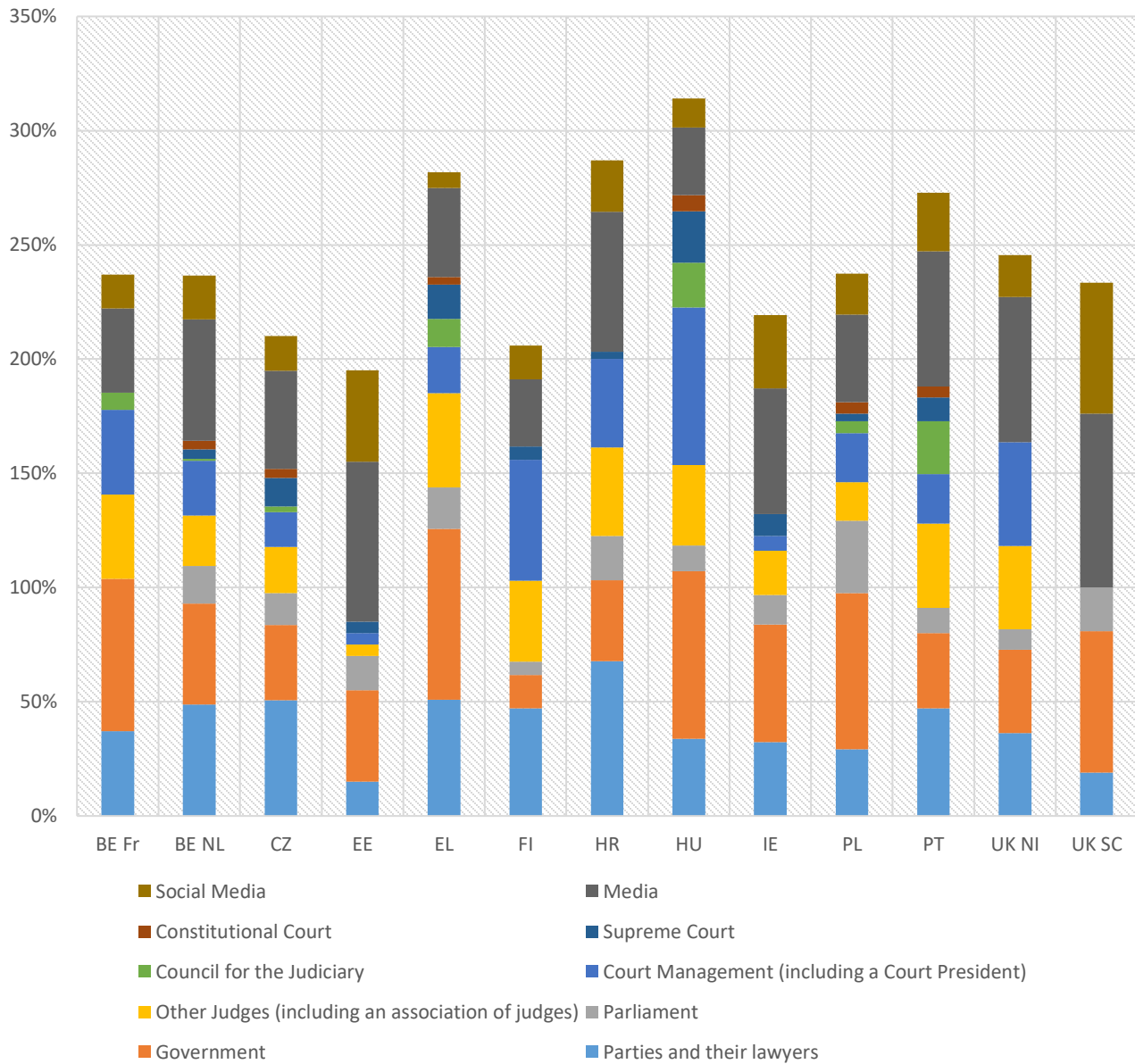
In this small report a selection of the questions are presented. The full list of questions can be found in the annex. Due to the limited number of replies no full analysis has been done. The ENCJ and CCBE are planning to repeat the exercise in 2018 simultaneously with the survey among judges on their independence.

1a. During the last three years I believe judges have been under inappropriate pressure to take a decision in a case or part of a case in a specific way

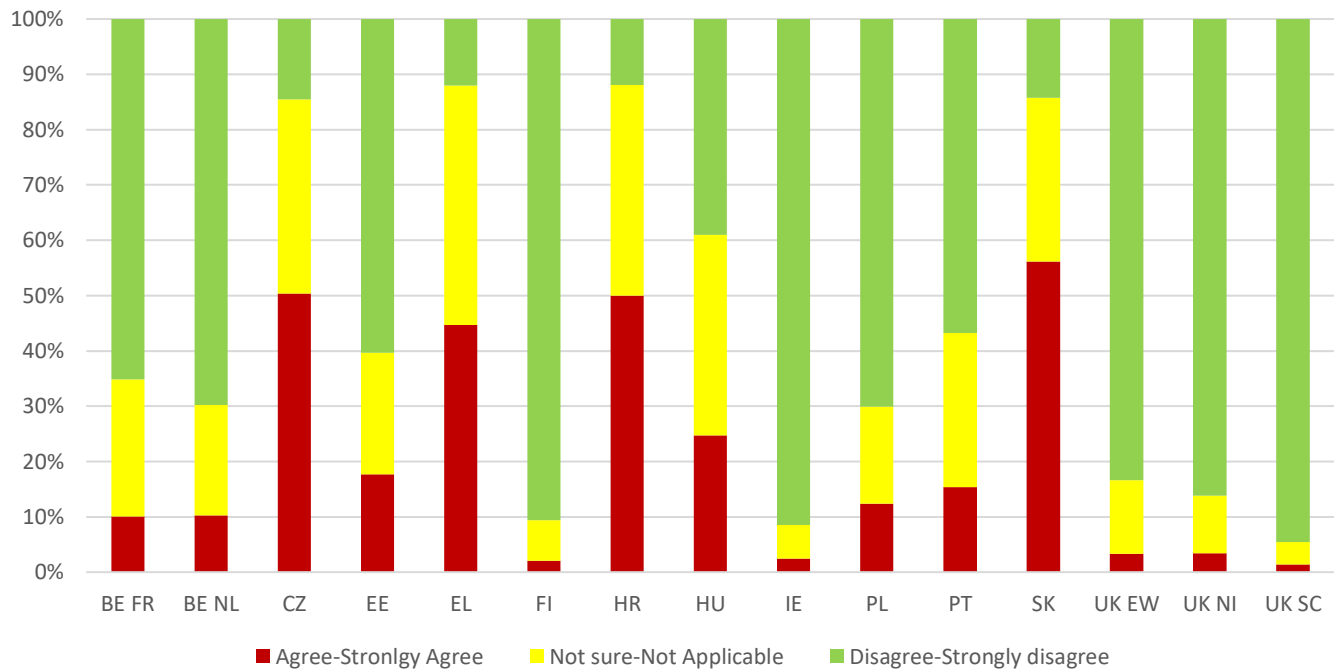


	BE Fr	BE NL	CZ	EE	EL	FI	HR	HU	IE	PL	PT	UK NI	UK SC
Parties and their lawyers	37%	49%	51%	15%	51%	47%	68%	34%	32%	29%	47%	36%	19%
Government	67%	44%	33%	40%	75%	15%	35%	73%	52%	68%	33%	36%	62%
Parliament	0%	16%	14%	15%	18%	6%	19%	11%	13%	32%	11%	9%	19%
Other Judges (including an association of judges)	37%	22%	20%	5%	41%	35%	39%	35%	19%	17%	37%	36%	0%
Court Management (including a Court President)	37%	24%	15%	5%	20%	53%	39%	69%	6%	21%	22%	45%	0%
Council for the Judiciary	7%	1%	3%	0%	12%	0%	0%	20%	0%	5%	23%	0%	0%
Supreme Court	0%	4%	13%	5%	15%	6%	3%	23%	10%	3%	10%	0%	0%
Constitutional Court	0%	4%	4%	0%	3%	0%	0%	7%	0%	5%	5%	0%	0%
Media	37%	53%	43%	70%	39%	29%	61%	30%	55%	38%	59%	64%	76%
Social Media	15%	19%	15%	40%	7%	15%	23%	13%	32%	18%	26%	18%	57%

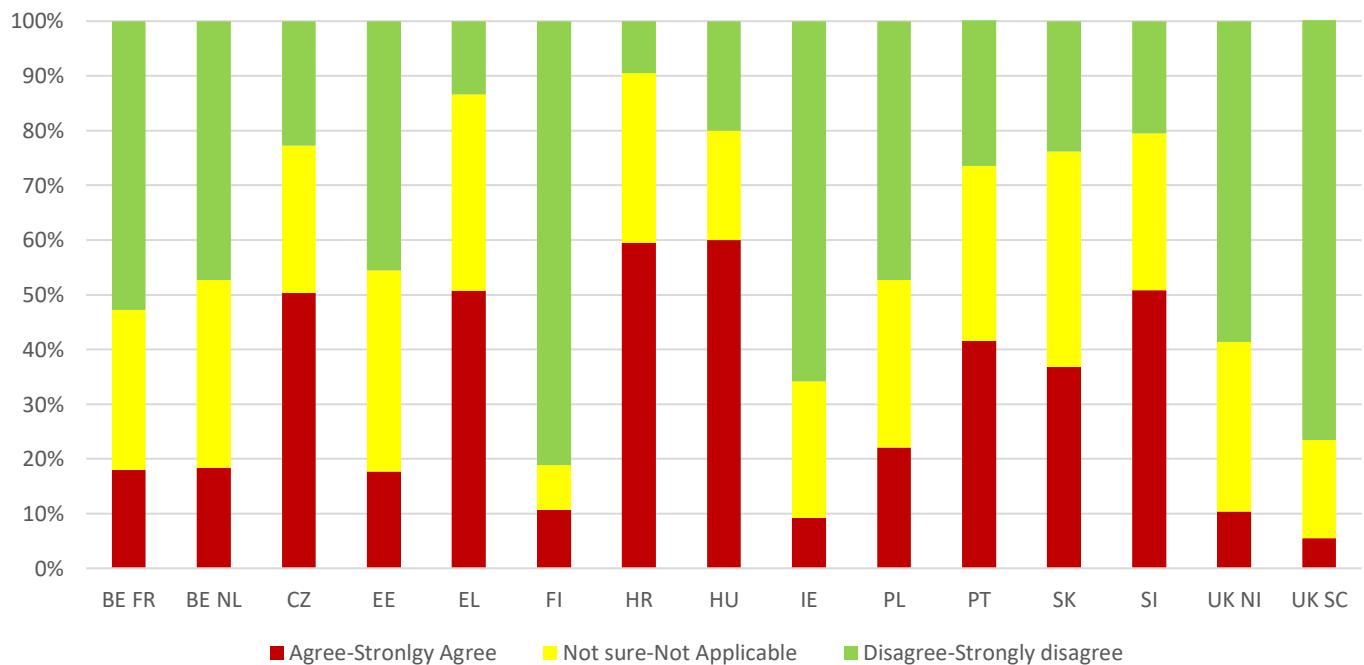
1b. If you agree or strongly agree with 1a, by whom?



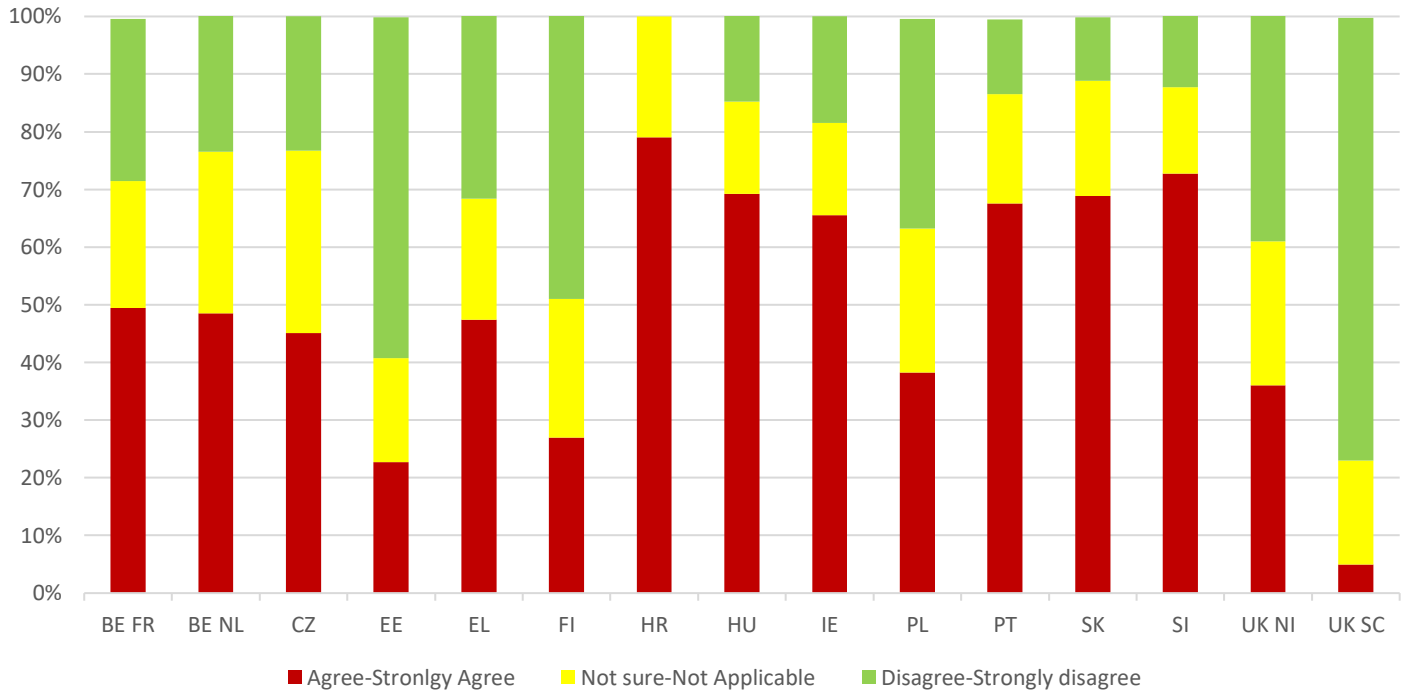
Q2a In my country, I believe that during the last three years individual judges have accepted bribes as an inducement to decide case(s) in a specific way



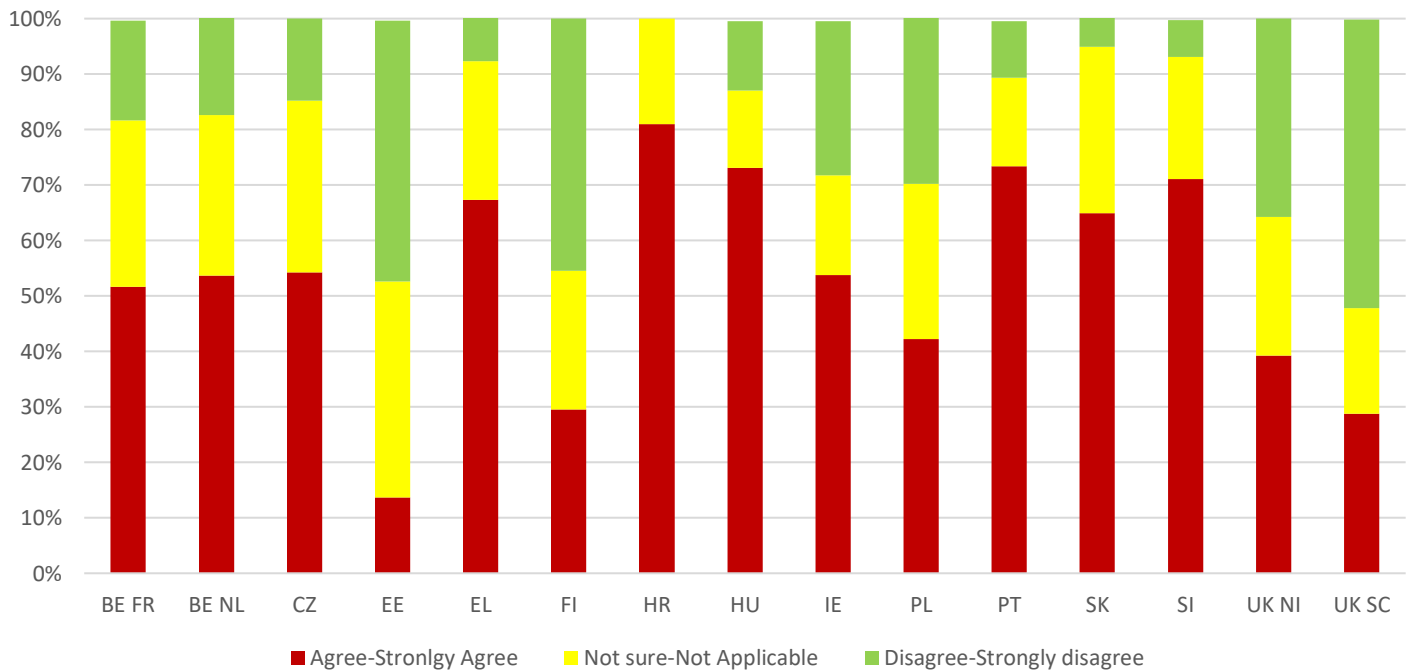
3. I believe during the last three years cases have been allocated to judges other than in accordance with established rules or procedures in order to influence the outcome of the particular case.



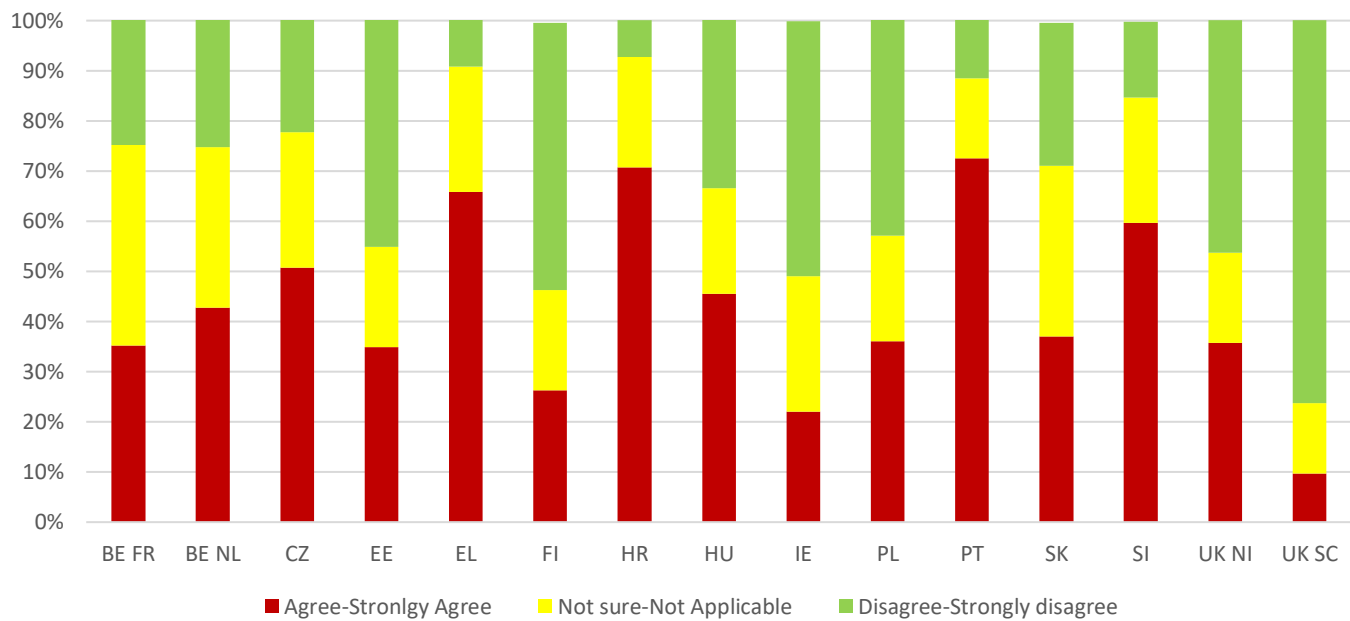
4a. I believe judges in my country have been appointed other than on the basis of ability and experience during the last three years.



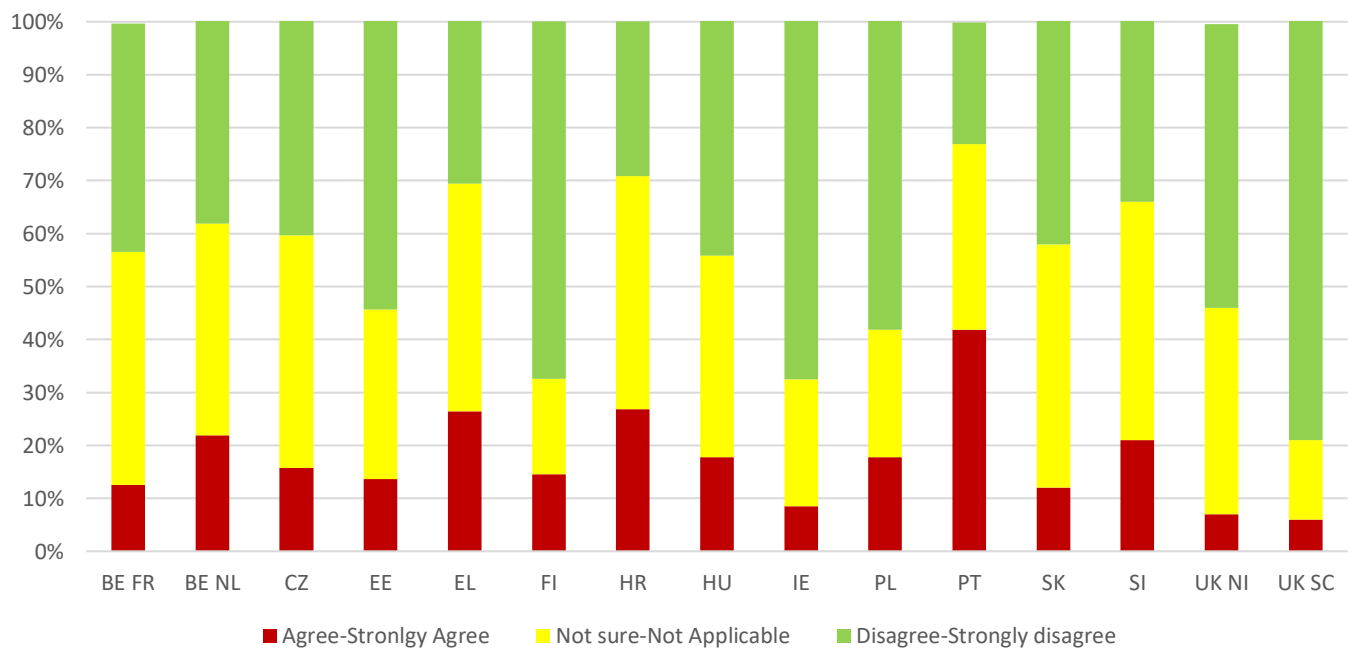
4b. I believe judges in my country have been promoted other than on the basis of ability and experience during the last three years.



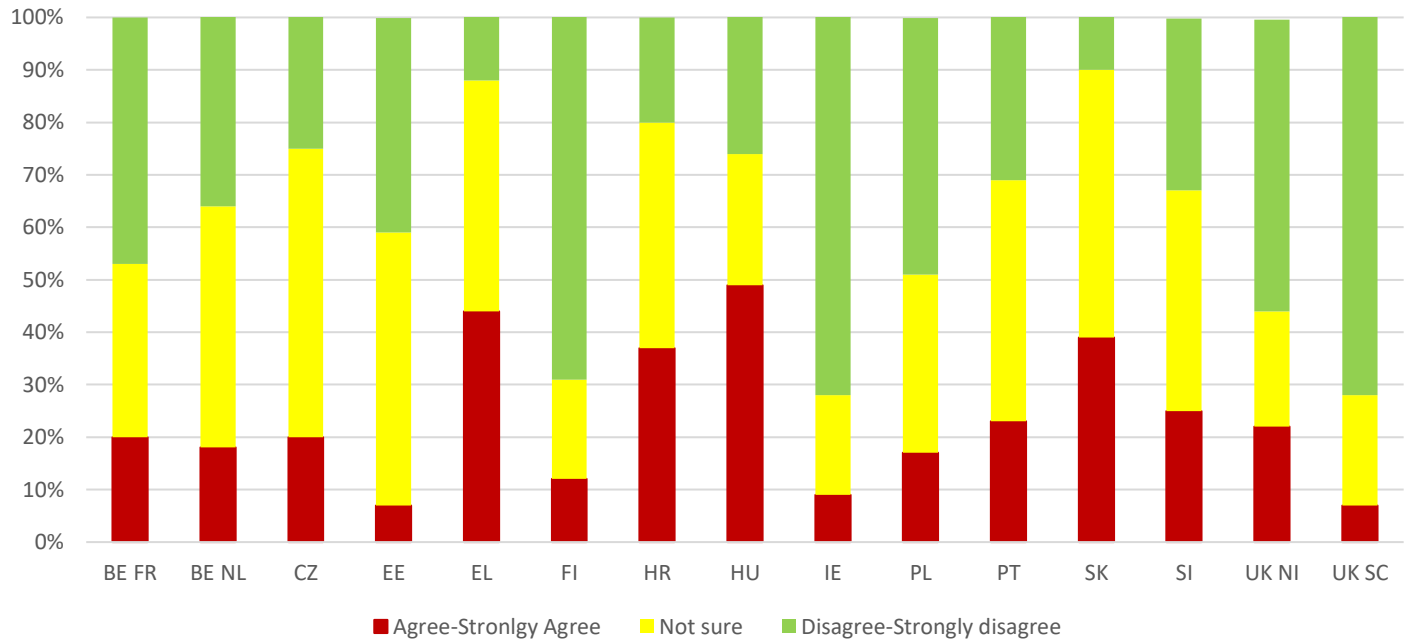
5. I believe that in my country decisions or actions of individual judges have, during the last three years, been inappropriately influenced by the actual, or anticipated, actions of the media (i. e. press, television or radio).



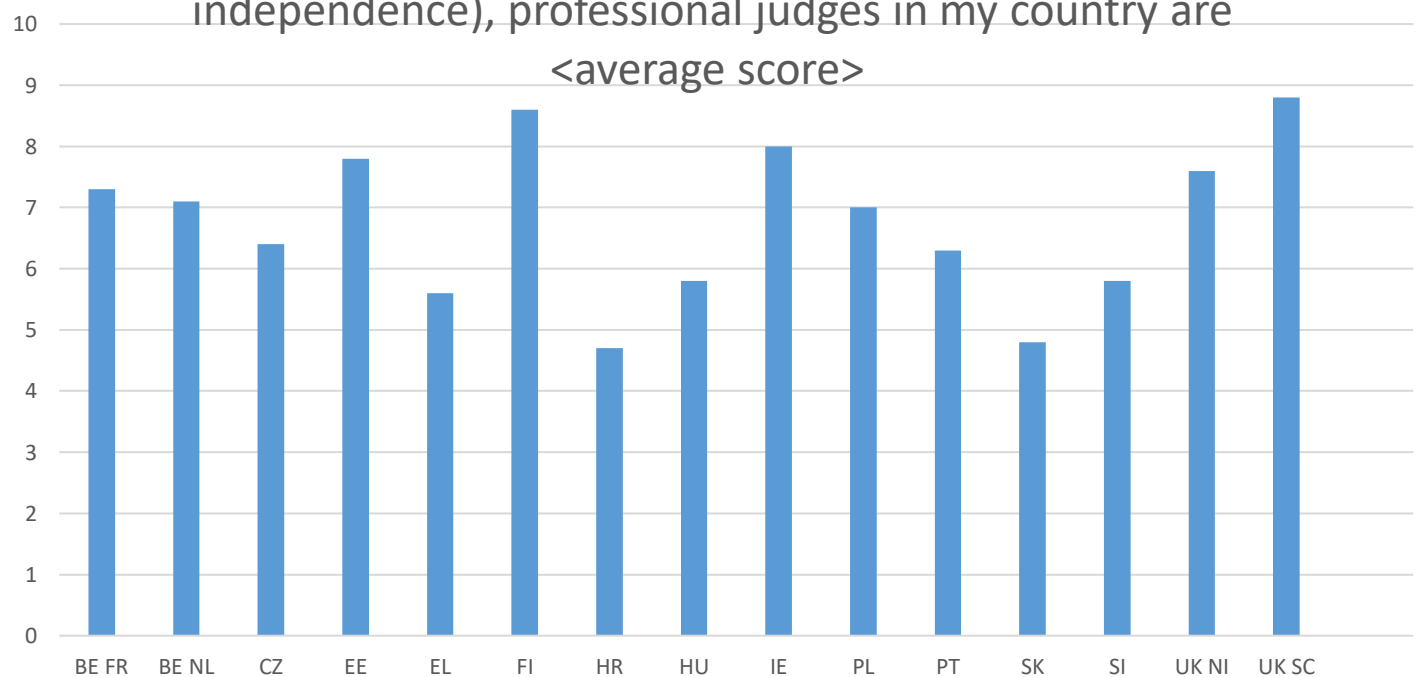
6. I believe that in my country decisions or actions of individual judges have, during the last three years, been inappropriately influenced by the actual, or anticipated, actions using social media (for example, Facebook, Twitter or LinkedIn).



8. During the last three years the management of the court has exerted pressure on judges to decide individual cases in a particular way.



On a scale of 0 - 10 (where 0 means "not independent at all" and 10 means "the highest possible degree of independence), professional judges in my country are



10. What would, in your view, contribute most to the improvement of the independence of the judges in your country (tick three boxes)?

	No 1 answer	No 2 answer	No3 answer
BE FR	A more objective allocation of cases to judges	Better working conditions regarding case load	Better working conditions regarding pay including pensions and retirement age
BE NL	Appointment and promotion of judges strictly on the basis of ability and experience	Better working conditions regarding case load	Less pressure from social media
CZ	Appointment and promotion of judges strictly on the basis of ability and experience	A reduction of judicial corruption	A more objective allocation of cases to judges
EE	Better working conditions regarding case load	Appointment and promotion of judges strictly on the basis of ability and experience	Less pressure from the media
EL	Appointment and promotion of judges strictly on the basis of ability and experience	Better working conditions regarding case load	A reduction of judicial corruption
FI	Better working condition regarding court resources	Better working conditions regarding case load	Appointment and promotion of judges strictly on the basis of ability and experience
HR	Appointment and promotion of judges strictly on the basis of ability and experience	A reduction of judicial corruption	Less pressure from the media
HU	Appointment and promotion of judges strictly on the basis of ability and experience	A more objective allocation of cases to judges	Less pressure from court management to decide cases in a particular way
IE	Appointment and promotion of judges strictly on the basis of ability and experience	Better working condition regarding court resources	Better working conditions regarding pay including pensions and retirement age / case load
PL	Appointment and promotion of judges strictly on the basis of ability and experience	Better working conditions regarding case load	A more objective allocation of cases to judges
PT	Appointment and promotion of judges strictly on the basis of ability and experience	Better working conditions regarding case load	Better working condition regarding court resources
SK	Appointment and promotion of judges strictly on the basis of ability and experience	A reduction of judicial corruption	Better working conditions regarding case load
SI	A more objective allocation of cases to judges	Less pressure from court management to decide cases within a particular time	Appointment and promotion of judges strictly on the basis of ability and experience
UK NI	Appointment and promotion of judges strictly on the basis of ability and experience	Better working condition regarding court resources	Better working conditions regarding case load
UK SC	Less pressure from the media	Appointment and promotion of judges strictly on the basis of ability and experience	Better working condition regarding court resources

Annex 1 . Survey



European Network of Councils
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Survey among lawyers about the independence of judges

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

- I. THE REFERENCE PERIOD FOR ANSWERING ALL QUESTIONS IS THE LAST TWO YEARS (i.e. since January 2015)**

- II. UNLESS STATED OTHERWISE, QUESTIONS ARE TO BE ANSWERED:**
 - Strongly disagree
 - Disagree
 - Not sure
 - Agree
 - Strongly agree

- III. Your individual answers will be anonymous but please let us know the name of the country in which you practise as a lawyer . The survey data will be published on a country-by-country basis.**

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

The country in which I practise as a lawyer

My gender is..... MALE FEMALE I DO NOT WISH TO ANSWER THIS QUESTION

My judicial experience (years of service as a judge) is:

- 0-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- 21-25 years
- 25-30 years
- Over 30 years

How often does your practice bring you into contact with courts

- Regularly
- Occasionally
- Never

1a. During the last two years I believe judges have been under inappropriate pressure to take a decision in a case or part of a case in a specific way.

- Strongly disagree
- Disagree
- Not sure
- Agree
- Strongly agree

1b. If you agree or strongly agree with 1a, by whom? (Multiple answers are possible)

- Parties and their lawyers
- Government

- Parliament
- Other Judges (including an association of judges)
- Court Management (including a Court President)
- Council for the Judiciary
- Supreme Court
- Constitutional Court
- Media
- Social Media

2a. In my country I believe that during the last two years individual judges have accepted bribes as an inducement to decide case(s) in a specific way.

- Strongly disagree**
- Disagree**
- Not sure**
- Agree**
- Strongly agree**

2b. If you agree or strongly agree with 2a, did this occur:

- On a rare exception
- Occasionally
- Regularly

3. I believe during the last two years cases have been allocated to judges other than in accordance with established rules or procedures in order to influence the outcome of the particular case.

- Strongly disagree**
- Disagree**
- Not sure**
- Agree**
- Strongly agree**

4a. I believe judges in my country have been appointed other than on the basis of ability and experience during the last two years.

- Strongly disagree**
- Disagree**
- Not sure**
- Agree**

Strongly agree

4b. I believe judges in my country have been promoted other than on the basis of ability and experience during the last two years.

Strongly disagree

Disagree

Not sure

Agree

Strongly agree

5. I believe that in my country decisions or actions of individual judges have, during the last two years, been inappropriately influenced by the actual, or anticipated, actions of the media (i. e. press, television or radio).

Strongly disagree

Disagree

Not sure

Agree

Strongly agree

6. I believe that in my country decisions or actions of individual judges have, during the last two years, been inappropriately influenced by the actual, or anticipated, actions using social media (for example, Facebook, Twitter or LinkedIn).

Strongly disagree

Disagree

Not sure

Agree

Strongly agree

7. I believe that in my country the Council for the Judiciary has the appropriate mechanisms and procedures in order to defend judicial independence effectively.

Strongly disagree

Disagree

Not sure

Agree

Strongly agree

Not applicable

8. During the last two years the management of the court has exerted pressure on judges to decide individual cases in a particular way.

Strongly disagree

Disagree

Not sure

Agree

Strongly agree

9. On a scale of 0 - 10 (where 0 means "not independent at all" and 10 means "the highest possible degree of independence).

The professional judges in my country are:

0 1 2 3 4 5 6 7 8 9 10

not independent at all

completely independent

10. What would, in your view, contribute most to the improvement of the independence of the judges in your country (tick three boxes)?

A reduction of judicial corruption

Less use of (the threat of) disciplinary action by judicial authorities

Less use of (the threat of) claims for personal liability by parties

A more objective allocation of cases to judges

Appointment and promotion of judges strictly on the basis of ability and experience

Less pressure from the media

Less pressure from social media

Less guidelines by judges of my own rank

Less pressure from court management to decide cases in a particular way

Less pressure from court management to decide cases within a particular time

Better working conditions regarding pay including pensions and retirement age

Better working conditions regarding case load

Better working condition regarding court resources

THANK YOU FOR PARTICIPATING IN OUR SURVEY