



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Survey among lawyers about the independence of judges

You are kindly requested to participate in this survey which has been developed by the [ENCJ](#) in cooperation with the [CCBE](#).

The ENCJ gathers the councils for the judiciary or similar autonomous bodies that ensure the final responsibility for the support of the judiciary in the independent delivery of justice.

Every two years the ENCJ organises a survey among judges about the perception of the judicial independence in their country. The survey provides an excellent insight in the pressures judges experience and is a critical assessment of the functioning of the Councils and the other judicial authorities. The ENCJ believes that the lawyers can also provide a very valuable insight in the independence of the judges. Therefore, the ENCJ asked the CCBE to conduct a survey among lawyers on the independence of the judges.

To enable the judiciaries of Europe to improve, the ENCJ needs the feedback of the lawyers who are best placed to give a critical review of how they perceive the independence of the judges. Thank you for participating in this survey. The result will be published in the ENCJ report on Independence and Accountability simultaneously with the results of the survey among judges.

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

- I. THE REFERENCE PERIOD FOR ANSWERING ALL QUESTIONS IS THE LAST TWO YEARS (i.e. since January 2017)
- 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 practice 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 practice as a lawyer

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

My practicing experience as a lawyer 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

I primarily have contacts with:

- Court of first instance
- Appeal court
- Supreme Court

I primarily deal with:

- criminal cases
- administrative cases
- civil (including family) cases

all of these in equal measure

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 (receiving money) or have engaged in other forms of corruption (accepted non-monetary gifts or favours) 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:

Very rarely

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 entered the judiciary on first appointment other than solely 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 appointed to the Supreme Court/Court of cassation other than solely on the basis of ability and experience during the last two years.

1. Strongly disagree

2. Disagree

3. Not sure

4. Agree

5. Strongly agree

4c. I believe judges in my country in first instance and appeal courts have been promoted/appointed to another position other than on the basis of ability and experience during the last two years (experience may include seniority).

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. I believe that 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. In the last two years, I believe judgements that went against the interests of the government were usually implemented/enforced in my country

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

10. 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

11. In my country, I believe that judicial misconduct is appropriately dealt with by the judicial authorities.

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

12. In my country judicial corruption is effectively addressed by the judicial authorities

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. Strongly agree

THANK YOU FOR PARTICIPATING IN OUR SURVEY

