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for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Data ENCJ Survey on the Independence of Lay Judges

2017-2018



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Summary of the outcomes of the survey ¹

Lay judges play an important role in many of the European justice systems. In addition to the survey among professional judges that has taken place in 2014/2015 and in 2016/2017, a survey among lay judges about their independence was conducted in 2017/2018. In total 20,605 lay judges from 10 judiciaries participated. The survey highlights the various ways lay judges are involved in the judiciary. They predominantly adjudicate cases in mixed panels with professional judges, and primarily handle criminal cases. Between countries large differences exist in the frequency of participation. In some countries lay judges adjudicate a large number of cases (often much more than the 10 cases used as lower boundary of the highest category in the survey), while in other countries lay judges are involved in few cases. The age distribution also differs very much among countries. Consequently, lay judges do not form a homogeneous group.

The main conclusion about independence is that lay judges in Europe generally do not experience inappropriate pressure to decide cases in a certain way. It should be noted that they are much less outspoken in their views and more uncertain about answers than professional judges. The overall rankings by lay judges of the independence of lay judges and of professional judges are very similar, and largely coincide with the perceptions of the professional judges. The working relationship between lay judges and professional judges is generally unproblematic. Still the percentages of lay judges reporting problems in this area are such that attention is warranted.

It should be noted that not all Members and Observers that make use of lay judges have participated in the survey. This means that the outcomes reported here cannot be used to draw conclusions for the whole of Europe.

At a later stage it has to be discussed whether the survey will be repeated, and, if so, in which frequency. On the one hand, the outcomes are relatively moderate which may warrant the expectation that a next time the outcomes will be much the same, on the other hand there is no guarantee for this and, more principled, lay judges are part of the judicial system as are professional judges and as such need to be heard.

¹ This report was composed, by the Netherlands Council for the Judiciary; Mr. Frans van Dijk. Technical support for the lay judges survey was provided by the High Council of Justice of Belgium; Mr. Kevin Verhoeyen and by the Netherlands Council for the Judiciary Mr. Bart Diephuis

1. Introduction

The ENCJ has developed indicators to assess the actual state of the independence of the judiciaries of Europe. The set of indicators relates to formal, objective aspects of independence (the way matters are arranged by law and regulation) on the one hand and perceived, subjective independence on the other hand. One of the indicators with respect to subjective independence concerns the perceptions of judges of their independence (independence indicator 13). To gather these data, in 2016/2017 for the second time a survey among the judges of Europe was conducted. In total 11,712 judges from 26 countries participated. The survey was conducted among, what may be called, the professional, salaried judges. In many countries of Europe there are also lay judges active. CEPEJ documented their presence:

“An important number of States and entities resort to non-professional judges. This is the case in **Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Luxembourg, Monaco, Norway, Slovakia, Slovenia, Spain, Sweden, Switzerland** (13 cantons out of 26 have such nonprofessional judges), “**the former Yugoslav Republic of Macedonia**” or even **UK-England and Wales** and **UK-Scotland**. It may be “lay judges”, judges without legal training who sit alone or collegially but without the support of a professional judge (common law countries) or judges who sit as assessors to a professional judge (which is the case for example in **Austria, Belgium, Croatia, Czech Republic, France, Hungary, Germany, Luxembourg, Monaco, Norway, Slovakia, Slovenia, Sweden** or **Israel**). It can also be justices of the peace competent to settle small civil disputes or to adjudicate in respect of minor criminal offences (**Spain, UK-England and Wales, UK-Scotland**).”²

CEPEJ provides also figures about the number of lay judges.

Table 1. Number of lay judges in Europe

Lay judges			Lay judges		
Judiciary	Absolute number	Per 100,000 inhabitants	Judiciary	Absolute number	Per 100,000 inhabitants
Albania	-	-	Lithuania	-	-
Austria	-	-	Netherlands	-	-
Belgium	4,026	36	Norway	43,000	832
Bulgaria	-	-	Poland	13,933	36
Croatia	-	-	Portugal	-	-
Denmark	12,000	212	Romania	-	-
France	24,921	38	Serbia	2,564	36
Finland	1,738	32	Slovenia	3,445	167
Germany	97,306	120	Slovakia	-	-
Greece	7,000	65	Spain	7,687	17
Hungary	4,500	46	Sweden	8,318	85
Ireland	-	-	UK, England and Wales	19,253	34
Italy	3,068	5	UK, Scotland	389	7
Latvia	-	-	Total	253,148	

Note: in bold judiciaries that participated in the survey.

² CEPEJ (2016). European judicial systems: Efficiency and quality, CEPEJ studies no 23, blz.89.

Note: As this report was originally drafted in June 2018, and the 2018 CEPEJ Studies were only issued in October 2018, this report is based on the data regarding lay judges from the 2016 CEPEJ Studies.

Source: CEPEJ (2016). European judicial systems: Efficiency and quality, CEPEJ studies no 23, Table 3.11 (p95). Data for Greece provided by the Supreme Judicial Council of Greece.

In 60% of the judiciaries lay judges play a role. The number of citizens that are involved as lay judges in the judiciary is substantial. It should be stressed that the figures in Table 1 are absolute numbers. In full time equivalents the number of judges would only be a small fraction of these figures, as will be discussed further below.

As lay judges are entrusted with important tasks, their perceptions about their independence are needed to get a full representation of independence as perceived by judges. To gather this data a survey among lay-judges was conducted. In total 20,605 lay judges from 10 different countries participated. The data can be provided upon request by sending an email to office@encj.eu.

The report first discusses the methodology and the content of the survey. Section 3 deals with response rate and representativeness. Section 4 gives background information about the personal characteristics and duties of the lay judges that answered the survey, and section 5 presents the main results of the survey. Sections 4 and 5 present the results in graphs. In the final section all outcomes are given in quantitative form in tables. The Annex contains the survey, as was sent to the lay judges.

2. Methodology and content of survey

Methodology

The survey was sent to all the ENCJ Members and Observers. The Members and Observers that have lay judges and that were able to participate, distributed a letter of introduction and recommendation of the president of the ENCJ to the lay judges within their jurisdictions. This generally required the co-operation of court presidents in the absence of a database at national level. The letter contained a link to the website that hosted the survey. The respondents could fill in the survey online anonymously. They were asked to specify the country in which they were working as a judge. Judges could fill in the survey in any language into which the survey had been translated.

Design of the survey

The survey was adapted from the survey of professional judges. It asked the lay judges to give an assessment of their own independence and of the independence of the lay judges in their country in general. In addition they were asked to give their assessment of the independence of the professional judges.

The survey also explored several aspects of independence such inappropriate pressure and its sources, corruption, (threat of) disciplinary measures and media influence. In a more general sense, the lay judges were asked whether they felt respected by the actors they interact with. A specific issue for lay judges is the relationship of professional and lay judges, when they adjudicate cases together. As this

is the main mode in which lay judges are operating (see below), this relationship is vital for their independence, and it is explored in some depth. It concerns the influence of professional judges on lay judges, the degree to which their opinions are taken seriously by professional judges and the influence of lay judges on judicial decisions.

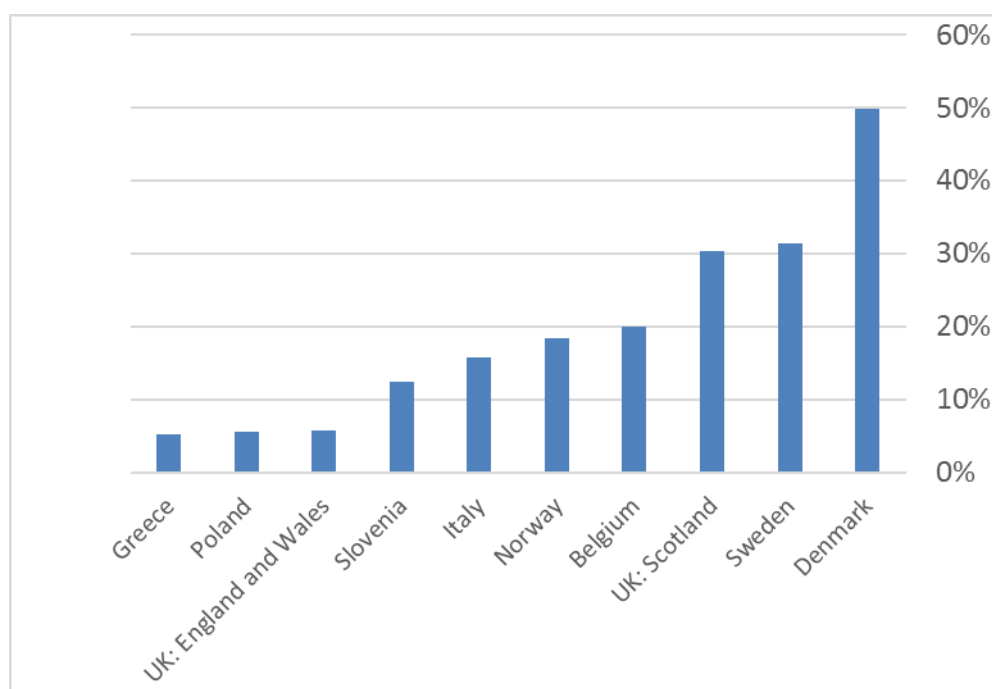
In addition, the respondents were asked about some personal characteristics (gender and age) and about their activities as lay judges.

The perspective of the survey is the individual lay judge, unless a more truthful or relevant answer could be expected from the perspective of lay judges in general. The survey is to be found in Annex.

3. Response rate per country and representativeness

Figure 1 gives the response rate in the participating countries. The countries are ranked from low to high response rates.

Figure 1. Number of respondents as percentage of the total number of lay judges*

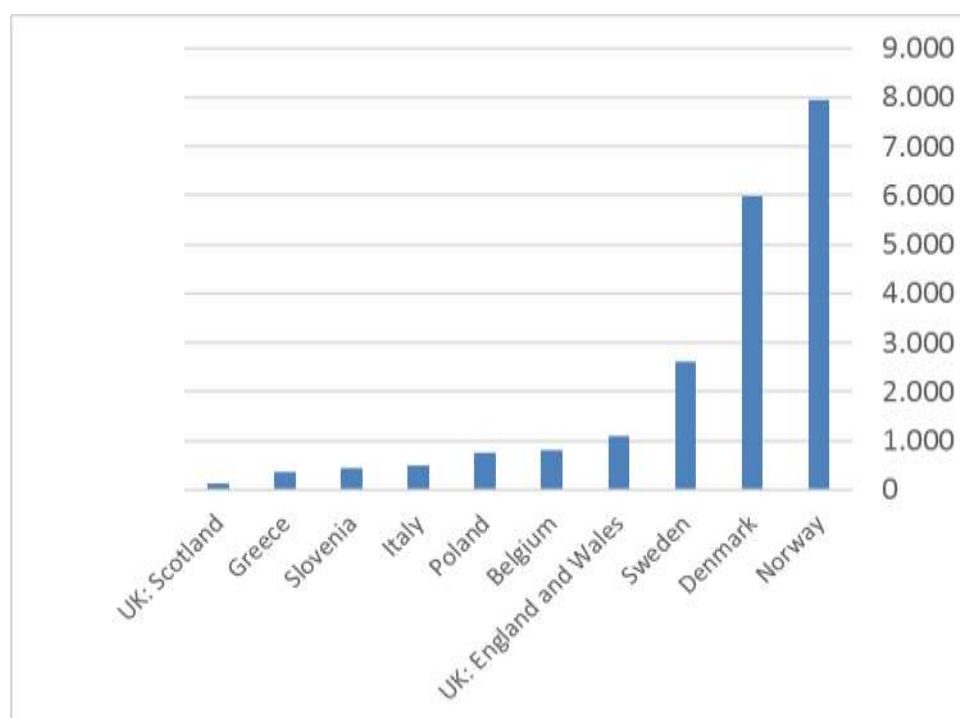


*Number of lay judges as in Table 1.

The response rate varies from 5 per cent in Greece to 49,9 per cent in Denmark. For the representativeness of the results of the survey the absolute number of responses per country is important. Even if the response rate in a country is low, the results can be meaningful. In comparison,

population surveys cover usually only a very small portion of the population, but are nevertheless statistically meaningful. The only caveat is that the response is not selective, in the sense that responding lay judges do not differ substantially from the not responding ones in aspects that are relevant to the results of the survey. This is relevant with each response rate which is not close to 100 per cent. Figure 2 shows the number of responding judges per country, ranked by number.

Figure 2. Total number of respondents



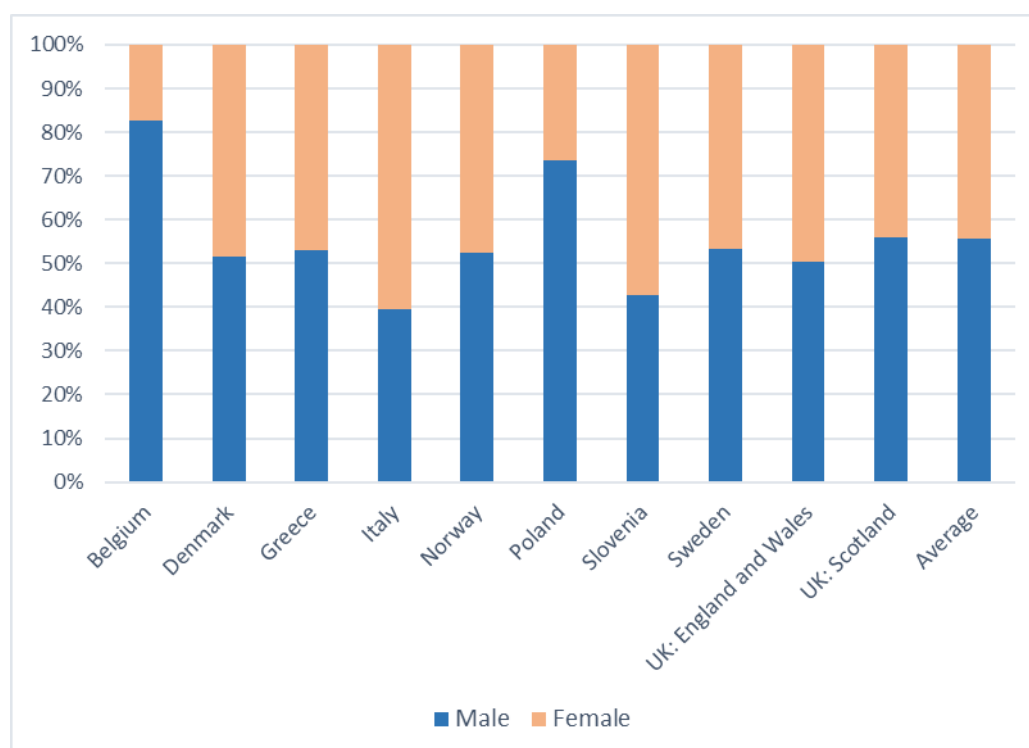
The number of responding judges varies from 118 in Scotland to as many as 7,942 in Norway. The 'confidence interval' around the results for the countries with a small number of respondents will be relatively large. The numbers are high enough to distinguish meaningful differences which can be statistically checked by using the data.

4. Personal Characteristics and duties of lay judges

Personal Characteristics

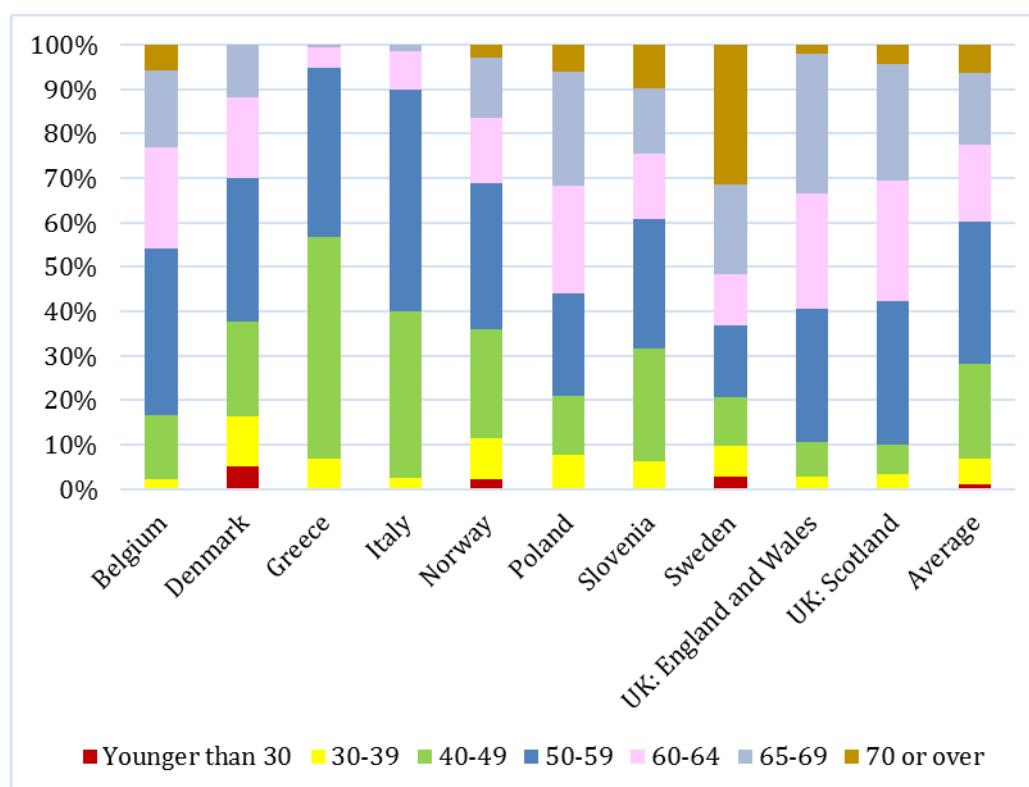
The survey asked the respondents about their gender, age and experience. The following figures give the data.

Figure 3. Gender of lay judges



The gender distribution is overall roughly equal. Only in Belgium (83%) and Poland (74%) men dominate in numbers, while in Italy and Slovenia the percentage of women is close to 60%. The average given here, like in all other figure, is the unweighted average across countries.

Figure 4. Age class of lay judges

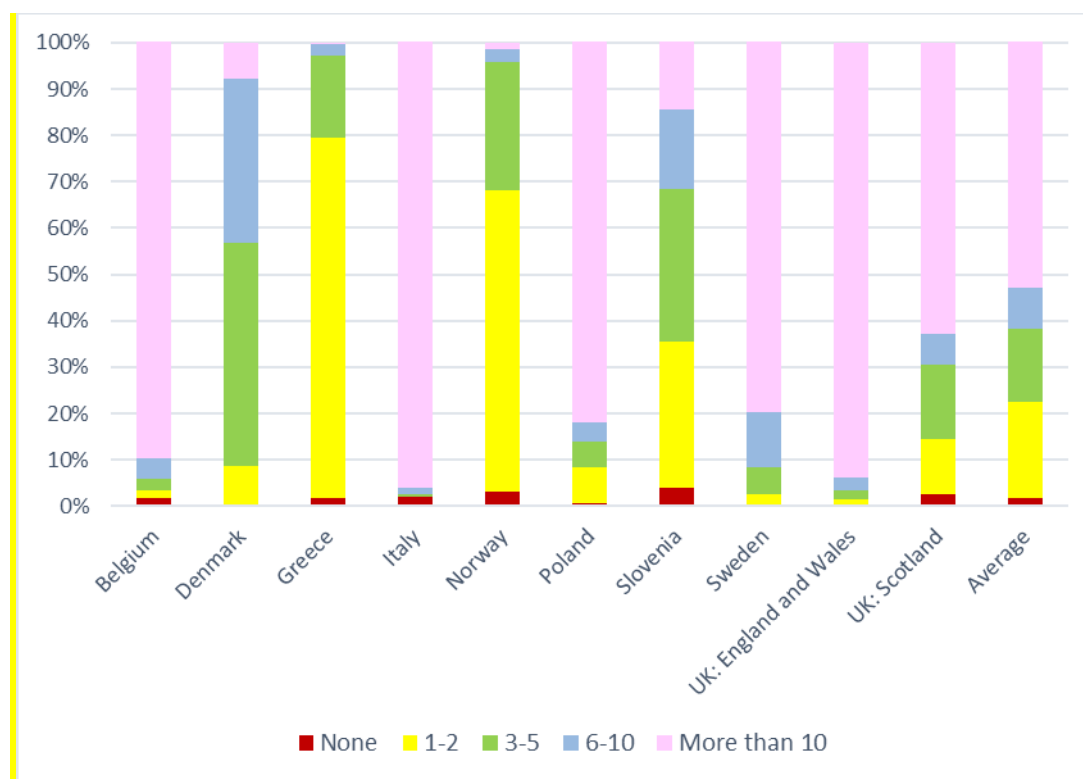


Calculated as average across countries, 40% of the lay judges is 60 years or older. The age distribution differs very much across countries. In Sweden 64% is 60 years or older with 32% 70 years or older. In the UK (England and Wales and Scotland) and in Poland 60% is 60 or older, roughly equally divided between age categories 60-64 and 65-69. In contrast, in Greece and Italy 95% and 90% is below 60 years, and in Norway and Denmark 70%.

Duties of lay judges

The survey also asked the respondents about their duties as lay judges.

Figure 5. Frequency of participation of lay judges in cases in the last two years



As to the participation of lay judges in adjudicating cases, large differences exist in the frequency of participation. In Belgium, England and Wales, Italy, Poland, Scotland and Sweden lay judges adjudicate a large number of cases (often much more than the 10 cases used as lower boundary of the highest category), while in particular in Greece and Norway and, to a lesser extent, in Denmark and Slovenia lay judges are involved in few cases. Consequently, lay judges do not form a homogeneous group. One may wonder what the consequences are of doing only 1 or 2 cases over a period of two years in terms of familiarity with and commitment to core values such as independence and impartiality, apart from knowledge and experience. Such low participation rates may not be effective, but this ultimately depends on the objectives of each judiciary in this regard.

Table 2. Area of law lay judges participated in: number of answers given

	Total	Criminal cases	Administr. law cases	Commercial cases	Family cases	Labour cases	Other civil cases	Other	None
Belgium	898	5	19	344	4	427	14	72	13
Denmark	8.976	5.911	227	289	682	134	848	879	6
Greece	383	349	0	2	7	0	9	12	4
Italy	1.150	288	55	73	78	31	296	319	10
Norway	9.927	7.448	53	62	1.013	53	512	530	256
Poland	954	168	2	2	357	132	139	149	5
Slovenia	570	267	5	31	58	88	32	72	17
Sweden	5.858	2.019	789	278	1.547	124	454	646	1
UK: England and Wales	2.057	822	146	48	267	66	263	443	2
UK: Scotland	149	57	12	2	2	31	13	29	3
Total	30.922	17.334	1.308	1.131	4.015	1.086	2.580	3.151	317

Lay judges are predominantly active in criminal law. Family law takes second place. Many of them work in several areas of law, as in total 20,605 lay judges participated in the survey and the number of answers is 30,922.

Table 3. Setting in which lay judges adjudicate cases: number of answers given

	Total	Alone	Together with other lay judges only	Together with professional judges only	Together with both professional judges and lay judges
Belgium	918	116	18	45	739
Denmark	6.206	6	328	136	5.736
Greece	366	5	52	5	304
Italy	549	376	8	87	78
Norway	8.256	49	844	289	7.074
Poland	770	9	11	27	723
Slovenia	431	6	20	12	393
Sweden	2.733	8	74	72	2.579
UK: England and Wales	1.415	153	673	64	525
UK: Scotland	122	59	4	8	51
Total	21.766	787	2.032	745	18.202

Sitting together with professional and lay judges is the dominant form. Only in Italy and the UK most lay judges either sit alone or with other lay judges. Participation in more than one setting is rare.

5. Main outcomes of the survey

Independence of lay judges

As in the survey of professional judges, two questions were asked. The first concerns the perception about the independence of lay judges in the country in general. The second asks about the personal independence of the respondent. On a scale between 0 and 10, the independence of lay judges in general is rated between 7.5 in Italy to 9.3 in Scotland, with an across country average of 8.5 (Figure 6). As recorded for professional judges before, personal independence is rated higher and varies from 8.6 in Poland to 9.4 in Scotland, with a country average of 9.0 (Figure 7).

Figure 6. Independence of lay judges in general

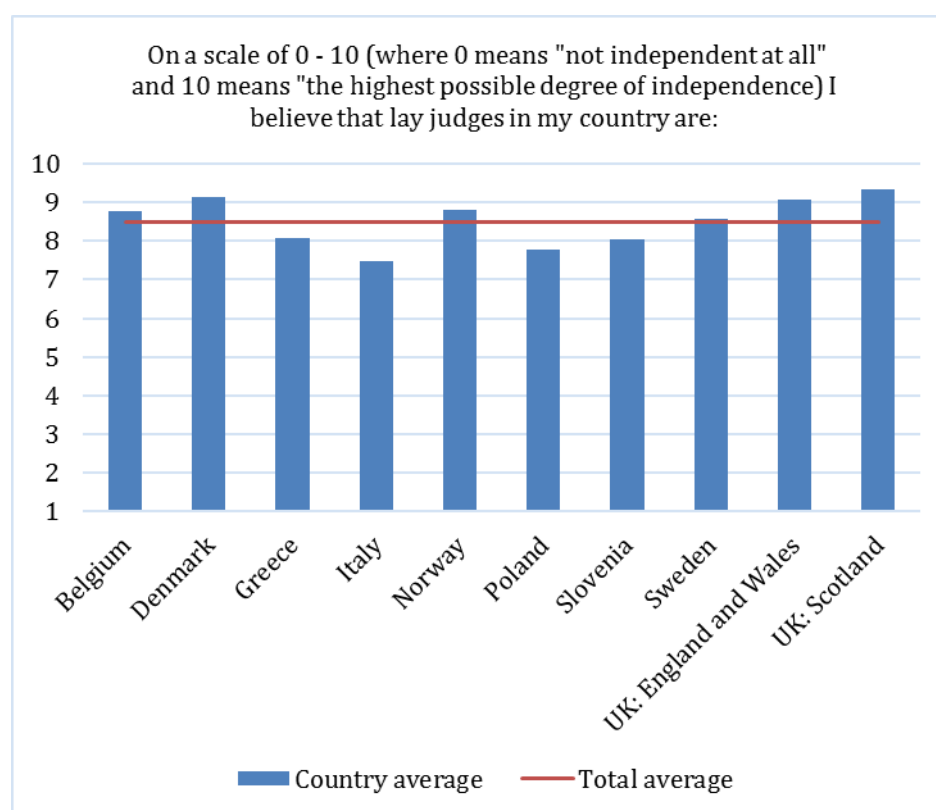
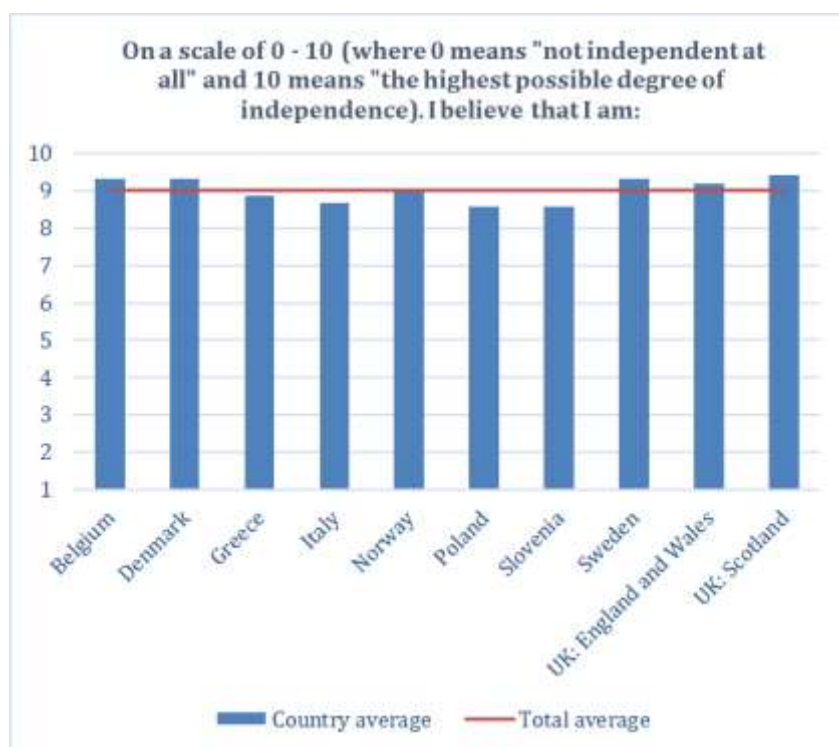


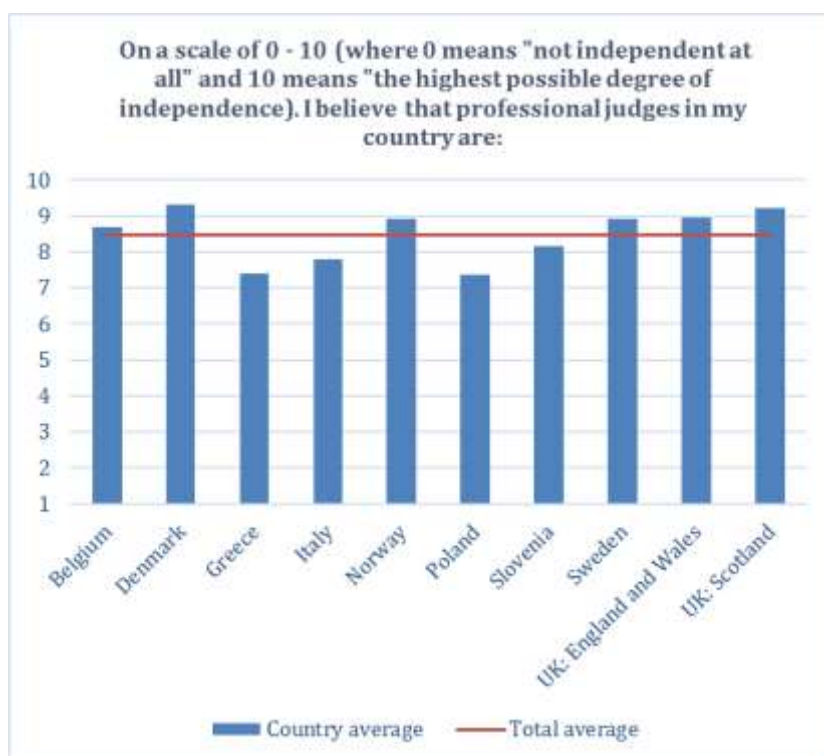
Figure 7. Personal independence of lay judges



Perception of independence of professional judges

The lay judges were also asked to rate the independence of the professional judges in their countries. The perceptions range from 7.4 in Greece to 9.3 in Denmark, with a country average of 8.5.

Figure 8. Independence of professional judges according to lay judges

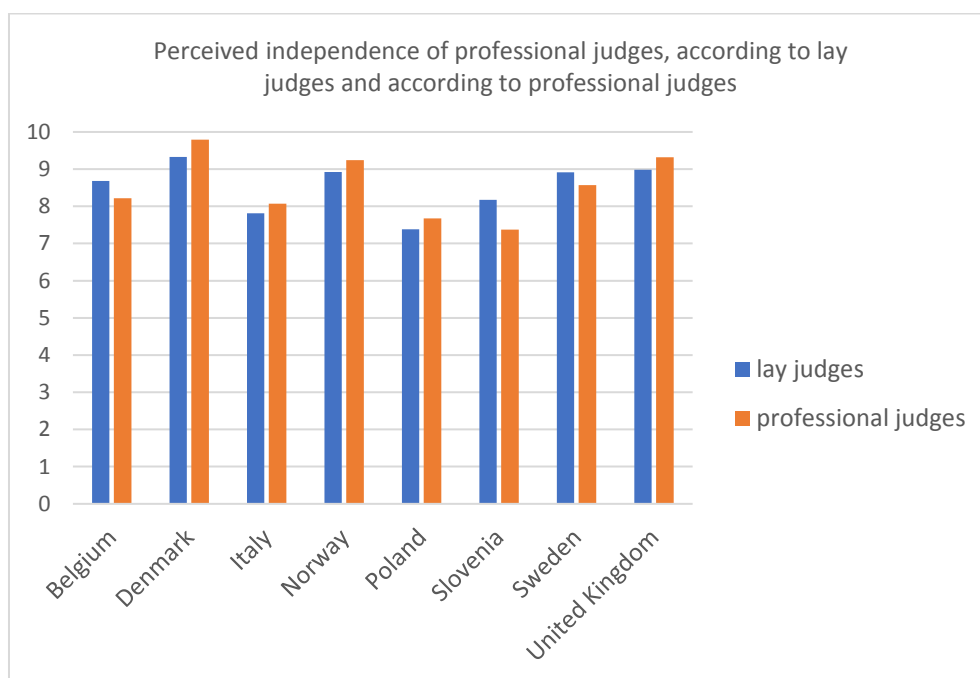


The lay judges rate their independence generally at the same level as they rate the independence of the professional judges. Only in Greece and Poland they rate the independence of lay judges higher than that of the professional judges (8.1 vs 7.4 in Greece and 7.8 vs 7.4 in Poland). In Italy and Sweden it is the other way round (7.5 vs 7.8 in Italy and 8.6 vs 8.9 in Sweden).

These outcomes can be compared with the perceptions of the professional judges themselves about their independence (Figure 9). For the judiciaries that have participated in both surveys the average rating is the same (8.5), with sizeable differences within judiciaries.³ Lay judges in Belgium, Slovenia and Sweden have a more positive view of the independence of professional judges than the professional judges themselves; in Denmark, UK, Italy, Norway and Poland professional judges are more positive about their independence than the lay judges are about the independence of professional judges.

³ For the survey among professional judges see: ENCJ (2017). Data ENCJ survey on the independence of judges 2016-2017, www.encj.eu.

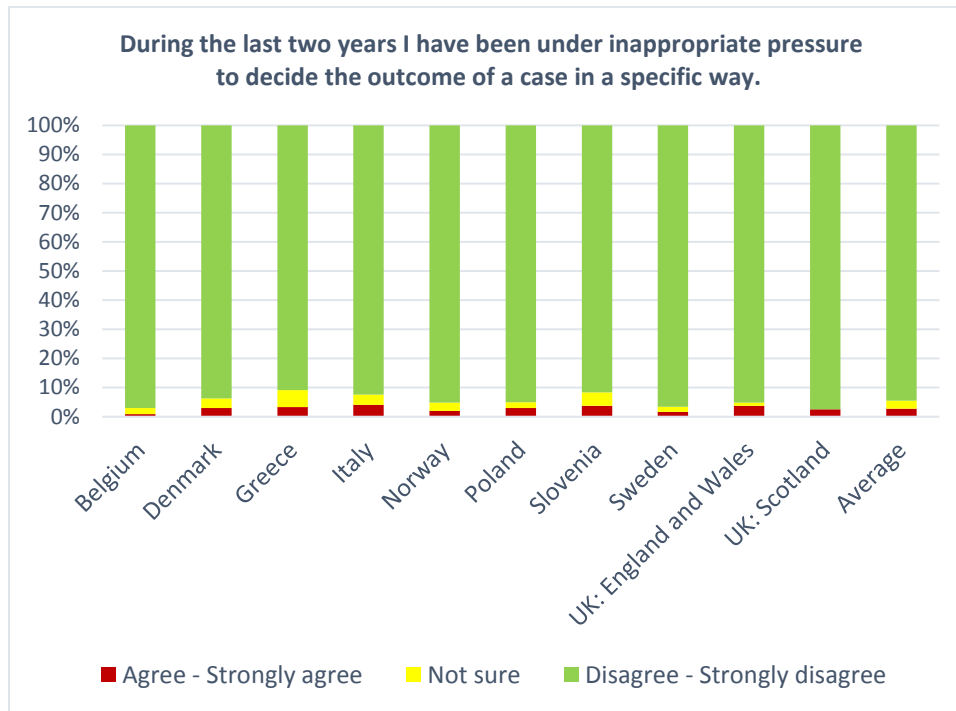
Figure 9. Perceived independence of professional judges according to lay judges and professional judges



Aspects of independence of lay judges

In the following tables the outcomes are presented by question.

Figure 10. Inappropriate pressure



The percentage of lay judges that experience inappropriate pressure does not exceed 4% (Italy, England and Wales, Slovenia).

Figure 11. Corruption (bribery)

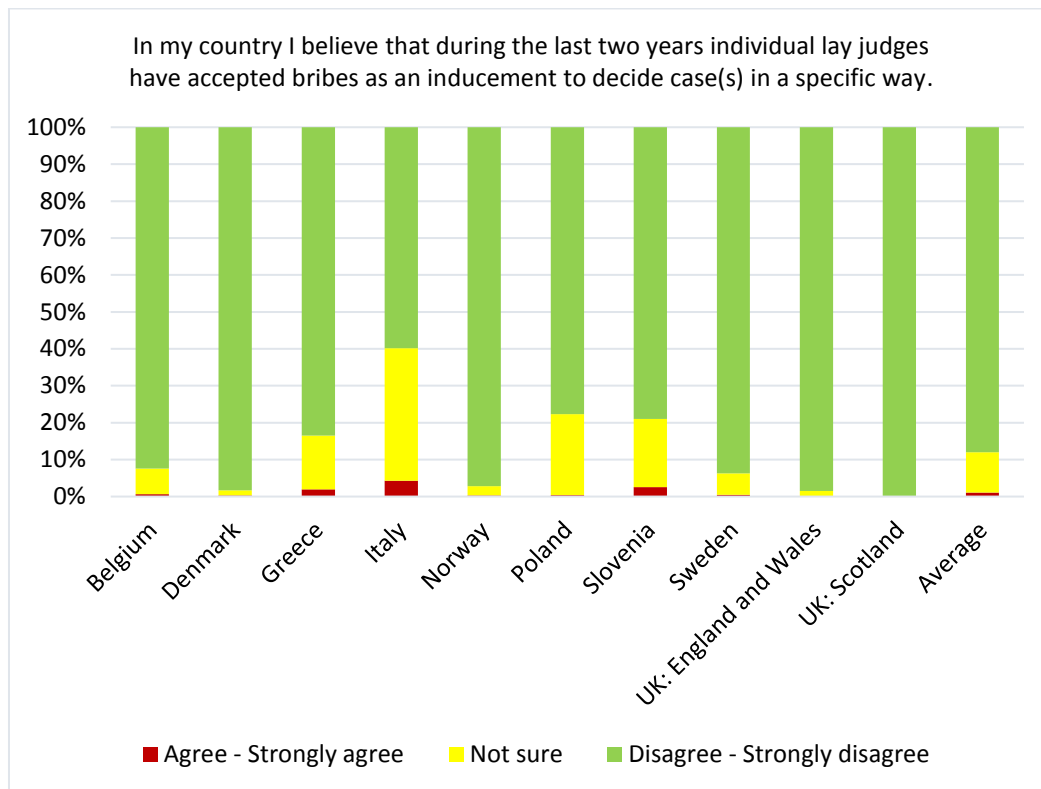
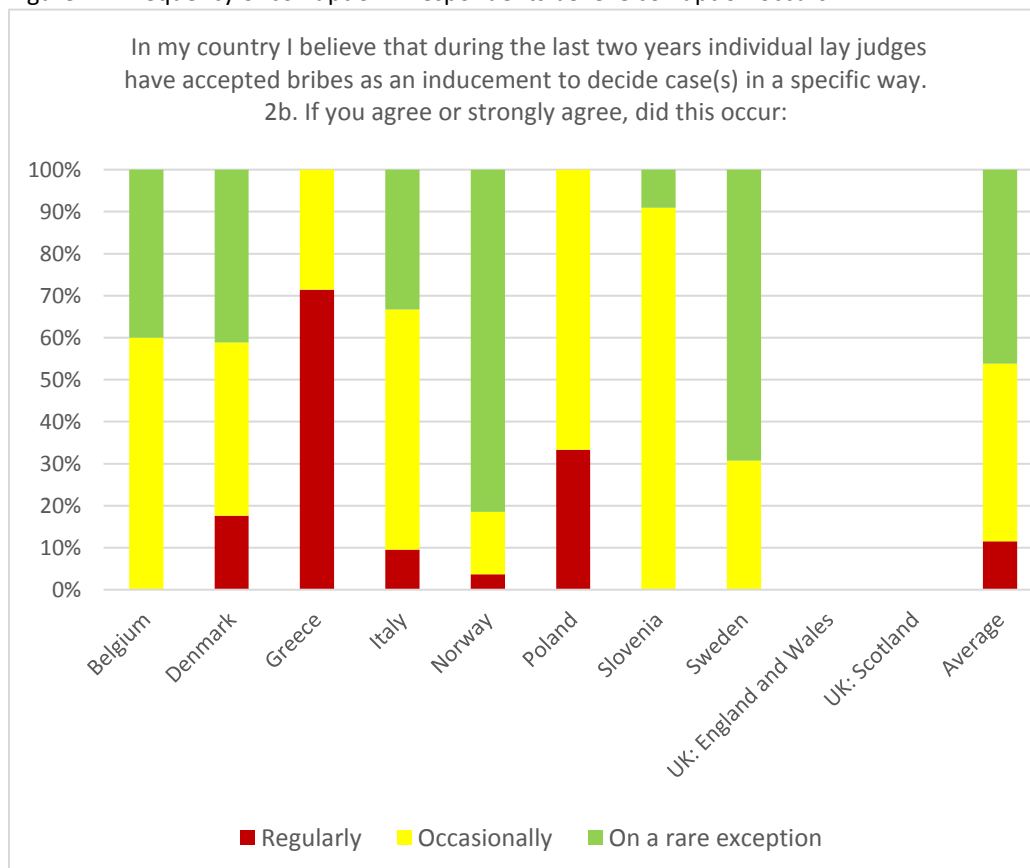
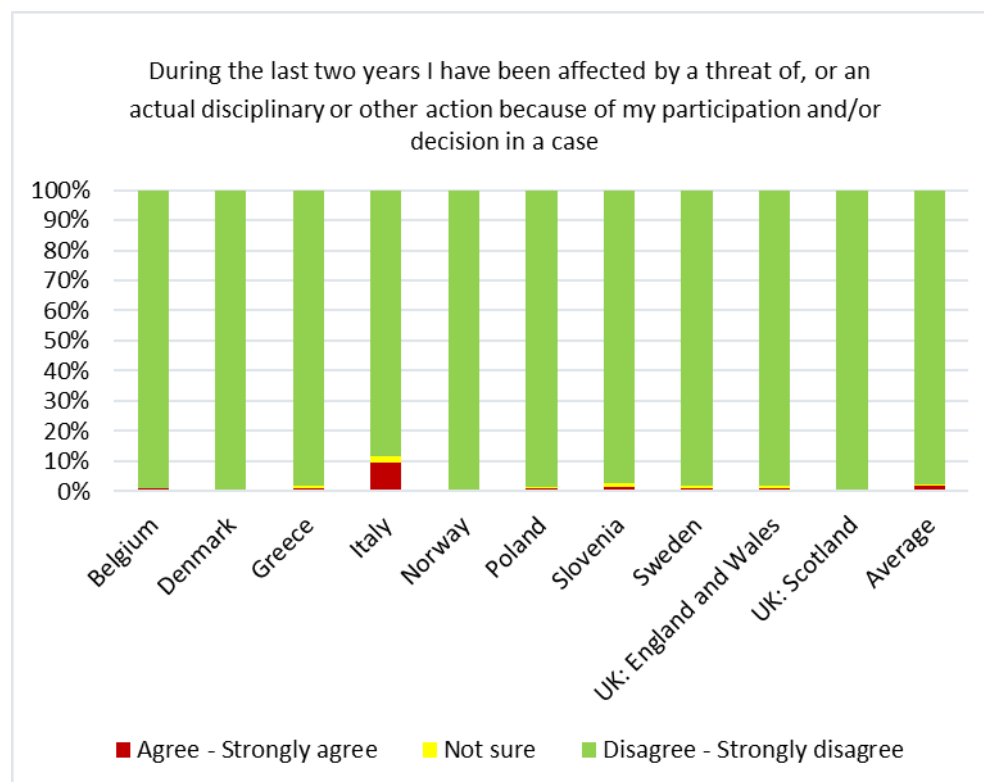


Figure 12. Frequency of corruption if respondents believe corruption occurs



Corruption is confined here to its most direct form, taking bribes. Few lay judges believe this happens. Many more are uncertain about lay judges taking bribes. In some countries (Greece, Poland, Denmark, Italy) many of the respondents that answer that bribes are taken, believe this occurs regularly.

Figure 13. Disciplinary actions or threats because of a decision in a case



The impact of (the threat of) disciplinary action because of participation or decisions in cases is limited to Italy, where 10% of the respondents report such impact.

Figure 14. Influence of the media on judicial decisions

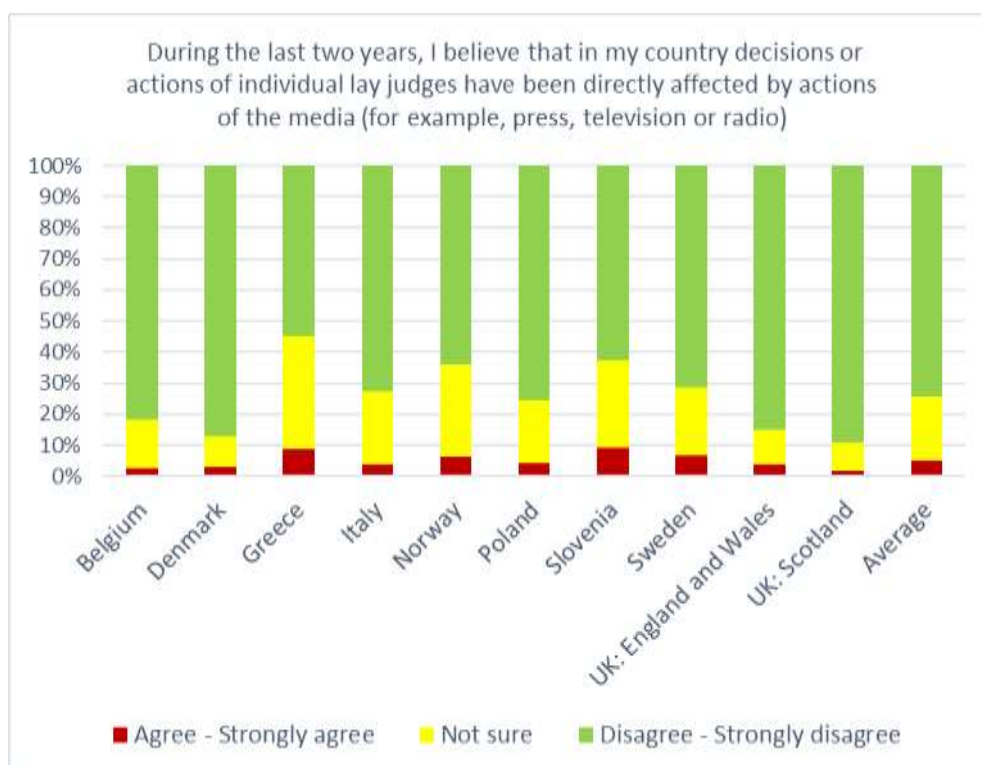
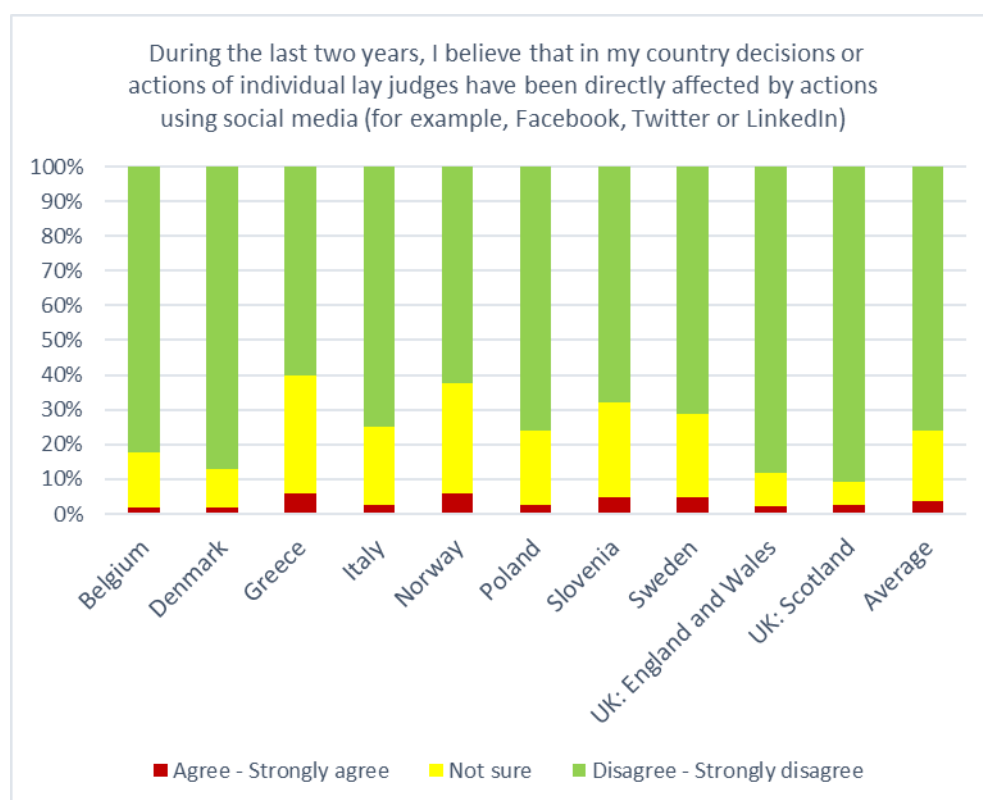


Figure 15. Impact of social media on judicial decisions



The impact of the (social) media on the decisions of lay judges is relatively small. Less than 10% report this pressure.

Figure 16.1 Respect for independence of lay judges by professional judges

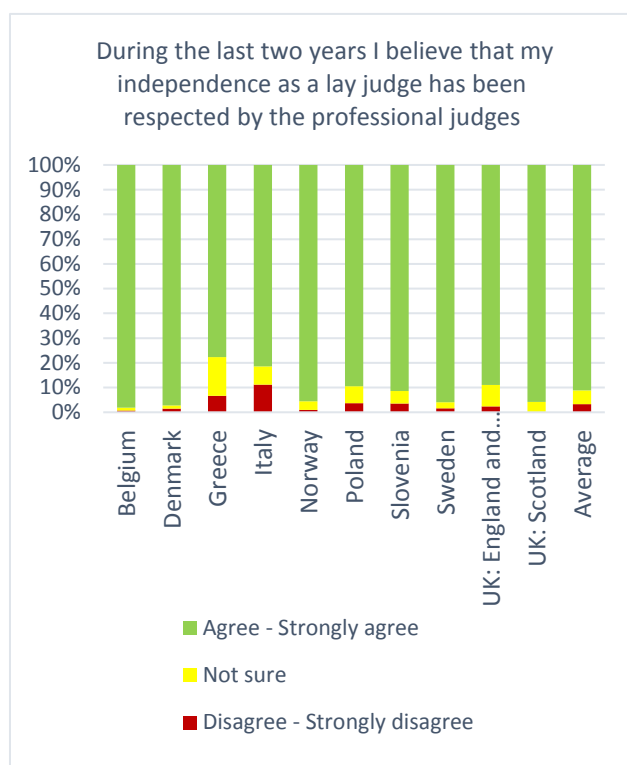


Figure 16.2 Respect for independence of lay judges by other lay judges

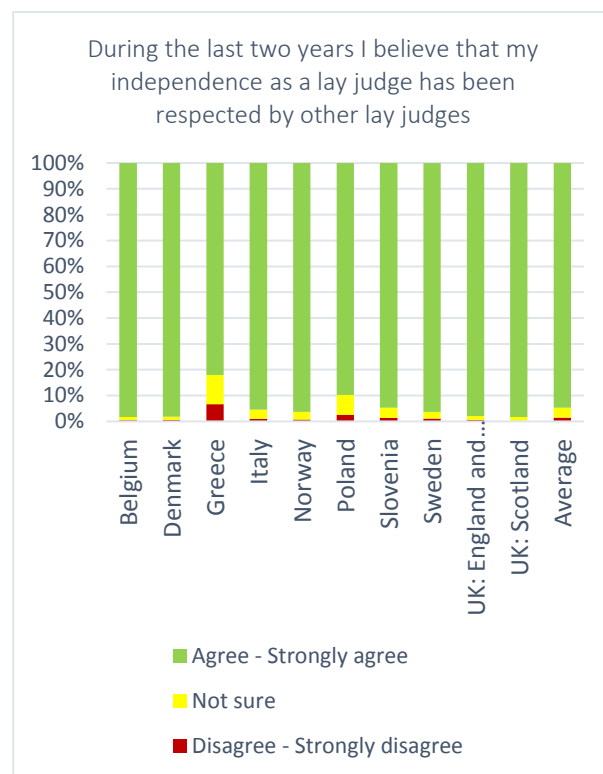


Figure 16.3 Respect for independence of lay judges by parties

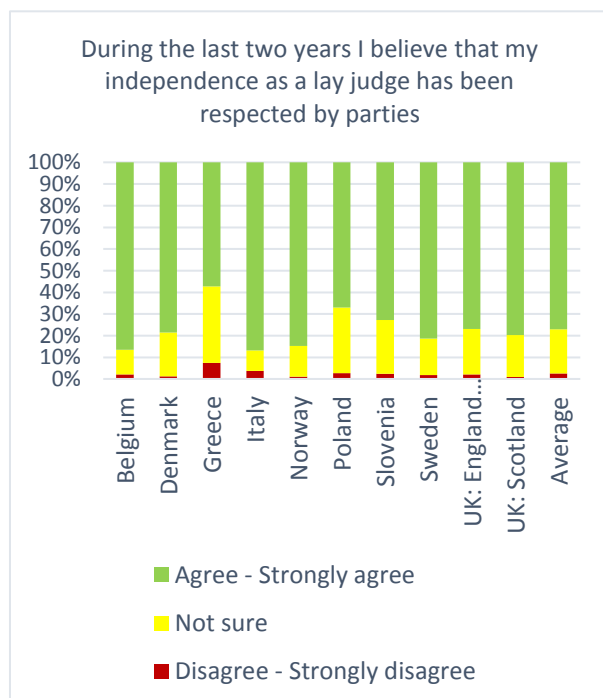


Figure 16.4 Respect for independence of lay judges by lawyers

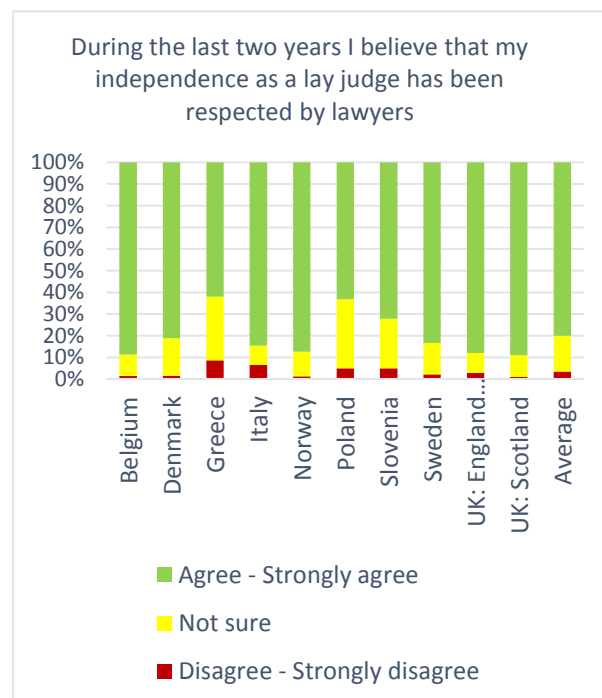


Figure 16.5 Respect for independence of lay judges by the media (for example, press, radio or television)

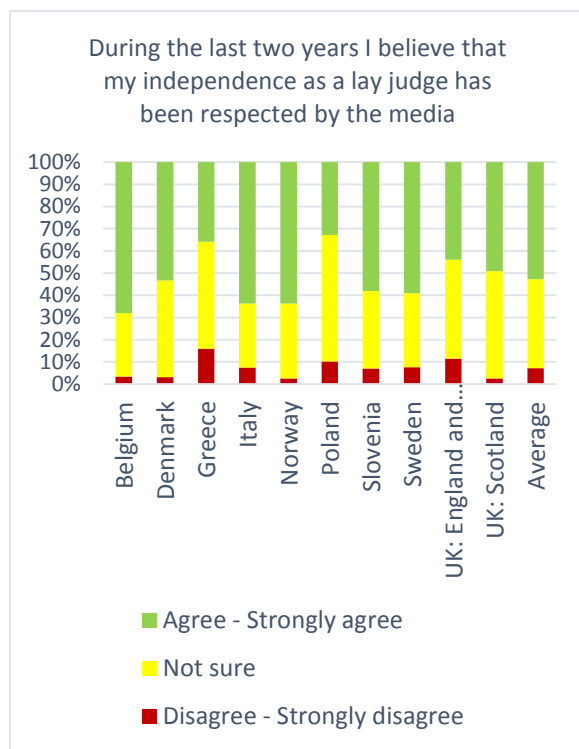


Figure 16.6 Respect for independence of lay judges by social media for example Facebook, Twitter or LinkedIn

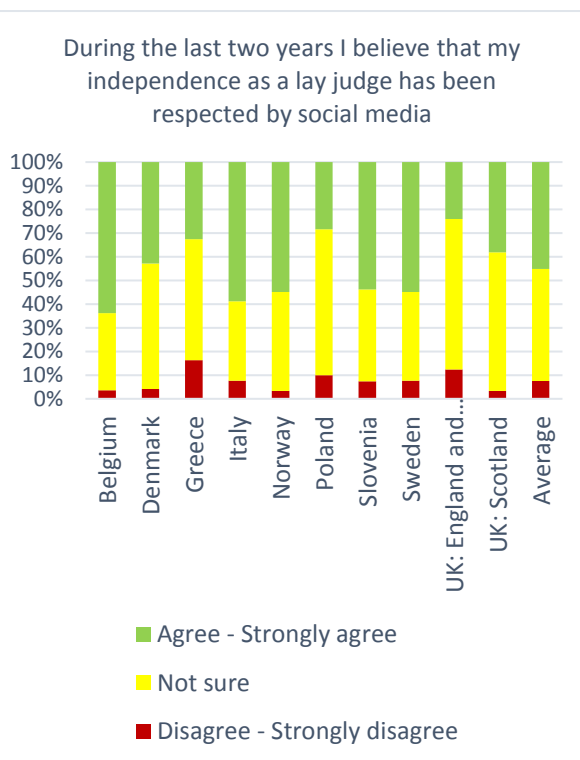


Figure 16.7 Respect for independence of lay judges by governmental organizations

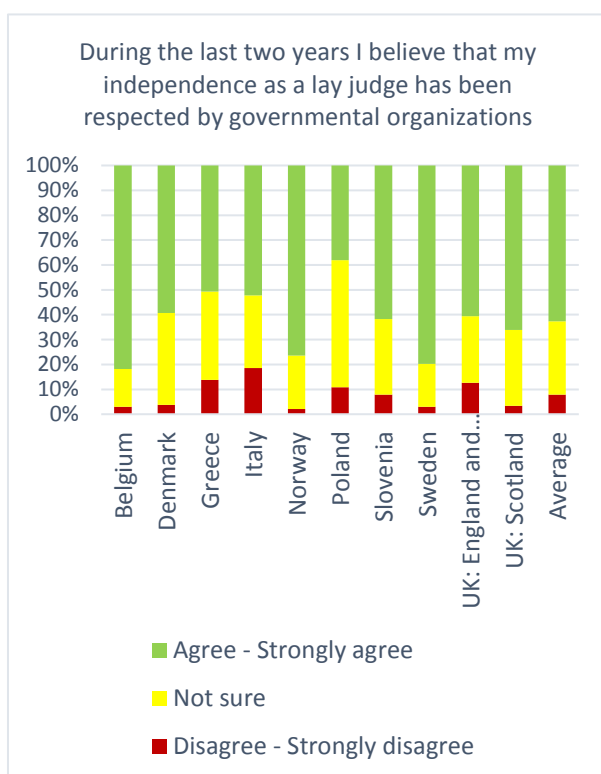


Figure 16.8 Respect for independence of lay judges by professional organizations, such as labour unions and employer organisations

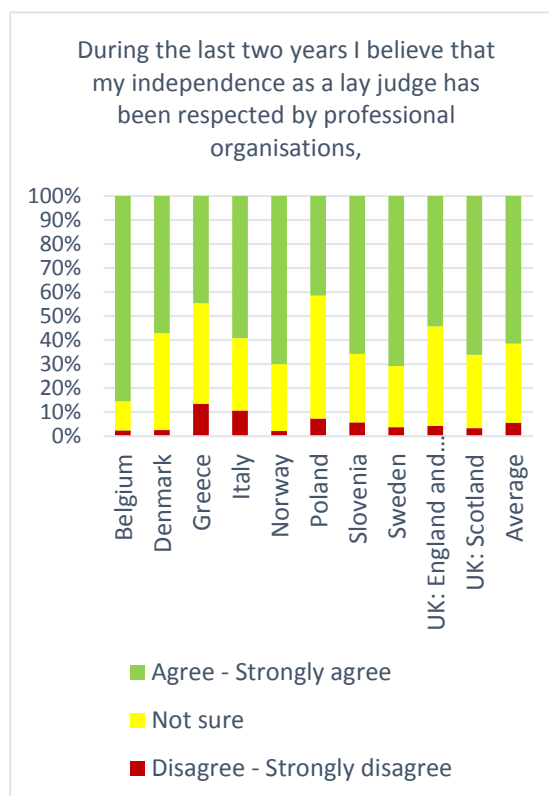


Figure 16.9 Respect for independence of lay judges by the local community

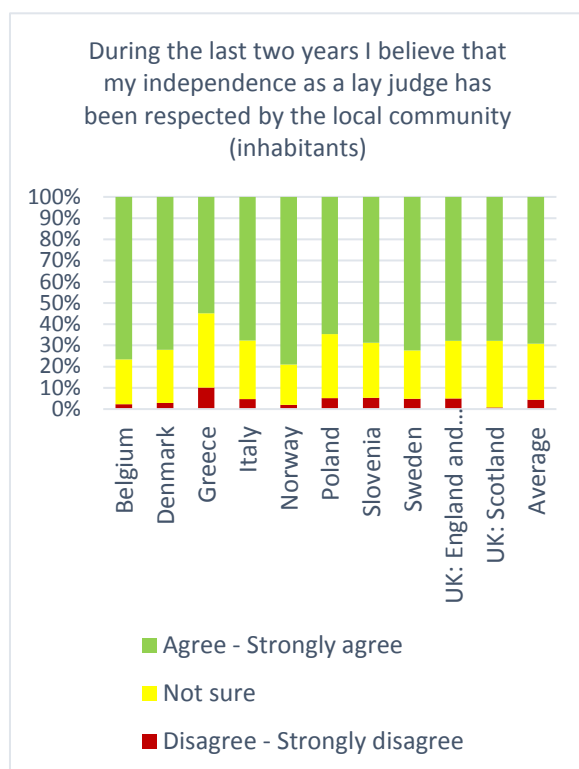
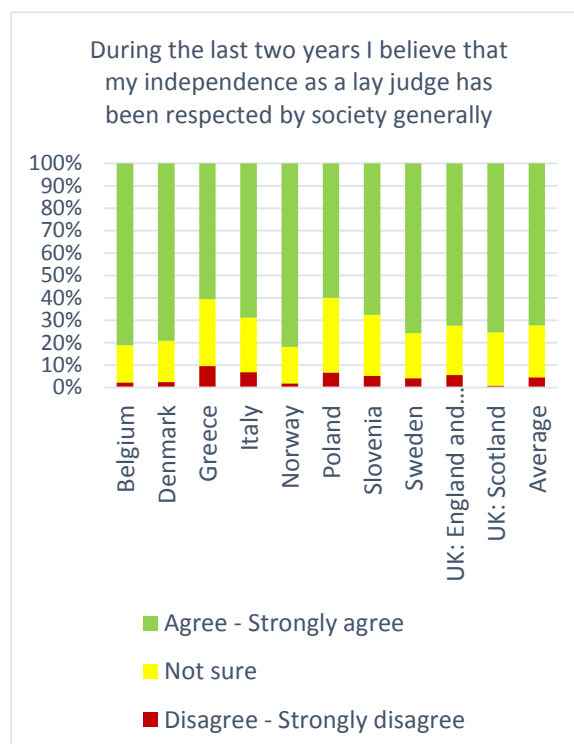


Figure 16.10 Respect for independence of lay judges by society generally.



Small percentages of lay judges report lack of respect by the groups that were distinguished, Lay judges report lack of respect most often by government organizations and the (social) media. This feeling is shared among most of the participating judiciaries. Professional judges are also mentioned, though less frequently. We return to this issue below.

Comparison of lay and professional judges on common aspects

The survey among lay judges differs from the one among the professional judges, as lay judges are generally not as involved in the governance of the judiciary as professional judges are. Still, some questions are the same. In general, lay judges are much less critical about practices and attitudes, and are more uncertain about their answers. The differences among countries are largely in the same direction as the differences among countries in the survey of professional judges, but much smaller.

These effects are very strong in the answers about the respect given to judges. See below on the respect by the media and by government. An explanation could be that the cases lay judges are involved in are less controversial than the cases professional judges do without lay judges. Another explanation is that lay judges are less frequently active in the judiciary than professional judges, have less information and are less emotionally involved.

Figure 17. Respect for independence by media - lay judges vs. professional judges

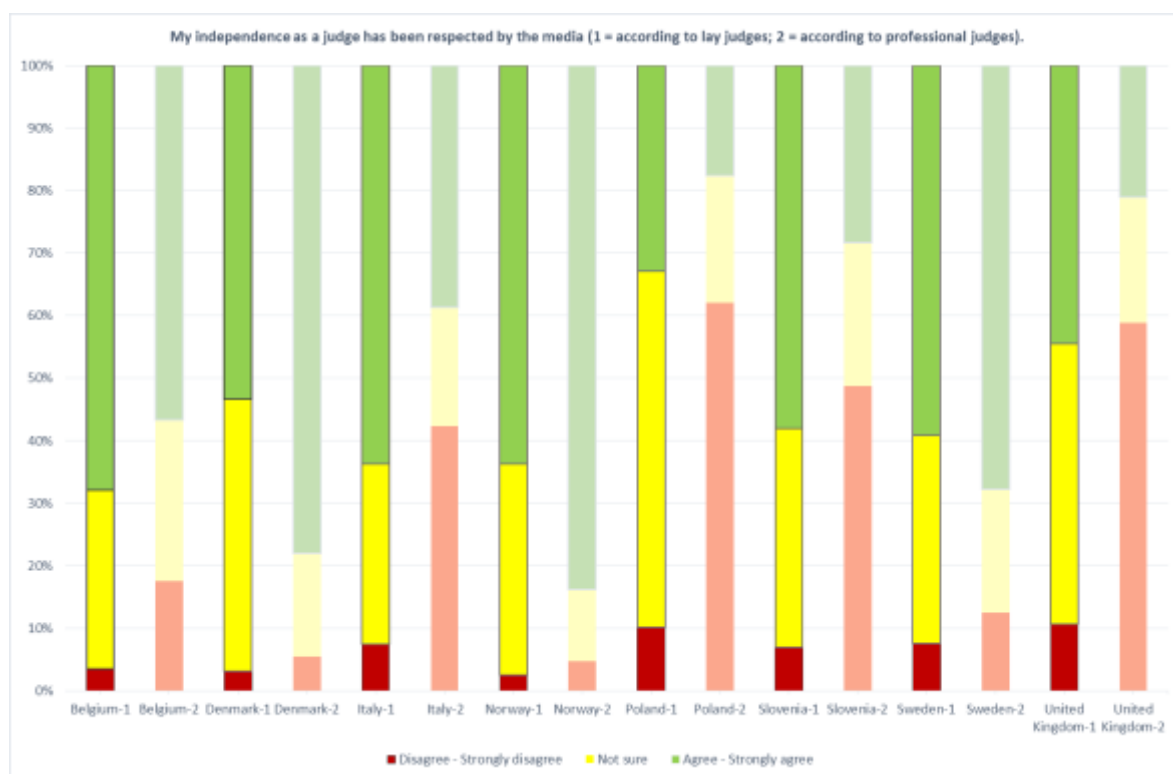
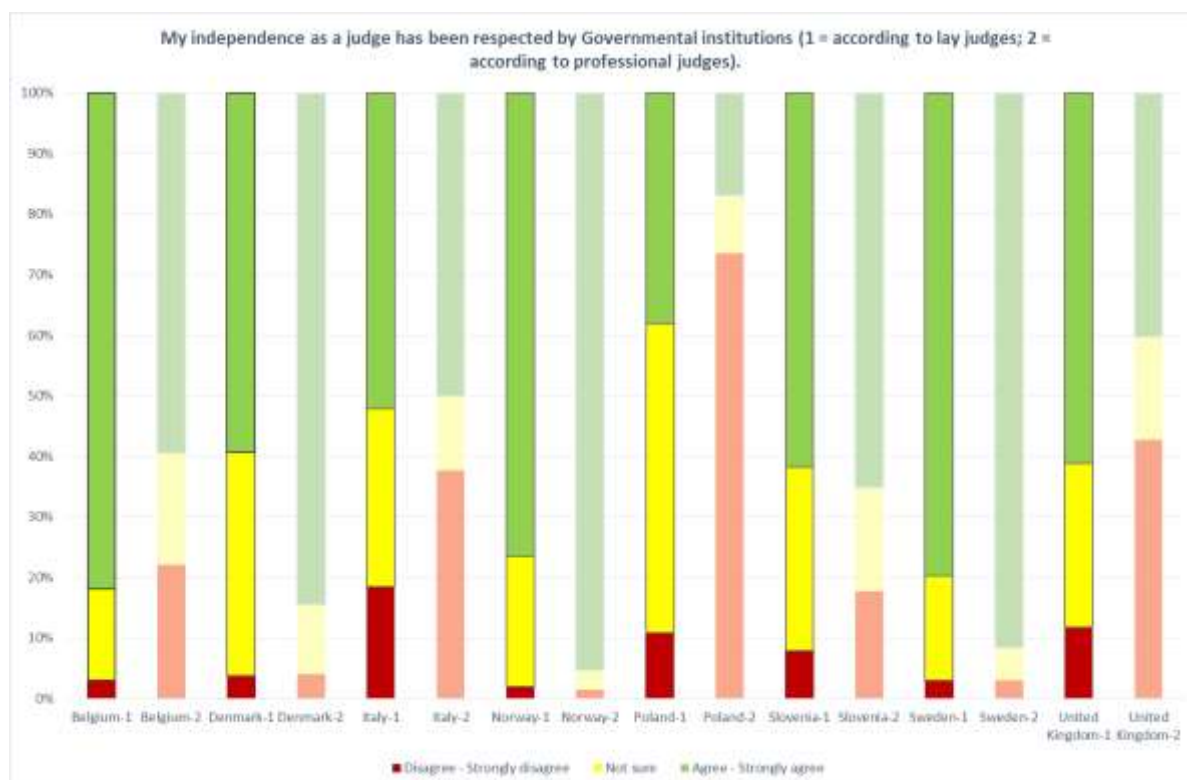
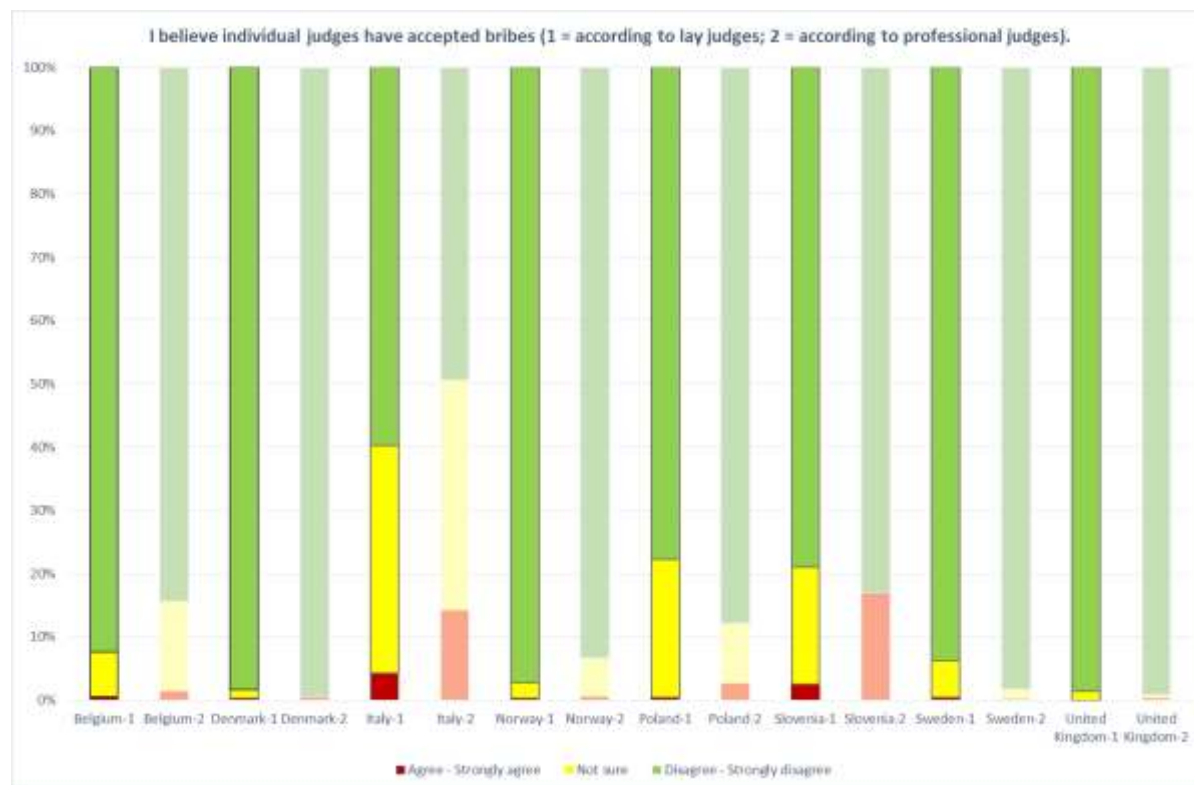


Figure 18. Respect for independence by governmental institutions - lay judges vs. professional judges



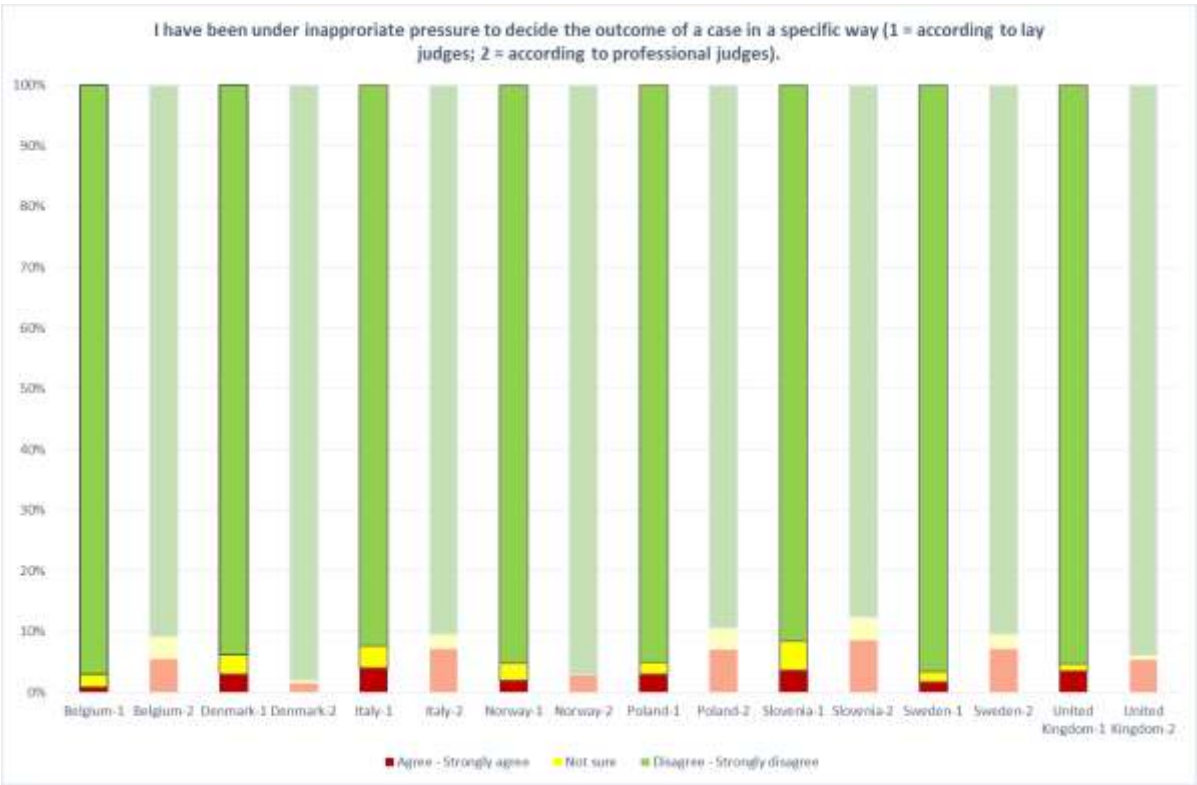
The perceptions about the acceptance of bribes follow the same pattern, but on a much lower scale and less consistently.

Figure 19. Corruption (bribery) - lay judges vs. professional judges



Finally, the results are more ambivalent for the crucial question whether judges have been under inappropriate pressure to decide cases. Lay judges generally feel somewhat less pressure, but they are not more uncertain about this than the professional judges.

Figure 20. Inappropriate pressure - lay judges vs. professional judges



Interaction of lay and professional judges

An issue specific to lay judges is their relationship with professional judges as they quite often sit together in a panel (see table 3). The outcomes of the questions relating to this, are stated below.

Figure 21. inappropriate influence on lay judges in a panel

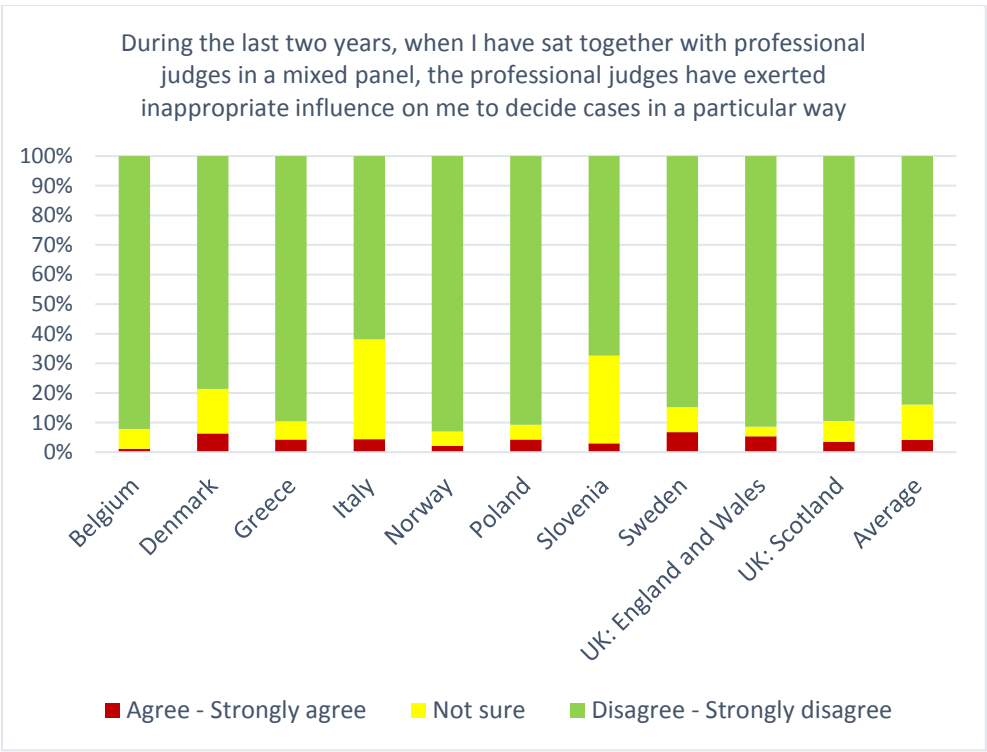


Figure 22. Acceptance of contribution of lay judges by professional judges

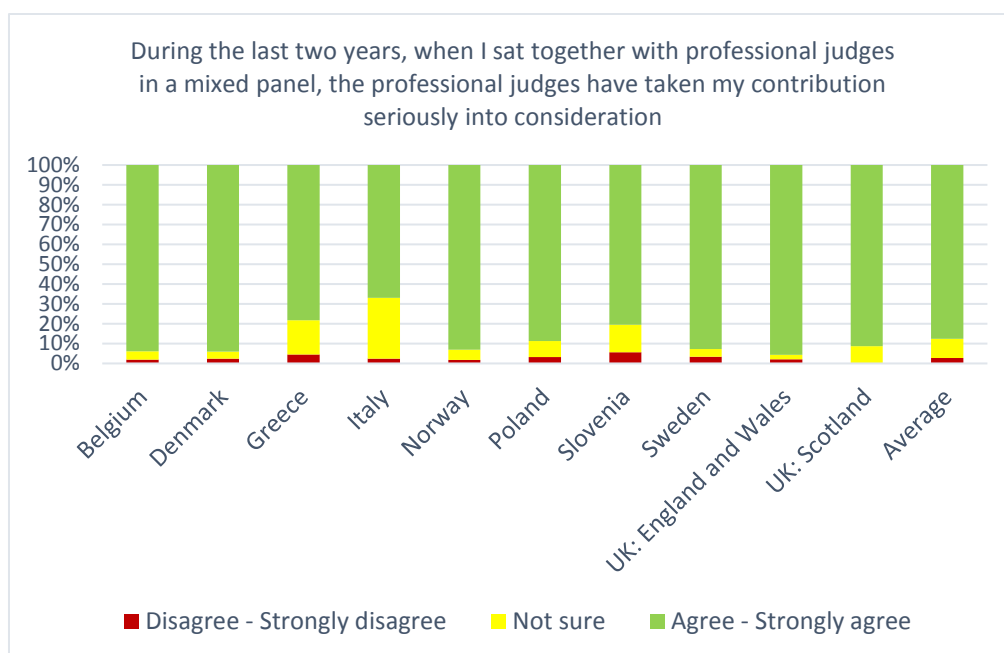
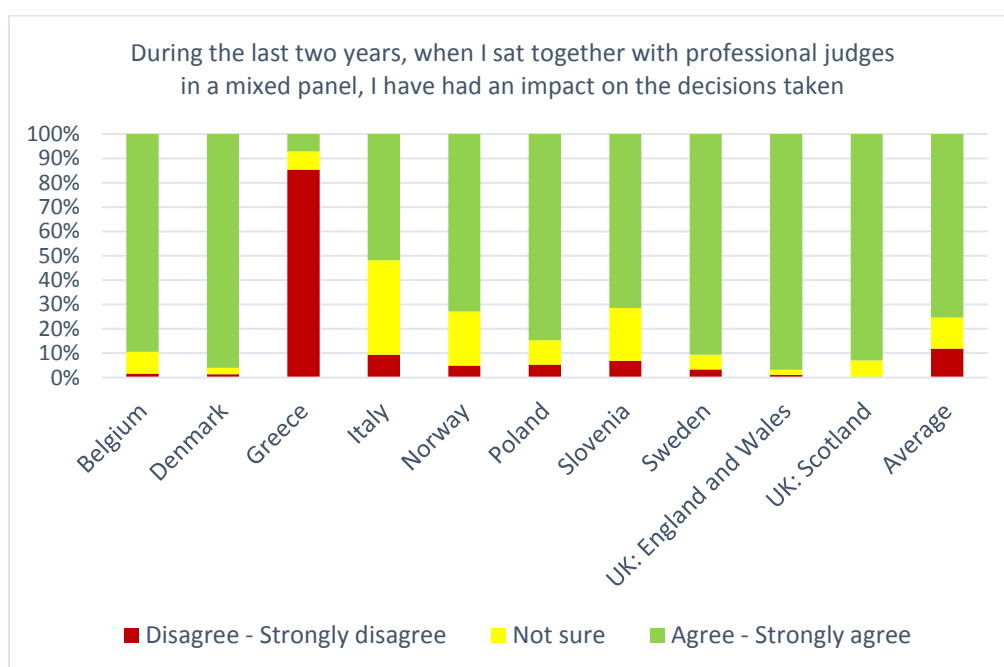


Figure 23. Impact of contribution of lay judges



It seems that the relationship between lay judges and professional judges is relatively unproblematic. Only in Greece, a vast majority of the respondents report that they did not have an impact on the judicial decisions taken. In the other judiciaries the percentages are well below 10%. In the other two questions the percentages are lower.

Conclusions

The outcome of the survey indicate that lay judges do not feel much pressure. Relatively small percentages report infringements of their independence or lack of respect. They experience less pressure than the professional judges in their judiciaries. The issues are, however, the same. The working relationship between lay judges and professional judges is generally unproblematic. Still the percentages of lay judges reporting problems are such that attention is warranted.

It should be noted that not all Members and Observers that make use of lay judges have participated in the survey. This means that the outcomes reported here cannot be used to draw conclusions for the whole of Europe.

At a later stage it has to be discussed whether the survey will be repeated, and, if so, in which frequency. On the one hand, the outcomes are relatively moderate which may warrant the expectation that a next time the outcomes will be much the same, on the other hand there is no guarantee for this and, more principled, lay judges are part of the judicial system as are professional judges and, as such need to be heard.

6. Results of the survey per question in tables

For all the following tables it should be noted that:

Average (per question) = the unweighted average of country percentages, excluding countries with 0 respondents.

Characteristics and duties of lay judges

Gender	Respos	Male	Female
Belgium	805	83%	17%
Denmark	5.983	52%	48%
Greece	363	53%	47%
Italy	485	40%	60%
Norway	7.942	52%	48%
Poland	763	74%	26%
Slovenia	429	43%	57%
Sweden	2.611	53%	47%
United Kingdom: England and Wales	1.106	50%	50%
United Kingdom: Scotland	118	56%	44%
Average	-	56%	44%

Age class:	Respos	Younger than 30	30-39	40-49	50-59	60-64	65-69	70 or over
Belgium	802	0%	2%	14%	38%	23%	17%	6%
Denmark	5.978	5%	11%	21%	32%	18%	12%	0%
Greece	363	0%	7%	50%	38%	5%	1%	0%
Italy	484	0%	3%	37%	50%	9%	1%	0%
Norway	7.936	2%	9%	25%	33%	15%	14%	3%
Poland	762	0%	8%	13%	23%	24%	26%	6%
Slovenia	426	0%	6%	25%	29%	15%	15%	10%
Sweden	2.602	3%	7%	11%	16%	12%	20%	32%
UK: England and Wales	1.105	0%	3%	8%	30%	26%	31%	2%
UK: Scotland	118	0%	3%	7%	32%	27%	26%	4%
Average	-	1%	6%	21%	32%	17%	16%	6%

In the last two years, as a lay judge I have participated in:

Number of cases	Respos	None	1-2	3-5	6-10	More than 10
Belgium	805	2%	2%	2%	4%	90%
Denmark	5.983	0%	8%	48%	36%	8%
Greece	363	2%	78%	18%	2%	0%
Italy	485	2%	0%	1%	1%	96%
Norway	7.942	3%	65%	28%	3%	1%
Poland	763	1%	8%	6%	4%	82%
Slovenia	429	4%	31%	33%	17%	15%
Sweden	2.611	0%	2%	6%	12%	80%
UK: England and Wales	1.106	0%	1%	2%	3%	94%
UK: Scotland	118	3%	12%	16%	7%	63%
Average	-	2%	21%	16%	9%	53%

In the last two years, as a lay judge I have participated in:

Participated: Number of answers given	Total	Administrative law cases	Commercial cases	Criminal cases	Family cases	Labour cases	None	Other	Other civil cases
Belgium	898	19	344	5	4	427	13	72	14
Denmark	8.976	227	289	5.911	682	134	6	879	848
Greece	383	0	2	349	7	0	4	12	9
Italy	1.150	55	73	288	78	31	10	319	296
Norway	9.927	53	62	7.448	1.013	53	256	530	512
Poland	954	2	2	168	357	132	5	149	139
Slovenia	570	5	31	267	58	88	17	72	32
Sweden	5.858	789	278	2.019	1.547	124	1	646	454
UK: England and Wales	2.057	146	48	822	267	66	2	443	263
UK: Scotland	149	12	2	57	2	31	3	29	13
Average	-	-	-	-	-	-	-	-	-

In the last two years, as a lay judge, I have resolved cases:

Resolved cases: Number of answers given	Total	Alone	Together with other lay judges only	Together with professional judges only	Together with both professional judges and lay judges
Belgium	918	116	18	45	739
Denmark	6.206	6	328	136	5.736
Greece	366	5	52	5	304
Italy	549	376	8	87	78
Norway	8.256	49	844	289	7.074
Poland	770	9	11	27	723
Slovenia	431	6	20	12	393
Sweden	2.733	8	74	72	2.579
UK: England and Wales	1.415	153	673	64	525
UK: Scotland	122	59	4	8	51
Average	-	-	-	-	-

Perceptions of independence

1a. During the last two years I have been under inappropriate pressure to decide the outcome of a case in a specific way.

Question 1a	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	1%	2%	97%
Denmark	5.983	3%	3%	94%
Greece	363	3%	6%	91%
Italy	485	4%	4%	92%
Norway	7.942	2%	3%	95%
Poland	763	3%	2%	95%
Slovenia	429	4%	5%	92%
Sweden	2.611	2%	2%	97%
United Kingdom: England and Wales	1.106	4%	1%	95%
United Kingdom: Scotland	118	3%	0%	97%
Average	-	3%	3%	94%

1b. During the last two years I have been under inappropriate pressure to decide the outcome of a case in a specific way. 1b. If you agree or strongly agree with 1a, who exerted inappropriate pressure?

Question 1b: Top 3 answers given	Answers	Most given answer	Second-most given answer	Third-most given answer
Belgium	7	Professional judges	Parties or their lawyers	-
Denmark	215	Professional judges	Other Lay Judges	Court management or its representatives (including a Court President)
Greece	18	Court management or its representatives (including a Court President)	Professional judges	Governmental institutions, Parties or their lawyers
Italy	25	Parties or their lawyers	Professional judges	Court management or its representatives (including a Court President)
Norway	193	Professional judges	Other Lay Judges	Court management or its representatives (including a Court President)
Poland	27	Professional judges	Other Lay Judges	Parties or their lawyers
Slovenia	17	Professional judges	Parties or their lawyers	Media (for example, press, television, radio)
Sweden	61	Professional judges	Other Lay Judges	Parties or their lawyers
UK: England and Wales	55	Court management or its representatives (including a Court President)	Governmental institutions	Other Lay Judges
UK: Scotland	3	Governmental institutions	Professional judges	-
Total	621	Professional judges	Other Lay Judges	Court management or its representatives (including a Court President)

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

Question 2a	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	1%	7%	92%
Denmark	5.983	0%	1%	98%
Greece	363	2%	15%	83%
Italy	485	4%	36%	60%
Norway	7.942	0%	2%	97%
Poland	763	0%	22%	78%
Slovenia	429	3%	18%	79%
Sweden	2.611	0%	6%	94%
United Kingdom: England and Wales	1.106	0%	2%	98%
United Kingdom: Scotland	118	0%	0%	100%
Average	-	1%	11%	88%

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

Question 2a+2b	Responsee	Regularly	Occasionally	On a rare exception	Not sure	Disagree – Strongly disagree
Belgium	805	0%	0%	0%	7%	92%
Denmark	5.983	0%	0%	0%	1%	98%
Greece	363	1%	1%	0%	15%	83%
Italy	485	0%	2%	1%	36%	60%
Norway	7.942	0%	0%	0%	2%	97%
Poland	763	0%	0%	0%	22%	78%
Slovenia	429	0%	2%	0%	18%	79%
Sweden	2.611	0%	0%	0%	6%	94%
United Kingdom: England and Wales	1.106	0%	0%	0%	2%	98%
United Kingdom: Scotland	118	0%	0%	0%	0%	100%
Average	-	0%	1%	0%	11%	88%

3. During the last two years I have been affected by a threat of, or an actual disciplinary or other action because of my participation and/or decision in a case.

Question 3	Response	Agree - Strongly agree	Not sure	Disagree - Strongly disagree
Belgium	805	1%	0%	99%
Denmark	5.983	0%	0%	99%
Greece	363	1%	1%	98%
Italy	485	10%	2%	88%
Norway	7.942	0%	1%	99%
Poland	763	1%	1%	99%
Slovenia	429	1%	1%	97%
Sweden	2.611	1%	1%	98%
United Kingdom: England and Wales	1.106	1%	1%	98%
United Kingdom: Scotland	118	0%	0%	100%
Average	-	2%	1%	98%

4. During the last two years, I believe that in my country decisions or actions of individual lay judges have been directly affected by actions of the media (for example, press, television or radio).

Question 4	Response	Agree - Strongly agree	Not sure	Disagree - Strongly disagree
Belgium	805	2%	16%	82%
Denmark	5.983	3%	10%	87%
Greece	363	9%	36%	55%
Italy	485	4%	24%	73%
Norway	7.942	6%	29%	64%
Poland	763	4%	20%	76%
Slovenia	429	9%	28%	63%
Sweden	2.611	7%	22%	72%
United Kingdom: England and Wales	1.106	4%	11%	85%
United Kingdom: Scotland	118	2%	9%	89%
Average	-	5%	20%	74%

5. During the last two years, I believe that in my country decisions or actions of individual lay judges have been directly affected by actions using social media (for example, Facebook, Twitter or LinkedIn).

Question 5	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	2%	16%	82%
Denmark	5.983	2%	11%	87%
Greece	363	6%	34%	60%
Italy	485	2%	22%	75%
Norway	7.942	6%	32%	62%
Poland	763	3%	21%	76%
Slovenia	429	5%	27%	68%
Sweden	2.611	5%	24%	71%
United Kingdom: England and Wales	1.106	2%	9%	88%
United Kingdom: Scotland	118	3%	7%	91%
Average	-	4%	20%	76%

6.a1 During the last two years I believe that my independence as a lay judge has been respected by professional judges

Question 6a1	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	98%	1%	1%
Denmark	5.983	97%	1%	2%
Greece	363	78%	16%	7%
Italy	485	81%	7%	11%
Norway	7.942	96%	3%	1%
Poland	763	90%	7%	4%
Slovenia	429	91%	5%	3%
Sweden	2.611	96%	2%	2%
United Kingdom: England and Wales	1.106	89%	9%	2%
United Kingdom: Scotland	118	96%	4%	0%
Average	-	91%	6%	3%

6.a2 During the last two years I believe that my independence as a lay judge has been respected by other lay judges

Question 6a2	Response	Agree - Strongly agree	Not sure	Disagree - Strongly disagree
Belgium	805	98%	1%	0%
Denmark	5.983	98%	1%	1%
Greece	363	82%	11%	7%
Italy	485	95%	4%	1%
Norway	7.942	96%	3%	1%
Poland	763	90%	8%	3%
Slovenia	429	95%	4%	1%
Sweden	2.611	96%	3%	1%
United Kingdom: England and Wales	1.106	98%	1%	1%
United Kingdom: Scotland	118	98%	2%	0%
Average	-	95%	4%	2%

6.a3 During the last two years I believe that my independence as a lay judge has been respected by parties

Question 6a3	Response	Agree - Strongly agree	Not sure	Disagree - Strongly disagree
Belgium	805	86%	11%	2%
Denmark	5.983	79%	20%	1%
Greece	363	57%	35%	7%
Italy	485	87%	9%	4%
Norway	7.942	85%	14%	1%
Poland	763	67%	30%	3%
Slovenia	429	73%	25%	2%
Sweden	2.611	81%	17%	2%
United Kingdom: England and Wales	1.106	77%	21%	2%
United Kingdom: Scotland	118	80%	19%	1%
Average	-	77%	20%	3%

6a4 During the last two years I believe that my independence as a lay judge has been respected by Lawyers

Question 6a4	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	89%	10%	1%
Denmark	5.983	81%	17%	1%
Greece	363	62%	29%	9%
Italy	485	85%	9%	7%
Norway	7.942	87%	11%	1%
Poland	763	63%	32%	5%
Slovenia	429	72%	23%	5%
Sweden	2.611	83%	14%	2%
United Kingdom: England and Wales	1.106	88%	9%	3%
United Kingdom: Scotland	118	89%	10%	1%
Average	-	80%	17%	3%

6a5 During the last two years I believe that my independence as a lay judge has been respected by the media (for example, press, radio or television)]

Question 6a5	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	68%	29%	3%
Denmark	5.983	53%	43%	3%
Greece	363	36%	48%	16%
Italy	485	64%	29%	7%
Norway	7.942	64%	34%	3%
Poland	763	33%	57%	10%
Slovenia	429	58%	35%	7%
Sweden	2.611	59%	33%	8%
United Kingdom: England and Wales	1.106	44%	44%	12%
United Kingdom: Scotland	118	49%	48%	3%
Average	-	53%	40%	7%

6.a6 During the last two years I believe that my independence as a lay judge has been respected by social media (for example Facebook, Twitter or LinkedIn)]

Question 6a6	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	64%	33%	4%
Denmark	5.983	43%	53%	4%
Greece	363	33%	51%	16%
Italy	485	59%	34%	8%
Norway	7.942	55%	42%	3%
Poland	763	28%	62%	10%
Slovenia	429	54%	39%	7%
Sweden	2.611	55%	38%	8%
United Kingdom: England and Wales	1.106	24%	64%	12%
United Kingdom: Scotland	118	38%	58%	3%
Average	-	45%	47%	8%

6a7 During the last two years I believe that my independence as a lay judge has been respected by governmental organizations

Question 6a7	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	82%	15%	3%
Denmark	5.983	59%	37%	4%
Greece	363	51%	36%	14%
Italy	485	52%	29%	19%
Norway	7.942	76%	21%	2%
Poland	763	38%	51%	11%
Slovenia	429	62%	30%	8%
Sweden	2.611	80%	17%	3%
United Kingdom: England and Wales	1.106	61%	27%	13%
United Kingdom: Scotland	118	66%	31%	3%
Average	-	63%	29%	8%

6a8 During the last two years I believe that my independence as a lay judge has been respected by professional organisations, such as labour unions or employer organisations

Question 6a8	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	85%	12%	2%
Denmark	5.983	57%	40%	3%
Greece	363	45%	42%	13%
Italy	485	59%	30%	11%
Norway	7.942	70%	28%	2%
Poland	763	41%	51%	7%
Slovenia	429	66%	28%	6%
Sweden	2.611	71%	25%	4%
United Kingdom: England and Wales	1.106	54%	42%	4%
United Kingdom: Scotland	118	66%	31%	3%
Average	-	61%	33%	6%

6a9 During the last two years I believe that my independence as a lay judge has been respected by local community (inhabitants)

Question 6a9	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	77%	21%	2%
Denmark	5.983	72%	25%	3%
Greece	363	55%	35%	10%
Italy	485	68%	28%	5%
Norway	7.942	79%	19%	2%
Poland	763	65%	30%	5%
Slovenia	429	69%	26%	5%
Sweden	2.611	72%	23%	5%
United Kingdom: England and Wales	1.106	68%	27%	5%
United Kingdom: Scotland	118	68%	31%	1%
Average	-	69%	26%	4%

6a10 During the last two years I believe that my independence as a lay judge has been respected by society generally

Question 6a10	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	805	81%	17%	2%
Denmark	5.983	79%	18%	3%
Greece	363	61%	30%	10%
Italy	485	69%	24%	7%
Norway	7.942	82%	16%	2%
Poland	763	60%	33%	7%
Slovenia	429	68%	27%	5%
Sweden	2.611	76%	20%	4%
United Kingdom: England and Wales	1.106	72%	22%	6%
United Kingdom: Scotland	118	75%	24%	1%
Average	-	72%	23%	5%

6b During the last two years, when I have sat together with professional judges in a mixed panel, the professional judges have exerted inappropriate influence on me to decide cases in a particular way.

Question 6b	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	775	1%	7%	92%
Denmark	5.803	6%	15%	79%
Greece	307	4%	6%	90%
Italy	160	4%	34%	62%
Norway	7.298	2%	5%	93%
Poland	745	4%	5%	91%
Slovenia	405	3%	30%	67%
Sweden	2.598	7%	9%	85%
United Kingdom: England and Wales	556	5%	3%	91%
United Kingdom: Scotland	57	4%	7%	89%
Average	-	4%	12%	84%

6c During the last two years, when I sat together with professional judges in a mixed panel, the professional judges have taken my contribution seriously into consideration.

Question 6c	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	775	94%	4%	2%
Denmark	5.803	94%	4%	2%
Greece	307	78%	17%	5%
Italy	160	67%	31%	3%
Norway	7.298	93%	5%	2%
Poland	745	89%	8%	3%
Slovenia	405	80%	14%	6%
Sweden	2.598	93%	4%	3%
United Kingdom: England and Wales	556	96%	2%	2%
United Kingdom: Scotland	57	91%	9%	0%
Average	-	88%	10%	3%

6d During the last two years, when I sat together with professional judges in a mixed panel, I have had an impact on the decision taken.

Question 6d	Response	Agree - Strongly agree	Not sure	Disagree – Strongly disagree
Belgium	775	89%	9%	2%
Denmark	5.803	96%	3%	1%
Greece	307	7%	7%	85%
Italy	160	52%	39%	9%
Norway	7.298	73%	22%	5%
Poland	745	85%	10%	5%
Slovenia	405	71%	22%	7%
Sweden	2.598	91%	6%	3%
United Kingdom: England and Wales	556	97%	2%	1%
United Kingdom: Scotland	57	93%	7%	0%
Average	-	75%	13%	12%

7. Not included

8 On a scale of 0 - 10 (where 0 means "not independent at all" and 10 means "the highest possible degree of independence). I believe that lay judges in my country are:

Question 8	Response	Av	0	1	2	3	4	5	6	7	8	9	10
Belgium	805	8,8	0%	0%	0%	0%	0%	2%	2%	7%	21%	37%	32%
Denmark	5.983	9,1	0%	0%	0%	0%	0%	1%	1%	5%	16%	22%	53%
Greece	363	8,1	0%	1%	1%	2%	2%	5%	7%	12%	20%	28%	24%
Italy	485	7,5	2%	1%	3%	3%	2%	8%	7%	13%	22%	14%	24%
Norway	7.942	8,8	0%	0%	0%	0%	0%	3%	2%	5%	19%	28%	40%
Poland	763	7,8	2%	1%	1%	3%	2%	10%	6%	7%	16%	18%	32%
Slovenia	429	8,0	1%	0%	1%	1%	2%	7%	5%	10%	19%	25%	27%
Sweden	2.611	8,6	0%	0%	1%	1%	1%	3%	2%	8%	22%	27%	34%
UK: England and Wales	1.106	9,1	0%	0%	0%	0%	0%	1%	1%	5%	15%	29%	48%
UK: Scotland	118	9,3	0%	0%	0%	0%	0%	2%	0%	0%	14%	31%	54%
Average	-	8,5	1%	0%	1%	1%	1%	4%	3%	7%	18%	26%	37%

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

Question 9	Response	Av	0	1	2	3	4	5	6	7	8	9	10
Belgium	805	9,3	0%	0%	0%	0%	0%	0%	1%	3%	10%	26%	58%
Denmark	5.983	9,3	0%	0%	0%	0%	0%	2%	1%	3%	10%	19%	65%
Greece	363	8,9	0%	1%	2%	1%	1%	1%	3%	6%	13%	20%	53%
Italy	485	8,7	2%	1%	1%	1%	2%	4%	4%	5%	11%	16%	55%
Norway	7.942	9,0	0%	0%	0%	0%	1%	3%	2%	4%	12%	23%	54%
Poland	763	8,6	2%	2%	0%	2%	2%	6%	2%	3%	9%	14%	57%
Slovenia	429	8,6	0%	0%	1%	2%	2%	3%	5%	6%	13%	21%	46%
Sweden	2.611	9,3	1%	0%	0%	0%	0%	2%	1%	2%	8%	19%	67%
UK: England and Wales	1.106	9,2	0%	0%	0%	0%	1%	2%	2%	3%	12%	22%	59%
UK: Scotland	118	9,4	0%	1%	0%	0%	0%	2%	0%	3%	8%	17%	69%
Average	-	9,0	1%	1%	1%	1%	1%	2%	2%	4%	11%	20%	58%

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

Question 10	Response	Av	0	1	2	3	4	5	6	7	8	9	10
Belgium	805	8,7	0%	0%	0%	0%	0%	1%	2%	9%	21%	35%	30%
Denmark	5.983	9,3	0%	0%	0%	0%	0%	2%	1%	3%	9%	19%	65%
Greece	363	7,4	0%	1%	3%	2%	2%	9%	7%	20%	19%	21%	15%
Italy	485	7,8	1%	0%	2%	2%	2%	8%	8%	11%	22%	16%	28%
Norway	7.942	8,9	0%	0%	0%	0%	0%	4%	2%	5%	14%	28%	46%
Poland	763	7,4	2%	2%	2%	3%	3%	14%	7%	9%	15%	15%	27%
Slovenia	429	8,2	1%	0%	1%	2%	2%	5%	5%	10%	16%	27%	30%
Sweden	2.611	8,9	1%	0%	0%	1%	0%	3%	2%	4%	13%	26%	48%
UK: England and Wales	1.106	9,0	0%	0%	0%	0%	0%	3%	2%	5%	14%	30%	46%
UK: Scotland	118	9,2	0%	0%	0%	0%	0%	3%	1%	1%	14%	29%	53%
Average	-	8,5	1%	0%	1%	1%	1%	5%	4%	8%	16%	25%	39%

Annex 1 Survey among lay judges



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Survey among lay judges in Europe

Personal facts

The country in which I sit as a lay judge is:

Male/Female

Age:

My experience

How many cases have you participated in in the last two years as a lay judge?

- ☐ None
- ☐ 1-2
- ☐ 3-5
- ☐ 5-10
- ☐ More than 10

In the last two years, as a lay judge I have participated in:

- ☐ Criminal cases
- ☐ Administrative law cases
- ☐ Family cases

- ☐ Labour cases
- ☐ Commercial cases
- ☐ Other civil cases
- ☐ Other:.....(please specify)

.....

In the last two years, as a lay judge, I have resolved cases

- ☐ Alone
- ☐ Together with other lay judges only
- ☐ Together with professional judges only
- ☐ Together with both professional judges and lay judges

Questionnaire

1a. During the last two years I have been under inappropriate pressure to decide the outcome of a case in a specific way.

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

1b. If you agree or strongly agree with 1a, who exerted inappropriate pressure? (Multiple answers are possible)

- ☐ Parties or their lawyers
- ☐ Governmental institutions
- ☐ Professional judges
- ☐ Other Lay Judges
- ☐ Court management or its representatives (including a Court President)
- ☐ Media (for example, press, television, radio)
- ☐ Social Media (for example, Facebook, Twitter or LinkedIn)

2a. In my country I believe that during the last two years individual lay 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. During the last two years I have been affected by a threat of, or an actual disciplinary or other action because of my participation and/or decision in a case.

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

4. During the last two years, I believe that in my country decisions or actions of individual lay judges have been directly affected by actions of the media (for example, press, television or radio).

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

5. During the last two years, I believe that in my country decisions or actions of individual lay judges have been directly affected by actions using social media (for example, Facebook, Twitter or LinkedIn).

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

6. a) During the last two years I believe that my independence as a lay judge has been respected by:

	Strongly agree	Agree	Not sure	Disagree	Strongly disagree
Professional judges					
Other lay judges					
Parties					
Lawyers					
Media (for example, press, radio or television)					
Social media (for example Facebook, Twitter or LinkedIn)					
Governmental organisations					
Professional organisations, such as labour unions or employer organisations					
Local community (inhabitants)					
Society generally					

6b During the last two years, when I have sat together with professional judges in a mixed panel, the professional judges have exerted inappropriate influence on me to decide cases in a particular way.

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Not sure/ N/A
- ☐ Agree
- ☐ Strongly agree

6c During the last two years, when I sat together with professional judges in a mixed panel, the professional judges have taken my contribution seriously into consideration.

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

6d During the last two years, when I sat together with professional judges in a mixed panel, I have had an impact on the decision taken.

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

7 Does an ethical code or do ethical guidelines for lay judges exist?

- ☐ Yes
- ☐ No
- ☐ Not sure

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

I believe that lay judges in my country are :

0 1 2 3 4 5 6 7 8 9 10

Not independent at all

Completely independent

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

As a lay judge I

0 1 2 3 4 5 6 7 8 9 10

do not feel independent at all

feel completely independent

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

I believe that professional judges in my country are :

0 1 2 3 4 5 6 7 8 9 10

Not independent at all

Completely independent

THANK YOU FOR PARTICIPATING IN OUR SURVEY