



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Survey among professional judges about their independence

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

- I. **The reference period for answering all questions is the last two years (i.e. since January 2017), unless indicated otherwise.**
- II. **Unless states otherwise, questions are to be answered:**
 - Strongly disagree**
 - Disagree**
 - Not sure**
 - Agree**
 - Strongly agree**
- III. **Please be assured that your identity and personal data will not be collected, you will stay anonymous.**
- IV. **Please let us know the name of the country in which you sit as a judge. The survey data will be published on a country-by-country basis.**
- V. **Please note that the questionnaire is addressed to and is about the full-time and part-time professional judges in your country. All questions should therefore be answered only with the professional judges in mind.**

PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

The country in which I sit as a judge is

My gender is..... Male Female I do not wish to answer the 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
- Over 25 years

I work primarily at: **(one reply only)**

- Court of first instance
- Appeal court
- Supreme Court/ Cassation

I adjudicate primarily: * **(one reply only)**

- criminal cases
- administrative cases
- civil (including family) cases
- all of these in equal measure

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

1. Strongly disagree
2. Disagree
3. Not sure

- 4. Agree
- 5. Strongly agree

1b. If you have been subject to inappropriate pressure, which was the frequency of such pressure? (1b only when agree/strongly agree)

- Very rarely
- Occasionally
- Regularly

1c By whom? (Multiple answers are possible)

- Constitutional Court
- Council for the Judiciary
- Court Management
- Government
- Media
- Other judges (including an association of judges)
- Parliament
- Parties and their lawyers
- Prosecution
- Social Media
- Supreme Court

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.

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

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

- Very rarely
- Occasionally
- Regularly

3a. During the last two years I have been affected by a threat of, or actual, disciplinary or other official action because of how I have decided a case.

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

3b. During the last two years my decisions or actions have been directly affected by a claim, or a threat of a claim, for personal liability.

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

4. 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.

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

5a. 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.

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

5b. I believe judges in my country have been appointed to the Supreme Court/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**

5c. 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. (Note experience may include seniority)

1. Strongly disagree
2. Disagree
3. Not sure
4. Agree
5. 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 of the media (i. e. press, television or radio).

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

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

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

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

	1. Strongly Disagree	2. Disagree	3. Not sure	4. Agree	5. Strongly Agree	6. Does not exist
Association of Judges						
Constitutional Court						
Council for the Judiciary						
Court Management incl Court President						
Government						
Lawyers						
Media (i.e. press,						

television or radio)						
Parliament						
Parties						
Prosecution						
Social Media (for example Facebook, Twitter or LinkedIn)						
Supreme Court						

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

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

10. During the last two years changes occurred in my working conditions that negatively influenced my independence. Please indicate per category:

	1.Strongly Disagree	2.Disagree	3.Not sure	4.Agree	5.Strongly Agree	6.Not applicable
Pay						
Pensions						
Retirement Age						
Caseload						
Court Resources						

11. During the last two years I was moved to another function, section or court against my wishes.

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

12. During the last two years I have had to take decisions in accordance with guidelines developed by judges contrary to my professional opinion (optional - guidelines do not include the obligation to follow precedent).

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

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

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

14. During the last two years the management of my court has exerted inappropriate pressure on me to decide individual cases within a particular time.

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

15. 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**

16. 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

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

As a judge I

0 1 2 3 4 5 6 7 8 9 10

do not feel independent at all

feel completely independent

18. Since I started to serve as a judge my independence has:

- Improved much
- Improved a little
- Stayed the same
- Deteriorated a little
- Deteriorated much

19. In my country, I believe that judges sufficiently adhere to ethical standards.

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

20. In my country, I believe that judicial misconduct is appropriately addressed by the judicial authorities.

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

21. 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