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Justice and the people

Perceptions and Experiences with the Justice System in Kosovo

Initial Report on Kosovo-wide Polling Results

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Introduction and Methodology

To gather information for the *Justice and the People* Campaign, Prism Research conducted a Kosovo-wide poll during August and September 2011. The objective of the poll was to gather data on the perceptions, attitudes, and experiences of citizens regarding the criminal justice system.

Three focus groups of 12 persons each were consulted to examine issues relating to the criminal justice system and formulate the questions that would be asked in the survey. The research was then conducted through face-to-face interviews using a survey questionnaire prepared specifically to explore these issues. The sample size was 1,000 respondents aged 18 or older.

Key Findings

Understanding of the Criminal Justice System

Knowledge about and Confidence in the Justice System: Confidence in the criminal justice system is limited, with 64.7% of respondents reporting either no confidence or a low level of confidence. Nearly one-third of respondents report that they would be unwilling to use the judicial system in a criminal case if they were the victim of a crime (31.5%). When asked how satisfied they are with the criminal justice system, most respondents indicate they are dissatisfied with the efficiency (59.2%), cost (73.3%), bureaucratic procedures (58.4%), fairness (69.2%), and outcomes (72.8%) of the system. Approximately 45% state that they have no confidence that criminal courts will have regard for victims' rights. Many respondents also report a lack of confidence in criminal courts to follow proper procedure (42.3%), issue verdicts based on evidence (40.5%), and deal promptly with cases (56.3%). Furthermore, many lack knowledge about the function of courts (46.8%) and the criminal justice process (50.8%).

Reforms in the Criminal Justice System: Most respondents have never heard of reforms within the criminal justice system (84.4%) or new laws meant to improve the criminal justice system (86.2%). Respondents were divided on whether they thought

the reforms and new laws would be effective, with roughly one-third indicating confidence that reforms would be effective, one-third indicating no such confidence, and one-third indicating they did not know. Most respondents have also never heard of citizens' participation in reform of the criminal justice system (86.5%).

How Individuals are Informed About the Judiciary: Nearly a quarter of respondents (23.5%) report that they are dissatisfied with the sources of information available about the criminal justice system, whereas 46.9% report being satisfied and the remaining respondents did not know or did not want to answer. The most common sources of information about the judiciary are TV and discussions with friends and relatives. Nearly 60% of respondents who attempted to learn about the legal system report that they were able to find the information they needed, with the Internet being the most common source.

Involvement in the Criminal Justice System: Only 15.9% of respondents have been involved in a criminal case. Of these, most found the following professionals who were involved in their case to have been professional: lawyers (72.3%), judges (67.3%), prosecutors (57.2%), and administrative personnel (57.9%). Delay in processing cases was an issue for 45.3% of respondents who reported that their case was not dealt with quickly. Approximately half of those who were involved in a criminal case report that the criminal justice system was easy to deal with (51.6%), but 23.3% report that it was difficult; the rest refused to answer this question or reported that they were not sure.

Grievance Mechanisms

Ability to Complain About a Judge, Prosecutor, or Police Officer: Only 30% of respondents are aware of institutions within the judicial system or government from which they can seek assistance if a judge, prosecutor, or police officer does not do his or her job properly. Almost half are not sure if they can file a complaint or seek support if they feel a court has failed to consider their case properly (49.1%).

Prevalence of Misconduct by Police, Prosecutor, Judge, or Lawyer: A significant number of respondents report that they have experienced some kind of misconduct by police (9.1%), prosecutors (9.7%), judges (8.9%), or lawyers (8.6%) at least once. However, only 4.2% of the respondents who were mistreated filed a complaint. Regarding various government officials, respondents seem to be the most satisfied with the police (52.7%), followed by lawyers (37.6%), judges (27.3%), and prosecutors (23.9%).

Attitudes About Police and Knowledge of Filing Complaints Against Police: Most respondents have confidence in Kosovo police (78%). Furthermore, most respondents who had contact with the police state that the police fully met their expectations. However, 41.4% indicate that police often abuse their power and privileges, and 40.7% state that the level of corruption in the police force is alarming. Only 24.8% of respondents know how and where to file a complaint against the police.

Knowledge about Prosecutors and Filing Complaints Against Prosecutors: The general public has only limited knowledge about prosecutors. Only 2.3% of respondents have had contact with the prosecutor's office in relation to a crime, and most respondents do not know enough to describe the role of a prosecutor (79%). Of those who have had contact with a prosecutor's office, 43.5% feel the prosecutor did not handle their matter well, while 17.4% state it was well handled. Only 11.9% know that a complaint can be filed against a prosecutor.

Attitudes About Lawyers and Knowledge of Filing Complaints Against Lawyers: Three-quarters of respondents think that lawyers are competent to handle all their cases, but only 46.6% believe that lawyers are effective in criminal cases. Only 19.2% of respondents know that a complaint can be filed against a lawyer.

Attitudes About Judges and Knowledge of Filing Complaints Against Judges: Approximately 40% of respondents believe judges are biased (39.8%) in their decision-making, and nearly three-quarters believe there is always or sometimes political influence in appointing judges. Only 22.2% of respondents know that a complaint can be filed against a judge.

Victims in the Criminal Justice System

Treatment of Domestic Violence: Two-thirds of respondents (65.5%) think that domestic violence cases should be handled within the justice system, but the remaining third either think the justice system should not handle these cases or do not know. Seventy percent of respondents think the police handle cases of domestic violence either very well or adequately. However, respondents are less complimentary of prosecutors and judges, with less than half reporting that prosecutors and judges handle domestic violence cases very well or adequately (47.6 and 49.1%, respectively). A notable minority believes that police (14.9%), prosecutors (18.5%), and judges (19%) either handle domestic violence cases poorly or ignore them.

Rights of Victims in the Criminal Justice System: Over forty-five percent of respondents do not know if victims have any rights in the criminal justice system. Furthermore, nearly half (48.2%) are unsure whether victims should have greater rights. Only 13.4% are aware of government institutions that exist to protect the rights of victims. Most respondents believe the police should be responsible to ensure victims' rights in the criminal justice system (56.1%), but fewer felt that prosecutors (37.5%) or judges (30.5%) should have the same responsibility.

Corruption and Bribery in the Criminal Justice System

Perceptions of Corruption in the Criminal Justice System: The belief that justice system actors are corrupt is prevalent. Many respondents reported that they believe judges (57.6%), prosecutors (50.9%), court administrative personnel (39.8%), and lawyers (38.8%) are corrupt. Many respondents also believe that personnel working in complaint mechanisms (33.6%) and the police (27%) are corrupt.

Bribery in the Criminal Justice System: Nearly 40% of respondents believe that bribery is necessary in order to win a criminal case (39.8%). However, most report that neither they nor their family members have bribed anyone in the last couple of years (89.5%).

Special Topics Relating to the Criminal Justice System

Juvenile Justice: Approximately one-third of respondents believe juvenile delinquents are treated well within the justice system (35.3%), and roughly two-thirds believe that juveniles should be treated differently than adults who commit crimes (65.7%). When asked to suggest alternatives to imprisonment, the most common suggestions were psychological counseling (33%) and regular school attendance (21.7%).

Witness Protection: Nearly two-thirds of respondents believe that it is not safe to be a witness in a criminal case (64.8%). A small number of respondents have served as witnesses: 2.9% have testified as a witness and another 6.3% have been called as a witness but never testified. The most common reason for not testifying was a belief that testifying would not do any good, but 4.8% of those who were called as witnesses did not testify because they were afraid of the consequences.

Legal Aid: Nearly 45% of respondents do not know whether citizens can receive free legal aid. Only 10.7% of respondents have received free legal aid for a criminal matter in the past.

Conclusion

The data revealed by this poll indicates that many Kosovars are dissatisfied with the justice system. Approximately one-quarter of those who have been involved in a criminal case report that they found the criminal justice system difficult to deal with. While many of these individuals may have been dissatisfied with the conduct of police, prosecutors, or judges dealing with their case, the polling results also reveal that many Kosovars are unaware of grievance mechanisms to which they could submit a complaint about official misconduct. Furthermore, many Kosovars are unaware of what rights victims have within the criminal justice system. These outcomes suggest that Kosovars would benefit from more information provided to them about grievance mechanisms and the rights of victims within the criminal justice system. Finally, the overriding concern about corruption continues to pervade perceptions about the criminal justice system, with over half of respondents indicating that judges and prosecutors are corrupt. Understanding the perceptions and experiences of the citizens in Kosovo with regard to the criminal justice system will provide a cornerstone from which to build the public education and advocacy campaign.



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