



Advocacy Center
for **Democratic Culture**



RESEARCH ANALYSIS

**Citizens' attitudes on the
efficiency of the judicial
system in northern
Kosovo**



Disclaimer:

This research is part of a project entitled "Enhancing Transparency and Rule of Law in Kosovo-Serb Majority Communities" supported by the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL) and implemented by the Advocacy Center for Democratic Culture (ACDC) and NGO AKTIV.

The content and recommendations expressed in this analysis are the sole responsibility of the Advocacy Center for Democratic Culture (ACDC), and do not necessarily reflect those of the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL).

North Mitrovica
April, 2022.



Introduction

As part of the project "Enhancing Transparency and Rule of Law in Serb-majority Municipalities", the Advocacy Center for Democratic Culture (ACDC) conducted research on citizens' attitudes and opinions on the state of justice in northern Kosovo.

This research aimed to assess citizens' perceptions of the work and functioning of judicial institutions. It was conducted in four municipalities in northern Kosovo (North Mitrovica, Zvečan, Zubin Potok, and Leposavić) and the two municipalities south of the Ibar River with a Serb majority population (Štrpce and Gračanica). The research was conducted from February until March 2022 on a sample of 432 respondents.

The measuring instrument was designed in the form of a survey questionnaire to collect the following categories of data:

- 1) sociodemographic data;
- 2) level of satisfaction with services provided by judicial institutions;
- 3) level of information on the integration of the judiciary;
- 4) impartiality of the judiciary.

Methodology

The research included a combination of several methodological methods, qualitative and quantitative through conducting surveys, meetings, analysis of available reports, and research in the period from 2018 to 2022. The survey was conducted through the Google platform and included 432 respondents based on a stratified representative random sample by place of residence. Additionally, meetings were held with representatives of judicial institutions, members of civil society, and members of the media from northern Kosovo.

Method of research: Internet research

Place of research: North Mitrovica, Zvečan, Zubin Potok, Leposavić, Štrpce, and Gračanica

Research time: February - March 2022.

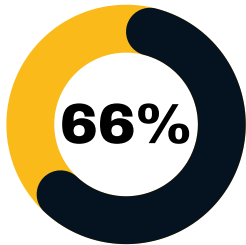
Sample size: 432 respondents

Sample description: Out of a total of 432 respondents, 45% are male and 55% are female

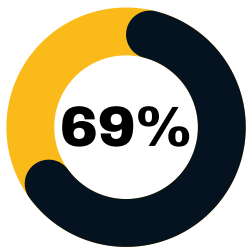
Sample type: Stratified representative random sample, based on the municipality of residence

Poststratification: Age, level of education, and employment status

Key results



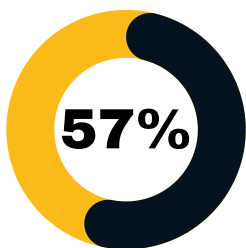
of respondents answered that they partially or completely distrust judicial institutions



of respondents believe that politics affects the work of judicial institutions



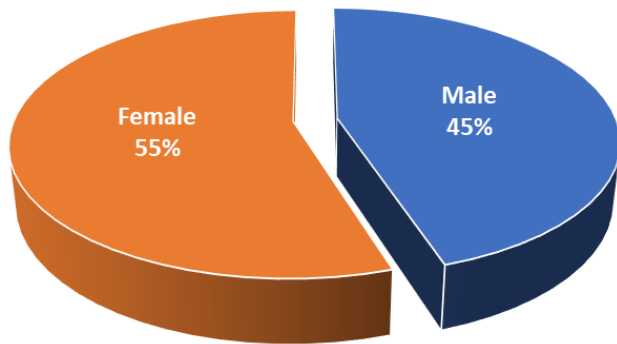
of respondents answered that the integration of the judiciary had a small impact on the daily life of citizens



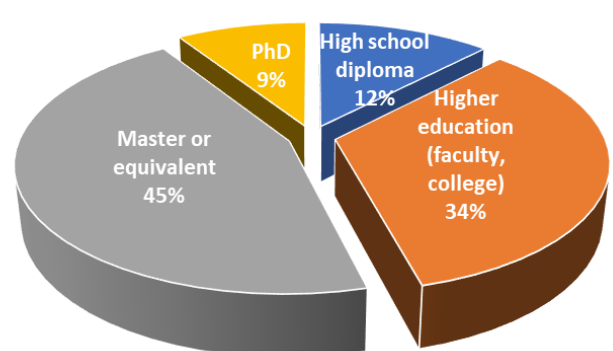
of respondents think that the work of courts and prosecutors' offices is not transparent enough

Sample description

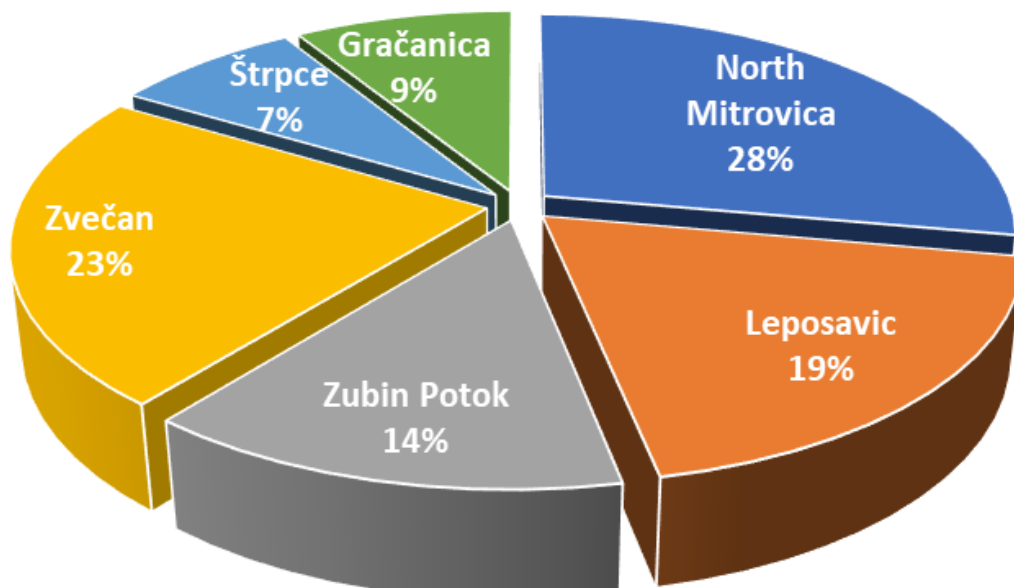
Gender



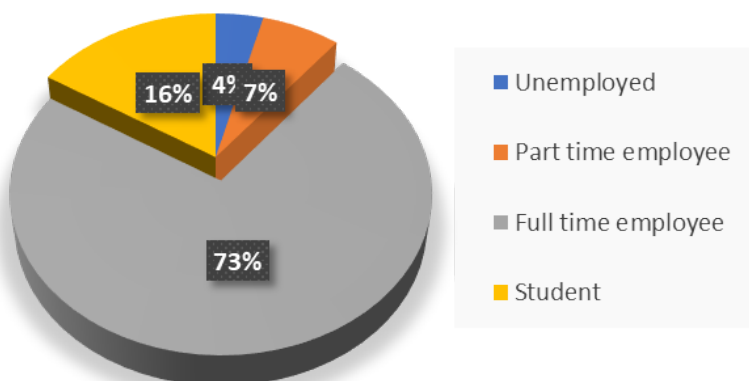
Education



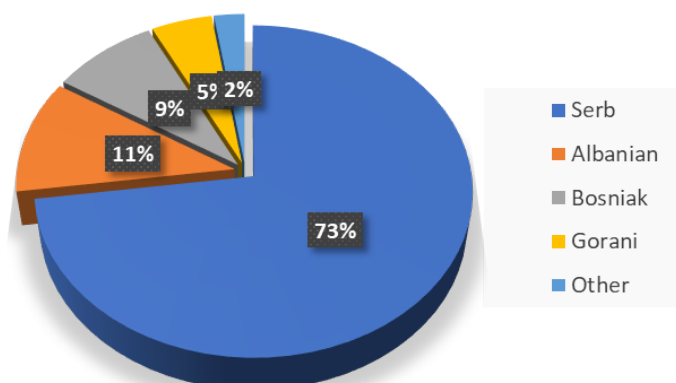
Place of residence



Employment status

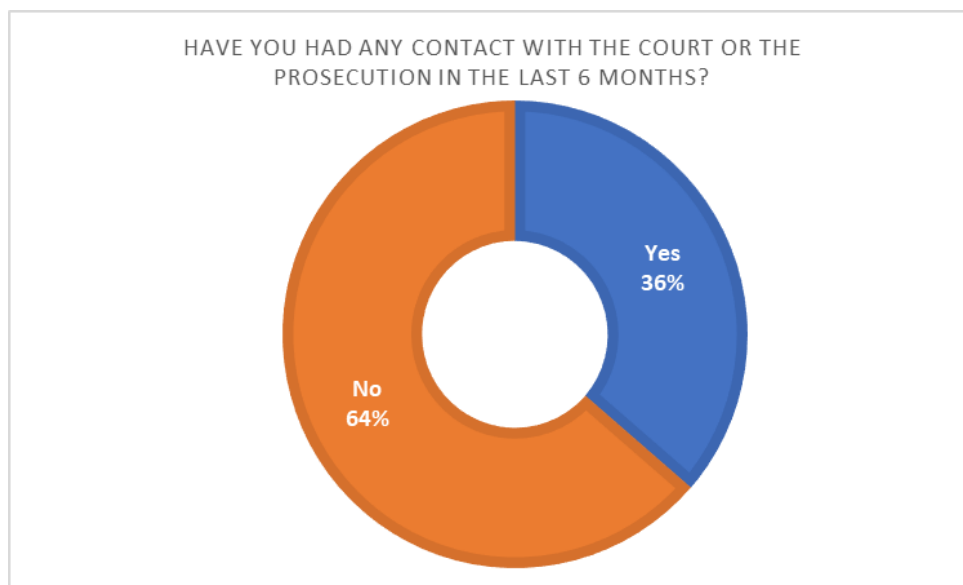


Ethnicity

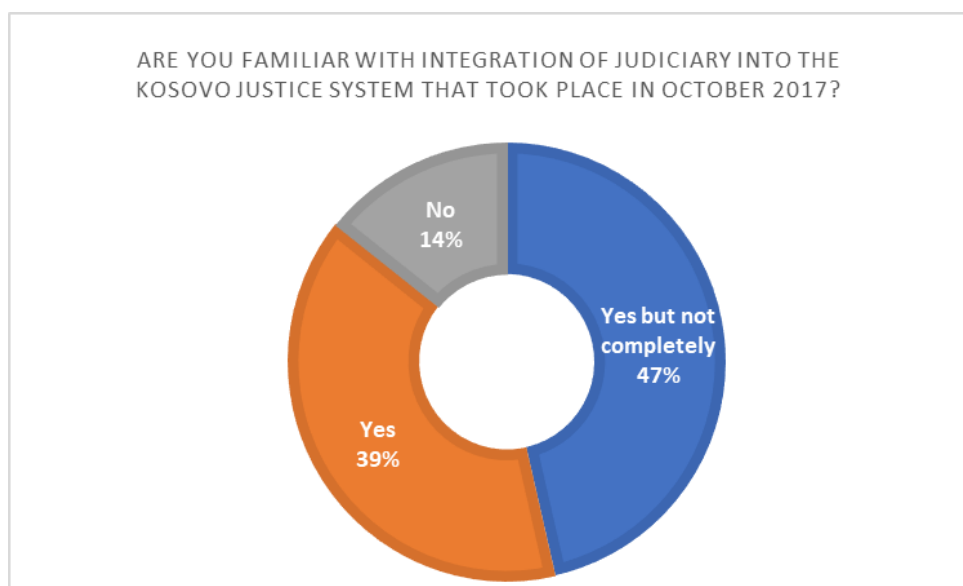


Research results and analysis

According to the data obtained, in the last six months, the majority of respondents did not visit the judicial institutions (64%) while a smaller part (36%) did.

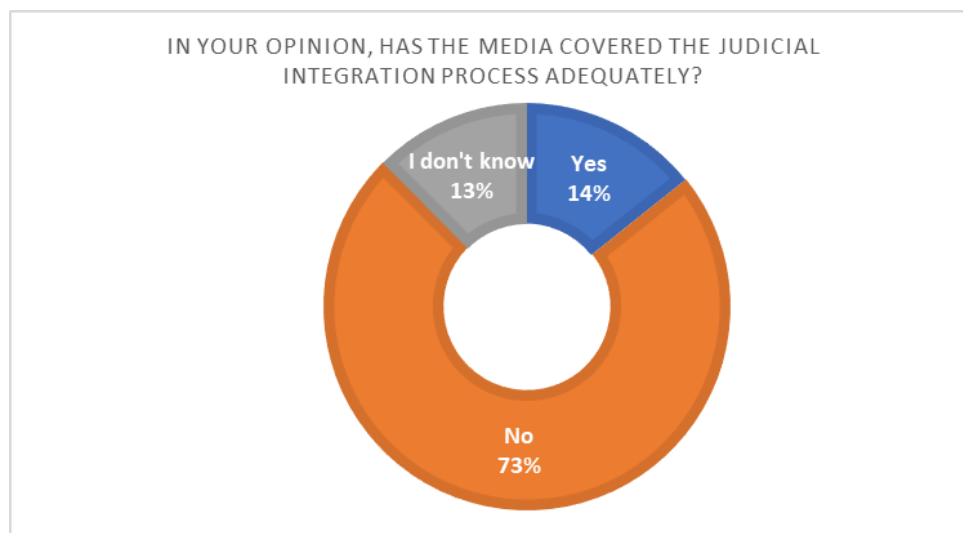


Citizens responded to the process of integrating the judiciary in northern Kosovo as follows:



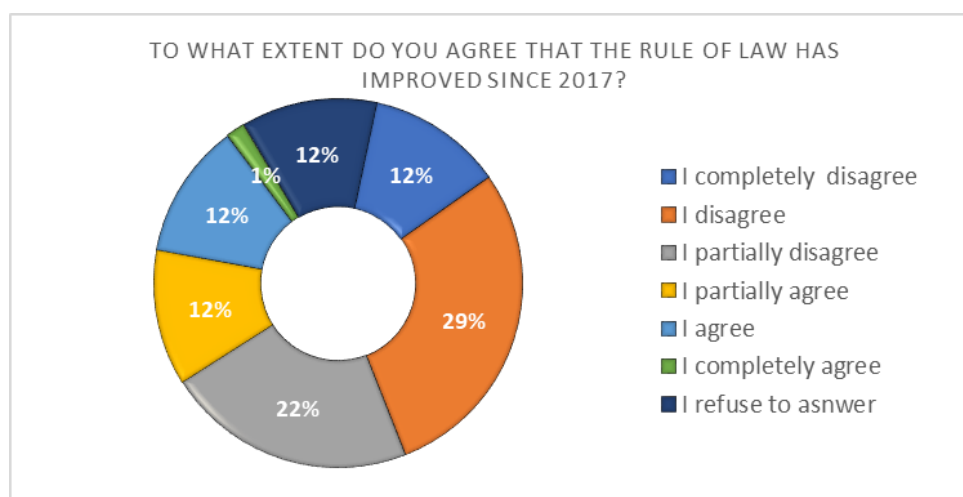
From this, it can be concluded that the majority of citizens are partially or fully acquainted with the integration of the judiciary but there is still a part of the citizens, 14% who do not know anything about this process. The data obtained show that the citizens are, in some way, but not completely, informed about this process because they believe it is an important matter for the further functioning of institutions.

When asked whether the media adequately reported and informed citizens about the process of judicial integration, the respondents gave the following answers:



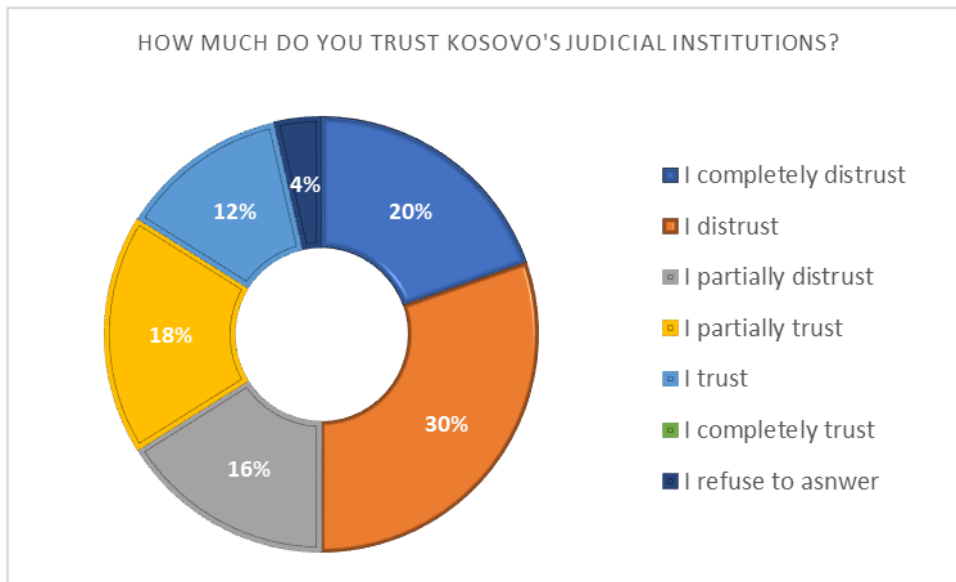
As can be ascertained from these results, the majority of citizens, 73%, believe that the media did not report properly and in the right way on such a crucial matter. This implies, taking into account the previous answer, that the citizens informed themselves using some other methods of information and they consider this topic particularly important.

Regarding the improvement of the rule of law and whether there has been any progress since 2017, citizens responded as follows:



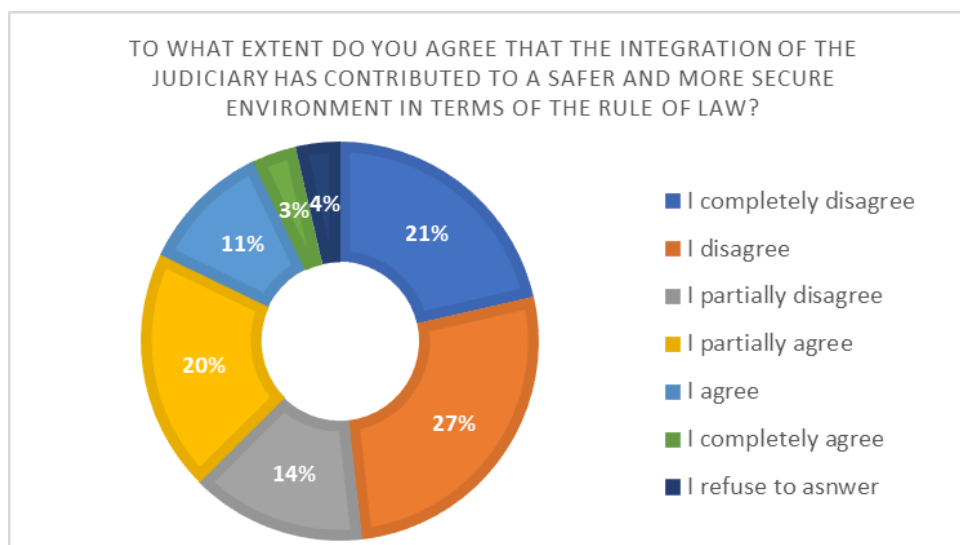
Based on this, it can be concluded that the majority of citizens do not believe that the integration of judicial and other institutions has improved the rule of law. Furthermore, if we combine partial and complete disagreement, we come to the percentage of 66% of citizens who do not see any improvement in terms of the rule of law since 2017, which seems worrying considering that almost five years have passed since then.

The following chart shows the trust of citizens in Kosovo's judicial institutions:



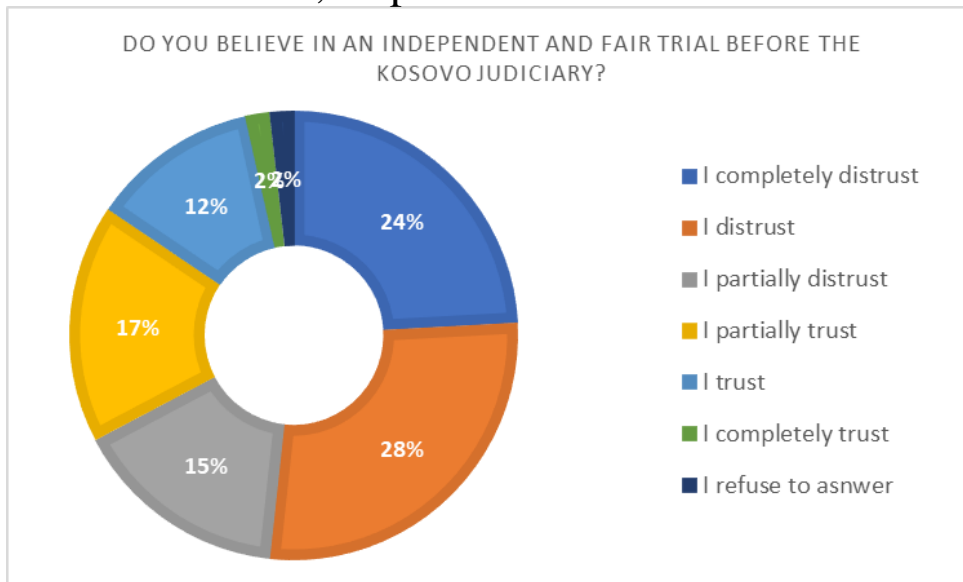
The answers to this question show that over 60% of citizens partially or completely distrust judicial institutions, which is worrying and calls on the competent local and central authorities to change their citizen-centered approach in order to change this picture. Of particular concern is the fact that none of the respondents have complete trust in these institutions. This issue was debated with members of civil society organizations. Namely, during the meeting, the approach that should be a model of behavior, whose use would change citizens' perception of justice in general and whose result would be the advancement of the work of the judiciary, was discussed.

Asked to what extent they agree that the integration of the judiciary has contributed to a safer and more secure environment in terms of the rule of law, citizens answered as follows:



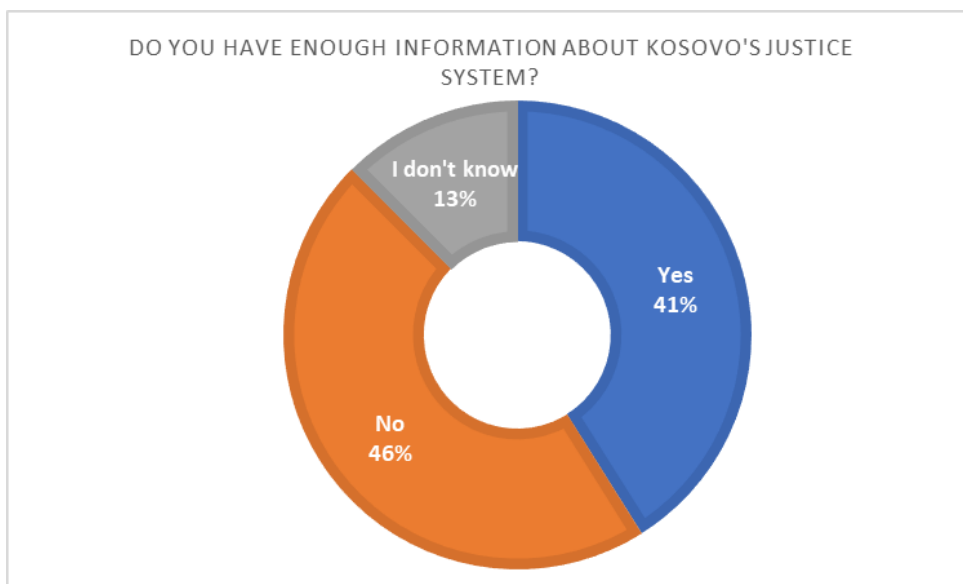
The results displayed in the chart above show that citizens do not consider the integration of the judiciary as a key factor in improving security and safety or the rule of law, which should also serve as an incentive for institutions to work on creating stronger ties with citizens in order to establish better functioning of the entire judiciary.

When asked whether they believe in an independent and fair trial before Kosovo's judicial institutions, respondents answered as follows:



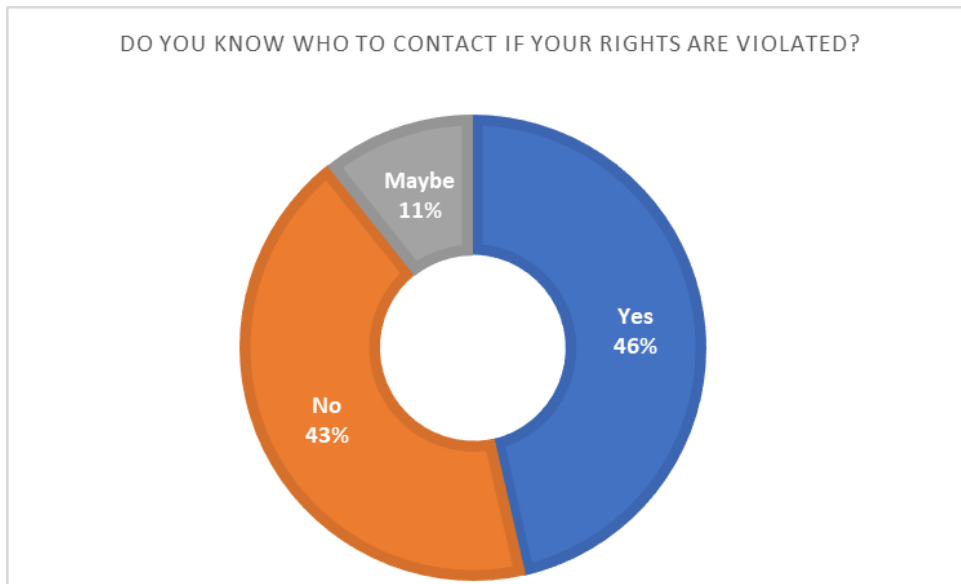
As we can see from the graphic above, this question relates to the issue of trust in judicial institutions.

The following chart illustrates citizens' knowledge of Kosovo's justice system:

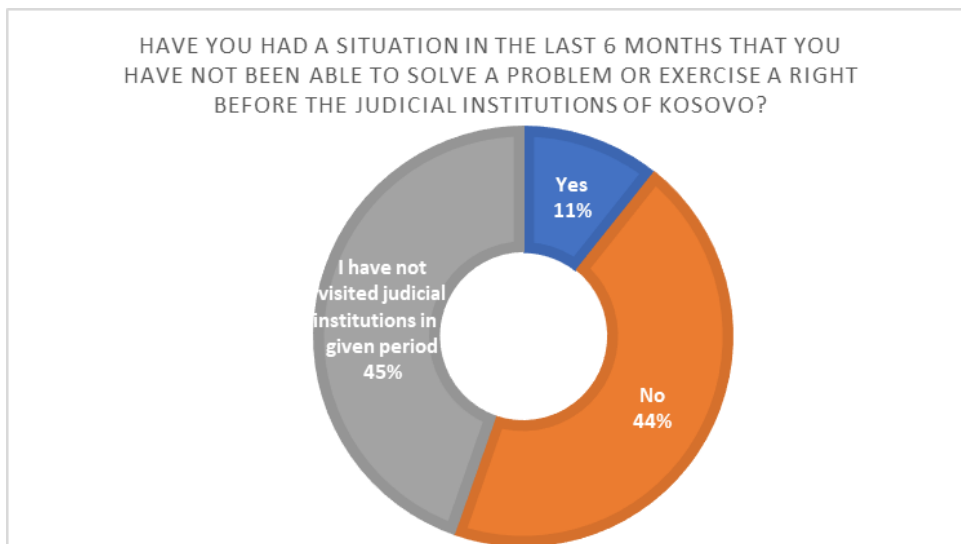


According to the data obtained, 41% of the respondents have enough information about the justice system, while 46% answered negatively. These data suggest that a change in the approach of institutions towards citizens is needed because a large part of them still do not have enough information about their work and functioning. This issue was also discussed with members of the civil sector who were presented with this fact in order to intensify their efforts and aim project activities toward greater involvement of the citizens in the judiciary.

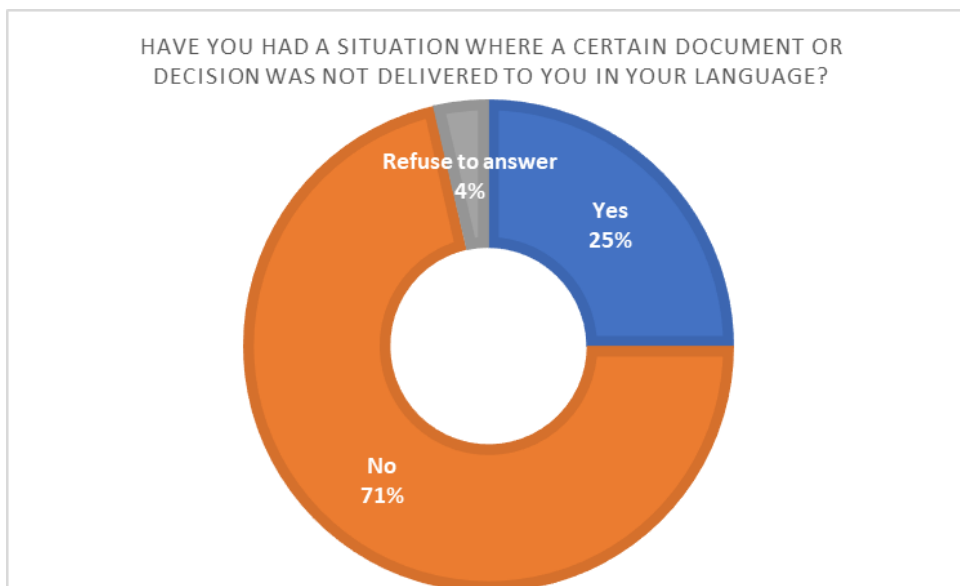
When asked whether they know who to turn to in case of violation of their rights, the respondents answered as follows:



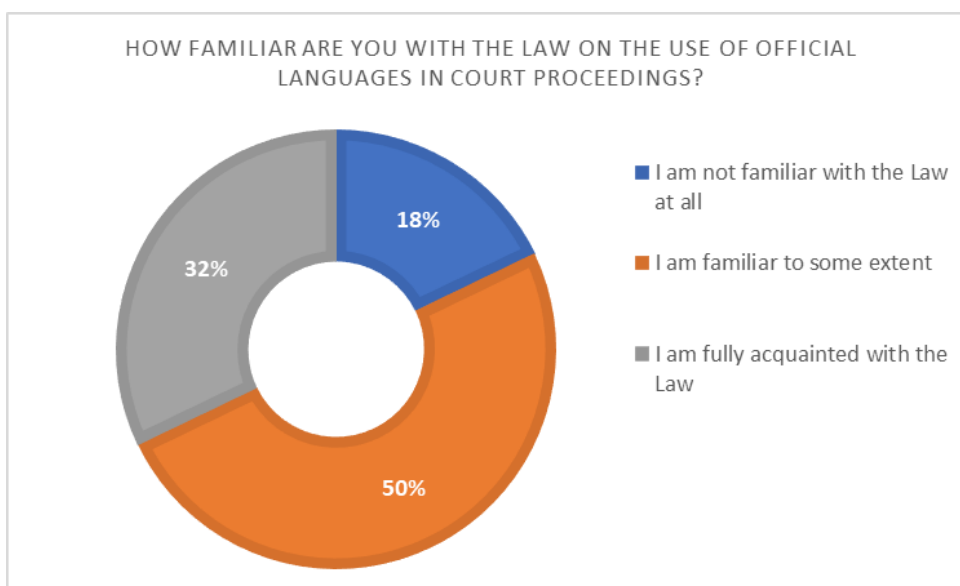
According to civil society activists, a high percentage of negative answers is the result of an extensive number of unresolved cases regarding the rights of citizens, which produced a lack of interest among citizens in the understanding of the system of protection of rights. This certainly does not depend only on the institutions, as the citizens and the civil sector must also continue to fight for the protection of the rights of all citizens and urge the institutional solution to numerous problems.



When asked if they were in a situation where they could not solve a problem or exercise their right in the past six months, 44% of respondents said no, 10% answered yes, and 44% said they had not visited judicial institutions in the past six months. This topic was also discussed at the meetings of the civil sector, and it was concluded that future research should closely focus on regular users of courts and prosecutors' offices to obtain more accurate data on this matter.

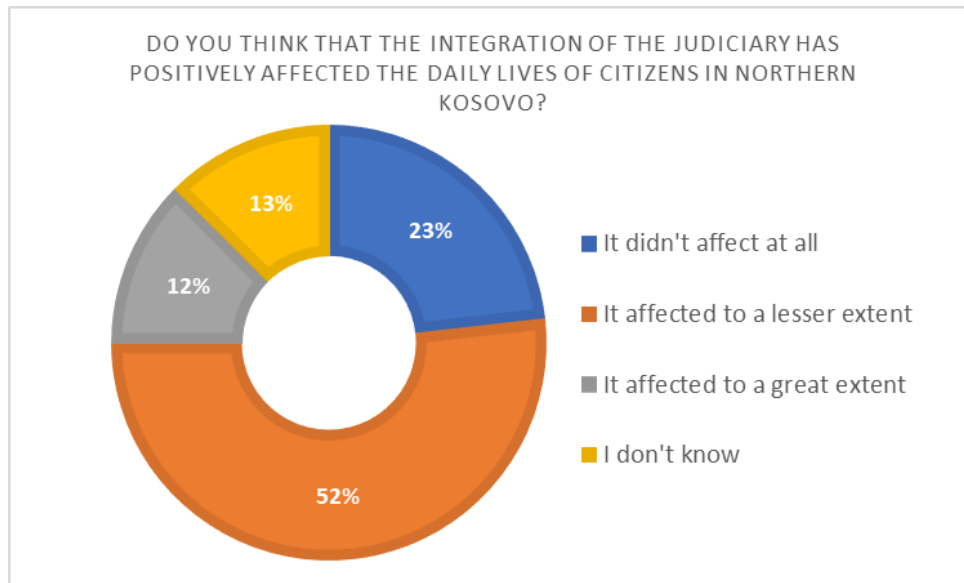


25% of respondents stated that they had problems with the submission of documentation in their mother tongue, 71% answered that they had no problem with it, while 4% refused to answer. The answers show the substantial improvement that has long been an insurmountable problem in the work of judicial institutions, and although not at the best level, it indicates the will of institutions to provide citizens with the necessary service.

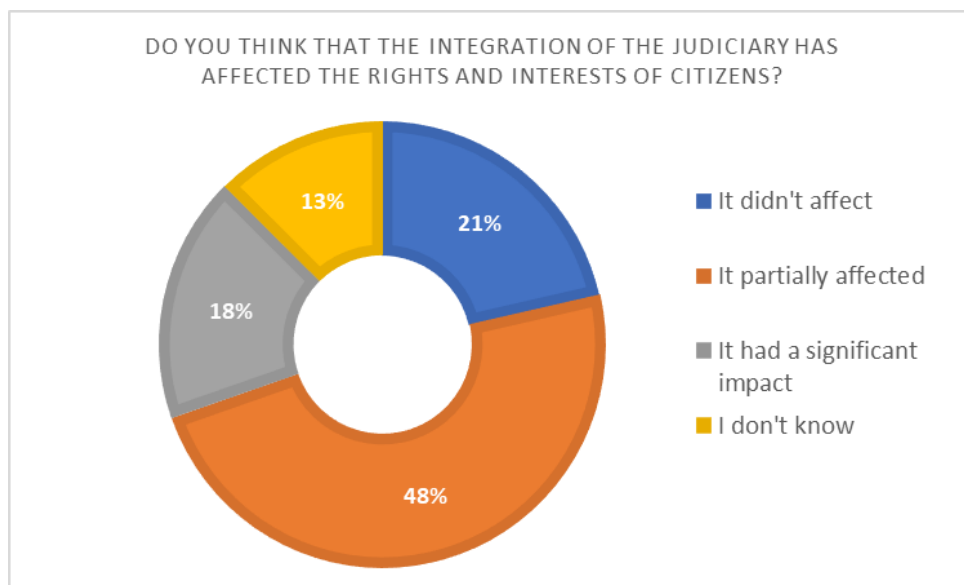


When asked about the knowledge of language rights, the vast majority, 82%, stated that they partially or completely know their language rights, while 18% answered that they do not have any knowledge about this issue. This question is in correlation with the previous one and shows the results that the institutions, as well as the civil sector, have done in the previous period in terms of informing citizens about their rights. Although a considerable percentage of informed citizens represents a fair result, an information campaign on citizens' rights must be actively pursued in order to increase their knowledge and thus ensure better functioning of institutions.

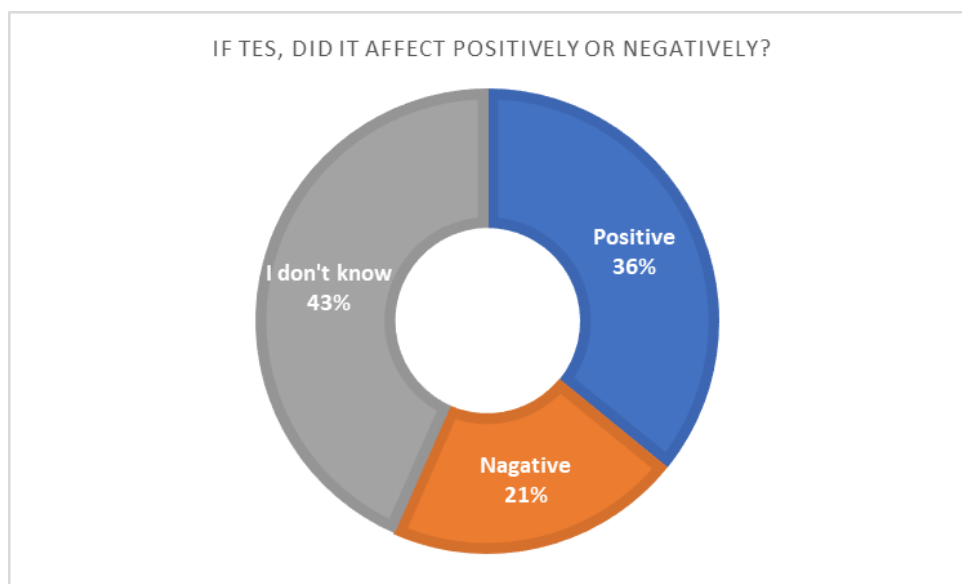
Regarding the impact of integration on the daily lives of citizens in northern Kosovo, respondents answered the following:



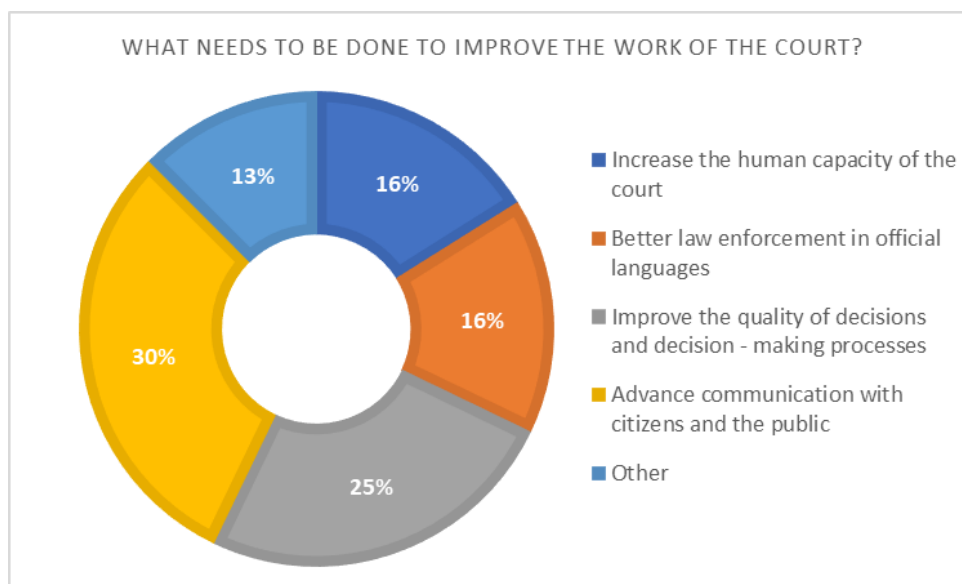
If the results of lower and higher impact are combined, a sum of 64% is obtained, which is a clear indicator of the importance of integration for life and the daily functioning of the citizens. This percentage of responses speaks of the significance of integration and is a good sign of changing citizens' perceptions of the functioning of legislation and provides plenty of space for further progress and facilitating access to services.



When asked about the impact of integration on the rights and interests of citizens, 21% of the respondents answered that it did not influence, 48% said that it partially influenced, 18% noted that it significantly influenced while 13% did not know. The results partly settle with the previous question, which only proves the need for further improvement in providing services and access to citizens.

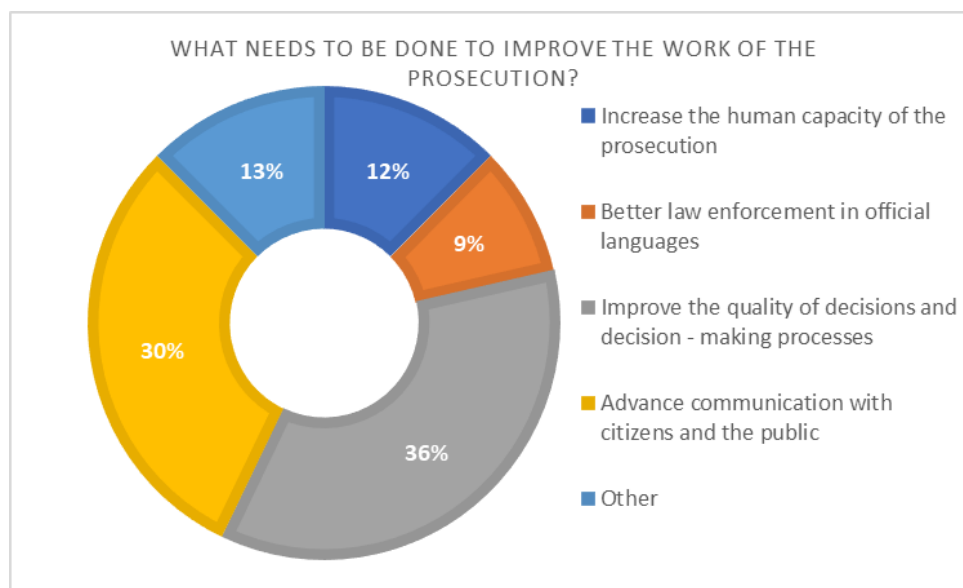


When asked whether the impact was positive or negative, 32% answered that the impact of integration on the rights and interests of citizens was positive, 21% stated that it was negative, while 43% of respondents did not know the answer to this question. What is worrying is the percentage of negative impact, which means that one-fifth of the respondents think that integration has harmed their rights and interests. This information should serve as a warning to the institutions to increase their efforts and improve their work. It also instantly concerns members of the civil sector, who, on the other hand, must continue to detect the shortcomings of the system and make additional efforts to eliminate them.



When it comes to recommendations for improving the work of the court, the respondents' answered as follows: improve human capacities 16%, better implementation of the law on official languages 16%, increase the quality of court decisions 25%, the advancement of communication with citizens and the public 30%, while 13% answered that something else would improve the work of the court.

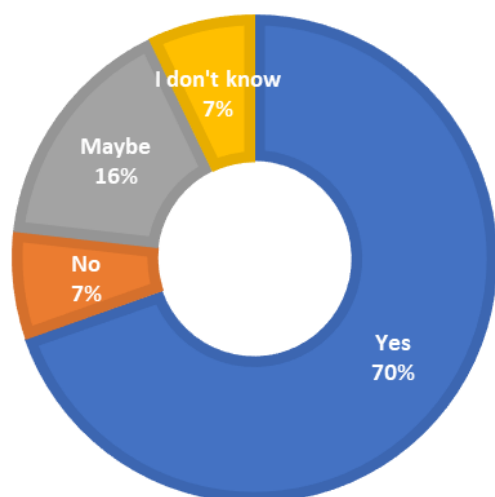
If we look at the recommendations for improving the work of the prosecutor's office, we get relatively matching results, as can be seen in the following chart.



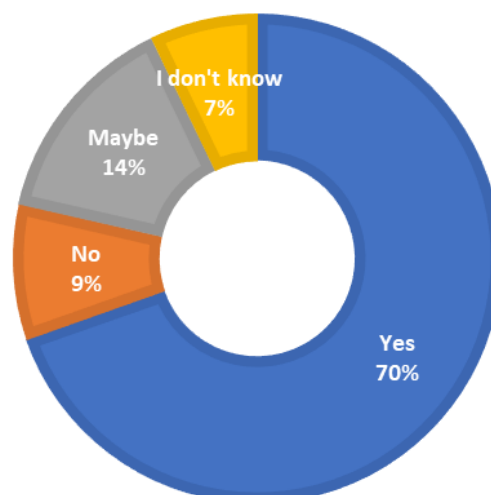
The obtained results imply that both institutions should increase the scope of communication with the public and citizens and advance the quality of decisions in decision-making processes. During the meeting with members of the civil sector, it was noted that a lot has been done in terms of increasing transparency, as well as that there has been an improvement in communication between institutions and citizens as it is indisputable that the lack of contact was the biggest gap. Regarding the quality of decisions and decision-making processes, it was determined at the meetings that one of the methods that would improve this issue is certainly the continuation of training of existing staff in judicial institutions, but also the education of new ones.

The following two charts show respondents' answers to whether politics affects the work of the court and the prosecution:

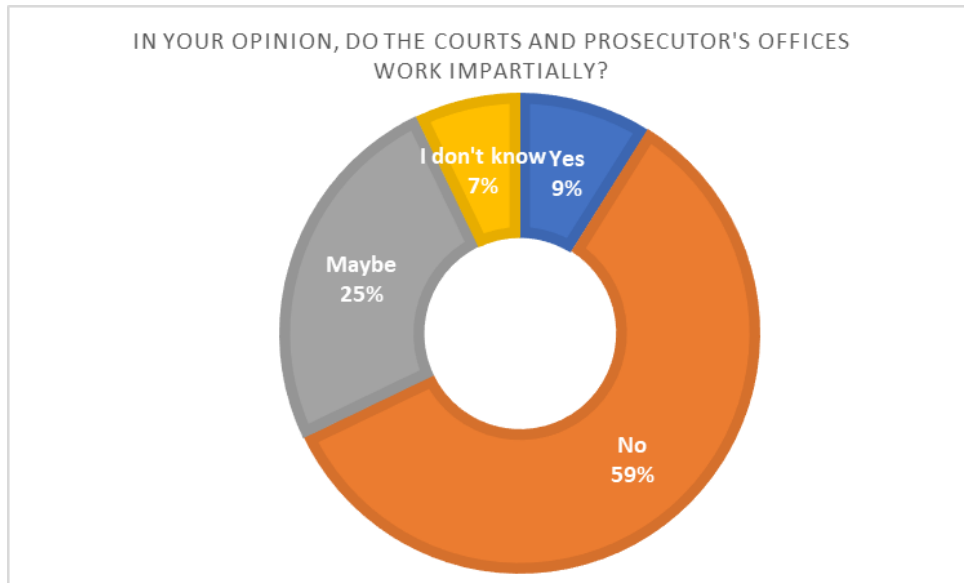
DOES POLITICS AFFECT THE WORK OF THE COURT?



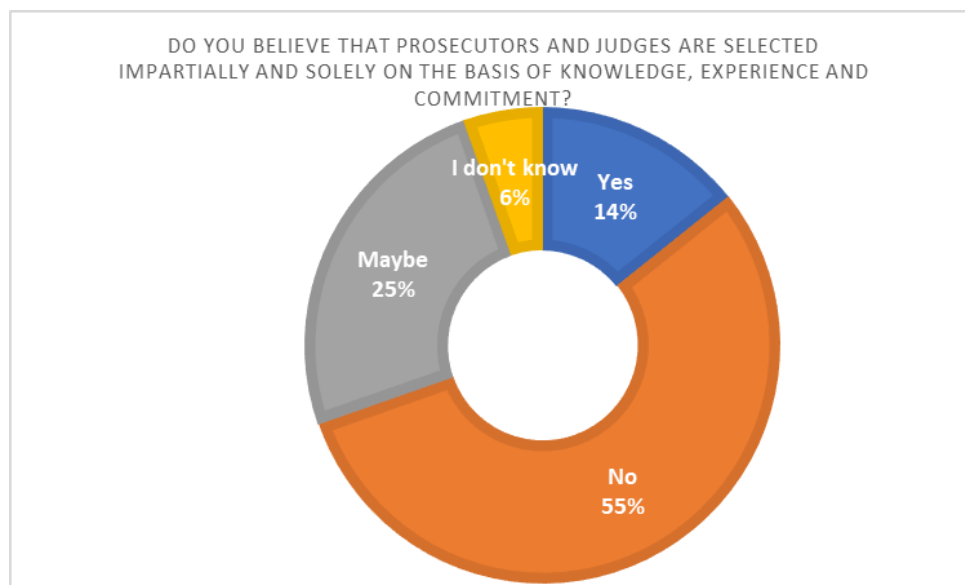
DOES POLITICS AFFECT THE WORK OF THE PROSECUTOR'S OFFICE?



As seen in the charts above, it can be concluded that citizens perceive the strong influence of politics on the work of judicial institutions, which suggests that a change of approach in the work of local self-government and the administration of judicial institutions is necessary.

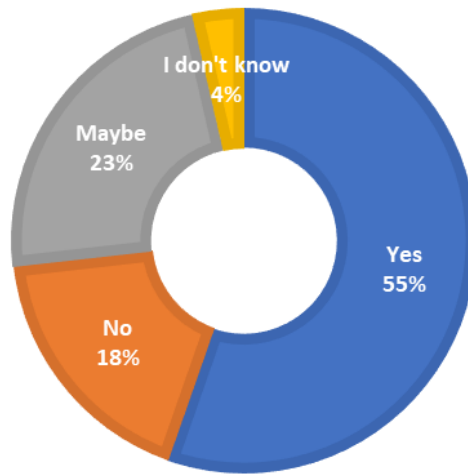


When asked whether the courts and prosecutors' offices in northern Kosovo are working impartially, the respondents' answers correspond to the previous results: 9% answered Yes, 59% answered No, 25% maybe, while 7% didn't know the answer to this question. This result also serves as a warning to the institutions in order to create transparent and impartial systemic solutions for the future work and functioning of the judicial system, as one of the imperatives for an orderly system.



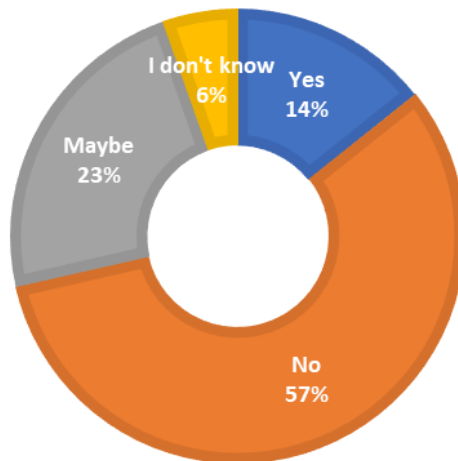
As shown in the chart, more than half of respondents, 55% do not believe that judges and prosecutors are elected impartially. This coincides with the citizen's perception of the previous questions.

DO YOU THINK THAT THE ETHNICITY OF THE JUDGE AND PROSECUTOR CAN INFLUENCE THE OUTCOME OF THE TRIAL?



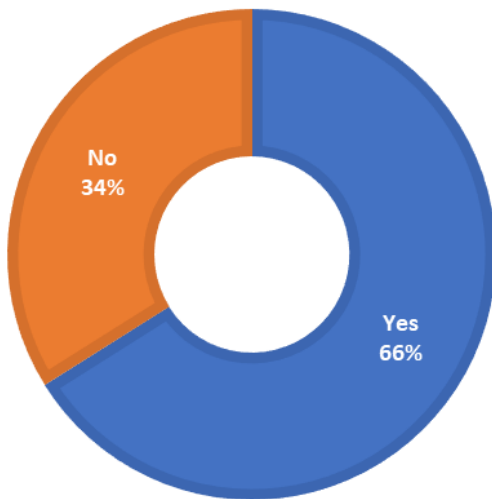
Asked whether they think that the ethnicity of the judge and prosecutor could influence the outcome of the trial, respondents answered as follows: yes 55%, not 18%, maybe 23%, and I don't know 4%. This result indicates that, not only should efforts be strengthened to improve the functioning of institutions, but actions must be carried out in order to break the stereotype of ethnicity, which, according to these results, is still present and strong among citizens.

IN YOUR OPINION, IS THE WORK OF THE COURT AND THE PROSECUTOR'S OFFICE TRANSPARENT ENOUGH?

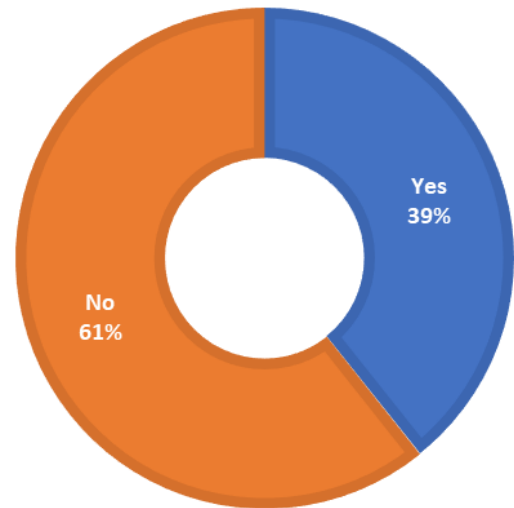


As many as 57% of respondents believe that the work of courts and prosecutors' offices is not sufficiently transparent, 14% believe that it is, 23% answered maybe, while 6% of respondents did not know the answer. The obtained answers, as well as the previous ones, prove the need for a better presentation of information of importance to both the public and citizens, but it also speaks about the responsibility of judicial institutions to get closer to citizens and provide them with all guaranteed services.

DO YOU KNOW WHO THE PRESIDENT OF THE BASIC COURT IN MITROVICA IS?



DO YOU KNOW WHO THE CHIEF PROSECUTOR IN MITROVICA IS?



The graphs above show that 66% of respondents knew who the president of the court was while 34% did not know, which is inversely proportional to the question of whether citizens know who the chief prosecutor is in Mitrovica, where 39% know who the chief prosecutor is while 61% do not.

In conclusion to these answers, we can state that citizens visit the court more often, and thus have a better extent of knowledge about the management staff, while this is not the case with the prosecutor's office.

Conclusion

Based on this research, it can be concluded that citizens believe that the rule of law has not improved after integration, their trust in judicial institutions is not at a desirable level, and they believe that there is high political pressure on the work of these institutions. Furthermore, citizens think that they are not sufficiently informed about the work of courts and prosecutor's offices and the decision-making processes, both by the media and the institutions. It is concerning that the majority of respondents (almost 70%) do not believe in an independent and fair trial before the Kosovo judiciary. This response sends a negative message regarding the integration process up to the present and the citizens' level of trust, therefore it must serve as an alarm for urgent improvement on this issue.

Regarding the language rights of minorities, the respondents stated that they have enough information, namely, they are aware of their rights, as well as that there is a decreasing number of disrespect for their rights when it comes to receiving documentation in their mother tongue. Although this is a good indicator of the progress made in the previous period, the civil sector and the citizens themselves must continue to address this issue in order to exercise the guaranteed rights of all minority communities. When it comes to political influence, the respondents' conclusion is that integrated institutions have not become independent in their work and are still relatively dependent on the political situation in the north. Additionally, citizens in northern Kosovo continue to feel that they do not have adequate access to justice. At the meetings with members of the civil sector and media representatives, it was concluded that the lack of trust of citizens arises from the current approach to the minority community in terms of respect for the language but also from the fact that there are many unresolved documents from the prior system.

As for the knowledge of the management staff of judicial institutions, the majority of respondents knew who the President of the Basic Court was, while a significantly smaller percentage of citizens knew who the Chief State Prosecutor of the Basic Prosecutor's Office was. This is affiliated with the fact that the integration process had a much smaller impact on the prosecution than on the court, as the prosecution already functioned within the Kosovo system, hence the integration was only an additional upgrade to the existing system. A significant obstacle to resolving integration issues is the lack of political will to address ongoing integration issues and other points of the agreement, such as the recognition of diplomas and bar exams, registries, and cadastral documentation.

Recommendations

Recommendations for judicial institutions:

- ✔ Improving communication with citizens;
- ✔ Enhancing the quality of services;
- ✔ Increasing the transparency of the judiciary in order to inform citizens better about the work;
- ✔ Upgrading the capacity of existing staff and simplifying the procedure for hiring new staff;
- ✔ Detailed analysis of differences in translations of law, especially criminal and civil law;
- ✔ Bridging the gaps in procedural and substantive law between Kosovo and Serbia.

Recommendations for civil society:

- ✔ Increasing the range of activities within the scope of judicial institutions;
- ✔ Active monitoring of the further functioning of courts and prosecutor's offices;
- ✔ Intensified work on bringing institutions and citizens closer, and creating stronger cooperation between them;
- ✔ Creating project proposals and advocating for transparent and accountable publication of relevant information;
- ✔ Adapting and increasing the scope of action to the needs of citizens;
- ✔ Examining the needs of citizens as additional measure to increase the transparency of the judiciary.