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MEASURING AND IMPROVING CITIZENS' UNDERSTANDING OF THE JUSTICE SYSTEM

Survey of Attitudes Towards the Judicial System
Among Court Users in Kosovo

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Disclaimer:

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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INTRODUCTION AND KEY FINDINGS

This report details the findings from a first-of-its-kind survey of citizens in Kosovo who have filed a case with the country's district or municipal courts. USAID commissioned this survey to gauge court users' attitudes on a variety of issues dealing with the courts specifically and the judicial system more broadly.

This survey was conducted through face-to-face interviews between August 2005 and October 2005 with 403 persons who have had experience with Kosovo's court system. More specifically, interviews were conducted with 124 criminal defendants, 36 victims in criminal cases, 25 lawyers who represented victims, 99 civil case defendants and 119 plaintiffs in civil cases.

Due to project constraints and the real-world difficulties of conducting a survey of this kind in Kosovo, this is not a strict probability survey from which inferences about the population as a whole can be made—i.e. when each respondent has a known chance of being chosen for an interview. Instead, the courts from which respondents were selected were purposively chosen with an eye toward geographic and ethnic diversity. Nevertheless, within courts, respondents were chosen at random from among all people who had filed a case between January 2002 and August 2005. Thus, while courts were chosen in a purposeful manner, respondents within courts were selected randomly and were not allowed to self-select into the sample. However, as is the case with any survey, we cannot rule out the possibility that respondents who refused to be interviewed or who could not be located from the court's records differ in systematic ways from those with whom interviews were successfully completed. See the methodological appendix for more detail on the sampling method and response rates within courts.

Although this survey is not a strict probability sample, we have chosen to apply the statistical rules of inference when evaluating group differences. We use significance testing to direct analytical reasoning and recognize that this is a judgment call on our part rather than standard methodology. We use what is considered the more conservative cut-off and report group difference at the .01 level or greater. That is, if this were a strict probability sample in which courts as well as respondents within courts were chosen at random, we could say with 99% confidence that highlighted group differences among categories of court users are real and not chance differences based on the particular sample drawn.

Every effort was made to make the sample as representative of the universe of court users as possible. Yet the reader should also be aware that only 10% of interviews were conducted with women as very few court cases list them as either plaintiffs or defendants. Additionally, because we selected the courts from which respondents were chosen with the aim of achieving ethnic diversity, the proportion of respondents who self-identify as Serbs is slightly higher than in the general population (12% vs. 8%).

Many of the questions in this survey of court users were also administered in a nationally representative survey USAID's Justice System Reform Activity in Kosovo conducted among 1,126 residents of Kosovo between 08 and 26 August 2005. Where applicable, data from a general population survey is listed as well, but differences in the proportion of women and Serb respondents among court users should be taken into consideration when evaluating any differences in the responses between court users and the general population.

Below are key findings, followed by a detailed analysis of the survey results.

Key Findings

Moderate levels of trust in judicial institutions

- Court users express a fair amount rather than a great deal of trust in the courts.
- The police are among the officials most trusted by court users. More have high confidence in the police than in many other institutions, including judges or public prosecutors.
- There is moderate trust in the legal system to maintain law and order and to protect rights.
- About half of court users agree the judicial system treats all equally.
- The majority of court users believe judges have the training to effectively administer law and order.

Corruption perceive to be common

- Most court users believe corruption is at least somewhat common—especially among lawyers and judges and much less so among court registrars.
- The most cited source of corruption is payments made by ordinary people to push their case in their favor.

General lack of knowledge among court users

- There are low levels of knowledge about the court system and its basic procedures, including how to register a case or how to appeal a decision.

Most had an overall good experience in courts and would use them again

- A majority of court users view the speed with which court cases are processed at least somewhat favorably.
- Court users believe the overburdening of judges is the biggest reason for delays.
- The vast majority of court users would use courts again to resolve a similar issue.

Procedures not always followed or explained...

- Only a quarter of court users are certain that all proper procedures were followed or well explained.

...Yet the following and explanation of procedures influences court users' views about a wide variety of issues related to the judicial system

- Those who strongly believe proper procedures were followed or thoroughly explained:
 - Express high levels of confidence in the courts;
 - Have higher confidence in the police, judges and public prosecutors;
 - Possess a stronger belief that the judicial system is unbiased, treats all people equally and makes decisions without outside influence;
 - Are more satisfied with the speed with which cases are resolved.
- But they are no different from those who feel less strongly that procedures were followed or explained with regard to perceptions of corruption or knowledge levels.

On many issues court users who self-identify as Serbian Kosovars hold different attitudes than their Albanian Kosovars counterparts

- Court users who self-identify as Serbian Kosovars are less likely to believe procedures were followed or explained.
- They have less confidence in the courts in general as well as in the police, judges and public prosecutors.
- They have less faith in the legal system to maintain law and order or protect their rights.
- They are less likely to believe Kosovo's judicial system treats all equally, judges' rulings are made without outside influence, and judges have the training needed to effectively administer law and order.
- Court users of Albanian Kosovar or Serbian Kosovar background have similar ideas about the pervasiveness of corruption but hold differing opinions about its sources: Serbian Kosovars are more likely to believe criminal gangs, ethnic bias, and influence from organizations are sources of corruption whereas court users who self-identify as Albanian Kosovars point more often to lawyers and judges.
- Despite many differences in these two groups, they have similarly low levels of knowledge about the court system.
- On the positive side, both court users, Albanian Kosovars and Serbian Kosovars, say at similarly high rates that they would use the courts again.

Users of courts that USAID's Justice System Reform Activity in Kosovo project has worked with often have more positive attitudes towards Kosovo's court system than users of other courts

- Respondents from courts that USAID's Justice System Reform Activity in Kosovo project has worked with are more likely to:
 - Express overall confidence in the courts and confidence in prosecutors and judges;
 - Have more trust in the ability of the legal system to maintain law and order and protect rights;
 - Believe judges have the training needed to effectively perform their jobs;
 - Have more information about the different types of courts in Kosovo and their respective responsibilities as well as procedures for registering case, appealing a decision, enforcing a court ruling, and getting advice on legal matters; and
 - Think their specific case was resolved without unreasonable delays and that all proper procedures were followed and explained.

Users of district courts differ from municipal court users on a wide variety of issues.

- People with direct experience in district courts are more likely than municipal court users to:
 - Express overall confidence in the courts and in public prosecutors;
 - Believe judges possess the education and training needed to effectively administer law and order
 - Have more information about the different courts and their responsibilities, know how to register and appeal, and know where to go for advice on legal matters;
 - Believe their case was resolved without undue delay and court procedures were

followed and explained; and

- Think the judge decided their case fairly and the decision was enforced.
- However, district court users are also more likely to admit to knowing about a bribe being paid than are municipal court users.

OPINIONS OF KOSOVO AND ITS INSTITUTIONS

Many dissatisfied with overall situation in Kosovo

Court users, like the general public, are split in what they think about the overall situation in Kosovo. Forty-five percent of court users are at least somewhat satisfied with the situation in Kosovo today. A somewhat larger fraction express at least some dissatisfaction and say they are somewhat (22%) or very dissatisfied (33%) with the overall situation in Kosovo.

How satisfied are you with the overall situation in Kosovo?

	COURT USERS n=403	KOSOVO WIDE n=1226
Very satisfied	3%	5%
Somewhat satisfied	42%	38%
Somewhat dissatisfied	22%	21%
Very dissatisfied	33%	35%
Don't know / Refused	1%	*

Most have some but not a great deal of confidence in the Kosovo Assembly and international bodies

Court users express similar levels of confidence in the Kosovo Assembly, OSCE and UNMIK as the general population.

A majority of court users have at least a fair amount of confidence in the Kosovo Assembly, with the bulk expressing a fair amount (47%) rather than a great deal (11%) of confidence.

A similarly sized majority (55%) also express at least a fair amount of confidence in the OSCE.

Fewer have confidence in the UN Mission in Kosovo. Roughly twice as many say they have not too much or no confidence at all in UNMIK as say they a fair amount or a great deal of confidence (68% vs. 31%).

Do you have a great deal of confidence, a fair amount of confidence, not much confidence, or no confidence at all in these institutions or individuals?

	COURT USERS n=403	KOSOVO WIDE n=1226
> The Kosovo Assembly		
Great deal	11%	29%
Fair amount	47%	40%
Not too much	21%	17%
None at all	20%	13%
Don't know / Refused	1%	2%
> OSCE		
Great deal	14%	7%
Fair amount	41%	41%
Not too much	26%	36%
None at all	17%	12%
Don't know / Refused	3%	3%
> UN Mission in Kosovo (UNMIK)		
Great deal	4%	5%
Fair amount	27%	36%
Not too much	34%	31%
None at all	34%	26%
Don't know / Refused	2%	2%

Majorities express at least some confidence in municipal assemblies, the media, and community leaders.

Court users' confidence in their municipal assemblies, the media, and community leaders also closely mirrors the confidence levels among the general public.

Solid majorities of roughly six in 10 court users interviewed say they have at least a fair amount of confidence in their municipal assembly (60%), the media (60%), and community leaders (57%), with the bulk of these expressing a fair amount rather than a great deal of confidence. For each, fewer than one in five say they have no confidence at all.

Do you have a great deal of confidence, a fair amount of confidence, not much confidence, or no confidence at all in these institutions or individuals?		
	COURT USERS n=403	KOSOVO WIDE n=1226
> Your municipal assembly		
Great deal	19%	20%
Fair amount	41%	46%
Not very much	21%	21%
None at all	16%	10%
Don't know / Refused	2%	3%
> The media		
Great deal	16%	16%
Fair amount	44%	61%
Not very much	27%	18%
None at all	11%	2%
Don't know / Refused	2%	3%
> Your community leaders		
Great deal	20%	17%
Fair amount	39%	49%
Not very much	24%	24%
None at all	16%	6%
Don't know / Refused	2%	5%

COURT USERS' OPINIONS OF THE JUDICIAL SYSTEM

Fair amount of confidence in the courts

Users of the Kosovo court system express levels of confidence on par with that of the general public.

A slim majority of court users say they have a fair amount (40%) or great deal of confidence (15%). A quarter (26%) say they have not very much confidence in the courts while 17% of those who have direct experience with the courts say they have no confidence at all.

Those who have had a case filed with the district courts (64%) are somewhat more likely than those in municipal courts (52%) to have at least a fair amount of confidence in the court system. Likewise, citizens who have filed a court case with a court that USAID's Justice System Reform Activity in Kosovo has worked with are more likely to express a fair amount or a great deal of trust than those with a case in a court USAID's Justice System Reform Activity in Kosovo has not worked with (66% vs. 44%).

Court users who self-identify as Serbs¹ are less likely to express confidence in Kosovo's courts.

Do you have a great deal of confidence, a fair amount of confidence, not much confidence, or no confidence at all in the courts in Kosovo

	COURT USERS n=403	KOSOVO WIDE n=1226
Great deal	15%	14%
Fair amount	40%	46%
Not very much	26%	22%
None at all	17%	11%
Don't know / Refused	1%	7%

¹ For proper description of respondents' answers, the proper reference to Kosovo residents - Albanian Kosovar and Serb Kosovar will not be used in certain parts of the text.

Police among most trusted

Court users also express levels of confidence comparable to those of the general public when asked about people who hold key roles in the legal system.

Three-quarters (77%) of court users interviewed say they have at least a fair amount of confidence in Kosovo's police force. In fact, among the institutions discussed, the police appear to be the most trusted with a full two in five (41%) expressing the highest levels of confidence in the police.

Fewer, but still a majority (53%), say they have at least a fair amount of trust in Kosovo's judges, although the bulk say they have a fair amount (38%) rather than a great deal (15%) of confidence in judges.

When it comes to evaluating public prosecutors in Kosovo, somewhat more people say they have at least a fair amount of confidence (47%) than say they have not very much or no confidence at all (41%).

Those with cases filed in district courts (61% vs. 43%) and those who have a case in a court USAID's Justice System Reform Activity in Kosovo has worked with (56% vs. 38%) trust prosecutors more often than municipal court users and those who have a case filed in a court USAID's Justice System Reform Activity in Kosovo has not worked with. Court users in courts USAID's Justice System Reform Activity in Kosovo has worked with are also more likely than those with experience in other courts to express at least a fair amount of trust in judges (62% vs. 44%).

As with the court system in general, court users in Kosovo who self-identify as Serbs have less confidence than Albanians in Kosovo in the police, judges, and public prosecutors.

	COURT USERS n=403	KOSOVO WIDE n=1226
Do you have a great deal of confidence, a fair amount of confidence, not much confidence, or no confidence at all in these institutions or individuals?		
➤ The police in Kosovo		
Great deal	41%	46%
Fair amount	36%	35%
Not very much	11%	12%
None at all	11%	6%
Don't know / Refused	0%	1%
➤ Judges in Kosovo		
Great deal	15%	13%
Fair amount	38%	43%
Not very much	29%	26%
None at all	16%	11%
Don't know / Refused	2%	7%
➤ The public prosecutors in Kosovo		
Great deal	12%	10%
Fair amount	35%	45%
Not very much	23%	25%
None at all	18%	10%
Don't know / Refused	12%	12%

Majority of court users trust the legal system to protect rights and maintain law and order

Three in five court users (61%) say they have at least a moderate amount of trust in the legal system to maintain law and order. A slightly smaller majority (55%) say they have a moderate amount of trust in the legal system to protect their rights. And while majorities have at least a moderate amount of trust, sizable minorities say they don't have any trust at all in the legal system to maintain law and order (13%) or to protect their rights (21%).

Trust is higher in the courts USAID's Justice System Reform Activity in Kosovo has worked with. Courts users who have filed a case in a court that USAID's Justice System Reform Activity in Kosovo has worked with are more likely to have at least a moderate amount of trust in the legal system to maintain law and order (72% vs. 50%) or protect their rights (63% vs. 46%) than those with experience in other courts.

Serbian Kosovars court users in Kosovo are less trustful than Albanian Kosovars court users in Kosovo's legal system's ability to maintain law and order or protect their rights.

How much trust do you have in the legal system in Kosovo to...		
	COURT USERS n=403	KOSOVO WIDE n=1226
> Maintain law and order		
Trust a great deal	9%	14%
Trust somewhat	52%	64%
Do not have much trust	25%	12%
Do not have any trust at all	13%	5%
Don't know / Refused	1%	4%
> Protect your rights		
Trust a great deal	10%	16%
Trust somewhat	45%	58%
Do not have much trust	23%	13%
Do not have any trust at all	21%	8%
Don't know / Refused	2%	5%

Increased confidence in institutions increases faith in the legal system

Not surprisingly, trust in major institutions and in the ability of Kosovo's legal system to protect rights and maintain law and order are related. Those with higher levels of confidence in judges, the police, the courts, and public prosecutors are more likely to believe in the legal system's ability to protect rights and maintain law and order. Thus, as people come to see individual institutions as capable and legitimate actors, their trust in the capacity of the legal system to provide basic protections increases.

Many believe there is bias in the judicial system

A slim majority of court users (52%) believe that the judicial system in Kosovo is unbiased and treats all persons equally. While somewhat fewer disagree that the judicial system treats everyone equally (45%), it is notable that many more *strongly* believe that the judicial system is biased (21%) than *strongly* believe it is unbiased (9%).

Those with experience in district and municipal courts and in civil and criminal cases are equally likely to believe the courts are unbiased or biased. However, Serbian court users are more likely to disagree that the

Do you agree or disagree, the judicial system in Kosovo is unbiased and treats all persons equally?		
	COURT USERS n=403	KOSOVO WIDE n=1226
Strongly agree	9%	14%
Somewhat agree	43%	56%
Somewhat disagree	24%	10%
Strongly disagree	21%	6%
Don't know / Refused	3%	15%

judicial system treats all equally than their Albanian counterparts

Judges viewed more favorably but many doubt their impartiality

When asked specifically about favoritism shown by judges, court users are more favorable—one in five (21%) *strongly* believe that judges in Kosovo are impartial. An additional 34% somewhat agree that judges in Kosovo ensure that all people get a fair trial regardless of gender, income or ethnicity. On the flip side, a minority of four in 10 somewhat (23%) or strongly (17%) disagree that judges are impartial and that all people get a fair trial.

Although a small majority believe that judges ensure all persons get a fair trial regardless of gender, income, or ethnicity, court users are split as to whether or not they think judges make decisions based only on the law. Nearly half (46%) hold that judges in Kosovo make decision based only on the law and without any influence from outside parties. Roughly as many somewhat or strongly disagree (49%) with this statement. It is notable that more *strongly disagree* that judges make decisions without outside influence than *strongly believe* that judges make decisions based on the law irrespective of outside interests (19% vs. 9%)

When evaluating the impartiality of judges, there is no difference between district or municipal court users, respondents from civil or criminal cases, or those with experience in courts USAID’s Justice System Reform Activity in Kosovo has worked with versus those with cases in other courts. Yet there is a strong ethnic component to these evaluations. Court users who self-identify as Serbs are more likely than Albanians to disagree that all—regardless of their gender, income, or ethnicity—get a fair trial. They are also more likely to disagree that judges make decisions based only on the law and without outside influence.

Do you agree or disagree that judges in Kosovo ensure that all persons, no matter their gender, income, or ethnicity, get a fair trial.		
	COURT USERS n=403	KOSOVO WIDE n=1226
Strongly agree	21%	32%
Somewhat agree	34%	42%
Somewhat disagree	23%	11%
Strongly disagree	17%	5%
Don't know / Refused	6%	11%

Do you agree or disagree that judges in Kosovo make decisions based only on the law and without any influence from outside parties		
	COURT USERS n=403	KOSOVO WIDE n=1226
Strongly agree	9%	29%
Somewhat agree	37%	37%
Somewhat disagree	30%	16%
Strongly disagree	19%	7%
Don't know / Refused	5%	12%

Court users more confident in the competency of judges than the general public

A solid majority of 64% somewhat or strongly believe that judges in Kosovo have the education and training to effectively administer law and order. Roughly a third (32%) disagree that judges possess the education and training they need.

Those with experience in the district courts and the courts USAID’s Justice System Reform Activity in Kosovo has worked with are more likely than municipal court users or those with cases in courts that USAID’s Justice System Reform Activity in Kosovo has not worked with to believe that judges have the education and training they need to effectively do their jobs. In addition, Serbs in Kosovo who have used the courts are less likely than their Albanian counterparts to believe judges have the education and training they need to effectively administer the law.

Do you agree or disagree that judges in Kosovo have the education and training to effectively administer law and order in Kosovo.

	COURT USERS n=403	KOSOVO WIDE n=1226
Strongly agree	23%	17%
Somewhat agree	41%	19%
Somewhat disagree	20%	14%
Strongly disagree	12%	39%
Don't know / Refused	4%	11%

Courts resolve cases in a *somewhat* timely manner

A solid majority of three in five court users agree that, overall, cases are processed in a timely manner. Two in five (40%) somewhat agree that cases are resolved without unreasonable delays while one in five (21%) strongly agree. Nearly two in five (36%) disagree and believe there are unreasonable delays in the amount of time it takes for a case to make its way through the system.

Respondents involved in criminal cases are a bit more likely than those who have had contact with civil courts to disagree that courts process cases in a timely manner. A user’s perception that most court cases are resolved without unreasonable delay is not impacted by whether or not that user has filed a case with a court with which USAID’s Justice System Reform Activity in Kosovo has worked.

Thinking about the total amount of time it takes for a case to be resolved—from the filing of the case to when the final decision is made—would you agree or disagree that *most* court cases are resolved without unreasonable delay?

	COURT USERS n=403
Strongly agree	21%
Somewhat agree	40%
Somewhat disagree	18%
Strongly disagree	18%
Don't know / Refused	4%

PERCEPTIONS OF CORRUPTION IN THE COURTS

Majority believe corruption in the courts is at least somewhat common

Akin to opinions among the general public, a majority of court users believe corruption in the judicial system is at least somewhat common. A quarter of court users (24%) believe the corruption is very common within the judicial system. An additional third (34%) think it is somewhat common. Only a minority of two in 10 think that corruption in the judicial system is somewhat rare (13%) or never happens (6%).

District court and municipal court users, those with experience in USAID's Justice System Reform Activity in Kosovo, and those involved in civil and criminal cases all have similar perceptions about the frequency of corruption in Kosovo's judicial system.

In your opinion, how common a problem is corruption in the judicial system in Kosovo?

	COURT USERS n=403	KOSOVO WIDE n=1226
Very common	24%	21%
Somewhat common	34%	43%
Somewhat rare	13%	10%
Never happens	6%	3%
Don't know / Refused	24%	25%

Lawyers singled out for corruption

We asked those who believe corruption in the judicial system occurs at least rarely, where corruption takes place. Court users and the larger population of Kosovo have similar opinions about the occurrence of corruption among various persons or institutions.

Corruption is believed to occur most often among lawyers. Six in 10 (59%) think that corruption among lawyers happens at least sometimes and nearly a quarter believe that it is commonplace (23%).

The perception that corruption among lawyers is commonplace is particularly strong among district court users. Thirty-six percent of district court users say corruption among lawyers happens all the time compared with only 16% of municipal court users. Those with a case in a court USAID's Justice System Reform Activity in Kosovo has worked with are also more likely to point to corruption among lawyers.

A majority (56%) of those who think corruption in the judicial system happens also believe corruption occurs among judges at least sometimes, with more than one in 10 (15%) believing it occurs all the time.

In your opinion, how often does corruption take place among the following members of the justice system in Kosovo?

	COURT USERS N=284*	KOSOVO WIDE n=888*
> Lawyers		
Happens all the time	23%	19%
Happens sometimes	36%	46%
Only happens once in awhile	25%	22%
Never	10%	5%
Don't know / Refused	6%	9%
> Judges		
Happens all the time	15%	22%
Happens sometimes	41%	48%
Only happens once in awhile	26%	19%
Never	11%	3%
Don't know / Refused	8%	7%
> Public prosecutors		
Happens all the time	12%	21%
Happens sometimes	32%	37%
Only happens once in awhile	25%	24%
Never	14%	3%
Don't know / Refused	17%	15%

*Asked only of those who say corruption occurs at least rarely

Four in 10 (42%) believe corruption happens among public prosecutors at least some of the time, with 14% saying that it happens all the time.

Few believe corruption among court registrars and the police is commonplace

Many fewer believe that corruption happens on a regular basis among court registrars or other court employees. Fewer than three in 10 think that corruption occurs among court registrars (29%) or other court employees (25%) at least sometimes. Only a handful believe corruption happens all the time among court registrars (9%) and other court employees (7%).

The police are singled out least often. Two in 10 (22%) believe that corruption happens within the ranks of the police at least sometimes, with only very few (5%) saying that corruption happens among the police all the time. The majority believe that corruption is a rare occurrence among the police (31%) or never happens (35%).

Only a small minority admit to knowing about a bribe being paid

About twice as many court users admit that they know of someone who has offered a bribe or other inducement to improperly influence a judicial proceeding when compared to the general public. However, the percentage of people who say they know of a case of bribery is still rather low (15%).

District court users more often say they have knowledge of a bribe being paid than do municipal court users surveyed (24% vs. 11%).

In your opinion, how often does corruption take place among the following members of the justice system in Kosovo?		
	COURT USERS n=284*	KOSOVO WIDE n=888*
> Court registrars		
Happens all the time	9%	17%
Happens sometimes	20%	32%
Only happens once in awhile	25%	26%
Never	24%	5%
Don't know / Refused	24%	20%
> Other court employees		
Happens all the time	7%	17%
Happens sometimes	18%	34%
Only happens once in awhile	22%	27%
Never	27%	4%
Don't know / Refused	26%	19%
> Police		
Happens all the time	5%	10%
Happens sometimes	17%	33%
Only happens once in awhile	31%	35%
Never	35%	16%
Don't know / Refused	12%	7%
*Asked only of those who say corruption occurs at least rarely		
Do you know of anyone who has offered a bribe or other inducement to improperly influence a judicial proceeding?		
	COURT USERS n=403	KOSOVO WIDE n=1226
Yes	15%	6%
No	78%	90%
Don't know / Refused	7%	5%

Bribes made by ordinary people to push cases in their favor perceived to be biggest source of corruption

Despite the low percentage of people who say they know someone who paid a bribe, half of all court users (49%) name payments or gifts made by ordinary people to push cases in their favor as a source of corruption. This is by far the most often cited source of corruption in the judicial system. Presumably these payments are thought to be made by ordinary people to lawyers, judges, and/or public prosecutors rather than police or court registers as these people are said by respondents to participate most often in corruption.

Roughly three in 10 say payments or gifts made by lawyers (31%) or the influence of criminal gangs (27%) are sources of corruption. Even fewer say that judicial system is corrupted by the influence of political parties (17%), government (12%), favoritism due to ethnic bias (6%), the influence of international organizations (4%), or other causes (7%).

Although Serbian Kosovar and Albanian Kosovar court users have similar ideas about how widespread corruption is in the courts, they have different ideas about its sources. Serbian Kosovars court users are more likely to point to criminal gangs, ethnic bias, and influence from international organizations as sources of bias whereas court users of Albanian Kosovar backgrounds are a bit more likely to single out lawyers and judges.

Municipal and district court users and respondents involved in civil and criminal case have similar ideas about the sources of corruption.

Which of the following do you think are sources of corruption for the members of the justice system in Kosovo? (multiple responses allowed)

	COURT USERS n=403	KOSOVO WIDE n=1226
Payments or gifts made by ordinary people to push cases in their favor	49%	49%
Payments or gifts made by lawyers	31%	47%
Influence of criminal gangs	27%	58%
Influence of political parties	17%	25%
Influence of government	12%	38%
Ethnic bias	6%	20%
Influence of international organizations	4%	13%
Other	7%	1%
Don't know	27%	16%

KNOWLEDGE ABOUT THE JUDICIAL SYSTEM

Lack of knowledge about the different types of courts and their responsibilities

Court users report having low levels of information about the different courts that make up Kosovo’s judicial system and the responsibilities assigned to each type of court.

Only three in 10 (or fewer) say they have at least a fair amount of knowledge about the different levels of the courts in Kosovo (29%) or the division of responsibilities between these courts (25%). Instead, a plurality say they have “not very much” information about the different levels of courts in Kosovo (36%) or the division of responsibilities between these courts (40%). For each question, significant minorities of 39% say they have no information at all.

The court users surveyed report having somewhat less knowledge about the different levels of the court system than the average citizen. However, this finding is mainly due to the low levels of information that municipal court users profess. Municipal court users consider their knowledge levels to be lower than do district court users and are more likely to say they have no information at all on the different levels of the courts (32% vs. 21%) and their respective responsibilities (33% vs. 20%).

In addition, court users from courts USAID’s Justice System Reform Activity in Kosovo has not worked are more likely to have no information at all about the different levels of courts (40% vs. 19%) or the responsibilities of the different types of courts (39% vs. 21%) than are those courts involved with USAID’s Justice System Reform Activity in Kosovo project.

How much information do you have on ...		
	COURT USERS n=403	KOSOVO WIDE n=1226
> Different levels of the court system in Kosovo		
Great deal	6%	5%
Fair amount	23%	36%
Not very much	36.%	40%
None at all	29%	14%
Don't know / Refused	6%	6%
> Responsibilities of the different types of courts in Kosovo		
Great deal	5%	4%
Fair amount	20%	28%
Not very much	40%	43%
None at all	29%	19%
Don't know / Refused	8%	6%

Similarly low levels of information among court users about specific procedures

Majorities of more than six in 10 say they have not very much or no knowledge at all when it comes to the procedures for registering a case, appealing a court decision or the procedures for enforcing a court judgment.

Only three in 10 say they have a great deal (7%) or a fair amount of knowledge (25%) about how to register a case with the courts in Kosovo. Roughly as many say they have not very much information (36%) or no information at all about how to register a case (27%).

Likewise, three in 10 court users say they have either a great deal (11%) or a fair amount of knowledge (18%) about how to appeal a court decision. In fact, two-thirds say they have not very much information (33%) or no information at all (33%) on the procedures for appealing.

When it comes to understanding the procedures for enforcing a decision made by the courts, only a quarter say they have at least a fair amount of information. By contrast, roughly a third report having not very much information (32%) or no information at all (36%).

Municipal and district court users have roughly equal levels of information about how to register a case and how to appeal a decision. However, municipal court users are more likely to feel a lack of information about the procedures for enforcing a decision handed down by the court than those who have filed a case with a district court.

In contrast, those with experience in USAID’s Justice System Reform Activity in Kosovo courts have higher information levels. They are more likely than users in courts USAID’s Justice System Reform Activity in Kosovo has not worked with to have a fair amount or a great deal of knowledge about the procedures for registering a case (40% vs. 23%), appealing a decision (38% vs. 20%), and procedures for enforcing a court decision (39% vs. 14%).

There are no significant differences in knowledge levels between court users who self-identify as Serbs and those who self-identify as Albanians.

How much information do you have on ...		
	COURT USERS n=403	KOSOVO WIDE n=1226
➤ Procedures for registering a case in the courts in Kosovo		
Great deal	7%	5%
Fair amount	25%	28%
Not very much	36%	41%
None at all	27%	21%
Don't know / Refused	6%	5%
➤ Procedures for appealing a court decision		
Great deal	11%	6%
Fair amount	18%	28%
Not very much	33%	42%
None at all	34%	19%
Don't know / Refused	5%	6%
➤ Procedures for enforcing a court decision		
Great deal	7%	4%
Fair amount	19%	29%
Not very much	32%	40%
None at all	36%	21%
Don't know / Refused	5%	6%

More know where to go with legal problems...

More know where to go for assistance or advice on legal matters than have knowledge about specific legal procedures. Forty-two percent of court users say they have at least a fair amount of knowledge about this topic, and only two in 10 (20%) say they have no information about how to go about seeking legal advice.

How much information do you have on ...		
	COURT USERS n=403	KOSOVO WIDE n=1226
➤ Where to go for assistance and advice on legal matters		
Great deal	14%	8%
Fair amount	28%	34%
Not very much	35%	35%
None at all	20%	18%
Don't know / Refused	4%	5%

...Yet information about where to go to report judicial misconduct is not widespread

Only a quarter of court users say they have a great deal (8%) or fair amount (19%) of knowledge about where to go to report judicial misconduct. In fact, the majority of the court users interviewed say they have not very much (33%) or no information at all (31%) about reporting judicial misconduct.

Knowledge about where to go to get legal assistance or report judicial misconduct are largely equal among district and municipal court users.

When it comes to where to get advice on legal matters, court users in district courts (48% vs. 39%) and in courts where USAID's Justice System Reform Activity in Kosovo has worked (49% vs. 35%) are more likely to have moderate to high levels of information than are court users from municipal courts or courts where USAID's Justice System Reform Activity in Kosovo has not worked. All groups have similar amounts of information about where to go to report judicial misconduct

THow much information do you have on ...		
	COURT USERS n=403	KOSOVO WIDE n=1226
➤ Where to go to report judicial misconduct		
Great deal	8%	6%
Fair amount	19%	31%
Not very much	33%	34%
None at all	31%	22%
Don't know / Refused	8%	8%

More information about court procedures and general information about the court system cited as needs

Court users were asked if there were to be a Public Information Officer in every municipal court in Kosovo who was responsible for answering questions about the court system, what type of information would be helpful to people like them. A large number of respondents (64%) were not able to name an issue. Of those who responded, most wanted more general information about the judicial system and citizen's rights. Several respondents would like more information about court procedures in general or on how to initiate a case.

COURT USERS' EXPERIENCE IN THE COURTS

Cases largely processed in timely manner

More respondents say they at least somewhat agree that their court case was resolved/is being resolved without unreasonable delays than disagree that their case was processed in a timely manner (52% vs. 28%). These responses are very similar to court users' assessment of how quickly court cases in general are resolved, indicating that people's overall opinion of the court system is heavily informed by their own experiences in the courts.

Those who have had a case processed by district courts are more likely than municipal court users to say that their cases are resolved without unreasonable delays (63% vs. 49%). Likewise, respondents who had a court case processed by a court with which USAID's Justice System Reform Activity in Kosovo has worked are more likely to agree that the case was resolved without significant delays (64% vs. 40%).

Thinking about the court case in which you were involved, do you agree or disagree with the following statement about your experience during this case: The court case was resolved without unreasonable delays

	COURT USERS n=403
Strongly agree	27%
Somewhat agree	25%
Somewhat disagree	10%
Strongly disagree	18%
Don't know / Refused	21%

Judges' caseload believed to be biggest reason for delays

We asked court users who believed there were unreasonable delays in the processing of their cases why they thought that their case has been delayed. The number one reason cited is that the judge's caseload is too heavy. Nearly half (46%) believe judges' caseloads to be a contributing factor.

Bribes are the next most often mentioned cause of delays. Twenty percent believe their failure to pay a bribe slowed down their case. Seven percent believe that their case was delayed because the other side paid a bribe.

The lawyers' caseloads (7%) and the incompetence of lawyers (6%) or judges (5%) are mentioned by only roughly one in 20 respondents.

Why do you think your case was delayed?
(multiple responses allowed)

	COURT USERS (n=110)*
Judge's caseload too heavy	46%
I didn't pay a bribe	20%
Other side paid a bribe	7%
Lawyer(s) caseload too heavy	7%
Lawyer(s) incompetent	6%
Judge incompetent	5%
Other reasons	6%
Don't know / Refused	21%

*Asked only of those who somewhat or strongly believe their case has been delayed.

Only a quarter strongly believe procedures followed or well explained

Only about a quarter of the court users surveyed *strongly* agree that, to the best of their knowledge, all proper procedures were followed in the court case in which they were involved (23%) or that all aspects of the procedures were explained to them (26%).

However, when combined with those who *somewhat* agree, more agree than disagree that all procedures were followed (57% vs. 22%) and properly explained (62% vs. 22%).

More district court users say that procedures were followed (80% vs. 49%) or that procedures were well explained (78% vs. 57%) than municipal court users. Likewise, courts that USAID’s Justice System Reform Activity in Kosovo has worked with are more likely to strongly or somewhat agree that proper procedures were followed (74% vs. 38%) or that the procedures were explained (76% vs. 48%).

Court users who self-identify as Serbs are less likely than those from Albanian backgrounds to strongly agree that all procedures were followed or that procedures were well explained.

Thinking about the court case in which you were involved, do you agree or disagree with the following statements about your experience during this case.

COURT
USERS
(n=403)

➤ To the best of my knowledge, all proper procedures were followed by the courts for the case in which I was involved	
Strongly agree	23%
Somewhat agree	34%
Somewhat disagree	14%
Strongly disagree	8%
Don't know / Refused	22%
➤ All aspects of the judicial procedures were explained to me during my case	
Strongly agree	26%
Somewhat agree	36%
Somewhat disagree	17%
Strongly disagree	5%
Don't know / Refused	17%

The following and explanation of procedures inspires confidence in the courts

Importantly, those who *strongly* believe that procedures were followed, and those who *strongly* agree that judicial procedures were explained, have distinctly different attitudes about Kosovo’s judicial system than those who are less sure that procedures were followed or well explained.

Court users who *strongly* believe procedures were followed or were well explained to them are much more likely to express high levels of confidence in the court. Those who strongly agree that all the procedures in their court cases were correctly followed (44% vs. 9%) or explained (37% vs. 9%) are four times more likely to say they have a great deal of confidence in the court than those who are less sure proper procedures were observed or explained.

Likewise, those who *strongly* believe procedures were followed or were well explained to them are much more likely to express high levels of confidence in the police, judges and public prosecutors than those who were less satisfied with the implementation of procedures or the way procedures were explained to them. They are also more likely to have a *great deal* of trust in the judicial system to protect their rights and maintain law and order.

Court users who *strongly* believe procedures were followed or were well explained to them are more likely to have favorable opinions of judges. They are more likely to strongly agree that the judicial system in Kosovo is unbiased and treats all persons equally, that judges in Kosovo make decisions based only on the law and without any influence from outside parties, and that judges in Kosovo have the education and training to effectively administer law and order.

Perhaps because they felt they understood the process better, those who strongly believe procedures were followed or were well explained to them are much more likely to *strongly* agree that on the whole, cases in the Kosovo judicial system are processed without unreasonable delays.

Attitudes about the prevalence of corruption in the courts is one area where—notably—court users who strongly believe that procedures were followed or explained do not differ from those who are less sure procedures were followed or well explained.

Courts do a good job enforcing judgments

Two-thirds of court users who have received a ruling on their case either somewhat (35%) or strongly (32%) agree that the judge decided their case fairly. On the other end of the scale, fewer than one in three somewhat (12%) or strongly (16%) disagree that their case was decided fairly.

Even more respondents strongly (42%) or somewhat (36%) agree that the court was able to enforce the judgment rendered in their case. Only a small minority somewhat (7%) or strongly (9%) disagree that courts are able to effectively enforce judgments.

Those who have received a ruling in a criminal case are more likely than those involved in a civil case to disagree that the judge decided the case fairly (37% vs. 21%) or that the court was able to enforce the judgment (22% vs. 12%).

In addition, district court users are more likely than municipal court users to *strongly* agree (46% vs. 25%) that the judge decided their case fairly and enforced the judgment (59% vs. 32%).

Court users who strongly believe procedures were followed (79% vs. 12%) or strongly believe that procedures were explained to them (77% vs. 11%) are also much more likely to believe the judge decided their case fairly. Those who strongly believe procedures were followed (83% vs. 26%) or explained (83% vs. 24%) also have strong positive feelings about the ability of the court to enforce the judge’s ruling.

Costs may discourage use of the civil courts

Nearly two-thirds (64%) of civil court users believe that the costs associated with using the courts may cause some not to use the courts to resolve a dispute.

Two in 10 (18%) civil court users interviewed say they think that it is very common for people not to use the courts to resolve a matter because it is too expensive. An additional nearly five in 10 (46%) believe that it is somewhat common

Thinking about the court case in which you were involved, do you agree or disagree with the following statements about your experience during this case?

	COURT USERS (n=246)*
➤ I was satisfied that the judge decided my case fairly	
Strongly agree	32%
Somewhat agree	35%
Somewhat disagree	12%
Strongly disagree	16%
Don't know / Refused	4%
➤ The court was able to enforce the judgment that was rendered in my case	
Strongly agree	42%
Somewhat agree	36%
Somewhat disagree	7%
Strongly disagree	9%
Don't know / Refused	5%

*Asked only of those whose court has case has been resolved

Thinking about all the expenses you've had to pay to process your court case, how often do you think people do not use the courts to resolve a matter or issue because it is too expensive?

	COURT USERS (n=215)*
Very common	18%
Somewhat common	46%
Somewhat rare	19%
Never happens	4%
Don't know / Refused	13%

*Asked only of those involved in civil cases.

for people to avoid using the courts because of costs. A little more than two in 10 believe that this happens only somewhat rarely (19%) or never happens (4%).

Plurality of criminal defendants choose their own lawyer...

A plurality of defendants in criminal cases chose their own lawyer (40%). A third had their defense attorney appointed to them (32%), and 16% say they did not have a lawyer.

And are largely pleased with the quality of defense attorneys

A majority of criminal defendants say they were somewhat (40%) or very satisfied (19%) with the quality of their defense attorney. Only a handful (12%) expresses moderate or severe dissatisfaction.

What is more, there is no difference in levels of satisfaction between those who had their lawyer appointed to them and those who chose their own lawyer.

Was your lawyer appointed to you or did you hire your own lawyer?	
	COURT USERS (n=99)*
Had appointed lawyer	32%
Chose own lawyer	40%
Did not have lawyer (volunteered)	16%
Other	3%
Don't know / Refused	8%

*Asked only of defendants in criminal cases.

How satisfied were you with the quality of your defense attorney?	
	COURT USERS (n=124)*
Very satisfied	19%
Somewhat satisfied	40%
Somewhat dissatisfied	5%
Very dissatisfied	7%
Not applicable	22%
Don't know / Refused	8%

*Asked only of defendants in criminal cases.

Vast majority would use the courts again

Perhaps the best overall evaluation of how Kosovo's judicial system is working is whether or not people would choose to use the court system to resolve a similar dispute again. (This question was not asked of defendants in criminal cases or of the handful of lawyers interviewed.)

Most (86%) say they would use the courts again to resolve a similar dispute. Only a handful (4%) says they would not use the courts to resolve a similar issue in the future. Some of the reasons given for why they would not return to the courts include a belief that the process takes too long and lack of trust in the courts or a bad experience with the courts.

Court users who self-identify as Serbs and those who self-identify as Albanians are about equal in their propensity to use the courts again to resolve a similar dispute.

All things considered, would you use the court again to resolve a similar issue or dispute?	
	COURT USERS (n=254)*
Yes	86%
No	4%
Maybe (volunteered)	3%
Don't know / Refused	7%

*Asked only of plaintiffs and defendants in civil case and victims in criminal cases.

Survey results suggest success of USAID’s Justice System Reform Activity in Kosovo programmatic activities

Because USAID’s Justice System Reform Activity in Kosovo project works in all district courts but only some municipal courts, it is difficult to evaluate whether the effects between district courts and municipal courts detailed in this report are a result of USAID’s Justice System Reform Activity in Kosovo activities in district courts or if the observed differences are because district courts differ from municipal courts independent of the influence of USAID’s Justice System Reform Activity in Kosovo. Advanced statistical analysis was used to attempt to disentangle this relationship by, in essence, examining whether the attitudes of respondents from municipal courts with which USAID’s Justice System Reform Activity in Kosovo works more closely resemble those of respondents of district courts where USAID’s Justice System Reform Activity in Kosovo also works (indicating that the influence of USAID’s Justice System Reform Activity in Kosovo is the key), or if they more closely mirror the responses of those from municipal courts where USAID’s Justice System Reform Activity in Kosovo does not work (indicating that municipal courts are different from district courts for reasons other than USAID’s Justice System Reform Activity in Kosovo work with district courts).

The result of this analysis suggests that in most instances—namely increased confidence in the courts, judicial institutions, and the ability of the legal system to maintain law and order and protect rights as well as higher knowledge levels about courts and court procedures—the more positive responses are due to USAID’s Justice System Reform Activity in Kosovo influence and not because district courts are simply different than municipal courts.

The exception to this has to do with following and explaining procedures. In the instance of these two questions, the data suggest that district court users are still more likely to say that proper procedures were followed independent of USAID’s Justice System Reform Activity in Kosovo involvement with these courts. This indicates that for whatever reason, district courts do a better job than municipal courts of making people believe that proper procedures are being followed and explaining the judicial process to them, and this difference cannot merely be attributed to the activities of USAID’s Justice System Reform Activity in Kosovo.

Methodological Appendix

This methodological report summarizes the field procedures employed by Prism Research in the November 2005 survey of court users in Kosovo. The survey was paid for with USAID funds. The purpose of this survey was gauge court users trust in and information about the judicial system as well as to better understand court users' experiences with courts and the challenges they contend with. The survey was also designed to evaluate differences between respondents drawn from courts USAID's Justice System Reform Activity in Kosovo project has worked and those with experience in courts that were not part of the project.

Face-to-face interviews with 403 people with first-hand knowledge of the court system by PRISM from August 5 to October 28, 2005. Interviews were conducted among ethnic Albanians, Serbs, and non-Serb ethnic minorities as well as respondents from both district and municipal courts.

Questionnaire

The questionnaire was designed by IFES' Applied Research Center (ARC) and IFES' Rule of Law team. After reaching agreement on the pretest questionnaire, the questionnaire was translated into Albanian and Serbian. Both the Albanian and Serbian questionnaires were independently back translated into English and reviewed by ARC senior researchers to ensure the accuracy and consistency of the survey instrument.

Sample design

A four-phase stratified quota sample was used to select courts from which case files were drawn. Interviews were attempted with both parties to each selected court cases, but in some instances completed interviews were achieved with only the defendant or the plaintiff.

In the first phase, interviews were allocated to courts part of the USAID's Justice System Reform Activity in Kosovo project and courts that were not a part of this project.

In phase two, 125 interviews were allocated to district courts and 275 to municipal courts. Interviews were allocated disproportionately between district and municipal courts to allow for separate analysis of both categories—according to 2003 caseload statistics, there are approximately 53 municipal court cases filed for every one district case filed.

In the third phase of the design, municipal and district courts were selected from which respondents would be selected. Each of the five district courts in Kosovo were selected and for each 25 interviews were allocated. For municipal courts, 14 were selected from among Kosovo's 24 municipal courts. Out of these, four were municipal courts were selected because of their participation in USAID's Justice System Reform Activity in Kosovo project, whereas the other 10 were randomly selected with an eye towards geographic and ethnic diversity.

In the fourth phase of the sampling, interviews were allocated to criminal and civil cases.

In the fifth phase, court cases were randomly selected directly from the registrars' index in that court. These indexes each court case is registered and organized sequentially – every day they enter the new cases filed. In each court one index is maintained for civil cases and another for criminal cases. Each year new cases are recorded in new registers. Interviewers

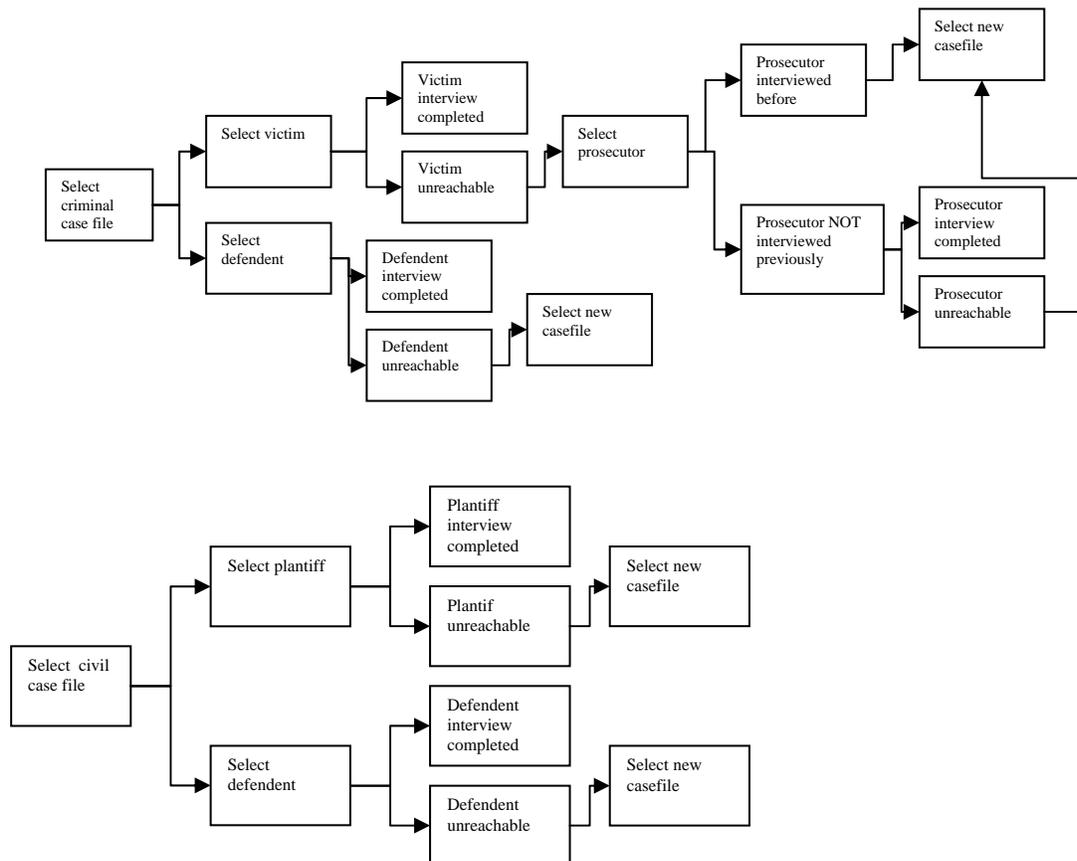
were instructed to select two-thirds of the allocated interviews among cases file between 2002-2004 and one-third from cases filed in 2005.

Respondent Selection

Upon contacting the courts, interviewers asked for access to registrar's indexes. After receiving these registers, they have determined the number of cases filed in criminal and civil cases and in accordance to the quotas they had for each category, selected a random sample of cases using the random start and interval method.

Based on the sample design, interviewers were provided with a table specifying the number of respondents per each group. Out of the cases selected, contact details of the persons engaged in those cases were recorded. For each case, contact details for both parties were recorded. For each quota contact details were recorded for at least twice the number needed to allow for the replace of the contact in case of refusal or inability to identify the address of the selected respondent.

Below are the decision trees for selecting respondents from criminal and civil cases:



Key characteristics of respondents in the survey are presented in the following table, broken down by whether or not the respondent was chosen from a court USAID's Justice System Reform Activity in Kosovo project worked with or not.

	Respondent from a court in USAID's Justice System Reform Activity project	Respondent NOT from a court in USAID's Justice System Reform Activity project	Total (n)
District Court			
Gjilan district court	21	--	21
Prizren district court	19	--	19
Mitrovice district court	26	--	26
Peja district court	20	--	20
Pristine district court	26	--	26
Municipal Court			
Decan municipal court	--	25	25
Ferizaj municipal court	--	8	8
Gjilanj municipal court	4	--	4
Kamenice municipal court	--	25	25
Leposavic municipal court	--	24	24
Lipjan municipal court	--	25	25
Malisheve municipal court	--	27	27
Mitrovice municipal court	20	--	20
Peje municipal court	--	24	24
Pristine municipal court	24	--	24
Prizren municipal court	25	--	25
Shtime municipal court	--	9	9
Skenderaj municipal court	24	--	24
Zubin Potok municipal court	--	27	27
Gender			
Male	178	183	361
Female	30	12	42
Ethnicity			
Albanian	201	140	341
Serb	1	49	50
Other	6	6	12
Year case filed			
2002	43	26	69
2003	56	45	101
2004	48	63	111
2005	61	61	122
Case status			
Completed	93	154	247
In process	54	102	156
Case type			
Criminal	99	86	185
Civil	109	109	218
Respondent type			
Defendant (civil case)	47	52	99
Defendant (criminal case)	65	59	124
Plaintiff (civil case)	62	57	119
Prosecutor (criminal case)	11	14	25
Victim (criminal case)	23	13	36
TOTAL	208	195	403

Fieldwork

Interviews encountered many difficulties in selecting cases and tracking down potential respondents. In some cases, there were not enough cases in the selected court to be able to satisfy the quota. Filling the quotas for criminal cases was more difficult than for civil cases due to the fact that these cases were mainly filed by a small number of public prosecutors.

Problem with the addresses in Kosovo was also a key concern. Inaccurate addresses made it very difficult to identify respondents whose contact details were taken from the registrars' index. For example, still in many towns there are neighborhoods that are not named, streets whose name was changed couple of times in the last couple of years, people are not familiar with the names of the roads and do not recognize addresses, as well as lack of tables that mark streets. Frequently interviewers had to spend many hours trying to identify certain addresses, and in the very end it seldom occurred that the respondent could not be identified. This was more of an obstacle in urban areas; in rural areas people know each other and it was easier to identify a household based on the family name.

Interviewers also noted a higher refusal rate than is common in general population surveys in which respondents are randomly chosen from households rather specifically targeted because of their involvement in the courts. Respondents were surprised to be contacted because of a court case that they had and some of them hesitated to take part on the survey. Others showed disbelief that the information will be kept confidential, whereas majority of people who refused to participate did not give any further explanation. It is worth mentioning that females were more likely to refuse to take part in the survey than males. Refusals also occurred at a higher rate in criminal case and district court cases.

Response rate

The response rate for the survey is 58%. In total, interviews attempted to make contact with 694 respondents. Of these 403 resulted in a successful interview. The disposition for the sampled respondents is as follows:

Respondents selected	694	100%
Unable to make contact with household after three visits	69	10%
Respondent away/abroad	76	11%
Respondent not available after 2 visits	8	1%
Language difficulties	0	0%
Person who opened the door refused to participate	38	5%
Interview interrupted-respondent refused to complete	18	3%
Respondent refusal	82	12%
Completed interviews	403	58%