



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

ENCJ WORKING GROUP

Public Confidence Report 2008-2009

GROUPE DE TRAVAIL RECJ

Confiance de la population Rapport 2008-2009



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CONCLUSIONS - SUMMARY OF RESEARCH PROJECT'S RESULTS

CULTURE OF COURT SESSION

- In case of solving dispute on financial or property issues two-fifth of Poles would resort to the lawyer or directly to the court. This form of solving dispute is based on two assumptions: certainty of accurate and reliable solving dispute, chance to recover money (disputed item). It should be noted that one fourth of respondents would ask persons whom they fully trust: family member or close friend. These respondents are mainly motivated by following factors: saving time and cost, intention to solve dispute amicably. Quite small group of respondents would decide to ask a professional mediator for help in solving dispute.
- Three in ten adult Poles have experience related to participation in a court session. Most often respondents participated in a court session as witnesses and plaintiffs. Respondents usually have experience of participation in one court case, it was usually case in civil court, more rarely in criminal courts or family divisions.
- Court case in which respondents participated lasts for 10 months on average. More than half of respondents think that duration of court proceedings from its beginning to the announcement of verdict was too long. It should be noted that one third of respondents considered such duration of court proceedings to be appropriate, one in ten respondents thought it was rather short.
- Respondents are rather satisfied with verdicts of cases in which they participated. Only one sixth of respondents declared their dissatisfaction with verdicts. They gave following reasons of this opinion: lack of satisfaction, judge's lack of impartiality. It could be caused by loss in a court case.
- Judges' behavior during court session was evaluated positively by respondents. Judges are perceived as serious, controlled, ordered, professional. It should be noted that judge had control over the course of

court session and had professional approach towards persons who participated in a trial.

- One fifth of respondents obtain information on the course of court session from family members or close friends who participated in a court session. However experience of these persons in majority of case is similar to personal experience of respondents.
- One fourth of Poles declare that they had conversations with close persons on court cases. These conversations most often relate to court cases highlighted by mass media.
- Taking into account their own experience and knowledge or mass media information and close persons' information respondents generally evaluated courts' work in Poland on a medium level (mean of 4,27 in a seven-point scale).

RELIABILITY AND CONFIDENCE IN THE JURISDICTION / PUBLIC INSTITUTIONS

Judges

- Judges are commonly perceived as persons with high level of professionalism and experience related to court proceedings. Respondents noticed that judges are often under the pressure of the parties and impose too mild penalties. It should be noted that in respondents' opinion judge can be detained or arrested similarly as other citizens. Respondents do not perceive young age of judges to be a problem.
- Confidence in judges is on a medium level (mean of 4,34 in a seven-point scale).
- Confidence in particular kinds of judiciary officials and court proceedings was also examined. Notaries turned out to be the most trusted judiciary officials. Next judiciary officials in the confidence ranking are: Ombudsman and legal counselors. Minister of Justice and National Public Prosecutor have low level of public confidence. Debt collectors have the lowest level of public confidence.

Institutions

- It is interesting that confidence and trust in European/international courts' reliability and effectiveness is on higher level than in case of national courts. General evaluation of confidence in Polish courts is lower in comparison with international courts (mean of 4,28 to mean of 4,84 in a seven-point scale).
- The highest prestige have following judicial institutions: International Court of Justice in Hague, European Court of Human Rights, European Court of Justice. Among national judicial institutions the highest level of confidence was declared in case of Constitutional Tribunal and Supreme Court. The least favorable evaluation have following Polish judicial institutions: vetting courts and commercial courts.
- In confidence ranking Supreme Court has high second position. The highest level of confidence is declared in case of scientists. High positions in confidence ranking has also: military, school and educational system, European Union. The lowest level of confidence has: Senate, Stock Exchange, government, the Social Insurance Institution, Lower House of Parliament.
- Confidence in courts and judges is weakened in the highest degree by corruption suspicions, long duration of the court case, long delays in court proceedings. Additionally, respondents declare that the decrease of confidence in courts was influenced by unfair verdicts, nepotism, nepotism, personal connections in the judiciary.
- According to respondents, improvement of confidence in judges and courts in Poland should be based on changes of the law in force, increasing effectiveness of verdicts and court decision, elimination of corruption, improvement of courts' work.
- One fourth of Poles declare that they heard about National Council of the Judiciary. In their opinion this judicial institution has control over judges' work and discipline them. Respondents do not have enough knowledge on constitutional position of National Council of the Judiciary - it is a constitutional organ appointed to safeguard the independence of courts and judges.

MASS MEDIA AND SOURCES OF INFORMATION ON THE FUNCTIONING OF THE JURISDICTION

- Poles estimate their level of knowledge on the functioning of the courts as low. For example, respondents do not understand difference between court's verdict and legal justification of this verdict. Results of research project indicate that citizens have low level of knowledge on their rights in prosecutor's office and in courts.
- According to respondents citizens in Poland rather are not informed about the functioning of courts and jurisdiction. In their opinion this situation can be caused by small availability of information materials about this topic (folders, leaflets, press, information published in the Internet).
- Poles obtain their knowledge on the functioning of courts from daily TV news bulletins. Other important sources of knowledge are: various program mes watched on TV, articles in daily press and radio programs. It should be noted that one fifth of the respondents use Internet in order to obtain information on the functioning of jurisdiction.
- Half of citizens want to be better informed about the functioning of jurisdiction in Poland. Following forms of informing them should be used: information in TV and press on particular cases or even live coverage from court sessions.
- The most famous Polish court cases which were presented in mass media during year 2008: homicide of Wojciech Olewnik, the coal scandal and death of Barbara Blida, the Rywin scandal, case of Aneta Krawczyk (sex scandal in Self-Defence party), case of Polish soldiers in Afghanistan, ambulance scandal in Lodz. Source of knowledge on these cases are mass media, mainly television, also press, radio and the Internet.

BASIC INFORMATION ON RESEARCH PROJECT

- Research project was conducted with use of individual standardized questionnaire interviews (Paper and Pencil Interviews - PAPI). This research method is direct (face to face) conversation between trained pollster and respondent with use of specially prepared standardized questionnaire. Research tool consists of 71 basic questions and 35 questions related to social-demographic data.
- Research project was conducted on representative sample of adult Poles aged 18-75. It was nation-wide representative sample regarding gender, age, education, size of locality, region (voivodship).
- 1500 interviews were conducted. Respondents, who took part in this research project, were selected according to probability sampling scheme. Sampling algorithm was based on „random route” procedure which includes selection of starting postal addresses. Maksimum standard error 2,5%.
- Research project was conducted from April 25th to May 7th, 2009.