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CITIZENS' SCORES ON BASIC COURT SERVICES



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ABBREVIATIONS LIST

ACDC	Advocacy Center for Democratic Culture
CAPI	Computer Assisted Personal Interviewing
D+	Democracy Plus
FGD	Focus Group Discussion
JSSP	Justice System Strengthening Program
KJC	Kosovo Judicial Council
USAID	The United States Agency for International Development

KEY FINDINGS

Access to information

- The majority of court users at each of Kosovo's seven Basic Courts indicated that it was easy to access information about their cases.
- The majority of court users at each basic court claimed that the information received from the courts was somewhat helpful or very helpful.
- The overwhelming majority court users at each Basic Court thought that it was very easy to find the courtroom or office they sought inside the courthouse.
- Most court users at each Basic Court did not know if there were complaint boxes at the court's premises.
- Both surveyed court users and focus group discussion (FGD) participants confirm that there are information desks at each Basic Court, but FGD participants indicated that the information desks were often unattended.
- The overwhelming majority of court users from both the majority and non-majority communities do not use the court's website as a source of information.
- Court users from non-majority communities claimed that courts' websites are translated to their native language, but the quality of translation must be improved.

- Court users from majority and non-majority communities felt that they were treated fairly and with respect by court staff.
- The majority of court users also believed that they were treated fairly by judges.
- Women FGD participants who accessed court services in Peja, Gjilan, and Gjakova felt that judges had discriminated against them based on gender.
- The majority of non-Albanian speaking court users were able to use their native language at court hearings and in interactions with court staff.
- The majority of court users indicated that they were not informed about their right to file a disciplinary claim against a judge.

Prevalence of Corruption

- Survey findings showed that neither court staff nor court users ask for or offer bribes in any of the Basic Courts.
- FGD participants believed that when corruption occurs, it is as an exchange of favors between internal and external actors and is not in the form of bribery.

Efficiency and Fairness

- The majority of court users accessing services at Peja and Prizren Basic Courts were unable to complete their business before the court in a reasonable time.
- Across all Basic Courts, most court users indicated that their cases have been active for less than two years.
- Court service users at Basic Courts other than Prishtina and Prizren felt somewhat satisfied with the amount of time taken to review their cases. Comparatively, court service users at Prishtina and Prizren felt very unsatisfied.

1. INTRODUCTION

This survey was designed and conducted by Democracy Plus (D+) in partnership with Advocacy Center for Democratic Culture (ACDC) to obtain citizen input on the performance of Kosovo's seven Basic Courts. Commissioned by the Justice System Strengthening Program (JSSP), this survey is a continuation of the Citizens' Scores on Basic Court Services study conducted in 2018, which provided the same courts with citizen input for improving their efficiency and reputation. The current study utilizes a combination of quantitative (survey) and qualitative (focus group discussions) research methods to capture court users' experiences with different dimensions of court service delivery. The results also provide a measure of the perceived quality of services across the Basic Courts. This research is intended to provide the Basic Courts, Kosovo Judicial Council, and other judicial bodies with actionable data about the status of access to information, efficiency and fairness, and prevalence of corruption within the Basic Courts, as well as evidence-based recommendations for improvement.

USAID's Justice System Strengthening Program

is a five-year rule of law activity that builds upon USAID's prior efforts to advance the rule of law in Kosovo and ensure that the justice system operates in a professional, efficient, and accountable manner. The program focuses on promoting a judicial system that adheres to high standards of independence, impartiality, integrity, accountability, and transparency, and on supporting the functioning and integration of judicial structures in the north of Kosovo.

Strengthen efficiency and effectiveness in the administration of justice and the delivery of quality services

Through USAID, the Justice System Strengthening Program (JSSP) assists the Kosovo Judicial Council (KJC) and Kosovo's courts in consolidating gains in efficiency and management at the court level. This is accomplished by facilitating the decentralization of administrative com-

petencies and institutionalizing systems and tools for effective court and case management. Activities under this objective reduce case backlog and procedural obstacles to court efficiency and effectiveness.

Enhance the accountability and professionalism of the justice system

JSSP works closely with the KJC, judges, and court staff in building capacity to deliver justice professionally and efficiently. It also promotes continuing education and public integrity initiatives as the foundation for a judiciary that is accessible, credible, and effective.

Support the functioning and the integration of judicial structures in the North

JSSP supports the KJC and courts in activating judicial structures in northern Kosovo based on the Justice Sector Agreement signed by Kosovo and Serbia in 2015. This agreement provides for the integration of institutions, court operations, and judicial resources in the north. JSSP also assists individual courts in the region with case inventories and transfers, backlog reduction, case management, and capacity-building for judges and court staff.

Democracy Plus is an independent, nonprofit, and non-partisan organization founded by a group of activists who believe in further strengthening democratic values in Kosovo. The main objective of D+ is to foster democratic values and practices that will further strengthen the voice of the Kosovar society. D+ aims to contribute in establishing good governance practices, strengthening the rule of law, assisting free and fair elections, and fostering respect for human rights and social issues. D+ has implemented different projects that aim to bring decision-makers closer to citizens through policy research, facilitation of dialogue and interaction, and public education.

Advocacy Center for Democratic Culture is a civil society organization based in North Mitrovica, Kosovo. AC-DC's goal is to improve the engagement of a multiethnic population in the Mitrovica region and raise citizen awareness about democratic culture.

“

Sample size includes 1,307 court users out of which 333 are from the non-majority communities. Minimum sample sizes for each basic court have been calculated based on the number of active cases at each court. Standard statistical criteria have been applied with a 95% confidence interval and a margin of error +/- 10%.

2. RESEARCH METHODOLOGY

2.1 Survey















In September and October 2019, D+ and ACDC conducted exit surveys with 1,307 respondents who had active cases before the Basic Courts and were seeking court services at the time they were interviewed. 974 of these respondents were from the majority community; 333 were from non-majority communities. This research is a continuation of the study conducted by D+ in 2018¹, and was undertaken to assess court user experience with, and perception of, access to public information, efficiency, and corruption in the Kosovo's seven Basic Courts.

As of June 2019 (when the sample size was determined), there were 133,011 inventory cases pending in the Basic Courts. The Basic Court of Prishtina had a greater number of cases (75,867) than the other six Basic Courts combined (57,144). Through this study, D+ and ACDC hoped to determine if the courts with the highest caseloads were perceived as less efficient or transparent, or more corrupt, than other courts.

Due to confidentiality and protection of private information issues, the research lacks a sampling frame for the population in question (i.e., a full list of court users from which survey participants could be randomly selected). In its absence, case inventory was used as a sampling frame.

¹ Osmani, R. (2018). Citizens's score on Basic Court services. Retrieved from <http://bit.ly/2RztpDg>.








TABLE 2.1.1: NUMBER OF ACTIVE CASES FOR EACH BASIC COURT

BASIC COURT	COURT CASE LOAD /POPULATION (N)
 PRISHTINA	 75,867
 FERIZAJ	 12,030
 GJILAN	 8,209
 PRIZREN	 12,134
 GJAKOVA	 7,672
 PEJA	 8,128
 MITROVICA	 8,971

Total 133,011








The sample used in this survey comprises two independent sample sizes. The first sample of 1,000 respondents captured the experiences of Kosovo-Albanians with active cases at the Basic Courts. From this overall sample, minimum sample sizes were calculated for each Basic Court based on the number of inventory of cases at each court. Standard statistical criteria have been applied with a 95% confidence interval and a margin of error of +/- 10%. The set statistical criteria gave us an almost identical sample size for each Basic Court, with a total sample of all Basic Courts equaling 666 (see Table 2.1.2, column 3, below). Given that our predetermined total sample size was 1,000, we distributed the remaining 334 observations to each Basic Court in proportion to its number of inventory cases (Table 2.1.2, column 4), thus adjusting the total sample size for each Basic Court (Table 2.1.2, column 6).

TABLE 2.1.2: CALCULATION OF SAMPLE SIZE FOR EACH COURT

		Court Inventory /Population (N)	Sample size with 10% MoE and 95% CI	Proportional additions	Calculated sample size	Actual sample size
	Prishtina	75,867	96	191	287	277
	Ferizaj	12,030	95	30	125	124
	Gjilan	8,209	95	21	116	109
	Prizren	12,134	95	30	125	123
	Gjakova	7,672	95	19	114	112
	Peja	8,128	95	20	115	113
	Mitrovica	8,971	95	23	118	116
Total		133,011	666	334	1000	974

A second sample size was calculated to collect data on the experience of non-majority communities with Basic Court services. Although case inventory data published on the KJC's website does not indicate the ethnic background of parties to proceedings, the KJC provided us with the number of active cases including a non-majority party for each Basic Court. This number served as a sampling frame from which we calculated a representative sample of non-majority communities. Table 2.1.3 below shows the number of active cases with a non-majority party, the sample size calculated relying on the same statistical criteria (a 95% confidence interval and a margin of error of +/- 10%), and the actual sample size² for each Basic Court.

TABLE 2.1.3: SAMPLE FRAME AND SIZE FOR NON-MAJORITY COMMUNITIES FOR EACH COURT

		Case Inventory /Population (N)	Calculated sample size	Actual sample size
	Prishtina	2,750	93	57
	Mitrovica	500	81	89
	Peja	325	75	77
	Prizren	590	83	42
	Ferizaj	220	68	9
	Gjilan	179	63	28
	Gjakova	40	29	31
Total		4,604	492	333

² The sample size that was reached for the allocated duration of time set for data collection.

Data collection by D+ and ACDC was conducted by exit polling with a survey that was administered in both official languages of Kosovo - Albanian and Serbian. To ensure that data was collected from both majority and non-majority court users, two different data collection techniques were used. Respondents from the majority community were selected based on a systemic sampling technique, with every 3rd person exiting the court building. To select non-majority respondents, our enumerators interviewed persons exiting the court building who identified themselves as belonging to a non-majority community. Consequently, two enumerators stood at the exit of each Basic Court building and surveyed respondents who agreed to answer the questionnaire.

The time-frame for data collection varied. The enumerators who collected data from the majority community stood in front of Basic Court buildings for one month, until the sample size reached the predetermined number of respondents. The enumerators collecting observations from non-majority communities stood in front of the Basic Court buildings for one month and collected as many observations as the frequency of non-majority court users visiting the courthouses allowed. Based on this method, the study had a total of 974 responses from majority-community court users and 333 responses from the non-majority communities.

The questionnaire contained identical questions in both languages, and was designed to capture views on aspects that concern both majority and non-majority communities. The questionnaire also included a handful of questions focused mainly on issues concerning non-majority communities. Data on these questions is shown and analyzed separately in this report, while data on questions concerning common issues are aggregated from both surveys and interpreted as an overall representation of all users of services of each court. Findings can be used to make statistical inferences about the entire population of court users of these courts.

2.2 Variables

2.2.1. Access to Public Information

Access to information, for the purpose of this study, is measured by collecting data on the experience of court users related to: (1) the ease of obtaining needed information about their case from the court where their case is being tried; (2) the helpfulness of the information provided by the court; (3) finding/locating the needed office or court room; (4) use of the court's website to obtain needed information; and (5) the usefulness of website content.

2.2.2. Efficiency

Efficiency of Basic Courts is measured from the perspective of the court user about: (1) whether the length of time required to get court business done was reasonable on the day the respondents were surveyed; (2) the time their case has been pending; (3) satisfaction with the judges and courts administration staff in terms of fairness and equal treatment; and (4) the possibility to use one's native language and satisfaction with the quality of translation during hearings. It is important to note that this study assesses court efficiency from the perspective of court users' first-hand experiences as recipients of court services, and is not intended to measure efficiency as defined by standardized institutional measures.














2.2.3. Corruption

The variable of corruption is the measure of court users' experiences with being asked for a bribe from, or offering a bribe to, court staff. These two main questions were followed by two sub-questions each looking at the reasons why this exchange (if any) took place and the position held by the court employee.

2.3 Demographic data








The demographic data of study participants can be found in the tables below. Demographic data is presented separately for court users of majority and non-majority communities. Respondents from the majority community were 89.6% men and 10.4% women. Non-majority community respondents were 80.4% men and 20.6% women. The gender breakdown of respondents for each court can be seen in the table below.

TABLE 2.2.4.1: RESPONDENTS' GENDER

		Majority community		Non-majority communities	
					
		Men	Women	Men	Women
	Prishtina	83%	17%	88%	12%
	Mitrovica	97%	3%	79%	21%
	Peja	97%	3%	65%	35%
	Prizren	93%	7%	90%	10%
	Ferizaj	92%	8%	78%	22%
	Gjilan	95%	5%	96%	4%
	Gjakova	77.68%	22.32%	83.87%	16.13%
Total		 87% Men		 13% Women	

Most respondents from both the majority and non-majority communities were between the age of 35 and 44 years old.








TABLE 2.2.4.2: RESPONDENT AGE GROUP

		MAJORITY COMMUNITY						NON-MAJORITY COMMUNITY					
		18-24	25-34	35-44	45-54	55-64	65+	18-24	25-34	35-44	45-54	55-64	65+
	PRISHTINA	11.19%	29.24%	23.10%	14.80%	12.64%	9.03%	7.02%	22.81%	26.32%	28.07%	8.77%	7.02%
	MITROVICA	12.07%	20.69%	19.83%	25.86%	16.38%	5.17%	6.74%	35.96%	38.20%	12.36%	3.37%	3.37%
	PEJA	1.77%	1.77%	23.89%	46.90%	11.50%	14.16%	1.30%	11.69%	9.09%	25.97%	29.87%	22.08%
	PRIZREN	13.01%	18.70%	23.58%	20.33%	16.26%	8.13%	9.52%	11.90%	7.14%	30.95%	19.05%	21.43%
	FERIZAJ	9.68%	28.23%	36.29%	15.32%	7.26%	3.23%	22.22%	0.00%	55.56%	11.11%	11.11%	0.00%
	GJILAN	12.84%	25.69%	24.77%	21.10%	13.76%	1.83%	3.57%	10.71%	28.57%	7.14%	32.14%	17.86%
	GJAKOVA	6.25%	21.43%	16.07%	22.32%	20.54%	13.39%	0.00%	16.13%	22.58%	35.48%	25.81%	0.00%

Since the study intends to capture views of all communities receiving services from the Basic Courts, demographic data on ethnic background was collected as well. The overwhelming majority of respondents at all seven Basic Courts were from the Albanian community, reflective of the Kosovo population and the volume of cases they have at the Basic Courts. From non-majority communities, the Serbian community represented the biggest number of respondents (169), followed by Bosniak (110), Roma (20), Ashkali (14), Egyptian (8), Gorani (7), and Turkish (3).

TABLE 2.2.4.3: RESPONDENT ETHNICITY



	Albanian	Serbian	Turkish	Bosniak	Roma	Ashkali	Egyptian	Goran	Other
 Prishtina	82.93%	11.68%	0.00%	1.20%	0.90%	1.50%	0.00%	1.20%	0.60%
 Mitrovica	56.59%	36.10%	0.00%	5.37%	1.46%	0.49%	0.00%	0.00%	0.00%
 Peja	59.47%	8.95%	0.00%	30.53%	1.05%	0.00%	0.00%	0.00%	0.00%
 Prizren	74.55%	1.82%	1.21%	20.61%	0.00%	0.00%	0.00%	1.82%	0.00%
 Ferizaj	93.23%	6.02%	0.00%	0.75%	0.00%	0.00%	0.00%	0.00%	0.00%
 Gjilan	79.56%	20.44%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
 Gjakova	78.32%	0.00%	0.70%	1.40%	8.39%	5.59%	5.59%	0.00%	0.00%
Total	974	169	3	110	20	14	8	7	2

Court users were asked to state the reason why they were visiting the courthouse. If they claimed to have an active case, they were asked to choose among four options: plaintiff, defendant, accused, and victim.³ Most respondents from the majority community were plaintiffs (356 out of 971), followed by defendants (227 out of 971), accused (276), and victims (112). The largest group from non-majority communities were victims (98 out of 331), followed by defendants (86), accused (75), and plaintiffs (72), while five respondents refused to answer this question.


























As far as the type of case is concerned, respondents from the majority community who answered this question, mostly have civil cases (400 respondents), followed by criminal proceedings (281), and minor offenses (156). Whereas respondents from the non-majority communities, with the exception of the Basic Court of Mitrovica where most respondents visited the courthouse for criminal cases (73 respondents), typically have civil cases (118 out of 333 respondents).

³ The terminology for parties at proceeding differs depending on the type of case; for civil cases: plaintiff and defendant, while for criminal cases: accused and victim.

2.4. Focus Group Discussions

D+ and ACDC conducted eight Focus Group Discussions (FGDs) with service users from the seven Basic Courts. An additional FGD was organized with non-majority communities in Mitrovica North. The same criteria used for survey participation was applied to select participants for the FGDs. Thus, all attendees were citizens who were participants in court proceedings. The aim of the FGDs was to explore in depth the variables of the study and validate the findings of the survey.

TABLE 2.3.1 SCHEDULE OF FOCUS GROUPS AND DEMOGRAPHICS OF PARTICIPANTS

LOCATION	Date	Number of participants	Gender	
 GJILAN	October 17, 2019	11	 7	 4
 GJAKOVA	October 18, 2019	11	 9	 2
 FERIZAJ	October 10, 2019	6	 4	 2
 PEJA	October 24, 2019	16	 6	 10
 MITROVICA	October 25, 2019	8	 1	 7
 PRIZREN	November 1, 2019	13	 6	 7
 PRISHTINA	November 8, 2019	6	 0	 6
NORTH MITROVICA	November 13, 2019	10	 3	 7
Total		81	 36	 45

Participants were recruited from all seven regions in cooperation with local NGOs, with the criteria that they were participants in court proceedings (*plaintiff, defender, accused, victim*) at the respective Basic Court. Each FGD began with the participants introducing themselves by first name and the type of case that recently brought them to the court. Participants were offered full anonymity and were ensured by the moderator that the data collected would be used solely for the purposes of this study. The discussion was guided by the three thematic areas under study - access to information, efficiency, and corruption - and questions derived from the survey and results (see Annex I). The moderator asked participants to discuss the findings of the survey and followed up with more detailed questions to explore issues in greater depth.








3. ACCESS TO INFORMATION

3.1. Access to information about cases

This section is divided into three subsections. The first part explores whether citizens who use court services can obtain enough information about their cases in a manner that is convenient and useful. The second part focuses on whether court users are able to find the courtroom or office they need inside the court premises. The third subsection presents the findings regarding the use and usefulness of the court's official webpage.

Access to information about one's case is a basic right that every citizen should enjoy. Survey findings indicate that the channels of communication between parties in proceedings and the court administration are rather easy. The majority of court users at all courts found it somewhat easy or very easy to obtain information about their cases. The Basic Court of Ferizaj stands best in this regard, with the majority of respondents considering the process of obtaining information about their case to be very easy. On the other hand, the Basic Court of Prizren has the largest share of court users who chose the option very hard when asked about their experience with getting information about their case.

TABLE 3.1: IN YOUR EXPERIENCE, HOW EASY IS IT TO GET INFORMATION ABOUT YOUR CASE?⁴

		Very hard	Somewhat hard	Somewhat easy	Very easy
	Prishtina	22.16%	12.28%	47.01%	18.56%
	Mitrovica	7.80%	20.49%	46.34%	25.37%
	Peja	1.05%	7.89%	81.05%	10.00%
	Prizren	38.18%	13.33%	24.24%	24.24%
	Ferizaj	0.75%	7.52%	39.85%	51.88%
	Gjilan	29.20%	16.79%	23.36%	30.66%
	Gjakova	1.40%	25.87%	45.45%	27.27%








⁴ In this question have been aggregated from both majority and non-majority surveys and are interpreted from the perspective of a user, independent of their background.

These findings were further explored in FGDs, whose participants did not always agree with the survey findings. For instance, FGD participants from Prishtina indicated that they experienced difficulty in accessing case information, while participants from Gjilan expressed concern about related procedures. Participants from Mitrovica, Peja, Prizren, and Gjakova reported that they typically acquired case information from their lawyers.

3.2. USEFULNESS OF INFORMATION PROVIDED BY THE COURT

Court users generally felt that courts provided information that was clear and understandable. The majority of respondents overall and at each Basic Court considered the information provided to be either *somewhat helpful* (56%) or *very helpful* (25%). The Basic Courts of Gjilan and Peja stood out in this regard. In Gjilan, the majority of respondents thought the information provided was *very helpful*. In Peja, almost 95% of respondents found the information provided to be somewhat or *very helpful*. On the other hand, almost half of users of court services provided by the Basic Court of Prizren, claimed that they find the information to be very or somewhat unhelpful.








TABLE 3.2: HOW HELPFUL WAS THE INFORMATION GIVEN TO YOU BY THE COURT?

		Very unhelpful	Somewhat unhelpful	Somewhat helpful	Very helpful
	Prishtina	21.26%	11.38%	46.11%	21.26%
	Mitrovica	5.85%	14.63%	47.32%	32.20%
	Peja	1.58%	3.68%	83.16%	11.58%
	Prizren	33.94%	12.12%	27.88%	26.06%
	Ferizaj	0.75%	2.26%	60.90%	36.09%
	Gjilan	16.06%	1.46%	30.66%	51.82%
	Gjakova	3.50%	16.08%	60.84%	19.58%

FGD participants noted that they experienced some problems with the information provided. Participants from Prishtina indicated that the information they received often lacked clear structure and clarity, while those from Mitrovica expressed concern about the quality of translations. While participants from other non-majority communities did not share the same concerns over translation as their colleagues in Mitrovica, they did express similar concerns about specificity and accuracy as their colleagues in Prishtina.





Survey respondents were also asked about their experience with finding the courtrooms or offices they needed during the day of their visit to the courthouse. Nearly 90% of respondents (1,153 out of 1,307) indicated that finding the appropriate location was somewhat or very easy. The Basic Courts of Ferizaj and Prizren stand out with over 80% of respondents claiming that it is very easy to locate the office/courtroom they were seeking in these two courts.

TABLE 3.3: WHAT WAS YOUR EXPERIENCE IN FINDING THE COURTROOM OR OFFICE YOU NEEDED?

		Very hard	Somewhat hard	Somewhat easy	Very easy
	Prishtina	10.18%	8.98%	52.10%	28.74%
	Mitrovica	5.85%	10.24%	36.59%	47.32%
	Peja	0.53%	1.05%	27.37%	71.05%
	Prizren	6.67%	3.03%	10.30%	80.00%
	Ferizaj	1.50%	5.26%	9.77%	83.46%
	Gjilan	14.60%	0.73%	5.11%	79.56%
	Gjakova	0.00%	5.59%	44.06%	50.35%

This question was followed by an open-ended question asking participants who expressed difficulty in locating the courtroom or office for insights on what could make it easier to find the required location. As the following table shows, of the few who answered, their answers varied from better signage (e.g., arrows showing directions) inside the building to receiving more help at reception.








WHAT WOULD BE HELPFUL IN THIS RESPECT?

Number of answers	Source information
 18	Participants stated that they would benefit from better directions or signs explaining where a courtroom was;
 12	Participants said that they would benefit from a better organized information desk;
 7	Participants stated that they often asked court staff members to point them toward the right courtroom;
 6	Participants asked for better and more comprehensive information about the courtrooms;

Related FGD comments coincided in many ways with the survey findings. Participants from Prishtina reported problems in finding courtrooms and offices when the information desk was unmanned. Mitrovica participants noted the confusion caused by having two court buildings - one in the north and another one in the south. Participants from the other Basic Courts said that it was very easy to find the courtroom or the office they needed.

While the Basic Courts have complaint boxes through which citizens can register concerns about their court experience, a high percentage of respondents were unaware of their existence. In fact, 60% of respondents from Ferizaj and 37% from Peja claimed that there were no complaint boxes in the courthouse. Only in Gjakova did a majority of respondents (55%) confirm the availability of complaint boxes at the courthouse.








TABLE 3.4: ARE COMPLAINT BOXES AVAILABLE IN THE COURTHOUSE?

		Yes	No	Do not know
	Prishtina	27.54%	11.08%	61.38%
	Mitrovica	20.98%	4.88%	74.15%
	Peja	0.00%	36.84%	63.16%
	Prizren	33.33%	3.03%	63.64%
	Ferizaj	3.76%	60.15%	36.09%
	Gjilan	40.15%	4.38%	55.47%
	Gjakova	55.24%	4.20%	40.56%

Answers from FGD participants were in line with survey findings regarding complaint boxes. Most claimed to be unaware of such boxes, and several expressed concern about whether their issues would be addressed even if there were complaint boxes.

Survey respondents were also asked about whether their Basic Court had an information desk where they could get information about their case. The majority of respondents at all courts (77%, or 1,010 out of 1,307) answered positively, while 23% (297 out of 1307) either answered *No* or *Do not know*.

TABLE 3.5: IS THERE AN INFORMATION DESK IN THE COURTHOUSE?








		Yes	No	Do not know
	Prishtina	90.12%	1.80%	8.08%
	Mitrovica	61.95%	1.95%	36.10%
	Peja	96.84%	0.53%	2.63%
	Prizren	63.64%	3.03%	33.33%
	Ferizaj	94.74%	1.50%	3.76%
	Gjilan	55.47%	4.38%	40.15%
	Gjakova	63.64%	3.50%	32.87%

FGD participants noted that they often get the answers they need from the security guard who usually stands at the entrance of the courthouse.

3.3 Use of court website to access information

Even though all seven Basic Courts have functional websites, citizens generally do not use them as a source of information. The table below shows that only 10% (148 out of 1,307) of respondents (both from majority and non-majority communities) used the courts' website to obtain information. This is significantly lower than the findings of D+'s 2018 survey, where the number of those who claimed to use court websites was 17%⁵. The Basic Court of Gjakova has the highest number of respondents who claimed to use its website for information (30%), while none of the users of the services of the Basic Court of Peja claim to use this source of information. Court users from the non-majority communities gave similar answers, thus the majority of them do not use court websites when seeking information.

TABLE 3.6: DO YOU USE THE COURT'S WEBSITE TO OBTAIN INFORMATION?








		MAJORITY RESPONDENTS		NON-MAJORITY RESPONDENTS	
		Yes	No	Yes	No
	Prishtina	5.42%	94.58%	15.79%	84.21%
	Mitrovica	9.48%	90.52%	10.11%	89.89%
	Peja	0.00%	100%	9.09%	90.91%
	Prizren	8.94%	91.06%	0.00%	100%
	Ferizaj	15.32%	84.68%	22.22%	77.78%
	Gjilan	14.68%	85.32%	25.00%	75.00%
	Gjakova	30.36%	69.64%	25.81%	74.19%

5 Osmani, R. (2018). Citizens's score on Basic Court services. p. 13. Retrieved from <http://bit.ly/2RztpDg>.

FGD findings were consistent with the foregoing. Only a handful of participants claimed to use court websites to access information, and they expressed concerns about the accuracy of the information available. Personal visits to the courthouse remained the preferred manner for obtaining information.

Respondents from the non-majority communities⁶ who claimed to use the court websites were asked about the issue of content translation. The results show that the few who claim to visit the websites, find that their desired content is indeed translated to their native language.








TABLE 3.7: IS THE COURT WEBSITE CONTENT THAT YOU NEED TRANSLATED TO YOUR NATIVE LANGUAGE?

		Yes	To some degree	No
	Prishtina	100%	0%	0%
	Mitrovica	100%	0%	0%
	Peja	100%	0%	0%
	Prizren	0%	0%	0%
	Ferizaj	100%	0%	0%
	Gjilan	100%	0%	0%
	Gjakova	100%	0%	0%

⁶ All these sub-questions have been tackled with the non-majority FGD participants at Mitrovica North, however all of them said they do not to use the court's website as a source of information.







Nearly all respondents reported being satisfied or somewhat satisfied (to a degree) with the translated materials available on court websites. Only in Mitrovica and Prishtina was the majority satisfied only to some degree.

TABLE 3.8: ARE YOU SATISFIED WITH THE QUALITY OF TRANSLATION OF THE WEBSITE CONTENT?

		Yes	No	To some degree
	Prishtina	33.3%	11.1%	55.6%
	Mitrovica	33.3%	0.0%	66.7%
	Peja	71.4%	14.3%	14.3%
	Prizren	0.0%	0.0%	0.0%
	Ferizaj	100.0%	0.0%	0.0%
	Gjilan	85.7%	0.0%	14.3%
	Gjakova	87.5%	0.0%	12.5%

With regards to the information court users seek in the court's website, most respondents across all seven Basic Courts (from all communities) sought three types of information: *schedule of hearings, contact information, news and published decisions*.

TABLE 3.9: WHAT KIND OF INFORMATION DO YOU USUALLY SEARCH FOR IN THE COURT'S WEBSITE?⁷

		Schedule of hearings	Contact information	News	Published decisions	Information about judges
	Prishtina	19.35%	22.58%	25.81%	12.90%	19.35%
	Mitrovica	58.33%	4.17%	12.50%	25.00%	0.00%
	Peja	57.14%	14.29%	0.00%	0.00%	28.57%
	Prizren	11.76%	11.76%	58.82%	17.65%	0.00%
	Ferizaj	13.79%	20.69%	0.00%	58.62%	6.90%
	Gjilan	29.73%	5.41%	5.41%	32.43%	27.03%
	Gjakova	8.00%	22.00%	23.00%	32.00%	15.00%

3.4 OVERALL RANKING OF THE COURTS ON ACCESS TO INFORMATION

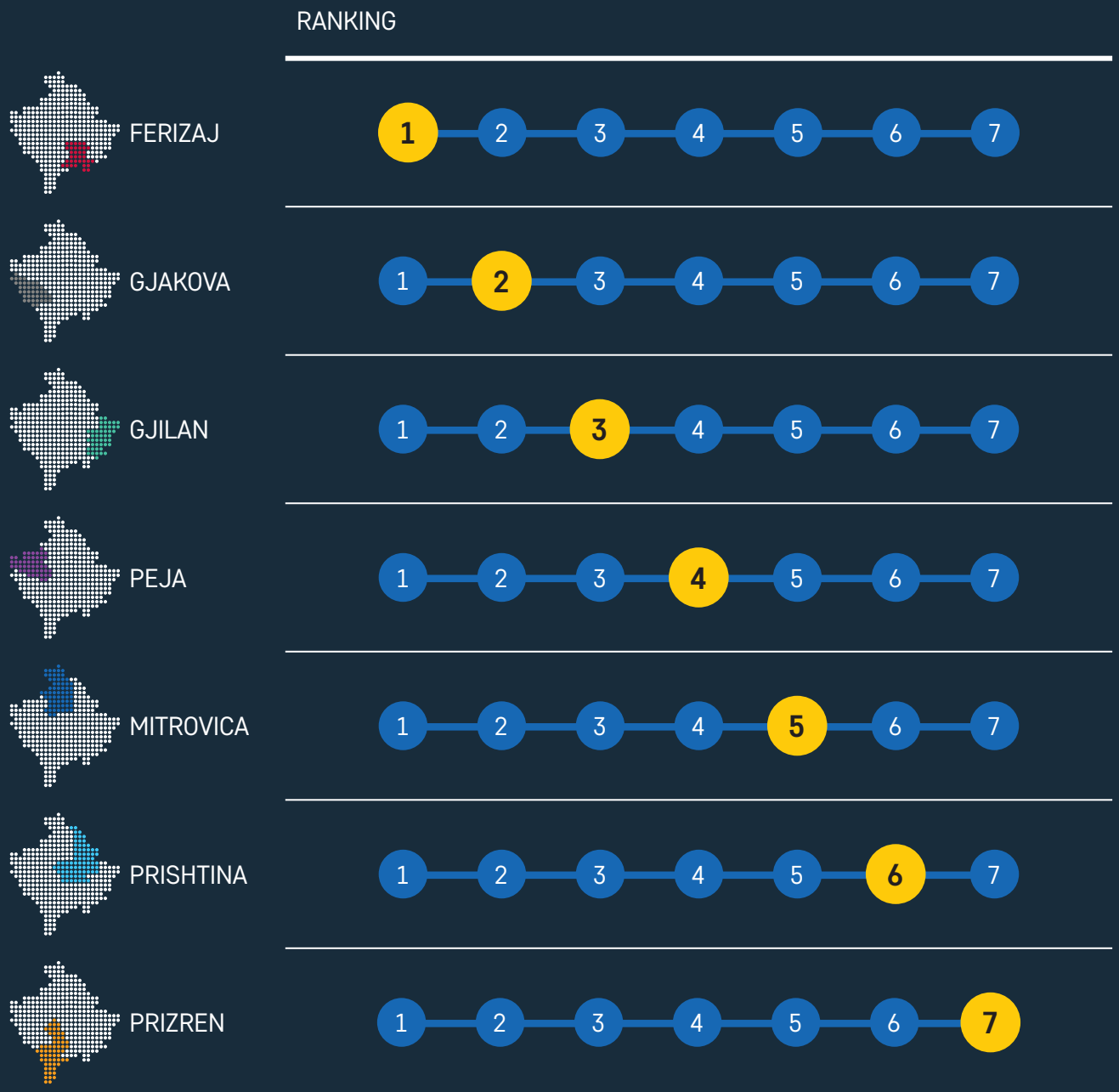
The Basic Courts are ranked below based on the level of access to information experienced by their court users, where 1 is comparatively better than other courts, and 7 is comparatively weaker than others. Scores for each court have been calculated by using average points derived by the number of positive or negative answers respondents gave to the questions below⁸. The results of the survey show that the Basic Court of Ferizaj ranks comparatively better than the rest of the Basic Courts, followed by Gjakova, and Gjilan.

⁷ In this question findings have been aggregated from both majority and non-majority surveys and are interpreted from the perspective of a user, independent of their ethnic background.

⁸ The more positive answers in each question the court received, the more points it collected: the Basic Court of Prishtina (21.62 points), Prizren (22.3 points), Gjakova (23.11 points), Gjilan (23.18 points), Ferizaj (23.71 points) Mitrovica (25.40 points), Peja (25.47 points).

1. In your experience, how easy is it to get information about your case? 2. How helpful was the information given to you by the court? 3. What was your experience in finding the courtroom or office you needed? 4. Are complaint boxes available in the courthouse? 5. Is there an information desk in the courthouse? 6. Do you use the court's website to obtain information? 7. Is the court website content that you need translated to your native language? 8. Are you satisfied with the quality of translation of the website content? 9. What kind of information do you usually search for in the court's website?

TABLE 3.10 RANKING OF THE BASIC COURTS ON TRANSPARENCY



“

73% of respondents from all courts reported that their cases had been active for less than the two years.








4. EFFICIENCY AND FAIRNESS

This section analyzes the experiences of respondents with respect to efficiency and fairness in receiving court services. Respondents were asked if they are able to get their business done in a reasonable time on the day they visited the court, the time taken by the court to resolve their case, and their satisfaction with the time to resolution. Additionally, this section looks at fairness from the perspective of the court users, specifically if they felt that they were treated equally and with respect by the judges and court staff, and whether court users of non-majority communities were able to use their native language.

4.1. Court efficiency

To evaluate the direct experience of court users with court efficiency, respondents were asked whether they were able to get their business done within a reasonable time on the day they visited the courthouse. Reasonableness of the length of time was left to be defined at the discretion of each individual respondent. The Basic Court of Mitrovica led the field, with 75% of respondents answering Yes – they were able to get court business done in a reasonable time. Mitrovica was closely followed by Ferizaj (73%), Gjilan (72%), Gjakova (69%), and Prishtina (68%). Peja trailed the rest of the courts, with only 12% answering affirmatively. A majority of Prizren court users (55%) were also unable to complete their business in a reasonable time.








TABLE 4.1: WERE YOU ABLE TO GET YOUR COURT BUSINESS DONE IN A REASONABLE TIME TODAY?

		Yes	No
	Prishtina	68.26%	31.74%
	Mitrovica	75.61%	24.39%
	Peja	12.11%	87.89%
	Prizren	44.85%	55.15%
	Ferizaj	72.93%	27.07%
	Gjilan	72.26%	27.74%
	Gjakova	69.23%	30.77%

FGD participants largely agreed with the survey findings. Of interest, participants from Prishtina thought that judges took too long to schedule the first hearing, and then hurried to complete scheduled hearings as quickly as possible. Court users from majority and non-majority communities from Mitrovica found the court to be very efficient, except when the absence of translators forced parties to wait. Participants from Peja, Prizren, and Ferizaj respectively expressed concerns about time lost due to a lack of clarity in hearing procedures, the failure of other parties to attend (or to be invited to attend), and frequent postponements.








When asked how long their case has been pending, respondents had the option to choose between fewer than six months and more than ten years, with four additional options in between. At the Basic Courts of Prishtina, Prizren, Ferizaj, and Gjilan, the highest number of respondents indicated that their case was active for less than six months. The highest number in Mitrovica, Peja, and Gjakova reported to have their cases pending for up to one year. In all courts but Prishtina and Prizren, the majority of respondents reported that their cases had been pending for up to one year. The majority in Prishtina and Prizren reported their cases pending for up to two years. Thus, the majority of respondents from all courts reported that their cases had been pending for less than the two years; a case is only considered backlogged if it has been pending for more than two years.

TABLE 4.2: HOW LONG HAS YOUR CASE BEEN PENDING?

NON-MAJORITY RESPONDENTS	Fewer than six months	Up to one year	Up to two years	More than two years	More than five years	More than ten years
 Prishtina	25.45%	20.06%	14.07%	18.56%	14.07%	7.78%
 Mitrovica	24.39%	32.68%	19.02%	15.12%	3.41%	5.37%
 Peja	5.79%	53.16%	30.53%	10.00%	0.53%	0.00%
 Prizren	29.09%	19.39%	10.30%	20.00%	12.73%	8.48%
 Ferizaj	34.59%	27.07%	17.29%	13.53%	6.02%	1.50%
 Gjilan	33.58%	31.39%	13.14%	8.76%	6.57%	6.57%
 Gjakova	30.34%	40.00%	15.17%	6.21%	3.45%	4.83%

As table 4.3 shows, most respondents were satisfied with the time it was taking for courts to review their cases. In Mitrovica, Peja, Ferizaj, Gjilan, and Gjakova, the majority reported being somewhat or very satisfied (53% in Mitrovica, 74% in Peja, 86% in Ferizaj, 55% in Gjilan, and 62% in Gjakova). Only in Prishtina and Prizren were the majority of respondents dissatisfied (55% and 77%, respectively) with the time taken. It should be noted, however, that a large number of respondents from Prishtina (114 out of 334), claimed to be somewhat satisfied with the time it had taken for the court to resolve their cases.

TABLE 4.3: ARE YOU SATISFIED WITH THE TIME WITHIN WHICH YOUR CASE WAS REVIEWED?








		Very unsatisfied	Somewhat unsatisfied	Somewhat satisfied	Very satisfied
	Prishtina	42.81%	11.98%	34.13%	11.08%
	Mitrovica	21.95%	24.39%	41.95%	11.71%
	Peja	11.58%	13.68%	72.63%	2.11%
	Prizren	65.45%	6.06%	19.39%	9.09%
	Ferizaj	6.77%	6.77%	57.89%	28.57%
	Gjilan	36.50%	8.03%	31.39%	24.09%
	Gjakova	13.99%	23.78%	52.45%	9.79%

Some FGD participants claimed that their cases have been active for more than 20 years. Gjilan participants noted that the transition of the justice system and the reforms that have taken place throughout the years resulted in their cases being transferred from one court to another.

4.2. Treatment at court














The way citizens are treated by court staff is a key element showing the latter's level of professionalism. In this dimension, Basic Courts are to a large degree, evaluated positively by court users. The overwhelming majority of the respondents (86% or 1,125 out of 1,307) from both majority and non-majority communities answered positively to the question whether they have been treated respectfully. The Basic Court of Peja, Ferizaj and Prishtina stand out in this regard with over 90% of respondents who claim to have been treated courteously by court staff.

TABLE 4.4.1: WERE YOU TREATED WITH COURTESY AND RESPECT BY THE COURT STAFF?

		Yes	No	To some degree
	Prishtina	83.83%	6.29%	9.88%
	Mitrovica	91.71%	0.98%	7.32%
	Peja	94.74%	1.05%	4.21%
	Prizren	78.18%	6.67%	15.15%
	Ferizaj	92.48%	4.51%	3.01%
	Gjilan	89.05%	6.57%	4.38%
	Gjakova	72.03%	4.20%	23.78%

Independent of whether the respondent was a man or a woman, the sentiment of all respondents was the same across all Basic Courts. 87% of men and 82% of women answered positively to the question of whether they were treated with courtesy and respect by court staff, while 10% of men and 13% of women chose the answer option to *some degree*.








TABLE 4.4.2: WERE YOU TREATED WITH COURTESY AND RESPECT BY THE COURT STAFF?

		Yes		No		To some degree	
		 Men	 Women	 Men	 Women	 Men	 Women
	Prishtina	83.21%	16.79%	95.24%	4.76%	84.85%	15.15%
	Mitrovica	88.30%	11.70%	100.00%	0.00%	100.00%	0.00%
	Peja	86.11%	13.89%	50.00%	50.00%	50.00%	50.00%
	Prizren	93.02%	6.98%	81.82%	18.18%	92.00%	8.00%
	Ferizaj	91.87%	8.13%	83.33%	16.67%	75.00%	25.00%
	Gjilan	95.90%	4.10%	88.89%	11.11%	100.00%	0.00%
	Gjakova	81.55%	18.45%	83.33%	16.67%	70.59%	29.41%

FGD participants largely agreed with the survey findings. They shared their positive experiences of being treated with courtesy and respect by court staff across all seven Basic Courts. They claimed that the courts' administrative staff are very professional and treat them respectfully whenever they visit the courts.

The Code of Professional Ethics for Judges stipulates the rules that judges must respect during and after hearing sessions to show equal and fair treatment to the parties.⁹ Hence, respondents were asked whether they have been treated fairly by the judge during their hearing sessions. The majority of respondents at all Basic Courts, except for Prizren answered that judges treated them fairly (69%, or 789 out of 1142).¹⁰ 54% of those in Prizren indicated that they had not been treated fairly by the judge.

TABLE 4.5: DO YOU THINK YOU WERE TREATED FAIRLY BY THE JUDGE?














		Yes	No	To some degree
	Prishtina	70.66%	15.57%	13.77%
	Mitrovica	58.05%	4.88%	37.07%
	Peja	72.63%	8.42%	18.95%
	Prizren	35.76%	53.94%	10.30%
	Ferizaj	91.73%	3.76%	4.51%
	Gjilan	78.83%	18.98%	2.19%
	Gjakova	46.15%	13.29%	40.56%

⁹ Kosovo Judicial Council. The Kosovo Code of Professional Ethics for Judges. Retrieved from <http://bit.ly/2r6wyzR>.

¹⁰ Responses collected by the users of the services provided by the Basic Court of Prizren have been excluded from this calculation.

The findings reveal the same sentiment when disaggregated by gender, as reflected in Table 4.6.1 below.








TABLE 4.6.1: DO YOU THINK YOU WERE TREATED FAIRLY BY THE JUDGE?

		Yes		No		To some degree	
		 Men	 Women	 Men	 Women	 Men	 Women
	Prishtina	83.05%	16.95%	84.62%	15.38%	89.13%	10.87%
	Mitrovica	84.87%	15.13%	80.00%	20.00%	97.37%	2.63%
	Peja	90.58%	9.42%	68.75%	31.25%	66.67%	33.33%
	Prizren	91.53%	8.47%	92.13%	7.87%	94.12%	5.88%
	Ferizaj	90.98%	9.02%	80.00%	20.00%	100.00%	0.00%
	Gjilan	99.05%	0.95%	88.89%	11.11%	60.00%	40.00%
	Gjakova	77.14%	22.86%	73.33%	26.67%	82.76%	17.24%

4.3. Use of native language








The following four questions were designated to collect data on the issue of the use of languages, concerning mostly court users from non-majority communities. Law No. 03/L-006 on Contested Procedure, article 6, section 6.1, determines that both official languages in use in Kosovo must be used equally. Consequently, court users were asked whether they were able to communicate to court staff in their native language. All seven Basic Courts were evaluated positively in this regard. As the table below shows, a large share of respondents from non-majority communities (96%, or 321 out of 333) said that they were indeed able to speak to court staff in their native language.

TABLE 4.7: WERE YOU ABLE TO TALK TO COURT STAFF IN YOUR NATIVE LANGUAGE?

		Yes	No
	Prishtina	95%	5%
	Mitrovica	100%	0%
	Peja	100%	0%
	Prizren	86%	14%
	Ferizaj	100%	0%
	Gjilan	89%	11%
	Gjakova	100%	0%








In hearing sessions where one of the parties and/or the judge(s) belong to different ethnic communities, provision of translation by the courts is mandatory. The law on Contested Procedure also provides that the parties at proceeding can choose between the official languages or the language they speak and understand. The findings in the Table 4.8 show that nearly all non-majority community court users at the seven Basic Courts (91%, or 304 out of 333) indicated that the courts indeed provided translation during hearings.

TABLE 4.8: DID THE COURT PROVIDE TRANSLATION DURING HEARINGS?

		Yes	No
	Prishtina	82.46%	17.54%
	Mitrovica	98.88%	1.12%
	Peja	100.00%	0.00%
	Prizren	90.48%	9.52%
	Ferizaj	100.00%	0.00%
	Gjilan	89.29%	10.71%
	Gjakova	64.52%	35.48%

Findings of the study show that courts to a large degree respect the law on Contested Procedure. The overwhelming majority of respondents were either somewhat satisfied (38%) or *very satisfied* (49%) with the quality of translation, though the fact that 38% are somewhat satisfied implies that there is room for improvement.








TABLE 4.9: WERE YOU SATISFIED WITH THE QUALITY OF TRANSLATION DURING HEARINGS?

		Very unsatisfied	Somewhat unsatisfied	Somewhat satisfied	Very satisfied
	Prishtina	0.00%	4.26%	51.06%	44.68%
	Mitrovica	0.00%	3.41%	52.27%	44.32%
	Peja	0.00%	3.90%	49.35%	46.75%
	Prizren	5.26%	0.00%	39.47%	55.26%
	Ferizaj	11.11%	0.00%	22.22%	66.67%
	Gjilan	4.00%	0.00%	12.00%	84.00%
	Gjakova	0.00%	0.00%	0.00%	100.00%

FGD participants in Mitrovica from both majority and non-majority communities confirmed the survey findings and indicated that they were very satisfied with the quality of translation as well.








Information provided by the Basic Courts is issued in three languages: Albanian, Serbian and English. The Table below shows that, except in Prizren, the significant majority of court users in each Basic Court reports receiving court documents in their native language.

TABLE 4.10: DID YOU RECEIVE COURT DOCUMENTS IN YOUR NATIVE LANGUAGE?

		Yes	No	Sometimes
	Prishtina	54.39%	8.77%	36.84%
	Mitrovica	89.89%	3.37%	6.74%
	Peja	90.91%	1.30%	7.79%
	Prizren	35.71%	64.29%	0.00%
	Ferizaj	88.89%	11.11%	0.00%
	Gjilan	75.00%	21.43%	3.57%
	Gjakova	100.00%	0.00%	0.00%




The following two questions present findings aggregated from the responses of both majority and non-majority court users. This has been done for two reasons: a) they focus on issues of common concern and b) there are no differences in the experiences between majority and non-majority court users. The results of the survey show that the predominant majority of court users across all courts and from all communities feel physical safety on the court premises, with 97% (1,270 out of 1,307) of respondents answering affirmatively.

TABLE 4.11: DO YOU FEEL (PHYSICALLY) SAFE ON THE COURT PREMISES?

		Yes	No
	Prishtina	99.70%	0.30%
	Mitrovica	98.05%	1.95%
	Peja	98.95%	1.05%
	Prizren	89.70%	10.30%
	Ferizaj	97.74%	2.26%
	Gjilan	95.62%	4.38%
	Gjakova	97.20%	2.80%

This question was followed by an open-ended question aiming to uncover the reasons why parties do not feel safe at the courthouse. Only a handful of respondents provided answers to this question varying from a lack of trust in the judiciary to threats experienced at the courthouse.








IF NO, WHY DO YOU NOT FEEL SAFE ON THE COURT PREMISES?

Number of answers	Types of answers
 3	Lack of trust in the judicial system
 2	Lack of security - anyone could enter court premises at will
 2	One respondent claimed to be threatened, another claimed to have been shoved while at the court premises

In the Peja and Gjilan FGDs, a number of women claimed that they do not feel safe at court premises since they have been threatened by the other party and are in constant fear of potential physical attack.





A party to a proceeding has the right to file a disciplinary complaint against a judge for inappropriate behavior. A question was included in the survey to assess whether court users are aware of this right. The overall majority of respondents (61%, or 809 out of 1,307) were not aware of this possibility. Only in Gjakova did a majority (60%) claim to be aware of their right to file a complaint.

TABLE 4.12: DO YOU KNOW THAT YOU CAN FILE A CLAIM FOR DISCIPLINARY VIOLATIONS OF THE JUDGE?

		Yes	No
	Prishtina	32.93%	67.07%
	Mitrovica	36.59%	63.41%
	Peja	43.68%	56.32%
	Prizren	43.03%	56.97%
	Ferizaj	19.55%	80.45%
	Gjilan	33.58%	66.42%
	Gjakova	60.84%	39.16%

This question was followed by an open-ended sub-question aimed at identifying whether those who claim to be aware of this right also know where they can file such complaints. Those who claimed to have knowledge of this possibility expressed that they were informed of where they can file a claim for disciplinary violations of the judge. The answers vary from the basic courts to the higher instance courts such as the Court of Appeals.

DO YOU KNOW WHERE TO FILE THE CLAIM?

Number of answers	Types of answers
 54	Respondents said they could lodge the claim right at the Basic Court
 10	At the Disciplinary Committee
 10	At the Kosovo Judicial Council
 6	Court of Appeals or appeals department within the court itself

The FGDs confirmed that, to a large degree, court users are not informed about their right to file a complaint against a judge for disciplinary violations. The vast majority of FGD participants also shared the belief that even if they were to file such a claim, no actions would be taken against the judge.

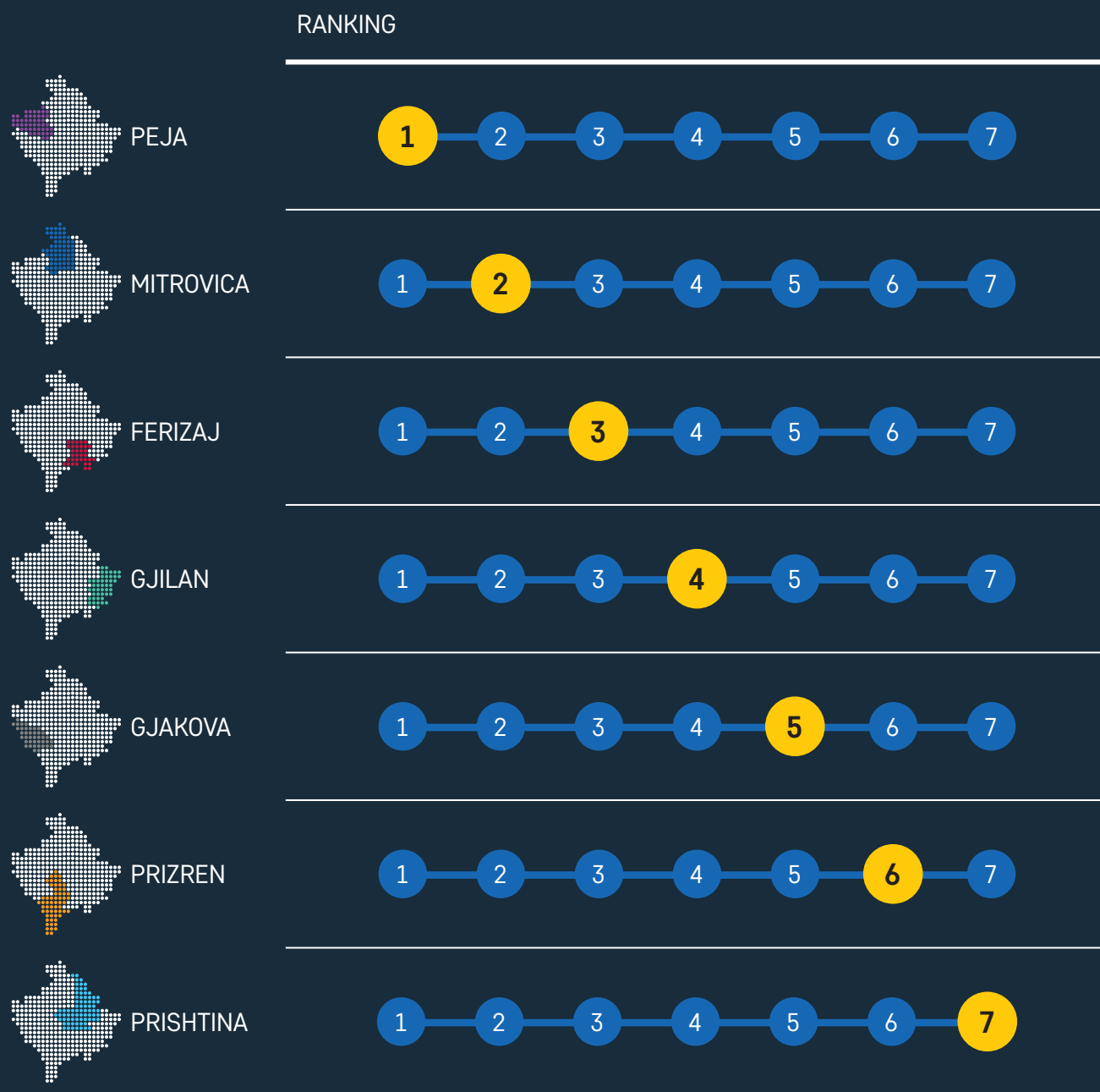
4.4. Overall ranking of the courts on efficiency and fairness

The Basic Courts have been ranked below on their level of efficiency and fairness based on the experiences of court users who have pending cases, where 1 is comparatively better than other courts, and 7 is comparatively weaker. Scores for each court have been calculated by using average points derived by the number of positive or negative answers respondents gave in the questions below¹¹. The results of the survey show that the Basic Court of Peja ranks comparatively better than the rest of the Basic Courts.

¹¹ The more positive answers in each question the court received, the more points it collected: the Basic Court of Prishtina (21.62 points), Prizren (22.3 points), Gjakova (23.11 points), Gjilan (23.18 points), Ferizaj (23.71 points) Mitrovica (25.40 points), Peja (25.47 points).

1. Were you able to get your court business done in a reasonable time today? 2. How long has your case been pending? 3. Are you satisfied with the time within which your case was reviewed? 4. Were you treated with courtesy and respect by the court staff? 5. Do you think you were treated fairly by the judge? 6. Were you able to talk to court staff in your native language? 7. Were you satisfied with the translation quality during hearings? 8. Did you receive court documents in your native language? 9. Do you feel (physically) safe on the court premises? 10. Do you know that you can file a claim for disciplinary violations of the judge?

TABLE 4.13: RANKING OF THE BASIC COURTS ON EFFICIENCY



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The vast majority of court users claimed that corruption is not an issue in Kosovo's courts.








5. PREVALENCE OF CORRUPTION

This section explores the experience of court users with corruption, specifically whether they have been asked for a bribe or offered one, and if so, for what reason(s). This question was followed by a sub-question asking about the position the person asking for or receiving a bribe held at the court.

5.1. Bribery








Court users were asked whether they have been asked for a bribe by any court employee, including a judge, or any intermediary acting on behalf of a court employee. Results in the table below show that to a large degree court users claim to have not been asked for a bribe. In fact, at three courts, all respondents answered no to the question. In three additional courts, those answering yes totaled less than 2%. Only in Prizren (12%) did the percentage of positive answers exceed 12%.

TABLE 5.1: HAVE YOU EVER BEEN ASKED FOR A BRIBE BY A COURT JUDGE OR COURT EMPLOYEE OR AN INTERMEDIARY ACTING ON BEHALF OF THE FORMER?

		Yes	No
	Prishtina	1.80%	98.20%
	Mitrovica	0.00%	100 %
	Peja	0.53%	99.47%
	Prizren	12.12%	87.88%
	Ferizaj	0.00%	100%
	Gjilan	1.46%	98.54%
	Gjakova	0.00%	100%

Those who answered positively were asked why they were asked to engage in bribery and provided with the following three options:








TABLE 5.2: IF YES, FOR WHAT REASON?

		To fast-track processes	To obtain the needed documentation	To have the case ruled in my favor
	Prishtina	3	1	4
	Mitrovica	0	0	0
	Peja	1	0	0
	Prizren	13	2	10
	Ferizaj	0	0	0
	Gjilan	2	0	1
	Gjakova	0	0	0

Note: Data is presented in numbers because of the small number of respondents who answered this follow-up question.

Respondents were then asked to identify the position held by the person who requested the bribe. Most indicated that it was a court employee, while seven respondents in Prizren and two in Gjilan claimed that it was a judge who asked for a bribe.








TABLE 5.3: IF YES, WHAT POSITION DID THE PERSON HOLD?

		Judge	Court employee	Other
	Prishtina	0	2	0
	Mitrovica	0	0	0
	Peja	0	1	0
	Prizren	7	13	0
	Ferizaj	0	0	0
	Gjilan	2	0	0
	Gjakova	0	0	0

Note: Data is presented in numbers because of the small number of respondents who answered this follow-up question.







The respondents were also asked if they had offered a bribe to a judge or court employee. The majority of respondents claimed that they had not offered bribes, though a few in Prizren (6), Mitrovica (4), Peja (2), and Gjilan (1) admitted having done so.

TABLE 5.4: HAVE YOU EVER OFFERED A BRIBE TO A JUDGE OR COURT EMPLOYEE?

		Yes	No
	Prishtina	0.00%	100%
	Mitrovica	1.95%	98.05%
	Peja	1.05%	98.95%
	Prizren	4.24%	95.76%
	Ferizaj	0.00%	100 %
	Gjilan	0.73%	99.27%
	Gjakova	0.00%	100%

Those who claimed to have offered a bribe, did so in order to *fast-track processes* or *to have the case ruled in their favor*.








TABLE 5.5: IF YES, FOR WHAT REASON?

		To fast-track processes	To obtain the needed documentation	To have the case ruled in my favor
	Prishtina	0	0	0
	Mitrovica	3	0	1
	Peja	1	0	0
	Prizren	5	0	2
	Ferizaj	0	0	0
	Gjilan	0	1	0
	Gjakova	0	0	0

Note: Data is presented in numbers because of the small number of respondents who answered this follow-up question.

When the same respondents were asked a second sub-question regarding the position of the person to whom they offered the bribe, they responded with either judge or court employee.

TABLE 5.6: IF YES, WHAT POSITION DID THE PERSON HOLD?

		Judge	Court employee	Other
	Prishtina	0	0	0
	Mitrovica	0	4	0
	Peja	0	1	0
	Prizren	2	5	0
	Ferizaj	0	0	0
	Gjilan	1	0	0
	Gjakova	0	0	0

Note: Data is presented in numbers because of the small number of respondents who answered this follow-up question.

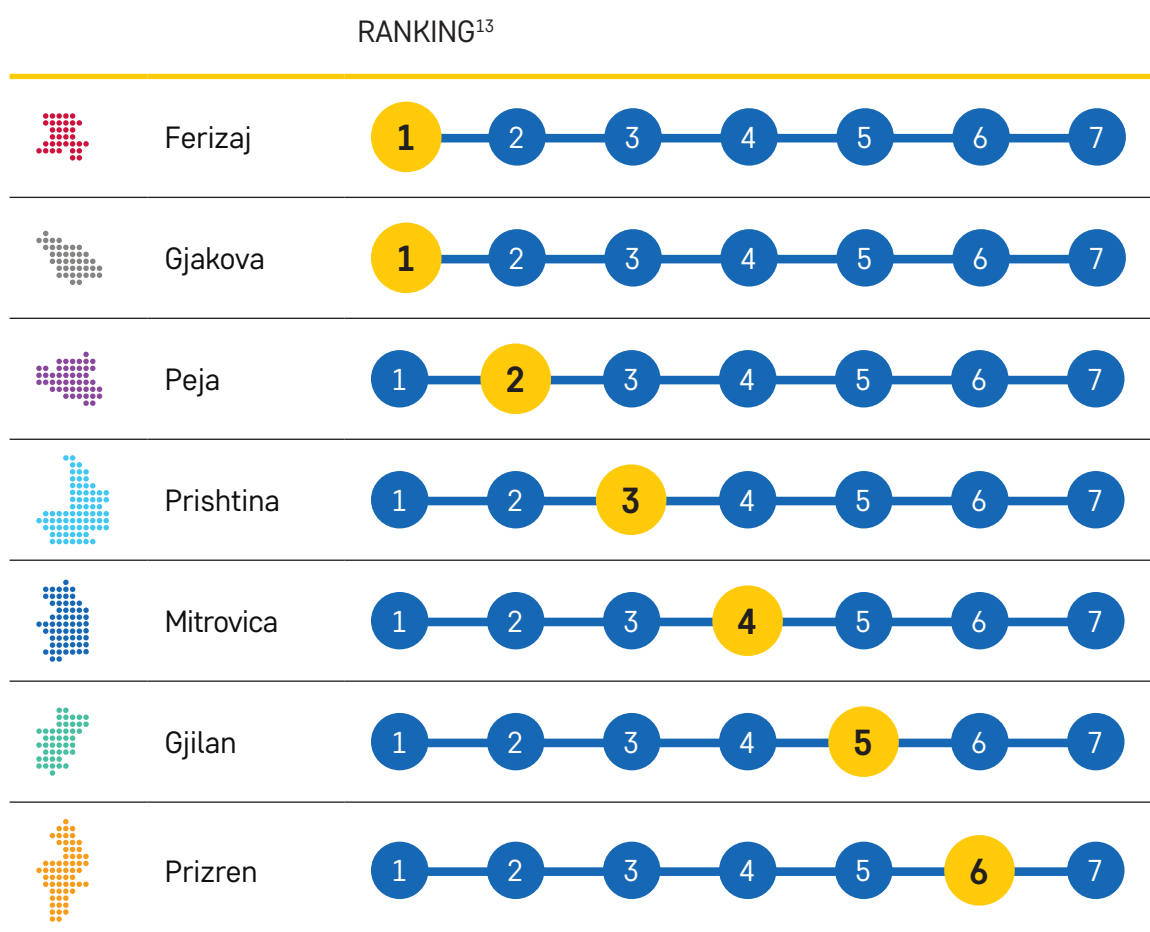
The issue of corruption was also tackled in the FGDs. Participants at all FGDs expressed their views that while bribery as a means of corruption is not used anymore, other means - such as political and economic influence or exchange of favors (such as employment of family members in the public sector) - are common ways in which corruption takes shape.

5.2. Overall ranking of the courts on prevalence of corruption

The Basic Courts were ranked on the dimension of prevalence of corruption based on the experiences of court users with pending cases, where 1 is comparatively better than other courts and 7 is comparatively weaker. Scores for each court were calculated by using average points derived by the number of positive or negative answers respondents gave in the questions below¹². The results of the survey show that the Basic Court of Ferizaj and Gjakova rank comparatively better than the rest of the Basic Courts.

1. Have you ever been asked for a bribe by a court judge or court employee or an intermediary acting on behalf of the former?
2. Have you ever offered a bribe to a judge or court employee?

TABLE 5.7: RANKING OF THE BASIC COURTS



¹² The more positive answers in each question the court received, the more points it collected, the lower the court has been ranked: the Basic Court of Ferizaj (2 points), Gjakova (2 points), Peja (2.005), Prishtina (2.017), Mitrovica (2.019), Gjilan (2.02), Prizren (2.16).

¹³ Due to small response rate on the corruption questions, when the ranking has been conducted in the calculation method the principle of proportional representation has been included to get an unbiased ranking. Thus, despite the higher number of the answers regarding corruption respondents in Prishtina gave, the Basic Court of Prishtina is ranked better than i.e. Basic Court of Mitrovica. While, the Basic Court of Gjakova and Ferizaj are ranked both under 1 because the respondents did not report any corruption.

6. RECOMMENDATIONS FOR IMPROVEMENT

Based on the findings of this report, the recommendations provided below have been developed by D+ and ACDC researchers in direct response to issues identified in the study as well as good practices which would result in improved court service delivery. The recommendations are grouped into the following areas: Access to information; Efficiency and Fairness; and Prevalence of Corruption.

Access to Information

- Basic Courts should provide brochures with general information for court users. The brochures should contain simple instructions about what kind of information citizens are entitled to from the courts and what channels of communication they must follow. The brochures should be available in electronic form as well.
- All Basic Courts should organize promotional activities to inform citizens about the content on their websites and the ways to navigate them. Codes that can be scanned via mobile devices and directly connect citizens to the web-page could be placed in the courthouses.
- To improve the quality of translation, the KJC should prepare a glossary with standardized translations of legal terms in the official languages in use in Kosovo.
- All Basic Courts should create a standardized notifications system and ensure the documents are sent to parties and their authorized representative/lawyer in a timely manner.
- All Basic Courts should improve the quality of translation of their website content.

Efficiency and Fairness

- Basic Courts should offer court users the possibility of accomplishing their business in a quick and simple manner by simplifying procedures and establishing a client-centered service provision system.
- Basic Courts should be better prepared prior to conducting hearings, including inviting all parties involved in the proceedings in a timely manner, ensuring the presence of translators (when necessary), and beginning the session at the predetermined schedule.
- Basic Courts should focus on resolving cases that are older than 10 years for the sake of reducing citizens' expenses and rendering a final verdict while it is still relevant to the parties.
- Basic Courts should ensure that judges treat all parties equally and there is no discriminatory treatment towards women or non-majority communities.
- Basic Courts should respect the Law on the Use of Languages and also increase the quality of simultaneous translation during hearing sessions.
- Courts should develop brochures about citizens' rights on access to information, and should also include information about the right to file disciplinary claims against judges.

Prevalence of Corruption

- Basic Courts should introduce controls for bribery and take measures to prevent corrupt exchanges from taking place, including compulsory training on professional development and ethics for judges and all court staff.
- Courts should adopt strict oversight measures for judges and court employees to ensure that corruption is not initiated by court staff.
- Basic Courts should engage citizens (users of court services) to become part of the fight against corruption by:
 - Creating safe mechanisms for anonymous reporting (tollfree numbers and complaint boxes),
 - Informing citizens of their existence (through media coverage and by providing informational brochures and posters),
 - Acting upon corruption reports to encourage more witnesses and victims of corruption to speak up.
- Justice institutions should take measures to prevent corruption by vetting judges.

7. SPECIFIC RECOMMENDATIONS FOR EACH BASIC COURT

Basic Court of Prishtina

Access to information

Court users claim that it is easy to get access to information, but complain about the quality and clarity of the documents they receive from the court. Hence, the Basic Court of Prishtina should provide documents that are written in a more understandable language that serves all court users regardless of their level of knowledge of legal terms.

The court should also install complaint boxes and convince users of its services to make use of them and assure them that their complaints will be considered.

It should improve the quality of translation of its website's content and promote it as a reliable and convenient source of information.

Its website must contain important information such as the schedule of hearings, contact information and published decisions, in an easy to find location.

Efficiency and Fairness

The court should assign a task force with a special mission to resolve cases that have been open for more than 10 years.

The court should inform its users regarding their right to file disciplinary claims against judges and enforce penalties when the latter is found guilty in order to improve citizens' trust in this institution.

Prevalence of Corruption

A handful of respondents claimed to have been asked for a bribe by court employees at the Basic Court of Prishtina. Therefore, management needs to undertake anti-corruption measures.

Basic Court of Mitrovica

Access to information

Court users from the majority community claim that it is easy to get access to information but complain about the quality of translation. Hence, the Basic Court of Mitrovica must improve the quality of translation of documents.

This court should install complaint boxes, promote their use and assure court users that their complaints will be taken into consideration.

It should improve the quality of translated content (and also offer specialized training to translators on legal terms) and promote its website as a reliable source of information. Additionally, its website must contain important information such as the schedule of hearings, contact information and published decisions in an easy to find location.

Efficiency and Fairness

The court should assign a task force with a special mission of resolving cases that have been open for more than 10 years.

The court should inform its users regarding their right to file disciplinary claims against judges and enforce penalties when the latter found guilty in order to improve trust in the court.

Prevalence of Corruption

A handful of respondents claimed to have offered bribes to court administration and judges in the attempt to fast track their process or have their case ruled in their favor. Thus, the court must undertake anti-corruption measures.

Basic Court of Peja

Access to information

Citizens with open cases must be able to get the required information from the court without the need to hire a lawyer.

This court should install complaint boxes, promote their use and assure court users that their complaints will be taken into consideration.

It should promote its website as a reliable and convenient source of information for its court users. Additionally, its website must contain important information such as the schedule of hearings, contact information and published decisions, in an easy to find location.

Efficiency and Fairness

The court's daily operations need improvement for court users to be able to get business done within a reasonable time on the day they visit the courthouse.

This court should draft clear ground rules for hearing sessions and train court staff on their implementation to reduce time wasting on the day hearing sessions take place.

The court should assign a task force with a special mission to resolve cases that have been open for more than 10 years.

Court management should ensure more rigorous enforcement of the Code of Professional Ethics for Judges, so the court users are treated professionally independent of the type of their case or their gender.

Additionally, this court should improve its security measures so that women court users feel safe at the court premises when participating in a hearing session.

The court should inform its users regarding their right to file disciplinary claims against judges and enforce penalties when latter found guilty in order to improve trust in the court.

Prevalence of Corruption

Only a handful of the respondents claimed to have offered a bribe to court employees. Nonetheless, the court should take anti-corruption measures.

Basic Court of Gjakova

Access to information

Citizens with open cases must be able to get the required information from the court without the need to hire a lawyer.

This court should improve the work of the information desk and make sure there is always someone there to inform and orient court users.

It should promote its website as a reliable and convenient source of information for its court users. Additionally, its website must contain important information such as the schedule of hearings, contact information and published decisions, in an easy to find location.

Efficiency and Fairness

The court should assign a task force with a special mission to resolve cases that have been open for more than 10 years.

Court management should ensure more rigorous enforcement of the Code of Professional Ethics for Judges so that court users are treated professionally.

The court must inform its users regarding their right to file disciplinary claims against judges and enforce penalties when the latter found guilty in order to improve trust in the institution.

Basic Court of Gjilan

Access to information

Citizens with open cases must be able to get the required information from the court without the need to hire a lawyer. In addition, court users should have the option to obtain information remotely, without the need to physically visit the courthouse. This court should install complaint boxes and convince users of its services to make use of them and assure them that their complaints will be considered.

Improve the work of the information desk and make sure the servant is always there to inform and orient the court users.

It should promote its website as a reliable and convenient source of information for its court users. Additionally, its website must contain important information such as the schedule of hearings, contact information and published decisions, in an easy to find location.

Ranked third out of seven Basic Courts regarding access to information, the Basic Court of Gjilan needs to look beyond these recommendations to climb the ranking charts.

Efficiency and Fairness

The court must assign a task force with a special mission on resolving cases that have been open for more than 10 years. Court management must ensure more rigorous enforcement of the Code of Professional Ethics for Judges so the court users are treated professionally independent of the type of case or their gender.

Security measures need to improve so that female court users feel safe at the court when participating at a hearing session. The court must inform its users regarding their right to file disciplinary claims against judges and enforce penalties when the latter found guilty in order to improve trust in the court.

Ranked in the middle of the ranking chart regarding efficiency and fairness, the Basic Court of Gjilan needs to further improve the good work in order to climb at higher spots.

Prevalence of Corruption

A handful of respondents claimed to have been asked for a bribe at the Basic Court of Gjilan. Therefore, court management needs to enforce a rigorous zero corruption policy.

Basic Court of Ferizaj

Access to information

Citizens with open cases must be able to get the required information from the court without the need to hire a lawyer.

This court should install complaint boxes and convince users of its services to make use of them and assure them that their complaints will be considered.

It should promote its website as a reliable and convenient source of information for its court users. Additionally, its website must contain important information such as the schedule of hearings, contact information and published decisions, in an easy to find location.

Efficiency and Fairness

Court users claim that hearings get postponed or canceled very frequently, hence the court should take all necessary measures prior to hearing sessions to reduce postponements and cancelations.

The court should assign a task force with a special mission to resolve cases that have been open for more than 10 years.

The court must inform its users regarding their right to file disciplinary claims against judges and enforce penalties when the latter found guilty in order to improve trust in the court.

Basic Court of Prizren

Access to information

Citizens with open cases must be able to get the required information from the court without the need to hire a lawyer. This court should install complaint boxes and convince users of its services to make use of them and assure them that their complaints will be considered.

It should promote its website as a reliable and convenient source of information for its court users. Additionally, its website must contain important information such as the schedule of hearings, contact information and published decisions, in an easy to find location.

Efficiency and Fairness

The court's daily operations need improvement in order for the users to be able to get court business done within a reasonable time on the day they visit the courthouse.

The court should take measures to prepare for hearings - i.e., reduce the number of occasions when hearings are scheduled but not all parties are invited or attend.

The court should assign a task force with a special mission to resolve cases that have been open for more than 10 years.

Court management must ensure more rigorous implementation of the Code of Professional Ethics for Judges, so the court users are treated professionally independent of the type of case or their gender.

The court needs to improve on delivery of documents in languages other than Albanian.

The court should inform its users regarding their right to file disciplinary claims against judges and enforce penalties when the latter found guilty in order to improve trust in the court

Prevalence of Corruption

A significant number of respondents claimed to have been asked for a bribe at the Basic Court of Prizren. Therefore, management needs to undertake anti-corruption measures.

ANNEX

D+ and ACDC – Court Users Questionnaire Transparency/Accessibility & Efficiency of Basic Courts in Kosovo

INSTRUCTION: Outside the courthouse, field enumerator approaches every nth person who exits the court, and proceeds with:

Hello, my name is _____. I work as an interviewer for Democracy Plus, a subcontractor of USAID's Justice System Strengthening Program (JSSP). We are conducting a survey to understand what court users think about the efficiency and level of transparency of Basic Courts. Would you please take a few minutes to answer some questions? The survey is anonymous and all data will be presented as group data and used solely for the purposes of this project.

DATE OF INTERVIEW

TIME OF INTERVIEW

NUMBER OF INTERVIEW

OUT OF _____

BASIC COURT WHERE YOU HAVE THE MAJORITY OF YOUR CASES



1. PRISHTINA
2. MITROVICA
3. PEJA
4. GJAKOVA
5. GJILAN
6. FERIZAJ
7. PRIZREN

RESPONDENT GENDER



1. MALE
2. FEMALE

RESPONDENT AGE GROUP

1. AGE 18 – 24
2. AGE 25 – 34
3. AGE 35 – 44
4. AGE 45 – 54
5. AGE 55 – 64
6. AGE 65+

RESPONDENT ETHNICITY



1. Albanian
 2. Serbian
 3. Turkish
 4. Bosniak
 5. Roma
 6. Ashkali
 7. Egyptian
 8. Gorani
 9. Other
-

The reason why respondents have come to the court?

Q.1 Why did you come to the court today?

If codes 2,3, 4, 5, 6, 7, 8, 9 and 10 DO NOT PROCEED with the questionnaire.

1. A party in a proceeding - natural person

- PLAINTIFF
- DEFENDANT
- RESPONDENT
- VICTIM

1a. What type of case brought you to the court?

Criminal Civil Commercial

Administrative Minor Offence Juvenile

I do not know (if this is the answer, explain shortly):
OPEN ENDED

2. Lawyer or authorized representative

3. Obtain ONLY administrative services: documents, information, make a payment, make a statement, etc.

4. Witness

5. Journalist

6. Observer/Support a friend or relative

7. Judge, Professional Associate of Judge

8. Prosecutor, Professional Associate of Prosecutor

9. Administrative staff

10. Other court staff

Other (please specify): _____

TRANSPARENCY / ACCESS TO INFORMATION
The experience respondents have in accessing the Court

ACCESS TO INFORMATION

Q.2	In your experience, how easy is it to get information about your case?	<ol style="list-style-type: none"> 1. Very hard 2. Somewhat hard 3. Somewhat easy 4. Very easy
Q.3	How helpful was the information given to you by the court?	<ol style="list-style-type: none"> 1. Very unhelpful 2. Somewhat unhelpful 3. Somewhat helpful 4. Very helpful
Q.4	What was your experience in finding the courtroom or office you needed?	<ol style="list-style-type: none"> 1. Very hard 2. Somewhat hard 3. Somewhat easy 4. Very easy
Q.4a	What would be helpful in this respect?	OPEN ENDED
Q.5	Are complaint boxes available in the courthouse?	<ol style="list-style-type: none"> 1. Yes 2. No 3. I do not know
Q.6	Is there an information desk in the courthouse?	<ol style="list-style-type: none"> 1. Yes 2. No 3. I do not know

TRANSPARENCY

Q.7	Do you use the court's website to obtain information?	<ol style="list-style-type: none"> 1. Yes 2. No
		If code 2, proceed to Q.8.

Q.7a	Is the court website content that you need translated to your native language?	<ol style="list-style-type: none"> 1. Yes 2. Partially 3. No
		If code 2, proceed to Q.8.
Q.7b	Are you satisfied with the quality of translation of the website content?	<ol style="list-style-type: none"> 1. Yes 2. No 3. To some degree
Q.7c	What kind of information do you usually search for in the court's website?	<p>(Please check all that apply)</p> <ol style="list-style-type: none"> 1. Schedule of hearings 2. Contact information 3. News 4. Published decisions 5. Information about judges 6. Other (specify): _____

EFFICIENCY and FAIRNESS
The experience respondents have in receiving Court services

EFFICIENCY

Q.8	Were you able to get your court business done in a reasonable time today?	<ol style="list-style-type: none"> 1. Yes 2. No
Q.9	How long has your case been pending?	<ol style="list-style-type: none"> 1. Less than 6 months 2. 1 year 3. 2 years 4. More than 2 years 5. More than 5 years 6. More than 10 years
Q.10	Are you satisfied with the time within which your case was reviewed?	<ol style="list-style-type: none"> 1. Very unsatisfied 2. Somewhat unsatisfied 3. Somewhat satisfied 4. Very satisfied

FAIRNESS

Q.11	Were you treated with courtesy and respect by the court staff?	<ol style="list-style-type: none"> 1. Yes 2. No 3. To some degree
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Q.12 Do you think you were treated fairly by the judge?	1. Yes 2. No 3. To some degree
Q.13 Were you able to talk to court staff in your native language?	1. Yes 2. No
Q.14 Did the court provide translation during hearings?	1. Yes 2. No If code 2, proceed to Q.15.
Q.14a Were you satisfied with the translation quality during hearings?	1. Very unsatisfied 2. Somewhat unsatisfied 3. Somewhat satisfied 4. Very satisfied
Q.15 Did you receive court documents in your native language?	1. Yes 2. Sometimes 3. No
Q.16 Do you feel (physically) safe on the court premises?	1. Yes 2. No If code 1, proceed to Q.17.
Q.16a If no, why do you not feel safe on the court premises?	OPEN ENDED
Q.17 Do you know that you can file a claim for disciplinary violations of the judge?	1. Yes 2. No If code 2, proceed to Q.18.
Q.17a If yes, do you know where to file the claim?	OPEN ENDED

PREVALENCE of CORRUPTION

Q.18 Have you ever been asked for a bribe by a court judge or court employee or an intermediary acting on behalf of the former?

1. Yes

2. No

If code 2, proceed to Q.19.

Q.18a If yes, for what reason?

(Please check all that apply)

To fast-track processes

To obtain the needed documentation

To have the case ruled in my favor

Other (specify): _____

Q.18b If yes, what position did the person hold?

1. Judge

2. Court employee

3. Other (specify): _____

Q.19 Have you ever offered a bribe to a judge or court employee?

1. Yes

2. No

If code 2, proceed to Q.20.

Q.19a If yes, for what reason?

(Please check all that apply)

To fast-track processes

To obtain the needed documentation

To have the case ruled in my favor

Other (specify): _____

Q.19b If yes, what position did the person hold?

1. Judge

2. Court employee

3. Other (specify): _____

CLOSING QUESTION

Q.20 Do you have anything to add?

OPEN ENDED

USAID's Justice System Strengthening Program is a five-year rule of law activity that builds upon USAID's prior efforts to advance the rule of law in Kosovo and ensure that the justice system operates in a professional, efficient, and accountable manner. The program focuses on promoting a judicial system that adheres to high standards of independence, impartiality, integrity, accountability, and transparency, and on supporting the functioning and integration of judicial structures in the North.

Strengthen efficiency and effectiveness in the administration of justice and the delivery of quality services

Through USAID, the Justice System Strengthening Program assists the Kosovo Judicial Council (KJC) and Kosovo's courts in consolidating gains in efficiency and management at the court level. This is accomplished by facilitating the decentralization of administrative competencies and institutionalizing systems and tools for effective court and case management. Activities under this objective reduce case backlog and procedural obstacles to court efficiency and effectiveness.

Enhance the accountability and professionalism of the justice system

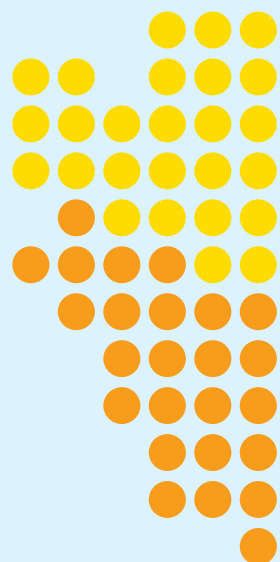
The program works closely with the KJC, judges, and court staff in building capacity to deliver justice professionally and efficiently. It also promotes continuing education and public integrity initiatives as the foundation for a judiciary that is accessible, credible, and effective.

Support the functioning and the integration of judicial structures in the North

The Justice System Strengthening Program supports the KJC and the courts in activating judicial structures in northern Kosovo based on the Justice Sector Agreement that was signed between the governments of Kosovo and Serbia in 2015. This agreement provides for the integration of institutions, court operations, and judicial resources in the north. This USAID program also assists individual courts in the region with case inventories and transfers, backlog reduction, case management, and capacity-building for judges and court staff.

Democracy Plus is an independent, nonprofit and nonpartisan organization founded by a group of activists who believe in further strengthening democratic values in Kosovo. The main objective of D+ is to foster democratic values and practices that will further strengthen the voice of the Kosovar society. D+ aims at contributing in establishing good governance practices, strengthening the rule of law, assisting political parties and the process of free and fair elections, and fostering respect for human rights and social issues. D+ has implemented different projects that aim to bring decision-makers closer to citizens through policy research, facilitation of dialogue and interaction as well as public education.

Advocacy Center for Democratic Culture is a local Civil Society Organization (CSO), based in North Mitrovica, Kosovo, which was established in December 2011. The goal of the organization is to improve the engagement of a multiethnic population in Mitrovica region and raise the awareness of the citizens about democratic culture.



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DEMOCRACYPLUS



ACDC
Advocacy Center For Democratic Culture