

HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

Research on the References Made by Judges, Judicial Advisors and Judicial Assistants to the European Convention on Human Rights and the Case Law of the European Court of Human Rights

- Research Report -



Content

1. Research Context and Objectives

2. Methodology and Sample Structure

3. Research Conclusions

4. Detailed Findings

- General information
- Previous training
- Referring to the judgments of the European Court of Human Rights in domestic court decisions

5. Comparison of Results Recorded in 2018 and 2014



Research Context and Objectives

- As a part of the co-operation framework co-funded by the European Union and the Council of Europe, known as the “Horizontal Facility for the Western Balkans and Turkey”, the Council of Europe is implementing the Action “Supporting effective remedies and mutual legal assistance”. The Action is implemented in close partnership with the Judicial Academy, Supreme Court of Cassation, Ministry of Justice, High Judicial Council, State Prosecutorial Council, Republic Prosecutor’s Office and the Agent of the Republic of Serbia before the European Court of Human Rights.
- The Action is contributing to the implementation of the European Union Association Agreement to support the efforts of Serbia to strengthen democracy and the rule of law, and deploy a broad range of measures to reduce the number of applications against Serbia before the European Court of Human Rights mainly on grounds of violation of the right to trial within reasonable time. The duration of the Action is set at 28 months, and it is expected to be completed by 23 May 2019.



Research Context and Objectives

- For the purpose of the Action, at the end of 2017 and the beginning of 2018, in cooperation with the Valicon Agency, the Council of Europe conducted a survey on a sample of judges, judicial advisers and assistants with the following objectives:
 - Determining the level of professional experience, the areas of performance, the level of knowledge of foreign languages, the level of computer literacy and the use of the internet.
 - Recording parameters related to previous training in the field of the European Convention on Human Rights standards.
 - Determining the stances and practices of judges, judicial advisers and assistants regarding the access to judgments of the European Court and referral to the standards of the Convention / case law of the European Court.
 - Comparison of the results of this study with comparable results of the research conducted on the same population, but on a different topic, in 2014.

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe



Content

1. Research Context and Objectives

2. Methodology and Sample Structure

3. Research Conclusions

4. Detailed Findings

- General information
- Previous training
- Referring to the judgments of the European Court of Human Rights in domestic court decisions

5. Comparison of Results Recorded in 2018 and 2014

Methodology

Data Collection Period	<ul style="list-style-type: none">• December 2017 - January 2018
Data Collection Method	<ul style="list-style-type: none">• Questionnaire, in hardcopy.• Distribution of the questionnaires to the respondents, collection of completed questionnaires, and the delivery of completed questionnaires from the field was conducted by the project team.
Questionnaire	<ul style="list-style-type: none">• Final questionnaire was formulated by the project team.
Target Population	<ul style="list-style-type: none">• Judges, judicial advisors and judicial assistants from the Supreme Court of Cassation, Administrative Court, appellate courts, higher courts and basic courts of the Republic of Serbia.• Having in mind the actual differences regarding the number of judges, judicial advisors and judicial assistants at the level of institutions, as well as the number of those who have voluntarily responded to the invitation to complete the questionnaire, the number of respondents varies in this research as well.
Sample	<ul style="list-style-type: none">• Final sample size, total n = 1008.

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe



Respondent Structure Overview

	TOTAL		RESPONSE RATE (%)
	N	%	
Total	3237	100	31
Judges	1930	100	37
Supreme Court of Cassation	37	2	22
Administrative Court	40	2	20
Appellate Courts	221	11	28
Higher Courts	334	17	45
Basic Courts	1298	67	37
Judicial Advisors and Assistants	1307	100	23
Supreme Court of Cassation	48	4	0
Administrative Court	46	3	0
Appellate Courts	230	18	34
Higher Courts	245	19	38
Basic Courts	738	56	17
Judges	1930	59	37
Judicial Advisors and Assistants	1307	41	23

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe



Sample Structure Overview by Court

	N		N		N
Supreme Court of Cassation	8	Basic Court - Aleksinac	12	Basic Court - Novi Sad	17
Administrative Court	8	Basic Court - Arandelovac	10	Basic Court - Prijepolje	10
Appellate Court - Belgrade	53	Basic Court - Bor	14	Basic Court - Subotica	22
Appellate Court - Kragujevac	52	Basic Court - Despotovac	6	Basic Court - Surdulica	6
Appellate Court - Niš	2	Basic Court - Jagodina	17	Basic Court - Ub	5
Appellate Court - Novi Sad	33	Basic Court - Kikinda	11	Basic Court - Užice	10
Higher Court - Belgrade	67	Basic Court - Knjaževac	7	Basic Court - Velika Plana	8
Higher Court - Čačak	5	Basic Court - Kragujevac	31	Basic Court - Vrbas	4
Higher Court - Jagodina	10	Basic Court - Kraljevo	22	Basic Court - Vršac	3
Higher Court - Kragujevac	12	Basic Court - Lazarevac	1	Basic Court - Zaječar	14
Higher Court - Kraljevo	11	Basic Court - Loznica	13	Basic Court - Zrenjanin	19
Higher Court - Kruševac	8	Basic Court - Majdanpek	3		
Higher Court - Leskovac	5	Basic Court - Mladenovac	13		
Higher Court - Negotin	6	Basic Court - Negotin	8		
Higher Court - Novi Pazar	10	Basic Court - Novi Pazar	19		
Higher Court - Novi Sad	19	Basic Court - Pančevo	14		
Higher Court - Pančevo	5	Basic Court - Pirot	18		
Higher Court - Požarevac	10	Basic Court - Priboj	5		
Higher Court - Prokuplje	11	Basic Court - Raška	6		
Higher Court - Smederevo	12	Basic Court - Ruma	10		
Higher Court - Sremska Mitrovica	13	Basic Court - Senta	7		
Higher Court - Subotica	4	Basic Court - Smederevo	1		
Higher Court - Šabac	12	Basic Court - Sombor	18		
Higher Court - Užice	9	Basic Court - Sremska Mitrovica	15		
Higher Court - Valjevo	3	Basic Court - Stara Pazova	16		
Higher Court - Zaječar	2	Basic Court - Šid	44		
Higher Court - Zrenjanin	7	Basic Court - Vranje	31		
First Basic Court- Belgrade	34	Basic Court - Gornji Milanovac	7		
Second Basic Court- Belgrade	51	Basic Court - Niš	29		

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe



Content

1. Research Context and Objectives

2. Methodology and Sample Structure

3. Research Conclusions

4. Detailed Findings

- General information
- Previous training
- Referring to the judgments of the European Court of Human Rights in domestic court decisions

5. Comparison of Results Recorded in 2018 and 2014



Research Conclusions

1. Knowledge of foreign languages

- 80% of respondents claim to have at least some knowledge of English. Most describe their level of knowledge as intermediate (44%). Same as in 2014, there are more judicial advisors and judicial assistants with intermediate or proficient knowledge of English (84% of advisors and 76% of assistants) in comparison with judges (46%). This trend was more prominent in the 2014 research.
- It is notable that judges from the Administrative Court use English less proficiently than judges from the other courts (90% of them stated only beginner level of knowledge).
- As in the previous research, French language is used less. 86% of respondents do not use it at all.
- Within the "other languages" category, Russian (64%) and German (22%) dominate.

2. Computer literacy and Internet access

- As in the previous research conducted in 2014, all respondents claim to have at least some level of computer literacy (50% intermediate, 29% basic, 20% proficient).
- When it comes to Internet access, at the moment 13% of respondents do not have Internet access at work at all. Most have limited Internet access (79%) and only 8% unlimited access at work.
- **Notably, as much as a quarter of all judicial assistants from higher courts do not have Internet access at work.**

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe



Research Conclusions

3. Previous training on the European Convention on Human Rights standards

- Slightly less than a half of all respondents attended trainings on the European Convention on Human Rights during the past year (regardless of the training duration).
- There is a significant difference between judges and judicial assistants on this indicator - **during the past year, every second judge attended the training, but only every third judicial assistant.**
- The percentage of respondents who attended trainings that lasted more than 5 days increases with court hierarchy and is highest among the judges of the Supreme Court of Cassation, Administrative Court and the appellate courts.
- Same as in 2014, Judicial Academy and the Council of Europe stand out as the most often mentioned training organizers in all judicial instances. A large percentage of respondents (49%) perceives Judicial Academy as the training organizer, despite the fact that in reality most of the trainings were conducted jointly with the Council of Europe or other international organizations.
- Results of the respondents' self assessment regarding their knowledge of Convention standards show that the highest percentage of those who claim to have the highest knowledge is at the Supreme Court of Cassation, the Administrative Court and the appellate courts. It is the lowest among the judges from basic courts, judicial advisors and assistants.
- The percentage of respondents who claim no knowledge of the relevant parts of the European Convention is somewhat higher (11%) among the judicial assistants from the basic courts.
- **Results from this section clearly demonstrate that there is a need for more education and training in the area of the Convention standards, especially for the courts of lower jurisdiction and judicial advisors and assistants.**

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe



Research Conclusions

4. Availability of the European Court judgements and referring to the Convention standards/European Court case law

- Overall, the most widely used case-law database is the one on the Internet page of the Judicial Academy (24%). It is followed by the Internet page of the Agent of the Republic of Serbia before the European Court of Human Rights (17%) and only than by HUDOC (10%). Judges from the appellate courts, the Supreme Court of Cassation and the Administrative Court use HUDOC database and the Internet page of the Agent more often than judges from the other courts, judicial advisors and judicial assistants.
- More than half of all judges, judicial advisors and judicial assistants claim that, in general, they make references to the articles of the European Convention on Human Rights depending on the issue. However, almost every fourth judge and nearly every third judicial advisor and assistant do not make references to the articles of the Convention when writing a judicial act. Judges, judicial advisors and assistants who did make references to the articles of the Convention did so between 5 and 10 times on the average, during the past year.
- The percentage of respondents who did not make any references to the articles of the Convention or the judgements of the European Court decreases with court hierarchy and seems to be the lowest among judges of the higher courts, appellate courts and the Supreme Court of Cassation - judges from these courts tend to make references to the articles of the Convention more often than the others.
- The fact that as much as two thirds of all judges, 70% of judicial advisors and three quarters of judicial assistants did not make any references to the judgements of the European Court of Human Rights in the past 12 months seems worrisome.

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe



Research Conclusions

4. Availability of the European Court judgements and referral to the Convention standards/European Court case law

- **Case law departments check the accuracy of the references made to the judgements of the European Court quite rarely (13% of cases). There are significant differences between the courts in this regard (the percentage is higher at the Supreme Court of Cassation, the Administrative Court and the appellate courts). Judicial advisors and associates check the accuracy of the references in a small percentage of cases (7%).**
- On the average, judges, judicial advisors and assistants spend between 1 and 2 hours analyzing the judgment of the European Court when making a reference to it (33% of judges, 27% of judicial advisors and 24% of judicial assistants).
- One half of all respondents claim that they follow the Supreme Court of Cassation's instruction on the correct citing of European Court of Human Rights judgments.
- **Overall, one third of all respondents claim that they provide interpretative analysis of the European Court of Human Rights judgement when they make reference to it. Another third of respondents claim the opposite.**
- **The main obstacles for making references to the judgements of the European Court more often seem to be primarily the lack of specialized case law department at the court (48%) and then, insufficient time for preparation (36%). Other perceived barriers are also the fact that making references is not required by law (20%) and the limited number of judgements available in Serbian language (19%).**
- **Results from this section clearly show that there is a need for further strengthening of case law departments as well as assigning one or more judicial associates to systematically follow up the case law of the European Court of Human Rights and the domestic courts. In addition, there is a need for systematic application of the rules of citation of the European Court judgements and verification of their uniformed application.**

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe



Content

1. Research Context and Objectives

2. Methodology and Sample Structure

3. Research Conclusions

4. Detailed Findings

- **General information**
- Previous training
- Referring to the judgments of the European Court of Human Rights in domestic court decisions

5. Comparison of Results Recorded in 2018 and 2014



Years of professional experience

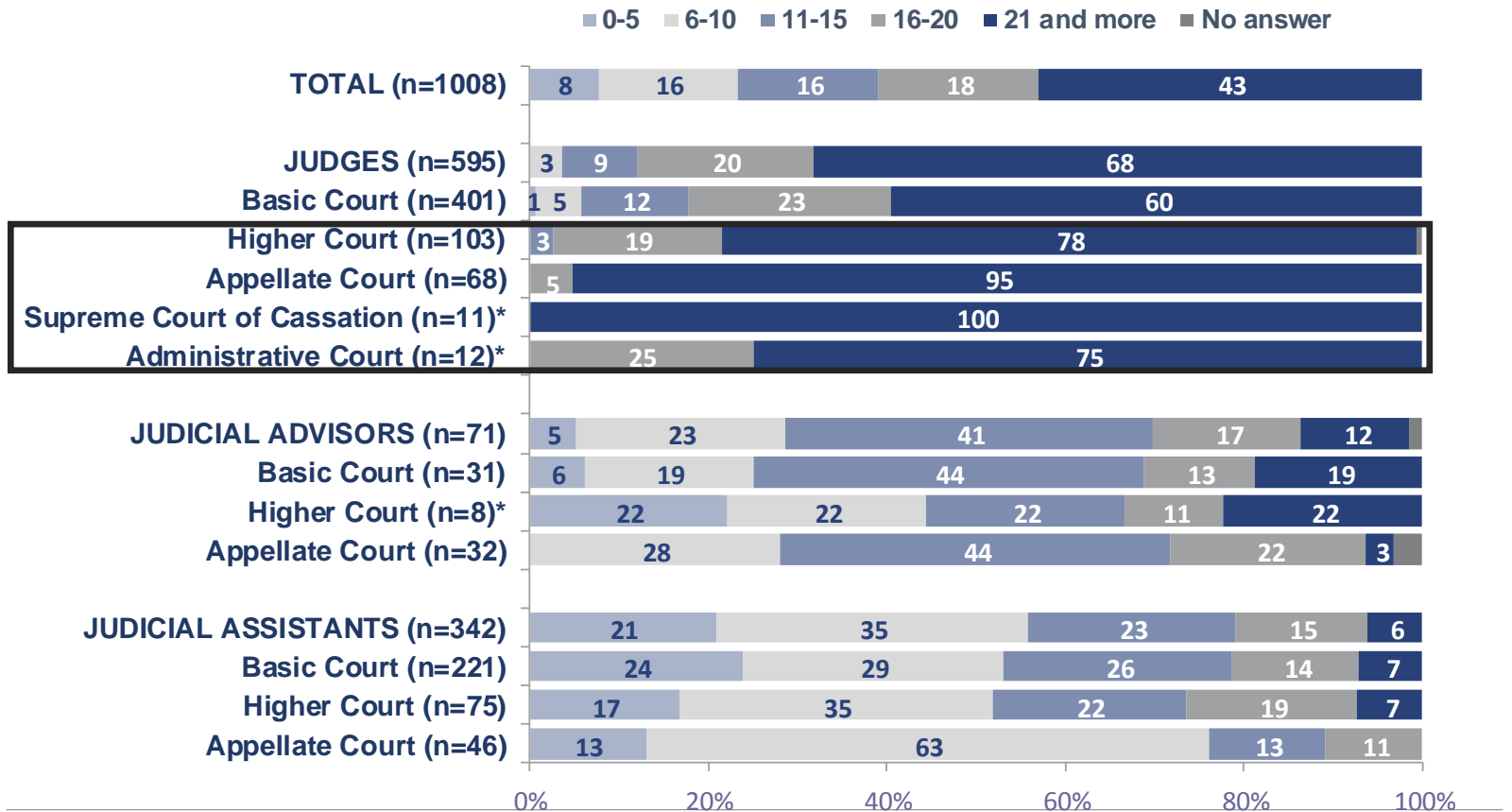
Q2. Years of professional experience (after graduation):

Almost half of all respondents (43%) have more than twenty years of professional experience.

More than two thirds of all judges have professional experience of over twenty years. The percentage of judges with such professional experience increases with the court hierarchy – the most of them are in higher and appellate courts, the Supreme Court of Cassation and the Administrative Court.

Most judicial advisors have professional experience of 11-15 years (41%).

The majority of judicial assistants have either 6-10 (35%) or 11-25 (23%) years of professional experience.



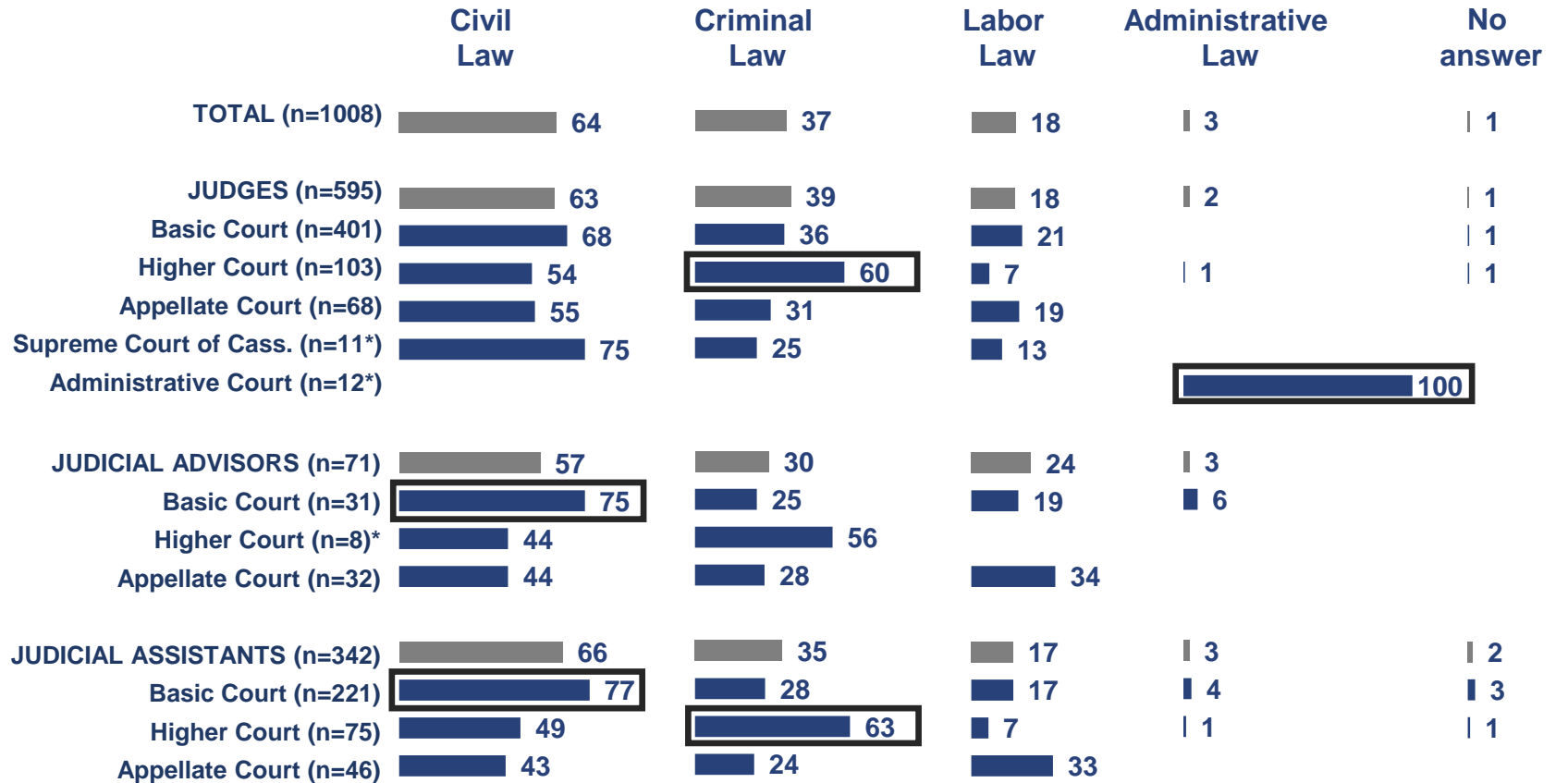


Field of work

Q3. Field of work (you may choose more than one if applicable):

Overall, most respondents state that their field of work is in civil law. Criminal law and labor law follow. This is true for all three groups - judges, judicial advisors and judicial assistants.

Respondents from the field of criminal law replied notable more to the questionnaire, with the exception of those from the Administrative Court who are engaged in administrative law matter.



Horizontal Facility for Western Balkans and Turkey

Funded by the European Union and the Council of Europe



Implemented by the Council of Europe

Base: all respondents. Multiple answers.

Unit: %

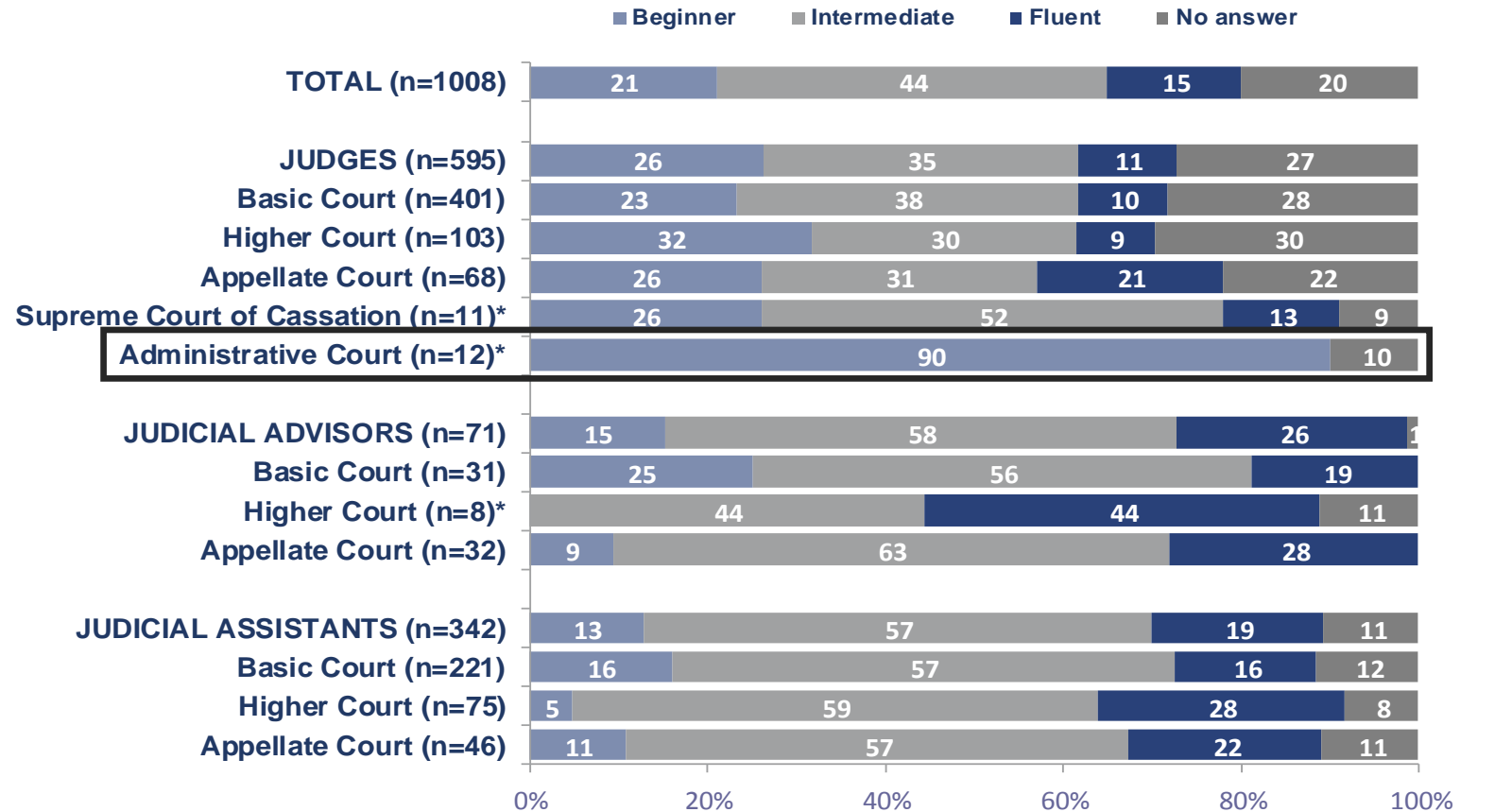


Knowledge of English language

Q4. Level of proficiency in English language:

Almost half of all respondents (44%) describe their knowledge of English as intermediate. Despite the fact that the number of respondents from the Administrative Court is small, judges from this court seem to be less proficient in English than judges, judicial advisors or judicial assistants from the other courts.

There are much more judicial advisors and assistants (84% and 76%) than judges (46%) who describe their knowledge of English as intermediate or fluent. Therefore, we may conclude that judicial advisors and assistants generally have better knowledge of English than judges.



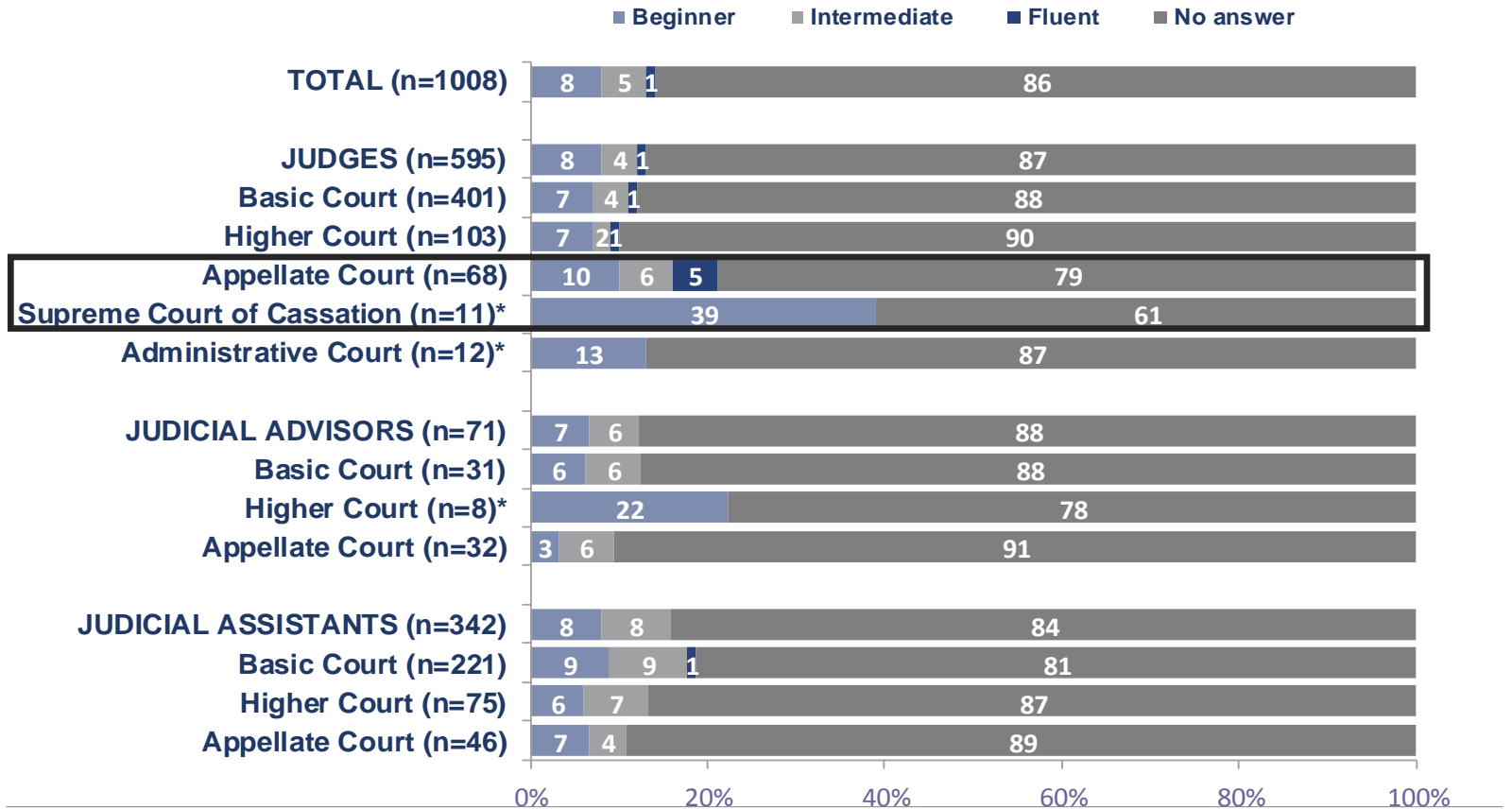


Knowledge of French language

Q4. Level of proficiency in French language:

Most respondents (86%) do not use French language at all.

There are slightly more respondents who claim that they speak French among the judges of the Supreme Court of Cassation and the appellate courts.





Knowledge of other foreign languages

Q4. Proficiency in other foreign languages:

Base: all respondents who stated that they speak other foreign languages
N=310

From other languages that are spoken most widely used are Russian and German.



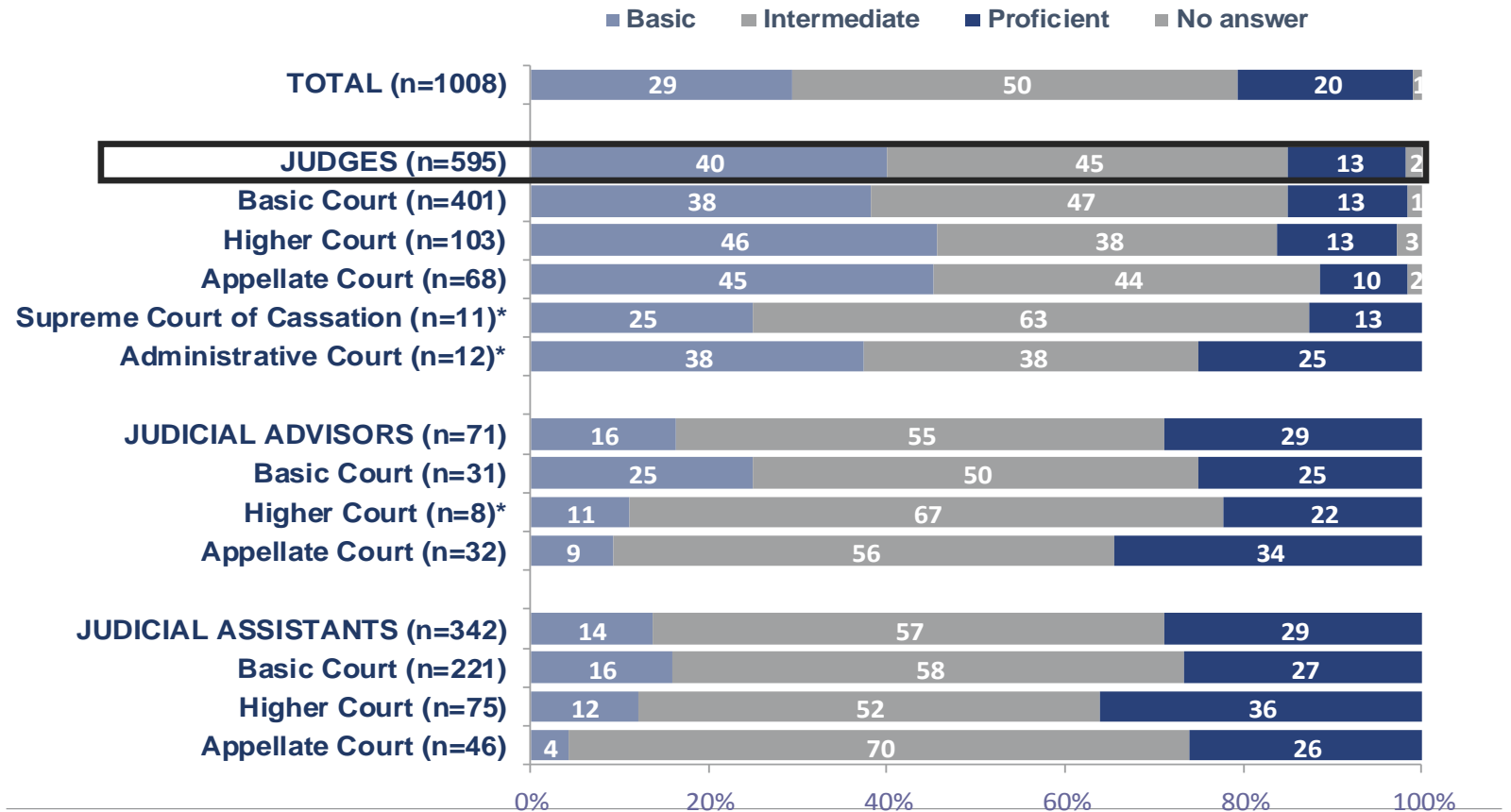


Computer literacy

Q5. Level of computer skills:

In total, half of all respondents describe their level of computer skills as intermediate, 29% as basic and 20% as advanced.

When compared to judicial advisors' and assistants' computer proficiency, judges are generally less proficient. As much as 40% of judges have only basic level of computer skills, compared to 16% of judicial advisors and 14% of judicial assistants.



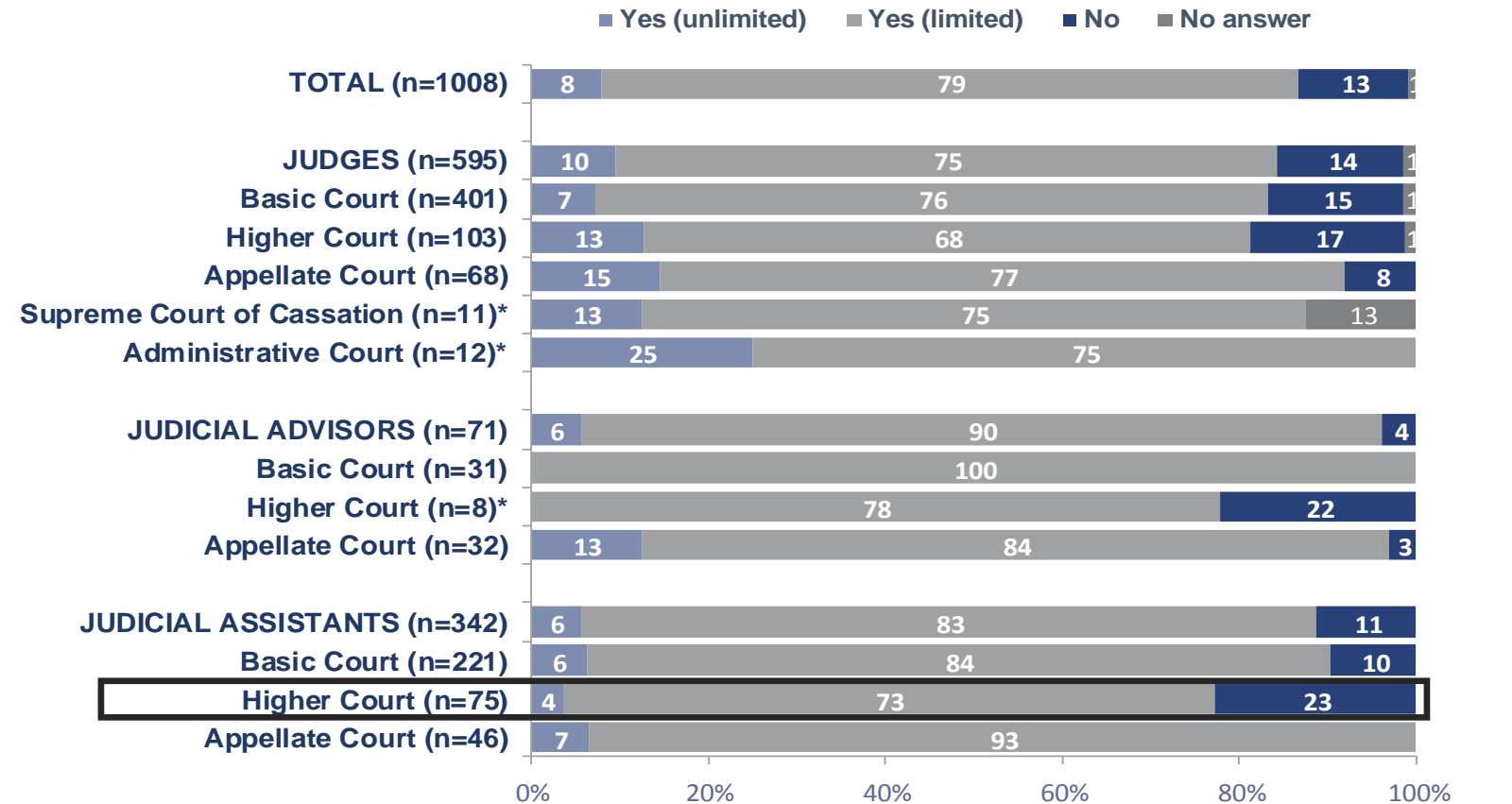


Internet access

Q6. Do you have Internet access at work?

13% of respondents do not have Internet access at work. Most have limited Internet access (79%), while only 8% have unlimited Internet access at work.

Notably, as much as a quarter of all judicial assistants in higher courts lack Internet access at work.





Content

1. Research Context and Objectives

2. Methodology and Sample Structure

3. Research Conclusions

4. Detailed Findings

- General information
- **Previous training**
- Referring to the judgments of the European Court of Human Rights in domestic court decisions

5. Comparison of Results Recorded in 2018 and 2014



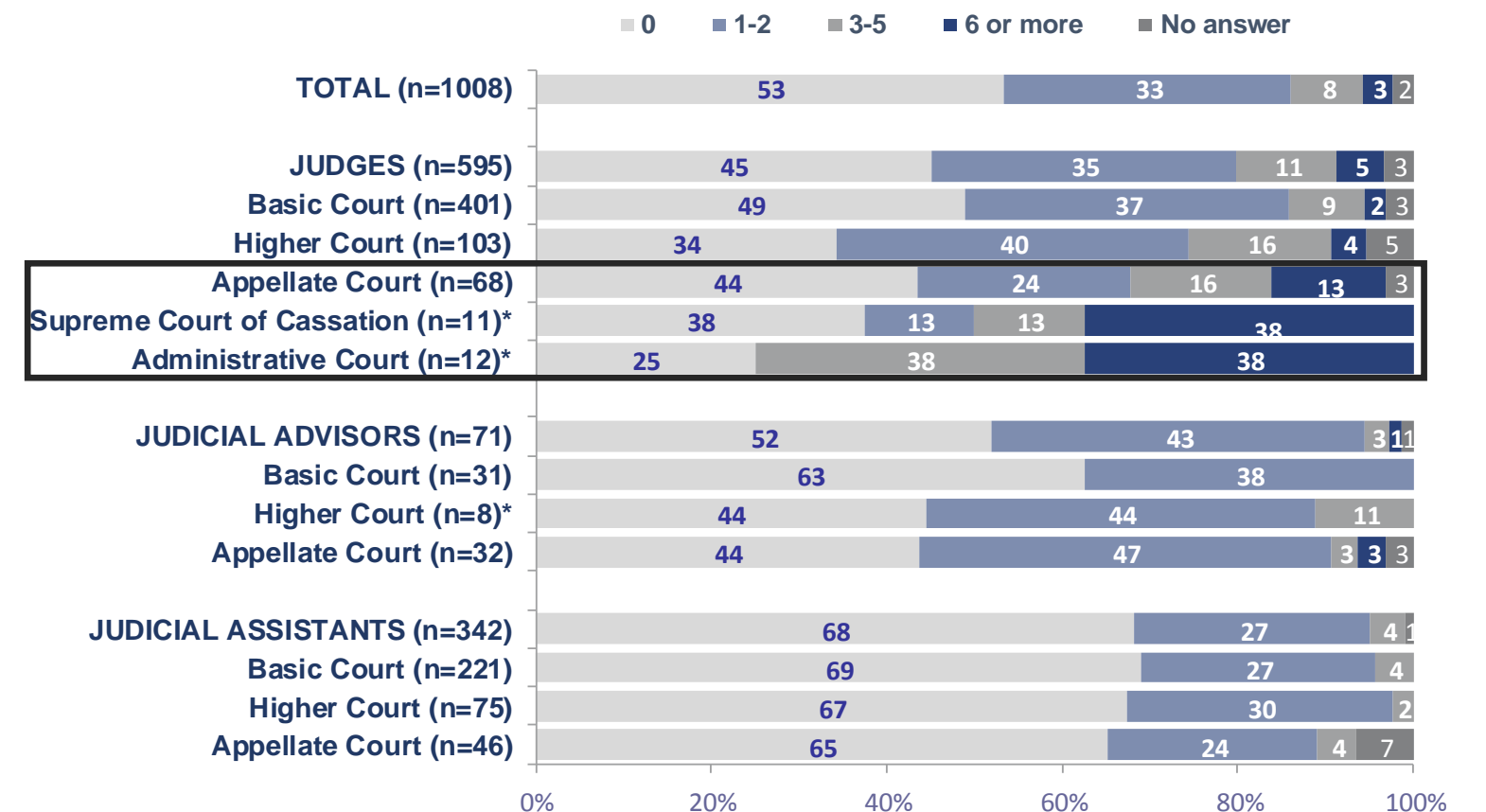
Training on the European Convention on Human Rights in the past year

Q7. European Convention on Human Rights attended in 2017 (in days):

Slightly less than half of all respondents attended trainings on the European Convention on Human Rights during the past years (regardless of the training duration).

There is a significant difference between judges and judicial assistants on this indicator: during the past year every second judge, but only every third judicial assistant, attended such trainings. At the same time, there are slightly more respondents in the group of judicial advisors from the basic court (63%) who did not attend the trainings.

The percentage of respondents who attended trainings that lasted for more than 5 days is highest among the judges of the Supreme Court of Cassation, Administrative Court and the appellate courts.





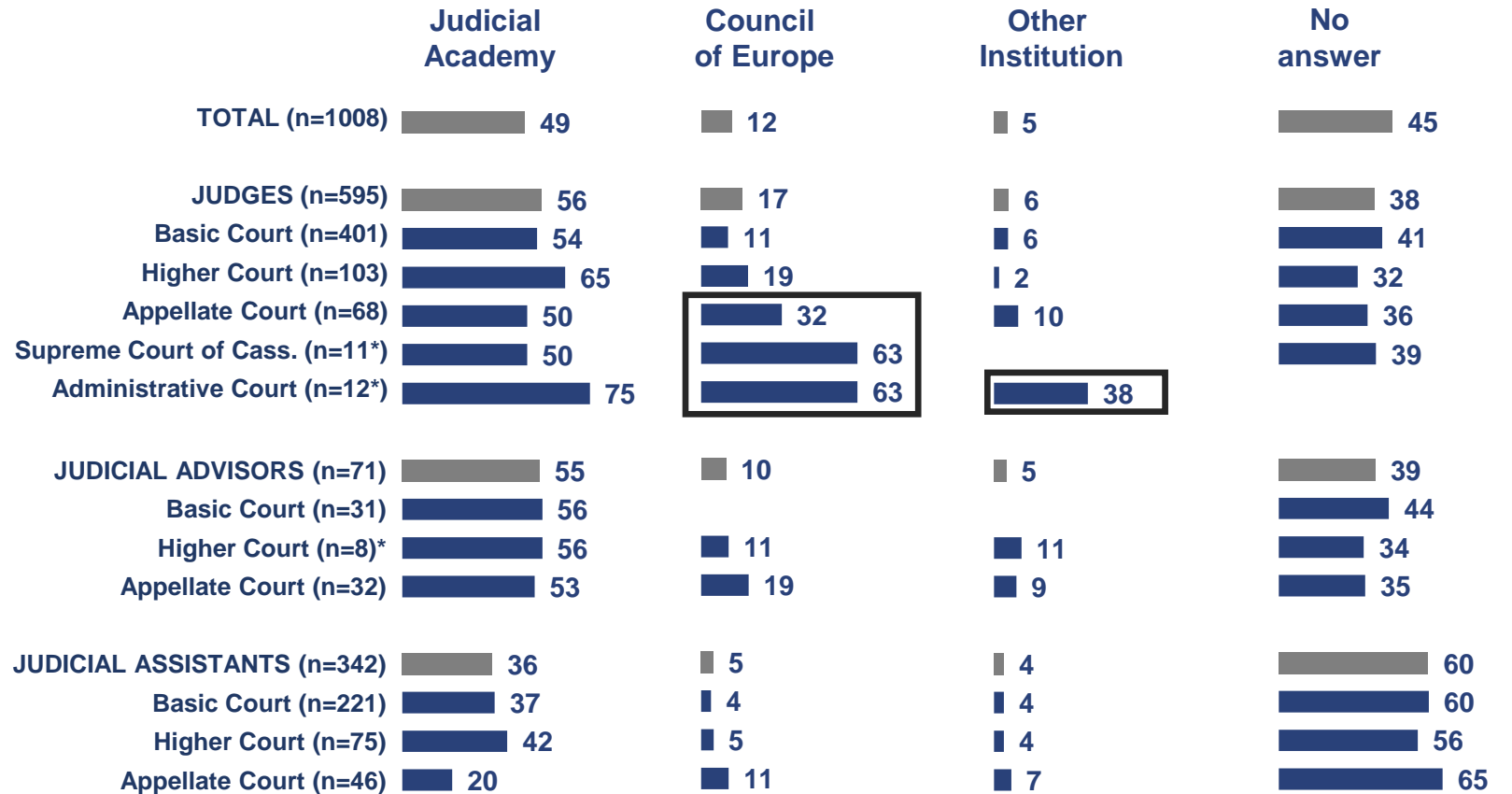
Institutions which provided trainings

Q8. Institutions which have provided training:

Institutions that were generally most often mentioned as training providers are the Judicial Academy (49%) and the Council of Europe (12%). Judges and judicial advisors mentioned both institutions more often than judicial assistants.

Judges from the appellate courts, the Supreme Court of Cassation and the Administrative Court mentioned Council of Europe significantly more often than the other judges, judicial advisors and assistants.

In addition, judges from the Administrative Court provided names of other institution, that was not on the list, as the training provider more often than other respondents.





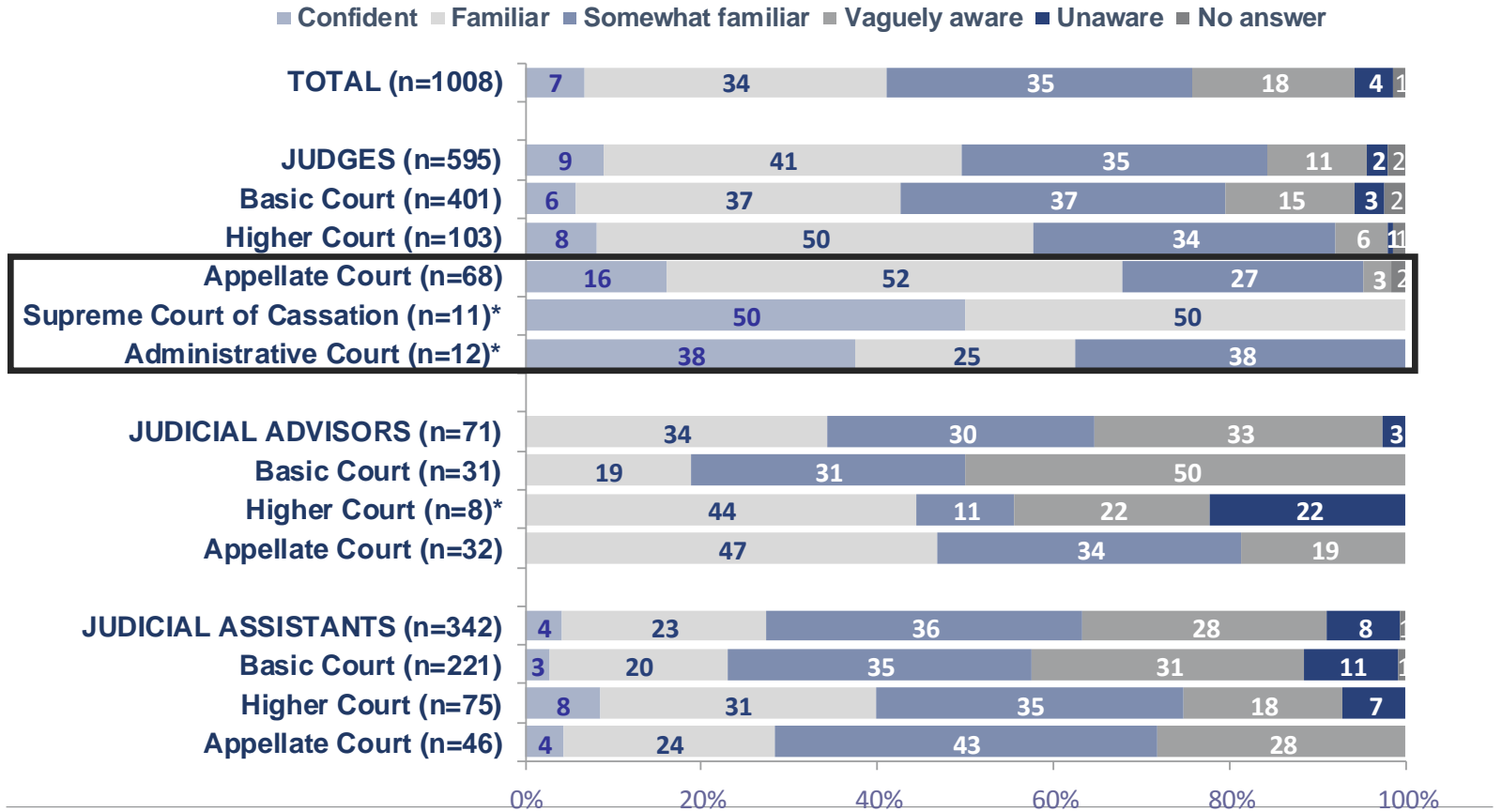
Current knowledge of the relevant parts of the European Convention

Q9. Current knowledge of the parts of the European Convention on Human Rights relevant to your particular filed of work?

Most respondents (69%) are either familiar or somewhat familiar with the parts of the European Convention relevant to their particular filed of work, while 7% feel confident about it.

There are more judges who feel confident about their knowledge of the relevant parts of the European Convention in appellate courts, the Supreme Court of Cassation and the Administrative Court than in other courts.

The percentage of respondents who claim to be unaware of the relevant parts of the European Convention is somewhat higher (11%) among the judicial assistants from the basic courts.





Content

1. Research Context and Objectives

2. Methodology and Sample Structure

3. Research Conclusions

4. Detailed Findings

- General information
- Previous training
- **Referring to the judgments of the European Court of Human Rights in domestic court decisions**

5. Comparison of Results Recorded in 2018 and 2014



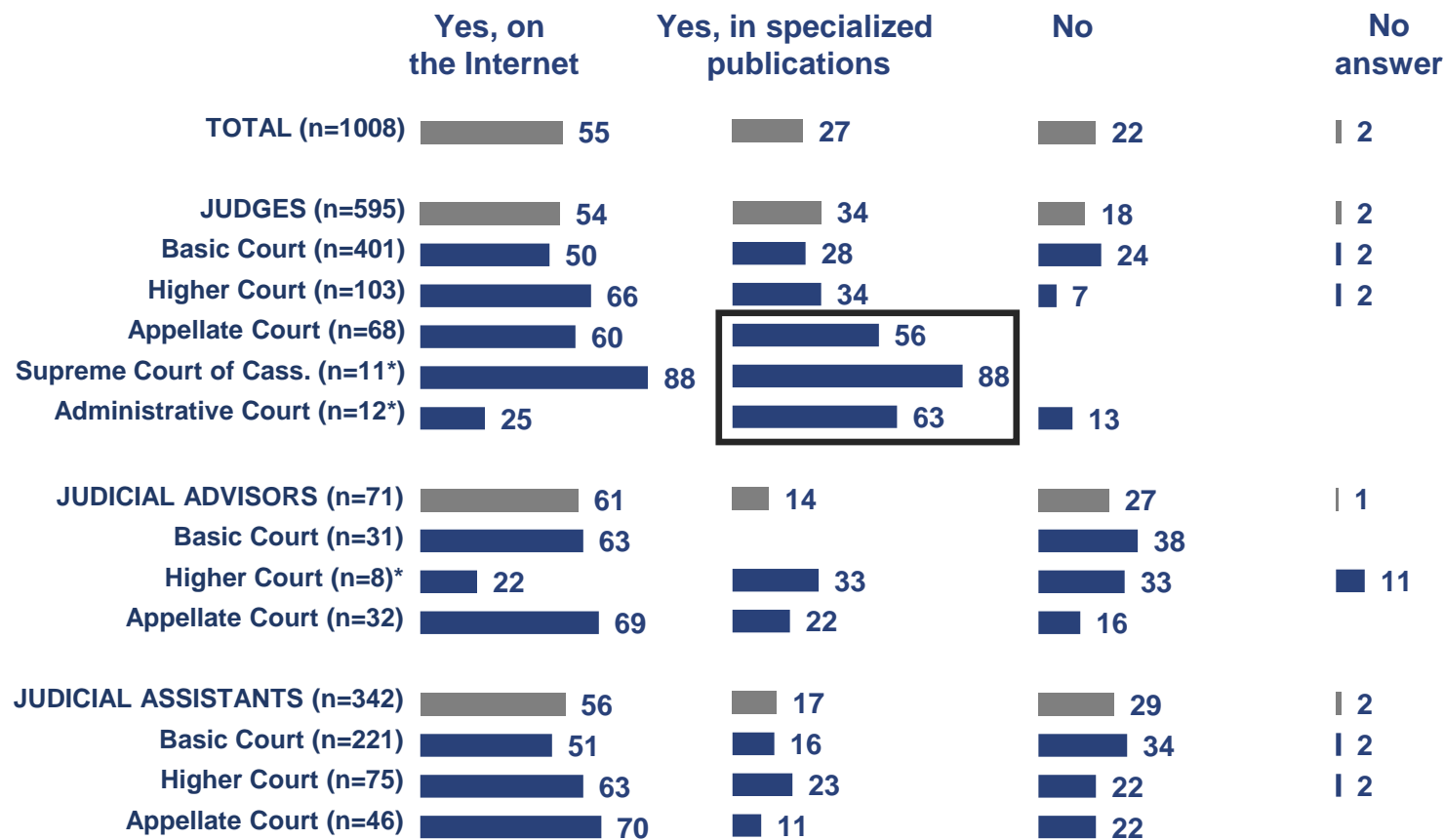
Availability of translated judgements of the European Court of Human Rights

Q10. Do you have access to the translated judgements of the European Court of Human Rights?

Slightly more than half of all respondents (55%) have access to the translated judgements of the European Court of Human Rights on the Internet. At the same time, 27% have access to the judgements in specialized publications, while 22% do not have access to the translated judgements at all.

Judges from the appellate courts, the Supreme Court of Cassation and the Administrative Court have access to the judgements in specialized publications more often than other respondents.

Translated judgements in specialized publications are generally less available to judicial advisors and assistants than they are to the judges.



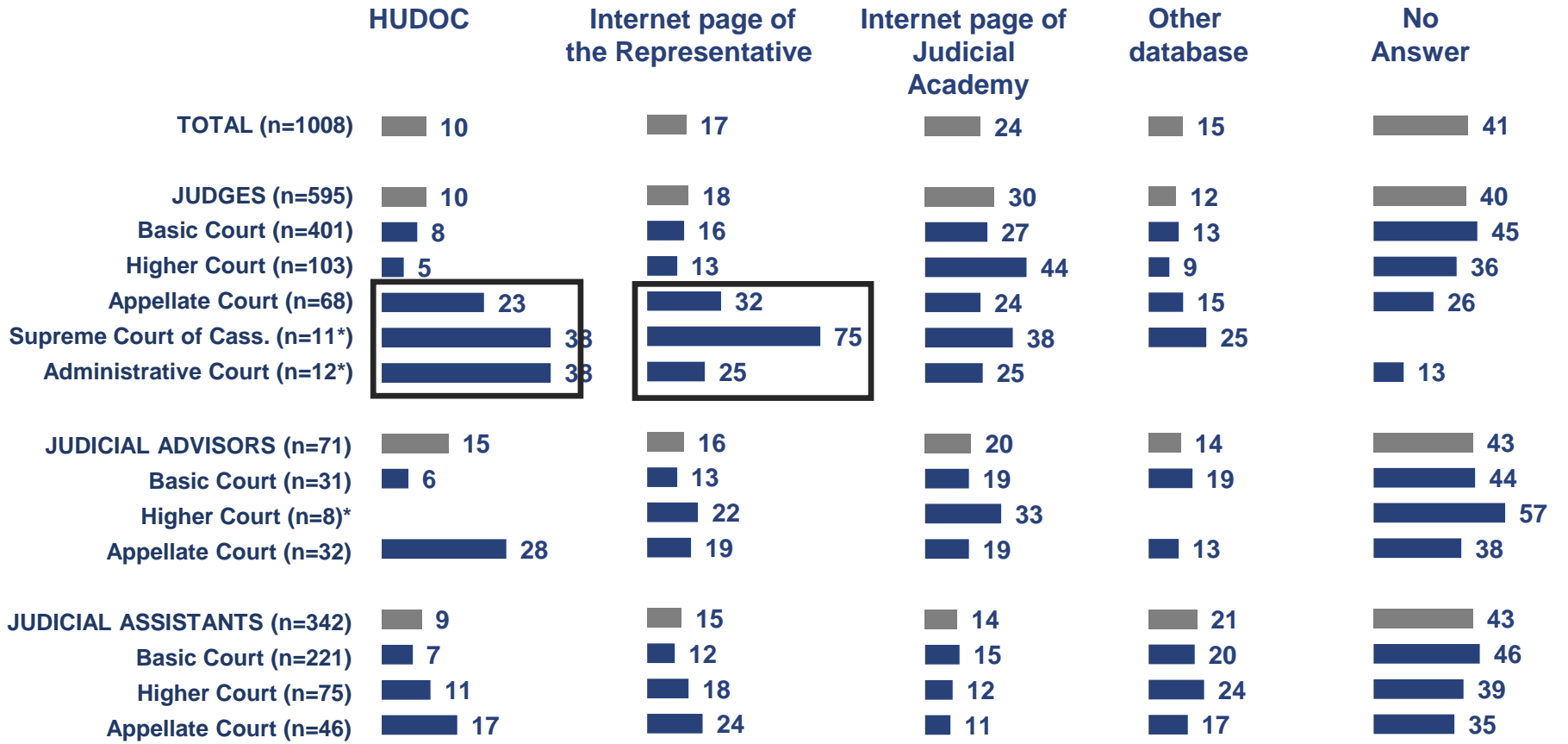


Usage of judgments' databases

Q11. If you do have access to the judgments of the European Court of Human rights on the Internet, which databases do you use?

Overall, the most widely used judgments' database is the one on the Internet page of the Judicial Academy (24%). It is followed by the Internet page of the Agent of the Republic of Serbia before the European Court of Human Rights (17%) and only than by HUDOC (10%). Around 15% of all respondents use other judgments' databases as well.

Judges from the appellate courts, the Supreme Court of Cassation and the Administrative Court use HUDOC database and the Internet page of the Representative more often than judges from the other courts, judicial advisors and judicial assistants.



Horizontal Facility for Western Balkans and Turkey



Base: all respondents. Multiple answers.

Unit: %

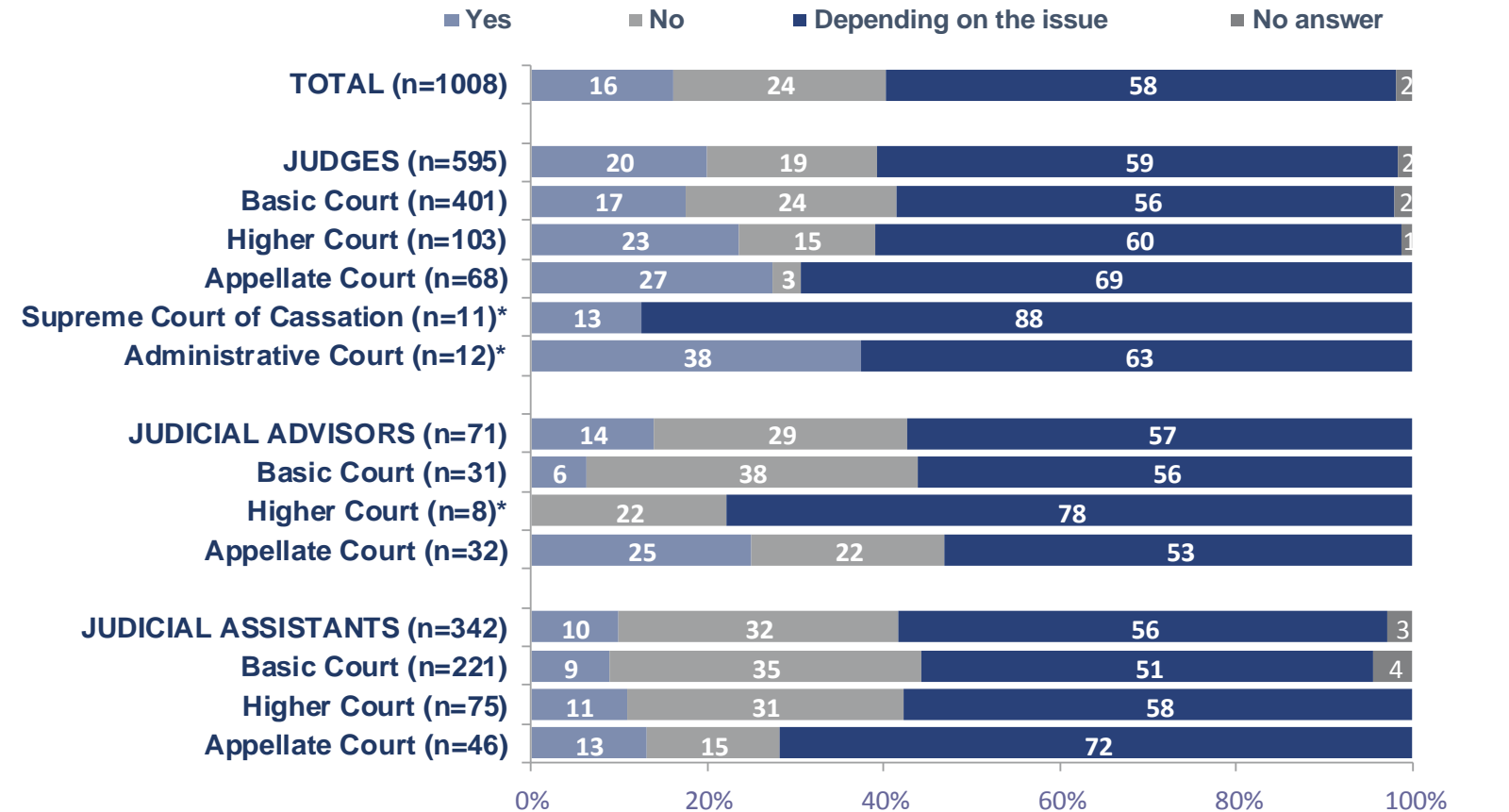


Reference to the articles of the European Convention on Human Rights

Q12. Do you make references to the articles of the European Convention on Human Rights when you write court decisions?

More than half of all respondents (58%), judges, judicial advisors and judicial assistants, claim that they make references to the articles of the European Convention on Human Rights, depending on the issue.

On the other hand, almost every fourth judge and nearly every third advisor and assistant do not make references to the articles of the European Convention when writing court decisions.





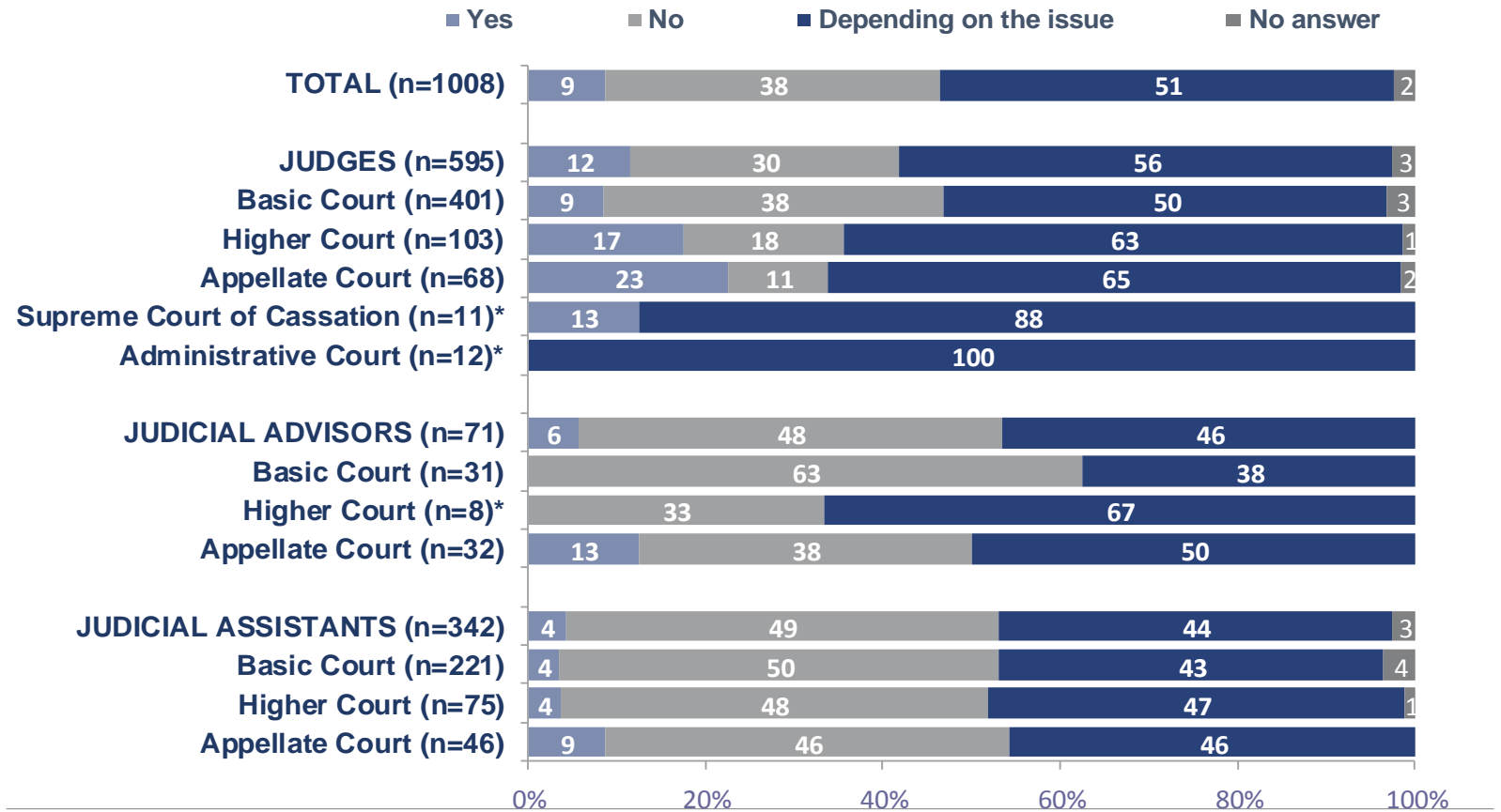
Reference to the judgements of the European Court of Human Rights

Q13. Do you make references to the judgements of the European Court of Human Rights when you write court decisions?

Similarly, around one half of all respondents (51%) make references to the judgements of the European Court of Human Rights, depending on the issue.

In the group of judges, the percentage of those who generally do not make references to the judgements of the European Court decreases with the court hierarchy. 38% of judges from the basic courts never make references, while the corresponding percentage is much lower among the judges from the appellate courts (11%).

As much as one half of all judicial advisors and judicial assistants never make references to the judgements of the European Court of Human Rights when writing court decisions.





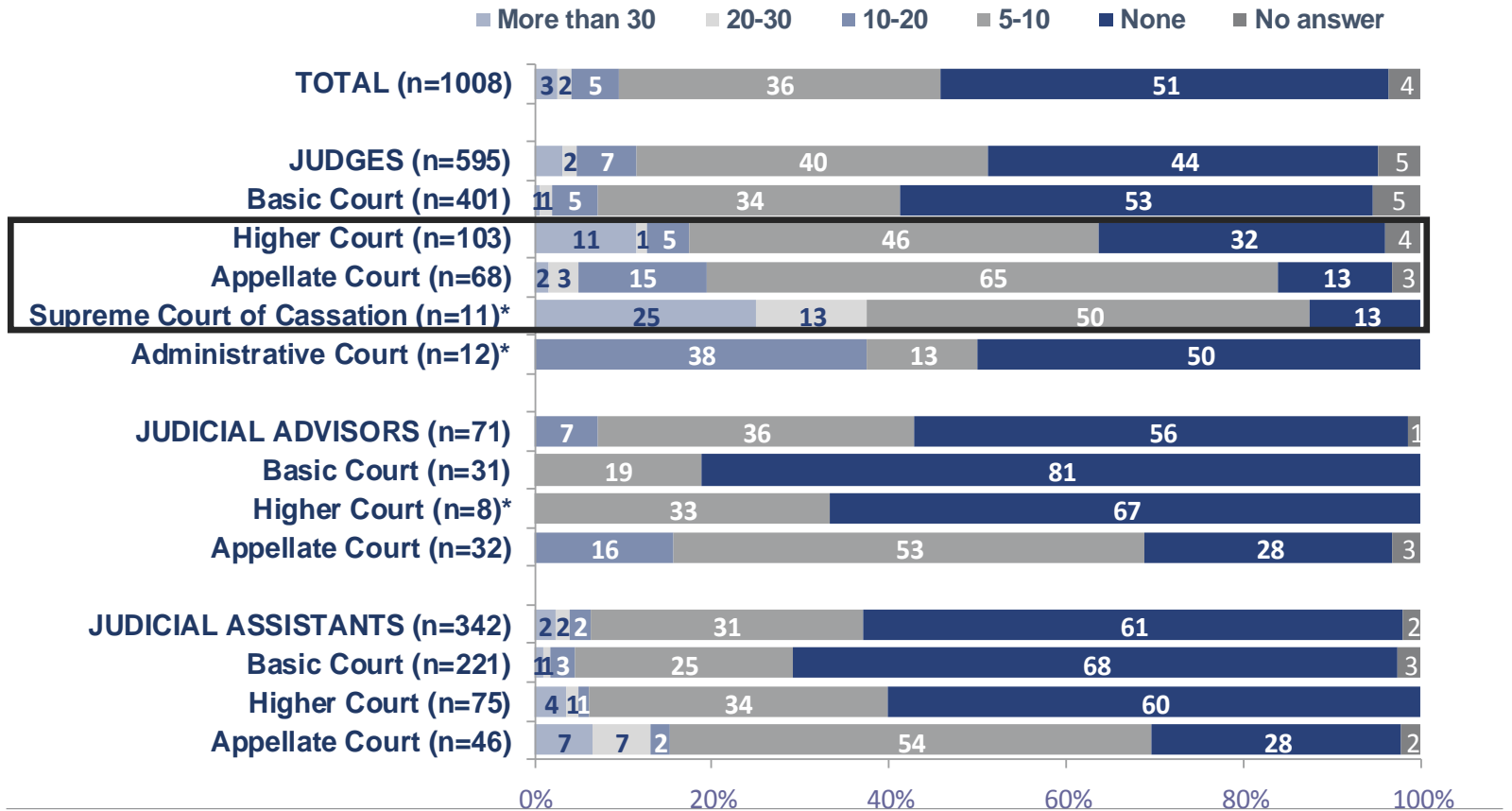
Frequency of referring to the articles of European Convention in the past year

Q14. In how many court decisions did you make reference to the articles of the European Convention on Human Rights during the past 12 months?

During the past 12 months, 51% of respondents did not make a single reference to an article of the European Convention on Human Rights. The percentage of those who did not make references at all is significantly higher among judicial assistants than among the judges (61% vs 44%).

The percentage of respondents who did not make references to the articles of the Convention decreases with court hierarchy and seems to be the lowest among judges of the higher courts, appellate courts and the Supreme Court of Cassation: judges from these courts tend to make references to the articles of the Convention more often than the others.

Judges, judicial advisors and judicial assistants who made references to the articles of the Convention did so between 5 and 10 times on the average, during the past year.





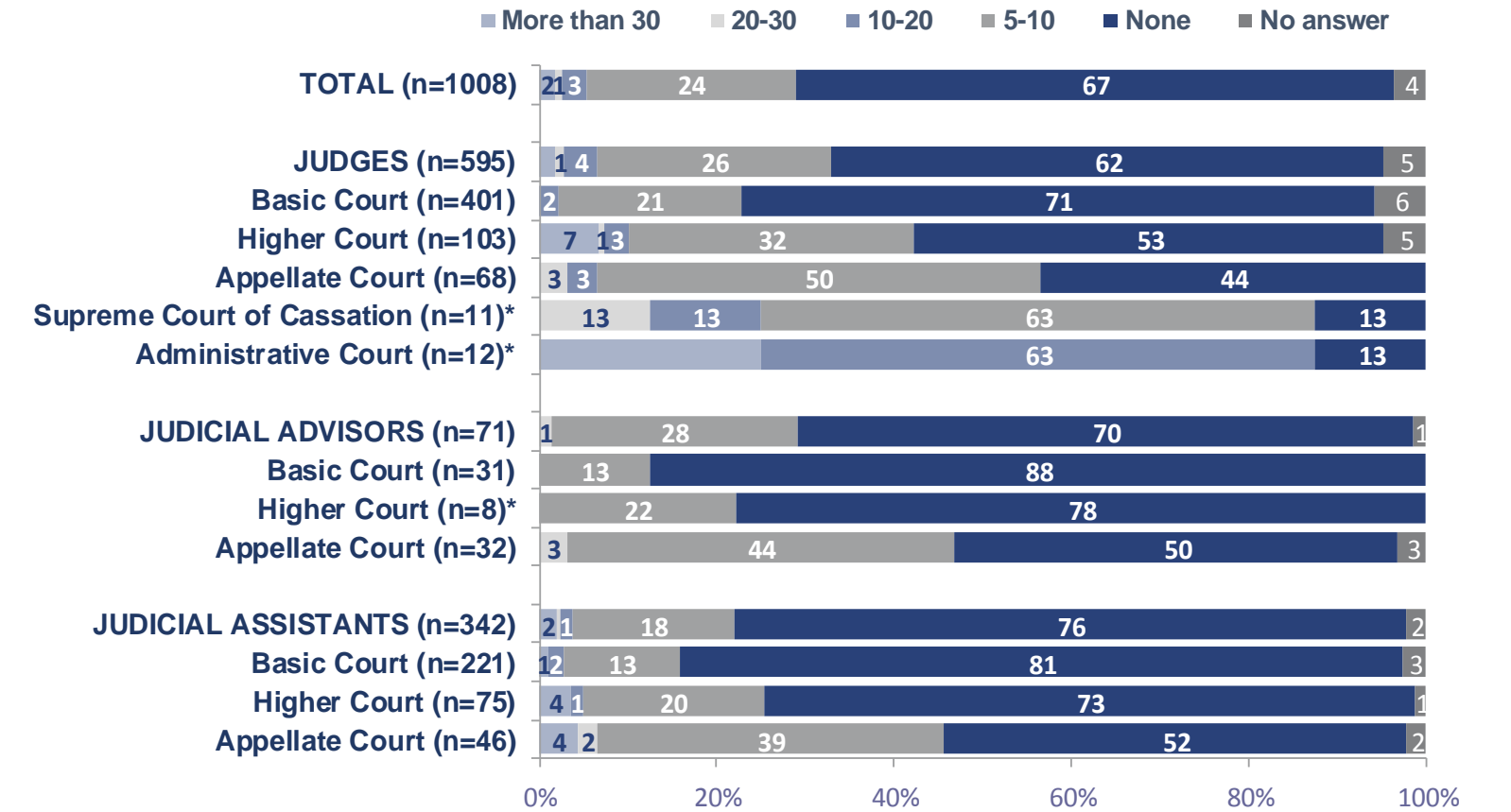
In total, approximately two thirds of respondents did not make a single reference to a judgement of the European Court of Human Rights during the past 12 months. Those who did so, made a reference between 5 and 10 times on the average during the past year (24%).

Among judges, the percentage of those who made at least one reference to a judgement of the European Court during the past year increases with court hierarchy.

70% of judicial advisors and as much as three quarters of judicial assistants did not make any references to the judgements of the European Court during the past year. There are significant differences within the groups of judicial advisors and assistants depending on the court hierarchy: advisors and assistants from the appellate and higher courts made references to the judgements of the European Court more often than their counterparts from the basic courts.

Frequency of referring to the judgements of European Court in the past year

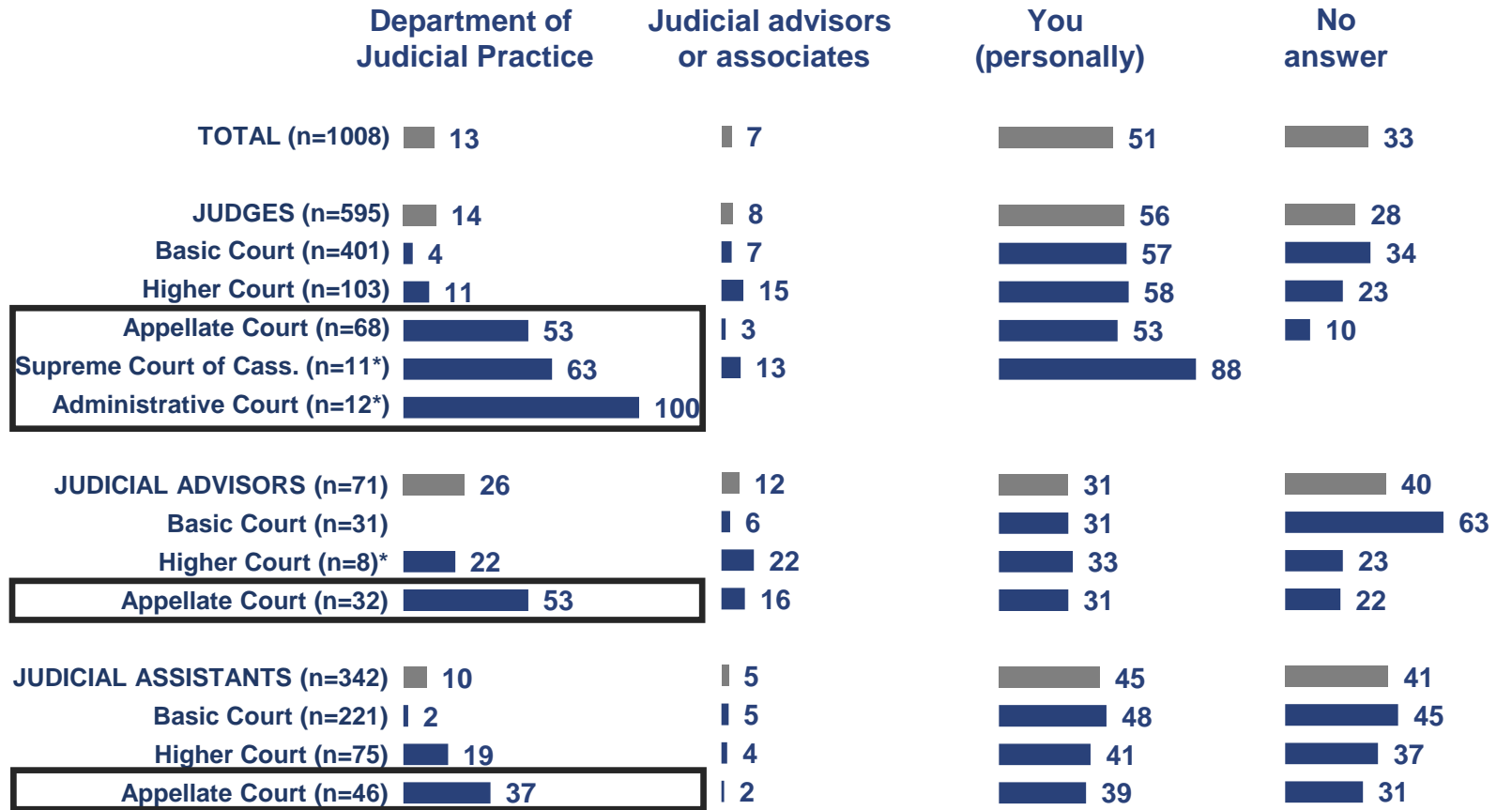
Q15. In how many court decisions did you make reference to the judgements of the European Court of Human Rights during the past 12 months?





Verification of accuracy of reference to a judgement of the European Court

Q16. When you make reference to a judgement of the European Court of Human Rights, who verifies its accuracy?



Slightly more than half of all judges (56%) personally verify accuracy of the references made to the judgements of the European Court when writing court decisions. The relevant percentage is significantly lower in the group of judicial advisors (31%) and somewhat lower in the group of judicial assistants (45%).

In total, 14% of judges, 26% of judicial advisors and 10% of judicial assistants claim that case law department at the court verifies accuracy of the references. There are significant differences depending on the court and the existence of the relevant department: the percentage is much higher among the judges from the appellate courts, the Supreme Court of Cassation and the Administrative Court, as well as among judicial advisors and judicial assistants from the appellate courts.

Overall, judicial advisors or associates verify the accuracy of the references made to the judgements of the European Court in only 7% of cases.

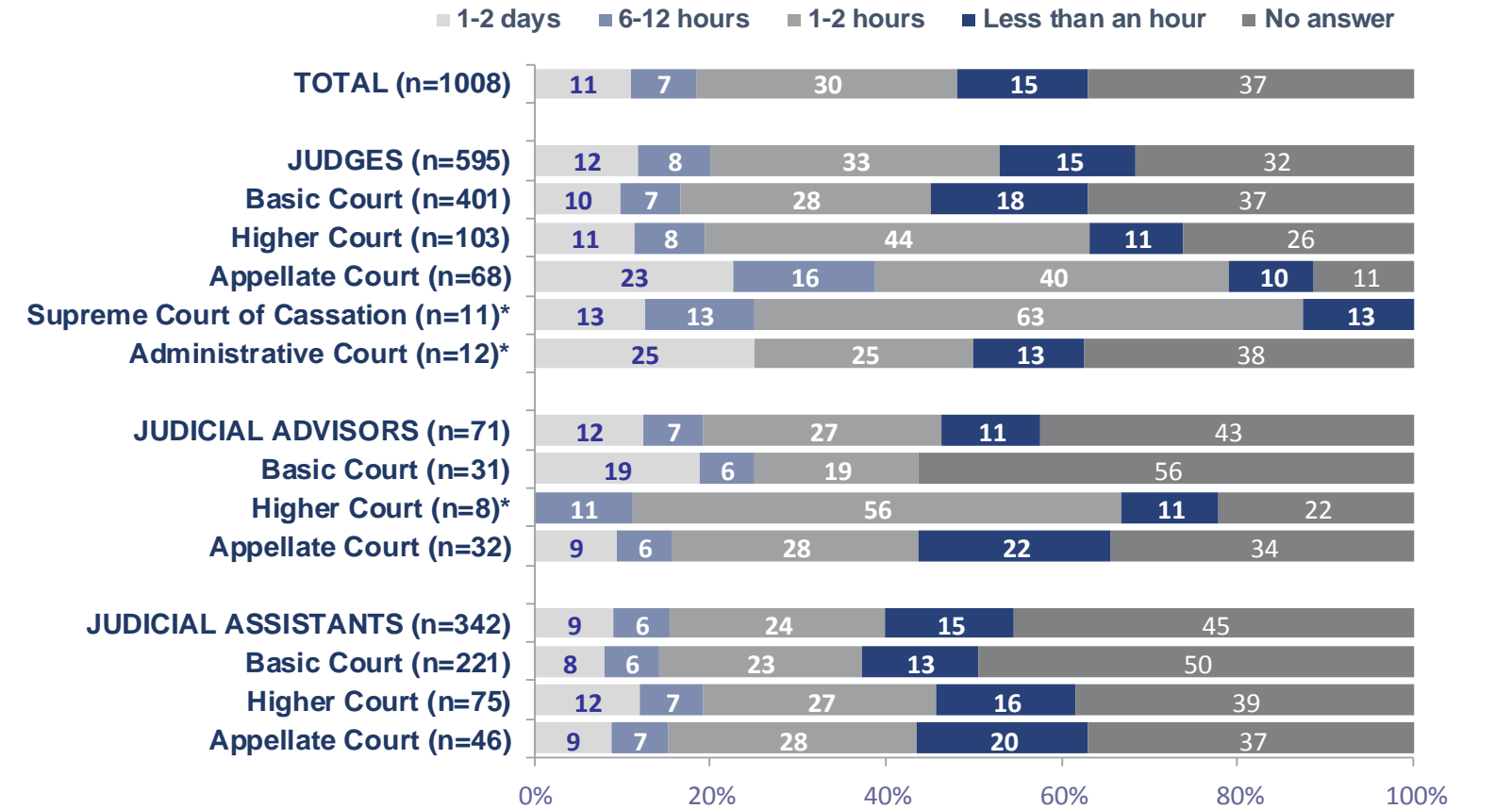


Time spent on the European Court judgment analysis when making a reference

Q17. How much time does it take for you to analyze the judgement of the European Court of Human rights when making a reference to it in your court decision?

Most judges, judicial advisors and assistants spend between 1 and 2 hours analyzing the judgment of the European Court of Human Rights when making a reference in their court decision (33% of judges, 27% of judicial advisors and 24% of judicial assistants).

In total, around 11% of respondents spend between 1 and 2 days for the analysis and 7% spend between 6 and 12 work hours. On the other hand, some 15% of respondents dedicate less than an hour to such an analysis.



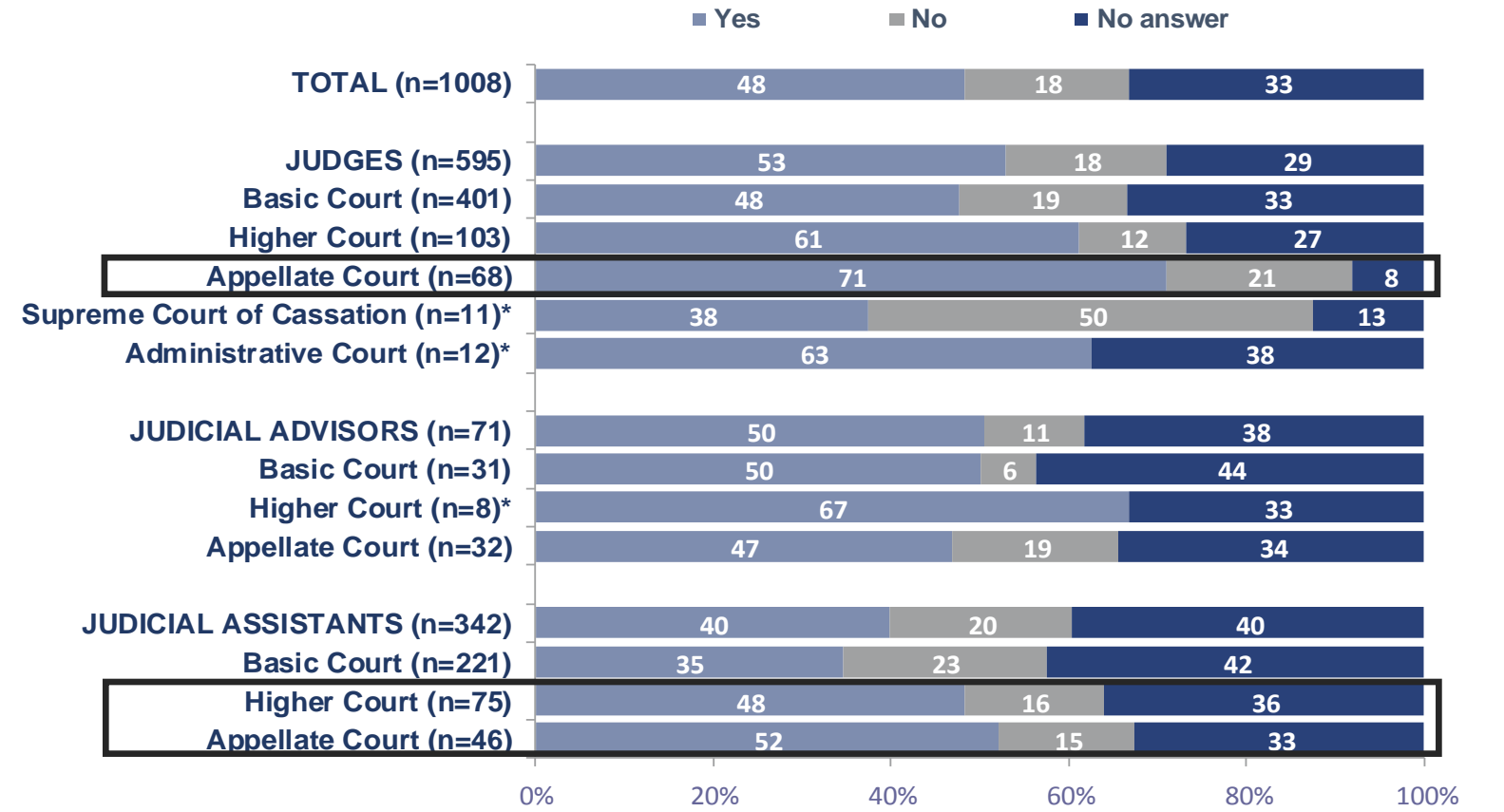


Application of the Supreme Court of Cassation's instruction for quoting the judgments

Q18. When you make reference to a judgment of the European Court of Human Rights in your court decision, do you follow the instruction of the Supreme Court of Cassation for quoting the judgements?

Approximately one half of all respondents claim that they follow the Supreme Court of Cassation's instruction on the correct quoting of the European Court of Human Rights judgments (53% of judges, 50% of judicial advisors and 40% of judicial assistants).

Judges from the appellate courts claim to follow the instruction in higher percentage (71%) than judges from some other courts. At the same time, the relevant percentage also seems to be higher in the group of judicial assistants from higher and appellate courts than among assistants from the basic courts.





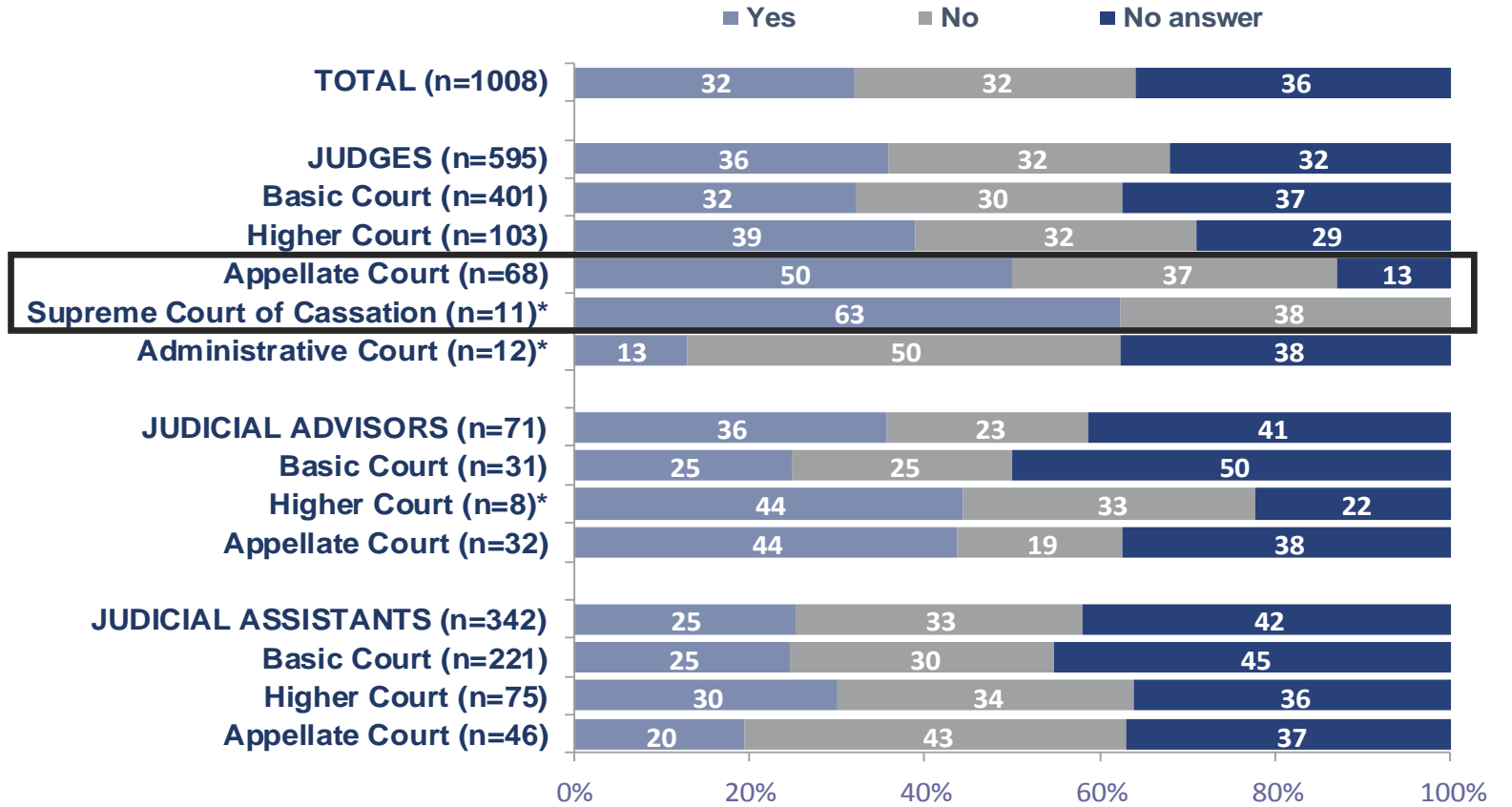
Interpretative commentary to the judgement of the European Court

Q19. When you make reference to a judgement of the European Court of Human Rights in your court decision, do you also provide an interpretative analysis of the judgement?

Overall, one third of all respondents claim that they provide interpretative analysis of the European Court of Human Rights judgement when making reference to the judgment in their court decision. Another third of respondents claim the opposite.

The percentage of judges who provide the interpretative analysis increases significantly with court hierarchy and seems to be the highest among the judges from the appellate courts and the Supreme Court of Cassation.

Roughly every third judicial advisor and every fourth judicial assistant state that they provide the interpretative analysis when making reference to a judgement of the European Court.

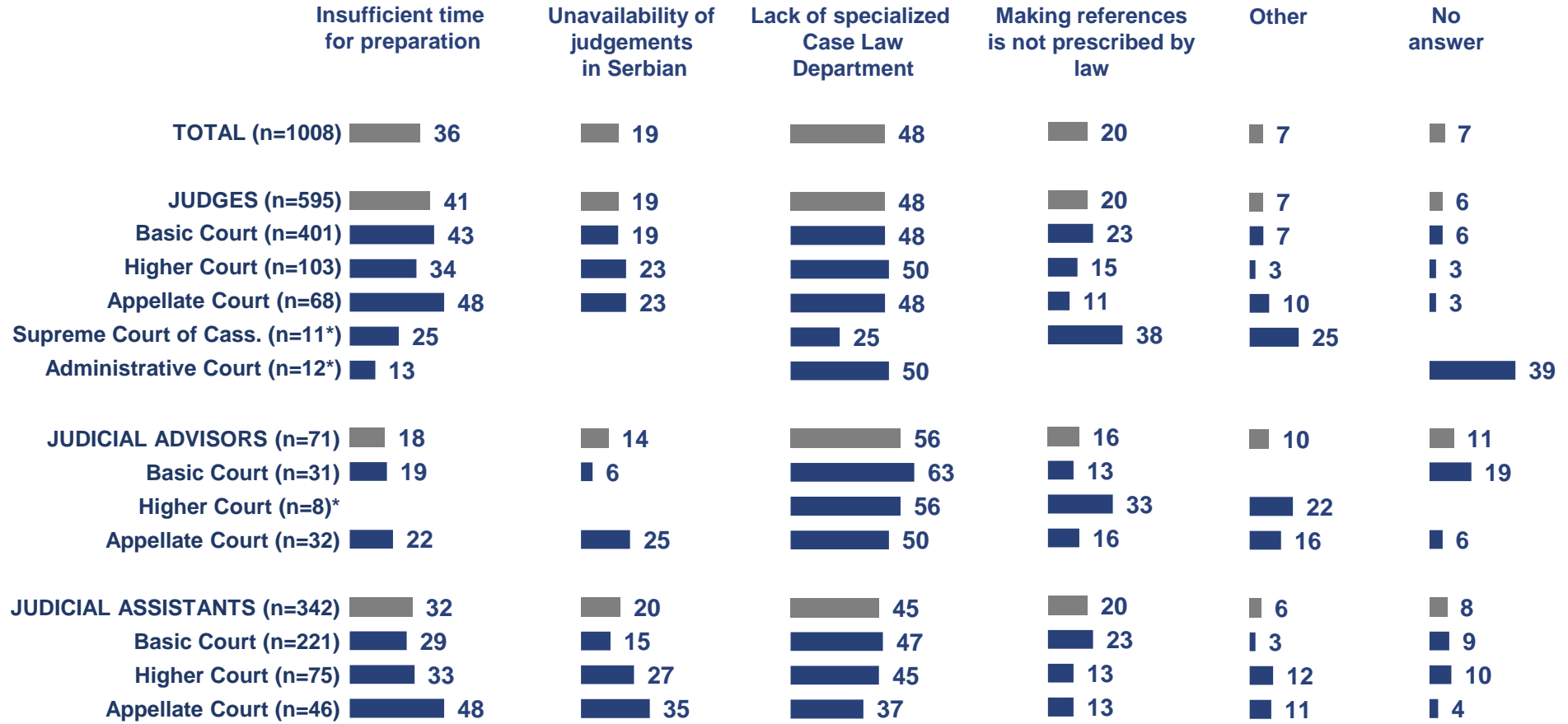




Main obstacles for making references to the European Court judgements

Q20. What is in your opinion the main obstacle for making references to the judgements of the European Court of Human Rights in the decisions of domestic courts?

The main obstacles for making references to the judgements of the European Court of Human Rights in domestic courts seem to be primarily the lack of specialized case law department at the court (48%) and then, insufficient time for preparation (36%). Other perceived barriers are: making references is not required by law (20%) and limited number of judgements available in Serbian language (19%).



Horizontal Facility for Western Balkans and Turkey



Base: all respondents. Multiple answers.

Unit: %



Content

1. Research Context and Objectives

2. Methodology and Sample Structure

3. Research Conclusions

4. Detailed Findings

- General information
- Previous training
- Referring to the judgments of the European Court of Human Rights in domestic court decisions

5. Comparison of Results Recorded in 2018 and 2014

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

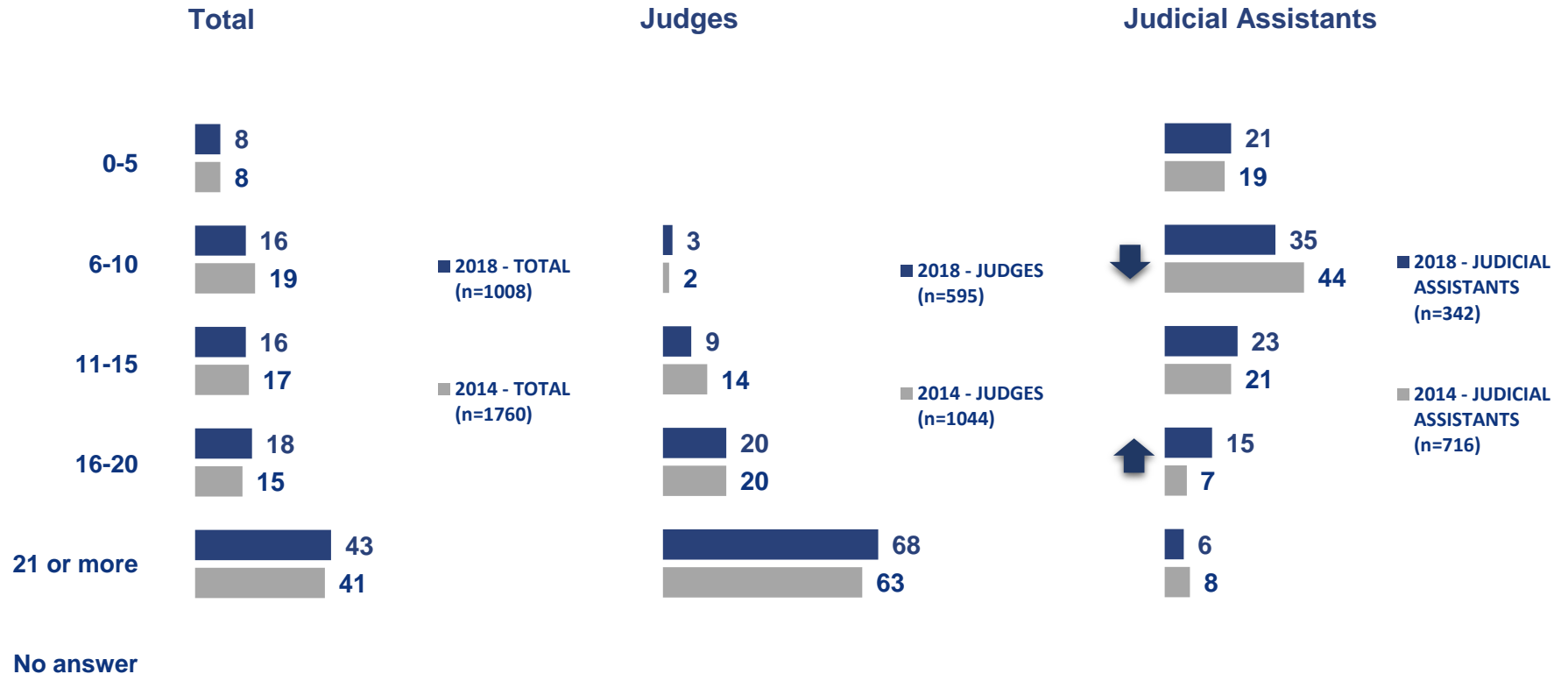


Results comparison 2018/2014: professional experience

Years of professional experience (after graduation):

There are no major differences regarding the years of professional experience between the indicators recorded in 2018 and 2014.

We record more prominent differences only in the group of judicial assistants - there are somewhat less respondents with 6-10 years of experience and more respondents with 16-20 years of experience in this group in 2018.



Horizontal Facility for Western Balkans and Turkey



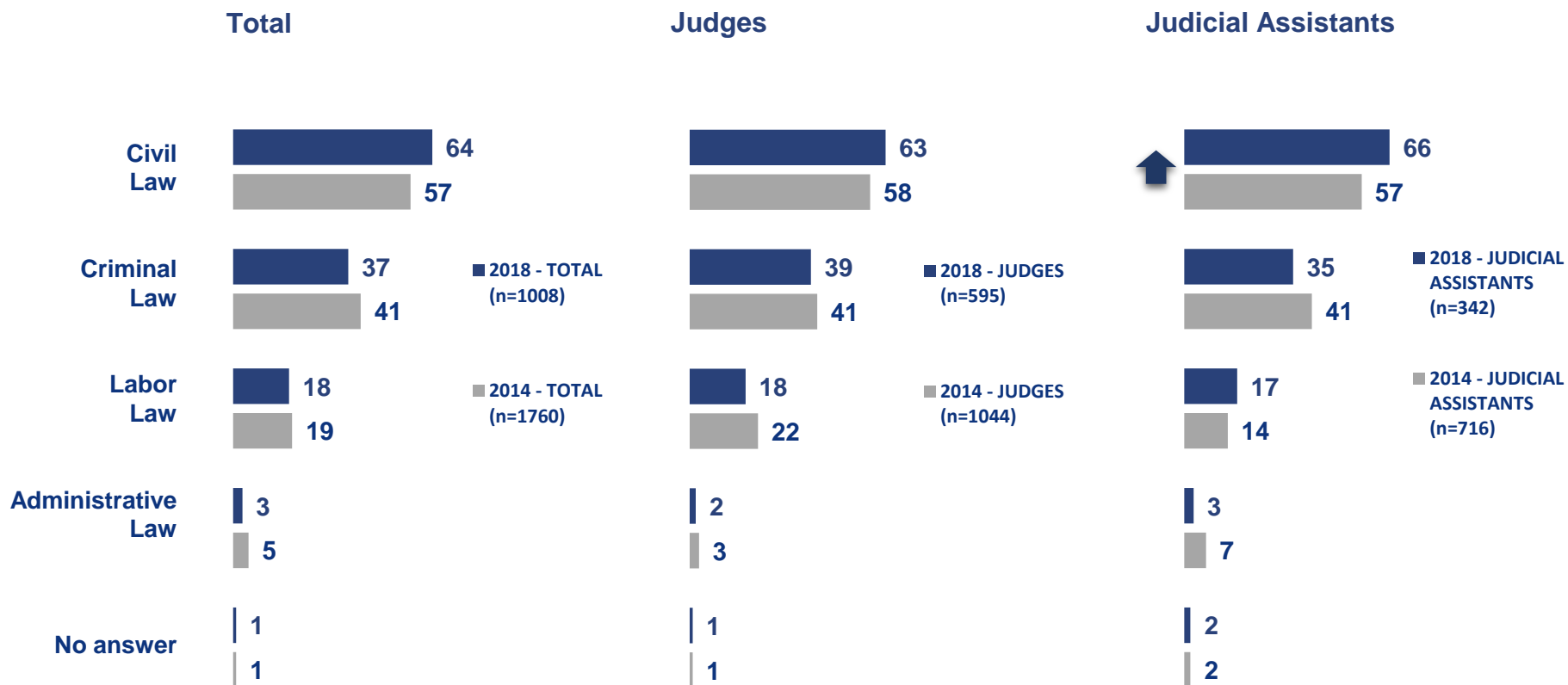
Unit: %



Results comparison 2018/2014: field of work

Field of work (you may choose more than one if applicable):

There are no major differences between the indicators recorded in 2018 and 2014 regarding the respondents' field of work neither, except that all respondents now mention civil law somewhat more often. The difference is most notable in the group of judicial assistants.



Horizontal Facility for Western Balkans and Turkey



Unit: %

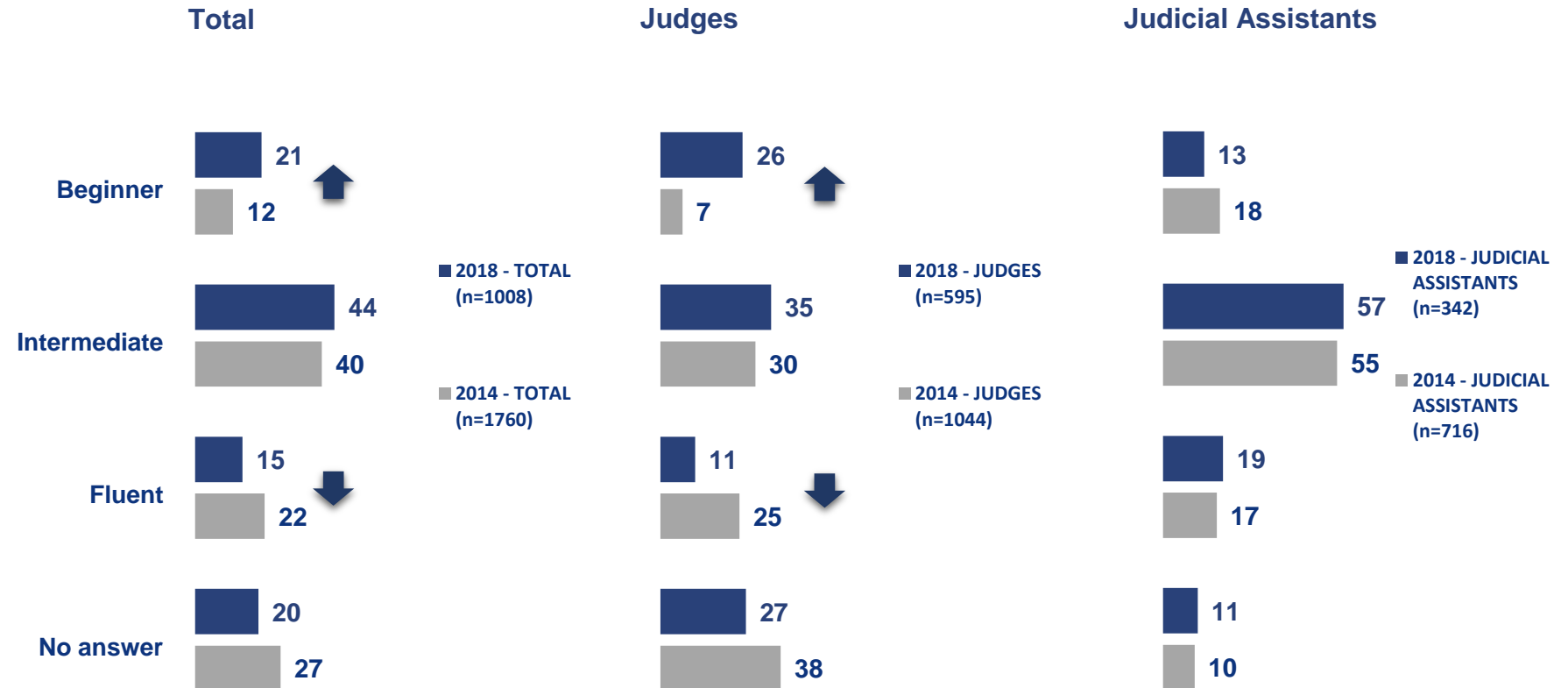


Results comparison 2018/2014: knowledge of English language

Level of proficiency in English language:

Regarding the knowledge of English language, there are now less respondents who claim to have fluent knowledge of English and more of those with beginner level knowledge in the group of judges in comparison with 2014.

In the group of judicial assistants, there are no major differences between the indicators recorded in 2018 and 2014 in this regard.



Horizontal Facility for Western Balkans and Turkey



Unit: %

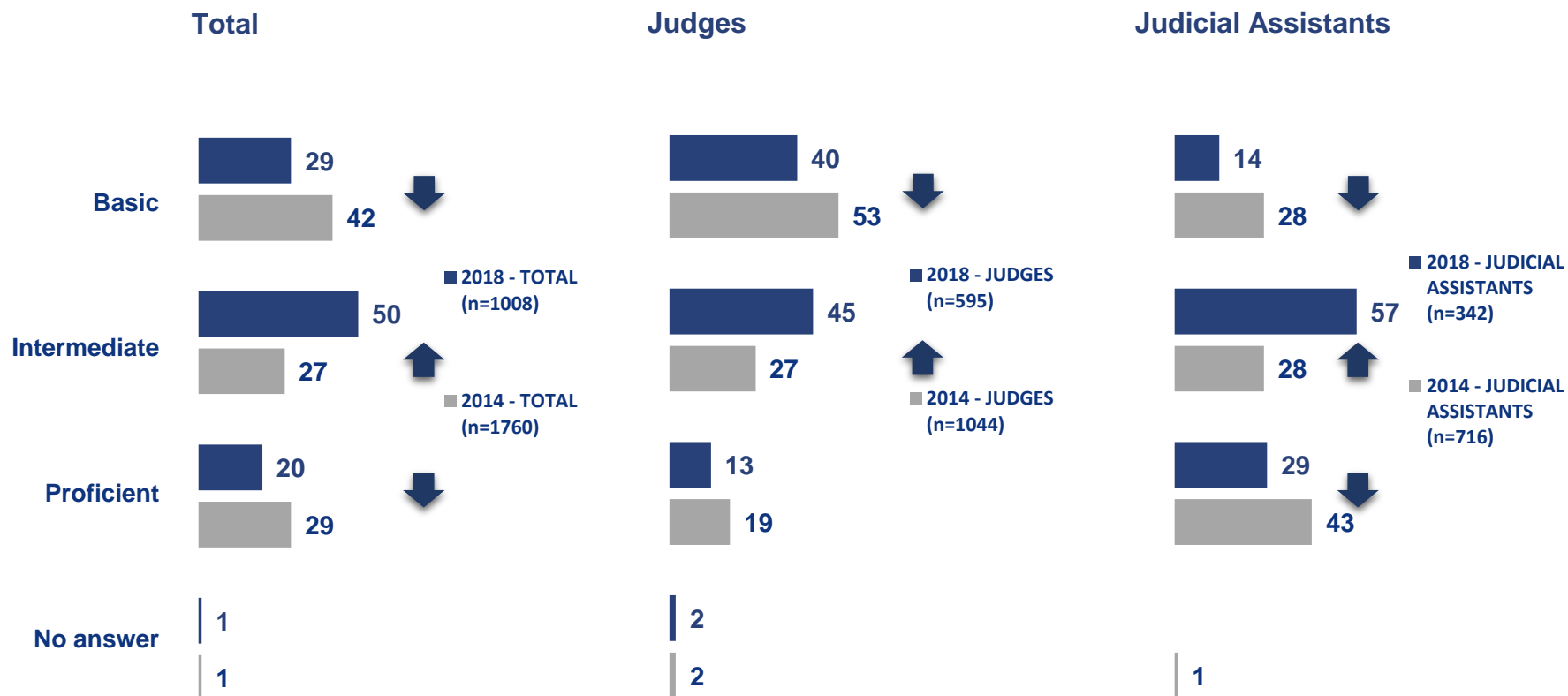


Results comparison 2018/2014: computer literacy

Level of computer skills:

There are less respondents with basic computer skills and more respondents with intermediate computer skills in both groups (judges and judicial assistants) in 2018 than in 2014.

On the other hand, we also observe a significant drop in the percentage of respondents who describe their computer skills as proficient in the group of judicial assistants.



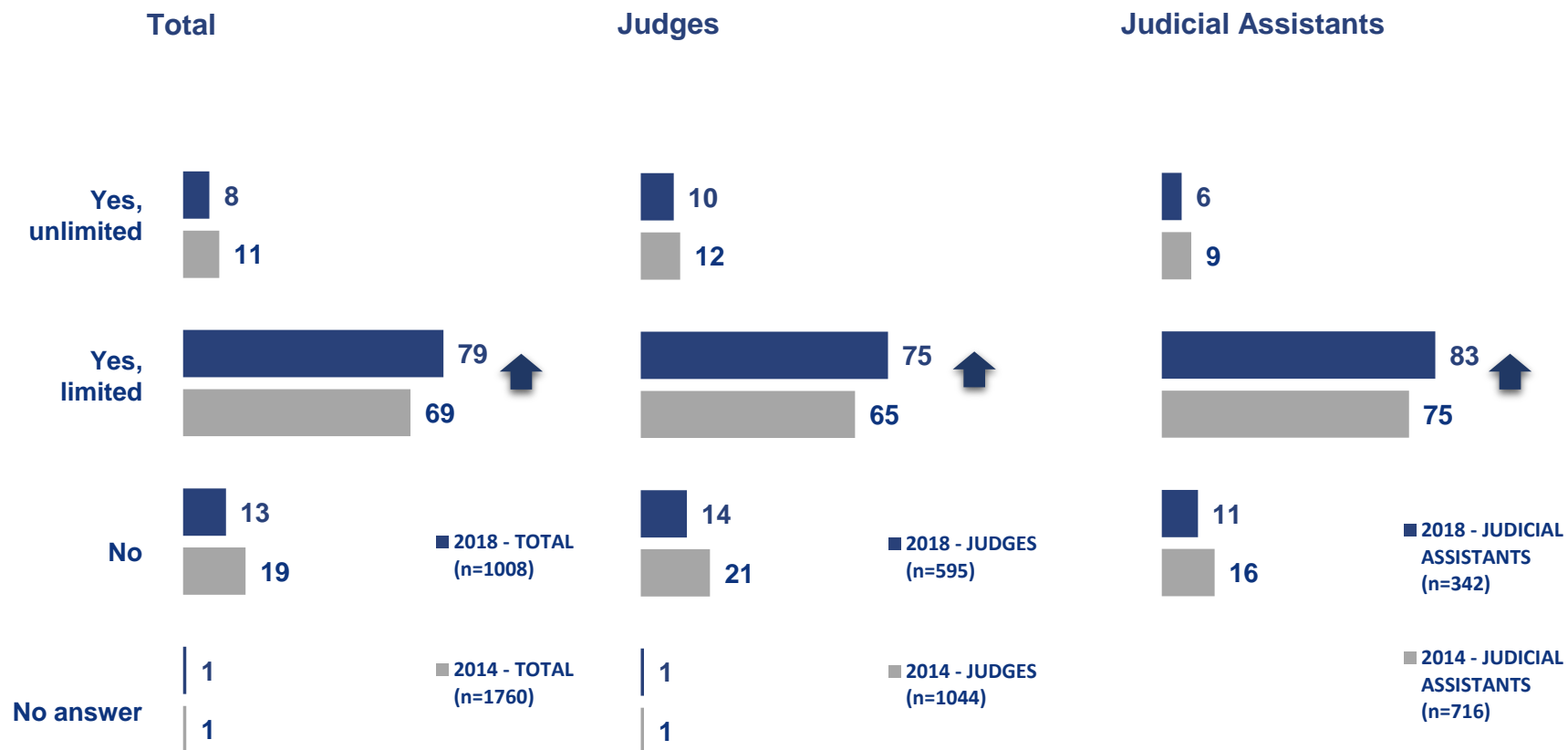
Horizontal Facility for Western Balkans and Turkey



Results comparison 2018/2014: Internet access

Do you have Internet access at work?

The percentage of judges and judicial assistants without Internet access at work is slightly lower in 2018 than in 2014. However, the percentage of respondents who have limited Internet access at work increased in 2018.



Horizontal Facility for Western Balkans and Turkey



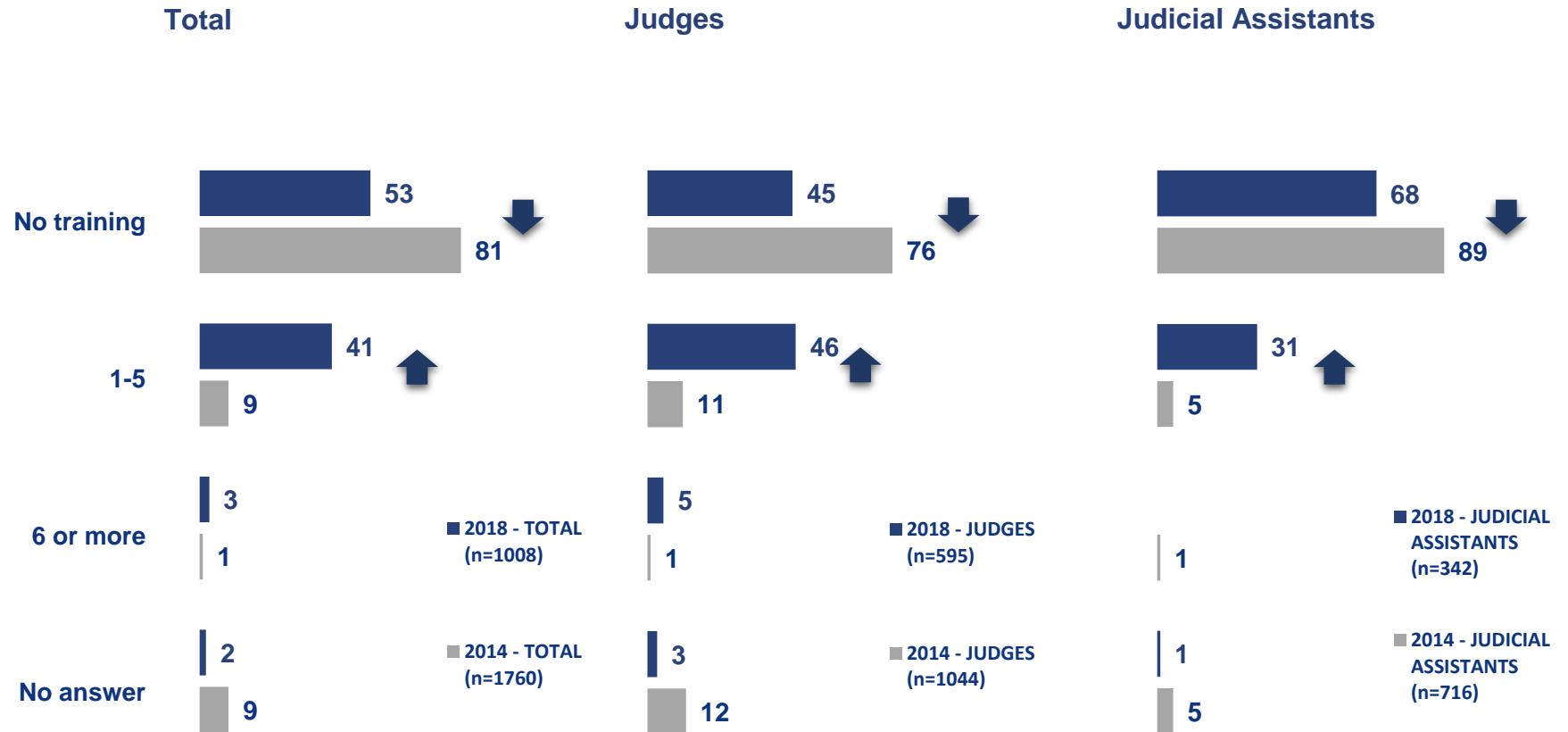
Unit: %



Results comparison 2018/2014: training in the European Convention on Human Rights in the past year

European Convention on Human Rights attended in 2017 (in days):

The percentage of judges and judicial assistants who attended trainings concerning the European Convention on Human Rights within the past year is now significantly higher than the relevant percentage recorded in 2014.



Horizontal Facility for Western Balkans and Turkey



Unit: %

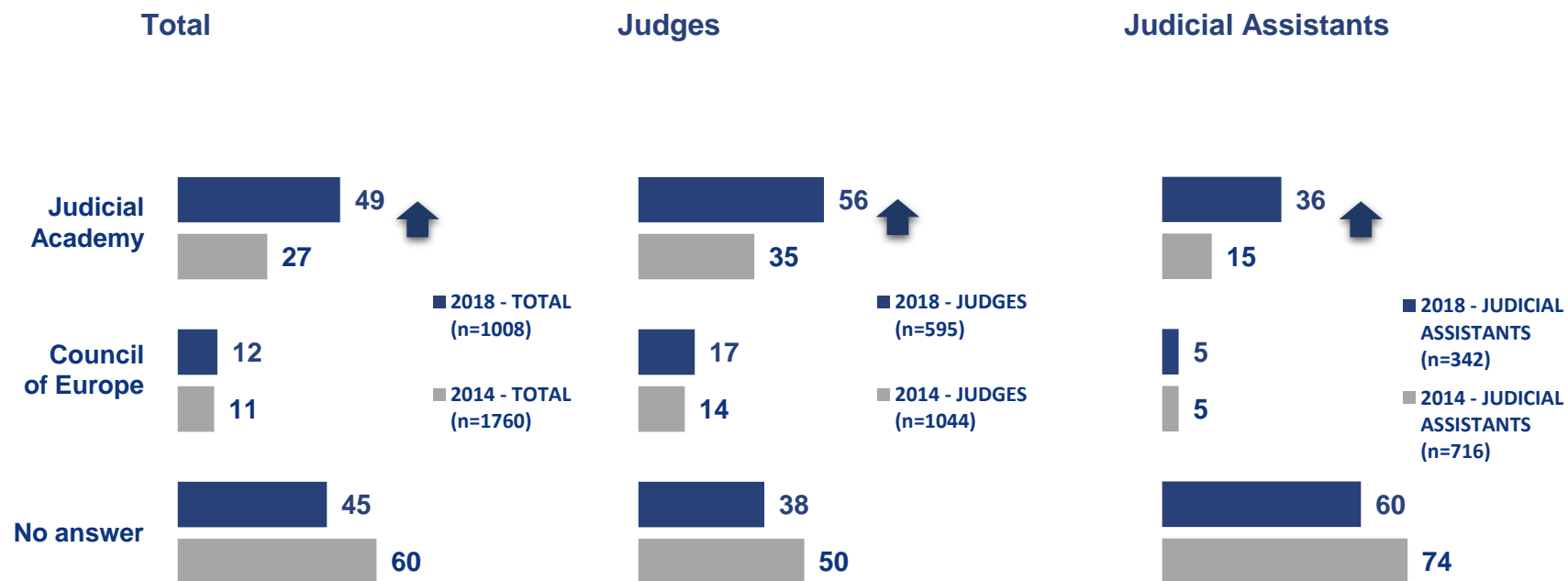


Results comparison 2018/2014: institutions which have provided training

Institutions which have provided training:

The respondents mentioned Judicial Academy as the training organizer much more often in 2018 than in 2014. This is true for both judges and judicial assistants.

In 2018 Council of Europe was mentioned as the training organizer at often as in 2014.



Horizontal Facility for Western Balkans and Turkey



Unit: %