Press Release

Judge For Yourself with Judge Dennis Davis
Sunday 31 July at 6.05pm

Judge Dennis Davis presents an urbane current affairs programme produced by e.tv's Anne-Marie Hanna (a graduate of the New York Film Academy) and Melanie Rice (senior e News anchor, journalist and producer).

In this episode: Do South Africans trust the judiciary? Areas under discussion include the independence of the judiciary, as well as the fact that many people feel that the race or gender of a judge influences decisions made in trials.

For further information on this topic see the appended press release, which incorporates vital research done by Research Surveys.

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ADDENDUM:

Press release: *17 July 2005*

Curious? Visit our website
www.researchsurveys.co.za

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Do South Africans trust the judiciary?

RS, South Africa's leading marketing insights company, conducted a survey in February 2005 amongst a representative sample of 2 000 SA adults from the seven metro areas of South Africa, interviewing them face-to-face in their homes, to determine their reactions to various issues. One of the issues RS examined concerned perceptions around the independence of the judiciary. People were asked to disagree or agree with a number of statements on this issue. The study was conducted for e-tv's "Judge for Yourself" discussion programme on Sunday nights, and is hosted by Judge Dennis Davis.

Do people feel that the courts are independent of government?
There is both a high degree of ambivalence as well as a strong negative feeling on this issue, with significant differences between the various race groups:

- **"The courts are independent of Government."**
    - Agree – 49% (blacks 57%, whites 30%, coloureds 46%, Indians 39%)
    - Disagree – 31%
    - Don't know – 19%

For all race groups, males are more likely to agree with this statement (males 53%, females 47%) with black males being the most positive (60% agree) and white females the least positive (only 28% agree). Even amongst blacks, there are differences by language (Tswana 63%, Xhosa 59% and Zulu 55%).

Do people feel that the race or gender of a judge influences decisions made in trials?
The results show disturbing perceptions (from about half of the people polled) that these two factors do indeed play a role:

- **"The race of a judge has an influence over how he or she judges a case."**
    - Agree – 52% (no differences between race groups)
    - Disagree – 31%
    - Don't know – 17%
- **"The gender of a judge influences a judge's decision on a trial."**
    - Agree – 45% (blacks 49%, whites 34%, coloureds 41%, Indians 48%), (males 48%, females 42%)
    - Disagree – 37%
    - Don't know – 18%

It is interesting to note that, on the gender issue, whites are the least likely to feel that a judge's gender affects her or his judgement.

On these two issues, there are some differences between the major cities on South Africa. On both, people in Bloemfontein, the home of the Supreme Court of Appeal, are the most concerned about race and gender biasing judges (75% and 65% respectively agree that these factors influence decisions handed down by judges). People in the Eastern Cape are the least concerned (only 37% agree with the statements given above).

Does the judge that is allocated to a criminal affect his or her chances of going to jail?
In the light of the above results, it is perhaps not surprising that almost two-thirds of people feel this makes a difference:

- **"Whether criminals go to jail depends on which judge they get."**
    - Agree – 63% (blacks 65%, whites 59%, coloureds 55%, Indians 79%)
    - Disagree – 24%
    - Don't know – 13%

Indians are the most cynical on this issue, as are Sotho speakers (71% agree) and, again, those in Bloemfontein (83%).

What about the system itself?
Bribery of justice officials is felt to be a problem by a very worrying three-quarters of people interviewed, and especially whites:

- **"It is easy for criminals to bribe justice officials."**
    - Agree – 73% (blacks 68%, whites 83%, coloureds 78%, Indians 84%)

    - Disagree – 14%
    - Don’t know – 13%

Interestingly, people in Bloemfontein had the lowest concern on this issue (53% agree) whilst those in Cape Town had the highest (83% agree). There are other concerns about the system, especially over the time the judicial process takes:

- **“It takes too long for criminals to be sentenced.”**
    - Agree – 85% (blacks 81%, whites 91%, coloureds 88%, Indians 97%)
    - Disagree – 10%
    - Don’t know – 5%

This is clearly seen to be a major problem by almost everyone, with much less ambivalence occurring than occurs on the other issues.

Do people know where the Constitution fits in to this?
People say that they know what their constitutional rights are:

- **"You know what your constitutional rights are."**
    - Agree – 73% (blacks 75%, whites 70%, coloureds 66%, Indians 69%)
    - Disagree – 18%
    - Don't know – 9%

Males are slightly more likely to agree (76%) compared with females (70%). There are some significant differences by region with people in Gauteng being more likely to agree (77%) and those in Durban being least likely to agree (60%).

However, there is some uncertainty as to whether this has improved people's lives, especially amongst whites:

- **"The rights that are protected by the Constitution have improved your life."**
    - Agree – 56% (Blacks 68%, whites 29%, coloureds 45%, Indians 34%)
    - Disagree – 34%
    - Don't know – 10%

Nonetheless, it is encouraging to note that the previously most disadvantaged group, blacks, are the most likely to feel that their lives have been improved by the protection afforded them by the Constitution. Again, this view was strongest in Gauteng (64%) and weakest in Durban (40%).

Summary
The results of this survey show that there are serious concerns over how the judiciary operates and the objectivity of judges at all levels, as well as in terms of race and gender. A considerable majority of people feel that bribery of officials is easy and that the process takes much too long. The image of the judiciary is clearly in need of urgent overhaul, but this needs to be done carefully as already one in three people feel that the courts are not independent of government.

People generally feel that they know their rights and previously disadvantaged people are the most likely to feel that the Constitutional protection of these rights that they now have has improved their lives.