



**THE ARAB CENTER FOR THE DEVELOPMENT OF THE RULE
OF LAW AND INTEGRITY**

**PROJECT TITLE: PROMOTING THE RULE OF LAW & INTEGRITY IN THE
ARAB COUNTRIES**

**REPORT ON THE STATE OF THE JUDICIARY
METHODOLOGY**

INDEX

<u>I. Report Team</u>	p. 2
<u>II. Language</u>	p. 2
<u>II. Research Process</u>	p. 2-3
<u>III. Writing and Editing</u>	p.3-5
<u>IV. National Workshop</u>	p.5
<u>V. Report writing, phase 2</u>	p.5
<u>VI. Editing, phase 2</u>	p.5
<u>VII. Presentation and Publication of Reports</u>	p.5

Name of document:	MediaReports_Methodology_En_16DEC200.doc	Responsible Party: Hovig Etyemezian				
Location	G:\ACRLILibrary\ACRLI-IFES-UNDP Project\Media Pillar\Media\Rule of law Media Project Documents\Final Documents for the author's meeting\Methodology					
Issue number:	Date of issue:	16-Dec-05	Page:	1/5		



Objective: Develop a report on the state of Judiciary in COUNTRY that will 1) describe the basic features and functioning of the judiciary, 2) assess compliance with a set of predetermined principles, and 3) present suggestions for short and long-term reforms.

I. Report Team

A lead author will have overall responsibility for research, writing and preparation of each report in its entirety. S/he will be assisted by one or two author(s) as necessary. The responsibilities of each member of the report team will be defined in the terms of reference of his/her contract.

The lead author's main point of contact will be the ACRLI coordination team/regional author and coordinator

II. Language:

ACRLI will publish the reports in Arabic and English. However, all report materials (text, supporting documents, etc.) should be provided to ACRLI in Arabic.

III. Research Process

The authors are responsible for compiling the data necessary to write the report. Within fifteen days of signing the contract, lead authors will be asked to submit a brief research plan to ACRLI, confirming which sections the lead authors and the other authors will write and describing the research plan, including the plan for in-depth interviews (see below), and deadlines for completion of drafts of different sections of the report.

Authors should submit a brief monthly report to the ACRLI pillar coordinator describing progress toward the research plan and timeline and noting any difficulties or challenges experienced.

Key sources of data (documents, field interviews, and public opinion research results) are described below.

A. Documents that should be referenced as background materials include:

- Constitutional texts, laws, decrees, rules, regulations relating to the Judiciary.
- Key statements (speeches, etc. by rulers, government officials that have the force of policy)
- Literature: key books, studies, reports, articles, assessments, and media articles on the Judiciary, especially those concerning reform.

B. Expert interviews. The lead author and co-authors should conduct field interviews in order to:

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1. Ensure that s/he is aware of all laws, decrees, and policy statements relating to the Judiciary.
2. understand how the principles to be analyzed operate in practice
3. identify challenges to and opportunities for reform
4. Probe the perception of stakeholders and experts about the state of the Judiciary.

Authors should conduct in-depth interviews with the following **stakeholders**:

Judges, prosecutors, officials at the ministry of Justice, experts, academics, specialized in the Judicial and Rule of Law issues, human rights and civil society groups, journalists specialized in the Judicial issues, businesspeople dealing with courts, etc.

In order to follow a systematized interview methodology, authors should develop a plan for field interviews. ACRLI will provide a draft questionnaire for the author's review. As mentioned above, the author should submit to ACRLI a list of planned interviews (including those to be conducted by co-authors) and a revised questionnaire. The author may chose to conduct more detailed interviews with a small number of experts, or to discuss certain points only with some interviews. ACRLI may suggest additional interviewees for the author's consideration. Authors should submit notes from in-depth interviews to ACRLI as well as tape recordings if allowed by the interviewee.

C. Survey. Parallel to the authors' research and writing process, ACRLI plans to conduct:

1. Surveys of members and users of the pillar (e.g. ----- etc.)
2. Public opinion research to gauge attitudes and perceptions about the Judiciary.

The data obtained from this research will serve as one data source for the reports. Authors may be asked to review draft survey questions for appropriateness and to advise on appropriate methodology for his/her country, as necessary. After the survey research is completed, authors will be asked to review the data and to incorporate it into the reports to support, or contrast with, his or her findings, analysis, and recommendations. ACRLI will support authors in this process. ACRLI will provide more detailed information about the opinion research process at a later stage.

IV. Writing and Editing

ACRLI will provide authors with an annotated report outline with detailed guidance on the structure of the report and on the writing process, and that lists the principles to be used as the basis of analysis. A brief description is provided here.

A. The analytical section of each report will assess compliance with a set of principles relating to good governance, the rule of law, and integrity in the pillar. ACRLI and IFES have developed the principles based upon research on international law and international and regional standards and best practices and upon consultation with experts.

For each principle, the author should present his/her analysis by taking into account the following questions, as relevant:

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1. Are the legal texts including and not restricted to, the constitution, the laws, the implementing decrees, rules and procedures in place to guarantee the respect of this principle?
2. Are the legal texts including and not restricted to, the constitution, the laws, the implementing decrees, rules and procedures applied in practice in a manner that guarantees the respect of this principle in a fair manner for all?
3. Are there extra-legal/informal factors which impact the respect of this principle?
4. What is the perception of the media and the public about the respect of this principle?

B. In-depth profile/analysis. The report will include a chapter that is a special in-depth profile that provides in-depth analysis on a particular issue related to the pillar.

C. Recommendations. Authors will develop a set of recommendations, drawing on his/her own analysis, suggestions from experts and others interviewed, and survey data, as relevant. The recommendations should take into account past reform efforts to show how reform programs can build upon successes, and to identify how reform challenges can be overcome. Most important, rather than simply listing reforms, the author should prioritize recommendations based on feasibility, importance, and national priority. This 'strategic' approach to recommendations will differentiate the ACRLI reports from similar initiatives in the region and elsewhere. To that end, the recommendations should include:

- Short and long term priorities.
- Specific reform suggestions.
- An assessment of feasibility.
- Suggested strategies to achieve reforms (including a discussion of which constituencies are likely to support, and to oppose, particular reforms).
- Key agents of reform (governmental and non-governmental).

Report writing, phase 1 – The lead author will compile the first draft of the report. This first draft will consolidate the various data collection and sections of the report, including contributions from co-authors (chapter sections or whole chapters), information from in-depth interviews, quantitative data on the pillar (statistics, etc.), survey data, etc. The author will compile and edit all this material into a solid first draft. Bi-weekly reports should be

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communicated to ACRLI during this phase.

Editing, phase 1 – Once the first draft is complete, the main author will review it with the authors and specialists and edit it. ACRLI will prepare the report for presentation at the national workshop.

V. National Workshop

The edited draft reports will be presented at a national workshop that convenes experts and others closely related to Media. The event should be used as a venue to refine the recommendation section of the report and to promote a debate on reform strategies.

VI. Report writing, phase 2

Following the presentation of the draft report at the national workshop, the author will make all the necessary edits based on the feedback and suggestions received during the workshop.

VII. Editing, phase 2

ACRLI will finalize the report for publication.

VIII. Presentation and Publication of Reports

The final report will be presented and discussed at a regional workshop on the pillar, to be held after finalizing the reports. This workshop will be a platform to publicize the report finding to key audiences and to advocate for commitment to national and regional reform agendas. It will also be an opportunity for authors, experts, and others to debate the priority of reform recommendations, their feasibility, and the strategies to pursue to achieve them. The reports will be published in Arabic and English, and broadly disseminated. They will also be made available on the ACRLI and IFES websites as well as on a comprehensive project CD-Rom.

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