



Regional report
Surveys on the State of the Judiciary
In Egypt, Jordan, Lebanon, and Morocco.
Draft

I- Methodology overview

ACRLI developed a set of principles aimed to assess the state of the judiciary in Arab countries. This set of principles was translated into a questionnaire targeting expert users (judges and Lawyers) in four Arab countries: Egypt, Jordan, Lebanon, and Morocco.

The questionnaire tapped into 4 major dimensions (independence, integrity/impartiality, competence, and efficiency) and contained 108 question items, 70 of which asking participants about their evaluation of specific aspects of the judiciary, 17 asking about the reforms needed, and 21 providing a general evaluation of the state of the judiciary in the participant's country.

A second, independent and less specialised questionnaire was developed for the general public. Sample selection and population parameters for the expert survey are outlined in the table below:

	Egypt ¹		Jordan		Lebanon		Morocco ²	
	Population	Sample	Population	Sample	Population	Sample	Population	sample
judges	1375	80	267	80	189	47	754	80
Lawyers	72,945	120	3245	120	3411	120	4245	120
Refusal rate	30.3%		high		high		negligible	

Sample size and for the general opinion survey are outlined in the table below:

	Egypt	Jordan	Lebanon	Morocco
location	Cairo, Alexandria	Amman	Greater Beirut	Rabat, Casablanca, Marakesh
Sample size	800	400	400	800
Immediate Refusal rate	11%	27.2%	negligible	18.3%
Gender ration ♂-♀ %	58 - 42	52-48	50-50	50-50

¹ Locations surveyed in Egypt: Cairo and Alexandria

² Locations surveyed in Morocco: Casablanca, Rabat, Marakesh



II- Expert and public opinion findings

Generally, lawyers had significantly more grievances than judges in each of the countries surveyed. The table below highlights the number of items rated negatively by judges and lawyers in each of the four countries.

Country	Judges	Lawyers	In common
Egypt	12	36	10
Jordan	11	38	9
Lebanon	22	52	21
Morocco	7	44	4

Note: total number of items = 65

Overall, Judges in Egypt and Jordan rated about 17-18% of items negatively, while Moroccan Judges rated 11% of items negatively. The worst evaluation made by judges was in Lebanon, with 34% of items rated negatively. Lawyers on the other hand, voiced complaints about 55 to 80% of items measuring the SOJ.

Please refer to country profiles and appendices for detail on the top five most negatively rated items in each country.

Dimension analysis:

When items are clustered together to measure a state of the judiciary principle, a broader evaluation of the SOJ is made possible. The table below summarises the main grievances by judges and lawyers in each of the four countries.

		Egypt		Jordan		Morocco		Lebanon	
		J	L	J	L	J	L	J	L
Independence	guarantees of judicial independence						x		x
	Freedom of expression and association	x	x	x	x	X	x	x	x
	Personal independence								x
	Security of tenure		x		x		x		x
	Institutional independence				x		x	x	x
Integrity / Impartiality	Institutional Impartiality		x		x		x	x	x
	Personal integrity						x		x
Competence	Objective criteria of selection		x		x				x
	Objective system of promotion		x					x	x
	objective and well-defined disciplinary processes				x		x		x
	Training							x	x
Efficiency	Reasonable time to receive final and binding judgments		x		x		x		x
	Transparent and effective court administration						x		x
	effective enforcement of court judgments	x	x		x		x		x



Processes (don't know exactly what the translation is. It's section 1 in efficiency)										x
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As can be seen in the table above, judges and lawyers in all four countries surveyed voiced complaints about the lack of “freedom of expression and association”, one of the independence principles of the SOJ. This seems to be the only common grievance across samples.

Judges in Jordan and Morocco did not voice any other grievance. Judges in Egypt voiced concern about the effective enforcement of court judgements. Judges in Lebanon voiced concern about freedom of expression and association, institutional independence and impartiality, objective system of promotion, and training qualifications, i.e. with the principles of independence, integrity, and competence (but not efficiency).

Lawyers on the other hand expressed grievances in every principle listed. Lawyers in all four countries reported dissatisfaction with: freedom of expression/association, security of tenure, institutional impartiality, reasonable time to receive binding judgement, and the effective enforcement of court decisions. Please refer to table above for a discussion of individual country differences.

Reform:

The table below presents the ranking of the most important reforms according to the priorities identified in each country by the participants in the survey:

ITEM	Egypt		Jordan		Morocco		Lebanon	
	J	L	J	L	J	L	J	L
70. Reforms to improve the judicial training systems are needed to improve the competence of the courts	1	2	2	3	1	3	4	
47. Reforms are needed to strengthen the qualifications and skills of judicial officials	3	4	1	1	2	1		
87. Reforms targeting the improvement of the enforcement system are needed	2	1	4		5	2		
61. Reforms in the promotion and transfer criteria are needed to improve the competence of the courts	4	5		5			2	2
83. Reforms are needed to improve the speediness of delivery of judgments				4		4	5	1
9. Institutional reforms are needed to strengthen the independence of the judiciary			5				1	4
55. Reforms are needed to improve the judges' selection process	4	2		2				
36. Reforms to promote judicial officials' personal integrity are needed		3				5		1
16. Reforms to strengthen the personal independence of judges is necessary			3		4		3	
30. Reforms to increase institutional integrity are needed						4		3
19. Reforms to strengthen freedom of expression and association are needed	5							



25. Reforms to increase job security within the judiciary are needed					3		
42. Reforms are needed to improve the integrity of trial procedures						5	
67. Reforms in the disciplinary process are needed to improve the competence of the courts							5

As can be seen in the table above, the most common types of reform requested pertain to the competence dimension (i.e. the need for better qualifications and for appropriate training). Judges in all four countries and lawyers in Egypt, Jordan and Morocco voiced the need for reform in the judicial training system. Moreover, both lawyers and judges, in Egypt, Jordan and Morocco, stressed the need to strengthen the qualifications and skills of judicial officials.

Judges in Egypt and Morocco pointed out at the need for improvement in the judicial training system (competence) as the most important type of reform. Judges in Jordan identified the need to strengthen the qualifications and skills of judicial officials (competence) as the most required reform, while Lebanese judges surveyed stressed the need for institutional reforms (independence).

On the other hand, lawyers in Egypt pointed out at the necessity to improve in the enforcement system (efficiency) as the most important type of reform. Lawyers in Jordan and Morocco stressed mostly on the need to strengthen the qualifications and skills of judicial officials (competence). Finally, in the opinion of lawyers in Lebanon, the improvement in the speediness of the delivery system (efficiency) and the promotion of judicial officials' personal integrity (integrity) are perceived to be the most necessary reforms.

III- Public opinion

A- Preliminary and background results:

Before presenting the main findings from the public opinion survey on the SOJ, details from a few background questions shed some noteworthy light on the population surveyed in each country. Of importance are the following:

- There is a high level of illiteracy in both Cairo and Alexandria; 16.5% of the sample surveyed reported being illiterates, and another 35% reported completing elementary school only.

The samples surveyed in each country reported contrasting experiences with the judicial system. Results are presented in the table below:

		Egypt	Jordan	Lebanon	Morocco
Have you ever dealt with the courts in your country?	Yes	21.9	30.5	16.3	28.9
	No	78.1	69.5	83.8	71.1
Have you paid or been asked to pay bribes or honoraries to the court staff?	Yes	59.5	18.9	38.5	51.1
	No	40.5	81.1	61.5	48.9
Has anyone asked you to give gifts or pay money to the judge presiding your case? ³	Yes	11.3	14.8	23.1	25.3
	No	88.7	85.2	76.9	74.7

³ Rates reported are for those who have had experience with the court system



- There is a contrast in the level between countries: both the Egyptian and the Lebanese samples reported low interaction with the courts (16 and 22% respectively), while Jordanian and Moroccan participants reported higher levels with 1 in 3 participants having had some experience with the courts.
- Bribery of court staff also varies between countries; the lowest rate is reported in Jordan (19%) and the highest in Egypt (almost 60%).
- Bribery of judges is significantly lower than bribery of court staff, with the lowest rate reported in Egypt (11%) and the highest in Morocco (25%).

Participants' experience with their lawyers and their evaluation of the judge presiding the case also varied between countries. The table below presents some of the main findings:

To what extent...		Egypt	Jordan	Lebanon	Morocco
was your <i>lawyer discreet and honest</i> ?	Large Extent +	64.5	47.4	60.9	46.4
	Neutral	20.3	25	15.6	3.3
	Small Extent -	15.1	27.6	23.4	50.2
was your <i>lawyer competent in dealing with your case</i>	Large Extent +	59.5	45.3	60.9	48.6
	Neutral	27.7	23.1	20.3	5.2
	Small Extent -	12.7	31.6	18.8	46.2
are you satisfied with the way that the <i>Judge handled your case</i> ?	Large Extent +	45.1	40.2	34.9	34.8
	Neutral	23.8	17.1	30.2	7.6
	Small Extent -	31.1	42.7	34.9	57.6
was the <i>judge who was handling your case competent</i>	Large Extent +	48.8	48.7	41.4	39.4
	Neutral	29.2	16.8	31	7.9
	Small Extent -	22	34.5	27.6	52.7

Results presented in the table above indicate that participants in Egypt and Lebanon have a favourable evaluation of their lawyers' performance and a divided evaluation of the judges' performance. On the other hand, participants in Jordan expressed mixed reviews, with opinions relatively divided between positive and negative evaluations to both the lawyers and the judges' performance. Finally, participants in Morocco had mostly negative evaluations of both their lawyers' and the judges' performance.

B- State of the Judiciary:

Participants in Egypt and Jordan rated about half the items negatively, while participants in Lebanon and Morocco rated about 85% of items negatively. The table below highlights the number of items under each principle that received a negative evaluation.

		Egypt	Jordan	Lebanon	Morocco
Specific items questions (14)	Independence	1	1	2	2
	Integrity	7	4	5	5
	Competence		3	4	4
General evaluation questions assessing judges (4)	Independence			X	X
	Enforcement of rulings	X		X	X
	Honesty; no corruption			X	X



	competence				
	impartial			X	X
Total (18)		9	8	15	15

Public response to the state of the judiciary varies greatly between countries. The most favourable evaluation came in Amman, while the most negative came in Beirut and Moroccan cities.

- Egyptian participants voiced a significant amount of grievances (7/8) about the judicial system's integrity (not the personal integrity of Judges as such). These complaints extended to a negative evaluation of the enforcement of rulings criteria.
- Jordanian participants had a relatively positive evaluation of the judicial system in Amman. Although specific grievances were voiced about specific items, the overall/general evaluation was positive.
- Lebanese and Moroccan participants had the most negative evaluation of the state of the judiciary in their respective cities. Grievances covered almost all principles. Only the judges' competence was not put in question.

C- Reform questions:

Participants in all countries/cities were asked to rate/rank the priority of reforms within the judiciary; results are presented in the table below:

Reforms of:	Egypt	Jordan	Lebanon	Morocco
enhance the efficiency of the judiciary	3	1	3	1
the independence of the judiciary	1	2	1	3
the competence of the judges	4	3	4	4
enhance the judiciary integrity	2	4	2	2

Participants in both Egypt and Lebanon ranked reform priorities in a similar way (independence, then integrity, then efficiency then competence); these ranks changed for Jordan (efficiency, then independence, then competence, then integrity) and for Morocco (efficiency, then integrity, then independence then competence).

IV- Conclusions

Experts:

- Judges and lawyers differed in their evaluation of the SOJ. Specifically, judges expressed a significantly lower amount of negative evaluation than lawyers did (average ratio about 1:3).
- If we consider the number of items/dimensions that received a negative evaluation as an indicator of the SOJ in each country, than the best ranking are the following:
 - According to judges: Morocco, Jordan, Egypt than Lebanon;
 - According to Lawyers: Egypt, Jordan, morocco, Lebanon.
- With the exception of Lebanon, judges evaluated the SOJ in a relatively positive way (less than 20% grievances) while lawyers rated about half the items measuring the SOJ negatively. Grievances in Egypt and Jordan are quite close in number/rates; Morocco has the best judge evaluation.



- Judges and lawyers in Lebanon gave a significantly negative evaluation of the SOJ, with judges complaining about a third of the items, while lawyers complained about 80% of items! These rates are almost double the ones reported by experts in the other samples.
- The most significant grievance across lawyers, judges and countries relate to freedom of expression and association, a sub principle of the independence principle in the SOJ.
- The profile of grievances differs per country and would thus require country specific interventions.

Experts did voice positive evaluations to specific items and dimensions, but these are not presented in this report. Please refer to individual country analysis for a detailed review.

Public evaluation:

Public evaluation of the SOJ differs from experts in the field, especially in Morocco. Generally, the public in all cities surveyed had a more negative evaluation of the SOJ in their country (Egypt and Jordan: half of items negatively; Lebanon and Morocco about 85% of items negatively).

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Reform request centre on independence and efficiency with few concerns related to competence. And integrity (except Jordan)

On the other hand, it is important to note the following points:

- both the Egyptian and the Lebanese samples reported low interaction with the courts (16 and 22% respectively), while Jordanian and Moroccan participants reported higher levels with 1 in 3 participants having had some experience with the courts.
- Bribery of court staff also varies between countries; the lowest rate is reported in Jordan (19%) and the highest in Egypt (almost 60%).



- Bribery of judges is significantly lower than bribery of court staff, with the lowest rate reported in Egypt (11%) and the highest in Morocco (25%).
- Results indicate that participants in Egypt and Lebanon have a favourable evaluation of their lawyers' performance and a divided evaluation of the judges' performance. On the other hand, participants in Jordan expressed mixed reviews, with opinions relatively divided between positive and negative evaluations to both the lawyers and the judges' performance. Finally, participants in Morocco had mostly negative evaluations of both their lawyers' and the judges' performance.

If we were to combine the reports of experts and the public opinion results, it seems that the SOJ in Amman is the most positively evaluated while the SOJ in Lebanon is the worst evaluated. Egyptian and Moroccan participants fall within. It is important to note that when scores between experts and the public are collated, the Moroccan samples are the most divergent.

Finally, it is important to note that the conclusions drawn above are subject to a series of limitations that threaten their validity. Some of these limitations are outlined below.

V- Limitations

Refusal rate and generalisation of results:

It is important to note that the high refusal rate for expert samples significantly weakens the ability to generalise the results to the entire population of judges and lawyers in the relevant cities surveyed. Lawyers and judges constitute a special population of experts that is difficult to tap into; the busyness of the judicial corps and the sensitive topics investigated in this survey may have contributed in increasing the initial refusal rate.

ACRLI and the contracted polling agency (Information International) were fully aware of the potential refusal rates within this population, and took several steps to increase the cooperation of the participants. Some of these steps included a careful and sustained approach to each individual participant, requesting appointments and following up with a series of visits and probes. This did not prevent some judges refusing outright to participate (high workload) or take weeks to fill in the questionnaire. On the other hand, the questionnaire clearly displayed a UNDP and ACRLI logo, with transparent information about the goals of the survey and the ACRL centre. Furthermore, clearance from the authorities was sought wherever it was necessary, and this alleviated potential pressure off participants. Nonetheless, refusal rates warrant caution as to generalisation of results.

Cities and countries:

Both the experts' survey and the general population surveys were restricted to specific target cities in each country. As such, generalisation of the results should be confined to: Cairo and Alexandria in Egypt, Amman in Jordan, Beirut in Lebanon, and Casablanca, Marakech and Rabat in Morocco.

Questionnaire constraints:

Constraints attached to survey methods impact the validity of the survey: the list of principles measuring the SOJ is too long to be completely incorporated in a survey. This difficulty prevented the construction of scales to measure each principle and its components, leading to some sub-



principles to be measured with only one item, or leading to some unavoidable double barrelled questions (e.g. items that refer to “clear and objective” targets).

The complexity of the SOJ principles may cause difficulty to participants from the general population. The necessity to construct a shorter and less specialised questionnaire targeting the general population prevents a direct comparison between the experts and general public.

A few items had missing data; participants did not want to, or did not know how to respond to these questions. Missing data analysis may yield interesting questions for future research.

Response Style:

It is possible that a difference in response styles affect(ed) the results. Though it is unlikely, it is possible that participants in the various countries surveyed express themselves with different degrees of extremism.

Furthermore, it is possible that experience with surveys and the general level of freedom in the countries surveyed may have affected the results. For example, it may be possible that the degree of negative evaluations in Lebanon is inflated by the familiarity of participants with surveys and the greater freedom with which Lebanese citizens are familiar with.