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**Palestinian National Authority  
Judicial Authority**



**Perceptions of the Palestinian Authority Judiciary:  
A Survey of Judges, Lawyers, court users, court staff, and the Public**

**This survey was carried out for the benefit of the  
Supreme Judicial Council (SJC)**



**Funded by the United States Agency for International Development**

**April 2009**

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Ramallah - April , 2009

**Perceptions of the Palestinian Authority Judiciary: A Survey of Judges, Lawyers, court users, court staff, and the Public**

This Study was prepared for the benefit of the Judicial Authority through ( Nehtam ) USAID funded Project . The Study was executed by the Arab World Center for Research and Development .

P.S : The Study only reflects the views of those who had been surveyed and thus , it dose not necessarily reflect the views of any other party.

Design & Printing by



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## Statement by Chief Justice

*I would like to extend my sincere appreciation and gratitude to all those who contributed to this perceptions survey, particularly to the United States Agency for International Development (USAID) through the Netham Rule of Law Project and to the Arab World Center for Research and Development. I would also like to thank all those who volunteered the needed time and effort to make this survey a success.*

*This broad, comprehensive survey of key groups' perceptions of the Judicial Authority can be considered a major strategic development. It is in line with international best practices for effective management, and reflects the willingness of the Judicial Authority to proceed with the reform and development process not only based on the SJC's considerations and plans but also in response to the needs and perspectives of the public.*

*We at the SJC strongly believe that this approach is ideal to achieve critical reforms. This survey will be not the last as many others will complete the picture, and contribute to assessing the developments in the Judicial Authority.*

*We also believe in the freedom of expression for everyone and that every opinion counts. All opinions, whether they support or contradict the SJC's views, will be taken into consideration, and the SJC will continue to practice the same collaborative approach that has received much acknowledgment.*

*The survey and its results were formulated in a scientific, clear, and understandable manner. Therefore, we will not comment on the results presented in the survey as we hope that you will take the time to review and consider it in depth in order to reach the envisioned change.*

*Finally, we reiterate that the opinions expressed in the survey do not reflect the opinion of the SJC but those of the targeted categories. The survey relied on statistical sampling methods and detailed questionnaires to gather participants' impressions on a variety of issues. We hope that the findings of these surveys will be understood not only in light of the past years achievements, but also in the context of the upcoming surveys that the SJC plans to regularly conduct.*

**Issa Abu Sharar  
Chief Justice  
Supreme Judicial Council**





## BACKGROUND

In efforts to improve Rule of Law, strengthen the legal system in Palestine, and establish complementary relationships between the various justice sector institutions actors in order to achieve good governance, the Supreme Judicial Council developed and adopted the Justice Sector Strategy for the years 2008-2010. The plan aims to strengthening the Palestinian Civil and Criminal Courts in performing their duties in the most efficient manner and to strengthen the justice institutions by enforcing independence of the judiciary, developing the courts, and improving case management through enhancing integrity, transparency and accountability in the justice sector.

In order to assist the Supreme Judicial Council in achieving its vision through the implementation of the Justice Sector Strategy, and to provide the SJC with scientific information on the perceptions of the Judicial Authority, this study was conducted by the Netham Project through Arab World for Research and Development (AWRAD) on behalf of the SJC, and was funded by the United States Agency for International Development (USAID).

Five surveys were conducted in the West Bank only for five different targets with a direct relationship with the Judicial Authority. It was not possible to conduct the survey in the Gaza Strip as it is not under the Palestinian Authority control. These surveys are:

- The National Survey which encompassed a representative national sample for adults residing in the West Bank.
- The second survey included West Bank judges.
- The third survey included a sample of registered lawyers in the West Bank.
- The fourth survey included a sample of West Bank court users.
- The last sample represented the administrative staff of the West Bank courts.

The purpose of the survey was to collect views and opinions on the judiciary's performance from the perspective of the five stakeholders who deal with the Judicial Authority in the West Bank. Another underlying purpose was to become more acquainted with the problems and challenges facing this sector in order to provide assistance and positive support to overcome any challenges, thereby assisting in achieving the Judicial Authority's objectives. The study reveals scientific and comprehensive indicators on the Judicial Authority which may serve the decision makers and stakeholders in the judicial system. The study consists of six sections with the results of the five surveys as follows:

- The first section of the study includes the result of the five surveys and a comparison of the main conclusions of the five target groups.
- The second section portrays the main results on the Palestinian public's perception on the Judicial Authority and its concerns regarding judiciary affairs. The study details the level of service which West Bank courts provide to the public who have a direct or an indirect relationship with them. It also provides general recommendations to improve the public's perspective of the judiciary.
- The third survey considers the judges' perspectives on the justice system in Palestine and their opinion on the Judicial Authority and the SJC's



performances. It also includes the judges' views on the court environment as seen by judges, police, public prosecutors, lawyers and the government in general. This section also provides recommendations which may serve the judges' and the SJC 's work as well as enhance judges' performance in expediting court procedures.

- The fourth section deals with the lawyers' opinions and an overview of their experience in the judiciary, from the perspective of the independence of the Palestinian judiciary and the state's role in safeguarding the transparency, integrity, neutrality and independence of the judiciary. This section also deals with the problems which lawyers face in their interaction with court staff and litigants and on the nature of the procedures followed in courts as well as the problems they face.
- The fifth section addresses the views of the court users, whether litigants or defendants who were summoned by the court. The study presents the problems which citizens face in courts, including mannerism of court staff or procedure complications. The study also identifies the relationship between judges, lawyers, and litigants and the level of defendants' satisfaction with them.
- The sixth section unveils the administrative staffs' views on the West Bank courts as well as their work environment and the level of satisfaction with related institutions<sup>1</sup> such as the police, the Public Prosecution, the lawyers and the government in general. The study ends with special recommendations on means to improve the communication between the various judicial stakeholders and reducing work pressure in order to gain confidence between court staff and judges<sup>2</sup>.

<sup>1</sup> In accordance with the Judicial Authority Law number (1 ) of 2002, Regulatory Courts are administered by the Supreme Judicial Council which comprises of 9 members; its jurisdiction includes: budgeting, developing judiciary by-laws, appointing and training judges, judges' transfer, regulating the Conciliation, Appeal and High Court functions and dividing them into specialized sections. In addition to other issues related to judicial inspection. The Chief Justice undertakes the implementation of the SJC's resolutions and represents it before judicial bodies.

<sup>2</sup> Palestinian Courts are formed, based on the Judicial Authority Laws of 2002, the Formation Law of the Regulatory Courts of 2001 and the Civil and Criminal Procedure Laws of 2001, of:

- Conciliation Courts which are entitled to handle small claims
- First Instance Courts which have a general mandate in handling cases which are outside the jurisdiction of the Conciliation Courts.
- Appeal Courts are the second litigation level Courts; Conciliation Courts' decisions are appealed in First Instance Courts; First Instance Courts' decisions are appealed at the Appeal Courts.
- Cassation Court: this court is competent in handling appeal decisions.
- High Court of Justice: Competent in handling petitions regarding release orders for illegally detained and other disputes concerning public service personnel such as appointment, promotion, retirement and other.



## Section One

### Methodology and Summary of Key Results From a Comparative Perspective





## Section One

### Methodology and Summary of Key Results From a Comparative Perspective

#### Introduction:

This section summarizes the results of the five surveys (public, judges, lawyers, court users and the court staff). It also provides a comparative and comprehensive analysis of the different perspectives of the survey categories and summarizes the main findings and recommendations.

The surveys that were carried out in the West Bank only intended to achieve the following research objectives:

- Gauge the current standing of the various stakeholders on the performance of the various components of the judicial process including the police, the prosecution, the courts, lawyers, and the government in general.
- Analyze the perceptions of stakeholders of the judicial system as compared with other Arab and Western countries.
- Assess the level of willingness to engage the judicial system and provide reasons.
- Assess the level of knowledge about the judicial system and its work.
- Comprehend the real experiences of the Palestinian public with the judicial system whether as users of services or as litigants.
- Comprehend the real experiences of expert groups such as judges, lawyers and court staff.
- Assess the needs to improve the performance of the judicial system in serving the Palestinians.

#### Methodology

The preparation for the field surveys, a participatory methodology was developed where representatives of the SJC, Netham, AWRAD, and field researchers knowledgeable of their own communities, all participated in an extensive consultative process to refine and further develop the questionnaire and methodology. To ensure that the views, needs, and concerns of the general public are included, AWRAD carried out a pilot test among all stakeholders. Eighty four (84) pilot interviews were carried out with stakeholders from all West Bank districts, representing all types of localities, age and gender groups.

**Table 1. Pilot test (number of interviews and distribution)**

Target	# of Interviews	Distribution
Court Users	30	6 court areas; all regions
National Sample	24	6 districts, 4 each
Lawyers	12	6 districts, 2 each
Court Staff	12	6 courts, 2 each
Judges	6	6 districts, one each



The field work for the surveys was carried out by a team of 50 field researchers, monitors and supervisors between November 8-16, 2008. A two-day extensive training took place in Ramallah for all researchers. An additional, one-day training in each of the major three regions (north, middle and south) was held and emphasized methodology and conveyed additional instructions to the field team. To ensure the quality of the field work, AWRAD utilized sophisticated monitoring mechanisms including field monitoring, phone monitoring, and other statistical tests.

**Table 2. Type of interviews for each target group**

Target	Type & location of interviews
Court Users	Waiting rooms at courthouse
National Sample	In place of residence
Lawyers	Face-to-face; in office or waiting rooms in court
Court Staff	Work place but in a secluded room
Judges	Face-to-face

The results of the surveys are based on interviews with random and representative samples of each group. In the survey of judges, almost all West Bank judges participated. In the staff survey, 39 percent of all eligible employees were interviewed, and about 40 percent of all practicing lawyers (listed in the directory of the Palestinian Bar Association) were interviewed for the lawyers' survey. For the National Public Opinion Survey, a probability sample of households was utilized. A stratified three-stage cluster systematic random sample was selected using proportionate allocation to get a self-weighted sample. Court users were selected through a systematic random sample of users in the waiting rooms of the courts.

**Table 3. Sample size and selection**

Target	Size	Selection
Court Users	345	Use of systematic interval; 12 court buildings
National Sample	1010	A multi-stage probability sample (10 West Bank districts)
Lawyers	358	Stratified systematic sample (40% of West Bank practicing lawyers registered with the Union)
Court Staff	124	Stratified systematic sample (39% of eligible staff)
Judges	107	Exhaustive of all available judges (94%)

The data was entered into Access software where it was cleaned, sorted, and then transferred into SPSS for analysis and tabulation purposes. Analysis of the data included frequencies, cross tabulations, analysis of variance and other statistical tests. The results are presented in table format and other illustrations (graphs).

## Analysis of Results

### 1. The characteristics of respondents

- **Gender gap**

The surveys confirmed a prevailing gender gap in the judicial system. Only 11 percent of all lawyers, about 10% of all judges, 16% of court users, and 29% of court staff are female.

- **A youthful system**

Palestinian court staff, judges, and lawyers tend to be young. A majority of court staff are between 18-30 years of age. About 42% of lawyers were between the ages of 23-30, and 44 percent are between the ages of 31-50. The majority of judges (over 66%) are less than 50 years old.



- **No significant education bias**

Court users tended to be similar in their educational level to the rest of the population, with a minor tilt towards the more educated. While 23% of the adult population has more than 2 years of higher education, the rate among the users increases to 30% (7 points difference).

- **Experience in other Countries**

A small percentage (less than 5%) of judges and court staff had worked in other countries, while 13 percent of the lawyers had.

**Table 4. Some Features of the sample (percentages)**

	National	Users	Lawyers	Staff	Judges
Male	49.9	84.0	89.0	71.0	89.6
Female	50.1	16.0	11.0	29.0	10.4
18-30	40.0	33.1	42.3	52.4	4.7
31-50	42.1	50.0	44.1	39.5	61.7
More than 50	17.8	16.9	13.6	8.1	33.6
Illiterate	7.0	6.4	----	----*	-----
Up to 9 years	38.1	28.8	----	1.6	-----
10 to 12 years	31.8	34.6	----	30.6	-----
Diploma	7.5	12.5	----	Diploma plus BA (62.9%)	----
BA plus	15.5	17.7	BA (74)		(78.3)
			High Diploma (3.7)	(4.0)	-----
			MA plus (22.2)	(0.8)	(21.7)
Experience in other countries	-----	-----	13.0	4.8	4.7

## 2. Geographic Gap

All data confirms that Ramallah is the center of the Palestinian judicial system, as it is the center of the Palestinian Authority and the economic capital. While Hebron has three courts, and is the largest district in terms of population, it has only one fifth of the lawyers, 18% of the judges, 16% of the court employees, and 21% of the court users. Ramallah comprises about 16% of the target population for the (National Public Opinion Survey), but has about 36% of the judges, one third of the lawyers, about 31% of the staff and 21% of the users. Nablus has about 18% of the population, and almost 19% of the users, it has about 16% of the lawyers, about 15% of the staff and 16% of the judges. Jenin seems to be disadvantaged, with the percentage of users at 15%, but the percentage of staff at less than 6%, and the percentage of lawyers and judges at about 7%.



Table 5. Sample Distribution over districts (percentage)

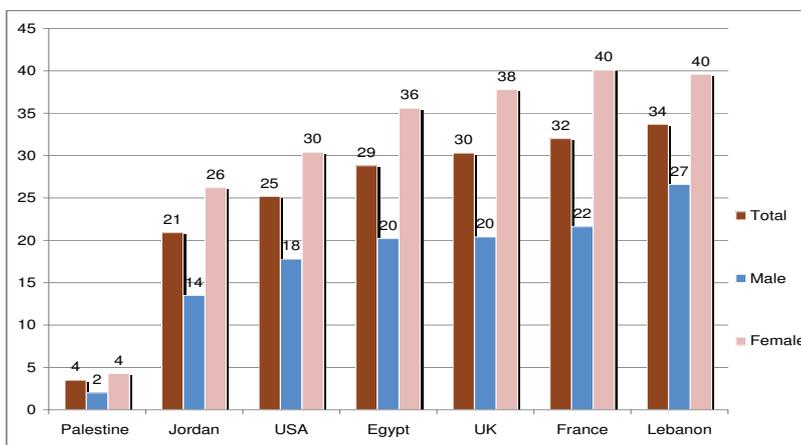
	National	Users	Lawyers	Staff	Judges
Hebron	25.8	21.0	20.0	16.1	17.7
Nablus	17.8	18.8	15.5	14.5	16.0
Ramallah	16.2	21.2	33.0	30.6	35.5
Jenin	12.9	15.1	7.0	5.6	7.5
Tulkarm	7.9	9.6	7.5	11.3	6.5
Bethlehem	7.7	5.5	10.0	8.9	6.5
Tubas	3.0	2.3	1.0	3.2	0.9
Salfit	3.0	1.7	1.0	2.4	0.9
Jericho	2.9	2.9	2.5	2.4	3.7
Qalqilya	2.8	1.7	2.5	4.8	4.7

### 3. Evaluation of the Palestinian Judicial System

#### 3.1 High levels of knowledge of the Palestinian judicial system

All groups surveyed were willing to offer an opinion of the Palestinian judicial system. This willingness is likely a sign of familiarity, but also of interest. The vast majority of all groups were eager to voice their opinions and concerns. Familiarity with the Jordanian system placed second and is higher than all other countries’ systems appearing in the survey. In part, that is due to proximity and the fact that the Palestinian system is very similar to that of Jordan. Among the national sample, less than 4% did not voice an opinion of the Palestinian system, compared with 21% of the Jordanian and 40% of the Lebanese and French systems. Women tended to be more hesitant expressing opinions of all systems including the Palestinian one. This might be due to lower levels of engagement in the system and lower levels of education.

Graph 1. Percentage of respondents (national sample) who did not express an opinion of the judicial system in each country on the justice scale.



#### 3.2 Western countries, followed by Jordan

Groups tended to vary greatly in their evaluation of the justice, neutrality, and integrity of the Palestinian Judicial System. In general, however, all groups placed Palestine within the lower ranks of the seven countries in question. In most cases, with the exception of judges, Palestine placed last or close to last. In all cases, respondents gave France, Britain, and the USA higher ranks. Among Arab countries, Jordan received the highest rank. Palestine competed with Lebanon and Egypt for the lowest three ranks.

### 3.3 Trust in judicial system actors

Judges were the most trusted by all surveyed groups, followed by court staff. Lawyers and police procedures were the least trusted by the national sample, the court users and court staff. Lawyers and judges, on the other hand, professed the least trust for the procedures of the prosecution and the police.

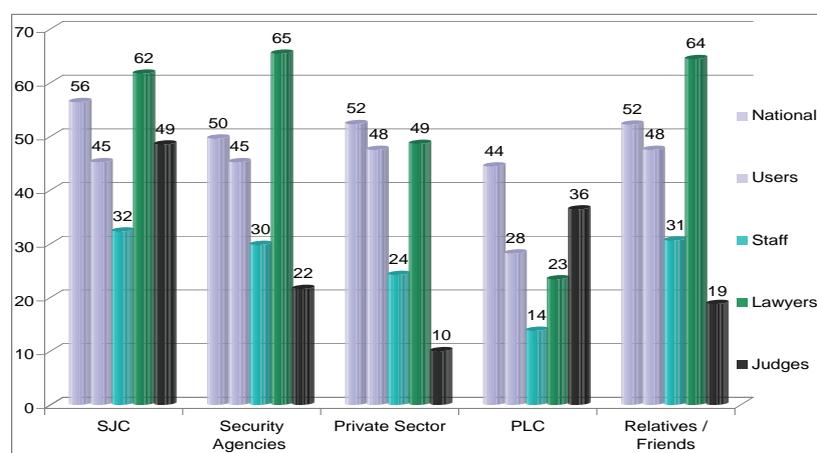
**Table 6. Percentage of all surveyed groups that trusts the following categories (to a large extent or to a medium extent)**

Judges	Staff	Lawyers	Users	National	Category
94.4	93.5	78.0	73.9	77.1	<b>Judges</b>
78.5	90.3	59.5	65.7	68.3	<b>Court Staff</b>
44.5	67.7	53.6	53.6	66.9	<b>Prosecution's procedures</b>
71.0	49.2	72.8	54.5	61.4	<b>Lawyers</b>
49.5	56.5	33.0	47.8	59.5	<b>Police procedures</b>

### 3.4 Perceived pressure on judges<sup>3</sup>

Perceived pressure on judges is not viewed as negative in all cases, where some judges and lawyers felt that some pressure from the SJC was necessary in many cases to speed up procedures and to respond to complaints from the public. While there is general agreement that judges are exposed, to some degree, to pressure from groups seeking to influence proceedings, the rates vary greatly according to the group surveyed and the perceived source of pressure. For example, 62 percent or more of lawyers felt that judges are exposed to pressure to a medium or large extent by members of the Supreme Judicial Council (SJC), security agencies and relatives. A majority of the public felt that judges are pressured by SJC members, the private sector and relatives. Judges and court employees were the least likely to admit the presence of pressure. Still, as many as 49 percent of the sample said that judges were exposed to pressure from SJC members, and 36 percent said that PLC members were exerting pressure on them.

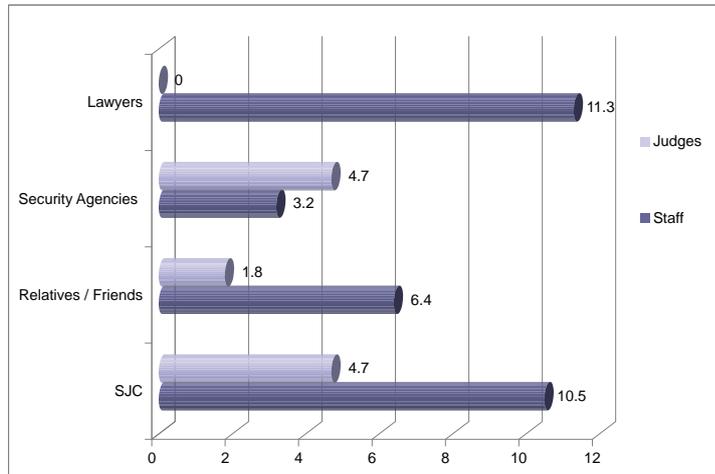
**Graph 2. Percentage stating that judges are exposed to pressure (to a large or medium extent)**



Judges and court employees were questioned about being exposed to pressure. As many as 10 percent of judges said that they had personally experienced pressure from SJC members and 11 percent from lawyers. In general, court employees did not admit any significant pressure on them, though about 5 percent said they experienced pressure from SJC members and relatives.

<sup>3</sup> Perceived pressure is not a substitute for an objective assessment of the reality on this matter; in fact, perceived pressure is not always matched with response from the judges to it.

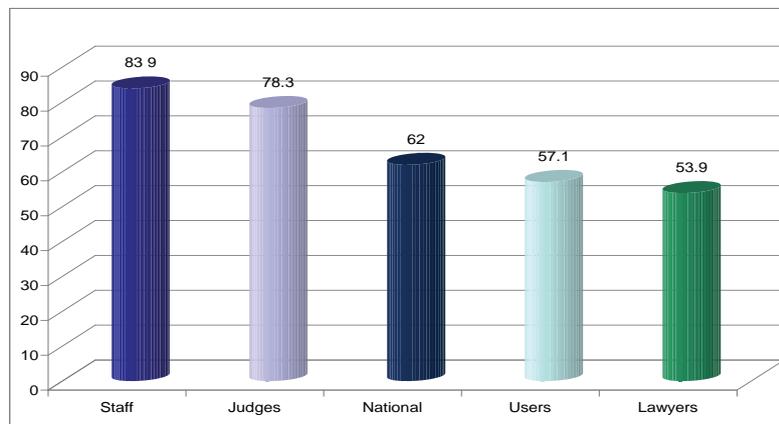
**Graph 3. Were you personally exposed to pressure (to a large or medium extent)? by the relevant targets (Addressed to Judges and Lawyers)**



### 3.5 The role of the state

The highest evaluation of the role of the state in maintaining an independent judiciary was among court staff and judges (both of whom are government employees). The least positive evaluation was given by court users and lawyers. In general, however, a majority of all groups felt the government does seek to maintain the independence of the judiciary positively to a large or medium extent.

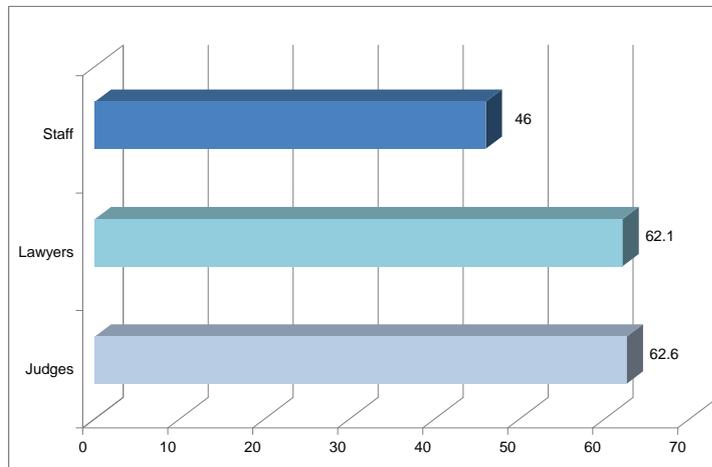
**Graph 4. Percentage that feels that the state is seeking to maintain the independence of the judiciary (to a large or to a medium extent)**



### 3.6 Familiarity with the Palestinian Justice Sector Strategy (JSS)

A majority of judges and lawyers said they were familiar with the JSS; however, over one third said they were unfamiliar. Among court staff, about 46 percent said that they were familiar, while a majority of them said they were not familiar.

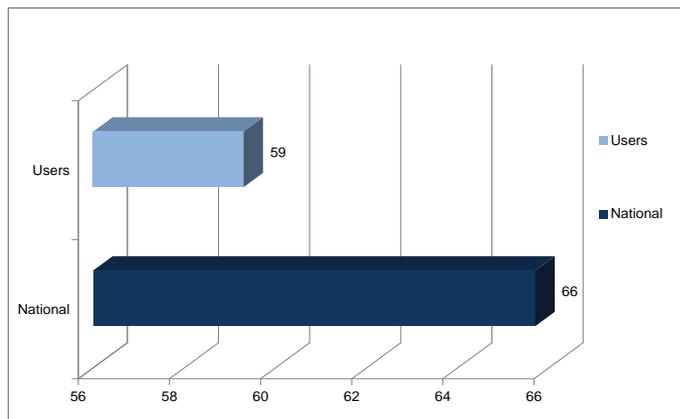
**Graph 5. Familiarity with the Palestinian Judicial Sector Strategy (2008-2010)**



**3.7 Fairness of court decisions**

The majority of the public had a positive impression of court decisions, with about 66 percent believing that court decisions were fair to a large or medium extent. This percentage declined among court users by about 17 to 59 percent. This might be a sign that experience with the system does not improve the impression of its functioning. Conversely, engagement might lead to more negative attitudes towards the judicial system.

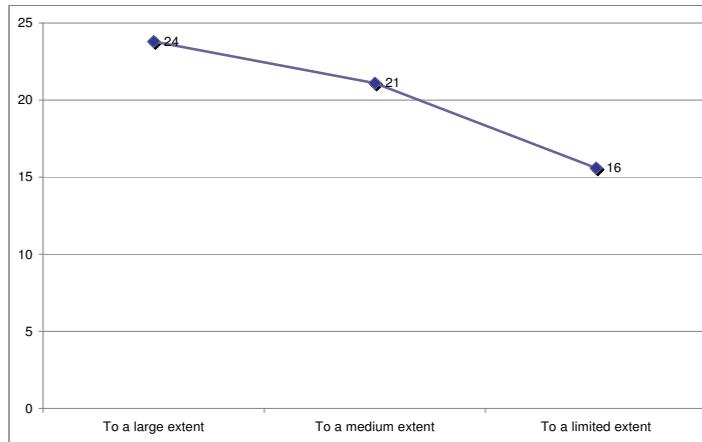
**Graph 6. Percentage saying that court rulings are fair to a large or medium extent.**



**3.8 Nepotism**

Palestinians were asked if they felt there was nepotism in the courts. Among the national sample respondents, the majority (45 percent) contended Palestinian courts were marked by nepotism to a large and medium extent. In addition, 16% indicated that nepotism exists to a small extent. Other target groups were not questioned on this issue.

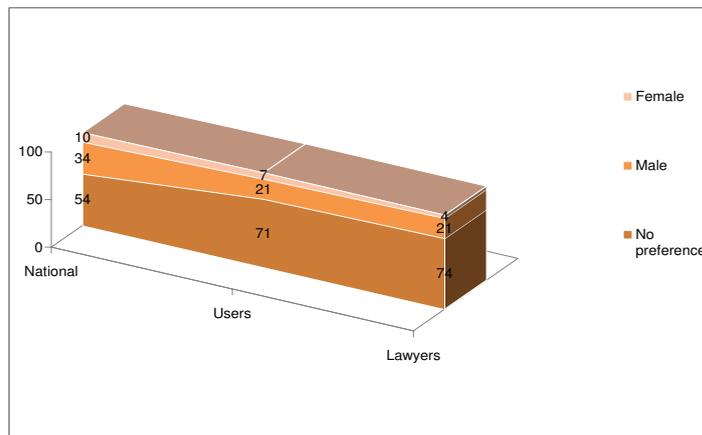
**Graph 7. Percentage feeling the presence of nepotism in court services:**



### 3.9 Preference for a male or female judge

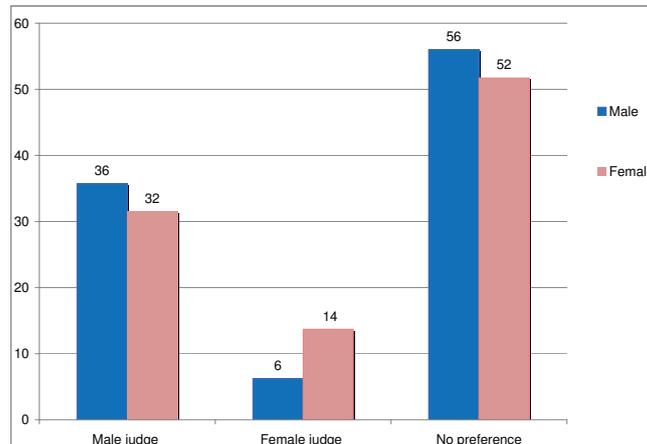
The majority of all groups surveyed said they had no preference for either male or female judges. This is an important indicator for societal support for the continuing appointments of female judges, with a majority expressing support for such action. The results, however, show variations in gender sensitivity. About 74 percent of lawyers said that they had no preference for the gender of judges. It is interesting to note that while 71 percent of court users said they had no preference, only 54 percent of the general public professed the same view. This might indicate that engagement in the system leads to a heightened interest in delivery of services rather than ideology, with court users placing importance on the quality of the services provided to them rather than the gender of a judge. Court users have also witnessed the presence of women at all levels in the courts, making the experience normal and therefore more acceptable.

**Graph 8. Preference for male or female judges**



Among the general public, more males than females expressed no gender preference (56 to 52 percent). It is, however, interesting to note that as many as 14 percent of female respondents preferred a female judge, compared with 6 percent among male respondents. Preference of a male judge was higher among males (36 percent) than females (32 percent).

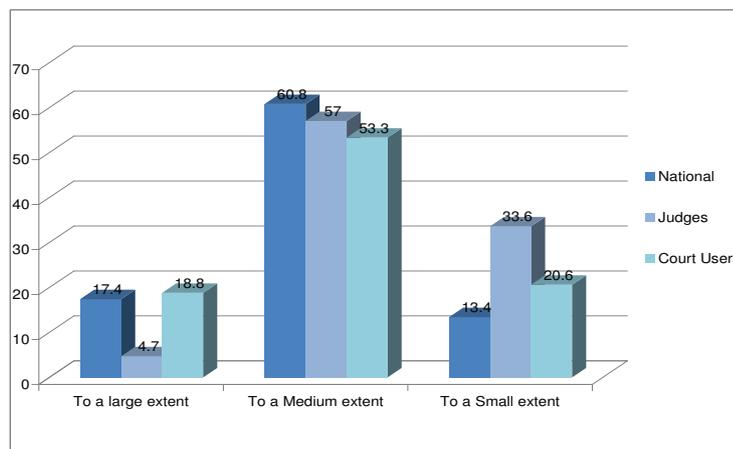
**Graph 9. Preference of male or female judges by gender**



### 3.10 Views of lawyers

Judges tended to be more critical of lawyers than were the public and the court users. In general, however, the majority of all three groups felt lawyers were somewhat effective in representing their clients, giving them a 'medium' score. In addition, one third of the judges believed that lawyers represented their clients effectively only to a limited extent.

**Graph 10. Percentage saying that lawyers represent their clients effectively**

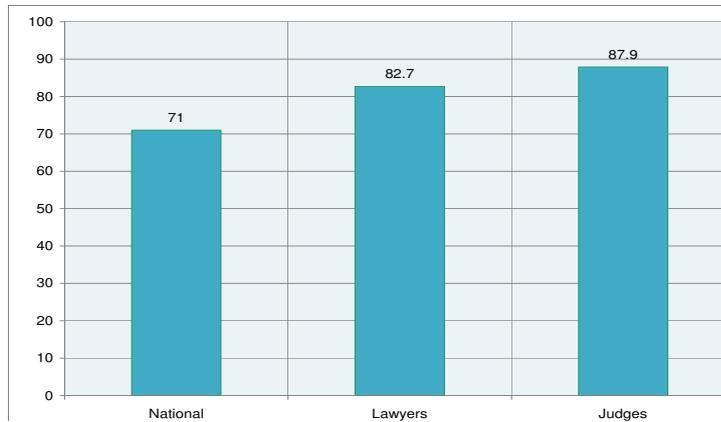


### 3.11 Choosing the judicial system to settle disputes<sup>4</sup>

While a majority of groups surveyed on this issue said they would choose the judicial system to settle disputes, about a quarter of the public said they would not. Significantly, 10 percent of the judges and 14 percent of the lawyers said they would not choose the judicial system, raising the question of whether this reluctance is attributable to their understanding of the judicial system or to the personal culture of the lawyers and judges.

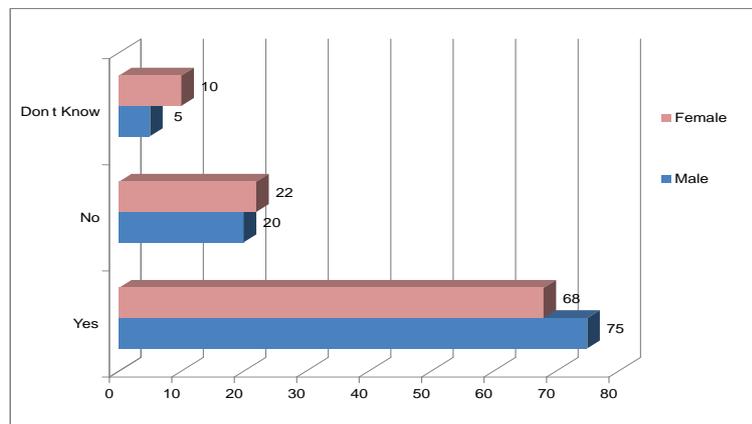
<sup>4</sup> Disputes are commonly solved through the family or tribe and often involve less money and time.

**Graph 11. Percentage of respondents choosing the courts to resolve disputes**



Males seemed more willing to choose the judicial system to solve disputes (75 percent) than did females (68 percent). This, however, does not necessarily mean that women would choose the judicial system in smaller numbers, though, but that more of them were not sure or hesitant to do so. This might also be due to cultural norms that encourage women to resolve disputes within the household or family (private sphere). It might also result from some women’s conviction that they are unable to achieve justice for themselves in the official system.

**Graph 12. Percentage of respondents choosing the courts to resolve disputes by gender (national sample)**

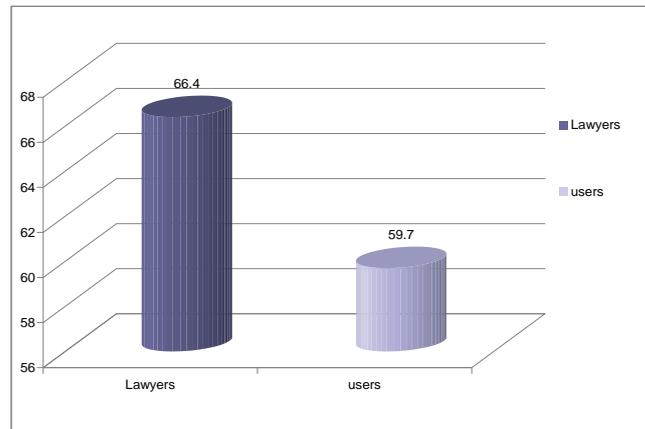


#### 4. The functioning of the courts

##### 4.1 Length of court proceedings

The majority of lawyers and court users (66 and 60 percent, respectively) said that the court proceedings are long. The rest said they are reasonable, while a small percentage said that they were shorter than they expected.

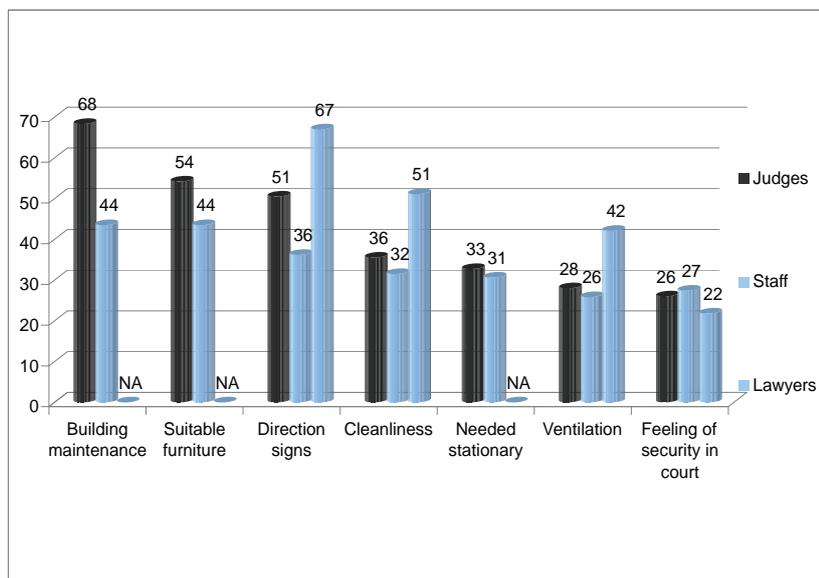
**Graph 13. Percentage feeling that the court proceeding time is overly long**



**4.2 Gaps and reform needs**

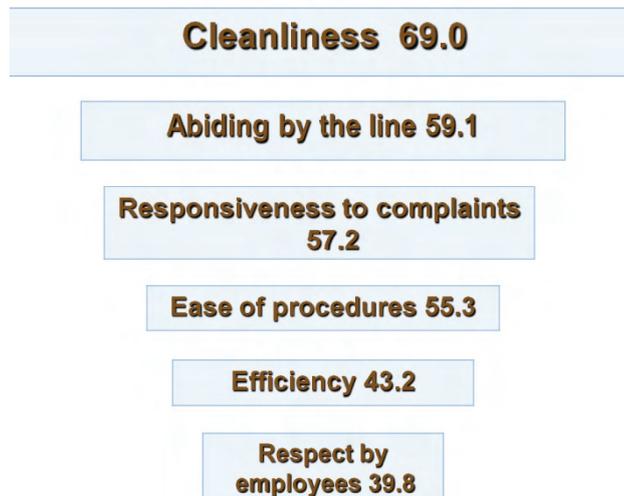
Judges felt the most critical needs, in terms of the courts’ infrastructure, were in building maintenance, suitable furniture and direction signs. Court employees expressed the same priority areas. For the lawyers, the infrastructural ‘gaps’ were mostly in the areas of direction signs and cleanliness of the courts.

**Graph 14. Gaps in the following areas as assessed by judges, staff and lawyers (negative evaluation).**



For the court users, cleanliness was the highest priority, followed by organizing better queues so that patrons might abide more by the lines. This is followed by the degree of responsiveness to complaints and follow up, and the complexity of procedures. About 43 percent of court patrons said there was a lack of efficiency and 40 percent felt employees were not sufficiently respectful.

Graph 15. Gaps in administrative procedures and cadre (medium or negative evaluation as assessed by court users)



### General Conclusions:

1. **Confidence in the Judicial Authority:** Judges are viewed as the most reliable of all surveyed groups, followed by court employees. The least reliable group according to the national sample and court users are lawyers and police procedures. According to judges and lawyers the least reliable are the prosecution and police procedures.
2. **The States role in promoting independence of the Judiciary:** There is high recognition of the role of the state by court employees and judges (both groups are public employees) while there is minimal recognition of its role among court users and lawyers. Yet, a majority of all surveyed groups evaluate positively the role of the state in promoting independence of the judiciary (to a large or average extent).
3. **Justice Sector Strategy:** Two-thirds of judges and lawyers are familiar with the Justice Sector Strategy, while only 46% of court employees indicated knowledge of the strategy.
4. **Justice in Court Decisions:** Positive attitudes prevail regarding the justice of court decisions in the eyes of the majority of the public whereas 66% believe that the decisions of the courts are fair (to a great or average extent). However, this percentage drops by 17 points among court users. This drop may indicate that accessing the justice system does not necessarily lead to an improvement in the impressions of the public. On the contrary, it is leading to more negative attitudes towards the Judiciary.
5. **Nepotism:** The surveyed sample was asked to provide feedback on the existence of nepotism in the courts. A broad sector thinks nepotism exists to a great or average extent (45%) , while 16% consider that it exists at a minimal level.
6. **Perception of Lawyers:** Judges tend to be more critical of lawyers than the public or court users. However, the three groups generally give lawyers an average assessment in terms of their competence in representation of their clients. One-third of the judges believe that "lawyers represented their clients competently" to a limited level.
7. **Resort to the Judiciary:** the majority of the surveyed expressed that they are ready to resort to the judiciary for the settlement of disputes. It was noted that about a quarter of the public are not ready to do so. It is also interesting that more than 10% of the judges and 14% of lawyers are not ready to resort to the judiciary.
8. **Trial Duration:** A majority of lawyers (66%) and court employees feel that court trials take a long time, while the rest noted that the duration of court trials is reasonable. A negligible ratio indicated that the trial duration is less than they expected.



9. **Exposure to Pressure:** Nearly 11% of the judges surveyed mentioned they have been pressured from lawyers, while 10% mentioned that they were personally pressured by members of the Supreme Judicial Council. Court employees did not express any significant pressures exerted on them although 5% admitted that they faced pressures from the Supreme Judicial Council members and from their relatives.
10. **Infrastructure of Courts:** The largest flaws in the infrastructure of the judicial system, as viewed by the judges include the poor maintenance of buildings, need for furniture, and lack of court signs. Court users concur with these findings while lawyers viewed the need for court signs and poor court cleaning as the major flaws in court infrastructure.
11. **Court Environment:** With respect to court users, they gave the cleanliness of courts the highest priority, followed by establishment of queuing systems. The next priority was the degree of responsiveness to complaints and their follow-up, followed by the complexity of procedures. 43% of court users believe that there is an issue in the efficiency of courts, and 40% believe there is an issue with regards to court staffs' respect for court users.

### Selected Recommendations:

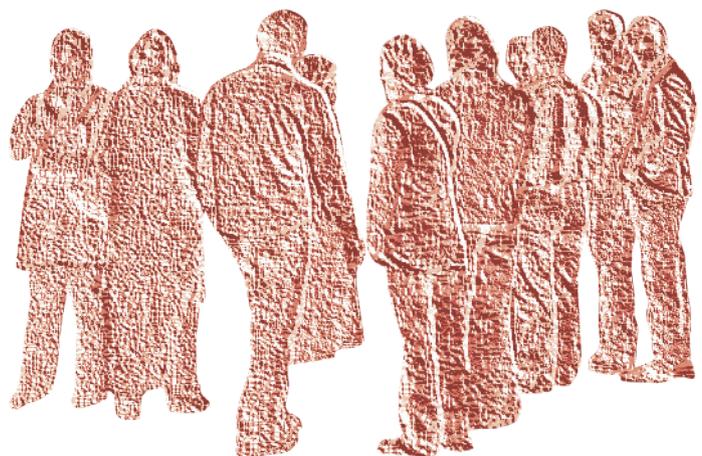
1. In order to improve the public's perception towards the fairness, impartiality, and neutrality of the Judiciary, more information should be provided to the public about the functioning of the Judicial Authority. Information should be accessible to interested parties via the media including information technology tools, or through the dissemination of information on the importance of confidence in the judiciary and the rule of law formal and informal institutions; particularly in education institutions.
2. One of the urgent issues that the Judicial Authority should respond to is the reduction of backlog and taking rapid action in long-pending cases. This action is parallel with improvement of courts services, decreasing bureaucratic measures, facilitation of court users' transactions and providing them with feedback on their transactions. Additionally important is the improvement in efficiency of court employees and their respect of court users. All these measures may improve the public's image regarding the Judicial Authority and its fairness.
3. Credibility of the Judiciary is significantly related to the performance of the government and its role in maintaining rule of law. The central role of the government should be strengthened to become a reliable source of political security, and social and economic prosperity of citizens. The credibility of the judiciary would be enhanced if the government played a more prominent role in the rule of law.
4. The courts' credibility stems not only from its work, but also from the work of the police and Public Prosecution. The inter-relations between these bodies must remain on the radar for further enhancement and development. The judicial system should continually be improved, generating a necessary parallel development to the performance of the police and Public Prosecution.
5. There is an urgent need to formulate mechanisms to improve attitudes of judges towards lawyers as lack of confidence appears in this area. Suggested methods may include mechanisms to improve the nature of professional relationships between judges and lawyers, and its boundaries; ensuring continuous and structured dialogue between the two parties through workshops and joint meetings in addition to a study of the nature of relationship between the two groups and the reasons for the lack of confidence between these two parties.
6. There is a need for the development of a strategy to improve the attitudes of judges and lawyers regarding the inspection process. One aspect of this strategy is to continue discussions on the prevailing inspection procedures and standards for judges in order to identify improvements. This includes an increase of inspected cases to more than the existing 5%. This may run in addition to suggestions presented by the judges during this survey, which includes: first, providing better training for inspectors, conducting unannounced inspection visits, and adopting a more serious and professional inspection approach. Second, verification that all judges are familiar with procedures of inspection by carrying out meetings and joint workshops. It is also proposed that modern techniques be utilized in discussions and presentations.



7. Improving professional relations between judges and lawyers: lawyers are encouraged to increase cooperation with the Supreme Judicial Council in order to solve conflicts which may occur through direct communication between the SJC and the BAR Association. It is suggested that the two parties hold joint meetings and trainings, and abide by the law. It is also suggested that the SJC should have more respect for the BAR Association decisions. Suggested areas of cooperation include appointment of lawyers in the judicial inspection teams, consulting with the BAR when employing judges, and accelerating trial procedures. Many lawyers called for the rebuilding of the BAR, and review of its structure and regulations. They also suggested that the BAR play a more effective role in the representation of lawyers in the Supreme Judicial Council and other relevant institutions. Others suggested the BAR should have a more effective role in raising the efficiency of lawyers and raising their awareness on various issues.
8. Improving the attitudes of litigants towards the Palestinian Judiciary: This can be carried out by a reduction of lengthy proceedings and improving the services provided to the court users-- thereby enabling them to complete their transactions in a timely manner, as well as providing essential information and instructional regulations on how to obtain information related to case proceedings. Information should be clear and understandable to various levels of comprehension. The proper treatment of court staff to litigants and the public plays an essential role in improving perceptions of justice and fairness.
9. It is noted that a crisis of confidence exists among staff in the courts and others components of the judicial system. This may stem from lack of communication and networking between these groups; therefore, communication should not only address high ranking staff but should be extended to the lower levels so as to solve all problems and remove obstacles facing their work. On the other hand it is essential to adopt certain measures to set the borders of the relationship between lawyers and court employees so as to prevent any conflict of interest.
10. A comprehensive study and an administrative evaluation should be carried out regarding the workload of the staff and to evaluate the suitability of job descriptions for these staff. It is also necessary to identify the problems and challenges facing each employee in the job, and to re-evaluate the salary scale.

## Section Two

# The Public Opinion Survey (National Sample)





## Section Two

### The Public Opinion Survey (National Sample)

#### Introduction:

This chapter analyzes results of the National Public Opinion Survey conducted among the population of the West Bank.<sup>5</sup> The National Public Opinion Survey was directed at the Palestinian general public in the West Bank regarding the integrity and fairness of the Palestinian Judicial System compared to other Arab and Western Countries. It also examines the population's knowledge and perceptions regarding the Judicial Authority.

#### Objectives:

- Gauge current Palestinian public opinion on the performance of the various components of the judicial process including the police, the prosecution, the courts, the lawyers and the government in general.
- Analyze Palestinians perceptions of the Palestinian judicial system versus judicial systems of other Arab and Western countries.
- Assess the level of willingness to rely on the judicial system and the reasons for that.
- Understand the real experiences of Palestinians with the judicial system whether as users of services or as litigants.
- Assess the reforms needed to improve the performance of the judicial system in serving Palestinians.

#### Methodology

The questionnaire was tested through thirty pilot interviews that were carried out with citizens from all the districts of the West Bank representing all types of localities, age and gender groups. The questionnaire included four main sections covering the following aspects:

- Socio-economic background of the respondents.
- Views of the various components of the Palestinian judicial system.
- Experiences of court users seeking services.
- Experiences of litigants.

#### Field Work

The field work for this survey was carried out between 13 and 16 November 2008 by a team of 50 field researchers, monitors, and supervisors. The face-to-face interviews were conducted in the households of the respondents.

#### Sample Selection

The survey results are based on interviews with a probability sample of households. A stratified three-stage cluster systematic random sample was selected using proportionate allocation to arrive at a self-weighted sample. Our national sample selection procedures relied on the population data produced through the latest census (2007), prepared by the Palestinian Central Bureau of Statistics (PCBS). The sample size was 1,010 respondents representing all regions, types of localities, districts, neighborhoods, gender, age, education and other socio-economic variables. Questionnaires were allocated to each district in proportion to its population size, and distributed between cities, villages and refugee camps. Each locality was divided into sampling units utilizing existing maps that detailed neighborhoods, streets and housing units. Each locality was divided into a number of sampling units of about 100 households each. Field researchers, in coordination with central and regional supervisors, used the maps to allocate the households

<sup>5</sup> It was not possible to survey the population of Gaza during the time of the survey due to political constraints.



to be approached by the field researchers. These households were selected according to a sampling interval (number of households in the sampling unit divided by required number of interviews). The interviews were divided equally between male and female respondents. When inside the households' dwelling, researchers utilized a Kish table to determine which person to interview. The sample was self-weighting and ensured the proportional representation of age, education, marital status, occupation, income, employment sector, refugee status, in addition to gender and geography. The margin of error for the total sample was less than 3 percent.

## Analysis of Results

### 1. Views of the Judicial System and the Stakeholders

#### 1.1 Evaluation of the Judicial System in Palestine: A Comparative Perspective

This is an analysis of the views of respondents to the questions on justice, integrity and neutrality. They were asked about seven countries including West Bank, Arab countries (Jordan, Lebanon and Egypt) and Western countries (USA, France and Britain). The respondents were asked to rate each country's justice system on three scales (justice, integrity and neutrality), assigning a score of 1 to 10, with 10 being the highest score. For the purposes of this survey, each term was defined as follows:

**Justice:** To fulfill the rights of the litigants within the parameters of the law.

**Integrity:** The litigation process is not influenced by any factors other than the law during the trial.

**Neutrality:** Equality among the litigants in the absence of any bias to any side.

In the following analysis, we divided the scores into three levels of evaluation: low (1-3), medium (4-7) and high (8-10). In addition, the mean and mode scores for each scale are provided for each country. The detailed results are, listed in the annexed tables.

Before delving into the detailed results for each criterion, it is important to indicate the following two major trends:

- Respondents expressed clear views on the judicial system in the West Bank, while many refrained from expressing an opinion on other countries' systems. The percentage of respondents expressing an inability to evaluate other systems ranged from 21 percent (Jordan) to 34 percent (Lebanon). In contrast, only about 3.5 percent had no opinion of the Palestinian judicial system. This level of knowledge highlights the level of care and interest in this issue as a priority to the great majority of Palestinians, as indicated in many previous studies. It also indicates the diversity of opinions on the performance of the Palestinian Judicial System.
- While the level of the lack of knowledge of other systems is indicated and to a large extent normal, it will be important in the following section to calculate the level of satisfaction from among those who expressed an opinion (i.e., those who claim some level of knowledge – direct or indirect).

#### 1.2 Views of Justice, Integrity and Neutrality

Employees were asked to assess the level of justice, integrity and neutrality in judicial systems of the countries listed in the questionnaire.

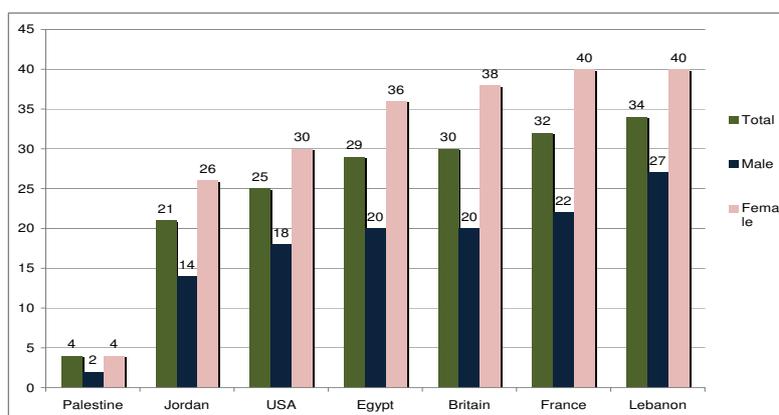
- About 3.5 percent of the respondents expressed no opinion on the degree of justice in Palestine. This demonstrates, as mentioned above, the degree of relevance of the judicial system to the Palestinians, as the system is perceived to play a pivotal role in reinforcing the rule of law. This also confirms that Palestinians believe that they have sufficient information on the judicial system that enables them to render a judgment. This information might be more objective, stemming from direct exposure, or inferential-derived from other indirect events. In any case, public opinion is essential, hence the



importance of providing proper information to the general public.

- The degree of knowledge of the Palestinian judicial system is not equivalent to that of other countries. About 21 percent of the respondents did not express an opinion on the Jordanian judicial system, and 29 percent of the Egyptian system. The country whose justice system is least known by Palestinians, among all countries listed was Lebanon, with 34 percent of the respondents expressing no opinion. This might be due to the weak exposure of Palestinians to the Lebanese system or society because of lack of visits on both sides.
- As to the Western countries listed in the survey, respondents felt most familiar with the American judicial system, with just 25 percent expressing no opinion, followed by the British system with 30 percent expressing no opinion, and the French system, with 32 percent expressing no opinion. The American system might be relatively well-known because of such factors as the widespread exposure of Palestinians to the American media.
- The above-listed trends apply equally to the scales of integrity and neutrality.

**Graph 16. Percentage of respondents who did not express an opinion of the judicial system in each country (on the justice scale).**



Among those who expressed an opinion, the following main results emerged:

- Respondents divided the seven listed countries into two broad categories on all three scales: Western countries, which received higher scores, and Arab countries, which received lower scores using all measurements.
- Respondents gave Britain and France the highest scores on all three scales. The USA followed at number three on all scales.
- The gap between perceptions of judicial systems in Western and Arab countries was evident. For example, the mean score for Britain on the justice scale was 7.26, while for Jordan it was 5.7 (a difference of 1.56 points) and for Palestine 4.87 (a difference of 2.39 points).
- The gap was more pronounced when the percentages for the perception of justice were ranked. The proportion of respondents saying that the British and French systems are just was about 60 percent, while the proportion feeling the same way about the Egyptian and Palestinian systems is 10 percent (a difference of 50 points).
- Among Arab countries, Jordan scored the highest on all three scales, followed by Lebanon, Palestine and Egypt.



Table 7. Perceptions of the judicial systems on the scale justice

Rank	Country	High Justice (%)	Medium justice (%)	Low justice (%)	Mean score (out of 10)
1	France	60.0	30.1	10.0	7.13
2	Britain	57.7	31.6	10.8	7.26
3	USA	56.1	30.6	13.4	7.04
4	Jordan	25.0	56.5	18.5	5.7
5	Lebanon	16.0	59.2	24.8	5.13
6	Palestine	10.0	64.5	25.5	4.87
7	Egypt	10.0	63.5	26.5	4.80

\* Rank based on mean score and perception of justice. Mean values presented in this report are significant statistical measures as tested by their P-Value.

- The same trends apply to the perception of integrity, with Britain, France and the USA receiving mean scores that exceeded 6.85, while scores for Arab countries ranged from 4.8 (Egypt) to 5.48 (Jordan).
- Over 51 percent of the respondents believed that the British and French systems have a high degree of integrity, while only 10 percent and 15 percent said the same about the Egyptian and Palestinian judicial systems, respectively.

Table 8. Perceptions of the judicial systems on the scale of integrity

Rank	Country	High Integrity (%)	Medium integrity (%)	Low integrity (%)	Mean score (out of 10)
1	France	51.7	38.2	10.1	6.97
1	Britain	51.1	38.9	10.0	6.98
2	USA	48.9	38.6	12.4	6.85
4	Jordan	12.9	67.0	20.1	5.48
5	Lebanon	37.5	47.1	15.4	5.18
6	Palestine	15.1	56.5	28.4	4.93
7	Egypt	9.7	64.8	25.5	4.80

\* Rank based on mean score and perception of integrity.

- The perceptions gap was evident also in the neutrality rankings. A mean score of about 6.8 was assigned to Britain and France, followed by 6.58 to the USA. Jordan received a 5.44 mean score, followed by Lebanon at 5.21, Palestine at 5.04 and Egypt at 4.96.
- The gap was even more pronounced when considering perceptions of high neutrality, with 48 percent viewing the British system as such, compared with 17 percent for the Palestinian system and 12 percent for the Egyptian.



**Table 9. Perceptions of the judicial systems on the scale of neutrality**

Rank	Country	High Neutrality (%)	Medium neutrality (%)	Low neutrality (%)	Mean score (out of 10)
1	Britain	47.6	40.9	11.6	6.80
2	France	47.1	41.5	11.4	6.79
3	USA	44.1	43.4	12.4	6.58
4	Jordan	19.2	60.1	20.7	5.44
5	Lebanon	15.9	62.4	21.7	5.21
6	Palestine	17.2	54.5	28.3	5.04
7	Egypt	12.2	63.9	23.9	4.96

In general, the results reveal that there is a unified perception of all components of the justice system. Systems that are perceived to be neutral and to have integrity are also perceived to be just. Respondents gave Britain a mean score of 6.8 for neutrality, a score of 6.98 for integrity and 7.26 for justice. In contrast, they gave Egypt 4.96 for neutrality, 4.8 for integrity and justice. The Palestinian system received a mean score of 5.04 for neutrality, 4.93 for integrity and 4.87 for justice.

The results also show that the perception of the judicial system in Palestine is related to the socio-economic background of the respondents.

- In spite of the fact that elements of the judicial system are concentrated in Ramallah, the least favorable evaluation on most issues comes from the middle region of the West Bank, especially the Ramallah district. Less than 6 percent of the middle area population felt that the Palestinian judicial system was just, compared with 8 percent in the south and about 13 percent in the north.
- Men have a relatively more positive evaluation (11.6 percent) compared with women (8.6 percent) on the justice scale.
- Those who work in the private sector and NGOs gave a more favorable evaluation (9.7 percent) compared with public sector employees (6.6 percent).
- Education and age did not play a significant role in the evaluation of degree of justice.



**Table 10. Percentage of respondents saying that the Palestinian justice system is just to a large extent, by demographics (national average is 9.7 percent)**

District	%	Gender	%
Jenin	14.4	Male	11.6
Tubas	32.1	Female	8.6
Tulkarm	13.2	<b>Education</b>	<b>%</b>
Qalqilya	7.4	Less than 9 years	10.0
Nablus	9.2	9-12 years	10.7
Salfit	16.7	More than 12 years	8.4
<b>North</b>	<b>13.1</b>	<b>Age</b>	<b>%</b>
Jericho	3.6	18-30	10.1
Ramallah	6.4	31-50	9.2
<b>Middle</b>	<b>5.9</b>	Over 50	11.5
Bethlehem	7.9	<b>Work Sector</b>	<b>%</b>
Hebron	8.0	Government	6.6
<b>South</b>	<b>8.0</b>	Private & NGOs	9.7

Evaluation of the judicial system was also related to many other factors such as perception of the role of the state in reinforcing the rule of law, knowledge of the work of the courts, and trust in the various elements of the system (judges, lawyers, administrative staff, police, and the general attorney's office). The following data indicate the following conclusions:

- 1. The least favorable evaluation of the Palestinian judicial justice system came from those who believed that court decisions were unfair, and believed that judges and lawyers were not to be trusted, and that the government did not play a role in promoting the independence of the judiciary*
- 2. Direct experience with the judicial system did not, by itself, improve its image among the population. Those who received court services (outside of the litigation process) had the same average perception of the justice of the system as those who did not.*
- 3. In contrast, those who were part of a court case (litigants) had higher than average negative evaluation of the judicial system. In fact, negative evaluations among litigants reached 34 percent, compared with 25 percent among those who had never been part of a court case.*
- 4. Those who said they were treated with respect had a more favorable evaluation of the justice of the system than those who said that they were not.*

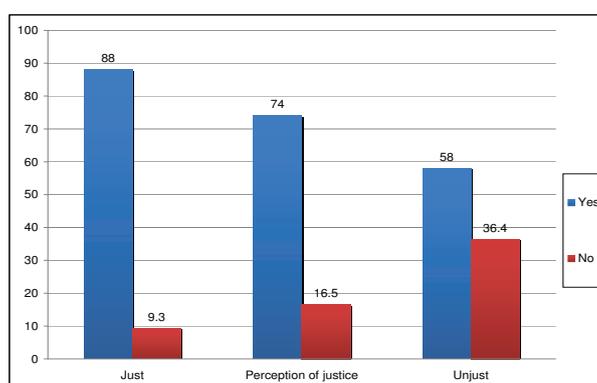
**Table 11. Relationship between views of and experiences within the Palestinian judicial system and evaluation of its justice, in percentages**

	Unjust	Somewhat Just	Just
Familiar with court decisions	25.8	61.5	12.7
Unfamiliar with court decisions	25.3	65.7	9.0
Decisions are fair	16.6	66.2	17.2
Decisions are unfair	39.1	54.7	6.1
Judges are trusted	17.8	70.2	12.0
Judges are not trusted	56.8	41.1	2.1
Lawyers are representative	22.3	66.8	11.0
Lawyers are not representative	39.1	54.7	6.1
Government plays a positive role	20.4	66.6	13.1
Government does not play a role	37.7	58.9	3.4
<b>Total Sample</b>	<b>25.5</b>	<b>64.5</b>	<b>10.0</b>
Received service same day	21.0*	66.0	13.0
Didn't receive service same day	26.8*	65.9	7.3
Was part of a court case	33.8*	56.8	9.5
Was not part of a court case	24.8*	65.2	10.0
Treated with respect	30.4*	58.7	10.9
Was not treated with respect	41.7*	50.0	8.3

\*A smaller sample of users and litigants, leading to a different average.

5. *Perception of justice influenced the decision of the population to choose to use the legal system to settle disputes or to refrain from doing so. As the following graph indicates, the highest percentage of the population saying they would choose to use the judicial system to settle disputes (88 percent) was among those who believed that the Palestinian judicial system is just. The percentage saying they would choose the judicial system to settle disputes declined to 74 percent among those who believed that it is somewhat just and to 58 percent among those who believe it is unjust.*

**Graph .17 Choosing the judicial system to settle disputes ,according to perception of justice.**

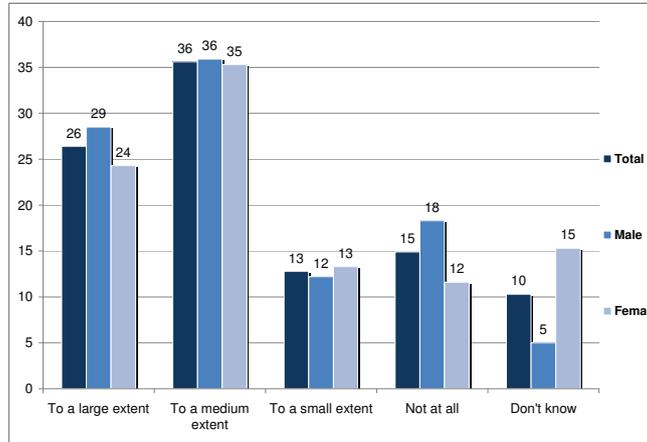


### 1.3 The role of the state

In general, respondents felt that the government was working to maintain an independent judiciary, with the majority saying either that the government was doing this to a large extent

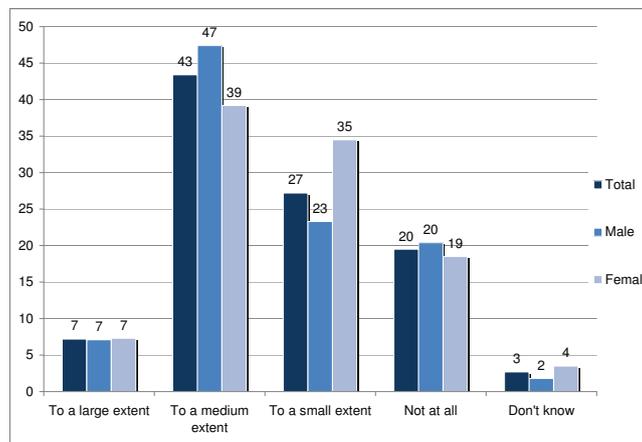
(26 percent), or to a medium extent (36 percent). In contrast, 25 percent said that the government is doing that to a limited extent or doing nothing to the preserve the independence of the judiciary.

**Graph 18. To what extent do you think that the government seeks to maintain the independence of the judiciary?**



While 26 percent of respondents felt the government aimed to preserve the independence of the judiciary to a large extent, only 7 percent believed that the government succeeded in doing so to a large extent. A larger group (43 percent) believed that it succeeded to a medium extent. About 27 percent believed that it succeeded only to a limited extent, and 20 percent believed that it did not succeed at all.

**Graph 19. To what extent did the government succeed in maintaining the independence of the judiciary?**

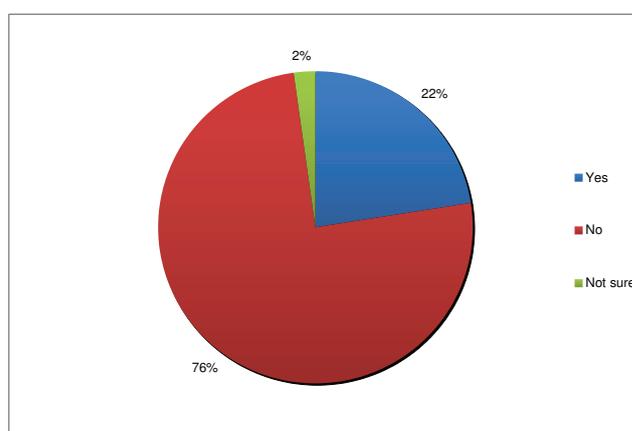


In general, these results indicate that Palestinians feel they are witnessing efforts to preserve the independence of the judiciary, but the fruits of these efforts will take time to be felt by the general public.

**1.4 Knowledge of the system**

Palestinians were asked about their knowledge of the work of the courts. A little over one fifth of the respondents (23 percent) said that they were familiar with one or more decisions handed down by the courts during the last five years. About 75 percent have no knowledge of such decisions.

**Graph 20. Are you familiar with any court rulings issued during the last five years?**



More respondents from the north said that they had knowledge of court decisions than did participants from other regions. A higher percentage of male respondents said that they knew of court decisions, as compared with female respondents. Education was an important factor, with more knowledge asserted by those with a higher education. Younger respondents tended to say that they had knowledge of court decisions more than did older respondents.

**Table 12. Percentage of respondents saying that they were familiar with one court decision or more by demographics**

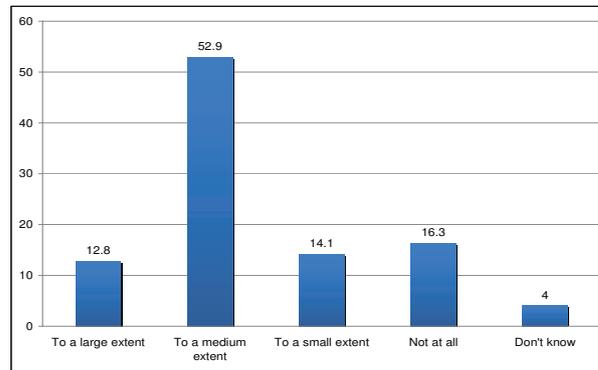
District	%	Gender	%
Jenin	18.5	Male	28.2
Tubas	33.3	Female	16.8
Tulkarm	32.5	<b>Education</b>	
Qalqilya	28.6	Less than 9 years	17.8
Nablus	23.5	9-12 years	21.0
Salfit	56.7	More than 12 years	34.6
<b>North</b>	<b>26.6</b>	<b>Age</b>	
Jericho	42.9	18-30	23.1
Ramallah	14.0	31-50	23.8
<b>Middle</b>	<b>18.2</b>	Over 50	17.8
Bethlehem	16.7	<b>Work Sector*</b>	<b>%</b>
Hebron	19.6	Government	30.6
<b>South</b>	<b>18.9</b>	Private & NGOs	31.6

\*A smaller sample comprising only those who declared that they work outside of the home.

Among those who said that they were familiar with court decisions, 29 percent said that they had knowledge of one decision only. A majority (53 percent) said that they had knowledge of 2 to 5 court decisions. In addition, 19 percent said that they were familiar with more than five decisions.

Furthermore, among those who claimed to have information on court decisions, about 13 percent believed that the decisions were 'fair to a large extent'. In addition, 53 percent believed that they were 'fair to a medium extent.' In contrast, 14 percent said that they were 'fair to a limited extent' and 16 percent said that court decisions were not fair at all.

Graph 21. In your opinion, to what extent are the court rulings fair? (226 respondents)



Positive perceptions of the fairness of court decisions declined sharply among the most educated and the older respondents. There was no difference between male and female respondents in this regard. More respondents from the south (18.8 percent) believed that court decisions were fair to a large extent, as compared with (12.6 percent) in the north. The positive evaluation of court decisions is relatively very low (2.8 percent) in the middle of the West Bank (i.e., Ramallah).

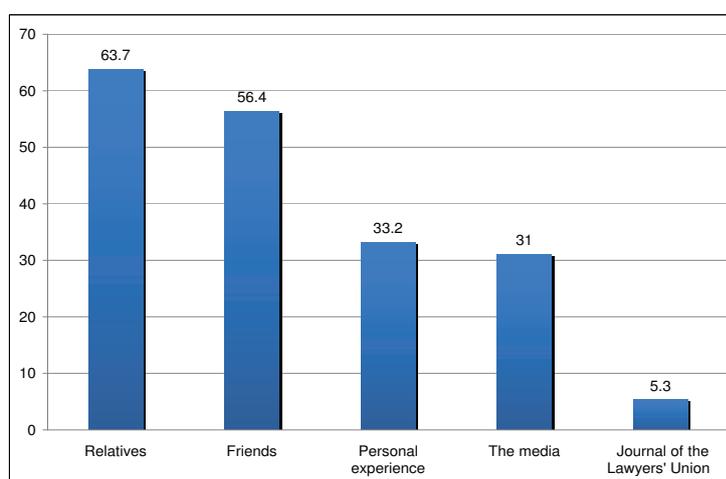
**Table 13. Percentage of respondents saying that court decisions are fair 'to a large extent' by demographics**

Gender	%
Male	12.8
Female	12.8
<b>Education</b>	<b>%</b>
Less than 9 years	17.5
9-12 years	15.2
More than 12 years	6.3
<b>Age</b>	<b>%</b>
18-30	14.9
31-50	12.9
Over 50	6.3
<b>Work Sector</b>	<b>%</b>
Government	14.7
Private & NGOs	11.9
<b>Region</b>	<b>%</b>
North	12.6
Middle	2.8
South	18.8

The quality of this knowledge must be scrutinized, as the most important sources of knowledge were informal, indirect and verbal (word of mouth). For example, 64 percent said that their relatives were a source of information on court decisions. In addition, 56 percent said that friends were also another source. One third confirmed that their knowledge is based on personal experiences. In addition, 31 percent said that they relied on the media. Only 5 percent said that they used the official journal of the Palestinian Bar Association, a highly specialized journal for

lawyers, to obtain their information.

**Graph 22. Source of knowledge on court ruling (% saying yes)**



### 1.5 Trust in the judicial process

Among all the elements of the adjudication process, judges are the most trusted. About 19 percent said that they trust judges to 'a large extent', and 58 percent to 'a medium extent'. A little over 19 percent said that they only trusted judges to 'a limited extent' or do not trust them at all. Judges are least trusted in the middle of the West Bank (27.5 percent) as compared with the south (18.1 percent) and the north (17.6 percent). Male respondents were more critical of judges (23.1 percent) than were female respondents (16.3 percent). Older respondents tended to be less trusting of judges, with about 25 percent of them saying they had little or no trust of judges, as compared with about 18 percent among younger respondents. Education and work sector did not affect views on this issue.

**Table 14. Percentage of respondents saying that they 'do not trust judges by demographics**

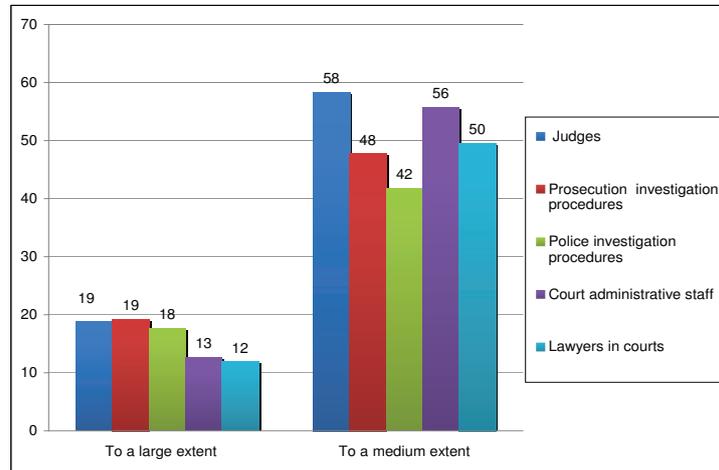
District	%	Gender	%
Jenin	17.0	Male	23.1
Tubas	17.0	Female	16.3
Tulkarm	22.5	<b>Education</b>	<b>%</b>
Qalqilya	7.1	Less than 9 years	20.5
Nablus	18.5	9-12 years	20.4
Salfit	13.3	More than 12 years	17.5
<b>North</b>	<b>17.6</b>	<b>Age</b>	<b>%</b>
Jericho	24.0	18-30	18.9
Ramallah	33.0	31-50	18.1
<b>Middle</b>	<b>27.5</b>	Over 50	24.9
Bethlehem	10.0	<b>Work Sector</b>	<b>%</b>
Hebron	20.0	Government	21.6
<b>South</b>	<b>18.1</b>	Private & NGOs	20.3

Lawyers were the group least trusted by court employees, with almost 35 percent of respondents saying that they had little or no trust in the lawyers appearing before the courts. Only 12 percent

said that they trusted the lawyers to 'a large extent' and 50 percent to 'a medium extent'. A similar proportion of the respondents (34 percent) said that they have little or no trust in the police procedures, while 18 percent said they trusted these procedures to 'a large extent' and 42 percent to 'a medium extent.'

Furthermore, as many as 25 percent said they had little or no trust in administrative staff of the courts and in the procedures of prosecution. In contrast, 13 percent said that they trusted the staff of the courts to 'a large extent' and 56 percent to 'a medium extent'. As to the procedures of prosecution, 19 percent trust them to 'a large extent' and 48 percent to 'a medium extent'.

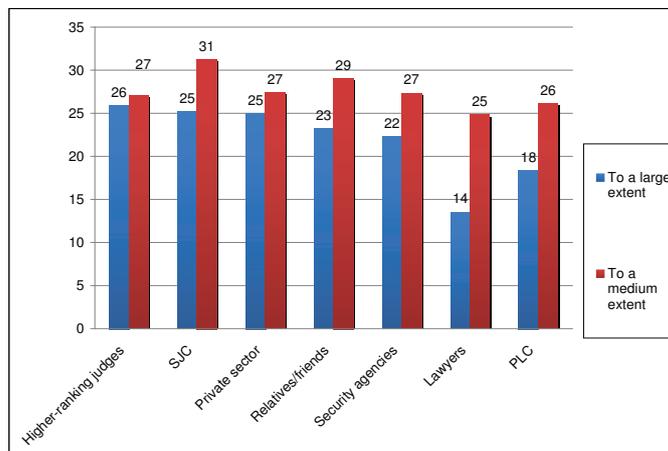
**Graph 23. Percentage who trusts the following categories**



### 1.6 Pressure exerted on judges

The role of the government in preserving independence implies that it shields the judges from any external undue pressures from groups seeking to influence court proceedings. It also implies that judges would not respond to these pressures. Respondents who believed that judges were exposed to pressures from various influential groups were larger, percentage-wise, than those who did not. Most pressure was attributed to members of the SJC, with 56 percent saying that judges are exposed to pressure from this group to a large or medium extent. In addition, over 50 percent said the following groups exert pressure on judges to a large or medium extent: judges of higher ranks, private sector, relatives and friends, and security agencies. About 48 percent believed that judges were exposed to undue pressure from lawyers, and 44 percent believed that such pressure was applied by members of the Palestinian Legislative Council.

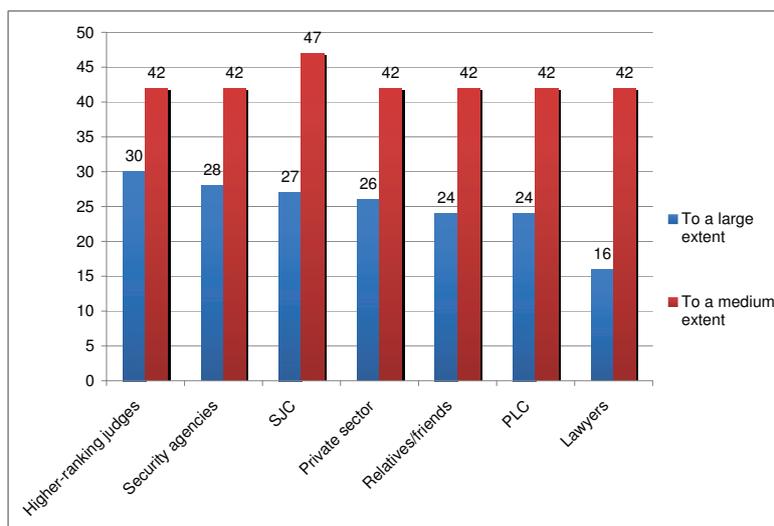
**Graph 24. To what extent do you think that the judges are exposed to pressure to influence their decisions by the following groups?**



Among those respondents who believed that judges were exposed to undue pressure, the majority of them also believed that judges responded to such pressure. Significantly, less than

6 percent of those who believed that there was pressure on the judges asserted that judges would *not* be responsive to pressure from any of the groups listed above.

**Graph 25. Percentage who believes that judges are responsive to pressure from the following groups.**



### 1.7 Perceptions of the occupation of a judge

Judges are highly respected by Palestinians. The survey data showed that the perceived social status of a judge was higher than any of the other occupations surveyed. This is illustrated through the following:

- About 24 percent of the respondents gave judges the highest rank among seven occupations listed in the survey.
- The occupation of ambassador was ranked a close second in this survey, with 21 percent giving it the highest rank, and was followed by governors at 18 percent.
- In fourth place came the deputies of a minister (15 percent) and in fifth place, university professors (13 percent).
- General directors of a governmental agency and high ranking police officers placed far behind (6 and 4 percent respectively).

Appreciation of the status of a judge was highest in the south of the West Bank. Districts such as Salfit and Bethlehem gave the occupation of a judge the highest ranks. Age, education, gender and work sector had no significant impact on how the occupation of a judge was perceived.



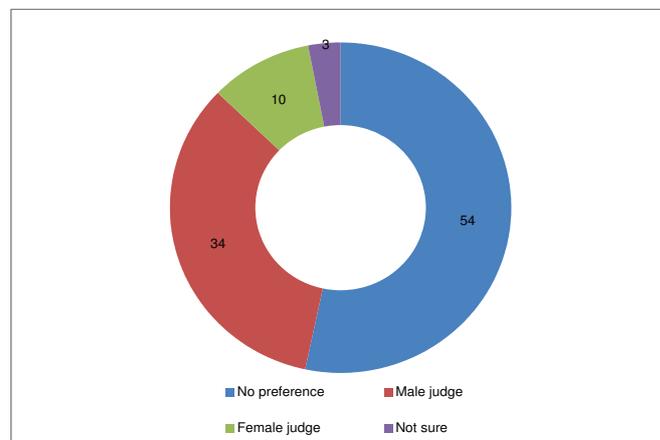
**Table 15. Percentage of respondents giving judges the highest rank among seven occupations**

District	%	Gender	%
Jenin	22.3	Male	22.9
Tubas	23.3	Female	24.8
Tulkarm	15.0	<b>Education</b>	<b>%</b>
Qalqilya	17.9	Less than 9 years	25.8
Nablus	25.7	9-12 years	21.9
Salfit	40.0	More than 12 years	23.0
<b>North</b>	<b>23.3</b>	<b>Age</b>	<b>%</b>
Jericho	17.2	18-30	22.3
Ramallah	14.2	31-50	24.2
<b>Middle</b>	<b>14.7</b>	Over 50	26.3
Bethlehem	40.3	<b>Work Sector</b>	<b>%</b>
Hebron	26.7	Government	22.7
<b>South</b>	<b>29.9</b>	Private & NGOs	23.2

### 1.8 Gender and judges

The majority of Palestinians expressed no preference as to the gender of a judge, with about 54 percent of the respondents saying it makes no difference to them if their cases were tried before a male or a female judge. Still, one third of the respondents said they would prefer a male judge over a female judge. A much smaller minority (10 percent) expressed preference for a female judge over a male judge.

**Graph 26. Preference for judges based on gender**



The reasons given by respondents for a gender-based preference are summarized in the following table. Stereotypes about men and women clearly influence how society views male and female judges, with more positive stereotypes about men (as strong, assertive, rational, managerial, efficient and qualified) than women (seen as fair, compassionate, and easier to approach). Negative stereotypes, as socially constructed, are directed more at women (emotional, vulnerable, weak, and irrational) than men (do not understand women, uncompassionate). Another major issue that impacts perception of female judges is religion, with some respondents believing that religion prohibits women from becoming judges.

Table 16. Reasons provided for a gender-based preference

Preference for men	Preference for women
<ul style="list-style-type: none"> <li>Men are less emotional.</li> <li>Men are more rational than women.</li> <li>Men are stronger and more assertive.</li> <li>Men understand other men better.</li> <li>Men are more qualified in management and more efficient.</li> <li>Religion gives men the right to be judges; and it does not give it women.</li> <li>Women are more vulnerable to threats and pressures.</li> <li>No knowledge of women judges.</li> <li>Men are more capable of delivering justice.</li> </ul>	<ul style="list-style-type: none"> <li>Women are more capable of delivering justice.</li> <li>Women are more capable of understanding other women.</li> <li>Women are more compassionate.</li> <li>Women are easier to approach.</li> <li>Women are also qualified.</li> </ul>

Perceptions of male and female judges were related to other socio-economic factors such as gender, age and education of the respondent.

- More men said they would prefer to appear before a male judge than a female judge (36 percent to 32 percent).
- More women expressed a preference for a female judge over a male judge (14 percent to 6 percent).
- Encouragingly, the bulk of both men and women said they would not discriminate on the basis of gender (51 percent and 49 percent).
- Preference for a male judge was higher in the north of the West Bank than the middle and south.

Education was not a decisive factor among those who preferred male judges, with a little over one third of all educational groups saying they would prefer a male judge. Preference for a female judge increased among those with medium-level education, and declined among the most and the least educated. Two-year college graduates are the least concerned with gender when it comes to their choice of a judge, with 62 percent saying they had no preference, compared with 54 percent among BA holders and 48 percent among elementary school graduates. To note, preference for a male judge was higher among government employees than non-governmental workers.

Table 17. Percentage of respondents saying that they prefer a male judge, by demographics

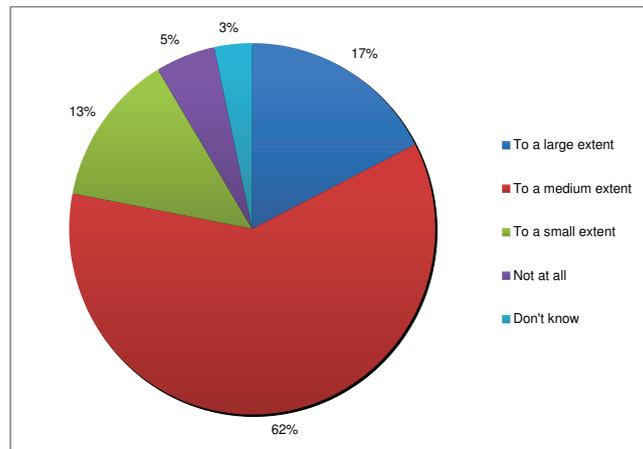
District	%	Gender	%
Jenin	38.5	Male	35.7
Tubas	26.7	Female	31.5
Tulkarm	38.8	<b>Education</b>	<b>%</b>
Qalqilya	28.6	Less than 9 years	33.3
Nablus	37.2	9-12 years	34.4
Salfit	56.7	More than 12 years	35.1
<b>North</b>	<b>37.9</b>	<b>Age</b>	<b>%</b>
Jericho	27.6	18-30	37.7
Ramallah	33.5	31-50	29.9
<b>Middle</b>	<b>32.6</b>	Over 50	33.1
Bethlehem	28.2	<b>Work Sector</b>	<b>%</b>
Hebron	28.1	Government	40.5
<b>South</b>	<b>28.1</b>	Private & NGOs	34.2



### 1.9 Evaluation of lawyers

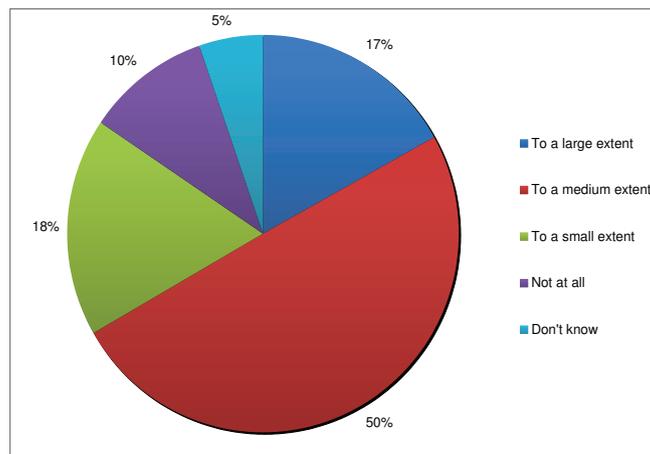
The following data confirms the mixed feelings, cited above, about the performance of lawyers. About 17 percent believe, to a large extent that lawyers had sufficient competence to represent their clients before the courts. Another 61 percent believe, to a medium extent that lawyers were competent. In contrast, 13 percent believe that to a limited extent, and 5 percent believe that lawyers are not competent at all.

**Graph 27. To what extent do you think that the lawyers are effective in representing their clients in courts?**



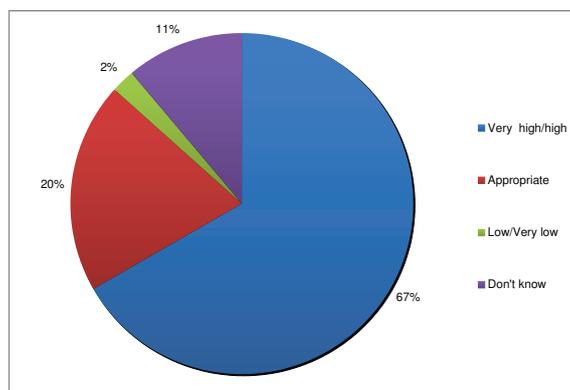
Asked if lawyers represented their clients honestly, 30 percent said that they do to a very a limited fashion or not at all. About 50 percent believed that lawyers honestly represented their clients to a medium extent. Only 17 percent believe that lawyers do, to a large extent.

**Graph 28. To what extent do you think that the lawyers represent their clients honestly?**



The majority of respondents (66 percent) feel that the fees charged by lawyers are very high or high. Only one fifth of them feel that they are appropriate. About 2 percent feel that lawyers' fees are low or very low.

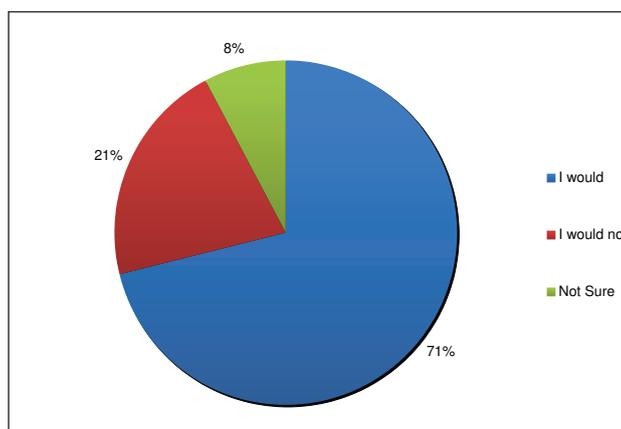
Graph 29. How do you evaluate the prevailing lawyers' fees? Are they:



### 1.10 Willingness to rely on the system

Despite mixed evaluations of the various components of the judicial process, the majority of respondents still expressed a willingness to approach the judicial system. In principle, 71 percent of the respondents said that they were willing to resort to the judicial system if they felt that they had to secure a certain right or to settle a dispute. It is, however, alarming to know that over one fifth of the respondents said that they would not resort to the judicial system to settle a disputes, and that about 8 percent are not sure.

Graph 30. If you know that you have the right, would you choose the judicial system for dispute resolution?



Long-standing perceptions of the judicial system explain the division over its relevance to Palestinian citizens. In addition to the contextual factors explained in previous sections, the following table illustrates some of the reasons cited by those who said they would choose the judicial system for dispute resolution and those who said they would not. Most people who said they would go to courts to settle disputes felt that this was the most logical, legal and peaceful way, and that the courts would give a fair and just ruling. Those who expressed unwillingness to go the courts, on the other hand, said it was because the system would not be capable of fulfilling their due rights. They also felt that the process would be long and costly, and possibly corrupt and unfair.



Table 18. Reasons to go or not to choose the courts for dispute resolution

Will resort to the judiciary	Will not resort to the judiciary
<ul style="list-style-type: none"> <li>• Only means to settle disputes.</li> <li>• The law is the best means.</li> <li>• Staying away from violence and fighting.</li> <li>• Resorting to peaceful means.</li> <li>• The courts are the only eligible side to resolve problems.</li> <li>• Seeking justice and security.</li> <li>• Tribal / informal means are unjust and inefficient.</li> <li>• The law is clear and there is a due process.</li> <li>• The law takes all sides into account.</li> <li>• Reinforcing the rule of law.</li> </ul>	<ul style="list-style-type: none"> <li>• No trust in the courts.</li> <li>• The judicial system will not secure my rights.</li> <li>• The process takes too long.</li> <li>• The process is too costly.</li> <li>• There is corruption and nepotism.</li> <li>• Tribal means are more direct and will provide a solution for all sides.</li> <li>• The courts will only reinforce conflicts.</li> <li>• Must be able to forgive without courts.</li> </ul>

The results also show that there is a relationship between willingness to choose the judicial system for dispute resolution and the socio-economic background of the respondents.

- Men expressed greater willingness to resort to the courts (75 percent) than did women (68 percent).
- There was a correlation with the level of education, with more educated respondents expressing more willingness to resort to the system than the less educated. For example, 64 percent of the illiterate and 65 percent of those with less than 9 years of education were willing to resort to the judicial system, compared with 76 percent among those with two years of college education, and 72 percent among those with BA degrees.
- Respondents from the middle of the West Bank were less likely to say that they would choose the judicial system (67 percent), compared with respondents from the south (71 percent) and the north (76 percent).
- Age is also a factor, with older respondents less likely to say that they would choose the judicial system (62 percent), compared with 75 percent among younger respondents.

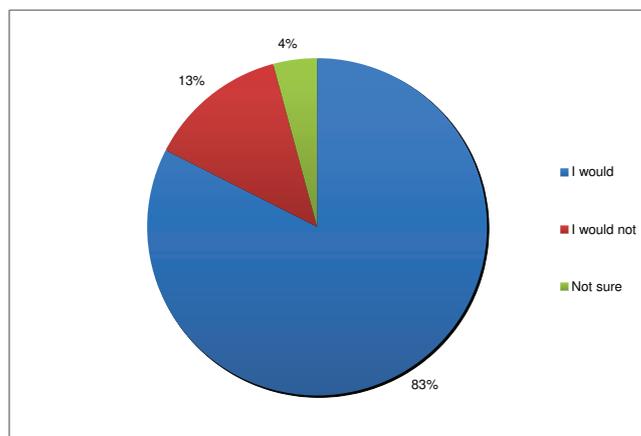
Table 19. Percentage of respondents willing to rely on the judicial system, by demographics.

District	%	Gender	%
Jenin	81.5	Male	75.0
Tubas	50.0	Female	68.0
Tulkarm	82.5	<b>Education</b>	<b>%</b>
Qalqilya	64.3	Less than 9 years	67.6
Nablus	75.0	9-12 years	72.6
Salfit	70.0	More than 12 years	73.2
<b>North</b>	<b>75.5</b>	<b>Age</b>	<b>%</b>
Jericho	51.7	18-30	75.4
Ramallah	69.5	31-50	70.6
<b>Middle</b>	<b>66.8</b>	Over 50	61.9
Bethlehem	64.1	<b>Work Sector</b>	<b>%</b>
Hebron	67.7	Government	76.6
<b>South</b>	<b>71.0</b>	Private & NGOs	75.9



The same trends apply to the attitudes of respondents towards being summoned as witnesses by the court, as illustrated in the next graph.

**Graph 31. If you were asked to be a witness in court, would you agree?**



## 2. The Experiences of Court Users and Litigants

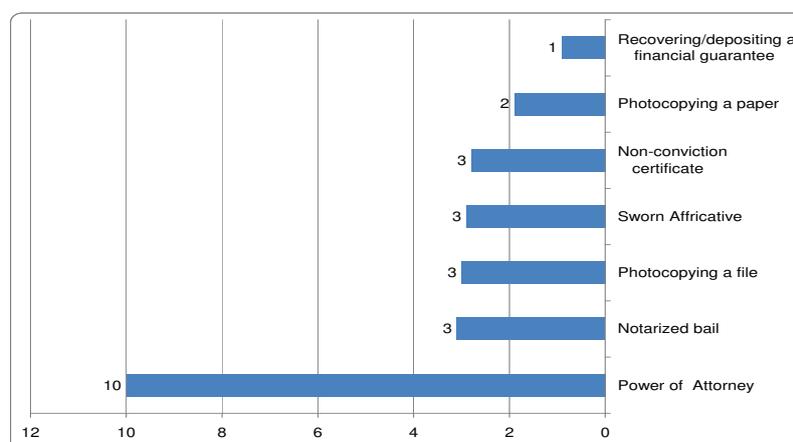
The following section provides a brief description of the data obtained from the national sample on respondents who declared that they have approached the judicial system as users of services (outside of the litigation process) or as litigants. The small number of users (150 respondents maximum) and litigants (77 respondents maximum) implies that data must be interpreted with caution. These current data were merged with data obtained from a specialized survey targeting only court users and litigants (with a sample of 345 interviews), and a detailed analysis is provided in the report on the specialized survey of users and litigants.

### 2.1 The Experiences of Patrons

- **Overall Usage of Court services**

Less than 15 percent of the respondents visited the courts to process at least one type of paperwork within the last five years. The most widespread demand was for power of attorney, with 10 percent saying that they visited the court for this purpose. The second most needed paperwork for court patrons were notarized bail, copying a file, sworn affidavit, and non-conviction certificates, with about 3 percent each. Copying a court decision and redemption of a deposit were the least common services sought, with less than 2 percent each.

**Graph 32. Did you personally visit the court to obtain the following services? (% saying yes)**



## 2.2 The Distribution of Users

In view of the following table, we conclude the following about the users of court services:

- The percentage of those who obtained a power of attorney certificate in the north was higher (13.2 percent) than in other regions (8.8 percent in the middle and 6.2 percent in the south).
- The percentage of those who obtained a power of attorney certificate was three times higher among males (14.9 percent) than females (5.3 percent).
- The more educated were more likely to seek services than the less educated.
- Older respondents were more likely to say that they have sought services than younger respondents.

**Table 20. Percentage of respondents saying that they visited the courts to obtain a power of attorney, by demographics**

District	%	Gender	%
Jenin	8.5	Male	14.9
Tubas	10.0	Female	5.3
Tulkarm	12.5	<b>Education</b>	<b>%</b>
Qalqilya	17.9	Less than 9 years	7.6
Nablus	18.4	9-12 years	9.2
Salfit	3.3	More than 12 years	16.2
<b>North</b>	<b>13.2</b>	<b>Age</b>	<b>%</b>
Jericho	17.2	18-30	4.5
Ramallah	7.3	31-50	12.9
<b>Middle</b>	<b>8.8</b>	Over 50	15.6
Bethlehem	2.6	<b>Work Sector</b>	<b>%</b>
Hebron	7.3	Government	14.4
<b>South</b>	<b>6.2</b>	Private & NGOs	16.0

In general, the following results indicate the composition of users of court services (outside of the litigation process):

- The majority of court patrons were male (73 percent compared with 27 for females).
- The majority of court patrons (63 percent) had 12 years of education or less (5 percent illiterate, 10 percent with less than 6 years of education, 19 percent with 10 years or less, and 29 percent with high school education). The rest (37 percent) had more than 12 years of education, with most having a BA degree.
- About 56 percent of the court users were from the north, while 25 percent were from the south and 19 percent from the middle (Ramallah and Jericho). The percentage of users in the middle was 5 percent higher than the percentage of population size. The discrepancy is even higher when comparing the north and the south. With a population of 47 percent of the rest of the West Bank (excluding Jerusalem), the north comprised about 56 percent of the total service users. In contrast, the population of the south is about 39 percent of the population, with about 25 percent of the court service seekers.

### 2.3 Evaluation of Services

As to the evaluation of services, the data show the following:

- Among those who obtained a power of attorney certificate, about 77 percent were satisfied to a large or medium extent, while about 20 percent said that they were only satisfied to a small extent or were not satisfied at all.
- Almost 70 percent of service seekers said that they received the needed service on the same day.
- Among those who received the service on the same day, 49 percent received it in less than one hour. About one quarter received the service in between one and two hours. The rest (26 percent) received the needed service after two hours.
- Two thirds of the patrons felt that the level of respect, from employees to patrons, was very good or good.
- About the same percentage felt that the efficiency of employees was very good or good.
- Less than 50 percent said that the 'ease of procedures' was very good or good. The same applies to the cleanliness of the courts.
- Around 47 percent said that 'abiding by the line' was very good or good.
- While about 42 percent evaluated the responsiveness to complaints as very good or good.
- Among patrons, about 35 percent said they did not feel the influence of nepotism during their court experience. About 16 percent did feel the influence of nepotism to a small extent. Over 21 percent felt it to a medium extent, and 24 percent to a large extent. Overall, 61 percent felt the influence of nepotism to one degree or another.

### 2.4 Role of Private Offices (Petition Writers)

Citizens use specialized private offices to help them complete the paperwork needed to obtain services from the courts:

- About 71 percent sought the help of a private office to help them complete their paperwork.
- The majority felt that the services of the private office were helpful to a large or medium extent.
- About 61 percent received the needed forms from these private offices, while 20 percent received them from court employees, and about 18 percent did not remember.

### 2.5 Security and Directions

Questions concerning security and directions yielded the following results: Only 14 percent said that they were checked by the police upon entering the court.

- Less than half (49 percent) felt that the security procures were sufficient, while 39 percent felt they were insufficient. The rest (12 percent) had no opinion. About two-thirds of the patrons said that there were signs to help them reach their destination.
- Among those who said that there were signs, about 74 percent said that these signs were detailed enough to facilitate their search.
- About 50 percent said that court employees were available to offer directions.



### 3 The Experiences of Litigants

#### 3.1 Involvement in Court Cases

- About 7 percent of the national sample respondents said that they were part of a court case during the last five years.
- About 40 percent were claimants, 50 percent were defendants and 10 percent were witnesses.
- Almost 47 percent were part of a court case during the past 12 months.
- Around 59 percent of those who were involved said that they received an official notification memo from the court.
- Among those, 87 percent said that the memo was clear enough to facilitate their court experience.
- Only 30 percent said that the court hearing started on time.
- As to the reasons for the delay, 56 percent said that the court staff was late. Another 22 percent said that the litigants were late; while 16 percents said that the witnesses were late.

#### 3.2 Treatment before the Court

- About 62 percent say that they knew about the trial procedures to a large or medium extent.
- Around 54 percents say that the judge explained the litigation procedures to them.
- Less than half of the litigants said that they were given the right to defend themselves according to the law.
- Three quarters of the litigants said they were treated with respect during the court hearings.
- At the same time, 24 percent felt that there was bias against them in the court.
- Around 47 percent felt the duration of the trial was long, while 32 percent felt that it was reasonable, and 17 percent felt that it was shorter than expected.
- As to the actual length of the trial, about 39 percent said that it took less than three months; 20 percent cited 3 months to one year; around 40 percent cited more than one year.
- Among the reasons for the delay, 39 percent cited judges, 36 percent cited witnesses, 29 percent cited lawyers, and another 29 percent cited the registration process.

#### 3.3 Evaluation of Court Environment

- The majority of the litigants (88 percent) felt that they felt secure to a large or medium extent while in the courts.
- About three quarters of the litigants felt that direction signs were available to a large or medium extent.
- The same percentage felt that the courts were clean to a large or medium extent.
- The majority also felt that the lighting, the hearing and the ventilation were available to a large or medium extent.
- About 65 percent of the litigants felt that the level of respect, from employees to patrons, was very good or good.
- Almost 59 percent said that 'abiding by the line' was very good or good.
- About 54 percent said that the 'ease of procedures' was very good or good.
- About 51 percent felt that the efficiency of employees was very good or good.
- While about 45 percent evaluated the 'responsiveness to complaints' as very good or good.
- Only 28 percent said that the fees were 'very good' or 'good.'
- Among litigants, 47 percent did not feel the influence of nepotism during their court experience. About 11 percent did feel the influence of nepotism to a small extent. Over 16 percent felt it to a medium extent, and 20 percent to a large extent. Overall, 47 percent felt the influence of nepotism to some degree.



## Conclusions and Recommendations

The following is a summary of the National survey's most important results and recommendations regarding public policies and actions for development:

1. **High interest in rule of law:** The data revealed that the Palestinian public is very interested in the judicial system, and its role in promoting rule of law. This was evident in the high percentage of Palestinians who felt they had enough knowledge of the judicial system to form and provide an opinion on its functioning. The same does not apply to other judicial systems within the region and around the world, which a significant percentage of respondents would not evaluate.

**Recommendations:** This high degree of interest and awareness provides an opportunity for policy makers to build on and expand as a basis for action. The data suggests that policy makers must engage the Palestinian public through a rational discourse that speaks to all strata of society. This could be achieved through the media, educational institutions, and special workshops and conferences which should be conducted not only in the central areas but also in marginalized regions. The focus must be on the dissemination of a constructive, positive judicial culture.

2. **Majority gives medium-range ratings:** Palestine received medium ratings on scales of justice, integrity, and neutrality from survey respondents, similar to those of other Arab systems. In contrast, Palestinians gave western judicial systems, especially the French and the British, a much higher rating.

**Recommendations:** Palestinian policy-makers must map out a vision of the judicial system to which they aspire. This will enable them to select certain systems as models to emulate. The survey showed that, from the countries presented, Palestinians viewed the French and the British systems with the highest respect. From the countries of the region, Jordan received the highest praise. The Palestinian judicial system should seek to learn from other countries that are trusted by its people.

3. **Familiarity with Court Decisions is Insufficient:** Surprisingly, there seems to be no relationship between the perception of fairness of court decisions and perception of the degree of justice in the judicial system. In addition, there seems to be no correlation between familiarity with court decisions and perceptions of the Palestinian judicial systems. Those who say that they are familiar with court decisions and those who say that they are unfamiliar evaluate the justice of the Palestinian system in the same fashion. Many other factors play a role in respondents' evaluations of the Palestinian judicial system, including the perception of fairness, the perception of judges and the perception of the role of the government. Those who considered that the courts' decisions as fair, were more inclined to rate positively the extent of justice and impartiality of the Judicial Authority.

**Recommendation:** In order to improve the public's perceptions towards the fairness, impartiality, and neutrality of the Judiciary, more information should be provided to the public about the functioning of the Judicial Authority. Information should be accessible to all those interested via various media means, and including information technology tools, or through the dissemination of information on the importance of confidence in the judiciary and the rule of law in formal and informal institutions; particularly in educational institutions.

4. **First-hand Knowledge of the System May, or May Not Improve Perceptions:** Data in this area points to a paradox. The personal experience of court users (service seekers) tended to affect their perceptions of the entire justice system, while litigants with first-hand experience of the courts tended to be negative overall, no matter what their experience. For instance, a larger percentage of those who were seeking a service from the courts, and did not receive it on the same day believed that the system was unjust, compared with those who received the service on the same day. Additionally, many more service seekers who said that they were treated with respect in the courts



believed that the Palestinian judicial system was just. On the other hand, a larger percentage of those who were litigants in a court case believed that the system was unjust, compared with those who were not part of a court case. This suggests the possibility that while reform in the services has advanced and is making an impact on the users seeking services, litigants have not benefited from a similar improvement. It may also indicate that services that are provided solely by the courts (i.e., without involving other agencies such as the police, the lawyers or prosecution) are much easier to reform and improve, while, the reliance of the litigants on other agencies makes the reform process more complex and slower. It is important to note that these court users were evaluating their experiences with the judicial system during the last five years, and not only in the last year, a significant amount of court improvements took place over the last year and it will be worthwhile to evaluate the extend of these improvement on opinions of the court system in the future.

**Recommendation:** The Judicial Authority should urgently seek to reduce the case backlog and take rapid action in long-pending cases. This action should run in parallel with improvement of court services, decreasing bureaucratic measures, facilitation of court users' transactions and providing them with feedback on transactions. Additionally important is the improvement in efficiency of court employees and their respect of court users. All these measures may improve the impression of the public regarding the Judicial Authority and its fairness.

5. **Role of Judges and Government:** Those who perceived that the judges could be trusted and those who felt that government played an important role in reinforcing the independence of the judiciary tended to be more positive in their evaluation of the degree of justice, neutrality, and integrity of the system as a whole.

**Recommendations:** The fact that Palestinians are generally willing to use the court system and that, for many, perceptions of the court system are predicated on personal experiences provides an opportunity for the system to correct or shape opinion. The system must utilize this opportunity to the fullest, and continue to reinforce its efforts in enhancing service provision. It must, however, make clear and long-term efforts to improve the functioning of the courts for the litigants, in close cooperation and coordination with the other components of the judicial process. More recommendations are included in relation to the judges and the other components of the judicial process. (For all of the above conclusions, please refer to table number 6).

6. **Trust of Judges and their Evaluation:** The public's views regarding judges are possibly the most important element to the credibility of the judicial system. The results showed that, among the various target groups of this survey, judges were viewed by Palestinians with the highest degree of respect. This is especially prevalent in the north and south of the West Bank more than the middle, where the judicial system is highly present. Respect for the occupation of a judge is also more prevalent among women than among men, in rural areas more than in urban centers, and among the less educated more than the educated. In some areas and among certain groups with less exposure to or interaction with judges, their views tend to be primarily academic and somewhat idealistic. Those with more exposure view judges as reality, rather than concept, and find that this homogeneous group exhibits values and actions that are similar to the rest of the population, and thus they (the judges) are normalized.

**Recommendations:** Policy makers must build on the prevailing positive views of the occupation of a judge. This credibility will be preserved through proper appointments of judges who are perceived in their communities as competent and credible. The reputation of key judges is especially important, with respondents who evaluated the status of judges recalling specific judges from their region with high or low credibility and reflecting this on their overall evaluation. The concept of role models must be reinforced, and older, reputable judges must be encouraged to play this role among younger judges.

7. **Regional Variance:** Confirming other existing data, the judicial system is clustered in Ramallah. While the population of the Ramallah district comprises about 16 percent of the target population, it was obvious that the majority of resources are in the Ramallah



region, with about one third of the judges, lawyers and court staff. Even with the renewed focus on districts like Hebron, with three court areas, the demand for judicial services is still higher in districts such Ramallah and Nablus. This might be due to additional factors such as the strength of the informal tribal system utilized to resolve disputes on a wider scale in the Hebron region. In addition, the role and credibility of the Palestinian Authority is weaker in places such as Hebron, in comparison to other regions.

**Recommendations:** The development of infrastructure in all regions is important to the judicial process. This, however, should not replace efforts to change the prevailing culture. To strengthen the role of the judicial system, the issue of rule of law must be tackled, and the role of the Palestinian Authority in general must be reinforced in areas where it is comparatively weaker. More resources on all fronts, including economic, development, and the security promotion, must be channeled to marginalized areas. Well-targeted activities especially in the fields of public information and training must be directed at these regions.

- 8. Social Variance:** Data also confirmed that not all groups had the same access to the judicial system. Women, youth and the less educated persons have more limited access to the judiciary. This must be understood within the social and cultural context, where all of these groups also have less access to common resources. Data presented in these reports show clearly that the vast majority of court users, lawyers, judges and staff are men. This is the result of a long history of social and policy discrimination. However, considerable efforts are underway to create a degree of balance in these areas.

**Recommendations:** The above analysis does not preclude the fact that a long-term strategy must be devised to help these groups enjoy equal access to services, and to ensure greater gender sensitivity inside the court system. Efforts must also take into consideration other types of imbalances based on age, class, and education, this can be reinforced through recently adopted SJC policies and practices. A comprehensive study that provides clear guidelines on improving access of all disadvantaged groups must be carried out. Training and awareness-raising programs must also focus on all marginalized groups.

- 9. Administrative reform:** Though it is widely known that the judicial system is undergoing a process of reform and strengthening, the perception of nepotism is still common among the public and court users. The issue of long trials, the related practices of the police, the prosecution and court staff all leave a negative impression on the public and especially court users and litigants.

**Recommendations:** For the current efforts to succeed in reforming the judicial system, additional measures must address all aspects of the system, including the procedures employed by the police and prosecution. Significantly, policy makers must strive to continue in their efforts to eradicate any form of nepotism or favoritism in the courts.





**Section Three**  
**Judges' Survey**





## Section Three

### Judges' Survey

#### Introduction

This chapter analyzes results of the judges survey conducted among West Bank Judges regarding the integrity and fairness of the Palestinian Judicial System compared to other Arab and Western Countries. It also examines the judges' knowledge and perceptions regarding the Judicial Authority, in addition to exploring their opinion regarding the courts' procedures. Around 107 out of 114 eligible judges were interviewed.

#### Objectives:

- Gauge current perceptions of judges on the performance of various components of the judicial process including the police, prosecution, courts, lawyers and government in general.
- Analyze the perceptions of judges of the Palestinian judicial system as compared with other Arab and Western countries.
- Understand the real experiences of judges with the judicial system.
- Assess the views of judges on the performance of the SJC.
- Assess the environment of the courts as perceived by the judges.
- Assess the reforms needed, from the point of view of judges, to further develop the performance of the judicial system.

#### Methodology

The data were obtained through a survey of the majority of Palestinian judges who work in the field. Six pilot interviews were carried out with judges from six districts in the different regions of the West Bank, including both male and female judges, and a range of ages and experience levels. Modifications to the original field work plan were introduced, and it was decided that the interviews would take place face-to-face instead of over the phone, as originally envisioned.

The field work for this survey was carried out between 17 to 30 November 2008 by a team of twelve highly-skilled field researchers and supervisors. The interviews were conducted in the courts and offices of the judges through face-to-face interaction. Researchers made appointments with the judges prior to the interviews. Some of the appointments were arranged over the phone, while others had to be set-up through personal interaction. The judges were informed of the study by the SJC, and were generally cooperative from the start, with a few exceptions where the researchers had to make a number of visits before the interview actually took place. The judges who were not interviewed (seven) were abroad on work missions or for personal reasons.

Reports from the field indicated caution by some judges in responding to certain questions. Others were under time pressure and had to complete the interview in a short period of time. However, the majority of judges were cooperative and candid. As mentioned above, the team interviewed 107 judges, who were selected from the ten West Bank districts targeted in this study.



## Analysis of Results

For a realistic presentation of the data and analyses, we must make the following two points:

1. The sample population of judges was small, with just 114 judges qualifying to take part. The penetration rate was about 94 percent, making this a comprehensive study of the full range of views of Palestinian judges in the West Bank.
2. Judges are public employees who work under the direct management and scrutiny of the SJC. Interviews with them were carried out in their offices and in the courts. Situating the interviews at the judges' professional setting encouraged a more direct and real account of their experiences, but also likely influenced their capacity for free self-expression.

### 1. Views of the Judicial System and the Stakeholders

#### 1.1 Evaluation of the Judicial System in Palestine: A Comparative Perspective

This is an analysis of the views of judges to the questions on justice, integrity and neutrality of legal systems in seven countries including Palestine, Arab countries (Jordan, Lebanon and Egypt) and Western countries (USA, France and Britain). The judges were asked to rate each country's justice system on three scales (justice, integrity and neutrality), assigning a score of 1 to 10, with 10 being the highest score. For the purposes of this survey, each term was defined as follows:

**Justice:** To fulfill the rights of the litigants within the parameters of the law.

**Integrity:** The litigation process is not influenced by any factors other than the law during the trial.

**Neutrality:** Equality among the litigants in the absence of any bias to any side.

In the following analysis, we divided the scores into three levels of evaluation: low (1-3), medium (4-7) and high (8-10). The detailed results are listed in the annexed tables.

Before delving into the detailed results for each criterion, it is important to indicate the following major trends:

- Judges expressed their views of the judicial system in Palestine, while a very large percentage was hesitant to express any opinion of systems in other countries. The percentage of respondents expressing no opinion of other systems ranged from 39 percent (Jordan) to 47 percent (Egypt) and about 60 percent (Lebanon, France, USA, and Britain). This hesitance to voice opinions on other countries might be interpreted as a form of modesty and rationality, with judges lacking concrete knowledge, and feeling they should not base their views on general knowledge and overall impressions. It might also be viewed as a sign of sophistication, diplomacy and non-desire to express opinions of other countries.
- Of those who did express an opinion of other countries' judicial systems, very few gave low scores. Almost no judge gave a score of less than four out of ten. This might reflect the real opinions of the judges, or their tendency to be courteous and diplomatic in expressing opinions.
- While the answers of the judges to general questions were mostly positive, their answers to more specific, pragmatic questions were more illuminating. Those must be viewed with the highest degree of consideration as judges have extensive experience and their views must be taken into account when devising policies and plans for the future.
- In identifying gaps and recommendations, it is also useful to focus on those answers that express a medium or low satisfaction.

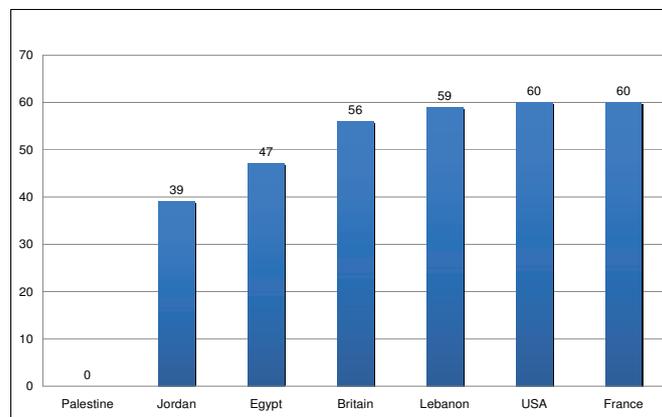


## 1.2 Views of Justice, Integrity and Neutrality

Judges were asked to assess the level of justice, integrity and neutrality in judicial systems of the countries listed in the questionnaire.

- About 3.7 percent of the respondents expressed no opinion on the degree of justice in Palestine. At the same time, all judges expressed an opinion on the integrity and neutrality of judicial processes in Palestine.
- About 38 percent of the judges did not express an opinion on the degree of justice of the Jordanian judicial system, and 51 percent did not comment on the Egyptian system. Western countries (USA, Britain and France), along with Lebanon, received even fewer assessments from the judges.
- The above-listed trends are even more pronounced when it comes to the scales of integrity and neutrality.

**Graph 33. Percentage of judges who did not express an opinion of the judicial system in each country on the integrity scale.**



For the judges' opinions to show significance, they must be calculated from among those who expressed an opinion. In doing that, the following trends emerge:

- Judges gave Britain and France the highest scores on all three scales. The USA placed a distant third. Among Arab countries, Jordan scored the highest scores on the justice scale, while Palestine scored the highest on the integrity scale. Jordan and Palestine were ranked equally on the neutrality scale. Overall, Palestine placed fifth on the justice scale, fourth on the integrity scale, and fifth (in a tie with Jordan) on the neutrality scale.
- The gap between perceptions of judicial systems in Western and Arab countries is clear. Most judges (over 90 percent) said the British and French systems were just to a large extent, while a far smaller portion said the same about the Egyptian system (43 percent) or the Palestinian system (53 percent).



**Table 21. Perceptions of various judicial systems on the scale of justice**

Rank	Country	High justice (%)	Medium justice (%)	Low justice (%)
1	France	92.2	7.8	0.0
2	Britain	92.1	7.9	0.0
3	USA	69.9	30.1	0.0
4	Jordan	59.2	39.3	1.5
5	Palestine	53.4	44.7	1.9
6	Lebanon	48.8	49.0	2.2
7	Egypt	43.3	56.7	0.0

- The same trends apply to perceptions of integrity. Over 91 percent of the employees felt that the British system had a high degree of integrity, while less than half of respondents said the same about the Egyptian and Lebanese judicial systems (37 and 40 percent, respectively). Palestine was perceived to be in the middle of the integrity scale, with around 64 percent of the employees saying that the Palestinian judicial system had a high degree of integrity.

**Table 22. Perceptions of judicial systems on the scale of integrity**

Rank	Country	High integrity (%)	Medium integrity (%)	Low integrity (%)
1	Britain	91.4	8.6	0.0
2	France	71.6	26.1	2.3
3	USA	71.6	26.1	2.3
4	Palestine	63.6	34.5	1.9
5	Jordan	49.2	50.8	0.0
6	Lebanon	39.7	60.3	0.0
7	Egypt	36.8	63.2	0.0

- The perceptions gap between Western and Arab countries is still pronounced when it comes to perceptions of high neutrality, with 87 percent viewing the French system as such, followed by the British system (84 percent) and the American system (70 percent). This compares with 63 percent for Palestine and Jordan, 50 percent for Egypt, 43 percent for Lebanon.

**Table 23. Perceptions of judicial systems on the scale of neutrality**

Rank	Country	High neutrality (%)	Medium neutrality (%)	Low neutrality (%)
1	France	87.1	12.9	0.0
2	Britain	84.1	15.9	0.0
3	USA	70.3	27.6	2.1
4	Palestine	62.6	37.4	0.0
5	Jordan	52.3	46.2	1.4
6	Egypt	49.8	50.2	0.0
7	Lebanon	43.5	54.4	2.1



In general, the results show that the judges are generally positive in their evaluation of all judicial systems listed in the survey. The gap is, however, detected in ranking the relative scores given to each system (counting only responses of those volunteering an opinion.) Britain and France consistently received the highest scores on all scales, followed by the USA. Palestine and Jordan placed in the middle, and Lebanon and Egypt received the lowest scores.

The results also show that there is a correlation between perception of the judicial system in Palestine and other background variables of the judges.

- Judges working in the middle region of the West Bank (i.e., Ramallah) have the most faith in the justice of the Palestinian judicial system (58 percent), followed by judges from the north (53 percent). The least faith in the justice of the system is among the judges from the south (48 percent).
- Male judges have more faith in the justice of the system (55 percent) than do female judges (40 percent).
- Faith in the justice of the system is correlated with age and experience. About 52 percent of the judges with less than five years of experience said that the system is just to a large extent, compared with 58 percent of judges with five to 10 years of experience, and 60 percent among judges with over ten years of experience.
- Education is a significant factor in the judges' assessments of justice, with judges with MA degrees expressing more criticism than those with only undergraduate degrees. Less than one third of judges with a graduate degree said the system is just to a large extent, compared with 60 percent of judges with an undergraduate degree.

**Table 24. Evaluation of the judicial system on the scale of integrity, according to certain characteristics of respondents, and expressed as percentages.**

	Just	Somewhat Just	Unjust
Less than 5 years of service	51.6	46.8	1.6
5-10 years	57.9	36.8	5.3
More than 10 years	60.0	40.0	0.0
Male	55.4	42.4	2.2
Female	40.0	60.0	0.0
BA	60.0	40.0	0.0
MA plus	31.8	59.1	9.1
North WB	52.6	44.7	2.6
Middle WB	57.9	39.5	2.6
South WB	48.0	52.0	0.0

Judges' assessments of the judicial system are also related to multiple other factors such as their perception of the role of the state in preserving the independence of the judiciary and the role of the SJC.

The least favorable evaluation of the Palestinian judicial justice system came from judges who believe that the government does not seek to preserve the



independence of the judiciary. In addition, judges who are satisfied with the SJC have a much more favorable evaluation of the performance of the entire system. The degree of familiarity with the Justice Sector Strategy (JSS) for 2008-2010 is not a significant factor in the evaluation of the system.

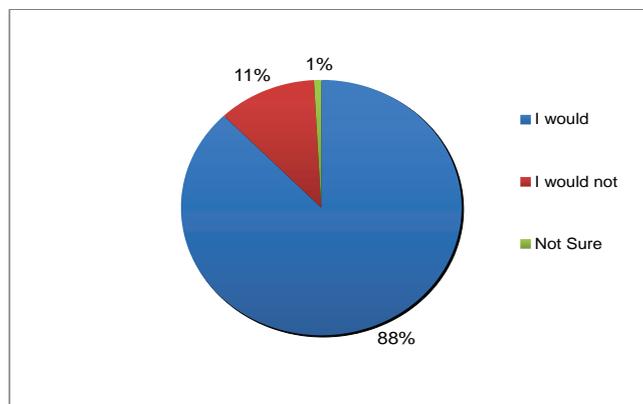
**Table 25. Perceptions of the judicial system on the scale of integrity, according to the perception of role of government and SJC, and familiarity with the JSS**

	Just	Somewhat just	Unjust
Government seeks to reinforce judiciary independence	62.8	37.2	0.0
Government doesn't seek to reinforce judiciary independence	38.5	61.5	0.0
Satisfied with SJC	58.0	40.6	1.4
Unsatisfied with SJC	38.7	58.1	3.2
Familiar with the SJC Strategy	68.2	27.3	4.5
Familiar to some extent	48.8	51.2	0.0
Unfamiliar	62.5	37.5	0.0

### 1.3 Willingness to rely on the system

The vast majority of judges are willing to rely on the judicial system if involved in a legal dispute. While 88 percent of the judges said that they would choose the legal system to resolve a dispute, 11 percent of judges said they would not, and 1 percent was unsure.

**Graph 34. If you knew that you had the right, would you choose the judicial system for dispute resolution?**



Judges who said they would choose the judicial system for dispute resolution list the following reasons (cited in their own words):

- *The only and best way to resolve disputes*
- *This is the way you implement the law*
- *Staying away from additional problems*
- *The courts are the official mechanism*
- *Courts achieve justice*
- *Tribal system is a failure and it is unjust*
- *The law is clear and has a unified system*
- *This reinforces the rule of law in society*
- *The law is fair*
- *Trust in the system has been on the rise lately*

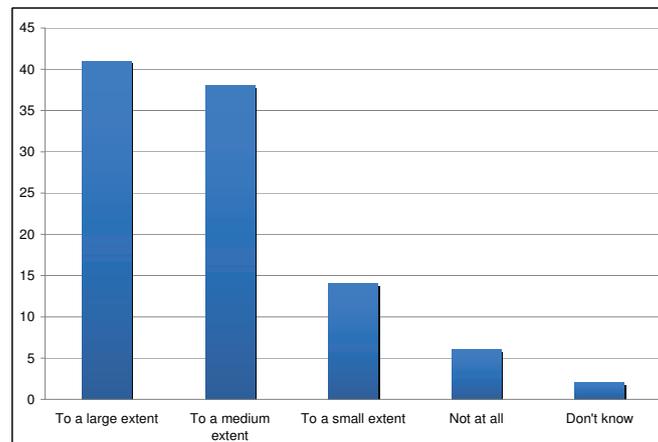
Judges who say that they would not resort to the court system to resolve disputes listed the following reasons (cited in their own words):

- *People must learn to forget and forgive*
- *Judges will be lenient on others but not on themselves*
- *The system is costly*
- *Tribal, informal adjudication is better for all sides*
- *Corruption and nepotism*
- *Trial take a long time*
- *Do not trust the courts*
- *The courts are unable to guarantee rights for people*

#### 1.4 The role of the state

In general, judges felt that the government was working to maintain an independent judiciary, with the majority saying that the government sought to do this either to a large extent (41 percent), or to a medium extent (38 percent). Just 20 percent said that the government aimed to preserve the independence of the judiciary to a small extent, or not at all.

**Graph 35. To what extent do you think that the government seeks to maintain the independence of the judiciary?**

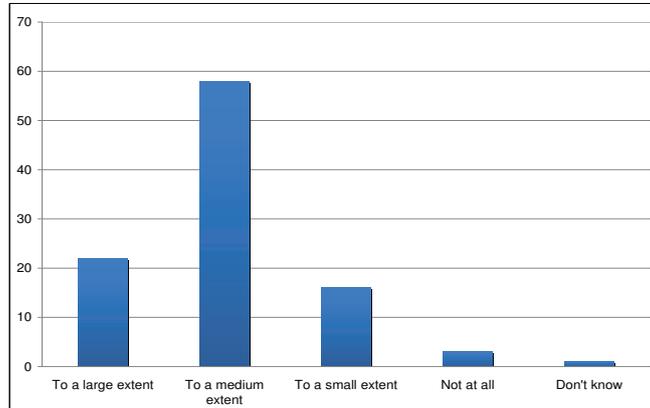


- The role of the government was assessed least favorably in the northern region of the West Bank (24 percent), followed by the middle (22 percent) and the south (13 percent).
- Judges with more experience (over 10 years) tended to be more critical of the role played by the government in preserving the independence of the judiciary, with 29 percent saying the government played either no role or a limited role in this. About 14 percent of the least experienced judges shared this view.

While over 40 percent of judges felt the government aimed to preserve the independence of the judiciary to a large extent, only 22 percent believed that the government succeeded in doing so to a large extent. A larger group (45 percent) believed that it succeeded to a medium extent, and about 19 percent believed that it succeeded only to a limited extent or not at all.



**Graph 36. To what extent did the government succeed in maintaining the independence of the judicial system?**

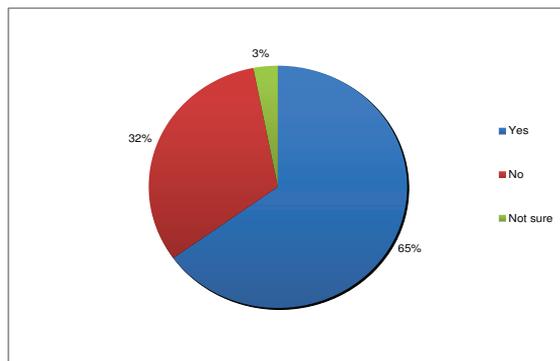


### 1.5 Evaluation of the SJC and Strategy

Judges were divided in their assessments of the performance of the SJC, though most expressed a favorable opinion. About two thirds said they were satisfied with the performance of the SJC in fulfilling its role as a provider of services to the judicial system. In contrast, one third of the employees said that they were not satisfied with the performance of the SJC.

The majority of judges believed the SJC is responsive to the needs of the courts, saying either that the SJC responds to the needs of the courts to a large extent (32 percent), or to a medium extent (49 percent). Just 16 percent said the SJC responds to the courts’ needs to a small extent or not at all.

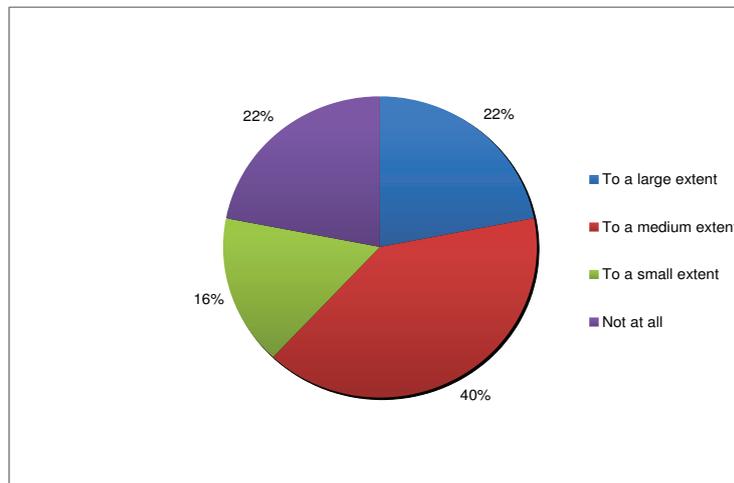
**Graph 37. Satisfaction with the performance of the SJC**



Judges from the middle region were least satisfied with the performance of the SJC (38 percent rate of dissatisfaction), compared with 32 percent in the north. The most satisfaction is in the south with only 16 percent saying that they are dissatisfied. Judges with more experience are more dissatisfied (34 percent) than less experienced judges (28 percent). Education is also an indicator, with 35 percent dissatisfaction among judges with MA degrees and 30 percent among judges with BA degrees.

This survey also inquired about the judges’ familiarity with the Justice Sector Strategy (JSS) initiated by the SJC, and points to worrisome signs that a significant group of judges has limited knowledge of the JSS. Over one third of judges (37 percent) said they were either familiar to a small extent or not familiar at all with the strategy. About 40 percent said they were familiar to a medium extent, and only 22 percent affirmed they were familiar with the JSS to a large extent.

Graph 38. Familiarity with the Palestinian Judicial Sector Strategy

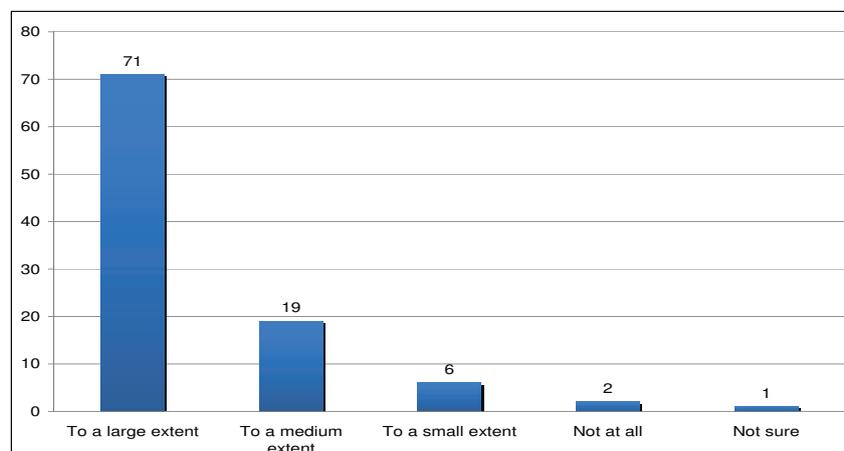


The degree of familiarity with the JSS did not vary across regions. It was, however, noticeable that relatively new judges were more likely to say they were familiar with the strategy (27 percent), than were the most experienced judges (19 percent). Judges with a medium degree of experience were the least familiar with the JSS (10 percent). Around 23 percent of the judges with a BA degree said they were familiar with the JSS to a large extent, compared with 17 percent among those with an MA or more.

Judges were, however, optimistic that the JSS would lead to a better functioning judicial system. About 52 percent believe that it would to large extent, and 29 percent believe it would to a medium extent. In contrast, 13 percent said the JSS would not lead to any significant improvement.

This optimism was more pronounced in the evaluation of the SJC's resolve in implementing the strategy. As many as 71 percent of respondents said the SJC was serious to a large extent in implementing the JSS. Another 19 percent believed this to a medium extent, and only 8 percent felt that the SJC was not serious.

Graph 39. How serious is the SJC in implementing the JSS?



Judges from the middle region were least optimistic about the seriousness of the SJC in implementing the JSS, with 62 percent saying it is serious to a large extent. This is compared with 74 percent among judges from the north and 81 percent among judges from the south. Judges with medium-length experience were the most critical, with only 62 percent saying that

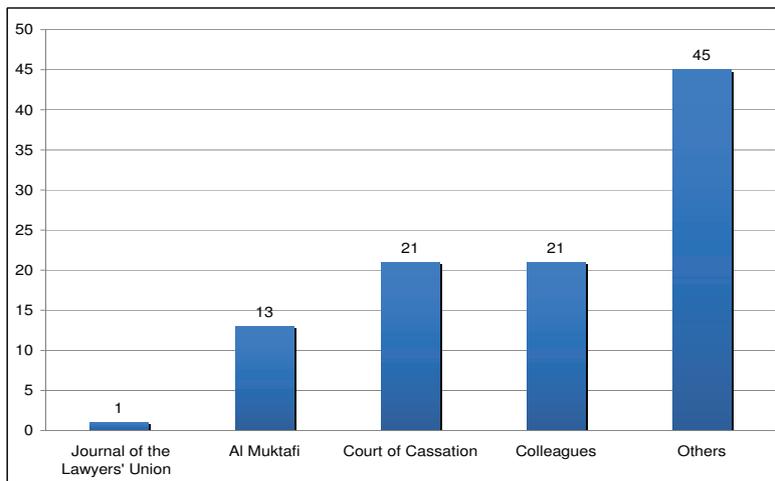


the SJC is serious to a large extent, compared with 71 percent among judges with the most experience and 75 percent among judges with the least experience. The level of education was another factor, with 68 percent of BA holders believing that the SJC is serious to a large extent, compared with 82 percent among MA holders.

**1.6 Knowledge of court rulings**

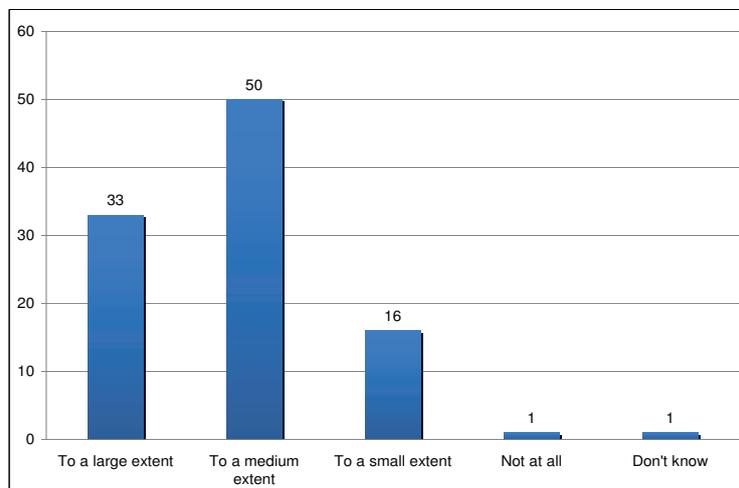
Judges were asked about their knowledge of the rulings of the Court of Cassation. The large majority of them (95 percent) said that they were familiar with rulings. The largest portion of respondents attributed their knowledge to ‘other’ sources, meaning personal experience or other methods in the survey. Colleagues and court archives were also primary sources of knowledge, with both categories cited by 21 percent of respondents. About 13 percent cited Al Muktafi as their source of information on court rulings.<sup>6</sup> Only one percent cited the Journal of the Palestinian Bar Association.

**Graph 40. Sources of knowledge on court ruling (% saying yes)**



Among judges who said that they were familiar with court rulings, one third said that these rulings relied to a large extent, on clear and concrete legal principles. In addition, 50 percent believed that they do so to a medium extent. In contrast, 17 percent said that they rely on clear and concrete legal principle only to a limited extent or not at all.

**Graph 41. Evaluation of the rulings of the Court of Cassation in relying on clear and concrete legal principles?**



<sup>6</sup> AL MUQTAFI, a database managed by Birzeit University, houses the Legislation Database containing over 13,000 pieces of legislation, collated from over a period of 150 years of Palestine’s contemporary history and the Court Judgments Database containing all court judgments issued forth by the Palestinian high courts since 1994.

- Negative evaluations of court rulings declined among the judges of the middle region, with only 10 percent of them saying that court rulings do not rely on clear and concrete legal principles. This view was shared by 13 percent of judges in the south and 25 percent of judges in the north.
- Judges with the least experience were more critical of court rulings, with 19 percent stating that court rulings do not rely on legal principles. This view was shared by 12 percent and 14 percent of judges with moderate experience and extensive experience, respectively.
- There was a considerable difference in the assessments of judges with BA degrees and those with MA degrees. Over 36 percent of those who have an MA or more believe that court rulings do not rely on clear and concrete legal principles, compared with 10 percent among judges with BA degrees.

**Table 26. Percentage of judges saying that court decisions do not rely on legal principles, according to other variables**

Gender	%
Male	17.8
Female	00.0
Education	%
BA	10.3
MA or more	36.4
Year of experience	%
Less than 5 years	18.0
5-10 years	11.8
More than 10 years	14.3
Region	%
North	25.0
Middle	10.0
South	13.0

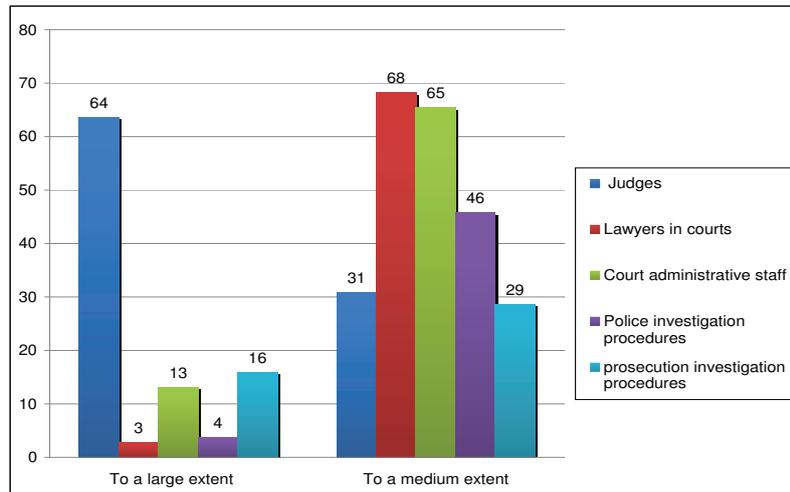
### 1.7 Trust in the judicial process

Among all the elements of the adjudication process, judges trust other judges the most. About 63 percent said that they trusted judges to a large extent, and about 31 percent to a medium extent. Only 5 percent said that they only trusted judges to a limited extent or not at all (with less than 1 percent saying that they don't trust judges at all).

The least trusted by the judges were the prosecution investigation procedures, with only 45 percent of judges saying that they trust them to a large or medium extent. The second least trusted were the police investigation procedures with only 50 percent of the judges saying that they trusted them to a large or medium extent. While only 3 percent of the judges said that they trust lawyers to a large extent, around 68 percent said that they trust them to a medium extent). The most trusted were the court administrative staff, with about 79 percent of the judges saying they trusted them to a large or medium extent.



Graph 42. Percentage of judges who trust the following categories

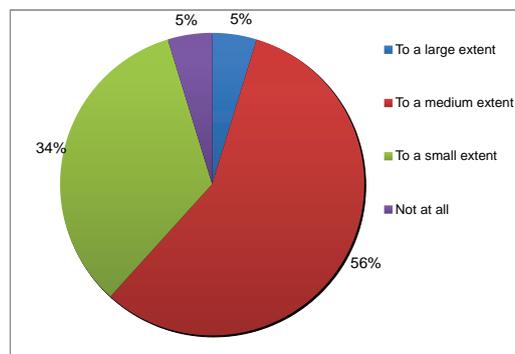


Trust in the various components was correlated with other social variables. For example, the following statements apply to the views of judges of lawyers:

- Judges from the middle and the south (about 33 percent) are less trusting of lawyers than their colleagues in the north (21 percent).
- There is no relation between either the length of experience or gender on the one hand and trust in lawyers on the other.
- MA graduates are less trusting of lawyers (35 percent) compared with BA graduates (27 percent).

The following data confirm the mixed feelings of judges, cited above, about the performance of lawyers. Only 5 percent believed, to a large extent, that lawyers were effective in representing their clients before the courts. Another 57 percent believed that (to a medium extent. In contrast, 34 percent believed that to a limited extent, and 5 percent believed that they were not effective at all. Judges with long experience were much more doubtful about the effectiveness of lawyers in representing their clients (52 percent), compared with 34 percent among least experienced judges. Judges from the south (44 percent) and the middle (43 percent) are more critical of the lawyers’ effectiveness in representing their clients, when compared with judges from the north (29 percent). Judges with MA degrees were more critical than judges with BA degrees (39 percent versus 35 percent, respectively).

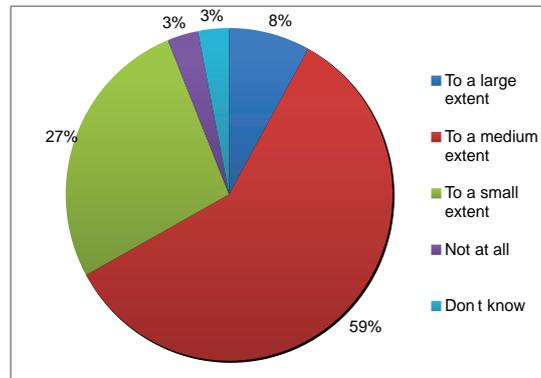
Graph 43. To what extent do you think that the lawyers are effective in representing their clients in courts?



Asked if lawyers represented their clients honestly, 30 percent of judges said that they did, to a small extent, or not at all. About 59 percent believed that lawyers represented their clients

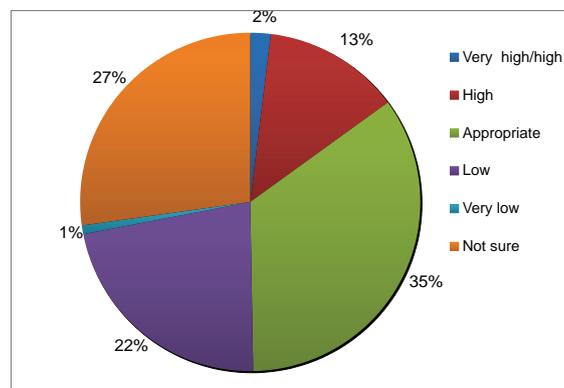
honestly to a medium extent. Only 8 percent believe that lawyers did to a large extent.

**Graph 44. To what extent do you think that the lawyers represent their clients honestly?**



Judges were divided on the issue of lawyers' fees, with 15 percent saying that the fees charged by lawyers are very high or high. About 35 percent of the judges feel that lawyers' fees are appropriate. A quarter of the judges feel that lawyers' fees are low or very low.

**Graph 45. How do you evaluate the prevailing lawyers' fees? Are they**



### 1.8 Pressure exerted on judges

In general, judges did not admit that they were exposed to pressure from any institutions or groups seeking to influence proceedings, though a significant percentage admitted such pressure existed, in varying degrees. Almost half of judges felt that pressure stemmed from relatives, with 45 percent saying that judges are exposed to it to a large, medium or small extent. In addition, about 35 percent said that judges were exposed to pressure from the security agencies, to a large, medium or small extent. Members of the SJC were also felt to be a source of pressure with 31 percent saying that they are exposed to such pressure to varying degrees. About one fifth of the judges said that judges are exposed to pressure, to varying degrees, from higher-ranking judges and lawyers. About 19 percent said the same about pressure coming from influential individuals from the private sector. The fewest number of judges perceived pressure from PLC members (10 percent).

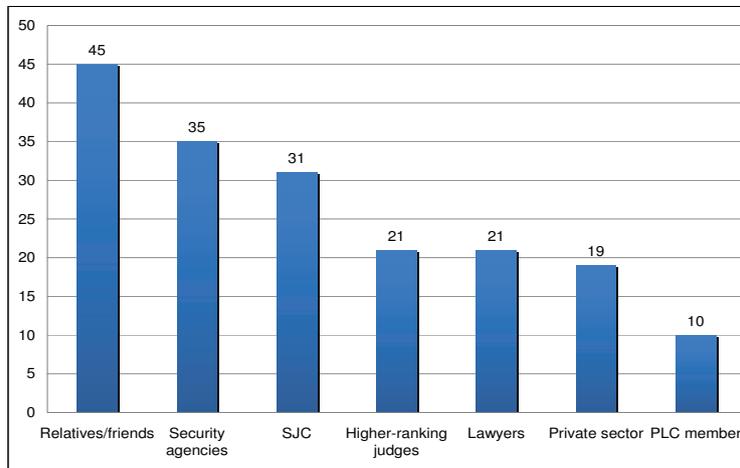
- Judges from the middle region were more likely to admit that judges are exposed to pressure from members of the SJC (38 percent) than other regions (29 percent in the north and 20 percent in the south).
- The most experienced judges were also more inclined to admit pressure on judges (43 percent) than less experienced judges (25 percent among judges with 5-10 years of



experience, and 27 percent among those with less than five years of experience).

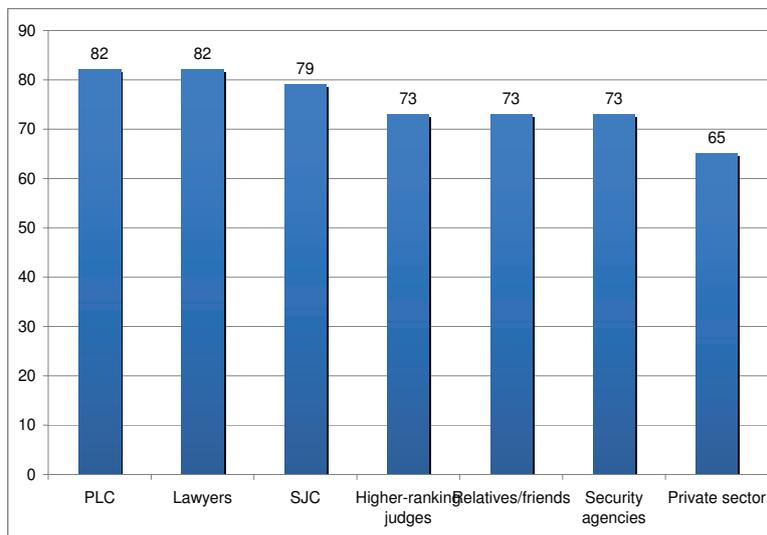
- Slightly more male judges admitted there is pressure on judges than did female judges (31 percent versus 27 percent).
- MA holders were more likely to say that judges are exposed to pressure (39 percent) than BA holders (28 percent).

**Graph 46. Percentage who believes that judges are exposed to pressure by the following groups:**



Among those who believed that judges were exposed to undue pressure, the majority also believed that judges did respond to such pressure, with only 18 percent believing that judges did *not* respond to the pressure from members of the SJC, or from relatives or higher-ranking judges.

**Graph 47. Percentage of judges who believe that judges are responsive to pressure from the following groups**

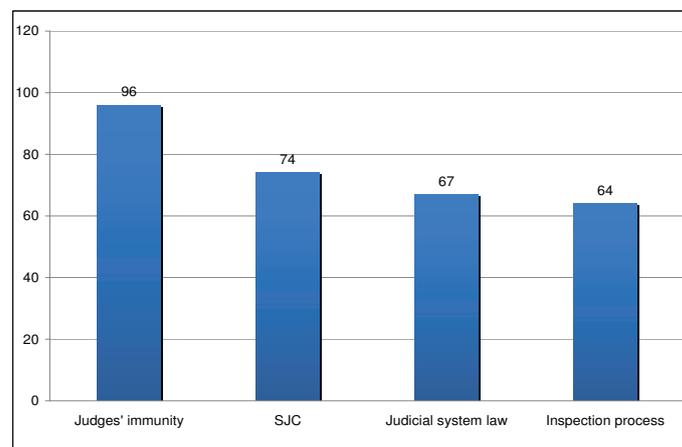


Perception of the presence of pressure declined when judges were asked directly about their own experiences. While judges were willing to admit that pressure exists on other judges, they tended to deny that it affects them personally. Despite this general reluctance, a small percentage of judges did admit the presence of pressure on them personally. About 10 percent said that they were personally exposed to pressure, to varying degrees, from members of the SJC. The same percentage applied to pressure from relatives and friends. About 8 percent admitted being pressured by one of the following groups: PLC members, security agencies and

higher-ranking judges. Only 4 percent said that they were pressured by influential persons from the private sector, and 2 percent from lawyers.

The issue of pressure is related to the issue of the independence of the judges and the judicial system. Independence was viewed to be reinforced to a large extent by the immunity provided to judges by at least 96 percent of the respondents. Almost three quarters of the judges believed, to a large extent, that the role of the SJC is vital to the reinforcement of the judicial system. Independence is also reinforced to a large extent by the Judicial Authority Law, as perceived by 67 percent of the judges. Another 64 percent believed to a large extent that the inspection process is vital to the independence of the judiciary.

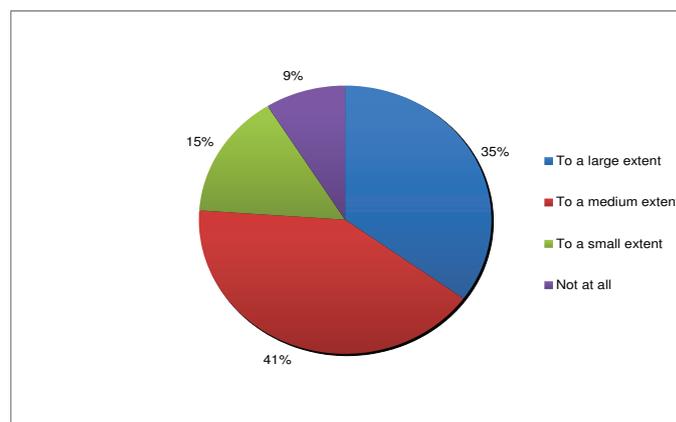
**Graph 48. Percentage of judges who believe to a large extent that the following factors reinforce the independence of the judiciary**



### 1.9 Evaluation of the inspection system

New judicial inspection standards and practices were introduced by the SJC a little more than a year ago. Judges were asked if they were familiar with these inspection standards. Over one third of the judges said that they were familiar to a large extent, and 41 percent said that they were familiar to a medium extent. One quarter said that they were either familiar to a small extent or not familiar at all.

**Graph 49. Familiarity with the inspection procedures**



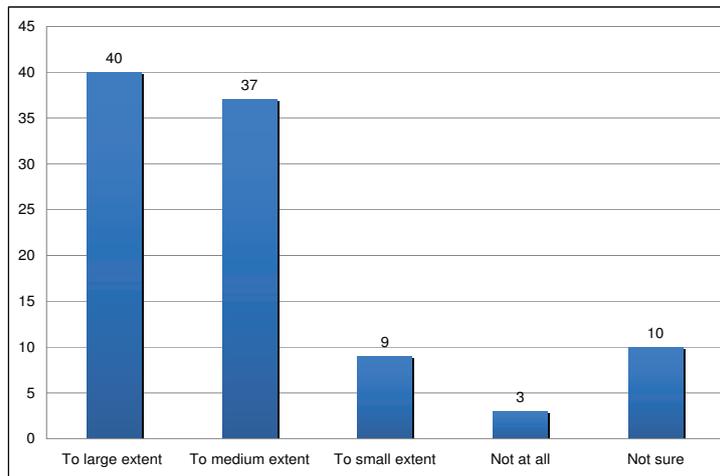
Analysis of the data shows unexpected trends. Judges in the middle area of the West Bank were least familiar with the procedures, with 36 percent saying that they were familiar to a small extent or are not familiar at all. This is compared with 20 percent in the south and 16 percent in the north. Judges with the most experience were the least familiar, with 48 percent saying that they were familiar to a small extent or not familiar at all, as compared with 20 percent



of judges with medium experience and 17 percent among judges with the least experience. Female judges were more familiar with these standards, with 11 percent saying that they were familiar to a small extent or not familiar at all, compared with 26 among male judges.

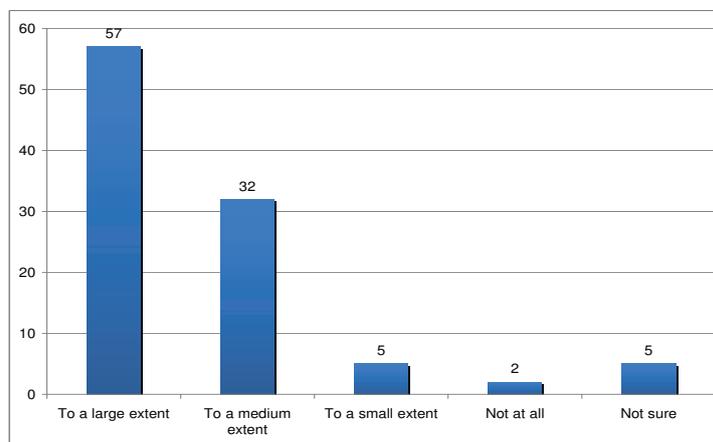
As to the degree of trust in persons responsible for the inspection process, the great majority seemed trustful, with about 40 percent saying they believed that the inspectors abide by the required standards to a large extent and 37 percent agreeing to a medium extent. About 9 percent said that inspectors abided by the standards to a small extent, and 3 percent said that they did not abide by the standards at all.

**Graph 50. Trust in the persons responsible for judicial inspection**



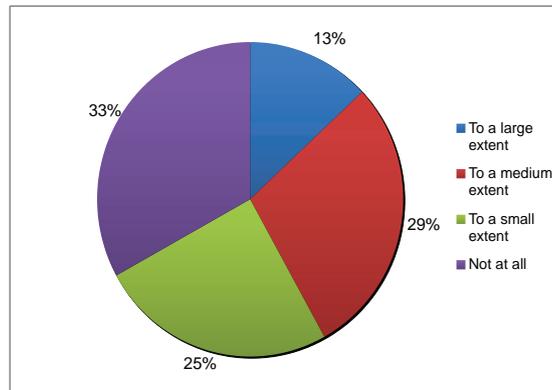
Judges were also asked to evaluate the quality of inspection procedures. The majority of them (57 percent) said that the existing inspection standards ensure a quality evaluation of the performance of judges to a large extent. About 32 percent believed this to a medium extent. Only 7 percent had little or no faith in the quality of the inspection process. There were no significant variations among judges of ages, experience, education or regional groups in their evaluation of the quality of the standards.

**Graph 51. Do the existing inspection procedures ensure a quality evaluation of the performance of judges?**



When asked about a specific procedure, judges expressed more criticism of the inspection process. Only 13 percent of the judges believed that the inspection of 5 percent of all cases is appropriate to ensure proper inspection to a large extent. Another 29 percent shared that view to a medium extent. In contrast, 24 percent of the judges felt that the 5 percent standard is only appropriate to a small extent, and one third of the judges felt that it was inappropriate.

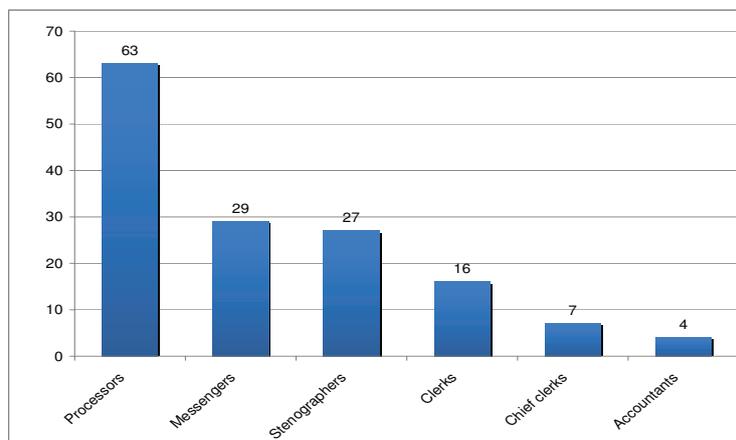
Graph 52. Is the 5% inspection rate of all cases appropriate?



## 2. Evaluation of the administrative system

The judges had diverse points of views on the different aspects of the court administrative system. Their evaluation of the staff was polarized, depending on which group of staff was being evaluated. For example, only 4 percent of the judges had a negative evaluation of accountants, and 7 percent of chief clerks. In contrast, 63 percent had a negative evaluation of processors, 29 percent of messengers and 27 of stenographers. About 16 percent of the judges evaluated the effectiveness of clerks negatively.

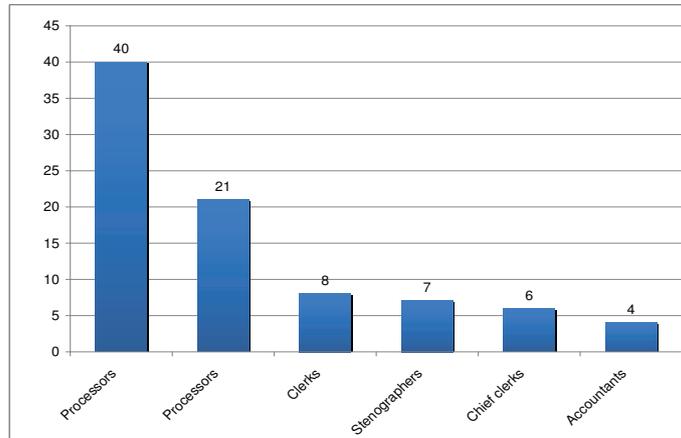
Graph 53. Percentage of judges negatively evaluating the effectiveness of the following court staff



As to the credibility of the groups, judges were also divided. As many as 40 percent of the judges had a negative evaluation of the credibility and honesty of the processors. Furthermore, 20 percent of the judges felt the same way about messengers. In contrast, only 8 percent negatively evaluated the credibility of clerks. The least negative evaluation of the credibility of staff was that of accountants, chief clerks, stenographers, and clerks.

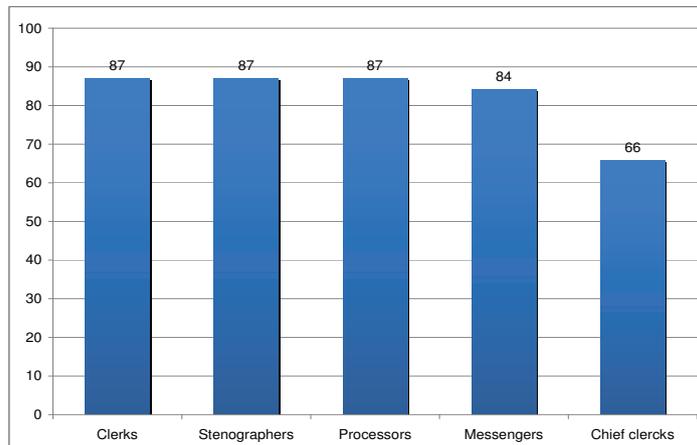


**Graph 54. Percentage of judges negatively evaluating the credibility-integrity of the following court staff**



As to the sufficiency of the number of staff in each group, the majority of judges felt that it was insufficient, with over 84 percent of them saying that the number of clerks, stenographers, processors, and messengers was insufficient. Two thirds of the judges (66 percent) felt the number of chief clerks was insufficient.

**Graph 55. Percentage of judges saying that there is a deficiency in the number of employees among the following groups**

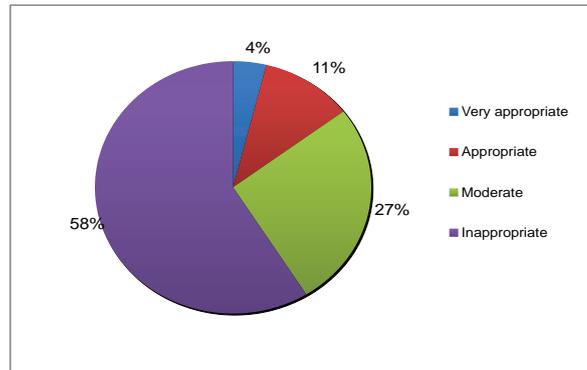


As to the court environment, judges had the following views:

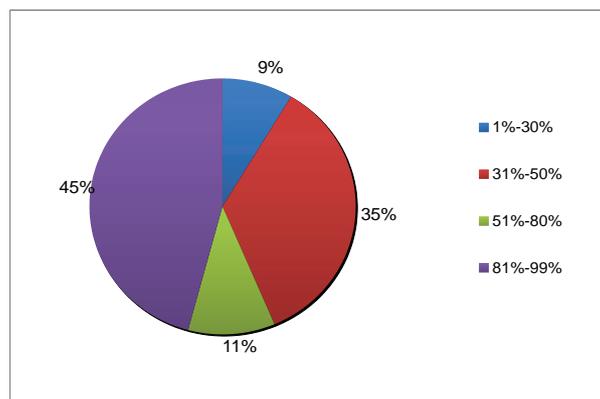
- The majority of the judges felt that there were no problems with the lighting of the courts, the ventilation, security or with the ability to hear.
- Cleanliness in courts was perceived as insufficient by about 36 percent of the judges. Another 47 percent of the judges felt that cleanliness was sufficient to a medium extent.
- Directions and signage were perceived as most problematic by judges (51 percent). In addition, 36 percent said that the level of directions signs was satisfactory to a medium extent.

**2.1 Evaluation of work conditions**

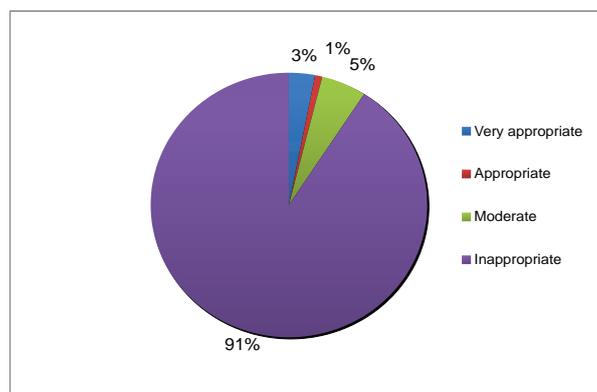
Overall, judges were least satisfied with their salaries and other benefits, with about 59 percent of them saying their salary was inappropriate. In addition, 27 percent said that the salaries were moderately appropriate. Only 15 percent felt that they are appropriate or very appropriate.

**Graph 56. How do you evaluate the present salaries of judges?**

As to the percentage salary increase expected by the judges, the largest group (46 percent) felt salaries should increase by 80 to 100 percent. Another 11 percent suggested a 51-80 percent increase. About 35 percent of the judges would like to see a 31-50 percent increase on their salaries. Only 9 percent felt that salaries should increase by less than thirty percent.

**Graph 57. By what percentage should salaries be increased?**

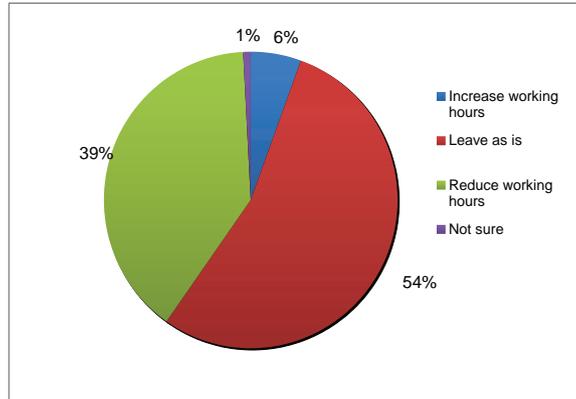
Judges felt greater dissatisfaction with their additional benefits. Only 4 percent said the level of additional benefits was very appropriate or appropriate. In contrast, 91 percent felt that these benefits were inappropriate.

**Graph 58. How do you evaluate the level of additional benefits received by judges?**

When asked if they supported an increase in work hours, judges were overwhelmingly opposed, with only 6 percent supporting an increase in the work hours. About 54 supported keeping the work hours as they are. Conversely, 39 percent supported decreasing the work hours of judges.

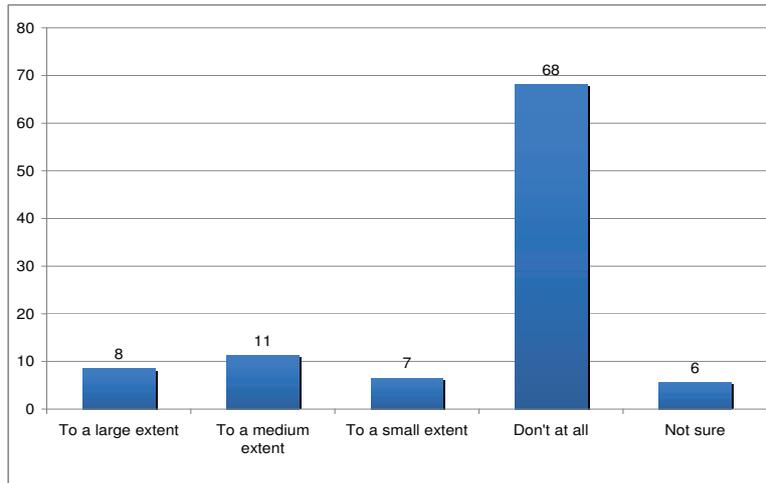


Graph 59. Position for an increase in work hours



Judges expressed greater opposition to increasing the number of hours in the courts, with 68 percent saying they were fully opposed to that, while 7 percent expressed support for the measure, but to a very limited extent. About 8 percent said they supported the measure to a large extent and 11 percent said they supported it to a medium extent.

Graph 60. Support for increasing the number of hours in the court.

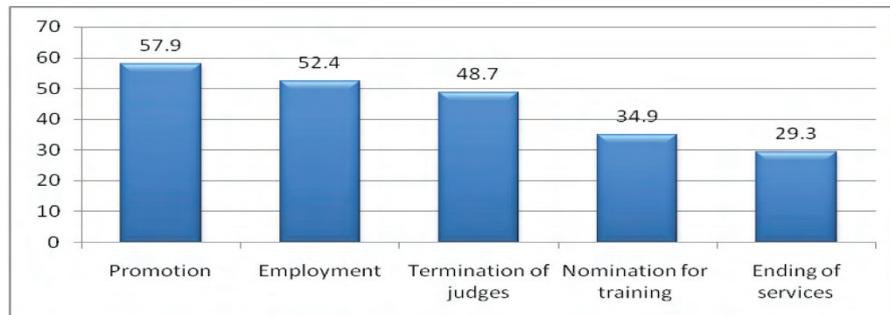


Judges were divided on the presence of favoritism in employment and other relevant fields to their work.

- About 58 percent believed that there is a degree of favoritism in the award of promotions (19 percent to large extent, 25 percent to a medium extent and 14 percent to a small extent). Around 36 percent believed that there is no favoritism at all in awarding promotions.
- About 52 percent of the judges believe that there is favoritism in the field of hiring also (16 percent to a large extent, 23 to a medium extent and 13 percent to a small extent). In contrast, 41 percent believed that there is no favoritism at all.
- Almost half of the judges believe that there is a degree of favoritism in the overall treatment of judges (21 percent to a large extent, 18 percent to a medium extent and 10 percent to a small extent). About 46 percent of the judges believed there was no such favoritism.
- Over one third of judges said there was favoritism in selecting candidates for training courses (11 percent to a large extent, 16 percent to a medium extent and 8 percent to a small extent). About 57 percent believe that there was no favoritism in selection of candidates for training.

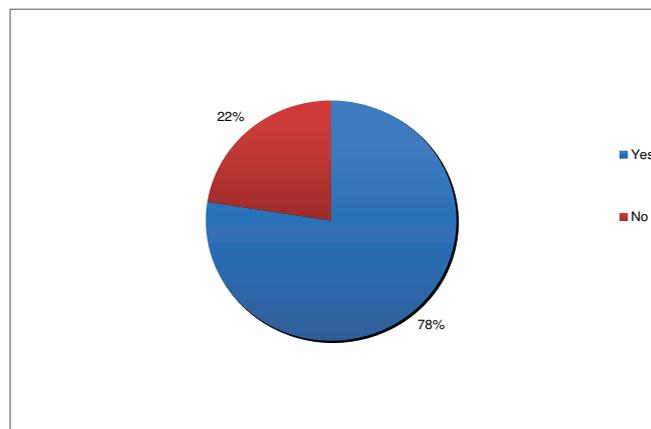
- Fewest judges perceived favoritism in terminating employee services, with 29 percent believing it exists (9 percent to a large extent, 11 percent to a medium extent and 10 percent to a small extent). Around 57 percent believe there is no favoritism in this field.

**Graph 61. Percentage of judges who believe that there is a degree of favoritism in the following fields**



Most judges (78 percent) agreed there was a need for specialization among judges. However, 22 percent oppose the specialization of judges in certain areas.

**Graph 62. Support for the specialization of judges**



## 2.2 General statements versus specific issues

At first glance, judges may appear a homogenous group in agreement on most issues. A careful analysis of the data reveals that such conclusions would be simplistic, especially if we move away from generalities to an analysis of specific issues. In addition, any resolute attempt to further develop the judicial system must take into consideration the views of all judges regardless of their position or percentages in the results. The following are a few examples of a more realistic account of the views of judges:

- Only 11 percent of the judges said that they experienced pressure, to varying degrees, from the members of the SJC. At the same time, 79 percent believed that other judges were exposed to such pressure.
- While 57 percent of the judges believed to a large extent that the prevailing *inspection standards* ensured a quality evaluation of judges; only 13 percent believed that the



*inspection rate* of 5 percent of total cases ensured quality.

- While 65 percent said they were satisfied to a large extent with the performance of the SJC, only 32 percent said that the SJC responds to a large extent to the needs of the courts.
- While 71 percent believed that the SJC was serious, to a large extent, about implementing the JSS, a lower percentage (52 percent) believed this to a large extent that the strategy will lead to the robust development of the judicial system.
- While 90 percent of the judges believed, to varying degrees, that the chief clerks were honest and credible, 76 percent believed that court staff was generally exposed to undue pressure from lawyers.

### 2.3 Seniority correlates with critical views

Senior judges with more than ten years of experience tended to be more critical on a number of specific issues when compared with newly-appointed judges (i.e., with less than 5 years of experience).

- Judges with more experience tended to be more critical of the role of the government, with 29 percent saying the government played no role or a limited role in preserving the independence of the judiciary. About 14 percent of the least experienced judges said the same.
- Judges with more experience were more dissatisfied with the SJC (34 percent) than less experienced judges (28 percent).
- Judges with more experience were much more doubtful about the effectiveness of lawyers in representing their clients (52 percent), compared with 34 percent among least experienced judges.
- The most experienced judges were also more inclined to admit pressure on judges (43 percent) than less experienced judges (25 percent among judges with 5-10 years of experience, and 27 percent among those with less than five years of experience).

Younger and less experienced judges were, however, more critical on other issues especially those of general nature:

- About 52 percent of the judges with less than five years of experience said that the system is just to a large extent, compared with 58 percent and 60 percent among judges with 5-10 years and those with over ten years of experience (respectively).
- Judges with the least years of experience were more critical of court rulings, with 19 percent stating that court rulings do not abide by legal principles. This view was shared by 12 percent and 14 percent of judges with moderate experience and extensive experience, respectively.
- It is also interesting to note that new judges said that they were more familiar with the JSS and the inspection procedures than more experienced judges. This might be due to the relatively recent introduction of these initiatives, and the likelihood that the new judges' training addressed these initiatives.

### 2.4 Regional Variance

There were notable variations among judges' opinions depending on their region. There were no overarching trends that encompassed all issues, however, and each variation must be considered individually.

- **General faith in the system:** Judges working in the middle region (i.e., Ramallah) have more faith in the justice of the Palestinian judicial system, followed by judges from the north and the south.
- **Role of government:** The role of the government in maintaining an independent



judiciary is least recognized in the northern region, followed by the middle and the south.

- **SJC performance:** Judges from the middle region are least satisfied with the performance of the SJC, followed by the north. Those in the south express the highest satisfaction.
- **Seriousness of the SJC:** Judges from the middle region are least optimistic about the resolve of the SJC in implementing the JSS, followed by judges from the north and the south.
- **Court rulings:** Negative evaluation of court rulings declines among the judges of the middle region, followed by judges from the south and the north.
- **Trust in lawyers:** Judges from the middle and the south were less trusting of lawyers than their colleagues in the north.
- **Lawyers' effectiveness:** Judges coming from the south and the middle were more critical of the lawyers' effectiveness in representing their clients, when compared with judges from the north.
- **Exposure to pressure:** Judges from the middle region were more inclined to say that judges are exposed to pressure from members of the SJC than were judges from the north and the south.
- **Familiarity with the JSS:** Judges in the middle area say that they are least familiar with the JSS, followed by judges from the south and the north.

To calculate an overall satisfaction score by area, we assigned a score of 1 to 3 (3 for most favorable) to each of the primary indicators and gave equal weight to each. This gave us a score of 13 for the middle region, 16 for the north and 19 for the south. Dividing the scores by the number of indicators (8) yielded a satisfaction index of 1.62 for the middle area, 2.0 for the north, and 2.37 for the south.

**Table 27. Regional ranking from most favorable to least favorable (as perceived by judges)**

Issue	Rank 1	Rank 2	Rank 3
<b>General faith in the (justice, neutrality and integrity) of the judicial system</b>	Middle	North	South
<b>Does the government play a role in reinforcing independence of judiciary?</b>	South	Middle	North
<b>SJC performance in serving the judicial system</b>	South	North	Middle
<b>Seriousness of the SJC in implementing the PJS</b>	South	North	Middle
<b>Fairness of court rulings</b>	Middle	South	North
<b>Trust in lawyers</b>	North	South	Middle
<b>Exposure to pressure<sup>1</sup></b>	South	North	Middle
<b>Familiarity with the PJS</b>	North	South	Middle
<b>Total Rank &amp; Score</b>	<b>South (2.37)</b>	<b>North (2.00)</b>	<b>Middle (1.62)</b>

These scores showed that judges from the middle region tended to be more critical than their counterparts in the other two regions. Judges in the south expressed the highest satisfaction.

## 2.5 Social variance

Though on most issues, there was little variance between male and female employees, male employees tended to express more satisfaction with various aspects of the court system.

- Male judges declared more faith in the justice of the system than did female judges (a 15-point gap).



- Female judges were more familiar with inspection standards than were male judges (a 15-point gap).
- More male respondents felt that judges came under pressure from external groups vying to influence judicial processes (a 4-point gap).
- Education is another important factor, with judges with MA degrees or higher tended to be more critical than BA holders:
- Judges with MA degrees were more critical of the degree of justice in the system, compared with judges who had BA degrees (a 27-point gap).
- MA holders were more likely to say that judges were exposed to pressure than were BA holders (an 11-point gap).
- More judges with MA degree declared dissatisfaction with the performance of the SJC than did BA holders.
- However, fewer BA holders were optimistic that the SJC was serious about implementing the JSS than MA holders.

## Conclusions and Recommendations

The following is the summary of the Judges' survey's most important results and recommendations regarding public policies and actions for development:

1. **The role of the state in strengthening rule of law:** Results show that almost 80% of judges believe that the government seeks to strengthen judicial independence and that it has succeeded in this attempt. About 17% believe that the government is seeking to a limited degree to maintain Judicial Authority independence.

**Recommendation: Strengthen the role of the state:** The credibility of the judicial system hinges, to a large extent, on the performance of the government in preserving and reinforcing rule of law. The role of the central government must be strengthened to help it become a trusted source of political, social, and economic security for its citizens. The credibility of the judicial system will be enhanced if the government is seen to play an effective role.

2. **Links with other partners:** Results showed that investigation procedures undertaken by the prosecution are the least trustworthy. Only 45% of judges mentioned that they trusted these procedures. The second less trustworthy investigation procedure/s are those undertaken by the police, as 50% of judges mentioned that they trust them.

**Recommendation:** The reputation and credibility of the court system is developed not only from its own operations, but also from the functioning of the police and the prosecution departments. Linkages between these agencies must continue to be scrutinized, integrated, and improved. Development of the court system must continue, but in step with improvements of the performance of the police and prosecution.

3. **Trust in lawyers:** Results showed that 71% of the judges trust lawyers to a great or medium extent (3% greatly and 68% intermediately) i.e. 29% of the judges do not trust lawyers or trust them at a minimal level.

**Recommendation:** The data points to a significant need for targeted mechanisms to improve judges' perceptions of the work of lawyers and, specifically, to tackle their mistrust. Some of these mechanisms might include further clarification of the relations and boundaries between judges and lawyers, and systematic and continuous dialogue through workshops and joint sessions, as well as a study of the specific reasons for the low levels of trust between the two groups.

4. **Relations with the SJC:** Judges are divided in their opinions regarding the efficiency of the SJC: About two-thirds of judges (65%) mentioned that they were satisfied with the SJC, while one-third mentioned that they were not. 81% of the judges mentioned that the SJC is highly or intermediately responsive to court needs. On the contrary 16% of



them mentioned that they were not satisfied with the council's role.

**Recommendation:** The SJC must work harder to improve its standing with the judges. Negative perceptions of the SJC's performance might stem from a difference in the judges' perspectives on concrete issues, but it could also be based on a lack of communication or miscommunication. The SJC could organize targeted activities to familiarize the judges with its work (e.g., the use of specialized technology, newsletters, and meetings). It could also lead more consultations with the judges on issues of concern, such as the JSS, which needs to be disseminated more widely to judges. All regions must be targeted, with a higher level of involvement from senior judges, and a resolute effort to involve new judges, who are in a prime position to absorb, and promote, a new approach to the judicial system.

5. **Pressures exercised on judges:** generally judges do not admit to the existence of any pressure from relevant institutions and entities. A minority believes in such pressure and this minority believes that most of this pressure comes from relatives more than security forces and then followed by members of the SJC. From the judges' point of view, the courts' administrative staff also experience different types of pressure.

**Recommendation:** Additional mechanisms or procedures must be introduced to shield judges from pressure by groups seeking to influence judicial processes. Clarity of procedures and work ethics, as well as enhancement of these procedures would help to shield judges from such pressure, and to improve the relationship between judges and members of the SJC. Concerted efforts must also be made to help guard court staff from such pressure. A special committee should be established to study this issue in depth and propose specific, targeted actions to tackle this issue.

6. **Inspection Procedures:** Less than one year ago, judicial inspection was activated by the SJC, three-quarters of the judges mentioned that they are highly or intermediately aware of those standards, meanwhile 25% mentioned that they are not aware or are aware to a minimum extent. The majority trusts those in charge of inspection, and only 9% mentioned that the inspectors are only committed to inspection standards to a minimal extent (3% believe that inspectors are absolutely not committed to inspection standards).

**Recommendation:** There is a need for a two-pronged strategy to improve the judges' perception of the inspection process. One would be to continue examining the prevailing procedures and criteria with the judges themselves, and conclude what improvements are needed. These improvements would include an increase to the 5% inspection rate, and suggestions made by judges in this survey, such as better training for inspectors, unannounced visits to the locations, and a more deliberate and professional approach to inspections. The second prong of the strategy would be to ensure that all judges are familiar with the inspection procedures through awareness raising initiatives during joint meetings and workshops, along with a reliance on specialized technology to disseminate and discuss information.

7. **The administrative staff efficiency:** Various opinions prevail between judges concerning the administrative staff. Only 4% of judges evaluated negatively accountants' efficiency, while 7% negatively evaluated the chief clerks. On the contrary, 63% of the judges negatively evaluated the prosecutions effectiveness, and 29% for messengers, 27% for stenographers and 16% for clerks.

**Recommendation:** The data shows that judges see the need to expand staff numbers, especially among clerks, stenographers and messengers. In terms of quality, efforts must be directed at improving the credibility of processors and messengers. Such quality improvements require an environment that is conducive to improving overall staff performance, along with clear rules and procedures that include explicit reward and penalty systems.

8. **Court Conditions:** The majority of judges do not view any problems concerning the: lightening in the courts, ventilation, or security. The judges see that the most important problem in the courts' environment is the shortage of signs and informational boards.



Also 36% of the judges mentioned that there is some problem concerning the courts' cleanliness. 47% of the judges see that the courts' cleanliness as an intermediate problem.

**Recommendation:** Judges were mostly dissatisfied with the level of cleanliness in the courts. They were also critical of the directional signs, which they perceived as insufficient and, to some extent, the security inside the court. Tackling these issues would help to enhance the court environment. Court cleaning may be contracted to the private sector, a procedure which may enhance cleanliness and courts' environment.

9. **Opinions regarding work conditions and discrimination:** Mostly, judges are not satisfied with their salaries and other privileges, as 59% of the judges mentioned that their salaries are inappropriate, while 27% believe that they are intermediately appropriate. The majority of judges (91%) feel there is injustice concerning additional privileges and they consider their current privileges as insufficient. Judges have different opinions regarding discrimination in promotion, as 36% of the judges believe that there is such discrimination. 52% of judges believe that there is discrimination in employment (16% to a high extent, 23% intermediately, and 13% minimally) and one-third of the judges believe that there is some discrimination in secondment to training courses.

**Recommendation:** Many judges felt that discrimination existed in various human resource practices, including appointments, every day treatment, promotion, and nominations for training courses. Clearly, to maintain morale and work ethics, judges must feel that there is no such discrimination. Greater clarity of procedures and the introduction of a transparent system will help to minimize these perceptions. There is a semi-consensus among the judges on increasing their salaries. In fact judges want to see their salaries doubled.

10. **Specialization:** The majority of the judges (78%) support specialization in specific domains/fields for judges in order to improve the quality of judgments. This issue needs a thorough study to explore the pros and cons of specialization.

**Recommendation:** Most Judges expressed that training programs play an important role in developing their work performance. Most judges viewed the Palestinian Judicial Institute positively, which lends credibility to the trainings offered by the Institute.

**Section Four**  
**Lawyers' Survey**





## Section Four

### Lawyers' Survey

#### Introduction:

This chapter provides an analysis of the results of the data obtained through a survey of Palestinian Lawyers. Three hundred and fifty eight eligible lawyers were interviewed out of 1205 eligible lawyers in the West Bank.

#### Objectives:

- Gauge the lawyers' views on the performance of the various components of the judicial process including the police, prosecution, courts, judges and government in general.
- Analyze the perceptions of lawyers of the Palestinian judicial system versus judicial systems of other Arab and Western countries.
- Understand the real experiences of lawyers with the judicial system.
- Assess the views of lawyers on the performance of the SJC.
- Assess the environment of the courts, as perceived by the lawyers.
- Assess the reforms which are viewed by lawyers as necessary to enhance the performance of the judicial system.

#### Methodology:

The data were obtained through a survey of a representative sample of lawyers who work in the field. To ensure its relevance and appropriateness to the Palestinian context, 12 pilot interviews were carried out with lawyers from the three different regions of the West Bank. The sample was selected from different age groups and levels of experience. Male and female lawyers were interviewed during the pilot phase. Some modifications in terminology, indicators and questions were introduced as a result. Additional modifications to the original field work plan were introduced. The interviews had to take place face-to-face instead of phone interviews as originally envisioned.

The field work for this survey was carried out between 17 and 30 November 2008 by a team of twelve highly-skilled field researchers and supervisors. A representative sample of lawyers was selected from a list that was obtained formally from the Palestinian Bar Association. A total 358 lawyers from a total of 1,205 practicing lawyers in the West Bank were interviewed, taking into consideration region, age, gender and level of experience.

The face-to-face interviews were conducted in the offices of the lawyers. Researchers had to make appointments with the lawyers prior to the interviews. Some of the appointments were arranged by phone, while others had to be set up through personal interaction. The lawyers were generally cooperative, with a few exceptions where the researchers had to make a number of visits before the interview actually took place. This was especially true in Hebron. Some of the lawyers were under the pressure of time and had to complete the interview in a short period of time. However, the majority of lawyers were cooperative and candid.

#### Analysis of Results

An analysis of the sample distribution reveals the following interesting conclusions: About 89 percent of the lawyers were male, and 11 percent were female.

- The largest group of lawyers interviewed (44 percent) were between 31-50 years old,



and about 42 percent were between ages 23-30, which indicates the relatively young age of the lawyers in this sector.

- The vast majority of lawyers (74 percent) had a BA degree, 4 percent had a higher diploma. About 22 percent have a Masters degree or more.
- Respondents were divided according to level of experience. About 44 percent had 1 to 5 years of experience as practicing lawyers. About a quarter had between 6-10 years of experience, while about 31 percent had more than 10 years of experience.
- About 13 percent indicated that they have worked in other countries, while 87 percent did not report any experience abroad.
- Hosting the central offices of the judicial system and the main courts, Ramallah has the largest percentage of lawyers with 32 percent, followed by the Nablus district (18 percent). Hebron ranked third, with about 17 percent of the lawyers in the sample. Jenin has 11 percent and Bethlehem 10 percent of lawyers.
- 73 percent indicated that their most important focus was on civil cases, while 24 percent focused on criminal cases and about 3 percent on commercial cases.
- Half of the lawyers worked alone, while the other half worked in partnership with one or more lawyers.

## 1. Views of the Judicial System and the Stakeholders

### 1.1 Evaluation of the Judicial System in Palestine: A Comparative Perspective

This is an analysis of the views of lawyers of the questions on justice, integrity and neutrality. They were asked about seven countries including West Bank, Arab countries (Jordan, Lebanon and Egypt) and Western countries (USA, France and Britain). The lawyers were asked to assign a score from 1 to 10 to evaluate each country's justice system on three scales (justice, integrity and neutrality), with ten being the highest score. For the purposes of this survey, each term was defined as follows:

**Justice:** To fulfill the rights of the litigants within the parameters of the law.

**Integrity:** The litigation process is not influenced by any factors other than the law during the trial.

**Neutrality:** Equality among the litigants in the absence of any bias to any side.

In the following analysis, we divide the scores into three levels of evaluation: low (1-3), medium (4-7) and high (8-10). The detailed results are listed in the annexed tables.

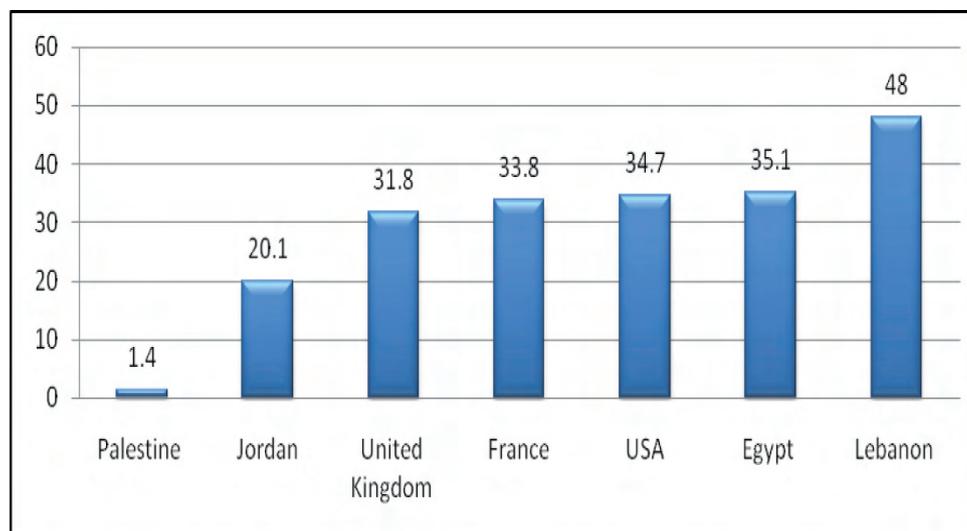
### 1.2 Views of Justice, Integrity and Neutrality

Lawyers were asked to evaluate the degree of justice, integrity and neutrality for each country listed in the questionnaire.

- About 1 to 2 percent of the respondents expressed no opinion on the degree of justice, integrity, and neutrality in Palestine. At the same time, the vast majority of lawyers expressed an opinion on all three scales.
- About 20 percent of the lawyers did not express an opinion on the degree of justice of the Jordanian judicial system, and 32 percent on the British. The least expression of opinion was directed at Lebanon, Egypt, USA, and France.
- The above-listed trends apply to the integrity and neutrality scales.



**Graph 63. Percentage of lawyers who did not express an opinion of the Judicial system in each country on the justice scale**



For the opinions expressed by lawyers to have any significant meaning for the readers, they must be calculated from among those who expressed an opinion. In doing that, the following trends emerge:

- Lawyers gave Britain and France the highest scores on all three scales. The USA was ranked third. Among Arab countries, Jordan scored the highest on all three scales; Palestine and Lebanon placed third on the integrity scale, while Egypt scored last on this scale. On the neutrality scale, Egypt, Palestine and Lebanon had equal scores. On the justice scale, Palestine placed last, according to the evaluation of lawyers.
- The gap between perceptions of judicial systems in Western and Arab countries is clear. The proportion of respondents saying that the British and French systems are just to a large extent was 82 percent, while the proportion saying the same about the Lebanese was 25 percent and about the Palestinian system, 18 percent (a difference of 57 and 64 points, respectively).

**Table 28. Perception of the judicial systems on the scale of justice**

Rank	Country	High justice (%)	Medium justice (%)	Low justice (%)
1	France	82	16	2
2	Britain	82	15	3
3	USA	70	24	6
4	Jordan	49	45	6
5	Egypt	35	54	11
6	Lebanon	25	65	10
7	Palestine	18	69	13

- The same trends apply to the perception of integrity. Over 76 percent of the lawyers believed that the British and French systems had a high degree of integrity, while only 15 percent said the same about the Egyptian system and 19 percent about the Lebanese and Palestinian judicial systems.



**Table 29. Perceptions of the judicial systems on the scale of integrity**

Rank	Country	High integrity (%)	Medium integrity (%)	Low integrity (%)
1	Britain	76	21	3
2	France	76	22	2
3	USA	64	30	6
4	Jordan	28	61	10
5	Lebanon	19	63	17
6	Palestine	19	62	19
7	Egypt	15	72	13

The gap persists when it comes to perceptions of high neutrality, with 76 percent viewing the French system as such, followed by the British at 73 percent. This was compared with 32 percent for Jordan, and about 23 percent for Palestine, Egypt and Lebanon.

**Table 30. Perceptions of the judicial systems on the scale of neutrality**

Rank	Country	High neutrality (%)	Medium neutrality (%)	Low neutrality (%)
1	France	76	21	3
2	Britain	73	23	4
3	USA	66	26	7
4	Jordan	32	58	10
5	Egypt	24	63	14
6	Palestine	23	61	16
7	Lebanon	22	65	13

In general, lawyers tended to assign medium scores to the Arab judicial systems listed in the survey. The gap is, however, detected in view of the relative scores and ranks given to every system by those who gave an opinion. The data show that Britain and France consistently received the highest scores on all scales, followed by the USA. Jordan followed, and Palestine, Lebanon and Egypt received the lowest scores.

The results also show that there was a relationship between perception of the judicial system in Palestine and other background variables of the lawyers.

- Lawyers with medium experience (i.e., between 6-10 years) tended to be more critical in this respect, as 14 percent of them say that the system is just, compared with 21 percent among lawyers with less experience.
- Male lawyers had less faith in the justice of the system (18 percent) than female lawyers (27 percent).
- Education is somewhat related to the perception of the degree of justice, with lawyers with MA degrees being more critical, with less than 13 percent saying that the system is just to a large extent, compared with 21 percent among lawyers who have BA degrees.



- Lawyers working in the north region have the most faith in the justice of the Palestinian judicial system (25 percent), followed by judges from the middle (14 percent) and south (12 percent).

**Table 31. Perception of the judicial system on the justice scale by lawyers by a number of variables - percentages**

	Just	Somewhat Just	Unjust
1-5 years experience	21.1	69.4	9.5
6-10 years	14.0	68.6	17.4
More than 10	19.0	67.6	13.3
Male	17.5	68.9	13.6
Female	27.0	67.6	5.4
BA	20.6	67.1	12.3
Diploma/MA plus	12.5	73.9	13.6
North WB	25.2	63.7	11.1
Middle WB	14.3	69.8	15.9
South WB	12.2	76.7	11.1

Evaluation of the judicial system was also related to many other factors such as perception of the role of the state in preserving the independence of the judiciary, courts and judges.

- Lawyers who believed that the government is not doing enough to preserve the independence of the judiciary were more critical of the justice of the system, with 19 percent of them saying that the system is unjust. This is compared with 8 percent among lawyers who believe that the government is playing a role.
- In addition, 16 percent of lawyers who believed that judges are exposed to pressure evaluated the system as unjust, compared with 7 percent among those who believed that judges are not exposed to such pressure.
- About 12 percent of lawyers who believed that court rulings abide by clear legal principles said that the system is unjust compared with 20 percent among those who didn't believe that the rulings abide by clear principles.

**Table 32. Perception of the judicial system on the justice scale by perception of role of government, courts and judges**

	Just	Somewhat just	Unjust
Government seeks to reinforce judiciary independence	20.1	72.0	7.9
Government doesn't seek to reinforce judiciary independence	15.3	66.2	18.5
Judges are exposed to pressure	11.1	72.8	16.1
Judges are not exposed to pressure	33.3	61.1	5.6
Court rulings reinforce clear legal principles	17.6	69.9	12.4
Court rulings don't reinforce clear legal principles	8.6	71.4	20.0

Evaluation of the judicial system is also related to immediate factors that relate to the performance of the courts themselves. For example, lawyers who believed that the court inspection system was sufficient tended to be more positive of the degree of justice in the system, with 28 percent giving the system a high score, compared with 13 percent among those who didn't believe that the inspection system was sufficient.



Furthermore, lawyers who believed that their cases took too long to litigate were less positive (13 percent) than those who believed that their cases took a short or a reasonable time (28 percent). In addition, lawyers who were satisfied with the court procedures were more positive about the justice of the system (18 percent) than lawyers who were not satisfied with the procedures.

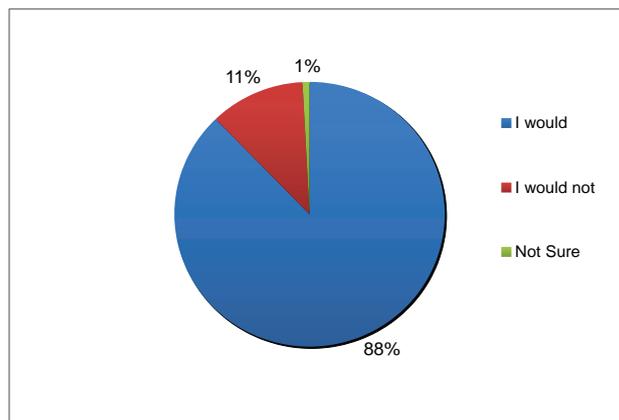
**Table 33. Perception of the judicial system on the justice scale by evaluation of the functioning of the courts**

	Just	Somewhat just	Unjust
Inspection system is sufficient	27.6	61.8	10.5
Inspection system is not sufficient	12.6	73.0	14.4
Trial time was too long	12.6	72.0	15.4
Trail time was appropriate	27.8	63.3	8.9
Satisfied with court procedures	18.0	72.3	9.7
Not satisfied with court procedures	9.0	75.6	15.4

### 1.3 Willingness to choose the judicial system to settle disputes

The great majority of lawyers said they would choose the judicial system if involved in a legal dispute, with 83 percent of the lawyers saying that they were, in principle, willing to do that. About 15 percent of the lawyers said they would not resort to the judicial system to settle disputes. About 2 percent were not sure.

**Graph 64. If you knew that you had the right, would you choose the judicial system for dispute resolution?**



Lawyers who say they were willing to resort to the system listed the following reasons (cited in their own words);

- *The only and best way to resolve disputes*
- *This is the way you implement the law*
- *Staying away from additional problems*
- *The courts are the official mechanism*
- *Courts achieve justice*
- *The tribal system is a failure and it is unjust*
- *The law is clear and has a unified system*
- *This reinforces the rule of law in society*
- *The law is fair*

- *Because I am a lawyer and I represent the law*

Lawyers who said they would not resort to the court system to resolve disputes listed the following reasons for that (cited in their own words):

- *Tribal, informal adjudication is better for all sides*
- *Corruption and nepotism*
- *Trial take long periods of time*
- *Do not trust the courts*
- *The courts are unable to guarantee rights for people*
- *I want to preserve my image as a lawyer*

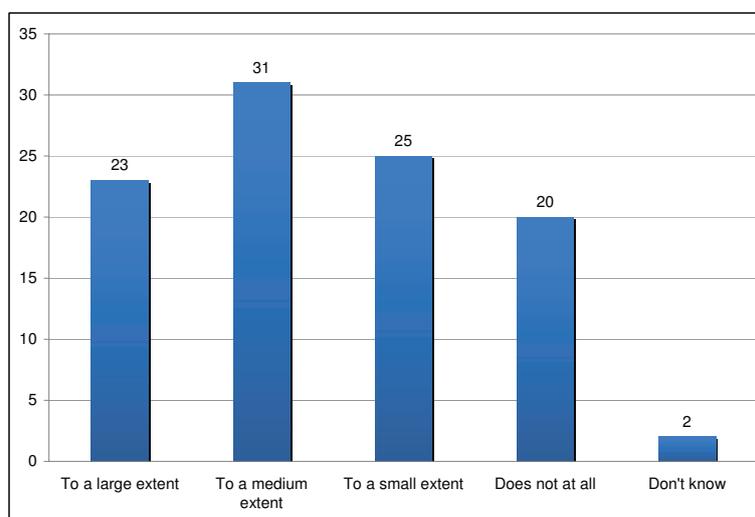
It was interesting to notice the following trends:

- Lawyers from the south were least inclined to say that they would choose the formal justice system (74 percent), compared with lawyers from the middle and north (86 percent each).
- The youngest lawyers (23-30 years) were most willing to choose the judicial system if needed (93 percent) as compared with 73 percent among the age group of 31-50 and 80 percent among the older cohort of over 50 years.
- BA holders are more willing to choose the judicial system to solve disputes (84 percent) than Diploma/MA holders (76 percent).

#### 1.4 The role of the state

Lawyers were asked if the Palestinian government is actively involved in preserving the independence of the judiciary and if it is achieving success in that direction. They responded that about 31 percent said that the government is working to a medium extent to preserve the independence of the judiciary. In addition, 23 percent said that the government is doing that to a large extent. In contrast, 25 percent said that the government is doing that to a limited extent and 20 percent said that it is doing nothing to the preserve the independence of the judiciary.

**Graph 65. To what extent do you think that the government seeks to maintain the independence of the judiciary?**



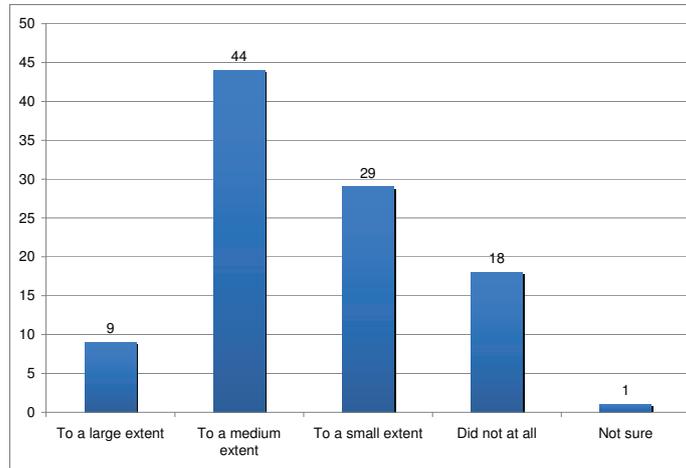
The role of the government is least recognized among lawyers in the north of the West Bank (49 percent), followed by the middle (52 percent) and the south (65 percent).

- Lawyers with more experience tended to recognize the role of the government (60 percent among those with 6-10 years of experience) more than their less experienced counterparts (49 percent among those with 5 years or less of experience).
- Recognition of the role of the government increased significantly with age.
- Male lawyers tended recognize the role of the government more than did female lawyers.



As to the degree of success in preserving the independence of the judiciary, only 9 percent believed that the government succeeded in doing that to a large extent. A larger group (44 percent) believed that it succeeded to a medium extent. Over 47 percent believed that it succeeded only to a limited extent or that it did not succeed at all.

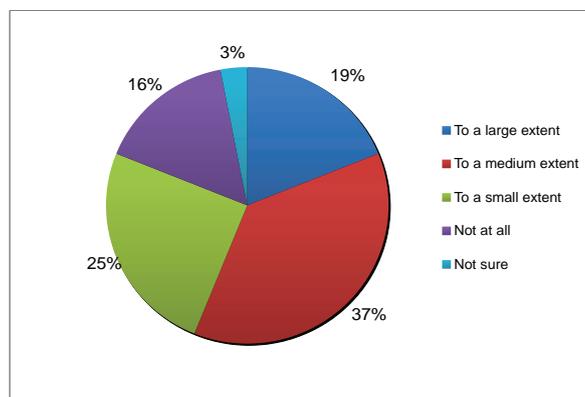
**Graph 66. To what extent did the government succeed in maintaining independence of the judicial system?**



### 1.5 Evaluation of the Justice Sector Strategy and the SJC

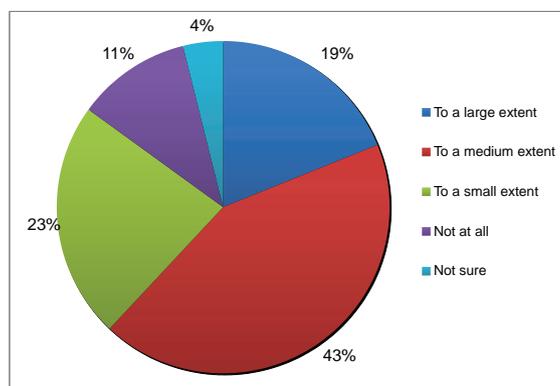
The Palestinian Justice Sector Strategy (JSS) was initiated by the SJC, but only 17 percent of the interviewed lawyers confirmed that they were familiar with the JSS to a large extent. An additional 46 percent said that they were familiar with it to a medium extent. Significantly, 36 percent said that they are either familiar to a small extent or not familiar at all.

**Graph 67. Familiarity with the Justice Sector Strategy**



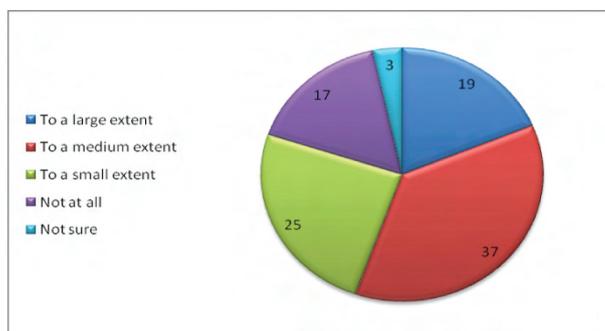
Lawyers expressed tempered enthusiasm that the JSS would lead to the improvement of the functioning of the Palestinian judicial system. Only 19 percent believed that it would to large extent, and 43 percent believed that to a medium extent. In contrast, 11 percent said that the JSS would not lead to any significant improvement.

**Graph 68. Will the JSS lead to the improvement of the Palestinian judicial system?**



More lawyers expressed pessimism when evaluating the resolve of the SJC. Only 19 percent said that the SJC was serious to a large extent in implementing the JSS. In addition, 37 percent believed that to a medium extent. Significantly, 41 percent said that the SJC was serious to limited extent or not serious at all.

**Graph 69. How serious is the SJC in implementing the JSS?**



There were no significant regional differences regarding the perception of the seriousness of the SJC. However, less experienced and younger lawyers were more optimistic than more experienced and older lawyers. BA holders were much more optimistic (59 percent) that the SJC is serious about implementing the JSS compared with Diploma/MA holders (46 percent).

### 1.6 Knowledge of court rulings

Lawyers were asked about their knowledge of the rulings of the Court of Cassation. The majority of them (66 percent) said that they were familiar, while 32 percent were unfamiliar.

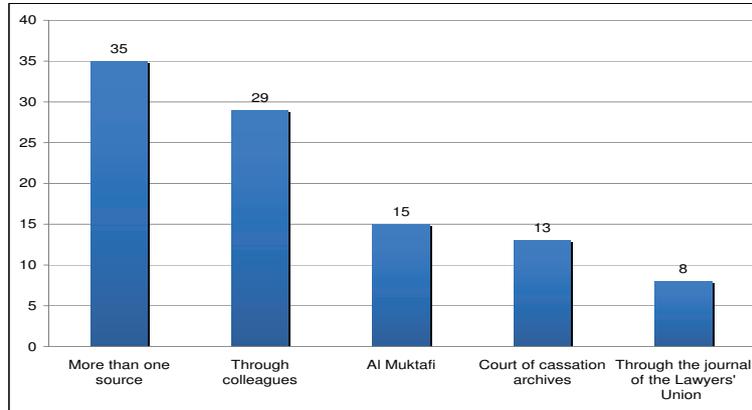
- The degree of familiarity with court rulings was least among lawyers in the middle region (58 percent). This is compared with 62 percent in the north and 85 percent in the south.
- Familiarity of court rulings increased with age, experience and education.
- Male lawyers say that they are more familiar (69 percent) compared with female lawyers (50 percent).

As to their sources of knowledge, 35 percent said that they have used a number of sources including personal experience or any one of the other methods listed in the survey. Colleagues were also a primary source for them, with 29 percent. The court archives and Al Muktafi (see previous footnote) were also sources of knowledge, with 13 percent and 15 percent (respectively) citing them as a



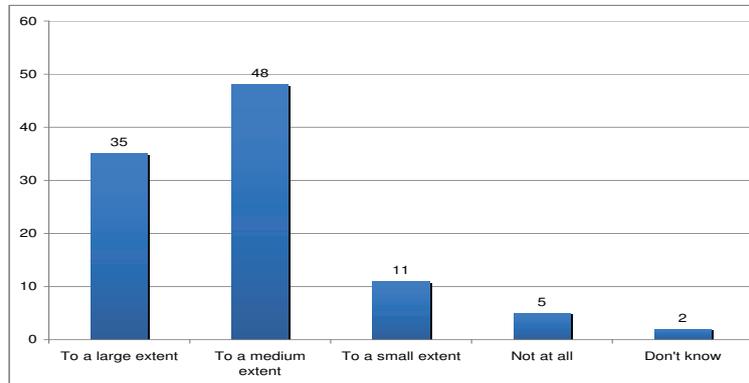
source of information. Only eight percent cited the Journal of the Palestinian Bar Association.

**Graph 70. Sources of knowledge on court rulings (% saying yes)**



Among lawyers who said that they were familiar with court rulings, slightly more than one third said that these rulings abided by, to a large extent, clear and concrete legal principles. In addition, 48 percent believed that they did so to a medium extent. In contrast, 15 percent said that the rulings abided by clear and concrete legal principles only to a limited extent or not at all.

**Graph 71. Evaluation of the rulings of the Court of Cassation in abiding by clear and concrete legal principles?**

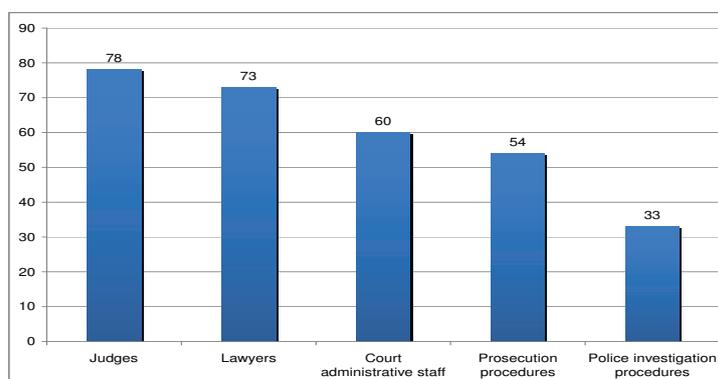


### 1.7 Trust in the judicial process

Among all the elements of the adjudication process, lawyers expressed more trust in judges more than they did in other lawyers. About 21 percent said that they trusted judges to a large extent, and about 57 percent to a medium extent. Another 21 percent said that they trusted judges to a limited extent or did not trust them at all.

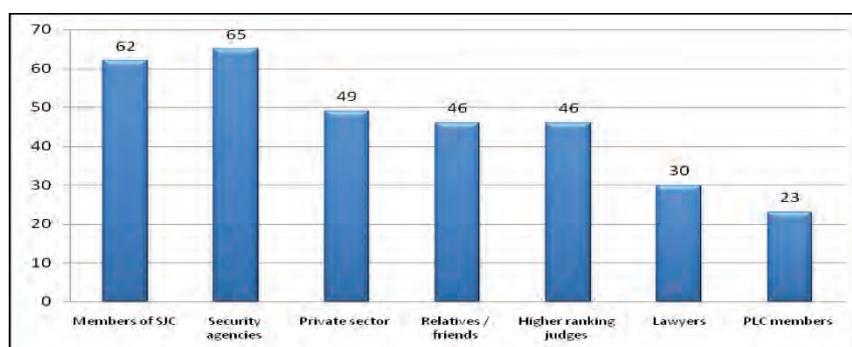
However, 13 percent trusted other lawyers to a large extent, and 59 percent to a medium extent. Yet 26 percent trusted other lawyers to a limited extent or did not trust them at all. Least trusted by the lawyers were the police investigation procedures, with only 33 percent of the lawyers saying that they trusted them to a large or medium extent. The second least trusted were the prosecution procedures with only 54 percent of the lawyers saying that they trusted them to a large or medium extent. Court administrative staffs were more trusted, as about 60 percent of the lawyers said that they trust them to a large or medium extent.

**Graph 72. Percentage of lawyers who trust the following categories to a large and medium extent**



In a related matter, lawyers perceived that judges were exposed to pressure from the relevant institutions or groups. The most perceived pressure stemmed from the security agencies, with 65 percent saying that judges were exposed to it to a large or medium extent. In addition, about 62 percent said that judges were exposed to pressure by the SJC members to a large or medium extent. A large proportion of the lawyers also felt pressure was applied by influential persons in the private sector, with 49 percent saying that judges are exposed to such pressure to large and medium degrees. Another 46 percent said that judges are exposed to pressure from relatives and friends to a large and medium extent. The same level of pressure is perceived to come from higher ranking judges, and about 30 percent say that pressure is coming from lawyers. The smallest number of lawyers perceived pressure from PLC members (23 percent).

**Graph 73. Percentage who believes that judges are exposed to pressure by the following groups to a large or medium extent**

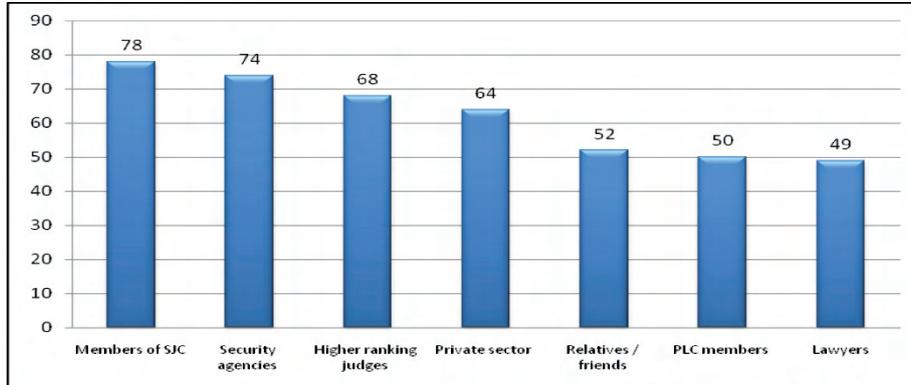


- Lawyers from the middle region were more inclined to admit that judges were exposed to pressure from members of the SJC (71 percent), than other regions (59 percent in the north and 52 percent in the south).
- The most experienced lawyers were less inclined to admit pressure on judges (55 percent) than less experienced lawyers (68 percent among lawyers with 6-10 years of experience, and 63 percent among those with less than five years of experience).
- Age was a significant factor, with 69 percent of lawyers (23-30 years) perceived that judges were exposed to pressure, compared with 46 percent among lawyers who were older than 50.
- More male lawyers (62 percent) felt judges were pressured than did female lawyers (55 percent).
- MA holders were more likely to say that judges were exposed to pressure (70 percent) than BA holders (58 percent).



Among those who believed that judges were exposed to undue pressure, 78 percent also believed that judges responded to one extent or another to such pressure. Only 3 percent of the lawyers believed that judges did not respond to the pressure from members of the SJC.

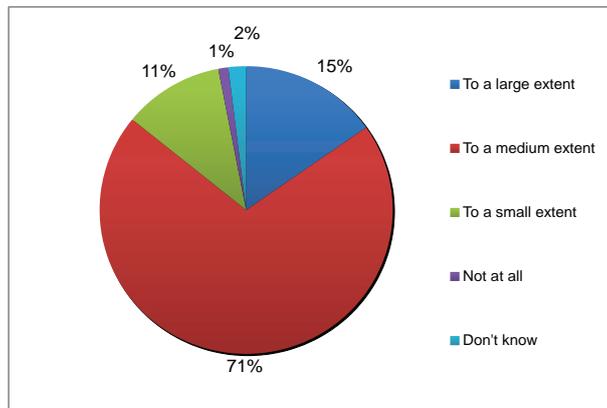
**Graph 74. Percentage of lawyers who believe that judges are responsive to pressure from the following groups to a large or medium extent.**



- Perception that judges are responsive to pressure was higher among young lawyers (80 percent) compared with older lawyers (71 percent).
- Perception that judges were responsive to pressure was higher among female lawyers (91 percent) compared with male lawyers (76 percent).
- Perception that judges were responsive to pressure was higher among Diploma/MA holders (85 percent) compared with BA holders (75 percent).

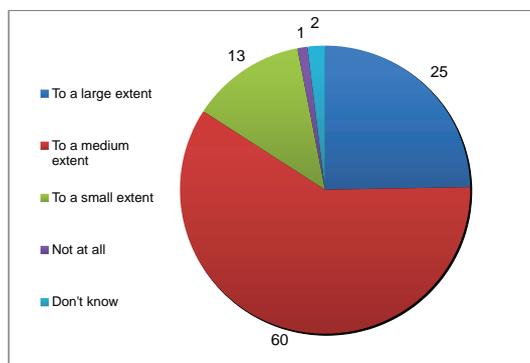
Although lawyers seemed to trust judges more than their own occupational group, they still had high esteem of their own performance (as indicated in graph 10). The vast majority (85 percent) believe (to a large or medium extent) that they were effective in representing their clients before the courts. In contrast, 11 percent believed that to a limited extent, and just one percent believed that they were not effective at all.

**Graph 75. To what extent do you think that the lawyers are effective in representing their clients in courts?**



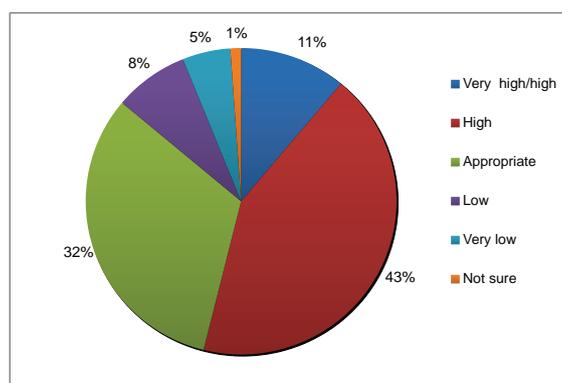
Asked if the lawyers represent their clients honestly, 14 percent of lawyers believed that they do in a very limited fashion or do not do that at all. About 60 percent believed that lawyers represent their clients honestly to a medium extent. Another 25 percent believe that lawyers do that to a large extent. BA holders tended to be more positive about this aspect (86 percent) than their more educated counterparts (79 percent).

**Graph 76. To what extent do you think that Lawyers' represent their clients honestly?**



Lawyers were divided on the issue of lawyers' fees, with 13 percent saying that the fees charged by lawyers were very high or high. About 43 percent of the lawyers felt that lawyers' fees were appropriate. More than a quarter (39 percent) of the lawyers feel that lawyers' fees were low or very low.

**Graph 77. How do you evaluate the prevailing lawyers' fees? Are they-**



### 1.8 Relations between lawyers and judges

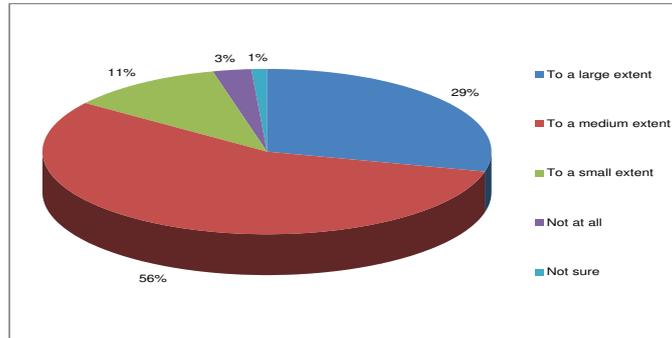
The occupation of a judge is highly respected by lawyers. Lawyers perceived the social status of the judge was the highest when compared with other occupations. This is illustrated through the following:

- 30 percent of the lawyers gave the judge the highest rank among seven occupations listed in the survey.
- The occupation of a governor ranked second, as 22 percent gave it the highest rank, which was followed by the occupation of an ambassador at 18 percent.
- In fourth place came the deputy of a minister, at 12 percent, and in fifth place were university professors, at 9 percent.
- A general director of a governmental agency and a senior security officer came far behind (6 percent and 3 percent respectively).

Lawyers, in general, felt that judges respected them. About 29 percent stated that judges respected lawyers to a large extent and 56 percent said they did, to a medium extent. In contrast, 11 percent felt that way to a small extent. Only 3 percent of lawyers stated that judges do not respect them.

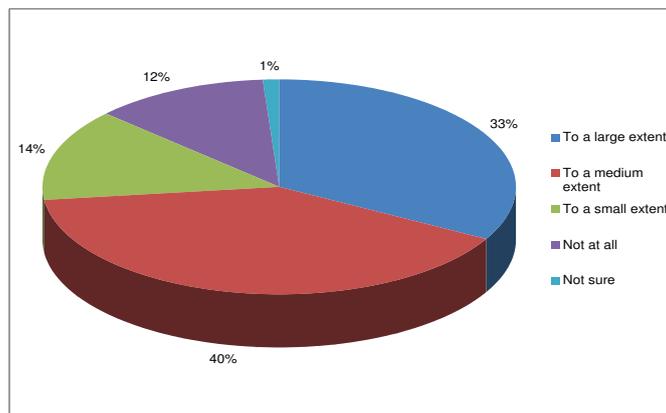


**Graph 78. Do judges treat lawyers with respect?**



In terms of favoritism, a majority of lawyers felt that judges discriminate between lawyers. About 33 percent said that judges discriminated between lawyers to a large extent. In addition, 40 percent felt favoritism to a medium extent. About 14 percent felt favoritism to a small extent and only 12 said there was no favoritism at all.

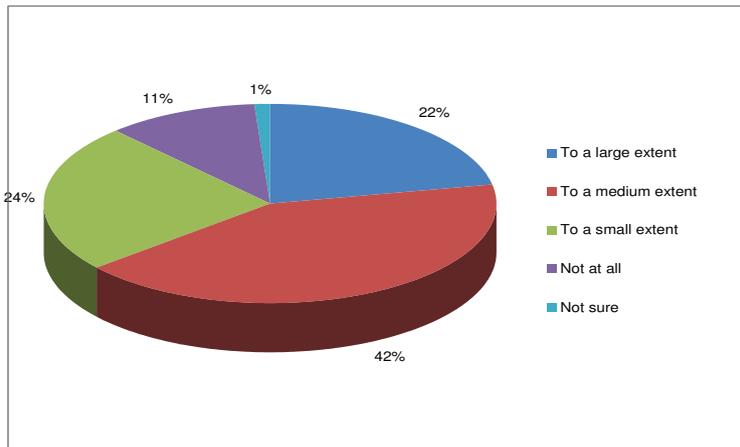
**Graph 79. Do judges discriminate among lawyers?**



In the courts, 22 percent of lawyers said that judges gave them enough time to explain their arguments and evidence to a large extent. About 42 percent said that they did to a medium extent. About a quarter said that judges gave them enough time to explain their arguments and evidence to a limited extent and 10 percent said that they did not do that at all.

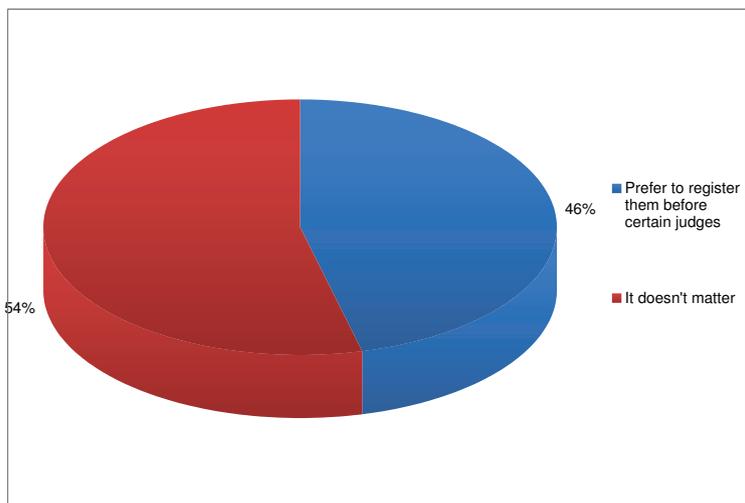


**Graph 80. Do judges give you sufficient time to present your case?**



The majority of lawyers (54 percent) said that they had no preference as to who the judge is when registering their cases before the courts. In contrast, 46 percent prefer to register them before certain judges. Lawyers stated during the interviews that they preferred judges with extensive experience and flexibility.

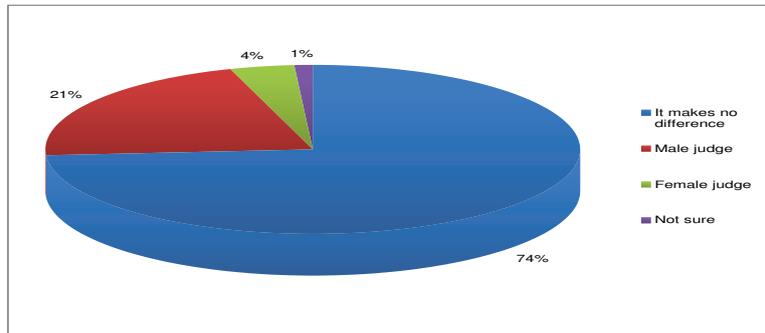
**Graph 81. Do you prefer specific judges?**



As to the gender of the judge, the vast majority of lawyers (74 percent) stated that it made no difference to them whether they registered their cases before a male or a female judge. Still, 21 percent expressed a clear preference for a male judge, and only 4 percent preferred to register their cases before a female judge.

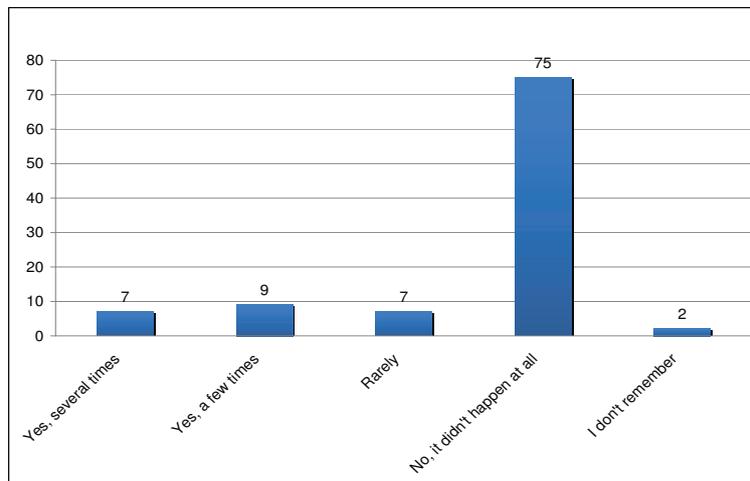


**Graph 82. Gender preference for a judge among lawyers**



Lawyers were asked if they have ever discussed a case that is still pending with one of the judges outside the official channels and in the absence of the client. Only 16 percent admitted that they had done that several times, and another 7 percent said that it happened on rare occasions. However, the majority (75 percent) denied doing this.

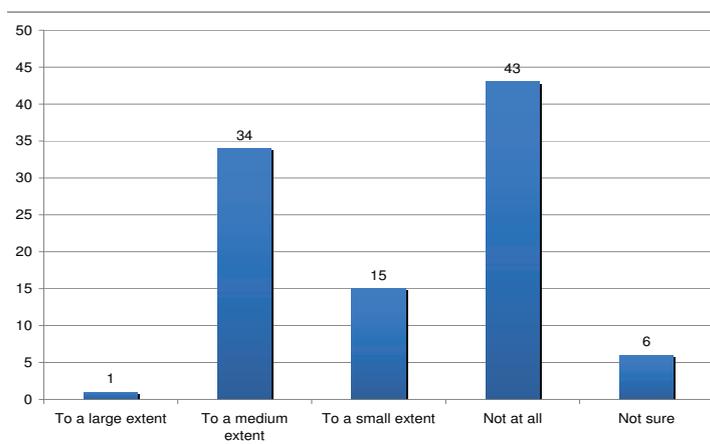
**Graph 83. Have you discussed a case with a judge outside the official channels?**



Among those who discussed their cases with judges outside of the official channels, 43 percent of them said that this discussion did not affect the judges' conviction at all. However, over half said it did affect the conviction to some extent: 36 percent of the respondents said that it affected the judges' convictions to a medium or large extent, and 15 percent said to a small extent.

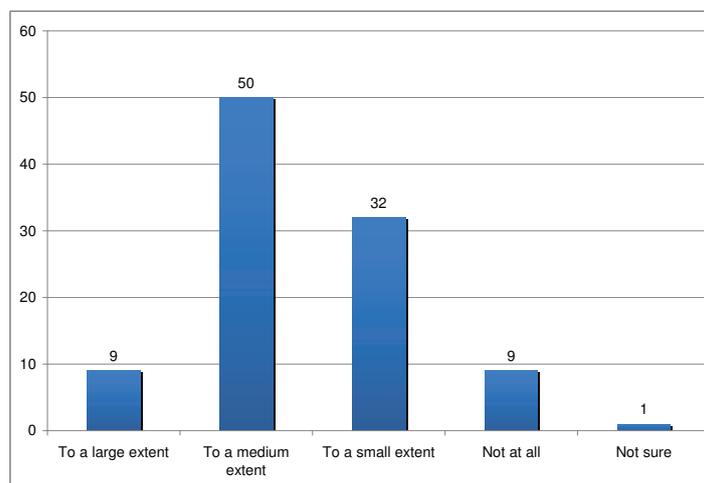


**Graph 84. Did the discussion affect the judge's convictions?**



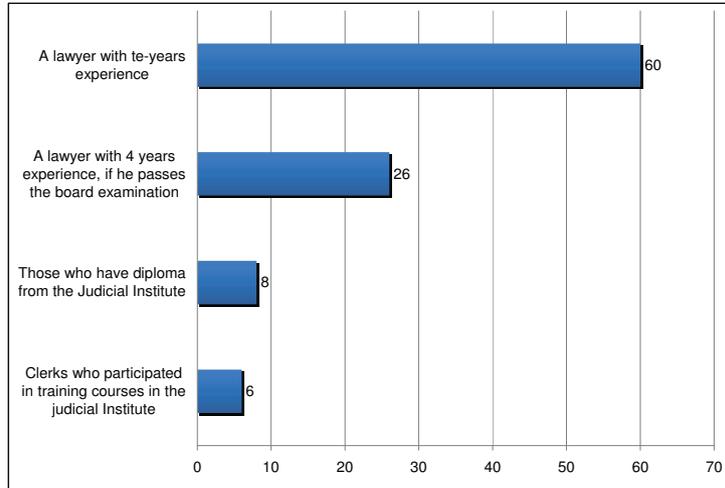
Lawyers were asked to evaluate the graduates of Palestinian law institutes. Notably, a full 41 percent believed that graduates of Palestinian law institutes were not qualified at all or qualified to a small extent. In contrast, 50 percent believed that they were qualified to a medium extent and only 9 percent believed the same to a large extent.

**Graph 85. Belief that graduates of Palestinian law institutes are qualified.**



Lawyers perceived themselves as the most appropriate to be appointed as judges. About 60 percent of them believed that lawyers with ten years of experience should be prioritized for these appointments. The second most appropriate choice was thought to be a lawyer with 4 years experience and having passed the board examination. Only 8 percent believed that those who have a diploma from the judicial institute were the most appropriate. The least appropriate, according to lawyers, were clerks who had participated in training courses at the Judicial Institute.

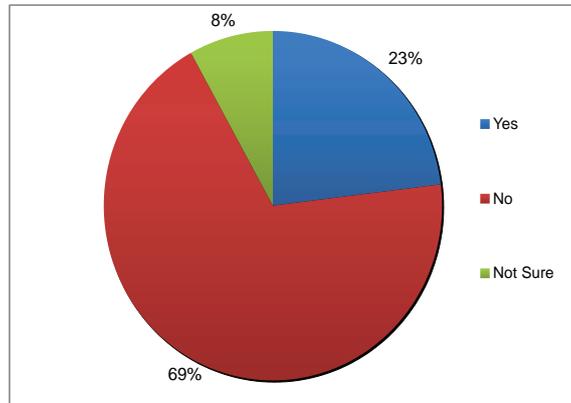
**Graph 86. Percentage of lawyers who believe that the following groups should be given the first priority to be appointed as judges**



**1.9 Evaluation of the inspection system**

New judicial inspection standards and practices were introduced by the SJC a little over a year ago. Only 23 percent of the interviewed lawyers believe that the current inspection system was sufficient to monitor the work of judges. In contrast, 69 percent did not believe that it was sufficient, and 8 percent were not sure.

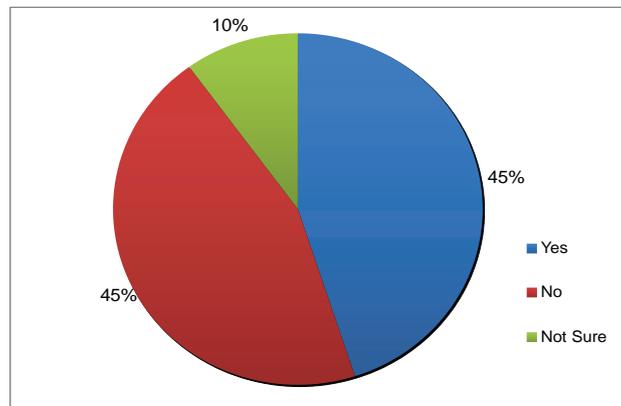
**Graph 87. Is the existing inspection system sufficient?**



Lawyers were also asked if these inspection standards affected the independence of the judicial system. Lawyers were equally divided on this issue, with 45 percent believing that the inspection system influenced the independence of the judiciary, while another 45 percent disagreed.

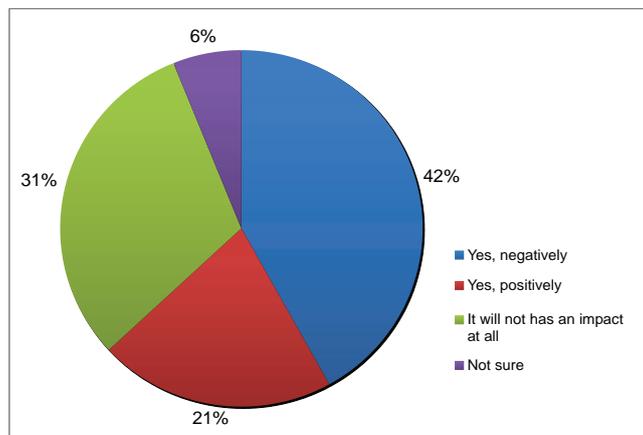


**Graph 88. Does the existing judicial inspection system affect the independence of the judicial system?**



When asked about specific procedures, lawyers became more critical of the inspection process. Only 21 percent of the lawyers believed that the concentration of the inspection process on the number of disposed cases would impact positively the quality of rulings. In contrast, 42 percent believed that this would impact the quality of rulings negatively. Another 30 percent believe that it would have no impact at all.

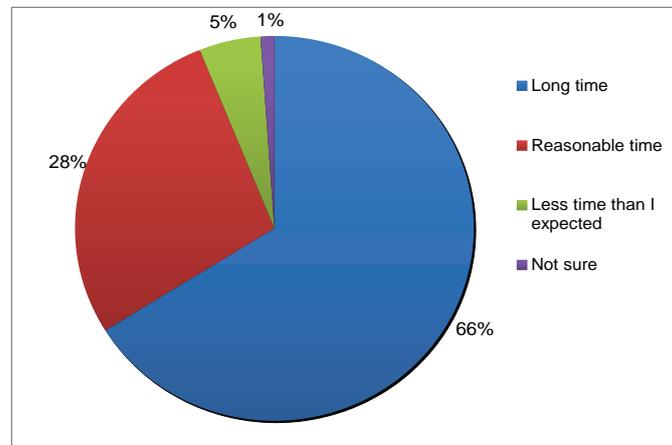
**Graph 89. Does the concentration of inspection on the number of disposed cases, impact the quality of the rulings?**



**1.10 Litigation procedures**

The majority of lawyers (66 percent) believed that court cases simply take too long. About 28 percent believed that the cases take a reasonable time and only 5 percent believe that they take less than they expected.

Graph 90. Do you think that court cases take too long?



When asked about the reasons for delay, the majority of lawyers (82 percent) attributed the delay in cases to the reporting procedures. A second reason was the absence of the witnesses, with 63 percent of lawyers selecting it as a reason for delay. The lawyers were divided as to whether judges and lawyers were common reasons for delay or not (around 50 percent per category). The absence of experts was another cause for delays (selected by 36 percent). More than the half of the respondents believed that delays had multiple causes.

The lawyers were also asked about their satisfaction with administrative procedures. In general, they felt they were easy, quick and reasonable. For example, 73% felt that the procedures to register the case were easy and quick; around 7% indicated that they were difficult and slow.

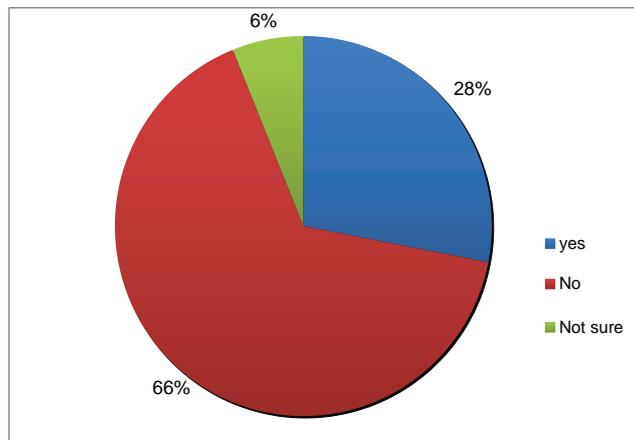
As to the registration fees, 56 percent indicated that the fees were reasonable to a medium extent and 28 percent to a large extent. Only 4 percent indicated that the fees were high.

The majority of the interviewed lawyers (75 percent) stated that the last ruling for the last case they have dealt with was favorable to their client. Only 16 percent stated that the last case was not settled in the interest of their client. Interestingly, 9 percent were not sure. Among those who stated that the ruling was not on their client's side, 67 percent were willing to appeal and 28 percent were not willing to appeal.

Asked about the reasons for appeal, almost all of the lawyers (90 percent) found the ruling unconvincing. In addition, about 14 percent said that they wanted to hinder the implementation of the ruling.

The lawyers were asked about their views of the computerization of the litigation procedures. About 28 percent of them believed that this procedure would negatively affect the independence of the judicial system. A majority (66 percent), however, believed that it would not negatively affect its independence.

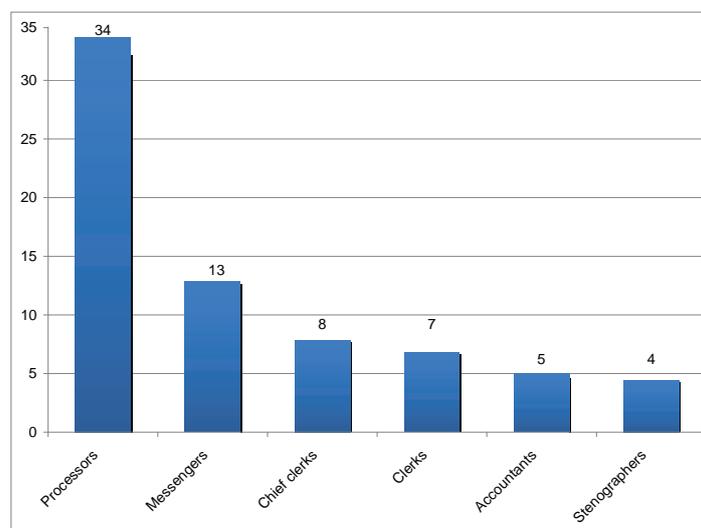
**Graph 91. Does the computerization of the litigation process negatively affect the independence of the judicial system?**



## 2. Evaluation of the administrative system

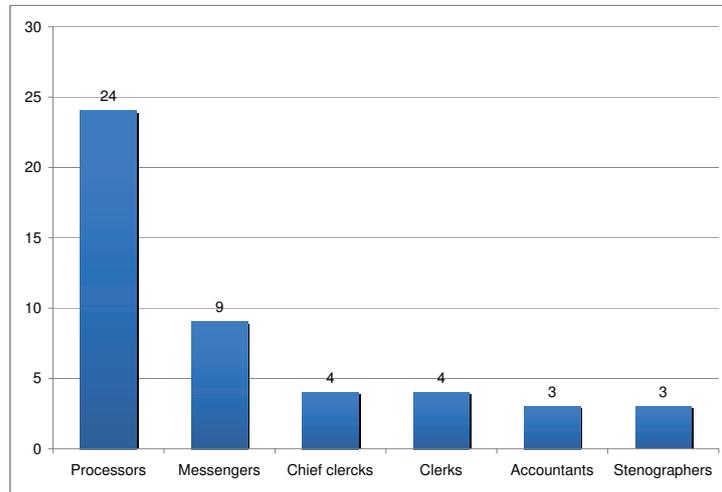
The lawyers had varying perceptions of the different aspects of the court administrative system. Their evaluation of the staff was polarized, depending on which group of staff is being evaluated. For example, lawyers considered the accountants as the most efficient group, with 66 percent feeling they were very effective, followed by chief clerks (40 percent considering them as effective), and clerks and stenographers (26 percent). On the other hand the group evaluated least favorably was the processors, with 63 percent of lawyers expressing a negative evaluation. Messengers also received low scores, with 32 percent of lawyers perceiving them as ineffective.

**Graph 92. Percentage of lawyers negatively evaluating the effectiveness of the following court staff**



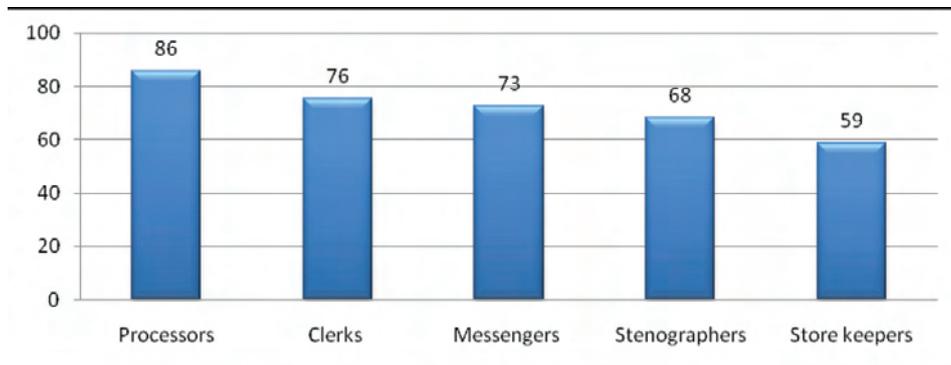
As to the credibility of the staff, lawyers were also divided. The processors again were considered as the least credible with 24 percent of lawyers giving them negative evaluations. Messengers were the second least trusted group. Accountants were again the most credible with 68 percent of lawyers asserting high credibility, followed by the stenographers, with 51 percent of lawyers giving high scores.

**Graph 93. Percentage of lawyers negatively evaluating the credibility-integrity of the following court staff**



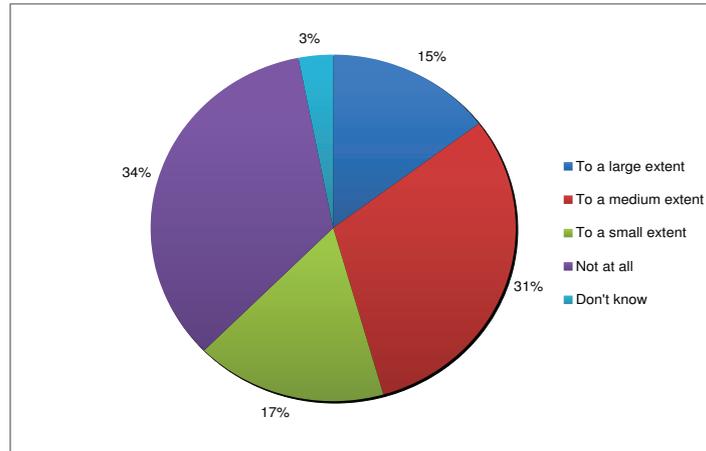
As to the sufficiency of the number of staff in each group, the majority of lawyers felt there were enough staff. For example, 76 percent felt that the number of clerks was sufficient, 68 percent felt the same about stenographers, 86 percent about processors and 73 percent about messengers. The least sufficient number of staff is perceived to be among archiving file clerks; with 59 percent of lawyers saying that it was sufficient.

**Graph 94. Percentage of lawyers saying that the number of employees among the following groups is sufficient**



Lawyers were divided as to whether they could influence the court administrative staff. About 35 percent stated that they cannot at all influence the administrative court staff. In contrast, 15 percent stated that they can to a large extent, and 31 percent to a medium extent.



**Graph 95. Extent to which lawyers believe that they can influence court staff**

The lawyers had the following views on the court environment:

- The majority of the lawyers felt that there were no problems with court security and other conditions inside the courts including lighting, ventilation, or the ability to hear proceedings.
- Cleanliness was perceived as a problem by about 50 percent of the lawyers. Another 38 percent felt that cleanliness was sufficient to a medium extent.
- Signage and directions were perceived to be inadequate by most lawyers (67 percent). In contrast, just 25 percent said that the level of direction signs was satisfactory to a medium extent.



## Conclusions and Recommendations

The following is the summary for the lawyers' survey most important results and recommendations regarding public policies and actions for development:

1. **Opinions on the Judicial System:** Lawyers who expressed their opinions concerning justice of the judiciary in certain Arab countries gave the following results: Jordan was the highest on the justice scale and Palestine was the lowest, while Palestine and Lebanon came third on the integrity scale. 31% of the lawyers mentioned that the government is intermediately seeking to maintain judicial independence. 23% rated highly the government's efforts, while 45% said that it is not working at all or working to a little extent to preserve judicial independence. Lawyers trust judges more than other lawyers: 21% trust judges to a high extent and 57% to an intermediate level. The investigation procedures conducted by the police are the least trust-worthy among judicial procedures. The second less trust-worthy element are the prosecution procedures. 65% of the lawyers do believe that they are exposed to pressures from security institutions (to a high and intermediate extent).

**Recommendation:** Lawyers participating in this survey seemed to evoke the insider-outsider phenomenon. They worked inside the judicial system and were familiar with it, but were highly critical of it on most fronts. Their views of the justice, integrity, and neutrality of the system were influenced by their perception of the following aspects:

Perception of the role of government in promoting independence of the judiciary. Greater trust in the government's role in prompting the independence of the judiciary led to a more positive view of the system overall.

The integrity of judges and the perception of pressure on them. The greater perceived pressure on judges led to less trust in the system.

The degree of justice in court decisions. Those who believed that court rulings were just tended to have more faith in the entire system.

Procedures of the adjudication process. Lawyers who believed that these procedures were relatively easy and that the length of court proceedings was reasonable tended to be more positive overall.

There is also a need to clarifying the boundaries of professional relations between judges and lawyers. The work of these two groups intersects at a number of points in the adjudication process. Data shows that the boundaries between the two groups may not be clear enough or were not always applied according to the rules. A number of lawyers reported trying to influence judges, and while many of them denied that their pressure on judges did indeed alter the rulings, many lawyers disagreed. This suggests that more work needs to be done to shield judges from the pressure of lawyers in order to maintain a truly independent judiciary.

2. **Education and information dissemination:** More than one-third of the lawyers are not acquainted with the Justice Sector Strategy, and their knowledge about the Cassation Court's verdicts is limited as almost one-third of lawyers mentioned that they are not acquainted with them. Of their sources of knowledge on verdicts, the BAR Association newspaper came as the last of the sources (8%) then the Cassation's Court archive (13%) then Al-Muqtafi program getting 15%.

**Recommendation:** Formal sources of information are not systematic or catalogued. Most of the lawyer's experience with these rulings are personal and, to some extent, informal. This calls for a more systematic approach to the dissemination of information among lawyers. This might include a monthly newsletter issued in collaboration between the SJC and the BAR.

3. **Litigation procedures including long trials and the Administrative System:** Most of the lawyers (66%) believe that pending cases take an extensive period of time while 28%



believe they take a reasonable time. Most of the lawyers (82%) think that the reasons for delay are due to notification procedures. The second reason for delays is the absence of witnesses. Two-thirds of lawyers consider that the computerization of notifications would not negatively affect the independence of judiciary, but would rather reinforce it. At the administrative level, lawyers consider that the court accountants are the most efficient, followed by chief clerks. On the contrary, the processors (notification of summons) reflected the lowest groups in the lawyers' evaluation.

**Recommendation:** Most lawyers blamed complicated procedures for prolonging the court proceedings and as an absence of witnesses. The following recommendations should be taken into consideration:

The SJC must continue to strive to simplify procedures, in order to reduce the time spent on court cases.

Most lawyers are enthusiastic about the computerization of the litigation process, though some were concerned this may affect the independence of the judicial process. Therefore, computerization, which should be increased, must be implemented with an eye towards ensuring that judicial independence and transparency are upheld.

The data suggest that some lawyers did try to influence the work of the court staff. These staff members should be shielded from such pressure by a further clarification of procedures and boundaries that regulate the relations between the two groups.

Improve the credibility of summon servers: Measures must be created to ensure improvement in this area of court work.

- 4. Gaps in gender and geography:** The vast majority of the lawyers involved in this survey were males. The percentage of male lawyers was 89% and 11% were females. Ramallah also has the highest proportion of lawyers (32%) followed by Nablus governorate (18%), Hebron came in the third place (17%).

**Recommendation** The importance of decreasing gender gap: Since the large majority of practicing lawyers are male, a study should be undertaken of factors that systematically limit the ability of women to become practicing lawyers. It is also important to raise awareness among lawyers on gender issues, which is particularly salient since at least one fifth of lawyers said they would prefer a male judge over a female judge.

- 5. Judicial Inspection:** The Supreme Judicial Council activated judicial inspection less than a year ago. 23% of the lawyers believe that the standards established for judicial inspection are adequate, while 69% see that those standards are inadequate. 45% of those surveyed noted that the existing inspection procedures positively impact independence of the judiciary.

**Recommendation:** In order to improve the inspection system lawyers suggested that more qualified staff must be allocated to the current inspection team. They also recommended that more field visits should be made in addition to inspecting more cases.

- 6. Relations between Judges and Lawyers:** In general lawyers feel that the judges treat them respectfully, where 29% of the lawyers believe that judges treat them with respect to a significant level, and 56% believe that the judges respect them to an average extent. Only 11% of the lawyers feel that they are respected by the judges to a little extent. In terms of discrimination, 33% of lawyers feel that judges discriminate significantly between lawyers, and 40% discriminate to an intermediate level, and 14% to a minimal degree. Only 12% of the lawyers feel that the judges do not discriminate between them at all.

**Recommendation:** To improve the relations between the SJC and the lawyers, these lawyers suggested cooperation to resolve disputes, direct contact between the SJC and the BAR, convening joint sessions and trainings, respect for BAR decisions by SJC, commitment to the law by both parties, appointing lawyers in the inspection teams, consultations with the BAR on appointments of judges, and speeding up court proceedings.



Many lawyers called for the restructuring of the BAR's hierarchy and laws. They also felt the BAR must take a more active role in representing the lawyers with the SJC and other institutions. Others suggested that the BAR must play a more active role in capacity building and promoting awareness among lawyers

## Section Five

# Survey of Users of Court Services and Litigants





## Section Five

### Survey of Users of Court Services and Litigants

#### Introduction

The present chapter provides an analysis of data from a survey of Users of Court Services and Litigants. Three hundred and forty five users/litigants were interviewed. This specialized survey was directed at court users/litigants working in the West Bank within the Palestinian judicial system.

#### Objectives:

- Gauge the views of Palestinians who have had first-hand experience with the judicial system.
- Understand the real working of the judicial system through the experiences of court users and litigants.
- Assess perceptions of court users and litigants on the performance of the various components of the judicial process including the police, prosecution, courts, lawyers and government in general.
- Analyze the perceptions of court users and litigants of the Palestinian judicial system versus judicial systems of other Arab and Western countries.
- Assess the environment of the courts as perceived by the court users and litigants.
- Assess the reforms, as articulated by court users and litigants that are needed to further develop the performance of the judicial system.

#### Methodology

The data were obtained through a survey of users and litigants that were present in court buildings throughout the period of the research (17 – 30 November 2008). To ensure its relevance to the Palestinian context, 30 pilot interviews were carried out with users and litigants from six districts in the different regions of the West Bank. In each district, court user and litigants who visited two types of courts (i.e., First instance and Conciliation Courts) were interviewed. The court users and litigants interviewed for the pilot were also from different age groups and levels of experience. Male and female users and litigants were interviewed during the pilot phase. Some modifications in terminology, indicators and questions were introduced as a result. Additional modifications to the original field work plan were introduced. The face-to-face interviews took place inside the courts instead of at the exits as originally envisioned.

A team of twelve highly-skilled field researchers and supervisors participated. The face-to-face interviews were conducted in the waiting areas of the courts. Many court users and litigants must wait for hours for their requested service to be processed and completed. Even those who must wait for short periods of time were approached and asked to participate. Most of them accepted. The court users and litigants were generally cooperative, with a few exceptions where the researchers had to work hard to convince them to participate. The resistance was mostly due to the fact that some court users and litigants were busy and had no time to do an interview which could last up to half an hour. Others were uncooperative because of their emotional state as they felt a great deal of pressure while waiting for a service or a court hearing. Reports from the field indicate that the vast majority were cooperative and candid.

As mentioned above, the number of court users and litigants interviewed was 345 distributed throughout the 12 West Bank court areas targeted by this study. The sample was selected from users and litigants visiting the courts within a period of ten working days. They were selected through a systematic sample selection process, where researchers used an interval to count all court visitors sitting in the waiting rooms and selected the sample accordingly.



## Analysis of Results

An analysis of the sample distribution of court users and litigants reveals the following interesting conclusions:

- The vast majority of court users and litigants (84 percent) were male, and only 16 percent were female.
- The majority of court users and litigants (75 percent) worked in the private sector, compared with 19 percent in the public sector. About 6 percent worked in other sectors such as NGOs. The representation of the public sector was somewhat underestimated as most data showed that public employees comprise about one quarter of the working population.
- The groups that are most represented among the court users and litigants are the merchants (25 percent) and laborers (20.5 percent). In addition, employees comprised (16.5 percent) and craftsmen (14.7 percent). Professionals and farmers were represented with less than 5 percent each.
- The largest group of users and litigants interviewed (50 percent) were between 31-50 years old, and one third was between 18-30 years. About 17 percent were older than 50 years.
- About 70 percent of the users and litigants had 12 years or less of education. About 30 percent had a two-year college diploma or a 4-year university degree or more. This is mostly consistent with the distribution among the adult Palestinian population.
- Ramallah and Hebron (with its three courts: Hebron, Dura and Halhoul) had the largest percentage of court users and litigants with a little over 21 percent each. Nablus is at number three with about 18.8 percent of the court users/litigants sample. Jenin had 15.1 percent and Tulkarm has 9.6 percent, followed by Bethlehem at 5.5 percent. Jericho, Tubas, Qalqilya and Salfit were at about 2 percent each.
- The majority of the respondents in the sample (65.5 percent) were litigants (plaintiff or defendant). One fifth of the users/litigants were there to obtain a service, and 14.5 percent were in the court as witnesses.
- About 7 percent of those seeking services were once litigants in a court case during the past 5 years, and about 4 percent of the witnesses were the same.

### 1. Views of the Judicial System and the Stakeholders

#### 1.1 Evaluation of the Judicial System in Palestine: A Comparative Perspective

This is an analysis of the views of court users and litigants to the questions on justice, integrity and neutrality. They were asked about seven countries including Palestine, Arab countries (Jordan, Lebanon and Egypt) and Western countries (USA, France and Britain). The court users and litigants were asked to provide a score from 1 to 10 to evaluate each country's justice system on three scales (justice, integrity and neutrality), ten being the highest score. For the purposes of this survey, each term was defined as follows:

**Justice:** To fulfill the rights of the litigants within the parameters of the law.

**Integrity:** The litigation process is not influenced by any factors other than the law during the trial.

**Neutrality:** Equality among the litigants in the absence of any bias to any side.

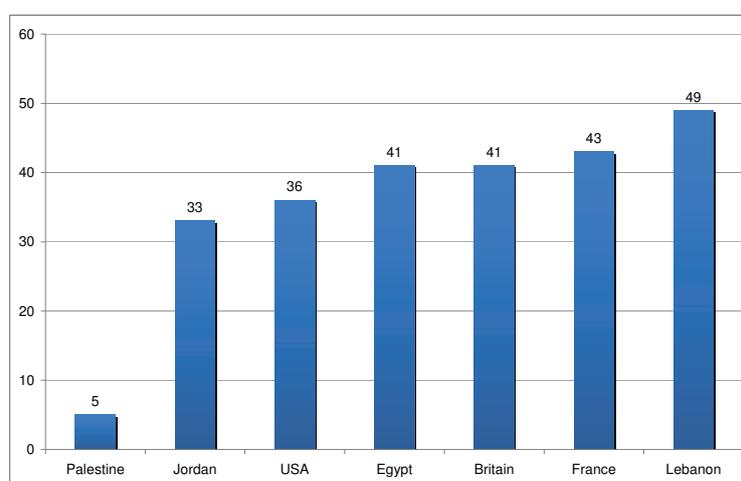
In the following analysis, we divide the scores into three levels of evaluation: low (1-3), medium (4-7) and high (8-10). The detailed results are listed in the annexed tables.

## 1.2 Views of Justice, Integrity and Neutrality

Court users and litigants were asked to evaluate the degree of justice, integrity and neutrality for each country listed in the questionnaire.

- About 4.6 percent of the respondents expressed no opinion on the degree of justice in Palestine. At the same time, about 5 percent of court users/litigants expressed no opinion of the integrity and neutrality questions.
- About 33 percent of the court users and litigants did not express an opinion on the degree of justice of the Jordanian judicial system, and 36 percent of the American system. The least expression of opinion was directed at Lebanon (49.3 percent), France (42.9 percent), Britain (41.4 percent) and Egypt (41.2 percent).
- Similar trends apply to the integrity and neutrality scales.

**Graph 96. Percentage of court users and litigants who did not express an opinion of the judicial system in each country (on the justice scale)**



For the opinions expressed by court users and litigants to have significant meaning for the readers, they must be calculated from among those who expressed an opinion. In doing that, the following trends emerge:

- Court users/litigants give Britain and France the highest scores on two scales (integrity and neutrality). They also give the highest point to the British and American systems on the scale of justice. The USA placed third on the integrity and neutrality scales.
- Among Arab countries, Jordan scored the highest scores on all three scales. Palestine, Egypt and Lebanon received the lowest scores.
- The gap between perceptions of judicial systems in Western and Arab countries was clear. The proportion of respondents saying that the British and French systems are just to a large extent was about 61 percent, while the proportion feeling the same way about the Palestinian was 18 percent and the Egyptian, 20 percent (a difference of over 40 points).



Table 34. Perception of the judicial system on the justice scale

Rank	Country	High justice (%)	Medium justice (%)	Low justice (%)
1	United Kingdom	62.3	27.6	10.1
2	USA	60.8	25.2	14.1
3	France	56.3	33	10.8
4	Jordan	36.5	50	13.5
5	Lebanon	21.7	60.1	18.2
6	Egypt	19.7	52.2	28.1
7	Palestine	18.3	49.5	32.2

- Similar trends apply to the perception of integrity. About 60 percent of the court users and litigants believed that the French and British systems had a high degree of integrity, while only 13 percent and 17 percent felt the same about the Egyptian and Lebanese judicial systems, respectively. In comparison, around 21 percent of the users and litigants felt that the Palestinian judicial system has a high degree of integrity.

Table 35. Perception of the judicial system on the scale of integrity.

Rank	Country	High integrity (%)	Medium integrity (%)	Low integrity (%)
1	United Kingdom	59.7	26.1	14.2
2	France	58.6	27.6	13.7
3	USA	51.2	29.6	19.2
4	Jordan	29.5	51.4	19
5	Palestine	20.5	49	30.5
6	Lebanon	16.5	65	18.5
7	Egypt	13.1	54.5	32.3

- The gap is still evident when it comes to perceptions of high neutrality, with about 60 percent viewing the French and British systems as such. This is compared with 32 percent for Jordan, 27 percent for Palestine, 23 percent for Lebanon and about 20 percent for Egypt.

Table 36. Perception of the judicial system on the scale of neutrality

Rank	Country	High neutrality (%)	Medium neutrality (%)	Low neutrality (%)
1	France	61.1	26.3	12.6
2	United Kingdom	59.9	26.2	13.9
3	USA	59.4	25.4	15.2
4	Jordan	32.1	50.4	17.5
5	Palestine	27.1	41.9	31.0
6	Lebanon	23.3	61.8	14.9
7	Egypt	19.8	58.6	21.6

In general, the results reveal that the court users and litigants were highly divided in their evaluation of all judicial systems listed in the survey. The data also show that court users and litigants were the most critical group of the Palestinian judicial system out of the five groups interviewed for the purposes of this research (i.e., the public, judges, employees, and lawyers). Among the two groups surveyed for this specific section of the study (service users and litigants), the litigants are the most critical. These comparisons will be further explained in a collective report.

The results also show that there is a relationship between perception of the judicial system in Palestine and other background variables of the judges.

- Court Users and litigants from the northern region were the most divided on perceptions of the degree of justice in the judicial system, with 36 percent giving the justice system a low score and 23 percent giving it a high score. In contrast, respondents from the middle and southern regions were more negative. About 31 percent of the users and litigants from the middle region (mostly Ramallah) gave the system a low score and only 13 percent gave it a high score. In the south, 26 percent gave the system a low score and 13 percent gave it a high score.
- Age and education among court users and litigants were not significant variables in influencing views on the degree of justice in the system.
- Significantly, employment status proved to be an important factor, with 43 percent of unemployed respondents giving the justice system a low score, compared with 27 percent among those who were employed.
- Court users and litigants working in the private sector were slightly more critical, with 29 percent giving the justice system a low score. In comparison, 23 percent of the public sector employees gave the same score.



**Table 37. Perceptions of the judicial system on the justice scale by court users/litigants by a number of variables - percentages.**

	Just	Somewhat Just	Unjust
North WB	23.2	40.9	36.0
Middle WB	13.3	55.4	31.3
South WB			
Male	17.3	52.3	30.3
Female	21.6	35.3	43.1
12 year or less of education	17.8	50.7	31.6
More than 12 years	18.4	47.6	34.0
18-30 years old	19.3	50.5	30.3
31-50 years	15.8	51.5	32.7
More than 50 years	23.1	42.3	34.6
Employed	16.6	56.1	27.4
Unemployed	21.0	36.2	42.9
Public sector	20.9	55.8	23.3
Private sector	16.5	54.3	29.3

Perceptions of the judicial system were also related to many other factors such as perception of the role of the state in preserving the independence of the judiciary and the degree of trust in judges and lawyers.

Trust in the state, the judges and the lawyers had significant impact on how the court users and litigants perceived the overall functioning of the judicial system. The least favorable evaluation of the Palestinian judicial system was among those who said they did not trust judges. Over two-thirds of this group gave the justice system a low score, while 21 percent of those who said they trusted judges gave it the same score.

Trust in lawyers is also important, as 45 percent of those who don't believe that lawyers represent their clients honestly gave the judicial system a low score, while the percentage is 25 percent among those who believed that lawyers represented their clients truthfully.

The same applies to the perceived role of the state. About 48 percent of the court users and litigants who do not believe that the state plays a positive role in reinforcing the independence of the judiciary, compared with 23 percent among those who believed that the state played a positive role.

**Table 38. Perception of the judicial system on the justice scale by perception of the role of government and trust in judges and lawyers**

	Just	Somewhat just	Unjust
Government seeks to reinforce judiciary independence	24.1	52.9	23.0
Government doesn't seek to reinforce judiciary independence	10.1	42.0	47.9
Trust judges	24.7	54.3	21.0
Doesn't trust judges	00.0	32.1	67.9
Lawyers are honest	20.9	54.0	25.1
Lawyers are not honest	10.4	44.8	44.8

Perception of justice was also related to the position of the litigant, with defendants tending to be more critical (43 percent) than plaintiffs (33 percent). In addition, views of the justice system were related to the real experiences of users and litigants within the court system.

Those who said that the procedures to obtain the services were efficient and easy tended to be less critical overall. For example 24 percent of those who perceive the procedures to be efficient gave the justice system a low score. This is compared with 30 percent among those who perceived the court procedures to be inefficient.

Among litigants who said that the trial procedures were explained well to them, 33 percent give the justice system a low score, compared with 42 percent among those who said that the procedures were not explained well. Feeling respected is key to a positive evaluation of the court system, with 64 percent of litigants who felt they were not treated with respect giving the justice system a low score, as compared with 33 percent of those saying they were treated with respect.

About 64 percent of litigants who felt that the court decision's on their case was unfair gave the justice system a low score. This is compared with 30 percent among litigants who believe that the court decision was fair.

Among users of court services, availability of information was a key in their evaluation. About 43 percent of users who said that they did not have sufficient information of the procedures and needed paperwork gave the justice system a low score. In contrast, the percentage was about 20 percent among those who said that they had sufficient information.

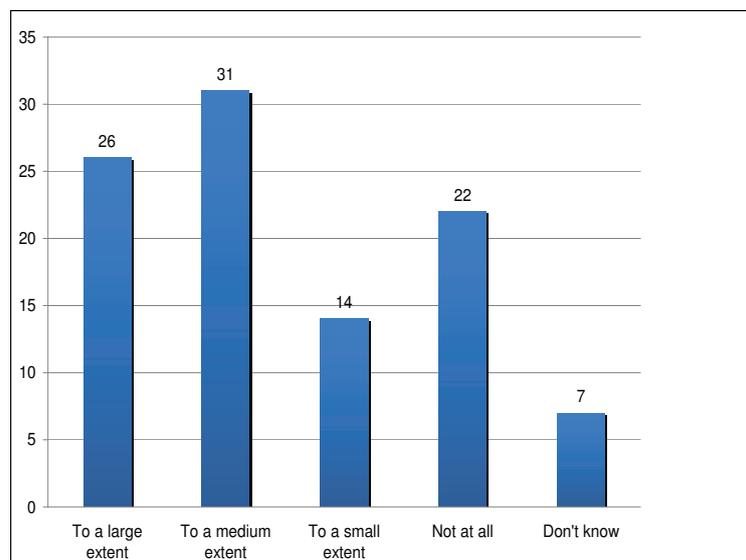


**Table 39. Perception of the judicial system on the scale of justice by nature of experience with the courts**

	Just	Somewhat Just	Unjust
Plaintiff	25.7	41.6	32.7
Defendant	10.0	47.5	42.5
Services are efficient	28.4	47.5	24.1
Services are inefficient	15.2	55.4	29.3
Trail procedures were clarified	17.3	44.9	33.4
Trail procedures were not clarified	14.0	43.9	42.1
Treated with respect	17.0	49.7	33.3
Treated with disrespect	5.6	30.6	63.9
Court decision was fair	10.0	60.0	30.0
Court decision was unfair	9.1	27.3	63.6
Had sufficient information on procedures to obtain service	17.4	63.0	19.6
Did not have sufficient information on procedures to obtain service	21.4	35.7	42.9

### 1.3 The role of the state

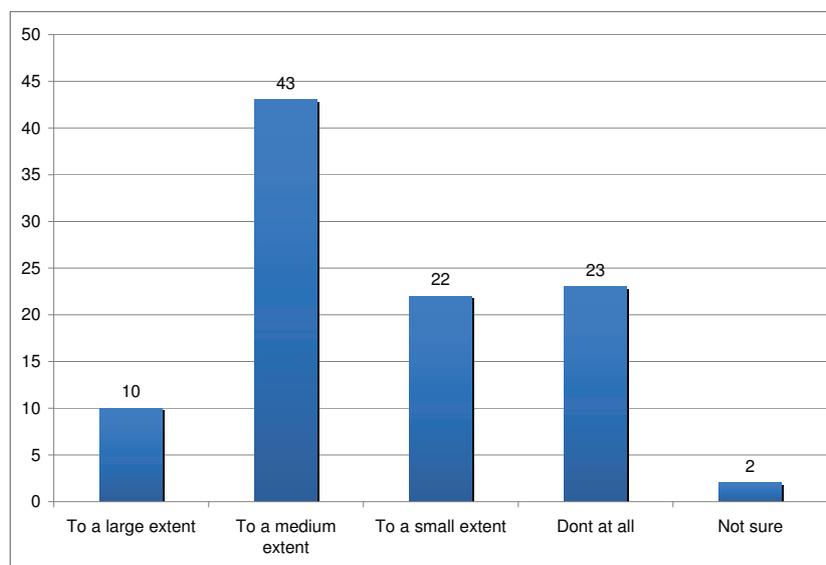
Court users and litigants were asked if the Palestinian government is actively involved in preserving the independence of the judiciary and if it is achieving success in that direction. About 26 percent said that the government is working to a large extent to preserve the independence of the judiciary and 31 percent said that the government is doing that to a medium extent. In contrast, 36 percent of court users and litigants said that the government is doing that to a limited extent or doing nothing to the preserve the independence of the judiciary.

**Graph 97. To what extent do you think that the government seeks to maintain the independence of the judiciary?**

- The role of the government is less recognized by court users and litigants from the north of the West Bank, where 43 percent evaluate its role negatively, a compared with 35 as percent in the south. Court users/litigants from the middle are most satisfied with the role of the government with only 24 percent giving a negative evaluation.
- No significant differences existed based on age, education and gender. Employment status was, however, important, with about 36 percent of the unemployed evaluating the role of the government negatively, while 26 percent of the employed shared the same view.

Few court users and litigants believed that the government fully succeeded in preserving the independence of the judiciary, with only 10 percent saying that the government succeeded to a large extent. A larger group (43 percent) believed that it succeeded to a medium extent, and about 45 percent believed that it succeeded only to a limited extent or not at all.

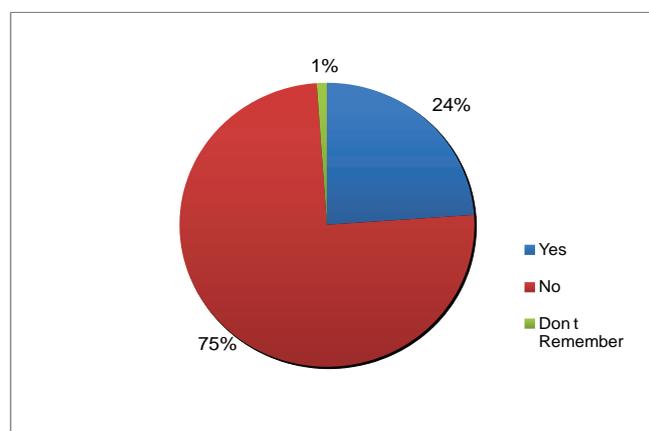
**Graph 98. To what extent did the government succeed in maintaining independence of the judicial System?**



#### 1.4 Knowledge of court rulings

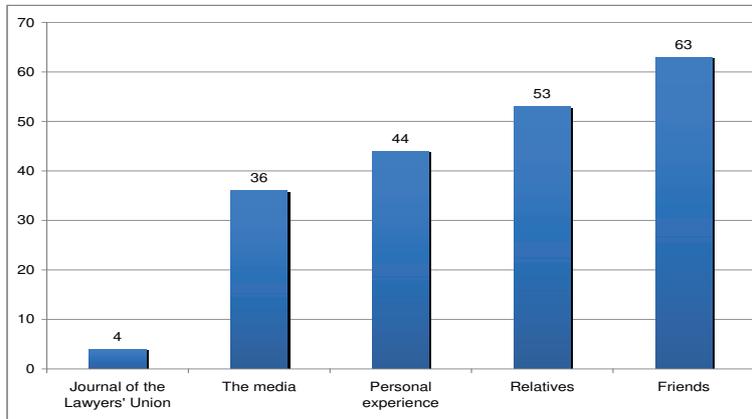
Court users and litigants were asked about their knowledge of the rulings of the courts issued during the last five years. Less than a quarter said that they were familiar with these rulings, and three quarters said that they were unfamiliar.

**Graph 99. Do you have knowledge of court rulings?**



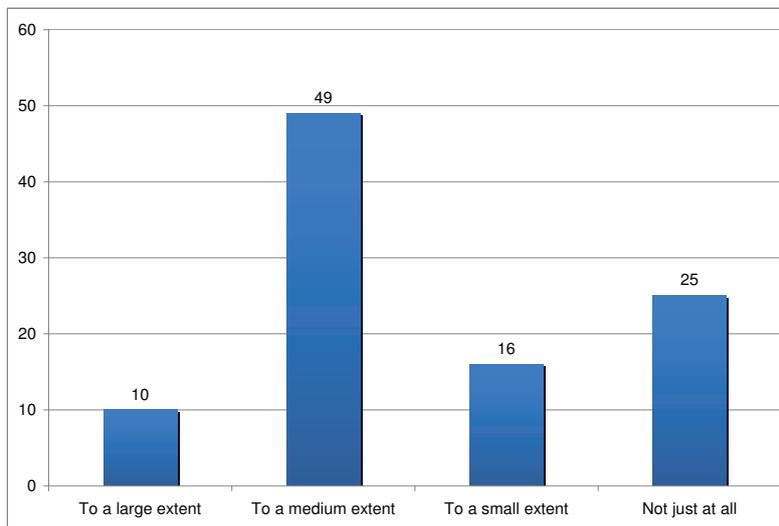
Knowledge of court rulings proved to be primarily received through friends, relatives or personal experience. The majority (63 percent) said that their friends were one of their sources of knowledge of court rulings. About 53 percent said that they relied on relatives and 44 percent cited personal experience. Another 36 percent said that the media were one of their sources.

**Graph 100. Sources of knowledge on court ruling (% saying yes)**



Among users and litigants who said that they were familiar with court rulings, about 10 percent perceive court rulings as just to a large extent. In addition, 49.4 percent perceive them to be somewhat just. In contrast, 41 percent perceive the rulings to be just to a small extent or not at all.

**Graph 101. Evaluation of the justice of court rulings.**



**1.5 Perceptions towards Judges**

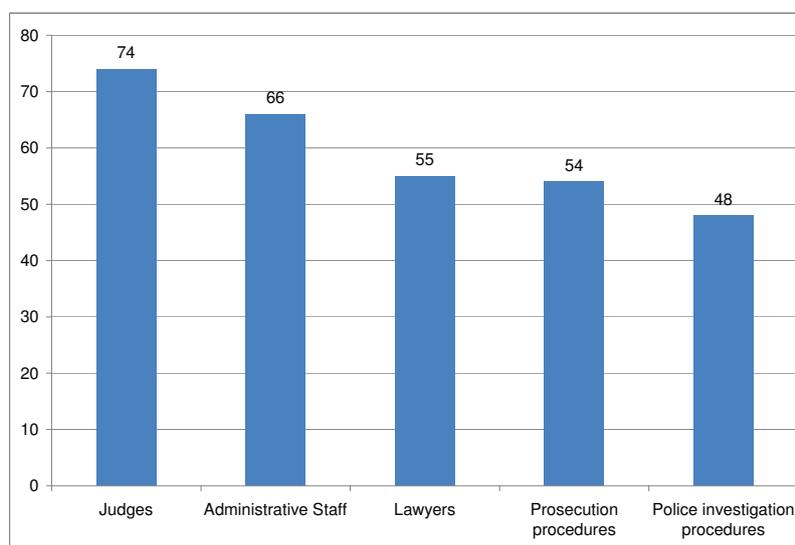
Among all the elements or people involved in the adjudication process, court users and litigants said they trusted judges the most. About 74 percent said they trusted judges to a large or



medium extent. The second most trusted were the court administrative staff, with about 66 percent of the court users and litigants saying they trusted them to a large or medium extent.

The least trusted by the court users and litigants were the police investigation procedures, with only 48 percent saying they trusted them to a large or medium extent. The second least trusted were the prosecution procedures with only 54 percent of the users and litigants professing trust to a large or medium extent. About the same percentage (55 percent) said they trusted lawyers to a large extent or medium extent.

**Graph 102. Percentage of court users/litigants who trust the following categories to a large or medium extent**



Trust in the various components is related to other social variables. For example, the following statements apply to the views of court users and litigants of judges:

- Court users and litigants from the south of the West Bank are more trusting of judges (82 percent) than those from the middle (74 percent) and the north (70 percent).
- Older users and litigants evaluated judges more positively: 75 percent of those over 50 said they trusted judges, compared with 70 percent among younger respondents (less than 30).
- Male respondents were more trusting of judges (76 percent) than were female respondents (68 percent).
- Employed users and litigants were more trusting of judges (76 percent) than were the unemployed (70 percent).
- Governmental employees were more trusting (82 percent) than were their private sector counterparts (75 percent).

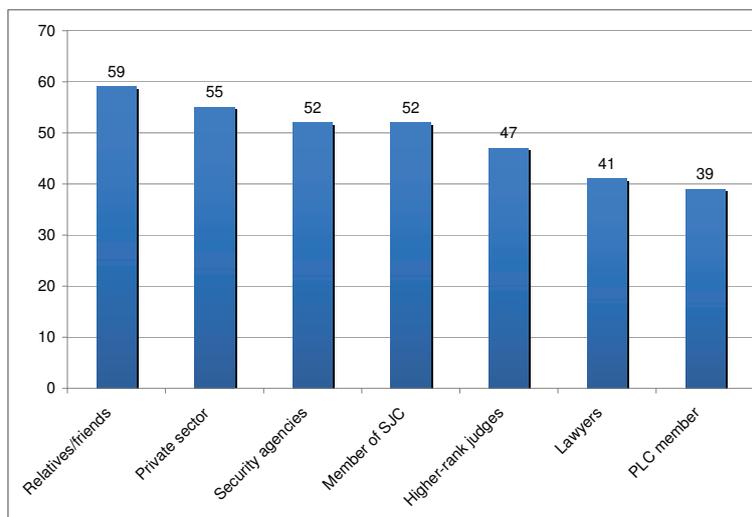
Perception of the judicial system is also affected by perception of pressure exerted on judges by various influential groups. In general, and more than any group questioned for this study, users and litigants perceived the presence of pressure on judges.

- Only 27 percent perceived that judges were not exposed to pressure from relatives and friends, while about 59 percent perceived that such pressure exists, to varying degrees.
- About 29 percent perceived that judges were not pressured by either influential persons in the private sector and members of the SJC, while 55 percent and 51 percent (respectively) perceived a degree of pressure from each group.



- About 32 percent felt that judges were not subject to pressure from the security agencies, while about 52 percent perceive they were, to varying degrees.
- About 35 percent perceived that judges were not exposed to pressure from the higher-ranking judges, while about 47 perceived that such pressure exists, to varying degrees.
- About 41 percent perceived that judges were not under pressure from lawyers, while about 41 percent perceived that such pressure did exist, to varying degrees.
- About 42 percent felt judges were not under pressure from PLC members, while about 39 percent perceived such pressure did exist, to varying degrees.
- In total, relatives and friends were felt to be a source of pressure by the highest portion of respondents, followed by influential persons in the private sector, security agencies, and SJC members.

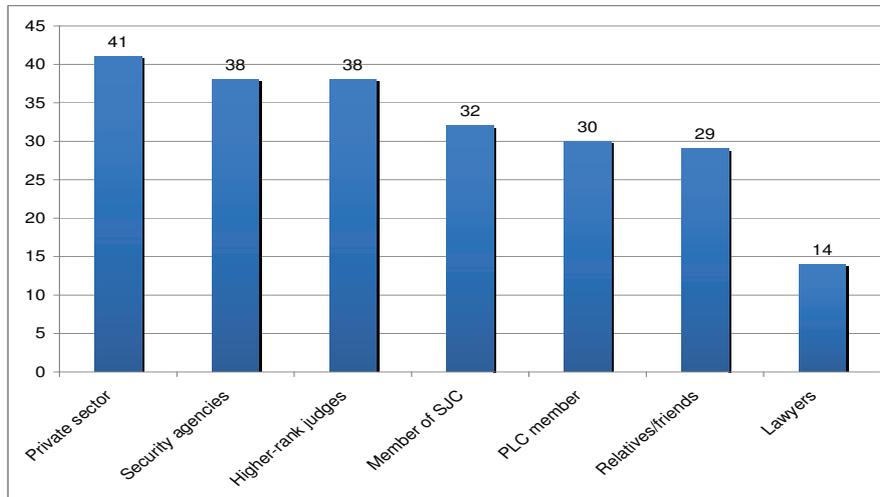
**Graph 103. Percentage who believes that judges are exposed to pressure by the following groups.**



- Court users and litigants from the north were the least likely to believe judges were under pressure from external groups, with 33 percent saying that judges were not exposed to pressure from SJC members. In contrast, 28 percent of users and litigants in the south and 21 percent in the middle shared the same perception.
- About 30 percent of the least educated said that judges were not exposed to pressure, compared with 25 percent of the more educated.
- The same trend applies to employment, with 31 percent of the employed denying that judges are exposed to pressure, while 24 percent of the unemployed admit that such pressure exists.
- One third of the age group (31-50) said that judges were not exposed to pressure from SJC members, while 23 percent of those who are more than 50 shared this view.

Among those who believed that judges were exposed to undue pressure, the majority of users and litigants also believe that they respond (positively) to such pressure. Less than 5 percent of those who believed pressure exists said that judges were not responsive to pressure from influential private sector persons, security agencies, higher-ranking judges, SJC members and PLC members.

**Graph 104. Percentage of users and litigants who believe that judges are responsive to pressure from the following groups.**

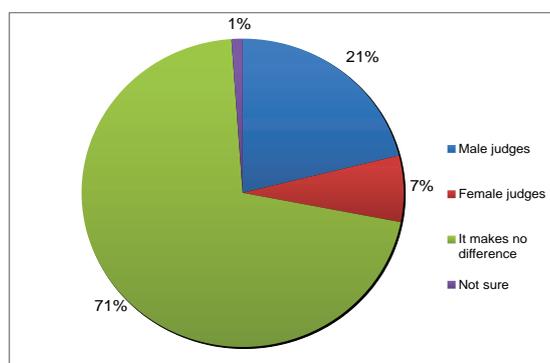


The perceptions of the performance of judges are also related to the perception of the social status of a judge. Users and litigants were the least likely, of all surveyed groups, to view judges as the highest ranking on the social status scale. When asked to give their first choice on the social status scale, users and litigants placed the occupation of a judge at number five out of seven occupations listed in the survey. It was also placed at number five even when users and litigants were asked to give their second most prestigious occupation. Only 10 percent of the respondents placed the occupation of a judge as their first choice. An additional 9 percent gave the occupation of a judge as their second most prestigious occupation. About 24 percent placed it as their fifth choice and 25 percent as their sixth choice. Other governmental occupations (e.g., governor, ministerial undersecretary, ambassador) were considered to be more prestigious by the court users/litigants.

The vast majority of users/litigants (71 percent) have no preference as to the gender of the judge they appear before. Around 21 percent expressed preference for a male judge and 7 percent for a female judge. Preference was related to socio-demographic variables.

- Court users/litigants from the middle are more likely to have no preference based on gender (78 percent) compared with the north and south (69 percent).
- Younger users/litigants are more likely to prefer a male judge (25 percent) than other age groups (18 percent among users/litigants older than 50 years old).
- Court users/litigants from the public sector were much more likely to prefer a male judge (35 percent) than their counterparts in the private sector (20 percent).
- Male and female users/litigants had the same views on this issue.
- Education had no relation to views on this issue as well.

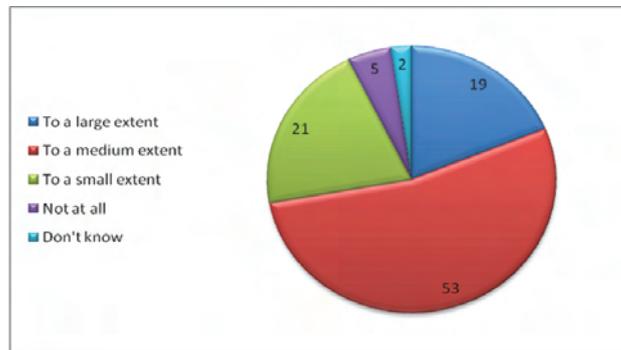
**Graph 105. Preference for a judge based on gender**



### 1.6 Evaluation of Lawyers

The following data confirms the mixed feelings of users and litigants, cited above, about the performance of lawyers. Having first-hand experience, just 19 percent believe to a large extent that lawyers were effective in representing their clients before the courts. Another 53 percent believed this to a medium extent. In contrast, 21 percent of the users and litigants believed that to a limited extent, and 5 percent believed that they were not effective at all.

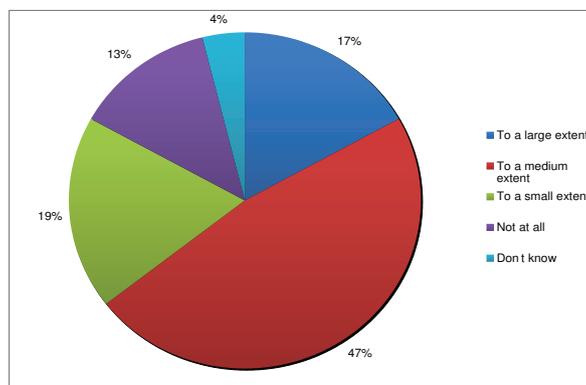
**Graph 106. Do lawyers represent their clients effectively?**



Asked if lawyers represented their clients honestly, 31 percent of court users and litigants believed that they did, to a limited degree or not at all. About 48 percent believed that lawyers represented their clients honestly, to a medium extent. Only 17 percent believed that lawyers did so to a large extent.

- Litigants were less likely than service users to say that lawyers represented their clients honestly (61 percent to 68 percent respectively)<sup>7</sup>.
- Employed users and litigants were more likely than the unemployed to say that lawyers represent their clients honestly (67 percent to 61 percent respectively).

**Graph 107. Do lawyers represent their clients honestly?**



The majority of users and litigants (66 percent) believed that lawyers' fees were very high or high. About 26 percent of them felt that lawyers' fees were appropriate. Only 2 percent of the users and litigants felt that lawyers' fees were low. No one from the survey believed that fees were very low.

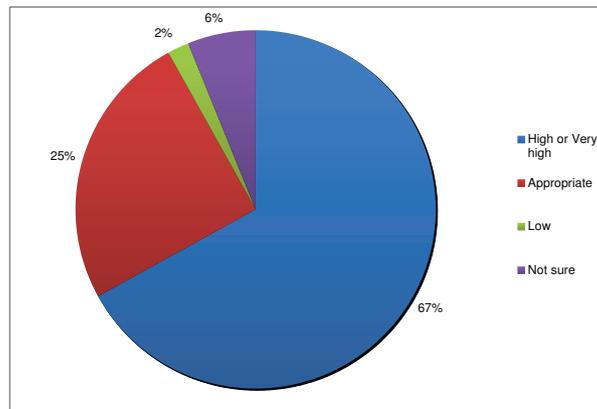
- Litigants were more likely to feel that lawyers' fees were high or very high (67 percent) than service users (62 percent).

<sup>7</sup> To a large or medium extent.



- Users and litigants from the south were the most dissatisfied with lawyers' fees (76 percent), compared with (66 percent) in the middle and (59 percent) in the north.
- Males were more dissatisfied with fees (67 percent) than females (58 percent).

Graph 108. How do you perceive lawyers' fees?



## 2. The experiences of service users and litigants

The surveys questioned both groups on their experiences in the courts, posing both common questions, and queries specific to each group.

### 2.1 Evaluation of common services

Both service users and litigants were asked to evaluate the overall treatment and efficiency of the court administration and procedures. The following are the main results:

#### 2.1.1 Respect by employees

- The majority of court users/litigants evaluated the level of respect by the court employees positively. About 20 percent described it as 'very good' and 40 percent as 'good'. Another 27 percent described the level of respect by employees as (average). In contrast, about 13 percent described it as (bad or very bad).
- Service users were more positive in their evaluation of the level of respect by court employees, as 68 percent of them described it as (very good or good), compared with 55 percent among litigants.
- Users/litigants from the north were the most positive in their evaluation (64 percent), compared with 56 percent in the middle and 53 percent in the south.
- The positive evaluation of this aspect increases with age (53 percent among 18-30 years old and 64 percent among users/litigants older than 50 years).
- Women are treated with more respect than men, as 70 percent of female respondents describe the respect by the employees as (very good or good), compared with 57 percent among male respondents.
- The less educated feel more respect by the employees (62 percent) than the more educated (52 percent).

#### 2.1.2 Efficiency and ease of procedures

- About 12 percent evaluated (the ease of procedures) as (very good). In addition, 32 percent evaluated it as (good). Less than 29 percent described the procedures as (medium). In contrast, 27 percent described the (ease of procedures) as (bad or very bad).
- There were no significant differences between service users and litigants in this regard.



- Users/litigants from the south were the least satisfied with the procedures, with just one third (34 percent) describing them as very good or good, compared with 45 percent in the middle and 48 percent in the north.
- Satisfaction with procedures correlates positively with age, with 35 percent of the youngest cohort (18-30 years) describing the procedures as very good or good, compared with about 47 percent among older cohorts.
- Gender and education differences were not significant in this regard.
- Users/litigants working in the public sector were much less satisfied (33 percent) than those employed in the private sector (42 percent).

### 2.1.3 Efficiency of employees

- As to the efficiency of court employees, service users and litigants were divided. About 12 percent described the efficiency of the employees as very good, and 40 percent as good. In addition, 34 percent described it as medium. In contrast, just 9 percent described their efficiency as 'bad' or 'very bad'.
- Litigants were less satisfied with the efficiency of employees than were service users. About 49 percent of the litigants described the efficiency of employees as very good or good, as compared with 57 percent among service users.
- Users and litigants from the north were most satisfied (57 percent), while those from the south were the least satisfied (45 percent). In the middle, 50 percent described the efficiency of employees as very good or good.
- The less educated were more satisfied (55 percent) compared with the more educated (45 percent).

### 2.1.4 Cleanliness of courts

- Court users and litigants were least satisfied with the level of cleanliness in the courts, where only 9 percent said that it was very good and 22 percent said that it was good. About 28 percent said that the level of cleanliness was medium. In contrast, 42 percent said that it was 'bad' or 'very bad'.
- Respondents from the north were much more satisfied with level of cleanliness in the courts (42 percent) than their counterparts in the middle and south (about 20 percent in each).

### 2.1.5 Responsiveness to complaints

- Users and litigants were asked if the court responsible employees were responsive to their complaints and if they received proper follow-up. Only 9 percent evaluated this aspect of the court administration as very good, and 30 percent as good. About one third evaluated the responsiveness to complaints as medium, and almost a quarter of the respondents evaluated employees' responsiveness as 'bad' or 'very bad.'
- Service users were much more positive about this aspect than litigants, with 47 percent of service users describing employees' responsiveness as very good or good. Only 38 percent of the litigants felt the same way.
- Court employees in the north were most responsive according to the users and litigants interviewed, with 43 percent saying that the responsiveness level was very good or good. This is compared with about 35 percent in both the middle and north.

### 2.1.6 Abiding by the line (queue)

- Only 9 percent evaluated 'abiding by the line' as very good, and 31 percent as good. About 24 evaluated this as 'medium'. In contrast, 35 percent of the respondents evaluated it as 'bad' or 'very bad'.
- Again, litigants were less satisfied, with 39 percent saying that the line was very good or good, compared with 49 percent among service users.
- Respondents from the North are most satisfied with this aspect, where 44 percent described abiding by the line as (very good or good), where about 35 percent of the users/litigants from the middle and south agreed.



### 2.1.7 Transportation

- Users and litigants were asked about the means of transportation they used to reach the court. Over one quarter arrived by private car, and two thirds of them used public transportation, including taxis and buses. Less than 7 percent of them came to the court on foot.
- Of those arriving in their own cars, a majority (53 percent) found it difficult to find a parking spot. Almost the same amount (47 percent) reported no problem.

## 2.2 The Experiences of litigants

### 2.2.1 Background of the litigants

- About 46 percent of the litigants said they were plaintiffs, and 54 percent said they were defendants.
- The largest group of litigants (23.8 percent) was interviewed in the Hebron district (in its three courts: Hebron - 11.2 percent; Dura – 6.8 percent; and Halhoul – 5.8 percent), followed by Nablus (23.3 percent), and Ramallah (18.6 percent).
- Litigants in Tulkarem and Jenin comprised about 10.5 percent each, followed by Bethlehem (6.8 percent), Jericho (2.5 percent). Litigants in all other areas (Qalqilya, Tubas and Salfit) comprised less than 2 percent (each) of the total sample.
- For the great majority of litigants (71 percent), this court experience was their first.
- For those with previous experience (29 percent of the sample), the majority (73 percent) reported it took place during the last year.

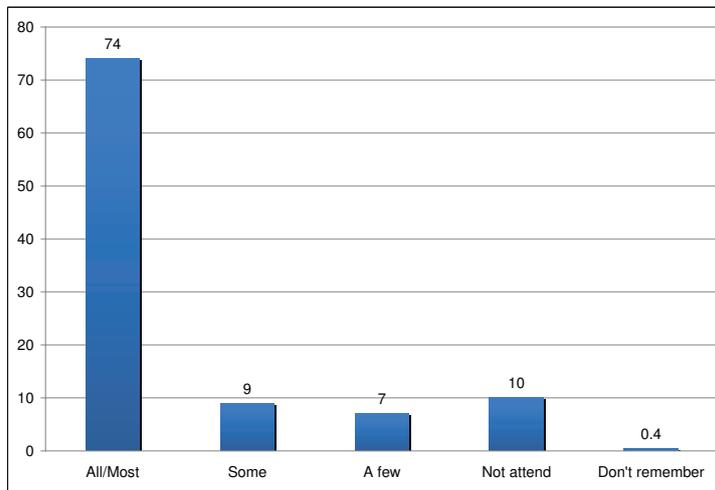
### 2.2.2 Registration of the case

- About half of the litigants said that registering their case before the court took one hour or less. About 23 percent registered in about two hours, and the rest reported it took 3 to 8 hours.
- For those whose registration took more than one hour, the main reason they cited was a long queue in the courts (cited by 65 percent of the litigants). About one quarter attributed it to an insufficient number of employees in the courts and 18 percent cited the irregularity of employees' work hours.

### 2.2.3 Court hearings

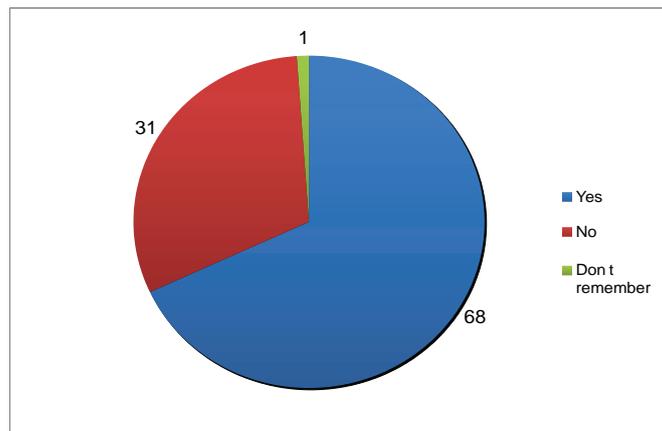
- Almost three quarters of the litigants (74 percent) reported that they attended all or most court hearings personally. Another 16 percent attended sometimes or a few times. The rest (10 percent) said that they did not attend any of their court hearing.

**Graph 109. Did you attend the court hearings personally?**



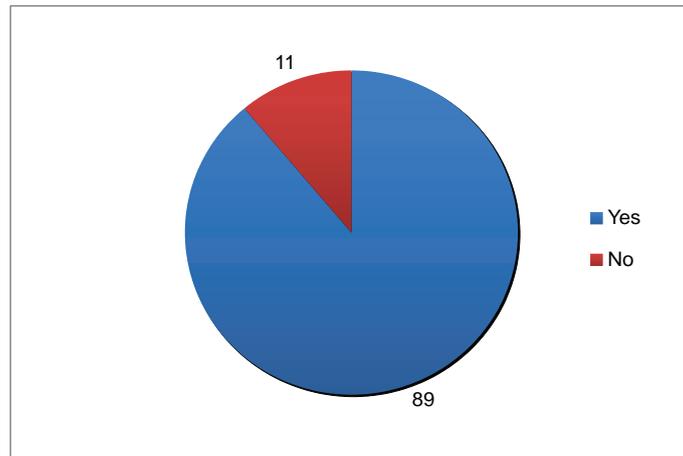
- Two thirds of the litigants said that they received a notification memo from the court. About 31 percent said they did not. The rest were not sure.

**Graph 110. Did you receive an official notification memo from the court?**



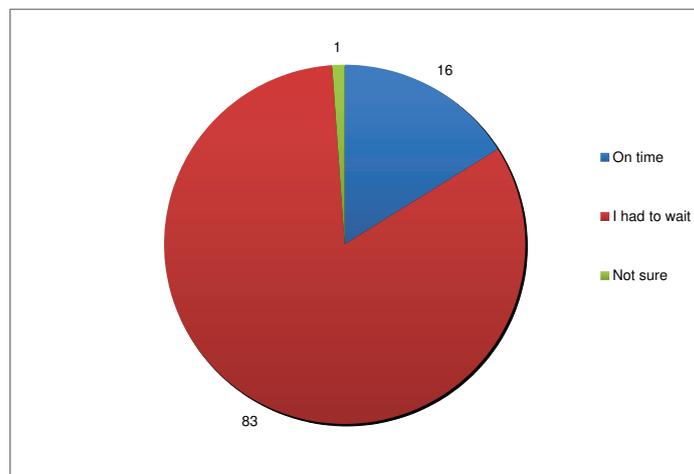
- Among those who received official notification memos, 89 percent said that the memo was clear and included all the needed information. In contrast, 11 percent said that it was not clear.

Graph 111. Was the memo clear?



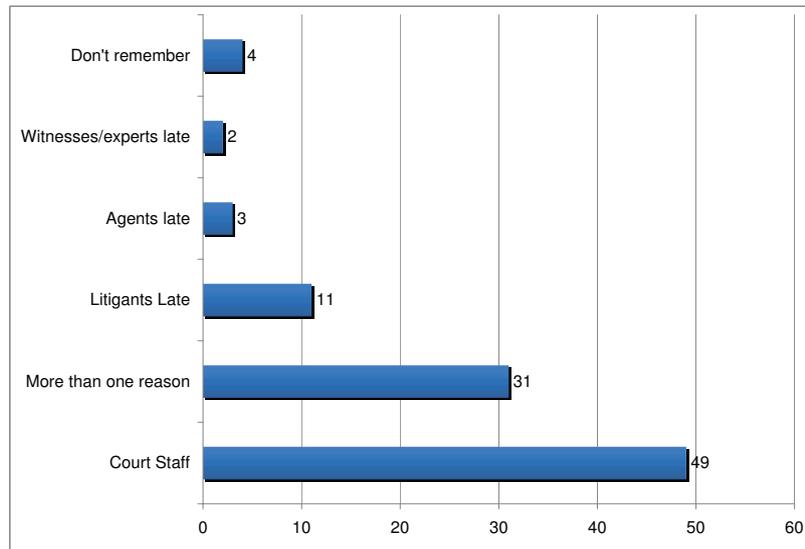
- The litigants were asked about the start of the court proceedings, and only 16 percent said that the trial started on time. In contrast, 83 percent said that the trial started after the appointed time.

Graph 112. Did the court hearing start on time?



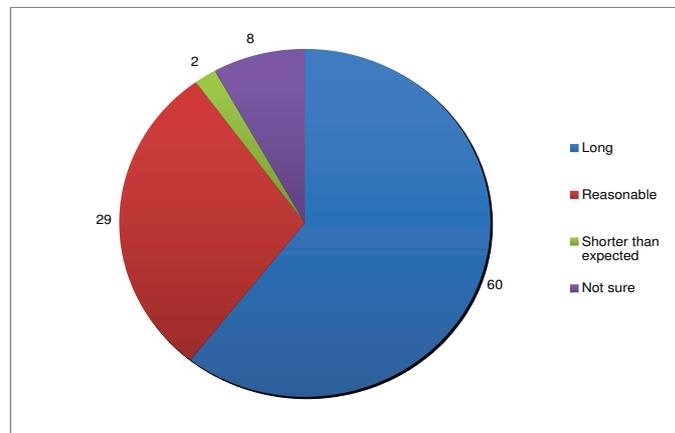
- Among the most important reasons for the delay of court proceedings according to the litigants was that the court staff or judges were late, with 49 percent citing this reason. About 11 percent said the delay resulted from the other litigants' lateness.

**Graph 113. Reasons for the delay in court proceedings.**



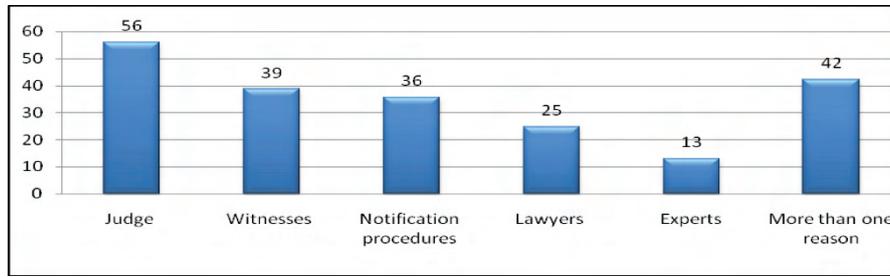
The duration of the court proceedings was also an issue, with 60 percent of the litigants saying that the process took long. About 29 percent said that the duration of the trial was reasonable. Only 3 percent said that it took less time than expected.

**Graph 114. Did you feel the duration of the trial was...?**



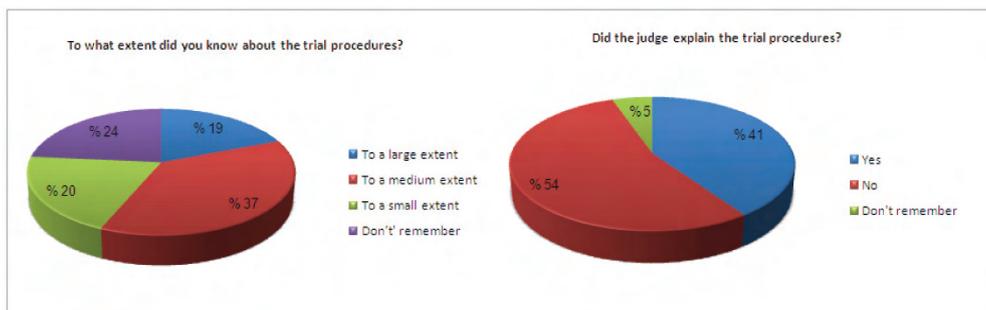
Among the reasons given for the prolonging of the trial, 56 percent mentioned judges. About 39 percent said it was a result of witnesses failing to come to the trial. Another 36 percent cited the notification procedures as lacking. Among the other reasons were the lawyers (25 percent), and the court experts (13 percent). About 42 percent cited a combination of these reasons.

**Graph 115. What were the reasons for the prolonged trial?**



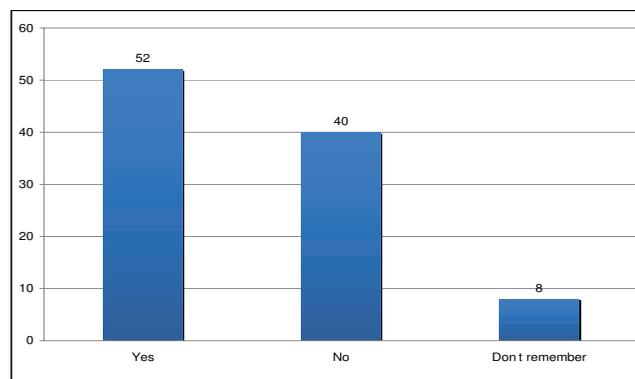
Asked about their familiarity with trial procedures, 19 percent said that they were familiar to large extent. Another 37 percent were familiar to a medium extent. One fifth of the litigants said that they were familiar to a small extent and 24 percent said that were not familiar at all. In this respect, 40 percent of the litigants said that the judges explained the litigation procedures to them. In contrast, 54 percent said that the judges did not explain the procedures.

**Graph 116. Knowledge of court procedures**



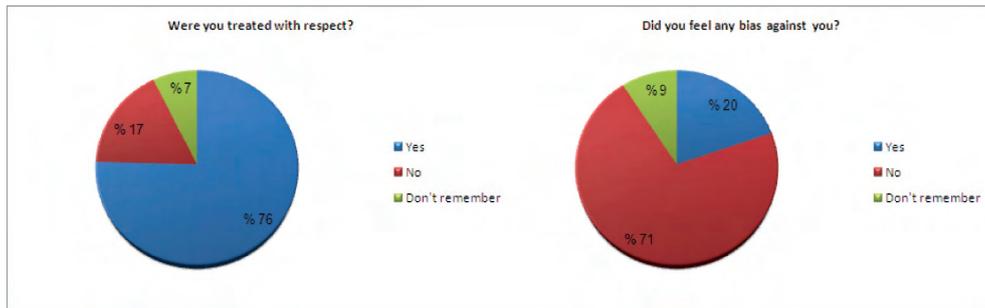
A small majority of the litigants said that they were given the right to defend themselves according to the law. As many as 40 percent of litigants said that they were not given the right to defend themselves, which is clearly an issue of concern.

**Graph 117. Were you given the right to defend yourself?**



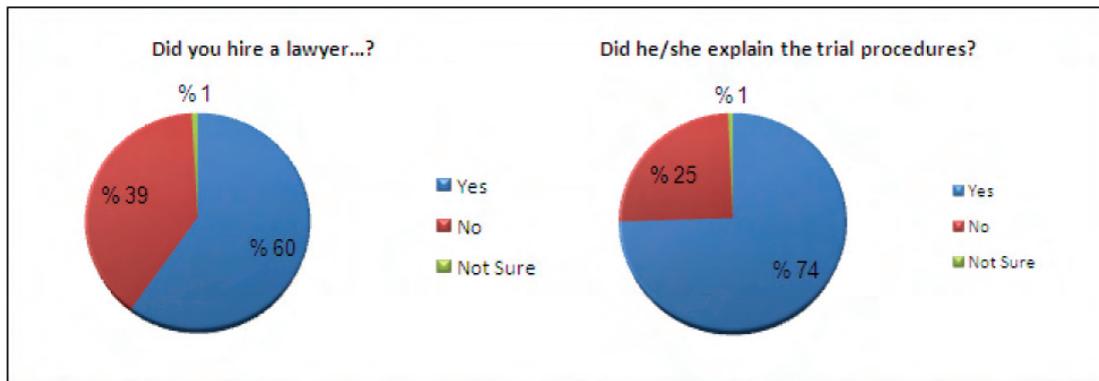
Litigants were asked if they were treated with respect during the trial. As many as 75 percent of them said that they were treated with respect, and about 17 percent disagreed. The perception of bias hewed to similar percentages, with 71 percent feeling no bias and 20 percent feeling there was bias against them.

Graph 118. Feeling of respect and bias



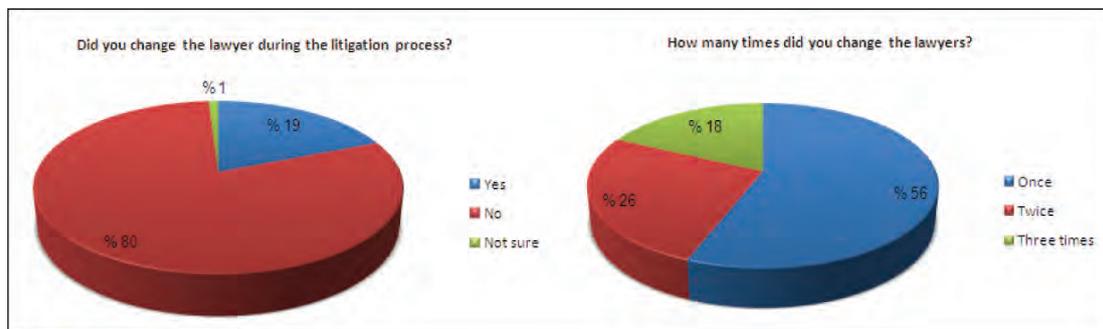
Only 60 percent of the litigants said that they had hired a lawyer to assist with proceedings. Three quarters of those who had hired a lawyer said that their lawyers explained the procedures to them.

Graph 119. Relation with lawyers



About 20 percent of the litigants said they changed lawyers during the trial period, while 80 percent did not. The majority of those who changed lawyers did so once, while 44 percent changed the lawyers two or more times.

Graph 120. Relation with lawyers



As to the court environment, litigants had the following views:

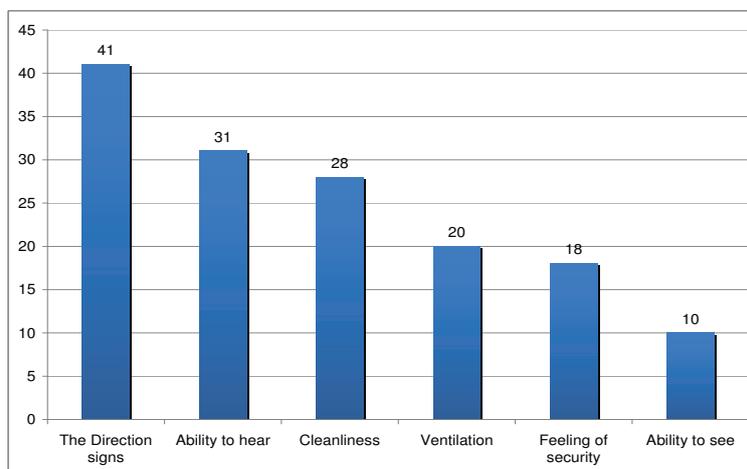
- The issue of directions and signs was perceived to be most problematic by the litigants (41 percent).
- The second most problematic issue was the noise level and their ability to hear (31 percent).<sup>8</sup>

<sup>8</sup> "Noise level" relates to street noise and other noise coming from outside the court building as well as from noise inside the building.



- The third most problematic was cleanliness (28 percent)
- They were followed by ventilation (20 percent)
- The level of feeling of security (18 percent)
- Poor court lighting (10 percent).

**Graph 121. Percentage of litigants saying that the following aspects of the courts are problematic**

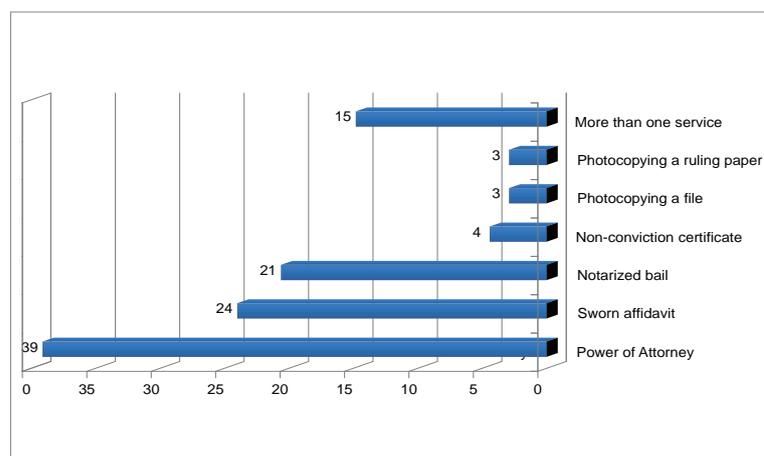


## 2.3 Experiences of the service users

### 2.3.1 Types of services sought<sup>9</sup>

- The most common service sought by the users was the power of attorney, with 39 percent of the users declaring they were in the court building for that purpose.
- The second most common paperwork requested by the users was the sworn affidavit, at 24 percent.
- In third place was the notarized bail with 21 percent requesting such a service.
- Most other services were requested but by a smaller percentage: non-conviction certificate (about 5 percent), photocopying a file or a ruling paper (less than 3 percent).

**Graph 122. Percentage of users requesting the following services**



<sup>9</sup> Palestinian courts house courts for adjudication purposes as well as other services offered by Notary Public Departments, Civil Judgment Departments, etc.

- Those users requesting the power of attorney were least satisfied with the court services, with only 12 percent reporting satisfaction to a large extent. About 69 percent said that they were satisfied to a medium extent. About 19 percent were not satisfied, or satisfied to a small extent.
- Among users who obtained a sworn affidavit, three quarters said that they were satisfied to a large extent, and 8 percent to a medium extent. About 17 percent were not satisfied.
- These differences might be due to the small size of sample for each one of the services.
- The vast majority of respondents (76 percent) said that they received their requested service within the same day. About 18 percent said that they had to make a number of visits.

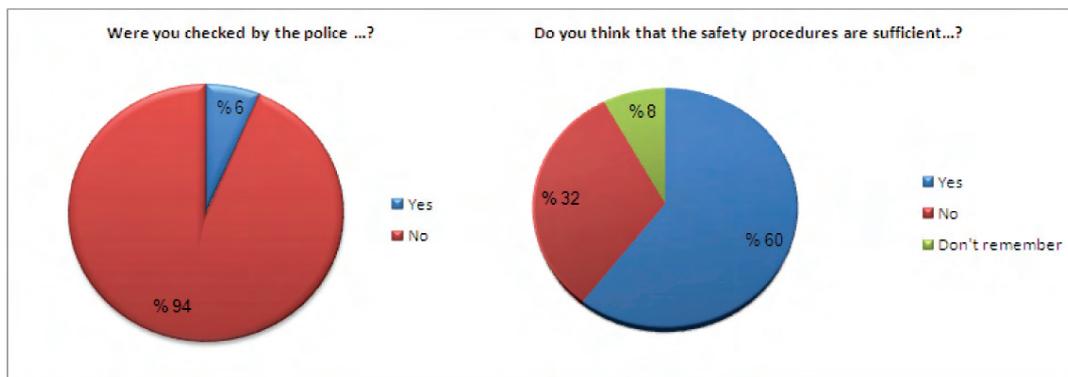
**2.3.2 Information and the role of private offices ( Petition Writers)**

- In terms of information needed to obtain the services, 76 percent of the users said that they had all the necessary information and documentation to receive the service requested. This was facilitated through the private service offices, with 65 percent saying that they received assistance from them to complete their paperwork. About 32 percent did not resort to private offices for assistance.
- Among those who resorted to private offices, about 76 percent said that that was helpful to a large extent and 22 percent to a medium extent. Only 2 percent felt that that was not helpful.
- In fact, 62 percent of the users said that they obtained the needed forms from private offices, while 21 percent from court employees.

**2.3.3 Security and Directions**

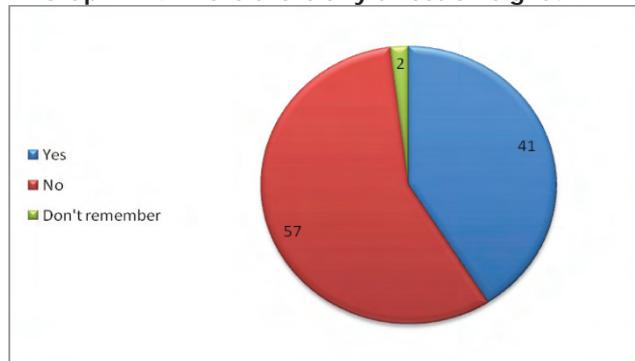
- Only 6 percent said that they were checked by the police upon entering the court building.
- At the same time, 60 percent of the patrons felt that the security procedures were sufficient to ensure their safety. About 32 percent disagreed.

**Graph 123. Security – relates issues.**



- About 57 percent of the patrons said that there were no signs to direct them to their destination. In contrast, 41 percent said that such signs existed.

Graph 124. Were there any direction signs?



- Furthermore, 62 percent said that there were no employees to offer directions, while 38 percent said that there were, in fact, employees who could offer directions.
- Regardless of the existence of signs or helpful employees, the majority of patrons (71 percent) said that they reached their destination with ease. About 27 percent located their destination with difficulty.

## Conclusions and Recommendations

The following is the summary for the court user's survey most important results and recommendations regarding public policies and actions for development:

1. **Litigants and court user's attitudes towards the Judicial Authority:** Data shows that litigants and court users are the most critical of the Palestinian judicial system-- among the five targeted groups in this survey. 45% of those surveyed do not believe that lawyers represent their clients honestly and gave a low evaluation of the judicial system. The defendants tend to be more critical (43%) than the plaintiffs (33%). Regarding court users, the availability of information is an important factor in their assessment of the judicial system and 43% say that they received insufficient information on procedures and gave a low evaluation of the judicial system.

**Recommendation:** Data obtained from court users and litigants suggests that this group has a less favorable view of the judicial system than the general public. This maybe due to court users and litigants expectations and sense of urgency in having their needs met quickly and completely. In order to improve their attitudes towards the Palestinian Judiciary some steps are required. First, efficient procedures and improving the services that are provided to court users so as to complete their transactions in a timely manner are necessary. Court users and litigants should be provided with basic information and clear signs and directions on how to obtain court services. Information should be clear and understandable to all persons, regardless of level of education. In addition, the court staff's positive treatment of litigants and court users plays an essential role in improving attitudes towards justice and fairness.

2. **Litigants and Court Users Confidence in the Judicial System:** Litigants and court users trust judges more than any other group. 74% said that they trust the judges to a great or intermediate extent; they rated the second most reliable group as the administrative staff: 66% of the litigants and court users said that they trust them highly or intermediately. The police's investigation procedures were less reliable in the litigants and court user's point of view and on the same level came the reliability of lawyers

**Recommendation:** The police's investigation procedures greatly contribute to the negative image of the Palestinian Judiciary; therefore, quick actions should be taken to improve laws and regulations which control police investigation procedures and stiff penalties should be imposed against offenders. The adoption of such recommendations is considered a major step towards improving the image of the judiciary in the eyes of the public.

3. **Litigants experience with courts:** Trial duration is one of the key issues that concerns litigants. 60% of them said that the process took a long time, and 29% of them said that it took a considerable time. Reasons for the prolonged trial from the litigants point of view is due to the judges (56%). 39% of litigants said that the reason is due to the absence of witnesses, and 36% said it is due to the lack of effective reporting procedures, while others blamed lawyers. Regarding knowledge of litigation procedures, 44% said that they had limited or no knowledge at all. A slim majority of litigants (52%) said that they were given the opportunity to defend themselves as provided by law, while 40% said they were not given the opportunity to defend themselves.

**Recommendation:** The delay in deciding court rulings is one of the main reasons for judicial case backlog. Although the Supreme Judicial Council is taking concrete steps to alleviate this problem by increasing the number of judges, this issue needs a longer period of time to be adequately addressed. This may be accomplished by the streamlining procedures. Also strict rules and regulations which define the relationship between the litigants and lawyers should be established in coordination with the Bar Association, as lawyers play a significant role in prolonging the duration of the trial, from the litigants' viewpoint.



- 4. The Court Environment:** Litigants believe that insufficient of directions and signs inside courts is the most problematic issue regarding the court environment (41%). Noise inside courts and difficulties in hearing were viewed as the second problem (31%). The third most problematic issue is the cleanliness of the courts (28%). One-third of the litigants and reviewers mentioned that the security procedures were not sufficient to ensure their safety.

**Recommendation:** Providing directions and signs for reviewers in visible positions will greatly increase the achievement of the public's transactions and save them time. Cleanliness in the courts should be addressed by using more resources in this area to conduct court cleaning. Regarding security procedures in the courts, the majority of court visitors mentioned that there were none. Many of them have not given this issue due attention because the majority felt secure inside the court. However there is a need for more improvements in this area.

- 5. The Role of the Special Services Offices:** 65% of the litigants and court users noted that that they have received the required information and documents, and received assistance through the special services offices or application drafters.

**Conclusion:** It is clear that the role played by the private offices /application drafters, who provide legal services and support, is a vital one especially for reviewers. This issue is to be further studied in order to be improved.

- 6. Focus on the South:** Court users and litigants from the north are much more satisfied in all aspects regarding court services than their counterparts in the middle. Patrons from the south report the least satisfaction.

**Conclusion:** The SJC must investigate the reasons for this varying level of satisfaction according to geography. The results of the survey show that patrons from the north reported better court environment, better administration, less perceived pressure on judges and more efficient services.



## Section Six

# Survey of Employees





## Section Six

# Survey of Employees

### Introduction

This chapter analyzes data from the survey of employees working in various parts of the judicial system, including the SJC, the courts and other related agencies. One hundred and twenty four employees, in all the West Bank courts and related offices, were interviewed.

### Objectives:

- Gauge the employees' views of the performance of the various components of the judicial process including the police, prosecution, courts, lawyers and the government in general.
- Analyze the employees' perceptions of the Palestinian judicial system versus judicial systems of other Arab and Western countries.
- Understand the experience of employees within the judicial system.
- Assess the views of employees on the performance of the SJC, the judges and the lawyers.
- Assess the work environment of the courts, as perceived by the employees.
- Assess the reforms, especially in management and administration, which are viewed by court employees as necessary to enhance the performance of the judicial system.

### Methodology

The data were obtained through a survey of employees of the Palestinian court system. To ensure its relevance and appropriateness to the Palestinian context, twelve pilot interviews were carried out with employees from six districts in the different regions of the West Bank. The test sample was selected to represent age, gender, type of work, rank and level of experience of the entire sample. The team aimed to conduct the interviews in the safest environment possible for the employees within their office buildings.

The field work for this survey was carried out between 17 and 30 November 2008 by a team of twelve highly-skilled field researchers and supervisors. Face-to-face interviews were conducted in the offices of the employees. Researchers visited the courts and coordinated with the director of each court. The employees were informed of the study by the court director and the SJC. The employees were generally cooperative from the start, with a few exceptions, where the researchers had to make a number of visits before the interview actually took place. Reports from the field indicated that the most challenging aspect of this survey was the creation of an environment that was conducive to frank and effective interviewing. Depending on the needs of each employee and the availability of secluded interviewing areas within the building, the employees were interviewed in their private offices, in a shared office, or in a secluded room. Most interviewees were attentive, candid and serious, though a few were distracted by demands from clients, colleagues or superiors, or gave ambivalent answers.

The SJC provided the research team with a list of eligible employees from which 124 were selected to participate in the study. All employees of the SJC, the courts, and related offices were able to participate, except janitors, maintenance staff, drivers and messengers. The sample was selected from all districts of the West Bank, according to the number of court employees in each.



## Analysis of Results

For a realistic presentation of the data and analyses, we must make the following two points:

1. The sample population of employees was relatively small, with 124 participants out of 318 eligible employees, equaling a rate of about 40 percent of the staff.
2. Employees are public servants who work under the direct management and scrutiny of the SJC. Interviews with them were carried out in their offices. Situating the interviews at the employees' professional setting aimed to encourage a more direct and real account of their experiences, but also likely influenced their capacity for free self-expression. This influence is more pronounced in the case of employees than any other group, such as judges or lawyers, with employees exhibiting more caution in expressing opinion.

### 1. The characteristics of court employees

An analysis of the sample distribution led to the following conclusions:

- *Gender balance of court employees is similar to that of other government departments.* About 89% percent of the court employees participating were male, and 11% percent were female, which is consistent, to a large extent, with the gender distribution of government employees in general.
- *Court employees are, on average, relatively young.* The largest group of employees interviewed (50 percent) were between 30 and 50 years old, and about 41 percent were between 19 and 29.
- *Most court employees have a college diploma or undergraduate degree.* About 63 percent have a two-year college diploma or a 4-year university degree, and about 32 percent have 12 years or less of education. Less than 5 percent have a higher degree.
- *Most court employees have five or fewer years of work experience at the courts.* Respondents varied widely in levels of experience. About 23 percent were recent recruits with less than one year of employment and over one third (35.5 percent) had been working in the system for one to five years. There is a significant number of more experienced workers, with about 16 percent have between 6-10 years of experience and almost a quarter (24 percent) have more than 10 years of employment with the judicial system. These data are in line with the relatively young age of the staff and recent hiring of new staff, most of whom had limited experience in the court system.
- *The great majority of employees acquired their experience in the West Bank.* Less than 5 percent of survey respondents worked in other countries in the same field, while 95 percent did not report any similar experience abroad.
- *Stenographers are the largest occupational group among court employees.* The largest group among court staff was stenographers (with about 30 percent of the total), followed by processors (17 percent), and clerks (at all levels) comprising about 11 percent. Legal assistants and researchers comprised about 9 percent and accountants-treasurers about 5 percent.
- *Ramallah has the most judicial system employees.* Hosting the central offices of the judicial system and the main courts, Ramallah has the largest percentage – and therefore the largest numbers – of the judicial system employees with 31 percent, followed by the Hebron district with its three courts (16.1 percent), and Nablus (15 percent.) Tulkarem had 11 percent and Bethlehem 10 percent of the total pie representing judicial system employees.

### 2. Evaluation of the Judicial System in West Bank: A Comparative Perspective

This is an analysis of the views of court employees on the questions of justice, integrity and neutrality of legal systems in seven countries including West Bank, Arab countries (Jordan, Lebanon and Egypt) and Western countries (USA, France and Britain). The employees were asked to rate each country's justice system on three scales (justice, integrity and neutrality), assigning a score of 1 to 10, with 10 being the highest score. For the purposes of this survey, each term was defined as follows:



**Justice:** To fulfill the rights of the litigants within the parameters of the law.

**Integrity:** The litigation process is not influenced by any factors other than the law during the trial.

**Neutrality:** Equality among the litigants in the absence of any bias to any side.

In the following analysis, we divided the scores into three levels of evaluation: low (1-3), medium (4-7) and high (8-10). The detailed results are listed in the annexed tables.

Before delving into the detailed results for each criterion, it is important to indicate the following major trends:

Employees expressed their views of the judicial system in Palestine, while a large percentage was hesitant to express any opinion of systems in other countries. The percentage of respondents expressing no opinion of other systems on the justice scale ranged from 31 percent (Jordan) to 59 percent (Lebanon). The percentage of employees not expressing an opinion on the justice scale was 40 percent for the USA, 41 percent for Egypt, 44 percent for the UK and 49 percent for France. This hesitance to voice opinions on other countries might be interpreted as a form of modesty and rationality, with employees lacking concrete knowledge, and feeling they should not base their views on general knowledge and overall impressions. It might also be viewed as a sign of sophistication, diplomacy and non-desire to express opinions of other countries.

3. Of those who did express an opinion of other countries' judicial systems, very few gave low scores. For example, the highest negative evaluation was received by the Egyptian system on the issue of fairness, with 10 percent of all employees giving it a low grade.

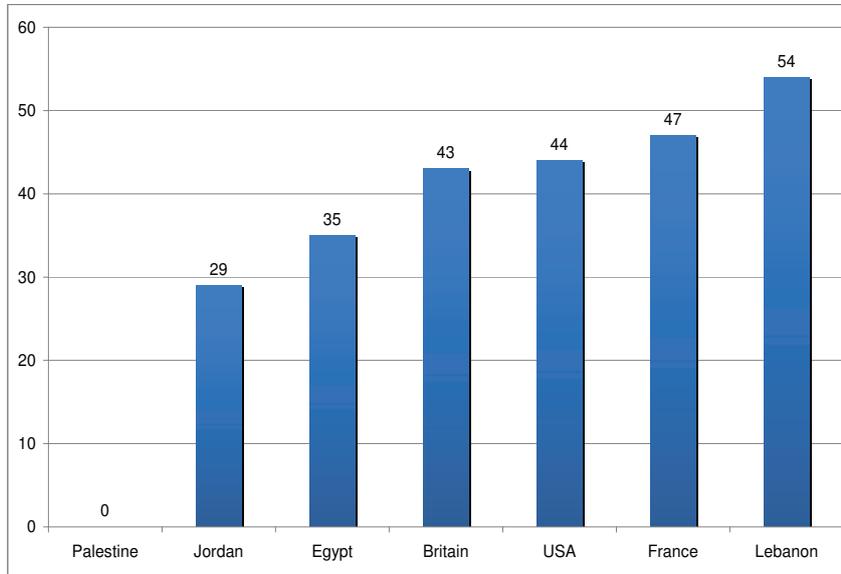
## 2.1 Views of Justice, Integrity and Neutrality

Employees were asked to assess the level of justice, integrity and neutrality in judicial systems of the countries listed in the questionnaire.

- Less than one percent of the employees expressed no opinion on the degree of justice in Palestine, and all employees expressed an opinion of the integrity and neutrality questions.
- About 54 percent of the employees did not express an opinion on the degree of neutrality and integrity of the Lebanese judicial system, and 34 percent of the Egyptian.



**Graph 125. Percentage of employees who did not express an opinion of the judicial system in each country (on the integrity scale).**



For the employees’ opinions to show significance, they must be calculated from among those who expressed an opinion. In doing that, the following trends emerge:

- Court employees gave France, Britain and the USA the highest scores on all three scales. Among Arab countries, Jordan scored the highest on the justice scale followed by Egypt, while Palestine scored the highest on the integrity and neutrality scales. Jordan and Egypt are ranked equally on the neutrality scale. Overall, Palestine placed sixth on the justice scale and fourth on the integrity and neutrality scales.
- The gap between perceptions of judicial systems in Western and Arab countries is clear. Most employees (63 percent) said the British and French systems were just to a large extent, while only a small portion said the same about the Lebanese system (20 percent) or the Palestinian system (28 percent).

**Table 40. Perceptions of various judicial systems on the scale of justice**

Rank	Country	High justice (%)	Medium justice (%)	Low justice (%)
1	France	63.5	31.8	4.7
2	Britain	62.9	32.8	4.3
3	USA	55.0	36.7	8.3
4	Jordan	45.3	51.2	3.5
5	Egypt	31.6	63.0	5.4
6	Palestine	28.4	70.8	0.8
7	Lebanon	19.7	70.6	9.7

- The same trends apply to perceptions of integrity. About 60 percent of the employees felt that the French system had a high degree of integrity, while only about a quarter of respondents said the same about the Egyptian and Lebanese judicial systems (25 and 27 percent, respectively). Palestine was perceived to be in the middle of the integrity scale, with around 40 percent of the employees saying that the Palestinian judicial system had a high degree of integrity.

**Table 41. Perceptions of judicial systems on the scale of integrity**

Rank	Country	High integrity (%)	Medium integrity (%)	Low integrity (%)
1	France	59.0	38.0	3.0
2	Britain	56.3	39.5	4.2
3	USA	47.8	45.0	7.2
4	Palestine	40.3	53.2	6.5
5	Jordan	34.1	60.3	5.6
6	Lebanon	27.1	70.9	2.1
7	Egypt	24.8	60.5	14.7

- The perceptions gap between Western and Arab countries is still pronounced when it comes to perceptions of high neutrality, with 64 percent viewing the American system as such, followed by the French system (59 percent) and the British system (57 percent). This compares with 52 percent for Palestine, 34 percent for Egypt, 33 percent for Jordan, and 22 percent for Lebanon.

**Table 42. Perceptions of judicial systems on the scale of neutrality**

Rank	Country	High neutrality (%)	Medium neutrality (%)	Low neutrality (%)
1	USA	64.0	29.8	6.2
2	France	58.8	38.1	3.2
3	Britain	56.9	40.2	3.0
4	Palestine	52.5	38.7	8.8
5	Egypt	34.1	55.0	10.9
6	Jordan	32.6	54.7	12.7
7	Lebanon	21.8	65.8	12.4

In general, the results show that court employees tend to give a medium grade to Arab countries' systems on all three scales. From those expressing an opinion, Palestine received a score of about 71 percent on the scale of justice and 53 percent on the scale of integrity. A majority gave Egypt, Jordan and Lebanon a medium score on all three scales as well. In contrast, a majority gave the French, British and American judicial systems a high score on all three scales.

The results also show that there is a correlation between perception of the judicial system in Palestine and other background variables of the employees.

- Employees working in the middle region (mostly in Ramallah) have less trust in the integrity of the Palestinian judicial system (37 percent), followed by employees from the north and south at 42 percent each. The same trend applies to the neutrality scale, with employees from the middle being the most critical.
- Male employees are more positive than female employees, with 43 percent of male employees saying that the judicial system in Palestine is neutral to a large extent, compared with only 33 percent of female employees.
- Faith in the justice of the system correlates positively with age. About 45 percent of the employees who are over 45 years old said the system has integrity, compared with 41 percent among the age group 31-45 and 39 among the age group 18-30.



- The same applies to the length of experience, with 38 percent of employees with 5 years or less of experience saying the system has integrity, compared with 50 percent among those who have more than 10 years of experience.
- More educated employees are more critical, with 38 percent of those who have more than 12 years of education saying that the judicial system has integrity to a large extent, compared with 45 percent among employees with less than 12 years of education.

**Table 43. Evaluation of the judicial system on the scale of integrity, according to certain characteristics of respondents, and expressed as percentages.**

	High integrity	Medium integrity	Low integrity
Less than 5 years of service	38.2	52.9	8.8
5-10 years	40.9	54.5	4.5
More than 10 years	50.0	50.0	0.0
18-30 years old	38.5	52.3	9.2
31-45 years old	41.0	56.4	2.6
Above 45	45.0	50.0	5.0
Male	43.2	51.1	5.7
Female	33.3	58.3	8.3
12 years of education or less	45.0	47.5	7.5
More than 12y years	38.1	56.0	6.0
North WB	42.3	46.2	11.5
Middle WB	36.6	61.0	2.4
South WB	41.9	54.8	3.2

Employees' assessments of the judicial system were also related to multiple other factors such as their perception of the role of the state in preserving the independence of the judiciary and the role of the SJC.

The least favorable evaluation of the Palestinian judicial justice system came from employees who believe that the government does not seek to preserve the independence of the judiciary. In addition, employees who are satisfied with the SJC have a much more favorable evaluation of the performance of the entire system. Degree of familiarity with the Justice Sector Strategy 2008-2010 is not a significant factor in the evaluation of the system. In fact, employees who claim to know the strategy better tended to be more critical.

**Table 44. Perceptions of the judicial system on the scale of integrity, according to the perception of role of government and SJC, and familiarity with the JSS**

	High integrity	Medium integrity	Low integrity
Government seeks to reinforce judiciary independence	56.9	41.5	1.5
Government doesn't seek to reinforce judiciary independence	11.1	66.7	22.2
Satisfied with SJC	55.6	44.4	0.0
Unsatisfied with SJC	17.1	63.4	19.5
Familiar with the rulings of the Supreme Court	34.8	63.0	2.2
Unfamiliar with rulings	43.4	47.4	9.2

In addition to these overall trends, the evaluation of the judicial system seemed to be influenced by personal factors related to job satisfaction and perception of favoritism. The following table shows the following trends:

- A much larger percentage of employees who said they were satisfied with their jobs expressed the view that the Palestinian judicial system has integrity, as compared with employees who were not satisfied with their jobs.
- Those who believed that there is favoritism in employment practices tended to be more critical of the system than those who did not believe that such favoritism exists.
- Participation in training impacted the perception of integrity, with those who had participated in training workshops or courses articulating a stronger belief in the integrity of the system than those who did not.

**Table 45. Perception of the judicial system on the scale of integrity, according to characteristics of employees**

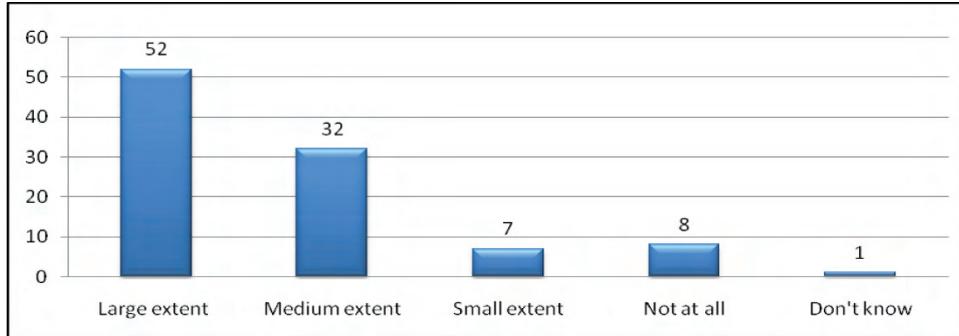
	High integrity	Medium integrity	Low integrity
Satisfied with job	58.3	33.3	8.3
Unsatisfied with job	23.8	66.7	9.5
Employment discrimination does not exist	69.2	26.9	3.8
Employment discrimination exists	28.3	63.0	8.7
Participated in a training workshop	42.0	53.6	4.5
Did not participate in a training workshop	25.0	50.0	25.0

## 2.2 The role of the state

In general, the employees felt that the government was working to maintain an independent judiciary, with the majority saying that the government was doing this to a large extent (52 percent), or to a medium extent (32 percent). Just 15 percent said that the government aimed to preserve the independence of the judiciary to a small extent, or not at all.



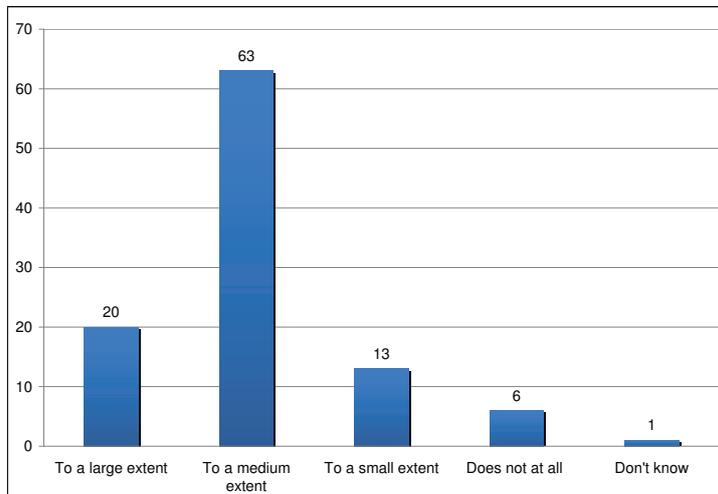
**Graph 126. To what extent do you think that the government seeks to maintain the independence of the judiciary?**



- The role of the government was assessed least favorably in the middle region of the West Bank, where only 39 percent of the employees said the government is working to preserve the independence of the judiciary to large extent, followed by the north (56 percent) and the south (65 percent).
- Employees with more experience (over 10 years) tended to be less critical of the role played by the government in preserving the independence of the judiciary, with only 8 percent saying the government played either no role or a limited role in this. About 23 percent of employees with medium-length experience (6-10 years) shared this view.
- Women employees tend to be more critical in this regard, with 22 percent saying that the government plays no role or a minor role in preserving the independence of the judiciary, while 12 percent of their male counterparts feel the same way.

While the majority of employees felt the government aimed to preserve the independence of the judiciary to a large extent, only 18 percent believed that the government succeeded in doing so to a large extent. A larger group (63 percent) believed that it succeeded to a medium extent. About 19 percent of the employees believed that it succeeded only to a limited extent or not at all.

**Graph 127. To what extent did the government succeed in maintaining independence of the judicial system?**



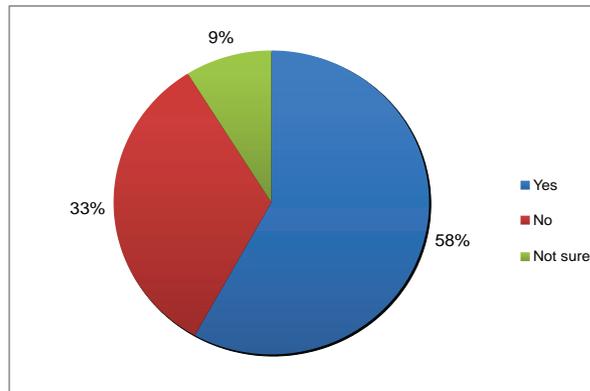
### 2.3 Evaluation of the role of the SJC

Court employees were divided in their assessments of the performance of the SJC, though most expressed a favorable opinion. About 58 percent of court employees said they were satisfied with the performance of the SJC in fulfilling its role as a provider of services to the judicial



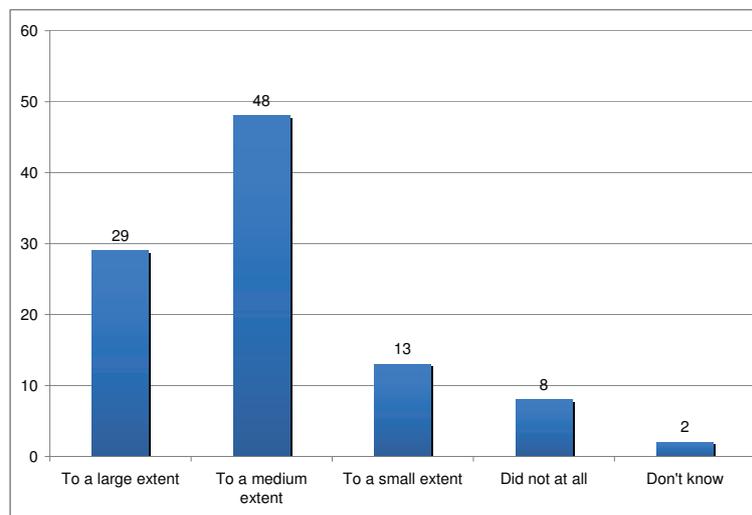
system. In contrast, one third of the employees said that they were not satisfied with the performance of the SJC.

**Graph 128. Satisfaction with the performance of the SJC.**



The majority of employees believe the SJC is responsive to the needs of the courts, saying either that the SJC responds to the needs of the courts to a large extent (29 percent), or to a medium extent (48 percent). Just 21 percent said the SJC responds to the courts’ needs to a small extent or not at all.

**Graph 129. Responsiveness of the SJC to the needs of the courts**

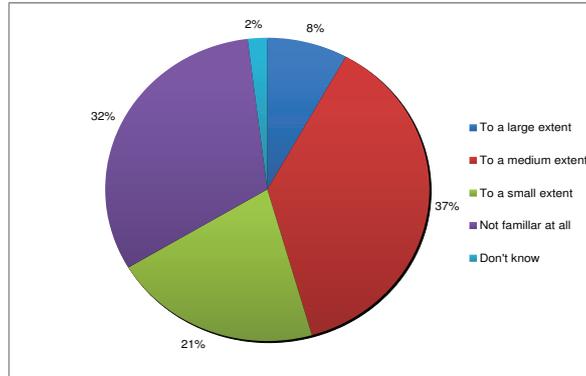


- Employees from the middle region were least satisfied with the performance of the SJC (46 percent satisfaction rate), and those in the south were the most satisfied (81 percent). Of respondents in the north, 54 percent said they were satisfied.
- Satisfaction with the performance of the SJC is correlated with age, with 85 percent of older employees (age 46 and up) saying they are satisfied, compared with about 53 percent among employees who are 45 years old or younger.
- Employees with the most experience (over 10 years) are more satisfied (75 percent) than those with less experience (55 percent).
- Male employees are more satisfied with the performance of the SJC (61 percent) than female employees (50 percent).

This survey also inquired about the employees’ familiarity with the Justice Sector Strategy (JSS) initiated by the SJC, and points to worrisome signs that a significant group of employees has little knowledge of the JSS. Over half of the employees surveyed said they were either familiar to a small extent (21 percent) or not familiar at all (32 percent) with the strategy. About

38 percent said they were familiar to a medium extent, and only 8 percent affirmed they were familiar with the JSS to a large extent.

**Graph 130. Familiarity with the Palestinian Justice Sector Strategy**

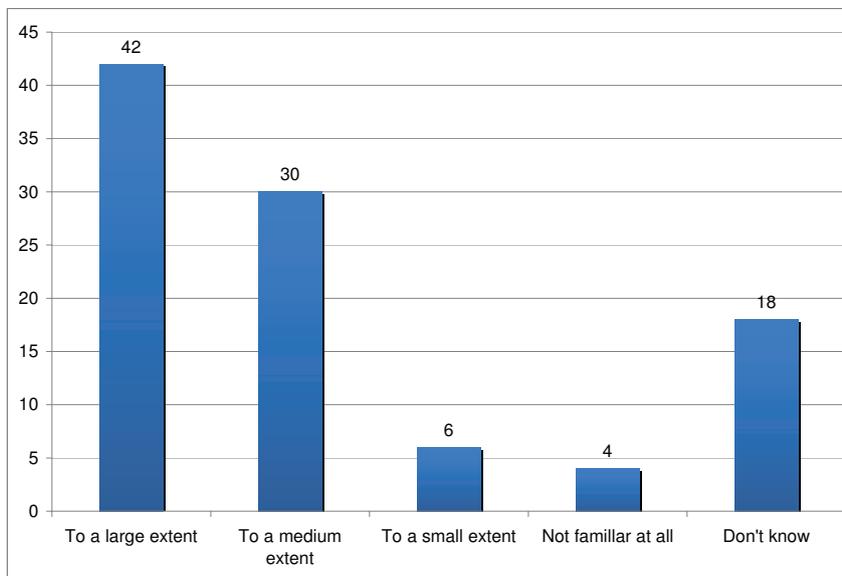


The degree of familiarity with the JSS did not vary much across regions. It was, however, noticeable that relatively new and younger employees said they were less familiar with the strategy than older and more experienced employees. Male and female employees expressed a similar degree of familiarity with the JSS.

Asked if the JSS would lead to a better functioning judicial system, about 28 percent respondents said it would to large extent, and 39 percent believed it would to a medium extent. Just 10 percent felt the JSS would not lead to any significant improvement. A considerable portion - 24 percent – said they were not sure.

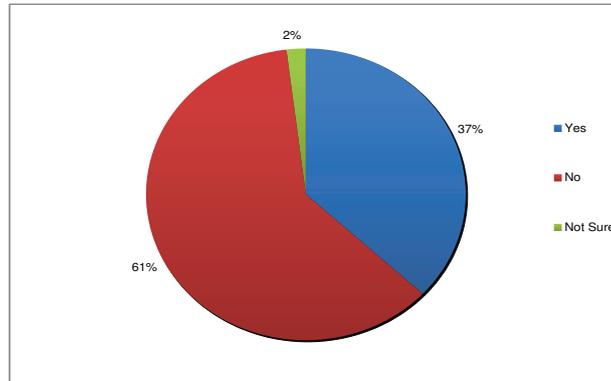
Most employees believed the SJC fully intends to implement the JSS. As many as 42 percent of respondents said the SJC was serious to a large extent in implementing the strategy and 30 percent believed this to a medium extent. Only 11 percent said that the SJC was not serious about implementing the JSS and 18 percent were not sure.

**Graph 131. How serious is the SJC in implementing the JSS?**



In a related matter, employees were asked about their knowledge of recent rulings of the Supreme Court. Only 37 percent said that they were familiar with the rulings, with 61 percent saying they were not familiar with them.

**Graph 132. Are you familiar with the rulings of the Supreme Court during the last 12 months?**



### 2.4 Trust in judicial process

Lawyers are the group least trusted by court employees, with 49.2 percent of respondents saying they don't trust them or trust them to a limited extent. About 48 percent said they trust lawyers to a medium extent, and less than 1 percent said they trust lawyers to a large extent.

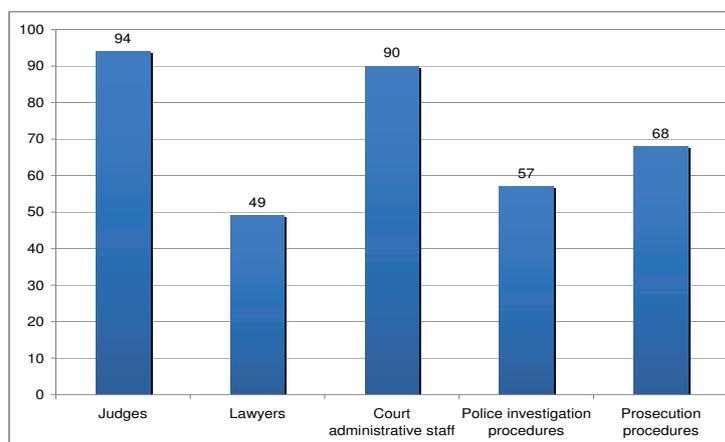
Many court employees also declare little trust for police investigation procedures, with 37 percent saying that they don't trust them at all or only to a limited extent. About 46 percent said they trusted these procedures to a medium extent, and 11 percent said they trusted them to a large extent.

Prosecutors placed third on the trust scale, with 22 percent of court employees saying that they don't trust them or trust them to a limited extent. About 42 percent of respondents said they trusted prosecutors to a medium extent, and 26 percent said that they trusted them to a large extent.

Groups most trusted by court employees were the courts' administrative staff and judges. The overwhelming majority of court employees trusted administrative staff to a large extent (40 percent) or medium extent (51 percent). Just 10 percent of court employees said they do not trust the courts' administrative staff.

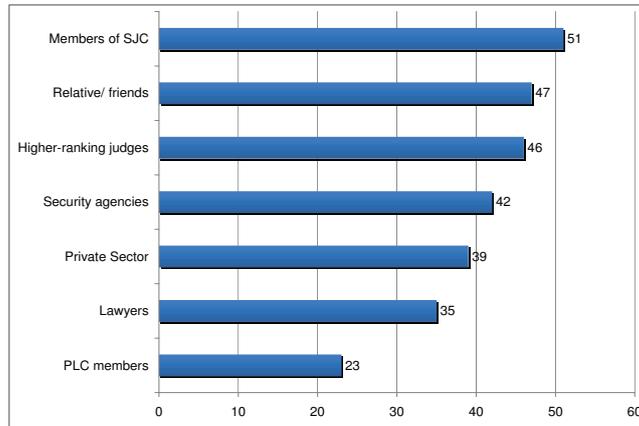
Judges were trusted to an even larger extent, with only 6 percent of court employees saying they don't trust them. In contrast, 51 percent said that they trust them to a medium extent and 43 percent, to a large extent.

**Graph 133. Percentage of employees who trust the following categories to a large or medium extent**



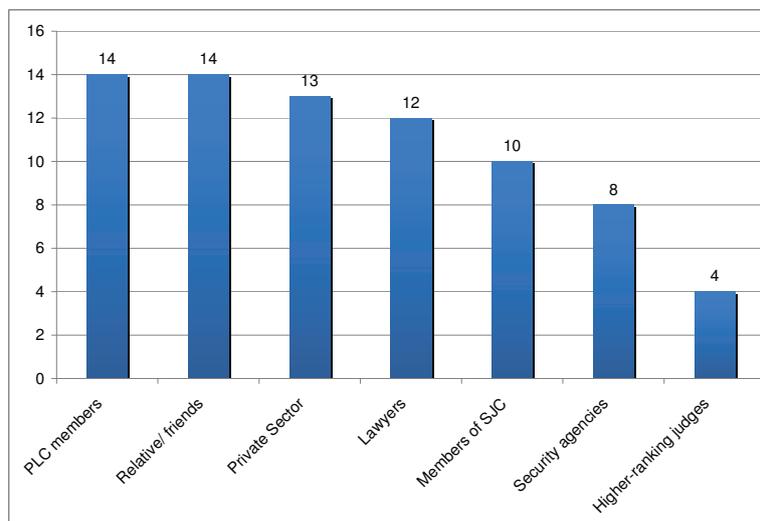
Court employees believe that certain groups pressure judges in an attempt to influence their decisions. Many of these employees believe that such pressure – including all degrees, from great to small extent - comes from members of the SJC (51 percent of respondents), relatives and friends (47 percent), higher-ranking judges (46 percent), security agencies (42 percent), or other groups (see Graph 10).

**Graph 134. Percentage of employees who believes that judges are exposed to pressure by below.**



Among those employees who believe that judges are exposed to such pressure, the majority also believe that judges respond to it. Here the question was phrased negatively, asking respondents to which groups were the judges *not* responsive. Only 14 percent of employees said that judges do not respond to the pressure from PLC members and relatives, and 10 percent felt that judges don't respond to pressure from members of the SJC. Higher-ranking judges were felt to be the most influential group, with less than 4 percent of respondents saying that judges do not respond to pressure from them.

**Graph 135. Percentage of employees who believe that judges are not responsive to pressure from the following groups.**

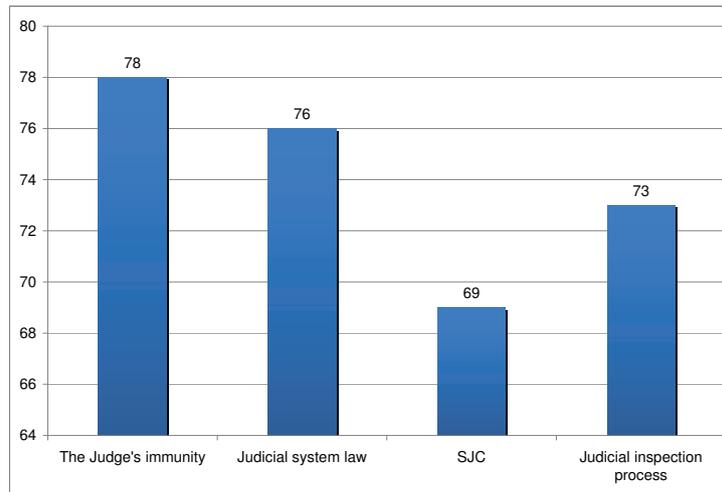


While employees tend to believe that judges experience pressure from groups attempting to influence the judicial process, the majority of them deny any personal exposure to such pressure. About 84 percent of the employees say that they had never been pressured by higher-ranking judges, members of the SJC, lawyers or relatives and friends. In addition, over 91 percent deny experiencing any pressure from the private sector, security agencies or PLC members. Still, about 17 percent say that they were pressured by judges or lawyers, and 15 percent by member of the SJC or their relatives.



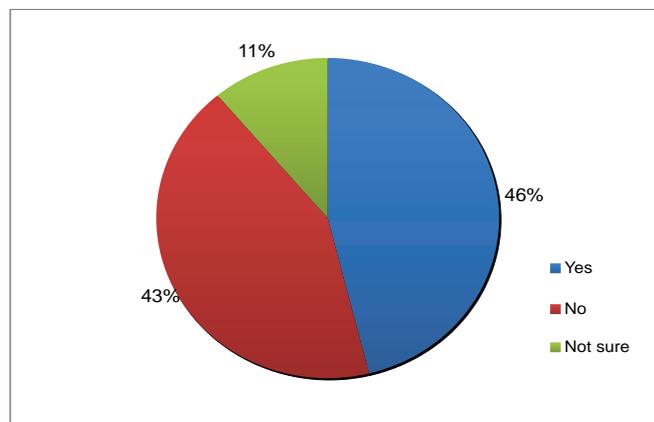
The issue of such pressure is closely entwined with that of the independence of the judicial system. About 98 respondents felt independence was reinforced, to a large extent, by the immunity provided to judges. A vast majority also believed that the role of the SJC was vital to the reinforcement of the judicial system, as was the judicial system law and the inspection process.

**Graph 136. Percentage of employees who believe to a large extent that the following factors reinforce the independence of the judiciary.**



Employees were also asked about the current judicial inspection system, and its ability to monitor the work of judges. Respondents were divided on the issue, with 46 percents saying it was sufficient, while 43 percent said that it was not.

**Graph 137. Is the existing inspection system sufficient to monitor judges?**

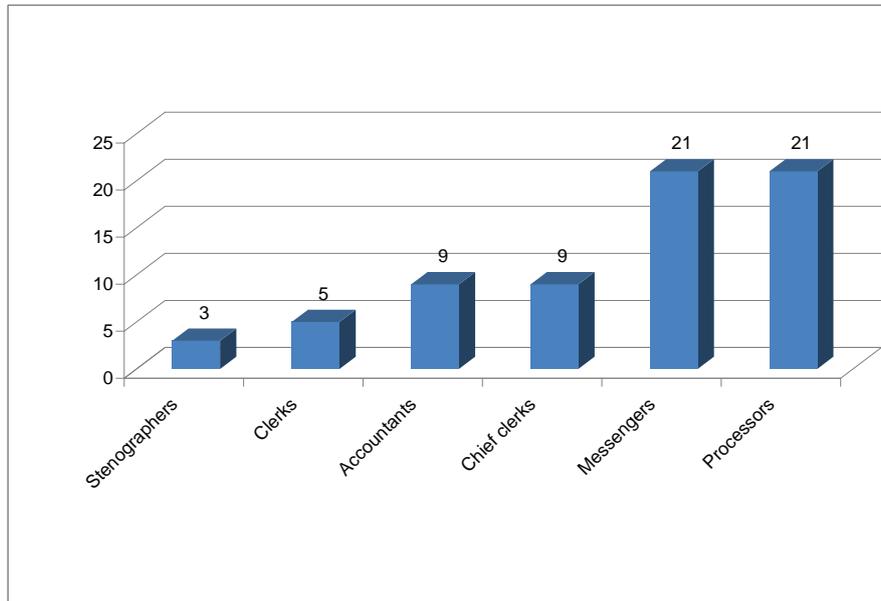


## 2.5 Evaluation of the administrative system

Employees were generally positive about the performance of the various groups of court staff, with stenographers deemed ineffective by the least respondents (3 percent), and processors and messengers thought to be ineffective by the most respondents (21 percent).

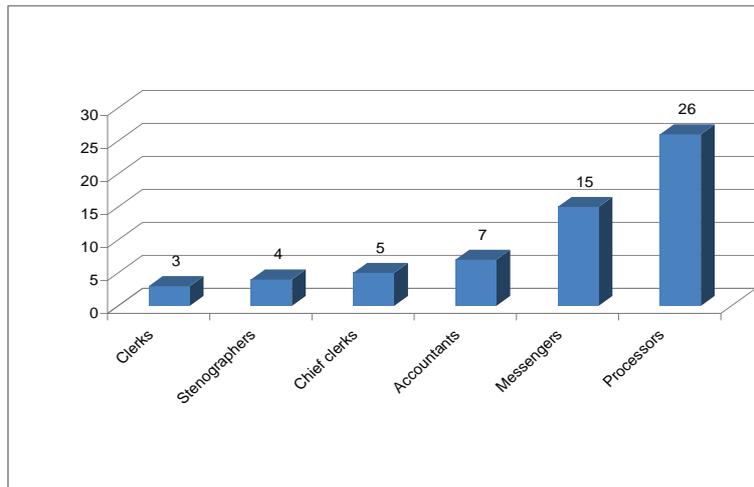


Graph 138. Percentage of employees negatively evaluating the effectiveness of the following court staff

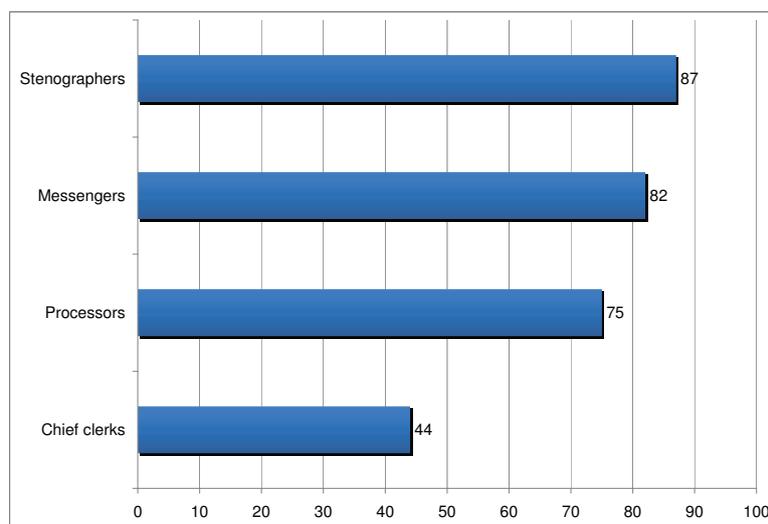


Asked about the credibility and integrity of their colleagues (within the cohort of court employees), most respondents gave a positive assessment. There were wide variations between the scores given to the various occupational groups, though, with processors and messengers receiving the lowest scores on credibility and integrity (26 percent and 15 percent, respectively, on a scale of negative evaluation.) Chief clerks, stenographers, and clerks were seen as those with the highest credibility and integrity.

Graph 139. Percentage of employees negatively evaluating the credibility-integrity of the following court staff



As to the sufficiency of the number of staff in each group, the majority of employees felt that numbers across categories were insufficient, with the exception of the number of chief clerks. For example, 87 percent of them felt that the number of stenographers was insufficient, and 82 percent felt that the number of messengers was insufficient. Chief clerks were perceived as insufficient in numbers by a slight minority (44 percent).

**Graph 140. Percentage of employees saying that the number of staff among the following groups is insufficient.**

Despite these perceived deficiencies, employees are generally satisfied with the level of services provided at the courts. Only 5 percent say that they are dissatisfied with level of case registration procedures. The same percentage says that they are dissatisfied with the fees for case registration, and the rest are satisfied to a large or a medium extent.

The great majority were also satisfied with the level of respect shown to patrons by court employees (just 5 percent were dissatisfied), and with the quality of responsiveness to complaints and follow up by employees, with only 11 percent of the staff expressing dissatisfaction.

Commenting on the court environment, employees had the following views:

- A majority of the employees felt that, to a large extent, the courts enabled good visibility of the proceedings. Only 10 percent felt that visibility was inadequate.
- About 23 percent felt that the ability to hear clearly inside the courts was inadequate.
- About 27 percent felt that the ventilation system was inadequate.
- About 27 percent of employees thought security was inadequate.
- Cleanliness at the courts was also perceived as a problem area by about 32 percent of the employees. Another 40.3 percent of the employees felt that the courts were clean to a medium extent.
- The issue of directions and signs was perceived to be the most problematic by employees (36 percent). In addition, 36 percent said that signage was satisfactory to a medium extent.

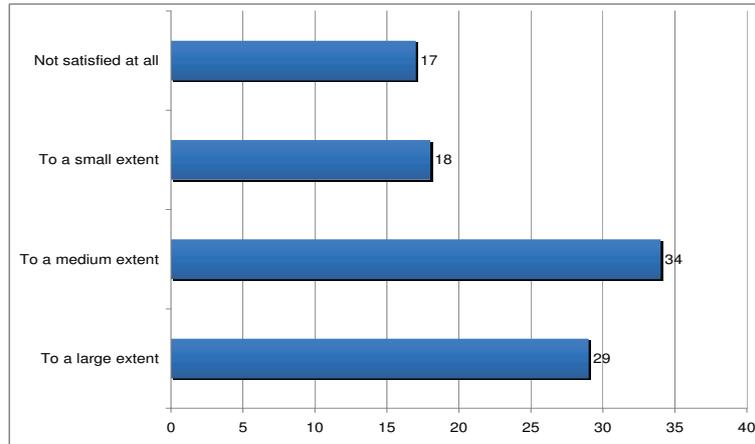
Assessing the material support given to courts, employees were least satisfied with the furniture and building maintenance, with over 42 percent saying the furniture and building maintenance are inadequate. About one third said that the provision of stationary was inadequate.

## 2.6 Evaluation of work conditions

Most court employees expressed satisfaction with their job, with 29 percent saying they are satisfied with their job to a large extent, and another 36 percent saying they are satisfied to a medium extent. In contrast, about 35 percent express dissatisfaction with their job; with 17 percent stating that they are not satisfied at all.



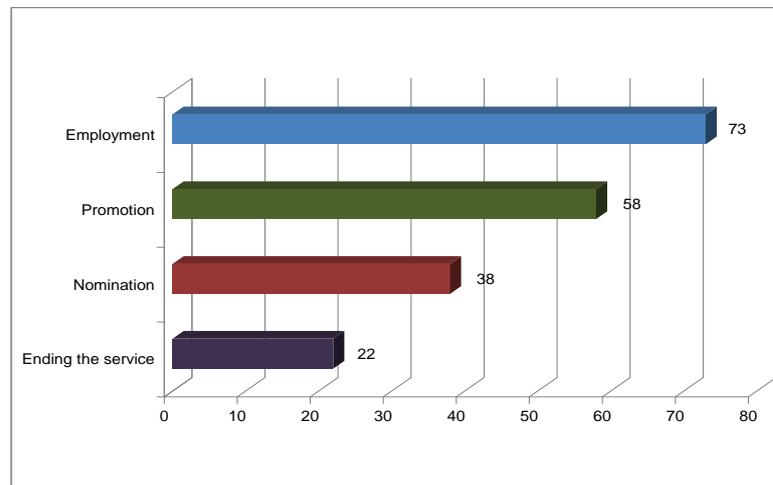
**Graph 141. Degree of satisfaction with present job.**



Employees were divided on the presence of favoritism in human resource practices (hiring, promotion, training and termination). Assessments varied widely across the various practices, with the highest proportion of respondents believing there was favoritism in the hiring process.

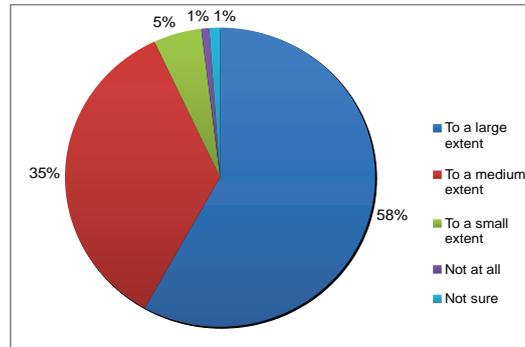
- Over 73 percent of the employees believe that there is favoritism in the hiring process (37 percent to a large extent, 33 percent to a medium extent and 3 percent to a small extent). Only 21 percent believe that there is no such favoritism.
- About 58 percent believe that there is favoritism in staff promotions (32 percent to large extent, 21 percent to a medium extent and 5 percent to a small extent). Around 31 percent believe that there is no such favoritism.
- About 38 percent believe that there is favoritism in selection of staff members for training and capacity building (18 percent to a large extent, 15 percent to a medium extent and 6 percent to a small extent). In contrast, 50 percent believe that there is no such favoritism.
- Though the majority believes there is favoritism in the hiring process, only 22 percent said there is favoritism in terminating employees. About 55 percents said that there is no such favoritism, and almost 24 percent were not sure.

**Graph 142: Percentage of employees who believe that there is a degree of favoritism in the following practices.**



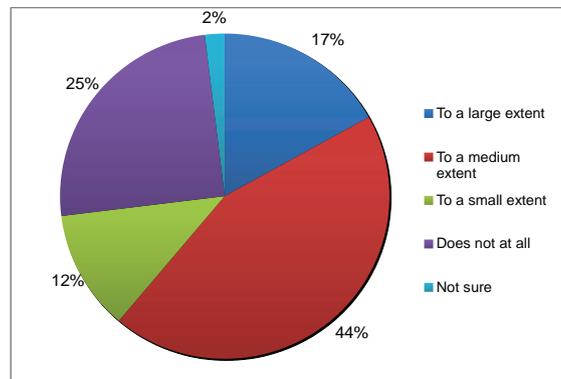
Asked if judges respected court employees, the majority of respondents (58 percent) said they did, to a large extent, and another 35 percent said they did, to a medium extent. Only 6 percent of all interviewed employees said that judges do not respect court employees.

**Graph 143. Do judges treat court employees with respect?**



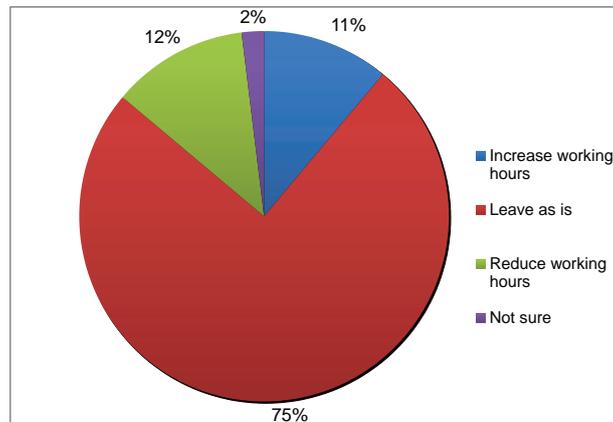
Though most respondents said that judges treat court employees with respect, a majority (73 percent) also felt that judges favor certain employees. Of these, 17 percent felt that judges exhibited favoritism to a large extent, 44 percent to a medium extent and 12 percent to a limited extent.

**Graph 144: Do judges favor some employees?**



When asked if they support increasing the work hours for judges, employees tended to disagree, with only 11 percent expressing support for an increase in the work hours. About 75 percent supported keeping the work hours as they are, and 12 percent of supported decreasing the judges' work hours.

Graph 145. Position on an increase in work hours for judges



## 2.7 Training

Almost all employees said their skills and capabilities were adequate to perform their duties efficiently. About 84 percent felt their skills were adequate to a large extent, and 15 percent felt that they were adequate to a medium extent. None of the employees said their skills were inadequate.

The great majority of employees reported that they attended at least one training workshop, with just 10 percent saying they never attended one. There were some variations according to gender, region and other variables.

- More male employees (93 percent) reported participating in training than did female employees (83 percent).
- It is interesting to note that the percentage of employees reporting participation in training workshops in the middle region (85 percent) was less than that in the north and south (93 percent).
- As expected, older and more experienced employees reported higher participation in training workshops (100 percent) compared with the younger and least experienced employees (85 percent).

Assessments of these training workshops were mostly positive, with almost 80 percent of respondents saying the workshops improved their performance to a large extent (43 percent), or to a medium extent (34 percent). In contrast, 9 percent said that the workshops improved their performance only to a small extent, and 14 percent said that they did not improve their performance at all. Evaluation of the effectiveness of these workshops varied according to gender, region and other variables.

- Male employees were more likely to say that the training workshops were effective to a large extent (46 percent) compared with their female counterparts (33 percent).
- Employees from the north were most critical with only 35 percent of them saying that the training workshops were effective to a large extent, compared with 48 percent in the middle and south.
- Younger employees were more critical than older employees, with 32 percent of the youngest cohort (18-30 years) saying that the workshops were effective to a large extent, compared with 58 percent among employees over 45.

## Conclusions and Recommendations

The following is the summary for the court staff survey most important results and recommendations regarding public policies and actions for development:

1. **Strengthen the role of the state in preserving judicial independence:** 52% of court employees mentioned that the government is working greatly to preserve independence of judiciary, while 32% thought that it does so on an average level, and 15% mentioned that the government is working to preserve independence to a limited extent, or did nothing to preserve judicial independence. Only 18% of the employees believe that the government has succeeded in this task significantly, 63% believe it succeeded on an average level, while 19% believe that it succeeded on a limited level or did not succeed at all. As to the Justice Sector Strategy which was adopted by the Supreme Judicial Council there are some signs of concern. A significant ratio of the employees is not aware of the strategy as 53% of them said that they are either familiar with it to a limited degree (21%) or not familiar with it at all (32%)

**Recommendation:** The court staff/employees need more training and awareness on the importance of the independence of the judiciary and need to be specifically briefed on objectives of the Justice Sector Strategy. In addition, their employment conditions should be improved. These steps will positively reflect on their perception of the Judiciary.

2. **Evaluating the Supreme Judicial Council's Role:** There is a split in the court employees' opinions of the Supreme Judicial Council where 58% said that they feel satisfied with the performance of the Supreme Judicial Council as a provider of services to the judicial system, while one-third of the staff feel that they are not satisfied with their role. About 29% of the staff say that the Supreme Judicial Council is responding to courts' needs to a great extent, 48% say that the Supreme Judicial Council is doing so to an intermediate level and 21% say that the Council is responding to a limited level or not responding at all.

**Recommendation:** The gap between the administrative staff in the courts and the Supreme Judicial Council must be filled. The level of communication between these two groups should be enhanced by holding regular meetings to overcome the difficulties they may face in their work, i.e. listen to their demands and problems, which ultimately would improve their morale and performance. Survey results show that there were numerous complaints regarding the summon servers (processors) and other court employees.

3. **Confidence in the Judicial System Elements:** The least reliable group among the court staff are the lawyers, 49.2% of the staff said that they do not trust them or they trust them minimally. Less than 1% of the court staff said that they trust lawyers greatly while 48% said that they trust them to a medium extent. In addition, the court staff often do not trust the investigation procedures conducted by the police, where 37% of them said that they do not trust them at all or trust them minimally. Approximately 11% of staff greatly trusts these procedures and 46% trust them intermediately. The Public Prosecutor comes in third place on the confidence measure. As 22% of the court staff said that they do not trust the Prosecutor's measures or trust it minimally. About 26% of the respondents said that they greatly trust their measures and 42% said they trust them intermediately. About 10% of court staff do not trust the administrative court's cadres, while 51% of them expressed their confidence in them intermediately and 40% said that they trust them greatly. Courts' staff gave the highest trust level to judges, as 6% of them only said that they do not trust them. Otherwise 51% of them said that they trusted judges (to an average level), and 3% of them said that they greatly trust judges.



**Recommendation:** It is noted that a crisis of confidence exists among staff in the courts and others components of the judicial system. This may stem from lack of communication and networking between these groups. Therefore communication should not only address high ranking staff but should be extended to junior and mid level staff so as to solve all problems and remove obstacles facing their work. On another hand it is essential to adopt certain measures to set the borders of the relationship between lawyers and court employees in order to prevent any conflict of interest.

- 4. The Administrative System Assessment:** The staff's general assessment of the performance of different groups of court staff is positive. The most negative evaluation was given to the summon servers and office messengers (office boys) as 21% said that they are not competent in their work, while only 9% said that the accountants and chief clerks are not competent. Regarding the efficiency of employees in the administrative cadres in each category, the majority of staff were not given high ratings, with the exception of some chief clerks where 87% of the staff feel that their numbers are insufficient, 82% said that they feel that the number of the messengers are insufficient, and 75% said that they feel that the number of processors is insufficient.

**Recommendation:** It is necessary to conduct a comprehensive study and an administrative evaluation regarding the workload of the staff and the extent of suitability of job descriptions for each staff. It is also necessary to identify the problems and challenges faced by each employee on the job, and to re-evaluate the salary scale.

- 5. Courts' Environment:** 27% of the staff believes that the ventilation system in the courts is a problem. They also noted a lack of sense of security in the court environment. About one-third of the staff also note that there is a problem with the cleanliness in the courts. With regard to the degree of employee satisfaction of financial support given to them, they are less satisfied about the furniture and building maintenance. More 42% of them said that the furniture and building maintenance (not suitable), as one-third of them said that the stationery is not available.

**Recommendation:** It is noted that the different categories of the survey agreed that cleanliness of the courts is a problem which requires serious attention. Efforts are underway to seriously address this issue.

- 6. Working Conditions:** More than 73% of the staff believes that there is discrimination in employment (37% high level, 33% average level and 3% minimal level). About 21% of staff believes that there is no discrimination. About 58% of the staff believe that there is a degree of discrimination in promotions (32% high level, 21% average level, 5% a minimal level). When staff was asked if they are well treated by the judges, about 58% responded yes and only 6% of the staff said that they are not well treated by the judges, while the other 35% said that they are well treated (average level). The majority of the staff feel that judges favor some staff members over others, with 73% of staff saying that judges favor some of the staff (17% high level, 44 % average level, and 12% a little level).

**Recommendation:** It is necessary to comply with the standards of employment in accordance with the principles laid down by the court staff and the announcement of the job vacancies in order to avoid discrimination or the perception of discrimination in employment or promotions. Objective human resource criteria is necessary both in the area of employment and promotion as well as recommendation of staff to participate in training programs.