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EUROMED

EUROMED JUSTICE II PROJECT

Study on “Access to Justice and Legal Aid in the Mediterranean Partner Countries”

Implemented by



Lead Firm



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The Barcelona process launched in 1995 is the general framework for cooperation between the European Union and the 9 countries to the South of the Mediterranean. This framework was enhanced in 2002 with the addition of Justice and Home Affairs (JHA). With this in place, the European Commission, pursuant to a decision taken by the Council of Ministers of the EU, decided to launch a new cooperation program to cover justice, migration and security.

Following the first EuroMed Justice I Project (2005-2007), this project, EuroMed Justice II (2008-2011), funded with a budget of 5 million Euro by the European Commission's Directorate-General for EuropeAid Development and Cooperation, boosted Euro-Mediterranean judicial cooperation and reinforced lines of connection and dialogue for a mutual understanding between the judicial authorities in the countries involved and the different judicial systems.

The European Commission has always been particularly interested in judicial matters with a view to creating a space for freedom, justice and good governance built on the fundamental values that we all share.

Throughout the three years of this project, a considerable number of activities have been conducted covering a wide range of aspects in the fields of civil, family and criminal law, and the international judicial instruments involving these fields. This project has consolidated the drive behind judicial co-operation at regional and sub-regional level.

The work done within the EuroMed Justice II Project has helped strengthen co-operation in civil and criminal matters and has created an inter-professional community of magistrates, prosecutors and other agents involved in the law, all with a view to installing an open, modern judicial system.

This project has also contributed to modernizing judicial systems and procedures as well improving access to justice.

Access to justice is a fundamental right based on the principle of transparency, democratic rule and good governance.

It is within the framework of this project that the survey on "Access to justice and legal aid in the Mediterranean partner countries" has been prepared.

The theme "Access to Justice" covers a wide range of questions linked to the quality and efficiency of justice, legal aid and the principle of a fair trial within a reasonable time, while respecting the right to defense and the effective execution of judicial decisions.

The aim of this survey is to find the best means for developing new mechanisms and new methodologies to obtain a true diagnosis of the information required to improve the judicial system and to create a judicial environment that is both modern and efficient.

SURVEY

Access to Justice in the Mediterranean partner countries

This document has been produced with the support of the European Union. The views expressed in this document are those of the authors in the framework of the EuroMed Justice II Project and are not in any way intended to reflect those of the European Union.

This survey is based on a questionnaire produced by the CEPEJ
(European Commission for the Efficiency of Justice),
which has kindly authorised its use,
and is based mainly on the work of Groups dedicated to the Assessment of judicial
systems, the Quality of Justice and to Mediation

Access to Justice in the Mediterranean partner countries

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FOREWORD

As a result of the recommendations approved during the Working group meetings on the component *Access to Justice and Legal Aid* in the framework of the EuroMed Justice II Project, it was agreed that it would be useful to develop new evaluation mechanisms and to collect statistical information in order to get a real and updated picture of the current situation related to access to justice and legal aid in the Meda area. This will make it then possible to identify the main shortcomings and difficulties faced in these fields.

Following this recommendation, the EuropeAid Development and Cooperation Directorate General agreed on the proposal made by the consortium in charge of the project to draw up a study on “Access to Justice and Legal Aid in the Mediterranean partner countries”.

An important referent in a similar undertaking is the work developed by institutions like the European Commission for the Efficiency of Justice (CEPEJ) at European level. Reports drawn up by this commission have shown that having quantitative figures and information from the different countries under review enables us to have a comparative perspective which provides very useful information on the key areas examined.

The objective of this activity was a data collection process which should result in a real, updated and global overview of the situation in the field of access to justice and legal aid, based on the data provided by Algeria, Israel, Jordan, Morocco, Palestinian National Authority and Tunisia, i.e. the countries that have completed the questionnaire. Based on this information, the most significant areas that need to be improved could be identified and the countries in question could work together to this end.

We hope that this study report will be a useful tool supporting the common objective, expressed by the Mediterranean partner countries, of progress in the field of access to justice.

To conclude this short introduction we would like to thank Directorate A “Europe, South-Mediterranean, Middle-East and Neighbourhood Policy”, of the EuropeAid Development and Cooperation Directorate General, and Ms Abariotou, Head of Sector in charge of the EuroMed Justice II Project, Unit A3 “Centralised Operations for Europe, the Mediterranean and Middle-East”, as well as her team, for their guidance, co-operation and trust put in this study.

Moreover, we would also like to express our gratitude for his expertise and valuable technical work, to Mr Julien Lhuillier, scientific expert, who drew up the basic questionnaire and carried out an analysis of the replies to the questionnaire which were the basis for this study. Our thanks also go to Ms Dania Samoul, expert in charge of Justice projects at the FIIAPP, for her efficient support and for coordinating the study with the project recipient countries.

Last but not least, we would like to extend our warmest thanks to all the experts and National Focal Points from the MEDA countries, whose support, commitment and efforts made this study possible.

Andrés Salcedo Velasco
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Acknowledgements

It is a great honour to report on the first survey of the European Commission dedicated to *Access to Justice in the partner countries of the Mediterranean* remembering that this research is the result of the joint effort of a very large number of people.

Despite their already heavy work schedule, numerous professionals agreed to contribute towards this survey. We would like to thank them in particular for their indispensable input and their very valuable expertise.

The national contact points were the first to make this endeavour possible. In identifying the most pertinent spokesman in their respective countries, they made it possible for precise information to be gathered quickly on a very wide-reaching theme.

Then came the national correspondents, who were at the forefront in gathering the information required to prepare the survey. In patiently collecting the data required to reply to the questionnaire, they provided the indispensable bedrock for analysis.

On field visits to the partner countries, our hosts welcomed us with heartfelt generosity, allowing us to enjoy their hospitality while meeting the demands of a busy programme. The memories of each of these visits will remind us of the professional satisfaction of a job well done and our personal recognition of those who worked to make the task agreeable. Our deep felt gratitude goes also to the representatives of the Ministries, heads of court, attorney generals, magistrates, lawyers, members of NGOs, etc., who met with us and agreed to give us their time to share their daily routine work with us.

Our gratitude goes also to the Secretariat of the European Commission for the Efficiency of Justice (CEPEJ), which kindly authorised us to draw on the documents from the different workgroups to outline the first version of the questionnaire for this survey.

We would also like to thank the translators and interpreters who accompanied us throughout our travels and ensured that the survey would live in other languages, as well as those highly efficient people who are responsible for the logistic organisation of the EuroMed Justice II Project, Valérie BERNAL QUESNEL and Diana GALISTEO.

Last, but not least, we would like to express our profound gratitude to those people whose trust we enjoyed in conducting this survey: Anna ABARIOTOU, Head of Sector in charge of the EuroMed Justice II Project, Unit A3 “Centralised Operations for Europe, the Mediterranean and Middle-East”, Andres SALCEDO, team leader, and José-Maria FERNÁNDEZ VILLALOBOS, director of training in the EuroMed Justice II Project. I am sure that Dania SAMOUL, expert in the EuroMed Justice II Project, who has accompanied us throughout this endeavour, would echo these words. She knows that for her part she is beyond all words of gratitude.

Julien LHUILLIER, Scientific Expert, EuroMed Justice II Project

Introduction

Access to Justice – In this survey, access to justice should be understood to mean all of the legal and organisational conditions that define the availability and efficiency of judicial services.

This concept is particularly wide reaching.

The range of application of the survey is no less.

The partner countries – In March 2011, six out of nine partner countries in the project had participated in the survey: Algeria, Israel, the Kingdom of Jordan, the Kingdom of Morocco, the Palestinian Authority and Tunisia (a total population of close to 90 million inhabitants).

Involved in the project at the start, Lebanon finally withdrew its participation, unable to find spokesman ready to participate in the survey. It is hoped that Lebanon will be ready to provide the data required should the exercise be repeated in the future.

Egypt and Syria unfortunately did not participate in this exercise.

Objectives of the Survey – The objective of this survey is to conduct, certainly for the first time, a scientific project to compare access to Justice, centred exclusively on the Mediterranean countries. It is therefore an instrument for understanding, an image of the conditions of access to justice at a given time under different aspects. The survey does not aim to produce a ranking between "good" and "bad" pupils, nor may it do this. Nor is it a pretentious model ready for copying. Aware that each country has its own characteristics and specific cultural, economic and legal features, the authors are in no way creating or proposing a typical model to be copied.

Quite the contrary, in their comments, the countries involved identified their strong points and those requiring improvement, revealing good practices and leaving room for thought on how to transpose them to the other MEDA countries.

The assessment questionnaire on access to Justice in judicial systems – A questionnaire to help collect thorough and reliable information was prepared by Julien LHUILLIER, the scientific expert in the survey, who had already worked as an expert for the European Commission for the Efficiency of Justice (CEPEJ),

Summarizing the work of the CEPEJ (kindly authorized by its secretariat), Mr LHUILLIER submitted an initial version of the questionnaire to the Secretariat of the EuroMed Justice II Project, accompanied by an explanatory note on how to harmonize the collection of responses and overcome difficulties of interpretation. The first version of the questionnaire was therefore amended, mainly to take account of the specific aspects of the Mediterranean countries, as explained during conferences, workshops and training sessions dedicated to access to Justice right from

the start of the EuroMed Justice II Project.

The amended version of the questionnaire was then submitted to Brussels at the time of the meeting to launch the survey, and addressed to the national contact points in the participating countries for them to give their opinions on any possible contradictions or defects in the instrument.

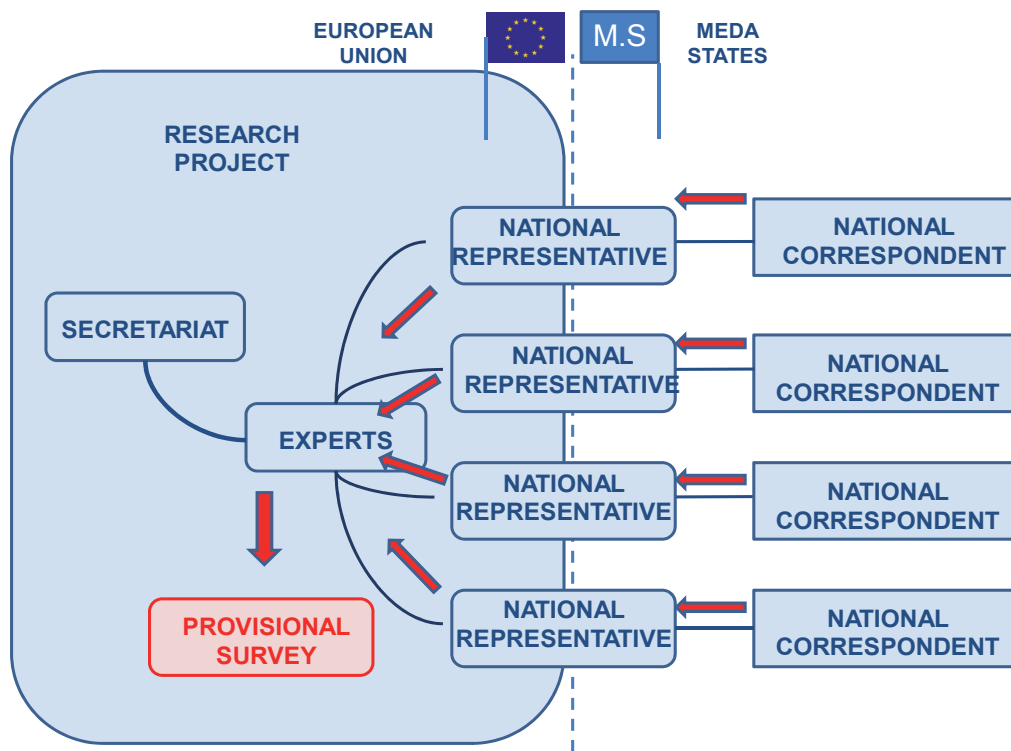
The only modification suggested was to introduce questions on international cooperation, which was approved and introduced in the final version of the questionnaire.

The final version of the questionnaire includes 186 questions, all of them dealing with access to Justice. The questionnaire is divided into 9 parts: access to law, access to legal aid, physical and virtual access to Justice, the treatment of the parties by Justice, the duration of proceedings, the presentation of judicial decisions, access to justice for vulnerable people, assessment of justice and citizen confidence and international co-operation.

The collection and processing of data – Data are collected and processed in two stages.

The first stage involves the responses to the questionnaires. The questionnaires were sent out, accompanied by the explanatory note, to the national contact points of the participating countries, for them to be able to identify within their country the most competent professionals to reply to the questions asked by the survey. Often, in the case of questions put to different spokesman, the national contact points took the decision to divide the questionnaires into several parts or to organize collective response sessions. At the end, the responses, duly validated by the authorities of the countries, were returned to the national contact points (or national representatives) and summarized by the scientific expert, Julien LHUILLIER.

Graph I: Procedure in the response stage to questionnaires



The second stage involved field visits: this allowed experts to appraise *in situ* the mechanisms described, the strong points and those remaining to be improved, and each participating country received two experts during a field visit lasting several days. By way of example, this visit might have planned a meeting with the professionals who had filled in the questionnaire in the Ministry of Justice; a meeting with those involved in programmes dealing with the development of access to justice; a visit to a court well advanced in terms of access to justice; a visit to a court providing justice in the usual way, having experienced no particular developments in terms of access to Justice; the visit of an NGO or a service providing legal aid on a daily basis. Julien LHUILLIER and Dania SAMOUL (for Algeria, Jordan, Morocco and Tunisia) or José-Maria FERNÁNDEZ VILLALOBOS and Julien LHUILLIER (for Israel and Palestine) were able, then, to complete and directly add to the initial summary work done in the place where the survey was carried out. This field visit stage therefore helped the stage of data validation, in collaboration with the partner states.

General methodologies - Although the survey tried to include most of the data known to the experts, it could not incorporate all data gathered and submitted, because of the very large volume of information collected. Qualitatively, this survey contains, as does that of the CEPEJ: the quality of the data provided in this survey depends on many factors such as the type of question asked, definitions used by the countries, the system used in the country for recording data, the work done by the national correspondents, the availability of national data and the way in which data

were processed and analysed. Certain differences are more likely to be the result of the margin of interpretation of questions by the national correspondents in their own countries. The reader should bear this in mind and always interpret these statistics in the light of the comments made.

Throughout the survey, data are presented in different ways. Certain indicators have been calculated based on the data provided: rate, averages and/or means, etc. On the whole, responses are given more often in the form of tables or graphs, usually grouping together the responses of several countries. Certain indicators are explained using maps or photographs.

“Summary tables” have been used to make it easier to appraise certain data,

	Criterion met in + 90% of cases	Criterion met in a range between 10% and 90% of cases	Criterion met in - 10% of cases
Critere 1	Countrie A Countrie B		Countrie C
Critere 2		Countrie B Countrie C	Countrie A
Critere
Critere X	Countrie C	Countrie A	Countrie B

In the tables points are attributed to each criterion. In the table above, each criterion may, for example, be given 1 point each time a country meets the criterion in less than 10% of cases, 2 points each time a country meets the criterion in 10% to 90% of cases, and 3 points each time a country meets the criterion in more than 90% of cases. This means, the fewer points a criterion earns, the more work is required on the part of the country.

In our example:

	TOTAL (/9)
Critere 1	7
Critere 2	5
Critere
Critere X	6

For the sake of clarity and transparency, the structure of the survey, (see above) remains very close to that of the questionnaire.

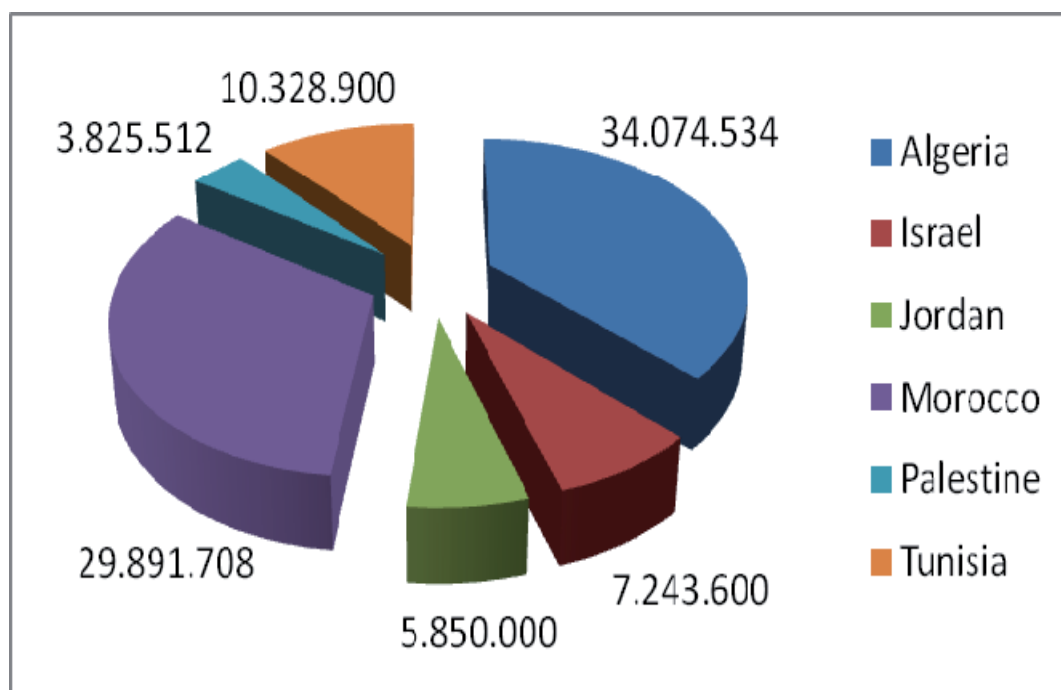
I. General presentation Country by Country

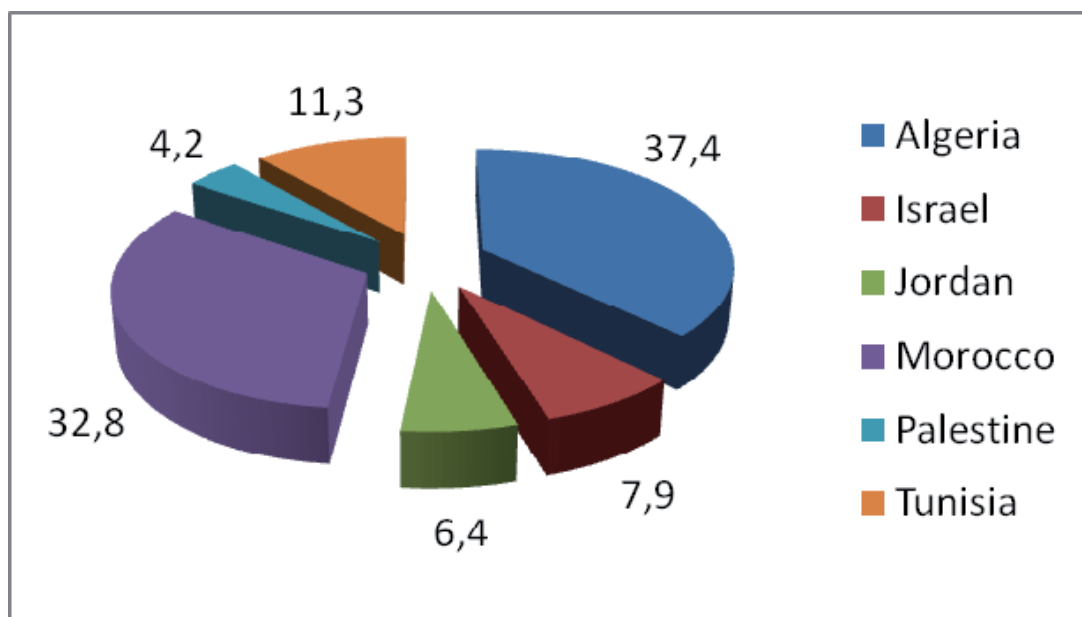
1. General economic and demographic data

Economic and demographic data provide valuable information on the general context surrounding the survey because they clarify or make other data relative.

They help measure population differences and the size of the countries concerned, from Palestine with close to 4 million inhabitants, to Morocco with around 30 million. This demographic distribution variable should always be borne in mind. A population of over 57 million people was covered by the survey.

Graph 1: breakdown of number of inhabitants per participating Country





These data make it possible to compare differences in wealth and living standards, taken from GDP per inhabitant. The gross annual average salary provides an interesting comparison on wealth and living standards because it covers economic, social and demographic data. Although this indicator is not perfect, it does demonstrate again the wide gaps between the citizens of the participating countries.

As a result, it is always preferable, as explained in the work groups in the EuroMed Justice II project, and again in the training sessions on access to justice, only to compare what is comparable: each country must be able to measure its results against other countries with which it considers comparison to be possible. However, there are always threshold effects, in population level and living standards, which are measured against ratios for number of inhabitants and GDP per inhabitant.

All member countries have provided data on population. They will be used for all the ratios measuring an impact per inhabitant. They should only be compared when countries are similar in size.

Data on GDP per inhabitant and on gross annual average salary have been provided by most of the countries. There again, note that there are very large gaps in GDP per inhabitant that should always be borne in mind when considering the results.

Table 1: general economic and geographic data

Countries	Number of inhabitants (on 1 January 2008)	Annual GDP per inhabitant, in euros (on 1 January 2008)	Annual average gross salary (in €)
Algeria	34 074 534	1 821	NA
Israel	7 243 600	17 467	1 453
Jordan	5 850 000	2 745	1 350

Morocco	29 891 708	3 657	NA
Palestine	3 825 512	710	171
Tunisia	10 328 900	2 965	2 942

Note: For Morocco, annual GDP per inhabitant had to be calculated based on figures provided (in dollars). The same is the case for economic data sent in by Palestine.

The influence of the exchange rate between countries should be noted. To iron out differences caused by the fluctuating rate of the different currencies, it was decided to adopt a unique currency (1 euro) as a standard, and to only collect monetary data for the same date, 1 January 2008, and only that date. In line with this, all quantitative data are also collected for this same date, chosen not to be too far in the past (so that data remain pertinent), and not too recent (to give countries time to collect data).

Table 2: exchange rate of national currency against 1 € (on 1 January 2008)

Countries	Exchange rate of national currency, in € (on 1 January 2008)	Source:
Algeria	1 Euro = 102.52 DZD	Banque d'Algérie
Israel	1 Euro = 5.65 NIS	http://Table.bankisrael.gov.il/ The exchange rate known on Jan 1, 2008 was the rate published on Dec 31, 2007
Jordan	1 Euro = 1.03 JOD	Central bank
Morocco	1 Euro = 11.21 DH	Source: Table.finances.gov.ma
Palestine	1 Euro = 5.65 NIS	NA
Tunisia	1 Euro = 1.80 Dinar	Banque Centrale de Tunisie (B.C.T).

2. Judicial functioning and organization

Here we will describe briefly how the judiciary works and is organized in the participating countries, that is, their main legal orders (administrative / judicial, etc.), the name and the competencies of the main types of courts of first and second instance, the name and competencies of the supreme courts, Council of Justice, etc. Where information is available, we will also describe the role of the bar associations and the importance of the NGOs.

2.1. Algeria

The judicial system in Algeria is that of the dual system of courts with the Supreme Court at the head.

The principle of court duality (the separation of administration and judiciary) has been in place since 1996,

The common law courts are the following:

- The court of first instance, the court of appeal and the supreme court (the body regulating the work of the judicial courts and tribunals and competent to decide on appeals in cassation made against the decisions and judgments passed in last resort by the courts and tribunals with the exception of the administrative courts, ensures unified jurisprudence and monitors compliance with the law.)
- The administrative court (the court dealing with common-law in administrative matters, and against whose decisions appeals may be lodged before the Council of State), the Council of State (the body controlling the work of the administrative courts, gives its opinion on draft laws, and is independent in exercising its judicial competencies).
- The court of conflicts (competent to rule on conflicts of jurisdiction between the judicial and administrative courts. There is no appeal against its decisions.)
- Military court

There are 11 bar associations, distributed per region as District Bar Associations, besides the National Union of Lawyers.

2.2. Israel

According to Basic Law: The Judiciary, the Judiciary in Israel is comprised of courts and tribunals, spread throughout Israel. The Israeli Judiciary adheres to basic principles of both substantive and personal independence, well enshrined in the Jewish tradition, where the system as a whole is independent from any other branches of government, and the judges themselves are independent as well, and are subject only to the law. Other principles the judiciary in Israel abides by are neutrality, fairness, impartiality, and objectivity.

The independence of the judiciary manifests itself also in the judges' selection process, carried out by the Judicial Selection Committee. The judges are appointed by the President of the State, following a recommendation of the Judicial Selection Committee, which is chaired by the Minister of Justice, and includes another Cabinet minister, the President of the Supreme Court, two other justices of the Supreme Court, two Members of the Knesset (the Israeli Parliament), and two representatives of the Israel Bar Association. Judges are granted tenure until a mandatory retirement age of 70. 15 .

The Supreme Court, situated in Jerusalem, has nationwide jurisdiction and operates in two capacities. First, it considers appeals of trial court judgments and appellate decisions of District Courts. Second, the Supreme Court sits as a court of first instance as the High Court of Justice, on which there is no appeal. It entertains issues such as constitutional and administrative law issues, as well as ultra vires claims against governmental bodies or agencies, which, for instance, exceed their legal authority or base their decision on arbitrary distinctions. In certain circumstances the

High Court of Justice is also authorized to review the decisions of the National Labour Court.

Virtually any person or group who claims an interest may petition Israel's highest civil instance – the Supreme Court sitting as the High Court of Justice. The High Court of Justice exercises judicial review over all branches of the state, and has capacity "in matters in which it considers it necessary to grant relief in the interests of justice and which are not within the jurisdiction of any other court or tribunal." This function is unique to the Israeli system because as the High Court of Justice, the Supreme Court acts as a court of first and last instance. Over a thousand petitions each year are being heard by the court. Through its jurisdiction as a High Court of Justice, the Supreme Court upholds the rule of law and strengthens human rights.

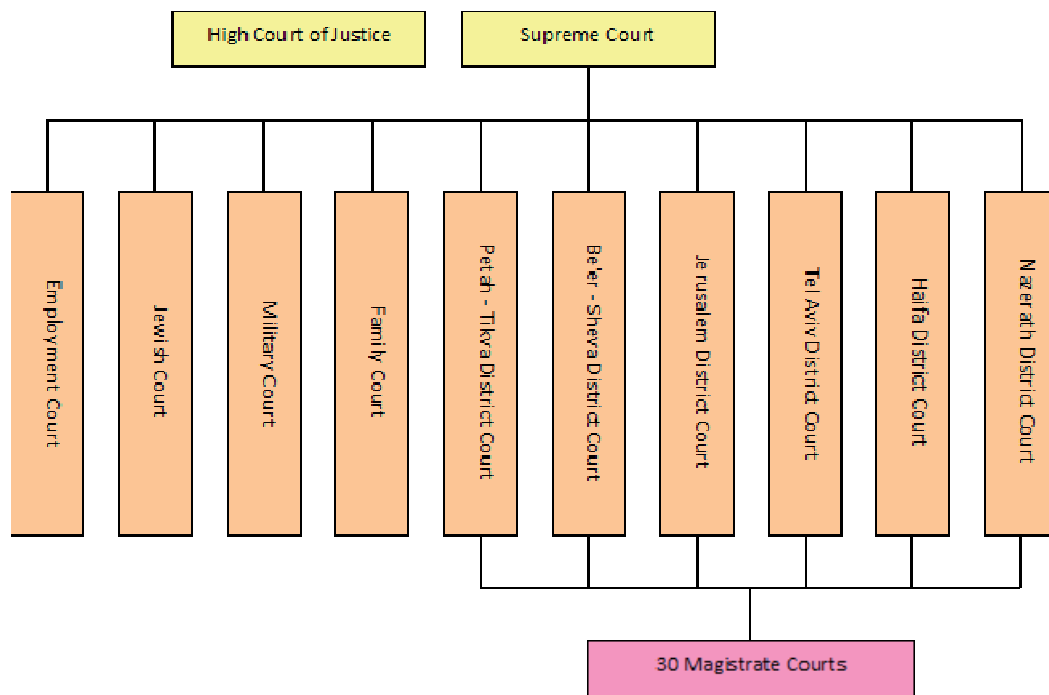
Over the years, given its extensive effect on the image of Israeli society, the Supreme Court has gained considerable prominence and international recognition and respect. Its importance is especially visible in the protection of human rights issues, upholding the rule of law, and judicial scrutiny of all Government authorities.

Although legislation is primarily within the competence of the Knesset, the Supreme Court has the authority to determine the compatibility of a law with Basic Laws and even to nullify a law. However, this course of action is utilized with great caution.

Magistrate and District Courts exercise jurisdiction over criminal and civil cases, depending on the severity of the crime, or in civil cases – on the amount being claimed, and on the particular civil issue at hand. An Administrative Court and other specific courts and tribunals such as for juveniles, traffic, military, labor and landlord-tenant issues also operate within the judicial system.

Six District Courts maintain jurisdiction over criminal cases when the accused faces more than seven years imprisonment. In civil cases, jurisdiction extends to matters involving sums exceeding 2.5 million NIS, cases concerning corporations and partnerships, arbitration issues, prisoners' petitions, appeals on tax matters, government tenders, anti-trust issues, planning and building issues, and appeals from Magistrate Courts.

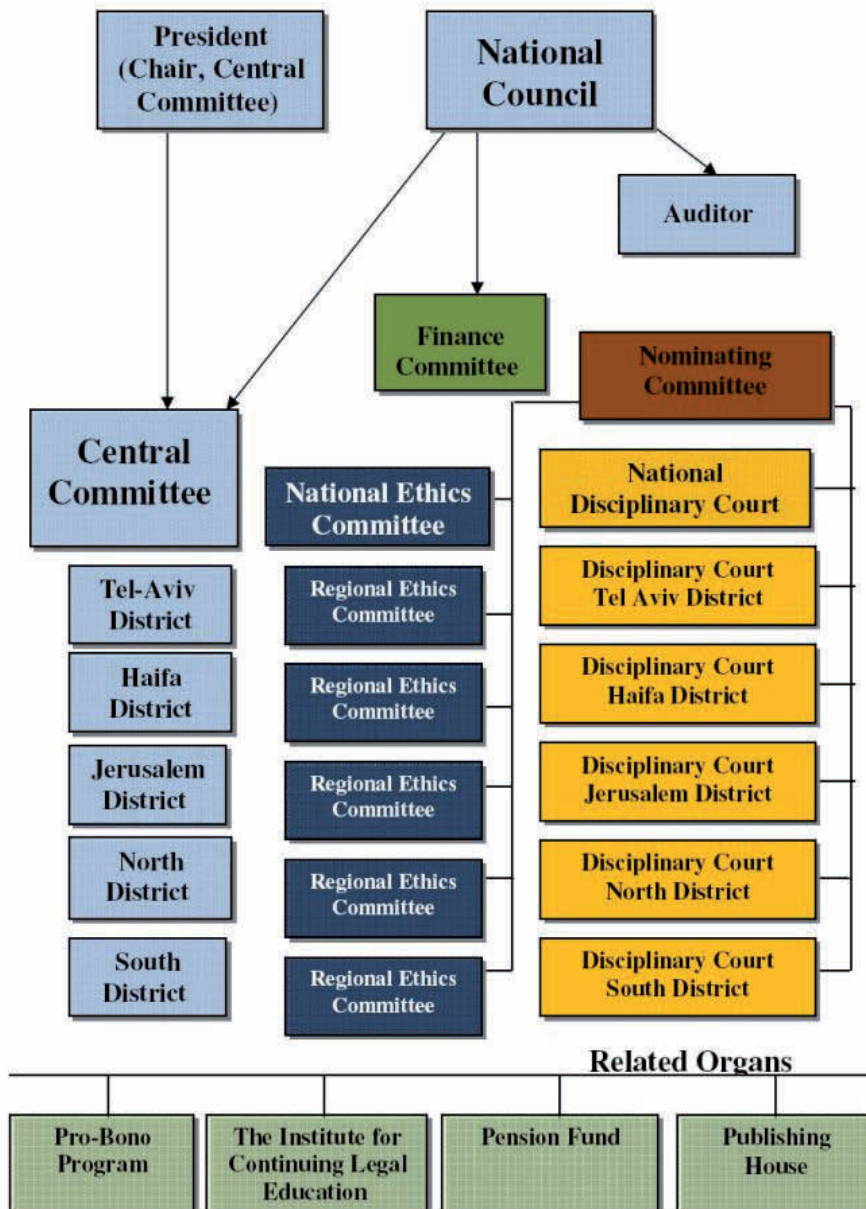
The Magistrate Courts have jurisdiction over criminal matters when the offence involves a potential sentence of less than seven years imprisonment. In civil matters, jurisdiction is exercised if the claim's worth is less than 2.5 million NIS, if it involves the use and possession of real estate, and in special Family Matters Courts and Small Claims Courts. Currently there are 30 Magistrate Courts, spreading throughout the country, from the town of Mas'ade in the north, to Eilat in the south.



The Israeli civil society is open and dynamic, with a very active media and Non Governmental Organizations. The State of Israel views NGOs as a crucial part of any democratic and open society. Given the importance granted to NGOs by the State of Israel, they are very active in initiating legislation, raising awareness and assisting in the promotion of human rights. Currently, approximately 30,000 non-profit organizations are registered in Israel, operating in a variety of fields of practice, such as education, health, environment, labor and more.

The Israel Bar Association was established in 1961 as an autonomous statutory entity, under the Bar Association Law -1961, with the goal to incorporate the lawyers in Israel and to assure the standards and integrity of the legal profession. The Bar Association is a corporate body, and is subject to inspection by the State Comptroller. Membership is mandatory and is a pre-requisite to practicing law in Israel.

Israel Bar Association – Institutions:



2.3. Jordan

Jordan's legal system is based on Islamic law and French codes. Judicial review of legislative acts occurs in a special High Tribunal. It has not accepted International Court of Justice jurisdiction.

Article 97 of Jordan's constitution guarantees the independence of the judicial branch, clearly stating that judges are 'subject to no authority but that of the law.' While the king must approve the appointment and dismissal of judges, in practice these are supervised by the Higher Judicial Council.

The Jordanian legal system draws upon civil traditions as well as Islamic law and custom.

Article 99 of the Constitution divides the courts into three categories: civil, religious and special. The civil courts deal with civil and criminal matters in accordance with the law, and they have jurisdiction over all persons in all matters, civil and criminal, including cases brought against the government. The civil courts include Magistrate Courts, Courts of First Instance, Courts of Appeal, High Administrative Courts and the Supreme Court.

The religious courts include shari'a (Islamic law) courts and the tribunals of other religious communities, namely those of the Christian minority. Religious courts have primary and appellate courts and deal only with matters involving personal law such as marriage, divorce, inheritance and child custody. Shari'a courts also have jurisdiction over matters pertaining to the Islamic waqfs. In cases involving parties of different religions, regular courts have jurisdiction.

Specialized courts involve various bodies. One such body is the Supreme Council which will interpret the Constitution if requested by either the National Assembly or the prime minister, according to Dew et al.: "...such courts are usually created in areas that the legislator deems should be governed by specialized courts with more experience and knowledge in specific matters than other regular courts. Other examples of special courts include the Court of Income Tax and the Highest Court of Felonies.

The strictly military courts of the martial law period have been abolished and replaced with a State Security Court, which is composed of both military and civilian judges. The court tries both military and civilians and its jurisdiction includes offenses against the external and internal security of the state as well as drug-related and other offenses. The findings of this court are subject to appeal before the High Court.

Both Article 102 of the Constitution and the Code of Criminal Procedure mandate the right of an accused person to a lawyer of his or her own choice during the investigation and trial period. Article 22 of the Code of Criminal Procedure also provides that a lawyer has the right to attend the interrogation unless the investigation is confidential or urgent. Article 28 of the Code of Criminal Procedure declares that detainees should be brought before a court within 48 hours of arrest, even in special security cases, giving them an opportunity to have full access to legal counsel.

Prior to 2002 Jordan's legal system only allowed men to file for divorce, however, during this year the first Jordanian woman successfully filed for divorce; this was made possible from a proposal by a royal human rights commission which had been established by King Abdullah who had vowed to improve the status of women in Jordan.

Despite being traditionally dominated by men the number of women involved as lawyers in the Jordan legal system has been increasing. As of mid-2006 Jordan had 1284 female lawyers, out of a total number of 6915, and 35 female judges from a total of 630.

2.4. Morocco

The judiciary in the Kingdom of Morocco is organized in coordination with a single court system, at the head of which stands the Supreme Court.

The Supreme Court decides on issues of law. It controls the legality of decisions made by the courts and guarantees a unified interpretation of case law.

The courts with general competence or dealing with common-law, decide on all matters of law that have not been attributed to the jurisdiction of another court. They include the Courts of Appeal and the district and local courts.

The Courts of Appeal, courts of second instance, examine for a second time cases already judged by the courts of first instance. Therefore they hear appeals made against the judgments of these courts, as well as appeals against rulings passed by their presidents.

The courts of first instance may hear all matters unless the law specifically attributes them to a different court. This is a general jurisdiction that extends to all civil, property, criminal and social cases as well issues related to employee, family and inheritance matters.

District and local courts deal only with minor civil and criminal cases.

Some courts are specialized: these are the administrative courts, the administrative Courts of Appeal and the commercial appeal courts.

The administrative courts are competent to judge appeals rejected due to an excess of appeal against the decisions of the administrative authorities, disputes involving administrative contracts, action to repair damages caused by the activities of public bodies, fiscal and electoral disputes.

The administrative Courts of Appeal, courts of second instance, examine for a second time cases already judged in first instance by the administrative courts.

Lastly, the commercial courts are competent to judge, in principle, all commercial litigation, in particular cases dealing with commercial contracts, commercial assets, businesses, etc.

The commercial appeal courts are courts of second instance and examine for a second time cases already judged in first instance by the commercial courts.

The Supreme Magistrates Council supervises the application of guarantees accorded to magistrates with regard to their promotion and discipline.

In addition, the running of the judicial machine is facilitated by the justice auxiliaries, in particular the lawyers, experts and translators.

Civic society organizations also play an essential advisory role and provide information and support to those seeking justice.

2.5. Palestine

In Palestine courts are formed and organized according to the law on court organization (Law n° 5 of 2001).

This law establishes reconciliation courts (Magistrate level), courts of first instance, Courts of Appeal and a High Court.

The High Court acts as the judge of cassation in civil and criminal cases (one chamber being attributed to each division), as well as administrative cases (to which two more chambers are also dedicated). A fifth and final chamber is dedicated to constitutional matters, over which the High Court has jurisdiction as the constitutional judge.

2.6. Tunisia

The courts in Tunisia are organized into different categories; some having general jurisdiction and others specialized.

These courts are mainly judicial or administrative, but there are also courts that are an exception and para-judicial courts.

At the head of the judicial courts is the Court of Cassation. In all there are 10 Courts of Appeal, 27 courts of first instance, 85 canton Courts and a Property Court (with its seat in Tunis, but for which there are 15 other auxiliary seats).

Administrative courts include an Administrative Court and a Court of Auditors.

Should there be any conflict in the jurisdiction between these two orders, this is dealt with as laid down in basic law n° 96-38 of 3 June 1996, by the Council for Conflict of Jurisdiction.

There are also two courts that are an exception: a permanent Military Court and a High Court.

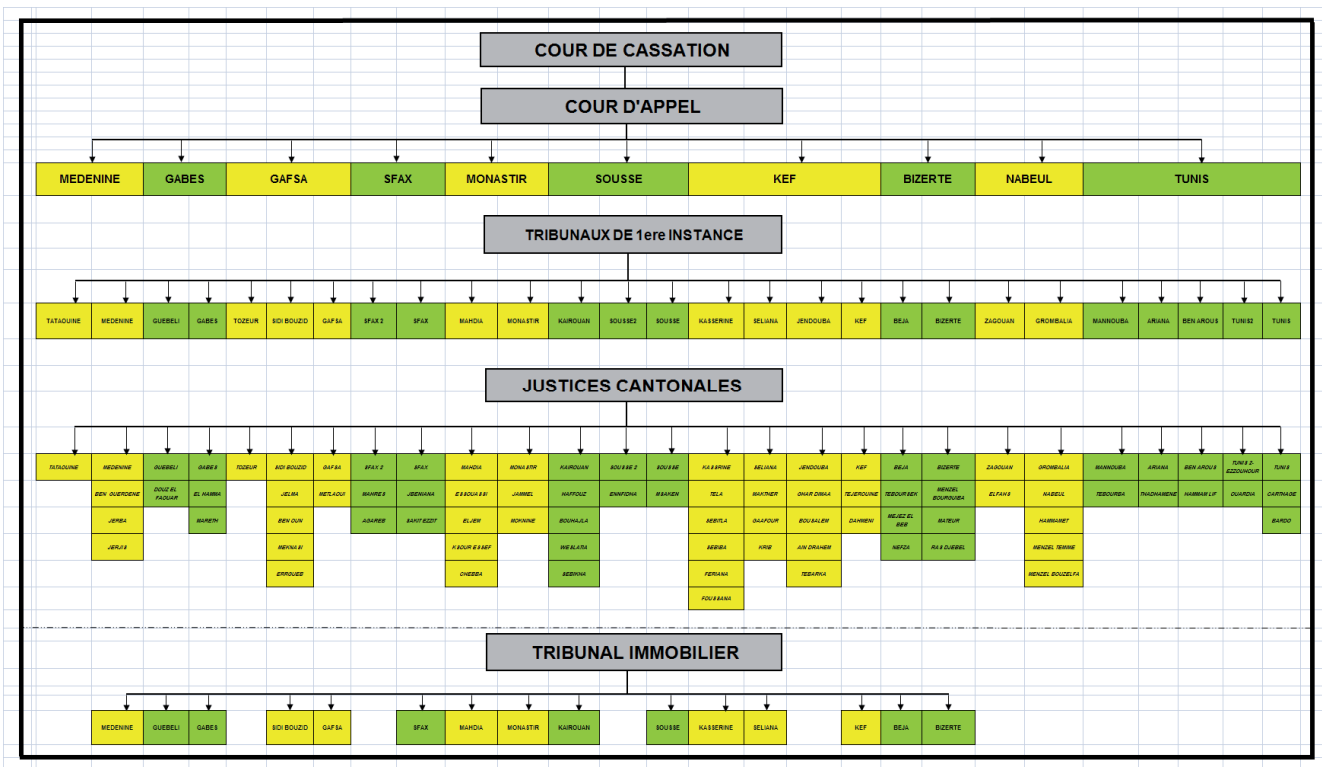
Lastly, there are numerous para-judicial bodies:

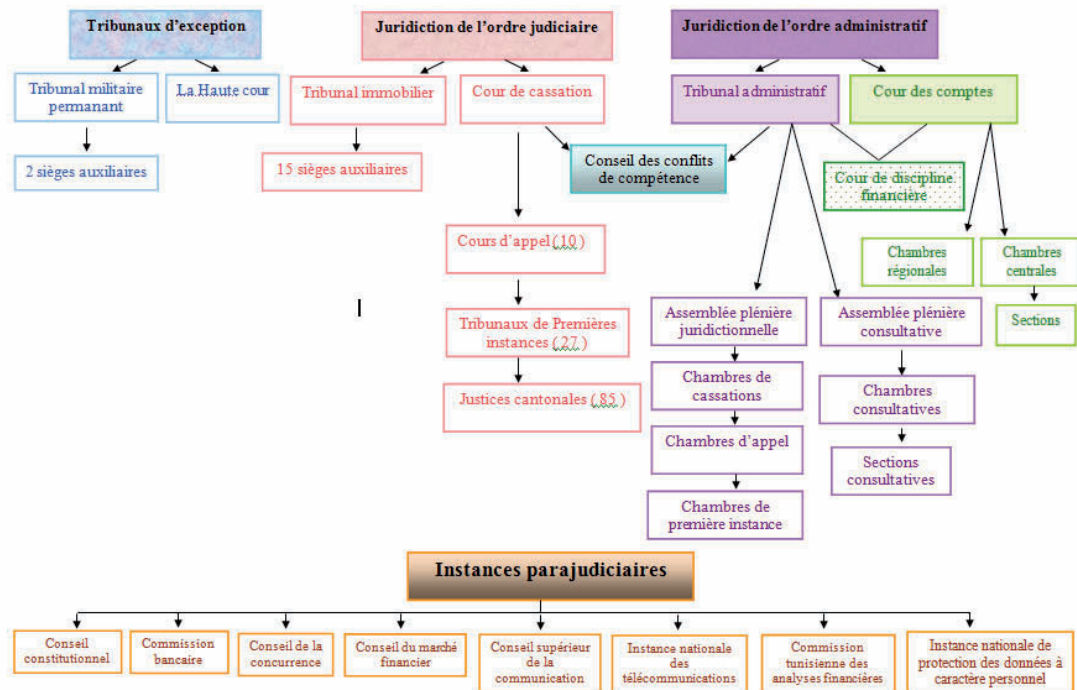
- Constitutional Council.
- Banking Commission.
- Council for Competition.
- Council for the Financial Market.

- Higher Council for Communication.
- National telecommunications body.
- Commission for financial analysis.
- National body for the protection of personal data.

As stipulated in Law n° 89-87, dated 7 September 1989, on the organization of the profession of lawyer, the national order of lawyers is guided by a Bar Association with a President at its head.

The council for the order is composed of a Bar Association with the presidents of each of the three regional divisions, their secretaries general and seven members elected by the general meeting.





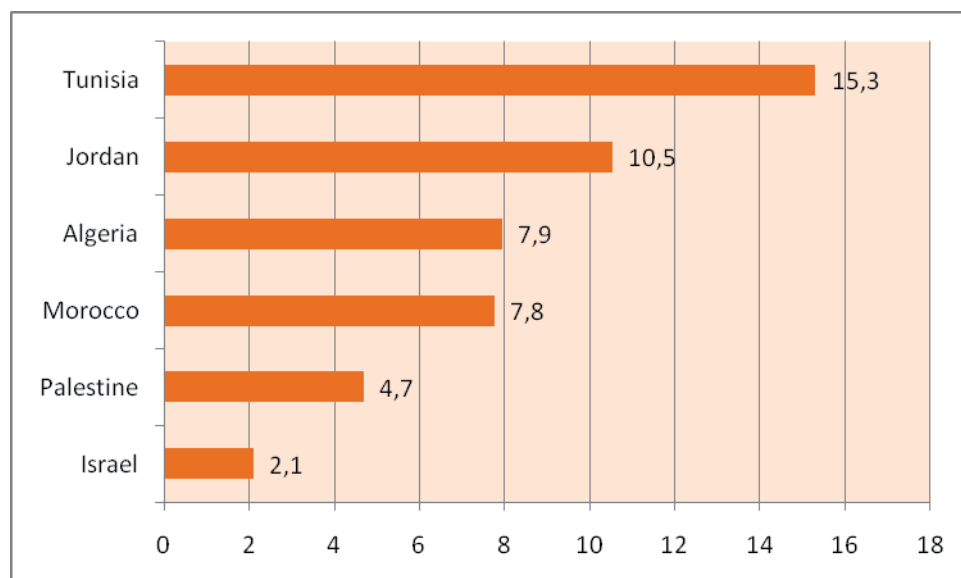
2.7. Comparison of General Data

2.7.1. Number of judges and staff attached to the courts

The number of professional judges, that is judges hired, trained and paid as such and where their main job is to work as a judge, clearly has an important effect on access to justice.

It is interesting to note that the number of professional judges sitting in courts (full-time equivalent) per 100,000 inhabitants varies considerably from one country to another, with Israel at one extreme (only 2.1 judges per 100,000 inhabitants) and Tunisia (15.3 judges per 100,000 inhabitants). The average within the partner countries is around 8.08 professional judges per 100,000 inhabitants.

Graph 4: Number of professional judges sitting in courts (full time equivalent) per 100 000 inhabitants in 2008



Note: For the purposes of this graph, the number of judges indicated for Jordan has been recalculated because initially the number also included prosecutors.

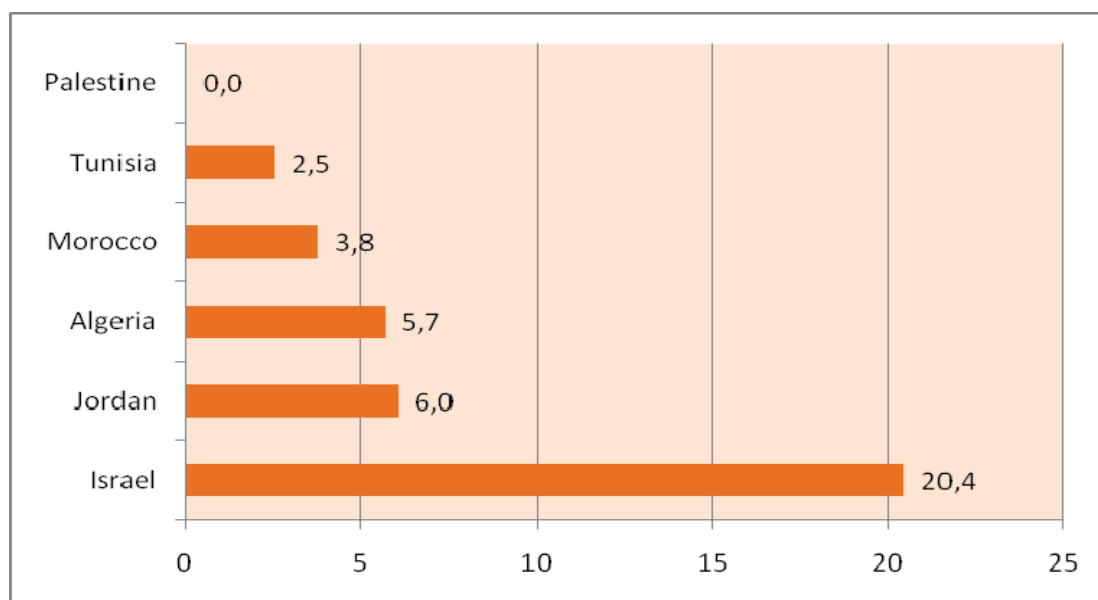
To respond to citizen demand for justice that is both easily accessible and fast, professional judges might also sit occasionally. However, this does not seem to be the case in the partner countries, because only Israel has professional judges who sit on an occasional basis and are paid to do so (and even then this is only the equivalent of one full-time position).

However, certain partner countries do have non-professional judges (who are not paid), receiving no more than a cost-covering indemnity. This is the case in Israel (6 non-professional judges per 100,000 inhabitants) and Morocco (1.3 non-professional judges per 100,000 inhabitants, working exclusively in the district courts).

To give users real and effective access to justice, the judicial machine should be provided not only with a sufficient number of judges, but also with competent staff with recognized responsibilities and status.

Non-judge staff that work in the courts cover a wide variety of legal, administrative and technical professions. They may be clerks, legal councillors, secretaries, reception staff, etc. Their job may be counted, in full-time equivalent, to get an idea of the workload for which the judge is responsible in order to assess - comparing these figures with the number of judges - the conditions in which users are received at the courts.

Graph 5: number of non-judge staff working in the courts per professional judge (on 1 January 2008, on a full time basis)



Note: For the purposes of this graph, the number of judges indicated for Jordan has been recalculated because initially the number also included prosecutors.

Different categories of countries begin to appear. The first category includes countries with a large number of professional judges (Tunisia): essentially the judicial system is supported by these judges, although it means having a smaller number of non-judge staff in the courts. The second category is the exact opposite, and includes the countries with a very low number of professional judges (Israel) but which complete the provision of justice using non-professional judges, the judicial system also relying heavily on non-judge staff in the courts. Between these two extremes, the third category involves countries combining different more or less equal proportions of professional judges and non-judge staff (proportions of professional judges in Palestine seem low in view of the absence of non-judge staff) working in the courts.

It is important to note that the number of non-judge staff working in the courts may fluctuate as reforms are made to Justice, according to projects to regroup courts (the objective being to make more rational use of means, for example) or an increase in the number of courts distributed throughout the territory (to improve the proximity of justice). Morocco reports here that the ministry's strategy is to increase the number of staff working in the courts as part of the project to reform justice in Morocco.

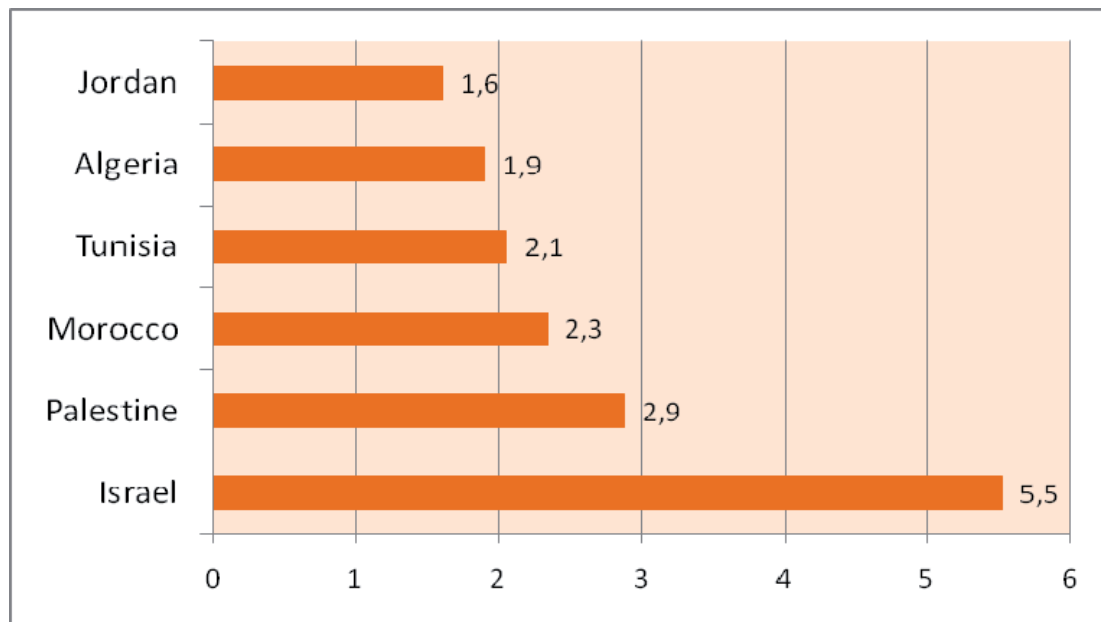
2.7.2. Number of prosecutors and staff working in courts

The prosecutor, as a member of the Public Prosecutor's Office is responsible, on behalf of society and in the general interest, for applying the law when it is criminally sanctioned, taking into account both individual rights and the necessary efficiency of criminal justice, thus playing an important role in helping citizens gain access to justice. The prosecutor may also play a role in civil matters in protecting more

vulnerable individuals.

In each partner country, the number of prosecutors has been given in full-time equivalent for permanent positions.

Graph 6: Number of prosecutors per 100 000 habitants in 2008

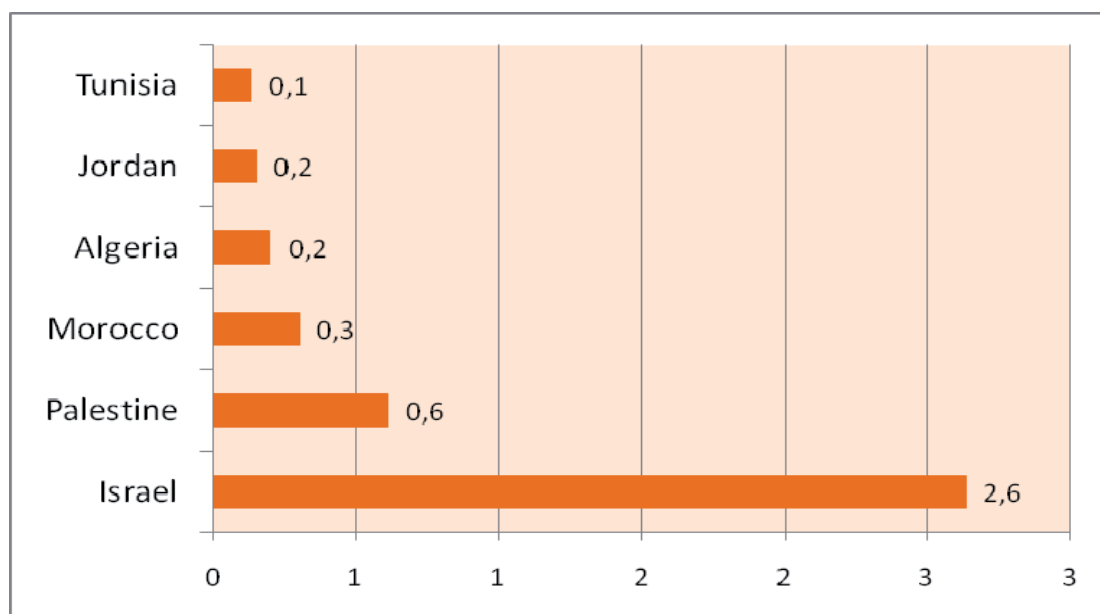


Note: For the purpose of this graph, the number of prosecutors indicated by Israel has been estimated.

The number of prosecutors per 100,000 inhabitants seems particularly high in Israel because it is more than double the average in the other countries (2.2 prosecutors per 100,000 inhabitants). This number may be explained by the role and status of the Public Prosecutor's Office in Israel.

The number of prosecutors must be compared with the number of professional judges (see following graph). It is then clear that the number of judges is by far higher than that of prosecutors (from close to to close to ten times), except in Israel where the number of judges per 100,000 inhabitants is 2.6 times lower than that of prosecutors.

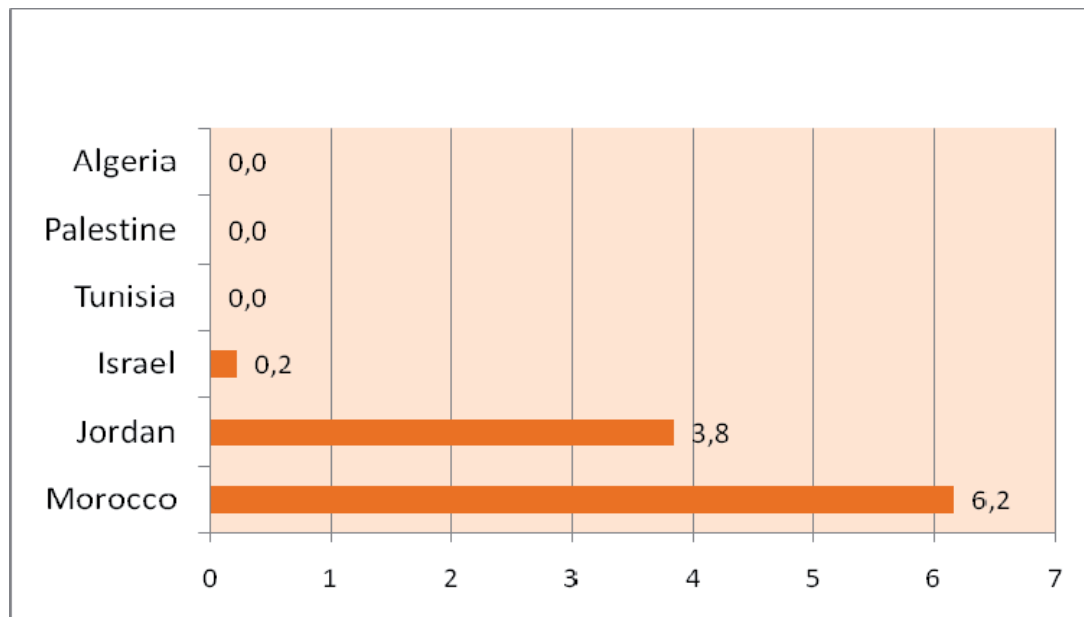
Graph 7: Number of prosecutors per professional judge in 2008



Note: For the purposes of this graph, the number of judges indicated by Israel has been recalculated because initially the number also included prosecutors.

While one might expect the number of non-prosecutor staff working in the Public Prosecutors Office to be particularly high in the countries where the number of prosecutors is high (Israel, and to a lesser extent Palestine), there is no particular comparison between the two variables (see following graph). It is Jordan and particularly Morocco that have the highest numbers, and Morocco reports that this number will rise further.

Graph 8: Number of non-prosecutor staff attached to the Public Prosecutor's Office (on 1 January 2008, on a full time basis)



Note: For the purposes of this graph, the number of prosecutors indicated for Israel was estimated. Israel explains that this estimate does not include interns.

2.7.3. Number of lawyers

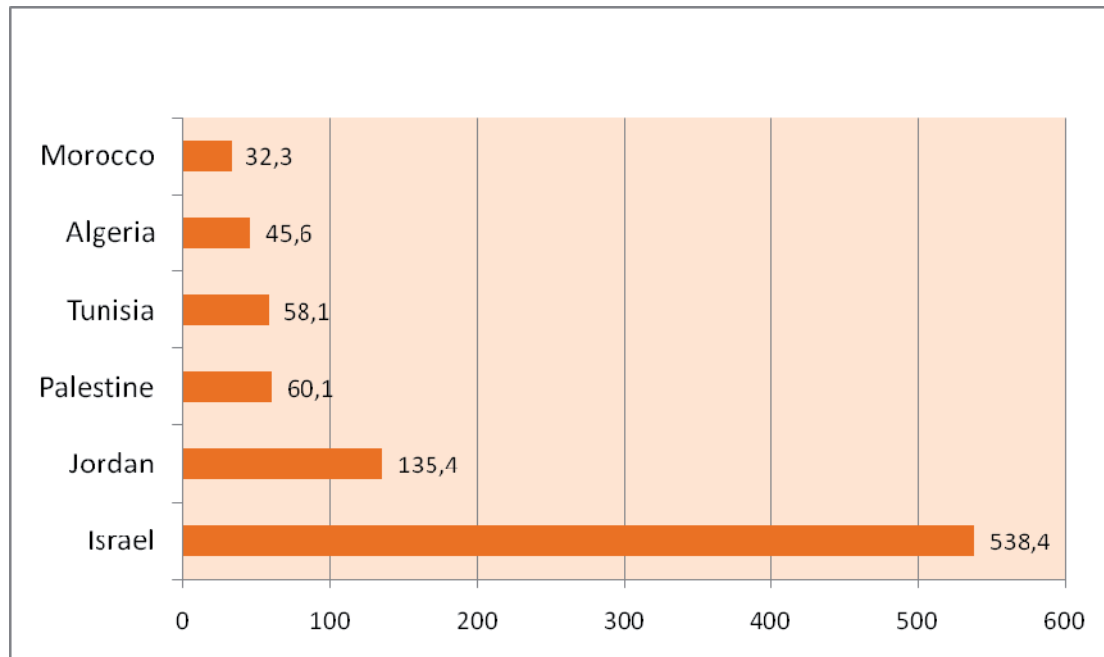
Access to justice is often only possible through the intermediation of a lawyer, whose mission is an essential condition in the state under law. A person qualified and skilled, as laid down in national law, to appeal, act on behalf of clients, practice the law, appear in court, or council and represent clients in legal matters, the lawyer influences access to justice in many ways.

Above all it is the number of lawyers that provides us with information on the organization of the judiciary in the partner states.

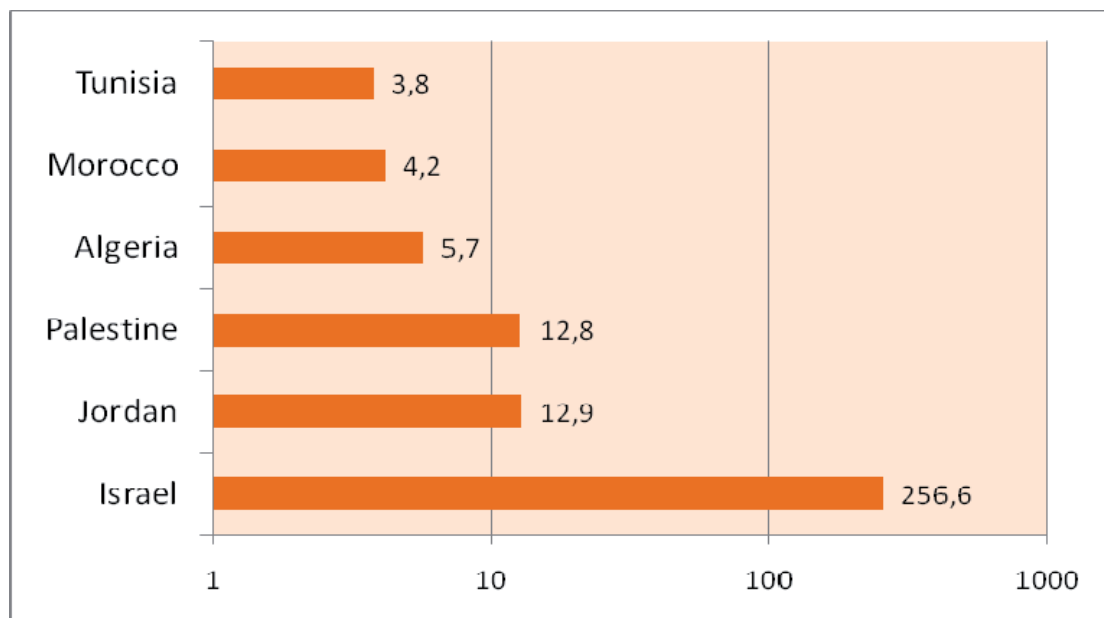
Disparities between countries seem immediately to be very high, because the number of lawyers per 100,000 inhabitants fluctuates between 32 (Morocco) and 538 (Israel). The average (145.0) should be viewed cautiously and it is better to consider the mean (59.1) in comparing the average and the mean of other geographic areas (for example, for the member states of the Council of Europe, respectively 120.0 and 85.0 for the same year).

There is also a major disparity between countries regarding the proportion of lawyers to professional judges, between the extremes that are Tunisia (close to 4 lawyers per judge) and Israel (256 lawyers per judge). This may be explained by the wide-reaching powers that lawyers are likely to enjoy in Jordan and particularly in Israel, where their competencies no doubt exceed activities directly connected to the courts. Furthermore, in Israel, lawyer monopoly is the rule in the case of representation whatever the type of case (family, civil and commercial, criminal, administrative) although it is the exception in Morocco (only administrative matters).

Graph 9: Number of lawyers per 100 000 inhabitants in 2008



Graph 10: Number of lawyers per professional judge in 2008 (logarithmic scale)



Note: For the purposes of this graph, the number of judges indicated by Jordan has been re-estimated because initially it included prosecutors.

2.8. Maps showing territorial distribution of judicial services and number of courts

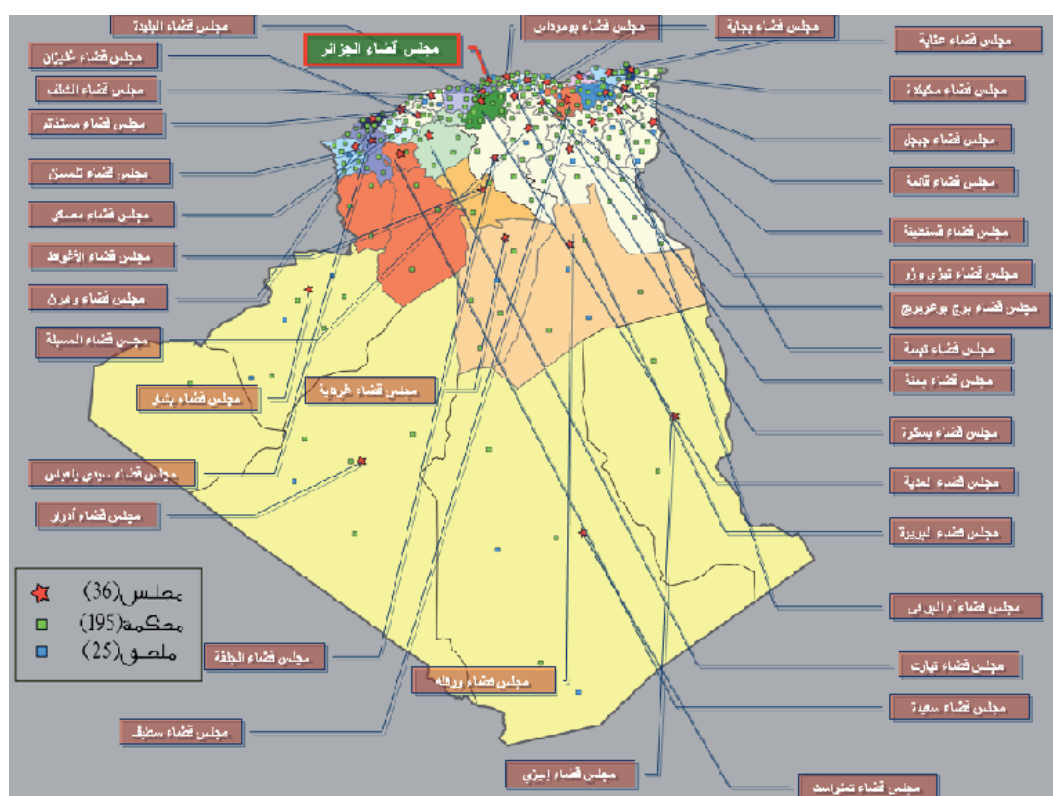
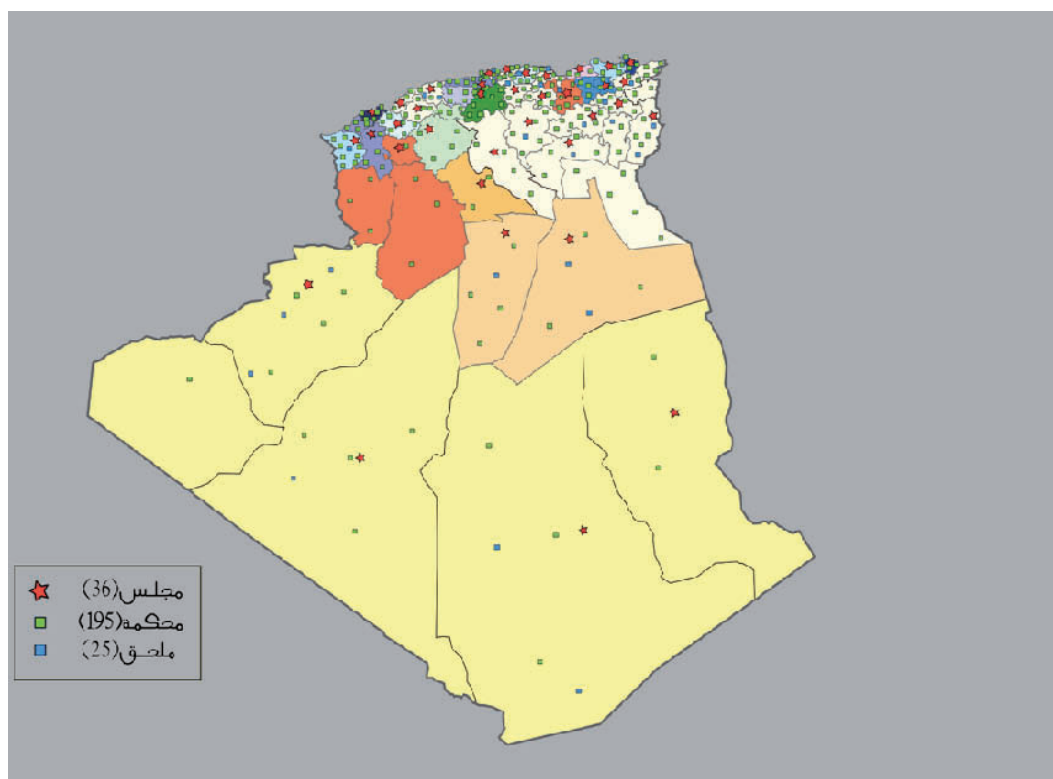
The way in which the judiciary is organized in the partner countries, rests, for this survey, on the distinction that can be made between the “courts of first instance” (which may be specialized or common law) and the “appeal courts”.

To make data comparable, the countries were invited to count the entities replying to the following definitions: a court is established by law to deal in the first instance with specific litigation within an administrative structure in which one or more judges sit permanently or temporarily. A court of common-law is therefore a court competent in the first instance to deal with all matters for which jurisdiction has not been given to a specialized court. A Court of Appeal is, on the other hand, one that will deal with litigation after a first detailed examination before a court of first instance. A supreme or high court is not defined as a specialized court but is part of the ordinary organization of the judiciary.

The map showing the territorial distribution of judicial services in a country shows the territorial location of the courts of first instance, the appeal courts and the supreme courts, that is, the premises where hearings are held as well as appeals falling within the jurisdiction of these entities. It has a direct influence on the quality of access to justice.

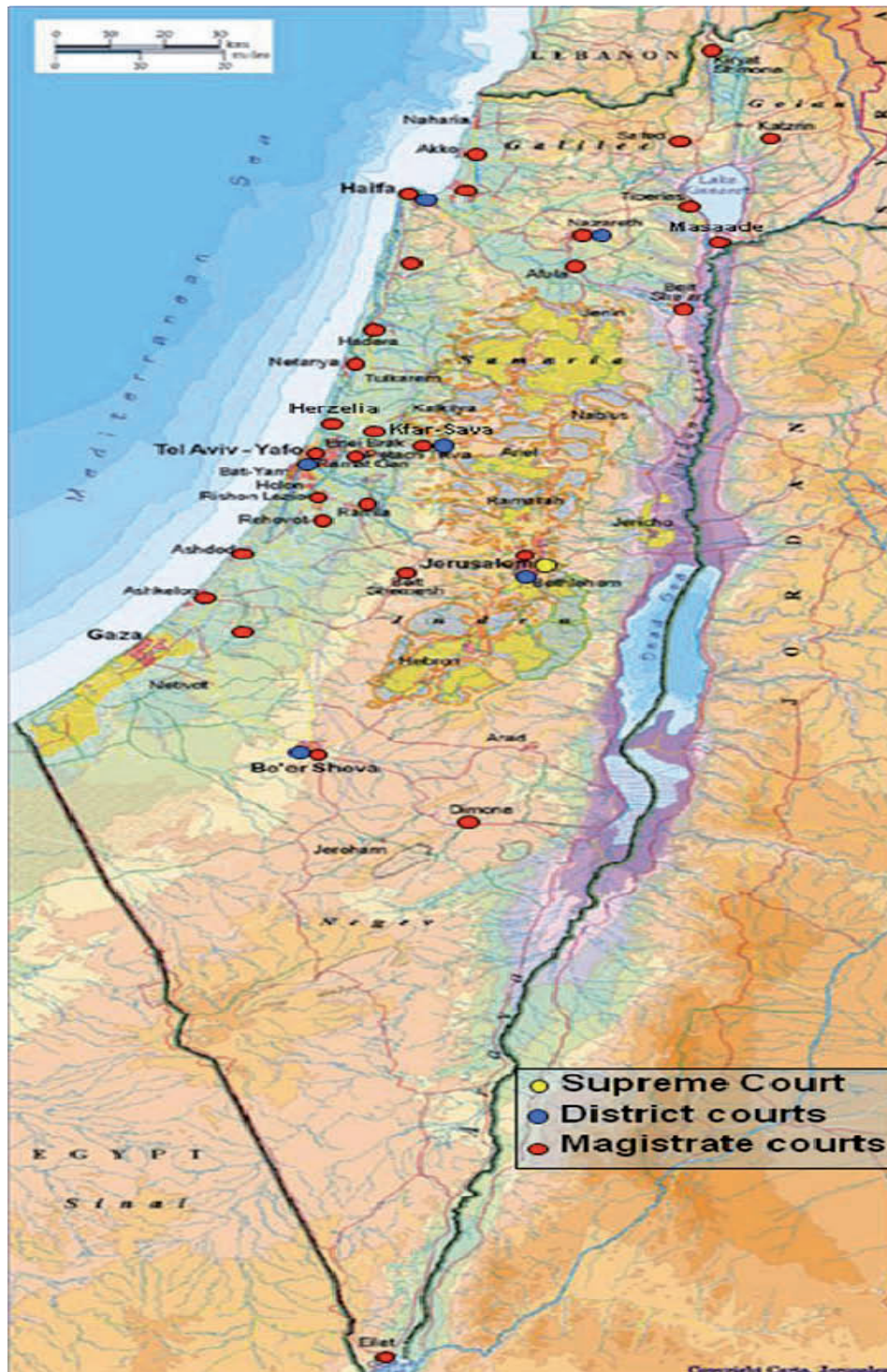
2.8.1. Map of territorial distribution of courts in Algeria

Ordinance n° 97-11 of 19 March 1997, determining the distribution of judicial services, established 48 appeal courts, 36 of which are in operation, and 214 tribunals of which 194 are in operation.



2.8.2. Map of territorial distribution of courts in Israel

The map of court distribution in Israel is 'regularly' revised, under the control of the Ministry of Justice, acting according to the law on courts and tribunals, which has the necessary authority to decide on the number of courts as well as the location of court buildings.



2.8.3. Map of territorial distribution of courts in Jordan

The judiciary in Jordan is composed of 16 courts of first instance, placed under the control of three Appeal Courts and one Court of Cassation; it also has 33 specialized district courts. The tendency is for the overall number of courts within the system to increase.

The court system under Sharia law (particularly for civil or religious cases) includes 67 courts of first instance.



2.8.4. Map of territorial distribution of courts in Morocco



Taken from the website of the Ministry of Justice of the Kingdom of Morocco :
<http://www.justice.gov.ma/fr/OrganisationJudiciaire/carte.aspx>

The map of court distribution in Morocco should be considerably changed when reforms to Justice are completed in 2011, the aim being to make a more rational distribution of courts and changes to jurisdictions.

It was not possible to determine whether the current project plans to increase or reduce the number of locations.

2.8.5. Map of territorial distribution of courts in Palestine

No information provided.

2.8.6. Map of territorial distribution of courts in Tunisia

The map of court distribution in Tunisia is revised regularly.

The last reform to take place (Decree n° 2002-1806 of 13 May 2008) provided for three new courts of first instance to be set up in the districts of Tunis, Sousse and Sfax and two canton courts

The aim was to bring justice closer to those seeking it and to lighten the burden of certain courts in which the volume of work never ceases to grow in the light of urban expansion and demographic density known to the delegations surveying the situation.

2.8.7. Data compared

The following tables and graphs show the number of courts of first instance, distinguishing between general, common law, courts and specialized courts.

It is clear that when this number is compared to the number of inhabitants, all the partner countries have a ratio of courts of first instance per 100,000 inhabitants that is highly comparable. In fact, although Israel has a slightly higher ratio, all of the countries fall within a narrow range (between 0.25 and 0.60), which rises when relocated among the results of other Mediterranean countries, such as Turkey (6.4).

This narrow range makes it possible for the partner countries to draw comparisons on the financial means they allocate to the courts and their influence on access to justice.

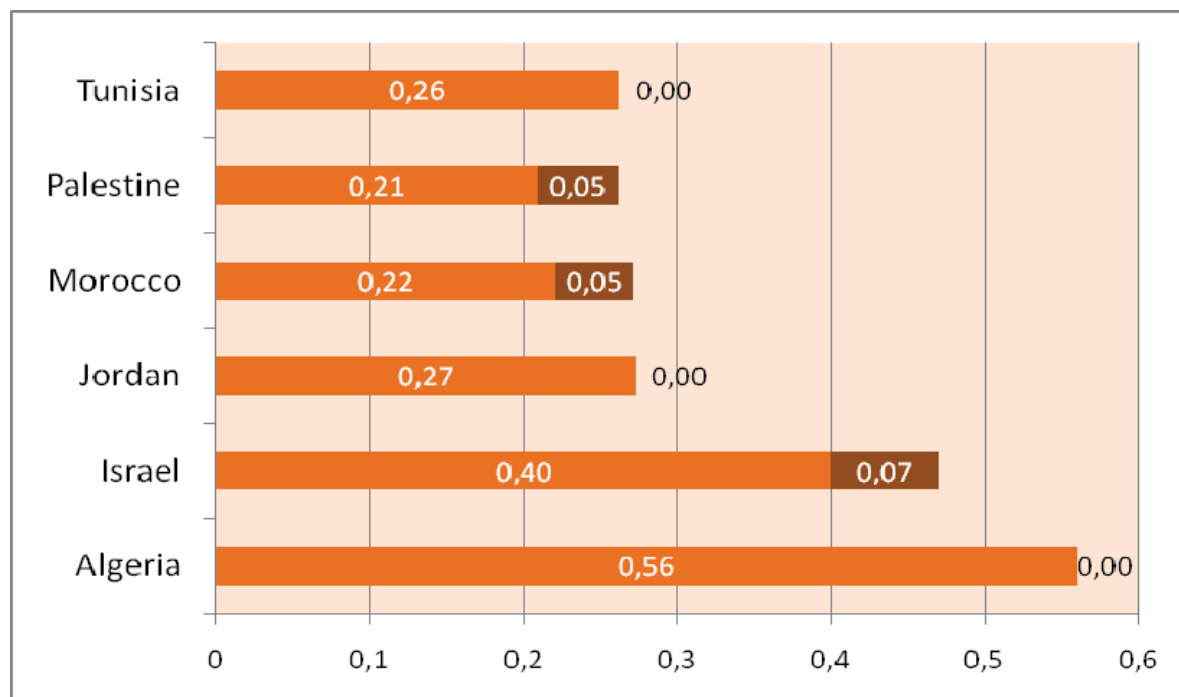
It is the same for the number of courts of appeal per 100,000 inhabitants: a very narrow range, from between 0.08 (Israel, Palestine) and 0.10 (Tunisia). (For more details, see the table and graphs in the annexes).

Table 3: number of courts of first instance (on 1 January 2008)

Countries	Number of common law courts of 1st. instance (on 1 January 2008)	Number of specialised courts of 1st. instance (on 1 January 2008)	Total number of courts of 1st. instance (on 1 January 2008)	Total number of courts of 1st. instance per 100,000 inhabitants (on 1 January 2008)
Algeria	194	NAP	194	0.57
Israel	29	5	34	0,47
Jordan	16	NA	16	0,27
Morocco	66	15	81	0,27
Palestine	8	2	10	0,26
Tunisia	27	NAP	27	0,26

Note : Jordan has specialized courts of first instance but is not ready to provide the exact number. Tunisia claims to have 85 canton courts and one property court located in Tunis (plus another 15 auxiliary courts) but none of them could actually be called a Court of First Instance.

Graph 11: number of courts of first instance per 100,000 habitants (on 1 January 2008)



In red: General Courts of First Instance per 100,000 inhabitants

In brown: Specialized Courts of First Instance per 100,000 inhabitants

Note: Jordan has specialized courts of first instance but is not ready to provide the exact number. Tunisia claims to have 85 canton courts and one property court located in Tunis (plus another 15 auxiliary courts) but none of them could actually be called a Court of first instance.

The partner countries with the highest number of specialized courts are Israel, Palestine and Morocco.

Table 4: Comments from countries on specialisation in courts of first instance

Countries	Specialisation in courts of first instance
Algeria	Civil division (civil, industrial relations tribunal, commercial, property, family matters). Criminal division (correctional, criminal, administrative offences).
Israel	<p>Family (14): The Family Court is competent to hear cases regarding matters of personal status and in regard to civil claims between family members;</p> <p>Traffic (29): The Traffic Court is competent to hear cases regarding the commission of traffic offences, and offences relating to vehicles, as specified in various laws;</p> <p>Juvenile (21): The trial of an offence with which a minor is charged is heard in the District or Magistrates' Court, depending on the severity of the offence. The trial is heard by judges who serve, by special appointment of the President of the Supreme Court, with the Supreme Court, and as judges of Juvenile Courts;</p> <p>Tenancy: A Tenancy Tribunal is comprised of a Magistrates' Court judge sitting alone, its place of session prescribed by the Minister of Justice, Tenancy Tribunal is competent to hear cases concerning the rent of dwellings and of business premises, the reduction of rent, and services and repairs in regard to leased property;</p> <p>Labour (6): Labour Courts deals with labour disputes between employees and their employers, such as claims for severance pay and social protection.</p>
Jordan	Ordinary courts, Sharia courts and military courts.
Morocco	<ul style="list-style-type: none"> - Administrative jurisdictions: 7 administrative courts and 2 administrative courts of appeal - Commercial jurisdictions: 8 commercial courts and 3 commercial appeal courts
Palestine	-
Tunisia	A property court based in Tunis and 15 auxiliary courts. The High Court.

II. Access to law

Access to law should be distinguished from access to trial, the efficiency of which depends on how the judiciary is organized and the rules of procedure governing the case. More pragmatically, access to law is the result of a combination of measures adopted to give the user information and a practical reception.

Depending on the situation, the user can find information and a reception directly at the court, or, and this is more frequently the case, from intermediaries (associations, media, etc.) ensuring a role of social cohesion as partners in justice.

3. Access to legal information

Access to the law assumes initially that legal information circulates so that it can be accessible to the public.

Within the partner countries, one of the first measures providing access to the law is, therefore, the publication of information on the law and the courts.

Whether it is a question of legal texts, the case law of the high courts, that of the tribunals or even forms, the countries underscore the circulation of information, the only exception being Jordan, which reports that it is difficult for users to gain access to the case law of the courts.

However, user access to information via the Internet is not always easy: in Israel and Jordan there is no free publication of legal information on official websites concerning case law (however, Jordan reports that this information is available to the lawyers of the court making the decision through the Intranet. Israel reports that it is difficult for users to find documents and forms online on official websites.

Table 5: User access to legal information published

Is legal information published in a way easily accessible to the public ...	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
... legal documents (codes, laws, regulations, etc.)?	Yes	Yes	Yes	Yes	Yes	Yes
... case law of high courts?	Yes	Yes	Yes	Yes	Yes	Yes
... case law of the courts?	No	Yes	No	Yes	Yes	Yes
... other documents (for example forms)?	Yes	Yes	Yes	Yes	Yes	Yes

Table 6: Free legal information published on official Internet sites

Do free official Internet sites provide the public with...	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
... legal documents (codes, laws, regulations, etc.)?	Yes	Yes	Yes	Yes	Yes	Yes
... case law of high courts?	Yes	Yes	Yes	Yes	Yes	Yes
... case law of the courts?	No	No	No	Yes	Yes	Yes
... other documents (for example forms)?	Yes	No	Yes	Yes	Yes	Yes

When the user is able to consult legal information on the Internet, free of charge, the main official sites are the following:

Table 7: References to free official Internet sites

Countries	References to free official Internet sites
Algeria	www.mjustice.dz www.coursupreme.dz www.crjjmjustice.dz www.joradp.dz www.conseildetat.dz
Israel	Table.courts.gov.il Table.knesset.gov.il/laws/heb/law
Jordan	Table.lob.gov.jo Table.moj.gov.jo Table.jc.jo
Morocco	Adala Morocco portal: Table.adala.justice.gov.ma Ministry of Justice site : Table.justice.gov.ma Supreme court site: Table.coursupreme.ma Sites of jurisdiction in the Kingdom, accessible via the ministry site General Secretariat of the Government site: Table.sgg.gov.ma
Palestine	High Judicial Council Web site. Table.courts.gov.ps
Tunisia	Table.e-justice.tn Table.ism-justice.nat.tn Table.chambre-dep.tn Table.jort.gov.tn Table.cnudst.rnrt.tn Table.jurisitetunisie.com

The litigant may also receive information through a Charter detailing the key points of an individual's rights and obligations. Such a Charter, established by the authorities, is available to any user on-line, or more directly in the form of a manual available wherever there is access to the law. However, very few countries have established such a Charter: only Palestine reports that it has one.

Table 8: Existence of a Charter of litigant's rights and obligations

Countries	Yes	No	Don't know
Algeria		X	
Israel		X	
Jordan		X	
Morocco		X	
Palestine	X		
Tunisia		X	

In criminal matters, certain countries set up a specific information system, available to the public and free of charge, to inform and assist victims of offences in the early stages of their procedure. Morocco reports that it is mainly for women who are the victims of violence and for victims who are minors.

Table 9: Existence of specific information available to the public free of charge, to provide information and support for victims of offences

Countries	Yes	No	Don't know
Algeria		X	
Israel	X		
Jordan		X	
Morocco	X		
Palestine		X	
Tunisia	X		

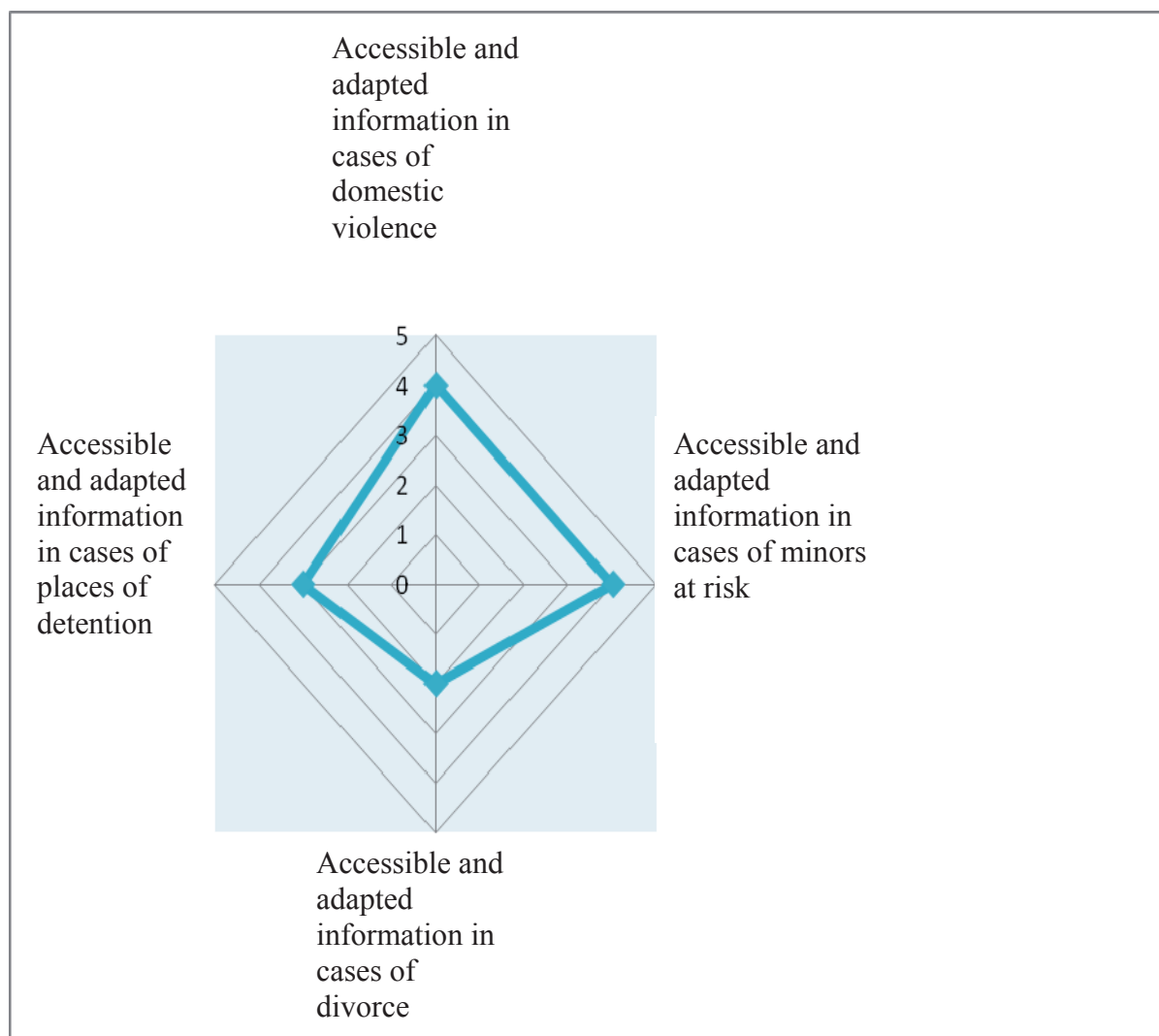
It is interesting to note that information that is easily accessible (for example by using a free telephone number) is not always specifically adapted to the variety of situations, criminal or not.

Table 10: Existence of information specifically adapted to a variety of situations

	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Cases of domestic violence?	<i>Non</i>	Yes	Yes	Yes	<i>No</i>	Yes
Cases of minors at risk?	<i>Non</i>	Yes	Yes	Yes	<i>No</i>	Yes
Divorce cases?	<i>Non</i>	Yes	<i>No</i>	Yes	<i>No</i>	No
Places of detention?	<i>Non</i>	Yes	Yes	<i>No</i>	<i>No</i>	Yes

As part of access to law, specific and adapted information is more frequent in cases of domestic violence (4 countries) or on in cases of minors at risk (4 countries) than in cases of divorce (2 countries), as the following graph shows:

Graph 12: Number of countries with information specifically adapted to a variety of situations



4. Access to court information

When not seeking information from an intermediary, the user sometimes goes directly to the tribunal or court in order to get the legal information required.

In almost all of the partner countries (with the exception of Palestine), the parties seem to be able to receive, at any time, information on the state of the proceedings directly (information provided directly either by Internet or by a computer system within the court), or indirectly, through council (lawyer or legal representative). For example, in Tunisia, once the "e-justice" gateway was launched on the Internet by the Ministry of Justice and Human Rights, litigants and lawyers were able to gain remote access to judicial services, to follow the different stages of the trial and to download service request forms.

However, it would be practical to explain in more detail the role of the courts in access to law.

Several criteria in gaining access to court information have been proposed to the partner states. These have done everything possible to estimate as fairly as possible the percentage of courts of first instance and courts of appeal meeting the suggested criteria.

The results are shown in two tables, the first giving a quick glimpse of the responses country by country, and the second assessing for each criterion the most frequent rate of responses.

Table 11: Number of tribunals and courts of appeal meeting the criteria proposed for access to legal information (answers country by country)

	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Do the courts have an information centre to attend visitors?	100%	100%	51 to 90%	11 to 50%	0%	+ than 90%
Within the courts can the public and litigants find staff responsible for reception who have been specially trained to explain working methods, rules of procedure and other practical information?	11 to 50%	51 to 90%	+ than 90%	11 to 50%	51 to 90%	51 to 90%
Is there an up-dated list of lawyers available at the reception desk of courts or on their Internet site?	100%	0%	0%	100%	100%	+ than 90%
Are there information brochures available for litigants received by the courts?	11- to 50%	0%	-	51 to 90%	0%	+ than 90%

This first table shows that each of the participating countries does not meet all of the criteria proposed in more than 90% of its courts (however Tunisia is not far with 3 of the 4 criteria met in more than 90% of courts and courts of appeal in the country).

Furthermore, there could be major disparities within each country when considering separately the different criteria for access to court information. Therefore, countries like Israel or Palestine may meet certain criteria in 100% of their courts but fail completely in other criteria.

An example of good practice in providing access to law (access to court information):

In Algeria, since 2008, a DVD including around forty sketches, in colloquial Arabic, shows procedures and other practical information, has been available to those receiving and attending to citizens, so that they can be prepared and possibly, if requested, project the film corresponding to the question asked.

In certain courts, this film is directly accessible to the public via a computer screen.

Other DVDs adapted to the deaf and those with difficulty in understanding are also available at reception and attendance services.

Table 12: Number of tribunals and courts of appeal meeting the criteria proposed for access to court information (answers section by section)

	Yes, always	Yes, Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
	100% of cases	More than 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Do the courts have an information centre to attend visitors?	Algeria Israel	Tunisia	Jordan	Morocco		Palestine
Can the public and litigants find staff responsible for reception who have been specially trained to explain working methods, rules of procedure and provide other practical information?		Jordan	Israel Palestine Tunisia	Algeria Morocco		
Is there an up-dated list of lawyers available at the reception desk of courts or on their Internet site?	Algeria Morocco Palestine	Tunisia				Israel Jordan
Are there information brochures available for litigants received by the courts?		Tunisia	Morocco	Algeria		Israel Palestine

The second table shows that no criterion is met 100% in the courts and courts of appeal of all the participating countries. In fact, there are major disparities between countries.

To understand the criteria that most needed to be met, points can be given to each criteria. Therefore each criteria will be given 1 point each time a country never meets it, 2 points each time a country meets it only rarely, and so on until a maximum of 6 points each time a country always meets the criteria. In short, the fewer points to a criterion, the more it will require greater attention by the countries.

Table 13: Table summarising the criteria requiring most effort on the part of the partner countries in providing court information

Criteria	TOTAL (/36)
Information Bureau	25
Specially trained reception staff	23
List of lawyers	25
Information brochures	14

III. Financial access to Justice

5. Free or limited costs: Legal aid

5.1. Different forms of legal aid

Legal aid can be defined as assistance provided by a State to individuals who do not have sufficient financial means to defend themselves before a court (or to bring about a court procedure). In this definition, legal aid is concerned mainly with legal representation before the courts. But legal aid may also involve legal counselling. Indeed, not every citizen will necessarily go to court whenever he/she runs into legal problems. In certain cases, consultation with the legal professional may be sufficient to resolve the issue.

Legal aid covers a wide variety of areas according to the participating states: certainly only representation before the criminal courts seems to be covered in all of the partner states. Four models are outlined in the responses from the member states:

- the first model grants legal aid very widely: for representation before the courts, for legal counselling and for other areas (representation before a psychiatric committee responsible for assessing the need for forced hospitalization; representation of detainees), whatever the type of case, whether criminal or not (Israel).
- The second model grants legal aid solely for representation before the courts and for legal counselling, but without distinction, according to the type of case, whether criminal or not (Jordan).
- The third model grants legal aid for representation before the courts and for other areas (exemption from legal costs, appointment of experts and translators, execution costs), whatever the type of the case, whether criminal or not, but it excludes legal counselling from the offer (Algeria, Morocco, Tunisia).
- The fourth model grants legal aid restrictively: it is only available for representation before the criminal court (Palestine).

Table 14: Areas covered by legal aid

		Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Court representation	Criminal cases	Yes	Yes	Yes	Yes	Yes	Yes
	Non-criminal cases	Yes	Yes	Yes	Yes	No	Yes
Legal counselling	Criminal cases	No	Yes	Yes	No	No	No
	Non-criminal cases	No	Yes	Yes	No	No	No
Other	Criminal cases	Yes	Yes	No	Yes	No	Yes
	Non-criminal cases	Yes	Yes	No	Yes	No	Yes

Note : In Israel there are two separate, unique, independent, specific government bodies that provide legal aid, for civil matters and for criminal matters. With regards to civil legal aid, we marked "others" because civil legal aid includes the representation of eligible persons before quasi-judicial subcommittees, yet not in all fields. For a complete list of the areas (subject matters) in which services are provided, and the conditions for providing them, please see:

<http://Table.justice.gov.il/MOJEng/SiuaMishpati/Resources+Center/TnaimLekabaltSiyua.htm>

The trend in providing legal aid is to expand the services and matters in which legal aid may be granted.

Legal aid is provided to grant payment of, or exemption from, the costs of justice in at least half of the countries that replied. In Israel, in civil cases, an automatic system for exemption from costs is set up in most courts from the moment the user benefits from legal aid. However, in certain courts, the decision to make an exemption from costs is taken based on the certificate from legal aid administration, whilst in others a specific deed will be required. In Morocco, legal aid covers the appointment of a lawyer and the and the person receiving the aid is dispensed from paying any costs and any duties.

Table 15: Countries in which legal costs are covered or exonerated by legal aid

Countries	Yes	No	Don't know
Algeria	X		
Israel	X		
Jordan	X		
Morocco	X		
Palestine		X	
Tunisia		X	

Not all the countries include execution costs in the benefit of legal aid. However, this is the case in Algeria (where according to article 13 of ordinance N°71/57, modified and completed by Law N° 06/01, legal aid provides for the costs of justice), in Israel (where part of the execution costs are covered, such as reports on the solvency of the debtor), in Jordan (where legal aid for execution costs it is an important source of revenue for the NGOs, both in civil

law and in the Sharia law courts), in Morocco (where legal aid covers the whole litigation procedure up to the stage of executing the decision) and in Tunisia (where art. 14 of Law n° 2002-52 of 3 June 2002 on granting of legal aid provides that legal aid covers the costs for which the parties are responsible and, notably, execution costs).

Table 16: Countries in which the costs of execution are covered or exonerated by legal aid

Countries	Yes	No	Don't know
Algeria	X		
Israel	X		
Jordan	X		
Morocco	X		
Palestine		X	
Tunisia	X		

5.2. Conditions in which legal aid is granted or withdrawn

The number of cases benefiting from legal aid provides useful information on how strict the conditions for granting legal aid are. Unfortunately, for the time being, the data provided by the countries are fragmentary and make it impossible to provide a table of data comparable with other variables.

Table 17: Number of cases benefiting from public legal aid, in 2008

	Number of cases benefiting from public legal aid (from 1 January to 31 December 2008)					
	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Total	1886	230 000	-	NA	-	5 445
Criminal matters	433	80 000	-	NA	-	NA
Non-criminal matters	1453	150 000	-	NA	-	NA

Note: **Israel:** The number reported for civil legal aid represents the number of distinct procedures in which eligible recipients received legal aid. This number is not the number of hearings that were heard, nor the number of people that were represented, but rather the number of procedures as stated.

If a means test is done into the income and assets of the applicant in all partner countries before granting legal aid, criminal cases must be distinguished from others.

In criminal cases, in all of the partner countries, any person who does not have the means may

benefit from free aid (or funded by a public budget) for a lawyer. Israel notes, however, that representation in justice is not conditioned, within its judicial system, by a financial criterion, but rather more by the status of the person (minor, mentally handicapped, etc.), the type of case (preventative detention, extradition enquiry, risk of detention, etc.), the severity of the offence and the presence of a court-appointed lawyer. However, in the other countries poverty is a criterion for granting free representation.

In none criminal matters, the financial criterion seems in most cases to be a determining one, even if it is not only the sole criteria. In Israel, there is a means test ceiling for granting legal aid (income: two thirds of gross average income; assets: three months of average salary, without taking into account the value of the home where the applicant lives). In other countries, there is no means test ceiling: in Jordan, assessment of financial poverty is left to the appraisal of the judge (based on evidence or tax returns), in Morocco and Tunisia it is assessed only locally with a concern for proximity, by a territorial administration (town council, tax receiver, etc.), which issues a "certificate of poverty" to be submitted to the judge. Exemption will then be made for all or part of the cost of justice, on a case-by-case basis, without a table model with an order of priority. In Algeria, according to article 25 of Ordinance 71/57, the appointment of a lawyer in certain cases (minors brought before the examining judge or the court dealing with delinquency, disabled defendant ...) is free, but according to article 10 of the same ordinance, if the benefit of legal assistance is refused, the office must make known the reasons for refusal.

Table 18: Means testing for applicants to legal aid, and the reference amount

		Countries					
		Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Cases involved	Criminal	Yes	No	Yes	Yes	Yes	Yes
	Non-criminal	Yes	Yes	Yes	Yes	NAP	Yes
If yes, amount in € (at the exchange rate on 1 January 2008)		SNMG=1200 ODA=117.05 €	A gross maximum income of 927.52 Euros, or maximum assets of 4153.41 Euros.	At the discretion of the judge	On submission of a means certificate by the applicant	-	On submission of a means certificate by the applicant

In non-criminal cases, legal aid may also be refused if there are no good grounds for the case (for example due to abuse of the process of the court) in certain countries: this criterion is also added, if required, to the criterion of financial poverty. Soon it will be imposed as a common criterion in all the countries, because Jordan will be introducing reforms along these lines in its civil/Sharia courts.

Table 19: Grounds for granting legal aid

Countries	Yes	No	Don't know
Algeria	X		
Israel	X		
Jordan		X	
Morocco	X		
Palestine	NAP	NAP	NAP
Tunisia	X		

Note: In Palestine, non-criminal procedures are not covered by legal aid.

In Israel, Article 4 of the Legal Aid Law of 1972 provides that the Director of a legal aid office is authorized to reject the application for legal service if he/she is of the opinion that the matter of the applicant is baseless, vexatious, or lacks foundation or evidence, or is groundless in law or facts. That law also provides that in some matters, legal aid will be granted without examining whether the action has merits. An example of this is forced psychiatric hospitalization.

In Tunisia, Law n° 2002-52 of 3 June 2002 on granting legal aid, although it does not provide expressly for the possibility of refusing legal aid due to the case being without grounds, it does demand that the applicant must attach to his application a copy of the items he/she is invoking to establish the right on which he/she insists (Art. 6 of the law).

The authority responsible for assessing the grounds for the action is never the court.

This authority may be outside the court. This is the case in Israel, where the decision is taken by the director of the legal aid office (an appeal is always possible before the court that will then rule). The bodies dispensing legal aid, or not, differ according to whether the case is criminal or civil. They are completely independent of any other authority. They have complete decision-making autonomy within the limits of the law. These two bodies may sometimes finance proceedings allowing litigants to take action against the government.

The authority may also be mixed "court/external authority"(Algeria/Morocco/Tunisia). In Algeria, this authority is composed of a representative from the public prosecutor's office, a magistrate, a representative from the administration of sundry contributions and a president of the popular assembly of the commune or his representative. In Morocco, it is composed of three individuals: a representative from the public prosecutor's office, a representative from the Bar, a representative from taxes (except before the administrators court, or only the President of the Administrative court decides).

Table 20: Nature of the authority granting or refusing legal aid

		Countries					
		Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Nature of the authority granting or refusing legal aid	Court			NAP		NAP	
	Body outside the court		X	NAP		NAP	
	Mixed court/external body	X		NAP	X	NAP	X

6. Free or limited costs: Alternatives to legal aid

6.1. Non-governmental organizations

In the partner countries, the NGOs play a relatively important role in access to justice.

In Israel, in civil fields, there are many NGOs in a wide range of different areas. The main contribution of the NGOs is providing legal advice, somewhat like "first-aid". Government funded civil legal aid also provides for legal advice; however the main service it provides is legal representation. Due to lack of funding, most NGOs do not provide legal representation in court, except for special cases in which a judicial decision may have broad-ranging effects on an entire field or important issue. NGOs exist in a broad, territorial spread. Because of their broad territorial spread, the NGOs are highly accessible to the public. (The Government's Civil Legal Aid program has 5 district offices. However, in order to provide better geographical access, meetings with civil legal aid applicants take place in 60 different locations). NGOs often refer applicants to the Civil Legal Aid program, who sometimes work together on specific cases. NGOs may also contact Civil Legal Aid when similar work in a field requires a concerted effort to effect a change in policy.

In Jordan, the NGOs play an increasingly important role. Although today only 5 NGOs aid justice, they are still recognized to be extremely efficient, particularly with regard to issues related to Sharia law. However, they do need more aid from the Bar, as well as more financial support. At the time of our field visit, we learnt that an NGO national federation project for the NGOs was about to begin with a view to providing users with equal access to justice.

In Morocco, associations are involved mainly in reception and attendance centres for women and minors who are the victims of violence. They also ensure considerable support with proceedings and help distribute legal information. Their development is recent, and there is no national federation of associations, but certain associations, the older ones, which are more structured and have more members, have more weight which allows them to be heard when

there is consultation with civic society (other areas involved: consumption, health, etc.). The associations do not insure direct representation and that they are not recognized by the State as players in the legal process, apart from assisting in setting up the civil party and providing financial aid to victims.

In Palestine, associations and NGOs play an important role with detainees.

They have no particular role in Tunisia.

6.2. Other mechanisms

With the exception of Tunisia (where it is not permitted), all partner states have Bar Associations that organize *pro bono* practices.

Table 21: Right of bar associations to organise *pro bono* practices

Countries	Yes	No	Don't know
Algeria	X		
Israel	X		
Jordan	X		
Morocco	X		
Palestine	X		
Tunisia		X	

Table 22: Implementation of *pro bono* practices

Countries	Yes	No	Don't know
Algeria	X		
Israel	X		
Jordan	X		
Morocco	X		
Palestine	X		
Tunisia	NAP	NAP	NAP

In certain countries, a system of private legal protection allows litigants to finance a case brought to justice. This is the case in Israel (for example, in matters of home insurance) and in Tunisia, for motor insurance (but a draft law envisages extending these mechanisms).

Table 23: Existence of private insurance schemes for legal protection

Countries	Yes	No	Don't know
Algeria		X	
Israel	X		
Jordan		X	
Morocco	X		
Palestine		X	
Tunisia		X	

Certain countries are also setting up class action systems.

Israel has a law on class action: The form of collective lawsuit has recently gone through a comprehensive legislative reform in Israel with the introduction of the Class Action Law 5766-2006. The rationale underlying the foundation of the Class Action law is to allow effective mechanism for a lawsuit in which the damage caused for each member of the group is too small to facilitate individual action. The model chosen by the Israeli legislator, aimed at ensuring efficiency in the procedure, is one of "opt-out" according to which "...every member of the group defined by the Court...is deemed to have agreed that the class action be brought in his name, unless he informed the Court of his desire not to be included in the group..." [Class Actions Law, 5766-2006, art. 11(a)]

In Jordan, the practice exists although it does not rest on an express law.

In Morocco the action is such that a group may submit a single claim if it can be shown to be in the interest of the group (jurisprudence has interpreted Art. 1 of the civil procedural code on the need to have the authority to go to court).

Table 24: Existence of class action schemes

Countries	Yes	No	Don't know
Algeria	X		
Israel	X		
Jordan		X	
Morocco	X	X	
Palestine		X	
Tunisia	X		

Lastly, in certain countries, procedural costs may be weighted by the way in which the judge administers justice, particularly by the way in which he takes into account the cost of the proceedings for the parties by limiting the acts he orders (expertise, deposit, etc.) and/or by giving priority to cases that have a direct consequence on the resources of the parties (dismissals, maintenance allowance, etc.).

This measure, which often demands dialogue with the parties to determine what they expect, only exists in some of the partner countries (Algeria, Israel, Tunisia), but it is tending to develop more widely throughout the world.

Table 25: Cost of the proceedings taken into consideration by the judge for the litigating parties

Countries	Yes	No	Don't know
Algeria	X		
Israel	X		
Jordan		X	
Morocco		X	
Palestine		X	
Tunisia	X		

7. Transparency and predictability of costs and fees

7.1. Lawyers' fees

Lawyers' fees have a tremendous influence on the quality of access to justice, particularly if the user does not benefit from any legal aid. For users to gain access in good conditions through a lawyer, the fees of the latter should be transparent and predictable.

These words are not synonymous.

A fee is considered to be transparent when it is easily accessible to citizens (knowing the cost of acts).

The fee is considered to be predictable when the lawyer is able to make known to the user the approximate amount normally required to cover the whole proceedings. In practice, this predictability is often limited to the costs required to accomplish following measures.

In Israel, procedures are considered to be transparent because although there is no obligation to indicate in writing the cost of each procedure, that is done in practice. In Morocco, costs are equally transparent, in the sense that the mechanism, provided by article 44 of the law organizing the profession of lawyer, guarantees transparency through the completion of a prior agreement between the client and the lawyer regarding fees (fee agreements). Once this agreement has been concluded, it also encourages the predictability of fees. Fee agreements ("provision of service agreements") are also possible in Algeria.

In Jordan, predictability is ensured not only in information provided by the lawyer to the client, but also by the law on the Bar, which prohibits, in civil and commercial cases, that fees should be no less than 5% and no more than 25% of the value of the litigation. The NGOs use a table system to get an estimate of contributions.

Table 26: Transparency and predictability of lawyers' fees for litigants

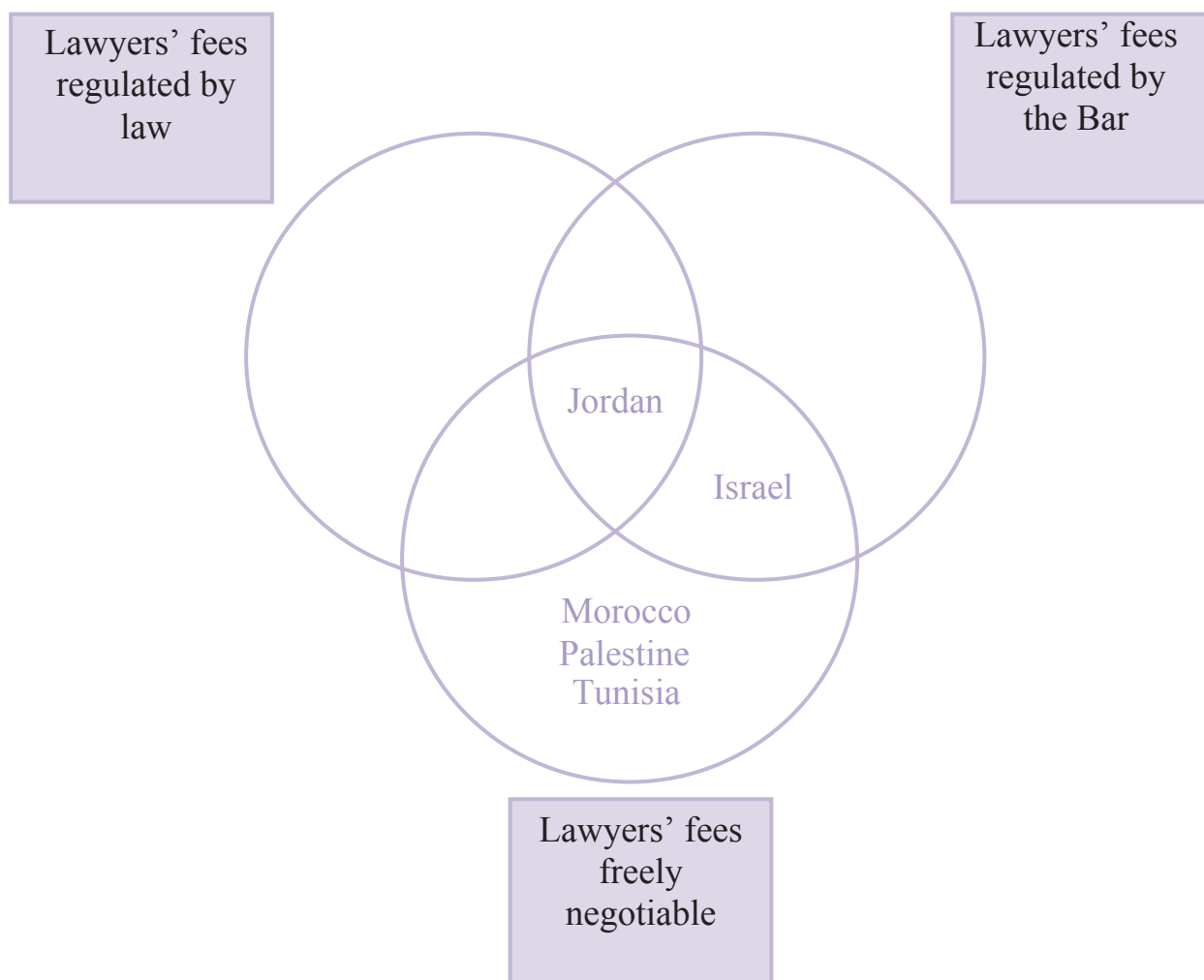
Countries	Are lawyers' fees sufficiently transparent for litigants?		Are lawyers' fees sufficiently predictable for litigants?	
	Yes	No	Yes	No
Algeria		X		
Israel	X			X
Jordan	X		X	
Morocco	X		X	
Palestine		X		X
Tunisia		X		X

Methods used to fixed fees may vary from one country to another, but all have free negotiation in common.

Table 27: Method used to regulate lawyers' fees

		Countries					
		Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Are lawyers' fees...	Regulated by law?	<i>No</i>	<i>No</i>	Yes	<i>No</i>	<i>No</i>	<i>No</i>
	Regulated by the Bar?	<i>No</i>	Yes	Yes	<i>No</i>	<i>No</i>	<i>No</i>
	Freely negotiable?	Yes	Yes	Yes	Yes	Yes	Yes

Graph 13: Lawyers' fees according to the way they are determined



In Israel, the Bar recommends a minimum amount. In Jordan, in certain cases, fees are freely negotiable.

In all the partner countries, notably with the exception of Algeria, a legal appeal is possible, should the fees of a lawyer be contested. Example, in Morocco, in the case of dispute, it is the head of the Bar Association that resolves the issue and his decision may be appealed in court. Similarly in Tunisia, where in the case of a disagreement between the lawyer and his client, it is for the more diligent party to ask the president of the competent regional division to assess the fees after an enquiry and an attempt at conciliation. The president of the court of first instance is responsible for revising this writ of execution. This decision may go to the court of appeal.

7.2. Cost of proceedings

With the exception of Palestine and Jordan (in criminal matters), all countries leave it to the judge to decide on how the cost of justice will be shared by the parties at the end of the proceedings.

Table 28: Possibility for the judge to decide on the division of the costs of justice among the parties in litigation

		Countries					
		Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Legal decision determining legal costs paid by each party	In criminal procedures	Yes	Yes	No	Yes	No	Yes
	In non-criminal procedures	Yes	Yes	Yes	Yes	No	Yes

IV. Physical and virtual access to Justice

8. Physical access to court premises

Physical access to places of justice appears to be an obvious factor in gaining access to justice. However, the criteria proposed, well responded to by the partner countries, once again reveal major disparities within each country when taking the criteria one by one into consideration.

No partner country is ready to insure that all the criteria will be met in more than 90% of its courts of first instance and court of appeal.

Table 29: number of tribunals and courts of appeal meeting the criteria proposed for physical access to these places (answers country by country)

	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Does the geographic distribution of tribunals and courts provide effective access for litigants?	100%	100%	+ than 90%	100%	100%	100%
Are signs clear enough in court buildings to guide visitors?	51 to 90%	100%	+ than 90%	+ than 90%	51 to 90%	+ than 90%
Are waiting and hearing rooms appropriately equipped with a reasonable level of comfort?	51 to 90%	51 to 90%	- than 10%	11 to 50%	51 to 90%	51 to 90%
In the courts, are waiting rooms organised in such a way that the parties in litigation do not have to wait together?	0%	0%	0%	0%	11 to 50%	11 to 50%

The criteria in which there is most failure are easily identified. The disparity in responses is slight and the countries offer, on the whole, the same amount of guarantees to their citizens on the different criteria for physical access to places of justice.

The location of places of justice and signing within the courts seem to be very satisfactory. However the level of comfort in waiting and hearing rooms, and above all, having a separate

room in which each of the parties can wait, could certainly be improved.

Table 30: Number of tribunals and courts of appeal meeting the criteria proposed for physical access to these places (answers section by section)

	Yes, always	Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
	100% of cases	Over 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Does the territorial distribution of tribunals and courts provide effective access for applicants?	Algeria Israel Morocco Palestine Tunisia	Jordan				
Are signs clear enough in court buildings to guide visitors?	Israel	Jordan Morocco Tunisia	Algeria Palestine			
Are waiting and hearing rooms appropriately equipped with a reasonable level of comfort?			Algeria Israel Palestine Tunisia	Morocco	Jordan	
In the courts, are waiting rooms organised in such a way that the parties in litigation do not have to wait together?				Palestine Tunisia		Algeria Israel Jordan Morocco

Table 31: table summarising the criteria demanding the most effort from partner countries in providing physical access to tribunals and courts

Criteria	TOTAL
Territorial distribution	35
Clear signing	29
Reasonable comfort	21
Separate waiting areas	9

If, in spite of efforts made, it is too difficult to help the citizen gain access to justice, the opposite approach might be considered of bringing justice to the citizen. In almost all the partner countries (with the exception of Algeria and Palestine), it is possible to hold hearings outside the actual tribunals and the courts themselves. In Jordan, this possibility is used above all when the parties are elderly: the judge then decides to leave the hearing room and to hold sessions at a more convenient location that he selects. The same possibility exists in Tunisia, in the case of child protection. In Morocco and Tunisia, it is not unusual for a judge to hear witnesses in cases provided for by law. Hearings with a foreign element may also take place

in the two countries implicated (there are 10 delegations in Tunisia).

The main legal and practical criteria leading to the judge leaving the hearing room are associated with the actual urgency of certain situations, the vulnerability of certain individuals and a readiness to guarantee effective and efficient measures, in particular examination.

9. Access to alternative methods of resolving disputes (mediation)

In this chapter it was decided not to place the accent on all of the alternative ways of resolving disputes (arbitration, conciliation, etc.) but only on the process of mediation, a mechanism that has been particularly well studied and appreciated in the training sessions of the EuroMed Justice II Project.

It is very difficult to come up with a common definition for mediation and currently the partner countries are at different levels of development in terms of mediation procedures. In criminal cases, it involves a whole process that allows the victim and the perpetrator to participate actively, if they freely consent to do this, in the solution to the difficulties resulting from the offence, with the aid of a third independent party (mediator). In other cases, to start with civil and family cases, it involves a process in which parties negotiate voluntarily on contentious issues in order to come up with an agreement with the assistance of one or more mediators.

On the whole, in this survey, mediation can be considered a legal process or a process used in a judicial context (for example requested by a judge), in which a third party, totally unknown to the litigating parties and who has no direct interest in the issue that is the object of the litigation, facilitates voluntary discussion between the parties in such a way as to help them resolve their difficulties and come up with agreements.

9.1. Judicial mediation

In the partner countries, only Palestine does not have a system of judicial mediation, as defined above. However, mediation is more or less implanted in judicial cultures and depends heavily on the case under consideration: only Israel and Tunisia have mediation in all family, civil and commercial, criminal, and administrative cases. In Jordan, mediation is only for civil and commercial cases, and in Morocco for civil, commercial and administrative cases.

As a result, in the partner countries, mediation exists mainly for civil and commercial cases (4 countries), to a lesser extent for administrative cases (3 countries), and finally for family cases (2 countries) and criminal cases (2 countries).

Table 32: Existence of legal mediation

Is there any mediation scheme in your legal system ...	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	<i>No</i>	Yes	<i>No</i>	<i>No</i>	<i>No</i>	Yes
In civil and commercial cases?	<i>No</i>	Yes	Yes	Yes	<i>No</i>	Yes
In criminal cases?	<i>No</i>	Yes	<i>No</i>	<i>No</i>	<i>No</i>	Yes
In administrative cases?	<i>No</i>	Yes	<i>No</i>	Yes	<i>No</i>	Yes

Morocco reports that in family cases, there is an *entente* procedure in its legal system, which is not correctly speaking family mediation, and in which the parties in the dispute are the object of an attempt at conciliation. This procedure, present in a form similar to that in other partner countries (for example, Tunisia), is known as the "two arbiters procedure". The judge appoints two arbiters (one for each spouse) from among those close to the two parties (often members of the family). These arbiters must try to come up with a solution to the dispute by identifying the origin of the problem, and then by both sides reflecting on a solution acceptable to the spouses, prior to meeting the latter and proposing their solution to them. If this does not resolve the dispute in the allotted time, the two arbiters report jointly back to the judge, who then decides the outcome.

Morocco reports, however, that in its reform of justice planned for 2011, a judicial mediation procedure for family matters is likely to be introduced. The project has been discussed was some time following some work of bilateral cooperation done with Denmark.

When they do exist in the partner countries mediation procedures are always established by law, except in Israel in criminal cases. It is usually for the judge to decide whether to use judicial mediation or not (Jordan).

Table 33: Legislation on judicial mediation

Are procedures determined by law...	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	NAP	Yes	NAP	NAP	NAP	Yes
In civil and commercial cases?	NAP	Yes	Yes	Yes	NAP	Yes
In criminal cases?	NAP	<i>No</i>	NAP	NAP	NAP	Yes
In family cases?	NAP	Yes	NAP	Yes	NAP	Yes

9.2. Cost of judicial mediation

In the partner countries where there is mediation, it is interesting to discover whether legal aid can benefit it, when legal aid exists. In fact, it is not enough to have alternative ways of

settling disputes when what is required is that the alternative proposed within the judicial framework can benefit from the same guarantees as the classical procedure.

The following table shows that in Israel and in Jordan all existing mediation procedure are likely to benefit from legal aid (if the conditions for granting legal aid are met). Jordan notes however that mediation is relatively recent and has not yet sufficiently penetrated local judicial culture: they are therefore few applications for legal aid. In Israel, the party benefiting from legal aid in civil cases may be represented by a lawyer (paid by legal aid) throughout the whole mediation process, on the condition that it is the court that has sent the parties before the mediator (legal aid does not, however, cover the cost of the mediator's fees). In Jordan, judicial mediation is free of charge and certain mediators in the private sector also provide free mediation. The opposite is the case in Morocco and Tunisia, where existing mediation procedures are excluded from the field of legal aid. The risk is then that the user has the choice between a classical procedure benefiting from legal aid and a mediation procedure not covered by legal aid, which could reduce the possibility of choice for less wealthy users and as a result reduce access to the justice that is offered them.

Table 34: Possibility of legal aid within the framework of the mediation process

Is mediation covered by legal aid ...	Algeria	Israel	Jordan	Morocco		Pales tine	Tunisia
In family cases?	NAP	Yes	NAP	NAP		NAP	<i>No</i>
In civil and commercial cases?	NAP	Yes	Yes	<i>No</i>	NA P	<i>No</i>	
In criminal cases?	NAP	Yes	NAP	NAP	NA P	<i>No</i>	
In family cases?	NAP	Yes	NAP	<i>No</i>	NA P	<i>No</i>	

Furthermore, users are sometimes asked to pay a contribution to mediation costs, even if they benefit from legal aid. However, this procedure is rare because in the two countries granting legal aid to those using mediation, only Israel asks for a contribution and only in criminal cases.

Table 35: Demand for a contribution to be made by parties benefiting from legal aid in a mediation procedure

If parties can benefit from legal aid, must they pay a contribution ...	Algeria	Israel	Jordan	Morocc o	Palesti ne	Tunisia
In family cases?	NAP	<i>No</i>	NAP	NAP	NAP	NAP
In civil and commercial cases?	NAP	<i>No</i>	<i>No</i>	NAP	NAP	NAP
In criminal cases?	NAP	Yes	NAP	NAP	NAP	NAP
In family cases?	NAP	<i>No</i>	NAP	NAP	NAP	NAP

Lastly, it is important to understand whether the cost of a mediation procedure appears to the

user as higher or lower than a classical procedure, when neither of these procedures is covered by legal aid. In Israel and Jordan, mediation seems to be less costly to the user, but in Tunisia it may appear costly to the user, which tends to reduce his/her choice of what is on offer and as a result his/her access to justice.

Table 36 and 37: Cost of a mediation procedure compared to a traditional procedure (without legal aid)

For a given dispute that does not have access to legal aid, what is the cost of mediation for the parties compared to the cost of legal proceedings?	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	NAP	Less	NAP	NAP	NAP	More
In civil and commercial cases?	NAP	Less	Less	-	NAP	More
In criminal cases?	NAP	Less	NAP	NAP	NAP	More
In family cases?	NAP	Less	NAP	-	NAP	More

For a given dispute that does not have access to legal aid, what is the cost of mediation for the parties compared to the cost of legal proceedings?	Mediation cost		
	Lower	The same	Higher
In family cases?	Israel		Tunisia
In civil and commercial cases?	Israel Jordan		Tunisia
In criminal cases?	Israel		Tunisia
In family cases?	Israel		Tunisia

9.3. Quality of judicial mediation

The partner states were asked to indicate the number of mediators involved in the supply of legal mediation. Besides Palestine (which has no legal mediation), two countries were not ready to reply to this question (Morocco and Tunisia). Only Israel and Jordan were able to indicate these figures: in Israel there are 48.3 mediators per 100,000 inhabitants while in Jordan there are 2.0 mediators per 100,000 inhabitants, a disparity that is explained by the wider range of application of mediation in Israel (sources: for Israel, the Court Managements Information System; for Jordan, ADR and the Case Management Department of the Ministry of Justice).

Whatever the number of mediators, according to the partner countries they are easily accessible to both the user and to legal services.

However, the response is more subtle regarding mechanisms guaranteeing the quality of mediation services. The codes of conduct of mediators rarely exist (only in Israel) which might be explained by the relatively short time such services have been in existence. The

bodies providing mediation services have not been given accreditation by the judicial authorities (assuming that mediators are brought into service), and in any case, the mediators themselves have received no accreditation (which leads to the assumption that their competencies are not specifically regulated for this job).

Table 38: Existence of a mechanism guaranteeing the quality of mediation services

Is there any mechanism guaranteeing the quality of mediation services ...	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Codes of conduct?	NAP	Yes	No	No	NAP	No
Mediator accreditation?	NAP	No	Yes	No	NAP	No
Accreditation of agents providing mediation services?	NAP	No	No	No	NAP	No
Other mechanisms?	NAP	No	Yes	No	NAP	No

10. Virtual access to Justice (on-line justice)

10.1. e-Justice

E-justice is the growing trend in access to justice in the partner countries.

For example, in Tunisia, the launch of an e-justice gateway by the Ministry of Justice and Human Rights, means that litigants and lawyers have remote access to judicial services, can follow the different stages of cases on trial and can download forms and printouts for requesting services.

Similarly, in Jordan and Morocco the user can consult computer screens in the court to check on the progress of his/her case simply by entering certain key references (e.g.: the coordinates of the case, file number and names of parties, etc.).

Photograph 1: Example of computer screen in court



Photograph 2: Welcome page on one of the computers in court (tactile screen)



In the partner countries a user cannot lodge a claim electronically.

It is also rare to be able to lodge items with the court digitally (e.g. lawyers conclusions): *a priori*, this possibility is not available for the moment except in Israel where lawyers can send and receive legal documents under digital format. They can also lodge a petition or documents by e-mail, using a chip card, via a website. This chip card is a card that identifies each lawyer: it may be associated with specific files that will arrive directly in an electronic folder for the judge to consult. Judges would then be able to connect via the web and consult all the folders available to them, computers playing the role of a terminal wherever connected. The security of the system is ensured in two ways: on the one hand, when judges visit the electronic files they leave signs that then identify their chip card; on the other, documents can be shared at different levels.

10.2 Videoconferencing

Progress in the new technologies also offers judicial systems the possibility of rethinking certain types of hearing and, at the same time changing the conditions of access to justice for users.

In the case of dangerous litigants, imprisoned or detained in conditions that make it difficult for them to appear (risk of escape, mobilization staff, town or city to be crossed, etc.), it may be preferable not to move the litigant. Similarly, it may be difficult to have witnesses appear in person if they are far from the court. In these cases videoconferencing may appear to be an interesting solution.

Vulnerable people may also benefit from these developments (for example, minors, sparing them direct confrontation).

The partner countries as a whole have little possibility of using this solution: with the exception of Israel, which seems to use it more widely, the courts are rarely equipped with the material required for such procedures (Jordan reports, however, that it limits the use of videoconferencing to the court of the assizes, which limits the number of courts equipped). Other countries (Algeria) reports that it has not gone beyond the stage of legislative reflection (the Ministry of Justice launched a study into holding audiovisual hearings and videoconferencing, with a view to recording by image and sound the hearing of important cases, as well as remote training and remote hearings for detainees).

Table 39: Equipment available in the courts for hearing litigants and witnesses by video-conferencing

	Are the courts equipped for videoconferencing, if required, to hear applicants and witnesses?					
	Yes, always	Yes, Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
	100% of cases	Over 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Algeria						X
Israel			X			
Jordan					X	
Morocco						X
Palestine						X
Tunisia					X	

When a videoconferencing system is set up, it must comply with strict regulations in the practice of videoconferencing. For example, in defining the rules for camera range (close-up, wide-angle), number of cameras present in the room (in particular to avoid leaving any field uncovered and ensuring the absence of outsiders in the room when the user is giving evidence), possibility for the judge to increase the size of certain details in the image, etc. In Israel, regulations on the practice of videoconferencing have been laid down by the *Criminal Procedure Regulations (enforcement powers-detention)*.

Court Photographs 3 to 6: example of a videoconferencing system in a Jordanian court (district Court of Al Zarquaa): hearing room and room linked to the hearing room

Photograph 3: Hearing room, wide angle camera at ceiling



Photograph 4: View of hearing room from the magistrates table (wide angle camera placed above them)



Photograph 5: Hearing room: Table for magistrates and clerks, individual cameras before each player, television screens and a command desk for the system in front of the President



Photograph 6: Room linked to the hearing room, with a wide-angle camera, individual camera and a screen



V. Treatment of parties by Justice

The rules regarding litigant representation, the quality of the reception given to them within the premises where justice is provided, and the services provided to users by the court, are all indicators of access to justice. They represent the treatment reserved for parties by justice.

11. Representation

In all the partner countries without exception, and whatever the area concerned, the litigant has the right to be present or represented throughout the proceedings. In Algeria and Israel, this right arises from a general principle imposed as a true basic standard in the judicial system. In Jordan, this right is recalled in a number of professional texts (magistrate courts Law, lawyers bar association) and at the head of the hierarchy of legislation (the constitution). In Morocco and Tunisia, this right is given specific mention in each branch of the law and is enshrined in the civil procedural codes (Morocco, Tunisia), criminal procedure (Morocco, Tunisia) and in the code of fiscal rights and procedures (Tunisia).

Table 40: Right of the litigant to be present or represented throughout the proceedings

Has the litigant the right to be present or represented throughout the proceedings:	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	Yes	Yes	Yes	Yes	Yes	Yes
In civil and commercial cases?	Yes	Yes	Yes	Yes	Yes	Yes
In criminal cases?	Yes	Yes	Yes	Yes	Yes	Yes
In administrative cases?	Yes	Yes	Yes	Yes	Yes	Yes

Note: The right to representation is also sometimes an obligation. One example, among others: in Tunisia, the attendance of a lawyer is obligatory in the case of a minor if the facts with which he/she is charged are very serious (Art 77 of the code on child protection), as it is before the criminal court (Art 141 of the criminal procedural code).

It is important to know in the case of representation whether this right is a lawyer's monopoly. In Algeria, there is no lawyer's monopoly depending on the type of litigation. The lawyer's monopoly is almost always the rule in administrative cases (except in Tunisia), in criminal, civil and commercial cases (except in Morocco) but it is far more rare in family cases (excepting Israel and Tunisia). It is interesting to note

that in Israel, the lawyer's monopoly is the rule whatever the type of case (which no doubt explains the large number of lawyers per 100,000 inhabitants), while it is the exception in Morocco (administrative cases).

Table 41: Existence of a monopoly of lawyers for legal representation

When the litigant can be represented, is this done through a monopoly of lawyers:	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	<i>No</i>	Yes	<i>No</i>	<i>No</i>	<i>No</i>	Yes
In civil and commercial cases?	<i>No</i>	Yes	Yes	<i>No</i>	Yes	Yes
In criminal cases?	<i>No</i>	Yes	Yes	<i>No</i>	Yes	Yes
In administrative cases?	<i>No</i>	Yes	Yes	Yes	Yes	<i>No</i>

In the absence of the lawyer's monopoly for representation, the litigant may sometimes be represented by associations or syndicates, providing these have a link with the litigation to be settled. This is always the case in Jordan and in Morocco, but never in Palestine or Tunisia.

Table 42: Possibility of being represented by an association or a syndicate in the absence of a monopoly of lawyers

When lawyers do not have monopoly of representation, can associations or syndicates assist litigants:	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	<i>No</i>	NAP	Yes	Yes	No	NAP
In civil and commercial cases?	<i>No</i>	NAP	NAP	Yes	NAP	NAP
In criminal cases?	<i>No</i>	NAP	NAP	Yes	NAP	NAP
In administrative cases?	<i>No</i>	NAP	NAP	Yes	NAP	No

12. Quality of reception in tribunals and courts

To improve the quality of reception in tribunals and courts, Tunisia has introduced certification for its reception policy for users (involving the National Institute for Standards and Industrial Property). This work has led to preparing and posting up a specific charter for the reception of visitors in most of the courts.

Other quality criteria for reception in tribunals and courts have been proposed to the partner states: training for reception agents to be able to manage stress and to assist the vulnerability of certain litigants, or having the judge take account of reasons to justify priority treatment or special forms of hearing. There are major disparities in each country when considering the criteria one by one. Above all, it seems that the

	Yes, always	Yes, Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
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number of courts and courts of appeal meeting the criteria proposed for reception quality in tribunals and courts is on the whole lower than the numbers found for the other criteria for access to justice. With the exception of Palestine, very few countries seem to train their reception agents in managing the stress of litigants or of taking account of any eventual vulnerability. Only one criterion seems to be given special attention: the judge taking account of reasons justifying priority treatment or special forms of hearing.

Table 43: Number of tribunals and courts of appeal meeting the criteria proposed for quality of reception in these places (answers country by country)

	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Within the courts, is special training given to reception staff so that they can handle the stress of applicants and witnesses?		0%	0%	- than 10%	+90%	0%
Within the courts, is special training given to reception staff so that they can assess the particular vulnerability of certain witnesses (children, disabled, etc.)?		0%	0%	- than 10%	+90%	0%
Within the courts, are specific charters for the reception of visitors implemented to improve the quality of reception?		0%	0%	0%	11 to 50%	51 to 90%
Is it a frequent measure for judges to invite those present for a hearing to understand the grounds for priority procedures or special modes of hearing (people who cannot remain standing)?		+90%	51 to 90%	100%	+90%	- than 10%

	100% of cases	Over 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Within the courts, is special training given to reception staff so that they can handle the stress of applicants and witnesses?		Palestine		Algeria	Morocco	Israel Jordan Tunisia
Within the courts, is special training given to reception staff so that they can assess the particular vulnerability of certain witnesses (children, disabled, etc.)?		Palestine		Algeria	Morocco	Israel Jordan Tunisia
Within the courts, are specific charters for the reception of visitors implemented to improve the quality of reception?			Tunisia	Palestine		Algeria Israel Jordan Morocco
Is it a frequent measure for judges to invite those present for a hearing to understand the grounds for priority procedures or special modes of hearing (people who cannot remain standing)?	Morocco	Algeria Israel Palestine	Jordan		Tunisia	

Table 45: Table summarising the criteria demanding most effort from partner countries in the area of quality of reception in tribunals and courts

CRITERIA	TOTAL (/36)
Special training to handle stress	13
Special training to assess vulnerability	13
Reception charter for visitors	10
Priority of procedures or special hearing modes	27

13. Court service

Although it does not directly change the substance of the decision reached, the court service is important for access to justice because it often remains in the memory of the litigant the most memorable aspect of the contact experienced with the judicial institution.

The international adoption of fundamental rights is changing the way in which users should be treated. The process does not lie only with the judges: trust in the judicial institution demands increasingly the need for special care in treating the participants in the procedure.

The information provided by the partner countries in assessing the service provided by the courts is proof of this willingness. Whether it is a question of providing litigants who appear in person with elementary explanations on the litigation in which they are involved, or ensuring that individuals convened do indeed understand the legal language of the proceedings or organizing hearings so that people can be convened at specific times, the response of the countries is proof of the willingness of the courts to provide quality services that will respect those individuals who attend in person. In Algeria, Jordan, Morocco and Tunisia, the parties may intervene directly in the hearing to ask for explanations.

The only criterion that seems to fall behind is the last one, on the effort of the judge to convene the parties at a specific time and not just to indicate to them the day or the half-day in which they will be heard. Such an effort, which often implies reorganizing work structures and assumes, as underscored by Jordan, of having enough time for flexibility, is out of reach of the goodwill of the judges and no doubt explains why more countries seem to find difficulties in meeting this criterion (Palestine, Tunisia).

Table 46: Number of tribunals and courts of appeal meeting the criteria proposed for assessing court performance (answers country by country)

	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Is it the usual practice for judges to give an elementary explanation to litigants appearing in person on the litigation to which they are party?	51 to 90%	51 to 90%	+ than 90%	100%	+ than 90%	100%
Is the judge concerned as to whether those summoned truly understand the legal language of the procedure?	51 to 90%	100%	+ than 90%	100%	+ than 90%	100%
Are participants in the procedure and the public treated with respect?	100%	100%	+ than 90%	100%	+ than 90%	100%
Does the judge organise his hearings to allow for convocation at a specified time?	100%	51 to 90%	100%	100%	11 to 50%	- than 10%

Table XX: Number of tribunals and courts of appeal meeting the criteria proposed for assessing court performance (answers section by section)

	Yes, always	Yes, Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
	100% of cases	Over 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Is it the usual practice for judges to give an elementary explanation to litigants appearing in person on the litigation to which they are party?	Morocco Tunisia	Jordan Palestine	Algeria Israel			
Is the judge concerned as to whether those summoned truly understand the legal language of the procedure?	Israel Morocco Tunisia	Jordan Palestine	Algeria			
Are participants in the procedure and the public treated with respect?	Algeria Israel Morocco Tunisia	Jordan Palestine				
Does the judge organise his hearings to allow for convocation at a specified time?	Algeria Jordan Morocco		Israel	Palestine	Tunisia	

Table 47: Table summarising the criteria proposed to assess court performance demanding most effort from partner countries

CRITERIA	TOTAL (/36)
Elementary explanation on litigation	30
Understanding of legal language of procedure	32
Respectful treatment of parties	34
Convocation at a specified time	27

Table 48: Possibility for the parties to intervene directly in the hearing to ask for explanations

Countries	Yes	No	Don't know
Algeria	X		
Israel		X	
Jordan	X		
Morocco	X		
Palestine		X	
Tunisia	X		

VI. Duration of proceeding

14. Urgent proceedings and simplified proceedings

In the partner countries there is a large number of urgent proceedings that facilitate access to justice for individuals in the category of urgent cases, whatever the case concerned (civil, criminal, administrative).

Only Algeria and Palestine, in criminal cases, do not use this type of procedure.

In Israel, urgent proceedings are immediate injunctions, that is, conservative measures of a temporary nature serving to freeze a situation until the complete hearing of the case before the court. In Jordan, Morocco and Tunisia, civil procedural rules allow litigants to demand an emergency interim proceeding, that is an immediate settlement of the litigation; and in criminal cases, an immediate appearance is also possible in the case of certain offences (mainly in certain cases of *in flagrante*). In Morocco, in administrative cases, there is also an emergency procedure that allows for a stay of execution.

Table 49: Existence of fast-track procedures for urgent matters

Are there fast-track procedures for urgent matters ...	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In civil cases?	Yes	Yes	Yes	Yes	Yes	Yes
In criminal cases?	No	Yes	Yes	Yes	No	Yes
In administrative cases?	Yes	Yes	Yes	Yes	Yes	Yes

Although fast-track procedures are widely shared throughout, the results are more subtle in the case of simplified procedures, which sometimes demand setting up an *ad hoc* court.

No case has been dealt with as a simplified procedure in any of the partner countries. Only Tunisia (and perhaps Palestine) has these procedures in all cases.

Less formal procedures and *ad hoc* courts may, for example, be set up for civil cases and small claims (Israel) or in criminal cases, in the case of administrative offences (Morocco, Tunisia), namely in mass litigation (e.g.: road traffic, health, environment). Certain litigation is therefore treated differently (recovery of rents, maintenance allowance) and certain courts know almost exclusively simplified procedures (proximity judge).

Table 50: Simplified procedures

Do simplified procedures exist ...	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In civil cases?	Yes	Yes	No	Yes	Yes	Yes
In criminal cases?	Yes	No	No	Yes	Yes	Yes
In administrative cases?	No	No	No	No	-	Yes

Table 51: Summary of the number of countries with urgent or simplified procedures according to the case involved

Number of countries with urgent or simplified procedures ...	Urgent procedures	Simplified procedures
In civil cases?	6	5
In criminal cases?	4	5
In administrative cases?	6	1

**An example of a simplified procedure in a criminal case:
A flat rate fine in Morocco**

In Morocco there is a procedure for a flat rate fine: this procedure can be applied to offences sentenced to a fine of a maximum of 5000 *dirams* and for which there is no victim.

Art. 375 of the criminal procedural code, which rules on administrators offences, lays down that the public prosecutor's office, when the offence is sentenced to a fine registered in a minute and in the absence of victims, may suggest payment of a flat rate fine equal to half of the maximum amount of the penalty. According to art. 383 of the criminal procedural code, the judge is then free to approve or reject the request of the Public Prosecutor's Office accepted by the perpetrator of the facts.

It is also interesting to note that in certain partner countries, courts and lawyers may conclude agreements on how cases will be dealt with (date of submission of files, determination of deadlines in which to conclude, booking dates for hearings, etc.). These agreements are generally found in different parts of the world, due to the growing trust arising between the professionals involved in justice and particularly because of the amount of time saved in the procedure (fall in the number of delaying tactics) which also benefits access to justice for users.

Table 52: Possibility of an agreement between the court and the lawyers of parties in the mode of handling matters (date for submitting documents, deadline established for closure, booking dates for hearings, etc.)

Countries	Yes	No	Don't know
Algeria			
Israel	X		
Jordan		X	
Morocco		X	
Palestine	X		
Tunisia		X	

15. Statistics on the number of cases and the duration of proceedings

Questions relating to statistics on the number of cases and on the duration of proceedings, proved to be the ones creating most difficulties for the partner countries. Despite a delay for additional research, very little information could be found for certain countries.

Four types of different cases of litigation were detected: contentious divorce

proceedings, contentious proceedings regarding dismissal, proceedings dealing with theft with violence, proceedings involving murder.

After all, only Algeria and Tunisia were ready to provide all of the required information.

Table 53: Statistics on the number of cases, in 2008

		Cases pending on 1 January 2008	New cases	Cases settled	Cases pending on 31 December 2008
Algeria	Contested Divorces				
	Dismissals				
	Robbery with violence				
	Murder				
Israel	Contested Divorces	NA	NA	NA	NA
	Dismissals	NA	NA	NA	NA
	Robbery with violence	NA	NA	NA	NA
	Murder	0	0	0	0
Jordan	Contested Divorces	NA	NA	NA	NA
	Dismissals	NA	NA	NA	NA
	Robbery with violence	NA	3 333	2 045	NA
	Murder	NA	150	30	NA
Morocco	Contested Divorces	47 945	NA	35 310	12 635
	Dismissals	NA	NA	NA	NA
	Robbery with violence	5 902	NA	NA	NA
	Murder	426	NA	NA	NA
Palestine	Contested Divorces	NA	NA	NA	NA
	Dismissals	NA	NA	NA	NA
	Robbery with violence	NA	NA	NA	NA
	Murder	NA	NA	NA	NA
Tunisia	Contested Divorces	3 684	12 776	12 035	4 425
	Dismissals	2 829	6 123	6 408	2 544
	Robbery with violence	645	2 130	2 262	513
	Murder	54	178	189	43

Consequently for Algeria and Tunisia it was possible to calculate the rate of variation of the number of cases pending between 1 January 2008 and 31 December 2008: the calculation was done in the following way:

Variation rate (in %) = $\frac{\text{Number of cases resolved}}{\text{Number of cases pending on 1 January 2008}}$

$$\text{Number of cases entering} \times 100$$

A variation rate in the number of cases pending close to 100% means that the judicial system is ready to deal with a number of cases close to what it receives.

A rate higher than 100% means that the judicial system is dealing in the course of the year with more cases than those submitted to it in the course of the same period: it is ready to reduce the possible stock of pending cases.

A rate lower than 100% means that the judicial system deals in the course of the year with fewer cases than those submitted to it in the course of the same period: it is likely to create or increase a stock of pending cases and to give rise to delays that will be prejudicial to users.

In reporting the rate of variation calculated for the number of new cases per 100,000 inhabitants (in 2008), the importance can be shown, in the same table, of the litigation and the efficiency of the response provided by the judicial institution.

Table 54: Number of new cases per 100,000 inhabitants compared to the rate of variation of the number of pending cases (in 2008)

		Number of new cases per 100,000 inhabitants	Clearance rate pending cases, en 2008)
Contested Divorces	Algeria	149,02	93,3 %
	Tunisia	123,69	94,2 %
Dismissals	Algeria	39,83	84,3 %
	Tunisia	59,28	104,6 %
Robbery with violence	Algérie	28,76	100,5 %
	Tunisia	20,62	106,2 %
Murder	Algérie	1,79	100,8 %
	Tunisia	1,72	106,1 %

The rotation ratio and the estimated duration for the stock to be dealt with can also be calculated.

The rotation ratio measures for a year the proportion of cases (category by category) that are resolved compared to the pending cases yet to be dealt with.

$$\text{Rotation ratio} = \frac{\text{number of cases resolved}}{\text{number of cases not resolved at the close of the period.}}$$

A high rotation ratio means that the judicial system deals with a high number of cases compared with the number of cases still pending at the close of the period. A weak rotation ratio means that the judicial system deals with few cases compared to the number of cases still pending at the close of the period.

The estimated duration to clear up the reserve of pending cases is an indicator in assessing the future duration (in days) required for a pending case to be resolved:

$$\text{Estimated time taken to clear up stock} = \frac{365}{\text{Rotation ratio}}$$

Table 55: Rotation ratio and estimated duration to clear up stock (in days), in 2008

		Rotation Ratio	estimated duration to clear up stock (in days), in 2008.
Contested Divorces	Algeria	3,24	112
	Tunisia	2,72	134
Dismissals	Algeria	2,25	162
	Tunisia	2,52	144
Robbery with violence	Algeria	20,70	17
	Tunisia	4,41	82
Murder	Algeria	12,81	28
	Tunisia	4,40	83

Table 56: Statistics on the average duration of proceedings, in 2008

		% of decisions appealed	% cases pending for more than 3 years	1st. instance (average duration in days)	2 nd . instance (average duration in days)	Total for procedure (total average duration in days)
Algeria	Contested Divorces					
	Dismissals					
	Robbery with violence					
	Murder					
Israel	Contested Divorces	NA	NA	NA	NA	NA
	Dismissals	NA	NA	NA	NA	NA
	Robbery with violence	NA	NA	NA	NA	NA
	Murder	NA	NA	NA	NA	NA
Jordan	Contested Divorces	NA	-	-	-	-
	Dismissals	NA	-	-	-	-
	Robbery with violence	NA	-	-	-	-
	Murder	NA	-	-	-	-
Morocco	Contested Divorces	NA	NA	NA	NA	NA
	Dismissals	NA	NA	244	NA	NA
	Robbery with violence	NA	NA	NA	NA	NA
	Murder	NA	NA	NA	NA	NA
Palestine	Contested Divorces	NA	NA	NA	NA	NA
	Dismissals	NA	NA	NA	NA	NA
	Robbery with violence	NA	NA	NA	NA	NA
	Murder	NA	NA	NA	NA	NA
Tunisia	Contested Divorces	16,1%	8,6%	132 j	171 j	139j
	Dismissals	48,4%	8%	136j	268j	180j
	Robbery with violence	51,4%	4%	51j	86j	62j
	Murder	98,7%	8,1%	82j	111j	96j

Table 57: Statistics on the average duration of proceedings (in 2008) compared to the estimated duration required to clear up the stock of pending cases (in days)

		% cases pending for more than 3 years	1 st . instance (average duration in days)	Estimated duration to clear up stock of pending cases (in days)	2 nd . instance (average duration in days)	Total for procedure (total average duration in days)
Algeria	Contested Divorces	0%	90 to 120			
	Dismissals	0%	90			
	Robbery with violence	0%	15 (correctional) 90 (criminal)			
	Murder	0%	90			
Tunisia	Contested Divorces	8.6%	132			
	Dismissals	8%	136			
	Robbery with violence	4%	51			
	Murder	8.1%	82			

VII. Presentation of court decisions

The presentation of court decisions is an important element in access to justice for at least two reasons.

On the one hand, the decision of the court, because it is a direct link between judges and litigants, should not just be judicially grounded: the forum should prolong the substance so that litigants are sure they have been heard, if not having their claims granted. To a certain extent, if the courts decisions are well presented, in writing, this promotes access to justice, because a good court presentation encourages this oral access.

On the other hand, judges providing justice are appraised by observers, whether these are citizens, practitioners of the law or university students, through the decisions they have taken. It is, therefore, particularly important that these individuals looking for information should be able to find it in a clear and precise framework, which often depends to a great extent on the presentation of decisions.

In all of the partner countries, it is the rule that the grounds for a decision systematically take in all the points of disagreement of the parties so as to give exhaustive answers. Similarly, the decision should be exposed systematically in detail the grounds for the judge's reasoning.

To facilitate these measures, the magistrates in the partner countries all benefit from specific training so that the pronouncement and grounds for their decisions are comprehensible. Furthermore, most of the judicial systems, with the exception of Israel, work within one or several strict formal frameworks, to be respected whatever the type of case concerned and the level of the court (lower or higher courts) where the case is heard. Therefore in Algeria, judicial decisions must respect the formal framework laid down in civil and administrative procedural code (art. 275, 276 of the CPCA) and the criminal procedural code (art. 379 of the CCP). In Jordan, the rules for civil procedure lay down the elements for the validity of any judicial decision, at the risk of it being declared null and void. In Morocco, article 50 of the Civil Procedural Code details the elements that are obligatory in the act. In Tunisia, article 168 of the criminal procedural code and article 123 of the civil and commercial procedural code lay down the formalities to be respected.

Table XX: Formalities to be adopted in presenting the decision of the court in general courts

Must court decisions comply with specific formalities in general jurisdictions:	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	Yes	No	Yes	Yes	Yes	Yes
In civil and commercial cases?	Yes	No	Yes	Yes	Yes	Yes
In criminal cases?	Yes	No	Yes	Yes	Yes	Yes
In administrative cases?	Yes	No	Yes	Yes	Yes	Yes

Table XX: Formalities to be adopted in presenting the decision of the court in the high courts

Must court decisions comply with specific formalities in the high court:	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	Yes	No	Yes	Yes	-	Yes
In civil and commercial cases?	Yes	No	Yes	Yes	Yes	Yes
In criminal cases?	Yes	No	Yes	Yes	Yes	Yes
In administrative cases?	Yes	No	Yes	Yes	Yes	Yes

Here are two examples that illustrate these formal obligatory frameworks, one a civil case (Morocco), and the other a criminal case (Tunisia):

**Example of the formal framework in a civil case:
Civil procedural code of the Kingdom of Morocco**

In accordance with article 50 of the civil procedural code:

Judgments are passed in public hearing. They bear the following title:

Kingdom of Morocco; In the Name of his Majesty the King

They bear the name of the judge who has made the decision, of the public prosecutor, if involved, and the clerk of court, as well as the names of the councillors, if is a social case.

They mention the surnames, first names, position or profession, domicile or residence of the parties, and, if involved, the names, position and address of the official representatives.

They list the presence or absence of the parties or the receipt of convening papers.

They contain a reference to the hearing of the parties present or of their representatives and the conclusions of the public prosecutor, if involved.

They recall the conclusions of the parties, the summary analysis of their means, receipt of items produced and legislative provisions applied.

Mention is also made that discussions took place in a public hearing or in camera and that the judgment has been passed in a public hearing.

They should always be motivated.

**Example of the formal framework in a criminal case:
Criminal procedural code of Tunisia**

In accordance with article 168 of the criminal procedural code:

Any judgment indicates:

- 1) The court that rules, the names of the magistrates, the representative of the public prosecutor's office and the clerk who have sat and the date of the decision.*
- 2) The surnames, first names, addresses and judicial precedents of the defendants.*
- 3) The object of the charge*
- 4) The motives in fact and in law of the decision, even in the case of acquittal*
- 5) The provision stating the sentence or acquittal of the defendant and an indication of the repressive legal texts of the law that have been applied.*
- 6) Payment of costs.*

Due to the development of data-processing systems and the repetitive nature of certain types of litigation, pre-prepared papers are used in all partner countries: these are standard decisions (or large extracts of decisions) so that a pre-established outline is available that can then be adapted to the case in question to tailor the decision. All types of litigation are concerned, with the exception in Morocco of administrative cases.

Table 60: Type of litigation in which standard decisions (or large extracts of decisions) are likely to be used

If yes, explain in what kind of litigation:	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
In family cases?	Yes	Yes	Yes	Yes	-	Yes
In civil and commercial cases?	Yes	Yes	Yes	Yes	Yes	Yes
In criminal cases?	Yes	Yes	Yes	Yes	Yes	Yes
In administrative cases?	Yes	Yes	Yes	No	Yes	Yes

The partner countries were asked to indicate whether the grounds for decisions taken by the judges in their judicial system works sufficiently well to give clear guidance to the parties, that is to help them understand the meaning of the decision and to help them except the arguments that support it.

As a whole, the replies from the partner countries reflect high acceptance rates, but they do not explain the source of the estimation or the possible existence of surveys.

Table 61: Do the reasons underlying decisions achieve justice for the parties?

	Is the reason for decisions sufficient to guide parties clearly in their acceptance of the fairness and legality of decisions?					
	Yes, always	Yes, Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
	100% of cases	Over 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Algeria		X				
Israel		X				
Jordan			X			
Morocco	X					
Palestine		X				
Tunisia		X				

Table 62: Summary table on the grounds for decisions in the partner countries

CRITERIA	TOTAL (/36)
Adequate grounds for decisions	30

VIII. Access to Justice for the vulnerable

16. Compensation for victims of offences

Most often in the partner countries there is a system for the victim of an offence to take the perpetrator to court and ask for damages and interest in proportion to the victim's loss, but there is no equivalent guarantee fund to compensate victims in the case of the perpetrator being insolvent. Also it seems to be impossible for the victim to submit the final decision on compensation to a body that will advance the funds and substitute the victim to take action against the perpetrator again.

Surveys done to assess the rate of recovery of damages and interest accorded by the courts to victims are very rare. Only Jordan reports that such a survey was done although restricted to studies done by insurance companies, and not on the recovery of all damages-interests accorded by the judges. Such studies are therefore of great importance because they are the only ones likely to measure the effective application of the decisions of the judge. The partner countries are seriously encouraged to introduce them to control the practical reality of access to justice for victims who have won their case.

17. Access to the language of proceedings

In partner countries where there are many linguistic minorities an official version of legislative texts is in place (Constitution, codes, Official Journal, etc.), in the languages concerned (for example, Arabic for Israel, French for Tunisia).

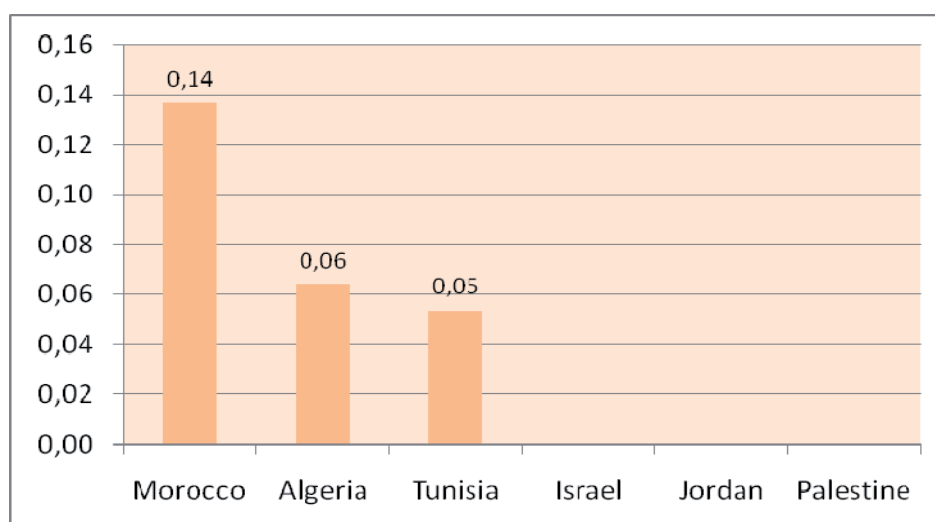
Those individuals, often foreign in origin, who do not speak the language of the proceedings, only rarely have access to an official version of the legislative texts in their own language. The only exceptions seem to be Algeria and Morocco, where documents are translated not only into French (Algeria), but also into English, and sometimes into Spanish (Morocco). They do, however, have the right to an interpreter, at no extra cost, in all the partner countries whatever the type of case concerned (family, civil and commercial, criminal, administrative). Interpreters may be available within certain courts (in most of the court in Jordan and Palestine, but rarely in Israel), but they are most often attached to outsource services or are

independent, possibilities implying their accreditation as judicial experts (in Algeria: 0.51 interpreters accredited per 100,000 inhabitants; in Morocco: 1.06 interpreters accredited per 100,000 inhabitants; in Tunisia, 0.82 credited interpreters per 100,000 inhabitants). Whatever mode is selected, the translators or interpreters, according to the countries, are easily and quickly mobilized.

Table 63: Number of interpreters or translators accredited as judiciary specialists in 2008

Countries	Number of interpreters or translators accredited as judiciary specialists (on 1 January 2008)	Source:
Algeria	173	Ministry of Justice
Israel	0	The Court Management
Jordan	NA	NA
Morocco	317	DAC – Ministry of Justice
Palestine	-	-
Tunisia	85	Ministry of Justice and Human Rights

Graph 14: number of interpreters (or accredited translators) as judicial experts per judge (in 2008)



18. Measures relating to proceedings

Measures relating to judicial proceedings are those concerned with the regulation of procedure, that is the measures adopted, as well as the conditions required to practise the different acts in the proceedings.

In simplifying the conditions required to practise certain acts, access to justice for the

handicapped has been reinforced.

In Israel, Morocco and Tunisia the court must sometimes travel to hear the evidence of a handicapped person or one with a vulnerability who is prevented from reaching the court easily. In Tunisia, legal aid is granted with full rights before the Industrial Relations Court and to the victim of a labour accident or a professional-related illness or to those having rights before all the courts.

Table 64: Simplification, to the benefit of those vulnerable, of conditions required for certain acts

Countries	Yes	No	Don't know
Algeria		X	
Israel		X	
Jordan	X		
Morocco	X		
Palestine		X	
Tunisia	X		

Where the accent is on oral delivery in proceedings, the conditions for conducting judicial acts have been modified in such a way as to benefit the handicapped.

Consequently, procedural measures may be speeded up, which reduces the effects of a delay in the judicial decision on the situation of handicapped persons. This is particularly important in progressive illnesses. Therefore, in Tunisia, the procedure before the judge of the *canton* is simplified. The judge hearing the case is notified in a simple written request submitted by the plaintiff, or his representative, to the clerk of the *canton* court. The oral procedure is not excluded so that the plaintiff clarifies his intentions and the object of the claim. In matters of social security, law n° 2003-15 of 15 February 2003 creates the appointment of a social security charge and provides for the latter to make a verbal statement presented to the clerk of court.

The preparation and availability of forms that are easy to use and to understand help involve the handicapped person even more in the proceedings: this person then becomes more of a protagonist and is therefore able to assess better what is happening (in the two meanings of the French expression: the handicapped person can represent him/herself better and is better placed to accept the consequences). In practice, this adaptation of the forms is even more necessary in the case where legal aid is not obligatory.

Table 65: Existence of forms easy to use for those who are vulnerable so as to help them with procedural measures (when representation is not obligatory)

Countries	Yes	No	Don't know
Algeria		X	
Israel			X
Jordan	X		

Morocco	X		
Palestine		X	
Tunisia	X		

Note: Israel's answer is ambiguous because it refers to forms that are not specifically adapted to those who are vulnerable.

Having the handicapped participate in proceedings sometimes gives rise to proceedings being adapted, if the law permits. For example, this adaptation may lead to an early gathering of proof, and to an early examination of the same.

This avoids the repetition of statements and that also permits an examination of the proof before the handicap or the illness concerned becomes worse and makes interrogation or counter-interrogation impossible.

To this end, in Tunisia, article 69 of the criminal procedural code also provides for the examining judge to proceed with an immediate interrogation and to meetings if the urgency is due to either the state of a witness in danger of death, or to signs that he or she is on the point of disappearing, or again if he is taken to the scene in the case of *in flagrante*.

Table 66: Possibility of discussing proof in advance to avoid a later hearing becoming impossible due to an illness or handicap becoming worse

Countries	Yes	No	Don't know
Algeria	NAP	NAP	
Israel	X		
Jordan	X		
Morocco	X		
Palestine	-	-	-
Tunisia	X		

To this end, it could be useful to make an audiovisual recording of the proceedings in action, in which the handicapped person participates. In this way, it could be re-shown in successive judicial forums.

Table 67: Possibility of recording statements made by those who are vulnerable, using audio-visual means

Countries	Yes	No	Don't know
Algeria		X	
Israel		X	
Jordan	X		
Morocco		X	
Palestine	-	-	-
Tunisia		X	

In Tunisia, a draft bill on installing mechanisms to help protect children who are the

victims of physical or sexual violence during the enquiry, examination or judgment, are being prepared. This allows the family judge and judicial police officers to hear the child who is the victim of this violation in his own home or wherever he is to be found. The same draft bill makes it possible for the examining judge, should the health or psychological state of the child who was the victim of these violations so demand, to decide if the child should not appear. The examining judge may, in this case, use audiovisual means for the hearing, ensuring the necessary and pertinent legal guarantees.

19. Measures relating to judicial organization and management

Measures relative to the administration of justice are those concerning the organization and management models applied in the bodies making up the judicial system, so that even the style in which the judicial system is organized facilitates access to justice for the handicapped.

Guaranteeing access to justice for a vulnerable person may sometimes justify, in the interests of good administration of justice, adopting measures that alter usual judicial organization and management.

To this end, in Tunisia, vulnerability may serve to justify the priority treatment of a file, whatever the phase of the proceedings: pre-sentence, sentence or post-sentence.

To deal with anxieties linked to being involved in a judicial act, a handicapped person sometimes needs to be accompanied by a specialized staff member (psychologist, social worker, interpreter, translator, etc.) or by a person who can give emotional reassurance (close relative or friend, etc.). It is therefore useful to query the grounds for such possibilities in the procedure. In certain countries, particularly in Jordan, multi-disciplinary structures are in place, should the vulnerable person request them, in order to improve the response that justice provides to this person (for example, in the case of violations, in Jordan, psychological or social assistance can be given, and medical advice can be provided by the court, which will settle all costs involved).

Table 68: Possibility of multi-disciplinary structures to accompany vulnerable users

	If the vulnerable person (or his/her representative) so requests, is inter-disciplinary accompaniment provided to improve the response of the judicial system to the demand for justice (e.g. legal expert, medical doctor, psychologist, social worker, etc.)?					
	Yes, always	Yes, Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
	100% of cases	Over 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Algeria						X
Israel				X		
Jordan		X				
Morocco					X	
Palestine						X
Tunisia						X

20. *Specific information and specific presentation of court decisions*

The mentally handicapped person is quickly lost where he or she finds him/herself in unfamiliar surroundings. The mentally handicapped prevents any adaptation with the surrounding environment.

The handicapped person, particularly those who are mentally handicapped, should therefore be informed as best as possible of the important aspects of their intervention in the judicial procedure. However, such guarantees do not exist in the partner countries.

Table 69: Existence of procedural guarantees for vulnerable persons to be duly informed of the important aspects of their intervention throughout the whole court procedure and in a way adapted to the circumstances of their vulnerability

Countries	Yes	No	Don't know
Algeria		X	
Israel		X	
Jordan		X	
Morocco		X	
Palestine		X	
Tunisia		X	

The information given under this item should contain, at least, the following points:

- The nature of the judicial act in which the person is going to participate
- His/her role in this act
- The type of support this person can receive for this act in particular and that the body or institution responsible for the aid.

If the vulnerable person is a party in the proceedings, or could become one, it is the responsibility of the authorities to ensure that this person receives pertinent information to protect his/her interests. This information should include, at the least, the following points:

- The type of support or assistance that will be given within the framework of judicial actions
- The rights this person may exercise during the proceedings
- The form and conditions in which this person may have access to legal counsel or to free technical and judicial assistance should this possibility be provided for in the existing system
- The type of services or organizations the person can address to receive aid.

In certain partner countries, specific training is given to magistrates to help them understand better the specific vulnerability of certain litigants or certain witnesses (children, handicapped persons, etc.). To this end, in Algeria and Jordan, there is a specific training programme in the judicial handling of minors and Tunisia encourages on-going training for magistrates at the *Institut Superior de la Magistrature* and institutes specializing in these matters (Tunisia encourages the same type of training for lawyers at the *Institut Superior* for the legal profession). However, this training does not seem to cover certain important aspects of the question: the written use of terms and syntax taking into consideration problems of comprehension for the vulnerable, or learning oral reflexes that will help ensure that the vulnerable person understands the case, the hearings, the appearances and other judicial proceedings in which he/she participates (the only exception being Palestine).

Table 70: Existence of specific training for magistrates on questions of vulnerability

Countries	Yes	No	Don't know
Algeria	X		
Israel		X	
Jordan		X	
Morocco		X	
Palestine	X		
Tunisia	X		

Note: Morocco is in a bilateral cooperation project with Denmark to provide specific information to magistrates on reception technique.

21. Appearance in court premises

Personal appearance in judicial premises may be necessary but difficult for certain categories of vulnerable users (reduced mobility, blindness, etc.).

Not all of the courts in the partner countries are equipped with easy access. There is a major disparity between the countries.

On the whole, the courts in the partner countries have never planned for a service to accompany those with reduced mobility to move within their premises to get to the hearing rooms (the only exception being Tunisia).

Table 71

	Yes, always	Yes, Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
	100% of cases	Over 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Do people with reduced mobility (e.g. the handicapped, the elderly) have easy access to court buildings, such as access ramps or parking places reserved for them?	Israel	Algeria Tunisia	Jordan	Morocco		Palestine
Is assistance provided to accompany people with reduced mobility to hearing rooms, when such a service is requested?			Algeria Tunisia			Israel Jordan Morocco Palestine

Table 72: Table summarising the criteria demanding most effort from the partner countries in the field of access to locations

CRITERIA	TOTAL (/36)
Multi-disciplinary team	10
Easy access	24
Assistance service	12

IX. Assessment of justice and citizen confidence

22. Consequences of malfunctioning justice

It may seem surprising that in a survey on access to justice there is a chapter on the consequences of judicial malfunctioning.

If fact, this matter will only be dealt with looking at the possibilities provided to users to re-establish the correct functioning of justice during a trial or to obtain reparation in the case of malfunctioning that has seriously limited that person's access to justice.

22.1. Proceedings underway: objection

During judicial proceedings, in most partner countries it is possible to make an objection to a Magistrate (sole exception being Palestine).

In Algeria, according to articles 554 and following of criminal procedural code, the demand for an objection is made in writing and signed by the applicant and it is then addressed to the President of the court of appeal or to the Supreme Court according to the level of the magistrate who is the object of the objection. The President decides on the application by ordinance.

In Israel, the procedure is enumerated in section 77A(a) of the Courts Law – 1984 and states that a party wishing to object to a magistrate must first make this request to the magistrate. If the magistrate does not recuse himself/herself, then the party has the right to appeal directly to the Supreme Court of Israel (the highest instance). The Supreme Court will decide the case (one Justice only) by deciding on the legal issue: "Are there definite circumstances under which an apprehension arises that the judge acted biasedly."

In Jordan, the civil procedures law specified rules for the inability of judges either in civil or criminal law.

In Morocco, according to articles 295 and 296 of the civil procedural code, any objection may be made against any sitting magistrate when he/she has, or the spouse has, a direct or indirect personal interest in the dispute; when there is a blood relationship or alliance between the magistrate or his/her spouse and one of the parties up to and including first cousins; when there is a trial underway or when a trial has ended in less than two years before between one of the parties and the magistrate or his/her spouse or their predecessors or descendants; when the magistrate is a creditor or debtor to one of the parties; when previously he had he has given council, pleaded or represented in the dispute or he has been known as arbiter; if he gives evidence as a witness; when he must act as the legal representative of one of the parties; if there is a link of subordination between the judge or his/her spouse and one of the parties or his/her spouse; if there are a known friendly or hostile relations between the judge and one of the parties. The application for an objection is therefore formed according to the rules established for the initial petition to the court. The judge against whom it is directed is notified, he replies in writing within 10 days, agreeing to the objection, or refusing to abstain or responding to the means of objection. If it is a case of a magistrate in the court of first instance, the application for objection is, in the three days from his response, or lack of response, sent to the court of appeal that will decide within 10 days on the objection in council chamber, the president of the court having, beforehand, listened to the explanations of the applicant party and the magistrate who is the object of the objection. If it is a case of a magistrate of a court of appeal or the Supreme Court, it is decided in the same way and within the same time by the court of appeal or the Supreme Court.

In Tunisia, articles 296 and following of the criminal procedural code provide that the accused, the civil party or all parties in the case who, for one of the causes listed in civil and commercial procedural code, refuses a magistrate should submit a petition to the first president of the court of appeal accompanied by all practical justification and explaining the facts motivating the objection. Articles 248 and following of the civil and commercial procedural code deal with an objection to magistrates in civil matters.

22.2. Proceedings closed: compensation

Litigants may also in most partner countries, open proceedings at a later date to appeal against the malfunctioning of justice (Algeria, Israel, Jordan, Tunisia).

This procedure may be replaced by, or associated with, a system of compensation for litigants. Several types of case were proposed to the partner countries: excessive duration of the proceedings, a failure to execute judicial decisions, unjustified arrest or sentence.

Excessive duration of proceedings never gives rise to a system of compensation, which is explained for certain countries (Morocco, Tunisia, from example), by the fact that very little litigation gives rise to excessive delays.

The type of malfunctioning for which most often there is a compensation procedure is unjustified arrest (3 countries) and unjustified sentence (3 countries), the failure to execute judicial decisions (2 countries).

In Algeria, forms of compensation payment agreed by the compensation committee set up in the Supreme Court because all unjustified provisional detention and judicial error are fixed by executive decree N°10-117 of 21/04/2010. In Israel, where no compensation system has been introduced, the litigant who feels that he/she has been the victim of judicial malfunctioning must take action against the justice system to claim compensation. The chances of success and the amounts attributed very considerably. The failure to execute judicial decisions and unjustified arrest may be qualified as criminal. In Tunisia, the compensation system for those who have been detained provisionally or sentenced and who have then been proved innocent, was established by law n° 2002-94 of 29 October 2002.

Table 73: Existence of a compensation system for users should there be a malfunction of Justice

Is there a compensation scheme for litigants in the following circumstances:	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
Excessive duration of procedures?	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Non-enforcement of judicial decisions?	<i>No</i>	<i>No</i>	Yes	Yes	Yes	<i>No</i>
Unjustified arrest?	Yes	<i>No</i>	Yes	<i>No</i>	Yes	Yes
Unjustified conviction?	Yes	<i>No</i>	<i>No</i>	<i>No</i>	Yes	Yes

22.3. Disciplinary measures and sanctions

Should a magistrate fail seriously in exercising his duties he may receive disciplinary sanctions. For example, in Israel, there is a department in the Ministry of Justice whose task it is to follow up complaints made against judicial staff.

However, information and statistics on disciplinary measures and sanctions are not systematically accessible to the public and to litigants.

Table 74: Access for the public and litigants to information on disciplinary measures and sanctions in courts

Countries	Yes	No	Don't know
Algeria	X		
Israel	X		
Jordan		X	
Morocco	X		
Palestine	X		
Tunisia		X	

23. Reports and surveys

Among the partner countries, some countries produce an annual report on the quality and efficiency of the judicial system and this report is made public (Israel and Palestine). However, this report is never the object of Parliamentary discussion (in Jordan it is submitted to the King but not to the public).

Certain states set up a commission of enquiry when difficulties are identified in the way in which the judicial system functions (Jordan and Tunisia). This is then a judicial commission (Jordan, which stresses the importance of an independent judicial system) or administrative (Tunisia, which reports that its work is not public but deals with the general inspection of the Ministry of Justice and Human Rights).

Citizens are never consulted directly to establish the priorities of the judicial system (budgetary guidelines, priorities given to certain litigation, etc.). However, in certain countries (Jordan, Morocco), associations competent in judicial matters (victims, consumers, etc.) are invited to play a significant role in improving the way justice functions and in identifying priority action areas and measures to be adopted, either through conferences (including in the programme training for judges, as in Jordan), or through consultation.

In Algeria the report is not presented regularly to citizens, or to Parliament. When difficulties are identified in the way in which the judicial system functions, no commission of enquiry is set up. Citizens and more generally civic society (associations, etc.) are not called upon to play a significant role in improving the way in which justice functions or in establishing that the priorities of the judicial system (budgetary guidelines, priorities given to certain litigation, etc.)

24. Communication

Progress made in our societies and in technology, as well as changes in attitude mean that increasingly our judicial systems must have better communication. Whether it is a question of making their citizens more aware of justice or giving the courts a face and a voice in order to get a clear message across to the media, communication is gradually imposed as a new aspect of access to justice.

In all of the partner countries efforts towards proximity are being implemented so that the functioning and quality of justice at local level can become better known (public debates, meetings with associations, visits by school pupils, etc.). "Open days" also organized to allow citizens to visit the courts (not in Jordan although Justice, which is public, is often visited by school pupils).

The disparities between states are more pronounced in responses on whether they have in their courts a person in charge of press relations, given special media training for this task. Although this is more rare in Jordan, it is more frequent in Israel and in Palestine but absolutely non-existent in Morocco and Tunisia.

Table 75: Existence within the court of a person specifically trained to deal with the press

	Does each court have a person responsible for press relations, and trained for this job?					
	Yes, always	Yes, Yes, in almost all cases	Yes, in most cases	Yes, but rarely	Yes, but very rarely	No, never
	100% of cases	Over 90%	51% to 90%	11% to 50%	Less than 10%	0% of cases
Algeria	X					
Israel	X					
Jordan					X	
Morocco						X
Palestine		X				
Tunisia						X

Table 76: summary table on court relations with the press

CRITERIA	TOTAL (/36)
Adequate motivation for decisions	21

25. Trust of public and litigants

The existence of satisfaction enquiries in the partner countries addressing the public, litigants and judicial professionals helps to assess the trust enjoyed by the justice service, but also the degree of satisfaction regarding the service provided. Satisfaction enquiries seem to be an essential tool in measuring court performance in terms of quality and efficiency. Access to justice can then be measured based on qualitative elements and endogenous to users.

Not all countries have set up satisfaction enquiries: they simply do not exist in Algeria. Among the countries that do have them, distinction should be made between the groups interrogated: they may be judges, court personnel, prosecutors, lawyers, citizens present as court users or other users. No country uses the enquiries for all of these categories.

Table 77: Existence in the partner countries of surveys into satisfaction with the justice service

Does your country carry out surveys on litigants or legal professionals (judges, lawyers, staff, etc.) to assess their confidence in justice and their level of satisfaction with the service provided?	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
(satisfaction) survey on judges	<i>No</i>	Yes	Yes	<i>No</i>	Yes	<i>No</i>
(satisfaction) survey on court staff	<i>No</i>	<i>No</i>	Yes	<i>No</i>	Yes	<i>No</i>
(satisfaction) survey on prosecutors	<i>No</i>	Yes	Yes	<i>No</i>	<i>No</i>	<i>No</i>
(satisfaction) survey on lawyers	<i>No</i>	Yes	Yes	Yes	Yes	<i>No</i>
(satisfaction) survey on citizens (visitors to courts)	<i>No</i>	<i>No</i>	Yes	Yes	Yes	Yes
(satisfaction) survey on other court users	<i>No</i>	Yes	<i>No</i>	Yes	Yes	Yes

The surveys most frequently conducted concern the lawyers and citizens present as court users. These are followed by the judges and only then by court and public prosecutor staff. The category of other court users covers very different realities (economic operators, etc.).

Table 78: groups of professionals or users of courts involved in satisfaction surveys.

(satisfaction) Surveys ...	Number of countries
...on judges	3
...on court staff	2
... on prosecutors	2
... on lawyers	4
... on citizens (visitors to courts)	4
...on other court users	4

Table 79: supplementary information on satisfaction surveys conducted in the partner Countries.

Countries	If yes, explain
Algeria	
Israel	-
Jordan	NAP
Morocco	Survey on commercial jurisdictions and RC by economic operators; and on the capacity of the Ministry of Justice to communicate with the public and litigants, June 2004 (see the web site of the Ministry of Justice).
Palestine	These Surveys are organized by the development projects supported by donors and published in the annual report on the quality of justice.
Tunisia	Reports of the citizen supervisor (Decree n° 147 of 18 January 1993 on creating the citizen supervisor team) are sent to the different departments involved with a view to correcting any problems found.

These surveys are done preferably at both national and local level (that is, in several representative courts) in order to get the general feeling as well as the complexity of putting them into practice *in situ*.

Lastly, it is also important to take into consideration the frequency of satisfaction surveys. A survey repeated regularly includes a time factor that will show how satisfaction evolves and clarifying results obtained in the light of work done, for example in the field of access to justice. Only Palestine carries out regular surveys (in the courts): this practice has allowed it to measure the growing satisfaction of citizens towards justice and to explain it not only due to outside factors (stability, security, improvement in the economic situation) but also by factors belonging directly to the judicial system (reinforcing the rate of execution of sentences passed).

Tables 80 and 81: classification of partner countries according to level and frequency of satisfaction surveys.

	Regular survey	Occasional survey
National survey	Jordan	Israel Morocco Tunisia
Court survey	Palestine	Israel Morocco

	Frequency of surveys		Level of surveys	
	Regular	Occasional	National	Local (courts)
Algeria	NAP	NAP	NAP	NAP
Israel		X	X	X
Jordan	NAP	NAP	NAP	NAP
Morocco		X	X	X
Palestine	X			X
Tunisia		X	X	

X. International cooperation

In the context of growing international mobility on the part of users, international co-operation is a key factor in access to justice. Although declining in civil or criminal matters, rules and procedures implemented are evidence today in the partner countries of considerable effort, although there is still much to be done.

26. International civil cooperation

26.1. Strong points

In Algeria, by implementing instruments for international cooperation it is the letters rogatory, the notification of the judicial and extra-judicial acts, the exequatur procedure, the right to legal aid (open to foreign litigants on the same basis as nationals) that seem to form the essence of international civil cooperation

In Israel, experience in matters of civil cooperation, and more specifically family cooperation, it is relatively important due to sustained immigration and emigration. Israel has therefore cooperated with a number of countries regarding the question of maintenance allowances due to the New York Convention of 20 June 1956 on recovering maintenance abroad, and due to the Memorandum of Understanding signed in with the government of the United States on the mutual recovery of maintenance. Israel is also a signatory to the Convention of 25 October 1980 on the civil aspects on international child abduction and has vast experience in this field.

Morocco has numerous international co-operation conventions, both bilateral and multilateral, available on the website of the Moroccan Ministry of Justice (<http://justice.gov.ma> heading "Ministry" then "conventions"). It has also established in its arsenal of cooperation liaison magistrates (with Belgium, Spain, France, etc.).

What is a liaison magistrate?

Summary taken from the European Union website (<http://europa.eu>)

The judicial systems of the countries are different. Based on this finding, certain countries, first European, then non-European (Morocco, China, United States, etc.), adopted agreements with a view to improving the speed and efficiency of judicial co-operation, and facilitating the reciprocal understanding of systems.

These agreements have led to an exchange of magistrates or staff who are particularly expert in the procedures of judicial co-operation, known as "liaison magistrates", between the signatory countries, on the basis of bilateral or multilateral arrangements.

The functions of liaison magistrates normally cover all activities with a view to promoting and accelerating all forms of judicial co-operation in criminal and civil

matters, particularly through establishing direct contacts with the competent services and with other judicial authorities in the host country.

The functions of the liaison magistrate may also include, based on arrangements between the sending country and the host country, all activities for information and statistical data exchange, to promote a mutual understanding of the respective systems and the judicial databases of the countries concerned, as well as relations between court staff in each of these countries.

The signatory countries both learn of initiatives already underway as well as those adopted in view of the implementation of their agreement.

Morocco is the first country outside community Europe to have been able to benefit from an exchange of a liaison magistrate with a community state (Spain, in 2004).

Morocco is also developing its own international cooperation network (Réseau Marocain de Coopération Judiciaire Internationale - RMCJI), which has been presented to the UN.

What is the Moroccan international judicial co-operation network (Réseau Marocain de Coopération Judiciaire Internationale - RMCJI)?

Summary taken from the website of the RMCJI (<http://www.justice.gov.ma/rmcji>)

The Moroccan international judicial co-operation network is a group composed of fifty magistrates who are experts in international judicial co-operation their mission being to facilitate, improve and promote an exchange of international judicial eight demanded or granted by Morocco, through active assistance and support to the judicial authorities concerned, whether national or foreign, in establishing informal contacts between them, with two possibilities for action:

- Providing a follow-up to consultations demanded by the judicial authorities, for an informal intervention not excluding parallel respect for formal mechanisms for co-operation provided in conventions in force;
- Contributing to the creation of tools able to facilitate, improve and promote international judicial co-operation.

The Moroccan network was therefore designed as an instrument to serve directly local and foreign judicial authorities and, indirectly, local and foreign administrative authorities involved in co-operation. To involve other European and Spanish-American networks already in existence, the Moroccan network seems to be a pragmatic solution destined to overcome, on the one hand, failures in the traditional model for judicial co-operation in view of new challenges and, on the other, weaknesses that have been noted during the diagnosis done on the reality of co-operation with Morocco. This solution is feasible particularly in terms of training, allocating means of access to information and direct contacts for a restricted group of magistrates who will be, initially, the only ones to benefit from all of the resources available, so that at a later date they can transfer what they have acquired to other magistrates.

The functions attributed to the members of the network are not judicial in nature, that is, the magistrates who are part of it do not intervene as magistrates in exercising their duties within the Network. It is for this reason that their intervention outside their professional capacity must be compatible with full respect for the judicial authority requesting or executing the act of cooperation. The contact points advise, inform or act as intermediaries or coordinators, but beyond these interventions, they may exert no influence on the judicial procedure involved in the demands for co-operation given or received.

Tunisia reports that within its legal order, international conventions for judicial co-operation, whether bilateral or multilateral, once ratified and published in the Official Journal, have a value superior to that of national law (article 32 of the Tunisian Constitution). These conventions deal with procedural issues in commercial matters allowing derogations to national law and facilitating access to justice for foreign citizens. In commercial matters, Tunisia is linked to other countries by judicial co-operation conventions such as the New York Convention on the recognition of foreign arbitration sentences and their execution (1958), the Arab Convention of Riyadh on judicial cooperation (1983) and the Arab Convention of Amman on commercial arbitration (1987). Tunisia is also linked by bilateral judicial cooperation conventions with foreign states ("brotherly and friendly countries"). Essentially these give a foreign citizen the same rights and guarantees of access to justice as a national citizen, for example access to legal aid, obtaining reasonable time for notifications, a more fluid and efficient exchange of information between ministries and those responsible, etc. In family matters, bilaterally, Tunisia is linked with several countries by conventions on civil matters, more specifically conventions on employee status. Within this framework, Tunisia is linked to 5 countries by specific bilateral conventions dealing with family matters (France, Belgium, Sweden, Norway and Morocco). Multilaterally, Tunisia is party to the New York Convention of 1956 on maintenance allowance to foreigners. Information required for matters on trial and procedural or administrative issues concerning the judicial service in Tunisia can be consulted from abroad, as can the judicial cooperation conventions ratified by Tunisia, by consulting the website (<http://www.e-justice.tn>) set up by the Ministry of Justice and Human Rights.

Jordan has indicated also that it is involved in numerous bilateral or multilateral conventions, without however giving additional details.

26.2 Points remaining to be improved

There are many disparities between the partner countries on the subject of international cooperation in civil matters, which is even more problematic because it is precisely one of the factors in the efficiency of this cooperation. Access to justice will obviously be reinforced if the countries would encourage one another to become better harmonized.

The countries were also invited to give their views on the remaining points on how to improve civil international cooperation.

In Algeria, the most obvious fields of action seem to be hearing all parties in trials involving Algerians and foreigners as well as the exequatur procedure for foreign trials in matters involving right of visit and stay.

In Israel's court system for family law there exist both civil and religious courts. There are difficult issues of jurisdiction and knowing which court system is the proper one to adjudicate issues in family law between two parties who share the same recognized religion. As there are no officially recognized religious courts in most of Europe (aside from one religious court in Greece) or in the USA, sometimes parties who do not reside in Israel, who wish to avail themselves of the Israeli court system, may not understand which court has jurisdiction to decide over their case.

Jordan reports that the priority for it seems to be organizing training courses on civil international cooperation for professionals working in justice.

For Morocco, the objective is the same in publicizing information on judicial cooperation, but also boosting the network (conventional and personnel) for this cooperation.

Tunisia reports that it has begun the work of renovating and modernizing old bilateral conventions, and that this has been done with two Arab countries so far, Syria and Morocco. Tunisia adds that it is always possible to improve existing services providing access to justice by using modern means of communication and information distribution, but where financial and technical means permit. In terms of legislation, Tunisia says it is ready to use the best practices internationally, whereby they comply with legislation and means available.

27. *International criminal cooperation*

27.1. Strong points

There are a good number of strong points within the framework of international civil cooperation, and also some strong points in criminal matters. The specificity of criminal matters does however reveal some differences.

In Algeria, questions of extradition, judicial cooperation and an exchange of information seem to be among the strong points.

In Israel, International assistance and cooperation in penal matters are conducted pursuant to the International Legal Assistance Law and pursuant to bilateral and multilateral treaties. Under Section 47 of Israel's International Legal Assistance Law, Israel can request legal assistance in obtaining evidence whenever a court determines that such evidence is required for the purpose of the proceedings before it. Such

assistance can be and is utilized for the benefit of the defence as well as the prosecution, providing a mechanism by which defence counsel in criminal cases can obtain evidence and information needed for the defence.

In the area of extradition, the protection against extradition without due process is provided by Israel Basic Law: Human Dignity and Liberty which provides in Section 5: "There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise."

Thus, under Israeli law a person wanted in extradition cases is provided with extensive due process rights. In addition all, wanted persons in all extradition cases are permitted access to representation by the Israel public defence office under section 20a of the Public Defender Law.

The due process rights and protection regarding international penal cooperation in cases of less serious offences refer to above apply as well in terrorism cases.

In Morocco, besides international cooperation conventions, instituting the liaison judges and the Moroccan network for international judicial co-operation already detailed above, international cooperation in criminal matters covers letters rogatory and is regulated, from within, in the Kingdom (Title II of book 7 of the criminal procedural code).

In Tunisia, conventions on judicial cooperation in criminal matters concern mainly extradition, but also other areas, such as exequatur procedures and the administration of justice (see annexes). Tunisia is also party to most of the multilateral conventions dealing with criminal matters, namely the UN conventions on combating organized crime and terrorism (see Annexes), as well as other more regional conventions, including the Arab Convention on overcoming terrorism, the Convention of the Organization of the conference of Islamic States on combating international terrorism and the Convention of the Organization of the African Union on preventing and combating terrorism (see Annexes).

27.2. Points remaining to be improved

Comments on the disparities between partner countries in matters of international civil cooperation are also valid for criminal matters.

Looking at some of the spontaneous comments made by other countries, Jordan, Morocco and Tunisia consider that the points remaining to be improved in civil matters cover those of criminal matters. Palestine refers to its own particularly important needs in terms of international criminal cooperation on the question of legal aid.

28. *Specific international mechanisms*

Based on the specific international mechanisms that have already been proved elsewhere for their efficiency and progress in access to justice for citizens, certain

inter-state aspects of cooperation have been proposed to the partner countries.

The countries could, for example, develop projects for judicial cooperation together, in which they could consult on the same website, translate into their respective languages comparative files giving information on legal aid in the case of cross-border litigation; or manuals could be produced jointly for judges so that they can understand cooperation better and have more faith in the competencies and mind-set of foreign magistrates on these same questions (as they will all have the same common information).

The countries could also agree on a convention to improve access to justice in cross-border civil matters, by establishing the minimum common rules on legal aid: 1) ensure that appropriate legal aid is granted, under certain conditions, to those individuals who cannot face the cost of proceedings because of their financial situation or disparities in living standards; 2) facilitate the compatibility of national law on this subject and establish the mechanisms for cooperation between the authorities in the different countries.

The countries could also set up certain common rules of procedure to help settle simple or less important cross-border litigation, particularly uncontested claims (founded, for example, on the expertise in this area of institutions such as the International Union of Judicial Officers, UIHJ). These common rules of procedure could, for example, cover preparing a common Mediterranean enforcement order for all the partner countries: this instrument would ensure for this type of claim the free movement of decisions, judicial transactions and authentic acts in all the partner countries.

The countries will also prepare minimum common standards for the protection of victims of crime. A common understanding of the idea of victim would make it easier to consider the victim's situation within the framework of the proceedings and to develop more assistance, particularly when the crime has taken place in country other than the one in which the victim resides. A common text to help align proceedings in aspects such as respect for and recognition of victims, the right to receive information, the guarantee of comprehension, the right to costs being paid, criminal mediation, etc. would be very useful.

Lastly, the countries could introduce standardized forms for applying for compensation in the case of an offence presenting a foreign element. These forms, once filled in by the victim, could be easily understood by lawyers, judges, compensation services, etc. whatever the partner country to which they are addressed, providing they are common to all of the countries.

To look into these questions in more detail, the partner countries were asked if they had set up these mechanisms with other countries.

Table 82: Existence of specific mechanisms for international cooperation

Has your country set up with other countries:	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
A permanent information network making available to practitioners or litigants the practical information required to access justice in these countries?	<i>Yes</i>	<i>No</i>	-	<i>No</i>	<i>Yes</i>	<i>No</i>
Minimum rules on legal aid to facilitate the settlement of cross-border litigation?	<i>No</i>	<i>No</i>	-	<i>No</i>	<i>No</i>	<i>Yes</i>
Common rules of procedure to settle minor cross-border litigation?	<i>Yes</i>	<i>No</i>	-	<i>No</i>	<i>No</i>	<i>Yes</i>
Minimum rules on the protection of victims whenever an offence involves a foreign element?	<i>No</i>	<i>No</i>	-	<i>No</i>	<i>No</i>	<i>No</i>
Standard forms for requests for compensation in the case of an offence involving a foreign element?	<i>No</i>	<i>No</i>	-	<i>No</i>	<i>No</i>	<i>No</i>

Algeria reports that it has bilateral conventions with France for the permanent exchange of practical information, and says that above all common rules of procedure have been implemented to settle minor cross-border litigation.

Palestine reports that it has experience of an information network providing practitioners and litigants with the practical information required to gain access to justice in the countries. This mechanism, that it shares with the countries of the Arab League, might serve as a basis for further reflection on a network for shared information specific to the Mediterranean countries. The site of the European judicial network in civil and commercial matters could be another source of inspiration (for example right to legal aid, see - http://ec.europa.eu/civiljustice/legal_aid/legal_aid_ec_fr.htm).

Graph XX: web page of the European Judicial Network for civil and commercial matters.

The screenshot shows the website of the European Judicial Network for civil and commercial matters. The page is in French. On the left sidebar, under 'THÈMES', there is a list of topics including 'Ordre juridique', 'Organisation de la justice', 'Professions juridiques', 'Aide judiciaire', 'Compétence des tribunaux', 'Saisine des tribunaux', 'Délais de procédure', 'Droit applicable', 'Signification et notification des actes', and 'Obtention et mode d'exécution'. The 'Aide judiciaire' topic is highlighted with a red box. On the right side, there is a list of European countries with their flags, also highlighted with a red box. Below the screenshot, there are three annotations with arrows pointing to the highlighted elements:

- Topics dealt with within the Network (pointing to the 'Aide judiciaire' topic in the sidebar)
- On left, list of topics, per country selected (on right), or summary of topic (as shown here) (pointing to the 'Aide judiciaire' topic in the sidebar)
- Click on the country and the information page on the selected topic will appear (pointing to the country list on the right)

Tunisia reports that it has experience in international cooperation on the minimum rules to be adopted for legal aid matters to facilitate the control of cross-border litigation (principle of free and easy access to the courts for the pursuit and defence of rights and interests, legal aid, cost of interpretation and translation of documents, travel expenses for witnesses and experts, etc.). It also has experience in matters regarding common rules of procedure to settle minor cross-border litigation (transmission and delivery of the judicial acts, transmission and execution of letters rogatory, recognition and execution of judicial decisions, etc.).

Other countries seem to have no direct experience in the mechanisms proposed.

However, all the partner countries have shown an interest in developing all or part of these mechanisms.

Table 83: Interest shown by partner countries in having mechanisms for international cooperation

If the following mechanisms do not exist currently in your country, do you think they could respond to a need?	Algeria	Israel	Jordan	Morocco	Palestine	Tunisia
A permanent information network making available to practitioners and litigants practical information required to access justice in these countries?		<i>No</i>	-	Yes	Yes	Yes
Minimum rules for legal aid to facilitate the settlement of cross-border disputes?		<i>No</i>	-	Yes	Yes	NAP
Common procedural rules to settle minor cross-border disputes?		Yes	-	Yes	Yes	NAP
Minimum rules on the protection of victims whenever an offence involves a foreign element?		<i>No</i>	-	Yes	-	Yes
Standard forms for requests for compensation in the case of an offence involving a foreign element?		<i>No</i>	-	Yes	-	Yes

Conclusion

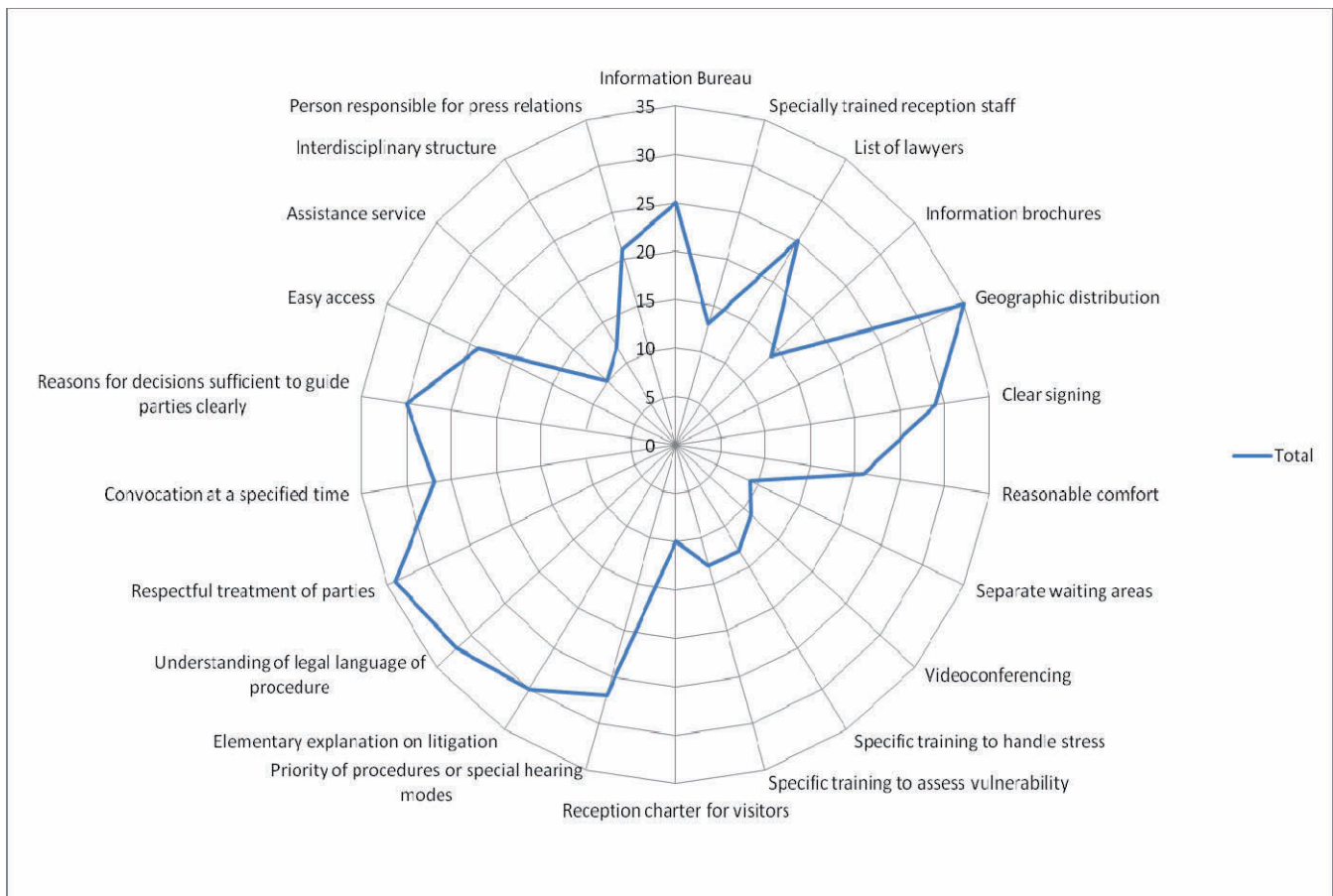
Proof of good practice for better access to justice

It is not for us to define for each country what is most convenient for it to undertake by way of reform. The partner countries alone can determine the reforms that would be best implemented.

This survey does, however, suggest certain approaches:

- The countries could, if this has not already been done, systematically publish the case law of the court, making this freely and easily accessible to the public, including in digital format.
- Certain countries have the know-how that could benefit victims of crimes in other countries: they could share their experience on implementing a specific, public and gratuitous, information system, that will inform and assist victims of crimes.
- The reception at courts could sometimes be improved, particularly in gaining access to the law (information provided by the court, e.g. information brochures, explanatory DVD) and the service provided to users (staff training). The countries could share their experiences and reflect on how to prepare guidelines on the quality of reception at courts (criteria, assessment, etc.).
- The countries could take the opportunity to introduce the cost of justice and the cost of execution into the field of legal aid. They could also ensure that the NGOs likely to play a prime role in legal aid, should, if required, be given sufficient support.
- Guidelines could also be drawn up for lawyers' fees with a view to improving transparency and predictability.
- The countries could share their experiences on alternative ways of settling litigation. They could exchange their know-how on mediation and reflect on quality criteria for mediation and on problems regarding its cost (legal aid, etc.). They could take the opportunity to introduce this into criminal matters.
- Implementing e-justice, now or in the near future, common to all of the partner countries, could be useful for them to exchange their experiences in this area, particularly for preparing their justice systems for the challenges of the future (introduction of an online petition, lodge a complaint, transmit items, etc.).
- Video conferencing, because of its prospects and the questions it raises, would also be the object of exchanges of experience. Guidelines on the correct use of videoconferencing in the courts could be prepared by the partner countries.

- The partner countries could exchange their experiences on the collection of judicial statistics. They could try to harmonize the information collected.
- The countries could prepare guidelines on access to justice for vulnerable people, using the best practices in each of the partner countries, particularly in the following fields: compensation for victims of crimes, language of the proceedings, adaptation of proceedings, adaptation of judicial organization and management, specific information, presence at locations.
- The countries could take the opportunity to extend the possibilities of compensation for users should there be a malfunction of Justice.
- The countries could discuss the opportunity and ways in which citizens can be associated with judicial procedures: citizen consultation, role of associations, publication of an activity report, people's jury, etc.
- The countries could consider the opportunity and the ways in which a person responsible for press relations and specially trained for this task could be established to represent the voice of the judicial institution.
- The countries could reflect on implementing a regular assessment system on user satisfaction and on the satisfaction of the staff working in the judicial institution, both at national and local level.
- The countries could reinforce their international cooperation and develop certain specific mechanisms (information network, minimum common rules in certain fields, standardized international forms, etc.).
- The following graph gives a clearer idea of the points remaining to be improved concerning certain topics (non-exhaustive): it draws a balance of the summary tables shown throughout the survey.



Annexes

Annex 1: Source of general economic and geographic data (table 1)

Countries	Source used for number of inhabitants (on 1 January 2008):	Source used for annual GDP in euros / inhabitants (on 1 January 2008) :	Source used for average annual gross salary per inhabitant (in euros, on 1 January 2008):
Algeria	National Statistics Office	-	
Israel	Israeli Central Bureau of Statistics, Table.cbs.gov.il , Statistical Abstract of Israel 2010 – No. 61 Table.cbs.gov.il/reader/shnatonenew-site.htm table 2.1	Israeli Central Bureau of Statistics, Table.cbs.gov.il , Statistical Abstract of Israel 2010 – No. 61 Table.cbs.gov.il/reader/shnatonenew-site.htm table 14.2	Israeli Central Bureau of Statistics, Table.cbs.gov.il , Statistical Abstract of Israel 2010 http://Table.cbs.gov.il/archive/200901/yarhon/k4_Table.xls
Jordan	Statistics Department link	Central Bank of Jordan web site	http://Table.dos.gov.jo/sdb_ec/sdb_ec_a/index.htm
Morocco	Table.hcp.ma	Table.finances.gov.ma	NA
Palestine	PN-Bureau of statistics	PN-Bureau of statistics	UNDP
Tunisia	Institut National de la Statistique (I.N.S)	Ministry of development and international cooperation.	INS (Budget économique)

Israel: The GDP for the year 2007 was 95707 NIS, the equivalent of 16911.75 Euros, The GDP for the year 2008 was 98853 NIS, or 17467.66 Euros

Annex 2: Sources used for the number of prosecutors on 1 January 2008 (table XX)

Countries	Source used for number of prosecutors (on 1 January 2008, on a full-time basis)	Source:
Algeria	632	Ministry of Justice
Israel	400 (estimation)	BI (business intelligence) reports of the human resources department in the state attorney's office.
Jordan	94	Statistics department
Morocco	698	Secrétariat du CSM
Palestine	110	A G office
Tunisia	212	Ministry of Justice and Human Rights

Annex 3: Sources used for the number of lawyers on 1 January 2008 (table XX)

Countries	Number of lawyers (on 1 January 2008)	Source:
Algeria	15526	Ministry of Justice
Israel	39 000	Israel Bar Association Registry
Jordan	7 919	Jordanian lawyers bar
Morocco	9 641	DAC – Ministry of Justice
Palestine	2 300	Bar Association
Tunisia	5 999	Ministry of Justice and Human Rights

Annex 4: Number of general courts of first instance (on 1 January 2008)

Countries	Number of general courts of 1st. Instance (on 1 January 2008)	Source:
Algeria	194	Ministry of Justice
Israel	29	The Court Management
Jordan	16	Ministry of Justice records
Morocco	66	DAC – Ministry of Justice
Palestine	8	High Judicial Council (HJC)
Tunisia	27	Ministry of Justice and Human Rights

Annex 5: Number of specialist courts of first instance (on 1 January 2008)

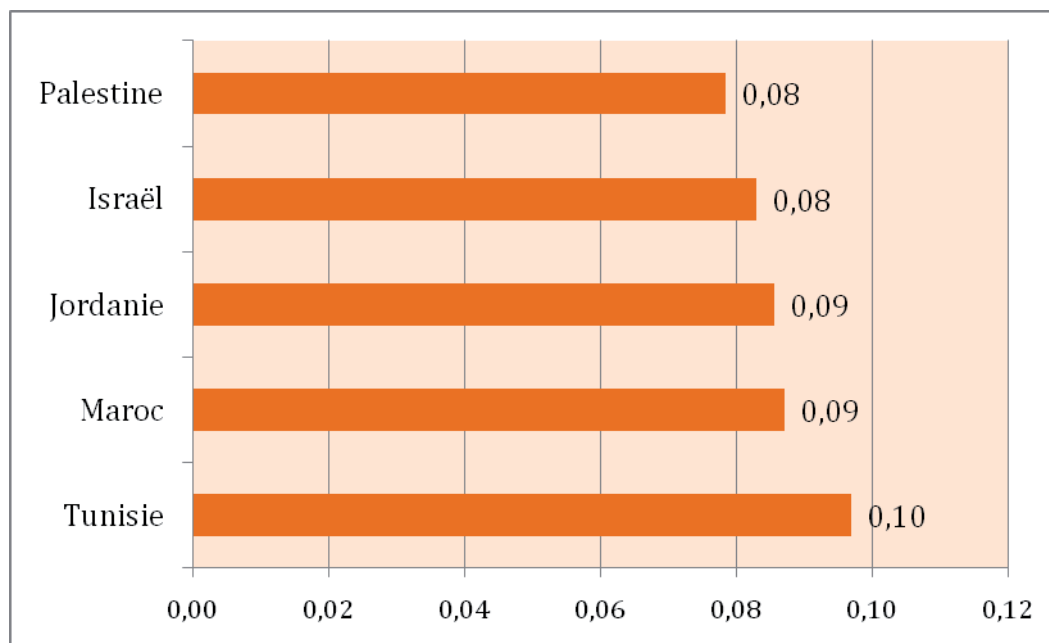
Countries	Number of specialist courts of first instance (on 1 January 2008)	Source:
Algeria	NAP	-
Israel	5	The Israeli Law
Jordan	NAP	NAP
Morocco	15	DAC – Ministry of Justice
Palestine	2	High Judicial Council (HJC)
Tunisia	NAP	-

Annex 6: Comments on the general organisation of jurisdictions

Countries	Comments
Algeria	Ordinance n°97-11 of 19 March 1997, on judicial division, introduced 48 courts of appeal of which 36 are in operation, and 214 tribunals, of which 194 are in operation
Israel	<p>Jurisdictions are organised as follows :</p> <p>Magistrate's Courts: Southern District: Be'er Sheva, Ashkelon, Ashdod, Kiryat gat, Dimona, Eilat. Jerusalem District: Jerusalem, Beit Shemesh Centre District: Kefar Sava, Rishon le Zion, Petah Tiqwa, Ramleh, Rehovot, and Netania Tel Aviv District: Tel Aviv, Ramat Gan, Herzliyah. Haifa District: Haifa, Aka, Kiryat bialik, Hadera, Nahariya. Nazareth District: Nazareth, Tiberia, Bet shean, Afoula, Kiryat shmona, Qazrin, Masada.</p> <p>Appeal jurisdictions: Nazareth, Haifa, Tel Aviv, Petah Tiqwa, Be'er Sheva</p>
Jordan	NA
Morocco	-
Palestine	Each Governance has its first instance court.
Tunisia	-

Countries	Comments
Algeria	Ordinance n°97-11 of 19 March 1997, on judicial division, introduced 48 courts of appeal of which 36 are in operation, and 214 tribunals, of which 194 are in operation
Israel	<p>Les juridictions sont implantées comme suit :</p> <p>Magistrate's Courts: Southern District: Be'er Sheva, Ashkelon, Ashdod, Kiryat gat, Dimona, Eilat. Jerusalem District: Jerusalem, Beit Shemesh Centre District: Kefar Sava, Rishon le Zion, Petah Tiqwa, Ramleh, Rehovot, and Netania Tel Aviv District: Tel Aviv, Ramat Gan, Herzliyah. Haifa District: Haifa, Aka, Kiryat bialik, Hadera, Nahariya. Nazareth District: Nazareth, Tiberia, Bet shean, Afoula, Kiryat shmona, Qazrin, Masada.</p> <p>Appeal jurisdictions: Nazareth, Haifa, Tel Aviv, Petah Tiqwa, Be'er Sheva</p>
Jordan	NA
Morocco	-
Palestine	Each Governance has its first instance court.
Tunisia	-

Annex 7: Graph showing the number of appeal jurisdictions per 100,000 inhabitants (on 1 January 2008) and table showing absolute values and sources



Jordan: 3 ordinary appeal courts (Amman, Maan, and Irbid) and 1 sharia appeal court and 1 military appeal court

Morocco: 21 ordinary appeal courts, 2 administrative appeal courts, and 3 commercial appeal courts.

Annex 8: Summary of criteria tables

In blue: criteria relative to access to the law

In dark green: criteria relative to physical access to justice

In mauve: criteria relative to the treatment of parties by Justice

In yellow: criteria relative to the presentation of decisions

In Orange: criteria relative to access to justice for vulnerable people

In light green: criteria relative to Communication

CRITERIA	TOTAL (/36)
Information Bureau	25
Specially trained reception staff	23
List of lawyers	25
Information brochures	14

CRITERIA	TOTAL (/36)
Geographic distribution	34
Clear signing	29
Reasonable comfort	21
Separate waiting areas	9
Videoconferencing	11

CRITERIA	TOTAL (/36)
Specific training in dealing with stress	13
Specific training in assessing vulnerability	13
Reception charter for visitors	10
Right of priority to special hearing modes	27
Elementary explanations on litigation	30
Understanding of the legal language of the procedure	32
Parties treated with respect	34
Convocation at a specific time	27

CRITERIA	TOTAL (/36)
Reason for decisions to guide litigants clearly	30

CRITERIA	TOTAL (/36)
Easy access	24
Assistance service	12
Inter-disciplinary structure	10

CRITERIA	TOTAL (/36)
Person responsible for press relations	21

