

## **Survey on Stakeholders' Perception of the Iraqi Judiciary System and the HJC**

**Final Report**

**December 3, 2013**

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## EXECUTIVE SUMMARY

In this report Integrity M&E Ltd presents the findings of surveying three proposed groups (public, media and lawyers) in Baghdad governorate. Though the surveys' questionnaires contained open questions, we were able to quantify most of the answers. The analysis of the collected data indicates that the majority of the respondents, particularly those amongst public and media members, have negative perceptions of the judiciary. The lawyers agreed with public and media representatives in most of the time but stayed neutral in certain issues. It is crucial to know the needs of the HJC members in terms of communications in order to develop the proper programs and activities aims to improve the relation between Iraqi citizens and the judiciary. Details of the findings are highlighted in the following pages.

## BACKGROUND ON HEWAR INITIATIVE

Iraq Foundation (IF) is currently implementing a Hewan (meaning dialogue) program in five Iraqi governorates, including Baghdad. The program is expected to contribute to a more transparent judiciary, capable of conducting meaningful outreach to the media and public, while establishing positive relations with justice sector stakeholders. The project will also enhance citizen's access to legal information and their knowledge of legal rights and criminal justice institutions in Iraq. *Hewan* has three objectives: (1) Diagnose gaps in judicial stakeholder relations and establish a long-term communications strategy and outreach plan for the HJC. (2) Increase transparency and outreach to Iraqi citizens through enhanced stakeholder relations and cooperation. (3) Enhance Iraqis' knowledge of rights and resources available, to ensure proper exercising of their rights.

The project will be implemented in two stages: During Stage 1, IF will work to identify and address gaps in stakeholder relations and build up the capacity of the HJC through training and mentoring of HJC officials on essential skills, and holding meetings between members of HJC and various stakeholders. Stage 2 will focus on developing public understanding of the HJC mandate, the rights of citizens, and judicial processes through local media campaigns.

IF partnered with an experienced Beirut-based **regional strategic communications firm**, Strategic Communication Consultancy (S2C), to supply trainers to train the HJC staff, as well as selected experts to provide ongoing mentoring and follow-up with the HJC. S2C will assist the HJC in developing a medium-term communications strategy, provide written materials for future development, and recommend various mediums (including use of technology platforms, to increase public information and transparency). Prior to developing any training plan and providing training materials, a survey focusing on stakeholder relations is required to serve as an initial diagnostic tool for the project.

## STAKEHOLDERS' PERCEPTION SURVEY

### Scope of the Survey

The aim for this survey is to assess the existing perceptions of the Judiciary System and the HJC amongst the Iraqi general public, lawyers and the media. These elements are essential to establish, in order to successfully elaborate a communication strategy that is in tune with existing perceptions, increase transparency in defined areas, increase stakeholder cooperation, and enhance public knowledge of citizens’ rights and how to properly exercise them.

The assessment was conducted by the distribution of questionnaires, or face-to-face interviews. The target groups were lawyers, the public, and media representatives.

**Methodology**

Surveying the targeted groups was conducted based on the following methodology and assumptions:

1. The proposed sample sizes for the target groups are shown in Table 1. However, the actual sizes differed from the proposed ones. The actual sizes are also listed in the same table.

**Table 1:** Proposed and Actual Sample Sizes of the three Target Groups

Group	Proposed Sample Size	Confidence Level	Margin of Error	# of Individuals Surveyed
Lawyers	100	95%	10% or better	197
Journalists	100	95%	10% or better	170
Public	200	95%	7% or better	200

2. Surveying the lawyers and the journalists was achieved through distributing written questionnaires that the respondents were asked to fill out. The public survey was conducting through face to face interviews.
3. Surveying lawyers, and media representatives was facilitated by two journalists and a lawyer, and interviewing the public was conducted by a team of two surveyors (a male and female); this variety of surveyors helped reach the respondents.
4. The lawyers and media representatives were selected based on a first come first served principle. The questionnaire forms were made available in places where the target stakeholders gather (such as unions, courts, media companies, etc.). Individuals from the public were selected randomly.

**Developing Questionnaires**

With the cooperation of S2C, a master questionnaire was developed, and then modified to suit each surveyed group. Each questionnaire consisted of three sets of questions with a total of 14 to 19 questions. About two thirds of the questions are quantitative multiple choices questions, and the rest are qualitative questions. The questionnaires were translated to the Arabic language and revised by a legal aid expert. Copies of these questionnaires are enclosed in Appendix A.

## Data Analysis:

A simple, user friendly access database was developed, and two data entry officers were hired to enter the collected data. The database was customized to suit the collected data, minimize errors in data entry, and allow for proper correlation between different sets of data. Quantitative data was then transferred to Excel and SPSS for analysis. MS Word was used to analyze qualitative data. A database/SPSS manager was deployed to administer the database, and to train the surveyors on how to enter data into the proper fields and check for validity.

## SURVEYS' FINDINGS

### General Information

The ages of the surveyed individuals varied from group to group. This is summarised in Table 2. As far as gender is concerned, IME tried to give fair representation to females in these surveys, particularly in the public surveys. This is depicted in Table 3. The respondents also varied in their level of education. This is illustrated in Table 4.

**Table 2:** Ages of the Surveyed Individuals

Age Category	Public Group	Media Members	Lawyers
15 – 24	41.0%	23.5%	48.4%
25 – 34	28.5%	44.1%	12.3%
35 – 44	14.5%	20.6%	19.6%
45 – 64	10.0%	10.0%	9.2%
65 +	6.0%	1.8%	7.1%

**Table 3:** Gender Distribution of the Surveyed individuals

Gender	Public Group	Media Members	Lawyers
Females	49.5%	24.7%	24.1%
Males	50.5%	75.3%	75.9%

**Table 4:** Levels of Education of the Surveyed Individuals

Educational Level	Public Group	Media Members	Lawyers
Illiterate	4.5%		
Informal Education	2.5%		
Primary School	21.5%	1.2%	
Intermediate School	23.5%	7.1%	
Secondary School	21%	15.3%	
University Graduate	25%	68.2%	85.7%
Postgraduate	2%	8.2%	14.3%

### Taking Legal Action

Upon asking the public whether they would take legal actions during a conflict, about 58% of the respondents favored to do so; the ratio varies very little between male and female respondents (this is represented in Table 5). Although the ratio varies according to the level of

education of the respondents, the variations do not seem to be directly linked to education (see Table 6). Upon asking the respondents about their motivations for taking legal actions, their motives varied between enforcing law and justice (31.5%), punishing the violators (15.5%), stopping the violators from committing other crimes (7%), and getting compensation (3%) - these findings are illustrated in Chart 1.

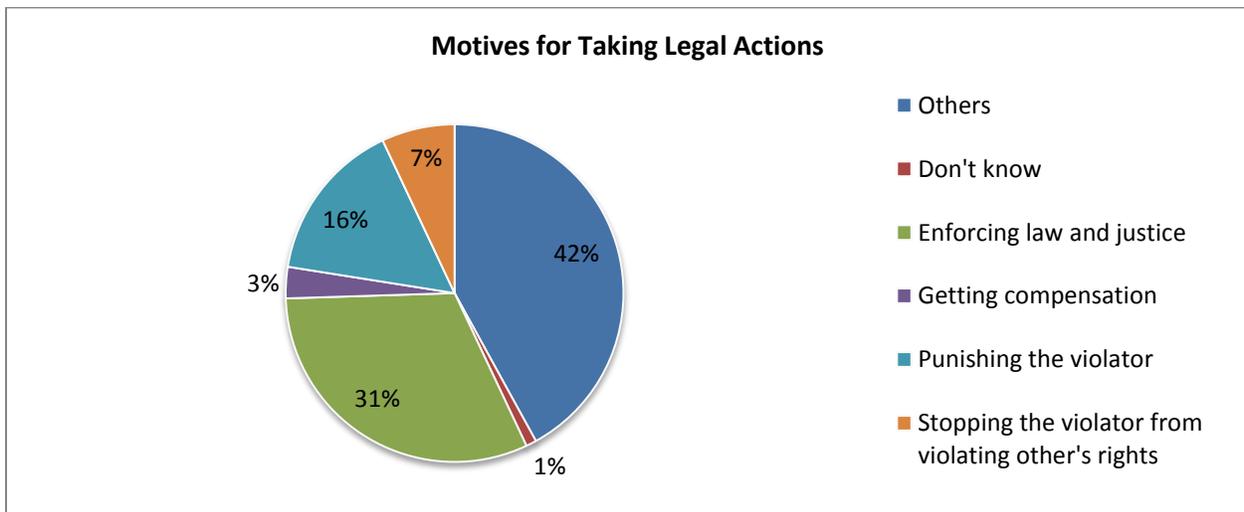
**Table 5: Taking Legal Actions During a Conflict**

Would You Take Legal Actions?	Females	Males	Total
Yes	54.5%	61.4%	58%
No	45.5%	38.6%	42%

**Table 6: Taking Legal Actions as a Function of Respondents' Level of Education**

Educational Level	Taking Legal Action?	
	Yes	No
Illiterate	66.7%	33.3%
Informal Education	20.0%	80.0%
Primary School	46.5%	53.5%
Intermediate School	48.9%	51.1%
Secondary School	26.2%	73.8%
University Graduate	42.0%	58.0%
Postgraduate	50.0%	50.0%

**Chart 1: Motives for Taking Legal Actions**



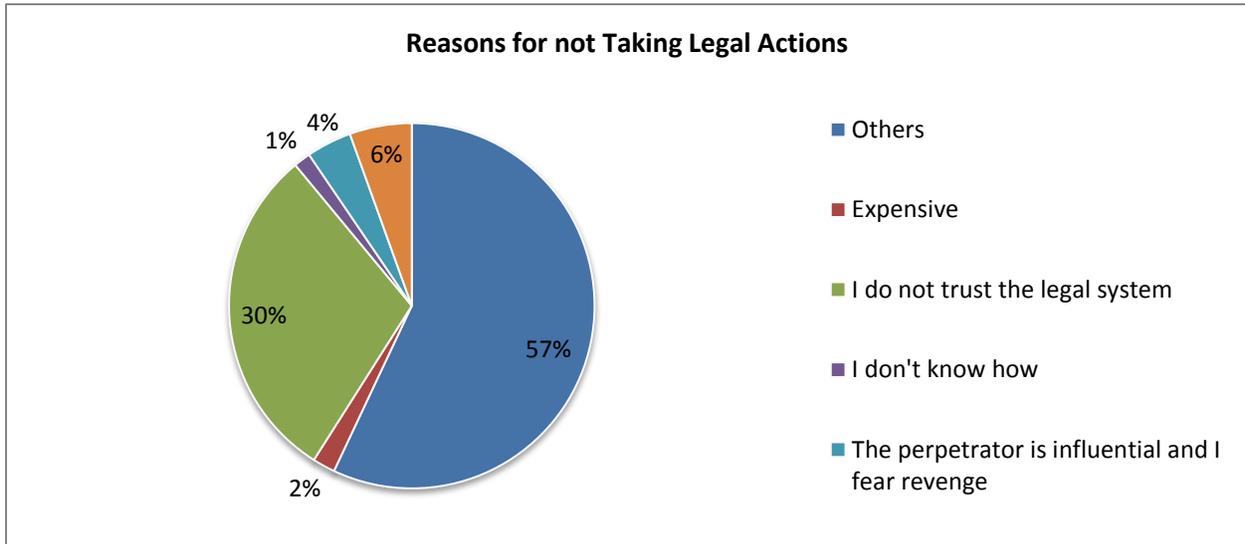
The responses for the reasons for not taking legal actions also varied, however, 30% of the respondents did not seem to trust the legal system. These results are illustrated in Chart 2.

When interviewees were asked about the favored authority for seeking help in violation cases, they gave different answers. The two highest answers were going to a nearest police station (50.5%), and a tribal leader (34.5%). The results are shown in Chart 3.

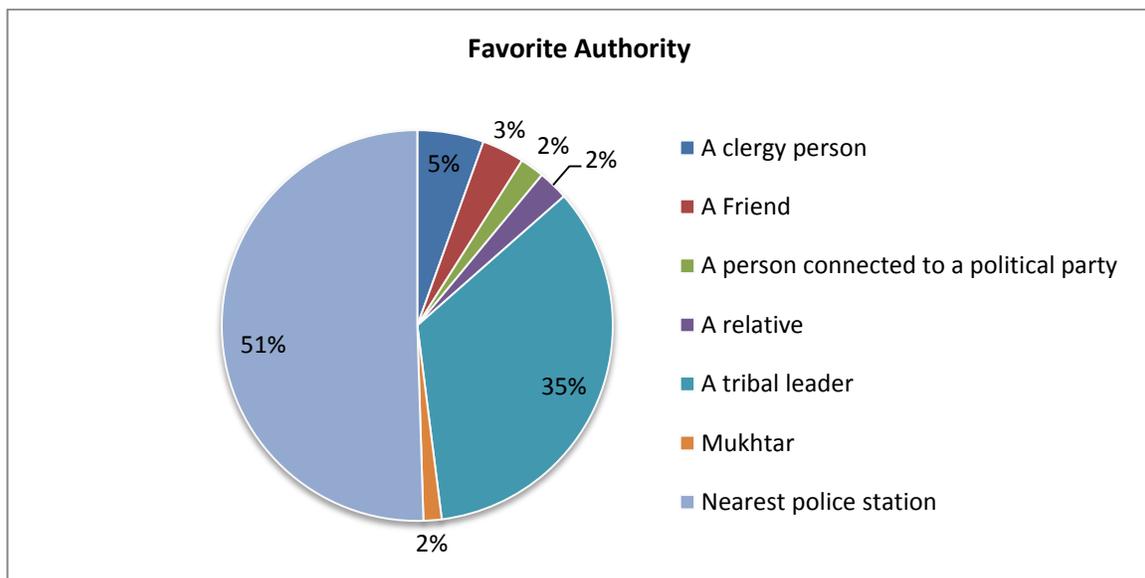
Upon asking for reasons citizens choose to seek authorities other than the judiciary in cases of conflicts the answers from media members varied between the weakness of the judiciary, unjustness of the judiciary, the influence of other authorities - particularly the tribal authority, and the weakness of the implementing authority.

The lawyers related the reasons for distrust of the judiciary, slowness and complications of judicial procedures, power of the tribal and religious authorities, and deteriorated security conditions.

**Chart 2: Reasons for not Taking Legal Actions**



**Chart 3: Favorite Authorities that People Seek when their Rights are Violated**

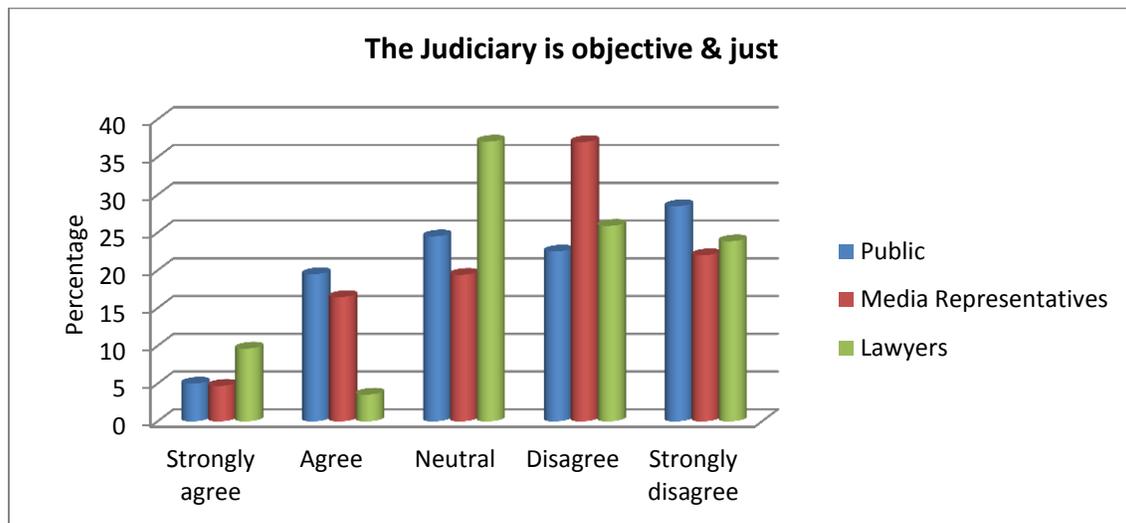


### Objectivity and Justness

In rating the objectivity and justness of the judiciary, the public, media and lawyer groups inclined towards disagreeing with the statement that the judiciary is objective and just

(averages 2.5, 2.4 and 2.5 respectively in a scale of 5 for strongly agreed ). This is illustrated in Chart 4.

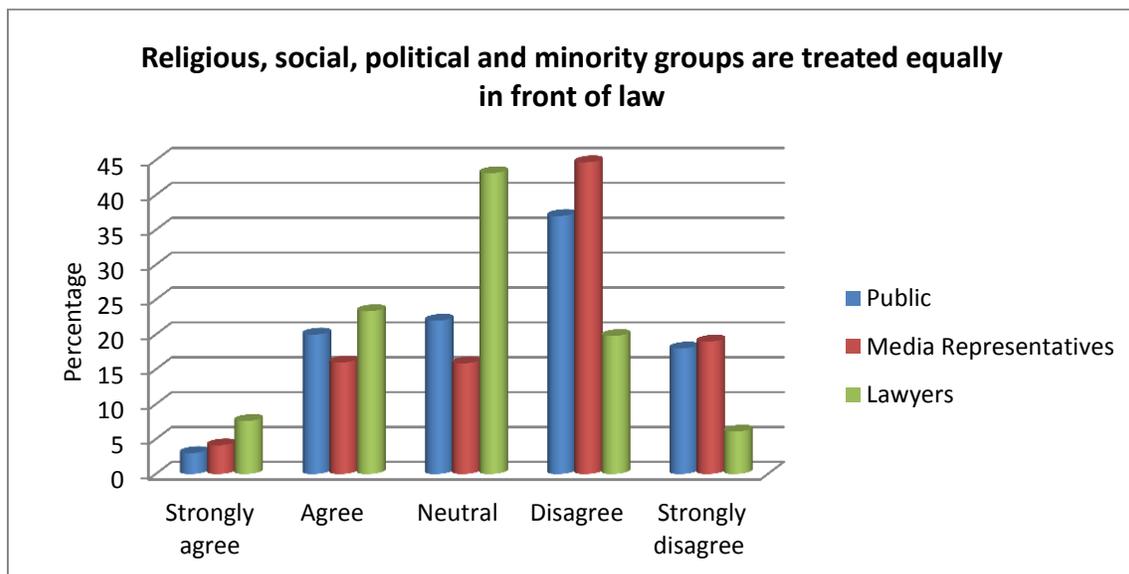
**Chart 4: Stakeholders’ Perceptions of Objectivity and Justice of the Iraqi Judiciary**



**Equality in Before the Law**

When the groups were asked to rate the statement: “Religious, social, political and minority groups are treated equally before the law,” the majority of public and media representatives disagreed while the lawyers, on average, remained neutral. This is illustrated in Chart 5.

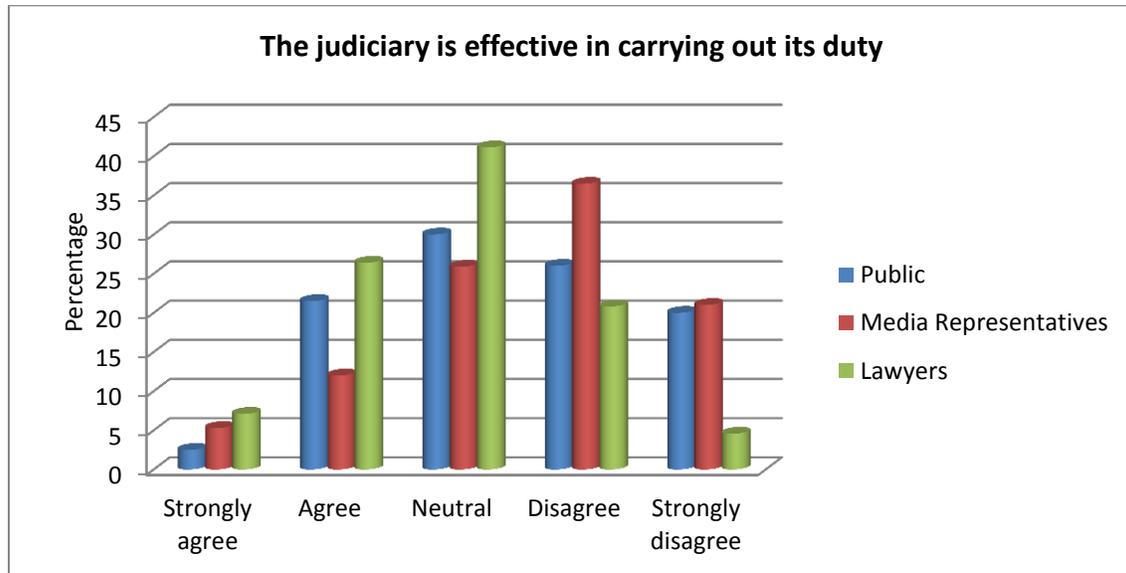
**Chart 5: Stakeholders’ Perception of Equality of Justice System toward Religious, Social, Political and Minority Groups**



**Effectiveness in Carrying out Duties**

In rating the effectiveness of the judiciary in carrying out its duties, the public and the media groups inclined slightly towards ineffectiveness of the judiciary in performing its duties. The lawyers were neutral. This is illustrated in Chart 6.

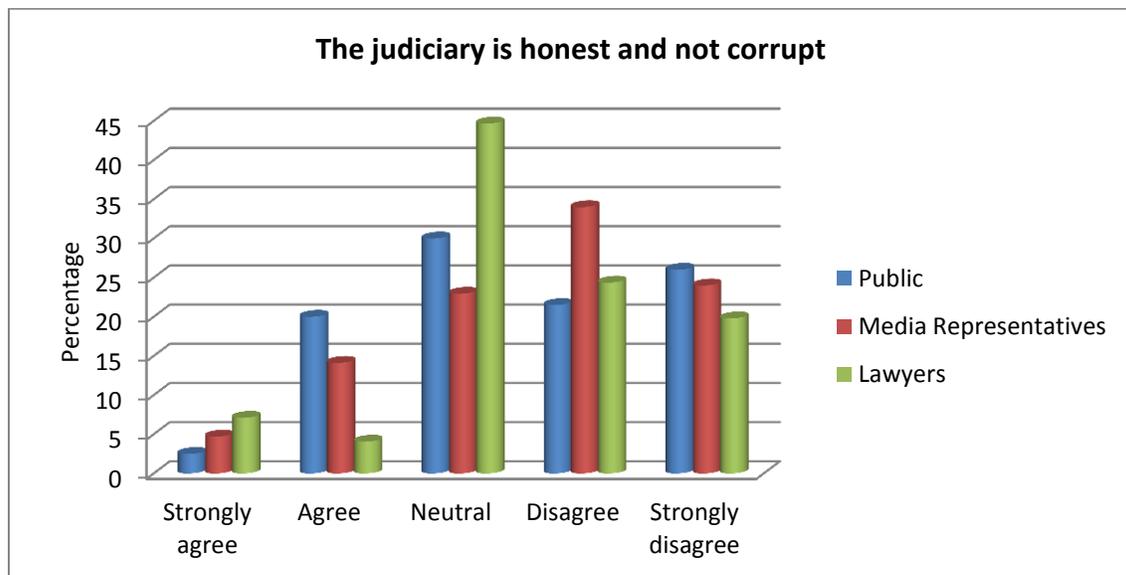
**Chart 6: Stakeholders' Perception of the Effectiveness of the Iraqi Judiciary in Carrying out its Duties**



### Perception of Honesty

On average, the public, the media, and the lawyers groups disagreed with the statement that the judiciary is honest and not corrupt (averages 2.5, 2.4 and 2.5 respectively). This is explained in some details in Chart 7.

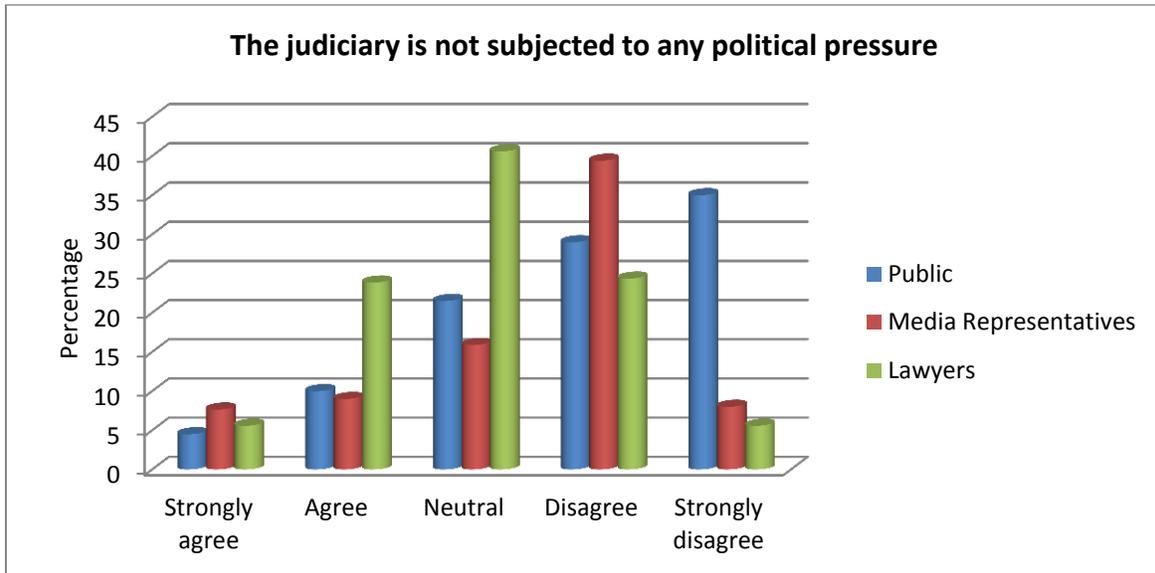
**Chart 7: Stakeholders' Perception of the Honesty of the Iraqi Judiciary**



### Political Pressure

The public and media groups disagreed with the statement that the judiciary is not subjected to any political pressure (averages 2.2 and 2.6 respectively). The lawyers are almost neutral in rating this statement (average 3). This is depicted in Chart 8.

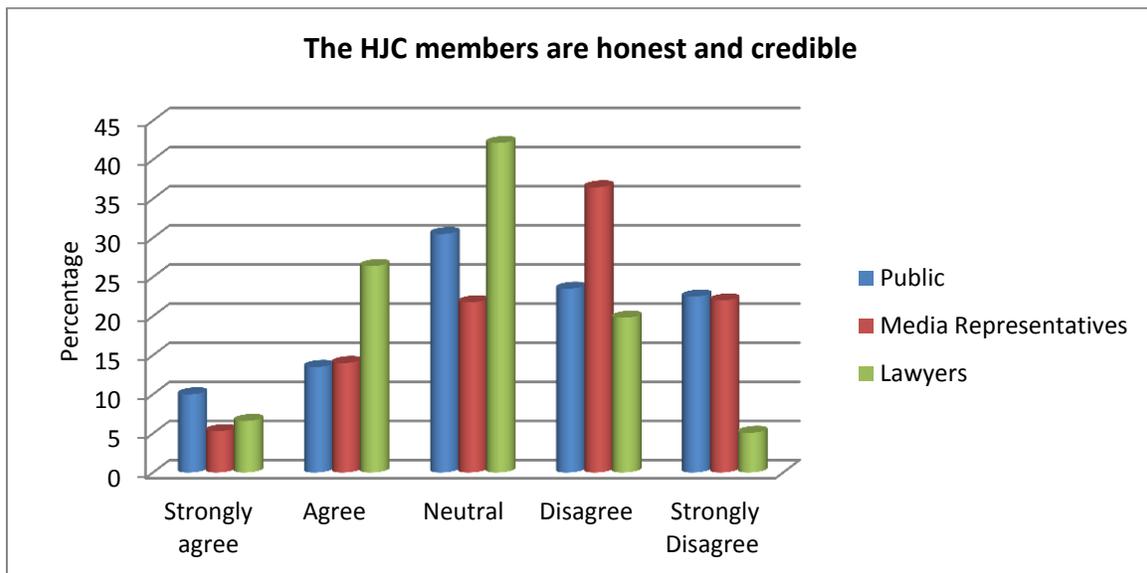
**Chart 8: Stakeholders' Perception of Political Pressure on Judiciary**



### Honesty and Credibility of the HJC Members

The public and media representatives disagree with the assumption that the HJC members are honest and credible (averages 2.7 and 2.4 respectively). The lawyers were almost neutral (average 3.1). This is illustrated in Chart 9.

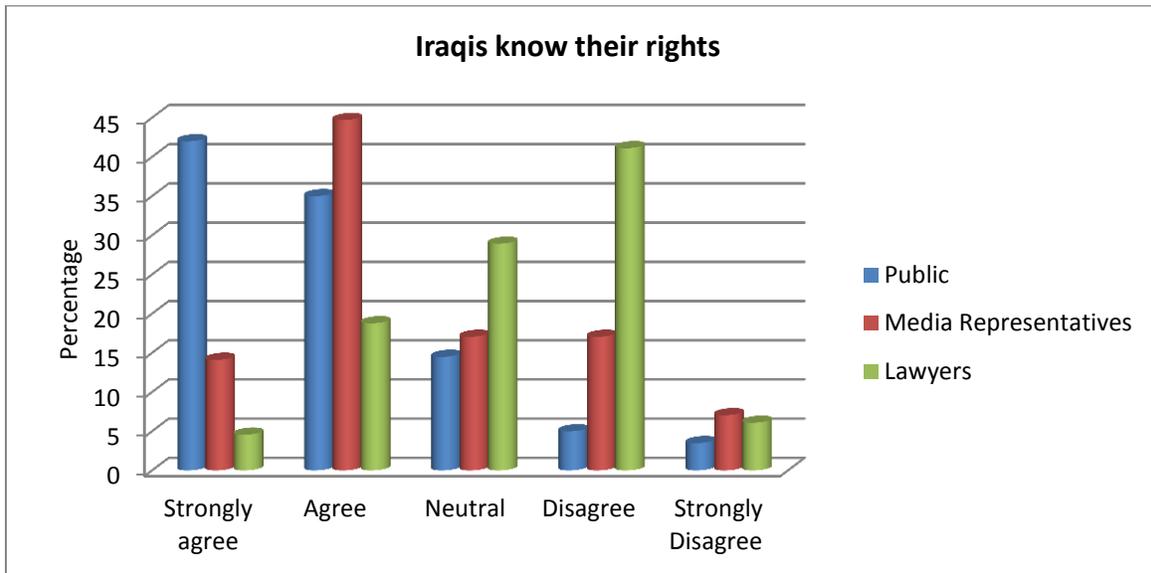
**Chart 9: Stakeholders' Perception of the Honesty and Credibility of the HJC Members**



### Knowing Their Rights

Both the public and media groups believe that they know their rights (averages 4 and 3.4 respectively). The majority of lawyers believe that the Iraqis do not know their rights (average 2.7). This is illustrated in Chart 10.

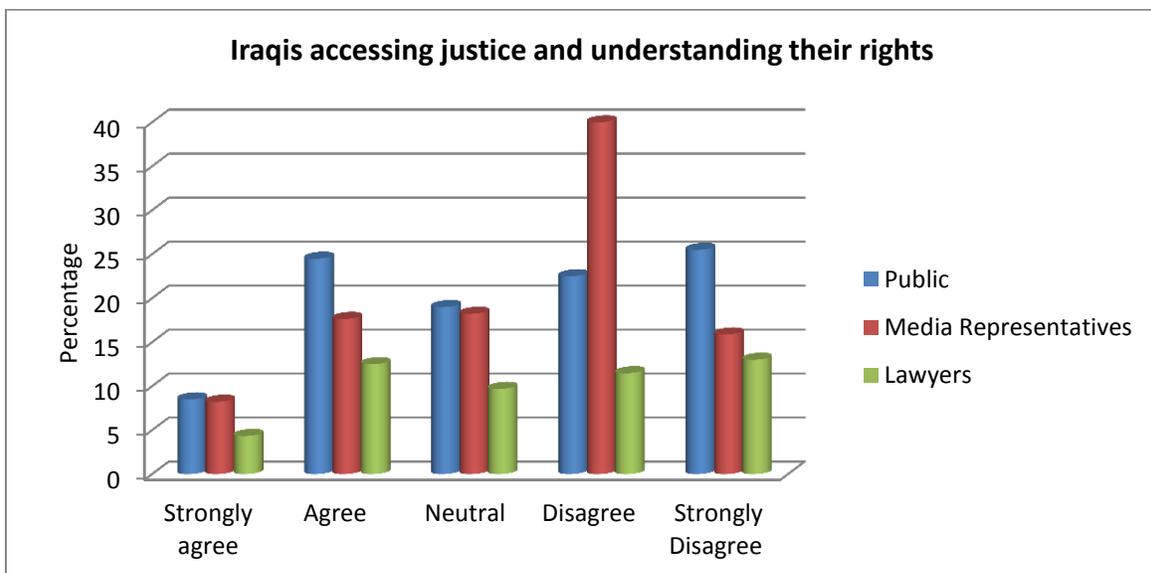
**Chart 10: Stakeholders' Perception of Knowledge of Rights**



### Accessing Justice and Understanding Rights

The majority of the public and media groups did not agree with the assumption they can access justice and understand their rights easily when they need to (averages 2.7 and 2.6 respectively). The majority of the lawyers also disagreed with this assumption (average 2.7) when talking about Iraqi citizens in general. This is illustrated in Chart 11.

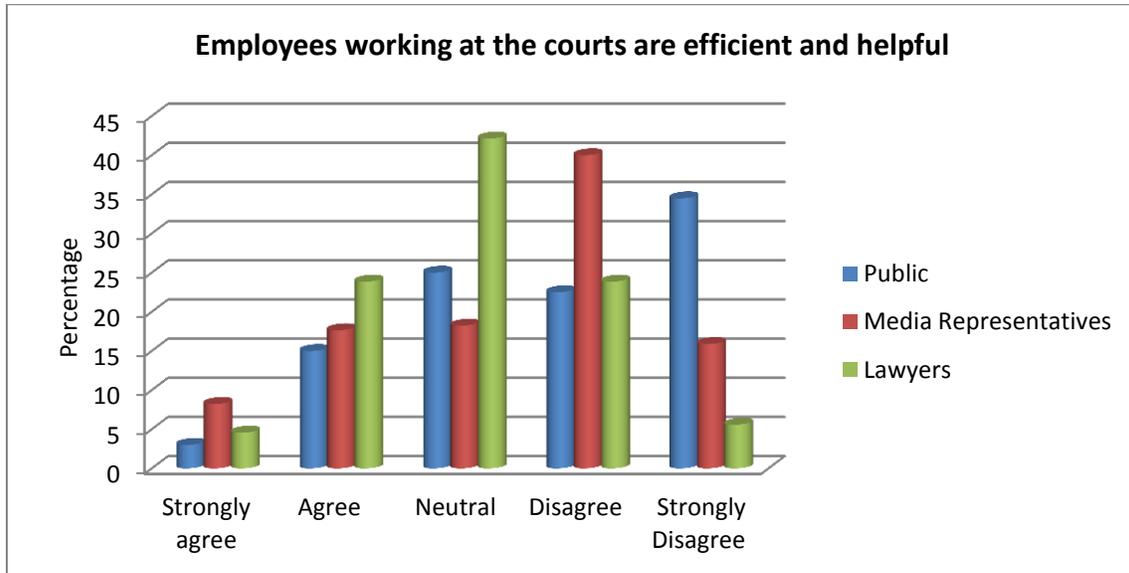
**Chart 11: Stakeholders' Perception of Accessing Justice and Understanding Rights**



### Employees Working at the Courts

The majority of the members of public and media groups disagreed with the assumption that the employees working at the courts are efficient and helpful (averages 2.3 and 2.6 respectively), while the majority of the lawyers were neutral (average 3). This is illustrated in Chart 12.

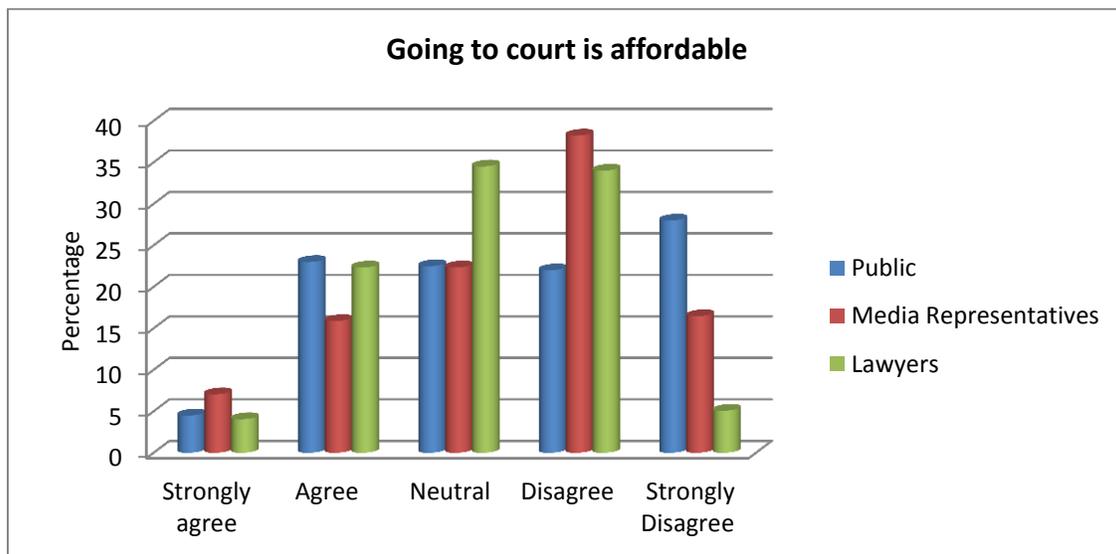
**Chart 12: Stakeholders' Perception of the Efficiency and Helpfulness of Court Employees**



### Affordability of Going to Courts

The majority of the members of the public, media, and lawyers do not believe that going to court is affordable (averages 2.5, 2.6 and 2.9 respectively). This is illustrated in Chart 13.

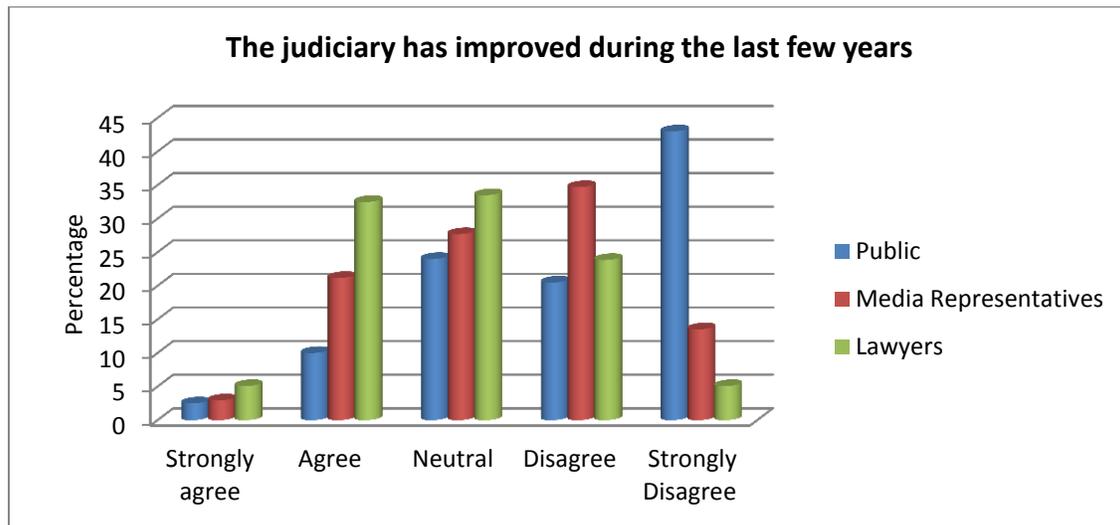
**Chart 13: Stakeholders' Perception of the Affordability of Going to Court**



### Improvement in Judiciary

The majority of the public and media disagreed that the judiciary has improved during the last few years (averages 2.1 and 2.7), while lawyers were, for the most part, neutral on the matter (average 3.1). This is explained in Chart 14.

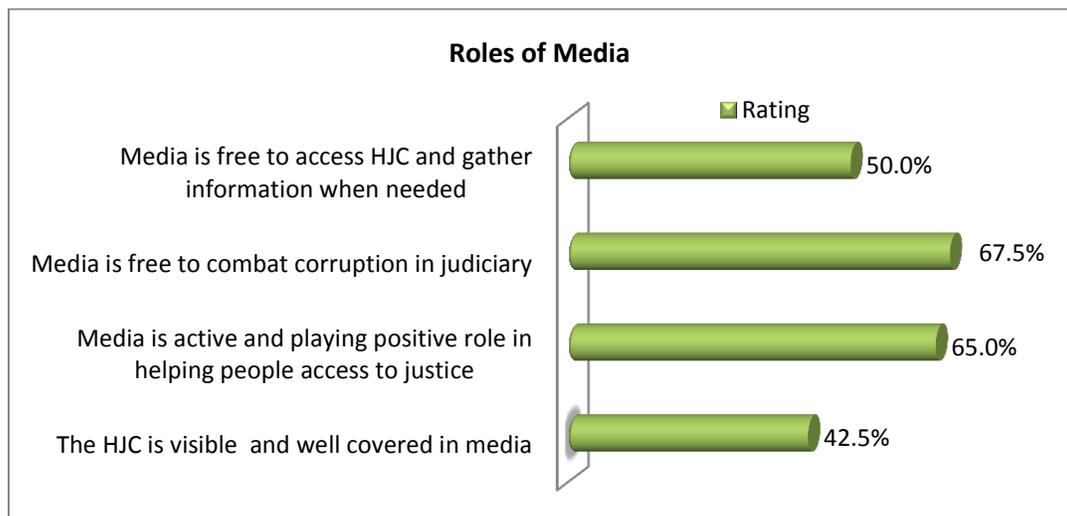
**Chart 14: Stakeholders' Perception of Judiciary Improvement**



### Media and Judiciary

The media group was also asked to rate four additional items that are directly linked to media relation with the judiciary. The average ratings of these items (scaled up to 100%) are explained in Chart 15. The ratings are not great - particularly rating the visibility and coverage of the HJC in media (42.5%), and freedom of the media in accessing required information (50%).

**Chart 15: Rating Items Concerning Media – Judiciary Relation**



### Reasons for Poor Performance

Qualitatively, the members of the four groups were asked: “If you believe that the judiciary is not performing well, what are the main reasons for this poor performance?” they replied differently. Table 7 summarizes the answers in priority order.

**Table 7: Reasons for Poorly Performing Judiciary**

Public Group	Media Group	Lawyers
HJC members are inefficient	Financial and administrative corruption	Weak judiciary and relying on unqualified people
External pressures	Weak performance of HJC employees	External pressures
Financial Corruption	Weak follow up on implementation of judicial decisions	Too many cases and few HJC members
Weakness of the government	Political Pressures	Financial and administrative corruption
Administrative corruption		Outdated tools, procedures and laws

### Most Needed Improvements

Upon asking about the areas of the judicial system that most require improvement the targeted groups suggested many solutions. These suggestions are listed in Table 8.

**Table 8: Areas of the Judicial Systems that Most Require Improvement**

Public Group	Media Group	Lawyers
Training the HJC members to combat corruption	Technical and administrative areas and simplifying them for citizens	Organizational and administrative areas and efficiency
Protect judiciary against any influence	Introducing new laws and legislations suitable to the current Iraqi conditions, particularly the social, religious and racial situations.	Efficiency in implementing civil and criminal laws
Assisting judiciary by laws to protect citizens' rights		Judicial Institute
Create ways of communications and control between judiciary and implementing authority	Making sure that judiciary is objective and not bias to any politics and party and is not influenced by the religious conflict	All tools and procedures and buildings
Amending laws to be in compliance with religion and cultures		

### Reasons for Resorting to Other Authorities

The groups were also asked about the reasons for people to resort to authorities other than the judiciary (such as religious, tribal and political) in case of conflict and their responses are summarized in Table 9.

**Table 9: Reasons for Resorting to Authorities other than the Judiciary**

Public Group	Media Group	Lawyers
Quicker and fairer results and can be enforced	Our society is tribal and religious and committed to tribal and religious traditions particularly when these traditions are just	Results are quicker and more appealing
More just and transparent	Decisions are quicker and more abiding by the criminals	Our society is tribal and Iraqis are more committed to tribal traditions. Sometimes people are forced to seek these authorities
Solutions are more realistic and more able to implement	Because of unjust judiciary	Citizens in general have no trust in government's systems
No trust in judiciary and official authorities	Because of weakness and corruption of judiciary	Weakness and slowness of judicial judgements
Lack of knowledge in the legal system and legal procedures and tools		Courts are unable to reach to final, quick and right solutions for the courts are very crowded and following wrong procedures
Because of culture and customs		Easy to resort to

### Other Factors Influencing Judiciary Performance

In addition to the previous quantitative evaluation of the effectiveness of judiciary in carrying out its duties, the targeted groups were asked to state other factors that may influence judiciary in doing its job. The responses are listed in Table 10 in order of importance.

**Table 10:** Other Factors Influencing Judiciary's Ability to Do Its Job

Public Group	Media Group	Lawyers
Deteriorating security conditions	Deteriorating security conditions	None
Financial and administrative corruption in government departments in general and in the party responsible for implementing judicial issues.	No real concern from within the system to improve the judiciary and no external efforts to encourage the improvement	Financial corruption and external pressures
Interferences of influential political parties, religious figures	Deteriorating security conditions	Security threats and unstable political system

and tribal leaders in the judiciary job	Legislations are old and do not suit the current situation of Iraq	Number of courts needs to be increased
		New legislations suitable to the current situation of Iraq are needed

### Relation Between Judiciary and Iraqi Citizens

The members of the targeted groups were asked to evaluate the relation between the judiciary and average Iraqi citizens (in terms of answering their claims, informing them, helping them follow through the various cases, etc.), the majority of the respondents described this relation as weak. Details about this evaluation are given in Table 11.

**Table 11:** Stakeholders' Perception of the Relation between Judiciary and Citizens

Perception	Public Group	Media Representatives	Lawyers
Good	7%	5%	6%
Acceptable	7%	13%	24%
Weak	32%	49%	38%
Very Weak	10%	22%	18%
No Relation at all	21%	9%	12%
N/A	23%	2%	2%
Total	100%	100%	100%

### Experience with Judiciary

The public and media respondents were asked to describe their experience with judiciary if they have any experience; the responses are described in Table 12.

**Table 12:** Experiences with Judiciary

Group	No Experience	Experience with	
		Satisfactory results	Unsatisfactory results
Public Respondents	84%	15%	1%
Media Respondents	73%	10%	17%

The respondents did not elaborate further on their experiences.

The lawyers on the other hand were asked to evaluate the efficiency of their work in the presence of the current judicial system, their responses were as follows: 40% of them indicated that they were not efficient because of routine, bad treatment and others. 9% of the respondents described their performance as efficient because judiciary has been improved during the last few years. 53% of the respondents indicated that they were relatively efficient but they would be more efficient if judiciary is improved.

## CONCLUSION

IME successfully surveyed three groups (public, media representatives and lawyers).

The surveys revealed that there is a huge gap between Iraqi citizens and their judiciary. It was not shocking to see these findings. The political instability and the security conditions predicted this gap. Changing the citizens' negative perceptions of judiciary will not be easy without the cooperation of all components of Iraqi population and the authority including the HJC.

It should be noted that surveying public and media representatives was easy. Surveying lawyers was not as smooth as it was anticipated. The majority of the senior lawyers refused to fill the questionnaire for different reasons. Therefore, the majority of the respondents of this group were young.

This survey, however, did not cover a key group, members of HJC. The response of this group to these findings is essential to know before suggesting any intervention. Conducting a dialogue session or a focus group discussion for key members of HJC is suggested to achieve this objective.