I. Project Context

A new Constitution was approved by referendum on July 1, 2011. The new constitution notably revised the country’s governance structure by: (a) strengthening the Parliament, the Prime Minister and the Judiciary; (b) empowering the local governments; and (c) promoting a more open governance system and public administration based on the principles of transparency, accountability and participation. The new constitution expressly addresses the request for more independence of the Judiciary by providing for the creation of the Superior Council for the Judicial Power (Conseil Supérieur du Pouvoir Judiciaire – CSPJ). The CSPJ will be chaired by the King and comprises 20 members, including 3 judges from the Cassation court, 10 judges elected amongst the judges of Court of Appeals (Cour d’Appel – CdAs) and First Instance Tribunals (Tribunal de Premiere Instance – TPIs), 5 members selected by the King, the Ombudsman of the Kingdom, and the Head of the National Council for Human Rights.

The parliamentary elections on November 25, 2011, brought in a new coalition government. In January 2012, the new government presented a program for democracy ("The Charter of the Majority"). This program focuses on "the implementation of the provisions of the new Constitution, in order to carry out more reforms and build the rule of law, freedom, justice and solidarity among the different components of the Moroccan people and different regions of the Kingdom."

A major objective of the government is to "restore the morality in political work and trust in public life by restoring faith and trust in the country’s institutions." Toward this end, the government intends to fight resolutely "illegal practices and the cash economy in all areas related to the rights, dignity and freedom of citizens." These themes are all central to the new Government’s program that was articulated by the Head of Government Abdellah Benkirane in January 2012 and that covers the 2012-2016 period. As regards good governance, the areas of future focus are multiple, including public administration reform, simplification of procedures, access to information, reform of fiscal system, budget reform, regionalization, and a profound reform of the justice sector though a participatory approach.

II. Sectoral and Institutional Context

The justice sector has witnessed a number of important structural reforms in the past decade. Significant progress has been made in the area of economic reforms. A more business-friendly legal and regulatory framework has been established through the enactment of a new banking law, a modern securities law, and new legislation providing for modern accounting standards. These efforts have been motivated in large measure by the Association Agreement with the European Union (EU) that requires Morocco to harmonize its legal framework with that of the EU. In the field of justice reform, the establishment (with Bank support) of specialized courts, such administrative tribunals and commercial tribunals at the first instance and appeal levels are among the most important advances.

Reforms aimed at fighting white collar crime and facilitating access to justice are underway. The code of judicial organization, the code of civil procedure, the code of criminal procedure and the law on access to justice were modified in August 2011. Although these amendments have not entered into effect, they are expected to set up a specific framework and adequate procedures for community justice ("justice de proximité").

Under this approach, the MdJL will establish CdAs attached to the TPIs to rule on smaller cases, valued at less than 20,000 Dirham (approximately US$ 2,400). TPIs will be divided into three main sections (Labor, Criminal and Civil). In addition, a simplified procedure will be established for minor claims below 5000 Dirham (approximately US$ 600), permitting notably hearings with a single judge and mobile hearings for remote cities. A single judge will be dealing with criminal cases entailing a fine less than 1200 Dirham (approximately US$ 143). These streamlined procedures will not be applicable to family, real estate and decisions involving evictions, neither to the specialized courts such as...
Despite the above-listed improvements, the Moroccan justice sector is still perceived, internally and externally, to be opaque, inefficient and lacking the trust of the citizenry at large. Improvements so far have been focused mainly on court infrastructure. Assessments of the justice sector which were completed by the Bank in 2003 and updated in late 2010 in preparation for this Project outline a number of major issues of judicial institutions, inter alia: (i) poor quality and lack of transparency of judicial decisions; (ii) lack of qualification and specialization of judges and auxiliaries of justice; (iii) long delays in case management and unreliable enforcement of court decisions; (iv) uneven access to justice, and to legal and judicial information; and (v) weak budget and human resources management capacity at MdJL and court levels.

Public trust in the quality of the rule of law is low. This may result from perceptions of limited transparency and accountability, and the weaknesses of the system to investigate and sanction judicial officials, and is reflected in the poor ratings received by Morocco’s judiciary in the Global Corruption Barometer released by Transparency International in 2010, which had the worst corruption perception rating in the Middle East and North Africa (MENA). Also, respondents perceived the judiciary as the most corrupt institution in Morocco besides public officials/civil servants. Morocco is positioned slightly above the regional average on Worldwide Governance Indicators on rule of law. In addition, the 2010 Global Integrity Report rates rule of law in Morocco as “very weak” (56 out of 100 points) based on a set of “de jure” and “de facto” indicators.

III. Project Development Objectives

The Project Development Objective is to strengthen the capacity of the justice sector to deliver efficient, timely and transparent services through:

(a) piloting a participatory reform process at court level involving judges, administrative staff, judicial auxiliaries and users in selected courts; and

(b) strengthening the institutional capacity of the central functions of the Ministry of Justice and Liberty (MdJL) and the Judicial Training Institute (ISM) to better support and monitor the court system.

Project description:

The proposed Project will consist of 3 components, which will assist the MdJL in developing and progressively implementing action plans aimed at improving the quality of service delivery of courts. This reform program will be anchored on feedback received from the various target groups and will aim at introducing international best practices for court organization and MdJL’s central management and support functions. Accordingly, Project activities will be implemented both at court level and in MdJL. The learning process at the level of 10 to 12 pilot courts will support the development of broader reform action plans to be implemented throughout the court system. The Project will not address all issues affecting the judicial sector. For instance, it will not address specific issues relating to criminal justice or prison administration. As infrastructure issues have already been largely addressed by the MdJL, the Project will not finance the construction of court buildings but only limited rehabilitation, adaptation, enlargement or modernization required for the installation of IT systems and the separation of front/back offices inside the pilot courts.

IV. Project Description

Component Name

Component 1: Improving Court Performance
Component 2: Upgrading the Strategic Planning and Management Capacities of the Ministry of Justice and Liberty (MdJL)
Component 3: Project Management, Monitoring and Evaluation

V. Financing (in USD Million)

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VI. Implementation

The Project will be implemented by the Ministry of Justice and Liberties (MdJL). A Technical Monitoring Committee (Comité de Suivi Technique - CdST) and a Project Management Unit (Unité de Gestion de Projet – UGP) will be set up by the MdJL. The UGP will be headed by the Director of DECM. He/she will be in charge of supervising and monitoring the activities of the UGP and of assisting the UGP in the performance of its respective tasks. UGP composition will notably include: (a) a qualified monitoring and evaluation expert; and (b) financial management and procurement specialists as discussed above. Each interested MdJL Directorate will assign a liaison staff to interact with the UGP in the implementation of the relevant subcomponent as needed. While a strong UGP composition is critical to start up the reform process, it is expected that this Unit will gradually transfer capacities to the line units of the MdJL and to the courts. The CdST is in charge of coordinating and monitoring activities between various stakeholders. To this effect, it is composed of representatives of the core MdJL Directorates and decentralised units involved in the Project, such as the pilot courts and the regional Sub-Directorates of the Judicial Districts covered by the Project. It is chaired by the Secretary General of the MdJL or by a director of the central administration appointed by the Secretary General.

Project activities that would be related to judges career will be implemented under the shared responsibility of the MdJL and CSPJ. The new Constitution provides for the adoption of a law (loi organique) to detail the role and functions of the new CSPJ. It is currently envisaged that this law will be presented to Parliament in 2013. While the Project focuses on matters that are directly under the purview of the MdJL, some discrete activities may have an impact on judges’ careers. Once CSPJ becomes operational, it will become a project beneficiary under a partnership agreement with the MdJL that would reflect their new roles and responsibilities.

VII. Safeguard Policies (including public consultation)

| Safeguard Policies Triggered by the Project | Yes | No |
VIII. Contact point

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