



Iraq

**IRFFI/UNDG IRAQ TRUST FUND (UNDG ITF)
ANNUAL PROGRAMME NARRATIVE PROGRESS REPORT
REPORTING PERIOD: 1 JANUARY – 31 DECEMBER 2009**

Submitted by:

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Country and Thematic Area

*Iraq
Governance*

Programme No: C9-27

Atlas Award No: 54956

MDTF Office Atlas No: 66956

Programme Title: Support to the
Development of Justice and the Rule of
Law

Participating Organization(s):

*UNDP, UNICEF, UNFPA, UNIFEM and
UNAMI-HRO*

Implementing Partners:

- *National counterparts (government, private, NGOs & others)*
 - Higher Judicial Council - Baghdad
 - Kurdistan Judicial Council
 - Ministry of Justice (Baghdad and KRG)
 - Iraqi Bar Association
 - Kurdistan Bar Association
 - Ministry of Labour and Social Affairs (Baghdad and KRG)
 - Ministry of Human Rights (Baghdad and KRG)
- *International Organizations, including NGOs:*

UNDP, UNFPA, UNIFEM, UNICEF and UNAMI-HRO

Programme Budget (from the Fund):

UNDP: 5, 909,994 USD

Programme Duration (in months): 23

- Start date: 04 December 2008
- Original end date: 30 November 2010

Budget Revisions/Extensions:

List budget revisions and extensions, with approval dates, if applicable

Budget revised to move funds (495,000 USD) between the project budget components on 17/10/2009

NARRATIVE REPORT

I. Purpose

The Justice and Rule of Law Project provides the Iraqi government with technical support and training necessary for improvement of key components of the judicial system, toward advancing the rule of law in Iraq, specifically for improving the functioning of the courts and penitentiary system. In line with its commitment to assist the Republic of Iraq to encourage respect for the rule of law and increase the effectiveness of the judicial sector as a whole, UNDP-Iraq is implementing a pilot model court in Iraq, building the capacity of the Iraqi Judicial Training Institute, completing the Iraqi Legal Database, and will implement a number of key activities to support reform of the penitentiary system, including its management and treatment of women and juveniles. This project forms part of a consolidated framework in support of the rule of law and justice, together with the EC-funded project "Support to the Rule of Law and Justice".

Development of Justice and Rule of Law as supported through this project remains a major priority for the GoI in order to achieve the goals articulated in the NDS (2007-2010) and ICI, as well as the MDGs more broadly.

The Support to the Development of Justice and the Rule of Law Project contributes to priorities of both the NDS and the ICI. This Project contributes to the NDS priority of strengthening good governance and improving security (Pillar 4) and the ICI benchmarks (3.1.1) as follows:

Outcome 1: 'Strengthened administration of justice system' is aligned to:

- (i) Establish and implement effective rule of law institution and policy;
- (ii) Private sector development and investment promotion of the rule of law and judicial system in commercial and financial activities.

Outcome 2: 'Strengthened capacity of key government and non-government institutions to protect and promote human rights' is aligned to:

- (i) National Dialogue and reconciliation protection of Human rights systems to respect the rule of law and human rights;
- (ii) Establish a comprehensive human rights regime country wide.

The "Rule of Law" project also contributes toward MDG Goal 3: 'Promote gender equality and empower women'. The lack of application of rule of law is rendering women more vulnerable to social, tribal and religious rulings and practices. This leaves the Iraqi women to be the most vulnerable group in society, for example, vulnerability to variances in application of court rulings. The project's support to capacity development of the Judges and prisons' administrators, and empowering women within the penal system, through the penitentiary reform program, addressing their rights and concerns during incarceration and ensuring their participation in the complete penitentiary reform, should go some way to contribute towards this goal in Iraq.

II. Resources

Financial Resources:

The project budget has been reviewed and the revision approved on 17 October 2009. The revision aimed at moving funds (495,000 USD) between project components on the basis of number of discussions with Iraqi government and parliamentary officials, independent legal experts, members of the judiciary, and, after a request by the HJC, to substitute Output 3 of the Project with an alternative Output 3, which will serve to complete the project to create an Iraqi Legal Database (the “ILD”).

Human Resources:

International Staff:

Senior Programme Advisor / Project Manager recruited on 15 February 2009

National staff:

National Project Officer (Erbil): Recruitment on 20 April 2009

National Project Officer (Baghdad): Recruitment on 20 June 2009

III. Implementation and Monitoring Arrangements

UNDP assumes the overall responsibility, and accountability, for the management and implementation of the project. As executing agent, UNDP has been working in conjunction with its Government of Iraq (GoI) counterparts and implementing partners in the day-to-day management of the project, along with the assumption of responsibility and accountability for the production of outputs, achievement of objectives and for the use of UN resources. The management of the project aligns in accordance with the RBM tools adopted by UNDP for project management. The management and implementation structure for the project consists of (a) a Project Steering Committee¹ (b) a Project Management Unit, supported/overseen by (c) the Team Leader of the Governance Unit.

To contribute towards the priorities and the two broad project outcomes stated in point 1.b (above), the Project pursues four broad areas of intervention, defined as the project outputs: (i) Pilot model court in Baghdad, (ii) Reform of the teaching methods and curriculum in specialized areas of the Iraqi Judicial Training Institute (JTI), (iii) Completing the Iraqi Legal Database, and (iv) Capacity development of the penitentiary system, including treatment of women and juveniles.

This project forms part of a larger integrated framework for support to the Rule of Law and Justice, comprised of the “Support to the Rule of Law and Justice Project” funded by the European Commission and implemented jointly by UNDP and UNOPS with the

¹ This is a transitional arrangement until UNDP is in a position to establish a ‘Project Board’ in accordance with its programme policies and procedures and Prince 2 standards, which will have more management decision-making functions and quality control responsibility.

UNAMI Human Rights Office, and the present project. The EC-funded project spans the period of 2008-2010, and follows on a previous two-year project implemented by UNOPS related to the protection of detainees and victims of torture.

UNDP-Iraq has also been making use of its extensive network of regional and international experts that are specialized in this particular subject matter, in order to ensure that the implementation of this project is successful. In that respect, UNDP-Iraq calls upon wherever necessary and in consultation with the donors, the expertise of other United Nations agencies, including UNDP-SURF (Sub-Regional Resources Facility-for Arab States), UNDP-POGAR (Programme on Governance in the Arab Region) and UNODC (United Nations Office on Drugs and Crime), amongst others, as well as specialised non-governmental organizations already involved in prison monitoring. In addition, UNDP has been coordinating with the UNAMI-HRO national and international staff working specifically on prisons. The UNAMI-HRO staff has been involved in the data gathering, provision of background, and advise on human rights issues.

In terms of procurement procedures, a full procurement annual plan has been drafted during the first quarter of 2009, detailing the required assets to be purchased during the first year of the project. UNDP Regulations and Rules were applied.

As regards the project monitoring, it has been executed by UNDP under the overall supervision of the Project Steering Committee. In addition, relevant government ministries and other partners, UNAMI, UN Agencies, as well as NGOs, have been kept informed with regard to the implementation of the activities specified in Annual Work Plans (AWPs).

The project was approved in December 2008. As a result, no assessments, evaluations or studies have been undertaken during the reporting period.

IV. Results

Results Overview:

This project has progressed well since its start date. The period January- December 2009 was used to hire project staff, engage with the Iraqi counterparts for the identification of the pilot court and related policy guidance, identify pilot court and court administration experts, prepare a detailed work plan including a procurement plan, hire an expert on pilot courts, prepare terms of reference for competitive bidding so that the various components of this project could be implemented, and finalize contracts for the various service components.

The project's main impact will be a strengthened administration of the justice system including increased access, transparency and efficiency, and strengthened capacities of key government and non-government institutions to protect and promote human rights.

During January-December 2009, below activities were accomplished:

Outcome 1: *Strengthened administration of justice system' is aligned to:*

- (i) *Establish and implement effective rule of law institution and policy;*
- (ii) *Private sector development and investment promotion of the rule of law and judicial system in commercial and financial activities*

Outcome 2: *Strengthened capacity of key government and non-government institutions to protect and promote human rights' is aligned to:*

- (i) *National Dialogue and reconciliation, protection of human rights systems to respect the rule of law and human rights;*
- (ii) *Establish a comprehensive human rights regime country wide.*

Output 1: *Pilot model court established in Baghdad*
Physical progress: 35%

- The IT equipment for Baghdad pilot court has been delivered and received by counterparts and capacity development on pilot courts and case management system undertaken. This is considered the starting point for the establishment of the automated case management in the selected pilot courts.
- Baseline assessment on Baghdad pilot court is completed.
- The expert on Pilot courts is on board and started work in October 09. He has conducted a mission to Baghdad in December 2009.
- Contract for law library and legal research centre at Baghdad pilot court has been awarded.
- Contract for media awareness campaign for the Baghdad pilot court has been awarded.
- Providing help desk and hotline for Baghdad pilot court is subject to further formal consultation with key stakeholders.

Output 2: *Reform of the curriculum in specialised areas of the Iraqi Judicial Training Institute*
Physical progress: 25%

- A contract for a comprehensive assessment and curricula reform of the JTI has been awarded
- A contract for building the JTI staff capacity has been awarded
- A contract to deliver gender/child specific legal training for the JTI has been awarded.

Output 3: *Implementation of Phase III of the POGAR/UNDP Iraqi Legal Database (ILD)*

Physical progress: 35%

- Individual experts for Iraqi Legal Database phase III have been recruited and started their tasks.
- Terms of Reference for Iraqi Legal Database phase III implementing partner along with selection process is accomplished.

Output 4: Reform of the penitentiary system, including its management and treatment of women juveniles

Physical progress: 20%

- Contract for the reform of the Iraqi penitentiary system, including a needs assessment, training curriculum, and security assessment has been awarded.
 - A contract to deliver gender/child specific legal training for the penitentiary system administrators has been awarded.
- *Delays: Explain, if relevant, delays in programme implementation, the nature of the constraints, actions taken to mitigate future delays and lessons learned in the process.*

The project was approved in December 2008. The implementation during the reporting period has not faced any major delays or constraints. However, the security situation in Iraq, especially in Baghdad, has been a major obstacle in implementing the project activities, especially after the two massive bombings of 19 August, 2009, at the Foreign Affairs and Finance Ministries and 25 October, 2009, at the Higher Judicial Council and Ministry of Justice in Baghdad, which are the main two Iraqi institutions the project works with. Field visits to the pilot court, Ministry of Justice, and JTI, and meeting with the Iraqi counterparts have been difficult and faced security impediments.

In addition, hesitation from the Iraqi counterparts towards one of the project's main outputs "Alternative Civil Law Dispute Settlement Mechanisms" has been significant. The Iraqi Chief Justice has requested the project manager to disburse the allocated funds to the development of the third phase of the Iraqi Legislative Database (ILD). Requests to change the project's scope, concerning the third output, has been submitted and approved by the Head of the ITF Steering Committee. This resulted in a considerable postponement to the start date of this particular component.

Recruitment of project personnel has been lengthy. As a result, starting the project's implementation has also been delayed for four to six months. This would be accommodated through a six month no cost extension for the project to finish the implementation of its activities.

- *List the key partnerships and collaborations, and explain how such relationships impact on the achievement of results.*

The Project was developed in close consultation with the Chief Justice, the Ministry of Justice, the Judicial Training Institute, the Kurdish Ministry of Justice, and the Kurdish Ministry of Labour and Social Affairs, and is based on field visits to courts and women and juvenile reformatories. The Project has been cleared by the Governance Sector Outcome Team and has identified areas of collaboration with other UN Agencies, namely UNICEF and UNAMI-HRO in the area of penitentiary reform and protection of human rights in general. The project is fully supported by the previously mentioned institutions, which helps in facilitating the project's implementation.

- *Other highlights and cross-cutting issues pertinent to the results being reported on.*

Gender Equality

The project will improve access to justice for vulnerable groups, including women and juveniles. The Penitentiary Reform component will improve the conditions of women and juvenile inmates and will promote the respect of their human and civil rights within the penitentiary system.

Iraqi women are among the most vulnerable in society. The lack of application of rule of law is rendering women more vulnerable to social, tribal and religious rulings and practices such as increases in early marriages, crimes in the name of honour, and vulnerability to variances in application of court rulings. By developing the capacity of the judges, and prison administrators, the project seeks to contribute to an improvement in women's conditions. Gender equality will be pursued through:

- Selection of an equal number of men and women for all capacity-building activities;
- Through penitentiary reform activities, addressing the rights of women during incarceration and ensuring their participation in all components of reform.

Human rights

Present-day Iraq has a legacy of human rights abuses and ongoing conflict, but civil society groups and government commitment, through a dedicated Ministry of Human Rights and current intentions to create a Human Rights Commission, are trying to bring about change. The capacity revolves around a lack of knowledge and therefore the ability to apply human rights principles. The primary duty bearers in this project are Ministry of Justice and Ministry of Labour and Social Affairs. It is recognised that to enable these duty bearers to develop their capacity to meet their human rights obligations and to empower rights-holders - Iraqi citizens and prisoners - to claim and exercise their rights is a gradual and lengthy process. The project will pursue the following as the environment and capacities allow:

- Ensure that relevant policies and laws promote equality and are non-discriminatory, but contain positive measures, where considered critical.
- Conducting dedicated training in human rights and ensuring that human rights are clearly and adequately incorporated in the training curricula and materials in a manner that is easily understood.

- Develop capacity of rights-holders in certain rights, particularly associated with access to information, procedures, services and counsel.
- Improve access to justice for vulnerable groups, including women and juveniles. The Penitentiary Reform component will improve the conditions of women and juvenile inmates and will promote the respect of their human and civil rights within the penitentiary system.

V. Future Work Plan

Project work- plan is attached as an Appendix 1 to this report.

VI. Performance Indicators Table

Project Title:	Support to the Development of Justice and the Rule of Law						
NDS/ICI priority/Goal(s):	NDS - Strengthen good governance and improve security ICI - Strengthen institutions to improve governance and anti-corruption; engaging with civil society; political security and human rights.						
Sector Outcome	Enhanced rule of law and respect for human rights in line with international standards						
IP Outcomes	GOI and non-government institutions are able to protect and promote human rights			NDS / ICI Priorities: NDS - Strengthen good governance and improve security ICI - Strengthen institutions to improve governance and anti-corruption; engaging with civil society; political security and human rights			
IP Output 1:	UN Agency Specific Output	UN Agency	Partner	Indicators	Source of Data	Baseline Data	Indicator Target
IP Output 1:	Pilot model court is established in Baghdad	UNDP	N/A	Court manual produced Number of leaflets and posters on corruption aimed at the Iraqi judicial system and court users produced	2003 Legal Needs Assessment; ILDP 2006 Judicial Reform Index for Iraq; ROLSWG documents; Project reports	N/A	Easy to read manual for court users, three types of leaflets and posters produced for model court users
A Pilot model court is established in Baghdad		UNDP	N/A	Number of judiciary staff trained in court and case management and reporting (gender disaggregated) Percentage of trainees who express satisfaction with the quality and relevance Case management tools provided by UNDP consultants	Training reports. 2003 Legal Needs Assessment; ILDP 2006 Judicial Reform Index for Iraq; ROLSWG documents; Project reports	N/A	At least 80 judiciary staff trained 80% of trainees trained Court reporting established as a regular practice

		UNDP	N/A	<p>Number of staff trained on substantive and procedural matters</p> <p>Percentage of trainees who express satisfaction with the quality and relevance</p> <p>Training centre established by the HJC with UNDP support</p> <p>A library established within a court by the court</p> <p>legal research unit established by the model court</p>	<p>2003 Legal Needs Assessment; ILDP</p> <p>2006 Judicial Reform Index for Iraq;</p> <p>ROLSWG documents;</p> <p>Project reports</p>	NA	<p>40 staff trained on substantive and procedural matters undertaken</p> <p>80% of trainees responses</p> <p>One training centre established and utilized by court staff and judges</p> <p>At least one Library established with international documents and publications relating to substantive areas of the law</p> <p>Legal research unit established</p>
		UNDP	N/A	<p>Help desk and hotline established.</p> <p>Number of staff trained to handle corruption complaints and provide assistance to women court users</p> <p>Percentage of trainees who express satisfaction with the quality and relevance</p>	<p>2003 Legal Needs Assessment; ILDP</p> <p>2006 Judicial Reform Index for Iraq;</p> <p>ROLSWG documents;</p> <p>Project reports</p>	NA	<p>Help desk and hotline established.</p> <p>All model court staff trained to respond to complaints of corruption</p> <p>80% of trainees responses</p>

IP Output 2:	UN Agency Specific Output	UN Agency	Partner	Indicators	Source of Data	Baseline Data	Indicator Target
Output 2.1 Improved curriculum of the Judicial Training Institute, incorporating human rights, gender equity, family code, GBV and juvenile justice	Improved curriculum of the Judicial Training Institute, incorporating human rights, gender equity, family code, GBV and juvenile justice	UNDP, UNICEF, UNIFEM, UNFPA Lead and Coordinating Agency: UNDP	N/A	<p>Needs Assessment on human rights, gender equity, family code, GBV and juvenile justice curriculum undertaken.</p> <p>Number of workshops organized to discuss the needs assessment outcome, capacity gaps, and recommendations for the reform program.</p> <p>Number of experts provided to aid in the introduction of changes to the curriculum.</p> <p>Number of workshops organized for discussions on recommended changes to the curriculum structure.</p> <p>List of equipment provided to aid in the undertaking of the survey and subsequent reform program.</p> <p>Number of staff trained on developed curriculum.</p> <p>Percentage of trainees who express satisfaction with the quality and relevance.</p>	<p>2003 Legal Needs Assessment; ILDP 2006 Judicial Reform Index for Iraq;</p> <p>ROLSWG documents; Project reports</p>	NA	<p>Needs Assessment undertaken</p> <p>At least one workshop on each subject conducted</p> <p>Experts provided to aid in the introduction of changes to the curriculum.</p> <p>Workshops organized for discussions on recommended changes to the curriculum structure.</p> <p>Equipment provided to aid in the undertaking of the survey and subsequent reform program.</p> <p>Staff trained- number TBD</p> <p>80% of trainees responses</p>

IP Output 3: ²		UN Agency	Partner	Indicators	Source of Data	Baseline Data	Indicator Target
Completing the Iraqi Legal Database	A comprehensive electronic legal database that includes all positive law and secondary sources, and which is freely available to all Iraqi jurists and researchers.	UNDP		<p>All secondary sources collected and incorporated into the ILD</p> <p>Improvements made to the ILD's software, including the options that are available to users</p> <p>Indexes created in relation to all major subject matter areas, including administrative law, property law, family law, etc.</p> <p>The ILD's thesaurus improved</p> <p>Workshops organised between the HJC and the MOJ in order to discuss the ILD's functions and its sustainability</p> <p>Final version of the ILD made available online and in CD format to all major and interested parties in Iraq (including universities, the HJC, the MOJ, the IBA, etc.).</p>	Iraqi sources; HJC; MOJ Project progress reports	None available	<p>All sources collected</p> <p>Improvements designed and tested</p> <p>Indexes designed and validated</p> <p>Thesaurus validated</p> <p>Working groups conducted</p> <p>Website statistics showing greater use of the ILD's web version</p>

² New output/activities inserted as substitute for reduced support to the Judicial Training Institute under the ITF/Spain project proposal

IP Output 4:		UN Agency	Partner	Indicators	Source of Data	Baseline Data	Indicator Target
<p>IP Output 4</p> <p>Increased capacity of GoI to reform the penitentiary system, including its management and treatment of women and juveniles</p>	<p>A thorough analysis of the Iraqi penitentiary system conducted and needs assessment reported.</p>	<p>UNDP, UNICEF, UNIFEM, UNAMI-HRO Lead agency: UNDP</p>	<p>N/A</p>	<p>Procurement of technical services to conduct needs assessment undertaken by UNDP Report on needs assessment of the Iraqi penitentiary system is completed.</p>	<p>Project progress report</p>	<p>NA</p>	<p>TA services procured Needs assessment conducted and a report is prepared.</p>
	<p>Increased knowledge among prison personnel and ministry staff on modern management and prison management methods</p>	<p>UNDP, UNICEF, UNIFEM Lead agency: UNDP</p>	<p>N/A</p>	<p>Number of prison personnel and ministry staff on modern management and prison management methods TOT component for relevant management personnel conducted</p>	<p>Training report. Project progress reports.</p>	<p>NA</p>	<p>120 Prison administrators and staff trained. Staff at Ministries trained with regard to issues identified by the needs assessment. Train the trainers methodology established and implemented.</p>
	<p>Increased capacity of Iraqi CSOs for advocacy and monitoring of conditions and services of penitentiary system</p>	<p>UNDP, UNICEF, UNIFEM Lead agency</p>		<p>Number of linkages established with CSO's in Baghdad and Kurdistan</p>	<p>Project progress report Monitoring reports</p>	<p>NA</p>	<p>Linkages with at least 4 CSO's established in Baghdad and Kurdistan</p>
	<p>Improved capacity within the Iraqi government for laws and institutions responsible for the penitentiary system</p>	<p>UNDP</p>	<p>N/A</p>	<p>Number of laws reviewed by GOI with UN support Assessment on security conditions completed by GOI with project support A report with recommendations on penitentiary system reform is prepared A workshop held by GOI with project support to disseminate, and initiate dialogue on the recommendations</p>	<p>Project progress reports</p>	<p>NA</p>	<p>Review of the current laws, institutions, key players and delineation of powers between laws and institutions governing the Iraqi penitentiary system undertaken Assessment of the current security situation and its impact on laws and institutions governing the penitentiary system undertaken Recommendations on penitentiary system reform provided Workshop held to disseminate, and initiate dialogue on, the recommendations</p>

VII. Abbreviations and Acronyms

AWP: Annual Work Plan

CSO: Civil Society Organization

GoI: Government of Iraq

GBV: Gender based violence

HJC: Higher Judicial Council

ILD: Iraqi Legal Database

JEDI: Judicial Education and Development Institute

JTI: Judicial Training Institute

IBA: Iraqi Bar Association

KBA: Kurdistan Bar Association

KJC: Kurdistan Judicial Council

MOJ: Ministry of Justice

POGAR: Programme of Governance in the Arab Region

SURF: Sub-Regional Resources Facility-for Arab States

UNAMI-HRO: United Nations Assistance Mission of Iraq- Human Rights Office

UNICEF: United Nations Children's Fund