

United Nations Development Group Iraq Trust Fund

Project # 63966

Date and Quarter: July – September 2010.

Participating UN Organisation: UNDP

Sector: Governance

Government of Iraq – Responsible Line Ministry: Iraqi High Judicial Council (HJC), Ministry of Justice (Baghdad and KRG)

Title	Support to the Development of Justice and the Rule of Law				
Geographic Location	Nationwide (All Iraq)				
Project Cost	USD 6,059,994 (ITF 5,909,994 and Government In Kind 150,000)				
Duration	24 months				
Approval Date (SC)	Dec 4, 2008	Starting Date	Dec 8, 2008	Completion Date	8 Dec, 2010
Project Description	<p>The ‘Support to the Development of Justice and the Rule of Law’ Project is providing the Iraqi Government with technical support and training necessary for the improvement of key components of the judicial system, specifically the functioning of courts and the penitentiary system. UNDP-Iraq is support the establishment of a model court in Baghdad, which will address the limitations of the current court system, including issues of court management, court reporting and recording, and access to the judicial system for all Iraqis. UNDP-Iraq will also provide assistance to the Iraqi Judicial Training Institute (JTI) through the provision of training and other support to ensure that Iraq’s new generation of judges, prosecutors and judicial staff benefit from the latest international best practices. The penitentiary system reform component of the project will support the development of a legal and institutional framework, and supports building the capacity of prison management in line with international human rights standards. In addition, the project is finishing the final phase of the Iraqi Legislative Database (ILD) and will hand it over to the Iraqi stakeholders.</p> <p>This project forms part of a consolidated framework in support of the rule of law and justice in Iraq, together with the EU funded project “Support to the Rule of Law and Justice” and the German funded project “Support to the Development of the Judicial Development Institute”.</p>				

Development Goal and Immediate Objectives

The Support to the Development of Justice and the Rule of Law Project is contributing to priorities of both the National Development Strategy (NDS) and the International Compact for Iraq (ICI). This Project is contributing 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 is also contributing towards 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 as 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 programme, 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.

Outputs, Key activities and Procurement

Outputs	<ol style="list-style-type: none">1- Pilot model court in Baghdad2- Reform of curriculum in specialized areas of the Iraqi Judicial Training Institute (JTI)3- Implementation of Phase III of the Iraqi Legal Database (ILD)4- Reform of the penitentiary system, including its management and treatment of women and juveniles
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Activities	<ol style="list-style-type: none"> 1. A Working Group meeting for the Baghdad Pilot Court was conducted during the quarter (August) to consult with counterparts, facilitate ownership of activities, coordinate stakeholders supporting the Rusafa Court and to provide updates on progress with implementation of activities. 2. Consultations continued in relation to the Strategic and Accessibility Plan for the Baghdad Pilot Court. 3. Stakeholder endorsement for the library and legal research design and implementation plans was obtained and procurement activities commenced. 4. The Implementing Partner for Media Awareness Campaign has started the second phase under the contract, with the draft strategy and media plan reviewed by UNDP and stakeholder consultations commenced. Coordination is also being undertaken with other Donors who are providing support in this area. 5. Analysis and procurement activities Implementing Partner for IT systems has submitted the Needs Assessment Reports, including Training Plans and Procurement List to enable UNDP to undertake the procurement and consider potential further additional trainings. 6. The Implementing Partner for the legal training component has accomplished the third deliverable under the contract, and finalised the Training Programme to be undertaken over the next six months. The first of the trainings commenced in this Quarter. The development of the comprehensive training programme has involved strong counterpart ownership (which has been acknowledged by senior members of the Iraqi Justice system as a significant achievement in relation to the extent of consultations and the “hearing of their voice” in the process) and significant input from Regional experts. Such national ownership has been considered important as part of this type of assistance to ensure sustainability, however this has lead to delays in implementation, and is a component of the request for a no cost extension to the Project. 7. The Implementing Partner for the penitentiary system reform component has started the second phase of the contract, which is the analysis and assessment process. Significant delays have occurred due to restricted access to some facilities, exacerbated by senior personnel changes in the relevant Iraqi Ministries. This is a major reason for the request for a no cost extension. 8. The implementation of the 3rd phase of the Iraqi Legal Database (ILD) is ongoing. The loading of the information into the database is continuing with nine deliverables completed. 9. Two data entry clerks have managed to type, scan, inserted hyperlinks and transferred around 3,700 legal documents and articles into the ILD system during reporting period. 10. The Implementing Partner organised the fourth training session for legal experts on elaborating the indexes of the ILD. In addition, the Implementing Partner was able to carry out the elaboration of 6 indexes, collect and select the third and fourth 4500 court decisions for inclusion in the ILD. 11. Two consultants were hired for a period of two months to work on correcting the index drafting into the ILD. Both consultants achieved their deliverables satisfactory within the time frame. 12. Short-listing is ongoing to hire another 4 experts for a period of 2.5 months to work on correcting documentation of court decisions in the ILD. 13. As mentioned in the previous quarter, the Project Steering Committee, which met in Baghdad on 20 April 10 endorsed the 2010 work plan and provided full support for the Project to be extended by another year to ensure implementation of all the components in the project document.
Procurement (major items)	<ol style="list-style-type: none"> 1. Short listing is ongoing to hire another 4 experts for a period of 2.5 months to work on correcting documentation of court decisions, indexing and preparing them for inclusion in the ILD.

Funds Committed for activities	USD 2,621,972.49	% of approved	% 44
Funds Disbursed	USD 1,734,239.97	% of approved	% 29
Forecast final date	8 December 2011	Delay (months)	12

Direct Beneficiaries	Number of Beneficiaries	% of planned (current status)
Men	n/a	n/a
Women	n/a	n/a
Children		
IDPs		
Others	n/a	n/a
Indirect beneficiaries		
Employment generation (men/women)	This Project is not directly concerned with employment generation.	

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 for example 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 prisons' administrators the project seeks to contribute to the improvement in women 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.

Quantitative achievements against objectives and results	
-The Pilot court expert has achieved three deliverables with six deliverable remaining	33%
-The contractor for the law library and legal research has achieved five deliverables with three deliverables remaining	63%
-The contractor for media awareness campaign has achieved the second deliverable with three deliverables remaining	40%
-The contractor for IT System has achieved four deliverables with five deliverables remaining	44%
-Experts for the ILD III phase is progressing in their work on managing and maintaining the ILD achieving 9 deliverables with three deliverables remaining.	75%
-Experts for data entry into the ILD has achieved three deliverables with six deliverables remaining	33%
-Experts for correcting index drafting into the ILD has achieved both deliverables as indicated in their contract.	100%
-The contractor for data collection and ILD 3 rd phase has achieved five deliverables with 6 deliverables remained to achieve.	45%
-The contractor for Legal Training signed has achieved the first two deliverables with three deliverables remaining	100%

Qualitative achievements against objectives and results

This project is now into full implementation with a clear plan of action. All activities with Implementing Partners have progressed although some delays have been encountered in relation to the security situation, and in particular this has affected the reform of the penitentiary system component. Also during the assessment phases undertaken in earnest during Quarters 1 and 2 2010, further information has been provided, implementation adjusted and timelines revised, to ensure the Project delivers the maximum expected benefits. Iraqi stakeholders are in full support of such adjustments and at the Project Steering Committee have recommended that the Project be extended by a further 12 months, on the basis of a “no cost extension”.

Main implementation constrains & challenges (2-3 sentences)

The security situation in Iraq, especially in Baghdad, has been a major constraint in implementing the project activities. Field visits to the Pilot Court, Ministry of Justice, JTI, Prisons and meeting with the Iraqi counterparts have been difficult and faced security impediments.