



ANNUAL PROGRAMME NARRATIVE PROGRESS REPORT
REPORTING PERIOD: 1 JANUARY – 31 DECEMBER 2010

Programme Title & Number

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

Programme Number: C9-27

MDTF Office Atlas Number: 66956 (UNDP Project Number: 00063966)

Country, Locality(s), Thematic Area(s)

Iraq, Baghdad, and throughout Iraq

ITF Sector: Governance

Participating Organization(s)

UNDP

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/Project Cost (US\$)

MDTF Fund Contribution: \$5,909,994

Agency Contribution 0

Government Contribution

Other Contribution 0

TOTAL: \$5,909,994

Programme Duration (months)

Overall Duration 36 Months

Start Date 08 December 2008

Original End Date 08 December 2010

Revised End Date 31 December 2011

Operational Closure Date 31 December 2011

Expected Financial Closure Date 30 April 2012

Programme Assessments/Mid-Term Evaluation

Assessment Completed - if applicable *please attach*

Yes No Date: _____

Mid-Evaluation Report – if applicable *please attach*

Yes No Date: _____

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I. Purpose

The Justice and Rule of Law Project will provide 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 will implement a pilot model court in Iraq, build the capacity of the Iraqi Judicial Training Institute (JTI), support development of alternative dispute resolution mechanisms for civil law issues, 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”.

The Pilot Court component of the Justice and Rule of Law Project will allow for a number of reforms, court practices and new technologies to be introduced and tested within a single court with a view to increasing efficiency and improving access to justice, so as to set an example for other courts to follow. All the reforms that will be introduced have been designed to increase efficiency, effectiveness, transparency, and will also improve public perception of the court. This initiative is beneficial in more ways than one, and is an efficient use of funds in that all other courts throughout the same judicial system will benefit. This project will develop teaching methods and curriculum for the JTI and provide the Institute with the support it requires in order to ensure that Iraq’s new generation of judges and judicial staff benefit from the latest international best practices and carry out their training in a modern setting. The penitentiary system reform component has several dimensions. This specific component will include a nation-wide needs assessment on the Iraqi penitentiary system, an analysis of relevant laws and institutions, and a workshop. The needs assessment will be a first step in determination of the true statistics and situations that are currently in place in Iraq as well as a training needs assessment to identify staff capacity and skill gaps.

The project outcomes are:

Strengthened administration of justice system; and
Strengthened capacity of key government and non-government institutions to protect and promote human rights.

The project outputs and activities are:

Output 1. Pilot Model Court in Baghdad

- The development of an easy to read manual for court users;
- The acquisition and implementation of case management tools, including training on court management and court reporting ;
- Trainings on substantive and procedural matters ;
- The establishment of a library with international documents and publications relating to substantive areas of the law;
- The establishment of a legal research unit;
- Note that following stakeholder discussions in 2010, and the subsequent change of scope approval from the UNDG ITF Project Steering Committee the two activities under this output of the establishment of a training centre in the model court for judges and court staff and the establishment of a help desk to address complaints regarding corruption were deleted from the work plan and the corresponding funds were reallocated to other activities under this output.

Output 2. Reform of Specialized Areas of the Iraqi Judicial Training Institute (JTI)

- A needs assessment of the Judicial Training Institute, including the identification of capacity gaps, & recommendations for the reform program;
- Provision of experts to aid in improvements to training curriculum, including human rights, gender equity, gender based violence, family code and juvenile justice.

Output 3. The Iraqi Legal Database Completed

- Incorporating court decisions to the Iraqi Legal Database (the “ILD”);
- Incorporating the Shoura Council’s opinions to the ILD;
- Completing the indexing of Iraqi law in all major subject matter areas;
- Improving the thesaurus of terms;
- Making improvements to the ILD’s software with a view to incorporating new features;
- Training key advisors and jurists in the use of the ILD; and
- Ensuring the ILD’s sustainability in the long term.

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

- A needs assessment on the penitentiary system;
- Training for prison administrators and staff with regard to dealing with modern prison management techniques and a train the trainer methodology established and implemented;
- The strengthening linkages with civil society;
- Review of the current laws, institutions, key players and delineation of powers between laws and institutions governing the Iraqi penitentiary system;
- Assessment of the current security situation and its impact on laws and institutions governing the penitentiary system undertaken, including the identification of entry points for reform.

The Programme relates to the Strategic (UN) Planning Framework guiding the operations of the Fund as follows. During 2010 the UN Country Team made a transition in the documents in which it used. Three key new documents were developed which have a direct affect on this project and UNDP-Iraq. These documents are described below.

- The United Nations Development Assistance Framework for Iraq 2011 – 2012 (UNDAF)
The UNDAF was prepared by the United Nations Country Team in Iraq in consultation with the Government of Iraq and other partners, with the aim of improving the lives of the people of Iraq, and particularly the most vulnerable, in alignment with the national priorities and Millennium Development Goals. The United Nations Development Assistance Framework (UNDAF) 2011-2014 is the first for Iraq, marking a significant milestone in the nation’s recovery and transition towards longer term development. Based upon and prepared in parallel with the Iraq Five Year National Development Plan (NDP) 2010-2014, the UNDAF provides a coherent and coordinated strategy for the delivery of UN assistance that embodies the Paris Principles, and supports the newly elected Iraqi administration in meeting its various obligations. The focus of the UNDAF implementation is to foster national capacity and leadership of the development process, within governmental, non-governmental and social institutions, in order to transition the country from the impact of violence and repression characterizing recent decades. Five UNDAF priorities have been identified, providing the scope and strategic direction of the UN system’s support to Iraq in the next four years, namely:
 1. Improved governance, including the protection of human rights.

2. Inclusive, more equitable and sustainable economic growth.
3. Environmental management and compliance with ratified international environmental treaties and obligations.
4. Increased access to quality essential services.
5. Investment in human capital and empowerment of women, youth and children.

- Country Programme Document (CPD)

The first Country Programme was endorsed by GoI and approved by the Executive Board of UNDP on 3 September 2010. The Country Programme is aligned with the National Development Plan and is nested within the UNDAF. UNDP has identified four priority areas of synergy with National Development Plan and UNDAF, namely: a) fostering inclusive participation; b) strengthening accountable and responsive governing institutions; c) promoting inclusive growth, gender equality, climate change mitigation and adaptation and MDG achievement; and d) restoring the foundations for development. The Country Programme takes into account that UNDP operates under the overall mandate of the United Nations Assistance Mission in Iraq (UNAMI) focussing on the role of supporting the Government of Iraq (GoI) in the transition towards national reconciliation, peace and stability through work on governance, poverty alleviation, economic recovery and environment guided by conflict prevention and recovery approaches identified in five outcomes and respective outputs. Five Country Programme priorities have been identified, providing the scope and strategic direction of UNDP to Iraq in the next four years, namely:

- 1) GoI and civil society have strengthened participatory mechanisms in place for electoral processes, national dialogue and reconciliation.
- 2) Enhanced rule of law, protection and respect for human rights in line with international standards.
- 3) Strengthened regulatory frameworks, institutions and processes in place for accountable, transparent and participatory governance at national and local levels.
- 4) GoI has the institutional framework to develop and implement MDG-based pro-poor, equitable and inclusive socio-economic and environmental policies and strategies.
- 5) Enabling policy and frameworks for rapid economic recovery, inclusive and diversified growth and private sector development.

- Country Programme Action Plan (CPAP)

The CPAP, signed on 14 March 2011, is a legal agreement between the Government and UNDP based upon the Country Programme Document. The 2011-2014 CPAP is a four-year living document defining the mutual cooperation and programme of work shared between the Government and UNDP. It is a response to the specific challenges identified in the UN Common Country Assessment 2009 and the UN response as outlined in the UN Development Assistance Framework 2011-2014. These, in turn, take account of the Millennium Development Goals, the Iraq National Development Plan as well as the lessons learned from past UNDP programming in Iraq. The CPAP, has been prepared in close consultation with key stakeholders, defines the goals, and broad outline of strategies and activities that the Government and UNDP jointly

subscribe to, with agreed financial parameters. The CPAP further elaborates the five CPD outcomes and respective outputs of UNDP, and includes a specific output of “Key national and local institutions strengthened to promote rule of law (including transitional justice) and administration of justice” which incorporates this ITF project.

II. Resources

Financial Resources:

- No other sources of funding were perused for this project.
- On 23 November 2010 the UNDG ITF Steering Committee approved the movement of funds between the project components as follows:
 - Decrease personnel by 20%
 - Decrease training by 95%
 - Increase contracts by 108%
 - Decrease direct costs by 26%
- The most significant change is the movement of funds from training to contracts. This has been undertaken because the modality selected to undertake the training and capacity development was through contracts. Furthermore funds have been reallocated from personnel to contracts to increase activities being undertaken by the Implementing Partners.

Human Resources:

- National Staff: 2 (1 operation, 1 programme)
- International Staff: 1 programme staff member
- SSA: 17 experts

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 the contracted 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 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 Committee (b) a Project Management Unit, supported/overseen by (c) the Team Leader of the Governance Unit.

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).

No formal assessments, evaluations or studies have been undertaken during the reporting period. The project has undertaken field monitoring visits by project staff at different levels and involved project stakeholders to the fullest extent.

UNDP Iraq follows the Financial Regulations and Rules (FRR) and the Procurement Manual posted under the Programme and Operations Policies and Procedures (POPP) which provides the framework to carry out procurement processes. The following bullets serve as guiding principles within the procurement process at UNDP Iraq. These principles are:

- Best Value for Money
- Fairness, Integrity, Transparency
- Effective International Competition

UNDP defines procurement as the overall process of acquiring goods, civil works and services which includes all functions from the identification of needs, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration through the end of a services' contract or the useful life of an asset. UNDP has two primary documents, the Financial Regulations and Rules and Procurement Manual, which specify solicitation procedures for supply of goods, services, or works, including appropriate methods for evaluating and selecting awardees and possible contracts. The Regulations and Rules and Procurement Manual also indicate which conditions justify waiving the competitive tendering process in favor of direct contracting.

Further, in order to ensure compliance with UNDP regulations, rules, policies and procedures, all procurement activities at UNDP-Iraq are subject to a review and approval process prior to an award of a procurement contract.

In summary UNDP-Iraq Procurement Unit follows the rules, regulation and there is no variance in standard procedures.

IV. Results

Output 1. Pilot Model Court in Baghdad:

The implementation of the activities in support of the Baghdad Pilot Court was by end 2010, 50% complete as follows:

- The legal technical training programme, a comprehensive legal training schedule, was finalized and 50% of the legal training programme completed. A contract amendment was undertaken to facilitate further trainings and broader participation by Iraqis.
- The legal awareness campaign was fine-tuned. This included synergy with the media awareness strategy and the draft court user's handbook that links with the awareness raising strategy.
- Support continued in information technology with procurement in process for equipment, contracts amended to provide for further trainings and a portion of the initial trainings conducted in Baghdad.
- The acquisition of equipment and resources commenced for the Legal Research Unit in the Pilot Court.
- Working Group meetings for the Baghdad Pilot Court was conducted to: i) consult with counterparts, ii) facilitate ownership of activities, iii) coordinate stakeholders supporting the Rusafa Court and iv) provide progress updates on the implementation of activities.

Output 2. Reform of Specialized Areas of the Iraqi Judicial Training Institute (JTI):

The implementation of the activities in support of the Judicial Training Institute is 65% complete. Feedback was obtained from stakeholders on the, draft assessment of the Judicial Training Institute. Further discussions and workshops were planned for Q1 2011 with a view to finalize the recommendations for reform of the curriculum.

Output 3. The Iraqi Legal Database Completed:

The implementation of the third phase of the Iraqi Legal Database (ILD) is ongoing and is approximately 70% complete with key activities being:

- Continued loading of information into the database with eleven deliverables completed.
- In 2010 18,000 legal articles are typed, scanned, inserted hyperlinks and transferred into the ILD system.

- The Implementing Partner carried out the elaboration of 6 indexes. .
- The IP carried out and delivered the third draft of the Thesaurus to ILD experts.
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- Five days of training were held on 24–28 May 2010, on building the indexes, thesaurus and documenting the legal texts and the court decisions.
- Collecting the Kurdish Official Gazette (2007-2010) and selecting the needed legal texts (70 legal texts).
- Collecting the Iraqi Official Gazette (1956, 2009-2010) and selecting the needed legal texts (260 legal texts).
- Collecting the Iraqi and Kurdish court decisions (7,369 court decisions from Iraqi's courts relating to civil, criminal, and property topics).
- Collecting the Ottoman Commercial Law and the Old Criminal Law of Baghdad which were missing from the ILD.
- Classifying and codifying the selected legal texts relating to 1956.
- Classifying and codifying the selected legal texts from the Iraqi Official Gazette (volumes 4104 to 4149 for years 2008 to 2010).
- Classifying and codifying the selected legal texts from the Kurdish Official Gazette (volumes 71 to 111 for years 2007 to 2010).
- Updating the Iraqi and Kurdish Legal texts relating to year 2007, 2008, 2009 and 2010.
- Drafting the first draft of the indexes of commercial laws, criminal, civil, banking, labor and social laws and property laws.
- Reviewing and updating the ILD software documentation, especially the technical and user documentation.
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Output 4. Reform of the Penitentiary System, including its management and treatment of women and juveniles:

Activities in reform of the penitentiary system are 50% completed with four analysis reports prepared covering the areas of training, civil society organizations, needs of people in custody and legal analysis. These reports are to inform the development of a strategy. Consultations with stakeholders are in process.

Since commencement of the Project some delays have been encountered. This has been due to five key reasons:

- First, the project had a slower than planned start up phase which resulted in procurement actions being completed in January 2010 (half way through the project) and the main implementation commencing from February 2010.
- Second, during the assessment phases undertaken in earnest by the Implementing Partners during Quarters 1 and 2 2010 further information from stakeholders was provided, and as such implementation adjusted and timelines revised, to ensure the Project delivers the maximum expected benefits.
- Third, in relation to implementation it has progressed somewhat slower than planned due to the security situation, which 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 has faced security impediments which were heightened due to the security situation before and after the election. For instance 60% of planned missions in 2010 to the Pilot Court were cancelled due to the security situation. In addition consultations with the Ministry of Justice were severely restricted following the bombing and destruction of the Ministry of Justice premises on 25 October 2009. The impact on the Ministry of Justice was severe with the deaths of Ministry of Justice employees and significant materials and infrastructure damage. As a result the Ministry of Justice moved to another temporary building and access to the new location was limited.
- Fourth, there has also been slower than initially planned delivery by the Implementing Partners due to a rigorous process of quality assurance being applied by UNDP to ensure that the requisite standards for the

deliverables are being met and subsequent improvements to be undertaken by the Implementing Partners. The quality assurances mechanisms undertaken include ensuring that comprehensive consultation have been undertaken with stakeholders and that all written materials and documents are produced at the highest standards, with best development practice followed.

- Fifth, in relation to Output 4 (Reform of Penitentiary System) implementation has been difficult to progress due to the continual change of key stakeholders / counterparts working in this sector and the difficulties due to this and the security situation in gaining approvals to access to facilities.

Due to these implementation delays a twelve month extension to the project was approved. In relation to mitigation against any further delays the Project has a clear work plan with what is considered realistic time-frames for achievements. The Project will have the appropriate level of staff (both national and international) to provide support during 2011. The pace of implementation for Output 4 (Reform of the Penitentiary System) will be closely monitored to ensure full achievement by December 2011. Iraqi stakeholders have been kept aware of all adjustments made and provided support accordingly.

- The programme/ project based on performance indicators as per the approved project document and relevant change of scope are identified on the following pages in Section VIII Indicator Based Assessment.

- **Future Work Plan**

In 2011 the remaining project activities will be implemented and all funds expended in accordance with the attached work plan.

VI. INDICATOR BASED PERFORMANCE ASSESSMENT

	Performance Indicators	Indicator Baselines	Planned Indicator Targets	Achieved Indicator Targets	Reasons for Variance (if any)	Source of Verification	Comments (if any)
Outcome 1 GOI and non-government institutions are able to protect and promote human rights							
Output 1 A Pilot Model Court is established in Baghdad	Court manual produced Number of leaflets and posters on corruption aimed at the Iraqi judicial system and court users produced	N/A	Easy to read manual for court users, three types of leaflets and posters produced for model court users	On track – 50% completed		Progress reports, and feedback from court users	
	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	N/A	At least 80 judiciary staff trained 80% of trainees Court reporting established as a regular practice.			Progress reports, monitoring of trainings, and feedback from trainees	
	Number of staff trained on substantive and procedural matters Percentage of trainees who express satisfaction with the quality and relevance A library established within a court by the court Legal research unit established by the model court	NA	40 staff trained on substantive and procedural matters undertaken 80% of trainees responses At least one Library established with international documents and publications relating to substantive areas of the law Legal research unit established			Progress reports, monitoring of trainings, and feedback from trainees	
	Number of staff trained to handle corruption complaints and provide assistance to women court users Percentage of trainees who express satisfaction with the quality and relevance	NA	All model court staff trained to respond to complaints of corruption 80% of trainees responses			Progress reports, monitoring of trainings, and feedback from trainees	
Output 2 Improved curriculum of the Judicial Training Institute, incorporating	Needs Assessment on human rights, gender equity, family code, GBV and juvenile justice curriculum undertaken	N/A	Needs Assessment undertaken	On track – 65% completed		Quarterly Progress Reports, monitoring of workshops and	

<p>human rights, gender equity, family code, GBV and juvenile justice</p>	<p>Number of workshops organized to discuss the needs assessment outcome, capacity gaps, & 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>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</p> <p>80% of trainees responses</p>			<p>feedback from attendees at workshops</p>	
<p>Output 3 Completing the Iraqi Legal Database</p>	<p>A comprehensive electronic legal database that includes all positive law and secondary sources, and which is freely available to all Iraqi jurists and researchers.</p>		<p>All secondary sources collected and incorporated into the ILD</p>	<p>On track, 70% completed</p>		<p>Monthly progress reports and ILD website</p>	
			<p>Improvements made to the ILD's software, including the options that are available to users</p>			<p>Monthly progress reports and ILD website</p>	
			<p>Indexes created in relation to all major subject matter areas, including administrative law, property law, family law, etc.</p>			<p>Monthly progress reports and ILD website</p>	
			<p>The ILD's thesaurus improved</p> <p>Workshops organized between the HJC and the MOJ in order to discuss the ILD's functions and its sustainability</p>			<p>Monthly progress reports and ILD website</p> <p>Monthly progress reports and Iraqi counterparts official feedback</p>	
			<p>Final version of the ILD made available online and in CD format to all major and</p>			<p>Website statistics showing greater use of the ILD's</p>	

			interested parties in Iraq (including universities, the HJC, the MOJ, the IBA, etc.).			web version	
Output 4 Increased capacity of GoI to reform the penitentiary system, including its management and treatment of women and juveniles	Procurement of technical services to conduct needs assessment undertaken by UNDP Report on needs assessment of the Iraqi penitentiary system is completed.	NA	TA services procured Needs assessment conduct and a report is prepared.	Technical services acquired and needs assessment reports completed, stakeholder consultations ongoing.	None	Expert analysis of reports and stakeholder feedback.	
	Number of prison personnel and ministry staff on modern management and prison management methods TOT component for relevant management personnel conducted	NA	120 Prison administrators and staff trained. Staff at Ministries trained with regard to issues identified by the needs assessment. Train the trainer's methodology established and implemented.	Planning commenced for implementation in Q3 2011		Progress reports, trainee feedback, and external evaluations.	
	Number of linkages established with CSO's in Baghdad and Kurdistan	NA	Linkages with at least 4 CSO's established in Baghdad and Kurdistan			Progress reports, trainee feedback, and external evaluations.	
	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	NA	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			Progress reports, trainee feedback, and external evaluations.	