



**Government of LEBANON  
Ministry of Justice**

**United Nations Development Programme**

**Towards Improving Access to Justice by Enhancing  
Transparency and Efficiency in the Administration of Justice**

**Description**

The purpose of this project is to strengthen the capacities in the Ministry of Justice in order to achieve a more accountable, equitable, effective and human rights based approach to administration of justice. Within this framework, the project will focus on building core capacity for judicial reform, starting with increasing exposure to international laws and conventions towards their integration into the Lebanese judicial process.

The project's main objectives and outputs are as follows:

1. Formulating a Policy Paper based on:
  - A comprehensive assessment of the administration of Justice, using a participatory approach.
  - Identification and Analysis of areas for judicial reform, with an emphasis on the needs of vulnerable groups and women.
2. Training of student judges on a Human Rights Based approach to Justice.
3. Development of a Communications and information system, which is accessible to professionals and to the general public. This includes:
  - Producing a comprehensive communication strategy for the judiciary
  - Publishing a citizens guide to administrative processes and a directory of the judicial sector
  - Producing regular bulletins, and information on judicial processes
  - Developing a process for creating knowledge and awareness of international laws and conventions
  - Establishing a Help Desk, Call Center and other public service units.

**Date: 20 March 2006**

## SIGNATURE PAGE

Country: Lebanon

UNDAF Outcome(s)/Indicator(s): The rights based approach to development integrated into national development and oversight bodies established and/or strengthened  
*(Link to UNDAF outcome., If no UNDAF, leave blank)* 1. Institutional Strengthening

Expected Outcome(s)/Indicator (s): Institutional capacity developed  
*(CP outcomes linked t the SRF/MYFF goal and service line)* 2. Fostering democratic governance, 2.7 Public administration reform and anti-corruption

Expected Output(s)/Indicator(s): Policy Paper is published on administration of justice and a communication strategy established at the Ministry of Justice.

*(CP outcomes linked t the SRF/MYFF goal and service line)* Fostering democratic governance

Implementing partner: Ministry of Justice  
*(designated institution/Executing agency)*

Other Partners:  
*(formerly implementing agencies)*

Programme Period: April 2006 to end of December 2006  
Programme Component: Democratic Governance  
Project Title: "Towards Improving Access to Justice by Enhancing Transparency and Efficiency in the Administration of Justice"  
Award ID: 00043523  
Project ID: 00050849  
Project Duration: 9 months  
Management Arrangement: NEX

Total Budget \$200,000

Agreed by (Ministry of Justice):  
Excellency Mr. Charles Rizk - Minister of Justice

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شارل رزق



Agreed by (UNDP):  
Ms. Mona Hammam - Resident Representative

Mona Hammam

## Part I. A. SITUATION ANALYSIS

In its Ministerial statement to the parliament, the current government in Lebanon headed by Prime Minister Siniora stated, “the separation of powers in Lebanon is one of the cornerstones of the Lebanese Constitution and the democratic parliamentary system in Lebanon. Therefore, the government is adamant in its belief in the independence of the Judiciary and stresses its intent to carry out the necessary reforms to enhance and safeguard its independence. For a Just and independent judiciary is not only a major stabilizing agent for society, it is also the main factor in bolstering international confidence in Lebanon which, in turn, will encourage foreign investments that will push the economy ahead and will further boost growth, development, living standards, and social security of the Lebanese.”

Since the end of the civil war, Lebanon embarked on the process of rebuilding its government and public institutions. The legal and judicial sector, however, is still suffering from the lingering effects of the civil war. Though Lebanon has a long-standing history of prominence in the judicial field, much of the sector was demolished by the war. The institutions and the actors in this sector are now starting to undertake reforms to regain their prominence. The issues that plague this system are similar to those of many countries - the courts are backlogged from a shortage of judges and court staff, the rule of law has not prevailed, and there are concerns about the judiciary’s independence from political processes and influence. More importantly, public confidence in the judiciary and legal system as a whole must be re-established and sustained.

Lebanon’s constitution is one of the oldest in the region, dating back to the days of the French mandate. Although it has since been amended, there has been little attempt to adequately spell out provisions regarding the role and conduct of the judiciary, with the exception of an amendment to create a Constitutional Council in 1990. The parliament and the cabinet select judges for that body. Only government officials and deputies may bring cases to this Council. The Council is also the designated body for election disputes. That amendment came out of the Ta’if Agreement, which was designed to bring an end to Lebanon’s civil war and strengthen national institutions, including calling for the strengthening of the Supreme Judicial Council and the implementation of a constitutional provision for a special tribunal for trials involving senior public officials. Although article 80 of the constitution provides for a “Supreme Council” to try presidents and ministers, implementing legislation was never passed until after the Ta’if accords. That body consists of judges and parliamentary deputies.

Lebanon’s courts of general jurisdiction have three levels: the first is composed of (*Sulhiyya*) and (*Bida’iyya*) courts that apportion work in accordance with the seriousness of the case; the second is an appeals court (*Isti’naf*), and the third, cassation (*Tamyiz*).

There is also an administrative court system, known as the State Consultative Council (*Majlis Shura al-dawla*). In addition to the courts of general jurisdiction, administrative courts, and confessional courts, there are specialized courts as well that are judicial or quasi-judicial bodies. For instance, there are quasi-judicial or arbitration bodies for labor, real estate, and customs disputes. Military courts deal with military affairs and some security matters. The Court of Audit is attached to the Prime Minister’s office and oversees cases related to public funds.

The Judicial Council, composed of senior judges, considers cases related to state security. It receives cases that are referred from the Cabinet, upon the suggestion of the Minister of Justice. Its decisions are not subject to appeal.

The budget and administration of the courts generally fall within the purview of the Ministry of Justice. The courts have been overburdened in recent years, leading some to suggest an increase in the number of judges.

The Lebanese judiciary relies on the Ministry of Justice for much of the administrative support for the courts. In addition, the Ministry plays a role in forming the Supreme Judicial Council, appointing judges and overseeing public prosecution and investigation. This has occasionally led to proposals to increase the autonomy granted to the judiciary.

A comprehensive framework for reform of the judiciary was reviewed and announced by the Ministry of Justice during a national conference, in early January 2002. The framework highlighted the following national priorities:

- The commitment to “justice”, in line with UN Human Rights legislation;
- The enhancement of the independence of the judiciary;
- The modernization of national legislation;
- Administrative reform and rehabilitation initiatives to improve the administration of justice.

Judicial reform constitutes one of the main pillars of UNDP’s governance programme. For UNDP, the justice sector encompasses public institutions, organizations, and actors (ex. judges, prosecutors, ombudsmen etc.) having formal mandates to ensure the promotion of transparency, the rule of law, accountability and informed debate.

## **Part II. PROJECT STRATEGY**

Access to justice is a vital part of the UNDP mandate to reduce poverty and strengthen democratic governance. Within the broad context of justice reform, UNDP’s specific niche lies in supporting justice and related systems so that they work for those who are poor and disadvantaged. In addition to the general standards of the International Human Rights Conventions, a number of international instruments establish principles and minimum rules for the administration of justice and offer fairly detailed guidance to states on human rights and justice. They comprise the Universal Declaration of Human Rights and specific covenants, conventions, rules, guidelines and standards, promulgated by the international community under the auspices of the United Nations. These standards inform and influence UNDP support to the justice sector. Worth noting are:

- The Basic Principles on the Independence of the Judiciary: these require that national law guarantee the independence of the judiciary and prohibit the inappropriate and unwarranted interference with the judicial process. They obligate states to provide adequate resources to enable the judiciary to properly perform its functions, and set forth principles for the selection, training, conditions of service and discipline of the judiciary
- The Basic Principles on the Role of Lawyers: these require governments to ensure that efficient procedures and responsive mechanisms for equal access to lawyers are provided, including the provision of sufficient funding and other resources for legal services. In addition, they entitle lawyers to form and join self-governing professional associations while at the same time professional associations are required to cooperate with governments in the provision of legal services.

- The Guidelines on the Role of Prosecutors: identify the responsibility of prosecutors in protecting human dignity and upholding human rights and ensuring due process

Strategic areas of support aim to highlight and/or complement existing efforts and initiatives in the area of good governance, to lead new reform and capacity building initiatives for promoting implementation of the rule of law, and strengthen partnerships in this context. In the context of the latter, UNDP also leads efforts to support the goal of enhancing decision-making capacities and institutions as identified in the United Nations Development Assistance Framework (UNDAF) (2002-2006). The UNDAF is the planning framework for UN System development operations at the national level. The rule of law in its different components – constitutional, legal, judicial and penal – and respect for human rights are essential for good governance and democracy. Pivotal – and major challenges – include the presence of an efficient, independent judiciary based on integrity and the enforcement of the law in a comprehensive and fair manner.

The Ministry of Justice and UNDP have collaborated since 2002, and in consultation with the UNDP Project on Governance in the Arab Region (POGAR), has identified key areas of interventions that could be developed by a joint project. In 2004, a joint project established the Judicial Documentation and Research Center at the Ministry of Justice and it was reinforced in 2005.

The purpose of this project is to further strengthen the capacity of the Ministry of Justice in areas enabling the achievement of a more accountable, equitable, effective and human rights based administration of justice.

Activities will include:

1. A comprehensive needs assessment that would include a review of penal and criminal codes, organizations that undertake legal awareness and legal counseling, adjudication facilities (including investigation, prosecution, courts, appeals, and correction institutions), and oversight institutions (including civil society, media, parliament)
2. A participatory approach to the needs assessment to allow for building a community of stakeholders in the justice sector and to highlight gender and poverty-based differentials in the protection, access to and application of the law.
3. Training of judges and student judges on a Human Rights Based approach to Justice.

Within this framework, the project will focus on building core capacity for judicial reform starting with increasing exposure to international laws and conventions aiming towards their integration into the national judicial process and national laws.

Expected project outputs include the following:

- I) **Policy Paper addressing the impediments to access to justice in Lebanon, with recommendations for policy reforms, including promoting accessibility of the poor to legal aid and identification of alternative dispute resolution mechanism. (Possibly related to community based approaches and through community based actors);**

- II) **Communication and transparent information systems developed and accessible to the legal profession and to the general public respectively, including a comprehensive communication strategy, publication of a citizens guide to legal services and administrative procedures, a directory of the judicial sector, regular bulletins, Help Desk to answer questions and help the public navigate a way through the complexity of the courts.**
  
- III) **International Human Rights Laws and conventions integrated into judicial processes including creating knowledge and awareness of international laws and conventions and training of student judges on Human Rights-based approach to justice.**

Capacity building through training, seminars, discussion groups, public debates, etc. is integral to the above-mentioned activities and their corresponding outputs.

The project will rely on the participation of judges and the inputs of lawyers, clerks, court and ministry staff who will be seconded to the project by the Minister of Justice.

The Help Desk will be established and staffed by a trained lawyer and human rights activist to answer questions relating to citizens' rights and give information about legal and court procedures. It is intended to increase access to justice for all Lebanese; women, and the poor, in particular, stand to benefit greatly from this service.

The project will make legal information accessible online in both Arabic and English, enabling judges to keep abreast of and adhere to Supreme Court decisions. This will also allow public access to the country's laws and the latest rulings. The Help Desk will provide the information and advice that are available through the web portal. The comprehensive web portal provides online information and guidance to users on a range of issues, and will be relevant and responsive to problems facing the disadvantaged segments of society, particularly women, the poor and the elderly. Anyone with a telephone or Internet connection will be able to use the services, with users either logging in on the web-portal or dialing a number to get connected to a dedicated team of lawyers and trained paralegal staff who will operate the online and Help Desk service. The web-based services would be available round the clock, while the Help Desk will be operational during specified hours.

The communication campaign shall disseminate information on legal rights and procedures through the web portal, Help Desk, pamphlets, brochures, posters, newsletters and booklets. An awareness campaign in the print and electronic media will also be launched in collaboration with strategic partners in the media industry, and through mobilizing corporate sponsorship to raise public awareness about the service. To further ensure outreach to the disadvantaged segments of society, social mobilization of communities will also be undertaken, to impact basic knowledge of laws and legal rights.

**PART II - RESULTS FRAMEWORK**

**PROJECT RESULTS AND RESOURCES FRAMEWORK**

<p><b>Intended Outcome as stated in the Country Results Framework:</b> The rights based approach to development integrated into national development and oversight bodies established and/or strengthened</p>			
<p><b>Applicable Strategic Area of Support (from SRF) and TTF Service Line (if applicable):</b> Human Rights</p>			
<p><b>Partnership Strategy:</b>                  UNDP will manage the project, ensuring effective coordination between its three components, and supporting efforts to ensure broad participation of stakeholders at the local and national level.                  The Ministry of Justice is responsible for developing and implementing policy reform, in addition to providing the general public with information through public events and media coverage.                  Collaborating partners and stakeholders include the Bar Association, civil society groups, the media, and professional associations.                  The UNDP Project on Governance in the Arab Region (POGAR) will provide technical assistance and advice based on lessons learned from the region, as well as and parallel financial support for the implementation of key activities or components.</p>			
<p><b>Project title: <u>Towards Improving Access to Justice by Enhancing Transparency and Efficiency in the Administration of Justice (Leb/02/010)</u></b></p>			
<b>Intended Outputs</b>	<b>Targets (years)</b>	<b>Indicative Activities</b>	<b>Inputs</b>
<p><b>Policy advice for Reforms aiming to reduce the cost of justice</b></p>			
<p><b>1.1. Policy reform: Reducing the cost of justice</b></p> <p>1.2 A participatory approach to the assessment study (gender sensitive)</p>	<p>2006</p>	<p>1.1.1 Policy paper addressing impediments to access to justice in Lebanon and means to overcome them.</p>	<p>1.1.1 Project Manager 1.1.2 Project Assistant 1.1.3 Expert and Judge</p>
		<p>1.2.1 Conduct 1 seminar for the public 1.2.2 Conduct 1 seminar for professionals 1.2.3 Conduct 2 policy discussions</p>	<p>1.2.1 Seminar 1.2.2 Seminar 1.2.3 Seminar</p>

<p>1.3 Policy Recommendations for reform with emphasis on the needs of the vulnerable groups and women.</p>		<p>1.3.1 Policy recommendations for reducing the financial burden on disadvantaged groups -- and/or recommendations for simplifying the process towards expediting aid to vulnerable groups and women.</p> <p>1.3.2 Policy Paper: Examine policy options and innovative practices for reducing the cost of justice to the court, through mediation and alternative dispute resolution mechanisms</p>	<p>1.3.1 Expert and Judge</p> <p>1.3.2 Expert and Judge</p>
<p><b>Transparency: Communication and information system and processes developed and accessible to professional and the general public</b></p>			
<p>2.1. Transparency: Communication Strategy introduced, developed, and adopted</p>	<p>2006</p>	<p>2.1.1 Develop TORs</p> <p>2.1.2 Recruit Communication and information officer</p> <p>2.1.3 TORs of Communication and Information Committee developed and adopted</p> <p>2.1.4 Partnerships of MoJ with Bar association, private sector, academia, NGOs, etc. identified</p> <p>2.1.5 Establish focal points to manage information flow and content development - a team in the Judiciary Institute and Information and Communications Division</p> <p>2.1.6 Training of focal points on content development techniques and literature</p> <p>2.1.7 Upgrade Ministry of Justice (MOJ) web page</p>	<p>2.1.1 UNDP</p> <p>2.1.2 Communication and Information officer</p> <p>2.1.3 UNDP, Communication and Information Committee</p> <p>2.1.4 Communication officer, and Committee</p> <p>2.1.5 MoJ and Committee</p> <p>2.1.6 Parallel input from OMSAR</p> <p>2.1.7 Parallel input from OMSAR</p>



<p><b>2.2. Transparency:</b> Public guides to administrative processes through the Publication of a Directory of the judicial sector developed</p>	<p>2006</p>	<p>2.2.1 Develop outline and content of the Directory – harmonize with international standards and with OMSAR efforts on citizen charter and <a href="http://www.informs.gov.lb">www.informs.gov.lb</a></p> <p>2.2.2 Publication</p> <p>2.2.3 Launching of Directory</p> <p>2.2.4 Develop TORs of Help Desk modality</p> <p>2.2.5 Establish Help desks in MOJ, Palace of Justice in Beirut and the regions</p>	<p>2.2.1 Liaise with OMSAR for experience of <a href="http://www.informs.gov.lb">www.informs.gov.lb</a> and recruit national expert</p> <p>2.2.2 Subcontract to publication company</p> <p>2.2.3 Press Conference</p> <p>2.2.4 Liaise with OMSAR on developing TORs of Help Desk modality</p> <p>2.2.5 Help Desk Officer</p> <p>2.2.6 Furniture and venues</p>
<p><b>2.3. Transparency:</b> Information on judicial process made public</p>	<p>2006</p>	<p>2.3.1 Mobilize partnerships and resources for IT skills training for the Ministry of Justice Staff in the palace of Justice in Beirut</p> <p>2.3.2 Conduction client surveys</p> <p>2.3.3 Implement an awareness campaign through the media (TV and Radio)</p>	<p>2.3.1 Parallel input from OMSAR</p> <p>2.3.2 Communication officer</p> <p>2.3.3 Communication officer</p>
<p><b>3.1. International laws and conventions integrated into judicial process</b></p>	<p>2006</p>	<p>3.1.1 Workshops on the human rights-based approach to Justice.</p> <p>3.1.2 Training of student judges on Human rights based approach to Justice.</p> <p>3.1.3 Discussion sessions on recent global issues and laws (environment, trade and globalization, security, etc.)</p> <p>3.1.4 Study tours for Judges, etc.</p>	<p>3.1.1 HR Expert</p> <p>3.1.2 Communication officer and Committee, seminars</p> <p>3.1.3 Partnerships with bilateral, travels</p>

### **PART III - MANAGEMENT ARRANGEMENTS**

The Ministry of Justice is designated as the National Executing Agency for this project. The Executing Agency will be responsible for managing the project and will provide overall support to enable it to achieve its intended outputs and results. The Executing Agency will thus be accountable to UNDP for all resources allocated by the latter, whether their source is UNDP or from government cost sharing. This accountability calls for very concrete capacities in the administrative, technical and financial spheres.

The UNDP National Execution modality will prevail, with the support of the UNDP country office. In addition to regular technical backstopping and monitoring activities regularly provided, the UNDP Country Office shall provide the Executing Agency with support services for the execution of the programme. This will ensure that technical and substantive expertise is available to the Programme for coordination, recruitment, procurement and contracting. *(See Annex 1: Standard Letter of Agreement between UNDP and the Government for the Provision of Support Services).*

All services shall be provided in accordance with UNDP procedures, rules and regulations. The Government, through its designated executing agency, shall retain overall responsibility for the execution of the project and shall be responsible for and bound by any contracts signed by the UNDP Resident Representative, on behalf of the Executing Agency and upon its request, for the procurement of goods and services and /or recruitment of personnel for the programme. Costs incurred by UNDP Country Office for providing the above described support services will be partly recovered from the Programme budget. If needed, and in full consultation with the Government, Cooperating Agencies might be requested to implement specific activities; in such cases, a formal letter of agreement between the concerned agency and the implementing agency or official counterpart will be elaborated.

#### Project Management

The project management team includes a National Project Coordinator designated by the Executing Agency.

The project will rely on the inputs and participation of Judges, lawyers, legal clerks and court and ministry staff, who will be seconded to the project by the Minister of Justice upon the recommendations of the National Project Coordinator.

This project will be subject to a joint Tripartite Review by representatives of the Government, implementing agencies, UNDP and other donors, at least once every 12 months. The NPC will prepare annual progress reports and work plans and other reports as required by UNDP rules and regulations. The project shall be subject to independent evaluation according to UNDP's standard evaluation procedures, if required. The organization, terms of reference and timing of such evaluation will be decided after consultation between the Government and UNDP.

## PART IV - LEGAL CONTEXT

This project document shall be the instrument referred to as "Project Documents or other instruments" in Article 1 of the Standard Basic Assistance Agreement between the Government of Lebanon and the United Nations Development Programme, signed by the parties on 26 February 1981. The host-country executing agency shall, for the purpose of the Standard Basic Assistance Agreement, refer to the Government cooperating agency described in that Agreement.

The following types of revisions may be made to this project document with the signature of the UNDP Resident Representative only, provided he or she is assured that the other signatories of the project document have no objection to the proposed changes:

1. Revisions in, or addition of, any of the annexes of the project document;
2. Revisions which do not involve significant changes in the immediate objectives, outputs or activities of the project, but are caused by the rearrangement of inputs already agreed to or by cost increases due to inflation; and
3. Mandatory annual revisions, which re-phase the delivery of, agreed project inputs or reflect increased expert or other costs due to inflation, or take into account cooperating agency expenditure flexibility.

## BUDGET

The total budget is USD 200,000, from UNDP DGTTF for one year.

Number of Activities	Description of Activities	Estimation per Activity In USD
1	Policy Reform: reducing the cost of justice (Project manager and assistant, and national consultants)	100,000
2	Communication Strategy-Communication Officer (website and Training)	29,185
3	Public guides to administrative processes (publication of Directory, help desk officer and furniture and communication)	36,000
4	Public information on judicial process (Training, surveys and awareness campaign)	10,000
5	International laws and conventions integrated into judicial process (Seminars and study tours)	10,000
CO Support cost to NEX	8%	14,815
TOTAL		200,000