

THE GOVERNMENT OF THE SYRIAN ARAB REPUBLIC

&

THE UNITED NATIONS DEVELOPMENT PROGRAMME

Project Title:

Modernization of the Justice Sector in Syria

Project number SYR/06/010

Brief description

The project aims at improving the administration of and access to justice for citizens through simplifying and modernizing judicial and administrative procedures, and automation of case processes within the court system.

The project will work in close partnership with the Ministry of Justice, the judiciary staff and other local, regional and international partners through the establishment of pilot court with a view to create a role model to be replicated in other courts of the country. The delivery of appropriate judicial services in a more timely and fair fashion will strengthen public confidence in the role of the judiciary and thereby advance the rule of law, help attract investment in the private sector and advance its growth. Raising the quality of judicial decision making through a more efficient and responsible judiciary will also contribute to achieve a more independent judicial system.

SIGNATURE PAGE

Country: **Syrian Arab Republic**

UNDAF Outcome(s) **UNDAF Outcome 2:** Efficiency and accountability of governance structures at central and local levels strengthened, by Government, civil society and the private sector towards sustainable development.

CPD Outcome(s): **CPD Outcome B.5:** Administrative services for citizens, and courts' administration, taking into account citizens' rights and the needs of vulnerable groups

Expected Outcome(s): **MYFF 2004-2007 Goal 2:** Fostering Democratic Governance
Service Line 2.4: Justice and Human Rights
Core result for service line 2.4: Improvement of Citizens Services

Expected Output(s): **Output 1:** Institutional and human resource capacity of the judicial sector increased and court operations enhanced through establishing of model pilot courts in the governorate of Dara'a.
Output 2: Access to legal materials, information and knowledge for those working in legal profession upgraded and strengthened.
Output 3: Citizen's awareness and knowledge on access to justice and legal rights enhanced.
Output 4: Access of women and economically vulnerable groups to justice enhanced.
Output 5: New mechanisms for ensuring financial sustainability of reform and modernization of the system developed.

Implementing Partner: **Ministry of Justice**

Other Partners: **State Planning Commission (SPC)**

Programme Period: 2002-2006
Programme Component: Good Governance
Project Title: Judicial Modernization & Access to Justice
Project ID: SYR/06/010
Project Duration: 18 months.
Management Arrangement: National Execution (NEX).

Total programme Budget:	\$ 784,112.00
Total F&A:	\$ 30,888.00
Total Project Budget:	\$ 815,000.00
Allocated resources:	
• MOJ:	\$ 375,000.00
• UNDP (TRAC):	\$ 200,000.00
• Donor (SDC):	\$ 150,000.00
• Donor (Netherlands)	\$ 90,000.00
• MOJ In kind contributions: Office premises & facilities.	

Agreed by H.E. Abdullah Dardari, Deputy Prime Minister and Minister for Economic Affairs
On behalf of the Syrian Government and the State Planning

Commission.

Signature: _____

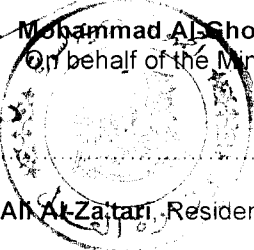
Date: _____



Agreed by H.E. Mohammad Al-Shoufari, Minister of Justice
On behalf of the Ministry of Justice, the Implementing Partner.

Signature: _____

Date: _____



Agreed by Mr. Ali Al-Zatari, Resident Representative, UNDP.

Signature: _____

Date: _____

23/4/06

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Part I: Situation Analysis

Syria gained independence on April 17, 1946, from a League of Nations mandate under French administration. The current Constitution was adopted on March 13, 1973. Syria has one of the oldest constitutional traditions in the Arab world, dating back to 1920. According to the Syrian Constitution, power is shared between the three branches of government. The head of State is an elected President. The powers of the President include appointing the Prime Minister and other Cabinet members; serving as commander-in-chief of the armed forces; declaring war; promulgating and vetoing laws approved by the legislative branch; and dissolving the legislature. President Bashar al-Assad has been the President since July 10, 2000. The Cabinet and the Prime Minister supervise the execution of laws and ensure the working of the State machinery and institutions. The unicameral legislature is composed of the People's Council (Majlis al-Shaab). The 250 members of the Council are elected for four-year terms. Of the 250 seats, independent candidates can hold 83 seats, and 167 seats are guaranteed for members of the National Patriotic Front. The most recent legislative elections were held on March 2, 2003.

Administratively, Syria has 14 governorates (*muhafazat*): Al Hasakah, Al Lazhiqiyah, Al Qunaytirah, Ar Raqqah, As Suwayda', Dar'a, Dayr az Zawr, Dimashq, Halab, Hamah, Hims, Idlib, Rif Dimashq, Tartus. Syria's last local elections were held in April 1999. In 2007, Presidential, legislative and local elections will take place.

The legal system of Syria draws primarily from Civil Law traditions, as well as a mix of Arab and European laws. The 1973 Syrian Constitution guarantees the independence of the judiciary. The current Syrian court system has gone through a long historical evolution, beginning in the Ottoman period, passing through the brief Syrian Arab Kingdom (1919-1920), the French Mandate, the post-independence republican regime, the union with Egypt (the United Arab Republic, 1958-61), the post-secession republic, and the current republic.

The chief codifications of law are contained in the Civil Code of 1949, the Commercial Code of 1949, the Penal Code of 1949, the Criminal Procedure Code of 1950, the Civil Procedure Code of 1953, and the Personal Status Code, contained in Legislative Decree No. 59 of 1983. The Judicial Authority Law of 1961 and the Civil Code of 1949, the Criminal and Civil Procedures are the primary documents governing the organization and functioning of the secular judicial system.

The total estimated number of courts in Syria is 280 courts divided into courts of *Sulh* and *Bidayaa* courts, civil and criminal court of appeal, courts of personal status, one court of cassation, one Supreme Administrative Court, one Supreme Constitutional Court and 3 Administrative Courts. Total number of the judiciary is estimated 1300 judges.

1.1 Legal reform in Syria:

Legal and judicial reform is one mechanism to promote the rule of law in Syria. The rule of law prevails where the government itself must be bound by the law; every person in society must be treated equally under the law; the human dignity of each individual is recognized and protected by the law; and justice is accessible to all. In order to have economic growth and poverty reduction, the overall goals for reform are meaningful and enforceable laws, enforceable contracts, basic security and access to justice. Laws must have some significant effect on everyday life, and they must be actively enforced by the police, courts and other government officials. Contracts and other basic elements of a robust commercial sector are essential to promote internal growth and industry, as well as to attract foreign business. Basic security, as well as a stable and reliable government, is necessary to ensure that the rest of the governmental structure operates and is able to perform its duties as was envisioned. Finally, the public must have access to these legal and judicial services, through infrastructure, legislation, knowledge sharing and other means. There is criminal aid system in severe criminal matters, the courts appoint defense lawyers to represent indigent defendants on a *pro bono* basis. In civil matters, there are no provisions for legal aid, as the volume of potential beneficiaries would be too great. There are no public defenders

1.2 The Judicial Structure:

The Syrian judicial system to resolve disputes on the principle of the judicial system where the dual function of the State, two judicial jurisdictions, the first is the ordinary courts and resolving disputes which arise between individuals or between individuals and the department as a normal person, the second courts is specialized in resolving the administrative disputes that arise between the administrative or management as a public authority and individuals. According to the ordinary judiciary consists of the ordinary courts of various types and degrees, headed by the Court of Cassation. The Administrative Judiciary consists of the total administrative courts of various types and degrees, chaired by the Council of State.

The judicial system in Syria determined by the law of Civil Procedure and the law of Criminal Procedure. In addition to the ordinary courts of jurisdiction, there is in Syria several courts specialized in prominent personal Issues called personal status courts, where consider issues of personal status and family and inheritance disputes between Muslims and non-Muslims Syrians, the Syrians Muslims who apply Muslim personal law and the courts distributed to other provinces and regions. There is a degree of integration between the personal status courts and courts of general jurisdiction. Also, courts have the legitimacy and scope of religious and spiritual special legal.

There are a number of other courts with specific terms of reference, including juvenile courts, customs and the courts, The Labor Court (for consideration Disputes). Also consider the Supreme State Security Court in cases involving national security and their verdicts are not subject to appeal and not linked to the same procedures as the regular courts. Must be approved by the president and the government can overrule and ask for a retrial. In addition, the army should be allowed to establish courts of the field (including those which try civilians) consider cases referred to it by the Minister of Defense and prosecution by the military prosecutor, called the military court.

1.3 Prosecution system:

The Syrian Constitution clearly mandates the *niyaba* system and describes the *niyaba* as judicial in character. On the other hand, the Constitution includes a provision defining the Minister of justice as the head of the *niyaba*.

1.4 The Supreme Council of the Judiciary:

The Constitution provides for the Supreme Judicial Council, which is headed by the President of the Republic. He may deputize the minister of justice. The Attorney-General, the chief of judicial inspection, the deputy minister of justice, the president of the Court of Cassation, and his two most senior deputies also serve. The Council acts on suggestions from the minister of justice for appointments, transfers, and disciplines. The Supreme Judicial Council oversees the judiciary and has the power to appoint, dismiss and transfer judges. The Minister of Justice chairs the Council.

1.5 Judicial Education:

There is more than one law school in Syria, the Faculty of Law at the University of Damascus, Aleppo and Lattakia are the main ones.

In order to become a magistrate, it is necessary to have a Bachelor's degree in law; to be a Syrian national; to be of good standing; and to successfully complete an entry level training program at the Judicial Institute.

1.6 The Judicial Institute:

Five years ago, the Judicial Institute (JI) was created to train judges, prosecutors and court staff. The JI conducts at its premises in Damascus a two years entry level training course for all prospective magistrates and provides numerous continuing education seminars to practicing magistrates. The JI has no regional presence throughout Syria.

An entrance examination governed by the Ministry of Justice is given to a limited number of law graduates each year and is dependent upon their educational standing in the law faculty. The qualifying number of applicants for the exam varies each year, as it is based on the number of magistrates the Ministry of Justice determines it will need in the future. The entrance examination is then provided to five times the number of magistrates requested by the Ministry. The written entrance examination consists of general educational subjects and legal subjects, Those who pass the written exam are allowed to proceed to the oral exam.

The JI training programs varies in length and consists of theoretical training at the JI, particularly civil law, criminal law, labor law and family law. Students have few -month internships in the courts and visit prisons, police, and related offices for clinical training. In the course of their practical training, students learn about forensic science.

A final examination is given by the JI The Ministry of Justice issues a list that states how many magistrates are needed for family law or commercial law, etc. Once the graduate chooses the area of law, the High Council of Magistrates then determines the position and court location for the graduate.

1.7 Develop a Comprehensive Training Program at the Judicial Institute:

The infrastructure for conducting a continuing training program for magistrates exists at the JI . The JI conducts at its premises in Damascus a training course for all prospective magistrates and provides numerous continuing education seminars to practicing magistrates..

Not only is the physical infrastructure of the JI suitable for developing a comprehensive training program, but the human resources of the JI could become available and competent.

1.8 Develop a Comprehensive Continuing Legal Education(CLE) Program:

The judiciary expressed interest in learning about the structure of CLE in other countries Thereafter, the JI should be able to develop a framework for creating a curriculum of continuing education courses and for administering the continuing education program with the help of local or international experts.

1.9 Comparative Law:

Many judges expressed interest in comparative training on legal areas where Syrian Law is relatively nascent. This interest extends to the practical application of the laws. Areas specifically mentioned included: family law, labor law, commercial law, intellectual property Law, environmental law, and international business law. In the criminal justice field, the areas of cyber crime, terrorism, trafficking, and money laundering were mentioned.

There is interest in learning about the complexity of comparative labor, intellectual property and environmental laws that would help them identify areas within their own laws that are not sufficiently legislated. Further, there is interest in training on implementation, particularly in the areas of environmental and intellectual property law.

1.10 Family Law:

Syria is attempting to enhance equality between men and women and seeks to learn more about comparative approaches to this area.

In this context, several individuals expressed strong interest in learning about comparative family law. Although the legal framework governing this area is vastly different among countries that do not follow Shari'a, there are areas of commonality that can be shared, particularly regarding family responsibility, protection of children, and the division of assets accumulated during marriage. Further, there are procedural techniques that are used to resolve family disputes in other countries that could assist in simplifying and enhancing the procedural process in Syria.

1.11 Alternative Dispute Resolution (ADR) Techniques:

The Ministry of Justice has recently prepared a draft law for mediation and arbitration. It adopted international standards based on UN and other comparative experiences.

1.12 Conduct Train the Trainers Workshops:

The JI should be able to train its instructors in training methodology and techniques. Representatives of the JI indicated that foreign technical assistance with the development and implementation of the courses would be very helpful.

In addition, the institute should be able to train magistrates from each of the courts in modern adult-teaching techniques so that there is more local capacity to conduct training on new laws, procedures, etc.

1.13 Lawyers:

must study for four years and then train under an experienced lawyer for a period of time. All practicing lawyers in the court belonged to the Syrian Bar Association. .

1.14 Court Clerks;

Also play an important role in that they draw up, authentic, and preserve legal documents. Clerks receive very inadequate training in terms of quality and quantity. The enhancement of their training is urgently needed. Registrars and court administrative staff provide essential support to judges. Court administrative personnel may also fulfill a wide variety of roles, including working on supervising the archives or other important pieces of evidence. The power of court staff over parties to a dispute is not negligible, as they may abuse their position to advance or delay proceedings, or tamper with evidence. Judicial corruption is often a result of administrative staff misusing their authority to increase their income, while the low wages in Syria play a negative role in combating corruption.

It is recommended that court administrative staff be professionally trained by a special training programs. The establishment of a dedicated professional training scheme for court administrative staff is critical to judicial reform .

1.15 Official Gazette and sharing legal knowledge:

All laws and regulations are published in the Official Journal, which is distributed only to public prosecutor office, the legislation directorate, and to the ministry of justice, but not to judges individually. There is an insufficient supply of legal information flowing to judges. As a result, revised legislation may not reach judges for some time, at best generating unnecessary appeals and, at worst, undermining the efficient and fair operation of the courts. Given this, the impact of revised laws is likely to be substantially delayed until they actually penetrate the legal community. The Ministry of Justice does, on an *ad hoc* basis,

inform judges of new provisions in the law of which it is aware, but the effort is short of a comprehensive official bulletin, which would systematically publish all the norms.

There are a number of publications issued through the universities, and legal periodical published by the Ministry of Justice that has the Supreme Court decisions. There is no publication of appellate court decisions, undermining regional consistency between first instance courts under the same court of appeal. Judgments are, as a rule, not published, and only accessible to the parties to the dispute, which undermines transparency. There are limited number of electronic legal data base maintained by private sector, yet, subscription fees tend to be prohibitive for most judges.

A major effort should be made to support the development of law publications. Judges should be given a standard minimum "legal toolkit" or "Bench manual" of basic codes and other documents pertaining to their activities. This toolkit should be developed and updated as needed. Judges should be given access to the private sector's electronic legal data base or have the Ministry start its own with free access to judges.

1.16 Challenges for access to justice:

The lack of access to justice is particularly notable for women especially in rural areas. Women face difficulties to go to the court because of social and financial restrains along with other cultural, procedural and administrative impediments inside the courts. The dispersion of the population and the absence of public awareness campaigns, citizens remain unaware of their constitutional and legal rights and are unable to exercise them. On the other hand, the institutional framework of the judiciary (MOJ and the courts) is characterized by lack of court automation, cumbersome court procedures, weak administrative capacity and lack of adequate infrastructure. Consequently, the litigation process is slow, litigation takes years to reach a court decision and there is a failure to execute the court rulings. It is also noticed that poor access to legal materials constitutes an obstacle for judges to exercise their work. Furthermore, the increase in the caseload which is due to a variety of reasons. New laws and regulations accommodating an evolving market-based economy give rise to lawsuits. Economic progress in Syria has substantially increased commercial relationships, commercial transactions, bankruptcy, and other commercial matters, which are the basis of numerous legal disputes. Additionally with many individuals who are ignorant of the legal system resort to the courts even though their cases do not give them standing before the courts and the courts lack jurisdiction over the matters. Lastly, the current administrative court structure provides aggrieved citizens with more opportunities to bring their administrative disputes to the courts. There is ineffective legal aid system in criminal cases and lawyers do not usually accept pro bono cases.

1.17 Legal Aid:

According to law No. 34 of 1938:

- 1- Legal Aid is provided to case parties who don't afford paying court fees. This legal aid is provided by a committee titled a Judicial and Legal Aid.
- 2- The legal aid includes exempting case parties from court fees and appointing a lawyer.
- 3- The legal aid is granted at all court levels.

1.18 Legal Aid System:

It is possible to create a financially sustainable legal aid system such as in-court legal help desk or hotline for free legal assistance, access by the general public to legal information should be made easier through greater dissemination of legal materials. Bar associations, NGOs and legal clinics should be encouraged to offer free legal advice. Access to justice through ADR, Legal help desk and hotline for free legal assistance should be considered and enacted promptly and the appropriate measures taken to make it effective. All other modes of alternative dispute resolution should be

promoted, whether at the request of the court or at the request of the parties. Traditional modes of conflict resolution should be examined and appraised to determine whether they can be successfully integrated to link the informal and formal dispute resolution systems.

1.19 Women and access to justice:

Women constitute a significant part of vulnerable groups. Crimes against women occurred, but there were no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases were likely unreported, and victims generally were reluctant to seek assistance outside the family. In some cases observers reported that the abused women tried to file a police report, but the police did not respond aggressively, if at all, to their claims. Women reported incidents at police stations of sexual harassment, verbal abuse, hair pulling, and slapping by police officers when attempting to file police reports, particularly at the Criminal Security branch in Damascus. Battered women have the legal right to seek redress in court, but few did so because of the social stigma attached to such action. The Syrian Women's Federation offered counseling services to battered wives to remedy individual family problems. The Syrian Family Planning Association also provided counseling in an effort to address the problem. Some private groups, including the Family Planning Association, organized seminars on violence against women. There were a few private, nonofficial, specifically designated shelters or safe havens for battered women who fled or tried to flee from their husbands. In December 2004 representatives of all government agencies were required to attend a gender issues training seminar with representatives of domestic women's NGOs.

1.20 Deliverables:

Substantial positive progress depends on two issues. The first is the hierarchical operation of the Syrian judiciary which requires a more flexible and real-time response from the judiciary to address increasing caseloads. Introduction of court automation and technology and allowing individual judges to take a proactive role may prove to be the best management strategy. It is also necessary to consider an enhanced personal accountability, exercised through existing supervision organs, but with revised standards. The second issue is whether individual judges will indeed be capable of meeting the new challenge to be proactive in the procedural process. This requires a high level of professional training, and so the Judicial institute must be more professionally-oriented than what it is. The JI key focus should be Modern Professionalization, rather than specialization; professionalization will lead to the creation of a judicial elite, trained to be the decision-makers that society requires. A professional judge can, of course, be trained at a second stage to specialize in a given area of law. Therefore, a judicial cultural change must be introduced to transform judges from relatively passive arbitrators to proactive procedural leaders and change agents.

This new working culture will need the support of a new generation of court managers, who have specific case-management tools including automation, standard statistical data, and probably greater responsibility in management of personnel and budgets. Court administration staff must be acknowledged for their professional skills. Lawyers will have to redirect their activities towards pre-litigation counseling, organize themselves into firms and enhance their specialization.

1.21 The Role of the Ministry of Justice:

The Ministry of Justice has responsibility for virtually all administrative functions related to the judiciary and oversees support personnel for the courts. Budgetary issues are almost wholly within the domain of the Ministry of Justice.

Part II. Strategy

1. Government Strategy

Against this background, the MOJS project responds to a request from the Government of Syria to UNDP for assistance to modernize the judiciary. The final version of the project is the result of discussions with the Government and earlier assessment of the judicial environment, its shortcomings, and needs. The resulting project design represents the first such project in Syria and attempts to capitalize on various reform efforts already underway within the Government.

The key outcome that will emerge from UNDP's support to this area will be to enhance access to justice for the citizens and strengthen application of fair and efficient administration of justice in Syria. The project will contribute in achieving the intended outcome through the following outputs:

- Institutional and human resource capacity of the judicial sector increased and court operations enhanced through establishing model pilot courts in the governorate of Dara'a, with the goal of replicating the system in other parts of the country.
- Access to legal materials, information and knowledge for those working in legal profession upgraded and strengthened.
- Awareness of judicial information and legal rights for the general public, and women and the poor in particular, increased.
- Access of women and economically vulnerable groups to justice enhanced
- A new mechanism for improving financial capabilities of Ministry of Justice and the court system, possibly by reintroducing a trust fund to ensure the sustainability of reform and modernization developed.

From the perspective of the Ministry of Justice, the project presents an opportunity to bring judicial reform, both procedural and substantive, to the court system and to upgrade substantially the capacity of the system to deal efficiently and effectively with legal disputes.

2. UNDP Strategy

The reform of the justice sector is one of the key priorities identified in UNDP's Country Programme Document (CPD) for Syria, which derives from the UN-wide Development Assistance Framework (UNDAF), developed as a response to the national development priorities.

By addressing the needs and deficiencies of the justice sector, UNDP is seeking to ensure that there are effective legal and judicial institutions which apply and interpret laws fairly and efficiently, have predictable outcomes, provide accessible courts regardless of income level, are efficient in processing cases and supply remedies and mechanisms for enforcing judgments.

One of UNDP's key commitments is covered in this project, namely to support achievement of the Millennium Development Goals. This project is relevant to MDG 1: "UNDP has been strongly committed since the early 1990s to ICT deployment as an enabler for decentralization and institutional development that brings government services closer to the citizens and enables them to exercise their right to information. As a pioneer in ICT for development, UNDP has gained considerable experience in the field.

Access to information: The powerful role of access to information in development is becoming increasingly apparent as ICTs spread throughout developing countries' infrastructures. Information can empower poor communities to battle the circumstances in which they find themselves and help balance the unequal power dynamic that exists between people marginalized through poverty and their governments. (UNDP document "Right to Information" 2004 by the Bureau for Development Policy, Democratic Governance Group). ICT can – and in the case of the present project very clearly does - improve citizen access to information. Furthermore, ICT applications that give citizens access to a wide range of government procedures increase the transparency and accountability of the relevant state institutions, which is one of the key challenges for most developing countries. ICT substantially reduces the production cost of information thus providing incentives for its additional publication & dissemination. This will in turn impact demand for additional information by citizens. Connectivity and access to legal and human rights information are well served by this project which will establish electronic legal data base,

help desks and hotline for free legal assistance/information along with seminars and awareness campaign on legal and human rights.

The project is also relevant to MDG Goal 1: "Eradicate extreme poverty and hunger" and MDG Goal 3 "Promote gender equality and empower women". An effective, fair and transparent court system will encourage foreign and domestic investments, hence, create more jobs and support economic growth which in turn eradicates extreme poverty. Vulnerable groups, particularly women, will be more aware of their legal rights and have better access to fair and transparent court system which in turn promotes equality and empowerment.

The rule of law embodied in legal and judicial institutions is the foundation on which all other societal and governance institutions are built. The autonomy and effectiveness of legal and judicial institutions provide the basic conditions for good governance. Where these features are lacking, reform must be undertaken to address them. Good governance is an important factor in eradicating poverty and promoting human development. For Syria to succeed in promoting human development, reducing poverty, it must develop a climate of good governance, where transparency and effective management become the rule.

Furthermore, the importance of a fair and well-governed justice system is clearly recognized as an indispensable tool for the consolidation of democratic institutions through the protection of basic human rights and the promotion of harmonious social relations. At the same time, a well-functioning judicial system is essential for the economic growth, promotion of sustainable human development and the fight against poverty.

The project will be demand-driven and will provide policy advice and technical assistance where UNDP has in-house expertise and strong comparative advantages. UNDP has been active in the area of Modernization of Justice Sector in several countries where it accumulated a wealth of knowledge and lessons-learned. It will utilize its expertise throughout the course of implementation while primarily following the successful model of its project in Yemen. In other areas, depending upon the nature of the request for assistance, the programme will act as a facilitator, broker and coordinator of support through its use of extensive network of partner organizations and national and international consultants.

It is envisioned that this project will represent a first stage of cooperation between UNDP and the Ministry of Justice. Further or expanded UNDP cooperation to strengthen the justice sector will depend on the results of this phase and co-financing from the government.

- **Target beneficiaries**

While the key beneficiary of the project will be the MOJ, which is the principle administrative organ within the government for judicial affairs, other target beneficiaries will include:

- The Supreme Court (SC).
- The Office of the Attorney General
- The Judicial Institute (JI) which is the principal training institute for the judiciary
 - judges and prosecutors;
- Judicial Inspection Department of the MOJ.
- Model pilot courts in selected governorate;
- The public at large.

3. Partnership Strategy

UNDP will seek to ensure coherent and effective cooperation with the Ministry of Justice who share the common mission of promoting justice and respect for rule of law. The programme will also form or strengthen partnerships with national, regional and international organizations with expertise in areas related to legal reform and justice sector institution building. At the national level the project will seek to establish partnerships with national institutions such as the Lawyers Association. At the international level it will cooperate with relevant international and regional institutions such as POGAR the Programme on Governance in the Arab States, the Center for International Legal Cooperation (CILC) based in The Hague, and the International Law Development Organization (IDLO) based in Rome.

It will also build on existing UNDP agreements with other cooperating organizations, and form alliances with multilateral and bilateral development organizations to engage their expertise in responding jointly or in coordination to the demands for assistance and to mobilize resources in support of national reforms of legal frameworks and justice sector institutions.

Throughout the life of the programme efforts will be made to facilitate the exchange of technical assistance among developing countries and to identify new partners in developing countries, particularly in the Arab Region, to provide expertise in support of national judicial reform efforts. Specific efforts will be made to synergize and coordinate activities with Government Services Project and UNICEF project on juvenile justice to avoid unnecessary replication/duplication of efforts and to maximize the use of limited resources.

PARTIII - PROJECT RESULTS & RESOURCES FRAMEWORK

Project Title: Modernization of the Justice Sector in Syria
Project number: SYR/06/010

<p>Relevant Outcome in the UNDP's Country Programme: Improving administrative services for citizens, and courts' administration, taking into account citizens' rights and the needs of vulnerable groups</p>		
<p>MYFF Goal 2: Fostering Democratic Governance Service Line: 2.4 Justice and Human Rights</p>		
<p>Partnership Strategy: The programme will work in close partnership with the Ministry of Justice and all the organs of the judiciary as well as other development partners, in particular other Arab Countries, the European Union and relevant international institutions. Partnerships will also be sought with national and international NGOs in the implementation of some activities. In addition, the programme will explore the possibilities of exchange with other countries including under the umbrella of South-South cooperation.</p>		
<p>Project title and number: Modernization of the Justice Sector in Syria</p>		
		Inputs
<p>Intended Outputs</p> <p>1. Institutional and human resource capacity of the judicial sector increased and court operations enhanced through establishing of model pilot courts in the governorate of Dara'a.</p> <p>Baseline:</p> <ul style="list-style-type: none"> Lack of clear procedures for the litigation process, congestion, and slowness 	<p>Output Targets By Year</p> <p>1.1 Mapping of the court system finalized and a comprehensive action plan to streamline court procedures developed. (2006)</p>	<p>Indicative Activities</p> <p>1.1.1. Establish 2 Committees in each pilot court, composed of the main actors and get agreement on their TOR:</p> <ul style="list-style-type: none"> a field committee to screen the practice, and compare with the code of procedure provisions an <i>ad hoc</i> committee identifying the procedural bottlenecks of the pending cases (not work on the substance) <p>1.1.2. Initiate mapping and assessment of the existing applied court procedures (functional</p>
		<ul style="list-style-type: none"> National teams in pilot courts National Judicial Reform and Modernization team Administrative Support International expert on case management with solid IT background. Travel from/to project sites Logistic support

<p>in processing cases</p> <ul style="list-style-type: none"> • Filing and record keeping in courts are often disorganized and outdated • XX cases pending before the courts in September 2006 • Average length of procedures = XX months for civil matter, XX months for criminal matters, XX for administrative matters <p>Success indicator:</p> <ul style="list-style-type: none"> • Reduction of XX% in the number of cases pending before the courts in comparison to previous two years. • Reduction of XX% in the average procedure length in the pilot courts 		<p>requirements analysis).</p> <p>1.1.3. Produce a proposal and action plan including a case management system which incorporates the enhancement of the positive role of the judges as well as benchmarks, and a time frame for implementation.</p> <p>1.1.4. Hold two workshops in two distinct locations to validate the result of the mapping and assessment and present the action plan.</p> <p>1.1.5. Hold a national conference to introduce concepts of judicial reform to the judges, lawyers, university professors, the media, NGOs.</p> <p>1.1.6. Organize study tour/exchange programmes for relevant stakeholders to learn from international experiences in the field of case management.</p>	
<p>1.2. Action plan implemented and court automation introduced. (2006-2007)</p>		<p>1.2.1. Purchase necessary computer and other equipment for the pilot courts and provide work space for Judges</p> <p>1.2.2. Develop and install a case management system in the pilot courts.</p> <p>1.2.3. Provide training on case management to the relevant staff.</p> <p>1.2.4. Produce a wall map and instructions of the court house and establishing a help desk in each court.</p>	<ul style="list-style-type: none"> • 1 international expert for 15 months • Computers and other equipment • Infrastructure (provided by the MOJ) • Sub-contracting: 2 national experts • Design and Production costs • Training
<p>1.3. Management capacity of the MOJ improved (2006-2007)</p>		<p>1.3.1. Provide training on human resources and financial management including budgeting for courts.</p>	<ul style="list-style-type: none"> • International expert for eight weeks • Sub-contracting – 2 national consultants

<p>2. Access to legal materials, information and knowledge for those working in legal profession upgraded and strengthened.</p> <p>Baseline:</p> <ul style="list-style-type: none"> • Lack of access to legal materials. Some judges work without the texts essential for their function namely the civil code, the code of criminal procedures and the panel code. • Lack of information sharing and exchange within the judiciary. <p>Success indicator:</p> <ul style="list-style-type: none"> • Legal database system installed and used by relevant staff • Bench books used by judges 		<p>1.3.2. Install a system to improve the quality of statistical information and documentation in the Judicial Inspection Department of the MOJ.</p> <p>1.3.3 Provide training to the relevant staff on the new database installed.</p> <p>1.3.4. Provide training for Judicial Inspection Department of MoJ to prepare monthly progress reports on case completion</p>	<p>Total Out put 1: US\$ 295,000</p>
<p>2.1. A framework for providing access to legal information database established, installed, launched and tested. (2006-2007)</p>	<p>2.1.1 Agree on the TOR for establishing a gender sensitive legal database</p> <p>2.1.2 Identify and contract an IT entity to prepare and install a legal database in the MOJ to map existing legal instruments and procedures and classify and index laws, supreme court judgments and procedures</p> <p>2.1.3 Provide training to the relevant staff on the new system installed.</p> <p>2.1.4 Organize study tour / exchange programme for relevant stakeholders on the use of legal database</p> <p>2.1.5 Prepare and publish bench books for judges</p> <p>2.1.6 Provide books and electronic legal data to the library of the MOJ</p>	<p>• MOJ Information Center</p> <p>• Judicial Institute</p> <p>• IT expert</p> <p>• Sub-contract</p> <p>• National consultant</p> <p>• Design and Production cost</p> <p>• National team of 6 members.</p> <p>• Travel</p>	

<ul style="list-style-type: none"> High satisfaction of the users of the legal database and the bench books (customer satisfaction survey) 		<p>2.1.7. Prepare and publish an atlas/directory of the judicial sector (e.g. number and location of courts, judges, lawyers and clerks)</p>	<p>Total Output 2: US\$ 190,000</p>
<p>3. Citizen's awareness and knowledge on access to justice and legal rights enhanced.</p> <p>Baseline:</p> <ul style="list-style-type: none"> General public's lack of awareness of their constitutional rights and legal procedures. Inadequate information dissemination for public awareness of their rights. 	<p>3.1. A strategy for citizen's awareness and knowledge implemented and awareness tools disseminated (2006-2007)</p>	<p>3.1.1. Establish an awareness network (MoJ, judges, Bar Association, Judicial Institute, NGOs)</p> <p>3.1.2. Produce a strategic plan of awareness raising and legal literacy.</p> <p>3.1.3. Training of trainers of the Judicial Institute</p> <p>3.1.4. Develop and implement specific awareness activities especially targeting women and the poor segments of the society to provide them with more information and understanding of their legal right to accessible and fair justice and the related legal procedures required during the litigation process.</p> <p>3.1.5. Prepare and publish simple guidelines/brochures on legal procedures and legal rights (e.g. documents required, legality of the case, eligibility for Judicial aid and procedures for Judicial aid, testimonies, commercial cases, bankruptcy, criminal delinquencies, real estate, right to criminal justice.. etc.)</p> <p>3.1.6. Disseminate publications through</p>	<ul style="list-style-type: none"> MOJ Information Center Judicial Institute International expert on awareness strategy Sub-contracting national NGO National Consultant Audio-visual materials Design and production costs
<p>Success Indicator:</p> <ul style="list-style-type: none"> Improved level of legal awareness amongst citizens (to be measured in an anecdotal report documenting the activities, beneficiaries and impact on legal awareness.) 			<p>Total Output 3: US\$ 177,000</p>

		<p>municipalities, public offices and the media</p> <p>3.1.7. Issue a quarterly bulletin on the MOJS project to keep the judiciary and the public informed on recent development and progress, current issues, recommendations and lessons learned.</p> <p>3.1.8. Develop media programmes (TV and Radio), if possible.</p> <p>3.1.9. Establish a web site at the Ministry of Justice to provide online access and products to the general public.</p>	
<p>4. Access of women and economically vulnerable groups to justice enhanced.</p> <p>Baseline:</p> <ul style="list-style-type: none"> • Women in particular face a lot of difficulties to access justice because of social traditions, cumbersome procedures and court processes. • XX% of cases where women are plaintiffs in 2003, 2004 and 2005 <p>Success Indicator:</p>	<p>4.1 Strategy on enhancing access to justice to women and vulnerable groups adopted and implemented and systems in place (2007)</p>	<p>3.1.10. Hold a legal awareness forum in partnership with the Faculties of Law of major universities, the Bar Association and the Judicial Institute, involving international partners offering comparative perspectives.</p>	
	<p>4.3.1. Conduct a study to assess the difficulties and barriers that women and vulnerable groups encounter in access to justice and administrative obstacles inside the courts.</p> <p>4.3.2. Develop a strategy and action plan on how to facilitate courts procedures for women and vulnerable groups</p> <p>4.3.2 Develop training activities to provide greater information and understanding within the judicial system on how to protect the rights of these groups under the law.</p> <p>4.3.3 Establish help desk and hotline in the pilots for free legal assistance</p>		<ul style="list-style-type: none"> • Sub-contracting • Specialized training ; trainers • MOJ • Judicial Institute

<ul style="list-style-type: none"> • XX % increase in cases where plaintiffs are women. • High number of phone calls to hotline and visits to help desk • High customer satisfaction of hotline and help desks users (customer satisfaction survey) 			<p>Total Out put 4: US\$ 136,000</p>
<p>5. New mechanisms for ensuring financial sustainability of reform and modernization of the system developed.</p> <p>Baseline:</p> <ul style="list-style-type: none"> • There is no visible system or mechanism within the courts or the MOJ to ensure the sustainability of any restructuring or reform programs undertaken. • XX% of national budget allocated for the justice sector (evolution since 1995) <p>Success indicators:</p> <ul style="list-style-type: none"> • Draft Legislation and/or approval by the government to establish a trust fund. 	<p>5.1 New mechanisms assessed and at least one implemented (2007)</p>	<p>5.1.1. Prepare a policy paper on the cost of case processing in a court and the possibility to provide legal assistance to those who are suffering from the lack of information and resources.</p> <p>5.1.2. Establish a committee at the MOJ to examine the feasibility and implications of introducing a new scale of court fees.</p> <p>5.1.3. Prepare recommendations on the different options for improving the financial sustainability of the court system.</p> <p>5.1.4. Establish a trust fund for the maintenance of the judicial infrastructure and replication of the pilot courts at the national level</p>	<ul style="list-style-type: none"> • Expert-Judge – Lawyer. • MOJ
			<p>Total Out put 5: US\$ 17,000</p>
		<p>Total Budget : Total Gov: Total UNDP: Donor (Switzerland SDG): Donor (Netherlands):</p>	<p>US\$ 815,000.00 US\$ 375,000.00 US\$ 200,000.00 US\$ 150,000.00 US\$ 90,000.00</p>

Part IV: Management Arrangements

This project will be implemented using the National Execution modality (NEX). Through NEX operational arrangement, the UNDP country office along with cooperating government Ministry assumes responsibility, and accountability, for the management and implementation of the project. The project is planned to run for 18 months, from September 2006 to February 2008.

The project team, in cooperation with MOJ, will establish fully equipped two offices for project implementation: one management office in the MOJ main office and one field office in Dara'a governorate.

The project will operate in accordance with UNDP regulations, including those for procurement and accounting. The procurement of Project's vehicle will be the responsibility of UNDP/Syria.

It was agreed between SPC, MoJ and UNDP that the Arabic version of this document which has been reviewed by a representative from SPC and MoJ as well as UNDP will be the document to revert to in case a mis-interpretation/ translation occur, taking into consideration that good efforts have been invested to reflect exact meaning between Arabic and English version.

- **Steering Committee:**

The Steering Committee will function as an oversight body to ensure that activities are on track and results are achieved in accordance with the project work plan. The Steering Committee must approve annual work plans and quarterly plans and any variations that alter the project outputs or overall budget figure. Additionally the Steering Committee will make policy recommendations to improve project implementation and provide advice to project staff.

The Committee will be convened at the launch of the project and subsequently meet quarterly and will be composed of:

- A representative of the Ministry of Justice (MOJ)
- A representative from the State Planning Commission (SPC)
- A representative of UNDP

Other stakeholders, such as representatives of the Judicial Inspection Unit, the prosecutor's office, the Bar Association, or active donors may participate in the work of the Steering Committee upon request and invitation.

The Project Director will act as secretariat for the committee, being responsible for convening the meetings, preparing the agenda, overseeing preparation of materials for presentation to the meeting and for preparing and distributing minutes of the meetings.

- **Project Team**

The Project Team will be responsible for managing inputs, delivering outputs and reporting on progress and results achieved.

The Project Team will compose of at least the following full-time persons for the duration of the project:

- 1- National Project Director (NPD)
- 2- Two project Assistants (one administrative; one financial)
- 3- One national judiciary expert
- 4- One driver

The project will utilize a variety of employment modalities such as SSA, SC, and Appointment for Limited Duration, IUNVs, as well as contracting with private sector and government agencies. The TORs for all staff should clearly identify the outputs, remuneration and evaluation process.

The NPD's selection will be made in accordance with UNDP's principles of transparency and openness, giving full and equal opportunities to all candidates. Selection should be made on a competitive basis with paramount consideration to efficiency, competence and integrity. Selection should also be made by consensus between the Government and UNDP. There will be annual assessment of the performance of the NPD, against criteria specified.

The NPD will be responsible for the overall management of the project. The NPD will prepare annual work plans for the project to be reviewed and approved by the Steering Committee.

- **National Teams for the pilot courts**

In close collaboration with the NPD, national coordinator and the MOJ, the teams will be involved in the planning, and implementing of the programme activities in the pilot courts. In particular, the teams will assist in the initial mapping and assessment exercise, which will be conducted in the selected pilot courts. The leader of the teams will be involved in the validation workshops. Members of the team will be composed of senior judges, the Judge of the pilot court, a prosecutor and a clerk.

The NPD and the MOJ will work together to identify any other national teams will be needed to assist the implementation of the project activities

- **National Judicial Reform and Modernization Committee**

In close collaboration with the NPD and the MOJ, the Committee will be involved in the planning, and implementing of the project activities in the pilot courts. In particular, the committee will assist in the initial mapping and assessment exercise, which will be conducted in the selected pilot courts. The leader of the committee will be involved in the validation workshops. Members of the committee will be composed of the MOJ national coordinator, president of the pilot court in Dara'a, the senior Judges of the piloted courts, the senior prosecutor, senior court clerks and project assistant. The NPD and the MOJ will work together to identify any other national teams will be needed to assist the implementation of the project activities

- **Sub-contracting agencies**

UNDP in consultation with MOJ may contract qualified international and local institutions to carry out specific activities of the project. UNDP and the MOJ shall work together to assess the capacity of such entities and decide on their selection. The elaboration of criteria and the selection of required national and international consultants will also be carried out by the UNDP in consultation with the MOJ.

- **Coordination Arrangement**

The UNDP Country Office and the project team will provide support to the Ministry of Justice to build strategic partnerships and ensure the effective participation of all the concerned parties in order to achieve the desired results of the project.

- **Monitoring and Evaluation**

The project will be subject to the standard UNDP review, monitoring and evaluation guidelines. Monitoring and evaluation will focus on outputs and their contribution (together with partnership efforts) toward the intended outcome.

The State Planning Commission being the government coordinating authority and UNDP counterpart in Syria will assume a supervisory and monitoring role to oversee the production of outputs, attainment of the project objectives and the assessment of progress and technical quality.

The NPD will provide the Steering Committee with an Annual Project Report (APR) in accordance with the new APR format and quarterly progress reports to assess progress against the work plan and output targets. Additional reports may be requested, if necessary, during the project. Information from monitoring will provide the basis for making decisions and taking action.

The project will be subject to regular and periodic field visits by UNDP Office to verify results and recommend action. At least four field inspection visits will be conducted annually.

- **Audit**

As per UNDP audit requirements, the project will be subject to NEX audit once a year to ensure compliance with rules and policies under NEX and to ensure effectiveness and accountability.

PART V. BUDGET

The total budget for the project is estimated at \$ 833,750 for a period of 18 months. The Government of Syria will make contribution in the total amount of \$ 375,000,000 in addition to UNDP GMS (% 5) in the total amount of \$ 18,750. In addition, it will provide for the establishment of two project offices in the selected pilot site and at MOJ.

UNDP/Syria will cover the amount of \$ 200,000 drawn from TRAC and Programme cost sharing which will include procurement of one vehicle.

Swiss Agency for Development and Cooperation will contribute up to \$ 150,000, which will be transferred to UNDP.

The Embassy of Netherlands will contribute up to \$ 90,000, which will be transferred to UNDP.

UNDP country office will be implementing budget lines: 71200, 71100, 71400, 71500, 72700, 71600, 74200 in the initial phase of project launching until a certifying officer is identified or a project director is recruited. All costs for the implementation during the initial period will be charged to the relevant project activities.

Schedule of Budget

PA duration: 6 months

Item	Amount in US\$
Project staff	50,000
National Consultants	286,000
International Consultants	160,441
Vehicles	50,000
IT Equipment	60,000
Communication Equipment	12,000
Rental Equipment	12,000
Maintenance Equipment	5,000
Travel Expenses	89,671
Printing Materials	15,000
Miscellaneous	6,000
Translation	4,000
Hospitality	13,000
Stationary	21,000
UNDP Admin. Cost from the three parties	30,888
TOTAL	815,000

Sources of Funds

Government Cost-sharing: (Ministry of Justice)	US\$ 375,000
UNDP (TRAC):	US\$ 200,000
Donors (Swiss Agency for Development and Cooperation (SDC)	US\$ 150,000
Donors (Netherlands Embassy)	US\$ 90,000

Terms of Payment:

Government cost-sharing (Ministry of Justice)	US\$ 375,000
UNDP (TRAC)	US\$ 200,000

Schedule of Payments for government cost-sharing:

- 1- In **December 2006**, the amount of **US\$ 46,875.00.-** will be paid in **local currency** based on the UNDP exchange rate at the date of transfer – to UNDP Syria local account # 200.0200573.002 in Syrian Pounds at BYBLOS BANK SYRIA - UNDP REPRESENTATIVE (POUNDS ACCT).
- 2- In **January 2007**, the amount of **US\$ 140,625.00.-** will be paid in **US\$** to UNDP – Syria account # 200.0200573.001 at the BYBLOS BANK SYRIA - UNDP REPRESENTATIVE (US\$ ACCT) .
- 3- In **August 2007**, the amount of **US\$ 187,500.00.-** will be paid in **US\$** to UNDP – Syria account # 200.0200573.001 at the BYBLOS BANK SYRIA - UNDP REPRESENTATIVE (US\$ ACCT) .

Financial Management

In line with the introduction of Enterprise Resource Project (ERP) and new NEX guidelines, the project will employ and use the Microsoft Project software for work planning, reporting, record keeping and overall financial management of the project. The programme staff, in particular, the NPD and /or UNDP Programme Officer will be required to install the software at the project site.

Disbursement of projects fund will be made in all cases, except where specified by NMAC, through direct payment request to the UNDP office.

Cost Recovery

UNDP will charge the project a fee 5% to recover the cost of providing administrative and operational services under NEX. An agreed GMS percentage will be applied to donor contributions by virtue of a Third Party Donor Agreement enclosed as annex in this project document.

Part VI - CRITICAL ASSUMPTIONS AND RISKS

ASSUMPTIONS:

- A. The Ministry of Justice is committed to the successful compilation and implementation of the modernization efforts.

- B. The MOJ management will support this work and take active steps to modify or simplify procedures where and when needed. The NPD along with project teams will provide recommendations in that regards and the MOJ will take them into consideration and undertake the modification when possible.
- C. The NPD and project teams will provide capacity building recommendations and proposals in regards to the human resources skills and abilities that are required for the successful implementation of the proposed project. Moreover, the recommendations will encompass the requirements of office building space and conditions. The MOJ is made aware of any needed office space allocations, modifications or additions that are essential to the successful project execution.
- D. The MOJ will assign a counterpart and a team that will work closely with the NPD and the teams.

Part VII - LEGAL CONTEXT

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of Syrian Arab Republic (S.A.R.) and the United Nations Development Programme, signed by the parties on 12 March 1981. The host-country implementing unit 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 has assured that the other signatories of the project document have no objections to the proposed changes:

- Revisions in, or additions of, any of the annexes of the project document; and
- Revisions, which do not involve significant changes in the immediate objectives, outputs or activities of the project, but are necessitated by the rearrangement of inputs already agreed to, or by cost increases due to inflation; and mandatory annual revisions, which re-phase the delivery of agreed project inputs or expert or other costs due to inflation or take into account expenditure flexibility.

If major changes (whether to increase or limit the project) are needed then a Substantive Revision Document will be prepared detailing the changes and all their implications. The Substantive Revision Document needs to be signed by all parties to the original project document.

ANNEXES:

- 1- Third Party Donor Agreements.
- 2- Terms of Reference for: a - National Project Directors b- Project admin and finance assistant c- judicial and legal experts