**United Nations Development Programme**

**&**

**Kurdistan Regional Government**

**Project Document**

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| **Project Title: Promoting Rule of Law in the Kurdistan Region of Iraq through a Modern, Efficient and Accountable Justice Sector** |  |
| **UNDAF Outcome(s):**  Outcome 1: Improved governance, including the protection of human rights   * **OUTCOME 1.2**.:CAPACITY OF THE STATE The Iraqi state has more efficient, accountable and Participatory governance at national and subnational levels * **OUTCOME 1.3**.: RULE OF LAW Iraq has an improved legal and operational Rule of Law framework for administration and access to justice * **OUTCOME 1.4**:HUMAN RIGHTS: Governmental and non-governmental institutions provide better protection and promote the human rights of all people in Iraq, with a focus on the most vulnerable |  |
| **Expected CP Outcome(s):**   * 2. Enhanced rule of law, protection and respect for human rights in line with international standards |  |
| **Expected Output(s):**   * **Delivery of Justice enhanced through support for Institutional Development and court administration** * **Protection of citizen's rights enhanced through support to access to justice mechanisms** |  |
| **Implementing partner: UNDP Iraq** |  |
| **Responsible parties: UNDP Iraq**  This project is a comprehensive strategy to address the intersecting needs and challenges facing the justice sector in Kurdistan through promoting rule of law and enhancing access to justice mechanisms. The project will focus on capacity development for the justice sector as well as enhancing citizen-government interface to ensure an efficient and responsive court and legal system. The project will focus on two axes; Enhancing the delivery of Justice through support for institutional development and court administration and enhancing access to justice through legal aid and legal empowerment. The project will look to be innovative in incorporating voice and accountability mechanisms, civil society oversight and broad participation and coordination among stakeholders. It will build on existing structures to ensure that what works best is re-adapted and replicated as well as examine and apply lessons learnt in project design and throughout implementation. |  |

Total resources required 6,000,000

Total allocated resources: 300,000

* Regular (TRAC): 300,000
* Other:
* Government

Unfunded 5,700,000

In-kind Contributions Office Locations, support staff, etc

Programme Period: 2013- 2016

Key Result Area (Strategic Plan) Governance

Atlas Award ID: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Start date: July 2013

End Date July 2016

PAC Meeting Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Management Arrangements NEX or DIM? \_\_\_\_\_\_\_\_\_

Agreed by (Government)

Agreed by (Executing Entity):

Agreed by (UNDP):

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# Situation Analysis

The Kurdistan Regional Government (KRG) although established formally through the adoption of the 2005 Iraqi Constitution, has been in effect administering the Kurdistan region of Iraq since the 1970's and following the establishment of the no-fly zone in 1991. Through the Law of Administration for the State of Iraq for the Transitional Period and confirmed by the adoption of the national constitution adopted in 2005, the KRG became the representative and administrator with recognized authority in Kurdistan with Erbil, Soulimani and Dohuk provinces, and a population of roughly 5.3 million. While the 2005 Federal Constitution clearly identifies the authorities of the Federal Government (such as forigen affairs) and those of the Regions, the KRG handles all internal matters including service provision, regional budgets, policing, infrastructure development and resource management. The KRG is represented through Presidential Office, the Prime Minister and Ministerial Cabinet and an elected Parliament. The justice sector is regulated as part of the authority and auspices of the Regional Government through Decree No. 11 of 1992 and Judicial Authority Law No. 44 of 1992. After 2003, the Kurdistan Regional Government has invested in building and maintaining strong governing institutions, including an independent judiciary and justice systems that are to ensure fair and just treatment to citizens as well confidence in the sector as a whole.

The Kurdistan region of Iraq has a very specific context and strategic overview based on the issues and challenges facing the region itself. The National Development Strategy of the Government of Iraq might cover issues related to the Kurdistan region, but it is also necessary to analyze the current context and situation in the Kurdistan region itself, particularly on the sectoral level and more specifically with regards to the capacity, function and scope of the justice sector.

After years of conflict, KRG is making concrete and decisive steps towards recovery and transition, particularly on rule of law and institutional strengthening and credibility. Taking an overall look at the judiciary, one sees the result of years of marginalization, conflict and lack of resources. A closer analysis of the judicial sector in terms of IT capacity, human resource capacity, engagement and confidence of the public (access to justice) as well as the capacity to nurture a framework for the further economic development of the region is necessary to design and elaborate a larger and more comprehensive strategy.

Although the justice sector in KRG has been making steady progress many structural and capacity gaps still exist. As the case of most institutions and public sector in the Kurdistan Region, the judicial sector lacks basic IT capacity and infrastructure; in fact most judicial institutions do not have an IT Department, including the Kurdistan Judicial Council (KJC) and the related Court Systems including the new Court House. This restricts the overall efficiency of the judiciary sector as well as the ability to modernize the sector and institute new policies based on IT simplification and processing. Furthermore, in this absence of basic IT infrastructure, the justice sector remains characterized by long processing times, insecure storage and archiving as well as low accessibility and confidence from the public. As IT systems tend to make information more accessible and user-friendly for citizens' follow up; the lack thereof also limits the ability to introduce case automation and management systems, process simplification schemes or even basic archiving for reference. Allow

The lack of basic IT infrastructure also extends into preventing judicial and administrative institutions to be more efficient in administering and sharing information for their own reference in their respective mandates. Ministerial decisions and legislations affecting judicial regulations are not updated nor they are accessible in a consistent and direct way. As such, without a proper information management and sharing system, many times judicial regulations are not taken into consideration, are not available to easy reference. Most importantly, this does not take into consideration previous codes and new regulations that may have been annulled. A consistent and reliable source of information is needed to mainstream and allow all judicial institutions to be aware of current and up to date processes, regulations and legislations.

The judiciary sector in KRG is also suffering from lack of human resource capacity to manage the responsibility of its 5.3 million citizens, particularly with regards to court personnel and judges. Following 1990, judges from the Kurdistan region were no longer able to attend or study at the Judicial Training Institute (JTI) in Baghdad having a disastrous effect on both the number and capacity of the judges entering service in Kurdistan. As a consequence, the number of Judges in Kurdistan courts is low – 195 which is clearly too low for a population of 5 million. Needless to say that courts are overloaded with cases, in that an Investigative Court Judge may preside over more than 50 cases per day.

As such, there is increasing demand for judges in other parts of the region in order to decrease the load on courts in towns with higher population density. This shortage of judges negatively impacts speedy processing of cases and allows for longer detentions in pre-trial facilities which in turn erodes public trust and confidence in the judiciary system and its efficiency to address grievances, justice and/or cases. When there is low confidence, people do not feel they have immediate access to recourse and avoid institutions to avoid lengthy waiting, being ignored, or not having a clear idea of how to navigate and what to expect.

In response, the Government of Kurdistan established the Judicial Training Institute (JTI) in 2009, which is now up and running. As of 2012, ennoblement has welcomed 42 students as part of the first academic year as part of a special policy allowing prosecutors and/or lawyers with ten year professional history to enrol. While such decisions do provide a short term remedy for the problem, there is a need to greatly expand support to the Judicial Training Institute and the capacity of other legal professionals.

KRG is moving towards market economy and seeking to encourage private and foreign investments in KR-I. The legal framwwork to promote the economic development of the region is being supported; in 2006, the KRG passed and ratified the Investment Law offering foreign investors various incentives to invest in the Kurdistan region; including customs relief, tax holidays and the freedom to repatriate profits as well as seeks to ease overall investment procedural bureaucracies. A specialized and independent Board of Investment (BoI) was established to monitor and support investment operations as well as facilitate the development of laws, oversee implementation of investment regulation to promote investment in KRG. However and as the judiciary is working to improve the overall confidence in court systems, the critical point for investors remains mitigating risks and ensuring transparent and credible dispute settlement through credible and transparent recourse. There is still a need for a strong policy and legal framework to indicate that the region is protective of foreign investor's rights through credible and standardized litigation measures.

While the 2006 Investment Law does address dispute management and settlement it nonetheless relies on preset contractual terms agreed to by the parties as well as litigation through national courts and regulations. In the case that a dispute clause has not been stipulated in advance and a cordial or consensual agreement is unable to be reached, the two parties may resort to arbitration. However, this is guided by existing national laws and/or in accordance with the provisions of the dispute settlement that exist in any of the international agreements to which Iraq is a signatory (and thus KRG corresponds).

This framework still lacks the credibility or reliance on common legislative standards that make foreign investors more likely to consider KRG. While Iraq is party to the League of Arab States Convention on Commercial Arbitration (1987) and the Riyadh Convention on Judicial Cooperation (1983), it has not yet signed or adopted the two most important legal instruments for international commercial arbitration; The United Nations New York Convention on Recognition and Enforcement of Foreign Arbitral Awards (1958 -- commonly called the New York Convention) and the attendant rules and procedures established by the UN Commission on International Trade Law (UNCITRAL). It is the essence of the New York Convention a central framework for codifying reasonable recourse and protection for foreign companies in dispute settlement. Facilitating Iraq and KRG respectively as a member of these two treaties would be a critical step in mainstreaming international standards and practices in commercial disputes and arbitration. In similar line, the KRG is also now undergoing the drafting an Arbitration Law of KRG with the support of UNCITRAL.

As such, the shortage of key judicial personnel, including judges and prosecutors is a significant issue. Beyond the structural obstacles, capacity and familiarity with commercial issues particularly within an international business context remains weak among relevant institutions in KRG. Similarly, potential training and learning opportunities for the judicial sector is still underdeveloped particularly in investment/arbitration laws. In order to assure that the judicial sector is capable of winning the confidence of investors and/or businesses, significant training and orientation on the various treaties, laws, mechanisms and procedures necessary to maintain active and efficient arbitration and commercial litigation systems.

In the context of new laws (such as the GBV Law) as well as emerging social, economic and political dynamics, lawyers, judges and other legal professionals will need to be updated and have access to reliable and relevant training. Duty bearers must also be made aware of public perception of courts and legal professionals and how best to engage and interact with the public to ensure it is a positive and productive relationship between judicial institutions and the citizens they serve.

There continues to be numerous barriers for poor and vulnerable people to access and use the formal justice system, including lack of knowledge of basic rights, lack of guidance on navigating the legal and court system, distance, financial barriers for retaining a lawyer and overall delays in the judicial process causing poor follow up. This all culminates in little confidence in the system’s ability to protect rights as well as perceptions of corruption and lack of confidence in the formal justice system.

According to a UNDP commissioned survey,[[1]](#footnote-1) to gauge public perception of the legal system, those who preferred not to use the formal justice system noted issues of police intimidation (15%), court delays (15%), lack of police effectiveness (14%), bias / unfairness / bribery (11%), lack of confidence that the verdict would be enforced (11%), and family and tribal pressures (10%) as reasons why they would avoid formal justice institutions. However, the respondents in lower earning households mentioned issues of delays, police intimidation, corruption and lack of competence of judges. People living below the poverty line listed corruption, in the forms of extortion, blackmail, briber and intimidation, as reason for avoiding courts.

As such, there are clear barriers of trust between the citizens and the justice institutions serving them. Clearly, lack of knowledge, low or limited positive engagement or interaction with legal professionals, court personnel and/or police remains two critical challenges, in addition to addressing the perception as legal institutions and courts as unreliable in redress to any grievance. The KRG has worked with UNDP to establish three pilot legal help desks as well as organizing legal awareness activities and materials for distribution. This has looked at outsourcing and supporting NGOs to run the help-desks, establish Standard Operating Procedures for running the desks, as well as outreach through mobile clinics.

In essence, a basic assessment of the situation in KRG recognizes the developmental challenges ahead for ensure a strong rule of law framework. This extends into ensuring access to justice through comprehensive policies and making sure the justice sector is capable of providing quality services within a challenging context and enjoys the confidence of the citizens it serves. What is important is the clear political will and acknowledgement of the KRG that challenges exist and the motivation to address these gaps is real. As the current challenge to the transition process in Kurdistan remains an underequipped and under-capacitated administration in the public sector and given the current development process, it becomes a necessity to strengthen and equip responsive institutions in order to enhance the relationship between citizen and government. Given the relative weakness of the organizational structure (bureaucratic, repetition, delegation and poor quality for citizens) as well as the work mechanism that governs the relations within the government institutions, a comprehensive and holistic approach is needed to actualize the development vision of the Government.

There have been challenges in engaging various stakeholders as part of a greater or more comprehensive effort. This project, as it looks from a comprehensive view, provides a great opportunity to engage stakeholders on both the policy and institutional level as well working to engage civil society groups in project implementation and how best to be impactful on the ground. This combination of looking at policy frameworks and building technical and human capacity allows this project to be innovative in its approach and impactful in its result.

This project will benefit from other related project currently implemented by UNDP Iraq to support Judicial reform. These are:

* **UNDP Iraq; Strengthening the Administration of Justice in Iraq, 2010-2013**: This project aims to strengthen the administrative and operational capacity of the Iraqi Judiciary, through the development of a twinning programme between the Iraqi Judiciary and the Dubai Judiciary, supporting newly established criminal ‘Judicial Investigations Offices’, and supporting a pilot court complex to develop and trial systems and procedures.
* **Promoting Access to Justice and Promoting Legal Aid in Iraq, UNDP IRAQ**: UNDP Iraq aims to support state and non-state actors to promote access to justice and uphold legal rights, particularly for vulnerable and disadvantaged groups. This project includes components on increasing knowledge and accessibility of legal assistance services, improving the capacity of duty bearers to recognise and protect legal rights of vulnerable groups, introducing systemic reforms on policy issues such as the sustainability of legal aid, and engaging with informal justice sector actors to promote protection of vulnerable groups in informal justice processes.

In addition, this project will complement the work and support currently provided by other international partners in the area of Judicial reform. These include:

* **European Union Integrated Rule of Law Mission for Iraq (EUJUST LEX – Iraq)**: Project launched in 2008 – 2013; project focuses on deliverance of training for justice sector and security sector personnel. It is a standalone training programme for judges, police and penitiary staff on international standards in the security and legal professions. The project is composed of eight (8) high-level judges and police officers dispersed; four in Baghdad, two in Erbil and two in Basra. The team is supported by EU technical staff work to organize and deliver an overall training programme to enhance the performance and capacity of the judicial and security sector. Trainings include Human Rights Approach to policing, GBV cases, evidence collecting as well as trainings on policing, trafficking and gender issues. Project has collaborated most with the Judges Union and the Ministry of Interior. The project is expected to run until 2013 .
* **United States Agency for International Development (USAID Iraq):** Iraq Access to Justice Programme: Project launched in October 2010, this project looks to support legal and judiciary institutions in their capacity to administer justice through trainings and establishment of legal clinics. This project was designed to work with 'grantees' or CSOs that would receive training and provide services in turn. To date, project has completed five-awareness raising campaigns implemented by NGOs supported through the project and supported legal professionals to receive training on clinical legal education. The project should be completed in September 2013.
* **The World Bank**: The WB is supporting Shura Council in capacity building in areas of: case management and automation, Human Ressource reforms, outreach and public information, and drafting of a manual on legislative drafting. Most of thess activities are already implemented by the WB.

# Strategy

UNDP Iraq works to achieve the UNDAF outcomes by supporting the Government of Iraq as well as the Kurdistan Regional Government with institutional development, capacity development and strategic planning in order to build a transparent, accountable and democratic structure that fosters participation and ensures inclusion in the transition and rebuilding process. By supporting strengthening rule of law and access to justice mechanisms, UNDP Iraq is specifically addressing core concerns such as improved efficiency of responsive government institutions, enhanced transparency and accountability, fostering stronger government citizen relations, introduction of IT management for greater effectiveness of public institutions and empowering national institutions through policy and capacity development to contribute to economic growth of the region.

Working through the UNDAF, this project will focus on **Outcome 1: Improved governance, including protection of human rights** well as **CPAP Outcome 2: Enhanced rule of law, protection and respect for human rights in line with international standards** this project will implement a comprehensive approach to enhance and support the internal performance of judiciary institutions as well as work to build greater confidence and ease with judiciary institutions among citizens. Focusing on governance issues through central sector institutions, UNDP looks to design holistic projects that support the transition to functional and accountable state institutions that are able to provide quality services and ideas through building on bottom up approaches to ensure representation, engagement and participation.

Working through the Country Programme Action Plan, UNDP focuses on strengthening accountable and responsive governing institutions with particular emphasis on the judicial sector particularly in accessing information; including on processing of cases, case specific information and legal rights. Rule of Law mechanisms will be a capacity development priority for UNDP looking at building administrative and technical skills while mainstreaming a human-rights based approach with duty bearers within the judicial sector.

UNDP will make sure that supporting women, youth, people living with special needs and other vulnerable groups remains a priority throughout project design and implementation and in discussions with counterparts, with particular focus on women and gender issues. The project will mainstream gender into approach and elaboration of implemenation as part of UNDP's overall Gender Strategy as well as taking into consideration the strong link between gender and legal barriers in the justice sector. This will include advocacy on the institutional and policy level through orienting stakeholders and providing gender responsive policy advisory services throughout project implementation, as well as working it into project activities on a very micro-level.

This includes ensuring a high level of participation of women in project activities and specific focus on women as beneficiaries of project outputs. The project will ensure that gender is incorporated at the activity level to maintain a gender perspective within content produced by project. This includes training, workshops and capacity development activities which will include a gender-sensitive approach in strategy and/or curricula development as well as Terms of References, gender sensitive questions in surveys or questionnaires produced by project or by stakeholders engaged in project. Stakeholders will be supported to have greater understanding of gender barriers within the legal system so that analysis and problem solving strategies are understood in a gender specific way for ensured and continued focus in policy and planning during project and after project activities have been completed.

The project aims to promote gender equality and women’s empowerment through participation of all stakeholders and taking into consideration mandate of stakeholders as complementary to the overall approach and strategy for programming on enhancing access to justice and strengthening rule of law. Another critical axes remains fostering inclusive participation through empowering CSOs to participate in the democratic process as a key component of the CPAP. This includes participation in project activities and implementation, introducing and implementing voice and accountability measures as well as participating in planning, monitoring and evaluation of the project. In order to support gender mainstreaming, the project will actively engage NGOs/CSOs working directly on women empowerment and gender issues to ensure that gender considerations remain a strong focus of project activities and vision. This will include promoting a gender sensitive lens in identifying baselines and targets at the outset of activities and implementation of project outputs.

As this project is considered in coordination with and is greatly supported by many of the judicial institutions, there is a committed interest in maximizing benefit to the issue of rule of law and access to justice initiatives on a wider scale in Iraq. Through enhancing existing national capacities, such as support to establishing IT Departments in critical judicial institutions as well as technical assistance in using a new and more efficient and engaging system, UNDP hopes to ensure longevity and sustainability for project outputs.

**Government Strategy:**

As stated in the National Development Strategy (NDS) of the Government of Iraq, Good Governance mechanisms lie at the core of national planning, strong service provision and sustainable development. The Strategy identifies eight main elements; rule of law, participation, transparency, responsiveness, collective opinion, justice, inclusiveness, effectiveness, efficient and accountability. These objectives are best defined through a multi-stakeholder approach incorporating justice institutions, legal professionals / service providers and NGOs. National development priorities focus on reviewing policy frameworks for rule of law within the context of political transition. This includes supporting the institutions mandated with service provision through institutional development as well as building capacities of staff, and relevant stakeholders to ensure coordinated and wide based participation.

Tackling rule of law and access to justice, this project takes into consideration providing a strong legal and **regulatory framework for the administration of justice** to enhance **rule of law** as well as the challenges and strategy envisioned by KRG through focusing on information provision and **responsiveness.** As the project is designed bearing in mind confidence in the administration of justice and judicial processes; this project looks at capacities, responsiveness, access to information and **engagement** as means of improving the relationship between the judiciary and government institutions and the citizens they serve. This is also particularly apparent in the specific mention of empowering NGOs to participate in the planning process to guide on society's needs to enhance **accountability** on clear rules and regulations within the judiciary.

Government strategy also looks to consolidate coordination mechanisms between stakeholders which allows for clear delineation of responsibilities among various government institutions to avoid duplication as well as ensuring the building of **broad partnerships** to enhance overall **effectiveness and efficiency**; both in their internal management and their interaction. This applies to **strengthening institutions** to play a stronger role in enhancing the investment climate through the promulgation and administration of sound **laws and regulations on investment** as well as institutions capacitated to implement and monitor.

As per the Good Governance and Transparency Strategy adopted by the KRG and in similar line with the National Development Strategy of Iraq, priority is given to strategizing towards a more "open, efficient and accountable" public sector. This is based on improving service delivery, promoting strong public service as well as ensuring transparency and rule of law in administration of the public sector.

Strengthening the rule of law and enhancing access to justice mechanisms in a broad and participatory matter are two essential components for institutional, economic and social recovery and will prove sustainable when trust and confidence is enhanced in the justice sector in KRG. The KRG Government is committed to increase trust and confidence and the efficiency of the justice system and this project aims through, working on several levels (policy, institutional and grassroots) as well mainstreaming gender components, to programme holistically and ensuring that relevant partners are able to better provide quality service to its citizens; be more responsive, efficient in its capacity and able to meet the functions and challenges of development in the Kurdistan region.

Project Duration:

The timeframe for the pilot project is 3 (three) years; The forthcoming Results and Resources Framework (see Part III) outlines the various intended activities that will be undertaken over the life cycle of this pilot project as well as the output indicators and the required inputs.

Target Beneficiaries:

The direct beneficiaries of this project will be the citizens of Kurdistan region of Iraq and justice sector institutions in KRG; the Ministry of Justice, the Kurdistan Judicial Council, Judges and staff at the Judicial Training Institutions, the Bar Association, Judge's Union and NGOs working on human rights and access to justice issues as well as the Investment Board.

Output 1: Delivery of Justice enhanced through support for Institutional Development and court administration

This output will focus on three main axes as part of the overall strategy to support institutional development for the administration of justice, building on past cooperation with KRG.

First, this output will look at enhancing the IT capacity of the judiciary to enable it to become more effective as well as to enhance knowledge / information sharing and management within the judiciary to ensure that administration of justice is more transparent and responsive. Second, it will seek to build the capacity of judicial and legal staff/personnel including judges, through extensive support to the Judicial Training Institute. ICT support will also apply a gender-focused approach in supporting the recruitment of female staff, encouraging the participation of women in project activities, as well as looking specifically at the enrolment of females within the Judicial Training Institute. Finally, It will look at enahncing the legal and institutionnal framework governing foreign investment in KRG-I.

***Develpment of IT capacities and of knowledge / information management and sharing***

During 2010-2012, UNDP workked extensively with the KJC to support the automation of court systems. As part of these efforts, a Case Management System (CMS) was designed to automate case management and reduce paper-based workflows with a fully integrated case tracking and reporting tool to improve judicial management processes. This system has been installed in one pilot court in Erbil.

However, when supporting the KJC in this process, it has become evident that the KJC lacked the necessary IT capacities to use and maintain the system. In fact, the KJC does not have an IT Department and as a consequence, servers provided for the CCMS are currently unattended to, making replication to other courts impossible at this stage. This not only affects the CMS, but also impacts any plans to enforce IT solutions to prevent inefficiency and slow processing. As such, the Court System risks lower assessment ratings from citizens as it is unable to process cases in a timely and effective way. This will also impact motivation of staff as potential of being overwhelmed with little space to improve work processes and tackling backlog or bottlenecks.

As the CMS has been installed in the Erbil investigative court but is not yet being fully used, UNDP will first ensure that the necessary IT capacities exist in the KJC to use and maintain the system in that court. This will be achieved through the **establishment of an IT Department** within the Kurdistan Judicial Council. This project activity will include include developing a management plan, staff ToRs and functions as well as general organigramme for the IT department. The project will support in the recruitment of staff, secure necessary equipment and implement a **capacity development plan** for staff. Training will include basic IT training, IT maintenance and management training for continued sustainability. Project will also look into potential sites for **learning visits and study tours.**

Following this step, project will work on replicating the CMS within the new Court House in Erbil. Basing on initial assessments of the CMS running, project will look at capacitating the Court House and **design, install and test** the CMS and support staff with **broad training on information system management; including on-the-job training or mentoring to ensure consistency and sustainability**. Project will also look at raising awareness on the CMS through the **development and distribution of materials** on the system for public knowledge. In ensuring sustainability of project activities and system maintenance, UNDP will also support the KJC in designing an **exit strategy** for project team to include staff retention and financial sustainability and maintenance of equipment.

In looking to ensure a more accountable, transparent and effective judiciary and enhanced access to information, UNDP will support the Ministry of Justice (MoJ) in building a Legal Database for public record and access to archive and manage laws, regulations and legal codes within the Kurdistan region. The Ministry of Justice in conjunction with the Shura Council is the owner and promulgator of regulations and codes with regards to the judiciary. While it does coordinate efforts to announce and monitor regulations issued by the Ministry or other institutions, it lacks a centralized and maintained database. Other Ministries maintain their own files, with coordination remaining informal and courteous at best. Based on this, regulations are not kept up to date creating a gap between up to date information and legal practice.

Currently, MoJ has an IT Department with at most 10 employees, but has been unable to establish a coordination mechanism that is sustainable and maintainable to ensure that all information within the Ministry is updated from other Ministries. A different more reliable mechanism is needed as well as the information management system to make in continuously updated and accessible. In response, MoJ has currently appointed a three-person committee to monitor the coordination with UNDP in **establishing the Legal Database** within the MoJ.

The database will be similar in design and function to the Legal Database supported by UNDP (http://www.iraq-ild.org) and launched for Iraq in 2011. It will be a storage point for up to date regulations, laws, legislations and codes passed by the Ministry of Justice and the corresponding Shura Council. It will begin with a **review of up to date** and support in **data collection** in coordination with other Ministries, through assigned focal points and coordination meetings. UNDP will also **support with data entry and design of the archiving system** to include the following:

* Archiving and electronic document management and its integration with information systems
* Automated System for saving and retrieving document files and integrated it with archiving system
* Interactive site on the web portal

As a compilation of all laws, regulations, directives, legislations etc currently in effect in the Kurdistan region, it will be maintained by the IT Department within the Ministry of Justice, with technical assistance and training by UNDP on IT management, updating as well as **enhanced cooperation and coordination** with Ministries to ensure effective and timely information sharing. In also providing **capacity development support**, UNDP will focus on the following topics; database design, project management, network and database administration and maintenance as well as web administration.

***Capacity Development of Judidical Staff in KRG-I and improved court administration***

To develop capacities of legal staff and legal professionals to support judicial institutions, UNDP will be working with the newly operational Judicial Training Institute (JTI). Established in 2009, the JTI was operationally launched in 2012. Due to the large number of cases being processed by a small number of judges in KRG, it is a national priority to ensure that as many judges as possible are trained and capable on a wide variety of subjects; particularly new laws passed in Kurdistan and 'new crime'. The JTI is currently being administered by the Ministry of Justice which is providing the running and operational costs. The JTI does not have financial independence or sustainability. It lacks its own budget, resources or the ability to manage and plan budget, expenses and costs.

Support to the JTI is a critical component of the project as it targets developing capacity, not only of Judges, but also capacity building for public prosecutors, lawyers and jurists in ensuring a stronger mechanism for rule of law and access to justice in KRG. Due the large shortage in number of judges in KRG and as a type of emergency response, 42 new judges will complete training for expected graduation in 2014. However, the JTI still needs support to its organizational development and development of a relevant curriculum for judges in the Kurdistan region.

Following an assessment of its current structure, UNDP will support the JTI in **drafting an institutional development plan** including mission, vision, organigramme with departments with focus on internal governance and human resource management. The plan should also include plans for the development of a comprehensive **Legal Reference Library** and **twinning with institutions** for learning options with regional institutions, in particular Dubai. Project will also review current curricula and **design a comprehensive curriculum** based on current context within the region, particularly gender issues. In addition, judges in the Kurdistan region of Iraq are lacking experience in dealing with new crime; terrorism, money laundering, trafficking etc as well as basic IT skills to manage information management systems introduced within the justice sector.

It is also important to include training on **gender issues within the legal system**, particularly given the new Gender Based Violence (GBV) law passed in Kurdistan. This new law will need additional support and project will work to encourage a stronger participation of females in trainings and registration with the JTI. Project will also support on orientation on international treaties and access to justice issues. Project will also take the opportunity to train court personnel and other legal professionals within this component, particularly **providing training to the Kurdistan Judges Union (KJU).** The KJU is an independent organization for judges. In dealing with capacity gaps, UNDP will also develop capacities within the KJU on similar subjects, including gender and in specific linking the KJU to the Judge's Union in Europe for capacity development in effective administration of justice.

It is also imperative that the project support the JTI in designing a strategy for **financial sustainability**. UNDP will work with JTI management and judges to look at operational costs and costs of a continuous training schedule to set **a long term training schedule** based on the needs and gap identified at the outset of output activities. This will certainly include overall costs and how to strategize sustainability for a critical component of effective administration of justice.

In addition, as per the request of the Shura Council, in order to support capacity in legislation research and drafting, project will also provide **capacity development for law graduates** on legal drafting skills. This will support KRG in enhancing the ability to be responsive to new dynamics and able to provide the necessary research and legal context for review by the region's judicial bodies.

***Improvement of the legal and institutionnal framework governing foreign investment in KRG-I***

When promoting Rule of Law, justice institutions need also to be fully capable and empowered to encourage, foster and support economic growth. In this cintext, the project will also support the KRG in establishing Arbitration Councils. This is a critical component to encourage investment through mainstreaming and codifying dispute settlement for foreign investors and/or businesses into the legal framework in the Kurdistan region. While Commercial Courts may serve the same function, based on discussion held with the Shura Council, the Ministry of Justice, the Bar Association and other legal stakeholders, the establishment of Commercial Courts requires lengthy legislative acts that may prove difficult or impossible. As such, UNDP will look to support the Investment Board, other relevant partners/stakeholders and the KJC in drafting laws, strategies and work plans to facilitate the launch of an Arbitration Tribunal as well as capacity development for legal professionals and judges to maintain and develop the adequate mechanisms as per international arbitration standards.

The Investment Board was established in 2006 under the auspices of the Investment Law or Law No. 4 of the Kurdistan Regional Government. This law remains distinct and separate from the National Investment Law passed by the Government of Iraq and has significant differences as to how both the Central Government and the KRG drafted and regulated investment. The Board is headed by a Chairperson with the rank of a Minister and several departments therein; including Studies and Information and Legal, Administrative and Financial Affairs as well as Promotion, Assessment and Licensing of Products and a Department of Industrial Cities and Zones. The Investment Board currently has four members as director generals, in addition to the head of the board who is at the rank of a Minister and is composed of four departments. The Board has the responsibility to develop strategies, plans or policies for submission to the Supreme Council for Investment. The Supreme Council is a Task Force of sorts made up of high level government representation.

The main purpose of establishing an Arbitration Tribunal is to minimize uncertainty associated with local investment laws and local dispute settlement methods. As mentioned, KRG has an internal arbitration system but this does not reassure foreign hesitancy to invest. The system need to be credible and rely on international practices, as opposed to national practices. This would mean quicker, more efficient decision making ability with enforceability of arbitration decisions, expertise and capacity of arbitrators as well as guarding international standards such as enforceability, confidentiality, etc.

Beginning with the current framework, UNDP will **conduct a gap analysis on the current legislative and judiciary framework** in place in KRG to analyze where framework support is needed. This will of course focus on ratification of international treaties that serve as the international reference for mainstreaming into domestic regulations and laws for continued assurance.

Beginning with the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the "New York Convention (1958)" which is considered the basis for credible and recognized international arbitration. The components that are necessary to bear in mind are:

* Requires the recognition and enforcement of arbitration as binding and enforceable awards entered in foreign states across borders
* Requires national courts to recognize and enforce arbitration agreements
* Requires courts of signatory nations to recognize the validity of arbitration agreements – provides the court of a Contracting state to refer the parties to arbitration

Being a signatory to the New York Convention allows KRG to recognize, enforce and be party to international standards on arbitration that relieve foreign investors and businesses of additional risk in case of dispute. Reliance on national structures and laws are most times, not enough to address this risk.

However, KRG does not have the legal right to ratify international treaties and must refer back to the Central Government of Iraq. As such, UNDP will **focus its advocacy efforts for ratification** using the strong working relationship with the GoI. This will need a specific indication of how this effects current investment and foreign business figures in Iraq and in KRG as well as how this corresponds to national laws and frameworks and how it will complement investment strategies and international treaties already ratified on this subject.

Upon **finalization of strategy and workplan for ratification** of the New York Convention, UNDP will submit for review by the KRG and the GoI. In following up, UNDP will also provide the **necessary technical assistance** in terms of logistical and capacity development support to set up the Arbitration Tribunal. This will involve **supporting the drafting of new legislation**, which the Office of the Prime Minister has begun drafting. The law will allow the established Tribunal to adjudicate commercial cases that meet a jurisdictional threshold, and as per international treaties, oblige a party to submit to arbitration, authorize a secured party, upon proper application and an ex parte (one party) hearing, and settle as per arbitration agreements; this can include take summary repossession of any property that is a subject of a secured transaction or a mortgage and order the freezing of a bank account or the sequestration of a property that is a subject matter of an action before it or which property is in any other way materially related to the action.

As part of a great capacity support, UNDP will also prioritize learning visits through exploration and identification of **twinning and examining regional partners** (such as Dubai and Cairo) for guidance and technical support through learning visits and study tours. UNDP will need to provide awareness raising and capacity development on **regulating processes within the Tribunal** for legal professionals and through the JTI.

UNDP will continue to support with technical assistance throughout the **planning and launch phase** of the Arbitration Tribunal and will support the KRG and/or KJC **in organizing the "Friends of Kurdistan" Investment Group Conference**. This conference will be the launch of KRG's new framework to engage and encourage foreign investors and business to participate. The conference will **provide recommendations and next steps** from and for foreign investors that UNDP will continue to follow up on with stakeholders through the course of the three-year project.

UNDP will also work to institute **IT capacity and information management** to ensure that the Arbitration Center/Tribunal will be up to international standards in terms of its operating procedure. The provision of simple technology can have a transformative effect, moving away from outdated administrative systems including files that are hand written, documented and catalogued manually. Such manual procedures can increase the likelihood of court records being misplaced, all of which radically slows commercial justice, as well as reducing transparency and accountability. UNDP will ensure through this activity that the Arbitration Tribunal is up and running, operational as per international standards and at aims to be efficient, accountable and transparent.

This has a double benefit in that while Arbitration mechanisms will reassure foreign investors and/or business, it will also bring direct benefit to the capability and processing of cases within KRG with additional capacity and understanding of commercial cases. It will increase efficiency, reduce backlog and promote faster and sounder administration. The strategy also takes into consideration that implementing such improvements also has a positive impact on local private sector activity and a country’s economic outlook.

Output 2: Protection of Citizen's Rights Enhanced through Support to Access to Justice Mechanisms

This output looks enhancing access to justice through improving legal aid structures, enhancing accountability through institutional measures, capacity and policy support and broader citizen and NGO engagement and

***Insitutionnalizing legal aid in KRG-I***

Building on previous efforts undertaken by KRG and UNDP, the project will **expand the three up and running legal help centers** to a fourth desk in Garmian following an assessment of the three other help desks.

Currently, the three legal help desks are being managed by NGOs, local (Erbil) and international (Dohuk and Soulimani) through small grants assistance. The help desks provide legal advice, basic legal assistance (such as drafting letters) and legal representation in limited situations. The target recipients of the legal assistance are women, vulnerable and disadvantaged people, including people with limited income, juveniles, people living with special needs, as well as people experiencing gender based violence, etc.

The legal help structure designed by UNDP, while certainly effective, still requires expansion to cover more areas in the Kurdistan region as well as stronger mechanisms to ensure sustainability of legal assistance services. As such, the project will support the **institutionalization of legal aid** in the Kurdistan region through cooperation with the Bar Association (BA). It is the responsibility of the State to ensure that legal aid services are provided to people who cannot afford to pay a private lawyer. Establishing legal aid services through the State and / or the Bar Association are generally the most cost-effective ways of financing legal aid. Furthermore, the added value of this mechanism this will maximize on the following: a close working relationship between the BA and the Courts, allowing the help desks to be located directly on Court premises, as well ensuring availability of lawyers and a stable and knowledgeable legal structure to sustain services.

The internal structure of the Bar Association is based on thematic committees; membership is based on interest or professional track. Using this structure, project will support the Bar Association in establishing a Legal Aid Committee to manage legal aid services in KRG. Project will support the drafting of a **Terms of Reference** to include committee structure, outreach strategy and financial plan as well as compensation strategy for lawyers providing legal services. It should also investigate the potential of incorporating pro bono work in securing promotions within the above mentioned levels and will also include how to coordinate with NGOs, how to maximize community outreach and have structural flexibility to be innovative and responsive to community needs and new laws/dynamics.

As such, the discussion with the Bar Association will continue to expand legal aid through a Committee Action Plan to include the following:

* Expansion of the court based legal help desks, in conjunction with the Bar Association, NGOs and the Kurdistan Judicial Council as overseers of the Courts. Help desk services will be expanded to Garmian.
* Engagement with NGOs (whether outsourcing services, or cooperation on outreach activities, case follow up etc.)
* Deployment of lawyers and legal extension workers (paralegals) to districts, based in local CSOs delivering general services and outreach; bearing in mind vulnerable groups including juveniles, indigents, IDPs etc, as well as rural areas.
* Deployment of innovative new methods for outreach including lawyers and legal extension workers to sites such as police stations, prisons, shelters, to provide on-site legal assistance and potentially in coordination with social workers in prisons to facilitate prison assistance.
* Establishment and promotion of legal help lines (Arabic and Kurdish telephone lines)
* Creation of a legal extension network through specialized NGOs and CBOs
* Potential for innovative initiatives including training long term prison inmates (or prison staff) to assist other inmates with bail applications and applications for early release.

Support to the Bar Association will include the drafting and finalization of a **organizational management plan** including financial management and designing and implementing a corresponding **capacity development plan** to include training on financial and organizational management. The project will also support BA lawyers in handling of legal aid cases, how to support vulnerable persons (indigents, victims of domestic violence, juveniles, IDPs, etc), understanding legal barriers for vulnerable persons and training on new relevant laws, particularly the GBV law passed in the Kurdistan region. The management plan should also include an **exit strategy** upon the termination of the project to ensure that the BA has taken on the administrative, financial and logistical mandate to oversee Legal Aid in KRG.

Output will also complement legal aid services with a greater emphasis enhancing the accountability of the justice sector with increased **awareness on legal rights** and judicial processes among citizens and community gatekeepers of the Kurdistan region. All trainings and workshops will incorporate gender specific themes, questions and problem solving activities bearing in mind gender and legal barriers. This will be particulary important when dealing with community leaders and figures. The project will approach legal rights empowerment raising at two levels:

* **Targeted outreach** – the project will target gatekeepers to the justice system, who are trusted people within communities who can give guidance to people with legal problems. This guidance may include giving information or advice, or simply being able to put the person in contact with a legal assistance service for more detailed support. Examples of gatekeepers would include religious leaders, community leaders, teachers, student councils, youth leaders, nurses and midwives, tribal leaders, district officials, justice sector personnel at the district courts, etc.
* **General outreach** – the project will undertake general outreach aimed at reaching vulnerable and disadvantaged people, as potential users of justice services, and the general population at large to increase their awareness of legal rights. This will be done through outreach information sessions held in community locations with local CSOs, or holding Open Court House Days for informal or town hall meetings between legal personnel and citizens. This will support in minimizing the intimidation many might feel towards Court buildings, etc.
* **Preparation and distribution of materials** - including mass media, such as radio, print media and promotion materials to carry mass market messages, along with resources such as brochures and posters in places like courts and police stations, but as well as schools, universities, hospitals, markets, etc where there is high traffic and access to a larger segment of the population.

In order to expand on the legal aid services, the project will explore and investigate the potential for the **introduction of mobile courts**. This will look at making a mobile legal team/court to be deployed depending on need or distance from court and judicial institutions.This would be particularly helpful for enhancing access to justice for isolated and/or rural areas, and in incorporating gender responsive policy. It will also address difficulties people living with special needs, people with limited financial means to travel, and IDPs (if applicable) face in accessing justice. The mobile court is not only the judging party but also a legal assistance team to offer a holistic package of legal services for those most vulnerable and unable to reach legal services and/or institutions. In addressing some of these issues, project will support outreach of paralegals into rural areas as indicated in the outreach activities.

In discussions with counterparts and stakeholders, mobile courts received mixed reactions. While formal justice institutions see them as costly, difficult to implement and waste of time and resources, NGOs often advocated and agreed on their importance and relevance, particularly in a rural area or with regards to cases of a more personal nature; especially when women and/or girls may not have the ease of movement in more traditional settings to be able to travel distances to access legal services or recourse. As mentioned by the Women's Empowerment NGO in Kurdistan region, for cases involving divorce or other personal status issues, it may be difficult for women to reach courts. As such, UNDP will be addressing a significant gap in access to justice for women in particular. Project will continue this discussion and advocate in coordination with NGOs and judicial institutions, particularly the KJC to investigate the **potential of piloting mobile courts** to address the issues mentioned.

***Enhancing accountability of the Judidicary in KRG-I***

This output will also focus at **empowering NGOs through incorporating voice and accountability measures;** voice or ensuring space for complaint and debate as well as recourse and/or oversight as mechanisms to ensure that complaints are addressed and able to broaden the participation in the problem solving process. In this regard, NGOs are a critical partner as they are the most active and engaged on the grassroots level and as such tend to be creative and responsive to community needs, particularly for women and other vulnerable groups. This project will ensure that NGO are empowered as interlocutors between institutions and communities/citizens through support in planning and executing oversight activities. Project will ensure that NGOs are guided through this process for inclusion in their services and work plans.

This project will build on this same strategy through additional activities. For example, access of reliable information can expanded through the introduction of online resources, expanding outreach and dissemination of materials on gender specific issues in a more creative way as well as specific measures undertaken by NGOs. This can include the **introduction of Court Open Days or town hall meetings** organized by the judiciary to invite citizens to meet judges and other court personnel; these can be simply introductory meetings which can chip away at any public intimidation or unease around courts, if any, as well as allow for a more relaxed and familiar exchange between court staff and citizens. These Court Days can also serve as brainstorming sessions for determining the type of information and/or services most needed or wanted by citizens and how to design services that are most relevant to needs. These events can be organized in conjunction with NGOs/CSOs to relieve a burdened judiciary from logistics in addition to **allowing the NGO to serve as a trusted interlocutor** through support from project in planning and strategizing.

Furthermore, project will further orient NGOs on other forms of civil society oversight such as citizen surveys; on how to administer them and how to **design citizen monitoring tools** for application. This can be as simple as anonymous surveys or report cards following any court procedure, or judiciary reviews shared with court personnel and judges. While NGOs are more in touch with local dynamics, brainstorming session may provide more insight on ways to develop these tools following introductory sessions organized by project team. In this regard, the project has looked at NGOs as both beneficiaries in capacity development on project design, management and implementation and as an interlocutor and implementer, bringing issues and challenges to judicial institutions or donors for incorporation into overall strategies.

As the underlying aim and purpose of this project is to ensure access to justice, rule of law and hence, increased confidence in the justice system, NGOs will also provide support to the **establishment of Complaint Desk** to encourage dialogue on improving judicial administration and services. This can be managed by the Bar Association or potentially by the NGO to ensure transparency but will be reviewed and presented to the judiciary for review and action. Project team should review the mechanisms not only for collecting complaints but also for addressing them using the Complaint mechanism through the KJC throughtout project implementation. Project will support to launch as well devise an inter-stakeholder approach for its management based on discussions with relevant partners.

***Enhancing engagement with Informal Justice***

Output 2 will also provide support for improving policy frameworks for enhanced access to justice through **sensitization and introductory workshops on informal justice mechanisms**, alternative sentencing and investigating and piloting mobile courts, if and when possible. These activities/tasks will look at a broader and more innovative policy framework to adjust to citizens realities in order to bridge the gap between needs and services through policy support bringing the institutional level and grassroots together in more constructive and engaged dialogue and interaction.

In UNDP focusing on the potential of expanding and **building on informal justice networks,** the project looks at a topic in there been relatively little engagement by the international community or by civil society in KRG. A range of potential issues have been highlighted in initial discussions with traditional authorities, including:

* Currently traditional dispute resolution systems do not have status under the law. Judgments have no binding force outside of the agreed tribal context, leading to a lack of validity in general and the inability to enforce judgments in a legal manner.
* A lack of consistency exists in relation to judgments and tariffs; it is also important that traditional authorities do not make decisions in arbitrary and inconsistent ways, and remain accountability to all sections of their communities rather than representing only the interests of the elite and powerful.
* Limited awareness and confidence – some clients, particularly from vulnerable and disadvantaged groups, have limited awareness of their legal rights, especially when they are in conflict with a more powerful actor, and may also have limited confidence in the ability of traditional leaders to uphold their rights – for example, a traditional leader may encourage a woman experiencing GBV to reconcile with her partner, to avoid conflict within the community.

This project looks to further promote this discussion as a means of protection for vulnerable populations and bringing relevant mechanisms closer to the institutions that should serve them. Engaging informal justice systems will be based on a broader assessment to be conducted by the project to further refine and identify relevance, shortcoming and complementarily. This will provide the base for broader consultations throughout project implementations.

In parallel to the consultations, UNDP will also support the **provision of training to traditional, community and/or tribal leaders** and informal justice stakeholders on the formal justice system and protection of the rights of vulnerable and disadvantaged people and human rights. These tend to be community or religious leaders; people that have a pulse on community issues in general. This may provide a better understanding of the way in which the formal justice system operates (and is intended to operate), and also provide some common ground between informal and formal justice system stakeholders on measures which can be taken to jointly protect and uphold the rights of vulnerable and disadvantaged people.

Depending on the interests of stakeholders expressed during the consultations, there may be interest in pursuing discussions on informal justice sector issues. In this case, UNDP could **promote dialogue and consultations** between the Government, formal justice system stakeholders, traditional jurists and civil society on issues such as the interface between traditional and formal justice systems, including jurisdiction, appropriate penalties, enforceability or non-enforceability of traditional judgments, mapping and recording of informal justice systems etc.

There have also been discussions around the introduction of a range of sentencing options for minor first offences and less serious offences, which could include:

* Lodging a refundable good behavior bond
* Introducing community work orders, where the offender provides some work of value to the community
* Introducing provisions to allow for deferred sentencing
* Introducing suspended sentences

However, many of these provisions would require a legislative amendment which also requires several years to be processed at present. In order to support this process, UNDP will **provide sensitization support** to facilitate a broader dialogue and further enhance the capability and planning around these efforts. Advocacy can also be undertaken for other initiatives which would require legislative amendments prior to implementation to provide a legal basis for the activity.

# Results and Resources Framework

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| --- | --- | --- | --- | --- |
| **Intended Outcome as stated in the Country Programme Results and Resource Framework:**  Outcome 1: Improved governance, including the protection of human rights   * **OUTCOME 1.2**:CAPACITY OF THE STATE The Iraqi state has more efficient, accountable and Participatory governance at national and sub national levels * **OUTCOME 1.3**: RULE OF LAW Iraq has an improved legal and operational Rule of Law framework for administration and access to justice * **OUTCOME 1.4**:HUMAN RIGHTS: Governmental and non-governmental institutions provide better protection and promote the human rights of all people in Iraq, with a focus on the most vulnerable | | | | |
| **Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:**  **Expected CP Outcome(s):**   * 2. Enhanced rule of law, protection and respect for human rights in line with international standards * % of courts that have court administration harmonized to minimum international standards (2010:0%; 2014: 15%) * A system to map the backlog of civil and criminal cases developed (2010: no; 2014: yes) * 2.1 Key national and local institutions strengthened to promote rule of law (including transitional justice), and administration of justice * % of men and women judicial officials better informed on law, courts administration and human rights in line with international standards (2010: 10%; 2014: 35%) * % of men and women law enforcement officials capable of handling cases of human rights (including Security Council Resolution 1820 (2008)) and GBV in line with international standards (including Security Council Resolution 1325 (2000) (2010: 1%; 2014: 12%) * Number of men and women supported by legal-aid centres (2010: 1000; 2012: 2000) | | | | |
| **Applicable Key Result Area (from 2008-11 Strategic Plan):**  Chapter 12: Good Governance ; 12.4.1 Rule of Law - 12.4.4 Responsiveness - 12.4.6 Justice and Inclusiveness - 12.4.7 Effectiveness and Efficiency - 12.4.8 Accountability | | | | |
| **Partnership Strategy:** Justice Institutions including Ministry of Justice, Kurdistan Judicial Council, Judicial Training Institute, Bar Association, Civil Society Organizations and Investment Board | | | | |
| **Project title and ID (ATLAS Award ID):** | | | | |
| **INTENDED OUTPUTS** | **OUTPUT TARGETS FOR (YEARS)** | **INDICATIVE ACTIVITIES** | **RESPONSIBLE PARTIES** | **INPUTS** |
| **Output 1:**  ***Delivery of Justice enhanced through support for Institutional Development and court administration***  Baseline:  Limited access to information on laws in KRG  Slow processing, bottlenecks  Low number of judges in KRG (male/female ratio)  Limited understanding on new crime and draft legislation among legal and judiciary staff  No Arbitration Tribunal  Indicators:  IT Department established and operationnal  Legal Database for MOJ and Public Access Established  # of Judges trained on new crimes and gender  # of new graduates trained on legislation drafting  Arbitration Law submitted to KRG for review  Launch of Arbitration Tribunal strategy drafted  Friends of Erbil Conference held  **Output 1:**  ***Delivery of Justice enhanced through support for Institutional Development and court administration***  **Output 1:**  ***Delivery of Justice enhanced through support for Institutional Development and court administration***  **Output 1:**  ***Delivery of Justice enhanced through support for Institutional Development and court administration*** | **Target 1:**  ***Establishment of IT Directorate at the Kurdistan Judicial Council and Court House (Judicial Palace)***  **Baseline:**  No IT Department at the Court House and the Kurdistan Judicial Council  # of female staff  **Target:**  Equipped and trained staff managing IT Departments in KJC and Court House  **Indicators**:   * Location selected for IT Department * Staff recruited and trained (incl. # of female) * Equipment secured * Capacity Development Strategy bearing in mind sustainability and monitoring and evaluation adopted   **Target 2:**  ***Support Court Administration and the Replication of the Case Management System***  **Baseline:**  Case Management System in place at Investigative Court in Erbil  **Target:**  CMS replicated at four courts within the new Court House in Erbil  **Indicators**:   * Courts identified * Equipment secured * System installed and Tested * Capacity Development Strategy bearing in mind sustainability and monitoring and evaluation adopted   *:*  **Target 3:**  ***Establishment of Legal Database under the auspices of the Ministry of Justice***  **Baseline:**  No Legal Database present for information management on legislations and codes  **Target:**  Database for Ministry record and access designed, and laws uploaded for reference  **Indicators**:   * Collection of relevant and up to date legislations from other Ministries * Database design complete * Upload Documents * Launch of Database * Staff recruited and trained * Equipment secured * Capacity Development Strategy bearing in mind sustainability and monitoring and evaluation adopted   **Target 4:**  ***Judicial Training Institute Capacitated***  **Baseline:**  Limited capacity to sustain needs of judiciary for judges  Limited capacity on new crimes and legal issues involving gender  **# of female judges**  **Target:**  Institutional Plan for JTI developed  Gender sensitive curricula designed and approved  Training of judges begin  **Indicators**:   * # of Judges trained and graduated * # of legal personnel and judges trained on new crime (male/female) * # of legal personnel and judges trained on gender legal issues (male/female) * # of female judges participating in training * # of female judges to graduate from JTI   **Target 5:**  ***Support to the Establishment of Arbitration Tribunals in KRG***  **Baseline:**  No Arbitration Tribunal exists in KRG  Limited capacity in Arbitration among legal professionals and judiciary institutions  **Target:**  Review and submission of Arbitration Law  Launch of Arbitration Tribunal  Organize Friends of Erbil Conference  **Indicators**:   * Ratification of New York Convention * # of legal professionals trained on Arbitration mechanisms (male/female) * # of international processes incorporated into Arbitration Law | 1. **Establishment of IT Directorate at the Kurdish Judicial Council:**    * 1. Conduct sensitization workshops for relevant stakeholders to introduce project outputs and activities      2. Determine a Task Force or focal points for follow up      3. Design PM&E activity for output; determine work plan and participants; include gender-focus on monitoring project recruitment and implementation      4. Design methodology and questionnaire for IT Capacity Assessment for both KJC and the new Court House including a monitoring and evaluation mechanism for continued quality assurance      5. Conduct assessment Kurdistan Judicial Council and Court House (IT and HR capacity)      6. Review findings of assessment along with Task Force and other stakeholders      7. Develop implementation plan for formation of IT Department.      8. Secure necessary equipment for IT Department      9. Support KJC and Court House Staff/Personnel in staff recruitment process; with focus on recruitment of female staff      10. Design and implement Capacity Development Plan for the IT Department      11. Conduct Impact Assessment on Training and launch of the IT Department with PM&E focus group      12. Implement CD Plan including conducting workshops, trainings and study tours/learning visits      13. Monitor and evaluate IT staff using monitoring and evaluation as per the implementation plan      14. Design exit strategy for UNDP for full ownership of KJC; including financial plan for staff retention 2. **Support Court Administration and the Replication of the Case Management System**    * 1. Consultative meetings with relevant stakeholders to review steps to improve court administration and the Case Management System (CMS) replication; outputs and inputs needed      2. Support Twinning Pogramme with Dubai Courts      3. Determine a Task Force or focal points for follow up      4. Design PM&E work plan for output; determine participants and timetable as per output tasks; including a gender-lens assessment      5. Conduct a rapid assessment of the current CMS up and running at the Investigative Court in Erbil      6. Secure necessary equipment for replication at the Erbil Court House      7. Support Court House in recruiting staff for maintenance of the system      8. Conduct Impact Assessment Analysis      9. Develop and implement comprehensive training programme for court personnel and legal personnel      10. Conduct Impact Assessment following the Training      11. Develop materials on CMS for public knowledge and distribute strategically      12. Design exit strategy to ensure full ownership of Court House staff of the CMS – this should include financial plan for staff retention 3. **Establishment of the Legal Database under the auspices of the Ministry of Justice**    * 1. Consultative meetings with relevant stakeholders (Technical Committee)      2. Design PM&E activity for output, determine work plan, participants and timeline; ; include gender-focus on monitoring project recruitment and implementation      3. Assess IT and staff capacity at the Ministry of Justice – specifically the IT Department of the Ministry      4. Design a Capacity Development Programme for IT Department      5. Support the Task Force in collecting all laws, regulations, legislations and codes for inclusion in archive      6. Conduct Focus Group to survey and analyze output implementation      7. Infrastructure study of the IT Department of the Ministry and identify requirements – finalize plan for database design      8. Secure necessary equipment for IT department staff and Database      9. Design and install the Database      10. Implement Operation and Testing Phase      11. Meeting to assess operation and testing      12. Conduct user surveys for Ministry staff to assess user-friendliness and make necessary adjustments      13. Design and implement capacity development programme for ministerial and legal staff on researching and drafting laws 4. **Judicial Training Institute Capacitated**    * 1. Conduct a broad comprehensive assessment of the JTI; including current structure, financial management, training, infrastructure, curricula, reference material and staff      2. Conduct a stakeholder workshop with judges, lawyers and other legal professionals (bearing in mind gender quotas) to develop a CD strategy      3. Finalize PM&E plan; ; include gender-focus on monitoring project recruitment and implementation      4. Propose and finalize institutional development plan including IT infrastructure and equipment      5. Secure necessary equipment and/or furniture based on the infrastructure assessment      6. Conduct an Impact Assessment Analysis on project output thus far      7. Design a multi-year institutional development plan : including a strategy for an IT Department and Legal Library      8. Propose and design curricula based on international standards, international treaties, taking into consideration modern crime      9. Conduct learning visits and study tours to indentified countries      10. Design coordination mechanism with JTI in Central Iraq to ensure consistency and cooperation for exchange of information and/or judges and other human resources      11. Present final organizational strategy including financial sustainability and curricula management   **Support to the Establishment of Arbitration Tribunals in KRG**   * + 1. Design PM&E plan for assessing project target;     2. Conduct consultative meetings to discuss project outputs and implementation strategy     3. Recruit and appoint legal team made up of local and international expertise     4. Conduct a desk review of Laws and legal framework for investment in KRG     5. Identify changes necessary to current Investment Law for harmonization     6. Support the finalization of an Arbitration Law     7. Identify international treaties for ratification     8. Advocate with Government of Iraq to ratify – submit clear work plan     9. Promote ratification of the New York Convention     10. Identify regional arbitration centers for technical assistance in reviewing and drafting framework for Arbitration Tribunal and/or Center; Egypt and Dubai     11. Support the KJC in designing workflow and judicial process for Arbitration Tribunal based on international standards identified in Analysis     12. Provide support for the launch of the Arbitration Tribunal     13. Conduct an Impact Assessment Analysis with Project Team     14. Recruit team to design comprehensive capacity development programme on mandate and function of Arbitration Tribunals     15. Conduct learning visits and study missions to regional and international centers     16. Develop a communications strategy for the Arbitration Tribunal     17. Support the KRG in holding the first International Trade and Arbitration Conference in Erbil     18. Finalize coordination mechanism between KRG and Friends of KRG Investment Network to ensure sustainability and outreach | *UNDP*  *Kurdistan Judicial Council*  *Erbil Courthouse*  *UNDP*  *IT Departments of KJC*  *Erbil Investigative Court*  *Kurdistan Judicial Council*  *UNDP*  *Ministry of Justice*  *Technical Committee – MoJ*  *Focal Point from Ministries*  *Shura Council*  *UNDP*  *Judicial Training Institute*  *Kurdistan Judges Union*  *Kurdistan Judicial Council*  *Legal Professionals*  *UNDP*  *Office of the Prime Ministry*  *Investment Board*  *Supreme Council for Investment*  *KJC*  *Shura Council* | *Target 1:*  *Consultancy:*  *200,000 USD*  *Travel and Workshops:*  *60,000 USD*  *IT Equipment:*  *300,000 USD*  ***Total: 560,000 USD***  *Target 2:*  *Contractual service:*  *(IT Company)*  *300,000 USD*  *Travel and DSA (twinning)*  *260,000 USD*  *IT Equipment:*  *200,000 USD*  ***Total: 760,000 USD***  *Target 3:*  *Consultancy:*  *180,000 USD*  *Travel and DSA:*  *85,000 USD*  *IT Equipment:*  *100,000 USD*  ***Total: 365,000 USD***  *Target 4:*  *Consultancy:*  *100,000 USD*  *Contractual services:*  *295,000*  *Travel and DSA:*  *50,000 USD*  *Equipment / Furniture:*  *95,000 USD*  ***Total: 540,000 USD***  *Target 5:*  *Consultancy:*  *150,000 USD*  *Contractual services:*  *250,000 USD*  *Travel and DSA:*  *50,000 USD*  ***Total 450,000 USD*** |
| **Output 2:**  ***Protection of citizen's rights enhanced through support to access to justice mechanisms***  Baseline:  Three running legal aid help desks  Limited engagement from State institutions on legal aid  Limited NGO engagement on Voice and Accountability measures  Limited interaction between formal and informal justice mechanisms  Indicators:  4 legal aid help desk operationnal  Legal Aid Committee established with the Bar Association  # of legal aid cases handled by fourth legal help desk  Positive Review within Citizen Report Cards | **Target 1:**  ***Legal Aid Strengthened and Institutionalized***  **Baseline:**  Three legal help desks run by NGOs  No State body managing legal aid  **Target:**  Creation of fourth legal help desk  Legal Aid Committee established with Bar Association  **Indicators**:   * ToR for Legal Aid Committee complete * # of cases handled by fourth legal help desk * # of legal aid cases handled by Bar Association   **Target 2:**  ***Enhancing the Accountability of the Justice Sector***  **Baseline:**  Limited participation in civilian oversight activities  **Target:**  5 NGOs incorporating civilian oversight mechanisms into work plans  ToR for Court Complaint Desk designed and submitted  **Indicators**:   * # of NGOs trained on voice and accountability measures * # of Court Visit days organized by project   **Target 3:**  ***Policy Framework for Access to Justice Enhanced***  **Baseline:**  Limited understanding of alternative justice and informal justice mechanisms  **Target:**  Enhanced coordination between formal and informal mechanisms  Greater understanding of alternative justice and informal justice mechanisms  **Indicators**:   * # of gatekeepers trained on legal rights and human rights * # of coordination meetings held between informal and formal justice interlocutors * # of legal professionals trained (male/female) | **Legal Aid Strengthened and Institutionalized**   * + 1. Design PM&E plan for assessing the output target in a multi-stakeholder way; ; include gender-focus on monitoring project recruitment and implementation     2. Assess current legal aid services offered in Dohuk, Erbil and Sulymaniah     3. Support the expansion of the legal aid services to Garmian area through help desk at the Appellate Court     4. Support the Bar Association in drafting an organizational strategy for the development of the Legal Aid Committee     5. Design and implement a capacity development programme for the Bar Association and/or the Legal Aid Committee     6. Support the Bar Association in conducting outreach activities     7. Conduct Impact Assessment on training for BA and function of Legal Aid Committee     8. Design and implement training for legal professionals, lawyers and/or organizations involved in legal aid services     9. Creation of a paralegal network through specialized NGOs and CBOs   **Enhancing the Accountability of the Justice Sector**   * + 1. Design PM&E plan for assessing output target; ; include gender-focus on monitoring project recruitment and implementation.     2. Identify stakeholders; formal, informal, institutions, NGOs for engagement     3. Organize workshops for community gatekeepers legal rights and engagement on legal issues     4. Prepare and strategically distribute legal awareness publications informed by gender sensitive analysis     5. Organize and implement awareness-raising activities for public including orientations on or with legal institutions     6. Organize training on citizen reporting for NGOs and legal professionals     7. Support the design of templates for citizen surveys and/or report cards     8. Conduct Impact Assessment on target activities to date     9. Consult with KJC on establishing a Court Complaint Desk     10. Design ToRs for Complaint Desk and finalize mechanism (consult with NGO for small grants) and management strategy   **3 Policy Framework for Access to Justice Enhanced**   * + 1. Design PM&E Strategy for output target; ; include gender-focus on monitoring project recruitment and implementation     2. Review judicial and administrative procedures particularly on criminal procedures     3. Strategize enhancing coordination mechanisms between relevant institutions     4. Conduct broad assessment on informal mechanisms and stakeholders     5. Organize sensitization workshops for judiciary personnel on informal justice and alternative justice mechanisms     6. Hold sensitization workshops for legal professionals, judges and administrative staff on mobile courts     7. Investigate and potentially pilot mobile court hearings     8. Coordinate discussions between informal and formal duty bearers     9. Design and implement training programme for legal and court personnel on responding to needs of vulnerable groups | *UNDP*  *Bar Association*  *NGOs/CSOs/CBOs*  *Kurdistan Judicial Council*  *UNDP*  *Bar Association*  *NGOs/CSOs/CBOs*  *Kurdistan Judicial Council*  *UNDP*  *Bar Association*  *NGOs/CSOs/CBOs*  *Kurdistan Judicial Council* | *Target 1:*  *NGO contract:*  *710,000 USD*  *Consultancy:*  *60,000 USD*  *Furniture:*  *30,000 USD*  ***Total: 800,000 USD***  *Target 2:*  *Consultancy:*  *50,000 USD*  *Contractual services (NGO):*  *250,000 USD*  *Publication and commmunication:*  *75,000 USD*  *Furniture:*  *50,000 USD*  ***Total: 425,000 USD***  *Target 3:*  *Consutltancy:*  *100,000 USD*  *Contractual services (NGO):*  *300,000 USD*  *Travel and workshop:*  *95,000 USD*  ***Total 495,000 USD*** |
| **Project Management:** |  | *Staff*   * P-3 Positions (2) - 2 years * National Officers (2) - 3 years * Admin/Finance associate - 3 years   *Other expenses*   * *Miscellaneous (Sundry, etc)* * Communication / M&E (3%) * Common premises * Security (3%) * GMS (3%) |  | *1,000,000 USD*  *420,000 USD*  *100,000 USD*  *50,000 USD*  *171,000 USD*  *90,000 USD*  *171,000 USD*  *171,000 USD* |
|  |  | **TOTAL BUDGET** |  | *6,000,000 USD* |

# Management Arrangements

**Programme Specialist**

**Output 1:Building trust in KRG Judiciary through enhanced service delivery**

**Project Board**

**Senior Beneficiary:**

**Kurdistan Judicial Council**

**Ministry of Justice**

**MoP**

**Investment Board**

**Executive:**

**UNDP Country Director**

**Senior Supplier:**

**(UNDP - Head of Governance)**

**Project Assurance**

**Programme Specialist**

**Output 2:Supporting legal aid and access to Justice**

**Project Organisation Structure**

**Project Associate**

**National Officer output 1**

**National officer output 2**

**Output 1:Building trust in KRG Judiciary through enhanced service delivery**

**Output 2:Supporting legal aid and access to Justice**

**Project Manager, RoL, Security and Justice**

**Project Manager, RoL, Justice and Human Rights**

The project will be executed by UNDP using a Direct Implementation modality under the overall coordination of the Project Board which will consist of representatives from KJC, MoJ, and UNDP.

Each output will take the form under UNDP financial management system of a separate(yet interconnected) project, managed by a separate project manager, assisted by a project team - see below for more details.

The role and the responsibilities of each entity in the organization structure are as follows:

**1. Project Board**

The PB will include senior representatives from UNDP and of the relevant Governorate authorities. It will be chaired by UNDP Country Director, who also functions as the Senior Executive of the PB, and will meet regularly and have a decision-making role. The Project Board will specifically be responsible for the following

* Review and appraise detailed Project Plan and AWP, including Atlas reports covering activity definition, quality criteria, issue log, risk log and the monitoring and communication plan
* Provide overall guidance and direction to the project, ensuring it remains within any specified constraints
* Address project issues as raised by the Project Manager
* Provide guidance and agree on possible countermeasures/management actions to address specific risks
* Agree on Project Manager’s tolerances in the Annual Work Plan and quarterly plans when required
* Conduct regular meetings to review the Project Quarterly Progress Report and provide direction and recommendations to ensure that the agreed deliverables are produced satisfactorily according to plans
* Review Combined Delivery Reports (CDR) prior to certification by the Implementing Partner
* Review each completed project stage and approve progress to the next
* Appraise the Project Annual Progress Report, make recommendations for the next AWP, and inform the Outcome Board about the results of the review
* Provide ad-hoc direction and advice for exception situations when tolerances are exceeded
* Assess and decide on project changes through revisions

At the end of the project

* Assure that all Project deliverables have been produced satisfactorily
* Review and approve the Final project report , including lessons learnt
* Make recommendations for follow on actions to be submitted to the Outcome Board
* Commission project evaluation, if recommended by the PB
* Notify operational completion of the project to the Outcome Board
* Ensure full implementation of the project
* Provide strategic orientations and recommendations to the project manager and implementers.
* **The Executive**

The role of Executive will be hold by UNDP Country Director. The Executive is ultimately responsible for the project, supported by the Senior Beneficiary and Senior Supplier. The Executive’s role is to ensure that the project is focused throughout its life cycle on achieving its objectives and delivering outputs that will contribute to higher level outcomes. The Executive has to ensure that the project gives value for money, ensuring a cost-conscious approach to the project, balancing the demands of beneficiary and supplier

* **The Senior Beneficiary**

Representatives of the KJC and MoJ will hold the role of Senior Beneficiary. The Senior Beneficiary is responsible for validating the needs and for monitoring that the solution will meet those needs within the constraints of the project. The role represents the interests of all those who will benefit from the project, or those for whom the deliverables resulting from activities will achieve specific output targets. The Senior Beneficiary role monitors progress against targets and quality criteria.

* **Senior Supplier**

Head of Governance Pillar, UNDP will hold the role of Senior Supplier. The Senior Supplier represents the interests of the parties which provide funding and/or technical expertise to the project (designing, developing, facilitating, procuring, implementing). The Senior Supplier’s primary function within the Board is to provide guidance regarding the technical feasibility of the project. The Senior Supplier role must have the authority to commit or acquire supplier resources required.

**2. The Project Management Unit**

* **Project Manager**

Each of the two outputs of the project will be managed separately by a Project Manager. During the first year of the project implementation, the two output will be formally managed by the following current UNDP staff:

Output 1: Project Manager, RoL, security and Justice.

Output 2: Project manager, RoL justice and Human rights.

Given UNDP Iraq ongoing efforts towards nationalization of staff position, the function of project manager will be transferred at the beginning of year 2 to the national officer who will be recruited under each output. This modality will allow the national officer's capacity to be developed during the first year of the project, thus enabling them to become fully trained and capacitated to take over the function of project manager.

The Project Managers (PM), under the guidance and supervision of the Head of the Governance Pillar, will be responsible for the overall implementation of the project. The Gender Advisor will provide support in facilitating for the implementation of the programme and identify entry points. The PM is responsible for:

* Providing strategic guidance for the implementation of the project
* Preparing the annual work plan
* Ensuring the financial follow up
* Identifying potential donors
* Provide quality assurance for the production of narrative and financial reports
* Manage the project staff
* **Programme Specialists**

Two Programmes Specialists (PS) will be recruited, each one responsible for the delivery of one output. The PS for output 1 will report to the Project Manager, Rule of Law, Security and Justice, while the PS for output 2 will report to the Project Manager, RoL, Justice and Human Rights.

The PS will be responsible for the day to day implementation of the projects. In particular the PS will be responsible for:

* Providing technical guidance for the implementation of the project
* Supporting the preparation of the annual work plan
* Overseeing technically the implementation of the activities of the project
* Producing narrative and financial reports

The PS will only be recruited for a period of two years.

* **National Officer**

Two National Officer will be recruited, each of them being responsible for supporting the implementation of their project in close coordination with the project managers and the consultants recruited in the framework of the project.

National Officers will be responsible for inter alia, liaising and coordinating between UNDP and national relevant counterpart for the effective implementation of the project, monitoring and reporting on its implementation, or conducting research to assist in the development of concept notes, project documents and policy frameworks as directed by the supervisor.

At the beginning of year 2, the two national officers will take over the functions of project managers.

* **Project Associate**

The project associate will support the implementation of the project from an administrative and financial point of view. He/she will be responsible fororganizing meetings, missions and all other programme related events by securing the venue, arranging tickets, accommodations, entitlements, required security clearance requests and any other necessary support for the participants and team members; assisting in preparing mission planning; following up the requires approval process as well as preparation of necessary documents after the return from the mission for UNDP Rule of Law team (staff and consultants) and other participants as requested and preparing financial reports, update on available funds, monitoring and evaluation of results.

The arrangements governing the project management unit will be reviewed towards the end of each year in order to identify possible/necessary adjustments.

# Monitoring Framework And Evaluation

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

Within the annual cycle

* On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.
* An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.
* Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
* Based on the above information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.
* a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
* a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

Annually

* **Annual Review Report**. An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board and the Outcome Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.
* **Annual Project Review**. Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

In ensuring strong implementation, project will mainstream planning, monitoring and evaluation activities throughout the project work plan in coordination with stakeholders. This will ensure that project structure, activities and work plan will be review regularly to review that planned results are achieved. It also allows for:

* Generation of new knowledge and sharing throughout the implementation,
* Building capacity of stakeholders participating in the monitoring and evaluating process
* Providing support to management
* Ensuring accountability throughout the process
* Motivating stakeholders through fostering engagement and support to project activities.

Using the Results Based Management structure, UNDP monitors progress on goal (or outcome) using specific indicators beginning at baseline and ending with target indicated in the Results and Resources Framework. The basic framework of RBM is defined by the following:

• Stakeholder participation

• defining expected results

• identifying performance indicators

• identifying critical assumptions and performing risk analysis

• Organizational learning

• Performance reporting

However, in addition this project will also incorporate open ended evaluation activities throughout the course of implementation. This will ensure stakeholder participation and ability to adapt, tweak and/or adjust project activities to make sure that outcome and/or targets are met with relevant and impactful activities and/or tasks. This is particularly helpful in the project design learning process in which all stakeholders, project staff, management, beneficiaries and potentially donors participate.

Designing open-ended evaluation activities should be one of the first steps of implementation; setting an overall evaluation or analysis strategy and identifying participants in the evaluation(s) or activities at the output target level. Traditionally, this can include annual or quarterly review of project implementation and UNDP allocates this responsibility to the Project Steering Committee or Project Board to pass on a high-level review of project outcomes. However, on a more technical level, review committees or more generically, focus groups allow for a more in-depth examination of the project, particularly after substantial activities.

This project has included **output target evaluation committees** guided by the Project Team in coordination with technical staff from relevant stakeholders and including NGOs and CSOs involved and not directly involved in the project. This will serve as a continuous focus group as well as allowing for groups not directly involved in project implementation to participate to ensure objectivity and transparency. The evaluation committees will be called for by the Project Team on an agreed upon schedule based on specific activities. This will provide an opportunity to discuss what went well and what could have gone better as project continues to develop.

Project will also organize **Open Ended Impact Assessment(s)** to monitor progress of the project. The Assessment(s) will be submitted for review by project partners and stakeholders as well as the Project Board (Steering Committee). The Impact Assessment must be organized by Project Team; prepared and scheduled within project implementation and organized for follow up throughout the course of the project. It will be timed based on project work plan rather than quarterly, particularly after the completion of a significant activity or task, training, installation and/or launch. It helps to better organize future activities as it analyzes impact after a task central to project strategy.

All PM&E efforts should work on analyzing and documenting lessons learnt as part of follow up to the evaluation committees; this should also include staff performance reviews of Project staff and implementing partner performance reviews. Participants in reviews should be determined at the onset of the project as well as the timetable as suitable to project team and stakeholders. Project will incorporate and budget gender sensitive monitoring as part of its overall gender strategy.

**Quality Management for Project Activity Results**

|  |  |  |  |
| --- | --- | --- | --- |
| **OUTPUT 1: Support to Institutional Development/Support to Justice Institutions** | | | |
| **Activity Result 1**  **(Atlas Activity ID)** | *IT Department Established* | | Start Date: Year 1  End Date: Year 2 |
| **Purpose** | *develop the IT capacity of the judiciary to facilitate effective administration and information management* | | |
| **Description** | *Assess IT Capacity, develop IT development strategy. Recruitment of IT staff, Secure necessary equipment and Train Staff to maintain Department, equipment and system* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| # of trained staff, IT department equipped,  # of female staff employed and recruited | | Assessments, project site visits, surveys | At project start |
| Impact Assessment (on project activities) | |  |  |

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| --- | --- | --- | --- |
| **OUTPUT 1: Support to Institutional Development/Support to Justice Institutions** | | | |
| **Activity Result 2**  **(Atlas Activity ID)** | *CCMS Installed in Erbil Court House* | | Start Date: Year 1  End Date: Year 2 |
| **Purpose** | *Install automated case management system for more effective case processing and follow up* | | |
| **Description** | *Review CCMS in Erbil Investigative Courts, identify points of replication, prepare for and support the installation, testing and training phase* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| How many courts have installed CCMS | | Project site visits; assessments | Mid-way through output implementation |
| How many staff trained on new system  # of female staff participating in training | | Surveys and project impact assessments | Mid-way through output implementation and at end of project |
| How many cases filed with CCMS | | Surveys and project impact assessments | Mid-way through output implementation and at end of project |

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| **OUTPUT 1: Support to Institutional Development/Support to Justice Institutions** | | | |
| **Activity Result 3**  **(Atlas Activity ID)** | *MoJ Legal Database Established* | | Start Date: Year 1  End Date: Year 2 |
| **Purpose** | *Provide a centralized database of laws and legislations for public record and access* | | |
| **Description** | *Design coordination mechanism with counterpart Ministries, collect relevant documents for inclusion in the database, design, install and test database, upload information and launch. Train graduates on legislation drafting; Train Ministry staff (IT Department on maintenance)* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| Collection of Relevant laws | | Project site visits; surveys | Mid-way through output implementation |
| # of staff trained on maintaining new system  # of females trained on new system | | Project site visits, surveys and project impact assessments | Mid-way through output implementation and at end of project |
| Law students/graduates participating in training | | Workshops assessments; impact assessments | Mid-way through output implementation and at end of project |

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| **OUTPUT 1: Support to Institutional Development/Support to Justice Institutions** | | | |
| **Activity Result 4**  **(Atlas Activity ID)** | *Support to JTI* | | Start Date: Year 1  End Date: Year 3 |
| **Purpose** | *To enhance the capacity of high level judiciary personnel* | | |
| **Description** | *Submit organizational development plan and curricula for finalization, train judges, KJU and other legal professionals on crimes, gender and legal issues and new laws and dynamics* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| # of judges familiar with new crime and gender  # of female judges (disaggregated) | | Surveys, impact assessment | Start of Project |
| # of judges participate in training (female/male) | | Surveys | Mid-Project and End of Project |
| # of judges successfully completing training  (female/male) | | Surveys – impact assessment | Mid-Project and End of Project |

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| **OUTPUT 1: Support to Institutional Development/Support to Justice Institutions** | | | |
| **Activity Result 5**  **(Atlas Activity ID)** | *Support to Arbitration in KRG* | | Start Date: Year 1  End Date: Year 3 |
| **Purpose** | *To build national capacity and strategy for launch of an Arbitration Tribunal in KRG in order to support and enhance the investment climate in Kurdistan* | | |
| **Description** | *Provide sensitization support on arbitration mechanisms; advocate for ratification of New York Convention, develop action plan or strategy including capacity development, organize* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| # of counterparts participate in training, sensitization on Arbitration | | Counterpart visits, training sessions and surveys | Mid-project |
| Arbitration Law submitted for review | | Project assessments (impact analysis) | Mid-project |
| ToR for Friends of Erbil Conference submitted | | Project assessments (impact analysis) | End of project (close to end) |

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| **OUTPUT 2:** | | | |
| **Activity Result 1**  **(Atlas Activity ID)** | *Legal Aid Institutionalized* | | Start Date: Year 1  End Date: Year 3 |
| **Purpose** | *Strengthen access to justice mechanisms by expanding legal aid and supporting the expansion of provision of legal aid and support to vulnerable populations* | | |
| **Description** | *Establishment of 4th legal help desk, support the Bar Association in overseeing legal aid mechanisms, support in working with NGOs to ensure good outreach, capacitate BA to manage* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| # of cases serviced through fourth legal help desk in Garmian | | Project site visits, surveys | Mid-project review |
| Legal Aid Committee established within the BA | | Project site visits | Mid-project review |
| # of lawyers from BA taking on legal aid cases based on location, type of assistance etc. | | Project site visits, surveys | Mid-project review |

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| --- | --- | --- | --- |
| **OUTPUT 2: Support to Institutional Development/Support to Justice Institutions** | | | |
| **Activity Result 2**  **(Atlas Activity ID)** | *Enhancing Accountability of Justice Sector* | | Start Date: Year 1  End Date: Year 3 |
| **Purpose** | Allowing for a multi-stakeholder approach to facilitate greater dialogue and trust between citizens and justice institutions as well as empowering civil society in larger participation of problem-solving | | |
| **Description** | *Introduce wider and innovative legal awareness activates, work with NGOs and judiciary institutions to facilitate voice and accountability measures within the judicial sector* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| # of NGOs trained on voice and accountability | | Surveys, project site visits | Mid-Project |
| # of V&A activities organized by NGOs | | Surveys and monitoring visits | Mid-Project |
| # of activities organized within the judiciary for citizen reporting or feedback (town halls, etc) | | Project site visits, monitoring visits, impact assessment or analysis | Mid-Project and End of Project |

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| --- | --- | --- | --- |
| **OUTPUT 2: Support to Institutional Development/Support to Justice Institutions** | | | |
| **Activity Result 3**  **(Atlas Activity ID)** | *Support to A2J Policy Framework* | | Start Date: Year 2  End Date: Year 3 |
| **Purpose** | *Introduce new innovative ways for engagement with access to justice challenges in KRG* | | |
| **Description** | *Facilitate discussions with formal and informal gatekeepers on human, legal and civic rights. Advocate and brainstorm linking formal and informal networks, introduce alternative sentencing to policymakers and judicial personnel* | | |
| **Quality Criteria**  *how/with what indicators the quality of the activity result will be measured?* | | **Quality Method**  *Means of verification. what method will be used to determine if quality criteria has been met?* | **Date of Assessment**  *When will the assessment of quality be performed?* |
| # of community leaders trained on human and legal rights (female/male) | | Surveys, project site visits | Mid-Project |
| # of judicial personnel sensitized on alternative sentencing and informal justice systems (female/male) | | Observation of training, surveys, impact assessments | Mid & End of Project |
|  | |  |  |
|  | |  |  |

# Legal Context

This project document shall be the instrument referred to as such in Article 1 of the SBAA between the Government of (country) and UNDP, signed on (date).

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP’s property in the executing agency’s custody, rests with the executing agency.

The executing agency shall:

1. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
2. assume all risks and liabilities related to the executing agency’s security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

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# Annexes

**Risk Analysis**. Use the standard [Risk Log template](http://content.undp.org/go/prescriptive/Project-Management---Prescriptive-Content-Documents/download/?d_id=1266198&). Please refer to the [Deliverable Description of the Risk Log](http://content.undp.org/go/prescriptive/Project-Management---Prescriptive-Content-Documents/download/?d_id=1266195&) for instructions

**Agreements**. Any additional agreements, such as cost sharing agreements, project cooperation agreements signed with NGOs[[2]](#footnote-2) (where the NGO is designated as the “executing entity”) should be attached.

**Terms of Reference**: TOR for key project personnel should be developed and attached

**Capacity Assessment:** Results of capacity assessments of Implementing Partner (including HACT Micro Assessment)

**Special Clauses***.* In case of government cost-sharing through the project which is not within the CPAP, the following clauses should be included:

1. The schedule of payments and UNDP bank account details.
2. The value of the payment, if made in a currency other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. Should there be a change in the United Nations operational rate of exchange prior to the full utilization by the UNDP of the payment, the value of the balance of funds still held at that time will be adjusted accordingly. If, in such a case, a loss in the value of the balance of funds is recorded, UNDP shall inform the Government with a view to determining whether any further financing could be provided by the Government. Should such further financing not be available, the assistance to be provided to the project may be reduced, suspended or terminated by UNDP.
3. The above schedule of payments takes into account the requirement that the payments shall be made in advance of the implementation of planned activities. It may be amended to be consistent with the progress of project delivery.
4. UNDP shall receive and administer the payment in accordance with the regulations, rules and directives of UNDP.
5. All financial accounts and statements shall be expressed in United States dollars.
6. If unforeseen increases in expenditures or commitments are expected or realized (whether owing to inflationary factors, fluctuation in exchange rates or unforeseen contingencies), UNDP shall submit to the government on a timely basis a supplementary estimate showing the further financing that will be necessary. The Government shall use its best endeavours to obtain the additional funds required.
7. If the payments referred above are not received in accordance with the payment schedule, or if the additional financing required in accordance with paragraph []above is not forthcoming from the Government or other sources, the assistance to be provided to the project under this Agreement may be reduced, suspended or terminated by UNDP.
8. Any interest income attributable to the contribution shall be credited to UNDP Account and shall be utilized in accordance with established UNDP procedures.

In accordance with the decisions and directives of UNDP's Executive Board:

The contribution shall be charged:

1. […%]cost recovery for the provision of general management support (GMS) by UNDP headquarters and country offices
2. Direct cost for implementation support services (ISS) provided by UNDP and/or an executing entity/implementing partner.
3. Ownership of equipment, supplies and other properties financed from the contribution shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.
4. The contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP.”

1. Rule of Law Survey, May 2010, i to i research and Albany Associates. [↑](#footnote-ref-1)
2. For GEF projects, the agreement with any NGO pre-selected to be the main contractor should include the rationale for having pre-selected that NGO. [↑](#footnote-ref-2)