

**United Nations Development Programme Iraq**

**Promoting Rule of Law in the Kurdistan Region of Iraq through a Modern, Efficient and Accountable Justice Sector**

**Quarterly Progress Report: Q3**

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| **Project Title:** | Promoting Rule of Law in the Kurdistan Region of Iraq through a Modern, Efficient and Accountable Justice Sector |
| **UNDP Project #:** | 00073548  00086306 Atlas ID for output 1  00086307 Atlas ID for output 2 |
| **Project Duration:** | 36 months (1st Oct 2012 - 30 Sept 2015) |
| **Project Resources:** | TRAC and Kurdistan Regional Government |
| **UNDP Iraq Focal Point:** | Marc-Antoine Morel  Nahid Hussein |

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| **UNDAF Outcome(s)** | 1. Improved governance, including the protection of human rights |
| **CP Outcome(s):** | 1. Enhanced rule of law, protection and respect for human rights in line with international standards |
| **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 |
| **Responsible Partner:** | UNDP |
| **Project Location(s):** | Iraq |

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# 1.0 Executive Summary

A series of consultation meetings were conducted between UNDP-RoL team and the counterpart’s representatives, for the formulation and finalization of project components and the approval of the project document.

The two main counterparts the Ministry of Justice (MoJ) and the Kurdistan Judicial Council (KJC) identified their focal points to coordinate with UNDP to facilitate the implementation of the project.

In order to provide technical support to the project, UNDP contracted two consultants, one of whom is an expert in arbitration, who has been fielded in Erbil to carry out project assessment. The suitability of the legal and institutional environment to accommodate an arbitration system has been assessed during this mission and the consultant extended the necessary technical support to establish and functionalize an arbitration system in KR. the second consultant will be fielded to Erbil during Q4.

To institutionalize and strength the legal aid in KR-I, UNDP signed an MoU with Kurdistan Bar Association (KBA) that provides a framework for cooperation and collaboration with KBA as a leading entity to provide legal assistance. This includes legal representation and legal consultation through court based legal help desks and legal awareness, through mobile outreach, targeting vulnerable and marginalized groups, in Sulaimanya, Duhok and possibly Erbil. The implementation of the mentioned MoU is supported by an additional contract with a local NGO, Women Empowerment Organization (WEO) to provide capacity development, technical and operational supports to the KBA for the provision of legal assistance services, and to assist KBA with the development of an organizational strategy and structure for legal aid work.

During the reporting period, free legal consultations and representation were provided by KBA to vulnerable groups such as the poor, victims of gender based violence (GBV), persons with disabilities, prisoners …etc, through three legal aid helpdesks in Erbil, Sulaimanya and Dahouk/.

The main challenge is the delay of the project cost sharing agreement by the KRG, which had has significant impact on the project time line.

# 2.0 Context

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.

KRG prioritized Rule of Law as key policy priority for enhancing the government performance and honesty. The fourth pillar of the KRG 2020 Vision is “putting a government that works to the people”.  The Vision identifies that in order for KRG to become an effective, transparent, trusted, and honest government, it must improve Rule of Law and ensures a professional and autonomous judicial system through which it will fight corruption and must enhance access to justice and thus build the confidence of the public.

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 KR-I. The KRG Government is committed to increasing trust and confidence and the efficiency of the justice system as well as building towards judicial independence. This project aims through, working on several levels (policy, institutional and grassroots) as well mainstreaming gender components, to programme holistically to ensure that relevant partners are able to better provide quality service to its citizens; be more responsive, and efficient in its capacity as well as able to meet the functions and challenges of development in the KR.

Intended objective: The project will target 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.

Intended beneficiaries: Iraqi Citizens, focusing on the citizens of Kurdistan Region, KJC, MoJ, and the newly established Kurdistan Judicial Institute (KJI), the Bar Association, NGOs working on human rights and access to justice issues.

Main project stakeholders: UNDP CO

Implementing arrangements: DIM

Reference to key documents:

UNDAF: UNDAF Priority 1: Improved Governance, including the protection of human rights.

CPAP: Outcome 2: Enhanced rule of law, protection and respect for human rights in line with international standards

# 3.0 Implementation Progress

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

**Achievements in Q3**

***Activity 1:* Establishment of I.T Directorate at the Kurdish Judicial Council (KJC)**

***Activity 2:* Support Court Administration and the Replication of the Case Management System**

The objectives of the above activities are to promote the IT capacity of judicial and administration staff of KJC, also to replicate the existing case management system of Erbil Pilot Court in other courts, UNDP has successfully completed the following:

* Conducted consultation meetings with KJC, MoJ, and KJI, to introduce the activity outputs and coordinated with KJCon the prerequisite requirements for this activity in terms of human resources and the required facility. As such UNDP has requested KJC to recruit the required additional staff to be trained on the I.T, so as to handle the newly established IT Directorate, and to support the Courts Case Management System (CCSM).
* Contracted an I.T consultant, and arranged a mission plan for the consultant to visit Erbil in early November 2013, for two weeks, to carry out the needs assessment for establishing the IT Directorate and the CCSM, through meeting with the counterpart's representative to identify the needs for establishing the proposed IT directorate at KJC and the new court house in terms of the required human resource and equipments.
* The consultant’s mission includes designing a methodology and questionnaire for IT Capacity Assessment for both KJC and the new court house.

***Activity***

***3:* Establishment of the Legal Database under the auspices of the Ministry of Justice**

In order to implement this activity, UNDP has:

* Contracted an I.T consultant, and arranged a mission plan for the consultant to visit the MoJ in November 2013. Consultant’s missions are coordinated with the Ministry of Justice.
* The consultant will assess IT and staff capacity at MoJ – specifically the IT Department of the Ministry, and will design a capacity development Programme for IT Department

***Activity 4:* Judicial Institute Capacitated**

In order to provide administration and technical support to KJI, and to facilitate the implementation of this activity, UNDP has successfully achieved the following:

* + - * Contracted a legal expert to visit the KJI to conduct a broad comprehensive assessment of the KJI; including current structure, financial management, training, infrastructure, curricula, reference material and staff
    - Expert’s mission has been coordinated with the Dean of KJI, and mission’s objective is shared with the Dean.

***Activity 5:* Support to the Establishment of Arbitration Tribunals in KR-I**

The objective of this activity is to establish an independent arbitration centre in Erbil to settle investment disputes. To achieve this, first; UNDP must reach agreement with the KJC, MoJ, and the Board of Investment (BoI) on the technical and legal requirements for establishing the proposed centre. UNDP has successfully carried out the following:

* UNDP contracted an expert in arbitration. And in September 2013, the expert was fielded to Erbil and met with the relevant counterpart officials for assessment.
* UNDP’s expert assessed the existing arbitration environment in KR and met with investors and KRG officials. A common understanding was agreed with KRG officials regarding the mechanism for establishing the proposed arbitration centre, and discussions of the legal and technical challenges have been held with the KJC, MoJ BoI, and the Investor’s Union.
* Following his mission to Erbil, the expert provided the inception report to UNDP, in which he identified the main stakeholders (MoJ, KJC, BoI, Chamber of Commerce and Industry, Bar Association, Contractor’s Union and Engineering Union).
* UNDP planned and coordinated a symposium on arbitration to be held in Erbil in mid-November 2013. This symposium will introduce arbitration to the participants that are the representatives of the aforementioned stakeholders, and to explain the relations of arbitration centre with the judiciary, so as to identify next steps for establishing the proposed centre.

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

Activity 1: Provision of legal assistance services, strengthening and institutionalizing legal aid:

In order to implement this activity, UNDP has successfully carried out the following:

* A MoU signed between Kurdistan Bar Association KBA and UNDP that provides a framework for cooperation and collaboration with KBA as a leading entity to provide legal assistance in KR-I.
* An additional contract signed with local NGO Women Empowerment Organization (WEO) to provide operational and management support to KBA for the provision of legal assistance.
* During the reporting period, free legal assistance (legal consultation and representation) provided by KBA successfully through the legal help desks inside the court premises to the project beneficiaries, plus legal awareness provided through mobile legal outreach.
* The planned operational, management and capacity development support provided by the local NGO to KBA to ensure successful implementation of the activity, the legal aid supervision committee has been established and the required project the standard operating procedures and documentation system has been developed.
* UNDP started discussion with the KBA to move forward with the draft of the Legal Assistance Law submitted to the regional Parliament for approval and adoption. The adoption of the law will assist the KBA to get the required financial allocation from the Regional Government for the provision of free legal assistance services.
* To ensure that vulnerable women, children and victims of domestic violence (DV) and gender based violence (GBV) are the among the main target group, UNDP facilitated the signing of the agreement between Directorate for Combating Violence against Women DfCVAW and KBA in Dahouk. The agreement stipulates a referral mechanism between the two institutions for DV and GBV cases. Similar agreements will be signed in Sulaimanya and Erbil. This is to be considered as a remarkable step, propelling the KBA beyond its traditional role of administrating legal professionals to an institute that actively and meaningfully contributes to policy reform on combating violence against women and promoting women rights.

# Challenges

# 4.1 Cost sharing

There is a significant delay in the signing of the cost sharing agreement between UNDP and the KRG with regards to project funding. While the agreement to implement this project with KRG funds was reached in 2012, official signing of the cost sharing agreement has yet to take place. Consequently UNDP is using its own funds to initiate the implementation of the project. Such delay had significant impact on the project time line, and the relationship with the counterparts, as they start to lose confidence in UNDP to implement the activities and to comply with the commitments under the project.

# 4.2 Lack of Facilities

The implementation of project activities requires office spaces and facilities for the equipments and training sessions, particularly for the case management system and the establishment of I.T Directorate. All these activities will be conducted in the new court house in Erbil, which is being furnished now, and will accommodate all courts.

# 5.0 Lessons Learned

Initiating the project activities and raising expectation of the counterparts on project outputs, without securing the funds proved to be quite challenging, as such delays in the provision of funds will delay the implementation of activities. This will have negative impact, in terms of losing interest and confidence by the counterpart, therefore for future projects funds should be secured first, before the project is initiated.

# 6.0. Future Plans

The two consultants hired under this project will continue the assessment phase for the project components. They will conduct meetings and workshops with the MoJ, KJC, BoI, and the Bar Association, to obtain their buy-in for the initiation of activities, and to prepare a plan for the implementation of activities.

Also, the implementation of the provision of legal assistance services in KRG in cooperation with KBA as a leading entity and with the support of the local NGO will continue to provide free legal assistance services, completion of the required institutional arrangements and capacity development, to ensure the institutionalization process of the legal assistance; and to enable KBA to take the full responsibility. The institutional support will include also following up on and providing support when necessary to the KBA to ensure the adoption of the draft Legal Assistance Law.

In regards to funding of the project, discussions are continuing with KRG, and it is hoped that funds will be allocated before the end of the year, so that the implementation of project activities can continue.

# \7.0 Financial Section

Table 1: Funding Overview

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Donor** | **Commitment**  **(Currency of the Agreement)** | **Received**  **(Currency of the Agreement)** | **Received (USD)** | **UNORE** | **Balance  (Currency of the Agreement)** |
| **TRAC** | 100,000  200,000 | 100,000 | 100,000 |  |  |
| 200,000 | 200,000 |  |
| **Total** |  |  |  |  |  |

Table 2: Expenditure Status (by activity)

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Activity** | **Budget**  **(A)** | **Donor** | **Cumulative Expenditure Status at [Date,i.e. end of preceding quarter]** | | **Expenditure in Reporting Quarter** | | **Quarter Total Expenditure**  **(F=D+E)** | **Total Expenditure**  **(G=B+C+F)** | **Budget**  **Balance**  **(H=A-G)** | **Delivery**  **Rate**  **(% I =G/A)** |
| Commitment  (B) | -Expenses + full asset cost  (C) | Commitment  (D) | Expenses + full asset cost  (E) |
|  | 100,000 | 00012 | N/A | N/A | 24,960 | 4,033 | 28,993 | 28,993 | 71,007 | 28.99 |
|  | 200,000 | 00012 | N/A | N/A | 118,986 | 50,994 | 169,980 | 169,980 | 30,020 | 84.99 |
| **GMS** |  |  |  |  |  |  |  |  |  |  |
| **Total** | 300,000 | 00012 | N/A | N/A | 143,946 | 55,027 | 198,973 | 198,973 | 101,027 | 66.32 |