



“PROVISION OF LEGAL TRAINING COMPONENTS FOR LEGAL INSTITUTIONS OF IRAQ-LTI” PROJECT

Background paper

Background

Against the background of the previous Iraqi regime, and the invasion and occupation of Iraq, the Government of Iraq (GoI) faces many challenges in performing its functions, including significant challenges in ensuring rule of law and a functional justice system.

Challenges facing the justice system include convoluted administrative systems and fee mechanisms, a lack of transparency in the courts, witness and judicial intimidation, and a constant fight for independence from political influence. Years of repression and ensuing chaos have led to long-standing deficits in training within the Iraqi justice institutions -- Ministry of Justice (MoJ), the Higher Judicial Council (HJC), and the Judicial Training Institute (JTI).

The Ministry of Justice administers the Iraqi prison system, land registration department, and the Judicial Training Institute, which trains Iraqi judges. The HJC, functions as the primary administrative unit of the Iraqi judiciary.

In this regard, the Arab Center for the Rule of Law and Integrity is in the process of implementing a project entitled **“Provision of Legal Training Components for Legal Institutions of Iraq- LTI”** which comes within a broader Rule of Law (RoL) program implemented by UNDP Iraq.

The primary purpose of the program is to improve the functioning of pilot courts in Baghdad, Erbil and Basra, and the overall functioning of the HJC, MoJ, and JTI through a diverse set of legal training activities tailored to each institution.

The purpose of the pilot courts training process will be to help the judges and staff of the pilot courts to fully adopt the new approach these courts represent. The purpose of the HJC training program will be to train judges on strategic planning, judicial ethics and integrity, judicial independence, fair and just investigations, and anti-corruption in addition on training them on relevant areas of both substantive and procedural law; within the MoJ, the aim of the legal training will be to build capacity in strategic planning and provide training on the use of computerized court documents and manuals, and on judicial independence. Finally, the JTI component will support overall reform of the JTI curriculum and include specialized legal training in the fields of human rights, gender equity, gender-based violence (GBV), family code, and juvenile justice.

The overall objective of the project is to increase the professionalism and accountability of Government of Iraq justice actors.

ACRLI will work with a number of entities and individuals in order to ensure that the legal training component is implemented successfully. These include: (i) UN agencies, including, UNFPA, UNIFEM, UNAMI-HRO, and UNICEF (ii) individual UN experts; and the (iii) Iraqi counterparts including the Higher Judicial Council (HJC), the Ministry of Justice (MoJ), and the Judicial Training Institute (JTI).

Objectives

The LTI project will consist of the following components:

- 1) Pilot Courts: This component will contribute to the creation of pilot courts in Baghdad, Erbil, and Basra. It will do so by training the judges and staff assigned to these pilot courts to help them to fully implement the specialized approach of the pilot court model, an approach designed to provide greater transparency and a more user-friendly approach
- 2) Creation of a training center within the Baghdad Pilot Court: This training center will be designed to share training resources initially with the other pilot courts and subsequently with a broader range of courts as best practices developed within the pilot courts are implemented more broadly throughout the court system.
- 3) HJC: This component will improve the functioning of the HJC by providing training to staff and judges on strategic planning, judicial ethics and integrity, judicial independence, performance of fair and just investigations, and anti-corruption. In addition to the training, the HJC will be provided with updated access to paper and electronic legal publications and databases.
- 4) MoJ: This component will improve the functioning of the Ministry of Justice by providing training to Ministry staff on strategic planning, use of computerized court documents and manuals (TOTs), and judicial independence (TOTs).
- 5) JTI: This component will support reform of the curriculum of the Iraqi Judicial Training Institute (JTI). The activity will assist the JTI to revise its curriculum and will provide specific training expertise in the areas of juvenile justice, human rights, gender equity before the law, gender based violence (GBV), and the family code. The work with the JTI under this project also includes identifying the equipment necessary to support the JTI's implement the required training, and the holding of a workshop to garner recommendations for improvement and evaluation.

Scope of Work

- Comprehensive review of other initiatives and previous assessments relating to legal training in Iraq.
- Liaising with and engaging all stakeholders in the process of developing and implementing activities to incorporate their expertise and promote national ownership and buy-in by stakeholders.

- Identification of the key issues in developing a legal training program for the three requisite institutions: the MoJ, the HJC, and the JTI.
- Developing plans for the legal training activities in the pilot courts, HJC, MoJ, and the JTI.
- Providing substantive expertise on both best practices in legal training and the substance in the specific areas of specialized training.
- Implementation of the training activities with the pilot courts, HJC, MoJ, and the JTI.
- Design and implementation of the Baghdad Pilot Court Training Center.
- Training of trainer sessions (TOTs) to be delivered by experienced regional experts in cooperation with UNDP-Iraq, UNOPS, and UNAMI-HRO with as many activities as possible taking place in Iraq.

The direct beneficiaries of these activities will be the staff and administration of the pilot courts, the Ministry of Justice, the Higher Judicial Council, and the Judicial Training Institute. The indirect beneficiaries will be the people of Iraq, especially the vulnerable groups in Iraqi society, such as women, the indigent, and juveniles.

ACRLI will coordinate its work with the Iraqi Higher Judicial Council, Ministry of Justice, the KRG MoJ, and the Judicial Training Institute, the UNDP-Iraq and the other relevant agencies (UNFPA, UNIFEM, UNOPS, UNAMI-HRO and UNICEF).

Deliverables

I. Providing training to the three Pilot Courts:

1. Undertake planning meetings with pilot court stakeholders to obtain their input and views on a training program for the pilot courts including the following:
 - i. Training for judges on relevant areas of both substantive and procedural law;
 - ii. Training on strategic planning for pilot court leadership and planning staff;
 - iii. Training on implementation of a new court manual (being developed);
 - iv. Specialized training on juvenile justice (prepared and presented in collaboration with UNICEF-Iraq);
 - v. Specialized training on international laws and standards (prepared and presented in collaboration with UNDP-Iraq and UNAMI-HRO)
2. Design a pilot court training plan for the three pilot courts, with attention to the specialized needs of each court, based on the consultation process.
3. Review the plan with stakeholders.

4. Finalize the plan.
5. Implement the training plan for the three pilot courts.

II. *Establishing the Baghdad Pilot Court Training Center*

1. Undertake planning meetings with all relevant stakeholders to develop a plan for the establishment of a training center at the Baghdad Pilot Court.
2. In partnership with the HJC, establish the Baghdad Pilot Court Training Center, by implementing the plan developed in above, including:
 - i) Recruiting staff;
 - ii) Training and mentoring staff;
 - iii) Establishing systems for the Center to schedule periodic training programs, do outreach to other courts and legal actors to recruit training participants, and track training participants; and
 - iv) Establish policies and procedures for the Training Center

III. *Providing training to the HJC*

1. Undertake planning meetings with stakeholders within the HJC to obtain their input and views on a training program for the HJC including the following (in collaboration with UNDP, UNAMI-HRO, and UNOPS):
 - i. Training on strategic planning;
 - ii. Training on judicial ethics and integrity (using resources including the booklet written by the Iraqi Chief Justice);
 - iii. Training on judicial independence;
 - iv. Training on anti-corruption (for all court staff);
 - v. Training for Investigative Judges on performance of fair and just investigations, criminal law, terrorism, and humanitarian law.
 - vi. Train HJC staff and judges on anti-corruption; and
 - vii. Other areas of legal training identified as priorities by the HJC through the consultative process
2. Design an HJC training plan based on the consultation process.
3. Review the plan with stakeholders.
4. Finalize the plan.
5. Implement the training plan.

IV. *Providing training to the MoJ*

1. Undertake planning meetings with stakeholders within the MoJ to obtain their input and views on a training program for the MoJ (in collaboration with UNDP, UNOPS, UNAMI-HRO) including the following:
 - i. Training on strategic planning;
 - ii. Training/training of trainers (TOT) on judicial independence;
 - iii. Training on judicial independence
2. Design a MoJ training plan based on the consultation process.

3. Review the plan with stakeholders.
4. Finalize the plan.
5. Implement the training plan.

V. *Providing training to the Judicial Training Institute*

1. Undertake consultation/planning meetings with all stakeholders, including the MoJ and HJC, to obtain their input and views on a training program for the JTI (in collaboration with UNDP, UNICEF, UNFPA, UNIFEM) including the following:
 - i. Train the teaching staff in human rights
 - ii. Train the teaching staff in juvenile justice
 - iii. Train the teaching staff in gender equity
 - iv. Train the teaching staff in family code
 - v. Train the teaching staff in GBV
2. Develop a detailed needs assessment and survey of capacity gaps with regard to curriculum needs;
3. Determine the scope of the needed curriculum reform and identify strategic entry points for implementation, including as priorities gender equality, family code, and GBV issues;
4. Develop a strategic plan for the reform of select curriculum of the JTI;
5. Develop a plan to aid in the introduction of changes in the curriculum of the JTI;
6. Organize and implement two workshops on the following topics as they relate to the JTI training component:
 - i. Workshop to discuss the needs assessment outcome, the capacity gaps, and recommendations for the reform program.
 - ii. Workshop for discussions on recommended changes to the curriculum structure.
7. Reform the JTI curriculum, in collaboration with the JTI, through the recruitment and management of technical experts in the following areas:
 - i. Juvenile justice
 - ii. Human rights
 - iii. Gender equality
 - iv. Gender based violence
 - v. Family law
8. Assess the equipment needed by the JTI to enhance its functioning and provide a list of needed equipment with detailed specifications to UNDP.

The Training Sessions:

The training sessions which are the main component of the project, will target Iraqi governmental representatives including judges and staff from the several mentioned institutions and will be implemented as follows:

| # | Topic | Recipients | Duration | Location |
|----|--|---|----------|----------|
| 1 | TOT on the methodology of the continuous training and the new training tool | HJC, JTI, JDI, PC | 3 days | Beirut |
| 2 | Training on Arbitration & TOT | HJC, KJC | 3 days | Beirut |
| 3 | Training on Arbitration | HJC, Pilot Court in Baghdad, | 2 days | Baghdad |
| 4 | Training on Arbitration | Pilot Court in Basra | 2 days | Basra |
| 5 | Training on Strategic Planning (intro level) | HJC, MOJ KJC, KMOJ | 1 days | Erbil |
| | Training on Strategic Planning (intermediate) | Pilot Courts in Baghdad, Erbil, Basra | 2 days | |
| | Strategic Planning (intermediate) | | 2 days | |
| 6 | Training on Juvenile Justice | KJC, PCE | 3 days | Erbil |
| 7 | Training on Juvenile Justice | HJC | 3 days | Baghdad |
| 8 | TOT on the International Laws & Standards and the Procedural Law | HJC, KJC ,Pilot Courts in Baghdad, Erbil, Basra | 3 days | Erbil |
| 9 | Performance of fair & just investigation, Criminal Law, Terrorism, Humanitarian Law | HJC, PCE | 3 days | Baghdad |
| 10 | Training on Judicial Ethics and integrity and the Judicial Independence (intro level) | HJC-JDI, MOJ, JTI, KJC, PCE, PCB, PCBs | 1 day | Erbil |
| | Training on Judicial Ethics and integrity and the Judicial Independence (immediate level) | | 2 days | |
| | Training on Judicial Ethics and integrity and the Judicial Independence (intermediate level) | | 2 days | |
| | TOT Judicial Ethics and | | 1 day | |

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|----|---|-----------------------------------|--------|---------|
| | integrity and the Judicial Independence | | | |
| 11 | Training on Human Rights | HJC, JDI, MOJ-JTI, PCE, PCB, PCBs | 3 days | Baghdad |
| 12 | Training on Juvenile Justice | Erbil pilot court | 3 days | Erbil |
| 13 | Training on Gender Based Violence-GBV | PCE, PCB, JTI, JDI | 3 days | Erbil |
| 14 | Training on Anti-Corruption | HJC, MOJ, PCE, PCB, PCBs | 3 days | Baghdad |
| 15 | Training on Gender Equity | HJC, JDI, MOJ-JTI, PCE, PCB, PCBs | 3 days | Baghdad |
| 16 | Training on Arbitration | Pilot court in Erbil | 2 days | Erbil |
| 17 | Training on Family Code | HJC, JDI, MOJ-JTI, PCB, PCBs | 3 days | Baghdad |

Duration

The LTI project starts on the 25th of January 2010 and shall extend over duration of 14 months.