INDEPENDENT EVALUATION REPORT

Cluster Evaluation of the UNODC Iran Rule of Law Projects

Strengthening Judicial Capacity (Proj. Ref No. FS/IRA/04/R34)

Cooperation in the promotion of the reform process of the Judiciary and the Prison System in the I.R. of Iran (Proj. Ref. FS/IRA/05/S03)

Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance (IRN/S12)

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Cluster Evaluation of UNODC-Iran Rule of Law Projects
Consolidated Report

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<tr>
<td>AMLID</td>
<td>Anti-Money Laundering International Database</td>
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<tr>
<td>ECOSOC</td>
<td>United Nations Economic and Social Council</td>
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<td>EU</td>
<td>European Union</td>
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<td>Financial Intelligence Unit</td>
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<td>UNODC-Iran Strategic Programme Framework</td>
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Summary

a) Summary Project Description


These projects were formulated in line with UNODC Strategic Programme Framework (SPF) for Iran 2005-2007 to provide technical assistance to support identified objectives of Iran’s Judicial Reform Plan. Projects FS/IRA/04/R34 and FS/IRA/05/S03 are designed to contribute to the reform process objective of ensuring accountability of the justice system. The third project Ref. IRNS12 addresses crime prevention and seeks to improve Iranian capacity to plan and implement legislative and institutional measures, and mutual legal assistance to combat international organized crime, particularly money laundering.

b) Summary of Major Findings

i) Relevance

- The UNODC-Iran Rule of Law projects are relevant to the needs of Iran as articulated in Iran’s 2nd five-year Judicial Reform Plan (JRP), specifically to JRP’s sub-plan (2004-2008);

- they contribute to the UNODC mandate emanating from relevant conventions, including, UN Convention against Corruption and the UN Convention against Transnational Organized Crime (UNTOC). They also contribute to UNODC mandates of providing technical assistance to support judicial reform process in light of international recommendations and documents related to Crime Prevention and Criminal justice, including: standard Minimum Rules for the Treatment of Prisoners (Annex to ECOSOC resolution 663 (XXIV); Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary (ECOSOC resolution 1989/60.

- The Rule of Law cluster projects were developed under UNODC-Iran Strategic Programme Framework (SPF), in close consultation with the Judiciary, particularly the Deputy Head of the Judiciary, for Legal Affairs and Judicial Reform and responsible for UNODC cooperation.

- In the context of current difficulties related to Iranian perceptions and responses to international issues and cooperation in general, the donor community, EU member State ambassadors and UN representatives, consider that UNODC-Iran has served as the effective channel for international cooperation in the strengthening of rule of law. The ambassadors of France (the current EU Presidency), Germany, Italy, Netherlands, and Norway confirmed that UNODC cooperation is providing for multi-lateral cooperation
framework, which otherwise has been difficult for EU member States to foster substantive bilateral cooperation with Iran.

- The projects allowed close involvement of Key Iranian counterparts, the Judiciary and law enforcement, to ensure national ownership in the implementation of projects through the formal mechanism of the Project Steering Committee (PSC) and Project Review Committee (PRC). Project management has also encouraged the participation of representatives of other public organizations in thematic seminars and workshops in order to expand national ownership of implementation process of rule of law cluster projects. UNODC has ensured national ownership across all the stages of project cycle.

**ii) Effectiveness**

**Overall Assessment**

- UNODC has provided effective technical assistance aimed at improving the capacity of the I.R. of Iran to strengthen rule of law. Anchored on Iranian needs identified in the 2004-2008 Judicial Reform Plan, UNODC Rule of Law cluster of projects, has assisted Iran to lay important **foundations** for: i) strengthening the capacity and credibility of the judicial system to be able to generate court proceedings and rulings in a predictable, consistent and coherent manner; and ii) preventing and control corruption and its pervasive consequences over the Iranian economic structure; iii) preventing transnational organized crime, including money laundering.

- Study Tours, thematic seminars/workshops carried out under UNODC Rule of Law projects have successfully influenced high ranking Iranian policy makers to recognize the need to: learn and adopt international best practices; align relevant judicial procedures and criminal codes with international conventions and legal instruments; and foster international cooperation in order to effectively advance the judicial reform process and tackle transnational organized crime.

- UNODC-Iran has played significant role in keeping Iranian policy makers engaged with the international community through implementation of the Rule of Law projects. This view was shared by both the Iranian policy makers and the ambassadors of the EU member states interviewed by the Evaluation Team. In the words of Hojatol-Eslam Montazeri, Special Advisor to the Judiciary, UNODC is a “bridge” between the I.R. of Iran and the international community in Iran.

Summary of specific findings is presented in successive sections.

**Strengthening Judicial Capacity to Ensure Accountability and Transparency**

- Study Tour participants to Singapore and Austria, composed of high ranking Judiciary and law enforcement policy makers, prepared a Diagnostic Report, which identified legislative gaps and structures requiring rectification in order to advance Judicial reform process in Iran. The recommended reform measures were aimed at improving transparency and accountability of the courts, on the basis of experience the policy makers gained from the exposure to best practices and international legal instruments functioning in those countries.

- Implementation of the Diagnostic Report recommendations, particularly those that deal with internal reforms within the Judiciary underlined in the Diagnostic Report was temporarily put on hold by the Iranian counterparts due to change in priorities. Two of the recommendations relating to “increasing public trust towards courts, the Judiciary
and government bodies; and “improving case management systems for civil and criminal cases” are being implemented under project “Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, Proj. Ref. FS/IRA/05/S03.

- Instead a “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” has been developed. This decision reflects the ever growing concern and sense of urgency over corruption since the late 1990s, which culminated in the Supreme Leader passing a Decree over anti-corruption campaign in 2000.

- There are concrete indications that I.R. of Iran is moving fast to put the “Draft Strategy” into effect, by drafting a bill. In fact, evaluation has learned from Iranian Judicial authorities interviewed that, following the formulation of the Draft Strategy, currently there is a renewed effort in the Iranian parliament to expedite the ratification of the UN Convention against Corruption. A draft bill on the ratification of the Convention has been approved by Iran’s Expediency Council.

**Promotion of Public Trust and Awareness over the Judiciary**

- The project has made strategic contribution to the Judiciary’s capacity to raise public awareness on Judiciary services and citizen’s rights and support to “Centre 129” has helped increase access to justice. “Centre 129”, under the administration of the Judiciary, offers free legal information and advice to the public. The Centre responds to 7000-8000 public enquiries per month (about 1 million calls a year) through telephone and audio post from all over the country.

- A study on “Development of Comprehensive Public Awareness Plan of the Judiciary” was also commissioned. The outcome of the study has been adopted as the Judiciary’s Guideline for “Advocacy and Public Awareness Measures” (Advocacy Guideline).

**Improvement of Prison Administration and Rights of Prisoners**

- UNODC assistance to the prison system, particularly in increasing awareness to alternatives to Imprisonment and the reduction of incarceration among policy makers and judges has directly contributed to the reduction of the number of inmates passing through the prisons in one year from about 700,000 in the late 1990’s to about the current figure of 470,000. Currently a bill on “Alternatives to Imprisonment” is under deliberation in the Parliament. The bill has passed its first reading and is expected to be enacted shortly.

**Introducing Information and Communication Technology (ICT) - Judiciary and Courts**

- UNODC technical assistance to Introducing ICT application for the Judiciary and the courts has improved the efficiency of case management, facilitated the provision of public information, helped reduce corruption and abuse of discretion in the delivery of justice, and provided monitoring information for judiciary authorities. Currently the system is functioning in 3500 courts and 30 provincial capitals. There is now a plan to connect 2000 more courts to the Case Management System network shortly.

**Building Capacity for Anti Money Laundering Efforts**

- UNODC has provided effective and appropriate technical assistance, which are already making significant contribution to important Judiciary initiatives: enacted Anti Money Laundering Bill on the 14th of March 2008; High Council against Money Laundering has been established under the provisions of the Anti Money Laundering Bill; and a Financial
Investigation Unit (FIU), under the Central Bank, is being established to monitor and investigate money laundering cases.

- UNODC has also facilitated contacts with experts and institutions in Italy (particularly with DNA, the anti-Mafia) and Thailand to cooperate in the sharing of information and cooperation in investigations related to money laundering cases.

- The Judiciary is currently reviewing existing criminal code and related laws to comply with the UNTOC and the new Anti Money Laundering Bill to harmonize legislation dealing with international organized crime.

- The future challenge lies in the need for building the new institutions and training staff in the use of modern software, databases and information exchange systems that improve monitoring and investigation capacity and facilitate sharing of information with partner foreign agencies. Successful implementation of the Anti Money Laundering bill will depend on the capacity of the implementing agencies.

Building Capacity to Promote Mutual Legal Assistance (MLA)

- As a direct result of UNODC technical assistance, aimed at revitalizing legislative and institutional measures relevant to mutual legal assistance, the Judiciary has taken the following initiatives: i) MLA negotiations with Japan, Philippines, Saudi Arabia and Kazakhstan are in progress; ii) MLA Focal Point (MLA-FP) and MLA Central Authority (MLA-CA) are in the process of formation. Their respective roles and functions will be clarified shortly; iii) talks to further broaden cooperation under the existing MoU signed in 2005 with the National Anti-Mafia Bureau (DNA) is in progress; iv) talks over extradition and prisoners exchange and establishment of Drug Liaison Officers between Iran and Thailand is in progress;

- Advances towards signing mutual legal assistance with more countries will depend on a number of factors, including: harmonization of relevant Iranian legislation with international legal instruments; strengthening the institutional capacity of the MLA-CA; the creation of functioning inter-agency mechanism between the Judiciary and Law Enforcement agencies; and relationship of relevant Iranian organizations with foreign counterparts. UNODC should develop new technical assistance to address these needs.

**iii) Sustainability**

Evaluation confirm that key conditions – political commitment, enabling structures and resources - that enhance sustainability of UNODC-Iran Rule of Law Cluster project processes, activities and results gained from implementing Rule of Law Cluster projects are in place. As elaborated extensively there is a strong body of policy makers in the Judiciary, the Parliament and Law Enforcement Agencies, with the necessary strategic perspective and who are determined to see through the Judicial Reform process. The reform process and project achievements are anchored on Judicial Reform Plan promoted by the Judiciary, the most powerful arm of the State. The Deputy Head of the Judiciary for Legal Affairs and Judicial Reform is responsible for the implementation of the judicial reform. In terms of resources, Dr. Mahdavi, Director General for International Affairs of the Judiciary, confirmed that Iran does not expect financial assistance to implement the judicial reforms, what they need is “access to international best practice and international cooperation to tackle global problems including drug trafficking and money laundering”. 

8
c) Major Lessons Learned and best practices

Lessons Learned

Awareness Raising of Policy Makers: Study tours when systematically organized are effective means of exposing participating high ranking policy makers to best practices and new approaches of doing things. In a relatively short study tour, it was possible to sufficiently influence Iranian policy makers from the Judiciary, Parliament and Law Enforcement agencies to be instrumental in pushing legislative and structural measures in the Judicial Reform process. Advances so far made in the Judicial Reform process is directly related to the exposure of policy makers through study tours.

Promoting National Ownership: UNODC has been consistent in encouraging and ensuring national ownership of project activities. Iranian counterparts were encouraged in all activities to lead and actively get involved in the setting of workshop objectives, chairing workshops, compiling recommendations for action, and taking it up with higher authorities for consideration. This consistent UNODC approach ensured an enhanced relevance, and project results were owned by counterparts.

Flexibility in Project Management: The Iranian counterparts are highly driven, with clear strategy on the judiciary reform process, who are also capable of imposing reprioritization of project strategy in the course of implementation. This is what exactly happened, under Project “Strengthening Judicial Capacity (Proj Ref No. FS/IRA/04/R34)”, when the Iranians commissioned a research study on “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” instead of carrying out subsequent activities to implement the final Diagnostic Report and recommendations, a project output.

In the context of Iranian single mindedness, broader considerations including the need to keep engaged with such important country (including its commendable national commitment in the fight against drug trafficking and related organized crimes); it was perhaps right for UNODC-Iran to go along with the action. Evaluation Team observes that alternatively Iran would have opted going it alone, putting in jeopardy the mutually appreciated benefits of the strong UNODC-Iran partnership developed over the years. Consequently Iranians consider UNODC as a strategic partner and a “bridge” between Iran and the international community. This positive attitude ensured continuity of UNODC-Iran Rule of Law project processes and outcomes.

Best Practice

Project Design: The implementation of the UNODC-Iran Rule of Law projects has been designed to follow: needs assessment exercise on the basis of information collected from study tours and review of international legal instruments; sharing draft reports with wider stakeholders in a workshop with wider participation; concluding with recommendations for consideration of higher authorities; and using these outcomes to guide follow-up actions. This approach benefited projects to learn from international best practice in other countries and allowed for outcomes to benefit from diverse perspectives of national stakeholders. The end result is a relevant programme reached with consensus of stakeholders. More importantly, this implementation approach also provided opportunities for Iranian authorities to “learn-by-doing”, which is effective in applying best practices and the provisions of international legal instruments in light of Iranian needs.

ICT System introduced into Courts: The design based on phased implementation approach adopted in introducing ICT system into the courts could be considered as a best practice, particularly in the context of Iranian situation where developmental needs should be considered at each stage of implementation to ensure effectiveness of the system. Evaluation Team
observes that the experience could be shared with countries under similar overall developmental stage (Refer Recommendation 8)

d) Recommendations

- UNODC-Iran Rule of Law Cluster projects should include donors and other national stakeholders, who directly or indirectly contribute to the judicial reform process and/or to project objectives, in the Project Steering Committee/Project Review Committee. Including donor representatives in the Project Steering Committee creates conditions for ensuring concerted action in the implementation of project activities, facilitates the sharing of learning, and helps strengthen donor-counterpart strategic partnership for continuing cooperation. The project would also benefit from perspectives, experience and functions of diverse national stakeholders. Judicial reform process would also benefit from broadened scope of project activities. (Details Ref Recommendation 1)

- UNODC-Iran Rule of Law cluster projects should seek views from the civil society, including independent lawyers and/or Lawyers Association and independent legal academicians, when developing projects relating to the promotion of public trust and judiciary awareness strategies and introducing new case management systems in courts (Details Ref Recommendation 2)

- All UNODC-Iran Rule of Law cluster project commissioned research and study reports should be translated into English in time peer reviewed and properly documented. They form integral part of UNODC knowledge products. These project funded reports have to be properly translated and documented, and where appropriate and possible, they should be reviewed by pertinent experts at UNODC HQ to ensure their conformity to relevant norms and standards and best practices. It is also important that their content is up to standard to reflect UNODC’s intellectual leadership and credibility in relevant disciplines. (Details Ref Recommendation No. 3)

- UNODC-Iran should undertake discussion with the Deputy Head of the Judiciary, for Legal Affairs and Judicial Reform, (responsible for UNODC cooperation) over their position on the implementation of outstanding project activities under project “Strengthening Judicial Capacity – FS/IRA/04/R34” and project “Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, Proj. Ref. FS/IRA/05/S03” (Details Ref Recommendation No. 4)

- UNODC-Iran should launch Strategic Threat Assessment exercise on Transnational Organized Crime and its internal ramifications. The outcome of this exercise should lead to the formulation of an Action Plan for the medium term. The action plan could include: continue to harmonize existing criminal law and bylaws with international instruments; strengthening relevant structures; developing strategies for forging bilateral and regional cooperation.

The Islamic Republic of Iran focuses its efforts more on drug smuggling than on transnational organized crime. The threat coming from internal forms of organized crime (including the informal economic sector) is not specifically addressed or even assessed yet, although there have been some concerns since 2000. The Judiciary and law enforcement agencies should then use the outcome of the strategic assessment to appraise legislative requirements, capabilities and resources to meet identified challenges. (Details Ref Recommendation 5)

- On the basis of the outcome of the Strategic Threat Assessment of Transnational Organized crime proposed (Ref. Recommendation No. 5), which will also identify the source of the threat, UNODC-Iran should develop a project to formulate and implement
an Action Plan for bilateral and regional and international cooperation programme, including mutual legal assistance, to combat transnational crimes. The Action Plan could also include: strengthening the Mutual Legal Assistance Central Authority; creating effective inter-agency coordination mechanisms; and amendments to existing laws to conform to international legal instruments and standards; and active follow-up for establishing new or reviving efforts for regional and sub-regional cooperation mechanisms, for example the Triangular Cooperation between Afghanistan, Iran and Pakistan. (Details Ref Recommendation 6)

- UNODC-Iran should create a formal mechanism for UNODC Rule of Law projects to benefit from cross fertilization of experience gained in the course of their implementation. A monthly or bimonthly meeting, as appropriate, should be held for project coordinators to share information and experience gained from their respective ongoing projects. (Details Ref Recommendation 7)

- Evaluation Team recommends that UNODC-Iran and the I.R. of Iran Judiciary plan to organize international conferences to share the experience gained from the successful implementation of ICT into Iranian courts and reforms instituted in the Iranian prison system, which could both serve as Iran’s contribution to South-South cooperation. (Details Ref Recommendation 8)

- Evaluation Team recommends for UNODC to launch an evaluation of delivery mechanisms, including: i) Study Tours; ii) Thematic Seminars and workshops; and ii) Training in the use of Standards, Norms and other tools. The evaluation should aim at determining the respective appropriateness and effectiveness of these and other technical assistance delivery mechanisms to, for example, influence policy makers, managers responsible for implementing policies and those responsible for carrying out frontline implementation activities (using investigative tools including software applications). (Details Ref Recommendation 9)

- UNODC-HQ should develop measurable project performance indicators at the level of results and objectives to improve management, monitoring and evaluation of UNODC Rule of Law projects. (Details Ref Recommendation 10)

- UNODC-Iran should institute a formal mechanism of six-monthly review with the Deputy Head of the Judiciary for Legal Affairs and Reform Process, to assess achievements of Rule of Law projects under implementation and to take decisions on outstanding policy issues including reprioritization of project objectives. (Details Ref Recommendation 11)

- UNODC-Iran should develop and implement an integrated strategic training programme to equip judiciary and law enforcement institutions and staff to effectively implement the provisions of international legal instruments and national laws to control and prevent transnational organized crime. (Details Ref Recommendation 12)
I. Introduction

A. Background


2. The projects were formulated in line with UNODC Strategic Programme Framework (SPF) for Iran 2005-2007 to provide technical assistance to support identified objectives of Iran’s Judicial Reform Plan. Projects FS/IRA/04/R34 and FS/IRA/05/S03 are designed to contribute to the reform process objective of ensuring accountability of the justice system. The third project, Proj. Ref. IRNS12 addresses crime prevention, particularly legislative and institutional measures and Mutual Legal Assistance to combat international organized crime, particularly money laundering.

3. In the context of Iran drug-related crimes are the root causes of menace. Iran is one of the main conduits for illegal substances, namely opium, hashish, heroin and morphine base, originating in Afghanistan and destined for markets in Europe and the Persian Gulf region. The UNODC World Drug Report 2007 estimates that in 2006 out of all opiates that left Afghanistan, 53 percent were smuggled via Iran. Substantial portion is presumed to be absorbed by the Iranian internal market causing enormous social and economic cost.

4. In its earlier projects, UNODC considered assisting Iran’s commitment to combat drug trafficking as a starting point for more comprehensive technical assistance to tackle the other consequent organized crimes.

5. Iran commits substantial effort to combating drug trafficking. Iran alone accounted for 25% of global opiate seizures in 2002 (World Drug Report 2004), this percentage rose to 29% in 2005. With respect to rough opium, seizures’ rose to 68% in 2005, reflecting larger internal consumption (WDR 2007). UNODC had been providing assistance to Iran’s border control efforts to control drug trafficking, which is still continuing.

6. Iran has sustained enormous human and social costs in its anti drug trafficking efforts. Since 1979 to 2004, more than 3,500 law enforcement officers were killed in drug control operations. An even higher number of drug traffickers have been killed or wounded as well.

7. As a result of drug smuggling, the availability of enormous amount of illicit drugs, in the form of heroine and morphine in Iran’s markets has resulted in drug abusers exceeding 1.2 million (2.8 percent of the general population, aged 15 – 65) (WDR 2007), with enormous social and economic cost. As a direct consequence, in 2004, 57.4% of HIV/AIDS infections are transmitted by drug injections, involving needle sharing. Iran runs extensive demand reduction programmes, including rehabilitation projects for drug addicts and HIV/AIDS programmes with the assistance of UNODC and NGOs.

8. The other effects of drug smuggling, including money laundering and consequent corrupt practices was not obvious until the late 1990s. It was not considered as a real threat, due to the widely presumed absence of conditions that allow the operation of money laundering in the Iranian context: the isolation of Iran from the international markets, the Islamic oriented banking
system, the non-convertibility of Iran's currency, and the lack of evidence of information on the scale and the relationship between money laundering and internal criminality.

9. The increasing scale of drugs smuggled through the Iranian territory, of which substantial part is sold and consumed inside the country changed the perception. The legalization of free exchange market in 2000 revealed the scale of the informal (hidden economy), largely running contraband commodity trade, and creating larger money laundering opportunities. This situation generated increasing number of corruption and economic crime cases that shook Iran's power structure, prompting the Supreme Leader\(^1\) to denounce economic crimes and corruption as major threats to the Iranian economy and called for the launch of national campaign in 2001.

10. Corruption was considered to be a symptom of far deeper and wider problem rooted in the lack of transparency and accountability of state power, including the Judiciary. Therefore, the Judiciary developed a Judicial Reform Plan (JRP) in 1999 to reinstate the rule of law, as a strategic framework that responds to the long-term needs of Iran.

11. The Judicial Reform Plan comprises three inter-related elements that will affirm accountability of the Judiciary through improved efficiency, effectiveness and public trust on the delivery of justice by: i) amending the legislation to conform to international legal instruments and standards; ii) establishing appropriate structures, and iii) improving management systems. The central objective of the JRP is to make the Judiciary fit for purpose; improving its capacity to strengthen rule of law, which has been threatened from transnational organized crime fueled by drug trafficking and money laundering and accompanying corruption.

12. In the context of Iran, evaluation has observed some internal and external situations that had some implication on the implementation of the rule of law projects. The Iranian counterparts have strategic vision and are determined and committed to pursue their objective as articulated in the JRP and successive sub-plans (five-year plans). While this offers good opportunity for national ownership it can in certain cases pose challenges in the pace of implementation as well as changes in priorities.

13. The other internal factor is the “unique and complex combination of clerical and popularly elected authorities” as identified in UNODC SPF, poses problems with identifying stakeholders in the implementation of projects. Legislative measures are expedited or stalled due to changes of balance of powers between the parliament, the executive and the Judiciary, which impact on implementation of projects in terms of delaying some project components.

14. Weak presence of civil society limits the opportunity of new ideas to influence the implementation of initiatives, which are solely designed by the Judiciary or institutions like the University of Judicial Sciences directly administered by the Judiciary.

15. The other significant perception is that Iranian counterparts feel that Iran is under siege, particularly a threat from the West. The nuclear issue, although is not directly related to UNODC programmes, their attitude in some ways affect implementation of projects. But UNODC has handled the situation with tact, understanding and persistence appreciated by the Iranian counterparts, the donor community and the UN missions. Related to this is the situation in Afghanistan. Iranian authorities believe that drug production and trafficking through Iran has

\(^1\) It is noted that the Supreme Leader of IR of Iran, on the 30th of April 2001 issued a decree establishing an “Misappropriation Committee for Financial and Economic Affairs” and the “Special Headquarters for Examining the Economic Offenses” composed of the Presidency, Parliament Speaker, Head of Judiciary, Minister of Information, Head of the Management and Planning Organization, Head of the State Investigation Organization, Head of the Justice Department of Tehran, Minister of Commerce, and representative of the national parliament.
increased enormously with huge ramifications to Iran. They believe the West is not doing enough to strengthen Afghani institutions to control borders, particularly in the Baluchistan Iranian region, that they say is affecting Iran’s national security. Prominent Judiciary authorities and Parliamentarians, including Hojatol-Eslam Montazeri, Special Advisor to the Head of the Judiciary and Hojatol-Nakoonam, responsible for Article 90 of the I.R. of Iran Constitution have, conveyed these concerns to the Evaluation Team. Nonetheless, they underlined that drug is a global problem and can only be tackled through international collaboration.

B. Purpose and Objective of the Evaluation

16. This UNODC-Iran Rule of Law cluster evaluation report is a consolidated report of the three projects described in the previous section. The purpose of this report is to establish what these three projects have collectively achieved to equip the Judiciary with the technical knowledge and planning capacity to improve the effectiveness of the Iranian Judicial System by strengthening its accountability and transparency in the administration of justice. The consolidated report focuses on the overall status of Rule of Law reform process, future challenges and opportunities for UNODC-Iran technical assistance on the basis of findings established from the evaluation of the three projects. Further, the evaluation seeks to establish:

17. **Relevance**: How relevant the Rule of Law projects are to the needs of the country as articulated in the Judicial Reform Plan; whether project objectives are clear, realistic and coherent in terms of contributing to the objectives of UNODC as well as to other Strategic Instruments; and whether Iranian counterparts were involved in developing and implementing the project to enhance national ownership of implementation process.

18. **Effectiveness**: determines the effectiveness of UNODC-Iran’s technical assistance in supporting Iran achieve its objectives of acquiring the capacity to introduce legislative and structural measures to strengthen rule of law in its efforts to control and prevent crime, including corruption and international organized crime. How effective were the delivery mechanisms employed (Study Tours, workshops, and seminars).

19. **Sustainability**: this criteria determines whether or not the necessary conditions exist in Iran that enhance sustainability of processes, activities and results achieved from implementation of these Rule of Law projects. Evaluation assesses whether key prerequisites of political commitment, institutional arrangements, resources and appropriate structures, including monitoring and evaluation systems that enable Iran to continue the reform process on their own, are in place.

20. **Effect/Impact**: this criterion attempts to assess whether: the project outputs and processes assisted the Judiciary to improve transparency and accountability to the general public; the Rule of Law projects made impact on the control and prevention of corruption and transnational crimes, including money laundering; and how the Iranian stakeholders perceive the overall effect/impact of UNODC technical assistance.

21. **Lessons learned and best practices**: Discern lessons learned and best practices from the implementation of this project that could be replicated, in the implementation of future projects in Iran as well as elsewhere, as the judiciary process in Iran deepens and widens.

C. Methodology

22. The UNODC-Iran cluster of Rule of Law Projects evaluation was participatory and inclusive ensuring that key stakeholders (the Iranian Judiciary, project management, donors, the Mini Dublin Group, and the EU member representatives in Iran) give feedback on the achievement and challenges faced in the course of implementation.
The team used a range of methodologies, including:

23. **Desk Review:** the team reviewed project documents; six-monthly and annual project progress reports; project activity reports on Study Tours, seminars and workshops; counter-part feedback reports and recommendations of seminars and workshops; and UNODC HQ expert reports commissioned to assist in the planning and implementation of project activities.

24. **Interviews and Discussion:** The team, using structured and unstructured interviews, discussed on various dimensions of the project with key stakeholders, including key Iranian Judiciary authorities from the Judiciary and the Parliament; MDG and EU member State ambassadors in Iran (France, Germany, Italy, The Netherlands, and Norway, the UN Coordinator for Iran). The discussions centred on gaining insight and feedback on the performance and impact of the three rule of law projects in terms of meeting their respective expectations and interests.

25. **Triangulation** was the main tool used to verify and confirm contentions and findings established from document review and discussions with stakeholders. The evaluation team has also used a detailed set of key evaluation questions and Information Source Matrix as a check list to cover the scope of the evaluation exercise.

26. Further, evaluation also verified whether recommendation made in previous evaluation reports of similar projects implemented in Iran were heeded.

D. **Limitations**

27. The main limitations the evaluation team faced were the lack of work plans and verifiable indicators particularly at the results and objective levels. These indicators should actually appear in the project logical framework.

28. Despite these limitations, evaluation was, however, determined to benefit from its extensive discussions held with stakeholders to comprehend the impact of project processes and outputs on the judiciary policy environment – policy makers, parliamentarians, judges, and middle management - and donors and on the end beneficiaries, the general public.

II. **Analysis and Major Findings**

A. **Relevance**

1. **Responsiveness to Iranian Needs**

29. The three Rule of Law projects under evaluation respond to the needs of the I. R. of Iran. The projects were jointly developed in close cooperation with the Iranian Judiciary through a series of consultations with high-level authorities in the Iranian Judiciary, the custodian of judiciary reform process of Iran. They are specifically designed to contribute to the following objectives of Iran’s 2nd Judicial Reform Plan (JRP), 2004-2008:

   a. Increasing participation of the public and civil society in the justice system
      
      i. Participation settlement of disputes

   b. Increasing public trust to the work of Judiciary
i. Accountability on the work of the Judiciary
ii. Integrity of judicial and non-judicial staff

c. Increased efficiency and effectiveness of the justice system

i. Improving the role of women in the justice system;
ii. Reviewing judiciary structures;
iii. Use of information and communication technology;
iv. Crime prevention;
v. Reducing the number of acts considered as crimes;
vi. Reducing the backlog of pending cases (civil and criminal);
vii. Increase the observatory role of the Judiciary;
viii. Increase qualitative and quantitative research activities.

d. Increase access to justice

e. Improve the capacity of human resources of the Judiciary

30. Project "Strengthening Judicial Capacity (Ref. No. FS/IRA/04/R34)" is supporting the Iranian Judiciary to acquire the technical knowledge and planning capacity to develop modalities of enhancing judicial accountability and avoiding the abuse of discretion in accordance with best international practices in judicial reform. The project was designed to introduce Iranian judicial officials and judges to court decision monitoring mechanisms; to identify abuses of substantive and procedural discretions; and to system of peer evaluation in order to enhance accountability through study tours organized to Singapore and Austria (Project Output 2, supporting JRP Objective “b”). Report of best international practices that improve judicial accountability, were identified from the study tour and discussed in a workshop with the participation of top-ranking judicial staff, and was adopted as a final diagnostic report.

31. Project “Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran (Proj. Ref. FS/IRA/05/S03)”, supports the 2nd five-year Judicial Reform Plan objectives of: improving court procedures aimed at ensuring fair trial (Project Output 2, supporting JRP Objective “b” (i) and (ii)); increasing public trust in the functions of the Judiciary (Project Output 3, JRP Objectives “b” (i),(ii) and “d”); improving the role of women in criminal justice system (Project Output 4, JRP Objective (c) (i)) use of information and Communication Technology in the court systems in Iran (Project Output 5, supporting JRP Objective “c” (iii) and (vi)); and improving initiatives on the administration of prison system with a view to securing the rights of prisoners (Project Output 6, supporting JRP Objective “c” (iv) and (v)).

32. Project “Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance (IRNS12)”.seeks to: provide Iranian judges and prosecutors, and law enforcement officers with relevant legislative, and investigative tools, based on international best practices, for enforcing relevant anti money laundering laws and regulations (Output 2); familiarizing Iranian Judiciary and enforcement agencies with modern technical tools and methodologies required for dealing with transnational organized crimes (Output 3); assist Iranian counterparts strengthen international mutual legal assistance (Output 4); and organizing and implementing training programmes on effective use of appropriate tools, including data collection procedures, databases and software that facilitate information processing and sharing to deal with money laundering cases (Output 5). These project activities support 2nd five-year JRP Objectives (c) ii, iii, iv and (e).
33. It should also be noted that the UNODC rule of law cluster programme supports Iran in the implementation of several UN Conventions to which Iran has been long party to or is signatory. In recent years Iran has demonstrated its commitment, in action, to ratify and implement some of these international instruments.

2. Relevance to Donor objectives

34. In the context of current difficulties related to Iranian perceptions and responses to international issues and cooperation in general, the donor community, EU member State ambassadors and UN representatives, consider that UNODC-Iran has served as the effective channel for international cooperation in the strengthening of rule of law. The ambassadors of France (the current EU Presidency), Germany, Italy, Netherlands, and Norway confirmed that UNODC cooperation is providing for multi-lateral cooperation framework, which otherwise has been difficult for EU member States to foster substantive bilateral cooperation with Iran.

35. Donors observe that justice is fundamental notion to the Shia Islamic sect. Reinstitution of justice was in fact the proclaimed overarching vision of the Iranian Revolution. That is why, donors aver, that the Iranian political elite is relatively more amenable to their relations with the UN system; where as they are reluctant and, at best, cautious in their approach to forging bilateral relations, particularly with Western countries. In response to Iranian complaints that Western powers are not genuinely ready to cooperate with Iran on tackling drug-related transnational crimes; the ambassadors contend that in the event of such attempts the Iranians often back off from meaningful engagement without credible explanation. Donors also note that Iranian stakeholders are generally overly critical and deeply partisan in their international behavior. Clearly mutual trust has yet to be cultivated between both parties in order to create conditions for engagement in meaningful cooperation.

36. Discussion with foreign missions and the UN representatives and Key Iranian stakeholders further revealed that the Iranian political establishment is not homogeneous in their attitude to international cooperation. It is neither static nor predictable. Even their behavior towards UN Agencies oscillates from normal cooperation to stalling cooperation processes, often resulting from changes in balance of power between the three arms of the State, and within the Judiciary itself, complicating decision making processes. This dynamics often impinge on negotiations of programme cooperation initiatives as well as on pace of implementation of on-going programmes.

37. Under such complex and difficult circumstances, the donor community asserted that UNODC-Iran programmes provide continuing opportunity to keep Iran engaged with the international community in the strengthening of Rule of Law. Donors also confirm that UNODC-Iran has earned trust of the Iranian stakeholders enabling it to provide effective assistance and leverage sustainable influence, on behalf of the international community in its areas of mandate. Evaluation observed that donor’ interest lies for Iran to comply with relevant international conventions and instruments in implementing the judicial reform process and showed willingness to facilitate relations with pertinent institutions in their respective countries and to continue to support UNODC-Iran programmes.

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2 Including the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971, Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988, actively participated in the negotiations resulting in the UN Convention against Transnational Organized Crime and is a signatory to this Convention; signed the UN Convention against Corruption, evaluation team understands that its ratification is under active discussion in Iranian parliament following the development of “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” under “Strengthening Judicial Capacity” FS/IRA/R34. Iran has also signed 23 mutual legal assistance and extradition agreements with several countries over the last decades. In 2005, the Government of the I.R. of Iran has signed a Memorandum of Understanding for cooperation against transnational organized crime with National Anti-mafia Bureau of Italy, facilitated by the UNODC country office of in Iran.
3. Relevance to UNODC mandate and Strategic Programme Framework

38. UNODC is mandated to assist member States in strengthening their national judicial capacities to prevent and control corruption and trans-national crimes through the ratification and implementation of relevant UN Conventions, GA Resolutions and international legal instruments. The key Conventions and instruments include:

- Technical assistance provided to support required judicial reform process in light of international recommendations and documents related to Crime Prevention and Criminal justice, including: standard Minimum Rules for the Treatment of Prisoners (Annex to ECOSOC resolution 663 (XXIV); Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary (ECOSOC resolution 1989/60).

- The United Nations Convention against Corruption, which entered into force in December 2005 (Iran signed the Convention in December 2000); and the United Convention against Transnational Organized Crime (UNTOC) adopted in Palermo, Italy, in 2000 supplemented by three protocols, including, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the illicit Manufacturing of and Trafficking in Firearms, their parts and components.

- Projects also support GA Resolution 60/288 of the UN General Assembly (20 September 2006) mandating UNODC to “encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them”.

- Under the provisions of these conventions and UN Resolutions (e.g. GA Res. 51/59, GA Res. 51/191 and GA Res.52/87), UNODC is mandated, at the request of Member States, to promote effective responses to crime, drugs and terrorism by facilitating the implementation of these international instruments support Member State’s efforts to institute effective, fair and humane criminal justice systems through the use and application of United Nations standards and norms in crime prevention and criminal justice.

39. The projects are also aligned with UNODC’s Strategic Programme Framework (SPF), for the period 2005-2007, which under its Rule of Law programme UNODC planned to promote the rule of law through strengthened crime prevention measures and the provision of legal assistance. The SPF for Iran seeks to achieve the following objectives:

1. Reform process, including a) improvement of court procedures; b) increasing public trust; c) improvement of the role of women in the justice sector; d) application of IT in the court system; e) promoting the rights of prisoners in the Prison System.

2. Crime prevention, including a) implementation of anti-money laundering legislation; b) strengthening anti transnational organized crime legislation and measures; c) promotion of mutual legal assistance; d) launching a nation-wide training programme for judges and other relevant staff of the Judiciary.

3. Anti-corruption, including a) enhancing transparency and accountability of the Judiciary; b) developing a roadmap to increase transparency and accountability; c) implementation of an anti-corruption reform plan.

4. Trafficking in human beings, including a) assessing the patterns and dynamics of trafficking of human beings in the country; b) developing anti-human trafficking
measures, including victim protection and support; c) promoting coordination and an
information-sharing mechanism to maximize the impact of anti-human trafficking
measures; d) supporting the organization of training courses for relevant officials

40. Over the years, in order to accomplish its mandate, UNODC has developed tested
knowledge products\(^3\), a set of effective tools, including, Compendium of United Nations
Standards and Norms in Crime Prevention and Criminal Justice; Manual for the Measurement
of Juvenile Justice Indicators; Handbook on Prison Management, Prison Data Management,
Prison with Special Needs, Vulnerable Groups in Prison, Women in Prison, Promising Practices
on Alternatives to Imprisonment; Legislative Guide for the UNCAC, United Nations Handbook
on Practical Anti-Corruption Measures for Prosecutors and Investigators; Handbook on
strengthening judicial integrity and capacity; Commentary on the Bangalore Principles of
Judicial Conduct; Compendium of United Nations Standards and Norms in Crime Prevention
and Criminal Justice; United Nations Guidelines for the Prevention of Crime and UNODC Legal
Assistance Needs Questionnaire. Important tools have also been developed to help counter
transnational crimes, notably, International Money Laundering Information Network (IMoLIN),
Anti-Money-Laundering International Database (AMLiD) with searchable legislation and
regulations from 170 jurisdictions as well as legal analysis of Member States, United Nations
Model Bill on Money Laundering.

41. UNODC, is therefore, the international organization that has the right mandate, the
expertise and the credibility to implement rule of law programme, particularly in the context of
Iran

42. Continuity and sustainability has been also assured by building on achievements realized
as a result of implementation of previous UNODC projects. The projects have heeded to
relevant recommendations made in the evaluation report of project "Legal Assistance Project
LAS AD/IRA/99/E53", pinpointing to the need for further technical assistance to increase Iranian
capacity to deal with transnational organized crime forming integral part of the rule of law
projects under evaluation.

4. Mechanisms Employed to ensure National Ownership

43. The projects allowed close involvement of Key Iranian counterparts, the Judiciary and law
enforcement, to ensure national ownership in the implementation of projects through the formal
mechanism of the Project Steering Committee (PSC) and Project Review Committee (PRC).
PSC/PRC is composed of the Directorate for International Relation of the Iranian Judiciary
(Chair), Department for Training, I.R. of Iran Judiciary; Department for Training – Justice
Administration of Tehran Province; and UNODC Iran. At higher level the Deputy Head of the
Judiciary of I. R. of Iran, for Legal Affairs and Judicial Reform, is responsible for UNODC –Iran
partnership, who is directly involved in the development of the SPF and related projects.

44. In accordance with its Terms of Reference, as demonstrated in minutes and project
progress reports, the reviewed and monitored the PSC/PRC implementation of project
activities, adopted annual work plans, approved annual and semi-annual project progress
reports, approved the criteria of selection of study tours participants, approved the programme
content of study tours, appraised and adopted study tour and seminar/workshop participant
reports and recommendations, and commissioned research studies.

45. Evaluation has observed that the PSC/PRC do not include members from donor(s) and
other national stakeholders, for example, particularly from law enforcement agencies. It is,

however, best practice for PSC/PRC to include donor representatives. The PRC could benefit from the experience and perspectives of donors when major policy decisions are taken or concerns are raised, for example on concerns over funding, revision of project work plans and creating contacts with relevant and vital counterpart institutions. Moreover, donor participation would have further strengthened a sense of common purpose and understanding with Iranian counterparts on the implementation of the project as well as consensus on direction for future cooperation. Evaluation has established, through progress reports and confirmed during interviews with the donor community, that UNODC Iran has been regularly briefing the Mini Dublin Group and EU member States on the progress of project implementation. Donors appreciate UNODC briefings and reports. But it is the view of the Evaluation Team that direct participation of donors in project PSC/PRC would have brought better results.

46. Evaluation is aware that Iranian counterparts are resistant to include donors in the PSC/PRC in the fear that this could precipitate the degradation of national ownership, they jealously guard. But, as demonstrated above, the Iranian counterparts chair the PSC/PRC, which is carrying out policy and administrative decisions in response to the needs of Iran. The benefits of including donors outweigh the perceived risk undermining national ownership.

47. Further, evaluation also observes that the PRC would have benefited from broadening its membership by including representatives from other related Iranian Ministries, outside the Judiciary, such as, the Ministry of Interior, other Law Enforcement agencies, Drug Control Headquarters, Ministry of Finance and Central Bank, State Inspection Organization and State Planning and Management. Their varying perspectives, experience and functions would allow the entertainment of new ideas on legislation, measures and implementation issues to take into account agency-specific perspectives and considerations, in the implementation of projects seeking to promote mutual legal assistance, strengthening anti-money laundering efforts and related international organized crimes.

5. Coherence and Complementarity of Rule of Law Projects

48. The core objective of Iran’s Judicial Reform Plan (JRP) is enhancing judiciary accountability by introducing measures to improve efficiency and effectiveness. While the reform process also addresses prevention of crime, it underlines that the scale and effects of corruption, organized crime, including drug trafficking and money laundering, could only be better controlled and prevented with an accountable and transparent judicial system. Judicial approach is Under the JRP; Judicial approach is the distinct strategy in the prevention of crime.

49. Consistent with this strategy the three UNODC Rule of Law projects complement and reinforce each other to ensure rule of law. “Strengthening Judicial Capacity (Ref. No. FS/IRA/04/R34)” and Project “Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, (Proj. Ref. FS/IRA/05/S03)” largely address reforms in the Judiciary to ensure citizen’s access to justice. They specifically seek to achieve this objective by amending existing legislation and court procedures, instituting new structures and improving the management of the judicial system.

50. While Project Ref. No. FS/IRA/04/R34 is designed to deal mainly with improving judiciary accountability and transparency through instituting new procedures that decrease abuse of discretionary powers; Proj. Ref. FS/IRA/05/S03 has direct impact on the same objective by reducing the length and uncertainty of judicial proceedings. The ICT Case Management System, for example, improves the efficiency and effectiveness of court proceedings. The application also provides useful information that enable monitoring of court performance to
reduce abuse of discretionary powers contributing to the reduction of corruption within the Judiciary.

51. On the other hand, reducing the penalisation of minor offences (for example for drug consumers or street dealers) and the advances made towards instituting alternative measures to imprisonment, besides of obvious social benefits, reduces criminal case loads and the overcrowding of prisons. Moreover, such measures also result in effective functioning of the law enforcement system as a whole, enhancing the rule of law.

52. UNODC Rule of Law projects also benefited from each other’s outputs and experiences in the course of implementation. Lessons learned from best practices and know-how during the course of study tours were incorporated to relevant projects dealing with improving the management of courts, legislative or structural measure in tackling money laundering or awareness on organized crime. For example, the ICT initiative was, in fact, identified during study tours to Singapore and Austria under Project FS/IRA/04/R34, was included to Proj. Ref. FS/IRA/05/S03 activities.

53. Experience gained from other UNODC assisted projects (drug demand reduction, preventive and rehabilitation measures in drug abuse, prevention and treatment of HIV/AIDS, and anti drug trafficking efforts) has contributed to the current broader strategy of dealing transnational organized crime. On the basis of experience gained from the foregoing projects and border control efforts, particularly the scale of opiate seizures, the need for broader approach to comprehensively deal with organized crime, including drug trafficking was adopted. The comprehensive strategy adopted by UNODC is anchored on rule of law and human rights.

54. Although human rights are not the primary mandate of UNODC, these projects may contribute to the respect of human rights dialogue.

B. Effectiveness

1. Support to Judicial Reform Process

i. Strengthening Judicial Capacity to Ensure Accountability and Transparency

55. Project “Strengthening Judicial Capacity (Proj Ref No. FS/IRA/04/R34)” has successfully achieved three key outputs contributing to the project objective of “improving the effectiveness of the Iranian Judicial System by strengthening its accountability and transparency in the administration of justice through the set up of control mechanisms aimed at preventing and sanctioning corrupt practices”: i) exposed high level Iranian judges and policy makers in the judiciary with best practices in judicial reform by organizing Study Tour to Singapore and Vienna, Austria; ii) developing a draft Diagnostic Report on legislative gaps and measures identified from best practices learned from the study tours to Singapore and Austria; and iii) finalized the Diagnostic Report, as a final output of Phase 1, endorsed by decision makers of the Iranian Judicial System.

56. The draft Diagnostic Report, prepared by study tour participants, discussed a number of aspects of the Singapore’s judicial system and how they relate and differ with those of Iran in: the role of the Religious Courts; treatment of minor cases; the effectiveness of adopted measures; the structure and management of the judiciary and efforts employed to raise public awareness; approaches in dealing with corruption and administrative irregularities in government and other public services, including disciplinary punishments applied.

57. The draft Diagnostic Report was discussed in a workshop, with the participation of top-ranking Judiciary authorities and judges to further identify relevant lessons in the following topics: i) Overview of how the judicial systems work in Singapore and Austria, including judicial
independence, impartiality and integrity; ii) Measures required for the effective functioning of courts through the introduction of IT, alternative dispute resolution mechanisms and the role of courts in enhancing access to justice and resolving disputes effectively; and iii) anti-corruption measures aligned with the UN Convention against Transnational Organized Crime and the UN Convention against Corruption and Legislative Framework against Corruption.

58. As an outcome of the workshop, a Diagnostic Report was adopted with series of recommendations, including: i) Upgrading the quality of training for judges and other judicial staff; ii) Introducing monitoring and supervision mechanisms on the function of courts and judges, appropriate criteria for evaluating performance of judges, and disciplinary measures, iii) Increasing public trust towards courts, the Judiciary and government bodies, iv) Independence, impartiality and integrity of judges in line with Islamic teachings and international best practices, v) Alternative dispute settlement mechanisms, such as Dispute Settlement Councils and the use of mediators and arbitrators, vi) Improving case management systems for civil and criminal cases, vii) Improving criteria of recruiting, appointment and promotion of judges, and viii) Adoption of appropriate laws and regulations against corruption.

59. Recommendations “iii”: “increasing public trust towards courts, the Judiciary and government bodies; and “vi”: “improving case management systems for civil and criminal cases” were incorporated into project FS/IRA/05/S03 and are under implementation.

60. Those recommendations that deal with internal reforms of the Judiciary underlined in the Diagnostic Report have been put on hold due to change of priorities. Instead “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” has been developed.

61. There are concrete indications that I.R. of Iran is moving fast to put the “Draft Strategy” into effect. In fact, evaluation has learned from Iranian Judicial authorities interviewed that, following the formulation of the Draft Strategy, currently there is a renewed effort in the Iranian parliament to expedite the ratification of the UN Convention against Corruption. A bill on the ratification of the Convention has been approved by Iran’s Expediency Council.

62. Recognizing the significance of project achievements, the Evaluation Team recommends for UNODC, in consultation with Iranian Judiciary, to develop a follow-up project to:

- Implement the Diagnostic Report that, among other issues, recommended measures to “… strengthen accountability and transparency in the administration of justice through the set up of control mechanisms aimed at preventing and sanctioning corrupt practices”.
- Provide technical assistance to support effective implementation of the “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” including the ratification and implementation of the UN Convention against Corruption.

ii. Promotion of Public Trust and Effectiveness and Efficiency of the Judiciary

63. Project “Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, (Proj. Ref. FS/IRA/05/S03)” was designed to support the Judiciary: improve public trust on the work of the Judiciary and courts; introduce ICT in the courts; improve Prison Administration and rights of prisoners; and Review to improve the role of women in the criminal justice system.

a. Promotion of Public Trust

64. The project has accomplished the following achievements:

- Provided support to the “Centre 129”, a judiciary body, who offers free legal information and advice to the public. The public, from all over the country, enquire through telephone and audio-post facility and Centre 129 legal consultants provide necessary
information and advice on legal and procedural issues. The centre responds to 7000-8000 calls per month (about 1 million calls a year). Monthly report on calls in terms of types of issues and geographic distribution is submitted to the Head of the Judiciary directly. To this effect project support to this centre is contributing to the project objective of increasing access to justice.

- The project provided the Centre 129 with computers, server, software, and office equipment and machinery, including computers.
- Brochures to increase awareness on judicial services and citizen’s rights among the public were published and disseminated widely.
- A study was on “Development of Comprehensive Public Awareness Plan of the Judiciary” was also commissioned. The outcome of the study has been adopted as the Judiciary’s Guideline for “Advocacy and Public Awareness Measures” (Advocacy Guideline). The study has not yet been translated into English but examination of the research outline reveals that the study is substantive and broad in scope.

65. The project has made strategic contribution to the Judiciary’s capacity to raise public awareness on Judiciary services and citizen’s rights and support to Centre 129 has helped increase access to justice.

66. UNODC should translate “Advocacy and Public Awareness Measures” (Advocacy Guideline), seek expert review at UNODC HQ with the aim of ensuring that the document meets UNODC standards. Moreover, implementation of the advocacy strategy should be followed up for harnessing best practice.

67. Finally, the Evaluation Team observes that involving independent lawyers and/or Lawyers Association in developing Judiciary strategy for improving public awareness could help improve result.

b Improvement of Prison Administration and Rights of Prisoners

68. The I. R. of Iran Prison Organization has made significant improvements in the treatment of prisoners and reduction of prison population in recent years. The following achievements were realized because of commitment of the Iranian Judicial authorities and UNODC-Iran support:

- The change of management of the Prison Organization from the Police to the Judiciary created conditions for more humane treatment of prisoners.
- Treating of prisoners changed from punitive to corrective/rehabilitation approach – 70% of prisoners are drug offenders.
- Prisons were staffed with social workers, psychologists, and medical staff who treat and rehabilitate prisoners.
- Prison population (inmates passing through a period of one year) from 700,000 in the late 1980s to the current number of 470,000, double the capacity of the prisons; repeat offenders also decreased from 47% to 20% for the same period.

69. International conference and seminars UNODC organized on “Reducing the Use of Incarceration” and the research study on “Alternatives to Imprisonment” commissioned for the Judiciary have directly contributed to the drafting of a bill on alternatives to imprisonment. The bill has passed its first reading in the I.R. of Iran parliament and is expected to be enacted shortly.

- UNODC should also start discussions with the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform on a project concept aimed at assisting the Judiciary in the implementation of the forthcoming law on Alternatives to Imprisonment, currently in advanced stage of deliberation in the I.R. of Iran parliament.
As envisaged in this project an international conference should be organized to share the I.R. of Iran’s experience in prison management and the treatment of prisoners with international experts and prison organizations of other countries. Iran’s experience in Health Care service to prisoners, rehabilitation services to reduce number of repeat offenders, and the training of prisoners for employment could be shared as best practices in a south-south cooperation framework.

The Iranian counterparts were, however, did not show interest in the implementation of the following components:

- **Organizing a study tour** to benefit from judicial reform practices and procedures aimed at ensuring fair trial. Evaluation has learned that a government directive of early 2006, which suspended study tours, has been withdrawn in December 2007. Despite this fact, Iranian counterparts have not taken the necessary steps to initiate this activity.

- **Assisting /facilitating the design of a complaint system** of all types of crimes, aimed at enhancing transparency and fairness in the delivery of justice in the eyes of the public. Again Iranian counterparts seem to be less convinced to launch this important initiative.

- **Improving the role of women in the criminal justice system.** This project component was meant to: launch a comparative research study on the role of women in the criminal justice system, whose report was to be shared through a seminar/workshop with the participation of relevant Iranian stakeholders and international experts. The output was aimed at developing a work plan for improving the role of women in Iran’s judicial system.

At this stage of the judicial reform process, the outstanding project components seem to be those too close and too sensitive for the prevailing judicial system to allow foreign involvement through technical assistance, hence the lack of enthusiasm to implement those particular project activities.

### c. Introducing Information and Communication Technology (ICT) - Judiciary and Courts

Introducing ICT application for the Judiciary and the courts has improved the efficiency of case management, facilitated the provision of public information, helped reduce corruption and abuse of discretion in the delivery of justice, and provided monitoring information for judiciary authorities.

The project supported the initiative with: commissioning four technical feasibility studies and phased implementation of customized ICT application, supplied network equipment, design/procure relevant software, supplied sets of advanced scanners of the use of Tehran Judiciary Archives (which is currently in the process of converting 40 million hardcopy to electronic files), PCs, printers, video cameras; and supplied computers.

These four detailed studies, which addressed organizational, managerial and technical reform requirements, have assisted I.R. of Iran to adopt a master plan for the application of ICT for the Judiciary and the court management system. The master plan produced an integrated application, Case Management System (CMS) comprising of 4 stages. Stages 1 and 2 of the case management system, dealing with registration of court documents and the development of basic database, have been to-date introduced to 3500 courts and 30 provincial capitals. There is also a plan to connect 2000 more courts to the Case Management System network shortly. Currently most of the functioning system registers and stores case documents and their movements as deliberation progresses through to their closure.
75. In discussions, the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform asserted to the evaluation team that the Judiciary has already identified up to 46 benefits, including, reduction of corruption by narrowing opportunities that offer abuse of discretion and facilitated easy access of information about the judiciary. But most importantly, the Judiciary authorities in Tehran and provincial capitals can now monitor the efficiency of courts across the country, without interfering with the independence of judges.

76. The main challenges faced in the implementation this huge initiative was resistance of judges, but the experience from the pilot projects in Tehran Province were beneficial. The problem was overcome by tailoring the system to be more user-friendly and anxieties of judges were addressed with targeted training.

77. The critical challenge for the future is, as application of the system expands access to other interested parties outside the Judiciary (defendants and their lawyers, prosecutors, researchers, for example), the Judiciary will need to develop appropriate legal framework and technical solutions addressing access policy that ensures privacy rights of individuals and legal persons who are directly affected. Evaluation is aware that at the current stage, the system is experimenting on creating restricted sub-websites to address this problem, ensuring the security of the main database system.

78. In the future, a bill will need to be enacted to address the need for judicial transparency on the one hand and safeguarding privacy and confidentiality of citizens on the other.

79. The other issue is that the software structure should allow for future expansion to include other criminal cases, including money laundering, which entail understandably more confidentiality concerns.

80. Evaluation has observed that the ICT Master Plan has not been translated into English and is not properly documented as UNODC knowledge project. Evaluation recommends that all project funded studies and reports should be properly documented and reviewed by pertinent experts at the UNODC HQ for quality assurance.

2. Organized Crime and Money Laundering

81. Until recently there has not been serious concern over organized crime, including money laundering in particular, among Iranian policy makers. It was not considered a real threat, due to the widely presumed absence of conditions that allow the operation of money laundering in the Iranian context: the isolation of Iran from the international markets, the Islamic oriented banking system, the non-convertibility of Iran’s currency, and the lack of evidence of information on the scale and the relationship between money laundering and internal criminality.

82. As noted in the background to this report, the attitude of the public and policy makers changed around 1990s with the increasing awareness of the internal consequences of drug smuggled through Iran, substantial part of which is suspected to being sold and consumed inside the country. Moreover, increasing number of corruption cases linked with the large informal economy fuelled by contraband commodity trade started to reveal money laundering incidents.

83. The recommendation made in an earlier UNODC Evaluation Report for “Legal Assistance Project LAS AD/IRA/99/E53” to deal with money laundering and the sense of urgency emerged in 2000 related to corruption; prompted both the UNODC and the Iranian counterparts to jointly develop a project addressing the money laundering problem comprehensively.
84. In 2007, a component of project “Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance, Proj. Ref No.IRNS12” was specifically designed to assist the Judiciary to build capacity in tackling money laundering. The delivery mechanisms employed were thematic seminars with contribution of pertinent experts and study tours. These mechanisms assisted Iranian key stakeholders to identify existing legislative gaps that need bridging; familiarized judiciary policy makers with the provisions of the UN Convention on International Organized Crime including Money Laundering and other pertinent legal instruments, institutional structures and internal coordinating mechanisms, international standards and norms and international cooperation modalities.

85. The Iranian counterparts have received appropriate and effective technical assistance, which are already making significant contribution to important Judiciary initiatives: the enacting of a new bill for Anti Money Laundering; amending of existing related bills to comply with relevant international conventions, the expediting of UNTOC; and the expansion of contacts for key stakeholders and policy makers from the Judiciary and law enforcement authorities with foreign counter parts and is bearing fruit, and establishing new structures to tackle money laundering and mechanisms to support mutual legal assistance.

86. The following were achieved as a result of this project intervention:

- An Anti Money Laundering Bill was enacted and put into force on 4 March 2008
- The High Council against Money Laundering has been established under the provisions of the Anti Money Laundering Bill.
- A Financial Investigation Unit (FIU) under the Central Bank is being established to monitor and investigate money laundering cases.
- Contacts with experts and institutions in Italy (particularly with DNA, the anti-Mafia) and Thailand have been strengthened, to facilitate sharing of information and cooperation in investigations of money laundering cases.
- UNODC has facilitated inter-agency coordination and broadened stakeholders’ involvement, which without UNODC project activities would not have happened.

87. The Iranian authorities are committed to combat organized crime and money laundering. Inspired by the experience of the European countries in dealing with organized crime through a regional cooperation framework, Hojatol-Eslam Nekoonam, a cleric and prominent member of the I. R. Parliament, responsible for Article 90⁴ of I. R. Iran Constitution (who was incidentally himself exposed to threats from drug traffickers when he was Head of the Judiciary of Beluchistan Region) underlined the importance of a strategic approach to tackle organized crime. Hojatol-Eslam Nekoonam stressed, in discussion with the Evaluation Team, of the importance of “developing a system of collecting and processing information related to money laundering through centralized structure at the national and regional levels”. He is one of the top policy makers who promoted the Anti-Money Laundering bill.

88. Evaluation concludes that the amount of effort being exerted and achievements so far made is indicative of Iran’s commitment to tackle organized crime in general and money laundering in particular. The formation of the basic legislative and institutional frameworks is on

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⁴ Article 90 reads “Whoever has a complaint concerning the work of the Assembly or the executive power, or the judicial power can forward his complaint in writing to the Assembly. The Assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the judiciary, the Assembly must demand proper investigation in the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.”
the right track. It is also appropriate to note that the Judiciary now realizes, through knowledge gained on best practices from thematic seminars and study tours, of the need to foster partnership and cooperation with similar agencies in other countries that deal with money laundering.

89. There are, however, still some challenges:

- The by-laws relating to the implementation of the Anti Money Laundering Bill should comply with the provisions of the UNTOC provisions.

- The need for updating the Anti Money Laundering Bill to comply with FATF requirements as elaborated in FATF statement on Iran dated 11 October 2007. The October 2007 FATF statement encourages Iran to implement international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing, as encouraged by GA Resolution 60/288 (20 September 2006).

- There is a need for strengthening Inter-agency coordination mechanisms by clarifying the competences of the Judiciary, the Central Bank and other law enforcement agencies in the implementation of the Anti Money Laundering Bill. Particularly the functions and membership of the High Council against Money Laundering should be determined consistent with the aims of the Bill.

- The implementation of the Anti Money Laundering Bill will largely depend on the level of expertise of involved national institutions and their staff. Systematic training should be offered on hands-on know-how and tools for investigating money laundering cases, for example, data collection and processing software, information exchange mechanisms among involved institutions compatible with international standards. Iranian counterparts have been familiarized with useful tools and established contacts during their visits to Italy, Thailand and Singapore.

90. UNODC-Iran should launch strategic threat assessment exercise on organized crime and its internal ramifications. The outcome of this exercise should lead to the formulation of an Action Plan for the medium term. The action plan could include: continue to harmonize existing criminal law and bylaws with international instruments; strengthening relevant structures; developing strategies for forging bilateral and regional cooperation.

3. Mutual Legal Assistance

91. “Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance”, (Proj. Ref. No. IRNS12 has assisted Iranians to develop capacity to plan for and enter into mutual legal assistance agreements with other countries to jointly tackle organized crime including money laundering.

92. The project has organized thematic seminars and study tours to familiarize Iranian stakeholders, from the Judiciary and Law Enforcement organizations, with international best practice and legislative frameworks and structures, legal instruments, standards and norms. Existing bi-lateral and multi-lateral legal instruments of Iran and criminal code related to mutual legal assistance have been mapped, compiled, translated into English and disseminated to pertinent Iranian judiciary officials in the form of CD. Relevant international conventions, other

5 The Financial Action Task Force (FATF) is an inter-governmental body whose purpose is the development and promotion of policies, both at national and international levels, to combat money laundering and terrorist financing. The Task Force is therefore a “policy-making body” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas.
legal instruments, international norms and standards have also been translated into Farsi and disseminated as well. This legal collection will assist in negotiation process of MLAs with foreign States.

93. As a direct result of project intervention MLA negotiations are now going on with Japan, Philippines, Saudi Arabia and Kazakhstan.

94. UNODC-Iran Rule of Law projects have assisted Iran to take concrete steps towards revitalizing old (Iran had signed MLA agreements with 23 countries) and the signing of new agreements and Memorandum of Understandings (MoUs). UNODC has facilitated contacts between Iran and other States to explore opportunities of bilateral cooperation through the implementation of MLA to jointly combat international organized crime.

- Organized study tours to Italy. In Italy talks were carried out to further broaden cooperation under the existing MoU signed in 2005 with the National Anti-Mafia Bureau (DNA). Discussions are in progress. Iranian judiciary and law enforcement authorities have identified a number of areas for cooperation with Italian counterpart institutions, in technical know-how and institutional aspects of MLA.

- Preliminary negotiations arranged for the Iranian Judiciary and law enforcement policy makers during their study tour to Thailand have triggered active negotiations to cooperate on joint measures to deal with international organized crime. Talks between the head of the Iranian delegation, Hojatol-Eslam Montazeri and the Thai Minister of Justice of the Kingdom of Thailand resulted in preliminary understanding on extradition and prisoners exchange and the establishment of Drug Liaison Officers in the two countries. Further negotiation to concretize these understandings in the form of MLA is being actively pursued.

- MLA Focal Point has been established under the Office of the Deputy Head of the Judiciary, for Legal Affairs and Judicial Reform. While the formation of the MLA Central Authority is being discussed. The latter will be coordinating mechanism for negotiations. This body will be established in the Office of the Head of International Affairs, in the Judiciary, responsible to the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform. The MLA-CA will be responsible for coordinating MLA negotiations in collaboration with the Ministry of Foreign Affairs and other concerned government bodies. Specific roles of these two mechanisms will be clarified in the near future.

95. The main challenges in establishing MLA agreements relate to difficulties involved in entering into extradition treaties, particularly with Western countries. Iranian law does not allow for Iranian citizens to be sentenced in non-Islamic courts. On the other hand, the issue of capital punishment poses difficulties for most Western countries to extradite persons suspected for serious crime to Iran. Sharing of seizure of resources is also another controversial issue. Nonetheless, Iranian authorities are confident that these difficulties can be solved with “creative negotiations”, stated Dr. Mahdavi, Head of the Directorate for International Affairs for the Judiciary. He confirmed that Iran is committed to actively promote MLA agreements with Western countries to combat international organized crime, including money laundering.

96. These advances, although significant in themselves, should be further consolidated. Particularly establishing a functioning Mutual Legal Assistance Central Authority is absolutely vital. An appropriate programme of institution building addressing staffing, training and appropriate bylaws governing its functions and relations with other government bodies should be formulated.
97. Fraught with political and regional instability and conflict, and complicated by international intervention, a major continuing challenge for UNODC is reviving the Triangular Cooperation between Afghanistan, Iran and Pakistan to combat trans-national organized crime.

98. The next phase of UNODC support should, therefore, focus on developing and implementing an Action Plan on the basis of comprehensive threat assessment from transnational organized crimes to Iran. Such an Action Plan should also include: strengthening the Mutual Legal Assistance Central Authority; incorporating amendments to existing laws to conform to international legal instruments and standards; initiating active bilateral and multilateral cooperation through MLAs at regional and international levels.

4. Delivery Mechanisms

99. The Evaluation Team has established that, in all the three Rule of Law projects, UNODC has effectively employed Study Tours, Seminars/Workshops and the provision of International Standards, Norms and Tools as delivery mechanisms to achieve project objectives. Feedback forms returned by participants of workshops and study tours and the substantive quality of associated reports show that the delivery mechanisms have improved participants’ knowledge and believed that information provided and knowledge gained will help them improve their work performance. Key stakeholders also confirmed this feedback to the Evaluation Team.

100. The main objective of the three projects under evaluation has been, using these delivery mechanisms, strengthening the capacity of Iranian policy makers and institutions to plan, organize, implement and monitor: judicial reform process aimed at ensuring accountability, transparency, and public trust on the judiciary; amend and develop legislative and institutional frameworks to tackle organized crime and its effects on justice and national stability; and to create the necessary legislative and institutional frameworks to promote regional, and international cooperation to deal international organized crime through Mutual Legal Assistance.

101. The beneficiary target groups are policy makers, officials (senior managers), and officers from the Judiciary, law enforcement organizations, the Central Bank and the Ministry of Foreign Affairs.

102. Evaluation has established the following:

- The main aim of Study Tours was familiarizing exposing policy makers to international best practices related to legislative and institutional structures successfully functioning in judicial systems in other countries. The value of this mechanism was maximized by the selection of pertinent participants, effective programming in terms of identifying relevant issues and institutions as well as duration of the tours. Most importantly they helped Iranian policy makers (from the Judiciary, Parliament and Law Enforcement Agencies) to establish and strengthen personal and institutional contacts, which ensured continuity of cooperation. Moreover, they opened up policy makers to new perspectives and the realization of potential benefits that could be gained from international cooperation.

Study Tours were also used to familiarize front-line Judicial and Law Enforcement officers with hands-on implementation tools, for example, databases, software on investigative and analytical tools (monitoring and investigation tools for money laundering cases, for example), information sharing mechanisms and tools between Iranian and foreign partner agencies.
• **Thematic Seminars and Workshops** (1-2 days) were organized for both policy makers and officials. They mainly addressed in-depth discussion on relevant UN Conventions, legislative and institutional needs assessment in specific thematic areas, for example, judicial reform process, money laundering, corruption and mutual legal assistance. These capacity building support helped build consensus on understanding of gaps relating to legislation, structures and inter-agency coordination mechanisms.

• The provision of **international standards, norms and tools** helped Iranian stakeholders to amend or draft new bills to comply with UN conventions and international legal instruments, which in turn improved the capacity of Iran to enter into bilateral cooperation through mutual legal assistance and specific Memorandum of Understandings (MoUs).

103. These delivery mechanisms have successfully influenced policy makers, as demonstrated by the following achievements:

• Policy makers initiated and were instrumental in the ratification of the UN Convention against Corruption;
• Initiated a study on “National Strategy on Prevention and Control of Corruption” and has been adopted as a basis for a new bill on corruption, currently under the process of drafting;
• Enacted the Anti Money Laundering Bill
• Initiated the drafting of 30 bills, as confirmed by the Deputy Head of the Judiciary for Legal and Judicial Reform.

104. Evaluation Team recommends for UNODC to launch an evaluation of delivery mechanisms, including: i) Study Tours; ii) Thematic Seminars and workshops; and ii) Training in the use of Standards, Norms and other tools. The evaluation should aim at determining the respective appropriateness and effectiveness of these delivery mechanisms to, for example, influencing policy makers, managers responsible for implementing policies and those responsible for carrying out frontline implementation activities (using investigative tools including software applications). The proposed evaluation exercise, carried out for all Rule of Law UNODC projects across regions and countries could result in the development of good practice to improve quality of technical assistance provided for judicial reform process.

C. **Measuring and Monitoring**

**Monitoring Tools**

105. Evaluation has established that project monitoring reports are largely adequate although not uniformly. Project IRNS12 prepares and revises **annual work-plans of project activities whereas Projects** FS/IRA/05/S03 and FS/IRA/04/R34 do not prepare time-bound work-plans. Annual and semi-annual progress reports on project implementation are not compared against work-plans.

106. The project uses Semi-annual and Annual Project Progress Reports to monitor implementation of project outputs and activities. The reports provide information on: the status of project outputs and summary reports on related activities, for example, seminars and workshop and study tours. They also address constraints encountered and mitigating measures taken to rectify problems.

107. These periodic report formats, however, need to be aligned with the project logical framework and work-plans in order to provide comprehensive and systematic information to allow proactive management. The reports should provide proper information on outputs and activities accomplished within the time frame determined in a work-plan for the reporting period.
2. Performance Indicators

108. Concurrent to monitoring tools, the projects have not identified indicators that measure project performance at the levels of project outputs, objectives and impact in the project Logical Framework Matrix.

109. Developing performance indicators in project document improve management, monitoring and evaluation of projects. But the project log frame has not, for example, defined key performance indicators for improved judicial transparency and accountability within the internal judicial system. Similarly, there are no measurable indicators that determine, for example, the quality of effectiveness of the Diagnostic Reports in terms of contributing to expected project objectives of equipping the judiciary with the technical knowledge, and planning capacity to develop modalities of prevention and control of corruption and avoid the abuse of discretion in accordance with best international practices in judicial reform.

110. In the absence of such indicators, the Evaluation Team has tried to determine the extent to which projects achieved their objectives by assessing the steps taken as a result of outputs established. Evaluation, for example, determined the effectiveness of Study Tours by the change in attitudes of policy makers they engendered as confirmed by themselves and as demonstrated by initiatives they took as a result of knowledge gained from the Study Tours. Such initiatives included: pushing the enacting of new bills, commissioning policy research, amending existing bills and laws. But how could Evaluation measure increased public trust in Judicial Services or accountability and transparency of the Judiciary (project objective)? There is no measurable indicator in the relevant project logical framework. Service of legal advice/information provision of Centre 129 contributes to the expansion of public access to justice, but it is difficult to determine the extent achieved because it is difficult to establish the baseline or those calling as a percentage of those who need such service.

111. Evaluation cannot overemphasize the difficulties involved in the development and application of measurable performance indicators for assessing results at the level of project outcomes and at the level of project objectives. Evaluation Team realizes the difficulties involved in developing qualitative and to a lesser degree quantitative measurable indicators for rule of law projects, on SMART principles (specific, measurable, accurate, reliable, time bound), for example. But the necessity is undeniable because it improves management, monitoring and evaluation of projects. UNODC needs to develop

D. Institutional Arrangements

1. The Role of Project Review Committee (PRC)

112. Evaluation was not able to see copies of PRC minutes, but from the summary reports of PRC meetings included in the Project Progress Reports, the PRC has played a good role in the implementation of the project as defined in its Terms of Reference (TOR).

113. The PRC has reviewed and approved project progress reports, approved the criteria for the selection of study tours participants, prepared study tour and seminar programme contents and approved diagnostic and seminar outcome proceeding reports.

114. Evaluation contends that the inclusion of donor representatives could have helped the PRC to communicate with donors directly to encourage timely transfer of commitments to expedite implementation of project activities as planned. Direct involvement of donors at the PRC level would, perhaps, have helped avoided delays of carrying out activities the project
experienced in late 2006 and 2007. More importantly, donor involvement would promote consensus on strategies of long-term cooperation between Iran and other countries.

2. The Role of Counterpart

115. Overall, the Iranian counterpart, Office of the Deputy Head for International Affairs of the Iranian Judiciary, has played their part in facilitating the implementation of project activities in accordance with the Terms of Reference stated in project document.

116. The project counterpart has provided and all logistical and organizational support required for the study tours of Singapore and Austria; selected the study tour participants, according to established criteria; provided logistical and organizational support needed for study tours, seminars and workshops; identify and invite participants to workshops and seminars in consultation with the project management; and overseeing the timely preparation of reports of study tours, and seminar/workshop proceedings reports.

117. The UNODC-Iran projects have, however, suffered a delay of 5 months in organizing study tours under Project FS/IRA/04/R34 because Iranian counterparts were unable to provide list of participants in time to Singapore and Austria. Another two study tours planned under FS/IRA/05/S03, one aimed at exposing policy makers to international practice on court procedures that ensure fair trial and the other to expose prison system managers to management practices in EU member States.

118. Moreover, the project would have benefited from better coordination if the PSC/PRC were broadened to allow wider participation of members from the donor community and other national stakeholders.

3. The Role of UNODC HQ and UNODC Iran Office

119. In the circumstances, overall, the UNODC-Iran as the Executing Agency, planned, coordinated and executed the project effectively.

120. Semi-annual and annual project progress reports were prepared and submitted regularly to the PRC and UNODC HQ. These reports provided basic information on progress project implementation in reference to project outputs and activities.

121. UNODC-Iran’s mechanism applied to coordinate donors and UN agencies with respect to its mandate in general and Rule of Law project activities in particular were effective. UNODC-Iran has regularly disseminated project progress reports, briefed the donor community (the Mini Dublin Group, EU Member State Representatives in Iran and the UN agencies represented in Iran) on developments in drug-related developments and on the judiciary reform process. As confirmed in the course of contacts with members of these representatives and project reports, evaluation has established that UNODC has ensured collaboration and co-ordination of multi- and bilateral donors currently providing assistance to Iran in the area of judicial reform in general and in transnational organized crime and drug-related cooperation in particular.

122. Evaluation can assert that UNODC coordination activities has helped to keep donors and potential donors informed and engaged in what is happening in the area of judiciary reform process and opportunities for cooperation.

123. Some UNODC-Iran Rule of Law projects have faced funding problems. The inadequacy and unreliability of funding for UNODC projects emanates from the fact that UNODC does not have access to core funding for its programmes. The only option left is relying on voluntary
contributions from donor countries. To mitigate this unpredictable funding mechanism UNODC starts project implementation only when 50% of the required funding is secured. Fulfillment of this condition may improve certainty of funding, but does not necessarily guarantee remaining funds will flow as required or as expected. Therefore it is not surprising for UNODC to experience delays in the implementation of projects, as it happened in the case of Project FS/IRA/04/R34. Currently there is serious concern over funding for remaining project IRNS12 activities.

124. As indicated earlier, UNODC-Iran briefs the Mini Dublin Group and the EU member State representatives on project activities. Besides keeping them informed on developments on the judicial reform, these briefings also offered opportunities for fundraising. In the course of discussion, the Ambassador of the current EU Presidency confirmed to the evaluation team that EU will provide funding for rule of law projects in appreciation for UNODC-Iran’s achievements. Evaluation observes that UNODC-Iran funding uncertainly is unlikely to improve in the foreseeable future unless drastic structural funding modality is changed to match UNODC global mandate of assisting member States to prevent and control the scourge of drug and organized crime. In the meantime mobilization of funding could improve relative to the effectiveness of fund mobilization at the level of UNODC HQ and UNODC-Iran’s targeted funding mobilization efforts among EU member State representatives in Iran, and efforts to improve visibility of programme achievements in Iran.

III. Outcomes, Impact and Sustainability

A. Outcome

125. The UNODC-Iran Rule of Law projects have contributed to the following significant outcomes. These outcomes have been discussed in greater detail in the preceding Section and in the project evaluation reports:

- Successfully influenced pertinent policy makers from the Judiciary, Parliament and Law Enforcement authorities to recognize the relevance of international best practice and legal instruments to Iran’s judicial reform process.

- As a result, these policy makers have initiated concrete steps to strengthen rule of law: introduced measures to improve efficiency and effectiveness of courts; took initiatives to amend existing criminal codes to comply with international legal instruments, norms and standards; passed new bill and established supporting institutional measures and structures to deal with transnational organized crimes, including money laundering.

- have influenced policy makers to recognize the need for bilateral and international cooperation in order to effectively tackle transnational organized crime, through mutual legal assistance. As a result, important steps have been taken to harmonize Iranian laws and to establish appropriate structures. Moreover, negotiation for mutual legal assistance agreements is in progress with half a dozen countries.

- Engendered serious considerations among policy makers, particularly in the Judiciary and the Parliament, towards the need for ratifying the UN Convention against Corruption and UN Convention against Transnational Organized Crime to effectively tackle effects of transnational organized crime.
Study tours and thematic seminars/workshops have contributed to improving the capacity of policy makers and legal experts to: carry out needs assessment studies, identify current gaps, develop diagnostic reports, and draft new and/or amend existing legislation to comply with international legal instruments.

126. UNODC-Iran has played significant role in keeping Iranian policy makers engaged with the international community through implementation of the Rule of Law projects. This view was shared by both the Iranian policy makers and the ambassadors of the EU member states interviewed by the Evaluation Team. In the words of Hojatol-Eslam Montazeri, Special Advisor to the Head of the Judiciary, UNODC is a “bridge” between the I.R. of Iran and the international community in Iran.

B. Impact

127. Realistically, the impact of UNODC-Iran Rule of Law projects’ objectives is difficult to realize within their life times. While significant outcomes have been achieved in the laying of necessary foundations; at this stage it is too early to determine long term impact of enacted bills and measures. The translation of these outcomes into concrete results and impacts in, for example, the prevention and control of transnational organized crime, ensuring fair trial and rule of law will naturally take time. Such impacts will be realized when newly instituted legislative and structural measures take root and implementation capabilities (human resource development and inter-agency coordination mechanisms) are substantially enhanced. Moreover, it has to be noted that judicial reform involves wider socioeconomic processes and, particularly in the context of Iran, other factors, including domestic and international political developments that could also influence the realization of long-term impacts. It is also appropriate to note that the project log frames do not provide indicators at the results level and relevant database that could help assess impact of project intervention is not available (Refer Paragraphs 108-111 and Recommendation 10, Paragraph 163).

C. Sustainability

128. Evaluation has confirmed that key conditions that enhance sustainability of processes, activities and results gained from implementing Rule of Law Cluster projects are in place. The elements include: political commitment, institutionalization of Cluster objectives, availability of resources and appropriate structures, including monitoring and evaluation system:

- The judicial reform agenda continues to enjoy leadership support from the highest levels of State power: the Supreme Leader, the Expediency Council, the Parliament and the Judiciary;

- Key conditions that enhance sustainability of project processes, activities and outcomes are in place. Policy makers of the judiciary and law enforcement agencies continue to take steps to increase Iran’s capacity to tackle international organized crime: have initiated extensive review of appropriate law to deal with internal judicial reform, organized crime including money laundering and appropriate structures to implement this laws is being established.

- The judicial reform process, headed by the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform, is responsible for planning (five-year plan), development of judicial programmes and monitoring their implementation. Performance and sustainability of the Rule of Law Cluster achievements are, therefore, assessed under
the national five-year plan review framework. Such review structure improves sustainability of project benefits.

- Evaluation observes that availability of resources is not an issue of concern in the context of Iran. Dr. Mahdavi, Director General of International Affairs for the Judiciary (who is also the Chair of PSC of project S03 and IRS12) confirmed to the Evaluation Team that “Iran does not need financial assistance to implement the Judicial Reform; we only need cooperation from international organizations”.

129. Evaluation would, however, strongly recommend that UNODC develop a strategic human resources development programme to ensure sustainability of project achievements in the longer term.

IV. Major Lessons Learned and Best Practices

A. Lessons Learned

130. Evaluation has identified the following lessons from the implementation of UNODC-Iran Rule of Law projects:

1. Awareness Raising of Policy Makers

131. Study tours when systematically organized are effective means of exposing participating high ranking policy makers to best practices and new approaches of doing things. In a relatively short study tour, it was possible to sufficiently influence Iranian policy makers to be instrumental in leading the Judicial Reform process. The Iranian counterparts who participated in the study tours to Austria, Italy, Singapore, and Thailand have confirmed to the Evaluation Team that the experience gained from these tours exposed them to the realization of the extent Iran could benefit from bilateral and multilateral cooperation in dealing with international organized crime.

132. Advances so far made in the Judicial Reform process are directly related to the knowledge gained by the policy makers from study tours.

2. Promoting National Ownership

133. UNODC has been consistent in encouraging and ensuring national ownership of project activities. Iranian counterparts were encouraged in all activities to lead and actively get involved in the setting of workshop objectives, chairing workshops, compiling recommendations for action, and taking it up with higher authorities for consideration. This consistent UNODC approach ensured an enhanced relevance, and project results were owned by counterparts.

3. Flexibility in Project Management

134. The Iranian counterparts are highly driven, with clear strategy on the judiciary reform process, are also capable of imposing reprioritization of project strategy in the course of implementation. This is what exactly happened, under Project “Strengthening Judicial Capacity (Proj Ref No. FS/IRA/04/R34)”, when the Iranians commissioned a research study on “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” instead of carrying out subsequent activities to implement the final Diagnostic Report and recommendations thereto. Evaluation was not able to see evidence in the PRC minutes or project progress reports indicating formal deliberations jointly taken by the UNODC and Iranian counterparts.
135. In the context of Iranian single mindedness, broader considerations including the need to keep engaged with such important country (including its commendable national commitment in the fight against drug trafficking and related organized crimes); it was perhaps right for UNODC-Iran to go along with the action. Evaluation Team observes that alternatively Iran would have opted going it alone, putting in jeopardy the mutually appreciated benefits of the strong UNODC-Iran partnership developed over the years. Consequently Iranians consider UNODC as a strategic partner and a “bridge” between Iran and the international community. This positive attitude ensured continuity of UNODC-Iran Rule of Law project processes and outcomes.

136. The lesson is that it is important for project management to make judgements on proper assessment of the situation on the ground, but UNODC should have registered the rationale for such important revision and get it approved by UNODC Vienna.

B. Best Practices

Project Design

137. The implementation of the UNODC-Iran Rule of Law projects has been designed to follow: needs assessment exercise on the basis of information collected from study tours and review of international legal instruments; sharing draft reports with wider stakeholders in a workshop with wider participation; concluding with recommendations for consideration of higher authorities; and using these outcomes to guide follow-up actions. This approach benefited projects to learn from international best practice in other countries and allowed for outcomes to benefit from diverse perspectives of national stakeholders. The end result is a relevant programme reached with consensus of stakeholders.

138. More importantly, this implementation approach also provided opportunities for Iranian authorities to “learning-by-doing”, which is effective in applying best practices and the provisions of international legal instruments in light of Iranian needs.

V. Recommendations

A. Relevance

1. I. R. of Iran Judiciary, the national project counterpart, should include donors and other national stakeholders, who directly or indirectly contribute to the judicial reform process and/or to project objectives, in the Project Steering Committee/Project Review Committee. (See Para 43-47)

Rationale

139. Including donor representatives in the Project Steering Committee creates conditions for ensuring concerted action in the implementation of project activities, facilitates the sharing of learning, and helps strengthen donor-counterpart strategic partnership from continuing cooperation. Donor involvement would promote consensus on strategies of long-term cooperation between Iran and other countries.

140. The PRC would benefit from broadening its membership by including representatives from other related Iranian Ministries, such as, the Ministry of Interior, Law Enforcement, Drug Control Headquarters, Ministry of Finance and Central Bank, State Inspection Organization and State Planning and Management. The project would benefit from perspectives, experience and
functions of these diverse national stakeholders. Judicial reform process would also benefit from broadened scope of project activities.

2. The I. R. of Iran key stakeholders, the Judiciary, should seek views from the civil society, including independent lawyers and/or Lawyers Association and independent legal academicians, when developing projects, for example, related to expansion of access to justice, the promotion of public trust and judiciary awareness strategies and introducing new case management systems in courts.

Rationale

141. Independent lawyers are normally the professionals of first contact with defendants in most court cases. They are, therefore, in good position to know and understand the effects of procedural and substantive legislative changes that could ensure the rights of the citizen and improve public trust on the judiciary.

142. The involvement of civil society organizations, including national human rights campaigners, could contribute fresh ideas on enhancing public trust on the judiciary, one of the main objectives of Iran’s Judiciary Reform process.

B. Effectiveness

Rationale

143. Evaluation has observed that a number of project outputs have not been translated into English and properly documented:

i. “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” report commissioned under Project “Strengthening Judicial Capacity – FS/IRA/04/R34”, adopted as a national strategy. An anti corruption draft bill is being drafted on the basis of this strategy document;

ii. “Advocacy and Public Awareness Measures (Advocacy Guideline)” commissioned under project “Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, Proj. Ref. FS/IRA/05/S03” to serve as a guideline for developing and implementing measures to increase public awareness and trust on the judicial services.


144. These project funded reports have to be properly translated and documented, and where appropriate and possible, they should be reviewed by pertinent experts at UNODC HQ to ensure their conformity to relevant norms and standards and best practices. It is also important that their content is up to standard to reflect UNODC’s intellectual leadership and credibility in relevant disciplines.
Moreover, implementation of such research/study outcomes should be systematically followed up and evaluated to contribute to lessons learned and best practices for the use in the implementation of rule of law projects.

Evaluation recognizes that Iran has registered reasonable successes in the application of Information Technology in the judiciary. Lessons learned from Iran’s experience in terms of design approach, implementation strategy and results of monitoring and assessment framework could be shared in a south-south cooperation framework.

4. UNODC-Iran should undertake discussion with the Deputy Head of the Judiciary, for Legal Affairs and Judicial Reform, (responsible for UNODC cooperation) over their position on the implementation of outstanding project activities under project “Strengthening Judicial Capacity – FS/IRA/04/R34” and project “Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, Proj. Ref. FS/IRA/05/S03”:

- The Diagnostic Report (Participant report of Study Tour to Singapore and Austria, report that, among other issues, recommended measures to “… strengthen accountability and transparency in the administration of justice through the set up of control mechanisms aimed at preventing and sanctioning corrupt practices”. (Proj Ref FS/IRA/04/R34)
- “Advocacy and Public Awareness Measures” (Advocacy Guideline), (Proj. Ref. FS/IRA/05/S03);
- Assisting /facilitating the design of a complaint system of all types of crimes, aimed at enhancing transparency and fairness in the delivery of justice in the eyes of the public; (Proj. Ref. FS/IRA/05/S03)
- improving the role of women in the criminal justice system (Proj. Ref. FS/IRA/05/S03); and
- Organizing a study tour for lessons learned from judicial reform practices and procedures aimed at ensuring fair trial. (Proj. Ref. FS/IRA/05/S03)

Rationale

At this stage of the judicial reform process, the outstanding project components seem to be those too close and too sensitive for the Judiciary to allow foreign involvement through technical assistance, hence the lack of enthusiasm to implement those particular project activities.

Evaluation has learned that a government directive of early 2006, which suspended study tours, has been withdrawn in December 2007. Despite this fact, the project has not been able to influence the Iranian Counterparts to take action.

Evaluation has established, from the PRC minutes, that UNODC project management team has raised the issues of women and study tour on several occasions. But the Iranian counterparts did not give concrete information on a timeframe or whether or not they are still interested in these important project activities.
150. Evaluation has observed less interest in seeking support for the above outstanding project components (dealing with reforms within the Judiciary) compared to the marked enthusiasm and vigour demonstrated in the technical assistance being provided for the prevention of transnational organized crime.

5. UNODC-Iran and the Judiciary should jointly launch Strategic Threat Assessment exercise on Transnational Organized Crime and its internal ramifications. The outcome of this exercise should lead to the formulation of an Action Plan for the medium term. The action plan could include: continuing to harmonize existing criminal law and bylaws with international instruments; strengthening relevant structures; developing strategies for forging bilateral and regional cooperation.

Rationale

151. The Islamic Republic of Iran focuses its efforts more on drug smuggling than on transnational organized crime. The threat coming from internal forms of organized crime (including the informal economic sector) is not specifically addressed or even assessed yet, although there have been some concerns since 2000.

152. The Judiciary and law enforcement agencies should then use the outcome of the strategic assessment to appraise legislative requirements, capabilities and resources to meet identified challenges.

153. Work on amendments to the criminal legislation is currently under progress, following the enacting of Anti Money Laundering bill. The proposed strategic threat assessment could point out to new legislative requirements or amendments to existing criminal code.

154. UNODC could of course play a role in assisting the process by providing international expertise to assess legislative implications to deal with internal ramifications. Such technical assistance would ensure effectiveness of ongoing amendments to the criminal legislation and their compliance to international legal instruments and standards.

6. On the basis of the outcome of the Strategic Threat Assessment of Transnational Organized crime proposed (Ref. Recommendation No. 5), which will also identify the source of threats, UNODC-Iran should develop a project to formulate and implement an Action Plan for bilateral and regional and international cooperation programme, including mutual legal assistance, to combat transnational crimes. The Action Plan could also include: strengthening the Mutual Legal Assistance Central Authority; creating effective inter-agency coordination mechanisms; and amendments to existing laws to conform to international legal instruments and standards; and active follow-up for establishing new or reviving efforts for regional and sub-regional cooperation mechanisms, for example the Triangular Cooperation between Afghanistan, Iran and Pakistan.

Rationale

155. Although Iran had signed MLAs with several countries, most of them have not resulted in specific MoU’s or have not been revised to address the growing phenomenon of transnational
organized crime and its effects. The outcome of the Strategic Threat Assessment could give light to more accurate estimates of the nature, scale and source of the threat. 

156. These estimates could help UNODC-Iran and Iranian counterparts to develop a targeted programme for bilateral cooperation through MLAs and regional and sub-regional cooperation mechanisms, as appropriate, to tackle the threat of transnational organized crime. The programme could also help initiate special studies, for example, to proactively identify possible solutions for difficulties that could impede the signing of MLAs and MoU due to legislative differences with many non-Islamic countries.

7. UNODC-Iran should create a formal mechanism for UNODC Rule of Law projects to benefit from cross fertilization of experience gained in the course of their implementation. A monthly or bi-monthly meeting, as appropriate, should be held for project coordinators to share information and experience gained from their respective ongoing projects.

Rationale

157. The UNODC-Iran Rule of Law projects are inter-related in terms of the ultimate objective they all seek to achieve, i.e. strengthen justice and security through judicial measures. Therefore, project activities, for example, thematic seminar on money laundering could benefit a project coordinator implementing mutual legal assistance or vice versa. Issues discussed in seminar about corruption could be beneficial, to a project coordinator dealing with judicial reform as well.

158. Opportunities of organizing joint seminars could help optimal use of project funds, but more importantly, Iranian stakeholders could benefit from integrated approach of such seminars and similar project activities.

8. UNODC-Iran and the I.R. of Iran Judiciary should plan to organize international conferences to share the experience gained from the successful implementation of ICT into Iranian courts and reforms instituted in the Iranian prison system, which could both serve as Iran's contribution to South-South cooperation.

Rationale

159. In introducing ICT to the judicial system and courts, the project developed and implemented an effective implementation strategy, which integrated: i) needs assessment, ii) implementing pilot activities, iii) assessing pilot results, and iv) planning and replicating to thousands of courts across the country. Moreover, this design approach combined with phased implementation of pilot activities allowed the consideration of broader developmental needs, including review of management systems, structure and human resource development. As a result of this initiative, it has been possible to reduce abuse of discretionary powers in the courts and reduced backlog of pending cases, which in turn contributed to improved transparency and accountability. To date, 3500 courts and 30 provincial capitals have implemented Stage 1 and 2 of the system. Judicial authorities are now able to monitor performance of those courts on line, without impinging on the independence of judges. But evaluation insists that the research studies, implementation processes and outcomes and their
systematic review and assessment, and the experience gained in terms of lessons learned and best practices established should be properly documented.

160. Since the prison system was put under the administration of the Judiciary important reforms have been introduced with support of UNODC technical assistance. The increasing awareness of judges on alternatives to imprisonment and decriminalization of minor drug abuses and focusing on rehabilitation and treatment both in the prisons and in the communities has rendered positive social results. Given that drug offenders constitute about 70% of the prison population, the case for rehabilitation made sense not only in terms of respecting the human rights of prisoners but was also found to be helpful in reducing associated social and economic costs to the country. This approach resulted in the reduction of prison population by 33% over 15 years and repeat offenders are now only 20% (international average is 60%). The size of prison population and repeat offenders is expected to further decrease in the wake of an impending bill on “Alternative to Imprisonment”, currently in the last stages of enactment in the Iranian parliament.

161. These experiences should be shared with countries suffering from similar problems in the form of South-South cooperation.

9. UNODC HQ to launch an evaluation of delivery mechanisms, including: i) Study Tours; ii) Thematic Seminars and workshops; and iii) Training in the use of Standards, Norms and other tools. The evaluation should aim at determining the respective appropriateness and effectiveness of these and other technical assistance delivery mechanisms to, for example, influence policy makers, improving capacity of managers responsible for implementing policies and of those responsible for carrying out frontline/operational implementation activities (using investigative tools including software applications).

Rationale

162. The proposed evaluation exercise, carried out for all Rule of Law UNODC projects across regions and countries could result in the development of best practices to further improve quality of UNODC technical assistance provided for judicial reform process globally.

C. Measuring

10. UNODC-HQ should develop measurable project performance indicators at the level of results and objectives to improve management, monitoring and evaluation of UNODC Rule of Law projects.

Rationale

163. Evaluation cannot overemphasize the difficulties involved in the development and application of measurable performance indicators for assessing results at the level of project outcomes and at the level of project objectives. There are no performance indicators in the project log framework to guide project managers and evaluators to use in their respective roles. Evaluation Team realizes the difficulties involved in developing qualitative and to a lesser degree quantitative measurable indicators for rule of law projects, on SMART principles (specific, measurable, accurate, reliable, time bound), for example. But the necessity is undeniable because it improves management, monitoring and evaluation of projects.
D. Institutional Arrangements

11. UNODC-Iran should institute a formal mechanism of six-monthly review with the Deputy Head of the Judiciary for Legal Affairs and Reform Process, to assess achievements of Rule of Law projects under implementation and to take decisions on outstanding policy issues including reprioritization of project objectives.

Rationale

164. In light of experience in the implementation of these three Rule of Law projects, it is prudent for UNODC-Iran to seek conclusive decisions from higher authority on continued postponement of significant project components. A case in point is the set of activities still outstanding under Project Ref. FS/IRA/05/S03 and Proj.Ref FS/IRA/04/R34 (Refer Recommendation 4). It is clear from the minutes that the delays are not caused due to inefficiency of the PRC or Iranian counterparts. The lack of clarity of justifications in the responses of Iranian counterparts suggest that perhaps decisions have been taken by higher authorities on which PRC members do not have the power to influence. It is, therefore, more effective to solve such issues within a framework of formal six-monthly review mechanism with higher authorities.

E. Sustainability

12. UNODC-Iran should develop and implement an integrated strategic training programme to equip judiciary and law enforcement institutions and staff to effectively implement the provisions of international legal instruments and national laws to control and prevent transnational organized crime.

Rationale

165. Iran has initiated a well planned judiciary reform process. The necessary legislative and institutional measures are being put in place, in conformity with international legal instruments, including UN Conventions and best practices. But the desired results of the JRP and UNODC-Iran SPF will only be realized in terms of controlling and preventing transnational crimes if the implementing institutions are sufficiently equipped and their staff trained. Establishing effective inter-agency coordination mechanisms is another challenge. UNODC-Iran has already familiarized pertinent Iranian officials with foreign institutions of Italy, Thailand and Singapore who could provide such training. The sustainability of UNODC-Iran projects will in greater part depend on building capacity of relevant institutions.

VI. Conclusion

166. UNODC-Iran has been effective in delivering the required technical assistance to support Iran’s Judicial Reform Process. As a direct result of UNODC Rule of Law Projects, the Judiciary has acquired the necessary tools to initiate and implement judicial reform.

167. Policy makers, from the Judiciary, the I. R. of Iran Parliament and the Law Enforcement agencies have been exposed to international best practices and international legal instruments enabling them to determine legislative gaps and structural measures required to pursue national objectives set in the 20 year Judicial Reform Plan. They have been instrumental in
pushing new legislation and amendment of existing laws to conform to international best practices.

168. The UNODC-Iran technical assistance has employed effective delivery mechanisms in improving the capacity of Iranian counterparts to plan and implement legislative and structural measures. Study Tours, thematic seminars and the provision of standards and tools have assisted the Judiciary to comprehend the necessity of aligning Iranian laws with international conventions and related international standards for ensuring rule of law, combating transnational crimes and corruption.

169. Most importantly, policy makers were influenced to realize the necessity of fostering international cooperation in order to effectively tackle transnational organized crime. This change in attitude of policy makers achieved through UNODC-Iran technical assistance is fundamental in improving Iran’s important role in the fight against organized crime, including drug trafficking and money laundering, at the regional and international level. Iran has demonstrated its commitment – has already started negotiations to enter into mutual legal assistance agreements with several countries.

170. Difficulties arising from legislative differences could pose challenges to bilateral and multilateral cooperation to combat transnational organized crime. The necessity of harmonizing Iranian criminal code with international standards, particularly with regard to issues of extradition of criminals in organized crime is a case in point. The need to harmonize relevant parts of jurisprudence with international standards is also a challenge.

171. Iran’s Judicial Reform Plan and UNODC-Iran technical assistance could only realize concrete results in terms of controlling and preventing transnational crimes if the implementing institutions are sufficiently equipped and their staff trained. Therefore, there is a need to develop and implement integrated strategic training programme for those who deal with operations in the monitoring and investigation of transnational crimes. Establishing effective inter-agency coordination mechanisms is another challenge. UNODC-Iran has already familiarized pertinent Iranian officials with foreign institutions who could provide such training. The sustainability of UNODC-Iran projects will in greater part depend on the Implementation capacity of relevant institutions.

172. In conclusion, it should be noted that UNODC-Iran has played significant role in encouraging Iranian Judicial authorities, the custodians of Judicial Reform Plan, to build confidence in international cooperation. UNODC-Iran has served as a “bridge” between I. R. of Iran and the international community in the all important issue of strengthening rule of law and combating transnational crimes. The challenge is for UNODC-Iran to continue the cooperation with tact and flexibility.
Cluster Evaluation of the UNODC Iran Rule of Law Projects

Strengthening Judicial Capacity (IRA/R34)

Cooperation in the promotion of the reform process of the Judiciary and the Prison System in the I.R. of Iran (IRA/S03)

Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance (IRN/S12)

Draft Terms of Reference for the Evaluation
(8 September 2008)
1. BACKGROUND INFORMATION

Nowadays, the Islamic Republic of Iran is, like many other societies, confronted with various challenges in social affairs. For many years, the Government has been trying to improve its capability to deliver public services, and provide welfare and social security for the people. But the demands of the public appear to be growing at a more rapid rate.

One of the main challenges of the government is to provide better delivery of court services and improved administration of justice. In this context, there is an increasing recognition among top-ranking government and judicial authorities that court reforms, based on good practices worldwide, are needed to strengthen the capacity and credibility of the judicial system in the country. The Iranian judiciary, therefore, needs to generate court proceedings and rulings in a predictable, consistent, and coherent manner. Also, its institutional capacity needs to be strengthened in order to supply court services in an effective, accountable, and predictable manner in ways contributing indirectly or directly to the prevention of future abuses of public office for private benefit.

Another major challenge is corruption which, in the past several years, has been in the center of the public attention. The extent and infiltration of corrupt practices at different levels of the Iranian productive and administrative sectors caused Iranian leaders to address the matter on several occasions, and to call all Iranian institutions to an all-out campaign against economic corruption. In this context, the role of the Judiciary to prevent and suppress corruption has been considered as the core of discussion at various levels in the country. It is to be noted that the urgency of addressing the need to tackle corruption in Iran is not limited to ethical considerations only, but founds its soundest justification in the peculiar structure of the Iranian economy. The flow of capitals controlled by the para-state and private financial institutions, unofficial credit funds, illegal exchange houses, and contraband are all indicated as obstacles to the sound planning of the Iranian economy.

Another main challenge in Iran today is the prevention and suppression of major crimes, including organized crimes, drug trafficking and money laundering. It is to be noted that Iran, because of its geographical situation, is one of the main conduits for illegal drugs originating in Afghanistan and destined for markets in Europe and the Persian Gulf region. A large portion of the drugs entering the Iranian territory is smuggled out of the country for further processing and forwarding towards the European and Middle East consumer markets.

Illicit drug trafficking has direct links to other transnational and domestic criminal activities involving organized criminal groups. Like other countries, in Iran organized criminal activities and money laundering pose a major challenge to the society. The magnitude of drug trafficking, organized crime and other criminal activities affiliated thereto, like money laundering, signifies the need for a coordinated approach at international level to tackle these problems. That is why technical assistance in judicial matters and the promotion of international cooperation among interested countries is crucial to finding appropriate countermeasures. Iranian judicial authorities recognize that an effective campaign against organized crimes would require increased cooperation with the
international community through international judiciary cooperation, e.g. mutual legal assistance.

Role of UNODC:

In accordance with the various mandates received by the General Assembly, UNODC plays a leading role in the UN system in providing advisory services and technical assistance to support Member States in improving their national capacities to prevent and control organized crimes and corruption\(^6\) and to implement the United Nations standard minimum rules for crime prevention and criminal justice elaborated by successive UN Crime Prevention Congresses and the determination expressed in various General Assembly resolutions on the importance to be attached to technical assistance activities, training and advanced training of staff\(^7\).

The United Nations Convention against Transnational Organized Crime is the main international instrument to counter organized crime. This Convention also refers to corruption and confirms UNODC’s mandate to assist Member States in this endeavour. UNODC helps countries use the provisions of the Convention to create domestic criminal offences to counter the problem; to adopt new frameworks for mutual legal assistance; to facilitate extradition; law enforcement cooperation; technical assistance and training. The UN Convention against Corruption also provides a global framework for the fight against corruption. Iran has signed these two Conventions in 2000 and 2003 respectively, none of them has been ratified yet.

In the context of the above background, the UNODC Country Office for the Islamic Republic of Iran is currently implementing three projects aimed at improving rule of law in the areas under the UNODC mandate. The main outline and objectives of these projects are as follow:

Project IRA/R34:

This project was signed in April 2004 and its actual implementation began in July 2004. This project is at its final stage and it will be concluded with this final evaluation.

This project aims at supporting the identification and design of organisational, technical, administrative, managerial, and legal reforms enhancing the knowledge and technical expertise of a critical mass of Iranian judges on world-wide best practices in judicial reform which have proven to be successful in improving judicial effectiveness and efficiency.

The Government of the Islamic Republic of Iran and the Iranian Judiciary have made anti-corruption reforms one of their policy priorities. The vivid public discussion about the corruption and its negative effects on social, economic and political development in general as well as intense media coverage of ongoing corruption cases is a clear indication that also the public at large is highly concerned about the apparent signs of emerging corruption.

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\(^6\) see among others GA Res.51/59, GA Res. 51/191 and GA Res.52/87

\(^7\) see among others:

- Standard Minimum Rules for the Treatment of Prisoners (Annex to ECOSOC resolution 663 (XXIV))
- Procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (ECOSOC resolution 1984/47)
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly Resolution 43/173)
- Basic Principles on the Independence of the Judiciary
- Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary (ECOSOC resolution 1989/60)
The project’s overall objective is to improve the effectiveness of the Iranian Judicial System by strengthening the administration of justice through the design and set-up of control mechanisms aimed at preventing and sanctioning corrupt practices.

The project’s immediate objective is to ensure that "the project the Iranian Judiciary will have acquired the technical knowledge and planning capacity in matters related to modalities of the prevention and control of corruption and avoid the abuse of discretion in accordance with best international practices in judicial reform."

The project strategy’s key elements are:

- Exposing the Iranian stakeholders to one of best international court reform practice aimed at enhancing judicial capacity to tackle corruption within the internal judicial system.
- Developing a diagnostic report on measures and methodologies to be used for enhancing the effectiveness of the judiciary
- A tested methodology for implementing the outcomes of the reform process within the Iranian Judiciary (Anti Corruption Judicial Strategy).
- A comprehensive and broad-based action plan to strengthen anti corruption capacities of the Iranian Judiciary.

**Project IRA/S03:**

This project was signed in November 2005 and its actual implementation began in March 2006. It is currently ongoing and it will be continued based on the outcomes of this mid-term evaluation.

The overall objective of the project is to support Iranian authorities’ efforts towards the reform of the Judiciary, particularly with regard to the administration of and access to Justice. Through study tours and research studies, the project will try to familiarize the Iranian judicial authorities familiar with good practices on administration of justice aimed at ensuring fair trial in Iranian courts and to increase public trust in the work of the judicial system.

The Government of the Islamic Republic of Iran and the Iranian Judiciary have made reforms in the judiciary and prison system one of their policy priorities. The public discussion about the need for continued reform process in the Judiciary and Prisons system, is a clear indication of the crucial importance of the rule of law in Iranian society.

The Project's immediate objective is to provide the Iranian Judiciary with the technical knowledge and planning capacity in matters related to the administration of/ and access to justice and the guarantees for preservation of the rights of individuals in the judicial and prison systems in Iran, in accordance with good international practices in judicial reform.

The project strategy’s key elements are:

- Promoting initiatives of the administration of the prison system aimed at improving the situation of detainees and prisoners, in compliance with United Nations Standards and Norms.
- Promotion of the use of Information Technology and electronic equipment in the court systems in Iran (e-courts).
- Improvement of the role of women in the criminal justice system
- Increasing public trust in the functions of the Judiciary
- Lessons learned from judicial reform practices abroad applied by the courts aimed at ensuring fair trial.

**Project IRN/S12:**

This project was signed in November 2006, and its actual implementation began in June 2007 when the International Project Coordinator was recruited. This project is currently ongoing and it will be continued based on the outcomes of this mid-term evaluation.

This project aims at providing a framework for technical assistance to the Government of the I.R. of Iran through a training programme in order to improve the skills of judges in dealing with organized crime in the context of the existing legislations and upon enactment of a specific law on this topic. As regards anti money laundering measures, the project focuses on strengthening the capability of Iranian judiciary to deal with this issue.

Moreover, the project tries to facilitate cooperation between Iran and other countries in dealing with mutual legal assistance cases involving trans-national criminal organized groups. The countries in question will be those who are considered as appropriate partners for direct cross border intelligence and other information exchanges between law enforcement, the prosecution services and judicial authorities. Such cooperation could be promoted through bilateral treaties or other arrangements. For this purpose, UNODC’s internationally endorsed model treaties and legislation for mutual assistance and extradition, plus its best practice guidelines for extradition, mutual legal assistance and confiscation casework, and its mutual legal assistance and pending extradition request writing software tools, will be used.

The project strategy’s key elements are:

- Providing the needed legislative and investigative tools, based on international best practices, for enforcing relevant anti money laundering laws and regulations;
- Exposing the Iranian Judiciary and law enforcement agencies to the modern technical tools and methodologies required for dealing with transnational organized crime.
- Promotion of mutual legal assistance between Iran and other countries

The stakeholders of the projects covered by this evaluation are:

- UNODC Iran;
- Donor countries and entities to the UNODC Iran projects;
- Department for Judicial Reform and Legal Affairs of the Judiciary of the Islamic Republic of Iran;
- Department for Training of the Judiciary of the Islamic Republic of Iran;
- Bureau of International Affairs of the Judiciary of the Islamic Republic of Iran;
- Prison Organization of the Islamic Republic of Iran;
- State Inspection Organization of the Islamic Republic of Iran;
- Police Force of the Islamic Republic of Iran;
- Ministry of Interior;
- Ministry of Finance and Economic Affairs;
- Ministry of Foreign Affairs;
- Secretariat of Drug Control Headquarters;
Central Bank and other relevant financial institutions.

2. PURPOSE OF THE EVALUATION

The overall purpose of this evaluation is to assess whether and how the UNODC assistance:

- has built the capacity of the Iranian Judiciary system and contributes to the Judiciary reform process in order to improve judicial effectiveness, efficiency and accountability to tackle corruption;
- is contributing to the reform process in the Judiciary and prison system in Iran and how;
- is strengthening the capacity of the Iranian Judiciary and law enforcement and other agencies to tackle transnational organized crimes and money laundering and to promote international judicial cooperation in criminal matters.

The evaluation will draw lessons learned, best practices and recommend improvements. At the same time, the evaluation will address the issue of what is the net value added of UNODC’s work and its strategic positioning in these areas. It will also suggest what measures could be implemented as a follow up to the project outcomes to further improve the capacities of the Iranian Judiciary to tackle corruption, organized crimes and money laundering, promote mutual legal assistance with other countries, and continue an effective reform process in the Judiciary and Prison system. In this respect, the evaluation will also indicate the potential key elements, as well as the expected outputs and outcome of the Country Programme for Iran (2008-2011).

3. EVALUATION SCOPE

Taking into account the relevance of the components of the three projects Rule of Law portfolio of UNODC programme for Iran, the three projects will be evaluated under one cluster evaluation, composed of: a) a project by project evaluation focusing on the respective objectives and outcomes of each project; and b) a general evaluation of the rule of law cluster of UNODC Iran programme based on common aspects of the projects under evaluation.

The period to be covered by this evaluation exercise for each project is from the date when each project has been launched. The evaluation will focus on the relevance and effectiveness of the projects. Special emphasis will be put on the assessment of the outcomes of the project. The evaluation will answer some key questions in its final report. These questions remain generic, but are consistent with standard approaches to project evaluation. There should be an element of flexibility, as the evaluation progresses, to further specify these generic questions.

As regards the project IRA/R34, the present evaluation will undertake a comprehensive review of the entire phases I and II of the project. With regards to projects IRA/S03 and IRN/S12, the evaluation will undertake a mid-term evaluation of the activities so far implemented under those projects.

In correspondence to these goals, the overall research questions have been set up as follows:

**Project IRA/R34:**

Relevance- in terms of the need of the country

- How relevant the project objectives to the “Anti Corruption Judicial Strategy for Iran"?
• Are project strategies technically sound? Are project activities responsive to the country needs?
• Are the project objectives clear, realistic and coherent in terms of contributing to the achievements of UNODC Strategic Programme Framework as well as other strategic instruments?
• Have stakeholders actively and meaningfully participated in developing and implementing project?

➢ Effectiveness- To what extent did UNODC project achieved its objective?

• To what extent did the lessons learned from best international practices effective in the context of the improving anti corruption capacities of the Iranian Judiciary;
• How did the project succeed in assisting the Iranian Judiciary in the development of an effective tested methodology for implementation of the lessons learned from the international best practices, i.e. Anti Corruption Judicial Strategy;

➢ Sustainability—in terms of promoting lasting changes, maintaining and further strengthening the reform process

• Has project developed the capacity of the Iran government and institutions to continue or further strengthen the reform process on their own?

➢ Effect/impact—in terms of influence on policy or improving transparency and accountability.

• How do the different stakeholders, especially government of Iran, implementing partners, other UN agencies, bilateral and multilateral donors, perceive the overall effect/impact of the UNODC supports?
• Is there any evidence that Judiciary system performance has enhanced, and more accountable to the general public?

➢ Lessons learned and best practices

• Identify key lessons on positioning that can provide a useful basis for strengthening UNODC support to Iran and for improving project performances, results and effectiveness in the future.
• Through in-depth assessment, present and highlight features to be considered as good practices and lessons learned.
• Draw lessons from unintended results where possible.

Project IRA/S03:

Relevance- in terms of the need of the country

• How relevant the project objectives to the Judicial reform process in Iran?
• Are project strategies technically sound? Are project activities responsive to the country needs?
• Are the project objectives clear, realistic and coherent in terms of contributing to the achievements of UNODC Strategic Programme Framework as well as other strategic instruments?
• Have stakeholders actively and meaningfully participated in developing and implementing project?

➢ **Effectiveness** - To what extent did UNODC project achieved its objective?

• To what extent did the lessons learned from the project activities effective in the context of the promotion of judicial reform process in Iran;
• How did the project succeed in assisting the Iranian Judiciary in the development of an effective tested methodology for implementation of the lessons learned from the international best practices.

➢ **Sustainability** — in terms of promoting lasting changes, maintaining and further strengthening the reform process

• Has project developed the capacity of the Iran government and institutions to continue or further strengthen the reform process on their own?

➢ **Effect/Impact** — in terms of influence on policy or improving transparency and accountability.

• How do the different stakeholders, especially government of Iran, implementing partners, other UN agencies, bilateral and multilateral donors, perceive the overall effect/impact of the UNODC supports?
• Is there any evidence that Judiciary system performance has enhanced, and more accountable to the general public?

➢ **Lessons learned and best practices**

• Identify key lessons on positioning that can provide a useful basis for strengthening UNODC support to Iran and for improving project performances, results and effectiveness in the future.
• Through in-depth assessment, present and highlight features to be considered as good practices and lessons learned.
• Draw lessons from unintended results where possible.

*Project IRN/S12:*

Relevance- in terms of the need of the country

• How relevant are the project objectives to the outcomes of the activities so far implemented, including, inter alia, the visits to Italy and Thailand and the Workshops held in Tehran?
• Are project strategies technically sound? Are project activities responsive to the country needs?
• Are the project objectives clear, realistic and coherent in terms of contributing to the achievements of UNODC Strategic Programme Framework as well as other strategic instruments?
• Have stakeholders actively and meaningfully participated in developing and implementing project?
Effectiveness - To what extent did UNODC project achieved its objective?

- To what extent did the lessons learned from best international practices effective in the context of the improving capacities of the Iranian Judiciary and other Government agencies in tackling organized crimes and money laundering;
- How did the project succeed in assisting the Iranian Judiciary in the development of an effective tested methodology for implementation of the lessons learned from the international best practices?

Sustainability — in terms of promoting lasting changes, maintaining and further strengthening the reform process

- Has project developed the capacity of the Iran government and institutions to continue or further strengthen the reform process on their own?

Effect/impact — in terms of influence on policy or improving transparency and accountability.

- How do the different stakeholders, especially government of Iran, implementing partners, other UN agencies, bilateral and multilateral donors, perceive the overall effect/impact of the UNODC supports?
- Is there any evidence that Judiciary system as well as other relevant Government agencies have increased their capacities to tackle organized crimes and money laundering and to promote mutual legal assistance?

Lessons learned and best practices

- Identify key lessons on positioning that can provide a useful basis for strengthening UNODC support to Iran and for improving project performances, results and effectiveness in the future.
- Through in-depth assessment, present and highlight features to be considered as good practices and lessons learned.
- Draw lessons from unintended results where possible.

4. EVALUATION METHODS

The evaluation will be based on the following methods to identify, collate and analyse information sources:

- Document review: to include all major documents, such as project documents, semi-annual and annual progress reports, projects' activity etc.

- Interviews with: (i) Projects' national focal points; (ii) Government/Judiciary authorities and officials who participated in the project activities and meetings; (ii) Projects' national consultants; (iii) representatives of donor countries to the projects; (iv) and UNODC Iran Representative and project staff.

Before going to the field, the evaluator is expected to prepare an evaluation methodology, including questions and tools, that are acceptable to the Representative of the UNODC Country Office for the Islamic Republic of Iran and the relevant Project Coordinators. Following the
completion of the fact-finding and analysis phase, a draft evaluation report will be prepared by
the evaluator and presented to UNODC within the stipulated timeframe and in accordance with
UNODC standard evaluation report outline (please refer to item 6). The draft report should
include, inter alia, a detailed statement of the evaluation methods used during the appraisal.
Inputs from UNODC should be recorded and taken into account by the evaluator, as relevant and
appropriate.

5. EVALUATION TEAM COMPOSITION

A two-member team of external independent evaluators will undertake the evaluation. The
evaluators should not have had any previous or current involvement with the project idea, design
or implementation. The evaluation team will be guided by members of UNODC Independent
Evaluation Unit, if needed. Both the draft evaluation framework and the draft evaluation report to
be produced by the evaluation team will be peer-reviewed by another external expert.

The lead member of the evaluation team should have an advanced degree in law and be an expert
in the field of rule of law with at least 10 years of experience in the following areas:

- judicial accountability;
- judicial reforms;
- corruption and organized crimes; and
- International judicial cooperation, e.g. mutual legal assistance and extradition.

Given the knowledge and experience on the above mentioned areas, this evaluator will be
expected to conduct the interviews with Iranian officials/counterparts and take the lead on the
evaluation.

The other member of the evaluation team should be an expert on evaluation with advanced
degree in social sciences or relevant field and at least 6-8 years of proven experience in carrying
out and/or planning independent evaluations, as well as on data collection and reporting. This
member will be responsible to prepare the evaluation framework in collaboration with the team
leader, to work in close collaboration with the evaluation leader throughout the evaluation, and
draft the final evaluation report based on the substantive inputs from the team leader.

The evaluators should both have:

- experience on data collection and reporting; and
- Fluency in English with strong analytical and writing skills.

The evaluators are selected by the UNODC Country Office for the Islamic Republic of Iran with
support from the Independent Evaluation Unit and the Europe, West and Central Asia Unit in
Vienna, using the agreed criteria and drawing expertise from the roster.

6. PLANNING AND IMPLEMENTATION ARRANGEMENTS

The external independent evaluators will begin his/her work in October 2008 with the
collaboration of the UNODC Country Office in Iran and the UNODC Independent Evaluation
Unit (IEU). It is expected that the total evaluation process, including the finalisation of the
evaluation report, should be finalized by end of November, 2008.
Evaluation report outline (also see IEU’s revised report format)

1. Executive summary (maximum 4 pages)
2. Introduction
3. Background (Programme/project description)
4. Evaluation purpose and objective
5. Evaluation Methodology
6. Major findings
7. Lessons learnt (from both positive and negative experiences)
8. Constraints that impacted programme delivery
9. Recommendations and conclusions

Annexes to the evaluation report should be kept to an absolute minimum. Only those annexes that save to demonstrate or clarify an issue related to a major finding should be included. Existing documents should be referenced but not necessarily annexed. Maximum number of pages for annexes = 15.

7. EVALUATORs TASK, EXPECTED OUTPUTS, PERFORMANCE INDICATORS, QUALIFICATIONS, AND DRAFT TIMETABLE

1 - Evaluators tasks
   a) Review all background material provided by IEU, including UNODC operational strategy papers, project documents for the UNODC projects IRA/R34, IRA/S03 and IRN/S12 as well as other project relevant documents, as needed;
   b) Based on the objective of the exercise, develop an overall evaluation plan (e.g. design matrix) and framework, including specific survey instruments and interview protocol (guided interview templates);
   c) Conduct field visits to the Islamic Republic of Iran and prepare a short field report;
   d) Set up meeting/interview appointments for the evaluation mission to Iran in coordination with UNODC Country Office in Iran;
   e) Prepare the draft of the:
      a. final comprehensive evaluation report on the UNODC IRA/R34 project: Strengthening Judicial Capacity;
      b. mid-term evaluation report on the UNODC IRA/S03 project: Cooperation in the promotion of the reform process of the Judiciary and the Prison System in the I.R. of Iran;
      c. mid-term evaluation report on the UNODC IRN/S12 project: Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance
   f) Revise the draft report in accordance to feedback from project coordinator and IEU comments;
   g) Present the draft to UNODC Country Office in Iran and national stakeholders in Iran;
   h) Finalize report.

2. Performance indicators
The performance of the evaluation will be assessed based on the following:

a) the evaluation team have produced an evaluation plan / framework, instruments and a final report that is acceptable to the UNODC Representative for Iran and the Chief of Independent Evaluation Unit, if needed, within the stipulated timeframe and in accordance with UNODC guidelines for evaluation;

3. Timetable and key milestones

The evaluation will be carried out during a period of five weeks. The evaluator will be expected to work for six week, starting Monday 6 October 2008. The time frame for the evaluation will be as follows:

- **6-10 October 2008 (1st week - home):** desk review, production of matrix with key questions, information needed, information source and methodology to be agreed with the UNODC Representative for Iran and the relevant Project Coordinators (the evaluator will work from home).
- **12-23 October 2008 (2nd and 3rd weeks - Tehran):** Finalization of desk review; briefing and interviews with the projects' staff; interviews with projects' stakeholders in the field;
- **27 – 31 October 2008 (4th week – home):** draft the report and by COB 31 October 2008 submit it to the UNODC Iran Representative, Iran Desk Officer at UNODC Vienna, and the Chief of the IEU for comments and feedback.
- **3 – 7 November 2008 (5th week):** UNODC Iran Representative to share the draft evaluation report with the national project stakeholders for their comments;
- **10 – 14 November 2008 (6th week):** (a) UNODC Iran Representative to provide the evaluation team with consolidated comments from UNODC on the draft report for their consideration (COB 10 November 2008); (b) Finalization and submission of the final report to the UNODC Representative for Iran.
ANNEX IIA

INDEPENDENT EVALUATION REPORT

Terminal Evaluation Report

Strengthening Judicial Capacity – FS/IRA/04/R34

Report of the Independent Evaluation Team

Giovanni Salvi
Subject Specialist/Team Leader

Teame Tewolde-Berhan
Evaluation Specialist/Team Member

UNITED NATIONS OFFICE ON DRUGS AND CRIME

December 2008
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<tr>
<td>ECOSOC</td>
<td>United Nations Economic and Social Council</td>
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<td>Information and Communication Technology</td>
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Terminal Evaluation

Summary

a) Summary Description of Project Evaluated

The project “Strengthening Judicial Capacity, Ref. No. FS/IRA/04/R34”, with a budget of US$ 387,800, was developed aimed at enhancing the capacity of I.R. of Iran to improve the effectiveness of the Iranian Judicial System by strengthening its accountability and transparency in the administration of justice through the design and set up of control mechanisms aimed at preventing and sanctioning corruption. Project Budget

As stated in the Project Document the intermediate objectives of the project were:

1) Exposing Iranian stakeholders, judiciary policy decision makers to international best practices on technical know-how and legal, administrative, organizational and operational aspects of implementing judicial reform.

   **Key Activities:**
   - Organizing study tours to Singapore and Austria.

2) Preparation of a draft diagnostic report on measures and methodologies to be used for enhancing the effectiveness of the Judiciary.

   **Key Activities:**
   - Preparation of the draft diagnostic report based on the best practices and effective methodologies experienced through the two study tours, including, court decision monitoring mechanisms to identify abuses of substantive and procedural discretion, for example; and
   - Reviewing the draft report by the Project Review Committee (PRC) in collaboration of UNODC experts.

3) Develop a final Diagnostic Report on the status of judicial reform in Iran and an operational roadmap submitted to Judiciary decision makers for decision.

   **Key Activities:**
   - Organization and Implementation of workshops for top-ranking judicial staff to share the draft diagnostic report; and
   - Finalize the final diagnostic report through participatory approach.

4) Develop a tested methodology for implementing the reform process within the Iranian Judiciary.

   **Key Activities:**
   - Designing and implementing an assessment exercise on the proposed judicial reform initiatives, training needs, in judicial reform and improving the delivery of services
   - Organize pilot assessment exercises of proposed reforms

60
5) Develop a comprehensive and broad-based judicial reform action plan to strengthen judicial accountability and capacity.

b) Summary Major Findings

i) Relevance

- Project objectives are responsive to the needs of the Iranian Judiciary. The project was developed jointly with the Judiciary to broadly assist the Judiciary 2nd five-year plan (2004-2008) objectives, specifically: i) “increasing public trust to the work of the Judiciary” (Objective 2); “increasing Judiciary to improve efficiency and effectiveness of the justice system” (Objective 3); and “development of human resources, including judicial and administrative personnel” (Objective 5).

- The project objectives also conform to UNODC mandate. Project components are in line with UNODC mandate to provide technical assistance to member States in strengthening their national judicial capacities to prevent and control corruption and trans-national crimes. Project activities conform to the provisions of key international legal instruments, including: the United Nations Convention against Corruption, which entered into force in December 2005; and the United Convention against Transnational Organized Crime adopted in Palermo, Italy, in 2000, including its protocols.

- Moreover project objectives are aligned with UNODC – Iran Strategic Programme Framework (2005-2007), jointly developed with the Iranian Judiciary. Specifically, the project was developed to broadly contribute to the SPF’s programme: i) promote judicial cooperation with other countries/international institutions, introduction of modern methods for the improvement of judicial procedures and procedural reform; and ii) design and implement a national plan to combat corruption in the Judiciary and improve/empower its anti-corruption legislation.

- Relevance and national ownership has been further enhanced with the role of the Project Review Committee (PRC), chaired by the Iranian project focal point, reviewing and monitoring the implementation of project activities, approving annual and semi-annual project progress reports, approving the criteria of selection of study tours participants, developing the programme content of study tours, appraising and adopting study tour and seminar/workshop participant reports and recommendations, and commissioning research studies to assist project implementation.

- Evaluation has, however, observed that there is some resistance among Iranian counterparts against including international donors and other national stakeholders in the PRC due to internal organizational difficulties and preconceptions related to asserting control over national ownership of the judicial reform process. While it might be understandable that perceived international pressure elsewhere may engender such attitudes among policy makers, the evaluation team is satisfied with UNODC’s persistent efforts to ensure national ownership in the implementation of the project.

ii) Effectiveness

- The project has successfully achieved three key objectives: i) exposing high level Iranian judges and policy makers in the judiciary with best practices in judicial reform by organizing Study Tour to Singapore and Vienna, Austria (Output 1); ii) developing a draft Diagnostic Report on legislative gaps and measures identified from best practices learned from the study tours (Output 2); and iii) finalized Diagnostic Report, as the final output of Phase 1, endorsed by decision makers of the Iranian Judicial System (Output 3).
Subsequent planned Phase 2 activities to implement the findings and recommendations of the Diagnostic report were not, however, pursued due to reprioritization of project objectives required by Iranian counterparts. Instead, a “Draft of the Judicial Strategy on Preventing and Countering Corruption in Iran” was developed. As a result, recommendations made in the Diagnostic Report, on measures and methodologies to be used for enhancing the effectiveness of the Judiciary, as specified in the project document, has not been addressed in the draft anti-corruption strategy. Evaluation is, however, aware that the Deputy Head of the Judiciary, for Legal Affairs and Judicial Reform has received the Diagnostic Report.

From the extensive discussion with diverse Iranian counterparts and the project management team, evaluation understood that the current political leadership seems to have made a decision to tackle the mounting corruption as a matter of urgency by instituting a comprehensive anti-corruption law. This decision is consistent with the expressed will of the Supreme Leader, on the need for dealing with corruption, including misappropriation of public finance decreed on the 30th of April 2001.

This action may have temporarily put on hold measures and methodologies to be used for enhancing the effectiveness of the Judiciary, specified in the project document. This adjustment in priorities does not, however, in any way imply that the judiciary reform process has been abandoned. This action actually reinforces the efforts of the on-going project IRNS12, aimed at improving Iranian legislative and judicial capacity to tackle organized crime and money laundering, crimes that fuel corrupt practices within Iran.

Evaluation has proposed (Ref Chapter VI, Exit Strategy) that the UNODC-Iran and Iranian Counterparts formulate a follow-up project to develop a tested methodology for implementing the reform process within the Iranian Judiciary, as envisaged in project Outputs 5 and 6 and on the basis of the Diagnostic Report and recommendations adopted in the 8-9 June 2005 workshop.

Study Tours and thematic seminars/workshops employed to deliver project objectives were effective in increasing the awareness of Iranian authorities on international best practices and legal instruments thereby enhancing their capacity to identify gaps in legislation and enabling institutional measures and formulating proposals introducing actions through participative approach.

Although the project was designed for completion within 18 months, it was terminated in late 2007, taking about 37 months. Analysis of project progress reports revealed that the early delays in 2004 were caused by the failure of Iranian counterparts to provide list of participants to the planned study tours to Singapore and Austria. Frequent change in the list of nominees due to difficulties within the Judiciary delayed the launch of the tours.

At a later stage of implementation, the project was unable to carry out activities during the period, mid-2005 to mid-2006, faced with a funding shortfall of US$ 140,000. This delay is strongly related to the problem of the fact that UNODC does not have access to core funding for its programmes. UNODC only option is consequently to have to rely on voluntary contributions from donors. Such funding mechanism is inherently unreliable causing funding gaps that hamper implementation as this project experienced.

UNODC’s mechanism applied to coordinate donors and UN agencies with respect to its mandate in general and project activities in particular were extremely effective. UNODC has regularly disseminated project progress reports, briefed the donor community (the Mini Dublin Group, EU Member State Representatives in Iran and the UN agencies
represented in Iran) on drug-related developments and on the judiciary reform process. As confirmed in the course of discussion with these representatives, evaluation has established that UNODC has ensured collaboration and co-ordination of multi- and bilateral donors currently providing assistance to Iran in the area of judicial reform in general and in transnational organized crime and drug-related cooperation in particular. UNODC Iran is indeed considered by both the Iranians and the donor community as a linch pin in promoting international cooperation in Iran.

iii) Sustainability

- Evaluation team has observed that Iran fulfils the three key conditions that improve the probability for continued long-term project-derived outcomes and impacts after this technical assistance project ends. These conditions include: i) demonstrated political commitment to judicial reform process; ii) the reform process is institutionalized at the highest levels of State structure, the Judiciary, under the responsibility of the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform; and iii) Iran, as a middle-income country can pursue with the judicial reform process, if and when required.

c) Lessons Learned

- Study tours when systematically organized are effective means of exposing participating high ranking policy makers to best practices and new approaches for advancing judicial reform process.
- Conscious and consistent action by project management to encourage national counterparts to lead and get involved in project planning and implementation promotes effective partnership and enhances national ownership.
- In the face of lapses in less than efficient delivery of counterpart’s responsibilities (including causing delays in the implementation of activities), responding with sensitivity and professionalism strengthen collaboration and mutual trust.
- Project implementation approach that embedded “learning-by-doing”, in the course of implementation, adopted by this project was found effective in institutional capacity building of the Judiciary.

d) Recommendations

- The Iranian counterparts should include donors and other national stakeholders, who directly or indirectly contribute to the judicial reform process and/or to project objectives, in the Project Review Committee. The project would benefit from their diverse perspectives, experience and functions. Judicial reform process would also benefit from broadened scope of project activities. (Details Ref. Recommendation 1)

- The UNODC project management should improve on current monitoring tools to: use work plans to monitor and compare the status of project outputs and activities against agreed time-bound targets; include funding information on status, transfer schedule and outstanding project outputs and activities in order to help the PRC and senior project management take necessary steps proactively to ensure availability of funds on time; and revise work plans in light of progress made and outstanding activities. (Details Ref. Recommendation 2)

- UNODC and the Judiciary should jointly develop and implement a strategic training programme for judicial staff, including training-of-trainers, judges and support staff in order to ensure sustainability of the judicial reform process. (Details Ref. Recommendation 3)
I. Introduction

A. Background

1. The circumstances that led to the development and implementation of this project relate to the increasing public dissatisfaction over the delivery of justice. In the 1990s, two decades after the Islamic Revolution, this dissatisfaction was exacerbated by increasing demand for improved delivery of public services and the pressure for the provision of employment to the growing number of professionals coming out of the expanded education system. In the public eye, these economic problems are worsened by perceived low judicial accountability.

2. The debate for judicial reform is also linked with the growing concern over the Iranian “unofficial sector” with estimated capital turnover of $39 Billion. The inability of government to control the private financial institutions, unofficial credit funds, illegal exchange houses and smuggling is again in part attributed to lack of judicial capacity to administrate justice.

3. It is amid this mounting public attention that the political leadership, including the Supreme Leader Khamenei and the Government led by President Khatami, initiated the process of judicial reform. The judicial reform, as enshrined in the 1st and 2nd five-year plans, aims to deal with corrupt practices at the different levels of the Iranian productive and administrative sectors. But it has to be noted that the Judiciary, constitutionally the strongest arm of the State, directly accountable to the Supreme Leader, also recognizes the need to strengthen its own institutional capacity to deliver justice in an effective, accountable and predictable manner.

4. To this effect the Judiciary has created a structure led by the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform to implement the judicial reform process, including the formulation of legislative and institutional reform strategies and their implementation, as well as the management of related international cooperation. This decision demonstrates that the reform process and programmes enjoy support and political commitment from the highest levels of government.

5. This project was, therefore, developed under UNODC Strategic Programme Framework 2005-2007 for Iran, with specific objective of improving the effectiveness of the Iranian Judicial System by strengthening its accountability and transparency in the administration of justice through the design and setting up control mechanisms to prevent and sanction corrupt practices.

B. Purpose and Objective of the Evaluation

6. This Terminal Evaluation of project “Strengthening Judicial Capacity” FS/IRA/R34 is managed by the UNODC-Iran with the Independent Evaluation (IEU) providing advice and guidance. As part of the Cluster Evaluation of the UNODC Iran Rule of Law Projects, this Terminal Evaluation aims to provide information related to the extent to which the project has achieved its objectives and completed outputs as per plan. Further, the evaluation seeks to determine:

7. Relevance: of project objectives to the needs of the country as articulated in the Judicial Reform Plan; project activities and outputs are responsive to the country needs; project objectives are clear, realistic and coherent in terms of contributing to the mandate and objectives of UNODC; they meet the overall objectives of donors; and whether Iranian counterparts were involved in developing and implementing the project to ensure national ownership.
8. **Effectiveness**: determines to what extent the project supported the Iranian judiciary to improve its capacity to strengthen accountability and transparency of judicial proceedings, through the introduction of effective managerial measures and judicial code of conduct on the basis of international best practices through effective tested methodology. Evaluation also determines the effectiveness of delivery mechanisms employed (Study Tours, workshops, seminars and trainings), implementation arrangements, monitoring mechanisms and performance measurement indicators in the management and evaluation of the project.

9. **Sustainability**: this criterion determines whether or not the necessary conditions exist in Iran that enhance sustainability of processes, activities and results achieved from implementation of this project. Evaluation assesses whether key prerequisites of political commitment, institutional arrangements, resources and appropriate structures, including monitoring and evaluation systems are in place that would enable Iran to continue the reform process on their own.

10. **Effect/Impact**: this criterion attempts to assess whether: the project outputs and processes assisted the Judiciary to improve transparency and accountability to the general public; the project made impact on the reduction of corruption within the judiciary; and whether the reforms made impact on improved delivery of justice. Further, it assesses effects on policy environment, particularly on the key policy makers within the Judiciary, Parliament and the Executive arm of the State.

11. **Lessons learned and best practices**: Discern lessons learned and best practices from the implementation of this project that could be replicated to refine future project design and implementation as the judiciary process in Iran deepens and widens.

C. **Methodology**

12. The Terminal Evaluation was participatory and inclusive ensuring that key stakeholders (the Iranian Judiciary, project management, donors, the Mini Dublin Group, and the EU member representatives in Iran) to give their feedback on the achievement of this UNODC project.

The team used a range of methodologies, including:

13. **Desk Review**: the team reviewed project document; six-monthly and annual project progress reports; project activity reports on Study Tours, seminars and workshops; counter-part feedback reports and recommendations of seminars and workshops; and UNODC HQ expert reports commissioned to assist in the planning and implementation of project activities.

14. **Interviews and Discussion**: The team, using structured and unstructured interviews, discussed on various dimensions of the project with key stakeholders, including key Iranian Judiciary authorities, five MDG and EU member State ambassadors in Iran (France, Germany, Italy, The Netherlands, and Norway, the UN Coordinator for Iran. The discussions centred on gaining insight and feedback on the performance and impact of the project in terms of meeting their respective expectations and interests.

15. **Triangulation** was the main tool used to verify and confirm contentions and findings established from document review and discussions with stakeholders. The evaluation team has also used a detailed set of key evaluation questions and Information Source Matrix as a check list to cover the scope of the evaluation exercise.

16. Further, evaluation also verified whether recommendation made in previous evaluation reports of similar projects implemented in Iran were heeded.
D. Limitations

17. The main limitations the evaluation team faced were the lack of work plans and verifiable indicators at the output and activity levels, and conspicuously at the results level (outcome/impact). These indicators should actually appear in the project logical framework and replicated in a project performance assessment framework.

18. Despite these limitations, evaluation was, however, determined to benefit from its extensive discussions held with stakeholders to comprehend the impact of project processes and outputs on the judiciary policy environment – policy makers, parliamentarians, judges, and middle management - and funders.

II. Analysis and Major Findings

A. Relevance and Appropriateness

1. Strengthening Judicial Accountability and Transparency Capacity

19. As briefly outlined in the background section of this evaluation report, the project responds to the need for improving the effectiveness of the Iranian Judicial system by strengthening its accountability and transparency in the administration of justice through the design and set-up of control mechanisms aimed at preventing and sanctioning corrupt practices within the Judiciary and courts.

20. The project has been designed to attain the above objectives by assisting the Iranian Judiciary to acquire the prerequisite knowledge and planning capacity to develop modalities and legislation for the prevention of corruption and avoid the abuse of discretion in accordance with best international practices in judicial reform.

23. These project objectives and strategies were jointly developed in close cooperation with the Iranian Judiciary through a series of consultations with high-level authorities in the Iranian Judiciary, the custodian of judiciary reform process of Iran. Specifically, the project seeks to support some of the programme areas identified in the First (1999-2003) and Second (2004-2008) five-year Judicial Reform plans adopted by the Islamic Republic of Iran’s, High Council for Judicial Reform.

24. The project components of: exposing appropriate officials of the judiciary to international best practices; assisting in developing a diagnostic report and work plan on measures and methodology gaps identified for bridging in order to enhance the effectiveness of the judiciary; and supporting the development of context based and tested methodology to implement the work plan directly support the 2nd five year plan objectives of: increasing efficiency and effectiveness of the justice system (Objective 3); development of human resources, including judicial and administrative personnel (Objective 5), and increasing public trust to the work of the Judiciary (Objective 2).

25. Evaluation, therefore, contends that the project is relevant and responsive to the needs of the Iranian Judicial Reform agenda in terms of the activities it has set out to assist the Judiciary; but more importantly, as will be discussed in the next chapter, the project has helped trigger actions to keep the momentum of the judicial reform process in Iran.
2. **Relevance to UNODC mandate and UNODC-Iran SPF**


27. UNODC is mandated to assist member States in strengthening their national judicial capacities to prevent and control corruption and trans-national crimes through the ratification and implementation of relevant UN Conventions and international legal instruments. The key Conventions are: the United Nations Convention against Corruption, which entered into force in December 2005 (Iran signed the Convention in December 2000); and the United Convention against Transnational Organized Crime adopted in Palermo, Italy, in 2000 supplemented by three protocols, including, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the illicit Manufacturing of and Trafficking in Firearms, their parts and components.

28. Under the provisions of these conventions and UN Resolutions (e.g. GA Res. 51/59, GA Res. 51/191 and GA Res.52/87), UNODC is mandated, at the request of Member States, to promote effective responses to crime, drugs and terrorism by facilitating the implementation of these international instruments support Member State’s efforts to institute effective, fair and humane criminal justice systems through the use and application of United Nations standards and norms in crime prevention and criminal justice.

29. To effectively achieve its mandate, UNODC has, over the years, developed technical assistance programmes that can help governments build more accessible, accountable and effective criminal justice systems and also helps Member States identify areas that require reform to comply with relevant international conventions. The transnational nature of organized crime also puts UNODC in a strategically position to encourage and promote international cooperation among judicial and law enforcement authorities including through mutual legal assistance and extradition.

30. In this respect, UNODC has developed a set of effective tools, including, Legislative Guide for the UNCAC, United Nations Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators; Handbook on strengthening judicial integrity and capacity; Commentary on the Bangalore Principles of Judicial Conduct; Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice; United Nations Guidelines for the Prevention of Crime and UNODC Legal Assistance Needs Questionnaire. The project is also aligned with UNODC’s Strategic Programme Framework (SPF), for the period 2005-2007, which under its Rule of Law programme UNODC planned to promote the rule of law through strengthened crime prevention measures and the provision of legal assistance. The project is specifically developed to contribute to the SPF’s programme to assist Iran:

- The Islamic Republic of Iran design and implement a national plan to combat corruption in the Judiciary and improve/empower its anti-corruption legislation; and

- The promotion of judicial cooperation with other countries/international institutions, introduction of modern methods for the improvement of judicial procedures and procedural reform and promotion of alternative means of settlement of disputes, like arbitration, conciliation etc.
3. Project Design and Delivery Mechanisms

31. Evaluation has confirmed that the project ensured close involvement of Key Iranian counterparts, the Judiciary, in the implementation of the project through the formal mechanism of the Project Review Committee (PRC).

32. The PRC is composed of the Directorate for International Relation of the Iranian Judiciary, Department for Training, I. R. of Iran Judiciary; Department for Training – Justice Administration of Tehran Province; and UNODC Iran.

33. The Ministry of Foreign Affairs attends PRC meetings as observers as required, while the Research and Training Centre of the Judiciary and the Faculty of Judicial Sciences and Administrative Services assist the PRC in executing its responsibilities with respect to project implementation.

34. In accordance with its Terms of Reference the PRC reviewed and monitored the implementation of project activities, approved annual and semi-annual project progress reports, approved the criteria of selection of study tours participants, approved the programme content of study tours, appraised and adopted study tour and seminar/workshop participant reports and recommendations, and commissioned research studies.

35. While evaluation has established, through UNODC reports and confirmed during interviews, that UNODC Iran has been regularly briefing the Mini Dublin Group and EU member States on the progress of project implementation, it is best practice for project steering committee/PRC to include donor representatives. The PRC could benefit from perspectives and expectation of the donors when major policy decisions are taken or concerns are raised. Moreover, their participation would have further strengthened a sense of common purpose and understanding with Iranian counterparts on the implementation of the project as well as consensus on direction for future cooperation.

36. Further, evaluation also observes that the PRC would have benefited from broadening its membership by including representatives from other related Iranian Ministries, such as, the Ministry of Interior, Law Enforcement, Drug Control Headquarters, Ministry of Finance and Central Bank, State Inspection Organization and State Planning and Management. Their varying perspectives, experience and functions would allow integrated approach to judiciary reform process in general and enhance effectiveness of strategies that prevent and control transnational organized crime in Iran.

37. Evaluation has learned that there is some resistance among Iranian counterparts to include international donors and other national stakeholders in the PRC due to internal organizational difficulties and preconceptions related to asserting national ownership of the judicial reform process.

38. But evaluation maintains that benefits from broadening the PRC outweigh perceived risks. As confirmed in the project progress reports and interviews with the counterparts themselves, the UNODC Iran, as the executing agency, has ensured that Iranian counterparts exercise ownership in the implementation of the project. Iranian counterparts determine areas of interest in study tour programmes; prepare diagnostic report identifying legislative and institutional gaps for review; define format and substance of awareness workshops according to Iran’s needs; and finalize recommendations resulting from study tours and awareness workshops.
B. Effectiveness

1. Overall Project Achievements

39. Overall, the achievements of the project can be summarized as follows:

40. Under the project implementation strategy, Phase 1 aimed at transferring know-how on judicial reform by:

   • Exposing high level Iranian judges and policy makers in the judiciary with best practices in judicial reform by organizing Study Tour to Singapore and Vienna, Austria. (Output 1). This has been successfully achieved.

   • Developing a draft diagnostic report on legislative gaps and measures identified from best practices learned from the Study Tours to Singapore and Austria (Output 2). The report was shared and discussed in a workshop, 8-9 June 2005, where prominent judges, prosecutors, head of courts and decision makers within the judiciary participated. This output was successfully achieved.

   • Finalized Diagnostic Report and operational roadmap, as the final report/output of Phase 1, endorsed by decision makers of the Iranian Judicial System (Output 3). This output was achieved, but subsequent activities to implement the findings were not pursued. Instead, a national consultant was commissioned to prepare a "Draft of the Judicial Strategy on Preventing and Countering Corruption in Iran". However, as far as evaluation can understand from the abstract of Draft Strategy, the objective of the diagnostic report, as specified in the project document, aimed at improving the performance, transparency, and accountability of the Judiciary itself has not been addressed in the Draft Strategy.

41. Phase 2 addresses mechanisms to implement judicial reforms identified in the Diagnostic Report and Operational Road Map in Phase 1, by taking into account the institutional context of the Iranian Judiciary. In Phase 2, the plan is specifically to: design and implement an assessment exercise on the adopted diagnostic report by recruiting a national consultant (Output 5) and the development and adoption of a comprehensive and broad-based Judicial reform Action Plan based on the outcome of assessment exercise carried out in four pilot provinces (Output 6). The project did not accomplish Phase 2 activities and outputs because the final output of Phase 1 has drastically changed.

42. In the following section, evaluation addresses, in more detail, the circumstances that led to this change, the effects of this reprioritization and recommendation relating to an exit strategy that builds on the positive impacts achieved from the implementation of this project, including the Draft of the Judicial Strategy on Preventing and Countering Corruption in Iran.

2. Context to Reprioritization - the formulation of Draft Anti Corruption Strategy

43. Clearly the Judiciary has changed its priority and thrust in favour of addressing the prevention and combating corruption in the public sector, during the implementation of this project, without formal discussion or decision taken by PRC. Evaluation was not able to see evidence in the minutes or project progress reports indicating formal deliberations jointly taken by the UNODC and Iranian counterparts. Project Execution modality requires that major project decisions including “the approval of project work plan, required revisions, any changes in implementation strategy, or other policy issues related to this project” require approval and/or comments of UNODC Vienna.  

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8 Project Document, C4, Page 9
44. At this juncture, it is appropriate to discuss the context under which the change of project thrust shifted and the implications to meeting project objectives.

45. Incidentally, it does not look coincidental that implementation of Output 1, "Iranian stakeholders are exposed to best practices on improvement of court procedures aimed at ensuring fair trial" under project FS/IRA/05/S03, has not even started, six months into completion of the project. Possible scenarios for this change in thrust of this project could be that the Judiciary has: i) reconsidered its prior decision to seek technical assistance for its internal reforms; or ii) reprioritized judicial reform process.

46. It was apparent that this government, when it came to power in 2005, adopted commitments to judicial reform initiated by its predecessor. It, in fact, continued to cooperate with UNODC in developing and implementing rule of law projects, including this project. Indeed several projects have been successfully completed and three rule of law projects are currently under implementation (the subject of current evaluation) In light of mounting corruption in Iran, it seems that the current political leadership have made a decision to tackle the mounting corruption as a matter of urgency by instituting anti-corruption law.

47. This action may have temporarily put on hold developing and implementing measures and methodologies for enhancing the effectiveness of the Judiciary, specified in the project document. This adjustment in priorities does not, however, in any way imply that the judiciary reform process has been abandoned. This action actually reinforces the efforts of the on-going project IRNS12, aimed at improving Iranian legislative and judicial capacity to tackle organized crime and money laundering, crimes that fuel corrupt practices within Iran.

48. The Constitution of the I. R. of Iran confers the Judiciary with responsibility and commensurate legislative powers to ensure the delivery of efficient and fair justice as well as protecting citizens from abuse of public office. It is, therefore, within the competence of the Judiciary to make judgements over priority concerns and appropriate action to address issues, including improving legislative and institutional measures to ensure compliance of the Executive and public institutions. The project output, “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” specifically addresses these issues representing a major reform to improve the capacity of the Judiciary, the underlying long-term objective of this project.

49. Consequently, evaluation understands and recognizes the huge significance of the formulation of the “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” in the context of challenges Iran faces in the private, public and informal sector9 as indicated in the introduction. Accordingly, the project has invested in this big research exercise, under the guidance of the Judiciary, led by a prosecutor, involving 20 Iranian researchers with diverse legal and law enforcement expertise that taking over 10 months to complete.

50. Further, a two-day seminar was organized on 30-31 October 2007 to review the Draft Strategy. The seminar was attended by 72 high-ranking judiciary authorities, prominent judges, and representatives of Ministries of Interior, Finance, Foreign Affairs, regional Public and Revolutionary of Public Prosecutor's Offices, and the Central Bank of Iran. Participants further boosted up the new thrust by recommending that the ratification process of the UN Convention

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9 It is noted that the Supreme Leader of IR of Iran, on the 30th of April 2001 issued a decree establishing an “Misappropriation Committee for Financial and Economic Affairs” and the “Special Headquarters for Examining the Economic Offenses composed of the Presidency, Parliament Speaker, Head of Judiciary, Minister of Information, Head of the Management and Planning Organization, Head of the State Investigation Organization, Head of the Justice Department of Tehran, Minister of Commerce, and representative of the national parliament.
against Corruption by Iran should be expedited and that the Draft Anti-Corruption Judicial Strategy should be the basis for drafting a comprehensive set of laws against corruption.

51. There are concrete indications that I.R. of Iran is moving fast to put the “Draft Strategy” into effect. In fact, evaluation has learned from Iranian Judicial authorities interviewed that, following the formulation of the Draft Strategy, currently there is a renewed effort in the Iranian parliament to expedite the ratification of the UN Convention against Corruption. Following the October 2007 seminar, a bill on ratification of the Convention has been approved by Iran’s Expediency Council. This is a step in the right direction that will offer further opportunity for UNODC to provide technical assistance for the implementation of the Convention that will further strengthen the rule of law in Iran and continue to support Iran’s judicial reform process.

52. Nonetheless, the change of thrust calls for a clear exit strategy with respect as to how the Diagnostic Report developed from the study tours to Singapore and Austria, as per project objective, should be pursued in some shape or form in the future. In this respect, evaluation recommends a follow-up action as stated in Chapter VI “Exit Strategy”. In the succeeding sections, evaluation discusses project achievements of Phase I components.

### 3. Exposure of Policy Maker to International Best Practice

#### i. Programme Organization and Outcome of Study Tour to Singapore

53. Evaluation has established that the Study Tour to Singapore, 24th July to 1st of August 2004, was successful measured in the way it was organized, the composition of the participants, in the substance of the participants’ report submitted to the Judiciary, and the overall evaluation of the participants on benefits they gained from the study tour.

54. Participants were composed of 12 prominent judges and high and middle ranking judiciary officials with strong representation from the provinces. This broad representation in terms of diversity of specialization, experience and regional balance ensured for the study tour to glean ideas and best practices that could be replicated in Iran, as indicated in their report.

55. In preparation of the Study Tour, the PRC outlined a resume of list of issues and areas consistent with the project objectives for participants, which was also shared with the hosts in Singapore.

56. The report discussed a number of different aspects of the Singapore’s judicial system and how it relates and differs in: the role of the Religious Courts; treatment of minor cases; the effectiveness of adopted measures; the management of the judiciary and efforts employed to raise public awareness; approaches in dealing with corruption and administrative irregularities in government and other public services, including disciplinary punishments applied.

57. An important section of the report is devoted to the “Public Oriented Management” that discusses the success of Singapore’s human resource management system that combines prevention mechanisms and training with rewards and appropriate disciplinary measures to

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10 1) Dr. Mohammad Javad Shariat Bagheri, Director General of International Affairs, Office of the Judiciary (Head of Delegation); 2) Mr. Jamal Ansari, Head of Boushehr province Judiciary; 3) Mr. Alireza Sotoudeh, Head of Sistan Baluchestan province Judiciary; 4) Dr. Reza Vesali Mahomood, Head of Tehran Province Courts of Appeal; 5) Mr. Hassan Dehghan Zadeh Souri, Head of Sari Public Court; 6) Mr. Badr Nehirat Pour, Deputy of East Azerbaijan province Judiciary; 7) Mr. Hassan Kamal Zadeh, Head of Mashad Public Court; 8) Mr. Ali Ashraf Rahimi, Judge of Isfahan Courts of Appeal; 9) Mr. Hamid Reza Movahedi, Head of Judicial Council on Anti-Economic Crime Campaign; 10) Mr. Akbar Bousari, Judicial Deputy of Qian Judiciary; 11) Mr. Mohsen Pour Abdollah, Judicial and research training Deputy of Khuzestan; 12) Mr. Yadollah Movahed, Deputy of Kerman Judiciary training and Judge of the Courts of Appeal.
avoid irregularities in the public organisations. In this respect the report commended Singapore’s approach to designing and managing public services, including the judicial system, to satisfy the needs of the public (customers). Public organisations and institutions are rewarded with awards and prizes in recognition of their achievements from independent evaluations (e.g. 9000 ISO) in order to encourage efficiency and effectiveness of services. In this context the report noted the need for a “systematic review” of existing mechanisms of preventing abuses and corruption in Iran, with specific reference to the Judiciary.

58. The 28-page report concluded with four inter-related summaries related to: “Round up and suggestions”; “Governing indicators and principles”; “Ideas to be studied”; and “Ideas to be executed” for immediate adoption. The concluding chapters of the report encapsulated the positive and negative “lessons” learned from Singapore experience relevant to Iran’s objective of improving efficiency, effectiveness, transparency and accountability of its judiciary system.

59. A number of recommendations made in this Singapore study tour report were in fact subsequently incorporated in UNODC projects FS/IRA/05/S03 and IRNS12, which are currently under implementation, including: pilot project for “making the courts automated and electronic”; provision of legal counselling through telephone and audio post; introducing automaton and new management of judicial support services to reduce abuse in handling cases; and efforts in raising public awareness on substantive and procedural issues and rights (points 2. 5. 7. 10).

60. Analysis of feedback of the 11 out of the 12 participants who turned in their replies to questionnaires rated the success of the Singapore study tour from “successful to very successful”. Questions included on: the general planning, organization and administration of the study tour, reading material provided in advance, the study programme content, the presentation made by the Singaporeans, the relevance of lessons learned to the situation in Iran, case flow management, judicial independence and impartiality, alternative dispute resolutions and management of public trust in the courts.

61. The report of Singapore study tour was submitted to Ayatollah Shahroodi, Head of Judiciary of I. R. of Iran, who welcomed the outcome of the tour11. This is a measure of the extent to which international best practice is valued as I. R. of Iran progresses on the road to judicial reform.

ii. Programme, Organisation and Outcome of Vienna Study Tour

62. The study tour to Vienna, Austria was organized on 29th January to the 5th of February 2005. Participants did not submit a report. However, analysis of feedbacks submitted by participants, after completion of the tour, confirms that the tour was rated as successful.

63. Further, upon examination of the scope of the programme, the range of judiciary authorities and law enforcement bodies with whom participants met in Vienna, and based on references made to the experience of this study tour in discussions in the workshop on “Best International Practices for Judicial Conduct and Integrity” organised on 8-9 June 2005; evaluation has established that the Vienna study offered the Iranian counterparts other models of measures and judicial management practices supplementing the Singapore experience. Consequently evaluation contends that the tour was useful and relevant.

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11 Dr. Shariat Bagheri, Director General for International Affairs of the Judiciary, Head of Delegation – Study Tour Participants to Singapore, informed workshop participants when introducing the report to the workshop.
iii. Workshop 8-9 June 2005 on Best Practices Identified in Study Tours

64. Evaluation has established that the comprehensive diagnostic report, organization of the workshop and the experience and position of participants allowed for the exercise to result in the further strengthening of the report and identification of useful and relevant lessons that could enhance the effectiveness, capacity, transparency and accountability of the judicial system. Evaluation contends that the diagnostic report along with the workshop recommendations constitute the final diagnostic report as specified in the project document (Output 3).

65. The workshop discussions were organized under three broad relevant topics: i) Overview of how the judicial systems work in Singapore and Austria, including judicial independence, impartiality and integrity; ii) Measures required for the effective functioning of courts through the introduction of IT, alternative dispute resolution mechanisms and the role of courts in enhancing access to justice and resolving disputes effectively; and iii) anti-corruption measures aligned with the UN Convention against Transnational Organized Crime, the UN Convention against Corruption and Legislative Framework against Corruption.

66. Analysis of recommendations on measures and initiatives individual participants made at the end of the two-day workshop are listed below ranked in terms of support enjoyed by number of participants:

1) Upgrading the quality of training for judges and other judicial staff;
2) Introducing monitoring and supervision mechanisms on the function of courts and judges, appropriate criteria for evaluating performance of judges, and disciplinary measures,
3) Increasing public trust towards courts, the Judiciary and government bodies,
4) Independence, impartiality and integrity of judges in line with Islamic teachings and international best practices,
5) Alternative dispute settlement mechanisms, such as Dispute Settlement Councils and the use of mediators and arbitrators,
6) Improving case management systems for civil and criminal cases,
7) Improving criteria of recruiting, appointment and promotion of judges, and
8) Adoption of appropriate laws and regulations against corruption.

67. From the above analysis and findings, evaluation has established that the introduction/review of measures to improve effectiveness, capacity, accountability, and transparency of the judiciary have significantly featured in the recommendations of participants in conformity to the objective of the project. It makes the recommendations even more credible and necessary because all the participants came from the judicial system itself. Moreover these recommendations, submitted to the Deputy Head of the Judiciary for Legal Affairs and Reform Process for consideration, indicate that the planned reform process within the Judiciary

12 Mr. Ahmadreza Hossein-khani, Judge, Economic Courts of Tehran; Mr. Seyed Mohsen Ghazi, Counsellor, Tehran Courts of Appeals; Ms. Maryam Kazemi-pour, Expert, Bureau of International Affairs of the Judiciary; Mr. Mahmood Goodarzi, Deputy of Shahid Ghodoosi Judicial Complex, Tehran; Mr. Seyed Mohammad Ekrami, Deputy of Shahid Beheshti Judicial Complex, Tehran; Mr. Mohammadreza Javandel, Acting Head of Center for Training of Judges; Mr. Hosseing Ghaderfar, Prosecutor, Security Dept. of the Judiciary; Mr. Ali Izadi, Prosecutor, Security Dept. of the Judiciary; Mr. Fat-hollah Shakeri, Magistrate, Security Dept. of the Judiciary; Mr. Iraj Nademi, Magistrate, Security Dept. of the Judiciary; Mr. Ali-Asghar Rahimi, Deputy to Isfahan Prosecutor; Mr. Hassan Dehghanzadeh, Counsellor, Mazandaran Courts of Appeals; Mr. Abolghasem Khanzadeh, Deputy of Shahid Mahalati Judicial Complex; Mr. Ahmad Mallahi, Judge, Branch 109 Tehran Civil Courts; Mr. Mohammadreza Saremi, Judge, Branch 76 Tehran Courts of Appeal; Mr. Alireza Mohammad-Mollasaraee, Deputy of Shahdi Modares Judicial Complex; Mr. Seyed Morteza Hosseini, Acting Head of Tehran Prosecutor Office for Economic Crimes; and Mr. Azizzollah Heidari.
will be pursued. The issue is whether the Judiciary still wishes to seek technical assistance to implement those recommendations. Whatever the case may be Evaluation strongly contends that their follow-up should form a central part of the exit strategy. It should also be noted that recommendations 3 and 6 have been taken up by Project S03 and the Judiciary is taking the necessary steps to draft a bill on corruption on the basis of “Draft Judicial Strategy on Preventing and Countering Corruption in Iran”.

C. Monitoring Tools and Performance Indicators

1. Monitoring Tools

68. Evaluation has established that project monitoring reports are not adequate because they fail to provide: work plans against which status of project implementation could be compared against actual; information on funding status; and revised work plans for next reporting period. Evaluation asserts that these improvements could have resulted in more effective management of the project.

69. The project uses Semi-annual and Annual Project Progress Reports to monitor implementation of project outputs and activities. The reports provide information on: the status of project outputs and summary reports on related activities, for example, seminars and workshop and study tours. They also address constraints encountered and mitigating measures taken to rectify problems.

70. These periodic report formats, however, need to be aligned with the project logical framework in order enable project management provide comprehensive and systematic information to allow proactive management.

2. Performance Indicators

71. Concurrent to monitoring tools, the project has not identified indicators that measure project performance at the levels of project outputs, objectives and impact in the project Logical Framework Matrix.

72. Developing performance indicators in project document improve management, monitoring and evaluation of projects. But the project log frame has not, for example, defined key performance indicators for improved judicial capacity, transparency, accountability, and effectiveness within the internal judicial system. Similarly, there are no measurable indicators that determine, for example, the quality of effectiveness of the Diagnostic Report in terms of contributing to expected project objectives of equipping the judiciary with the technical knowledge, and planning capacity to develop modalities of prevention and control of corruption and avoid the abuse of discretion in accordance with best international practices in judicial reform.

73. The development and application of integrated performance indicators, aligned and based on project log frame would have contributed to even better management and evaluation of the project. Evaluation cannot, however, overemphasize the difficulties involved in developing qualitative and quantitative measurable indicators for rule of law projects.
D. Institutional Arrangements

1. The Role of the PRC in Project Implementation

74. Evaluation was not able to see copies of PRC minutes, but from the summary reports of PRC meetings included in the Project Progress Reports, the PRC has played a good role in the implementation of the project as defined in its Terms of Reference (TOR).

75. The PRC has reviewed and approved project progress reports, approved the criteria for the selection of study tours participants, prepared study tour and seminar programme contents and approved diagnostic and seminar outcome proceeding reports.

76. Evaluation contends that the inclusion of donor representatives could have helped the PRC to communicate with donors directly to encourage timely transfer of commitments to expedite implementation of project activities as planned. Direct involvement of donors at the PRC level would, perhaps, have helped avoid delays of carrying out activities the project experienced in late 2006 and 2007. More importantly, donor involvement would promote consensus on strategies of long-term cooperation between Iran and other countries.

2. The Role of Iranian Counterparts in Project Implementation

77. Overall, the Iranian counterpart, Office of the Deputy Head for International Affairs of the Iranian Judiciary, has played their part in facilitating the implementation of project activities in accordance with the Terms of Reference stated in project document.

78. The project counterpart has provided and all logistical and organizational support required for the study tours of Singapore and Austria; selected the study tour participants, according to established criteria; provided logistical and organizational support needed for study tours, seminars and workshops; identify and invite participants to workshops and seminars in consultation with the project management; and overseeing the timely preparation of reports of study tours, seminar/workshop proceedings reports.

79. The project has, however, suffered delays in organizing the study tours to Singapore and Austria because the Iranian counterparts were unable to provide list of participants in time.

80. Moreover, the project would have benefited from better coordination if the PSC/PRC were broadened to allow wider participation of members from the donor community and other national stakeholders.

3. The Role of UNODC-Iran and UNODC- HQ

81. In the circumstances, overall, the UNODC, as the Executing Agency, planned, coordinated and executed the project effectively in collaboration with the Iranian counterparts, particularly the office of the Deputy Head for International Affairs of the Iranian Judiciary.

82. Semi-annual and annual project progress reports were prepared and submitted regularly to the PRC and UNODC HQ. These reports provided basic information on progress project implementation in reference to project outputs and activities.

83. Evaluation has, however, established that project monitoring reports have not been adequate because they fail to provide: i) useful information that allow to compare reported implementation status of project outputs against agreed work plans; ii) information on funding
status relative to outstanding outputs and activities to alert the PRC and senior project management to intensify funding mobilization efforts and/or negotiation with project donors to honor their commitments, as appropriate; and iii) the inclusion of a work plan for the next planning period revised in light of the overall reported accomplishments. Evaluation asserts that these improvements could have resulted in more effective management of the project.

84. UNODC’s mechanism applied to coordinate donors and UN agencies with respect to its mandate in general project activities in particular were effective. UNODC has regularly disseminated project progress reports, briefed the donor community (the Mini Dublin Group, EU Member State Representatives in Iran and the UN agencies represented in Iran) on developments in drug-related developments and on the judiciary reform process in Iran, Iranian. As confirmed in the course of contacts with members of these representatives and project reports, evaluation has established that UNODC has ensured collaboration and co-ordination of multi- and bilateral donors currently providing assistance to Iran in the area of judicial reform in general and in transnational organized crime and drug-related cooperation in particular.

85. Evaluation can assert that UNODC coordination activities has helped to keep donors and potential donors informed and engaged in what is happening in the area of judiciary reform process and opportunities for cooperation.

86. Although the project was designed for completion within 18 months, it was only terminated in late 2007, taking about 37 months. Analysis of project progress reports reveal that the early delays in 2004 were caused by the failure of Iranian counterparts to provide list of participants to the planned study tours to Singapore and Austria. Internal difficulties within Judiciary resulted in the changing of the lists a number of times delaying the tours.

87. At a later stage of implementation, the project was unable to carry out activities during the period, mid-2005 to mid-2006, when it faced a funding shortfall of 140,000. This delay is strongly related to the problem of the fact that UNODC does not have access to core funding for its programmes. UNODC option is consequently relying on voluntary contributions from donors. Such funding mechanism is inherently unreliable causing funding gaps that hamper implementation as this project experienced.

88. UNODC starts project implementation only when 50% of the required funding is secured. Fulfillment of this condition may improve certainty of funding, but does not necessarily guarantee remaining funds will flow as required.

89. As indicated earlier, UNODC briefs the Mini Dublin Group and the EU member State representatives on project activities. Besides keeping them informed on developments on the judicial reform, these briefings also offered opportunities for fundraising. In the course of discussion, the Ambassador of the current EU Presidency confirmed to the evaluation team that EU will confirm funding for rule of law project in appreciation for UNODC Iran’s achievements. Evaluation observes that UNODC Iran funding uncertainly is unlikely to improve in the foreseeable future unless drastic structural funding modality is changed to match UNODC global mandate of assisting member States to prevent and control the scourge of drug and organized crime. In the meantime mobilization of funding could improve relative to the effectiveness of fund mobilization at the level of UNODC HQ, UNODC Iran targeted funding mobilization efforts among EU member State representatives in Iran, and visibility of programme achievements in Iran.
III. Outcome, Impact and Sustainability

A. Outcome

90. The project has contributed to the following significant outcomes. These outcomes have been discussed in greater detail in the preceding Section on Effectiveness:

- Prominent judges and judiciary authorities have directly experienced the benefits of international co-operation in judicial reform in general and in the prevention and control of transnational organized crime in particular.

- Top ranking Judiciary authorities and prominent parliamentarians, in charge of the judicial reform process, have increased their knowledge and widened their perspectives in international best practices and legal instruments related to judicial reform process. In this respect, benefits gained from exposure during these two study tours was demonstrated in the diagnostic report that identified series of legislative gaps and measures for review.

- The same authorities (in the Judiciary and the Parliament) continue to advocate the need for international cooperation in order to strengthen rule of law and deal with international organized crime. The growing cooperation, for example, between Italy and Iran and the strong partnership between UNODC, are championed by these very policy makers.

- These best practices relevant to judicial reform process, were shared with a wider group of Iranian judges in a seminar that discussed the draft Diagnostic Report prepared by participants, which propagated awareness to broader justice and law enforcement Iranian constituency.

91. Moreover, the project has made, albeit not anticipated in the project document but no less important, an impact on Iran’s efforts and determination to combat corruption. A “Draft Judicial Strategy on Preventing and Countering Corruption in Iran”, one of the project outcomes, has been adopted at the highest levels of the Judicial system to serve as a basis for reviewing existing legislations in conformity with the UN Convention.

B. Impact

92. Realistically, the impact of project activities, outputs and processes is difficult to realize within the life time of a project. While positive start has been made including by other on-going rule-of-law projects, at this stage, it is premature to expect improvement in accountability and transparency in the administration of justice. Moreover, it has to be noted that judicial reform is complex involving wider socioeconomic processes and, particularly in the context of Iran, other factors, including domestic and international political developments that could also influence the realization of long-term impacts. It is also appropriate to note that the project log frame does not provide indicators at the results level and relevant baseline data that could help assess impact of project intervention is not available (Refer Paragraphs 71-73).

C. Sustainability

93. Evaluation observes that some of the key conditions that improve the probability for continued long-term project-derived outcomes and impacts after this technical assistance project end. Evaluation process identifies and assesses key conditions or factors that are likely to contribute or undermine the persistence of benefits after this project ends. Three aspects of
sustainability will be considered: political commitment, financial sustainability and institutional framework and structure.

- As discussed in previous chapters, the judicial reform agenda continues to enjoy leadership support from the highest levels of power: the Supreme Leader, the Expediency Council, the Judiciary and the Parliament.

- The project processes and outputs (study tours diagnostic reports, thematic seminars on judicial reform issues, international norms and standards developed by UNODC and introduced to Iranian counterparts) have positively influenced the attitudes of policymakers recognize the benefits of international cooperation, particularly with the UNODC.

- The judicial reform process is headed by the Deputy Head of the Judiciary, for Legal Affairs, who has the power to plan and follow-up implementation of programmes. The process is institutionalized, ensuring sustainability of the benefits of the project.

- Iran, as a middle-income country, has the financial capacity to continue the reform process on its own if the need arises.

94. Evaluation would, however, recommend that the Judiciary develop and implement a systematic training programme for judicial staff, including training-of-trainers, judges and support staff in order to ensure sustainability of what the project has so far achieved.

IV. **Major Lessons Learned and best practices**

A. **Lessons Learned**

95. Evaluation has identified the following lessons from the implementation of the project:

1. **Awareness Raising of Policy Makers**

96. Study tours when systematically organized are effective means of exposing participating high ranking policy makers to best practices and new approaches of doing things. In a relatively short study tour, it is possible to sufficiently influence policy makers to be instrumental in leading a desired change. The Iranian counterparts who participated in the study tours to Singapore and Vienna were instrumental to strengthening of cooperation with UNODC and the realization of the extent Iran could benefit from bilateral and multilateral cooperation in dealing with international organized crime.

2. **Promoting National Ownership**

97. UNODC has been consistent in encouraging and ensuring national ownership of project activities. Iranian counterparts were encouraged in all activities to lead and actively get involved in the setting of workshop objectives, chairing workshops, compiling recommendations for action, and taking it up with higher authorities for consideration. This consistent UNODC approach ensured enhanced relevance, and project results were owned by counterparts.

3. **Flexibility in Project Management**

98. In the face of lapses in less than efficient delivery of counterpart’s roles, project management showed understanding and patience. Whenever lack of prompt decisions caused delay in project activities, UNODC handled the situation professionally. Communication
between project management remained smooth ensuring the continuity of the partnership. Confident of Iranian counterpart commitment to the overall project objectives, UNODC’s paramount goal was to stay engaged. Consequently Iranians consider UNODC as a strategic partner and a “bridge” between Iran and the international community.

4. When National Counterparts Stretch their Role over Project Management

99. The Iranian counterparts are highly driven, with clear strategy on the judiciary reform process, which are capable of imposing reprioritization of project strategy in the course of implementation. This is what exactly happened when the Iranians commissioned a research study on “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” instead of carrying out subsequent activities to implement the final Diagnostic Report and recommendations thereto. Evaluation was not able to see evidence in the PRC minutes or project progress reports indicating formal deliberations jointly taken by the UNODC and Iranian counterparts.

100. In the context of Iranian single mindedness, broader considerations including the need to keep engaged with such important country (including its commendable national commitment in the fight against drug trafficking and related organized crimes); it was perhaps right for UNODC-Iran to go along with the action. Alternatively Iran would have opted going it alone, putting in jeopardy the mutually appreciated benefits of the strong UNODC-Iran partnership developed over the years.

101. The lesson is that it is important for project management to make judgements on proper assessment of the situation on the ground, but the least UNODC should have done is to register the rationale for such important revision and get it approved by UNODC Vienna.

B. Best Practices

Project Design

102. The overall implementation of the project is designed to follow: needs assessment exercise on the basis of information collected from study tour and review of international legal instruments; sharing the draft report with wider stakeholders in a workshop; concluding with recommendations for consideration of higher authorities; and using these outcomes to guide follow-up action. This approach benefits from international best practice in other countries and allows for outcomes to benefit from divers perspectives of national stakeholders. The end result is a relevant programme reached with consensus.

103. This implementation approach also provided opportunities for Iranian authorities to “learning-by-doing”, which is effective in applying best practices and the provisions of international legal instruments in light of Iranian needs.
V. Recommendations

A. Relevance

1. I. R. of Iran key counterparts, the Judiciary, should include donors and other national stakeholders, who directly or indirectly contribute to the judicial reform process and/or to project objectives, in the Project Steering Committee/Project Review Committee.

Rationale

104. The PRC would have benefited from broadening its membership by including representatives from other related Iranian Ministries, such as, the Ministry of Interior, Law Enforcement, Drug Control Headquarters, Ministry of Finance and Central Bank, State Inspection Organization and State Planning and Management. Donor involvement would promote consensus on strategies of long-term cooperation between Iran and other countries. The project would benefit from perspectives, experience and functions of diverse national stakeholders. Judicial reform process would also benefit from broadened scope of project activities.

B. Monitoring Tools

2. The project management should improve on current monitoring tools to:

   a) Develop use work-plans, to allow monitoring and comparison of implementation status of project outputs and activities against agreed time-bound targets;

   b) include funding information on status, transfer schedule and outstanding project outputs and activities in order to help the PRC and senior project management take necessary steps to ensure availability of funds on time.

   c) adopt project work-plans for succeeding planning period, revised in light of status progress made in project implementation and outstanding activities.

Rationale

105. The recommended improvements will help provide project decision makers get useful information: i) that allow to compare reported implementation status of project outputs against agreed work plans; ii) on funding status relative to outstanding outputs and activities to alert the PRC and senior project management to intensify funding mobilization efforts and/or negotiation with project donors to honor their commitments, as appropriate; and iii) allowing managers to plan programme activities and the provision of inputs and set performance targets for the new planning period.
C. Sustainability

3. The Judiciary, with the assistance of UNODC-Iran, should develop and implement a systematic training programme for judicial staff, including training-of-trainers, judges and support staff.

Rationale

106. Developing and implementing strategic training programme will ensure sustainability of what the project has so far achieved. The follow-up project proposed as an exit strategy could include the development and implementation of the recommended systematic training programme.

VI. Exit Strategy

107. Evaluation recommends that UNODC and the Iranian Focal Point for Rule of Law Projects, the Office of the Deputy Head of Judiciary for Legal Affairs and Reform Process jointly plan to formulate a follow-up project to:

- develop a tested methodology for implementing the reform process within the Iranian Judiciary, as envisaged in Outputs 5 and 6 of this project and on the basis of the basis of an updated version of the Diagnostic Report and recommendations adopted in the 8-9 June 2005 workshop.
- provide technical assistance to support effective implementation of the “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” including the ratification and implementation of the UN Convention against Corruption.

108. This exit strategy ensures: i) the utilization of full effect of resources invested towards developing the Diagnostic Report; ii) sustainability of the positive impact the project made on the attitudes of policy makers on the value of harnessing international best practice; and iii) most importantly to realize the reform process within the Judiciary as envisaged in this project.

109. Providing technical assistance to improve capacity of the judiciary to enhance accountability, transparency, efficiency, effectiveness remains fundamental in dealing with corruption in general and tackling international organized crime.

VII. Conclusion

110. Overall, the project “Strengthening Judicial Capacity – FS/IRA/04/R34”, has met substantial part of its objectives.

111. A diagnostic report on the status of judicial reforms based on best practices and methodologies experienced through study tours to Singapore and Austria was prepared and submitted to policy makers in the Judiciary. The report identified gaps and made several recommendations, for example: the need for introducing monitoring and supervision mechanisms on the function of courts and judges; appropriate criteria for evaluating performance of judges and disciplinary measures. UNODC and the Iranian counterparts should update this Diagnostic Report and proceed to implement the judicial reform process as envisioned in this project.
112. UNODC should also enter into joint discussion with Iran about a technical assistance to implement the Draft Judicial Strategy on Preventing and Countering Corruption in Iran, an output of this project. Such UNODC assistance could focus on encouraging Iran to ratify the UNOTC as well as provide expert assistance to the drafting of national anti corruption laws to comply with the Convention and relevant protocol.

113. Equally important is the impact made on influencing top ranking authorities in the judiciary and prominent parliamentarians who are now staunch advocates for international cooperation with respect to strengthening rule of law in general and combating corruption and international organized crime in particular. This achievement cannot be overemphasized especially considering Iranian sensitivities in the face of pressure as a result of the nuclear dispute. Not withstanding these difficulties, the project has contributed to keeping Iran engaged with the UN System and the UNODC in issues of international significance.

114. It is, therefore, clear that UNODC should, jointly with Iranian counterparts, develop a follow-up project to implement an updated Diagnostic Report and Draft Judicial Strategy on Preventing and Countering Corruption in order to achieve the ultimate objectives of this project. Such follow-up project would provide technical assistance to Iran to address corruption comprehensively, in conformity with relevant international conventions.
ANNEX IIIB

INDEPENDENT EVALUATION REPORT

Mid-Term Evaluation Report

Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, Proj. Ref. FS/IRA/05/S03

Report of the Independent Evaluation Team

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Subject Specialist and Team Leader

Teame Tewolde-Berhan
Evaluation Specialist and Team Member

UNITED NATIONS OFFICE ON DRUGS AND CRIME

December 2008
# Mid-Term Evaluation

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Annex

1. Terms of Reference for Cluster Evaluation of the UNODC Iran Rule of Law Projects

2. Evaluation Assessment Questionnaire

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## ACRONYMS

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<tr>
<td>ECOSOC</td>
<td>United Nations Economic and Social Council</td>
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<td>EU</td>
<td>European Union</td>
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<td>ICT</td>
<td>Information and Communication Technology</td>
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<td>JRP</td>
<td>Judicial Reform Plan</td>
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<td>MLA</td>
<td>Mutual Legal Assistance</td>
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<td>PRC</td>
<td>Project Review Committee</td>
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<td>PSC</td>
<td>Project Steering Committee</td>
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<td>SPF</td>
<td>UNODC-Iran Strategic Programme Framework</td>
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<td>UNAC</td>
<td>United Nations Convention Against Corruption</td>
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<td>UNODC</td>
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Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, Proj. Ref. FS/IRA/05/S03

Summary
a) Summary Project Description

The objective of this project is to assist the Iranian Judiciary and Prison Organization acquire technical knowledge and planning capacity to increase access to justice, improving the administration of justice, and guarantee the human rights of individuals in the judicial and prison systems in Iran.

<table>
<thead>
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<th>Duration</th>
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<tr>
<td>Starting Date</td>
<td>March 2006</td>
</tr>
<tr>
<td>Total Project Budget</td>
<td>US$ 1,560,000</td>
</tr>
</tbody>
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As stated in the Project Document the intermediate objectives of the project were:

6) Improving court procedures aimed at ensuring fair trial:
   - Organizing study tours to EU member States to expose judges, lawyers and administrators to best practices on systems that improve court case management, time management and justice quality management. Prepare an action plan on the basis of findings.

7) Increasing public trust in the functions of the Judiciary:

   Key Activities:
   - Support the introduction of an effective complaint system for all types of crimes.
   - Support the launching of public awareness campaign on the rights of individuals.
   - Support legal advice/information service in response to public enquiries.

8) Improving the role of women in criminal justice:

   Key Activities:
   - Commissioning a comparative research study on the role of women in Judicial systems and other professions and share the findings in a workshop/seminar. The seminar would result in an action plan for introducing desirable changes.
   - Introducing ICT applications to improve the efficiency of the court system (e-courts)

9) Organize initiatives to improve the administration of prison system with a view to safeguarding the rights of prisoners.

   Key Activities:
   - Organizing study tours, international conference on issues relating to reduction of imprisonment measures, and provision of training.

b) Major Findings

i) Relevance
The project objectives, activities and processes directly respond and support Iran’s Second Reform Five-Year Plan 2004-2008 priority objectives of: i) increased participation of the public and civil society in the justice system; ii) increased public trust to the work of Judiciary; and iii) increased efficiency and effectiveness of the Judiciary in the delivery of justice. Evaluation, therefore, contends that yes the project is relevant and responsive to the needs of the Iranian Judicial Reform agenda in terms of the activities it has set out to assist the Judiciary; but importantly also the project complements other ongoing project activities being carried out under the rule of law programme.

Project objectives are consistent with UNODC mandates emanating from a series of UN resolutions related with the implementation of the UN standard minimum rules for crime prevention and criminal justice. The technical assistance provided under this project were designed to support the judicial reform process in light of international recommendations and documents related to Crime Prevention and Criminal justice, including: standard Minimum Rules for the Treatment of Prisoners (Annex to ECOSOC resolution 663 (XXIV); Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary (ECOSOC resolution 1989/60).

The project is also aligned with UNODC’s Strategic Programme Framework (SPF), for the period 2005-2007 for Iran: i) harmonize Iranian legislation with legislative standards on a) prison system; b) promotion of an effective use of information technology to increase access, convenience and ease of use of court services; ii) improve the quality of justice through computerization of records, electronic case management, electronic filing system, knowledge sharing among judicial officers.

The project involved Key Iranian counterparts, the Judiciary, and ensured national ownership in the implementation of the project through formal mechanism of the Project Review Committee (PRC). As in the case of the other going rule of law projects, the PRC is composed of the Directorate for International Relation of the Iranian Judiciary (Chair), Department for Training, I.R. of Iran Judiciary; Department for Training – Justice Administration of Tehran Province; and UNODC Iran

ii) Effectiveness

Overall, the project has, under the circumstances, reasonably delivered. Examination of progress reports and discussions held with a range of Judiciary authorities has revealed that some decisions, for example, with regard to organizing study tours, seem to be beyond the control of project counterparts in the PRC. Moreover, some initiatives, for example relating to: introducing measures aimed at ensuring fair trial; improving the design of complaint system; and launching a review to improve the role of women in the criminal justice system seem to currently enjoy low priority within the reform strategy of the Judiciary. At this stage of the judicial reform process, the outstanding issues seem to be those too close and too sensitive for the prevailing judicial system to allow foreign involvement, hence the lack of enthusiasm to implement those particular project activities noted above. Due to the significance of the outstanding outputs evaluation recommends to extend project completion by 18 months to give time for completion of outstanding activities.

The project has designed, published, and disseminated materials to increase awareness on judicial services and citizen’s rights among the public. A study was also commissioned whose final outcome has been adopted by the Judiciary as a “guideline for advocacy and public awareness measures” (Advocacy Guideline). In the case of the former, there is no evidence to what extent these brochures increased public awareness and trust. Likewise, evaluation has not been able to establish evidence on the Iranian Judiciary’s plans, if any, to implement the Advocacy Guideline. The project should, therefore, continue to encourage the counterparts to i)
determine the effect of the brochure and gather information on required improvements on content, format and dissemination strategy; ii) Acquire copy of the Advocacy Guideline and follow-up its implementation. (Recommendation No. 6).

The master plan for the phased application of ICT for the Judiciary and the courts has improved the efficiency of case management, facilitated the provision of public information, aimed to reduce corruption and abuse of discretion in the delivery of justice, and provided monitoring information for judiciary authorities.

UNODC coordination mechanisms were highly effective. UNODC has regularly briefed the donor community, particularly the Mini Dublin Group, EU Member State Representatives in Iran and the UN agencies represented in Iran. As confirmed in the course of contacts with members of these representatives and project reports, evaluation has established that UNODC has ensured collaboration and co-ordination of multi- and bilateral donors currently providing assistance to Iran in the area of judicial reform in general and in transnational organized crime and drug-related cooperation in particular.

UNODC coordination activities have been instrumental in keeping donors informed and engaged in what is happening in the area of judiciary reform process and opportunities for cooperation helped to keep donors and potential donors informed and engaged in what is happening in the area of judiciary reform process and opportunities for cooperation with Iran.

iii) Sustainability

Iran fulfils the three key conditions that improve the probability for continued long-term project-derived outcomes and impacts after this technical assistance project ends. These conditions include: i) demonstrated political commitment to judicial reform process; ii) the reform process is institutionalized at the highest levels of State structure, the Judiciary, under the responsibility of the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform; and iii) Iran, as a middle-income country can pursue with the judicial reform process, if and when required.

c) Major Lessons Learned and best practices

- When management of prisons was taken over by the Judiciary from the Police in 1985, dealing with the growing prison population changed from punitive to judicial approach. The prison system, under the guidance of the Judiciary, was reorganized to focus on the correction and rehabilitation of prisoners. Given that drug offenders constitute about 70% of the prison population, the case for rehabilitation made sense not only in terms of respecting the human rights of prisoners but was also found to be helpful in reducing associated social and economic costs to the country. This approach resulted in the reduction of prison population by 33% over 15 years and repeat offenders are now 20% (international average is 60%).

Iran’s experience could be shared with countries suffering from similar problems in the form of South-South cooperation

- In introducing ICT application system in Iranian courts, the project developed and implemented an effective implementation strategy, which integrated: i) needs assessment, ii) implementing pilot activities, iii) assessing pilot results, and iv) planning and replicating to thousands of courts across the country. Moreover, this design approach combined with phased implementation of pilot activities allowed the consideration of broader developmental needs, including review of management systems, structure and human resource development. In the process, the IT application was constantly tailored to meet specific conditions of courts with varying capacities. To
date, 3500 courts and 30 provincial capitals have implemented Stage 1 and 2 of the system. Judicial authorities are now able to monitor performance of those courts on line

d) Recommendations

- UNODC and the Iranian counterparts should include donors and other national stakeholders, who directly or indirectly contribute to the judicial reform process and/or to project objectives, in the Project Steering Committee/Project Review Committee. (For rationale, Ref. Recommendation 1)

- Three months left to the termination of the project, and in light of considerable outstanding project activities, mid-term evaluation recommends that the PRC: a) consider the extension of the project for at least 18 months to allow ample time for implementation; b) seek and secure a formal commitment from the Office of the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform to cooperate to implement the outstanding activities identified in Chapter II. Such explicit counterpart commitment should form the basis and rationale for the extension of the project. (For rationale Ref Recommendation 2)

- UNODC should assist the Iranian counterpart (Centre 129) to develop and implement appropriate regular feedback analysis framework and mechanisms that could feed into the review of existing legislation, judicial regulations and guidelines with the aim of enabling the Judiciary to improve public trust in judicial services. Data captured from enquiries and responses could be organized to build a database system that could facilitate to develop the proposed feedback analysis framework. (For rationale Ref Recommendation 3)

- Independent lawyers and/or the Bar Association should be involved in the development of computerized systems in Iranian courts in order for the system to benefit from necessary perspective that could ensure the rights of defendants and improve transparency of the judicial services. (For rational, refer Recommendation 4 (a))

- The project should develop performance assessment framework to evaluate the: implementation approach/strategy, impact on the behavior of judges and their functions, quality of monitoring information, benefits accrued by the ordinary citizens in terms of fair justice, reduction of abuse by narrowing opportunities for discretionary powers, and unit cost of handling a court file, average time of closing cases. (For rationale, refer Recommendation 4(b))

- The project needs to pay greater attention to the systematic documentation of project results, including activity reports, performance assessment reports, research reports and studies to allow the discerning of lessons learned from the implementation of the project activities. Specifically, evaluation urges the translation and documentation of the “ICT Master Plan for the Judiciary of the Islamic Republic of Iran” report (Output 5, Activity 5.1). (For rationale, refer Recommendation 4(c))

- UNODC should carry out consultations with Iranian Judiciary for the provision of technical assistance towards improving the role of civil society, independent lawyers (through the Bar Association) and academicians to encourage them to contribute to initiatives that improve delivery and access to justice. (For rationale, refer Recommendation 5).
The project and the Centre 129 Management should carry out a survey to assess the effect of the brochures disseminated to improve public awareness judicial services and citizen’s rights (For rationale, refer Recommendation 6a)

Acquire a copy of the “guideline for advocacy and public awareness measures” (Advocacy Guideline), study commissioned by the project and follow up its implementation with Iranian counterparts. (For rationale, refer Recommendation 6b)

UNODC should start discussions with the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform on a project concept aimed at assisting the Judiciary in the implementation of the forthcoming law on Alternatives to Imprisonment, currently in advanced stage of deliberation in the I.R. of Iran parliament. (For rationale, refer Recommendation 7)

start to use work-plans, to allow monitoring and comparison of implementation status of project outputs and activities against agreed time-bound plans; (For rationale, refer Recommendation 8a)

include funding information and status needed to realize outstanding project outputs and activities in order to help the PRC and senior project management take necessary steps to ensure availability; (For rationale, refer Recommendation 8b)

prepare a detailed revised work plan at the start of a new planning period in light of the overall reported accomplishments and outstanding activities. (For rationale, refer Recommendation 8c)

The Judiciary should develop and implement a systematic training programme in ICT for judicial staff, including training-of-trainers, judges and support staff. (For rationale, refer Recommendation 9)

I. Introduction

A. Background

1. The I. R. of Iran has formulated a 20 year Reform Plan, broken down into 4 five-year sub-plans, which started in 1999. This reform plan is implemented and monitored at the highest level of Iranian authorities. To date the first two have been completed, the third is under formulation.

2. In response to the increased public demand for effective judicial services, the Judiciary has launched a reform programme under the first and second five-year plans to improve its performance, transparency and accountability. This project was, therefore, developed to identify and design organizational, technical, administrative, managerial, and legal reforms within the judiciary, including the prison systems, consistent with the second five-year plan.

3. The credibility of the courts and the judiciary is affected by the length of time court proceeding take, piling of backlog of unsettled cases, which could potentially impinge on the quality of justice. One of the objectives of this project is, therefore, to improve the capacity of courts to “generate court proceedings and rulings in a predictable, consistent, and coherent
manner”. Attaining such capacity is assumed to contribute “indirectly or directly to the prevention of future abuses of public office”.

4. The increase in Afghan production and refinement of opium and its derivates drastically raised the scale of threat of drug trafficking to Iran. This phenomenon resulted in increased drug related judicial cases and increase in the prison population. In turn this affected not only the quality of the justice offered by the system, but also the management of the overcrowded prison system. In 2004 the prison population in Iran rose to 133,658, the majority of them drug offenders.

5. In the reform of the prison system, the project objective was to look into management practices that improve the treatment of prisoners meeting their basic human rights as well as rehabilitation strategies. With regard to reducing the prison population, the project would raise the awareness of judicial authorities with, for example, “alternatives to imprisonment” and “decriminalization “ policies.

6. With regard to aspects of judicial reform, the project was designed to develop systems that improve the efficiency of court services and ensure fair trial. Such measure would include IT applications to improve performance of court proceedings, complaint mechanisms, improving public trust on the judiciary through the expansion of access. In seeking to achieve all these objectives, the project will extensively expose judicial authorities and other national stakeholders to international best practice, international legal instruments and international norms and standards applied and functioning in other countries.

B. Purpose and Objective of the Evaluation

7. This Mid-Term Evaluation of project “Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I.R. of Iran” FS/IRA/05/S03 is managed by UNODC-Iran with the Independent Evaluation Unit providing advice and guidance. As part of the Cluster Evaluation of the UNODC Iran Rule of Law Projects, this Terminal Evaluation aims to provide information related to the extent to which the project has achieved its objectives and completed outputs as per plan. Further, the evaluation seeks to establish:

8. **Relevance:** determines how relevant the project objectives are to the needs of the country; whether project activities and outputs are responsive to the country needs; whether project objectives are clear, realistic and coherent in terms of contributing to the objectives of UNODC as well as to other Strategic Instruments; and whether Iranian counterparts were involved in developing and implementing the project to promote national ownership.

9. **Effectiveness:** determines to what extent the project assisted the Iranian Judiciary and the Prison Organization to acquire technical knowledge and planning capacity to increase access to justice, improving the administration of justice, and guarantee the human rights of individuals in the judicial and prison systems in Iran. Evaluation determines the effectiveness of: court procedures aimed at ensuring fair trial; steps taken to increase public trust in the functions of the Judiciary; measures taken to improve the role of women in criminal justice; reforms introduced in the prison system to improve human rights of prisoners; the implementation approach and effectiveness of ICT application introduced to improve the efficiency of the court system (e-courts) and thereby reduce abuse of discretion in judicial proceedings. Evaluation also determines the effectiveness of delivery mechanisms employed (Study Tours, workshops, seminars and trainings), implementation arrangements, monitoring mechanisms and performance measurement indicators in the management and evaluation of the project.
10. **Sustainability:** this criterion determines whether or not the necessary conditions exist in Iran that enhances sustainability of processes, activities and results achieved from implementation of this project. Evaluation assesses whether key prerequisites of political commitment, institutional arrangements, resources and appropriate structures, including monitoring and evaluation systems are in place to enable Iran to continue the reform process on its own.

11. **Effect/Impact:** this criterion attempts to assess whether: the project outputs and processes assisted the Judiciary to improve transparency and accountability to the general public; the project made impact on the reduction of corruption within the judiciary; and whether the reforms made impact on improved delivery of justice. Further, it assesses effects on policy environment, particularly on the key policy makers within the Judiciary, Parliament and the Executive arm of the State.

12. **Lessons learned and best practices:** Discern lessons learned and best practices from the implementation of this project that could be replicated to refine future project design and implementation as the judiciary process in Iran deepens and widens.

C. **Methodology**

13. The Terminal Evaluation was participatory and inclusive ensuring that key stakeholders (the Iranian Judiciary, project management, donors, the Mini Dublin Group, and the EU member representatives in Iran) to give their feedback on the achievement of this UNODC project.

The team used a range of methodologies, including:

14. **Desk Review:** the team reviewed project document; six-monthly and annual project progress reports; project activity reports on Study Tours, seminars and workshops; counter-part feedback reports and recommendations of seminars and workshops; and UNODC HQ expert reports commissioned to assist in the planning and implementation of project activities.

15. **Interviews and Discussion:** The team, using structured and unstructured interviews, discussed on various dimensions of the project with key stakeholders, including key Iranian Judiciary authorities, five MDG and EU member State ambassadors in Iran (France, Germany, Italy, The Netherlands, and Norway, the UN Coordinator for Iran. The discussions centred on gaining insight and feedback on the performance and impact of the project in terms of meeting their respective expectations and interests.

16. **Triangulation** was the main tool used to verify and confirm contentions and findings established from document review and discussions with stakeholders. The evaluation team has also used a detailed set of **key evaluation questions** and **Information Source Matrix** as a check list to cover the scope of the evaluation exercise.

17. Further, evaluation also verified whether recommendation made in previous evaluation reports of similar projects implemented in Iran were heeded.

E. **Limitations**

18. The main limitations the evaluation team faced were the lack of work plans and verifiable indicators at the output and activity levels, and conspicuously at the results level (outcome/impact). These indicators should actually appear in the project logical framework and replicated in a project performance assessment framework.

19. Despite these limitations, evaluation was, however, determined to benefit from its extensive discussions held with stakeholders to comprehend the impact of project processes and outputs
on the judiciary policy environment – policy makers, parliamentarians, judges, and middle management - and funders.

II. Analysis and Major Findings

A. Appropriateness and Relevance

1. Relevance of Project Objectives to Iranian Needs

20. As is the case with the other on-going rule of law projects, this project was developed, consistent with the Second Judicial Reform plan 2004-2008, to assist the Iranian efforts with issues dealing with improving court procedures, revising substantive and procedural laws and regulations, review of criminal policy and protection of victims of crime.

21. The project activities and processes directly address Iran’s Second Reform Five-Year Plan 2004-2008 priority objectives of: i) increased participation of the public and civil society in the justice system; ii) increased public trust to the work of Judiciary; and iii) increased efficiency and effectiveness of the Judiciary in the delivery of justice.

22. In support of the foregoing five-year judicial reform objectives, the project has designed specific outputs, including: improvement of court procedures aimed at ensuring fair trial (Output 2); increasing public trust in the functions of the Judiciary (Output 3); improvement of the role of women in criminal justice system (Output 4); application of Information Technology in the court systems in Iran (Output 5)); and improving initiatives on the administration of prison system with a view to securing the rights of prisoners (Output 6).

23. Evaluation, therefore, contends that yes the project is relevant and responsive to the needs of the Iranian Judicial Reform agenda in terms of the activities it has set out to assist the Judiciary; but more importantly the project complements other on-going project activities being carried out under the rule of law programme.

2. Relevance of Project Objectives to UNODC mandate and SPF

24. The project seeks to assist the I.R. of Iran to improve national judicial capacity in dealing with serious drug related crimes, exacerbated from the increasing drug production and trafficking from Afghanistan. Project objective of assisting the Iranian Judiciary acquire the technical knowledge and planning capacity to increase access to justice, improve the administration of justice and guarantee the rights of individuals in the judicial and prison systems in Iran conform with UNODC mandate and are aligned with the UNODC Strategic Programme Framework for Iran.

25. Project objectives are particularly consistent with UNODC mandates emanating from a series of UN resolutions related with the implementation of the UN standard minimum rules for crime prevention and criminal justice. The technical assistance provided under this project were designed to support the judicial reform process in light of international recommendations and documents related to Crime Prevention and Criminal justice, including: standard Minimum Rules for the Treatment of Prisoners (Annex to ECOSOC resolution 663 (XXIV); Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary (ECOSOC resolution 1989/60).
26. Over the years, UNODC has developed services and tested knowledge products that assist member States comply with the above UN resolutions, including: Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice; Manual for the Measurement of Juvenile Justice Indicators; Handbook on Prison Management, Prison Data Management, Prison with Special Needs, Vulnerable Groups in Prison, Women in Prison, Promising Practices on Alternatives to Imprisonment. UNODC, is therefore, the international organization that has the right mandate, the expertise and the credibility to implement this project, particularly in the context of Iran.

27. The project is also aligned with UNODC’s Strategic Programme Framework (SPF), for the period 2005-2007, which under its Rule of Law programme, UNODC planned to contribute to the SPF’s programme to assist Iran:

- Harmonize Iranian legislation with legislative standards on a) prison system; b) promotion of an effective use of information technology to increase access, convenience and ease of use of court services.
- Improve the quality of justice through computerization of records, electronic case management, electronic filing system, knowledge sharing among judicial officers.

3. Appropriateness of Project Design and Delivery Mechanisms

28. At the project design level, the adopted implementation strategy, which integrate needs assessment, implementing pilot activities, assessing pilot results, and planning for wider replicability is working. Evaluation has confirmed that this approach has enhanced relevance and promoted effective national ownership, for example, in the introduction of IT in courts (E-courts) and in the expansion of Centre 129 in the provision of hot line legal information and advice services in response to public query. Moreover, this design approach combined with phased implementation allowed the consideration of broader developmental needs, including review of management systems, structure and human resource development.

29. On the basis of the positive outcome of the Centre 129’s activities in the provision of legal information and advice to the public in Tehran province, the Centre has recently opened audio-post and telephone service dedicated for callers from the other provinces. Evaluation has witnessed the dedication and capacity of the legal consultants, young men and women, some providing advice to callers on the spot and others researching and putting legal advice together for transcribing.

30. Similarly, following four detailed technical feasibility studies on the status of current judicial information system, a master plan for the application of Information and Communications Technology to the court systems has been adopted. Further, four distinct stages and pilot courts were identified for implementation. The incremental application of computerization allowed for Iranian counterparts to identify what works and what does not work in the process of implementation. The approach allowed “learning by doing” enhancing national ownership and ensuring sustainability of benefits achieved.

31. This design approach has allowed Iranians to address developmental issues, for example, the development of relevant training packages for provincial courts (judges and support staff) based on the results of pilot activities in Tehran province.
32. Evaluation has also confirmed that the project ensured close involvement of Key Iranian counterparts, the Judiciary, and ensured national ownership in the implementation of the project through the formal mechanism of the Project Review Committee (PRC). As in the case of the other on-going rule of law projects, the PRC is composed of the Directorate for International Relation of the Iranian Judiciary, Department for Training, I.R. of Iran Judiciary; Department for Training – Justice Administration of Tehran Province; and UNODC Iran.

33. The Ministry of Foreign Affairs attends PRC meetings as observers as required, while the Research and Training Centre of the Judiciary and the Faculty of Judicial Sciences and Administrative Services assist the PRC in executing its responsibilities with respect to project implementation.

34. In accordance with its Terms of Reference the PRC reviewed and monitored the implementation of project activities, approved annual and semi-annual project progress reports, approved the criteria of selection of study tours participants, approved the programme content of study tours, appraised and adopted study tour and seminar/workshop participant reports and recommendations, and commissioned research studies.

35. While evaluation has established, through progress reports and confirmed during interviews, that UNODC Iran has been regularly briefing the Mini Dublin Group and EU member States on the progress of project implementation. It is, however, best practice for project steering committee/PRC to include donor representatives. The PRC could benefit from perspectives and expectation of the donors when major policy decisions are taken or concerns are raised. Moreover, their participation would have further strengthened a sense of common purpose and understanding with Iranian counterparts on the implementation of the project as well as consensus on direction for future cooperation.

36. Further, evaluation also observes that the PRC would have benefited from broadening its membership by including representatives from other related Iranian Ministries, such as, the Ministry of Interior, Law Enforcement, Drug Control Headquarters, Ministry of Finance and Central Bank, State Inspection Organization and State Planning and Management. Their varying perspectives, experience and functions would allow integrated approach to judiciary reform process.

B. Effectiveness

1. Assessment of Overall Project Achievements

37. Overall, the project has, under the circumstances, reasonably delivered. Examination of progress reports and discussions held with a range of Judiciary authorities has revealed that some decisions, for example, with regard to organizing study tours, seem to be beyond the control of project counterparts in the PRC. Moreover, some initiatives, for example relating to: introducing measures aimed at ensuring fair trial; improving the design of complaint system; and launching a review to improve the role of women in the criminal justice system seem to currently enjoy low priority within the reform strategy of the Judiciary. At this stage of the judicial reform process, the outstanding issues seem to be those too close and too sensitive for the prevailing judicial system to allow foreign involvement, hence the lack of enthusiasm to implement those particular project activities.

38. In the following paragraphs, evaluation will elaborate, in more detail, what the project has actually accomplished in terms of project outputs and activities it set out to achieve. Within the
2 years-and-half period since the start of the project in March 2006, evaluation established that the project has:

- provided support to increasing public trust in the functioning of the judiciary. The Judiciary has now adopted a research outcome, commissioned by the project, as a guideline for advocacy and public awareness measures in Iran. As a result of this study, brochures were also published and disseminated to improve public awareness on the work of the judiciary and rights of individuals (Output 3, Activity 3.2).

- supported the telephone and audio-post legal advisor service (commonly known as Centre 129) with the provision of office equipment, including computers, photocopying machines. This support was instrumental to the expansion of the Centre’s services in recent years (Output 3, Activity 3.3).

- supported the design of a comprehensive plan for the introduction of Information Technology to the Judiciary to improve the management of judiciary services, based on needs assessment exercise. The project has also provided hardware and software for the pilot e-courts operating in Tehran province (Output 5, Activities 5.1, 5.2 respectively) and the central archives for the Tehran Judiciary.

- co-organized with the I.R. of Iran Prison Organization, an international conference on “Reducing the Use of Incarceration” on 13 and 14 June 2007 in Tehran. The proceedings of the conference, which was opened by H.E. Ayatollah Shahroodi, the Head of Iranian Judiciary, came out with important conclusions and considerations needed to improve the treatment of prisoners in compliance with United Nations Standards and Norms (Output 6, Activity 6.3.2).

39. As of October 2008, 6 months left out of the 3-year duration of the project, evaluation has established that the project has yet to deliver the following significant outputs and activities related to:

- organizing a study tour for lessons learned from judicial reform practices aimed to ensuring fair trial. Evaluation has learned that a government directive of early 2006, which suspended study tours, has been withdrawn in December 2007. Despite this fact, the project has not been able to influence the Iranian Counterpart take action (Output 2).

- assisting/facilitating the design of a complaint system of all types of crimes, aimed at enhancing transparency and fairness in the delivery of justice in the eyes of the public. Again Iranian counterparts seem to be less convinced to launch this important initiative (Output 3, Activity 3.1)

- improving the role of women in the criminal justice system (Output 4). This project component was meant to: launch a comparative research study on the role of women in the criminal justice system, whose report was to be shared through a seminar/workshop with the participation of all Iranian stakeholders and international experts. The output was aimed at developing a work plan for improving the role of women in Iran’s Judicial system.

- assisting the Iranian Prison Organization initiatives to improve prison management and the treatment of prisoners to comply with United Nations Standards and Norms (Output 6). Specifically, the project has not delivered: i) the study tour to help Iranian counterparts learn lessons from experiences of other countries (Activity 6.1); and ii) an international conference to assess achievements of the Iranian prison system, with the aim of sharing good practices developed in Iran (Activity 6.3).
40. With regard to the above outstanding activities, mid-term evaluation has not come across firm indication that the Iranian counterparts will cooperate to initiate these activities within the remaining timeframe of four months. In fact, a pattern seems to be emerging that the Judiciary has decided to deal with its internal reforms by itself, reneging its prior agreement to receive technical assistance, as specified in the project document.

41. In the context of Iran, as the evaluation team also found out in discussions with UN representatives and EU ambassadors, project implementation and international cooperation, in general gets impacted by the frequent pressures related to the nuclear dispute felt by Iran. Despite this reality on the ground, UNODC Iran has shown tact and persistence in responding to the needs of the Iranians, as and when they demand it.

42. Evaluation, therefore, recommends that the project get extended for at least 18 months and secure formal commitment from the Iranian counterparts to cooperate with the implementation of these outstanding project activities aimed at improving the effectiveness and expansion of access to justice.

2. Promotion of Public Trust on the Judiciary

43. Evaluation has seen for itself, brochures the project designed, published, and disseminated to increase awareness on judicial services and citizen’s rights among the public. The project has also funded a study whose final outcome has been adopted by the Judiciary as a “guideline for advocacy and public awareness measures” (Advocacy Guideline). In the case of the former, there is no evidence to what extent these brochures increased public trust. Likewise, evaluation has not been able to establish evidence on the Iranian Judiciary’s plans, if any, to implement the Advocacy Guideline.

44. Project reports revealed that contents and design of the brochures were developed by three judiciary’s Centre for Information Sharing, Capacity Building and Electronic Services of the Judiciary. The contents were developed on information and awareness gaps manifested in cases the public brings to courts for resolution. In the opinion of the evaluation team, the brochures might have benefited if proposals/comments were solicited from the private lawyers and/or the Bar Association and the media.

45. Moreover, the evaluation team is of the opinion that the project and the Judiciary should organize a follow-up activity to determine the effects of the brochures on public awareness. The exercise could also aim at looking for improvements in content, format or medium of distribution that could be used to ensure the increase of public awareness of the judicial services and citizen’s rights.

46. With regard to the Advocacy Guideline, only a 9-page research outline has been availed to the evaluation team. Although an examination of the research outline reveals the broad scope of the study, it is vital that the project acquire the research report. All project funded reports should be translated in time and properly documented. Such documents, where possible and as appropriate, should also be reviewed by appropriate UNODC experts for the purpose of ensuring compatibility with relevant international norms, standards and best practices.

47. As part of initiatives to increase public trust in the work of the Judiciary, the project has provided office equipment, computers, photocopiers, and machines to Centre 129, a Judiciary institution, which offers legal advice and information to the public, freely and on demand. Following a visit to the Centre 129 and long discussion conducted with the management, the evaluation team is convinced that the Centre is contributing to public awareness on judicial matters, particularly to those related ordinary person’s daily life. To this effect project support to this centre is contributing to the project objective of increasing access to justice.
48. Established in 2005, the Head of Centre 129 is directly responsible to the Head of the Judiciary, a testimony to the level of importance the judiciary attaches to the work of the Centre. Currently legal advice and information is provided to telephone callers on the spot. If, however, the enquiry requires further research, a Reference Number is designated to the request and response is dispatched within 48 hours. The advisors are largely young men and women legal professionals, and as required may consult specialist judges and legal professionals within the judiciary. Basic database of laws and legal guidelines is also provided to the legal consultants/advisors.

49. The Centre has expanded its work to the provinces by introducing a dedicated telephone line (09699) for those who seek advice and information from the provinces. At current level calls, including audio-post box enquiries run 7000 to 8000 calls per month, 75% of which relate to civil cases and 25% to criminal cases. The Centre also provides information on its website.

50. The Centre also distributes a monthly newsletter to judges all over the country to share a sample of the range of public enquiries received and corresponding responses given. The Head of the Centre also submits monthly reports to the Head of the Judiciary on important and recurrent public enquiries that in his view may require attention from the Judiciary. Reports address enquiry patterns in terms of civil and criminal cases, regionally specific questions, substantive versus procedural issues, basic information enquiries, for example, birth registration, marriage registration, child abuse, and family cases.

51. Advice and information provided are randomly checked to ensure continued improvement of quality, completeness, and accuracy. The Head of the Centre, whenever required, also organizes brief workshops to: facilitate exchange of experience among consultants, discuss new relevant legal developments, bring new information to the attention of the legal consultants, and share lessons learned from discrepancies discovered through random monitoring.

Centre 129 is handling telephone and audio-post box enquiries running up to 8000 per month, of which 75% relate to civil cases and the rest 25% to criminal cases. This volume of contact also indicates that there are legal issues (laws and/or judicial procedures), which are not clear enough to the public.

52. Evaluation team believes that the scale and geographical spread of enquiries provide useful feedback on the relevance, effectiveness and efficiency of judicial services as perceived by the wider public.

53. But the extent to which the judiciary benefits from this feedback depends on whether there is a robust feedback analysis framework capable of converting the thousands of enquiries into useful information that help initiate and trigger debate and review of, for example, legislation, legal guidelines and regulations, public information strategies and practices.

54. UNODC should assist the Iranian counterpart to develop and implement appropriate regular feedback analysis framework and mechanisms that could feed into the review of existing legislation, judicial regulations and guidelines with the aim of enabling the Judiciary to improve public trust in judicial services. Data captured from enquiries and responses could be organized to build a database system that could facilitate to develop the proposed feedback analysis framework.

3. Introduction of ICT in Courts

55. With regard to the project objective of supporting Iranian Judiciary with technical knowledge and planning capacity in the access of justice and the improvement of justice, evaluation has found out that the support the project provided in the development of a master plan for the phased application of ICT for the Judiciary and the courts has improved the efficiency of case management, facilitated the provision of public information, helped reduce corruption and abuse
of discretion in the delivery of justice, and provided monitoring information for judiciary authorities.

56. As Dr. Alireza Jamshidi, the Deputy Head of Judiciary for Legal Affairs and Judicial Reform, explained in the 7th of December 2004 Round Table on “Judicial Reform in Islamic Republic of Iran and the Prospects for Future Cooperation”, the Judiciary started the “e-court” programme in mid-2004 to deal with the problems caused by the piling up of backlog of outstanding cases inhibiting effective access of citizens to justice. This experiment was equally aimed at minimizing the excesses of negative effects of discretionary powers often created under such conditions. Encouraged by early indications of the benefits of the pilot programme, the Deputy Head of the Judiciary also disclosed, in this meeting that plans for launching a project to support comprehensive introduction of IT into the judicial system was under negotiation with UNODC. Those negotiations have resulted in the formulation of this project.

57. In taking up this challenge, evaluation believes that the project took a well conceived multidisciplinary approach to assess the short and long-term needs of the judiciary that would allow the system to fully benefit from the introduction of Information and Communication Technology. The needs assessment exercise, led by systems analysts, management experts and judges, produced four comprehensive reports. The assessment exercise has also benefited from previous study tours organized, for example, under UNODC project IRNS12, which provided an opportunity for Iranian experts to learn from similar systems.

58. These four detailed studies, which addressed organizational, managerial and technical reform requirements, have assisted I.R. of Iran to adopt a master plan for the application of Information Technology and electronic equipment for the Judiciary and the court system. This master plan is designed to implement a computerized Case Management System (CMS) in 4 stages. Stages 1 and 2 of the case management system, dealing with registration of court documents and the development of basic database, have been to-date introduced in 3500 courts and 30 provincial capitals. There is also a plan to connect 2000 more courts to the Case Management System shortly.

59. Stages 3 and 4, currently being piloted in Tehran province, deal with registration of cases and applications, management of movement of documents that trigger automatic appropriate action, and management of assignment of cases, fixing appointments and dispatching notifications. These last two stages will allow, among other facilities, a restricted access to interested parties, for example defendants and their lawyers, to certain sections of the database from a secure website. The system will also be linked with related organizations, for example, Office of Forensic Service, Prison Administration, the Police and Prosecutors’ offices and Criminal Record Office to transfer information and documents electronically through secure system.

60. In discussions, the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform asserted to the evaluation team that the Judiciary has already identified up to 46 benefits, including, reduction of corruption by narrowing opportunities that offer abuse of discretion and facilitated easy access of information about the judiciary. But most importantly, the Judiciary authorities in Tehran can now monitor the efficiency of courts across the country, without interfering with the independence of judges.

61. With regard to controlling or reduction of abuse of discretion the CMS software monitors progress of registered files. Appointments for a hearing, for example, are fixed through interactive process. The system suggests plausible dates, taking into consideration various relevant factors (for example, precedence in registration, case typology, and court room availability). The Judge and support staff could decide on a different date, but are required to register the reason for monitoring purposes.
62. The software has the capability of alerting for mitigation measures whenever an action is delayed or suspended or omitted. The timing taken for the series of court proceedings and action points is monitored. Any deviation outside the standard/average time, currently 75 days, for the closure of a file is flagged out for consideration and action by appropriate authorities.

63. Evaluation has also learned that the Judiciary has invested huge resources and efforts to reap these benefits. The amount of intellectual efforts put into the introduction of IT into courts and the judiciary, for example, by systems analysts in developing specific decision flow charts associated with various laws and bills to assist judges in their deliberations has been found to be very useful.

64. But the initiative has also faced several challenges:

- Despite the achievements so far registered, stakeholders feel that the implementation process has been slower than expected due to difficulties in data entry, lack of trained staff and lack of timely provision of sufficient hardware. Evaluation has found out that UNODC funding mechanism, which relies on voluntary contribution from donors, does not inherently ensure predictability or adequacy at times causing delays in implementation of projects.
- Resistance faced from within the judiciary against the measures taken to reduce abuse by managing registration of court documents electronically was identified by counterparts as difficult.
- The issue of security and privacy will be crucial and challenging as the CMS progresses across the 4 stages to provide access to more and more interested parties outside the Judiciary (defendants and their lawyers, prosecutors, researchers, for example). Ensuring safe technical solutions and appropriate legal frameworks will be quite a challenge for the future.

65. Evaluation underlines the following recommendations:

- The involvement of Independent lawyers and/or the Bar Association in the development of computerized systems in Iranian courts would add useful perspective that could enhance the rights of defendants and improve transparency of judicial services.
- The project needs to pay extra attention to the systematic documentation of project results, project outputs and processes including activity reports, research reports and studies in order to allow for establishing lessons learned from the implementation of the project activities. Specifically, evaluation urges the translation of the four IT study reports (Output 5, Activity 5.1).
- Evaluation recognizes that Iran has registered reasonable successes in the application of Information Technology in the judiciary. Lessons learned from Iran’s experience in terms of design approach, implementation strategy and monitoring and assessment framework could be shared in a south-south cooperation framework.

4. Improvement of Prison Administration and Rights of Prisoners

66. It is proper to note that putting the Prison Organization under the administration of the Judiciary in the late 1980s, previously under the Police, brought significant changes including more humane treatment of detainees and prisoners, including:

- Top managers, who were from the police officers were replaced by judges;
Prisons have been staffed with social workers, psychologists, and medical staff who support treatment, rehabilitation and correction of prisoners;

The Iranian Literacy Board was called in to provide education to prisoners;

Guards within the prisons are under the Judiciary and the Police are only responsible for security risk from outside prison premises; and

Training prisoners in marketable skills to prepare them for jobs;

67. Each prison is also overseen by a judge who submits monthly reports on administrative, operational, and on treatment and complaints of prisoners to the Judiciary. Prisons are also visited by State Inspection Organization officers and mismanagement is reported to Panel for Public Officials for deliberation.

68. The Prison organization has benefited from earlier UNODC Iran research study on “Alternatives to Imprisonment” delivered in 2002. The study has influenced the Judiciary and the Prison Organization to take initiatives to improve the situation of detainees and prisoners. The strategic approach above mentioned was influenced by the exposure of the stakeholders and decision makers to the international experiences under Legal Assistance UNODC Project.

69. These internal reforms, which came with the change of management from military to the judiciary, and UNODC-Iran support resulted in the reduction of the prison population from 700,000 in the late 1980s to the current number of 470,000, double the capacity of the prisons. The number of repeat offenders also decreased from 47% to 20% for the same period. The proportion of prisoners detained on grounds of drug-related offenses constitutes 70%, who stay in prison for an average of three months only.

70. The huge number of prison population still remains a major challenge for Iran, resulting in overcrowding that impacts on the quality of treatment provided to prisoners. Moreover, the consequent social and economic cost to the country is enormous. UNODC has been assisting the Iranian government to mitigate the problem with projects aimed at reducing the trafficking in narcotics and in the development of effective prevention, treatment and rehabilitation measures in drug abuse and HIV/AIDS.

71. Under this project, UNODC also organized an international conference on “Reducing the Use of Incarceration” to further influence the Judiciary to address one of the root causes of the large prison population and its effects. The conference, held on 13 & 14 June 2007, was organized in collaboration with the Office for Legal Affairs and Judicial Reform of the Judiciary, the Prison Organization and a non-governmental organization, Addiction AIDS Research and Intervention Association (ARIA).

72. As a measure of significance of the issue to Iran, the conference was opened by H.E. Ayatollah Shahroodi, the Head of I.R. of Iran’s Judiciary. The conference discussion was organized around five inter-related issues: Criminal law and criminology, psychology and health issues, social and economic issues, Islamic law and jurisprudence, and prison management.

73. UNODC Iran also made a relevant presentation on the “Handbook of basic principles and promising practices on Alternatives to Imprisonment”.

74. As anticipated, the conference concluded with important concerns and recommendations, including:

- Concerns over the large criminal population;
- The need to review existing laws with the aim of decriminalizing certain crimes;
- Promotion of treatment/correction capacities for drug abusers, instead of imprisonment;
• Emphasis on correctional mandate of the Prison Organization; and
• Importance of exchange of views and information at international level.

75. As a direct result of this UNODC organized international conference on “Reducing the Use of Incarceration” and the research study on “Alternatives to Imprisonment” have directly contributed to the drafting of a bill on alternatives to imprisonment. The bill has passed its first reading in the I.R. of Iran parliament and is expected to be enacted shortly.

76. The Prison Organization has improved its approach and management system resulting in the improvement of treatment of prisoners and reducing repeat offenders. In order to consolidate these achievements:

• UNODC should organize study tours to expose Judges and Prison Organization officials to prison management systems of other countries, including laws and regulations and human resources development strategy, as envisaged in this project (Activity 6.1). Prominent Parliamentarians and the Prison Organization have confirmed to evaluators that there is still a need for: learning from other countries’ experience, establishing links with international experts in order to improve the treatment of inmates and meet their human rights. Evaluation is aware that Iranian authorities are not currently keen to allow study tours, but UNODC should solicit the support of the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform, who is responsible for UNODC cooperation.

• UNODC should also start discussions with the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform on a project concept aimed at assisting the Judiciary in the implementation of the forthcoming law on Alternatives to Imprisonment, currently in advanced stage of deliberation in the I.R. of Iran parliament.

• As envisaged in this project (Activity 6.3), an international conference should be organized to share the I.R. of Iran’s experience in prison management and the treatment of prisoners with international experts and prison organizations of other countries. Iran’s experience in Health Care service to prisoners, rehabilitation services to reduce number of repeated offenders, and the training of prisoners for employment could be shared as best practices in a south-south cooperation framework.

C. Monitoring Tools and Performance Indicators

1. Monitoring Tools

77. Evaluation has established that project monitoring reports are not adequate because they fail to provide: work plans against which status of project implementation could be compared against actual; information on funding status; and revised work plans for next reporting period. Evaluation asserts that these improvements are vital to effectively manage projects.

78. The project uses Semi-annual and Annual Project Progress Reports to monitor implementation of project outputs and activities. The reports provide information on: the status of project outputs and summary reports on related activities, for example, seminars and workshop and study tours. They also address constraints encountered and mitigating measures taken to rectify problems.

79. These periodic report formats need, however, to be aligned with the project logical framework in order to enable project management provide comprehensive and systematic information to allow proactive management.

2. Performance Indicators
80. Concurrent to monitoring tools, as it is also the case for rule of law projects, specifying indicators that measure project performance at the levels of project outputs, objectives and impact in the project Logical Framework Matrix is challenging.

81. Where performance indicators are incorporated in project design, they enhance the management, monitoring and evaluation of projects. The project under evaluation has not, for example, defined performance indicators: that measure change in public trust in the functions of the judiciary; in the treatment of detainees and prisoners; and quality of research reports. Moreover the projects do not include baseline data against which changes attributed to project intervention could be measured.

82. Evaluation cannot, however, overemphasise the difficulties involved in developing qualitative and quantitative measurable indicators for rule of law projects, particularly in the context of current institutional development in Iran, difficulties to access information.

D. Institutional Arrangements

1. Project Review Committee (PRC)

83. Evaluation was not able to see copies of PRC minutes, but from the summary reports of PRC meetings included in the Project Progress Reports, the PRC has played a good role in the implementation of the project as defined in its Terms of Reference (TOR).

84. The PRC has reviewed and approved project progress reports, approved the criteria for the selection of study tours participants, prepared study tour and seminar programme contents and approved diagnostic and seminar outcome proceeding reports.

85. Evaluation argues that the inclusion of donor representatives could have helped the PRC to promote consensus and strategic partnership between Iran and other concerned countries, particularly in important area of the prevention and control of transnational organized crime.

2. The Role of Iranian Counterparts

86. Overall, the Iranian counterpart, Office of the Deputy Head for International Affairs of the Iranian Judiciary, has provided their part of support to facilitate project implementation. Likewise, the role of the Office of the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform, which hold the ultimate responsibility for managing the cooperation between Iran and UNODC, has also been effective.

87. The project counterparts have provided all logistical and organizational support required to facilitate project activities, for example, in the organization of seminars and workshops.

88. As established in Section B (1) above, despite continuous reminders from the UNODC Iran and occasional discussions over outstanding project activities, the Iranian counterparts have:

- failed to initiate a study tour for Iranian judges, lawyers and judiciary administrative staff to help expose to best practices on improvement of court procedures aimed at ensuring fair trial (Output 2);
- not invited UNODC Iran to facilitate the institutionalization of complaint management systems within the Judiciary, as agreed in the project document (Output 3, Activity 3.1);
- have failed to expedite the launch of a comparative research study on the professional role of women in the criminal justice system (Output 4); and
have not taken necessary steps to enable the project organize a study tour to foreign countries for judiciary and prison authorities to benefit from prison management systems, laws, and human resource capacity strategies applied in other countries (Output 6, Activity 6.1).

89. Evaluation contends that the above situation is not consistent with the overall results so far achieved; and the sense of purpose, commitment and determination the Iranian counterparts demonstrate.

3. The Role of UNODC HQ and UNODC Iran Office

90. Overall the UNODC, as the Executing Agency, planned, coordinated and executed the project effectively in collaboration with the Iranian counterparts, particularly the office of the Deputy Head for International Affairs of the Iranian Judiciary.

91. Although, UNODC could have improved the planning of implementation project activities by elaborating work plans with clear time frame. semi-annual and annual project progress reports were prepared and submitted to the PRC and UNODC HQ regularly. These reports provided basic information on progress of information, but could have benefited from improvements as noted in earlier sections.

92. UNODC coordination mechanisms were highly effective. UNODC has regularly briefed the donor community, particularly the Mini Dublin Group, EU Member State Representatives in Iran and the UN agencies represented in Iran. As confirmed in the course of contacts with members of these representatives and project reports, evaluation has established that UNODC has ensured collaboration and co-ordination of multi- and bilateral donors currently providing assistance to Iran in the area of judicial reform in general and in transnational organized crime and drug-related cooperation in particular.

93. Evaluation is convinced that UNODC coordination activities has helped to keep donors and potential donors informed and engaged in what is happening in the area of judiciary reform process and opportunities for cooperation with Iran.

III. Outcome, Impact and Sustainability

A. Outcome

94. Overall evaluation has established that the project has contributed in ensuring Iran continue to get engaged with the international community and keeping the momentum of the judicial reform process going in important departments, including: increasing public trust in the functions of the judiciary; application of Information Technology and electronic equipment in the court systems in Iran; and improving initiatives on the administration of prison system with a view to securing the rights of prisoners.

95. The project has contributed to the following significant outcomes. These outcomes have been discussed in greater detail in the preceding Section on Effectiveness:
• The IT System Program, supported by UNODC, addressed the main problem inhibiting the efficiency of the courts, by utilizing a computer application to register cases and movement of files through to their closure. Moreover, the IT application is providing data for Judiciary authorities for the purpose of monitoring performance of courts in the delivery of justice.

• Project support has contributed to expanding access to justice by assisting the Centre 129 extend its services to provinces beyond Tehran. As already noted in the body of this evaluation report, public calls for legal advice and information are running up to 8000 calls every month. Complemented by the public awareness materials published and disseminated to the public, it is expected that public interest in the services of the judiciary and trust will in the long-term improve.

• Judiciary policy makers and parliamentarians and prison management confirm that UNODC’s “Handbook of basic principles and promising practices on Alternatives to Imprisonment” and knowledge gained from the international conference on “Reducing the Use of Incarceration” held on 13 & 14 June 2007 have helped to influence policy makers bring forward considerations for alternatives to imprisonment. Currently the parliament is discussing a draft law on alternatives to imprisonment.

B. Impact

96. Realistically, the impact of project activities, outputs and processes is difficult to realize within the life time of a project. The foregoing outcomes will in the medium to long term contribute to institutionalizing fair trial meeting public expectations, but at this stage, it is premature for these outcomes to result in improvements in accountability and transparency in the administration of justice. Moreover, it has to be noted that judicial reform is complex affected by wider interacting socioeconomic processes and, particularly in the context of Iran, other factors, including domestic and international political developments that could also influence the realization of long-term impacts. It is also appropriate to note that the project log frame does not provide indicators at the results level, particularly at the impact level; relevant baseline data that could help assess impact of project intervention is not available (Refer Paragraphs 80-81).

C. Sustainability

To What extent are the benefits of the project likely to be sustained?

97. Evaluation observes that some of the key conditions that ensure sustainability of project activities and processes are available in Iran, including, political commitment and appropriate structures and resources.

• As discussed in previous chapters, the judicial reform agenda continues to enjoy leadership support from the highest levels of power: the Supreme Leader, the Expediency Council, the Parliament and the Judiciary;

• The project processes, outcomes and outputs (research study reports, international conference on judicial reform issues, international norms and standards developed by UNODC and introduced to Iranian counterparts) have positively influenced the attitudes of policy makers towards the benefits of international cooperation, particularly with the UNODC.
The judicial reform process is headed by the Deputy Head of the Judiciary, for Legal Affairs, who has the power to plan and follow-up implementation of programmes. The judicial reform process is, therefore, institutionalized, ensuring sustainability of the benefits of the project.

Evaluation would, however, strongly recommend that the Judiciary develop and implement a systematic training programme for judicial staff, including training-of-trainers, judges and support staff in order to ensure sustainability of what the project has so far achieved.

IV. Major Lessons Learned and best practices

A. Lessons Learned

99. When management of prisons was taken over by the Judiciary from the Police in 1985, dealing with the growing prison population changed from punitive to judicial approach. The prison system, under the guidance of the Judiciary, was reorganized to focus on the correction and rehabilitation of prisoners. Given that drug offenders constitute about 70% of the prison population, the case for rehabilitation made sense not only in terms of respecting the human rights of prisoners but was also found to be helpful in reducing associated social and economic costs to the country. This approach resulted in the reduction of prison population by 33% over 15 years and repeat offenders are now 20% (international average is 60%).

100. UNODC-Iran, in partnership with the Iranian Judiciary, has been consolidating achievements through its Technical Assistance in the form of drug demand and supply reduction projects, legislative reform, for example, alternatives to imprisonment, and compliance to international legal instruments.

101. Iran’s experience could be shared with countries suffering from similar problems in the form of South-South cooperation.

B. Best Practice

102. In introducing ICT application system in Iranian courts, the project developed and implemented an effective implementation strategy, which integrated: i) needs assessment, ii) implementing pilot activities, iii) assessing pilot results, and iv) planning and replicating to thousands of courts across the country. Moreover, this design approach combined with phased implementation of pilot activities allowed the consideration of broader developmental needs, including review of management systems, structure and human resource development. In the process, the IT application was constantly tailored to meet specific conditions of courts with varying capacities.

103. To date, 3500 courts and 30 provincial capitals have implemented Stage 1 and 2 of the system. Judicial authorities are now able to monitor performance of those courts on line.

V. Recommendations

104. The following recommendations are based on findings and analysis discussed in Chapters II and III of this mid-term evaluation report.

A. Relevance

1. The Key I. R. of Iran project counterpart, the Judiciary, should include donors and other national stakeholders, who directly or indirectly contribute to the judicial reform process and/or to project objectives, in the Project Steering Committee/Project Review Committee.
Rationale

105. Including donor representatives in the Project Review Committee creates conditions for ensuring concerted action in the implementation of project activities, facilitates the sharing of learning, and helps strengthen donor-counterpart strategic partnership for continuing cooperation.

106. Evaluation also observes that the PRC would have benefited from broadening its membership by including representatives from other related Iranian Ministries, for example, the Ministry of Interior, Law Enforcement, and Drug Control Headquarters, Ministry. Their varying perspectives, experience and functions would increase synergies and allow integrated approach to judiciary reform process.

B. Effectiveness

2. Three months left to the termination of the project, and in light of considerable project activities, mid-term evaluation recommends that the PRC:
   
a) consider the extension of the project for at least 18 months to allow ample time for the implementation of the outstanding activities.

b) seek and secure a formal commitment from the Office of the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform to cooperate to implement the outstanding activities identified in Chapter II. Such explicit counterpart commitment should form the basis and rationale for the extension of the project.

Rationale

107. These recommendations are appropriate because the evaluation team did not see concrete evidence indicating that Iranian counterparts will take the necessary steps to initiate the substantial outstanding activities within the remaining timeframe of four months up to end of February 2009.

3. UNODC should assist the Iranian counterpart (Centre 129) to develop and implement appropriate regular feedback analysis framework and mechanisms that could feed into the review of existing legislation, judicial regulations and guidelines with the aim of enabling the Judiciary to improve public trust in judicial services. Data captured from enquiries and responses could be organized to build a database system that could facilitate to develop the proposed feedback analysis framework.

Rationale

108. Centre 129 is handling telephone and audio-post box enquiries running up to 8000 per month of which 75% relate to civil cases and the rest 25% to criminal cases. This volume of
contact also indicates that there are legal issues (laws and/or judicial procedures), which are not clear enough to the public.

109. Consequently, evaluation team believes that the scale and geographical spread of enquiries provide useful feedback on the relevance, effectiveness and efficiency of judicial services as perceived by the wider public. But the extent to which the judiciary benefits from this feedback depends on whether there is a robust feedback analysis framework capable of converting the thousands of enquiries into useful information that initiate and trigger debate or review of, for example, legislation, legal guidelines and regulations, public information strategies and practices.

110. This recommendation is intended to maximize the benefits of investment beyond the provision of public information, i.e improving legislations to be relevant to public expectations.

4. a) The I.R. of Iran project counterpart, the Judiciary, should involve Independent Lawyers and/or the Bar Association in the development of computerized systems in Iranian courts in order for the system to benefit from necessary perspectives that could ensure the rights of defendants and improve transparency of the judicial services.

b) The project should develop performance assessment framework to evaluate the: implementation approach/strategy, impact on the behavior of judges and their functions, quality of monitoring information, benefits accrued by the ordinary citizens in terms of fair justice, reduction of abuse by narrowing opportunities for discretionary powers, and unit cost of handling a court file, average time of closing cases.

c) The project needs to pay greater attention to the systematic documentation of project results, including activity reports, performance assessment reports, research reports and studies to allow the discerning of lessons learned from the implementation of the project activities. Specifically, evaluation urges the translation and documentation of the “ICT Master Plan for the Judiciary of the Islamic Republic of Iran” report (Output 5, Activity 5.1).

Rationale

111. Involving private law firms and/or the Bar Association in the introduction of ICT into the courts is beneficial. A system conceived and implemented solely by the implementing body, in this case, the Judiciary cannot necessarily convince those excluded to believe their respective needs and perspectives were considered.

112. Evaluation recognizes that Iran has registered reasonable successes in the application of Information Technology in the judiciary. Lessons learned from Iran’s experience in terms of design approach, implementation strategy and results of monitoring and assessment framework could be shared in a south-south cooperation framework.

113. However, for such eventuality to happen, it has to be stressed that the above recommendations should be implemented and special effort should be exerted to the proper documentation of project outputs and processes and challenges.
5. UNODC should carry out consultations with Iranian Judiciary for the provision of technical assistance towards improving the role of civil society, independent lawyers (through the Bar Association) and academicians to encourage them to contribute to initiatives that improve delivery and access to justice.

Rationale

114. Access of citizens to fair trial/justice is greatly improved by having a defense lawyer. Improving the capacity and role of lawyers and their association (Bar Association or Lawyers Society, for example), civil society and independent academicians in the judicial reform process would strengthen the rule of law in Iran. Enabling citizens to have access to appropriate legal defense instruments, including to independent counselor would mean squaring the circle to ensure citizens right to fair justice. Independent Law Society, free from internal and external influences, must be encouraged.

115. UNODC is in a good position to encourage the Iranian Judiciary to consider implementing this recommendation. UNODC-Iran enjoys the trust and has the competence to provide appropriate technical assistance.

6. a) The project and the Centre 129 Management should carry out a survey to assess the effect of the brochures disseminated to improve public awareness judicial services and citizen’s rights.

   b) Acquire a copy of the “guideline for advocacy and public awareness measures” (Advocacy Guideline), study commissioned by the project and follow up its implementation with Iranian counterparts.

e is a market research to assess whether the brochures provided useful information about the Judiciary as it relates to their requirements. The survey exercise could be designed to gather information to improve content, format, medium of publishing and dissemination strategy.

117. On the Advocacy Guideline, evaluation was not able to get a copy. According to the outline, the scope of the study seems comprehensive. Firstly, the document should be translated documented. It should also be reviewed by appropriate UNODC experts to ensure compatibility with UNODC publishing standards. Secondly, since the Judiciary has adopted the document as its Advocacy Guideline, the project should follow-up implementation. The Advocacy Guideline a UNODC knowledge product and results of its application should be followed-up to contribute to lessons learned and best practice.

7. UNODC should start discussions with the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform on a project concept aimed at assisting the Judiciary in the implementation of the forthcoming law on Alternatives to Imprisonment, currently in advanced stage of deliberation in the I.R. of Iran parliament.

Rationale
This will give UNODC-Iran an edge on second generation of rule of law framework programme and sustainability of project derived outcomes.

C. Monitoring Tools and Performance Indicators

8. Evaluation recommends the following additions and improvements on current monitoring tools in use by project management:

   d) start to use work-plans, to allow monitoring and comparison of implementation status of project outputs and activities against agreed time-bound plans;

   e) include funding information and status needed to realize outstanding project outputs and activities in order to help the PRC and senior project management take necessary steps to ensure availability; and

   f) prepare a detailed revised work plan at the start of a new planning period in light of the overall reported accomplishments and outstanding activities.

Rationale

Evaluation has established that project monitoring reports are not adequate because they do not provide: i) useful information that allow monitoring and comparison; and ii) information on funding status relative to outstanding outputs and activities should be made available to the PRC and senior project management to alert them intensify funding mobilization efforts and/or negotiation with project donors to honor their commitments, as appropriate.

D. Sustainability

9. The Judiciary should develop and implement a systematic training programme in ICT for judicial staff, including training-of-trainers, judges and support staff.

Rationale

Particularly in the context of Iran, as a middle-income country, sustainability of the ICT programme for the Judiciary will depend on the trained human resources. A programme of training of trainers should be implemented to ensure efficient software maintenance and data management skills for the provinces.

VI. Conclusion
Overall, the project Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran, Proj. Ref. FS/IRA/05/S03 has achieved some part of its objectives. In the 2 years-and-half since the start of the project in March 2006, the project has initiated a number of activities which resulted in significant outcomes with concrete contribution to the Judicial reform process: They include:

- Supported Centre 129, with the design, publishing and dissemination of brochures for their public awareness campaign and supplied computers and office equipments for legal advisory services; commissioned a study on Judiciary Public Awareness Master Plan. The outcome of the study is now adopted as the Judiciary’ “Advocacy Guideline”. Centre 129 has now serves 7000-8000 telephone and audio-post enquires calling from all over the country. (Output 3, Activity 3.2).

- Supported the introduction of Information Technology to the Judiciary: commissioned Implementation Master Plan and supplied computer hardware and software for the pilot e-courts operating in Tehran province and the central archives of Tehran Judiciary. The project support has contributed to the successful completion of the pilot phase and expansion into the provinces. Now over three thousand courts across the country and 30 provincial capitals are benefitting from the system. (Output 5, Activity 1 and 2).

- Co-organized with the I.R. of Iran Prison Organization, an international conference on “Reducing the Use of Incarceration” on 13 and 14 June 2007 in Tehran. The proceedings of the conference, which was opened by H.E. Ayatollah Shahroodi, the Head of Iranian Judiciary, came out with important conclusions and recommendations which directly resulted in the drafting a bill on Alternative measures to imprisonment currently at the highest stage of deliberation in I. R. Iran parliament.

In summary the project has contributed to strategic objectives of the Judiciary, namely, improving the efficiency and transparency of judiciary services through the introduction of information technology; expansion of access to justice through the provision of legal advisory and information service to the public across the country; and influencing Iran’s judicial authorities to act on alternative measures to imprisonment, instrumental to the reduction of prison population which has been imposing enormous social and economic costs to the country.

However, the project was not able to accomplish the following due to some difficulties within the Judiciary:

- Organizing a study tour to expose judiciary authorities and judges to learn from judicial reform practices aimed to ensuring fair trial. (Output 2). The project did not succeed to win the cooperation of the counterparts to initiate this activity.

- Assisting/facilitating the design of a complaint system of all types of crimes, aimed at enhancing transparency and fairness in the delivery of justice in the eyes of the public. Iranian counterparts seemed to be less convinced to launch this important initiative (Output 3, Activity 3.1).

- Despite a number of discussions in PRC meetings, the comparative research study on the role of women in the criminal justice has not been initiated. (Output 4). The expected outcome of the study was a work plan for improving the role of women in Iran's Judicial system.

- Assisting the Iranian Prison Organization initiatives to improve prison management and the treatment of prisoners to comply with United Nations Standards and Norms (Output
6). Specifically, the project has not delivered: i) the study tour to help Iranian counterparts learn lessons from experiences of other countries (Activity 6.1); and ii) an international conference to assess achievements of the Iranian prison system, with the aim of sharing good practices developed in Iran (Activity 6.3).

124. Evaluation team recognizes the high level of commitment and strong determination of the Iranian counterparts to advance the judiciary reform process. Delays in the above outstanding project activities can only be due to considered reprioritization. It is in this context that the Evaluation Team recommended the extension of the project for 18 months to provide sufficient time for completion of the project.
ANNEX IIC

INDEPENDENT EVALUATION REPORT

Mid-Term Evaluation Report

“Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance” IRNS12

Report of the Independent Evaluation Team

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UNITED NATIONS OFFICE ON DRUGS AND CRIME

December 2008
“Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance” IRNS12

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2. Evaluation Assessment Questionnaire

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## ACRONYMS

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<tr>
<td>AMLID</td>
<td>Anti-Money Laundering International Database</td>
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<td>DCSA</td>
<td>Central Directorate for Anti Drugs Services</td>
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<td>DIA</td>
<td>Anti-Mafia Investigation Directorate</td>
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<td>DNA</td>
<td>National Anti-Mafia Justice Directorate</td>
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<td>FATF</td>
<td>Financial Action Task Force</td>
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<td>ECOSOC</td>
<td>United Nations Economic and Social Council</td>
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<td>EU</td>
<td>European Union</td>
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<td>FIU</td>
<td>Financial Intelligence Unit</td>
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<td>GPML</td>
<td>Global Programme against Money Laundering</td>
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<td>ICT</td>
<td>Information and Communication Technology</td>
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<td>IMoLIN</td>
<td>International Money Laundering Information Network</td>
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<td>JRP</td>
<td>Judicial Reform Plan</td>
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<td>MLA</td>
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<td>MLA-CA</td>
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<td>MLA-FP</td>
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<td>MDG</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>PRC</td>
<td>Project Review Committee</td>
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<td>PSC</td>
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<td>SPF</td>
<td>UNODC-Iran Strategic Programme Framework</td>
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<td>UNAC</td>
<td>United Nations Convention against Corruption</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<tr>
<td>UNTOC</td>
<td>United Nations Conventions Against Transnational Organized Crime</td>
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Mid-Term Project Evaluation

“Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance” IRNS12

Summary

a) Summary Project Description

The main objective of this project IRNS12 is improving Iranian judicial and legislative capacities related to the control and prevention of organized crime and money laundering and to promote and strengthen international mutual legal assistance.

Duration: Three years
Start Date: January 2007 (Transfer date of first allocation)
Total Project Budget: US$ 1,660,000

As stated in the Project Document the intermediate objectives of the project were:

10) Provide Iranian stakeholders (judges and prosecutors as well as law enforcement and other executive institutions) with the needed legislative and investigative tools, based on international best practices, for enforcing relevant anti money laundering laws and regulations.

**Key Activities:**
- Organizing a series of thematic seminars on money laundering and mutual legal assistance, with the assistance of international experts and UNODC HQ, for enable Iranian stakeholders to identify legislative and inter-institutional co-ordination mechanisms gaps and formulate action plan accordingly.

11) Familiarizing Iranian Judiciary and law enforcement agencies with modern technical tools and methodologies required for dealing with transnational organized crimes.

**Key Activities:**
- Compile and translate into Farsi, International legal instruments, model legislations, and best practices to increase the knowledge of Iranian stakeholders on transnational organized crime
- Compile and translate into English Iranian relevant laws and criminal code to facilitate exchange of basic information between the Iranian Judiciary and their foreign counterparts.
- Organize study tours to foreign countries to expose Iranian stakeholders to best practices and know-how relating to transnational organized crime Iranian.

12) Train prosecutors as well as law enforcement staff acquire knowledge, skills to tackle organized crime, money laundering and other related cases.

- Organizing study tours and seminars/workshops.
b) Major Findings

i. Relevance

- The project responds to judicial and related measures required to effectively deal with organized crime, money laundering and the promotion of mutual legal assistance as identified in I.R. Iran/s 1st and 2nd Judicial reform plans. The project activities and processes directly address Iran’s Second Five-Year Reform Plan 2004-2008 priority objectives of: i) crime prevention, and ii) reviewing relevant legislation to increase Iran’s capacity to control organized crime including money laundering.

- Project objectives are in line with UNODC mandate emanating from the provisions of the United Nations Convention against Transnational organized Crime (UNTOC) adopted at Palermo in 2000, which came into force in 2003. Moreover project initiatives support UNODC’s UN mandate to “encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them.

- The project is also aligned with UNODC’s Strategic Programme Framework (SPF), for the period 2005-2007, which under its Rule of Law programme, UNODC planned to assist Iran harmonize Iranian legislation with legislative standards on, inter alia,: a) drug related crime, b) organized crime, and c) the promotion of an effective use of information technology to increase ease of use of court services.

- The project ensured close involvement of Key Iranian counterparts, the Judiciary, and ensured national ownership in the implementation of the project through the formal mechanism of the Project Steering Committee (PSC). As in the case of the other on-going rule of law projects, the PSC is composed of the Directorate for International Relation of the Iranian Judiciary (Chair), Department for Training, I.R. of Iran Judiciary; Department for Training – Justice Administration of Tehran Province; and UNODC Iran.

- Extensive examination of project activity reports, annual and semi annual progress reports, PSC meeting minutes and interviews with key stakeholders reveal that the PRC has undertaken important policy and implementation decisions, including: adopting 2007 and 2008 project work plans, reviewing objectives of thematic seminars; preparing terms of reference of study tours and list of participants; and reviewing project progress reports and deciding on adjustments, as required.

- UNODC Iran has been regularly briefing the Mini Dublin Group and EU member States on the progress of project implementation. It is, however, best practice for project steering committee/PRC to include donor representatives. The PRC could benefit from perspectives and expectation of the donors when major policy decisions are taken or concerns are raised. Moreover, their participation would have further strengthened a sense of common purpose and understanding with Iranian counterparts on the implementation of the project as well as consensus on direction for future cooperation.

ii. Effectiveness

- Significant milestones have been achieved in the last 22 months since the start of the project on 1st January 2007. Project capacity building strategy provided for the Iranian judiciary and law enforcement organizations were found to be very effective. The
Iranian counterparts have received appropriate and effective technical assistance, which have already made significant contribution on concrete steps the Judiciary has taken: a new bill for Anti Money Laundering has been enacted, existing bills are being amended to comply with international conventions, ratification of UNOTC is being expedited, expanded and strengthened contacts of Iranian judicial and law enforcement authorities with foreign counterparts, and establishing new structures to tackle money laundering and mechanisms to support mutual legal assistance.

- The project has brokered significant exposure and provided training by organizing study tours to foreign States and thematic seminars on international legal instruments and best practice relating to: the implementation of money laundering measures (Output 2); familiarizing Iranian judiciary and law enforcement agencies with modern technical tools and methodologies required for dealing with transnational organized crime (Output 3); improving Iranian legislative and institutional frameworks to promote mutual legal assistance between Iran and other States (Output 4).

- The positive result of the support is evident from the outcomes and recommendations made by the thematic seminar participants (high ranking authorities, Judges and officials from the law enforcement agencies) demonstrate good grasp of: key issues relative to existing legislation and structures, including: including required amendments, draw backs of existing institutional structures that require fixing to be fit for purpose; inter-agency coordination mechanisms required; technical know-how, methodologies and tools needed for monitoring and investigation of money laundering cases use in the implementation of anti-money laundering institutional.

- As can be observed from the substance of the discussions and recommendations, thematic seminars, facilitated by competent and experienced experts, are appropriate delivery mechanisms for exposing Judiciary and law enforcement policy makers to key legislative and institutional issues and challenges. Dr. Jashmidt, the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform, in a meeting with the Evaluation Team, confirmed that these seminars are directly contributing to the continuing review of Iranian legislation to comply with international legal instruments on organized crime and money laundering.

- The Judiciary has to date drafted 30 bills, some of them composed of over 700 articles. The Law of the Rights of the Child (which took 4 years, and UNODC was also involved), and New Anti-narcotics bill can be mentioned. In this effort, the Judiciary has so far translated the laws of as many as 50 States to assist in the review of Iran’s laws. Access to the experience of other countries dealing with similar judicial issues and challenges helped in identifying what works and what doesn’t and to develop a strategic approach to the judicial reform process.

- Study Tours organized to Italy and Thailand was found to be effective in improving awareness and knowledge of policy makers in: i) the way they were planned and organized to expose key Iranian policy makers to appropriate legislation and best practices consistent with international legal instruments; ii) familiarizing the delegates with structures, know-how and tools required to effectively implement money laundering measures; iii) recognizing the necessity of ratifying the UNTOC and the signing of mutual legal assistance agreements with foreign countries to effectively tackle money laundering; iv) creating opportunities for Iranians to establish useful contacts with counterpart policy makers and experts of other countries; and v) sharing the study tour experience with wider group of judiciary and law enforcement professionals to develop consensus and enrich the final recommendations.
• Project monitoring reporting is adequate. Particularly reports on project activities on seminars/workshops, study tours and PSC meetings are informative, substantive and complete.

• UNODC Iran coordination mechanisms were highly effective. UNODC has regularly briefed the donor community, particularly the Mini Dublin Group, EU Member State Representatives in Iran and the UN agencies represented in Iran. As confirmed in the course of contacts with members of these representatives and project reports, evaluation has established that UNODC has ensured collaboration and co-ordination of multi- and bilateral donors currently providing assistance to Iran in the area of judicial reform in general and in transnational organized crime and drug-related cooperation in particular.

c) Major Lessons Learned and best practices

• Internal and international problems affected the possibility of directly involving the donors and other national stakeholders in the Project’s decision making process. Despite these difficulties, UNODC has effectively executed its role in regularly organizing operated PSC meetings and also opening up to other national stakeholders, whenever possible and in conformity with its mandate, by meeting their needs in terms of disseminating relevant material and seminar outcomes to spread relevant knowledge. On the other hand UNODC continued to keep the international Community constantly informed on progress of project implementation. Deficiency in formal mechanisms could be rectified by responsible and consistent networking, as UNODC-Iran demonstrated.

d) Recommendations

• UNODC and the Iranian counterparts should include donors and other national stakeholders, who directly or indirectly contribute to the judicial reform process and/or to project objectives, in the Project Steering Committee/Project Review Committee. (For rationale, Ref Recommendation 1)

• The project should develop and implement a comprehensive training programme, during the remaining months, for relevant judicial and law enforcement staff, including judges, prosecutors, and those directly involved in the use of appropriate tools for gathering and processing information on money laundering. (For rationale, Ref Recommendation 2)

• The regional and sub-regional approach to organized crime should be supported by initiatives devoted at enhancing the relationships between the concerned countries and at overcoming the difficulties deriving from different legal and institutional frameworks.(For rationale, Ref Recommendation 3).

• Under the ongoing judiciary reform process, wide de-criminalisation is under consideration. Decisions on de-criminalisation should take into account the effects and implications on the prevention and control of organized crime. (For rationale, Ref Recommendation 4)

• The ongoing implementation of the IT / e- court programme should consider accommodation of a sub-system for organized crime case management within the system. (For rationale, Ref Recommendation 5)

• Evaluation recommends improve on current monitoring tools in use by project management: start to use work-plans, to allow monitoring and comparison of implementation status of project outputs and activities against agreed time-bound plans; and include funding information and status needed to realize outstanding project outputs
and activities in order to help the PRC and senior project management take necessary steps to ensure availability of funds on time. (For rationale, Ref Recommendation 6)

- UNODC Iran should develop a project concept on the basis of selected strategic recommendations made in the outcomes of thematic seminars/workshops and reports of study tours organized to Italy and Thailand. (For rationale, Ref Recommendation 7)

I. Introduction
A. Background

1. The project “Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance” IRNS12 is aimed at assisting Iran in its efforts against drug trafficking and organized crime. Iran is facing a threat as never experienced before due to various factors. The exponential increase in Afghan opium production caused a transformation of opium derivates’ offer (that now includes heroin and other easier transportable illicit drugs); the weakness on border control on the Afghan side, combined with the stronger efficiency in Tajik border control caused a shifting in the main smuggling routes, directed to the consumer Countries, passing now through Iran.

2. Iran is strongly committed in fighting such a threat. It could be worth to report the Mission to Italy Chairman Hojatoleslam statement, addressed to the Antimafia National Prosecutor dr. Grasso, as summarized in project the relevant Study Tour report “Iran, like Italy, suffers many victims among judges and law enforcement officers in the field of combating drugs and crime. He underlined that drugs trafficking and organized crime are global problems and UNODC’s partnership plays an important role in order to better understand these phenomena and find suitable solution at both national and international level. Iran, in this particular moment, is alone in fighting drug trafficking and is suffering from a lack of technical assistance. He also stated that 8000 tones of drugs are produced in Afghanistan every year, Cannabis cultivation are also increasing as well as puppy cultivation.. In Afghanistan there are currently active a high number of heroin laboratories”. From this statement a number of implications about the illicit drug threat to Iran, as well as the Iranian stakeholders’ feelings about its origin and the international support, could be considered.

3. UNODC is supporting Iran in strengthening the borders with Afghanistan and Pakistan. Part of this effort is devoted to a comprehensive reform of a judicial approach to the problem. This is a very important target, not only from the effectiveness of the Iranian action but also because it determines a shift from a military approach to a law enforcement one, judicially controlled and consequently consistent with the rule of law principles. The ameliorations in the legal framework were considered also within the 20 Years Reform Plan of the Judiciary, now at its second stage of implementation (2004-2008).

4. The drug smuggling size and quality influenced also the organized crime question as an internal problem. This could be linked also with the dimension of the illegal hidden economy. The “unofficial sector” of the economy is estimated to be more than 50% of the GDP. The latter couldn’t be obviously considered as a criminal problem as a whole but certainly could serve as conduit for creating conditions for criminal activities and illegal profiteering and tax evasions.

5. Money laundering is consequently a main threat to Iran and to its economic growth and stability. A new legislation about Money Laundering was under discussion at the staring time of the Project. In both the fields (drug trafficking and organized crime) the international cooperation is of utmost importance. A number of bilateral and multilateral international instruments had been signed by Iran but none have been effectively implemented. Lack of reciprocal confidence and differences in the criminal legislation were the main cause of for putting the agreements into effect.

6. In the specific field of organized crime a MoU had been signed between the Judiciary and the Anti-Mafia National Directorate of Italy (DNA), under the UNODC’ auspices. At the launch of the project, the Islamic Republic of Iran had signed but not yet ratified the UN Convention against Transnational Organized Crime (UNCOC) and the UN Convention against Corruption (UNCAC).
B. Purpose and Objective of the Evaluation

7. This Mid-Term Evaluation of project “Crime and Money Laundering and promotion of Mutual Legal Assistance” IRNS12 is managed by UNODC-Iran with the Independent Evaluation of UNODC providing advice and guidance. As part of the Cluster Evaluation of the UNODC Iran Rule of Law Projects, this Mid-Term Evaluation aims to provide information related to the extent to which the project has achieved its objectives and completed outputs as per plan. Further, the evaluation seeks to establish:

8. **Relevance**: determines whether project objectives meet Iranian needs as articulated in the Judicial Reform Plan; project objectives are clear, realistic and coherent in terms of contributing to the mandate and objectives of UNODC; whether they meet the overall objectives of donors; and whether Iranian counterparts were involved in developing and implementing the project to ensure national ownership.

9. **Effectiveness**: To what extent the project supported the Iranian judiciary to improve legislative measures and institutional structures to tackle transnational crimes, particularly anti-money laundering. It also determines the effectiveness of measures taken to improve Iran’s capacity to engage in bilateral and multilateral cooperation through Mutual Legal Assistance to counter money laundering. Moreover, evaluation assesses how effectively Iranian relevant counterparts have been equipped with the necessary technical know how to improve monitoring and control capacity to control and prevent transnational crimes.

10. **Sustainability**: this criterion determines whether Iran offers the necessary conditions that enhance sustainability of processes, activities and results achieved from implementation of this project. Evaluation assesses whether key prerequisites of political commitment, institutional arrangements, resources and appropriate structures, including monitoring and evaluation systems are in place that would enable Iran to continue the reform process on its own.

11. **Effect/Impact**: this criterion attempts to assess whether: the project outputs and processes made impact on the capacity of Iran to control and prevent transnational crimes in Iran; there has been any reduction on the prevention of transnational crimes; the project processes, activities and outputs made impact on pertinent policy environment, particularly on key policy makers within the judiciary, Parliament and the Executive arms of the State.

12. **Lessons learned and best practices**: Discern lessons learned and best practices from the implementation of this project that could be replicated to refine future project design and implementation that improve results as the judiciary process in Iran deepens and widens.

C. Methodology

13. The Terminal Evaluation was participatory and inclusive ensuring that key stakeholders (the Iranian Judiciary, project management, donors, the Mini Dublin Group, and the EU member representatives in Iran) to give their feedback on the achievement of this UNODC project.

14. The team used a range of methodologies, including:

15. **Desk Review**: the team reviewed project document; six-monthly and annual project progress reports; project activity reports on Study Tours, seminars and workshops; counter-part feedback reports and recommendations of seminars and workshops; and UNODC HQ expert reports commissioned to assist in the planning and implementation of project activities.

16. **Interviews and Discussion**: The team, using structured and unstructured interviews, discussed on various dimensions of the project with key stakeholders, including key Iranian
Judiciary authorities, five MDG and EU member State ambassadors in Iran (France, Germany, Italy, The Netherlands, and Norway, the UN Coordinator for Iran. The discussions centred on gaining insight and feedback on the performance and impact of the project in terms of meeting their respective expectations and interests.

17. Triangulation was the main tool used to verify and confirm contents and findings established from document review and discussions with stakeholders. The evaluation team has also used a detailed set of Key Evaluation Questions and Information Source Matrix as a check list to cover the scope of the evaluation exercise.

18. Further, evaluation also verified whether recommendation made in previous evaluation reports of similar projects implemented in Iran were heeded.

D. Limitations

19. The main limitations the evaluation team faced were the lack of work plans and verifiable indicators at the output and activity levels, and conspicuously at the results level (outcome/impact). These indicators should actually appear in the project logical framework and replicated in a project performance assessment framework.

20. Despite these limitations, evaluation was, however, determined to benefit from its extensive discussions held with stakeholders to comprehend the impact of project processes and outputs on the judiciary policy environment – policy makers, parliamentarians, judges, and middle management - and funders.

II. Analysis and Major Findings

A. Appropriateness and Relevance

1. Responsiveness of Project Objectives to Iranian Needs

21. The evaluation team has established that the project has been designed to meet its obligations contained in the relevant UN conventions Iran signed over the years. Evaluation also contends that the project responds to judicial and related measures required to effectively deal with organized crime, money laundering and the promotion of mutual legal assistance as identified in I.R. Iran’s 1st and 2nd Judicial reform plans. The project activities and processes directly address Iran’s Second Five-Year Reform Plan 2004-2008 priority objectives of: i) crime prevention, and ii) reviewing relevant legislation to increase Iran’s capacity to control organized crime including money laundering.

22. It has to be noted that this project was developed against the background that Iran has been a party to relevant UN conventions against illicit drugs, including the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971, and the Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988. Iran has also actively participated in the negotiations resulting in the UN Convention against Transnational Organized Crime and is a signatory to this Convention. The I. R. of Iran has also signed the UN Convention against Corruption, evaluation team understands that its ratification is under active discussion in Iranian parliament following the development of “Draft Judicial Strategy on Preventing and Countering Corruption in Iran” under “Strengthening Judicial Capacity” FS/IRA/R34. Iran has also signed 23 mutual legal assistance and extradition agreements with several countries over the last decades. In 2005,
the Government of the I.R. of Iran has signed a Memorandum of Understanding for cooperation against transnational organized crime with National Anti-mafia Bureau of Italy, facilitated by the UNODC country office of in Iran.

23. Essentially the project was, therefore, developed to improve Iran’s capacity to deal with transnational organized crime by taking measures, including steps towards meeting international obligations to support efforts in the implementation of Judicial reform process, as elaborated in the 1st and 2nd five-year plans.

2. Relevance to UNODC mandate and UNODC-Iran Strategic Programme Framework

24. The Evaluation team contends that the project objectives are in line with UNODC mandate emanating from the provisions of the United Nations Convention against Transnational organized Crime (UNTOC) adopted at Palermo in 2000, which came into force in 2003. Moreover project initiatives support UNODC’s UN mandate to “encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them”14.

The project objectives also conform to UNODC Global Programme against Money Laundering (GPML) money-laundering related objectives15:

- To assist in the achievement of the objective set up by the United Nations General Assembly Special Session (UNGASS) for all States to have in place legislation that give effect to universal legal instruments related to anti-money-laundering (AML)
- To equip States with the necessary knowledge, means and expertise to implement national legislation and the UN plan of action against money-laundering.
- To assist beneficiary States in all regions to increase specialized expertise and skills to criminal justice officials in the investigation and prosecution.
- To enhance international and regional co-operation on combating the financing of terrorism within the framework of building capacity in information exchange and mutual legal assistance.

25. UNODC has established its international leadership in the development of appropriate tools and methodologies that have proved useful for member States in their efforts to implement the provisions of the UN Convention against Transnational Organized Crime (UNTOC). Over the years, UNODC has developed tested knowledge products16, including,: International Money Laundering Information Network (IMoLIN), Laundering and Counter terrorist Financing System (goAML), Anti-Money-Laundering International Database (AMLID) with searchable AML/CFT legislation and regulations from 170 jurisdictions as well as legal analysis of Member States, United Nations Model Bill on Money Laundering.

26. UNODC, is therefore, the international organization that has the right mandate, the expertise and the credibility to implement this project, particularly in the context of Iran.

27. The project is also aligned with UNODC’s Strategic Programme Framework (SPF), for

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14 Resolution 60/288 of the UN General Assembly (20 September 2006)
the period 2005-2007, which under its Rule of Law programme, UNODC planned to assist Iran harmonizes its legislation with international legislative standards on: a) drug related crime, b) organized crime, and c) the promotion of an effective use of information technology to increase ease of use of court services.

28. Continuity and sustainability has been also assured by building on achievements realized as a result of implementation of previous UNODC projects. The project has heeded to recommendations made in the “Evaluation of Legal Assistance Project LAS AD/IRA/99/E53”. Particularly, recommendations 6, 9, 10, 12, 13 relating to technical assistance required to increase Iranian capacity to deal with transnational organized crime have formed integral part of the project.

3. Appropriateness of Project Design and Delivery Mechanisms

29. Overall the evaluation team has established that the project has provided appropriate mechanisms and adopted implementation approaches that ensure the relevance of project objectives to the specific Iranian context and needs as explicitly expressed in the successive five-year judicial reform plans of Iran. In making this conclusion, evaluation team is referring to the Tripartite Review Mechanism and the Project Steering Committee that ensured ownership of national counterparts in the implementation of the project as well as to the project design strategy which underlines the integration of needs assessment and learning from international practice to meet gaps identified (legislation and measures), and the provision of targeted awareness and training seminars to judges and law enforcement government bodies.

30. Extensive examination of project activity reports, annual and semi annual progress reports, PSC meeting minutes and interviews with key stakeholders has revealed that the Project Steering Committee, composed of the Deputy Head of Judiciary for Legal Affairs and Judicial Reform and UNODC Iran, has undertaken important policy and implementation decisions, including: adopting 2007 and 2008 project work plans, reviewing objectives of thematic seminars and determination of participants; preparing terms of reference of study tours and list of participants (to Italy and Thailand aimed at exposing Iranian delegates to best practices related to anti money laundering measures, legislative provisions and technical tools that promote bilateral cooperation); and reviewing project progress reports and deciding on adjustments, as required.

31. As established from the outcomes of expert and thematic seminars and study tour reports prepared by participants, the adopted implementation approach, as noted above, to improving capacity to effectively implement the provisions of the UNTOC has certainly contributed to: increased knowledge of judicial authorities on identifying gaps in national legislation, measures needed to combat organized crime, including money laundering, and better understanding of modalities required to promote and facilitate bilateral cooperation in dealing with transnational crimes. In this respect, the outcomes and recommendations of the four thematic seminars on “national and international aspects of money laundering and mutual legal assistance” organized between 16 and 19 October 2007, facilitated by UNODC experts, clearly testify the relevance of the project implementation approach. In those recommendations participants identified the following key issues for consideration to further improve project results:

- The need to ratify the UN Convention on Transnational Organized Crime to facilitate effective combat organized crime;
- Creation of appropriate inter-agency co-ordination and awareness on the available international legal tools on organized crime, money laundering and mutual legal assistance;
• The need for a strategic threat assessment about the scale and impact of organized crime and money laundering in Iran to help design appropriate tactical and operational responses;
• The need to harmonize the Iranian judicial system and regulations to international standards.

32. Evaluation has also confirmed that the project ensured close involvement of Key Iranian counterparts, the Judiciary, and ensured national ownership in the implementation of the project through the formal mechanism of the Project Steering Committee (PSC). As in the case of the other on-going rule of law projects, the PSC is composed of the Directorate for International Relation of the Iranian Judiciary, Department for Training, I.R. of Iran Judiciary; Department for Training – Justice Administration of Tehran Province; and UNODC Iran.

33. The Ministry of Foreign Affairs attends PRC meetings as observers as required, while the Research and Training Centre of the Judiciary and the Faculty of Judicial Sciences and Administrative Services assist the PRC in executing its responsibilities with respect to project implementation.

34. While evaluation has established, through progress reports and confirmed during interviews, that UNODC Iran has been regularly briefing the Mini Dublin Group and EU member States on the progress of project implementation. It is, however, best practice for project steering committee/PRC to include donor representatives. The PRC could benefit from perspectives and expectation of the donors when major policy decisions are taken or concerns are raised. Moreover, their participation would have further strengthened a sense of common purpose and understanding with Iranian counterparts on the implementation of the project as well as consensus on direction for future cooperation.

35. Further, evaluation also observes that the Project Steering Committee would have benefited from broadening its membership by including representatives from other related Iranian Ministries, such as, the Ministry of Interior, Law Enforcement, Drug Control Headquarters, Ministry of Finance and Central Bank, State Inspection Organization and State Planning and Management. Their varying perspectives, experience and functions would allow integrated approach to tackling organized crime.

B. Effectiveness

1. Overall Project Achievements

36. Significant milestones have been achieved in the last 22 months since the start of the project on 1\(^{st}\) January 2007. Project capacity building strategy provided for the Iranian judiciary and law enforcement organizations were found to be very effective. The Iranian counterparts have received appropriate and effective technical assistance, which have already made significant contribution on concrete steps the Judiciary has taken: a new bill for Anti Money Laundering has been enacted, existing bills are being amended to comply with international conventions, new bills have been drafted, ratification of UNOTC is being expedited, expanded and strengthened contacts of Iranian judicial and law enforcement authorities with foreign counter parts, and establishing new structures to tackle money laundering and mechanisms to support mutual legal assistance.

37. The project has brokered significant exposure and provided training by: organizing study tours to foreign States and thematic seminars on international legal instruments and best practice relating to the implementation of money laundering measures (Output 2); familiarizing Iranian judiciary and law enforcement agencies with modern technical tools and methodologies required for dealing with transnational organized crime (Output 3); improving Iranian legislative
and institutional frameworks to promote mutual legal assistance between Iran and other States (Output 4); familiarized Iranian law enforcement authorities, including judges and prosecutors, the police and the State Investigation Organization, Central Bank with know-how and skills to tackle organized crime and money laundering cases (Output 5).

38. In the remaining 14 months the project should focus on consolidating what has been achieved by concentrating on training activities. That now the exposure and familiarization to best practices, international legal instruments and technical know-how and tools have been successfully accomplished (Refer Para 81-83 for particular tools in which Iranian counterparts have shown interest during Study Tours to Italy and Thailand); the project should, in the remaining period, concentrate on building capacity of relevant institutions and staff in order to put into effect the provisions of the new and amended laws. Evaluation, in consultation with the International Project Coordinator, has identified training activities (Refer Box in the following page) that need to be carried out in the remaining months. It has to be noted, however, that there are concerns over funding and time constraint. As a consequence the PRC might need to identify priorities.
Training Project Activities

**Output 2:** Expose and familiarize Judiciary and law enforcement agencies with Legislative and investigative tools.

2.1 Assistance to by-laws of the Anti Money Laundering bill and to the establishment of FIU and training officers.
2.2 i) Training seminars on Money Laundering with the facilitation of UNODC, Italian, Iranian and EU experts.
   ii) Training on anti money laundering by Thai and Italian experts
2.3 Training on strengthening of inter-institutional structural capacity – 2 days training with the assistance of Thai and Italian experts.

**Output 3:** Familiarize Iranian Judiciary and law enforcement agencies with modern technical tools and methodologies required for dealing with transnational organized crimes.

3.1 Training at UNODC HQ on Mutual Legal Assistance technical tools and software to tackle organized crime and money laundering in January 2009.
3.2 Development and training on software applications and database to facilitate monitoring, investigation and exchange of information with foreign judicial authorities.
3.3 Continue to disseminate the already compiled documents more widely: conventions, Iranian laws, international standards and norms.
3.4 Organizing a mission for Iranian authorities to UK and Singapore in order to establish direct contacts with foreign counterparts.

**Output 4:** Improve Mutual legal assistance Capacity

4.3 Training at UNODC HQ on Mutual Legal Assistance technical tools and software aiming at promoting MLA
4.4 Support the working group on MLA Central Authority

**Output 5:** Equip Iranian judges, prosecutors, the police and prison organizations with knowledge and skills

5.1 Thematic training seminars (5) with the support of experts from Thailand and Italy.
5.2 Mission to Singapore and European and/or other countries to further learn experience on handling money laundering.

39. In succeeding Sections, evaluation presents analysis of its findings on the effectiveness of project support provided so far to improve Iran’s capacity against organized crime and money laundering and mutual legal assistance.

2. Building Capacity against Organized Crime, particularly Money Laundering

2.1. Thematic Seminars and Experts Contribution
40. Evaluation team has found out that the support UNODC provided to build Iranian capacity to deal with money laundering have been effective. The delivery mechanisms employed were thematic seminars, contribution of pertinent experts and study tours. These mechanisms assisted Iranian key stakeholders to identify existing legislative gaps that need bridging; familiarized judiciary policy makers with the provisions of the UN Convention on International Organized Crime including Money Laundering and other pertinent legal instruments; institutional structures and internal coordinating mechanisms; international standards and norms; and international cooperation modalities.

41. As discussed below in greater detail, the positive result of the support is evident from the outcomes and recommendations made by the thematic seminar participants, which demonstrate good grasp of: key issues relative to existing legislation and structures, including: including required amendments, draw backs of existing institutional structures that require fixing to be fit for purpose; inter-agency coordination mechanisms required; technical know-how, methodologies and tools needed for monitoring and investigation of money laundering cases use in the implementation of anti-money laundering institutional.

42. Consistent with the implementation strategy of the Rule of Law projects, the first step the project took was contracting an international consultant to assist the project in preparing needs assessment report and recommendations. Three workshops were organized on 16, 17 and 18 October 2007, on “National and International Aspects of Organized Crime”, “National and International Aspects of Money Laundering”, and “National and International Aspects of Mutual Legal Assistance” respectively to realize the exercise.

43. The format of the three workshops was for UNODC expert to start with presentation on relevant international legal instruments and best practice; followed by discussion leading to identifying areas for improvement and review in Iran’s legal and institutional framework.

44. These workshops were attended by PSC members, prominent policy makers from the judiciary and related law enforcement organizations actively involved in the implementation of this project as well as in the broader judicial reform process. Experts from Italy and United Kingdom have also participated in these workshops.

45. An expert assessment one-day workshop on “Current situation in Iran on organized crime, money laundering and mutual legal assistance” was also organized on the 19th of October 2007 to discuss and consolidate recommendations made in the three workshops.

46. The Key points of the recommendations of these workshops were summarized by the international consultant as follows:

- Bridging the legislative gap on organized crime to conform to international standards and best practise, harmonizing the legal language, jurisprudence and laws are important elements that enhance international cooperation.
- Other countries experiences could be useful, particularly in the field of Judicial and Law Enforcement Bodies’ specialization, data base, training of the trainers.
- A regional and sub-regional approach to organized crime should be built; that implies the need for mutual legal assistance.

47. The workshops also raised fundamental issues with critical implications on the drafting and implementing relevant legislation related to organized crime. The need to develop a common understanding on the concept of organized crime among Iranian Judicial authorities is essential. Observation was made that some the Judiciary seems to take organized crime as synonymous to drug trafficking while money laundering is confused with black economy. This is a restrictive notion in contrast to the wider and more comprehensive definition adopted by Italian authorities. The Iranian perspective would sway responses to be initiated and implemented by the
Judiciary. While the wider concept recognizes the centrality of the Judiciary, it also realizes the significance of the role of specialized bodies required at different levels of law enforcement, including the Prosecutors Office and the Police and other pertinent agencies from the Executive.

48. Based on issues transpired in the above noted workshops, the international consultant, Judge Melillo, presented the following summary key recommendations:

- The promotion of a better inter-agency coordination in order to foster common understanding on issues related to money laundering.
- Promotion of further exposure for Iranian judiciary and law enforcement bodies to other Countries’ experiences and legal instruments, like legal notions and operational tools provided by the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds for Crime (and its additional protocols of 2005), Financial Action Task Force (FATF) recommendations (40 plus 9) and all international best practices.
- The need for updating the I.R. of Iran money laundering bill to comply with FATF requirements as elaborated in FATF statement on Iran dated 11 October 2007.
- Establishment of specialized bodies as well as specialized officials dealing with money laundering.
- Organize targeted training programme for existing or new specialized organizations established to deal with money laundering.
- Creating a national internet network to facilitate dissemination of new laws, procedures and best practices to concerned institutions and agencies.

49. On broader issues regarding the required amendments to organized crime legislation, the consultant made specific recommendations, including:

- Current amendments on substantive and procedural rules dealing with organized crime should focus on serious decriminalization initiatives in order to guarantee human rights and a fair trial.
- Further promote improving knowledge and capacity of the involved judiciary officials through specialized thematic seminars as well as by commissioning research studies on key legal issues specific to Iranian situation.
- Establish specialized bodies as well as specialized officials dealing with organized crime, with appropriate expertise.
- Establish integrated criminal-judicial I-tech data base to harmonize and coordinate judicial practices and facilitate exchange of information through an internet network enabling the dissemination of information about new laws, procedures and best practices to concerned agencies and institutions.

50. Evaluation asserts that this exercise and the resulting recommendations have identified important legislative and institutional gaps and implementation issues judicial authorities should take up in order to establish effective anti money laundering measures. Implementation of these recommendations should be taken as UNODC’s future cooperation programme with Iran.

51. As can be observed from the substance of the discussions and recommendations, thematic seminars, facilitated by competent and experienced experts, are appropriate delivery mechanisms for exposing Judiciary and law enforcement policy makers to key legislative and institutional issues and challenges. Dr. Jashmidi, the Deputy Head of the Judiciary for Legal
Affairs and Judicial Reform, in a meeting with the Evaluation Team, confirmed that these seminars are directly contributing to the continuing review of Iranian legislation to comply with international legal instruments on organized crime and money laundering.

### 2.2 Legal Framework for Organized Crime and Money Laundering - Key Design Issues

52. The underlying issue that requires resolution is how to reconcile the varying aspects of the Iranian legal framework to adequately conform to international standards and best practices to effectively tackle organized crime.

53. Iran has signed the UN Convention on Trans-National Organized Crime but has not yet ratified it. Dr. Mahadavi (Head of International Affairs, in the Judiciary) and Honorable Rahimi (MP, Spokesperson of the Parliamentary Committee for Judicial Affairs) confirmed to the Evaluation Team that the process of ratifications is under active consideration.

54. Inspite of the delay in the ratification process, Honorable Rahimi confirmed that important measures have been implemented in the form of draft bills and complex amendments to bring current legislation comply with the provisions and obligations of the Convention are under discussion. As examples, amendments in the penal code, measures in the Prosecutor Office organization and attributions were mentioned.

55. Dr. Jamshidi, Deputy Head of the Judiciary, for Legal Affairs and Judicial Reform, and Focal Point for UNODC cooperation, explained in great detail the work involved to update Iran’s legal framework to meet international standards and comply with international conventions. In this process, Dr. Jamshidi greatly appreciated the UNODC contribution to the process by exposing the Judiciary to experience of other countries, to best practices and providing experts to familiarize Iranian counterparts with the provisions of relevant international legal instruments and conventions and most strongly its role in continued brokering of useful contacts with foreign institutions and international experts.

56. Dr. Jamshidi further stated that the Judiciary has to date drafted 30 draft bills, some of them composed of over 700 articles. The Law of the Rights of the Child (which took 4 years, and UNODC was also involved), and New Anti-narcotics bill can be mentioned. In this effort, the Judiciary has so far translated the laws of as many as 50 States to assist in the review of Iran’s laws. Access to the experiences of other countries dealing with similar judicial issues and challenges helped in identifying what works and what doesn’t and to develop a strategic approach to the judicial reform process. With respect to the New Anti-narcotics bill, limiting the examination of the steps dealing (directly or indirectly) with organized crime, it could be considered the commitment to a different approach to drug related crimes.

57. The main issue debated in relation to the Anti-Narcotic draft bill is the treatment of drug abusers. Illicit drug categorization, as a pre-requisite for specifying appropriate penalties, was updated with UNODC assistance (under a different Project). On the basis of this updated list, punishment of drug abusers or street dealers could be considered under three main approaches as established in the draft bill:

- Diversion (with the secondary benefit of enhancing public participation in the Judiciary) and
- De-criminalization
- Alternative measures, reducing the imprisonment to the serious crimes or offenders

58. Dr. Jamshidi underlined that the Judiciary is aware of the need to create appropriate structures and policies to implement the draft bill provisions, including structured training
programme for judges, and law enforcement officers, including prosecutors and the police and implementers of alternative to imprisonment programmes. Certainly UNODC could cooperate in these capacity building efforts.

59. Inspired by the experience of the European countries in dealing with organized crime through regional cooperation framework, Hojatol-Eslam Nekoonam, a prominent member of the I. R. Parliament (who was himself exposed to threats from drug traffickers when he was Head of the Judiciary of Beluchistan Region) stressed the importance of a strategic approach to tackle organized crime. Hojatol-Eslam Nekoonam stressed the importance of developing a system of collecting and processing information related to money laundering through centralized structure at the national and regional levels.

60. The importance of information sharing and processing, learned from the Italian and Thai experience, was considered effective in structuring future evolutions of the IT and the e-court programme, in order to tackle the specific field of organized crime. The need of further cooperation at international level was stressed in the meetings with the IT management, in order not only to update the ongoing system, but also to make it able to cooperate and work with other similar systems abroad.

61. Evaluation concludes that the amount of effort being exerted to update Iranian relevant legislation clearly demonstrates the commitment of the IR of Iran to tackle organized crime in general and money laundering in particular. The ground work is on the right track. It is also appropriate to note that the Judiciary has learned substantial knowledge from the thematic seminars and study tours, including the need to foster partnership and cooperation with similar agencies that deal with money laundering.

2.3 Study Tours

62. The three Study Tours organized to Italy and Thailand was found to be effective in improving awareness and knowledge of policy makers in:

- the way they were planned and organized to expose key Iranian policy makers to appropriate legislation and best practices consistent with international legal instruments;
- familiarizing the delegates with structures, know-how and tools required to effectively implement money laundering measures;
- recognizing the necessity of ratifying the UNTOC and the signing of mutual legal assistance agreements with foreign countries to effectively tackle money laundering;
- creating opportunities for Iranians to establish useful contacts with counterpart policy makers and experts of other countries; and
- sharing the study tour experience with wider group of judiciary and law enforcement professionals to develop consensus and enrich the final recommendations.

i. Study Tour to Italy, 9-14 December 2007

63. The project organized a workshop for the Study Tour delegates, on the 27th November 2007 to identify and discuss issues to be considered in the agenda, including pertinent institutions to visit. The meeting was facilitated by a Drugs Liaison Officer attached to the Italian Embassy in Tehran. Discussion addressed differences of Italian and Iranian legal systems in general and specifically as they relate to organized crime as well as on problems deriving from Islamic Law and Jurisprudence. Participants were also presented with information of the Italian structures and legal framework on countering organized crime and money laundering. The discussion helped study tour delegates to develop relevant agenda.
64. The delegation was composed of high-powered Judicial and Government authorities, led by Hojatol-Eslam Mohammad Ebrahim Nekoonam (Head of the Judiciary in Sistan Baluchistan Province and Advisor to the Head of the Judiciary of Iran Ayatollah Shahroodi), included 10 policy makers and high ranking officials from the Judiciary, Ministry of Foreign Affairs and Police. Honorable Soleimani represented the I.R. of Iran parliament.

65. The delegation visited and discussed with high ranking officials of:

- **Central Directorate for Anti-drugs Services (DCSA):** Presentation was given on DCSA’s structure and legal framework. The presentation generated important issues including the need for organizing triangular technical meetings between Italy, Iran and Turkey to improve intelligence exchange and an enabling mutual legal assistance. In view of what they learned from the DCSA presentation, the Iranian delegation aired the need for reviewing the MOU signed between Italy and Iran in 2005 to take into account to better meet the objectives of the project.

- **Anti-mafia Investigative Directorate (DIA):** DIA gave a presentation on anti-organized crime investigation techniques, which left a strong impression on the Iranian delegation on the need for further assistance and training from DIA.

- **National Anti-mafia Justice Directorate (DNA):** DNA explained its organizational structure, activities and database developed over the years. After discussion on the gravity and effects of the growing scale of drug trafficking and associated money laundering activities in both countries, both sides agreed to strengthen cooperation.

- **Ministry of Economy and Finances - Financial Police (G. di F.):** G. di F. gave a presentation on their activities, including tackling financial crimes, smuggling of goods, and tax evasion, and money laundering and organized crime. G. di F. also offered a one-day basic training on money laundering, which delegates an eye opener. In light of what was gained from the two-day visit to G. di F., the delegates requested UNODC to organize such training courses on money laundering, financial crimes and tax evasion to Judiciary and the State Inspection Organization.

- **District Anti-Mafia Justice Directorate (Venice):** Delegates were impressed on the Directorates activities and on the links between drugs and illegal proceeds and on anti-money laundering investigations related to drugs cases. Consequently, delegates recommended that this technical model should be adopted in similar investigations in Iran.

66. Most of the above recommendations were adopted in a workshop organized, on the 23rd of January 2008, to share and discuss a report of the study tour delegation with wider Iranian stakeholders. Workshop participants also underlined additional issues for serious consideration by higher judiciary authorities:

- The need for internal cooperation and co-ordination among competent judicial and law enforcement agencies in the area of transnational crime;
- Take urgent steps to improve bilateral cooperation through signing mutual legal assistance agreements with foreign countries;
- Harmonization and review of legislation to conform to international legal instruments on transnational crimes; and
- UNODC to organize meetings and workshops for judicial and law enforcement experts of countries in the region to exchange information and experience leading to the establishment of a regional “Judicial and Law Enforcement Studies Centre” on organized crime, money laundering and mutual legal assistance”. This Institute could eventually serve to promote bilateral and multi-lateral cooperation in the region.

ii. **Second Study Tour to Italy, 7-11 July 2008**
67. Upon scrutinizing the report on the study tour, evaluation team concludes that the activity has exposed Iranian judges and prosecutors, and judiciary IT experts to foreign experience and best practice relating to IT and data-base applications aiming at tackling organized crime, particularly money laundering (Output 3). Evaluation is aware that the relevant project Summary Activity Report has made comments that some of the delegates were not interested or did not understand the purpose of the mission. In the future, this isolated deficiency should be rectified by allowing a member of the PSC participate in the selection of participants to study tours. Despite this minor difficulty, overall the tour has enabled judicial professionals to explore functioning IT solutions adaptable to Iranian requirements. Analysis of questionnaires filled by the delegation, however, assessed that the tour has provided “very good” information for building capacity of Iranian institutions dealing with organized crime.

68. Visits were organized to several Italian institutions that apply IT and database solutions in the processing organized crime related information to effectively investigate and prosecute transnational organized crimes. Host institutions included, the DCSA, DIA, DNA, G. di F., Central Protection Service (SCP), Multi-Agency Information System and Data Processing (ICT/CED) of the Ministry of Interior.

69. These organizations demonstrated and briefed the Iranian delegation on various IT and database applications. Those that interested the delegation most included:

- DCSA’s operational database used to support national and international anti-drugs operations and coordination among three Italian police forces and Customs;
- DIA’s data-bank targeting anti-money laundering suspect transactions used to investigate serious crimes; and
- DNA’s Database used to co-ordinate national and international prosecutor’s investigations on “mafia-type” crimes.

70. While the delegation recognized the significance of these IT applications, they also rightly underlined the need for intensive training to enable Iranian experts develop tailored systems that take into account specific Iranian requirements. At the institutional level, delegates recommended the need for establishing a law enforcement entity specializing in the area of money laundering and financial crimes. Delegates have also indicated interest in cyber-crime control measures.

71. In light of the sophistication of IT applications in use by Italian institutions, evaluation recommends that detailed strategy should be developed that takes into account:

- Institutional structures and coordination mechanisms adopted under the judicial reform process;
- Lessons learned from phased implementation of IT applications being implemented under the project “Cooperation in the promotion of the reform process of the Judiciary and the Prison System in the I.R. of Iran (IRA/S03)” in Iranian courts;
- The readiness of Iran to further deepen and broaden bilateral cooperation with countries, like Italy, with whom commendable cooperation is increasing, thanks to UNODC facilitation.

iii. Study Tour to Thailand, 27 July – 2 August 2008

72. The study tour programme was discussed in a workshop organized on 14-15 July 2008 in Tehran, where PSC members, international donor community, the Ministry of Foreign Affairs of I.R. of Iran, designated Iranian delegates and Thai experts participated. The workshop helped
Iranian and Thai counterparts to understand each other’s legal systems and helped participants identify issues to be addressed during the tour.

73. The Iranian delegation was composed of 15 members of the Judiciary, Ministry of Interior, and Central Bank, led by Hojatol-Eslam Mohammad Jafar Montazeri, Senior Advisor of the Head of the Judiciary, the Deputy Head of the Judiciary and a member of the Parliament who is the chairman of the commission on legal affairs.

74. The delegation met a number of Thai authorities, including from the Office of the Attorney General, Anti-Money Laundering, Department of Special Investigations, and the Ministry of Justice, Narcotics Control Board; the Police Narcotics Suppression Bureau of the Royal Thai Police.

75. As a measure of the extent to which the Iranian delegates benefited from the tour, their report underlined the following recommendations for the attention and consideration of the judicial decision makers:

- Speeding up the process of signing Memorandum of Understanding (MOU) with Thailand on issues: governing relations between Mutual Legal Assistance authorities of the two countries, exchange of prisoners and extradition;
- The need for Central Authority responsible for coordination activities and processes dealing with Mutual Legal Assistance;
- The introduction of the anti-money laundering interactive training software to Iran, established with the assistance of UNODC. Delegates also stressed the need to establish a centre for training judges, prosecutors and central bank officers.
- The need for the I.R. of Iran to attach Iranian liaison officer in Bangkok to facilitate cooperation between counterpart judicial and law enforcement institutions;
- establishment of a Financial Intelligence Unit in Iran;
- organization of specialized and structured training for the judiciary and technical staff of the Central Bank in anti-money laundering measures;
- The need for creating mechanisms that allow sharing of experience and information between counterpart experts and officials on money laundering;
- opportunity to increase the network of drug liaison officers

76. Evaluation team established that participants assessed the Thailand tour as “very good” in terms of organization and meeting their expected outcomes.

77. The positive outcomes of the study tours to Italy and Thailand were raised by several national stakeholders interviewed. Ambassador Ahmadi, Director for the Office for Treaties and International Law, Ministry of Foreign Affairs noted that these tours contributed for Iranian officials to realize the need for resolving three important issues to foster bilateral cooperation to begin to tackle transnational organized crimes. He pointed out: differences in legislations and institutional frameworks; their effects on international cooperation related, for example, to assets sharing; and the need for establishing Central Authority for mutual assistance.

78. Similarly, prominent parliamentarians, Hojatol-Eslam Nekoonam (who was the leader of the study tour delegation to Italy, now Deputy Head of Article 90 of the Constitution in the parliament), Mr. Soleimani, Parliamentary Representative of the Judiciary and former member of Parliament) and Mr. Rahimi, spokesman for Parliamentary Commission for Judicial Affairs confirmed to the evaluation team that the missions to Italy and Thailand have contributed to the proper assessment of Iran’s needs in its efforts to develop and implement judicial reform process.
Dr. Mahadavi, Director General, Bureau for International Affairs, and PSC Chair for project “Strengthening Judicial Capacity (IRA/R34)” also confirmed that the Iranian judiciary has enormously benefited from international cooperation UNODC helped to create.

Evaluation observes that study tours to newly independent countries in Eastern Europe should be considered to expose Iranian counterparts to best practices and judicial and institutional reform processes that consider developmental needs.

2.4 Provision of technical know-how and Training

As discussed in detail in Section 2.3 above, the study tours to Italy and Thailand have provided valuable exposure to relevant high-ranking judicial policy makers, parliamentarians and law enforcement officials.

With respect to anti money laundering, Iranian delegates were familiarized with the following IT and database applications and other investigative tools:

- Money laundering monitoring, financial crimes, and tax evasion investigation systems developed by the Republic of Italy’s Ministry of Economy and Finance – Financial Police (G.di F.), which arouse interest to the judiciary and State Inspection Organization representatives.
- Investigative technical model that links drug activities with illegal proceeds in the investigations of money laundering cases used by the District Anti-Mafia Justice Directorate (Venice, Italy) was also deemed to be useful by Iranian delegates.
- DIA’s (Italy) data-bank targeting anti-money laundering suspect transactions used to investigate serious crimes.
- DNA’s (Italy) Database used to co-ordinate national and international prosecutor’s investigations on “mafia-type” crimes.
- Anti-money laundering interactive training software, established with the assistance of UNODC (Thailand).
- DCSA’s (Italy) operational database used to support national and international anti-drugs operations and coordination among three Italian police forces and Customs;

Evaluation recommends that the project develop and implement a comprehensive training programme, during the remaining months, for relevant judicial and law enforcement staff, including judges, prosecutors, and those directly involved in the use of appropriate tools for gathering and processing information on money laundering.

2.5 Translation of relevant legal documentation on transnational organized crime.

Under the current Project, UNODC translated or supplied 32 relevant documents. The list includes some of the most important international legal instruments translated into Farsi and vice versa fundamental Iranian laws or documents into English, including the penal code, procedural laws and bylaws and a number of money laundering related bills or rules.

The above-mentioned documentation could be useful for raising awareness and increasing knowledge on international and national legal instruments related to international organized crime. This package could be readily used as primary material to facilitate negotiations in mutual legal assistance.

Further implementation of this objective might benefit from selecting and programming the translations.
3. Build Capacity in Mutual Legal Assistance

87. Evaluation asserts that the project has accomplished important milestones to increase Iranian capacity to promote bilateral and multilateral cooperation through mutual legal assistance by pursuing effective strategy (Output 4): assessing needs and formulating modalities for promotion and improvement of mutual legal assistance, mapping and compiling existing bi-lateral and multi-lateral legal instruments of Iran, organizing and facilitating contacts between Iranian authorities and their counterparts to explore cooperation through MLA. These UNODC project interventions have assisted Iran to take concrete steps aimed at revitalizing old (for the 23 agreements where opportunities exist) and the signing of new mutual legal assistance agreements and Memorandum of Understandings (MoU).

88. A workshop on “National and International Aspects of Mutual Legal Assistance” was organized on the 18th of October 2007 with the twin objectives of exposing Iranian counterpart to international legal instruments and best practices and to assess Iran’s capacity to use MLA to deal transnational organized crimes. In this workshop, UNODC expert made presentations on relevant international legal instruments, best practices and tools that help promote international judicial cooperation. Iranian high ranking judiciary officials, on the other hand, contributed on the Iranian legal status related to legislation and institutional framework and issues for consideration to reinvigorate the functioning of MLAs.

89. The workshop identified the following issues that need to be addressed in order to promote mutual legal assistance between Iran and other States:

- Further exposing Iranian counterpart judicial policy makers to international best practice by organizing study tours to foreign countries.
- Harmonizing the Iranian legal framework international legal instruments to improve cooperation in the areas of money laundering and other transnational organized crimes.
- Reconciling Islamic principles, the source of Iran’s basic law, and differentiate consequences of Islamic rules and Sharia jurisprudence on implementation of MLAs as distinct to extradition.
- Mapping existing Iranian laws relating to transnational crimes to allow integrated review to comply with relevant international conventions and other legal instruments, including the UNTOC and its protocols.
- Establishing a National Centre for Studies and Research on International Law and/or other similar initiatives, that could take address training of judiciary officials in international judicial cooperation. This centre should allow involvement of international academics and legal institutions of excellence.
- Ratifying the UN Convention against Transnational Organized Crime (UNTOC) and joining the European Convention on Mutual Legal Assistance.

90. These joint recommendations (resulting from sharing of experience and information between Iranian counterparts and UNODC experts) testify that Iranian judiciary officials comprehend strategic and operational challenges Iran has to deal with in order to fully benefit from international cooperation and the modality of MLA in its efforts to deal with transnational organized crime.

91. Consistent with the above recommendations, the project has facilitated contacts between Iran and other States to explore opportunities of bi-lateral cooperation through the implementation of MLA:

- Organized study tours to Italy and Thailand. In Italy talks were carried out to further broaden cooperation under the existing MoU signed in 2005 with the National Anti-Mafia
Bureau (DNA). Discussions are in progress. As discussed in greater detail in Section 2, Iranian judiciary and law enforcement authorities have identified a number of areas for cooperation with Italian counterpart institutions, in technical know-how and institutional aspects of MLA.

- Negotiation is also being actively pursued with Thailand. Contacts established during the study tour resulted in the start of negotiation between the Judiciary of the Islamic Republic of Iran and the Thai Minister of Justice of the Kingdom of Thailand. Iranian and Thai authorities reached preliminary understanding on extradition and prisoners exchange and the establishment of Drug Liaison Officers in the two countries.

- Existing bi-lateral and multi-lateral legal instruments of Iran, related to mutual legal assistance, has been mapped, compiled, translated and disseminated to pertinent Iranian judiciary officials in the form of CD. Relevant international conventions, other legal instruments, international norms and standards have also been translated into Farsi and disseminated. This legal collection will assist in negotiation process of MLAs with foreign States.

- The project has succeeded to influence the Judiciary to establish Focal Point for Mutual Legal Assistance (MLAFP). The MLAFP is in the process of formation within the International Affairs of Judiciary, responsible to the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform, also Focal Point for UNODC cooperation.

- A quadrilateral meeting on drugs, crime, money laundering and mutual legal assistance involving: Iran, Italy, Turkey, Pakistan and Afghanistan as well as regional and sub-regional meetings involving Turkmenistan and the Gulf countries were entertained during the tour to Italy.

92. Evaluation is aware that, in early 2009, the project has plans to support a Working Group to provide technical advice to the Mutual Legal Assistance Central Authority (MLA-CA), currently in the process of formation. The support will include training of MLA-CA officials in modalities and MLA software in Vienna.

93. Finally evaluation recommends that UNODC Iran develop a project concept on the basis of selected strategic recommendations made in the outcomes of thematic seminars/workshops and reports of study tours organized to Italy and Thailand. The project concept paper, in effect, will include recommendations that could not be implemented during the life of this project and/or those ideas beyond the objectives of this project. The concept paper could contribute to UNODC’s next Strategic Programme Framework for Iran, allowing the UNODC and Iran to maximize the value of their investments.

C. Monitoring Tools and Performance Indicators

1. Monitoring Tools

94. Evaluation has established that project monitoring reporting is adequate. Particularly reports on project activities on seminars/workshops, study tours and PSC meetings are substantive and complete.

95. The project uses Semi-annual and Annual Project Progress Reports to monitor implementation of project activities. The reports provide information on: the status of project outputs and summary reports on related activities, for example, seminars and workshop and
study tours. They also address constraints encountered and mitigating measures taken to rectify problems.

96. These periodic report formats could, however, been improved by aligning them with the project logical framework in order to provide comprehensive and systematic information on the overall status of the project.

2. Performance Indicators

97. Concurrent to monitoring tools, as in it is also the case for rule of law projects, specifying indicators that measure project performance at the levels of project outputs, objectives and impact in the project Logical Framework Matrix is challenging.

98. Where performance indicators are incorporated in project design, they enhance the management, monitoring and evaluation of projects. The project under evaluation has not, for example, defined performance indicators: that measure change in public trust in the functions of the judiciary; in the treatment of detainees and prisoners; and quality of research reports. Moreover the projects do not include baseline data against which changes attributed to project intervention could be measured.

99. Evaluation cannot, however, overemphasize the difficulties involved in developing qualitative and quantitative measurable indicators for rule of law projects, particularly in the context of current institutional development in Iran, where access to information, baseline data on suspected scale of money laundering in Iran, for example, is difficult to obtain.

D. Institutional Arrangements

1. The Role of Project Review Committee (PRC) in Project implementation

100. Evaluation confirms that the PSC has played a very good role in the implementation of the project as defined in the Terms of Reference (TOR).

101. The PSC has reviewed and approved project progress reports, approved the criteria for the selection of study tours participants, prepared study tour and seminar programme contents and approved seminar/workshop outcomes and proceedings.

102. Evaluation has learned that there is some resistance among Iranian counterparts to include international donors and other national stakeholders in the PRC due to internal organizational difficulties and preconceptions related to asserting national ownership of the judicial reform process.

103. Evaluation, however, contends that the inclusion of donor representatives could have helped the PSC to promote consensus and strengthen strategic partnership between Iran and the donor countries, particularly in important areas of the prevention and control of transnational organized crime.

2. The Role of Iranian Counterparts in Project Implementation

104. Overall, the Iranian counterpart, Office of the Deputy Head for the Judiciary for Legal Affairs and Judicial Reform, responsible for UNODC technical assistance programme for Iran, continues to play a vital role in setting priorities and the direction of cooperation and facilitating project development. Likewise, the Head of the International Affairs of the Judiciary, chair of the PSC and the focal point for UNODC projects, have provided effective support to the project.
105. The Office of the Head of the International Affairs of the Judiciary has been particularly effective in facilitating operational issues, including, expediting nominations for study tours, logistic support to project seminars and workshops, and acquiring entry visas for international consultants contracted for project activities.

106. Evaluation team has observed marked enthusiasm and commitment in support of this project among Iranian policy makers. This attitude was manifested in the interviews and discussion conducted with prominent policy makers and officials from the judiciary, parliament, Central Bank official, State Inspection Organization, Office of the Tehran Justice Administration, and the Ministry of Foreign Affairs, to name a few.

3. How effectively did the UNODC HQ and UNODC Iran Office manage the project?

107. UNODC Iran, as the Executing Agency, planned, coordinated and executed project activities effectively in collaboration with the Iranian counterparts, particularly with the office of the Deputy Head for International Affairs of the Iranian Judiciary.

108. UNODC Iran coordination mechanisms were highly effective. UNODC has regularly briefed the donor community, particularly the Mini Dublin Group, EU Member State Representatives in Iran and the UN agencies represented in Iran. As confirmed in the course of contacts with members of these representatives and project reports, evaluation has established that UNODC has ensured collaboration and co-ordination of multi- and bilateral donors currently providing assistance to Iran in the area of judicial reform in general and in transnational organized crime and drug-related cooperation in particular.

109. UNODC HQ in Vienna, provided competent international experts, with significant knowledge and experience in Iran’s drug related challenges and efforts in the judicial reform process, to assist in the planning of project implementation. UNODC experts particularly facilitated needs assessment seminars, made contributions was also effective. International experts facilitated seminars on needs assessment, international conventions and other legal instruments related to transnational organized crime, and the preparation of project annual work-plans.

110. Evaluation is convinced that UNODC Iran coordination activities has helped to keep donors and potential donors informed and engaged in what is happening in the area of judiciary reform process and opportunities for cooperation with Iran.

III. Outcome, Impact and Sustainability

A. Outcome

111. The project has contributed to the following significant outcomes. These outcomes, discussed in detail in the preceding Section on Effectiveness, relate to influencing the attitude of judiciary and law enforcement policy makers to take concrete initiatives that enhance legislative frameworks and institutional structures to tackle transnational organized crime including money laundering. Specific important outcomes follow:

- Study tours and thematic seminars organized by the project have increased the awareness of Iranian stakeholders on the need for strategic and integrated approach in dealing with drug trafficking, organized crime and money laundering. Iranian stakeholders, particularly the judiciary, now recognize that: the cause and effect of transnational organized crimes are inter-related; no one country can tackle international
organized crime alone; appropriate policy responses should be anchored on legislative frameworks and institutional structures and modalities of bi-lateral and multi-lateral cooperation, consistent with international legal instruments, norms and standards. Hence the strong relationship the I. R. of Iran has fostered with UNODC Iran and the commitment to the objectives of this project.

- The drafting and passing of Anti Money Laundering Bill on 14 March 2008. Mr. Soleimani, former MP and current Parliamentary Representative of the Judiciary, who was member of the delegation to Italy, confirmed that the adoption of the Anti-Money Laundering Bill was achieved as a direct result of knowledge gained on appropriate legislation from the study tour to Italy. The High Council Against Money Laundering is established.

- The study tours to Italy have reinforced and stimulated bilateral cooperation processes by creating reciprocal confidence as a pre-condition for taking concrete initiatives. Negotiations with Italy on strengthening the MoU signed by the two countries in 2005, is in advanced stage.

- Study tour organized for Iranian judiciary and law enforcement policy makers triggered active negotiations to cooperate on joint measures to deal with international organized crime. Talks between the head of the Iranian delegation, Hojatol-Eslam Montazeri and the Thai Minister of Justice of the Kingdom of Thailand resulted in preliminary understanding on extradition and prisoners exchange and the establishment of Drug Liaison Officers in the two countries. Further negotiation to pin these understandings in the form of MLA is being actively pursued.

- The I.R. of Iran Judiciary has decided to establish a Mutual Legal Assistance Central Authority (MLA-CA) currently in the process of formation. This body will be established in the Office of the Head of International Affairs, in the Judiciary, responsible to the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform. The MLA-CA will be responsible for coordinating MLA negotiations in collaboration with the Ministry of Foreign Affairs and other concerned government bodies.

- A Financial Investigation Unit (FIU) is being established to monitor and investigate money laundering cases.

B. Impact

112. It is apparent that the expected impact of the project cannot be established at the current stage of project implementation, as the project aims to the strengthening of legislative and institutional capacity of Iran to bring about those desired results in the medium to long-term. Project impact can only be measured, for example, by increases in successful investigation and prosecution of money laundering cases and effective bilateral cooperation through MLA, resulting in the reduction of drug trafficking and money laundering. Moreover, judicial reform is complex, involving interacting concurrent socioeconomic and political developments (domestic and international) that influence the reform process. It is also appropriate to note that the project log frame does not provide indicators at the results level and relevant baseline data that could help assess impact of project intervention is not available (Refer Paragraphs 97-98).

C. Sustainability

To What extent are the benefits of the project likely to be sustained?
114. Evaluation has confirmed that key conditions that enhance sustainability of processes, activities and results gained from implementing this project are in place. The elements include: political commitment, institutionalization of project objectives, availability of resources and appropriate structures, including monitoring and evaluation system:

- As discussed in previous chapters, the judicial reform agenda continues to enjoy leadership support from the highest levels of State power: the Supreme Leader, the Expediency Council, the Parliament and the Judiciary;

- Key conditions that enhance sustainability of project processes, activities and outcomes are in place. Policy makers of the judiciary and law enforcement agencies have taken steps to increase Iran’s capacity to tackle international organized crime: reviewed and enacted appropriate law to deal with money laundering and appropriate structures to implement this law is being established (MLA-CA).

- The judicial reform process, headed by the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform, is responsible for planning (five-year plan), development of judicial programmes and monitoring their implementation. Performance and sustainability of project activities are, therefore, assessed under the national five-year plan review framework. Such review structure improves sustainability of project benefits.

- Evaluation observes that availability of resources is not an issue of concern in the context of Iran.

115. Evaluation would, however, strongly recommend that the Judiciary develop a strategic human resources development programme to further ensure sustainability of project achievements in the longer term.

IV. Major Lessons Learned and best practices

116. Internal and international problems affected the possibility of directly involving the donors and other national stakeholders in the Project’s decision making process (see Recommendation A 1).

117. Despite these difficulties, UNODC has effectively executed its role in regularly organizing operated PSC meetings and also opening up to other national stakeholders, whenever possible and in conformity with its mandate, by meeting their needs in terms of disseminating relevant material and seminar outcomes to spread relevant knowledge. On the other hand UNODC continued to keep the international Community constantly informed on progress of project implementation.

118. Deficiency in formal mechanisms could be rectified by responsible and consistent networking, as UNODC-Iran demonstrated.

119. In spite of these efforts the problem remains and must be specifically addressed.

V. Recommendations

120. The following recommendations are based on findings and analysis discussed in Chapters II and III of this mid-term evaluation report.
A  Relevance

1. The I. R. of Iran project counterpart, the Judiciary, should include donors and other national stakeholders, who directly or indirectly contribute to the judicial reform process and/or to project objectives, in the Project Steering Committee/Project Review Committee.

Rationale

121. Including donor representatives in the Project Steering Committee creates conditions for ensuring concerted action in the implementation of project activities, facilitates the sharing of learning, and helps strengthen donor-counterpart strategic partnership for continuing cooperation.

122. Evaluation also observes that the PSC would have benefited from broadening membership by including representatives from other related Iranian Ministries, for example, the Ministry of Interior, Law Enforcement, and Drug Control Headquarters, Ministry of Interior. Their varying perspectives, experience and functions would increase synergies and allow integrated approach to judiciary reform process.

B. Effectiveness

2. The project should develop and implement a comprehensive training programme, during the remaining months, for relevant judicial and law enforcement staff, including judges, prosecutors, and those directly involved in the use of appropriate tools for gathering and processing information on money laundering.

Rationale

123. Ultimately, the objectives of anti money laundering legislation and institutional structures can only succeed if those responsible for implementation are adequately trained and equipped with appropriate tools. In this respect, targeted and systematic training could be provided using the various IT applications, databases, and co-ordination mechanisms identified in the reports of Iranian delegates to the study tours organized to Italy and Thailand. The Italian and Thai counterparts have already expressed their willingness to cooperate in training Iranians. In light of the sophistication of IT applications in use by Italian and Thai institutions, their implementation should take into account:

- Institutional structures and coordination mechanisms adopted under the judicial reform process;
- Lessons learned from phased implementation of IT applications being implemented under the project “Cooperation in the promotion of the reform process of the Judiciary and the Prison System in the I.R. of Iran (IRA/S03)” in Iranian courts;
- The readiness of Iran to further deepen and broaden bilateral cooperation with countries, like Italy, with whom commendable cooperation is increasing, thanks to UNODC facilitation.
3. Regional and sub-regional approach to organized crime should be supported by initiatives devoted at enhancing the relationships between the concerned countries and at overcoming the difficulties deriving from different legal and institutional frameworks.

**Rationale**

128. The Regional approach to organized crime is an important outcome of the Project implementation current stage.

129. The importance of Regional cooperation was stressed by Iranian stakeholders in the workshops and in the meetings with the Evaluation Team. A number of factors affected such cooperation (reciprocal trust, weak Afghan territorial control, Iran’s internal relations), of which most are far beyond UNODC influence. UNODC, as being carried out under this project, is within its mandate to: assist with amendments required to legal and institutional framework and to facilitate Mutual Legal Assistance (harmonizing the legal language, jurisprudence and laws; filling up the legislative gap in conformity to international standards).

**4. Under the ongoing judiciary reform process, wide de-criminalisation is under consideration. Decisions on de-criminalisation should take into account the effects and implications on the prevention and control of organized crime.**

**Rationale**

130. De-criminalization, as a part of a general reform agenda, aims to promote modernization of I.R. judicial system and to guarantee the rule of law and Human Rights. This dimension was addressed in projects Ref. IRA/S03 and Proj. Ref. IRA/R34. The same issue should also be considered in developing policies against organized crime as well in order to ensure the effectiveness of decriminalization. Key Iranian stakeholders, including Dr. Jashmidi, do appreciate this approach. Differentiated approach to varying offence levels can help to build flexible solutions and focus more efforts where it is required. At the same time respect for rule of law and Human Rights would be enhanced.

**5. The ongoing implementation of the IT / e-court programme should consider accommodation of a sub-system for organized crime case management within the system.**

**Rationale**

131. The IT / e-court programme is discussed under the IRA/S03 Project. As an outcome of the exposure to the Italian experience, Iranian stakeholders had expressed interest in extending the existing system to include one or more data base dedicated to organized crime. Technically it should be possible to tailor the existing system to accommodate this new requirement for future
use. Then courts can use the system automatically, whenever organized crimes cases arise, without the need to design another system from scratch. The software structure of the current system should allow the integration of new requirements that may arise in the future.

132. UNODC could support the future expansion of the IT/e-court system, under current or new project. Contacts with international experts and experiences could be facilitated.

C. Monitoring Tools and Performance Indicators

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<tr>
<td>6.</td>
<td>Evaluation recommends improvements on current monitoring tools in use by project management:</td>
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<td></td>
<td>g) Use work-plans, to allow monitoring and comparison of implementation status of project outputs and activities against agreed time-bound targets;</td>
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<tr>
<td></td>
<td>h) include funding information and status needed to realize outstanding project outputs and activities in order to help the PRC and senior project management take necessary proactive action to ensure availability of funds on time.</td>
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</table>

Rationale

133. Evaluation has established that project monitoring reports are adequate: activity reports of seminar outcomes, study tours and PSC meeting minutes are substantive, informative and complete.

134. The annual and semi-annual report formats could, however, be improved by aligning them with the project logical framework in order to provide comprehensive and systematic information on the overall status of the project.

135. Information on funding status relative to outstanding outputs and activities should be made available to the PSC and senior project management to alert the need to intensify funding mobilization efforts and/or negotiation with project donors to honor their commitments, as appropriate.

E. Sustainability

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<tr>
<td>7.</td>
<td>UNODC Iran should develop a project concept on the basis of selected strategic recommendations made in the outcomes of thematic seminars/workshops and reports of study tours organized to Italy and Thailand.</td>
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</table>

Rationale

136. The project concept paper, in effect, will include recommendations that could not be implemented during the life of this project and/or those ideas beyond the objectives of this project. The concept paper could contribute to UNODC’s next Strategic Programme
VI. Conclusion

137. As discussed in great detail in this report, project “Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance” IRNS12 has delivered concrete results. Study tours and thematic seminars organized for Iranian counterparts have been effective. The extent to which the Judiciary policy makers have benefited from the project capacity building support can be demonstrated in the steps and decisions they have taken towards improving Iran’s capacity to tackle organized crime and conditions for enhancing bilateral cooperation through mutual legal assistance. Judiciary policy makers have taken significant decisions and actions: enacted a new bill for Anti Money Laundering; initiatives to amend existing bills to comply with international conventions; initiated huge effort in the drafting of new bills; expediting the ratification process of UNTOC; expanded and strengthened contacts for Iranian judicial and law enforcement authorities with foreign counterparts; and established new structures to tackle money laundering and mechanisms to support mutual legal assistance and anti-money laundering measures.

138. In the remaining 14 months the project will focus on consolidating what has been achieved by concentrating on training activities. The project will concentrate on building capacity of relevant institutions whose responsibility will be to put into effect the provisions of the new and amended laws. Without appropriate tools, databases, interagency information sharing mechanisms and trained staff, the fight against organized crime cannot succeed. The ultimate project objective of monitoring and controlling organized crime, including money laundering will not be achieved.

139. UNODC has a perennial funding problem, because project funding relies on voluntary contribution from donors. Out of the required $484,955, project management has confirmed that $200,000 (less than 40%) has been secured. This is a concern.
ANNEX IIIA

EVALUATION ASSESSMENT QUESTIONNAIRE

Programme/Project Title: Cluster Evaluation of UNODC-Iran Rule of Law Projects
Consolidated Report

Programme/ Project Number:

2. Cooperation in the Promotion of the Reform Process of the Judiciary and
Prison System in the I. R. of Iran, Proj. Ref. FS/IRA/05/S03 (Mid-Term
Evaluation)
3. “Improvement of Iranian Legislative and Judicial capacity to tackle Organized
Crime and Money Laundering and promotion of Mutual Legal Assistance”
Project Ref. No. IRNS12 (Mid-Term Evaluation)

Introduction:

This assessment form must be completed by the evaluator or evaluation team and submitted to the Independent Evaluation Unit. The purpose of the assessment is to provide information for UNODC evaluation database. This information will be used to provide an overview of UNODC’s overall performance of programmes and projects.

Ratings:

The evaluators are required to give a rating to each of the items shown below. The ratings are on a scale of 1 – 5 (1 being the lowest and 5 being the highest). Ratings are based on the following criteria:

Excellent = 5
Very good = 4
Good = 3
Fair = 2
Unsatisfactory= 1

The ratings must reflect the level of achievement, completion, attainment or impact depending on what is being measured. These ratings are base on the findings of the evaluation and hence are a translation of the evaluation results.

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<td>Appropriateness of overall strategy</td>
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<td>3.</td>
<td>Achievement of objectives</td>
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<td>4.</td>
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<td>5.</td>
<td>Adherence to Project Duration</td>
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<td>12.</td>
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### C. Results

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<td>Programme/project impact</td>
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<td>17.</td>
<td>Sustainability of results/benefits</td>
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### D. Recommendations

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<td>21.</td>
<td>Terminate</td>
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### E. Comments

*Provide relevant explanations as well as issues of clarification, replicability, best practices etc.*
ANNEX IIIB

EVALUATION ASSESSMENT QUESTIONNAIRE

Terminal Evaluation

Programme/Project Title:  Strengthening Judicial Capacity

Programme/Project Number:  FS/IRA/04/R34

Introduction:

This assessment form must be completed by the evaluator or evaluation team and submitted to the Independent Evaluation Unit. The purpose of the assessment is to provide information for UNODC evaluation database. This information will be used to provide an overview of UNODC’s overall performance of programmes and projects.

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<td>4. Prerequisites fulfilment by Government</td>
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<tr>
<th>B. Implementation</th>
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### C. Results

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<td>Attainment, timeliness and quality of outputs</td>
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<td>Programme/project impact</td>
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### D. Recommendations

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### D. Recommendations

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<td>25.</td>
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E. Comments
(provide relevant explanations as well as issues of clarification, replicability, best practices etc.)

NOTES

5. Although the project was designed for completion within 18 months, it was only terminated in late 2007, taking about 37 months. In the early stages of project implementation, nominations for Study Tours were delayed by Iranian counterparts due to internal difficulties for almost 6 months. Later, during the period mid-2005 to mid-2006, project activities stalled due to shortage of funding. Inadequacy and unpredictability of funding could be expected due to the fact that UNODC does not have access to core funding for its programmes.

16. The vital impact of this project is the extent of influence made on policy makers from the Judiciary. Parliament and Law Enforcement agencies on the necessity to adopt international best practice and fostering cooperation as they advance Iran’s Judicial Reform Plan.

D. Evaluation has recommended an Exit Strategy, with concrete proposals for a follow-up project to: i) implement the recommendations of the Diagnostic Report, and ii) provide technical assistance to the Judiciary in the drafting of an Anti Corruption Bill, currently being drafted on the basis of the “Draft of the Judicial Strategy on Preventing and Countering Corruption in Iran” commissioned under this project. UNODC-Iran should continue to encourage the Judiciary to ratify the UNCAC.
EVALUATION ASSESSMENT QUESTIONNAIRE

Programme/Project Title: Cooperation in the Promotion of the Reform Process of the Judiciary and Prison System in the I. R. of Iran

Programme/Project Number: FS/IRA/05/S03

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11. UNODC FO Support (administration, management, backstopping) X
12. Executing Agency Support X

C. Results

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<td>16. Programme/project impact</td>
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<td>21. Terminate</td>
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E. Comments (provide relevant explanations as well as issues of clarification, replicability, best practices etc.)

EXPLANATORY NOTES

A. Quality Performance Items

1 & 2 – Project Design and Appropriateness of Overall Strategy
Best Practice
In introducing ICT application system in Iranian courts, the project developed and implemented an effective implementation strategy, which integrated: i) needs assessment, ii) implementing pilot activities, iii) assessing pilot results, and iv) planning and replicating to thousands of courts across the country. Moreover, this design approach combined with phased implementation of pilot activities allowed the consideration of broader developmental needs, including review of management systems, structure and human resource development. In the process, the IT application was constantly tailored to meet specific conditions of courts with varying capacities.

3 – Achievement of Objectives

The project has successfully achieved in those objectives the Iranian counterparts agreed to implement. But as noted in Paragraphs 39 and 40, the Iranian counterparts did not cooperate to initiate a number of its objectives, including instituting appropriate procedures and mechanisms to...
ensure fair trial, steps towards improving the role of women in the Judiciary, and complaint system for all types of crimes. The Iranian counterparts are responsible for not accomplishing those objectives; either because they are not ready, willing or able to cooperate. Therefore it is not due to inefficiency on the part of either the Iranian counterparts or UNODC. Hence Evaluation has rated “achievement of objectives” positively on the basis of results achieved.

C. Results

13 - The project has registered significant achievements for those objectives the Iranian counterparts cooperated to accomplish: introduction of ICT in courts, support to increase the capacity of the judiciary to improve public trust in judicial services, and increase in the number of public enquiries for legal advice/information to Centre 129 support provide (Re Paragraphs 38, 43-64 of the Mid-term Evaluation Report).

D. Recommendations

19 - Evaluation has recommended the extension of the project for at least 18 months to allow ample time for the implementation of the outstanding activities.

Evaluation has further stressed that UNODC-Iran should seek and secure a formal commitment from the Office of the Deputy Head of the Judiciary for Legal Affairs and Judicial Reform to cooperate to implement the outstanding activities identified in Paragraph 39 and 40 in the Evaluation Report. Such explicit counterpart commitment should form the basis and rationale for the extension of the project. (Recommendation 2)
EVALUATION ASSESSMENT QUESTIONNAIRE

Mid-Term Evaluation

Programme/Project Title: Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance

Programme/Project Number: IRNS12

Introduction:

This assessment form must be completed by the evaluator or evaluation team and submitted to the Independent Evaluation Unit. The purpose of the assessment is to provide information for UNODC evaluation database. This information will be used to provide an overview of UNODC’s overall performance of programmes and projects.

Ratings:

The evaluators are required to give a rating to each of the items shown below. The ratings are on a scale of 1 – 5 (1 being the lowest and 5 being the highest). Ratings are based on the following criteria:

Excellent = 5
Very good = 4
Good = 3
Fair = 2
Unsatisfactory = 1

The ratings must reflect the level of achievement, completion, attainment or impact depending on what is being measured. These ratings are base on the findings of the evaluation and hence are a translation of the evaluation results.

<table>
<thead>
<tr>
<th>A. Quality Performance Items</th>
<th>Ratings</th>
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<tbody>
<tr>
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<td>1</td>
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<tr>
<td>1. Project Design (clarity, logic, coherence)</td>
<td>X</td>
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<td>2. Appropriateness of overall strategy</td>
<td>X</td>
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<td>3. Achievement of objectives</td>
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<td>4. Prerequisites fulfilment by Government</td>
<td>X</td>
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<tr>
<td>5. Adherence to Project Duration</td>
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<td>6. Adherence to Budget</td>
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<th>B. Implementation</th>
<th>Ratings</th>
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<td></td>
<td>1</td>
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<tr>
<td>7. Quality and timeliness of UNODC inputs</td>
<td>X</td>
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<tr>
<td>8. Quality and timeliness of Government inputs</td>
<td>X</td>
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</tbody>
</table>
9. Quality and timeliness of Third Party inputs

10. UNODC HQ Support (administration, management, backstopping)

11. UNODC FO Support (administration, management, backstopping)

12. Executing Agency Support

C. Results

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<tr>
<td>13. Achievement of results</td>
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<td>14. Timeliness and quality of results</td>
<td>X</td>
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<td>15. Attainment, timeliness and quality of outputs</td>
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<td>16. Programme/project impact</td>
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<td>17. Sustainability of results/benefits</td>
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D. Recommendations

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<tr>
<td>18. Continue/extend no modifications</td>
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<td>19. Continue with modifications (minor, extensive) (With some recommendations)</td>
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<td>20. Complete Project Revision</td>
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<td>21. Terminate</td>
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E. Comments

(provide relevant explanations as well as issues of clarification, replicability, best practices etc.)

A – Quality Performance Items

3- Achievement of Objectives

B – Implementation

11 – UNODC HQ support (backstopping)

12 – UNODC- Iran (Executing Agency)

On account of both Quality of performance and implementation, this project is the most successful one from the Rule of Law projects. Evaluation observed that that commendable achievement was attained because there is marked enthusiasm and commitment on the part of the Iranian key stakeholder for this project. On the other hand project management staff is effective. Follow-up is systematic and reporting of project activities is substantive and timely.

C - Results

17 – Sustainability of Results/Benefits

Sustainability enabling conditions are present in Iran. The Judicial Reform Process is institutionalized within the Judiciary, there is
demonstrable commitment of relevant policy makers from the Judiciary, Parliament and Law Enforcement agencies and there is the financial resource necessary to sustain the judicial reform process on their own.

D - Recommendations
19 – Continue with minor modifications

Evaluation has recommended for the project to concentrate on consolidating what so far has been achieved. The project achievements in terms of increasing the knowledge of policy makers and officials in international best practice on money laundering and mutual legal assistance. As a consequence, new legislative has been enacted and new institution have been identified for establishment. Evaluation, however, underlines the need for systematic training programme, particularly to staff on know-how and skills to implement the provisions of legislation.

In light of the relative pressure of time to complete the project and funding uncertainty, Evaluation has recommended for reprioritization of activities to make the best out of expected funds.
LIST OF PEOPLE INTERVIEWED

I. R. of Iran Judiciary

1. Dr. Alreza Jamshidi  
   Deputy Head of the Judiciary for  
   Legal Affairs and Judicial Reform  
   The Judiciary

2. Hajatol-eslam Montazeri  
   Special Advisor to the Head of the Judiciary  
   The Judiciary

3. Dr. Gholamreza Mahdavi  
   Director General  
   Bureau for International Affairs of the Judiciary  
   (PSC Chair for UNODC Projects)

4. Mr. Valiohhah Kobreh  
   Deputy Head of the State Inspection Organization  
   The Judiciary

5. Dr. Hamid Hashemi  
   Prosecutor in the Office of the Tehran Public Prosecutor  
   (National Project Consultant – produced “Draft Ant-Corruption Strategy”)

6. Mr. Ali Shams  
   Deputy Head of Prison Organization

7. Dr. Jafar Reshadati  
   Director, Judiciary Hotline Centre (Centre 129)

8. Mr. Hamid Derakhshan-nia  
   First Deputy  
   Tehran Justice Administration

9. Hojatol-eslam Hassan Tamjidi,  
   Deputy for Planning and Judicial Reform  
   Tehran Justice Administration

10. A number of professors of the University of Judicial Services

I. R. of Iran, Ministry of Foreign Affairs

11. Dr. Fattah Ahmadi  
    Director, Department for Treaties and International Law  
    Ministry of Foreign Affairs

Parliamentarians
12. Hajatole-eslam Mohammad-ebrahim Nekoonam  
Member of Parliament and Spokesman of the Parliament's Special Commission responsible for 
Article 90 of the I.R.of Iran Constitution  
I. R. of Iran Parliament

13. Mr. Hassan Soleimani  
Parliamentary Representative of the Judiciary  
(Former Member of Parliament)  
The Judiciary

14. Mr. Amin-Hossein Rahmi  
Member of Parliament and Spokesman for the Commission on Judicial Affairs,  
I.R. of Iran Parliament

Ambassadors

15. H. E. Dr. Herbert Honsowitz  
Ambassador of the Federal Republic of Germany, and  
Chairman of the Mini Dublin Group  
Embassy of the Federal Republic of Germany

16. H. E. Mr. Bernard Poletti  
Ambassador of the Republic of France,  
(also Rep of the EU French Presidency)  
Embassy of the Republic of France

17. H. E. Mr. Alberto Bradanini  
Ambassador of the Republic of Italy  
Embassy of the Republic of Italy

18. H. E. Mr. Radinck J. van Vollenhoven  
Ambassador of the Kingdom of the Netherlands  
Embassy of the Kingdom of the Netherlands

19. Ms. Amuika Jaersen Evensen  
First Secretary  
Embassy of the Kingdom of Norway

United Nations Representative for Iran

20. Mr. Knut Ostby  
UN Resident Coordinator in Iran  
UNDP Iran Office

Central Bank of the I. R. of Iran

21. Mr. Siamak Razeghi  
Head of the office of Contracts and International Claims  
Central Bank of I. R. of Iran.
Cluster Evaluation of the UNODC Iran Rule of Law Projects

- Strengthening Judicial Capacity (IRA/R34)
- Cooperation in the promotion of the reform process of the Judiciary and the Prison System in the I.R. of Iran (IRA/S03)
- Improvement of Iranian Legislative and Judicial capacity to tackle Organized Crime and Money Laundering and promotion of Mutual Legal Assistance (IRN/S12)

Evaluation team:
- Mr. Giovanni Salvi (Italian)
- Mr. Teame Tewolde-Berhan (British)

AGENDA

Saturday 11 October 2008

03:05           Arrival of Mr. Salvi and Mr. Berhan

Sunday 12 October 2008

09:00 – 09:45   Introductory meeting with Mr. Danilo Rizzi, UNODC Iran International Project Coordinator, and Mr. Mehrdad Rezaeian, UNODC Iran National Project Coordinator
09:45 – 10:00   Administrative procedures of UNODC and briefing with Ms. Padideh Faeghi, UNODC Assistant
10:30 - 11:30  Security briefing session with UNDSS
12:00- 13:00   Lunch (in the Office)
13:30 – 14:30  Meeting with Mr. Roberto Arbitrio, Representative of UNODC – Iran
15:00- 17:00   Meeting with UNODC Iran project coordinators

Monday 13 October 2008

09:00 – 10:30  Meeting with Dr. Gholamreza Mahdavi, Director General, Bureau for International Affairs of the Judiciary
11:00- 12:00  Document review and interview with UNODC project managers
12:30- 13:30  Lunch (in the Office)
14:30- 15:30  Meeting with Mr. Khobreh, Deputy Head of the State Inspection Organization
16:30- 17:00  Wrap up session of the meetings/visits of the day
**Tuesday 14 October 2008**

09:00- 10:00 Meeting with Mr. Siamak Razeghi, Head of the Office of Contracts and Int. Claims, Central Bank

10:30- 11:30 Document review and interview with UNODC project managers

12:00- 13:00 Lunch (in the Office)

13:30- 14:30 Meeting with Hojatol-eslam Montazeri, Special Advisor to the Head of Judiciary

15:00- 16:30 Document review and interview with UNODC project managers

16:30- 17:00 Wrap up session of the meetings/visits of the day

**Wednesday 15 October 2008**

09:00- 10:00 Document review and interview with UNODC project managers

11:00- 12:00 Meeting with Dr. Fattah Ahmadi, Director, Office for Treaties and Public International Law, Ministry of Foreign Affairs

12:30- 13:30 Lunch (in a restaurant)

13:30- 15:00 Meeting with Dr. Hamid Hashemi, National Consultant under R34 project

16:30- 17:45 Wrap up session of the meetings/visits of the day followed by document review and interview with UNODC project managers

**Thursday 16 October 2008**

09:00- 10:00 Meeting with Mr. Knut Ostby, UN Resident Coordinator in Iran

10:45- 11:30 Meeting with H.E. Mr. Roald Naess, Ambassador, Kingdom of Norway

12:00- 13:00 Lunch (in a restaurant)

13:30- 14:15 Meeting with H.E. Dr. Herbert Honswowitz, Ambassador, Federal Republic of Germany (as Mini Dublin Group Chairman)

14:30- 17:00 Wrap up session of the meetings/visits of the day followed by document review and interview with UNODC project managers

**Sunday 19 October 2008**

09:00- 10:30 Visit to the Judiciary's hotline center (Center 129)

11:00- 12:30 Visit to electronic archiving system of the Judiciary

13:00- 14:00 Lunch (in a restaurant)

14:30- 15:15 Meeting with H.E. Mr. Alberto Bradanini, Ambassador, Italian Republic

15:30- 16:15 Meeting with H.E. Mr. Bernard Poletti, Ambassador, Republic of France (as EU Presidency)

17:00- 17:15 Wrap up session of the meetings/visits of the day

**Monday 20 October 2008**

08:00- 09:30 Joint meeting with:

- Hojatoleslam Nekoonam, Member of Parliament
- Mr. Rahimi, Member of Parliament
- Mr. Soleimani, Parliamentary Representative of the Judiciary and
Former member of Parliament

**Tuesday 21 October 2008**

08:00- 10:00  Visit to electronic courts of Tehran
12:00- 13:00  Lunch (in the Office)
13:30- 14:15  Document review and interview with UNODC project managers
14:45- 15:30  Meeting with H.E. Mr. Radinck J. van Vollenhoven, Ambassador, Kingdom of the Netherlands
16:00- 17:00  Meeting with Dr. Jamshidi, Deputy Head of Judiciary for Legal Affairs and Judiciary Reform

**Wednesday 22 October 2008**

04:15  Departure of Mr. Salvi (to Rome)
09:00- 12:00  Document review and additional briefing meetings with UNODC Iran Project managers
12:00- 13:00  Lunch
13:30- 17:00  Document review and additional briefing meetings with UNODC Iran Project managers

**Thursday 23 October 2008**

10:00- 12:00  Wrap up session with Mr. Roberto Arbitrio, UNODC Iran Representative and UNODC Iran Project Managers

**Friday 24 October 2008**

08:00  Departure of Mr. Berhan