

Action Fiche for Egypt

1. IDENTIFICATION

Title/Number	Support for Modernization of Administration of Justice and Enhancement of Security		
Total cost	€ 10,000,000		
Aid method / Method of implementation	Project approach – centralised management		
DAC-code	15130	Sector	Justice

2. RATIONALE

2.1. Sector context

In Egypt, access to justice is a constitutional right. Free access and equality before the judicial system are its key principles. The Ministry of Justice is responsible for promoting justice through setting and implementing plans that guarantee access and ensure good administration in four main areas: 1) Civil and Economic Justice; 2) Criminal Justice; 3) Family Justice and 4) Juvenile Justice, on the basis of three main pillars: ensuring good law, efficient judiciary and enforceability of judgments.

Many of the shortcomings of Egyptian justice are technical and related to capacity of the bodies in charge of dispensing justice. The volume of cases to be treated exceeds by far the processing capabilities of the system. The number of new cases is of 1,200,000 per year, whereas the Egyptian judiciary system is only able to handle around 300,000 cases per year. This situation creates a lack of public confidence in the legal system. The root causes are a mix of procedural issues with a lack of qualified staff and lack of advanced equipment.

Closely related to these procedural shortcomings, is a second issue faced by law professionals, of knowledge of and respect of the law. Although the NCJS provides initial and continuous training to all judges, prosecutors and members of the assisting bodies it is still necessary to enhance the overall skills of law professionals. Nevertheless Egypt is strongly committed to address the issues encountered by the most vulnerable towards Justice:

Traffic of human beings: In July 2007, the Prime Minister issued a decree to form the National Coordination Committee to Combat and Prevent Human Trafficking within the Ministry of Foreign Affairs. Within this body, a sub-committee was created in Feb 2008 to formulate a comprehensive national anti-trafficking legislation in line with the UN Trafficking Protocol, as well as the regional and international agreements to which Egypt is a party. On the implementation level, Egypt expressed its interest in cooperating with the EU on the issue of victims assistance, through conducting capacity building training programmes with the National Coordination Committee, targeting judges, prosecutors, psychiatrists and social experts, in addition to legal experts (Ministry of Justice), and law enforcement officers (Ministry of

Interior). This issue is high on the agenda as the approval, on 7th March 2010, of the new anti-human trafficking law demonstrates.

Juvenile justice: much progress was made in 2008 with the new child law (Law 126/2008), which amended the 1996 law and aims among other things to promote child justice and respond to international commitments. Egypt is finalising an Implementing Regulation for the 2008 Child Law, which further enhances the protection of the child in respect to its criminal liability (raising the age of criminal responsibility, adding a number of means of referral outside the formal system, incarceration of children considered as a last resort and for the shortest period possible, segregation of children in custody from adults and criminalization of any official who holds children with adults). Nevertheless, even though the Ministry of Justice is active in this field, and is soon to inaugurate in New Cairo a Court dedicated to hearings of child witnesses, the awareness about the specific needs and rights of children remains limited in the judiciary and police system. It is worth noting that a National Child Rights Observatory was launched in January 2009.

Security-related issues: Egypt is particularly vulnerable to: a) terrorism, as every attack adversely affects the tourism sector, threatening thousands of jobs. The February 2009 attack in Cairo highlights the fact that terrorism is still a real threat, b) cybercrime, with broadband Internet access and lack of security awareness among users, all forms of cybercrime are developing (phishing, violations of intellectual property violation, software piracy), c) drugs usage: in September 2007, a study from the National Council for Fighting and Treating Addiction revealed that at least 8.5 % of Egypt's population were addicted to drugs. Drug abuse is considered one of the main problems facing society, as addiction contributes to the spread of diseases (HIV/AIDS, Hepatitis C). The Ministry of Interior, with its Anti-Narcotics General Administration (ANGA) intends to train Egyptian drug officers, and to organize awareness campaigns targeting Police Academy students and police institutes, as well as schools and universities.

In all these fields, the Ministry of Interior has developed a strategy which mixes capacity building with the upgrading of equipment.

2.2. Lessons learnt

This project is the first EU action addressing Justice and judicial matters in Egypt, thus there are currently no direct lessons learnt from previous European experience. Nonetheless, during the identification and formulation phases, the outcomes of ongoing projects such as the EU-financed UNDP Bena project “Building the Capacity in Human Rights” and the USAID “Administration of Justice project” were taken into account. The main finding of USAID is related to the sustainability of Court automation, which depends on highly qualified IT specialists, on modern buildings, and on the commitment of law professionals towards the use of new technologies. USAID also stressed that the internal capacities of the Ministry of Justice still have to be modernized, notably the expert and the forensic departments. Consultations with CSOs (Arab Centre for the Independence of the Judiciary and Legal Profession, Egyptian Organisation for Human rights) confirmed the relevance of focusing on judiciary reform.

2.3. Complementary actions

Regarding modernization of the administration of justice, USAID conducted, from 1996 to 2009, two projects, Administration of Justice Support I (USD 18 million) and II (USD 30 million) which automated two pilot courts of First instance (Ismailia, North Cairo), and then deployed the model on a wider scale. USAID continues to support justice reforms, particularly in family and criminal justice. An extensive automation project is being developed with the Prosecutor General in criminal justice.

France focuses on workshop and training sessions of law professionals and judges, together with twinings between French and Egyptian Court of Cassation, State Council, the Paris and Cairo Bar associations. France also trains police officers on the protection of tourist areas and on new techniques used to detect forged and counterfeited documents and passports. It intends also to focus on illegal migration, terrorism and the fight against corruption. The Swedish International Development Agency is active in the field of juvenile justice, and organized (January 2010) a national conference. With the help of UNDP and IOM, the National Coordinating Committee to Combat and Prevent Trafficking in Persons is undertaking a study to assess the extent of the problem in Egypt.

European cooperation in justice and police is also covered by regional programmes: Euromed Justice II (EUR 5 million, 2008-2011) and Euromed Police II (EUR 5 million, 2007-2010) Regional support in these areas will also be provided through the recently approved EuroMed III Justice and Police projects, and synergies will be ensured with the proposed programme.

2.4. Donor coordination

Donor coordination in the Justice sector takes place in the context of the Donor's Partners Group (DPG), and its sub-group "participatory development and good governance". Nevertheless, given the size of the support already provided both by USAID and by the UN, it is necessary to focus on Egyptian priorities and issues which are not yet dealt with by other donors. In order to strengthen donor coordination and initiate a stronger coordination in the Justice/security field, the European Union will coordinate regularly with the main donors and the Egyptian authorities to ensure complementarity is assured.

3. DESCRIPTION

3.1. Objectives

The main objective is to support the modernization of the administration of justice in Egypt, and to enhance security of Egyptian citizens.

Specific objectives are: (i) Capacity Building of the Ministry of Justice (MoJ) and court professionals to increase the quality and reduce delays within the public service of Justice, (ii) Establishment of a judicial system for minors, (iii) Drafting and adopting a National Strategy for the fight against trafficking in human beings, (iv) Capacity Building of the Ministry of Interior to fight against new forms of crime.

3.2. Expected results and main activities

Component 1: Capacity Building of the Ministry of Justice and court professionals to increase the quality and reduce delays within the public service of Justice

Results : (i) Modernization of the public service of Justice offered to citizens, (ii) Case handling capacity increased, court proceedings shortened, backlog of cases reduced, (iii) strengthening of the capacities of the MoJ, notably of its departments related to investigations, (iv) a national judicial cases database is installed and offers quality services to all citizens, (v) a more professional justice service is rendered with shorter delays, thanks to a better knowledge and application of the law and modern techniques.

Activities : (i) thorough analysis of the root causes contributing to the slow pace of Justice and notably the bottlenecks resulting in the huge backlog of cases, proposal and implementation of procedural and technical solutions, (ii) according to priorities of the MoJ, and where relevant to help remove identified bottlenecks, for example via deployment of IT solutions, training etc (iii) monitoring of case processing designed to measure increase of case capacity handling and shortening of backlog of cases (iv) analysis of the MoJ's challenges related to its investigation capacities, definition and implementation of a strategy for improvement; (v) Web site interface developed with intranet, database designed, data inserted and available freely for consultation; (vi) Training strategy on national, international and regional covenants, and on new forms of crime (anti-terrorism, drug trafficking, money laundering, organized crime) defined and implemented jointly with the NCJS.

Component 2: Establishment of a judicial system for minors

Results : (i) Children in conflict with the Law are treated as minors and not as adults, in line with the provisions of the relevant legal texts, and notably the 2008 child law, (ii) better knowledge of the Law with security enforcement agents (judges, prosecutors, police officers) taking into account and respecting the specific situation and needs of minors.

Activities : (i) In close cooperation between the MoJ, the MoI and the Ministry of State for Family and Population (MSFP), all relevant legislation relating to children in conflict with the law is revised in accordance to the new child Law and relevant international standards, (ii) the bylaws of the Child Law are enacted, art. 112 of the 2008 Law is enforced (iii) with the MoJ, design and setup a pilot project for child friendly courts, (iv) a specialized juvenile justice judiciary unit with judges working on a full-time basis on cases involving children in conflict with the Law (v) MSFP trains the Law and Security professionals regarding the specific issues and the social and psychological needs encountered by children in conflict with the Law; (vi) Prosecutors are trained on resolving cases of accused children and referring them to educational and social alternatives.

Component 3: Drafting and adopting a National Strategy against trafficking in human beings

Results: (i) Adoption of a national strategy on combating human trafficking; (ii) Strengthened institutional mechanisms for combating human trafficking; (iii) Awareness of Egyptian population on human trafficking raised.

Activities: (i) National strategy drafted by the National Coordinating Committee for Combating and preventing human trafficking; (ii) early identification capacity of human trafficking set in place, mechanism to fight human trafficking identified and implemented, activities for streamlining, assisting and protecting the victims of human trafficking implemented; (iii) Media campaign on human trafficking developed, public media awareness campaign on human trafficking implemented together with a hot-line service to support victims.

Component 4: Capacity Building of the Ministry of Interior against new forms of crime

Results: (i) improved capacities of training of the Police Academy (ii) Improved knowledge of police officers in fighting human trafficking, drug trafficking, cybercrime, corruption, money laundering and anti-terrorism, Transfer of know-how through international/regional exchange of experiences ensured. (ii) Key Ministry of Interior Departments' upgraded, in order for the MoI to fight new threats with appropriate means.

Activities: (i) Training program including curriculum development methodology developed, Strategic plan to identify selection criteria for training of trainers (TOTs) and exchange of experience developed, TOTs competencies increased through international/regional exchange of experiences and transfer of know-how, (ii) training cycles embedding international and regional advancements in security, improved efficiency of the practices in compliance with international and regional standards, police officers trained on new forms of crimes (iii) Plan for key department automation produced, equipment purchased, installed and used efficiently by MoI staff.

3.3. Risks and assumptions

The principal assumptions include: (i) The GoE remains committed to implementing the national development plans and continues its support to modernization of the judicial and security system using its own resources; (ii) The GoE remains committed to supporting projects activities; (iii) The MoJ contributes adequate human and in-kind resources to complement the projects activities, and will continue renovating courts and erecting new court buildings; (iv) The primary beneficiaries remain committed to capacity-building of the legal profession, and to cooperating with each other; (v) The MoJ allocates adequate resources to sustain project activities beyond the implementation period; (vi) Direct beneficiaries will be responsible for the development of software and maintenance of installed equipment.

Risks: (i) The main stakeholders (MoJ, MoI, MFA and MSFP) lack skilled human resources necessary to carry out the various operations and ensure the sustainability of operations. This risk will be mitigated by the training components, which will not only focus on law and crime issues, but also on the ownership of the new systems and equipment (ii) Competition between the different components of the Egyptian judiciary over EU support might cause delay in the reform process and the

implementation of the activities. This risk is alleviated by the strong leading role devoted to each stakeholder regarding its own sector, the MoJ being considered as the main implementing partner regarding Justice modernization (iii) the limited coordination among stakeholders affects programme coherence and implementation; a steering committee will monitor project implementation.

3.4. Crosscutting Issues

This Programme will address a number of cross-cutting issues, including good governance, human rights, gender equality. Improving the justice service to the public will ultimately ensure that the right of citizens to justice is performed in line with delays that litigants are entitled to expect. The emphasis on the juvenile justice system will improve the conditions in which children find themselves vis-à-vis the courts. Similarly, the establishment of a strategy against trafficking in human beings is expected to provide minimum guarantees to migrants. Equality between men and women in the judiciary is not yet ensured in Egypt. In this context, the project will seek to change behaviour, by the choice of speakers in training modules, as well as by promoting the access of women to positions within the judiciary system. Human rights issues will be fully integrated within all training programs.

3.5. Stakeholders

The institutional capacity of the stakeholders has been assessed and key areas in need of support have been identified. They have been fully involved and consulted at different levels, both in the identification and in the formulation phase. The principal stakeholder in the legal sector is the Ministry of Justice, which in Egypt has responsibility for the administration of the public service of justice, the entire court system, and the training of the judiciary (including the administration of the NCJS). In addition to the Courts, the Ministry is also responsible for Prosecutors and the Settlement of Family Disputes. Divisions supporting these activities include Experts, Forensics and Real Estate Registration, as well as Judicial Inspection and Court Buildings. The MoJ will be involved in three components of the Project and has sufficient institutional capacity to both facilitate EU assistance and provide direct or in-kind contributions for its implementation. Other key stakeholders are the Ministries of State for Family and Population (regarding Juvenile Justice), the Ministry of Foreign Affairs (for Traffic of Human beings) and the Ministry of Interior. In charge of public order, the Ministry of Interior is responsible for the security of Egyptian citizens, and operates training courses for police within its Police Academy.

The principal target groups are members of the legal profession (judges, prosecutors, lawyers), the MoJ (in particular the expert and forensic departments), the MoI and its police officers, since they will all benefit directly from the intended project. The ultimate beneficiaries will be Egyptians citizens, particularly the users of the judicial system who will benefit from a more efficient court system, able to render justice in a faster and a more coherent manner. The enhancement of security will also benefit citizens, as an increased knowledge of the Law and new forms of crime on behalf of police officers will lead to a reduction of miscarriage, mistakes and arbitrary decisions.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

Direct centralised management – this program will be implemented through direct centralised management. It will be subject to the signature of a financing agreement with the Arab Republic of Egypt, expected to be represented by the Ministry of Justice and the Ministry of Interior. The European Union Delegation will make sure that the relevant stakeholders will be associated through the whole project cycle, and will be represented within the evaluation committees. A steering committee comprising all the stakeholders will be established in order to ensure ownership and leadership of the project by the Egyptian Authorities.

4.2. Procurement and grant award procedures

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by ENPI. Further extensions of this participation to other natural or legal persons by the concerned authorising officer shall be subject to the conditions provided for in article 21(7) ENPI.

4.3. Indicative Budget and calendar

The indicative breakdown of the budget is as follows:

Components	Euros
Component I: Modernization of the administration of Justice (service/supplies)	6,000,000
Component II: Juvenile Justice (service/supplies)	850,000
Component III: Human Trafficking (service)	500,000
Component IV: Enhancement of security in combating new forms of crime (service/supplies)	2,000,000
Audit, evaluation and visibility	350,000
Contingencies	300,000
Total	10,000,000

The program will be implemented through supply and service contracts. Its indicative duration will be 48 months from the signature of the Financing Agreement, followed by a 24 months closure phase.

4.4. Performance monitoring

The projects will be subject to monitoring of the EU delegation. In addition the results-oriented monitoring system (ROM) can also be used as necessary.

Specific performance indicators will be established for the various components of the project, including where necessary for juvenile, justice, human trafficking etc.

4.5. Evaluation and audit

A mid-term and a final evaluation will be carried out by the European Commission via a service contract.

4.6. Communication and visibility

The program will be implemented in such a way that the best visibility is given, at all times, to the support of the European Commission for the program, the achievements of its objectives and results obtained. The EU Visibility Guidelines shall be used. All involved stakeholders will take appropriate action in order to avoid any confusion between the present program and those supported by other international donors so as to ensure the best visibility of the cooperation between EU and Egypt.

http://ec.europa.eu/europeaid/work/visibility/documents/communication_and_visibility_manual_en.pdf.