



Country/Region/Global: Azerbaijan
Initiation Plan

Project Title: Mainstreaming Human-Rights Based Approach through Strengthened Institutional Capacity in Azerbaijan

Expected UNDAF/CP Outcome 2: "People furthest behind benefit from enhanced national capacities and governance structures for social protection and quality public and social services, in line with Azerbaijan's international commitments".

Expected CPD Output 2.1: Strengthen institutional capacity to effectively develop and implement governance programmes, public service delivery and services to bridge digital divide and to promote social cohesion.

Initiation Plan Start/End Dates: 01 January 2022 - 31 December 2022

Implementing Partner: UNDP (DIM implementation) in collaboration with Office of the Human Rights Commissioner/NHRI of the Republic of Azerbaijan

Brief Description

The Project's key objective is to develop entry points for UNDP's long-term programming on enabling an environment for protecting and promoting human rights at the national and local levels and for improved access to justice for vulnerable communities in Azerbaijan.

The strategy for the Project is built on the lessons learned from UNDP's current projects, long-standing work with vulnerable communities in Azerbaijan and is rooted in the principles of inclusiveness and Leave No One Behind (LNOB). The Project will now help focus on mainstreaming the Human Rights-Based Approach (HRBA) and Human Rights Due Diligence (HRDDP) both within the capacities of the country office and among national partners.

Programme Period: 01 January 2022 - 31 December 2022

Atlas Project Number: 00130496

Atlas Output ID: 00123788

Gender Marker: GEN 2

Total resources required USD 300,000

Total allocated resources: USD 300,000

• Regular USD 300,000

• Other:

○ Donor _____

○ Donor _____

○ Government _____

Unfunded budget: _____

In-kind Contributions _____

Agreed by UNDP: Ms. Charu Bist, Resident Representative a.i. in Azerbaijan

I. PURPOSE AND EXPECTED OUTPUT

1.1. Background

In recent years, Azerbaijan has consistently experienced political stability and improved security, recording substantial gains in indicators concerning state fragility, the security situation, and the strength of state institutions (Fragility State Index, 2019; Global Peace Index 2019). In addition, Azerbaijan is a signatory to the major international human rights treaties and conventions, including ICERD, ICESCR, ICCPR, ICCPR-OP2, CEDAW, CAT, CRPD, CRC, OP-CRC-AC, OP-CRC-SC, ICRMW and CPED.

However, notwithstanding these positive developments, challenges persist in the human rights situation. During the third cycle of the Universal Periodic Review (UPR) in 2018, Azerbaijan received 259 recommendations and accepted 179 for implementation and 66 for further review, while 14 recommendations did not enjoy its support.

Following these recommendations, in July 2019, the Ministry of Foreign Affairs announced the setup of a National Mechanism for Follow Up and Reporting on the implementation of the UPR recommendations, bringing together the representatives of various ministries, state agencies and public sector organizations. Furthermore, in 2020, Azerbaijan adopted the National Action Plan for 2020-2024 on Combating Trafficking in Human Beings and National Action Plan to Combat Domestic Violence for 2020-23.

Azerbaijan has also launched several judicial legal reform initiatives to strengthen the rule of law and respect for human rights. As part of these reforms, the Government has significantly improved the administrative capacity and infrastructure of the justice sector, including through the construction of new court buildings and facilities and technical renovations, modern equipment, and digital solutions in existing courts. In 2017, the Parliament passed over 300 amendments to the Criminal Code that decriminalized various offenses and established alternative penalties.

Legally, Azerbaijan is fully committed to gender equality – the constitution contains relevant provisions. The country has signed many international conventions and passed legislation and policies on combating domestic violence¹. Nevertheless, patriarchal norms and values are still dominant in society. Hence, Azerbaijan ranked 97 out of 149 countries in the 2018 Global Index of the Global Gender Gap Report.

Access to justice is yet another challenge and requires support in expanding access to free legal aid to the general public and vulnerable groups. Despite the recent improvements within the national Bar Association that resulted in a change of its leadership to increase the number of defence lawyers, it remains very low relative to the population. Only some 1,650 lawyers who are qualified as members of the Bar Association operate in the country. There are disproportionately low numbers of lawyers in rural areas of Azerbaijan, with some regions reportedly having no lawyers or only a single lawyer who is a member of the Bar Association and therefore qualified to represent defendants in criminal cases. This situation has evident and acute consequences for the right to a fair trial and access to justice and effective remedies for the people of Azerbaijan. Moreover, the demand for free legal aid services is significant due to many vulnerable and disadvantaged groups (IDPs, disabled persons, children, pensioners, etc.) that face financial and other barriers in access to professional legal representation and advice.

The Commissioner for Human Rights (Ombudsman) perhaps is the most significant key player in human rights protection and promotion in Azerbaijan. It was accredited with status B in 2016 and is a member of ENNHRI. The NHRI handles complaints from individuals and entities. In contrast to the lengthy and costly court proceedings, which are also perceived as not independent and suffering from corruption, many perceive NHRI as the only real remedy. Furthermore, the NHRI fulfils the functions of the national preventive mechanism (NPM) on the prevention of torture and leads the working group's activity on the implementation of the *National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan*. The NHRI Commissioner and her staff also develop new methods and tools for better protecting human rights in different areas, such as children rights, the rights of the refugees, IDPs and migrants, the rights of the persons with disabilities, the rights of older people, the rights of detainees, the rights of military servants as well as on gender equality, trafficking in persons and corruption. Additionally,

¹ Azerbaijan has adopted legislation and policies to advance gender equality such as the Law on Prevention of Domestic Violence (2010); amendments to the Criminal Code outlawing trafficking in human beings and forced marriage (2011); amendments to the Family Code setting the minimum age of marriage at 18 for both women and men (2011) and amendments to the Civil Procedure Code dealing with protection orders in cases of domestic violence (2011). However, Azerbaijan has so far not signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

the Ombudsman Office has started exploring areas of business and human rights and conflict prevention. The NHRI has established a Working Group on Business and Human Rights and organized education and capacity-building activities for the business. They have also participated in ENNHRI's Project on strengthening the role of NHRIs in conflict prevention implemented with UNDP's inputs.

1.2. UNDP's role

UNDP Azerbaijan has a solid base to assist in the areas mentioned above. UNDP has a decades-long continuous presence in Azerbaijan and well-established relationships with the national and local authorities, communities, and civil society partners in promoting governance, social protection, access to public services, gender equality, support to survivors of GBV, addressing environmental and climate change risks and responsible business conduct by SMEs.

Furthermore, aftermath of tripartite statement as of 10 November 2020, UNDP has led the UN Country Team early recovery efforts and support the rapid restoration of livelihoods, partner with the Government on mine action, and establish digital infrastructure. UNDP prioritizes engagement with communities in conflict-affected areas, while also working with populations displaced by conflict, and conflict-affected populations at large by improving living conditions.

Furthermore, the CO has a strong network in the 15 regions supporting vulnerable groups through Women Resource Centers (WRCs). The Women's Resource Centers are based on the concept of economic participation and empowerment; assuming that women are often excluded from the benefits of economic development and so affirmative measures need to be taken. The implications go beyond employment as gender issues and norms limit lives and empowerment. In addition to socio-economic support, the WRCs provide legal services to vulnerable communities and support to the victims of domestic violence. Based on the model of Women Resource Centers, UNDP established three new Community Resource Hubs in the conflict-affected regions in Fizuli-Horadiz, Tartar, Aghdjabadi, and in the process of establishment of another center in Barda, where along with services on employment and vocational training, the centers offer legal services. Thus, on top of the partnership with national and local counterparts, the Country Office has direct access to the beneficiaries in the regions including the conflict-affected ones.

The CO, however, has been active to a lesser extent in supporting areas of access to justice and the National Human Rights Institution/Office of Ombudsperson. Through the catalytic funding, CO will now explore opportunities for long-term engagement and support to key institutions and CSOs in promoting more robust national mechanisms for the rule of law, human rights, and justice. Given the presence of various international partners in these areas, UNDP will start with analysis and scoping/mapping exercises to identify UNDP's strategic options for the long-term programming in support of the capacity building of the identified partners. It will also aim to build solid internal capacity in the CO on the rule of law and human rights to boost the newly established partnerships.

1.3. Outputs and activities

The Project's key objective is to develop entry points for UNDP's long-term programming on enabling an environment for protecting and promoting human rights at the national and local levels and for improved access to justice for vulnerable communities in Azerbaijan.

The strategy for the Project is built on the lessons learned from UNDP's current projects, long-standing work with vulnerable communities in Azerbaijan and is rooted in the principles of inclusiveness and Leave No One Behind (LNOB). The Project will now help focus on mainstreaming the Human Rights-Based Approach (HRBA) and Human Rights Due Diligence (HRDDP) both within the capacities of the country office and among national partners.

This Project responds to outcome 2 of the UNSDCF and UNDP CPD "People furthest behind benefit from enhanced national capacities and governance structures for social protection and quality public and social services, in line with Azerbaijan's international commitments". In line with the CO's outcome, the project goal will be achieved through the following outputs and indicative activities:

Output 1: The capacity of the Office of Ombudsperson/National Human Rights Institution in monitoring, promoting, and protecting the rights of vulnerable communities including the conflict-affected ones, as

well as the promotion of HRBA and implementation of the UNGP on Business and Human Rights along with the identified thematic areas are strengthened (in collaboration with ENNHRI).

Under this output, the CO will aim to revive the partnership with the National Human Rights Institutions and strengthen the relations with the key international organizations that specialize in the rule of law and human rights such as OHCHR and Council of Europe. The CO will work together with the Office of Ombudsperson to identify current gaps, which will serve as a basis for the design of the capacity-building training. The indicative activities below are planned under Output 1:

- Activity 1.1: Support design of the training workshops on the role of NHRI on the investigation, fact finding, and monitoring, as well as HRBA and BHR to sustainable recovery (based on the training guide by ENNHRI and UNDP).
- Activity 1.2: Support capacity assessment of the NHRI (in collaboration with ENNHRI and OHCHR and upon agreement of the NHRI).

Output 2: Improved access to justice and free legal aid to vulnerable groups, including displaced populations, are piloted.

Under this output, it is planned to provide direct services to the beneficiaries by enhancing service provision of the legal aid through selected Community Resource Hubs and Women Resource Center. Some of those Centers and Hubs are already providing legal services in a limited capacity. In parallel, the Project will look into increasing the capacity of the local lawyers in the thematic areas including domestic violence. The CO is also planning to review the effectiveness of the legal aid schemes to identify opportunities for their improvement. The findings and insights will be shared with the relevant government partners. As national partners, the CO will partner with the Ministry of Justice, Bar Association, Justice Academy, and clinics functioning under the law faculties of the universities. It is important to note that CoE legal aid guidelines which aim to provide generic solutions to the member states of the Council of Europe that can make national legal aid schemes in the areas of civil and administrative law more efficient and effective, without changing their overall organizational framework (designed with inputs of UNDP). The following indicative activities are planned under Output 2:

- Activity 2.1: Assist in reviewing the effectiveness and efficiency of legal aid schemes in the areas of civil law and administrative law for vulnerable groups (in compliance with UN and CoE standards).
- Activity 2.2: Capacity building for respective national partners and service providers in the regions for better provision of legal aid.
- Activity 2.3: Pilot legal aid to the beneficiaries with a focus on vulnerable women/IDPs in the selected locations based on the revisited guidelines.

Output 3: The internal capacity of the CO on a human rights-based approach, human rights due diligence, gender mainstreaming and the rule of law programming have been enhanced.

This output aims at building the capacity of the CO to better mainstream HRBA and gender into the programmes, projects, and documents. Furthermore, the CO will look forward to outlining new potential areas of interventions using the innovative methodology. The following indicative activities are planned under Output 3:

- Activity 3.1: Analyze the CO current portfolio through the lenses of Human-Rights Based Approach.
- Activity 3.2: Build the capacity of the CO to integrate HBRA, human rights due diligence, gender mainstreaming, and the rule of law.
- Activity 3.3: Apply innovation methods such as Collective Intelligence and Sensemaking to map new interventions that the CO could potentially design.

1.4. Integrated and multidimensional programming

The Project will be guided by the following principles to advance integrated programmatic engagement:

- **Sustainable Development Goal 16** “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” is the enabling goal for the entirety of Agenda 2030. This Project will accelerate the implementation of the goal and enhance its realization on the national level.

- **Gender mainstreaming** will be given special attention in all components of the actions, so balanced participation of women and men in all activities will be ensured. The data for progress monitoring will be gender-disaggregated whenever possible and meaningful so that the data can be used to better identify gender-specific challenges faced by enterprises and to design appropriate measures. This will be a particular focus under output 2 and 3: the CO will ensure that the vulnerable women in WRC's network receive necessary legal aid; and, the CO has a strong gender responsive strategy and trained well enough to mainstream gender in the programme and project design.
- A **human rights-based approach** constitutes for UNDP a holistic framework methodology with the potential to enrich operational strategies in key focus areas. It adds a missing element to present activities by enhancing the enabling environment for equitable development and empowering people to make their own decisions². The CO envisages mainstreaming HRBA approach through the ongoing programmes and seek out new horizons for the interventions that will respond to HRBA approach.
- An **early recovery** is one of the key focus of the CO in the conflict-affected regions. The CO programming has been substantially affected by the escalation of the hostilities in and around Nagorno-Karabakh, as the significant damage has been inflicted during the active phase of the conflict on people's livelihoods and civic infrastructure, and hundreds of lives have been lost or injured during the military operations.
- Embedded within UNDP office, the **Accelerator Lab** team provides the country team with a set of new services to explore, test and grow solutions for complex sustainable development problems. The Lab boosts development programming, their impact on government policy, and their ability to inspire spin-off public and private ventures. The Accelerator lab capacity will be to be applied in mapping new potential interventions.

1.5 Partnerships

UNDP will mobilize national and local partners and will aim to revive past partnerships to realize this intervention. In particular, UNDP is planning to collaborate with the following stakeholders:

Office of the Human Rights Commissioner/NHRI of the Republic of Azerbaijan (hereafter referred as Ombudsman) will be a key implementing partner that the CO. Ombudsman was set up to restore the human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and in the international treaties to which the Republic of Azerbaijan is a party, violated by governmental and municipal bodies and officials of the Republic of Azerbaijan.

Professional and civil society organizations e.g. Bar Association will be involved in the project implementations where needed as expertise in providing the legal aid and other services.

UN agencies e.g. OHCHR, UNWomen, UNFPA and other residential and non-residential agencies will be engaged in the activity to coordinate the ongoing activities and not to double bidding.

Council of Europe: Azerbaijan actively cooperates with COE and has concluded the Action Plan on human rights, democracy, and the rule of law (2018-21). As part of this agreement, the country implements the actions to align its legislation and national practices with European standards and in conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies. As the country accepted the jurisdiction of the European Court of Human Rights (ECtHR) in 2001, it also implemented its judgments. However, to date, the number of decisions of the ECtHR against Azerbaijan has not yet or only partially been implemented³.

² A Human Rights-Based Approach to Development Programming in UNDP. Retrieved from <https://www.undp.org/publications/human-rights-based-approach-development-programming-undp>

³ While some progress can be noted in the ECtHR's execution of judgments related to IDPs, efforts are still needed with regard to the implementation of certain groups of judgments, in particular concerning ill-treatment, arrest and pre-trial detention (including use of such measures for illegitimate purposes), violations of the right to a fair trial, freedom of expression and freedom of assembly and association, and the control of lawfulness of elections.

Other development partners, i.e. EU; USAID which are active in the field of human rights and rule of law supporting numerous reforms in Azerbaijan will be important project stakeholders. They will share, coordinate and collaborate with the action as and where relevant.

The local authorities, i.e. local executive authorities and municipalities, are evident counterparts for the activities of the action, and their buy-in is instrumental for the success of the action. The local authorities are the main source of knowledge on the local situation and are well placed for mobilization of communities, provision of inputs into the assessments and selection of target families, organization of local events. Their active engagement is expected under the output 2.

1.6. Innovation

Innovation is one of the key programmatic offers of the UNDP Country Office in Azerbaijan, and the Project will be connected with other ongoing projects in the innovation portfolio. In addition, the Project will apply expertise in innovation methodologies and in-house capacity of the Country Office and Regional Bureau to identify and support new solutions that accelerate the recovery process. The CO will use sensemaking methodology to review the strength and gaps identified under output 3 and conceptualize potential interventions or components within newly designed interventions. The CO will be also mapping the potential solutions that will support the CO in designing new interventions with the focus on the Rule of Law, Security, and Human Rights.

1.7. Catalytic impact and complementarity

The Project will have a positive impact on the future UNDP programming and tailored support in the area of rule of law, justice, human rights, and governance by identifying bottlenecks and entry points for interventions in these fields. The requested resources will serve as seed funding, given that the developed programme frameworks may be scaled up to full-fledged projects or initiatives. The priorities and interests of development actors, as well as partnership opportunities, will be mapped during the assessment of rule of law, justice, and human rights landscape, which will help increase resource mobilization efforts for the respective activities and programme frameworks.

This seed funding will also support the CO to revive the partnership with the National Human Rights Institutions and map potential areas of joint programming in the future. At the same time, the CO will position itself as a partner for the donor community that will help to attract additional resources to amplify the impact and/or scale up the results.

II. MANAGEMENT ARRANGEMENTS

The project will be implemented through a Direct Implementation Modality (DIM) and will be administered and managed in accordance with the rules and regulations of the UNDP. The responsibility for the execution of the DIM project will rest with UNDP in collaboration with the key government partners, such as the Office of Ombudsperson/National Human Rights Institution, the Ministry of Justice, Bar Association, Justice Academy, and clinics functioning under the law faculties of the universities. The project will work closely with the Women Resource Centers established with UNDP's Support.

Programme/project design and establishment will be conducted under the leadership of the UNDP Deputy Resident Representative in collaboration with the relevant Programme Analysts.

III. MONITORING

An Initiation Phase Report will be provided by February 31 to report on the design and formulation of the programme, on the set up of the programme board, on the approval of relevant project document(s), on the formation of the project(s) team, identification of implementing partners and launch of the relevant activities in the targeted areas.

By February 28, 2023, a final report will be provided with results of pilot activities in line with the attached work plan. Monitoring tools will be project reports, field visits, and interviews with beneficiaries.

IV. WORK PLAN

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET	
		Q1	Q2	Q3	Q4		Funding Source	Budget Description Amount
Output 1: The capacity of the Office of Ombudsperson/National Human Rights Institution in monitoring, promoting, and protecting the rights of vulnerable communities including the conflict-affected ones, as well as the promotion of HRBA and implementation of the UNGP on Business and Human Rights along with the identified thematic areas are strengthened (in collaboration with ENNHRI).	Activity 1.1.1: Support design of the training workshops on the role of NHRI on the investigation, fact finding, and monitoring in conflict contexts, as well as HRBA to sustainable recovery (based on the training guide by ENNHRI and UNDP).	X	X			UNDP	International consultant 35,000	
Indicator 1.1: Number of master trainings sessions conducted Baseline: 0 Targets: 5	Activity 1.1.2: Support capacity assessment of the NHRI (in collaboration with ENNHRI and OHCHR and upon agreement of the NHRI)		X	X		UNDP	Translation 2,000	
Indicator 1.2: Number of capacity assessment conducted Baseline:0 Target:1 Related CP outcome: 2								
Subtotal for Outcome 1: 37,000								
Output 2: Improved access to justice and free legal aid to vulnerable groups, including	Activity 2.1: Assist in reviewing the effectiveness and efficiency of legal aid schemes in the areas of civil law and administrative law for vulnerable	X	X			UNDP	International consultant 35,000 Local consultant 5,000	

displaced populations, are piloted.	groups (in compliance with UN and CoE standards)								Translation and publication	1,500
Indicators 2.1: Number of reports on effectiveness and efficiency of legal aid schemes Baseline:0 Target: 1	Activity 2.2: Capacity building for respective national partners, including in the field, to develop new guidelines on legal aid								Travel	1,500
Indicators 2.2: Number of centres that offers free legal aid for the vulnerable communities Baseline:0 Target: 5	Activity 2.3: Pilot legal aid to the beneficiaries with a focus on vulnerable women/IDPs in the selected locations based on the revisited guidelines								Local service provider	7,000
Indicator 2.3: Percentage of women who received the legal aid of total number. Baseline:0 Target: 45%									Travel	1,000
Related CP outcome: 2									Local lawyers	35,000
									Travels	2,000
Subtotal for Outcome 2: 88,000										
Output 3: The internal capacity of the CO on a human rights-based approach, human rights due diligence, gender mainstreaming and the rule of law programming have been enhanced.	Activity 3.1: Analyze the CO current portfolio through the lenses of Human-Rights Based Approach								International consultant on (HRBA)	30,000
	Activity 3.2: Build the capacity of the CO to integrate HBRA, human rights due diligence, gender								International consultant (gender)	30,000

<p>Indicator 3.1: Number of UN staff with the gained knowledge on HBRA, human rights due diligence, gender Baseline: 0 Target:60</p> <p>Indicator 3.2: Number of interventions on ROLHRS mapped by the CO as opportunity for resource mobilization Baseline: 0 Target:4</p> <p>Related CP outcome:2</p>	<p>Activity 3.3: Apply Innovation methods such as Collective Intelligence and Sensemaking to map new interventions that the CO could potentially design.</p>		X	X	UNDP	UNDP	International consultant (innovation)	30,000	
Subtotal for Outcome 3: 90,000									
Management									
Project Officer									24,000
Communication consultant									15,000
Equipment, Furniture, IT									4,500
Supplies									2,000
Communication cost									1,500
Office rent									5,000
Sub-Total for Management Cost: 52,000									
Direct Project Cost (3%)									9,000
General Management Support (8%)									24,000
TOTAL									300,000