



United Nations Development Programme

Country: Georgia

Project Document

**Project Title** Developing Justice Sector Capacities to Promote Legal Empowerment and Access to Justice

**UNDAF Outcome(s):** Outcome 2: Strengthening of the efficiency and accountability of both central and local governance structures with regard to the development of an inclusive and participatory decision-making process.  
2.5 Reinforcement of accountability mechanisms and the rule of law.

**Expected CP Outcome(s):** 2.4.1 Transitional justice mechanisms and reform processes implemented towards an independent and well-functioning justice sector, with particular emphasis on respect for human rights.  
*(Those linked to the project and extracted from the CP)*

**Expected Output(s):** Enhancement of the Legal Aid Service capacity to effectively respond to legal grievances and provide free legal consultations  
*(Those that will result from the project)*

**Executing Entity:** UNDP

**Implementing Agencies:** Ministry of Corrections and Legal Assistance

**Brief Description**

The main goal of the project is to promote legal empowerment and improve access to justice for all by supporting both the newly established state Legal Aid Service (LAS) operating under the jurisdiction of the Ministry of Penitentiary Probation and Legal Aid as well as NGOs and private attorneys providing legal aid to vulnerable groups. This will be accomplished through the following objectives:

- a. Assist the LAS in expanding its services to reach national minority groups;
- b. Support LAS capacity development to address a) significant changes in the criminal justice system and b) effectively manage Legal Aid Bureaus;
- c. Assist in the organization of legal empowerment/awareness raising activities in selected regions;
- d. Support development of a strategic plan to promote access to justice and legal empowerment for vulnerable groups through the provision of full legal aid services on civil and administrative cases.

Programme Period:	2006-2010
Key Result Area (Strategic Plan):	Justice and Human Rights
Atlas Award ID:	xxxxxxx
Start date:	April 2009
End Date	April 2011
PAC Meeting Date	_____
Management Arrangements	NEX

2009 AWP budget:	USD 200,000
Total resources required	USD 950,000
Total allocated resources:	USD 200,000
• Regular	_____
• Other:	
o UNDP	USD 200,000
o Government	
Unfunded budget:	USD750,000
In-kind Contributions	

Agreed by (Implementing Partner):

Mr. Dimilri Shashkin,  
Minister of Corrections and Legal Assistance

Date: \_\_\_\_\_

Agreed by UNDP:

Mr. Robert D. Watkins  
UNDP Resident Representative

Date: \_\_\_\_\_

## I. SITUATION ANALYSIS

In 2004 a working group established by the Georgian Young Lawyers Association (GYLA) in collaboration with the Ministry of Justice launched a process aimed at the establishment of a legal aid system as a means of meeting the commitment specified under the Article 42 of the Constitution which guarantees a defendant's right to an adequate defense in criminal matters.

In February 2005 the Minister of Justice issued a decree establishing the Public Attorney Service, which opened two Bureaus under a pilot project (one in the Tbilisi region and one in Western Georgia) to provide the accused with defense in all stages of the criminal proceedings process. The Open Society Georgia Foundation, IRIS-Georgia, and USAID were actively involved in establishing the Legal Aid System (see Legal Aid Service Annual Report 2008). Following the success of the pilot program, the Parliament of Georgia adopted the Law on Legal Aid in July 2007, which created a Legal Aid Service within the Ministry of Justice.

A comprehensive criminal justice reform strategy was adopted by the Government in parallel with the formation of the legal aid system. The strategy envisioned significant reforms in the structure and operation of the courts. It also led to two imminent reforms that will have a direct impact on access to justice and legal empowerment: 1) The adoption of the new Criminal Procedure Code (CPC), which will introduce an adversarial criminal law system; and 2) The introduction of jury trials.

The reform of Georgia's legal system will have a direct impact on access to justice. Because the current structure governing its operations has prevented it from being effective, the Georgian Bar Association (GBA) has not been a full partner in the legal reform process thus far. The changes now under consideration will enable the GBA to become a useful resource for the legal aid system in general. Support for legal aid will impact the development of a more effective bar association, as it will enable private lawyers to take advantage of more opportunities to become experienced in dealing with substantive legal issues.

By November 2007 the Legal Aid Service had established a total of 10 Legal Aid Bureaus and in April 2008 two Consultation Centres were opened. The Bureau offices provide free legal consultation on all legal issues, assistance with legal documentation in civil and administrative cases and advocacy services in criminal proceedings. The Consultation Centres provide advice and assistance with legal documents. By the end of 2008 the Legal Aid Service had 150 employees, including 85 lawyers and 23 consultants and specialists. Well over 10,000 cases were accepted by the Legal Aid Bureaus in 2008.

Georgian NGOs have a long history of providing legal aid to vulnerable groups. GYLA currently operates one office in Tbilisi and seven more in various regions of Georgia. In 2008 GYLA provided legal assistance in over 84,000 civil, administrative and criminal cases. These services ranged from quick advice to full representation in court proceedings. Other NGOs, including Article 42 of the Constitution and the Human Rights Information and Documentation Centre, provide free legal aid. The services provided by NGOs go beyond individual case representation to include strategic litigation in the Constitutional Court of Georgia and the European Court of Human Rights and legal education and outreach to vulnerable communities.

Georgia has made tremendous progress in establishing a state-funded legal aid system, and that system, combined with the legal work done by the relevant NGOs, does a great deal to promote legal empowerment. However, many challenges remain. Establishing a nationwide legal aid system for criminal defense is a huge undertaking. The LAS has adopted a "staff attorney" model, meaning that most legal aid is provided by lawyers employed by the LAS Legal Aid Bureaus. To make these bureaus effective the LAS must do a number of things, including: implement a strategic plan for both services and finances; put management systems in place; install properly trained and supervised Bureau managers; supervise, train and evaluate staff members; expand its services to reach vulnerable communities, including national minorities and IDPs; and engage in public awareness activities to inform Georgians of their rights and the proper means of protecting those rights.

All this must be done while the LAS is simultaneously preparing for the introduction of the new Criminal Procedure Code, which will significantly change the roles of everyone involved in the criminal justice system. One such change stipulates that, unlike under the previous system, prosecutors and defence lawyers will control the introduction of evidence in criminal proceedings. Although this change alone will require substantial training for LAS attorneys, at the same time it presents an opportunity to fashion a more balanced justice system. According to anecdotal reports, under the current system only a tiny fraction of defendants are actually acquitted. This situation promotes plea bargaining in many cases, even when the defendant has a solid defence, because the feeling is that he knows he will be convicted regardless of the strength of the evidence acquitting him. By taking

a strategic approach to the implementation of the new CPC, the LAS can help create a system that protects human rights and ensures that the rule of law is honoured and upheld.

In some criminal cases the LAS cannot provide a lawyer, either because of a conflict of interest between co-defendants, or because of a lack of capacity. To address this issue, the LAS has started the process of selecting "public attorneys". These are private attorneys who will receive LAS funds to represent eligible defendants. The selection and training of these attorneys is a major project, and one which will require active involvement by the LAS on an ongoing basis.

Beyond establishing a comprehensive criminal defence system, the LAS has also been mandated to begin providing full representation in civil and administrative cases by 2011. As with the criminal defence system, the establishment of a full-scale civil and administrative system in just over a year and a half presents a great challenge. Currently the LAS provides legal advice and some limited assistance in these matters, but does not have anything close to the capacity to be able to provide meaningful legal representation. Given all the other demands, there has simply not been time to develop a comprehensive plan for starting this new service.

Georgia is fortunate, however, in having several very sophisticated NGOs with years of experience in representing vulnerable groups in civil and administrative matters. Nonetheless, due to funding constraints these NGOs have been forced to limit their services. The introduction of state-funded legal aid services creates an opportunity to take advantage of the experience of these NGOs in several ways. Between the work done by these NGOs and the Legal Aid Bureau counsellors, there is already a wealth of information about the civil legal problems faced by vulnerable Georgians. A systematic analysis of this experience would provide a solid base for developing a strategic plan for the provision of state services. These NGOs could also provide direct legal aid services with state funding while the LAS is developing the capacity of the Legal Aid Bureaus to provide civil and administrative services.

The achievement of full human rights protection and the widespread access to justice requires more than the provision of legal aid services on a case-by-case basis, whether by the Legal Aid Bureaus or the NGOs. Vulnerable communities need to be made aware of their rights and strategic advocacy in various forms is needed to protect the interests of socially excluded people. Whether it be lobbying for fairer laws, challenging the constitutionality of existing laws or bringing cases before the European Court of Human Rights, these groups need legal support and representation in order to fully take part in the official justice system.

There appears to be widespread support for the legal aid system in the government, in civil society and from international donor organisations. At the same time, however, there is strong scepticism about the ability of the Legal Aid Service to provide independent representation in matters involving the government, especially given the fact that the service is attached to a government ministry, in this case the Ministry of Penitentiaries, Probation and Legal Aid. Although there is an independent board, it is an advisory, not a governing board, and its members are appointed by the minister.

Furthermore, there is no reliable information about the amount of funding the state is likely to provide for civil matters. Whatever the amount, it will certainly not be enough to provide full civil and administrative representation throughout the country. This has several implications. First, choices will have to be made about what types of cases to cover under the system and which groups will receive priority for services. Second, a strategy will have to be developed to ensure that available funds are used in the way that has the greatest impact. Third, there must be some means of providing independent advice and representation. This will require continued international donor support for NGOs involved in legal advocacy and a plan needs to be developed to ensure that support. Finally, work should begin on ways to obtain private domestic support for access to justice activities.

To address all these issues support is needed on several levels. The Legal Aid Service needs support to continue its development of the criminal defense system, including support for the expansion of services (particularly to national minorities) and support for the development of management systems, as well as training for managers, lawyers and other staff. The Legal Aid Service also needs major support for developing a strategic plan for the provision of representation on civil and administrative cases in 2011. In order to ensure a comprehensive system that truly promotes legal empowerment, such a strategic plan needs to be developed in conjunction with those NGOs already providing legal aid.

Many of the issues just described are being addressed to some degree by various international donors. The European Commission has started a project called "Capacity Building in Support of the Rule of Law in Georgia", which will provide significant support for the Legal Aid Service. The EC programme deals with legal awareness, monitoring and analysis, skills training, case management, support for expansion, and needs surveys. The

German Technical Cooperation agency (GTZ) has expressed its intention to support the expansion of civil legal aid in unspecified ways. The American Bar Association Rule of Law Initiative and the Norwegian Mission of Rule of Law Advisers to Georgia (NORLAG) will assist with skills training for LAS lawyers. However, even with this support, substantial unmet needs remain, both for the LAS and within civil society in order to fully address access to justice issues and legal empowerment.

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## II. STRATEGY

The Government of Georgia is interested in expanding and strengthening the legal aid system through the Legal Aid Service and through the involvement of private attorneys and NGOs. The Legal Aid Law of 2007 was adopted as a result of collaboration between civil society organisations and the Ministry of Justice as part of a wider effort to promote access to justice and legal empowerment. This project will support the goals and objectives of the UNDP Country Program. In particular it will support UNDAF outcomes related to accountability mechanisms and reinforcement of the rule of law and enhancement of the responsiveness of the judicial system to special needs, such as those of juveniles or vulnerable groups. Similarly, the project supports achievement of UNDP CPAP outcome 2.4.1 "Transitional justice mechanisms and reform processes implemented towards an independent and well-functioning justice sector, with particular emphasis on respect for human rights."

The project will have 4 major objectives:

1. Assist the LAS in expanding its services to reach national minority groups;
2. Support LAS capacity development to address significant changes in the criminal justice system and effectively manage Legal Aid Bureaus;
3. Assist in the organization of legal empowerment/awareness raising activities in selected regions;
4. Support development of a strategic plan to promote access to justice and legal empowerment for vulnerable groups through the provision of full legal aid services on civil and administrative cases.

The overall framework for the project is derived from the guidelines in Chapter 5 – Capacity to Demand Justice Remedies – of the UNDP manual Programming for Justice: Access for All – A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice, which outlines the three essential elements of the access to justice strategy: legal empowerment, legal awareness and legal aid and counsel.

As explained in the UNDP manual, "legal empowerment is central to people's ability to seek and demand remedies from the justice system... Empowering people by strengthening their capacity to demand justice remedies can have a substantial impact on poverty reduction and on overall institutional accountability. Legal empowerment has the potential to not only reduce poverty and improve the material circumstances of poor and disadvantaged groups, but studies show that legal empowerment also impacts other important development issues... Legal empowerment helps to mobilize disadvantaged people's participation in development and decision-making processes. This in turn helps to improve responsiveness and accountability in the system." (Manual, pg. 137)

Legal awareness, which is an element of legal empowerment "is critical to seeking justice. Poor and disadvantaged people often do not make use of laws, rights and government services because they simply do not know about them.... The degree of a person's legal awareness can affect their perception of the law and its relevance to them, as well as influencing their decisions on whether and how to claim their rights... Lack of legal awareness is a powerful impediment to those seeking access to justice. Those who are subject to grievances cannot seek a remedy unless they are aware that such a remedy exists. For awareness to be present, sufficient information has to reach people in ways they can understand." (Manual, pg. 140)

While legal awareness "can help people understand they have a right to claim remedies against infringements of their rights – such as protection from forced evictions, not to be forced to work without pay, or not to be tortured." But "people do not always know how to reach these remedies, or may require professional help to do so. When seeking remedies through the justice system, legal counsel may assist them in making informed decisions and choices. However, inability to pay for litigation costs, or to communicate effectively, or the risk of traumatic consequences are all critical concerns when navigating the legal process. Legal aid relates to all necessary capacities in this regard, including not only legal counsel, but also financial options and various forms of psycho-social support." (Manual, pg. 142)

Details of the four components of the project include the following:

- 1. Assist the LAS in expanding its services to reach national minority groups**

For large numbers of Georgian Azeris and Armenians, the current justice system simply does not work. Even if they have representation in criminal cases their rights are not protected and in civil and administrative matters they have virtually no access to the court system. This is part of a larger problem of social exclusion, which has implications beyond the justice system. The LAS is prepared to establish a Legal Aid Bureau and a Consultation Centre in the Samtskhe-Javakheti region. However the state budget does not include funds for this project and funds from other donors do not appear to be available.

The LAS needs funds to renovate office space and purchase office equipment for locations that have already been identified. In addition, the LAS needs financial and technical support to train staff for these offices, with a particular emphasis on language and cultural issues.

**2. Support LAS capacity development to address: a) significant changes in the criminal justice system and b) effectively manage Legal Aid Bureaus**

a. As discussed above, the changes in the Criminal Procedure Code will significantly enhance the rights of defendants in criminal proceedings. While a substantial amount of training has been done to prepare for this change, including training in jury trials, the success of the new system will depend heavily on work done during the first year of actual implementation of the new code. LAS lawyers will need extensive basic skills training to work successfully in an adversarial system, including skills related to case preparation, negotiations, working with experts, development and presentation of evidence, examination of witnesses, oral presentation for judges and juries, and the development of a record for possible appeals.

Experience in other countries has shown that the introduction of a new procedural code brings with it changes and opportunities that the drafters of the code could not anticipate. Much work needs to be done during implementation to ensure that the goals of the new code are achieved. The LAS will be an active partner in this process and will need support in order to gather information about the actual practices being carried out under the new code and to do advocacy to ensure that the code is properly implemented.

b. The success of the LAS in responding to changes in the criminal justice system and in providing legal assistance in general depends very heavily on the Legal Aid Bureau managers. They are the ones who have the responsibility of insuring that high quality services are provided to vulnerable groups. No matter how good the central office managers are, they cannot guarantee that the bureaus are doing their jobs properly without good local managers. There is a clear need for training these managers on how to supervise, evaluate and create professional development plans for the lawyers and other staff. Particular attention needs to be paid to gender issues. There is also a need for these managers to learn overall legal work management skills, time management, and how to do strategic planning.

Legal Aid Bureau managers also require training in substantive legal issues and on development of strategies to address them. One of the prime examples of this is the problem of gender-based domestic violence. There is a general social reluctance to acknowledge this type of problem. Office managers have a special responsibility to ensure that their offices are responding appropriately and special training is needed to accomplish this.

In order to properly manage the Legal Aid Bureau managers, the overall office management plan should be developed, including appropriate job descriptions for office managers, and a supervision and evaluation system. Once the LAS develops such a plan, training for both central office staff and local managers would support its implement.

**3. Assist in the organization of legal empowerment/awareness raising activities in selected regions**

The LAS needs to launch legal empowerment/awareness raising campaign in the regions as soon as possible to make vulnerable groups aware of their rights and of the legal aid services available to them. A strategy and a timeline, including a detailed description of activities and cost estimates for each activity has already been developed. The European Commission will provide some support for awareness campaigns, but a partnership is needed to support a comprehensive campaign, especially in the regions.

UNDP is in a strong position to support the development of awareness campaigns /legal empowerment and training for Legal Aid Bureau staff and local population because of the extensive work that has been done on the justice system support project. Activities under this component of the project would include the preparation of booklets, posters, press banners, and TV commercials, as well as training in public relations skills for Legal Aid Bureau managers, and joint workshops for these managers and regional media representatives.

**4. Support development of a strategic plan to promote access to justice and legal empowerment for vulnerable groups through the provision of full legal aid services on civil and administrative cases.**

There is an immediate need to begin planning for the implementation of the LAS obligation to start providing representation in civil and administrative cases by 2011. There is also a need to develop a broader legal empowerment and access to justice plan for the long term. Because the planning for expansion of LAS services will have an impact on justice issues for the long term and because the planning for 2011 should be based on a long term vision, it is important that both short and long term planning be done at the same time.

Developing a comprehensive plan will be a significant undertaking, but, fortunately, there is a great deal of experience in Georgia in providing legal assistance to vulnerable groups on human rights problems as well as a wide range of civil and administrative issues. Some Georgian NGOs have years of experience and currently the Legal Bureaus and Consultation Centres have been providing advice and basic assistance on civil and administrative matters for over a year. This collective experience provides a solid base for developing a plan for supporting legal empowerment.

At present, with all its other responsibilities with regard to the development of criminal defence services, the LAS does not have the capacity or experience to play the lead role in developing a plan for civil and administrative. NGOs with experience in these areas are better situated to carry this plan in collaboration with the LAS and other stakeholders, including the courts, the relevant ministries and civil society organisations. Section 5.3 on Legal Aid and Counsel of the UNDP Programming for Justice provides a basic guide for the development of such a plan.

There are numerous decisions to be made regarding legal aid on civil and administrative matters. It seems certain that the government and international donors will not provide enough financial support to meet all the legal needs of vulnerable groups. Choices will have to be made as to which issues and target groups (national minorities, IDPs, women, people with disabilities, and juveniles are just a few examples of possible priority target groups) will be given priority for assistance.

Decisions will also have to be made about how to provide legal aid. The law permits the LAS to contract NGOs to provide these services. It may make sense to start by using NGOs, which have vast experience in this area, and then make the transition to having the Legal Aid Bureaus do this work. Assuming the Legal Aid Bureaus provide some of the services, there will need to be a plan for hiring and training staff. There will also have to be a management plan to guarantee quality work. This is only the start of a list of the issues that will need attention over the next year.

One of the key substantive issues for a long range plan is gender equity. This includes enhancing the capacity of those involved in providing legal aid to promote women's rights as human rights, to raise awareness of and provide remedies for domestic violence, property rights to deal with gender inequality in economic and social matters, and to address gender discrimination in the justice sector. Other key issues include the social exclusion of national minorities and the economic and social problems of IDPs.

The plan must also consider the need for truly independent assistance for vulnerable groups. Many have argued that the LAS, because it is part of a government ministry, cannot always effectively challenge government actions that adversely affect vulnerable groups. This issue is both structural and financial. The structural question is whether to provide all services through a state entity such as the LAS or to use a mixed system that relies on lawyers employed by the government as well as independent NGOs, the bar association and individual private lawyers. The financial question is how to use state funds to leverage further donor support while at the same time using other donor support to provide independent services.

Another major area of concern is the development of the proper mix of legal services. Even the wealthiest countries do not provide full legal assistance for all civil and administrative cases for vulnerable groups. Needs are met by a combination of public awareness activities, basic service and advice, telephone advice lines, individual representation and strategic advocacy in the form of administrative and legislative lobbying and litigation in constitutional courts and international tribunals. The systemic problems facing the poor and disadvantaged must often be addressed through systemic solutions. Together all these activities promote legal empowerment.

Support must be provided to establish the planning process itself, which will include extensive interviews with the many people already involved in civil and administrative work, including Legal Aid Bureau staff, NGOs, government officials, judges, donors and, most importantly, representatives of vulnerable groups. Once the necessary information is gathered a draft plan will need to be developed and circulated for review and comment. The draft plan would include a projected timeline and budget for the introduction of legal aid on civil and administrative matters as well as the identification of sources of support.

In summary, the issues to be addressed in the planning process include: 1) an assessment of the need for legal assistance; 2) an assessment of the capacity to provide the needed services; 3) plans for developing capacity and

resources; 4) decisions about the means for providing services and the types of services to be provided; 5) prioritizing the issues to be addressed; 6) prioritizing the groups to be served; 7) ensuring the availability of independent advice and representation, and; 8) plans for addressing the legal issues affecting gender equity, property rights the social exclusion of national minorities and the needs of IDPs, among other especially vulnerable groups. There will undoubtedly be other issues that arise during the planning process.

III. RESULTS AND RESOURCES FRAMEWORK

<p><b>Intended Outcome as stated in the Country Programme Results and Resource Framework: 2.4.1 Transitional Justice mechanisms and reform processes implemented towards an independent and well-functioning justice sector, with particular emphasis on respect for human rights.</b></p> <p><b>Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:</b></p> <p><b>Indicator:</b> Government Policy for the development of justice system elaborated; National action plan on human rights adopted and implemented.</p> <p><b>Baseline:</b> The Government strategy for elaboration of Human Rights Action plan and development of Justice system not in place.</p> <p><b>Target:</b> Impartiality of justice system and protection of human rights including women's human rights ensured.</p> <p><b>Applicable Key Result Area (from 2008-11 Strategic Plan):</b></p> <p><b>Partnership Strategy:</b> Partnership of UNDP, the Legal Aid Services and the Civil Society Organizations</p> <p><b>Project title and ID (ATLAS Award ID):</b></p>				
INTENDED OUTPUTS	OUTPUT TARGETS FOR (YEARS)	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p><b>Output</b> Access to justice and legal empowerment for vulnerable groups is promoted and enhanced.</p> <p><b>Baseline:</b> Limited awareness among vulnerable groups about legal aid service.</p> <p>Limited knowledge on legal issues among vulnerable groups</p> <p>Plan for civil and administrative case handling not in place</p> <p><b>Indicators:</b> increased number of requests for addressing legal grievances from Vulnerable groups to legal aid services</p>	<p>Samtskhe-Javakheti bureau refurbished and equipped</p> <p>At least two management trainings conducted for Legal Aid Bureaus</p> <p>Legal empowerment/public awareness campaign conducted in at least three regions</p> <p>Strategic plan to promote access to justice and legal empowerment for vulnerable groups agreed with the Ministry of Penitentiary probation and Legal Aid</p>	<p>1 <b>Activity</b> Legal Aid Bureau and Consultation Centre expansion to serve national minorities.</p> <p><b>Result: Fully operation</b> Legal Aid Bureau and Consultation Centre established in the Samtskhe-Javakheti region.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>▪ Renovate and equip Offices</li> <li>▪ Recruit and train staff</li> </ul> <p>2 <b>Activity</b> Capacity development for the LAS to address significant changes in the criminal justice system and effectively manage Legal Aid Bureaus</p> <p><b>Result</b> Capacity of LAS and its bureau managers to effectively manage staff and delivery services increased; LAS trained in new CPC</p> <p><b>Actions:</b></p>	<p>UNDP Legal Aid Service,</p>	<p>Project Coordination Unit Staff; UNDP Country Office Staff; Legal Aid Staff; Office space; National and international Expertise; Office equipment; Relevant literature; Information technologies.</p>



		<ul style="list-style-type: none"> <li>▪ Organize basic skill training for LAS staff on new CPC, incl. case preparation, negotiation, presentation of examination of witnesses, oral presentation and etc</li> <li>▪ Facilitate preparation of management plan for Legal Aid Bureaus</li> <li>▪ Review management training materials from legal aid programmes in other countries</li> <li>▪ Prepare &amp; deliver management training programme for Legal Aid Bureaus on how to supervise, evaluate and create professional development plans including development of job descriptions for all positions</li> <li>▪ Organize training in substantive legal issues for LAS staff</li> </ul> <p>3 <b>Activity Legal empowerment/ Awareness Campaigns in selected Regions</b></p> <p><b>Result:</b> Capacity of Legal Aid Bureau staff to conduct legal empowerment awareness raising campaigns enhanced.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>▪ Conduct training in PR skills for Heads of regional Legal Aid Bureaus &amp; LAS staff</li> <li>▪ prepare and distribute legal empowerment/ awareness raising materials</li> <li>▪ Organize joint workshops with Legal Aid Bureau heads and regional media representatives</li> <li>▪ Organize series of meetings, roundtables with communities in selected regions on specific rights like property, land and etc.</li> <li>▪ Facilitate legal Aid Bureau staff participation in TV and radio Programs</li> <li>▪ Organize special TV programs and talk show</li> </ul>
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		<p>with regional TV companies for legal education of local population</p> <ul style="list-style-type: none"> <li>▪ Prepare and publish newspaper articles on specific rights like property, land and etc.</li> <li>▪ Realize other PR activities for raising legal empowerment of population</li> </ul> <p>4 <b>Activity</b> Development of a strategic plan to promote access to justice and legal empowerment for vulnerable groups through the provision of full legal aid services on civil and administrative cases.</p> <p><b>Result:</b> Strategic plan developed and adopted.</p> <p><b>Actions</b></p> <ul style="list-style-type: none"> <li>▪ Identify members of the working group and plan process</li> <li>▪ Organize meetings of the working group to develop strategic plan</li> <li>▪ Undertake needs assessment of legal aid in civil and administrative cases;</li> <li>▪ Develop plan for ensuring availability of independent advice and representation on administrative and civil cases</li> <li>▪ Support in prioritising groups to be served</li> <li>▪ Elaborate strategy for addressing legal issues affecting gender equity, social exclusion of national minorities and the needs of IDPs, among other especially vulnerable groups</li> </ul>		
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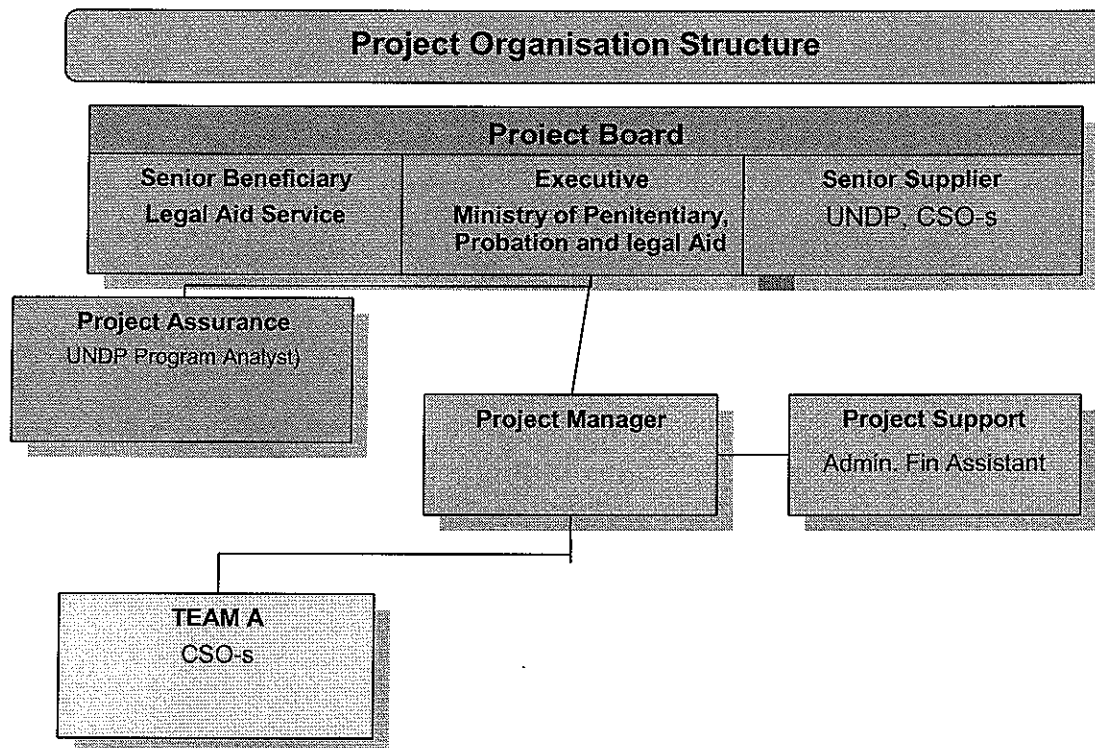
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#### IV. ANNUAL WORK PLAN

As per attached xls document.

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#### V. MANAGEMENT ARRANGEMENTS



The Ministry of Penitentiary, Probation and Legal Aid will be an implementing partner for this project and will be responsible for producing outputs and use of resources. This will be Nationally implemented project (NIM). As such, it will bear the overall accountability for delivering the project in accordance with its applicable regulations, rules, policies and procedures. The Ministry will designate National Project Director for the project.

#### **ToR for Organizational Roles**

##### **Senior Executive**

The Ministry of Penitentiary, Probation & Legal Aid is responsible for the project. The Ministry will ensure that the project is focused throughout its life cycle on achieving its objectives and delivering outputs that will contribute to higher level outcomes and that project gives value for money, ensuring a cost-conscious approach to the project, balancing the demands of beneficiary and supplier.

##### **Senior Beneficiary**

The Legal Aid Service is responsible for validating the needs and for monitoring that the solution will meet those needs within the constraints of the project. The role represents the interests of all those who will benefit from the project, or those for whom the deliverables resulting from activities will achieve specific output targets. The Government will monitor progress against targets and quality criteria.

##### **Senior Supplier**

UNDP and Civil Society Organizations will represent the interests of the parties which provide funding and/or technical expertise to the project (designing, developing, facilitating, procuring, implementing). They will provide guidance regarding the technical feasibility of the project.

### **Project Assurance**

**Overall responsibility:** UNDP will designate relevant program Analyst who will be responsible to each Project Board member. The PA will support the Project Board by carrying out objective and independent project oversight and monitoring functions. The PA will ensure appropriate project management milestones are managed and completed

### **Project Manager**

**Overall responsibilities:** The Project Manager will have authority to run the project on a day-to-day basis on behalf of the Project Board within the constraints laid down by the Board. The Project Manager will be responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility will be to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost.

### **Project Support**

**Overall responsibilities:** The Project Support admin and finance assistant will provide project administration, management and technical support to the Project Manager as required by the needs of the individual project or Project Manager. Finance assistance will be in charge of entering requisitions in Atlas and making as required budget revisions

#### **Team A**

**Overall responsibilities:** Team leader will lead the team and report to the project manager of implementation of specific task assigned to this particular team. Team leader will be given certain authority to make decisions without involvement of project manager

The Project Unit will be located in the offices of the Legal Aid Service. Project activities will be managed in close collaboration with the Ministry of Penitentiary, Probation & Legal Aid and the Legal Aid Service. Project staff will carry out most of the operational tasks, with the support of UNDP project staff, consultants and experts.

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## **VI. MONITORING FRAMEWORK AND EVALUATION**

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

### Within the annual cycle

- On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.
- An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- Based on the above information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.
- a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project

- a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

Annually

- **Annual Review Report.** An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board and the Outcome Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.
- **Annual Project Review.** Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

**Quality Management for Project Activity Results**

<b>OUTPUT 1:</b> Output 1 Access to justice and legal empowerment for vulnerable groups is promoted and enhanced.		
<b>Activity Result 1 (Atlas Activity ID)</b>	Legal Aid Bureau and Consultation Centre expansion to serve national minorities.	Start Date: May 2009 End Date: April 2010
<b>Purpose</b>	To provide access to justice for national minorities	
<b>Description</b>	<ul style="list-style-type: none"> <li>▪ Offices renovated and equipped</li> <li>▪ Offices begin providing services</li> </ul>	
<b>Quality Criteria</b> <i>how/with what indicators the quality of the activity result will be measured?</i>	<b>Quality Method</b> <i>Means of verification. what method will be used to determine if quality criteria has been met?</i>	<b>Date of Assessment</b> <i>When will the assessment of quality be performed?</i>
Legal Aid Bureau and Consultation Centre established in the Samtskhe-Javakheti region.	Performance appraisal of the project staff Client satisfaction survey	April 2010

<b>OUTPUT 1:</b> Output 1 Access to justice and legal empowerment for vulnerable groups is promoted and enhanced.		
<b>Activity Result 2 (Atlas Activity ID)</b>	Capacity development for the LAS to address significant changes in the criminal justice system and effectively manage Legal Aid Bureaus	Start Date: May 2009 End Date: April 2010
<b>Purpose</b>	To enable the LAS to protect human rights and provide access to justice.	

<b>Description</b>	<ul style="list-style-type: none"> <li>▪ Skill training for LAS staff</li> <li>▪ Monitoring of implementation of new Criminal Procedure Code</li> <li>▪ Preparation of management plan for Legal Aid Bureaus</li> <li>▪ Review of management training materials from legal aid programmes in other countries</li> <li>▪ Preparation of management training programme for Legal Aid Bureaus.</li> </ul>	
<b>Quality Criteria</b> <i>how/with what indicators the quality of the activity result will be measured?</i>	<b>Quality Method</b> <i>Means of verification. what method will be used to determine if quality criteria has been met?</i>	<b>Date of Assessment</b> <i>When will the assessment of quality be performed?</i>
LAS staff make effective use of new Criminal Procedure Code and Legal Aid Bureau offices are well managed.	Reports of Monitoring and Evaluation department of LAS	April 2010

<b>OUTPUT 1: Output 1 Access to justice and legal empowerment for vulnerable groups is promoted and enhanced.</b>		
<b>Activity Result 3 (Atlas Activity ID)</b>	Awareness Campaigns in the Regions	Start Date: May 2009 End Date: April 2010
<b>Purpose</b>	To ensure that vulnerable groups in the regions are aware of their rights and how to protect those rights.	
<b>Description</b>	<ul style="list-style-type: none"> <li>▪ Training in PR skills for Heads of regional Legal Aid Bureaus.</li> <li>▪ Awareness materials prepared and distributed</li> <li>▪ Joint workshops with Legal Aid Bureau heads and regional media representatives</li> <li>▪ Television and radio appearances by Legal Aid Bureau staff</li> </ul>	
<b>Quality Criteria</b> <i>how/with what indicators the quality of the activity result will be measured?</i>	<b>Quality Method</b> <i>Means of verification. what method will be used to determine if quality criteria has been met?</i>	<b>Date of Assessment</b> <i>When will the assessment of quality be performed?</i>
Staff trained and awareness campaigns conducted.	Project progress report	April 2010

<b>OUTPUT 1: Output 1 Access to justice and legal empowerment for vulnerable groups is promoted and enhanced.</b>		
<b>Activity Result 4</b>	Development of a strategic plan to promote access to	Start Date: May 2009

<b>(Atlas Activity ID)</b>	justice and legal empowerment for vulnerable groups through the provision of full legal aid services on civil and administrative cases.	End Date: April 2010
<b>Purpose</b>	To promote access to justice and legal empowerment for vulnerable groups.	
<b>Description</b>	<ul style="list-style-type: none"> <li>▪ need for legal assistance assessed;</li> <li>▪ proposals for the means for providing services and type of services developed;</li> <li>▪ process for setting priorities for issues and groups to be served developed;</li> </ul>	
<b>Quality Criteria</b> <i>how/with what indicators the quality of the activity result will be measured?</i>	<b>Quality Method</b> <i>Means of verification. what method will be used to determine if quality criteria has been met?</i>	<b>Date of Assessment</b> <i>When will the assessment of quality be performed?</i>
Comprehensive plan to promote access to justice and legal empowerment developed.	CSO reports, assessment	April 2010

## VII. LEGAL CONTEXT

This project document shall be the instrument referred to as such in Article 1 of the SBAA between the Government of (country) and UNDP, signed on (date).

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the executing agency.

The executing agency shall:

- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- b) assume all risks and liabilities related to the executing agency's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

## VIII. ANNEXES

1. **Risk Analysis.**
2. **Terms of Reference:** TOR for key project personnel developed and attached
3. **Capacity Assessment:** Results of capacity assessments of Implementing Partner

**Special Clauses:**

1. Ownership of equipment, supplies and other properties financed from the contribution shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.
2. The contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP.”

In accordance with the decisions and directives of UNDP's Executive Board:

The contribution shall be charged:

- (a) [ 7 %] cost recovery will be charged to the third party for the provision of general management support (GMS) by UNDP headquarters and country offices
- (b) Direct cost for implementation of support services (ISS) provided by UNDP and/or an executing entity/implementing partner



ANNEX 1: RISK ANALYSIS

Risks Log

#	Description	Category	Impact & Probability	Countermeasures / Mngt response	Owner	Author	Date Identified	Last Update	Status
1	Change of general management of the Ministry of Probation and Legal Aid	Political	Change of the Ministry of Probation and Legal Aid leadership may result in a shift of legal aid priority. Each initiative under the project is agreed with the management of legal aid service and such change may affect project activities which may lead to delays and changes in expected outputs.  P = 2 I = 2	Involvement of all relevant stakeholders should be ensured both at proposal formulation and project implementation stages. The results of the project should be disseminated widely to public, it will ensure transparency and safeguard sustainability of an effort in case key decision-makers change.	Project Coordination Unit (PCU)	PCU	April 2009		
2	Insufficient human resources	Organizational	Lack of sufficient human resources to respond to the increased demand for provision of legal aid services  P=3 I=3	Active collaboration with Legal Aid Services for attraction of qualified professionals from the Public Legal Service roster	PCU	PCU	April 2009		

Component	Activity	ANNUAL PROJECT WORK PLAN FCR 2009					PLANNED BUDGET IN EURO		
		1	2	3	4	5	Fund Donor	Budget Description	Amount Euro
EXPECTED OUTPUTS AND MONITORING ACTIVITIES	Activity 1 Set up of LAS Regional Bureau								
	<ul style="list-style-type: none"> <li>Offices renovated and equipped</li> <li>Regional staff hired and trained</li> </ul>	x	x	x	x		04000 UNDP	72100 - Contractual Services/companies	50000
Output 1 Access to justice and legal empowerment for vulnerable groups is promoted and enhanced.	Baseline: Vulnerable groups are not aware of their rights, are not aware of the availability of legal aid to help protect their rights and are not able to effectively protect their rights.	2. Activity Capacity development for the LAS to address significant changes in the criminal justice system and effectively manage Legal Aid Bureaus					04000 UNDP	71300 - Local consultants (Engineer)	3000
		<ul style="list-style-type: none"> <li>Skill training for LAS staff</li> <li>Monitoring of implementation of new Criminal Procedure</li> <li>Strategy for protecting human rights under new CPC</li> <li>Review of management materials from legal aid program</li> <li>Preparation of management plan for Legal Aid Bureau</li> <li>Review of management training materials from legal aid program</li> <li>Management training programme for LAS staff</li> </ul>					04000 UNDP	74500-Miscellaneous Expenses	5000
Indicators: Vulnerable groups are made aware of their rights and make effective use of expanded legal aid services to protect their rights.	Targets: Related CP outcome: 2.4.1 Transitional justice mechanisms and reform processes implemented towards an Independent and well-functioning justice sector, with particular emphasis on respect for human rights.	3. Activity Awareness Campaigns in the Regions					04000 UNDP	71300 - Local consultants	12,000.00
		<ul style="list-style-type: none"> <li>Training in PR skills for Heads of regional Legal Aid Bureaus</li> <li>Awareness materials prepared and distributed</li> <li>Joint workshops with Legal Aid Bureau heads and regional television and radio appearances by Legal Aid Bureau staff</li> <li>Newspaper articles published</li> </ul>					04000 UNDP	72100-Contractual Services/companies	8,000.00
Targets:	Related CP outcome: 2.4.1 Transitional justice mechanisms and reform processes implemented towards an Independent and well-functioning justice sector, with particular emphasis on respect for human rights.	4. Activity Development of a strategic plan to promote access to justice and legal empowerment for vulnerable groups through the provision of full legal aid services on civil and administrative cases					04000 UNDP	74500-Miscellaneous Expenses	4,500.00
		<ul style="list-style-type: none"> <li>Review of relevant documents and literature and interviews</li> <li>Needs Assessment for legal assistance</li> <li>capacity to provide the needed services assessed</li> <li>proposals for the means for providing services and by process for setting priorities for issues and groups to plan for ensuring availability of independent advice at</li> </ul>					04000 UNDP	72100 - Contractual Services/companies	20,000.00
SUM		5. Project Support					04000 UNDP	74500-Miscellaneous Expenses	5,500.00
							04000 UNDP	71400-Contractual Services -Individuals	52,000.00
									200,000.00