



**Project Title:** Modernization of the judicial system and access to justice in Kazakhstan

**Responsible Partner:** United Nations Development Programme

**Start Date:** 14 June 2019

**End Date:** 30 June 2020

**PAC Meeting date:** 30 April 2019

**Brief Description**

The judicial system plays a pivotal role in building civil society and the development of the national economy. An independent and unbiased dispute resolution system contributes to ensuring the investment attractiveness of Kazakhstan and overall increase in entrepreneurial activity. Kazakhstan is aspiring to achieve OECD standards in justice sector performance over the next years.

Since gaining independence, Kazakhstan set itself a challenge of creating an effective judicial system, which would meet the demands of modern society. Political and social transformations, and integration of Kazakhstan into the global community were the key prerequisites for fundamental reform in the judicial system.

The overall aim of the Project is to bring institution-building support to selected State bodies (beneficiaries) with regards to the provision of a wide range of justice services, including registration services, legal aid provision, access to justice, and the enforcement of judicial decisions. The Project development objectives are (a) to strengthen the institutional capacity of selected agencies for effective implementation of selected laws; and (b) to improve the efficiency, transparency of, and access to selected public services in the justice sector.

This assignment relates to the project component on strengthening the key elements of the legal and institutional judicial framework in the Republic of Kazakhstan and its main task is to increase the capacity of the SC to support and manage the judicial system to achieve high public trust in courts by (i) preparing and conducting institutional assessments, analyses and reviews of the judicial system; (ii) strengthening the institutional capacity of the SC to perform administrative and management functions with regard to local courts.

Programme Period: 2016-2020

Contributing CPD Outcome:

Outcome 2.2: Judicial and legal systems, and public institutions, are fair, accountable and accessible to all people.

Indicative Output(s) of CPD:

Output 4: Capacity of human rights and rule of law institutions strengthened, including improved access to justice and redress.

Gender marker - GEN2

<b>Total resources required:</b>	<b>325, 505.56 USD</b>	
<b>Total resources allocated:</b>	<b>Donor: Ministry of Justice through the World Bank</b>	<b>325, 505.56 USD</b>

Approved by UNDP:

Vitalie Vremis, Deputy Resident Representative

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## I. DEVELOPMENT CHALLENGE

In recent years, significant measures aimed at modernization of the national judicial system have been taken in order to increase its institutional capacity, improve the operational effectiveness of courts and to strengthen public trust in the national judicial system. An effective legislative framework for judicial activities has been created, complex measures on strengthening courts' independence have been implemented, specialized courts have been introduced, human resource management reformed, judicial procedures simplified and access to the justice system is being expanded. A three-tier justice system was introduced, to shorten the time of case disposal and enable timely and speedy enforcement of judicial decisions.

The improvement of quality of administration of justice and consequently, the achievement of uniform judicial practice and minimal judicial errors remain a matter of current interest. There is no established efficient quality management system of administration of justice. The uniformity of judicial practice is currently undertaken through judicial rule-making (Normative resolutions of the SC), appeal and cassation activities of courts. However, neither cassation nor appeal instances are currently able to fully cope with this task. The priority of the next stage of the judicial system development is to improve the quality of administration of justice and increase public trust in courts, as well as improve court administration. The following areas require to be immediately improved and elaborated, taking into account international good practices and modern approaches. Enhancing gender diversity, for instance, can reduce barriers for women's access to justice, such as stigma associated with reporting violence and abuse and ensure a more balanced approach to enforcing the law. At present, gender gaps at the higher echelons of judgeship positions still remain. There is a wide range of factors contributing to the gender gap in the judiciary. Among others these include unfavourable and non-transparent nomination and promotion systems, heavy workloads with a lack of family-friendly schemes, lack of political will, and persistent stereotypes.

To externally assess the quality of administration of justice, regular research including court user satisfaction surveys and surveys on public trust in courts is necessary to conduct. Although, such surveys are conducted from time to time, the survey methodology is not standardized and the best international standards are not taken into account.

There is a lack of proper respect for judiciary among the public, which is caused, among other factors by insufficient level of moral qualities of certain judges due to lack of general coordination of observance of the Code of Judicial Ethics.

Despite the efforts made, the existing court map does not take into account the following factors: accelerated urbanization (urban population approximates to 60%), increased business activity, further marginalization of population, criminalization level in large cities and consequently high caseload of courts in urban areas as opposed to rural areas. In connection with the above as well as due to planned development of New map of managed urbanization of the state, the court map needs to be optimized for the efficient management of caseload of courts.

Notwithstanding the progress made to date in many development areas, significant institutional and governance challenges remain, constraining the state's ability to effectively formulate and implement its development policies.

Kazakhstan's aspiration to enter the ranks of the 30 most competitive economies in the world is not possible without an independent, effectively functioning and free from corruption judiciary. This objective cannot be attained without the engagement of highly skilled people, capable of working in accordance with the envisioned new requirements as well as high public trust in courts. Thus, preparing and conducting institutional assessments, analyses and reviews of the judicial system and strengthening the institutional capacity of the Supreme Court will be the main objectives of this exercise.

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## II. IMPLEMENTATION STRATEGY

The project implementation strategy is in line with the goals of the UNDP country programme for 2016-2020. These address two main challenges: (a) the country's ability to maintain development gains in the face of the economic slowdown; and (b) sustaining and scaling up the country's position as an international facilitator and promoter of regional and global dialogue.

The project implementation strategy is also congruent with the goals of the Republic of Kazakhstan, which is currently implementing - through its Ministry of Justice and with financial support from the World Bank. The overall aim of this Project is to support institution-building activities for a wide range of justice related services provided by various state bodies and organisations. The project beneficiaries include the Ministry of Justice (MOJ) – also the national implementing partner of this project – the Supreme Court (SC), the Academy of Justice (AJ), the General Prosecutor Office (GPO), the High Judicial Council (HJC) and the Ministry of Internal Affairs (MIA).

The project follows a rights-based approach, promoting the rule of law and ensuring better access to justice, by addressing some critical challenges in the development of a highly qualified judiciary in Kazakhstan. It will support the on-going effort for the modernisation of the Supreme Court of the Republic of Kazakhstan. It will also contribute to improving the interaction among various state entities and organisations implicated one way or another with the law-making process.

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## III. RESULTS AND PARTNERSHIPS

Deliverable 1. FOR MODULE 1.

D-1 (1) Draft system of indicators for quality management system of administration of justice;

D-1 (2) Draft methodology for monitoring and analysis of judicial practice.

Deliverable 2. FOR MODULE 2.

D-2 (1) Draft methodology for conducting surveys of local court user satisfaction;

D-2 (2) Draft methodology for conducting surveys of public trust in courts;

D-2 (3) Draft methodology for research based on focus group interviews with experts in evaluation of courts' work quality.

Deliverable 3. FOR MODULE 3.

D-3. Report on expert review of the Commentary to the Code of Judicial Ethics

Deliverable 4. FOR MODULE 4

D-4 (1) Draft methodology for prediction of public needs in courts,

D-4 (2) Draft optimized Court map;

D-4 (3) Draft methodology of courts' and judges' caseload management.

### ***Resources Required to Achieve the Expected Results***

The UNDP CO will mobilize its own human resources (programme and project staff) and form a team of qualified consultants (individuals and organisations), drawing from a national and international pool of suitable and qualified experts. In addition, the UNDP will make its physical and ICT infrastructure available to the team of experts.

### ***Partnerships***

The UNDP will capitalise fully on its existing partnerships with key national partners. On the national level UNDP will work with the Supreme Court and the Ministry of Justice, locally - all types and levels of courts. UNDP will also deploy its wide network of partners and experts from academia, expert community (including women-led law firms), civil society and international organizations.

### ***Risks and Assumptions***

There are no specific risks expected during the project implementation, except that this project needs to be implemented in a rather tight period.

### ***Stakeholder Engagement***

*Target Groups:* Ministry of Justice, Supreme Court, judges and court staff.

### ***Sustainability***

Implementation will help to establish a state of the art human resource management system based on best international practices. It will also assist in strengthening the capacity of the national partner to manage human resources processes in the selection (including gender parity), appointment, in providing equal opportunities of training and career advancement of judges, as well as its structure and composition. National ownership of results will be ensured by the continuous and direct involvement of the Beneficiary in the process of deriving such results. Once, the desirable results are compiled, the Beneficiary will proceed with the necessary actions needed to implement the recommendations, as it sees fit. Implementation of the project results will enhance the law making process in the Republic of Kazakhstan, overall.

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## **IV. PROJECT MANAGEMENT**

### ***Cost Efficiency and Effectiveness***

The UNDP will use a portfolio management approach to improve cost effectiveness by leveraging activities of this project financed by the World Bank.

Cost effectiveness and efficiency during the project implementation will be ensured by compliance with the UNDP standard rules, regulations, policies and procedures.

The UNDP project team will develop a detailed project implementation plan with application of monitoring tools at each phase of the project. This will help trace the output indicators and measure the level of achievement of project goals versus identified project targets.

### ***Project Management***

The UNDP CO will involve a professional project management team comprised of national and international experts that possesses the required expertise, managerial and analytical skills.

The Project will be operationalized in Nur Sultan, on the premises of the UNDP CO. Other UNDP projects will provide support to the team of experts by sharing knowledge and expertise, helping build relationships with national partners and other stakeholders.

The UNDP programme staff will closely supervise all stages of the Project's implementation. The team of experts will be supported by the UNDP CO Operation Services during all phases of the project.

## V. RESULTS FRAMEWORK

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		TARGETS	DATA COLLECTION METHODS
			VALUE	YEAR		
<b>Output 1 DEVELOPMENT OF A QUALITY MANAGEMENT SYSTEM OF ADMINISTRATION OF JUSTICE</b>	1.1 Analytical report on the current practices to ensure quality of administration of justice; 1.2 Overview of the international practices development of QMS of administration of justice and main conclusions of best practices, including best practices on attraction, promotion and support, retention of underrepresented people (women);	Relevant systems in a selective number of countries.	SC operates according to some commonly accepted standards; law making process does not provide for mandatory involvement of judges	2019	Good practices are identified, and recommendations are developed for the consideration of the SC. Gender-responsive planning at both national and local levels will be promoted.	Desk research of relevant legislation and other documents in a selective number of countries
<b>Output 2 CONDUCT OF SURVEYS AND RESEARCH BASED ON FOCUS GROUP</b>	2.1 Survey results collected and tabulated into a matrix format. Data to a large extent is systematized and gender disaggregated. Gender is to be mainstreamed into the survey questions. 2.2 Survey results are substantively interpreted, and trends are identified. Additionally, trends are identified to address gender inequalities.	Focus groups, including sitting, former and candidate judges perceptions on several issues. Design parameters will be strengthened, by improving disaggregated data collection by region and gender.	No such data exists nowadays	2019	Perceptions of surveyed individuals are used to shape future judiciary policies and practices. Gender-responsive planning at both national and local levels, and improvement of targeted service delivery will be promoted.	Survey participants' opinions and perceptions gathered systematically and recorded
<b>Output 3 IMPROVEMENT OF OBSERVANCE OF THE CODE OF JUDICIAL ETHICS</b>	3.1 Report on analysis of the current system of assessment of judges' observance of the Code of Judicial Ethics and recommendations	Expert opinions, comments and recommendations	SC functions and operated within a standard framework, considered outdated	2019	Gather information that would assist in deciding on practices that fit best the SC in the Republic of Kazakhstan	Codified records of expert comments, observations and recommendations

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE		TARGETS	DATA COLLECTION METHODS
			VALUE	YEAR		
<b>Output 4</b> <b>OPTIMIZATION OF THE SPATIAL DISTRIBUTION OF COURTS AND THEIR CASELOAD</b>	4.1 Report on the analysis of the existing Court map and their caseload;  4.2 Draft methodology for predicting public needs in courts in relevant administrative territories, crosscutting the methodology with response to the inequalities;  4.3 Draft Optimized court map;  4.4 Draft methodology of courts' and judges' caseload management.	On-location discussions and consultations	Some information exists	2019	Gather information that would assist in deciding on practices that fit best the SC in the Republic of Kazakhstan	Scoping mission, records of expert comments, observations and recommendations

## VI. MONITORING AND EVALUATION

In accordance with the UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans:

### Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Monthly	Slower than expected progress will be addressed by project management.	SC	TBC
Monitor and Manage Risk	Identify specific risks that may threaten achievement of the intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with the UNDP's audit policy to manage financial risk.	Monthly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.	SC	TBC
Learn	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	Annually	Relevant lessons are captured by the project team and used to inform management decisions and knowledge sharing with other projects within the cluster		TBC
Annual Project Quality Assurance	The quality of the project will be assessed against the UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.	SC	TBC
Review and Make Course Corrections	Internal review of data and evidence from all monitoring actions to inform decision making.	At least twice during project implementation	Progress against targets set, risks, lessons and quality will be discussed by the management team and used to make course corrections.	SC	TBC
Project Report	A progress report will be presented to the management team and other key stakeholders, consisting of progress data and results achieved against pre-defined targets at the output level, and any evaluation or review reports prepared over the period.	Annually	Decision on the Approval of the report or required revision.	SC	TBC

<b>Annual and Final Project Review Boards</b>	Management team and the Beneficiaries will hold an end-of project review to assess the outcomes of the project and discuss opportunities to socialise project results with relevant audiences.	In the final year of the project cycle	Resolution on the closure of the Project.	SC	TBC
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## VII. WORK PLAN

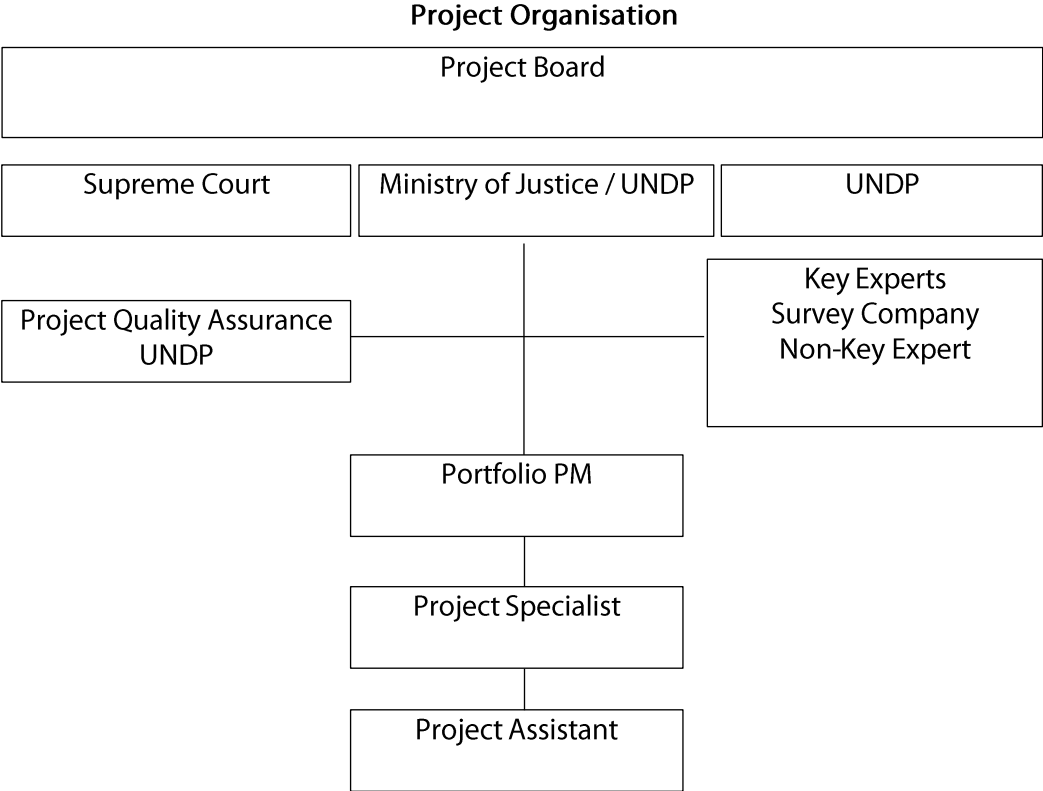
Annual Work Plan 2019-2020								
EXPECTED OUTPUTS	PLANNED ACTIVITIES	RESPONSIBLE PARTY	PLANNED BUDGET BY YEAR					Total
			Funding Source	Budget Description	GL Accounts	2019	2020	
<b>Output 1 Development of a quality management system of administration of justice</b>	1.1 Analytical report on the current practices to ensure quality of administration of justice; 1.2 Overview of the international practices development of QMS of administration of justice and main conclusions of best practices, including best practices on attraction, promotion and support, retention of underrepresented people (women);	UNDP	MoJ	International Individual Consultants	71200	21,020.00	21,020.00	42,040.00
				Local Individual Consultants	71300	13,200.00		13,200.00
				Miscellaneous	74500	50.00	50.00	100.00
				GMS (8%)	75100	2,741.60	1,685.60	4,427.20
				Sub-total		37,011.60	22,755.60	59,767.20
<b>Output 2 Conduct of surveys and research based on focus group</b>	2.1 Survey results collected and tabulated into a matrix format. Data to a large extent is systematized and gender disaggregated. Gender is to be mainstreamed into the survey questions. 2.2 Survey results are substantively interpreted, and trends are identified. Additionally, trends are identified to address gender inequalities.	UNDP	MoJ	Contracts with local companies	72165	27,500.00	62,500.00	90,000.00
				Miscellaneous	74500	50.00	50.00	100.00
				GMS (8%)	75100	2,204.00	5,004.00	7,208.00
				Sub-total		29,754.00	67,554.00	97,308.00
<b>Output 3 Improvement of observance of the code of judicial ethics</b>	3.1 Report on analysis of the current system of assessment of judges' observance of the Code of Judicial Ethics and recommendations	UNDP	MoJ	International Individual Consultants	71200	4,500.00		4,500.00
				Translation services	74220	1,000.00		1,000.00
				Miscellaneous	74500	50.00		50.00
				GMS (8%)	75100	444.00	-	444.00
				Sub-total		5,994.00	-	5,994.00
<b>Output 4 Optimization of the spatial distribution of</b>	4.1 Report on the analysis of the existing Court map and their caseload;	UNDP	MoJ	Contracts with local companies	72165	15,000.00	60,000.00	75,000.00
				Miscellaneous	74500	50.00	50.00	100.00
				GMS (8%)	75100	1,204.00	4,804.00	6,008.00

courts and their caseload	4.2 Draft methodology for predicting public needs in courts in relevant administrative territories, crosscutting the methodology with response to the inequalities; 4.3 Draft Optimized court map; 4.4 Draft methodology of courts' and judges' caseload management.			Sub-total		16,254.00	64,854.00	81,108.00
Output 5 Project Management and Coordination	Activity 5. Project Management	UNDP	MoJ	Local Individual Consultants (CTA)	71300	-	24,000.00	24,000.00
				Project Coordinator	71400	1,000.00	32,154.00	33,154.00
				Translation services	74220	4,500.00	4,500.00	9,000.00
				Rent and office maintenance	73100	936.20	1,363.50	2,299.70
				DPC - programme	64397	1,591.20	1,909.44	3,500.64
				DPC - operations	64397	2,727.00	272.70	2,999.70
				Transportation services	71600	-	250.00	250.00
				Miscellaneous	74500	50.00	50.00	100.00
				GMS (8%)	75100	864.35	5,159.97	6,024.32
				Sub-total		11,668.75	69,659.61	81,328.36
				<b>TOTAL</b>		<b>100,682.35</b>	<b>224,823.21</b>	<b>325,505.56</b>

**VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS**

The governing body of the Project will be the Steering Committee consisting of the Beneficiary, the Implementing Agency and the UNDP Governance Unit with authority to make decisions regarding the project. It will be comprised of high level representatives of these three entities. They will meet regularly to consider progress of activities and to approve the deliverables of the project.

The Project Coordinator will be responsible partly for project management and all operational procedures required to implement the project in a timely and orderly manner, including national and international personnel, other hired experts and contracted companies.



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## **IX. LEGAL CONTEXT AND RISK MANAGEMENT**

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of the Republic of Kazakhstan and UNDP, signed on October 4, 1994 (see Annex J). All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

This project will be implemented by Ministry of Ecology, Geology and Natural Resources of the Government of Kazakhstan (“Implementing Partner”) in accordance with its financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. Where the financial governance of an Implementing Partner does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, the financial governance of UNDP shall apply.

## **X. RISK MANAGEMENT**

1. Consistent with the Article III of the SBAA [or the Supplemental Provisions to the Project Document], the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP’s property in the Implementing Partner’s custody, rests with the Implementing Partner. To this end, the Implementing Partner 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 Implementing Partner’s security, and the full implementation of the security plan.
2. 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 the Implementing Partner’s obligations under this Project Document.
3. The Implementing Partner agrees to undertake all reasonable efforts to ensure that no 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/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml).
4. The Implementing Partner acknowledges and agrees that UNDP will not tolerate sexual harassment and sexual exploitation and abuse of anyone by the Implementing Partner, and each of its responsible parties, their respective sub-recipients and other entities involved in Project implementation, either as contractors or subcontractors and their personnel, and any individuals performing services for them under the Project Document.
  - (a) In the implementation of the activities under this Project Document, the Implementing Partner, and each of its sub-parties referred to above, shall comply with the standards of conduct set forth in the Secretary General’s Bulletin ST/SGB/2003/13 of 9 October 2003, concerning “Special measures for protection from sexual exploitation and sexual abuse” (“SEA”).
  - (b) Moreover, and without limitation to the application of other regulations, rules, policies and procedures bearing upon the performance of the activities under this Project Document, in the implementation of activities, the Implementing Partner, and each of its sub-parties referred to above, shall not engage in any form of sexual harassment (“SH”). SH is defined as any unwelcome conduct of a sexual nature that might reasonably be

expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

5. a) In the performance of the activities under this Project Document, the Implementing Partner shall (with respect to its own activities), and shall require from its sub-parties referred to in paragraph 4 (with respect to their activities) that they, have minimum standards and procedures in place, or a plan to develop and/or improve such standards and procedures in order to be able to take effective preventive and investigative action. These should include: policies on sexual harassment and sexual exploitation and abuse; policies on whistleblowing/protection against retaliation; and complaints, disciplinary and investigative mechanisms. In line with this, the Implementing Partner will and will require that such sub-parties will take all appropriate measures to:
    - i. Prevent its employees, agents or any other persons engaged to perform any services under this Project Document, from engaging in SH or SEA;
    - ii. Offer employees and associated personnel training on prevention and response to SH and SEA, where the Implementing Partner and its sub-parties referred to in paragraph 4 have not put in place its own training regarding the prevention of SH and SEA, the Implementing Partner and its sub-parties may use the training material available at UNDP;
    - iii. Report and monitor allegations of SH and SEA of which the Implementing Partner and its sub-parties referred to in paragraph 4 have been informed or have otherwise become aware, and status thereof;
    - iv. Refer victims/survivors of SH and SEA to safe and confidential victim assistance; and
    - v. Promptly and confidentially record and investigate any allegations credible enough to warrant an investigation of SH or SEA. The Implementing Partner shall advise UNDP of any such allegations received and investigations being conducted by itself or any of its sub-parties referred to in paragraph 4 with respect to their activities under the Project Document, and shall keep UNDP informed during the investigation by it or any of such sub-parties, to the extent that such notification (i) does not jeopardize the conduct of the investigation, including but not limited to the safety or security of persons, and/or (ii) is not in contravention of any laws applicable to it. Following the investigation, the Implementing Partner shall advise UNDP of any actions taken by it or any of the other entities further to the investigation.
  - c) The Implementing Partner shall establish that it has complied with the foregoing, to the satisfaction of UNDP, when requested by UNDP or any party acting on its behalf to provide such confirmation. Failure of the Implementing Partner, and each of its sub-parties referred to in paragraph 4, to comply of the foregoing, as determined by UNDP, shall be considered grounds for suspension or termination of the Project.
6. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses> ) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
  7. The Implementing Partner shall: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any

management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.

8. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.
9. The Implementing Partner will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, responsible parties, subcontractors and sub-recipients in implementing the project or using UNDP funds. The Implementing Partner will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.
10. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to the Implementing Partner: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. The Implementing Partner agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at [www.undp.org](http://www.undp.org).
11. In the event that an investigation is required, UNDP has the obligation to conduct investigations relating to any aspect of UNDP projects and programmes in accordance with UNDP's regulations, rules, policies and procedures. The Implementing Partner shall provide its full cooperation, including making available personnel, relevant documentation, and granting access to the Implementing Partner's (and its consultants', responsible parties', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with the Implementing Partner to find a solution.
12. The signatories to this Project Document will promptly inform one another in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality. Where the Implementing Partner becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, the Implementing Partner will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). The Implementing Partner shall provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.
13. The Implementing Partner agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of this Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.
14. Each contract issued by the Implementing Partner in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from the Implementing Partner shall cooperate with any and all investigations and post-payment audits.

15. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
16. The Implementing Partner shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to each responsible party, subcontractor and sub-recipient and that all the clauses under this section entitled "Risk Management Standard Clauses" are included, mutatis mutandis, in all sub-contracts or sub-agreements entered into further to this Project Document.

## X. ANNEXES

### Annex 1. Risk Log

Project Title: Modernization of the judicial system and access to justice in Kazakhstan	Award ID 00112779	Date:
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#	Type	Description	Date Identified	Probability <sup>1</sup> & Impact <sup>2</sup>	Countermeasures / Management response	Owner	Submitted / updated by	Last Update	Status
1	Environmental	No environmental risks identified	-	-	-	-	-	-	-
2	Financial	No financial risks identified	-	-	-	-	-	-	-
3	Operational / Organizational	Selection of most experienced consultancy firms and individuals to carry out project activities	June 2019	Off target selection and engagement of most suitable consultancy firms and individuals may influence the quality of the outputs and results P = 2 / I = 4	UNDP will use precise and detailed evaluation criteria in selecting the most experienced consultancy firm and individual consultants	UNDP GU Head	UNDP GU Head	-	-
		Frequent turnover of key decisionmaking personnel	June 2019	Change in key beneficiary personnel may hinder timely progress of activities P = 1 / I = 3	Engage mid-level beneficiary personnel to ensure continuation	UNDP GU Head	UNDP GU Head	-	-
		Project results may not lead to legislative initiatives	June 2019	Recommendations culminating from findings may not progress in the legislative process P = 2 / I = 2	Work closely with the Government to highlight benefits of legislating findings and recommendations	UNDP GU Head / MoJ / HJC decision makers	UNDP GU Head	-	-
4	Political	Other responsible ministries may not cooperate in a timely fashion	June 2019	Ministry of Finance may not provide necessary funds for financing performance of re-allocated funds	Work closely with the Government to secure necessary funds when functions have been re-allocated	UNDP GU Head / MoJ decision makers	UNDP GU Head	-	-

1 Probability scale: 1 (low) to 5 (high).

2 Impact scale: 1 (low) to 5 (high).



5	Regulatory	UNDP as partner of choice for future development issues	June 2019	If UNDP does not manage to produce the expected results may diminish its partner of choice status P = 1 / I = 5	Focus on producing the best possible results	UNDP GU Head	UNDP GU Head	-	-
		No security risks identified	-	-	-	-	-	-	-
6	Strategic								
7	Security								

## Annex [#]. Social and Environmental Screening Template

The completed template, which constitutes the Social and Environmental Screening Report, must be included as an annex to the Project Document. Please refer to the Social and Environmental Screening Procedure and Toolkit for guidance on how to answer the 6 questions.




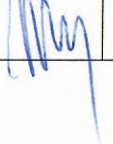
### Project Information

<b>Project Information</b>	
1. Project Title	<b>Modernization of the judicial system and access to justice in Kazakhstan</b>
2. Project Number	<b>111137</b>
3. Location (Global/Region/Country)	<b>Kazakhstan</b>

### Part A. Integrating Overarching Principles to Strengthen Social and Environmental Sustainability

<b>QUESTION 1: How Does the Project Integrate the Overarching Principles in order to Strengthen Social and Environmental Sustainability?</b>
<i>Briefly describe in the space below how the Project mainstreams the human-rights based approach</i>
The Project is aimed at increasing the capacity of the SC to support and manage the judicial system to achieve high public trust in courts, which is directly involved in ensuring human rights in Kazakhstan and in the judicial system specifically.
<i>Briefly describe in the space below how the Project is likely to improve gender equality and women's empowerment</i>
Due to greater inclusion of women/ adequate gender representation in the nomination process, composition of courts is to become gender balanced. The rights of women will be improved in the judicial process because of the increased capacity of judges.
<i>Briefly describe in the space below how the Project mainstreams environmental sustainability</i>
N/A

Final Sign Off

Signature	Date	Description
 <b>Samal Bex</b> Programme Associate Governance	28/11/19	UNDP staff member responsible for SESP Checklist completion
 Elena Babasheva resources monitoring Associate	28.11.19	UNDP staff member responsible for the Project, typically a UNDP Programme Officer. Final signature confirms they have "checked" to ensure that the SESP is adequately conducted.
 <b>Irina Goryunova</b> Assistant Resident Representative	28.11.19	UNDP senior manager, typically the UNDP Deputy Country Director (DCD), Country Director (CD), Deputy Resident Representative (DRR), or Resident Representative (RR). The QA Approver cannot also be the QA Assessor. Final signature confirms they have "cleared" the SESP prior to submittal to the PAC.
		UNDP chair of the PAC. In some cases PAC Chair may also be the QA Approver. Final signature confirms that the SESP was considered as part of the project appraisal and considered in recommendations of the PAC.

**Part B. Identifying and Managing Social and Environmental Risks**

<b>QUESTION 2: What are the Potential Social and Environmental Risks?</b> <i>Note: Describe briefly potential social and environmental risks identified in Attachment 1 – Risk Screening Checklist (based on any “Yes” responses). If no risks have been identified in Attachment 1 then note “No Risks Identified” and skip to Question 4 and Select “Low Risk”. Questions 5 and 6 not required for Low Risk Projects.</i>	<b>QUESTION 3: What is the level of significance of the potential social and environmental risks?</b> <i>Note: Respond to Questions 4 and 5 below before proceeding to Question 6</i>			<b>QUESTION 6: What social and environmental assessment and management measures have been conducted and/or are required to address potential risks (for Risks with Moderate and High Significance)?</b>
<b>Risk Description</b>	<b>Impact and Probability (1-5)</b>	<b>Significance (Low, Moderate, High)</b>	<b>Comments</b>	<b>Description of assessment and management measures as reflected in the Project design. If ESIA or SESA is required note that the assessment should consider all potential impacts and risks.</b>
Risks not identified				
<b>QUESTION 4: What is the overall Project risk categorization?</b>				
Select one (see SESP for guidance)			Comments	
<i>Low Risk</i> <input checked="" type="checkbox"/>				
<i>Moderate Risk</i> <input type="checkbox"/>				
<i>High Risk</i> <input type="checkbox"/>				
<b>QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are relevant?</b>				
Check all that apply			Comments	
<i>Principle 1: Human Rights</i>			<input type="checkbox"/>	
<i>Principle 2: Gender Equality and Women’s Empowerment</i>			<input type="checkbox"/>	
<i>1. Biodiversity Conservation and Natural Resource Management</i>			<input type="checkbox"/>	
<i>2. Climate Change Mitigation and Adaptation</i>			<input type="checkbox"/>	
<i>3. Community Health, Safety and Working Conditions</i>			<input type="checkbox"/>	
<i>4. Cultural Heritage</i>			<input type="checkbox"/>	
<i>5. Displacement and Resettlement</i>			<input type="checkbox"/>	
<i>6. Indigenous Peoples</i>			<input type="checkbox"/>	
<i>7. Pollution Prevention and Resource Efficiency</i>			<input type="checkbox"/>	

SESP Attachment 1. Social and Environmental Risk Screening Checklist

<b>Checklist Potential Social and Environmental Risks</b>		<b>Answer (Yes/No)</b>
<b>Principles 1: Human Rights</b>		
1.	Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	No
2.	Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups? <sup>1</sup>	No
3.	Could the Project potentially restrict availability, quality of and access to resources or basic services, in particular to marginalized individuals or groups?	No
4.	Is there a likelihood that the Project would exclude any potentially affected stakeholders, in particular marginalized groups, from fully participating in decisions that may affect them?	No
5.	Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	No
6.	Is there a risk that rights-holders do not have the capacity to claim their rights?	No
7.	Have local communities or individuals, given the opportunity, raised human rights concerns regarding the Project during the stakeholder engagement process?	No
8.	Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?	No
<b>Principle 2: Gender Equality and Women's Empowerment</b>		
1.	Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?	No
2.	Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	No
3.	Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement process and has this been included in the overall Project proposal and in the risk assessment?	No
4.	Would the Project potentially limit women's ability to use, develop and protect natural resources, taking into account different roles and positions of women and men in accessing environmental goods and services?  <i>For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their livelihoods and well being</i>	No
<b>Principle 3: Environmental Sustainability:</b> Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below		
<b>Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management</b>		
1.1	Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services?	No

<sup>1</sup> Prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, national or social or geographical origin, property, birth or other status including as an indigenous person or as a member of a minority. References to "women and men" or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender people and transsexuals.

	<i>For example, through habitat loss, conversion or degradation, fragmentation, hydrological changes</i>	
1.2	Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	No
1.3	Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	No
1.4	Would Project activities pose risks to endangered species?	No
1.5	Would the Project pose a risk of introducing invasive alien species?	No
1.6	Does the Project involve harvesting of natural forests, plantation development, or reforestation?	No
1.7	Does the Project involve the production and/or harvesting of fish populations or other aquatic species?	No
1.8	Does the Project involve significant extraction, diversion or containment of surface or ground water? <i>For example, construction of dams, reservoirs, river basin developments, groundwater extraction</i>	No
1.9	Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	No
1.10	Would the Project generate potential adverse transboundary or global environmental concerns?	No
1.11	Would the Project result in secondary or consequential development activities which could lead to adverse social and environmental effects, or would it generate cumulative impacts with other known existing or planned activities in the area? <i>For example, a new road through forested lands will generate direct environmental and social impacts (e.g. felling of trees, earthworks, potential relocation of inhabitants). The new road may also facilitate encroachment on lands by illegal settlers or generate unplanned commercial development along the route, potentially in sensitive areas. These are indirect, secondary, or induced impacts that need to be considered. Also, if similar developments in the same forested area are planned, then cumulative impacts of multiple activities (even if not part of the same Project) need to be considered.</i>	No
<b>Standard 2: Climate Change Mitigation and Adaptation</b>		
2.1	Will the proposed Project result in significant <sup>2</sup> greenhouse gas emissions or may exacerbate climate change?	No
2.2	Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?	No
2.3	Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)? <i>For example, changes to land use planning may encourage further development of floodplains, potentially increasing the population's vulnerability to climate change, specifically flooding</i>	No
<b>Standard 3: Community Health, Safety and Working Conditions</b>		
3.1	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	No
3.2	Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	No

<sup>2</sup> In regards to CO<sub>2</sub>, 'significant emissions' corresponds generally to more than 25,000 tons per year (from both direct and indirect sources). [The Guidance Note on Climate Change Mitigation and Adaptation provides additional information on GHG emissions.]

3.3	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?	No
3.4	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	No
3.5	Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?	No
3.6	Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	No
3.7	Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	No
3.8	Does the Project involve support for employment or livelihoods that may fail to comply with national and international labor standards (i.e. principles and standards of ILO fundamental conventions)?	No
3.9	Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?	No
<b>Standard 4: Cultural Heritage</b>		
4.1	Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect and conserve Cultural Heritage may also have inadvertent adverse impacts)	No
4.2	Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	No
<b>Standard 5: Displacement and Resettlement</b>		
5.1	Would the Project potentially involve temporary or permanent and full or partial physical displacement?	No
5.2	Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	No
5.3	Is there a risk that the Project would lead to forced evictions? <sup>3</sup>	No
5.4	Would the proposed Project possibly affect land tenure arrangements and/or community based property rights/customary rights to land, territories and/or resources?	No
<b>Standard 6: Indigenous Peoples</b>		
6.1	Are indigenous peoples present in the Project area (including Project area of influence)?	No
6.2	Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?	No
6.3	Would the proposed Project potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the Project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)?  <i>If the answer to the screening question 6.3 is "yes" the potential risk impacts are considered potentially severe and/or critical and the Project would be categorized as either Moderate or High Risk.</i>	No

<sup>3</sup> Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protections.

6.4	Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	No
6.5	Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	No
6.6	Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?	No
6.7	Would the Project adversely affect the development priorities of indigenous peoples as defined by them?	No
6.8	Would the Project potentially affect the physical and cultural survival of indigenous peoples?	No
6.9	Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	No
<b>Standard 7: Pollution Prevention and Resource Efficiency</b>		
7.1	Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	No
7.2	Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	No
7.3	Will the proposed Project potentially involve the manufacture, trade, release, and/or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs?  <i>For example, DDT, PCBs and other chemicals listed in international conventions such as the Stockholm Conventions on Persistent Organic Pollutants or the Montreal Protocol</i>	No
7.4	Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?	No
7.5	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?	No



### **Annex 3. Letter of Agreement on Support Services**

Reference is made to consultations between officials of the Ministry of Justice of the Republic of Kazakhstan (hereinafter referred to as “the MoJ”) and officials of UNDP with respect to the provision of support services by the UNDP country office for nationally managed programmes and projects. UNDP and the MoJ hereby agree that the UNDP country office may provide such support services at the request of the MoJ through its institution designated in the relevant project document of the joint project of the UNDP and the MoJ.

The UNDP country office may provide support services for assistance with reporting requirements and direct payment. In providing such support services, the UNDP country office shall ensure that the capacity of the MoJ-designated institution is strengthened to enable it to carry out such activities directly. The costs incurred by the UNDP country office in providing such support services shall be recovered from the administrative budget of the office.

The UNDP country office may provide, at the request of the designated institution, the following support services for the activities of the project:

- (a) Identification and recruitment of project personnel; handling administrative issues related to the project personnel;
- (b) Identification and facilitation of training activities, seminars and workshops;
- (c) Procurement of goods and services;
- (d) Processing of direct payments.

The procurement of goods and services and the recruitment of project personnel by the UNDP country office shall be in accordance with the UNDP regulations, rules, policies and procedures. If the requirements for support services by the country office change during the life of a project, the annex to the project document is revised with the agreement of the UNDP resident representative and the designated institution.

The relevant provisions of the Standard Basic Assistance Agreement (SBAA) between the Government of the Republic of Kazakhstan and the United Nations Development Programme, signed by the parties on October 4, 1994, including the provisions on liability and privileges and immunities, shall apply to the provision of such support services. The MoJ shall retain overall responsibility for the nationally managed project through its designated institution. The responsibility of the UNDP country office for the provision of the support services described herein shall be limited to the provision of such support services detailed in the annex to the project document.

Any claim or dispute arising under or about the provision of support services by the UNDP country office in accordance with this letter shall be handled pursuant to the relevant provisions of the SBAA.

The manner and method of cost-recovery by the UNDP country office in providing the support services will be set forth in line with UNDP policy on Cost Recovery and DPC.

The UNDP country office shall submit progress reports on the support services provided and shall report on the costs reimbursed in providing such services, as may be required.

Any modification of the present arrangements shall be affected by mutual written agreement of the parties hereto.

If you agree with the provisions set forth above, please sign and return to this office two signed copies of this letter. Upon your signature, this letter shall constitute an agreement between the MoJ and UNDP on the terms and conditions for the provision of support services by the UNDP country office for the nationally managed project of the United Nations Development Programme (UNDP) and the Ministry of Justice of the Republic of Kazakhstan “Training Needs and Infrastructure Assessment: Academy of Justice”.

## Annex 4: Terms of Reference for key experts involved in the project implementation

### TERMS OF REFERENCE

<b>Position:</b>	International Expert in Quality of Administration of Justice
<b>Project Title:</b>	Modernization of the judicial system and access to justice in Kazakhstan
<b>Type of contract:</b>	IC - Individual Contract
<b>Duty station:</b>	Home-based with two trips to Nur-Sultan, Kazakhstan
<b>Contract duration:</b>	September – December 2019

### 1. PROJECT BACKGROUND

The development strategy – “Kazakhstan’s Way to 2050: Common Goals, Common Interests, Common Future” – lays out the strategy of the country becoming one of the 30 most developed countries in the world by 2050. This strategy is focused on economic diversification, innovation, investment in human capital and international trade integration. It also seeks to strengthen governance, enhance the quality of public services and improve the business climate in the country.

Notwithstanding the progress made to date in many development areas, significant institutional and governance challenges remain, constraining the state’s ability to effectively formulate and implement its development policies.

Kazakhstan’s aspiration to enter the ranks of the 30 most competitive economies in the world is not possible without an independent, effectively functioning and free from corruption judiciary. This objective cannot be attained without the engagement of highly skilled people, capable of working in accordance with the envisioned new requirements.

The project “Modernization of the judicial system and access to justice in Kazakhstan” (hereinafter – Project) is implemented within the framework of the Justice Sector Institutional Strengthening Project under the loan from the International Bank for Reconstruction and Development. As part of this project, UNDP promotes the development of the justice sector in Kazakhstan by providing institutional support to selected government bodies (beneficiaries) that provide a wide range of justice services, including registration services, the provision of legal aid, broadening access to justice, and the execution of judicial acts. The key beneficiaries of the Project are the Supreme Court of the Republic of Kazakhstan (hereinafter - the SC, the Beneficiary) and the Ministry of Justice of the Republic of Kazakhstan, which also acts as the project administrator.

The overall objective of the Project is to increase the capacity of the Supreme Court to manage and support the judicial system in its efforts to increase public trust in courts, by: (i) the preparing and conducting institutional assessments, analyses and reviews of the judicial system; (ii) strengthening the institutional capacity of the SC to perform administrative and management functions with regards to local courts.

### 2. OBJECTIVES AND TASKS OF THE ASSIGNMENT

In recent years, significant measures aimed at modernization of the national judicial system have been taken in order to increase its institutional capacity, improve the operational effectiveness of courts and to strengthen public trust in the national judicial system. An effective legislative framework for judicial activities has been created, complex measures on strengthening courts’ independence have been implemented, specialized courts have been introduced, human resource management reformed, judicial procedures simplified and access to the justice system is being expanded. A three-tier justice system

was introduced, to shorten the time of case disposal and enable timely and speedy enforcement of judicial decisions.

At the same time, the improvement of quality of administration of justice and consequently, the achievement of uniform judicial practice and minimal judicial errors remain a matter of current interest. There is no established efficient quality management system of administration of justice. The uniformity of judicial practice is currently undertaken through judicial rule-making (Normative resolutions of the SC), appeal and cassation activities of courts. However, neither cassation nor appeal instances are currently able to fully cope with this task.

One of the key objectives of this Project is to assist in developing quality management system of administration of justice in line with good international practices. Therefore, UNDP is going to engage an International Expert in Quality of Administration of Justice (International expert) who is expected to develop together with the National Expert the quality management system of administration of justice, including criteria, procedures and mechanisms for monitoring and assessment of the efficiency of courts' performance in all types of legal proceedings.

As part of this scope of work, the International expert will:

- Summarize the international practices of development of quality management systems of administration of justice, conceptual approaches and methodologies, including the issues of development of a uniform judicial practice (case study of 2-3 countries with both civil law and common law systems);
- Develop a draft quality management system of administration of justice and a draft methodology for monitoring and analysis of judicial practice to ensure its uniformity and minimize judicial error;
- Draft system of indicators for quality management system of administration of justice;
- Draft methodology for monitoring and analysis of judicial practice.

The International expert will contribute to the quality implementation of the tasks as set out in this TOR under the guidance of the Project's Chief Technical Advisor and the UNDP Governance Unit.

### 3. EXPECTED OUTPUTS AND DELIVERABLES

No	Expected deliverables	Target Due Dates	Review and approvals required
1.	Overview of the international practices' development of QMS of administration of justice and main conclusions of best practices.	15 October 2019	Project's Chief Technical Advisor, UNDP Head of Governance Unit
2.	Draft system of indicators for quality management system of administration of justice	15 November 2019	
3.	Draft methodology for monitoring and analysis of judicial practice	15 December 2019	
4.	Final report on the work undertaken	23 December 2019	

### 4. INSTITUTIONAL ARRANGEMENTS

UNDP will sign the contract with an International Expert in accordance with the approved UNDP recruitment procedures for an individual contract. Payment for services will be made from the Project funds with satisfactory discharge of duties and achievement of results. The results of the work shall be approved by the Project's Chief Technical Adviser, and by the UNDP Head of Governance Unit.

- The international expert will work under the direct supervision of the Project's Chief Technical Adviser and UNDP Head of Governance Unit;
- The international expert is responsible for the quality and timely submission of the deliverables;

- The international expert ensures timely and rational planning, implementation of activities and achievement of results in accordance with the Terms of Reference;
- The international expert provides the results of work in accordance with clause 3 of this Terms of Reference;
- The international expert should provide report in electronic form in MS Word format in English.

## 5. DURATION OF ASSIGNMENT

The contract will be concluded for a period of 4 months to fulfill all the results listed above during September – December 2019. The assignment should be started immediately after signing the contract.

## 6. DUTY STATION

Home-based with 2 trips to Nur-Sultan, Kazakhstan in the beginning and the end of the assignment (10 days for each trip).

## 7. MINIMUM QUALIFICATION REQUIREMENTS

- University degree in law;
- At least 3 years of practical experience as a judge;
- At least 5 years of practical work experience in judicial practice analysis in civil law countries;
- At least 3 years of participation in international projects on judicial system reforming on quality of administration of justice issues;
- Knowledge of the English language is mandatory, knowledge of Russian language is considered an advantage.

## 8. COMPETENCIES

- Excellent analytical and writing skills;
- Ability to work under pressure meeting tight deadlines, and prepare accurate and clear reports at short notice for policy makers;
- Capability of listening to the Beneficiary, and ability to convert the Beneficiary's vision into concrete result.

## 9. SCOPE OF PRICE PROPOSAL

This is a lump sum contract for the completed result. The interested candidate must submit his/her financial proposal in a separate file (from other required documents to be submitted). The financial proposal should include all the expert's expenses, including his fees, transportation costs, travel expenses, communication expenses and any other relevant expenses for the assignment and necessary for obtaining the above results within the Terms of Reference. Payment will be made in tranche after the approval of the report, based on the above results and the signing of the Certificate of payment for the result by the Analyst of the UNDP Governance Unit.

## 10. REQUIRED DOCUMENTS

The following documents only in PDF should be attached to the application (proposal) and sent by e-mail to the following address: [procurement.kz@undp.org](mailto:procurement.kz@undp.org) indicating **Ref. 2019-024** in the subject of the letter no later than **August 22, 2019**:

- Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP; template attached;
- Detailed personal CV, indicating all past experience from similar projects, as well as the contact details (email and telephone number) and other supporting information confirming that the Candidate meets the qualification requirements;
- Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided;
- Copies of higher education diplomas and other relevant documents.

Due to the technical features of e-mail, the size of the file should not exceed 9 Mb per message. There could be maximum of 3 e-mail transmissions.

## 11. EVALUATION CRITERIA

Individual consultants will be evaluated based on a Combined Scoring Method taking into consideration the combination of the applicants' qualifications and financial proposal.

The award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

\* Technical Criteria weight [70%];

\* Financial Criteria weight [30%].

\* Only the highest ranked candidates who received a score of at least 350 points (70%) upon the result of the technical evaluation will be admitted to the financial assessment.

<b>Min Technical Criteria</b>	<b>Weight, %</b>	<b>Min pass points</b>	<b>Max. points</b>
University degree in law, academic degree is an advantage;	10%	35	50
At least 3 years of practical experience as a judge	20%	70	100
At least 5 years of practical work experience in judicial practice analysis in civil law countries;	30%	105	150
At least 3 years of participation in international projects on judicial system reforming on quality of administration of justice issues;	30%	105	150
Knowledge of the English language is mandatory, knowledge of Russian language is considered an advantage.	10%	35	50
<b>TOTAL</b>	<b>100%</b>		<b>500</b>

**Approved by:**

**Konstantin Sokulskiy**

UNDP Head of Governance Head

Signature

Date