

**“Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic” project**

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# List of abbreviations

|  |  |
| --- | --- |
| ABA | American Bar Association  |
| ACTED | Agency for Technical Cooperation and Development |
| ARDI | Association of Parents of Children with Disabilities |
| AWP | Annual Work Plan |
| CEDAW | Convention to Eliminate All Forms of Discrimination Against Women |
| CRC | Convention on the Rights of the Child |
| CSO  | Civil Society Organization |
| DGP | Democratic Governance Programme |
| FLA | Free Legal Aid |
| HRBA | Human rights based approach |
| LEP | Legal Empowerment for Poor |
| LSG | Local Self-government |
| M&E  | Monitoring and Evaluation |
| MoJ | Ministry of Justice |
| MoSD | Ministry of Social Development |
| MOU | Memorandum of Understanding |
| NGO | Non-governmental Organization |
| NSSD  | National Strategy for Sustainable Development |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| OSCE | Organization for Security and Cooperation in Europe |
| PwDs | People with disabilities |
| RoL | Rule of Law |
| RRF | Results and resource framework |
| SFK | Soros Foundation Kyrgyzstan |
| SGLA | State-Guaranteed Legal Aid |
| SRI | Social Residential Institutions |
| SRS | State Registration Service under the Government of the Kyrgyz Republic |
| UN CPRD | United Nations Convention on the Rights of Persons with Disabilities  |
| UNDP  | United Nations Development Programme  |
| UNICEF | United Nations Children’s Fund |
| UN Women | United Nations Entity for Gender Equality and the Empowerment of Women |
| UPR | Universal Periodic Review |
| ZAGS | Population and Civil Status Acts Registration Department under the State Registration Service |

# Summary

The project “Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic” has concentrated on the following tasks during the year 2014:

1. Finalization of the access to justice for vulnerable groups assessment in the Kyrgyz Republic;
2. Assistance in drafting and revising the laws on the State Guaranteed Legal Aid (FLA) and Domestic Violence;
3. Promotion of UN CRPD ratification;
4. Monitoring of implementation of the Law on Rights and Guarantees of the People with Disabilities (PwDs);
5. Launching activities related to legal awareness and empowerment of target groups;
6. Fostering partnerships with the counterparts;
7. Finalization of the project document and the results framework of the project based on the findings of the access to justice assessment, inception phase findings and the Steering Committee Meeting recommendations;
8. Project team recruitment.

Thorough analysis of access to justice sphere was conducted with the purpose of collecting necessary data for the project and to inform duty bearers and general public on current situation related to access to justice. The report “Access to Justice for Vulnerable Groups in the Kyrgyz Republic” was presented to a wide audience in Bishkek and Osh on 17 and 18 December 2014 respectively.

Results of the assessment of access to justice undertaken by the project have shown that the rights of vulnerable populations in Kyrgyzstan to access justice are being undermined by a number of factors, including:

1. gaps in legal framework;
2. poor implementation of the existing legislation;
3. low level of awareness of the rights and mechanisms available to meet justice needs;
4. difficult life situation, including low income and low level of education;
5. low accessibility of formal and informal justice institutions;
6. limited access to free legal aid;
7. lack of registration documents as a prerequisite for the fulfillment of their rights.

New draft laws on Domestic Violence and FLA were developed with the project’s technical assistance that are aligned with international and UN standards. Mechanisms of implementation of these laws are defined more clearly; provisions of laws clearly identify responsibilities and functions of the state bodies and responsible parties ensuring implementation of these laws as well as funding mechanisms and sources.

Process of UN CRPD ratification came to the new stage of development with 31 NGOs signing MOU on joint collaboration towards ratification of the Convention and some state officials supporting it as well.

Problems of the PwDs law implementation were raised at the governmental and parliament levels. As a result, 2 major decisions enforcing the rights of PwDs were made by the Parliament’s Committee on Human Rights and the Government of the Kyrgyz Republic. These decisions came as a result of the related project activities.

Legal awareness and empowerment activities for target groups were launched. In particular the following results were achieved:

* Free legal aid was provided by the Law Clinic Adilet (1326 verbal consultations, assistance in preparing legal documents – 527, legal representation – 74);
* Activities on humanization of the society to PwDs were conducted: “I exist. I know my rights. From heart to heart” and round tables on successful stories and practices of PwDs;
* MoJ central database on legal and policy framework was modernized and information on the database disseminated (videos and 16000 posters);
* Public awareness raising campaign on importance of obtaining identity and legal registration documents for access to justice was initiated;
* Business processes for 7 services of ZAGS on identity registration were aligned with the State Registration Service’s newly created standards of delivery;
* Development of the MoJ Strategy on legal culture for the period of 2015-2018 and its Implementation Plan started.

Strategic partnerships were established with:

* Parliament of the Kyrgyz Republic
* Office of the President/Legal office
* Office of the Prime-Minister
* Ministry of Justice
* Ministry of Social Development
* State Registration Service
* Ministry of Youth, Labour and Employment
* Ministry of Education
* Ombudsman Office
* CSOs providing legal aid and representing PwDs, rural women, children and youth at risk, Lawyers association, UNICEF, UN Women, OHCHR
* International agencies (Development Partners Coordination Committee, Soros Foundation Kyrgyzstan, OSCE, ACTED, etc.)

The project Steering Committee meeting was held on 3 July 2014 with participation of the Ministry of Justice, Ministry of Social Development, Ministry of Youth, State Registration Service, Finnish Ministry for Foreign Affairs, UN Women, UNDP, Soros Foundation, LC "Adilet" and civil society representatives.

Broad consultations were also held with the public agencies and civil society organizations in order to present the project and include their opinions on the needs of both the right holders and duty bearers for providing access to justice for the target groups of the project.

Recommendations made by the Steering Committee members, the findings of the access to justice assessment and inception phase findings were taken into consideration when finalizing the project document and RRF.

# Report on results: Progress towards the achievement of the targeted objectives and expected results/outputs

The overall objective of the project is to promote legal empowerment of the vulnerable population in the Kyrgyz Republic with a focus on rural women, children and youth at risk, persons with disabilities and to improve their access to justice and legal aid in compliance with international human rights standards and recommendations. The project will achieve the stated objective in line with the Human Rights Based Approach (HRBA), designed to get involved at the level of duty bearers (state bodies and justice sector actors) and rights holders (general population with particular focus on vulnerable groups). The project is also aligned with the National Sustainable Development Strategy for the Kyrgyz Republic (2013-2017) which highlights the importance of better access to justice for everyone.

The project addresses the underlying causes vulnerable groups face when they try to access justice, such as: i) lack of awareness of target groups and their insufficient capacity to assert, demand and claim their rights, and ii) lack of affordable, accessible and quality justice services offered by both formal and informal justice institutions.

The scope of the interventions includes: support to research and assessments for informed policy decision making, legislation revision and implementation in compliance with international human rights standards, capacity building of duty bearers and rights holders, public awareness campaigns and legal education, brokering partnerships among stakeholders, and piloting an innovative approaches. The project will also develop and deliver new and more sustainable and efficient models of free legal aid and legal empowerment in selected provinces.

The project will be implemented over four years (2014-17) and shall promote and protect the rights of the vulnerable groups. This will reduce impunity, increase inclusion and the voice of the vulnerable groups in the reforms and policy decision making and strengthen the rule of law.

## Output 1: State bodies and justice sector are able to better provide access to justice in compliance with international commitments and standards and to promote and protect the rights of the disadvantaged groups and vulnerable population

### Findings and recommendation of the access to justice for vulnerable groups in the Kyrgyz Republic assessment

A comprehensive assessment on access to justice with a focus on rural women, children, youth at risk and PwDs was conducted during March – November 2014 to benefit both the project M&E and inform decision makers on the current status of access to justice.

Access to justice for vulnerable groups in the Kyrgyz Republic assessment consisted of two parts:

1. Legal Framework Analysis (Analysis of international and domestic law on vulnerable groups’ access to justice, procedural guarantees, access to representation, access to remedy, implementation gaps);
2. and qualitative/quantitative indicators (in-person surveys: 420 women, 180 young people, 150 people with disabilities/parents of people with disabilities), focus group discussions (8) and in-depth interviews (15).

American Bar Association (ABA) methodology was used for the assessment to examine six distinct aspects of access to justice in order to provide a concrete and practical picture of the situation that average citizens face daily in trying to enforce their rights and freedoms:

1. Analysis of legal and policy framework;
2. Legal knowledge;
3. Advice and representation;
4. Access to justice institutions;
5. Fair procedure and
6. Enforceability of decisions.

#### Legal Framework

The Kyrgyz Republic has strong legal basis for access to justice:

* KR has ratified Convention on Elimination of Discrimination Against Women (CEDAW) and Convention on the Rights of the Child (CRC);
* Constitution and legislation prohibit discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, etc.;
* National Strategy for Achieving Gender Equality adopted;
* Right to fair trial and equality before the law for all;
* Special procedural provisions for PwDs;
* State-guaranteed legal aid (SGLA) in criminal cases for certain defendants, including PwDs.

However, there are still some gaps:

* KR has not ratified Convention on the Rights of PwDs;
* Gender equality provisions and protective laws for women and children have not been effectively implemented;
* Procedural law does not account for needs of especially vulnerable, such as child victims, victims of sexual offenses, etc. Legislation does not provide for financing of many procedural protections for vulnerable groups;
* Legislation does not address risk of “double discrimination” for women and children with disabilities.

Recommendations:

* Law on SGLA should include civil and administrative cases, as well as vulnerable crime victims;
* Gender protection and equality laws should be revised and effectively enforced;
* Procedural laws should be amended to account for special needs of child victims and witnesses, and other vulnerable crime victims;
* Government should ratify Convention on Rights of PwDs;
* Procedural laws on special needs of PwDs should include financing mechanism.

#### Legal Knowledge

Level of legal knowledge is low among women:

* For most legal problems, women said they would go to a court;
* 1 out of 5 would not turn anywhere in case of domestic violence;
* In case of bride kidnapping, 50% would go to police, 28% would go to court, 6% would go nowhere;
* Women who know that property rights and alimony rights can be violated with no marriage certificate:
* 3 out of 4 women who have a valid marriage certificate;
* Half of women who do not have a marriage certificate;
* Only 3% of women would go to a lawyer in case of a rights violation.

Youth:

* For most legal problems, youth said they would go to a court;
* 22% would not turn anywhere in case of domestic violence;
* 86% of youths would not turn anywhere in case of rights violation.

PwDs:

* About one-third of PwDs said they had “very weak” understanding of their rights;
* Only one out of 5 mothers of PwsD knew child’s rights;
* 87% of PwDs would not turn anywhere in case of rights violation.

Recommendations:

* Introduce basic law and human rights curricula in primary and secondary schools;
* Produce informational campaign on citizens’ rights, especially marginalized groups, and distribute through mechanisms accessible to vulnerable individuals including rural women and PwDs;
* Display comprehensive information on vulnerable groups’ rights in local self government bodies, including:
	+ legal rights;
	+ step-by-step information on filing complaint;
	+ contact information for justice institutions;
	+ complaint mechanism for corruption.

#### Advice and Representation

Availability and access to lawyers is a major barrier. Average distances to legal advice is 5-18 kilometers. Over 3 in 5 said it was not possible to find a qualified civil or criminal lawyer.

* Over 1 in 5 women and youth would not seek legal help if they needed it;
* One-third do not believe they would receive effective assistance;
* Uzbek respondents more skeptical about quality of lawyers’ help. All target groups ranked lawyers as not very affordable;
* Average price women and youth would pay:
* For civil law consultation: 1340-1450 som;
* For criminal law consultation: 1760-1800 som.

Recommendations:

* Provide free or low-cost legal aid (government and NGOs) in rural and remote areas;
* Create mobile legal clinics;
* Train paralegals;
* Support university legal clinics across the country;
* Ensure equal access to legal services for all ethnicities;
* Increase capacity of lawyers, especially those in remote regions, to enhance quality of legal aid;
* Punish lawyers for ethical and professional violations, including corruption, to enhance perception of profession.

#### Access to a Justice Institutions

Vulnerable groups feel access to justice is unequal. Most women and youth rated access to justice as “3” on 5-point scale. More than 1 in 4 PwDs rated access as “1”. Uzbek and Russian respondents rated access lower.

Justice mechanisms:

• Formal

• Law enforcement (Militsia)

• Prosecutor

• Ombudsman

• Courts

• Judicial Department of Supreme Court

• MoJ Free Legal Aid

• UN Committees

• Informal

• Aksakal courts

• NGOs

• Women’s councils

• Committee for the Prevention of Domestic Violence

Primary barriers to formal institutions:

* bureaucracy,
* time to collect documents,
* distance,
* physical access (PwDs).

Primary barriers to informal institutions:

* lack of trust,
* lack of knowledge about them,
* lack of NGOs (crisis centers, legal aid).

Recommendations:

* Provide targeted, specific, and free legal advice for members of vulnerable groups appealing to formal and informal justice institutions;
* Post clear, understandable application instructions in formal and informal justice institutions;
* Establish law enforcement unit for dealing with gender crimes, including domestic violence and bride kidnapping;
* Improve physical access (ramps and elevators) in public institutions for PwDs;
* Collect gender-disaggregated data on civil and administrative law problems;
* Increase capacity of informal justice system actors.
1. *Fair procedure*

Target groups do not think procedures are fair.

Courtroom procedure: all target groups think that defendants do not have fair opportunity to represent interests, more than 1 in 3 who had been in trial were not represented in courtroom proceedings. People in Osh city and province have lower perception of fairness of courts.

Other institutions: One third of women feel police are not helpful in dealing with domestic violence. Large majority of focus group participants think Aksakal courts are not impartial.

Recommendations:

* Increase availability of representation in courtroom proceedings;
* Increase transparency of judicial processes by making information about court procedures and judgments more readily available to public;
* Increase capacity of Aksakal courts, monitor for partiality, and punish corruption.
1. *Enforceability of decisions*

Vulnerable groups face barriers in enforcing decisions.

Difficulty in enforcing formal court decisions: 1 in 3 winning court decisions were never enforced. More difficult is enforcing in Osh city and Osh province.

Difficulty in enforcing informal court decisions: no enforcement mechanisms and less powerful parties cannot ensure judgment is realized.

Recommendations:

* Provide court bailiffs and social workers greater legal capacity to enforce court decisions;
* Effectively impose criminal sanctions on defendants who refuse to pay court-ordered compensation, alimony, etc.;
* Promote insurance schemes that would pay judgments in case defendant cannot pay.

The Access to Justice for Vulnerable Groups in the Kyrgyz Republic report was presented to a wide public on 17 and 18 December 2014 in Bishkek and Osh cities respectively. Further recommendations and suggestions were received and to be incorporated into the report.

A matrix of follow up actions will be developed and presented to the key institutions for action.

16 out of 22 recommendations of the assessment related to the project have been included into the project document and annual work plan for 2015:

1. Law on SGLA should include civil and administrative cases, as well as vulnerable crime victims;
2. Gender protection and equality laws should be revised and effectively enforced;
3. Procedural laws should be amended to account for special needs of child victims and witnesses, and other vulnerable crime victims;
4. Government should ratify Convention on Rights of PwDs;
5. Introduce basic law and human rights curricula in primary and secondary schools;
6. Produce informational campaign on citizens’ rights, especially marginalized groups, and distribute through mechanisms accessible to vulnerable individuals including rural women and PwDs;
7. Display comprehensive information on vulnerable groups’ rights in local self-government bodies, including:
* legal rights;
* step-by-step information on filing complaint;
* contact information for justice institutions;
* complaint mechanism for corruption.
1. Provide free or low-cost legal aid (government and NGOs) in rural and remote areas;
2. Increase capacity of lawyers, especially those in remote regions, to enhance quality of legal aid;
3. Punish lawyers for ethical and professional violations, including corruption, to enhance perception of profession.
4. Provide targeted, specific, and free legal advice for members of vulnerable groups appealing to formal and informal justice institutions;
5. Post clear, understandable application instructions in formal and informal justice institutions;
6. Improve physical access (ramps and lifts) in public institutions for PwDs;
7. Increase capacity of informal justice system actors.
8. Increase availability of representation in courtroom proceedings;
9. Increase transparency of judicial processes by making information about court procedures and judgments more readily available to public.

### New draft law "On social and legal protection from domestic violence"

Law of the Kyrgyz Republic "On social and legal protection from domestic violence" was signed by the President of the Kyrgyz Republic in March 25, 2003 №62. The adoption of a special law meant that domestic violence is a pressing social problem that requires special state regulation.

The purpose of the Law was to create a social and legal system of the protection of life, health of family members from violence and provide protection to victims of domestic violence, based on the respect of international standards in human rights sphere.

Under the Law, the competence of state bodies and other entities responsible for providing protection to victims of domestic violence has been defined, as well as a special mechanism has been placed, providing issuance of temporary and court protection orders in order to prevent the prohibiting of violence and the use of special measures to persons who have committed domestic violence.

Monitoring Law enforcement practices, conducted in early 2009, revealed a number of challenges, including systemic and procedural nature, which do not allow the entities of the Law enforcement to effectively execute its norms.

Monitoring has shown that:

* the absence of a coordinating body,
* the inefficiency of the system of interaction of the Law entities,
* the unclear division of duties and responsibilities between the public authorities and local authorities,
* the lack of reliable statistics on the facts of domestic violence,
* lack of information propaganda provisions of the Law among government agencies, designed to ensure protection of domestic violence victims, and the population,
* as well as inadequate funding of the Law

were the main obstacles for citizens to obtain effective protection from domestic violence.

Analysis of judicial and law enforcement agencies on the implementation of the Law revealed that the mechanism laid down in the Law regarding the issuance of court protection orders are not supported by the procedural legislation of the Republic for adjudication. It does not allow judicial authorities to effectively perform the duties on the issuance of court protection orders.

In the third and the fourth reports of the Kyrgyz Republic on implementation of the Convention on the Rights of the Child, it is noted that the law provides a special rule of liability in cases of domestic violence against minors. This problem is also confirmed by monitoring law enforcement agencies of the Interior on issuance of temporary protection orders, which showed restriction of the rights of minors and persons recognized incapable to obtain a temporary protection order, in cases if they are subjected to domestic violence by parents or legal representatives.

Implementation of the proposed mechanism to respond to family violence will more effectively prosecute those who commit domestic violence, since the proposed mechanism clearly fits into the existing procedural law and contains more meaningful measures and restrictions imposed on the guilty party. At the same time will improve the interaction of the entities of protection from domestic violence, improve coordinated response and prevention of domestic violence.

Since the nature of the proposed changes radically transforms the concept of the Law, its structure and content, and revises the mechanisms of victims’ protection from violence, it was decided to develop a new draft law "On social and legal protection from domestic violence".

The proposed bill will give citizens more effective measures of protection against domestic violence and will allow the law implementation entities to effectively interact and efficiently perform the duties of protection from domestic violence.

As part of the project activity on finalization of the draft law "On protection from domestic violence", the expert group discussed comments and recommendations received in the extended meeting of the interdepartmental commission to develop a package of documents in the bills, which were required to be changed; finalized the draft law "On protection from domestic violence "and developed the first draft of articles in other legal acts.

In close coordination with the Department on Gender Policy of the Ministry of Social Development of the Kyrgyz Republic, the expert group performed the following steps:

1. Organized and conducted meetings to discuss the comments received after the Consultative Meeting of 19 December 2013;
2. Processed comments;
3. The following documents were developed:
* Draft Law;
* Reference-justification.
1. The following amendments to the documents were introduced:
* Comparative table "on amendments and supplements to the Code of Administrative Responsibility;
* Code on Children;
* "On local self-government";
* "On the Media";
* "On Advertising" and "On Television and Radio Broadcasting";
* "On Internal Affairs of the Kyrgyz Republic";
* "On prevention of offenses in the Kyrgyz Republic";
* "On Weapons";
* "On the basis of social services in the Kyrgyz Republic";
* Government Decree "On approval of the Unified Register (list) of public services provided by the executive power, their structural divisions and subordinate institutions".
1. Organized and conducted meetings with the Interagency Working Group;
2. Finalized documents (draft Law, reference-justification, a comparative table) for further submission to the members of Interagency Working Group and for endorsement with the state bodies.
3. Submitted documents to the Ministry of Social Development of the Kyrgyz Republic.



### National Action Plan on Gender Equality for 2015-2017

In addition, within the framework of the effective implementation of the National Strategy on Gender Equality of the Kyrgyz Republic 2020, which supplements the National Strategy for Sustainable Development of the country until 2017, aimed at creating conditions for sustainable development, economic growth, combating corruption and human development, the project "Widening access to justice" supported the initiative of the NGO sector, in particular the Agency for Social Technologies, in the development of the executive document of the National Strategy on Gender Equality - VI National Action Plan on Gender Equality 2015-2017, which includes actions on the implementation of international obligations on gender equality, and which should be developed as an interim plan for the medium term to implement the National Strategy on Gender Equality 2020. Measures to promote the draft Law "On protection from domestic violence" are also included in VI National Action Plan on Gender Equality 2015 -2017.

Various human rights bodies have noted the low level of reporting on domestic violence cases and the lack of information about the prosecution of such cases in the Kyrgyz Republic. Lack of implementation of existing law prohibiting domestic violence coerced women’s NGOs to initiate a development of a new law which ensures more effective protection of victims and families.

The new draft law outlines in detail the respective roles and responsibilities of various government entities, judicial bodies, the media and civil society in cases of gender based violence. With the purpose of the new draft law promotion and its’ harmonization with the country’s legislation, UNDP has provided an independent legal expertise and organized public hearings. The draft is currently being endorsed by relevant ministries and will be presented to the Parliament in 2015. In case of the Parliament’s enactment, this law will advance legal and institutional framework on gender equality and prevention of/protection from gender-based violence.

### Technical assistance in drafting new Law on the State Guaranteed Legal Aid

Providing free legal aid is part of the basic human right to a fair trial and the main condition for the regular functioning of the judicial system of any constitutional state.

Based on the international obligations of the Kyrgyz Republic (the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture, Convention on the Rights of the Child, Principles and Guidelines of the United Nations concerning access to legal aid in criminal justice systems), the main objectives of the state regulation of ensuring the right to free legal aid are:

* Determination of the content and criteria of legal aid provided by the state;
* Ensuring access to timely and quality legal assistance, taking into account independence principle of the legal profession;
* Establishing an adequate level and an effective mechanism for payment of lawyers’ fee involved in the provision of legal aid provided by the state;
* Planning of adequate budget to ensure the full implementation of the right to free legal aid.

The current Constitution of the Kyrgyz Republic, adopted by referendum on 27 June 2010, emphasizes the importance of providing qualified legal aid to citizens in two articles. In particular, paragraph 5 of Article 24 of the Constitution envisages ensuring security for the person from the moment of actual imprisonment, the opportunity to defend himself in person, receiving qualified legal aid of a lawyer and to have a defender. Part 3 of Article 40 of the Constitution expressly points out that everyone has the right to the qualified legal aid. In cases stipulated by law, legal aid is provided by the state free of charge.

However, despite the constitutional recognition of the right to free legal aid, to date, the national system of the state-guaranteed legal aid does not operate efficiently. About 9 million KGS (150,000 USD) are envisaged in the state budget of the Kyrgyz Republic for lawyers’ fee. (In accordance with financial evaluation of the draft Law on FLA, conducted by other UNDP project on Rule of Law, implementation of the 1st year of the new FLA Law will cost 181,430 USD and 150,000 USD in the following years.) Budget implementation is done very slowly, that does not mean the absence of the need for financial means, but is the result of the following objective factors as:

* Lack of coordination between the investigation, the court and the lawyers' institutions in the process of appointment of the defense in criminal cases;
* Lack of funds for administering of the free legal aid system;
* Dissociation of professional organizations of lawyers and the lack of defenders, providing free legal aid;
* There is no separate budget line in the state budget envisaged for free legal aid.

This situation does not allow to effectively implement public policies to provide citizens in need with the qualified legal aid and implement constitutional requirement of access to justice.

In order to address these issues, at the initiative of the President's Office and with the support of the project "Widening access to justice in the Kyrgyz Republic" the Expert Working Group was established to draft a new Law "On the state-guaranteed legal aid."

More than 20 meetings of the Working Group and two round tables were conducted in the period from February to September 2014 to discuss the concept of a national system of state-guaranteed legal aid.

Development of the draft law on FLA was carried out in the framework of ongoing judicial reform in the country, respectively, the Law was synchronized with other 7 draft laws including Criminal Code, Criminal Procedure Code, Civil Code, Civil Procedure Code and others.

In the process of improving legislation, the conceptual basis of the Law on FLA was revised. Revisions aimed at implementation of principles of the state policy on FLA, and ensuring organizational, legal, socio-economic, information, control and other measures taken in order to implement the guarantees of the citizens’ rights, foreign citizens and stateless persons to receive state-guaranteed legal aid.

The Law proposes to divide the state-guaranteed legal aid into two types: legal consultations (information on legislation of the Kyrgyz Republic, laws, rights and obligations of legal subjects, methods of implementation and use of rights in court and out of court, legal advice, assistance in drafting legal documents etc.) and qualified legal aid (representation and defense in criminal proceedings).

This approach allows to structure relationships among subjects of FLA and increase effectiveness of FLA system. According to the new Law on FLA legal consultative assistance can be provided by non-governmental organizations. If the Law is adopted, the State will recognize for the first time the role of civil society organizations in the system of FLA.

The new edition of Law extends the number of FLA receivers that makes the Law socially oriented and simple in enforcement. It also introduces clear criteria for identifying groups who are entitled to obtain free legal aid.

One of the progressive achievements of the Law is securing the right for obtaining FLA for victims of violence. Another good provision of the Law is determining the timely access to legal aid: FLA will be provided from the moment of detention. The system of agencies and persons participating in FLA provision was also revised in direction of extension. Such an approach would significantly increase the scale of legal aid; facilitate access to it by the interested persons, as well as to increase the level of responsibility of public authorities and representatives of the professional legal community.

In order to ensure effective governance and control of legal aid, it is proposed to create a coordinating body (Center) under the Ministry of Justice of the Kyrgyz Republic, the functions of which will include organization, administering and provision of legal aid. The Law presumes also allocation of separate budget line for financing FLA.

Round table discussions on the draft law were held at the initiative of the President's Office of the Kyrgyz Republic and the Ministry of Justice on September 26, 2014, with the technical assistance of the project and the Foundation "Soros-Kyrgyzstan". The roundtable was attended by members of parliament, representatives of the President’ Office and the Government, representatives of the judiciary, lawyers’ community, civil society, international experts and international organizations.

Representatives of the civil society voiced up their recommendations into the draft law at the round table. In particular, they highlighted the need for the vulnerable groups of the population, especially PwDs and seniors to have an access to legal aid in civil cases, since most of them are turning to the courts for civil cases.

According to Ms. J. Mambetalieva, the draft law does not include the provision of FLA on civil and administrative cases due to the shortage of funds in the state budget. However, Deputy Minister considers feasibility of including civil cases into the FLA law by the year 2020.

To promote the idea of including free legal aid for PwDs in civil cases into the legislation of the Kyrgyz Republic, the TV programme called “Providing free legal aid for people with disabilities in civil cases” was prepared under the “Lessons of democracy” programme and broadcasted in November 2014 through republican public TV channel with the duration of 30 minutes. State officials, representatives of civil society organizations, parliament members took part in this TV program. This program caused hot discussions among interested parties.

Furthermore, a round table was organized for the press “State guaranteed free legal aid for PwDs” in the press center “Vecherniy Bishkek”. Then the same issue was raised during talk-show program “Oy-Ordo” on December 3, 2014 devoted to the International Day of Persons with Disabilities, with the duration of 50 minutes.

At the discussions, the Minister of Justice of the KR supported the necessity of including civil cases into the Law on state guaranteed free legal aid for the people with disabilities. Society continues discussing this issue up to now.

At the moment, the draft Law on FLA is submitted to the Parliament of the Kyrgyz Republic. The project will continue providing expert support to the Law in the Parliament and will be lobbying inclusion of civil and administrative cases further.

### National Programme of Social Development 2015-2017

The Ministry of Social Development developed a National Programme of Social Development for 2015 - 2017 in accordance with the National Sustainable Development Strategy of the Kyrgyz Republic for the period of 2013 - 2017 years.

The primary objectives indicated in the Programme are: provision with the quality services and guarantee of equal opportunities for citizens, and includes the following target groups:

* Family and children in difficult life situation;
* Persons with disabilities;
* Elder people.

At the request of the Ministry of Social Development, the project staff conducted an expertise of the National Programme’s section related to the social protection of PwDs.

A section on widening access of PwDs to justice for legal empowerment was included into the National Programme of Social Protection in accordance with the proposal of the project’ experts. Action Plan for implementation of the Programme includes the following provisions for PwDs:

* Include civil cases into the Law on FLA;
* Ensure access to free legal aid for PwDs for resolving their civil and legal issues.

Public discussions/hearings on the National Programme of Social Development of the Kyrgyz Republic for 2015 – 2017 were carried out on August 14 – 15, 2014 with the support of the project. Public hearings were held in Osh city and Bishkek, with participation of non - government organizations, local self – governments, public bodies and other stakeholders. Recommendations received at the public discussions were taken into account when finalizing the draft Programme.

Currently, the National Programme is under consideration of the Government. It is expected that implementation of this Programme will contribute to a wider access of PwDs to justice and protection of their constitutional rights.

From the project side, support related to access to justice will be provided in implementation of the National Programme. Also, the Law on Licensing and the Law on Basics of Provision of Social Services to Population will be adjusted to standardize social services being provided by the NGOs.

### UN Convention on the Rights of People with Disabilities (UNCRPD)

Convention on the rights of persons with disabilities was signed by the Kyrgyz Republic in 2011, but until today it has not been ratified by the Parliament. The reason for the delay in ratification of the Convention, in addition to the main argument of the state bodies on the lack of funding, is existing lack of understanding of the basic provisions of the Convention in the society. Even among non-governmental organizations representing PwDs, there was the view that the Convention will not bring any good.

To support the process of ratification of the UNCRPD, the round table "Promotion of the UN Convention on the rights of persons with disabilities: for and against" was held on October 8, 2014 with participation of NGOs representing the interests of people with disabilities from all over the country.

Participants of the round table received information on the main provisions of the Convention and the need and mechanisms for its ratification. They also noted that persons with disabilities face many challenges and remain the most vulnerable group whose rights are being compressed and ratification of the Convention will qualitatively change the lives of PwDs.

31 organizations unanimously signed a memorandum of understanding and agreement on the promotion of the UNCRPD. The main point of the memorandum is that all signatories shall cooperate and use the full potential of their organizations in the promotion of the Convention.

A press conference was held the following day, on 9 October 2014 in the Kabar information agency. It was stated that all non-governmental organizations representing the interests of PwDs in Kyrgyzstan agree on the need for early ratification of the UN Convention on the rights of persons with disabilities, and will continue to work closely in promoting this issue.

Further discussions on UN CRPD ratification were held at the talk-show programme “Oy-Ordo” on the national TV channel on December 3, 2014 devoted to the Day of PwDs. For the first time since UNCRPD was signed in 2011, state officials and a Member of Parliament emphasized the necessity of the Convention ratification and expressed willingness to support the process.

So, as a result of project interventions at all levels, using mass media, public awareness campaigns on the rights of PwDs, the issue of ratification of the Convention has moved forward. The project will continue supporting UN CRPD ratification process further. In particular, financial assessment of ratification will be conducted and support will be provided to the Ministry of Social Development, which is responsible for monitoring of the implementation of the Kyrgyz Government’s “Set of measures to enforce rights and improve quality of life of PwDs for 2014-2017”. Set of measures were developed to help the country to get prepared for the ratification of the UN CRPD.

## Output 2: Justice institutions (formal and informal) and relevant state bodies provide accessible, affordable, efficient and quality services to resolve justice problems of project target groups in the selected provinces of the Kyrgyz Republic

### Implementation of the Law on Rights and Guarantees of the People with Disabilities (PwDs)

#### Meeting of the KR Government on implementation of the Parliament’s resolution

The meeting of the Government of the Kyrgyz Republic on implementation of the Law "On the rights and guarantees of people with disabilities” took place on June 25, 2014.

Among the most pressing problems identified were issues of physical access to the public and administrative buildings (they are not equipped with ramps, directions written in Braille and etc.) In this regard, the project team assisted in developing a video story about a disabled person trying to access public institutions including courts, police and other law enforcement agencies. It is believed that a clear demonstration of the facts of not implementing the law will help to actualize the problem and facilitate the adoption of the relevant decisions of the Government. The video story was demonstrated at the governmental meeting that was held on July 25, 2014.

Based on the results of the meeting, the Government adopted an Order, according to which the Ministry of Social Development was tasked to:

* Deliver the analysis of current legislation in terms of the presence of discriminatory provisions that infringe the rights of PwDs, gaps and contradictions.
* Develop proposals on improvement of the current legislation in this field.
* the Government committed the following tasks to all ministries, state committees, administrative agencies, local state administrations, and local self – government authorities:
* Undertake activities for qualitative and timely implementation of the legislation norms concerning the rights of PwDs;
* Comply with regulations on job quotas for PwDs equal to 5 percents of the labor force’ number;
* Anticipate the financial allocations in the national budget for the implementation of the Law “On rights and guarantees of persons with disabilities (PwDs)”.
* Strengthen activities on investment promotion in order to create the favorable conditions for access of PwDs to social institutions, administrative and operating buildings;
* Consider the execution of the legislation with regard to the rights of PwDs at the Collegium’ meetings on the achieved results of the one year.

Control over the execution of this Order is assigned to the relevant departments of the Government.

#### Minimal standards for provision of social and legal services in accordance with the Law “On rights and guarantees of persons with disabilities”

The Government approved the minimal social standards on social services provided to persons in social residential institutions (hereinafter SRI) in order to implement the Law of the Kyrgyz Republic “On rights and guarantees of persons with disabilities (PwDs)” and the Law “On guaranteed state minimal social standards” on January 14, 2014.

Minimal standards fix volume, conditions and procedure for the provision of social services in SRI, targeted on permanent or temporary residence of:

* PwDs - children with psychoneurological pathologies/disorders;
* PwDs - adults, including adults with psychoneurological diseases/disorders.

Minimal social standards include standards on providing the followings services:

* socio-household,
* socio-medical,
* socio-psychological,
* socio-pedagogical/educational,
* socio-cultural
* socio-legal services.

Three specialized trainings were delivered for the SRI’ staff on social and legal services by the Ministry of Social Development with the support of the poject within the period from August to October 2014.

The SRIs’ staff have been trained on minimal standards as follows:

1. Counseling of PwDs on issues related to the right for social protection (social services, social security);
2. Support to PwDs in obtaining of monetary compensations, pensions, benefits and other social benefits;
3. Counseling of PwDs on legal issues (civic law, housing legislation, family law, employment and labour legislation, pension legislation, criminal law and other fields), provision with the necessary support in the development and referral of documents to relevant recipients (applications, grievances/complaints, certificates and other documents) required for practical solution of these issues;
4. Support in the development of grievances on actions or inactions/omissions of public officials and organizations that are violating or infringing upon the legitimate rights of PwDs;
5. Provision with the legal assistance in the execution of documents for receipt of benefits and other social benefits, narrative and writing (if necessary) of documents’ text or fulfillment of disposition form, and writing of cover letters;
6. To support to the bodies of trusteeship and guardianship in the placement of children with disabilities, adoption, trusteeship, to set a patronage, guardianship, to ensure the preparation and registration of documents for each minor child of individual's record file that is necessary for further placement and follow up towards minor;
7. Support in obtaining and/or restoration of documents of identification of the services’ recipient (passport / ID card, birth certificate, pension certificate, etc.).

It’s expected that the conducted trainings will improve the quality of services provided by the SRI’ staff, enhance their capacity in provision of access to justice to PwDs and efficient resolution of problems related to justice.

Monitoring of compliance with the Law “On rights and guarantees of persons with disabilities (PwDs)” and introduction of minimal social standards in the SRIs was conducted within the period from 10 to 22 October 2014 with the project’s support. The monitoring was carried out in all social residential institutions of the Kyrgyz Republic, altogether in 15 institutions.

The results of the monitoring will be reviewed at the Ministry of Social Development’s meeting scheduled for the end of January 2015. Actions to eliminate revealed violations will be considered and further introduction of the above mentioned standards will be discussed.

#### C:\Users\Ainura\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\14WDWB8W\5.pngMonitoring of court buildings

The Parliament’s Committee on human rights and constitutional law conducted monitoring of the courthouses for accessibility of PwDs within the framework of parliamentary control over the implementation of the Law "On the rights and guarantees of PwDs".

A Working Group was established composed of a Member of Parliament, Parliament’s office staff member and representatives of non-governmental organizations. The Working Group monitored court buildings in Bishkek and Osh cities as well as in Chui and Osh provinces, altogether 27 court buildings.

Findings of the Working Group were presented at the Committee meeting on 23 December 2014 and the following decisions were made by the Committee on human rights:

For the Government of the KR:

* Implement articles 43 and 44 of the Law “On the Rights and Guarantees of the People with Disabilities”, in parts related to establishing conditions to access residential, public and administrative buildings;
* Ensure implementation of the Law “On Buildings Safety” when designing and constructing administrative and residential buildings for the low-mobile groups of population (including PwDs);
* Develop and submit for review of the Parliament the draft law on establishing Construction norms and regulations for the administrative and household buildings, as the current norms and regulations were suspended.

For the Ombudsman Institution: implement control on accessibility of the administrative and residential buildings for PwDs.

For the Prosecutor General’s Office: Oversight over the compliance by the state bodies and LSGs to the current legislation with regards to PwDs.

For the Judges Council:

With the Committee on judicial and legal issues and Committee on budget and finance of the Parliament, to plan and approve in the budget of the judicial system for the year 2016, not later than 8 months before the financial year 2016:

* Financial resources to pay services of the technical inspector to build ramps, elevators and other devices for PwDs in accordance with the national standards;
* Financial resources for construction of new court buildings and ramps, elevators and railings along the court buildings’ corridors.
* Expenses related to sings in Braille, specialized washrooms and other devices including sound and visual.

To recommend the Parliament’s Committee on budget and finance to consider inclusion of the respective budget lines into the budget of the judicial system in 2016.

#### Physical access for PwDs to the pilot district court in Bishkek

October district court building was selected as a pilot for reconstruction to make it accessible for people with disabilities. October district is the second largest district of the Bishkek city after the Sverdlov district, where ramps and signs in Braille were provided by other UNDP project.

Engineering and reconstruction works experts were hired to provide technical and consultative services for the process of design, development, implementation, monitoring and completion of the reconstruction works for the October district court building.

As of now, the experts completed the following tasks:

* Analyzed legislation of the Kyrgyz Republic regulating the design and reconstruction of buildings, taking into account needs of PwDs;
* Prepared design and schemes for the reconstruction, taking into account requirements of the relevant regulatory acts;
* Developed cost estimates for the reconstruction of the district court building.

Currently tender documents for reconstruction are being developed to select a construction company for the reconstruction works.

Analysis of international best practices in provision of legal aid for the FLA centers of the Ministry of Justice

Ministry of Justice in 2010 opened centers that are providing free legal consultations to develop conditions for enforcement of rights and freedoms of citizens, protect their legal interests, improve their social protection level, and provide with the access to justice. However, up to date, capacity of these centers are still very low, that is caused by inappropriate functioning of business processes, big staff workload, lack of awareness of population on the existence and functioning of these centers and other problems.

The project provided MoJ with an overview of functioning of similar institutions in other countries to use international best practices for optimization of these centers’ work, in particular:

* The list of laws and policies of foreign countries regulating activities of centers that provide citizens with the legal aid was prepared;
* International best practices of functioning of similar centers in the Republic of Armenia, Republic of Bulgaria, Republic of Lithuania, Republic of Moldova, Russian Federation, Republic of Kazakhstan, Republic of Tajikistan, Mongolian People's Republic, Republic of Estonia, Ukraine, and Netherlands were analyzed.

An optimal model will be developed for Kyrgyzstan based on the above analysis. The results of the analysis were presented to the Ministry of Justice and will be used in the process of centers’ optimization in the year 2015. The project will provide the Ministry of Justice with the expert and technical support to elaborate regulations and a plan to build capacity of centers in provision of legal aid.

### Establishment of a coordination platform on Free Legal Aid (FLA)

Taken into account the current situation of the Kyrgyz Republic, in midstream of large - scale reforms in the system of legal aid and criminal defense, review of the role of both non - government organizations and legal clinics is vital in terms of the dialogue on provision of free legal aid by the state to the citizens. Provision with the free legal aid is expensive and difficult in application. Due to this reason, governments all over the world have recognized the necessity of establishing partnership relations with public and private NGOs aiming at efficient delivery of legal assistance.

Highlighting this point, the Principles and Guidelines of the United Nations on access to legal aid in criminal justice system calls upon States to “recognize and encourage the contribution of law unions, universities, civil society and other groups and institutions in terms of the legal aid delivery”. Also Guidelines encourage forming “public - private and other forms of partnerships” to “widen the coverage by legal aid”.

Except the right of defense in criminal justice, the right of legal aid in both civil and administrative cases only recently has been recognized as an important component in the overall efforts to provide citizens with the effective implementation of their rights that are guaranteed by international law, Constitutions and national legislation as well. Provision with such an access to justice for the whole country is a difficult task for governments, and nowadays the majority of countries recognize that it is impossible to achieve it without the cooperation between government and non - government organizations[[1]](#footnote-1)[1].

The first coordination meeting on FLA was held on November 4, 2014 by the Project “Widening access to justice for legal empowerment in the Kyrgyz Republic” in cooperation with the Soros Foundation Kyrgyzstan programme. This event was attended by the Working Group on the development of the draft law on State Guaranteed Legal Aid, civil society representatives and legal clinics.

Objectives of the round table included:

* Establishment of the platform for discussions of important issues of legal assistance delivery;
* Development of the vision on the role of NGOs in the FLA system;
* Discussions of the joint plans on promotion of the ideas of legal empowerment for vulnerable populations through delivery of counseling and legal advisory assistance, as well as through establishment of the NGOs network working in this field (so that this network would be engaged substantively with the public system of free legal assistance in the future and provide with the recommendations on its improvements).

Participants of the round table shared their experiences on legal aid delivery, expressed the necessity to systematize ongoing processes and the need to improve the quality of services being provided. Participants also emphasized the necessity to create sustainable system of interactions between non - government sector and the FLA state system.

Summarizing the results of the round table, participants came to an agreement to arrange the next coordination meeting with participation of public authorities and non - government organizations.

### Optimization of identity and civil registration processes

According to the results of the access to justice assessment undertaken by the project, absence of identity and legal registration is one of the key issues to be addressed to access justice in the Kyrgyz Republic.

State Registration Service has revised its procedures, regulations and by-laws to simplify issuance of the identity registration documents and ensure accessibility of their services at the local level. There was a need to develop and test new business processes for 7 identity registration services under ZAGS (Population and Civil Status Acts Registration Department under the State Registration Service) to align them with SRS’ newly created standards of delivery.

The project provided support to the State Registration Service (SRS) on conducting business process analysis and reengineering for 7 ZAGS public services, in particular:

1. Issuance of birth certificate
2. Marriage registration
3. Divorce registration
4. Change of last name, name and surname
5. Establishing paternity
6. Restoring civil status act
7. Adoption

Business process analysis was implemented with the special focus on the following issues:

* Convenience and accessibility of receiving such services by the citizens and business with the evaluation of the number of required supporting documents, timeframe and financial resources and channels of receiving them;
* Existence of the duplicated procedures on the provision of the required services and considering possibilities to exclude them (optimization of the business processes and the e-services introduction);
* Evaluation of possibilities to provide public services in the electronic format with the potential risks evaluation and management, required for their successful introduction.

A package of findings and recommendations on implementation of the most required 7 ZAGS public services with proper risk evaluation and management, measures on step-by step implementation and recommendations for the required revision of legal acts was elaborated based on the analysis, which will facilitate ZAGS’s work in provision of accessible, affordable, efficient and quality services to the project target groups.

For instance, if an average waiting time in line to receive services in rush hours is 21.3 minutes, it will decrease to 7 minutes at the 1st stage of business processes reengineering, to 5 minutes at the 2nd stage, and it will take no time when the services will be provided on-line.

### Mapping process of legal aid providers

To ensure a coherent and strategic response to the needs of the project target groups in terms of their access to justice, UNDP Democratic Governance Programme intends to map the legal aid providers in 4 provinces and 2 cities (Osh and Chui provinces, including Bishkek and Osh cities, Talas and Batken provinces) while ACTED will cover Jalal-Abad, Naryn and Issyk-Kul provinces so that to have information available on the whole country.

The main objective of the mapping exercise is to identify roles and functions of legal aid service providers, improve access to justice through identification of current models/types/modalities and existing gaps in legal aid provision in selected localities, as well as to develop recommendations on strengthening coordination among all actors involved in the provision of legal aid and subsequently improve access to justice for vulnerable groups, including but not limited to rural women, children and youth at risk, and people with disabilities.

Tender process for selection of the company to provide the services was launched in November 2014, however it resulted in submissions of only 2 companies with a big difference in financial proposal due to misunderstanding of the scope of work. Terms of Reference was updated to reflect proposed methodology and is to be re-advertised by the end of January 2015.

## Output 3: Vulnerable groups targeted by the project, including rural women, children and youth at risk and people with disabilities know and exercise increasingly their rights to justice especially in the selected provinces of the Kyrgyz Republic

### National Strategy on legal culture 2015-2018

In accordance with the Constitution, the Kyrgyz Republic is a social state with the policy aimed at creating conditions for a dignified life and human development. In addition to basic social guarantees, the Constitution also guarantees the right to qualified legal assistance.

Ignorance of the citizens of their rights and inability to protect them make powerless many people. Combined with severe socio-economic situation it creates a tense social situation and leads to legal nihilism, disrespect for the rights and duties. Legal illiteracy of the population leads to a lack of skills in the pursuit of their interests, making them more vulnerable, creates a breeding ground for corruption and increases social tensions. The most affordable and easy way to solve this problem is the legal education of the population. Adopted parliamentary form of government of the country also requires a high level of legal culture and education of citizens.

Basic conceptual directions for the implementation of legal education are laid in state programs, particularly in the National Strategy for Sustainable Development of the Kyrgyz Republic (NSSD) for the period from 2013 to 2017 and the Programme of the Government of the Kyrgyz Republic on the transition to sustainable development from 2013 to 2017 years. The Ministry of Justice implemented the internal Strategy on Legal Propaganda (2010-2013), which had shown very low efficiency. There is a need to develop such kind of documents at the national level with participation and active discussion by civil society, state authorities, expert community taking into consideration the best practices of international experience.

First, it is important to determine the model of legal awareness and the legal education of the population in Kyrgyzstan. Based on the previous experience of national and international practice, the Strategy should include general provisions on the goals, objectives, concepts, principles, methods and mechanisms of legal awareness and education. The role of public authorities, media, educational institutions, target groups, content of the special legal courses, quantitative and qualitative indicators of progress should be reflected in the Strategy and the Action Plan. A prerequisite for implementation of the Strategy is to ensure cooperation between government agencies, media and civil society. One of the main instruments for implementing the Strategy is establishment of the Centre for Legal awareness and education of the population. Functions of the Center will include development of manuals, advocacy and ongoing analysis of the level and efficiency of legal education in the country.

In order to develop a national Strategy on legal culture from 2015 to 2018, the Minister of Justice issued a Decree “On establishment of inter-ministerial working group for drafting the Strategy on legal awareness and increasing legal culture for the period of 2015-2018” dated 15 December 2014. Working group is chaired by the Minister of Justice and consists of 4 independent experts and 18 representatives of ministries and other state agencies. Deadline for drafting of the Strategy is set up for the 1st of May 2015.

Mr. A. Shykmamatov, Minister of Justice, emphasized importance of such a Strategy for Kyrgyzstan and expressed his willingness to lead this process by himself. The Project is providing assistance to the Ministry of Justice by hiring 3 experts (Legal Education, Strategic Planning and Financial Experts) for drafting the Strategy along with the Action Plan and conducting their financial assessment.

Preliminary skeleton of the structure was developed and is on the stage of approving with the Ministry of Justice. Strategy will include analytical part and vision of the legal culture in Kyrgyzstan for future perspective 3-5 years along with the Action Plan. Action Plan will also go through financial assessment in order to evaluate an approximate cost of the Strategy for the national budget and donor’s community.

In order to draft the Strategy experts will conduct analysis of current situation of legal empowerment/awareness, mechanisms of legal education, accessibility of legislation, media and international best practices. Four workshops/focus groups discussions will be conducted with Working Group members, civil society, media and educational institutions aimed at collecting public opinion and analysis of the current situation.

Preliminary plan for drafting the Strategy in 2015 is as follows:

- End of January – draft analytical part and vision;

- End of February – draft Strategy;

- End of March – draft Action Plan;

- April – financial assessment of the Strategy and Action Plan;

- May – Presentation to the President of the Kyrgyz Republic and the public.

### Central database on legal and policy framework of the Ministry of Justice

In 2012, at the request of the Ministry of Justice of the Kyrgyz Republic, the project of the European Union and UNDP developed centralized database of legal information of the Kyrgyz Republic. Today this data base is the only free source of information on laws, legal acts, bylaws, etc. in the Kyrgyz Republic.

In the course of 2 years of the database existence some technical issues complicating use and update of this resource were revealed. To resolve these issues, the project provided assistance to the Ministry of Justice by developing some components of the database and adding functions that facilitate posting content into the database and make searching for legal information more convenient and user-friendly.

It is expected that the modernized database will help people to start using it more actively for protecting their rights and for improving their legal awareness.

Social promo film and a graphical promo film on promoting database of legal acts - central data base under the Ministry of Justice, were developed and broadcasted for wider use by public. The promo film was created in Russian and Kyrgyz languages with duration of 2 minutes, graphical promo film in Kyrgyz and Russian languages, with the duration of 50 seconds.

Media products were broadcasted through the following TV Channels: “OTRK”, “ElTR”, “NBT”, “ТNТ-Asia”, “RTR-Planeta ” and “ Russia-24. The purpose of the film is to increase possibilities of people (including PwDs) to protect their rights using the central data base of legal acts.

Posters promoting central data base were developed and printed in 8000 copies in Kyrgyz, and 8000 copies in Russian languages and were handed over to the Ministry of Justice for further distribution among state organizations and local self-government bodies all over the republic.

### Public awareness raising campaigns on the rights of PwDs and importance of obtaining identity and legal registration documents for access to justice

#### “I exist. I know my rights. From heart to heart”

2 public awareness raising campaigns called “I exist. I know my rights. From heart to heart” were held by the project “Widening access to justice in the KR” on 25 September in the Kara Balta city of Chui province and on 30 September in the Osh city of Osh province.

The campaigns were organized jointly by the Ministry of Social Development, Ministry of Justice and UNDP to:

* Inform PwDs on their constitutional rights and guarantees in order to enhance their legal literacy,
* Draw attention of the state bodies, local government bodies, civil society organizations and public to the problems of people with disabilities (PwDs),
* Integrate and adapt PwDs into the society.

Altogether more than 1000 people with disabilities from residential institutions, orphanages, rehabilitation centers and specialized kindergartens, as well as PwDs residing in Chui and Osh provinces participated in the event.

The events were attended by Minister of Social Development, Deputy Minister of Social Development, Deputy Minister of Justice, Ministries regional representatives, Local Self-Government representatives, international organizations, UNDP representatives and mass media.The concert programme included Kyrgyz pop stars, actors of the State Circus, dancing groups and young talents. In addition, guests of the events attended different master classes in knitting, weaving, paper curling, beading, drawing etc.

Booklets on the rights of PwDs "I exist - I know my rights. From Heart to Heart" were developed in Russian and Kyrgyz languages. 2000 copies of the booklet in Kyrgyz and 1000 copies in Russian were distributed at the events.

Free legal consultations were organized for PwDs and other guests. Consultations were very popular and a lot of people approached the lawyers with different questions. PwDs as well as their guardians and parents and other guests received legal consultations on the issues of their interest at the events.



These public awareness raising campaigns on rights of PwDs were broadly covered by mass media and brought attention of the local and state bodies, as well as general population to the needs and rights of the people with disabilities.

Some children from the residential establishments and rural areas had an opportunity to go out of their houses for the first time and meet other children. Local people were surprised to see so many PwDs, as they were not aware on the numbers of PwDs in the country.

#### Round tables on successful experiences of PwDs

Round tables on "Successful people with disabilities as the result of knowledge of their rights and guarantees" took place on July 2, 2014 in Bishkek and on November 11, 2014 in Osh city with participation of Mr. K. Bazarbaev, Minister of Social Development of the Kyrgyz Republic.

These events were dedicated to the people with disabilities, with the goal of showing to the society and PwDs successful experiences, as well as to draw attention to the problems and needs of disabled people. PwDs presented and discussed their success stories in business, culture and politics. Young leaders talked about their achievements in provision of support to PwDs. They also shared their practical experiences in the implementation of labour rights and employment of PwDs.

According to statistics shared by the Minister of Social Development, the country has 156,000 PwDs, which represents 2.6% of the total population. The Minister of Social Development of the Kyrgyz Republic highlighted that the state should pay more attention to PwDs and to create conditions for their adaptation and integration into society. "Such events increases the interest of this category of citizens to participate actively in the economic, political and cultural life of the society, and thus contributes to their successful rehabilitation and integration into society," said Kudaibergen Bazarbayev.

Ministry of Social Development and Ministry of Justice representatives, PwDs, local administration representatives, civil society, international organizations, and media attended the round tables.

One of the participants of the discussion, the teacher of Uzgen rayon Ms. Venera Kadyrahunova, expressed her admiration for the support some NGOs and leaders of the PwDs organizations are providing to vulnerable people: "Despite of disabilities, they do valuable work, which sometimes a healthy person cannot do," she said.

The participants learned names of PwDs living meaningful life, having an incredible will to life and capable to inspire others, despite of their disabilities. Along with this, participants voiced a number of recommendations to improve conditions for the life of PwDs. In particular, attention should be paid to ensure a barrier-free living for PwDs in the regions, especially in the villages.

Regional representative of the Ministry of Justice made presentation on the rights of PwDs and called all participants to be more active and request proper enforcement of their rights from the local and state authorities.

#### Importance of obtaining identity and civil registration documents

Lack of civil registration documents has been and remains as one of the main problems that affect social status of the citizens of our country. Analysis of various information sources suggests that there are undocumented citizens in almost all regions of the country and at different scales. Lack of identity documents make person economically, legally and socially vulnerable and limit access to education, to health care, receiving various social benefits, pensions, in obtaining bank loans as well as restricts access to other sources of income.

Social film on importance of obtaining identity and civil registration documents was developed in Kyrgyz and Russian languages in collaboration with the State Registration Service and the Women’s Entrepreneurship Support Association (WESA).

The main objectives of the social film are:

* Raise public awareness on the importance and necessity of obtaining identity and civil status documents to enjoy their rights;
* Visually show the consequences that arise in the absence of documents confirming civil status and increase citizens’ responsibility and commitment to the issue;
* Inform public on the procedures of registration and receiving such documents as birth certificate, passport and marriage certificate.

Duration of the social film is 10 minutes. Broadcasting of the film throughout all the regional and republican TV channels is planned for the year 2015.

Also the issue of importance of obtaining identity and civil registration documents was raised in TV programme “Special reportage” with the duration of 20 minutes through Public TV channel.

During this programme the following issues were touched:

* Where people can get identity and civil status documents;
* Why they don’t have documents;
* Why it is necessary to get documents;
* What kind of consequences it could cause.

# Key partnerships and collaboration

Close partnerships and collaboration on the daily basis were established by the project with the key national partners during the period under reporting: Ministry of Justice, Ministry of Social Development and State Registration Service under the Government of the Kyrgyz Republic, Parliament, Ombudsman Institution, Soros Foundation Kyrgyzstan, ACTED and civil society organizations, including their regional offices.

Revision of the FLA law was done in very close collaboration with the Soros Foundation Kyrgyzstan and civil society. In particular, number of round tables, public discussions and working group meetings, coordination meetings with NGOs were conducted together with SFK. The project team works closely with ACTED on mapping of legal aid providers in the Kyrgyz Republic.

The project established a platform for UN CRPD ratification process in close collaboration with the civil society representatives: Mr. Tolkun Isakov, Center of Legal Assistance to PwDs, Ms. Seinep Dyikanbaeva, ARDI and Mr. Kalyk Mambetakunov, the Kyrgyz Society of blind and deaf mute people.

The project also laid foundation for cooperation of the Ministry of Justice and the Ministry of Social Development. These ministries conducted joint public awareness activities on the rights of PwDs. They actively participated in the TV shows devoted to ratification process of UN CRPD.

Monitoring of implementation of the minimal standards on provision of social and legal services by the residential establishments was conducted jointly by the Ministry of Social Development and Ombudsman Institution. Ombudsman Institution’s representatives were included into the monitoring group by the project.

Monitoring of the court buildings accessibility was a joint undertaking by the Parliament and civil society. Ms. Seinep Dyikanbaeva, Lawyer and Coordinator of the public fund “Association of parents of children with disabilities (ARDI) and Ms. Fatima Yakubaeva, Senior Lawyer of the public fund “Precedent” took part in the monitoring together with Mr. Dastan Bekeshev, Member of Parliament and experts of the Parliament’s Committee on human rights.

Reconstruction of the pilot district court in Bishkek city is a joint initiative of the project, Parliament, Supreme Court and civil society.

The project team organized a workshop with participation of the Ministry of Justice, Ministry of Social Development, State Registration Service, Ombudsman Institution, Parliament representative and NGOs on 8-11 December 2014 to develop and discuss the project annual work plan for 2015.

# Problems encountered

The problems encountered by the project were mainly of a structural nature, as follows:

1. The uncertainties in the FLA Law drafting process have slowed down the activities in the field. A more direct contact with the vulnerable groups in the pilot regions was also postponed due to the delayed finalization of the baseline study.
2. Although the project’s inception phase started in January 2014, the project staff was recruited with delays. So, the Project Coordinator started working on July 1, 2014, the FLA Expert on July 11, 2014, the Media Expert on May 20, 2014 and LEP Expert on November 24, 2014.

Delays in recruitment of staff put extreme pressure on the scarce human resources available in the project and resulted in postponement of some project activities implementation, including field activities with direct contact to the vulnerable groups.

So, in accordance with the Annual Work Plan 2014, the project was supposed to conduct meetings with educational centers of the lawyers (Bar Association), judges, law enforcement bodies to discuss and launch the development of the training modules and establish 3 working groups on development of training modules on rights of women, youth, children at risk and PwDs. However, due to the late recruitment of the Legal Empowerment Expert these activities were not implemented.

1. Lack of human resources also was a reason for not paying enough or equal attention to all the project’s partners as wished.
2. Due to late finalization of the access to justice assessment at the end of November 2014, the project encountered difficulties in identifying annual targets and indicators for the July – December 2014 work plan and finalization of the project document.
3. Lack of staff, constant turnover, bureaucracy, heavy workload of the national partners staff turned into pressure on the project staff and administrative, finance personnel in processing of the required documents for various project activities and events.

# Main risks and mitigating actions

1. The forthcoming Parliament elections scheduled for October-November 2015 have the potential of causing delays in project implementation, as the national partners might be less interested or involved in the planned project activities.

Mitigating actions:

* Better planning of joint activities and more active involvement of the national partners in the implementation plans and events.
* Finalize the major project activities by the end of September 2015.
1. With the changes in the parliament, there is a risk that the draft Law on FLA might not be considered by the current parliament due to other pressing issues and reforms.

Mitigating actions:

* Active cooperation with the initiators and relevant committees of the parliament;
* Awareness raising on the main positive provisions of the Law for citizens.
1. Other risk is that the project could be used by national partners as a tool for pre-electoral campaigns and UNDP could be blamed in supporting particular political parties and bias.

Mitigating actions:

* UNDP senior management’s participation in the project major events will be sought;
* Discussion points and substance of the events’ agendas and programmes will be carefully reviewed and planned beforehand with the national partners.
1. Changes in the Parliament will cause changes to the current Cabinet of Ministers and resignation of the Ministers, with whom the project has established good partnerships.

Mitigating actions:

* Develop institutional memory of the national institutions and work closely not only with the decision makers but also with medium level personnel (employees of relevant departments and units less involved in political issues).
1. Journalists are less interested in the access to justice theme as they are not aware of the issues in the area and think they are not attractive enough for audience.

Mitigating actions:

* Conduct trainings for the journalists on the legal issues;
* Organize competition between the journalists on covering access to justice theme;
* Create access to justice rubrics on TV, newspapers, on-line editions;
* Inform and invite journalists to all project activities.

# Findings and recommendations

**Finding 1:**

Decision makers do not consider access to justice for the project target groups at the local level as a major problem due to the weak understanding of their needs and rights.

Recommendations:

* Raise and highlight the problems of the project target groups face at the local level for better understanding;
* Conduct activities related to enforcement of the project target groups rights at the local level involving related governmental bodies.

**Finding 2:**

State bodies tend to work in isolation, and do not cooperate with each other on the cross-cutting issues. However, as a pilot initiatives of the project have shown, the better and more sustainable results are achieved when they cooperate and work together.

Recommendations:

* Continue to work on building partnerships and cooperation with and between all the national stakeholders; and
* Create coordination structures with other UNDP RoL projects.

**Finding 3:**

Medical approach is used by the population and the state and local government bodies towards PwDs. PwDs are not considered as equal members of the society and considered as sick people, who need continuous guardianship and supervision. There are almost no specialized journalists covering issues and rights of PwDs.

Recommendations:

* Raise awareness and better understanding of the general population, state and local government bodies on PwDs rights and guarantees. Cooperate more closely with mass media and journalists.
* Actively promote UN CRPD ideas and ratification process as well as implementation of the Law on PwDs.

**Finding 4:**

The previous national policies and strategies in the area of legal education/awareness proved to be ineffective due to various limitations (budget, capacity, scale, etc.). The only policy document on legal awareness, developed by the Ministry of Justice 2010-2013, was an internal document and did not have a coordinative role for other actors. As a result of absence of the national strategy, the religious, criminal and traditional models of behavior prevail in the society.

Recommendations:

Promote holistic approach of governmental and non-governmental actors in building a legal model of relations in the society. The process of development of the national strategy on legal culture should involve all relevant stakeholders.

# Annexes

**Annex 1.** Draft Financial Report 2014

**Annex 2.** Annual Work Plan for January – December 2015

**Annex 3.** Table of project round tables/workshops/events in 2014

**Annex 4.** Project media coverage in 2014

**Annex 5.** Project media products 2014

1. [1] The Research “Legal clinics in Kyrgyzstan and system of the state - guaranteed legal assistance”. [↑](#footnote-ref-1)