**United Nations Development Programme**

**Country: Kyrgyz Republic**

**Project Document**

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| **Project Title: “**Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic”**UNDAF Outcome(s) and Expected CP Outcome(s):** *COUNTRY PROGRAMME /UNDAF OUTCOME #3: “By 2016, national and local authorities apply rule of law and civic engagement principles in provision of services with active participation of civil society”***Expected Output(s):** 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;
2. Disadvantaged Groups and Vulnerable Population are enabled to assert, demand and protect their rights and have wider access to justice according to the international human rights standards;

**Executing Entity:** UNDP Kyrgyzstan**Implementing Agencies:** UNDP Kyrgyzstan |

**Brief Description**

The overall objective is to promote legal empowerment of the disadvantaged groups and vulnerable population in the Kyrgyz Republic with a focus on rural women, children and youth at risk, persons with disabilities and improvement of 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 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 special focus on the most vulnerable groups, including rural women, children and youth at risk and people with disabilities, CSOs and communities) .It will also contribute to the implementation of the *National Sustainable Development Strategy for the Kyrgyz Republic (2013-2017)* which highlights the importance of better access to justice for everyone.

The Project will focus on supporting the development of state funded legal aid system, promoting legal awareness to provide rights holders with enhanced access to justice. Such efforts will require both “top down” and “bottom up” approaches combining efforts of multitude of duty bearers (actors) in the of justice sectors. A strong legal empowerment initiative will include building the capacity of NGOs and existing network of certified lawyers to bring justice to traditionally neglected regions and social groups; improving the legal and operational framework and rule of law institutions to make the law work for the poor; and increasing public awareness to empower the poor to be better able to demand their rights and entitlement to basic services of the state.

**Total resources required USD 2,649,007.00**

**Total allocated resources: USD 2,649,007.00**

Government of Finland Euro 2,000,000.00

USD 2,649,007.00 (Rate: Euro=0.755)

Donor: Government of Finland

Government 0

Unfunded budget: 0

In-kind Contributions:

Project Period: 4 years

Key Result Area (Strategic Plan) Democratic Governance

Atlas Award ID: 00078033

Project ID: 00088533

Start date: January 2014

End Date: December 2017

PAC Meeting Date 09 December 2013

Management Arrangements : DIM

# Abbreviations

|  |  |
| --- | --- |
| ABA | American Bar Association  |
| ABD | Area Based Development |
| ADB | Asian Development Bank |
| ADR | Alternative Dispute Resolution  |
| AWP | Annual Work Plan  |
| BCRP | Bureau for Crisis Prevention and Recovery |
| BOMCA/CADAP | Border Management and Drug Action in Central Asia |
| CAT | Convention against Torture |
| CEC | Central Election Commission |
| CEDAW | Convention to Eliminate All Forms of Discrimination Against Women |
| CERD | Committee on the Elimination of Racial Discrimination |
| CMW | International Convention on the Protection of the Rights of All Migrant Workers |
| CPAP | Country Programme Action Plan |
| CRC | Convention on the Rights of the Child |
| CSO  | Civil Society Organization |
| DGDH | Democratic Governance Dimension Head  |
| DGP | Democratic Governance Programme |
| DIM | Direct implementation modality  |
| DPCC | Development Partners Cooperation Committee  |
| EU | European Union |
| GIZ | The Deutsche GesellschaftfürInternationaleZusammenarbeit  |
| HRBA | Human rights based approach |
| HRC | Huma Rights Committee |
| ICCPR | International Covenant on Civil and Political Rights  |
| ICESCR |  International Convention on Economic, Social and Cultural Rights |
| ICTA | International Chief Technical Advisor  |
| IDLO | International Development Law Organization  |
| LSG | Local Self-governance |
| LSSs | Legal Support Services  |
| M&E  | monitoring and Evaluation |
| MDG  | Millenium Development Goals |
| MoE | Ministry of Economics |
| MoI | Ministry of Interior  |
| MoJ | Ministry of Justice |
| MoSD | Ministry of Social Development |
| MP | Member of Parliament |
| NGO | Non-governmental Organization |
| NPM | National Preventive Mechanism |
| OCR | Office of Civil Registration  |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| OSCE | Organization for Security and Cooperation in Europe |
| PAC | Public Advisory Council  |
| PPR | Project Progress Reports  |
| PS | Project Specialist |
| PwD | People with disabilities |
| RoL | Rule of Law |
| RRF | Results and resource framework |
| SBAA | [Standard Basic Assistance Agreement](http://www.undp.kg/index2.php?option=com_resource&task=download&no_html=1&file) |
| SDC | Swiss Agency for Development and Cooperation  |
| SGBV | Sexual and gender-based violence |
| SGLA | State-Guaranteed Legal Aid |
| SOPs | Standard Operating Procedures  |
| ToT | Training of Trainers |
| TIKA | Turkish International Cooperation and Development Agency  |
| UN  | United Nations  |
| UN CPRD | United Nations Convention on the Rights of Persons with Disabilities  |
| UN Women | United Nations Entity for Gender Equality and the Empowerment of Women |
| UNCT | United Nations Country Team |
| UNDAF | United Nations Development Assistance Framework |
| UNDP  | United Nations Development Programme  |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UNFPA | United Nations Population Fund |
| UNHCR | United Nations High Commissioner for Refugees  |
| UNICEF | United Nations Children’s Fund |
| UNODC | United Nations Office on Drugs and Crime  |
| UPR | Universal Periodic Review |
| UPRF | UPR Follow-up Facility |
| USAID | US agency for International Development |
| WB | World Bank |

1. **SITUATION ANALYSIS**

***‘We must keep faith with the original promise of the MDGs, and now finish the job. After 2015, we should move from reducing to ending extreme poverty, in all its forms. We should ensure that no person – regardless of ethnicity, gender, geography, disability, race or other status – is denied universal human rights and basic economic opportunities. We should design goals that focus on reaching excluded groups, for example by making sure we track progress at all levels of income, and by providing social protection to help people build resilience to life’s uncertainties. We can be the first generation in human history to end hunger and ensure that every person achieves a basic standard of wellbeing.’*** - A New Global Partnership: Eradicate Poverty And Transform Economics Through Sustainable Development, **The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, United Nations, New York, 30 May 2013.**

In Central Asia, the Kyrgyz Republic has acceded to the largest number of core UN human rights treaties and conventions, and Kyrgyzstan’s official commitments to human rights are strong and public. During the years following its independence the Kyrgyz Republic ratified seven core human rights conventions. However, the willingness to ratify international human rights standards stands in contrast to generally poor implementation of human rights provisions and regulations. Similar to other Central Asian countries, Kyrgyzstan’s struggle for protection of human rights and implementation of the rule of law and access to justice has been hampered by its historical legacy i.e., legislation not fully in line with international human rights standards, state institutions lack clear sense of direction for rule of law and human rights issues, poor understanding of international human rights and justice standards by the rule of law agencies and other law enforcement authorities, predominant role of the general prosecutor within the law-enforcement apparatus combined with inadequate checks and balances, weak instruments for human rights protection, lack of knowledge among ordinary citizens about their rights. Informal justice or Alternate Dispute Resolution mechanisms have been introduced relatively recently and have been both successful and unsuccessful at various levels of degree. At the same time, the robust civil society, present in Kyrgyzstan, has been increasingly demanding better accountability and justice services from duty bearers.

Against this backdrop, UNDP Kyrgyzstan strives to respond to the demands of the Kyrgyz people particularly its disadvantaged groups and vulnerable communities and institutional needs through a new generation of rule of Law programming. The proposed project will focus on expanding means and opportunities of the vulnerable groups to resolve their disputes through both formal and informal justice mechanisms. For that, they shall have improved knowledge and awareness on their rights and available means for the disputes resolution. Justice services shall also become accessible and affordable for these populations. Then, the level of societal violence would lessen and rights of these groups protected, because their grievances will be successfully resolved. This would require duty bearers to provide adequate services and be committed for a change, which in turn will increase the trust to the justice system.

This is an example of partnership between UNDP Kyrgyzstan Country Office with advisory support from UNDP Regional Center for Europe and Central Asia, and the Governments of Kyrgyzstan and Finland.

**1.1 Background**

Further to the political instability and inter-ethnic violence in 2010 and consequent reforms of the governance structure, the new Constitution was adopted in Kyrgyzstan that envisaged a shift away from a Presidential system to a Parliamentary system with an enhanced role of parliament in the state of governance. It is therefore, important to have an informed understanding of the changed national constitutional and governance system.

According to the new Constitution, the supremacy of popular power is represented by the *Jogorku Kenesh* (Parliament) and the President. Separation of powers at both the national and local levels is affirmed; as is political diversity, a multi-party system and the right to form political parties. The *Jogorku Kenesh*, among its other powers, introduces changes to the Constitution, adopts laws, ratifies international treaties, approves the National budget and approves the National Development Plan. Furthermore, Art. 74 of the Constitution empowers the Parliament to elect the judges of the Supreme Court; approve the composition of the Council on Selection of Judges; elect members of the Central Commission, the Chamber of Accounts; elect the Ombudsman and approve the appointment of the Prosecutor General. The Parliament also hears the annual reports of the Ombudsman and the chairpersons of key institutions. *Executive power* is exercised by the *Government and ministries* subordinate to it, state committees, administrative departments and local state administration (Art. 83). The Government consists of the Prime Minister, vice-prime ministers, ministers and chairpersons of state committees; and is headed by the Prime Minister who must submit the programme of the Government to the *Jogorku Kenesh* before he assumes his office, subject to a decree of appointment by the President.

 April and June 2010 events and their consequences demonstrated that there is strong need for strengthening the rule of law and the protection of minorities and disadvantaged groups with equal access to justice for all. Rule of Law have been confirmed by the adopted National Sustainable Development Strategy for the Kyrgyz Republic (2013-2017). Accordingly, the Government’s Programme on Transition of the Kyrgyz Republic to Sustainable Development, envisaging the section on Strengthening the Rule of Law in the Kyrgyz Republic for Sustainable Development was drafted and is currently in process of adoption.

Both the strategy and the programme is an outline of a five-year plan strongly advancing towards achieving a number of development goals. The strategic vision is ‘*of a strong and independent country that is part of the developed countries, a place that is comfortable for living, a place where the rights, freedoms and security are ensured, a multilingual and friendly domestic environment governed by the rule of law, a country with high level of education, healthy natural environment, public stability, international image of state with stable background, robust economic growth and high attractiveness for investors.’*[[1]](#footnote-1) The strategy identifies the rule of law as a key factor for stability and envisions measures such as [combating corruption,](#_Toc343257131) [establishing a robust system of public administration,](#_Toc343257132) [reforming the judiciary](#_Toc343257133) [and law-enforcement bodies.](#_Toc343257134)

It also clearly highlighted importance of the following targets: better access to justice, ensuring transparency of the judicial system, access to information, stronger civic engagements; - development of new alternative dispute resolution mechanisms, - ensuring that everyone has access to qualified legal assistance, -expansion of reconciliatory instruments in criminal proceedings, including the development of mediation; gender equality, and social protection of the disadvantaged groups.

Presidential Decree on ‘Measures to improve justice in the Kyrgyz Republic" (No. 147 of 2012) identified key objectives and actors of judicial reforms in Kyrgyzstan. This Decree has set as the strategic goal the creation of an independent judiciary that is capable of reliably protecting the rights and freedoms of individuals and citizens. It also envisages completion of the following objectives: reforming of the court system, improvement of order of judicial proceedings, law enforcement agencies’ reform and justice in line with human rights standards.

According to the articles 40 and 88 of the Constitution of the Kyrgyz Republic, every rights holder is entitled to receive qualified legal aid and in cases, envisioned by the current legislation, should be provided for free and also when citizen does not have means to receive legal aid for protection of his/her rights.

The *Kyrgyz Republic has committed itself to respect, protect and fulfil human rights*as a member of the United Nations and as a State Party to seven key international human Rights conventions (CERD, ICCPR, ICESCR, CEDAW, CRC, CAT and ICMW)[[2]](#footnote-2) and six optional protocols to these treaties.  Recommendations formulated by the UN treaty bodies along with the recommendations of Special Procedures of the UN Human Rights Council , recommendations from the Universal Periodic Review[[3]](#footnote-3), and recommendations in the reports of the UN High Commissioner for Human Rights[[4]](#footnote-4) constitute a comprehensive human rights framework that the Kyrgyz Republic has committed itself to apply in order to promote the rule of law and therefore effective and systematic follow up to the outstanding recommendations must be ensured, including through a special state entity tasked to monitor and analyze the progress in implementing these recommendations.

In 2010, Kyrgyzstan has gone through Universal Periodic Review (UPR) process and as a result of this review, it has been recommended to Kyrgyzstan to continue its efforts in improving and strengthening democratic governance institutions and the rule of law for long-term stability.

Specifically, during UPR process, Kyrgyzstan was recommended to:

* Continue to implement its national plans, including for the reform of its human rights legislation, and further to improve the effectiveness of enforcing its national laws
* Provide for the comprehensive protection and promotion of all human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights
* Seek to incorporate human rights considerations in accordance with Kyrgyzstan’s international obligations in any reform process it plans to carry out
* Ensure that judges, as the rule of law guarantors, were guided exclusively by the new Constitution of Kyrgyzstan and applicable international human rights standards.

The Human Rights Committee (HRC), in its Concluding observation of Kyrgyzstan expressed its concern about the number of persons held in pre-trial detention, that all the grounds for authorizing pre-trial detention are not exhaustively listed in the present laws, and the lack of judicial control over the extension of detention.

The Government of the Kyrgyz Republic signed the UNCRPD during the 66th session of UN General Assembly in 2011. A number of countries during the Universal Periodic Review (UPR) in May 2010 recommended to Kyrgyzstan to protect the rights of PwDs by ratifying the UNCRPD, and devising national policies and legislation in line with its provisions. In 2011, the Parliament adopted a Resolution addressed to the Government to take steps in order to ratify the UNCRPD. Until now, no visible progress has been achieved. There is no uniform position within the Government and Parliament on the next steps aimed at the ratification of the UNCRPD. Even with the ratification of the Convention, the country still has long and diligent work to do, to make the legislation and by-laws in line with the principles laid down in the Convention to improve the existing legal practice.

The Government established the inter-agency commission and working group[[5]](#footnote-5), as well as developed the draft action plan on fulfillment of rights of ensuring better quality of life of PwDs, which is still under consideration by the Government’s Office.

Further to the ratification of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), Kyrgyz Republic has undertaken a number of efforts to ensure gender equality and combat gender based violence. The National Strategy on Gender Equality was adopted on 27 June 2012, Law on Social and Legal Protection from Domestic Violence (2003), and the Law on State Guarantees of equal opportunities of men and women (2008). Despite that, level of domestic and gender based violence remain high. Over 7,000 domestic violence cases are registered annually, and dozens of cases resulted in murders (22 murders in 2011, 12 - 2012).

The Law on State Guaranteed Legal Aid in the Kyrgyz Republic was adopted on 17 July 2009 with the major objective to fulfil the rights of citizens for access to justice and professional legal aid. The Law envisages provision of legal aid only on criminal cases and by lawyers, included in the free legal aid registry of the Ministry of Justice. Presently, there are 243 certified lawyers registered, most of them (150) are in Bishkek (capital city) and Chui province, 39 are in Osh and 54 are located in the rest of the country, which evidently shows the scarcity of these lawyers for the 5 million population of Kyrgyzstan. Besides that, the quality of free legal aid is challenged by: i) lack of transparency in assignment/distribution of cases amongst the lawyers/advocates and their coordination with the police, prosecution and courts. Currently, the assignment of cases to the advocates is made arbitrarily and this often leads to violation of the rights of arrested/accused for the legal protection and timely consideration of their cases. ii) lack of quality assurance in provision of free legal aid; iii) low motivation of lawyers to provide free legal aid explained by low payments.

In July 2010, the Ministry of Justice established free legal aid centers in their territorial branches in all provinces. However, the centers seem to be ineffective due to poor financial support from MoJ. For example, the centers are not staffed with full time lawyers and the responsibilities of such were distributed among existing MoJ staff.

In the area of legal awareness, Ministry of Justice is currently implementing the Concept of Legal Awareness (Propaganda) for 2010-13 in collaboration with Ministry of Education. The main focus is on integration of legal knowledge in educational settings (schools, institutes, universities), in training program of civil servants and research related events (conferences, seminars) on legal policy related aspects. However, the concept doesn’t address legal empowerment of the rights holders in rural areas.

Office of Civil Registration (OCR), previously under Ministry of Justice, has become the part of the State Registry Service in 2009. Since then, efforts were made in making civil registration services more accessible to the citizens and consolidate all data in one e-database. E-civil registration system is to be launched in the near future, starting from a pilot project in Bishkek. Currently, there are 56 branches of OCR. However, their existing capacity and procedures do not allow people especially in remote rural areas to have easy access to identity registration services.

**Profile of Disadvantaged Groups and Vulnerable Population:**

The Project will endeavour to impact on the lives of vulnerable groups through assessment of excluded groups and corresponding development interventions, sharing of lessons learned and good practices across different national and local actors. During the inception phase of the project (6 months), in-depth vulnerability study shall be held to identify detailed profile and needs of these groups.

In particular, project will focus on disadvantaged vulnerable groups in Kyrgyzstan experiencing lack of access to justice and free legal aid, including *inter alia[[6]](#footnote-6)* rural women, children, youth at risk, and persons with disabilities who have limited access to public services (living in remote areas), have low level of education, busy with household work, have health problems, etc.[[7]](#footnote-7) In the study, these vulnerable groups also mentioned that they can’t access free legal aid due to the lack of knowledge about where and how to get it (84%), cannot find a specialist or an organization willing to provide legal assistance (18%) in their village, and 30% have admitted that it is difficult. The consequence of lack of free legal aid is the high conviction rate, which can be also attributed to the corrupt practices in administration of justice.

According to many analyses, such as Country Gender Assessments (UN Gender Thematic Group, 2007,2008), periodic poverty assessments (World Bank), and National Reports on MDGs (2005,2009), women constitute one of the most vulnerable groups in Kyrgyzstan due to unfair distribution of resources, economic crisis and rising unemployment, gender segregation in the labour market, weak system of social protection, and increasing influence of patriarchal traditions and religion in social and family relationships. Rural women constitute 64,4% (1.8 million) of overall number of women in Kyrgyzstan. 48% of them are engaged in works such as agriculture, medical, education, social services, local self-governance, etc., the rest are unemployed and have limited opportunities for income generation and accessing justice due to the prevalence of traditional norms over modern laws and lack of awareness of their rights for entitlements. All these factors, including closure of kindergartens, child-care facilities and social support institutions, and worsening of medical services contribute to weakening of women´s position. Taken into account the fact that level of gender-based violence highly increased, women are increasingly sidelined and excluded from decision-making. There are only three women among 23 members of the Kyrgyz government. Making gender equality a reality is a core commitment of UNDP globally.

Every second child is affected by poverty in Kyrgyzstan. This results in their limited access to quality pre and school education, social benefits, medical services, nutrition and harmonious development. Majority of these children live in rural areas and in the southern region in the families that have 3 and more children. Over 6,000 children are in state foster care institutions, 88% of them have one or both parents. There are cases of exploitation, violence and abuse against children. According to the NGO estimates, in Bishkek there are 2 thousand street children, and in Osh – 1 thousand. Cases of juvenile crime are rapidly increasing and many juvenile offenders go through juvenile justice system and due to the absence of the juvenile probation service can end up in detention/imprisonment, even for petty crimes. 8 thousand children live without identity documents[[8]](#footnote-8), thus being unable to claim rights for social protection and benefits, receive passports and state agencies’ services, including justice ones.

In 2012, 149,688 people living with disabilities were registered by the Ministry of Social Development, out of which 25,346 are children (below 18 years old). Only 25% of children with disabilities have access to education in Kyrgyzstan. 150 thousand people with disabilities are registered in Kyrgyzstan, UNDP Resident Representative in Kyrgyzstan Alexander Avanessov said on October 22 at a conference dedicated to the discussion of the ratification of the UN Convention on the Rights of Persons with Disabilities. 8,000 children have no birth certificates.

**Dispute resolution mechanisms in rural areas**

Aksakal (translated as “white beard”) courts, or courts of elders, are village-level courts resolving disputes according to the traditional or customary law in Kyrgyzstan established in 1995. They were institutionalized by the 2003 Law on Courts of Elders and Article 59 of the 2010 Constitution of the Kyrgyz Republic. Their major responsibilities “are to protect the rights of citizens by resolving disputes based on customs and traditions, in accordance with Kyrgyz law”. The jurisdiction of the aksakal courts includes family disputes, debts, labor agreements, and conflicts over property and shared resources.

As they are easily accessible for rural populations (present almost in every village and their services offered free of charge), they can greatly contribute to the administration of the informal justice. However, their authority to resolve disputes within their jurisdiction has diminished over time[[9]](#footnote-9) due to the limitations in enforcement of their judgments, level of legal knowledge and lack of sensitivity on protection of women’s rights. Nevertheless, they are still being used by the rural populations, which do not have an access[[10]](#footnote-10) to government agencies, for meditation and dispute resolution at rural level. This calls for the efforts to professionalize and increase gender sensitivity of aksakal courts, which can be done through Local Crime Prevention Centers (LCPCs).

LCPCs were formed between 2003-2008 and are comprised of local institutions including aksakal courts, women’s committees, civil society organizations, retired police, and other community leaders. As of September 2013, there are 550 LCPCs in all regions of the country. 11,256 members include representatives of women (565) and youth (559). They work in cooperation with police (Ministry of Interior) on prevention of domestic violence, drug and alcohol use. Both institutions, being easily accessible for rural populations, require further capacity building and assistance both from state institutions and civil society.

***1.2 Challenges to be Addressed and Project Rationale:***

*“Where the rule of law is not firmly established, poverty, suffering, and marginalization are exacerbated. The poorest and most vulnerable need to be able to secure their rights, access legal protection, and participate in decision-making affecting their communities. More can be done to ensure that they benefit from legal and justice practices, which expand their opportunities and choices. The 2011-2012 UN Women report, “Progress of the World’s Women: In Pursuit of Justice”, illustrates how good law and justice systems make a real difference to the lives of women. The rule of law is a key driver of inclusive, equitable, and sustainable development, and empowers people to seek and obtain justice.” –* ***Helen Clark, UNDP Administrator at the Opening Speech on the occasion of the Rule of Law and Post-2015 Global Dialogue in New York, September 26, 2013***

*Based on the national and local assessments -internal and external- carried out by UNDP and different agencies, some of the critical rule of law and justice challenges of the Kyrgyz Republic can be outlined below:*

I. Lack of public trust and confidence in judicial system and legal process: The issue of diminishing public trust and confidence links to broader judicial independence and judicial integrity issues and challenges. The country judicial actors made recourse to renewed emphasis on legal revision as the means for reform of the public sector. This is needed in view of the fundamental shift in governance from presidential form of government to parliamentary form of government under the new constitution of the republic. Although further legislative reforms may well still be required, there is now a need for a greater focus to institutional strengthening through the development of policy, strategic planning and accountability processes and mechanisms. This would encourage actionable commitments from the government on the implementation and funding of core services related to justice and public accountability services. Reports from different bilateral and international agencies and INGOs confirmed the widespread public perception on judicial inefficiency, lack of access to justice, and corruption.

II. Absence of properly functioning legal aid: Legal aid system does not function well due to the lack of implementation of the existing legal aid law, and allocation of resources to establish and manage a national legal aid system. Different models of legal aid supported by donors on *ad hoc* basis have not yielded a sustainable model of legal aid. Current law on State Guaranteed Free Legal Aid stipulates provision of free legal aid only in criminal cases, while vulnerable groups of population often experience difficulties in accessing justice in civil cases. The draft law on advocate is still pending before the parliament.

III. Insufficient implementation of International commitments of the Kyrgyz Republic: Lack of implementation of international commitments made by the Kyrgyz Republic poses real challenges. For example, ratification of UN Convention on the Rights of People with Disabilities, which was one of the Universal Periodic Review recommendations to Kyrgyzstan, is pending for the approval of the Kyrgyz government. Lack of political will to promote and facilitate ratification of UNCRPD and no clear vision on its way towards ratification still exists in the country.

IV. Lack of Legal Empowerment: Vulnerable rights holders, especially in rural areas are not aware of their rights and legal remedies available to them. No efforts are undertaken to promote legal awareness of the population with focus on challenges posed by the lack of legal identities. In fact, Legal (or registered) identity is the starting point for all legal rights and benefits. If a person is not legally recognized as a person, it is difficult to make the law work for individuals. For example, Naryn Vice Governor mentioned in September 2013 that there is an overwhelming number of unregistered marriages, which in turn creates problems in issuing birth certificates for their newly born children, and their further acceptance into schools, applying for social benefits, etc. Legal empowerment interventions in Kyrgyzstan could be grouped into three categories: (i) legal awareness, (ii) facilitating a combination of formal and informal justice support mechanisms including legal aid and, and (iii) Legal Identity of minorities, rural women, children, youth at risk, migrant workers, persons with disabilities, people living with HIV, elderly people. Legal empowerment programming particularly at local levels and remote areas with focus on rural women, children and youth at risk, persons with disabilities should be implemented with bottom up approach.

V. Quality of judicial decisions: The quality of judicial decisions is often not satisfactory. Presence of extra-legal influences i.e., ethnicity, political association/consideration contributes to the deterioration of quality of justice and judgments in judicial discourse and proceedings. Public has limited access to the decisions, as only few courts (e.g. Supreme Court) publish their decisions online. Transparency is a good tool for change. That is why project envisages choosing a few court decisions in favour of targeted groups and promote their visibility and publicity nation-wide, which might have catalytic effect and encourage other courts to follow this practice.

VI. Lack of Qualified Lawyers accredited with MoJ: Number and capacity of lawyers accredited by the Ministry of Justice to provide free legal aid is insufficient and level of their professionalization remains at a low level.

VII. Enforcement of Laws: Laws on Domestic Violence and other gender based violence, on free legal aid remain poorly implemented due to lack of commitment, coordination among state agencies and resources Law enforcement process is viewed by many (CSOs, vulnerable groups, international actors) as “flawed and biased” towards particular communities. Although, national partners are aware of such perceptions, no meaningful follow-up has so far been undertaken.

VIII. Insufficient identity registration services: The challenge lies at both supply (State Registry) and demand side (users). The state hasn’t yet established widely accessible and systemic registration system for its population, in addition, the low level of public awareness on access to existing registration services also hinders the registration process resulting into inability to vote, exercise of rights or accessing state guaranteed benefits.

IX. Weakened Gender Mechanism: Since 2007 there has been a gradual weakening of the National Gender Machinery and erosion of its authority. In 2012 the mandate of the authorized body on gender equality was given to the Ministry of Social Development, which does not have sufficient capacity to coordinate, monitor and evaluate implementation of the national gender policy. At present there is an ongoing women's movement advocating for reforming the national gender machinery based on results of the functional review conducted with UNDP’s support in 2008-2009.

***1.3 UNDP’s Contribution to date***

*UNDP works around the world to strengthen justice systems, support security sector reforms, enable legal empowerment of the poor, and strengthen good governance based on the rule of law. UNDP promotes access to justice, support communities to improve citizen security, confront discrimination and inequality, and work to reduce poverty.*

Since 1993, UNDP Kyrgyzstan has actively supported the transition to a market economy, democratic governance and rule of law. UNDP has become a trusted partner in national development efforts to achieve real improvements in people's lives. UNDP provides assistance to Kyrgyzstan in response to requests submitted by the country’s government.  This arrangement is laid out in the Standard Basic Assistance Agreemen[t](http://www.undp.kg/index2.php?option=com_resource&task=download&no_html=1&file) (SBAA) between UNDP and the Government of the Kyrgyz Republic, which was signed on September 14, 1992.

While there has been no overarching access to justice or rule of law programme to date in UNDP Kyrgyzstan, the UNDP Country Office has implemented projects linked to national human rights institutions (i.e., Ombudsman Institute etc.) access to justice, rule of law and human rights. These efforts have been undertaken in partnership with the other members of the United Nations Country Team (UNCT), international bilateral and multilateral donors, INGOs and the Government of Kyrgyzstan. Closely linked to UNDP’s support of the Ombudsman and National Human Rights’ Index (NHRI) to address the needs of most vulnerable groups—especially women, youth and children—has been the EU-UN Operationalizing Good Governance for Social Justice project aiming to improve governance mechanisms and processes to deliver social justice by supporting national and local initiatives focused on improving policies and public services for children at risk, the implementation of gender policy and processes and processes that empower youth.

During last years, the UNDP Country Office has managed seven different projects that either directly address aspects of access to justice, legal empowerment and rule of law or contain certain elements within a broader thematic framework of democratic governance or conflict prevention and recovery. These concern legal reforms, the administration of justice, border control, legal empowerment of the poor, elections, social justice, capacity development of the Ministry of Interior (MoI) and judicial and law enforcement preparedness.

UNDP, along with the EU, supported the MoJ and Parliament’s ability to align legislation with the Constitution, institutionalize the efficiency of state oversight to ensure greater accountability and increase the awareness of the population about the roles and functions of the Kyrgyz Parliament (Jogorku Kenesh) via the projects: Support to improved transparency in the decision-making process, and institutional strengthening of the Kyrgyz Parliament and Institutional Support for Implementation of a New Legal Framework in the Kyrgyz Republic. The projects have also benefited the Chamber of Accounts, Ombudsman and civil society institutions to achieve their objectives under the new Constitution.

Through the Immediate Response Facility of the Peace Building Fund, UNDP has supported the Administration of Justice and built Infrastructure for Peace. These outputs have included putting in place laws and policies to address immediate threats to stability and include conflict analysis, building the knowledge and capacity of relevant State institutions and NGOs to promote rights of minorities. With Support [2011, 2012, and 2013] from UNDP BRC’s UPR Follow-up Facility [UPRF], UNDP is supporting the implementation of the recommendations of the Universal Periodic Review (UPR). In addition, UNDP has worked to increase the awareness of members of the legal community to apply national and international human rights standards to protect rights of citizens, to reduce incidents of torture through National Preventative Mechanism (NPM) visits and improved investigative procedures and to improve the enjoyment of rights through equal non-discriminatory access to documentation, housing, land and property rights.

All of the above efforts add up to a substantial focus on rule of law, incorporating both a focus on the capacity of state institutions to fulfil their obligation to deliver justice and security services and the demands of communities for justice and security.

***1.4 Development Partners’ Support to Rule of Law and Justice***

During the project implementation period and beyond, UNDP Country Office will continue its cooperation with the major actors contributing to the strengthening of the Rule of Law, Access to Justice, and Legal Empowerment Agenda in the Kyrgyz Republic.

Analysis of donor activities in the stipulated programming areas will ensure better coordination and contribute directly to the avoidance of any

1) European Union: The European Union has been a reliable partner of UNDP in many of the recently completed and ongoing CO projects. Rule of Law is on the agenda of all EU member states. Many EU members’ states currently have their own Access to Justice and RoL initiatives. Germany, Finland, Poland, Sweden and Denmark (through Danish Institute for Human Rights) are all active. Going forward, the European Union has several available mechanisms for funding activities related to Access to justice and rule of law.

EU’s overall rule of law programme has been signed in September 2013 with the Government of Kyrgyz Republic on Transparency and Accountability spread over 3 Components: 1) Strengthening oversight capacities of Parliament; Prosecutor; Chamber of Accounts; Public Advisory Councils. 2) Judicial reform. EU is supporting electronic case management system. Extended exchange facility. This will enable exchanges between EU countries and Kyrgyzstan (i.e. training visits, etc.); 3): Civil Society i) awareness raising and media; ii) capacity building. Bilaterally the EU has also supported the development of a single, database of all legislation and this will link to free legal aid, because any members of the public can get free access to copies of legislation that affects them. Apart from the technical equipment, EU is providing software. This is a national project designed to reach the most remote areas and to empower people to know their rights and the content of laws. Another component of the project includes increasing the capacity of MoJ to draft legislation. EU has supported 2011-2012 summer schools with international experts to teach legislative drafting.

2) Organization for Security and Cooperation in Europe (OSCE): OSCE’s flagship project is its Police Reform Programme initiated in 2005, covering provision of police training and equipment. OSCE has thus far not been able to convince the MoI and other Kyrgyz authorities to agree to democratic police principles, despite substantial OSCE support to the sector. OSCE is functioning more in an advisory capacity to the Judiciary (i.e. conducting trial observations; monitoring judicial authorization of arrests in the South, etc.). OSCE has supported training of the Council on Selection of Judges in the form of providing experts and discussion on how to improve the situation of judicial administration in the country and implement the legislation adopted in June 2011.

3) International Development Law Organization (IDLO): IDLO has developed a 5-year workplan for the judiciary that includes many elements, budget, judicial training, ethics, etc. starting from 2012. Through this USAID funded project, IDLO channels its support through the Judicial Training Center (JTC) and its curriculum. Both GiZ and USAID-IDLO have ongoing projects with the JTC A working group has been formed for purposes of clarifying how the JTC will operate.

4) American Bar Association (ABA): ABA has been involved in Rule of Law and Justice Projects in Kyrgyzstan since 1993. ABA recently completed a civic education project in response to the 2010 violence. The goal of the initiative was to restore trust between communities using “Street Law Centres” (establishing a total of five ABA Street Law centres in Kyrgyzstan). ABA-ROLI current programs include the following: i) Criminal Law Programme. This initiative has supported CLE programs for criminal defence lawyers and established an “Advocacy Center” that conducts trainings to raise the capacity of advocates and also assist with amendments to the criminal code; ii) “Support to the Kyrgyzstan Legal Defence Community” (USAID supported). The main component of this programme is to support a unified national bar association as there are many groups claiming to be bar associations and there is a need to consolidate them as unified and effective bar association.

5) Soros Foundation: In the area of free legal aid, the Soros Foundation supported development of the normative legal acts with the model documents, establishment of the Advisory Coordination Council on SGLA (state-guaranteed legal aid) in accordance with the memorandum signed with the Ministry of Justice; provided technical assistance to the Ministry in launching the pilot project and appointing the Foundation to provide assistance in organization of the National Civil Society Forum to assess the situation in the country. Results and recommendations of the survey and focus group discussions on the analysis of low-income people access to legal services in Kyrgyzstan were published in the summary report ”Access to legal services for law-income people in the Kyrgyz Republic” in 2012 and could contribute to the planed baseline study and identification of priority approaches. The Foundation also supported activity of “Adilet” Legal Clinic in providing quality legal aid to citizens and organizations affected in April events. The operational project of the Foundation provided legal aid to victims of riots in Bishkek city, covering 139 persons, most of whom received compensation.

6) The Deutsche Gesellschaftfür Internationale Zusammenarbeit (GIZ) GmbH: The GiZ has implemented a regional legal reform project in 5 Central Asian countries during 2004-2012 and is now designing a new project with the main focus on Tajikistan and Uzbekistan. The project will focus on three areas: i) advising on legislation in civil and administrative law; ii) implementation of law (including training of judges; working with civil courts and training civil servants in administrative law; and iii) public awareness (including supporting local radio programmes for rural populations. GiZ is also considering printing brochures to increase public awareness). GiZ has a comparative strength in administrative law and has just completed a working group on the new Administrative Procedure Law for Kyrgyzstan. GiZ is now drafting procedures for an administrative court. GiZ has also advocated for a new criminal procedure code. GiZ is also preparing a manual for civil court judges. GiZ supported a course on enforcement of judgements.

7) Eurasia Foundation in Central Asia: Within the framework of the “Equal before the law” project financed by the Ministry for Foreign Affairs of Finland and implemented by the Eurasia Foundation of Central Asia the Legal Clinic “Adilet” has provided free legal aid to vulnerable people in countryside Kyrgyzstan in 2012-2013. 68,800 legal consultations have been provided, 12 professional lawyers have been involved and a network of 66 civil society organizations involved into protection of women, children and PwDs has been established, 12 legal trainings organised for network members by Adilet.

8) Swiss Agency for Development and Cooperation (SDC): In 2000, SDC launched “Legal assistance to rural citizens – LARC” project. At present, Public Fund established for legal aid provision is active and has 15 branches across the country where rural citizens receive quality and objective legal assistance. All of them have Internet access, legal literature and databases. Lawyers address the acute legal needs of the rural population in areas such as the distribution and redistribution of land, debts, leases, borders, and inheritance law, employment law, customs/commercial law and family law. LARC was transformed into the LBD Consulting Company in 2012, which now provides both free and paid legal consultations. Based on their practice, which has shown that free legal aid is not much appreciated by people and does not ensure their commitment in resolving the cases, they now charge small amounts (20 KGS or half of US dollar) for the services.

1. **STRATEGY AND APPROACHES**

**2.1 Focus of UNDP Kyrgyzstan’s Access to Justice Project**

*Legal aid schemes, public interest certified lawyers, community and other civil society legal empowerment actors have proven effective in helping people to understand and use the law. These valuable intermediaries have aided people in navigating administrative and legal procedures, taking part in governance, and resolving disputes. As evident from the prior sections, a growing body of evidence shows that such legal aid and empowerment efforts have led to tangible benefits, including greater personal safety and material well-being.*

The proposed project will strengthen people’s access to justice by supporting the development of free legal aid system and promoting legal awareness and empowerment. Such efforts will require both “top down” and “bottom up” approaches: essentially combined efforts of the Judiciary, the Ministry of Justice (MoJ), the network of certified lawyers, Prosecutor, sectoral ministries, other actors in the criminal and civil justice sectors and civil society organizations. Available certified lawyers are predominantly engaged in criminal cases in line with existing Free Legal Aid Law. However, the socio-economic and cultural rights of rights holders are violated to the same extent but existing legal provisions does not ensure their entitlements for free legal aid. That is why the project will identify and fill those gaps with support of stakeholders.

At central level, project will aim at legislative, policy reforms and implementation of key laws (on Free Legal Aid, Domestic Violence, ratification of UNCRPD) and capacity development of key duty bearers. At local level, project will focus on improvement of free legal aid system and legal awareness of rights holders. Project will start with pilot projects at local levels to strengthen the capacity of the MoJ local representations.

UNDP will explore and map the jurisdiction of the courts of *Aksakals,* including reported abuses of their jurisdiction. This is critical to ensure gender equality and justice in Aksakal courts. UNDP will support innovative ways to deliver justice such as interactive legal aid forum, web and SMS based platforms, and other innovative approaches including using technology and new media to widen outreach. While such efforts will be national in scope, UNDP recognizes that Osh and other Oblasts in the South may merit concentrated efforts in the wake of the 2010 violence and on-going recovery. The Ministry of Justice will be a key partner for UNDP efforts in Free Legal Aid, which will require assembling a broad array of stakeholders and legal aid providers in Kyrgyzstan under a National Council on State Guaranteed Free Legal Aid. This is a fairly new development and started in 2005; hence the project will support the nascent body in operationalising it.

These efforts will focus assistance to disadvantaged groups and vulnerable people who face the greatest challenges in access to justice, including women, children, conflict victims, ethnic minorities and socially marginalized populations such as persons with disabilities at the Oblast, Rayon and community levels. A strong Legal Empowerment initiative should include building the capacity of NGOs and the network of certified lawyers to bring justice to traditionally neglected regions and social groups; improving the legal and operational framework and rule of law institutions to make the law work for the poor; and increasing public awareness to empower the poor to be better able to demand their rights and entitlement to basic services of the state.

UNDP Country Office has organized during 2011-2012 two missions from the UNDP Bureau for Development Policy (HQs /New York) and from the UNDP Bratislava Regional Center in order to identify gaps in the area of Rule of Law including justice, human rights, legal empowerment development and elaboration of strategic directions for UNDP’s involvement. Extensive consultations with the State Institutions and civil society both at the national and local levels have been conducted.

The consultations were held with the following key players in the Rule of Law and Access to Justice:

* State institutions including Ministry of Justice, Ombudsman Office, President’s Office, the Parliament, Ministry of Interior, Office of Prosecutor General, Ministry of Youth, Labour and Employment, Supreme Court , Chamber of Accounts, Judicial Training Center, Osh Province authorities
* Civil Society Organizations including Public Advisory Councils, “Open View”, “Kylym Shamy”, legal aid NGOs, Citizen Coalition for Democracy
* UN Agencies including UNODC, OHCHR, UNHCR, UNESCO, UNICEF, UN Women

International NGOs and donors including Soros Foundation, IDLO, EU Delegation, OSCE, GIZ, USAID, Transparency International

In September 2013, UNDP together with the representatives of the Finnish Ministry for Foreign Affairs conducted a more detailed gap and needs analysis in the area of access to justice and legal empowerment. The field mission was undertaken to provinces of Naryn and Issyk Kul (Karakol), where consultations were held with local authorities (including province branches of MoJ, Governor’s Offices), Legal Aid NGOs and civil society organizations to identify their local priorities and gaps in access to justice. At the central level, meetings were held with the MoJ, State Registry Service, Parliament members, Supreme and district courts, representatives of organizations promoting rights of women, children and people with disabilities, etc. On 25 September 2013, a national conference on rule of law and access to justice with involvement of broader range of stakeholders was held in cooperation with the Ministry of Justice. Based on the results/findings of these broad consultations with the national stakeholders, a more focused, contextualized and viable project document was developed.

The following three policy and programming approaches within 2 programming outputs (Widening Access to Justice for Legal Empowerment Project) are proposed as an initial response to the above mentioned challenges:

1. **Policy, Institutional and Legislative Capacity Development**: It is recommended to strengthen policy at both institutional and legislative levels to address public trust and confidence deficit through different strategies i.e., compliance to international human rights obligations (Recommendations of the UPR, Treaty bodies, and Special Procedures) and, implementation of justice principles (Bangalore Principles of Judicial Conduct 2002 etc.). Most of them are in line with existing constitutional order and domestic legislation.
2. **Legal Awareness and Empowerment:** Addressing the challenges of social exclusion of the vulnerable groups through targeted legal awareness and empowerment programming would be critical. This has already been reinforced during the validation workshop[[11]](#footnote-11) on the national study on access to justice and vulnerable groups including rural women, children and youth at risk, persons with disabilities. This component will closely work (i.e., improvement of justice delivery mechanism) with local courts and traditional dispute resolution mechanisms. UNDP in close collaboration with the MoJ, Ombudsman and the Parliament, will conduct assessment of Aksakal courts and Local Crime Prevention Councils’ jurisdiction and processes and to make recommendations for their better use in local and rural community dispute resolutions, taking into account past research supported by Finnish Ministry of Foreign Affairs[[12]](#footnote-12).
3. **Widening Access to Justice through effective Legal Aid**: To operationalize the existing law on legal aid, and, develop national legal aid system/network in full partnership with courts, CSOs, national and local institutions, law clinics, and, relevant international agencies/donors is necessary. An assessment of scope and capacity of actors will be carried out as the first step. In fact, a key component of UNDP’s support to Access to Justice will be its support to a comprehensive system of Free Legal Aid in Kyrgyzstan. To this end, UNDP will support the formation of a working group on Free Legal Aid in Kyrgyzstan. The strategy will entail UNDP support to the strengthening of the existing national coordinating mechanism for free legal aid (i.e. the National Council on State Guaranteed Free Legal Aid) and “hotline” that will receive requests for free legal aid and allocate beneficiaries to the various legal aid providers in the country (i.e. MoJ, network of certified lawyers; Court appointed advocates; Legal Aid clinics and NGOs; etc.) and conduct monitoring and follow-up of case referrals. This effort will be led by MoJ in a phased approach that will transition to full funding by Government of Kyrgyzstan.

**2.2 Approaches & Comparative Strengths**

**Rule of Law:** According to the UN Secretary-General, the rule of law refers to “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.” In the Declaration of the 2012 High Level Meeting on the Rule of Law, the UN General Assembly recognized that “all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law.” Policy makers now tend to understand the relationship between the rule of law and development in terms of the functions the rule of law is expected to carry out, from the rules that govern public administration to how disputes and grievances over land, natural resources and public services are handled in society. In other words, they are less concerned with what the rule of law looks like than what it does.

**Human Development and Human Rights Based Approach (HRBA):** Human rights are intrinsic to UNDP’s ability to deliver on its human development mandate. : HRBA is also a central priority in the current Finnish Development Policy Programme adopted in 2012. Global processes and regional -national events remind us time and again that where people suffer indignities and injustices without voice or recourse – the prospects for sustainable human development dim. Equally, where people endure extreme poverty, missing basic services, weak institutions and limited opportunity – there are few prospects to advance human rights. Since 1990, UNDP has successfully advanced the Human development paradigm. Progress need to be measured and understood beyond income – human development is about people’s possibilities to live lives they value, it is about the conditions, rights and freedoms that allow them to choose and to influence their own development. It is within the framework of Human development that UNDP supports countries to meet their development priorities- through policies and approaches, which draw on human rights principles including the right to development, to address inequities, discrimination, and marginalization and vulnerabilities. Since Kyrgyzstan has ratified major international conventions on human rights, it is expected that a human rights based approach to development will be applied in all phases of the programming and planned interventions under the current initiative.

**Gender Equality and Justice:** In the context of UNDP Global Cooperation Framework, “gender” is no longer highlighted as a separate focus area, but as a cross-cutting theme that needs to be integrated, or mainstreamed, into all areas of UNDP's work. As a result, UNDP Kyrgyzstan began applying a multifaceted approach to promoting gender equality in all areas of its development work, with the active participation of the government, civil society and local communities, including actors who have not been engaged in gender equality and mainstreaming activities previously. By applying two complementary approaches to achieving gender equality – ‘mainstreaming gender’ and ‘women's empowerment’ – UNDP, in collaboration with other UN agencies such as UN Women, UNICEF and UNFPA, has played a significant role in creating an enabling environment for gender equality in Kyrgyzstan. It provides ongoing financial and technical support to the national institutional mechanisms on gender equality and civil society organisations.

Gender is a crosscutting component of the “Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic”. The Project will promote gender equality and address domestic violence by supporting the Ministry of Justice, Ministry of internal affairs and Prosecutor’s Office to implement the “Law on Domestic Violence” and the “Law on Gender Equality”, better access to justice, legal empowerment of women and girls and improve legal aid provision. UNDP will support local NGOs to implement the activity “Preventing gender based violence and promotion of access to justice” of the National strategy on Gender Equality and the National Gender Action Plan. UNDP will also support the network of certified lawyers to assist female candidates for the bar exam and female law students to increase the percentage of female members of the bar. The support would possibly include, among others, mainstreaming of gender and gender equality agenda, also in work of Aksakal courts and Local Crime Prevention Councils.

The Project will connect UNDP Regional Centre's UPR Follow-up Facility [UPRF, Europe and Central Asia] in implementing agreed and relevant UPR/human rights recommendations to both policy and programming interventions in Kyrgyzstan.

**Legal Empowerment:** Approximately four billion people live in extra-legal situations. Their lives and livelihoods are often guided by informal systems that do not allow them to utilize legal frameworks to protect their assets, homes or businesses or benefit from global labour standards and a functional property rights and land tenure system. Consequently, they do not have access to social protection and other opportunities to improve their quality of life by leveraging legal frameworks and institutions that strengthen society. Accordingly, legal empowerment through its emphasis on social justice and equity is central to addressing some of the structural causes of poverty, deprivation, and social exclusion. Legal empowerment (LE) methodology builds upon a political economy analysis of ownership of assets and access to resources and distributive justice at the local and national levels prior to designing programmatic interventions. This approach therefore offers an inclusive, equitable and effective means to poor and disadvantaged people to strengthen their livelihoods, entrepreneurship and improve overall quality of life. LE agenda is about systemic change through legal reform, registration, legal identities, institutional strengthening as well as by endowing the vulnerable with voice and representation to accelerate the achievement of MDGs and successor global/national goals.

**Disability and Inclusion:** Project aims to promote ratification of the UN Convention on the Rights of the Persons with Disabilities (UNCRPD) and create enabling environment for its effective implementation through adoption of normative acts/bylaws and building capacity of relevant national stakeholders to provide justice to People with Disabilities (PwDs). The Project aims to focus on delivering a comprehensive response to the needs of PwDs through awareness rising of the Parliament to encourage adoption of appropriate legislative framework and that of the relevant key actors in the judiciary to enable them to respond to the specific needs of PwDs in accessing justice.

**Comparative Strengths:** The project builds on UNDP’s Comparative Strengths that include: i) An ability to facilitate a political dialogue with a broad range of rule of law stakeholders; ii) An ability to focus on specific issues in the justice sector and generate knowledge products; iii) An ability to champion human rights-based approach (HRBA) legislation and initiatives; and iv) A history of leadership and perceived legitimacy on issues concerning most vulnerable groups and marginalized communities. UNDP’s focus will continue to include “top-down” work with the Parliament, Judiciary, the Government and local level authorities who are the closest legal service providers for marginalized groups in the countryside. The new Access to Justice and Legal Aid Project will, however, include many more “bottom-up” outcomes and activities where citizens will directly benefit. These will include: working with Civil Society Organizations, women’s activists and community-based Women’s Watch Groups; promoting public participation in justice process; provision of Legal Aid and outreach initiatives and empowerment of women, youth, PwDs and most vulnerable populations—especially those in remote and mountainous areas; alternative justice delivery mechanisms and legal services.

1. **Project Deliverables – Thematic Outputs**

The Project will commence with an inception phase of 6 months [January-June 2014] to carry out necessary recruitment, baseline assessment, a comprehensive monitoring and evaluation plan. This will also provide opportunity to revise the Results and Resource Framework [RRF] and annual workplan and enhance national ownership.

**Overall Objective: Disadvantaged and Vulnerable groups are legally empowered and have better access to justice and legal aid in compliance with human rights standards and recommendations**

The project framework comprises of two inter-related components, designed to intervene at the level of duty bearers (state bodies and justice sector actors) and rights holders (general population with special focus on the most vulnerable groups, with focus on rural women, children and youth at risk, and people with disabilities) as follows:

**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.**

*Activity results:*

* 1. Key laws and policies are drafted/amended and their implementation supported to ensure better access to justice for the vulnerable groups, in particular Domestic Violence Law, Free Legal Aid (action: oversight of the laws by the Parliament)
	2. UPR recommendations, relevant to the project, including those related to the ratification of the Convention on Rights of Persons with disabilities are supported

1.3. Strengthened capacity mostly at the local level to provide legal aid to the vulnerable groups including training of trainers for certified lawyers, who collaborate with MoJ;

1.4. Awareness and commitment of duty bearer institutions at local and national levels on rights and challenges of the vulnerable groups increased

1.5. The procedure of getting identity documents simplified and accessible to public

**Output 2: Disadvantaged Groups and Vulnerable Population are enabled to assert, demand and protect their rights and have wider access to justice according to the international human rights standards.**

*Activity results:*

* 1. Nation-wide and local dialogue platforms are established to discuss and consult on implementation of the policies and laws related to domestic violence, rights of the vulnerable groups to access to justice, free legal aid, Convention on rights of PwDs
	2. Legal and human rights awareness of general public raised in collaboration with local authorities, MoJ, MoE, MoSD, schools
	3. Legal awareness of the vulnerable groups, including on gender equality and rights of PwDs
	4. The vulnerable groups are empowered to claim and obtain services on identity registration (baseline and follow up satisfaction surveys to identify quality indicator)
	5. The access to free legal aid for the vulnerable groups in selected province is improved (collaboration among MoJ, NGOs and LSGs)

The components will focus on strengthening capacity of state bodies and justice sector institutions for implementation of relevant laws, agreed Universal Periodic Review recommendations and applicable International Standards, ability to provide legal services. This component will include among others, building the capacity of the Ministry of Justice, the Parliament, State Registry Service, Local Self-governance bodies and informal justice institutions.

Both components will support the improvement of legal aid, promoting legal awareness to provide rights holders, particularly those who are poor and vulnerable, with focus on rural women, children and youth at risk, persons with disabilities, with access to justice and creating space for the target groups to actively voice their demands and claim their rights. This directly responds to the standards developed by the new United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012). Both components will ensure that right holders are better protected in national justice system with a focus on specific demands of targeted groups. Such integrated approach has recently been highlighted in the International Workshop on “Widening Access to Justice: Quality of Legal Aid and New UN Principles and Guidelines on Access to Legal Aid” organized by UNDP Regional Center for Europe and Central Asia in April 2013 attended by Kyrgyz Ministry of Justice representative.

The activities will build on the good practices and experience of the current “Equal before the Law: Access to Justice” project that the Finnish Ministry for Foreign Affairs has in Central Asia. It includes also trainings and regional activities provided by the Venice Commission of the Council of Europe.

***Partnership***

Partnership with the Ministry of Justice (including its provincial branches), Ministry of Social Development, and other relevant sectoral agencies will be prioritized. Taking into consideration the existing challenges and the enormous needs in the justice sector as well as the ambitious objectives of the proposed project, UNDP will work in close collaboration with other UN Agencies, such as UN Women, OHCHR, UNICEF, OHCHR, UNODC, international NGOs, including Eurasia Foundation in Central Asia and other international organizations as well as local CSOs and mobilize the donors’ community in support of the Rule of Law and Access to Justice Programme.

The Project will complement Government’s current efforts on implementation of the National Sustainable Development Strategy for the Kyrgyz Republic (2013-2017) adopted by the Presidential Decree No. 11 on 21 January 2013. It also corresponds to UNDP’s all related ongoing and planned initiatives.

The project will be the part of UNDP Kyrgyzstan’s Democratic Governance Programme (DGP), the set of projects on rule of law, public administration reform, voice and accountability, budget transparency, human rights protection, etc. The major objective of the DGP is to achieve the UNDP COUNTRY PROGRAMME /UNDAF OUTCOME #3: “*By 2016, national and local authorities apply rule of law and civic engagement principles in provision of services with active participation of civil society.”*

To ensure efficient achievement of the Outcome, UNDP established an Outcome Board, made up of representatives of key national partners, including Parliament, Presidential Office, Government’s Office, Supreme Court, Ombudsman and civil society and international agencies. The Board meets once a year to review the progress in achievement of the outcome and to guide planning process.

**Ministry of Justice:** The MoJ is the leading state institution responsible for implementation of the National Programme on Judicial and Legal Reforms. UNDP approached in summer 2013 MoJ to identify their gaps in access to justice and free legal aid, which resulted in the proposed project document. Although the MoJ is a senior beneficiary of the project, it is expected that MoJ will become the key implementer of the project with technical assistance from UNDP during the lifetime of the project. At the very beginning, MoJ will be a co-chair of the Project Board and will be closely involved in the implementation as well as monitoring and evaluation of programmatic results to ensure their ownership and sustainability beyond the project’s life.

**Central and local governments:** will participate in capacity building programmes (training) and awareness raising campaigns at the local level. They will be closely involved in day-to-day implementation, including M&E of the project. Using the joint State Institutions and CSO platforms, they will provide feedback to influence policy level discussions on strategic priorities in the area of Rule of Law and Access to Justice.

**NGOs, Legal Clinics:** will be involved into provision of legal aid to the targeted groups, conducting the project surveys and policy discussions with government institutions.

The UNDP CO will actively support the work of the justice coordination group, co-chaired by OHCHR, and have regular information exchanges with UNCT and donor partners on Rule of Law and Justice issues. In particular, UNDP will collaborate with the following actors:

**OHCHR:** in raising awareness of project beneficiaries on human rights, strengthening capacity of state bodies and justice institutions, and contribute to the implementation of UPR and other human rights recommendations. UNDP’s UPR Follow-up Facility [UPRF] will be a natural partner for OHCHR and UNDP Country Office on this.

**UNICEF:** in promoting more effective access to justice for vulnerable girls, boys and youth.

**UN Women:** In promoting Gender equality agenda, women’s access to justice, and activities related to Legal Support Services (LSSs) for women and girls as part ofthe UN SG’s 7 point Action Plan on gender responsive peace buildingas well as implementation as well as monitoring and evaluation of the Law on prevention of violence in the family.

Under the new **“Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic”**, UNDP’s focus will continue to include “top-down” work with the Parliament, Judiciary and the Government. The new Access to Justice Project will, however, include a number of “bottom-up” outcomes and activities where representatives of vulnerable groups of Kyrgyz citizens will directly benefit

*Detailed description of each specific activity will be provided during the formulation of the Annual Workplan each year.*

1. **MANAGEMENT ARRANGEMENTS**

Project Steering Committee

The Project will be guided at the highest level by a Project Steering Committee. The Project Steering Committee will discuss and decide upon specific Project implementation issues, ensuring optimal transformation of activities into outputs through appropriate monitoring and evaluation actions pertaining to the relevance, performance, and progress towards each outcome, facilitating cooperation between relevant partners and stakeholders (public and private), and ensuring continuous and effective communication and coordination between the Project and its beneficiaries. The Project Steering Committee will also provide a forum for sharing the key results of the Project, as well as discussing changes or challenges in the sector and proposing solutions. Participating agencies will share success stories, best practices, lessons learned, knowledge gained, and data collected during the Project implementation. In this way, cooperation and linkages between the donor(s), participating agencies, national implementing partners, and other stakeholders will be ensured.

The Project will have a six-month inception phase that would allow project team and Project Steering Committee to review the contents of the Project and introduce necessary changes (based on inception phase report) into the Project document after this initial period of the project implementation. During the inception phase, necessary baseline studies will be done and indicators further developed.

The project will be managed by an implementation team. The composition of the implementation team is outlined below.

**Project Manager**

**Project Steering Committee**

**National partners**

Ministry of Justice, the Parliament, State Registry Service, Civil society, other relevant stakeholders

**Executive**

UNDP

**International partners**

UNDP

Government of Finland

**Project Assurance**

UNDP Programme Analyst

(Democratic Governance)

Programme Associate on Democratic Governance

(Programme oversight and support unit)

**International Chief Technical Advisor on RoL (UNDP funded)**

**Project Organisation Structure**

**International and Local Consultants/ Experts**

**Administrative and finance assistants and support**

**UNDP Area Based Development offices and regional specialists**

The project will be implemented by UNDP using the direct implementation modality (DIM) in accordance with UNDP rules and regulations. International and national experts will be involved as required. The UNDP Country Office will provide specific support services for project realization through the Programme Management Unit.

UNDP Programme Analyst responsible for the Governance cluster will provide quality assurance functions. The Project Manager / Democratic Governance Dimension Head will be responsible for overall project coordination and implementation, consolidation of work plans and programme papers, preparation of quarterly progress reports, reporting to the project supervisory bodies, and supervising the work of the project experts and other project staff.

The International Chief Technical Advisor will be responsible for provision of strategic support and advice to the project through supporting resource mobilization efforts of UNDP Kyrgyzstan, developing strategic papers, including communication materials and knowledge products.

UNDP staff in all seven provinces will also be involved to provide necessary assistance with the implementation at the local level and engagement with local public authorities and provide support functions.

The main management functions relating to this Project are outlined as follows:

* UNDP Programme Analyst at the UNDP country office (Democratic Governance Programme) will provide overall quality assurance, including support in fundraising and broadening partnership c support as required;
* Democratic Governance Dimension Head (DGDH) will be directly involved in the implementation of the proposed project and will provide overall supervision of the programme activities. S/He will coordinate implementation of the project activities with relevant Government institutions and other stakeholders at the national and local levels. The DGDH will act under the guidance of UNDP Senior Management and refer major executive Project decisions to the Project Steering Committee, in which the DGDH will act as a Senior Supplier representative;
* International Chief Technical Advisor (ICTA) will provide strategic support and advice in project planning, implementation, M&E as well as reporting and communication, including development of knowledge products and other communication materials. The ICTA will also build the capacity of national staff and will provide substantive support resource mobilisation and partnership building related efforts of the UNDP Country Office;
* Project Specialist (PS) – PS will be responsible for specific project components implementation;
* International/Local Consultants/Experts – will be engaged for bringing in technical expertise required for the project, but not available within the team;
* Province Offices’ staff will be involved in direct implementation of the project components within their concerned areas of service.
1. **MONITORING AND EVALUATION**

Monitoring and evaluation will follow the UNDP guidelines on Monitoring and Evaluating for Results. A Monitoring and Evaluation Plan (M&E Plan) will be developed. Its main goals will be to ensure continuous feedback on implementation, early identification of potential problems to facilitate timely adjustments to Project operation, and implementation in accordance with the overall strategic plan for the Project. The M&E Plan will contribute to ensuring regular reporting to donor(s) on the effective use of all funding.

HRBA and Gender mainstreaming is an essential part of this project designing and formulating, and it will continue to be an important factor in planning, monitoring, and evaluating activities and operational strategies.

The Project’s M&E Plan will be a tool for planning and managing the collection of data and performance of activities, as well as for analyzing and reporting on the same. Collection of data and information in a disaggregated by sex, age, region and, where relevant, other grounds, to the extent possible will be an ongoing process and will be integrated into the activities. Details of the process, including actions, tasks, and responsibilities, will be described in the M&E Plan. To the extent possible the partners Ministry of Justice, the Parliament, Association of Advocates, Council of Justice, Civil society organisations, legal aid lawyers and target communities will be involved in the preparation and reporting of the M&E. In general, it should include financial monitoring and monitoring of inputs and activities. Quarterly financial reports will be prepared, including reporting on both financial expenditures and major deviations from the budget.

The results of monitoring activities will be presented to the Project Steering Committee. The Project Steering Committee will meet at least twice a year; however the Board can meet on ad-hoc basis when and if required reviewing progress on the Project. Members will provide regular feedback on implementation of the Project and propose any necessary corrective actions to resolve problems, ensure accountability, and make recommendations on how to improve the quality and impact of current and future interventions.

The Project will be subject to a final evaluation, resulting in a final evaluation report. This shall include an overall assessment of the Program, achieved with joint input from all the participating partners, as well as recommendations for future interventions. In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

Within the annual cycle

* On a semi-annual basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table (under development).
* An Issue Log will be activated and updated by the Democratic Governance Dimension Head to facilitate tracking and resolution of potential problems or requests for change.
* Based on the initial risk analysis, a risk log will be activated in Atlas (UNDP Financial and project management system) and regularly updated by reviewing the external environment that may affect the project implementation.
* Based on the above information, a Project Progress Reports (PPR) shall be submitted by the Democratic Governance Dimension Head to the Project Steering Committee.
* A Project Lesson-learned log will be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project.
* A Monitoring Schedule Plan will be activated and updated to track key management actions/events.

Annually

* **Annual Review Report**. An Annual Review Report shall be prepared by the Democratic Governance Dimension Head and shared with the Project Steering Committee. The Annual Review Report will cover the whole year with updated information for each above element of the Quarter Progress Report as well as a summary of results achieved against pre-defined annual targets at the output level.
* **Annual Project Review**. Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Steering Committee and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.
1. **SUSTAINABILITY**

Sustainability will be ensured through an adequate level of national ownership and wide involvement of the concerned national structures, CSOs and communities. Participation of local experts, specialists of relevant governmental agencies into regular consultations, meetings and implementation of concrete activities, in addition to the monitoring, will allow ensuring proper accountability for results to be achieved. Significant focus will be made on capacity building for local partners that will further ensure an ownership for results and a further continuation of activities and interventions piloted and tested.

The project will be implemented in close consultations with relevant stakeholders, including the central and local governments, local partners. It will allow ensuring proper coordination, benefiting from mutual experience and expertise and jointly and more efficiently contributing to achievement of the overall goal.

1. **RISK AND MITIGATION MEASURES**

Risks will be identified as part of the full project formulation process and captured in a risk log. The Project Risk Log will be maintained throughout the Project implementation to capture potential risks to the Project and associated measures to mitigate risk. The Democratic Governance Dimension Head is the main role player who maintains and updates the Risk Log, and ensures that risks are identified, communicated, and managed effectively.

1. **LEGAL CONTEXT**

This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together a Project Document as referred to in the Standard Basic Assistance Agreement (SBAA) and all CPAP provisions apply to this document.

Consistent with the Article III of the SBAA, 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.

The implementing partner shall:

1. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in Kyrgyzstan.
2. assume all risks and liabilities related to the implementing partner’s security, and the full implementation of the security plan

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

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

1. **PROJECT BUDGET OUTLINE AND TIMEFRAME (indicative; separate document to be prepared)**

Project timeframe: 2014 – 2017 (4 years).

Budget outline: Please see ***Annex 1 the Results and Resources Framework***

1. **Audit Plan**

Disclosure Policies

UNDP is committed to organizational transparency. In accordance with decision 2012/18 of its Executive Board, UNDP is publishing the audit reports issued by its Office of Audit and Investigations (OAI) as from 1 December 2012.

The Contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules, policies and procedures of UNDP. Should the annual Audit Report of the UN Board of Auditors to its governing body contain observations relevant to the Contribution, such information shall be made available to the Donor by the country office.

Audit Ratings

On the basis of its audit results, OAI assigns an "audit rating" for each of the areas assessed during an audit as well as an overall rating for the business unit audited. OAI uses three rating categories: "satisfactory"; "partially satisfactory"; "unsatisfactory". A definition of each of the audit rating is available [here](http://www.undp.org/content/undp/en/home/operations/accountability/audit/internal_audits.html#ratings)

Audit Ratings - Definition

A rating of "satisfactory" means that internal controls, governance and risk management processes were adequately established and functioning well; the audit has not disclosed any new significant issues. While all UNDP offices strive at continuously enhancing their controls, governance and risk management, it is expected that this top rating will only be achieved by a limited number of business units.

A rating of "partially satisfactory" means that internal controls, governance and risk management processes were generally established and functioning, but needed improvement; the audit has disclosed one or several issues that need to be addressed. It describes an overall acceptable situation with a need for improvement in specific areas. It is expected that the majority of business units will fall into this rating category.

A rating of "unsatisfactory" means that internal controls, governance and risk management processes were either not established or not functioning well; the audit has disclosed significant issues that need to be addressed as a matter of priority in order not to compromise the achievement of the audited entity's objectives. Given the environment UNDP operates in, it is unavoidable that a small number of business units with serious challenges will fall into this category.

1. **ANNEXES**

***1. Resource and Results Framework***

***2. Budget summary***

***3. Offline risk log***

***4. Annual Work Plan (to be provided)***

**Annex 1: Results and Resources Framework**

|  |
| --- |
| **Intended Outcome as stated in the Country Programme Results and Resource Framework:** ***COUNTRY PROGRAMME /UNDAF OUTCOME #3****:* By 2016, national and local authorities apply rule of law and civic engagement principles in provision of services with active participation of civil society;  |
| **Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:*****Outcome indicator 3.1.*** % of civil society organizations and NGOs actively and formally participating in formulation and implementation and M&E of national and local development policies; # of complaints on corruption; % of persons with open access to credible information on public policy making.***Baseline 3.1.:*** 0 civil organizations and NGOs effectively and formally participate in formulation and implementation and M&E of national and local development policies***Target 3.1.:***¼ of civil organizations and NGOs effectively and formally participate in formulation and implementation and M&E of national and local development policies***Outcome indicator 3.3.:*** % of persons with open access to credible information on public policy making.***Baseline 3.3.:*** Internet users only have access to public institutions’ websites (40% of the population in 2010).***Target 3.3.:*** At least 50% of population with open access to quality updated public information on policymaking through Internet and mobile phone. |
| **Partnership Strategy:** The project will be implemented in close cooperation with Civil Society Organizations, Human Rights Defenders, PWDs, Youth and Gender NGOs, municipalities, the KR Parliament, Ministry of Justice, Judicial Training Center, Chamber of Accounts, Ministry of Interior, Office of Prosecutor General, network of certified lawyers, Ministry of Labour, Migration and Youth, Prime minister Office, Presidential Apparatus, Supreme Court, Ministry of Education, Ministry of Social Development, State Agency on Local Self-governance and interethnic issues. It will also establish strong partnership with all donor agencies active in Access to Justice, Legal Empowerment and RoL area: OHCHR, UNODC, UNICEF, UNHCR, USAID, IDLO, ABA ROLI, EU, GIZ, SOROS Foundation, OSCE, ADB, Turkish International Cooperation and Development Agency (TIKA) and Danish Institute for Human Rights. The Project will contribute to stronger donors’ cooperation through Development Partners Cooperation Committee (DPCC) working Group on RoL/Access to justice.  |
| **Project title and ID (ATLAS Award ID):** “Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic”  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Impact** | **Outcome** | **Output** | **Activities** | **Implementing Partners / Means of Verification** | **Inputs** |
| **Outcomes** | **Outcome indicators** | **Outputs** | **Output indicators** | **Output baselines** | **Output target** |
| By 2016, national and local authorities apply rule of law and civic engagement principles in provision of services with active participation of civil society; | Disadvantaged and Vulnerable groups with a focus on rural women, children and youth at risk, persons with disabilities are legally empowered and have better access to justice and legal aid in compliance with human rights standards and recommendations | Proportion of cases brought by disadvantaged and vulnerable groups to formal and informal justice institutions[[13]](#footnote-13) which are satisfactorily resolvedVulnerable groups’ trust in state and justice institutions[[14]](#footnote-14) is increased\*Disaggregated by geographic location, gender, PwDs, youth and children  | **Output 1: State bodies and justice sector are able to better provide access to justice in compliance with international commitments/standards and to promote and protect the rights of disadvantaged groups and vulnerable people, including women, children and youth at risk and people with disabilities.** | 1.1.1. Number of amendments to laws/by- laws regulating Free Legal Aid in the country supported to expand their mandate to civil cases | 1.1.1. Current law on State Guaranteed Free Legal Aid stipulates provision of free legal aid cases only in criminal cases and is not implemented efficientlyThe law on Domestic Violence is implemented poorly especially in the rural areas  | 1.1.1. Amendments are made to at least 3 draft laws/by-laws are supported  | **Activity Result 1.1.** Key laws and by-laws are drafted/amended and their implementation supported to ensure better access to justice by vulnerable groups, in particular Domestic Violence Law, Free Legal Aid * + 1. Support Parliament in review of the progress of the implementation of the laws (Free legal aid and Domestic Violence) and based on the results, introduce amendments to draft laws/by-laws r(including extension of Free Legal Aid Law’s mandate to civil cases

1.1.2 Support Ministry of Justice in development and implementation of the costed strategic plan concerning free legal aid services (based on financial case) | Ministry of Justice Parliament (Jogorku Kenesh)Ministry of FinanceLawyers community  | **Project:**National & International consultants: $600,000Contractual services: $400,000Seminars & Trainings: $400,000Equipment: $200,000Grants: $200,000Communications: $350,000**Operations:**Salaries: $149,007Travel (incl. M&E):$250,000Administration:$ 100,0002014: $675,0002015: $674,0072016: $650,0002017: $650,000**Activity 1.1 152 318 USD****Seminars and trainings: 66 225 USD**2014: 18,000 USD2015: 16 075 USD 2016: 16 075 USD2017: 16 075 USD**Contractual services: 39 735 USD**2014: 10 000 USD2015: 9 911 USD2016: 9 911 USD2017: 9 913 USD**Travel: 19 868 USD**2014: 5 000 USD2015: 4 956 USD2016: 4 956 USD2017: 4 956 USD**Communications 26 490 USD**2014: 7 000 USD2015: 6 495 USD2016: 6 495 USD2017: 6 500 USD**Activity 1.2 105 960 USD** **Seminars and trainings: 33 112 USD**2014: 10 000 USD2015: 7 704 USD2016: 7 704 USD2017: 7 704 USD**Contractual services: 33 113 USD**2014: 10 000 USD2015: 7 704 USD2016: 7 704 USD2017: 7 705 USD**Travel: 13 245 USD**2014: 3 500 USD2015: 3 250 USD2016: 3 250 USD2017: 3 245 USD**Communications 26 490 USD**2014: 7 000 USD2015: 6 495 USD2016: 6 495 USD2017: 6 500 USD**Activity 1.3 192 053 USD****Seminars and trainings: 39 735 USD**2014: 10 000 USD2015: 9 913 USD2016: 9 911 USD2017: 9 911 USD**Contractual services: 39 735 USD**2014: 10 000 USD2015: 9 913 USD2016: 9 911 USD2017: 9 911 USD**Travel: 19 868 USD**2014: 5 000 USD 2015: 4 956 USD2016: 4 956 USD2017: 4 956 USD**Transfer and grants to counterparts: 66 225 USD**2014: 17 000 USD2015: 16 409 USD2016: 16 408 USD2017: 16 408 USD**Communications 26 490 USD**2014: 7 000 USD2015: 6 495 USD2016: 6 495 USD2017: 6 500 USD**Activity 1.4 211 921 USD****Seminars and trainings: 66 225 USD**2014: 17 000 USD2015: 16 409 USD2016: 16 408 USD2017: 16 408 USD**Contractual services: 66 225 USD**2014: 17 000 USD2015: 16 409 USD2016: 16 408 USD2017: 16 408 USD**Travel: 33 113 USD**2014: 10 000 USD2015: 7 704 USD2016: 7 704 USD2017: 7 705 USD**Communications** **46 358 USD** 2014: 12 000 USD 2015: 11 458 USD2016: 11 450 USD2017: 11 450 USD**Activity 1.5 165 563 USD****Seminars and trainings: 26 490 USD** 2014: 7 000 USD2015: 6 495 USD2016: 6 495 USD2017: 6 500 USD **Contractual services: 52 980 USD** 2014: 15 000 USD2015: 12 660 USD 2016: 12 660 USD2017: 12 660 USD**Travel: 26 490 USD** 2014: 7 000 USD2015: 6 495 USD2016: 6 495 USD2017: 6 500 USD **Transfer and grants to counterparts: 33 113 USD** 2014: 10 000 USD2015: 7 704 USD2016: 7 704 USD2017: 7 705 USD**Communications 26 490 USD** 2014: 7 000 USD2015: 6 495 USD2016: 6 495 USD2017: 6 500 USD**Activity 2.1 128 185 USD** **Seminars and trainings: 37 615 USD** 2014: 10 000 USD2015: 9 205 USD 2016: 9 205 USD2017: 9 205 USD**Contractual services: 31 788 USD** 2014: 8 000 USD 2015: 7 930 USD2016: 7 930 USD2017: 7 928 USD**Travel: 23 510 USD**2014: 6 000 USD2015: 5 840 USD2016: 5 835 USD2017: 5 835 USD**Communications 35 272 USD**2014: 10 000 USD2015: 8 424 USD2016: 8 424 USD 2017: 8 424 USD |
| 1.1.2. Availability of a strategic plan with corresponding workplan and budget Financial case to justify sufficient budget re-allocation in favor of a free legal aid system | 1.1.2. Ministry of Justice does not have a strategic plan with financial costing on the implementation of a law on free legal aid in order to ensure better access to justice by targeted rights holders; .there is no sufficient and adequate allocation of resources from a state budget to establish and manage a national legal aid system. Different models of legal aid supported by donors on ad hoc basis have not yielded a sustainable model of legal aid | 1.1.2. strategic plan with corresponding workplan and budget developed and implemented and financial case submitted in 2014   |
| 1.2.1. Public debates/discussions, expert consultations are held to support the Ministry of Social Development and inter-agency commission in consolidating efforts of all stakeholders, with no less than 30% PwDs CSOs participation.  | 1.2.1. Ministry of Social Development and inter-agency commission efforts are not well coordinated and do not have a coherent approach towards promotion of the ratification of UNCRPD  | 1.2.1. At least 3 public debates/discussions held | **Activity Result 1.2.** UPR recommendations, relevant to the project, including those related to the ratification of the Convention on Rights of Persons with disabilities are supported 1.2.1. Support the Ministry of Social Development and inter-agency commission in consolidating efforts towards ratification of UNCRPD | Ministry of Social Development Ministry of Justice PwDs CSOsExpert community  |
| 1.3.1. Number of campaign events and communication messages led by the Ministry of Justice supported to promote access of rural women to free legal aid with no less than 30% participation of CSOs working in the area of women’s rights | 1.3.1. Ministry of Justice does not fully implement its one of the core functions- legal education of the population, especially on access of rural women to free legal aid. Current popularization tools/ communication messages do not reach rural women. | 1.3.1. At least 3 campaign events supported  | **Activity Result 1.3**. Strengthened capacity mostly at the local level to provide legal aid to the vulnerable groups including training of trainers for certified lawyers, who collaborate with MoJ; 1.3.1. Support MoJ in updating its communication plan (Pravovaya propaganda)to raise legal awareness of the population and conduct campaigns on access of rural women to justice (using most convenient channels of communication) * + 1. Build capacity of municipal servants (social workers, executive secretaries) and informal leaders to give legal advice by developing training modules for them
		2. Develop capacity of selected MoJ legal centers in pilot provinces in provision of legal aid (on both criminal and civil cases) and legal awareness through training and improved coordination with other lawyers working for NGOs, LSGs and pro bono lawyers
 | Ministry of Justice CSOs State and municipal servants State Personnel Service Ministry of Education  |
| 1.3.2. Percentage increase in capacities of of municipal servants (social workers, executive secretaries) and informal leaders in provision of legal advice to the population | 1.3.2. Low level of capacity of municipal servants (social workers, executive secretaries) and informal leaders in provision of legal advice | 1.3.2. At 20% increase |
| 1.3.3 Capacity increase of selected MoJ legal centers in pilot provinces in provision of legal aid, percentage increase in awareness raising of lawyers working for NGOs, LSGs and pro bono lawyers.  | 1.3.3 Lawyers that are accredited by the Ministry of Justice for the provision of free legal aid require strengthening of their qualification and professionalization. There is lack of coordination with other lawyers workings with NGOs, LSGs and pro bono lawyers | 1.3.7 At least 30% increase |
| 1.4.1. Number of Standard Operating Procedures (SoPs) on referral mechanisms for victims of domestic violence and coordinated response to domestic violence cases are drafted and submitted | 1.4.1. There is no SoPs on referral mechanisms and service provision to victims of domestic violence available  | 1.4.1. 1 SoP drafted and submitted | **Activity Result 1.4.** Awareness and commitment of duty bearer institutions at local and national levels on rights and challenges of the vulnerable groups increased * + 1. Draft nationwide SOPS on referral mechanisms for victims of domestic violence and coordinated response to these cases are submitted for the approval
		2. Capacity development of state and municipal agencies under the law on Domestic Violence issues
		3. Training for judges on gender issues
		4. Support to Judges Training Centre to increase sensitization of judges, prosecutors, law-enforcement bodies with focus on PwDs
		5. Conduct ToT for sign language translation during all stages of legal process
		6. Build capacity of Aksakal courts and Local Crime Prevention Centers in selected areas on provision of advice on basic legal matters (including on gender sensitivity and receipt of identity documents)
 | Ministry of JusticeMinistry of Social Development CSOsExpert community Judiciary Parliament  |
| 1.4.2. Trainings for state and municipal agencies on Domestic Violence Law issues | 1.4.2. State and municipal agencies and their staff lack capacity and relevant knowledge on Domestic Violence and issues and its implications  | 1.4.2. At least 4 trainings conducted  |
| 1.4.3. Number of training supported and organized with participation of women rights CSOs for judges to increase their gender sensitivity | 1.4.3. There is a weak capacity and insufficient knowledge of judges on gender specific issues | 1.4.3 At least 2 trainings conducted |
| 1.4.4. Number of trainings arranged by the Judges Training Center for judges, prosecutors, law-enforcement bodies with active involvement of PwDs CSOs and experts to increase their sensitivity towards PwDs  | 1.4.4. Judges, prosecutors and law-enforcements bodies do not know how to handle and consider cases of PwDs, do not understand the peculiarities of their needs and thus are not sensitive to their cases.  | 1.4.4. At least 4 trainings held |
| 1.4.5. Number of Training of Trainers (ToT) arranged for sign-language translators with involvement of experts from PwDs CSOs | 1.4.5. In majority of cases, there is sign language arranged for people with disabilities during all stages of the legal process. There is limited number of sign-language translators provided by state.  | 1.4.5. At least 2 ToTs held |
| 1.4.6 % of the awareness level of members of Aksakal courts and LCPCs | 1.4.6 Zero awareness of Aksakal courts and Local Crime Prevention Centers in selected areas on provision of advice on basic legal matters (including on gender sensitivity and receipt of identity documents) | 1.4.6 20% increase of the awareness level of members of Aksakal courts and LCPCs |
| 1.5.1. Survey conducted to reveal efficiency of the existing system of issuing identity documents with specific focus on the most vulnerable groups such as women and PwDs | 1.5.1. There is no comprehensive information available to reveal efficiency of the current system of issuing of identity documents and how does it meets the needs of the most vulnerable | 1.5.1. 1 survey conducted with special focus on the most vulnerable  | **Activity Result 1.5.** The procedure of getting identity documents simplified and accessible to public* + 1. Conduct survey on efficiency of existing system of issuing of identity documents such as list of required documents (implementation of services to vulnerable groups)
		2. Review all by-laws related to issuing of identity documents and develop recommendation for simplification and submit to decision-makers

1.5.3. Support Office of State Registry (ZAGS) in developing their services by using the databases that will be introduced in 2014 1.5.4. Support field visits of sustainable mobile groups of State Registry Service for issuance of identity documents (Office for Civil Registry (ZAGS), AOs) on a pilot basis | State Registry ServiceMinistry of JusticeLocal Self Governance bodies Parliament  |
| 1.5.2. Number of recommendations for simplification of the identity documents issuance are developed, reviewed by expert community and CSOs and submitted to decision makers  | 1.5.2. Provisions of the current by-laws contain long list of documents required for the documents issuance and create bureaucratic barriers for the most vulnerable  | 1.5.2. At least 2 by-laws reviewed and relevant recommendations developed  |
| 1.5.3. Percentage increase in usage of State Registry (ZAGS) services in pilot areas  | 1.5.3. State Registry (ZAGS) do no perform their functions efficiently  | 1.5.3. At least 20% increase in pilot areas |
| 1.5.4. Number of pilot mobile groups are supported that consist of representatives of State Registry Services (local registry offices, village municipality) and CSO representatives  | 1.5.4. Registry services are often not available for the most vulnerable groups, especially living in the rural area, thus significant number of population does not possess different identity documents such as birth certificate etc.  | 1.5.4. At least 4 visits of mobile groups supported in selected pilot provinces  |
|  |  | Vulnerable groups’ trust in state and justice institutions[[15]](#footnote-15) is increased\*Disaggregated by geographic location, gender, PwDs, children  | **Output 2: Vulnerable groups are enabled to assert, demand and protect their rights and have an access to justice according to the human rights standards**  | 2.1.1. Number of public discussions held to discuss implementation of the Domestic Violence Law, free legal aid law, UNCRPD with no less than 30% of CSOs participation | 2.1.1. There is lack of public dialogue platform where all respective stakeholders could discuss issues of implementation of the Domestic Violence law, free legal aid law, UNCRPD.  | 2.1.1. At least 2 public discussions held | **Activity Result 2.1** Nation-wide and local dialogue platforms are established to discuss and consult on implementation of the policies and laws related to domestic violence, rights of vulnerable groups to access to justice, free legal aid, Convention on the rights of PwDs (UNCRPD)* + 1. Establish and maintain the dialogue platform on issues of implementation of the law with engagement of law enforcement, CSOs
		2. support in consolidation of CSOs efforts in ratification of the convention (UNCRPD)
 | PwDs CSOsExpert communityMinistry of Social Development  |
| 2.1.2. Number of leading CSOs working in area of People with Disabilities participating in consolidation their efforts | 2.1.2. There is no coordinated and coherent efforts among CSOs in promoting the ratification of UNCRPD  | 2.1.2. At least 50% of CSOs with mission statement on PwDs united their efforts |
| 2.2.1. Percentage increase in awareness of the general public with focus on vulnerable groups on the rights to access to justice and existing free legal aid facilities | 2.1.1. Majority of general public especially vulnerable groups are not aware of their rights for access to justice and existing Law on State Guaranteed Free Legal Aid and its facilities  | 2.1.1. At least 50% increase from a baseline data, half of which are female  | **Activity Result 2.2.** Legal and human rights awareness of general public raised in collaboration with local authorities, Ministry of Justice, Ministry of Education, Ministry of Social Development, schools2.2.1. Support MoJ in their national strategy of legal awareness raising of general public on their basic rights and obligations * + 1. Facilitate partnership between MoJ and MoE on legal education among school children both through formal and informal systems in central and local levels
 | Ministry of JusticeMinistry of EducationExpert community  | **Activity 2.2 190 437 USD****Seminars and trainings: 30 993 USD**2014: 8 000 USD2015: 7 665 USD 2016: 7 665 USD2017: 7 663 USD**Contractual services: 34 437 USD**2014: 9 000 USD2015: 8 479 USD 2016: 8 479 USD2017: 8 479 USD**Travel: 30 132 USD** 2014: 8 000 USD2015: 7 378 USD 2016: 7 378 USD2017: 7 376 USD**Transfer and grants to counterparts: 66 225 USD**2014: 17 000 USD2015: 16 409 USD2016: 16 408 USD2017: 16 408 USD**Communications 28 650 USD** 2014: 8 000 USD2015: 6 884 USD 2016: 6 884 USD2017: 6 882 USD  |
| 2.2.2. Number of coordination meetings and collaborative efforts to promote legal education among school children with active participation of human rights CSOs | 2.2.2. There is no legal education taught in schools. Legal education among schoolchildren needs to be institutionalized in order to raise legal literacy of youth. There is a weak coordination between actors in the legal education at schools: Ministry of Justice and Ministry of Education  | 2.2.2. At least 2 meetings supported  |
| 2.3.1. Percentage increase in legal awareness of vulnerable groups, especially rural women | 2.3.1. Vulnerable groups of society, especially rural women lack knowledge and awareness on their rights and available legal remedies.  | 2.3.1. At least 50% increase from a baseline data  | **Activity Result 2.3.** Legal Awareness of the vulnerable groups, including on gender equality and rights of PwDs increased * + 1. Raise legal awareness among vulnerable groups
		2. Advocacy and awareness campaigns of the general public on the rights of the PwDs and gender equality
 | CSO working in the area of legal awarenessPwDs CSOsCSOs on gender equalityExpert community  | **Activity 2.3 108 319 USD** **Seminars and trainings: 30 995 USD**2014: 8 000 USD2015: 7 665 USD 2016: 7 665 USD2017: 7 665 USD**Contractual services: 31 788 USD** 2014: 8 000 USD 2015: 7 930 USD2016: 7 930 USD2017: 7 928 USD**Travel: 30 132 USD** 2014: 8 000 USD2015: 7 378 USD 2016: 7 378 USD2017: 7 376 USD**Communications 15 404 USD** 2014: 4 000 USD2015: 3 802 USD 2016: 3 801 USD2017: 3 801 USD  |
| 2.3.2. Percentage increase in awareness of the general public on the rights of PwDs and gender equality | 2.3.2. There is low level of awareness of the general public on PwDs and gender equality | 2.3.2. At least 50% increase from a baseline data |
| 2.4.1. Survey conducted to identify baseline and satisfaction in obtaining services on identity registration among vulnerable groups | 2.4.1. No comprehensive analysis is available to show citizens (especially vulnerable) satisfaction with services provided by the state and municipal bodies during identity registration. | 2.4.1. 1 Survey conducted | **Activity Result 2.4.** Vulnerable and disadvantaged groups are empowered to claim and obtain services on identity registration 2.4.1. Conduct baseline and follow up satisfaction surveys to identify quality indicator2.4.2 Advocacy and awareness campaign in selected areas is held to increase knowledge of vulnerable groups about their rights for identity registration and its necessity, including information on availability of services  | Human rights organizations Expert community State Registry service  | **Activity 2.4 155 999 USD****Seminars and trainings: 37 616 USD** 2014: 10 000 USD2015: 9 206 USD 2016: 9 205 USD2017: 9 205 USD**Contractual services: 38 410 USD**2014: 10 000 USD2015: 9 470 USD 2016: 9 470 USD2017: 9 470 USD**Travel: 23 510 USD**2014: 6 000 USD2015: 5 840 USD2016: 5 835 USD2017: 5 835 USD**Transfer and grants to counterparts: 34 437 USD**2014: 10 000 USD2015: 8 147 USD2016: 8 145 USD2017: 8 145 USD**Communications 22 026 USD** 2014: 6 000 USD2015: 5 342 USD 2016: 5 342 USD2017: 5 342 USD |
| 2.4.2. Percentage increase in awareness of the vulnerable groups about their rights for identity registration and its necessity and availability of services | 2.4.2. Vulnerable groups have no information or any knowledge on their rights for identity documents and its necessity and what services are available for them | 2.4.2. At least 20% increase  |
| 2.5.1 Number of pilots in selected areas supported where free legal aid is provided on civil cases, especially of the most vulnerable- PwDs and women | 2.5.1. Law on State Guaranteed Free Legal Aid stipulates provision of free legal aid only in criminal cases | 2.5.1. At least 2 pilots supported  | **Activity Result 2.5.** The access to free legal aid by vulnerable groups in selected provinces is improved (in collaboration among Ministry of Justice, NGOs and LSGs) * + 1. Conduct pilots in selected areas where FLA will provide civil cases
		2. Provide specialized equipment for pilot courts to facilitate participation of PwDs in trials and other stages of court process
		3. Support women’s organizations in monitoring of court decisions on Law on Domestic Violence
		4. Referral mechanism pilots in selected provinces, monitoring of judicial decisions with development of SOPs for domestic violence cases
		5. Legal aid good practices and lessons learned, shared, and disseminated among local lawyers, community workers and vulnerable population.
 | Ministry of JusticeLSGsPwDs CSOsCourts in pilot districts Women’s organizationsJudiciary | **Activity 2.5 314 952 USD****Seminars and trainings: 30 994 USD**2014: 8 000 USD2015: 7 666 USD 2016: 7 665 USD2017: 7 663 USD**Equipment: 200 000 USD**2014: 40 000 USD2015: 55 000 USD2016: 55 000 USD2017: 50 000 USD**Contractual services: 31 788 USD** 2014: 8 000 USD 2015: 7 930 USD2016: 7 930 USD2017: 7 928 USD**Travel: 30 132 USD** 2014: 8 000 USD2015: 7 378 USD 2016: 7 378 USD2017: 7 376 USD**Communications 22 038 USD** 2014: 6 000 USD2015: 5 346 USD 2016: 5 346 USD2017: 5 346 USD |
| 2.5.2. Number of courts are equipped with specialized equipment to facilitate participation of PwDs in trials and other stages of court process, tested by PwDs CSOs | 2.5.2. No facilities and specialised equipment are available at courts that would enable PwDs to take part at the court hearings and other stages of court process | 2.5.2. At least 2 courts are equipped  |
| 2.5.3. Number of women organizations supported to monitor court decisions and corruption cases related to the Domestic Violence Law  | 2.5.3. Domestic violence law is poorly implemented; there is no monitoring of court decisions and corruptions cases related to domestic violence and cases.  | 2.5.3. At least 2 women organizations conducted monitoring of court decisions and corruption cases  |
| 2.5.4. Percentage increase in using referral mechanism at local levels piloted in selected provinces. Number of judicial decisions with development of SoPs monitored.  | 2.5.4. There are no referral mechanisms available for the most vulnerable. Such pilots need to be introduced in selected provinces. There is no monitoring of police and LSGs actions and judicial decisions with development of SoPs.  | 2.5.4. At least 30% increase from a baseline data |
| 2.5.5 Level of knowledge among local lawyers, community workers and vulnerable population on good practices in legal aid provision  | 2.5.5 Local lawyers, community workers and vulnerable population have low level of knowledge  | 2.5.5. 20% increase in the level of knowledge of local lawyers, community workers and vulnerable population  |

**Annex 2 BUDGET SUMMARY**

|  |  |  |  |
| --- | --- | --- | --- |
| **Project Budget by Cost Categories** | **TOTAL in EUR** | **TOTAL in USD** |  |
| **1. Staff and other personnel cost (Personnel staff, National & International consultants)** | 548 943 | 727 077 |  |
| **2. Seminars & trainings** | 302 000 | 400 000 |  |
| **3. Equipment, vehicles, furniture including depreciation** | 151 000 | 200 000 |  |
| **4. Contractual services** | 302 000 | 400 000 |  |
| **5. Travel** | 188 750 | 250 000 |  |
| **6. Transfers and grants to counterparts** | 151 000 | 200 000 |  |
| **7. Communications** | 208 159 | 275 707 |  |
| **Sub-Total Project Costs** | 1 851 852 | 2 452 784 |  |
| **8. General Management Services (GMS) costs (8%)** | 148 148 | 196 223 |  |
| **Total Project Cost** | **2 000 000** | **2 649 007** |  |
|  |  |  |  |
|  |  |  |
| **Project Budget Summary by Project Outputs** | **TOTAL in EUR** | **TOTAL in USD** |
| ***Project Output 1: State bodies and justice sector are able to better provide access to justice in compliance with international commitments/standards and to promote and protect the rights of vulnerable people, including rural women, children and youth at risk and people with disabilities.*** | **625 000,00** | **827 815** |
| **Project Output 1** | **Activity 1.1** | 115 000,00 | 152 318 |
| **Activity 1.2** | 80 000,00 | 105 960 |
| **Activity 1.3** | 145 000,00 | 192 053 |
| **Activity 1.4** | 160 000,00 | 211 920 |
| **Activity 1.5** | 125 000,00 | 165 564 |
| ***Project Output 2: Disadvantaged and Vulnerable groups are enabled to assert, demand and protect their rights and have an access to justice according to the international human rights standards***  | **677 909,00** | **897 892** |
| **Project Output 2** | **Activity 2.1** | 96 780,00 | 128 185 |
| **Activity 2.2** | 143 780,00 | 190 437 |
| **Activity 2.3** | 81 781,00 | 108 319 |
| **Activity 2.4** | 117 779,00 | 155 999 |
| **Activity 2.5** | 237 789,00 | 314 952 |
| ***Staff and other personnel cost***  | ***548 943*** | ***727 077*** |
| ***Sub-Total***  | ***1 851 852*** | ***2 452 784*** |
| **General Management Services (GMS) costs (8%)** | **148 148** | **196 223**  |
| **TOTAL PROJECT COST**  | **2 000 000** | **2 649 007** |

**Annex 3**

**OFFLINE RISK LOG**

|  |  |  |
| --- | --- | --- |
| **Project Title:** Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic | **Award ID:** | **Date: December 2013** |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **#** | **Description** | **Date Identified** | **Type** | **Impact &****Probability** | **Countermeasures / Mngt response** | **Owner** | **Submitted, updated by** | **Last Update** | **Status** |
|  |  |  |  |  |  |  |  |  |  |
| 1 | Government resistance to the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD). | June 2013 Ministry of Finance can urge the Parliament and Civil Society to postpone the ratification of CRPD because of the national budget deficit.  | Operational | The Kyrgyz Parliament could postpone the CRPD ratification. | Proactive awareness campaign to be organised in the Parliament and Government of the country. | UNDP CO | UNDP CO | September 2013 | There is no progress in the process of ratification due to lack of uniform position within the Government and Parliament on the next steps aimed at the ratification of the CRPD. |
| 2 | Political instability in the country caused by election related events  | 2013: Current tensions around gold mining company “Kumtor” and related economic challenges are contributing to power tensions among political forces and might deteriorate the situation. | Political | Unstable political situation in the country can lower the speed of the recover process in the country and project implementation.  | Introduce regular consultations on implementation of project activities with all involved actors. | UNDP CO | UNDP CO | September 2013 | Situation in the Issyk-Kul province is improving slowly.Poor economical situation in the country is causing political instability.  |
| 3 | High turnover of government servants | The Government/leadership could be changed before the end of the year [October 2013]. | OperationalPolitical | Frequent change of the Government Officials whom the project works with can give its negative impact on the project implementation. | Assist newly appointed Government representatives in the implementation of most important tasks through consulting/advisory, experts and technical support. | UNDP DGP | UNDP DGP | September 2013 | State Personnel Service and Prime Minster Office are taking measures to improve the situation. |
| 4 | Judicial reform and prolonged selection of judges can hamper access to justice for vulnerable groups | The Judicial Reform started in 2010 and still in the process [September 2013] | Political | Long Judicial Reform can affect project implementation | Facilitate consultations with Judicial, CSO and other actors | UNDP DGP | UNDP DGP | September 2013 | The judges for Supreme Court have been selected, the next step is selection judges for Constitutional Chamber and local courts |

**ANNEX 4.** ANNUAL WORK PLAN-2014

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Expected outputs***And indicators including annual targets* | **Planned activities***List activity results and associated actions* | **Timeframe** | **Responsible party** | **Planned resources, apart from core team, and tools** | **Amount in US$** |
| Q1 | Q2 | Q3 | Q4 |  |  |  |
| **Output 1: State bodies and justice sector are able to better provide access to justice in compliance with international commitments/standards and to promote and protect the rights of disadvantaged groups and vulnerable people, including women, children and youth at risk and people with disabilities.** |  |
| ***Baseline:***1. Current law on State Guaranteed Free Legal Aid stipulates provision of free legal aid cases only in criminal cases and is not implemented efficiently. The law on Domestic Violence is implemented poorly especially in the rural areas
2. Ministry of Justice does not have a strategic plan with financial costing on the implementation of a law on free legal aid in order to ensure better access to justice by targeted rights holders; .there is no sufficient and adequate allocation of resources from a state budget to establish and manage a national legal aid system. Different models of legal aid supported by donors on ad hoc basis have not yielded a sustainable model of legal aid;
3. Ministry of Social Development and inter-agency commission efforts are not well coordinated and do not have a coherent approach towards promotion of the ratification of UNCRPD;
4. Ministry of Justice does not fully implement its one of the core functions- legal education of the population, especially on access of rural women to free legal aid. Current popularization tools/ communication messages do not reach rural women.
5. Low level of capacity of municipal servants (social workers, executive secretaries) and informal leaders in provision of legal advice
6. There is no SoPs on referral mechanisms and service provision to victims of domestic violence available
7. State and municipal agencies and their staff lack capacity and relevant knowledge on Domestic Violence and issues and its implications
8. There is no comprehensive information available to reveal efficiency of the current system of issuing of identity documents and how does it meets the needs of the most vulnerable
9. Provisions of the current by-laws contain long list of documents required for the documents issuance and create bureaucratic barriers for the most vulnerable

***Indicators:***1. Number of amendments to laws/by- laws regulating Free Legal Aid in the country supported to expand their mandate to civil cases;
2. Availability of a strategic plan with corresponding workplan and budget Financial case to justify sufficient budget re-allocation in favor of a free legal aid system;
3. Public debates/discussions, expert consultations are held to support the Ministry of Social Development and inter-agency commission in consolidating efforts of all stakeholders, with no less than 30% PwDs CSOs participation.
4. Number of campaign events and communication messages led by the Ministry of Justice supported to promote access of rural women to free legal aid with no less than 30% participation of CSOs working in the area of women’s rights
5. Percentage increase in capacities of of municipal servants (social workers, executive secretaries) and informal leaders in provision of legal advice to the population
6. Number of Standard Operating Procedures (SoPs) on referral mechanisms for victims of domestic violence and coordinated response to domesic violence cases are drafted and submitted
7. Trainings for state and municipal agencies on Domestic Violence Law issues
8. Survey conducted to reveal efficiency of the existing system of issuing identity documents with specific focus on the most vulnerable groups such as women and PwDs
9. Number of recommendations for simplification of the identity documents issuance are developed, reviewed by expert community and CSOs and submitted to decision makers

***Targets for* 2014:**1. Amendments to laws/by-laws to at least 3 laws/draft laws are developed and passed to the Ministry of Justice/Parliament (B1);
2. Strategic plan with corresponding workplan and budget developed and implemented and financial case submitted in 2014 (B2);
3. At least three public debates/discussions held (B3)
4. At least three advocacy and capacity building events (B4)
5. At least 20% increase(B5)
6. 1 SoP drafted and submitted (B6)
7. At least 2 capacity building events organized (B7)
8. 1 survey conducted with special focus on the most vulnerable (B8)
9. At least 2 by-laws reviewed and relevant recommendations developed
 | **Activity Result 1.1.** Key laws and by-laws are drafted/amended and their implementation supported to ensure better access to justice by vulnerable groups, in particular Domestic Violence Law, Free Legal Aid ***Action 1.1.1****.* Support Parliament in review of the progress of the implementation of the laws (Free legal aid and Domestic Violence) and based on the results, introduce amendments to draft laws/by-laws r(including extension of Free Legal Aid Law’s mandate to civil cases***Action 1.1.2*** Support Ministry of Justice in development and implementation of the costed strategic plan concerning free legal aid services (based on financial case) | **X** | **X** | **X** | **X** | Ministry of Justice Parliament (Joghorku Kenesh)Ministry of Finance other relevant state agenciesLawyers community | Legal Experts;Short-term experts (6);Public discussions/ hearings, round tables; Working meetings (*focus groups, expert platforms, coordinating meetings (5);*Translation and editing; Publication and dissemination | $26,000$30,000$25,750$7,000$6,000 |
| **Activity Result: 1.2** UPR recommendations, relevant to the project, including those related to the ratification of the UN Convention on Rights of Persons with Disabilities (UNCRPD) are supported***Action 1.2.1****.* Support the Ministry of Social Development and inter-agency commission in consolidating efforts towards ratification of UNCRPD; | **X** | **X** | **X** | **X** | Ministry of Social Development Ministry of Justice PwDs CSOsExpert community | Working group meetings/coordination meetings (10)Debate/public hearingsTraining on the rights of PwDs (3)Trainer/facilitators/experts feeAdvocacy materials/events | 25,000$18,450$18,450$11,700$10,000 |
| **Activity Result 1.3**: Strengthened capacity mostly at the local level to provide legal aid to the vulnerable groups including training of trainers for certified lawyers, who collaborate with MoJ***Action 1.3.1.***Support MoJ in updating its communication plan (Pravovaya propaganda)to raise legal awareness of the population and conduct campaigns on access of rural women to justice (using most convenient channels of communication); ***Action 1.3.2****.* Build capacity of municipal servants (social workers, executive secretaries) and informal leaders to give legal advice by developing training modules for them  | **X** | **X** | **X** | **X** | Ministry of Justice Outreach/media expertsState Personnel Service Municipal servants (social workers, executive secretaries) CSOs working in the area of legal services/consultations | Outreach/media expertsNational wide campaign expenses (TV/radio/newspapers)Communication expertsTrainings/seminars TrainersPublication of training materialsTranslation and editing | $14,400$18,000$15,600$12,300See available budget under 1.3. |
| Activity Result 1.4. Awareness and commitment of duty bearer institutions at local and national levels on rights and challenges of the vulnerable groups increased *Action 1.4.1* Draft nationwide SOPS on referral mechanisms for victims of domestic violence and coordinated response to these cases are submitted for the approval*Action 1.4.2* Capacity development of state and municipal agencies under the law on Domestic Violence issues | **X** | **X** | **X** | **X** | State Personnel ServiceJudges Training CenterPwDs CSOs Gender experts community  | Experts feesTraining/seminars (8)Trainers/facilitators feesPublication materialsTranslation and editing | $28,800$39,200$10,000See available budget under 1.4.  |
| Activity Result 1.5. The procedure of getting identity documents simplified and accessible to public*Action 1.5.1* Conduct survey on efficiency of existing system of issuing of identity documents such as list of required documents (implementation of services to vulnerable groups)*Action 1.5.2* Review all by-laws related to issuing of identity documents and develop recommendation for simplification and submit to decision-makers  | **X** | **X** | **X** | **X** | State Registry Service Ministry of JusticeExperts communityVillage municipalities | Contract for professional services (efficiency survey)Translation and editingPublication and disseminationWorking group meetingsLegal experts  | $15,000$6,000$6,000$3,000$10,800 |
| **Sub-total:** |  |  |  |  |  |  | **Government of Finland**  | **357,450** |
| **Output 2. Vulnerable groups are enabled to assert, demand and protect their rights and have an access to justice according to the human rights standards**  |  |
| *Baseline:* 1. There is lack of public dialogue platform where all respective stakeholders could discuss issues of implementation of the Domestic Violence law, free legal aid law, UN CRPD.
2. Majority of general public especially vulnerable groups are not aware of their rights for access to justice and existing Law on State Guaranteed Free Legal Aid and its facilities
3. There is no legal education taught in schools. Legal education among schoolchildren needs to be institutionalized in order to raise legal literacy of youth. There is a weak coordination between actors in the legal education at schools: Ministry of Justice and Ministry of Education
4. Vulnerable groups of society, especially rural women lack knowledge and awareness on their rights and available legal remedies
5. There is low level of awareness of the general public on PwDs and gender equality.
6. No comprehensive analysis is available to show citizens (especially vulnerable) satisfaction with services provided by the state and municipal bodies during identity registration
7. Law on State Guaranteed Free Legal Aid stipulates provision of free legal aid only in criminal cases
8. No facilities and specialised equipment are available at courts that would enable PwDs to take part at the court hearings and other stages of court process

*Indicators:*1. Number of public discussions held to discuss implementation of the Domestic Violence Law issues, free legal aid law, UN CRPD with no less than 30% of CSOs participation
2. Percentage increase in awareness of the general public with focus on vulnerable groups on the rights to access to justice and existing free legal aid facilities
3. Number of coordination meetings and collaborative efforts to promote legal education among school children with active participation of human rights CSOs
4. Percentage increase in legal awareness of vulnerable groups, especially rural women
5. Percentage increase in awareness of the general public on the rights of PwDs and gender equality
6. Survey conducted to identify baseline and satisfaction in obtaining services on identity registration among vulnerable groups
7. Number of pilots in selected areas supported where free legal aid is provided on civil cases, especially of the most vulnerable- PwDs and women
8. Number of courts are equipped with specialized equipment to facilitate participation of PwDs in trials and other stages of court process, tested by PwDs CSOs

*Targets for* 2014:1. At least 2 public discussions held
2. At least 50% increase from a baseline data, half of which are female (B2)
3. At least 2 meetings supported (B3)
4. At least 50% increase from a baseline data (B4)
5. At least 50% increase from a baseline data (B5)
6. 1 Survey conducted (B6)
7. At least 2 pilots supported (B7)
8. At least 2 courts are equipped (B8)
 | Activity Result 2.1: Nation-wide and local dialogue platforms are established to discuss and consult on implementation of the policies and laws related to domestic violence, rights of vulnerable groups to access to justice, free legal aid, Convention on the rights of PwDs (UNCRPD)*Action 2.1.1* Establish and maintain the dialogue platform on issues of implementation of the law with engagement of law enforcement, CSOs  | **X** | **X** | **X** | **X** | PwDs CSOsMinistry of Social Development and other relevant state institutionsLegal experts | Public discussions/round tables Experts feesWorking group meetingsPublications | $19,600$10,800$6,000$6,000 |
| Activity Result 2.2. Legal and human rights awareness of general public raised in collaboration with local authorities, Ministry of Justice, Ministry of Education, Ministry of Social Development, schools*Action 2.2.1* Support MoJ in their national strategy of legal awareness raising of general public on their basic rights and obligations*Action 2.2.2* Facilitate partnership between MoJ and MoE on legal education among school children both through formal and informal systems in central and local levels  | **X** | **X** | **X** | **X** | Ministry of JusticeMinistry of EducationMinistry of Social DevelopmentCSOs | Development of awareness raising materials Editing and translationPublication and disseminationWorking group meetings, round table meetings | $10,000$6,000$6,000$18,450 |
| Activity Result 2.3 Legal Awareness of the vulnerable groups, including on gender equality and rights of Pwd increased *Action 2.3.1.* Raise legal awareness among vulnerable groups*Action 2.3.2.* Advocacy and awareness campaigns of the general public on the rights of the PwDs and gender equality  | **X** | **X** | **X** | **X** | PwDs CSOsCSOs working in the area of gender equalityExperts community | Awareness raising campaign costsWorkshops/seminarsPrinting materials and disseminationTranslation and editing | $6,000$34,200$6,000See budget available under 2.3 |
| Activity Result 2.4. Vulnerable and disadvantaged groups are empowered to claim and obtain services on identity registration *Action 2.4.1* Conduct baseline and follow up satisfaction surveys to identify quality indicator | **X** | **X** | **X** | **X** | State Registry Service and other relevant state institutions Human rights defenders CSOs | Contract for baseline assessment/satisfaction surveyFocus group discussions, working group meetingsTranslation and editingPrinting and dissemination | $15,000$30,750See budget available under 2.4 |
| Activity Result 2.5. The access to free legal aid by vulnerable groups in selected provinces is improved (in collaboration among Ministry of Justice, NGOs and LSGs) *Action 2.5.1* Conduct pilots in selected areas where FLA will provide civil cases*Action 2.5.2* Provide specialized equipment for pilot courts to facilitate participation of PwDs in trials and other stages of court process | **X** | **X** | **X** | **X** | Ministry of JusticeLSGsCourtsPwDs CSOs and those that are working with disadvantaged groups of peopleWomen organizations | Transportation costs, DSAsExperts/consultants feesSpecialist equipment for pilot courts Monitoring costsMedia coverage | $20,000$21,600$40,000$10,000$5,000 |
| Activity 2.6. Project and administrative project support*Action 2.6.1.*. Project management and administration*Action 2.6.2..* Ensuring Project’s visibility*Action 2.6.3.* Coordination meetings with other donor/international organizations working in the area of Access to Justice/Legal EmpowermentProject administrative costs (Internet, telephone etc)  | **X** | **X** | **X** | **X** |  | Project Specialist (50% of salary cost)Programme Associate (50 % of salary cost)Administrative-finance assistant (50% of salary cost)Projects visibility materials4 quarterly meetingsInternet, telephone costs | $10,200$7,863.54$6,000$3,000$2,0007,086.46 |
| **Sub-total:** | **$307,550.00** |
| **TOTAL AWP for 2014 (Government of Finland)**  | **$665,000.00** |

1. Government of the Kyrgyz Republic (2013) ‘National Sustainable Development Strategy’, p. 7. [↑](#footnote-ref-1)
2. Committee on the Elimination of Racial Discrimination (CERD), International Covenant on Civil and Political Rights (ICCPR), International Convention on Economic, Social and Cultural Rights (ICESCR), Convention to Eliminate All Forms of Discrimination Against Women(CEDAW), Convention on the Rights of the Child (CRC), Convention against Torture (CAT), International Convention on the Protection of the Rights of All Migrant Workers (CMW). [↑](#footnote-ref-2)
3. The Kyrgyz Republic was reviewed during the 1st UPR cycle in 2010, and out of 168 recommendations addressed to it, it accepted 152. [↑](#footnote-ref-3)
4. A/HRC/17/41, 1 April 2011, Human Rights Council; Report of the UN High Commissioner for Human Rights on technical assistance and cooperation on human rights for Kyrgyzstan. A/HRC/20/12, 15 March 2012; Human Rights Council; Report of the UN High Commissioner for Human Rights on technical assistance and cooperation on human rights for Kyrgyzstan. [↑](#footnote-ref-4)
5. Government’s decree # 273 of 15 June 2012 [↑](#footnote-ref-5)
6. These are the most disadvantaged groups, which project has chosen to focus on, among which there are other groups who experience lack of access to justice, such as migrants, elderly people, people living with HIV and AIDS [↑](#footnote-ref-6)
7. Soros/OSI Report on Access to Legal Aid in Kyrgyzstan, October 2012 [↑](#footnote-ref-7)
8. Said MP Yrgal Kadyralieva at the session of the Parliament on 22 October 2013, and “their number is rising due to negligence of this matter by Ministry of Social Development and State Registry Service”. [↑](#footnote-ref-8)
9. *”The declining use of Aksakal courts in Kyrgyzstan”,* EFCA, Eurasia Foundation & Government of Finland, May 2012 [↑](#footnote-ref-9)
10. Mainly due to the remoteness to the district centers where government and public agencies are located [↑](#footnote-ref-10)
11. Validation Workshop, supported by UNDP BRC, was held on March 02, 2012 with participation of courts, CSOs, office of ombudsman and international organizations. [↑](#footnote-ref-11)
12. *The Declining Use of Aksakal Courts in Kyrgyzstan*, Produced for the Ministry of Foreign Affairs of Finland by the Eurasia Foundation, May 2012. [↑](#footnote-ref-12)
13. Courts of first instance, Prosecutor’s Office, the Ombudsman’s Office, the Aksakal Courts, Local Crime prevention centers. [↑](#footnote-ref-13)
14. State institutions working on access to justice, human rights and rule of law within PRF project interventions. [↑](#footnote-ref-14)
15. State institutions working on access to justice, human rights and rule of law within PRF project interventions. [↑](#footnote-ref-15)