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**“Support to Civil Registration System Reform in Tajikistan”**

**Review of legislative frameworks, coordination mechanisms**

**and institutional structure of Civil Registration System in Tajikistan**

**CONCEPT NOTE**

**ON STRENGTHENING OF COORDINATION MECHANISMS REGULATING CIVIL REGISTRATION ISSUES IN TAJIKISTAN**

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TABLE OF CONTENTS

[INTRODUCTION 3](#_Toc465716478)

[CURRENT STATE OF INTER-AGENCY COOPERATION ON CIVIL REGISTRATION ISSUES IN TAJIKISTAN 4](#_Toc465716479)

[Provisions on inter-agency cooperation 4](#_Toc465716480)

[Programme for development of the civil registry bodies for 2014–2019 9](#_Toc465716481)

[Some problems of inter-agency cooperation 11](#_Toc465716482)

[Existing inter-agency coordination initiatives 12](#_Toc465716483)

[The need for a strengthened coordination mechanism 13](#_Toc465716484)

[TERMS OF REFERENCE FOR A COORDINATION MECHANISM REGULATING CIVIL REGISTRATION ISSUES IN TAJIKISTAN 15](#_Toc465716485)

[ANNEX. Institutions consulted during the Missions of International Legal Expert to Tajikistan on 4-8 July, 8-19 August and 17 October-4 November 2016 20](#_Toc465716486)

# INTRODUCTION

The United Nations Development Programme in Tajikistan is implementing a Project “Support to Civil Registration System Reform in Tajikistan”, funded by the Swiss Office for Development and Cooperation. The overall goal of the Project is: “Women’s, men’s and children’s rights (civil, social, political and economic) are better protected by strengthened provision of civil registration services and by increased public access to the system”.

On 27 June 2016, a Contract for the provision of services of International Legal Expert for the assignment of the *Review of legislative frameworks, coordination mechanisms and institutional structure of Civil Registration System in Tajikistan*, under the Project “Support to Civil Registration System Reform in Tajikistan”, came into effect.

The Contract envisaged that a Concept note on the establishment/strengthening of the Coordination mechanisms regulating civil registration issues and Terms of Reference reflecting the structure, duties and responsibilities, management arrangements as well as the Work Plan should be developed and submitted by 31 October 2016.

The present Concept note was prepared following the review of relevant legislation, reports and three in-country missions of the International Legal Expert to Tajikistan, which took place on 4-8 July, 8-19 August and 17 October-4 November 2016. The missions included meetings with key partners and stakeholders. The list of institutions consulted during the missions is presented in the Annex.

# CURRENT STATE OF INTER-AGENCY COOPERATION ON CIVIL REGISTRATION ISSUES IN TAJIKISTAN

## Provisions on inter-agency cooperation

There are three main bodies responsible for state registration of civil status acts in Tajikistan:

1. Divisions of the Department of Civil Status Acts under the Ministry of Justice, operating in regions, districts and cities (ZAGS divisions) (3 regional, 68 district/city divisions and 2 Marriage Houses);
2. Local self-governance authorities (Jamoats) of small towns and villages (405 out of 430 Jamoats perform state registration of civil status acts);
3. Consular offices of Tajikistan in foreign countries, which perform state registration of civil status acts of citizens of Tajikistan living abroad.

The Department of Civil Status Acts under the Ministry of Justice makes corrections, changes and additions into the second copies of the civil status records on the basis of notice from a body of civil status acts registration, keeps an index card file based on the civil status records, reissues certificates (except for certificates of marital status).

According to the Law on State Registration of Civil Status Acts (2006), the Department of Civil Status Acts under the Ministry of Justice is responsible for the control and co-ordination of the activities of the civil status acts registration bodies.

The Law authorises the Ministry of Justice to perform the management of activities of the civil status acts registration bodies. The district and city civil registration bodies were transferred from subordination to local executive bodies (Khukumats) to the Ministry of Justice by the decree of the Government of Tajikistan of 7 October 2011, effective from 1 January 2012.

ZAGS divisions are responsible for the state registration of birth, marriage, annulment of marriage, adoption, paternity establishment, change of a surname, a name and a patronymic name, death, changing, making additions, corrections, cancellation of civil status acts registration, recovery of lost registration data, keeping registration journals and re-issuing of certificates and relevant documents.

ZAGS divisions, in the performance of their functions, cooperate with several institutions, including:

* Jamoats,
* Ministry of Foreign Affairs,
* Health institutions,
* Ministry of Interior,
* Military commissariats,
* Prosecution bodies,
* Anti-corruption agency,
* Courts,
* Agency of Statistics,
* Local executive authorities,
* Committee on Women and Family Affairs,
* Social security bodies,
* Culture institutions.

*Provisions on cooperation with Jamoats*

The Jamoats of small towns and villages conduct the state registration of birth, death, marriage, except for the marriage between Tajik citizens and foreign citizens and stateless persons, paternity establishment and submit monthly reports to the relevant city (district) body of civil status acts registration. The Jamoats register the majority of these civil status acts in Tajikistan.

The Jamoats have to report to ZAGS divisions about their activities, the use of the forms of certificates (each of these forms needs to be accounted for; once fill-in, they are issued to the applicants as certificates of registration of civil acts), the payments for the forms of certificates, the payments for additional services.

*Provisions on cooperation with the Ministry of Foreign Affairs*

Consular offices outside the territory of Tajikistan:

* conduct the state registration of all civil status acts (birth, death, marriage, annulment of marriage, adoption, paternity establishment, change of a surname, a name and a patronymic name, recovery or cancellation of civil status acts registration);
* make a decision about corrections and changes in civil status registered in the territory of the Tajikistan on the basis of the applications of Tajik citizens living outside the territory of Tajikistan, foreign citizens and stateless persons
* make corrections and changes in civil status acts records which they keep;
* re-issue certificates about state registration of civil status acts and other documents confirming facts of state registration of civil status acts on the basis of records which they keep;
* perform other duties related to the state registration of civil status acts.

The Consular Code of Tajikistan, adopted by decision of the Government of Tajikistan in 1998, states that Instructions on the procedure of civil registration by a consular officer should be approved jointly by the Ministry of Justice and the Ministry of Foreign Affairs.

According to the Law on State Registration of Civil Status Acts, the first and second copies of civil status acts records, compiled by the diplomatic and consular offices, at the end of the year should be transmitted to the national archives of the bodies of civil status acts registration together with the documents which served as the basis for the state registration of these acts.

ZAGS bodies cooperate closely with the Ministry of Foreign Affairs on providing information based on requests for information on civil status coming from foreign countries.

*Provisions on cooperation with health institutions*

The health institutions, on a monthly basis, send information about the births given in hospitals and home births to ZAGS divisions. This information is then compared with the birth registration records.

The health institutions apply for registration of birth of the babies abandoned by their parents in the health institutions.

In some cases (particularly, in the Sughd region), hospitals create conditions for registration of birth at their premises.

Together with representatives of ZAGS divisions and local authorities, staff of health institutions make house-to-house checks of birth registration, on an irregular basis.

*Provisions on cooperation with the Ministry of Interior*

The body of civil status acts registration is obliged to send information about the state registration of changing a surname, a name and (or) a patronymic name to the department of the Ministry of Interior at the place of residence of the applicant within 7 days from the date of state registration.

The head of the body of civil status acts registration must notify in writing about corrections, alterations and additions made to the civil status acts the department of the Ministry of Interior at the place of residence of the applicant, within three days from the day of making such corrections, changes and additions.

Due to the large-scale change of passports and massive migration of population abroad, the contacts between ZAGS divisions and passport-issuing services of the Ministry of Interior are very frequent. The passport services request information about the registration of birth, death, marriage, divorce, change of first, family, patronymic name.

The parents, who have registered the birth of their child and intend to leave Tajikistan, are referred by ZAGS staff to apply to passport services for inserting the mark on citizenship in the birth certificate.

*Provisions on cooperation with military commissariats*

The body of civil status acts registration is obliged to send information about the state registration of changing a surname, a name and (or) a patronymic name to the military commissariat at the place of residence of the applicant within 7 days from the date of state registration.

The head of the body of civil status acts registration must notify in writing about corrections, alterations and additions made to the civil status acts the military commissariat at the place of residence of the applicant, within three days from the day of making such correction, changes and additions.

During military conscription campaigns, military commissariats request copies of birth registration records.

*Provisions on cooperation with prosecution bodies*

In order to check compliance with legislation, on a monthly basis, prosecution bodies request information on registration of marriage with foreign citizens as well as information on birth registration. Prosecution bodies, on a regular basis, perform inspections of selected civil registration bodies.

*Provisions on cooperation with anti-corruption agency*

The Agency on State Control of Finances and Fight against Corruption performs inspections of selected civil registration bodies.

*Provisions on cooperation with courts*

ZAGS staff participate in court hearings on adoption, establishment of paternity, lowering of marriage age as well as restoration, annulment, correction of civil registration records. Based on court decisions, ZAGS divisions make changes to civil registration records.

*Provisions on cooperation with the Agency of Statistics*

The second copies of civil status acts records must be sent by the bodies of civil status acts registration at the place of registration to the Agency of Statistics under the President. Documents received by the Agency of Statistics from the bodies of the civil status acts registration of cities and districts, must be returned after the analysis no later than after six months to the national and regional archives.

*Provisions on cooperation with local executive authorities*

In addition to regular reporting to the Department of Civil Status Acts under the Ministry of Justice, ZAGS divisions submit monthly reports to district and city local executive authorities (Khukumats) on civil acts registration.

Representatives of ZAGS divisions participate in weekly and monthly planning meetings at the local executive authorities, where they give oral reports about their activities and the demographic situation in that area.

Despite the fact that ZAGS divisions are no longer (since 2012) subordinated to local executive authorities, in some instances the local executive authorities provide support by e.g. providing premises, conducting repairs of premises, issuing land for construction of premises.

*Provisions on cooperation with the Committee on Women and Family Affairs*

On a monthly basis, ZAGS bodies send information on birth, death, marriage, divorce, establishment of paternity registration to the Committee on Women and Family Affairs under the Government. Meetings, seminars, festive events are held jointly on a regular basis.

*Provisions on cooperation with social security bodies*

According to the Law on State Registration of Civil Status Acts, the body of civil status acts registration is obliged to send information about the corrections and changes made into the child’s birth act record in connection with the establishment of paternity to the social security bodies at the child's mother's residence within three days from the date of state registration of paternity establishment.

ZAGS bodies also send information on deaths to the social security bodies.

*Provisions on cooperation with culture institutions*

ZAGS bodies cooperate with culture institutions in organising and implementing festive events related to civil registration.

## Programme for development of the civil registry bodies for 2014–2019

The Programme for development of the civil registry bodies of the Republic of Tajikistan for 2014–2019 is the key Government Programme outlining reforms in the civil registration sector, with a strong inter-institutional component.

The Programme was adopted by decision of the Government of Tajikistan on 3 January 2014. The programme defines main directions of development of the civil registration sector in the Republic of Tajikistan, as well as the goals, objectives and paths to reform within the sector for the period until 2019.

The Programme has the following Objectives:

* Deployment of the Single system for electronic registration of acts of civil status in order to harmonize state policy in the area of registration of acts of civil status with global development trends of this sector;
* Identification of priority tasks and directions of the state policy for further development of civil registration bodies and enhancement of the main implementation mechanisms of the state policy of registration of acts of civil status;
* Ensuring of sustainable and targeted development of the sector, creation of legal, social-economic, financial and organizational conditions, which are essential for effective functioning of civil registry bodies and improvement of quality of services rendered by civil registry bodies;
* Enhancement of the role of authorized public authorities of civil registration and introduction of mechanisms for monitoring of the activities of registration of acts of civil status;
* Introduction of new information technologies and simplified procedures, accessible to all users of civil registry bodies and development of a set of measures for systematic development of the sector, which will meet the needs of Tajik people in a medium and long term.

The Programme contains 36 activities, structured along the following main directions of development of the civil registration sector:

a) Ensure that ZAGS bodies perform registration of acts of civil status in accordance with powers assigned by existing legislation;

b) Introduce modern ICT technologies;

c) Create and ensure storage of archives of the ZAGS bodies. Archives shall be brought in compliance with modern requirements. It is envisaged that all ZAGS’ archives will be renovated, equipped with modern safety and security means, including modern fire-alarm systems, temperature and humidity control devices, as well as fire prevention equipment;

d) Improve the financial situation and enhance the financial system of the ZAGS bodies. Targeted and effective use of financial resources, gradual transition into e-technologies in accordance with the international accountability requirements, allocation of funds for capital construction and rehabilitation from own, investment and budget funds;

e) Enhancement of structure, recruitment of staff, training of employees, increasing management efficiency;

f) Strengthening of the material and technical base of the ZAGS bodies and ensure that ZAGS offices have dedicated premises.

Monitoring of implementation of the Programme should be performed by the Department of Civil Status Acts under the Ministry of Justice, which:

* Coordinates the implementation of the Programme;
* On annual basis, submits proposal for financing of priority activities of the ZAGS sector;
* Every six months, submits to the Ministry of Justice a progress report on Programme implementation.

Monitoring of implementation of the Programme is impeded by the fact that it includes no indicators for measuring its effectiveness. Moreover, the Programme does not contain and is not guided by any overarching strategic objectives addressing the most pressing gaps of the system, such as achieving full coverage of birth registration, state registration of all marriages etc.

Implementation of the Programme is divided into 3 phases (2014-2015, 2016-2017 and 2018-2019). Funds for implementation of the Programme are planned through annual Action Plans.

There was no Action Plan adopted for 2014. The Action Plan for 2015 contained 29 activities. The Action Plan for 2016 contains 26 activities. The Action Plans for 2015 and 2016 list 16 institutions responsible for implementation of the activities:

* Ministry of Justice
* Ministry of Finance
* Ministry of Foreign Affairs
* Ministry of Interior
* Ministry of Education
* Ministry of Culture
* Agency of Statistics under the President
* Committee on Women and Family Affairs under the Government
* Committee on Religion, National Traditions, Festivities and Rituals under the Government
* Committee on Youth, Sports and Tourism under the Government
* Committee on Radio and TV
* Main Archives Department under the Government
* Agency of Communications under the Government
* Local executive authorities
* Department of Civil Status Acts under the Ministry of Justice
* State Savings Bank “Amonatbank”

## Some problems of inter-agency cooperation

Due to some gaps in legislation and shortcomings in the implementation of existing legislation as well as ineffective public administration practices, there are certain problems in inter-agency cooperation on matters concerning the state registration of civil status acts, most notably:

* The Department of Civil Status Acts under the Ministry of Justice does not perform its control and coordination functions over the consular offices, and the practices of control and coordination of Jamoat bodies vary across the country, due to insufficient coordination within the ZAGS system itself;
* The Instructions on the procedure of civil registration by a consular officer, provided for by the Consular Code of Tajikistan, have not been adopted;
* The diplomatic and consular offices do not provide the records of civil status acts and related documents to ZAGS bodies;
* There is no analytical information about the quality of registration of civil status acts by Jamoats officials, even though ZAGS divisions are obliged to control and supervise their performance;
* The comparison of health and ZAGS statistics reveals that around 50 thousand births per year are not being registered at civil registration bodies; however, the measures undertaken so far aimed at closing this gap have not been sufficiently effective;
* Passport services of the Ministry of Interior, military commissariats, law enforcement and state security bodies submit frequent requests for information to ZAGS divisions, which significantly increases their workload;
* Some court decisions on civil registration matters either lack legal basis or are impossible to implement (decisions on adoption and establishment of paternity are sometimes taken even though a birth registration record is missing);
* The cycle of providing statistical information (when statistics for a month are requested to report several days before the end of that month) impedes the provision of services by civil registration bodies at the end of each month and distorts the statistical information;
* Frequent participation of ZAGS staff at the meetings and events of local executive authorities leads to significant increase in their workload;
* There is a lack of cooperation with the Committee on Religion, National Traditions, Festivities and Rituals on analysing and solving the problem of under-registration of marriages in state registration bodies, compared with the number of marriages performed by religious ceremony;
* The analysis of implementation of the Programme for development of the civil registry bodies for 2014–2019 reveals that cooperation of ZAGS bodies with several government agencies in implementation of the Programme has been insufficient or non-existent, and monitoring of Programme implementation has been weak.

## Existing inter-agency coordination initiatives

With support of the UNDP Project “Maintenance of Basic Parameters of CRO Information System in Tajikistan”, supported by the Swiss Office for Development and Cooperation, implemented by a consulting company EPOS Health Management, **two Technical Inter-agency Working Groups** were established by an Order of the Minister of Justice on 27 June 2016.

The Working Group on Promotion and improvement of the electronic system of the Civil Status Registration Acts has the general purpose of ensuring continuous functioning and improvement of activities of the electronic information system. This Working Group has the following objectives:

* to provide authority for issuance of decisions by the stakeholders regarding the prioritized functional requirements of the Information System;
* to determine the prioritized directions of information reporting system for maximum and effective use of allocated funds;
* constant supervision and approval of activities of the Information System and ensuring of expediency of the undertaken measures for guaranteed and continuous functioning.

This Working Group has 25 members representing the Department of Civil Status Acts under the Ministry of Justice, The Ministry of Health and Social Protection of Population, the "National Center for Statistics and medical information", the Agency of Statistics under the President, implementers of the Project and Project partners. It is led by the Deputy Head of the Department of Civil Status Acts under the Ministry of Justice (this position is currently vacant).

The Working Group on Development and improvement of the educational guidelines on dealing with the recording system of the Civil Status has the general purpose of ensuring the capacity building and ability of the personnel of the Department of Civil Status Acts under the Ministry of Justice in the field of using of the Information System. This Working Group has the following objectives:

* Providing the right of decision-making to stakeholders in the matters of initial requirements for studies in using of the Information System of the Department of Civil Status Acts;
* Determination of the structure of the educational and training programs and curricula for the use of the Information System of the Department of Civil Status Acts;
* Supervision and approval of the suitability of the curricula and the content of courses to the needs of stakeholders.

This Working Group has 13 members representing the Ministry of Justice, the Institute of professional development of the personnel of law enforcement, justice and legal services of enterprises, institutions and organizations of the Ministry of Justice, the Department of Civil Status Acts under the Ministry of Justice, implementers of the Project and Project partners. It is led by the Head of the Department for Legal assistance to citizens and legal activities of the Ministry of Justice.

Both Working Groups are supervised and controlled by the Deputy Minister of Justice responsible for civil status registration.

The **UNDP Project “Support to Civil Registration System Reform in Tajikistan”**, funded by the Swiss Office for Development and Cooperation, is set to be implemented in 2 phases of 4 years each. The first phase is under implementation from January 2016 until December 2019, and the second phase will be implemented from January 2019 until December 2023. The overall goal of the Project is: “Women’s, men’s and children’s rights (civil, social, political and economic) are better protected by strengthened provision of civil registration services and by increased public access to the system”. The Project aims at achieving the following Outcomes:

* Outcome 1: The reformed civil registry system of Tajikistan is effectively managed and provides quality and affordable services to the population and qualitative vital statistical data for the State.
* Outcome 2: The population of Tajikistan know how to and timely have their vital events recorded in the civil registry system.

The Project is directed by a Project Steering Committee, which is responsible for making consensus based management decisions for the Project when guidance is required, including recommendations for UNDP/Implementing Partner, approval of Project work plans and revisions. The Project Steering Committee includes representatives of the Ministry of Justice, the UNDP and the SDC.

Other relevant coordination initiatives include **the Rule of Law and Access to Justice Policy Dialogue process**, led by the Ministry of Justice and supported by the UNDP’s Rule of Law and Access to Justice Programme[[1]](#footnote-1). In the framework of this process, two National Rule of Law Fora were organised (in November 2015 and in November 2016), which address a wide range of legal reform areas, including some discussion about civil registration issues. Plans to establish a permanent Secretariat in support of the National Rule of Law Fora are under consideration. This process also includes Regional Policy Dialogue meetings, which focus on priority legal reform topics, such as state-guaranteed free legal aid and legal education of the population. It may be considered that the Rule of Law and Access to Justice Policy Dialogue process could discuss the civil registration reform issues in its future events.

On the side of Tajikistan’s development partners, **a Development Coordination Council (DCC)** had been established to facilitate information exchange and collaboration within the development community, with an overall objective of strengthening aid effectiveness in Tajikistan[[2]](#footnote-2). The DCC includes a Governance Cluster, which is composed of a Working Group on the Public Administration Reform and a UNDP-led Working Group on the Rule of Law. The Working Groups coordinate the activities of development partners in the relevant areas and work out joint positions for cooperation with the Government of Tajikistan.

## The need for a strengthened coordination mechanism

The current initiatives on inter-agency coordination in the field of civil registration need to be strengthened due to the following main reasons:

* The current shortcomings of inter-agency cooperation, described above, create obstacles to the effective performance of public functions and services on the daily basis;
* The launching of a comprehensive civil registration system reform supported by the UNDP Project “Support to Civil Registration System Reform in Tajikistan”, calls for increasing the level of coordination of actions of all stakeholder institutions.

The need for strengthened coordination was recognised in the 2015 and 2016 Annual Plans of activities for implementation of the Programme for development of the civil registry bodies for 2014–2019, which include the following activity: “The ensuring of cooperation of relevant Ministries and other agencies (Ministries of Health, Interior, Foreign Affairs, Agency of Statistics, local executive authorities, military commissariats) on issues of state registration of civil status acts”.

The establishment of the two Technical Inter-agency Working groups have been and will continue to be useful in coordinating the particular aspects of the reform covered by their mandate, namely the launching of a full-scale system for electronic registration of acts of civil status.

The UNDP Project “Support to Civil Registration System Reform in Tajikistan” is designed to support a comprehensive reform of the civil registration system, led by the Tajik authorities. However, its steering body is limited to the key Project stakeholders.

The Rule of Law and Access to Justice Policy Dialogue process tackles a wide range of issues related to the rule of law and access to justice. This process was not designed to coordinate reform activities in one specific area on a permanent basis.

The Development Coordination Council is a mechanism for coordinating activities of development partners in a range of fields. It does not include representatives of Tajik authorities.

In view of the above, there is a need for the establishment of an effective inter-agency Coordination Mechanism, which will take a comprehensive approach in monitoring and coordinating all aspects of the reform of the civil registration system in Tajikistan.

The Terms of Reference for the Coordination Mechanism are presented below.

# TERMS OF REFERENCE FOR A COORDINATION MECHANISM REGULATING CIVIL REGISTRATION ISSUES IN TAJIKISTAN

*Structure of the Coordination Mechanism*

The reform of the civil registration system should be coordinated by a two-level Coordination Mechanism, consisting of a high-level Civil Registration Reform Steering Committee and a working-level Civil Registration Reform Implementation Task Force.

The Reform Steering Committee should consist of heads or deputy heads of the institutions most concerned with the civil registration system[[3]](#footnote-3):

* Ministry of Justice
* Representative of Administration of the President
* Department of Civil Status Acts under the Ministry of Justice
* Ministry of Foreign Affairs
* Ministry of Health and Social Protection of Population
* Ministry of Interior
* Ministry of Defence
* Ministry of Culture
* Agency of Statistics under the President
* Committee on Local Development under the President
* Committee on Women and Family Affairs under the Government
* Committee on Religion, National Traditions, Festivities and Rituals under the Government
* Committee on Youth, Sports and Tourism under the Government
* Main Archives Department under the Government

The Reform Steering Committee should also include the United Nations Development Programme (UNDP) and the Swiss Office for Development and Cooperation (SDC), as, respectively, the implementing organization and the donor of the “Support to Civil Registration System Reform in Tajikistan” Project (further referred to as “the UNDP Project”). The UNDP and the SDC will hold an observer status within the Reform Steering Committee.

The UNDP and the SDC will, on a regular basis, provide information on the activities of the Reform Steering Committee to an International Group consisting of organizations most active in supporting the Government in its reform efforts:

* UN Women
* United Nations Population Fund (UNFPA)
* World Health Organization
* United Nations Children’s Fund (UNICEF)
* Office of the United Nations High Commissioner for Refugees (UNHCR)
* US Agency for International Development (USAID)
* German Society for International Cooperation (GIZ)

The composition of the International Group could be expanded to include other organizations or donor countries interested in supporting the reform of civil registration in Tajikistan. The information on the activities of the Reform Steering Committee will be provided to the International Group through the meetings of the Governance Cluster Working Groups (on Public Administration Reform and on Rule of Law) of the Donor Coordination Council and/or through dedicated meetings organised by the UNDP.

The Reform Implementation Task Force should consist of working-level staff of the institutions represented at the Reform Steering Committee. These staff should have direct regular access to the members of the Reform Steering Committee representing their organisations, in order to inform them about activities of the Reform Implementation Task Force and receive guidance when required.

Representatives of other organisations would be invited to attend meetings of the Reform Steering Committee and the Reform Implementation Task Force as needed.

The Coordination Mechanism should be assisted by a Secretariat, supported by the UNDP Project, in implementation if its tasks. The Head of the Secretariat should chair the meetings of the Reform Implementation Task Force. Other provisions regarding the composition and functioning of the Secretariat are detailed below under the section ‘Management arrangements’.

In terms of the method of establishment of the Coordination Mechanism, two options are suggested.

Option 1: Appointment by decision of the Minister of Justice.

If this option is preferred, the composition and Terms of Reference of the Reform Steering Committee and the Reform Implementation Task Force will be approved by the Minister of Justice. The Coordination Mechanism will be led by a Deputy Minister of Justice.

Advantages:

* A relatively quick and easy procedure of establishment;
* A tried-out method, since two Technical Inter-agency Working Groups (on Promotion and improvement of the electronic system of the Civil Status Registration Acts, and on Development and improvement of the educational guidelines on dealing with the recording system of the Civil Status) had been established by an Order of the Minister of Justice on 27 June 2016.

Challenges and risks:

* Given the previous difficulties in inter-institutional cooperation, appointment by decision of the Ministry of Justice may not generate sufficient authority for other Ministries and institutions to be actively and effectively involved in the work of the Coordination Mechanism.

Option 2: Appointment by decision of the Government.

In order to ensure the effectiveness of participation of all key institutions in the Coordination Mechanism, it is suggested to consider an option that the Government of the Republic of Tajikistan issues a decision on the establishment of the Coordination Mechanism. The decision on the establishment of the Coordination Mechanism would include provisions on regular accountability to the Government. Under this Option, the Coordination Mechanism would be led by a Deputy Minister of Justice. Alternatively, a senior official of the Administration of the President could be charged with the task of leading the Coordination Mechanism; in this case, a Deputy Minister of Justice should be appointed as his/her Deputy.

Advantages:

* Suitable hierarchical position of the Government and the Administration of the President to ensure continued effective involvement of all key institutions in the civil registration reform.

Challenges and risks:

* The Administration of the President may be unwilling to engage in the direct supervision of the civil registration system reform, considering this to be the task of the Ministry of Justice.

Under both Options described above, given the prominent role of the Ministry of Foreign Affairs in the development of electronic population databases and the performance of civil registration functions through its consular offices abroad, it is suggested to consider that a representative of the Ministry of Foreign Affairs may be appointed to act as a Deputy Head of the Reform Steering Committee.

*Duties and responsibilities*

The main objective of the Coordination Mechanism should be the overall strategic coordination of the reform of civil registration system in Tajikistan, with a particular focus on inter-institutional cooperation. The Coordination Mechanism will be the central authority responsible for monitoring and evaluation of the Programme for development of the civil registry bodies of the Republic of Tajikistan for 2014 – 2019. It will also review other initiatives for reform of the civil registration system, including implementation of the UNDP Project, supported by the Swiss Office for Development and Cooperation, “Support to Civil Registration System Reform in Tajikistan”.

In particular, the Reform Steering Committee should serve the following purposes:

1. Perform regular monitoring of progress of the civil registration reform using evidence-based decision making through consideration of Progress Reports;
2. Discuss challenges identified through monitoring, and decide on corrective action as needed;
3. Discuss issues identified in the Technical Working Groups, which were raised to the level of the Reform Steering Committee due to their importance and necessity for high-level decision-making;
4. Identify further areas for improvement of the civil registration system;
5. Approve Annual Work plans for Coordination of the Civil registration reform.

The Reform Implementation Task Force will support the Reform Steering Committee in the performance of its tasks by providing relevant information, identifying and pre-discussing challenges, as well as presenting suggestions for further improvement of the civil registration system. In particular, the Reform Implementation Task Force should be charged with the following duties:

1. Compile regular Progress Reports on implementation of the civil registration reform and submit them to the Reform Steering Committee for consideration;
2. Share information among the participating organizations on issues related to implementation of the civil registration reform;
3. Discuss issues identified in the Technical Working Groups, and refer them to the Reform Steering Committee, if needed;
4. Discuss any problems arising in the course of implementation of the civil registration reform and initiate their solution by either immediate action (through senior management, if needed) or referral to the Reform Steering Committee;
5. Consider a draft Annual Work plan for Coordination of the Civil registration reform, prepared by the Secretariat, and submit it for approval to the Programme Steering Committee.

*Management arrangements*

The Coordination Mechanism should be assisted by a Secretariat in implementation if its tasks. The UNDP Project will provide support to the Secretariat in the performance of its duties.

The Secretariat should be composed of a Head of Secretariat and two other staff, all of them civil servants contracted with support of the Project.

The Secretariat should be hosted at the Ministry of Justice as the key responsible institution for civil registration in Tajikistan. Alternatively, it could be hosted by the Administration of the President if a senior official of the Administration of the President is appointed to lead the Coordination Mechanism; in this case, the Secretariat should also include an official of the Ministry of Justice. One member of the Secretariat could be based at the Ministry of Foreign Affairs.

The Head of Secretariat, assisted by the members of the Secretariat, will perform the following tasks:

1. Draft an Annual Work plan for Coordination of the Civil registration reform and submit it for approval to the Programme Steering Committee through the Programme Implementation Task Force;
2. Keep track of implementation of the Annual Work plan, signal to the management of the Coordination Mechanism in case any deviations from the Work plan are detected;
3. Chair the meetings of the Reform Implementation Task Force;
4. Draft minutes of meetings of the Reform Steering Committee and the Reform Implementation Task Force;
5. Based on information received from members of the Reform Implementation Task Force, compile regular Progress Reports on implementation of the civil registration reform for consideration of the Reform Steering Committee;
6. Disseminate information among the participating organizations on issues related to implementation of the civil registration reform;
7. Maintain close working relations with the Secretariat of the National Rule of Law Fora in order to ensure the inclusion of civil registration reform issues in the National Rule of Law and Access to Justice policy dialogue process;
8. Perform other tasks as instructed by the Reform Steering Committee or the Reform Implementation Task Force.

The Reform Steering Committee will meet at least twice a year.

The Reform Implementation Task Force will usually meet once every month at an agreed day of the month, at an agreed time. As the reform progresses, the frequency of meetings of the Reform Implementation Task Force may be decreased.

Meetings of the Reform Steering Committee and the Reform Implementation Task Force will usually be held at the premises of the institution hosting the Secretariat. Meetings can also be held at the premises of other institutions, at regional centres or at ZAGS offices.

*Work plan*

The work of the Coordination Mechanism will be guided by Annual Work plans for Coordination of the Civil registration reform. The Annual Work plans will cover the period until the end of the respective calendar year.

The Annual Work plans will include the following elements:

1. Priority issues for civil registration reform in the current calendar year;
2. Dates of meetings of the Reform Steering Committee;
3. Key issues for consideration at each meeting of the Reform Steering Committee.

Priority issues for the calendar year and key issues for consideration at each meeting of the Reform Steering Committee will be identified based on the Annual plans for implementation of the Programme for development of the civil registry bodies of the Republic of Tajikistan for 2014 – 2019, the annual work plans of the UNDP Project “Support to Civil Registration System Reform in Tajikistan”, as well as other relevant sources.

# ANNEX. Institutions consulted during the Missions of International Legal Expert to Tajikistan on 4-8 July, 8-19 August and 17 October-4 November 2016

Ministry of Justice

Department of Civil Status Acts under the Ministry of Justice

Institute of professional development of the personnel of law enforcement, justice and legal services of enterprises, institutions and organizations of the Ministry of Justice

Ministry of Health and Social Protection

Republican Centre of Medical Statistics and Information of the Ministry of Health and Social Protection

Ministry of Foreign Affairs

Ministry of Interior

Ministry of Education

Ministry of Defence

Ministry of Finance

Parliament

Agency of Statistics under the President

Committee on Local Development under the President

Committee on Religion, National Traditions, Festivities and Rituals under the Government

Main Archive Department under the Government

State Savings Bank “Amonatbank”

ZAGS divisions in Gorno-Badakhshan Autonomous Region, Hissar and Shahrinav districts, Shohmansur, Sino and Somoni districts of Dushanbe City

Secretaries of Jamoats of Yavan (small town) and Karima Ismoili (village)

United Nations Development Programme

Staff of UNDP Project “Support to Civil Registration System Reform in Tajikistan”

Staff of UNDP Project “Maintenance of Basic Parameters of CRO Information System in Tajikistan”

Swiss Office for Development and Cooperation

United Nations Women

United Nations Population Fund

World Health Organisation

United Nations Children’s Fund

United Nations High Commissioner for Refugee, Tajikistan Office

Deloitte (contractors of the United States Agency for International Development)

1. https://www.facebook.com/undprola2j/ [↑](#footnote-ref-1)
2. http://www.untj.org/dcc/ [↑](#footnote-ref-2)
3. Composition of the Reform Steering Committee should be discussed and agreed upon among key stakeholders. [↑](#footnote-ref-3)