



PROJECT DOCUMENT

“Strengthening Rule of Law and Human Rights to Empower People in Tajikistan.”

Project Title: Strengthening Rule of Law and Human Rights to Empower People in Tajikistan. Phase III

Project Number: 00123993

Implementing Partner: UNDP Tajikistan

Start Date: 1 December 2022 **End Date:** 30 November 2025 **PAC Meeting date:** July 27, 2022

Brief Description

Strengthening rule of law and human rights are firm priorities of the Government of Tajikistan (GoT), as acknowledged in its National Development Strategy (2016-2030) and Mid-Term Development Plan (2021-2025). UNDP has been supporting the GoT in its aspirations through two previous phases of the Strengthening Rule of Law and Human Rights to Empower People in Tajikistan project (2014-2018, 2018-2022). This third and final phase of the project aims to consolidate results already achieved, while broadening the focus to include additional rule of law sector institutions, in order to strengthen the impact of those results and contribute to their sustainability.

The vision of the Project is to protect and promote the rights of people through accessible, inclusive and equitable rule of law institutions and human rights mechanisms, ensuring that no one is left behind. This will be achieved through two outcomes focused on duty bearers and rights holders respectively, and six mutually reinforcing outputs. Key activities include (1) consolidating the transition to a government operated and funded system of free legal aid, including enhanced coordination mechanisms; (2) strengthening Parliament’s role in transparent policy and decision making; (3) increasing access to information for the judiciary and the population on judicial processes; (4) continuing support and capacity building of the Ombudsman Office including advocating for Tajikistan’s accession to and compliance with international human rights conventions; (5) empowering the people of Tajikistan and in particular women, youth, persons with disabilities and other vulnerable groups to know and claim their rights; and (6) strengthening the capacities of civil society to equally participate in sustainable rule of law and human rights dialogue and decision-making processes.



This Project will address for the first time in an integrated manner the specific needs of women related to access to justice, promote advocacy on gender equality and strengthen gender empowerment through work with gender and disability public organisations. Promotion of gender equality approaches will remain at the heart of the Project. The Project will mainstream gender consideration into the Project cycle and adopt practices that promote gender equality both with its primary and secondary stakeholders and partners. All activities will be developed and conducted in line with the UNDP Gender Equality Strategy 2014–2017. In view of the context analysis and experience from Phase I, promotion of gender equality approaches will remain at the heart of the Project. Thus, the Project’s interventions will address the specific vulnerabilities and needs of women and girls with a particular focus on girls and women with disabilities, while acknowledging the strengths of their social positions and empowering them to participate fully in the project and community related activities.

Contributing Outcome: UNDAF Outcome 1: People in Tajikistan have their rights protected and benefit from improved access to justice and quality services delivered by accountable, transparent, and gender responsive legislative, executive and judicial institutions at all levels
CPD Output 1 .2. Justice sector institutions enabled to uphold rule of law in compliance with international commitments; promote and protect human rights and improve access to justice and civil registration of vulnerable population groups, especially women, youth and persons with disabilities

Indicative Output(s) with gender marker: **GEN2**

Total resources required:	1,446,103.71 USD ¹	
Total resources allocated:	MFA Finland:	1,446,103.71 USD
	Government:	
	In-Kind:	

Agreed by (signatures)²:

Supreme Court of RT	UNDP
Mr. Shermuhammad Shohiyon Chair of the Supreme Court 	Mr. Lenni Montiel Resident Representative 
Date: 01.12.2022	Date: 01.12.2022



¹ Equivalent to 1,500,000 EUR excluding 1% levy (UNORE as of October 2022)

² Note: Adjust signatures as needed

LIST OF ACRONYMS

A2J	Access to Justice
CO	Country Office
CSO	Civil Society Organisation
CRPD	Convention on the Rights of Persons with Disabilities
DIM	Direct Implementation Modality
FLA	Free Legal Aid
FSLA	Free Secondary Legal Aid
GoT	Government of Tajikistan
GPO	General Prosecutor's Office
HR	Human Rights
HRBA	Human Rights Based Approach
LAC	Legal Aid Centre
LNOB	Leave No One Behind
M&E	Monitoring and Evaluation
MFAF	Ministry of Foreign Affairs Finland
MoF	Ministry of Finance
MoI	Ministry of Interior
MoJ	Ministry of Justice
MTDP	Mid-Term Development Plan
NHRC	National Human Rights Commission
NDS	National Development Strategy
NGO	Non-Governmental Organisation
OPCAT	Option Protocol on the Convention against Torture
PD	Policy Dialogue
PWD	Persons with Disabilities
RoL	Rule of Law
RRF	Results and Resources Framework
SALAC	State Agency on Legal Aid Centres
SC	Supreme Court
SDC	Swiss Agency for Development and Cooperation
SDG	Sustainable Development Goal
SGBV	Sexual and Gender Based Violence
ToC	Theory of Change
UN	United Nations
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
WG	Working Group
ZAGS	Civil Registry Office

I. DEVELOPMENT CHALLENGE

1.1 Situation Analysis

Strengthening rule of law and human rights are key development priorities for Tajikistan, most recently acknowledged by the government in its Mid-Term Development Plan (MTDP) 2021 – 2025, which recognises the “*need to improve the mechanisms for the actual implementation of rights, ensuring the rule of law and justice.*” Cross-sectoral priorities cross-cutting the MDTP include “*ensuring human rights, the rule of law...and reduction of social and gender inequality in the society.*” The National Development Strategy (NDS) 2016 – 2030 similarly places emphasis on strengthening institutions, including on rule of law and access to justice.

To fulfil its commitments, the Government of Tajikistan (GoT) has undertaken a number of legislative and policy reforms to create the framework for an effective justice system, with an aim to improve the accessibility of the justice system for the people of Tajikistan, as well as to strengthen rule of law and ensure the protection of rights. These legislative reforms are of relatively good quality; however, full implementation of laws is hindered by a lack of financial means, weak institutional and professional capacities, and poor coordination. Full implementation of and budgeting for the MTDP and NDS, is still not in place and often commitments on paper are not translated in practice.

Free Legal Aid

In June 2020 a new Law on Legal Aid was adopted, after extensive support from the Rule of Law and Human Rights Project Phase I and II and its sister project, the SDC funded Access to Justice project. The Law provides for a state-run system of primary and secondary legal aid through a new institution, the State Agency on Legal Aid Centres (SALAC), as well as envisaging full government support of the system by 2023. Despite post COVID 19 economic recovery challenges, the current government commitment to free legal aid stands at 60 % with an incremental year on year increase of 20 % for the next 2 years. It is anticipated that the GoT will assume 100 % responsibility for funding the system by 2024. However, the introduction of the Law, and the system, has not been without challenges. During the piloting phases of the free legal aid system, the eligibility criteria for free legal aid were far broader. With the adoption of the Law, the categories of people who are eligible for free legal aid has been narrowed and no longer includes for example minorities, or children whose parents are not in receipt of social welfare. Since the social welfare system is relatively new and the majority of those eligible are not aware, this narrows the eligibility for free legal aid considerably. The Law does not recognise victims of violence as eligible to receive free (state-funded) legal aid in criminal cases.³ Further, the number of legal aid centres – currently standing at 34 in 37 districts - remains insufficient to provide nationwide coverage of free legal aid services and funding remains low, limiting the rollout and delivery of secondary free legal aid. This exacerbates inequalities and a lack of inclusivity in accessing legal aid services.

The rapid expansion of state-run LACs supported by the project has increased expectations that the state will provide access to justice for its citizens, putting pressure on the GoT to provide funding for the provision of free legal aid across the whole country. This has had a deleterious effect on the already fragile Union of Lawyers, which may have lost some of the (little) credibility it had as the body representing the interests of independent lawyers. Reform of the

³ Adopted on 4 July 2020, No.1694.

Bar in Tajikistan undertaken since 2015 has resulted in a huge shortage in the professional services of lawyers (a ratio of 1:13,000) especially in rural areas.⁴

There are also challenges with regard to the coordination of the system of free legal aid. Due to low awareness and limited capacities, coordination with other rule of law institutions, including the Supreme Court and the judiciary, the General Prosecutor's Office and the prosecution, the Ministry of Interior and the police and the Union of Lawyers and lawyers remains fragmented. This further impacts on both the accessibility of free legal aid as well as the quality of services provided.

Parliament

Tajikistan has a bicameral parliament.⁵ The Parliament has appropriate constitutional powers for policy oversight, but often defers to the Presidency. Committee hearings are reported to be a more meaningful platform for discussion during parliamentary sessions, and the regions are fairly represented as committees' chairs are nominated according to a territorial principle. Participation of women in political parties and Parliament remains low in Tajikistan and has not reached a minimum of 30 % representation since independence. When it comes to the adoption of Laws, the research and analytical capacities of the Parliament remain limited. In particular, the secretariat is unable to provide services to the Committees to review and approve draft laws; the individual Committees and in particular the Parliamentary Committee on Legislation and Human Rights and the Committee on Law, Order, Defence and Security lack the capacities to fulfil their mandates; Parliament is not connected with ongoing Policy Dialogue processes and remains removed from the population; and parliamentarians have limited awareness of the rights of women, youth, persons with disabilities and other vulnerable groups. These constraints impact the ability of the parliament to adopt robust, evidence-based policies and legislation through transparent processes. Further, people are unaware about the role of Parliament due to a lack of accessible information.

Judiciary

Access to justice is negatively affected by the weak capacity of justice sector institutions, insufficient access to information, and lack of transparency and impartiality of judicial decisions.⁶ Judicial and Legal Reform Programmes are adopted about every three years, but these do not offer an analysis of challenges and gaps nor are they budgeted or monitored. The majority of the programme measures are aimed at legislative reforms with less focus on strengthening implementation to create an independent judiciary with necessary financial resources.⁷ The judiciary remains hampered by poor document, data and information exchange systems between the courts, which impacts on the efficiency of case management and adds to the backlog of cases. Business processes remain largely outdated and the judiciary has yet to harness the benefits of modern technology and digital solutions to improve the efficiency and

⁴ Human Rights Committee, Concluding observations on the third periodic report of Tajikistan, 22 August 2019, p.39.

⁵ The members of the Lower Chamber are directly elected for a five-year term. Of the 63 MPs, 41 are elected in single-mandate constituencies and the other 22 MPs are voted in from a single nationwide district under a proportional, closed-list system with a 5% threshold. OSCE, ODIHR, May 2020, *ibidem*.

⁶ After the Constitutional reform of 2016, the Council of Justice, the institution under the Office of the President responsible for appointment of judges, for consideration of claims by citizens and for administrative support to the judiciary has been abolished. The Commission on examining and appointing judges is widely influenced by the Executive Branch, and the Council of Justice' functions have been provided to the Supreme Court without provision of sufficient resources.

⁷ Safarzoda et al (2017), Analysis of execution of the state programmes of the Republic of Tajikistan in the field of judiciary and legal reform, pp. 6-7.

inclusiveness of service delivery. The Ombudsman Office reports a steady increase in the number of complaints related to the exercise of the right to a fair trial in recent years, from 6 to 18 % between 2014 and 2019.⁸ In addition, access to information for the public about judicial services and processes remains low resulting in a lack of trust in the judiciary.

National Human Rights Institution

The Human Rights Ombudsperson in Tajikistan is neither fully transparent nor participatory and lacks independence.⁹ The Ombudsperson is still appointed by the President with the consent of the Parliament and selection process. In 2016, the Law on Ombudsperson was amended to bring the institution closer to the Paris Principles. The full compliance with fundamental standards related to the independence of the National Human Rights Institution have still not been achieved.¹⁰ The Ombudsperson also lacks adequate resources. Based on UN observations, the Ombudsperson forwarded complaints to law enforcement bodies but many of those who applied to the institution for protection were not satisfied with the interventions. The Ombudsman still lacks capacity in terms of annual reporting and in its monitoring of closed and semi-closed institutions.

Human Rights

Despite improvements being made, in part through support of the Project, rights awareness and legal awareness of the population remain low, in particular among vulnerable groups, including women, youth, persons with disabilities and those living in rural areas. Rights-holders are often not aware of their rights and entitlements, while mechanisms to monitor accountability and access to justice are weak or ineffective. Tajikistan participated in its third Universal Periodic Review (UPR) in November 2021. The documents will be adopted during the 49th session of the Human Rights Council on 28 February – 1 April 2022. Based on a preliminary assessment, Tajikistan received 234 recommendations from 80 Member States. The country accepted 169 recommendations and did not accept 57. Tajikistan partially accepted 7 recommendations and decided that 1 recommendation was already implemented.

A quick analysis of the recommendations shows that Tajikistan has accepted most of the recommendations related to social and economic rights, as well as the rights of vulnerable groups such as children, women, persons with disabilities and people living with HIV. Recommendations related to civil and political rights, including freedom of the media and religion, were noted (not accepted).

Tajikistan adopted recommendations regarding the ratification of the Convention on the Rights of Persons with Disabilities and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the complete abolition of the death penalty. Tajikistan agreed to accept recommendations aimed at enacting anti-discrimination legislation, criminalizing gender-based and domestic violence, reviewing its legislation to combat terrorism and violent extremism, and strengthening the fight against human trafficking. Tajikistan promised to accelerate the adoption of the National Human Rights Strategy, actively engage in the implementation of national action plans to implement the recommendations of the UN structures, strengthen the mandate of the Commissioner for Human Rights, and take measures to address the problems of stigmatization and discrimination against people living

⁸ Ombudsperson of Tajikistan, 2019, annual report. [<http://ombudsman.tj/doklady-upolnomochennogo/>]

⁹ CCPR/C/TJK/CO/3, para 9.

¹⁰ Human Rights Committee, 2019, Concluding Observations on the third periodic report of Tajikistan, para 9. [https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTJK%2fCO%2f3&Lang=en]

with HIV. While accepting recommendations on the protection of the rights of persons deprived of their liberty, Tajikistan, however, refused to ratify the Optional Protocol to the Convention against Torture, which provides for the creation of a permanent mechanism for monitoring places of deprivation and restriction of liberty.

Recommendations regarding the revision and / or repeal of legislative norms on the restriction of freedom of religion, freedom of expression, peaceful assembly, as well as illegal and arbitrary blocking of the Internet were not accepted, explaining that, in the opinion of the Government, the legislation in these areas is fully consistent with international standards and commitments.

Recommendations on the abolition of criminalisation and prosecution of political dissent, the creation of alternative military service, and the persecution of journalists and the opposition have not been accepted either. A large number of recommendations related to the adoption of legislation and enforcement measures against sexual minorities people were not accepted, noting that an anti-discrimination law is in the process of being adopted, which will include all these provisions.

Civil Society

The legal environment for civil society in Tajikistan is not fully enabling and civil society faces ongoing challenges and threats. While the government has pledged support for the development of civil society organisations, Tajikistan faces challenges with the legal enabling environment for non-governmental organisations, with implications for the financial sustainability of the non-profit sector. There has been a general trend towards limiting democratic space and curtailing political freedoms and civil liberties. The capacity of rights-holders to claim their rights is weak. The Legatum Institute Prosperity Index 2019 ranks Tajikistan 114 of 167 countries, with significant downward movement in personal freedoms, economic quality and governance positions.¹¹ Meanwhile, the decreasing number of young adults engaged within civil society may undermine CSOs' role in supporting Tajikistan to realise goals within its National Development Strategy. There is a need to build the organisational and technical capacity of CSOs to improve their productivity and enhance their impact, while supporting the public's understanding of civil society's role in developing and advancing concepts of national unity, social cohesion and civic engagement.

Women and Girls in Tajikistan

Women in Tajikistan face major barriers to equality, political participation and economic empowerment due to strong gender stereotypes and patriarchy, thus often being placed in subordinated positions compared to men. While the Constitution guarantees equal rights to both men and women and the principle of non-discrimination is enshrined in the legislation, harmful social norms and practices continue to perpetuate gender inequality. In 2020, Tajikistan ranked 137 out of 153 countries in the Global Gender Gap Index (0.626), losing 14 positions compared to 2018, and showing particularly low ranking in economic empowerment and opportunity followed by political empowerment and educational attainment.¹² Tajikistan ranked 84 out of 162 countries on the 2018 Gender Inequality Index (GII).¹³

¹¹ The Index ranks 167 countries. Legatum Institute, 2019, Legatum Prosperity Index: Pathways from Poverty to Prosperity. [https://docs.prosperity.com/8115/8635/0367/The_Legatum_Prosperty_Index_2019.pdf]

¹² World Economic Forum, 2020, Global Gender Gap Report 2020, p. 329.

[http://www3.weforum.org/docs/WEF_GGGR_2020.pdf]

¹³ [http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf]

Women are systematically denied the same rights as men due to strong patriarchy that cuts across the government and society of Tajikistan and lack of effective policy and institutional frameworks aimed at achievement of gender equality. They face sexual violence and exploitation and an unequal division of unpaid care and domestic work. Climate change and disasters continue to have a disproportionate effect on women and children, as do conflict and migration. Inequality of opportunity is especially high for rural women due to limited choices and the low quality of infrastructure.

Gender inequality fuels high levels of violence against women and girls (VAWG). Reliable statistics on prevalence of violence against women in Tajikistan are lacking. Violence against women, including spousal abuse, remains widespread and pervasive despite the adoption of the 2013 Law on Prevention of Violence in the Family. The 2017 Demographic and Health Survey revealed that 24 % of women between the ages of 19-49 in Tajikistan have experienced physical or sexual violence.¹⁴ A third of these women reported violence happening in the past year. The most common perpetrators of violence are current or former husbands (97 %) and 80 % of married women report that their husbands exhibit at least one form of marital control. Despite this, domestic violence is not criminalised. In addition to violence, women and girls are subjected to illegal and unchecked practices such as polygamy, child, early and forced marriage, and son preference. Around 9 % of women are married before the age of 18.¹⁵ Changes made to the family code to increase the age of marriage from 17 to 18 years old, but early marriages are still common.

Moreover, Women are especially challenged with limited access to justice and harmful gender customs. Despite legislation endorsing women's rights, banned practices of polygamy, under-age marriages are common. Traditional values prevent women from exercising their legal rights to land, property and finance. Often, religious marriages are not registered with the state as required, leading to adverse consequences for women when the marriage breaks down. Early marriage is a contributing factor to higher fertility and through this to poverty.

Persons with Disabilities

Despite increasing political will and expanding budget allocations and services, persons with disabilities are still often viewed as individuals in need of protection and charity. Often, persons with disabilities, their families and caregivers do not know how to exercise the rights guaranteed by the State. While reliable statistics on the situation of girls and women with disabilities are not available, NGOs assert that there is high gender inequality among persons with disabilities.¹⁶ Challenges include gaps in laws and policy frameworks compared with Tajikistan's international commitments that enable discrimination against persons with disabilities and restrict equitable access to services, including justice.

Rural Population

¹⁴ Demographic and Health Survey, 2017, p. 208. [<https://dhsprogram.com/publications/publication-fr341-dhs-final-reports.cfm>]

¹⁵ UNICEF. [<https://data.unicef.org/topic/child-protection/child-marriage/>]

¹⁶ Women with disabilities are subject to double and even triple discrimination being women, disabled and often living in poverty. Women with disabilities are more likely to have a lower literacy level than men and a greater %age are unemployed compared to men with disabilities. National legislation and policies on gender equality and social protection of persons with disabilities lack a gender dimension. Human Rights Council, 23 March 2016, Working Group on the Universal Periodic Review, Compilation by OHCHR, A/HRC/WG.6/25/TJK/2. OHCHR, 2015, [Shadow Report from CSOs](#).

According to the World Bank 72 % of Tajikistan is rural in 2020, marking only a slight downwards trend since 2000, when it stood at 73 %.¹⁷ A large proportion of rural residents face multidimensional deprivation. The lack of quality physical infrastructure and the lack of access to services, including quality education, health, social protection, reliable transportation, and safe drinking water, negatively affect rural households' living conditions and resilience. In 2018-2019, around one-third of the population in rural areas was experiencing poverty.¹⁸ Extreme poverty is more common among female-headed households than male-headed households. In rural areas, women own fewer assets in comparison to men, have less time for recreation and recuperation,¹⁹ and carry the burdens of care responsibilities and unpaid agricultural work. The underrepresentation of girls in higher education is more evident in rural areas, where poverty and social norms are more pervasive. Living in rural areas is also a determinant for labour migration. In 2019, nearly 90 % of Tajik labour migrants originated from rural areas. Almost half of Tajik labour migrants were aged 15 to 24²⁰ and 75 % were men.²¹

COVID-19 Impact

The COVID-19 pandemic has severely impacted the socio-economic well-being of the population in Tajikistan, especially those dependent on remittances and exacerbated existing vulnerabilities. Four out of ten Tajik households reported they were forced to reduce their consumption of food, while one in five families have said they were unable to obtain medical care. During 2021, the economy has been rebounding from the slowdown in 2020. After growth slowed to 4.5 % last year, the economy grew by 8.7 % in the first half of 2021. Despite this, it is anticipated that the COVID-19 recovery in Tajikistan will continue to need to be accelerated.²²

1.2 Results and Lessons Learned

The development of Phase III of the project has been informed by the results and lessons learned from the previous two phases of project implementation. The project has also been informed by the findings and recommendations of both the Mid-Term and Final Evaluations of Phase II of the project.

Results

Significant achievements of both phases of the project to date include: 1. The adoption of the Law on Legal Aid; 2. Operationalization of SALAC and LACs throughout the country; and 3. Government of Tajikistan funding level of the FLA system reaching 60% of the total cost of LA.

State agencies, such as SALAC, the legal aid state agency created with the support of the project, and policies and legislation, such as the new Law on Legal Aid, are in place and operational throughout the country. However, the Law requires certain amendments, in

¹⁷ <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=TJ>

¹⁸ 30.2 % in rural areas, 18.4 % in urban areas. World Bank Group, 2020, Poverty in Tajikistan 2020 infographic. [<https://www.worldbank.org/en/news/infographic/2020/10/15/poverty-in-tajikistan-2020>]

¹⁹ Asian Development Bank, 2020, Women's time use in rural Tajikistan. [<https://www.adb.org/publications/womens-time-use-rural-tajikistan>]

²⁰ Asian Development Bank, 2020, Migration in Tajikistan.

²¹ Ministry of Labour, August 2020, Migration and Employment of Population.

²² <https://www.worldbank.org/en/news/press-release/2020/12/23/tajikistan-economic-update-fall-2020>

particular with regards to expanding the eligibility criteria. The project has supported the establishment and functioning of 17 LACs throughout the country, which is a major achievement of the project. GoT is currently funding 60 per cent of the cost of the legal aid system, with firm commitments to increase to 100 per cent funding by 2024.

Coordination amongst rule of law sector stakeholders still remains an issue including the MoJ, Judges, Prosecutors, Parliament, the Union of Lawyers, Police and other state officials involved in the justice system. The Union of Lawyers is the natural partner for the provision of SFLA, however they need more support and capacity strengthening in their role of being the main provider of SFLA in Tajikistan.

The Office of the Ombudsman is able to investigate some complaints and issues annual reports which are made public. It requires additional capacity strengthening in monitoring human rights violations and in taking full ownership of its role in terms of human rights advocacy and protection of citizens' rights. Ratification of the CRPD by the GoT is long overdue. Although delivery of quality legal aid services is still a challenge, the legal aid system and the justice sector actors are now better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women and persons with disabilities.

Phase II project placed a lot of focus on issues of gender and persons with disabilities (PwDs) and was successful in building the capacity of CSOs/POs to advocate for women and PwDs' rights and access social services. Target beneficiaries, including women and persons with disabilities, enjoy more rights and access to justice and are able to a certain extent to use legal aid to defend their rights. There is however more work to be done in this area to increase awareness and access to rights.

The final Evaluation found that the *Regional Policy Dialogue* is a successful platform for CSOs (POs), particularly those working on women and PwDs issues, not only to provide input into state policies but also to build connection and trust with state officials in the areas of their interventions.

Lessons Learned

- The partnership between the MFAF's Phase II Rule of Law project and the SDC's Access to Justice project provided an effective and cost-saving approach to project implementation. Considerable cost-savings and synergies resulted in having a joint programme implementation Steering Committee and programme management personnel.
- The global COVID-19 pandemic was a serious challenge for the implementation of many activities, including the organisation of public events, public awareness and conduction of local monitoring and, in general, communication with partners. National partners were not ready to organise digital communication, however close cooperation with project staff to digitalise work processes has shown to be a potential solution.
- Provision of legal aid during the COVID-19 Pandemic was challenging, there was insufficient technical equipment for lawyers to continue their work remotely. Provision of primary legal aid by the lawyers via mobile phone was effective. While pre-Pandemic lawyers were spreading information in person, during the pandemic, more attention was placed on online and phone consultation. Regarding secondary free legal aid, courts were not ready to handle the situation, many court cases were postponed and advocates refused to participate in court proceedings to avoid infection.

- Due to the adoption of the Law on Legal Aid, which limited the category of people entitled for secondary free legal aid, the number of cases of SFLA fell tremendously from 1209 cases in 2020 to 259 in 2021.
- While the Project already in its second year overachieved absolute number of targets on legal aid provision, the number of consultations for people with disabilities by SALAC remains low. This might be due to lower numbers of people with disabilities in Tajikistan (150,000 or 1,7% out of 9 million population) against international data (some 10-15% of total population) or due to a lack of accessibility of legal aid for people with disabilities, or mistrust of people with disabilities to the lawyer that has no disability, which is the case worldwide. Thus, it is beneficial for the Project to continue supporting Organisations of people with disabilities to run specialised disability legal aid centres with the possibility to travel around the country to provide services for people with disabilities and continue establishing linkages between LACs and the disability community.
- Some of the remaining issues with the Free Legal Aid system (including the weak capacity of SALAC staff, and the (lack of) funding of a state-run legal aid system) can be resolved only by the state; accordingly, the Steering Committee, and high-level officials from the MFA Finland, SDC, UNDP should continue to actively advocate for an allocation of funds to ensure the sustainability of a free legal aid system, and to honour the pledges made by Tajikistan at the inception of the project.
- One of the forecasted Project implementation risks, rotations in the Government structures materialised during Phase II of the project. Senior Management of the key stakeholder of the Project, the Ministry of Justice were changed, resulting in a slight decrease in the speed of project implementation. The active involvement of UNDP Senior Management to continue the good relationship, coupled with work of the Project with mid-level management of the Ministry reduced potential stagnation in the Project implementation. Thus, this practice shall be continued in the future at the highest level in the Government potentially with the Executive Office of the President, to further mitigate possible risks in the future.

It is against this backdrop and based on the results and lessons learned to date, that the third phase of the Strengthening Rule of Law and Human Rights to Empower people in Tajikistan project has been developed.

II. STRATEGY

2.1 Alignment with national and global priorities

The project is fully aligned with the development priorities of the Government of Tajikistan and in particular its **National Development Strategy 2016-2030**, which includes a focus on stronger institutions, as well as the **Mid-Term Development Plan 2021 – 2025**, which seeks to strengthen the institutional basement of the national economy through ensuring human rights, access to justice and the fight against corruption. It will also contribute towards achievement of the **State Human Rights Education Programme 2021 – 2025**, the **National Action Plan on the Ratification of the Convention on the Rights of Persons with Disabilities**; the **State Programme on Accessible Environment**; and other sectoral specific strategies including those of the judiciary, the Union of Lawyers and the Ombudsman Office; and thematic strategies including on gender.

The project is aligned with **Finland’s Ministry of Foreign Affairs Country Programme for Development Cooperation 2021 – 2024** and its first impact, *more equal societies and strengthened implementation of human rights and the rule of law*. It will contribute to the achievement of two outcomes under this impact – *institutions are able to respond to the needs and rights of citizens; and empowered people who are better able to claim and defend their rights*.

The project is aligned with **UNDP’s Strategic Plan 2022 – 2025** and its Outcome 2: *No one left behind centring on equitable access to opportunities and a rights-based approach to human agency and human development*. It will contribute to the new **United Nations Sustainable Development Cooperation Framework for Tajikistan 2023 - 2026** Priority III, Outcome 4, people-centred governance and rule of law, *By 2026, governance is more inclusive, transparent and accountable, serving to protect human rights, empower women, and reduce violence and discrimination in alignment with the international commitments of Tajikistan*; as well as **UNDP’s Country Programme Document for Tajikistan 2023 - 2026**, output 4.2 *Governance institutions at national and local levels have strengthened capacities and systems in place to support access to justice and remove structural barriers to gender equality and women’s empowerment*; and Output 4.3 *Governance institutions and processes are made more transparent, and accountable and use technological innovations to engage the larger society in participatory policy formulation, planning, implementation and oversight*.

The project will contribute towards Tajikistan’s fulfilment of the **2030 Agenda and the Sustainable Development Goals (SDG)** and in particular **Goal 16**, which provides unprecedented space for strengthening the rule of law, justice, and security and promoting human rights, and commits Member States to *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*. The targets for Goal 16 speak to protecting fundamental freedoms, promoting participation, non-discrimination and access to justice, and elevating civil and political rights relative to human rights standards. In particular, the project responds to Target 16.3, which obliges states to *Promote the rule of law at the national and international levels and ensure equal access to justice for all*; Target 16.6 *develop effective, accountable and transparent institutions*; and Target 16.7 *ensure responsive, inclusive and representative decision-making*. The project also responds to **Goal 10**, which commits to *reduce inequality within and among countries* and eliminate discrimination in laws, policies and practices, and **Goal 5**, which promotes gender equality and the need for empowerment of all women and girls given their disadvantaged roles and discrimination in many societies.

2.2 Theory of Change

The Theory of Change (ToC) for the Rule of Law and Human Rights Project: Phase III is guided by the situation analysis and results and lessons learned from the first two phases of the project. The vision of the Project is to strengthen the system so that the rights of people, in particular women, youth, persons with disabilities and other vulnerable groups, are protected and promoted through accessible, effective, inclusive and equitable rule of law institutions and other human rights mechanisms. As confirmed by the Final Evaluation of Phase II of the project, all the preconditions and assumptions reflected in the project’s theory of change are essential to achieve the desired change and still remain valid. Thus, the Project’s **Theory of Change** reads as follows:

- ✓ *If* SALAC is capacitated to effectively manage the provision of secondary free legal aid and raises awareness and coordination with other rule of law sector institutions, including the MoI, GPO, the Supreme Court and the Union of Lawyers; and
- ✓ *If* Parliament's role in transparent policy making is strengthened; and
- ✓ *If* Access to information and internal processes within the judiciary are strengthened; and
- ✓ *If* The capacities of the National Human Rights Institution are developed to increase implementation of national and international human rights standards; and
- ✓ *If* Women, persons with disabilities and youth are empowered to access to justice and to claim their rights; and
- ✓ *If* Capacities of civil society are strengthened to equally participate in sustainable rule of law and human rights dialogue and decision-making processes;
- ✓ *Then* the efficiency, effectiveness, coordination and inclusivity of decision-making, rule of law and human rights institutions will be increased to implement national and international human rights standards and enhance access to justice for women, persons with disabilities, youth and other vulnerable groups; and
- ✓ *Then* people, including women, persons with disabilities, youth and other vulnerable groups, will have enhanced knowledge and capacities, will be empowered to claim their rights and participate in equitable and inclusive rule of law and human rights dialogue processes and decision-making;
- ✓ *Which* will ensure that the rights of people, in particular women, youth, persons with disabilities and other vulnerable groups, are protected and promoted through accessible, effective, inclusive and equitable rule of law institutions and other human rights mechanisms.

The theory of change is underpinned by the following *assumptions*:

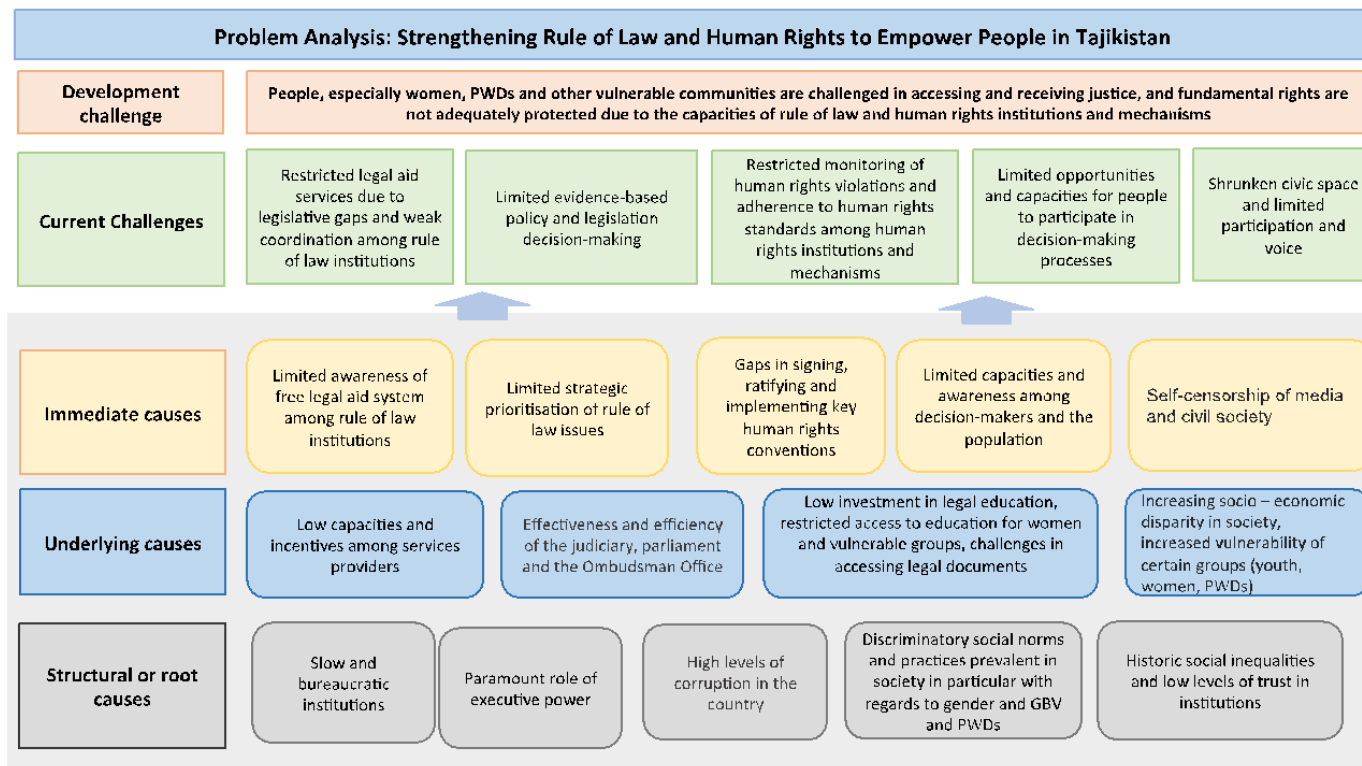
- ✓ GoT remains committed to its obligations with regards to fully funding the system of FLA
- ✓ SALAC has the capacities to effectively manage and coordinate the system
- ✓ GoT remains committed to fulfilling its national and international human rights obligations
- ✓ Rule of law sector institutions are motivated to strengthen coordination to improve the transparency and accountability of equitable and inclusive decision-making processes and service delivery
- ✓ Citizen empowerment and engagement takes place and is sustained over time
- ✓ Space for civil society does not further shrink and they remain motivated to participate in HR dialogues and decision-making processes.

The theory of change and the problem tree analysis reinforcing it is illustrated below:



PROJECT DOCUMENT

“Strengthening Rule of Law and Human Rights to Empower People in Tajikistan,”



Theory of Change: Strengthening Rule of Law and Human Rights to Empower People in Tajikistan – Phase III

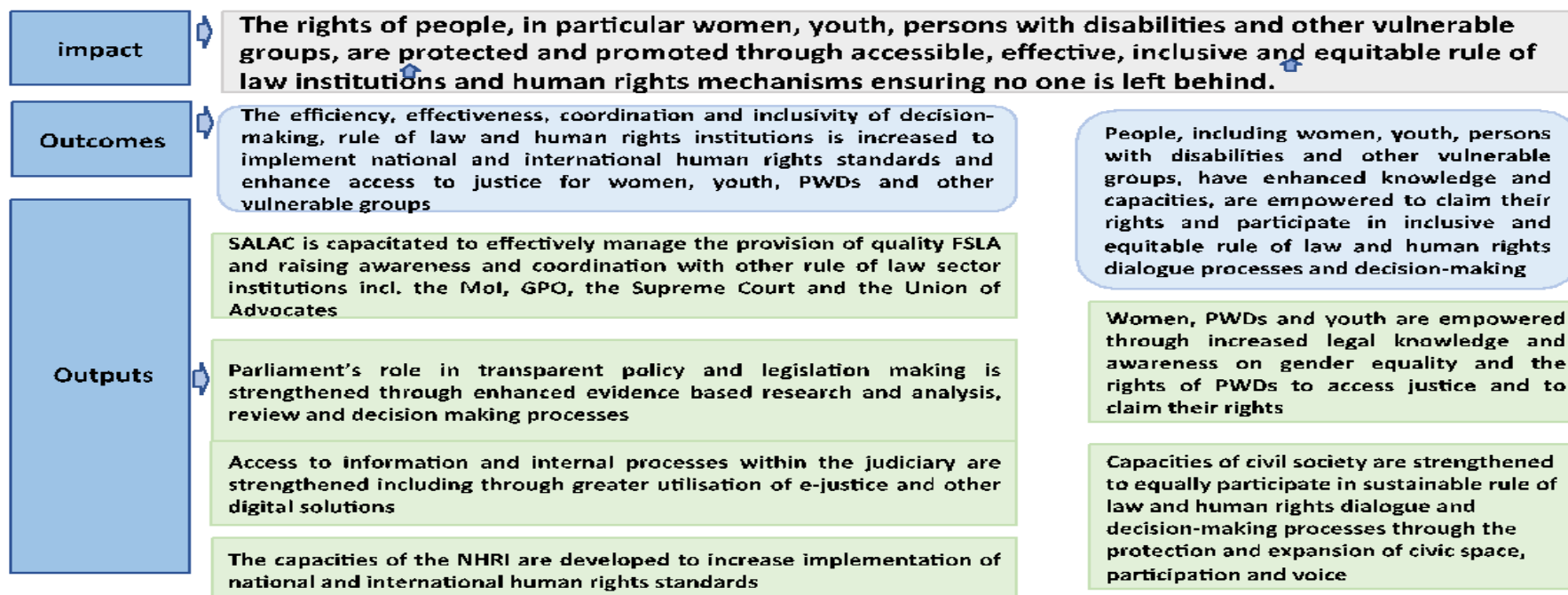
National development priorities:

NDS: Stronger national institutions; **Monitoring NDS, SDGs;** Target indicators: Poverty rate; Government effectiveness; Budget transparency; Quality of public admin; Rule of law; Control of corruption; HDI, GII, GDI

MTDP: Strengthening institutional basement of the national economy; Ensuring human rights, law and fight against corruption

UNSCDF: Priority III: Outcome 4. People-centred governance and rule of law

By 2026, governance is more inclusive, transparent and accountable, serving to protect human rights, empower women, and reduce violence and discrimination in alignment with the international commitments of Tajikistan



PROJECT DOCUMENT**“Strengthening Rule of Law and Human Rights to Empower People in Tajikistan.”**

2.3 Project Strategies and approaches

Human Rights Based Approach

The principles of *leaving no one behind* (LNOB) and *reaching the furthest behind first* frame the project, which has been designed in line with the human rights-based approach (HRBA). Applying a HRBA and working with both duty bearers and rights holders, activities will continue to underpin work at the institutional level with on the ground interventions. The project will combine supporting duty bearers – the Ministry of Justice and SALAC, Ministry of Interior; General Prosecutor’s Office, Union of Lawyers, Supreme Court and the Parliament to deliver accessible, inclusive and equitable services and to strengthen rule of law sector institutions and human rights mechanisms, including the Ombudsman Office, with empowering rights holders to understand and claim their rights and participate in decision making influencing their lives. The project will support the integration of human rights principles into the processes and methodologies of the institutions as part of its support towards structural change. It will support the authorities, as duty bearers, to promote, protect and fulfil human rights for all. At the same time, focus will be made on rights holders and in particular those who are left behind, including women, youth, persons with disabilities and other vulnerable groups, by empowering them through raising their awareness and capacities to participate and contribute in decision-making processes, through capacity development, networking and accessing the policy making process. Adopting a HRBA ensures that the Project’s strategies and activities are developed and implemented in a way that supports and promotes self-advocacy, capacity building and empowerment of people in Tajikistan. Crucially, putting a rights-based approach into practice means engaging with the people of Tajikistan to advance their rights, rather than them simply being treated as beneficiaries of interventions. It also implies a robust engagement with the key rule of law sector actors and human rights institutions and mechanisms.

Strengthening the Policy and Legislative Framework

Building on activities and results achieved during the first two phases of the Project, Phase III will continue to support the strengthening of the rule of law and human rights policy and legislative framework through advocacy and technical advice and assistance to the amendment of existing laws or development and adoption of new Laws and policies. This includes amending the Law on Free Legal Aid to expand the eligibility criteria for recipients of free legal aid, as well as continuing to advocate and lobby for the adoption of an anti-discrimination law in Tajikistan. The project will continue to support the criminalisation of SGBV through its inclusion in the criminal code, as well as advocating for Tajikistan to ratify the Convention on the Rights of Persons with Disabilities (CRPD) and adopt and ratify the Optional Protocol on the Convention against Torture (OPCAT).

Partnerships

Partnerships will be core to the project’s approach to strengthen national ownership and to drive the sustainability of the project’s interventions and results. In Phase III, the project will continue to have a strong partner orientated approach and will consolidate its existing partnerships, in particular with the Ministry of Justice and SALAC, the Ombudsman Office, the Union of Lawyers and the Rule of Law Network of civil society organisations, while also broadening its partnership base. Partnerships will be forged with other rule of law institutions throughout the justice chain, to ensure the effective provision of equitable and inclusive free

legal aid services. This will include cultivating partnerships with the Ministry of Interior and the police, the General Prosecutor's Office and the prosecution and the Supreme Court and the judiciary. The Supreme Court will be the main partner of the Project during the 3rd phase and responsible party for signing the Project Document. The project will establish a partnership with the Parliament in order to facilitate robust, evidence-based policy and legislative making.

Capacity Development

The project will continue to integrate UNDP's capacity development approach, which understands capacity development as a process through which individuals, organisations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time. It considers capacity development as an endogenous process; hence capacity development support needs to start from the existing capacities and work with the assets of the respective institution. The UNDP capacity development paradigm presents a holistic approach to rule of law and is likely to yield better long-term results than the traditional short-term technical assistance approach. Building on results and achievements and from Phases I and II, the project will continue to develop the capacities of rule of law institutions and human rights mechanisms to provide equitable and inclusive services to the people of Tajikistan, including the Ministry of Justice/SALAC, Union of Lawyers, Supreme Court, Parliament, General Prosecutor's Office, Ministry of Interior, and the Ombudsman Office.

Empowerment

The project will continue to support the empowerment of individuals, communities and society to be aware of their rights and how to access and claim them, to promote inclusion, expand opportunities and contribute to sustainable development.

Convening duty bearers and rights holders through Policy Dialogue Mechanisms

Despite the challenges of a shrinking democratic space and on-going human rights violations, the project will continue to facilitate dialogue between duty bearers and rights holders. The project will continue to leverage UNDP's comparative advantage as an integrator and convenor between both sides of the development paradigm, state institutions on the one side and civil society representing the people on the other. The project has shown tangible results through the regional policy dialogue mechanism established during phase I of the project, which has enabled a more participatory approach to decision making and a higher level of national ownership on both sides. This has been critically important in the realisation of project results, as well as in the context of longer-term project implementation, in particular with regards to the adoption of the Concept and Law on Free Legal Aid.

Digital solutions as enabler of results

In phases I and II, the project has utilised digital solutions to enable results including through the development of an online case management system for free legal aid cases, as well as improvements to court's websites and other digital solutions. The Government has shown commitment for digitalisation, although its capacity to undertake structural reforms without support from the international community is limited. In March 2019 interest was expressed to participate in the World Bank's (WB) regional Digital CASA programme and negotiations are on-going. In December 2019, the '*Concept of Digital Economy of the Republic of Tajikistan*' was adopted through Government Decree N642. The Ministry of Economic Development and Trade is currently working on the '*Roadmap of Digital Economy Development in Tajikistan*' which was anticipated to be adopted by Autumn 2020, but which has been delayed due to the Covid-19 context and is still pending adoption. In line with UNDP's Digital Strategy 2022-

2025, the project will accelerate its usage of digital technologies and solutions during phase III. In particular, this will be through initiatives with the Supreme Court to enhance the overall utilisation of ICT in the courts to effect system level changes. The project will also utilise digital solutions to enhance access to information in respect of both the judiciary and parliament. However, the project is also cognisant of not deepening the digital divide. For example, in 2019, less than 1 % of households had broadband internet access and only 35 % of people had mobile internet access in Tajikistan.²³

III. RESULTS AND PARTNERSHIPS

In line with the National Development Strategy and Mid-Term Development Plan of the Republic of Tajikistan, other relevant national strategies and policies, the SDGs, UNSDCF and the UNDP CPD, the objectives of the project are to protect and promote the rights of people through accessible, inclusive and equitable rule of law institutions and human rights mechanisms, ensuring that no one is left behind.

3.1 Results Framework

Impact: The rights of people, in particular women, youth, persons with disabilities and other vulnerable groups, are protected and promoted through accessible, effective, inclusive and equitable rule of law institutions and human rights mechanisms ensuring no one is left behind.

Outcome 1: The efficiency, effectiveness, coordination and inclusivity of decision-making, rule of law and human rights institutions is increased to implement national and international human rights standards and enhance access to justice for women, youth, PWDs and other vulnerable groups

The overall aim of this outcome is to strengthen institutional capacities to provide accessible, effective, inclusive and equitable rule of law services and the protection and promotion of human rights. This will be achieved through greater coordination among rule of law institutions; enhancing the capacities of Parliament to adopt evidence-based laws and policies; increasing access to information about judicial processes both within and outside of the court system; and increasing the capacities of the National Human Rights Institution to increase implementation of national and international human rights standards and mechanisms.

There are 4 outputs, which together will achieve this outcome.

Output 1: SALAC is capacitated to effectively manage the provision of quality secondary free legal aid and raise awareness and coordination with other rule of law sector institutions including the Ministry of Interior, General Prosecutor's Office, the Supreme Court and the Union of Lawyers

²³ <https://www.worldbank.org/en/news/speech/2021/04/29/opening-remarks-for-the-online-conference-on-digital-economy-in-tajikistan>

Activity 1.1 Strengthen coordination mechanisms between rule of law actors with regards to Free Secondary Legal Aid (FSLA) IFSLA (**Years 1- 3**)

Activity 1.2 Strengthen provision of FSLA (**Years 1 – 3**)

Activity 1.3 SALAC led research and analysis of cases identify key obstacles people face in certain legal areas (**Years 1 -3**)

Output 2: Parliament’s role in transparent policy and legislation making is strengthened

Activity 2.1 Strengthen the Parliamentary Secretariat (**Years 2 and 3**)

Activity 2.2 Develop the research capacities of the Parliamentary Committee on Legislation and Human Rights (**Years 1-3**)

Activity 2.3 Sensitisation training for Parliament (Rule of Law, Access to Justice, Human rights, PWD, gender, SDG and OPCAT) (Years 2 and3)

Activity 2.4 Awareness raising and capacity building of the Public Council on PWDs (**Years 1 -3**)

Activity 2.5 Connect parliamentarians with the Policy Dialogue mechanism (**Year 1-3**)

Activity 2.6 Increase access to information for the public through the development of an e-information system (**Years 1-3**)

Output 3: Access to information and internal processes within the judiciary are strengthened including through greater utilisation of e-justice and other digital solutions

Activity 3.1 Creation and upgrade of an e-system of data, document and information exchange among the courts; (**Years 1-3**)

Activity 3.2 Strengthen the system for the online registration of appeals (**Years 2-3**)

Activity 3.3 Access to information through improvement to court websites (**Years 2-3**)

Activity 3.4 Client satisfaction survey of judiciary (**Year 2-3**)

Activity 3.5 Support Policy and Legal Reforms in judicial sector (**Years 2-3**)

Activity 3.6 Undertake feasibility assessment for connecting the court with other state institutions including analysis of best practices for digital solutions in courts (**Year 2-3**)

Activity 3.7 Enhance institutional and individual capacity of judiciary to pilot e-justice system (**Years 1-3**)

Output 4: The capacities of the National Human Rights Institution are developed to increase implementation of national and international human rights standards

Activity 4.1 Enhance the role of the Ombudsman to achieve Status A in cooperation with the Rule of Law Centre under the University of Helsinki (**Years 1-3**)

Activity 4.2 Support to the implementation and monitoring of the Strategic Plan 2021 – 2025 and implementation and monitoring of UPR recommendations (**Years 1-3**)

Outcome 2: People, including women, youth, persons with disabilities and other vulnerable groups, have enhanced knowledge and capacities and are empowered to claim their rights and participate in inclusive and equitable rule of law and human rights dialogue processes and decision-making.

This outcome is focused on rights holders and empowering people to claim their rights and participate in decision making and human rights dialogue processes. This will include increasing legal knowledge and awareness and strengthening the capacities of civil society.

There are two outputs that together will contribute to achievement of the outcome.

Output 5: Women, PWDs and youth are empowered through increased legal knowledge and awareness on gender equality and the rights of PWDs to access justice and to claim their rights.

Activity 5.1 Continue support to the implementation of the State Programme on Human Rights Education 2021 – 2025 including the development of human rights curricula for education institutions (**Years 1-3**)

Activity 5.2 Further support to gender equality and women’s empowerment and rights of PWDs in Tajikistan (**Year 3**)

Output 6: Capacities of civil society are strengthened to equally participate in sustainable rule of law and human rights dialogue and decision-making processes.

Activity 6.1 Awareness raising and capacity building of CSOs with respect to criminalisation of domestic violence (**Year 3**)

Activity 6.2 Strengthening RoL Network’s and DPO’s capacities to participate in policy dialogue processes with state institutions including the development of mechanisms to implement and monitor decisions and recommendations arising from the PD (**Years 2-3**)

Activity 6.3 Support CSOs in their role with international HR mechanisms including the UPR process and support to the implementation of the Roadmap of Ratification of CRPD and the State Programme on Accessible Environment 2021-2025 (**Years 1-3**)

Activity 6.4 Support CSOs in conducting small-scale researches and assessment with regards to A2J for women and PWDs (**Year 2**)

3.2 Resources Required to Achieve the Expected Results

(i) Financial resources

The project will mobilise and finance its activities through entering into a bilateral agreement with the Ministry of Foreign Affairs Finland. The project will be administered by UNDP under

the Direct Implementation Modality (DIM), in accordance with norms and procedures established by UNDP for this type of implementation and which are expressed in the guide Programme and Operations Policies and Procedures (POPP). These funds will be used and prioritised in accordance with decisions from the Project Board, which will also be an integral part of the risk management of the project targeting the different stakeholders. The procurement and management of the project's resources will be done through the Country Office or specialised UNDP Units, as the Procurement Support Unit (PSU) based in Copenhagen, Denmark.

The costs of evaluation and audits of the project, as well as measures needed to guarantee the compliance with the financial rules of UNDP, will be funded through the project. With the help of the Project Manager the prioritisation of the use of available funds will be subject to the recommendations of the project management unit and the Project Board. The financial resources should be available in due time, in line with the chronogram for disbursement and within the budgetary provisions of the project.

(ii) Human and administrative resources

The project will continue to divide administrative costs with the SDC funded Access to Justice Project as well as human resources, as it has in previous phases of the project implementation. This will include cost sharing a national project manager, project officers and associates and other national staff; IT equipment, communications, office rent, vehicle running costs, contractual services, UNDP C definitely addO support costs and other miscellaneous expenditure. This will add to the effective and timely implementation of the project. For the mobilisation of experts UNDP will make use of its extensive national, regional and worldwide expertise, and the capacities available at regional centres, country offices and headquarters, using the various rosters available.

The UNDP Country Office will provide programmatic and operations (procurement, technology, finance, human resources) support in line with the project's needs, as well as quality control during the implementation. The costs related to this support will be included in the project's budget.

The Rule of Law Project is also in regular contact with its sister project in Kyrgyzstan (also Finnish-funded), and the two regularly exchange information. In Phase III this cooperation will be strengthened and may include one or more site visits between the two projects. In particular, the project may exchange knowledge and resources through shared partnership with the Rule of Law Centre under the University of Helsinki.

(iii) Material resources

Since this is the third phase of the project, the project will utilise to the greatest extent existing resources. However, for the achievement of the results of the project, the Project may acquire equipment and materials, which will be defined as inputs to the specific planned activity. If deemed necessary, some equipment may be procured for the implementation of the various activities of the project, based on an evaluation and description in the operational plans of the project.

The project will maintain in good order and organisation the inventory of all equipment and materials purchased for the project. The project board may decide on the transfer of goods to other programmes, projects, UN agencies or governmental institutions, or may be eliminated through selling or donation.

3.3 Partnerships

Supreme Court

UNDP has partnered with the Supreme Court under the A2J project as well as the Access to Judicial Information project, to increase access to court decisions and improve access to information on 5 court websites. During Phase III, the project will consolidate this partnership by further strengthening access to information of court processes and information both within and outside of the court system, i.e., for judges and court staff as well as for the people of Tajikistan. The Supreme Court as the main partner will be engaged in activities under output 3, which will have a large digital component, in order to increase access to information as well as to improve the efficiency of court processes.

Parliament

UNDP and the project have already conducted a number of preliminary consultations with the Parliament to identify its needs and its contribution to the project going forward. One of the key lessons learned arising out of previous phases of the Project is that engagement and coordination with other state institutions, including the Parliament, is vital for a prompt legislative reform process and that cooperation and communication should be intensified in the future. In this context, the Project will formalise its cooperation with the Parliament in terms of strengthening its capacities to review, analyse and adopt evidence-based policy and legislation. The Parliament will be closely involved in activities under Output 2 of the project.

Ministry of Justice

The Ministry of Justice of the Republic of Tajikistan and its subordinated bodies, particularly SALAC, will continue to play a key partnership role in Phase III of the project, in order to consolidate existing results and to ensure their ownership and sustainability beyond the lifespan of the project. The MoJ as one of the senior beneficiaries of the project will be closely involved in the implementation of Output 1 as well as monitoring and evaluation of programmatic results under this output. The MoJ will also continue to chair the National and Regional Policy Dialogues.

The Project built a strong relationship with the Ministry in Phases I and II. Despite staff changes within the Ministry during phase II of the project, it is anticipated that this will continue into Phase III. This relationship extends to SALAC, in the context of FSLA, which is to a great extent the creation of the Project. At this time, SALAC is still dependent on the Project for technical and administrative support. It is anticipated that over the period 2022-25, SALAC will gradually grow to be independent of this type of support.

The Ombudsman's Office

The Ombudsman's Office is also a major strategic partner of the project. The Ombudsman's Office is responsible for a number of key initiatives, including Tajikistan's interaction with several key international conventions; it advocates for signing and accession (i.e., in the cases of CRPD and OPCAT) and also monitors compliance with conventions that Tajikistan has already signed. It is also the GoT partner in the Anti-Torture Coalition. Like the MoJ, the Ombudsman's Office will also play a key role in the Policy Dialogue between the State Institutions and CSOs. Under the present initiative, the Ombudsman's Office will be specifically engaged and contribute to implementation of Output 4, namely in advocacy for ratification of OPCAT as well as UNCRPD.

The project intends to continue enhancing the capacity of the Ombudsman’s Office to comply with the Paris Principles and support the creation of a National Preventive Mechanism – the “Ombudsman plus” model - to conduct monitoring of closed and semi closed facilities. Additionally, the project will continue to support and strengthen the capacity of local representations of Ombudsman to provide legal aid for marginalised and vulnerable groups, including women and persons with disabilities.²⁴

The Union of Lawyers

The Union of Lawyers is the new national Bar Association, which replaced the old system (of multiple regional bar associations) in 2015. The Union will be an important secondary partner, in terms of the provision of free secondary legal aid.²⁵ The project has already cultivated a strong relationship with the Union of Lawyers and this is expected to continue during Phase III. In addition, the Rule of Law Centre under the University of Helsinki has already expressed interest to support the Union of Lawyers as part of a build-on activity of the project. This has been discussed during preliminary consultations and will continue to be discussed and defined going forward.

General Prosecutor’s Office and Ministry of Interior

Within the framework of the provision of free secondary legal aid under output 1, the project will create secondary partnerships with additional rule of law institutions including the General Prosecutor’s Office and the prosecution and the Ministry of Interior and the police. This will be in the context of their role and responsibilities within the system of free legal aid and to enhance coordination among rule of law sector institutions to improve access to equitable and inclusive services.

CSO Network

The CSO Network is a loose “umbrella” organisation of Civil Society Organisations; it currently has 17 members, including three women’s CSOs and two OPWDs. It was established in 2016 with Project assistance. It is expected that it will be a secondary partner to the Project throughout Phase III, as it has been in previous phases. The Network’s primary function will be to deliver recommendations and other inputs into the Policy Dialogue under output 6; however, the Project will be alert to opportunities to use the Network in other ways, thus building its capacity and strengthening the ability of member CSOs to influence public policy and law.

NGO Coalition on CRPD and the NGO Coalition Against Torture

The project has worked with these two NGO Coalitions throughout Phases I and II, and will continue to do so in Phase III. If resources allow, the project may do training or other capacity development, or help the NGO Coalitions with applying for grants or other funding.

Human Rights Centre Tajikistan

The project will also continue its cooperation with the Human Rights Centre (HRC). HRC is a Tajik NGO that aims to help Tajikistan to build a state governed by rule of law by raising legal awareness among the people. The project will in particular cooperate under outputs 5 and 6 with the HRC.

²⁴ The project has supported three of these “Ombudsman LACs” throughout Phase II.

²⁵ The Union of Lawyers is new, and is currently quite small, with less than 500 qualified members. It remains to be seen whether it will have the capacity to serve as a key partner in Phase II.

National Union of People with Disabilities of Tajikistan

The project will continue its partnership with the National Union of People with Disabilities of Tajikistan in Phase III. The Union was initially organised and led by people with disabilities in 1990. The goal of public organisation “NUPDT” is to represent and protect the rights and interests of people with disabilities in the Republic of Tajikistan. The organisation has about 50,000 beneficiaries and 35 branch offices all over Tajikistan. In accordance with the Law on Public Organisations, the National Union was reregistered at the Ministry of Justice under the number 302 A on November 16, 2007. The project will in particular cooperate under outputs 5 and 6 with the HRC.

UN Agencies

The project will continue to engage with other UN Agencies based on their comparative advantages and strengths and the contribution they can make towards furthering the goals of the Project, as it has during Phases I and II. For example, in Phase I, the Project brought in other UN agencies (UNICEF, UNWOMEN and UNHCR) to provide training to LAC lawyers; this may be continued or expanded in Phase III to include other rule of law institutions such as the GPO, MoI, Parliament and the SC. The UN Office of the High Commissioner for Human Rights (OHCHR) was specifically involved in strengthening the institutional capacity of the Ombudsman’s Office in Phase II, as well as in contributing to advocacy efforts for accession/ratification of UNCRPD, OPCAT, and compliance with CEDAW. While doing so, OHCHR worked closely to build the technical capacity of the NGO Coalitions, particularly the NGO Coalition on CRPD and the NGO Coalition Against Torture. The project anticipates close cooperation with OHCHR going forward.

Coordination among Rule of Law stakeholders

Coordination among justice sector stakeholders will take place through the following platforms:

- Policy Dialogue platforms, including national, regional, and local Policy Dialogues and the annual Rule of Law Forum;
- Twice-yearly Project Board meetings;
- DCC Rule of Law Working Group meetings chaired by UNDP;
- Regular meetings with GoT counterparts, particularly at the Deputy-Ministerial and agency head levels;
- Regular meetings with NGO and CSO counterparts, particularly but not exclusively through the CSO Network.

As noted above, during Phases I and II the Project engaged very intensely with GoT and CSO stakeholders, building relationships that are expected to last through Phase III.

3.4 Risks and Assumptions

A number of risks, both external and internal, have been identified in carrying out the activities of this Project. The following table analyses these risks and proposes relevant measures to mitigate those risks as well as the assumptions underpinning them. A detailed risk log is provided at Annex III.

- **Further deterioration of global pandemic context.** Tajikistan is currently experiencing its third wave of the COVID-19 pandemic, with a rise in the Omicron variant. Mirroring experiences of other countries, this presents a generally milder clinical picture than previous variants. Vaccination rates are also slowly increasing, with 49 % of the population being vaccinated as of 6 February 2022 and 41 per cent being fully vaccinated. Despite the global and local picture looking more positive, the project has put mechanisms in place so that it regularly monitors the situation regarding the pandemic and is able to react and respond swiftly. It has developed contingency plans based on the GoT's COVID-19 safety protocols, and as necessary, is able to quickly shift to online and virtual modalities of working as per the changing safety protocols and restrictive measures in place.
- **Political destabilisation, insurgency and armed conflict.** During 2021, Tajikistan witnessed instability on its border regions with Kyrgyzstan in the North, as well as Afghanistan in the south. Tensions continue and have the potential to overspill. This might cause a shift in the priorities of the Government agenda; hence it might entail changes in the action plans of state institutions involved in the project. The mentioned risk might impact on the (timely) implementation of the project's activities. If this risk transpires, the Project management response, in line with conflict sensitive project management principles, guided by the do no harm ethos, will be immediate and efficient through regular UNDP Senior Management and Project leadership with the Government counterparts; in case of necessity, respective changes will be introduced and implemented within the reform framework.
- **Legislation, government policy and practices not implemented due to weak capacities, lack of coordination and/or low finances.** To mitigate this risk, the Project leadership will conduct a semi-annual review of the Project's progress, through half-year and annual reports and through Project Board meetings twice per year.
- **Lack of motivation/political will to implement reforms.** For the comprehensive implementation of the reforms, motivation and political will of the Government of Tajikistan is required. Currently, the political will is at the required level; however, the fulfilment of the agreed joint priorities, especially at the institutional level is required. The main instrument to mitigate these risks are the existing dialogue platforms including the Policy Dialogue Platform and continued advocacy efforts.
- **GoT no longer wishes to engage in Policy Dialogue.** The level of this risk is perceived as low, because the GoT has engaged strongly with the Policy Dialogues at both the national and regional levels since 2013. However, the risk does exist, because the decision to continue with the Policy Dialogue platform is inherently political. The project will continue to engage closely with all relevant stakeholders to facilitate the on-going Policy Dialogue processes as well as to institutionalise them and strengthen their sustainability aspects.
- **The GoT does not follow through on its financial commitments in 2022-2025.** If this happens, the Project does not have resources to make up the shortfall, so the development and provision of free secondary legal aid will be sharply curtailed. This risk can be mitigated by bringing the Ministry of Finance into discussions and by obtaining clear commitments from the highest levels of the Ministry of Justice well in advance of FYs 2023 and 2024 (and if necessary 2025).

- **GoT does not fulfil its human rights obligations including implementation of the UPR Recommendations.**
- **CSO capacities do not develop as anticipated.** The level of this risk is perceived as low, but this risk can be mitigated by engaging closely with CSO partners.

Identified risks	Risk Mitigation	Assumptions
The project has identified a number of external risks inherent to the Project design and analyses the probability (P) and impact (I):	The action foresees the following measures to reduce the probability of the identified risks occurring, or to reduce the severity of the impact of a risk on the Outcome of the Project:	The following assumptions are made on which the project results depend
Additional waves of COVID-19 pandemic with increased severity of COVID infection impacts on freely carrying out planned activities P – likely I – minor	Project has been vigilant about the situation and will update the contingency plan. The implementation modality will be adjusted as per contingency plan.	If there are increased numbers of infections and deaths nationwide, the government may implement COVID-19 safety protocols strictly to limit public gathering, preventive measures etc.
Continued political destabilisation, insurgency or conflict P-may occur I – notable	Maintain neutrality and conflict-sensitivity in action: adapt the programme to the complex context.	The border conflict with Kyrgyzstan does not flare up again; the situation in Afghanistan does not lead to an influx of refugees or instability in the border regions
Legislation, government policy and practices not implemented due to weak capacities, lack of coordination and/or low finances P-may occur I – notable	Close coordination with key institutions to develop alternative strategies	The GoT continues to implement and finance its NDS and MTDP and other strategic and policy priorities
Lack of motivation/ political will to implement reforms P – unlikely I – notable	Continued engagement with GoT across multiple platforms, increase in policy dialogue and advocacy	Ownership of project activities continues at the level it is at now
GoT no longer wishes to engage in Policy Dialogue mechanisms P – may occur I – notable	The Project is closely coordinating and communicating with the MoJ, who has actively engaged in the PD processes throughout Phases I and II.	Interest to participate in the Policy Dialogue processes remains at the high level it has been in previous phases.
The GoT does not follow through on its financial commitments in 2022-2025 P – may occur I – notable	Despite challenges due to the post-COVID-19 recovery, the GoT is currently funding the system of free legal aid at 60%. Project will continue to engage closely with MoJ and MoF and together with SDC A2J project lobby and	GoT fulfils its financial commitments to fully fund the system of free legal aid by 2024.

	advocate for continued funding expansion.	
GoT does not fulfil its human rights obligations including implementation of UPR recommendations P – may occur I – notable	The project will continue to engage closely with the GoT to fulfil its obligations and with the Ombudsman to monitor implementation of HR obligations and standards through PD and advocacy	GoT maintains its commitment to fulfilling its human rights obligations.
Capacities of CSO partners do not develop P – unlikely I – minor	Engage closely with CSO partners and continue capacity development work with them	CSOs remain highly motivated to engage with the project and capacity development approaches are adjusted accordingly based on needs.

3.5 Stakeholder Engagement

The project, based on its Theory of Change, will have the following main beneficiaries:

- The primary beneficiaries will be the MoJ and SALAC and other rule of law sector institutions, in particular the Parliament and Supreme Court, as well as the Ombudsman Office. They will benefit from transfer of knowledge and technical expertise on relevant issues. In addition, women, youth, persons with disabilities and other vulnerable groups will benefit from the project by empowering them through increased knowledge and participation in decision making and policy dialogue processes.
- Secondary beneficiaries include the Union of Lawyers, the General Prosecutor’s Office and the Ministry of Interior. They will benefit from engaging with the project in various areas in order to support the accessibility, efficiency, inclusivity and equity of free legal aid services.
- Finally, the overall beneficiaries will be the people of Tajikistan, who will participate with a better understanding of their rights and duties as well as how to access justice and seek an appropriate remedy.

3.6 South-South and Triangular Cooperation (SSC/TrC)

Given the tendency of shrinking democratic space and increasing concerns of human rights violations reported in Central Asian countries, sub-regional cooperation among NHRIs of Central Asia has been prioritised and promoted by UNDP and its partners and leveraged during previous Phases of the project.

In view of the context in which NHRIs in Central Asia operate, the regional partnerships will enable NHRIs in Central Asia to be more exposed to the global and UN agenda on human rights. This will in turn foster strong, independent, and interconnected NHRIs in Central Asia through: (a) strengthening NHRIs’ functional and substantive capabilities, managerial set-up, administrative efficiency and regional interconnectedness; and (b) establishing a conducive environment for developing a legal and normative framework for Paris Principle-compliant NHRIs.

It is clear that peer-to-peer support among NHRIs in the region can greatly enhance their knowledge and professionalism, and ultimately impact national policy formulation and

implementation that is compliant with international human rights standards. Therefore, in Phase III the project will continue to support regional coordination, subject to available resources.

As noted above, the project has fostered very close cooperation between the Tajik Ombudsman and the Ombudsman's Office of Finland. It is expected that this will continue through Phase Three, including with the support of the Rule of Law Centre under the University of Helsinki.

As noted above, in Phase III the project will continue to work to increase and tighten cooperation with the MFAF-funded Access to Justice project in neighbouring Kyrgyzstan which has a lot of similarities (work on legal aid; focus on persons with disabilities, etc.) but also differences which could be beneficial for each country to learn from (e.g., Tajikistan's legal aid efforts are focused on civil cases, while in Kyrgyzstan this work is focused on criminal cases, etc.). Since both projects are funded by MFAF, this is a good example of triangular cooperation.

Other forms of South-South and triangular cooperation will be actively investigated and pursued, as resources allow.

3.7 Digital Solutions²⁶

Digital thinking is embedded into the project design with the project continuing with digital solutions initiated during previous phases of the project as well as introducing new ones. As noted above, digital solutions are an enabler of project results and will be utilised to maximum effect by the project, while being cognisant not to deepen the digital divide. The project will continue to support the on-going usage of the Case Management System for free legal aid, developed under previous phases of the project, as well as build on other digital results, such as development of court websites and the upgrading of Parliament's website to increase access to information. Lessons learned during the COVID-19 pandemic showed that national partners were not ready to organise digital communication, however close cooperation with project staff to digitalise work processes has shown to be a potential solution to such kinds of challenges. Based on this, the project will support the further digitalisation of certain work processes within the judiciary, including the development of a digitised information, data and document exchange system, and the online registration of appeals, as well as to develop an e-information system for Parliament, to increase efficiency and transparency.

3.8 Knowledge

Knowledge gained through the monitoring and feedback process will inform corrective management measures and decision-making. The project will record good practices and what activities led to positive results and will share this monitoring and evaluation information widely, both nationally among stakeholders, donors and partners.

The knowledge products produced during Phase I and II have been distributed to interested stakeholders, both directly and through dissemination to the mailing list of the Rule of Law Working Group of the DCC.²⁷ As this practice has proved effective in the past, it will be

²⁶ Please see the [Guideline "Embedding Digital in Project Design"](#).

²⁷ The Rule of Law Working Group is a subcommittee of the Donor Coordination Council (DCC) that includes all donors and international NGOs working on Rule of Law issues. The Working Group meets ten times per year to discuss rule of law issues, coordinate activities, and (when relevant) make recommendations to the DCC as a whole. Regular attendees include UNDP, HELVETAS, OSCE, USAID, DFID, UNICEF, OHCHR, the EU, the INL, the World Bank, and the US Embassy. UNDP chairs the Working Group.

continued throughout Phase III. Knowledge on completed or transferred activities will also be shared with concerned institutions such as the Notary Office, ZAGs, and the Civil Registry Reform Project.

Specific studies to be undertaken by the project including the SALAC led study under output 1 looking at the specific obstacles different groups of people face in accessing justice for specific issues will be able to be used by other projects, such as Civil Registry Reform, as well as other UN Agencies. Similarly, the SGBV social and behavioural change analysis to be undertaken under output 6 will be a joint study with UNFPA, which can similarly be used by other projects and partners. All knowledge products produced by the project will add to the body of learning relating to specific areas of access to justice and human rights in Tajikistan.

To ensure institutional memory, all knowledge products and reports from Phases I and II will be kept on file for the duration of Phase III, and will be shared with other stakeholders as appropriate.²⁸ However, knowledge management will not be limited to the development and storing of singular products. It will instead be introduced as a cross cutting approach across both Outcomes. This means that the Project will document the various levels of results in a systematic fashion.

The Project will furthermore strengthen mutual learning and exchanges of experiences within the Project and between partners. It will be of particular importance to ensure that the transfer of knowledge between the SDC funded A2J project and this is managed well. The Project will also ensure the establishment and maintenance of mechanisms to ensure follow up on recommendations from the Policy Dialogue, including the National Rule of Law Forums.

3.9 Sustainability, Scaling Up and Exit Strategy

This is the third phase of the project and as such, a greater focus will be on consolidating results, bolstering national ownership and securing sustainability aspects. Building on the previous phases of the project, a comprehensive approach has been adopted centred around institutional capacity building to increase impact and sustainability. Ensuring national ownership, leadership and coordination are critical factors to enhance sustainability, and form the basis for the approach taken.

In terms of sustainability, the project interventions have been developed based on lessons learned and results achieved in the previous two phases of the project as well as after extensive consultations with all stakeholders, including national partners, development partners and CSOs, and ownership of the interventions is assessed as high. The project priorities directly support the targets and goals of national and sector specific strategic plans, as outlined above. During Phases I and II, the project has cultivated strong relationships with all key partners, and in particular the MoJ and SALAC and the Ombudsman Office. UNDP is recognised as being the main trusted partner of the government, giving it access to institutions that other organisations do not have. In addition, UNDP is also a trusted partner of civil society and is recognised for its unique integrator role of bridging the gap and convening diverse stakeholders. Through its commitment to rule of law and justice in Tajikistan, UNDP has demonstrated that it is able to develop long-standing partnerships and remain committed to issues as long as it is needed to achieve positive results. The project is thus in a unique position

²⁸ One forum for sharing is the Rule of Law Working Group of the Donor Coordination Committee, which meets regularly. The RoL WG is chaired by UNDP, and for the last two years by the project's Chief Technical Advisor. Useful and interesting documents are regularly shared on the WG's mailing list.

to serve as an integrator between partners, through investments in dialogue in support of a coherent and transformative approach to rule of law, access to justice and human rights in Tajikistan.

Sustainability and scalability of project interventions and benefits in the short and long run depend on the availability of desired policies, institutional frameworks, human and technical skills, social acceptance, environmental viability and most importantly availability of desired financial resources. Overall, in view of the indicated high level of acceptance and existing ownership of relevant governmental institutions for project outcomes and interventions, including free legal aid, policy dialogue, commitment to implementation of the UPR Recommendations etc. it can be deduced that activities will continue beyond the lifespan of the project and benefits will gradually continue to flow, especially for women, youth, persons with disabilities and other vulnerable groups.

It is envisaged that by the end of the programme (1) SALAC will be a fully functional, long-term sustainable government agency administering at least 15 LACs across all four regions of Tajikistan, and (2) SALAC will obtain the majority of its funding from GoT internal sources and not MFAF or any other donor. This will be accomplished through consolidation of the ongoing programme of capacity building, combined with a commitment on the part of the GoT to gradually assume responsibility for funding.²⁹ Over time, the MoJ will be empowered to assume greater responsibility for sustainability of the benefits of the free legal aid system.

Similarly, an ongoing programme of capacity development at the Ombudsman's Office will help to ensure that it will be an effective and sustainable NHRI long after the end of Phase III.

It is expected that capacities and institutional mechanisms developed by the project will assume a life of their own and allow the development of more nuanced and indigenous approaches to Rule of Law-related challenges in the future. Sensitisation of society on these issues, especially with regard to gender and PWD, will increase the potential for self-generated local community solutions. Development of local know-how, especially at the CSO level, and extraction of lessons from piloted initiatives will allow the replicability of successful experiences in the country and regional context.

On the structural level, the programme will dedicate efforts to building capacity of its partners at the level of government agencies and their regional branches, town and municipal authorities, and key development partners among non-state actors, many of whom start from a fairly low level in addressing rule of law challenges.

On the policy level, there are clear signs that the government is committed to these initiatives, particularly the provision of free legal aid, the strengthening of the Ombudsman's Office, and eventual accession to CRPD. Discourses are taking place and some state resources have already been allocated for these purposes. The project will engage with the developing process of legislative and policy changes on rule of law issues and is expected to have a lasting impact on evolution of the strategic approach adopted by the national authorities.

²⁹ One of the recommendations of the NIRAS report was that the project include the Ministry of Finance in discussions to help ensure GoT commitment to co-funding. The project has already begun doing this, inviting the MoF to the national-level Rule of Law policy dialogues about the future of SALAC and its funding. This relationship will be continued and expanded in Phase II.

Midway through the project implementation the project will develop a comprehensive exit strategy covering the remaining 18 months of project implementation. The exit strategy will define the specific handover of all interventions to the respective institutions. It will also include an advocacy strategy, which will address absorption of project activities into the state budget or budget of respective institutions (such as the Policy Dialogue). The exit strategy will be developed in close consultation with all implementing partners, as well as on-going discussions with the Ministry of Finance. It will indicate how the project can smoothly phase out and handover interventions to partners, to ensure sustainability and continuity. The exit strategy will also highlight possible future options for replicability and scaling up of interventions in future.

At this point, the project has identified the following ways in which to withdraw from the intervention in a sustainable manner:

Component	Activity (from Results chain)	Description	What needs to be done	Timeline for phasing out activities
<p style="text-align: center;">Output 1</p> <p style="text-align: center;">Legal aid system (SALAC)</p>	<p>Strengthen coordination mechanisms between rule of law actors with regards to FSLA</p>	<p>A free legal aid system has been created and covers 37 regions of the country – 17 of which are supported through the RoLHR project. Given the high interest and support to FLA of the State and the Ministry of Justice, at this stage of development, the system is quite stable. Given that the FLA system is still a very young structure, the interaction of LACs with other state bodies to solve the legal problems of the population has not been established. The situation is aggravated by the fact that lawyers have limited work experience, which affects the qualitative solution of legal problems</p>	<ul style="list-style-type: none"> ➤ Securing buy-in of all justice sector actors through n-going awareness raising (2022-2023) ➤ Conducting multi-disciplinary trainings on FSLA (2022 – 2023) ➤ Development of Standard Operating Procedures (SoPs) for police, prosecutors, lawyers and judges in cases of FSLA (2023) ➤ Full implementation of SoPs by all relevant stakeholders (2024) ➤ Full handover of all methodologies, tools, business processes (2024) 	<p>2023-2025</p>
	<p>Consolidation of provision of secondary legal aid in criminal cases, in particular for women, youth and other vulnerable groups</p>	<p>During Phase II the project successfully tested two piloting models for free secondary free legal aid (FSLA), generating evidence to decide on a model that sees SALAC manage the system of secondary legal aid and a unified call centre. While secondary free legal aid covers both Khatlon and Sughd Oblasts, MoJ requested to expand the piloting region to Dushanbe city to track data on criminal cases based on actual piloting,</p>	<ul style="list-style-type: none"> ➤ Roll-out of FSLA (2022-2024) ➤ Development of a digitalized system of monitoring the provision of FSLA (2023-2024) ➤ Capacity building of the monitoring system (2023-2024_ ➤ Handover to SALAC of the monitoring system (2024) 	<p>2023-2025</p>

		<p>with a view to further consolidation throughout the country. This is also foreseen in the recently adopted Law on Free legal Aid.</p>		
	<p>SALAC led research and analysis of cases to identify key obstacles people face in certain legal areas</p>	<p>There are still gaps in knowledge regarding the provision of FLA for certain vulnerable groups and on certain issues, for example, key obstacles people face in obtaining CRR documents, key obstacles PWDs face, key obstacles survivors of SGBV face etc. These are the most commonly found reasons for people seeking FLA and it is important to understand more deeply the root causes and reasons behind these needs, to address the issues more systematically, throughout the justice chain.</p>	<ul style="list-style-type: none"> ➤ Securing buy-in of all justice sector actors ➤ Development of ToR, recruitment procedure, contracting of assessment team ➤ Conducting assessment ➤ Identification of priority recommendations ➤ Follow up meetings and advocacy actions to be taken through Policy Dialogues and multilateral meetings with relevant stakeholders 	<p>2023-2025</p>
	<p>Advocacy to ensure full absorption of LACs into state budget</p>	<p>The State has made continued commitments with regards to the provision of FLA, most recently in April 2020 when the Law on FLA was adopted and the state committed to fully funding the system by 2025. Throughout the project period, UNDP will conduct continuous lobbying and advocacy</p>	<ul style="list-style-type: none"> ➤ UNDP and the MoJ will continuously engage with the Ministry of Finance, with the Executive Office of the President and with Parliament to try to ensure that the state is providing 100 per cent of the required funds by 2024. To this end, jointly with SDC, the project will organise annual review meetings with all 	<p>2023 - 2025</p>

		to facilitate the further absorption of the system into the state budget. As of 2022, the State is funding 60 per cent of the budget. It has committed to providing 100 per cent of the required funding by the end of the project implementation period. However, due to the financial crisis that Tajikistan is facing, which was exacerbated by the COVID-19 context, it is a possibility that the State may not be able to fully meet its commitments.	relevant stakeholders to discuss and analyse the current situation and to lobby for further inclusion of the system into the state budget. The project will continuously monitor the situation, in particular in terms of risks, and will devise mitigation strategies accordingly.	
Output 2 Parliament	Strengthen the Parliamentary Secretariat to provide services to the Committees to review draft laws	The capacities of the Parliamentary secretariat are weak, in particular with providing services to the Committees to review laws. This means that laws are not fully evidence-based and therefore not necessarily targeted to those most at need of protection. LL from Phases I and II showed the importance of engaging with a strong parliament to ensure a smooth and evidence-based legislative process. Similarly, the parliamentary committees have limited capacities, particularly with regards to human rights.	<ul style="list-style-type: none"> ➤ Development of tools and methodologies to strengthen the Secretariat’s capacities to provide services to the Committees to review draft laws (2022 – 2024) ➤ Strengthening the capacities of the Secretariat to review and adopt evidence-based laws and policies (2022 – 2024) ➤ Handover of all tools and methodologies to the Secretariat (2024) 	2023 - 2025
	Develop the research capacities of the Parliamentary Committee on Legislation and Human Rights to review and approve legislation, to strengthen the evidence base for legislation and policy including		<ul style="list-style-type: none"> - Development of tools and methodologies for parliamentary committees to review and approve laws to ensure SDG 16 integration (2022-2024) - Strengthening the evidence base for review and adoption of laws and policies including - the Law on Free Legal Aid, the Law on Domestic Violence, accession to 	2023 - 2025

	<p>SDG 16 implementation, the Law on Free Legal Aid, the Law on Domestic Violence, accession to OPCAT and ratification of CRPD, gender analysis of legislation, mainstreaming rights of PWDs into legislation etc.</p>		<p>OPCAT and ratification of CRPD (2022 – 2025)</p> <ul style="list-style-type: none"> - Development of tools and methodologies to undertake gender analysis of legislation (2022 – 2024) - Development of tools and methodologies to mainstream rights of PwDs into legislation (2022 – 2023) 	
	<p>Sensitisation training for Parliament (on rule of law, access to justice, human rights, PWDs, gender, SDG and OPCAT)</p>	<p>Parliament has limited knowledge and awareness of rule of law and human rights principles, processes and mechanisms</p>	<ul style="list-style-type: none"> ➤ A series of trainings will be conducted for parliament to sensitize them to key rule of law and human rights principles, processes and mechanisms ➤ Needs assessment (2022) ➤ Development of curricula (2022) ➤ Training of trainers (2022 – 2023) ➤ Delivery of training (2023 – 2024) ➤ Pre and post training assessments (2023 – 2024) ➤ Institutionalisation of training modules including handover of curricula and training methodologies (2024) 	<p>2023 - 2025</p>
	<p>Awareness raising and capacity building of the Public Council (soon to be established) under parliament on PWDs</p>	<p>The Public Council is due to be established in mid-2022 and will be mandated to focus specifically on the needs and rights of PwDs. As it is a new Council it is anticipated that it will have limited capacities initially.</p>	<ul style="list-style-type: none"> ➤ Needs assessment (2022) ➤ Development of curricula (2022) ➤ Training of trainers (2022 – 2023) ➤ Delivery of training (2023 – 2024) ➤ Pre and post training assessments (2023 – 2024) 	<p>2023-2025</p>

			<ul style="list-style-type: none"> ➤ Institutionalization of training modules including handover of curricula and training methodologies (2024) 	
	Connect parliamentarians with the Policy Dialogue mechanism to support the ratification of the CRPD	One of the LL from phase II showed that there is a disconnect between the Parliament and the Policy Dialogue mechanism. Phase III will create linkages between the PD and the Parliament, particularly with regards to the ratification of the CRPD.	<ul style="list-style-type: none"> ➤ Establish formal coordination mechanisms between the Parliament and the PD mechanism (2022-2023) 	2023-2024
	Increase access to information for the public through the development of an e-information system including upgrading the Parliament's website and introduction of Parliamentary email addresses for public accessibility	The Parliament only has a very basic website and parliamentarians do not have official email addresses, but communicate through their own private emails. Limited information is available on the Parliament's website and there are no mechanisms for the public to access information of contact the parliament for additional information.	<p>Based on an assessment, the project will support the modernisation of specific internal business process – these will be low-hanging fruit that can be easily implemented and handed over during the lifespan of the project, for example:</p> <ul style="list-style-type: none"> - Upgrading the Parliament website to provide easily accessible information - Introduction of parliamentary email addresses and intranet - Developing a communication and complaints mechanism for the public - Introducing mechanisms to enhance access to court information for the population <p>All tools, methodologies and software solutions will be handed over to the Parliament by 2025</p>	2023 - 2025

Output 3 Judiciary	<p>Create and upgrade of an e-system of data, document and information exchange among the courts including conducting trainings on the e-system for judges and development of a digitalised system for monitoring the usage of the e-system;</p>	<p>One of the gaps in the judicial system is the ability of judges and courts to easily exchange data, information and documents. This impacts on A2J and the timely resolution of cases.</p>	<ul style="list-style-type: none"> ➤ Conduct assessment to confirm needs and baseline on system of e-data, document and information exchange ➤ Development and delivery of training ➤ Development and implementation of monitoring system <p>Full handover of all tools and methodologies, training resources etc. by 2025</p>	2023-2025
	<p>Strengthen the system for the online registration of appeals</p>	<p>Piloted during COVID-19, the online system of registration of appeals has the potential to increase A2J for the people of Tajikistan.</p>	<ul style="list-style-type: none"> ➤ Upgrading on the system of the online registration of appeals ➤ Capacity building and awareness raising ➤ Handover of the system to the SC 	2023-2024
	<p>Access to information through improvement to court websites</p>	<p>During Phase III, the project will build on previous results obtained in developing the websites of 5 courts further strengthening access to information of court processes and information both within and outside of the court system, i.e., for judges and court staff as well as for the people of Tajikistan in order to increase access to information</p>	<ul style="list-style-type: none"> ➤ Expand the pilot of 5 courts to all courts in Tajikistan through upgrading their websites to provide additional A2I ➤ Handover of website maintenance to SC and relevant courts 	2023-2025

	Client satisfaction survey of the courts and judiciary to identify gaps and make recommendations to improve the efficiency and effectiveness of the courts	Lack of data and information about people's experiences with the justice system is always a challenge. The Survey will help to fill this gap.	<ul style="list-style-type: none"> ➤ Securing buy-in of all justice sector actors ➤ Development of ToR, recruitment procedure, contracting of survey team ➤ Conducting survey assessment ➤ Identification of priority recommendations ➤ Follow up meetings and advocacy actions to be taken through Policy Dialogues and multilateral meetings with relevant stakeholders 	2023-2025
	Support policy and legal reforms in judicial sector	Based on the legal needs survey undertaken under the SDC A2J project the RoLHR will support relevant policy and legal reforms in the judicial sector.	<ul style="list-style-type: none"> ➤ TBC 2022 	2023-2025
	Undertake feasibility assessment for connecting the court with other state institutions for data and information exchange (in collaboration with CRR project)	Once the SC has additional digital capacities, assessments should be made of developing an information exchange with other relevant justice sector actors. The recommendations can be used by the SC going forward in terms of strengthening coordination within the justice sector.	<ul style="list-style-type: none"> ➤ Securing buy-in of all justice sector actors ➤ Development of ToR, recruitment procedure, contracting of assessment team ➤ Conducting assessment ➤ Identification of priority recommendations ➤ Follow up meetings and advocacy actions and multilateral meetings with relevant stakeholders 	2023-2024
	Enhance institutional and individual capacity of judiciary to pilot e-justice system	Tajikistan and the SC are committed to the digitalization process and the delivery of online public services, including in the justice sector.	<ul style="list-style-type: none"> ➤ Identification of pilot courts ➤ Development of ToR, recruitment procedure, contracting of company ➤ Purchase the equipment ➤ Follow up actions to ensure quality work of e-justice 	2024 - 2025

Output 4 Ombudsman Office	<p>Enhance the role of the Ombudsman to achieve Status A in cooperation with the Rule of Law Centre under the University of Helsinki, including its capacities to produce Position Papers and concept notes as well as continued support for the independent monitoring of closed and semi-closed institutions, the establishment of a National Preventative Mechanism and signing and ratification of OPCAT</p>	<p>The Ombudsman still requires upgrading in Tajikistan to reach Status A. The project will support it in this regards including through facilitating a partnership between the Ombudsman and the RoLC, which could continue beyond the lifespan of the project.</p>	<ul style="list-style-type: none"> ➤ Facilitate the relationship between the OO and the RoLC ➤ Strengthen capacities of OO to produce position papers and concept notes of human rights issues ➤ Support independent monitoring of closed and semi-closed institutions ➤ Support the establishment of an NPM ➤ Support the ratification of OPCAT <p>All activities, tools, methodologies to be handed over to the OO by 2025</p>	2023-2025
	<p>Support to the implementation and monitoring of the Strategic Plan 2021 – 2025 and implementation and monitoring of UPR recommendations</p>	<p>The Ombudsman needs continued support in the implementation and monitoring of its SP as well as implementing and monitoring the UPR Recommendations.</p>	<ul style="list-style-type: none"> ➤ Conducting assessment of where support is most needed within the framework of the project and the SP 2021-2025 ➤ Developing monitoring mechanisms, delivering training ➤ Strengthening the system of monitoring the UPR Recommendations through developing tools and methodologies, delivery of training ➤ Handover of all tools, methodologies, training modules etc. 	2023 - 2025

Output 5 Rights protection for women, PwDs, youth and other vulnerable groups	Continued support to the implementation of the State Programme on Human Rights Education 2021 – 2025 including the development of human rights curricula for education institutions	While Tajikistan adopted a State Programme on Legal Education, there are funding gaps and it is not being fully implemented. The project will help to address these gaps.	<ul style="list-style-type: none"> ➤ Development of human rights curricula ➤ Training of trainers ➤ Delivery of training ➤ Pre and post training assessments ➤ Impact assessment and development of recommendations for further strengthening ➤ Handover of all tools, methodologies, training modules etc. 	2023 - 2025
	Further support to gender equality and women's empowerment and rights of PwDs in Tajikistan	Despite progress in terms of GEWE, there are still many gaps and challenges in Tajikistan. The project will continue to address these.	<ul style="list-style-type: none"> ➤ Development of human rights curricula ➤ Training of trainers ➤ Delivery of training ➤ Pre and post training assessments ➤ Impact assessment and development of recommendations for further strengthening <p>Handover of all tools, methodologies, training modules etc.</p>	2023 - 2025
Output 6 CSO strengthening	Awareness raising and capacity building of CSOs with respect to criminalisation of domestic violence	CSOs need awareness raising and capacity building on the new legal provisions in relation to the criminalization of domestic violence	<ul style="list-style-type: none"> ➤ Development of training curricula ➤ Training of trainers ➤ Delivery of training ➤ Pre and post training assessments ➤ Impact assessment and development of recommendations for further strengthening ➤ Conducting awareness raising activities through print and social media <p>Handover of all tools, methodologies, training modules etc.</p>	2023 - 2024
	Strengthen RoL Network's and DPO's capacities to participate in policy dialogue processes with state institutions	Considerable efforts have been made during the first two phases of the project implementation with regards to introducing a regional level policy dialogue	<ul style="list-style-type: none"> ➤ Conduct extensive advocacy and lobbying to ensure institutionalisation and sustainability of the PD mechanism ➤ Explore options to handover the mechanism 	2023 - 2025

	<p>including the development of mechanisms to implement and monitor decisions and recommendations arising from the PD</p>	<p>platform that would bring together citizens and the state and which could resolve RoLHR issues with durable solutions and adherence to international human rights standards. This platform has had considerable success, including the development of the Concept on Free legal Aid and the subsequent Law, adopted in 2020, as well as other laws and policies. However, there are some concerns about the level of commitment of the regional level stakeholders and the sustainability of the mechanism, as well as its coordination and collaboration with national and local level policy dialogue processes.</p>	<p>to the Executive Office of the President, with the SDG 16 Working Group as Secretariat and the Ministry of Justice as Chair.</p> <ul style="list-style-type: none"> ➤ The role of parliament will be introduced into the mechanism, including advocacy, initiation of policy motions, legislative changes, strategizing etc. Experience from the previous phases, as well as from other UNDP projects, shows that where the parliament is championing, policy decisions are achieved far swifter. ➤ Streamlined rule of law forums will be conducted to gather all stakeholders together and provide an open space for discussion ➤ A follow-up mechanism to ensure implementation of the mechanisms' recommendations will be developed and introduced. ➤ Development of monitoring mechanisms and methodologies ➤ Full handover of mechanism to identified custodian by 2024 	
	<p>Support CSOs in their role with international HR mechanisms including the UPR process and support to the implementation of the Roadmap of Ratification of CRPD and the State Programme on Accessible</p>	<p>CSOs have limited oversight and monitoring capacities and including holding government to account.</p>	<ul style="list-style-type: none"> ➤ Development of methodology and tools to capture results ➤ Training of CSO Network on implementing methodology ➤ Providing support to implement methodology in all project areas ➤ Full handover of methodology and tools to CSO Network 	<p>2023 - 2025</p>

	Environment 2021-2025			
	Support CSOs in conducting small-scale researches and assessment with regards to A2J for women and PWDs	The full baseline and additional information and data with regards to A2J for women and PWDs is still missing.	<ul style="list-style-type: none"> ➤ Grants mechanisms to CSOs to conduct specific researches on A2J for women and PWDs ➤ Awareness raising of results ➤ Advocacy and inclusion of PD processes of the main results of the researches 	2023 - 2024

IV. PROJECT MANAGEMENT

4.1 Cost Efficiency and Effectiveness

Efficiency UNDP's comparative advantage includes its specialised technical expertise and knowledge base on rule of law, access to justice and human rights issues generally, and on implementing them in Tajikistan in particular. UNDP also brings the ability to discuss both policy and implementation with GoT counterparts at all levels, from local officials to Ministers and Presidential advisers.

The project's efficiency is also enhanced by the relationship with the SDC funded A2J project as detailed above. By sharing staff, offices and administrative costs, these projects are both able to devote more resources to implementation, thereby ensuring the efficiency of the project.

Effectiveness The effectiveness of the project will be ensured through approaching both the supply and demand sides of rule of law. On the demand side, public education, outreach, and work with CSOs such as women's groups and OPWDs will help ensure that people are empowered to defend and demand their rights. On the supply side, creation and expansion of the state-run LAC system, greater coordination in the provision of FLA, the passage of new laws – and strengthening the evidence base for their adoption, and accession and compliance with CRPD and other international HR conventions will help ensure that state bodies and justice actors are better able to supply them.

UNDP has a strong and well-established field presence across Tajikistan. The project will fully utilise the existing knowledge, as well as organisational infrastructure including local and regional offices, and partnerships with local development actors for effective implementation of the project activities.

4.2 Project Management

Geographical scope. The project will be implemented in Tajikistan, with activities in all four regions of the country (Sughd, Khatlon, RRS and GBAO).³⁰ In each region, UNDP already has a long-term presence and partnerships with the government and civil society at sub-national levels. In all regions, UNDP has existing projects and/or local centres which can be used both for cost savings and to ensure that the project builds on the achievements and also the systems, infrastructure and partnerships established and maintained through the existing projects.

The main project office shall be located in Dushanbe, for ease of coordination with the MoJ, the Ombudsman, and other GoT stakeholders. Project administration will be carried out at the UNDP Tajikistan Country Office.

Financial Arrangements The Project will be implemented in accordance with the Direct Implementation Modality (DIM), meaning that funding will flow through UNDP and that UNDP will be responsible for the overall management, backstopping and monitoring of the Project in line with UNDP's Programme and Operational Policies and Procedures.

The project shall be a unitary project with its own budget. Administrative costs including salaries, office rent, vehicles and overhead will be split evenly (50 % each) with the Swiss-funded Access to

³⁰ Geographical challenges may limit the scope of project activities in GBAO, as this is Tajikistan's most distant, most mountainous, and least populated region. However, at a minimum the project will carry out legal aid activities and will work with local paralegals and OPWDs.

Justice project. If the project mobilises additional resources (i.e., through grants from other donors) it may, with the consent of MFAF, spend these funds through the project.

The project will be subject to GMS equivalent to 8 % of the total project cost. The project is subject to audit according to UNDP rules and procedures. Direct Project Costs³¹ will apply for project and development effectiveness activities.

The project will file financial reports twice per year (January and July, along with the annual and half-year reports) with MFAF. MFAF may request interim financial reports at its discretion.

³¹ Organizational costs incurred in the implementation of a development activity that can be directly attributed to the development activities conducted by UNDP Country Office staff and also the costs incurred by UNDP to support project implementation by Operations units both at CO and HQ level, including services related to finance, procurement, human resources, administration, issuance of contracts, security, travel, assets, general services and information and communications technology.

V. RESULTS FRAMEWORK³²

NATIONAL PRIORITY: <u>NDS 2030</u> : Stronger national institutions; <u>MtDP 2021 -2025</u> : public administration system, rule of law and access to justice, gender equality, fight against corruption
Intended Outcome as stated in the UNSDCF/Tajikistan Programme Results and Resource Framework: OUTCOME INVOLVING UNDP #3: Outcome 4: People-centred governance and rule of law By 2026, governance is more inclusive, transparent and accountable, serving to protect human rights, empower women, and reduce violence and discrimination in alignment with the international commitments of Tajikistan
Output indicators as stated in the Country Programme [or Regional] Results and Resources Framework, including baseline and targets: Output 4.2. Governance institutions at national and local levels have strengthened capacities and systems in place to support access to justice and remove structural barriers to gender equality and women’s empowerment <u>Indicator 4.2.1.</u> Number of men and women that benefit from free legal aid disaggregated by location and population group <u>Baseline 2021:</u> 9,461 (62 % women) <u>Target 2026:</u> 45 ,376 (61 % women); <u>Source:</u> Legal Aid Case Management System <u>Indicator 4.2.4.:</u> Number of national and local policies, laws and programmes developed or improved to respond to the country’s international human rights obligations <u>Baseline 2021:</u> 1 <u>Target 2026:</u> 3 <u>Source:</u> Government and UNDP Reports Output 4.3. Governance institutions and processes are made more transparent, and accountable and use technological innovations to engage the larger society in participatory policy formulation, planning, implementation and oversight <u>Indicator 4.3.2.</u> Number of members of parliament with enhanced capacities to advance the work of parliamentary committees for law-making, oversight and policy analysis <u>Baseline 2021:</u> 0 <u>Target 2026:</u> 63 <u>Source:</u> Government and UNDP reports <u>Indicator 4.3.3.</u> Number of institutions/offices with new modus operandi and digital solutions introduced to improve transparency in public management and service delivery <u>Baseline 2021:</u> 2 <u>Target 2026:</u> 8 <u>Source:</u> Government and UNDP reports
Applicable Outcome from the UNDP Strategic Plan: Outcome 2: No one left behind, centring on equitable access to opportunities and a rights-based approach to human agency and human development;
Project title and Atlas Project Number:

³² UNDP publishes its project information (indicators, baselines, targets and results) to meet the International Aid Transparency Initiative (IATI) standards. Make sure that indicators are S.M.A.R.T. (Specific, Measurable, Attainable, Relevant and Time-bound), provide accurate baselines and targets underpinned by reliable evidence and data, and avoid acronyms so that external audiences clearly understand the results of the project.

EXPECTED OUTCOME S/OUTPUTS	OUTCOME/OUTPUT INDICATORS ³³	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)						DATA COLLECTION METHODS & RISKS	
			Value	Year	Year 1	Year 2	Year 3	Year 4	Year ...	FINAL		
Outcome 1: The efficiency, effectiveness, coordination and inclusivity of decision-making, rule of law and human rights institutions is increased to implement national and international human rights standards and enhance access to justice for women, youth, PWDs and other vulnerable groups	Number of men and women that benefit from free legal aid (primary and secondary through both SDC and MFAF projects) disaggregated by location and population group (CPD Indicator 4.2.1)	Legal Aid Case Management System (CMS)	9,466 (70% women)	2021	10,000	15,000	10,000				35,000 (70% women)	Data collected through CMS; Risks include continued government commitment to increase legal aid funding from 60% to 100% by 2024
	Number of national and local policies, laws and programmes developed or improved to respond to the country's international human rights obligations (CPD Indicator 4.2.4)	Government and UNDP Reports	1	2021	1	1	1				3	National Gazette, UNDP and other government documents; Government commitment to fulfilling its HR obligations remains a risk
	Number of members of parliament with enhanced capacities to advance the work of parliamentary committees for law-making, oversight and policy analysis (CPD Indicator 4.3.2)	Government and UNDP Reports	0	2021	20	20	23				63	Project documents; level of interest among parliamentarians is a risk
	Number of institutions/offices with new modus operandi and digital solutions introduced to improve	Government and	2	2021			1				1 (8 – in all UNDP	Project documents; Commitment of SC

³³ It is recommended that projects use output indicators from the Strategic Plan IRRF, as relevant, in addition to project-specific results indicators. Indicators should be disaggregated by sex or for other targeted groups where relevant.

EXPECTED OUTCOME S/OUTPUTS	OUTCOME/OUTPUT INDICATORS ³³	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)						DATA COLLECTION METHODS & RISKS	
			Value	Year	Year 1	Year 2	Year 3	Year 4	Year ...	FINAL		
	transparency in public management and service delivery NB: This project will contribute to this CPD outcome indicator through supporting digital solutions to the SC (CPD <u>Indicator 4.3.3</u>)	UNDP Reports									supported project)	and judiciary for digital solutions
Output 1: SALAC is capacitated to effectively manage the provision of quality secondary free legal aid and raise awareness and coordination with other rule of law sector institutions including the MoI, GPO, the Supreme Court and the	1.1 Number of persons receiving secondary free legal aid in criminal cases provided by SALAC and Union of Lawyers, disaggregated by women and disability status	Case Management System;	332 p/a 27 women 225 men 25 youth	2021	600	600	600				1800	Data will be collected through the CMS supported by the project; risks include continued challenges with eligibility for FSLA, coordination and available funding
	1.2 Number of signed standard operating procedures (SoPs) detailing coordination between SALAC and other rule of law sector institutions	Project documents	1 (With Union of Lawyers)	2022	1	1	1					4 SoPs signed between SALAC and respectively MoI, GPO, SC

EXPECTED OUTCOME S/OUTPUTS	OUTCOME/OUTPUT INDICATORS ³³	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)						DATA COLLECTION METHODS & RISKS	
			Value	Year	Year 1	Year 2	Year 3	Year 4	Year ...	FINAL		
Union of Lawyers												
Output 2: Parliament's role in transparent policy and legislation making is strengthened through enhanced evidence-based research and analysis, review and decision-making processes	2.1 No. of draft Laws researched and analysed by Parliamentary Secretariat and Committees which are subsequently adopted	Project documents; government and parliament documents, National Gazette	0	2022	0	1	1				2 Laws are adopted having been researched and analysed by parliament	Data will be collected by the project; risks include parliamentary capacities
	2.2 No. of Parliamentarians who participate in sensitisation training (on rule of law, access to justice, human rights, PwDs, gender, SDG, OPCAT) and whose knowledge of those rights increases (disaggregated by gender)	Pre and post training assessments	0	2022		15 people/25% increase in knowledge	15 people/25% increase in knowledge				30/parliamentarians participate and their knowledge is increased by at least 25%	Data will be collected through pre and post training assessments; risks include willingness and availability of parliamentarians to participate in training
Output 3: Access to information	3.1 No. of courts where the digital data, document and information exchange system is accessible	Supreme Court documents	1	2022	3	5	10				Digital system is	Data will be collected from the project and SC; risks

EXPECTED OUTCOME S/OUTPUTS	OUTCOME/OUTPUT INDICATORS ³³	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)						DATA COLLECTION METHODS & RISKS	
			Value	Year	Year 1	Year 2	Year 3	Year 4	Year ...	FINAL		
and internal processes within the judiciary are strengthened including through greater utilisation of e-justice and other digital solutions		tation and project reports									accessible in 19 courts in Tajikistan	include capacities of users; internet connectivity
	3.2 % of court staff and judiciary actively using the Digital Information Exchange system		0	2022	10%	25%	50%			50% of all staff and judges are using the Digital Info. Exchange System		
Output 4: The capacities of the National Human Rights Institution are developed to increase	4.1 Amendments to the Law on Ombudsman Office are developed and aligned with Paris principles Rating scale: 0 – not developed; 1 – developed and aligned	GoT and project documents,	Not fully aligned (0)	2022			Aligned (1)			Proposed amended Law is aligned with Paris Principles	GoT and project documents; GoT does not adopt the proposed amendments	

EXPECTED OUTCOME S/OUTPUTS	OUTCOME/OUTPUT INDICATORS ³³	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)						DATA COLLECTION METHODS & RISKS	
			Value	Year	Year 1	Year 2	Year 3	Year 4	Year ...	FINAL		
implementation of national and international human rights standards	4.2 No of annual reports produced by Ombudsman Office in line with international standards	Project documents	0	2022		1	1				2 Annual Reports produced meeting international standards	Project documents; capacities of Ombudsman Office
Outcome 2: People, including women, youth, persons with disabilities and other vulnerable groups, have enhanced knowledge and capacities, are empowered to claim their rights and participate in	% increase of population with knowledge and willing to address state institutions to protect and claim their rights	Population survey	TBC	2022	5% increase	5% increase	5% increase				15% overall increase	Population survey; risks include lack of willingness to address state institutions due to lack of knowledge or trust
	% Increase of civil society organisations and/or DPOs who actively participate in the regional Policy Dialogue mechanism	Project documents and reports	TBC	2022	5% increase	5% increase	5% increase				15% overall increase	Data will come from project documents; risks include lack of interest or capacity of CSOs and DPOs to participate in policy dialogue

EXPECTED OUTCOME S/OUTPUTS	OUTCOME/OUTPUT INDICATORS ³³	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)						DATA COLLECTION METHODS & RISKS	
			Value	Year	Year 1	Year 2	Year 3	Year 4	Year ...	FINAL		
inclusive and equitable rule of law and human rights dialogue processes and decision-making												
Output 5: Women, PWDs and youth are empowered through increased legal knowledge and awareness on gender equality and the rights of PWDs to access justice and to claim their rights	5.1 Number of people gaining awareness of their rights, disaggregated by women and disability status	Project surveys and impact assessments	2,900 of which, 65% women and 10% persons with disabilities	2022	700	700	700			2,100, of which at least 60% (1,260) are women and at least 10% (120) are PWDs	Project surveys and impact assessments; willingness of population to participate in empowerment and awareness raising activities	
	5.2 % of participants of public awareness campaigns ready and willing to approach state institutions and legal aid centres to defend their rights and/or submit	Project documents and surveys	65%	2021	68%	70%	72%			At least 72% of participants, including	Project documents and surveys	

EXPECTED OUTCOME S/OUTPUTS	OUTCOME/OUTPUT INDICATORS ³³	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)						DATA COLLECTION METHODS & RISKS	
			Value	Year	Year 1	Year 2	Year 3	Year 4	Year ...	FINAL		
	complaints disaggregated by women and disability status										g PWDs and women are ready and/or willing to approach state institutions to defend their rights	
Output 6: Capacities of civil society are strengthened to equally participate in sustainable rule of law and human rights dialogue and decision-	6.1 Number of policy proposals resulting from regional Policy Dialogue meetings, including those proposed by DPOs and gender focused CSOs	Project documents	6	2022	2	2	2				6	Project documents; continued commitment of GoT to PD process
	6.2 No. of policy documents regulating the status of the regional Policy Dialogue platform	Project documents	0	2022	0	0	1				The Policy will regulate the PD and ensure	Project documents; Willingness of GoT to institutionalise the regional PD mechanism

EXPECTED OUTCOME S/OUTPUTS	OUTCOME/OUTPUT INDICATORS ³³	DATA SOURC E	BASELINE		TARGETS (by frequency of data collection)						DATA COLLECTION METHODS & RISKS	
			Valu e	Year	Year 1	Year 2	Year 3	Year 4	Ye ar ...	FINAL		
making processes											its sustaina bility	

VI. MONITORING AND EVALUATION

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans:
[Note: monitoring and evaluation plans should be adapted to project context, as needed]

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.	Some indicators and risks will be tracked jointly with SDC A2J project – others feed into the CPD and will be tracked also at the CO level	
Monitor and Manage Risk	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.		
Learn	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.		
Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Once in 2 years	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.		
Review and Make Course Corrections	Internal review of data and evidence from all monitoring actions to inform decision making.	At least annually	Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.		

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Project Report	A progress report will be presented to the Project Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.	Annually, and at the end of the project (final report)			
Project Review (Project Board)	The project's governance mechanism (i.e., project board) will hold regular project reviews to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the project. In the project's final year, the Project Board shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences.	Specify frequency (i.e., at least annually)	Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.		

Evaluation Plan³⁴

Evaluation Title	Partners (if joint)	Related Strategic Plan Output	UNSDCF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders	Cost and Source of Funding
Final Evaluation	MoJ, Supreme Court, Ombudsman	n/a	UNSCDF Outcome 4/CPD Outputs 4.2 and 4.3	30 June 2025	MFAF, Project Board	\$30,000 MFAF project funding

³⁴ Optional, if needed

VII. MULTI-YEAR WORK PLAN ³⁵³⁶

All anticipated programmatic and operational costs to support the project, including development effectiveness and implementation support arrangements, need to be identified, estimated and fully costed in the project budget under the relevant output(s). This includes activities that directly support the project, such as communication, human resources, procurement, finance, audit, policy advisory, quality assurance, reporting, management, etc. All services which are directly related to the project need to be disclosed transparently in the project document.

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year			RESPONSIBLE PARTY	PLANNED BUDGET		
		Y1	Y2	Y3		Funding Source	Budget Description	Amount
Output 1: SALAC is capacitated to effectively manage the provision of quality secondary free legal aid and raise awareness and coordination with other rule of law sector institutions including the MoI, GPO, the Supreme Court and the Union of Lawyers <i>Gender marker:1</i>	Activity 1.1 Strengthen coordination mechanisms between rule of law actors with regards to Free Secondary Legal Aid (FSLA)	25,000	25,000	7,000	UNDP	MFAF		57,000
	Activity 1.2 Strengthen provision of FSLA	8,000	8,000	8,000	UNDP	MFAF		24,000
	Activity 1.3 SALAC led research and analysis of cases identify key obstacles people face in certain legal areas	3,000	3,000	3,000	UNDP	MFAF		9,000
	MONITORING	400	400	388	UNDP	MFAF		1,188
	Sub-Total for Output 1	36,400	36,400	18,388				91,188

³⁵ Cost definitions and classifications for programme and development effectiveness costs to be charged to the project are defined in the Executive Board decision DP/2010/32

³⁶ Changes to a project budget affecting the scope (outputs), completion date, or total estimated project costs require a formal budget revision that must be signed by the project board. In other cases, the UNDP programme manager alone may sign the revision provided the other signatories have no objection. This procedure may be applied for example when the purpose of the revision is only to re-phase activities among years.

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year			RESPONSIBLE PARTY	PLANNED BUDGET		
		Y1	Y2	Y3		Funding Source	Budget Description	Amount
Output 2: Parliament's role in transparent policy and legislation making is strengthened <i>Gender marker:2</i>	Activity 2.1 Strengthen the Parliamentary Secretariat	7,000	12,000		UNDP	MFAF		19,000
	Activity 2.2 Developing the research capacities of the Parliamentary Committee on Legislation and Human Rights		30,000	15,000	UNDP	MFAF		75,000
	Activity 2.3 Sensitisation training for Parliament (Rule of Law, Access to Justice, human rights, PwD, gender, SDG, OPCAT)	20,000	10,000	10,000	UNDP	MFAF		40,000
	Activity 2.4 Awareness raising and capacity building of the Public Council on PWDs	10,000	5,000	5,000	UNDP	MFAF		20,000
	Activity 2.5 Connect parliamentarians with the Policy Dialogue mechanism	5,000	5,000	5,000	UNDP	MFAF		15,000
	Activity 2.6 Increase access to information for the public through the development of an e-information system	15,000	11,000	11,000	UNDP	MFAF		37,000
	MONITORING	500	500	500	UNDP	MFAF		1,500
	Sub-Total for Output 2	87,500	73,500	46,500				207,500
Output 3: Access to information and internal processes within the judiciary are strengthened including through greater	Activity 3.1 Creation and upgrade of an e-system of data, document and information exchange among the courts	27,986	22,250	10,000	UNDP	MFAF		60,236

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year			RESPONSIBLE PARTY	PLANNED BUDGET		
		Y1	Y2	Y3		Funding Source	Budget Description	Amount
utilisation of e-justice and other digital solutions <i>Gender marker:2</i>	Activity 3.2 Strengthen the system for the online registration of appeals	10,000	10,000	10,000	UNDP	MFAF		30,000
	Activity 3.3 Access to information through improvement to court websites	5,000	5,000	5,000	UNDP	MFAF		15,000
	Activity 3.4 Client satisfaction survey of judiciary	10,000	10,000	10,000	UNDP	MFAF		30,000
	Activity 3.5 Support Policy and Legal Reforms in judicial sector	6,675	8,900	6,675	UNDP	MFAF		22,250
	Activity 3.6 Undertake feasibility assessment for connecting the court with other state institutions including analysis of best practices for digital solutions in courts	20,000	20,000	-	UNDP	MFAF		40,000
	Activity 3.7 Enhance institutional and individual capacity of judiciary to pilot e-justice system	50,000	50,000	30,923	UNDP	MFAF		130,923
	MONITORING	500	200	200	UNDP	MFAF		1,200
	Sub-Total for Output 3	130,161	126,650	72,798				329,609
Output 4: The capacities of the National Human Rights Institution are developed to increase implementation of	Activity 4.1 Enhance the role of the Ombudsman to achieve Status A in cooperation with the Rule of Law Centre under the University of Helsinki	10,000	10,000	10,000	UNDP	MFAF		30,000

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year			RESPONSIBLE PARTY	PLANNED BUDGET		
		Y1	Y2	Y3		Funding Source	Budget Description	Amount
national and international human rights standards <i>Gender marker:2</i>	Activity 4.2 Support to the implementation and monitoring of the Strategic Plan 2021 – 2025 and implementation and monitoring of UPR recommendations	8,000	7,000	8,000	UNDP	MFAF		23,000
	MONITORING	500	500	300	UNDP	MFAF		1,300
	Sub-Total for Output 4	18,500	17,500	18,300				54,300
Output 5: Women, PWDs and youth are empowered through increased legal knowledge and awareness on gender equality and the rights of PWDs to access justice and to claim their rights <i>Gender marker:2</i>	Activity 5.1 Continued support to the implementation of the State Programme on Human Rights Education 2021 – 2025 including the development of human rights curricula for education institutions	38,500	22,800	20,000	UNDP	MFAF		81,300
	Activity 5.2 Provide further support to enhancing gender equality and women's empowerment and rights of PwDs in Tajikistan	10,000	11,000	11,000	UNDP	MFAF		32,000
	MONITORING	500	500	400	UNDP	MFAF		1,400
	Sub-Total for Output 5	49,000	34,300	31,400				114,700

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year			RESPONSIBLE PARTY	PLANNED BUDGET		
		Y1	Y2	Y3		Funding Source	Budget Description	Amount
Output 6: Capacities of civil society are strengthened to equally participate in sustainable rule of law and human rights dialogue and decision-making processes <i>Gender marker:</i>	Activity 6.1 Awareness raising and capacity building of CSOs with respect to criminalisation of domestic violence		13,000		UNDP	MFAF		13,000
	Activity 6.2 Strengthening RoL Network's and DPO's capacities to participate in policy dialogue processes with state institutions including the development of mechanisms to implement and monitor decisions and recommendations arising from the PD	7,500	11,000	7,500	UNDP	MFAF		26,000
	Activity 6.3 Support CSOs in their role with international HR mechanisms including the UPR process and support to the implementation of the Roadmap of Ratification of CRPD and the State Programme on Accessible Environment 2021-2025	4,450	8,900	10,000	UNDP	MFAF		23,350
	Activity 6.4 Support CSOs in conducting small-scale researches and assessment with regards to A2J for women and PWDs	20,000			UNDP	MFAF		20,000
	MONITORING	500	499	200	UNDP	MFAF		1,199

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year			RESPONSIBLE PARTY	PLANNED BUDGET		
		Y1	Y2	Y3		Funding Source	Budget Description	Amount
	Sub-Total for Output 6	32,450	33,399	17,700				83,549
	EVALUATION			30,000				30,000
TOTAL PROGRAMME COSTS:		354,011	351,749	205,086				910,846
Direct Project Cost (DPC)		5,000	5,000	7,500				17,500
Total administrative costs:		167,341	141,154	119,645				428,139
General Management Support (8%)		41,708	39,432	25,978				107,119
TOTAL PROJECT COSTS (incl. GMS):		563,060	532,335	350,709				1,446,103.71

VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

The Project will be implemented in accordance with the Direct Implementation Modality (DIM), meaning that funding will flow through UNDP and that UNDP will be responsible for the overall management, backstopping and monitoring of the Project in line with UNDP's Programme and Operational Policies and Procedures. The Project will be based at the UNDP Tajikistan Country Office. It will be implemented as per the Project Organisation Structure below, with project staff being divided 50 % between this project and the SDC funded Access to Justice project.

The Project will be implemented using the Direct Implementation Modality. The implementation will be guided by UNDP's financial and procurement rules and regulations. In accordance with the decision and directives of UNDP's Executive Board reflected in its Policy on Cost Recovery from other Resources, the contribution should be subject to cost recovery for indirect costs incurred by UNDP headquarters and country office structure for providing General Management Support (GMS) services. To cover GMS costs, the contribution shall be charged a fee equal to 8 per cent.

The Project will be overseen by a Project Board, which will meet regularly at least twice per year. The Committee will include UNDP senior management, MFAF representatives, and representatives of the Supreme Court, Parliament, Ministry of Justice and Ombudsman Office, and. Key CS partners may be invited to attend, comment, and make presentations.

The Project Board for the Project will be responsible for making consensus-based management decisions for the Project when guidance is required, including recommendations for UNDP/HELVETAS approval of Project work plans and revisions. In order to ensure UNDP's ultimate accountability, Project Board decisions should be made in accordance with corporate UNDP standards that shall ensure best value to money, fairness, integrity, transparency and effective international competition. In case consensus cannot be reached, final decision shall rest with the Project Board.

The **Project Board** will:

- Provide overall leadership, guidance and direction in successful delivery of Outputs and their contribution to Outcomes under the Project;
- Be responsible for making strategic decisions by consensus, including the approval of substantive revisions of the Project, i.e., changes in the Project document;
- Approve annual work plans, annual reviews, and other reports as needed;
- Meet at least twice per year – either in person or virtually – to critically review Project implementation, management risks, and other relevant issues;
- Address any relevant programming issues as raised by the Project;
- Provide guidance on new Project risks and agree on effective and feasible countermeasures and management actions to address specific risks.

Project Quality Assurance is the responsibility of the Project Board as well as UNDP Tajikistan Country Office, which will carry out objective and independent Project oversight and monitoring functions. This role ensures appropriate Project management milestones are managed and completed.

The **Project Support** staff provides Project administration, management and technical support to the Project Manager as required. Project Support and Project Assurance roles will be kept separate in order to maintain the independence and thus the effectiveness of Project Assurance. The Project support staff will include, but not be limited to a finance assistant, administrative assistant and Project driver.

The following are some of the items that will regularly be checked by the Project Assurance throughout the Project as one means of ensuring that project activities remain relevant, follow approved plans and meet the planned targets with quality.

- Maintenance of engagement and collaboration throughout the Project between the members of the Project Board;
- Beneficiary needs and expectations are being met or managed;
- Risks are being controlled;
- Project continues to reinforce and add value to the Country Project, overall CO access to justice and rule of law portfolio and initiatives of other members of the UN Country Team such as UNICEF, UN Women and UNFPA in Tajikistan;
- Acceptable solutions to implementation obstacles are being developed;
- The Project remains viable;
- Internal and external communication is working;
- UNDP rules and regulations are being observed;
- Any legislative constraints regarding the running of the Project are observed;
- Adherence to UNDP corporate results-based monitoring and reporting requirements and standards;
- Quality management procedures are properly followed; and
- Project Board's decisions are followed up, and Project revisions are dealt with fully in line with required UNDP procedures.

Project Implementation Team:

The Project Implementation Team led by a National Project Manager will have overall implementing responsibilities. It will be tasked with delivering on designated objectives of the components, and overall coordination and reporting on the Project delivery to the Project Board. The Project Implementation Team comprises national advisors who will be tasked with providing overall technical support, strategic guidance and delivering on components executed under the project.

- **Project Manager:** The Project Manager will manage the Project on a day-to-day basis on behalf of the Project Board. S/He will manage the administrative part of the Project, and assure the timely implementation of activities consistent with the Logical Framework and each year's Annual Workplan. S/he will ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified time and cost. In addition, his/her role will be to ensure coherence and coordination of all the project partners in accordance with the project strategy and objectives. The Manager will also assume an international development partner coordination role, ensuring that the Project is well coordinated with other rule of law, human rights and legal aid focused projects implemented by other donors, UN agencies, and international organisations.
- **Policy and Legal Officer:** The Policy and Legal Officer will provide strategic guidance and technical support to the implementation of all project activities, but in particular those relating to policy and legislative issues. The Policy and Legal Officer will be closely engaged with SALAC as an Advisor, particularly with regard to secondary legal aid. S/He will also be responsible for liaising with the CSO Network and collecting their inputs for the Policy Dialogue process.
- **Capacity Development Officer:** The Capacity Development Officer will be responsible for the provision of technical inputs and advice for all UNDP's capacity building activities, including training of rule of law sector institutions and work with the CSO network. S/he will deliver capacity building both directly and through trainers, and will work with other UN

agencies and Projects to leverage their capacities as needed. They will assist and advise on developing and implementing capacity development initiatives in response to the identified needs.

- **Project Associate:** The Associate will provide support to develop and implement the respective communication plans as well as monitoring and evaluation plan (as per M&E framework provided). S/he will collate data and programmatic lessons learned. To ensure that all Project implementation decisions, reports and communications are evidence-based, the Project Associate will share this information with the Project Board, and the NPM. S/he will also be responsible for developing a communications strategy for the project and all communications activities, in particular under output 5, but also in terms of communicating project results to all relevant stakeholders. To ensure that the Project contributes to the global knowledge base on how to strengthen the rule of law in conflict-affected contexts, s/he will also prepare regular communiqués for practice networks, corporate knowledge products, and the UNDP Global Programme on the Rule of Law, Justice and Security.
- **Administration and Finance Assistant:** The Administration and Finance Assistant will support disbursement of funding to all partners and manage the fund. S/he will be responsible for budget planning and reporting to the NPM and UNDP Country Office on a periodic basis.
- **Project Assistant:** The Project Assistant will be responsible for advising the Project on gender issues and policies, incorporating a human rights-based approach in the Project and mainstreaming gender throughout the Project activities. In addition, the Officer will also be responsible for working closely with Government counterparts to identify policy options for gender mainstreaming and to enhance the policy impact of the Project.

**Rule of Law and Human Rights
Project Organisation Structure**

Project Board		
Senior Beneficiaries Supreme Court, Ministry of Justice, Ombudsman Office, Parliament, Ministry of Interiors	Project Executive UNDP	Development Partners Ministry of Foreign Affairs, Finland +SDC Representatives as part of complementary Access to Justice Project

Quality Assurance Team Leader Programme Associate M&E Analyst Programme Finance Associate
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Project's team Project Manager 1 x Policy & Legal Officer 1 x Capacity development Officer 1 x Project Assistant Project Support 1 x finance/admin. assistant 1x driver
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IX. LEGAL CONTEXT

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

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

X. RISK MANAGEMENT

UNDP (DIM)

1. UNDP as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the [project funds]³⁷ [UNDP funds received pursuant to the Project Document]³⁸ are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
4. UNDP as the Implementing Partner will: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.
5. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.
6. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient:

³⁷ To be used where UNDP is the Implementing Partner

³⁸ To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner

- a. Consistent with the Article III of the SBAA [*or the Supplemental Provisions to the Project Document*], the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP's property in such responsible party's, subcontractor's and sub-recipient's custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
 - i. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
 - ii. assume all risks and liabilities related to such responsible party's, subcontractor's and sub-recipient's security, and the full implementation of the security plan.
- b. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the responsible party's, subcontractor's and sub-recipient's obligations under this Project Document.
- c. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.
- d. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at www.undp.org.
- e. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making available personnel, relevant documentation, and granting access to its (and its consultants', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with it to find a solution.
- f. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where it becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, each responsible party, subcontractor and sub-recipient will inform the UNDP Resident Representative/Head

of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). It will provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail any responsible party's, subcontractor's or sub-recipient's obligations under this Project Document.

- g. Each contract issued by the responsible party, subcontractor or sub-recipient in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from it shall cooperate with any and all investigations and post-payment audits.
- h. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
- i. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled "Risk Management Standard Clauses" are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.

7.

XI. ANNEXES

1. Project Quality Assurance Report

- 2. Social and Environmental Screening Template** [\[English\]](#) [\[French\]](#) [\[Spanish\]](#), including additional Social and Environmental Assessments or Management Plans as relevant.
(NOTE: The SES Screening is not required for projects in which UNDP is Administrative Agent only and/or projects comprised solely of reports, coordination of events, trainings, workshops, meetings, conferences, preparation of communication materials, strengthening capacities of partners to participate in international negotiations and conferences, partnership coordination and management of networks, or global/regional projects with no country level activities).
- 3. Risk Analysis.** Use the standard [Risk Register template](#). Please refer to the [Deliverable Description of the Risk Register](#) for instructions
- 4. Capacity Assessment:** Results of capacity assessments of Implementing Partner (including Partner Capacity Assessment Tool (PCAT) and HACT Micro Assessment)
- 5. Project Board Terms of Reference and TORs of key management positions.** The standard Project Board TOR can be found [here](#).
- 6. On-Granting Provisions Applicable to the Implementing Partner³⁹.** On-granting clauses for non-UNDP Implementing Partners can be found [here](#).

³⁹ Applicable for non-UNDP Implementing Partner as Grant Making Institution facilitating on-granting.