

PROJECT DOCUMENT

[UNDP Tajikistan]

Project Title: 'Access to Justice in Tajikistan' Project, Phase III
Project Number: 00121211
Implementing Partner: UNDP Tajikistan
Start Date: 1 August 2021 **End Date:** 31 July 2025 **PAC Meeting date:** 22 October 2021

Brief Description

Access to Justice is a basic human right, which has been recognised in numerous international conventions and instruments, as well as in the 2015-2030 Sustainable Development Goals. It is guaranteed in the Constitution of the Republic of Tajikistan, as well as in national strategic and policy documents, including the Judicial and Legal Reform Programme 2019–2021. Phase II of the Access to Justice in Tajikistan Project is embedded in the national development context and will continue upon the successes of Phase I (2012–2016) and Phase II (2016-2020).

Recognising that this is the final implementation phase of the project, the focus is on consolidating and further developing the project's achievements with regards to the system of free legal aid, improving the quality of justice, raising awareness, and policy dialogue in the last phase of the project, while ensuring an exit strategy is in place and that all activities will be fully sustainable by 2024. Sustainability – institutional, financial and policy, local ownership, capacity strengthening and the empowerment of civil society is at the centre of this final phase. Thus, the outcomes and outputs have been adjusted with a more strategic and narrower focus, while remaining consistent with both the needs of the beneficiaries and the recommendations from the Phase II Mid-Term Evaluation.

The overall objective or **goal** of the final phase of the project is that *People, in particular the most vulnerable, claim and enjoy their rights through better access to justice, contributing to reducing inequalities and ensuring that no one is left behind.* The Project's **Impact Hypothesis** or **Theory of Change** reads as follows: *If people, in particular the most vulnerable, are empowered to make legal claims in an accessible and effective justice system, while the Government has the capacity to provide free legal aid and engage in dialogue with its citizens, then legal rights will be enhanced and protected.*

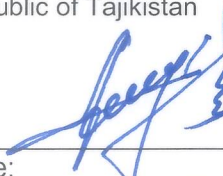
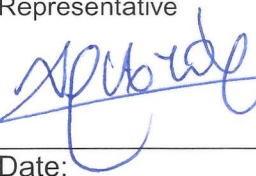


Like Phases I and II Phase III will be undertaken by a consortium partnership between UNDP and HELVETAS Swiss Intercooperation (HELVETAS). Phase III of the Project covers the period of **1 August 2021 – 31 July 2025**. The total Project budget is **USD 4,333,581**.

Contributing Outcome (UNDAF/CPD, RPD or GPD):

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 disabilities² GEN 2

| | | |
|-----------------------------------|--|--------------------------------|
| Total resources required: | <i>USD 5,191,079</i> | |
| Total resources allocated: | SDC: | <i>USD 4,333,579</i> |
| | Government of Tajikistan (Projected): | <i>USD 857,500</i> |
| | In-Kind: | <i>Office space, equipment</i> |
| Unfunded: | | |

Agreed by (signatures)¹:

| | |
|---|---|
| GOVERNMENT | UNDP (on behalf of UNDP and HELVETAS consortium) |
| Mr. Muzaffar Ashuriyon, Minister of Justice of the Republic of Tajikistan | Mr. Christophoros Politis, Deputy Resident Representative |
|  |  |
|  |  |
| Date: | Date: |

¹ Note: Adjust signatures as needed

² The Gender Marker measures how much a project invests in gender equality and women's empowerment. Select one for each output: GEN3 (Gender equality as a principle objective); GEN2 (Gender equality as a significant objective); GEN1 (Limited contribution to gender equality); GEN0 (No contribution to gender quality)

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List of Acronyms

| | |
|----------------|--|
| A2J | Access to Justice |
| CSO | Civil Society Organisation |
| CSPM | Conflict Sensitive Project Management |
| DIM | Direct Implementation Modality |
| FLA | Free Legal Aid |
| GII | Gender Inequality Index |
| GoT | Government of Tajikistan |
| HDI | Human Development Index |
| HRBA | Human Rights Based Approach |
| LAC | Legal Aid Centre |
| M&E | Monitoring and Evaluation |
| MoF | Ministry of Finance |
| MoJ | Ministry of Justice |
| MPI | Multidimensional Poverty Index |
| NGO | Non-Governmental Organisation |
| PD | Policy Dialogue |
| RRF | Results and Resources Framework |
| SALAC | State Agency on Legal Aid Centres |
| SDC | Swiss Agency for Development and Cooperation |
| SDG | Sustainable Development Goal |
| UNDP | United Nations Development Programme |
| ZAGS | Civil Registry Office |

I. DEVELOPMENT CHALLENGE

1.1 Background and Context

Strengthening rule of law and increasing access to justice is a high priority of the Government of Tajikistan, as a lack of access to justice and weak rule of law are perceived as root causes of economic vulnerability, social exclusion, violent extremism and inequalities. To address this, the Government 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. 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.

The *Constitution of Tajikistan* recognises that access to justice, as well as the protection of human rights and freedoms are universal human rights, and as such guarantees the right to free legal aid. Acknowledging this, the (previous) *Judicial and Legal Reform Programmes of the Republic of Tajikistan* detailed the continued commitment of the Government to the provision of legal aid and the development of a state funded system of free legal aid. This culminated in the adoption of the Law on Free Legal Aid in April 2020 by the Lower Chamber.

In his presentation in the Lower Chamber of the Parliament, the former First Deputy Minister of Justice, noted that the system of free legal assistance, which is fully or partially provided by financing from the state budget, needs to be improved, and therefore the bill was developed. He pointed out that according to the country's constitution, everyone is guaranteed judicial protection and a person is entitled to use the services of a lawyer from the moment of detention, and legal assistance is guaranteed at all stages of the investigation and trial. In addition, the right to legal assistance is determined by the procedural codes of the republic. He also said that the new law would simplify the mechanism for providing legal assistance and eliminate existing problems. In addition, the law is adopted to ensure the Tajikistan fulfills all international obligations. “*The mechanism of the provision of free legal aid prescribed by law is initially 90% funded by international donors and 10% from the state budget of the republic. It is planned to gradually increase the state's share to 100% by 2025*”, he concluded.”² Despite a change-over in personnel within the Ministry of Justice in June 2020, (see also below p.38) on 4 July 2020, the Law was signed by the President, indicating the continued commitment and high level of political will to developing and financing the state funded system of free legal aid in Tajikistan.

As of 2020, 20 per cent of funding for the State Agency Legal Aid Centres (SALAC) has come from the State budget, with a view to increasing this incrementally year on year by a further 20 per cent, until 100 per cent of funding is provided by the State. The Mid-Term Development Programme 2016-2020 reaffirms the government's commitment for the “*continuation of judicial reform in the country, further strengthening of the judiciary and, in particular, ensure implementation of the programme of judicial and legal reform in the Republic of Tajikistan.*”³ A separate section on Access to Justice and Rule of Law was included in the next phase of the Mid-Term Development Programme 2021 – 2025, a , which provides an opportunity for the government to reconfirm its commitment to these issues.

While the Government's effort to reform the justice system in Tajikistan are commendable, and significant achievements have been made, the people in Tajikistan still face obstacles in accessing justice, due to capacity gaps resulting from weak implementation of policies and laws and lack of

² <http://avesta.tj/2020/04/23/v-tadzhikistane-uprostyat-protseduru-okazaniya-besplatnoj-yuridicheskoy-pomoshhi/>

³ Mid-Tem Development Programme for the Republic of Tajikistan 2016-2030

knowledge of the laws and their rights. These problems are exacerbated in remote and hard to access areas of Tajikistan where the service provision is complicated by different accessibility factors, such as distance to the legal aid centre, variable capacities of legal aid officers to provide high quality services and lack of awareness among the population, further making the service unavailable and/or unaffordable, in particular for vulnerable and marginalised people, i.e. women, persons with disabilities, youth, older people, minorities etc.

To support the Government's efforts and to address the problems that the people of Tajikistan face in accessing justice, in December 2012 the United Nations Development Programme (UNDP) in partnership with the Swiss international NGO HELVETAS Swiss Intercooperation (HELVETAS) with funding from the Swiss Agency for Development and Cooperation (SDC) launched the 'Access to Justice in Tajikistan' (A2J) Project. The stated purpose of the Project was to "*contribute to better access to justice for marginalised and vulnerable persons.*" This Project document relates to Phase III of the Access to Justice in Tajikistan Project.

Linkage to the Sustainable Development Goals

The universal importance of access to justice was reflected most recently in the Agenda 2030 and Sustainable Development Goals, adopted in 2015 by 193 member states. The new agenda promotes sustainable development based on peace, just and inclusive societies, respect for human rights, the rule of law and effective and accountable institutions. This project seeks to contribute to the 2030 Agenda.

Goal 16 in particular provides new and 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, Target 16.3 obliges states to "*Promote the rule of law at the national and international levels and ensure equal access to justice for all.*"

Goal 10 commits to "*reduce inequality within and among countries*" and eliminate discrimination in laws, policies and practices. Goal 5 promotes gender equality and the need for empowerment of all women and girls given their disadvantaged roles and discrimination in many societies. UNDP's mandate and Helvetas' global results framework is firmly rooted in attaining the mentioned SDGs, which form the basis of its Strategic Plan (2018-2021).

In addition to being aligned with the SDGs, and the national development priorities of Tajikistan as outlined above, the project is also strategically linked to one of the goals presented by **Swiss Cooperation Strategy of 2017-2021 for Central Asia**, which is: "Public institutions deliver efficient and effective services in an inclusive way and are accountable to citizens. Civil society participates in decision making processes." It is aligned with UN and UNDP global and national priorities including the **UNDAF** "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" and the **UNDP Country Programme Document** "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." It also corresponds to **Helvetas' Global Strategy 2021-2024**, specifically objective 1 of the working field "Governance & Civic Space: "Communities are empowered to engage in political decision-making, strengthen human rights and claim access to quality public services,

while government and civil society partners have increased capacity and mutual trust to articulate policies that improve frame conditions and civic space”

1.2 Situation Analysis

Tajikistan is a landlocked, mountainous country in Central Asia, with a rapidly increasing population, which as of 1 June 2020 stands at 9,520,572.⁴ The labour market in Tajikistan is characterised by high levels of poverty, low economic security, high taxation and a weak struggling labour force, in particular among women and youth, that sees educated and professional labour inclined to emigrate. The World Bank data for 2018 shows that Tajikistan has a per capita GDP rate of US\$826.62. The unemployment rate in Tajikistan stood at 11.08% in 2019, showing an increase from 10.92% in 2018.⁵ Poverty levels remain high in Tajikistan despite a downward trend, with 27.4% of the population living below the poverty line in 2018. There are significant variations in the poverty rate between rural 30.2% and urban 21.5% communities.⁶ Tajikistan’s Human Development Index value for 2018 is 0.656 positioning it at 125 out of 189 countries and territories.⁷

Since the collapse of the Soviet Union, women in Tajikistan have faced both increasing rates of unemployment and the re-assertion and adoption of conservative social norms in regard to acceptable gender roles. Tajikistan has a GII value of 0.377, ranking it 84 out of 162 countries in the 2018 index.⁸ According to the Global Gender Gap Index⁹ in 2017 Tajikistan ranked 95th in the list of 144 countries (0,678 points on the scale from 0 - 1).¹⁰ One-third to one-half of women in Tajikistan regularly experience physical, psychological, or sexual violence.¹¹ In terms of corruption, Tajikistan received a score of 25/100 on Transparency International’s Corruption Perception Index 2019, ranking it 153/180 countries, demonstrating a general improvement.¹²

In combination with this, huge parts of the population are unaware of their legal rights and obligations. The knowledge of the population about their rights is mainly based on, and limited to, traditional perceptions of the role and position of men and women in the family and society. The project data on legal awareness raising shows that 41%¹³ of the population are unaware about their family rights (registration of marriage and divorce, obtaining child birth certificates, care of children, child allowance payments etc.). In a recent study undertaken by the Project on Access to Justice and Justice Needs, when asked about the women’s right to get a divorce, the results reflect disconcerting traits. Namely, only slightly over one in nine (11.7%) provided the correct answer (that a woman can obtain a divorce without the approval of her husband), while there was an enormously high number of those who incorrectly believe that a woman must have her husband’s permission in order to obtain a divorce (84.4%). In particular, women are unfamiliar with this provision; namely, only 9.1% of women are aware of their right to get a divorce without the consent of their husbands. In addition, the youngest age group (18 to 24 years old) and those between 25 and 34 years old had the least knowledge of the right to get the divorce, only 9.8% and 9.7% respectively. Additional survey data showed that nearly forty per cent (39.8%) of individuals in Tajikistan have had legal problems in the last three years, with some having more than one

⁴ <https://www.worldometers.info/world-population/tajikistan-population/>

⁵ <https://www.statista.com/statistics/809023/unemployment-rate-in-tajikistan/>

⁶ <https://www.worldbank.org/en/news/infographic/2019/10/17/poverty-in-tajikistan-2019>

⁷ http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf

⁸ http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf

⁹ This measures the relative gaps between women and men’s economic participation and opportunity, educational attainment, health and survival and political empowerment,

¹⁰ http://www3.weforum.org/docs/WEF_GGGR_2017.pdf

¹¹ <https://www.adb.org/sites/default/files/institutional-document/185615/tajikistan-cga.pdf>

¹² <https://www.transparency.org/en/countries/tajikistan#>

¹³ Annual NGO INIS Report 2017 (Access to Justice Project)

dispute. This means that, annually, just over 710,000 persons aged 18 and over (a projected 710,297) have a dispute raising legal issues in Tajikistan. These cases disproportionately affect the poor and most vulnerable people. The survey showed that the poorer a person is in Tajikistan, the likelier they are to have a variety of types of disputes, including over family issues, land, housing, employment, social welfare and public services, and money. For instance, almost three in ten (28.5%) of the poorest respondents (those that describe themselves as not having enough money even for food) have legal disputes centred on family issues, while the same is true of only 1.7% of those from the wealthiest category (self-described as having no material difficulties). Similarly, nearly a quarter of the poorest respondents had disputes over land (23.7%), while only 8.6% of the wealthiest respondents had such disputes. A pronounced disparity between the rich and the poor is also to be found regarding the frequency of disputes on social welfare and public services. Namely, while 40.6% of the poorest respondents have had such disputes in the past three years, only 17.2% of the wealthiest respondents have had similar disputes.

The judiciary encounters many challenges during the court procedure and execution of their decisions. The length of time in which each citizen expects the resolution of their case and the quality of the work of the judge is almost always in contradiction, where the best possible balance is not easy to achieve in a situation where the judiciary is overburdened by cases.

Women and men continue to be affected differently by the limitations regarding access to justice. 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 and marriage between first grade relatives are common. Traditional values prevent women from exercising their legal rights to land, property and finance. Religious marriages are outside of the scope of state registration and are not recognised by the state as an official marriage, leading to adverse consequences for women when the marriage breaks down. Early marriage is common, with almost 15% of women in Tajikistan being married before the age of 18,¹⁴ and it is far more frequent among women with less education (28% of women having just primary education against 5% of women with higher education) and women from the poorest households. Early marriage is a contributing factor to higher fertility and through this to poverty.

70% of the population of Tajikistan is under 30, and Tajikistan ranks 114/170 on the Youth Development Index.¹⁵ The National Council for Youth Affairs under the President of the Republic of Tajikistan was established to address issues related to the implementation of the state youth policy and to involve youth in important state and public affairs, to put into practice more effective methods of cooperation and coordination of activities of central and local authorities with youth associations and organizations.¹⁶ Young people are frequently marginalised both socially and politically, by existing social norms and adults in positions of power. They are frequently viewed by society as part of the problem, rather than part of the solution. Youth issues are particularly salient in Tajikistan, which with a median age of 24 years, is one of the world's youngest countries.

Women and youth are the least represented in the labour force. Inactive youth, i.e. those who are neither employed nor in school, represent 40 per cent of the total youth population, which is high by international standards. While youth are more likely than adults to work in private sector wage jobs, almost one third of employed young people are in unpaid (informal) jobs, compared to 15 per cent of adults.¹⁷ Early marriages are highly common in Tajikistan, many being performed by "nikah" and are unregistered at the registry office. With high numbers of young men aged 15-24

¹⁴ Tajikistan State Committee on Statistics. Findings from Tajikistan Monitoring the Situation of Children and Women Multiple Indicator Cluster Survey (MICS) 2005. Preliminary Report. Dushanbe: 2006.

¹⁵ <http://www.youthpolicy.org/factsheets/country/tajikistan/>

¹⁶ <http://www.european-times.com/year-youth-meaning-tajikistan/>

¹⁷ <http://www.worldbank.org/en/country/tajikistan/publication/tajikistan-addressing-challenges-to-create-more-and-better-jobs>

leaving for labour migration to Russia and Kazakhstan, this leaves many young women abandoned, often with young children and unable to go to court to seek a divorce and alimony as the marriage was not registered in the first place. Often the spouses do not have guaranteed legal rights and obligations regarding the division of property, alimony and others to each other. There is also a very low level of legal literacy among the population of Tajikistan, but in particular among women and youth.

Thanks to dialogue, the civil society increasingly playing a role in providing evidence-based inputs from the grassroots level into policy discussions and decisions at the national level. It is envisaged that the level of trust will increase both in regional and national level. The potential is particularly high at the local level where historically the civic culture, openness and collaboration between civil society and local governments is stronger than at the national level.

At the same time, international monitoring processes remain important platforms where civil society still plays a certain role and Tajik authorities are more open for discussion. The reporting obligations around the various human rights conventions, the Universal Periodic Review and the Sustainable Development Goals (SDG 16 in particular) provide opportunities for a limited dialogue, and State authorities seem to be – at least partly – keen to keep a good international reputation.¹⁸ The project emphasizes the importance that such key processes should be implemented and linked to the local (micro) level of civic participation and evidence in order to best respond to the needs of civil society at different levels.

Most recently, Tajikistan, like the rest of the world, has been exposed to the COVID-19 pandemic, which is anticipated to have a huge economic impact on the country. Further, it exacerbates challenges that people, and in particular the most vulnerable, face in accessing justice. This may impact on the project's sustainability, including the funding of the LACs. This is discussed more fully below and a detailed exit strategy with mitigation measures is provided.

1.3 Drivers of Change

The **drivers of change** for improved legal reform and access to justice in Tajikistan are assessed as:

- a) **Government Commitment:** The commitment of the Government of Tajikistan to respect and observance of human rights in general and on access to justice remains at the proper level. While the government's commitment to human rights generally may be open to question, on the particular issue of access to justice, government support has been strong and is expected to remain so, despite the change in MoJ personnel. In particular it is expected that the Ministry of Justice will continue to be committed to the reforms included in the Project. The establishment of the National Rule of Law Forum, through the Policy Dialogue, is also evidence of government commitment to the issues as is its role as custodian of SDG 16 through the Working Group.
- b) **Rising awareness/increased demand:** HELVETAS' public awareness activities in Phases I and II, together with the number of legal aid and service providers, are boosting legal awareness across the country. As people's awareness of their rights and the duties of service providers grows, there is a corresponding demand for those services. This is evidenced by project data, which shows in the year December 2018 – November 2019, 9,455 persons (including 61.5% women) received free primary legal aid, which by far exceeded the annual target of 4,900 recipients of free primary legal aid. It is envisaged that

¹⁸ Access to Justice Final Review Report 2017 – 2020, Erika Schlappi, March 2020

people's awareness will continue to rise during Phase III of the Project, thereby increasing demand.

- c) **Interest and commitment of service providers:** Both the SALAC and LACs are highly interested and committed to providing free legal aid, advice and assistance to the people of Tajikistan. It is anticipated that this will not change during the Project's duration.
- d) **Interest and commitment in the Policy Dialogue:** The Policy Dialogue has met regularly throughout Phases I and II of the Project, with key achievements including the adoption of the Concept and subsequent Law on Free Legal Aid. The participants of the Policy Dialogue are interested and committed and there is a growing trust between civil society and the government within this framework. During the third phase of the project, activities will seek to fully institutionalise the mechanism and introduce mechanisms for monitoring and follow-up at the National level. The project will not continue with the large scale Policy Dialogue Forums that were held during the first two phases of the project, but will focus more on institutionalisation as well as follow-up of decisions. Smaller scale meetings, as well as virtual meetings, will be held to showcase the possible mechanisms of the policy dialogue, but the expectations will be less. Lowering the policy dialogue from outcome level to output level reflects this. At the local level, the project will continue to strengthen the social monitoring mechanism, which was developed by Helvetas at the end of the first phase and successfully implemented in the second phase. External social monitoring by civil society allows you to independently evaluate the availability and quality of FLA. Information and evidence obtained through social monitoring are included in public dialogues so that social and legal issues related to the most common cases and consultations of the FLA are addressed by decision makers and elected leaders in the relevant government agencies.

The Project will support these processes by supporting the institutional strengthening of government and civil society to work out a system of state supported legal aid, while also promoting inclusion of civil society in government policy formation and dialogue at the micro, meso and macro levels.

1.4 Restrainers of Change

Possible constraints to change include the following:

- a) **Government capacities:** Justice sector reforms are widely recognized as requiring considerable time, resources and capacities and the experience gained through the first two phases of the Project support this. It is one thing to develop laws and regulations but a wider challenge to implement them. The Project seeks to build capacities that will translate reform commitment from paper to realising actual implementation on the ground.
- b) **Government trust in civil society:** Historically, government trust in civil society (and vice versa) has been weak. Thanks to the Policy Dialogue at the local and national levels, a degree of trust been established, which the Project aims to capitalise and build on during Phase III of the Project. With civil society increasingly playing a role in providing evidence-based inputs from the grassroots level into policy discussions and decisions at the national level, it is envisaged that the level of trust, within the framework of the policy dialogue platform and other national reporting mechanisms such as on SDG 16 and UPR, will increase.
- c) **Resource capacities:** Moderated economy and the current decline in the economy have resulted in budget cutbacks, leading to uncertainty over future funds. This will be further exacerbated by the repercussions of the COVID-19 pandemic. However, the Project already has a firm commitment from the Government as to resource allocations for the SALAC and LACs, which was reaffirmed most recently during the adoption of the Law on

FLA in April 2020, and which is expected to be reaffirmed once again in the Mid-Term Development Programme 2021 - 2025. The Project will continue to work closely with the Ministry of Finance, informing it of cost analyses and implications to ensure evidence-based budgeting for the free legal aid centres and secondary legal aid services. The Consortium will lobby to facilitate that both institutional and financial sustainability of the Project activities will be ensured at the end of the Project period. A realistic scenario is that by the end of the project implementation period the state will be financing 80% of the costs of the system of free legal aid, which will be expanded thereafter to the full 100%.

- d) **Social barriers:** Citizens who pursue family cases in court run the risk of being shunned by relatives and the wider community. Experience has shown that this challenge can be to some extent overcome through raising the awareness of the population. The Project will continue to address this potential constraint during Phase III through the introduction of a position of Press Secretary into the Ministry of Justice and through strengthening its capacities to deliver awareness-raising campaigns and outreach activities.

The Project aims at addressing these challenges and turning them into opportunities by working with different partners (from within the Government, donor community, international organisations, UN Agencies and civil society sectors) to promote enhanced access to justice and through consolidating the activities and results that have been achieved to date.

These elements combined form the basis on which to continue to work with the Government and civil society in Phase III of the Project.

1.5 Results and Lessons Learnt

1.5.1 Results According to the Access to Justice Project Mid-term Review 2020, changes in the overall development context do not decrease the validity of the Project objectives and are even more pertinent. Its main findings in terms of results are detailed below:

- Many activities on **legal awareness** (outcome 1) have been successfully conducted by the project, through the MoJ, local authorities, legal aid centres and CSOs, via various communication channels. The challenge remains the building of capacities and motivation of local actors to conduct legal awareness campaigns, and make information and awareness reach out to women and men, particularly to vulnerable groups in remote areas. Whether citizens think of legal aid services as a possible approach for solving their own legal problems, depends not only on awareness and knowledge but even more on the confidence in the current system. Where judicial institutions lack capacities and integrity, citizens will not trust and use legal aid for accessing justice but focus on other ways to solve problems. This must limit the expectation regarding the systemic impact of the project.
- According to the concept of free legal aid of 2015, a new **State Agency for Legal Aid Centres** (SALAC) was established and is operational thanks to the project (outcome 2), delivering counselling services in more than half of the districts across the country. However, human and financial resources are too limited to meet the high demand for legal and judicial support in the country. Management capacities of the SALAC still need improvement, including with regard to targeting services to vulnerable groups and women. Secondary legal aid models – referring to representation of clients in court - have been piloted and a call centre has been established under SALAC to mobilize professional support by attorneys in criminal cases. However, the low number and quality of available attorneys are important concerns. For primary and secondary legal aid, the quality of services is a challenge.
- According to the **Concept on Free Legal Aid**, starting from 2019 the state began to

gradually take over responsibility of the donor funded State Legal Aid Centres at the total amount equal to 20% of the total cost of the system annually, so that within the next five years it was anticipated that the State fully covers SALAC. This was postponed to 2020 due to economic problems in the country, which was approved by the project Steering Committee Meeting in 2018. In February 2020, the Government approved funding of the first 20% of its share of SALAC expenditures. Funding covers all budget lines supported by the Project, except lines related to trainings of paralegals and outdoor sessions, since documenting those expenditures and reporting in regional level is rather challenging for SALAC given local procedures.

- As part of **external social monitoring**, Helvetas has been working with local CSOs and initiative groups, including local jamoats. The methodology for social monitoring was developed by Helvetas at the end of the first phase and successfully implemented in the second phase. External social monitoring by civil society allows you to independently evaluate the availability and quality of FLA. Information and evidence obtained through social monitoring are included in policy dialogues so that social and legal issues related to the most common cases and consultations of the FLA are addressed by decision makers and elected leaders in the relevant government agencies.

- The ongoing **social monitoring** shows the most realistic picture (56% satisfaction rate), in contrast to the internal assessment of SALAC, which is 99.1%. In this regard, the Project considers that the external tool for evaluating the services of SALAC is the most effective and accurate measurement. Considering that the assessment tool is somewhat cost inefficient, in the third Phase the Project intends to develop a new, cheaper approach, without changing the principle of social monitoring, while ensuring the spread of the methodology to other districts by introducing it at the legislative level.

- A new **CSO network** has been established by the project around the issues of legal aid and the Rule of Law. Currently the network gathers 23 Tajik NGOs working around different aspects of human rights and access to justice, including women empowerment and gender equality, anti-torture, disability, child`s rights, right to property etc. Some ten NGOs represent local/regional NGOs from Sughd (5), Khatlon (3) and GBAO (2). The network is monitoring the legal aid services and contributing to the discussion on certain Rule of Law issues that are open for discussion, including primary and secondary LA via visiting LACs, analysing data on CMS and meetings with advocates and law enforcement and judiciary, and contributing to the discussion on certain Rule of Law issues that are open for discussion. As a result of monitoring in 2018, SFLA was fully moved under SALAC management.

- However, the network seems to lack clear orientation, genuine motivation and shared priorities for legal and judicial reform. The annual **national Rule of Law Forum** provided important opportunities for exchange on legal issues, among authorities and civil society, mostly thanks to the international donors` convening power.

- In 22 April 2020 lower Chamber of the Tajik Parliament adopted the **Law on Legal Aid** along with amendments to five other legislative acts enabling implementation of the named Law. This was signed by the President on 4 July 2020. Adoption of the law is an additional demonstration of the political will of the government to establish state funded free legal aid system. The Law states the status of SALAC and its staff as detailed below:

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| <p style="text-align: center;">Relevant Articles of the Law on Free Legal Aid pertaining to the status of SALAC and its staff</p> |
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There are several articles in the law, related to the SALAC and to the lawyers of SALAC, particularly, Article 10 provides for the high status of the state lawyer, and requirements to the state lawyers:

Article 10. Qualification Requirements for State Lawyers of the Legal Aid Center:

1. In order to ensure the powers of a state lawyer, improve the professional level and conformity of a state lawyer with a position, a qualification requirement is established.

2. The qualification requirement is the main criterion for the selection and placement of a state lawyer and is considered a determining factor in its activities.

3. The qualification requirement for persons applying for the position of state lawyer includes:

- Citizenship of the Republic of Tajikistan;
- Higher legal education;
- Knowledge of the state language;
- Knowledge of the Constitution of the Republic of Tajikistan, laws and other regulatory legal acts of the Republic of Tajikistan, which regulate the performance of official duties of state lawyers...

Also, Article 15 provides for the powers and authority of the SALAC, and establishes quite wide frames of SALAC's authority: besides monitoring, controlling, evaluating, and guiding powers, to which the Ministry of Justice (as a main authorized state body) is entitled, - it includes such functions and powers for SALAC, as training and methodological guidance and assistance to the state lawyers; analysis and addressing relevant issues; provision and coordination of the primary and secondary legal aid to the population; hiring and entitling state lawyers with the right to represent interests of people in the courts; and the REAL (field) work with the population, first of all, defending rights of people.

Article 15. Powers of the Legal Aid Center.

The Legal Aid Center has the following powers:

- Provides methodological assistance to a state lawyer in the framework of the exercise of its functions;
- Organizes the training of state lawyers;
- Analyzes and summarizes the reports of state lawyers and provides it to the authorized state body;
- Periodically analyzes and summarizes the general situation with the provision of legal assistance and makes appropriate proposals to address existing problems;
- Coordinates the activities of state lawyers on issues of improving the level of legal culture and legal awareness of the population;
- Monitors and evaluates the quality of primary legal aid;
- Organizes and coordinates the provision of secondary legal assistance;
- Monitors the participation of lawyers in cases in the field of secondary legal aid and assesses the quality of assistance provided;
- Concludes an agreement on the provision of secondary legal assistance with lawyers and monitors the implementation of the agreement;
- Gives permission to state lawyers to represent the interests of individuals in the courts when considering cases of administrative offenses and civil cases;
- Informs individuals about the possibilities of obtaining and the conditions for providing legal assistance;
- Performs other functions established by this Law and other regulatory legal acts of the Republic of Tajikistan.

Articles 17 and 18 provide for a high status of a state lawyer, especially in comparison with an independent lawyer. For example, the articles provide that state authorities, governmental bodies, NGOs, and any other organizations must provide any information, requested by a state lawyer. Article 18 also provides a state lawyer with a power to train public assistants, and to use them in their work (primary legal aid).

Article 17. State Lawyer

1. For the direct provision of legal assistance to persons in the cities and regions of the republic, state lawyers conduct activities.
2. State lawyers provide all types of primary and some types of secondary legal assistance provided for in this Law.

Article 18. Rights and Obligations of a State Lawyer

1. A state lawyer has the right:

- Free of charge to collect information necessary for the provision of legal assistance;
- To request and receive certificates, characteristics and other documents from state bodies, self-government bodies of settlements and villages, public associations, as well as other legal entities, regardless of their organizational and legal forms of ownership;
- Represent the interests of individuals in the courts in cases and in the manner prescribed by this Law and other laws of the Republic of Tajikistan;
- Train public assistants and involve them in the process of providing primary legal assistance in accordance with the “Regulation on working with public assistants”, which is approved by the authorized state body.

2. State bodies, self-government bodies of settlements and villages, public associations, as well as other legal entities, irrespective of their organizational and legal forms and forms of ownership, in the manner established by the legislation of the Republic of Tajikistan, are obliged to provide the state lawyer with the documents requested by him/her or their certified copies, with the exception of documents containing information about state secrets.

The SALAC is also empowered to develop and upgrade the State Register of lawyers, providing secondary legal aid. Although rules and conditions are determined and approved by the Ministry of Justice, all main functions, related to the State Register, are given to SALAC:

Article 25. State Register of Lawyers Providing Secondary Legal Aid

1. The Legal Aid Center maintains the State Register of Lawyers Providing Secondary Legal Aid (hereinafter referred to as the State Register).

2. The state register is compiled in paper and electronic forms and posted on the official website of the Legal Aid Center.

3. To be included in the State Register for the provision of secondary legal aid, an attorney submits an application to the Legal Aid Center.

4. The procedure and conditions for the inclusion of a lawyer in the State Register is determined and approved by the authorized state body.

1.5.2 Lessons learned

The following are some of the key lessons that were learned during the reporting period:

- The COVID-19 pandemic has demonstrated a lack of ready business continuity plan of the Government, including project partners during the crisis times. This creates an additional opportunity for the project and its partners` political will to initiate interventions related to policy and technical reforms enabling remote/distance work, including on legal aid provision and execution of justice during the times of crisis;
- Although the Project supported the Ministry of Justice in establishment of follow up mechanisms for the implementation of dialogue recommendations, due to the limited mandate of the Ministry, full implementation of recommendations and follow up is still lacking. Thus, in order to ensure sustainability of dialogues and follow up mechanisms, institutionalization of the dialogue platform and its conduction in higher level is needed;
- Civil society monitoring of the state-run FLA system creates a more accurate picture of the services provided by SALAC. The project should therefore support civil society more broadly, in particular in its monitoring efforts, through the social monitoring/accountability mechanism.
- In spite of the project`s efforts, the capacity of SALAC`s management and staff is weak. MoJ has to support the capacity building of SALAC staff through a systematic, structured efforts.

- Some of the key issues identified herein (including the weak capacity of SALAC staff, and the (lack of) funding of a state-run legal aid system) can only be resolved by the state; accordingly, the Steering Committee, and high-level officials from SDC, UNDP, and Helvetas, should 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.
- Engagement and coordination with different state institutions, especially the Executive Office of the President and Parliament is vital for a prompt legislative reform processes and that cooperation and communication should be intensified in the future;
- Cooperation of various state bodies in the framework of the implementation of the Legal Policy Concept required additional efforts and commitments of all state stakeholders.
- All relevant project papers should be submitted well in advance (at least 3 months) for consideration by governmental bodies.
- It is very important to strengthen the interaction between the two levels of dialogue, so that issues of a political and policy nature can be resolved at a higher level and at the same time, recommendations adopted at the national level reached local recipients through local CSOs.
- Using paralegals, which are themselves local, credible and respected community members, to raise public awareness of their rights and advise on everyday legal issues, has proven to be an important and cost-efficient element in covering free legal aid at the lowest levels and most remote areas. Many paralegals, being leaders and representatives of mahalla committees, are respected by the population in their Jamoats, thereby providing a referral system between the local community and existing LACs. In the 3rd Phase the Project will develop an system of training and retraining of paralegals at different stages of their work, however it will not work on institutionalising the system of paralegals further during this phase, due to sustainability concerns. While the MoJ sees the Institute of Paralegals as a great potential for covering remote regions and unburdening the system as a whole, these expenses were not included in the 20% of the state budget for 2020, as mentioned above. SALAC foresees a decision in further support and development of the system by creating a Public Association under SALAC in order to expand the capacity of this Institute to be self-financed in the future. As part of the 3rd Phase, the project plans to support the paralegals at the activity level in terms of capacity development and provision of primary legal aid.
- Conducting baseline and intermediate impact studies allowed the Project to identify the most effective tools to increase public awareness, solve systemic problems and directly affect the lives of disadvantaged people by improving access to justice through promoting free legal aid and creating SMPD mechanisms at the local and national levels. The Project should focus on ensuring the implementation this approach in the Ministry of Justice to provide the most relevant and necessary tools for communication with the population in the future, after the project is fully released.

1.5.3 Funds deployed to date

Between December 2012 and November 2016, the total four-year budget for Phase I was CHF 4,000,000 (about USD \$4.1 million at the time) along with \$400,000 of UNDP TRAC funds, for a total of USD \$4.5 million.

Funds for Phase II are USD \$4,332,551 million and \$112,000 from the GoT, for a total of \$4,444,551.

II. STRATEGY

This is the third and final phase of the Access to Justice project, which has been implemented since 2012. The greatest focus of this phase of the project is on implementing an exit strategy that ensures the sustainability of the project's interventions to date, through national ownership with

sufficient capacities. The overriding objective of the project is to strengthen access to justice for the people of Tajikistan through an integrated approach that combines several aspects of access to justice that are horizontally and vertically interlinked at the local and national level. This includes the creation of a normative and institutional framework for the provision of quality and sustainable free legal aid; raising awareness of the population of Tajikistan about their rights and how to access them; establishing mechanisms for citizen-state dialogue; and resolution of access to justice issues.

In this final phase of the project, the outcomes and outputs have been streamlined to allow for maximum sustainability, leading to two outcomes, which each have two corresponding outputs. Together these contribute to achievement of the goal.

The objectives of the project are detailed below in the table, followed by a narrative description of the goal, outcomes, outputs and activities. This includes detailing the exit strategy and sustainability aspects, which are summarised in the final section.

NB: The results chain indicates in which years of project implementation activities will be conducted. By the end of the indicated period, it is anticipated that sustainability will have been ensured and that the related activity can be fully handed over, with remaining project support being provided in terms of funding only.

PROJECT DOCUMENT

[UNDP Tajikistan]

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| Goal: People, in particular the most vulnerable, claim and enjoy their rights through better access to justice, contributing to reducing inequalities and ensuring that no one is left behind | | | |
| Outcome 1: The Ministry of Justice effectively manages free legal aid services in a sustainable and quality manner. | | Outcome 2: The population is aware of its rights and use the provided services, and civil society present key justice issues in the dialogue with national and local authorities, who provide durable solutions | |
| Output 1: Access to state legal aid is guaranteed through the effective management and provision of quality free primary and secondary legal aid by the State Agency Legal Aid Centre (SALAC) to people, in particular women, youth and other vulnerable groups. | Output 2: The accessibility and efficiency of the judiciary is enhanced through the improved quality of its decision-making in civil and family cases and through strengthened business processes | Output 3: The Ministry of Justice has the capacity and systematically increases legal awareness and literacy among the population in particular women, youth and other vulnerable groups | Output 4: Civil society has the skills for evidence-based advocacy, participates in sustainable decision-making processes and follows-up and monitors implementation of those decisions |
| <p>Indicative Activities</p> <ul style="list-style-type: none"> - Develop management capacities of SALAC central office (16 Staff, including 4 operators of SFLA Call Centre) (human resource management, defining the profile of services, targeting of services to women, youth and vulnerable groups, methodology to monitor performance of LACs, analysing key problems from the customers’ | <p>Indicative Activities</p> <ul style="list-style-type: none"> - Justice sector wide assessment including review of SC business processes to identify gaps in A2J, which will be used as an evidence base to feed into all project outputs and activities including policy dialogue processes Year 1 (UNDP) - Modernising specific internal business processes of the Supreme | <p>Indicative Activities</p> <p>Strengthening the capacity of the Ministry of Justice and SALAC to increase the level of legal awareness of the population at different levels (local and national): Years 1-3 (Helvetas)</p> <ul style="list-style-type: none"> - Including: <ul style="list-style-type: none"> • Support in establishing a press secretary under the Ministry of Justice to ensure the promotion | <p>Indicative Activities</p> <ul style="list-style-type: none"> - Capacity building of local authorities and CSOs to strengthen social contract between citizens and state and establish a sustainable model for district/regional level citizen-state engagement and dialogue. Trainings packages will cover topics such as: advocacy and analytical skills; good |

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| <p>satisfaction system, devising responses to key problems) in Years 1-3 (UNDP)</p> <ul style="list-style-type: none"> - Provision of primary legal aid, in particular for women, youth and other vulnerable groups with the focus on client referral system, providing a strong relationship between the LACs and other government agencies (Committee on Women and Family Affairs, Hukumats, courts, registry offices, etc.), providing a solid percentage of resolved issues and at the same time offloading the LACs. <p>Years 1-4 (Helvetas)</p> <ul style="list-style-type: none"> - Strengthening the established SALAC's internships system for undergraduate students of law universities at the Ministry of Justice and the Ministry of Education and Science level. <p>Years 1-2 (Helvetas) (At least 25% of staff are hired through an internship system)</p> <ul style="list-style-type: none"> - Capacity development of LACs and lawyers (legal knowledge, methodological skills, conflict sensitivity, gender) through systematizing the system of training and retraining of lawyers (including introductory trainings for new lawyers and annual | <p>Court (42 judges) through modern business practices to increase transparency and accountability – Years 1-3 (UNDP)</p> <ul style="list-style-type: none"> - Strengthening capacities of 425 judges from district and city courts in relation to international fair trial standards and other human rights standards; harmonization and drafting of judgements; dealing with witnesses and vulnerable groups in court etc. and other areas where A2J constraints are identified - Years 1-3 (UNDP) - Supporting the development of the National Judicial Reform Programme 2022 – 2030 and a corresponding Action Plan to integrate continuation and expansion of project activities by the State beyond the lifespan of the project Years 1-2 (UNDP) - Develop and implement methodology that allows CSOs to monitor quality of court processes and judicial decision-making– 50 civil and 50 criminal cases annually monitored by CSOs - In criminal cases half shall be FSLA and half paid, to ensure compliance with human rights standards and legislation Years 1-3 (UNDP) | <p>of legal information, open dialogue with civil society. Year 1 (Helvetas)</p> <ul style="list-style-type: none"> • State actors conduct legal awareness campaigns (mass media, SMS, events) in all Project areas. Years 1-4 (Helvetas) • Strengthening the developed ICT mechanisms, which enable people to seek and acquire legal aid, and further handover to SALAC. Year 1-3 (Helvetas) • Assessment of resources and tools needed for Ministry of Justice and SALAC to increase legal awareness and literacy of population. Year 1 (Helvetas) • Build the capacity of state actors and support in developing communication strategies. Year 1 (Helvetas) <p>- Impact assessment of awareness raising activities – Year 4 (Helvetas)</p> | <p>governance principles; roles and responsibilities for state-citizens engagement; power analysis; gender and social inclusion, conflict sensitive project management – Years 1-3 (Helvetas)</p> <ul style="list-style-type: none"> - Support local CSOs and local authorities to hold local level PD (12 jamoats & 6 khukumat) Years 1-3 (Helvetas) <p>Support the development of the Law on Social Monitoring and Policy Dialogue to create structures to feed into the PD as well as a regulatory framework for monitoring and ensuring sustainability of the local level PD Years 1-3 (Helvetas).</p> <ul style="list-style-type: none"> - Linking local PD with the UN human rights mechanisms (UPR & SDG16 processes) Years 1-3 (Helvetas) - Develop and implement methodology that supports CSOs to monitor SALAC's performance Years 1-2 (UNDP) - Advocacy and analytical skills training to CSO Network (incl. power analysis, gender mainstreaming, Conflict Sensitive Project Management) – Years 1-3 (UNDP) |
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| <p>trainings/testing for all) on the MoJ' Capacity building Institute level. Years 1-4 (Helvetas).</p> <ul style="list-style-type: none"> - Consolidation of provision of secondary legal aid in criminal cases, in particular for women, youth and other vulnerable groups in Years 1-4 (UNDP) - Advocacy to ensure full absorption of LACs into state budget Years 1-4 to achieve 80% funding by end of project implementation period in Year 4 (UNDP) - Working group meeting on annual basis with MoF, MoJ, Parliament Years 1-4 (UNDP) - Finalising transfer of the Data base system AMS to SALAC and assistance in Certification Year 1 (Helvetas) - Following up recommendations from functional analysis conducted in 2020 Years 1-3 (UNDP) to enable handover in Year 4 | <ul style="list-style-type: none"> - Introduction of mechanisms to enhance access to court information for the population – One District court in Dushanbe City, Tursunzoda City Court and Khujand City Court to showcase the mechanism to SC and future donors Years 2-3 (UNDP) - Further upgrading of the SC's website to include additional information for the public and a complaints mechanism addressed to the Chief Justice Years 1-3 (UNDP) | | <ul style="list-style-type: none"> - Conducting advocacy, lobbying and institutionalising the national level PD mechanism Years 1-3 (UNDP) - Conducting annual Rule of Law Forums Years 1-3 (UNDP) - Exploring options including handover of the PD to the EO of the President, role of the SC, linking with national level SDG 16 and other human rights mechanisms and processes etc. Years 1-3 (UNDP) - Introducing role of parliament into the PD process including oversight, advocacy, initiation of policy motions, legislative changes, strategizing etc. Years 1-3 (UNDP) - Establish a follow-up mechanism to ensure implementation of PD recommendations – Years 1-3 (UNDP) - Conducting a number of assessments, including those detailed under other outputs in order to provide an evidence base for the PD mechanism <p>Key gaps and challenges of legal education, including at Law Faculties, are revealed and addressed by MoJ and MoE</p> |
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| | | | <p>through PD mechanism Years 1-3 (UNDP)</p> <ul style="list-style-type: none">- Conducting MEL activities to ensure that all lessons learned and knowledge gained during three phases of project implementation are captured and shared Years 3-4 (UNDP/Helvetas) including conducting a perception survey among end beneficiaries to gauge the impact of the intervention – Years 3-4 (UNDP) |
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2.1 Objectives

The overall objective or **goal** of the final phase of the project is that *People, in particular the most vulnerable, claim and enjoy their rights through better access to justice, contributing to reducing inequalities and ensuring that no one is left behind.* This will be achieved through two outcomes, each of which has two corresponding outputs.

Outcome 1 is the cornerstone of the project and is focused on the responsibilities of duty bearers and is that *the Ministry of Justice effectively manages free legal aid services in a sustainable and quality manner.* In order to achieve this, two outputs will be pursued: **Output 1** is that *access to state legal aid is guaranteed through the effective management and provision of quality free primary and secondary legal aid by the State Agency Legal Aid Centre (SALAC) to people, in particular women, youth and other vulnerable groups.* and is focused on the sustainability of the system post project; and **Output 2** that *the accessibility and efficiency of the judiciary is enhanced through the improved quality of its decision-making in civil and family cases and through strengthened business processes.* This outcome foresees the final steps in the development of a system and provision of free legal aid in Tajikistan.

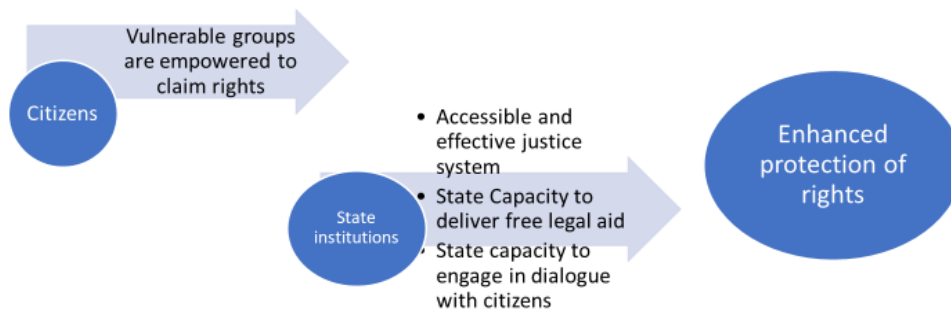
Outcome 2 is focused on rights holders and aims that *the population is aware of its rights and use the provided services, and civil society present key justice issues in the dialogue with national and local authorities, who provide durable solutions.* This will be accomplished through the achievement of two outputs. **Output 3**, is that *the Ministry of Justice has the capacity and systematically increases legal awareness and literacy among the population in particular women, youth and other vulnerable groups* and **Output 4** is that *civil society has the skills for evidence-based advocacy, participates in sustainable decision-making processes and follows-up and monitors implementation of those decisions.* This outcome foresees the finalisation of the process of developing the capacities of the MoJ to independently raise awareness among the population of their justice rights and how to access them, while at the same time creating sustainable mechanisms of dialogue between the citizens and the state at both the local and national level.

2.2 Impact Hypothesis

The Impact Hypothesis or Theory of Change for Phase III is guided by the context analysis and achievements of the A2J Project Phases I and II. The vision of the Project is to create a system whereby all people in Tajikistan can access justice, by having an affordable, state run system of free legal aid, in a country where people, in particular the most vulnerable, know their rights and duties in respect of free legal aid and accessing justice and where the judiciary is able to deliver justice in an accessible and effective manner and resolve justice issues in a collaborative and participatory manner.

As confirmed by the Mid-Term Evaluation, 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 **Impact Hypothesis** or **Theory of Change** reads as follows:

If people, in particular the most vulnerable, are empowered to make legal claims in an accessible and effective justice system, while the Government has the capacity to provide free legal aid and engage in dialogue with its citizens, then legal rights will be enhanced and protected



Project theory of change visualised

Access to justice is a basic human right, guaranteed in many international conventions, as detailed above. This right is also guaranteed through the Constitution of the Republic of Tajikistan. Hence, a state-run system of legal aid is directly linked to people realising their rights and having access to justice.

The Project has been developed using a human-rights perspective, which helps to understand how laws, social norms, traditional practices and institutional actions negatively or positively affect access to justice for the people of Tajikistan. By adopting a human rights-based approach (HRBA), the Project is people-centred and links demand by rights holders for better justice outcomes, with institutional reforms on the part of duty bearers in the justice sector. In the final phase of implementation, the project will continue to work on both the supply side, through supporting the implementation of justice reforms (in particular the state-run system of free legal aid, but also including increasing efficiency and effectiveness within the judiciary) together with the demand side, through legal awareness and information provision, and enhanced capacities to participate in decision-making processes at both the local and national level. Through support to duty-bearers the project will increase access to justice for rights holders, in particular marginalised groups and individuals that will lead to better rights protection for all. Thus, the project will work on both up-stream and down-stream activities. This approach implies that a strong emphasis will be placed on the empowerment and participation of the people of Tajikistan, in particular vulnerable groups, in improving access to the justice system through strengthening the judiciary. Adopting an HRBA will ensure 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, including vulnerable groups. 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 judiciary.

2.3.1 Transversal Themes

Crosscutting each of the Outcomes will be the transversal themes of governance, Conflict Sensitive Project Management (CSPM) and gender.

a) Governance: Access to justice, as part of rule of law, is the cornerstone of a democratic society based on good governance principles. Access to justice is extrinsically linked to the principles of good governance, namely equity, participation, transparency, accountability and the rule of law. The Project will throughout its implementation integrate good governance principles such as: ensuring inclusive participation of vulnerable and marginalised groups (particularly women, youth); and promoting transparency and accountability when working with government stakeholders and civil society.

Without good governance, human rights, including access to justice, cannot be respected and protected in a sustainable manner. The implementation of human rights relies on a conducive and enabling environment for both civil society and government agencies. This includes appropriate legal frameworks and institutions as well as political, managerial and administrative processes responsible for responding to the rights and needs of the population. The Project will support the government of Tajikistan in its efforts to reform the justice system through improvements to the legal framework related to free legal aid as well as other key areas identified through the Policy Dialogue framework. The Project will build the capacities of the state providers of free legal aid as well as raising public awareness about the national legal framework and their rights in this respect. The Project will promote the role of civil society and will create avenues for the public to participate in policymaking through formal institutions and informal consultations at the national and local level through the Policy Dialogue.

As in Phases I and II, the role of the Project will continue to be that of a facilitator, including sharing knowledge and information, developing capacities, empowering citizens, supporting institutional development, providing methodological inputs and thematic advice; enabling policy and advocacy processes; and fostering good partnerships.

The Project recognises that creating a system of state run free legal aid requires huge efforts and commitment on the part of the Tajik government and other stakeholders and will take a long time to reach the desired level of completeness and efficiency. The Project will support the government in reaching its goal.

b) Conflict Sensitive Project Management: Tajikistan is a complex environment with multiple stakeholders, many of whom have divergent goals and aims. Conflict sensitive programme management will be crucial especially when dealing with restrainers of change. A basic conflict sensitive approach will be maintained throughout the project implementation to anchor conflict perspectives into the project management cycle. At a minimum the project will adopt a “do no harm” approach and will not support dividers. It will consider possible conflict at the local, regional, national and

international levels, however the project's outcomes have been designed to lend themselves to vertical coordination through representation and participation, as well as horizontal networking through partnerships, alliances and empowerment. Generally speaking, this will include the identification of resistances to open discussions of potentially difficult issues, management of related risks through on-going dialogue good working relations with partners and stakeholders, and finding constructive solutions to implementation issues. Conflict risks have been identified in the risk management log and will be closely monitored through the M&E system.

Taking into account the above, the **HELVETAS 3-Step Approach for Working in Fragile and Conflict Affected Situations**, a **tool for Conflict Sensitive Project Management (CSPM)** will be applied. CSPM provides hands-on guidance and tools to work in fragile environments and is applicable for all types of projects at each stage of the project cycle management. CSPM provides a methodology to avoid possible actions, which negatively affect conflicts and aggravate them. At the same time it helps planning projects, which strengthen the potential for peaceful coexistence, while avoiding fuelling invisible rifts and tensions. Applying this approach, the activities will connect conflicting groups instead of fostering asymmetries. Efforts to create transparency and equal access to information are also absolutely necessary to create the trust needed for a fruitful cooperation among all stakeholders.

The conflict context and possible linkages with the Project will be monitored throughout the project cycle and if necessary adaptive measures are to be introduced. Project partners will be trained not only on the CSPM approach but also on conflict transformation.

c) Gender and Social Equity/Inclusion: Today's legislative framework in Tajikistan includes but is not limited to the Law of the Republic of Tajikistan on Prevention of Violence in Family (2013), the National Strategy on the Empowerment of Women for 2010-2020 and its Action Plan; the State Programme for the Prevention of Violence in the Family 2014-2023; and the respective National Action Plans on the implementation of CEDAW, CRMW and UPR recommendations. Despite the improvements in the legislative framework, Tajik women, more than men, find themselves in need to protect their rights.

As stated earlier in the Project document, Tajik women, more than men are adversely affected by their lack of access to justice. In order to address these issues, the Project will mainstream gender into the Project cycle and adopt practices that promote gender equality both with its primary and secondary stakeholders and partners, as well as within the team. All activities will be developed and conducted in line with the UNDP Gender Equality Strategy 2018–2021, which provides a road map to elevate and integrate gender equality into all aspects of UNDP's work to reduce poverty, build resilience and achieve peace in communities and territories, helping to accelerate progress towards the 2030 Agenda.

In view of the context analysis and experiences from the previous phases, gender equality will remain at the heart of the Project. Thus, the interventions will address the specific vulnerabilities and needs of women and girls while acknowledging the strengths of their social positions and supporting their capacities. Still, the project will also address specific legal issues and rights obligations towards other overlapping

vulnerable groups such as youth, migrant workers, ethnic minorities, elderly and differently abled persons.

Based on the existing SDC Gender toolkit, gender aspects and mainstreaming will be anchored within the Project through:

- Continued efforts to raise legal awareness through media, develop ICT mechanisms, which enable people to seek and acquire legal aid;
- Placing greater emphasis on the inclusion of boys/men and community leaders to raise their legal knowledge, change their perception on stereotypes;
- Strive towards the inclusion of more women acting as lawyers in LACs/SALAC and active participation in PD;
- Design Project interventions and improve implementation of all actors to foster gender equity and equality.

The main challenge of implementing a gender approach is to work in an environment that is unfriendly to young women and break community stereotypes. This requires a lot of time and effort over a long period of time. Therefore, the Project will continue to work with appropriate drivers of change.

2.4 COVID-19 Response

The COVID-19 pandemic and states' responses to it are having an unprecedented effect on the functioning of justice systems globally, including in Tajikistan. Courts are closing, reducing, or adjusting their operations, which can negatively impact the provision of timely and fair hearings, contribute to increased case backlogs, and lead to increased length of judicial and administrative proceedings. Certain groups, including women and children at risk of violence are acutely affected by these changes. Reduced court operations may also result in the prolonged detention of pretrial detainees or of prisoners eligible for early release. Without functioning judicial oversight, persons detained while emergency measures are in place to contain the virus may not be brought before a judge in a timely manner.

As states enact emergency regulations to counter the spread of COVID-19, judicial oversight of the implementation of emergency measures is critical to avoid the excessive use of emergency powers. The socio-economic impact of the crisis will also have significant justice-related implications as inequalities are exacerbated. Specific efforts will be required to improve access to legal services and legal information to empower people and communities to resolve their disputes, seek redress for rights violations, or counter discrimination on a range of issues including housing, employment, legal/residency status, access to health benefits or other social protection mechanisms.

The project will adopt a flexible approach in its response to the evolving context but will continue to emphasize the importance of upholding the rule of law, protecting and respecting international human rights standards and basic principles of legality, including the rights to equality before the courts and to a fair trial, as part of its preparation, response, and recovery efforts on COVID-19.

III. RESULTS AND PARTNERSHIPS

3.1 Implementing Strategy

The approach to achieving the project is based on unique contributions and the already achieved results in the first two phases of project implementation. The principles of *leaving no one behind* and *reaching the furthest behind first* underpin the project, which has been designed in line with the human rights-based approach. Applying a human rights-based approach 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 to deliver free legal aid and strengthening the judiciary, with supporting rights holders to understand and claim their rights and participate in decision making influencing their lives. Focus will be made on those who are left behind by raising their awareness and strengthening their participation and contribution in the decision-making process, through capacity development, networking and accessing the policy making process.

As detailed above, there are 4 outputs together with associated activities, which will lead to the outcomes and will ultimately achieve the goal of the project that people, in particular the most vulnerable, claim and enjoy their rights through better access to justice, contributing to reducing inequalities and ensuring that no one is left behind.

Outcome 1: The Ministry of Justice effectively manages free legal aid services in a sustainable and quality manner.

This outcome, focused on duty bearers, seeks to finalise the development of the system and provision of quality free legal aid in Tajikistan in a sustainable manner.

Output 1 Access to state legal aid is guaranteed through the effective management and provision of quality free primary and secondary legal aid by the State Agency Legal Aid Centre (SALAC) to people, in particular women, youth and other vulnerable groups.

Under **output 1**, this requires further capacity building of the SALAC central office consisting of 16 staff members, which includes 4 operators of the SFLA Call Centre. In particular the management capacities of SALAC will be developed in terms of human resource management, defining the profile of services, targeting of services to women, youth and vulnerable groups, developing a methodology to monitor the performance of LACs, analysing key problems from the customers' satisfaction system and devising responses to key problems. Through this approach, it is envisaged that SALAC will be further capacitated to identify and analyse gaps in the provision of justice and communicate them to the government to initiate legal reforms that are human centred and address the needs of the most vulnerable. The project will also provide support to SALAC to strengthen its position among other state institutions, for example, through the policy dialogue mechanism under outcome 2, which will provide a platform for SALAC to communicate its findings and analysis and request the government to address these. UNDP will support the SALAC in this regard during the first three years of project implementation, after which time it is envisaged that SALAC will have sufficient capacities to manage itself and to provide and monitor a quality system of free legal aid in Tajikistan. This will include finalising the transfer of the Data base system CMS to SALAC and assistance in its certification.

Concurrently with this, Helvetas will continue with the further capacity development of a number of LACs and their lawyers. At present, 17 LACs are funded through the project, which will be expanded to 19 by the end of phase II. There are 19 lawyers working in the 19 LACs. In addition to this, a further 15 LACs are supported by Helvetas and which are funded through a rule of law project implemented by UNDP and funded by the Finnish government until the end of 2021. At this point, all 34 primary LACs will be supported through this project funded by SDC, which will allow for a one source approach for successful phase out of support to all primary LACs within the lifespan of this project, to ensure a coherent approach.

In conjunction with this, the project will continue to support the state in the provision of primary free legal aid but will place additional emphasis on the sustainability and quality of that provision. A particular focus will be on providing free legal aid for vulnerable groups and those that are furthest behind, including women and youth and Helvetas will be responsible for supporting this.

Building on from the successes in phase II with regards to the piloting of secondary free legal aid (SFLA), also under **output 1**, the project will consolidate its provision, limited to criminal cases and in particular for vulnerable groups. At the end of Phase II, the provision of FSLA will have been expanded to cover Dushanbe as well as Sughd and Khatlon. During Phase III the provision of FSLA will be consolidated so that it covers the whole of Tajikistan including the RRP and GBAO. This will be supported by UNDP. The capacities of the lawyers will be strengthened under the complementary Finnish funded project of rule of law during 2020-2021, with an exit strategy if no additional funds are forthcoming.

Throughout the project period, UNDP will conduct continuous lobbying and advocacy to facilitate the further absorption of the system into the state budget. By now, the State is funding 20 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 will be exacerbated by the COVID-19 context, it is realistic to expect that the State may not be able to fully meet its commitments. In this respect, 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 80 per cent of the required funds by 2024 with a view to 100 per cent of the system being funded at the beginning of 2025. To this end, the project will organise annual review meetings with all relevant stakeholders to discuss and analyse the current situation and to lobby for further inclusion of the system into the state budget.

In order to address the lack of lawyers who are willing to work in the LACs, in particular in the rural and remote areas, the project will continue to strengthen the established internship system for SALAC. This will be complemented by activities under output 4, which will seek to address this issue in the longer term by finding institutional solutions to strengthen the system of legal education in Tajikistan, including within the Law Faculties. These activities will be mutually reinforcing, which will contribute to their sustainability.

Finally, during the first year of the project implementation, recommendations arising from the functional review undertaken in 2020 will be actioned, which will identify any

existing or anticipated risks and which will clearly identify the hand-over strategy together with a roadmap on how to achieve that. The following two years will follow-up on implementation of the roadmap and other recommendations arising from the functional analysis.

Output 2 The accessibility and efficiency of the judiciary is enhanced through the improved quality of its decision-making in civil and family cases and through strengthened business processes

Under output 2, the project will intensify its work with the justice sector, based on the experiences gained in Phase II and to address a direct recommendation arising from the Mid-Term Evaluation with regards to including all links in the justice chain, in order to strengthen access to justice for the people of Tajikistan.¹⁹ UNDP will be responsible for undertaking these activities, which will commence with a justice sector wide assessment, including a review of the Supreme Court's business process to identify existing gaps in access to justice. This will be used as an evidence base to feed into all project outputs and activities, including the policy dialogue processes and the SDG 16 Working Group. Initial steps to facilitate this will be taken during the final year of implementation of Phase II, including developing the terms of reference and securing the buy-in of all stakeholders, so that the assessment can be undertaken in the first year of phase III.

Under this output, specific internal business processes of the Supreme Court, consisting of 42 judges, will be modernised to increase efficiency and effectiveness. Depending on the findings and recommendations of the review, this will include introducing mechanisms to enhance access to court information for the population in one District court in Dushanbe City, Tursunzoda City Court and Khujand City Court to showcase the mechanism to SC and future donors. It will also include further upgrading of the Supreme Court's website to include additional information for the public as well as a complaints mechanism addressed to the Secretary of the Chief Justice.

To complement this, the capacities of 425 judges from district and city courts will be built in relation to international fair trial standards and other human rights standards as well as the continuation of current interventions of the project to improve the quality of court decisions in civil and family cases; dealing with witnesses and vulnerable groups in court etc. and other areas where access to justice constraints are identified in the assessment. A methodology will be developed and implemented that allows CSOs to monitor the quality of court processes and judicial decision-making linked to the provision of free secondary legal aid – at least 50 civil and 50 criminal cases will be annually monitored by CSOs to ensure compliance with human rights standards and legislation, as well as with the provision of legal aid. This will include criteria such as whether there has been timely provision of free legal aid, whether the free legal aid lawyer is present in court, what their capacities are etc. In criminal cases half of the cases will be FLSA and half privately paid cases, to identify any discrepancies in service provision.

¹⁹ The Mid-Term Evaluation also recommended addressing gaps in the system of enforcement through strengthening the bailiff system. However due to this being the final phase of the project and due to the phasing out of project activities during the implementation period, it was not possible to address this pillar of access to justice within the framework of this project.

The project will support the Supreme Court in developing its first ever 8-10- year national judicial reform strategy and action plan, in terms of providing evidence and recommendations on how to address and prioritise access to justice constraints. The project will lobby and advocate to ensure that project activities are reflected in the strategy to ensure their sustainability beyond the lifespan of the project.

Outcome 2: The population is aware of its rights and use the provided services, and civil society present key justice issues in the dialogue with national and local authorities, who provide durable solutions

Output 3: The Ministry of Justice has the capacity and systematically increases legal awareness and literacy among the population in particular women, youth and other vulnerable groups

Addressing the demand-side of the project's intervention strategy, **output 3** builds on results already achieved in the first two phases of the project and is focused on bringing justice closer to the people through improving the legal literacy of the population. This will be done through further strengthening the capacities of the Ministry of Justice so that at the end of the project implementation period, it is able to improve legal literacy of the population without project support. This will include supporting the MoJ to implement the National Programme for Legal Education (NPLE) 2020-2030 as well as building the capacities of state and non-state actors in developing communication strategies. Activities will be divided as follows: The project will work on strengthening the capacity of the Ministry of Justice and other programme participants for the first 3 years and will provide funds for the implementation of activities and conduct an impact study to measure the effectiveness of campaigns during the 4th year. Helvetas will be responsible for conducting these activities.

During the first three years, the project will provide support in establishing a press secretary function under the Ministry of Justice to ensure the promotion of legal information and open dialogue with civil society and citizens. Activities will include approving with the Ministry of Justice the concept of a press-secretary and including the position of press-secretary into the organisation structure of the Ministry of Justice and developing its functional responsibilities. This initiative responds to a request from the Ministry of Justice during the last project steering committee. In order to fully handover and exit from the activities, the project will share its experiences and lessons learned and assist in the production of video, radio and printing materials. It will support the development, organization and management of legal forums and information sessions; it will provide mentoring and consultancy in developing, organizing and managing legal forums and information sessions and it will develop capacity of jamoat staff to conduct information sessions on registration and certification procedures related to civil-, land-, family-, inheritance, property law.

Output 4: Civil society has the skills for evidence-based advocacy, participates in sustainable decision-making processes and follows-up and monitors implementation of those decisions

Through **output 4**, the project will work at the micro level to strengthen the capacities of civil society to take up key legal issues in dialogue with local and national authorities. The following activities will be implemented by Helvetas, while the remaining activities described below will fall under the responsibility of UNDP.

Capacity development and empowerment for duty bearers and rights holders is a main pillar for long-term sustainability of the SMPD component. Capacity development approaches for local level duty bearers will include awareness raising on FLA. It will be pertinent to build the skills to engage in policy dialogue with citizens and civil society and importantly to instil confidence and trust that SMPD processes are not instituted to point fingers and unconstructively criticise local government officials, but to find common solutions to societal problems related to FLA cases. It will be important to expose LG officials to good practices, which could be done through exposure visits to other districts and conducting inter-district LG-CS fora to share learnings. Apart from general legal- and human rights awareness raising, focus on the demand side will be on trainings for Mahalla Committees and Civil Society representatives on topics such as social monitoring processes and tools; policy dialogue skills; conflict sensitivity; advocacy, leadership, communication and negotiation skills. The training of Trainers approach will be applied as much as possible as the more cost-effective way to multiply capacities quickly and widely throughout civil society. The SMPD component will mainly focus on initiating local level policy dialogue and strengthening horizontal linkages and collaboration between local government institutions and local civil society. At local level, HELVETAS has with the NGO partner in the 2nd Phase piloted social monitoring and policy dialogue in 12 districts. The sustainability of the component will be achieved through the introduction of the SMPD approach at the legislative level, which Helvetas already started at the end of phase 2.

Based on the lessons learned in the previous phase, the project will refine its approach towards the CSO Network, which was established during Phase II of the project implementation. During phase II the project built up the capacities of the Network to independently mobilise resources. However, a joint vision has been lacking as well as unity and a shared vision among the Network. During this phase, the project will concentrate its support on bringing the Network together as a common platform, by strengthening its capacities to report on SDG 16. It will strengthen the capacities of the Network in terms of its advocacy and analytical skills including power analysis, gender mainstreaming and conflict sensitive project management.

In addition, during the first two years of phase III, the project will develop and implement a methodology that supports CSOs to monitor SA/LAC's performance. This will be a crucial tool in raising the quality of the service. In this way, the project will support the CSOs to act as watchdogs in a sustainable manner, so that they have the capacities to independently evaluate the SA/LAC's performance and communicate to the governments on its work through the institutionalised PD platform as well as through UPR procedures, beyond the lifespan of the project. This will include the development and implementation of a standardised reporting mechanism, which will also contribute to the sustainability of the activity after the project's exit.

Considerable efforts have been made during the first two phases of the project implementation with regards to introducing a national level policy dialogue platform that would bring together citizens and the state and which could resolve access to justice 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. However, there are some concerns about the level of commitment of the national level stakeholders and the

sustainability of the mechanism, in particular in terms of the results of the large-scale annual Rule of Law Forums. In order to address this, the project will conduct extensive advocacy and lobbying throughout the 4-year implementation period in order to institutionalise the mechanism. This will include exploring options to handover the mechanism to the Executive Office of the President, with the SDG 16 Working Group as Secretariat and the Ministry of Justice as Chair. Possibilities of the role of the Supreme Court will also be explored. Having already identified a champion within the parliament, 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. Concurrently with this, 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. The MoJ is already appointed as a leading agency to report on SDG 16, so it is anticipated that this platform will be used as a follow-up mechanism. In addition, the various studies and assessment conducted under other outputs will be used as an evidence base to feed into the policy dialogue process. As mentioned above, policy dialogue activities during Phase 3 of the project will focus on the institutionalisation of the mechanism and follow-up of decisions. The annual Rule of Law Forums will be refocused on specific issues and follow-up actions. The format will be changed to make the Forums more substantive based on the lessons learned during phase I and II.

One of the key issues arising out of the previous rule of law forum, is the constraint with regards to legal education, including at Law Faculties and throughout a lawyer's career, either as a lawyer, judge or prosecutor. To address this, a study will be undertaken to identify the key gaps and challenges in legal education, which will then be discussed and addressed by the Ministry of Justice, law faculties and the Ministry of Education through the policy dialogue mechanism.

Throughout the previous two phases of the project implementation, various monitoring, evaluation and learning processes have been conducted, including regular project monitoring, identifying lessons learned, mid-term evaluations, impact analyses and different studies. These have all been used to gain additional knowledge relating to the project. In the final phase of project implementation, this process will be intensified to ensure that all knowledge gained and lessons learned will be captured and codified in a systematic manner. This will serve multiple purposes. First it can be used as a tool for future programming for SDC, UNDP and Helvetas, both in Tajikistan and elsewhere. Secondly, it can be used by the government stakeholders in terms of their future priorities in addressing access to justice issues in Tajikistan. Finally, it can be used by CSOs and the population as a tool for holding the government to account and monitoring decisions that have been taken and commitments provided by the government.

3.3 Partnerships

The A2J Project regards partnership as a strategic relationship between partners, underpinned by the rights-based approach of the Project. The partnerships are based on the principles of shared values, complementarities, transparency, accountability, clarity of roles, and mutual learning.

The UNDP/HELVETAS Partnership

For Phases I and II, UNDP Tajikistan and HELVETAS formed a consortium in which both organisations made the best use of their specific competences and experience, thus complementing and strengthening each other to achieve optimal results. This consortium partnership will be carried into Phase III with no major changes. As in the previous phases, the consortium will function under the strategic leadership of the UNDP Resident Representative (UNDP RR), who will sign the contract with SDC and provide overall guidance to and advocacy for the Project.

A Consortium agreement will be signed between the partners in which, responsibilities and budget are clearly defined subsequent to the signature of the UNDP/SDC mandate.

This partnership has been key in achieving the success of Phases I and II of the Access to Justice Project. UNDP as the consortium leader is a partner with strong and recognised positioning, which is needed to act as counterpart and advisor to high governmental levels. In Tajikistan, UNDP has been a partner of choice by the Government in supporting reforms, advancing transformative policies and capacitating institutions to address rule of law and access to justice issues for many years. Worldwide, HELVETAS “Guarantees all people the right of self-determination and allows them to participate in shaping their social and political environment.” HELVETAS Tajikistan is recognised as being the leading INGO working on access to justice issues. As such, it has a reputation of speaking up for the people and supporting them in voicing their concerns. HELVETAS was the first organisation to develop and establish the system on free legal aid. The organisation built the capacities of state and non-state actors and successfully implemented awareness-raising campaigns.

UNDP Tajikistan as the lead in the Consortium is responsible for ensuring compliance with the mandate agreement with SDC. As such it will be responsible for submission of all operational and financial reports to SDC. The UNDP RR or the designated UNDP official such as the UNDP Country Director will oversee this process.

The Consortium will share the Project responsibilities along the Outcomes set forth in the Results and Resources Framework. The two consortium partners will work together to achieve the Project Outcomes. The UNDP and HELVETAS National Project Managers will each be responsible for their respective staff, and will report on their results achieved to the UNDP leadership who on behalf of the Consortium will be accountable to SDC. Regular meetings between both teams will ensure coordination and harmonization during Project implementation.

UNDP – HELVETAS communication, coordination and cooperation

Team members of both organisations are committed to close cooperation and smooth communication. Both teams will meet on a bi-weekly basis to exchange experience and inform each other about relevant next steps. UNDP and HELVETAS teams regard transparency and the uninterrupted flow of communication as a matter of course. In detail this includes transparency, clarity, and accountability for all Project-related processes, strategies, plans, and activities. Details will be provided in joint annual work plans. Planning assumes the systematic inclusion of the views of both organisations, and any changes to planned activities shall be discussed with the partner organisation in advance. Once agreed, decisions are binding for both parties. The partners agree to

provide mutual access to all non-confidential information related to the project. If during the lifespan of the project, project data is used to develop project proposals to SDC or any other donors, the partners shall inform each other. If a case should arise where UNDP and HELVETAS cannot reach agreement, then the Steering Committee shall act as final decision-maker.

Project partners and synergies

The primary partner to the Project is the **Ministry of Justice** of the Republic of Tajikistan and its subordinated bodies, particularly SALAC. The Project will create linkages and synergies and will substantively build on the results, experiences and lessons learnt from Phases I and II.

In Phases I and II the Project chaired the Rule of Law and Access to Justice Working Group of the Donor Coordination Council (DCC), allowing it to coordinate easily and effectively with other donors and INGOs working on Access to Justice in Tajikistan. This will continue in Phase Three.

In Phase I, it became clear that many of the beneficiaries of the legal aid component of the Project were seeking assistance with issues related to civil registration. The SDC Civil Registry Project grew out of activities conducted during Phase I. As in Phase II, Phase III of the Project will maintain regular contact with the SDC Civil Registry Project and will look for possible areas of coordination and cooperation. The Policy Dialogue Platform and the Rule of Law and Access to Justice Working Group of DCC are both possible tools for coordination, and may be used as platforms for improving the legislative and policy framework related to access to justice.

CSO Network

The CSO Network, established in Phase One, will continue to be a key partner for the Project throughout Phase Three. The Network's primary functions will be to deliver recommendations and other inputs into the Policy Dialogue; to monitor and follow-up the implementation of recommendations arising from the Policy Dialogue and to provide an evidence base to influence law and policy.

Additional partnerships

Additional partnerships will be sought with development partners, including but not limited to UN Agencies, INGOs and NGOs that are active in Access to Justice based on their comparative advantages and strengths and the contribution they can make towards furthering the goals of the Project.

Coordination among justice sector 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 refocused Rule of Law forums
- Twice-yearly Steering Committee 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.

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:

- **Political destabilisation, insurgency and armed conflict.** This might cause a shift in the priorities of the Government agenda, hence it might entail changes in the action plans of public bodies involved in the reform process. The mentioned risk might suspend the course of the reforms. In case of facing the risk, 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 Steering Committee 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.
- **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 GoT does not follow through on its financial commitments in 2021-2025.** If this happens, the Project does not have resources to make up the shortfall, so the development of free legal aid will be sharply curtailed. This risk will 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. Furthermore, the Project will introduce annual or bi-annual parliamentary review of the free legal aid system to advocate for the state funding as an additional advocacy mechanism. In addition, the project is lobbying for the inclusion of a section on A2J and RoL into the Mid-Term Development Plan 2021- 2025, which would provide another opportunity to the government to reaffirm its commitment. It is anticipated that this section will include the system of free legal aid and the financial commitments of the government in this regard. The simultaneous work of the project with the Ministry of Finance, combined with lobbying to include free legal aid into the Mid-Term Development Plan should mitigate this risk.

- **There is a dramatic change in either personnel or policies at key local counterparts, particularly the MoJ.** Phases I and II of the Project developed strong relationships with key GoT counterparts, particularly at the MoJ, where key staff have remained consistent. Project staff has access to high-level counterparts and can discuss key issues freely. However, a sudden change in personnel or policy – for instance, the arrival of a new Minister with a new set of Deputy Ministers – could disrupt these relationships. This risk cannot be reduced, but it can be mitigated by a readiness to quickly engage with new counterparts and adapt or rebuild relationships to reflect changes.
- **The capacities of CSO/NGO Partners do not develop as anticipated.** The level of this risk is perceived as low, but the working environment for some NGOs has become more difficult recently. This risk can be mitigated by engaging closely with CSO and NGO partners.
- **Relations break down between consortium partners and/or implementers.** The level of this risk is small; the consortium partners have worked together effectively through Phases I and II, and both partners have well established relations with implementers. This minor risk can be mitigated by clearly defining roles, responsibilities and resources in the Project Document and also by regular coordination meetings.
- **There is a second wave or continued challenges related to the Covid 19 Pandemic.** The level of risk cannot currently be assessed accurately, however the project will put mechanisms in place so that it regularly monitors the situation regarding the virus and is able to react and respond swiftly.

| Identified risks | Probability | | | Impact | | | Risk Mitigation |
|---|-------------|-----------|--------|--------|---------|-------------|--|
| | Unlikely | May occur | Likely | Minor | Notable | Substantial | |
| The action identifies both internal (I) and external (E) risks inherent to the Project design: | | | | | | | 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: |
| (E) Political destabilization, insurgency and armed conflict | | | | | | | Maintain neutrality and conflict-sensitivity in action: adapt programme to the complex context. |
| (E) Legislation, government policy and practices not implemented due to weak capacities, lack of coordination and/or low finances | | | | | | | Close coordination with key institutions to develop alternative strategies |
| (E) Lack of motivation/ political will to implement reforms | | | | | | | Continued engagement with GoT across multiple platforms, including Development Forum, National Development Council, and regional and national Policy Dialogues |
| (E) GoT no longer wishes to engage in Policy Dialogue | | | | | | | Demonstrate utility of Policy Dialogue through development of relevant legal documents and policy changes |

| | | | | | | |
|---|--|--|--|--|--|--|
| (E) GoT does not follow through on financial commitments | | | | | | Keep MoF engaged in on-going discussions; maintain commitment from MoJ at highest levels; include FLA into Mid-Term Development Plan 2021 – 2025 |
| (E) Change in personnel or policies of key GoT counterparts | | | | | | Work quickly to rebuild relationships with new counterparts |
| (E) Capacities of CSO / NGO partners do not develop | | | | | | Engage closely with CSO and NGO partners and continue capacity development work with them |
| (I) Breakdown in relations between consortium partners. | | | | | | Clearly defined division of labour in Project document, regular coordination meetings going forward. |
| (E) Resurgence or continued challenges with Cobid-19 | | | | | | |

3.5 Resources required to achieve the expected results

The third phase of the Project will be implemented for a period of 4 years from August 2021 – July 2025.

SDC signed mandate agreement with UNDP in August 2021 and start its contribution in September 2021. The overall planned SDC budget is approximately USD \$4,333,581 at current exchange rates. The proposed budget is included into the current Rule of Law domain financial planning of the Swiss Cooperation Office in Tajikistan.

The Government of Tajikistan will commit approximately \$857,500 in cash contributions as well as in-kind funding through the provision of office space etc. beginning in calendar year 2021. UNDP commits to work on leveraging additional donor and government funding, to ensure the sustainability of the activities, beyond the lifespan of the project.

The Project duration is 48 months covering the period of 1 August 2021 – 31 July 2025. The total estimated budget is **USD \$4,333,581**. The detailed budget breakdown is provided in Annex V.

Human resource requirements are detailed below under key Project staff Annex I. Additional resources such as infrastructure, equipment and financial resources are detailed in the budget at Annex V.

3.6 Stakeholder engagement

The **primary beneficiaries** of this project are:

- **Ministry of Justice of Tajikistan** – the MoJ is the authority responsible for defining and implementing state policy in the field of access to justice. As a result of the reforms, the system of free legal aid will become stronger and well

structured, the legal framework will be comprehensive and tailor-made to available practice, and the practice will be in full compliance with the legal framework. The Ministry is also responsible for convening the Policy Dialogue. As a result of the Project, the policy and legislative framework to support a system of free legal aid will be in place.

- **SA/LAC - SALAC** will be capacitated to provide free legal aid to the people of Tajikistan and lawyers will be trained on all aspects of the free legal aid system. A functioning system of free legal aid will support the Ministry of Justice to achieve its goals as set out in the Judicial and Legal Reform programme including the protection of rights and freedom of the population. The system of free legal aid will be further strengthened to provide quality, timely services to the population.
- **Supreme Court** – will be involved in the development and implementation of secondary free legal aid. The Supreme Court’s capacity to provide efficient and effective justice will be strengthened as will its role in the policy dialogue mechanism.
- **CSO Network** – the capacities of the CSO Network will be strengthened to enable them to monitor effectively the work of the SA/LACs as well as to provide an evidence base into the policy dialogue process and monitor the subsequent implementation of decisions and follow-up.
- **CSOs** who are not part of the Network will also be partners and beneficiaries of the project and will bolster knowledge and awareness of the population
- **Ministry of Finance** will be constantly informed on the Project activities taking into account its role in the state budget formation.
- **Regional level:** Oblast Administration (Hukumats). Oblast Hukumats will be supported to develop issue-based PD platforms and involved in the development of state free legal aid monitoring.
- **Local level:** Jamoats and Mahallas, informal community-based groups, paralegals and individuals and mediators. All these actors will be involved in the development and implementation of issue driven local PD and social monitoring. Linkages with Regional PD platforms, through UNDP’s complementary Rule of Law project, will be essential.
- **The population of Tajikistan**, especially in remote areas of Tajikistan and in particular women and other vulnerable and marginalized people, who are more likely to be undocumented and to face legal problems. Women, especially in remote areas do not have access to legal education or information and often enter into legal arrangements (e.g. marriage, property) without sufficient understanding of the ramifications of these actions. It is expected that the knowledge of rights of women in particular, but of the population in general will increase and that in turn, their ability to resolve their legal issues will be improved.

The **secondary beneficiaries** include the Executive Office of the President and the Parliament, both of whom the project will intensify its cooperation with during Phase III.

The **overall beneficiaries** of the project will be the population of Tajikistan who, through an improved and efficient system of free legal aid and enhanced access to the system will be better able to access and protect their rights.

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

The project will apply South-South and Triangular Cooperation to achieve and sustain the results. Several instances of South - South and Triangular cooperation occurred during previous phases of the Project. With the support of the donors, UNDP country Offices and Helvetas Offices in different countries, the project sent a delegation from Tajikistan consisting of high-level government officials, including Executive Office of the President, Supreme Court, General Prosecutor`s Office, Ministry of Finance, and local Governments, NGOs, and project partners on study missions to Moldova, Albania, Lao, Kyrgyz Republic, Georgia, Lithuania, Belarus, and the Netherlands to learn experience of these countries in reforming different aspects of Project interventions that includes the Legal Aid system reform, Reform of Judiciary and Bailiff system, reform of advanced training system, social monitoring and policy dialogue.

In addition to this, the Project has supported participation of representatives of Tajikistan in permanent, bi – annual **International Conference on Access to Legal Aid in Criminal Justice Systems** where participants from around 50 countries worldwide representing different regions and continents share knowledge and experiences on establishment, management and running of free legal aid systems. Since, Tajikistan has advanced in establishing legal system it will continue its participation and share knowledge with other countries with support of the 3rd phase of the Project. During the last International Legal Aid Conference Tajikistan has initiated setting up regional annual cooperation and coordination on legal aid in Central Asia, since some legal problems need cross-border cooperation with Uzbekistan and Kyrgyz Republic.

It is anticipated that this level of cooperation will continue or increase. Study missions to other developing countries – particularly transition countries – have proven useful, if they are properly structured, and may be included in Phase III. The project can initiate regular coordination with similar projects in neighbouring countries both developing and developed, such as Kyrgyzstan, Uzbekistan, Kazakhstan, Georgia, Russian Federation, South Korea and many others. Project activities/efforts on SSC/TrC will not be limited to knowledge (and experience) sharing only (or study missions) but potentially may cover other types of technical cooperation within SSC/TrC such as technology transfer, exchange of resources to take place on a bilateral, regional, intraregional or interregional basis.

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

3.8 Cross-cutting approaches:

(i) Knowledge & shared learning

In the previous two phases of the project there has been a strong emphasis on capturing lessons learnt and sharing knowledge – both within the project and other complementary projects, with relevant stakeholders and with the public at large. This will continue in Phase III however an additional focus during this last phase will be on strengthening even further the MEL aspects of the project in order to systematically capture all results and lessons learnt from all three phases of the project implementation. The Project will furthermore strengthen mutual learning and exchanges of experiences within the Project and between partners.

(ii) Capacity development & empowerment

Capacity development is regarded as one of the main pillars for long-term sustainability of the intervention. Capacity development approaches in the Project are multifaceted, such as training, study tours, exposure visits, close cooperation and learning from each other. Long-term relationships with implementing and governmental partners established during Phases I and II are pre-requisites for the successful development of capacities at all levels. During Phase III, the Project will have an additional focus on building on the individual and institutional capacities and skills acquired during the previous phases. Empowerment processes through improved public awareness will gain more prominence in Phase III. Skills of civil society to monitor state free legal aid and meaningfully engage in dialogue with local, regional and central level government institutions will be built.

The Project will furthermore develop the capacities of state actors (mainly MoJ and SALAC) to develop communication strategies, conduct legal awareness campaigns and engage in social accountability processes and dialogue in cooperation with civil society.

3.9 Sustainability, Scaling Up and Exit Strategy

This final phase of the project has been designed with a clear focus on the institutional, financial and policy sustainability of the intervention, combined with identifying how the project will exit from the intervention.

Overall, the project prioritises national ownership both at the formal level by supporting national institutional capacity and strengthened legal and policy frameworks, as well as with a bottom-up approach of engaging the public in policy discussions and supporting mechanisms of civic-engagement. The final phase of the project is viewed as the exit phase, during which all outputs and the responsibility for activities will be handed over to the national or local authorities and representatives. Project interventions have been developed after extensive consultations with all stakeholders. Project priorities directly support the targets and goals of national and sector specific strategic plans, as outlined above. This includes the National Development Strategy up to 2030; the Mid term Development Plan 2016-2020 and the next phase Programme (2021-2025) is under the development. In addition, the current phase of the project is supporting the MoJ, Ministry of Economic Development and Trade (the later is Secretary for National Development Council Chaired by The President) to elaborate a new programme in part of RoL and A2J. The Project advocates for elaboration of a separate section on A2J and RoL. These documents along with the newly adopted Law on LA, JLRP for up 2030 would be an umbrella nationwide document on RoL and A2J issues and help in sustainability.

In June 2020, there was a rotation of the Ministry of Justice, which involved the replacement of all project focal points and key Ministry personnel. UNDP, as well as the project has already started to cultivate relationships with the new staff and has a strategy in place to sensitise them to the project activities and to advocate for the Ministry's continued commitment. This includes preliminary and follow-up meetings scheduled for July and August 2020, as well as a Steering Committee meeting scheduled for August 2020, during which SDC, UNDP and the MoJ will be present. During these meetings, the third phase project document, which was developed in

coordination and at the request of the previous MoJ, will be presented and discussed, and advocacy efforts to ensure the continued commitment of the government will begin.

In terms of expanded ownership and commitment of the Government, the Law on Free Legal Aid, which was adopted by the Lower Chamber in April 2020, was on 4 July 2020 signed by the President, indicating the continued commitment to develop a state funded system of free legal aid. Further, this project document will be signed by the Ministry of Justice, which will indicate their continued commitment to the project's goal.

Primary institutional stakeholders and civil society will drive the implementation of core project priorities, in particular with regards to free legal aid, using existing staff and delivering results through existing institutions and inter-institutional structures. UNDP and Helvetas will only provide targeted technical support where existing government, local authority or CSO capacity is lacking.

More specifically, 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 |
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| Output 1 Legal aid system (SALAC) | Provision of primary legal aid, in particular for women, youth and other vulnerable groups with the focus on client referral system, providing a strong relationship between the LACs and other government agencies (Committee on Women and Family Affairs, Hukumats, courts, registry offices, etc.), to achieve a significant percentage of resolved issues and at the same time offloading the LACs. | A free legal aid system has been created and covers 37 regions of the country. 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 | Implement a client referral system to increase the number of resolved legal issues and improve their quality. This will allow SALAC to offload the LACs and increase the client satisfaction rate. This activity is a good referral approach to connect and raise LAC case issues to other authorities. The activity includes series of discussions, negotiations with other Government agencies to agree to the referral system (2021), adoption of additional regulatory documents (2021-2022). Development of referral guidelines (2022) and series of training courses for lawyers and other government agencies' representatives (2022-2024). | 2021-2025 |
| | Consolidation of provision of secondary legal aid in criminal cases, in particular for women, youth and other vulnerable groups | During Phase II the project successfully tested two piloting models for free secondary 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 | Undertake cost analysis of consolidating provision of FSLA in criminal cases. Based on cost analysis assist the GoT in consolidating the provision of FSLA. Continue to support capacities of SALAC to manage the Call Centre. This activity includes undertaking the analysis, a series of discussions and | 2021-2025 |

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| | | Oblasts, MoJ requested to expand the piloting region to Dushanbe city to track data on criminal cases based on actual piloting, with a view to further consolidation throughout the country. This is also foreseen in the recently adopted Law on Free legal Aid. | negotiations with GoT, MoJ, SALAC, and supporting the provision of FSLA | |
| | Develop management capacities of SALAC central office (16 Staff, including 4 operators of SFLA Call Centre) (human resource management, defining the profile of services, targeting of services to women, youth and vulnerable groups, methodology to monitor performance of LACs, analysing key problems from the customers' satisfaction system, devising responses to key problems) | This outcome, focused on duty bearers, seeks to finalise the development of the system and provision of free legal aid in Tajikistan in a sustainable manner. In order to finalise the development of the system and provision of free legal aid in Tajikistan further capacity building of the SALAC central office consisting of 16 staff members, which includes 4 operators of the SFLA Call Centre is required. The project will support the SALAC in this regard during the first three years of project implementation, after which time all methodologies and tools will be handed over and it is envisaged that SALAC will have sufficient capacities to manage itself and to provide and monitor a quality system of free legal aid in Tajikistan. | <ul style="list-style-type: none"> - Strengthening of human resource management - Defining the profile of services - Targeting of services to women, youth and vulnerable groups, - Developing a methodology to monitor the performance of LAC - Analysing key problems from the customers' satisfaction system and devising responses to key problems. - Development and introduction of reporting mechanism to the MoJ, to be introduced by Ministerial Decree detailing reporting content, structure and frequency - Full handover of all methodologies, tools, business processes by 2024 | 2021, 2022, 2023, 2024 |
| | Capacity development of LACs and lawyers | Despite the huge contribution of the Project in improving the capacity of lawyers, the need for continuous planned and systematic retraining and advanced work is still a guarantee of high-quality SALAC services. | - Analysis and identification of gaps in internal and external processes of the Institute | 2021 |

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| | | <p>The project intends to achieve a systematic approach by involving and strengthening the Capacity Building Institute under MoJ and possibly restructuring of it. The focus will be on strengthening the Institute in:</p> <ul style="list-style-type: none"> - Training and retraining of lawyers; - Development of lawyers' skills in the application of legislation, taking into account the trends of its development, judicial and other law enforcement practice; - The study and analysis of law enforcement practice, the correct interpretation of legislation, the compilation of situational models for the application of legal norms; - Preparation and publication of scientific, methodological, informational literature on the application of legislation | <ul style="list-style-type: none"> - Support the Institute to manage and sustain the four main phases of the training cycle: (i) training needs assessment, (ii) online training course design, (iii) delivery of online and offline trainings and (iv) evaluation and reporting. - Institute restructuring (based on gap analysis) - Strengthening the capacity of the Institute's employees in the preparation of high-quality educational-methodical plans and Preparation and publication of scientific, methodological, informational literature on the application of legislation | <p>2021-2023</p> <p>2021-2024</p> |
| | <p>Strengthening the established SALAC's internships system for undergraduate students of law faculties at the Ministry of Justice and the Ministry of Education and Science level.</p> | <p>The insufficient human resources in SALAC remains relevant to date. Due to the lack of specialists, SALAC is facing a number of challenges when hiring new employees or replacing them. This negatively affects the continuous quality provision of legal assistance to the population. To solve the problem, the project contributed to the implementation of the internship system in SALAC for law students.</p> <p>-2 Memorandums are concluded between SALAC and Tajik Universities</p> | <ul style="list-style-type: none"> - Introduce the internship system at the level of the Ministry of Education and distribute it to all universities in the country - Establish all internal and external internship management processes between SALAC and MoE / Universities <p>Establish the system of internship between the SALAC and Universities.</p> | <p>2021-2022</p> |

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| | | <ul style="list-style-type: none"> -SALAC already has a successful practice of hiring an intern to the position of lawyer in LAC -The referral system of interns to SALAC is not fully established on Universities sides - Business processes for internships are not fully established in SALAC | | |
| | Advocacy to ensure full absorption of LACs into state budget | 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 to facilitate the further absorption of the system into the state budget. By now, the State is funding 20 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 will be exacerbated by the COVID-19 context, it is realistic to expect that the State may not be able to fully meet its commitments. | 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 80 per cent of the required funds by 2024 with a view to 100 per cent of the system being funded in 2025. To this end, the project will organise annual review meetings with all 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. | 2021 - 2025 |
| | Follow up of recommendations from Functional Analysis undertaken in 2020 of FLA | The system of FLA is constantly evolving and expanding resulting in new gaps, challenges and constraints. It is necessary to undertake a functional analysis to assess the | <ul style="list-style-type: none"> - Development of ToR, recruitment procedure, contracting of functional analysis team - Conducting functional analysis | 2021, 2022, 2023 |

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| | system including identification of risks to clearly identify hand-over strategy and to enable handover | current situation and to identify and clearly articulate a handover strategy. During the first year of the project implementation, a functional analysis of the FLA system will be undertaken, which will identify any existing or anticipated risks and which will clearly identify the hand-over strategy together with a roadmap on how to achieve that. The following two years will follow-up on implementation of the roadmap and other recommendations arising from the function analysis. | <ul style="list-style-type: none"> - Development of handover roadmap - Implementing handover roadmap and other recommendations contained in the Analysis | |
| Output 2 Judicial Capacities | Justice sector wide assessment including review of SC business processes to identify gaps in A2J, which will be used as an evidence base to feed into all project outputs and activities including policy dialogue processes | A justice sector wide assessment, including a review of the Supreme Court's business process is required to identify existing gaps in access to justice. This will be used as an evidence base to feed into all project outputs and activities, including the policy dialogue processes and the SDG 16 Working Group. | <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 | 2021, 2022 |
| | <ul style="list-style-type: none"> - Modernising specific internal business processes of the Supreme Court (42 judges) through modern business practices to | Under this output, specific internal business processes of the Supreme Court, consisting of 42 judges, will be modernised to increase efficiency and effectiveness. Depending on the findings and recommendations of the | Based on the assessment undertaken above, the project will support the modernisation of specific internal business process – these will be low-hanging fruit that can be easily implemented | 2021, 2022, 2023, 2024 |

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| | <p>increase efficiency and effectiveness</p> <ul style="list-style-type: none"> - Further upgrading of the SC's website to include additional information for the public and a complaints mechanism addressed to the Chief Justice | <p>review, this will include introducing mechanisms to enhance access to court information for the population in one District court in Dushanbe City, Tursunzoda City Court and Khujand City Court to showcase the mechanism to SC and future donors. It will also include further upgrading of the Supreme Court's website to include additional information for the public as well as a complaints mechanism addressed to the Secretary of the Chief Justice.</p> | <p>and handed over during the lifespan of the project, for example:</p> <ul style="list-style-type: none"> - Upgrading the SC website to provide easily accessible information - Developing a complaints mechanism for the public - Supporting the SC to develop an Annual Report and its promotion - Introducing mechanisms to enhance access to court information for the population <p>All tools, methodologies and software solutions will be handed over to the SC by 2024</p> | |
| | <ul style="list-style-type: none"> - Strengthening capacities of 425 judges from district and city courts in relation to international fair trial standards and other human rights standards; harmonization and drafting of judgements; dealing with witnesses and vulnerable groups in court etc. and other areas where A2J constraints are identified | <p>The capacities of 425 judges from district and city courts will be built in relation to international fair trial standards and other human rights standards; harmonization and drafting of judgements; dealing with witnesses and vulnerable groups in court etc. and other areas where access to justice constraints are identified in the assessment. This will include criteria in relation to the provision of FSLA.</p> | <ul style="list-style-type: none"> - Training needs assessment - Identification of topics and development of curricula, course materials etc. - Training of trainers - Delivery of training - Pre-and post- training assessment - Handover of all materials to Judicial Training Centre | <p>2021, 2022, 2023.</p> |
| | <p>Supporting the development of the</p> | <p>Republic of Tajikistan is reforming judiciary since its independence. Throughout those</p> | <ul style="list-style-type: none"> - Conduct justice sector wide assessment; | |

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| | <p>National Judicial Reform Programme 2022 – 2030 and a corresponding Action Plan to integrate continuation and expansion of project activities by the State beyond the lifespan of the project</p> | <p>reforms judiciary was made independent based on the provisions of the Constitution adopted in 1994. Council of Justice was firstly established and later as per Constitutional reform of 2016 and UPR recommendations was abolished for further enhancement of independence of the system. Judicial legal Reforms is taken place under adopted three years programmes. At the same time, those programmes do not have longer vision nor they have indicators to measure progress. Supreme Court is currently discussing the possibility of adoption of substantively stronger and forward looking strategy.</p> | <ul style="list-style-type: none"> - Conduction of self-assessment of judiciary; - Based on the assessments prioritise transformative change recommendations to be included into the programme. | |
| | <p>Develop and implement methodology that allows CSOs to monitor quality of court processes and judicial decision-making– 50 civil and 50 criminal cases annually monitored by CSOs - In criminal cases half shall be FLSA and half paid, to ensure compliance with human rights standards and legislation</p> | <p>A methodology will be developed and implemented that allows CSOs to monitor the quality of court processes and judicial decision-making – at least 50 civil and 50 criminal cases will be annually monitored by CSOs to ensure compliance with human rights standards and legislation. In criminal cases half of the cases will be FLSA and half privately paid cases, to identify any discrepancies in service provision.</p> | <ul style="list-style-type: none"> - Development of methodology - Capacity building of CSO Network to implement methodology - Conducting trial monitoring in project areas so that all areas will be covered by end of year 3 - Identification of constraints based on monitoring, development of recommendations and follow-up of recommendations - Hanover of monitoring mechanism to CSO Network by end of year 3 | <p>2021, 2022, 2023</p> |

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| Output 3 Awareness | <p>Support in establishing a press secretary function under the Ministry of Justice to ensure the promotion of legal information, open dialogue with civil society and citizens</p> | <p>This is to be established.</p> | <ul style="list-style-type: none"> - Approve with the Ministry of Justice the concept of a press-secretary - Include press-secretary to the organisation structure of the Ministry of Justice and develop its functional responsibilities. This initiative came from the Ministry of Justice at the last steering committee. - Provide technical support to update the official website of the MoJ and upgrade of the legal database "Adliya" Deliver public relations, communications and other relevant trainings, workshops and study tours for a press-secretary department. | <p>2022</p> |
| | <p>State actors conduct legal awareness campaigns (mass media, SMS, printings, TV and Radio, events) in all Project areas</p> | <p>HELVETAS' public awareness campaigns in collaboration with legal aid centres are boosting legal awareness across the country. As people's awareness of their rights and the duties of service providers grow, there is a corresponding demand for those services and to ensure that the access to and quality of is adequate. As part of the second phase, Helvetas conducted a series of communication campaigns that contributed to improvement of legal literacy of the population:</p> <ul style="list-style-type: none"> • Videos with legal messages, success stories (updated each 2 years) | <ul style="list-style-type: none"> • Sharing the Project's experience and lessons learned and assisting on production of video, radio and printing materials. • Support in development, organization and management of legal forums and information sessions. • Mentoring and consultancy in developing, organizing and managing legal forums and information sessions. • Develop capacity of jamoat staff to conduct information sessions on registration and certification procedures related to civil-, land-, family-, inheritance, property law | <p>2022-2023</p> |

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| | | <ul style="list-style-type: none"> • Production of audio files with information about legal aid centres, hotline 3040 and ICT tools. • Brochures with legal information on family, land and inheritance law • Organization of legal forums and information sessions. <p>To ensure the sustainability of the component for the next 10 years, Helvetas assisted the Ministry of Justice in developing a legal education program for 2020-2030. The program ensures the continuation of all activities to improve the legal literacy of the population by developing and approving action plans by the Government every 2 years.</p> | | |
| | <p>Strengthening the developed ICT mechanisms, which enable people to seek and acquire legal aid, and further handover to SALAC.</p> | <p>In the free legal aid system ICT tools have an important role. In obtaining legal aid services some people value the accessibility and privacy of online service. ICT tools proven effective. Average monthly level of visits to hukumian.tj 1000+ people Technically the web-portal is maintained by the Project, and all online appeals are shared with the SALAC's lawyers.</p> | <ul style="list-style-type: none"> - Preliminary negotiations with SALAC management about handover have been held, and SALAC will assign one of its specialists to run and deal with the web-portal and mobile application. - Handover and deliver trainings (i.e. dealing with online legal inquiries, technical maintenance and update of information). - Sharing experience and tools to promote ICT tools among the population. | <p>2022</p> |

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| | Assessment of resources and tools needed for Ministry of Justice and SALAC to increase legal awareness and literacy of population | This is to be conducted. | The Project will involve a consultant to conduct the analysis of existing tools and methods used for increasing legal awareness. Particular attention will be paid to behavioural change analysis to understand what tools and methods to use to build trustable relations between the population and legal institutions. Mentorship and consultation of the Ministry of Justice and the SALAC on using tools and methods to increase legal awareness within the III phase of the project. | 2021 |
| | Build the capacity of state actors and support in developing communication strategies | Many activities on legal awareness have been successfully conducted by the project, through the MoJ, local authorities, legal aid centres and CSOs, via various communication channels. The challenge remains in the building of capacities and incentives for local actors to conduct legal awareness campaigns, and make information and awareness reach out to women and men, particularly to vulnerable groups in remote areas. To ensure a systematic approach in this direction, government bodies should have the skills to develop communication strategies in order to continue the successful work of the Project after its exit. | Activities include a series of trainings, workshops and other events aim to strengthen their capacity in this area. The communication strategy for the first two years will be developed with the assistance of the Project in 2021. After carrying out all the activities, starting from 2023, the Ministry of Justice and SALAC independently will continue these initiatives. | 2021-2022 |

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| | Impact assessment of awareness raising activities | During the I and II phases of the Project were conducted impact assessments. The last assessment of 2018 revealed the level of legal awareness of population was 69% | Share lessons learned and deliver trainings on developing terms of reference to conduct impact assessment. Fund impact assessment in the final year of the project. | 2024 |
| Output 4 Civil society and local dialogues | Support local CSOs and local authorities to hold local level PD the first three years of the Project. | <p>Taking into account the fact that one of the goals of the dialogue is to improve the quality of the provision of free legal aid services by state legal centers within the framework of the Concept on the provision of free legal assistance. This component allows local authorities to coordinate and directly participate in the process of promoting and protecting the rights of citizens, including information campaigns to raise awareness of citizens on legal issues. 23 recommendations generated through local policy dialogues were implemented in the first 3 years of the 2nd Phase.</p> <p>As part of the third cycle of the UPR, HELVETAS started working with the Bureau of Human Rights to prepare the upcoming Alternative Report with the involvement of local CSOs, participate in National Consultations and prepare the Analysis of the implementation of the recommendations of the second UPR cycle.</p> | <ul style="list-style-type: none"> - Extend successful local dialogue experience to new 12 jamoats - To enhance the capacity of local authorities and CSOs including training interventions to a) strengthen social contract between citizens and state and establish a sustainable model for district/regional level citizen-state engagement and b) dialogue advocacy and analytical skills including power analysis, gender mainstreaming and conflict sensitive project management - Legitimization of the SMPD mechanism at legislative level through lobbying and the adoption of the Law on Social Monitoring and Political Dialogues and its harmonization with other laws of the Republic of Tajikistan and regulatory documents. - Adoption and implementation of the Law on Social Monitoring and Policy Dialogue to create structures to feed into PD - Linking local level social monitoring of LAC services and jamoat PD with the UN human rights mechanisms (UPR processes) and SDG16 processes through | <p>2021-2022</p> <p>2022</p> <p>2021-2023</p> <p>2021-2023</p> <p>2023</p> |

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| | | <p>Within the framework of the project “Access to Justice”, experts-deputies of the Parliament of the Republic of Tajikistan analyzed the existing legislative framework and it was proposed to develop a Draft Law on “Social Monitoring and Policy Dialogue”. In 2020, the Working Group was created consisting of the members of the Parliament of the Republic of Tajikistan and experts on Social Monitoring. During the discussions in the Working Group meetings, the draft law “On Social Monitoring and Policy Dialogue” was developed.</p> | <p>-Consult national Human Rights Coalition on how to contribute to national and stakeholder reports on UPR -Initiate jamoat awareness raising for civil society, communities and jamoats on UPR mechanisms -Organize jamoat level consultations to contribute to national report and stakeholder (shadow report) -Use SM data to initiate local level contributions and views on HR situation in TJK</p> <p>Handover to the Association of Adult Education of the Republic of Tajikistan and to the Project Partner (“NGO Training and Support Center”)</p> | |
| | <p>Develop and implement methodology that supports CSOs to monitor SALAC’s performance</p> | <p>During the first two years of phase III, the project will develop and implement a methodology that supports CSOs to monitor SA/LAC’s performance. This will be a crucial tool in raising the quality of the service.</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>2021, 2022</p> |

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| | Advocacy and analytical skills training to CSO Network (incl. power analysis, gender mainstreaming, Conflict Sensitive Project Management) | Based on the lessons learned in the previous phase, the project will refine its approach towards the CSO Network, which was established during Phase II of the project implementation. During phase II the project built up the capacities of the Network to independently mobilise resources. However, a joint vision has been lacking as well as unity and a shared vision among the Network. During this phase, the project will concentrate its support on bringing the Network together as a common platform, by strengthening its capacities to report on SDG 16. | <ul style="list-style-type: none"> - Capacity development of CSO Network in terms of its advocacy and analytical skills including power analysis, gender mainstreaming and conflict sensitive project management - Development of joint vision and mandate of Network | 2021 2022 2023 |
| | Institutionalisation of national level policy dialogue mechanism | Considerable efforts have been made during the first two phases of the project implementation with regards to introducing a national level policy dialogue platform that would bring together citizens and the state and which could resolve access to justice 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 national | <ul style="list-style-type: none"> - Conduct extensive advocacy and lobbying to ensure institutionalisation and sustainability of the mechanism - Exploring options to handover the mechanism to the Executive Office of the President, with the SDG 16 Working Group as Secretariat and the Ministry of Justice as Chair. - 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 | 2021 2022 2023 2024 |

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| | | level stakeholders and the sustainability of the mechanism. | <p>the parliament is championing, policy decisions are achieved far swifter.</p> <ul style="list-style-type: none"> - 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. - Full handover of mechanism to identified custodian by 2024 | |
| | - Key gaps and challenges of legal education, including at Law Faculties, are revealed and addressed by MoJ and MoE through PD mechanism | One of the key issues arising out of the previous rule of law forum, is the constraint with regards to legal education, including at Law Faculties and throughout a lawyer's career, either as a lawyer, judge or prosecutor. To address this, a study will be undertaken to identify the key gaps and challenges in legal education, which will then be discussed and addressed by the Ministry of Justice and the Ministry of Education through the policy dialogue mechanism. | <ul style="list-style-type: none"> - Development of ToR - Recruitment of assessors - Conducting assessment and development of recommendations - Discussion of recommendations and agreement on follow-up action at the national level | |

PROJECT DOCUMENT

[UNDP Tajikistan]

IV. PROJECT MANAGEMENT

4.1 Cost Efficiency and Effectiveness

On the UNDP side, the project will share a rented office in Dushanbe, the costs of which are shared with other projects. In addition, UNDP has 4 Local Innovation and Implementation Offices (LIICs), the capacities of which can be utilised if there is a need for immediate interventions, again with minimal costs to the project. Procurement will be carried out utilising the capacities at HQ level, meaning that cost saving will be made. Quality assurance will be carried out by UNDP senior management with no costs to the project.

Helvetas also has its own office in Dushanbe, the costs of which will be shared with other projects and funding. In addition, both organisations will be sharing staff among other projects, in order to ensure the maximum level of cost efficiency.

The project will support 34 LACs and mobile state lawyers which operate throughout the territory of Tajikistan, with additional LACs for FSLA in Dushanbe, Sughd and Khatlon. Together with the government's contribution to the system, the entire country will be reached. The Rule of Law Working Group, chaired by UNDP will be used for coordination to ensure maximum complementarity and cost efficiencies on rule of law and access to justice issues, such as legal aid and public awareness.

The Project has been designed to be as cost-effective as possible. Through using existing networks and mechanisms established through the first two phases of the Project as well as complementary Projects, including other SDC funded Projects, the UNDP implemented Rule of Law Project and those established by other UN agencies, the Project will build on past achievements by creating synergies and linkages with other Projects and other UN Agencies, based on added value and comparative advantage to ensure a most cost effective approach to the Project implementation. Attention will be paid to avoid duplication and to provide complementarities where possible.

Project funds are divided between UNDP and HELVETAS. Over the four years of Phase III as per the budget agreed upon with the donor.

Links with other SDC Projects

The Access to Justice Project will co-operate where relevant with other on-going SDC implemented Projects in Tajikistan. This includes the Project for the Prevention of Domestic Violence (PDV) and the Support to Civil Registration System Reform in Tajikistan Project (CR Project).

Co-ordination will include knowledge exchange, exchange of methodologies and know-how, invitations to participate in relevant meetings, events, workshop, and general information sharing. The Policy Dialogue Platform may provide an opportunity to discuss co-operation between the Projects and the promotion of policy reform recommendations. Cooperation with the CRR Project will certainly include information sharing and the development of referral paths for LAC clients with registry-related problems.

Links with other UNDP Projects

Since January 2014, UNDP Tajikistan has been implementing the “*Strengthening Rule of Law and Human Rights to Empower People in Tajikistan*” Project (RoL Project). The focus of the RoL

Project is upon building the capacity of human rights duty bearers to better implement laws, human rights recommendations, conduct oversight of government and penitentiary services, and empower citizens and the most vulnerable and marginalised groups with access to justice and community legal empowerment. The RoL Project is funded by the Finnish Ministry of Foreign Affairs (Finnish MFA) up until 2021. As discussed elsewhere in this project document, the Finnish project is also supporting a number of LACs. At the end of 2021, all LACs will be brought under the SDC project, to ensure a coordinated and coherent exit strategy in terms of the project's activities and support. This will occur whether or not the Finnish project is extended beyond 2021. There are additional complementarities between the two projects, which will continue during 2021, particularly in the area of capacity development of lawyers and human rights, as well as policy reforms. If a third phase of the Finnish project is secured, this will be focused on rule of law and equality of the law, and not specifically on access to justice, thereby ensuring that there is no overlap or duplication, but allowing for complementarities in the areas mentioned above - capacity development, policy reforms and human rights.

Starting in 2019, Helvetas has also been implementing a Migration Silk Route project, which aims to protect the rights of young migrants and their families, which are considered the most vulnerable in the light of recent tightened measures against migrants. The project is linked to A2J since its stakeholders include LACs, Mahalla committees and paralegals in Kanibadam and Isfara, as well as the State Migration Services (SMS) and Ministry of Labour, Migration and Employment,

Phase I of the Access to Justice Project and the RoL Project are both part of UNDP Tajikistan's Rule of Law and Access to Justice Initiatives. The two Projects have worked together since January 2014. The entirety of the RoL Project, along with the UNDP-administered components of the Access to Justice Project, have been run by UNDP staff. The two Projects have complemented and reinforced each other, leading to more sustainable results. The RoL Project co-funds SALAC, along with Access to Justice; it is also operating 17 LACs, in parallel with the LACs operated by HELVETAS. The RoL Project also is responsible for the Regional Policy Dialogues, which operate at a level between the National and Local Policy Dialogues organised by the Access to Justice Project. The RoL Project has also been deeply involved in implementing the Law on Prevention of Violence in the Family; this impacts the work of both Projects, particularly since domestic violence cases are consistently about 10 per cent of the clientele of the LACs.²⁰

It is anticipated that cooperation with the RoL Project will continue without a break into Phase III, while the project is fully funded.

Government contributions

It is anticipated and agreed with Ministry of Justice that the Government will continue provision of in-kind contribution via provision of office spaces for Legal aid centres in the regions and SALAC central office in Dushanbe, along with coverage of utilities for those offices.

In 2020, the Government has approved funding of 20% of current expenditures of SALAC. It is expected that in 2021 the state will increase its share for another 20% until the end of the Project to fully takeover the SALAC expenditures.

The Projected level of GoT financial contribution is as follows:²¹

²⁰ Based on data from the Case Management System (CMS) since 2014.

²¹ The government's contribution was calculated as follows. The estimated total 2019 SALAC budget is \$240,000. The government's share in 2019 will be 30 per cent. However, 10 per cent will probably continue to be in-kind (office rental, etc.) as in the previous years. So the cash contribution will be 30 per cent-10 per cent=20 per cent. 20 per cent of \$200,000=\$40,000. 2020, same reasoning, except that here the figure is 50 per cent-10 per cent=40 per cent of an estimated \$180,000.

| Year | Projected total cost of SALAC + Secondary Free Legal Aid | GoT's in-kind contribution (10 per cent) | GoT's financial / cash contribution |
|------|--|--|-------------------------------------|
| 2021 | \$240,258 | \$16,000 | 90,844 |
| 2022 | 240,258 | 18,000 | 90,844 |
| 2023 | 240,258 | 20,000 | 142,266 |
| 2024 | 240,258 | 20,000 | 199,288 |
| 2025 | 240,258 | 20,000 | 240,258 |

The total financial contribution from the GoT throughout Phase Three is thus projected at \$857,500.²²

4.6 Monitoring and Evaluation

This section of the Project Document presents the information on the Project Monitoring & Evaluation system and its practical functioning in monitoring and evaluation of the Project implementation process.

4.6.1 Monitoring and Evaluation system

The Monitoring and Evaluation system (M&E) provides information on (a) the status of implementation of the Project against Project objectives and planned results (**measuring Project progress**); provides (b) the basis to take necessary adjustments of planned activities (**analysis, adjustment**) and (c) provides the basis for communicating and sharing the results with stakeholders and the public in view of policy dialogue (**knowledge sharing and advocacy**). The M&E system is based on the result-chain, the logical framework and operational plans (phase plan and annual plans). It regularly assesses changes and results, which feed into Project steering.

The M&E system will consider the **dimensions Context, Impact, Outcomes and Outputs, Effectiveness and Efficiency**. Annex III describes which information will be monitored, in what way, and how the information will be used for Project steering.

The regular monitoring process will contribute to **capitalize on lessons learnt and good practices**. The results will be useful for all actors and Projects directly or indirectly involved in the implementation of the legal sector reform in Tajikistan.

There will be **four levels of Monitoring and Evaluation**:

- **Continuous informal monitoring** and evaluation of the progress made will feed into planning and implementation processes. Informal monitoring includes coordination meetings of the consortium, exchange with main partners at national, regional, and local level. The Project will develop appropriate responses in consultation with the relevant partners and stakeholders. In addition, the monitoring process will be used as

²² Foreseen contribution in early 2025 is not included, since it is out of project duration

a base for the revision of the target data and to agree with Project stakeholders on needed adjustments.

- **The Case Management System (CMS)** will be a key source of data for monitoring and evaluation and will provide continuous updated overview of all cases/clients that applied to LACs. It will show results of the advice provided and will allow selection of advocates for secondary free legal aid. It is expected that the CMS will continue to be updated constantly in real time, and that CMS data will be readily available to all stakeholders.
- HELVETAS will also establish social monitoring mechanisms, including but not limited to citizens' assessment of free legal aid service provision. It is anticipated that these monitoring mechanisms will feed into the M&E mechanisms described above.
- Participatory annual Project reviews shall be conducted at the beginning of each year or the end of the previous year, to assess the performance of the Project against the Yearly Operational Plans (YOPs). The annual review shall focus on progress of Outputs and their contribution to respective Outcomes.
It is crucial to ensure active participation of stakeholders in the M&E process to create ownership for the envisaged changes by the government, service providers and other stakeholders.
- An **external mid-term review** will determine how far the Project has been implemented in line with the approved intervention strategy and define achievements and failures as well as make specific recommendations for continuation. This mid-term review will also assess the financial management and quality of implementation. The evaluation will verify whether and how well the original intentions have been carried out, and check whether de facto changes have been made to the initial objectives. The Outcome of the mid-term review will be to indicate any adjustments to the Project, and enable continued implementation based on lessons learnt and identified good practices.
- A **final external evaluation** will determine achievements and failures as well as impact of the project results throughout the entire implementation period.

The Consortium will organise regular meetings to share the data. Results and recommendations to improve Project performance will be presented and discussed with the Project Steering Committee. The Project Steering Committee will meet at least twice per year and at each meeting.

The specific monitoring activities are tabled in Annex III.

V. RESULTS FRAMEWORK

Intended Outcome as stated in the Country Programme Results and Resource Framework: CPD 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.

Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:
CPD Indicator 1.2.1: Number of strengthened operational institutions supporting the fulfilment of nationally and internationally ratified human rights obligations

Applicable Output(s) from the UNDP Strategic Plan: Citizen expectations for voice, development, rule of law and accountability are met by stronger institutions of democratic governance; Countries have stronger institutions to progressively deliver universal access to basic services;

Project title and Atlas Project Number: Access to Justice in Tajikistan

| EXPECTED OUTPUTS | OUTPUT INDICATORS ²³ | DATA SOURCE | BASELINE | | TARGETS (by frequency of data collection) | | | | | | DATA COLLECTION METHODS & RISKS |
|---|--|--------------------|----------|------|---|--------|--------|--------|----------|--|---|
| | | | Value | Year | 2021 | 2022 | 2023 | 2024 | Year ... | FINAL | |
| Output 1 Access to state legal aid is guaranteed through the effective management and provision of quality free primary and | Indicator 1.1 No. of cases handled per lawyer per month (cases disaggregated incl. by gender) | CMS, project data, | 25 | 2020 | 26 M/F | 27 M/F | 28 M/F | 30 M/F | | 30 cases per month in total (at least 330 cases per year) handled per lawyer | Project operational and monitoring reports. Capacities of SA/LAC |

²³ 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.

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|---|---|---|-----|------|-----|-----|-----|-----|--|---|--|
| secondary legal aid by the State Agency Legal Aid Centre (SALAC) to people, in particular women, youth and other vulnerable groups. | Indicator 1.2 % of budget provided through State funding for SALAC | National strategies & policy docs, state budget | 20% | 2020 | 40% | 40% | 60% | 80% | | State provides 80% of costs for system of FLA by end of project | State budget & national strategies & policies Commitment of the Ministry of Justice to the improvement of the free legal aid system |
| | Indicator 1.3 % of budget provided through State funding for FSLA | National strategies & policy docs, state budget | 20% | 2020 | 40% | 40% | 60% | 80% | | State provides 80% of costs for system of FLA by end of project | State budget & national strategies & policies Commitment of the Ministry of Justice to the improvement of the free legal aid system |

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|--|--|------------------------------------|----------------------------|-------------------|------------------|------------------|------------------|------------------|--|---|---|
| | Indicator 1.4. Extent to which SALAC is capable to manage legal aid system independently (rating scale: partial, large extent, fully) | National strategies & policy docs | | Baseline: partial | Partial | Partial | Large extent | Fully | | The SALAC is capable to manage the legal aid system independently | Reporting, trainings methodologies, capacity building activities |
| Output 2 The accessibility and efficiency of the judiciary is enhanced through the improved quality of its decision-making in civil and family cases and through | Indicator 2.1 Knowledge of judiciary on international fair trial standards increases (disaggregated incl. by gender) | Project data, training assessments | TBC from pre-training data | 2020 | 30% increase M/F | 40% increase M/F | 50% increase M/F | 50% increase M/F | | Knowledge increased by 50% | Project data including justice sector wide assessment; data from monitoring tools; pre and post training assessments Capacities and willingness of judiciary to participate in trainings |

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|---------------------------------|--|---------------------------------------|-----------------------|------|--------------|--------------|--------------|--------------|--|--|--|
| strengthened business processes | Indicator 2.2 % of cases which meet fair trial standards | Project data, monitoring tool | TBC during monitoring | 2020 | 10% increase | 20% increase | 30% increase | 30% increase | | A 30% increase in the no. of trials that meet fair trial standards | Monitoring tool – Case Management System Capacities and willingness of judiciary to absorb new knowledge and apply it in practice |
| | Indicator 2.3 Introduction of complaints mechanism for SC | Supreme Court data, project documents | 0 | 2020 | 0 | 0 | 1 | 1 | | 1 complaint mechanism for SC | Supreme court data, project documents Capacities and willingness of SC |

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|--|---|--|-----|------|---|---|---|---|--|---|---|
| Output 3: The Ministry of Justice has the capacity and systematically increases legal awareness and literacy among the population in particular women, youth and other vulnerable groups | Indicator 3.1 Public relations structure within MoJ is established and fully functional (rating scale: 0 – no structure 1 – structure is established 2 – structure is fully functional | Project documents, organisational structure of MOJ | 0 | 2020 | 0 | 0 | 1 | 2 | | By 2025 the structure is fully functional (at least 2 press secretary post established and funded by State by 100%) | Project documents, organisational structure of MOJ Commitment of MoJ to introduce new position Availability of documents on establishing press secretary, instruction, progress reports |
| | Indicator 3.2 # of legal awareness raising campaigns conducted | Project data, MoJ | TBC | 2020 | | 3 | 3 | 2 | | 8 campaigns to be conducted by end of project | Project data, including media Impact studies; baseline survey, community based surveys, impact assessment Commitment of MoJ to conduct campaigns |

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|---|--|---------------------------|---|--|---|---|---|---|--|---------------------------------|--|---|
| | Indicator 3.3. Level of legal awareness of population: a) Overall legal awareness b) Awareness of free legal aid services provision | | | Baseline 2020: a) 73% b) 20.3% | | | | | | Target: a) 80% b) 40% | | Project data, including media Impact studies |
| Output 4: Civil society has the skills for evidence-based | Indicator 4.1 No. of studies/researches presented by CSOs at PD platforms | Project data, NGO reports | 0 | 2020 | 0 | 0 | 1 | 1 | | 2 | | Project data, declaration of Rule of Law forum, NGO reports |

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|---|---|--------------|---|------|---|---|---|---|--|--|---|
| advocacy, participates in sustainable decision-making processes and follows-up and monitors implementation of those decisions | Indicator 4.2 # of CSOs participating in the policy/social dialogues (disaggregated incl. by gender) | Project data | 18 national/30 regional NGOs take part in the National PD | 2020 | - | - | - | 20 national/40 regional NGOs take part in the National PD M/F | | At least 20 national/25 regional NGOs take part in the National PD M/F | Continued government willingness to engage in policy dialogue Capacities of CSOs to contribute to PD |
|---|---|--------------|---|------|---|---|---|---|--|--|---|

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|--|--|---------------------------|-----|------|-----|---|---|---|--|--|--|
| | <p>Indicator 4.3 No. of recommendations provided at PDs and further advocated by CSOs</p> <p>a) at community-based level b) at national level</p> | Project data, NGO reports | TBC | 2020 | TBC | TBC | TBC | TBC | | TBC | <p>Continued government willingness to engage in policy dialogue</p> <p>Capacities of CSOs to contribute to PD</p> |
| | | | | | | a) At least 26 recommendations at community-based level per year b) at least 3 recommendations at national level | a) At least 28 recommendations at community-based level per year b) at least 3 recommendations at national level | a) At least 30 recommendations at community-based level per year b) at least 3 recommendations at national level | | At least 84 recommendations provided by NGOs at community-based level and 9 recommendations provided at national level by 2025 | |

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|--|--|--|--|--|--|-----|-----|-----|--|--|--|
| | <p>Indicator 4.4. # of monitoring events of legal aid system conducted by CSOs:</p> <p>a) at community-based level b) at national level</p> | | | | | a)1 | a)1 | a)1 | | 3 monitoring events of legal aid system conducted by CSOs at community-based level by 2025 | |
|--|--|--|--|--|--|-----|-----|-----|--|--|--|

V. MULTI-YEAR WORK PLAN

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 |
|------------------|--------------------|------------------------|------|------|------|-------------------|----------------|----------------|
| | | 2021 | 2022 | 2023 | 2024 | | Funding Source | Amount |
| | | | | | | | | |

| | | | | | | | | |
|---|---|-------|-------|-------|-------|----------|-----|---------|
| <p>Output 1 Access to state legal aid is guaranteed through the effective management and provision of quality free primary and secondary legal aid by the State Agency Legal Aid Centre (SALAC) to people, in particular women, youth and other vulnerable groups.</p> <p>- # of cases handled per lawyer per month (cases disaggregated incl. by gender)</p> <p>Baseline: 0 Target: 30 cases per month in total (at least 330 cases per year)</p> <p>% of budget provided through State funding for SALAC</p> | <p>Activity 1.1. Develop management capacities of SALAC central office (16 Staff, including 4 operators of SFLA Call Centre) (human resource management, defining the profile of services, targeting of services to women, youth and vulnerable groups, methodology to monitor performance of LACs, analysing key problems from the customers' satisfaction system, devising responses to key problems)</p> | 30000 | 25000 | 33968 | | UNDP | SDC | 88,968 |
| | <p>Activity 1.2. Provision of primary legal aid, in particular for women, youth and other vulnerable groups with the focus on client referral system, providing a strong relationship between the LACs and other government agencies (Committee on Women and Family Affairs, Hukumats, courts, registry offices, etc.), providing a solid percentage of resolved issues and at the same time offloading the LACs.</p> | 50000 | 50000 | 40000 | 97500 | Helvetas | SDC | 237,500 |

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|--|---|-------|-------|-------|-------|----------|-----|--------|
| <p>Baseline: 0 Target: State provides 80% of costs for system of FLA by end of project</p> <p>% of budget provided through State funding for FSLA</p> <p>Baseline: 0 Target: State provides 80% of costs for system of FLA by end of project</p> | Activity 1.3. Strengthening the established SALAC's internships system for undergraduate students of law universities at the Ministry of Justice and the Ministry of Education and Science level | 45000 | 45000 | | | Helvetas | SDC | 90,000 |
| | Activity 1.4. Capacity development of LACs and lawyers (legal knowledge, methodological skills, conflict sensitivity, gender) through systematizing the system of training and retraining of lawyers (including introductory trainings for new lawyers and annual trainings/testing for all) on the MoJ' Capacity building Institute level. | 13000 | 15000 | 18000 | 44000 | Helvetas | SDC | 90,000 |
| | Activity 1.5. Consolidation of provision of secondary legal aid in criminal cases, in particular for women, youth and other vulnerable groups | 17000 | 18000 | 10312 | 14000 | UNDP | SDC | 59,312 |

| | | | | | | | | |
|--|---|--------|--------|-------|-------|----------|-----|---------|
| | Activity 1.6. Advocacy to ensure full absorption of LACs into state budget Years 1-4 to achieve 80% funding by end of project implementation period | 17000 | 18000 | 10312 | 14000 | UNDP | SDC | 59,312 |
| | Activity 1.7. Working group meeting on annual basis with MoF, MoJ, Parliament | 18000 | 15000 | 18229 | 33000 | UNDP | SDC | 84,229 |
| | Activity 1.8. Finalizing transfer of the Data base system AMS to SALAC and assistance in Certification | 118750 | 118750 | | | Helvetas | SDC | 237,500 |
| | Activity 1.9. Follow up recommendations from functional analysis conducted in 2020 | 14000 | 13000 | 10000 | 22312 | UNDP | SDC | 59,312 |

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|---|---|--------------|--|--|--|-------------|------------|---------------|
| <p>Output 2 The accessibility and efficiency of the judiciary is enhanced through the improved quality of its decision-making in civil and family cases and through strengthened business processes</p> <p>Knowledge of judiciary on international fair trial standards increases (disaggregated incl. by gender)</p> <p>Baseline: 0 Target: Knowledge increased by 50%</p> <p>%. of cases which meet fair trial standards</p> <p>Baseline: 0 Target: A 30% increase in the no. of trials that meet fair trial standards</p> | <p>Activity 2.1. Justice sector wide assessment including review of SC business processes to identify gaps in A2J, which will be used as an evidence base to feed into all project outputs and activities including policy dialogue processes</p> | <p>88968</p> | | | | <p>UNDP</p> | <p>SDC</p> | <p>88,968</p> |
|---|---|--------------|--|--|--|-------------|------------|---------------|

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|--|---|-------|-------|-------|-------|------|-----|----------|
| <p>Introduction of complaints mechanism for SC</p> <p>Baseline: 0 Target: 1 complaint mechanism for SC</p> | | | | | | | | |
| | <p>Activity 2.2. Modernising specific internal business processes of the Supreme Court (42 judges) through modern business practices to increase transparency and accountability</p> | 15000 | 15000 | 13779 | 20500 | UNDP | SDC | 64,278.6 |
| | <p>Activity 2.3. Strengthening capacities of 425 judges from district and city courts in relation to international fair trial standards and other human rights standards; harmonization and drafting of judgements; dealing with witnesses and vulnerable groups in court etc. and other areas where A2J constraints are identified</p> | 20000 | 20000 | 44229 | | UNDP | SDC | 84,229 |

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|--|---|-------|-------|-------|--|------|-----|--------|
| | Activity 2.4. Supporting the development of the National Judicial Reform Programme 2022 – 2030 and a corresponding Action Plan to integrate continuation and expansion of project activities by the State beyond the lifespan of the project | 32139 | 32139 | | | UNDP | SDC | 64,279 |
| | Activity 2.5. Develop and implement methodology that allows CSOs to monitor quality of court processes and judicial decision-making– 50 civil and 50 criminal cases annually monitored by CSOs - In criminal cases half shall be FSLA and half paid, to ensure compliance with human rights standards and legislation | 18000 | 18000 | 28279 | | UNDP | SDC | 64,279 |

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|--|---|-------|-------|-------|--|------|-----|--------|
| | Activity 2.6. Introduction of mechanisms to enhance access to court information for the population –One District court in Dushanbe City, Tursunzoda City Court and Khujand City Court to showcase the mechanism to SC and future donors | | 32139 | 32139 | | UNDP | SDC | 64,279 |
| | Activity 2.7. Further upgrading of the SC’s website to include additional information for the public and a complaints mechanism addressed to the Chief Justice | 18000 | 18000 | 28279 | | UNDP | SDC | 64,279 |

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|--|--|-------|-------|-------|-------|----------|-----|---------|
| <p>Output 3: The Ministry of Justice has the capacity and systematically increases legal awareness and literacy among the population in particular women, youth and other vulnerable groups</p> <p>Public relations structure within MoJ is established and fully functional</p> <p>(rating scale: 0 – no structure 1 – structure is established 2 – structure is fully functional</p> <p>Baseline: 0 Target: By 2025 the structure is fully functional (at least 2</p> | <p>Activity 3.1. Strengthening the capacity of the Ministry of Justice and SALAC to increase the level of legal awareness of the population at different levels (local and national)</p> | 63000 | 67000 | 89280 | 70000 | Helvetas | SDC | 289,280 |
|--|--|-------|-------|-------|-------|----------|-----|---------|

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|--|--|--|--|--|--|--|--|--|
| <p>press secretary post established and funded by State by 100%)</p> <p># of legal awareness raising campaigns conducted</p> <p>Baseline: 0 Target: 8 campaigns to be conducted by end of project</p> <p>Level of legal awareness of population:</p> <p>c) Overall legal awareness</p> <p>Awareness of free legal aid services provision</p> <p>Baseline: a) 73% b) 20.3%</p> <p>Target: a) 80% b) 40%</p> | | | | | | | | |
|--|--|--|--|--|--|--|--|--|

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| | | | | | | | | |
| <p>Output 4: Civil society has the skills for evidence-based advocacy, participates in sustainable decision-making processes and follows-up and monitors implementation of those decisions</p> <p>No. of studies, researches/ presented by CSOs at PD platform</p> <p>Baseline: 0</p> <p>Target: 2 studies undertaken during phase III</p> <p># of CSOs participating in the policy/social</p> | <p>Activity 4.1. Capacity building of local authorities and CSOs to strengthen social contract between citizens and state and establish a sustainable model for district/regional level citizen-state engagement and dialogue. Trainings packages will cover topics such as: advocacy and analytical skills; good governance principles; roles and responsibilities for state-citizens engagement; power analysis; gender and social inclusion, conflict sensitive project management</p> | 30000 | 41445 | 52655 | | Helvetas | SDC | 124,100 |
| | <p>Activity 4.2. Support local CSOs and local authorities to hold local level PD (12 jamoats & 6 khukumat)</p> | 25000 | 27800 | 30600 | | Helvetas | SDC | 83,400 |

| | | | | | | | | |
|--|---|-------|-------|-------|--|----------|-----|---------|
| <p>dialogues (disaggregated incl. by gender)</p> <p>Baseline: 18</p> <p>Target: at least 20 national/25 regional NGOs take part in the National PD (M/F)</p> | Activity 4.3. Support the development of the Law on Social Monitoring and Policy Dialogue to create structures to feed into the PD as well as a regulatory framework for monitoring and ensuring sustainability of the local level PD | 37867 | 41367 | 44867 | | Helvetas | SDC | 124,100 |
| <p>No. of recommendations provided at PDs and further advocated by CSOs</p> | Activity 4.4. Linking local PD with the UN human rights mechanisms (UPR & SDG16 processes) | 6080 | 6080 | 6080 | | Helvetas | SDC | 18,240 |
| <p>a) at community-based level</p> <p>b) at national level</p> <p>Baseline: 0</p> <p>Target: At least 84 recommendations provided by NGOs at community-based level by 2025</p> | Activity 4.5. Develop and implement methodology that supports CSOs to monitor SALAC's performance | 41824 | 41824 | | | UNDP | SDC | 83,648 |
| | Activity 4.6. Advocacy and analytical skills training to CSO Network (incl. power analysis, gender mainstreaming, Conflict Sensitive Project Management) | 24212 | 27883 | 31554 | | UNDP | SDC | 83,648 |
| <p># of monitoring events of legal aid system conducted by CSOs:</p> | Activity 4.7. Conducting advocacy, lobbying and institutionalising the national level PD mechanism | 14922 | 14922 | 14922 | | UNDP | SDC | 44,767 |

| | | | | | | | | |
|--|---|-------|-------|-------|--|------|-----|--------|
| a) at community-based level b) at national level Baseline: 0 Target: 3 monitoring events of legal aid system conducted by CSOs at community-based level by 2025 | Activity 4.8. Conducting annual Rule of Law Forums | 14922 | 14922 | 14922 | | UNDP | SDC | 44,767 |
| | Activity 4.9. Exploring options including handover of the PD to the EO of the President, role of the SC, linking with national level SDG 16 and other human rights mechanisms and processes etc | 14922 | 14922 | 14922 | | UNDP | SDC | 44,767 |
| | Activity 4.10. Introducing role of parliament into the PD process including oversight, advocacy, initiation of policy motions, legislative changes, strategizing etc. | 14922 | 14922 | 14922 | | UNDP | SDC | 44,767 |
| | Activity 4.11. Conducting a number of assessments, including those detailed under other outputs in order to provide an evidence base for the PD mechanism Key gaps and challenges of legal education, including at Law Faculties, are revealed and addressed by MoJ and MoE through PD mechanism | 14922 | 14922 | 14922 | | UNDP | SDC | 44,767 |

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|---------------------|--|------------------|------------------|------------------|----------------|------------------|-----|------------------|
| | Activity 4.12. Conducting MEL activities to ensure that all lessons learned and knowledge gained during three phases of project implementation are captured and shared | | | 1610 | 1610 | UNDP Helvetas | SDC | 3,220 |
| | Activity 4.13. Conducting a perception survey among end beneficiaries to gauge the impact of the intervention | | | 28941 | 39476 | UNDP | SDC | 68,419 |
| Admin costs: | Direct Project Costs | 20960 | 20960 | 20960 | 21080 | UNDP/HS I | SDC | 83,960 |
| | Office running costs, salaries, etc | 371956 | 428153 | 415251 | 375649 | UNDP/HS I | SDC | 1,591,009 |
| | Audit costs: | 14000 | 14000 | 14000 | 14000 | UNDP/HS I | SDC | 56,000 |
| | TOTAL PROJECT BUDGET: | 1,224,367 | 1,244,151 | 1,097,934 | 767,127 | | | 4,333,579 |

| Output | Activity | Q1 | Q2 | Q3 | Q4 | Q5 | Q6 | Q7 | Q8 | Q9 | Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | |
|--|--|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|---|
| Management | Submission of regular activity reports – 6 months and annual | | ■ | | ■ | | ■ | | ■ | | ■ | | ■ | | ■ | | ■ | |
| | Monitoring and evaluation of all project activities | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | |
| | Revise risk assessment for 2021, 2022, 2023, 2024 | ■ | | | | ■ | | | | ■ | | | | ■ | | | | |
| | Draft annual work plans for 2021, 2022, 2023, 2024 | ■ | | | | ■ | | | | ■ | | | | ■ | | | | |
| | Revise indicators, YPO & budget 2021, 2022, 2023, 2024 and submit to SDC | ■ | | | | ■ | | | | ■ | | | | ■ | | | | |
| | Final and mid term evaluation review | | | | | | | | ■ | ■ | | | | | | | ■ | ■ |
| | Mid and End of project External Evaluation Conducted | | | | | | | | ■ | ■ | | | | | | | ■ | ■ |
| | Submission of Final Report to SDC | | | | | | | | | | | | | | | | | ■ |
| Output 1: Access to state legal aid is guaranteed through effective management and provision of quality free and primary the management and provision of quality free and primary | Develop management capacities of SALAC central office | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | | | | |
| | Provision of primary legal aid | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | |
| | Strengthening the established SALAC’s internships system | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | | | | | | | | | |
| | Capacity development of LACs and lawyers | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | |
| | Consolidation of provision of secondary legal aid in criminal cases | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | |

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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| secondary legal aid by the State Agency Legal Aid Centre (SALAC) to people, in particular women, youth and other vulnerable groups. | Advocacy to ensure full absorption of LACs into state budget | | | | | | | | | | | | | | | | |
| | Following up recommendations from functional analysis conducted in 2020 | | | | | | | | | | | | | | | | |
| Output 2: The accessibility and efficiency of the judiciary is enhanced through the improved quality of its decision-making in civil and family cases and through strengthened business processes | Justice sector wide assessment | | | | | | | | | | | | | | | | |
| | Modernising specific internal business processes of the Supreme Court | | | | | | | | | | | | | | | | |
| | Strengthening capacities of 425 judges from district and city courts | | | | | | | | | | | | | | | | |
| | Supporting the development of the National Judicial Reform Programme 2022 – 2030 | | | | | | | | | | | | | | | | |
| | Develop and implement methodology that allows CSOs to monitor quality of court processes and judicial decision-making | | | | | | | | | | | | | | | | |
| | Introduction of mechanisms to enhance access to court information for the population | | | | | | | | | | | | | | | | |
| | Further upgrading of the SC’s website | | | | | | | | | | | | | | | | |
| Output 3 The Ministry of Justice has the capacity and systematically | Strengthening the capacity of the Ministry of Justice and SALAC to increase the level of legal awareness of the population | | | | | | | | | | | | | | | | |
| | Support in establishing a press secretary under the Ministry of Justice | | | | | | | | | | | | | | | | |

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|--|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| increases legal awareness and literacy among the population in particular women, youth and other vulnerable groups | Strengthening the developed ICT mechanisms, which enable people to seek and acquire legal aid, and further handover to SALAC | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | State actors conduct legal awareness campaigns | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Assessment of resources and tools needed for Ministry of Justice and SALAC to increase legal awareness and literacy of population. | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Impact assessment of awareness raising activities | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| Output 4: Civil society has the skills for evidence-based advocacy, participates in sustainable decision-making processes and follows-up and monitors implementation of those decisions | Capacity building of local authorities and CSOs | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Support local CSOs and local authorities to hold local level PD | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Support the development of the Law on Social Monitoring and Policy Dialogue | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Linking local PD with the UN human rights mechanisms | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Develop and implement methodology that supports CSOs to monitor SALAC’s performance | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Advocacy and analytical skills training to CSO Network | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Conducting advocacy, lobbying and institutionalising the national level PD mechanism | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Conducting annual Rule of Law Forums | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Exploring options to institutionalise PD mechanism | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Establish a follow-up mechanism to ensure implementation of PD recommendations | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |

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|--|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Conducting a number of assessments, including those detailed under other outputs in order to provide an evidence base for the PD mechanism | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| | Conducting MEL activities | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |

VI. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

The Project will be implemented using the Direct Implementation Modality. The implementation will be guided by UNDP's financial and procurement rules and regulations. (It is understood that HELVETAS will use its own internal procedures where relevant.) 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 Steering Committee, which will meet regularly at least twice per year. The Committee will include UNDP senior management, SDC representatives, and representatives of the Ministry of Justice. Key CS partners may be invited to attend, comment, and make presentations.

The Steering Committee 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 Steering Committee 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 Steering Committee.

The **Steering Committee** 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 Steering Committee 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 Programme 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 Steering Committee;
- 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
- Steering Committee's decisions are followed up, and Project revisions are dealt with fully in line with required UNDP procedures.

Finally, an **Operational Group** shall be established for the Project composed of the Programme Manager, Project support and the UNDP Country Office Project and Operational support teams. The Group will meet regularly to discuss the planning and implementation of Project activities, inputs, contracts, payments, reports and related issues.

A detailed breakdown of staffing can be found in Annex I, below.

4.2 Administrative Arrangements

Regular narrative and financial reports shall be prepared by UNDP, with inputs from HELVETAS, based on SDC's reporting guidelines for partners and shared with the Project Board.

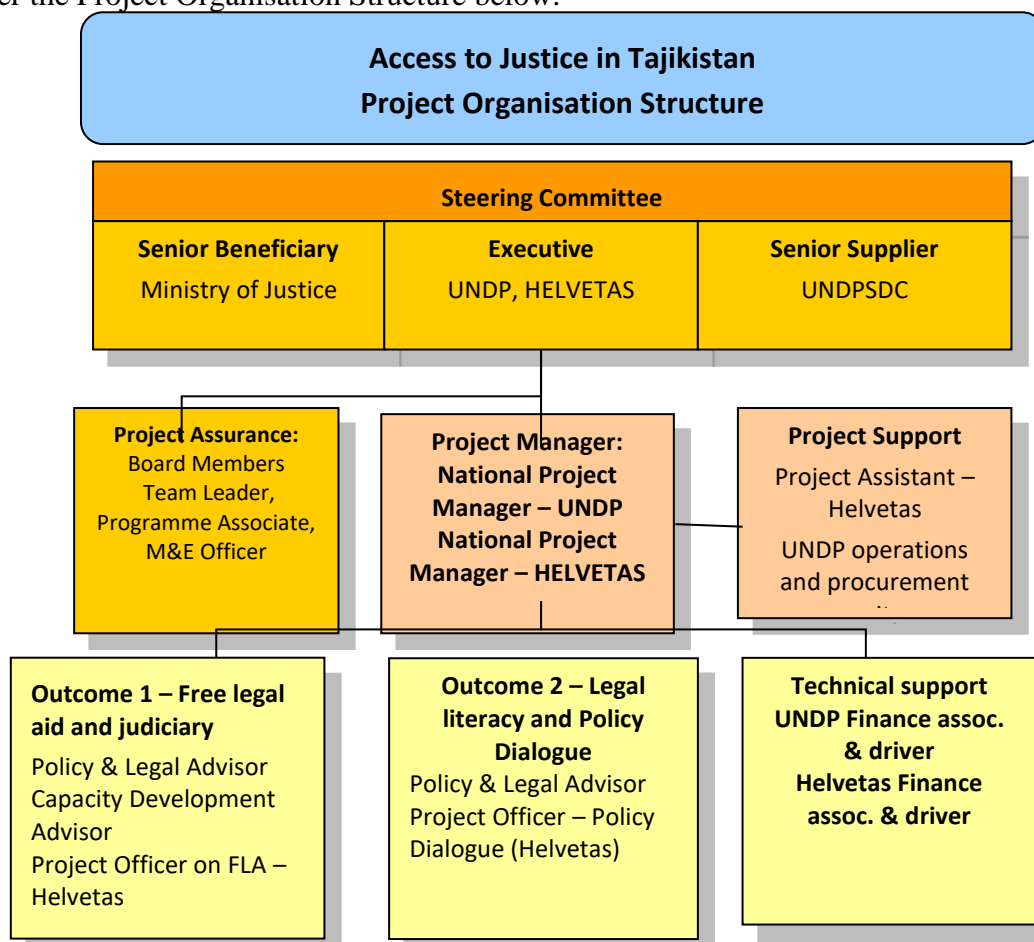
In accordance with the UNDP Executive Board decision 2012/18 of June 2012, all audit reports issued by the UNDP Office of Audit and Investigations (OAI) since 1 December 2012 shall be publicly disclosed on this website, one month after they have been issued internally.²⁴

SDC, any third party appointed by it, and the Swiss Federal Audit Office reserve the right at all times to visit the sites associated with the Project, check on its implementation, obtain information and consult all the related documents.

The Project will be implemented in accordance with the Direct Implementation Modality (DIM). UNDP will be responsible for the overall management, backstopping

²⁴ http://www.undp.org/content/undp/en/home/operations/accountability/audit/internal_audits/.

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 and at HELVETAS Swiss Intercooperation’s office in Tajikistan. It will be implemented as per the Project Organisation Structure below.



VII. LEGAL CONTEXT AND RISK MANAGEMENT

1. 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 [name of entity] (“Implementing Partner”) in accordance with its financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. Where the financial governance of an Implementing Partner does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, the financial governance of UNDP shall apply.

2. Risk Management:

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 received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml. 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. In the implementation of the activities under this Project Document, UNDP as the Implementing Partner will handle any sexual exploitation and abuse (“SEA”) and sexual harassment (“SH”) allegations in accordance with its regulations, rules, policies and procedures.
6. 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.
7. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient:
 - a. Consistent with the Article III of the SBAA [*for 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. In the performance of the activities under this Project, UNDP as the Implementing Partner shall ensure, with respect to the activities of any of its responsible parties, sub-recipients and other entities engaged under the Project, either as contractors or subcontractors, their personnel and any individuals performing services for them, that those entities have in place adequate and proper procedures, processes and policies to prevent and/or address SEA and SH.
- d. 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.
- e. 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.
- f. 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.
- g. 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.

Note: The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

- h. 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.
- i. 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.

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

I. ANNEX I: KEY PERSONNEL

In response to the exit strategy and to reflect the handing over of activities to national counter-parts, certain staff positions will be reduced or will cease during the lifespan of the project. This has been indicated below under the funding level for each staff member.

UNDP Staff

UNDP Project Staff

1. National Project Manager (UNDP)

Funding level: 50 per cent until December 2021, 100 per cent 2022, 2023, 50 per cent 2024²⁵

2. Policy and Legal Advisor

Funding level: 50 per cent until December 2021, 100 2022, 2023, 2024

Policy and Legal Advisor will be closely engaged with SALAC as an Advisor, particularly with regard to secondary legal aid. He/she will also be responsible for policy dialogue component at national level, including liaising with the CSO Network and collecting their inputs for the Policy Dialogue process.

3. Capacity Development Advisor

Funding level: 50 per cent until December 2021, 100 per cent 2022, 2023 – this position will not continue in 2024 since most capacity development activities will have been concluded by this point.

Capacity Development Advisor will be responsible for all UNDP's capacity building activities, including training of NGOs, and work with the CSO network. He/she will deliver capacity building both directly and through trainers, and will work with other UN agencies and Projects to leverage their capacities as needed. He/she will also be responsible in communication and working with judiciary to enhance its accessibility and efficiency.

4. Finance Associate and Driver

Funding level: 50 per cent until December 2021, 100 2022, 2023, 50 per cent 2024

UNDP Team Leader and Programme Associate

Team Leader and Programme Associate will provide strategic guidance and technical support to the design of methodologies and procedures, the internal quality management assurance including financial management and financial control.

²⁵ This section continues the conservative assumption that Finnish funding will end in December 2021. All UNDP Project staff will receive 50 per cent funding until December 2021. If Finnish funding continues, or some equivalent source of funding is found, this group will continue to receive 50 per cent funding for the duration of the Project. If Finnish (or some equivalent) funding is not available, this group will receive 100 per cent funding during 2022 and 2023, with the Project Manager being reduced to 50 per cent funding in 2024, and one project officer's role being cut in 2024. .

Team Leader/Governance, Rule of law and Human Rights (UNDP)

Funding level: 10 per cent

Role in the Project: His/her direct responsibility under the Project will be strategic support, including coordination and communication management within UNDP Governance cluster to ensure timely implementation of set goals and objectives. He/she will ensure implementation of programme strategies in the areas of governance, rule of law and access to justice; provide overall strategic management support, including but not limited to policy level discussions, partnership building and resource mobilization; and coordinate Project activities. He/she will also be responsible for quality assurance for the entire project.

Programme Associate/Governance, Rule of Law and Human Rights (UNDP)

Funding level: 10 per cent

Role in the project: His/her direct responsibility under the Project will be overall support to the project (management and administrative) to ensure timely and effective implementation of project's goals and objectives. He/she will also be responsible for quality assurance of project's activities in line with UNDP and Donor requirements and closely interact with project team to identify potential delivery issues and define support actions.

Monitoring and Evaluation Officer

Funding level: 10 per cent

The Monitoring and Evaluation Officer is responsible for the monitoring and ensuring high quality and timely inputs, and for ensuring that the project maintains its strategic vision and that its activities result in the achievement of the intended outputs in a cost effective and timely manner. The M&E Officer will be responsible for designing and implementing the M&E activities of the Project; assisting the Project Manager in preparing quarterly/annual reports on project progress and will monitor the project activities on a regular basis, and will be responsible for the collection and analysis of different data related to the project activities. THE M&E Officer works in close collaboration with the project team and CO programme and operations clusters, government officials and NGOs/CSOs. The M&E Officer will work across both Outcome 1 and Outcome 2. The Officer will have experience in the design and implementation of M&E in development projects as well as experience in designing tools and strategies for disaggregated data collection, analysis and production of reports. S/he will have proven ICT skills and expertise in analysing data using statistic.

HELVETAS Staff

1. Project Manager (HELVETAS)

Funding level: 100 per cent

Role in the Project: Project Manager will be in charge of the overall Project management from HELVETAS' side. She will manage the administrative part of the Project and assure the timely implementation of HELVETAS' Project-related

activities. Project Manager will also be responsible for smooth coordination with UNDP.

2. International Supervisor (HELVETAS)

Funding level: 20 per cent (102 days)

Role in the Project: International Supervisor will assure smooth cooperation with the HELVETAS head office and SDC Tajikistan and facilitate cooperation and communication between the consortium partners.

3. Project Officer (HELVETAS)

Funding level: 100 per cent

Role in the Project: Project Officer will be in charge of the development and implementation of the concept on policy dialogue at local level, social monitoring mechanism. Together with the A2J team she will implement the yearly plan of operations and draft donor reports, Concept of internship development for SALAC, and assisting the team with the development of the Law on Justice in close cooperation with the MoJ.

4. Project Officer (HELVETAS)

Funding Level: 100 per cent

Role in the Project: Project Officer will be responsible for working with SALAC and supporting the establishment of functioning paralegals at community level.

5 Communication Officer (HELVETAS)

Funding level: 100 per cent 2021, 2022, 2023, 50% 2024

Role in the Project: Communication Officer is in charge of awareness raising campaigns and related materials. Communication Officer will draft a communications concept and will regularly adapt it to Project needs and implement necessary measures. With regard to campaigns, Communication Officer will closely cooperate with state bodies and other organisation/projects and establish a broad communications network.

Short-term Consultants

Senior Governance Advisor (Helvetas)

Funding level: 60 days total

Role in the Project: Senior Governance Advisor will provide backstopping and advice to the Project and assure compliance of Project activities with global HELVETAS approaches. Senior Governance Advisor will in particular contribute to developing capacities of civil society and establishing effective mechanisms for local level policy dialogue and connecting these processes to regional and national level, such as strengthening analytical and advocacy skills of CS, capacity building of local government to engage in social accountability processes, and community mobilisation and empowerment processes. On specific tasks he may, in agreement with the project team, delegate responsibilities to Mr. Hatcher who is governance advisor in the GOP team. Mr. Hatcher is a lawyer who, before joining Helvetas,

worked for UNEP HO in Nairobi and his Ph.D. was carried out in Central Asia. He is conversant with the Russian language and the regional context.

International/National Experts/Consultants

Additional support will be provided through the recruitment of national and international consultants as required in order to provide expert policy and technical advice and assistance.

II. ANNEX II: STAKEHOLDER ANALYSIS

Stakeholder Analysis

| Stakeholders | Interest in and commitment to success of increasing access to justice OR to status quo | Capacity and resources to push forward OR restrain access to justice reform (Drivers and restrainers of change) | Elements of Project that strengthen OR weaken stakeholder |
|--|--|--|---|
| Government Institutions | | | |
| <p>Ministry of Justice (MoJ) – the overall coordinator.</p> <p>MoJ leads the policy dialogue and coordination with other stakeholders.</p> | <p>Is major stakeholder with political responsibility for implementation of entire judicial reform process. Subsequently MoJ has high interest towards successful implementation of this Project. Legal aid is part of MoJ mandate; hence it is in its interest to improve existing status quo. MoJ is pushing for reforms evidenced by adoption of national judicial reform programme and adoption through the Policy Dialogue of Free Legal Aid Concept. Committed to SDC Projects and grateful to results achieved in Phase I of the Project. Simultaneous implementation of the civil registry reform, Justice sector and Free Legal Aid reforms seen as a priority for smooth and efficient functioning of MoJ.</p> | <p>Justice sector reform is a long-term undertaking and it may take time to show results.</p> <p>The management of the ministry is ready and has a will to implement improvements in accessing justice, in particular with regards to free legal aid.</p> <p>Through the Policy Dialogue and other mechanisms the management of the ministry has capacity to significantly contribute to the implementation of the Project and put forward issues important for Project implementation and ensure their introduction in governments’ agenda.</p> | <p>The Project gives direct policy and strategy support to the MoJ through provision of technical advice and assistance, supporting policy and legislative reform and finding the space for policy dialogues. The reform will provide the ministry with the support in expertise, related to the changes in policy strategy, as well as in implementation of these changes.</p> |

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| State Agency for Legal Aid Centres (SALAC) of the Ministry of Justice | The Agency was established with the explicit purpose to provide legal aid and to take over responsibilities of the NGO led legal aid centres. Has already assumed responsibility for 6 out of 30 legal aid centres nationally. | As newly created agency has limited capacities in terms of human and financial resources. The Agency is of paramount importance in establishing a state run system of legal aid. | The Project has already created an excellent relationship with the SALACs. Regular information exchange and data exchanges mechanisms will be strengthened including the Case Management System. |
| State Legal Aid Centres (under the Ministry of Justice) | Providers of free legal aid to the population of Tajikistan. Highly interested and committed to providing legal aid services. | Only 6 available for the time being. Newly created and yet weak in capacities of staff, low recognition by the population | The Project will work on strengthening the capacities of the state legal aid centres in their service provision, as well as raising awareness among the people about the service and how it can assist them. |
| Institute of Advanced Legal Education of Lawyers (under the Ministry of Justice) | As the main provider of training for lawyers and legal professionals the Institute has a strong interest in supporting the Project within its capacities. Has already demonstrated strong interest. | Limited capacities in terms of human, financial and technical resources. Purely educational institutions without political influence. Plays a supporting role to the reform process. | Project will support the Institute through train the trainers, curricula development and course materials in relation to legal aid and other issues. |
| Ministry of Finance (MoF) | The Ministry of Finance, as a part of the Government of Tajikistan is interested in timely and successful implementation of the decisions made by the government but not always ready to provide adequate financing. It is not anticipated that the MoF will obstruct the introduction of free legal aid but it will be important to advocate for its financing with the MoF. | MoF has already committed state funds to support the introduction of free legal aid. The decisions of MoF substantially influence decision-making on such political and legal changes that are related to the additional funding to be provided from the state budget or other budget changes. | In order to contribute to the implementation of the Project, the documents elaborated to this end, such as the Cost Benefit Analysis and costs related to the introduction of secondary legal aid, will be shared with the MoF. The project will coordinate with MoF to prevent overlaps between the Project and MoJ budget; The project will ensure |

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| | | In relation to the reform, decisions of MoF are substantial since they can affect those activities that cannot be implemented only within the Project budget. | through the policy meetings that MoJ and MoF have clear agreement on the state funding after 2019. |
| Supreme Court of Tajikistan Regular member of the policy dialogue discussions and the legal aid coordination group | Ensures that the rights and freedom of human and citizen, state's interests, organisations, institutions, legality and justice promulgated by the Constitution of the Republic of Tajikistan are protected. Acts as a court of highest instance, supervision of all types of judicial activities (except economical disputes) and main responsible actor in realization of Judicial Legal Reform. A secondary partnership with the Supreme Court has already been established during Phase I, which will continue throughout the second phase. The Supreme Court is a member of the Policy Dialogue and is interested and committed to developing an efficient justice system. | High rotation of staff, high volume of cases, necessity to improve quality of court decisions and court administration. May assume the administrative functions over the court system after the changes in the Constitution in 2016 and abolition of the Council of Justice. Supreme Court currently works on the revision of the Judicial Reform Program and the outline of a new judicial system setup in Tajikistan. | Project may offer judicial training (TBD); historically, the Supreme Court has been enthusiastic for this. |
| Prosecutors' Office Regular member of the policy dialogue and the legal aid coordination group | Supervisory functions (all state and non-state legal bodies) on accurate implementation of legislation including authorisation of police activities linked with detention. Is | Qualified institution with recently limited power and low salary. | The project supports the policy dialogue meetings with participation of the Prosecutor's Office representatives. |

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| | interested in the accurate implementation of legislation. | | |
| Office of the President's Administration | <p>It is a highly political institutions that finalizes various policy documents and bills prior to the submission to the Parliament and approves the overall reform strategies. The Office of the President played an active role in adoption of the National Legal and Judicial Reform Program 2015 – 2017. After the adoption the implementation roles stay with the line ministries while the Presidential Administration conducts overall supervision and monitoring. The President of Tajikistan in his annual speech confirmed the importance of the legal reforms in Tajikistan, thus the office of the President is highly interested in the results of the reform process.</p> | <p>President of Tajikistan has several advisors (assistants) including the one on legal issues. There are also two departments in the Presidential Administration: Legal Department and the Department of the Constitutional Guarantees of the Citizens' Rights. Both departments and the assistant to the President on legal policy are active participants in various legal reform and Human Rights discussions. Presidential Administration usually has no budget for supporting the activities or any reform initiatives directly. The Office may restrict the interactions between the line ministries and the international donors or civil society. Also the line ministries have to obtain permission from the Office of the President for any trips abroad or participation in any big international events and projects.</p> | <p>As the key reform documents are already approved, the project plans to engage with the Presidential Administration through the regular policy dialogue and other public discussions on the implementation of legal reforms in Tajikistan.</p> |
| Civil Society | | | |

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| Population of Tajikistan | In general, there is very low awareness among the population of Tajikistan about the current system of free legal aid and the process of applying/receiving FLA. Experience during Phase I shows that awareness is rising, and as it does there is an increase in demand for the services of the free legal aid centres. As awareness of their rights grows as well as awareness of the system of FLA it is anticipated that demand will continue to grow during phase II. | N/A | As awareness among the population grows so does demand for services. This trend is expected to continue throughout the Project implementation period. |
| Civil society organisations NGO partners are members of the policy dialogue and the legal aid coordination groups. | Civil society has a multifaceted role in the Project, participating in the policy dialogue platform at the local and national levels and as providers of free legal aid. Civil society is also invested in raising awareness among the population of their rights as well as of the system of free legal aid. Experience during Phase I shows that civil society are fully committed to both aspects and have a strong interest in contributing to the overall goals of the Project, to increase access to justice for the population of Tajikistan. | Civil society in Tajikistan is currently faced with limited capacities and resources. The capacities that exist, both human and financial are committed to pushing forward access to justice reform. CSOs accessibility to the population is high; hence this resource on one hand can be efficiently used for awareness raising purposes of the population, while on the other hand, CSOs capacity for advocating important issues within the policy dialogue can be harnessed. | The Project will continue to work with civil society, in particular the CSO Network established through Phase I. It will strengthen the capacities of CSOs, in particular with regards to its abilities to meaningfully contribute to the national level policy dialogue and provide evidence-based research and recommendations that will feed into policy discussions and decisions. The Project will also work with civil society in its provision of FLA and on its awareness raising capacities. |
| Selected partners and other donors | | | |

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| <p>Ombudsman Office</p> <p>Regular member of the policy dialogue discussions and the legal aid coordination group</p> | <p>The Ombudsman Office is responsible for running a small number of legal aid centres and will continue operating 2–4 offices, even after SALAC assumes the responsibility for the remaining LACs. These centres will complement the state legal aid system but will be more focused on Human Rights violations. The Ombudsman’s Office is part of the Steering Committee of the Project. It is also a member of the policy dialogue and a member of the working group on development of state guaranteed legal aid. The Ombudsman is fully committed to increasing access to justice for the population of Tajikistan. Provides the Parliament with annual Human Rights situation report.</p> | <p>Historically, the Project has enjoyed an excellent relationship with the Ombudsman and has been able to work together with his office to advance reforms. The Ombudsman’s effectiveness is limited by the small size of his office, but he himself is politically well connected, thus there are weak capacities and political limitations.</p> | <p>The collaboration between the Ombudsman’s Office and the Project will further strengthen the provision of free legal aid and increase access to justice in Tajikistan. The Project will seek to increase the capacities of the Ombudsman’s Office to be able to respond to the problems and complaints of the people in accessing their rights.</p> |
| <p>Union of Advocates</p> | <p>The Union of Advocates is a new institution acting as a Bar Association in Tajikistan. It was established in 2015 and has a membership of approximately 500 lawyers, which is increasing. It is envisaged that the Union will provide secondary legal aid in criminal cases, as one of the pilot models of provision of secondary legal aid being tested during the second</p> | <p>It remains to be seen whether it will have the capacity to serve as a key partner in Phase II. The small size of its membership may affect its capacity to be an effective partner to the Project. However, at this time it is anticipated that the Project will work together with the Union to pilot a system of providing free secondary legal aid in criminal cases.</p> | <p>The Project will increase the capacities of the Union to provide legal aid in criminal cases and will upgrade the CMS to include the Union’s database and to exchange information with the Union’s automated systems</p> |

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| | phase of the Project. | | |
| Regional/local authorities | Implementation of regional/local development plans and supervision of budget/local taxes. Some interest in the project. | Overloaded with routine tasks; lack of budget. | At the regional level Oblast Hukumats will be supported to develop issue based PD platforms and be involved in the development of state free legal aid monitoring. At the local level, Jamoats and Mahallas, informal community-based groups and individuals, paralegals and mediators will be involved in the development and implementation of issue driven local PD and social monitoring. Paralegals will provide legal advice and mediators resolve conflicts. |
| UN Agencies | UN Agencies have some interest and commitment in access to justice and the Project partnered with UNICEF and UNHCR to provide training to lawyers from the legal aid centres. This may be continued in Phase II if there is need and demand. | Strong capacity in terms of knowledge and experience exchange. This can be a big driver for change. However implementation can be slow due to centralised processes. | The Project will partner with UN Agencies, based on their comparative advantages and strengths and the contribution they can make towards furthering the goals of the Project, in the context of their on-going work related to access to justice and how these can be linked to the Project and furthering the Project goals. |

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| <p>International Community</p> | <p>The international community is interested and committed to increasing access to justice in Tajikistan as evidenced through their funding of legal aid centres, and their participation in the policy dialogue, the Donor Coordination Council and the Rule of Law Working Group. The international community has repeatedly stressed its commitment to this issue and has demonstrated it through the provision of resources.</p> | <p>Strong capacity in terms of resources to push forward the reforms and to lobby the government through different mechanisms to deliver on its commitments to reform.</p> | <p>The Project will seek regular communication with representatives of the international community through the different forums already mentioned. Linkages and synergies will be created wherever possible to avoid overlap. Through coordination and working together the international community and the Project can work on achieving the goals.</p> |
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III. ANNEX III: MONITORING AND EVALUATION

| Monitoring Activity | Purpose | Frequency | Expected Action | Partners (if joint) | Cost (if any) |
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| 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. | | |
| 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. | Bi-annually | 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. | | |
| 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 | Semi-annual and annual reporting | | | |

| Evaluation Title | Partners (if joint) | Related Strategic Plan Output | UNDAF/CPD Outcome | Planned Completion Date | Key Evaluation Stakeholders | Cost and Source of Funding |
|-------------------------|----------------------------|---|---|--------------------------------|------------------------------------|-----------------------------------|
| Mid-Term Evaluation | N/A | 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 person | 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. | 20 December 2022 | Ministry of Justice/UAGS | USD 40,000 UNDP funds |
| Final Evaluation | N/A | 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 person | 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. | 20 December 2024 | Ministry of Justice/UAGS | USD 40,000 UNDP funds |

IV. ANNEX IV: MAP OF PROJECT LAC ACTIVITIES,

Map of state-run legal aid centers (green circles)

