



Country: Kazakhstan
Initiation Plan

Project Title: Enhancing transparency and accountability of the judicial system

Expected CP Outcome(s): CPAP Outcome #5: National institutions have better capacity for protection of human rights and ensuring access to justice for all
(Those that are linked to the project and extracted from the CPAP)

Initiation Plan Start Date: October 2011

Initiation Plan End Date: July 2012

Implementing Partner: The Supreme Court of the Republic of Kazakhstan

Brief Description

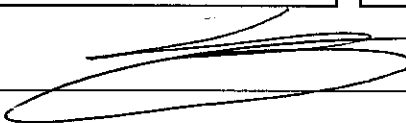
The project will build on previous UNDP efforts to promote Access to Information and Access to Justice but giving more focused approach on improving quality of court services, providing citizens with access to public information and promoting mechanisms for realisation of human rights. The project will help to develop an effective system of court monitoring, reinforce capacity of court staff to provide citizens with information and promote legal framework on human rights in line with international norms and standards. Wider co-operation between the main implementing partner, the Supreme Court and civil society organisations and sustainability of court excellence and transparency mechanisms will be also targeted by the Project.

This is an initiation phase aimed at developing a comprehensive programme with the Supreme Court on promotion of Access to Justice for all and implementation of human rights on a government cost-sharing basis.

Programme Period:	2010-2015
CPAP Programme Component:	CPAP Outcome #5
Start date:	October 2011
End date:	July 2012
Atlas Award ID:	_____
PAC Meeting Date	13 October 2011

Total resources required	_____
Total allocated resources:	USD 83,750
• Regular	_____
• Other:	_____
o Dutch Embassy	USD 43,750
o Kazakhstan MFA	USD 40,000
o Donor	_____
o Government	_____
Unfunded budget:	_____
In-kind Contributions	_____

Agreed by UNDP:

 10/25/11

I. PURPOSE

Fair, transparent and accountable justice system is essential for further democratization and market economy development in the country. In a view of recent cases of corruption within the court system and ongoing legal reform, the President tasked Kazakhstan's government to further reinforce judicial system taking practical steps to ensure fair trial, independence of courts and full implementation of human rights in the country. The newly appointed Chairman of the Supreme Court (Chief Justice) has also confirmed his intention to promote reforms within the court system, including areas of transparency and access to justice and information as well as ethics and discipline among judges.

There is certain progress in terms of widening access to justice and information within the court system today, including publication of court decisions on the courts' websites, introduction of court monitoring system to ensure quality and integrity as well as consideration of individual complaints and opening of free information access points in the courts (*information kiosks*). However, all these components need further improvement to bring them in line with international standards, increase their practical efficiency and equal dissemination in courts. Access to court information and legal documents is not provided on comparable levels in the centre and remote local courts. Disparity in terms of use information technology and standards of providing information are still quite high among different parts of the country, which undermines the concept of equal access to justice for all.

According to UNDP expert review commissioned in 2009, the system of internal court monitoring is not yet fully in line with international practices and does not ensure courts quality assurance. The current system is vulnerable to subjective and repressive actions towards judges, undermining their independence. Civil society and court users' opinions are not utilized to diagnose problems and evaluate court services. Therefore, expert has recommended review of monitoring practices in line with international framework of court excellence (IFCE) which are accepted by the majority of courts worldwide. The expert has also advised to strengthen access to information component.

According to a number of local opinion polls and surveys, about 50% of population does not have trust in the judiciary of the country. At the same time, sociological reviews implemented biannually by courts themselves report that up to 90% do not see any barriers in accessing justice and around 90% are fine with the court decision and judge's performance. There is need to introduce independent evaluation of public opinion within court monitoring system and promote wider involvement of civil society experts.

The goal of the Project is to promote transparency and accountability mechanisms in court procedures, to ensure independence and professional quality of judges and court services and support efficient interaction of court administrators with civil society experts and users. The goal will be achieved by promoting independent evaluation of court services and by advancing capacities and skills of local judges to provide information and evaluate courts' quality.

Professional skills of local judges in interaction with court users and public, including provision of information will be advanced by developing a new distance learning course on access to information and reinforcing existent legal framework on access to information in the country.

Recommendations for improvement of human rights situation and access to justice will be made in the framework of follow up to Universal Periodic Review recommendations. Special focus will be given to access to justice for vulnerable groups and implementation of their rights.

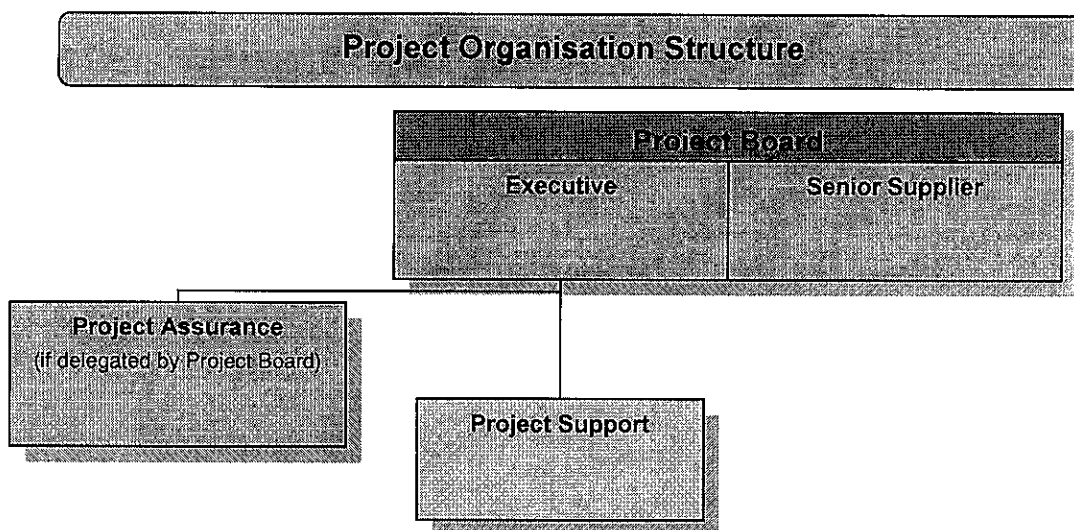
II. EXPECTED OUTPUT

The main Project outputs are:

- A distance learning course module on the issues of access to information and interaction of courts with civil society and media. The distance learning course will be developed in accordance with academic requirements of the Supreme Court educational system to be further included in the official training curriculum for judges. The training course will include advanced IT solutions and interactive methods of adult teaching. Published training course module will be disseminated among central and regional court administrations.
- Legal reviews and advocacy work to promote new legislative framework on access to information, including support to the Draft Law on access to information developed in 2010-2011 by a group of Parliamentary deputies and NGOs.
- Public opinion survey forms used by the courts to evaluate their services will be revised in accordance with international standards and leading practices. Updated survey forms will be developed and piloted in at least 60 regional and local courts.
- Final review of survey results and set of practical recommendations for court quality improvement will be developed. The report with survey results and recommendations will be published, both electronically and printed.
- A one-day round table with participation of courts' administrators, judges, deputies of the Parliament and civil society representatives to discuss practical ways and channels for co-operation between civil society and courts, as well as effective means to evaluate court services and prevent corruption will be organized in Astana. Social contracting mechanisms to involve NGOs and independent experts in evaluation of court services will be also promoted at the discussion.
- Support in realization of UPR recommendations and facilitation of their discussion with the main stakeholders in the part of access to justice, especially among vulnerable groups.

This is an initiation phase to develop a comprehensive programme with the Supreme Court on promotion of Access to Justice for all and implementation of human rights on a government cost-sharing basis.

III. MANAGEMENT ARRANGEMENTS



The project is nationally executed with the Supreme Court of Kazakhstan Court as an Implementing Partner. The Supreme Court is a key institution responsible for administration of court system and reform of judiciary in Kazakhstan. The project is a response to the needs of the Supreme Court of Kazakhstan identified through the joint meetings and discussions. The Supreme Court has an adequate capacity as well as the authority to further roll out activities piloted through the project. The Implementing partner is leading in project implementation and has ownership of project results. UNDP Kazakhstan will provide support services, technical advice and will assist in monitoring and evaluation (in accordance with UNDP rules and procedures). UNDP is also responsible for financial and programme reporting to donors.

For effective implementation the project structure requires the following roles/focal points:

- Project Board;
- Project Assurance;
- Project Support.

Project Board:

The Project Board is responsible for making management decisions for the project and providing guidance to the Project Manager in case of significant deviations in the delivery of project outputs from established time and budget limits. During the running of the project the Project Board will meet at least twice a year to assess the project's progress against planned outputs, give strategic directions to the implementation of the project and identify any corrective action to be taken, and to assess how well the outputs were achieved.

The Project board includes representatives of the:

- **Executive** – Supreme Court
- **Senior Supplier** – the Dutch Embassy in Kazakhstan

The role of Project Assurance, including project oversight and monitoring functions, is assumed by the Project Board, while UNDP Governance Team carries out daily project oversight and monitoring functions.

Project Support: To support the Implementing Partner in the project realisation, a Project Assistant will be assigned to support day-to-day management of the project. The responsibility to ensure that the project produces the outputs specified in the project document, to the required standard of quality and within the specified constraints of time and cost, will be assured by the UNDP Governance Team. The tolerance levels will be 3 weeks deviation in implementation of project activities and up to 10% beyond the approved project budget amount.

Partnership Information:

Organization: United Nations Development Programme in Kazakhstan

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Position: UNDP Programme Analyst

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Organization: The Supreme Court of Kazakhstan

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Phone: +7 7172 745548

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Contact person: Mr Zhumagulov Bauyrzhan

Position: Head of Department on court administration

IV. MONITORING

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

- Based on the initial risk analysis submitted (see annex VI), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- Based on the above information recorded in Atlas, a Quarterly Progress Reports (QPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.
- A project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
- A Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events
- **Final Progress Report.** A Final Progress Report shall be prepared by the Project Manager and shared with the Project Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole project period with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined targets at the output level.

V. ANNUAL WORK PLAN

Year: 2011

EXPECTED OUTPUTS <i>And baseline, indicators including annual targets</i>	PLANNED ACTIVITIES <i>List activity results and associated actions</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		Q1	Q2	Q3	Q4		Funding Source	Amount	
<p>Output 1. Transparency and accountability mechanisms in the judicial system are enhanced</p> <p><i>Baseline:</i> 1) No regular training in this field for the court staff; 2) No independent survey on court users' satisfaction is available.</p> <p><i>Indicators:</i> 1) Training module on Access to Information is developed for the judges; 2) Court users' satisfaction survey is held in at least 10 courts in 2011.</p> <p><i>Targets:</i> 1) Access to Information training is promoted, enactment of the new draft Law on Access to Information is facilitated. 2) Supreme Court has independent survey results to analyze quality of local courts' services.</p> <p><i>Related CP outcome:</i> National institutions have better capacity for protection of human rights and ensuring access to justice for all</p>	<p>1. Distant training module on access to information is launched</p> <p>1.1 Course module is developed</p> <p>1.2. A2I course module is published</p>	X				The Supreme Court	Dutch Embassy	USD 5,000 USD 2,000	
	<p>2. Development of templates and implementation of court users' satisfaction survey.</p> <p>2.1. Review and update of survey template</p> <p>2.2. Users' satisfaction surveys in local courts</p> <p>3. Promotion of Access to information legislation</p> <p>3.1 Legal reviews on the Draft Law on access to information</p> <p>3.2 Advocacy campaign in support to the Draft Law on Access to information</p> <p>3. Effective project management</p>				X	The Supreme Court	Dutch Embassy	USD 10,000	
					X	The Supreme Court	Kazakhstan MFA	USD 5,000 USD 500	
					X	The Supreme Court	Dutch Embassy	USD 1,800 USD 1,500	
TOTAL									USD 25,800

Year: 2012

EXPECTED OUTPUTS And baseline, indicators including annual targets	PLANNED ACTIVITIES List activity results and associated actions	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		Q1	Q2	Q3	Q4		Funding Source	Budget Description	Amount
<p>Output 1. Transparency and accountability mechanisms in the judicial system are enhanced</p> <p><i>Baseline:</i> Justice system and human rights framework is yet not in line with international standards and UPR recommendations.</p> <p><i>Indicators:</i> 1) Adoption of the draft Law on access to information facilitated; 2) Court users' satisfaction survey is held in at least 50 courts in 2011.</p> <p><i>Targets:</i> Final recommendations on implementation of UPR, and improvement of quality of courts services.</p> <p><i>Related CP outcome:</i> National institutions have better capacity for protection of human rights and ensuring access to justice for all</p>	<p>1. Implementation of court users' satisfaction survey and development of recommendations.</p> <p>1.1. Users' satisfaction surveys in local courts</p> <p>1.2. Development of final report on quality of court services and recommendations for improvement</p> <p>1.3 Round table in Astana on quality of court services and co-operation with civil society</p>	X				The Supreme Court	Dutch Embassy	<p>72100 Contractual services – companies USD 12,600</p> <p>71400 Contractual services – individuals USD 1,400</p> <p>71600 Travel USD 3,000</p> <p>74200 Audio-Visual and Printing USD 2,000</p> <p>72505 Stationery USD 1,000</p>	
<p><i>Targets:</i> Final recommendations on implementation of UPR, and improvement of quality of courts services.</p> <p><i>Related CP outcome:</i> National institutions have better capacity for protection of human rights and ensuring access to justice for all</p>	<p>2. Promotion of Access to information legislation</p> <p>2.1 Legal reviews on the Draft Law on access to information</p> <p>2.2 Advocacy campaign in support to the Draft Law on Access to information</p>	X	X			The Supreme Court	Kazakhstan MFA	<p>71400 Contractual services – individuals USD 6,000</p> <p>72100 Contractual services – companies USD 3,000</p> <p>74200 Audio-Visual and Printing USD 2,300</p>	

3. Support to realisation of UPR recommendations on Access to Justice	3.1 Dialogue platforms on discussion of national follow up to UPR recommendations	X	X	The Supreme Court	Kazakhstan MFA	72100 Contractual services – companies	USD 4,000
						71400 Contractual services – individuals	USD 12,000
3.2 Monitoring of implementation of UPR recommendations on Access to Justice						71600 Travel	USD 3,500
						74200 Audio-Visual and Printing	USD 2,000
3. Effective project management	X			The Supreme Court	Dutch Embassy	72505 Stationery	USD 700
						75100 Facilities and administration	USD 1,000
						75100 Facilities and administration	USD 1,950
						71400 Contractual services – individuals	USD 1,500
TOTAL							USD 57,950