

## United Nations Development Programme



Country/Region/Global: Kazakhstan

## Initiation Plan

<b>Project Title</b>	Support to the national human rights mechanisms and the rule of law reforms in Kazakhstan
<b>Expected Outcome(s):</b> UNDAF/CP	Outcome 2.2. By 2025, state institutions at all levels effectively design and implement gender-sensitive, human rights and evidence-based public policies and provide quality services in an inclusive, transparent and accountable manner
<b>Expected Output(s):</b> CPD	Output 2.3: Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination, with a focus on women and marginalized groups
<b>Initiation Plan Start/End Dates:</b>	May 2022 – April 2023
<b>Implementing Partner:</b>	UNDP Kazakhstan

## Brief Description

The project aims at enhancing the technical capacities and expertise of the key rule of law, security, and human rights institutions in Kazakhstan in response to the immediate needs spawned by the crisis in the country while contributing to announced political reforms of the government. The project has two key objectives:

First, the project targets to strengthen the national human rights mechanism institutionally. With the newly adopted law (December 2021) providing a Human Rights Commissioner (HRC) a more robust mandate and the expected uplift of HRC's status to the constitutional level, there is a need for immediate assistance to the NHRI in developing its capacity and strategic vision in fulfilling its new mandates.

Second, UNDP will work to support transformative changes in the work of law enforcement and, specifically, the police, towards people-centered, human rights-based services.

CPD Programme Period: 2021 - 2025

Atlas Project ID: 00143776

Atlas Output ID: 00131752

Gender Marker: GEN2

Total resources required \$150,000

Total allocated resources: \$150,000

- Other:
  - GP \$150,000

Agreed by UNDP:

Mr. Yakup Beris  
UNDP Kazakhstan Resident Representative

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25-May-2022

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## I. PURPOSE AND EXPECTED OUTPUT

As Kazakhstan implements its international human rights commitments, it also undergoes a continuous reform process in the judicial and human rights areas. In the past two years, the government made important steps in human rights legislation which, among others, included ratification of the 2nd Protocol of ICCPR and abolishing the death penalty, decriminalization of defamation, revised law on peaceful assemblies, and a new law on National Human Rights Institution (NHRI)/Human Rights Commissioner (HRC).

The situation with the rule of law in the country was critically tested in early January 2022, when a wave of protests swept Kazakhstan. While the protests started in response to a sharp price increase of liquefied petroleum gas in the Western part of the country, they quickly spread to other cities with the growing demands to address the widening social and economic inequalities and lack of political participation and the regional disparities. In the short period, local-level demonstrations quickly spiralled into violent protests nationwide.

The response of law enforcement agencies during the protests with their unsuccessful attempts to peacefully manage the crowd and provide safety to citizens raised serious questions about the reliability and functional capacity of the police. In addition, the subsequent excessive use of force, including shooting at protesters and rioters, arbitrary detentions, and cases of torture and ill-treatment in places of arrests, have led to a significant drop in the public trust in government institutions. In light of the gravity of the alleged violations, Kazakhstan's international partners, including the UN, the Organization for Security and Cooperation in Europe (OSCE), of which Kazakhstan is a member, and the European Union, have requested the government of Kazakhstan to conduct an effective, independent and impartial investigation into the security forces' response to the January events, to ensure full accountability. The investigation of these events is currently carried out by the General Prosecutor's Office and the investigative department of the Ministry of Internal Affairs of Kazakhstan, which provide regular updates to the public .

This project aims at enhancing the technical capacities and expertise of the key rule of law, security, and human rights institutions in Kazakhstan in response to the immediate needs spawned by the crisis in the country while contributing to announced political reforms of the government. The proposal will be aimed at two key objectives:

First, the project targets to strengthen the national human rights mechanism institutionally. With the newly adopted law (December 2021) providing an HRC a more robust mandate and the expected uplift of HRC's status to the constitutional level, there is a need for immediate assistance to the NHRI in developing its capacity and strategic vision in fulfilling its new mandates.

Second, UNDP will work to support transformative changes in the work of law enforcement and, specifically, the police, towards people-centered, human rights-based services.

While initial analysis confirms the relevance of the UNDP Country Programme, this work will help elevate the most pressing development issues, mobilize important multi-stakeholder partnerships and help to reconfigure the relevant portfolios around systemic issues on the ground and build compelling 'proposals' for donors.

The expected outputs are:

**Output 1:** Strengthened capacity of the office of Human Rights Commissioner:

The NHRI, currently accredited with status B, is expected to review its accreditation status in 2022 by GANHRI. Therefore, the HRC needs to develop a comprehensive strategic vision that the capacity assessment can enable within the Tripartite Partnership (TPP) framework between UNDP- OHCHR – Asia Pacific Forum of NHRIs. The assessment would take stock of NHRI's strengths and gaps in fulfilling its mandate as per new laws and Paris Principles at central and regional levels. Closer engagement with other countries' NHRIs (including under the Central Asia Support Initiative framework for NHRIs and regional networks such as the Asia Pacific Forum of NHRIs and ENNHRI) is also envisaged to increase institutional knowledge exchange and capacitate the regional teams, in particular on the roles of NHRIs in the conflict prevention and resolution, mediation, protection of HRDs and monitoring of SDGs. The work will include further acceleration of NPM potential through knowledge products and innovative measures, including digital platforms. This is a critical activity as NPM works in close coordination with the Human Rights Commissioner and jointly plans preventive visits with the followed reporting to the Coordination Council of NPM

## **Output 2: Police reform strategy is supported for implementation**

UNDP will work to support transformative changes in the work of law enforcement and, specifically, the police, towards people-centered, gender-sensitive, human rights-based services. For example, the pilot project on community policing implemented in the Karaganda region will be scaled up to two regional pilots in Kyzylorda and Mangystau regions, which will primarily aim to train police officers on effective engagement with the community and civil society organizations for collective efforts in ensuring the safety of the people in each locality and human rights compliant practices. In addition, UNDP will provide international expertise to the ongoing policy-making on police reform.

### **Placing people at the centre**

The project is developed with the people centered approach considering human rights needs along with enhanced justice and security mechanisms. The existing situation in the rule of law area demonstrates a continuous lack of citizen engagement and oversight in police and law enforcement reforms, lack of independence of the judiciary, and limited access to the legal knowledge and means for addressing grievances of vulnerable groups, especially youth, which was explicitly observed during January 2022 events in Kazakhstan. The Country Office invited SURGE Mission in February 2022 to assess the government partners needs after the crisis and develop directions of the program work strategy to respond country needs with conflict prevention and resilience measures effectively. The interviews with government agencies, thinktank institutions, National Human Rights Center, Human Rights Commissioner and civil society representatives set an initial platform for designing future activities in the rule of law and human rights area. The project will incorporate all essential components to address the current needs, including legislative revision of human rights-related regulations, national human rights institution assessments, capacity building for government partners and CSOs and institutionalization of new mechanisms to address identified needs.

### **Expected change and impact of the project**

While the project aims to support the implementation of the announced political reforms through assistance to enhancing effectiveness of law enforcement and human rights institutions, it aims at transformative changes in the work of government agencies, and specifically police, that will have to ensure that human rights based approach will be effectively used by all public authorities and there is an open dialogues between the authorities, businesses and civil society that gives a space for transparency in decision making and fair distribution of wealth among vulnerable groups.

Implementing partners are the Human Rights Commissioner/National Center for Human Rights/NPM, Ministry of Justice, and Ministry of Interior, with their staff as the target groups. Specific activities will include assistance to the government in revising human rights, access to justice, free legal aid legislation, enhancing capacity of the institute of Human Rights Commissioner, National Preventive Mechanism against torture (NPM), Ministry of Justice/Free Legal Aid Department, Bar

Association and piloting community police with a sound capacity building at the regional level, and provision of international expertise to promote the people-centered approach to the police reform.

### **Gender equality and women's empowerment**

In 2020 UNDP Kazakhstan has received a Silver Seal for the continued efforts towards gender equality at country level. The country projects are marked with GEN-2 and GEN-3 gender markers and include gender focused activities in nearly all projects. As a part of the Spotlight Initiative, UNDP Kazakhstan successfully organized a virtual dialogue of women in police service in the countries of Central Asia to highlight the role of female policing staff in prevention and response to domestic and sexual violence. While COVID-19 deteriorated situation with women's rights around the globe, during the pandemic, cases of domestic violence reported to the police increased by a quarter (UN Women Kazakhstan, 2021).

The proposed project is designed to ensure its contribution to empowering the role of women and their representation at all levels, including the work of human rights institutions and local police with its special divisions on the protection of women. While women and men experience violence differently, women police officers are significantly underrepresented in the police services of Kazakhstan, constituting only 14,6%. This results in low the efficacy of provided services in the prevention and response to sexual and gender-based violence (SGBV). Moreover, the majority of these female police staff are employed as analytical or administrative staff. Therefore, police officers, prosecutors, and other criminal justice officials shall systemically receive sensitization training on gender-related issues and build their capacity to address violence against women and girls.

The project will enhance the capacities of women in police structures and offer ways to attract more female staff to police through the incorporation of gender issues into training modules, among others. Capacity assessment and training for regional staff of the HRC will be also gender sensitized along with an extensive component on gender in the review of draft legislation on changes in legal aid provision. Specific activities will be arranged to respond to increased numbers of SGBV crimes where the multisectoral approach in supporting victims of SGBV will be applied.

### **Human rights**

The preliminary analysis produced by the UNDP SURGE mission, as well as the reflections from the subsequent human rights experts mission held immediately after the January events, demonstrated a strong linkage of the protests with a lack of government authorities' response to human rights abuses in civil, social, and economic areas, including the continued use of torture by law enforcement, especially after January crisis. In addition, the lack of freedom of expression and access to information, restrictions on peaceful assemblies, and the absence of effective mechanisms for addressing the grievances, including free legal aid, were also cited as one of the causes of civil unrest. Apart from that, there is a general tendency for low legal awareness among citizens, specifically among the youth.

UNDP Kazakhstan has a long-standing experience in the provision of expertise to the government on international human rights standards, support to the implementation of UPR recommendations, institutional support to NHRI/NPM, and provision of capacity building to the judiciary and law enforcement on the effective investigation of torture and management of peaceful assemblies. However, previously the lack of political will prevented to advance of comprehensive transformational changes in the authorities' approach toward human rights-related issues. Given the explicitly pronounced political reforms, the proposed project can use such momentum and try to initiate actions that will fill in the gaps in the implementation of human rights commitments.

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## **II. MANAGEMENT ARRANGEMENTS**

The project will be implemented through a direct implementation modality (DIM), fully managed by UNDP Kazakhstan. UNDP sr.managemtn will exercise overall oversight of implementation, lead

coordination and consultations with key national partners, UNCT and other stakeholders. The project will be supervised by the assigned project manager that will also be responsible for quality assurance and achieving results, and procedures, and that the approved resources are used in line with the conditions and instructions by the Crisis Bureau (CB) outlined in the allocation letter, as well as in accordance with UNDP financial rules and regulations and project management policy as set out in the Financial Resources Management Section of the Programme and Operations Policies and Procedures.

The project implementation will benefit from existing project infrastructures on a subnational level, establishing partnerships, local experts' and service providers' network.

Close and regular communication will be ensured with key Government partners, including National Human Rights Center, Ministry of Interior, Ministry of Justice, local authorities for on-the ground activities.

This action is being aligned with County Programme Document 2021-2025 and is expected to evolve into joint Government-UNDP early recovery measures with focus on vulnerable populations most hit by the crisis.

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### III. MONITORING

Monitoring will be done against targets and indicators, including through checking data on the spot from interviews, studies, reviewing progress reports. UNDP Country Office oversees and coordinates project work to ensure all targets are monitored.

UNDP will prepare final consolidated narrative progress and financial reports based on delivered project activities and annual expenses as per annual CDRs. The narrative reports should describe in a coherent manner what is being done at outcome and output level and results achieved upon project implementation.

#### Monitoring Plan

<b>Monitoring Activity</b>	<b>Purpose</b>	<b>Frequency</b>	<b>Expected Action</b>
<b>Track results progress</b>	Progress data will be collected to analyse the achievement of project results.	Quarterly	Slower than expected progress will be addressed by project management.
<b>Monitor and Manage Risk</b>	Identify and monitor specific risks that may threaten achievement of intended results.	Quarterly	Risks are identified and actions are taken to manage risk.
<b>Learn</b>	Knowledge, good practices and lessons will be captured through project implementation.	Quarterly	Lessons are captured and used to inform management decisions.
<b>Annual Project Quality Assurance</b>	n/a for Initiation Plan		

<b>Course Corrections</b>	If necessary, based on monitoring action, etc	As necessary during project lifespan	If necessary, course correction will be introduced based on evidence and stakeholders consultation
<b>Project Report</b>	UNDP standard monitoring action and progress report applies	Quarterly	Final project report to be shared with stakeholders

## IV. WORK PLAN

Period: May 2022 – April 2023

EXPECTED OUTPUTS	PLANNED ACTIVITIES	2022				2023		Responsible party	Source of Funds	Budget Description	Amount 2022	Amount 2023	Total
		Q3	Q4	Q1	Q2	Q1	Q2						
<b>Output 1.</b> Improved legislative framework and strengthened capacity of the National Human rights Institution	1.1 Review and recommendations to the draft constitutional law on Human Rights Commissioner	X					UNDP	UNDP	Consultancy 71300	10 000		10 000	
	1.2. Capacity assessment for the office of Human Rights Commissioner	X	X				UNDP	UNDP	Consultancy 72100	10 000		10 000	
	1.3. Trainings for the regional staff of Human Rights Commissioner		X	X	X		UNDP	UNDP	Consultancy 72100	15 000	15 000	30 000	
									<b>Sub-total</b>	<b>35 000</b>	<b>15 000</b>	<b>50 000</b>	
<b>Output 2.</b> Enhanced Capacity of the Police in Community Service and GBV Response	2.1 Development of training guidance on community police for Police Academies	X					UNDP	UNDP	Consultancy 71300	10 000		10 000	
	2.2 Training on standards of community police in pilot regions	X	X	X			UNDP	UNDP	Consultancy 72100	30 000		30 000	
	2.3 Training on GBV response to local police in pilot regions	X	X	X			UNDP	UNDP	Consultancy 71300	5 000	15 000	20,000	
									<b>Sub-total</b>	<b>45 000</b>	<b>15 000</b>	<b>60,000</b>	
<b>Output 3.</b> Effective project management	Project Coordinator	X	X	X	X	X	UNDP	UNDP		13 600	10 400	24 000	
	DPC	X	X	X	X	X	UNDP	UNDP		3 000	1 000	4 000	
									<b>Sub-total</b>	<b>16 600</b>	<b>13 000</b>	<b>28 000</b>	
	GMS (8%)	X	X	X	X	X	UNDP	UNDP		8 400	3 600	12,000	
									<b>Total</b>	<b>105 000</b>	<b>45 000</b>	<b>150 000</b>	

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**V. ANNEXES:**