



Project Title: Modernization of the judicial system and access to justice in Kazakhstan

Responsible Partner: United Nations Development Programme

Start Date: 14 June 2019

End Date: 30 June 2020

PAC Meeting date:

Brief Description

The judicial system plays a pivotal role in building civil society and the development of the national economy. An independent and unbiased dispute resolution system contributes to ensuring the investment attractiveness of Kazakhstan and overall increase in entrepreneurial activity. Kazakhstan is aspiring to achieve OECD standards in justice sector performance over the next years.

Since gaining independence, Kazakhstan set itself a challenge of creating an effective judicial system, which would meet the demands of modern society. Political and social transformations, and integration of Kazakhstan into the global community were the key prerequisites for fundamental reform in the judicial system.

The overall aim of the Project is to bring institution-building support to selected State bodies (beneficiaries) with regards to the provision of a wide range of justice services, including registration services, legal aid provision, access to justice, and the enforcement of judicial decisions. The Project development objectives are (a) to strengthen the institutional capacity of selected agencies for effective implementation of selected laws; and (b) to improve the efficiency, transparency of, and access to selected public services in the justice sector.

This assignment relates to the project component on strengthening the key elements of the legal and institutional judicial framework in the Republic of Kazakhstan and its main task is to increase the capacity of the SC to support and manage the judicial system to achieve high public trust in courts by (i) preparing and conducting institutional assessments, analyses and reviews of the judicial system; (ii) strengthening the institutional capacity of the SC to perform administrative and management functions with regard to local courts.

Programme Period: 2016-2020
 Contributing CPD Outcome:
 Outcome 2.2: Judicial and legal systems, and public institutions, are fair, accountable and accessible to all people.
 Indicative Output(s) of CPD:
 Output 4: Capacity of human rights and rule of law institutions strengthened, including improved access to justice and redress.
 Gender marker - GEN2

Total resources required:	USD 325, 505.56	
Total resources allocated:	Donor: Ministry of Justice through the World Bank	USD 325, 505.56

UNDP

Vitalie Vremis, Deputy Resident Representative

I. DEVELOPMENT CHALLENGE

In recent years, significant measures aimed at modernization of the national judicial system have been taken in order to increase its institutional capacity, improve the operational effectiveness of courts and to strengthen public trust in the national judicial system. An effective legislative

framework for judicial activities has been created, complex measures on strengthening courts' independence have been implemented, specialized courts have been introduced, human resource management reformed, judicial procedures simplified and access to the justice system is being expanded. A three-tier justice system was introduced, to shorten the time of case disposal and enable timely and speedy enforcement of judicial decisions.

The improvement of quality of administration of justice and consequently, the achievement of uniform judicial practice and minimal judicial errors remain a matter of current interest. There is no established efficient quality management system of administration of justice. The uniformity of judicial practice is currently undertaken through judicial rule-making (Normative resolutions of the SC), appeal and cassation activities of courts. However, neither cassation nor appeal instances are currently able to fully cope with this task. The priority of the next stage of the judicial system development is to improve the quality of administration of justice and increase public trust in courts, as well as improve court administration. The following areas require to be immediately improved and elaborated, taking into account international good practices and modern approaches.

To externally assess the quality of administration of justice, regular research including court user satisfaction surveys and surveys on public trust in courts is necessary to conduct. Although, such surveys are conducted from time to time, the survey methodology is not standardized and the best international standards are not taken into account.

There is a lack of proper respect for judiciary among the public, which is caused, among other factors by insufficient level of moral qualities of certain judges due to lack of general coordination of observance of the Code of Judicial Ethics.

Despite the efforts made, the existing court map does not take into account the following factors: accelerated urbanization (urban population approximates to 60%), increased business activity, further marginalization of population, criminalization level in large cities and consequently high caseload of courts in urban areas as opposed to rural areas. In connection with the above as well as due to planned development of New map of managed urbanization of the state, the court map needs to be optimized for the efficient management of caseload of courts.

Notwithstanding the progress made to date in many development areas, significant institutional and governance challenges remain, constraining the state's ability to effectively formulate and implement its development policies.

Kazakhstan's aspiration to enter the ranks of the 30 most competitive economies in the world is not possible without an independent, effectively functioning and free from corruption judiciary. This objective cannot be attained without the engagement of highly skilled people, capable of working in accordance with the envisioned new requirements as well as high public trust in courts. Thus, preparing and conducting institutional assessments, analyses and reviews of the judicial system and strengthening the institutional capacity of the Supreme Court will be the main objectives of this exercise.

II. IMPLEMENTATION STRATEGY

The project implementation strategy is in line with the goals of the UNDP country programme for 2016-2020. These address two main challenges: (a) the country's ability to maintain development gains in the face of the economic slowdown; and (b) sustaining and scaling up the country's position as an international facilitator and promoter of regional and global dialogue.

The project implementation strategy is also congruent with the goals of the Republic of Kazakhstan, which is currently implementing - through its Ministry of Justice and with financial support from the World Bank. The overall aim of this Project is to support institution-building activities for a wide range of justice related services provided by various state bodies and organisations. The project beneficiaries include the Ministry of Justice (MOJ) – also the national implementing partner of this project – the Supreme Court (SC), the Academy of Justice (AJ), the General Prosecutor Office (GPO), the High Judicial Council (HJC) and the Ministry of Internal Affairs (MIA).

The project follows a rights-based approach, promoting the rule of law and ensuring better access to justice, by addressing some critical challenges in the development of a highly qualified judiciary in Kazakhstan. It will support the on-going effort for the modernisation of the Supreme Court of the Republic of Kazakhstan. It will also contribute to improving the interaction among various state entities and organisations implicated one way or another with the law-making process.

III. RESULTS AND PARTNERSHIPS

Deliverable 1. FOR MODULE 1.

D-1 (1) Draft system of indicators for quality management system of administration of justice;

D-1 (2) Draft methodology for monitoring and analysis of judicial practice.

Deliverable 2. FOR MODULE 2.

D-2 (1) Draft methodology for conducting surveys of local court user satisfaction;

D-2 (2) Draft methodology for conducting surveys of public trust in courts;

D-2 (3) Draft methodology for research based on focus group interviews with experts in evaluation of courts' work quality.

Deliverable 3. FOR MODULE 3.

D-3. Report on expert review of the Commentary to the Code of Judicial Ethics

Deliverable 4. FOR MODULE 4

D-4 (1) Draft methodology for prediction of public needs in courts,

D-4 (2) Draft optimized Court map;

D-4 (3) Draft methodology of courts' and judges' caseload management.

Resources Required to Achieve the Expected Results

The UNDP CO will mobilize its own human resources (programme and project staff) and form a team of qualified consultants (individuals and organisations), drawing from a national and international pool of suitable and qualified experts. In addition, the UNDP will make its physical and ICT infrastructure available to the team of experts.

Partnerships

The UNDP will capitalise fully on its existing partnerships with key national partners. It will also deploy its wide network of partners and experts from academia, expert community and international organizations. While implementing this project, UNDP will work closely with the World Bank, the Ministry of Justice and its consultants; as well as with the Supreme Court and any other organisations that are relevant to the subject matter of this project.

Risks and Assumptions

There are no specific risks expected during the project implementation, except that this project needs to be implemented in a rather tight period.

Stakeholder Engagement

Target Groups: Ministry of Justice, Supreme Court, judges and court staff.

Sustainability

Implementation will help to establish a state of the art human resource management system based on best international practices. It will also assist in strengthening the capacity of the High Judicial Council to manage human resources processes in the selection, appointment, training and career advancement of judges, as well as its structure and composition. National ownership of results will be ensured by the continuous and direct involvement of the Beneficiary in the process of deriving such results. Once, the desirable results are compiled, the Beneficiary will proceed with the necessary

actions needed to implement the recommendations, as it sees fit. Implementation of the project results will enhance the law making process in the Republic of Kazakhstan, overall.

IV. PROJECT MANAGEMENT

Cost Efficiency and Effectiveness

The UNDP will use a portfolio management approach to improve cost effectiveness by leveraging activities of this project financed by the World Bank.

Cost effectiveness and efficiency during the project implementation will be ensured by compliance with the UNDP standard rules, regulations, policies and procedures.

The UNDP project team will develop a detailed project implementation plan with application of monitoring tools at each phase of the project. This will help trace the output indicators and measure the level of achievement of project goals versus identified project targets.

Project Management

The UNDP CO will involve a professional project management team comprised of national and international experts that possesses the required expertise, managerial and analytical skills.

The Project will be operationalized in Nur Sultan, on the premises of the UNDP CO. Other UNDP projects will provide support to the team of experts by sharing knowledge and expertise, helping build relationships with national partners and other stakeholders.

The UNDP programme staff will closely supervise all stages of the Project's implementation. The team of experts will be supported by the UNDP CO Operation Services during all phases of the project.

V. RESULTS FRAMEWORK

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE VALUE	YEAR	TARGETS	DATA COLLECTION METHODS
Output 1 DEVELOPMENT OF A QUALITY MANAGEMENT SYSTEM OF ADMINISTRATION OF JUSTICE	1.1 Analytical report on the current practices to ensure quality of administration of justice;	Relevant systems in a selective number of countries.	SC operates according to some commonly accepted standards; law making process does not provide for mandatory involvement of judges	2019	Good practices are identified, and recommendations are developed for the consideration of the SC. Gender-responsive planning at both national and local levels will be promoted.	Desk research of relevant legislation and other documents in a selective number of countries
	1.2 Overview of the international practices development of QMS of administration of justice and main conclusions of best practices;					
Output 2 CONDUCT OF SURVEYS AND RESEARCH BASED ON FOCUS GROUP	2.1 Survey results collected and tabulated into a matrix format. Data to a large extent is systematized and gender disaggregated.	Focus groups, including sitting, former and candidate judges perceptions on several issues. Design parameters will be strengthened, by improving disaggregated data collection by region and gender.	No such data exists nowadays	2019	Perceptions of surveyed individuals are used to shape future judiciary policies and practices. Gender-responsive planning at both national and local levels, and improvement of targeted service delivery will be promoted.	Survey participants' opinions and perceptions gathered systematically and recorded
	2.2 Survey results are substantively interpreted and trends are identified					
Output 3 IMPROVEMENT OF OBSERVANCE OF THE CODE OF JUDICIAL ETHICS	3.1 Report on analysis of the current system of assessment of judges' observance of the Code of Judicial Ethics and recommendations;	Expert opinions, comments and recommendations	SC functions and operated within a standard framework, considered outdated	2019	Gather information that would assist in deciding on practices that fit best the SC in the Republic of Kazakhstan	Codified records of expert comments, observations and recommendations

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE VALUE	YEAR	TARGETS	DATA COLLECTION METHODS
Output 4 OPTIMIZATION OF THE SPATIAL DISTRIBUTION OF COURTS AND THEIR CASELOAD	4.1 Report on the analysis of the existing Court map and their caseload; 4.2 Draft methodology for predicting public needs in courts in relevant administrative territories; 4.3 Draft Optimized court map; 4.4 Draft methodology of courts' and judges' caseload management.	On-location discussions and consultations	Some information exists	2019	Gather information that would assist in deciding on practices that fit best the SC in the Republic of Kazakhstan	Scoping mission, records of expert comments, observations and recommendations

VI. MONITORING AND EVALUATION

In accordance with the UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans:

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Monthly	Slower than expected progress will be addressed by project management.	SC	TBC
Monitor and Manage Risk	Identify specific risks that may threaten achievement of the 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 the UNDP's audit policy to manage financial risk.	Monthly	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.	SC	TBC
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.	Annually	Relevant lessons are captured by the project team and used to inform management decisions.	N/A	TBC
Annual Project Quality Assurance	The quality of the project will be assessed against the UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.	SC	TBC
Review and Make Course Corrections	Internal review of data and evidence from all monitoring actions to inform decision making.	At least twice during project implementation	Progress against targets set, risks, lessons and quality will be discussed by the management team and used to make course corrections.	SC	TBC
Project Report	A progress report will be presented to the management team and other key stakeholders, consisting of progress data and results achieved against pre-defined targets at the output level, and any evaluation or review reports prepared over the period.	Annually	Decision on the Approval of the report or required revision.	SC	TBC

Final Project Review Board	Management team and the Beneficiaries will hold an end-of project review to assess the outcomes of the project and discuss opportunities to socialise project results with relevant audiences.	In the final year of the project cycle	Resolution on the closure of the Project.	SC	TBC
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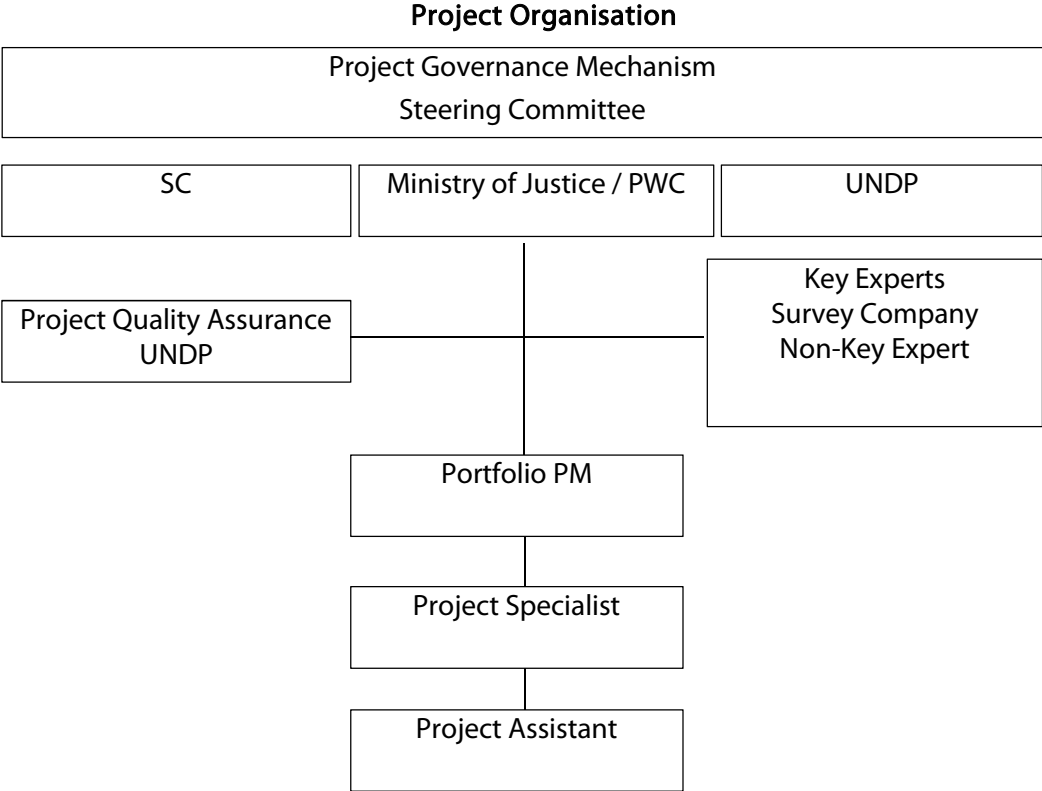
VII. WORK PLAN

EXPECTED OUTPUTS	PLANNED ACTIVITIES	RESPONSIBLE PARTY	PLANNED BUDGET (June - December 2019)		
			Funding Source	Budget Description	Amount (USD)
Output 1 Development of a quality management system of administration of justice	1.1 Analytical report on the current practices to ensure quality of administration of justice; 1.2 Overview of the international practices development of QMS of administration of justice and main conclusions of best practices;	UNDP	MoJ	International Individual Consultants 71200	42,040.00
				Local Individual Consultant 71300	13,200.00
				GMS (8%) 75100	4,419.20
				Sub-total	59,659.20
Output 2 Conduct of surveys and research based on focus group	2.1 Survey results collected and tabulated into a matrix format. Data to a large extent is systematized and gender disaggregated. 2.2 Survey results are substantively interpreted and trends are identified	UNDP	MoJ	Contracts with local companies 72100	90,000.00
				GMS (8%) 75100	7,200.00
				Sub-total	97,200.00
Output 3 Improvement of observance of the code of judicial ethics	3.1 Report on analysis of the current system of assessment of judges' observance of the Code of Judicial Ethics and recommendations;	UNDP	MoJ	International Individual Consultants 71200	4,500.00
				Translation services 74220	1,000.00
				GMS (8%) 75100	440.00
				Sub-total	5,940.00
Output 4 Optimization of the spatial distribution of courts and their caseload	4.1 Report on the analysis of the existing Court map and their caseload; 4.2 Draft methodology for predicting public needs in courts in relevant administrative territories; 4.3 Draft Optimized court map; 4.4 Draft methodology of courts' and judges' caseload management.	UNDP	MoJ	Contracts with local companies 72100	75,000.00
				GMS (8%) 75100	6,000.00
				Sub-total	81,000.00
Output 5 Project Management and Coordination	Project Management	UNDP	MoJ	International Individual Consultants 71200	24,000.00
				Project Coordinator	33,154.00
				Translation services	9,000.00
				Rent and office maintenance 73100	2,499.70
				DPC - programme	3,500.64
				DPC - operations	2,999.70
				Transportation services 71600	500.00
				GMS (8%) 75100	6,052.32
Sub-total	81,706.36				
TOTAL					325,505.56

VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

The governing body of the Project will be the Steering Committee consisting of the Beneficiary, the Implementing Agency and the UNDP Governance Unit with authority to make decisions regarding the project. It will be comprised of high level representatives of these three entities. They will meet regularly to consider progress of activities and to approve the deliverables of the project.

The Project Coordinator will be responsible partly for project management and all operational procedures required to implement the project in a timely and orderly manner, including national and international personnel, other hired experts and contracted companies.



IX. LEGAL CONTEXT AND RISK MANAGEMENT

LEGAL CONTEXT STANDARD CLAUSES

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of the Republic of Kazakhstan and the United Nations Development Programme, signed by the parties on October 4, 1994. All references in the SBAA to "Executing Agency" shall be deemed to refer to the "Implementing Partner."

RISK MANAGEMENT STANDARD CLAUSES

National Implementation

1. Consistent with the Article III of the SBAA *[for the Supplemental Provisions]*, the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP's property in the Implementing Partner's custody, rests with the Implementing Partner. To this end, the Implementing Partner shall:
 - a) 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 out;
 - b) assume all risks and liabilities related to the Implementing Partner's security, and the full implementation of the security plan.
2. 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 Implementing Partner's obligations under this Project Document.
3. The Implementing Partner agrees to undertake all reasonable efforts to ensure that no UNDP 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 (Resolution 1267/1999) - 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/further to this Project Document.
4. Consistent with the UNDP's Programme and Operations Policies and Procedures, social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and the related Accountability Mechanism (<http://www.undp.org/secu-srm>).
5. The Implementing Partner shall: (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.
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.

X. ANNEXES

Annex 1. Risk Log

Project Title: Modernization of the judicial system and access to justice in Kazakhstan	Award ID 00112779	Date:
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#	Type	Description	Date Identified	Probability ¹ & Impact ²	Countermeasures / Management response	Owner	Submitted / updated by	Last Update	Status
1	Environmental	No environmental risks identified	-	-	-	-	-	-	-
2	Financial	No financial risks identified	-	-	-	-	-	-	-
3	Operational / Organizational	Selection of most experienced consultancy firms and individuals to carry out project activities	June 2019	Off target selection and engagement of most suitable consultancy firms and individuals may influence the quality of the outputs and results P = 2 / I = 4	UNDP will use precise and detailed evaluation criteria in selecting the most experienced consultancy firm and individual consultants	UNDP GU Head	UNDP GU Head	-	-
		Frequent turnover of key decision making personnel	June 2019	Change in key beneficiary personnel may hinder timely progress of activities P = 1 / I = 3	Engage mid-level beneficiary personnel to ensure continuation	UNDP GU Head	UNDP GU Head	-	-
		Project results may not lead to legislative initiatives	June 2019	Recommendations culminating from findings may not progress in the legislative process P = 2 / I = 2	Work closely with the Government to highlight benefits of legislating findings and recommendations	UNDP GU Head / MoJ / HJC decision makers	UNDP GU Head	-	-
4	Political	Other responsible ministries may not cooperate in a timely fashion	June 2019	Ministry of Finance may not provide necessary funds for financing performance of re-allocated funds	Work closely with the Government to secure necessary funds when functions have been re-allocated	UNDP GU Head / MoJ decision makers	UNDP GU Head	-	-

1 Probability scale: 1 (low) to 5 (high).

2 Impact scale: 1 (low) to 5 (high).

5	Regulatory	UNDP as partner of choice for future development issues	June 2019	If UNDP does not manage to produce the expected results may diminish its partner of choice status P = 1 / I = 5	Focus on producing the best possible results	UNDP GU Head	UNDP GU Head	-	-
		No security risks identified	-	-	-	-	-	-	-
6	Strategic								
7	Security								

Annex 2. Social and Environmental Screening

<i>Project Information</i>	
1. Project Title	Modernization of the judicial system and access to justice in Kazakhstan
2. Project Number	
3. Location (Global/Region/Country)	Kazakhstan

Part A. Integrating Overarching Principles to Strengthen Social and Environmental Sustainability

QUESTION 1: How Does the Project Integrate the Overarching Principles in order to Strengthen Social and Environmental Sustainability?
<i>Briefly describe in the space below how the Project mainstreams the human-rights based approach</i>
The Project is aimed at increasing the capacity of the SC to support and manage the judicial system to achieve high public trust in courts, which is directly involved in ensuring human rights in Kazakhstan and in the judicial system specifically.
<i>Briefly describe in the space below how the Project is likely to improve gender equality and women’s empowerment</i>
Due to greater inclusion of women/ adequate gender representation in the nomination process, composition of courts is to become gender balanced. The rights of women will be improved in the judicial process because of the increased capacity of judges.
<i>Briefly describe in the space below how the Project mainstreams environmental sustainability</i>
N/A

Part B. Identifying and Managing Social and Environmental Risks

QUESTION 2: What are the Potential Social and Environmental Risks?	QUESTION 3: What is the level of significance of the potential social and environmental risks?			QUESTION 6: What social and environmental assessment and management measures have been conducted and/or are required to address potential risks (for Risks with Moderate and High Significance)?
<i>Risk Description</i>	<i>Impact and Probability (1-5)</i>	<i>Significance (Low, Moderate, High)</i>	<i>Comments</i>	<i>Description of assessment and management measures as reflected in the Project design. If ESIA or SESA is required note that the assessment should consider all potential impacts and risks.</i>
Risks not identified				
	QUESTION 4: What is the overall Project risk categorization?			
	Select one (see SESP for guidance)			Comments
	<i>Low Risk</i>	<input checked="" type="checkbox"/>		
	<i>Moderate Risk</i>	<input type="checkbox"/>		
<i>High Risk</i>	<input type="checkbox"/>			
	QUESTION 5: Based on the identified risks and risk categorization, what requirements of the SES are relevant?			
	Check all that apply			Comments
	<i>Principle 1: Human Rights</i>	<input type="checkbox"/>		Not applicable to this Project.
	<i>Principle 2: Gender Equality and Women’s Empowerment</i>	<input type="checkbox"/>		Not applicable to this Project.
	<i>1. Biodiversity Conservation and Natural Resource Management</i>	<input type="checkbox"/>		Not applicable to this Project.
	<i>2. Climate Change Mitigation and Adaptation</i>	<input type="checkbox"/>		Not applicable to this Project.
	<i>3. Community Health, Safety and Working Conditions</i>	<input type="checkbox"/>		Not applicable to this Project.
	<i>4. Cultural Heritage</i>	<input type="checkbox"/>		Not applicable to this Project.
	<i>5. Displacement and Resettlement</i>	<input type="checkbox"/>		Not applicable to this Project.
<i>6. Indigenous Peoples</i>	<input type="checkbox"/>		Not applicable to this Project.	
<i>7. Pollution Prevention and Resource Efficiency</i>	<input type="checkbox"/>		Not applicable to this Project.	

Final Sign Off

<i>Signature</i>	<i>Date</i>	<i>Description</i>
QA Assessor		UNDP staff member responsible for the Project, typically a UNDP Programme Officer. Final signature confirms they have "checked" to ensure that the SESP is adequately conducted.
QA Approver		UNDP senior manager, typically the UNDP Deputy Country Director (DCD), Country Director (CD), Deputy Resident Representative (DRR), or Resident Representative (RR). The QA Approver cannot also be the QA Assessor. Final signature confirms they have "cleared" the SESP prior to submittal to the PAC.
PAC Chair		UNDP chair of the PAC. In some cases, PAC Chair may also be the QA Approver. Final signature confirms that the SESP was considered as part of the project appraisal and considered in recommendations of the PAC.

SESP Attachment 1. Social and Environmental Risk Screening Checklist

Checklist Potential Social and Environmental Risks		Answer (Yes/No)
Principles 1: Human Rights		
1.	Could the Project lead to adverse impacts on enjoyment of the human rights (civil, political, economic, social or cultural) of the affected population and particularly of marginalized groups?	No
2.	Is there a likelihood that the Project would have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups? ³	No
3.	Could the Project potentially restrict availability, quality of and access to resources or basic services, to marginalized individuals or groups?	No
4.	Is there a likelihood that the Project would exclude any potentially affected stakeholders, marginalized groups, from fully participating in decisions that may affect them?	No
5.	Is there a risk that duty-bearers do not have the capacity to meet their obligations in the Project?	No
6.	Is there a risk that rights-holders do not have the capacity to claim their rights?	No
7.	Have local communities or individuals, given the opportunity, raised human rights concerns regarding the Project during the stakeholder engagement process?	No
8.	Is there a risk that the Project would exacerbate conflicts among and/or the risk of violence to project-affected communities and individuals?	No
Principle 2: Gender Equality and Women's Empowerment		
1.	Is there a likelihood that the proposed Project would have adverse impacts on gender equality and/or the situation of women and girls?	No
2.	Would the Project potentially reproduce discriminations against women based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?	No
3.	Have women's groups/leaders raised gender equality concerns regarding the Project during the stakeholder engagement process and has this been included in the overall Project proposal and in the risk assessment?	No
4.	Would the Project potentially limit women's ability to use, develop and protect natural resources, considering different roles and positions of women and men in accessing environmental goods and services?	No
Principle 3: Environmental Sustainability: Screening questions regarding environmental risks are encompassed by the specific Standard-related questions below		
Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management		
1.1	Would the Project potentially cause adverse impacts to habitats (e.g. modified, natural, and critical habitats) and/or ecosystems and ecosystem services?	No
1.2	Are any Project activities proposed within or adjacent to critical habitats and/or environmentally sensitive areas, including legally protected areas (e.g. nature reserve, national park), areas proposed for protection, or recognized as such by authoritative sources and/or indigenous peoples or local communities?	No
1.3	Does the Project involve changes to the use of lands and resources that may have adverse impacts on habitats, ecosystems, and/or livelihoods? (Note: if restrictions and/or limitations of access to lands would apply, refer to Standard 5)	No
1.4	Would Project activities pose risks to endangered species?	No
1.5	Would the Project pose a risk of introducing invasive alien species?	No

³ Prohibited grounds of discrimination include race, ethnicity, gender, age, language, disability, sexual orientation, no religion, political or other opinion, national or social or geographical origin, property, birth or other status including as non-indigenous person or as a member of a minority. References to "women and men" or similar is understood to include women and men, boys and girls, and other groups discriminated against based on their gender identities, such as transgender people and transsexuals.

1.6	Does the Project involve harvesting of natural forests, plantation development, or reforestation?	No
1.7	Does the Project involve the production and/or harvesting of fish populations or other aquatic species?	No
1.8	Does the Project involve significant extraction, diversion or containment of surface or ground water?	No
1.9	Does the Project involve utilization of genetic resources? (e.g. collection and/or harvesting, commercial development)	No
1.10	Would the Project generate potential adverse transboundary or global environmental concerns?	No
1.11	Would the Project result in secondary or consequential development activities which could lead to adverse social and environmental effects, or would it generate cumulative impacts with other known existing or planned activities in the area?	No
Standard 2: Climate Change Mitigation and Adaptation		
2.1	Will the proposed Project result in significant ⁴ greenhouse gas emissions or may exacerbate climate change?	No
2.2	Would the potential outcomes of the Project be sensitive or vulnerable to potential impacts of climate change?	No
2.3	Is the proposed Project likely to directly or indirectly increase social and environmental vulnerability to climate change now or in the future (also known as maladaptive practices)?	No
Standard 3: Community Health, Safety and Working Conditions		
3.1	Would elements of Project construction, operation, or decommissioning pose potential safety risks to local communities?	No
3.2	Would the Project pose potential risks to community health and safety due to the transport, storage, and use and/or disposal of hazardous or dangerous materials (e.g. explosives, fuel and other chemicals during construction and operation)?	No
3.3	Does the Project involve large-scale infrastructure development (e.g. dams, roads, buildings)?	No
3.4	Would failure of structural elements of the Project pose risks to communities? (e.g. collapse of buildings or infrastructure)	No
3.5	Would the proposed Project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding or extreme climatic conditions?	No
3.6	Would the Project result in potential increased health risks (e.g. from water-borne or other vector-borne diseases or communicable infections such as HIV/AIDS)?	No
3.7	Does the Project pose potential risks and vulnerabilities related to occupational health and safety due to physical, chemical, biological, and radiological hazards during Project construction, operation, or decommissioning?	No
3.8	Does the Project involve support for employment or livelihoods that may fail to comply with national and international labour standards (i.e. principles and standards of ILO fundamental conventions)?	No
3.9	Does the Project engage security personnel that may pose a potential risk to health and safety of communities and/or individuals (e.g. due to a lack of adequate training or accountability)?	No
Standard 4: Cultural Heritage		
4.1	Will the proposed Project result in interventions that would potentially adversely impact sites, structures, or objects with historical, cultural, artistic, traditional or religious values or intangible forms of culture (e.g. knowledge, innovations, practices)? (Note: Projects intended to protect, and conserve Cultural Heritage may also have inadvertent adverse impacts)	No
4.2	Does the Project propose utilizing tangible and/or intangible forms of cultural heritage for commercial or other purposes?	No
Standard 5: Displacement and Resettlement		
5.1	Would the Project potentially involve temporary or permanent and full or partial physical displacement?	No

⁴ Regarding CO₂, “significant emissions” corresponds generally to more than 25,000 tons per year (from both direct and indirect sources). [The Guidance Note on Climate Change Mitigation and Adaptation provides additional information on GHG emissions.]

5.2	Would the Project possibly result in economic displacement (e.g. loss of assets or access to resources due to land acquisition or access restrictions – even in the absence of physical relocation)?	No
5.3	Is there a risk that the Project would lead to forced evictions? ⁵	No
5.4	Would the proposed Project possibly affect land tenure arrangements and/or community based property rights/customary rights to land, territories and/or resources?	No
Standard 6: Indigenous Peoples		
6.1	Are indigenous peoples present in the Project area (including Project area of influence)?	No
6.2	Is it likely that the Project or portions of the Project will be located on lands and territories claimed by indigenous peoples?	No
6.3	Would the proposed Project potentially affect the human rights, lands, natural resources, territories, and traditional livelihoods of indigenous peoples (regardless of whether indigenous peoples possess the legal titles to such areas, whether the Project is located within or outside of the lands and territories inhabited by the affected peoples, or whether the indigenous peoples are recognized as indigenous peoples by the country in question)?	No
6.4	Has there been an absence of culturally appropriate consultations carried out with the objective of achieving FPIC on matters that may affect the rights and interests, lands, resources, territories and traditional livelihoods of the indigenous peoples concerned?	No
6.5	Does the proposed Project involve the utilization and/or commercial development of natural resources on lands and territories claimed by indigenous peoples?	No
6.6	Is there a potential for forced eviction or the whole or partial physical or economic displacement of indigenous peoples, including through access restrictions to lands, territories, and resources?	No
6.7	Would the Project adversely affect the development priorities of indigenous peoples as defined by them?	No
6.8	Would the Project potentially affect the physical and cultural survival of indigenous peoples?	No
6.9	Would the Project potentially affect the Cultural Heritage of indigenous peoples, including through the commercialization or use of their traditional knowledge and practices?	No
Standard 7: Pollution Prevention and Resource Efficiency		
7.1	Would the Project potentially result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and/or transboundary impacts?	No
7.2	Would the proposed Project potentially result in the generation of waste (both hazardous and non-hazardous)?	No
7.3	Will the proposed Project potentially involve the manufacture, trade, release, and/or use of hazardous chemicals and/or materials? Does the Project propose use of chemicals or materials subject to international bans or phase-outs?	No
7.4	Will the proposed Project involve the application of pesticides that may have a negative effect on the environment or human health?	No
7.5	Does the Project include activities that require significant consumption of raw materials, energy, and/or water?	No

⁵ Forced evictions include acts and/or omissions involving the coerced or involuntary displacement of individuals, groups, or communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating the ability of an individual, group, or community to reside or work in a particular dwelling, residence, or location without the provision of, and access to, appropriate forms of legal or other protections.

Annex 3. Letter of Agreement on Support Services

Reference is made to consultations between officials of the Ministry of Justice of the Republic of Kazakhstan (hereinafter referred to as "the MoJ") and officials of UNDP with respect to the provision of support services by the UNDP country office for nationally managed programmes and projects. UNDP and the MoJ hereby agree that the UNDP country office may provide such support services at the request of the MoJ through its institution designated in the relevant project document of the joint project of the UNDP and the MoJ.

The UNDP country office may provide support services for assistance with reporting requirements and direct payment. In providing such support services, the UNDP country office shall ensure that the capacity of the MoJ-designated institution is strengthened to enable it to carry out such activities directly. The costs incurred by the UNDP country office in providing such support services shall be recovered from the administrative budget of the office.

The UNDP country office may provide, at the request of the designated institution, the following support services for the activities of the project:

- (a) Identification and recruitment of project personnel; handling administrative issues related to the project personnel;
- (b) Identification and facilitation of training activities, seminars and workshops;
- (c) Procurement of goods and services;
- (d) Processing of direct payments.

The procurement of goods and services and the recruitment of project personnel by the UNDP country office shall be in accordance with the UNDP regulations, rules, policies and procedures. If the requirements for support services by the country office change during the life of a project, the annex to the project document is revised with the agreement of the UNDP resident representative and the designated institution.

The relevant provisions of the Standard Basic Assistance Agreement (SBAA) between the Government of the Republic of Kazakhstan and the United Nations Development Programme, signed by the parties on October 4, 1994, including the provisions on liability and privileges and immunities, shall apply to the provision of such support services. The MoJ shall retain overall responsibility for the nationally managed project through its designated institution. The responsibility of the UNDP country office for the provision of the support services described herein shall be limited to the provision of such support services detailed in the annex to the project document.

Any claim or dispute arising under or about the provision of support services by the UNDP country office in accordance with this letter shall be handled pursuant to the relevant provisions of the SBAA.

The manner and method of cost-recovery by the UNDP country office in providing the support services will be set forth in line with UNDP policy on Cost Recovery and DPC.

The UNDP country office shall submit progress reports on the support services provided and shall report on the costs reimbursed in providing such services, as may be required.

Any modification of the present arrangements shall be affected by mutual written agreement of the parties hereto.

If you agree with the provisions set forth above, please sign and return to this office two signed copies of this letter. Upon your signature, this letter shall constitute an agreement between the MoJ and UNDP on the terms and conditions for the provision of support services by the UNDP country office for the nationally managed project of the United Nations Development Programme (UNDP) and the Ministry of Justice of the Republic of Kazakhstan "Training Needs and Infrastructure Assessment: Academy of Justice".

Annex 4: Terms of Reference for key experts involved in the project implementation

TERMS OF REFERENCE

Position:	International Expert in Quality of Administration of Justice
Project Title:	Modernization of the judicial system and access to justice in Kazakhstan
Type of contract:	IC - Individual Contract
Duty station:	Home-based with two trips to Nur-Sultan, Kazakhstan
Contract duration:	September – December 2019

1. PROJECT BACKGROUND

The development strategy – “Kazakhstan’s Way to 2050: Common Goals, Common Interests, Common Future” – lays out the strategy of the country becoming one of the 30 most developed countries in the world by 2050. This strategy is focused on economic diversification, innovation, investment in human capital and international trade integration. It also seeks to strengthen governance, enhance the quality of public services and improve the business climate in the country.

Notwithstanding the progress made to date in many development areas, significant institutional and governance challenges remain, constraining the state’s ability to effectively formulate and implement its development policies.

Kazakhstan’s aspiration to enter the ranks of the 30 most competitive economies in the world is not possible without an independent, effectively functioning and free from corruption judiciary. This objective cannot be attained without the engagement of highly skilled people, capable of working in accordance with the envisioned new requirements.

The project “Modernization of the judicial system and access to justice in Kazakhstan” (hereinafter – Project) is implemented within the framework of the Justice Sector Institutional Strengthening Project under the loan from the International Bank for Reconstruction and Development. As part of this project, UNDP promotes the development of the justice sector in Kazakhstan by providing institutional support to selected government bodies (beneficiaries) that provide a wide range of justice services, including registration services, the provision of legal aid, broadening access to justice, and the execution of judicial acts. The key beneficiaries of the Project are the Supreme Court of the Republic of Kazakhstan (hereinafter - the SC, the Beneficiary) and the Ministry of Justice of the Republic of Kazakhstan, which also acts as the project administrator.

The overall objective of the Project is to increase the capacity of the Supreme Court to manage and support the judicial system in its efforts to increase public trust in courts, by: (i) the preparing and conducting institutional assessments, analyses and reviews of the judicial system; (ii) strengthening the institutional capacity of the SC to perform administrative and management functions with regards to local courts.

2. OBJECTIVES AND TASKS OF THE ASSIGNMENT

In recent years, significant measures aimed at modernization of the national judicial system have been taken in order to increase its institutional capacity, improve the operational effectiveness of courts and to strengthen public trust in the national judicial system. An effective legislative framework for judicial activities has been created, complex measures on strengthening courts’ independence have been implemented, specialized courts have been introduced, human resource management reformed, judicial procedures simplified and access to the justice system is being expanded. A three-tier justice system

was introduced, to shorten the time of case disposal and enable timely and speedy enforcement of judicial decisions.

At the same time, the improvement of quality of administration of justice and consequently, the achievement of uniform judicial practice and minimal judicial errors remain a matter of current interest. There is no established efficient quality management system of administration of justice. The uniformity of judicial practice is currently undertaken through judicial rule-making (Normative resolutions of the SC), appeal and cassation activities of courts. However, neither cassation nor appeal instances are currently able to fully cope with this task.

One of the key objectives of this Project is to assist in developing quality management system of administration of justice in line with good international practices. Therefore, UNDP is going to engage an International Expert in Quality of Administration of Justice (International expert) who is expected to develop together with the National Expert the quality management system of administration of justice, including criteria, procedures and mechanisms for monitoring and assessment of the efficiency of courts' performance in all types of legal proceedings.

As part of this scope of work, the International expert will:

- Summarize the international practices of development of quality management systems of administration of justice, conceptual approaches and methodologies, including the issues of development of a uniform judicial practice (case study of 2-3 countries with both civil law and common law systems);
- Develop a draft quality management system of administration of justice and a draft methodology for monitoring and analysis of judicial practice to ensure its uniformity and minimize judicial error;
- Draft system of indicators for quality management system of administration of justice;
- Draft methodology for monitoring and analysis of judicial practice.

The International expert will contribute to the quality implementation of the tasks as set out in this TOR under the guidance of the Project's Chief Technical Advisor and the UNDP Governance Unit.

3. EXPECTED OUTPUTS AND DELIVERABLES

No	Expected deliverables	Target Due Dates	Review and approvals required
1.	Overview of the international practices' development of QMS of administration of justice and main conclusions of best practices.	15 October 2019	Project's Chief Technical Advisor, UNDP Head of Governance Unit
2.	Draft system of indicators for quality management system of administration of justice	15 November 2019	
3.	Draft methodology for monitoring and analysis of judicial practice	15 December 2019	
4.	Final report on the work undertaken	23 December 2019	

4. INSTITUTIONAL ARRANGEMENTS

UNDP will sign the contract with an International Expert in accordance with the approved UNDP recruitment procedures for an individual contract. Payment for services will be made from the Project funds with satisfactory discharge of duties and achievement of results. The results of the work shall be approved by the Project's Chief Technical Adviser, and by the UNDP Head of Governance Unit.

- The international expert will work under the direct supervision of the Project's Chief Technical Adviser and UNDP Head of Governance Unit;
- The international expert is responsible for the quality and timely submission of the deliverables;

- The international expert ensures timely and rational planning, implementation of activities and achievement of results in accordance with the Terms of Reference;
- The international expert provides the results of work in accordance with clause 3 of this Terms of Reference;
- The international expert should provide report in electronic form in MS Word format in English.

5. DURATION OF ASSIGNMENT

The contract will be concluded for a period of 4 months to fulfill all the results listed above during September – December 2019. The assignment should be started immediately after signing the contract.

6. DUTY STATION

Home-based with 2 trips to Nur-Sultan, Kazakhstan in the beginning and the end of the assignment (10 days for each trip).

7. MINIMUM QUALIFICATION REQUIREMENTS

- University degree in law;
- At least 3 years of practical experience as a judge;
- At least 5 years of practical work experience in judicial practice analysis in civil law countries;
- At least 3 years of participation in international projects on judicial system reforming on quality of administration of justice issues;
- Knowledge of the English language is mandatory, knowledge of Russian language is considered an advantage.

8. COMPETENCIES

- Excellent analytical and writing skills;
- Ability to work under pressure meeting tight deadlines, and prepare accurate and clear reports at short notice for policy makers;
- Capability of listening to the Beneficiary, and ability to convert the Beneficiary's vision into concrete result.

9. SCOPE OF PRICE PROPOSAL

This is a lump sum contract for the completed result. The interested candidate must submit his/her financial proposal in a separate file (from other required documents to be submitted). The financial proposal should include all the expert's expenses, including his fees, transportation costs, travel expenses, communication expenses and any other relevant expenses for the assignment and necessary for obtaining the above results within the Terms of Reference. Payment will be made in tranche after the approval of the report, based on the above results and the signing of the Certificate of payment for the result by the Analyst of the UNDP Governance Unit.

10. REQUIRED DOCUMENTS

The following documents only in PDF should be attached to the application (proposal) and sent by e-mail to the following address: procurement.kz@undp.org indicating **Ref. 2019-024** in the subject of the letter no later than **August 22, 2019**:

- Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP; template attached;
- Detailed personal CV, indicating all past experience from similar projects, as well as the contact details (email and telephone number) and other supporting information confirming that the Candidate meets the qualification requirements;
- Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided;
- Copies of higher education diplomas and other relevant documents.

Due to the technical features of e-mail, the size of the file should not exceed 9 Mb per message. There could be maximum of 3 e-mail transmissions.

11. EVALUATION CRITERIA

Individual consultants will be evaluated based on a Combined Scoring Method taking into consideration the combination of the applicants' qualifications and financial proposal.

The award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight [70%];

* Financial Criteria weight [30%].

* Only the highest ranked candidates who received a score of at least 350 points (70%) upon the result of the technical evaluation will be admitted to the financial assessment.

Min Technical Criteria	Weight, %	Min pass points	Max. points
University degree in law, academic degree is an advantage;	10%	35	50
At least 3 years of practical experience as a judge	20%	70	100
At least 5 years of practical work experience in judicial practice analysis in civil law countries;	30%	105	150
At least 3 years of participation in international projects on judicial system reforming on quality of administration of justice issues;	30%	105	150
Knowledge of the English language is mandatory, knowledge of Russian language is considered an advantage.	10%	35	50
TOTAL	100%		500

Approved by:

Konstantin Sokulskiy

UNDP Head of Governance Head

Signature

Date