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**Access to Justice Project in Tajikistan  
December 2013 – November 2016**

Submitted by  
United Nations Development Programme in Tajikistan  
And  
HELNETAS Swiss Intercooperation

Dushanbe – Berne  
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**For the attention of:**

CONFIDENTIAL

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### COVER LETTER

**Project Title:** Access to Justice Project in Tajikistan  
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**Implementing Partner/Consortium:** UNDP Tajikistan and HELNETAS Swiss Intercooperation  
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In consortium, UNDP Tajikistan and HELNETAS Swiss Intercooperation will contribute to improved access to justice by supporting Tajikistan's effort to reform its judicial and legal systems.

UNDP is a trusted and respected organization that is well established in Tajikistan, having direct access to all levels of government structures and the international community. It is well positioned to convene policy dialogue and advocate for change. HELNETAS is an organization respected by the network of CSOs active in the area of rule of law, with strong operational capacities on the ground. The Consortium members have a wide in-country geographical coverage, with UNDP's five Area Offices and HELNETAS-supported Legal Aid centres located throughout the country, enabling them to maximize the number of potential beneficiaries.

This pairing is perfectly aligned to have considerable impact on rule of law reform in Tajikistan. UNDP's vast and proven experience in policy advice will help establish a meaningful platform for policy dialogue between state institutions, judicial actors, CSOs and other participants on priority issues related to judicial and legal reform processes. The Government will better appreciate their responsibilities and develop capacities to deliver on them. HELNETAS' network will be mobilized so that the citizens, especially marginalized groups, will become better aware of their rights and avenues to exercise those rights, including increased and sustained access to legal services.

The global network of the Consortium enables it to tap into a highly dynamic "Communities of Practice", as well as to mobilise experts pooled and rostered at UNDP's Bratislava Regional Centre. This global and regional network will enable the Consortium to utilize lessons learned and best practices from similar projects carried out elsewhere, and it will ensure that the latest tools will be used for monitoring and evaluating the project's impact and outcomes. In addition, the knowledge and experience gained through implementing the Inception Phase of the Access to Justice Project in Tajikistan will assist the Consortium in achieving the outputs and outcomes of the project.

The project management strategy is comprehensive, which includes clear and transparent governance structures and implementation responsibilities, thorough monitoring and evaluation, and requisite internal control and accountability mechanisms for financial, procurement and human resources management, operating under the strong support and oversight of Headquarters.

The Consortium looks forward to commencing with the full-scale implementation of the Access to Justice Project.

Agreed by UNDP Resident Representative (Consortium Leader):

Mr. Alexander Zuev

Agreed by Executive Director, HELNETAS Swiss Intercooperation:

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## **ACCESS TO JUSTICE PROJECT IN TAJIKISTAN**

**December 2013 – November 2016**

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## 1. Introduction

### a. Context Analysis

Out of all the former Soviet states, Tajikistan continues to be regarded as the country for which independence brought along the greatest spectrum of development challenges. Following the civil war period (1992-97) Tajikistan still has a long way to go to stabilization, slowly transitioning from the status of post-conflict recovery into an economically viable nation-state. The development in Tajikistan is hampered by a set of **external factors** such as its proximity to Afghanistan and the fact that Tajikistan is often used as a corridor for drug trafficking and extremist movements, as well as **internal factors** such as citizen's dissatisfaction with the state's capacity to deliver public services, limited employment opportunities and the imbalanced power sharing arrangements within the government<sup>1</sup>. The regional context poses numerous challenges to Tajikistan. The porous border with Afghanistan and the likelihood of an inflow of militant groups from its territory constantly puts security in Tajikistan in jeopardy. In addition, it is not clear whether Tajikistan's own militant groups have been completely neutralized. The upcoming post-2014 Afghanistan period related to the withdrawal of the US-led international forces by the end of that year may create additional security challenges for bordering Tajikistan as well as to the whole Central Asia region. The recent security incidents in Khorog indicate that there are still cases of illegal trade and trafficking in the Tajik-Afghan border, signifying inefficient control of the borders.

At the same time, Tajikistan is a country in transition from a post-Soviet legacy towards democracy and a market economy. The transition from a Soviet republic to independence has put extraordinary demands on the government to change the policy and regulatory environment and establish democratic governance. Although regional instability and conflicts remained over the last decade, Tajikistan managed to overcome all difficulties and made progress in developing its legal and economic frameworks. In 1994 the new Constitution of Tajikistan was adopted. It laid down the basic guarantees for the rights and freedoms of people living in Tajikistan. It envisages the separation of state powers and independence of the judiciary, guarantees the protection of people's rights in court and guarantees the general protection of basic Human Rights.

Tajikistan has ratified most of the UN Conventions and, in particular, the six major UN Human Rights Conventions, thereby committing itself to respecting, protecting and realizing human rights. At the same time the Government of Tajikistan is trying to improve the overall national legislation in order to bring it into compliance with international standards. New provisions have been introduced into civil and criminal legislation reflecting modern social relations and interests. For the time being further

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<sup>1</sup> Conflict situation analysis report: UNDP, 2011

legislative and procedural reforms are ongoing in the following sectors: judicial, legal aid, housing, agrarian, energy, financial/banking and local government.

Furthermore, rule of law has recently been emphasized in the "*Strategy for Improving the Welfare of Population of the Republic of Tajikistan for 2013 – 2015*", which clearly indicates the creation of a substantial platform for strategic dialogue on priority issues related to judicial and legal reform. It envisages a more transparent and predictable legal and judicial system as well as professional and articulated staff. Coordination in this area will be key to achieving actual results and overcoming fragmented interventions with little sustainability.

The government is currently evaluating its second, 3-year Judicial Legal Reform Programme, the Action Plan of which contains provisions for amending laws, including the Criminal Code, and adoption of a code of ethics for judges and a Law on Legal Aid. In addition, the government is set to adopt a new Law on Advocatura by the end of 2013, which is anticipated to harmonize the functioning of collegiums in Tajikistan and set out a new model for bar associations as well as different models for selection and promotion of advocates. A new 3-year Judicial Legal Reform Programme is expected for the period 2014-2016.

At the same time as the government has carried out rule of law reforms, the international community has worked with Tajikistan's authorities to put in place stronger governance and regulatory frameworks. Efforts have focused on the establishment of an independent, effective and accessible judicial system applying internationally recognized standards, and the adoption of national laws in conformity with international standards. Lawyers, judges and prosecutors have received trainings with the purpose of increasing legal knowledge and judicial competence. Legal aid providers in the form of legal aid centres (LACs) have received international support to help marginalized individuals, often women, who have legal problems, through providing consultation and representation.

However, in practice, the judicial system remains weak and largely under the control of the executive. The most marginalized and vulnerable people, especially women in rural areas, at-risk youth and persons with disabilities lack access to justice and legal aid. There is a lack of public trust in the judicial system and an on-going need for judicial reform. Judicial and legal reforms are, therefore, one of the cornerstones of Tajikistan's development.

The major gaps in the sector can be identified as follows:

- **Weak independence of the judiciary/Weak capacity of justice sector institutions:** The procedural guarantees at all stages are often not followed which results in rule of law/human rights violations.

- **Limited access to justice for the most marginalised and vulnerable people,** especially women in rural areas, at-risk youth and persons with disabilities, and inadequate understanding of the rule law, including human rights.
- **Lack of an effective, transparent and sustainable legal aid system;**
- **Low legal literacy/awareness of the population;**
- **Fragmented attempts on Rule of Law and Access to Justice Policy dialogue:** There is no coordination of policy dialogue activities in the rule of law sector and Civil society is barely involved in Rule of Law policy dialogue;

### **(i) Legal issues in Tajikistan**

The majority of legal issues in Tajikistan are related to family rights. In general, low legal knowledge and low access to information for vulnerable and marginalized individuals continues to undermine their ability to avoid legal problems in the first place, and to access justice in a meaningful way if and when they do.<sup>2</sup> Based on information in the Case Management System<sup>3</sup>, most problems occur prior to and/or after making use of the court system. Despite a lack of adherence to procedural guarantees, experience gained during the inception phase shows that those seeking access to justice are able to have their grievances dealt with relatively fairly once they reach the court system. However, there are various barriers to starting a court case; in addition to low legal knowledge, these include unwillingness to involve others to resolve disputes, difficulty in travelling to courts and lawyers, and lack of proper documentation. Additionally, once a court decision has been issued, there are often problems related to its implementation.

What Tajikistan lacks is a systemized means to disseminate human and civil rights information, and an effective state-supported system of legal aid, for those in need, to be able to use the justice system.

### **(ii) Informal Justice Systems**

The authority of informal leaders has increased in recent years in Tajikistan because of the government's inability to provide needed social services, including fair and equal access to justice institutions. Informal leaders are empowered to act as arbitrators due to the inaccessibility and perceived corruption of state justice institutions, social norms that discourage government intervention in family conflicts and in instances when cases fall outside of the government's jurisdiction.

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<sup>2</sup> Eurasia Foundation, "Equal before the law?" (2011) provides baseline information about legal knowledge and access to justice in Tajikistan.

<sup>3</sup> The Case Management System was developed as part of SDC's AJJR Project implemented by HELVETAS. It is an intranet-based database where all lawyers providing legal aid and consultations register detailed information about the cases they are handling. To date it contains information on 12,987 cases.

A tension exists between the legal rights of Tajiks and the implementation of those rights by state institutions. Tajiks face significant obstacles to solving legal disputes through state justice institutions and are increasingly turning to informal leaders to mediate conflicts. Women and youth in rural areas have an especially difficult time accessing justice as compared with their urban counterparts. The barriers to justice that Tajiks face include:

- (a) The limited presence of state justice institutions in rural areas;
- (b) Inefficiency of justice institutions;
- (c) Challenges enforcing court decisions;
- (d) Endemic corruption;
- (e) Social pressure discouraging state intervention in family cases.

Another notable issue is the perception of public versus private space, which has a considerable impact on how conflicts are resolved in Tajikistan. Social barriers prevent many cases from reaching court and are an exceptionally strong obstacle when cases involve family and other private matters. There is great pressure to keep family issues out of the public space of courts, and Tajiks who pursue cases in court against their families' wishes risk being shunned by relatives and the wider community. As a result of these social and structural barriers to accessing formal justice, Tajiks are dependent on informal leaders to mediate conflicts on their behalf.

Civil conflicts in Tajikistan are resolved in a hierarchal process. They are first addressed by informal bodies and are only pursued in court if they cannot be resolved at the local level. If a dispute cannot be settled within the immediate or extended family, local elders and religious leaders in the village are consulted. The next stage is seeking assistance from the local mahallah, and then disputing parties may approach the district jamoat. This hierarchical approach is viewed favourably, as it allows flexibility and reduces burdens on upper-level justice institutions by ensuring that minor civil cases are resolved with fewer resources.<sup>4</sup>

### **(iii) Gender-related legal issues**

Since national independence in 1991, a rapid social shift has reverted to harmful gender customs. Despite legislation endorsing women's rights, previously banned practices of non-consensual polygamy, arranged marriages, under-age marriages, and endogamous marriage are common. Traditional values prevent women from exercising their legal rights to land, property and finance. Often religious marriages are not registered with the state as required, leading to adverse consequences for women when the marriage breaks down.

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<sup>4</sup> Informal justice in Tajikistan. Eurasia Foundation, Dushanbe, January 2012



Between 800,000 and 1 million (primarily) male labour migrant workers are in Russia and Kazakhstan with negative social consequences. An IOM study<sup>5</sup> reports up to one third of wives of migrant labourers are abandoned by their husbands and ninety-one *per cent* of these 'abandoned' women do not receive remittances on a regular basis, and, when there are remittances, the money is often sent to the parents of the husband.

According to the 2012 Global Gender Gap Index,<sup>6</sup> Tajikistan is ranked 96th place among 135 countries. It has the worst/lowest rating in comparison with other CIS countries (Kazakhstan – 31st rank, Kyrgyzstan – 54th; Russia – 59<sup>th</sup>; Armenia – 92<sup>nd</sup>; etc.). This demonstrates a serious decline in the status of women and enforcement of their rights in the social, economic and political area.

**(iv) Early marriage** is common with almost fifteen percent of women in Tajikistan being married before the age of 18<sup>7</sup> and it is far more frequent among women with lesser education (twenty-eight percent for women having just primary education against 5 percent of women with higher education) and women from the poorest households. Early marriage is a contributing factor to higher fertility and through this to poverty. Lack of personal ID is a common challenge for the majority of rural women and it results in worsening a women's status in the family and society, making women very vulnerable with regards to ensuring rights and entitlements in social and economic fields (including their rights in marriage and divorce; property rights and access to economic resources; actual political participation; etc.). Marriages, especially in the rural areas, are conducted solely by a religious procedure (nikoh) and are not registered by the state civic registration office. Polygamy and the marriage of underage girls are growing phenomena and clearly these marriages are conducted outside of the formal state system.

**b. Drivers of change** for improved legal reform and access to justice in Tajikistan are assessed as: the environment of reform and change espoused by the government and donors; the number of legal service providers<sup>8</sup> that are boosting legal awareness across the country; and citizens' slow but steady increase in knowledge about their rights. These elements form the basis on which to work with the government to create innovative legal awareness campaigns, to promote more responsibility toward citizens, and to develop a sustainable, government supported system of legal aid.

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<sup>5</sup> *Abandoned Wives of Tajik Labour Migrants*, International Organisation for Migration, Dushanbe, August 2009.

<sup>6</sup> The Index was introduced by the World Economic Forum in 2006 to capture the magnitude and scope of gender-based disparities and tracking their progress. The Index benchmarks national gender gaps on economic, political, education- and health-based criteria, and provides country rankings that allow for effective comparisons across regions and income groups, and over time.

<sup>7</sup> Tajikistan State Committee on Statistics. Findings from Tajikistan Monitoring the Situation of Children and Women Multiple Indicator Cluster Survey (MICS) 2005. Preliminary Report. Dushanbe: 2006.

<sup>8</sup> Currently there are 38 legal aid centers (those providing all types of legal aid with at least one full time lawyer) operating around the country supported by different donors and 47 legal aid points (locations where limited types of legal information may be obtained).

### c. Possible Challenges to Project Implementation

Possible challenges to the project implementation (see further in the risk-log presented below) include:

- (i) **Capacities of the government to implement reforms beyond commitments on paper** - experience of development partners supporting reform implementation in Tajikistan shows that it is one thing to develop laws and regulations, but a larger challenge to implement the laws, which takes considerable time, resources and capacities. This calls for practical and phased implementation strategies linked to resource availability and the recognition that reform is a long-term process of change.
- (ii) **Budgetary resources** – Government austerity has resulted in budget cutbacks, and uncertainly over future funding or continuing operations has been raised. Through the Policy Dialogue, UNDP will lobby to facilitate the sustainability of the project activities will be ensured at the end of the project period.
- (iii) **Participation of Civil Society in the reform process** – Tajikistan’s civil society has played an important role in the protection of civil rights in general and many civil society organizations remain the only voice in this field. However, their capacity to influence government policies and actions to date has remained limited. However, during consultations and the initial Policy Dialogue meetings held during the inception phase, the majority of stakeholders recognised and confirmed that there is a need to include civil society in the rule of law reform process. However, this process should be incremental, bringing a common understanding of objectives and values of holding such a dialogue. In this regard, the project will continue to facilitate the building of relations between the government and civil society through the Policy Dialogue process and will ensure their active participation in rule of law reform.

The project aims at addressing these challenges and turning them into opportunities by working with different partners (from within the government and civil society sectors) to promote effective implementation of reforms and to launch debates on further reform needs.

### d. Antecedents of the project and stakeholders’ recommendations

This project builds upon on-going initiatives in the rule of law sector, HELVETAS’ and UNDP’s extensive experience in these fields in Tajikistan and in particular in implementing the Inception Phase of the Access to Justice Project, HELVETAS’

experience from implementing Phases V and VI of the Access to Justice and Judicial Reform project, and relevant recommendations from partners and stakeholders<sup>9</sup>:

- Establishment of a national system of free legal aid based on assessment of pilot models and options;
- Examination of the needs and concerns of marginalized groups with respect to legal problems, and designing appropriate responses to infringement of rights by state officials or informal leaders, based on findings gained through the Inception Phase of the Project;
- Creation of measures to address lack of registration of marriage, birth and death certificates;
- Development of civil society initiatives which actively involve religious leaders;
- Incorporation of out-of court conflict resolution (mediation) in legal aid programming.

Recommendations accepted by the government of Tajikistan from its most recent Universal Periodic Review, Convention on the Elimination of All Forms of Discrimination Against Women report, and the Special Rapporteurs<sup>10</sup> are as follows:

- Strengthen the protection and promotion of women's rights through appropriate legislative and policy measures and by addressing discriminatory social and cultural attitudes and practices;
- Effective structure for the provision of free legal assistance should be elaborated by the State, which would also provide for prompt payment to lawyers for such services;
- Conducting rights awareness campaigns, legal literacy programmes and legal assistance through legal aid centres;
- Improving the situation of lack of registration of religious marriages, and births.

In particular, the main phase of the project builds upon the knowledge and experience gained through the implementation of the Inception Phase of the Access to Justice Project, December 2012-November 2013, which adopted a testing approach, to pilot and test various models, options and methodologies for further implementation of the project. The lessons learned that have been identified during the first 9 months of implementing the Inception Phase are as follows:

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<sup>9</sup> 2011 Annual Report of the AJJR Legal Aid Centres; inputs from the NGOs Human Rights Centre, Inis, and the Bureau for Human Rights and Rule of Law; and Eurasia Foundation's "Equal before the law?" study

<sup>10</sup> "As contained in "Implementation of the Recommendations to Tajikistan under the Universal Period Review, Treaty Bodies and Special Procedures", by Dilbar Turakhanova, 2012 (report prepared for the UN Office of the High Commissioner for Human Rights, Tajikistan).

## Lessons Learned from the Inception Phase

**(i) Need for coordinated country-wide legal aid:** The Access to Justice project is one of several initiatives that provide legal aid in rural areas, which has a positive impact on rural citizens with regards to opportunities to implement their rights. However, a more coordinated approach among supporting agencies is needed for efficient and effective aid provision with a country-wide outreach.

- ⇒ In the main phase, the project will continue quarterly coordination meetings among agencies providing legal aid (UNWOMEN, Eurasia Foundation, PDV, GIZ, OSCE, Ombudsman Office) to coordinate activities, decide on joint actions (e.g. communication and advocacy) and exchange knowledge.

**(ii) Marketing and diversifying of Legal Aid is needed:** Attracting clients to legal aid centers has to be intensified. The majority of people in Tajikistan still apply to friends and relatives in case of legal conflicts and not for professional support.

- ⇒ Marketing of legal aid will have to be intensified during the main phase by regular media campaigns, active collaboration with institutional partner organisations such as local authorities and (rural) extension services including the community paralegals to ensure that persons in need of aid have access.
- ⇒ Developing group consultations and legal extension activities: Clients often approach LAC with similar legal problems, which can be resolved in group consultations, which is more efficient than individual consultations from the point of view of the project's impact and attracting potential clients.
- ⇒ Maintaining high-quality and impartial legal assistance is the best way to attract more clients. The project will work hard to retain the existing reputation of the Project as an organization providing high-quality legal services and further build lawyer's professional capacities.

**(iii) Organisational development of partner organisations needed:** The five involved partner organisations will need tailor-made institutional strengthening to ensure their sustainability. The project has to support the organizational development at managerial level as well as the local level with frontline staff. From the point of view of organizational sustainability, it is essential to consolidate the internal decision-making structures and flow of communication within organizations and between the partners. During the main phase of the project, strategic planning for partner organisations that address financial, operational and institutional sustainability, including strategies and actions for diversifying their financial base and building self-reliance will be developed.

### **(iv) Legal Law drafting process**

The Law on legal Aid will institutionalize free legal aid to vulnerable and marginalised groups in the Tajikistan, currently financed by several foreign agencies and the Government. A working group has been set up by the Ministry of Justice for the purpose of drafting the Law on Legal Aid. The project has facilitated the participation of

one civil society representative in the working group with observer status, as well as providing the Working Group with examples of best practice and different models and options for an efficient and effective system of free legal aid. It will however be of utmost importance to take into account the current experience in legal aid provision, gained through the Inception Phase and its antecedents and facilitate inclusive and meaningful consultations by current legal aid providers and stakeholders to guarantee a cost-effective and applicable Law in future.

- ⇒ The project will facilitate a meaningful participation of legal aid providers both state and non-state actors in the law drafting process taking into account current evidence for the field and ensuring a sustained and meaningful legal aid in future.

**(v) Legal education should start as early as 8<sup>th</sup> grade in schools**

Early marriages under Islamic Law and female drop out rates after 8<sup>th</sup> class are on the rise in Tajikistan a fact, which is confirmed not only statistically but in discussions with local authorities and school institutions during the inception phase. The project decided to start offering a 6-hour facultative course in schools with students as early as 8<sup>th</sup> grade to prevent girls from dropping out of school and raising the awareness among young students on how their rights can be protected. The course was piloted in 4 schools during the inception phase with the approval of the Ministries of Justice and Education, with positive feedback.

- ⇒ In the main phase the project will revise the pilot curriculum in a participatory way with the purpose of elaborating a legal education course (1 inter-active module for 6 lessons) for the Ministry of Education to roll out in all 4000 schools as an integral part of the compulsory education syllabus.

**(vi) Case management system:** During the field consultations with CSOs, it was revealed that for reporting purposes CSOs, while trying to comply with donor i.e. SDC and MFA Finland reporting requirements, use different reporting mechanisms. For instance, the case management system used under the present project does not present full picture on the actual legal aid provided since concerned CSOs include only those cases, which are funded through SDC. There is another case management system put in place by Eurasia Foundation, which reflects the work done only under the funding of MFA Finland.

- ⇒ In view of this, during the main phase of the project, UNDP will ensure that the case management systems are unified so that the information on the legal aid provision is complete and fully reflects the actual work done by all LACs.

**(vii) Capacity Building of ZAGS and Notaries:** When the project was launched, the key expectation was that ZAGS and Notaries possess some basic knowledge to provide services regarding legal information support to the population. However, the needs assessment revealed that the above institutions do not provide such services to meet the existing public needs. Therefore, the capacity building needs of above institutions

are higher than the project initially envisaged and thus the project requires a more comprehensive capacity building package.

- ⇒ In view of this, the scope and volume of the respective activity lines during the main phase of the project has been increased.

**(viii) Rule of Law Policy Dialogue:** During the Inception Phase of the project, different models and options for the Policy Dialogue were presented and discussed with all stakeholders. Consensus was formed that while the policy decision-making will remain with the state institutions, the Policy Dialogue Group will consult Civil Society Organizations to increase participation and feedback. Civil Society consultations will be on-going and will also feed into the Policy Group meetings, through the provision of data and information, research and analysis and through other means as required.

- ⇒ Given the fact that the state bodies dealing with the Rule of Law sector are not prepared to hold a direct and constructive dialogue with the CSOs, during the main phase of the project, the Policy Dialogue Group may also consult, request advice and seek support from development partners through the Donor Coordination Council.

#### **e. Links with other projects**

##### **(i) Links with other SDC Projects and Programmes**

The Access to Justice project will co-operate where relevant with other on-going SDC implemented projects in Tajikistan. This includes the Human Rights Programme, which within its framework supports local NGOs, INGOs and the government on four issues:

- Preparation of an alternative UPR Report by the domestic NGO The Bureau for Human rights and Rule of law;
- Migration issues
- Gender issues
- Abolition of the Death Penalty in Tajikistan

In addition, SDC is implementing a Rule of Law initiative, which except for the Access to Justice project include the following:

- Juvenile Justice Alternative Project
- Prevention of domestic Violence in Tajikistan

Co-ordination will include knowledge exchange, exchange of methodologies and know-how, invitations to participate in relevant meetings, events, workshops and similar, and relevant information sharing. The Policy Dialogue Platform will provide an opportunity to discuss co-operation between the projects.

### **(ii) Links with other UNDP Projects**

The Access to Justice project intends to establish a meaningful platform for policy dialogue between key Ministries, judicial actors, CSOs and other participants on priority issues related to judicial and legal reform processes, as well as to raise the awareness and build capacity through training and mentoring of legal aid providers. At the same time, in order to achieve sustainable results and ensure real changes and improvements for both rights holders and duty bearers, there is a need for sustained interventions to increase the legal literacy and empower the vulnerable population, especially women, youth at-risk and persons with disabilities (PwD) to defend their rights. It is also necessary to build the capacities of CSOs to participate in the policy making process and to advocate for Human Rights and Gender Equality mainstreaming, as well as to help the Government of Tajikistan to improve the policy and legal framework to be compliant with the Constitution and international commitments and promote and protect the rights of vulnerable people. This includes strengthening the target institutions capacities to meet their functional requirements and be able to implement policies and deliver better services, including legal aid, in an accountable, transparent and non-discriminatory manner.

Thus, in 2014, UNDP Tajikistan intends to start implementing its "*Strengthening Rule of Law and Human Rights to Empower People in Tajikistan*" Programme. The focus of the programme is upon building the capacity of human rights and the justice system and actors, to better implement laws, human rights recommendations, conduct oversight of government and penitentiary services, and empower citizens and the most vulnerable and marginalized groups with access to justice and community legal empowerment. The Access to Justice Project and the Strengthening Rule of Law and Human Rights to Empower People Project will therefore logically complement and reinforce each other leading to more sustainable results. While the Access to Justice project will facilitate the policy dialogue between key Ministries, judiciary actors, and CSOs to identify priority areas for improvements in legislation/judicial reform and find sustainable solutions, the Human Rights and Empowerment project will focus on specific institutions such as the Ombudsman office in Tajikistan, the State Registration Bodies and local authorities to build their capacity and enable them to be fully engaged in the dialogue, implement laws and Human Rights recommendations and provide better registration services to citizens. The Human Rights and Empowerment project will also build the capacity of CSOs, particularly of those representing women and people with disabilities, to participate in the policy making process and to advocate for Human Rights and Gender Equality mainstreaming. Under legal aid the Human Rights and Empowerment project will focus assistance on the most vulnerable and disadvantaged groups who face the greatest challenges in access to justice, for example, women and socially marginalized populations such as persons with disabilities, in the most vulnerable and remote rural areas, thus covering the gaps and complementing the Access to Justice project. The Policy Dialogue Platform will also serve as a mechanism for local level stakeholders, including Legal Aid providers to

communicate and provide feedback on key policy issues in the area of Rule of Law and Access to Justice. Therefore the projects will logically complement and reinforce each other leading to more sustainable results.

Specific links already identified between the Access to Justice and the Rule of Law and Human Rights projects include:

**Legal aid provision:** During the field consultation process, it was revealed that there are no Legal Aid Centres in Rasht valley, except for NGO Nihol which provides legal aid to the population in Rasht district. PO INIS has legal sessions in jamoats in neighboring jamoats, which does not cover the Rasht valley itself. To cover this gap, UNDP, through its "*Strengthening Rule of Law and Human Rights to Empower People in Tajikistan*" Project supported by the MFA Finland, will support creation of PO BHR Branch in Rasht valley.

**Law on Prevention of Violence in the Family:** Given the fact that the implementation of the Law will, to a large extent, benefit women, especially those targeted by the Access to Justice project, UNDP, through the "*Strengthening Rule of Law and Human Rights to Empower People in Tajikistan*" supported by MFA Finland, will ensure that the implementation mechanisms are put in place and piloted by the project to further feed policy level discussions on the subject matter.

#### **f. Project rationale and theory of change**

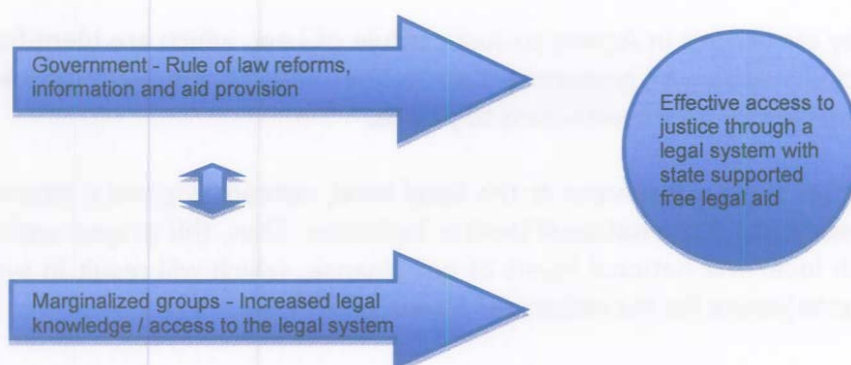
The first rationale of this project is to work **in prevention**: to increase legal awareness of the population so that they can seek to **prevent** issues from becoming legal problems (E.g. the need to register marriages and births with the state). At the same time, the project will build the capacities of local and national government bodies (including those under the Ministry of Justice) to provide better **preventive** legal services and information, by explaining the legal rights and implications to individuals when they apply to the state for an official service (e.g. the rights of each spouse in a marriage, implications of how property is registered, i.e. ramifications of whose name property is registered in).

The second project rationale is to apply **a rights based approach** working on the supply-side by supporting the implementation of rule of law reforms through legal awareness, information and aid provision supported by **duty-bearers** thus improving access to justice for **right holders**, in particular marginalized groups and individuals that will lead to better rights protection for all.

Thus, the expected development / societal change in Tajikistan reads as follows:



*If citizens, marginalized and vulnerable groups and individuals in particular, know and apply their rights and have access to justice through an effective legal system, and if the government has the capacities to provide for and enforce rule of law reforms and effectively respond to citizens' needs for legal protection, then citizens, marginalized and vulnerable groups and individuals in particular, will have their legal rights protected.*



As the intersection between supply and demand increases, the overarching benefit and result of the project will be a strengthening of the relationship between government and civil society to articulate and satisfy access to justice, in particular for marginalized groups and individuals. The ongoing interaction between government and civil society foresees each party becoming more open to contributing to the development of an effective legal system which provides sufficient and needed legal information and with a free legal aid component for those that need protection and cannot afford it.

#### **g. Project's system of objectives**

A Logframe for this Access to Justice Project is contained in **Annex II** to this project proposal.

At impact level, the project will:

**Contribute to better access to justice for marginalized and vulnerable persons (at least seventy *per cent* women) – by establishing mechanisms for dialogue between the government and civil society to address key challenges in access to justice and by enhancing the capacities of the government and civil society in advancing rule of law reforms**

The project has four identified outcomes that together will produce the impact:

**Outcome 1:** Legal awareness raising fosters legal protection of vulnerable and marginalised groups (>seventy *per cent* women) in project areas.

**Outcome 2:** Legal aid services provide better access to legal protection for vulnerable and marginalized groups and individuals (>seventy *per cent* women) in project areas.

**Outcome 3:** Effective and responsive government services provide legal information and support to vulnerable and marginalised groups and individuals (>seventy *per cent* women) in project areas.

**Outcome 4:** Key challenges in Access to Justice/Rule of Law, which are identified, are raised in a policy dialogue with government authorities and other stakeholders leading to concrete responses for improved access to justice.

Whereas outcomes 1 and 2 intervene at the **local level**, outcomes 3 and 4 intervene at all levels but specifically at the **national level** in Tajikistan. Thus, this project anticipates changes at both local and national levels of governance, which will result in systemic change in access to justice for the citizens of Tajikistan.

Outcomes 1 and 2 focus on the **demand side** – increased knowledge of rights and use of legal aid services by marginalized and vulnerable groups, and improved quality and outreach of legal aid providers. Outcomes 3 and 4 focus on the **supply side** – increased capacity of the local state administration that deal with registration as related to legal rights and mentoring government partners to engage in regular government-civil society policy dialogue on rule of reform and implementation. It is expected that together these outcomes will improve access to justice for marginalized and vulnerable groups, since the capacities of service providers and service users are built up at the same time.

Six corresponding outputs indicate how the project will achieve the four outcomes. The project's outputs focus on awareness raising, capacity building through training and mentoring of legal aid providers, and support to the formation of policy dialogue fora in which policy changes and eventually reforms will be formulated based on key challenges and legal gaps drawn from legal assistance in the field.

The Table below illustrates the nexus between the impact, outcomes, outputs and activities.



Activities	Mass and social media campaigns	Train paralegals	Provision of free legal aid	Training and associated activities for notaries, ZAGS, family law judges and jamoats	Support Policy Dialogue Framework including regular meetings and establishment of communication and coordination mechanisms	Establishment of communication and coordination procedures among the CSO Policy Dialogue
	(Faculative) school classes	Paralegals provide legal information and awareness	Performance monitoring	Institutional strengthening of notaries and ZAGS and jamoats	Facilitate regular working group on AzJ/RoL	Provision of skills based training for CSOs
	Curriculum roll out	Impact evaluation	Institutionalisation of free legal aid supported	Institutional functional review of notaries and ZAGS	Monitor results of the policy dialogue framework	Support Implementation of Advocacy Strategy for CSOs
	Search diversified sources of finance for legal information campaign	Knowledge and experience exchange	Support institutionalisation of legal aid provision	Policy and legislative review of relevant laws and articles leading to recommendations for notaries and ZAGS and jamoats	Support adoption of new policies	Support civil society in monitoring policy and legal reforms process
			Support evidence based advocacy plan	Financial forecasting, development, piloting and training for electronic case management and electronic archiving system	Financial forecasting for legal aid system	Facilitate regular policy dialogue meetings at CSO level
			Facilitate coordination of legal aid provision	Development and distribution of a Code of Conduct for 128 Notaries and 165 ZAGS	Provide support to WG regarding the draft law on Free Legal Aid	Support CSOs in participation at the regular policy dialogue framework meetings
			Support advocacy strategy on public funding of legal aid	Establishment of libraries for notaries and ZAGS	Support the development and drafting of the new Judicial Reform programme 2014-2016	
			Backstopping and mentoring the network of the legal aid providers within the Law on legal aid	Needs assessment of family law judges and jamoats	Facilitate public consultations on further laws and policies	
			Support advocacy strategy toward expenditure tracking on legal aid	Undertake comprehensive assessment of judgement enforcement procedures		
			Build technical and organizational capacities of implementing partners			

Outcomes, outputs and activities will be assessed against specified indicators, which are contained in **the Log-frame at Annex II**.

#### **h. Primary and secondary beneficiaries**

Through this project, the UNDP-HELVETAS consortium aims to benefit vulnerable and marginalized people, especially in remote areas of Tajikistan, and in particular women, who use legal aid services approximately three times as frequently as men.<sup>11</sup> Youth, in addition to women are the **primary beneficiaries** of this project. Youth, in particular girls, particularly in remote areas, will also be in focus as they do not have access to legal information or education and often enter into legal arrangements (e.g. marriage, property) without sufficient understanding of the ramifications of these actions. It is expected that the knowledge of rights of women and youth, in particular, will increase and that in turn, their ability to resolve issues before they become legal problems will be improved, as will their ability to access the legal system if/once they do encounter legal problems.

The **secondary beneficiaries** include legal aid providers, (community paralegals, Legal Aid Centres) who will bolster knowledge and awareness of citizens, and government and state officials working at local level, who should be more responsive to citizen needs as a result of capacity building and mentoring.

As secondary beneficiaries, the project defined the ZAGS (Department of Registration of Civil Acts) and the state notaries that work under the management of the Ministry of Justice (MoJ). All 165 ZAGS working in 73 ZAG offices will be targeted as will all 128 notaries working in 68 Notary offices. The 406 Jamoats<sup>12</sup> and mahalla committees will also be included in the project as will the Consortium of Family Law Judges of Tajikistan, comprised at present of 16 Family Law Judges.

#### **i. Outreach**

The project's mass media campaign (**outcome 1**) is expected to have national outreach through mediums such as, social media, radio, and newspaper inserts for legal awareness raising and information. 72 radio shows and 72 articles related to family-law issues in Tajikistan will be broadcast and published during the main phase of the project. In addition, one legal awareness campaign will be launched, containing 10 key messages. Community Paralegals in project regions will bridge the gap between legal assistance centres and communities through the provision of basic legal information to their community members and directing them to legal aid centres in case of legal disputes that cannot be solved at community level.

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<sup>11</sup> 2011 Annual Legal Aid Centres' Report provides information about sex of clients using legal aid centres.

<sup>12</sup> List of Jamoats, UN coordination, Tajikistan, March 2009

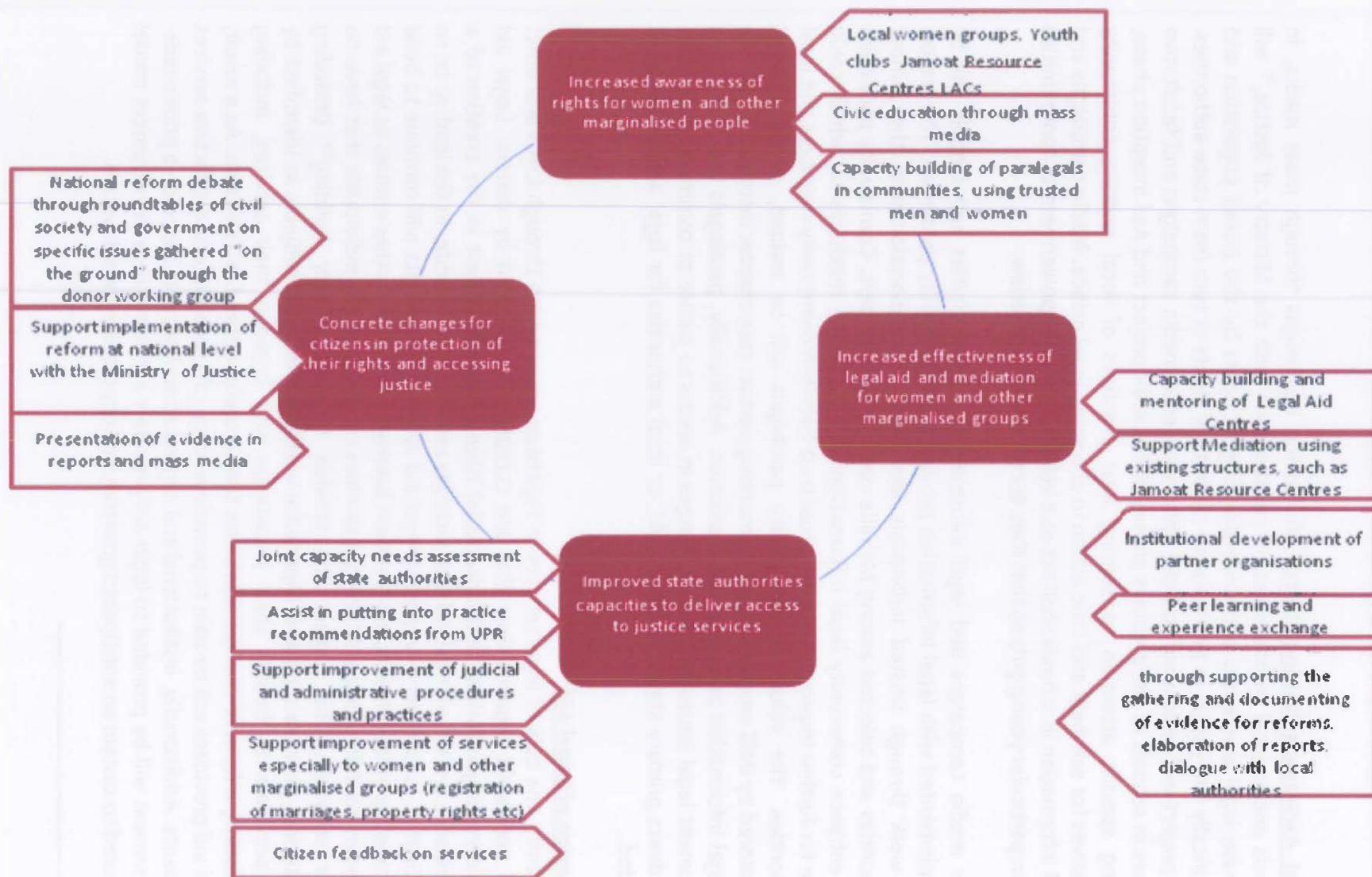
For **outcome 2**, increased and more effective legal aid provision, the project outreach is in principle countrywide with a focus on rural but populated areas such as Khatlon, RRS/Dushanbe, and Sughd regions, with some coverage of Khorog in the Gorno Badakhshan Autonomous Region. The focus will in particular be on Khatlon, the remoter areas of Sughd and RRS, where access to legal assistance and information is particularly difficult. (See map of coverage at **Annex V**).

The project's **outcome 3**, expects to work countrywide with all 165 staff of the seventy-three ZAGS offices (registration officials) and all 128 notaries working in sixty-eight state notary offices. In addition, 406 jamoats will be targeted as will the 16 Family Law Judges that currently form the Collegium of Family Law Judges. Initial focus will be placed on those geographic areas where legal aid centres have a presence, as this will create synergies between the legal and expanded registration services. As the project unfolds, geographic coverage will expand to other areas in coordination with the Ministry of Justice, with expected coverage of all ZAGS and notary offices.

Outreach from the policy dialogue and legal reforms, **outcome 4**, will be countrywide and include existing civil society organizations and coalitions as well as state institutions, which are involved in rule of law and access to justice reform in Tajikistan.

## **2. Intervention strategy, key processes, tools and working principles**

The intervention strategy of the project foresees a systemic and integrated approach that combines 4 processes of access to justice that are horizontally and vertically interlinked between community – local and national level. Each of these processes will be supported by the project through specific interventions. Applying a systematic approach, the project will work with the different actors at different levels, supporting their specific roles in the governance and rule of law set up. Consequently, **the role of the project will be one of a facilitator**, providing information, capacity development, methodological and thematic advice, institutional development and advocacy support as needed. Please see the graphic below, which details the **Intervention Strategy** adopted by the Project.



**Legal Awareness Raising:** Legal information campaigns through mass media, in schools and in local communities, in collaboration with the Ministry of Justice,<sup>33</sup> will increase legal awareness and understanding of rights by the (rural) population and specifically the youth, in particular to claim their rights in turn from state authorities. The project will endeavour to build upon successful media campaigns and facultative classes in schools of the previous phases of the AJJR project and A2J inception phase, paying specific attention to sharing best practices of local existing community initiatives for self-help and civic action in accessing legal justice. Media campaigns and legal information in schools shall act as a vehicle for the empowerment of communities and in particular young girls so that they are protected by the law.

Mass media campaigns and legal information in communities and schools will be complemented with legal information provided by community paralegals. The project will work through trusted individuals identified in collaboration with the Jamoat authorities and selected among Mahalla committee members. Community paralegals will enhance community legal information and mediation mechanisms, which could serve for further improvement of mutual trust between community members and local authorities. The voluntary community paralegals will be trained, supported and monitored by INIS one national implementing partner (see chapter institutional set-up) in legal information provision and mediation. Additionally, paralegals will collect and document legal issues and key challenges in access to justice at community level and will direct primary stakeholders to LAC or local authorities for legal assistance when needed.

### **Provision of Legal Aid**

Currently, the bulk of legal services in Tajikistan are provided through LACs and other local non-profit organizations that are completely supported by donors. Legal aid providers (organizations and individuals) have a vested interest in the creation of a sustainable system of legal aid that includes services they provide. In the lead up to an anticipated government supported legal aid system, this project will continue to build the capacity of local NGOs, independent licensed lawyers and other entities as legal aid providers to deliver imperative legal services to marginalized individuals that have no other recourse. The project will provide further capacity building<sup>34</sup> (including mentoring, peer learning and experience exchange) on legal subjects as identified by the providers to bolster their knowledge and improve their services, including mediation, a form of conflict resolution that is under-utilized in Tajikistan. As a result, legal aid providers will be able to provide a range of appropriate and effective services to clients. Additionally, institutional and organizational support based on a prior needs-assessment will be provided to legal aid providers and a business development model explored to sustain an anticipated government supported legal aid system.

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The project will explore the networking of civil society organisations and legal aid providers engaged in access to justice by working with organisations, and institutionalizing experience exchange and learning between civil society and the government at national level. Such networks will feed their key challenges and gaps in policy reform and their recommendations into the policy dialogue.

### **Institutional and Individual Capacity Development**

In order to enable effective policy reform, government officials responsible for implementing legislation at the local level have to be informed of regulatory changes and trained to properly implement the changes through a structured process in their respective ministry/ agency. Additionally, they should have a structure that allows for feedback on the quality of service delivery and a system that rewards good professional performance.

Training and institutional and organizational development of ZAGS and notary services are important to provide effective legal information and services to citizens. The project will provide consistent and needs-based capacity building (training, peer learning, experience exchange) to these key state administration bodies (i.e. ZAGS and notaries) and create better internal data and information systems, where citizens regularly go to receive services, which will form an effective point of intervention for this project and potentially decrease legal problems and use of legal aid services that stem from numerous registration-related problems. Training will be elaborated with the Ministry of Justice and institutionally embedded with the Ministry of Justice training institute. It will focus not only on laws also on the subsequent secondary legislation, instructions, and regulations that govern their implementation. All 73 ZAG offices with 165 ZAGS will be targeted as well and the 128 notaries working in 68 Notary offices in Tajikistan.

In addition, a needs assessment of the recently formed Collegium of Family Law Judges will be undertaken, in order to further increase their capacities. There are currently 16 family law judges who make up the Collegium; 4 in the Supreme Court, 3 in the District court of Dushanbe, 3 in the District Court of Sogd, 3 in the district Court of Khatlon, and the in the District Court of GBAO. All 16 family law judges will be targeted. Similarly, a needs assessment for the 406 jamoats will be conducted in order to develop tailored capacity development responses. Through targeting all institutions responsible for providing citizen services related to access to justice and rule of law, with a focus on family and property issues, comprehensive institutional strengthening and capacity development initiatives can be delivered.

The state bodies will be supported to conduct outreach activities to inform local communities on changes in legislation and procedures. Principles of this information outreach shall include simplicity of language, unambiguity in rights and responsibilities of the duty bearers, and ease of access. Some examples of activities may include the following:

- Information posters to be displayed at the point of service delivery;
- Brochures, booklets containing clear, easy to understand information;
- Face to face training for government officials;
- Templates and examples of forms that need to be filled out with clear explanation of required documents to be submitted alongside applications.

Towards the end of the project, a comprehensive assessment will be undertaken of court enforcement procedures in Tajikistan, with a focus on civil and administrative cases, in order to identify gaps and weaknesses, with a view of targeting this area in the second phase of the Access to Justice Project (post 2016).

### **Policy Dialogue**

As stated above, for the first time rule of law and access to justice is specified as one of the key areas of Public Administration Reform as a component of the “*Strategy for Improving the Welfare of Population of the Republic of Tajikistan for 2013 - 2015*”.

The Strategy also sets the objective of creating a substantial platform for strategic dialogue on priority issues of judicial and legal reform. In order to achieve this strategic objective the Government of Tajikistan envisages creating a Rule of Law and Access to Justice Policy Dialogue Group. This process is facilitated by UNDP within the framework of the Access to Justice project.

The Government shall decide/formalize the establishment/creation of the Rule of Law and Access to Justice Policy Dialogue Group. The decision will be preceded by a series of consultations with the main justice sector institutions and civil society organisations. As part of this process, during the inception phase of the project, a series of meetings were held with the state institutions detailed below, to discuss the Policy Dialogue Platform. During these meetings, all state institutions confirmed their interest and support to the process. In addition, pilot Policy Dialogue Group meetings were held during the inception phase. The first with representatives from civil society organisations in April 2013, the second with representatives from state institutions in June 2013 and the third with representatives from both civil society organisations and state institutions will be held in September/October 2013. During these meetings, the model for the Policy Dialogue was discussed, tested and defined. For further information about the Policy Dialogue, please see the **Policy Dialogue Concept at Annex VIII**.

### **3. Access to Justice Project Working Principles and Approaches**

**a. Role of the project and partnership approach:** The project will have a facilitating role to promote and develop local capacities in the rule of law and governance sector, both with the government and civil society. It will strengthen capacities of secondary

stakeholders and implementing partners using needs-based institutional development plans for guidance elaborated in a participatory manner.

**b. Good governance principles:** The project will promote good governance principles such as inclusive participation of vulnerable and marginalized groups (women, youth), transparency and accountability working with stakeholders of government and civil society. In the current context of high corruption, it is of utmost importance to promote governance principles of inclusive participation, transparency and accountability as a matter of contribution to representative and fair governance. Therefore, in the inception phase, these principles will be discussed with all partners and accountability mechanisms of the partnership established. The principles will be an integral part of the MoUs that will be elaborated with the partner organizations. Regular meetings will be held between partners, informing each other on progress in a transparent manner, encouraging discussion on challenges and failures, as well as, celebrating successes (see also institutional positioning for the setup). In addition, the principles will be put in practice during project implementation, supporting transparent information of government and the project to citizens and by putting in place a feedback mechanism for the concerned citizens, ensuring that marginalised groups can voice their opinion on services.

**c. Coordination and synergies with on-going initiatives:** The project will closely coordinate and harmonize its work with other programmes and the donor community through existing mechanisms (JCPS, Donor Coordination Council) to ensure that activities and support to government and civil society is coordinated and synergies are utilized to assist in attaining the project's outputs and outcomes. Links will be sought with on-going rule of law (GIZ, ABA, SDC/UNICEF) and good governance initiatives (UNDP, USAID), especially in the areas of domestic violence (SDC/GOPA) and youth (Eurasia Foundation) and human rights focused projects (SDC/PD IV, UNOHCHR, OSCE, Soros).

**d. Working with drivers of change, strengthening existing initiatives and systems:** The project will address drivers of change by promoting a culture of rule of law reform though working as far as possible with existing initiatives and systems. It will support drivers of change to expand their knowledge base, and by supporting the institutional strengthening of government and civil society to work out a system of state supported legal aid, while also promoting inclusion of civil society in government policy formation. Where gaps in country systems have been identified, the project will develop additional resources in conjunction with existing bodies, aiming to enhance the current system and avoiding creation of any parallel bodies.

**e. Gender mainstreaming:** The project will mainstream gender into the project cycle and adopt practices that promote gender equity both with its primary and secondary stakeholders and partners, as well as, within the team. The project will take specific measures to stimulate their active participation leading to gender responsive

governance and access to law. Women will be encouraged to participate in all stages of project implementation if necessary with affirmative measures such as training close to home, assisting in organizing childcare facilities among women. Equally men will be in focus to ensure that they have sufficient and correct understanding of legal provisions and rights of both men and women.

**f. Conflict-sensitive programme management:** Given the security situation detailed in the Context Analysis above, a conflict sensitive approach will be maintained throughout the project implementation: identifying resistances to open discussions of potentially difficult issues and managing the related risks through on-going dialogue; building good working relationships with partners and stakeholders; and finding constructive solutions to implementation issues. In addition, the project will perform regular assessments of the identified risks and consult with other sources of country information in order to understand and mitigate potential and actual conflict as it relates to achieving the outcomes and impact.

**g. Institutional positioning: Stakeholders and partners**

As part of the working principles to strengthen local capacities and work in synergy with others, the consortium will work through partner organisations of civil society as well as government officials namely family law and property law public services (ZAGS and notaries). Below is a summary of the main stakeholders and partners involved in the project and their relation to the consortium:

1. Community members represented in mahallah committees with a strong focus on mobilization, self-help and self-organization. Mahallah committees will be the entry points at community level to identify and select community paralegals among trustworthy and respected drivers of change as community leaders, doctors, teachers but also CBO leaders e.g. of women resource centres or youth clubs. It will be essential to facilitate an inclusive participation and representation of marginalized groups in the selection of paralegals.

2. Family law and property law public services. While ZAGS and notaries are managed directly by the Ministry of Justice it will however be essential to integrate their activities into the local government agendas and development plans, with the purpose to improve the response towards identified legal needs by the community with particular attention on marginalized groups at local level. Capacity building of family law and property law public services (ZAGS and notaries) will be realised in order to strengthen local capacity for assistance to communities, as well as using proper procedures and standards for effective legal services at local level.

3. Legal aid providers for revenue generation (existing implementing partners (IPs)): The IPs will have a key role in project implementation through:

a) Working directly with paralegals, state legal institutions and the primary stakeholders in the communities and

b) Reaching out to national level working with strategic partners (line ministries and national institutions) on evidence-based advocacy supported by the consortium.

The project will continue to focus on building local capacities for legal service provision by existing IPs with the option to diversify legal aid provision through non-governmental, governmental and and/or individual certified lawyers if required. Capacity development of IPs will focus on institutional/organizational development and technical skills. A business development plan and exit strategy will be discussed and will be part of the plan in providing institutional/organizational support to implementing partners. Opportunities for legal aid providers to establish contracts for subsidised legal aid provision to marginalized groups with the government will be explored. The project will build capacities of legal aid providers to increase their performance and sustainability, as well as, expanding their role to include advocacy. They are important partners in establishing a national network of legal aid providers and are likely to play an important role in advocating policy change at national level jointly with civil society groups focused on human rights.

#### **h. Strategic partners**

##### *a) National institutions*

The project will strengthen and enhance strategic partnerships with the following government offices: the Presidential Administration (namely the office of State Legal Advisor of the President), the Ministry of Justice, Ministry of Culture, the Parliament's Committee on Legislation and Human Rights, and the National Centre for Legislation; in close coordination with the Ombudsman's office.

The State Legal Advisor's office provides extensive legal support to all other Ministries and government agencies along with the Ministry of Justice and National Centre for Legislation, which also conducts legal analysis. Individuals within these offices have many years of experience, but have limited knowledge of modern practices to strengthen their operations and budget. Historically, these offices have not provided a sufficiently open and transparent dialogue with civil society or coordinated with mass media.

The Ministry of Justice is a strategic partner as its personnel are responsible for drafting new legislation including the laws on *Advocatura* and legal aid, are a key player in implementation of the Judicial Legal Reform Programme, and it has the oversight of the work of ZAGS (registration officials) and state notaries. The project will work with the MoJ in determining legislation, policies, structures, skills and funding that will be necessary to enable a transition from project supported and donor driven arrangement to a nationally owned functioning legal aid system which protects the rights of in

particular marginalized groups and individuals. The project will elaborate Memoranda of Understanding with MoJ, the MoJ Training Institute, and the Ministry of Culture. The project will work with the Legal Department and training institute of the MoJ to expand the capacities of ZAG and notary officials to provide sufficient legal knowledge to citizens coming to them for their services and with the Ministry of Culture to implement the State Programme on Legal Education of Citizens.

*b) Media*

The project will continue to partner with media bodies (mainly TV and radio) and social media in carrying out legal awareness media campaigns. Additionally, through the MoJ as mentioned above, the project will engage the Ministry of Education to further provide facultative classes on legal information for youth, for the effective implementation of the government Programme on Legal Education of Citizens.

*c) Donor Coordination Council (DCC) on rule of law*

The project will interface with this working group for coordination of all project activities, creation of synergies with other donor projects, especially SDC's, and having preliminary discussions on topics or issues for the policy dialogue component under the project. This latter point will be especially important in this forum in order to ensure complementarities to the EU Human Rights Dialogue and the Swiss Government's (PDIV) Human Rights Dialogue.

Please see **Annex VI for a full list of Strategic Partners** and their role in the project.

**i. Role of the consortium**

The consortium UNDP – HELVETAS Swiss Intercooperation will have roles depending on context and level of intervention. At community level, it will support paralegals, and implementing partner organizations. At local level, the consortium will advice and build local capacities of district government, civil society organizations and legal aid providers. At national level, the consortium will identify strategies and methodologies, facilitate networks, conduct monitoring and evaluation of the project, and establish strategic partnerships, provide input to the legal reform program and policies in partnership with other organisations.

**j. Exit Strategy for Legal Aid support**

In view of the anticipated Law on Free Legal Aid, expected to be adopted in 2014 and to ensure sustainability and a gradual withdrawal of the project the following annual milestones will be met in outcome 1 and 2:

2014	<ul style="list-style-type: none"> <li>• IPs that can provide quality services in the field of legal aid provision strengthened;</li> <li>• IPs supported in institutionalisation of legal aid provision in a</li> </ul>
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	<p>coordinated effort towards a network of legal aid providers</p> <ul style="list-style-type: none"> <li>• IPs supported in evidence-based advocacy in Law on Legal Aid drafting</li> <li>• Legal information campaigns financed by the project, alternatives for coordinated co-financing of legal information campaigns sought.</li> <li>• Facultative training classes on family-related legal issues conducted in selected project areas, training of teachers conducted, curriculum elaborated and handed over to the Ministry of Education for rolling out.</li> <li>• Training of paralegals conducted in all project regions.</li> <li>• Paralegals included into the Law on Legal Aid.</li> </ul>
2015	<ul style="list-style-type: none"> <li>• Handing over of coordination of legal aid coordination to an institutionalised form of legal aid provision (proposed network) in the frame of the Law on Legal Aid</li> <li>• Supported advocacy strategy towards public funding of Legal Aid</li> <li>• Supported institutionalised form of legal aid provision (network) in quality monitoring</li> <li>• Legal information campaigns are financed by the project, search for coordinated co-financing of legal information campaigns</li> <li>• Co-financing of the rolling out campaign of the Ministry of Education of facultative training classes on family-related legal issues.</li> <li>• Experience exchange between trained paralegals is initiated</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Backstopping and mentoring the network of legal aid providers within the Law on Legal Aid</li> <li>• Supported advocacy strategy towards public funding of Legal Aid and expenditure tracking on legal aid</li> <li>• Supported institutionalised form of legal aid provision (network) in quality monitoring</li> <li>• Legal information campaigns are co-financed by diversified sources of financing (donors, GoT and project)</li> <li>• Co-financing of the rolling out campaign of the Ministry of Education of facultative training classes on family-related legal issues</li> <li>• Experience exchange between trained paralegals institutionalised</li> </ul>

In the present context the focus of the project on institutional and behavioural changes requires a long-term perspective. It is therefore crucial to take an approach which ensures that the capacity building is anchored institutionally and linked to the Government programmes and initiatives which provide the opportunity to foster the envisaged transformation processes at local and national levels within the forthcoming Law on Legal Aid. To ensure a smooth phasing out of the project support the following strategies will be applied:

- To strengthen IPs and a future institutionalised form (proposed network) that can provide quality services in the field of legal aid beyond the duration of the project;

- To avoid any direct implementation activities in the rule of law reforms sector, adopting a facilitating approach which builds on existing structures, initiatives and tested pilots;
- To establish strategic partnerships, seeking alignment of intervention methodologies and procedures with programmes that have a longer term perspective and potential to scale-up good practices;
- To gradually integrate where possible and useful, project activities and resources into government systems and programmes finding a good balance between the necessity of operational efficiency to achieve outputs and create learning opportunities for short term and longer term institutional sustainability;
- To create a critical mass that has its own replication effect, by training more advanced change agents in groups (in selected project areas) and promoting advanced change agents to assist less advanced target groups.

#### **4. Project Structure, Management and Monitoring/steering mechanisms**

United Nations Development Programme (UNDP) Tajikistan and HELVETAS Swiss Intercooperation (HSI) have formed a consortium in which both organizations make the best use of their specific competences and experiences, and thus complement and strengthen the other to achieve optimal results. For details of the organizational chart/institutional set up see Annex III).

The consortium will function under the strategic leadership of the United Nations Resident Coordinator/UNDP Resident Representative (UNRC/UNDP RR), who will sign the contract with SDC and provide overall guidance to and advocacy for the project.

##### **Management**

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

The Consortium will share the project responsibilities along the 4 outcomes. The UNDP National Project Manager will be mainly responsible for components 3 and 4 and the HSI Expat Project Manager for components 1 and 2. The two consortium partners will work entirely in sync to achieve the project outcomes. The National Project Manager and the Expat HSI Project Manager will each be responsible for their respective components and staff, and will report on their results achieved to the UNDP Country Director who on behalf of the Consortium will be accountable to SDC. Regular meetings between both teams will ensure coordination and harmonization during project implementation.

##### **Coordination Unit and Steering Committee**



The Consortium will set up a Coordination Unit (CU) consisting of the Country Directors of the two organizations that will have overall management and supervision over the project's implementation. The CU will hold meetings on a minimum quarterly basis to coordinate the activities run by the Project Implementation Unit (PMU). Project implementation will be supported by existing and, when needed, dedicated capacities of both organizations. Additionally, the CU will present activity reports to a Steering Committee comprised of SDC, and other stakeholders and partners.

### **Monitoring and evaluation (M&E)**

Monitoring and evaluation (M&E) are integral parts of the project management cycle. M&E activities consist of a continuous process that is based on the logical framework and annual operational plans. They assess and analyze the observed changes and results of previous actions in view of joint learning and managerial decision-making.

The project is designed using an outcome-orientated approach. The project's achievements are differentiated for the service delivery of the project (a number of activities and results outputs), the expected change at the partners' level (outcomes) and the expected contribution to the project goal (impact). The selection of indicators (contained in the Logframe in Annex II) at the different levels puts a strong focus on monitoring and assessing changes in the skills, abilities, attitudes, and conditions of the partners as well as on system and policy reforms.

The project monitoring system is organized around different levels: context, impact, effectiveness and efficiency (see table in Annex V). Participatory annual project reviews shall be conducted in the fourth quarter of the implementation year, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. The annual review shall focus on the extent to which progress is being made toward outputs, and that these remain aligned to appropriate outcomes. We propose to conduct an external evaluation of the project in the 4<sup>th</sup> year of the Project.

### **Reporting**

Semi-annual and annual reports shall be prepared based on SDC's reporting guidelines for partners by UNDP and shared with the Steering Committee. In accordance with the UNDP Executive Board decision 2012/18 of June 2012, all audit reports issued by the UNDP Office of Audit and Investigations (OAI) since 1 December 2012 are publicly disclosed on this website, one month after they have been issued internally.

[http://www.undp.org/content/undp/en/home/operations/accountability/audit/internal\\_audits/](http://www.undp.org/content/undp/en/home/operations/accountability/audit/internal_audits/). For national execution modalities, UNDP may share the reports with donors after concurrence from the Government or NGO in question has been obtained.

### Risk Management

A number of small to medium risks, both external and internal, have been identified in carrying out the activities of this project. The following table analyses these risks and proposes relevant measures to mitigate those risks.

The management strategy of the project will enable information and suggestions from partners to make adjustments to the project to better respond to local priorities, to account for changes within the macro environment while continuing to build upon its tangible achievements.

Identified risks	Probability			Impact			Risk Mitigation
	Unlikely	May occur	Likely	Minor	Notable	Substantial	
The action identifies both internal (I) and external (E) risks inherent to the project design:							The action foresees the following measures to reduce the probability of the identified risks occurring, or to reduce the severity of the impact of a risk on the outcome of the project:
(E) Political destabilization, insurgency and armed conflict							Maintain neutrality and conflict-sensitivity in action: adapt programme to the complex context.
(E) Press freedom deteriorates							Project activities will be attuned to account for changes in press freedom.
(E) Corruption impedes project activities and/or outputs							Good governance, including transparency and accountability, and careful monitoring approach to project activities.
(E) Legislation, government policy and practices not implemented							Close coordination with key institutions to develop alternative strategies; facilitate coordination with Ministry of Finance with respect to financial allocations for reforms.
(E) Lack of motivation/ political will to implement reforms							Identify motivating factors that can be incorporated into the project.
(E) Inability to secure ongoing government funds to operate legal aid system							Ongoing dialogue with President's Administration and Ministry of Finance, along with Ministry of Justice, to identify funds.
(E) Change in leadership and relevant policies of counterparts							It is envisaged that the general elections in 2013 will not bring major changes to the relevant policies and working environment;
(I) Serious deterioration in							Both organizations will maintain an

relations within the consortium					open, consultative project development approach; clear definition of roles. Steering will occur in the Steering Board.
(I) Deterioration in relations between consortium and project partners					Maintain respectful, collaborative, participatory, organic approach and transparency.
(I) Decreased motivation/ability/ willingness of legal service providers					Continuous efforts to build the capacity of partners according to needs determined by them

## 5. Key Personnel

### Project Management Unit (PMU)

The PMU will provide strategic guidance and technical support to the design of methodologies and procedures, the internal quality management assurance including financial management and financial control.

### National Project Manager (UNDP) Alisher Karimov (100%)

He is currently UNDP Project Manager, has more than 10 years of expertise and hands-on experience in rule of law and access to justice, international human rights law, UN human rights protection mechanism, sustainable development, governance, development cooperation, conflict resolution, strong vision on public administration reform, promoting integrity, transparency and accountability, strategic approaches to preventing and combating corruption at the institutional, local and national level, strategy development and drafting strategic documents/notes, training/capacity building on anticorruption, human rights and international law, legal researches on a diverse range of issues in the area of anticorruption, integrity, international law, criminal jurisdiction, national legislation. Mr. Karimov has University degrees in Law; MA in democratic studies; LL.M in good governance and the rule of law.

He possesses an extensive experience in the programme/project development and implementation. Strategic leadership and management experience in a large international organization. He has vast experience working with national NGOs and inline Ministries of the Republic of Tajikistan such as Presidential Administration, Ministry of Justice, Council of Justice, Office of General Prosecutor and other state departments on different range of issues such as good governance, rule of law, human rights, gender issues, anticorruption, public administration reform and etc. Mr. Karimov is excellently experienced in capacity building of national partners and stakeholders on the issues of good governance, public administration reform, anticorruption, inclusive governance and M&E.

### Role in the project

Mr. Karimov will be responsible for ensuring a high quality of Rule of Law policy dialogue process between civil society and Government, their capacity building, strategic management of the Project with regard to the RoL policy dialogue and A2J initiatives; development of an assessment tool for exploring the needs of the current ongoing RoL & A2J policy dialogue opportunities and awareness raising including training plan, training tools for relevant state authorities and Civil Society Organizations; share international standards with RoL & A2J policy dialogue on participatory processes and techniques for cost-effective ways on involving Civil Society, women and minority groups at all levels;

**National Consultant (UNDP): Saidahmad Ikramov (100%)**

Saidahmad is currently UNDP national consultant on access to justice initiative. He has an LL.M in Transnational business practice (University of the Pacific, CA, USA). He has 10 years of experience in programme and project implementation, coordination and development.

Saidahmad also has an extensive experience in legal services, rule of law, human rights, gender issues, and different fields of law including corporation and civil law. He has experience in providing analysis of national legislation, establishment of task forces, development of draft laws and advocacy. He is involved in development of recommendations on improving Tajik legislation in the areas of rule of law and access to justice.

Prior to working for UNDP, Saidahmad worked for the International Finance Corporation in a number of capacities and ABA CEELI, among others. Saidahmad is also an external researcher and advisor for a Californian law firm.

**Role in the Project**

Mr. Ikramov will be responsible for organization of capacity building programme for all parties on Rule of Law policy dialogue methodologies, follow-up and experience of other countries; Ensure a constant monitoring and follow-up mechanism during the project implementation; Liaise with other dialogue capacity enhancement initiatives, e.g. women's groups [OSCE, UNOHCHR, UN Women and others], youngsters [UNICEF]; Support the RoL & A2J policy dialogue on options and elsewhere experiences on inclusive national dialogue methodologies/approaches; design and deliver focused capacity development as necessary through formal training, coaching and on-the-job training as appropriate, i.e. a ToT a significant pool of national facilitators/mediators for the Policy Dialogue.

He will ensure a human rights based approach, gender empowerment, conflict-sensitive programme and results-based management are mainstreamed into the project development. He will provide a structured capacity developed programme for the institutional strengthening of national and local institutions and staff including CSOs as well as key judicial and legal institutions. In close cooperation with the MoJ Training Institute, he will draft a full-fledged training course for Notaries and ZAGS staff on family and property laws.

**Expat Project Manager (HSI): Karin Fueg (50%)**

Former Programme Director of HSI Mozambique and Kyrgyzstan has 14 years of experience in large programme and project management and implementation in Central Asia (Tajikistan, Kyrgyzstan) and Africa (Mozambique, Ethiopia). She has profound expertise in participatory planning and monitoring and evaluation methodologies, conflict sensitivity, organisational development, financial management and personnel management. As thematic coordinator of the working area "Civil Society and the State" for HELVETAS in 2005 - 2008 she has gained extensive international experience in providing technical support and advice to decentralisation

programmes, in institutional development of civil society especially in fragile or post-conflict countries (Nepal, Sri Lanka, Afghanistan). She has worked extensively on governance and legal assistance issues, specifically focusing on citizen engagement, social accountability and decentralised participatory planning, as well as in promoting the role of the media.

Karin Fueg has as more than 8 years' experience working with capacity development and decentralisation. She is highly skilled in communicating with and building capacity of national civil society organizations in the area of institutional sustainability, participative governance, donor relations, M&E, Advocacy and formal and informal lobbying initiatives with the government and the donor community.

#### **Role in the project**

She will have the overall responsibility for overseeing the capacity building of civil society partner organisations (from participatory training needs assessment, tools elaboration and training of intermediaries by national service providers to be contracted.

Additionally, she will facilitate the connection between policy knowledge and analysis undertaken by local research and watchdog organisations and other civil society organisations and advocacy actions, stimulating a knowledge sharing and learning between these processes.

#### **Project Officer (HSI): Tohir Valiev (100%)**

Tohir has a university degree in Law from Tajik State National University. He has extensive experience as legal advisor in working with legal NGOs in legal aid provision in particular on land reform. He has been involved in monitoring legal aid activities for several INGOs like Germo Agro Action and ACTED since 2009. From 2005 – 2007 he worked as a legal expert and training specialist in a local NGO 'Rights and Prosperity' and gained experience in monitoring and evaluation, research and impact studies. Tohir Valiev has been employed with ACTED and ABA Ceeli in monitoring legal aid activities of their respective projects and has been employed with HSI since the on start of the A2J project.

#### **Role in the project**

He will be responsible for supporting work on outcome 2 of the project that is working with legal aid providers and supporting establishment of functioning paralegals at community level.

#### **Communication Officer, (HSI) Dilbar Ruzadorova (50%)**

Dilbar Ruzadorova has an MA degree in International Relations from the University of St. Andrews in Scotland. Her bachelor degree was obtained from the American University of Central Asia in Kyrgyzstan in the field of Journalism and Mass

Communications. She has two years of experience in the field of Mass Communications, particularly in monitoring and reporting, gained during her part-time work with the Institute of War and Peace Reporting in Kyrgyzstan. From 2010-2011 she worked as an HR/Admin Officer and Translator/Interpreter at Norwegian People's Aid in Tajikistan, where she was engaged in keeping accurate records and contracts of employees, oral and written translations and writing press-releases/monthly reports. Dilbar Ruzadorova was employed as an HR Officer at The Emergence Group in Tajikistan before she started working with Helvetas in August 2013.

### **Role in the Project**

The communication officer will support project partners to prepare communication and advocacy campaigns as part of outcome 1, but also as support to the policy dialogue of outcome 4.

### **Short term consultants**

Consultant 1 on participatory curriculum development (HELVETAS), TBD (20 days) is a short term consultant whom will be obliged to assist local partner organization (INIS) and representatives of the government officials (for example, Ministry of Education, Academy of Science, Institute of Upgrading Qualification of the Teachers etc.) to develop the curriculum for the schoolmates on family and other related issues based on results of INIS pilot activities in the schools.

Consultant 2 on CS advocacy strategy (HELVETAS), TBD (20 days) is a short term consultant whom will be obliged to provide support to the local partner organizations implementing the project on their advocacy knowledge and skills improvement. It is assumed that consultant will conduct needs assessment of the project partner organizations and develop long term advocacy strategy for each of the partner organizations and project in general.

### **Project support**

**Senior Advisor (UNDP), Gulbahor Nematova (10%)** is a high positioned local advisor leading the Communities Programme in Tajikistan. Ms. Nematova has an MA in Governance and Development from University of Sussex, UK. She has over 15 years of work experience in a humanitarian and development context.

### **Role in the project**

Her direct responsibility under the project will be strategic support, including coordination and communication management within CP and between CP and AO to ensure timely implementation of set goals and objectives;

**Senior Local Governance Officer (UNDP), Jurabek Sattorov (10%)** is high local governance professional with a range of expertise. He has MS degree in Investment Promotion and Economic Development obtained from Edinburgh Napier University (Scotland, UK). Has 12 years experience in local development and capacity building in Tajikistan, especially of civil society institutions.

#### **Role in the project**

Mr. Sattorov will assist the project in ensuring participation of civil society institutions in the project implementation stage; providing support in implementation of awareness raising campaign and improvement of information sharing mechanisms to achieve better understanding and knowledge of project stakeholders; facilitation of smooth implementation of the project and ensuring engagement of local authorities in the project activities; rendering assistance in creating better linkage between local and national levels and ensuring that local feedback is considered at the national level.

**Monitoring and reporting officer (UNDP), Zarina Juraeva (10%)** is a highly qualified UNDP monitoring, reporting and evaluation officer.

#### **Role in the project**

Her direct responsibilities will be data collection, analysis and processing to document the evidence on the project successes and lessons learnt; Communicate lessons learnt and evidence from the field to wide range of stakeholders and for guiding future programming; Develop and implement M&E Operational Plans; Produce high quality reports based on data collected from the field; Contribute in the delivery of training programs for staff members and national stakeholders on the use of recommended reporting, monitoring and evaluation formats and guidelines; follow-up, monitoring and evaluation of the short-term and long-term external capacity development support in policy dialogue and capacity development component.

### **Project Assurance**

**Programme Analyst (UNDP), Yokubjon Abdukholikov** has international experience with UNDP Somalia, Afghanistan and PAPP in team management and programme/project development.

#### **Role in the project**

He ensures implementation of programme strategies in the areas of governance, rule of law and access to justice; provides project assurance and overall strategic management support, including but not limited to policy level discussions, partnership building and resource mobilization; leads project staff and programme support team, coordinates project activities.



**ANNEX I. Activity Plan December 2013 – November 2016**

Output	Activity	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12
<b>Management</b>	Submission of regular activity reports – 6 months and annual		■		■		■		■		■		■
	Monitoring and evaluation of all project activities	■	■	■	■	■	■	■	■	■	■	■	■
	Revise risk assessment for 2015 and 2016				■				■				
	Draft annual work plans for 2015 and 2016				■				■				
	Revise indicators, YPO & budget 2015 and 2016 and submit to SDC				■				■				
	Final evaluation review				■				■			■	
	External Evaluation Conducted									■	■		
	Submission of Final Report to SDC												■
Output 1. Legal literacy campaigns through mass and social media implemented at national level with outreach to project areas	Open tender on selection of mass and social media partners, select implementing partners (72 radio shows, 72 articles and 1 legal awareness campaign with 10 key messages)	■											
	Continue mass and social media legal literacy campaign		■	■	■	■	■	■	■	■	■	■	
	Coordinate mass and social media campaign with other donor agencies involved in legal aid provision	■	■	■									
	Evaluate impact of the mass and social media campaign											■	■
	Continue facultative school classes on family related legal issues	■	■	■	■								
	Jointly revise curriculum with the Ministry of Education and/or the Ministry of Justice			■	■								
	Organize ToT jointly with the Ministry of Education and/or Ministry of Justice			■	■								
	Support rolling out of new curriculum in schools					■	■	■	■	■	■	■	■
	Search diversified sources of finance of legal information campaign			■	■	■	■	■	■	■	■	■	■
Output 2: Community Paralegals	Trained paralegals provide legal information and awareness raising to the citizens	■	■	■	■	■	■	■	■	■	■	■	■
	Select another 6 regions and train paralegals (2 additional	■	■	■		■	■	■		■	■	■	



strengthened to provide quality, expanded services and access to information and support in project areas	Development and distribution of a formal training instruction manual for trainers of notaries and ZAGS	■	■																	
	Policy and legislative review of relevant laws and articles relating to notaries and ZAGS to identify gaps and duplications	■	■																	
	Development of recommendations and policy reform proposals relating to policy and legislative gaps relevant for notaries and ZAGS		■	■	■															
	Roundtables held to discuss policy reform proposals for notaries and ZAGS			■	■															
	Institutional strengthening of notaries and ZAGS in the context of the policy reform proposals	1				■	■													
	Organisation of joint roundtables with notaries, ZAGS and judges, to discuss harmonised law application and enforcement regarding family and property law					■					■									
	Institutional functional review of notaries and ZAGS	■	■	■	■															
	Financial forecasting undertaken for electronic case management system and archiving system for notaries and ZAGS							■	■											
	Development of a pilot electronic case management system for 2 notary offices and 2 ZAGS offices in one of the Dushanbe districts									■	■	■								
	Piloting of electronic case management system in Dushanbe district											■	■	■	■					
	Development of a pilot electronic archiving system for notaries and ZAGS									■	■	■								
	Piloting of electronic archiving system for notaries and 2 ZAGS offices in the Dushanbe District												■	■	■					
Training for approximately 15 notaries and 15 ZAGS on case management system and archiving system													■	■	■					





**ANNEX II Log-frame for December 2013- November 2016**

Strategy of Intervention	Key Indicators	Sources & Means of Verification	Assumptions and Risks
<b>Impact</b>	<b>Impact Indicators</b>	<b>Impact: Sources &amp; Means Verification</b>	
Contribute to better access to justice for marginalized and vulnerable persons (at least 70 % women) – by establishing mechanisms for dialogue between the government and civil society to address key challenges in access to justice and by enhancing the capacities of the government and civil society in advancing rule of law reforms	New and amended legislation and policies are adopted and implemented, in particular to meet the needs of vulnerable and marginalised groups;	Government information, civil society reports	The Government continues to follow good governance principles and its path towards judiciary reform, the results of the Elections do not hamper progress significantly, regional instability
<b>Outcomes</b>	<b>Outcome Indicators</b>	<b>Outcome: Sources &amp; Means Verification</b>	<b>External Factors (Assumptions &amp; Risks)</b>
<b>Outcome 1:</b> Legal awareness raising fosters legal protection of vulnerable and marginalised groups (>70 % women) in project areas	Percentage of vulnerable and marginalised groups who are aware of their legal rights increases from 35% (current baseline) to 50% during the project period.	Project data – baseline study and impact analysis	Citizens are interested to learn about their rights and understand the information made available to them, trusted community paralegals direct citizens to LAC when needed,

	The paralegal system is established and functional in the project areas and is recognised by stakeholders	Project report, case management system, government information	LAC are recognized as trustworthy by primary stakeholders. Government recognises paralegals as community driven information system
<b>Outcome 2:</b> Legal aid services provide better access to legal protection for vulnerable and marginalized groups and individuals (> 70 % women) in project areas	Number of free legal aid clients (vulnerable and marginalised) able to access justice	LAC client survey	Vulnerable and marginalised individuals are aware of their rights and apply to legal aid services when needed, governmental funds are allocated to legal aid system, capacities of service providers are sufficient
	At least 70% of clients' satisfaction with legal aid services, including receiving of legal information, an effective system of free legal aid is established and accessible to vulnerable and marginalised groups and individuals.	LAC client feedback form, Independent client surveys, government information, official gazette, civil society reports,	
<b>Outcome 3:</b> Effective and responsive government services provide legal information and support to vulnerable and marginalised groups and individuals (>70 % women) in project areas.	Policy reforms related to ZAGS and notaries, Institutional reform of ZAGS and notaries Capacities of 128 notaries, 165 ZAGS, 406 jamoats and 16 family law judges are raised through training, provision of training materials,	Government data, civil society monitoring reports	Government has the resources to implement effective and responsive legal services to citizens targeting in particular vulnerable and marginalized; Government tracks its performance post-reform and post-training
	% of clients' satisfaction with local government legal services	Independent client survey	

<b>Outcome 4:</b> Key challenges in A2J/RoL identified are raised in a policy dialogue with government authorities and other stakeholders leading to concrete responses for improved access to justice.	Number of key challenges/policy issues taken up by GoT for revision	Government information/Advocacy alliance feedback	Political will to engage in a constructive dialogue with stakeholders, policy dialogue is built on trust and mutual respect, Commitment of government and civil society for effective and inclusive policy change
	State of implementation of laws, policies, practices related to A2J/RoL	Government information, International reports on Tajikistan, civil society reports	

Outputs		Output Indicators		Outputs (Assumptions & Risks*)
<b>Outcome 1: Legal awareness raising fosters legal protection of vulnerable and marginalized groups (&gt;70 % women) in project areas</b>				
<b>Output 1:</b>	Legal literacy campaigns through mass and social media implemented at national level with outreach to project areas	Baseline line survey on legal awareness designed, carried out and analysed	Project reports	Legal awareness of right holders and duty bearers will contribute to rights' protection of all
		72 radio shows on family-related legal issues 72 articles on family-related legal issues 1 legal awareness campaign per year (mass media and social media) on 10 key messages <sup>15</sup>	Project reports, media sources	
<b>Output 2:</b>	Community Paralegals provide legal information and	Concept of paralegals is established and functional	Project reports, case management system, community based surveys	Paralegals have the trust of their community members; Paralegals agree to provide pro bono legal awareness and

<sup>15</sup> 10 key messages are: No marriage under 18; marriage is union of consenting partners, polygamy is illegal, register marriage with the state, birth certificates and marriage certificates are compulsory for protection of rights, right to alimony, right to property share in case of divorce, divorces have to be done in court, wife and husband have equal rights and responsibilities before their children.



	awareness to 80000 citizens (of which > 70% women) in project areas.			information, legal issues are raised at community level
		# of meetings held to identify paralegals in communities with Jamoat and mahalla committees and paralegals selected	Meetings Minutes	
		Training manual for paralegals distributed, information brochures elaborated and trainings carried out and replicated	Manual, brochures, participation list	

**Outcome 2: Legal aid services provide better access to legal protection for vulnerable and marginalized groups and individuals (> 70 % women) in project areas**

<b>Output 3:</b>	A coordinated legal aid system established and quality legal aid provided to 9,000 vulnerable and marginalized (>70 % women) in project areas	3000 consultations per year (>70% women clients)	CMS	Willingness of legal aid providers to co-operate and coordinate, legal aid law foresees a role for civil society in legal aid provision, Continued input and analysis of cases in case management system. Clients can overcome distances to LACs. Cultural hindrances for women to apply for legal aid are overcome
		Coordinated system of legal aid is in place	CMS, government information and reports, civil society reports	
		3 yearly analytical reports of key challenges/gaps in legislation in accessing legal rights at grassroots level	LAC internal database	

**Outcome 3: Effective and responsive government services provide legal information and support to vulnerable and marginalized groups and individuals (>70 % women) in project areas.**

<b>Output 4:</b>	Government capacities (in particular ZAGS)	Number of policy reforms in respect of notaries and ZAGS undertaken	Government information and reports, project reports,	Political will to apply good governance principles at national and local level;
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and notaries) strengthened to provide quality, expanded services and access to information and support in project areas	Institutional strengthening of notaries and ZAGS undertaken	Government information and reports, project reports,	Relevant Dept. of the Executive Office of the President, Ministry of Justice, Council of Justice and Legislation Committee of the Parliament are interested to continue with the partnerships established during the inception phase and to continue with the reforms
	Individual capacities of 128 notaries and 165 ZAGS, 406 Jamoats and 16 Family Law Judges developed in particular with reference to family and property law.	Training module; training materials, training manual, pre and post training assessments	

<b>Outcome 4: Key challenges in A2J/RoL identified are raised in a policy dialogue with government authorities and other stakeholders leading to concrete responses for improved access to justice.</b>				
<b>Output 5:</b>	Government establish mechanisms for dialogue on rule of law/access to justice reform	Number of meetings held between stakeholders	Minutes of Meetings, project reports	Willingness of stakeholders to participate in the dialogue, willingness of stakeholders to cooperate, willingness of CSOs to participate in capacity building activities, willingness of government to continue with RoL/A2J policy reforms
		Number of decisions taken during meetings which are included in policy reforms	Minutes of Meetings, Government information, Project report	
		Joint activities of the government and civil society are implemented	Government information, Project report, civil society reports	
<b>Output 6:</b>	Capacities of civil society to advocate for reform are enhanced	Number of CSOs participating in evidence-based advocacy training and communication skills training	Project reports, CSO reports,	
		Effectiveness of CSO advocacy skills increased	Pre and post training assessments, inclusion of CSO recommendations in	

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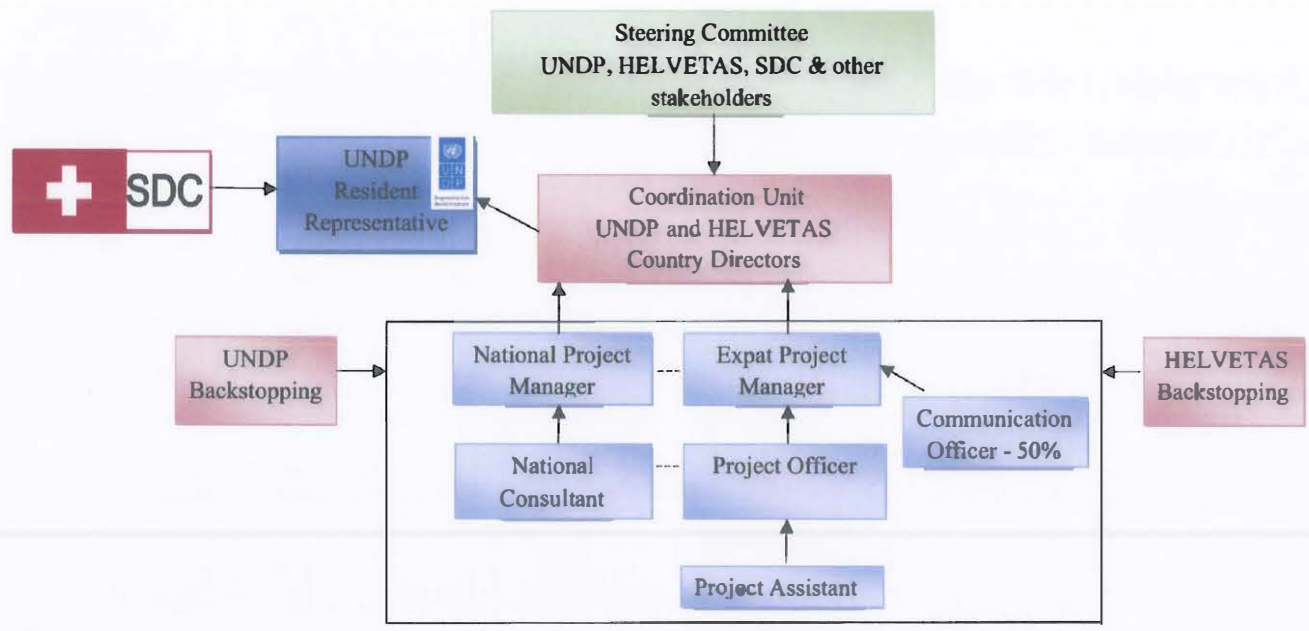
			policy reforms	
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### ANNEX III Organisational Set up



*ANNEX IV Monitoring and Evaluation Scheme*

<b>Monitoring and evaluation overview</b>					
<b>Level</b>	<b>What</b>	<b>Who</b>	<b>Method</b>	<b>Reporting</b>	<b>Follow up</b>
<b>Context monitoring</b> (political, legal, socio-economic and institutional)	Project context (national and local level)	National: Project team, Regional/local: Project team, partner NGOs Other donors (e.g. US State Dep., UN)	<ul style="list-style-type: none"> <li>- Analysis of analytical documents (e.g. by Government, other donors)</li> <li>- Review of statistical data</li> <li>- Info from SDC and donor groups</li> </ul>	Half-yearly and annual reports	Correction of project approaches and strategies Adjustment of project indicators
<b>Impact monitoring and evaluation</b> (outcome - goal level)	<ul style="list-style-type: none"> <li>- Whether and how outcomes contribute to the goal</li> <li>- Are there any unintended side effects?</li> <li>- Sustainability of interventions</li> </ul>	Evaluators (phase evaluation)	<ul style="list-style-type: none"> <li>- Annual internal project reviews (partly)</li> <li>- Assessment based on analysis of national level data/ regulations/ statistics/ review of national development frameworks/ budget</li> <li>- Feedback from national partners, incl. surveys, focus group interviews/ annual progress reports/ document good practices/ policy papers</li> </ul>	Phase evaluation reports Final project report Possible SDC cost-efficiency evaluation	Correction of project approaches and strategies (logic of intervention) Lessons for the project, partners and SDC to be taken into next phase planning
<b>Monitoring</b>	Whether and	Project team and	- Phase evaluation	Half-yearly and	Lessons learned and

<b>and evaluation of effectiveness (output-outcome level)</b>	how outputs lead to achievement of outcomes	partners Steering Committee	<ul style="list-style-type: none"> <li>- <b>Yearly outcome/outputs monitoring with partners (Focus group exercises along outcome indicators)</b></li> <li>- Annual statistical info, analysis of project data; feedback from partners</li> </ul>	annual reports Yearly outcome monitoring report Phase evaluation report	recommendations for next YPO Reference document for evaluations/KM
<b>Monitoring and assessment of efficiency (activity - output level)</b>	How activities and their concrete results contribute to outputs	Project team	<ul style="list-style-type: none"> <li>- Regular follow up of the implementation of project operational plans</li> <li>- Regular team meetings</li> <li>- Project meetings</li> <li>- Activities reports (trainings, etc.)</li> <li>- Monthly Budget analysis</li> </ul>	Half-yearly and annual reports Progress and final reports by partners Training activities reports (event-based)	Correction of action/operational plans/budget Updating schedule of activities, re-distribution of responsibilities/ tasks

<b>UNDP</b>		
<b>Approach</b>	<b>Timing</b>	<b>Purpose</b>
Monitoring	2014-2015	To monitor implementation of the training for notaries and ZAGS
Evaluation	End 2015	To evaluate the training for notaries and ZAGS
Monitoring	2014-2016	To monitor the changes brought through the Policy Dialogue process
Evaluation	End 2016	Evaluation of the Policy Dialogue process and implementation of policy changes
Evaluation	End 2016	To evaluate the pilot electronic case management system for notaries and ZAGS

Evaluation	End 2016	To evaluate pilot electronic archiving system for notaries and ZAGS
Monitoring and Evaluation	End 2016	To monitor and evaluate the training for notaries and ZAGS on case management system and electronic archiving system
Monitoring and Evaluation	End 2015	To monitor and evaluate the train the trainers for family law judges
Monitoring and Evaluation	2016	To monitor and evaluate training for family law judges
Monitoring and Evaluation	End 2015	To monitor and evaluate the train the trainers for jamoats
Monitoring and Evaluation	2016	To monitor and evaluate the training for jamoats
Monitoring	2014-2016	To monitor the policy dialogue meetings and the results of those meetings
Evaluation	End 2016	To evaluate the results of the policy dialogue framework
Evaluation	End 2014	To evaluate the skills based training for CSOs
<b>HELVETAS</b>		
Monitoring	Quarterly	To monitor IP at least every three months and get clients feedback
Monitoring	Weekly	To monitor mass media outlets and get audience feedback
Survey	April 2014/2016	To perform baseline survey of legal knowledge/skills of legal knowledge in project areas
Quality legal services assessment	Once per year	To carry out capacity assessment of LACs legal knowledge/skills of legal aid providers
Participatory annual planning and evaluation	Once per year	To carry out participatory evaluation of planning of project activities with partners and key stakeholders

## ANNEX V Map of project outreach





## Annex VI Strategic Partners

Strategic Partner/Networks	Activity/nature of partnership	Role of the project
Ministry of Justice	Lead ministry Member of Project Steering Board Approves all project concepts and publications Member of Policy Dialogue Group Approves capacity building activities regarding the subordinated offices of ZAGS and Notaries Lead agency of working group on development of state guaranteed legal aid law Facilitates access and approval of legal education in schools. Joint monitoring activities in the regions of legal aid provision	Mandatee
Office of the State Legal Advisor of the President	Member of Policy Dialogue Group	
Legal Department of the Executive Office of the President	Member of Policy Dialogue Group	
Strategic Research Centre	Member of Policy Dialogue Group Government Think Tank Research support for Project	
Parliamentary Committee on Legislation and Human Rights	Member of Policy Dialogue Group	
Council of Justice	Member of Policy Dialogue Group Coordinating the work with Collegiums of Family Law Judges	

Supreme Court	Member of Policy Dialogue Group	
General Prosecutor's Office	Member of Policy Dialogue Group	
Institute for Advanced Legal Education	Provides capacity building assistance regarding the offices of ZAGS and notaries	
Ministry of Culture	Responsible for implementing the State Programme on Legal Education for Citizens	
Ombudsman's Office	Legal Aid provision in two locations Rasht and Tursunsade Coordination and policy influencing Member of Policy Dialogue Group Member of working group on development of state guaranteed legal aid law	Mandator  Strategic ally in policy influencing
National Centre for Legislation	Financing national legislation webpage <a href="http://www.mnk.tj">www.mnk.tj</a> Compilation of all national legislation and international conventions Member of Policy Dialogue Group	Financing partner
Ministry of Education	Collaboration on conduction legal education in pilot schools (inception phase) Collaboration on participatory curriculum development for legal basic education and conducting legal education in selected schools	Initiator/Mandatee
Coordination group on Legal Aid provision (Eurasia Foundation, GOPA/Project on Domestic Violence/GIZ/ABA-Ceeli UNWOMEN)	Coordination, knowledge sharing policy influencing in law drafting	Founding Member
Coordination meeting with 5 implementing partners (Human Rights Center, Bureau of Human Rights, Madagdor, League of Women Lawyers, Ombudsman's Office, INIS)	Participatory planning of project activities Coordination, knowledge sharing, advocacy activities, Capacity building activities	Initiator/funding partner
Yearly national conference of community paralegals	Coordination, knowledge sharing, advocacy, capacity building activities	Initiator/funding partner

Media bodies		
Donor Coordination Council	Coordination and cooperation Member of Policy Dialogue Groups	

## **Annex VII Policy Dialogue Concept Paper**

### **RULE OF LAW AND ACCESS TO JUSTICE**

#### **POLICY DIALOGUE**

#### **CONCEPT**

##### **Background**

The Constitution of the Republic of Tajikistan declared Tajikistan as a democratic state based on the rule of law and recognizing the human rights as of great value, and envisages that the international legal treaties ratified by Tajikistan are a constituent part of its' legal system. In a situation when laws of the republic contradict recognized international legal treaties, the regulations of the international legal treaties are given priority.

According to the Constitution, the judiciary in Tajikistan is independent and protects the rights and freedoms of people, the state's interests, organizations, institutions, law and justice. In practice, there is a need to strengthen the judicial system to be in line with the provisions of the Constitution. Over the past fifteen years, the Government of Tajikistan has undertaken a number of legislative and policy reforms to create the framework for an effective justice system. However, more needs to be done to advance the full implementation of laws with adequate budgetary support for judicial and legal institutions.

The Republic of Tajikistan has ratified most of the UN Conventions and, in particular, the seven major UN Human Rights Conventions, thereby committing itself to respecting, protecting and realizing human rights. At the same time the Republic of Tajikistan is trying to improve overall national legislation in order to bring it in compliance with international standards. New provisions have been introduced into civil and criminal legislation reflecting modern social relations and interests. For example Tajikistan announced a moratorium on the death penalty application, revised institutional structures and competences of the judiciary, prosecution and police.

Judicial and legal reform is one of the cornerstones of transition and stability. Hence, a package of legal and judicial reforms has been decided in 2011 by the president of Tajikistan in the form of a programme and an action plan for legal and judicial reform, providing a basis for steps to be taken in this respect. The reform envisages the introduction of revised legislation (new Criminal Code, Code of Administrative Procedures, Code of Administrative Violations, amendments for the Criminal Procedure Code, etc.), which is in compliance with International Human Rights principles and improved mechanisms of law implementation in general and in particular the enforcement of court decisions. In the frame of the reform programme, preparation of the Laws on Legal Aid and Bar Associations (Advocatura) is ongoing. However, the current programme will end in December 2013 and the Government shall decide on the new phase of the judicial and legal reform agenda.

For the first time rule of law and access to justice is specified as one of the important areas of Public Administration Reform as a component of the "Living Standards Improvement Strategy of the

Republic of Tajikistan for 2013 - 2015". The below table clearly illustrates the incorporation of rule of law and access to justice into forthcoming mid-term development interventions:

Goals	Objectives	Final result indicators	Activities
<b>I. FUNCTIONAL AREA: REINFORCING DEVELOPMENT BACKGROUNDS</b>			
<b>1.1 Improve Public Administration</b>			
2. Improve public administration system compliant with democratic and market economy principles	2.4. Create a substantial platform for strategic dialogue on priority issues of judicial and legal reform	2.4.1. Judicial and legal reforms led by the Government and capacity of civil society to advocate for rule of law are strengthened	2.4.1.1. Initiate a structure of strategic dialogue on rule of law issues. Increase capacity of the Judges' Training Center under the Council of Justice of RT
			2.4.1.2 Draft the law on legal assistance to vulnerable groups guaranteed by the state and the Bar Association
	2.5. Improve professional knowledge of employees of court system and legal awareness of population	2.5.1. The professional knowledge of employees of court system and legal awareness of population is improved	2.5.1.1 Implementation of provisions of the State Programme on Implementation of Concept of Predictable Development of Law Enforcement of the Republic of Tajikistan in the field of Civil Law and Entrepreneurship for period of 2012-2015
			2.5.1.2 Implementation of provisions of the State Programme on legal education of the citizens of the Republic of Tajikistan for period of 2009-2019

The Strategy as well as its objective sets to create a substantial platform for strategic dialogue on priority issues of judicial and legal reform. In order to achieve this strategic objective the Government of Tajikistan envisages creating a Rule of Law and Access to Justice Policy Dialogue Group. This process is facilitated by UNDP as the leading development partner of the Rule of Law and Access to Justice Initiative of the Donors Coordination Council (DCC) and the Government of Tajikistan and within the framework of the Access to Justice project funded by SDC.

The Government shall decide/legitimize the establishment/creation of the Rule of Law and Access to Justice Policy Dialogue Group. The decision will be preceded by a series of consultations with the main justice sector institutions and civil society organisations.

### **Format and purpose of the Rule of Law and Access to Justice Policy Dialogue**

The overall Rule of Law and Access to Justice Policy Dialogue will involve Policy Dialogue group, CSOs and also DCC members<sup>16</sup>. The Policy Dialogue Group is formed by key government and justice sector institutions with the purpose to discuss and identify the most pressing issues, set the priorities and agree on solutions to advance rule of law and access to justice in Tajikistan.

As such, the Rule of Law and Access to Justice Policy Dialogue Group intends to support a coherent set of interrelated policies, strategies, activities and investments designed to achieve a specific, time-bound set of objectives as specified in the "Living Standards Improvement Strategy of the Republic of Tajikistan for 2013 - 2015" and to be reflected in the new phase of the judicial and legal reform strategy.

<sup>16</sup> See para 'Participation and Consultation', p.3

The Rule of Law and Access to Justice Policy Dialogue Group will provide space for informed decision making process and participation towards the achievements of national objectives and priorities related to judicial and legal reforms led by the Government and will ensure greater impact of their initiatives.

**Content:**

The Rule of Law and Access to Justice Policy Dialogue Group shall discuss and agree on a coherent set of interrelated policies, strategies, laws and required resources to advance rule of law and access to justice in Tajikistan. More specifically, the Policy Dialogue Group will provide strategic direction and discuss/agree on:

- New National Judicial – Legal reform programme
- Laws on Advokatura and Legal Aid
- Laws/amendments related to the implementation of international obligations of the Republic of Tajikistan, including follow up on UPR recommendations
- Etc. as will be discussed, and agreed at the Policy Dialogue Group meetings.

**Membership of the Rule of Law and Access to Justice Policy Dialogue Group**

The Rule of Law and Access to Justice Policy Dialogue Group shall consist of the following justice sector institutions:

1. Ministry of Justice
2. Legal Department of the Executive Office of the President
3. General Prosecutor’s Office
4. Supreme Court
5. Parliamentary Committee on Legislation and Human Rights
6. Council of Justice
7. Ombudsman
8. Strategic Research Centre
9. National Legislative Centre
10. Other institutions as decided by the group

Initially, as discussed and agreed at the Policy Dialogue group meeting, NGOs working within the framework of the UNDP/Helvetas Access to Justice Project, will be invited to participate at the joint government and civil society meeting. Further involvement of civil society groups will be subject to the topics to be discussed during the Policy Dialogue meetings.

**Participation and consultation:**

While the policy decision making remains with the state institutions, the Policy Dialogue Group will consult Civil Society Organizations to increase participation and feedback. Civil Society consultations will be on-going and will also feed into the Policy Dialogue Group meetings, through the provision of data and information, research and analysis and through other means as required. The Policy Dialogue Group may also consult, request advice and support from development

partners through DCC. The below diagramme illustrates the interactions of the Policy Dialogue Group with the CSOs and international community:



**Frequency of the meetings:**

The Rule of Law and Access to Justice Policy Dialogue Group will hold regular meetings on a bi or tri-annual basis, including at least two meetings with CSOs and development partners (DCC) to discuss relevant rule of law and access to justice issues.

**Duration of Meetings:**

Generally the meetings will not last more than 1 hour and 15 minutes. However, on the important and broad issues it may last longer.

**Leading institution:**

The first joint Policy Dialogue meeting will be chaired by the Minister of Justice.

**Secretariat/facilitation:**

This process will be facilitated by UNDP as the leading development partner of the Rule of Law and Access to Justice Initiative of Donors Coordination Council and Government of Tajikistan and within the framework of its Rule of Law Programme.

UNDP will act as Secretariat *ad interim* until such time as an official Secretariat is appointed.

**Agenda setting**

The Secretariat upon consultations with state institutions and civil society will set the agenda for the next Group meeting.

## **Minutes of the Policy Dialogue Meeting**

The Policy Dialogue Meetings will be recorded and Minutes for distribution among all participants will be prepared by the meeting Secretariat. Prior to being finalised, participants will have the opportunity to verify and provide comments on the Minutes.

### **\* Contribution of Civil Society to the Policy Dialogue Process**

It is important to note that there are many components that make up the Policy Dialogue process, to which civil society can contribute, even before they start participating in the Policy Dialogue meetings. These include:

- (i) Gathering data and information
- (ii) Research and analysis
- (iii) Presentation of evidence-based reports to feed into the policy dialogue process, based on the activities undertaken in (i) and (ii)
- (iv) Raising public awareness
- (v) Monitoring policies' implementation
- (vi) Assessing the impact of policies

Civil society should be capacitated to undertake these roles and to be able to effectively participate in the policy dialogue process prior to participating in the actual decision making/consensus building policy dialogue meetings.

Participation of civil society and international organizations should be on voluntary basis and should assist government institutions to perform their duties properly. The Policy Dialogue Platform should keep "doors" open in order to involve stakeholders to take an active part in the process. International organizations as well as NGOs should have the opportunity to take part in the process in order to make joint recommendations corresponding to the interests of society and government and in accordance with the overall principles of justice.