



**PROJECT DOCUMENT**  
**TAJIKISTAN**

*Empowered lives.  
Resilient nations.*

**Project Title:** 'Access to Justice in Tajikistan' Project, Phase II  
**Project Number:** 00094331  
**Implementing Partner:** UNDP Tajikistan  
**Start Date:** 1 December 2016 **End Date:** 30 November 2020 **PAC Meeting date:** 25 November 2016

**Brief Description**

Access to Justice is a basic human right, which has been recognised in numerous international conventions and instruments, as well as in the 2015-2030 Sustainable Development Goals. It is guaranteed in the Constitution of the Republic of Tajikistan, as well as in national strategic and policy documents, including the Judicial and Legal Reform Programme 2015–2017. Phase II of the Access to Justice in Tajikistan Project is embedded in the national development context and will continue and expand upon the successes of Phase I (2012–2016), while adjusting the outputs and adding several new activities consistent with both the needs of the beneficiaries and the recommendations of Phase I's Mid-Term Evaluation. The vision of the Project is to create a justice system whereby all people in Tajikistan can access justice, by having an affordable, state run system of free legal aid, in a country where people, in particular the vulnerable and marginalised, know their rights and duties in respect of free legal aid and accessing justice. This Project will support the Government of Tajikistan's ambitious programme to create a fully functional system of state-funded free legal aid. Phase I of the "Access to Justice in Tajikistan" Project supported the creation of a new government agency (SALAC) within the Ministry of Justice and began the process of creating a new state-run system. Phase II will pilot new systems of secondary free legal aid, while working with NGOs to assure a smooth transition and to provide new roles for NGOs (i.e. monitoring the new state system). Phase II will furthermore identify and address key constraints on the effectiveness of free legal aid, including constraints on the enforcement of judgments. Phase I created a new Policy Dialogue that brought government stakeholders together with CSOs to discuss legal issues. Phase II will continue and expand the Policy Dialogue, including reinforcement of Policy Dialogues at the local level. It is expected that the Policy Dialogue will produce several new legal texts, including but not limited to a new Law on Free Legal Aid. The A2J Project Phase II will continue the successful public information and outreach activities of Phase I, including legal awareness campaigns, TV and radio spots, and capacity development for both state and non-state actors. Like Phase I, Phase II will be undertaken by a consortium partnership between UNDP and HELNETAS Swiss Intercooperation (HELNETAS). Phase II of the Project covers the period of **1 December 2016 – 30 November 2020**. The total Project budget is **USD 4,332,549**.

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

**UNDAF:** People in Tajikistan have their rights protected and benefit from improved access to justice and quality services delivered by accountable, transparent, and gender responsive legislative, executive and judicial institutions at all levels

Indicative Output(s):

**CPD:** Justice sector institutions enabled to uphold rule of law in compliance with international commitments; promote and protect Human Rights and improve access to justice and civil registration of vulnerable population groups, especially women, youth and persons with disabilities.

<b>Total resources required:</b>	<b>USD 4,332,549</b>	
<b>Total resources allocated:</b>	<b>SDC:</b>	<b>USD 4,332,549</b>
	<b>In-Kind:</b>	<b>Office space, equipment</b>
<b>Unfunded:</b>	<b>N/A</b>	

UNDP Tajikistan	Ministry of Justice of the Republic of Tajikistan
Mr Jan Harfst, Country Director	
Date:	



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## List of Acronyms

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



## I. DEVELOPMENT CHALLENGE

### 1.1 Background and Context

Tajikistan is a landlocked, mountainous country in Central Asia. According to the 2010 census the population of Tajikistan was 7.5 million, but with a rapidly expanding population, current estimates place it at 8.5m,<sup>1</sup> and some as high as 8.7 million.<sup>2</sup> The GDP per capita is \$2,517, making it a low-income country.<sup>3</sup> Tajikistan's Human Development Index (HDI) value for 2014 is 0.624. This puts the country in the medium human development category, positioning it at 129 out of 188 countries and territories. It is the lowest in the Europe and Commonwealth of Independent States region. Between 1990 and 2014, Tajikistan's HDI value increased from 0.616 to 0.624, an increase of 1.4 per cent or an average annual increase of about 0.06 per cent.<sup>4</sup> Tajikistan has a Gender Inequality Index (GII) value of 0.357, ranking it 69 out of 155 countries in the 2014 index. In Tajikistan, 15.2 per cent of parliamentary seats are held by women, and 95.1 per cent of adult women have reached at least a secondary level of education compared to 91.2 per cent of their male counterparts. For every 100,000 live births, 44 women die from pregnancy related causes; and the adolescent birth rate is 42.8 births per 1,000 women of ages 15–19. Female participation in the labour market is 58.9 per cent compared to 77.1 for men.<sup>5</sup> On the Gender Development Index (GDI)<sup>6</sup> Tajikistan has a GDI value of 0.952.

The Multidimensional Poverty Index (MPI) identifies multiple deprivations in the same households in education, health and living standards. The education and health dimensions are each based on two indicators, while the standard of living dimension is based on six indicators.<sup>7</sup> The most recent survey data that were publically available for the Tajikistan MPI estimation refer to 2012. In Tajikistan 7.9 per cent of the population are multi-dimensionally poor while an additional 23.4 per cent are near multidimensional poverty. The breadth of deprivation (intensity) in Tajikistan, which is the average of deprivation scores experienced by people in multidimensional poverty, is 39.0 per cent. The MPI, which is the share of the population that is multi-dimensionally poor, adjusted by the intensity of the deprivations, is 0.031. In comparison, Kyrgyzstan and Uzbekistan have MPIs of 0.013.<sup>8</sup>

During the period 1996-2014 Tajikistan was in transition from the old Soviet system towards a relatively open democracy, with guaranteed freedoms and free economic development. Reforms have been started in multiple sectors. Despite the progress in the legislative sphere and the commitment by the Government to the reforms, key challenges remain in relation to their implementation, in particular lack of financial means, weak institutional and professional capacities and poor coordination. Since 2014, a political crackdown or retrenchment has rolled back a number of the country's gains in human rights. However, strengthening rule of law and increasing access to justice issues remain a high priority for the Government of Tajikistan, as lack of access to justice and a weak rule of law are perceived as root causes of economic vulnerability, social exclusion, violent extremism and inequalities.

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<sup>1</sup> Mid-Term Assessment, Access to Justice Project in Tajikistan

<sup>2</sup> <http://countrymeters.info/en/tajikistan>

<sup>3</sup> <http://hdr.undp.org/en/composite/HDI>

<sup>4</sup> Human Development Report 2015, Tajikistan, UNDP available at [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/TJK.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf)

<sup>5</sup> Human Development Report 2015, Tajikistan, UNDP available at [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/TJK.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf)

<sup>6</sup> The GDI measures gender inequalities in achievement in three basic dimensions of human development—health (measured by female and male life expectancy at birth), education (measured by female and male expected years of schooling for children and mean years for adults aged 25 years and older); and command over economic resources (measured by female and male estimated GNI per capita). [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/TJK.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf)

<sup>7</sup> All of the indicators needed to construct the MPI for a household are taken from the same household survey. The indicators are weighted to create a deprivation score, and the deprivation scores are computed for each household in the survey. A deprivation score of 33.3 per cent (one-third of the weighted indicators), is used to distinguish between the poor and non poor. If the household deprivation score is 33.3 per cent or greater, the household (and everyone in it) is classed as multi-dimensionally poor. Households with a deprivation score greater than or equal to 20 per cent but less than 33.3 per cent are near multidimensional poverty. UNDP Human Development Report for Tajikistan 2014 [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/TJK.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf)

<sup>8</sup> UNDP Human Development Report for Tajikistan 2014 [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/TJK.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf)

Tajikistan's economic growth has slowed dramatically in the last two years, due in large part to changes in the Russian economy and a corresponding drop in the demand for Tajik workers there.<sup>9</sup> This economic slowdown has been accompanied by a change in the political situation, which began in 2013 and accelerated rapidly after the Parliamentary elections of March 1, 2015. The main opposition party lost all seats in Parliament, then was banned and declared a terrorist organisation; much of its leadership is now in jail. A new law requiring NGOs to register all grants or contracts received from foreign sources went into effect in the autumn of 2015. Overall, this is a challenging period for Tajikistan, economically, socially and politically. As a result, external assistance continues to play a significant role in the development of the country.

### **Access to Justice: the development context**

Access to justice is the ability of people from disadvantaged groups to prevent and overcome human poverty and inequality by seeking and obtaining a remedy, through the justice system, for grievances in accordance with human rights principles and standards. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable. A well functioning justice sector is a precondition to spur economic growth. However, rather than simply a mechanism to foster economic growth, access to justice is more importantly a means to prevent and overcome human poverty, by strengthening disadvantaged people's choices to seek and obtain a remedy for grievances. For UNDP, access to justice is a basic human right and a vital part of the UNDP mandate to reduce poverty, inequality and strengthen democratic governance. It includes legal protection, legal awareness, legal aid and counselling, adjudication, traditional dispute resolution mechanisms and law enforcement grounded in the human rights framework.

### **Linkage to the Sustainable Development Goals**

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

Goal 16 in particular provides new and unprecedented space for strengthening the rule of law, justice, and security and promoting human rights, and commits Member States to: *"Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."* The goal and the entire SDG agenda embrace the core elements of a social contract between state and society, as they seek to ensure a match between people's expectations of what the state and other actors will deliver (the services contained in the goals, as well as safety, rule of law and a fair justice system, legal identity, access to information and opportunities for participation) and the institutional capacity available within the state and other actors to meet those expectations. The targets for Goal 16 speak to protecting fundamental freedoms, promoting participation, non-discrimination and access to justice, and elevating civil and political rights relative to human rights standards. In particular, Target 16.3 obliges states to *"Promote the rule of law at the national and international levels and ensure equal access to justice for all."*

Goal 10 commits to *"reduce inequality within and among countries"* and eliminate discrimination in laws, policies and practices. Goal 5 promotes gender equality and the need for empowerment of all women and girls given their disadvantaged roles and discrimination in many societies. This is consistent with SDG 16.7, which seeks to ensure responsive, inclusive, participatory and representative decision-making at all levels. UNDP's mandate is firmly rooted in attaining the aforementioned SDGs, which form the basis of its Strategic Plan (2014-2017).

### **UNDP global initiatives on access to justice**

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<sup>9</sup> "Tajikistan's economic growth slowed to an estimated 4.2 percent in 2015 from 6.7 percent a year earlier, due to the spillover effect from the slowdown in Russia and the weak global demand and lower prices for key export commodities. The U.S. dollar value of remittances, about 80 percent of which originate from Russia, fell by 33 percent in 2015 compared to 2014, largely due to the sharp depreciation of the Russian ruble." – World Bank, <http://www.worldbank.org/en/country/tajikistan/overview>

Across the globe, UNDP supports governments in their effort to establish capable justice systems that provide effective and accessible services to the population, and to nurture public trust and confidence in these justice institutions. UNDP's work on improving access to justice addresses the demand side of this approach, through efforts to improve the redress, reduce discrimination, exclusion and inequality by promoting key cultural, economic, social, civil and political rights of vulnerable and marginalized groups. Additionally, it seeks to help people to understand and enforce their rights, as well as access remedies. Through this area of work, UNDP particularly engages women, marginalized and vulnerable groups, refugees and other displaced groups and communities in remote or conflict-affected areas.

UNDP works closely with UN partners, such as UNODC and UN Women, as well as organizations like IDLO to promote legal aid and access to justice in all contexts. While addressing these issues, UNDP emphasizes its commitment to be a catalyst for innovative and effective rule of law and human rights work and pays special attention to the security of women and girls. In addition, globally UNDP is promoting the new initiative of Human Rights Up Front (HRUF) that allows the UN system to undertake timely and effective actions to prevent or resolve large-scale violations of human rights or international human rights law.

### **Links to other International Instruments**

Other international instruments, which reflect the importance of access to justice and the right to free legal aid include Article 14 (3d) of the *International Covenant on Civil and Political Rights*, the *International Covenant on Social, Economic and Cultural Rights*, Article 5 (1) (a) of the *International Convention on the Elimination of all forms of Racial Discrimination*, Article 15 (1) of the *International Convention on the Elimination of All Forms of Discrimination against Women*, Articles 13 and 14 of the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, Article 37 of the *Convention on the Rights of the Child*, the *International Criminal Court Statute*, the *UN Basic Principles on the Role of Lawyers* and the *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*. Access to justice, as part of a wider human rights and rule of law framework has also been recognised as a tool in countering violent extremism, including in the UN Global Framework for Preventing Violent Extremism.<sup>10</sup>

The direct provision of legal aid and assistance is one way to improve access to justice. Free or subsidized legal aid allows poor and marginalised groups to better access their rights and entitlements, resolve their disputes peacefully, and seek remedies for grievances. Effective legal aid service schemes can improve the performance of the justice system and public administration, lead to more rational and effective decision-making, foster greater social cohesion, and increase accountability and respect for the rule of law, all of which are essential for sustainable development. Access to legal information and assistance with legal matters are also key components of legal empowerment approaches, and the provision of legal aid services free of charge to those who cannot afford them is significant to enabling access to justice and fostering human development.

A functioning legal aid system, as part of a functioning criminal justice system, has an impact on reducing the length of time suspects are held in police stations and detention centres, in addition to reducing the prison population, prison overcrowding and congestion in the courts, and reducing reoffending and re-victimization. It also protects and safeguards the rights of victims and witnesses in the criminal justice process, and reduces costs to the state and to communities. In addition, access to legal aid for the poor and other marginalised groups in civil matters – for example, to resolve disputes over land and property or in commercial or family cases – can be significant means of empowering the poor by providing them the information and support they need to claim their rights and entitlements, utilise their assets and access services and benefits.

### **National legal and institutional framework**

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<sup>10</sup> UN Global Framework on Preventing Violent Extremism, available at [https://www.un.org/counterterrorism/ctitf/sites/www.un.org.counterterrorism.ctitf/files/plan\\_action.pdf](https://www.un.org/counterterrorism/ctitf/sites/www.un.org.counterterrorism.ctitf/files/plan_action.pdf)

The Government of Tajikistan has undertaken a number of legislative and policy reforms to create the framework for an effective justice system, with an aim to improve the accessibility of the justice system for the people of Tajikistan. These legislative reforms are of relatively good quality; however, full implementation of laws is rather slow, for the reasons mentioned above (i.e. lack of financial means, weak institutional and professional capacities and poor coordination). In parallel with on-going rule of law reforms of the Government of Tajikistan, the international community has worked with Tajikistan's authorities to put in place stronger regulatory frameworks. Efforts have focused on the establishment of an independent, effective and accessible judicial system and the adoption of national laws in conformity with international standards.

The *Constitution of Tajikistan* recognises that access to justice, as well as the protection of human rights and freedoms are universal human rights, and as such guarantees the right to free legal aid. Acknowledging this, the third *Judicial and Legal Reform Programme of the Republic of Tajikistan 2015–2017* details the commitment to legal aid, including the adoption of the Draft Concept on Free Legal Aid (adopted in 2015). It further states as “*essential [the] introduction of relevant amendments into relevant normative – legal acts on delivery of legal aid.*”<sup>11</sup> By Order of the Government of the Republic of Tajikistan from July 2, 2015 of No. 425 about the Concept of rendering of the free legal aid in the Republic of Tajikistan, according to the Presidential decree of the Republic of Tajikistan from January 5, 2015 of No. 327 “*About the Programme of judicial and legal reform in the Republic of Tajikistan for 2015–2017*” the Government of the Republic of Tajikistan decided:

1. To approve the Concept of rendering of the free legal aid in the Republic of Tajikistan it (is applied).
2. To the Ministry of Justice of the Republic of Tajikistan:
  - To determine together with the donor organisations the pilot cities, areas, settlements and villages by implementation of this Concept;
  - To conclude with the donor organisations of the agreement on step-by-step implementation of this Concept;
  - To develop and perform necessary actions for implementation of this Concept.
3. To local executive bodies of the government of the cities and areas, self-government institutions of settlements also sat down to help implementation of this Concept.
4. To the Ministry of Justice of the Republic of Tajikistan annually to represent information to the Government of the Republic of Tajikistan about execution of this Concept.<sup>12</sup>

The Judicial and Legal Reform Programme accords with other national strategies and policy documents. This includes the *National Development Strategy 2030*, which outlines the vision of Tajikistan – “*it is a continuous effort to preserve national unity, implementation of principles of social justice and economic effectiveness, ensuring public security and improving wellbeing of the population.*”<sup>13</sup> The Mid-Term Development Programme 2016-2030 reaffirms the government's commitment for the “*continuation of judicial reform in the country, further strengthening of the judiciary and, in particular, ensure implementation of the programme of judicial and legal reform in the Republic of Tajikistan for 2015-2017 years.*”<sup>14</sup>

In 2016, in the National Report to the Human Rights Council Universal Periodic Review, Tajikistan reaffirmed its commitment to human rights. “*Respect for human rights is of primordial importance to Tajikistan and is a priority of the country's domestic and foreign policy. Tajikistan is committed to observance of the Charter of the United Nations and other international legal instruments and to a policy of further developing democracy, the rule of law and respect for human rights and fundamental freedoms.*”<sup>15</sup>

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

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<sup>11</sup> National Judicial and Legal Reform Programme of the Republic of Tajikistan 2015 – 2017.

<sup>12</sup> <http://cis-legislation.com/document.fwx?rgn=77428>

<sup>13</sup> Draft National Development Strategy of the Republic of Tajikistan to the Period 2030.

<sup>14</sup> Mid-Tem Development Programme for the Republic of Tajikistan 2016-2030

<sup>15</sup> National Report to the Human Rights council of the Universal Periodic Review, May 2016 available at: [http://www.upr-info.org/sites/default/files/document/tajikistan/session\\_25\\_-\\_may\\_2016/a\\_hrc\\_wg.6\\_25\\_tjk\\_1\\_e.pdf](http://www.upr-info.org/sites/default/files/document/tajikistan/session_25_-_may_2016/a_hrc_wg.6_25_tjk_1_e.pdf)



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

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

## 1.2 Situation Analysis

A tension exists between the legal rights of the people of Tajikistan and the implementation of those rights by state institutions. Historically, the Tajik people have faced significant obstacles in solving legal disputes through state justice institutions. These obstacles can broadly be divided into *capacity challenges* (the state and other institutions lack the capacity to resolve legal disputes quickly, fairly and effectively) and *normative challenges* (there are social, legal or other norms that make adjudication, resolution and enforcement difficult).

### Capacity challenges include the following:

- a) **Limited presence of state justice institutions in rural areas.** Much of rural Tajikistan has only limited access to courts and other justice institutions such as lawyers, Civil Registry (ZAGS) offices and notaries.<sup>16</sup>
- b) **Inefficiency of justice institutions.** Courts in rural areas are often understaffed, under budgeted and overburdened with cases. Cases often require elaborate documentation, which can be time-consuming and expensive, and can take years to resolve.
- c) **Access to Lawyers.** Paying for legal advice and representation is expensive and the majority of people in Tajikistan, in particular the most vulnerable, cannot afford this cost. In addition, transport costs to access lawyers can be expensive, particularly for those people living in rural and remote communities.

### Normative challenges include the following:

- d) **Lack of awareness of rights, or of the ability of state institutions to enforce those rights.** Based on A2J Project data (A2J Semi-Annual Report 2016), the average knowledge of simple legal rights is around 40 per cent.
- e) **Challenges enforcing court decisions.** Even when a favourable decision is obtained, enforcement is by no means certain. There are defects in the legislative system, including inconsistencies between the Law on Civil Procedure, the Law on Enforcement of Judgments and the Family Law. Enforcing even a simple judgment can take years.
- f) **Religious marriages are outside the scope of litigation procedures due to contradictions with secular legal norms.** According to Tajik legislation, the state recognises only marriages registered with the state institutions (ZAGS).
- g) **Lack of alternative dispute resolution mechanisms.** In situations where there is no efficient justice system, the lack of alternative dispute mechanisms leads to an increase in domestic violence, suicide among women,<sup>17</sup> child labour (for additional income generation) and subsequently a declining level of education

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<sup>16</sup> This is particularly a problem in mountainous districts. For instance, Murghob District, in the east along the Chinese border, has just a single court for a region of around 40,000 square kilometers. Disputants regularly travel for hours over unpaved mountain roads to reach the courthouse.

<sup>17</sup> According to UNICEF's TransMonEE data (2012), the national suicide rate in Tajikistan among young persons (ages 15-19) increased 63% from 2.8 to 4.5 (per 100,000) between 2008 and 2010. During this period, female suicide rates reportedly increased 176%, from 1.9 to 5.2 (per 100,000), while males experienced only a 6% increase, from 3.6 to 3.9 (per 100,000). From 2008 to 2010, according to these TransMonEE data, a shift in the male-to-female ratio also occurred, with more females than males committing suicide. The reported male-to-female ratio was 1.9:1 in 2008, 1:1.2 in 2009 and 1:1.3 in 2010

among the young generation. On the other hand, being left without support by the justice system, citizens may refer to religious leaders for resolution. Consequently, this bears the potential of putting the state monopoly on legal enforcement into doubt.

**Social challenges include the following:**

- a) **Weak coordination between Government and civil society** concerning open discussion of challenges, development of recommendations and adequate follow-up with regard to FLA.
- b) **Lack of trust in the competence, fairness or effectiveness of state justice institutions.** According to the data of Freedom House,<sup>18</sup> Tajikistan's rating of Judicial Framework and Independence has decreased from 5,75 to 6,5 (with 7 being the worst) within the last 10 years.
- c) **In family cases, social pressure discouraging state intervention.** Particularly in rural areas, there is often pressure either to ignore the problem or to attempt to resolve it through the intervention of traditional or religious leaders. Tajiks who pursue cases in court against their families' wishes risk being shunned by relatives and the wider community.

**Women** are especially challenged with limited access to justice and harmful gender customs. Despite legislation endorsing women's rights, banned practices of polygamy, under-age marriages and marriage between 1<sup>st</sup> grade relatives 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. Early marriage is common, with almost 15 per cent of women in Tajikistan being married before the age of 18,<sup>19</sup> and it is far more frequent among women with less education (28 per cent of women having just primary education against 5 per cent 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.

Since the decline in the economic situation there has been an increase in the demand for free legal aid, as the population has come under increased economic pressure. Reduced growth in tax revenues has cut into the government's ability to increase its capacities, to match donor funding, and to provide services generally. This has also caused additional pressure on the social situation in the country. Unemployment, particularly youth unemployment, is rising. For over a decade, emigration to Russia has acted as a social and economic safety valve, allowing young Tajiks to find work abroad. This is increasingly no longer the case. Although official statistics claim otherwise, various lines of evidence suggest that the country is now home to a large and growing pool of unemployed people, disproportionately under the age of 30.

Phase I of the Project encountered all of these problems. Many LACs and paralegal clients are not aware of their legal rights; many others do not trust the competence or effectiveness of state justice institutions.<sup>20</sup> Some problems have proven tractable; for instance, it has proven possible to operate an effective network of LACs over a wide geographic range including rural areas (under NGOs).

Preliminary results of the study on execution of family cases conducted by the Project<sup>21</sup> show that legislation on enforcement of judicial decisions is fragmented, inconsistent and has ambiguities, which results in disputes among state bodies involved in the execution process. In addition to that, the study noted a very low capacity of bailiffs and low quality of court decisions. This is due to the lack of training programmes at the University and the lack of advanced trainings for both bailiffs and judges. On the practical side, the study revealed lack of coordination mechanisms among state institutions from which the execution process suffers dramatically.

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<sup>18</sup> <https://www.freedomhouse.org/report/nations-transit/2015/tajikistan>

<sup>19</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>20</sup> 2015 data from the Case Management System (CMS) show that almost 30 per cent of LAC clients in family law cases either were not aware of their rights or did not correctly understand their rights. This figure rose to 42 per cent in cases involving persons with disabilities. About a quarter of incoming LAC clients (23 per cent) had experienced problems with state justice agencies, such as ZAGS or the local court or prosecutor's office.

<sup>21</sup> Q2 2016. More detailed results will be available in Q3.

An additional issue that arose in Phase I was the lack of effective representation for criminal defendants. LACs did not deal directly with criminal cases in Phase I, but occasionally LACs had cases that touched on or involved criminal prosecutions.<sup>22</sup> Most criminal defendants in Tajikistan do not have access to legal assistance, even though this is a right guaranteed by the Constitution of the Republic of Tajikistan. The Ministry of Justice is very aware of this problem, and has asked the project for assistance in piloting new systems of criminal defense.

### 1.3 Drivers of Change

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

- a) **Government Commitment:** The commitment of the government is assessed as high, as reflected in the adoption of the *Concept on Free Legal Aid* in 2015, as well as through other strategic and policy documents confirming the government's commitment to reform of the justice sector. On the issue of access to justice, government support has been strong and is expected to remain so.<sup>23</sup> In particular the Ministry of Justice is committed to the reforms included in the Project. The establishment of the National Rule of Law Forum, through the Policy Dialogue, is also evidence of government commitment to the issues (see below under key achievements in Phase I).
- b) **Donor Commitment:** Donor commitment in terms of strengthening people's access to justice (legal aid) is also assessed as high, evidenced through the level of donor funding to the legal aid centres and donor interest in the issue. This is expressed in the Donor Coordination Council and its sub-committee, the Rule of Law Working group, which meets 10 times per year and frequently discusses access to justice and legal aid. Due to the inclusion of Goal 16 and its associated target in the SDGs relating to access to justice, it is assessed that donor commitment to improving access to justice will continue in the foreseeable future. In this context, it should be noted that the Finnish Ministry of Foreign Affairs has been funding UNDP's Legal Aid Centres since 2013, and that the UNDP Programme has also attracted small grants from the Dutch government and from the Office of International Narcotics and Law Enforcement within the US State Department.
- c) **Rising awareness/increased demand:** HELVETAS' public awareness activities in Phase I, together with the number of legal aid and service providers, are boosting legal awareness across the country. As people's awareness of their rights and the duties of service providers grows, there is a corresponding demand for those services.<sup>24</sup> It is envisaged that people's awareness will continue to rise during Phase II of the Project, thereby increasing demand.
- d) **Interest and commitment of service providers:** Both the SALAC and NGO-operated legal aid centres are highly interested and committed to providing free legal aid, advice and assistance to the people of Tajikistan. It is not anticipated that this will change during the Project's duration.
- e) **Interest and commitment in the Policy Dialogue:** The Policy Dialogue has met regularly throughout Phase I of the Project, with key achievements including the adoption of the *Concept on Free Legal Aid*. The participants of the Policy Dialogue are interested and committed. It is anticipated the Policy Dialogue process will develop and be strengthened throughout the second phase of the Project.
- f) **Social accountability at local level:** In Phase II, the Project will introduce methodologies and tools to ensure further adherence to Human Rights. These will include civil society reporting and social monitoring mechanisms that are linked to social accountability processes aimed at strengthening the policy dialogue at local level between duty bearers and rights holders

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<sup>22</sup> For instance, a LAC might accept a domestic violence (DV) case in which there was also a criminal prosecution for assault, or a property case involving criminal fraud. These cases were not common in Phase I, but there were enough of them to sensitize the project to some of the issues involving criminal defense in Tajikistan.

<sup>23</sup> This may be because the government does not view access to government as a human rights issue, but rather as a question of providing a social service. Most cases brought before the LACs are non-political and non-controversial, so issues of human rights have not been strongly implicated. Thus, the government's attitude has consistently been that access to justice in general, and legal aid in particular, is an appropriate service for the government to provide the population – subject, of course, to availability of resources.

<sup>24</sup> This has been seen in the numbers for the LACs. The number of cases per lawyer per month has increased steadily every year since the current system was implemented in 2012. According to the Case Management System, the average across SDC-funded LACs has risen from around 18 per lawyer per month in 2013 to around 28 per lawyer per month in the first half of 2016.

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

#### 1.4 Restrainers of Change

Possible constraints to change include the following:

- a) **Government capacities:** Justice sector reforms are widely recognized as requiring considerable time, resources and capacities and the experience gained through Phase I of the Project support this. It is one thing to develop laws and regulations but a wider challenge to implement them. The Project seeks to build capacities that will translate reform commitment from paper to realising actual implementation on the ground.
- b) **Government trust in civil society:** Historically, government trust in civil society (and vice versa) has been weak. The tightening of restrictions on NGOs is also impacting trust between these groups. However, through the Policy Dialogue at the local and national levels, a degree of trust has already been created, which the Project aims to capitalise and build on during Phase II of the Project. With civil society increasingly playing a role in providing evidence-based inputs from the grassroots level into policy discussions and decisions at the national level, it is envisaged that the level of trust will increase.
- c) **Resource capacities:** Government austerity and the current decline in the economy have resulted in budget cutbacks, leading to uncertainty over future funds. However, the Project already has a firm commitment from the Government as to resource allocations for the SALAC LACs up to 2020 and it is not anticipated that the Government will deviate from this during the Project period. The Project will continue to work closely with the Ministry of Finance, informing it of cost analyses and implications to ensure evidence-based budgeting for the free legal aid centres and secondary legal aid services. The Consortium will lobby to facilitate that both institutional and financial sustainability of the Project activities will be ensured at the end of the Project period.
- d) **Social barriers:** Social barriers remain a restrainer of change and prevent many cases from reaching court, particularly when cases involve family and other private matters. There is great pressure to keep family issues out of the public space of courts. As noted above, citizens who pursue family cases in court run the risk of being shunned by relatives and the wider community. Experience has shown that this challenge can be to some extent overcome through raising the awareness of the population. The Project will continue to address this potential constraint during Phase II through its awareness raising campaigns, outreach activities, and training of SALAC lawyers and paralegals on mediation.

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

These elements combined form the basis on which to work with the Government and civil society in Phase II of the Project, focusing on creating legal awareness campaigns, promoting spaces for dialogue and enhanced responsiveness toward citizens, and developing a sustainable state system of legal aid.

#### 1.5 Results and Lessons Learnt

According to the Access to Justice Project Mid-term Assessment 2015, changes in the overall development context do not decrease the validity of the Project objectives and are even more pertinent. "Three out of four Project Outcomes are partly or mostly on track. In case of Outcome 4 (policy dialogue, partly off track), while the Policy Dialogue process has shown good results, it has essentially narrowed its focus on the reform of free legal aid, albeit a wide range of issues were discussed at some Policy dialogue events, including the first National Rule of Law

forum.”<sup>25</sup> The overall conclusion states: “The Project has produced some significant achievements, due to the dedicated work of the many people involved in Project implementation. Progress towards attainment of Project results has been good, with some corrections to be made.”

Phase I brought about the first steps towards the shift from non-state free legal aid services (9 LACs) to state-run free legal aid provision (newly established 3 state LACs). In this context, the State Agency for Legal Aid Centres was established in 2015 and started operations in 2016. Non-state actors provided free legal aid to more than 17,000 citizens (74 per cent women) and state actors provided 971 consultations in 2016. All data on free legal aid provision under the Project is entered into an online Case Management System, which will be transferred to the Ministry of Justice during Phase II and adapted to the changing needs.

The telephone Hotline, established by the Project, is an easily accessible means of legal consultation, because it is free of charge and the usage of mobile phones in Tajikistan is widespread. The Ministry of Justice committed to taking over the cost of the Hotline’s operations since January 2016.

In Phase I the paralegal and hotline<sup>26</sup> concepts were developed and implemented with 3481 clients receiving legal advice (see p. 20–24 of the A2J Annual Report 2015). The first steps were taken towards creating a system of alternative dispute resolution (mediation) and 36 mediators were trained and provided 190 mediation sessions with about 90 per cent positive results.

During Phase I public awareness on legal rights was increased (e.g. 2,755 legal information meetings reached 71,353 participants, including 65 per cent women, 62,700 thematic brochures on family and inheritance law and calendars were distributed.)<sup>27</sup> As per the Impact Study on the communication component,<sup>28</sup> the presence of civil status documents in the pilot and control areas, such as marriage, divorce, and birth certificates were indicators of the Project’s impact. According to a previous survey (MICS-2005), 15.5 per cent of the surveyed population had no marriage certificate, after the Project intervention this figure reduced to 4.5 per cent in the Project pilot areas and to 6.5 per cent in other areas. The same was observed for divorce certificates (32.1 per cent vs. 38.5 per cent) and birth certificates (3.9 per cent vs. 8.6 per cent.)<sup>29</sup> Legal awareness of citizens has improved on average 3.2 times in pilot area and 1.8 times in the other areas.

The establishment of Tajikistan’s first high level policy dialogue on Legal Issues has been successful initiated and steadily expanded: the most notable result is the Concept on Free Legal Aid, which was the legal basis for the creation of SALAC.<sup>30</sup> The National Forum on the Rule of Law (part of the Policy Dialogue process) was held in November 2015; it was hosted by the Minister of Justice and attracted over 150 participants from government, CSOs and the private sector. As described in the external mid-term review 2015, the Policy Dialogue still focuses on the national level and lacks linkages with the local level.

In order to support the on-going ZAGS and Notary reform, the capacity of ZAGS and Notary offices was improved and capacities of 163 ZAGS employees (119 women) and 91 notaries (26 women) were improved through two-year trainings. In the medium term, work with ZAGS (and Civil Registry in general) has been taken over by the new, complementary Civil Registry Project implemented by UNDP and funded by SDC.

## **Gender results**

With regard to the gender issues mentioned in the context analysis, Phase I addressed these problems by reaching out to women through a variety of initiatives:

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<sup>25</sup> Mid-term assessment p.7

<sup>26</sup> A phone-based system for provision of free legal advice (Hotline) was established by the Project and then taken over by the MoJ.

<sup>27</sup> Annual Access to Justice Project Report, 01.12.2014 -31.12.2015

<sup>28</sup> Impact Study on Communication, 2016

<sup>29</sup> MICS – 2005 reported that 12.4% of households with children did not have birth certificates.

<sup>30</sup> The Concept was developed through the Policy Dialogue in 2014-15 and promulgated as a Presidential Decree in July 2015. Other accomplishments of the Policy Dialogue include the development and promulgation of the Judicial Legal Reform Programme (2014).

- Public legal awareness campaigns directed at changing the perception of stereotypes with regard to women’s rights and roles (16 specific events linked with women, family, youth and human rights were covered reaching an approximate number of 4,090 people);
- On-going activities on legal awareness to foster gender equality: interactive radio shows broadcasted (106), 106 articles printed in two newspapers with national coverage; series of videos broadcasted on national and local TV; informational legal sessions (e.g. in 2015 the NGO INIS reached almost 25,000 people, about 65 per cent women);
- Capacity development of the Committee of Women and Family Affairs on how to conceptualise and conduct legal awareness raising sessions;
- Cooperation with other initiatives (e.g. Preventing Domestic Violence Project) to develop referral paths;
- The development of a paralegal system with over 75 per cent female involvement, in order to improve the access of women (especially rural women) to the legal system;
- Deliberate outreach by LACs and paralegals to potential female clients.

### Lessons learnt

Phase II will continue and expand upon the successes of Phase I, while adjusting the outputs and adding several new activities. One important aim is to ensure a smooth transition from NGO-run legal aid to state-run legal aid in order to guarantee the sustainability of free legal aid provision in Tajikistan and protection of rights at local and national levels by state authorities.

During Phase II, the Project will draw on the lessons learnt that were identified during the external review 2015, and put in place appropriate measures in the new phase to address them.

Lessons learnt from Phase I	Implications and measures to be taken in Phase II
<b>Outcome 1</b>	
Weak capacities of state institutions to implement legal awareness raising activities	Capacities of state institutions to implement legal awareness raising activities need to be assessed and strengthened
Paralegal system works well on free-of-charge basis and has been included as pilot model in the Concept of Free Legal Aid	Formalisation of the paralegal status, regular assessment and strengthening of performance will be necessary
Legal awareness raising through TV and NGOs proved to be most successful (see Impact Study on communication).	Continuation with NGO sessions in the remote areas and TV interventions nation wide.
<b>Outcome 2</b>	
Government stakeholders, especially the Ministry of Justice, seemed to be more receptive to the idea of a state-supported free legal aid system when it was presented as a system of social aid that tends to support social stability.	Continue to emphasize on the social aspects of legal aid.
One of the models for primary free legal aid provision foresees the involvement of NGOs selected via tender. NGOs expect levels of funding that will not be affordable for the Government of Tajikistan.	Project partners are already exploring ways to reduce their operational costs; this will be on-going in Phase II. Exit strategies (incl. capacity building) have already been developed together with NGO partners.
SALAC capacities (HR management, operational, technical etc.) need to be strengthened.	Relevant training measures will be designed and support provided. Encourage SALAC to hire qualified female candidates.



Lack of a proper Monitoring and Evaluation (M&E) system including cost-benefit analyses influences efficiency/effectiveness of free legal aid.	Establishment of a comprehensive M&E system for primary and secondary legal aid (including upgrading of the Case Management System)
Number of SALAC clients in primary legal aid is less than the 25 clients requested in ToR (current minimum is 8 clients per month), due to staff rotation in LACs and lack of PR.	Deeper assessment/monitoring of reasons for low number of clients, improvement of PR, and introduction of internships to tackle staff rotation.
Inclusion of the NGO Network into PD is a challenge.	In order to gain recognition from state institutions, the NGO Network will need to continuously demonstrate and prove their ability to support the reform process by providing constructive feedback, evidence and analysis.
<b>Outcome 3 (not relevant anymore)</b>	n/a
<b>Outcome 4</b>	
In the process of establishment of the National PD, it was observed that there was a limited number of NGOs participating in the discussion. Over time, the participation in discussion slightly increased, however contribution was not up to level.	There is a need to identify new CSOs operating in the remote areas of Tajikistan and build their capacity.
National PD was conducted 4 times but there are issues that don't require intervention at national level, i.e. can be resolved at the local/regional level.	Local/regional policy dialogue mechanisms should be assessed and adapted to the Project needs. Capacity building for local/regional state authorities and civil actors will support the process. Possible inclusion of social monitoring of free legal aid into PD has to be assessed.

### 1.5.6 Funds deployed to date

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

Anticipated funds for Phase II are CHF 4,310,000 (about USD \$4.33 million at current exchange rates) and \$112,000 of in-kind contributions from the GoT, for a total of \$4.44 million.

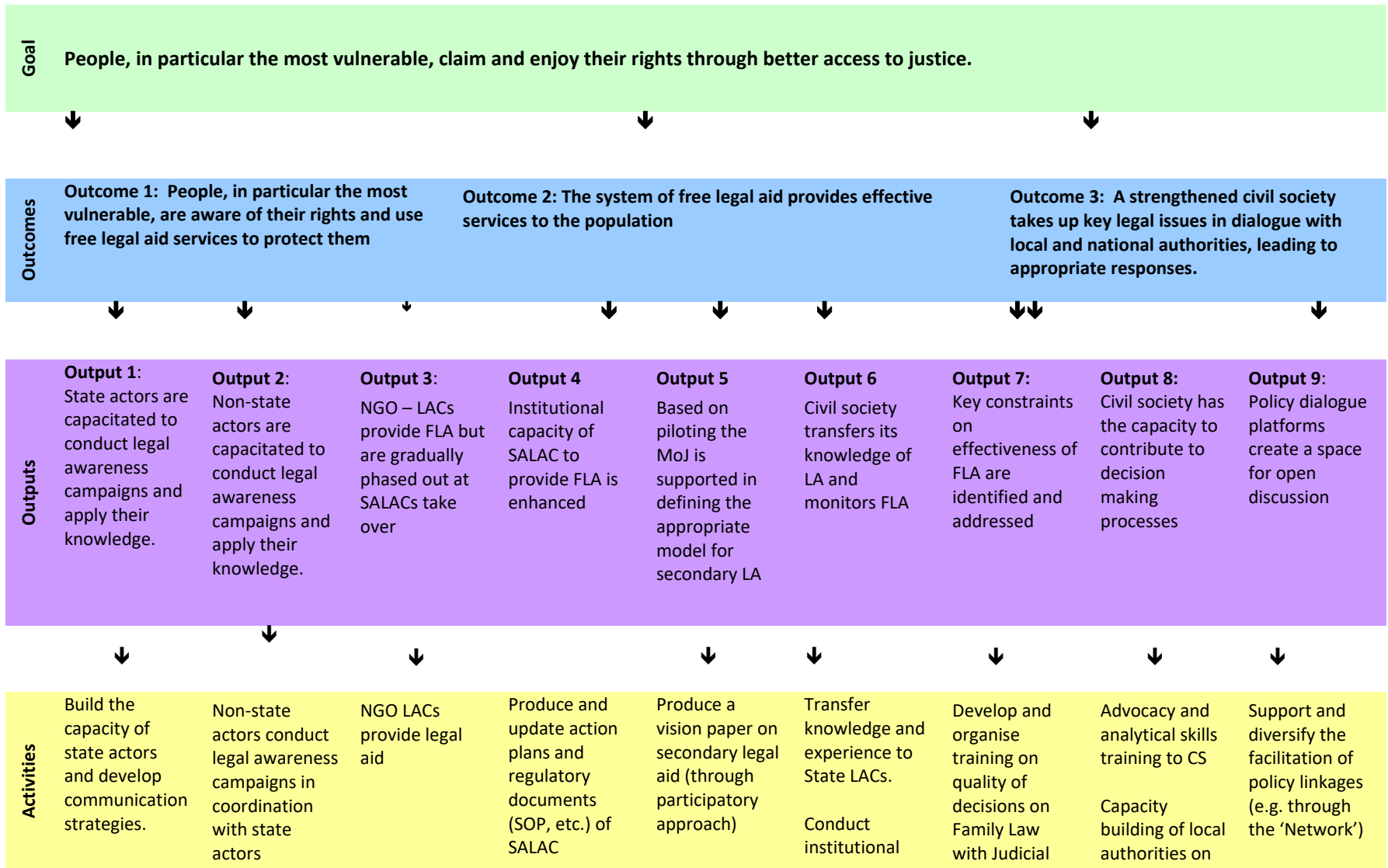
## II. STRATEGY

As in Phase I, the Project's intervention strategy foresees a systemic and integrated approach that combines several processes of access to justice that are horizontally and vertically interlinked at the local and national level. Each of these processes will be supported by the Project through specific and connected interventions. During Phase I, the roles and responsibilities of UNDP and HELVETAS were divided along the four outcomes. However, the intervention strategy for Phase II will bolster the synergies between outcomes and bring better into play the comparative advantages and added values of the consortium partners. Consequently, a more collaborative and integrated approach towards delivering outputs and implementing activities will be pursued. This in turn requires stronger coordination mechanisms and Project set-up.

Phase II will include a six month inception phase. During this period, project staff will develop the key strategic documents for the rest of the phase, including a communications strategy. During the inception phase, project staff may make recommendations for adjustments to the project document and/or the RRF.

The objectives of the project are detailed below in the table, followed by a narrative description of the goal, outcomes, outputs and activities. The activities are further elaborated in more detail under each outcome in Chapter III, under 3.1 Implementing Strategy.

## 2.1 Objectives



<p>State actors conduct legal awareness campaigns (social/mass media, ICT, SMS, events) in all Project areas.</p> <p>Develop ICT mechanisms, which enable people to seek and acquire legal aid.</p> <p>Conduct impact studies for measuring the efficiency of the campaigns.</p>	<p>Formalise paralegal status</p> <p>Furnish and equip SALAC offices in the Project areas</p> <p>Establish a M&amp;E and internal oversight system</p> <p>Capacity development on mediation skills</p> <p>Revise recruiting processes and develop training programme (curricula, etc.) with the Institute for Advanced Training/Moj</p> <p>Establish a system of internships for SALAC with</p>	<p>Develop the register of advocates</p> <p>Upgrade case management system for quantitative and qualitative monitoring and for referral selection mechanisms for secondary legal aid provision</p>	<p>development training for NGOs as a part of an exit strategy.</p> <p>Capacity development of CS to monitor state free legal aid</p> <p>CS assesses SALAC services and provides feedback accordingly</p> <p>Community mobilisation to establish social accountability mechanism</p>	<p>Training Centre for judges</p> <p>Produce a study on execution of court decision on Family Law by bailiffs;</p> <p>Develop technical trainings for bailiffs with the Institute for Advanced Training</p>	<p>social accountability</p> <p>Facilitate and formulize policy dialogue and regional/district council meetings between state institutions and CS (including Forum)</p> <p>Review relevant regulations of regional/district councils</p> <p>Establish a follow-up mechanism to ensure implementation of recommendations</p>	<p>Produce studies on legal aid related issues</p> <p>Establish a follow-up mechanism to ensure implementation of recommendations</p>
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academic  
institutions

Capacity  
development  
for SALAC and  
state lawyers

Produce,  
publish and  
disseminate  
periodic  
analytical  
reports and  
cost-benefits  
assessment

The goal of the project is that people, in particular the most vulnerable, claim and enjoy their rights through better access to justice. The project aims to achieve this through 3 complementary and mutually reinforcing outcomes, with 9 corresponding outputs.

**Outcome 1** is that *people, in particular the most vulnerable, are aware of their rights and use free legal aid services to protect them*. This will be accomplished through 2 outputs; **output 1**, that state actors are capacitated to conduct legal awareness campaigns and apply their knowledge; and **output 2**, that non-state actors are capacitated to conduct legal awareness campaigns and apply their knowledge. The capacities of state actors will be strengthened through developing communication strategies, conduct legal awareness campaigns using mixed methods (social media, mass media, ICT, events), through developing ICT mechanisms, which will enable people to seek and acquire legal aid and through conducting impact studies for measuring the efficiency of the campaigns. Non-state actors capacities will be raised through conducting awareness campaigns with state actors.

**Outcome 2** envisages that *the system of free legal aid provides effective services to the population*. There are 5 outputs, which will enable this. **Output 3** foresees that NGO-LACs provide free legal aid but are gradually phased out as SALACs take over. It focuses on the provision of NGO-LAC led free legal aid. **Output 4** is focused on enhancing the institutional capacity of SALAC to provide free legal aid. This will be done through the production and update of action plans and regulatory documents of SALAC; the formalisation of paralegal structures; furnishing and equipping SALAC offices in the project areas; establishing an M&E and internal oversight system; capacity development of SALAC on mediation skills; revising recruiting processes and developing training programmes (curricula etc.) with the Institute for Advanced Training and the Ministry of Justice; establishing a system of internships for SALAC with academic institutions; developing the capacities of SALAC and state lawyers; and producing, publishing and disseminating periodic analytical reports and cost-benefit assessments. **Output 5** relates to support to the Ministry of Justice to pilot 2 models of secondary legal aid with a view to defining the most appropriate model. Activities include producing a vision paper on secondary legal aid (through a participatory approach); developing the register of advocates; and upgrading the case management system for quantitative and qualitative monitoring and for referral selection mechanisms for secondary legal aid provision. **Output 6** is related to the transfer of knowledge of civil society of free legal aid and its monitoring of the free legal aid system. This will include the transfer of knowledge and experience to State LACs; conducting institutional development training for NGOs as a part of an exit strategy; capacity development of civil society to monitor state free legal aid; civil society assesses SALAC services and provides feedback accordingly; and community mobilisation to establish social accountability mechanisms. **Output 7** envisages that key constraints on effectiveness of FLA are identified and addressed. This includes the development and organisation of training on the quality of decisions on Family Law with Judicial Training Centre for judges; the production of a study on the execution of court decision on Family Law by bailiffs; and the development of technical trainings for bailiffs with the Institute for Advanced Training.

**Outcome 3** is that *a strengthened civil society takes up key legal issues in dialogue with local and national authorities, leading to appropriate responses*. It has 2 outputs. **Output 8** foresees that civil society has the capacity to contribute to decision-making processes. The corresponding activities include advocacy and analytical skills training to civil society; capacity building of local authorities on social accountability; facilitate and formulise policy dialogue and regional/district council meetings between state institutions and CS (including Forum); review relevant regulations of regional/district councils; and establishing a follow-up mechanism to ensure implementation of recommendations. **Output 9** foresees that policy dialogue platforms create a space for open discussion. This will be achieved through support and diversification of the facilitation of policy linkages (e.g. through the 'Network') and the production of studies on legal aid related issues.

## 2.2 Impact Hypothesis



The Impact Hypothesis or Theory of Change for Phase II is guided by the context analysis and achievements of the A2J Project Phase I, which bears evidence of an improved environment for legal reform and access to justice in Tajikistan. The vision of the Project is to create a justice system whereby all people in Tajikistan can access justice, by having an affordable, state run system of free legal aid, in a country where people, in particular the vulnerable and marginalised, know their rights and duties in respect of free legal aid and accessing justice.

Therefore, the Project's **Impact Hypothesis** or **Theory of Change** reads as follows:

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

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

The Project has been developed using a human-rights perspective, which helps to understand how laws, social norms, traditional practices and institutional actions negatively or positively affect access to justice for the people of Tajikistan. By adopting a human rights based approach (HRBA), the Project is people-centred and links demand by rights holders for better justice outcomes, with institutional reforms on the part of duty bearers in the justice sector. The project will work on both the supply side, through supporting the implementation of justice reforms (in particular the state run system of free legal aid, but also including changes to the relevant laws and to the implementation of the enforcement of judgments) together with the demand side, through legal awareness and information provision. Through support to duty-bearers the project will increase access to justice for rights holders, in particular marginalised groups and individuals that will lead to better rights protection for all. Thus, the project will work on both up-stream and down-stream activities. This approach implies that a strong emphasis will be placed on the empowerment and participation of the people of Tajikistan, in particular vulnerable groups, in improving access to the justice system. Adopting an HRBA will ensure that the Project's strategies and activities are developed and implemented in a way that supports and promotes self-advocacy, capacity building and empowerment of people in Tajikistan, including vulnerable groups. Crucially, putting a rights-based approach into practice means engaging with the people of Tajikistan to advance their rights, rather than them simply being treated as beneficiaries of interventions. It also implies a robust engagement with the justice system.

Besides the direct benefit the people of Tajikistan will gain through a state run and funded system of legal aid and in being able to access justice, the State will also benefit since effective legal aid services have been linked to improving the performance of the justice system and public administration in many areas. Data gained through the Case Management System can lead to more rational, evidence-based and effective decision-making. This can foster greater social cohesion and increase accountability. A functioning legal aid system, as part of a functioning justice system, has an impact on reducing the length of time suspects are held in police stations and detention centres. It also protects and safeguards the rights of victims in the criminal justice process.

The Project will have a number of benefits. Some of these can be measured in financial terms, for example, retirement and other government benefits, payment of alimony and child support and the transfer of property rights to their rightful owners. Many, however, cannot be measured. For instance, LACs sometimes work to register school-age children with ZAGS so that they can enter school.<sup>31</sup> The benefits of improved childhood enrolment in primary school, while real, are primarily social; any economic benefits

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<sup>31</sup> CMS data suggests that child registration cases are around 4%-5% of the LACs' work: not a major component, but every LAC will get a number of these cases every year.

will probably accrue after the lifespan of the Project. Similarly, Phase II will work to enhance awareness of legal rights; the benefits of this are real, but will be difficult to measure economically. Some benefits can be partially quantified; for instance, improvements to law enforcement will bring both tangible economic benefits and less tangible (but still very real) social benefits such as an increase in closed cases, faster and fairer resolution of issues, and so forth.

The anticipated benefits include the following:

- Improved access to justice generally, especially for women and particularly in rural areas
- Reduced cost of justice to individuals
- Improved law enforcement and justice in general; in particular, faster and more effective enforcement of judgments in family law cases
- Increased transfer of resources to women and children
- Greater input from civil society into the process of making law and policy
- Strengthened social contract between rights holders/duty bearers.

A discussion of anticipated economic and social benefits is included in the Project Cost-Benefit Analysis, submitted separately from this Project Document.<sup>32</sup>

### 2.3.1 Transversal Themes

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

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

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

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

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

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<sup>32</sup> The Cost-Benefit Analysis showed a positive rate of return on the anticipated investment.

**b) Conflict Sensitive Project Management:** Tajikistan is a complex environment with multiple stakeholders, many of whom have divergent goals and aims. Conflict sensitive programme management will be crucial especially when dealing with restrainers of change. A basic conflict sensitive approach will be maintained throughout the project implementation to anchor conflict perspectives into the project management cycle. At a minimum the project will adopt a “do no harm” approach and will not support dividers. It will consider possible conflict at the local, regional, national and international levels, however the project’s outcomes have been designed to lend themselves to vertical coordination through representation and participation, as well as horizontal networking through partnerships, alliances and empowerment. Generally speaking, this will include the identification of resistances to open discussions of potentially difficult issues, management of related risks through on-going dialogue good working relations with partners and stakeholders, and finding constructive solutions to implementation issues. Conflict risks have been identified in the risk management log and will be closely monitored through the M&E system.

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

With regard to the specific Project situation, the 3 steps include:

**Step 1: Understanding the conflict context.** Conflict analysis: understand conflict actors, key driving issues and dynamics.

Involved Project staff, lawyers, and others have to understand **the conflict actors, the tensions, and events** related to the situation. In the Project, context tension often arises with regard to conflicting perspectives, between family law and restrictive patriarchal views, e.g. a lack of awareness, keeping women from seeking legal advice or asking for divorce. The analysis of the conflict context **focuses on factors** (such as the violation of a particular law, tensions between family members or partners) that **reduce or maximise** tension. It deals with the **Key actors** (e.g. wife, husband, mother-in-law but also Project partners), **sources of tension** (e.g. family rights versus tradition) **connecting elements** (e.g. children or joint property) as well as key (local) governance questions (e.g. the reluctance of police to follow the legislation in case of domestic violence). In the framework of A2J, even though a general conflict analysis will be conducted as an orientation, each particular case will have to be analysed individually.

**Step 2: Understanding the interaction between the project/intervention and the conflict context.**

Key questions include : What is the interaction between the conflict elements identified and the Project? What is the relationship a) between UNDP and HELVETAS and b) with project partners (at all levels)? How is the communication/flow of information among actors? Are there any conflicting habits or views? With regard to Project beneficiaries, the conflict context will differ from region to region due to more or less differing social and cultural set ups.

**Step 3: Adaptations and strategic choices, which have to become part of the project cycle management.**

The third step seeks to minimise any negative impact and diminish elements, which contribute to tension/conflict. Approches should be suited to replace separation by mutuality. In the Project context this means that positive elements in the conflict are reinforced because they are suited

de-escalate tension/conflict and connect the conflicting parties. Subsequently it will be easier to overcome barriers and tackle more serious grievances.

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

**c) Gender equality issues:** Today's legislative framework in Tajikistan in relation to gender includes but is not limited to the *Law of the Republic of Tajikistan on Prevention of Violence in Family* (2013), the *National Strategy on the Empowerment of Women for 2010-2020* and its Action Plan; the *State Programme for the Prevention of Violence in the Family 2014-2023*; *National Action Plan on the implementation of CEDAW recommendations 2014-2017*; and the *Recommendations from the most recent Universal Periodic Review* from May 2016.

As stated earlier in the Project document, Tajik women, more than men are adversely affected by their lack of access to justice. In order to address these issues, the Project will mainstream gender into the Project cycle and adopt practices that promote gender equality both with its primary and secondary stakeholders and partners, as well as within the team. All activities will be developed and conducted in line with the UNDP Gender Equality Strategy 2014–2017. In view of the context analysis and experience from Phase I, promotion of gender equality approaches will remain at the heart of the Project. Thus, the interventions will address the specific vulnerabilities and needs of women and girls while acknowledging the strengths of their social positions and empowering them to participate fully in the project and community related activities.

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

- Continued efforts to raise legal awareness through media and to develop ICT mechanisms (using gender sensitive approaches), which will enable people to seek and acquire legal aid;
- Placing greater emphasis on the inclusion of boys/men and community leaders to raise their legal knowledge of women's rights and women's access to justice, and to change their perception on stereotypes related to how genders should engage with legal and justice procedures;
- Strive towards the inclusion of more women acting as lawyers in LACs/SALAC and active participation in PD;
- Design Project interventions and improve capacities of all implementing actors to foster gender equity and equality.
- Work towards greater access to legal services for women.

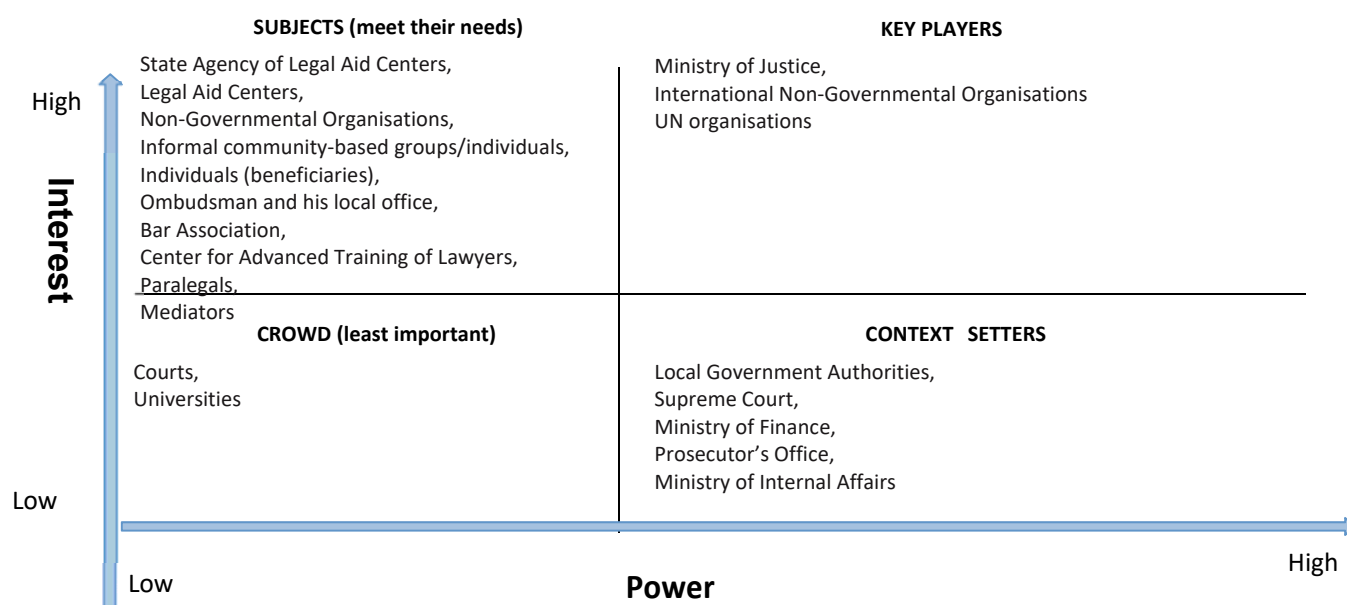
The main challenge in mainstreaming gender is that the project activities are implemented in an environment that is unfriendly to young women due to existing stereotypes. Breaking community stereotypes and perceptions requires consistent effort over a long period of time. The project will strive to address the gender stereotypes as those constitute the main drivers of change in access to legal and justice services.

One change between Phase I and Phase II is that the Results and Resources Framework will no longer include a fixed proportion of female clients for the LAC system. The RRF for Phase I required the Project to reach "at least 70 per cent female" clients. This has proven difficult. In the first two years of the Project, the figure was consistently between 60 per cent and 65 per cent. In the next year and a half, it rose to around 67 per cent. However, despite the Project's best efforts, it is doubtful whether it will reach the 70 per cent goal. The issue here appears to be that "70 per cent women" was an overly ambitious figure, particularly given that the Project is heavily engaged in rural areas where there are social barriers to

women asking for legal help.<sup>33</sup> Therefore, Phase II will not have a fixed target for the percentage of female clients, although it will continue to reach out to women specifically and will seek to ensure that at least 60% of clients are women.

### 2.3 Target Groups and Stakeholders

The overall target groups of the A2J Project are the people of Tajikistan (up to 8.7 million<sup>34</sup> inhabitants). The term ‘stakeholders’ refers to all actors involved in the Project, irrespective of the level and degree of involvement. The stakeholders are further prioritized by their interest and power in the development of the free legal aid system. For this exercise it was decided to use the Interest Versus Power Grid (by Eden and Ackermann as featured in the UNDP Guidance Note on Assessing the Rule of Law using Institutional and Context Analysis.)<sup>35</sup> This grid groups stakeholders according to their interest and their power (how strongly the stakeholder can affect the performance of the free legal aid system). Therefore, the grid can serve as a guideline for future engagement with stakeholders. The members of the crowd quadrant will not be further taken into consideration due to their low interest and low degree of power.



A detailed stakeholder analysis is provided at Annex II.

At the institutional level the Access to Justice Project will cooperate with the following stakeholders at the levels briefly described below:

- **National level:** Ministry of Justice, SALAC, Ombudsman’s Office, Institute for Advanced Training of Lawyers, Bar Association, Prosecutor’s Office, Ministry of Internal Affairs and Supreme Court.

The Ministry of Justice is the authority responsible for defining and implementing state policy in the field of access to justice and free legal aid. The Ministry is also responsible for convening the

<sup>33</sup> This is consistent with data from the CMS, which shows lower proportions of women as clients in LACs serving rural areas. For instance, a Dushanbe LAC operated by the League of Women Lawyers had 76 per cent female clients in 2015; however, a LAC in Shaartuz (a small town near the Afghan border) had only 55 per cent female clients.

<sup>34</sup> <http://countrysmeters.info/en/tajikistan>

<sup>35</sup> Guidance Note on Assessing the Rule of Law using Institutional and context Analysis, UNDP, 2013 available at [http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Access%20to%20Justice%20and%20Rule%20of%20Law/UNDP%20ICA%20GUIDE\\_web.pdf](http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Access%20to%20Justice%20and%20Rule%20of%20Law/UNDP%20ICA%20GUIDE_web.pdf)

Policy Dialogue. As a result of the Project, the policy and legislative framework to support a system of free legal aid will be in place.

SALAC will be capacitated to provide free legal aid to the people of Tajikistan and lawyers will be trained on all aspects of the free legal aid system. A functioning system of free legal aid will support the Ministry of Justice to achieve its goals as set out in the Judicial and Legal Reform programme including the protection of rights and freedom of the population. The system of free legal aid will be further strengthened to provide quality, timely services to the population.

The Prosecutor's Office, Ministry of Internal Affairs and Supreme Court are the actors who will be involved in the development and implementation of secondary free legal aid. Provision of adequate information and capacity building of these bodies in the framework of secondary free legal aid will be crucial.

The Ministry of Finance will be constantly informed on the Project activities taking into account its role in the state budget formation.

The Bar Association's role in the provision of secondary legal aid has to be identified.

NGO partners will continue to provide free legal aid with the idea to phase out at the end of 2018. The Paralegals system is transferred to the state legal aid while their status has to be formalised.

- **Regional level:** Oblast Administration (Hukumats). Oblast Hukumats will be supported to develop issue based PD platforms and involved in the development of state free legal aid monitoring. As this is a new initiative for them, the ground will have to be prepared.
- **Local level:** Jamoats and Mahallas, informal community-based groups and individuals, paralegals and mediators. All these actors will be involved in the development and implementation of issue driven local PD and social monitoring. Linkages with Regional PD platforms, through UNDP's complementary Rule of Law project, will be essential. Paralegals will provide legal advice and mediators resolve conflicts.

## 2.4 Outreach and Level of Intervention

The A2J Project will be implemented over the entire territory of Tajikistan (a detailed map is provided at Annex IV).

The Project's Outcome 1: **People, in particular the most vulnerable, are aware of their rights and use free legal aid services to protect them** will operate at the national/macro level. The Project will support the capacities of state actors to communicate the new system of free legal aid and the rights of the population in that respect. The communication campaigns will have national outreach through an innovative mix of ICTs, including social media, apps, SMS, radio, newspaper inserts for legal awareness raising and information. These innovations will be a strong tool in increasing access to justice of the population. In the project's inception phase, UNDP will work with HELVETAS to develop a communications strategy that will guide the outreach for the rest of the phase.

For Outcome 2: **The system of free legal aid provides effective services to the population**, the Project outreach is again at the macro/countrywide level but it will also operate at the meso level in rural but populated areas such as Khatlon, RRS/Dushanbe, and Sughd regions, and also of the Gorno Badakhshan Autonomous Region.

Outcome 3: **Strengthened civil society takes up key legal issues in dialogue with local, regional and national authorities, leading to appropriate responses** will operate at all 3 levels, macro, micro and meso,



through conducting national and regional/local level policy dialogues, which will include civil society groups and forums, as well as district, regional and state institutions, which are relevant to improving rule of law and access to justice in Tajikistan.

As indicated, the A2J Project will operate at micro, meso and macro levels. For the second phase it is pertinent that the Project interventions at the respective levels are intrinsically linked so that the data and evidence from the Project's grassroots activities systematically feed to the reform processes at the national level.

### **III. RESULTS AND PARTNERSHIPS**

#### **3.1 Implementing Strategy**

##### **3.1.1 Intervention Approach**

As detailed above in Chapter 2, there are 9 outputs together with associated activities, which will lead to the outcomes and will ultimately achieve the goal of the project, that people, in particular the most vulnerable, including women, have better access to justice and their rights are better protected due to increased legal awareness and a functioning legal aid system provided by the state and improved in consultation with civil society. These can be divided along the 3 outcomes of the project, namely legal awareness raising, provision of free legal aid and policy dialogue.

##### **Outcome 1 People, in particular the most vulnerable, are aware of their rights and use free legal aid services to protect them**

Addressing the demand-side of the intervention, the Project will raise awareness among the people of Tajikistan, in particular the most vulnerable, of their rights and use of free legal aid services to access justice services. To achieve this, the Project will build the capacities of state and non-state actors to conduct legal awareness campaigns based on experience of the Project and apply their knowledge. The state actors will be selected based on assessment conducted among all state authorities involved in legal awareness raising. The capacities of the selected state actors will be strengthened through provision of skills on the development of communication strategies and annual plans. Trained state actors will conduct legal awareness campaigns (e.g. social media, mass media, public events), will use ICT mechanisms to enable people to seek and acquire legal aid, and through impact studies will measure the efficiency of the campaigns. The capacities of non-state actors to conduct awareness-raising campaigns in remote areas will be built accordingly. Activities will be conducted at the micro/meso and macro levels since different campaigns will be conducted at the local/pilot areas, regional and national levels.

The A2J Project Phase II will continue the successful public information and outreach activities of Phase I, including legal awareness campaigns, TV and radio spots, and capacity development for both state and non-state actors. A new activity will include the use of ICT to improve citizens' access to legal services (e.g. mobile applications) and development of SALAC's public information capacity.

SALAC and other state bodies selected through assessment will be supported to conduct legal outreach activities. Principles of this information outreach shall include simplicity and clarity of language, straightforward explanations of the rights and responsibilities of the rights holders/duty bearers and ease of access to information. Phase II will continue awareness raising activities identified as most successful by the 2016 'Impact Study.' In addition, activities may include the following:

- Information posters (including posters in a comic or caricature style) to be displayed at points of service delivery (e.g. relevant government offices);
- Brochures, booklets containing clear, easy to understand information to be distributed at relevant events (also provided to UN organisations for distribution);

- Templates and examples of forms that need to be filled out with clear explanation of required documents to be submitted alongside applications.
- Provide legal information in teaching materials, such as colourful stickers/pictures inserted into notebooks sold before the start of the academic year.

### **Outcome 2: The system of free legal aid provides effective services to the population**

The largest focus of the second phase of the Access to Justice Project is to ensure that the system of free legal aid provides effective, accessible, and affordable services to the population. This will be achieved through phasing out the current system of NGO-LAC led provision of free legal aid services and strengthening the capacities of SALACs to provide effective, accessible and affordable services to the population.

In 2016 there is a mixed system of free legal aid, with some being provided by NGOs (funded by HELVETAS) and some being provided by SALAC (funded partially by UNDP through the Finnish-funded, UNDP-administered Rule of Law Project, and partially through HELVETAS). It is anticipated that this dual system will continue through the first two years of the new Project phase, but that the NGO system of free legal aid will be phased out by calendar year 2019, while the SALAC system expands to compensate. During those two years, NGOs will continue to share their experience in free legal aid provision with SALAC through exchange visits and coaching. SALAC will train new paralegals during year one of Phase II and if necessary will be supported by NGOs. Towards the end of the Phase, MoJ in consultation with civil society will select the most appropriate model for the provision of free legal aid and formalise it through the adoption of the Law on Free Legal Aid.

The expansion of SALAC LACs will be the primary responsibility of HELVETAS.

SALAC began operations in early 2016 and now operates six out of the country's 30 LACs. At this time SALAC is almost entirely supported by donor funding.<sup>36</sup> Over the course of Phase II, the current system of NGO-run LACs will be gradually reduced and phased out. It is anticipated that the last LACs operated by NGOs will close by the end of calendar year 2019. Meanwhile, the Project will support the acquisition of equipment for SALAC offices and will continuously develop SALAC's capacity, both in terms of the numbers of LACs operated and the quality and quantity of legal aid delivered through the LACs. SALAC will introduce an internal monitoring system and develop annual analytical reports based on data accumulated by the Case Management System (CMS).

A capacity assessment of the Institute for Advanced Training of Lawyers will be conducted to identify gaps in curricula, recruitment procedures, and teachers' skills. Subsequently necessary changes will be introduced in the curricula, recruitment procedures, and additional training will be provided according to needs (incl. training on mediation). Revised curricula will allow the Institute to conduct periodic assessments of skills and knowledge of state lawyers followed by training to fill capacity gaps. Advocates of the Bar Association may be included in assessments and subsequent measures to improve their capacities. Conditions of their inclusion will be subject to elaboration. If needed, changes into the legislation will be introduced to allow fee-based training.

A system of internship for SALAC will be developed to compensate for staff rotation. SALAC will conclude Memorandums of Understanding with law faculties of universities to receive up to 15 interns (close to graduation) annually to potentially fill vacant positions in SALAC right after graduation.

Civil society will be prepared to provide feedback to SALAC and monitor the provision of free legal aid.

### Secondary free legal aid in criminal cases

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<sup>36</sup> Formally, the Ministry of Justice provides 10 per cent of SALAC's funding, while donors (SDC and the Finnish MFA) provide the other 90 per cent. However, MoJ's funding consists entirely of in-kind contributions, largely consisting of office space provided to SALAC offices.

It is anticipated that Phase II will include the piloting of secondary free legal aid in criminal cases. This will be a new area of activity for the Project, as phase one did not include legal aid in criminal cases. The establishment of secondary legal aid will be the joint responsibility of UNDP and HELVETAS. The Ministry of Justice will be supported in piloting two models, as set forth in the Concept on Free Legal Aid of July 2015. The first model will be implemented through the support of the Union of Lawyers (Tajikistan's Bar Association) as the coordinator of secondary legal aid, while the second model will be implemented through SALAC. UNDP will be responsible for developing a vision paper on secondary free legal aid early in Phase II. UNDP and HELVETAS will involve all interested actors (Ministry of Justice, Ministry of Internal Affairs, Prosecutor's Office and the courts), to ensure stakeholder buy-in. At this time, all GoT stakeholders are expressing enthusiasm or, at a minimum, acceptance of the concept. HELVETAS will upgrade the Case Management System (CMS) with regard to the selection of advocates, monitoring of their services, and calculation of fees. A registry of advocates will be available once the CMS is upgraded.

The piloting models for secondary free legal aid will cover 4 districts (two for the first models and two for the second) initially in 2017–2018, with possible expansion in the last two years of the Project subject to availability of resources. It is anticipated that the Project will work with the Union of Lawyers and possibly with the American Bar Association Rule of Law Initiative (ABA-ROLI). The Union, ABA-ROLI and/or other donors may wish to expand beyond the four districts; however, the project will not engage in any nationwide scaling up or expansion of the piloting. The engagement of the Project in Phase II will be limited to supporting the Ministry in piloting the two models.

#### Enforcement of Family Law decisions

The Project will also work to improve enforcement of cases involving family law. Non-enforcement of judgements in family cases – particularly involving alimony, child support, and property disputes – is a significant barrier to justice, especially for women and other disadvantaged groups. Phase I is currently carrying out a study to examine the reasons why judicial enforcement often falls short. Based on this study, Phase II will develop activities to demonstrate the possibility of sharply reducing backlogs and/or the time required for effective enforcement of judicial decisions.

#### **Funding and GoT Financial Contribution**

Starting in calendar year 2019, it is expected that the GoT will provide 30 per cent of SALAC's funding, rising to 50 per cent in calendar year 2020. The shift to GoT funding is slow and gradual; however, prudent planning requires conservative assumptions. UNDP will facilitate dialogue between MoJ and the Ministry of Finance to ensure that the necessary funding is made available.

**Outcome 3: A strengthened civil society takes up key legal issues in dialogue with local and national authorities, leading to appropriate responses.** The final component of the Project as per the outcomes is focused on further strengthening the policy dialogue, which was successfully initiated during Phase I. On the one hand the Project will work at the micro level, strengthening the capacities of civil society to take up key legal issues in dialogue with local and national authorities, while on the other hand the Project will work at the macro level through supporting the national level policy dialogue platform to create a space for open discussion, through support and diversification of the facilitation of policy linkages and the production of studies on relevant issues.

The Policy Dialogue system established in Phase I will continue but will be expanded and intensified. More representatives of civil society will participate and CSOs will move from making factual presentations to making specific, evidence-based and actionable recommendations. The Policy Dialogue will begin to serve as a vehicle for translating these recommendations into actual changes in laws, regulations, and/or policies, for facilitating their implementation and for providing feedback as to actual results. It is anticipated that at least two laws affecting access to justice will be passed as a result of Project activities: the Law on Justice Bodies<sup>37</sup> and the Law on Legal Aid. The Policy Dialogue will contribute to both of these

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<sup>37</sup> This is the law on internal organisation of the Ministry of Justice. It is needed because the MoJ has grown haphazardly over the last decade, both by creating new agencies (SALAC) and by absorbing agencies or responsibilities from other arms of government

laws. Dialogue will also be encouraged and facilitated at the local level involving civil society and relevant local government authorities based on established platforms (e.g. local Public Councils) and mechanisms. Platforms need to be further analysed to identify the most appropriate and sustainable one. Issue-driven regional policy dialogue will be initiated on a needs basis. This serves both the purpose of strengthening horizontal collaboration and dialogue while feeding into national level Policy Dialogue processes. More generally, the Policy Dialogue will link to actual changes “in the field” – that is, in the ability of ordinary people to access justice, both through the legal aid system and otherwise.

The national level Policy Dialogue will be the primary responsibility of UNDP. It will include annual National Rule of Law Forums in partnership with the Ministry of Justice, in addition to the semi-regular national Policy Dialogues established since 2013. Local level Policy Dialogue as well as regional issue-driven Policy Dialogue will be the primary responsibilities of HELVETAS. In Phase I, the Project created a network of civil society organisations (the CSO Network) including all of the legal aid providers engaged in access to justice. This network will engage strongly with the Policy Dialogue Platform, presenting recommendations and other inputs that have been developed by the CSOs as a group. The CSO Network will thus feed key challenges and gaps in policy reform, along with their recommendations, into the policy dialogue platform.

Facilitating Policy Dialogue and social accountability mechanisms between local government authorities and civil society will be the primary responsibility of HELVETAS. Relevant interventions will include: monitoring the provision of state free legal aid; assessing and providing feedback on SALAC services; community mobilisation and empowerment sessions; policy and advocacy skills development; reviewing relevant regulations of district and regional councils and supporting local government to enter into social dialogue with civil society stakeholders.

The Outputs will be achieved by implementing the following set of **main activities**, which are tied to the Results and Resources Framework (RRF):

- Continued outreach and public education on legal issues, particularly to women and other disadvantaged groups (RRF 1), including legal awareness campaigns by NGOs (RRF Output 2);
- Building the capacity of SALAC and other state actors to develop communication strategies (RRF Output 1);
- Impact studies and surveys for measuring the efficiency of outreach and public awareness campaigns (RRF Output 1);
- A gradual increase in the number of SALAC-run LACs (RRF Output 4), and a corresponding gradual decrease in the number of NGO-run LACs (RRF Output 3), with all NGO LACs closed by the end of 2018;
- On-going organisational, technical, and capacity-building support to SALAC, including the development of internal M&E systems, in close cooperation with the Access to Justice Project (RRF Output 4);
- Creation and piloting of a system for secondary free legal aid, including free legal aid in criminal cases (using the CMS software developed by HELVETAS), (RRF Output 5);
- Capacity development of civil society to monitor state free legal aid, and subsequent assessment and feedback by civil society (RRF Output 6);
- Based on a 2016 study on execution of court decisions on the Family Law, develop activities to improve the execution of such decisions (RRF Output 7);
- Develop and organise training on quality of decisions on the Family Law with the Judicial Training Centre for judges, along with technical trainings for bailiffs with the Institute for Advanced Training (RRF Output 7);
- Draft a law on Free Legal Aid and have it enacted (RRF Output 8) and support implementation of Law on Justice;

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(the bailiffs, formerly the responsibility of the courts). This growth has led to inconsistency and administrative confusion, so a new law is needed to restructure the Ministry and clarify responsibilities.

- Provide advocacy and analytical skills training to civil society, and support and diversify the facilitation of policy linkages through the CSO Network or through other channels (RRF Output 8 and Output 9);
- Develop and implement Policy Dialogue at the local/regional levels (RRF Output 9);
- Produce studies on legal aid related issues (RRF Output 9); and
- Establish a follow-up mechanism to ensure implementation of recommendations (RRF Output 9).

**Cross-cutting approaches:**

**(i) Knowledge & shared learning**

The knowledge products produced during Phase I have been distributed to interested stakeholders, both directly and through dissemination to the mailing list of the Rule of Law Working Group of the DCC.<sup>38</sup> As this practice has proved effective in the past, it will be continued throughout Phase II. Knowledge on completed or transferred activities will also be shared with concerned institutions such as the Notary Office, ZAGs, and the Civil Registry Reform Project.<sup>39</sup> To ensure institutional memory, all knowledge products and reports from Phase I will be kept on file for the duration of Phase II. Knowledge management will in Phase II however not be limited to the development and storing of singular products. It will instead be introduced as a cross cutting approach across all three Outcomes. This means that the A2J Project endeavours to document the various levels of results in a systematic fashion. The Project will furthermore strengthen mutual learning and exchanges of experiences within the Project and between partners. It will be of particular importance to ensure that the transfer of knowledge from NGO-run LACs to SALAC is managed well and that adequate methodologies and tools are developed with the purpose to facilitate and formalise Policy Dialogue and regional/district council meetings between state institutions and civil society. This will include a mechanism to ensure follow up on recommendations from the Policy Dialogue, including the National Rule of Law Forums.

**(ii) Capacity development & empowerment**

Capacity development is regarded as one of the main pillars for long-term sustainability of the intervention. Capacity development approaches in the Project are multifaceted, such as training, study tours, exposure visits, close cooperation and learning from each other. Long-term relationships with implementing and governmental partners established during Phase I are pre-requisites for the successful development of capacities at all levels. During Phase II, the Project will have an additional focus on relevant capacity development at the local level. The objective of this process is to establish vertical linkages and communication between different levels of society, which traditionally do not engage in dialogue with each other.

A2J will build on the individual and institutional capacities and skills acquired during the previous phase. Empowerment processes through improved public awareness will gain more prominence in Phase II. Skills of civil society to monitor state free legal aid and meaningfully engage in dialogue with local, regional and central level government institutions will be built.

The Project will furthermore develop the capacities of state actors (mainly MoJ and SALAC) to develop communication strategies, conduct legal awareness campaigns and engage in social accountability processes and dialogue in cooperation with civil society. In future, the Institute for Advanced Training of Lawyers will play a crucial role to assure the professionalism of lawyers and the quality of their services.

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<sup>38</sup> The Rule of Law Working Group is a subcommittee of the Donor Coordination Council (DCC) that includes all donors and international NGOs working on Rule of Law issues. The Working Group meets ten times per year to discuss rule of law issues, coordinate activities, and (when relevant) make recommendations to the DCC as a whole. Regular attendees include UNDP, HELVETAS, OSCE, USAID, DFID, UNICEF, OHCHR, the EU, the INL, the World Bank, and the US Embassy. UNDP chairs the Working Group.

<sup>39</sup> Phase I worked with the Notary Office (training, a study tour) and also with ZAGS. These activities will not be continued in Phase Two. Work with ZAGS has been taken over by the SDC-funded Support to Civil Registration Reform in Tajikistan Project (CR Project).

A2J has the experience and background to support them in their endeavour to build their training capacities.

### **3.2 Partnerships**

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

#### **The UNDP/HELVETAS Partnership**

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

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

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

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

#### **UNDP – HELVETAS communication, coordination and cooperation**

Team members of both organisations are committed to close cooperation and smooth communication. Both teams will meet on a bi-weekly basis to exchange experience and inform each other about relevant next steps. UNDP and HELVETAS teams regard transparency and the uninterrupted flow of communication as a matter of course. In detail this includes transparency, clarity, and accountability for all Project-related processes, strategies, plans, and activities. Details will be provided in joint annual work plans. Planning assumes the systematic inclusion of the views of both organisations, and any changes to planned activities shall be discussed with the partner organisation in advance. Once agreed, decisions are binding for both parties. The partners agree to provide mutual access to all non-confidential information related to the project. If during the lifespan of the project, project data is used to develop project proposals to SDC or any other donors, the partners shall inform each other. If a case should arise where

UNDP and HELVETAS cannot reach agreement, then the Steering Committee shall act as final decision-maker.

### **Project partners and synergies**

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

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

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

Secondary partnerships have already been established with relevant state institutions including the Ombudsman's Office and the Supreme Court. These will continue to be secondary partners in Phase II.<sup>40</sup> The Union of Advocates may be an important secondary partner, though this depends sensitively on the development of the Union over the next year.<sup>41</sup> After four years of Phase I, the Project is now familiar with most of the key players in civil society, and can adapt its strategy to fit their particular strengths and capacities. (The Union of Advocates is a partial exception here, as it is a new organisation that is still undergoing development.)

### CSO Network

The CSO Network, established in Phase One, will continue to be a key partner for the Project throughout Phase Two. The Network's primary function will be to deliver recommendations and other inputs into the Policy Dialogue; however, the Project will be alert to opportunities to use the Network in other ways, thus building its capacity and strengthening the ability of member CSOs to influence public policy and law.

### Union of Lawyers

Tajikistan's National Bar Association is the Union of Lawyers, which was created in 2015. Its current membership is small – less than 500 qualified lawyers – which may affect its capacity to be an effective partner to the Project.<sup>42</sup> However, at this time it is anticipated that the Project will work together with the Union to pilot a system of providing free secondary legal aid in criminal cases. Subject to needs and availability of resources, the project may also work to build the capacities of the Union of Lawyers.

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

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<sup>40</sup> The Council of Justice may be an exception, as it is expected that the CoJ will be dissolved by constitutional amendment later in 2016.

<sup>41</sup> The Union of Advocates is new, and is currently quite small, with less than 500 qualified members. It remains to be seen whether it will have the capacity to serve as a key partner in Phase II.

<sup>42</sup> The small membership is the result of changes to the law in 2015. Previous to that, there were over 2,000 lawyers qualified to be members of the Union. The law was changed to impose a bar exam that all lawyers had to take. For various reasons (the exam is rather burdensome and is only given in Dushanbe; many lawyers did not see the value of Union membership) only about 550 lawyers have taken and passed the exam so far. Only these lawyers are allowed to defend serious criminal cases. (Lawyers who have not passed the exam may still appear in certain minor cases.)

Project brought in other UN agencies (UNICEF and UNHCR) to provide training to LAC lawyers; this may be continued or expanded in Phase II.

### **Coordination among justice sector stakeholders**

Coordination among justice sector stakeholders will take place through the following platforms:

- Policy Dialogue platforms, including national, (regional), and local Policy Dialogues and the annual Rule of Law forum
- Twice-yearly Steering Committee meetings;
- DCC Rule of Law Working Group meetings chaired by UNDP;
- Regular meetings with GoT counterparts, particularly at the Deputy-Ministerial and agency head levels;
- Regular meetings with NGO and CSO counterparts, particularly but not exclusively through the CSO Network.

As noted above, during Phase I the Project engaged very intensely with GoT and CSO stakeholders, building relationships that are expected to last through Phase I.

### **3.3 Sustainability and South-South Cooperation**

The Project has been designed in close coordination with the Ministry of Justice and other stakeholders with all activities having been discussed prior to the Project formulation and drafting phase. The Project has been developed, according to a best-researched, evidence-based approach, within the context of the National Judicial and Legal Reform Programme and is in line with national development priorities. Thus, government support to the Project and political will in terms of its success and sustainability is high from the outset. In this context, in terms of the sustainability of the Project as measured through ownership on the part of the partners, there is reason to believe that the Project's interventions will be sustainable.

The system of primary free legal aid has been piloted and tested over many years through NGO led legal aid centres. The introduction of SALAC is indicative of the Government's commitment to the creation of a state funded system of free legal aid, supported by the Government's increasing financial commitment to the running of the legal aid centres throughout the Project period. The development of a secondary system of free legal aid will be piloted and tested prior to being implemented at the national level. The system will be informed by thorough feasibility studies, cost-benefit analyses, financial forecasting and other similar processes to ensure that they it is developed in accordance with, and respond to, the real needs of the system and system providers. Through testing models, which will allow for the refinement and adjusting based on initial results and lessons learnt, the system of secondary free legal aid will not be introduced at the national level until it is designed correctly for purpose and there is guarantee from the Government of Tajikistan on the financing of the system. In this way the ownership and sustainability of the intervention will be secured.

On the demand side, under Outputs 1 and 2, the Project will work to generate robust public demand for a sustainable system of primary and secondary legal aid provision. Successful reform results will be publicized to further raise awareness of the population and to increase their demand for improved services.

In making the Project demand-driven as well as responsive to the local context, the Project will capitalise and build on systems and mechanisms that already function, including the free legal aid centres and the policy dialogue mechanism, which will increase potential sustainability. The Project has also been designed on the basis of lessons learnt and experience gained through the first phase of the Access to Justice Project. Activities will be calibrated, taking into account national capabilities for policy and Project implementation to create conditions for context-specific innovations and solutions to emerge, which can be shared and scaled up, all increasing to the sustainability of the Project interventions.



By adopting a systemic and human rights based approach, the underlying philosophy of the A2J Project is to carry out interventions that have long-term impact and are sustainable. The aforementioned partnership approach and strong focus on knowledge management, capacity development, empowerment processes and establishing mechanisms for Policy Dialogue rests on the principles of sustainability. Specific drivers of long-term sustainability will include:

- GoT ownership of both the primary and secondary free legal aid systems;
- Gradual takeover of financing of free legal aid by GoT, with the state’s financial responsibility rising to 50 per cent by the end of Phase II;
- Development of administrative capacity at SALAC to manage the new primary and secondary free legal aid systems;
- Exit strategies and new roles for NGOs;
- Establishing agreement with local governments for social accountability processes; and,
- Establishing the Policy Dialogue as a long-term feature of government decision making.

### Scaling Up

Cooperation with SALAC will require gradual scaling up over the course of Phase II. In 2016, SALAC operates six of the country’s 30 LACs. It is anticipated that by 2020, SALAC will operate all of Tajikistan’s LACs, except for a small number (between two and four) that may continue to be operated by the Ombudsman’s Office.

As noted above, this document generally makes the conservative assumption that Finnish funding will not continue beyond Q2 2018. However, in the case of SALAC, the presence or absence of Finnish funding will make a significant difference in the number of LACs that can be supported. Therefore, two alternative scenarios are presented here: one with and one without Finnish funding.

The following numbers are preliminary and cannot be finalised until funding levels are confirmed.

#### Scenario 1: No Finnish funding beyond early 2018

Year	SALAC LACs (SDC/Finnish) <sup>43</sup>	NGO LACs (SDC/Finnish) <sup>44</sup>	Ombudsman LACs (SDC/Finnish) <sup>45</sup>	Total LACs
2016	6 (3/3)	18 (7/11)	6 (2/4)	30
2017	8 (4/4)	7 (3/4)	5 (2/3)	20
2018	10 (10/0)	4 (2/2)	2 (1/1)	16
2019	12 (12/0)	0	0	12
2020	15 (15/0)	0	0	15

The figure of 15 LACs is approximate and will depend on model(s) selected after the piloting period. The number of Ombudsman LACs is uncertain and may vary. The drop in the number of LACs supported by UNDP between 2017 and 2018 reflects the loss of Finnish funding. The increased number of SALAC LACs in 2020 assumes that GoT follows through on its financial commitment to co-fund the LACs. T

#### Scenario 2: Finnish funding continues

<sup>43</sup> SDC LACs supported by HELVETAS and Finnish LACs supported by UNDP

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

Year	SALAC LACs (SDC/Finnish) <sup>46</sup>	NGO LACs (SDC/Finnish) <sup>47</sup>	Ombudsman LACs (SDC/Finnish) <sup>48</sup>	Total LACs
2016	6 (3/3)	18 (7/11)	6 (2/4)	30
2017	8 (4/4)	7 (3/4)	5 (2/3)	20
2018	10 (10/10)	4 (2/2)	2 (1/1)	20
2019	12 (12/12)	0	0	24
2020	15 (15/15)	0	0	30

As in Scenario 1, the number of Ombudsman LACs may vary, and it is assumed that GoT will co-fund in 2019 and 2020.

In Scenario 1, SALAC will have to increase the number of LACs that it operates, from 6 to 15; in Scenario 2, it will have to increase them from 6 to 24. This will require additional resources to ensure that SALAC develops the necessary administrative capacity to manage a network of up to 30 LACs, geographically spread across the entire country. A key deliverable will be to ensure that SALAC has this capacity by the end of Phase II.

#### Links with other SDC Projects

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

Co-ordination will include knowledge exchange, exchange of methodologies and know-how, invitations to participate in relevant meetings, events, workshop, and general information sharing. The Policy Dialogue Platform may provide an opportunity to discuss co-operation between the Projects and the promotion of policy reform recommendations. As the PDV Project winds down, it is possible that Phase II may take on some of that Project's activities, subject to available resources and the mutual agreement of UNDP/HELVETAS and SDC. Cooperation with the CRR Project will certainly include information sharing and the development of referral paths for LAC clients with registry-related problems.

#### Links with other UNDP Projects

Since January 2014, UNDP Tajikistan has been implementing the "*Strengthening Rule of Law and Human Rights to Empower People in Tajikistan*" Project (RoL Project). The focus of the RoL Project is upon building the capacity of human rights duty bearers to better implement laws, human rights recommendations, conduct oversight of government and penitentiary services, and empower citizens and the most vulnerable and marginalised groups with access to justice and community legal empowerment. The RoL Project is funded by the Finnish Ministry of Foreign Affairs (Finnish MFA) for a period of four and a half years, up until June 2018.

Phase I of the Access to Justice Project and the RoL Project are both part of UNDP Tajikistan's Rule of Law and Access to Justice Programme. The two Projects have worked together since January 2014. The entirety of the RoL Project, along with the UNDP-administered components of the Access to Justice Project, have been run by UNDP staff. The two Projects have complemented and reinforced each other, leading to more sustainable results. The RoL Project co-funds SALAC, along with Access to Justice; it is also operating 15 LACs, in parallel with the LACs operated by HELVETAS. The RoL Project also is responsible for the Regional Policy Dialogues, which operate at a level between the National and Local Policy Dialogues organised by the Access to Justice Project. The RoL Project has also been deeply involved in implementing

<sup>46</sup> SDC LACs supported by HELVETAS and Finnish LACs supported by UNDP

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

the Law on Prevention of Violence in the Family; this impacts the work of both Projects, particularly since domestic violence cases are consistently about 10 per cent of the clientele of the LACs.<sup>49</sup>

It is anticipated that cooperation with the RoL Project will continue without a break into Phase II. The two will continue to work closely together until the end of the RoL Project in June 2018.<sup>50</sup>

### **South-south cooperation**

Phase I saw several instances of south-south cooperation. The project sent two study tours to Moldova (one for free legal aid and one for civil registries) and tours to Kazakhstan and Belarus as well (notaries and the enforcement of judgments, respectively). Project staff also were in regular contact with the Finnish-funded, UNDP—administered Rule of Law project in Kyrgyzstan, and were able to share experiences with regional colleagues from all five Central Asian countries at a conference in Istanbul in May 2016.

It is anticipated that this level of cooperation will continue or increase. Study tours to other developing countries – particularly transition countries – have proven useful, provided that they are properly structured, and may be included in Phase II. Regular coordination with similar projects in neighbouring countries, particularly Kyrgyzstan, will continue.

### **Project Duration and funding**

The second phase of the Project will be implemented for a period of 4 years from December 2016 – November 2020.

SDC is planning to sign a mandate agreement with UNDP and to start its contribution in 2016. The overall planned SDC budget is 4.31 million Swiss Francs (CHF), or approximately USD \$4.33 million at current exchange rates. The proposed budget is included into the current Rule of Law domain financial planning of the Swiss Cooperation Office in Tajikistan.

The Government of Tajikistan will commit approximately \$112,000 of in-kind funding. UNDP commits to work on leveraging additional donor and government funding, to ensure the sustainability of the activities.

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## **IV. PROJECT MANAGEMENT**

### **4.1 Project Management**

The Project will be implemented using the Direct Implementation Modality. The implementation will be guided by UNDP's financial and procurement rules and regulations. (It is understood that HELVETAS will use its own internal procedures where relevant.) In accordance with the decision and directives of UNDP's Executive Board reflected in its Policy on Cost Recovery from other Resources, the contribution should be subject to cost recovery for indirect costs incurred by UNDP headquarters and country office structure for providing General Management Support (GMS) services. To cover GMS costs, the contribution shall be charged a fee equal to 8 per cent.

The Project will be overseen by a Steering Committee, which will meet regularly at least twice per year. The Committee will include UNDP senior management, SDC representatives, and representatives of the Ministry of Justice and the Ombudsman's Office. Key CS partners may be invited to attend, comment, and make presentations.

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<sup>49</sup> Based on data from the Case Management System (CMS) since 2014.

<sup>50</sup> It is possible that the Finnish MFA might choose to fund another phase of the RoL Project, just as SDC has chosen to fund a second phase of Access to Justice. However, this will not be known until the first quarter of 2017 at the earliest. Therefore, this Project Document is operating on the conservative assumption that the RoL Project will end in June 2018.

The Steering Committee for the Project will be responsible for making consensus based management decisions for the Project when guidance is required, including recommendations for UNDP/HELVETAS approval of Project work plans and revisions. In order to ensure UNDP's ultimate accountability, Project Steering Committee decisions should be made in accordance with corporate UNDP standards that shall ensure best value to money, fairness, integrity, transparency and effective international competition. In case consensus cannot be reached, final decision shall rest with the Steering Committee.

The **Steering Committee** will:

- Provide overall leadership, guidance and direction in successful delivery of Outputs and their contribution to Outcomes under the Project;
- Be responsible for making strategic decisions by consensus, including the approval of substantive revisions of the Project, i.e. changes in the Project document;
- Approve annual work plans, annual reviews, and other reports as needed;
- Meet at least twice per year – either in person or virtually – to critically review Project implementation, management risks, and other relevant issues;
- Address any relevant programming issues as raised by the Project;
- Provide guidance on new Project risks and agree on effective and feasible countermeasures and management actions to address specific risks.

**Project Quality Assurance** is the responsibility of the Steering Committee as well as UNDP Tajikistan Country Office, which will carry out objective and independent Project oversight and monitoring functions. This role ensures appropriate Project management milestones are managed and completed.

The **Project Support** staff provide Project administration, management and technical support to the Programme Manager as required. Project Support and Project Assurance roles will be kept separate in order to maintain the independence and thus the effectiveness of Project Assurance. The Project support staff will include, but not be limited to a finance assistant, administrative assistant and Project driver.

The following are some of the items that will regularly be checked by the Project Assurance throughout the Project as one means of ensuring that project activities remain relevant, follow approved plans and meet the planned targets with quality.

- Maintenance of engagement and collaboration throughout the Project between the members of the Steering Committee;
- Beneficiary needs and expectations are being met or managed;
- Risks are being controlled;
- Project continues to reinforce and add value to the Country Project, overall CO access to justice and rule of law portfolio and initiatives of other members of the UN Country Team such as UNICEF, UN Women and UNFPA in Tajikistan;
- Acceptable solutions to implementation obstacles are being developed;
- The Project remains viable;
- Internal and external communication is working;
- UNDP rules and regulations are being observed;
- Any legislative constraints regarding the running of the Project are observed;
- Adherence to UNDP corporate results-based monitoring and reporting requirements and standards;
- Quality management procedures are properly followed; and
- Steering Committee's decisions are followed up, and Project revisions are dealt with fully in line with required UNDP procedures.

Finally, an **Operational Group** shall be established for the Project composed of the Programme Manager, Project support and the UNDP Country Office Project and Operational support teams. The Group will meet

regularly to discuss the planning and implementation of Project activities, inputs, contracts, payments, reports and related issues.

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

#### **4.2 Administrative Arrangements**

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

In accordance with the UNDP Executive Board decision 2012/18 of June 2012, all audit reports issued by the UNDP Office of Audit and Investigations (OAI) since 1 December 2012 shall be publicly disclosed on this website, one month after they have been issued internally.<sup>51</sup>

#### **4.3 Resources**

The Project duration is 48 months covering the period of 1 December 2016 – 30 November 2020. The total estimated budget is **USD \$4,332,549**. The detailed budget breakdown is provided in Annex V.

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

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

Project funds are divided between UNDP and HELVETAS. Over the four years of Phase II, UNDP's funding will be \$1,286,887, while HELVETAS' funding will be \$2,724,732. Together with 8% GMS, this totals \$4,332,549.

##### Government contributions

For the first 25 months of Phase II (December 2016 – December 2018), GoT will contribute 10 per cent of the cost of providing free legal aid through SALAC and through the piloting of secondary free legal aid. It is expected that this will be entirely "in kind" contributions, with most or all of the contribution coming in the form of free office space for SALAC offices.

Based on the concept note, beginning in January 2019 the Government's contribution is expected to rise to 30 per cent, and beginning in January 2020 it is expected to rise again to 50 per cent. It is expected that the 10 per cent "in kind" contributions will continue through this period, but that the rest of the contribution (20 per cent in 2019 and 40 per cent in 2020) may consist of financial support. GoT has agreed that it is both willing and able to make these contributions, based on the concept note.

The Projected level of GoT financial contribution is as follows:

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<sup>51</sup> [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/).

Year	Projected total cost of SALAC + Secondary Free Legal Aid	GoT's in-kind contribution (10 per cent)	GoT's other contribution
2017	\$160,000	\$16,000	-
2018	180,000	18,000	-
2019	200,000	20,000	40,000
2020	180,000	18,000	72,000

#### 4.5 Risk Analysis and Management

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

- **Political destabilisation, insurgency and armed conflict.** This might cause a shift in the priorities of the Government agenda, hence it might entail changes in the action plans of public bodies involved in the reform process. The mentioned risk might suspend the course of the reforms. In case of facing the risk, the Project management response will be immediate and efficient through regular UNDP Senior Management and Project leadership with the Government counterparts; in case of necessity, respective changes will be introduced and implemented within the reform framework.
- **Legislation, government policy and practices not implemented due to weak capacities, lack of coordination and/or low finances.** To mitigate this risk, the Project leadership will conduct a semi-annual review of the Project's progress, through half-year and annual reports and through Steering Committee meetings twice per year.
- **Lack of motivation/political will to implement reforms.** For the comprehensive implementation of the reforms, motivation and political will of the Government of Tajikistan is required. Currently, the political will is at the required level; however the fulfilment of the agreed joint priorities, especially at the institutional level is required. The main instrument to mitigate these risks are the existing dialogue platforms including the Policy Dialogue Platform.
- **GoT no longer wishes to engage in Policy Dialogue.** The level of this risk is perceived as low, because the GoT has engaged strongly with the Policy Dialogues at both the national and regional levels since 2013. However, the risk does exist, because the decision to continue with the Policy Dialogue platform is inherently political.
- **The GoT does not follow through on its financial commitments in 2019-20.** If this happens, the Project does not have resources to make up the shortfall, so the development of free legal aid will be sharply curtailed. This risk can be mitigated by bringing the Ministry of Finance into discussions and by obtaining clear commitments from the highest levels of the Ministry of Justice well in advance of CYs 2019 and 2020.
- **Possible changes in either personnel or policies at key local counterparts.** Phase I of the Project developed strong relationships with key GoT counterparts. Project staff have sufficient access to local counterparts and can discuss key issues freely. However, a sudden change in personnel or policy could disrupt these relationships. This risk cannot be reduced, but is mitigated by the existing Memorandums of Understanding.
- **The capacities of CSO/NGO Partners do not develop as anticipated.** The level of this risk is perceived as low, but the working environment for some NGOs has become more difficult recently. This risk can be mitigated by engaging closely with CSO and NGO partners.

- **Capacity issues with courts and bailiffs make meaningful reform difficult or impossible.** The level of this risk is perceived as moderate, based on discussions with other donors and a desk review of reports and literature related to the current court system. Mitigation will probably involve careful and prudent selection of how to engage with the court system and/or targeted capacity development and training
- **Relations break down between consortium partners and/or implementers.** The level of this risk is small; the consortium partners have worked together effectively through Phase One, and both partners have well established relations with implementers. This minor risk can be mitigated by clearly defining roles, responsibilities and resources in the Project Document and also by regular coordination meetings.

Identified risks	Probability			Impact			Risk Mitigation
	Unlikely	May occur	Likely	Minor	Moderate	Substantial	
The action identifies both internal (I) and external (E) risks inherent to the Project design:						Substantial	The action foresees the following measures to reduce the probability of the identified risks occurring, or to reduce the severity of the impact of a risk on the Outcome of the Project:
(E) Political destabilization, insurgency and armed conflict							Maintain neutrality and conflict-sensitivity in action: adapt programme to the complex context.
(E) Legislation, government policy and practices not implemented due to weak capacities, lack of coordination and/or low finances							Close coordination with key institutions to develop alternative strategies
(E) Lack of motivation/ political will to implement reforms							Continued engagement with GoT across multiple platforms, including Development Forum, National Development Council, and regional and national Policy Dialogues
(E) GoT no longer wishes to engage in Policy Dialogue							Demonstrate utility of Policy Dialogue through development of relevant legal documents and policy changes
(E) GoT does not follow through on financial commitments							Keep MoF engaged in on-going discussions; maintain commitment from MoJ at highest levels
(E) Change in personnel or policies of key GoT counterparts							Work quickly to rebuild relationships with new counterparts
(E) Capacities of CSO / NGO partners do not develop							Engage closely with CSO and NGO partners and continue capacity development work with them
(E) Capacity issues with courts and bailiffs make reforms difficult or impossible							Carefully select activities with courts, and begin targeted capacity development work with them
(I) Breakdown in relations between consortium partners.							Clearly defined division of labour in Project document, regular coordination meetings going forward.

An additional issue is the possibility that the Finnish MFA will not commit to another phase of funding for the RoL Project after June 2018. The status of a possible second phase will not be known until the spring of 2017 at the earliest. However, as noted above, the Project is making the conservative default

assumption that the MFA will not fund a second phase, and is not planning any activities that require co-funding from the RoL Project after June 2018. Therefore, this is not considered a “risk”.

#### 4.6 Monitoring and Evaluation

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

##### 4.6.1 Monitoring and Evaluation system

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

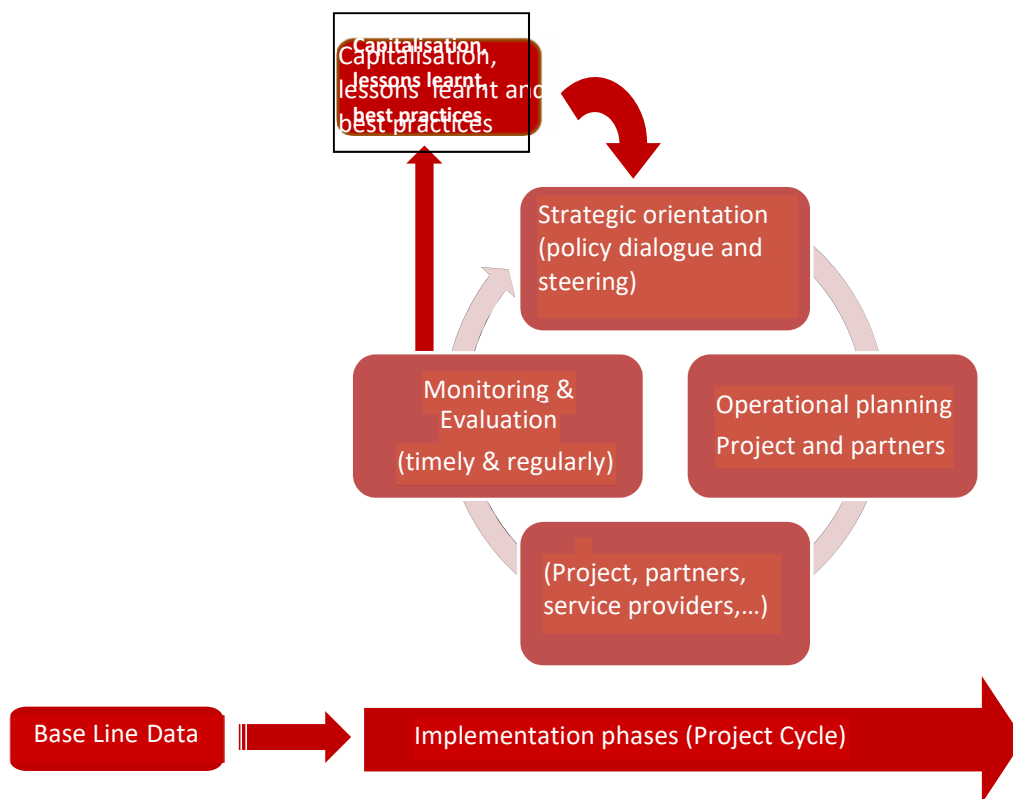


Figure I. M&E as part of the Project Management Cycle

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

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

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



- **Continuous informal monitoring** and evaluation of the progress made will feed into planning and implementation processes. Informal monitoring includes coordination meetings of the consortium, exchange with main partners at national, regional, and local level. The Project will develop appropriate responses in consultation with the relevant partners and stakeholders. In addition, the monitoring process will be used as a base for the revision of the target data and to agree with Project stakeholders on needed adjustments.
- **The Case Management System (CMS)** will be a key source of data for monitoring and evaluation and will provide continuous updated overview of all cases/clients that applied to LACs. It will also show results of the advice provided and will allow selection of advocates for secondary free legal aid. It is expected that the CMS will continue to be updated constantly in real time, and that CMS data will be readily available to all stakeholders.
- HELVETAS will also establish social monitoring mechanisms, including but not limited to citizens' assessment of free legal aid service provision. It is anticipated that these monitoring mechanisms will feed into the M&E mechanisms described above.
- Participatory annual Project reviews shall be conducted at the beginning of each year or the end of the previous year, to assess the performance of the Project against the Yearly Operational Plans (YOPs). The annual review shall focus on progress of Outputs and their contribution to respective Outcomes.  
It is crucial to ensure active participation of stakeholders in the M&E process to create ownership for the envisaged changes by the government, service providers and other stakeholders.
- An **external mid-term review** will determine how far the Project has been implemented in line with the approved intervention strategy and define achievements and failures as well as make specific recommendations for continuation. This mid-term review will also assess the financial management and quality of implementation. The evaluation will verify whether and how well the original intentions have been carried out, and check whether de facto changes have been made to the initial objectives. The Outcome of the mid-term review will be to indicate any adjustments to the Project, and enable continued implementation based on lessons learnt and identified good practices.
- A **final external evaluation** will determine achievements and failures of the Project and make specific recommendations for Phase III, for which a new Logframe and related Results Chain will be formulated to take into account concerns and lessons learnt from Phase II.

HELVETAS, along with UNDP undergoes regular (annual) financial audits. These audit reports will be included in the annual reports to the donor. As noted above, all audit reports issued by the UNDP OAI shall be publicly disclosed on this website, one month after they have been issued internally.

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

The specific monitoring activities are tabled in Annex III.

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**V. RESULTS FRAMEWORK**

**Intended Outcome as stated in the UNDAF Programme Results and Resource Framework:** *People in Tajikistan have their rights protected and benefit from improved access to justice and quality services delivered by accountable, transparent, and gender responsive legislative, executive and judicial institutions at all levels*

**Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:** *Justice sector institutions enabled to uphold rule of law in compliance with international commitments; promote and protect Human Rights and improve access to justice and civil registration of vulnerable population groups, especially women, youth and persons with disabilities*

**Project title and Atlas Project Number: 00094331**

Impact (Overall Goal)		Impact Indicators*	Data sources Means of verification	Assumptions
<p>People, in particular the most vulnerable, claim and enjoy their rights through better access to justice.</p>		<ul style="list-style-type: none"> <li>- Of those who applied to free legal aid services, percentage who succeeded in accessing specific benefits contributing to defend their rights <b>Baseline:</b> 75% <b>Target:</b> 85%</li> <li>- Number of vulnerable people seeking free legal aid, and resolved court cases. <b>Baseline:</b> 3500 clients served per year at all SDC-funded LACs (2016 est.); 0 resolved court cases at beginning of Phase II <b>Target:</b> Average 3750 clients served per year, total 15,000 by end of Phase II via SDC-funded LACs; 70 resolved court cases by end of Phase II</li> </ul>	<p>Government information, civil society reports</p>	<p>The Government continues to adhere to its commitments, especially its financial commitment in years Three and Four. Political instability is not a serious issue. The political climate does not change in a way that would adversely affect NGO and CS partners.</p>

<p><b>Outcome 1:</b>  <b>People, in particular the most vulnerable, are aware of their rights and use free legal aid services to protect them.</b></p>		<ul style="list-style-type: none"> <li>- Number of people using free legal aid services (disaggregated by gender/sex, state vs. NGO LACs).</li> <li>- Percentage of vulnerable people who are aware of their legal rights.  <b>Baseline:</b> Percentage of vulnerable people who are aware of their legal rights (24%: 2016 figure based on media survey).</li> </ul> <p>Number of people using state-provided legal aid services (2016 figures).</p> <p><b>Target:</b> Percentage of vulnerable and marginalised groups who are aware of their legal rights increases from 24% (current baseline) to 50% during the Project period.</p> <p>Number of people using state LACs increases from 378 (2016 est.) to 4900 in 2020.</p>	<p>Project data – baseline study and Impact analysis</p>	<p>Government attitude towards NGOs and CS</p>
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<p><b>Output 1</b> State actors are capacitated to conduct legal awareness campaigns and apply their knowledge.</p>	<ul style="list-style-type: none"> <li>• Build the capacity of state actors and develop communication strategies.</li> <li>• State actors conduct legal awareness campaigns (social/mass media, ICT, SMS, events) in all Project areas.</li> <li>• Develop ICT mechanisms, which enable people to seek and acquire legal aid.</li> <li>• Conduct Impact studies for measuring the efficiency of the campaigns.</li> </ul>	<ul style="list-style-type: none"> <li>- # of campaigns or part of campaigns conducted independently by state actors. <b>Baseline: 0</b> <b>Target: 4</b> campaigns conducted independently</li> <li>- Adoption of communication strategies by selected state actors. <b>Baseline: 0</b> <b>Target: 2</b> communication strategies adopted</li> </ul>	<p>Project data, including media Impact studies; baseline survey, community based surveys</p>	
<p><b>Output 2</b> Non-state actors are capacitated to conduct legal awareness campaigns and apply their knowledge.</p>	<ul style="list-style-type: none"> <li>• Non-state actors conduct legal awareness campaigns in coordination with state actors.</li> </ul>	<ul style="list-style-type: none"> <li>- # of isolated communities (not reached by state campaigns) reached by CSO public awareness raising. <b>Baseline: 0</b> <b>Target: 324</b> villages in 39 jamoats</li> <li>- # and percent of population in the isolated communities who are aware of their rights. <b>Baseline: 0</b> <b>Target: 320,000</b> people(50% of adults) in 39 jamoats</li> </ul>	<p>Project data, including media Impact studies; baseline survey, community based surveys.</p>	<p>Government attitude towards NGOs and civil society</p>

<p><b>Outcome 2</b> The system of free legal aid provides effective services to the population.</p>		<ul style="list-style-type: none"> <li>- # of state legal aid centres fully functioning and able to carry out all activities required. <b>Baseline:</b> 4 <b>Target:</b> 15</li> <li>- Total number of people using free legal aid services <b>Baseline:</b> 378/year (2016 est.) <b>Target:</b> 4500/year (by 2020)</li> <li>- per cent of people (of those who have used the state-provided legal services) who are satisfied with the provided services (disaggregated by gender) <b>Baseline:</b> 82% <b>Target:</b> 90%</li> </ul>	<p>Case Management System, Project data.</p>	
<p><b>Output 3</b> NGO-LACs provide free legal aid, but are gradually phased out as state-run free legal aid takes over.</p>	<ul style="list-style-type: none"> <li>• NGO-LACs provide legal aid</li> </ul>	<p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>- Number of primary legal aid cases (including number of mediations) handled by NGO lawyers and paralegals per year <b>Baseline:</b> NGO lawyers, 2856/year (2016 est.); paralegals, 670/year (2016 est.) <b>Target:</b> NGO lawyers, 0/year by 2019 (NGO LACs will shut down); paralegals, 840 /year by 2020, total at least 3100 paralegal consultations in Phase II</li> </ul>	<p><b>Output 2.1</b> NGO-LACs provide free legal aid, but are gradually phased out as state-run free legal aid takes over.</p>	<ul style="list-style-type: none"> <li>• NGO-LACs provide legal aid</li> </ul>

<p><b>Output 4</b> Institutional capacity of SALAC to provide primary free legal aid is enhanced</p>	<ul style="list-style-type: none"> <li>• Produce and update action plans and regulatory documents (SOP, etc.) of SALAC</li> <li>• Formalize paralegal status</li> <li>• Furnish and equip SALAC offices in the Project areas</li> <li>• Establish a M&amp;E and internal oversight system</li> <li>• Capacity development on mediation skills</li> <li>• Revise recruiting processes and develop training programme (curricula, etc.) with the Institute for Advanced Training/MoJ</li> <li>• Establish a system of internships for SALAC with academic institutions</li> <li>• Capacity development for SALAC and state lawyers</li> <li>• Produce, publish and disseminate periodic analytical reports and cost-benefits assessment.</li> </ul>	<p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>- Number of state LACs functioning with 2 lawyers and/or 1 lawyer and 1 paralegal</li> <li>- per cent of budget allocation to SALAC in each year</li> <li>- #of state and #of NGO LACs operating in each quarter</li> </ul> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>- 14 (2016) cases handled per lawyer</li> <li>- 8 state LACs with 10 lawyers</li> <li>- 10 per cent of SALAC operations covered by state budget.</li> </ul> <p><b>Target:</b></p> <ul style="list-style-type: none"> <li>- At least 25 State LACs with at least 30 lawyers</li> <li>- At least 30 (primary) legal aid cases handled per lawyer (including at least 2 mediations) and 3 per state-funded paralegal per month (of which at least 60 per cent women)</li> <li>- Every state-operated LAC functions with at least 2 lawyers or 1 lawyer and 1 paralegal</li> <li>- 30 per cent of SALAC operations are covered by the state budget (2019)</li> <li>- 50 per cent of SALAC operations are covered by the state budget (2020)</li> </ul> <p>NGO LACs begin closing no later than the beginning of Year Three of the Project phase (December 2018).</p>	<p><b>Output 2.2</b> Institutional capacity of SALAC to provide primary free legal aid is enhanced</p>	<ul style="list-style-type: none"> <li>• Produce and update action plans and regulatory documents (SOP, etc.) of SALAC</li> <li>• Formalize paralegal status</li> <li>• Furnish and equip SALAC offices in the Project areas</li> <li>• Establish a M&amp;E and internal oversight system</li> <li>• Capacity development on mediation skills</li> <li>• Revise recruiting processes and develop training programme (curricula, etc) with the Institute for Advanced Training/MoJ</li> <li>• Establish a system of internships for SALAC with academic institutions</li> <li>• Capacity development for SALAC and state lawyers</li> <li>• Produce, publish and disseminate periodic analytical reports and cost-benefits assessment</li> </ul>
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		All NGO LACs are closed before the last quarter of the Project phase (autumn 2020).		
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<p><b>Output 5</b></p> <p>Based on piloting, the Ministry of Justice is supported in defining the appropriate model for the secondary legal aid.</p>	<ul style="list-style-type: none"> <li>- Produce a vision paper on secondary legal aid (through participatory approach)</li> <li>- Develop the register of advocates</li> <li>- Upgrade case management system for quantitative and qualitative monitoring and for referral selection mechanisms for secondary legal aid provision.</li> </ul>	<p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>- Number of secondary legal aid cases handled by advocates</li> <li>- Adoption of secondary legal aid model</li> </ul> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>- 0 (secondary) legal aid cases handled per lawyer</li> <li>- 12 SDC-funded state and NGO LACs operating in December 2016</li> <li>- 0 models of secondary legal aid piloted.</li> </ul> <p><b>Target:</b></p> <ul style="list-style-type: none"> <li>- 70 (secondary) legal aid cases handled by advocates</li> <li>- 2 models of secondary legal aid piloted; at least one adopted.</li> </ul>	<p><b>Output 2.3</b></p> <p>Based on piloting, the Ministry of Justice is supported in defining the appropriate model for the secondary legal aid.</p>	<ul style="list-style-type: none"> <li>• Produce a vision paper on secondary legal aid (through participatory approach)</li> <li>• Develop the register of advocates</li> <li>• Upgrade case management system for quantitative and qualitative monitoring and for referral selection mechanisms for secondary legal aid provision</li> </ul>
<p><b>Output 6</b></p> <p>Civil society transfers its knowledge of legal aid, and monitors state free legal aid.</p>	<ul style="list-style-type: none"> <li>- Transfer knowledge and experience to State LACs.</li> <li>- Conduct institutional development training for NGOs as a part of an exit strategy.</li> <li>- Capacity development of CS to monitor state free legal aid</li> <li>- CS assesses SALAC services and provides feedback accordingly</li> <li>- Community mobilization to establish social accountability mechanism.</li> </ul>	<p><b>Indicator</b></p> <p>Number of social accountability mechanisms linked with legal issues.</p> <p><b>Baseline:</b></p> <p>0 social accountability mechanisms linked with legal issues in place.</p> <p><b>Target:</b></p> <p>At least one full functional social accountability mechanism linked with legal issues (i.e., CS monitoring, reporting and feedback) in place.</p>	<p><b>Output 2.4</b></p> <p>Civil society transfers its knowledge of legal aid, and monitors state free legal aid.</p>	<ul style="list-style-type: none"> <li>• Transfer knowledge and experience to State LACs.</li> <li>• Conduct institutional development training for NGOs as a part of an exit strategy</li> <li>• Capacity development of CS to monitor state free legal aid</li> <li>• CS assesses SALAC services and provides feedback accordingly</li> <li>• Community mobilization to establish social accountability mechanism</li> </ul>

<p><b>Output 7</b> Key constraints on effectiveness of free legal aid are identified and addressed.</p>	<ol style="list-style-type: none"> <li>1. Develop and organise training on quality of decisions on Family Law with Judicial Training Centre for judges</li> <li>2. Produce a study on execution of court decision on Family Law by bailiffs; develop technical trainings for bailiffs with the Institute for Advanced Training.</li> </ol>	<p><b>Indicator</b> Number of cases that have been pending in Family Courts for more than one year.</p> <p><b>Baseline:</b> Data from 2016 study on execution of court decisions on Family Law Number of cases that have been pending in Family Courts for more than one year.</p> <p><b>Target:</b> Study on execution of court decisions on Family Law is completed, published and disseminated. In three selected jurisdictions, 10 per cent reduction in number of cases that have been pending in Family Courts for more than one year Family courts resolve the majority of secondary cases brought by SALAC lawyers within the time foreseen by the relevant legislation and/or reasonable due process.</p>	<p><b>Output 2.5</b> Key constraints on effectiveness of free legal aid are identified and addressed.</p>	<ul style="list-style-type: none"> <li>• Develop and organise training on quality of decisions on Family Law with Judicial Training Centre for judges<sup>52</sup></li> <li>• Produce a study on execution of court decision on Family Law by bailiffs; develop technical trainings for bailiffs with the Institute for Advanced Training</li> </ul>
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<sup>52</sup> Activities here are likely but a firm list of activities will not exist until after the initial 2016 study is complete (Q3 2016).

<p><b>Outcome 3:</b>  <b>Strengthened civil society takes up key legal issues in dialogue with local and national authorities, leading to appropriate responses.</b></p>		<ul style="list-style-type: none"> <li>- <b>Field of observation:</b> The implementation and development of the consultation process, and the follow up on the responses. Evolution of the dialogue process between civil society and authorities and the roles of Government and civil society.</li> </ul> <p><b>Indicator</b></p> <ul style="list-style-type: none"> <li>- # of legal/policy texts developed with participation of civil society.</li> </ul> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>- 2 legal and policy texts have been developed with the participation of civil society including the NGO network on Policy Dialogue.</li> </ul> <p><b>Target:</b></p> <ul style="list-style-type: none"> <li>- At least 5 additional legal and policy texts developed with the participation of civil society including the NGO network are accepted</li> <li>- At least 6 recommendations resulting in positive, measurable changes to law, regulations, policy and/or practice, including a Law on Free Legal Aid</li> </ul>		
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<p><b>Output 8</b> CS has the capacity to contribute to decision-making processes</p>	<ul style="list-style-type: none"> <li>- advocacy and analytical skills training to CS</li> <li>- capacity building of local authorities on social accountability</li> <li>- Facilitate and formulize policy dialogue and regional/district council meetings between state institutions and CS (including Forum)</li> <li>- Review relevant regulations of regional/district councils</li> <li>- Establish a follow-up mechanism to ensure implementation of recommendations</li> </ul>	<p><b>Field of observation:</b> Development of confidence of the civil society participants/ organisations in the framework of the dialogues.</p> <p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>- # of substantial recommendations (based on evidence from the ground) brought into the social and/or policy dialogue.</li> </ul>	<p>Project data, NGO reports</p>	
<p><b>Output 9</b> Policy Dialogue platforms create a space for open discussion</p>	<ul style="list-style-type: none"> <li>- Support and diversify the facilitation of policy linkages (e.g. through the ‘Network’)</li> <li>- Produce studies on legal aid related issues</li> <li>- Establish a follow-up mechanism to ensure implementation of recommendations</li> </ul>	<p><b>Indicator:</b></p> <ul style="list-style-type: none"> <li>- # of CS representatives participating in the policy/social dialogues.</li> <li>- # of topics openly discussed in a dialogue.</li> </ul> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>- 15 national and 0 regional NGOs take part in the National Policy Dialogue</li> <li>- 2 national policy/legal justice reforms informed by the State legal aid structures</li> </ul> <p><b>Target:</b></p> <ul style="list-style-type: none"> <li>- 18 national and 6 regional NGOs take part in the National Policy Dialogue;</li> <li>- 4 National policy/legal justice reforms informed by the State legal aid structure</li> </ul>	<p>Project data, declaration of Rule of Law forum, NGO reports</p>	<p>Continued government willingness to engage in policy dialogue</p>



VI. MULTI-YEAR WORK PLAN

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year				RESPONSIBLE PARTY	PLANNED BUDGET	
		2017	2018	2019	2020		Funding Source	Amount
<p><b>Output 1:</b> State actors are capacitated to conduct legal awareness campaigns and apply their knowledge.</p> <ul style="list-style-type: none"> <li>- # of campaigns or part of campaigns conducted independently by state actors.</li> </ul> <p><b>Baseline:</b> 0 <b>Target:</b> 4 campaigns conducted independently</p> <ul style="list-style-type: none"> <li>- Adoption of communication strategies by selected state actors.</li> </ul> <p><b>Baseline:</b> 0 <b>Target:</b> 2 communication strategies adopted by state actors</p>	Legal Awareness Campaign	87,745	128,316	66045	116994	HELVETAS	SDC	399,100

<p><b>Output 2</b>  Non-state actors are capacitated to conduct legal awareness campaigns and apply their knowledge.</p> <ul style="list-style-type: none"> <li>- # of isolated communities (not reached by state campaigns) reached by CSO public awareness raising.</li> </ul> <p><b>Baseline:</b> 0  <b>Target:</b> 324 villages in 39 jamoats</p> <ul style="list-style-type: none"> <li>- # and percent of population in the isolated communities who are aware of their rights.</li> </ul> <p><b>Baseline:</b> 0  <b>Target:</b> 320,000 people(50% of adults) in 39 jamoats</p>	Support of NGO-run LACs	164,169	137,751	0	0	HELVETAS	SDC	301,920
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<p><b>Output 3</b> NGO-LACs provide free legal aid, but are gradually phased out as state-run free legal aid takes over.</p> <p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>- Number of primary legal aid cases (including number of mediations) handled by NGO lawyers and paralegals per year</li> </ul> <p><b>Baseline:</b> NGO lawyers, 2856/year (2016 est.); paralegals, 670/year (2016 est.)</p> <p><b>Target:</b> NGO lawyers, 0/year by 2019 (NGO LACs will shut down); paralegals, 840 /year by 2020, total at least 3100 paralegal consultations in Phase II</p>	Support for state legal aid system	310,344	346,887	377,172	413,715	HELVETAS		1,448,118
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EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year				RESPONSIBLE PARTY	PLANNED BUDGET	
		2017	2018	2019	2020		Funding Source	Amount
<p><b>Output 4</b> Institutional capacity of SALAC to provide primary free legal aid is enhanced</p> <p><b>Indicators:</b></p>	Capacity development for legal aid / workshops	56,610	56,610	56,610	56,610	HELVETAS	SDC	226,440
	Institutional capacity development of SALAC	45,288	41,514	73,593	79,254	UNDP	SDC	239,649



<ul style="list-style-type: none"> <li>- Number of state LACs functioning with 2 lawyers and/or 1 lawyer and 1 paralegal</li> <li>- per cent of budget allocation to SALAC in each year</li> <li>- #of state and #of NGO LACs operating in each quarter</li> </ul>			<b>Sub-Total for Output 4</b>	<b>USD 466,089</b>
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EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year				RESPONSIBLE PARTY	PLANNED BUDGET	
		2017	2018	2019	2020		Funding Source	Amount
<b>Output 5</b> Based on piloting, the Ministry of Justice is supported in defining the appropriate model for the secondary legal aid. <b>Indicators:</b> <ul style="list-style-type: none"> <li>- Number of secondary legal aid cases handled by advocates</li> </ul>	Support to establishment of secondary free legal aid	41,514	41,514	47,175	75,480	UNDP	SDC	205,683
	Monitoring	9,435	3,774	9,435	7,548	UNDP	SDC	30,192

<ul style="list-style-type: none"> <li>- Adoption of secondary legal aid model</li> </ul> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>- 0 (secondary) legal aid cases handled per lawyer</li> <li>- 12 SDC-funded state and NGO LACs operating in December 2016</li> <li>- 0 models of secondary legal aid piloted.</li> </ul> <p><b>Target:</b></p> <ul style="list-style-type: none"> <li>- 70 (secondary) legal aid cases handled by advocates</li> <li>- 2 models of secondary legal aid piloted; at least one adopted.</li> </ul>			<b>Sub-Total for Output 5</b>	<b>USD 235,875</b>
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EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year				RESPONSIBLE PARTY	PLANNED BUDGET	
		2017	2018	2019	2020		Funding Source	Amount
<b>Output 6</b> Civil society transfers its knowledge of legal aid, and monitors state free legal aid. <b>Indicator</b>	Documentation / Knowledge sharing	13,209	13,209	13,209	13,209	HELVETAS	SDC	52,836
	Monitoring of project activities	9,435	9,435	9,435	9,435	HELVETAS	SDC	37,740

<p>Number of social accountability mechanisms linked with legal issues.</p> <p><b>Baseline:</b> 0 social accountability mechanisms linked with legal issues in place.</p> <p><b>Target:</b> At least one full functional social accountability mechanism linked with legal issues (i.e., CS monitoring, reporting and feedback) in place.</p>			<p><b>Sub-Total for Output 6</b></p>	<p><b>USD 90,576</b></p>
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EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year				RESPONSIBLE PARTY	PLANNED BUDGET	
		2017	2018	2019	2020		Funding Source	Amount

<p><b>Output 7</b> Key constraints on effectiveness of free legal aid are identified and addressed.</p> <p><b>Indicator</b> Number of cases that have been pending in Family Courts for more than one year.</p> <p><b>Baseline:</b> Data from 2016 study on execution of court decisions on Family Law Number of cases that have been pending in Family Courts for more than one year.</p> <p><b>Target:</b> Study on execution of court decisions on Family Law is completed, published and disseminated. In three selected jurisdictions, 10 per cent reduction in number of cases that have been pending in Family Courts for more than one year Family courts resolve the majority of secondary cases brought by SALAC lawyers within the time foreseen by the relevant legislation and/or reasonable due process.</p>	Capacity development of judges and bailiffs	56,610	18,870	160,395	47,175	UNDP	SDC	283,050
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EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year				RESPONSIBLE PARTY	PLANNED BUDGET	
		2017	2018	2019	2020		Funding Source	Amount

<p><b>Output 8</b> CS has the capacity to contribute to decision-making processes</p> <p><b>Indicators:</b></p> <ul style="list-style-type: none"> <li>- # of substantial recommendations (based on evidence from the ground) brought into the social and/or policy dialogue.</li> </ul>	Establishment of follow-up mechanisms	32,079	22,644	37,740	75,480	UNDP	SDC	167,943
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EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year				RESPONSIBLE PARTY	PLANNED BUDGET	
		2017	2018	2019	2020		Funding Source	Amount

<p><b>Output 9</b>  Policy Dialogue platforms create a space for open discussion  Indicator:  - # of CS representatives participating in the policy/social dialogues.  - # of topics openly discussed in a dialogue.  <b>Baseline:</b>  - 15 national and 0 regional NGOs take part in the National Policy Dialogue  - 2 national policy/legal justice reforms informed by the State legal aid structures  <b>Target:</b>  - 18 national and 6 regional NGOs take part in the National Policy Dialogue;  4 National policy/legal justice reforms informed by the State legal aid structure</p>	Policy Dialogue, including Forum	196,248	122,655	200,022	141,525	UNDP	SDC	660,450
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<b>TOTAL</b>								<b>USD 4,332,549</b>
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### Activity Plan

Output	Activity	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Q16
<b>Management</b>	Submission of regular activity reports – 6 months and annual																
	Monitoring and evaluation of all project activities																
	Revise risk assessment for 2017, 2018, 2019																
	Draft and finalize annual work plans for 2016, 2017,2018, 2019																
	Revise baseline, target, and indicators, as well as M&E plan, YPO & budget 2017, 2018 and 2019 and submit to SDC; explore possibility of upgrading project to GEN2																
	Develop overall project communications strategy																
	Final and mid term evaluation review																
	Mid-term and end of phase II External Evaluation Conducted																
	Submission of Final Report to SDC																
<b>Output 1:</b> State actors are capacitated to conduct legal awareness campaigns and apply their knowledge	Build the capacity of state actors and develop communication strategies for SALAC																
	State actors conduct legal awareness campaigns (social/mass media, ICT, SMS, events) in all project areas																
	Develop ICT mechanisms, which enable people to seek and acquire legal aid.																
	Monitor and upgrade of ICT mechanisms																
	Conduct Impact studies for measuring the efficiency of the campaigns																
<b>Output 2:</b> Non-state actors are capacitated to conduct legal awareness campaigns and apply their knowledge	Non-state actors conduct legal awareness campaigns in coordination with state actors																
<b>Output 3</b> NGO-LACs provide FLA but are	NGO-LACs provide legal aid																

gradually phased out at SALACs take over																			
<b>Output 4:</b> Institutional capacity of SALAC to provide FLA is enhanced	Produce and update action plans and regulatory documents (SOP, etc.) of SALAC																		
	Formalize paralegal status																		
	Furnish and equip SALAC offices in the project areas																		
	Establish a M&E and internal oversight system																		
	Monitoring of M&E and internal oversight system																		
	Capacity development on mediation skills																		
	Monitoring and mentoring of mediation skills implementation																		
	Revise recruiting processes and develop training programme (curricula, etc.) with the Institute for Advanced Training/MoJ																		
	Implementation and update of training programme																		
	Establish a system of internships for SALAC with academic institutions																		
	Formalise system of internship																		
	Capacity development for SALAC and state lawyers																		
	Produce, publish and disseminate periodic analytical reports and cost-benefits assessment																		
	<b>Output 5:</b> Based on piloting the MoJ is supported in defining the appropriate	Produce a vision paper on secondary legal aid (through participatory approach)																	
Development of innovative communication tools and solutions																			
Develop the register of advocates																			

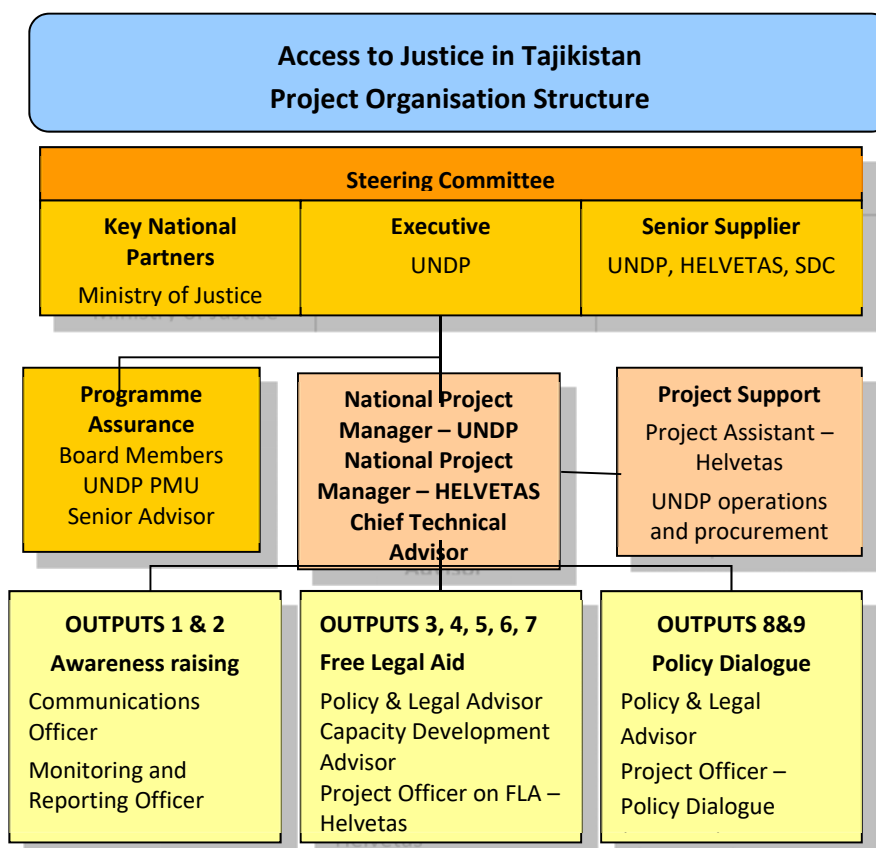




	Establish a follow-up mechanism to ensure implementation of recommendations																	
<b>Output 9:</b> Policy dialogue platforms create a space for open discussion	Support and diversify the facilitation of policy linkages (e.g. through the 'Network')																	
	Produce studies on legal aid related issues																	
	Establish a follow-up mechanism to ensure implementation of recommendations																	

## VII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

The Project will be implemented in accordance with the Direct Implementation Modality (DIM). UNDP will be responsible for the overall management, backstopping and monitoring of the Project in line with UNDP's Programme and Operational Policies and Procedures. The Project will be based at the UNDP Tajikistan Country Office and at HELVETAS Swiss Intercooperation's office in Tajikistan. It will be implemented as per the Project Organisation Structure below.



## VIII. LEGAL CONTEXT AND RISK MANAGEMENT

### 1. Legal Context:

This Project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of Tajikistan and UNDP, signed in 1993. All references in the SBAA to "Executing Agency" shall be deemed to refer to "Implementing Partner." This Project will be implemented by UNDP in accordance with its financial regulations, rules, practices and procedures in line with the principles of the Financial Regulations and Rules of UNDP.

### 2. Risk Management:

1. UNDP as the Implementing Partner shall comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS)

2. UNDP agrees to undertake all reasonable efforts to ensure that none of the [Project funds]<sup>53</sup> are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via [http://www.un.org/sc/committees/1267/ag\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/ag_sanctions_list.shtml). This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. Consistent with UNDP's Programme and Operations Policies and Procedures, social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
4. UNDP shall: (a) conduct Project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the Project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other Project stakeholders are informed of and have access to the Accountability Mechanism.
5. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or Project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to Project sites, relevant personnel, information, and documentation.

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<sup>53</sup> To be used where UNDP is the Implementing Partner

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I. **ANNEX I: KEY PERSONNEL**

**UNDP Staff**

**UNDP Project Staff**

1. National Project Manager (UNDP): Saidahmad Ikromov

Funding level: 50 per cent until June 2018, 100 per cent thereafter<sup>54</sup>

Mr Ikromov has been the UNDP Project Manager since February 2016. 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. He 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.

Mr Ikromov will be in charge of the overall Project management from HELVETAS' side. He will manage the administrative part of the Project, and assure the timely implementation of activities consistent with the Logical Framework and each year's Annual Workplan.

2. Chief Technical Advisor (UNDP): Douglas Muir

Funding level: \$39,000 in 2017

Mr Muir has been CTA of both Projects since April 2015. He has a J.D. from the University of Illinois and a Masters from Yale University. He has extensive experience in post-socialist transition countries in rule of law and access to justice issues.

Role in the Project: Mr Muir will provide technical advice on legal and policy issues and on international best practices and standards, particularly with regard to the policy dialogues, secondary legal aid and the enforcement of judgments. He will prepare and review all required reports and also all English-language documents and memoranda. He will also be responsible for resource mobilisation.

3. Policy and Legal Advisor: Zulfikor Zamonov

Funding level: 50 per cent until June 2018, 100 per cent thereafter

Mr Zamonov has a law degree and a Master's, and is working on a second Master's now. He has been with the Project since 2014; previously, he was a Manager at the ABA-ROLI Project in Tajikistan.

Role in the Project: Mr Zamonov will be closely engaged with SALAC as an Advisor, particularly with regard to secondary legal aid. He will also be responsible for liaising with the CSO Network and collecting their inputs for the Policy Dialogue process.

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<sup>54</sup> This section continues the conservative assumption that Finnish funding will end in June 2018. All UNDP Project staff will receive 50 per cent funding until June 2018. If Finnish funding continues, or some equivalent source of funding is found, this group will continue to receive 50 per cent funding for the duration of the Project. If Finnish (or some equivalent) funding is not available, this group will receive 100 per cent funding after June 2018, except for the CTA, whose position will no longer be funded.

#### 4. Capacity Development Advisor: Galina Derevchenko

Funding level: 50 per cent until June 2018, 100 per cent thereafter

Ms Derevchenko has a degree in law and over ten years of experience in development. She has been working for the United Nations since 2010; she joined the Project in May 2016.

Role in the Project: She will be responsible for all UNDP's capacity building activities, including training of NGOs, training of advocates, and work with the CSO network. She will deliver capacity building both directly and through trainers, and will work with other UN agencies and Projects to leverage their capacities as needed.

#### **UNDP Project Management Unit**

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.

#### Senior Advisor (UNDP): Gulbahor Nematova

Funding level: 10 per cent

Gulbahor Nematova (10 per cent) is a high level 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 18 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. She will ensure implementation of programme strategies in the areas of governance, rule of law and access to justice; provide overall strategic management support, including but not limited to policy level discussions, partnership building and resource mobilization; and coordinate Project activities. She will also be responsible for quality assurance.

#### Monitoring and reporting officer (UNDP): Anvar Aminov

Funding level: 10 per cent

Anvar Aminov is an experienced UNDP monitoring, reporting and evaluation officer.

Role in the Project: His direct responsibilities will be data collection, analysis and processing to document the evidence on the Project successes and lessons learnt; developing and implementing M&E Operational Plans; producing high quality reports based on data collected from the field; contributing to the delivery of training programmes for staff members and national stakeholders on the use of recommended reporting, monitoring and evaluation formats and guidelines; and follow-up, monitoring and evaluation of the short-term and long-term external capacity development support in policy dialogue and capacity development component.

#### **HELVETAS Staff**

##### 1. Project Manager (HELVETAS): Gulnora Gaibova

Funding level: 50 per cent

Ms Gaibova has been working with A2J and its predecessor Projects from the beginning (2009). She holds a PhD in law from Moscow State University. She has 20 years of expertise and hands on experience in governance, development cooperation, conflict resolution, public administration reform, strategy development and extensive experience in Project cycle management (including HRBA and RBM approaches).

Role in the Project: Ms Gaibova will be in charge of the overall Project management from HELVETAS' side. She will manage the administrative part of the Project and assure the timely implementation of HELVETAS' Project-related activities. She will also be responsible for smooth coordination with UNDP.

2. International Supervisor (HELVETAS): Barbara Jung

Funding level: 20 per cent

Ms Jung has a background in humanistics and substantial expertise in various fields of international cooperation, including governance and anti-corruption interventions.

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

3. Project Officer (HELVETAS): Firdavs Odinaev

Funding level: 100 per cent

Mr Odinaev has significant experience in Project management and implementation in OSCE and EU Projects. He graduated from the Technological University of Tajikistan with a Degree in World Economy.

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

4. Project Officer (HELVETAS): Tohir Valiev

Funding Level: 100 per cent

Mr Valiev 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 employed with HELVETAS since the start of the A2J Project.

Role in the Project: He will be responsible for working with legal aid providers, both within SALAC and in the NGOs, and supporting the establishment of functioning paralegals at community level.

5. Project Assistant (HELVETAS): Olamafruz Nimonov

Funding level: 100 per cent

Mr Nimonov is a graduate of the juridical faculty of the Tajik National University. He has a experience in legal consulting and worked as a lawyer in the micro-finance sector.

Role in the Project: Mr Nimonov assists the Project management and the Project Officers with the overall implementation of daily activities.

6. Communication Officer (HELVETAS): Dilbar Ruzadorova

Funding level: 50 per cent

Ms Ruzadorova has been working for HELVETAS since 2013. She holds an MA degree in International Relations from the University of St. Andrews in Scotland and a bachelor's in Journalism and Mass Communications from the American University of Central Asia in Kyrgyzstan. Her experience in development cooperation includes several years of direct experience with mass communications, particularly in monitoring and reporting.

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

**Short-term Consultants**

Senior Governance Advisor (Helvetas): Jesper Elias Lauridsen

Funding level: 30 hours per year

Mr Lauridsen works as Senior Governance Advisor at the HELVETAS head office in Switzerland. For the past 13 years, he has worked in senior management and advisory positions for good governance programmes of several international organisations with operations in more than 25 countries.

Role in the Project: Mr Lauridsen will provide backstopping and advice to the Project and assure compliance of Project activities with global HELVETAS approaches. He will in particular contribute to developing capacities of civil society and establishing effective mechanisms for local level policy dialogue and connecting these processes to regional and national level, such as strengthening analytical and advocacy skills of CS, capacity building of local government to engage in social accountability processes, and community mobilisation and empowerment processes.

Short-term CTA (UNDP): TBD

Funding level: 120 days per year (2018–2020 only)

A part-time CTA was budgeted in the original Project document for Phase I, but was replaced with a full-time CTA after Finnish funds became available for cofounding. If Finnish funding is not available, the Project will not have a full-time CTA after June 2018. In this case, the Project will revert to having a part-time CTA to provide targeted technical advice and assist with reporting and the drafting of legal documents. This position will only come into existence in the absence of a full-time CTA.

International/National Experts/Consultants

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



II. ANNEX II: STAKEHOLDER ANALYSIS

**Stakeholder Analysis**

Stakeholders	Interest in and commitment to success of increasing access to justice OR to status quo	Capacity and resources to push forward OR restrain access to justice reform (Drivers and restrainers of change)	Elements of Project that strengthen OR weaken stakeholder
<b>Government Institutions</b>			
<p>Ministry of Justice (MoJ) – the overall coordinator.</p> <p>MoJ leads the policy dialogue and coordination with other stakeholders.</p>	<p>Is major stakeholder with political responsibility for implementation of entire judicial reform process. Subsequently MoJ has high interest towards successful implementation of this Project. Legal aid is part of MoJ mandate; hence it is in its interest to improve existing status quo. MoJ is pushing for reforms evidenced by adoption of national judicial reform programme and adoption through the Policy Dialogue of Free Legal Aid Concept. Committed to SDC Projects and grateful to results achieved in Phase I of the Project. Simultaneous implementation of the civil registry reform, Justice sector and Free Legal Aid reforms seen as a priority for smooth and efficient functioning of MoJ.</p>	<p>Justice sector reform is a long-term undertaking and it may take time to show results. Regular changes in key positions undermine capacity to carry forward reform. The management of the ministry is ready and has a will to implement improvements in accessing justice, in particular with regards to free legal aid. Through the Policy Dialogue and other mechanisms the management of the ministry has capacity to significantly contribute to the implementation of the Project and put forward issues important for Project implementation and ensure their introduction in governments’ agenda.</p>	<p>The Project gives direct policy and strategy support to the MoJ through provision of technical advice and assistance, supporting policy and legislative reform and finding the space for policy dialogues. The reform will provide the ministry with the support in expertise, related to the changes in policy strategy, as well as in implementation of these changes.</p>
<p>State Agency for Legal Aid Centres (SALAC) of the Ministry of Justice</p>	<p>The Agency was established with the explicit purpose to provide legal aid and to take over responsibilities of the NGO led legal aid centres. Has already assumed responsibility for 6 out of 30 legal aid centres nationally.</p>	<p>As newly created agency has limited capacities in terms of human and financial resources. The Agency is of paramount importance in establishing a state run system of legal aid.</p>	<p>The Project has already created an excellent relationship with the SALACs. Regular information exchange and data exchanges mechanisms will be strengthened including the Case Management System.</p>
<p>State Legal Aid Centres (under the Ministry of Justice)</p>	<p>Providers of free legal aid to the population of Tajikistan. Highly interested and committed to providing legal aid services.</p>	<p>Only 6 available for the time being. Newly created and yet weak in capacities of staff, low recognition by the population</p>	<p>The Project will work on strengthening the capacities of the state legal aid centres in their service provision, as well as raising awareness among the people about the</p>

			service and how it can assist them.
Institute of Advanced Legal Education of Lawyers (under the Ministry of Justice)	As the main provider of training for lawyers and legal professionals the Institute has a strong interest in supporting the Project within its capacities. Has already demonstrated strong interest.	Limited capacities in terms of human, financial and technical resources. Purely educational institutions without political influence. Plays a supporting role to the reform process.	Project will support the Institute through train the trainers, curricula development and course materials in relation to legal aid and other issues.
Ministry of Finance (MoF)	The Ministry of Finance, as a part of the Government of Tajikistan is interested in timely and successful implementation of the decisions made by the government but not always ready to provide adequate financing. It is not anticipated that the MoF will obstruct the introduction of free legal aid but it will be important to advocate for its financing with the MoF.	MoF has already committed state funds to support the introduction of free legal aid. The decisions of MoF substantially influence decision-making on such political and legal changes that are related to the additional funding to be provided from the state budget or other budget changes. In relation to the reform, decisions of MoF are substantial since they can affect those activities that cannot be implemented only within the Project budget.	In order to contribute to the implementation of the Project, the documents elaborated to this end, such as the Cost Benefit Analysis and costs related to the introduction of secondary legal aid, will be shared with the MoF. The project will coordinate with MoF to prevent overlaps between the Project and MoJ budget; The project will ensure through the policy meetings that MoJ and MoF have clear agreement on the state funding after 2019.
Supreme Court of Tajikistan  Regular member of the policy dialogue discussions and the legal aid coordination group	Ensures that the rights and freedom of human and citizen, state's interests, organisations, institutions, legality and justice promulgated by the Constitution of the Republic of Tajikistan are protected. Acts as a court of highest instance, supervision of all types of judicial activities (except economical disputes) and main responsible actor in realization of Judicial Legal Reform. A secondary partnership with the Supreme Court has already been established during Phase I, which will continue throughout the second phase. The Supreme Court is a member of the Policy Dialogue and is interested and committed to developing an efficient justice system.	High rotation of staff, high volume of cases, necessity to improve quality of court decisions and court administration. May assume the administrative functions over the court system after the changes in the Constitution in 2016 and abolition of the Council of Justice.  Supreme Court currently works on the revision of the Judicial Reform Program and the outline of a new judicial system setup in Tajikistan.	Project may offer judicial training (TBD); historically, the Supreme Court has been enthusiastic for this.
Prosecutors' Office	Supervisory functions (all state and non-state legal bodies) on accurate implementation of legislation	Qualified institution with recently limited power and low salary.	The project support the policy dialogue meetings with

Regular member of the policy dialogue and the legal aid coordination group	including authorisation of police activities linked with detention. Is interested in the accurate implementation of legislation.		participation of the Prosecutor's Office representatives.
Office of the President's Administration	The Office of the President's Administration is led by his daughter. It is a highly political institutions that finalizes various policy documents and bills prior to the submission to the Parliament and approves the overall reform strategies. The Office of the President played an active role in adoption of the National Legal and Judicial Reform Program 2015 – 2017. After the adoption the implementation roles stay with the line ministries while the Presidential Administration conducts overall supervision and monitoring. The President of Tajikistan in his annual speech confirmed the importance of the legal reforms in Tajikistan, thus the office of the President is highly interested in the results of the reform process.	President of Tajikistan has several advisors (assistants) including the one on legal issues. There are also two departments in the Presidential Administration: Legal Department and the Department of the Constitutional Guarantees of the Citizens' Rights. Both departments and the assistant to the President on legal policy are active participants in various legal reform and Human Rights discussions. Presidential Administration usually has no budget for supporting the activities or any reform initiatives directly. The Office may restrict the interactions between the line ministries and the international donors or civil society. Also the line ministries have to obtain permission from the Office of the President for any trips abroad or participation in any big international events and projects.	As the key reform documents are already approved, the project plans to engage with the Presidential Administration through the regular policy dialogue and other public discussions on the implementation of legal reforms in Tajikistan.
<b>Civil Society</b>			
Population of Tajikistan	In general there is very low awareness among the population of Tajikistan about the current system of free legal aid and the process of applying/receiving FLA. Experience during Phase I shows that awareness is rising, and as it does there is an increase in demand for the services of the free legal aid centres. As awareness of their rights grows as well as awareness of the system of FLA it is anticipated that demand will continue to grow during phase II.	N/A	As awareness among the population grows so does demand for services. This trend is expected to continue throughout the Project implementation period.
Civil society organisations	Civil society has a multifaceted role in the Project, participating in the policy dialogue platform at the local and national levels and as	Civil society in Tajikistan is currently faced with limited capacities and resources. The capacities that exist, both	The Project will continue to work with civil society, in particular the CSO

<p>NGO partners are members of the policy dialogue and the legal aid coordination groups.</p>	<p>providers of free legal aid. Civil society is also invested in raising awareness among the population of their rights as well as of the system of free legal aid. Experience during Phase I shows that civil society are fully committed to both aspects and have a strong interest in contributing to the overall goals of the Project, to increase access to justice for the population of Tajikistan.</p>	<p>human and financial are committed to pushing forward access to justice reform. CSOs accessibility to the population is high; hence this resource on one hand can be efficiently used for awareness raising purposes of the population, while on the other hand, CSOs capacity for advocating important issues within the policy dialogue can be harnessed.</p>	<p>Network established through Phase I. It will strengthen the capacities of CSOs, in particular with regards to its abilities to meaningfully contribute to the national level policy dialogue and provide evidence-based research and recommendations that will feed into policy discussions and decisions. The Project will also work with civil society in its provision of FLA and on its awareness raising capacities.</p>
<p><b>Selected partners and other donors</b></p>			
<p>Ombudsman Office</p> <p>Regular member of the policy dialogue discussions and the legal aid coordination group</p>	<p>The Ombudsman Office is responsible for running a small number of legal aid centres and will continue operating 2–4 offices, even after SALAC assumes the responsibility for the remaining LACs. These centres will complement the state legal aid system but will be more focused on Human Rights violations. The Ombudsman’s Office is part of the Steering Committee of the Project. It is also a member of the policy dialogue and a member of the working group on development of state guaranteed legal aid. The Ombudsman is fully committed to increasing access to justice for the population of Tajikistan. Provides the Parliament with annual Human Rights situation report.</p>	<p>Historically, the Project has enjoyed an excellent relationship with the Ombudsman and has been able to work together with his office to advance reforms. The Ombudsman’s effectiveness is limited by the small size of his office, but he himself is politically well connected, thus there are weak capacities and political limitations.</p>	<p>The collaboration between the Ombudsman’s Office and the Project will further strengthen the provision of free legal aid and increase access to justice in Tajikistan. The Project will seek to increase the capacities of the Ombudsman’s Office to be able to respond to the problems and complaints of the people in accessing their rights.</p>
<p>Union of Advocates</p>	<p>The Union of Advocates is a new institution acting as a Bar Association in Tajikistan. It was established in 2015 and has a membership of approximately 500 lawyers, which is increasing. It is envisaged that the Union will provide secondary legal aid in criminal cases, as one of the pilot models of provision of secondary legal aid being tested during the</p>	<p>It remains to be seen whether it will have the capacity to serve as a key partner in Phase II. The small size of its membership may affect its capacity to be an effective partner to the Project. However, at this time it is anticipated that the Project will work together with the Union to pilot a system of providing free</p>	<p>The Project will increase the capacities of the Union to provide legal aid in criminal cases and will upgrade the CMS to include the Union’s database and to exchange information with the Union’s automated systems</p>

	second phase of the Project.	secondary legal aid in criminal cases.	
Regional/local authorities	Implementation of regional/local development plans and supervision of budget/local taxes. Some interest in the project.	Overloaded with routine tasks; lack of budget.	At the regional level Oblast Hukumats will be supported to develop issue based PD platforms and be involved in the development of state free legal aid monitoring. At the local level, Jamoats and Mahallas, informal community-based groups and individuals, paralegals and mediators will be involved in the development and implementation of issue driven local PD and social monitoring. Paralegals will provide legal advice and mediators resolve conflicts.
UN Agencies	UN Agencies have some interest and commitment in access to justice and the Project partnered with UNICEF and UNHCR to provide training to lawyers from the legal aid centres. This may be continued in Phase II if there is need and demand.	Strong capacity in terms of knowledge and experience exchange. This can be a big driver for change. However implementation can be slow due to centralised processes.	The Project will partner with UN Agencies, based on their comparative advantages and strengths and the contribution they can make towards furthering the goals of the Project, in the context of their on-going work related to access to justice and how these can be linked to the Project and furthering the Project goals.
International Community	The international community is interested and committed to increasing access to justice in Tajikistan as evidenced through their funding of legal aid centres, and their participation in the policy dialogue, the Donor Coordination	Strong capacity in terms of resources to push forward the reforms and to lobby the government through different mechanisms to deliver on its commitments to reform.	The Project will seek regular communication with representatives of the international community through the different forums already mentioned.

	<p>Council and the Rule of Law Working Group. The international community has repeatedly stressed its commitment to this issue and has demonstrated it through the provision of resources.</p>		<p>Linkages and synergies will be created wherever possible to avoid overlap. Through coordination and working together the international community and the Project can work on achieving the goals.</p>
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**III. ANNEX III: MONITORING AND EVALUATION**

Level	What	Who	Method	Reporting	Follow up
Context monitoring (political, legal, socio-economic, and institutional).	Project context at national, regional, and local levels.	Consortium and local implementing partners.	<ul style="list-style-type: none"> <li>- Analysis of relevant information (e.g. analytical report, media);</li> <li>- Review of statistical data (e.g. CMS)</li> <li>- Analysis of information from SDC and Donor Coordination Council Working Group on Justice Sector Reform;</li> <li>- Information exchange with other projects.</li> </ul>	Half-yearly and annual reports.	Integrate relevant changes into YOPs and adapt next steps.
Monitoring and evaluation of Outcomes –Impact level.	Whether and how Outcomes contribute to the Project goal; Are there any unintended side effects? Sustainability of interventions.	Consortium and local implementing partners; Evaluators (phase evaluation).	<ul style="list-style-type: none"> <li>- Research/studies during establishment of base line;</li> <li>- Annual internal project reviews (partly);</li> <li>- Assessment based on analysis of national level data/regulations/ statistics/ reviews of national development frameworks/budget;</li> <li>- Feedback from national strategic networks, incl. surveys, annual progress reports/ documentation of good practices/policy papers.</li> <li>- Mid-term and Phase evaluation.</li> </ul>	Mid-term and Phase evaluation reports; Final project report; Impact evaluation.	Correction of project approaches and strategies (logic of intervention); Lessons for the project, partners and SDC to be taken into next phase planning.
Monitoring and evaluation of Outputs - Outcome level.	Whether and how Outputs lead to achievement of Outcomes Effectiveness and efficiency in	Consortium and local implementing partners.	<ul style="list-style-type: none"> <li>-Regular follow up of the implementation of Project operational plans;</li> <li>- Regular consortium meetings;</li> <li>- Activity reports (training, etc.);</li> <li>- Monthly budget analysis.</li> </ul>	Half-yearly and annual reports.	Lessons learnt and recommendations for next YPO; Reference document for evaluations/knowledge management.

	<p>achieving project objectives</p> <p>Progress data against Output indicators will be collected and analysed to assess the progress of the project in achieving the agreed Outputs.</p>				
Financial auditing and reporting	Annual financial audits of HELVETAS; periodic audits within UNDP		-	Reporting to SDC (included in annual reports)	
Monitoring and evaluation of activity – Output level.	<p>How do activities contribute to Outputs</p> <p>Effectiveness and efficiency in providing project Outputs.</p>	Consortium and local implementing partners.	<ul style="list-style-type: none"> <li>- Regular follow up of the implementation of Project operational plans;</li> <li>- Regular PIU meetings;</li> <li>- Consortium and PIU meetings;</li> <li>- Activity reports (training, etc.);</li> <li>- Monthly budget analysis.</li> </ul>	<p>Half-yearly and annual reports;</p> <p>Progress and final reports of partners;</p> <p>Reports on training activities (event-based).</p>	<p>Correction of action/ operational plans/budget;</p> <p>Updating schedule of activities, re-distribution of responsibilities/tasks;</p> <p>Elaboration and revision of Yearly Operational Plans.</p>



IV. ANNEX IV: MAP OF PROJECT LAC ACTIVITIES, Q4 2016

