RUNO Half Yearly Reporting



PROJECT HALF YEARLY PROGRESS UPDATE

PERIOD COVERED: JANUARY- JUNE 20**14**

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| Project No & Title: | PBF/KGZ/B-2: Improving the Rule of L aw and Access to Justice for Sustainable Peace (89325) | | |
| Recipient Organization(s)1: | UNDP | | |
| Implementing Partners (Government, UN agencies, NGOs etc): | Ministry of Justice of the Kyrgyz Republic | | |
| Location: | Kyrgyz Republic *(country wide and in selected districts*) | | |
| Total Approved Budget :2 | USD 1,027.000 | | |
| Preliminary data on funds committed : 3 |  | % of funds committed / total approved budget: |  |
| Expenditure4: | USD 37,595 *(which is 18,7 % of budget delivery of funds for the first year budget)* | % of expenditure / total budget: (Delivery rate) |  |
| Project Approval Date: |  | Possible delay in operational closure date (Number of months) |  |
| Project Start Date: | January 2014 |  |  |
| Expected Operational Project Closure Date: | June 2016 |  |  |
| Project Outcomes: | 2 Rule of Law  PPP Outcome 1: *Critical laws, policies, reforms and recommendations of human rights mechanisms, including UPR, are implemented to uphold the rule of law, improve access to justice and respect, and protect and fulfil human rights* | | |
| PBF Focus Area  *(select one of the Focus Areas listed below)* | 1.2 RoL | | |

Please note that where there are multiple agencies, only one consolidated project report should be submitted.

2 Approved budget is the amount transferred to Recipient Organisations.

3 Funds committed are defined as the commitments made through legal contracts for services and works according to the financial regulations and procedures of the Recipient Organisations. Provide preliminary data only.

4 Actual payments (contracts, services, works) made on commitments.

5 PBF focus areas are:

*1: Support the implementation of peace agreements and political dialogue (Priority Area 1)*:

(1.1) SSR, (1.2) RoL; (1.3) DDR; (1.4) Political Dialogue;

*2: Promote coexistence and peaceful resolution of conflicts (Priority Area 2)*:

(2.1) National reconciliation; (2.1) Democratic Governance; (2.3) Management of natural resources;

*3:Revitalise the economy and generate immediate peace dividends (Priority Area 3)*;

(3.1) Short-term employment generation; (3.2) Sustainable livelihoods

*4) (Re)-establish essential administrative services (Priority Area 4)*

(4.1) Public administration; (4.2) Public service delivery (including infrastructure).

Qualitative assessment of progress

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| For each intended outcome, provide evidence of progress  during the reporting period.  In addition, for each outcome include the outputs achieved. (1000 characters max.) | **OUTCOME 1: Critical conflict sensitive laws and policies are adopted/amended and implemented in line with the international standards to uphold the rule of law and ensure equitable redress of grievances**  **Output 1.1.** **Key priority laws and policies pertaining to criminal justice, non-discrimination and human rights reviewed and amended in line with the Constitution of KR, international standards and recommendations of UN human rights mechanisms *(implemented in close collaboration with OHСHR)***  Judicial reform ranks very high in the priorities set by the governamental authorities in the understanding of its very close links to the mantainance of the democratic givernance.. At present access to fair and impartial justice in the KR falls short of internationally recognized standards due to lack of adequate legislation and lack of implementation of the adopted reforms. Without changes in judicial procedures the courts remain the same. Criminal code[[1]](#footnote-1), Criminal procedural code, Code of misdemeanors *(minor offences),* Code of administrative offences *(*Law on enforcement proceedings, Law on status of judges *(disciplinary responsibilities of judges),* Civil procedural code, Administrative code, Law on Free legal aid and some others are outdated, non-compliant with international standards and full of internal contradictions that create legal barriers and challenges to operational efficiency of courts, as well as diminishing access to justice for the population. In view of that UNDP during the reporting period assisted the working groups established under the Presidency to draft/amend/modernize/discuss laws both under a technical and substantial point of view. Together with UNDP this work was assisted by other donors – Soros, OHCHR, OSCE, UNODC, GIZ, IDLO/USAID, ROLI/USAID. Out of 7 established working groups UNDP chaired four of them. Out of 9 priority pieces of legislation 6 laws were amended/drafted/cross-checked and discussed with stakeholders with support of UNDP at 8 round tables *(the whole process involved 341 individual participants and organizations)* prior to the submission to the Parliament. Respectively, to support the process a new project team and four national experts were hired. International expertise from the Venice Commission was obtained for the Law on *Status of Judges*. The bills embrace the following main novelties such as: humanization and de-criminalization of laws; introduction of adversarial nature of the judicial process; streamlining and reduction of trial proceedings, exclusion of certain stages of the trial, introduction of "trier judge", deposition evidence, minimizing corruption-prone norms, etc. It is supposed that in September bills will be discussed at the public Forum and Council on Judiciary Reforms with participation of the President, Speaker of the Parliament, Chair of the Supreme Court, Vice Prime Minister, Minister of Justice, Prosecutor General, Minister of Interior, and experts.  **Output 1.4*.*** **Framework for the effective enforcement of Supreme Court judgments is set up *(in collaboration with OHCHR)***  Within the reporting period UNDP contributed to drafting legislation related to effective enforcement of court’s judgments. According to the study conducted by UNDP in 2013 through PRF funds less than fifty percent of judgments in Kyrgyzstan are implemented. Systemic changes are therefore required both in the legislative framework and in the implementation side. Therefore, UNDP supported the working group consisted of legal experts, practitioners, law enforcement executors *(court bailiffs),* and group of judges established by the President’s office. By June the working group elaborated a draft Law on enforcement proceedings. The draft law provides a more effective mechanism for enforcement of judgments, proposes a simplified procedure for the collection of debts, special consideration is given to the interaction between the courts and law enforcement executors, and minimization of discrete powers of law enforcement executors. At present, the bill is under the finalization and edition. It will be submitted together with other bills to the Parliament in autumn. |
|  | **OUTCOME 2:** **Key rule of law/ justice institutions and civil society are capacitated to collaborate, build consensus and implement solutions towards improving access to justice, ensuring principles of fair trial, non-discrimination and inclusion**  **Output 2.1** **A dialogue platform established for consensus building between relevant duty bearers and rights holders to discuss and agree on solutions addressing discriminatory practices, impunity and unequal access to justice bringing together Government, judiciary, Parliament, civil society and other relevant actors *(will be implemented in collaboration with IDLO/USAID , as well as OHCHR, which will focus on dialogue platforms related to the issues of justice for the past)***  Under this component UNDP conducted its internal sub-contracting procedures to hire International Development Law Organization (IDLO) which is supposed to be a main implementer this output. UNDP conducted LPAC, signed the Cost-Agreement. At the moment IDLO is in process of preparing its work plan. |
|  | **OUTCOME 3:** **Rights holders, especially the most vulnerable and marginalized, are empowered to better claim their rights through legal education, awareness raising and provision of state guaranteed free legal aid**  **Output 3.1 Capacity building of lawyers associations (Bars), Ministry of Justice and other relevant institutions of free legal aid system to ensure better implementation of state guaranteed free legal aid system, envisaging equitable access for vulnerable groups in particular *(ethnic minorities, women)***  Bar association along with the Prosecution is an important part of the judicial process in order to maintain the equality of arms principle. The state should ensure that advocates can effectively, freely and independently carry out their work. Unfortunately, advocates in Kyrgyzstan have not become an equal party in court proceedings. Furthermore, they do not possess the appropriate professional skills, lack credibility among legal community or wider audience. They are not considered as representatives of a socially important professional occupation, but rather as traders, intermediaries between a judge and own client. In light of this, the UNDP has supported the modernization of the law on Bar *(Advocatura).* Following the request of members of Parliament, the UNDP prepared an analysis of the old law, revealed its weaknesses, prepared a proposal for its improvement in accordance with international standards. These proposals were discussed in Parliament in the Committee on Human Rights and Constitutional Law. In part, they were taken into account when the law was adopted by the Parliament. Currently, the law is submitted for signing by the President. It is assumed that those issues that have not been considered by members of the Parliament should be reflected in the package of the legislation, which is currently being developed by the working groups under the Office of the President. |
| Do you see evidence that the project is having a positive impact on peacebuilding? (1000 characters max.) | Given the short period of the project and the complexity of the Rule of Law system,, small yet positive impact on peace-building is seen and strengthening stability in Kyrgyzstan is visible. The most visible achievement is in relation to the openness and wideness of the consultation process of the legislative process. Such output has multi folded beneficial consequences for the improvement of the legislation upholding the Rule of Law system , as well as establishing a functional system of communication between different stakeholders in line with the new constitutional framework.The current drafts make the procedural foundation of the future judicial system, and therefore it is very important to reach a consensus on them with all sides – with those for whom these laws apply, with those who will execute them and who will adopt *(i.e. with society, courts, prosecutors, advocates, law-enforcement executors, decision makers, human rights activists and others).* 8 round tables held by UNDP only with direct presentation of international standards helped the developing of more consistent bills as well as eliminating contradictions and shortcomings.. Discussions helped to create more common understanding between relevant duty bearers and right holders about the judiciary system/procedures and agree on solutions addressing discriminatory practices, impunity, and unequal access to justice and bring together Judiciary, Government, and NGOs. This process will be continued in the next project period. It is supposed that building consensus will help in adopting of elaborated bills, carrying out further delayed judiciary reform in the Kyrgyz Republic and improving A2J, ensuring principles of fair trial, non-discrimination and inclusion. |
| Were there catalytic effects from the project in the period reported, including additional funding commitments or unleashing/ unblocking of any peace relevant processes? (1000 characters max.) | That catalytic effect that has been achieved at the moment is that the restrained judicial reform in Kyrgyzstan has taken a new breath and started to move on again. In previous years it was restrained for various reasons (*slowdown of political will, the politicization of courts reforming, fatigue of politicians, resistance and counter action from the judicial system itself, lack of resources, expertise, etc*.). Due to support of donors, provided expertise, involvement of new stakeholders and actors, leadership, administrative, financial and logistical support, the reformers got new motivation, new energy, and the process went on. Also, there was a change in leadership of the reform. If the process was led by the Parliament earlier, at the present time, this work is headed by the office of the President in consultation with Parliament. Parliament will join to this work later when the bills are submitted for its approval. Through the discussions held by UNDP and its development partners, a good consensus has been achieved among law enforcement, judicial bodies and the expert community regarding bills and introduction of international standards of human rights in the justice system. Also a high level of ownership has been attained over these bills in the Presidency. UNDP as the leading agency in this process influenced a lot to ensure that impetus. The catalytic effect of the project will be seen more in the subsequent stages of the project. Currently only preliminary results are observed and further steps towards reaching more meaningful results are undertaken. |
| If progress has been slow or inadequate, provide main reasons and what is being done to address them. (1000 characters max.) | The pace of the reform process, as an outcome of the project has been slowed down. This phenomenon however shall not be considered as worrisome, on the opposite it will improve the precision and adequateness of the Laws overcoming the endemic problem of ad hoc legislation passed in haste and without the necessary consultation of different stakeholders. |

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| *What are the main activities/expected results for the rest of the year?*  *(1000 characters max.)* | Main activities for the rest of the years are as follows:   * conduct validation Forum with participation of the President, MPs, all law enforcement system (courts, prosecution, law police, advocates, legal professionals, human rights activists, NGOs, etc.) to discuss and validate elaborated bills before submission to the Parliament; * after submission of bills to the Parliament, project will support open and transparent decision making process in the Parliament, parliamentary hearings, parliamentary readings, committee process, engagement of the society, conduct of mandatory expertise, and other actions in line with the parliamentary obligatory procedures. It is expected that until the end of 2014 at least 2 bills are discussed by the Parliament in the first reading; * conduct study visit for the working group members to absorb missing knowledge and expertise in conduct of judiciary reform and judiciary laws; * launch generalization of court practice on selected cases; * conduct training for the Ombudsman institution with an aim to improve its watchdog capacities in monitoring of violated rights of ethnic minorities in cooperation with the civil society; * conduct training for law-enforcement executors for execution of court decisions, on international standards in the area of execution of decisions; * create a discussion platform on the development of an effective mechanism for execution of court decisions for institutions that are engaged - Judicial Department, Tax Inspection, State Registration Service and Border Police; * develop project entry strategy to start pro bone, pro se and paralegal projects; * conduct one dialogue platform for consensus building purpose *(to be implemented by IDLO).* * in case of signing the law on *Bar*, to assist in the creation of a new unified Bar Association. |
| *Is there any need to adjust project strategies/ duration/budget etc.?*  *(1000 characters max.)* | No need so far. |
| *Are there any lessons learned from the project in the period reported?*  *(1000 characters max.)* |  |
| *What is the project budget expenditure to date (percentage of allocated project budget expensed by the date of the report) – preliminary figures only?*  *(1000 characters max.)* | Total project budget: 1,027.000 USD  Project budget for 2014: 200,000 USD  Project delivery to date: 37,595 USD *(or 18,7 % of the first year budget)* |
| *Any other information that the project needs to convey to PBSO (and JSC) at this stage?*  *(1000 characters max.)* | N/a. |

**INDICATOR BASED PERFORMANCE ASSESSMENT*:*** *Using the* ***Project Results Framework as per the approved project document****- provide an update on the achievement of key indicators at both the outcome and output level in the table below. Where it has not been possible to collect data on indicators, state this and provide any explanation in the qualitative text above.* (250 characters max per entry)

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|  | **Performance Indicators** | **Indicator Baseline** | **End of project Indicator Target** | **Current indicator progress** | **Reasons for Variance/ Delay**  **(if any)** | **Adjustment of target (if any)** |
| **PRF Outcome 1**  **PPP Outcome 1**  **Project Outcome 1.5:** Critical conflict sensitive laws and policies are adopted and amended in line with the international human rights standards to uphold the rule of law and ensure equitable redress of grievances  (Improving the rule of law and access to justice for sustainable peace - UNDP) | Project Indicator 1.5.1  Number of conflict-sensitive laws and policies adopted and amended, including: Criminal code, Criminal procedure code, Law on Free Legal Aid, Law on Misdemeanor, Law on the responsibility of judges, Law on Bar Association | **0** | 5 laws and policies adopted and amended, of which at least two will have a direct impact on women’s rights, by end of June 2016 | Initial texts of 6 bills are drafted and commented by stakeholders |  |  |
| Project Indicator 1.5.2  Parliament and Supreme Court oversees the implementation of key laws and judgments, including legal provisions on anti-discrimination | TBD | At least 5 oversight events conducted in line with parliamentary and court oversight standards, and 2 oversight guidelines drafted and adopted by end of June 2016 |  |  |  |
| **Project Outcome 1.6**  Key rule of law/ justice institutions and civil society are capacitated to collaborate, build consensus and implement solutions towards improving access to justice, ensuring principles of fair trial, non-discrimination, inclusion and increased representation of women and ethnic minorities in public service.  (Improving the rule of law and access to justice for sustainable peace - UNDP) | Project Indicator 1.6.1  # of recommendations of dialogue platform that were jointly implemented by state institutions and civil society | 0 | 8 by end of June 2016 |  |  |  |
| Project Indicator 1.6.2  Percentage of representation of women and minorities in public service | TBD | Increase by 10% by end of June 2016 |  |  |  |
| **Project Outcome 1.7**  Rights holders, especially the most vulnerable and marginalized, are empowered to better claim their rights through legal education, awareness raising and provision of state guaranteed free legal aid  (Improving the rule of law and access to justice for sustainable peace - UNDP) | **Project Indicator 1.7.1**  # of complaints/cases documented and acted upon (including criminal and civil cases) with assistance of lawyers providing Free Legal Aid (disaggregated by gender, ethnicity and age) in 6 targeted areas | TBD | Increase by 20% by end of June 2016 in 6 targeted areas |  |  |  |
| **Project Indicator 1.7.2**.  Level of awareness of the vulnerable groups in selected 6 conflict prone areas of their rights to claim equal access to justice and public services | TBD | Increase by 20% by end of June 2016 |  |  |  |

1. [↑](#footnote-ref-1)