

UNITED NATIONS DEVELOPMENT PROGRAMME



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PROJECT DOCUMENT**[Country name, or Global/Regional Project]**

Project Title: Strengthening Human Rights Protection and Equal Access to Justice in the Kyrgyz Republic **(Phase 3)**

Project Number: 00133442

Implementing Partner: Ministry of Justice (MOJ); the Ministry of Labour, Social Provision and Migration (MLSPM); the Ombudsman Institute; Civil Society Organizations; organizations of persons with disabilities (OPDs)

Start Date: October 25, 2022, **End Date:** October 25, 2025

PAC Meeting date: November 30, 2022

Brief Description

Overall, the project "Strengthening Human Rights and Equal Access to Justice in the Kyrgyz Republic" (Access to Justice/Phase 3) has been designed to support the current legal aid and justice reform agenda of the Kyrgyz Republic, by fostering a more strategic, coordinated, responsive, gender-sensitive and sustainable implementation, in line with the adopted national legal aid framework, and in compliance with human rights and international standards related to the administration of justice, including fair trial, due process of law and equal access to justice for PWDs, women and rural communities.

The initiative is designed around achieving the following three outcomes:

1. Sustaining access to justice and quality primary and qualified legal aid services, in particular for women, people living in rural areas and people with disabilities, in line with the Law on "State Guaranteed Legal Aid" and international standards;
2. Strengthening inclusive public access to legal information and oversight mechanisms for promoting and monitoring legal empowerment and the effective implementation of justice and human rights standards at national level;
3. Advancing the implementation of the UNCRPD, through strengthened access to justice and participation of PWDs and their representative organizations (OPDs) in national decision-making, policy and monitoring processes.

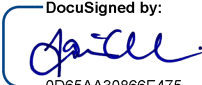
Contributing Outcome (UNSDCF/CPD, RPD):

By 2027, all people in the Kyrgyz Republic enjoy the benefits of fair and accountable democratic institutions that are free from corruption and apply innovative solutions that promote respect for human rights and strengthen peace and cohesion. Indicative Output(s) with gender marker: GEN2

Total resources required:	USD 1,547,921 (equivalent to 1,500,000 EURO)	
Total resources allocated:	UNDP TRAC:	
	Donor:	1,500,000 EURO
	Donor:	
	Government:	
	In-Kind:	
Unfunded:		

Agreed by (signatures):

Government	UNDP	Implementing Partner
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Print Name:	<div>Louise Chamberlain, Resident Representative</div> <div><div>DocuSigned by:</div><div></div><div>0D65AA30866E475...</div></div> <div>Print Name:</div>	Print Name:
Date:	Date: December 7, 2022	Date:

I. DEVELOPMENT CHALLENGE

Since 1991, the Kyrgyz Republic has gone through a difficult transition process characterized by complex social, economic and institutional changes. These included political and social upheavals that, in 2005, 2010 and 2020, led to the overthrow of presidents, continued government reshuffle and a series of constitutional amendments that changed the form of government, political structures and the bill on fundamental rights. Likewise, in the last two years, after a period of relative peace and stability, the fragile context of governance and the rule of law has been seriously compromised by multiple crisis events.

First, as has happened globally, the health and socioeconomic crisis induced by the COVID-19 pandemic has rapidly translated into severe economic recession, widespread unemployment and rising poverty, domestic violence and cross-border tensions, generating widespread expressions of discontent with the national emergency and recovery efforts. In the face of the intertwined health and socio-economic crisis, the government has undertaken a series of far-reaching and life-changing decisions, imposing severe restrictions on constitutional rights and freedoms, as well as disrupting the provision of essential public services such as courts, legal aid services, national human rights monitoring programs and Crisis Centers' operations for survivors of violence against women and girls.

Secondly, the political events following the cancellation of the results of the October 2020 parliamentary elections, including the adoption in May 2021 of a new constitution introducing a presidential form of government¹, had negative repercussions on the existing social contract between State and Kyrgyz Republic's society, driving social tensions and polarization, hardening populist and traditionalist approaches, curtailing civic space and rolling back past years' development gains, including in matters of democratic governance and gender equality².

1.1. Rule of Law and Access to Justice

From 2011 to 2020, the Government of the Kyrgyz Republic has embarked on an ambitious legal and judicial reform agenda, aimed at establishing a more humane, accessible, responsive and accountable justice system. These efforts, which have been undertaken in line with the main country's development priorities as outlined in the National Sustainable Development Strategy 2013-2017, the "Development Program of the Kyrgyz Republic for the period 2018-2022 «Unity. Trust. Creation»", as well as the National Strategy for Development of the Kyrgyz Republic for 2018-2040, have contributed to the following positive developments:

- A comprehensive **justice reform package**, including a new Criminal Code, the Code of Criminal Procedures, and the Law on Legal Aid Guaranteed by the State, has entered into force between 2016 and 2019. Overall, the adopted pieces of legislation, pursuing a general policy of depenalization and decriminalization, have strengthened the principle of equality of arms in criminal proceedings, institutionalized the state-funded legal aid system, reinforced the role of defence lawyers and called for stronger guarantees for suspects of crimes, including the right of the accused to be provided with legal assistance immediately from the time of apprehension.
- The Ministry of Justice has produced regulations for providing legal aid for criminal, civil and administrative cases, as well as established a national **Free Legal Aid Coordination**

¹ In light of these events, according to the Economist Intelligence Unit's Democracy Index 2020, the Kyrgyz Republic has been moving closer to authoritarianism and has registered the steepest score decline in eastern Europe in 2020, under the so-called "hybrid regime" category which is applied to nations where governments apply pressure on political opposition and media, judiciaries are not fully independent, there is widespread corruption, weak rule of law, underdeveloped political culture, low levels of public participation and serious issues in the functioning of governance.

² As part of this process, in February 2021, the President has issued a "decree on conducting an inventory of the legislation of the Kyrgyz Republic" aimed at carrying out a full inventory of 356 laws to promote their alignment with the new constitution and other criteria, including legal consistency, social justice, effective implementation and impact on the business environment. The legal inventory started in May 2021, with technical assistance from the United Nations Country Team of the Kyrgyz Republic and it is expected to be completed by December 2021.

Centre (FLACC) and 33 **Free Legal Aid Centres (FLAC)** across the country to provide legal assistance and information to indigent and marginalized segments of population. A new **Free Legal Aid Law** has also been adopted by the Parliament in October 2021, introducing critical amendments to strengthen the performance of the state-funded legal aid system and increase the number of free recipients of legal services, including survivors of domestic violence. According to the new law, Legal Aid Bureaus are expected to be established as territorial subdivisions of the FLACC in every district of the country to provide primary legal aid. Moreover, mechanisms for the provision of qualified legal assistance in civil and administrative proceedings have been set up³.

- With the adoption of Resolution N 78 dated February 20, 2015, the Government has started a widespread public information campaign to promote legal awareness and empowerment across the country, under the leadership of the Ministry of Justice implementing the **“Concept of Increasing the Legal Culture of the Population of the Kyrgyz Republic for 2016–2020”**. At the end of 2021, the Ministry has also started to design the new multi-year cycle of the national legal information strategy, producing a first draft **“Concept of increasing the Legal Culture of the Population of the Kyrgyz Republic for 2022–2027”**, which is expected to be finalized within the first quarter of 2022.
- The **“Law on Probation”** went into effect in January 2019, introducing probation as an alternative to imprisonment, thereby increasing offenders' opportunities for better rehabilitation. Its implementation was followed by the development of a 2018-2020 action plan, which ensured the probation institution's transition from the supervision of the State Prison Service to the Ministry of Justice in 2020⁴.
- With the adoption of the first national Concept on Digitalization, **“Sanarip Digital Kyrgyzstan 2019-2023,”** the Government has prioritized the increased use of information technologies in the rule of law and justice sector in order to improve the efficiency of legal proceedings and the quality of service delivery across the justice chain, as well as strengthen transparency, accountability and address the perceived widespread corruption of justice and law enforcement officials. This included the adoption of **the Electronic Unified State Registry of Crimes and Misdemeanours**⁵ (URCM ERPP), the mandatory use of information technology during pre-trial and criminal proceedings (including for audio-video-recording of interrogations of victims, suspects and witnesses who have been apprehended and/or held in custody by police, investigation judges, prosecutors), as well as the establishment of the **Legal Aid Automated Information System (AIS)** under the Ministry of Justice to improve management of legal aid cases.

Despite these promising efforts to promote a human rights-compliant justice reform agenda, the rule of law is an area in which the Kyrgyz Republic needs substantial improvement with a composite score of 0.47 according to the **2021 World Justice Project (WJP) Rule of Law Index** and a decreased by 3.7% compared to the previous year⁶. In particular, the WJP reports significant deterioration in factors measuring “constraints on government powers” and “absence of corruption”, including in relation to delivery of criminal justice across the entire system, citizens' discrimination, due process of law and fair trial rights, criminal investigation, the effectiveness of the correctional system in reducing criminal behaviour and the lack of judicial independence⁷.

³ <https://www.kg.undp.org/content/kyrgyzstan/en/home/presscenter/pressreleases/2021/10/new-fla-law.html>

⁴ Notably, the “Law on Mediation” came also into force in February 2018, providing for the new institute of mediation as a viable form of resolution of civil, family, and labour disputes as well as conflicts arising from misdemeanours and crimes.

⁵ The ERPP represents the digitalization of the criminal procedure code as it works as an electronic criminal justice database, supporting case management across the criminal justice chain, aimed at strengthening a more systemic and accountable oversight over criminal proceedings; protect human rights of victims, suspects, accused and witnesses during legal and judicial proceedings, including preventing torture or inhuman and other degrading treatments; and reduce corruption practices among law enforcement and judicial actors.

⁶ At 99th place out of 139 countries and jurisdictions worldwide, the Kyrgyz Republic fell four positions in global rank, scoring at 12 out of 14 countries in the Eastern Europe and Central Asia region and 16 out of 35 among lower-middle income countries. <https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-2021.pdf>

⁷ The Government has also validated the current limitations of the national justice system, acknowledging under the recently adopted “National Development Programme of the Kyrgyz Republic until 2026” (October 2021), that *“the judicial system of the country continues to face both old and new problems, which require radical solutions, and the system itself requires significant changes aimed at improving the quality of justice, the authority of courts and public confidence in judges. There is a decrease in the level of*

Despite some progress towards SDG 16 “Peace, Justice and Strong Institutions” of Agenda 2030 for Sustainable Development, the **Sustainable Development Report for 2021**⁸ also indicates that major concerns persist in relation to some of the targets, including on issues related to corruption, child labour and access to and affordability of justice.

Indeed, implementation of the ongoing legal and criminal justice reform, including in the legal aid sector, is yet fragile, fragmented, resources-demanding, not properly monitored and undermined by concerns related to sustainability and low level of public engagement and civic participation. In November 2021 the Kyrgyz Republic has also adopted **new versions of the Criminal and Criminal Procedure Codes and the Code of Offences**, under the direction of the Office of the General Prosecutor, which have been seriously criticized by development partners and civil society for compromising the progress made as some provisions are not aligned with international standards, curtailing civil rights, reducing humanisation and overall undermining access to justice and due process of law⁹. The legal inventory process has also been heavily disapproved by human rights organizations and civil society for limited public participation, poor access to information and transparency¹⁰.

Against this backdrop, for the purpose of the present project, the following development challenges have been considered critical priorities to address in order to improve the status of the rule of law and strengthen access to justice in the country, particularly for marginalized groups of society:

- Lack of long-term strategic vision on state-funded legal aid sector, including long, medium and short-term targets, as well as limited analysis on effective financial resources needed to sustain the legal aid system and make it sustainable. Indeed, the insufficient allocation of national budget to justice and legal aid sector agenda increases dependence on foreign aid to sustain reform efforts and limit capacities for long-term strategic planning;
- Performance’s gaps related to the state-funded legal aid system which requires additional investments for scaling up interventions, including in line with the new Free Legal Aid Law 2021, and promoting its effective and sustainable institutionalization throughout the country. In general, quality of legal aid service delivery needs to be improved, especially for vulnerable groups, women and girls affected by violence and people living in rural areas;
- Prevalence of “crime control” mindset over “due process” among justice providers, requiring additional efforts to mobilise knowledge and skills around promoting a culture for legal aid, fair trial principles and the integration of international standards into justice proceedings, including the 2021 UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;
- Fragile and limited democratic space for civic engagement in the rule of law and justice sector, including for public monitoring and participation in policy and law-making of reform processes;
- Limited civic education and legal awareness, affecting the ability of the general public to understand in full legal benefits, legal rights, fair trial and due process of law standards. This has also been exacerbated by the adoption of new pieces of legislation on legal aid and criminal justice, which requires the Government to increase public information-related efforts;
- Inadequate mechanisms available to promote women’s access to justice, particularly in rural areas where the majority of legal claims concern domestic violence, property rights, inheritance, divorce, alimony, child custody and issues related to gender equality and women’s rights;

professionalism in the performance of tasks to ensure public order, safety, protection of life, health of citizens and their property, including the reduction that has become possible due to non-compliance by law enforcement officers with ethical standards of conduct’.

⁸ <https://www.sdgindex.org/>

⁹ <https://cabar.asia/en/new-criminal-law-of-kyrgyzstan-a-throwback-or-efficiency-policy>

¹⁰ https://www.hrw.org/news/2021/11/17/kyrgyzstan-extend-time-massive-reviewlaws?fbclid=IwAR1wCMsB_38mnzcvDiXKIRAVvXhpTweoPpKgROR8KpgUiTfwJiih3raUvRI

- Limited effectiveness of coordination platforms between the Ministry of Justice, justice sector agencies, the Office of the General Prosecutor, the Ombudsman and civil society organizations, overseeing the performance and strategic direction of the justice and legal aid sector and ensuring implementation and monitoring of access to justice and legal aid schemes available;
- Limited institutional effectiveness of the Ministry of Justice and the national legal training Centers, including the Barrister Association¹¹, to deliver sustainable capacity development of legal aid practitioners, including on more technical and emerging legal and access to justice's areas such as violence against women and girls, administrative justice, and environmental rights. This also includes inadequacy to balance high delivery of training on fundamental and theoretical concepts with training that is practically relevant and applied in a manner that is consistent with fair trial rights and the novelties of the legal aid reform;
- Lack of harmonization across the different sources of legislation, requiring continuous and rigorous analysis and development of laws, by-laws and procedures to ensure integration of human rights-based approach frameworks and promote further alignment legal reform processes with international standards related to the administration of justice.

1.2. Status of Human Rights in the Kyrgyz Republic

Over the past five years, the Kyrgyz Republic has made some notable progress in relation to the adoption of international human rights instruments. The country has ratified or acceded to eight of the nine core UN human rights treaties¹², as well as all the fundamental human rights Conventions of the ILO¹³, including, in February 2020, the Protocol 2014 to ILO Convention 29 on Forced Labour. In 2019, the Convention on the Rights of Persons with Disabilities (UNCPRD) has also been ratified.

In general, the Government has fostered a relatively active dialogue with the UN human rights mechanisms, including UN Treaty Bodies such as the Committee on the Elimination of Racial Discrimination¹⁴ (2018), the Committee on the Elimination of Discrimination against Women (2021)¹⁵ and the UN Committee against Torture (2021)¹⁶, as well as the Special Procedures of the UN Human Rights Council, such as the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health (2019), on Minority Issues (2019) and the Working Group on Enforced or Involuntary Disappearances (2019)¹⁷.

In relation to the **Universal Periodic Review (UPR)**, progress in the implementation of recommendations from the second cycle (2015) included the adoption of the Human Rights Action Plan for the period 2019–2021. The Office of Ombudsperson (granted B status – Partly compliant with Paris Principles) has also progressively strengthened its capacity to monitor and report human rights violations, and recently developed the new strategy for 2022-2026; however, it still lacks full independence and operational effectiveness, including as a result of the current 2002 Ombudsman Law. In 2020, the country was reviewed by **the third UPR cycle** (Working Group 35)¹⁸ and supported 193 out of 232 recommendations (an increase of 29% with respect to the 2nd cycle)¹⁹, including committing of “continuing measures on strengthening the independence of the

¹¹ The Barrister Association of Kyrgyz Republic is an independent entity, established by the Advokatura of the Kyrgyz Republic. As such, it is not recipient of public funds and it is financed only through fees paid by lawyers when attend trainings provided by the Association. Indeed, according to paragraph 6 of Part 1 of Art. 26 of the Law of the Kyrgyz Republic on the Bar of the Kyrgyz Republic, a lawyer is obliged to attend on job trainings once every three years, for a total of 48 hours. There are approximately 2,500 lawyers accredited with the Ministry of Justice, with about 1,600 licensed to practice criminal law.

¹² See: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx

¹³ [Ratifications of ILO conventions: Ratifications for Kyrgyzstan](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/KGZ/CO/8-10&Lang=En)

¹⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/KGZ/CO/8-10&Lang=En

¹⁵ 5th periodic CEDAW report (2015-2019) presented at the 80th session of CEDAW in Geneva from 18 October – 12 November 2021.

¹⁶ <https://www.ohchr.org/RU/NewsEvents/Pages/DisplayNews.aspx?NewsID=27772&LangID=E>

¹⁷ <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=KGZ&Lang=en>

¹⁸ <https://www.ohchr.org/EN/HRBodies/UPR/Pages/KGIndex.aspx>

¹⁹ 44 % of the recommendations related to SDG16, while 18% to SDG5. Supported recommendations related to: Legal and general framework of implementation, universal and cross-cutting issues, civil and political rights, economic, social, and cultural rights, women's rights, and rights of other vulnerable groups and persons.

judiciary and protecting the rights of accused persons in legal proceedings”, “ensuring respect for fair trial and due process guarantees to all citizens, irrespective of their ethnicity”, as well as “considering further strengthening the Office of the Ombudsman, in accordance with the Paris Principles”.

Despite these national pledges aimed at improving the national human rights protection framework, the Government has yet to implement recommendations on several issues²⁰, including: fair administration of justice; independence of the judiciary;²¹ elimination of torture and gender-based violence;²² non-discrimination and equality, including discrimination based on sexual orientation and gender identity;²³ freedom of expression and access to information; freedom of the media; protection of human rights defenders and journalists;²⁴ freedom of peaceful assembly; as well as addressing compliance with labour standards in the field of occupational safety and health, child labour, forced labour and others²⁵. The **11th European Union-Kyrgyzstan Human Rights Dialogue**²⁶ (Brussel, September 2021) has also called on Kyrgyzstan authorities to protect civil society members from harassment, and strengthen protection of rights of minority groups, civic space and those standing up for human rights, justice and the rule of law in the country.

1.2.1. Women’s Rights and Access to Justice

With a **Gender Inequality Index** (GII) of 0.381 (87th out of 162 countries) and a **Gender Development Index** (GDI) of 0.962, the Kyrgyz Republic is classed as a Group 2 country, with a medium-high equality ranking for Human Development achievements between women and men²⁷. It ranks 108 (out of 166 states) in the 2020 **Global Gender Gap Report**, with a score of 0.681²⁸.

Over the past few years, the Government has adopted a number of laws and policies which have criminalized several forms of violence against women and girls (VAWG)²⁹, toughening the punishment for perpetrators and providing for the fundamental rights of survivors to access essential public services, including as recipients of free legal aid according to the new Legal Aid Law³⁰. Likewise, Component III of the draft **National Action Plan for Gender Equality 2021-2030** prioritizes national initiatives aimed at strengthening protection against gender discrimination and fair justice for women, as well as improving gender-sensitive and survivor-centered prevention and response practices of law enforcement and judicial actors. The Office of the Ombudsman has also concluded memorandums of cooperation with the FLACC of the Ministry of Justice in order to establish effective cooperation to support the development of the legal aid system for women in difficult situations, and with the Sezim Crisis Centre, a community association, to protect the rights and interests of survivors of violence against women³¹.

²⁰ From United Nations Common Country Analysis for the Kyrgyz Republic (2021)

²¹ Supported UPR recommendation, September 2020: “Continue measures on strengthening the independence of the judiciary and protecting the rights of accused persons in legal proceedings”.

²² See: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fKGZ%2f44124&Lang=en

²³ See: <https://undocs.org/A/HRC/44/4>

²⁴ See: HRCtee, Concluding observations on the second periodic report of Kyrgyzstan, CCPR/C/KGZ/CO/2, <https://uhri.ohchr.org/Document/File/03e27d7f-7591-4a6b-8d22-b3509183c737/575954B3-6A60-443C-A91E-3481F8467DFB>

²⁵ See: https://www.ilo.org/dyn/normlex/en/f?p=1000:14000:0::NO:14000:P14000_COUNTRY_ID:103529

²⁶ https://eeas.europa.eu/headquarters/headquarters-homepage/103780/11th-eu-kyrgyz-republic-human-rights-dialogue_en

²⁷ Human Development Report 2019.

²⁸ https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

²⁹ Ex. the Law No. 63 on Protection and Defence against Domestic Violence (Law No. 63 of 27 April 2017); the Criminal Code which criminalizes bride kidnapping, forced marriage and child marriage (articles 175, 177 and 178), in 2017; the Fifth National Plan of Action for Gender Equality (2018–2020); the Action Plan to implement United Nations Security Council resolution 1325 (2000) on women, peace and security, in 2018; and the Action plan for the implementation of the Committee’s concluding observations on the fourth periodic report of Kyrgyzstan (Government Order No. 123-r), in 2017.

³⁰ Women represent the majority of the clients of the state-funded legal aid system. According to official data of the Ministry of Justice, in 2019–2020, the Coordination Centre for State Guaranteed Legal Aid State provided legal aid to 45,817 women and legal assistance from qualified professionals for 2,599 women.

³¹ Committee on the Elimination of Discrimination against Women Seventy-sixth session 22 June–20 July 2020. Replies of Kyrgyzstan to the list of issues and questions in relation to its fifth periodic report.

However, while Kyrgyzstan may be considered as having advanced gender legislation and policies, life choices of women and girls continue to be affected by deep-rooted patriarchal norms and societal behaviors, which undermine progress towards SDG5 – Gender Equality and create breeding ground for high incidence of VAWG, including domestic violence, child marriage and the persistent practice of Ala kachuu, i.e. the forced abduction of a girl for marriage³². Stereotypes about women's and men's place in family and society continue also to have a large impact on citizen's effective access to justice and help-seeking behavior, while also driving the actions of lawmakers, law enforcement officers, and other justice officials³³. Women also continue to face multiple forms of discrimination based on protective grounds as ethnicity, religion, disability, age and gender identity, while anti-discrimination legislation does not encompass intersecting forms of discrimination which can make women and girls more vulnerable to violence³⁴. Incidents of sexual and gender-based violence (SGBV) continue to be rarely investigated and/or prosecuted, as a result of systemic criminal justice's failures, leading to inadequate enforcement of protection orders, as well as extremely low rates of conviction³⁵ and widespread impunity³⁶. Despite women legal claims represent the majority of the legal aid cases processed by the FLACs, legal aid assistance remains limited in rural areas and legal aid providers and the pro-bono lawyers working with the state-funded legal aid system still lack the requisite skills and knowledge in dealing with survivors of SGBV³⁷.

Against this backdrop, the 2021 **Concluding Observations of Kyrgyzstan Committee on the Elimination of Discrimination against Women**³⁸ raise specific concerns about the Office of the Ombudsman lacking a specific mandate to protect and promote women's rights; the reliance on legally undefined terms of morality, ethics and traditional family values in the context of the on-going large-scale inventory of legislation, which can be used to undermine women's rights; the existing barriers to women's and girls' access to justice, including their limited knowledge of their rights and available remedies to claim them, restrictive criteria for accessing legal aid, the limited number of legal aid centers in rural and remote areas, insufficient capacity of the judiciary and law enforcement officials to apply the Convention, as well as judicial gender bias and persistent gender stereotypes. Notably, the Committee strongly recommends:

- Strengthening awareness-raising among women and girls, including in rural areas, about the legal remedies available to claim violations of their rights;
- Ensuring that all women and girls have effective access to affordable and when necessary free legal assistance, including by reviewing the Act "On state-guaranteed legal aid," adequately funding and subsidizing the premises and utility costs of legal aid centers, and increasing their numbers in rural areas; and
- Sensitizing religious and community leaders to de-stigmatize women claiming their rights and provide training on women's rights and gender equality to the judiciary, the police and law enforcement officials to address gender stereotypes and judicial bias against women challenging patriarchy.

1.2.2. Rights of Persons with Disabilities and Access to Justice

In Kyrgyzstan, persons with disabilities (PWDs) continue to be the hardest hit by the current gaps in economic and human development and experience serious challenges of discrimination, poverty

³² Based on "Gender in Society Perception Study" conducted by UNFPA, UN Women, and IOM in 2016, 60% of all married people in Talas province would be perceived as married through Ala kachuu. In the province of Issyk-Kul this number was 45%, in the provinces of Jalal-Abad and Naryn this percentage ranged from 28 to 31%. These figures include both consensual and non-consensual Ala kachuu perceptions. The non-consensual Ala kachuu reportedly accounted for 20% of all marriages.

³³ CEDAW Committee (2015).

³⁴ EU/UN Spotlight Initiative for Kyrgyzstan. Project Document (2020).

³⁵ In mid-October, the Ministry of Interior reported that in 2021, out of 187 registered reports of abduction of women for purposes of marriage, only eight cases have reached the court, and 177 cases were terminated due to the reported lack of corpus delicti.

³⁶ <https://www.hrw.org/news/2019/05/28/kyrgyzstan-pressure-builds-protect-women-and-girls>

³⁷ "According to the Final Evaluation of Access to Justice Phase 2 (November 2021), "the number of cases related to gender-related legal issues (marriage and divorce issues, alimony, parental rights) steadily kept increasing in 2020, possibly being spurred by the socio-economic and socio-psychological fall-out of the Covid crisis. In the peak year 2019 year, the following four issues overall constituted almost 17% of all FLA issues" (Source: Ministry of Justice, <http://otchet.ukuk-jardam.gov.kg/statistics>)

³⁸ The Committee on the Elimination of Discrimination against Women. Concluding observations on the fifth periodic report of Kyrgyzstan (15 November 2021).

and severe difficulties in accessing fundamental rights. National estimates report that the prevalence of disability is about three percent, affecting 193.7 thousand people, with an overall increase in the last seven years of 21.5 percent, and a total increased in child disability from 22.4 thousand in 2010 to 32 thousand children in 2020. At the end of 2018, the total number of recipients of state benefits as related to disability (57,204) made up approximately 15% of the total recipients of state benefits (365,227)³⁹.

In the past few years, the rights of PWDs have been increasingly ranking high on the national development agenda, leading to the ratification, in May 2019, of the **United Nations Convention of the Rights of the People with Disabilities** (UNCRPD). Shortly after, the Government has established an Interagency Working Group, tasked with drafting the “**Initial Action Plan for implementation of the CRPD in 2019-2022**” and the concept for the state programme “**Accessible country 2021-2040**” (“Доступная страна”), aimed at elimination of discrimination against PWDs in various areas and improvement of accessibility of infrastructures. The “Accessible country”, which also provides for a financial analysis for its implementation for the period 2021-2025, has been further developed and published for public deliberations but despite these commitments not yet approved due to political and COVID-19 circumstances. A Coordination Council for PWDs and their Families has also been established under the Ombudsman Institute, but it is not yet fully operational.

Nevertheless, despite progress at law and policy level, overall the implementation of the UNCRPD is lagging behind as no proper mechanism has been put in place yet, including for executing the developed Action Plan. The legal and policy framework still requires to be fully aligned with the CRPD, including the main legislation regulating disability, **the Law No. 38 on the Rights and Guarantees of Persons with Limited Health Functions** (adopted in 2008 and amended in 2009, 2016 and 2017), which continues to reflect the medical model of disability and does not yet fully comply with the international human rights framework and disability-inclusion standards⁴⁰. In December 2020, a new governmental body, the **National Disability Council**, was then established, to accelerate, coordinate and oversee efforts towards implementation of the convention, however this inter-agency structure is still lacking a dedicated mandate, resources, and does not enjoy sufficient visibility. The effectiveness of national accountability mechanisms, including the Ombudsman, for monitoring and reporting against CRPD implementation as per Art. 33 of the CRPD, is also limited.

In general, while Kyrgyzstan’s civil society tries to influence policy revisions and environmental accessibility through activities such as monitoring of public spaces, however the effective participation of PWDs through their representative organizations (OPDs) in national decision-making and policy processes is not yet fully institutionalized, and capacities of OPDs to voice the concerns of PWDs and promote their rights within the national disability and human rights arena need to be strengthened. Public awareness of the rights of PWDs is also fragmented, contributing to social discrimination and stigma at community level. PWDs also continue to face consider obstacles in terms of access to justice: according to analysis generated by the current Phase 2 of the project, barriers include restrictions on the exercise of legal capacity; lack of physical access to justice facilities, such as courts and police stations; lack of accessible transportation to and from these facilities; obstacles in accessing legal assistance and representation; lack of information in accessible formats; paternalistic or negative attitudes questioning the abilities of PWDs to participate during all phases of the administration of justice; and lack of training for professionals working in the field of justice.

1.2.3. Access to Justice in Environmental Matters

In Kyrgyzstan, environmental justice is an emerging development issue that has become increasingly important over the years. This narrative was recently reaffirmed by the adoption in September 2021 of the **Nationally Determined Contribution** (NDC)⁴¹, a critical commitment

³⁹ State Programme “Accessible country 2021-2040”.

⁴⁰ UNICEF (2021) “Situation Analysis: Children and Adolescents Disabilities in Kyrgyzstan.”

⁴¹ <https://www.kg.undp.org/content/kyrgyzstan/en/home/presscenter/pressreleases/2021/09/ndc-kq-adopted.html>

supported by the NDC Partnership, the UNDP "Climate Promise" initiative and the overall coordination of the State Committee on Ecology and Climate of the Kyrgyz Republic, to promote national pledges under the Paris Agreement aimed at reducing national emissions and adapting to the impacts of climate change.

In May 2001, the country has also acceded to the **UNECE Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters**. As a result, four Aarhus Centres have been established in the cities of Osh (2004), Bishkek (2014), Issyk-Kul (2017) and Naryn (2019), to promote implementation of the convention, strengthen justice-related services on environmental rights and issues, as well as facilitate public access to information and informed decision-making, including on the Aarhus Convention Protocol on Pollutant Release and Transfer Register (PRTR)⁴². Under the framework of the Aarhus Convention, in September 2021, a **"Report on Capacity-Building"** has been finalized and presented to the Seventh Session of the Meeting of the Parties to the Aarhus Convention (Geneva, 18-22 October 2021)⁴³, highlighting that capacity development in the area of access to justice remains critical and that national efforts should continue aimed at "raising awareness and strengthening capacities of judiciary, prosecutors, other review bodies, members of Bar associations, public interest lawyers, other legal professionals, non-governmental organizations and members of the public in ensuring effective public access to justice and enforcement of the rule of law in environmental matters"⁴⁴.

II. STRATEGY

2.1 Drawing on UNDP's global comparative advantage in promoting rule of law, access to justice and disability inclusive development

With a history of significant accomplishments within its world-wide development assistance strategy in democratic governance, UNDP's specific niche lies globally in strengthening the civic space and rule of law, improving the performance of justice and related systems, facilitating human rights-focused and gender sensitive policy dialogue on legal and judicial sector reforms and enhancing access to justice mechanisms that result in better protection of human rights.

Relevant for this project document, according to the **"Mid-Term Review of Phase III (2016-2021)"** of the **UNDP's Global Programme (GP) on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development**, UNDP shall *"consider increasing the focus of GP programming, staffing/standing capacity, and knowledge products in emergent subject areas e.g., the implications of digitalization regarding human rights (including access to justice, access to information, equal voices and participation in democratic processes); climate justice; business and human rights; cyber-crime and hate speech"*. Likewise, in the context of the new GP (2022-2027), UNDP rule of law practitioners⁴⁵ recommended *"reporting, monitoring and evaluation systems to account for impact and quality delivery of legal aid should be enhanced; priorities should be rebalanced to ensure the results framework promotes focus on quality over quantity of legal aid delivered"*; and *"inspired by the concept of a "culture of lawfulness" in the Doha Declaration⁴⁶, UN agencies should continue to increase the focus on raising awareness on human rights and continue delivering justice education at different levels"*, as well as urge *"more engagement and support to National Human Rights Institutions is needed to increase their participation and capacity to influence global processes"*.

⁴² <https://aarhus.osce.org/centres/kyrgyzstan>

⁴³ https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7

⁴⁴ Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Seventh session. Geneva, 18-20 October 2021. Item 7 (c) of the provisional agenda. Procedures and mechanisms facilitating the implementation of the Convention: capacity-building. Prepared by partner organizations and the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

⁴⁵ UNDP's SparkBlue platform on the 'The Future We Want To See: Reimagining Rule of Law, Security and Human Rights and the Inclusive Social Contract' held from 29 June through 31 July 2020. <https://www.sdg16hub.org/event/join-online-global-consultation-future-we-want-see-re-imagining-rule-law-security-and-human>

⁴⁶ Adopted at the conclusion of the 13th United Nations Congress on Crime Prevention and Criminal Justice in 2015, the Doha Declaration highlights the importance of education as a tool to preventing crime and corruption. It emphasizes that education for children and youth is fundamental in promoting a culture that supports the Rule of Law, crime prevention and criminal justice.

In the Kyrgyz Republic, through several years of active engagement with the government and civil society stakeholders in the context of a very complex governance architecture, UNDP has been considered a reliable partner, strategically positioned to sustain the ongoing administration of justice's reform agenda, including the effective institutionalization of the state-funded legal aid system, from the very beginning in 2010. Acknowledging UNDP's clear mandate in fostering disability inclusive development through the twin complementary and mutually inclusive frameworks of the UNCRPD and the SDGs⁴⁷, UNDP in the Kyrgyz Republic is also regarded as uniquely positioned to champion the rights of PWDs and play a prominent role in advancing the implementation of the UNCRPD ratified by the Government in May 2019.

Against this backdrop, under the framework of SDGs 5 and 16 (16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all) of Agenda 2030 for Sustainable Development, and the "Accountable Institutions, Justice and Peace" Outcome of the Country Project Document (UNDP CPD, 2018-2022)⁴⁸, the project "Strengthening Human Rights Protection and Equal Access to Justice in the Kyrgyz Republic" intends to capitalize on UNDP's lessons learned and best practices made available in its practice area of rule of law in the Kyrgyz Republic, including the present development initiatives:

- **"Integrating inclusive, people-centered and human rights-based approach frameworks into national legal, justice and post constitution-making processes"** (2021-2022; UNDP's Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development). This initiative aims at integrating international standards into national policy and law-making processes, including into the ongoing legal inventory process, and supporting legal awareness, public participation and civic monitoring. The project "Strengthening Human Rights Protection and Equal Access to Justice in the Kyrgyz Republic" is expected to collaborate with the frameworks and public platforms established by this project and mutually reinforce public legal information ongoing resource-demanding efforts focusing on legal aid and access to justice in order to expand national coverage;
- **"Spotlight Initiative (SI) to eliminate Violence against Women and Girls"** (2020-2022; European Union and United Nations). The Spotlight is a critical national initiative aimed at addressing VAWG in the country. In particular under "Outcome 1: Legislative and policy frameworks in line with international human rights standards on VAWG and harmful practices, are in place and translated into action" and under "Outcome 3: Gender equitable social norms, attitudes and behaviours change at community and individual levels to prevent SGBV", the proposed project intends to partner with the SI and contribute to 1) assist with the development of secondary legislation, including by-laws, protocols, guidelines and regulations, to operationalize adopted legislative amendments and assist the enforcement of the new legal aid legislation, including support its gender-responsiveness and sensitivity; 2) support the MoJ, through the work of the Bus of Solidarity, to conduct an effective public campaign on women's rights and VAWG, targeting communities in rural and remote areas, to promote legal awareness as a tool to challenge discriminatory social norms, gender stereotypes and to contribute to increased women and girls' empowerment to claim equality before the law; 3) support legal aid hotline 112 and improve skills of lawyers in dealing with survivors of SGBV; and 4) conduct a specific research on women access to justice, focusing on women legal claims, family law and women's property rights issues;
- **"Addressing hate speech and information pollution for social cohesion"** (2021-2022; UNDP). This project advocates for all-of-society approach as spelled out in the 2019 United Nations Strategy and Plan of Action on Hate Speech through a prevention-oriented and human rights-based approach integrating "the peace and security, development and human rights pillars of work". In particular, it sensitizes and enhances capacities of authorities, civil society and communities to detect, prevent and address hate speech and

⁴⁷ United Nations Development Programme. Disability Inclusive Development in UNDP. Guidance and entry points (3 December 2018)

⁴⁸ The Outcome "supports national efforts to boost the accountability, transparency effectiveness, and efficiency of Kyrgyz institutions to respond to citizens' expectations for rule of law, promote and protect human rights, and ensure access to justice of vulnerable population groups, especially women, youth, minorities and persons with disabilities"

misinformation laying strategic foundations to comprehensive multi-sectoral and multi-stakeholders prevention and strengthening social cohesion. The project “Strengthening Human Rights Protection and Equal Access to Justice in the Kyrgyz Republic” is expected to leverage and partner, as needed, with this initiative in relation to address discriminatory practices and attitudes towards PWDs;“

- Inclusive governance and shared identity for sustainable peace and development” (2022-2023; UN Peacebuilding Fund). This initiative, in partnership with OHCHR and UNICEF, will support the implementation of a number of policies aimed at strengthening social cohesion, including for promoting shared civic identity for preventing societal polarization. This includes the *Civic Identity Concept* “Kyrgyz Jarany,” which builds on the Inter-Ethnic Harmony Concept, but broadens the scope to address peacebuilding from civic identity, tolerance and diversity angles, as well as the *Youth Development Concept for 2020-2030 of the Kyrgyz Republic*, which promotes improved mechanisms, tools, and institutions for young people to participate in achieving their goals and aims to expand the active participation of young people in development and responsible decision-making and their competitiveness. Against this backdrop, “Strengthening Human Rights Protection and Equal Access to Justice in the Kyrgyz Republic” will collaborate as needed to support the integration of the voices and needs of PWDs as a part of the overall national social cohesion framework.

2.2 Capitalizing on Government of Finland’s support in the rule of law and justice sector of the Kyrgyz Republic and Phase 2 results

The project is fully anchored on the national development priorities as outlined by **Outcome 1: More Equal Societies and Strengthened Implementation of Human Rights and Rule of Law** of the “**Country Programme for Development Cooperation Kyrgyzstan, Tajikistan and Uzbekistan 2021–2024**” of the Ministry for Foreign Affairs of Finland⁴⁹. In this regard, the proposed intervention intends to capitalize on and institutionalize access to justice-related progress generated by the following previous development initiatives implemented by UNDP in partnership with the Government of Finland:

- 1) **Widening access to justice for legal empowerment in the Kyrgyz Republic** (Phase 1: January 2014-June 2018; budget: 2,000,000 EUR);
- 2) **Towards a Sustainable Access to Justice for Legal Empowerment in the Kyrgyz Republic** (Phase 2: January 2018 – December 2021; 1,700,000 EUR).

Notably, the project is expected to build on the following achievements promoted by Phase 2 during 2018-2021 and contribute to address the identified development challenges, in line with the key findings and recommendations of the final evaluation of the project:

- **Adoption of a new Law on State Guaranteed Legal Aid.** Phase 2 contributed to the drafting and public consultation process of the revised law, which was adopted by the Parliament in October 2021 in order to ensure increased access of citizens to legal aid at the district level, after the establishment of a dedicated working group on 14th May 2019 by the decision of the Committee on Constitutional Legislation, State Structure, Judicial and Legal Issues and Regulations. The law expands the categories of free legal aid recipients, including survivors of domestic violence and human trafficking, outlines the mechanisms for the provision of legal aid in civil and administrative cases, as well as set bureaus for providing free primary legal aid to the at the district level.

Priorities for Phase 3: the adoption of the new law is indeed a critical progress, however it will require the Government to place additional efforts in ensuring the long-term sustainability of the state-funded legal aid system, increase annual state budget’s allocation to the Ministry of Justice, as well as to focus on improving the quality of services provided, including monitoring and data generation. A number of by-laws and regulations

⁴⁹https://um.fi/documents/35732/0/Keski-Aasia_Country_Programme_alt+%286%29.pdf/7653e021-2b86-ded6-e4c6-ffbe71d74721?t=1628144315641

will need to be adopted to ensure the proper enforcement of the law, as well as the establishment of territorial subdivisions of the FLACC at the district level (the “bureaus”). The Ministry will be also required to improve skills of the FLACC employees, including focusing on newly recruited employees of district territorial units, as well as informing the subjects of the FLA system (including judges and law enforcement officers), as well as the population about the new norms. Also, a critical priority will be the establishment of a register of lawyers by specialization (in criminal, civil, administrative cases) and ensuring that proper training is provided according to their areas of competence.

- **FLA Coordination Center (FLACC) under the Ministry of Justice established and operational.** Phase 2 supported the establishment of the FLACC and its effective operationalization. This included the adoption of a strategic plan for institutional development of the FLACC for 2018-2020; the adoption of by-laws to regulate the activities of the FLACC, including standards for the provision of qualified legal assistance in civil and administrative cases; as well as the adoption of a regulation on tariffs and procedures for remuneration of lawyers providing FLA. The official website of the FLACC was launched, including the register of lawyers and comprehensive orientation training for the newly recruited employees of the FLACC was conducted, also held annually trainings to increase the capacity of the staff of the FLACC. Notably, quality standards have been fully integrated into the activities of the FLACC and in accordance with the regulation approved by the Government Decree of December 19, 2018 No. 593, the compensation of free legal aid lawyers is now made on the basis of an agreement concluded with the FLACC. The automated information system - FLA AIS has been developed and is being piloted, including also its mobile App version. As a result, today, the FLACC is an independent body operated by 24 staff and provided with an annual budget of about 77 million and 114 thousand KGS.

Priorities for Phase 3: despite this progress, the FLACC is still a relatively new institution, which requires to improve its strategic oversight over the entire FLA system, management and its capacities for coordination and monitoring of the performance of the system. In line with the new law, the FLACC is expected to be strengthened as it is tasked with supervision of the FLA bureaus which will be established in every districts of the country. Moreover, proper incentives for lawyers providing pro-bono services will need to be identified and institutionalized, including trainings in new and specialized emerging legal areas.

- **A Coordination Platform has been established to improve the interaction of the FLA subjects in the country.** Phase 2 provided assistance for the development and adoption of the Resolution of the Government of the Kyrgyz Republic "On Approval of the Procedure for Interaction of the Subjects of the FLA " (2018). As a result, the project facilitated the design, approval and signing of the agreement between the FLACC and CSOs, legal clinics and other organizations and individuals providing legal assistance (June 2018). As a result, to date, over 85 NGO have joined this system, the FLA Coordination Council and its Secretariat have been established, and coordination platforms are held on a regular basis, at least twice a year. Trainings on various issues of providing free legal aid and interaction of subjects of the FLA system are regularly conducted for the members of the Coordination Council, and a media plan for the activities of the FLA Coordination Council was developed.

Priorities for Phase 3: While a coordination platform is now in place and operational, the next Phase is required to strengthen its effectiveness especially at subnational level, given the new law requires the establishment of bureaus providing primary legal aid in every districts of the country. Additionally, the platform is required to continue to increase participation of legal aid actors and stakeholders, including the Ombudsman Institute which also provides relevant legal services for the population.

- **Increased legal aid provided across the country, including through the establishment of Free Legal Aid Centers under the Territorial Departments of the**

Ministry of Justice (FLA Centers). According to the data generated by the Ministry of Justice, demand for legal aid increased exponentially since 2018. Phase 2 supported the opening and operations of additional six 6 FLA Centers in Sokuluk, Kemin, Panfilov districts of Chui oblast, in Uzgen, Chon-Alai districts of Osh oblast, and Bishkek. In total, there are currently 33 FLA Centers operating throughout the country, out of which 17 centers have been opened by the project. As a result, from January 2018 to June 30, 2021, the FLA Centers of Chui and Osh oblasts provided 22,240 legal consultations for 20046 people (including 10,481 women, and 338 PwDs. Moreover, the project supported the hotline 112 under the Ministry of Emergency Situations to provide legal information to the public during the emergency period of COVID-19, including information on curfews, pandemic-related regulations, as well as legal aid: as a result, 1850 legal consultations were provided, including 1128 women and 28 PWDs. Additionally, legal aid was also delivered to 13622 clients during the annual “Decade of Free Legal Aid”. In total, 43577 consultations were provided to 40713 people January 2018 to June 30, 2021.

Priorities for Phase 3: Phase 3 will need to prioritize performance and monitoring issues, to improve the quality of both primary and qualified legal aid provided by legal aid actors, as well as sustainability and exit strategy in relation to donors’ support in establishing new bureaus as per amended legal aid law. A strategic capacity building programme for registered lawyers is also expected to be designed, while the Ministry is required to assess innovative and automated methodologies for providing legal aid across the country and providing more efficient and effective services.

- **Support to the “Bus of Solidarity” Initiative.** Phase 2 continued to support the implementation of the Bus of Solidarity to enhance access to justice in remote and rural areas of the country. A bus was handed over to the Ministry to improve sustainability efforts, though the COVID-19 emergency affected the smooth implementation of the services. During the project period, 5865 legal consultations were provided by this initiative, including 2782 women and 513 PWDs.

Priorities for Phase 3: Phase 3 is required to assist the Ministry to design a strategic vision for this initiative as part of the long-term legal aid strategy and properly institutionalize it within the FLA system to promote this service across the country.

- **Centralized Database of legal acts.** The database has been established, upgraded and updated during phase 2. It currently contains 131,456 legal documents, of which 106,205 are normative acts. The mobile application "Laws of the Kyrgyz Republic" was installed by more than 50,000 users. As of December 1, 2020, the database was used by 1,285,107 users and 3,821,612 users visited the database.

Priorities for Phase 3: the database is the only online repository of all legal acts of the country and represents a critical achievement of the project. The Minister of Justice in December 2021 has officially requested Phase 3 to continue to support this initiative by assisting in upgrading database’s functionalities.

- **Support to ratification and implementation of UNCRPD.** Phase 2 contributed to support national efforts for the ratification of the UNCRPD which occurred in 2019, including the drafting of the law and the financial assessment for UNCRPD’s implementation. Support was also provided for the development of two state programs aimed at implementing the UNCRPD, e.g. the plan of priority measures for the implementation of the UNCRPD provisions for 2021-2023, and the state Programme “Accessible Country”. A study of negative stereotypes in relation to PwDs and rural women was carried out, which, at the request of the Ministry of Labor and Social Development, led to the development of a training module on the UNCRPD for government officials and disability-sensitive terminology and practices. An analysis of the accessibility of the websites of the FLACC (www.ukuk-jardam.gov.kg) and the Ministry of Labor and Social Development (www.mlsp.gov.kg) by visually impaired was carried out, leading to their upgrade. A media

strategy and a detailed media plan for the Ministry of Labor and Social Development (MLSD) was developed, aimed at strengthening interaction between the Ministry and the media in covering the issues of PwDs. The project also provided assistance in the development and adoption of the Regulation "On the procedure for the provision of sign language translation services" (adopted by Government Decree No. 101 of March 18, 2021, as well as the development of instructions for the implementation of the regulation, which was approved by order No. 766 of the Ministry of Health and Social Development of the Kyrgyz Republic and entered into force on June 8, 2021, to regulate the procedure for providing and paying for the services of a sign language interpreter. Several trainings were conducted for a total of 2544 people (1564 women), including state officials, lawyers, justice and government actors on the rights of PwDs. Training for sign language translators on the use of legal terminology was also carried out: as a result, the database of sign language interpreters was updated, including 59 sign interpreters, and is posted on the websites of the relevant state bodies. Finally, for the first time in the country, educational videos called "The ABC of Rights" were prepared with translation into sign language for people with hearing impairments, containing information on the constitution, state, judicial system, international acts, marriage issues, social benefits, pensions, alimony, inheritance and business⁵⁰.

Priorities for Phase 3: Phase 3 is expected to play a critical role in continuing to advocate for increased prioritization by the Cabinet of the implementation of the UNCRPD and the adoption of the state Accessibility Programme. The project will focus on legal harmonization with the Convention, continuing to build state actors' capacities on disability inclusive development and PwDs' rights, as well as supporting the implementation of legal aid and access to justice components for PwDs of the adopted national policies. Support will also be provided to the national disability platform to enhance their institutional capacities for representation and strategic participation into policy and decision-making processes.

- **Capacity development of journalists on UNCRPD.** An online course on disability issues based on the UNCRPD principles and national legislation was designed for journalists, journalism faculties' students, bloggers and other stakeholders. Cooperation with four universities of the country was established to introduce a training module into the training programs of the faculties of journalism and 13 media outlets signed a memorandum on the coverage of disability issues based on the UNCRPD principles. Another on-line course on gender sensitive journalism based on the local legislation, CEDAW principles and project's research on elimination of negative stereotypes towards rural women was developed. The course is placed at the journalists' professional web-site and to date 20 journalists and bloggers have undertaken the on-line training course.
- **Partnership with civil society to raise awareness and capacities on disability-inclusive development.** The "Rural Women" project completed 22 planned trainings, including 15 for 416 rural women and local CSOs, and 7 for 212 decision makers and Local Self Governance representatives. According to statistics collected by the project, requests of rural women of the services of FLA Centers and "Buses of Solidarity" increased by more than 20% in the pilot regions. Likewise, the "People with Disabilities" project conducted 30 trainings in Chui province and Osh provinces, for 800 participants, including 582 women and 218 men representing the national disability platform and local state and LSG bodies working with PwDs. 15 coordination councils for the protection of the rights of PwDs were established in 15 districts of Chui and Osh regions to assist PwDs in case of legal problems and their appeal to FLA Centers, as well as the Bus of Solidarity. As a result, according to data generated by the Coordination Councils of 15 districts, the number of appeals by PwDs to FLA centres and Bus of Solidarity increased by 200% on average in each district.

⁵⁰ https://www.youtube.com/playlist?list=PL0u-CsdLaS7QBJIMb4nElfUKvG1ZnX_NJ

Priorities for Phase 3: Phase 3 will prioritize partnership with the national federation of OPDs and support institutional strengthening and public interface with law and policy-making structures and mechanisms. Awareness efforts will continue including as a part of the developed media strategy.

Final Evaluation of “Towards a Sustainable Access to Justice for Legal Empowerment in the Kyrgyz Republic”

According to the **Final Evaluation** of “Towards a Sustainable Access to Justice for Legal Empowerment in the Kyrgyz Republic” (November 2021), Phase II project’s results have continued to consolidate progress of Phase I, and were fully aligned with the aspirations of the Government of the Kyrgyz Republic to further develop its FLA system as also embedded into new policies and legislation, including the Law on Ratification of UNCPRD and the new version of the Law on “State Guaranteed Legal Aid”. The report also highlights that the intervention has promoted a strong Leave No One Behind and gender focus serving the needs of the most vulnerable among the population, and promoted social cohesion at national level and expanded services to the entire gamut of legal categories (criminal, civil, administrative law) embracing universality and elements of intersectionality (including refugees, vulnerable rural minority women, PWDs)⁵¹. The Final Evaluation has provided the following critical recommendations to address identified challenges (including the need to improve monitoring capacity of national partners regarding the actual quality of FLA services provided; slow progress in CRPD implementation; difficulty of attracting sufficient number of good quality lawyers.) and further the institutionalization of Phase 2 progress into Phase 3 strategy:

- Continue programme cycle (Phase III) and consider expansion to all 44 districts to ensure complete and equitable coverage of the country’s territory thus ensuring equal access to services for all rights holders;
- Consider ramping up the project’s Outcome 2 (“Vulnerable groups targeted by the project, including women and people with disabilities know and exercise increasingly their rights to justice in the selected provinces of the Kyrgyz Republic”); or, alternatively, create a stand-alone CRPD project the focus of which should then shift to implementation and monitoring;
- Design a clear exit strategy for UNDP and a related roadmap, as well as a costed action plan including commitments by the Government to ensure complete ownership of the initiative by the Ministry of Justice and Government;
- Advocate for the design of a revised framework in order to expand A2J, based on a strategic long-term concept note and action plan, with a 10-15 year time horizon, mapping out which additional services, systems, by-laws etc. should be designed and which additional LNOB categories could be also targeted as additional FLA beneficiary groups, in the long run;
- Continue to enhance and institutionalize quality assurance of provided legal aid, including through new partnerships (universities, legal clinics, etc.);
- Support the Government in identifying additional incentive(s) and the options for related reforms that would allow to attract new talent to expand the pool of qualified staff and lawyers to ensure provision of FLA;
- Expand to legal work in areas beyond free legal aid to enhance the overall quality of legal sector work (including building capacities of legal aid providers in additional emerging areas such as business and human rights, environmental rights etc.).

2.3 Strategy

The project’s strategy is fully embedded in the national development priorities of the justice sector as outlined by the National Strategy for Development of the Kyrgyz Republic for 2018-2040, as well as the **National Development Programme of the Kyrgyz Republic until 2026 (4.5. Judicial and law enforcement reform)**. The strategy has also been aligned with the following:

⁵¹ In Phase II, six additional Free Legal Aid Centers have been established (for a total of 17 out of 33 by project’s Phase I and II) and 43,577 legal consultations have been provided through the Centers, the Bus of Solidarity, the annual Decade of Free Legal Aid and the hotline 112, showing an increased annual rate of legal aid claims by beneficiaries.

- Goal 5, 10 and 16 of UN Agenda 2030 for Sustainable Development;
- By 2022, institutions at all levels are more accountable and inclusive ensuring justice, human rights, gender equality and sustainable peace for all (Priority 2. Good Governance, Rule of Law, Human Rights and Gender Equality, United Nations. Development Assistance Framework 2018-2022);
- Justice system and institutions enabled to uphold rule of law, promote and protect Human Rights, and improve access to justice of vulnerable population groups, especially women, youth, minorities and persons with disabilities (Output 2.2, UNDP Country Programme Document for Kyrgyz Republic, 2018-2022);
- Civic space and access to justice expanded, racism and discrimination addressed, and rule of law, human rights and equity strengthened (Output 2.2 - Signature Solution 2: Governance, UNDP Strategic Plan 2022-2025);
- National capacities to prevent and respond to gender-based violence (GBV) and address harmful gender social norms strengthened, including in crisis contexts (Output 6.3 – Signature Solution 6: Gender Equality, UNDP Strategic Plan 2022-2025);
- Priority 7.1 "Improvement of regulatory legal regulation" (State Program "Accessible Country" for persons with disabilities and other low-mobility groups of the population in the Kyrgyz Republic for 2021-2040);
- The Strategy of the Office of the Ombudsman of the Kyrgyz Republic for 2022-2026;
- The Law on Free Legal Aid (adopted by the Parliament on 20 October 2021);
- Component III of the draft National Action Plan for Gender Equality 2021-2030;
- The Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2022–2027.

At **impact level**, under the framework of SDGs 5, 10 and 16 of Agenda 2030 for Sustainable Development and in line with the National Development Programme of the Kyrgyz Republic until 2026 and United Nations Development Assistance Framework 2018-2022, the project intends to support national efforts to boost the accountability, transparency effectiveness, and efficiency of Kyrgyz institutions to respond to citizens' expectations for rule of law, promote and protect human rights, and ensure equal access to justice of vulnerable population groups, especially women, youth, minorities and persons with disabilities. Specifically, the initiative has been designed to support the current legal aid and justice reform agenda of the Kyrgyz Republic, by fostering a more strategic, coordinated, responsive, gender-sensitive and sustainable implementation, in line with the adopted national legal aid framework, and in compliance with human rights and international standards related to the administration of justice, including fair trial and due process of law and equal access to justice for PWDs. It is designed around achieving the following three outcomes:

Outcome 1: Sustaining access to justice and quality primary and qualified legal aid services, in particular for women, people living in rural areas and people with disabilities, in line with the Law on “State Guaranteed Legal Aid” and international standards – under the leadership of the Ministry of Justice, encompasses a range of strategic interventions at institutional level to promote a more effective, accountable, inclusive, sustainable and institutionalized implementation of the state-guaranteed legal aid system. Working with different duty bearers, including the Ombudsman Institute, the Office of the General Prosecutor, the Parliament, the Advokatura, the Barrister Association of Kyrgyz Republic, the Supreme Court, the Ministry of Economy and Finance, the Ministry of Natural Resources, Environment and Technical Oversight, the Aarhus Centres, Local Self-government Bodies and relevant national civil society's legal aid providers, the project will continue to support national efforts to implement and institutionalize the Legal Aid Law adopted in October 2021 and increase access to justice, including through the establishment of Free Legal Aid Bureaus at district level, the work of the Bus of Solidarity, as well as strengthening the effectiveness of both primary and qualified legal aid for vulnerable segments of populations and those marginalized living in the remote areas of the country. This will include the development of a multi-year legal aid strategy, including short, mid and long-term implementation plan and a costing analysis providing information on required allocation of inputs and financial resources needed to sustain the legal aid system. The legal aid strategy will also inform the development of a sustainability/exit strategy to pave the way for full ownership by the Ministry of Justice and the Government after the project itself has wound down. The intervention

will provide technical support to the established national legal aid referral and coordination platforms, including those under the leadership of the Free Legal Aid Coordination Centre, to lead the legal aid strategic reform process, promote further legal harmonization and the development of by-laws to operationalize the new legal aid provisions, develop annual implementation plans and monitor their effective execution, as well as integrate the reform's process with a strong human rights-based approach framework. The output will also provide technical assistance to implement national digitalization aimed at strengthening public service delivery in the legal aid sector, including for improving the effective automation of the legal aid services of the Ombudsman Institute, the Ministry of Justice's Legal Aid Information System (AIS), the development of chatbots and innovative platforms for legal services, as well as enhancing digital and technical capacities of justice stakeholders and public awareness on the scope and objectives of the new digital technologies. Finally, strategic institutional capacity development of duty bearers, including Ministry of Justice, Free Legal Aid Centers, the Ombudsman, justice actors, pro-bono and legal aid providers, will be conducted in order to deliver quality justice services in line with the revised Legal Aid Law, in compliance with fair trial standards and due process of law, as well as focusing on supporting national multi-stakeholder dialogues to remove existing barriers to access to justice in emerging areas, including violence against women and girls, and access to justice in environmental matters.

Outcome 2: Strengthening inclusive public access to legal information and oversight mechanisms for promoting and monitoring legal empowerment and the effective implementation of justice and human rights standards at national level – promotes strategic actions to enhance institutional capacity of national oversight mechanisms, including the Ombudsman Institute under the new strategy 2022-2026, as well as selected national human rights organizations, to carry out effective monitoring and reporting on the implementation of access to justice, legal aid and human rights in line with national laws and international norms and standards, with a key focus on legal rights, women's rights and violence against women and girls, the rights of PWDs, and environmental rights and justice. The output will also foster strategic engagement and partnership with civil society organizations, including human rights defenders' platforms, civil society networks and legal aid organizations, so that regular national platforms for debates, learning, public participation and human rights' advocacy are leveraged and legal aid reform implementation's processes are increasingly guided by human rights-based approach tools and methodologies and the public interest. This will include the development and implementation of a comprehensive public monitoring strategy which evaluates quality and impact of legal aid services delivered, women's legal needs as well as promotes inclusiveness, public outreach and public engagement into legal aid-related policy and decision-making processes, and in a manner that meets the justice needs of women, youth and other vulnerable population. Likewise, the intervention will assist selected committees of the Parliament and relevant national monitoring institutions, including the Office of the General Prosecutor, to oversee access to justice and legal aid reform's agenda implementation. The intervention will also support the design and execution of a civic information campaign on rule of law, access to justice and human rights, in partnership with the Ministry of Education, the Ministry of Justice, legal clinics, law schools and CSOs, in line with the new "Concept of increasing the legal culture of the population (2022-2027)" and with strong focus on women, youth and sub-national level's engagement.

Outcome 3: Advancing the implementation of the UNCRPD, through strengthened access to justice and increased participation of PWDs and their representative organizations (OPDs) in national decision-making, policy and monitoring processes – in partnership with the Ministry of Labour, Social Provision and Migration and the Ministry of Justice, focuses on institutionalizing the effective participation of PWDs through their representative organizations (OPDs) in national decision-making and policy processes. This includes strengthening the institutional capacities of the national platform/federation of OPDs and selected OPDs to voice the concerns of PWDs and promote their rights within the national disability and human rights arena. This will include strengthening advocacy efforts at national level, and ensure more inclusion of marginalized and underrepresented groups of PWDs, as well as promote coordination and capacities, including through the National Council on Disability, for access and effective participation of PWDs in legal and policy-making, including in the development, implementation and monitoring of legislation, strategies and national human rights and development action plans

on disability. The scope of work is also expected to reinforce links and collaboration between OPDs, the Government and the Parliament to better voice evidence-based priorities of PWDs, as well as advocate and promote their rights within national development and human rights frameworks. Moreover, fully integrated with Output 1, Output 3 will continue to consolidate progress of Phase 2, supporting the implementation of selected access to justice components of the Accessible Country Programme 2021-2040, improving access to justice and legal aid mechanisms for PWDs, as well as increasing related capacities on disability-responsive practices of state authorities, judges, prosecutors, law enforcement providers, and other relevant rule of law actors. This intervention will also focus on reviewing the existing legislation and policy frameworks to assess conformity with the UNCRPD and promote legal harmonization through the development of prioritized disability inclusive regulations and by-laws. This will include the development of a concept to inform consultations on the adoption of an anti-discrimination law as prioritized under the Gender Equality Strategy 2021-2030, as well as strengthening the effectiveness of national accountability mechanisms, including the Ombudsman Institute, for monitoring and reporting against CRPD implementation in line with Art. 33.

2.2.1 The Theory of Change

The project's strategy is built on the following assumptions and overall Theory of Change (ToC):

“(1) If more efficient, effective, inclusive, and gender-sensitive legal aid services and human rights protection mechanisms are provided to vulnerable and marginalized segments of populations, in line with the international justice and human rights standards and the domestic legal aid framework;

(2) If civic space is strengthened, and public access to legal information and participation of vulnerable groups and organizations representing the rights of persons with disabilities into legal, policy and justice-related decision-making processes are promoted;

(3) if institutional and public oversight mechanisms, including the effectiveness of civil society platforms and the Ombudsman Institute, are enhanced to monitor and report on the impact of laws, policies and strategies adopted and assess their compliance with public needs and interest;

(4) Then people will be empowered to access and benefit from improved equal access to responsive and accountable justice & human rights protection mechanisms to claim their legal and human rights, as well as resolve their grievance;

(5) Because design and implementation of legal reform and access to justice process are progressively guided by human rights-based approach frameworks, reflecting the public interest, including the rights and concerns of vulnerable segments of society and especially women, rural communities, minorities and persons with disabilities;

(6) Thus, ultimately contributing to mitigate possible proximate drivers of social conflict and leading to increased public trust in the national justice system, strengthened rule of law and increased social cohesion, and overall to a more stable, peaceful and just society”.

Additionally, the project's strategy is built on a Theory of Change (ToC) assumption that strategic investments in institutional capacity strengthening of national justice and human rights institutions are needed in the Kyrgyz Republic to ensure a coordinated, inclusive, responsive and sustainable implementation of the national access to justice reform agenda, as well as to further translate international standards related to the rule of law and elements of fair trial and due process into the national context of the legal aid and justice sector. In this regard, an additional number of assumptions underpin the ToC including:

- 1) Establishing stronger and institutionalized citizen-based oversight and monitoring mechanisms to improve laws' implementation and quality of justice dispensation, promoting legal certainty, due process and consistency across the justice system and between law enforcement, legal aid and judicial and court practices;
- 2) A functioning legal aid system benefit public service delivery across the whole criminal justice chain, contributing to reduce the length of time suspects are held in police stations and detention centres, in addition to reducing the prison population, wrongful convictions,

prison overcrowding and congestion in the courts, and reducing reoffending and revictimization⁵²;

- 3) Strengthening of public services delivery's digitalization processes improves human rights protection mechanisms, including accountability, transparency, legality and efficiency of justice and security sector delivery;
- 4) Improving effective coordination among justice and human rights actors, policy makers and civil society enhances overall legal aid and justice sector efficiency & effectiveness and generates higher levels of trust and confidence for stakeholders across the sector and the general public;
- 5) Orienting the Ministry of Justice towards strategic, holistic, multi-stakeholders and long-term approach to legal aid and access to justice reform, including the need for a comprehensive financial analysis of resources required, paves the way for a more sustainable implementation and improved outcomes in the justice sector;
- 6) Promoting capacities for public access and effective engagement of OPDs empower PWDs to access, participate and influence in the design and monitoring of laws, public policies, budgets, and national action plans, and demand greater inclusiveness and accountability in national decision-making processes.

III. RESULTS AND PARTNERSHIPS

Expected Results

This project will consist of the following outcomes and outputs:

Outcome 1: Sustaining access to justice and quality primary and qualified legal aid services, in particular for women, people living in rural areas and people with disabilities, in line with the Law on “State Guaranteed Legal Aid” and international standards

Output 1.1: Strengthened FLA management and coordination system

The project will assist the Ministry of Justice and relevant legal aid stakeholders to operationalize the new Legal Aid Law and develop a proper implementation plan. This will include the design of a multi-year legal aid strategy, including monitoring framework and financial and sustainability plan to implement the Legal Aid Law 2021, as well as enhancing management, coordination and oversight capacities of the Free Legal Aid Coordination Center, including in relation to established Free Legal Aid Bureaus and increased monitoring of the quality of primary and secondary legal aid provided. The intervention will provide support the strengthen the institutionalization of regular legal aid coordination platforms, involving the Ministry of Justice, the FLAC, the Free legal Aid Bureaus, the Ombudsman Institute, Local Self-government Bodies, legal clinics, civil society and all relevant legal aid providers, at both national and regional level to improve legal aid services, cooperation, legal aid data generation, analysis and referral and foster knowledge sharing and management. The output will also support the Ministry of Justice to upgrade the Free Legal aid Automation System (AIS FLA), promote further its integration into the national FLA system, improving digital connectivity between legal aid and criminal agencies, related digital and technical capacities of users, as well as generate and institutionalize additional national data on progress against SDG16 access to justice targets.

Key Output Deliverables by 2024:

- Multi-year Strategy Plan for legal aid sector, including FLACC Strategic Development Plan, cost and resource allocation analysis, monitoring framework and sustainability plan, developed and adopted by the Government;
- Methodology and mechanisms for monitoring and evaluating the quality of legal aid (primary and qualified) developed and institutionalized under the FLACC and monitoring's outcomes inform improvements in quality of legal aid provision;
- Increased annual budget allocated for legal aid sector's implementation;

⁵² United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, 2012

- International best practices, due process of law and human rights-based approach frameworks integrated as needed into national legal aid reform's implementation;
- Legal Aid Coordination Platforms established and operational at national and regional (oblast) level, and regularly meet to monitor progress on legal aid & access to justice, adopt mechanisms for joint work between Free Legal Aid Bureaus and sub-national legal aid entities, and develop annual legal aid sector action plans that are inclusive, evidence-based and responsive to public inputs;
- Development of by-laws and regulations to promote the operationalization of new Free Legal Aid Law and/or the alignment and further harmonization of the national normative legal aid framework;
- AIS FLA institutionalized into the work of the FLA system and operational across the country.

Output 1.2: Improving public access to effective, responsive and accountable primary legal aid

The project will strengthen the quality of national primary legal aid service delivery in line with revised 2021 Free Legal Aid Law, including on criminal, civil and administrative matters and with focus on access to justice and legal empowerment of vulnerable groups, especially women, PWDs and survivors of gender-based violence. Free Legal Aid Bureaus (as territorial subdivisions of the FLACC) will be established in selected districts. The work of the Bus of Solidarity will be strengthened and scaled up to cover additional regions and districts of the country, including through the development of a software module under AIS to strengthen legal aid management and related assistance. The project will support the development and implementation of a methodology and mechanisms to monitor and assess the quality of primary legal aid provided. The output will also support the establishment and the delivery of the Ministry of Justice's legal aid hotline 114 to disseminate legal information and counselling across the country and refer cases, as needed, to qualified FLA lawyers. The intervention will promote further institutional capacity development of duty bearers, including staff of the Ministry of Justice, Free Legal Aid Bureaus and licensed lawyers, to deliver legal aid counselling and information in line with the legislative and procedural novelties of the FLA law and in compliance with fair trial standards and due process of law principles; capacity development will also focus on improving gender-responsive and survivor-centered knowledge and practices of Ministry's staff and legal aid providers in relation to cases concerning women's claims and violence against women and girls, as well as on emerging legal and human rights areas, including access to justice in environmental matters. In particular, a number of in-depth studies on access to justice, including women's access to justice, will be conducted, including for evaluating the quality of legal aid service delivery in relation to VAWGs and women legal claims, focusing on family law and property rights issues.

Key Output Deliverables by 2024:

- Free Legal Aid Bureaus established and operational in selected districts to provide primary legal aid to the population;
- Training needs' assessment conducted for stakeholders involved in primary legal aid and capacity development carried out accordingly, including on Legal aid Law 2021 and issues related to criminal, civil and administrative cases; women rights and VAWG; access to justice in environmental matters;
- Establishment and operationalization of "FLA Hotline" 114 to provide legal information and awareness across the country;
- Methodology and mechanisms developed and implemented to assess the quality of primary legal aid provided;
- The Bus of Solidarity's work is strengthened, including through automation and increased regular visits to selected districts to provide primary legal aid to the population;
- At least 6-8,000 people per year received free consultations through delivery of primary legal aid;
- Two research on access to justice, including women's access to justice conducted to inform evidence-based legal and policy-making.

Output 1.3: Improving public access to effective, responsive and accountable qualified legal aid

The project will strengthen the quality of national qualified legal aid service delivery in line with revised 2021 Free Legal Aid Law, including on criminal, civil and administrative matters and with focus on access to justice and legal empowerment of vulnerable groups, especially women and survivors of gender-based violence. In particular, support will be provided to develop relevant by-laws, regulations, guidelines and mechanisms to operationalize the delivery of qualified legal aid under the amended legislation. This will also include the upgrade of the FLA register which provides information on the specialization of all licensed lawyers. A comprehensive capacity development programme for FLA lawyers will be conducted, in line with the legislative and procedural novelties of the law and to improve knowledge and skills on fair trial standards and due process of law principles, gender-responsive and survivor-centered legal aid related to VAWG, as well as on emerging legal and human rights areas, including access to justice in environmental issues.

Key Output Deliverables by 2024:

- Development of by-laws and regulations to promote the operationalization of qualified legal aid under the new Free Legal Aid Law and/or the alignment and further harmonization of the national normative legal aid framework;
- Training needs' assessment conducted for FLA lawyers involved in qualified legal aid and capacity development carried out accordingly, including on Free Legal Aid Law 2021 and issues related to criminal, civil and administrative cases; women rights and VAWG; environmental rights and justice;
- Manual for lawyers and relevant justice actors, including working guidelines and practical standards on access to justice in priority areas, including access to justice for women and in environmental matters;
- Methodology and mechanisms developed and implemented to assess the quality of primary legal aid provided;
- FLA register upgraded including lawyers' specialization;
- Increased number of clients receiving qualified free legal aid across the country as per new Law on Legal Aid 2021.

Outcome 2: Strengthening inclusive public access to legal information and oversight mechanisms for promoting and monitoring legal empowerment and the effective implementation of justice and human rights standards at national level

Output 2.1.: Improving institutional effectiveness & efficiency of Ombudsman Institute, national oversight mechanisms and civil society platforms, including for coordination, monitoring and reporting on access to justice issues and priority human rights thematic areas

Tailored support will be provided to improve strategic focus and institutional effectiveness of the Ombudsman Institute on issues related to access to justice, legal aid and priority human rights areas in line with the Ombudsman Strategy for 2022-2026 (legal aid rights, VAWG, access to justice in environmental matters, etc.), including for partnership and coordination with relevant stakeholders (including the Aarhus Centres), as well as monitoring and reporting. This will include the development and adoption of an intersectoral coordination and referral mechanism on access to justice between the Ombudsman, the Ministry of Justice and the Office of the General Prosecutor to strengthen delivery and oversight of legal aid across the country. The output will work closely with national justice and legal aid coordination platforms, as well as relevant parliamentary committees, to increase effective monitoring of the Free Legal Aid Law and other relevant access to justice-related policies and legislation in order to measure progress, evaluate impact and bottlenecks for the population and inform priority actions to undertake in order to improve the performance of Kyrgyzstan's legal aid sector. The Ombudsman will be also assisted in terms of conducting more systematic inspections, including in selected closed facilities, to monitor access to justice and ensure legal rights and compliance with human rights obligations, as well as to strengthen automation of Ombudsman's legal aid-related functions (including chatbots and digital database of complaints) and connectivity with other digital justice and legal aid platforms (ex. FLA AIS). The project will also boost the interface between civil society, particularly those organizations representing women rights and marginalized and vulnerable groups, justice actors and national state institutions which are responsible for overseeing the implementation of the legal

aid reform agenda, as well as promote technical capacity building of selected CSOs on legal reform, rule of law, human rights issues (including VAWG, legal aid, access to justice, environmental justice in partnership with Aarhus Centres). In this regard, the intervention will bolster the formation of a civil society monitoring platform in order to carry out as needed political economy analysis, contribute to assess the effective execution of the legal aid law and policies at national and local level, integrate the views of the rights holders into legal reforms' action plans, technical debates and shape policy initiatives and legal aid initiatives which also reflect the rights and concerns of vulnerable segments of society, women, youth and PWDs. Finally, the project will partner with the Supreme Court to conduct a national study on court cases and decisions related to environmental matters (including on how cases on environmental disputes are considered and processed, the analysis on the related enforcement practices, etc.) in order to inform access to justice response and practices related to environmental justice issues.

Key Output Deliverables by 2024:

- Intersectoral coordination and complaint's referral mechanism developed and adopted on access to justice/legal aid between the Ombudsman, the Ministry of Justice and the Office of the General Prosecutor;
- Capacity building designed and implemented for Ombudsman Institute on priority areas, including access to justice, legal aid and priority human rights areas in line with the Ombudsman Strategy for 2022-2026;
- Monitoring of implementation and impact of Legal Aid Law and other relevant access to justice laws & policies conducted by relevant stakeholders, including Ombudsman, Parliament, Office of the General Prosecutor and civil society;
- Automation of Ombudsman's legal aid function developed, including also a legal aid database;
- The capacities of selected CSOs are strengthened in identified priority areas, including to deliver access to justice, rule of law and legal aid initiatives and focusing on vulnerable and marginalized groups and communities;
- Civil society monitoring platform established to strengthen public access to information, civic engagement in decision-making processes and foster public monitoring on legal aid & access to justice;
- A study on court cases and decisions related to environmental matters will be conducted in partnership with the Supreme Court.

Output 2.2: National human rights dialogue and public legal education and awareness on rule of law culture, access to justice and human rights promoted in prioritized thematic areas

In partnership with the Ministry of Justice under the framework of the "Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2022–2027", as well as the Ombudsman, the Aarhus Centres, media outlets and civil society organizations, the output will support the development and implementation of a consolidated strategic public information and media plan to improve civic education, legal empowerment, and citizen's understanding of the new Legal Aid Law, the main elements of the legal aid reform, as well as on access to justice and prioritized human rights issues. The intervention will also pursue innovative outreach strategies to increase government's and Ombudsman's interface with the public, including in partnership with academic institutions and organizations, representing needs and rights of vulnerable groups, in order to promote legal knowledge and empowerment, particularly at subnational level and among youth, women, rural communities. Additionally, the Central Database of Legal Acts which is currently managed by the Ministry of Justice will be upgraded as needed and updated to increase the number of legal documents and public users. Partnership will be also strengthened with media and journalists to improve capacities for analysis and reporting on rule of law, access to justice and human rights issues, as well as with the Rule of Law Centre under the University of Helsinki to generate comparative knowledge in the sector.

Key Output Deliverables by 2024:

- Public information campaign developed and implemented to increase legal information and promote a stronger rule of law culture across the country, including in partnership with youth and women's organizations, law schools and universities, media;
- Selected priority areas of the Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2022–2027 are implemented, including through digital and innovative solutions for foster legal knowledge and empowerment;
- The Ministry of Justice Central Database of Legal Acts is upgraded and updated;
- Capacity building of media and journalists on rule of law, access to justice and human rights issues and relevant priority areas.

Outcome 3: Advancing the implementation of the UNCRPD, through strengthened access to justice and increased participation of PWDs and their representative organizations (OPDs) in national decision-making and monitoring processes

Output 3.1: Strengthen legal rights and access to justice of PWDs and institutionalize their effective participation through their representative organizations in national UNCRPD-related decision-making processes

The output will focus on building intensive, long-term partnerships and coordination between the Ministry of Labour, Social provision and Migration, the Cabinet, civil society organizations (including OPDs) and Ombudsman, to plan, coordinate, and implement strategic actions to support implementation of UNCRPD. Phase 3 will continue to conduct a review of the existing legislation and policy framework to assess their conformity with the CRPD, identify areas where laws and policies needed amendment for compliance and promote legal harmonization through the development of prioritized disability inclusive laws, policies, regulations, and by-laws. The intervention will continue to support public access to information on PWDs' rights and access to justice and legal aid mechanisms for PWDs. Promoting national platforms and capacities for access and effective participation of PWDs and their representative organizations in decision-making processes and oversight mechanisms will be also prioritized, including through assisting in the development, in partnership with the UN/EU Spotlight Initiative for Kyrgyzstan, of a concept to inform the adoption of anti-discrimination law under the Gender Equality Strategy 2021-2030.

Key Output Deliverables by 2024:

- Public information and awareness campaign on disability-inclusive development and PWDs' rights designed and conducted;
- Identified priorities of the state Programme "Accessible Country supported for further implementation;
- Review of the existing legislation and policy framework conducted to assess conformity with the CRPD and promote legal harmonization;
- Accessibility to legal & justice mechanisms for PWDs strengthened through identified measures, in partnership with OPDs, the MOJ and the MoLSPM;
- Civic platforms for representation, increased access and effective participation of OPDs in decision-making processes are promoted;
- Concept developed to inform the adoption of anti-discrimination law under the Gender Equality Strategy 2021-2030.

Output 3.2: Strengthen effectiveness of national accountability mechanisms for monitoring and reporting against UNCRPD implementation and making complaints on rights violation

The project will strengthen the institutional effectiveness of the Ombudsman to promote, protect the rights of PWDs, engage in disability issues through increased interface with OPDs and the Government, as well as improve monitoring and reporting as per UNCRPD Article 33. Phase 3 will continue to institutionalize capacity building progress promoted under Phase 2 by improving knowledge and practices on PWDs' rights of state authorities, lawyers, judges, prosecutors, law enforcement providers, journalists and other relevant actors. The output will also support national public oversight and monitoring of implementation of laws and policies on disability, including by relevant OPDs and civil society organizations.

Key Output Deliverables by 2024:

- Capacity development programme designed and implemented on PWDs' rights and disability-sensitive practices of state authorities, lawyers, judges, prosecutors, law enforcement providers, Ombudsman, journalists and other relevant actors;
- Civic platforms on PWDs promoted by the Ombudsman and OPDs;
- Research on PWDs conducted in selected priority areas of the CRPD;
- National public monitoring conducted on implementation of specific laws and/or policies on disability' and progress towards UNCRPD;
- National human rights monitoring reports are produced on regular basis, providing comprehensive analysis of progress towards UNCRPD.

Partnerships

The establishment of multi-stakeholder partnership, including also civil society organizations and the broad legal community of the Kyrgyz Republic, is a strategic modus operandi of the intervention, from the inception phase throughout the implementation of all the activities.

The primary partners are the following:

- Output 1: Ministry of Justice (MOJ); the Ombudsman Institute; Supreme Court; Advokatura; Office of the General Prosecutor (OGP); Parliament and Cabinet; Ministry of Economy and Finance; selected Civil Society Organizations; Aarhus Centres; organizations of persons with disabilities (OPDs), academia and legal clinics, media;
- Output 2: Ombudsman Institute; Ministry of Justice (MOJ); Civil Society Organizations; Parliament; Office of the General Prosecutor (OGP); legal aid lawyers; Advokatura; Supreme Court; Aarhus Centres; Ministry of Natural Resources, Ecology and Technical Supervision; academia, media;
- Output 3: Organizations of persons with disabilities (OPDs); Ombudsman Institute; Ministry of Labour, Social Provision and Migration (MLSPM); Ministry of Economy and Finance; Ministry of Justice (MOJ); Parliament, media.

These institutions and actors have clear mandates and responsibilities under the ongoing legal aid and justice reform as they guide, oversee and coordinate the implementation of the access to justice and disability-inclusive agenda, provide public service delivery and information in the sector and/or support professional development of justice and legal aid practitioners. The project intends also to work in close partnership with civil society and the organizations of persons with disabilities, as well as academic institutions, striving to strengthen their coordination and interface with relevant state institutions and stakeholders of the justice sector, as well as increase their access, oversight and participation in decision-making processes, including legal and policy-related.

Within the UN system, under the framework of the "Priority 2. Good Governance, Rule of Law, Human Rights and Gender Equality: By 2022, institutions at all levels are more accountable and inclusive ensuring justice, human rights, gender equality and sustainable peace for all - of the United Nations Development Assistance Framework (UNDAF) 2018-2022, as well as the upcoming United Nations Sustainable Development Cooperation Framework 2023-2027 for the Kyrgyz Republic, the project will actively coordinate with other UN agencies and development partners working in the rule of law, access to justice, human rights, social cohesion and disability-inclusive development sectors and identify the feasibility of joint initiatives to ensure a coherent approach to promote development results, benefitting from strengthened interactions and cooperation. The project is also expected to bolster on-going interventions and develop synergies with ongoing UN Country Team's development initiatives, especially the new cycle of United Nations Peacebuilding Fund (PBF) for the Kyrgyz Republic to strengthen rule of law, anti-discrimination and social cohesion mechanisms. In particular, Phase 3 envisages strengthening partnership with the following UN entities:

- **OHCHR.** The OHCHR Regional Office for Central Asia (ROCA) covers all five countries of the region: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. In

Kyrgyzstan, ROCA engages in general human rights monitoring across the region, provides comprehensive capacity building for duty bearers and rights holders and works towards mainstreaming human rights. Under Phase 3, UNDP intends to strengthen partnership with OHCHR in relation to monitoring disability, legal aid, access to justice and human rights issues related to the administration of justice, on civic space and human rights advocacy, strengthening Ombudsman Institute's capacities, as well as on increasing public participation in policy and law-making processes;

- **UNODC.** The United Nations Office on Drugs and Crime in Kyrgyzstan is currently implementing several strategic initiatives in the following interrelated thematic areas: organized crime and trafficking; corruption; crime prevention and criminal justice reform; drug prevention and health; and terrorism prevention within the Programme for Central Asia. UNODC brings consistent expertise on criminal justice and for prevention and response to SGBV in working with legislative reforms, gender sensitization of law enforcement agencies, promoting community-policing principles, education for justice, rule of law, legal aid, mentorship and leadership programs in law enforcement, prison reform. Phase 3 will partner with UNODC, as needed, to provide expertise on international standards related to criminal justice and legal aid;
- **UNICEF.** UNICEF Kyrgyzstan has developed a high degree of expertise in all aspects pertaining to children rights, juvenile justice, people with disability's rights and is an instrumental adviser to state authorities as well as civil society. UNICEF brings critical expertise in working with key governmental partners such as the Ministry of Education and Science, the Parliament, as well as the Ministry of Justice. Phase 3 will be required to partner with UNICEF on issues related to legal aid for youth and children, VAWG and access to justice for PWDs and on disability inclusive development;
- **UN WOMEN.** UN Women Kyrgyzstan, as an entity entirely dedicated to gender equality and women's empowerment, is focused on three priority areas, including on eradicating VAW, women in leadership and governance, including in peace building, and women's economic empowerment and its actions are present in all districts of the country. UN Women in Kyrgyzstan is facilitating the UNiTE platform that brings together over 80 organisations and activists focusing on EVAW. As part of UN Women's coordination mandate, the agency is leading the UN Gender Theme Group (UN GTG), and from the end of 2019 it has been facilitating mainstreaming of Gender Equality and Women's Empowerment into the Development Partners' Coordination Council of Kyrgyzstan. Phase 3 will partner, as needed with Un Women, to build capacities of state actors and legal aid providers in integrating gender-sensitive and survivors-centered approaches into legal aid services.

External to the UN system, the intervention in primis will partner under the framework of the Rule of Law and Human Rights Working Group of the Development Partners Coordination Council (DPCC), currently co-chaired by UNDP, OHCHR and the European Union, to capitalize on ongoing initiatives, lessons learned and best practices made available in the practice area of access to justice, human rights and rule of law in the Kyrgyz Republic. Secondly, as a part of the ongoing in-country partnership, the project will strengthen collaboration with the following Development Partners to promote joint actions for strengthening civic space, public participation and access to information, as well as on strengthening the national legal reform agenda related to legal aid, anti-discrimination and the rights of PWDs, access to justice, gender equality and/or preventive and responsive measures to sexual and gender-based violence:

- **The European Union (EU) Rule of Law Programme in the Kyrgyz Republic - 2nd Phase (ROLPRO2).** The Programme, which is implemented by a consortium led by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, aims at supporting judicial reform in the Kyrgyz Republic. The main objective of the Programme is to improve justice and the rule of law, strengthen the capacity of executive bodies and the ability of citizens to assert their rights by modernizing the legislative process and improving the performance of the judiciary and the prosecutor's office. Phase 3 is required to partner with EU to strengthen capacities and sustainability of the state-funded legal aid system managed by the Ministry of Justice;

- **USAID.** Under its Democracy, Human Rights, and Governance (DRG) strategy, in the Kyrgyz Republic USAID aims at improving citizen access to justice and the rule of law and supports reforms within the courts to reduce corruption and improve fairness for all parties. This includes increased public access to court proceedings and decisions, as well as the automation of court case distribution. In 2021, USAID has launched a new multi-year initiative, the Ukuk Bulagy Project, which is implemented by the East-West Management Institute, Inc. (EWMI) and is directed at people-centered justice, improved gender equality and empowerment in the justice system, as well as increase access to available legal services and to relevant legal information. Phase 3 will partner with USAID to strengthen the legal aid system under the Ministry of Justice, including the operationalization of the Legal Aid Bureaus at district level, as well as coordination and monitoring;
- **OSCE Programme Office in Bishkek.** The work of the Programme Office focuses on a range of security issues: from countering terrorism, border security and transnational threats such as human trafficking, to developing the country's regions, strengthening efforts to combat corruption on all levels, as well as supporting the reform of the justice sector, implementation of election reform, gender equality and building open and resilient societies. Phase 3 is expected to collaborate with OSCE on law-making processes related to criminal justice sector, as well as on human rights advocacy campaigns, including to promote the rights of PWDs;
- **Soros Foundation-Kyrgyzstan (FSK).** Soros Foundation-Kyrgyzstan has consistently continued to support civil initiatives in various areas, such as legal, educational and economic reforms, support for the media, NGOs and academia, assistance to initiatives in the field of public policy, healthcare, and culture. Phase 3 will cooperate with Soros to strengthen the performance of the state-funded legal aid system, including coordination at national and subnational level, and increase capacities of lawyers and legal aid providers.

Risks and Assumptions

The project assumes that the Government of the Kyrgyz Republic is dedicated to promoting a more inclusive, responsive, participatory and sustainable implementation of the current legal aid and justice reform agenda. This includes Government and justice institutions' commitments to pursue effective partnership with civil society, to strengthen civic space and promote spaces for social capital building, as well as facilitate civil society to play an active role in the implementation of the reform, providing increased public oversight of the sector.

In relation to disability-inclusive development, the project assumes that national authorities are committed to continue to further the rights of PWDs and support the implementation of the UNCRPD and the State Programme "Accessible Country", as well as that Government and civil society organizations representing the interests of the PWDs are committed to pursue effective partnership to sustain the inclusion of PWDs in social, economic and political life.

In the context of this project document, the project will face primarily political, strategic, institutional, financial and operational risks that might impact on the delivery of results. Key risks include (see Annex I for Project Risk Log):

- Continuous erosion of Rule of Law principles, values, and culture undermining the bedrock of the project design;
- Lack of incentives & vested interests across the legal aid and justice sector are too strong to improve quality of legal aid delivered, including for nurturing a public interest and due process of law culture;
- Lack of political will, limited national institutional commitment and poor resources allocated in justice sector and to implement the UNCRPD prevent the long-term and sustainable implementation of reform;
- Breakdown of trust between Government and civil society because of continuous shrinking of civic space and poor outcomes under democratic governance and justice sector reform processes;

- Fragmentation of the national disability platform with local OPDs having different interests and competing demands, undermining joint coordination, participation, monitoring and advocacy efforts under the national disability platform.

The project will monitor and manage risks on a regular basis. The risk log will be updated as appropriate and at least on quarterly basis and included in quarterly reports. In addition, the Project Board is also expected to address the project risks and follow up on relevant actions as recommended during its meetings.

Stakeholder Engagement

The project has been designed through extensive consultations held between October and November 2021 with relevant departments of the Ministry of Justice, the Ministry of Labour, Social Provision and Migration, the Ombudsman, Parliamentary Committees, the Aarhus Centres, legal clinics, civil society organizations and organizations of people with disabilities, the media and legal aid providers, as well as with representatives from the Office of the General Prosecutor and the High School of Justice within the Supreme Court. In this regard, a three-day technical workshop has been held to analyse results of Phase 2, findings and recommendations of the final evaluations, and provide key priorities, including formulation of outcomes, outputs and activities for Phase 3 (agenda and list of participants are enclosed as Annex II). The project has also been designed in consultation with the Finland Government and in line with the mandate of the recently established Rule of Law Centre under the University of Helsinki.

This commitment to a multi-stakeholder engagement will be infused throughout all aspects of implementation of the project, including through promoting civic participation and strengthening coordination and public interface at all levels, between government institutions, legal aid platforms and working groups, justice actors, the parliament, civil society organizations, the national disability platform and also the development partners' community; through the meetings of the Project Board, comprising the key institutional and civil society implementing partners, who will contribute to navigating any major issues confronting the intervention as it unfolds; through a number of consultations between government institutions which have a clear mandate on legal aid, justice sector reform, disability-inclusive development and civil society; and through an increased engagement of civil society organizations in public monitoring, policy and law-making processes and public legal awareness.

South-South and Triangular Cooperation (SSC/TrC)

SSC/TrC will be mainstreamed throughout project's implementation as a key modality for furthering capacity development, research and advocacy, and "peer learning" from countries which have been undertaking similar initiatives in order to promote a sustainable state-funded legal aid system, implement legal reform and legal empowerment processes aimed at enhancing access to justice, including in environmental matters and for PWDs, as well as furthering the advancement of the UNCRPD. Indeed, given current similar access to justice-related initiatives supported by the Government of Finland under the "Country Programme for Development Cooperation Kyrgyzstan, Tajikistan and Uzbekistan 2021–2024", there is great potential for UNDP to engage with relevant global access to justice programmes and institutions of countries, experts and stakeholders, including from Tajikistan and Uzbekistan, as partners on SSC and TrC, and particularly with those which might have experience with reform in priority areas of the legal aid sector and women and PWDs' access to justice. In this regard, the project will also explore partnership with the Rule of Law Centre established by the Ministry for Foreign Affairs of Finland under the University of Helsinki⁵³ in order to connect Finnish legal expertise and experience on the rule of law with national institutions, including academia, of the Kyrgyz Republic and provide best practices and knowledge sharing also in addition to sustainability and exit strategy issues.

⁵³ <https://www.helsinki.fi/en/networks/rule-law-centre>

Knowledge

The project is primarily envisioned to increase state institutions and public knowledge about the ongoing legal aid reform, to better guide government authorities in overseeing the status of implementation, identifying areas that require increased strategic prioritization, as well as to improve skills and knowledge of legal aid and justice practitioners in line with the novelties of the Legal Aid Law and the relevant international norms on access to justice, due process of law and human rights related to vulnerable groups and the administration of justice. The intervention is also expected to facilitate knowledge's transfer on human rights and legal issues between the various national justice sector institutions, the relevant civil society's organizations, including organizations representing the rights of women and PWDs and the public at large. Finally, the project will inform, as needed, the UNDP Country Office and the national development platform with regular political economy analysis related to the sector of implementation, for constantly learning about, and responding and adapting to the unpredictable, evolving political context of the country.

Against this background, to advance knowledge, the project is expected to generate the following:

- a long-term strategic document on legal aid sector with clear goal, objectives, implementation and M&E plan and associated financial analysis of inputs and resources needed, including a proper sustainability plan;
- increase the ability of the Ministry of Justice, the Ombudsman and the Advokatura to promote a more effective delivery of training for stakeholders, including lawyers and justice actors;
- a number of access to justice-related research to inform policy and law-making processes and improve public service delivery;
- a review of the existing legislation and policy framework to assess conformity with the UNCRPD and promote legal harmonization and strategic actions to increase access to information by PWDs;
- improving capacities for national monitoring and reporting under the framework of art. 33 of the UNCRPD;
- strengthening knowledge and skills of selected CSOs in identified rule of law and access to justice priority areas;
- digital and innovative solutions aimed at fostering legal knowledge and empowerment and increase public participation into decision-making processes;
- public platforms for debate involving justice institutions and coordination groups, but also civil society, to ensure at national and regional level effective implementation of the Legal Aid Law and promote knowledge and information sharing between citizens and stakeholders;
- capacity development for state institutions, civil society, journalists and law practitioners on legal aid, access to justice, human rights and rule of law culture, disability inclusive development, gender-sensitive and survivor-centered approach in dealing with VAWG;
- working guidelines and practical standards for legal aid lawyers and relevant justice actors in prioritized access to justice areas;
- a public consolidated media strategy to promote public legal culture, awareness and outreach to increase citizen's understanding of legal aid, access to justice, women's rights, gender equality and PWDs rights;
- strengthened partnership between the Finland Rule of Law Centre and national stakeholders of the Kyrgyz Republic for peer learning and comparative experience-related knowledge.

Sustainability

The final evaluation of the Phase 2 has emphasized key progress promoted by the project in relation to sustainability and national ownership. This included “increasingly consolidating sustainability’s results of Phase 1”, “the adoption of an holistic approach involving the entire ecosystem/universe of FLA (Parliament, Bar Association, Ministry of Justice, sub-national administration, CSOs, etc.)”, as well as “the high degree of inclusiveness and participatory planning involving all stakeholders in frequent review and planning meetings”. In this context, the establishment of the Free Legal Aid Coordination Centre is expected to pave the way for more sustainable outcomes: according to the Ministry of Justice, 18 million and 552 thousand Kyrgyzstani Som (KGS) were allocated in 2018 to the FLACC, but the budget was then raised in 2019 for an annual figure of 77 million and 114 thousand KGS. Today the FLACC is an independent body including 24 staff.

However, the final evaluation also highlights some key obstacles, including “overarching macro-challenges due to 2020 Covid-19 and governance, political crisis volatility”; the “government’s commitment to fund the expansion of legal aid and continuation of legal acts database could be stronger as strict budget austerity might threaten maintenance of current levels”; as well as “human resource-related concerns and bottlenecks at the level of FLA centers such as the limited number of pro bono roster members and related high attrition or turn-over resulting in continuous “brain drain” and the need to keep re-investing into training/capacity development measures which causes a budgetary strain”.

Against this backdrop, Phase 3 will prioritize sustainability and project’s exit strategy. Extensive consultations with primary institutional beneficiaries and civil society stakeholders have been already undertaken, capitalizing on progress and institutionalized targets of the two previous phases, to inform the project’s design, as well as to provide preliminary and indicative recommendations about sustainability strategies. As a result, the project is envisioned to promote sustainable progress in different substantive areas, encompassing legal, policy and institutional reforms, capacity building and legal empowerment, as well as increased civic engagement and public participation. In particular, the intervention will:

- support the development of a long-term legal aid strategy, implementation and investment plan to set clear goals, including specific priorities and financial resources needed to implement the new Free Legal Aid Law, in order to uphold the envisaged structural reform, to ensure allocation of funding is matched to priority areas, and overall, generate commitment about proper allocation of national budget to sustain the long-term implementation of the legal aid system. The long-term legal aid strategy will inform the development of the detailed exit strategy to promote national ownership and foster proper allocation of funds by the Government in the state-funded legal aid sector;
- engage relevant parliamentary, government, justice actors and CSOs working at the forefront of developing, implementing and executing policies and legislation, fostering qualitative improvements in the country’s normative framework, particularly as it relates to the legal aid sector and access to justice, the rights of PWDs and advocate for proper evidence-based needs and allocations of resources for the legal aid and disability inclusive development in the annual Budget Law;
- strengthen coordination, collaboration and regular interface between state’s agencies, justice/judicial authorities and civil society, at both national and subnational level, to support the gradual move towards a more inclusive sector wide approach to legal aid and access to justice in order to foster national ownership and coherence, binding together government, justice institutions and civil society organizations in an overall programme of reform and thus enhancing oversight mechanisms, accountability and the sustainability of improvements.

Despite these efforts, the sustainability of the legal aid reform and progress towards the effective implementation of the UNCRPD, will be influenced by a number of factors, some of which are beyond the direct control of UNDP, such as the state’s fiscal situation and national budget allocation, stakeholders’ vested interests, political commitment and other variables. By acknowledging the risk that lack of incentives are too strong to support institutional commitments and may lead to project progress’ backsliding, UNDP will also actively strive to influence the pace

of adoption of improved laws, policies, strategies and frameworks and orient national authorities towards consolidating sustainability measures to ensure national ownership and stronger commitment to sustain the reform. The project's bottom up aspect – ensuring higher levels of civic participation & a climate of continuous public engagement to sustain effective, inclusive and participatory policies and solutions which are inclusive and driven by the public interest – will position organizations closely representing rights holders, including CSOs and OPDs, to pressure for increased state's accountability and the continuation of policies and legislation that meet the project's overall goal of strengthening access to justice and due process of law, human rights mechanisms and the rights of PWDs after the project itself has wound down.

Innovation & Digitalization

Building on the UNDP global Digital Strategy⁵⁴, as well as on the digital strategy for the Kyrgyzstan's UNDP country office which is currently under finalization, the project will partner with the Government, the Ombudsman, media and civil society organizations to explore innovative responses to strengthen public access to legal information, access to legal services, civic engagement and public monitoring, particularly at sub-national level and with stronger engagement of women and youth. Moreover, the intervention will strengthen and scale up digital solutions to expand legal aid and human rights protection services of the Ministry of Justice and the Ombudsman, including the Legal Aid Automated Information System (AIS), and Ombudsman's legal aid data base and functions. As a part of the project's process to strengthen evidence-based political economy engagement mechanisms, more focus will be also placed on contextual analysis and data generation, including in relation to SDG Targets such as 16.3, 16a and 16b. A dedicated team has been deployed in 2021 under the UNDP Acceleration Lab⁵⁵ and is expected to assist this initiative to benefit from global UNDP innovative knowledge's platform and promote more consistently internal and external discussion with partners on strategic innovative solutions related to access to justice and public engagement in the rule of law sector.

Gender Equality and Women's rights

The UNDP Gender Marker⁵⁶ will be used to monitor project's budget and expenditures for planning and decision-making, ensuring that the proposed intervention focuses strongly on achieving results in gender equality and women's empowerment. As women, including those living in rural communities, in Phase 1 and 2 represented the majority of beneficiaries and given that one of the expected benchmarks is strengthening inclusiveness and gender-responsiveness of legal aid assistance and access to justice mechanisms, the project will continue to prioritize access to justice for women and increase the number of women as recipients of free legal information and redress, especially in light of the amended Free Legal Aid Law which include survivors of VAWG in the list of beneficiaries. Also, the project will advocate for increased level of women's participation in decision-making, implementation of policy reform and public monitoring, as well as for improved gender responsiveness of the regulations, laws, policy and actions generated by the Government and relevant stakeholders during project's execution. Capacity building of partners and justice actors will focus on women's access to justice in order to improve gender-sensitive and survivor-centered practices of service providers addressing VAWG. Established public oversight mechanisms, including civil society and the Ombudsman, will assess the impact of legal aid reform agenda on human rights, including women rights and also to prevent gender-based discrimination. M&E mechanisms, which will be designed and operationalized with the assistance of the proposed intervention, will reflect gender-disaggregated data generation and analysis and will target the quality of legal aid provided to women. Research on women access to justice, including legal aid demands, with focus on family and property rights issues, will be also conducted. Additionally, public information campaign's strategies will be tailored on needs and rights of vulnerable groups, ensuring increased outreach of women and other marginalized population. Finally, leveraging the ongoing EU-UN Spotlight Initiative, the intervention will also continue to address gender equality

⁵⁴ <https://digitalstrategy.undp.org/>

⁵⁵ <https://acceleratorlabs.undp.org/>

⁵⁶ <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/undp-gender-equality-strategy-2018-2021.html>

and the intersecting forms of discrimination, promoting both targeted and mainstreamed interventions to ensure the inclusion and empowerment of women and girls, including those with disabilities and their representative organizations, in legislative and decision-making processes.

IV. PROJECT MANAGEMENT

The project will be executed in line with Direct Implementation Modality (DIM) and under the framework of the Accountable Institutions, Justice and Peace Outcome of the UNDP Country Project Document 2023-2027, focusing on supporting the accountability, transparency effectiveness, and efficiency of Kyrgyz institutions to respond to citizens' expectations for rule of law, promote and protect human rights, and ensure access to justice of vulnerable population groups, especially women, youth, minorities and persons with disabilities. The project will then be executed under the framework of the new UNDP Country Project Document 2023-2027, which is currently under development. The following management framework and modalities will be adopted in order to implement the project:

- The UNDP Country Office in the Kyrgyz Republic will be responsible for the overall coordination, management and implementation of the project, including transferring the funds to Implementing Partners (IPs) for specific outputs, monitor progress, facilitate knowledge management, mobilise relevant international/regional experts, and provide backstopping expertise. UNDP will be accountable to the Project Board, ensuring that the day to day activities are implemented in accordance with the project document resource and results framework and budget, as well as in line with the annual work-plans which will be developed following technical consultations with implementing partners and stakeholders, and endorsement by the donor.
- IPs will be responsible for the implementation of the project outputs through Letter of Agreement (for government authorities) and/or Low Value Grant Agreements (for CSOs), including resources allocated, and ensuring that the day to day activities are implemented in accordance with the project document resource and results framework and budget, as well as the work-plans and related budgets which will be developed in partnership with UNDP on annual basis.
- Coordination of this Project's activities and outputs with IPs of the project will be ensured through the Project Board and ad hoc monthly coordination mechanisms that include UNDP, the implementing partners responsible for each respective output and other relevant stakeholders.
- UNDP will build on its partnerships at global, regional and local levels to deliver the project and ensure cost efficiency and effectiveness, including on current expertise on rule of law and justice sector reform provided by the UNDP's Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development, the UNDP Bureau for Policy and Programme Support (BPPS) and the UNDP Regional Center for Europe and the Commonwealth of Independent States (RBEC), as well as the Regional Bureau for Asia and the Pacific on collaboration related to relevant human rights issues.
- The project will comprise a team of permanent staff to support the day to day supervision of the intervention, including an international Chief Technical Advisor Rule of Law, an Access to Justice Coordinator and a national Senior Rule of Law Project Advisor. These project staff will be key to ensure that the proper technical expertise is provided to Implementing Partners (IPs) and for maintaining the long-term trusted relationship that UNDP has built with the Presidential Administration, the Office of the General Prosecutor, the Supreme Court, the Ministry of Justice, the Ministry of Labour, Social Provision and Migration, Ministry of Internal Affairs, the Ombudsman Institute and all relevant rule of law stakeholders, including legal reform coordination mechanisms. IPs are also expected to designate focal persons as agreed with UNDP and in line with developed budgets and annual work-plans to support project's implementation. Moreover, the project will hire national and, if requested, international long-term and short-term consultants, provided with specialised expertise in relevant areas of the legal and justice sector and the rights of PWDS, to deliver ad hoc technical advice and carry out specific interventions as required

by the resource and results framework and the annual work-plans which will be developed on annual basis.

V. RESULTS FRAMEWORK⁵⁷

Intended Outcome as stated in the UNDAF/Country [or Global/Regional] Programme Results and Resource Framework: By 2027, all people in the Kyrgyz Republic enjoy the benefits of fair and accountable democratic institutions that are free from corruption and apply innovative solutions that promote respect for human rights and strengthen peace and cohesion.

Outcome indicators as stated in the Country Programme [or Global/Regional] Results and Resources Framework, including baseline and targets:

Justice system and institutions enabled to uphold rule of law, promote and protect Human Rights, and improve access to justice of vulnerable population groups, especially women, youth, minorities and persons with disabilities ((Output 2.2, UNDP Country Project Document 2018-2022)

Indicator: Rule of Law Index Report/ World Justice Project (WJP), Annually; Principles relating to the Status of National Institutions (Paris Principles)

Baseline: (2021, WJP Rule of Law Index): 0.47; Ombudsman (B Status)

Target: 0.50

Applicable Output(s) from the UNDP Strategic Plan: Civic space and access to justice expanded, racism and discrimination addressed, and rule of law, human rights and equity strengthened (Output 2.2 - Signature Solution 2: Governance, UNDP Strategic Plan 2022-2025)

Project title and Atlas Project Number: Strengthening Human Rights Protection and Equal Access to Justice in the Kyrgyz Republic (Phase 3)

EXPECTED OUTCOMES	EXPECTED OUTPUTS	DATA SOURCE	BASELINE		TARGETS (by frequency of data collection)					DATA COLLECTION METHODS
			Value	Year 2021	Year 1	Year 2	Year 3	FINAL	Indicators	

⁵⁷ UNDP publishes its project information (indicators, baselines, targets and results) to meet the International Aid Transparency Initiative (IATI) standards. Make sure that indicators are S.M.A.R.T. (Specific, Measurable, Attainable, Relevant and Time-bound), provide accurate baselines and targets underpinned by reliable evidence and data, and avoid acronyms so that external audience clearly understand the results of the project.

Outcome 1: Sustaining access to justice and quality primary and qualified legal aid services, in particular for women, people living in rural areas and people with disabilities, in line with the Law on “State Guaranteed Legal Aid” and international standards	<i>Output 1.1: Strengthened FLA management and coordination system</i>	Order of the Government on establishment of FLACC dated 31 May 2017	FLACC established in 2017. It has now 24 staff and annual budget allocation of 77 million KGS	1.Coordination platforms established and operational at regional level 2. Consultations held for developing multi-year legal aid strategy 3.AIS FLA introduced into the work of LAW system in 2 pilot regions 4.By-laws & regulations adopted for implementation of Legal Aid Law 5. Annual legal aid implementation plan adopted	1.Multi-year legal aid strategy developed, including financial analysis and sustainability plan 2.Mechanisms for M&E of Legal Aid Law developed 3.Regular meetings of coordination platform established and operational at regional level 4. AIS FLA introduced into the work of FLA system in 2 additional pilot regions 5.By-laws & regulations adopted for implementation of Legal Aid Law 6. Annual legal aid implementation plan adopted	1. Multi-year legal aid strategy developed, including financial analysis and sustainability plan 2. Monitoring of FLA implementation carried out 3. Regular meetings of coordination platform established and operational at regional level 4. AIS FLA introduced into the work of FLA system in 2 additional pilot regions 5. 5. Annual legal aid implementation plan adopted	1. Multi-year legal aid strategy adopted and under implementation, including financial analysis and sustainability plan 2. Increased annual budget allocated to legal aid and access to justice 3. Monitoring of FLA implementation carried out on regular basis, including Ombudsman and CSOs 4.AIS FLA introduced into the work of FLA system throughout the country 5. Regular meetings of coordination platform established at regional level 6.By-laws & regulations adopted for implementation of Legal Aid Law	# of coordination meetings # of legal aid cases processed through AIS FLA # of by-laws and/or regulations developed #Methodology adopted for M&E of FLA system # of legal aid strategy adopted and/or action plans	Annual FLACC reports Number of legal aid cases processed through AIS FLA Coordination meetings' minutes By-laws developed Legal aid strategy documents FLA monitoring reports
		Free Legal Aid Law 2021	Agreement on interaction with CSOs and legal clinics under implementation, including more than 85 CSOs						
		Government's decree on the interactions of the subjects of FLA system N. 594 dated 20 December 2020	New Legal Aid Law adopted by the Parliament on 20 October 2021						
		UPR 2020							
		Concluding Observations of CEDAW Committee 2021	UPR recommendations on access to justice and legal aid Concluding Observations of CEDAW Committee on access to justice and legal aid for women						

	<p><i>Output 1.2: Improving public access to effective, responsive and accountable primary legal aid</i></p>	<p>Regulation on FLA Centers approved by the Ministry of Justice dated 5 March 2018</p> <p>FLA Law 2021</p> <p>UPR 2020</p> <p>Concluding Observations of CEDAW Committee 2021</p> <p>Aarhus Centres capacity building reports</p>	<p>33 FLA centers established across the country (17 by the project)</p> <p>Bus of Solidarity concept under implementation by MOJ Department of the Bar and Legal advocacy: 5865 provided with legal information</p> <p>43k provided with legal aid from 2018-2021 by Phase 2</p> <p>Aarhus Centres capacity building reports recommendations on improving access to justice in environmental matters</p> <p>UPR recommendations on A2J & legal aid</p>	<p>1.FLA Bureaus established at district level and budget allocated</p> <p>2.Training needs for FLA actors conducted</p> <p>3.At least 3 trainings conducted in priority areas (VAWG, A2J, etc.)</p> <p>4. Field visits of Bus of Solidarity regularly conducted</p> <p>5.Bus of Solidarity module (software) developed</p> <p>6. At least 6,000 clients of FLA (annual)</p> <p>7. Legal aid hotline established</p>	<p>1.FLA Bureaus established at district level and budget allocated</p> <p>2. Field visits of Bus of Solidarity regularly conducted</p> <p>3.At least 3 trainings conducted in priority areas (VAWG, A2J, etc.)</p> <p>4.At least 8,000 clients of FLA (annual)</p> <p>5. Methodology & mechanisms for M&E of Legal Aid Law developed</p> <p>6. One access to justice research conducted</p> <p>7. Legal aid hotline established and operational</p>	<p>1.FLA Bureaus established at district level and budget allocated</p> <p>2. Field visits of Bus of Solidarity regularly conducted</p> <p>3.At least 3 trainings conducted in priority areas (VAWG, A2J, etc.)</p> <p>4.At least 8,000 clients of FLA (annual)</p> <p>5. Methodology & mechanisms for M&E of Legal Aid Law implemented</p> <p>6.One access to justice research conducted</p> <p>7. Legal aid hotline established and operational</p>	<p>1.FLA Bureaus established in each district of the country and budget allocated</p> <p>2.At least 22,000 clients of FLA (annual)</p> <p>3.At least 9 trainings conducted in priority areas (VAWG, A2J, etc.)</p> <p>4. Monitoring of primary FLA carried out on regular basis and reports available to the public</p> <p>5. Two access to justice research conducted</p> <p>6. Legal aid hotline 114 operational cross the country</p> <p>7.Bus of Solidarity module (software) integrated into AIS</p>	<p># of FLA Bureaus established & operational</p> <p># of field visits of Bus of Solidarity</p> <p># of population who received legal assistance through free legal aid and by sex, age, minorities, urban/rural, people with disabilities</p> <p>Extent to which actors of the FLA system are enabled to enhance skills on human rights, access to justice and rule of law including gender and survivors responsive (0 is not capacitated, 1 - poor, 2 satisfactory and 3 good)</p> <p># of access to justice research conducted</p>	<p>FLA Bureaus reports</p> <p>Training modules and reports</p> <p>FLA monitoring reports</p> <p>MOJ legal aid database and AIS FLA</p> <p>Research papers</p> <p>Clients' satisfaction survey</p>
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	<p><i>Output 1.3: Improving public access to effective, responsive and accountable qualified legal aid</i></p>	<p>FLA Law 2021</p> <p>Bar Council's decision on approval of the qualified standards dated 2017 and 2018</p> <p>Agreement on the provision of qualified legal aid between FLAC and lawyers</p> <p>Register of FLA lawyers</p>	<p>Qualified legal aid is provided in criminal, civil and administrative cases</p> <p>The new FLA Law 2021 prescribes mechanisms for qualified FLA</p> <p>Limited number of lawyers in the FLA register (425)</p> <p>Limited expertise and specialization of lawyers in critical legal areas and emerging human rights issues (ex. VAWG, environmental justice)</p> <p>Aarhus Centres capacity building reports' recommending A2J on environmental matters</p>	<p>1.Training needs for FLA actors conducted</p> <p>2.At least 2 trainings conducted in priority areas (FLA Law, VAWG, A2J, etc.) for lawyers included in the FLA registers</p> <p>3.By-laws & regulations adopted for implementation of qualified FLA</p> <p>4.Methodology & mechanisms for M&E of qualified FLA developed</p>	<p>1.FLA register established in line with legal specialization of lawyers</p> <p>2.At least 2 trainings conducted in priority areas (FLA Law, VAWG, A2J, etc.) for lawyers included in the FLA registers</p> <p>3. Increase number of legal aid clients receiving qualified FLA</p> <p>4. Monitoring of qualified FLA carried out in selected regions, including through clients' satisfaction survey</p>	<p>1.At least 2 trainings conducted in priority areas (FLA Law, VAWG, A2J, etc.) for lawyers included in the FLA registers</p> <p>2. Increase number of legal aid clients receiving qualified FLA</p> <p>3. Monitoring of qualified FLA carried out in selected regions</p>	<p>1.At least 6 trainings conducted in priority areas (FLA Law, VAWG, A2J, etc.) for lawyers included in the FLA registers</p> <p>2.Increase number of legal aid clients receiving qualified FLA</p> <p>3.Monitoring of qualified FLA carried out on regular basis and reports available to the public</p> <p>4. Manual for lawyers and relevant justice actors, including working guidelines and practical standards on access to justice in priority areas, including access to justice for women and in environmental matters</p> <p>5. Increased satisfaction of clients in relation to quality of services provided</p>	<p># of population who received qualified legal assistance through free legal aid and by sex, age, minorities, urban/rural, people with disabilities</p> <p>Extent to which the FLA lawyers are enabled to enhance their skills on human rights, access to justice and rule of law including gender and survivors responsive (0 is not capacitated, 1 - poor, 2 satisfactory and 3 - good)</p> <p># of lawyers in the FLA register</p> <p>% increased in clients' satisfaction</p>	<p>By-laws developed</p> <p>FLA Bureaus reports</p> <p>Training modules and reports</p> <p>FLA monitoring reports</p> <p>Register of FLA</p> <p>Methodology for monitoring qualified legal aid</p> <p>Clients' satisfaction survey</p>
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Outcome 2: Strengthening inclusive public access to legal information and oversight mechanisms for promoting and monitoring legal empowerment and the effective implementation of justice and human rights standards at national level	<i>Output 2.1.: Improving institutional effectiveness & efficiency of Ombudsman Institute, national oversight mechanisms and civil society platforms, including for coordination, monitoring and reporting, on access to justice issues and priority</i>	Ombudsman strategy 2022-2026	Ombudsman B status Paris Principles	1. MoU developed & adopted for establishment of intersectoral referral between Ombudsman, MOJ and GPO to improve access to justice & legal aid 2. Partnership established with CSOs for public monitoring on access to justice and legal aid 3. Capacity building programme designed for selected CSOs (at least 5) on access to justice and human rights priority areas 4. Digital assessment conducted for the Ombudsman 5. Development of methodology court case study on environmental justice	1. MoU implemented between MOJ, GPO, Ombudsman 2. Public monitoring conducted in selected access to justice & legal aid priority areas 3. Capacity building programme conducted for selected CSOs (at least 5) on access to justice and human rights priority areas 4. A study on court cases on environmental matters conducted in partnership with the Supreme Court 5. Automation of selected functions of the Ombudsman piloted	1. MoU implemented between MOJ, GPO, Ombudsman 2. Public monitoring conducted in selected access to justice & legal aid priority areas 3. Capacity building programme conducted for selected CSOs (at least 5) on access to justice and human rights priority areas 4. Technical consultations held for recommendations of study on court cases on environmental matters to inform policy and legal changes 5. Automation of selected functions of the Ombudsman piloted	1. Intersectoral complaint's referral mechanism adopted between the Ombudsman, the MOJ, the OGP 2. Monitoring of impact of FLA Law and other relevant policies conducted 3. Proposed automation of Ombudsman's legal aid function developed 4. Capacities of at least 10 selected CSOs strengthened in identified priority areas 5. Civil society monitoring platform established to monitor legal aid and access to justice reform 6. A study on court cases on environmental matters conducted in partnership with the Supreme Court and informing policy and legal changes 7. Capacity building designed and implemented for Ombudsman	# of CSOs entering agreement with UNDP and with capacity to influence development in line with Agenda 2030 # of trainings held for the Ombudsman and CSOs # of Ombudsman and public monitoring report on legal and access to justice reform	MoU between Ombudsman, MOJ and OGP Monitoring reports Ombudsman annual reports CSOs and UNDP reports and agreements Supreme court study report Training reports
		Ombudsman Law 2002 FLA Law 2021 Law on Public Councils Aarhus Centres capacity building reports	Limited public engagement and participation in decision and law-making processes Low skills and capacities for human rights monitoring and reporting, including in emerging areas Limited collaboration between Ombudsman and MOJ on access to justice and legal aid Low number of CSOs able to inform law-making and policy processes						

	<i>Output 2.2: National human rights dialogue and public legal education and awareness on rule of law culture, access to justice and human rights promoted in prioritized thematic areas</i>	<p>Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2022–2026</p> <p>Ombudsman strategy 2022-2026</p> <p>Evaluation of Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2016–2021</p>	<p>Limited public awareness on legal issues, rule of law and human right cultures</p> <p>Evaluation of Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2016–2021 prioritized areas for improvements to strengthen outreach and legal empowerment</p> <p>131,456 legal documents uploaded in the central database, with 1,285,107 users</p>	<p>1. Media strategy with particular focus on rights of vulnerable groups developed and implemented.</p> <p>2. Selected components of Concept of increasing the legal culture implemented to promote legal empowerment</p> <p>3. Curriculum designed for improving knowledge and skills of journalist and media in selected priority areas</p> <p>4. Support provided by Central Database of Legal Acts for upgrading and uploading</p>	<p>1. Media strategy with particular focus on rights of vulnerable groups implemented</p> <p>2. Selected components of Concept of increasing the legal culture implemented</p> <p>3. Capacity building of media and journalists conducted on rule of law, access to justice and human rights issues and relevant priority areas</p>	<p>1. Media strategy with particular focus on rights of vulnerable groups implemented</p> <p>2. Selected components of Concept of increasing the legal culture implemented</p> <p>3. Capacity building of media and journalists conducted on rule of law, access to justice and human rights issues and relevant priority areas</p>	<p>1. Public information campaign developed and implemented to increase legal information and promote a stronger rule of law culture across the country, including in partnership with youth and women's organizations, law schools and universities, media</p> <p>2. Selected priority areas of the Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2022–2026 are implemented.</p> <p>3. Capacity building of media and journalists conducted on rule of law, access to justice and human rights issues and relevant priority areas.</p> <p>4. Central database upgraded and legal acts uploaded</p>	<p># of media strategy & events generated to inform the public and promote legal empowerment</p> <p># of public awareness actions or events generated during project implementation</p> <p># of people reached by public information campaign</p> <p># of users of central database of legal acts by year</p>	<p>MOJ reports on implementation of Concept</p> <p>Public media strategy</p> <p>Media reports</p> <p>Central database-related data</p>
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Outcome 3: Advancing the implementation of the UNCRPD, through strengthened access to justice and increased participation of PWDs and their representative organizations (OPDs) in national decision-making and monitoring processes	<i>Output 3.1: Strengthen PWDs' rights and institutionalize their effective participation through their representative organizations in national UNCRPD-related decision-making and implementation processes</i>	Law on ratification of the UNCRPD	UNCRPD ratified in 2019	1.Effective interaction established between DPOs, Cabinet, Parliament, Ombudsman, OPDs	1.Public information and awareness campaign on disability-inclusive development under implementation	1.Civic platforms for representation, increased access and effective participation of OPDs in decision-making processes promoted	1.Public information and awareness campaign on disability-inclusive development and PWDs' rights designed and conducted	# of laws and/or by-laws adopted to promote legal harmonization and further the rights of PWDs	Minutes of the National Disability Council
		Government Decree on establishment of the National Council on PWDs Law N.38 on Disability	Limited participation of OPDs in decision-making processes Access to justice barriers affecting PWDs Lack of compliance and harmonization of legislation with UNCRPD State Programme Accessible Country designed but not yet adopted 2544 state officials and justice actors trained on CRPD and PWDs MoU signed with 13 media outlets on PWDs	2.State Programme Accessible Country adopted, and implementation started 3.Harmonization of legislation ongoing through the development of priority laws and by-laws 4.Public information campaign on PWDs designed and implementation started 5. Technical discussion held to elaborate concept for anti-discrimination law	2.Identified priorities of the State Programme "Accessible Country supported for implementation 3.Review of the existing legislation and policy framework conducted & harmonization started 4.Selected measures identified and under implementation for increase PWDs' accessibility to legal & justice mechanisms 5.Concept developed to inform the adoption of anti-discrimination law under the Gender	2.Selected measures identified and under implementation for increase PWDs' accessibility to legal & justice mechanisms 3. Development of anti-discrimination law under process 4.Legal harmonization under implementation 5.Identified priorities of the State Programme "Accessible Country supported for implementation	2.National platform on disability operational and institutionalized 3.Specific components of State Programme "Accessible Country under implementation 4. Prioritized laws and policies adopted to further the rights of PWDs	# of national stakeholders trained on PWDs' rights # of laws and policies informed by OPDs	Monitoring reports of OPDs

	<p><i>Output 3.2: Strengthen effectiveness of national accountability mechanisms, including for monitoring and reporting against UNCRPD implementation</i></p>	<p>Law on ratification of the UNCRPD</p> <p>Government Decree on establishment of the National Council on PWDs</p> <p>Law N.38 on Disability</p> <p>Law on Ombudsman 2002</p>	<p>Limited effectiveness of national mechanisms established under Art. 33 of the UNCRPD</p> <p>Limited knowledge and skills of state actors and justice practitioners on PWDs' rights</p> <p>Coordination Council for PWDs and their Families established under Ombudsman but not yet operational; 15 Coordination Councils established</p> <p>Database for sign language interpreters established, including 59</p>	<p>1.Capacity building programme on PWDs' designed for national stakeholders</p> <p>2. Civic platforms on PWDs promoted by the Ombudsman and OPDs</p> <p>3. Public monitoring tools designed and adopted for measuring progress towards UNCRPD</p> <p>3. Coordination platforms on PWDs strengthened</p>	<p>1.Civic platforms on PWDs promoted and operational</p> <p>2.Research on PWDs conducted in selected priority areas of the CRPD</p> <p>3.National public monitoring conducted on implementation of specific laws and/or policies on disability' and progress towards UNCRPD</p>	<p>1.Civic platforms on PWDs promoted and operational</p> <p>2.Research on PWDs conducted in selected priority areas of the CRPD</p> <p>3.National public monitoring conducted on implementation of specific laws and/or policies on disability' and progress towards UNCRPD</p>	<p>1.Capacity development programme designed and implemented on PWDs' rights and disability-sensitive practices of state authorities, lawyers, judges, prosecutors, law enforcement providers, Ombudsman, journalists and other relevant actors</p> <p>2.National human rights monitoring reports are produced on regular basis, providing comprehensive analysis of progress towards UNCRPD</p> <p>3. Selected laws and policies adopted after public monitoring and assessments</p>	<p># of reports and policy papers produced on PWDs rights</p> <p>#of laws and policies informed by public monitoring</p> <p># of national stakeholders trained on disability inclusive development and PWDs' rights</p>	<p>Media reports</p> <p>OPDs reports</p> <p>Ombudsman annual and thematic reports</p> <p>Training reports</p>
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VI. MONITORING AND EVALUATION

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

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.		
Monitor and Manage Risk	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.		
Learn	Knowledge, good practices and lessons will be captured regularly through IPs' and partners' monitoring, as well as actively sourced from other projects and partners and integrated back into the project, including official and administrative data on performance of criminal justice sector. A number of modules for legal and judicial training will be developed.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.		
Annual Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.		
Review and Make	Internal review of data and evidence from all	At least annually	Performance data, risks, lessons		

Course Corrections	monitoring actions to inform decision making.		and quality will be discussed by the project board and used to make course corrections.		
Project Report	A progress report will be presented to the Project Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.	Annually, and at the end of the project (final report)			
Project Review (Project Board)	The project's governance mechanism (i.e., project board) will hold regular project reviews to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the project. In the project's final year, the Project Board shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences.	Once a year	Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.		
Strategic plan and IPs progress reports, assessments, publications and research	Developed strategic plans and partners' reports will be provided as a tool to assess performance and achievement of intended results. Minutes of meetings of the Expert Working group, as well as other supported coordination mechanisms will be shared on regular basis. A number of research and baseline assessments will be commissioned to monitor the implementation of the justice reform.	Quarterly	Slower than expected progress will be addressed by project management.		
Project Evaluation		Close to the end of the project			

VII. MULTI-YEAR WORK PLAN ⁵⁸⁵⁹

EXPECTED OUTPUTS		2022	2023	2024	RESPONSIBLE PARTY	Funding Source	Budget Description	Amount USD
Output 1: Sustaining access to justice and quality primary and qualified legal aid services, in particular for women, people living in rural areas and people with disabilities, in line with the Law on “State Guaranteed Legal Aid” and international standards								
<i>Output 1.1: Strengthened FLA management and coordination system</i>	1.1.1 Design financial analysis of multi-year legal aid strategy, including long term action plan & financial analysis and FLACC strategy	5 000	5 000	0	MOJ, UNDP	MFA Finland	National experts, meeting expenses	10 000
	1.1.2 Establishment and meetings of Legal Aid National Coordination Platform	10 000	10 000	10 000	MOJ, FLACC, Ombudsman, legal aid providers	MFA Finland	National experts, meeting expenses, transportation expenses	30 000
	1.1.3 Coordination platforms at regional (oblast) level	7 000	7 000	7 000	MOJ, FLACC, Ombudsman, legal aid providers	MFA Finland	National experts, meeting expenses, transportation expenses	21 000
	1.1.4 Technical support to Free Legal Aid Automation system	9 865	15 000	15 000	MOJ, UNDP	MFA Finland	National experts, meeting expenses, transportation expenses, training costs	39 865
	1.1.5 Development of methodology & mechanisms to monitor implementation of new FLA Law	0	10 000	10 000	MOJ, UNDP, Ombudsman	MFA Finland	National experts, meeting expenses, transportation expenses	20 000
	1.1.6 Launch of legal aid sector strategic document	5 000	5 000	5 000	MOJ, UNDP	MFA Finland	National experts, meeting expenses	15 000
	Sub – Total for Output 1.1							135 865
<i>Output 1.2: Improving public access to effective, responsive</i>	1.2.1 Establishment of Free Legal Aid Bureaus at district level	21 000	10 000	10 000	MOJ, UNDP	MFA Finland	Renovation costs, furniture, IT equipment, i-	41 000

⁵⁸ Cost definitions and classifications for programme and development effectiveness costs to be charged to the project are defined in the Executive Board decision DP/2010/32

⁵⁹ Changes to a project budget affecting the scope (outputs), completion date, or total estimated project costs require a formal budget revision that must be signed by the project board. In other cases, the UNDP programme manager alone may sign the revision provided the other signatories have no objection. This procedure may be applied for example when the purpose of the revision is only to re-phase activities among years.

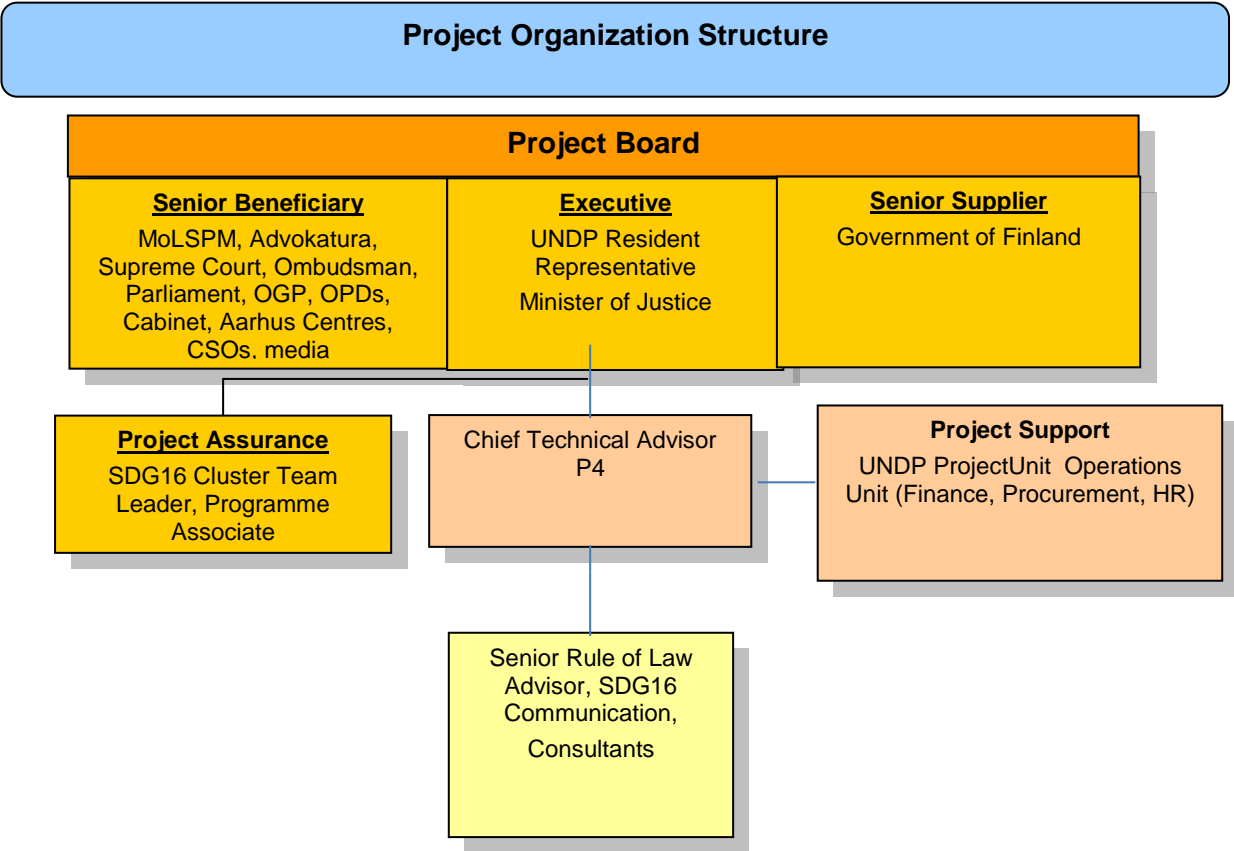
and accountable primary legal aid							net	
	1.2.2 Training for primary legal aid actors on legislation, VAWG, access to justice in environmental matter	15 000	15 000	15 000	MOJ, UNDP, Advokatura, CSOs, Aarhus Centers, LSG	MFA Finland, EU/UN Spotlight	National experts, training costs, transportation costs	45 000
	1.2.3. Financial analysis for operationalization of Legal aid Bureaus	3 000	0	0	MOJ, UNDP	MFA Finland	National expert	3 000
	1.2.4 Provision of primary legal aid by Bureaus and Bus of Solidarity	3 000	5 000	3 000	MOJ, UNDP	MFA Finland	Meeting and transportation costs	11 000
	1.2.5 Establishment and operationalization of "FLA Hotline" 114	5 000	9 000	5 000	MOJ, UNDP	MFA Finland	Operators	19 000
	1.2.6 Development and implementation of methodology & mechanism to assess quality of primary legal aid	0	10 000	10 000	MOJ, UNDP, Parliament, Ombudsman	MFA Finland	National transportation, Experts, meeting expenses	20 000
	1.2.7 Development and implementation of mechanism for joint work of Bureaus and legal aid providers	4 000	12 000	8 000	MOJ, UNDP	MFA Finland	National transportation, Experts, meeting expenses	24 000
	1.2.8 Development of Bus of Solidarity AIS software	0	1 395	0	MOJ, UNDP	MFA Finland	National Expert	1 395
	1.2.9 Access to justice research	0	0	49 062	MOJ, UNDP	MFA Finland, EU/UN Spotlight	Research expenses	49 062
	Sub-Total for Output 1.2							
Output 1.3: Improving public access to effective, responsive and accountable qualified legal aid	1.3.1 Development of by-laws and regulations to promote the operationalization of qualified legal aid	5 000	0	0	MOJ, UNDP	MFA Finland	National expert	5 000
	1.3.2 Training of lawyers included in the FLA register, including on legal aid law, VAWG, access to justice in environmental matters, etc.	10 000	10 000	10 000	MOJ, UNDP, Advokatura, CSOs, Aarhus Centers	MFA Finland, EU/UN Spotlight	Training and transportation costs	30 000
	1.3.3 Upgrade of FLA register	2 865	7 000	6 000	MOJ, UNDP	MFA Finland	National experts, meeting and transportation costs	15 865
	1.3.4 Development and implementation of methodology & mechanism to assess quality of qualified legal aid	10 000	5 000	5 062	MOJ, UNDP	MFA Finland	National experts, meeting and transportation costs	20 062
	1.3.5 Manual for lawyers and relevant justice actors, including working guidelines and practical standards on access to justice in priority areas	0	15 000	0	MOJ, UNDP, Advokatura, CSOs, Aarhus Centers	MFA Finland	National experts, meeting and printing costs	15 000
	Sub-Total for Output 1.3							
Sub-Total for Output 1		115 730	151 395	168 124				435 249
Output 2: Strengthening inclusive civic space, public access to legal information and oversight mechanisms for promoting and monitoring legal empowerment and the effective implementation of justice and human rights standards at national level								

Output 2.1.: Improving institutional effectiveness & efficiency of Ombudsman Institute, national oversight mechanisms and civil society platforms, including for coordination, monitoring and reporting, on access to justice issues and priority human rights thematic areas	2.1.1 Support Ombudsman to develop intersectoral coordination and complaint's referral mechanism on access to justice/legal aid	10 000	10 000	0	Ombudsman, MOJ, GPO, legal aid providers, UNDP	MFA Finland	National experts, meeting costs	20 000
	2.1.2 Support Ombudsman's inspection visits for relevant access to justice monitoring & dissemination of findings among the public	10 000	5 000	5 000	Ombudsman, UNDP	MFA Finland	National experts, meeting and transportation costs	20 000
	2.1.3 Monitoring of implementation and impact of Legal Aid Law	10 000	0	0	Ombudsman, MOJ, GPO, legal aid providers, Parliament, UNDP	MFA Finland	National experts, meeting and transportation costs	10 000
	2.1.4 Support to automation of Ombudsman's legal aid function	10 000	20 000	0	Ombudsman, UNDP	MFA Finland	National experts, meeting costs	30 000
	2.1.5 Strengthen civil society platform for civic engagement in decision-making processes and public monitoring on legal aid & access to justice	10 000	0	15 000	CSOs, UNDP	MFA Finland	National experts, meeting and transportation costs	25 000
	2.1.6 Strengthening capacities and expertise of selected CSOs in identified rule of law and access to justice areas	0	20 000	20 000	CSOs, UNDP	MFA Finland, UNEU Spotlight	National experts, meeting and transportation costs	40 000
	2.1.7 Study on court cases and decisions related to environmental matters and access to justice	0	10 000	5 000	Supreme Court, UNDP	MFA Finland	National experts, meeting costs	15 000
	Sub-Total for Output 2.1							160 000
Output 2.2: National human rights dialogue and public legal education and awareness on rule of law culture, access to justice and human rights promoted in prioritized thematic areas	2.2.1 Support to public legal and human rights information campaign at national and subnational level, with focus on marginalized and vulnerable groups	10 000	12 000	0	MOJ, CSOs, media, Ombudsman, law schools and academia, Aarhus Centres, UNDP	MFA Finland	National experts, meeting and transportation costs	22 000
	2.2.2 Support to digital and innovative solutions for foster legal knowledge and empowerment (chatbots, etc.)	0	15 000	0	MOJ, CSOs, media, Ombudsman, law schools and academia, UNDP	MFA Finland	National experts, meeting costs	15 000
	2.2.3 Support the implementation of the Concept of increasing the legal culture of the population of the Kyrgyz Republic for 2022–2026	15 000	10 000	15 000	MOJ, CSOs, media, UNDP	MFA Finland	National experts, meeting and transportation costs	40 000
	2.2.4 Capacity building of media and journalists on rule of law, access to justice and human rights issues	0	10 000	15 000	UNDP, media, Aarhus Centres	MFA Finland	National experts, meeting and transportation costs	25 000
	2.2.5 Partnership with Finland Rule of Law Centre	0	5 000	0	MFA, UNDP	MFA Finland	National experts, meeting and transportation costs	5 000
	2.2.6 Support to MoJ Centralized Database of Legal Acts	19 000	0	0	UNDP, MoJ	MFA Finland	National operators	19 000
	Sub-Total for Output 2.2							126 000
Sub-Total for Output 2		94 000	117 000	75 000				286 000

Output 3: Advancing the implementation of the UNCRPD, including on disability-inclusive access to justice, through participation of PWDs and their representative organizations (OPDs) in national decision-making and monitoring processes								
Output 3.1: Strengthen PWDs' rights and institutionalize their effective participation through their representative organizations in national UNCRPD-related decision-making and implementation processes	3.1.1 Promote capacities for representation, access and effective participation of DPOs in decision-making processes	15 000	10 000	10 000	MoLSPM, MOJ, National Disability Council, DPOs, media, UNDP	MFA Finland	National experts, meeting expenses	35 000
	3.1.2 Strengthen public information and awareness campaign on disability-inclusive development and PWDs' rights	15 000	10 000	12 000	MoLSPM, DPOs, MOJ, media, Ombudsman, UNDP	MFA Finland	National experts, printing costs	37 000
	3.1.3 Technical assistance for addressing intersecting forms of discrimination and the rights of women and girls with disabilities	10 000	10 000	0	MoLSPM, DPOs, media, Ombudsman, UNDP	MFA Finland	National experts	20 000
	3.1.4 Strengthening interaction and consultation mechanisms between DPOs, Cabinet of Ministers and Jogorku Kenesh	10 000	10 000	0	MoLSPM, DPOs, Parliament, Cabinet of Ministers, National Disability Council, UNDP	MFA Finland	National experts, meeting costs	20 000
	3.1.5 Strengthen advocacy efforts at national level, and ensure more inclusion of marginalized and underrepresented groups of PWDs	10 000	10 000	5 000	MoLSPM, DPOs, Parliament, Cabinet of Ministers, National Disability Council, UNDP	MFA Finland	National experts and meeting costs	25 000
	3.1.6 Strengthen accessibility to legal & justice mechanisms for PWDs	10 000	10 000	10 000	MoLSPM, MOJ, DPOs, Parliament, Cabinet of Ministers, UNDP	MFA Finland	National experts	30 000
	3.1.7 Implement relevant project's components of the state Programme "Accessible Country"	6 865	12 395	10 739	MoLSPM, MOJ, DPOs, Parliament, Cabinet of Ministers, UNDP	MFA Finland	National experts, meeting costs	29 999
	3.1.8 Conduct a review of the existing legislation and policy framework to assess conformity with the CRPD and promote legal harmonization	10 000	10 000	0	MOJ, DPOs, MoLSPM, UNDP	MFA Finland	National experts, meeting expenses	20 000
	Sub-Total for Output 3.1							216 999
Output 3.2: Strengthen effectiveness of national accountability mechanisms, including for monitoring and reporting against UNCRPD implementation	3.2.1 Increasing capacities on disability rights of state authorities, lawyers, judges, prosecutors, law enforcement providers, journalists and other relevant actors	15 000	20 000	15 000	MOJ, Supreme Court, GPO, Advokatura, MIA, media, UNDP	MFA Finland	National experts, meeting expenses	50 000
	3.2.2 Strengthening the effectiveness of the Ombudsman, including the Coordination Council for PWDs and their Families, to promote and protect the rights of PWDs and engage in disability issues	5 000	5 000	5 000	Ombudsman, UNDP	MFA Finland	Meeting costs	15 000

	3.2.3 Strengthening the effectiveness of the Ombudsman and established national monitoring mechanism for CRPD implementation as per CRPD Article 33	3 000	3 000	3 000	Ombudsman, National Disability Council, UNDP	MFA Finland	Meeting costs	9 000
	3.2.4 National public monitoring of implementation of laws and policies on disability	5 000	5 000	5 000	DPOs, CSOs, UNDP	MFA Finland	National experts, travel and meeting costs	15 000
	3.2.5 Research on PWDs in selected priority areas of the CRPD	0	10 000	0	Ombudsman, National Disability Council, UNDP	MFA Finland	National experts	10 000
	Sub-Total for Output 3.2							99 000
Sub-Total for Output 3		114 865	125 395	75 739				315 999
TOTAL		324 595	393 790	318 863				1 037 248
Monitoring & Evaluation	Monitoring & Evaluation	10 000,00	10 795,00	29 590,00	UNDP, national partners	MFA Finland	Travel and meeting expenses	50 385
	International Chief Technical Advisor (20%)	45 714,60	45 714,60	45 714,60	Payroll	MFA Finland	remuneration	137 143,80
	Senior Rule of Law Advisor (100%)	44 492,63	44 492,63	44 492,63	Payroll	MFA Finland	remuneration	133 477,89
	Programme Associate (10%)	3 445,82	3 445,82	3 445,82	Payroll	MFA Finland	remuneration	10 337,46
	Administrative -Finance Assistant (25%)	8 400,00	8 400,00	8 400,00	Payroll	MFA Finland	remuneration	25 200,00
	Communication specialist (10%)	2 500,00	2 500,00	2 500,00	Payroll	MFA Finland	remuneration	7 500,00
	Driver (20%)	2 325,78	2 325,78	2 325,78	Payroll	MFA Finland	remuneration	6 977,34
	Admin costs	3 600,00	3 600,00	3 600,14	UNDP	MFA Finland	rent, utilities	10 800,14
Project Management								
Sub- Total		110 478,83	110 478,83	110 478,97	UNDP	MFA Finland		331 436,63
GMS (8%)		35 605,91	41 205,11	36 714,56	UNDP	MFA Finland		113 525,57
Sub-Total including GMS								1 532 595,20
The 1% coordination levy								15 325,95
GRAND TOTAL								\$1 547 921

VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS



The Project will be directed by a **Project Board**, which will be co-chaired by the UNDP Resident Representative and the Minister of Justice, who will serve as the Project Executive. The Project Board will meet once a year to review the strategic direction of the Project, ensuring accountability and proper oversight. The board meetings will also provide a forum for rigorous quality control and review of progress. This will entail setting and revising deliverables and achievement of benchmarks, alongside opportunities for fine-tuning and adjustments, including any prioritization of activities if the Project is not fully funded. To ensure UNDP's ultimate accountability, Project Board decisions should be made in accordance with corporate UNDP standards that shall ensure best value to money, fairness, integrity, transparency and effective accountability. The Project board will comprise the following:

The Executive: the role of the Executive will be held by the UNDP Resident Representative and the Minister of Justice. The Executive is ultimately responsible for the project, assisted by the Senior Beneficiary and Senior Supplier. The Executive's role is to ensure that the project is focused throughout its life cycle on achieving its objectives and delivering outputs that will contribute to higher level outcomes. The Executive should ensure that the project gives value for money, ensuring a cost-conscious approach to the project, balancing the demands of beneficiary and supplier.

The Senior Beneficiary: representatives of the Cabinet, the Parliament, the Supreme Court, the Office of the General Prosecutor, the Ombudsman, the Ministry of Labour, Social Provision and Migration, the Ministry of Internal Affairs, legal aid providers, the Aarhus Centres, organizations of persons with disabilities (OPDs), civil society organizations, universities, media, will hold the role of Senior Beneficiary. The Senior Beneficiary is responsible for validating the needs and for monitoring that the solution will meet those needs within the lifecycle of the project. The role represents the interests of all those who will benefit from the project. The Senior Beneficiary role monitors progress against targets and quality criteria.

Senior Supplier: The Government of Finland will hold the role of Senior Supplier. The Senior Supplier represents the interests of the parties which provide funding and/or technical expertise to the project (designing, developing, facilitating, procuring, implementing). The Senior Supplier's primary function within the Board is to provide guidance regarding the technical feasibility of the project. The Senior Supplier role must have the authority to commit or acquire supplier resources as required.

Quality Assurance: Quality Assurance role supports the Executive Board and is assumed by the Programme Associate of the UNDP Country Office, Team Leader of the Accountable Institutions, Justice and Peace Cluster and M&E CO Unit. Together, they carry out objective and independent oversight and monitoring functions on behalf of the Board. This role ensures that appropriate programme management milestones are managed and completed.

Project Support: administrative, human resources, procurement, and financial support to the project will be provided by the Operation Unit of the Project Office.

The Project Board will specifically be responsible for the following:

- Meeting regularly to deliberate on the Project's progress and revising the Quarterly Progress Reports. The PB has a decision-making role within the Project and thus will deliver direction and recommendations to ensure that the agreed deliverables are produced satisfactorily in line with the Project Document. This also means that the PB can make changes to the project based on the progress reports and recommendations from project staff and partners alike;
- Revising and assessing the detailed Project Plan and AWP, including Atlas reports covering activity definition, quality criteria, issue log, risk log and the monitoring and communication plan;
- Providing overall guidance and direction to the project;
- Addressing any project-related issues as raised by the Project Manager;
- Providing guidance and agreeing on possible countermeasures/management actions to address specific risks;
- Agreeing on the Project Manager's milestones in the Annual Work Plan and quarterly plans when required;
- Reviewing Combined Delivery Reports (CDR) prior to certification by the Implementing Partner(s);
- Reviewing each of the Annual Work Plan upon completion, and approving continuation to the next AWP;
- Appraising the Project Annual Progress Report, and making recommendations for the next AWP;
- Providing ad-hoc direction and advice for exceptional situations when tolerances of parties are exceeded;
- Providing strategic orientation and recommendations to the project manager and implementers;
- Ensuring full implementation of the project and assuring that all Project deliverables have been produced satisfactorily by the end of the project;
- Reviewing and approving the final project report, including lessons learnt.

The Project Unit:

The Project Unit will be comprised of the following international and national staff:

- i. Senior Rule of Law Advisor;
- ii. International Chief Technical Advisor (P4).

Senior Rule of Law Advisor: The Project will be managed by the Senior Rule of Law Advisor who will be responsible for the overall implementation and lead the day to day management of the

project, including in administrative and financial affairs, in order to achieve the objectives, set out in the Project Document. S/he will work closely with the Project CTA to ensure proper supervision and coordination of activities and that results are achieved within the expected deadlines. S/he will assume overall responsibility for the successful execution and implementation of the project outputs and accountability to the PB for the proper and effective use of project resources. S/he is also expected to coordinate and maintain liaison with all the project IPs, including those directly responsible for implementation, as well as with other Development Partners whose support is critical to achieving the outputs of the project intervention. S/he will provide technical advice to the project's teams, building strategic relationships and capacity of national counterparts with regards to legal reform processes, rule of law, parliamentarism and strengthening national oversight, human rights protection mechanisms and civic space. S/he promote partnership, knowledge sharing and building among partners and stakeholders on strengthening rule of law and democratic governance, as well as identify opportunities for national counterparts to share their experience with other countries and facilitates South-South cooperation. The Advisor will also need to have expertise on disability-inclusive development and the national human rights agenda on PWDs.

International Chief Technical Advisor: The International Chief Technical Advisor (CTA) will provide technical advice and support to the project team, ensure coherence and implementation of all project components in accordance with programme strategy and objectives. The CTA will assume an international development partner coordination role: ensuring that the Project is well coordinated with other justice sector programmes implemented by other donors, UN agencies, and international organisations. The CTA's responsibility is to ensure that the project provides the right advice to the national counterparts and the other responsible parties and produces the results specified in the annual work-plan, to the required standard of quality and within the specified constraints of time and cost. S/he will also be expected to ensure proper capacity building of project staff and of implementing partners as needed. The CTA will also need to have expertise on disability-inclusive development and the national human rights agenda on PWDs.

IX. LEGAL CONTEXT

LEGAL CONTEXT

Option a. Where the country has signed the [Standard Basic Assistance Agreement \(SBAA\)](#)

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of Kyrgyzstan and UNDP, signed on 14 September 1992. All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

This project will be implemented by UNDP (“Implementing Partner”) in accordance with its financial regulations, rules, practices and procedures only to the extent that they do not contravene the principles of the Financial Regulations and Rules of UNDP. Where the financial governance of an Implementing Partner does not provide the required guidance to ensure best value for money, fairness, integrity, transparency, and effective international competition, the financial governance of UNDP shall apply.

X. RISK MANAGEMENT

UNDP (DIM)

1. UNDP as the Implementing Partner shall comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document⁶⁰ 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/aq_sanctions_list.shtml. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. 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 as Implementing Partner will: (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. In the implementation of the activities under this Project Document, UNDP as the Implementing Partner will handle any sexual exploitation and abuse (“SEA”) and sexual harassment (“SH”) allegations in accordance with its regulations, rules, policies and procedures.
6. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental

⁶⁰ To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner

Standards. This includes providing access to project sites, relevant personnel, information, and documentation.

7. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor, and sub-recipient:

- a. Consistent with the Article III of the SBAA *[or the Supplemental Provisions to the Project Document]*, the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP's property in such responsible party's, subcontractor's and sub-recipient's custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
 - i. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
 - ii. assume all risks and liabilities related to such responsible party's, subcontractor's and sub-recipient's security, and the full implementation of the security plan.
- b. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the responsible party's, subcontractor's and sub-recipient's obligations under this Project Document.
- c. Each responsible party, subcontractor and sub-recipient (each a "sub-party" and together "sub-parties") acknowledges and agrees that UNDP will not tolerate sexual harassment and sexual exploitation and abuse of anyone by the sub-parties, and other entities involved in Project implementation, either as contractors or subcontractors and their personnel, and any individuals performing services for them under the Project Document.
 - (a) In the implementation of the activities under this Project Document, each sub-party shall comply with the standards of conduct set forth in the Secretary General's Bulletin ST/SGB/2003/13 of 9 October 2003, concerning "Special measures for protection from sexual exploitation and sexual abuse" ("SEA").
 - (b) Moreover, and without limitation to the application of other regulations, rules, policies and procedures bearing upon the performance of the activities under this Project Document, in the implementation of activities, each sub-party, shall not engage in any form of sexual harassment ("SH"). SH is defined as any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. SH may occur in the workplace or in connection with work. While typically involving a pattern of conduct, SH may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.
- d. In the performance of the activities under this Project Document, each sub-party shall (with respect to its own activities), and shall require from its sub-parties (with respect to their activities) that they, have minimum standards and procedures in place, or a plan to develop and/or improve such standards and procedures in order to be able to take effective preventive and investigative action. These should include: policies on sexual harassment and sexual exploitation and abuse; policies on whistleblowing/protection

against retaliation; and complaints, disciplinary and investigative mechanisms. In line with this, sub-parties will and will require that their respective sub-parties will take all appropriate measures to:

- (i) Prevent its employees, agents or any other persons engaged to perform any services under this Project Document, from engaging in SH or SEA;
 - (ii) Offer employees and associated personnel training on prevention and response to SH and SEA, where sub-parties have not put in place its own training regarding the prevention of SH and SEA, sub-parties may use the training material available at UNDP;
 - (iii) Report and monitor allegations of SH and SEA of which any of the sub-parties have been informed or have otherwise become aware, and status thereof;
 - (iv) Refer victims/survivors of SH and SEA to safe and confidential victim assistance; and
 - (v) Promptly and confidentially record and investigate any allegations credible enough to warrant an investigation of SH or SEA. Each sub-party shall advise UNDP of any such allegations received and investigations being conducted by itself or any of its sub-parties with respect to their activities under the Project Document, and shall keep UNDP informed during the investigation by it or any of such sub-parties, to the extent that such notification (i) does not jeopardize the conduct of the investigation, including but not limited to the safety or security of persons, and/or (ii) is not in contravention of any laws applicable to it. Following the investigation, the relevant sub-party shall advise UNDP of any actions taken by it or any of the other entities further to the investigation.
- e. Each sub-party shall establish that it has complied with the foregoing, to the satisfaction of UNDP, when requested by UNDP or any party acting on its behalf to provide such confirmation. Failure of the relevant sub-party to comply of the foregoing, as determined by UNDP, shall be considered grounds for suspension or termination of the Project.
 - f. Each responsible party, subcontractor and sub-recipient will ensure that any project activities undertaken by them will be implemented in a manner consistent with the UNDP Social and Environmental Standards and shall ensure that any incidents or issues of non-compliance shall be reported to UNDP in accordance with UNDP Social and Environmental Standards.
 - g. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud, corruption or other financial irregularities, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It will ensure that its financial management, anti-corruption, anti-fraud and anti money laundering and countering the financing of terrorism policies are in place and enforced for all funding received from or through UNDP.
 - h. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a) UNDP Policy on Fraud and other Corrupt Practices (b) UNDP Anti-Money Laundering and Countering the Financing of Terrorism Policy; and (c) UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at www.undp.org.
 - i. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making available personnel, relevant documentation, and granting access to its (and its consultants', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on

reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with it to find a solution.

- j. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud, corruption other financial irregularities with due confidentiality.

Where it becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, each responsible party, subcontractor and sub-recipient will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). It will provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

- k. UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud corruption, other financial irregularities or otherwise paid other than in accordance with the terms and conditions of this Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement. Recovery of such amount by UNDP shall not diminish or curtail any responsible party's, subcontractor's or sub-recipient's obligations under this Project Document.
- l. Each contract issued by the responsible party, subcontractor or sub-recipient in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from it shall cooperate with any and all investigations and post-payment audits.
- m. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
- n. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled "Risk Management Standard Clauses" are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.

XI. ANNEXES

I. Project Risks Matrix

II. Agenda of Stakeholders Consultation Workshop and List of Participants

III. Budget in Euro