



**Rule of Law for Stabilisation in Ukraine:
 Addressing the Causes and Consequences of the Conflict**

Brief Description

Despite some reforms introduced over the years, and even prior to President Yanukovich's reversal on signing the EU Association Agreement in November 2013, Ukraine, since independence, has been characterised by the weak rule of law, endemic corruption, and regular, albeit generally limited, violation of people's rights, which has led to a deep disconnect between citizens and state institutions.

Since February 2013, Ukraine has experienced a rapid change in its political, social, and economic landscape. The protests in the Maidan, the change in government, the occupation of Crimea, and ongoing conflict in the East, have created an immense and urgent challenge for Ukraine's government and society: to deal with the legacy of the past, stabilise the faltering economy, restore peace, and satisfy the pressing demands of a mobilised population for tangible and positive change. At the same time, the upheaval in society and, in particular, the war have further weakened the rule of law, increased corruption, and led to a widespread and often severe violation of human rights, both in areas outside and within government control. This, in turn, has exacerbated general discontent with and distrust of government, as well as created great personal and community insecurity in conflict-affected areas.

UNDP and OHCHR were major participants in the Recovery and Peacebuilding Assessment (RPA) that took place in Ukraine at the end of 2014. This programme was developed, in part, in order to respond to the recommendations set out in Part 4 of the RPA, 'Social Resilience, Peacebuilding and Community Security'. The programme will address the consequences of the conflict, as well as some of its underlying causes, by strengthening the protection of human rights and the rule of law. Specifically, the programme will have four key outputs, as follows:

- Output 1:** Increased capacity of justice institutions for efficient, effective and transparent service delivery
- Output 2:** Strengthened civilian oversight of rights protection
- Output 3:** Strengthened personal and community security
- Output 4:** Enhanced trust within and between communities and state institutions

The programme will build upon UNDP's traditional strengths in Ukraine: community-based development, civil society networks, and public engagement, providing a two-way link between local communities and the national level reform and reconstruction dialogue. The programme will be implemented countrywide, starting in 5 priority pilot regions; including the conflict-affected regions of Donetsk and Luhansk.

Programme Period:	2015 -2018
Key Result Area (Strategic Plan)	_____
Atlas Award ID:	_____
Start date:	September 2015
End Date	December 2018
PAC Meeting Date	17 April 2015
Management Arrangements	DIM

Total resources required	USD 14,892,060
Total allocated resources:	
• Regular	USD 200 000
• Other:	
○ UNDP	USD 200 000
○ Donor	_____
○ Donor	_____
○ Government	_____
Unfunded budget:	_____
In-kind Contributions	_____

Agreed by UNDP



I. SITUATION ANALYSIS

1.1 Background

In the past year, Ukraine has experienced a radical change in its political, social, and economic landscape. The presidency of Victor Yanukovich (2010-2014) was characterised by a decline in the already weak rule of law, a rise in corruption, and ongoing, albeit low-level, violation of rights. Some reforms were introduced to move Ukraine closer to the EU during his tenure, such as the new Criminal Procedure Code in 2012. Most experts agree the new code was in formal conformity with European and international standards,¹ but the new procedures were poorly understood, not least by the law enforcement bodies, and haphazardly implemented. Similarly, a very progressive *Law on (Free) Legal Aid* was adopted in 2011, but full provision of free secondary legal aid (i.e., court representation) will only become operational from mid-2015. While civil society was active, it was largely excluded from meaningful participation in government decision-making during this period.

The failure of the President to sign the Ukraine–European Union Association Agreement, in November 2013, triggered a chain-reaction: starting with the Euromaidan protests, followed by the large-scale use of lethal force against protestors in February 2014, and culminating in the flight of Yanukovich and appointment of an interim president and new government immediately thereafter. An early presidential election, in May 2014, brought Petro Poroshenko to power with a clear mandate (54.7% of the votes cast) in the first round; while parliamentary elections in October brought a number of reformist, pro-European parties to the forefront, resulting in the present coalition government.

The current Presidential Administration and Government have staked out their intentions by signing the EU Association Agreement, adopting Presidential Decree (No. 614/2014) “On ensuring the implementation of unified state policy of reforms in Ukraine”, Presidential Decree (No. 5/2015) “On the strategy for sustainable development ‘Ukraine-2020’”, and the ‘Development Strategy for Police Reform’, as well as continuing to press ahead with finalisation of the ‘National Human Rights Strategy’ (NHRS), ‘National Action Plan “Women. Peace. Security”’, and ‘Judiciary and Justice Reform Strategy’ (JJRS). In July 2014, the President also established a National Reform Council to spearhead the reform process.

In addition, the Government is considering accepting the jurisdiction of the International Criminal Court (ICC), with a draft law on accession to the Rome Statute before Parliament, and lodged a declaration accepting ICC jurisdiction over alleged crimes committed in Ukraine between 21 November 2013 and 22 February 2014. Ukraine is already a party to most of the main international human rights conventions – with the notable exception of the *Convention for the Protection of All Persons from Enforced Disappearance* (CED) – and underwent its second Universal Periodic Review (UPR) in 2012.

That said, as of 31 January 2015, there were 13,350 cases against Ukraine pending at the European Court of Human Rights (ECtHR): i.e., 19.1% of the ECtHR’s total caseload and more than any other single member – and more than 37 of the 47 member states combined. Furthermore, between 1995 – when Ukraine joined the Council of Europe and, thereby, acceded to the European Convention on Human Rights (ECHR) - and 2014, the ECtHR has ruled that Ukraine violated the ECHR in 1,002 cases. Of those: 481 were for a violation of the right to a fair

¹ In its “Report on the human rights situation in Ukraine” of 15 April 2014, OHCHR notes: “A new Code of Criminal Procedure (CCP) entered into force in November 2012. The new code responds to some of the major concerns expressed by UN human rights mechanisms (e.g. the UN Human Rights Council, Universal Periodic Review, or the UN Human Rights Committee). It introduces an adversarial system; supports the presumption of innocence, including the need to specify the circumstances suggesting reasonable suspicion that would justify a deprivation of liberty; and provides increased safeguards for timely access of detainees to a lawyer and a doctor. Alternative measures to deprivation of liberty are also provided.”

trial; 298 for the undue length of judicial proceedings; and 185 for violation of the right to an effective remedy.

But, even as the interim government and civil society began to grapple with the problems of reform, new challenges appeared that threatened, and continue to threaten, the territorial integrity of the Ukrainian state. In March 2014, following a locally-organised referendum, the validity of which is not recognised by the international community, the Autonomous Republic of Crimea was annexed by the Russian Federation. In April, armed conflict erupted between the Government of Ukraine and illegally-armed groups in Donetsk and Luhansk regions. An Anti-Terrorist Operation (ATO) was launched by the Government in response - and is still ongoing.

While Crimea faces economic stagnation and international isolation, coupled with increased allegations of violations of human and other rights by the new authorities there, life in Donetsk and Luhansk regions – and, indirectly, in the rest of the country – has been severely disrupted by conflict. As of the start of March 2015, over 6,000 people have been killed and over a million displaced internally, and more than a quarter million externally, in what the UN High Commissioner for Human Rights described as the "merciless devastation of civilian lives and infrastructure". Apart from death and destruction, the situation in the East has witnessed an escalation in the incidence and severity of violations of rights – including abductions, sexual and gender-based violence (SGBV), torture, and murder – both in territory controlled by the separatists, as well as in government-controlled areas.

The fighting and disruption of economic life in the East, including trade between regions and internationally, in addition to the cost of supporting IDPs, has exacerbated the financial strain the state, communities, and individuals are under. In parallel, expectations for positive and tangible change run high in much of the country, with a civil society that has flexed its muscles in the Maidan - and volunteer networks that have sprung into life to fill the gaps in government service-delivery in support of the war effort, including the fighting itself, and the humanitarian crisis in the East.

Moreover, the continued absence of a clear, shared reform vision for the justice sector, coupled with a lack of separation between policy and law-making, results in ad hoc, often reactive, and fragmented reforms. This has resulted in the adoption of some important legislation without a considered debate on its impact or implementation modality, as well as on the relevant international standards. While national policy and strategic planning is becoming more coherent, with the development of a number of important strategies – e.g., the NHRS and JJRS - in progress, the delay and lack of guidance from the national level has been felt acutely at the local level, as well as by officials and official bodies, where reform is to be effected.

On one hand, this situation, coupled with reaffirmation of the principles of decentralisation, has opened the door for greater local experimentation. On the other, it has prompted frustration amongst those anxious for change, while perpetuating and even reinforcing inertia amongst those who have an interest in maintaining the status quo. Moreover, political upheaval, the war, and general conflict have increased divisions within society and the political sphere, feeding intolerance and extremism. This is manifested in the creation of political 'no-go' topics - such as the implementation of lustration or security operations under the ATO - in which discussion of the merits (and rights implications) of such action is silenced, lest those voicing concerns be branded reactionary or unpatriotic. In the worst cases, it surfaces as hate speech or even hate crimes against those with differing views or from different groups.

1.2 National Stakeholders

The Presidential Administration, *Verkhovna Rada* (Parliament), and government – especially as represented by the Cabinet of Ministers – are the main driving, and at times competing, forces behind reform. However, even within the governing – reformist – coalition there are differences over the nature and direction of reform, but often it is also about the pace or model of reform. The

most obvious divisions are between political parties, but they also exist between the Presidential Administration, Parliament, and Government, within and between ministries and agencies – not to mention between the administration and, or within, various social groupings.

The main domestic actors, in terms of ensuring the protection of human rights and the rule of law on the ground, especially in conflict-affected areas, are:

The Procuracy: The Prosecutor's Office – or Procuracy – was one of the pillars of the legal system inherited from the Soviet Union, but now faces major restructuring: with a new *Law on the Procuracy*, adopted in October 2014, set to come into full effect in April 2015. Most importantly, the law divests the prosecutor's office of its 'general supervision of legality' mandate, a powerful Soviet-era function, as well as some pre-trial investigation powers. One of the deputies of the Prosecutor General is the **Chief Military Prosecutor**. The military prosecutors are, inter alia, responsible for the prosecution of offences committed by members of the armed units participating in the ATO, including: Ukrainian military forces, National Guard, voluntary battalions, State Security Service (SBU), counter intelligence units, and the Service for Emergency Situations (SES). Cases involving the military are tried in the civilian courts, as separate military courts were abolished in 2010. The Prosecutor General, who is at the pinnacle of the country-wide pyramid of prosecutors, has been changed three times in the past year – most recently in February 2015 – not least because of the Prosecutor's Office has been perceived as being reluctant to implement the reforms introduced by the new Law. The Prosecutorial Academy is responsible for the initial and continued education of prosecutors.

Military & Security Services: The military forces, National Guard, voluntary battalions, SBU, and counter-intelligence units are not traditional agents for the promotion of human rights and rule of law. However, there is now a military-civilian administration in the government-controlled areas of Donetsk and Luhansk regions, which gives it a rule of law mandate – or, at least, requires that the rule of law be reconciled with the extraordinary military-administrative regime now in place. Moreover, the ATO has had a direct impact upon the human rights situation in conflict-afflicted areas, in terms of conflict-related deaths and injuries, but also security operations conducted in the areas adjacent to the conflict zone, as well as the individual behaviour of military and security personnel with respect to the civilian population.

Ministry of Internal Affairs/Police: The Ministry of Internal Affairs, which has adopted a progressive 'Development Strategy for Police Reform', is the focus of much attention: particularly as regards the restructuring of the police. This reflects, in part, the fact the police are a highly visible manifestation of the state in people's everyday lives, as well as having been one of the most prominent and routine sources of abuse of authority in the past. The proliferation of reform initiatives, coupled with decentralisation, has opened the door for greater local experimentation. For example, in the area of police reform – a priority for citizens - a project on the 'Creation of a European Standard Police' has been piloted in Lviv since 2014; building a community-based system that establishes new criteria for police performance evaluation, an automated system for receiving and responding to citizens' complaints, and other activities aimed at making the police service more transparent. In Kyiv, there is also a new pilot initiative that aims to replace the traffic police – the service that is most distrusted (as disliked) by the public - with a unified police patrol service.

Ministry/Department of Justice: The Ministry of Justice (MoJ) is not exercising its potential role in justice reform, especially as regards coordination of justice reform actors, as the Presidential Administration currently heads this process, including overseeing finalisation of the JJRS. However, the MoJ does have the lead in finalising the draft 'National Human Rights Strategy'. The Ministry is represented at the regional level by departments of Justice, which are responsible for the coordination of the provision of justice services, including primary legal aid, in the region. The departments of Justice also provide some direct primary free legal aid, albeit mostly relating to registration issues, in the regional centres.

Legal Aid Coordination Centre: The LACC, a state institution under the supervision of the Ministry of Justice was established pursuant to the 2011 *Law on (Free) Legal Aid*. It is now operational and offers free secondary legal aid in all criminal cases through its regional centres. From 1 July 2015, its mandate will be extended to provide free secondary legal aid in civil and administrative cases. To implement this, it will establish an additional 100 centres country-wide.

Regional & Local Administrations: Regional and, in particular, district, town, and city administrations are the routine point of contact between citizens and the state - "administration is the exercise of political authority in everyday life", as Max Weber, the German sociologist, philosopher, and political economist, once put it - and, therefore, the point where state services are delivered - or not - and where public feedback can have its most immediate effect, if officials are receptive to it. It is in public administration where the rule of law either exists or does not for most people: hence the importance of UNDP's earlier pilot initiatives on municipal rule of law monitoring. Indeed, most disputes, including cases before the courts, are administrative in nature - and much petty corruption relates to administrative services: the issuance of administrative documents, registration, permits, and benefits. Moreover, local administrations have a responsibility under the law to ensure the provision of free primary legal aid (i.e., legal information and consultation), but few do in practice: most free primary legal aid is still provided by CSOs.

Judiciary & Courts: The court system is composed of: local (district, city-district, town, and Kyiv city) courts of first instance in criminal, civil, and administrative cases; regional courts of appeal that may consider civil, criminal, commercial, and administrative-offence cases - while commercial and administrative appeals are considered by commercial or administrative courts of appeal created in appellate circuits pursuant to presidential decree; 'high' specialised, or 'cassation', courts for criminal, civil, administrative, and commercial cases; and the Supreme Court of Ukraine, which is the highest judicial authority in the system of general jurisdiction courts. Then, there is the Constitutional Court, which has exclusive jurisdiction to determine the constitutionality of legislation, as well as interpret or comment on certain specific provisions of law. Administration of the courts is managed by the State Judicial Administration (SJA), with the Congress, as well as the Council of Judges, and High Judicial Qualifications Commission being responsible for the appointment and conduct of judges. The National School of Judges (NSJ) is responsible for the training of candidate judges, as well as continuing education of serving judges.

Public Councils: An extension of civil society, Cabinet of Ministers Resolution No. 996 (2010) regularised the requirement and procedure for all ministries and regional state administrations to establish public councils. Public councils were to serve as an interface between specific government bodies and CSOs: allowing for civil society guidance and oversight of the associated administrative body, as well as enhancing the flow of information from the administrative body to citizens. The effectiveness of such councils and, in particular, civil society participation in them, was limited, however. Often, the public councils existed in name only, or the CSOs involved were passive, or the council was simply ignored by the administrative officials. However, in Western Ukraine - e.g., Lviv, Ternopil, and Ivano-Frankivsk - more proactive public councils were established in conjunction with the regional departments of Justice and Internal Affairs and have been active in the reform process. More recently, the Government instructed that the public councils be dissolved and reconstituted² - e.g., the new public council at MIA was elected on

² Cabinet of Ministers' Resolution No. 688, of 26 November 2014, introduced amendments to CoM Resolution No. 996 of 3 November 2010. Specifically, the amended text of Resolution No. 996 provides that: "disbandment of all public councils within the ministries and other central executive bodies, Council of Ministers of the Autonomous Republic of Crimea, regional (oblast) councils, city councils in Kyiv and Sevastopol, district councils, district state administrations in Kyiv and Sevastopol cities, which were constituted before 22 November 2014, is to be resolved.

Ministries and other central executive bodies, Council of Ministers of the Autonomous Republic of Crimea, regional (oblast) councils, city councils in Kyiv and Sevastopol, district councils, district state administrations in Kyiv and Sevastopol cities are to take measures accordingly to reconstitute, in conformity with the model statute of a public council, public councils within ministries and other central executive bodies, Council of Ministers of the Autonomous Republic of Crimea, regional (oblast) councils, city councils in Kyiv and Sevastopol, district councils, district state administrations in Kyiv and Sevastopol cities."

February 26, 2015 - ideally with a view to bringing into them more dynamic civil society participants.

Ombudsperson's Office: The Office of the Ombudsperson (Ukrainian Parliamentary High Commissioner for Human Rights) has recently been re-accredited, with 'A' status, by the International Coordinating Committee of National Institutions for Promotion and Protection of Human Rights. It has become an important actor in the field of human rights and rule of law: *inter alia*, working on detention through the National Protection Mechanism, discrimination, access to information and privacy, social and economic rights, IDPs, gender equality, and children's rights. It plays a role in coordinating CSOs working in the field of human rights; particularly in Crimea. It will also assume some of the duties formerly vested in the Procuracy, in particular regarding representation of individuals in court,³ once the new *Law on the Procuracy* comes into effect in April 2015. Arguably, it has already taken over aspects of the procurator's 'general supervision of legality' function, especially with respect to administrative actions and the inspection of places of detention. (It received 60,000 complaints from citizens in 2014 – approximately half of the applications related to the work of the Prosecutor's Office.⁴) It operates through three regional offices and has 14 regional coordinators, with plans to expand its coordinator network to all regions.

Civil Society/Volunteers: There is a broad and growing number and range of CSOs, academic institutes, and think-tanks that are active in the sector. They are of varied size and capacity, with some of the newer ones rather weak or narrowly focused, but often very motivated: especially those which began recently as volunteer movements. Others are more established, with substantial substantive and human resource capacity. The Reanimation Package of Reforms (RPR), a civic platform, which encompasses over 150 experts working on developing and promoting national reforms in key areas, is one example. Another is the 'New Country' initiative, a joint effort of experts and intellectuals from various regions of Ukraine which seek to elaborate a common vision of the new state and identify development priorities. CSOs, working through CSO-networks, are active in supporting the broader reform process, as well as in the provision of specific services to communities and individuals: e.g., humanitarian aid, psychological counselling for conflict-affected persons, primary legal aid, and legal representation, as well as human rights monitoring and documentation.

In part as a consequence of the failings of the state, the volunteer movement is very strong and empowered by civil society's success in bringing down the Yanukovich Government. It is focused on making up for the failure of state. In the East, where formal CSOs are traditionally less active, and recently battered by anti-government forces, the volunteer movement has also filled the gap. While such activism is a powerful instrument for change, it tends to be impatient for, and overly focused upon, immediate tangible results, rather than on systemic or subtle changes in processes, institutions, and mind-sets. Both CSO and volunteer networks span the country, reaching even into the areas no longer controlled by the government, and, therefore, remain able to facilitate individuals and organisations in different regions to work together for common aims.

1.3 Challenges

The tremendous change Ukraine has undergone in the past year, while opening up enormous opportunities in terms of positive transformation, has also presented it with huge new challenges, as well as putting pre-existing weaknesses in the system under unprecedented stress. While there

³ Point 5.37 of Section XII, 'Final provisions' of the *Law on the Procuracy* amends Article 13, Paragraph 10 of the *Law On the Ukrainian Parliamentary Commissioner for Human Rights* to read: "for the purpose of protection of human rights and freedoms, personally or using his/her representative as established by law: apply to the court for protection of rights and freedoms of individuals who are unable to protect their rights and freedoms because of their physical condition, minority status, old age, full or partial incapacity; participate in trials where proceedings are initiated on the basis of his/her lawsuits (applications, petitions (motions)); join cases initiated on the basis of lawsuits (applications, petitions (motions)) of other persons at any stage of the trial; initiate review of court rulings irrespective of his/her involvement in the proceedings".

⁴ Cited by Bogdan V. Kryklyvenko, Head of the Secretariat of the Ombudsperson's Office at a meeting in Kyiv on 30 January 2015.

are many current challenges to the protection of human rights and strengthening the rule of law, some the main issues, and potential bottle-necks, identified are:

Weak justice-service delivery capacity:

The conflict has highlighted the weakness of state institutions: most evident through the delayed and still largely uncoordinated response to the crisis in the East. In addition to its deficiencies in responding to events, government has a poor record of planning and coordination – a problem which has been exacerbated in recent months by the blossoming of political pluralism and exponential growth in the number of interest groups. Of more immediate concern for citizens trying to negotiate the complexities of the administrative and judicial system, however, the coverage of legal aid provision, while vastly improved, is still not complete. While the LACC will work to strengthen both coordination between primary and secondary legal aid, including referral systems, the fact remains that much of the free primary legal aid is still being provided by CSOs, with donor support, and there are significant gaps in the coverage. Regional departments of Justice are currently unable to track the provision of legal aid services and still less able to coordinate and ensure comprehensive coverage in their areas of responsibility.

Furthermore, the conflict has increased the demand for legal aid, both primary and specialised secondary. According to the 'Recovery and Peacebuilding Assessment: Analysis of Crisis Impacts and Needs in Eastern Ukraine' (December 2014): "the crisis has created significant new demand for legal services, particularly among IDP populations. The most common IDP legal needs include legal advice related to: obtaining or replacing legal documentation; employment – e.g. gaining employment without labour documents, gaining temporary employment without violating current employment contracts in home areas; accessing pensions and social payments in host communities; registering business, births, marriages/divorces and other life events; managing land title and property registration; accessing bank accounts in home communities in armed groups-controlled areas; court cases and legal proceedings interrupted by the crisis ... Another deficiency in access to justice services identified for both IDPs and other conflict-affected populations relates to conflict-related crime and violence, including gender-based violence, and resolving grievances related to discrimination or harassment."

The Courts should, of course, be the main institutional check on state power in terms of protecting citizens' rights and upholding the rule of law. However, the court system is still widely perceived – not without some basis – to be inefficient, incompetent or corrupt. Indeed, the judiciary is a key focus of reform, as well as reformist wrath, albeit, perhaps, out of proportion to the courts role in people's ordinary lives – as opposed to the case of the police, who are more ubiquitous. Judicial reform is a priority, as well as a major area of discussion and debate – not least over the lustration of judges - of the new national authorities.

In part, there is such concern because of the use of the courts for political purposes under Yanukovich, but also owing to their failure – along with that of the investigative bodies – to hold to account those responsible for the killing of Maidan protesters. It also reflects, however, the fact that many judges, as well as other judicial officials, are not fully conversant with the safeguards – reflecting international standards and best practice – set out in the new CPC, to say nothing of the practicalities of identifying and handling the kind of serious violations that are now occurring in connection with the conflict. In addition, the lack of public understanding about how the courts function and what the judges are doing contributes to continued suspicion; while the lack of transparency provides cover for malpractice where it does still exist. Political influence, impunity for protest and conflict-related crimes, as well as the lack of transparency in judicial procedures, all contribute to the further erosion of trust in justice institutions.

Justice service-delivery is further complicated in the East by the fact that the courts – and other justice institutions - in areas controlled by anti-government forces can no longer operate and they have had to be relocated – jurisdictionally and physically – to government-controlled territory or neighbouring regions. Courts have often been moved on a shoe-string budget and have lost personnel, files, and equipment in the process. The new location of courts and related institutions are often not well known to the public. Additionally, many justice institutions in conflict-areas have suffered war damage and, even in non-conflict areas, most are run-down and technologically

backward – all of which makes them less accessible to the public and less efficient in the delivery of justice services.

Significantly, the courts are now being confronted by conflict-related crimes of a type or scale to which they are unaccustomed, and unprepared, to handle. Or, more likely, they are not being confronted by as many of such cases as they should, given a reluctance on the part of victims or their families to report cases of SGBV, abduction or torture. This is, in part, because of a general lack of trust in the authorities. However, it also reflects the inexperience of investigators and lack of mechanisms for dealing with sensitive or stigmatised crimes.

There are also now many instances in which no remedies are immediately available, as in cases of violations and other crimes committed by anti-government forces. As noted by the RPA, "... police in government-controlled areas do not register many cases of crime and/or violence that occurred in areas outside Government control. As police are measured on their ability to resolve cases, and as they are not able to investigate these crimes properly, these cases are often perceived as unsolvable, and are therefore not registered. This represents a major gap in ensuring access to justice and a major risk for the credibility of the state to protect its citizens." Mechanisms, therefore, need to be strengthened or put in place in order to ensure that the principle of the rule of law is upheld: that crimes are acknowledged and the means established to ensure that a remedy – or restitution - will be available in time, if and when the situation changes.

Lack of Civilian Oversight:

While civil society's role in the justice system has strengthened considerably in last year, and the capacity of specific institutions - such as the OO - have been greatly enhanced, the scale and severity of rights violations has grown exponentially in the same period. The annexation of Crimea and the conflict in the East have greatly increased the need for civilian monitoring of the human rights situation, as well as for specialised monitoring skills. CSO coalitions – e.g., 'Justice for Peace in Donbas' and the 'Crimea Human Rights Field Monitoring Mission' - have emerged in response, but they face an enormous task and need capacity-strengthening and resources. At the same time, there is also a general demand for expanded oversight of law implementation bodies - such as the police, prosecution, and courts – to ensure that the rule of law and rights are respected. In cases both of extraordinary and 'routine' violations, especially where the latter are not the result of an honest lack of capacity, there is a need to apply external pressure on the authorities to comply with the law, constitutional guarantees, and the state's international commitments.

Reduced Personal and Community Security:

In addition to the huge drain on resources, including human lives, the conflict represents, it has vastly increased the number and severity of human rights' abuses, and prevents citizens from accessing justice – thereby, fostering a culture of impunity and making dispute resolution through violence the norm. According to the RPA, it is essential "to address growing fragility and personal insecurity in the east by strengthening the capacity, legitimacy and accountability of law enforcement and justice institutions. The high level of citizen exposure to violence during the crisis, the widespread mobilisation of civilians into volunteer security forces, the availability of weaponry, and low levels of trust in justice and security institutions must be addressed as part of the recovery process."

And, as OHCHR has stated: "the principles of international humanitarian law in the conduct of hostilities, including the principles of necessity, distinction, proportionality and precaution should be recalled and respected in order to ensure the protection of civilians. There is need for accountability for the crimes committed. Indeed, no matter who the perpetrators or the victims are, every effort must be made to ensure that anyone who has committed serious violations of international law is brought to justice. That is essential in order to overcome divisions and pave the way for reconciliation."⁵

⁵ "Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine" of 19 September 2014 (A/HRC/27/75).

Some of these abuses are the result of ignorance or ingrained training. The military, apart from its depleted state of readiness at the start of the conflict, and subsequent loss of personnel and equipment, was not highly trained in modern warfare theory and methodology, including international humanitarian law and civilian relations. The rush to get mobilised soldiers to the front has also not been conducive to extensive or intensive training in the law of war, even if the training capacity were available. And, as the war effort was also initially heavily reliant upon volunteer battalions, which are only now being brought under formal control of the military hierarchy, training, as well as command chains and command responsibilities, have been even more erratic.

With respect to the Security Service of Ukraine (*Sluzhba Bezpeky Ukrayiny* or 'SBU') and counter-intelligence units, their training and operating procedures are largely inherited from the Soviet era. Many operatives are not versed in applicable domestic or international standards and safeguards, even if they feel obliged to respect them; particularly in the current crisis context. At the same time, because of lingering suspicions of state agents about the role of local officials, including the police, early on in the conflict in the East – especially in the 'liberated' areas of Donetsk and Luhansk – trust, cooperation, and coordination between civilian authorities, on the one hand, and the military and security forces, on the other, is poor.

Even police and prosecutors are still not familiar with – or reluctant to apply – the more progressive norms and restrictions set out in the new CPC and are not always careful in observing procedural safeguards, particularly as regards obtaining evidence:

"It should be noted that the [CPC] in place until 2012, conferred considerable discretion to the Prosecutor throughout criminal proceedings, including with regard to decisions on pre-trial detention. In addition, the public prosecutor's multiplicity of roles is also a cause of concern raised by many international human rights mechanisms. Aside from his responsibility to conduct criminal investigations and prosecute persons formally accused, s/he oversees the legality and human rights compliance of those investigations."⁶

OHCHR went on to note that "[t]he prevalence of impunity for human rights violations perpetrated by law enforcement forces has been an issue for a long time in Ukraine. An overall reform of the security sector needs to be undertaken. In this context, law enforcement officers should receive adequate training with regard to international human rights norms and standards."

Police and prosecutors are also unfamiliar with dealing with conflict-related problems: in terms of the applicable procedural and substantive law, but also in practical terms of ensuring security – balanced with rights' protection – in a crisis situation. Conversely, the breakdown of official structures – e.g., police forces in some 'liberated' towns, where most of the police management was implicated in the separatist movement and subsequently purged – and 'novelty' of the circumstances, offers a prospect for experimentation and re-building freed from (bad) past practice and influence.

Citizens and communities, on their side, have long distrusted the police and have little – and decreasing, as a result of civilian casualties – common ground with the military and associated forces. Security sweeps, with the unexplained disappearances, detention, and even 'prisoner exchange' of a number of individuals in some conflict-affected communities, have spread panic and fear. Such fear, and the potential for abuse, is fanned by a general lack of public knowledge about legal rights, procedures and institutions, and remedies. At the same time, civilians are at risk from other conflict-related sources: such as UXOs and mines, the profusion of weapons, and continued shelling.

Reduced Public Confidence:

In simplistic terms, the difference between the 'East' and 'West' of Ukraine – or, more accurately, between those who are pro-reform and EU integration, and those who are not – might now be characterised as: those against reform do not see the point (or benefit) of it, while those are for it

⁶ OHCHR "Report on the human rights situation in Ukraine" of 15 April 2014.

want to – but do not - see immediate results. The challenge lies in raising awareness amongst the former of the aims and potential impact of reform; while, for the latter, they need to learn what has already been done and how it fits into the overall reform process. As such, civil society needs to be engaged more in supporting the delivery of justice and security services – in terms of providing guidance, oversight, and feedback - while the authorities must involve the public in, or communicate to them more effectively about, legal developments and national reform processes. Equally, national authorities should be better informed about the situation and developments at the local level, in order to formulate more responsive policies and interventions.

Political upheaval, the conflict, security threats, and political polarisation have increased divisions within society and between regions: e.g., between 'East' and 'West'. Economic downturn and a perceived competition for jobs, housing, education, and other services is progressively souring relations between IDPs and previously welcoming host communities. There are currently few institutions or activities in place that bring together disparate communities to work for the common good and (re)build relationships and confidence.

The Need for Early Reconciliation Efforts:

While the conflict continues, there seems little appetite for discussion of peace or even reconciliation. Few initiatives have been attempted and even mild dissent over continued reprisals for past misguided actions can be interpreted as espousing anti-state sentiments. Even without a solid ceasefire, however, there is an urgent need to begin the process of bridging political divides and healing social wounds, if only within communities or in government-controlled territory, before the divisions become irreparable. There is a need to address the most immediate or egregious wrongs arising out of the conflict, redress some of the lesser grievances, and remove those implicated in the violence from the position of investigating (and theoretically punishing) themselves, lest such injustices fester and the differences become irreconcilable.

II. STRATEGY & METHODOLOGY

2.1 Strategy

The underlying causes of the Maidan protests, and the subsequent unrest and conflict in the south and east of Ukraine, are rooted in the relationship between the individual, community, and the state. Both were a reaction to state institutions – in particular, justice and security bodies - which were perceived to be distant, unresponsive, corrupt, and unaccountable. The main difference between those advocating reform and those against it, it might be argued, was that the former wanted the state to engage and enable; whereas, the latter wanted it to protect and provide.

The conflict in the East has diverted precious resources and attention from reform, at the same time as shattering normal life. It has exacerbated the systemic problems in the country: if the Maidan was, in part, against corruption and the arbitrary use of power, and in favour of human rights and the rule of law, then, at least in conflict-affected areas, the war has resulted in the replacement of civilian control by military-civilian rule, as well as increased the abuse of rights and culture of impunity. And, even for those who favoured the status quo, the widespread violence and displacement of communities has reduced personal and community security, broken social bonds, and heightened pre-existing divisions between 'East' and 'West', as well as created new ones between 'pro' and 'anti' government and host communities and IDPs. Individuals and communities are now faced with crimes on a scale or of nature not experienced since WWII; including extra-judicial or mass killing, torture, SGBV, and enforced disappearance. Public confidence in the police, courts, administration, and other state institutions was never strong, but it has been further degraded - and even a lack of trust and cooperation between those very state institutions has now arisen.

In order to address both the causes and consequences of the conflict, support stabilisation of the situation, then promote constructive and systemic change, it is necessary to alter the fundamental dynamic between individual, community, and state institutions. By asserting – and ensuring –

human and other fundamental rights, personal – and, through this, community and national – security can be restored and enhanced. By helping the state to listen to, as well as communicate with, the people – and by strengthening the capacity of the law implementation bodies to deliver justice – confidence between them can be built-up and a social contract forged.

Restoring (or creating) public confidence in, and engagement with, state institutions will strengthen the rule of law. Increasing personal and community security will reaffirm the sanctity of human rights. While reducing tensions within and between communities will diminish the risk of further conflict; thereby, reinforcing personal and community – and ultimately state – security. In turn, this will reinforce the protection of human rights and generate further trust in the state in a kind of virtuous circle. Thereby, and if communities can learn how to work together again for their mutual benefit, society's power will be channelled more effectively to rebuild the country and prevent further conflict in the future.

In light of the foregoing, as well as from consultations with national and international stakeholders and partners, four outputs have been identified for support through the Programme:

Output 1: Increased capacity of justice institutions for efficient, effective and transparent service delivery;

Output 2: Strengthened civilian oversight of rights protection;

Output 3: Strengthened personal and community security; and

Output 4: Enhanced trust within and between communities and state institutions.

It is anticipated that support to these output areas will engage society more directly in the reform process: i.e., harness and channel more effectively the strong desire for change and improvement – reflected in the volunteer and CSO movements – that is present in the country. Such support should foster a culture of rights-holders (i.e., individuals, specific groups, and society) and duty-bearers (e.g., state officials and other office-holders) in which the latter are seen, and see themselves, as service-providers, rather than dispensers of largesse or agents of control. The Programme should also promote greater understanding and acceptance of the purpose – and benefit – of human rights protection and the rule of law, as well as specific reform processes, amongst both rights-holders and duty-bearers. It should seek to empower people, both in terms of realisation of their substantive rights, but also in their role as a check (and positive reinforcement) on the performance of duty-bearers.

The Programme will operate country-wide to address the underlying causes of instability, but will commence activity in 5 pilot regions – primarily those regions where the causes of the conflict are most acutely experienced.

The key to Programme implementation will be the **Rule of Law Officer (ROLO)** network. A ROLO will be a member of Programme staff and one will be located in each of the pilot regions. The ROLO will be responsible for coordination and management of activities to be implemented at the community and local level. In particular, ROLOs will continuously interface with local communities – e.g., in order to identify their security and justice concerns and needs, facilitate regular public perception surveys, and actively engage the public in the development, implementation, and monitoring of programme activities – and with local officials to provide **community-based** planning, delivery, and assessment of the effectiveness of activities. ROLOs will disseminate information to, and support implementation of activities developed at the national or regional level in, municipalities or communities at the local level. Conversely, ROLOs will serve as the focal point for information coming from the local level, transmitting it to the Programme Management, and through it, to national level stakeholders and development partners.

The Programme will also foster the development of civil society networks – in parallel with and augmented by technical expertise and material capacity within the Programme's own management structure – to connect the local level with the national, so as to ensure that feedback and lessons-

learnt from local initiatives informs national decision-makers – and that, in turn, national decisions and plans inform local practice.

2.2 Methodology

UNDP's Comparative Advantage

Although UNDP has not been significantly involved at the national level in justice sector reform for a number of years, owing to the limited prospects for institutional reform in the past, UNDP's strength in Ukraine – indeed, its niche - lies in its networks: i.e., in being able to facilitate development through society, from the bottom up.

In this regard, UNDP has been very active in the field of human rights and rule of law: inter alia, supporting human rights' monitoring, shadow treaty-reporting, legal aid provision, and strategic litigation by CSOs, especially through its 'Democratization and Human Rights [and Civil Society Development]' Programme (DHRP). The DHRP has also promoted more systemic reform, including the sustainability of CSOs providing services in the sector, by building up CSO networks and capacity-building 'hubs' for democracy and human rights at the local level. UNDP established a close, constructive cooperation with the Ombudsperson's Office (OO), assisting it to become more transparent and open to civil society. DHRP supported the selection and training of highly qualified human rights defenders to serve as OO regional coordinators. Along with the US Embassy and Council of Europe (CoE), it supported the OO in monitoring the implementation of the CPC. UNDP also assisted OO and CSOs to address the 26th and 28th sessions of the UN Human Rights Council in Geneva and the Parliamentary Assembly of the CoE in Strasbourg. It has also served as a vehicle for support to national reform processes, such as an expert advisor to the committee developing the 'National Human Rights Strategy', as well as capacity-building in the OO.

UNDP, through DHRP, has also provided some small grants to support civil society groups to organise tentative peacebuilding and reconciliation efforts in the East. Successful initiatives mainly took the form of confidence-building within polarised communities and with communities in the centre of the country: including work with children and on community infrastructure.

UNDP Ukraine laid the foundation for its current work in this field with its 'Legal Empowerment of the Poor' Project (2011-12): a joint initiative with the Ministry of Justice that provided rural residents with knowledge and understanding of their property and land rights. Project activities included an assessment of demand, legal dissemination and consultation provided to legal aid providers and citizens at the community level, and advocacy in policy debates based upon the feedback from the local level; i.e., feeding the "voice of rural communities" into the national reform process.

More generally, UNDP has considerable knowledge and experience in rule of law programming in crisis-affected countries, supported by the *Global Programme for Strengthening the Rule of Law in Crisis-Affected and Fragile Situations*. The Global Programme aims to advance justice and security in countries profoundly affected by violence and instability. In particular, the Global Programme establishes a close linkage between protection and the rule of law, and between humanitarian action and development principles; focusing on six key areas:

1. Access to security and justice during an on-going conflict or immediate post-crisis recovery.
2. Women's security and access to justice.
3. Capacity development of key justice and security institutions.
4. Transitional justice.
5. Armed violence reduction and citizen/community security.
6. Rule of law for economic recovery.

Drawing on lessons learned from some of UNDP's most innovative and comprehensive rule of law programmes around the world, the Global Programme seeks to build upon these specific country

experiences and utilise them to help other countries that are conflict-afflicted or otherwise politically, socially or economically fragile. In particular, this programme will benefit from an exchange of experiences with UNDP programmes and its partners in Bosnia and Herzegovina (inter alia on victim and witness support and capacity building of national and local justice institutions to deal with international crimes and addressing conflict-related sexual violence) and in Tunisia (re-building public trust in justice and security institutions).

Rule of Law at the Municipal Level – Complementarity with other UN/UNDP programming areas

Through its 'Municipal Governance and Sustainable Development' Programme, 2004- 2013, UNDP worked with community-based organisations in 29 municipalities. The 'Community Based Approach to Local Development' (CBA) Programme now works with community organisations to promote sustainable socio-economic development at the local level by strengthening participatory governance and encouraging community-based initiatives throughout Ukraine: encompassing, 24 regions, 200 districts, 1000 villages, and 15 cities.

UNDP's new 'Early Recovery Support in Crisis-Affected Communities in Ukraine' Project will build the capacity of local administrations to respond more effectively and efficiently to the influx of IDPs. This will involve some (limited) provision of legal aid to IDPs, as well as work with public councils supporting municipal administrations in Donetsk and Luhansk regions. The Programme will dovetail with this project, by working with the justice and law enforcement bodies and associated public councils linked to the municipalities, help meet needs and fill gaps in legal aid coverage on a sustainable basis, and re-build confidence within and between communities, as well as state institutions, not only in Donetsk and Luhansk, but also in neighbouring regions and across the country.

Methodological Elements

The Programme methodology has four main elements:

- 1) Tackling human rights and rule of law issues created by the conflict: Deterring violations of international human rights, criminal or humanitarian law – and specifically targeting SGBV - and generally strengthening the rule of law through systemic capacity-building and reform in the local justice and security sectors, increasing members of the public's ability to assert their rights, and penalising violations when they do occur. While such initiatives will be applicable in both conflict-affected and non-conflict-affected areas, there will be a particular focus on the specific circumstances and pressing needs in conflict-affected areas.
- 2) Building upon past and current programming and UNDP's network: To build upon – or roll-out - past and current UNDP achievements in Ukraine and utilise the methodologies developed, such as community-based development, public participation, civil society partnerships, and confidence-building, including lessons-learned, to maximum effect. For example: the 'Democratization, Human Rights and Civil Society Development' Programme (DHRP) has promoted systemic reform, including the sustainability of CSOs, by building up CSO networks and capacity-building 'hubs' for democracy and human rights at the local level. UNDP also has close cooperation with the Ombudsperson's Office, assisting in the selection and training of its regional coordinators, as well as in its monitoring of implementation of the Criminal Procedure Code. UNDP's first major initiative in the sector was the 'Legal Empowerment of the Poor' Project, which worked with the Ministry of Justice (MoJ) to provide rural residents with information about their property and land rights.
- 3) Linking local/regional experience into the national reform process: To facilitate the flow of information and practical experience gained at the local and regional levels, especially through pilot activities and public engagement, to national-level stakeholders – such as the MoJ and Ministry of Internal Affairs - so as to feed into and inform further reforms. Conversely, to use UNDP's community networks to enable national policies, legislation,

and plans to be rolled-out and implemented at the regional and local levels in a targeted and effective manner.

- 4) **Measurement and monitoring:** Establishment of clear baseline data will be given priority in the initial phase of the programme. Continuous monitoring of programme implementation in the pilot areas will be ensured through regular stakeholder/beneficiary perception surveys and monitoring of justice and security service delivery.

2.2.1 Guiding Principles & Cross-cutting Issues

Guiding Principles

Programme implementation will be guided by the following principles:

- i) **Flexibility:** The Programme will establish a framework and areas of activity. Within this framework, activity identification, formulation, and implementation should remain as flexible – and responsive – as possible, in order to adapt to the rapidly changing environment, as well as to take advantage of opportunities as they arise. In addition to the careful formulation of main activities, this may be achieved through identifying and filling gaps in other stakeholders/partners' activities, which their resources, networks or mandates do not allow them to fill. In some cases, this may necessitate entering partnerships – sometimes as beneficiary, sometimes as donor, and sometimes as simple collaborator – with other development partners, government or civil society.
- ii) **Partnership:** Within the Programme framework, and between output areas and activities, Programme management will seek to foster linkages and cross-fertilisation between the Programme, other UN and development partners' initiatives, and the Government and civil society's activities. For example: feedback from local initiatives will be fed into national policy-making and legislation. Conversely, technical expertise developed or utilised at the national level will inform and shape local activities – and local stakeholders and communities will themselves be informed and engaged.
- iii) **Empowerment & Oversight:** Programme activities will strive to empower stakeholders and society: empower and enable them to effect reform themselves – even if such self-help sometimes requires the input of external, carefully targeted expertise – and empower and enable them to engage with the process, serve as the checks and balances within the system, and act as the oversight and feedback mechanism on the success of the reform process in strengthening human rights' protection and the rule of law.
- iv) **Sustainability:** Although the Programme will address, inter alia, the immediate consequences of the conflict in the East, it will simultaneously address the underlying causes of the conflict, which also affect non-conflict-affected communities. As such, positive change vis-à-vis personal security and, in particular, in the relationship between citizens and the state should have countrywide application and can feed into Ukraine's broader democratic reform and development agenda.
- v) **National Ownership:** The Programme will channel support to implement – or align the design and implementation of its activities with – inter alia, the EU-Ukraine Association Agreement, Ukraine's other international commitments in the field of human rights and rule of law, Presidential Decree (No. 614/2014) "On ensuring the implementation of unified state policy of reforms in Ukraine", Presidential Decree (No. 5/2015) "About the strategy for sustainable development 'Ukraine-2020'", and the 'Development Strategy for Police Reform', as well as the 'National Human Rights Strategy', 'National Action Plan "Women. Peace. Security"', and 'Judiciary and Justice Reform Strategy', once they are adopted. The Programme may also provide support, as needed, to finalisation of such strategies and development of any related action plans.

- vi) **Do-No-Harm Approach:** As the Programme will operate in a conflict-affected setting, and address sensitive issues such as serious human rights' violations and (S)GBV, particular attention must be given to ensure that there is no negative impact upon beneficiaries or stakeholders as a result of Programme interventions. The Programme will use a conflict sensitive lens when programming and base support in a sound understanding of the operational setting. It will also draw upon relevant international expertise and best practice, and collaborate with local partners familiar with the context and experienced in conflict-sensitive work.

Cross-cutting Issues

Gender: A gender equality perspective will be mainstreamed throughout the programme, by ensuring the collection and interpretation of sex/age disaggregated data and conducting gender analysis to better inform programme design and implementation. The programme will prioritise women's access to justice services, a gender-focus in the delivery of security services, and women's participation and central role - including in decision-making - in strengthening the framework for the rule of law and in advancing social integration, confidence-building, and reconciliation. It will specifically:

- Ensure that gender equality concerns are incorporated into all relevant policies, regulations, and procedures, and that justice and security institutions and processes are equal and fair for both women and men;
- Advocate for increased participation of women and youth in the justice and security sectors and in social integration, confidence-building, and reconciliation policy-making and activities at the institutional level and support their active engagement in civil society;
- Ensure that policy and planning processes are consultative, participatory, and ensure the involvement and decision-making role of women, and that plans and services reach their specific needs;
- Raise awareness on women's rights and gender issues and advocate for women's meaningful participation in the public sphere, especially among justice and security officials;
- Ensure gender issues are fully incorporated in curricula and training materials that are developed;
- Prioritize all actions at national and sub national level to ensure justice and security service delivery and protection of survivors/ victims of sexual and gender based violence and conflict based violence;
- Ensure close co-ordination and collaboration with other UNDP and UN activities related to specific aspects of women's empowerment and gender issues;
- Prioritize capacity building for female judges, prosecutors and lawyers and support networks/platforms for their engagement in justice dialogue forums and coordination mechanisms;
- Ensure active involvement of women in legal awareness campaigns and legal clinics; and
- Ensure active involvement and participation of women and women's organisations in social integration, confidence-building, and reconciliation actions, and target skills development and training activities for women and women's organisations in these areas; and
- Support (or advocate for) judicial and legal aid reforms that fully respond to the needs of victims of SGBV, including by providing adequate protection

Other cross-cutting issues – in particular, ethnic and linguistic **minority rights**, and the **protection of children** and other **vulnerable persons** – will be specifically analysed and then mainstreamed into all planning and activity implementation. As this is a programme focused upon human rights, initiatives specifically addressing the needs of these groups will be a mainstay of programming.

2.3 Expected Programme Outcomes and Outputs

The overall Outcome of the Programme is:

PROGRAMME OUTCOME: *Strengthened protection of human rights and rule of law, which addresses the consequences and underlying causes of the conflict, in conflict-affected regions of Ukraine.*

The Programme is designed around four key outputs. Sub-outputs and indicative activities will be sequenced to address priorities in a balanced and mutually reinforcing manner. The Outputs and Sub-outputs are:

OUTPUT 1: *Increased capacity of justice institutions for efficient, effective, and transparent service delivery.*

The Programme will help justice sector institutions to provide more comprehensive, efficient, effective, and transparent justice service-delivery to the public, including targeted services to vulnerable persons, adapted to take into account the special circumstances of the crisis in the country and conflict-related crime. Support will assist justice sector personnel to enhance access to justice by reducing physical barriers, providing more effective and coherent justice service-delivery to citizens to negotiate through complex procedures, and, thereby, enable citizens to overcome social, physiological or psychological hurdles, in order to assert - or obtain remedies to violations of - their rights and feel that justice is being done.

Main Partners: MoJ and regional departments of Justice, local courts and prosecutors, lawyers and the Bar, CSOs, and communities

Output 1.1: *Institutionalised primary and secondary legal aid system⁷ providing quality legal aid service to the vulnerable and conflict- affected population, including victims of SGBV.*

The Programme will assist regional departments of justice to better coordinate primary free legal aid provision – and continue to support institutionalisation of primary legal aid services in municipalities or communities where it is lacking based on experience of previous support – while strengthening the referral system to free secondary legal aid services, in order to ensure more comprehensive and sustainable legal aid provision to all citizens, but especially to the conflict-affected population and those most in need, such as women and youth. It will also support enhanced primary and secondary legal aid by civil society to address any specific gaps in the legal services being provided to persons directly affected by the conflict: e.g., victims of conflict-related crime.

Output 1.2: *Justice sector personnel have the knowledge and skills to address conflict-related crime, including the SGBV crimes.*

The Programme will, based upon Criminal Procedure Code (CPC) implementation monitoring previously supported by UNDP, assist in the development of tools, methodology, and delivery of practical training. Such training will encompass constitutional guarantees, ECHR, international criminal law, and other applicable international norms, as well as the professional and emotional skills necessary to relate sensitively and effectively with the victims or witnesses of conflict-related crime, especially SGBV, and cope with potentially traumatic evidence. The aim will be to enable local level judges, local court staff, prosecutors, and lawyers to apply the criminal law properly, so that violations of the rights of citizens, especially those arising from the conflict, may be identified, avoided, reduced or punished, and ensure that victims receive 'justice'.

⁷ 2011 Law of Ukraine on "Free legal aid" lays down the foundation for development of a two-fold (primary and secondary) legal aid system. The primary legal aid comprises provision of general legal information and initial legal advice and is to be offered free of charge in every legal matter for the whole population. This includes information on issues related to health, social assistance, housing, property, etc. The secondary legal aid is more specific and comprises detailed provision of legal opinion and assistance in writing submissions, protection of the interests of accused and convicted persons, representation before courts, state administration bodies and other institutions.

Output 1.3: Access to information and transparency in the courts is enhanced.

The Programme will support the introduction of practices intended to promote access to information and transparency in the courts, making them more accountable and open to citizens and, thereby, increasing public trust. Toward this end, two aspects will be addressed: (1) transparency regarding the administrative functioning of the courts (e.g., access to information on budgets, procurement, and other expenses; access to data on judges' assets and income disclosure statements), and (2) transparency regarding the courts' judicial functioning (e.g., publication of court judgements and court statistics).

Output 1.4: Reduced physical obstacles to justice-service delivery, particularly in conflict-affected communities.

The Programme will assist local justice authorities to identify and rehabilitate or reconstruct justice infrastructure – courts, department of justice offices, police facilities, etc. – that has been damaged by military action, fallen into a state of disrepair or obsolescence, or been relocated from the conflict zone or occupied territory. Support will also encompass procurement of technical equipment and rectification of other deficiencies that significantly impair the functionality of the institution or the public's – as well as victims and witnesses' - access to it; including transportation. (This would be done based upon the principles of cost-sharing applied by UNDP in other projects.)

Output 1.5: Government has a comprehensive policy and mechanism for conflict-related restitution.

In order to acknowledge the suffering of victims of the conflict and begin the reconciliation process, the Programme will assist the Government, in consultation with stakeholders, to develop a comprehensive policy and action plan, in line with international standards and best practice, for the compensation of victims of crimes – e.g., (S)GBV, torture, ill-treatment, enforced disappearance - or property rights violations that occurred in territory when it was not under government-control, including in subsequently liberated territories, as a result of the conflict.

OUTPUT 2: Strengthened civilian oversight of rights' protection.

The Programme will channel support to civil society to allow them to monitor more territory and institutions, as well as research and analyse more efficiently and in-depth. In this manner, civilians may oversee law implementation by the authorities, providing a check and feedback mechanism on justice service-delivery to citizens, and applying targeted pressure – domestic and international - on officials when they violate the rights of citizens.

Main Partners: OO; CSOs; CSO-networks or coalitions, and law faculties

Output 2.1: Civil society exercises more effective oversight over justice and security service delivery.

The Programme will continue, and enhance upon, previous UNDP support to CSOs, by monitoring justice-delivery bodies - i.e., defence lawyers, prosecutors and courts – specifically, as regards implementation of the CPC but, more generally, of the overall court procedure. Additionally, it will support civil society, including the OO, in monitoring implementation of the 'National Human Rights Strategy' and 'National Action Plan "Women. Peace. Security"', once adopted.

Output 2.2: Civil society networks strengthened for human rights' monitoring, documentation, and reporting.

The Programme will increase support to CSOs to continue to monitor – document and report - the overall human rights situation, as well as specific violations, in Crimea and conflict-affected areas

in the East. It will facilitate the extension of the OO coordinator network to the conflict-affected areas, in particular Donetsk and Luhansk, and the OO's capacity to coordinate and support the work of CSOs in those areas. The monitoring work supported will include: (a) investigation of complaints relating to violations of rights that occur or occurred in government-controlled territory, (b) documentation – to the extent possible – of violations that occur or occurred in territory currently controlled by anti-government forces, and (c) support for the registration of complaints with the OO regarding crimes or other violations of rights – e.g., property rights - committed in territory currently controlled by anti-government forces. The results of monitoring will feed into, and the Programme will support CSOs, including strengthening CSO coalitions and networks, in the preparation of alternative or shadow reports, on the implementation of the international human rights obligations of Ukraine.

OUTPUT 3: *Strengthened personal and community security.*

In order to enhance actual and perceived security for individuals and communities, the Programme will support initiatives that: (a) enable the officials responsible for security in conflict-affected areas to better understand and cope with the challenges of the crisis and, thereby, better protect society; and (b) ensure that individuals and communities in the conflict-affected areas are more informed about security risks and about their rights, and better able to access remedies, including protection from and by the security services, so that they might take steps to safeguard and increase their own security. Communities' perception of their security will be tracked, starting with a baseline survey, with follow-up surveys at regular intervals for the duration of the Programme.

Main Partners: Local police, military prosecutors, Army, security services, CSOs, and communities

Output 3.1: *Security and military services have better skills and understanding of their rights and responsibilities to protect people in conflict-affected areas.*

In order to reduce the incidence of inadvertent violation of citizens' rights, as well as to prepare officials better to deal with the specific and extraordinary nature of crimes and other violations of rights occurring in the context of a conflict, the Programme will support training on Human Rights – including dealing with survivors of SGBV - and International Criminal and Humanitarian Law for law enforcement officers, military prosecutors, security services, and military forces. Training would place particular emphasis on gender aspects of the conflict – including SGBV and zero tolerance for sexual exploitation, abuse or GBV committed by security services or military forces - and safeguards for individuals and civilian/non-combatants; e.g., incorporating the 'Basic Principles on the Use of Force and Firearms by Law Enforcement Officers' and other applicable international standards. The training will be prepared and presented using practical, interactive methodology that sets the violations within the national legal framework – e.g., CPC and Criminal Code - and operating procedures of the trainees, with targeted case-studies and scenarios. As a check on the system, and success of this activity-area, the Programme will additionally support the development of internal capacity in law enforcement bodies to monitor their own observance of human rights, including developing curricula and training police and prosecutors on standards – e.g., Criminal Procedure Code and international standards - regarding investigation procedures and the collection of evidence.

Output 3.2: *Improved coordination between citizens, law enforcement bodies, and military and security services to promote community security.*

The Programme will facilitate initiatives to build confidence within the community and with state bodies: e.g., citizens' forums or discussion platforms; education on and development of Civil-Military Co-operation (CIMIC) programmes within the Army; more accountable staffing of local police forces; improved coordination and collaboration between civilians – and, in particular, women - police, prosecutors, and military/security services, including information exchange. Such initiatives might include the development of communication links – including use of technology-based information exchange – between communities and security/military services, especially the

police, through introduction of joint-patrols, community-policing techniques or regular information-exchange mechanisms.

Output 3.3: Improved individual and community awareness of rights and risks in the conflict-affected areas.

The Programme will, from the outset and continually throughout implementation, gauge local communities' perception and understanding of the security situation and their rights. Based upon this, the Programme will assist local communities and civil society to prepare and distribute/present materials at schools, through local media, and in public/community meetings that raise public awareness about security-related concerns and coping in a hostile environment: e.g., weapons proliferation, UXOs and mines, conflict-related SGBV, and incident reaction, or the operations of the police, security services or military in the area. In conjunction with this, Programme support will be given to the development of effective, user-friendly materials and use of media that explain, in practical terms with realist scenarios, the scope and content of human and other legal rights – including procedural rights – as well as personal responsibilities, the mandate and function of relevant institutions, the processes by which to protect or assert one's rights, and remedies (including legal aid and victim-support services) for any violation of rights. The Programme will also support CSOs to provide accompaniment to conflict-affected population (victims) and support the creation of victims associations and networks.

OUTPUT 4: Enhanced trust within and between communities and state institutions.

The Programme will, in this output-area, seek to overcome tensions, support information-sharing and promote understanding, including joint-action for the common benefit, between IDP and host communities, and between communities in different regions of the country, as well as with, and between, justice and security agencies, thereby reducing the potential for further conflict.

Main Partners: Local police, justice and security (public) councils, regional depts. of Justice, Army and other military forces, security services, CSOs, volunteer networks, and communities

Output 4.1: Enhanced trust between local institutions and the population, through increased citizens' participation with local authorities.

Confidence between citizens and the state will be built-up, or re-built, by increasing the understanding, and engagement, of citizens and civil society representatives in policy and legislative development, the delivery of justice services, and the broader justice reform process. In part, this will be pursued using models and modalities first developed in the west of Ukraine, then adapted to the circumstances in the east. Specifically, the Programme will promote the development of public councils – i.e., the legally-mandated platforms, established in conjunction with administrative bodies, for CSOs to review the actions of, consult, and advise said associated bodies - associated with regional departments of justice or internal affairs. That is, to make the councils more effective platforms civil society input and advice regarding justice reform and the protection of rights. It will do this by identifying the key elements and practices of successful 'justice' or 'security' councils – mainly in Western Ukraine - and supporting the replication of these, with appropriate adaptations to local conditions, including building local CSO capacity, in other regions where the councils are being reconstituted.

The Programme will also assist regional departments of justice develop or use tools and methodologies to more effectively disseminate information about policy and legislation to the public, including targeted beneficiary groups. Links with public councils attached to the MoJ, MIA or related national-level agencies will also be supported by the Programme, in order to improve their effectiveness, but also to cultivate an access point for feedback from Programme-sponsored local level activities and reforms in the justice sector.

Output 4.2: Confidence increased between communities in the country.

The Programme will foster initiatives to build confidence and reduce tension between communities in different parts of the country ("East-West"). This will include tapping into existing volunteer or CSO networks, as well as use of social media, to promote inter-community dialogue, cultural, professional or educational exchanges, volunteerism, or provide assistance to initiatives – e.g., SME development, provision/exchange of professional services or volunteerism - to engage IDPs with their host communities, returnees with those who remained during the conflict, or residents of communities in one region with those in other regions, as well as to counter intolerance and extremism, including hate crimes. It will also assist communities to identify, rehabilitate or reconstruct community infrastructure that is of benefit to both IDP and host communities – e.g., schools, medical facilities – ideally with in-kind contributions or the direct participation of the beneficiaries.

2.4 Beneficiaries

The primary beneficiaries of the Programme will be communities and individuals in the conflict-affected areas of the country, but the system change promoted will also benefit communities and individuals in other parts of the country, as well as justice and security sector personnel: e.g., regional departments of justice, local level judges, prosecutors, police forces, and regional legal aid coordination centres, public councils affiliated with regional departments of Justice or Internal Affairs, the Bar, local lawyers, and CSOs, as well as the Army and security services.

2.5 Partnerships & Coordination

One UN - Global Focal Point on Rule of Law

OHCHR is the main partner for UNDP in the Programme: sharing a 'joint approach' to support for strengthened protection of human rights, which will include coordinated programming and exchange of technical expertise. In March 2014, OHCHR deployed a Human Rights Monitoring Mission to Ukraine to monitor and report on the human rights situation throughout Ukraine. The Mission's mandate also included proposing recommendations to the Government and other actors on ways to address emerging human rights issues, as well as the root causes of the situation that was developing. Since April 2014, OHCHR has issued monthly public reports on the human rights situation, based on the findings of the Human Rights Monitoring Mission teams in Kyiv, Donetsk, Kharkiv, Lviv and Odessa. (The Human Rights Monitoring Mission in Ukraine also monitors the situation in Crimea from its office in Kyiv and elsewhere.) Initially deployed for a period of three months, the mandate of the Human Rights Monitoring Mission has been extended several times. OHCHR will continue and upgrade its mission and expand the number and territorial coverage of its human rights' monitoring; mainly in the East. It will also provide technical assistance to the Government to follow-up (implementation of) its international human rights commitments, as well as implement the National Human Rights Strategy.

UNDP has agreed on a 'joint approach' to programming with the OHCHR HRMMU, pursuant to which OHCHR's targeted technical assistance – e.g., training on specific thematic issues – would complement the Programme's support to general capacity-building of the Ombudsperson's Office and 'Justice for Peace in Donbas' CSO-coalition, as well as substantive human rights expert input into the formulation or implementation of certain additional activities.

In the framework of the Global Focal Point for the Rule of Law, UNDP will also work closely with other UN agencies – e.g., UNHCR, UNICEF and UNODC - as well as with the Global Protection Cluster system. In particular, the Programme will coordinate closely with UNHCR in all activities relating to IDPs, such as legal aid, given UNHCR's mandate for the protection of IDPs. UNODC, UNICEF, and ILO also run small projects, which are closely linked to their core mandates, with which the Programme will coordinate if its activities touch upon those competencies: e.g., narcotics and trafficking, protection of children, or labour rights.

Donor Landscape & Coordination

Development Banks/Financial Institutions: The World Bank, EBRD, and IFC are not actively involved in the sector. They currently limit their involvement in justice reform to matters relating to financial and economic management, as well as business and trade - though the World Bank's engagement and commitments through the RPA process will be monitored for possible cooperation opportunities.

The Programme will more actively engage with:

European Union (EU): The EU is probably the largest actor in the sector: manifested mainly through projects administered by the EU Delegation, as well as the EU Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM).

The EUAM has a 2-year mandate, with a budget of EUR 2.68 million allocated for the start-up phase of the mission, i.e. until 30 November 2015. After a long inception phase, the EUAM is now up and running. It has a fairly wide mandate – i.e., the civilian security sector - which encompasses human rights and civil society. EUAM advisors have already been actively involved in discussions about police reform, the prosecution service, and judicial reform. However, EUAM provides only technical expertise and cannot provide resources or funding for roll-out of initiatives.

EU projects cover a wide range of governance, democracy, human rights, and institutional reform issues – and include, or have included legal aid, strategic litigation, civic oversight, awareness-raising, human rights' education, detention regimes, and administrative courts. Most notably, the EU is supporting development of the national 'Judiciary and Justice Reform Strategy' through its 'Support to Justice Sector Reforms in Ukraine' Project. The project facilitates cooperation and exchange of experience and best practices between the Ukrainian authorities and experts from EU countries (e.g., Germany, France, Lithuania, and Poland) in order to ensure sustainable reform in five key areas: access to justice, the right to defence, police and prosecutorial reform, strengthening the independence of the judiciary, and fighting corruption. The project will run for 3.5 years, starting in 15 October 2013, with a total budget of EUR 8.6 million. The EU has collaborated with UNDP in the past – not least in the CBA Project - as it has no direct implementation capacity of its own.

Council of Europe (CoE): Although technically separate, the Council of Europe often implements EU-funded initiatives, and has worked with UNDP on a pilot to monitor courts' implementation of the CPC. Apart from providing technical expertise and advice on key justice sector legislation – and, in particular, on application of the ECHR - through the Venice Commission and other mechanisms, the CoE has or is planning projects working on broader criminal justice reform, the judiciary, the Bar (lawyers' associations), police, anti-discrimination and minorities, ill-treatment, and constitutional reform. CoE support is mainly focused around standards, monitoring of implementation (e.g., of CPC), and technical assistance. The CoE, in general, does not implement or provide direct support at the local level.

OSCE: The OSCE presence in Ukraine is via the Project Co-ordinator's office (PCO) and the Special Monitoring Mission (SMMU).

While the SMMU engages in some preliminary dialogue facilitation and reconciliation work, its work in the sphere of human rights and rule of law mainly takes the form of gathering data from its field teams, including those in the conflict-zone. To date, it has done little analysis of the data collected, although it has transferred some of it to other agencies, but it plans to develop more analytical capacity in its Kyiv HQ in the near future.

The PCO has a number of projects in the rule of law field: most notably on administrative justice and related training of judges, legal education, and primary legal aid with local branches of the MoJ. It also reviews draft legislation and supports dialogue on judicial reform. It is planning a project on police reform in consultation with the EUAM, which may involve an element on community policing, but that seems to be hold because of a lack of funding. It plans to provide support to convert the National Human Rights Strategy into an action plan.

ODIHR is also now working in Ukraine: training human rights defenders and conducting assessments on civil society, minorities, and freedom of religion. It is planning a major project (2 years – approx. EUR 2 million) that will: promote dialogue and build confidence between communities; support cooperation between Ukrainian and Russian CSOs on human rights, conflict, and reconciliation, provide training for civil society on human rights' monitoring and advocacy, supported with a small grants funds; facilitate discussions between civil society and national government stakeholders on parliamentary and political party ethics and regulation, as well as women's participation and public consultation; and strengthen civil society's capacity to monitor and record incidents of hate crimes, as well as support victims and other groups at risk.

USA: The US is the other big actor in the sector in Ukraine. It provides support through a number of USAID-funded projects, as well as directly from the Embassy, through small Democracy Grants, and via the US Department of Justice, which provides technical assistance and funding to support criminal justice reform and anti-corruption. USAID projects include initiatives to enhance access to justice, through pro bono legal aid, strategic litigation, and training of monitors. The major initiative in the sector is the FAIR Justice project, which supports court reform, including some work – particularly on automation - with pilot courts, and on judicial qualification, as well as monitoring of (physical) access to courts. USAID is currently formulating its new country strategy, as the current one ends in early 2016.

Sweden: Sida is working through the Folke Bernadotte Academy (FBA), is rolling-out the municipal rule of law monitoring methodology that the latter piloted with UNDP. The new, 3-year, 'Local Self-Government and Rule of Law in Ukraine' Project will also build capacity with local authorities to improve administrative service-delivery, as well as enhance related legal awareness and advocacy in local populations.

Canada: DFATD (formerly CIDA) has a mature project focused on juvenile justice and relatively new projects on 'Judicial Education for Economic Growth' and 'Quality and Accessible Legal Aid'. The latter is assisting the Legal Aid Coordination Centre to establish 100 new legal aid centres countrywide, pursuant to the Centre's mandate to provide free secondary legal aid in administrative and civil disputes. The 'Safeguarding Human Rights through Courts' Project, which is being implemented by OSCE over four years from 2014, has a budget of EUR 2.2 million. Under the project, more than 3,000 Ukrainian judges will be trained to apply the European Convention on Human Rights and case-law of the European Court of Human Rights (ECtHR) more effectively.

IRF: The International Renaissance Foundation (IRF)'s mission in Ukraine is to foster an open, participatory, pluralist society, based on democratic values. It is part of the 'Open Society Foundations' network established by George Soros. The Foundation has a human rights and justice programme initiative, the goal of which is to prevent human rights violations, promote effective anti-discrimination legislation and practices, and ensure disadvantaged and vulnerable groups have access to justice and legal aid. In order to improve access to justice, the IRF develops and promotes free legal aid systems across Ukraine by expanding the system of state-guaranteed legal aid, as well as providing consistent access to legal information and consultation at the local level. In addition, it supports monitoring and documentation of violations of human rights by: studying anti-discrimination practices and forming legislative mechanisms to defend against various forms of discrimination; and increasing the capacity of civil society activists to monitor and prevent torture and mistreatment in places of detention.

The Programme will work closely with the aforementioned development partners and initiatives, both to ensure that there is no overlap or duplication, but also in order to cooperate so as to create synergy in closely-related or inter-connected activity areas and, thereby, achieve maximum developmental impact and roll-out. While the Programme Coordinator will have overall responsibility for ensuring such coordination, the CTA and National Human Rights & Rule of Law Specialist will facilitate such coordination and collaboration on a day-to-day, technical level.

2.6 Sustainability & Exit Strategy

The concept of sustainability is fundamental to the Programme theory of change, as it seeks to promote positive change through reforms that – in addition to providing redress for specific violations and injuries arising from the conflict - tackle the underlying causes of past (and potential future) conflict in the country.

Programme support will primarily be aimed at the capacity-building of institutions and personnel, even by means ad hoc activities, to: increase knowledge and skills of justice and security service-providers, and the understanding and engagement of rights-holders; enhance institutional capacity to organise and coordinate; create systems and procedures; institutionalise justice (legal aid) service-provision; facilitate routine and regular exchange of information and experience between the centre and the regions; and change perceptions and build relationships between groups and institutions. For example: when dedicated training is developed and delivered, it will then be integrated into standing national training programmes. And, when systems are developed, the knowledge to use, maintain, and expand them will be built into the beneficiary institution. Personnel development, as well as the participation of stakeholders in all aspects of programme planning and activity implementation, will be the basis for programme operation.

As the Programme will work in five pilot regions, and support pilot activities therein, successful activities will then be up-scaled and replicated; while less successful ones will be analysed and adapted based upon lessons-learned. The use of a 'control' region will facilitate the rolling-out of effective mechanisms developed under the Programme before the conflict-affected regions and, thereby, lay a foundation for nation-wide change.

The Programme will set up a M&E framework - including specific programme activities to establish more concrete baselines and benchmarks - to be able to track progress in capacity and confidence-building. It will provide technical assistance through international and national experts - particularly for training and institution-strengthening - so that appropriate quality assurance mechanisms will be established within national implementing partners; enabling them to take the programme agenda forward in full. In addition, the programme is built upon lessons-learnt from earlier initiatives, and will be implemented by means of pilot activities, initially in 5 regions, working through a community-based network; thereby, paving the way for future 'replicability', scaling-up, and rolling-out countrywide.

An exit strategy will be linked to the mid to long-term reform agenda of the Government, once those are formalised, as well as developments on the ground and in consultation with national stakeholders. There must be flexibility, not only in implementing the programme, but also in the development and execution of an exit strategy. The exit strategy should be developed in close consultation with stakeholders and beneficiaries, as well as development partners, during the programme implementation phase, starting no later than – and as part of - a programme mid-term review. Based upon these consultations, as well as needs identified in the sector, the programme may then be phased out, refocused or extended in the form of a second phase or follow-up programme.

III. RESULTS AND RESOURCES FRAMEWORK

Intended Outcome as stated in the Country Programme Results and Resources Framework:	Outcome #:
Outcome indicator(s) as stated in the Country Programme Results and Resources Framework:	
Applicable Key Result Area (from UNDP Strategic Plan, 2014-20##):	CPR Key Result Area #.#
Intended Project Outputs:	<p>Output 1: Increased capacity of justice institutions for efficient, effective, and transparent service delivery</p> <p>Output 2: Strengthened civilian oversight of rights protection</p> <p>Output 3: Strengthened personal and community security</p> <p>Output 4: Enhanced trust within and between communities and state institutions</p>
Implementation Modality:	Direct implementation (DIM)
Partnership Strategy:	
Project Title and ID:	<p>TITLE: Rule of Law for Stabilisation in Ukraine: Addressing the Causes and Consequences of the Conflict (2015-2018).</p> <p>ID: #####</p>

Sub-Outputs Baseline(s) / Indicator(s)	Output Targets (for years)	Indicative Activities	Responsible Parties	Inputs
OUTPUT 1: Increased capacity of justice institutions for efficient, effective, and transparent service delivery				
<p>1.1. Institutionalised primary and secondary legal aid system providing quality legal aid service to the vulnerable and conflict-affected population</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - No comprehensive picture of (primary) legal aid coverage. - Gaps in referral system between primary and secondary legal aid. 	<p>Targets (year 1):</p> <ul style="list-style-type: none"> - Legal aid providers and provision mapped. - 4 coordination meetings/region held. - Based upon mapping, legal aid beneficiary criteria established. - 25 legal aid providers trained. - 10 mini-grants for legal aid provision awarded. - X no. of beneficiaries provided legal aid, 50% of whom are women. - 5 legal aid (window) centres established in municipalities. - 5 municipalities adopt primary legal aid provision plans. <p>Targets (year 2):</p> <ul style="list-style-type: none"> - 4 coordination meetings/region held. - Legal aid beneficiary criteria reviewed (and revised). 	<p>Activity 1.1.1. Strengthen the ability of regional departments of justice to coordinate primary legal aid provision, in order to ensure more comprehensive and sustainable legal aid provision:</p> <ul style="list-style-type: none"> - Conduct a mapping of legal aid providers and legal aid provision in pilot regions and gender sensitive baseline study/assessment on access to justice in pilot regions. - Support quarterly coordination meetings between depts. of justice and legal aid providers. - Support establishment of (on-line) platform for coordination of legal aid provision. - Commission an analysis of types of cases handled by all legal aid providers. <p>Activity 1.1.2. Support enhanced primary and secondary legal aid to vulnerable persons:</p> <ul style="list-style-type: none"> - Based upon demand/needs identified in mapping (1.1.1) identify categories of beneficiaries. - Provide mini-grants to CSOs to provide legal aid services to identified categories of beneficiaries. - Provide training to selected CSOs on special legal needs of beneficiaries <p>Activity 1.1.3. Support continued institutionalisation of primary legal aid:</p> <ul style="list-style-type: none"> - Support establishment of municipal primary legal aid (window) centres. - Enhance legal aid provision in municipalities through outsourced competition for basic primary legal aid provision by private lawyers. 	<p>UNDP, M/DoJ, partnership CSOs, local admin.</p>	<p>USD 1,065,000</p>
<p>- High and increasing demand for legal aid; especially amongst vulnerable persons, and in particular as a result of the conflict.</p> <p>- Legal aid providers inexperienced in dealing with victims of conflict.</p> <p>- Primary legal aid at the local level still mainly provided by CSOs, usually with donor support.</p>				
<p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Mapping of legal aid providers and provision. - Quarterly coordination meetings. - (Online) legal aid coordination platform. - Beneficiary criteria for legal aid 				

<p>provision.</p> <ul style="list-style-type: none"> - No. of small grants to provide primary legal aid awarded - No. of beneficiaries of legal aid provision (segregated by sex and categories identified) - No. legal aid providers trained to deal with conflict-affected clients and cases including the victims of SGBV - No. legal aid (window) centres. - No. of municipalities supporting primary legal aid provision. 	<ul style="list-style-type: none"> - 25 legal aid providers trained - 10 mini-grants for legal aid provision awarded. - X no. of beneficiaries provided legal aid, 50% of whom are women. - 5 legal aid (window) centres established in municipalities. - X municipalities adopt primary legal aid provision plans. - 1 municipality/region holds competition for provision of legal aid. <p>Targets (year 3):</p> <ul style="list-style-type: none"> - 4 coordination meetings/region held. - Legal aid caseload analysed. - X no. of beneficiaries provided legal aid, 50% of whom are women. - 10 legal aid (window) centres established in municipalities. - X municipalities adopt primary legal aid provision plans. - 1 municipality/region holds competition for provision of primary legal aid. 	
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<p>1.2 Justice sector personnel have the knowledge and skills to address conflict-related crime</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - [Results of CPC Monitoring ?]. - Continued weak implementation of CPC by prosecutors and judges. - Lack of understanding amongst justice personnel of implications of Rome Statute accession. - Judges, prosecutors, defence lawyers, and court staff struggle to cope professionally and personally with new (both in nature and severity) crimes committed as a result of the conflict; especially SGBV. - Judges and prosecutors have limited experience of international best practice with respect to the trying of conflict-related crime. - Judicial trainers have limited experience of international best practice regarding training methodologies. <p><u>Indicators:</u></p> <ul style="list-style-type: none"> - % change in misapplication of CPC and criminal law - % change in cases relating to conflict-related crime, including sexual violence, and SGBV - No. of study tours or peer-to-peer exchanges. - International conference on 	<p>- 10 contracts for provision of primary legal aid awarded by municipalities.</p> <p>Targets (year 1):</p> <ul style="list-style-type: none"> - Baseline study on SGBV designed and completed (possibly as part of A2J assessment – link to activity 1.1.1). - Training course and materials developed. - 125 judges, prosecutors, lawyers, and court staff trained. - International conference on judicial training methodology held. <p>Targets (year 2):</p> <ul style="list-style-type: none"> - 125 judges, prosecutors, lawyers, and court staff trained. - 1 study tour or peer-to-peer exchange held. <p>Targets (year 3):</p> <ul style="list-style-type: none"> - n/a 	<p>Activity 1.2.1. Train local judges and prosecutors, court staff, and lawyers on implementation of the Criminal Law, including international criminal law:</p> <ul style="list-style-type: none"> - Develop, based upon CPC monitoring, a training course and materials on application of the Criminal Procedure Code and Criminal Code, integrating the principles of the European Convention on Human Rights, practice of the European Court on Human rights, and applicable international norms governing conflict-related crimes (i.e., international criminal law). - Support training course and mentoring programme for judges, prosecutors, and defence lawyers (and court staff). - Support specific training for local judges, prosecutors, court staff, and lawyers on addressing cases of SGBV and conflict-related sexual violence. - Facilitate exchange of experience with peers from the region (e.g., a study tour to ECtHR in Strasbourg and/or ICC in The Hague) for successful trainees. - Hold an international conference on judicial training methodology. <p>Activity 1.2.2 Strengthen capacity of judicial institutions strengthened to efficiently handle SGBV cases and ensure equal access to legal and judicial protection for SGBV victims) (linked to activity 3.1.1):</p> <ul style="list-style-type: none"> - Support SGBV awareness campaigns through radio, TV, social media, etc. - Support dissemination of legal information on SGBV by CSOs, legal aid providers and local authorities. - Support capacity of legal aid service providers to provide services to SGBV survivors (linked to activities under sub-output 1.1). - Support the mapping and development, if required, of curriculum, training modules and training techniques on SGBV for all justice sector institutions and actors (medico-legal, judicial and other relevant officials). - Support the development of policy and SOPs with other partners to ensure prioritization of cases for investigation, 	<p>UNDP, NSJ, NPA</p>	<p>USD 600,000</p>
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<p>judicial training. - [CPC monitoring results ?] - % increase of cases of SGBV processed by criminal justice system.</p>		<p>prosecution and adjudication on SGBV.</p>	
<p>1.3. Access to information and transparency in the courts is enhanced</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - Data about court finances, including staff salaries, not available to the public. - Court efficiency statistics largely unavailable to the public. - Few court decisions published or accessible to the public. - Heads of court and Court Administrators unaware of international best practice regarding court financial or operational transparency. <p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Study on international best practice. - Conference on best practice. - No. of pilot initiatives on local court financial transparency. - No. of pilot projects to publish court judgements and statistics. 	<p>Targets (year 1):</p> <ul style="list-style-type: none"> - Study of international best practice on the administrative transparency of courts conducted. - Conference on international best practice regarding public access to court operational information held. <p>Targets (year 2):</p> <ul style="list-style-type: none"> - 5 pilot initiatives to increase local court financial transparency. - 1 pilot project/region to make local court decisions and statistics accessible to the public online. <p>Targets (year 3):</p> <ul style="list-style-type: none"> - 10 pilot initiatives to increase local court financial transparency. - 2 pilot projects/region to make local court decisions and statistics accessible to the public online. <p>Targets (year 1):</p> <ul style="list-style-type: none"> - needs assessment on justice infrastructure rehabilitation and reconstruction completed. 	<p>Activity 1.3.1. Increase the transparency of the functioning of local courts:</p> <ul style="list-style-type: none"> - Conduct a study of international best practice regarding public access to information on court budgets, procurement, and other expenses, as well as disclosure of data on judges' salaries and assets. - Hold a conference on regional and international best practice regarding public access to operational information – i.e., caseloads and decisions - about the courts. - Support pilot initiatives aimed at increasing transparency on the financial functioning of the local courts and court staff, including judges - Organise a pilot project in 3 courts/region to publish local court decisions and court statistics online. 	<p>USD 120,000</p> <p>UNDP, SJA, head of local cts.</p>
<p>1.4. Reduced physical obstacles to justice, particularly those in conflict-affected communities</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - 0 needs assessments on justice 	<p>Targets (year 1):</p> <ul style="list-style-type: none"> - needs assessment on justice infrastructure rehabilitation and reconstruction completed. 	<p>Activity 1.4.1. Rehabilitation or reconstruction of justice infrastructure in conflict-affected regions:</p> <ul style="list-style-type: none"> - Carry out a needs assessment and consultations with respective justice partners, including local communities, to define the plan for renovation of justice infrastructure – courts, department of justice offices, police facilities, etc. – that has been damaged by 	<p>USD 2,500,000</p> <p>UNDP, SJA, M/DoJ, M/DIA, Pros., local admin.</p>

<p>infrastructure rehabilitation and reconstruction undertaken.</p> <ul style="list-style-type: none"> - 0 community consultations on justice infrastructure rehabilitation and reconstruction conducted. - 0 justice infrastructure rehabilitation and reconstruction plans. - justice infrastructure facilities rehabilitated or reconstructed. <p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Needs assessment undertaken. - No. of community consultations conducted. - No. of justice infrastructure facilities rehabilitated or reconstructed. 	<ul style="list-style-type: none"> - X community consultations on justice infrastructure rehabilitation and reconstruction conducted. - 1 justice infrastructure facility rehabilitated or reconstructed. <p>Targets (year 2):</p> <ul style="list-style-type: none"> - X community consultations on justice infrastructure rehabilitation and reconstruction conducted. - 4 justice infrastructure facilities rehabilitated or reconstructed. <p>Targets (year 3):</p> <ul style="list-style-type: none"> - X community consultations on justice infrastructure rehabilitation and reconstruction conducted. - 5 justice infrastructure facilities rehabilitated or reconstructed. 	<p>military action, fallen into a state of disrepair or obsolescence, or been relocated from the conflict zone or occupied territory.</p> <ul style="list-style-type: none"> - Establish an infrastructure rehabilitation and reconstruction plan in close cooperation with stakeholders. - Carry out an engineering design of 10 justice infrastructure facilities using local companies selected through competitive bidding processes (to the extent possible). - Rehabilitate/reconstruct 10 justice infrastructure facilities in targeted areas. <p>Handover the rehabilitated/reconstructed infrastructure to the relevant partners for operation and maintenance.</p>	<p>UNDP, MoJ, SES</p>	<p>USD 330,000</p>
<p>1.5. Government has a comprehensive policy and mechanism for conflict-related restitution.</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - 0 consultations on conflict related restitution or compensation. - No plans or procedures for conflict-related restitution or compensation. - Ad hoc claims for restitution or 	<p>Targets (year 1):</p> <ul style="list-style-type: none"> - Study conducted. - Study Report and Action Plan drafted. - 2 consultations on Study Report and draft Action Plan held. <p>Targets (year 2):</p> <ul style="list-style-type: none"> - 8 consultations on Study Report and draft Action Plan held. 	<p>Activity 1.5.1. Support the Government to develop a comprehensive policy and plan for restitution or compensation of victims of the conflict in the East:</p> <ul style="list-style-type: none"> - Support the establishment of governmental Working Group on compensation of victims of conflict. - Study of international standards and best practice regarding conflict-related restitution and compensation for victims of crimes – e.g., SGBV, torture, ill-treatment, enforced disappearance, and other violations of rights, including property right – committed during armed conflict, and development of an action plan. - Stakeholder consultation on action plan for conflict-related restitution and compensation. 	<p>UNDP, MoJ, SES</p>	<p>USD 330,000</p>

<p>compensation submitted to domestic justice bodies.</p> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Study report and draft action plan. - No. of consultations. - International workshop and workshop report. 	<p>- International Workshop held.</p> <p>- Workshop report, with recommendation finalised.</p> <p>Targets (year 3):</p> <ul style="list-style-type: none"> - n/a 		
Subtotal Output 1:			
OUTPUT 2: Strengthened civilian oversight of rights protection			
<p>2.1. Civil society exercises more effective oversight over justice and security service delivery.</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - [Results of CPC Monitoring ?] - Continued weak implementation of CPC by prosecutors and judges. - Continued violations of CPC procedural safeguards regarding collection and admissibility of evidence by police and prosecutors. <p><u>Indicators:</u></p> <ul style="list-style-type: none"> - Monitoring procedure developed. - No. monitors trained. - No. small grants for monitoring awarded. - Reports of monitoring data analysis. 	<p>Targets (year 1):</p> <ul style="list-style-type: none"> - Monitoring procedures and focus developed. - X monitors trained on procedure. - X small grants for monitoring awarded. - Preliminary monitoring data analysed and report drafted. <p>Targets (year 2):</p> <ul style="list-style-type: none"> - X monitors trained on procedure. - X small grants for monitoring awarded. - Interim monitoring data analysed and report drafted. <p>Targets (year 3):</p> <ul style="list-style-type: none"> - X monitors trained on procedure. - X small grants for monitoring awarded. - Final monitoring data analysed and report drafted. 	<p>Activity 2.1.1. Support enhanced civil society monitoring of the functioning of the local justice system (e.g., CPC implementation, GBV cases):</p> <ul style="list-style-type: none"> - Identify issues and develop procedures to monitor. - Train monitors (CSOs, law students, etc.) on procedure, as well as related gender issues. - Small grants to conduct monitoring. - Periodic analysis of data from monitoring and compilation of reports identifying issues, along with recommendations to improve the delivery of local justice services. 	<p>UNDP, partner CSOs, law faculties</p>
<p>2.2. Civil society networks</p>	<p>Targets (year 1):</p>	<p>Activity 2.2.1. Enhance human rights' monitoring and</p>	
USD 4,615,000			

<p>strengthened for human rights monitoring, documenting, and reporting</p> <p>Baseline:</p> <ul style="list-style-type: none"> - Ongoing violations of rights in Crimea. - Escalating violations of rights in Donetsk and Luhansk and security alerts in neighbouring regions. - Civil society in conflict-affected regions still weak/weakened by the conflict and dislocation, as well as persecution by illegally armed groups. - CSO networks in the East still inexperienced. - CSOs inexperienced at monitoring and documenting serious violations of rights and conflict-related crimes. - OO regional representatives and coordinators in 14 regions; not in conflict-affected regions. - OO collaboration with CSOs still in exploratory stages. - CSOs have participated in past international human rights conventions reporting processes. - A number of convention reports are coming due in thematic areas in which CSOs do not have dedicated expertise or reporting experience. - Media coverage of human rights reporting process still weak and limited. 	<ul style="list-style-type: none"> - Monitoring and documentation needs assessment conducted. - 30 CSO/members trained on monitoring and documentation methodology. - 6 grants awarded to CSOs to conduct monitoring. - Database developed - Basic equipment supplied to 'Justice for Peace in Donbas' Secretariat. - 2 advocacy campaigns implemented. - 1 study tour to the Balkans to exchange experience on conflict-related monitoring and documentation. - Study of international practice regarding NHRI regional representation conducted. - Efficiency of the OO representation regional representation system assessed. - Consultation workshop held on adaptation of the OO system. - OO regional coordinators in 4 more regions.. - 40 CSO/members trained on 2 international human rights treaty reporting processes. - CSOs provide input into 3 	<p>documentation capacity in conflict-affected areas:</p> <ul style="list-style-type: none"> - Assess needs to monitor and document crimes and violations of rights in conflict-affected areas, including the AR of Crimea. - Develop methodology for monitoring and documentation. - Building capacity of CSOs to monitor and document. - Small grants to CSOs to conduct monitoring. - Support development of systems to document crimes and other violations of rights, including data protection protocols. - Support development of women's CSOs and CSO-network. - Support the Secretariat of the CSO coalition 'Justice for Peace in Donbas'. - Support for advocacy campaigns. - Facilitate the exchange of international experience on, and techniques for, monitoring and documentation of conflict-related crimes and other violations of rights. <p>Activity 2.2.2. Extending the Ombudsperson's Office's presence in the regions:</p> <ul style="list-style-type: none"> - Conduct a study of international practice regarding NHRI regional representation, including the engagement of CSOs in the fulfilment of a NHRI's mandate. - Assess the efficiency of the current system of OO representation in the regions. - Consultation on past practice, international practice, and adaptation of the Ukrainian system to improve its effectiveness. - Strengthen the coordination between the OO and human rights CSOs in the regions. <p>Activity 2.2.3. Support CSOs to prepare alternative/shadow reports on the implementation of Ukraine's international human rights obligations:</p> <ul style="list-style-type: none"> - Build the capacity of CSOs, particularly human rights organisations from the regions, to provide substantive input into Ukraine's CEDAW, CERD, UPR, CAT, CRC and/or ICCPR reporting processes. - Support the establishment of civil society coalitions on thematic human rights issues. - Support advocacy efforts at the national and international levels, including participation in international human rights' forums. 	<p>UNDP, OO, partner CSOs, CSO coalition JfPID</p> <p>USD 1,242,000</p>
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<p>Indicators:</p> <ul style="list-style-type: none"> - Monitoring needs assessment for conflict-affected areas, including Crimea. - No. of CSO/members trained in monitoring and documentation techniques. - No. of CSOs conducting monitoring. - Documentation systems developed. - No. of advocacy campaigns. - No. of exchanges of international experience. - Study on international best practice regarding NHRI regional representation. - assessment of efficiency of OO regional representation. - No. of consultations on improving effectiveness of OO's regional coverage. - No. of regions with OO coordinators. - No. CSO/members trained on international human rights treaty reporting. - No. of thematic human rights civil society coalitions established. - Input into alternative/shadow treaty reports. - No. of national and international advocacy efforts. 	<p>alternative/shadow treaty reporting processes .</p> <ul style="list-style-type: none"> - 3 thematic human rights civil society coalitions established. - 2 national or international advocacy events supported. <p>Targets (year 2):</p> <ul style="list-style-type: none"> - 6 grants awarded to CSOs to conduct monitoring. - X CSOs adopt database for use. - 'Justice for Peace in Donbas' Secretariat supported. - 2 advocacy campaigns implemented. - OO regional coordinators continued in 4 additional regions. - 40 CSO/members trained on 2 international human rights treaty reporting processes. - CSOs provide input into 3 alternative/shadow treaty reporting processes. - 4 thematic human rights civil society coalitions established. - 2 national or international advocacy events supported. <p>Targets (year 3):</p> <ul style="list-style-type: none"> - X CSOs adopt database for use. 	<ul style="list-style-type: none"> - Support to the network of Human Rights Journalists to report more effectively on the state's treaty reporting processes. - Training of journalists on human rights concepts and standards
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<p>- 'Justice for Peace in Donbas' Secretariat support continued.</p> <p>- 2 advocacy campaigns implemented.</p> <p>- OO regional coordinators in all regions.</p> <p>- 20 CSO/members trained on 1 international human rights treaty reporting processes.</p> <p>- CSOs provide input into 3 alternative/shadow treaty reporting processes.</p> <p>- 3 thematic human rights civil society coalitions established.</p> <p>- 2 national or international advocacy events supported.</p>		USD 1,567,000
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Subtotal Output 2:

OUTPUT 3: Strengthened personal and community security

<p>3.1. Security and military services have better skills and responsibilities to protect people in conflict-affected areas</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> - Law enforcement, military prosecutors, military, and security services have limited or no knowledge of international law governing conflicts and conflict-related crime, including SGBV crimes, especially as regards the protection of civilians and non-combatants. 	<p>Targets (year 1):</p> <ul style="list-style-type: none"> - 5 trainings (x 30 pax) for police held. - 5 trainings (x 30 pax) for military prosecutors held. - 1 workshop (25 pax) for security services conducted. - 1 workshop (25) for military personnel (officers) conducted. - % fewer incidents of international law violations. 	<p>UNDP, MoD/Army, Pros., M/DIA, SBU</p>	USD 576,000
<p>Activity 3.1.1. Build the capacity of law enforcement, military, and security services to address conflict-related violations of fundamental rights, including SGBV:</p> <ul style="list-style-type: none"> - Develop training curricula and materials on applicable International Human Rights Law, International Criminal Law (i.e., international norms governing conflict-related crimes), and International Humanitarian Law, with a particular emphasis on safeguards for individuals and civilians/non-combatants, prepared and presented using practical, interactive methodology that sets the rights within the national legal framework – i.e., Constitution, Criminal Procedure Code, and Criminal code – and operating procedures of the trainees, with targeted case-studies and scenarios. - Deliver training to police in conflict-affected areas and 			

<ul style="list-style-type: none"> - Law enforcement, military, and security services have limited knowledge or understanding of the domestic legal and procedural rights of individuals, particularly in a conflict situation. - [CPC monitoring report?] - Police and prosecutors have limited understanding of CPC procedures, particularly those relating to procedural safeguards for the accused. - Poor coordination and lack of responsibility between police and prosecutors about the collection and submission of admissible evidence in criminal case files, including on SGBV crimes. 	<ul style="list-style-type: none"> - 5 (x 25 pax) assessment/TOT workshop/region for police and prosecutors conducted. - 1 trainings (x30 pax)/region for police on CPC held. - 1 trainings (x30 pax)/region for prosecutors on CPC held. - % fewer violations of criminal procedural rights/inadmissible evidence. <p>Targets (year 2):</p> <ul style="list-style-type: none"> - 5 trainings (x 30 pax) for police held. - 5 trainings (x 30 pax) for military prosecutors held. - 1 workshop (25 pax) for security services conducted. - 1 workshop (25) for military personnel (officers) conducted. - % fewer incidents of international law violations - 1 agency incorporates curricula into institutional training. - 1 (x 25 pax) assessment/TOT workshop/region for police and prosecutors conducted. - 1 trainings (x30 pax)/region 	<p>strengthen capacity to efficiently handle and investigate SGBV cases.</p> <ul style="list-style-type: none"> - Deliver training to military prosecutors, military forces, and security services in conflicted-affected areas or about to be deployed to conflicted-affected areas, including on investigation and prosecution of SGBV crimes. - Awareness-raising of military forces and security forces in conflicted-affected areas or about to be deployed to conflicted-affected areas on moral and legal consequences committed in their official and civil capacity. - Incorporate training into institutional training programmes and standard operating procedures of beneficiary forces. <p>Activity 3.1.2. Build the capacity of police and prosecutors to implement the CPC, with a special focus on investigation and collection of evidence:</p> <ul style="list-style-type: none"> - Assess police and prosecution practice regarding criminal investigation, including the questioning of suspects and collection of evidence, case-file review, and submission of evidence in court. - Design interactive training curricula and materials on the Criminal Procedure Code -- regarding investigation procedures, the accused's rights, and the admissibility of evidence. - Deliver training to police and prosecutors in the regions. - Facilitate dialogue between police and prosecutors on ways to improve coordination regarding proper implementation of procedures. 	
<ul style="list-style-type: none"> - No. of police, military prosecutors, military, and security service personnel trained on international human rights, humanitarian, and criminal law. - & of reduction in incidents of violations of international law with respect to civilians and non-combatants reported by monitoring. - Curricula incorporated into police, military, and security service institutional training programmes. - Assessment of police and prosecution criminal investigation practice. - No. of police and prosecutors trained on CPC. 			

<p>- Fewer cases of violations of procedural rights resulting in inadmissible evidence reported by monitoring. - % increase of cases in accordance with new CPC (means of verification – monitoring reports). - % increase of cases of SGBV investigated and prosecuted by police and/or military and military prosecutor's office (vis-à-vis data registered by hospitals).</p>	<p>for police on CPC held. - 1 trainings (x30 pax)/region for prosecutors on CPC held. - % fewer violations of criminal procedural rights/inadmissible evidence. Targets (year 3): - % fewer incidents of international law violations. - 2 agencies incorporate curricula into institutional training. - % fewer violations of criminal procedural rights/inadmissible evidence.</p>		
<p>3.2. Improved coordination between citizens, law enforcement bodies, and military and security services to promote community security <u>Baseline:</u> - Poor relations and little cooperation between military and many local communities in conflict-affected areas. - A lack of trust and, therefore, communication and coordination between the military and security services and some local police forces and prosecutors. - Lack of coordination between police, prosecutors, military, and security services causes confusion, increases public fear</p>	<p>Targets (year 1): - 6 (x 25 pax) trainings for military personnel (officers) on CIMIC held. - Coordination and confidence between police/prosecutors and military/security services assessed. - 2 initiatives to improve coordination between police/prosecutors and military/security services in conflict-affected areas developed. - 1 initiative to improve coordination between police/prosecutors and military/security services in</p>	<p>Activity 3.2.1. Build capacity for Civil-Military Co-operation (CIMIC): - Design training on principles and international best practice regarding CIMIC. - Deliver training to military commanders and officers in HQ, ATO HQ or deployment centres outside of the conflict-affected areas. Activity 3.2.2. Improve coordination and collaboration between law enforcement and military/security bodies: - Assess coordination and confidence issues between law enforcement – police and prosecutors – and military and security forces in conflict-affected areas. - Develop and support initiatives to improve coordination and confidence between security forces in conflict-affected areas; including joint operations. Activity 3.2.3. Facilitate communication links between communities and the police and security services in conflict-affected regions: - Identify, in consultation with communities (with a special focus</p>	<p>UNDP, MoD/Army, M/DIA, Pros., SBU, local admin., mil-civ admin.</p> <p>USD 699,000</p>