



PROJECT DOCUMENT
[Turkmenistan]



Project title: Assistance to strengthening the institutional capacity of the Ombudsman's Office of Turkmenistan

Project No:

Implementing Partner: The Office of the Ombudsman of Turkmenistan

Start date: 01.03.2023

End date: 31.12.2023

Date of the meeting of the project evaluation committee:

Summary

The main objective of the Project is the implementation of the Law of Turkmenistan "On the Ombudsman", Sections I, VII of the National Action Plan for Human Rights in Turkmenistan for 2021-2025, Strategic Directions I, VI and VII of the National Action Plan for Gender Equality in Turkmenistan for 2021-2025, compliance with the Principles relating to the status of national institutions engaged in the promotion and protection of human rights (Paris Principles), improvement of the protection system, promotion and realization of human rights in Turkmenistan in accordance with Turkmenistan's international obligations in the field of human rights, implementation of the recommendations of the UN human rights treaty bodies, as well as increasing the institutional capacity of the Office of the Ombudsman of Turkmenistan for the period 2023-2024.

In particular, the Project will be aimed at strengthening the independent and effective functions of the Ombudsman's Office in the protection of human rights, including the rights of women and girls in accordance with the Paris Principles.

In implementing the Project, UNDP will closely cooperate and coordinate its work with the Office of the High Commissioner for Human Rights (OHCHR) other UN agencies, the Global Alliance of

National Human Rights Institutions (GANHRIs) and regional networks of national human rights institutions. The project will further strengthen existing national and international coordination mechanisms in the field of human rights.

<p>Contributes to the achievement of Outcome 1 of the UNSDCF-TKM2021-2025:</p> <p>By 2025, the population of Turkmenistan has access to a more efficient, innovative and transparent system of public administration based on the rule of law, respect for human rights, gender equality and labour rights, and on quality data.</p> <p>Output 1.3:</p> <p>The legislative and strategic framework, programmes and their implementation have been improved in the implementation of the recommendations of the UN Mechanisms, including the UPR, UN treaty bodies and Special Procedures with the participation of civil society.</p> <p>Gender marker: GEN 2</p>	<p>Total amount requested:</p>	<p>\$114 491 USD</p>	
	<p>Total resources allotted:</p>	<p>Government of Turkmenistan:</p>	<p>71 297 USD</p>
		<p>UNDP:</p>	<p>5 964 USD</p>
		<p>Donors:</p>	<p>37, 230 USD</p>

Agreed (signatures):

Office of the Ombudsman of Turkmenistan	UNDP
Yazdursun Gurbannazarova Ombudsman of Turkmenistan <i>27/02/2023</i>	Narine Sahakyan UNDP Resident Representative in Turkmenistan
Date: <i>[Signature]</i>	Date: <i>27/02/2023</i>

I. SITUATION ANALYSIS

The current period of state development of Turkmenistan is characterized by intense activity to reform the national human rights system, including institutional and legal measures. Turkmenistan was one of the first countries in the region to join key international conventions and instruments in the field of human rights. In particular, Turkmenistan is a state party to seven of the nine core human rights treaties and some of their optional protocols and has ratified eight core ILO conventions.

Following the constitutional reforms carried out in Turkmenistan in 2016 and 2020, the list of human rights and freedoms has been significantly expanded in the country's Basic Law, an Ombudsman institution has been established in accordance with the Paris Principles, a bicameral system of the national Parliament has been created, local self-government bodies have been excluded from the system of state authorities

At the same time, the Constitution established the rule of law, proclaimed Turkmenistan a State guaranteeing its citizens social security, recognizing political diversity and multiparty system, the priority of universally recognized norms of international law, regulating economic activity in the interests of man and society, ensuring sustainable development for the benefit of the people of the country.

In Turkmenistan, human and civil rights and freedoms are recognized in accordance with generally recognized norms of international law and are guaranteed by the Constitution and laws. Human and civil rights and freedoms are directly applicable. They determine the meaning, content and application of laws, the activities of legislative and executive authorities, local self-government and are ensured by justice (article 27 of the Constitution of Turkmenistan).

The Constitution of Turkmenistan guarantees gender equality in all areas of state and public life. According to article 29 of the Basic Law, a man and a woman in Turkmenistan have equal rights and freedoms, as well as equal opportunities for their realization. Violation of equality based on gender entails liability established by law. The Constitution of Turkmenistan, including the fundamental provisions of international conventions and declarations on human rights, and those concerning

women, enshrines a number of additional rights aimed at supporting and further developing women's rights.

Turkmenistan guarantees equality of human and civil rights and freedoms, as well as equality of man and citizen before the law and the court, regardless of nationality, skin color, gender, origin, property and official status, place of residence, language, attitude to religion, political beliefs or other circumstances.

In 2016, on the basis of the Constitution, the Law of Turkmenistan "On the Ombudsman" was adopted, in 2017, for the first time in national human rights practice, on the proposal of the President of Turkmenistan, the Mejlis of Turkmenistan elected an Authorized Representative for Human Rights – the Ombudsman. In 2022, the current Ombudsman was re-elected, she and her staff successfully fulfill their mandate, annually submit reports on the human rights situation in Turkmenistan, actively cooperate with international organizations, including UN agencies, the Global Alliance of National Human Rights Institutions and the Asia-Pacific Forum of National Human Rights Institutions (APF).

The country participates in regular dialogue with the UN treaty bodies and has adopted a number of recommendations following the submitted national reports.

Turkmenistan took part in the Universal Periodic Review (UPR) dialogue and received a number of recommendations on improving the human rights protection system.

On 16 April 2021, the National Human Rights Action Plan in Turkmenistan for 2021-2025 was approved by the decree of the President of Turkmenistan. The development of the NHRAP was carried out within the framework of a joint project of UNDP and the Institute of State, Law and Democracy of Turkmenistan with the involvement of members of the Working Group of the Interagency Commission. The NHRAP 2021-2025 differs significantly in terms of structure and content from its predecessor (NHRAP 2016-2020). When developing the draft of the new NHRAP, the Government based the substantive part on the recommendations of the treaty bodies on previous national reports of Turkmenistan and included them in the Plan as measures necessary for implementation, including such as strengthening the capacity of the Ombudsman's office, the Interagency Commission to ensure compliance with Turkmenistan's international obligations in the field of human rights and international humanitarian law, reform of the penitentiary system, prevention of torture, ensuring freedom of association, media, etc. Currently, according to the decision of the Government of Turkmenistan, the process of making amendments to the NHRAP is underway in order to extend its validity until 2028.

On December 4, 2020, the National Gender Equality Action Plan of Turkmenistan for 2021-2025 was approved by the decree of the President of Turkmenistan.

Turkmenistan is conducting an active gender-oriented national policy based on constitutional principles, as well as Sustainable Development Goals. Legislative and organizational measures are being taken to implement the principle of equal rights and opportunities for men and women.

In order to establish an independent human rights institution in accordance with the Paris Principles, the new version of the Constitution of Turkmenistan (04.09.2016) introduced the position of the Authorized Representative for Human Rights in Turkmenistan (Ombudsman) and established the procedure for his/her election. In November of the same year, Turkmenistan adopted the Law "On the Ombudsman", which defines the rights, duties, main directions and guarantees of the Ombudsman's activities and his/her powers. In March 2017, an Ombudsman was elected by the Mejlis of Turkmenistan for the first time in the country. According to the Law, the Ombudsman handles complaints about decisions or actions (inaction) of State authorities, local self-government bodies and their officials that violate the rights, freedoms and legitimate interests of citizens of Turkmenistan and international citizens and stateless persons located on the territory of Turkmenistan and has the right to conduct an audit on them.

The Law provides a legal basis for the inviolability and independence of the Ombudsman, who cannot be brought to criminal responsibility or administrative responsibility imposed by the court, detained, taken into custody, brought to court, subjected to a personal search without the consent of the Mejlis of Turkmenistan. The Ombudsman has the right to conduct inspections without prior notification of places of detention, to request and receive the necessary materials and information from organizations, regardless of their organizational forms. The Ombudsman annually submits to the President of Turkmenistan a report on his activities and on the situation in the field of human rights in the country, makes this report to the Mejlis of Turkmenistan.

The main activities of the Ombudsman are the promotion of international cooperation in the field of human rights, the study and implementation of international standards, as well as the implementation of Turkmenistan's international obligations to protect human rights and freedoms, including the rights of women and girls, and raising public awareness in the field of human rights.

Turkmenistan adopts national laws harmonized with international norms, implements thematic programmes and plans to ensure human rights and gender equality related to the achievement of Sustainable Development Goals in cooperation with international entities. (Goal 16 and 5)

From the very beginning, the UN Development Programme has been involved in the development of this important institution for the protection of human rights in the country, which is duly reflected in the Country Programme of Cooperation between Turkmenistan and UNDP for 2021-2025.

In this regard, the first phase of the joint project of UNDP and the Office of the Ombudsman "Assistance in strengthening the institutional capacity of the Office of the Ombudsman of Turkmenistan for 2021-2022" was implemented, signed on 11.12.2020. As part of the first phase of the project, the participation of the staff of the Ombudsman's Office in a series of events, trainings, annual meetings of the

GANHRI and APF was ensured. As a result of the cooperation of the staff of the Ombudsman's Office with the participants of regional and global fora, the capacity of the staff of the Ombudsman's Office and awareness of regional and international practices of national human rights institutions in ensuring respect for human rights have increased.

Also, as part of the first phase of the project, a Roadmap was developed for the Ombudsman's Office to obtain accreditation in the GANHRI.

In 2022, an Agreement was signed between the Ombudsman's Office and the APF to assess the capacity of the Ombudsman's Office and develop a Strategic Action Plan. The capacity assessment activities of the Ombudsman's Office are being carried out step by step by a special team to assess the capacity of the Ombudsman's Office. The Strategic Action plan of the Ombudsman's Office, which will be developed as a result of a series of assessment activities, will positively affect the process of obtaining accreditation in the GANHRI.

During the implementation of the first phase of the project, a number of events were held with the involvement of international experts on various topics on the effective cooperation of the Ombudsman's Office with law enforcement agencies, the judiciary and the bar of the country. Also, the Ombudsman's Office received a series of consultations from international experts on improving the appeal process in accordance with international practice and improving the country's legislation in accordance with the Paris Principles.

In order to further promote the development of the Ombudsman's Office and in the implementation of the Law of Turkmenistan "On the Ombudsman", the UN Development Programme and the Office of the Ombudsman of Turkmenistan jointly developed this Project (Phase 2) in the field of improving the institutional capacity of the Office of the Ombudsman of Turkmenistan.

II. STRATEGY

This project is important both for the UN Development Programme and for the Government of Turkmenistan, as it strengthens the already established constructive relations in the field of improving the national system for the promotion and observance of human rights, the development of national human rights institutions.

The long-term goal of the Project is to improve the system of protection, promotion and realization of human rights, ensuring gender equality in Turkmenistan by bringing national legislation in line with UN conventions in the field of human rights, as well as developing the institutional capacity of the Ombudsman's Office in obtaining accreditation of the Global Alliance of National Human Rights Institutions. Gender aspects affect the 2030 Agenda for Sustainable Development. 53 indicators of the Sustainable Development Agenda relate to gender issues.

The project is directly aimed at achieving the following Goals from the UN Sustainable Development Goals (SDGs):

Goal 16: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels",

Goal 17 "Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development" by further developing cooperation with international and national human rights institutions, strengthening the capacity of the Ombudsman's Office in promoting and protecting human rights in accordance with the Paris Principles

Also, the project will be aimed at the implementation of the UNDP Strategy on Gender Equality for 2022-2025 and the UN Framework Programme for Cooperation in the Field of Sustainable Development (UNSDCF) between Turkmenistan and the United Nations for 2021-2025 in order to support Turkmenistan's international obligations, it is envisaged: strengthening the capacity of the Ombudsman's Office to obtain accreditation as a national human rights institution in accordance with the Paris Principles; Providing support to individual government agencies, including law enforcement agencies, in developing or strengthening programmes and mechanisms to implement accepted recommendations received from UN human rights treaty bodies and mechanisms.

The document on the programme of cooperation between Turkmenistan and UNDP for 2021-2025 defines one of the directions of cooperation with targeted state institutions, including law enforcement agencies and the Ombudsman's Office jointly with The Office of the United Nations High Commissioner for Human Rights (OHCHR) to implement the recommendations of human rights treaty bodies. The Project contributes to the achievement of an Output 1.3 The legislative framework, programmes and their implementation have been improved in the implementation of recommendations of UN Mechanisms, including the UPR, UN treaty bodies and Special Procedures with the participation of civil society.

In particular, the Project will include the following components:

Component 1. Facilitating the cooperation of the Ombudsman's Office with the Global Alliance of National Human Rights Institutions (GANHRI) and the Asia-Pacific Forum (APF)

The long-term goal of the Project is to improve the system of protection, promotion and realization of human rights, to ensure gender equality in Turkmenistan in accordance with UN conventions in the field of human rights, to assist the Ombudsman's Office in accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) and membership of the APF.

The UNDP project will also cooperate with OHCHR in facilitating the interaction of the Office of the Ombudsman with GANHRI and APF.

Component 2: Strengthening the institutional capacity of the Ombudsman's Office in accordance with the Paris Principles

The objective of Component 2 is to study international standards and successful international experience in the functioning of national human rights institutions and their regional offices in accordance with the Paris Principles.

As a result of the activities carried out within the framework of this component, it is expected to draft proposals for the establishment of regional offices of the Ombudsman's Office in the velayats of the country, their legal regulation.

Component 3: Strengthening the cooperation of the Ombudsman's Office with civil society.

The NHRAP 2021-2025, in order to prevent torture and other forms of ill-treatment, provides for "the implementation of effective measures to prevent the use of torture and other inhuman forms of treatment in the penal enforcement system, by law enforcement agencies and government officials, and a timely, impartial response to any facts of torture, including the use of torture against women." (paragraph 7.2 of the NHRAP 2021-2025).

In accordance with article 2, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the State party is obliged to take effective legislative, administrative, judicial and other measures to prevent acts of torture in any territory under its jurisdiction. In this regard, States parties should take measures to ensure that educational materials and information on the prohibition of torture are fully included in the training programmes of all personnel who may be involved in the detention of persons.

One of the effective measures to prevent the use of torture and other inappropriate forms of treatment of prisoners, including female prisoners, in the penitentiary system is the creation of a national preventive mechanism (NPM).

The objective of Component 3 is to study the best international practice in the cooperation of national human rights institutions (NHRIs) with civil society to create NPMs. Within the framework of the project, it is planned to study the issue of creating an Advisory Council of NP as part of the Ombudsman's Office and members of the Interagency Commission on the Implementation of Turkmenistan's International Obligations in the Field of Human Rights and International Humanitarian Law (IAC).

In implementing this component, the UNDP Project will also cooperate with OHCHR.

III. OUTCOMES AND PARTNERSHIP

Expected outcomes

It is expected that the objectives of this Project will be:

- 1) Facilitating the cooperation of the Ombudsman's Office with the Global Alliance of National Human Rights Institutions and the Asia-Pacific Forum.
- 2) Strengthening the institutional capacity of the Ombudsman's Office in accordance with the Paris Principles.
- 3) Strengthening the cooperation of the Ombudsman's Office with civil society

These objectives will be achieved through the following outcomes:

Outcome 1

Systematic cooperation of the Ombudsman's Office with the Global Alliance of National Human Rights Institutions and the Asia-Pacific Forum established

The long-term goal of the Project is to improve the system of protection, promotion and realization of human rights and ensuring gender equality in Turkmenistan in accordance with UN conventions in the field of human rights, assistance in accreditation by the Global Alliance of National Human Rights Institutions and membership of the APF. The Ombudsman's office will receive the accreditation in GANHRI.

The achievement of this outcome will be measured by the following indicators

- 1.1.* A series of consultations were held with APF experts to prepare a questionnaire in order to obtain accreditation to the GANHRI and prepare for subsequent interviews with the Subcommittee on Accreditation (SCA) of the GANHRI.
- 1.2.* A visit organized for a practical lesson on the dialogue of the NHRI, whose application is being considered for accreditation to the GANHRI by the members of the GANHRI accreditation subcommittee. (The Ombudsman's Office participated as an observer at the meeting of the GANHRI when considering the application of the region's NHRIs).

Outcome 2

The institutional capacity of the Ombudsman's Office in accordance with the Paris Principles strengthened

In particular, international standards and successful international experience of functioning of national human rights institutions and their regional representative offices will be studied within the framework of the Project activities.

The achievement of this outcome will be measured by the following indicators:

- 2.1.* A workshop was held for the staff of the Ombudsman's Office to study international standards and successful international experience of the functioning of national human rights institutions accredited in the

GANHRI and received membership in the APF. Recommendations have been prepared on the establishment of regional offices of the Ombudsman's Office in the velayats of the country, their legal regulation based on a gender-oriented approach

- 2.2. A study visit of the Ombudsman and an employee of the Ombudsman's Office was organized in order to study the successful international experience of the activities of national human rights institutions and their field offices
- 2.3. Regulatory and legal regulation of the status of the regional offices of the Ombudsman's Office and their powers, as well as their cooperation with the head office of the Ombudsman's Office has been drafted
- 2.4. Consultations were held with APF experts on the implementation of the Strategic Plan developed as a result of the Capacity Assessment of the Office of the Ombudsman of Turkmenistan in 2022

Outcome 3

The cooperation of the Ombudsman's Office with civil society strengthened.

In order to prevent torture and other forms of ill-treatment, the NHRAP 2021-2025 provides for "the implementation of effective measures to prevent the use of torture and other inhuman forms of treatment in the penal enforcement system, by law enforcement agencies and government officials, and a timely, impartial response to any facts of torture" (para. 7.2 of the NHRAP 2021-2025).

One of the effective measures to prevent the use of torture and other inappropriate forms of treatment in the penitentiary system is the creation of a national preventive mechanism (NPM). The mandate of the national preventive mechanisms (NPMs) established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) explicitly includes the prevention of torture and other ill-treatment of prisoners, especially women prisoners, in connection with which these mechanisms are used to identify systemic gaps or practices, laws and regulations that lead or may lead in the future to such conditions of detention or such treatment, which may be recognized as torture or ill-treatment

The objective of Component 3 is to study the best international experience in the cooperation of national human rights institutions with civil society and to study the creation of NPMs. Within the framework of this component, it is planned to prepare recommendations on the establishment of a national preventive mechanism in Turkmenistan under the Office of the Ombudsman by strengthening its interaction with the civil society of the country. Within the framework of the project, it is planned to study the issue of creating an Advisory Council of NPM as part of the Ombudsman's Office and members of the Interagency Commission on the

Implementation of Turkmenistan's international obligations in the field of human rights and international humanitarian law.

The achievement of this outcome will be measured by the following indicators:

- 3.1. Workshop were held on the issues of studying the establishment of a national preventive mechanism (NPM) for the prevention of torture and other forms of ill-treatment of prisoners, including women prisoners, and recommendations were prepared on studying the creation of an NPM under the Office of the Ombudsman of Turkmenistan. Recommendations provided based on the workshop results.
- 3.2. A study visit was organized by representatives of the Ombudsman's Office and members of the Ministry of Internal Affairs to study the best international experience in establishing NPMs at national human rights institutions in other countries.

Resources required to achieve the expected outcomes

The main resources required to achieve the Project outcomes will comprise the costs of a project team consisting of a Project Manager and a Project Assistant. In addition, the project will involve international, national experts and consultants who will provide analytical and technical support to the Project. The project's expenses will also cover administrative expenses, travel expenses, the conference costs, expenditures for study visits and contract services in support of the Project's activities.

UNDP will also seek the possibility of additional funding of the project activities from potential donors such as the British Embassy, the Embassy of Finland, the US Embassy, the US Agency for International Development, etc.

Partners

The main national partner in the framework of the Project will be the Office of the Ombudsman of Turkmenistan.

Risks and assumptions

Expectations:

- Commitment of the Ombudsman of Turkmenistan in obtaining accreditation to the GANHRI, opening regional offices.
- Effective coordination of all involved parties in the implementation of the Project.
- The Ombudsman's active participation in the effective implementation of the project and commitment to ensuring the independence and impartiality of the

Ombudsman's Office in the preparation of the annual Reports of the Ombudsman's Office.

Risks:

Among the risks that may affect the achievement of the objectives of this Project, the most significant are:

- Insufficient commitment of partners and stakeholders in the implementation of the project.
- Frequent personnel changes in national partner organizations.
- Temporary restrictions related to the COVID-19 pandemic for organizing study visits, field meetings and events in the velayats.

Cooperation with stakeholders

The main stakeholders in the framework of the Project will be the Mejlis of Milli Gengesh of Turkmenistan, the Supreme Court, the Prosecutor General's Office, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Labour and Social Protection, the Ministry of Education, the State Migration Service, the State Border Service, the Institute of the State of Law and Democracy of Turkmenistan and the IAC.

Target group:

Staff of the Office of the Ombudsman of Turkmenistan and the IAC (Inter-Agency Commission)

Knowledge management

The knowledge and experience acquired by the beneficiaries of the Project as a result of the Project's activities will be transformed into the activities of the Ombudsman's Office aimed at the effective implementation of the National Programme of Socio-Economic Development of Turkmenistan for 2022-2052 and the Programme of the President of Turkmenistan on Socio-Economic Development of Turkmenistan for 2022-2028. Within the framework of the Project, workshops, informational and educational sessions and trainings will be prepared and conducted for the staff of the Ombudsman's Office to raise awareness on international standards of the activities of national human rights institutions, the implementation of the SDGs. International and national experts of the UNDP will conduct a cycle of technical consultations on the preparation of the Ombudsman's Office for the process of obtaining accreditation in the GANHRI and admission to the membership of the APF in order to further ensure the independence of the Ombudsman's Office in the protection and promotion of human rights in Turkmenistan.

UNDP experts will also enhance awareness and training of the staff of the Ombudsman's Office on the creation, legal regulation, powers, and composition of NPMs.

Sustainable development and scaling-up

The sustainability of the outcomes after the completion of the Project, taking into account the content of the Project, partnerships and the implementation of project activities, is ensured by joint activities to implement the outcomes of project activities in certain areas through the following:

- The interest and coordinated activity of the involved structures
- State support (dissemination of information about the Project results at meetings and thematic seminars among the staff of ministries, departments, public associations, websites of project partners) and budget financing.
- Integration of the Project results in ensuring the independence of the Ombudsman's Office and the creation of an NPM under the Ombudsman's in order to promote respect for human rights and ensure a gender-oriented approach in the country.

IV. PROJECT MANAGEMENT

The project will be implemented through the National Execution Mechanism (NEM). The Office of the Ombudsman of Turkmenistan will act as the national partner of the Project.

The project management system consists of three tiers:

1. Strategic management;
2. Operational management and coordination;
3. Monitoring and evaluation system (section VI of the Project Document).

In this Project, in addition to the project team, the programmatic staff of the UNDP country office will be responsible for operational control over the implementation of the project and ensuring the links of the Project with other similar initiatives and projects: Deputy Permanent Representative of UNDP, Head of the UNDP Programme Department and UNDP Programme Analyst on Governance, Economic Diversification and Inclusive Growth.

UNDP in Turkmenistan will monitor and manage the overall budget of the Project, monitor the implementation of the Project, and be responsible for timely reporting. In addition, UNDP will support coordination and networking with other existing initiatives and organizations in the country.

International experts will work in the framework of this project outside the country and/or carry out missions to Turkmenistan for consultations.

Efficiency and cost-effectiveness

Taking into account the specific scope of the project's activities, efficiency and cost-effectiveness will be achieved by awarding individual contracts to international and

national consultants, as well as by using, if necessary, part of the working time of the staff of the UNDP Country Office and the national coordinator. Further, as mentioned above, the dissemination of the project outcomes by the Government of Turkmenistan and UNDP will be carried out as part of ongoing awareness-raising activities and the implementation of relevant strategies.

V. OUTCOME STRUCTURE

Expected outcome as indicated in the Framework Programme for Cooperation in the Field of Sustainable Development between Turkmenistan and the UN, 2021-2025:

Outcome 1: By 2025, the population of Turkmenistan has access to a more efficient, innovative and transparent system of public administration based on the rule of law, respect for human rights, gender equality and labour rights, and on high-quality data

4. If the payments mentioned above are not received in accordance with the payment schedule and the additional deadline during the implementation of the project are not received from the Government or other sources, then UNDP may reduce, suspend or terminate the assistance provided for the project under this project document.

Output 1.3: *The legislative and strategic framework, programmes and their implementation have been improved in the implementation of the recommendations of the UN Mechanisms, including the UPR, UN treaty bodies and Special Procedures with the participation of civil society*

Indicator 1.3.3: *Accreditation of the Ombudsman's Office at the Global Alliance of National Human Rights Institutions (GANHRI)*

Baseline: *No (2020)* **Target:** *yes (2025)*

Applicable immediate outcome from the UNDP Strategic Plan: Introduction of a human rights approach based on the principle of "no one is left behind"

Project title and Project # in Atlas: Assistance in strengthening the institutional capacity of the Office of the Ombudsman of Turkmenistan.

Expected outcomes	Indicators	Data source	Baseline		Targets	Data collection methods and risks
			Name	Year		
<p><u>Outcome 1</u> Systematic interaction of the Ombudsman's Office with the Global Alliance of National Human Rights Institutions (GANHRI) and the Asia-Pacific Forum (APF) established.</p>	<p>1.1. A series of consultations with APF experts to prepare a questionnaire in order to obtain accreditation to the GANHRI and prepare for subsequent interviews with the Subcommittee on Accreditation of the GANHRI held.</p>	Project progress report	No	2022	Yes	Consultant report
	<p>1.2. A visit for a practical lesson on the dialogue of the NHRI, whose application is being considered for accreditation to the GANHRI with the members of the GANHRI accreditation subcommittee. (The Ombudsman's Office participated as an observer at the meeting of the GANHRI when considering the application of the region's NHRIs) organized.</p>	Project progress report	No	2022	Yes	Consultant report
	<p>2.1 A workshop for the staff of the Ombudsman's Office to study international standards and successful international experience in the functioning of national human rights institutions accredited in the GANHRI and received membership in the APF. Recommendations prepared on the establishment of regional offices of the</p>	Project progress report	No	2022	Yes	Technical assessment

Expected outcomes	Indicators	Data source	Baseline		Targets	Data collection methods and risks
			Name	Year		
	<i>Ombudsman's Office in the velayats of the country, their legal regulation with a gender-oriented approach held.</i>					Year 1
<u>Outcome 2</u> The institutional capacity of the Ombudsman's Office strengthened in accordance with the Paris Principles	2.2 <i>a study visit of the Ombudsman and two employees of the Ombudsman's Office to study the successful international human rights institutions and their field offices organized.</i>	<i>Project progress report</i>	<i>No</i>	<i>2022</i>	<i>Yes</i>	<i>Consultant report</i>
	2.3 <i>The regulatory and legal regulation of the status of the regional offices of the Ombudsman's Office, powers and interaction with the head office of the Ombudsman's Office prepared.</i>	<i>Project progress report</i>	<i>No</i>	<i>2022</i>	<i>Yes</i>	<i>Technical assessment</i>
	2.4 <i>Consultations with APF experts on the implementation of the Strategic Plan developed as a result of the Capacity Assessment of the Office of the Ombudsman of Turkmenistan in 2022 held.</i>	<i>Project progress report</i>	<i>No</i>	<i>2022</i>	<i>Yes</i>	<i>Consultant report</i>
	3.1. <i>Workshops on the issues of studying the creation of a national preventive mechanism</i>	<i>Project progress report</i>	<i>No</i>	<i>2022</i>	<i>Yes</i>	<i>Technical assessment</i>

Expected outcomes	Indicators	Data source	Baseline		Targets	Data collection methods and risks
			Name	Year		
Office with civil society strengthened.	<i>for the prevention of torture and other forms of ill-treatment of prisoners, especially women prisoners, and recommendations were prepared for studying the creation of an NPM under the Office of the Ombudsman of Turkmenistan held.</i>					Year 1
	<i>3.2. A study visit by representatives of the Ombudsman's Office and members of the Ministry of Internal Affairs to study the best international experience in creating NPMs at NPMs in other countries organized.</i>	<i>Project progress report</i>	<i>No</i>	<i>2022</i>	<i>Yes</i>	<i>Technical assessment</i>

VI. MONITORING AND EVALUATION

MONITORING PLAN

Monitoring Activity	Goal	Frequency	Expected impact	Partners (if jointly)	Cost (if available)
Track progress in achieving outcomes	Data on the Project progress for compliance with the Outcome Indicator in the Results and Resources Structure (RRS) will be collected and analyzed to assess the progress of the project in achieving the agreed outcomes.	Quarterly, or with the frequency required for each Indicator.	If progress is slower than expected, then this issue will be considered by the project management.	Ombudsman's Office of Turkmenistan	
Monitor and manage risks	Identify specific risks that may threaten the achievement of the intended outcomes. Identify and monitor risk management actions using the risk log. This includes monitoring measures and plans that may be required according to the Social and Environmental Standards of UNDP. The audits will be conducted in accordance with the UNDP audit procedures for financial risk management.	Annually	The risks are determined by the project management, and actions are taken to manage the risks. A risk log is actively maintained to track identified risks and actions taken.		
Study	Knowledge, best practices and lessons will be covered regularly. In addition, they will be adopted from other projects and partners and included in this project.	At least annually	The relevant lessons are covered by the project team, and are used to make sound management decisions.		
Annual quality assurance of the project work	The quality of the project will be assessed for compliance with the UNDP quality standards to identify the strengths and weaknesses of the project, and to make sound decisions at the management level in order to improve the project.	Annually	Strengths and weaknesses will be considered by the project management and used to make thoughtful decisions in order to improve project performance.		
Review and	Internal review of data and facts on all	At least annually	Project performance data,		

Monitoring Activity	Goal	Frequency	Expected impact	Partners (if jointly)	Cost (if available)
adjust areas of activity	monitoring actions to make sound decisions.		risks, lessons learned and quality will be discussed by the Project Management and adjustment of areas of activity		
Project Completion Report	The progress report will be presented to the Project Board and key stakeholders, and will include progress data reflecting the results achieved in accordance with pre-defined annual outputs vs outcomes, a brief overview of the annual quality rating of the project, an updated risk log with mitigation measures, and all assessment or review reports, prepared during this period.	Annually, and at the end of the project (final report)			
Project Overview (Project Board)	The Project Management Mechanism (i.e., the Project Board) will conduct regular project reviews to assess the results of the project and review the Multi-Year Work Plan in order to ensure realistic budgeting throughout the project period. In the final year of the project, the Project Board should conduct a Review upon completion of the project to cover the lessons learned and discuss opportunities for expansion, and to own the project results and lessons learned with the appropriate audience.	Once a year	All issues related to quality, or slower than expected progress, should be discussed by the Project Board, and management actions should be coordinated to address the issues identified.		

VII. WORK PLAN FOR 2023

Year: 2023

Expected results	Planned activities	Timeframe				Planned budget	
		1 Q	2 Q	3 Q	4 Q	Source of funding	Amount (USD)
<p><u>Outcome 1: Systematic cooperation of the Ombudsman's Office with the Global Alliance of National Human Rights Institutions (GANHRI) and the Asia-Pacific Forum (APF) established.</u></p> <p><u>Gender marker:</u> GEN 2</p>	<p>1.1. Conducting a series of consultations with APF experts to prepare a questionnaire in order to obtain accreditation to the GANHRI and prepare for subsequent interviews with the Subcommittee on Accreditation of the GANHRI.</p> <p>1.2. Organization of a visit for a practical lesson on the dialogue of the NHRI, whose application is being considered for accreditation to the GANHRI with the members of the GANHRI subcommittee on accreditation. (The Ombudsman's Office, as an observer, will participate in the meeting of the GANHRI when considering the application of the region's NHRIs).</p>					Government of Turkmenistan	
		<p>71200 International expert (1 expert* 3 days – online)</p> <p>75700 Trainings, workshops</p> <p>74200 Translation and interpretation services</p> <p>Printing handouts</p> <p>71600 Transportation, travel expenses Ombudsmen, 1 staff of the Ombudsman's Office, 1 UNDP staff</p> <p>74200 Interpretation services (simultaneous)</p> <p>Printing handouts</p>					Government of Turkmenistan

				Government of Turkmenistana	64300, 74500 Operational expenses	\$1 108
	Total for Outcome 1					\$20 774
	Administrative expenses (7%)				75100 Services and administration	\$1 454
	Total for Outcome 1: including administrative expenses:					
Outcome 2: The capacity of the Ombudsman's Office in accordance with the Paris Principles strengthened Gender marker: GEN 2	2.1. Conducting a seminar for the staff of the Ombudsman's Office on the study of international standards and successful foreign experience of the functioning of national human rights institutions accredited in the GANHRI and received membership in the APF.			Government of Turkmenistana	71200 International expert (1 expert* 8 days, 1 mission) 75700 Trainings and workshops	\$ 5760 \$1 380
	Drafting recommendations on the establishment of regional offices of the Ombudsman's Office in the velayats of the country, their legal regulation.				74200 Interpretation services (simultaneous) Printing handouts.	\$1 030
	2.2. Organization of a study visit of the Ombudsman and one staff of the Ombudsman's Office in order to study best international practices of			Government of Turkmenistana	71600 Transportation, travel expenses Ombudsmen, 1 staff of the Ombudsman's Office, 1 UNDP staff	\$10 740

VIII. GOVERNANCE AND MANAGEMENT MECHANISMS

The project will be implemented in the national execution mode with the support of the UNDP country office in accordance with the rules and procedures of UNDP. The main National Implementing Partner is the Office of the Ombudsman of Turkmenistan, which will be responsible for the successful implementation of project activities, the sustainability of the results achieved. In particular, the National Implementing Partner is responsible for ensuring that the long-term results of the Project correspond to the development goals described in the National Programme of Socio-Economic Development of Turkmenistan for 2022-2052.

The Office of the Ombudsman of Turkmenistan appoints a senior official as the National Project Coordinator (NPC), who will be responsible for the implementation of the project on behalf of the Implementing Partner.

At the initial stage of the Project, UNDP and the Office of the Ombudsman of Turkmenistan jointly develop the regulatory documents of the Project Coordination Board (PCB), including the list of members and the rules of work. The NPC is the Chairman of the PCB. The PCB is responsible for making consensus-based management decisions on the project. PCB is the main subject of strategic project management. The PCB will meet at least twice a year to discuss issues related to the implementation of the Project. Additional meetings may be set up by the NPC as needed

Representatives of other stakeholders may be invited to participate in the PCB as observers.

The Project Manager is the Executive Secretary of the PCB, participates in meetings as a member of the PCB without the right to vote and is responsible for preparing the PCB meetings and keeping minutes of meetings.

To ensure the unconditional responsibility of UNDP for the results of the Project, the decisions of the PCB will be made in accordance with standards that ensure rational management to achieve development results, including the best value for money, fairness, integrity, transparency and effective competition.

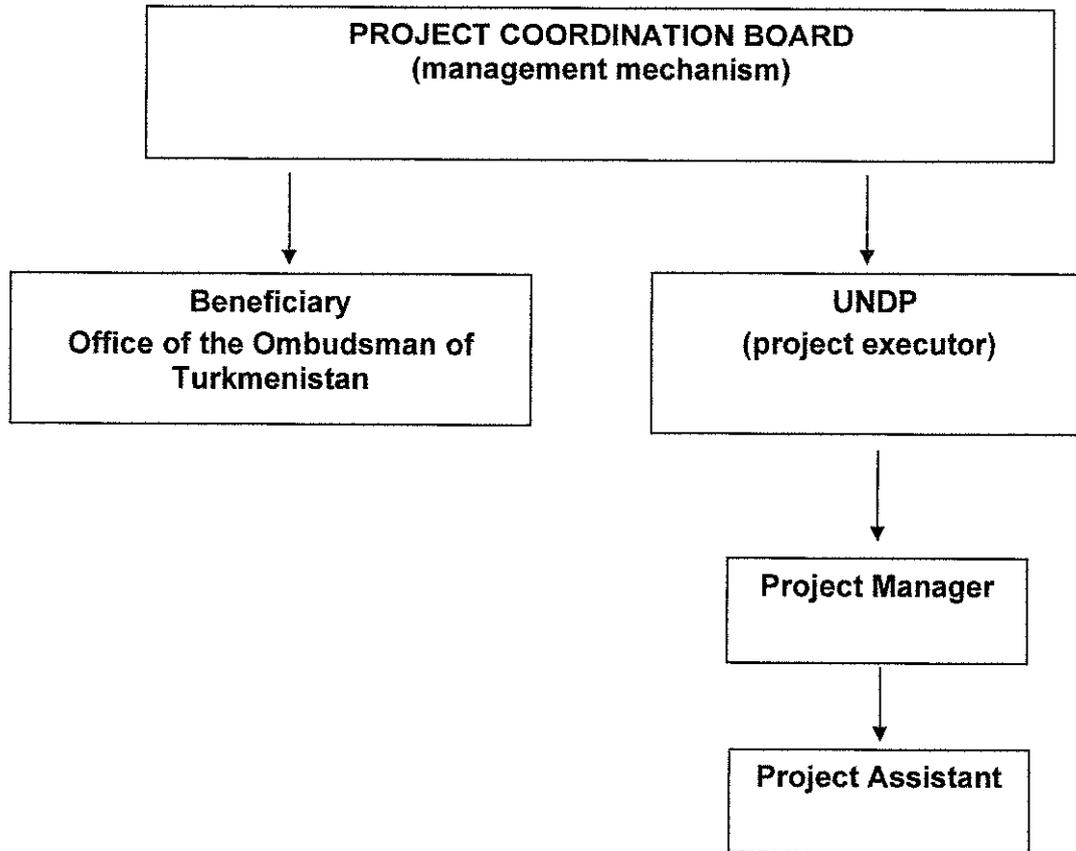
The strategic level of project management by UNDP is provided by the UNDP country office in Turkmenistan. At this level, the long-term results of the project are consistent with the Framework Programme for Development Cooperation of Turkmenistan and the United Nations for 2021-2025, the Sustainable Development Goals (SDGs) and the Document of the UNDP country programme for Turkmenistan for 2021-2025.

The main level of operational management is the Project Manager. The project team consists of a Project Manager and a Project Assistant.

To perform highly specialized tasks and provide the necessary expertise, international and national experts will be invited to improve the effectiveness of the project. The recruitment of short-term consultants will be carried out in accordance with the UNDP procedures.

The transfer of the property acquired within the framework of the Project will be carried out after the completion of the Project in accordance with the decision of the PCB according to the UNDP rules and procedures.

Organizational structure of the project



IX. LEGAL CONTEXT

This project document will be the instrument referred to in article 1 of the Standard Basic Agreement on Assistance signed between the Government of Turkmenistan and UNDP on October 5, 1993 (the "Agreement"). All references in this agreement to the "Implementation Agency" will be considered references to the "Implementing Partner".

This Project will be implemented by the Office of the Ombudsman of Turkmenistan - the "Implementing Partner", in accordance with its financial regulations, rules and procedures only to the extent that they do not contradict the principles of the UNDP Financial Regulations and Rules. Where the financial management of the Implementing Partner does not provide the required guidance to ensure maximum cost-effectiveness, fairness, integrity, transparency and effective international competition, the UNDP financial management board will be applied.

X. RISK MANAGEMENT

1. In accordance with Article III of the SBAA, responsibility for the protection and security of the Implementing Partner, its employees and property, as well as UNDP property held by the Implementing Partner, rests with the Implementing Partner. To fulfil this obligation, the Implementing Partner must:
 - a) Develop an appropriate security plan and maintain security plan, taking into account the security situation in the country in which the project is being implemented;
 - b) Accept all risks and liabilities related to the security of the Executing Partner, and implement the security plan in full.
2. UNDP reserves the right to verify the development of such a plan, and, if necessary, make proposals for its change. Failure to comply with measures to ensure the relevance of the plan and its implementation in full in accordance with the provision above is considered a violation of the obligations of the Executing Partner under this Project Document.
3. The Implementing Partner agrees that he will take all necessary steps to ensure that no portion of UNDP funds received in connection with this Project Document is used to support individuals or organizations associated with terrorist activities and that among recipients of funds disbursed by UNDP in connection with this Project Document, there are no persons included in the list formed by the Security Council Committee in accordance with Resolution 2167 (1999).

4. The Implementing Partner acknowledges and agrees that UNDP will not tolerate sexual harassment and sexual exploitation and abuse by the Implementing Partner and each of its responsible parties, their respective sub-recipients and other actors involved in the implementation of the Project, as contractors or sub-contractors, and their personnel and any persons rendering services to them in accordance with the Project Document.

(a) During the implementation of activities in accordance with this Project Document, the Implementing Partner and each of its responsible parties mentioned above must comply with the standards of conduct set out in the Secretary General's Bulletin ST/SGB/2003/13 dated October 9, 2003 regarding "Special Measures for Protection from Sexual Exploitation and Sexual Abuse "(SMPSESA).

(b) In addition, when carrying out activities under this Project Document, without being limited to the application of other provisions, rules, measures and procedures affecting the performance of the activity, the Implementing Partner and each of his responsible parties mentioned above should not be subjected to sexual harassment in any way and form (SH). SH is defined as any unwanted behavior of a sexual nature that can reasonably be expected or perceived as insulting or humiliating when such behavior interferes with work, becomes a condition of employment, or creates an intimidating, hostile or offensive work environment.

5. a) In carrying out activities under this Project Document, the Implementing Partner (in relation to its own activities) requires its sub-parties referred to in paragraph 4 (in relation to their activities) to have minimum standards and procedures or a plan for the development and/or improvement of such standards and procedures for the adoption of effective preventive and investigative measures. These should include: a policy on sexual harassment and sexual exploitation and abuse; whistle-blowing/protection against retaliation policy; and mechanisms for complaints, disciplinary actions and investigations. Accordingly, the Implementing Partner will require such sub-parties to take all necessary steps to:

- i. Not allow its employees, agents or any other persons involved to provide any services in accordance with this Project Document to be engaged in the SH or SMPSESA;
- ii. Offer staff and personnel training on the prevention and response to SH or SMPSESA if the Implementing Partner and its sub-partners referred to in paragraph 4 have not yet organized their own training on prevention of SH or SMPSESA; the Implementing Partner and its sub-partners may use training materials available at UNDP;

- iii. Report and monitor in relation to SH or SMPSESA about which the Implementing Partner and its sub-parties referred to in paragraph 4 have been informed or were otherwise informed, and their status;
- iv. Refer victims/survivors from SH or SMPSESA to receive safe and confidential assistance; and
- v. Timely and confidentially register and investigate any allegations credible enough to conduct an investigation against SH or SMPSESA. The Implementing Partner shall inform UNDP of any such allegations received and investigations carried out by it or any of its sub-parties referred to in paragraph 4 in connection with their activities under the Project Document, and informs UNDP of the progress of the investigation by it or any of such sub-parties, if such notification (i) does not jeopardize the conduct of the investigation, including, in particular, the safety and security of people and/or (ii) does not contradict the law. Following the investigation, the Implementing Partner will notify UNDP of any action taken by it or any other agency following the investigation.

b) The Implementing Partner determines that he has complied with the foregoing, to the satisfaction of UNDP, at the request of UNDP, or any other party acting on its behalf, to provide such confirmation. Failure by the Implementing Partner and each of its sub-parties specified in clause 4 above, as determined by UNDP, shall be deemed grounds for the suspension or termination of the Project.

6. Social and environmental sustainability will be enhanced through the application of the UNDP social and environmental standards (<http://www.undp.org/ses>) and the associated accountability framework (<http://www.undp.org/secu-srm>).
7. The Implementing Partner shall: (a) carry out project and programmatic activities in accordance with the UNDP Social and Environmental Standards; (b) ensure that any management or mitigation plans are prepared to ensure that the project or programme is in compliance with the said standards; and (c) engage in a constructive and timely manner to resolve any concerns or complaints that arise under the Accountability Mechanism. UNDP will strive to ensure that communities and other project stakeholders are aware of this and have access to the Accountability Mechanism.
8. All signatories to this Project Document shall cooperate in good faith in any exercise to assess any obligations associated with a programme or project, or adherence to the UNDP social and environmental standards. This includes providing access to project facilities, appropriate personnel, information and documentation.

9. The Implementing Partner shall take appropriate measures to prevent misuse of funds, fraud or corruption by its officials, consultants, responsible parties, subcontractors and subrecipients when implementing the project or using UNDP funds. The Implementing Partner shall ensure that its financial management, anti-corruption and anti-fraud policies are in place and followed for all funds received from or through UNDP.
10. The requirements of the following documents, which were effective at the time of signing of the Project Document, apply to the Implementing Partner: a) UNDP Measures against Fraud and Other Corrupt Practices and b) UNDP Office of Audit and Investigation and Investigation Manual. The Implementing Partner agrees to the requirements of the above documents, which are an integral part of this Project Document and are available on the Internet at www.undp.org.
11. Where an investigation is required, UNDP shall conduct investigations into any aspect of the UNDP projects and programmes in accordance with the UNDP regulations, rules and procedures. The Implementing Partner shall cooperate fully, including the provision of personnel, relevant documentation and access to the premises of the Implementing Partner for such purposes (and its consultants, responsible parties, subcontractors and subrecipients) within reasonable time and on reasonable terms as may be required to conduct investigation. Where there are constraints on this commitment, UNDP will consult with the Implementing Partner to find a solution to the problem.
12. The signatories to this Project Document will promptly inform each other of any misuse of funds, or credible reports of fraud or corruption, with due respect for confidentiality.
In the event that the Implementing Partner becomes aware that the UNDP project or activity is, in whole or in part, the subject of investigation in relation to alleged fraud / corruption, the Implementing Partner should inform the UNDP Resident Representative / Head of Office, who in turn should promptly inform the UNDP Office of Audit and Investigation (OAI). The Implementing Partner should regularly inform the UNDP Country Manager and OAI about the status of the investigation and related actions.
13. The Implementing Partner agrees that, where applicable, UNDP donors (including the Government) providing funding, in whole or in part, from funds for activities covered by this Project Document may apply to the Implementing Partner for reimbursement of any funds that, by definition of UNDP have been misused, including by fraud or corruption, or otherwise paid for other than in accordance with the terms and conditions of this Project Document.

If UNDP has not received reimbursement of these funds, the Implementing Partner agrees that UNDP donors (including the Government) providing funding, in whole or in part, from funds for activities covered by this Project Document may apply to the Implementing Partner for reimbursement of any funds which, as determined by UNDP, have been misused, including through fraud or corruption, or otherwise paid for, except in accordance with the terms and conditions of this Project Document.

Note: The term "Project Document" as used in this provision includes any subsequent agreements entered into with respect to the Project Document, including agreements with responsible parties, subcontractors and sub-recipients.

14. All contracts executed by the Implementing Partner in connection with this Project Document must contain a clause stating that no fees, rewards, compensations, discounts, gifts, commissions or other payments other than those specified in the offer have been provided, received or promised in connection with the selection process or during the execution of the contract, and that the recipient of funds from the Implementing Partner is committed to cooperate with any investigations and audits after payment has been made.
15. In the event that UNDP contacts the relevant national authorities to initiate proceedings in respect of project-related misconduct, the public authorities undertake to ensure active participation of the national authorities in the investigation and prosecution of any persons found to be involved in the misconduct, compensation for damage and refund in full the funds received by these persons from UNDP.
16. The Implementing Partner undertakes that all of the terms listed in this section, referred to as "Risk Management", are assigned to each responsible party, subcontractor and sub-recipient, and all provisions of this section are referred to as "Standard Risk Management Clauses" are included, *mutatis mutandis*, in all subcontracts or sub-agreements which will be concluded in the future in connection with this Project Document.

XI. SPECIAL PROVISIONS

1. The Ombudsperson's Office, in accordance with the provisions of the Agreement between the Government of Turkmenistan and the UN Development Programme on co-financing, will provide a contribution for the implementation of this project in the amount of \$ 71 297 (seventy one thousand two hundred ninety seven US dollars) to be credited to the UNDP account as follows.

The Ombudsperson's Office, in accordance with the following payment schedule, will transfer a contribution in the manat equivalent to the amount of \$ 71 297 (seventy one thousand two hundred ninety seven) US dollars to the Citibank N.A, 111 Wallstreet New York, NY 10043, account No 36349562 and details: SWIFT no.CITIUS33, ABA no. 021000089.

Date of payment	Amount
i. 01.03.2023	71 297 US Dollars

- a. The above payment schedule is based on the requirement that the Contribution must be made prior to the commencement of planned activities. This schedule is subject to changes in accordance with the progress of the project.
- b. UNDP shall receive, administer and use the Project Contribution in accordance with the applicable UNDP rules, regulations, policies, procedures and directives, including in particular the Financial Rules issued by the UNDP Executive Board.

2. UNDP undertakes to provide the Ombudsperson's Office with reports on the implementation of activities and the use of the project's financial resources in accordance with Article 4 of the aforementioned co-financing Agreement. All financial accounts and reports must be denominated in US dollars.

3. In the event that unexpected increases in expenditures or liabilities are expected or have been realized (either due to inflationary factors, fluctuations in exchange rates or unforeseen circumstances), then UNDP should submit additional cost estimates to the government in a timely manner, reflecting the further funding that will be required. The government should take all possible steps to obtain the required additional funds.

4. All unspent funds of the Contribution remaining after the preparation of the final balance sheet will be used for the purchase of additional services and (or) equipment, in agreement with the Ombudsperson's Office. If the payments mentioned above are not received from the Government or other sources in accordance with the payment schedule and the additional deadline during the implementation of the project, then UNDP may reduce, suspend or terminate the assistance provided for the project under this project document.

5. All interest income attributable to the contribution must be credited to the UNDP account and must be used in accordance with the established UNDP procedures.
6. The following costs must be attributed to the contribution:
 - (a) 7% reimbursement of indirect costs associated with the provision of general management support from UNDP headquarters and country office;
 - (b) Direct costs of implementation support services provided by UNDP.
7. Ownership of equipment, materials and other property financed from the contribution funds remains with UNDP prior to the delivery and installation of the equipment. Ownership of the equipment purchased with the donated funds will be transferred from UNDP to the Ombudsperson's Office upon completion of the equipment installation in accordance with the UNDP rules and procedures.