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**Strengthening Rule of Law and Human Rights to Empower  
People in Tajikistan Project (phase II)**

# Final Project Evaluation Report

December 27, 2021 – February 28, 2022



*By Carl DeFaria, Juris Doctor*

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## ACRONYMS

BHR	Bureau for Human Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CMS	Case Management System
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
CWFA	Committee on Women and Family Affairs
DAC	Development Assistance Committee
DPO	Disabled Persons' Organization
DV / DVL	Domestic Violence / Domestic Violence Law
FLA	Free Legal Aid
GBAO	Gorno-Badakhshan Autonomous Oblast
GoT	Government of Tajikistan
HRBA	Human Rights-Based Approach
LAC	Legal Aid Centre
MFAF	Ministry of Foreign Affairs of Finland
MTE	Mid-Term Evaluation
MTR	Mid-Term Evaluation Report
MoF	Ministry of Finance
MoJ	Ministry of Justice
MoU	Memorandum of Understanding
NAP	National Action Plan
NGO	Non-governmental Organization
NHRI	National Human Rights Institution
LNOB	Leave No-one Behind
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
OHCHR	Office of High Commissioner on Human Rights
OPWD	Organization of Persons with Disabilities
PWDs	Person with Disabilities
RoL	Rule of Law
RBM	Results Based Management
SALAC	State Agency for Legal Aid Centers
SDC	Swiss Cooperation Office
SFLA	Secondary Free Legal Aid
SLB	State Legal Bureau
ToC	Theory of Change
ToR	Terms of Reference
UN	United Nations
UNCRPD	United Nations Convention on the Rights of the Persons with Disabilities
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodic Review

# EXECUTIVE SUMMARY

## BASIC PROJECT INFORMATION

PROJECT/OUTCOME INFORMATION		
Project/outcome title	“Strengthening Rule of Law and Human Rights to Empower People in Tajikistan – Phase Two”	
Corporate outcome and output	<b>UNDAF:</b> People in Tajikistan have their rights protected and benefit from improved access to justice and quality services delivered by a accountable, transparent, and gender responsive legislative, executive and judicial institutions at all levels Indicative Output(s) with gender marker: GEN2	
Country	Tajikistan	
Region	Central Asia	
Date project document signed	1 <sup>st</sup> January 2018	
Project dates	Start	Valid period
	January 2018	31 June 2022
Project budget	USD 1,942,125	
Project expenditure at the time of evaluation	USD 1,243,083	
Funding source	MFA Finland, UNDP	
Implementing party	UNDP	
Working district	Dushanbe, Sughd, Khatlon, GBAO, DRS	

## RATIONALE, SCOPE AND OBJECTIVES OF THE EVALUATION

The final project evaluation is to identify project implementation issues, assess achieved progress towards the achievement of objectives, relevance and performance of the project as compared to the project document, identify and document lessons learned and recommendations.

The evaluation followed the OECD-DAC’s revised evaluation criteria - Relevance, Effectiveness, Efficiency, Impact and Sustainability. The Terms of Reference (ToR) for the final evaluation of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan”, Phase Two Project specifically stipulated the questions to be considered under each of the evaluation criteria. It also added Inclusivity and Gender as areas to be assessed.

The Terms of Reference and the Guidance for UN evaluations and quality standards were followed in the preparation of the evaluation report. The first steps taken in the evaluation process involved desk review of documents related to the project and the preparation of the Inception Report which was shared with the UNDP and adjusted as necessary prior to and during the evaluation process. Then a field mission with consultations in Tajikistan was conducted by the international evaluation consultant with the support of a national consultant and with the support of the UNDP, project team

members and national stakeholders. In addition to Dushanbe, the following regions and cities were visited and consultations carried out with LAC staff and also with Union of Lawyers representatives: Nurobod Region; Khatlon Region (Dusti's LAC; and Sughd Region (Khujand city); and Bokhtar city.

## PHASE II PROJECT DESCRIPTION

The overall objectives of the Phase II project are to ensure that *high quality free legal aid is widely available* to people across Tajikistan, in particular for *rural people, women and people in vulnerable situations, such as persons with disabilities*; to help *Tajikistan accede to, ratify and comply with key international conventions* on the rule of law; and to help *enhance access to justice services* generally for ordinary Tajikistan citizens.

The project's activities built around two broad outcomes, as follows:

**Outcome 1:** Vulnerable rural population of Tajikistan, including women and persons with disabilities, enjoy better protection of their rights and access to justice and are empowered to defend their rights and interests.

**Outcome 2:** State bodies and justice sector actors are better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women and persons with disabilities.

These outcomes, and the activities under them, separate broadly into supply and demand-side drivers for reform: Outcome 1 is that people are empowered to defend and demand their rights, while Outcome 2 is that state bodies and justice actors are better able to supply them. The activities were provided under the following outputs:

*Output 1: Women and PWDs in targeted areas gain increased legal literacy, human rights awareness, and access to legal information, and are better able to access national laws and institutions to defend their rights and interests.*

*Output 2: Regional Policy Dialogues become a key platform for advocating policy change, and regional civil society has the capacity to contribute effectively.*

*Output 3: A sustainable state-run system of primary free legal aid is developed, which will provide high-quality free legal aid, particularly to women and PWDs.* The project worked to provide free legal aid all throughout Phase I.

*Output 4: High quality secondary free legal aid is provided via SALAC and the Union of Lawyers.*

*Output 5: The capacity of national human rights and justice institutions to implement international human rights standards is increased.*

**Geographic location:** The project operated countrywide but with a focus on rural and remote, yet populated areas, where it has been identified that the problems related to

the access to justice are highest.

**Partnerships:** The primary partner to the Project is the Ministry of Justice of the Republic of Tajikistan (MoJ) and its subordinated bodies, particularly SALAC. Other partners include: The Ombudsman’s Office; The Union of Lawyers; The CSO Network and other smaller PO organizations.

## DEVELOPMENT CONTEXT

According to the Constitution, the judiciary in Tajikistan is independent and protects the rights and freedoms of people, state’s interests, organizations, institutions, law and justice. Over the past fifteen years, the Tajik government has undertaken a number of legislative and policy reforms to create the framework for an effective justice system. Most of these legislative reforms are of relatively good quality. However, full implementation of laws is lacking behind, and judicial and legal institutions remain constrained by the low level of resources budgeted for this sector. The judicial system remains weak, overburdened and largely under the control of the executive, and there is a lack of public trust in the judicial system.

Phase I of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan” project contributed to some important achievements such as: awareness-raising of legal rights; expansion of the provision of primary free legal aid; Regional Policy Dialogue platforms; and creation of a new SALAC within the Ministry of Justice.

Phase II of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan” project has been implemented since January 2018 and was to be completed in December 2021<sup>1</sup>. The Phase I of the project covered the period of January 2014 to June 2018.

Likewise the Phase I, Phase II has been developed employing human rights-based approaches, which helps to understand how laws, social norms, traditional practices and institutional actions negatively or positively affect access to justice for the people in Tajikistan. By adopting a human rights-based approach (HRBA), the Project is people-centered and links demand by rights holders for better justice outcomes. Through capacity development of duty-bearers (State Agency Legal Aid Center (SALAC), the Ministry of Justice, Ombudsman’s Office, etc. the project increases the ability to access justice for rights holders, in particular marginalized groups and individuals that will lead to better rights protection for all.

## EVALUATION METHODOLOGY

The evaluation methodology ensured that the ToR questions relevant to the evaluation criteria requirements under the OECD/DAC Evaluation Criteria (Relevance, Effectiveness,

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<sup>1</sup> There was a no-cost extension of the project to end now on June 30, 2022.

Efficiency and Sustainability)<sup>2</sup> are adequately addressed. The United Nations Principle *Leave No-one Behind (LNOB)* was also taken into account.

The evaluation methodology adopted adhered to the United Nations Evaluation Group (UNEG) Norms & Standards. The evaluation team adopted an integrated approach involving a combination of data collection and analysis tools to generate concrete evidence to substantiate all findings. Evidence obtained and used to assess the results were triangulated from a variety of sources, as detailed in the paragraphs below, including verifiable data based on project indicators, existing reports, evaluations and technical papers, stakeholder interviews, focus groups, surveys and site visits where/when possible. The evaluation team followed a participatory and consultative approach that ensured close engagement with the evaluation managers, implementing partners and direct beneficiaries.

The evaluation methodology followed the steps required in the ToR for the evaluation:

**Desk review phase:** Preliminary desk review and initial discussions with UNDP Tajikistan project team to familiarize with the project the intervention logic, identify key stakeholders and the sampling framework and to develop the evaluation methodology;

**Data collection phase:** Field mission to Tajikistan during the period between of February 3 – 16, 2022, and live and remote interviews with the project stakeholders; presentation of preliminary findings to the UNDP and key stakeholders; and

**Data analysis and reporting:** Analysis of the data collected, assessment of achieved results, drafting the final evaluation report, conclusions, development of lessons learned and of recommendations.

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<sup>2</sup> *DAC Criteria for Evaluating Development Assistance*. For additional information:  
<https://www.oecd.org/dac/evaluation/dacriteriaforevaluatingdevelopmentassistance.htm>

## FINDINGS

### EFFECTIVENESS

**F1.** The Rule of Law Phase II project achieved its overall goal to a great extent. Good to excellent progress has been made towards the achievement of Outcomes 1 and 2.

**F2.** The engagement and empowerment of Women and PwDs CSOs (POs) in the regional and rural areas to raise awareness of project's targeted beneficiaries about their rights and how to access justice and the network of social services and the use of the Regional Policy Dialogue platform to achieve this goal was successful.

**F3.** Key achievements of the Rule of Law Phase II project in partnership with GoT include: (i) The Law on Legal Aid; (ii) Operationalization of SALAC and LACs throughout the country; and (iii) Government of Tajikistan (GoT) funding level of the FLA system reaching 60% of the total cost of LA.

**F4.** The achievement of the Phase II project is impressive in terms of the engagement of the project with disability and women's rights' CSOs/local POs and their empowerment to provide leadership and advocacy for the rights of targeted beneficiaries. While quantitatively the project exceeded all output 1 indicators' targets, its qualitative impact in terms of awareness-raising and access to rights is difficult to assess. For example, a study by CSO Imkoniyat funded by the project reported that only 17% of PwDs were aware of their rights.

**F5.** PO Gulrukhsor experience with an in-house female lawyer to provide legal assistance including court attendance for shelter victims is reported to work well and can be the basis for SALAC to consider developing rosters of lawyers specialized in the delivery of FLA services to women and to PwDs<sup>3</sup>.

**F6.** Study done by CSO Imkoniyat found that PwDs awareness of their rights is very limited (only 17% of PwDs reported knowing their rights). It should be pointed out that this survey reflects data in Dushanbe only where LAC started operating in 2021.

**F7.** Regional Policy Dialogues brought women and PwDs organizations and issues mainstream and provided them the opportunity to network and build relationships with state officials and other stakeholders in the human rights and access to justice field.

**F8.** The Rule of Law project played a crucial and key role in the development of the Legal Aid System in Tajikistan, including in the development and establishment of 17 LACs providing PFLA. This is a major achievement of the project.

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<sup>3</sup> Since 'paralegals' presently providing PFLA are to take over the SFLA in administrative and civil cases by 2025, a temporary roster could be established under the SFLA to fill this gap until 2025. There should be no additional cost in the administration of the LA provision since the special roster will be designed simply to refer cases involving women and/or PwDs to lawyers already providing LA services under SALAC's system who have decided to specialize in delivering legal services to women and/or PwDs.

**F9.** LACs are a basic system of LA provision and it needs more financial support, more capacity building and better working conditions (office and salary) in order to function well and retain its staff.

**F10.** The MoJ and SALAC are reliable and trusted partners of the project. Evidence of this is their honouring the commitment of the GoT to contribute 60% of the overall costs of the free legal aid system in Tajikistan.

**F11.** The Union of Lawyers is the natural partner for the provision of SFLA. They need further capacity strengthening and support from international development partners in the role of being the main provider of SFLA in Tajikistan.

**F12.** The process of licensing and re-qualification of advocates is controlled by the Ministry of Justice which creates potential conflict of interest between the government and members of the bar association (i.e. Union of Lawyers).

**F13.** Amendments made to the Law on Legal Aid changing qualifications criteria is perceived as an attempt by the GoT to restrict accessibility to SFLA for cost-saving reasons. The result of the restrictions in the qualifications criteria is that many vulnerable citizens are denied the right to SFLA.

**F14.** FSLA should be extended so that the Union of Lawyers are able to represent citizens under the SFLA system throughout the country.

**F15.** Ratification of the CRPD by the GoT is long overdue. However, substantive steps have been taken by the GoT in preparation for ratification, such as the adoption of a road map for the preparation of Tajikistan for ratification of UN CRPD 2020-2024 and the State programme on accessible environment 2021-2025.

**F16.** The Ombudsman Office needs more capacity strengthening in monitoring human rights' violations and in taking full ownership of its role in terms of human rights advocacy and protection of citizens' rights.

### **EFFICIENCY & PARTNERSHIP**

**F17.** UNDP implementation of both the Rule of Law (Funded by the Government of Finland) and the Access to Justice (SDC funded) resulted in efficient delivery of the programme and cost-savings. This approach increased communication among the development partners and national stakeholders, avoided duplication and contributed to synergies between the two projects.

**F18.** Partnering with rural and local CSOs/POs allowed the project to implement more activities, to respond more quickly to emerging priorities and needs of beneficiaries, to provide support to a number of local initiatives by civil society organizations building capacity of CSOs/POs, creating synergies and maximizing the impact of the results of the project.

**F19.** Participants in project’s trainings and other activities were encouraged to conduct trainings and/or other awareness raising activities which increased the efficiency of the project.

## **RELEVANCE**

**F20.** The Strengthening Rule of Law and Human Rights to Empower People in Tajikistan Project (phase II) is relevant and consistent with the national policy and priorities and the Constitution of Tajikistan.

**F21.** SALAC and the free legal aid system are directly linked to Tajikistan’s National Development Strategy (2016-2030): National Priority 1 (“Enhancing political and legal institutions to ensure fundamental rights”) under Section 3.1 (“Effective Public Administration”); Priority 3 under Section 5.5 (“Social Welfare”) calls for “the social protection of vulnerable groups (including Persons with Disabilities). The activities in the project with indicators and targets focused on PwDs are directly linked to Priority 3 of Section 5.5; and Priority 2 (“Improving access to basic social services”) of Section 5.8 (“Reducing Social Inequality”), particularly since the GoT has recognized that access to legal aid is a basic social service.

**F22.** The concept of free legal aid supported by the activities and outputs of the project are aligned with those identified in the “Concept on Free Legal Aid in Tajikistan”, in terms of the modality of primary and secondary free legal aid (LA) and the actors and agencies involved in the delivery of the LA services.

**F23.** Phase II project is intrinsically linked to three SDGs: Goal 16 (*‘inclusive institutions, rule of law and access to justice’*), Goal 10 (*‘reduce inequality and discrimination’*) and Goal 5 (*‘empowerment of women and girls, gender equality’*).

## **SUSTAINABILITY**

**F24.** Output 1 (Awareness of rights and A2J) is sustainable but requires development partners’ support.

**F25.** Output 2 (Regional Policy Dialogue Platform) is sustainable but also requires development partners’ support.

**F26.** As a result of the relationships built during the Regional Policy Dialogue forums, women and PwDs POs have been asked by state officials to join Working Groups dealing with issues related to their areas of intervention.

**F27.** Output 3 (PFLA) is sustainable in terms of ‘policy sustainability’. The new Law on Legal Aid supports such sustainability. The Ministry of Justice is a trusted & reliable partner and the GoT has kept with its part of the bargain reaching 60% of FLA funding in 2022, which action also supports the sustainability of the LA system.

**F28.** In order to be sustainable, Output 4 (SFLA) requires development partners’ support not only in capacity development of the stakeholders involved but also in building an environment of cooperation and collaboration among all justice actors: MoJ, Judges,

Prosecutors, LA lawyers (Union of Lawyers), Police and other state officials involved in the justice system.

**F29.** Output 5 (CRPD & Ombudsman’s Office): The sustainability of CRPD depends on GoT commitment and financial ability to comply with the Convention in terms of providing services to PwDs. The sustainability of the Ombudsman’s Office depends on further institutional capacity building and trainings in monitoring and advocacy roles of the Ombudsman’s Office.

### **INCLUSION & GENDER**

**F30.** The adoption of the *“The National Program on the Ratification and Implementation of the CRPD”* in 2020 and the adoption of *“State Program on Accessible Environment”* are major achievements of the Rule of Law Phase II project.

**F31.** Phase II project placed a lot of focus on issues of gender and persons with disabilities (PwDs) and was successful in building the capacity of CSOs/POs to advocate for women and PwDs’ rights and access social services.

## CONCLUSIONS

The analysis of the outputs of the project provide sufficient evidence to conclude that, at a reasonably satisfactory level, good to excellent progress has been made towards the achievement of Outcomes 1 and 2. The Rule of Law project played a crucial and key role in the development of the Legal Aid System in Tajikistan, including in the development and establishment of 17 LACs providing PFLA<sup>4</sup>. This is a major achievement of the project.

**Key achievements** of the Rule of Law Phase II project in partnership with GoT include: 1. The Law on Legal Aid; 2. Operationalization of SALAC and LACs throughout the country; and 3. Government of Tajikistan (GoT) funding level of the FLA system reaching 60% of the total cost of LA.

Phase II project placed a lot of focus on issues of gender and persons with disabilities (PwDs) and was successful in building the capacity of CSOs/POs to advocate for women and PwDs' rights and access social services. Target beneficiaries, including women and persons with disabilities, enjoy more rights and access to justice and are able to a certain extent to use legal aid to defend their rights. There is however more work to be done in this area to increase awareness and access to rights.

State agencies, such as **SALAC** a legal aid state agency created with the support of the project, and policies and legislation, such as the new **Law on Legal Aid**, are in place and operational throughout the country. **GoT is funding 60% of the cost of LA in line with an agreed plan to ensure full national ownership of the system by 2025.** The Office of the Ombudsman is able to investigate some complaints and issues annual reports which are made public. Although delivery of quality legal aid services is still a challenge, the LA system and the justice sector actors are now better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women and persons with disabilities.

In order to be sustainable, Output 4 (SFLA) requires development partners' support not only in capacity development of the stakeholders involved but also in building an environment of cooperation and collaboration among all justice actors: MoJ, Judges, Prosecutors, LA lawyers (Union of Lawyers), Police and other state officials involved in the justice system. The Union of Lawyers is the natural partner for the provision of SFLA.

The *Regional Policy Dialogue* was a successful platform for CSOs (POs), particularly those working on women and PwDs issues, not only to provide input into state policies but also to build connection and trust with state officials in the areas of their interventions.

UNDP implementation of both the Rule of Law and the Access to Justice resulted in efficient delivery of the programme and cost-savings.

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<sup>4</sup> The Phase II Rule of Law project supported 17 out of the 37 LACs providing PFLA in the country. And when the SDC project ended, Phase II Rule of Law project took over SDC's financial share for the remaining LACs.

The Strengthening Rule of Law and Human Rights to Empower People in Tajikistan Project (phase II) is relevant and consistent with the national policy and priorities and the Constitution of Tajikistan.

While ‘policy sustainability’ of the outputs of the project are in place and the government has taken measures to ensure some ‘financial sustainability’ of the products of the project, financial and institutional sustainability of most of the outputs of the project still depend on further development partners’ support.

## LESSONS AND BEST PRACTICES

**L1.** The partnership between the MFAF’s Phase II Rule of Law project and the SDC’s Access to Justice project provided an effective and cost-saving approach to project implementation. Considerable cost-savings and synergies resulted in having a joint programme implementation Steering Committee and program management personnel.

**L2.** In comparison with self-monitoring reports submitted by SALAC, the civil society monitoring and evaluation of the state-run FLA system in 2019 provided clear picture and more objective information about services provided by SALAC. Therefore, the engagement of civil society in monitoring and creation of social monitoring/accountability mechanism should be considered for future project interventions<sup>5</sup>.

**L3.** Cascading training modality, where training participants are required to develop and implement trainings on their own, produces a more robust result of the project intervention.

**L4.** Flexibility built in project design by establishing a “Community Engagement Fund”<sup>6</sup> allows the project to work with and build capacity of local civil society organizations and to develop partnerships with other development partners in the delivery of activities. It also allows the project to respond quickly to context changes and priorities and needs of beneficiaries.

**L5.** Human resources and institutional capacity development project targeting priority areas of a key beneficiary (i.e. SALAC, Union of Lawyers, Ombudsman’s Office) is more effective if it is comprehensive and developed in a way that the project becomes a strategic partner of the target institution. When a project addresses the beneficiary institution’s key priorities and needs, it fosters teamwork and buy-in (i.e. ownership) and results in a more effective implementation of the activities of the project.

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<sup>5</sup> Source: p. 10, 2019 Annual Project Report.

<sup>6</sup> ‘Community engagement fund’ here means the same thing as the modality used in Phase II to provide small-scale research grant/funding of up to US\$10,000 to local CSOs/POs to carry out activities under the project. In Phase II it was used to work with local POs but it also can be used to provide flexibility to work with other development partners to deliver joint activities.

## RECOMMENDATIONS

### **Specific Recommendations for the new ' *Strengthening Rule of Law and Human Rights to Empower people in Tajikistan – Phase III***

**R1.** Further strengthening provision of secondary free legal aid through coordination with other State and non-State institutions: General Prosecutor's office, the Supreme Court, Ministry of Interior and Union of Lawyers.

**R2.** Expansion of partnership with the Parliament to strengthen their role in transparent and legislation making.

**R3.** Support Supreme Court in strengthening the access to information and internal processes and provide support in introduction of e-justice and digitalisation (this activity is also envisaged within Access to Justice, Phase III, so this activity could be done by 2 projects).

**R4.** Further support of national human rights institutions, in particular strengthen capacity of Ombudsman Office in producing annual reports, achieving status A, promotion of draft law on ombudsman, conducting monitoring of closed and semi-closed institutions, ratification of OPCAT.

**R5.** Further support of DPOs in advocating ratification of the UN CRPD (implementation of the Roadmap and State Program of accessible Environment, conducting information campaigns and legal aid to PwDs).

**R6.** Expand beneficiaries including youth through cooperation with universities (law faculties), introduction of curricula, establish partnership with Helsinki University.

**R7.** Further support to CSOs and enhance their capacity in policy dialogue and decision making process (promotion of UPR recommendation, ratification of OPCAT and UN CRPD)

### **General Recommendations** (*directed to national partners and international development partners in general*)

**R8.** Support provided for the development and implementation of quality standards for the delivery of both PFLA and SFLA and methodology to monitor the quality of legal aid provided. Quality standards should specify clear indicators for the delivery of LA services, including quality evaluation methodology, client satisfaction rating cards and peer review.

**R9.** Since surveys conducted with the support of the project shows that PwDs get most of their information from Radio & TV (56%), future project interventions in terms of

awareness-raising activities to increase PwDs' knowledge of their rights and access to justice and social services should consider more radio and TV spots and programs.

**R10.** PO Gulrukhsor experience with an in-house female lawyer to provide legal assistance including court attendance for shelter victims can be the basis for SALAC to consider developing rosters of lawyers specialized in the delivery of FLA services to women and to PwDs.

**R11.** Support human rights monitoring by the Office of the Ombudsman in collaboration with CSOs working in human rights, gender issues and PwDs.

**R12.** Advocacy to have legislation that provides a charter to the organization of advocates as an independent "Law Society" or "Order of Advocates" responsible for the provision of the articles of training and licencing exams of law graduates to become advocates with control of access to the profession through the process of Qualification of Advocates and Re-Qualification of Advocates every 5 years.

**R13.** SFLA should be available in all regions of Tajikistan and the Union of Lawyers in the Dushanbe region should be allowed to represent citizens under the SFLA system.

**R14.** Focus human resources and institutional capacity development on key beneficiary stakeholders: SALAC, Union of Lawyers and the Ombudsman's Office.

**R15.** SALAC could benefit from the oversight and guidance of an independent Supervisory Board which could be established by a regulation of the Ministry of Justice. The Board would contribute to the independence and transparency of the legal aid system. The Supervisory Board could be composed of 9 pro bono members selected through open competition. The Supervisory Board members would require technical support from development partners.

**R16.** Training of Trainers (ToT) requiring participants to develop and implement training on their own (using the 'cascade' training modality) is a modality that, when feasible, should be replicated in future development interventions.

**R17.** Establishment of a "Community Engagement Fund" (which would provide funding for 'small-scale researches' and/or project activities conducted by local CSOs/POs) and partnering with other donors and development partners to provide support to local initiatives by civil society organizations are approaches that, when feasible, should be considered for replication in future development interventions. It allows the project to implement more activities, to respond more quickly to emerging priorities and needs of beneficiaries and to build the capacity of local civil society organizations. CSOs/POs working on gender issues and on PwDs should continue to be supported and partnered with in the delivery of project's activities.

**R18.** The LA system could benefit from a hub of research, innovation, training and exchange of best practices in the field of access to justice and legal aid services delivery. The physical structure and office set up of this centre should be uniquely-designed to be communications and networking friendly. The mandate of the centre could include: research and provision of training and professional development programs for lawyers and staff of the legal aid system (both PFLA & SFLA) as well as for the legal community in general. The recommendation would be for a 4-year pilot legal aid innovation and research club in Dushanbe. This centre could also institute annual programs of “Lawyers & Leaders of Tomorrow” to modernize the legal profession in Tajikistan and build a collegial relationship built on trust and mutual respect amongst legal system actors (advocates, judges, prosecutors).

# MAIN REPORT

## 1.0 RATIONALE, PURPOSE AND OBJECTIVES OF THE EVALUATION

### Introduction

The final project evaluation of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan – Phase Two” was conducted to identify project implementation issues, assess achieved progress towards the achievement of objectives, relevance and performance of the project as compared to the project document, identify and document lessons learned and recommendations. The final project evaluation is expected to serve as a means of validating or filling the gaps in the initial assessment of relevance, effectiveness and efficiency obtained from monitoring. The project evaluation also provides the opportunity to assess project’s success or failure and provide an explanation.<sup>7</sup>

The Terms of Reference and the Guidance for UN evaluations and quality standards are followed in the preparation of the evaluation report. The first steps taken in the evaluation process involved desk review of documents related to the project and the preparation of the Inception Report which was shared with the UNDP and adjusted as necessary prior to and during the evaluation process. Then a field mission with consultations in Tajikistan was conducted by the international evaluation consultant with the support of a national consultant and with the support of the UNDP, project team members and national stakeholders.

The Inception Report provided a full description of the background and the context of Tajikistan and described the objectives and the overall approach and methodology of the evaluation. It also contains a set of annexes: Interview protocols and questionnaire(s); list of stakeholders consulted; evaluation mission work plan for interviews and field visits; list of documents reviewed; table of contents of the final evaluation report; performance measurement framework; and the evaluation design matrix. Therefore the final evaluation report will simply summarize the areas already covered in the Inception Report.

### Country Context

During the period 1996-2014 Tajikistan was in transition from the old Soviet system towards a relatively open democracy, with guaranteed freedoms and free economic development. Reforms have been started in multiple sectors, including in legal aid and civil registration. Despite the progress in the legislative sphere and the commitment by the Government to the reforms, key challenges remain in relation to their implementation, in particular lack of financial means, weak institutional and professional capacities and poor inter-ministerial coordination.

Tajikistan has a Gender Inequality Index (GII) value of 0.357, ranking it 69 out of 155 countries in the 2014 index<sup>8</sup>. On the Gender Development Index (GDI)<sup>9</sup> Tajikistan has a

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<sup>7</sup> The source of most of the information described in Part I of this report is from the desk review documents received from the UNDP some of which have been reproduced *verbatim* after verification of its veracity.

<sup>8</sup> Update: Tajikistan has a **GII value of 0.314**, ranking it 70 out of 162 countries in the 2019 index. In Tajikistan, 20.0 percent of parliamentary seats are held by women, and 93.3 percent of adult women have reached at least a secondary level of education compared to 95.7 percent of their male counterparts. Source: Tajikistan – Human Development Reports (<http://hdr.undp.org/Country-Profiles/TJK>)

GDI value of 0.952<sup>10</sup>. Tajikistan has a number of formal legal protections for the rights of women; however, the application of these laws is often weak or absent. A national gender policy was passed in 2010, the National Strategy for Enhancing the Role of Women in the Republic of Tajikistan, which listed concrete actions to improve women's participation in education, the labour market, entrepreneurship, and in politics. However, the National Strategy does not identify responsible agencies, and lacks timeframes with milestones, funding sources, and monitoring plans. Furthermore, gender policy at the national level is often not manifested locally, and gender mainstreaming in subnational planning is sporadic or absent. Overall, the Rule of Law extends only intermittently and unreliably to women in Tajikistan.

Persons with disabilities (PWDs) also face major obstacles to accessing justice. While Tajikistan has several laws on the books dealing with PWD issues, in practice these are not effectively enforced. Tajikistan is now a signatory to the UN Convention on the Rights of Persons with Disabilities (UNCRPD) but has not ratified it and does not have a coherent legal framework for dealing with these issues. Funding for PWD issues and problems is very low.

According to the Constitution, the judiciary in Tajikistan is independent and protects the rights and freedoms of people, state's interests, organizations, institutions, law and justice. Over the past fifteen years, the Tajik government has undertaken a number of legislative and policy reforms to create the framework for an effective justice system. Most of these legislative reforms are of relatively good quality. However, full implementation of laws is lacking behind, and judicial and legal institutions remain constrained by the low level of resources budgeted for this sector. The judicial system remains weak, overburdened and largely under the control of the executive, and there is a lack of public trust in the judicial system.

## 1.2 Phase II Project Overview and Development Context

### Project Description

Phase I of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan” project contributed to some important achievements such as: awareness-raising of legal rights; expansion of the provision of primary free legal aid; Regional Policy Dialogue platforms; and creation of a new SALAC within the Ministry of Justice.

Phase II of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan” project has been implemented since January 2018 and was to be completed in December 2021<sup>11</sup>. The Phase I of the project covered the period of January 2014 to June 2018.

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<sup>9</sup>The GDI measures gender inequalities in achievement in three basic dimensions of human development—health (measured by female and male life expectancy at birth), education (measured by female and male expected years of schooling for children and mean years for adults aged 25 years and older); and command over economic resources (measured by female and male estimated GNI per capita). [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/TJK.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/TJK.pdf)

<sup>10</sup> Update: The 2019 female HDI value for Tajikistan is **0.586** in contrast with 0.712 for males, resulting in a **GDI value of 0.823**. The GDI is calculated for 167 countries. Source: Tajikistan – Human Development Reports (<http://hdr.undp.org>Country-Profiles>TJK>)

<sup>11</sup> There was a no-cost extension of the project to end now on June 30, 2022.

Likewise the Phase I, Phase II has been developed employing human rights-based approaches, which helps to understand how laws, social norms, traditional practices and institutional actions negatively or positively affect access to justice for the people in Tajikistan. By adopting a human rights-based approach (HRBA), the Project is people-centered and links demand by rights holders for better justice outcomes. Through capacity development of duty-bearers (State Agency Legal Aid Center (SALAC), the Ministry of Justice, Ombudsman's Office, etc. the project increases the ability to access justice for rights holders, in particular marginalized groups and individuals that will lead to better rights protection for all.

The overall objectives of the Phase II project are to ensure that *high quality free legal aid is widely available* to people across Tajikistan, in particular for *rural people, women and people in vulnerable situations, such as persons with disabilities*; to help *Tajikistan accede to, ratify and comply with key international conventions* on the rule of law; and to help *enhance access to justice services* generally for ordinary Tajikistan citizens.

The project's activities built around two broad outcomes, as follows:

**Outcome 1:** Vulnerable rural population of Tajikistan, including women and persons with disabilities, enjoy better protection of their rights and access to justice and are empowered to defend their rights and interests.

**Outcome 2:** State bodies and justice sector actors are better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women and persons with disabilities.

These outcomes, and the activities under them, separate broadly into supply and demand-side drivers for reform: Outcome 1 is that people are empowered to defend and demand their rights, while Outcome 2 is that state bodies and justice actors are better able to supply them.

*Output 1: Women and PWDs in targeted areas gain increased legal literacy, human rights awareness, and access to legal information, and are better able to access national laws and institutions to defend their rights and interests.* In Phase I, the project worked on education and empowerment of women in two particular target areas – Rasht and Ghanchi. In Phase II, the project continued working in these areas, but expanded to regional levels covering whole country. The project indirectly supported the implementation of the “State Programme on Human Rights Education for 2013-2020”, particularly activities related to persons with disabilities and issues of domestic violence. The project also conducted public awareness activities in target areas on human rights and access to justice issues. While conducting public awareness the project utilized approached where it works with regional Civil Society Organizations (CSOs) as service providers covering people with disabilities and gender issues, in parallel developing capacities of those regional CSOs.

*Output 2: Regional Policy Dialogues become a key platform for advocating policy change, and regional civil society has the capacity to contribute effectively.* Regional policy dialogues (RPDs) are held twice per annum in different regions of Tajikistan (oblasts). RPDs were instituted because senior policy makers rarely visited the oblasts, and almost never did so in a coordinated manner. The RPDs bring together policy makers from the

capital including the Minister of Justice and other high-ranking officials; local authorities; and local CSOs and representatives of civil society. The RPDs to date have been successful both at bringing forward local concerns to central policy makers and at communicating central policy to local actors. The project continues support RPDs with an expansion of the role of CSOs and enhancing connection with the national-level Policy Dialogue.

*Output 3: A sustainable state-run system of primary free legal aid is developed, which will provide high-quality free legal aid, particularly to women and PWDs.* The project worked to provide free legal aid all throughout Phase I. The goals in Phase II are to:

1. Complete the transfer to a system that is 100% operated and at least 70% funded by the government; and
2. Make the system long-term sustainable;

While ensuring that (i) it continues to be free to most people; (ii) continues to provide high-quality legal aid; and (iii) continues to be particularly sensitive to the needs of women and PWDs.

Starting in July 2015, the provision of free legal aid is governed by the ‘Concept on Free Legal Aid’. However, this is a Presidential decree rather than a law. It was sufficient to allow the creation of SALAC, but required additional expansion and codification to support the long-term standing of a state system of free legal aid.

*Output 4: High quality secondary free legal aid is provided via SALAC and the Union of Lawyers.* The project’s LACs have occasionally provided secondary free legal aid (SFLA) – that is, legal aid that involves going to court, or to a similar hearing in front of some state body. SFLA is distinct from primary free legal aid (PFLA), which merely involves counselling, advice, and assistance short of an actual trial or court hearing. Historically, most of the LACs’ work has been PFLA; only about 1% of all LAC clients have had cases that needed to go to trial. The Government of Tajikistan has been planning for years to develop an organized system of free legal aid to criminal defendants. There is strong political support for this within the government. Beginning in Q3 2017, Phase II begun with piloting of a system of secondary free legal aid for criminal defendants. The pilot programme has been started in four districts outside of Dushanbe, capital city. By now, the SFLA on criminal cases has been expanded to whole south and northern oblasts of Khatlon and Sughd.

**Output 5: The capacity of national human rights and justice institutions to implement international human rights standards is increased.** Tajikistan completed its most recent (second) UN Universal Periodic Review in May 2016. Based on that, the GoT has made a number of commitments to changes in its human rights framework (for instance, to sign and ratify the Convention on the Rights of Persons with Disabilities) and has developed a draft National Action Plan for carrying out these commitments. The project continues working with the GoT on particular conventions (CRPD, CEDAW, OPCAT) to advance accession or compliance when necessary. This output includes general support to the Ombudsman’s Office, including support in protecting and promoting human rights, including the development of expertise related to gender equality and issues of persons with disabilities. In particular, the Ombudsman’s Office should be able to comply with the Paris Principles, and should also be capable of implementing a National Preventive

Mechanism against torture. (There is not currently an NPM, but the GoT has left the option on the table.) The project supports the Ombudsman's Office carry out the goals of its current Strategic Plan for 2016-2020, and will help it draft a new Strategic Plan for the next five years (2021-25).

**Geographic location:** The project operated countrywide but with a focus on rural and remote, yet populated areas, where it has been identified that the problems related to the access to justice are highest.

**Partnerships:** The primary partner to the Project is the Ministry of Justice of the Republic of Tajikistan (MoJ) and its subordinated bodies, particularly SALAC. The MoJ as the senior beneficiary of the project has been closely involved in the implementation as well as monitoring and evaluation of programmatic results. The MoJ also continues to chair the National and Regional Policy Dialogues.

The Ombudsman's Office is also a major strategic partner of the project. The Ombudsman's Office is responsible for a number of key initiatives, including Tajikistan's interaction with several key international conventions; it advocates for signing and accession (i.e., in the cases of CRPD and OPCAT) and also monitors compliance with conventions that Tajikistan has already signed.

The Union of Lawyers is the new national Bar Association, which replaced the old system (of multiple regional bar associations) in 2015.

The CSO Network is a loose "umbrella" organization of Civil Society Organizations; it currently has 24 members, including three women's CSOs and four Organizations of People with Disabilities. It was established in 2016 with Project assistance. It is expected that it will be a secondary partner to the Project throughout Phase Two. The Network's primary function will be to deliver recommendations and other inputs into the Policy Dialogue; however, the Project will be alert to opportunities to use the Network in other ways, thus building its capacity and strengthening the ability of member CSOs to influence public policy and law.

The total approved budget for the project was USD 1,942,125. As of September 30, 2021, the total USD 1,243,083 has been spent.

## 1.3 Scope and Specific Objectives of the Evaluation

### Specific Objectives of the Evaluation

As stated earlier the purpose of the final project evaluation is to identify project implementation issues, assess achieved progress towards the achievement of objectives, relevance and performance of the project as compared to the project document, identify and document lessons learned and recommendations.

Specifically, the objectives are:

- To ascertain the achievements of the project and assess its relevancy, effectiveness, efficiency, sustainability and impact including synergies with other UNDP support efforts (coherence).

- Assess whether the project achieved or did not achieve outcomes and outputs stipulated in the Project Document and Results Framework;
- Identify factors that have contributed to achieving or not achieving project results;
- Highlight the key results of the project and analyze the key challenges faced by the project and how they have or haven't been resolved;
- Identify to what extent the project has contributed to the implementation of the ongoing reform of state-run legal aid system and developing regional policy dialogue on the Rule of Law (RoL) issues;
- Analyze the effectiveness of the existing partnerships established/maintained with the Ministry of Justice, civil society, UN Agencies, donors and other key stakeholders. Identify lessons learnt, effectiveness of project partnerships, level of state commitment and ownership;
- Provide recommendations for more effective resource mobilization;
- Assess to what extent the project has addressed gender considerations and promoted gender equality throughout its implementation.

## Evaluation Scope, Criteria and Questions

### Scope of Work

The evaluation assesses the relevance, effectiveness, coherence, efficiency, impact and sustainability of the project interventions *between January 2018 and June 2022*. In addition, the evaluation indicates if the produced results are in the right direction towards contributing to strengthening rule of law and human rights to empower people in Tajikistan. Particularly, the ToR for the final evaluation of Phase II provides that the evaluation should cover (but not be limited to) the following areas:

- Relevance of the project: review the progress against project outputs and contribution to outcome level results as defined in the project's theory of change and ascertain whether assumptions and risks remain valid. Identify any other intended or unintended, positive or negative, results.
- Effectiveness and efficiency of implementation approaches: review project's technical as well as operational approaches and deliverables, quality of results and their impact, alignment with national priorities and responding to the needs of the stakeholders; covering the results achieved, the partnerships established, as well as issues of capacity;
- Review the project's approaches in general including mainstreaming of gender equality and social inclusion, with particular focus on women and marginalized groups;
- Review and assess the sustainability of the results and risks and opportunities (in terms of resource mobilization, synergy and areas of interventions) related to future interventions;
- Review external factors beyond the control of the project that have affected it negatively or positively;
- Review planning, management, monitoring and quality assurance mechanisms for the delivery of the project interventions;

- Review coordination and communication processes and mechanisms with the stakeholders;
- Review how the implementation of project interventions has been impacted by COVID- 19 and how the Project could immediate response for effective and appropriate respond the pandemic.

### **Evaluation Criteria and Key Guiding Questions**

The evaluation will follow the OECD-DAC’s revised evaluation criteria - Relevance, Effectiveness, Efficiency, Impact and Sustainability. Partnership and Human Rights will be added as cross-cutting criteria. The Terms of Reference (ToR) for the final evaluation of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan”, Phase Two Project specifically stipulated the questions to be considered under the evaluation criteria set out above<sup>12</sup>.

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<sup>12</sup> Source: ToR for the evaluation. See ToR (Annex A) for the list of evaluation questions to be considered under the each of the evaluation criteria.

## 2.0 EVALUATION APPROACH AND METHODOLOGY

### 2.1 Project's Theory of Change

The Project's **Theory of Change** reads as follows: *If people, in particular the most vulnerable, especially women and persons with disabilities, are empowered to make legal claims in an accessible and effective justice system, while the Government has the capacity to provide free legal aid and engage in policy dialogue with its citizens, then their rights to access justice will be enhanced and protected.*

Key activities of the project are expected to include<sup>13</sup>:

- (1) Free legal aid, and the gradual transition to a government-operated and government-funded system of free legal aid;
- (2) the support of Tajikistan's accession to international human rights conventions;
- (3) continuing support and capacity building of the Tajikistan Ombudsman's Office,
- (4) support for policy dialogues on Rule of Law issues at a regional / provincial level
- (5) working to develop a law on free legal aid, and
- (6) Capacity development of judiciary to enhance quality of information provided to the population.

The evaluation approach and methodology will follow the project design and intervention logic to see if it supports the conclusion of the project's Theory of Change (ToC).

**The ToC envisages that, if:**

- a. The most vulnerable, are empowered to make legal claims;
- b. The justice system is accessible and effective;
- c. The Government has the capacity to provide free legal aid; and
- d. The Government has the capacity to engage in policy dialogue with its citizens;

**then the "legal rights [of citizens] will be enhanced and protected".**

Underpinning this development logic are the following assumptions:

- That the free legal aid system and its implementation plan will be so well grounded within the legal framework of Tajikistan that a change of policy priorities resulting from changes at the central government level will not significantly impact the results of the project;
- That the project will be able to build new relationships with incoming senior managers during periods of political transitions in Tajikistan;

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<sup>13</sup> Phase II Project Document (ProDoc), p. 1

- That the project will be able to counteract and respond quickly to the loss/departure of key counterparts at partner institutions, such as for example at the change of Ministers, during the implementation of the project;
- That the project will be able to engage successfully with professional associations (i.e. the Union of Lawyers, NGO Coalitions, the CSO Network and civil society organizations working in the area of human rights) to develop a system of monitoring and reporting on the accountability and quality of legal aid service delivery in order to tackle any negative impact that may result from the lack of transparency within the judicial system in Tajikistan;
- That, once the project is over, there will be adequate funding and resources provided by the government and/or by development partners to ensure that the technical and institutional capacities are maintained to deliver quality legal aid in Tajikistan.

## 2.2 Evaluability Assessment

It is important for the evaluability assessment that the objectives of proposed activities in a project are well-defined and easily verifiable<sup>14</sup>. The evaluator is satisfied that activities, outputs, and outcomes are aligned and follow a logical causal pathway. The evaluation entailed a focus on verifying the logic of this causal pathway, and on identifying any unanticipated results and/or factors affecting results achievement.

It was expected to be possible to trace the evidence chain and pathway from the outputs and their contribution to the ultimate outcomes. However, the fact that there are other projects supporting human rights, rule of law and access to justice in Tajikistan and contributing to increased capacity of the same stakeholders benefitting from the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan – Phase Two” project, coupled with the fact that Phase I of the same project laid the foundations for Phase II and supported some of the institutional and capacity development (albeit at a more basic level) of the stakeholders involved in Phase II, made it more difficult to discern the specific contributions of other interventions vs. those of the Phase II project. For these reasons, a thorough examination of the internal and external factors that either contributed to or inhibited results achievement were a focus of the evaluation.

The evaluation methodology ensured that the ToR questions relevant to the evaluation criteria requirements under the OECD/DAC Evaluation Criteria (Relevance, Effectiveness, Efficiency and Sustainability)<sup>15</sup> are adequately addressed. The United Nations Principle *Leave No-one Behind (LNOB)* was also taken into account.

**Under Relevance**, the evaluation assessed the project’s relevance to the thematic country context of Tajikistan and national policy documents and whether it is relevant to capacity challenges and priorities of national counterparts involved, such as SALAC, LACs, Ombudsman office, Union of Lawyers and CSOs.

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<sup>14</sup> The OECD DAC Glossary of Key Terms in Evaluation and Results Based Management (2002) states that the evaluability assessment “calls for the early review of a proposed activity in order to ascertain whether its objectives are adequately defined and its results verifiable.”

<sup>15</sup> *DAC Criteria for Evaluating Development Assistance*. For additional information: <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

**Under Effectiveness**, the evaluation assessed achievements against the project objectives and expected outcomes and outputs. Implementation, monitoring and evaluation mechanisms were also reviewed. More importantly, the evaluation assessed the effects on the target beneficiaries of the project activities (particularly women and disabled persons).

**Under Efficiency**, the evaluation assessed the allocation of resources (financial, human, technical) towards the project outputs. The evaluation examined the budget delivery rate and contrasted it with the delivery rate of the outputs of the project to assess efficiency in management, performance and delivery.

**Under Sustainability**, the evaluation assessed sustainability perspectives at the policy, institutional and financial commitments of the GoT and the need for further support from its development partners to sustain the results of the project.

Based on our analysis, the evaluation team found that the logical pathways and assumptions are to a good extent plausible with verifiable criteria against which to evaluate the project.

The evaluation methodology followed the steps required in the ToR for the evaluation:

**Desk review phase:** Preliminary desk review and initial discussions with UNDP Tajikistan project team to familiarize with the project the intervention logic, identify key stakeholders and the sampling framework and to develop the evaluation methodology;

**Data collection phase:** Field mission to Tajikistan during the period between of February 3 – 16, 2022, and live and remote interviews with the project stakeholders; presentation of preliminary findings to the UNDP and key stakeholders; and

**Data analysis and reporting:** Analysis of the data collected, assessment of achieved results, drafting the final evaluation report, conclusions, development of lessons learned and of recommendations.

## 2.3 Evaluation Methodology

The evaluation methodology adopted adhered to the United Nations Evaluation Group (UNEG) Norms & Standards. The evaluation team adopted an integrated approach involving a combination of data collection and analysis tools to generate concrete evidence to substantiate all findings. Evidence obtained and used to assess the results were triangulated from a variety of sources, as detailed in the paragraphs below, including verifiable data based on project indicators, existing reports, evaluations and technical papers, stakeholder interviews, focus groups, surveys and site visits where/when possible. The evaluation team followed a participatory and consultative approach that ensured close engagement with the evaluation managers, implementing partners and direct beneficiaries.

### Data Sources

Data sources included documents and communications products of each of the stakeholder groups involved with Phase II i.e. Ministry of Justice / SALAC; MFAF; SDC;

Ombudsman’s Office; The Prosecutor’s Office; The Supreme Court; State Committee on Women and Family Affairs; CSO Network (on Rule of Law and Human Rights); Union of Lawyers; UNICEF; OHCHR; and NGOs Coalition on CRPD and NGO Coalition Against Torture. Project beneficiaries targeted for consultation using purposeful sampling were identified with the help and input from UNDP, project team and national stakeholders.

### **Structured and Semi-structured Data Collection Tools**

Methods for data collection included structured and semi-structured questionnaires and tools. For structured data collection, protocols were followed consistently within and across the different interventions of Phase II to ensure the reliability of data and enable comparison across interventions and results achieved. Structured data were also collected through questionnaires that followed ranking, sorting and multiple choice designs. Semi-structured data was collected through interviews or informal group discussions so that it can later be collated and analysed.

### **Data Collection Protocols**

An overview and some generic samples of data collection tools and protocols that were used in the final evaluation are provided below. Data collection methodology and tools specific to the 6 key evaluation criteria have been described in detail in this report. The Evaluation Matrix used for the evaluation is described in Annex E of this report. Other data collection methodologies and approaches are listed below:

**Data collection and sampling plan:** The evaluation team used the following principles to identify, prioritize and collect evaluation data:





- Utilized both document and stakeholder data sources (and utilize congruency or lack of congruency among data sources to inform participatory evaluation activities);
- Ensured that data is collected from all key identified stakeholder groups (implementation partners, primary stakeholders–direct beneficiaries, interested parties);
- Ensured in-person data collection and sampling of data sources from each of the partners/ stakeholders involved with Phase II;
- Adopted a multi-site data collection method that allowed observation of stakeholders in their own environment (visited different legal aid offices in Dushanbe and in the Nurobod Region’s LAC; in the Khatlon Region (Dusti’s LAC); in the Sughd Region (Khujand's LAC). Also conducted interviews with Khujand city’s PO Gulrukshor and interviewed PO Saodat, and PO Bonuvoni Fardo from Shahritus. In addition, in the Khatlon Region, interviews were also conducted with the Union of Lawyers (Bokhtar city) and while in the Sughd Region interviews were conducted with the Union of Lawyers (Khujand city).

- Worked with implementation partners throughout the evaluation to identify documents and key individuals (male and female and PWDs) and groups for analysis, interviews, existing project’s surveys and/or informal group discussions;
- Collected and reviewed previous evaluations (i.e. Phase II MTR evaluation) and external related documents to inform design and analysis;
- Made explicit effort to collect data addressing gender equality and PWDs - in all data collection and sampling, disaggregated data for analysis and inclusion in evaluation products.

**Integrating qualitative and quantitative data:** The data collection tools were intended to create direct linkages between the different types of data to arrive at a more meaningful interpretation of both qualitative and quantitative information. While some tools are designed to capture either qualitative or quantitative data others were designed applying mixed methodology to use qualitative data to explain quantitative findings<sup>16</sup>. They were used in interviews and informal group discussions, by following up on close-ended quantitative questions with qualitative, open-ended questions to obtain further clarifications. Also qualitative data and findings from interviews and field mission were used to refine questionnaires designed to collect quantitative data. This method is useful in the collection of data related to unanticipated outcomes. The team also used different tools to obtain different but complementary data concerning certain outcomes using convergent-parallel mixed method approaches.

#### Rating Scale in Evaluation Criteria and Output Achievement

The consultants used the following rating scale to rate some of the evaluation criteria and output achievement. The consultants presented findings to justify the ratings provided.

	<b>Green:</b> Program meets all or most of the performance criteria. Very few or no improvements are needed
	<b>Amber - Green:</b> Program meets most of the performance criteria. Some improvements are needed
	<b>Red - Amber:</b> Program meets some of the performance criteria. Significant improvements are needed
	<b>Red:</b> Program meets only a few of the performance criteria. Immediate and significant changes are required

## 2.4 Previous and/or Other Evaluations

The evaluation team reviewed the Mid-Term Evaluation Report done in February 2020. This report made a number of recommendations and the evaluation team reviewed them carefully and considered the extent of the implementation of recommendations deemed still valid.

<sup>16</sup> Creswell, John W. and Vicki L. Plano Clark, 2011 *Designing and Conducting Mixed Methods Research*. New Delhi: Sage Publications, page 82.

## 2.5 Ethical Aspects

The evaluation of the project was carried out according to ethical principles and norms established by the United Nations Evaluation Group (UNEG)<sup>17</sup>.

- *Anonymity and confidentiality.* The evaluation respected the rights of individuals who provide information, ensuring their anonymity and confidentiality.
- *Voluntary participation.* The evaluation respected the rights of all stakeholders consulted regarding voluntary participation in the project evaluation process, including their right to withdraw at any stage, if they so decide.
- *Responsibility.* The evaluator is responsible for ensuring the accuracy of the information collected and for the information presented in the evaluation report.
- *Integrity.* The evaluator is responsible for highlighting all issues not only those specifically mentioned in the TOR.
- *Independence.* The evaluator ensured his independence from the intervention under evaluation, and he was not associated with its management or any element thereof.

## 2.6 Challenges and Limitations

During the evaluation process all stakeholders were found to be very receptive and cooperative towards the evaluation team. The evaluation team was able to build trust and confidence of GoT partners in the evaluation team so that the challenges identified below during the inception phase did not impact the evaluation. Potential challenges included:

- Difficulty in interviewing stakeholders, as some key informants may have already left the institutions involved; Also, phase II ends in June 2022 and some project staff may no longer be available to clarify aspects of project implementation;
- The ongoing COVID-19 travel restrictions which may not permit some site visits and also may make it more difficult to interview some stakeholders;

As mentioned above, these potential limitations originally identified ended up not impacting the evaluation process. The fact that the national consultant is a Tajikistan national expert, who is fluent in Tajik language and has experience working in Tajikistan with different stakeholders, helped mitigate many of the difficulties that these challenges presented.

The evaluator used similar template questionnaires for the different groups of stakeholders and kept notes of different circumstances peculiar to different locations and stakeholders, which helped in the analysis of data collected. UNDP Project Team has been very helpful in assisting with the development of a list of key stakeholders that are available to be interviewed by the evaluation team<sup>18</sup>. The evaluator is confident that data collected from the interviews with the key stakeholders coupled with the data in the documentation provided by the implementing partners resulted in valid findings of the results of the Phase II project and adequately informed the conclusions and the recommendations of this evaluation.

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<sup>17</sup> For additional information see: UNEG Ethical Code of Conduct to Evaluations in the UN system: <http://www.unevaluation.org/document/detail/100>

<sup>18</sup> See Annex B for the List of Key Stakeholders interviewed.

## 3.0 KEY FINDINGS

### 3.1 EFFECTIVENESS

#### Overall Project Findings

The design of this project presents a reasonably clear set of expected results. The project has two clear outcomes:

**OUTCOME 1:** *Vulnerable rural population of Tajikistan, including women and persons with disabilities, enjoy better protection of their rights and access to justice and are empowered to defend their rights and interests.*

**OUTCOME 2:** *State bodies and justice sector actors are better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women, and persons with disabilities.*

**The Theory of Change (ToC) for the project envisages that, if:**

- a. The most vulnerable, are empowered to make legal claims;
- b. The justice system is accessible and effective;
- c. The Government has the capacity to provide free legal aid; and
- d. The Government has the capacity to engage in policy dialogue with its citizens;

**then the “legal rights [of citizens] will be enhanced and protected”.**

As it was correctly pointed out in the Mid-Term Evaluation of the project, the outcome does not have a distinct set of baseline, targets and indicators and all those elements are reflected at the outputs level. The analysis of the outputs of the project, which follow below, provide sufficient evidence to conclude that, at a reasonably satisfactory level, good to excellent progress has been made towards the achievement of Outcomes 1 & 2.

**⇒ The Rule of Law Phase II project achieved its overall goal to a great extent. Good to excellent progress has been made towards the achievement of Outcomes 1 and 2.**

**With respect to Outcome 1:** Target beneficiaries enjoy more rights and access to justice and are able to a certain extent to use legal aid to defend their rights. While the awareness and the empowerment of vulnerable rural population of Tajikistan, particularly women and Persons with Disabilities (PwDs) may not be able to quantitatively be assessable, interviews conducted with local CSOs (POs) provided sufficient evidence to the evaluator that the POs working with women and PwDs, who benefitted from project’s interventions, are passionate and feel empowered to keep raising awareness of rights and advocating for changes in the state system of social services and rule of law<sup>19</sup>. Their actions have increased and will continue to increase targeted beneficiaries’ access to

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<sup>19</sup> CSOs (POs) stakeholders’ interviews.

justice, legally entitled social benefits and services. The *Regional Policy Dialogue* provided a platform for these CSOs (POs) not only to provide input into state policies but also allowed them to build connection and trust with state officials in the areas of their interventions.



⇒ **The engagement and empowerment of Women and PwDs CSOs (POs) in the regional and rural areas to raise awareness of project’s targeted beneficiaries about their rights and how to access justice and the network of social services and the use of the Regional Policy Dialogue platform to achieve this goal was successful.**

**With respect to Outcome 2:** State agencies, such as **SALAC** a legal aid state agency created with the support of the project has been operationalized during Phase II of the Project. Policies and legislation, such as the **Law on Legal Aid**, are already in place and operational throughout the country. **GoT is funding 60% of the cost of Legal Aid (LA).** Although delivery of quality legal aid services is still a challenge, the LA system and the justice sector actors are now better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women and persons with disabilities.

While the findings of the evaluation are that the LACs are functioning at a very basic level and that there are a lot of improvements needed in terms of capacity building and working conditions, citizens are being provided with information and legal assistance that is leading to greater access of rights and justice.

⇒ **Key achievements of the Rule of Law Phase II project in partnership with GoT include: 1. The Law on Legal Aid; 2. Operationalization of SALAC and LACs throughout the country; and 3. Government of Tajikistan (GoT) funding level of the FLA system reaching 60% of the total cost of LA.**

Table 1: Summary of Project Outcomes’ Achieved Results and Ratings

Expected Outcome	Results Achieved by Phase II Project	Consultant’s Rating
<u>1. Vulnerable rural population of Tajikistan, including women and persons with disabilities, enjoy better protection of their rights and access to justice and are empowered to defend their rights and interests.</u>	<b>Good progress made towards achievement of Outcome 1:</b> <i>Target beneficiaries, including women and persons with disabilities enjoy more rights and access to justice and are able to a certain extent to use legal aid to defend their rights.</i>	 Green: Project’s outputs for Outcome 1 meet most of the performance criteria, exceeding some of them. <i>The results are not <u>as evident</u>.</i>
<u>2. State bodies and justice sector actors are better able to provide access to justice</u>	<b>Excellent progress made towards achievement of Outcome 2:</b> <i>State agencies, such as SALAC a legal aid state agency created with the support of the project, and policies and legislation, such as the Law on Legal Aid,</i>	 <b>Green:</b> Project’s outputs for

<p><u>and uphold rule of law and protect the rights of vulnerable people, including women, and persons with disabilities.</u></p>	<p><i>are already in place and operational throughout the country. GoT is funding 60% of the cost of LA. The system and the justice sector actors are now better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women and persons with disabilities. The Office of the Ombudsman is able to investigate some complaints and issues an annual report which is made public.</i></p>	<p>Outcome 2 meet most of the performance criteria. Delivery of <u>quality</u> service is a challenge.</p>
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## Analysis of the Outputs of the Project

**OUTCOME 1:** *Vulnerable rural population of Tajikistan, including women and persons with disabilities, enjoy better protection of their rights and access to justice and are empowered to defend their rights and interests.*

Output 1: *Women and PwDs gain increased legal literacy, HR awareness, and access to legal information, and are better able to access national laws & institutions to defend their rights and interests.*



The achievements of the Phase II project is impressive in terms of the engagement of the project with disability and women’s rights CSOs and local POs which allowed grassroots coverage across regions and rural communities of the rights of women and PwDs. Some of the informational activities included: *Radio programmes on gender equality; International Day in Support of Victims of Torture (26 June), Public awareness on women’s right in Soghd oblast; Information campaign on the rights of the PwDs in the targeted regions Soghd and Khatlon.* Notwithstanding such successful engagement with CSOs and local POs, local studies and surveys conducted by CSOs funded by the project still show a low level of awareness of rights and how to access legal information and justice (e.g. Study done by CSO Imkoniyat in 2019 which showed that only 17% of PwDs were aware of their rights)<sup>20</sup>.

⇒ **The achievement of the Phase II project is impressive in terms of the engagement of the project with disability and women’s rights’ CSOs/local POs and their empowerment to provide leadership and advocacy for the rights of targeted beneficiaries. While quantitatively the project exceeded all output 1 indicators’ targets, its qualitative impact in terms of awareness-raising and access to rights is difficult to assess. For example, a study by CSO Imkoniyat funded by the project reported that only 17% of PwDs were aware of their rights.**

The main achievements linked to output 1 are presented in the Table 2.

<sup>20</sup> Source: Stakeholders’ interviews.

Table 2: Output 1 achievements<sup>21</sup>

<i>Output 1: Women and PwDs gain increased legal literacy, HR awareness, and access to legal information, and are better able to access national laws &amp; institutions to defend their rights and interests.</i>		Quantitatively: <b>Green:</b> Project meets all of the performance criteria for output 1  Qualitatively: <b>Amber - Green<sup>22</sup>:</b> Ability to access institutions and rights not clear.1.	Quantitatively:   Qualitatively: 
Indicator	Target	Actual Achievement	
<i>1.1 Nr of people gaining awareness of their rights, disaggregated by women and disability status.</i>	<b>8,000</b> persons, of which at least 60% (4,800) are women and at least 10% (800) are PwDs.	A total of <b>26,814</b> persons, of which 11,815 or 44% are women and 2,647 or 9.9% are PwDs*	
<i>1.2 Nr of awareness-raising campaigns and initiatives launched by DPOs and gender-focused CSOs.</i>	At least 5 DPOs and gender focused CSOs.	7 DPOs and 6 gender-focused CSOs**	
<i>1.3 Nr of participants of public awareness campaigns ready and willing to approach state institutions and LAC to defend their rights and/or submit complains disaggregated by women &amp; disability.</i>	At least <b>2,400</b> PwDs and women.	About <b>2,900</b> persons, of which 2,150 PwDs***	

**Indicator 1.1:** *Number of people gaining awareness of their rights, disaggregated by women and disability status* – Target: 8,000 persons (60% women and 10% PwDs).

\* A total of **26,814** persons, of which 11,815 or 44% are women and 2,647 or 9.9% are PwDs were covered as the result of: information sessions on disability and women’s rights conducted by DPOs, regional CSOs; outreach sessions conducted by the SALAC lawyers and outreach sessions conducted by the Ombudsman office. It should be pointed out that although technically only 44% of women were reached, instead of the target set of 60%, the number of women beneficiaries was 11,815 well exceeding the target set of 4,800 women.

<sup>21</sup> Source of information: Project management team.

<sup>22</sup> While quantitatively the project exceeded all the indicators’ targets, the evaluator’s rating of “Amber-Green” in terms of qualitative impact is due to the fact that, in the opinion of the evaluator, the qualitative impact of awareness-raising activities was not as successful i.e. the knowledge transferred is very superficial in terms of impacting ability to access institutions and rights, and has not been transformative. The project’s target population of 8,000 people is only 0.0008 of Tajikistan population of 10 million. Even though 26,814 persons were reached, that means only 0.0025 of the population. More awareness raising and informational campaigns are needed to ingrain the knowledge of rights on the population which will result in empowerment to access such rights.

From the beginning of the project in 2018 until February 2020, a total of **12,130** persons (incl. 7,023 or 58% women and 1,670 or 14% PwDs) were covered as the result of information sessions on disability and women's rights conducted by DPOs, regional CSOs; outreach sessions conducted by the SALAC lawyers and outreach sessions conducted by the Ombudsman office<sup>23</sup>.

In 2020, a total of **7,509** persons (incl. 1,895 or 25.24% women and 603 or 8.03% PwDs) were covered as the result of information sessions by Ombudsman, DPOs and CSOs, on rights of PwDs, information sessions on GBV in Kulyab and Khujand.

In 2021, a total of 7,175 persons (incl. 2,897 or 40.38% women and 374 or 5.21% PwDs) were covered as a result of information sessions on social rights of PwDs and CRPD, sessions by PO Sayohat, public awareness campaigns<sup>24</sup>.

From an analysis of the data reported above, it becomes evident that project implementation monitoring worked well in alerting the project team to the need to improve targeting of beneficiaries whenever it became apparent that the target rate achievement for a certain group of beneficiaries declined in the prior year. For example, in 2020 there was a decline in reaching out to women to 25.24% compared to 58% in the past. In 2021 greater effort was made in targeting women increasing the rate back to 40.38%.

**Indicator 1.2:** *Number of awareness-raising campaigns and initiatives launched by DPOs and gender-focused CSOs – Target 5 DPOs and Gender-focused CSOs]*

\*\*7 DPOs and 6 gender-focused CSOs conducted regional awareness raising informational campaigns on the rights of women and disabled people. From 2018 to February 2020 the following five DPOs conducted awareness raising campaigns: National Union of People with Disabilities, Public Unions: "Resource Center Inclusion", "Durakhshon", "Imkoniyat" and "Parents of children with disabilities"; and the following three gender-focused CSOs conducted outreach and informational campaigns on the rights of women and disabled people: Two NGOs in Khatlon (NGO "Bonuvoni Fardo" and NGO "Sayohat") and one in the Sugd Region (NGO "Saodat")<sup>25</sup>. PO Saodat from Khujand city, as a result of a small grant from the project, was able to monitor the activities of LAC in 2 districts (covering 5 villages) on a wide range of issues, including the number of complaints received at the LAC and the client satisfaction rate, and issued a report with very useful information.

PO Gulrukhsor in Khujand city runs a crisis center and a shelter for women victims of domestic violence. They reported to the evaluator that they receive on average 2,500 complaints annually from women and that they benefitted from trainings provided by the project in Dushanbe and that the Regional Policy Dialogue really helped them build relationships with state officials and structures. This CSO has an in-house female lawyer

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<sup>23</sup> Source: MTR p. 19

<sup>24</sup> Source of information: Project team. Please note in 2021 due to Decree of the Minister of Justice on restrictions of any events related with mass gathering, no information session have been conducted by state lawyers.

<sup>25</sup> Source: MTR, p. 19

to provide legal assistance including court attendance for shelter victims. Their experience with a specialized lawyer providing legal assistance to their shelter clients can be the basis for SALAC to consider developing rosters of lawyers specialized in the delivery of FLA services to women and to PwDs.

⇒ **PO Gulrukhsor experience with an in-house female lawyer to provide legal assistance including court attendance for shelter victims is reported to work well and can be the basis for SALAC to consider developing rosters of lawyers specialized in the delivery of FLA services to women and to PwDs.**

**Indicator 1.3:** *Number of participants of public awareness campaigns ready and willing to approach state institutions and LAC to defend their rights and/or submit complains disaggregated by women & disability* – Target: 2,400 PwDs and women.

\*\*\*About **2,900** persons, of which 2,150 PwDs benefitted from the campaign awareness campaigns. From 2018 to February 2020, about **1,500** persons from the targeted regions of the country were covered by the information campaign conducted by the National Union of Persons with Disabilities, out of which **750** persons are ready and/or willing to approach state institutions to defend their rights. In 2020 and 2021, an additional **1400** people with disabilities, who participated in informational sessions conducted by the National Union of People with Disabilities, have mentioned that are ready to approach state institutions. The targets for this indicator have been fully achieved.

NGO Noil (led by a female lawyer with disability) provides both primary and secondary free legal assistance to PwDs (e.g. women with disabilities). It has 2 lawyers specialized on providing legal assistance to PwDs. One of the lawyers provides primary LA in the office while the other lawyer does outreach throughout 18 districts. Since they started their operation, PO Noil has handled 2,996 primary LA consultations, completed 441 documents, conducted 25 mediations (17 of which were successful), handled 13 court cases (8 of which were successful)<sup>26</sup>. This is again another example of success of having specialized lawyers representing women and/or PwDs who understand better the rights and the legal issues affecting their clients and become stronger and more skilled advocates of their rights.

Funded by Phase II project, NGO Noil is currently recording TV programs where CSOs and state officials discuss issues of disability, accessibility and the CRPD. They have also provided training to 40 ‘paralegals’ who are activists in the Kahtlon and Sugd regions.

CSO Imkoniyat with the support of the Rule of Law project conducted a study in Dushanbe on rights awareness and to find out where PwDs get their information from. It found that only 17% of PwDs were aware of their rights and that they get most of their information from Radio & TV (56%), friends (31%) and from CSOs and family<sup>27</sup>. Imkoniyat, as well as the other CSOs mentioned are members of a Coalition of 17 CSOs known as CSO Network.

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<sup>26</sup> Data collected during stakeholder’s interview.

<sup>27</sup> Source: Stakeholder’s interview.

⇒ Study done by CSO Imkoniyat found that PwDs awareness of their rights is very limited (only 17% of PwDs reported knowing their rights). It should be pointed out that this survey reflects data in Dushanbe only where LAC started operating in 2021.

Output 2: *Regional Policy Dialogues become a key platform for advocating policy change and regional civil society has the capacity to contribute effectively.*


The quantitative data reported by the project for the Regional Policy Dialogues on the number of regional policy dialogues delivered and the number of policy proposals that resulted from them substantially met the indicators' targets. The evaluator, however, wanted to understand the real and practical impact of these regional policy dialogues on the CSOs and also on the state officials. Consultations carried out shows that CSOs/POs credited the Regional Policy Dialogues not only for bringing their organizations and issues mainstream at such a high level forum but also for providing them the opportunity to network and build relationships with state officials and other stakeholders in the human rights and access to justice field<sup>28</sup>.

Women and PwDs CSOs/POs reported that, as a result of the relationships they built during the Regional Policy Dialogues they have been invited to participate in official state working groups on issues relevant to their activities. State officials interviewed also reported that it helped in building relationships and contributed to their working together on a number of issues.

⇒ **Regional Policy Dialogues brought women and PwDs organizations and issues mainstream and provided them the opportunity to network and build relationships with state officials and other stakeholders in the human rights and access to justice field.**

The main achievements linked to output 2 are presented in the Table 3.

Table 3: Output 2 achievements<sup>29</sup>

<i>Output 2: Regional Policy Dialogues become a key platform for advocating policy change and regional civil society has the capacity to contribute effectively.</i>		<b>Green:</b> Program meets all or most of the performance criteria for output 2.	
<b>Indicator</b>	<b>Target</b>	<b>Actual Achievement</b>	
<i>2.1 Nr of policy proposals resulting from regional Policy Dialogue meetings, including those proposed by DPOs and gender focused CSOs.</i>	At least six policy proposals.	5 Regional Policy Dialogue meetings and 1 Roundtable meeting were held and one Regional Policy Dialogue is planned to be conducted in 2022 in Khujand. They resulted in at least 4 concrete policy proposals and a number of recommendations.*	

**Indicator 2.1** *Number of policy proposals resulting from regional Policy Dialogue meetings, including those proposed by DPOs and gender focused CSOs* – Target: 6 policy proposals.

<sup>28</sup> Source: All CSOs and POs interviewed.

<sup>29</sup> Source of information: Project management team.

\* The result of the 5 Regional Policy Dialogue meetings and 1 Roundtable meeting include a number of recommendations and the following 5 concrete policy proposals<sup>30</sup>:

1. Proposal on the adoption of the roadmap for CRPD, which was adopted;
2. Proposal for the ratification of the CRPD;
3. Proposal for the implementation of the National Roadmap for further promotion on the regional Policy Dialogue, including the adoption of the State Programme on Accessible Environment;
4. Proposal on adoption of law on free legal aid which was adopted in 2020;
5. Proposal on including SDG 16 indicators into the Mid Term Development Program for 2021-2025 which was adopted in 2021.

From the beginning of the project in 2018 until February 2020, four regional Policy Regional Dialogues were conducted with the participation of the representatives of Ministry of Justice, SALAC, CSOs and state institutions. Participants discussed and analyzed different thematic topics, including the challenges in accessing the legal aid by the PwDs. Seven recommendations were provided by CSOs, most of them related to the rights of PwDs, particularly: accessible environment, including physical & mental accessibility; social rights, rights to participate in the social and political life of the regions and communities. One of the recommendations regarding the adoption of the roadmap for CRPD was adopted.<sup>31</sup>

In 2020, a Roundtable was held for development of recommendations for the ratification of the CRPD and the implementation of the National Roadmap for further promotion on the regional Policy Dialogue, including adoption of the State Programme on Accessible Environment, introduction of the institution of an Adviser on disability issues, establishing a coordination council under the Government and promotion of sign language and Braille.

In 2021, the Rule of Law Policy Dialogue Forum was conducted gathering 300 participants from various state and non-state institutions. The new Concept Note on Rule of Law Forum Gen2 was elaborated and sent to the Ministry of Justice for endorsement.

**OUTCOME 2: State bodies and justice sector actors are better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women, and persons with disabilities.**

Outcome 2 deals with “duty bearers” (i.e. Ministry of Justice, SALAC, Ombudsman Office) and deals with their duty to uphold the law and provide access to justice to vulnerable people, including women and PwDs.

**Output 3: A sustainable state-run system of primary FLA (PFLA) is developed, which will provide high-quality FLA, particularly to women and to PwDs.**

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<sup>30</sup> It should be noted that there may be further policy proposals made in the regional policy dialogue planned to be conducted in 2022.

<sup>31</sup> Source: MTR, p. 21.

Primary FLA assistance is available free to everyone in Tajikistan i.e. there is no financial qualification test to receive this type of legal assistance<sup>32</sup>.

The development of the Law on Legal Aid, which was supported by the project, included looking at lessons learned from comparative legislation in EU and CIS countries. The project supported the participatory process which included the establishment of a working group that ended up recommending amendments in the Administrative Procedure Code, Civil Procedure Code and the Law on Bar Association. The Law on Legal Aid was adopted on 22 of April 2020 by the lower Chamber of the Parliament.

The Phase II Rule of Law project supported 17 out of the 37 LACs providing PFLA in the country. And when the SDC project ended, Phase II Rule of Law project took over SDC's financial share for the remaining LACs. This is evidence of the strong partnership and cooperation between the two projects which contributed to synergies and results.

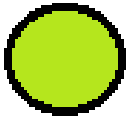
**⇒ The Rule of Law project played a crucial and key role in the development of the Legal Aid System in Tajikistan, including in the development and establishment of 17 LACs providing PFLA. This is a major achievement of the project.**

Although the PFLA system is established, from the field visits and consultations carried out by the evaluator, the assessment is that this is a basic system of LA provision that needs more financial support, more capacity building and better working conditions (office and salary) in order to function well and retain its staff (i.e. the law graduates running the LACs as 'paralegals'). For example, while visiting Dusti LAC in the Khatlon region, which is run by and young and committed 'paralegal' lawyer who had 3 separate clients knocking at the door to ask for legal advice during our 1 hour visit, it was noticed that the air condition in the office was not working in a region that is known to be very hot even in winter. Another example is the Nurobod Region's LAC, also visited by the evaluator, which lacks adequate accessibility for PwDs and lacks the appearance of a professional legal office.

**⇒ LACs are a basic system of LA provision and it needs more financial support, more capacity building and better working conditions (office and salary) in order to function well and retain its staff.**

The main achievements linked to output 3 are presented in the Table 4.

Table 4: Output 3 achievements<sup>33</sup>

<i>Output 3: A sustainable state-run system of <u>primary</u> FLA (PFLA) is developed, which will provide high-quality FLA, particularly to women and to PwDs.</i>		<b>Green:</b> Project meets all of the performance criteria for output 3 – In fact, it has exceeded some criteria targets.	
<b>Indicator</b>	<b>Target</b>	<b>Actual Achievement</b>	
<i>3.1 Nr of persons receiving quality FLA aid on civil cases provided by state-operated LACs, disaggregated by women and disability status.</i>	<b>15,984</b> persons, out of which at least 65% or (10,390) are women and at least 7% (959) are PwDs who received free	So far 30,402 people, of which 18,464 or 61% are women, and 1,026 or 3.4% are PwDs.*	

<sup>32</sup> Source: Free Legal Aid Concept in the Republic of Tajikistan.

<sup>33</sup> Source of information: Project management team.

	legal aid.	
3.2 Amount of funding provided by GoT for SALAC LAC activities.	50% funding provided for SALAC LACs by end of 2021.	60% state funding for SALAC and LAC activities achieved by January 2022.**
3.3 A new Law on Free Legal Aid is drafted.	A new Law on Free Legal Aid is drafted.	New Law on Free Legal Aid drafted and adopted by GoT.***

**Indicator 3.1** Number of persons receiving quality FLA aid on civil cases provided by state-operated LACs, disaggregated by women and disability status – Target: **15,984** persons, out of which at least 10,390 are women and at least 959 are PwDs.

\*30,402 people, of which 18,464 are women, and 1,026 are PwDs have received legal aid on civil cases provided by state-operated LACs so far.

From the beginning of the project in 2018 until February 2020<sup>34</sup>, a total of **17,851** people, including 10,658 (or 60%) women and 593 (or 3%) PwDs received free primary legal aid (FPLA) provided by the state LACs supported by the project.

- 2019 - 8,540 people received FPLA free provided by the state LACs, including 60% women and 4% PwDs, while 767 people received legal aid provided by Ombudsman’s public consultation offices, incl. 55% women and 9% PwDs.
- 2018 - FPLA was provided by the state LACs to 9,311 persons, incl. to 5,406 (57%) women and 319 (3.4%) PwDs.

In 2020, out of 37, 17 LACs funded by the given Project, provided free legal aid to **3,441** people, including 1,939 (56.34%) women, men 1502 (43.66%) and 136 (3.9%) PwDs.

In 2021, a total of **9,110** persons (incl. 5,867 or 64.4% women, 3,243 or 35.6% men and 351 or 3.9% PwDs) received free primary legal aid provided by 37 state LACs.<sup>35</sup>

**Indicator 3.2** Amount of funding provided by GoT for SALAC LAC activities – Target: 50% funding provided for SALAC LACs by end of 2021.

\*\*60% state funding for SALAC and LAC activities achieved by January 2022.

In 2020, the GoT has allocated 455,844 Tajik somoni (37,579.88 EUROS) to fund state legal aid system (**SALAC**) which equals to **20%** of the total budget of the state legal aid agency.

In 2021, The GoT increased its contribution of state legal aid system to 40% in 2021, and starting from January 2022 increased it to 60% in the amount of 1,182,973 TJS (92,513 EURO<sup>36</sup>).

The fact that the Ministry of Justice and SALAC ensured that the GoT kept its part of the agreement to increase GoT funding 20% each year to achieve 60% of the funding the

<sup>34</sup> Source: MTR, p. 22.

<sup>35</sup> On 31 March 2021 Access to Justice Project, funded by the SDC ended, thus starting from April 2021 all the LACs were covered by the Project.

<sup>36</sup> Based on the official rate of 1 EURO=12,7871 TJS as of 01.01.2022

Legal Aid System in 2022 is evidence that they are reliable and trusted partner of the project.

⇒ **The MoJ and SALAC are reliable and trusted partners of the project. One evidence of this is their honouring the commitment of the GoT to contribute 60% of the overall costs of the free legal aid system in Tajikistan.**

**Indicator 3.3** *A new Law on Free Legal Aid is drafted* – Target: New Law on Free Legal Aid drafted,

\*\*\* A new Law on Free Legal Aid drafted and adopted by GoT. As it was mentioned earlier this is a major achievement of the Rule of Law project.

The process prior to 2020, involved the drafting of the Law on Legal Aid and two public hearings conducted in two sites Khujand and Bokhtar. The Law “On Legal Aid” along with amendments to five other laws and Codes was adopted on 22 of April 2020 by the lower Chamber of the Parliament<sup>37</sup>. The law came into effect on 7 July 2020.

Although under the Ministry of Justice, SALAC ought to ensure its autonomy as an arm’s-length institution responsible for providing legal aid services across the whole country. SALAC could benefit from the oversight and guidance of a Supervisory Board (an independent oversight body) which could be established by a government decree. The Board would also contribute to the independence and transparency of the legal aid system. The Supervisory Board could be composed of 9 pro bono members selected through open competition. The Supervisory Board members would require technical support from development partners.

Output 4: High quality *secondary* free legal aid is provided via SALAC and Union of Lawyers.

The secondary free legal aid (SFLA) consists of two models described in the FLA Concept:

1. The model 1 of SFLA - provided by individual lawyers on criminal cases with the tariffs approved by the Coordination Center of the Union of Lawyers.
2. The model 2 of SFLA - provided by the law office, law offices of the Union of Lawyers at tariffs approved by the Ministry of Justice and coordinated by SALAC.

### **Union of Lawyers**

It should be pointed out that, before there was a state-run free legal aid system, advocates were often asked by the courts or by the litigants to provide free primary and secondary legal assistance. The Union of Lawyers is therefore the natural partner for the provision of SFLA. Interviews conducted during this evaluation were very useful in assessing their commitment and motivation to carry out such role. While they have received some capacity development and some participated in Trainer of Trainer (ToT) trainings, they still need further capacity development, particularly on “soft skills” especially on training advocates on how to interview victims of domestic and sexual violence and on interviewing PwDs.

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<sup>37</sup> Source: MTR, p.23.

⇒ **The Union of Lawyers is the natural partner for the provision of SFLA. They need further capacity strengthening and support from international development partners in the role of being the main provider of SFLA in Tajikistan.**

The Union of lawyers of Tajikistan with its regional branches was established on 18 September 2015 after the Parliament enacted the Law on the Activities of Advocates on 18 March 2015. The English translation of the name of the organization of lawyers that has been adopted by interpreters and translators is “Union of Lawyers” or “Union of Advocates”, which is a misnomer, but for the sake of consistency the evaluator will use “Union of Lawyers” to describe the organization<sup>38</sup>.

The Ministry of Justice has a Commission on Qualification of Advocates which controls access to the profession. Strict oral tests are conducted with the great majority of law graduate applicants failing every year<sup>39</sup>. Many law graduates do not even consider it worth to spend the money, article for free, and pay the examination fees only to be denied access to the profession. So they either obtain a job elsewhere or work as a ‘paralegal’ at a LAC. Another problem with the system from the viewpoint of advocates is that the Commission on Re-Qualifications of the Ministry of Justice oversees advocates re-qualification process every 5 years, which they feel creates a conflict of interest because the government can easily disqualify advocates that are critical of the government or of the justice system. The advocates’ position is that there should be an amendment to the Law on the Activities of Advocates which would transfer the qualification and re-qualification of advocates to the control of the Union of Lawyers. After all, when it comes to disciplining the lawyers, there is a process where lawyers are disciplined by the Disciplinary Commission only upon the recommendation of the Union of Lawyers<sup>40</sup>.

⇒ **The process of licensing and re-qualification of advocates is controlled by the Ministry of Justice which creates potential conflict of interest between the government and members of the bar association.**

Contrary to the PFLA in the case of the SFLA, Chapter 5, points 25 and 26 distinguish beneficiaries of SFLA in terms of criminal and civil cases. Women (single mothers) and PwDs, are included in the list of other beneficiaries of the SFLA only for criminal cases (point 25) but not for civil cases (point 26). It seems however that women and disabled persons can qualify for SFLA on two types of civil cases: 1) *persons who claim child support* (mostly are women) and 2) *low-income citizens whose total income per family member is less than one indicator for calculations*.<sup>41</sup>

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<sup>38</sup> In the opinion of the evaluator the organization of lawyers should consider advocating for its recognition by the GoT as a “Law Society” or “Order of Advocates”. But in any case, a more accurate description in English of its present status would probably be “Bar Association of Tajikistan”. The reason for this comment is because the word “Union” in English has a connotation of an organization focused mainly fighting for workers’ working conditions vis-à-vis an employer. The organization of lawyers aims while it aims to deal with its profession’s interests, it has higher goals of defending society’s rights to access to justice and fair and just trial.

<sup>39</sup> The country is underrepresented in the number of lawyers per population. There are approximately 700 lawyers for a population of 9.957 million people. In 2019 there was only one lawyer per 14,500 people in Tajikistan, the second lowest per capita rate in Central Asia behind Turkmenistan [Source: [Fighting for Tajikistan’s Jailed Lawyers – The Diplomat](#)]


<sup>40</sup> Source: Advocate stakeholders’ interviews.

<sup>41</sup> See *Free Legal Aid Concept in the Republic of Tajikistan*. The Concept does not explain the meaning of “one indicator for calculations”.

Most human rights civil society organizations interviewed complained about the amendments made to the Law on Legal Aid changing qualifications criteria, which is perceived as an attempt by the GoT to restrict accessibility to SFLA for cost-saving reasons. Once it is made unreasonably difficult to qualify for legal aid, citizens will be denied their right to access to justice. For example, it is very difficult for a poor person to prove poorness. A poor person usually does not have a bank account, does not have credit and has few people that know or are willing to sign documents stating how poor they are. If there is a requirement to provide a document, a poor person does not have money to pay to obtain such document issued to him.

The main achievements linked to output 4 are presented in the Table 5.

Table 5: Output 4 achievements<sup>42</sup>

<i>Output 4: High quality secondary free legal aid is provided via SALAC and Union of Lawyers.</i>		<b>Amber - Green</b> <sup>43</sup> : Program meets most of the performance criteria for output 4. Some improvements are needed.	
<b>Indicator</b>	<b>Target</b>	<b>Actual Achievement</b>	
<i>4.1 Nr of secondary free legal aid (SFLA) cases is provided through SALAC and Union of Lawyers.</i>	<b>780</b> free SFLA cases provided.	3,548 calls/requests for FSLA has been registered to date by SALAC.*	
<i>4.2 Availability of M&amp;E mechanisms for quality secondary free legal aid.</i>	Functioning CMS and M&E system for both PFLA and SFLA.	The project supported the Union of Lawyers and SALAC to develop quality standards of SFLA and for its M&E. <u>Still work in progress due to lack of capacity. Target is on track and expected to be met at the end of February 2022.**</u>	
<i>4.3 Availability of analysis of current legislation on SFLA and implementation status.</i>	Analysis carried out & recommendations for policy changes provided.	The project is conducting analysis and review of state legal aid system. <b>The analysis report on the results will be prepared at the end of February 2022.***</b>	

**Indicator 4.1** *Number of secondary free legal aid (SFLA) cases is provided through SALAC and Union of Lawyers* – Target: **780** free SFLA cases provided.

\*3,548 calls/requests for FSLA have been registered to date by SALAC.

From 2018 to February 2020, SALAC registered 2,086 calls/requests for free secondary legal aid (1,816 men, 270 women, 1,104 minors, and 13 PwD). It completed **567** cases in the amount of 221,230 TJS<sup>44</sup>.

<sup>42</sup> Source of information: Project management team.

<sup>43</sup> The “Amber-Green” rating given by the evaluator reflects the fact that, although some targets have been achieved and even over-achieved, the monitoring and analysis of SFLA system has not been adequately established. Also there are still areas of the provision of SFLA system that need to be refined and improved. This is an area that further international support needs to focus on in the near future.

<sup>44</sup> Source: MTR, p. 26.

In 2020, SALAC registered **1203** calls/requests for free secondary legal aid (1068 men, 135 women, 16 PwDs and 180 minors). It completed **702** cases at the total cost of 279,600 TJS.

In 2021, SALAC registered **259** calls/requests for free secondary legal aid (228 men, 31 women, 12 PwDs and 41 minors). It completed an estimated **259** cases at the total cost of 32,615 TJS (approximately USD 25,000).

Project team members interviewed explained the limited number of PwDs and women calling for SFLA by pointing out the low number of PwDs in Tajikistan and the low number of women committing criminal offences in Tajikistan. Also, they pointed out that legal aid for family and child support cases are provided in the name of the child and not the mother. It is still open to question, in the opinion of the evaluator, whether the huge decline of SFLA in 2021 is due to the changes in the qualifying criteria.

⇒ **Amendments made to the Law on Legal Aid changing qualifications criteria is perceived as an attempt by the GoT to restrict accessibility to SFLA for cost-saving reasons. The result of the restrictions in the qualifications criteria is that many vulnerable citizens are denied the right to SFLA.**

Also, currently FSLA is not available for advocates in Dushanbe region.

⇒ **FSLA should be extended so that the Union of Lawyers are able to represent citizens under the SFLA system.**

**Indicator 4.2 Availability of M&E mechanisms for quality secondary free legal aid – Target:** Functioning CMS and M&E system for both PFLA and SFLA.

**\* Still work in progress due to lack of capacity. Target is on track and expected to be met at the end of February 2022.**

From 2018 to February 2020, the Union of Lawyers trained 80 defense lawyers and lead in developing a quality standard and a monitoring mechanism for the SFLA.

In 2020 and 2021, the project continued supporting the Union of Lawyers and SALAC to develop quality standards for the SFLA. Despite this effort, the UoL and SALAC were not able to fulfil this assignment due to their lack of capacity. This work is progressing and the target is expected to be met at the end of February 2022.

**Indicator 4.3 Availability of analysis of current legislation on SFLA and implementation status – Target:** Analysis carried out & recommendations for policy changes provided.

**\*\*\*** One analysis of LA legislation was conducted prior to adoption of Law on Legal Aid and recommendations of this analysis were taken into account in elaborating the draft law on legal aid. The project is currently conducting analysis and review of state legal aid system. **The analysis report on the results will be prepared at the end of February 2022.**

From 2018 to 2020, the working group on the development of the Law on Legal Aid conducted an analysis and drafted amendments to existing legal acts that need to be amended in order to ensure the smooth functioning of the secondary free legal aid system.

In 2020, while an analysis of legal aid system was not carried out, justice needs assessment was conducted, where it was revealed that despite of public awareness campaigns that were conducted within the project, there were still many people that are not aware of legal aid system. In 2021, the project decided to conduct an analysis and review of the whole state legal aid system. The report on the results of this analysis will be prepared at the end of February 2022.


Discussions held by the evaluator with the project’s focal point person at the Ministry of Justice during the evaluation process highlighted the need to energize and modernize the provision of FLA in Tajikistan. SALAC could benefit from the creation of 3 to 4 regional LA coordination centres. The LA system could also benefit from a hub of research, innovation, training and exchange of best practices in the field of access to justice and legal aid services delivery. The physical structure and office set up of this centre should be uniquely-designed to be communications and networking friendly. The centre would be staffed with a small team of four (4) full-time young and energetic legal aid advocates<sup>45</sup> and CSO representative(s). Their mandate includes: research and provision of training and professional development programs for lawyers and staff of the legal aid system (both PFLA & SFLA) as well as for the legal community in general. They would also be responsible for promoting exchange of ideas, skills, knowledge and experience in the delivery of legal services and promoting innovation and best practices within the legal field. The centre located in Dushanbe could have interns from law schools supporting research and activities of the centre.

*Output 5: The capacity of the national HR and justice institutions to implement international HR standards is increased.*

This output is mainly focused on “duty bearers” and in particular the justice institutions and the Office of the Ombudsman and the GoT’s ratification of the UN CRPD.

The main achievements linked to output 5 are presented in the Table 6.

Table 6: *Output 5 achievements*<sup>46</sup>

<i>Output 5: The capacity of the national HR and justice institutions to implement international HR standards is increased.</i>		<b>Amber - Green</b> <sup>47</sup> : Program meets most of the performance criteria for output 5. Some improvements are needed.	
<b>Indicator</b>	<b>Target</b>	<b>Actual Achievement</b>	
<i>5.1 Status of UN Convention on the Rights of Persons with Disabilities signing in Tajikistan.</i>	UNCRPD has been signed (2018) and ratified (2020).	Following the success in advocating which resulted in the GoT signing the UN Convention on the Rights of Persons with Disabilities (CRPD) on March 22, 2018, the project has continued advocacy for its ratification. This advocacy work is still work-in-progress currently in 2022.*	
<i>5.2 Ombudsman</i>	Amendments to	The draft amendments to the Law on	

<sup>45</sup> This Centre should be run cooperatively by SALAC and the Union of Lawyers.

<sup>46</sup> Source of information: Project management team.

<sup>47</sup> The evaluator’s rating of “Amber-Green” for output 5 is due to the fact that there is still more advocacy and other work to be done prior to the ratification of the CRPD and the Ombudsman Office needs more capacity strengthening in monitoring human rights’ violations and in taking full ownership of its role in terms of human rights advocacy and protection of citizens’ rights.

<i>compliance with Paris Principles</i>	the Law on Ombudsman have been presented to GoT.	Ombudsman and several laws were drafted and sent to ministries and agencies for review. Bringing the law on the Ombudsman in line with the Paris Principles is still work-in-progress**
<i>5.3 Nr of trainings on human rights monitoring are conducted for Ombudsman's public consultation offices.</i>	At least 4 trainings (one per year) on HR monitoring are conducted for Ombudsman's public consultation offices.	<u>2 thematic trainings and 1 workshop</u> on the HR monitoring focused on gender equality were carried out between 2018 and February 2020. In 2021, a <u>two-day training</u> was conducted for 15 Ombudsman's staff on planning and monitoring of physical accessibility.***

**Indicator 5.1 Status of UN Convention on the Rights of Persons with Disabilities signing in Tajikistan** – Target: UNCRPD has been signed (2018) and ratified (2020).

\*The UN Convention on the Rights of Persons with Disabilities (CRPD) on March 22, 2018, the project has continued advocacy for its ratification.

Following the success in advocating to the GoT for signing the UN Convention on the Rights of Persons with Disabilities (CRPD) on March 22, 2018, the project has continued advocacy for its ratification. In 2020, the project supported CSOs in drafting the Road Map to join the CRPD which was approved by the GoT on 27 February 2020, after the feedback from the thematic working group established by the Human Rights Guarantee Department of the Executive Office of the President.

In 2021, the project has continued advocacy for ratification of the UNCRPD. The Project conducted an analysis and elaborated recommendations on introduction of an institution of adviser on disability issues in local Hukumats. The Working Group on the ratification of the CRPD elaborated State Programme On Accessible Environment which was adopted in February 2021. The project continues support of the WG to bring legislation of Tajikistan in line with UNCRPD.

It should be pointed out that, when the UN CRPD was signed by the Government in 2018, the Government announced that Tajikistan would join the treaty by 2020<sup>48</sup>. Therefore ratification of the CRPD by the GoT is long overdue.

⇒ **Ratification of the CRPD by the GoT is long overdue.**

**Indicator 5.2 Ombudsman compliance with Paris Principles** – Target: Amendments to the Law on Ombudsman have been presented to GoT.

\*\*The draft amendments to the Law on Ombudsman and several laws were drafted and sent to ministries and agencies for review.

From 2018 to 2020, amendments to the Law on Ombudsman were elaborated by the working group to promote independence of Ombudsman and its compliance with Paris Principles. The project supported delivery of the International Conference “HR

<sup>48</sup> Source: p. 27, 2018 Annual Project Report 14.03.2019.

*Commissioner of Tajikistan*<sup>49</sup>, resulting in the exchange of experiences and discussions on the role of the Ombudspersons and the implementation of the Paris Principles<sup>50</sup>.

The current expectation (in February 2022) is that, after the approval and adoption of the Law "On Antidiscrimination", the responsible and authorized body for the implementation of that law will be the Ombudsman. The project plans to update draft amendments according to the new draft law on Anti-discrimination. The project will support further the Ombudsman Office to bring the law on Ombudsman in line with Paris Principles prior to the end of the project in June 2022.

**Indicator 5.3** *Number of trainings on human rights monitoring are conducted for Ombudsman's public consultation offices* – Target: At least 4 trainings on HR monitoring are conducted for Ombudsman's public consultation offices.

\*\*\*2 thematic trainings and 1 workshop on the HR monitoring focused on gender equality were carried out between 2018 and February 2020. In 2021, two-day training was conducted for 15 Ombudsman's staff on planning and monitoring of physical accessibility.

From 2018 to February 2020, two thematic trainings and one workshop were conducted by the project on the HR monitoring focused on gender equality. The *Ombudsman Office* also consolidated its infrastructure as the result of the IT equipment provided by the project.

In 2021, two-day training was conducted for 15 Ombudsman's staff on planning and monitoring of physical accessibility.

⇒ **The Ombudsman Office needs more capacity strengthening in monitoring human rights' violations and in taking full ownership of its role in terms of human rights advocacy and protection of citizens' rights.**

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<sup>49</sup> The Conference gathered several participants from different countries from Central Asia, as well as Azerbaijan and Russian Federation.

<sup>50</sup> Source: MTR, p. 28.

## 3.2 EFFICIENCY & PARTNERHIP

The entire Rule of Law (RoL) project and the UNDP-administered components of the Access to Justice (A2J) project have been implemented by UNDP staff. The two projects complement and reinforce each other, leading not only to more sustainable results but also to cost-savings. While originally, the two projects funded LACs in the same district, when the implementation of the two projects came together under the UNDP, it became more efficient in that it was decided to have the RoL Phase II project fund LACs in some districts while the A2J funded LACs in different districts.

⇒ **UNDP implementation of both the Rule of Law (Funded by the Government of Finland) and the Access to Justice (SDC funded) resulted in efficient delivery of the programme and cost-savings.**

Examination of the Steering Committee reports provided some insight into the efficiencies achieved by having joint Steering Committee meetings and a joint management team implementing the two projects. This approach increased communication among the development partners and other stakeholders, avoided duplication and contributed to synergies between the two projects. There were cost-savings and synergies in terms of the use of technical expertise, material and financial resources invested in the project in all the activities of the project.

This partnership resulted in coordination and cooperation in the implementation of the activities of the two projects which increased synergies and the impact of the interventions of each project. For example, when Phase II of the SDC's A2J project ended, the MFAF's RoL Phase II project took over the funding of the LACs supported by the SDC project.

The UNDP project implementation team also reported that the joint implementation improved transfer of knowledge, experience and resulted in sharing materials and information products (i.e. methodologies, approaches, pamphlets, etc.). Often, when a project delivered an activity such as a conference or an awareness-raising activity, participation was open to people involved in the two projects.

The implementation of the project was also efficient in terms of its flexibility to provide community grants to CSOs/POs to implement some of the activities of the project. Grants of up to USD 10,000 allowed rural and local POs to implement cost-effective activities of the project but also contributed to capacity building of the staff of these POs and to their empowerment and sustainability.

⇒ **Partnering with rural and local CSOs/POs allowed the project to implement more activities, to respond more quickly to emerging priorities and needs of beneficiaries, to provide support to a number of local initiatives by civil society organizations building capacity of CSOs/POs, creating synergies and maximizing the impact of the results of the project.**

In regards to the management of the project, findings from the evaluation are that there was good communication between the UNDP and donor's representatives. Project Steering Committee reports and other progress reports show that project's progress was monitored on an ongoing basis by project staff, field visits to the different sites of the project activities were conducted, and that data collected was captured in progress reports. This resulted in action-based reporting describing what has been done to deal with different situations encountered in the implementation of the project. While the project suffered some delays in the implementation of some activities due to Covid-19 pandemic, the project team was able to work out an extension with the development partners and GoT resulting in a non-cost extension up to June 2022 which will allow the project to complete all its planned activities.

Another aspect of the implementation of the project that was efficient is that beneficiaries of certain trainings and activities were encouraged to conduct some awareness raising activity or other activity based on the knowledge they acquired from their participation in the project.

⇒ **Participants in project's trainings and other activities were encouraged to conduct trainings and/or other awareness raising activities which increased the efficiency of the project.**

## 3.3 RELEVANCE

All the linkages of the project to the UN Sustainable Development Goals (SDGs) and the linkages to the Tajikistan's National Development Strategy (2016-2030) stated in the ProDoc for the project are still relevant today. The project is also aligned with goals set out in the UNDP Strategic Plan 2018-2021 of "*Achieving gender equality and the empowerment of women and girls*" and "*enhancing people-centered national and regional multi-stakeholder partnerships for improving mutual accountability for the Sustainable Development Goals*".<sup>51</sup>

⇒ **The Strengthening Rule of Law and Human Rights to Empower People in Tajikistan Project (phase II) is relevant and consistent with the national policy and priorities and the Constitution of Tajikistan.**

### **Consistency between the Project and the national priorities of Tajikistan**

#### **Links to Tajikistan's National Development Strategy (2016-2030)**

Several sections of the Tajikistan's *National Development Strategy 2030* (NDS) were identified in the ProDoc and continue still to be relevant to the project. SALAC and the free legal aid system are directly linked to the National Priority 1 ("Enhancing political and legal institutions to ensure fundamental rights") under Section 3.1 ("Effective Public Administration"). The Regional Policy Dialogue is relevant to NSD Priority 6 ("Enhancing legislation and increasing the quality of the lawmaking process"). The public awareness and informational outreach campaigns are relevant to Priority 7 ("Enhancing legislation and increasing the quality of lawmaking process").

Tajikistan's *National Development Strategy 2030* calls for "a continuous effort to preserve national unity, implementation of principles of social justice and economic effectiveness, ensuring public security and improving wellbeing of the population."<sup>52</sup> Priority 3 under Section 5.5 ("Social Welfare") calls for "the social protection of vulnerable groups (including Persons with Disabilities). The activities in the project with indicators and targets focused on PwDs are directly linked to Priority 3 of Section 5.5. Also legal aid is linked to Priority 2 ("Improving access to basic social services") of Section 5.8 ("Reducing Social Inequality") particularly since the GoT has recognized that access to legal aid is a basic social service.

⇒ **SALAC and the free legal aid system are directly linked to Tajikistan's National Development Strategy (2016-2030): National Priority 1 ("Enhancing political and legal institutions to ensure fundamental rights") under Section 3.1 ("Effective Public Administration"); Priority 3 under Section 5.5 ("Social Welfare") calls for "the social**

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<sup>51</sup> Source: *UNDP Strategic Plan (2018-2021)* pp. 3-5.

<sup>52</sup> Mid-Term Development Programme for the Republic of Tajikistan 2016-2030.

protection of vulnerable groups (including Persons with Disabilities). The activities in the project with indicators and targets focused on PwDs are directly linked to Priority 3 of Section 5.5; and Priority 2 (“Improving access to basic social services”) of Section 5.8 (“Reducing Social Inequality”), particularly since the GoT has recognized that access to legal aid is a basic social service.

Finally the outcomes of the project were consistent with the 2015-2017 Judicial-Legal Reform Program (JLRP) of the Republic of Tajikistan, particularly Part VII (“Evolvement of Free Legal Aid”).<sup>53</sup> The outcomes of the project continue to be consistent with the *Judicial-Legal Reform Programme in Tajikistan (2019-2021)*, particularly access to justice of the population (art. 6, 7, 9). The concept of free legal aid supported by the activities and outputs of the project are aligned with those identified in the “*Concept on Free Legal Aid in Tajikistan*”<sup>54</sup>, in terms of the modality of primary and secondary free legal aid (LA) and the actors and agencies involved in the delivery of the LA services.

⇒ **The concept of free legal aid supported by the activities and outputs of the project are aligned with those identified in the “Concept on Free Legal Aid in Tajikistan”, in terms of the modality of primary and secondary free legal aid (LA) and the actors and agencies involved in the delivery of the LA services.**

#### **Linkage to the UN’s Sustainable Development Goals**

The Rule of Law and human rights are important areas that are reflected in the Agenda 2030 and the SDGs adopted in 2015 by 193 UN member states including Tajikistan. The respect for human rights, the rule of law and the need to establish accountable institutions are key in building a society that is inclusive and promotes sustainable development based on peace and justice.

The *Strengthening Rule of Law and Human Rights to Empower People in Tajikistan Project (phase II)* is intrinsically linked to three SDGs: Goal 16, Goal 10 and Goal 5.

Goal 16: It commits Member States to: “*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.*”

In particular, Target 16.3 obliges states to “*Promote the rule of law at the national and international levels and ensure equal access to justice for all.*”

Goal 10 is designed to eliminate discrimination in laws, policies and practices and ‘reduce inequality’ in the society and the project does exactly that. The project includes outputs and activities designed to increase access to free legal aid and supports legal reforms in

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<sup>53</sup> Source: ProDoc, pp.7-8.

<sup>54</sup> See the *Concept on Free Legal Aid in Tajikistan*, approved by the Government of Tajikistan, Decision No 425, 02.07. 2015.

the area of rule of law, supports advocacy for the rights of PwDs and for the approval and ratification of the CRPD, all areas directly related to Goal 10.

Goal 5 highlights the need for empowerment of women and girls to overcome the discrimination they suffer in many societies. In that way, Goal 5 promotes gender equality. Free legal aid is directly linked to sub-goal 5.2 (eliminating violence towards women) in that access to legal aid allows women some degree of protection in the fight against domestic violence and other forms of violence. The Policy Dialogue platforms designed to include women and women's groups is linked to sub-goal 5.5 (women's participation in decision-making processes in their society).

⇒ **Phase II project is intrinsically linked to three SDGs: Goal 16 (*'inclusive institutions, rule of law and access to justice'*), Goal 10 (*'reduce inequality and discrimination'*) and Goal 5 (*'empowerment of women and girls, gender equality'*).**

## 3.4 SUSTAINABILITY

Consultations carried out by the evaluator with GoT government officials, particularly the Ministry of Justice, SALAC and the Ombudsman's Office, support the finding that the prospects for sustainability in terms of government policy ('policy sustainability') is very promising. In terms of 'institutional sustainability' the situation is more difficult to predict. Like most developing countries, the institutional framework of the GoT is still weak and often depends on the leadership provided by the head of the institution which changes constantly. In terms of 'financial sustainability', so far the Ministry of Justice has been able to get the support of the Ministry of Finance to keep its commitment to increase funding of the LA system 20% of the total cost each year, reaching 60% in 2022.

### Output 1

⇒ **Output 1 (Awareness of rights and A2J) is sustainable but requires development partners' support.**

Due to budgetary constraints of the GoT, it is not likely that the government would invest too much into awareness-raising activities of people's rights to legal and social services. While the project was able to build capacity of CSOs/POs working on the rights of women and PwDs to outreach and raise awareness of rights at the grassroots level, these organizations need funding support to carry out such activities. The GoT alike many governments in development countries has not yet taken ownership of its role in supporting civil society organizations and partnering with them in reaching out to remote communities to disseminate information about rights and public services.

### Output 2

⇒ **Output 2 (Regional Policy Dialogue Platform) is sustainable but also requires development partners' support.**

Consultations carried out by the evaluator with national stakeholders, particularly the Ministry of Justice, support the finding that Ministry officials felt that the Regional Policy Dialogue Platform was beneficial in bringing forward useful policy change proposals some of which the government implemented. Both the government partners and the CSOs/POs that participated in the regional policy dialogue forums reported to the evaluator that the platform provided an opportunity for CSOs/POs and state officials to build relationships and build trust and contacts that resulted in better approaches to governance. For example, as a result of the relationships built during the Regional Policy Dialogue forums, women and PwDs POs have been asked by state officials to join Working Groups dealing with issues related to their areas of intervention.

⇒ **As a result of the relationships built during the Regional Policy Dialogue forums, women and PwDs POs have been asked by state officials to join Working Groups dealing with issues related to their areas of intervention.**

### Output 3

The Ministry of Justice and SALAC are trusted and reliable partners for the project. The GoT has kept its LA funding commitment by reaching 60% of FLA funding in 2022. Consultations carried out by the evaluator with national stakeholders, particularly the Ministry of Justice and SALAC, support the conclusion that Output 3 (PFLA) is sustainable, albeit as a basic LA system providing access to information about rights and legal services in a “shoe-string” budget. The risk with such low-budget legal aid system is that it may result in a high rate staff turnover of the law graduates “paralegals” staffing the LACs.

⇒ **Output 3 (PFLA) is sustainable in terms of ‘policy sustainability’. The new Law on Legal Aid supports such sustainability. The Ministry of Justice is a trusted & reliable partner and the GoT has kept with its part of the bargain reaching 60% of FLA funding in 2022, which action also supports the sustainability of the LA system.**

Of course, GoT has budgetary challenges which may impact sustainability in the future.

### Output 4

Consultations carried out by the evaluator with national stakeholders, particularly with the Ministry of Justice, SALAC and the Union of Lawyers, support the conclusion that in order to be sustainable, Output 4 (SFLA) requires development partners’ support not only in capacity development of the stakeholders involved but also in building an environment of cooperation and collaboration among all justice actors: MoJ, Judges, Prosecutors, LA lawyers (Union of Lawyers), Police and other state officials involved in the justice system.

Also, to be sustainable SFLA must be made more attractive for Advocates to stay engaged. And, if LACs ‘Paralegals’ are to take over the SFLA in administrative and civil cases by 2025, their capacity need to be strengthened and their salaries and working conditions upgraded.

⇒ **In order to be sustainable, Output 4 (SFLA) requires development partners’ support not only in capacity development of the stakeholders involved but also in building an environment of cooperation and collaboration among all justice actors: MoJ, Judges, Prosecutors, LA lawyers (Union of Lawyers), Police and other state officials involved in the justice system.**

### Output 5

Consultations carried out by the evaluator with the national stakeholders, particularly with the officials at the Ombudsman’s Office, support the finding that there is a need for further institutional capacity building and trainings in monitoring and advocacy roles of the Ombudsman’s Office in order to ensure the sustainability of the Office.

While there seems to be a commitment to ratify the CRPD, the GoT has been delaying the ratification partly concerned with the financial demands that ratification would impose on the government in terms of complying with the terms of the Convention and providing services to PwDs.

⇒ **Output 5 (CRPD & Ombudsman's Office):** The sustainability of CRPD depends on GoT commitment and financial ability to comply with the Convention in terms of providing services to PwDs. The sustainability of the Ombudsman's Office depends on further institutional capacity building and trainings in monitoring and advocacy roles of the Ombudsman's Office.

## 3.5 INCLUSION & GENDER

Inclusion and gender aspects of the Phase II Rule of Law project was covered in the prior sections of the Report. However, since it is a very important focus of the interventions of the project, further analysis will be covered in this section. The project ensured the inclusion of participants working on gender and disability issues in all its activities. One such example, was the the 5<sup>th</sup> National Rule of Law Forum conducted on 1<sup>st</sup> November 2019. Overall 400 participants joined the Forum, 267 of which women, 155 civil society representatives, including 75 CSOs (58 from outside Dushanbe), 24 women-led NGOs and 30 Organizations people with disabilities. The Project supported in enabling disability and gender organizations` participation in the Forum<sup>55</sup>.

### Gender

Discussions held by the evaluator with national stakeholder, particularly with the representatives of the State Committee on Women’s Affairs and CSOs/POs working on gender issues disclosed a flurry of activities that was generated with the support of Phase II Rule of Law project including: the Strategy on increasing the role of women which resulted in a decree adopted on April 30, 2021; Working Group on gender Issues; Online courses on gender issues; Committee coordinating gender policy of the GoT; Capacity building of gender experts focal points from each Ministry; Informational and awareness-raising radio programs.

The project also supported gender related civil society organizations in Dushanbe and 3 other regions (Khatlon region, Sugd Region and Nurobod Region) to raise awareness about sexual harassment and the need for services to women victims of domestic violence.

The small grants of up to \$10,000 USD provided flexibility to support CSOs to conduct small scale research projects & awareness raising activities. As mentioned earlier in this Report, the engagement of local CSOs and POs in the delivery of project activities not only resulted in a more robust impact of the project but contributed to build capacity of these organizations to advocate for the rights of women and also contributed to their sustainability.

One example of a product supported by the project in 2019 is the “*Social experiment on prevention of gender-based violence*: Within the 16 days of activism a video spot demonstrating gender-based violence on the public place was shot and disseminated through the social media

<https://www.facebook.com/508229682594103/videos/775898422863545/>. During the first month the video was seen by 3,100 people”<sup>56</sup>.

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<sup>55</sup> Source: p. 6, 2019 Annual Project Report.

<sup>56</sup> Source: p. 4, 2019 Annual Project Report.

## **Persons with disabilities (PwDs)**

The evaluator conducted consultation with the National Union of People with Disabilities, Noil and other CSOs/POs supported by the RoL project. As a result, a Coalition of 17 CSOs and a resource centre was established with the support of the project. PwDs provided seminars and activities with the media on how to focus on real issues facing PwDs during their interviews instead of asking questions only related to lack of access ramps or even worse how is their social life impacted by the disability.

A major achievement of Phase II project is “The National Program on the Ratification and Implementation of the CRPD” which was adopted Feb. 27, 2020. This resulted in the development of the State Program on Accessible Environment, which was adopted in February 2021. A Working Group has been established to oversee the implementation of the program.

⇒ **The adoption of the “*The National Program on the Ratification and Implementation of the CRPD*” in 2020 and the adoption of “*State Program on Accessible Environment*” are major achievements of the Rule of Law Phase II project.**

The Policy Dialogue component of the project helped CSOs build relationships with MoJ and other state officials, including the Ombudsman’s Office, which now monitors accessibility of buildings using guidelines developed by PwDs.

⇒ **Phase II project placed a lot of focus on issues of gender and persons with disabilities (PwDs) and was successful in building the capacity of CSOs/POs to advocate for women and PwDs’ rights and access social services.**

## **4.0 CONCLUSIONS AND LESSONS**

## 4.1 CONCLUSIONS

The analysis of the outputs of the project provide sufficient evidence to conclude that, at a reasonably satisfactory level, good to excellent progress has been made towards the achievement of Outcomes 1 and 2. The Rule of Law project played a crucial and key role in the development of the Legal Aid System in Tajikistan, including in the development and establishment of 17 LACs providing PFLA<sup>57</sup>. This is a major achievement of the project.

**Key achievements** of the Rule of Law Phase II project in partnership with GoT include: 1. The Law on Legal Aid; 2. Operationalization of SALAC and LACs throughout the country; and 3. Government of Tajikistan (GoT) funding level of the FLA system reaching 60% of the total cost of LA.

Phase II project placed a lot of focus on issues of gender and persons with disabilities (PwDs) and was successful in building the capacity of CSOs/POs to advocate for women and PwDs' rights and access social services. Target beneficiaries, including women and persons with disabilities, enjoy more rights and access to justice and are able to a certain extent to use legal aid to defend their rights. There is however more work to be done in this area to increase awareness and access to rights.

State agencies, such as **SALAC** a legal aid state agency created with the support of the project, and policies and legislation, such as the new **Law on Legal Aid**, are in place and operational throughout the country. **GoT is funding 60% of the cost of LA in line with an agreed plan to ensure full national ownership of the system by 2025.** The Office of the Ombudsman is able to investigate some complaints and issues annual reports which are made public. Although delivery of quality legal aid services is still a challenge, the LA system and the justice sector actors are now better able to provide access to justice and uphold rule of law and protect the rights of vulnerable people, including women and persons with disabilities.

In order to be sustainable, Output 4 (SFLA) requires development partners' support not only in capacity development of the stakeholders involved but also in building an environment of cooperation and collaboration among all justice actors: MoJ, Judges, Prosecutors, LA lawyers (Union of Lawyers), Police and other state officials involved in the justice system. The Union of Lawyers is the natural partner for the provision of SFLA.

The *Regional Policy Dialogue* was a successful platform for CSOs (POs), particularly those working on women and PwDs issues, not only to provide input into state policies but also to build connection and trust with state officials in the areas of their interventions.

UNDP implementation of both the Rule of Law and the Access to Justice resulted in efficient delivery of the programme and cost-savings.

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<sup>57</sup> The Phase II Rule of Law project supported 17 out of the 37 LACs providing PFLA in the country. And when the SDC project ended, Phase II Rule of Law project took over SDC's financial share for the remaining LACs.

The Strengthening Rule of Law and Human Rights to Empower People in Tajikistan Project (phase II) is relevant and consistent with the national policy and priorities and the Constitution of Tajikistan.

While 'policy sustainability' of the outputs of the project are in place and the government has taken measures to ensure some 'financial sustainability' of the products of the project, financial and institutional sustainability of most of the outputs of the project still depend on further development partners' support.

## 4.2 LESSONS & BEST PRACTICES

- L1.** The partnership between the MFAF's Phase II Rule of Law project and the SDC's Access to Justice project provided an effective and cost-saving approach to project implementation. Considerable cost-savings and synergies resulted in having a joint programme implementation Steering Committee and program management personnel.
- L2.** In comparison with self-monitoring reports submitted by SALAC, the civil society monitoring and evaluation of the state-run FLA system in 2019 provided clear picture and more objective information about services provided by SALAC. Therefore, the engagement of civil society in monitoring and creation of social monitoring/accountability mechanism should be considered for future project interventions<sup>58</sup>.
- L3.** Cascading training modality, where training participants are required to develop and implement trainings on their own, produces a more robust result of the project intervention.
- L4.** Flexibility built in project design by establishing a "Community Engagement Fund"<sup>59</sup> allows the project to work with and build capacity of local civil society organizations and to develop partnerships with other development partners in the delivery of activities. It also allows the project to respond quickly to context changes and priorities and needs of beneficiaries.
- L5.** Human resources and institutional capacity development project targeting priority areas of a key beneficiary (i.e. SALAC, Union of Lawyers, Ombudsman's Office) is more effective if it is comprehensive and developed in a way that the project becomes a strategic partner of the target institution. When a project addresses the beneficiary institution's key priorities and needs, it fosters teamwork and buy-in (i.e. ownership) and results in a more effective implementation of the activities of the project.

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<sup>58</sup> p. 10, 2019 Annual Project Report.

<sup>59</sup> 'Community engagement fund' here means the same thing as the modality used in Phase II to provide small-scale research grant/funding of up to US\$10,000 to local CSOs/POs to carry out activities under the project. In Phase II, it was used to work with local POs but it also can be used to provide flexibility to work with other development partners to deliver joint activities.

## **5.0 RECOMMENDATIONS**

## 5.1 RECOMMENDATIONS

### *Specific Recommendations for the new 'Strengthening Rule of Law and Human Rights to Empower people in Tajikistan – Phase III'*

**R1.** Further strengthening provision of secondary free legal aid through coordination with other State and non-State institutions: General Prosecutor's office, the Supreme Court, Ministry of Interior and Union of Lawyers.

**R2.** Expansion of partnership with the Parliament to strengthen their role in transparent and legislation making.

**R3.** Support Supreme Court in strengthening the access to information and internal processes and provide support in introduction of e-justice and digitalisation (this activity is also envisaged within Access to Justice, Phase III, so this activity could be done by 2 projects).

**R4.** Further support of national human rights institutions, in particular strengthen capacity of Ombudsman Office in producing annual reports, achieving status A, promotion of draft law on ombudsman, conducting monitoring of closed and semi-closed institutions, ratification of OPCAT.

**R5.** Further support of DPOs in advocating ratification of the UN CRPD (implementation of the Roadmap and State Program of accessible Environment, conducting information campaigns and legal aid to PwDs).

**R6.** Expand beneficiaries including youth through cooperation with universities (law faculties), introduction of curricula, establish partnership with Helsinki University.

**R7.** Further support to CSOs and enhance their capacity in policy dialogue and decision making process (promotion of UPR recommendation, ratification of OPCAT and UN CRPD)

### **General Recommendations** (*directed to national partners and international development partners in general*)

**R8.** Support provided for the development and implementation of quality standards for the delivery of both PFLA and SFLA and methodology to monitor the quality of legal aid provided. Quality standards should specify clear indicators for the delivery of LA services, including quality evaluation methodology, client satisfaction rating cards and peer review.

**R9.** Since surveys conducted with the support of the project shows that PwDs get most of their information from Radio & TV (56%), future project interventions in terms of

awareness-raising activities to increase PwDs' knowledge of their rights and access to justice and social services should consider more radio and TV spots and programs.

**R10.** PO Gulrukhsor experience with an in-house female lawyer to provide legal assistance including court attendance for shelter victims can be the basis for SALAC to consider developing rosters of lawyers specialized in the delivery of FLA services to women and to PwDs.

**R11.** Support human rights monitoring by the Office of the Ombudsman in collaboration with CSOs working in human rights, gender issues and PwDs.

**R12.** Advocacy to have legislation that provides a charter to the organization of advocates as an independent "Law Society" or "Order of Advocates" responsible for the provision of the articles of training and licencing exams of law graduates to become advocates with control of access to the profession through the process of Qualification of Advocates and Re-Qualification of Advocates every 5 years.

**R13.** SFLA should be available in all regions of Tajikistan and the Union of Lawyers in the Dushanbe region should be allowed to represent citizens under the SFLA system.

**R14.** Focus human resources and institutional capacity development on key beneficiary stakeholders: SALAC, Union of Lawyers and the Ombudsman's Office.

**R15.** SALAC could benefit from the oversight and guidance of an independent Supervisory Board which could be established by a regulation of the Ministry of Justice. The Board would contribute to the independence and transparency of the legal aid system. The Supervisory Board could be composed of 9 pro bono members selected through open competition. The Supervisory Board members would require technical support from development partners.

**R16.** Training of Trainers (ToT) requiring participants to develop and implement training on their own (using the 'cascade' training modality) is a modality that, when feasible, should be replicated in future development interventions.

**R17.** Establishment of a "Community Engagement Fund" (which would provide funding for 'small-scale researches and/or project activities conducted by local CSOs/POs) and partnering with other donors and development partners to provide support to local initiatives by civil society organizations are approaches that, when feasible, should be considered for replication in future development interventions. It allows the project to implement more activities, to respond more quickly to emerging priorities and needs of beneficiaries and to build the capacity of local civil society organizations. CSOs/POs working on gender issues and on PwDs should continue to be supported and partnered with in the delivery of project's activities.

**R18.** The LA system could benefit from a hub of research, innovation, training and exchange of best practices in the field of access to justice and legal aid services delivery. The physical structure and office set up of this centre should be uniquely-designed to be communications and networking friendly. The mandate of the centre could include: research and provision of training and professional development programs for lawyers and staff of the legal aid system (both PFLA & SFLA) as well as for the legal community in general. The recommendation would be for a 4-year pilot legal aid innovation and research club in Dushanbe. This centre could also institute annual programs of “Lawyers & Leaders of Tomorrow” to modernize the legal profession in Tajikistan and build a collegial relationship built on trust and mutual respect amongst legal system actors (advocates, judges, prosecutors).

## ANNEXES

## ANNEX A: TERMS OF REFERENCE

[Project team: please insert a link to the ToR for the evaluation]

## ANNEX B: LIST OF STAKEHOLDERS INTERVIEWED

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#	Name	Institution	Position or Role in Phase II project	Contact Info	Gender
1.	Ms. Nigina Alizoda First Deputy Minister of Justice	Ministry of Justice	Partners from the Government Sector	Tel: +992 935-62-40-25 E-mail: info@minjust.tj	Female
2.	Mr. Asadullo Hakimzoda Deputy Minister of Justice	Ministry of Justice			Male
3.	Ms. Javohir Akobirova Department Head	Committee on Women and Family Affairs		Tel: 227-17-42 E-mail: a.javohir@mail.ru	Female
4.	Mr. Umed Bobozoda	Comissioner for Human Rights of RT		Tel: 221-73-52 E-mail: salikhov.zafar@gmail.com	Male
5.	Mr. Loik Nusratov Director	State Agency "Legal Aid Center" (SALAC)		Tel: +992 935-24-06-79 E-mail: loik.nusratov@salac.tj	Male
6.	Ms. Gulrukhsor Abdullaeva	PO Gulrukhsor	Activities of these 4 institutions are aimed to protect rights of women, by providing legal aid.	Tel: +992 -927-80- 40-74	Female
7.	Ms. Manzura Muzaffarovna	PO Saodat		+992 (3422) 6 77 03 E-mail: ngo_saodat@mail.ru	Female
8.	Ms. Venera Dzhabarova	PO Bonuvoni Fardo		Tel: 222-11-27, 222-22-19	Female
9.	Ms. Kanoat Hamidova	PO League of woman lawyers		Tel: 777-07-00-24 E-mail: kanoat_kh@yahoo.com	Female
10.	Ms. Nigina Bakhrieva	PO Nota Bene	Activities of these 3 institutions are aimed to protect human rights of the population.	Tel:+992-987-08-76-76 E-mail: notorturetjk@gmail.com	Female
11.	Ms. Nargiz Zokirova	PO Bureau of Human Rights and Rule of Law		Tel: 224-41-53, 224-41-45 E-mail: bhr.taj@gmail.com	Female
12.	Mr. Nurmahmad Halilov	PO Center for Human Rights		Tel: (+992 37) 227 51 87; E-mail:	Male

				hrc.tajikistan@gmail.com	
13.	Mr. Asadullo Zikrikhudoev	PO National Union of People with Disabilities of Tajikistan	Activities of these 6 institutions are aimed to protect rights of people with disabilities, by providing legal aid.	Tel: +992 (37) 234-97-48 E-mail: azikrikhudoev@gmail.com	Male
14.	Ms. Saida Inoyatova	PO League of Women with Disabilities- Ishtirok		E-mail: sano.raupova@gmail.com	Female
15.	Ms. Fotima Shamsuddinova	PO Union of People with Disabilities		Tel: +992-926-00- 91-11 E-mail: noil.org@gmail.com	Female
16.	Ms. Sabokhat Khakimzoda	Association of Parents of the Children with Disabilities		Tel: +992-907-88-23-32	Female
17.	Ms. Murodova Muhabbat Director	PO Durakhshon		Tel: +992 93 406 0005, 919-27-59-86 E-mail: murodova.muhabbat@mail.ru	Female
18.	Ms. Farida Alibakhshova Director	PO Inklyusia		Tel: +992 93-417-62-84 E-mail: farida.alibakhshova@gmail.com	Female
19.	Mr. Shakarbek Niyatbekov National Programme Officer	SDC	Partners from International Organizations		Male
20.	Ms. Masuda Sobirova Project Manager	HELVETAS			Female
21.	Mr. Zulfikor Zamonov Project Manager	Civil Registration System Reform Project			Male
22.	Mr. Saidahmad Ikromov	UNICEF		E-mail: sikromov@unicef.org Tel: + 992 935-14-33-46	Male
23.	Mr. Salohiddin Shamsiddinov			E-mail: sshamsiddinov@unicef.org Tel: +992 93 999 89 16	Male
24.	Ms. Aziza Khamidova Head of UN Women in	UN Women		E-mail: aziza.hamidova@unwomen.or	Female

	Tajikistan			g	
<b>25.</b>	Ms. Diana Ismailova Senior Program Coordinator		Partners from International Organizations	E-mail: diana.ismailova@unwomen.org	Female
<b>26.</b>	Ms. Gulchehra Ziayeva Project Officer	Spotlight Project		E-mail: gulchehra.ziayeva@undp.org Tel: +992949-99-91-22	Female
<b>28.</b>	N/A	LAC of Sughd Region	These LACs provide free legal aid for the population, especially for the vulnerable segments of the population.	N/A	N/A
<b>29.</b>	N/A	LAC of Khatlon Region		N/A	N/A
<b>30.</b>	N/A	LAC of Rasht District		N/A	N/A
<b>31.</b>	Mr. Lenni Montiel Resident Representative in Tajikistan	UNDP	-	-	Male
<b>32.</b>	Project team	UNDP	-	-	M/F

**ANNEX C: EVALUATION MISSION WORK SCHEDULE**

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**Arrival Date & Time: Thursday, February 3, 2022 (2:30 AM)**

**3 February 2022**

	Meeting with UNDP representatives	Time	Type of interview	
1.	Meeting with Mr. Christophorus Politis, Deputy Resident Representative	13:00 – 14:00	In person	Conducted
2.	Meeting with project staff	14:00 – 16:00		Conducted

**4 February 2022 (meetings with government sector and IO)**

#	Agency	Time	Interviewee	Contacts	Type of interview	Status
1.	State Agency “Legal Aid Center” (SALAC)	10:00-12:00	Mr. Loik Nusratov, Director	Tel: +992 935-24-06-79 E-mail: loik.nusratov@salac.tj	In person	Conducted
2.	Civil Registration System Reform Project	13:00-14:00	1. Mr. Zulfikor Zamonov, Project Manager 2. Mr. Saidahmad Ikromov, Former Manager of the Project	E-mail: zulfikor.zamonov@undp.org Tel: +992 949-99-91-59		Conducted
3.	Committee on Women and Family Affairs	15:00-16:30	1. Ms. Javohir Akobirova, Head of the Gender Development and International Affairs Department 2. Mr. Sharipov Obidjon, Head of the Legal Department	Tel: 227-17-42 E-mail: a.javohir@mail.ru		Conducted

**7 February 2022 (meetings government sector and IO)**

#	Agency	Time	Interviewee	Contacts	Type of interview	Status
1.	Spotlight Project	13:00-14:00	Ms. Gulchekhira Ziayeva, Project Officer	E-mail: gulchekhira.ziayeva@undp.org	Online	Conducted

				Tel: +992 949-99-91-22		
2.	Commissioner for Human Rights of RT	15:00-16:30	1. Mr. Ashurov Mukim Usmonovich – Head of the Department on state protection of political and civil rights; 2. Mrs. Habibullozoda Rajabmo - Head of the Department on state protection of economic, social and cultural rights; 3. Mr. Sodykov Ahad Musoevich – Head of the organizational, informational and analytical department; 4. Mr. Solehzoda Zafar – Assistant of the Ombudsman; 5. Mr. Abdulloev Bahodur Abduhatovich – Assistant of the Deputy Ombudsman.	Tel: 221-73-52 E-mail: salikhov.zafar@gmail.com	In person	Conducted

#### 8 February 2022 (meetings with IOs, the Union of Lawyers of RT and CSOs)

#	Agency	Time	Interviewee	Contacts	Type of interview	Status
1.	HELVETAS	9:30-10:30 11:00-12:00	1. Ms. Masuda Sobirova, Project Manager 2. Mr. Iskandar Shodiev, Project Officer 3. Ms. Nigora Rustamova, Project Officer	E-mail: Masuda.Sobirova@helvetas.org Tel: +992 987-69-00-97	Online In person	Conducted
2.	SDC		Mr.Shakarbek Niyatbekov, National Programme Officer	E-mail: shakarbek.niyatbekov@eda.admin.ch Tel: +992 37-224-19-50		Conducted
3.	Union of Lawyers of RT (Dushanbe)	13:30 – 14:30	Mr. Fozil Okilov	E-mail: fozil.okilov@mail.ru Tel: +992 919-33-09-90	In person	Conducted
4.	PO Nota Bene	15:00 – 16:30	Ms. Nigina Bakhrieva, Director	Tel:+992-987-08-76-76 E-mail: notorturetjk@gmail.com		Conducted

5.	PO League of woman lawyers		Ms. Kanoat Hamidova, Director	Tel: 777-07-00-24 E-mail: kanoat_kh@yahoo.com		Conducted
6.	PO Center for Human Rights (venue)		Mr. Nurmahmad Halilov, Director	Tel: (+992 37) 227 51 87; 918 67 96 06 E-mail: hrc.tajikistan@gmail.com		Conducted

### 9 February 2022 (meetings with CSOs)

#	Agency	Time	Interviewee	Contacts	Type of interview	Status
1.	PO National Union of People with Disabilities of Tajikistan (venue)	9:00 – 12:00	Mr. Asadullo Zikrikhudoev	Tel: +992 (37) 234-97-48 +992 985 58 46 46 E-mail: azikrikhudoev@gmail.com	In person	Conducted
2.	NGO Noil		Ms. Fotima Shamsuddinova	Tel: +992 93-432-32-24 E-mail: noil.org@gmail.com		Conducted
3.	DPO Imkoniyat (Dushanbe)		Mr. Firuz Hamidov	Tel: +992 988-52-10-10 E-mail: firuz_hamroev@mail.ru		Conducted
4.	DPO Ishtirok		Ms. Saodat Bobosadykova	Tel: +992 (37) 227 22 45		Conducted
5.	PO Sayohat (Kulyab City)	13:00 – 15:00	Ms. Manzura Murodova	Tel: +992 918 62 88 94 E-mail: manzura5@list.ru	Online	Conducted
6.	Association of Parents of the Children with Disabilities (Dushanbe) – online		Ms. Sabokhat Khakimzoda	Tel: +992 907 88 23 32		Conducted
7.	PO Durakhshon (Vahdat City)		Ms. Murodova Muhabbat	Tel: +992 93 406 0005, 919-27-59-86 E-mail: murodova.muhabbat@mail.ru		Conducted
8.	Ministry of Justice	16:00-17:00	1. Mr. Alisher Nematzoda – Head of the International Relations Department 2. Mr. Talabzoda Bakhtiyor – Head of the Legal Department	Tel: +992 935-62-40-25 E-mail: info@minjust.tj	In person	Conducted

### 10 February 2022 (visit to a regional LAC)

#	Agency	Time	Interviewee	Contacts	Type of interview	Status
1.	Visit to Nurobod Region's LAC	10:00 – 17:00	Mr. Badalov Murodbek Saidovich	Tel: +992 937 06 07 90; +992 93 355 78 20 badalov.murodbek@salac.tj	In person	Conducted

### 11 February 2022 (visit to a regional LAC)

#	Agency	Time	Interviewee	Contacts	Type of interview	Status
1.	Visit to Dusti's LAC (Khatlon Region)	10:00 – 15:00	Mr. Yorov Dilshod	Tel: +992 933559604; +992 93 188 76 54 yorov.dilshod@salac.tj	In person	Conducted
2.	Union of Lawyers of RT (Bokhtar city) Online on 8.02 or 14.02	16:00 – 17:00	Mr. Alisher Khaydarov	Tel: +992 939950777 Khaydarov.a@bk.ru	In person	Conducted

### 13-15 February 2022 (visit to a regional LAC)

#	Agency	Time	Interviewee	Contacts	Type of interview	Status
1.	Visit to Khujand's LAC (Sughd Region)	9:00 – 10:30	Mr. Isroilov Ahrorkhon	Tel: +992 933777340 ahrorjon.isroilov@salac.tj	In person and online	Conducted
2.	PO Gulrukhsor (Khujand city)	11:00 – 12:30	1. Ms. Gulrukhsor Abdullaeva - Director 2. Ms. Sabohat Karimova	Tel: +992 927 80 40 74		Conducted
3.	PO Saodat (Khujand city)		1. Ms. Sultonova Manzura – Consultant 2. Ms. Ataeva Mukrimakhon – Project Coordinator 3. Ms. Shahnoza Isoeva – Office Manager 4. Ms. Mehrangez Karimova -	Tel: +992 927773113 E-mail: ngo_saodat@mail.ru		Conducted

			Trainer			
4.	PO Bonuvoni Fardo (Shahritus)		Ms. Venera Dzhabarova	Tel: +992 93 555 46 22		Conducted
5.	Union of Lawyers of RT (Khujand city)	13:30 – 14:30	Mr. Sadriddin Saidov	Tel: +992 92 601 76 34	In person	Conducted
<b>15.02.2022 Heading back to Dushanbe city</b>						

**16 February 2022 (meetings with UNDP representatives)**

#	Agency	Time	Type of interview
1.	Meeting with project staff	13:00 – 15:00	In person
2.	Validation Workshop to present results of evaluation		

**Departure: 17 February 2022, at 4:30 AM**

1. Terms of References for the final project evaluation of the “Strengthening Rule of Law and Human Rights to Empower People in Tajikistan”, Phase Two.
2. Project Document *Strengthening Rule of Law and Human Rights to Empower People in Tajikistan*, Phase Two.
3. *Concept of Free Legal Aid in the Republic of Tajikistan*, approved by the Decree of the Government of the Republic of Tajikistan of July 2, 2015, No. 425.
4. *Finland's Development Cooperation in Eastern Europe And Central Asia, 2014-2017, Wider Europe Initiative, Ministry of Foreign Affairs.*
5. Legal Reform Program 2019-2021 in the Republic of Tajikistan, 19.04.2019.
6. Annual Report 2018, 14.3.2019.
7. Annual Report 2019, 31.12.2019.
8. Annual Report 2020, 18.02.2021
9. Mid-Term Report of Phase II Rule of Law and Access to Justice”
10. Minutes of the Steering Committee Meeting for the UNDP “Rule of Law and Access to Justice” Programme July 2018.
11. Minutes of the Steering Committee Meeting for the UNDP “Rule of Law and Access to Justice” Programme December 2018
12. Minutes of the Steering Committee Meeting for the UNDP “Rule of Law and Access to Justice” Programme, 29 October, 2019 (PowerPoint)
13. Minutes of the Steering Committee Meeting for the UNDP “Rule of Law and Access to Justice” Programme October 2020.
14. UNDP Strategic Plan 2018-2021.
15. UN Country Programme Document for Tajikistan (2016-2020).

**A Results Achievement**

<b>Type</b> D – Descriptive – what is N – Normative – What is with what should be C&E – Cause and effect	<b>Design:</b> ED = experimental design QED = quasi- experimental design NED = Non experimental
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**Criteria: 1. Results & Effectiveness**

<b>Sample or Census</b> S = sample C = census
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Questions	Type	Measure or Indicator	Target or Standard	Baseline Data	Data Source	Design	Sample or Census	Data Collection Instrument	Data Analysis	Comments
a. <b>Key Question:</b> To what extent the expected results are achieved by end of the Phase II? What are the results (expected/unexpected/positive/negative) of the project?	D&N	Output performance indicators & Stakeholder opinion	Overall results and <i>whether met stakeholder's expectation</i>	None	Project progress reports, stakeholder interviews	NED	C	Documentation & Stakeholder interview records	Gap analysis	This assessment includes a primary stakeholder's perspective. Care will need to be taken in determining what constitutes a significant gap
b. What are the major factors and actors influencing the achievement/non-achievement of the expected results?	D&N	Specific limited key factors identified in the WP; factor analysis	Sufficient evidence support	None	Project documents & stakeholder interviews	NED	C	Documentation review & stakeholder interviews	Comparative analysis	Relevance & importance to be assessed Quantitative and qualitative data will be analyzed

**Criteria: 2. Relevance**

Questions	Type	Measure or Indicator	Target or Standard	Baseline Data	Data Source	Design	Sample or Census	Data Collection Instrument	Data Analysis	Comments
a. <b>Key Question:</b> To what extent is project timely and relevant to	D&N	National policies and strategic	Highly relevant to	N/A	National policies and	NED	N/A	Government pronouncements	Relevancy analysis	National context is relevant in assessing the importance

Questions	Type	Measure or Indicator	Target or Standard	Baseline Data	Data Source	Design	Sample or Census	Data Collection Instrument	Data Analysis	Comments
<p><i>the national context in Tajikistan?</i>  <i>Are results relevant to primary stakeholders' needs and priorities as defined by them?</i>  <i>To what extent is the project in line with national priorities and needs of targeted groups?</i></p>		plans; Stakeholder opinion	Stakeholders		strategy documents; Stakeholder interviews			and policy documents review; Stakeholder interview records		of supporting this type of project. Also it will be relevant in assessing the difficulties in achieving its expected results.

**Criteria: 3. Efficiency**

Questions	Type	Measure or Indicator	Target or Standard	Baseline Data	Data Source	Design	Sample or Census	Data Collection Instrument	Data Analysis	Comments
<p><b>a. Key Question:</b> <i>To what extent the project fulfilment corresponds to the Project Document? Are there any delays? If "Yes" why? Have resources (funds, human, time, expertise, etc.) been allocated and used adequately?</i></p>	D&N	Project delivery rate and budget compliance; Stakeholder opinion	Project activity and budget delivery rate achieved; Highly relevant to Stakeholders	N/A	Project financial records; Stakeholder interviews.	NED	C	Project financial records; Stakeholder interview records	Financial records and delivery rate analysis	

**Criteria: 4. Sustainability**

Questions	Type	Measure or Indicator	Target or Standard	Baseline Data	Data Source	Design	Sample or Census	Data Collection Instrument	Data Analysis	Comments
<p><b>a. Key Question:</b> <i>What key factors are contributing to/hindering results' sustainability? To what extent are the project achievements likely to continue after its completion? What are the prospects of policy/institutional/financial and environmental sustainability?</i></p>	D&N	Stakeholders level of technical and administrative capacity; SALAC and other stakeholders budgetary capacity; Stakeholder opinions	Sufficient evidence support for: Capacities exist – technical & budgetary; A high level of readiness for assuming	Current budgets, human resource capacity, operating procedures, etc.	SALAC and other stakeholders budget information; Project documentation Stakeholder and other donors	NED	C	Document review; Stakeholder interviews; Interviews with other donors	Readiness, capacity and gap analysis	Also important to assess the organizational, financial and administrative capacity to operate the legal aid system in a way that it provides effective delivery of free legal aid services.

Questions	Type	Measure or Indicator	Target or Standard	Baseline Data	Data Source	Design	Sample or Census	Data Collection Instrument	Data Analysis	Comments
			ownership of the results		interviews					

**Criteria: 5. Marginalized groups (Gender Equality & Persons with Disabilities)**

Questions	Type	Measure or Indicator	Target or Standard	Baseline Data	Data Source	Design	Sample or Census	Data Collection Instrument	Data Analysis	Comments
<p><b>a. Key Question:</b> <i>To what extent have issues of gender and marginalized groups (in particular people with disabilities) been addressed in the design, implementation and monitoring of the project?</i></p> <p><i>To what extent the project approach was effective in promoting gender equality and disability issues through project interventions?</i></p> <p><i>To what extent has the project promoted positive changes of women, people with disabilities? Were there any unintended effects?</i></p>	D	Participation trends	Gender-based and PWDs inequalities reduced	N/A	Surveys and studies done by national and international agencies; SALAC records; Structured interviews and focus groups	NED	N/A	Research of surveys and studies done; Interviews with stakeholders and gender specialists;	Data tabulation and analysis	
<p><b>b.</b> <i>To what extent and how has the project contributed to improved access to justice for women and persons with disabilities?</i></p>	D	Perception of access to supply chains and other resources; access and control of resources and benefits of	Gender-based inequalities reduced; Level of LA support to women and girls victims of sexual and gender-based	N/A	Project studies; Legal Aid provision stats; Surveys and studies done by national and international agencies; Interviews and	NED	N/A	Research of surveys and studies done; Interviews with stakeholders and gender specialists;	Data tabulation and analysis	There may be surveys done by the project on legal awareness and on legal aid and human rights in Tajikistan (men and women and PWDs) which will be useful.

		development (M/F)	violence. Level of support for PWDs		focus groups with legal aid and other project beneficiaries					
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**Criteria: 6. Partnership**

Sub-Questions	Type	Measure or Indicator	Target or Standard	Baseline Data	Data Source	Design	Sample or Census	Data Collection Instrument	Data Analysis	Comments
<b>a. Key Question:</b> <i>How does partnership with the Government (Ministry of Justice of the Republic of Tajikistan (MoJ) and its subordinated bodies, particularly SALAC) and CSOs (gender and disability public organizations) work? Does it create synergies or difficulties? What type of partnership building mechanism is necessary for future partnership?</i>	D	Work relationship among project partners; level of cooperation; synergies	Whether working with the partners contributed positively to the project's achievements	Past cooperation in Phase I	Project partners and documentation; Progress reporting; project steering committee minutes; project semi-annual and annual reports	NED	N/A	Documentation review; Interviews with project partners and project management	Comparative analysis of anticipated and actual partnership cooperation and collaboration and synergies analysis	The partners in Phase II have some historical record of working together in Phase I and in working collaboratively in past projects which will be useful in this area.