

## United Nations Development Programme

**Country: Mongolia**

### Project Document Revision

<b>Project Title</b>	Access to Justice and Human Rights
<b>UNDAF Outcome(s):</b>	Democratic processes are strengthened through institution building, civil society empowerment, and enhanced accountability and transparency to reduce disparities and human poverty
<b>Expected CP Outcome(s):</b> <i>(Those linked to the project and extracted from the CP)</i>	Capacity enhanced for the promotion and protection of human rights and access to justice
<b>Expected Output(s):</b> <i>(Those that will result from the project)</i>	1. Normative framework for the protection of disadvantaged groups enhanced 2. Capacity of the justice system and service providers enhanced for improved protection and access to justice by disadvantaged groups
<b>Implementing Partner:</b>	Ministry of Justice and Home Affairs

#### Substantive Revision Justification

Following the positive contribution made by the Project in supporting the implementation of the NHRAP and the National Programme on Legal Aid to the Indigent and the recommendations of the RCB mission in April 2009 and CPAP (2007-2011) mid-term outcome evaluation by UNDP, stakeholders and responsible parties have agreed to extend the project till June 2011. In accordance to the mission recommendations outputs are redesigned so as to ensure consistency and synergy between different activities and interventions as well as improvements of performance measurement indicators of the project. The RCB mission's recommendation to initiate a Legal Empowerment of the Poor agenda has also been incorporated. The original outputs are reduced to two outputs: 1) Normative framework for the protection of disadvantaged groups enhanced: 2) Capacity of the justice system and service providers enhanced for improved protection and access to justice by disadvantaged groups. The project will incorporate initiatives started under the UN joint programme on Prevention from Violence against Women and Children.

Key Result Area (Strategic Plan)	<u>Democratic Governance</u>	Total resources required	<u>1,250,000</u>
Atlas Award ID:	<u>00047544</u>	• Regular	<u>1,250,000</u>
Start date:	<u>July 2009</u>	• Other:	
End Date	<u>July 2011</u>	o Donor	_____
PAC Meeting Date	_____	o Donor	_____
Management Arrangements	NEX	o Donor	_____
		o Government	_____
		Unfunded budget:	_____
		In-kind Contributions	_____

Agreed on behalf of the Implementing Partner:

\_\_\_\_\_  
Ts. Nyamdorj, the Minister for  
Justice and Home Affairs

Date: \_\_\_\_\_

Agreed on behalf of UNDP:

\_\_\_\_\_  
Debora Comini, Resident Representative, UNDP

Date: \_\_\_\_\_

## **Background**

The Access to Justice and Human Rights project (hereafter will be referred as the Project) was signed on 30 April 2007 with an effective completion date as 30 June 2009. The project identified three key outputs: (1) Strengthen capacity to implement and comply with UN human rights treaties; (2) Strengthen capacity to implement National Human Rights Actions Programme (NHRAP); and (3) Improve access to justice for the vulnerable, disadvantaged and marginalised groups through legal aid, human rights education and public awareness.

### Project Outputs:

As of 30<sup>th</sup> of June 2009, the Project's actual expenditures were \$US 507.240, which is 101.4 per cent of the planned budget of \$US 500.000 with the following major outputs:

- Lobbying campaigns, workshops to advocate the rights of people with disabilities were supported which resulted in the accession of the UN Disability Convention by the Parliament in December 2008. A mutual agreement on cooperation between law enforcement agencies and NHRCM was signed to strengthen their joint efforts in combating torture and promoting accession to the Optional Protocol to the Convention Against Torture. Public awareness on human rights related issues is being improved through targeted advocacy campaigns.
- For strengthening capacity to implement the NHRAP, a set of different initiatives were carried out, including the Annual Human Rights Forums, policy dialogue on gender-based violence, launching of the national human rights website, justice sector research capacity enhancement, special HR courses, media training.
- The most significant achievement of the Project was the establishment of Legal Aid Centres in all 21 provinces and 9 districts of the Capital city, which provide free legal aid services to the vulnerable groups.

### Mid-term Outcome Assessment

In April 2009, the UNDP Country Office invited Mr. R. Sudarshan – Legal Reform and Justice Policy Adviser of the UNDP Regional Centre in Bangkok (RCB) for a mid-term outcome assessment of the Project. The review report (15 May 2009) covered the assessment of the Project's relevance to previous UNDP projects on human rights, the recommendations of the RCB internal review of the Mongolia CO governance portfolio as well as the outcome evaluation of the previous human rights projects, the Project's progress against its stated objectives, UNDAF and CPAP outcomes. The Regional Adviser's provided detailed recommendations which included suggestion to redesign the project outputs for its next phase. The recommendations are:

- Continue to advocate Mongolia's signing of the Optional Protocol to CAT.
- Continue support to treaty body reporting compliance together with NHRCM.
- Work on national policy on legal aid, including option of institutionalizing public defenders.
- Continue to assist the government on compliance with CEDAW Committee recommendations.
- Phase out work on human rights awareness raising and education for the public.
- Incorporate into work plans training for police on human rights and community policing.
- Enable government to draft laws on witness protection and victim compensation claims.
- Prioritize action points in the NHRAP, especially impact of national budget on human rights.
- Support creation of One Stop Service Centres to assist victims of gender-based violence.
- Initiate policy-oriented studies on anti-poor impact of criminal and other laws.
- Formulate a strategic plan for legal empowerment of the poor focusing on issues of migration and informality.

The full assessment report was distributed to all counterparts upon which feedback were received including the NHRCM (1 July) and the General Police Department in writing.

### Agreement on the Project Extension

The Project Annual Review Meeting was held on 23<sup>rd</sup> of January 2009, which discussed the progress made in 2008 and activities planned for 2009. The board members agreed to extend the Project beyond its officially agreed timeframe of 30 June 2009 for 2 years (till June 2011). The MOJHA was requested to

develop a 2-years work plan in consultation with the Project counterparts. UNDP agreed to review resource commitments for the extension (minutes attached).

The Project Board Meeting was convened on 23 June 2009 to discuss suggestions and proposed activities by the counterparts for the next phase of the Project. A draft work plan for 2009-2011 was prepared by the PMU incorporating these suggestions and received by the CO on 7 August. The CO has reviewed the draft and finalised jointly with the PMU. A feedback on the draft Results and Resources Framework was received from the UNDP Regional Centre in Bangkok.

The finalised Work Plan for 2009-2011 is presented to the Local Project Appraisal Committee meeting for endorsement by the stakeholders.

### **Justifications and Detailed Changes**

- Extend the duration of the project for 2 years till June 2011 to continue the positive contribution made by the Project in supporting the implementation of the NHRAP and the National Programme on Legal Aid to the Indigent.
- Following the recommendations of the RCB mission in April 2009 and CPAP (2007-2011) mid-term outcome evaluation by UNDP, the project outputs are redesigned so as to ensure consistency and synergy between different activities and interventions. Thus the difficulty of measuring progress of the Project performance and developing quarterly and annual work plans due to unclear definition of expected results and target indicators is addressed.
- The original outputs are reduced to two outputs: 1) Normative framework for the protection of disadvantaged groups enhanced: 2) Capacity of the justice system and service providers enhanced for improved protection and access to justice by disadvantaged groups.
- Whereas the project focus was shifted to the establishment and operationalization of the Legal Aid Centers /LACs/ during its initial phase, the third output will be refocused to support a national policy on legal aid, including options for institutionalizing the system of public defenders and legal aid as a longer-term solution to improve access to justice for the poor, vulnerable and marginalised.
- Responding to the challenges of the economic crisis, there is a need to initiate a new agenda on the Legal Empowerment of the Poor (LEP). An initial assessment of how laws affect the poor and vulnerable at present, followed by formulation of a strategic plan for LEP focusing on issues of migration and informality is proposed.
- Gender is mainstreamed throughout the RRF by incorporating the initiatives started under the UN joint programme on Prevention from Violence against Women and Children, implemented by the MOJHA in 2007-2008, activities supporting the CEDAW Committee Recommendations (Oct.2008) and the approval of the Gender Equality Law and its implementation.

### Management arrangements

Reference to the "Chief Commissioner, NHRM" in the last sentence of the third paragraph in the Management Arrangement section (p. 12) is deleted from the Project Document in order to ensure the independence of the NHRM within the framework of the project management structure.

Changes are made in the composition of the Project Board as per Annex III

Detailed revisions are reflected in the Attachments: Results and Resource Framework/Annex I/and Annual Work Plan Budget Sheet for 2009-2011/AnnexII/.

See Annex IV for abbreviations.

Annex I: **PROJECT RESULTS AND RESOURCES FRAMEWORK**

<b>Intended Outcome as stated in the Country Programme RRF:</b> Capacity enhanced for the promotion and protection of human rights and access to justice				
<b>Outcome indicators as stated in the Country Programme RRF, including baseline and targets.</b>				
4.1 Capacities to implement and comply with the United Nations Human Rights related Conventions strengthened				
4.2 Capacity strengthened to implement the National Human Rights Action Programme (NHRAP)				
4.3 Access to justice improved for the vulnerable, disadvantaged and other marginalized groups				
<b>Applicable MYFF Service Line:</b> 2.4 Justice and Human Rights				
<b>Partnership Strategy:</b> The project will be implemented by the Ministry of Justice and Home Affairs in partnership with Supreme Court, the National Human Rights Commission of Mongolia, National Committee on Gender Equality, Ministry of Health, Ministry of Social Welfare and Labour, Ministry of Foreign Affairs and Trade, General Police Department, Prosecutors' General Office, Special Investigative Unit under the General Prosecutor, Court Decision Enforcement Agency , NGOs - National Centre Against Violence, Open Society Forum, MonFemNet, Union of the Disabled People, Mongolian Families' Association, Mongolian Men's Association.				
<b>Project title and ID (ATLAS Award ID):</b> Access to Justice and Human Rights 00057176 (00047544)				
Intended Outputs	Output Targets for (years)	Indicative Activities	Responsible parties	Inputs
<b>Output One:</b> <b>Normative framework for the protection of disadvantaged groups enhanced</b>  Indicator: Number of laws enacted and/or revised, national programmes developed and/or implemented	<b>Human-rights based, gender sensitive legal framework established</b> 1.1.1 Gender equality law adopted by Parliament  <i>Baseline:</i> A draft Law on GE submitted to SGH in July 2009	<ul style="list-style-type: none"> <li>• Lobbying the Parliament and advocacy campaign for enactment of the Gender Equality Law</li> <li>• Support the development of implementation plan of GEL, including revision of the national programme on gender equality</li> <li>• Provide capacity building support for implementation of GEL</li> </ul>	NCGE MOJHA	Study tour Workshops Advocacy Service procurement
	1.1.2 National system of victim and witness protection established  <i>Baseline:</i> Recommendations from the National HR forum 2007, NHRAP	<ul style="list-style-type: none"> <li>• Conduct a study to develop a conceptual framework for the establishment of national mechanism of victim and witness protection</li> <li>• Support drafting and approval a law on witness and victim protection</li> </ul>	MOJHA, President's Office, PGO, SC, PMU, NHRM	Service procurement, study tour, workshop, advocacy

		<ul style="list-style-type: none"> <li>Learn international best practice of witness protection and victim compensation claims</li> </ul>		
	<p>1.1.3 Anti-domestic violence law revised</p> <p><i>Baseline:</i> The law enacted in 2004, monitoring report by MOJHA, Dec. 2008. The National Programme on Fighting with Domestic Violence approved by Gov. Resolution #225 in Sep. 2007.</p>	<ul style="list-style-type: none"> <li>Support revision of the Law on Fighting Domestic Violence</li> <li>Support implementation of the Behaviour Change Programme for Perpetrators of Domestic Violence through development of the training manuals, training of trainers</li> <li>Delivery of training programmes for target audience</li> </ul>	MOJHA, NCAV, GPD, MSWL, NCGE	Service procurement, workshop, training, advocacy
	<p>1.1.4 Strategic plan for LEP developed</p> <p><i>Baseline:</i> Recommendations of RCB mission in April 2009 to initiate a LEP programme</p>	<ul style="list-style-type: none"> <li>Develop a TOR and conduct a study on how laws affect the poor and disadvantaged at present</li> <li>Translation and publication of the report of the Commission on Legal Empowerment of the Poor</li> <li>Policy advocacy and formulation of a strategic plan for LEP focusing on issues of migration and informality</li> <li>Initiating a national LEP agenda</li> </ul>	RCB, MOJHA, PMU	Service procurement, workshops, travel, advocacy
	<p><b><u>Capacity to implement and comply with the United Nations human rights treaties strengthened</u></b></p> <p>1.2.1 Government reporting to treaty bodies improved</p> <p><i>Baseline:</i> No systematic database available</p>	<ul style="list-style-type: none"> <li>Create and maintain database on international human rights treaties, government reports and recommendations accessible to the broader public</li> <li>Provide assistance to reporting teams to prepare government periodic reports, including the Universal Periodic Review in 2010</li> <li>Support producing treaty reporting guideline for government officials</li> </ul>	MOJHA, MFA	Service procurement, workshop, advocacy

		<ul style="list-style-type: none"> <li>• Provide capacity building support to CSOs for active participation in UPR</li> </ul>		
	<p>1.2.2 Capacity strengthened to apply international human rights norms</p> <p><i>Baseline:</i> A study on application of international human rights norms among judges conducted in 2007</p>	<ul style="list-style-type: none"> <li>• Provide capacity building support in the application of international human rights norms by courts, police, prosecutor's office, court decision enforcement agency</li> </ul>	SC, MOJHA, NLI	Service procurement, workshop, advocacy
	<p>1.2.3 Capacity strengthened to implement the Convention on the Rights of Persons with Disabilities</p> <p><i>Baseline:</i> The Convention ratified in Dec 2008</p>	<ul style="list-style-type: none"> <li>• Support implementation of UN Convention on the Rights of Persons with Disabilities and public advocacy</li> </ul>	MNFDPO, NGOs	Workshop, advocacy
	<p>1.2.4 Compliance with CEDAW Committee's recommendations improved</p> <p><i>Baseline:</i> CEDAW Committee recommendations, Oct 2008</p>	<ul style="list-style-type: none"> <li>• Organise training on non-discrimination framework and CEDAW for government agencies responsible on CEDAW implementation and reporting and CSOs</li> <li>• Develop a follow-up action plan for capacity development and implementation of CEDAW recommendations.</li> <li>• Support preparation of the government follow-up report</li> </ul>	MOJHA, NCGE, NGOs	Service procurement, workshop, training
	<p>1.2.5 OPCAT ratified by Mongolia</p> <p><i>Baseline:</i> n.a.</p>	<ul style="list-style-type: none"> <li>• Promote accession to OPCAT and increase capacity of SIUGP in preventing and protecting right not to be tortured</li> </ul>	MOJHA, NHRCM, SIUGP	Advocacy, procurement, workshop
<b>Output Two: Capacity of the justice system and service providers enhanced for</b>	<p>2.1 Access to justice improved for the poor and disadvantaged groups through strengthening national</p>	<ul style="list-style-type: none"> <li>• Support functioning of LACs</li> <li>• Joint UNDP/OSF/MOJHA evaluation of operations of LACs</li> </ul>	MOJHA, NLS, OSF, PMU, NGOs	Procurement, workshop, training,

<p><b>improved protection and access to justice by disadvantaged groups</b></p> <p><i>Indicators:</i></p> <ul style="list-style-type: none"> <li>• Number of poor people received free legal aid</li> <li>• Evidence for improved functioning and services of LACs</li> <li>• Number of revised procedures and regulations</li> <li>• Increase in number of service providers in victim protection and rehabilitation</li> <li>• Evidence of the increased role of local governments in prevention from GBV at local levels</li> <li>• State budget allocated for shelters and counselling services</li> </ul>	<p>legal aid systems</p> <p><i>Baseline:</i> 30 Legal Aid Centres, national coalition on law clinics were established, 5700 people serviced by LACs</p> <p>National Action Plan on Legal Aid to Indigent adopted in 2006 by Gov.Res #263, a study tour to South Africa conducted</p>	<ul style="list-style-type: none"> <li>• Conduct a series of trainings for lawyers and legal officers of the LACs</li> <li>• Conduct a survey on current legal aid delivery</li> <li>• Promote and strengthen alternative forms of legal aid service such as law clinics, paralegal, pro-bono</li> <li>• Support drafting and approval of a law on legal aid and public defenders</li> </ul>		advocacy
	<p>2.2 Capacity built for improved protection and services to victims of GBV</p> <p><i>Baseline:</i> Operational procedures for OSSC approved by the joint decree of MOJHA, MOH, MSWL</p> <p>A study on GBV conducted under the UN JP on GBV in 2008</p>	<ul style="list-style-type: none"> <li>• Support establishment and functioning of One Stop Service Centres to serve victims of GBV</li> <li>• Improve conditions and number of shelters and counselling services to victims of GBV</li> <li>• Capacity building support provided to service providers at the local level in implementation of the law on fighting domestic violence and behaviour change programmes for perpetrators</li> <li>• Participate in the Asia-pacific regional network on involving men and boys in ending VAW</li> <li>• Publication of the study report on GBV and organize policy advocacy workshop to disseminate study findings</li> <li>• Support evidence based advocacy and prevention</li> </ul>	MOJHA, PMU, NCAV, NGOs	Service procurement, workshop, advocacy
	<p>2.3 Capacity to monitor implementation of the NHRAP</p>	<ul style="list-style-type: none"> <li>• Adaptation of the OHCHR Human Rights Monitoring manual to the</li> </ul>	NHRAPC, MOJHA, CSOs	Service procurement,

	<p>strengthened</p> <p><i>Baseline:</i> Weak monitoring capacity of human rights, insufficient participation of CSO in implementation of NHRAP</p>	<p>local context</p> <ul style="list-style-type: none"> <li>• Facilitate institutionalization of the NHRAP monitoring and implementation reporting process</li> <li>• Capacity building of human rights subcommittee focal points</li> <li>• Organize annual national human rights forum on the topic "The role of NGOs in protecting and promoting human rights"</li> <li>• Develop follow-up action plan and support implementation</li> </ul>		<p>workshop, Advocacy, training</p>
	<p>2.4 Strengthen national capacity to deliver formal and informal human rights education for general public as well as other officials</p> <p><i>Baseline:</i> Lack of Institutions, training materials to deliver human rights education.</p>	<ul style="list-style-type: none"> <li>• Develop human rights training manual for law enforcement officers.</li> <li>• Develop TOR for establishment of National human rights institution to deliver formal and informal human rights education</li> </ul>	<p>CDEA, MOJHA, PMU, CSO</p>	<p>Service procurement, training, workshop, study tour</p>

## Abbreviations

<b>CAT</b>	Convention Against Torture
<b>CDEA</b>	Court Decision Enforcement Agency
<b>CEDAW</b>	Convention on Elimination of Discrimination Against Women
<b>CPAP</b>	Country Programme Action Plan
<b>CSO</b>	Civil Society Organisation
<b>GBV</b>	Gender Based Violence
<b>GEL</b>	Gender Equality Law
<b>GPD</b>	General Police Department
<b>LEP</b>	Legal Empowerment of the Poor
<b>MFA</b>	Ministry of Foreign Affairs
<b>MNFDPO</b>	Mongolian National Federation of Disabled People's Organisation
<b>MOJHA</b>	Ministry of Justice and Home Affairs
<b>MSWL</b>	Ministry of Social Welfare and Labor
<b>NCAV</b>	National Centre Against Violence
<b>NCGE</b>	National Committee on Gender Equality
<b>NGO</b>	Non-governmental organisation
<b>NHRAP</b>	National Human Rights Action Programme
<b>NHRAP</b>	National Human Rights Action Programme Centre
<b>NHRCM</b>	National Human Rights Commission of Mongolia
<b>NLS</b>	National Law School
<b>OHCHR</b>	Office of the Human Rights High Commissioner
<b>OSF</b>	Open Society Forum
<b>OSSC</b>	One stop service
<b>PGO</b>	Prosecutor's General Office
<b>PMU</b>	Project Management Unit
<b>RCB</b>	Regional Center in Bangkok
<b>RRF</b>	Results and Resource Framework
<b>SC</b>	Supreme Court
<b>SGH</b>	State Great Hural
<b>SIUGP</b>	Special Investigative Unit under the General Prosecutor
<b>TOR</b>	Terms of Reference
<b>UNDAF</b>	United Nations Development Assistance Framework
<b>UNDP</b>	United Nations Development Programme
<b>VAW</b>	Violence against women