



**The Ministry of Justice
of the Republic of Belarus**

United Nations Development Programme

**Promotion of a wider application
of international human rights standards
in the administration of justice in Belarus**

Brief description

The project aims to improve the administration of justice in Belarus by:

1. Improving the access of justice sector professionals to information on international human rights standards and case-law;
2. Exposing the justice sector professionals to the best international practices;
3. Developing recommendations on further improvement of the national legislation and its implementation;
4. Promoting better understanding of the role of the judiciary system in a democratic law-abiding state by the general public.

May 2006

1. Situation Analysis

One of the vital elements of the democratic law-abiding state is an effective and independent judicial power. During recent years, new Civil Code, Criminal Code and Code of Criminal Procedure, as well as other legal acts, aimed at further improvement of Belarus' legal system, were adopted. Moreover, the national legislation, governing the interaction between citizens and state structures, is permanently improved. However, the Belarus' system of administration of justice needs to be further improved in the context of best international practices and international standards of the right for legal protection. This, in order to fully guarantee citizens' rights for judicial protection in accordance with the Constitution and other legislative acts of the Republic of Belarus and international law norms.

The National Strategy of Sustainable Socio-Economic Development up to 2020, approved by the National Commission on Sustainable Development and Presidium of the Council of Ministers of the Republic of Belarus, states that the country's transition to a sustainable development model requires creation and development of a law-abiding democratic state, formation of contemporary civil society, building an economy with developed market relations, and further improvement of interaction between the state, society and business based on principles of transparency, partnership and responsibility.

The project falls into the 'Effective and accountable governance' thematic area of the UNDP Country Programme Document for Belarus for 2006-2010, which was agreed with the Government of Belarus and approved by the UNDP/UNFPA Executive Board in January 2006. The Document stipulates implementation of projects that would enhance public service accountability and transparency, improve the accessibility of Government to the people, decrease bureaucracy, and support the adoption of measures for anti-corruption, as well as provide legal training and legal assistance and support to the drafting of new legislation.

UNDP already has some experience in the sphere of administration of justice in Belarus. In 2002, UNDP successfully implemented the project 'Application of International Instruments', assisting judges and other judicial system professionals in the development of contemporary interpretations of new national legislation on the application of international standards. To this purpose training and discussion series were organized; and centers for innovative law-practice were set up in the Supreme Court and in the regional courts.

2. Strategy

The main objective of the project is to improve the administration of justice in Belarus through:

- better access for judges and court staff, prosecutors and prosecutor's office staff, and lawyers (further referred to as justice sector professionals) to information about international human rights standards and relevant case-law, familiarization with best international practices,
- development of recommendations to further improve the national legislation and law enforcement in the area of administration of justice,
- increased public awareness of the role of the judiciary in a democratic law-abiding state.

The project will contribute to a better understanding and application of international human rights standards, especially those related to the legal protection, by the justice sector professionals, students and professors of law faculties of universities, and representatives of the other interested organizations (governmental and academic) and NGOs.

Immediate beneficiaries of the project will be judges, lawyers, prosecutors, professors and students of law faculties of universities, and representatives of the other interested organizations (governmental and academic) and NGOs. An ultimate beneficiary is Belarusian society as a whole, which understanding of the role of the judiciary will increase.

Intended number of project's beneficiaries:

- Judges (500-600);
- Advocates (400-500);
- Prosecutors (400-500);
- Law professors (20-30);
- Law students (100-200);
- Representatives of other interested governmental and academic organizations (50-100);
- Representatives of NGOs (Belarusian Branch of the International Union of Lawyers, Belarusian National Public Association 'Guardian Council to Assist the Criminal and Reformatory System', Public Association 'Belarusian National Union of Lawyers', Public Association 'Belarusian Association of Young Christian Women', Public Association 'Belarusian Association of Political Sciences', National Public Association 'Belarusian Association of Legal Advisers', International Public Association 'Centre for Eastern Europe Countries' Law Studies');
- Society as a whole.

The project will contribute to:

- provision of sufficient access to the international human rights standards, and relevant case-law through publication and dissemination of reference books, creation of databases on CDs and in the Internet (and also – in case of under-expenditures after the first year of project's implementation and upon additional approval of the European Commission – procurement of computer equipment for main project partners);
- familiarization of justice sector professionals with best international practices of administration of justice in accordance with the international human rights standards through workshops and discussions with participation of international experts, and study visits to the relevant institutions abroad;
- development of recommendations regarding further improvement of the national legislation in the area of administration of justice based on the best international practices;
- promotion of better understanding by the general public of the role of the judiciary in a democratic society through development of relevant social advertising and its broadcasting by the national TV channels.

3. Activities

Activity 3.1 Familiarization of justice sector professionals with best international practices through organization of workshops and discussions with participation of international experts, and development of recommendations regarding further improvement of the national legislation, in accordance with the following pattern:

- a) An introductory seminar will be organized on each of the 12 themes indicated below to identify the burning issues in the Belarus justice system that require further deliberations. During the first project year one thematic seminar per month will be held (on each of the 12 themes). The following target groups will participate in the seminars:
 - high-level officials and well-known national experts in the relevant field (10-15 persons);
 - justice officials from regional and district justice bodies (30 persons);
 - officials on in-service training at the Institute for Re-training and Qualifications Upgrading of Judges, Prosecutors and Staff of Courts and Justice Establishments (20-30 persons);
 - interested representatives from the National Centre for Law-Drafting Activity under the auspices of the President of Belarus, House of Representatives of the National Assembly, Institute of the State and Law of the National Academy of Sciences, Law Faculty of the Belarusian State University, Academy of State Administration at the President of Belarus, Academy of the Ministry of Internal Affairs, and law faculties of other universities, as well as NGOs, which have knowledge and expertise in the issues of the administration of justice (10-15 persons).
- b) After each introductory seminar, a team of national and international experts will be formed. In the course of the year these experts will carry out analytical and research work to develop possible ways and methods to improve the Belarusian justice system (in the field discussed at the introductory workshop) from the point of view of international human rights standards and best international practices. These groups will undertake the following activities: 150 days of paid research and analytical activities for the national experts; 35 days of study tours for the national experts; 14 days of paid research activities for foreign experts. The analyses and presentations of the experts will serve as a basis for final conferences in each of the 12 fields.
- c) Exactly one year after the introductory thematic seminar, a final thematic conference will be held with the participation of those national and international experts who carried out analytical and research work on the theme. The conference will help the justice system to develop possible ways for further improvement of the administration of justice in Belarus in each specific sector, as well as to develop recommendations regarding improvement of the legislation. During the second project year a final conference per month will be held (on each of the 12 themes).
- d) The analyses and presentations of the national and international experts, who were involved in the research work on the themes indicated below, might be used in the educational and re-qualification programmes for justice professionals carried out by the Institute for Re-training and Qualifications Upgrading of Judges, Prosecutors and Staff of

Courts and Justice Establishments, legal faculties at the universities and other relevant institutions.

Theme 1: 'Judicial system and the status of judges'

Theme 2: 'Judicial system and the status of lawyers'

Theme 3: 'Judicial system and the status of prosecutors'

Theme 4: 'Controversy in the criminal process'

Theme 5: 'Guarantees of implementation of the constitutional right to judicial protection'

Theme 6: 'Constitutional control and the judicial system'

Theme 7: 'Application of the international human rights standards in the administration of justice'

Theme 8: 'Alternative sentencing'

Theme 9: 'Legal assistance: current state and prospects'

Theme 10: 'Implementation of court decisions'

Theme 11: 'Effective performance indicators for the justice system'

Theme 12: 'Juvenile justice'

Activity 3.2 Familiarization with international experiences through organizing study visits for justice sector professionals to the relevant institutions abroad.

Activity 3.3 Providing legal sector professionals with sufficient access to materials on international standards in the sphere of human rights and administration of justice and to the relevant case-law through compilation of official texts of international human rights standards (conventions, treaties of the UN, OSCE and Council of Europe) as well as of the case-law applied by international organizations in the field of human rights (UN treaty bodies, European Court of Human Rights, etc) in Russian: two two-volume publications (10,000 copies of each) and two databases in CD-ROM format (10,000 copies of each). These reference materials will also be posted on the National Legal Information Portal (<http://pravo.by>). In case of under-expenditures after the first year of project's implementation and upon additional approval of the European Commission, procurement of computer equipment for the main project partners will be made.

Activity 3.4 Production and broadcasting of three different social adverts for state TV channels explaining the role of the justice system in a democratic society in accordance with the Constitution and international standards.

4. Management Arrangements

The project will be implemented in line with the National Execution (NEX) modality and in accordance with the 'UNDP Programme Manual'. The Ministry of Justice will act as the implementing agency and will appoint a National Project Co-ordinator. The Ministry of Justice is responsible for the overall planning, coordination and implementation of the project activities, as well as for the involvement of the project beneficiaries. The National Project Co-ordinator is in charge of supporting the project objectives and taking the necessary decision within the jurisdiction of the Ministry of Justice.

The main project partners are the Constitutional Court, Prosecutor-General's Office and National Bar Association.

The Ministry of Justice and UNDP will jointly decide on the circle of participants in the project events, taking into consideration the proposals of the key project partners. UNDP will be responsible for project personnel recruitment, financial transactions, payments, procurement of goods and services etc. in accordance with UNDP rules and procedures.

Every key partner organization will appoint a project coordinator. The coordinators together with the Ministry of Justice, UNDP and other donors – the European Commission and UNICEF – will form a Project Steering Committee (PSC). The PSC will be responsible for the coordination of the project activities, agree annual work plans, discuss and endorse annual project reports. Representatives from other organizations involved in the project may participate in the PSC meetings.

The Project manager and her/his two assistants on organisational and juridical issues (further 'the personnel') will be responsible for the day-to-day management of the project. The project manager will be accountable both to UNDP and the Ministry of Justice. Efforts will be made in order to respect gender equality aspects during the recruitment process. The project office facility will be either provided by one of the project partners or rented. Detailed quarterly work plans will be prepared by the project manager and agreed by UNDP and the Ministry of Justice.

The logos of UNDP and the European Commission will be placed on all project publications and equipment funded by UNDP or the European Commission.

5. Monitoring and evaluation

The project manager prepares annual, mid-term, and final narrative and financial project reports for the PSC, as well as other necessary reports in accordance with requirements established by the legislation of Belarus related to reporting on implementation of international technical assistance projects and time limits for their submission. External experts, invited by the UNDP upon agreement with the European Commission, will carry out a mid-term and a final evaluation of the project.

6. Legal context

The project will be implemented in the national execution modality in accordance with the guidelines and recommendations contained in Resolution 47/199 of the UN General Assembly, directed towards greater decentralization of UNDP-funded activities. As a follow-up to the Resolution, letter from the UNDP Administrator of 17 December 1993 authorizes UN/UNDP Resident Representatives to provide direct organizational, administrative and other technical support to national organization implementing project activities. UNDP guidelines UNDP/ADM/93/46 also authorize UN/UNDP Resident Representatives to conduct procurement of equipment, contract local consultants and other technical expertise and undertake other expenditures in accordance with the project budget, as well as to maintain bookkeeping and financial records of nationally executed activities by analogy with the maintenance of the UN/UNDP Office Administrative Budget.

This project document shall be the instrument referred to as such in Article I of the Standard Basic Assistance Agreement between the Government of Belarus and the United Nations Development Programme, signed by the parties on September 24, 1992.

The UNDP Resident Representative in Minsk, Belarus is authorized to effect in writing the following types of revision to this Project Document, provided that he/she has verified the agreement thereto by the UNDP and is assured that the other signatories to the Project Document have no objection to the proposed changes:

- Revision of, or addition to, any of the annexes to the Project Document;
- Revisions which do not involve significant changes in the immediate objectives, outputs or activities of the project, but are caused by the rearrangement of the inputs already agreed to or by cost increases due to inflation;
- Mandatory annual revisions which re-phase the delivery of agreed project inputs or increased expert or other costs due to inflation or take into account agency expenditure flexibility.

7. Project results and resources framework

Outcome 13 of the Country Programme Document:		
Institution/legal/policy frameworks established to promote and enforce accountability, transparency, and integrity in public service		
MYFF goal: Public administration reform and anti-corruption		
Partnership strategy: Ministry of Justice, Constitutional Court, General Prosecutor's Office, National Bar Association		
Project title: Promotion of a wider application of international human rights standards in the administration of justice in Belarus		
Intended outputs	Output targets	Activities
Result 1		
Project Administration (UNDP input)	1.1. Project personnel contracted; 1.2. Project Office functions	1.1. Project personnel 1.2. Rent of the project office, maintenance and communications for 15.5 months of project implementation
Result 2		
Project Administration (EC input)	2.1. Procurement of office furniture and computer equipment; 2.2. Project office is equipped with furniture and computer equipment; 2.3. Project (and its results) visibility in the mass media; 2.4. Project evaluated	2.1. Rent of the project office, maintenance and communications for 8.5 months of project implementation; 2.2. Arranging for three working places in the project office; 2.3. Press-releases, press-conferences, reports publication; 2.4. Project evaluation by an international expert
Result 3		
Carrying out series of broad fruitful discussions on burning issues of the administration of justice in Belarus; broader application of the international human rights standards in judicial practice; usage of analytical and research materials, prepared by the national and international experts in educational programmes (EC input)	Number of justice sector professionals who took part in project activities; recommendations regarding further improvement of legislation; number of lectures and presentations made by the national and international experts	<i>Discussions on 11 topical problems (within workshops, conferences, analytical and research work, and study visits):</i>
		3.1 Discussions on the theme 'Judicial system and the status of judges'
		3.2 Discussions on the theme 'Judicial system and the status of lawyers'
		3.3 Discussions on the theme 'Judicial system and the status of prosecutors'
		3.4 Discussions on the theme 'Controversy in the criminal process'
		3.5 Discussions on the theme 'Guarantees of implementation of the constitutional right to the judicial protection'
3.6 Discussions on the theme 'Constitutional control and judicial system'		

		<p>3.7 Discussions on the theme ‘Application of the international human rights standards in the administration of justice’</p> <p>3.8 Discussions on the theme ‘Alternative sentencing’</p> <p>3.9 Discussions on the theme ‘Legal assistance: current state and prospects’</p> <p>3.10 Discussions on the theme ‘Implementation of court decisions’</p> <p>3.11 Discussions on the theme ‘Effective performance indicators for the justice system’</p>
Result 4		
Carrying out series of broad fruitful discussions on the theme ‘Juvenile justice’ (UNICEF input) ¹	Number of justice sector professionals who took part in project activities; recommendations regarding further improvement of legislation; number of lectures and presentations made by the national and international experts	4.1. Discussions on the theme ‘Juvenile justice’
Result 5		
Availability of sufficient amount of reference sources related to the international human rights standards and relevant case-law (EU input)	Quantity of publications (copies), databases on CDs, presence of databases in the Internet, and situation with their availability	<p>5.1 Publication of texts of the international human rights standards (conventions, treaties of the UN, OSCE and Council of Europe) as well as of the case-law applied by international organizations in the field of human rights (UN treaty bodies, European Court of Human Rights, etc) in Russian: two two-volume publications (10,000 copies of each)</p> <p>5.2 Posting of reference materials on the National Legal Information Portal (http://pravo.by)</p> <p>5.3 Two databases in CD-ROM format (10,000 copies of each)</p>
Result 6		
Public awareness raising about role of the judiciary in a democratic law-abiding society (EU input)	Increased public awareness of the role of the judiciary	4.1 Development and broadcast of social advertising regarding role of the judiciary in the state system

¹ Carrying out series of broad discussions on the theme “Juvenile justice” is indicated separately, because this activity is funded by the UNICEF.

Appendix 1. Terms of References for the Project Steering Committee

1. MEMBERSHIP

The Project Steering Committee (PSC) will be created to monitor the project implementation. It shall consist of six persons from the following organizations:

- 1 representative from the Ministry of Justice (Chair);
- 1 UNDP representative;
- 1 Constitutional Court representative;
- 1 Prosecutor-General's Office representative;
- 1 National Bar Association representative;
- 1 European Commission representative;
- 1 UNICEF representative.

Representatives from other organizations involved in the project may participate in the PSC meetings.

2. FUNCTIONS

The main functions of the PSC include:

- Analysis and elaboration of recommendations on the project implementation strategy and long-term planning,
- Approve annual work plans, discuss and endorse annual project reports,
- Evaluation of the attained results,
- Consideration and selection of ideas and proposals for further development and promotion within the project framework.

3. PROCEDURES

- The project manager shall act as the PSC executive secretary. He/she shall also be responsible for the preparation of the materials required for the PSC sittings.
- The PSC shall be convened as deemed necessary, but no less than 2 times a year.
- The regulations of the PSC meetings will be adopted during the first gathering of the Committee.
- The PSC sitting minutes shall be signed by the chairperson.
- The time and venue of the sittings shall be coordinated by the executive secretary with its members. Each PSC member must be informed on the venue, time and agenda in advance.
- The PSC sittings shall be legally competent when at least half of the PSC members are present.
- The PSC decisions shall be taken on the basis of simple majority.
- All organizations involved in the project are entitled to submit proposals to the PSC.

Appendix 2. Terms of References for the Project manager

Duration	12 months, with possible extension based on a performance evaluation
Work schedule	Full-time
Section/unit	Programme
Contract type	SC
Specific conditions	Payment according to contract
Place of work	Minsk, Belarus

DUTIES	
<i>The Project Manager (PM) assumes overall responsibility for the implementation of project activities and the achievement of planned project outputs as well as to monitor an appropriate use of project funds. The Project Manager will fulfill the following duties:</i>	
Management	Coordination of the project activities with between all the stakeholders
Organizational tasks	Day-to-day administration of the project
	Practical preparation of PSC sittings and performance of functions of Secretary during sittings
	Provision of organizational support to seminars, study tours and trainings under the project on local and national level
	Coordination of the publishing of printed materials
	Provision of practical support to foreign consultants visiting Belarus in the framework of the project
Communication	Ensure adequate information flow, discussions and feedback among the various stakeholders of the project
	Implement the PR activities planned in the project (social publicity)
	Dissemination of information about the project activities and results
Finance	Financial aspects of the project (e.g. payments, budget revisions)
Monitoring	Prepare narrative, financial project reports and other project reports according to the Belarusian legislation
	Conducting regular project monitoring and reporting, assisting external project evaluations
Other	Performance of other duties as necessary
QUALIFICATIONS	
Work experience	Experience of managing international technical assistance projects
	Experience of working in/with administration of justice in Belarus, acquaintance with administration of justice in other countries (preferably European) is desirable
Background	Higher juridical education
	Specialization in Human Rights and/or gender equality is desirable
Languages	Excellent written and spoken Belarusian/Russian and English
Skills	Outstanding organizational, administrative and planning skills
Other	Good analytical skills
	Ability for team work, social competence
	Good computer skills

Appendix 3. Description of UNDP Country Office support services

Upon agreement with the Ministry of Economy of the Republic of Belarus the UNDP country office shall provide the following support services for the projects of technical aid:

Support services	Schedule and procedure for the provision of the support services	Cost to UNDP of providing such support services (where appropriate)	Method of reimbursement of UNDP (where appropriate)
1. General administration: travel arrangements; pouch incoming and outgoing.	upon request of the project manager as required	According to UPL* CO Pricelist	Quarterly Implementation Support Services (ISS) charges
2. Finance: processing of direct payment requests; certified financial reports	upon request of the project manager annually	According to UPL GMS charges in percentage of cost-sharing	Quarterly ISS charges GMS fee
3. Computer related services: Internet connectivity IT consultancy	as requested		In accordance with the methodology of calculating Internet cost, accepted by UNDP office
4. Procurement services	upon request of the project manager	According to UPL	Quarterly ISS charges
5. Programme support: assistance in personnel selection and issuance of contracts assistance in project monitoring and evaluation.	upon request of the project manager in line with the UNDP Office evaluation plan	According to UPL GMS charges in percentage of cost-sharing	Quarterly ISS charges GMS fee
6. Service of the UNDP's Communication Officer to visualize the project outputs (conferences, briefings, publications and so on)	In accordance with the CO communications activities	1% of TRAC resources contributed to the project	

* UPL: UNDP Universal Price List for Country Office Services to UN Agencies and Programmes

ISS: Implementation Support Services

GMS: General Management Support charges in percentage to cost-sharing