



**Final evaluation of joint project of UNDP, USAID and Supreme Court of
Uzbekistan Rule of Law Partnership in Uzbekistan**

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1. Acronyms

BoE - Bureau of Enforcement

GIZ - Deutsche Gesellschaft für Internationale Zusammenarbeit

HJC - High Judicial Council

IML - Institute for Monitoring of Current Legislation

LTC - Lawyers' Training Centre

OHCHR - Office of the High Commissioner on Human Rights

TSU - Tashkent State University of Law

UNDP - United Nations Development Project

UNDAF - United Nations Development Assistance Framework

USAID United States Agency for International Development

WIS - Welfare Improvement Strategy

2. Executive Summary

“The Rule of Law Partnership in Uzbekistan” (hereinafter, “RoL Project”) demonstrated excellent performance in meeting its stated objectives. Activities were tailored to context after careful consultation and deliberation with national partners, and were completed to a high standard of quality and in a timely manner. Important achievements include the implementation and use of the ESUD system across multiple inter-district courts, the development of new training standards and institutions, and the employment of technical expertise to influence reform policies and legislation. The Project also demonstrated how the United Nations Development Project (UNDP) can successfully leverage its multi-lateral status and reputation as a long-term partner to governments, to play a powerful catalytic role in building new processes and institutions in pursuit of greater transparency, accountability and accessibility in the justice sector. Lastly, the Project successfully built on already elevated levels of trust and confidence between the government and UNDP. This bank of trust will need to be drawn-on significantly in the coming months and years as the government signals a renewed commitment to its human rights obligations, and to a lesser extent the 2030 Agenda for Sustainable Development.

Despite the Project’s considerable achievements, project efforts might have maximized impact if project priorities were more clearly articulated, and more closely aligned and sequenced towards the outcomes sought. The project may have benefited from pursuing fewer activities in pursuit of its twin goals. This was particularly true given the Project’s talented, but relatively small team.

Arguably, there were “too many moving parts” to the project as one key stakeholder suggested, and no one activity that gave the Project its centre of gravity. Compounding this problem, the project team was by the Fall of 2016, grappling with a rapidly unfolding Presidential reform agenda. The momentous shifts in the external environment and the important opportunities the reform agenda presented emerged as obstacles to planning. Justice institutions were suddenly formed, merged, or reconceived.

The project team was also increasingly asked on an ad hoc basis for support on multiple fronts, though mostly from the Supreme Court which over time looked to the team as subordinate unit of the Collegium on Civil Cases office. Ad hoc requests for assistance from the Supreme Court might be expected in the ordinary course of business, however, human resource constraints, coupled by an ambitious project activity schedule made other priority areas of implementation difficult. Still, the project team was remarkably successful in meeting the challenges of a dynamic enabling environment and the enlarged set of expectations and responsibilities that accompanied it.

Going forward, any new rule of law or access to justice project will face considerable challenges. The successful implementation of the Rule of Law Partnership project – particularly ESUD implementation – may lead to heightened expectations among national actors, though funding and staffing levels remain flat. Certainly, the President’s ambitions to reform the judiciary, including through the creation of new institutions, will result in increased demands on UNDP’s services and assets. Any new project will require more resources from donors and government. The Supreme Court must also take over certain key tasks, including the roll out of ESUD in the inter-district courts.

Furthermore, the President’s accelerated reform agenda requires UNDP to simultaneously widen and deepen its partnership base. At the same time, the President’s reform agenda is an imperfect guide to the project, and in fact, is not determinate. The project must remain cognizant that it is not a unit of the government, and that UNDP’s global mandate requires it to promote human rights and sustainable development regardless of changing initiatives.

3. Introduction

On 1 June 2017, the UNDP Uzbekistan contracted international rule of law consultant, Sean Lees to conduct an evaluation of the performance of the Rule of Law Partnership project. Between 26 June and 3 July, the evaluator met with the project officers, members of the UNDP Governance Cluster, and 27 stakeholders. The evaluator also visited 4 inter-district courts and reviewed the e-justice software that was implemented, among other things.

Evaluation methodology included the examination of primary and secondary data, the triangulation of that data, and the collection of data on cross cutting issues. Preliminary findings were then presented to project stakeholders for feedback, clarification and validation.

3.1 Scope of objectives

The UNDP Rule of Law Partnership with Uzbekistan evaluation assessed the performance of the Project against UNDP evaluation criteria of effectiveness, efficiency, relevance, and sustainability, in accordance with UNDP Uzbekistan's Evaluation Terms of Reference (TOR).

More specifically, the purpose of the Final Evaluation was to:

- To assess overall performance against the Project objective and outcomes as set out in Project Document.
- To assess the effectiveness and efficiency of the Project.
- To analyze critically the implementation and management arrangements of the Project.
- To assess the sustainability of the project's interventions.
- To list and document lessons concerning Project design, implementation and management.
- To assess Project relevance to national priorities.
- To assess changes in the baseline situation and provide guidance for future activities in the area of promoting rule of law, judicial independence and transparency of judiciary.

The evaluation also followed other corporate and ethical guidelines as contained in UNDP M&E Handbook, UN Evaluation Group, Norms and Standards (2016) and, UNDP Evaluation Policy (DP/2016/23).

3.2 Methodology

Methods used to collect primary data included: 1) a review of relevant literature, including project documentation; research surveys and results; local, national, and international policies; reports on data analysis and related documents and; 2) face-to-face, semi-directed interviews with UNDP project staff, UNDP senior management, UNDP Cluster on Good Governance, Policy and Communication officers, officers at USAID, authorities at the Supreme Court of the Republic of Uzbekistan; and chairpersons and judges at the inter-district courts on civil cases in Mirzo Ulugbek (Tashkent city), Okhangarong, Yuqori Chirchiq and Zangiota (Tashkent region), members of the Higher Judicial Board of the Republic of Uzbekistan, staff at the Research Center for the Study of Justice of the Higher Judicial Board; officers of the Enforcing Court decisions under the Prosecutor General. Interviews were also conducted with authorities at the Economic Court of Tashkent region, with academics and officers at the Tashkent State Law University and at the Lawyers' Training Centre under the Ministry of Justice.

Secondary data sources that were reviewed include: UNDP project documents; UNDP annual and quarterly reports; UN system documents; reports from international organizations; Government of the Republic of Uzbekistan documents (laws, regulations, action plans, etc.) and; program agendas from workshops, conferences, and training sessions.

Efforts were made to triangulate information obtained from all sources via reference to data or comparisons of informant statements. Gender, civil society engagement and other cross cutting issues were the subject of discussions with all respondents.

On 3 July, initial findings were presented at a validation meeting involving multiple stakeholders, including national partners to ensure that the evaluation findings are clearly articulated, fair, and constructive. The evaluation was presented as an opportunity to have a constructive conversation about UNDP's programming with regards to rule of law, and how that programming can be reformulated, if necessary, in new project programming efforts. The evaluation provided an opportunity for UNDP to highlight its successes to date in achieving increased confidence and trust in the civil courts of the Republic of Uzbekistan.

3.3 Limitations and Opportunities

Though the evaluation was undertaken in as comprehensive manner as possible, there were several constraints that limited the evaluator's ability to probe more deeply into areas of interest. Notably, the evaluator did not have an opportunity to meet with members of civil society, or with court end-users.

Any challenges of meeting the expected results of the evaluation were compounded by a highly dynamic political climate. Though reforms were promulgated by Presidential decree, enjoying the full backing of political leaders, the reforms had only recently begun to gain traction. Many people that were interviewed were new to their jobs and to UNDP, while others were well-known to UNDP, but now sitting in newly created institutions, merged institutions, or institutions with heightened or reduced functions.

New or newly reformulated institutions mean unsettled identities and roles. These circumstances might have resulted in less candid feedback, as respondents hedged against any changes in the political climate later. Indeed, several interviews began with long, scripted speeches outlining the contents of the Presidential Decrees and Action Strategy, at the expense of dialogue. Other times, the respondents simply did not have the appropriate background to answer questions, having just arrived in their new positions.

Lastly, given the pace of reform and pressures related to the mergers, some institutions, like the economic courts, were reportedly unable to absorb project deliverables. Project implementation may have been delayed due to structural, budgeting, and staffing changes rapidly unfolding within these institutions.

4. Project Background and Context

Uzbekistan is a country of 32 million people of which 34% are under 14 years of age, according to a 2008 estimate. Uzbekistan is the most populous country in Central Asia, and is currently undergoing a large number of reform initiatives under its current President, Shavkat Mirziyoyev. As such, Uzbekistan is seemingly charting a divergent path from other countries in the region – including

Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan¹ – though it is still too soon to tell how far down the road of liberal reforms the President will take the country.

4.1 Political context

Uzbekistan's appetite for stronger levels of the rule of law may be increasing, as the government under President Mirziyoyev demonstrates a new commitment to open dialogue with citizens, to promote judicial independence and increased levels of public confidence in the courts. Still, at the time of this evaluation, allegations of human rights violations in Uzbekistan are significant.²

The Human Rights Council Working Group on the Universal Periodic Review Committee urged Uzbekistan to ensure that, "cases of alleged torture are investigated by an independent body; that measures are strengthened to end torture, including audio-visual recordings of investigations; and that compensation is provided to victims of torture."³

The Human Rights Council Working Group was also "concerned at the excessive length of custody for which a suspect or an accused may be held without being brought before a judge. While new legislation had been introduced on judicial control of detention (habeas corpus), the full effect of its implementation had yet to be seen."⁴

These conditions stand in sharp contrast to the spirit of the new reform agenda launched under President Mirziyoyev and praised by the High Commissioner of the United Nations Office of the High Commissioner on Human Rights (OHCHR) who visited in February 2017.

Uzbekistan's human rights conditions are not the focus of this evaluation. However, the reform agenda, UPR recommendations, and UNDP's human rights and development mandate provide a weighty justification for steering future UNDP Uzbekistan rule of law orientation towards the criminal justice system, CSOs, and the legal profession.

As noted during the evaluation, Uzbekistan's legal professionals are seemingly well-educated and highly motivated, open to learning from and adopting international best practices where relevant. They seek exposure to the practices of justice institutions of other countries, and actively engage UNDP as a partner to realizing judicial reform goals. Underpinning this observation, a respondent offered that, "[The legal profession] is a work in progress, but it has strong foundations and it is growing. The young aspire to this profession."⁵ Though the capacity of Uzbekistan's legal professionals was beyond the scope of the evaluation, the strong level of capacity in Uzbekistan holds the project to higher standards and expectations than other UNDP projects in other countries.

¹ Central Asia Since 1991: The Experience of The New Independent States, OECD 2003; Promotion of the rule of law for sustainable economic development, GIZ, 2016, accessed at <https://www.giz.de/en/downloads/giz2016-en-promotion-rule-of-law-central-asia-regional.pdf>

² See 2016 Country Report on Human Rig

<https://uz.usembassy.gov/2016-country-reports-human-rights-practices-uzbekistan/>

Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Uzbekistan, para. 20, 2013

⁴Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Uzbekistan, para. 20, 2013

⁵ Interview with IML.

An analysis of the relationship between macro-economic policy and judiciary reform is also beyond the scope of this evaluation. However, an understanding of the forces shaping the political-economy of the country, may help explain the incentives of the government in pushing a reform agenda, and cooperating closely with UNDP and the Rule of Law Partnership project and indeed, on projects still to come.

Uzbekistan has faced well known difficulties common to republics of the former Soviet Union including decades of inefficient production methods and the breakdown and abandonment of central planning to fuel growth. Emerging from a planned economy, Uzbekistan's economic growth has been strong, lifting significant parts of the population out of poverty.⁶ Prices for Uzbekistan's two major exports, cotton and gold, have recently been highly variable or in decline, pressuring the government to do more to develop its domestic economy.⁷

Perhaps in response, the Uzbekistan government has focused on attract foreign investment, gaining significant speed after the death of President Islam Karimov. The Uzbek Government has courted international corporations, offering tax advantages and other inducements,⁸ keenly aware that it needs to encourage higher rates of foreign direct investment to ensure jobs, current account balances, and currency reserves.⁹

Yet, significant headwinds persist. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) explains that "Widespread corruption is destroying many opportunities to build up the state administration and hampering economic development."¹⁰ The World Bank points to persistent deficits in the rule of law and inadequate protection of private property, as holding back growth.¹¹ Given high rates of corruption in the justice system, the private sector reportedly lacks confidence in the state's ability to act as a neutral and fair arbitrator in commercial dealings.¹² According to some, private sector firms largely reject the jurisdiction of the courts in civil and commercial matters. Furthermore, "the authorities and courts do not treat business representatives as actors who can assert their rights and interests."¹³

⁶ The World Bank in Uzbekistan, World Bank, 2016, accessed at <<http://www.worldbank.org/en/country/uzbekistan/overview>>

⁷ An Agenda for Economic Reform, World Bank, August 30, 1993, accessed at <<http://documents.worldbank.org/curated/en/142781468127495966/text/multi0page.txt>>

⁸ According to the World Bank, "growth has averaged 8 percent per year since 2004 and extreme poverty has declined from 27 percent in 2000 to 15 percent in 2012." Trushin & Carneiro, Changing for the Better: The Path to Upper-Middle-Income Status in Uzbekistan, 2013.

⁹ Uzbek authorities reportedly aim to join the group of upper-middle-income countries by 2030. Trushin & Carneiro, Changing for the Better: The Path to Upper-Middle-Income Status in Uzbekistan, 2013. <http://documents.worldbank.org/curated/en/215821468318334282/pdf/782500BRI0EP1190Box0377332B00PUBLIC0.pdf>

¹⁰ Promotion of the Rule of Law in Central Asia, GIZ, accessed at, <<https://www.giz.de/en/worldwide/14355.html>>

¹¹ "The country must strengthen the rule of law and property rights to ensure continued economic expansion." Trushin & Carneiro, Changing for the Better: The Path to Upper-Middle-Income Status in Uzbekistan, 2013.

¹² Promotion of the Rule of Law in Central Asia, GIZ, accessed at <https://www.giz.de/en/worldwide/14355.html>

¹³ Promotion of the Rule of Law in Central Asia, GIZ, accessed at <https://www.giz.de/en/worldwide/14355.html>

By many accounts the government's judicial reform efforts aim to play a big role in its efforts to encourage investor confidence.¹⁴ Two short months after his election, President Mirziyoyev, pronounced his Decree on, "Involving the strategy of actions for further development of the Republic of Uzbekistan," (hereinafter, "Action Strategy") and justified in strong preambular language his judicial and governance reform measures largely on the basis of economic and market terms.¹⁵

To be precise, reforms of Uzbekistan's judiciary were in fact, initiated seventeen years ago, under the former President Islam Karimov, with the adoption of "The Law of the Republic of Uzbekistan On Courts." Under this Presidential Decree, separate civil and criminal courts were created, and the courts of general jurisdiction were established, including: The Supreme Civil Court of Karakalpakstan; the Tashkent City civil court; and the regional and inter-district civil courts. This law was underscored by a radical revamping of the system of governance in Uzbekistan. Former President Karimov, noted in his, "Concept of further deepening the democratic reforms and establishing the civil society in the country," a Presidential address at the joint session of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan, in May of 2011, that, "One of the key priorities of democratic renewal of the country is a consistent democratization and liberalization of judicial and legal system aimed at ensuring rule of law, reliable protection of human rights and interests. In short, establishing a law governed state and nurturing legal awareness of people."¹⁶

Starting in 2016, government reform initiatives were rolled out with increasing speed. In conversations with the OHCHR, the Government stated that it intended to adopt 125 regulatory documents in 2017 alone.

Following the announcement of the Year of Dialogue, the President quickly moved on a range of reforms including a Presidential Decree titled, "Measures on further reforming of the judicial system, strengthening of the guarantees of reliable protection of the rights and freedoms" on 23 October 2016, and the "Action Strategy" Decree cited above. The Decree titled, "About measures for radical enhancement of structure and increase in efficiency of activities of judicial system of the Republic of Uzbekistan," followed on 21 February 2017, calling for the merger of the Supreme Court and the Higher Economic Court, among other things.

Presidential Decree of October 21, 2016, "On Measures on Further Reforming of Judiciary, and on Enhancing Guarantees for Solid Protection of Rights and Freedoms of Citizens." This decree was drafted in ostensible pursuit of judicial independence, guarantees for protection of human rights and freedoms, and enhanced levels of access to justice. Law enforcement and monitoring agencies are tasked to ensure the respect for the Constitutional role of judges and on their subordination to law, to ensure interference with administration of justice is punished, and to minimize or prevent

¹⁴ In the estimation of the GIZ, "The fundamental problem at the root of the weak economic development is the insufficiently developed constitutional frameworks, in particular the lack of transparency, which economic actors and companies use in their business activities," accessed at, <https://www.giz.de/en/worldwide/14355.html>

¹⁵ Presidential Decree of The Republic of Uzbekistan of February 7, 2017, No. UP-4947, "About the strategy of actions for further development of the Republic of Uzbekistan".

¹⁶ "The Concept of further deepening the democratic reforms and establishing the civil society in the country, Address by the President of the Republic of Uzbekistan Islam Karimov at the joint session of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan," p.8, accessed at <http://www.osce.org/odihr/77674?download=true>

bureaucratic malfeasance in reviewing petitions submitted by citizens. The decree all requires reporting to the public, and to increase engagement with civil society, the media and the public. It requires government bodies to identify and address systemic deficiencies and violations through improved enforcement of judicial decisions, and to introduce advanced technological tools and ICT, and the introduction of modern staffing mechanisms in order to minimize nepotism, among other things. The October 21, 2016 decree also approves new tenure standards for judges.

Presidential Decree of February 21, 2017, "On measures to fundamentally improve the structure and raising efficiency of Uzbekistan's judicial system" requires among other things the merger of Uzbekistan's Supreme Court and the High Economic Court into one supreme judicial authority for civil, criminal, administrative and economic justice, to be known as the Supreme Court of Uzbekistan. This decree also provides for a system of administrative courts to ensure reliable judicial protection of rights, freedoms and legitimate interests of citizens and businesses, the implementation of the constitutional norm on rendering administrative justice, as well as improving the legal culture of the population. The decree also requires that military court judges be integrated into the Armed Forces.

The President's Action Strategy of February 7, 2017, is replete with promises to elevate human rights standards in Uzbekistan.¹⁷ The Action Strategy involves, inter alia, reform of the justice system, including efforts to create an independent judiciary. It also proposes measures to enhance oversight of the law enforcement and regulatory authorities, and to identify and deal with systemic human rights violations committed by them, as well as measures to improve performance, with a strong emphasis on training and re-training of public officials.

Taken together, Uzbekistan's poor human rights record, its increasingly unsustainable economic performance, and new reform agenda argues strongly for a more determined approach by UNDP Uzbekistan to pursue human rights, including economic and social rights, access to justice and criminal justice reform. Furthermore, UNDP is in an excellent position to better leverage its comparative advantage as a trusted partner in technical support to the justice sector in this context, pushing for greater space to strengthen access to justice for vulnerable groups in their pursuit of human rights.

4.2 Existing Legal Frameworks

A brief overview offers a snapshot of the rich array of rights, procedures and institutional arrangements guiding justice-making in the country.

Under the Constitution of Uzbekistan, judicial proceedings and administration of justice are outlined in some detail under the following articles:

- Independence of the courts and immunity of judges (arts. 106 and 108);
- Independence of judges and their subordination only to the law (art. 112);
- Prohibition of judges from holding representative office (arts. 108 and 112);

¹⁷ According to the OHCHR High Commissioner, "Human rights — all categories of human rights — figure very prominently across the five sets of priorities laid out in the over-arching policy document guiding these proposed reforms — the President's 2017-21 Action Strategy. Anyone wishing to understand what underlies the changes starting to take place in Uzbekistan — and what lies behind my visit — should look closely at the Action Strategy," Opening remarks by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at a press conference during his mission to Uzbekistan, May 2017

- Prohibition of judges from membership in political parties or movements (arts. 108 and 112);
- Openness and publicity of all court proceedings; hearings behind closed doors are permitted only in cases specified by law (art. 113);
- Conduct of judicial proceedings in the official language of the State or in the majority national language of the locality (art. 115);
- Participation of a lawyer in all stages of preliminary and court proceedings (art. 116);
- Binding nature of decisions of judicial authorities for all State bodies, enterprises, establishments and organizations, civil society organizations, officials and citizens (arts. 109, 110 and 114).

Importantly, Article 44 of the Constitution of Uzbekistan guarantees legal protection to rights and freedoms, including the right to file complaints to the courts regarding unlawful acts by government agencies, officials or voluntary associations.

Other decrees and regulations with impact on court functions and structures include:

- Order of the President of the Republic of Uzbekistan “On measures on core improvement of social protection of judges and judicial staff” August 2, 2012;
- Regulation of the Cabinet of Ministers of the Republic of Uzbekistan “On measures on implementation of modern informational communicational technologies into courts” December 10, 2012;
- Order of the President of the Republic of Uzbekistan “On measures for perfection and increasing of effectiveness of district and city courts of general jurisdiction” October 4, 2013;
- Regulation of the Cabinet of Ministers of the Republic of Uzbekistan “On organization of the activity of newly established inter-district (district) courts on civil cases, as well as strengthening of material and technical base of inter-district, district (city) courts of general jurisdiction” December 25, 2013, etc.

The wide array of reform measures and rights presents an impressive body of legislation. However, the jurisprudence on Uzbekistan suggests that high order calls for respect for human rights is construed as a long-term goal. Implementation rates of human rights related initiatives are not strong. This puts added weight on UNDP efforts, as an indispensable multilateral implementing partner on rule of law and access to justice.

4.3 Civil Court structure

According to UNDP’s analysis, there are at least 267 types of disputes that citizens can bring to civil court in pursuance of their rights. A civil case may be heard in two instances. The courts of first instance consider the merits of a civil case with a view to establishing the success or failure of the action in civil cases. Cases are heard by the higher courts on appeal, up to and including the Supreme Court. There are 75 inter-district courts covering the outer-districts and a Tashkent City civil court.¹⁸ Petitions submitted to the civil courts are classified as either disputed or undisputed cases. Undisputed cases are subjected only to a review of documents, before the judge issues a decision. Disputed cases involve hearings, and the receipt of testimony. The Supreme Court, as the highest judicial authority

¹⁸ See President’s Decree # 4570, October 4, 2013

for civil, criminal, economic and administrative justice, is empowered to consider civil cases both in first instance and in its supervisory-review capacity.

Civil cases are heard by the appropriate court in accordance with specific jurisdictional and procedural rules set forth in the Code of Civil Procedure. Judges apply clarifications of law adopted by the plenum of the Supreme Court. As of June, 2017, complaints brought against the actions of government agencies, companies, institutions, organizations, public associations, citizens' self-governing bodies or officials are considered by the administrative courts in accordance with the Code of Civil Procedure.

Prior to June, 2017, there were 14 economic courts in Uzbekistan, one in each of the regions and one in Tashkent, as well as in the Republic of Karakalpakstan. The economic courts are concerned with all commercial disputes between legal entities. Today, however, the system of economic courts has changed. Seventy-one inter-district economical courts were established and the 14 existing economical courts became courts of second instance for economical courts.

4.4 Access to Justice

Uzbekistan law provides for the rights of all citizens to have access to the courts. However, in practice, citizens face a variety of obstacles.

First and foremost, access to civil courts is restricted by a state fee that must be paid by all users of the courts. This fee serves to both provide for court expenses, but also to dissuade people from abusing services. Prior to July 2017, the fee was assessed at 20% of the value of the matter in question. This fee has since been decreased to 2% of the value of the matter in question but not less than 50% of the minimum wage.¹⁹

In property cases, the fee is aligned with the value of the disputed property. Respondents at the inter-district courts noted that this fee can prohibit some people, especially the poor, from using court services.

Access to justice is difficult for people in remote areas, where distances to court are greater and public transportation is less available. Internet literacy is also low in rural areas. There is a lack of internet access in many parts of the country.

The level of legal literacy and knowledge is also very low. According to several respondents, vulnerable populations in particular lack awareness of rights. One respondent noted that, "Because [rural, uneducated and poor people] don't know how the judiciary works they include irrelevant issues in a petition, and no one will inform them that there are other issues in their claim that they *should* file in their petition." For courts outside the city of Tashkent, the availability and employment of private lawyers is not common. Respondents at the Yuqorichirchik Inter-district Court estimated that only 30-40% of disputed cases involve lawyers.

There are also significant socio-cultural-based obstacles to accessing justice in Uzbekistan. Uzbeks in general but rural residents in particular face strong social pressures to reconcile or mediate disputes. Going to court is considered a last resort.

Despite the absence of legal obstacles for women to access justice, respondents noted that prevailing traditional values assigned women to the home. Attending to court or other business in the public sphere was considered shameful. However, it was also noted that these norms are ripe for change. One respondent noted that up until recently, women did not drive or eat in restaurants, even with

¹⁹ See Decree of Cabinet of Ministers # 527, 19 July 2017

male family members. With many husbands and fathers working abroad, many women are now taking on new responsibilities and may be willing take new risks. It was noted that urban women were much more empowered than rural women.

4.5 Project Goals and Objectives

The Project's goal is divided into two, mutually supportive parts: 1) strengthen public access to Uzbekistan's civil court system and; 2) increase citizen trust in the same. Increased access to the civil courts deepens citizen engagement with the state and encourages non-violent means of resolving disputes.²⁰ Increased citizen trust in the state, in turn, engenders support for collective efforts, ensures greater political stability, and furthers social and economic development.

The project intends to reach these high-level goals through the following three objectives or outcomes (defined as "Activity Results" in the project document):

1. Increased court responsiveness to citizen feedback on civil justice administration;
2. Enhanced the knowledge and technical skills of judges, lawyers and court personnel and;
3. Improved court management ensuring judicial integrity and easy access of citizens to dispute resolution.

Objective 1: The constitution of Uzbekistan guarantees the right of each citizen for judicial protection and access to justice. As explained by respondents, court responsiveness to citizen feedback (Objective 1) is necessary to tailor court processes to the needs of its end users, and to combat perceived abuses of court authorities, curb or prevent corruption, and ensure efficient delivery of services.

As noted in the project document, an efficient court system must also be balanced against citizen needs and demands. Thus, feedback from citizens on the issues of court administration would be considered and incorporated into the judiciary's strategic planning processes. "That is why [the courts] require a mechanism, which allows increasing transparency and accessibility of information on judicial system activity, court responsiveness to citizens, accessibility of justice for all layers of population, execution of court decisions, etc."²¹

Among the many activities contemplated by the project document under this outcome, include the following, in condensed form:

- Creation of mechanism for consolidated reporting on citizen concerns and complaints with the judicial system;
- Applying international criteria for assessment of the accessibility of civil justice in the methodology of the Supreme Court for surveying public satisfaction;
- Organize trainings for judiciary staff on methodology of analysis and systematizing complaints and petitions;
- Research international best practices in judicial planning, court administration, budgeting judicial activities, and responsiveness to citizen complaints;
- Provide technical assistance to the Supreme Court in increasing of judicial transparency and engagement of the civil society in the justice procedures;
- Conduct surveys of users of judicial system;

²⁰ See Project Document, p. 14-15

²¹ See id.

- Provide technical assistance in promoting the practical application of the Judicial Rules of Ethical Conduct;
- Organize trainings for judges and judicial staff on judicial ethics and procedures of implementation of the Ethics Code;
- Provide support to the Supreme Court in piloting provision of free legal aid at civil courts;
- Provide technical support to the Research Center to widen discussion on judicial and legal reforms in Uzbekistan and formulate proposals to improve procedural legislation of Uzbekistan;
- Improve capacities of Judicial Department under MoJ;
- Improve citizen knowledge of the court system through wider public outreach;
- Draft regulatory and analytical documents (draft laws and other regulations, analytical reports and methodological procedures, comments, etc.) focused on further judicial and legal reforms;
- Develop and disseminate knowledge products among the representatives of the Supreme Court to court administration, planning and budgeting of the court's operation.
- Submission of analytical reports and draft regulatory documents to the Research and Consultative Councils under the Supreme Court and the Higher Economic Court for review and consideration;
- Organize trainings for bailiffs on development of professional skills;

Objective 2: The project document states that capacity building under Objective 2 is necessary to engender confidence in the state. Continuous training to enhance knowledge and technical skills of judges, lawyers, and court personnel would be based on international best practices. As argued in the project's Annual Report 2015:

In order to build trust in the judicial system, it is necessary to work on capacity building for effective and fair justice. A higher capacity of the judicial system in building dialogue between the judiciary and society, and the media, on the issues of the independent judiciary will enhance interaction between judiciary, citizens, and the media, and build trust in the court system in the long-term.²²

The project document notes that continuous legal education is provided for under existing legislation through the Lawyers' Training Center (LTC). But capacity building, as the authors rightly point out, contemplates something bigger and more ambitious than this. As stated in the project document, "It is [equally] obvious that a judge must have both deep knowledge and complex of skills allowing working with people, making decisions, analysing facts, writing procedural acts, facilitating negotiations, collecting and analysing evidences, etc."²³

Among the many activities contemplated by the project document under this outcome, include the following, in condensed form:

- Provide technical assistance in improving of professional skills of the judicial staff (judicial secretaries, judicial candidates and judges);
- Develop qualifications requirements to the civil court secretaries;
- Design a strategy for continuous education of civil courts and judicial staff;
- Organize and conduct events with participation of civil courts aimed at sharing experience, improving professionalism and discussion of relevant issues of civil justice reform;

²² UNDP Project Annual report, 2015

²³ UNDP Uzbekistan, Rule of Law Partnership in Uzbekistan, Project document, p. 15.

- Organize a series of lectures by judges for trainees of the Lawyer Training Centers;
- Improve the skills and knowledge of judges on application of UN conventions ratified by Uzbekistan;
- Develop and submit proposals to the Supreme Court on harmonization of the provisions of domestic legislation with the norms of international conventions.

Objective 3: Finally, efforts to improve court management under objective 3, will ensure “judicial integrity and easy access of citizens to dispute resolution” by providing an electronic platform to submit petitions, review status of cases, and obtain judgements.²⁴ Furthermore, real-time status of case dockets and court throughput would ostensibly allow citizens and government authorities to identify poor service delivery by individual judges, or bottlenecks in the system.

The project document authors hope to achieve access to justice primarily through ICT trainings and products. Among the many outputs expected of an e-justice system include: random distribution of cases, quick access to statistical data, online registration to file petitions and track case development, and access to judicial decisions. Activities in pursuit of outcome 3 are extensive.

- Conduct research of procedural legislation of Uzbekistan;
- Develop proposals on improving self-sufficiency of the civil courts;
- Support pilot courts in transition from paper-based case management to electronic case management using E-SUD;
- Pilot the e-system for remote participation of claimants and other participants of disputes in the civil and economic court proceedings;
- Disseminate and test E-SUD system in 8 pilot courts throughout the country
- Provide technical support in capacity-building as requested;
- Provide the Supreme Court with research and analytical materials aimed at broad implementation of its legislative initiative;
- Procure and install video-conferencing equipment (audio and video equipment for recording of trials at pilot economic court) for Higher Economical Court;
- Develop and submit proposals to the both Supreme Court and Higher Economic Court on harmonization and improvement of existing laws and regulations as well as simplification and optimization of trials in civil and economic processes;
- Develop proposals to improve administrative procedures for civil courts;
- Conduct functional analysis of working time and hours of pilot court judges and develop proposals to optimize time costs of judges and address duplication of functions;

Importantly, and as reported in project reporting documents, the activities, outcomes and goals of the project are conceived as a means to strengthen multilateral partnerships between concerned stakeholders, including international and national partners, as they jointly contribute to implementing civil justice reform. These partnerships are strengthened with, “a view to protecting human rights and freedoms, and ensuring a responsive, accessible and fair justice system which enjoys a higher level of public trust.”²⁵ This last objective, as explored later, was undoubtedly achieved, and needs to be leveraged to full effect.

²⁴ See Joint USAID and UNDP Rule of Law Partnership project communication guidance to project goals and objectives, undated.

²⁵ UNDP Rule of Law Partnership, Quarterly Report 2015, p. 2.

4.6 Project Stakeholders

This section provides an overview of the project partners, both those contemplated but never reached, and those with which engagement was robust.

Supreme Court of Uzbekistan. The Supreme Court of Republic of Uzbekistan is, among other things, the institution with overall jurisdictional authority over all non-military courts in Uzbekistan. The Supreme Court is directly responsible for the management of the lower courts, including the Inter-district Courts, four of which served as pilots for implementation for the ESUD system. These courts are described in more detail below under Evaluation Findings. The Supreme Court Collegium on Civil Cases of the Supreme Court was the Project's primary focal point for implementation efforts. The Supreme Court also served on the Project Board as Senior Beneficiary.

The Supreme Court as a partner institution underwent significant change during the project period, the most significant of which was its merger with the High Economic Court. The Supreme Court provided UNDP with project offices as in-kind contribution. Project staff was thus in close contact with Collegium staff. In some instances, the Supreme Court served as a surrogate to the project, providing direction to project staff. As explained by the Chairman of the Collegium, "The most important priority of the Project is the ESUD system, and amending laws to facilitate and mandate its use."

High Judicial Council. The High Judicial Council (HJC) reports directly to the Office of the President and is primarily responsible for overseeing progress on the President's Action Strategy. The HJC is independent of other government entities including the Supreme Court. The HJC is composed of 23 people, representatives of the Enforcement Bureau, CSOs, and highly qualified law specialists. There are three Sections under the HJC: Research Center, Inspectorate, and the department responsible for the development of the judiciary corps.

One of the main activities of the HJC is to ensure the independence of the judicial system and its judges. In pursuit of this objective, it also serves to strengthen access to justice, provide advice on the system of training of judges, provide inputs on the selection of new judges, and ensure transparent process of appointment. The HJC ensures the inviolability of judges—investigating threats made against judges—and considers feedback from citizens on court performance in developing new policy proposals. The HJC is also involved in establishing dialogue with mass media, and reviewing the appeals from citizens and business with regards to compliance of the judiciary to the ethics code. The HJC also develops proposals to enhance legislation on the justice sector to increase access to justice and further develop administrative justice.

Importantly, the HJC is responsible for developing a competitive selection of candidates for judicial positions. Reportedly, the HJC proposes candidates to the post of the chairperson, deputy chairperson and judges of the Supreme Court, regional and city courts, and chairperson of Military Court. It also appoints judges of military courts, regional and city courts of Tashkent, city and city. It also re-appoints judges, whose terms come to an end. Under new authority, the Council also proposes termination of the authority of the judges, who are appointed by the President or elected by the Senate. It also releases judges of military, regional and city courts with agreement of the President.

The Research Center for the Study of Justice, High Judicial Board. The Research Center for the Study of Justice was previously known as the Supreme Court Judicial Research Center, and was attached to the Supreme Court. The Research Centre primarily analysed court activities, conducted legislation review, statistical analysis, among other tasks. In its previous position beneath the Supreme Court, the Research Center reported that it was prevented from meaningful engagement with UNDP.

The Research Center is made up of 24 staff members. Under new arrangements, will provide high level recommendations to the President on how to ensure a strong judiciary. The Research Center is mandated to develop consistency and standards of legal practice, give shape to organizational and procedural matters, and improve on laws impacting the judiciary.

The Research Center's newfound independence from the Supreme Court may lead to more robust outputs from the Center and a greater influence on policy, than it previously enjoyed under the Supreme Court, where it was relegated to the status of "secondary-partner" to UNDP. In that capacity, the Center worked with UNDP alongside other organizations in working groups, providing inputs into judicial guidelines and legislation.

Economic Court of Tashkent Region. At the time of the evaluation, the Higher Economic Court of Uzbekistan had been merged into the Supreme Court. As such, the evaluator met with authorities acting in newly reconstituted roles at the Economic Court of Tashkent Region.

The Economic Courts adjudicate debt recovery, bankruptcy and disputes between firms. The most common cases relate to debt recovery between legal entities. The second set of most common cases involve commercial disputes particularly between agricultural firms, followed and utilities attempting to get back pay from businesses, and contractual disputes mostly involving agriculture. The courts reportedly handle a broader range of cases than before. There are more corporate cases involving bankruptcy.

Committees on Legislation and Judiciary Issues, Senate and Legislative Chamber of Oliy Majlis/ Higher Attestation Committee for the Selection and Appointment of Judges. Though engagement with these Committees was contemplated at the time of the drafting of the project document, the evaluator was not introduced to these committees. It is unclear what if any cooperation with the Committees took place.

Bureau of Enforcement, Prosecutor General's Office. The Bureau of Enforcement (BoE) was until recently a part of the Ministry of Justice, as the Department of Enforcement. Today, enforcement issues are treated by the Bureau under the Prosecutor General, pursuant to a new Presidential Decree. The BoE is responsible for maintaining records, effectuating debt recovery actions, and identifying problems and proposing solutions to enforcement. Among many new initiatives is the effort by the BoE to reduce Pre-trial detention rates, investigation periods, and temporary detention.

The BoE reportedly hosts an electronic platform to ensure that court decisions are easily processed and effectuated. The platform currently hosts approximately 5-7 million registered cases, of which 5 million are judicial orders. Forty-six percent of these judicial orders are from civil courts and are in the process of being acted upon. This system is linked to the tax authorities and other agencies of the government.

Still, cooperation with civil courts is reportedly in a nascent stage. Currently, judges only send enforcement requests for back payment to legal entities. There were some respondents that signalled that the enforcement bureau is not seizing alimony payments from deadbeat dads. The BoE admits that they "need to cover individual cases better."

Among key challenges, the BoE noted that there were too many cases, and not enough bailiffs. Wrong addresses posed a problem as did shortcomings in postal service delivery. As one respondent explained:

In the past we had a big problem collecting debts for national utilities. Poor record keeping was common. Sometimes people paid their debts but their money went to the wrong places. Sometimes business did not pay debts knowing that they would not be held accountable. A lack of attention to tax collection led to power supply cuts as money for maintenance has fallen short.

Institute for Monitoring of Current Legislation, Office of the President. The Institute for Monitoring of Current Legislation (IML) advises the President on new laws. The IML is made up of 50 staff members. In furtherance of new policy and legal proposals, the Institute drafts, reviews and proposes amendments to laws. It also monitors the implementation of law and their impact. It was estimated that the Institute reviews 80 pieces a legislation per year. The recommendations that it makes to new laws are non-binding. In the past, the Institute worked with UNDP on capacity building efforts around best practices, participating and hosting workshops and conferences. Currently, it is reviewing the judicial Code of Ethics and refining norms and standards for judges to follow. T

Ministry of Justice, Lawyer's Training Center. The Lawyer's Training Centre (LLTC) is a governmental educational institution that provides advanced training and refresher courses for government staff attorneys, members of the Bar, law professors and legal services staff. During the project period, the Justice Training Center was stripped of its role as a trainer of Uzbekistan's judges. This action was taken, ostensibly, to strengthen the independence of the judiciary. There will be a Justice Training Academy to take over the training of judges. The Lawyer's Training Center currently trains between 2-3,000 lawyers per year, in standard 2 week courses. There are 5 departments and 25 teachers. The LTC worked with UNDP on training needs assessments of judges. These assessments will inform the direction of the Justice Training Academy. The LTC also assisted UNDP in the development of a training module on the Code of Ethics for judges.

Tashkent State University of Law. The Tashkent State University of Law (TSU) is responsible for educating Uzbekistan's future lawyers but also in theoretical and practice-based research. There are currently 1,800 students at the law university, approximately 200 of which are obtaining Master's degrees and 26 of which are pursuing PhDs. The President of TSU is now appointed as a Deputy Minister. There are five faculties including: public law, civil law business law, international law and criminal law.

In addition to lecturing, the University's law professors and professors from the Legal Research Center produce publications for the Supreme Court, including drafting manuals for judges. As a part of working groups convened by the government and UNDP, the TSU faculty is also seemingly involved in the processes of training or planning training curricula for judges. Reportedly, TSU is also involved in nominating and appointing judges, though it is not clear by which mechanism this is done. The TSU is an influential voice on matters on the Supreme Court's more operational matters as well, including state fees, the deployment of translators, and prosecutor's workloads.

The University has provided national experts to UNDP for research projects. Currently, the Law University is working to draft publications on administrative procedural codes, economic procedural codes, and civil procedural codes with UNDP. The Tashkent Law University is also developing legal clinics pursuant to Presidential Decree 2932 announced in April 2017. Based on this Decree, the school must create legal clinics in 2 locations. One will open in "Student City" and be affiliated with both the

MOJ and the Governor of Tashkent. The other will open at Tashkent TSU. Under supervision of the law school, the law students will focus on assisting the local populations with their justice needs. They will deploy 1000 student lawyers from 3rd and 4th years.

Legal Problems Research Centre. Though listed in the project document as a key partner, the evaluator was not introduced to this organization. The Legal Problems Research Centre is one of the few NGOs on legal research and civil law reform that are operating in Uzbekistan, and it has the trust and support of the government. It is assumed that the NGO was not available to partner with UNDP for justifiable reasons.

4.7 Project Implementation Strategy

The Project was implemented through project management practices aligned with UNDP corporate rules and regulations. The Supreme Court was identified as the main implementing partner, though it did not assign dedicated staff to the project. The Supreme Court was also assigned the role as Senior Beneficiary. There is some indication that implementation may have been encumbered due to the Supreme Court's dual role as an implementing partner and Board Member.

The project team was comprised of 6 UNDP staff. Greater attention to integrated programming efforts between staff and better sequencing of activities might have allowed the project to do more with this small but talented team. Certainly, the difficulty of implementing ESUD in the pilot courts called for more ICT specialist support than provided. The departure of the project manager mid-project, and the slowness of the recruitment process to replace him, might have also have had an effect on implementation.

Co-location at the Supreme Court was considered a mixed blessing by several respondents: while it ensured trust and close working relationships at the start of the project, the Supreme Court Collegium became increasingly comfortable with its partnership with the UNDP project team, and may have unwittingly discouraged other partner institutions from engaging. Given the difficulty of strengthening the rule of law in any country under any circumstances, the widest possible number of partners, within reason, should be engaged. Indeed, deepening engagement with partnership and widening participation should be a part of any strategy to meet the President's massive reform agenda.

5. Evaluation Findings

5.1 Project Relevance

Relevance involves the extent to which the Project and its intended outputs or outcomes are consistent with national policies and priorities of government and the needs of intended beneficiaries. Relevance is also measure by the extent to which the initiative corresponds to UNDP corporate plans and human development priorities of empowerment and gender equality issues.²⁶

The Rule of Law Partnership project was highly relevant to the development needs of Uzbekistan, especially as that was articulated by President Miriyoyev's new reform agenda. However, it is arguable that the project did not focus its efforts on interventions prescribed in the United Nations Development Assistance Framework for Uzbekistan in 2010-2015. The project was not specifically designed to strengthen human rights nor was it focused on the development needs of vulnerable

²⁶ UNDP Handbook

groups, though these objectives may have been indirectly met. Instead, the project aimed to increase transparent, efficient and effective justice services in the broadest terms through policy making and institutional capacity building, including the installation of an e-justice system.

Uzbekistan's national priorities should be reflected in significant part in the United Nations Development Assistance Framework (UNDAF) 2010-2015, informed as it by national development goals and Uzbekistan's global commitments made under the Millennium Declaration. Though the UNDP Rule of Law Partnership project overlapped between two UNDAF periods (2010-2015 and 2016-2020), the project was launched in 2014 and is thus its fidelity to Uzbekistan's development goals are understood under the terms of the first of these UNDAFs.

UNDAF 2010-2015 states that it is guided by Uzbekistan's Welfare Improvement Strategy (WIS) 2008-2010, among other key documents. Notably, the WIS corresponds closely to the Millennium Development Goals, which did not include goals related to the rule of law. However, the WIS contains some direction in this area under section 5.8.3, Development of Institutions Promoting Economic Growth. As stated under this heading:

The implementation of judicial and legal reforms will continue with the aim of strengthening the independence of the judicial system, increasing its effectiveness and accessibility, completing the establishment of the judicial system as the main institution for the protection of property rights.

The more specific objectives in this area are mostly confined to ensuring smooth functioning of public-private partnerships in pursuit of continued economic growth and increased foreign direct investment. In some regards, and as explored earlier in the evaluation in the background section, the Rule of Law Partnership project was highly relevant to Uzbekistan's economic liberalization and growth objectives.

On the other hand, UNDAF's human rights led objectives are focused on the implementation gaps in Uzbekistan's human rights laws. The UNDAF states that:

Despite the passage of national human rights legislation, there are challenges regarding its implementation. While the country has made progress in addressing gender equality and the advancement of women and girls, challenges remain with regard to socioeconomic issues. There are also issues such as rights of prisoners and persons in the justice system, children, numerous civil society groups and refugees, amongst others. Strengthening of human rights in Uzbekistan thus requires the building of long-term, sustainable dialogue with a wide range of Government institutions as well as non-Government and civil society organizations.²⁷

Recognizing this, the UNDAF commits the UN to work towards, "enhanced equitable accessibility, transparency, fairness and efficiency of justice system to promote the rule of law." And to this end:

UNDP will contribute towards establishing a framework for pro bono legal aid and mainstreaming legal clinics in the regions in order to address the rights of all vulnerable group . . . Finally UNDP, UNICEF and UNESCO will enhance the capacities of national human rights institutions and other relevant bodies to better fulfil their mandates and thus promote and effectively protect human rights.

The Project may have wanted to focus efforts to strengthen legal aid, enhance the capacity of national human rights institutions, or otherwise engage with CSOs to support these objectives. However, it did

²⁷ UNDAF P.22

not put significant resources towards reaching these ends and it was ultimately unsuccessful in all three areas.

Further, the UNDAF identified support to vulnerable groups as a cross-cutting priority:

A crosscutting issue that underpins the interventions in all priority areas is the explicit focus on vulnerable groups, defined as residents of economically underdeveloped, mainly rural, areas; women, particularly home-based workers; labour migrants and their families; children, particularly most-at-risk adolescents; the elderly; HIV-positive people; refugees and people with disabilities. (UNDAF 2010)

The Rule of Law Project did not specifically focus or measure their impact on vulnerable groups during the project period, though clearly women and residents of rural areas benefited.

Regardless of these gaps, the Project was important in “building long-term, sustainable dialogue with a wide range of Government institutions,” and did much to enhance equitable, accessible, transparent, and efficient justice systems as outlined in more detail later in the evaluation.

Furthermore, the Project is aligned with the UNDAF 2016-2020 which under Outcome 8 states that the UN in cooperation with the government will pursue “policies, institutional and procedural mechanisms to further strengthen judicial independence, enhancing court administration and increasing public trust in courts.”²⁸ To this end, the project succeeds, especially in the area of court administration. It is less clear, but not unreasonable, to suggest that the project has also been helpful in enhancing judicial independence and increasing public trust in the civil courts.

Importantly the project is closely aligned with the government’s new reform agenda, calling for a more effective, efficient, and independent judiciary, as provided for by Presidential Decree in February 2017, “On Uzbekistan’s Development Strategy.” The Action Strategy as it is known, includes five priorities, of which Priority 2 is most relevant. This priority area includes in pertinent part:

Raising the status, the pay and social protection of judges and court staff, strengthening of material and technical base of courts; taking effective measures to prevent unlawful influencing on judges; full realization of the principles of independence and impartiality of courts, including the adversary nature of the judicial process; further specialization of courts, and capacity building; introduction of modern ICTs in the activities of courts; effective planning and analysis of the results of activities of law enforcement and regulatory authorities, to identify and eliminate the causes and conditions of systemic violations; improving the system of recruitment, training, retraining and advanced training, rotation within judiciary, law enforcement and regulatory authorities; introduction of modern mechanisms of institutional control on the prevention, suppression and prevention of crime among law enforcement and regulatory authorities; improving the efficiency of mechanisms of public control over the law enforcement and regulatory authorities' activities, strengthening of public confidence in the law enforcement system.²⁹

In fact, these recommendations were arguably influenced by Project officers and partners working on draft legislation and policy matters in the course of project activities.

²⁸ UNDAF 2016-2020 Pg. 42-43

²⁹ See “Uzbekistan's Development Strategy for 2017-2021 has been adopted following public consultation,” Tashkent Times, 2017 February 8, accessed at <http://www.tashkenttimes.uz/national/541-uzbekistan-s-development-strategy-for-2017-2021-has-been-adopted-following-discussion>

To reiterate, the Project might have been relevant to the economic development objectives found in the WIS, but did not in turn align strongly with the terms of UNDAF 2010-2015. The Project did not prioritize vulnerable groups or focus on human rights considerations, and therefore it was less relevant than it should have been to both UN and UNDP normative and corporate goals.

5.2 Project Effectiveness

Effectiveness is a measure of the extent to which the initiative's intended results (outputs or outcomes) have been achieved or the extent to which progress toward outputs or outcomes has been achieved.³⁰

5.2.1. Overall Observations

The Project was highly effective, having largely realized the intended results of their outputs and outcomes defined in the project document. Furthermore, the project team reached expected outcomes in a timely manner. There is also anecdotal evidence that the Project made progress towards its twin goals of providing greater access to civil courts and increasing citizen confidence in the courts. However, the Project arguably could have been even more effective had activities been more tightly integrated, better sequenced and more rigorously prioritized. Further, the limited partnership base of the Project seemingly limited the spread and scope of implementation.

UNDP's main implementing partner, the Supreme Court was critical to the success of the Project but could have done much more in terms of financial support and strategic guidance. Lastly, and as mentioned in the section on relevance above, the Project's commitment to certain activity lines were not prioritized under the project, leading to lost opportunities in support of access to justice and women's equality, among other UN global priorities.

Integration of activities was especially important for the Project given the relatively small size of the team and the huge scale of Project ambitions. In furtherance of this, the project document's theory of change could have been articulated in a more precise manner, demonstrating exactly how activity inputs supported outcomes and impact. Some activities tangential to the core goals of the Project—for example, trainings linked to ensuring international conventions were cited in judicial decisions—should have been de-prioritized. In fact, there were an extensive number of different activities contemplated by the project document, and indeed, there may have been opportunity costs and trade-offs in pursuing such a wide range of activities.

Effectiveness might also have been increased had a strong partnership strategy been agreed at the beginning of project roll out. The Project obviously benefited from a close relationship with the Supreme Court, but the Project might have been unnecessarily held back from partnering more closely with other organizations. Engagement with a wider number of partners might have led to greater impact.

Civil Society Organizations (CSOs) were not engaged in the project in a meaningful way. According to respondents, CSOs were invited to public events where they were allowed to voice their perspectives on the judiciary and its strengths and shortcomings. However, no programming involving awareness raising, public outreach, legal aid service delivery or policy development, was conducted with CSOs. That said, many CSOs in Uzbekistan reportedly suffer from credibility concerns.

³⁰ UNDP Handbook, 169.

Effectiveness might also have been increased had the Supreme Court Collegium leveraged its offices in pursuit of strategic goals. The Supreme Court in this regard might have advocated for greater financial contributions to the project through budgetary processes, including for computer equipment and software, advancing the use of ESUD more widely.³¹ The Supreme Court might have made more active use of its convening power to draw in disparate organizations to raise public awareness and solicit feedback on issues related to access to justice.

5.2.2 Activity result 1: Institutional feedback mechanisms for citizens on the issues of court administration developed and incorporated into strategic planning of judicial activities.

Under this activity result area, the project was successful in opening up the courts to media coverage, and more generally in laying the ground work for a citizen feedback mechanism. However, progress towards a feedback mechanism was delayed until the end of the project period, representing a lost opportunity to inform other programming efforts including advocacy. At least one key stakeholder noted that “citizen feedback was the weakest activity result area.” However, the same respondent was also quick to note that, “it may have had less to do with project implementation effort than with government readiness.”

Key Success Benchmarks:

Upgrading the website of the Supreme Court was considered a major activity benchmark. The website detailed in a user-friendly format, important information on how to file cases and where to find legal resources. In 2016, the website received 34,000 visits. As such, the website was considered a key feature of providing access to information and empowering citizens.

Efforts to open the courts to mass media coverage was also key achievement. Prior to UNDP’s efforts courts were reticent in discussing issues with journalists. Official guidance and permission was not normally afforded to court officers and judges to either discuss the work of the court, or the outcomes of specific cases. Arguably, the Project’s efforts in facilitating stronger media relations, through workshops, press conferences, and the production of regulations on journalist accreditation, has led to new levels of justice-sector transparency. At the very least, the Project has helped to crack the door open into an institution of government that was long considered by the public to be remote and inaccessible.

The Project’s efforts at conducting a citizen-based survey of the civil courts was a significant milestone as the first of its kind in the country. At the time of the evaluation, the results of the survey were still being analysed, but preliminary reviews suggested interesting findings. Key among these findings is that citizen-satisfaction of civil court trials does not hinge on whether a party won or lost at trial, contradicting a widely-held belief. Instead, satisfaction rates were dependent largely on whether the parties believed they were treated by judges with respect during trial. This first-ever, citizen-survey reflects positively on the Project’s efforts at people-centred development. It vindicates an early assumption by project officers that soft-skills capacity building was as big a priority as legal training.

The Project was also successful in encouraging civil court outreach through its proposed communication and awareness raising strategy. While the government did not embrace the entirety

³¹ CITE: From IDLO sources. Maintenance, replacement and procurement of computers, storage, and in-house ICT support, should be provided for in government budgets. The Supreme Court would be a good advocate for this in future.

of the activity proposals, the government responded with a new policy, contained in the Action Strategy, mandating that judges visit makhallahs and speak directly to citizens about their concerns.

Shortcomings:

Though the citizen survey cited above is leading to important findings. The survey should have been conducted at the beginning of the project, to help refine, prioritize and sequence project implementation, policy advocacy, and capacity building activities. The survey would have also been an opportunity to create a baseline from which to measure project impact.

A second significant shortcoming includes efforts to strengthen enforcement of judicial decisions. This effort did not pass the project's conceptualization, research and dialogue phase. It is unclear what impact the workshop on international best practices on enforcement had on the targeted actors or the BOE. UNDP efforts to measure court performance, including developing a well-researched methodology, also did not seemingly lead to impactful results at the inter-district court level.

The Project was ineffective in its efforts to promote the development of free legal aid. Project staff explained that the government had poor experiences with international-supported legal aid provision in the past, which reportedly overemphasized the pertinence of international human rights law, over national law, in litigation before Uzbekistan's courts. Still, it does not explain a near absence of project activity in this area. Given the body of international learning on the importance of legal aid to access to justice, it is difficult to see how citizen access to civil courts for vulnerable groups would be achieved without some programme activity in this area. This area arguably could have been the focus of more intense advocacy efforts, enlisting the support of the Resident Coordinator's good offices, if necessary.

The Project was also charged with providing, "technical assistance to the Supreme Court in increasing of judicial transparency and engagement of the civil society in the justice procedures." Unfortunately, engagement with CSOs was lacking. Whether this was due to political circumstances or project priority setting was unclear.

Lastly, though the Project established a websites and other information portals for public use, it was not seemingly effective in improving, "citizen knowledge of the court system through wider public outreach" at an appropriate scale. Plans to raise awareness of the Ethics Code among lay people were seemingly not pursued. More efforts at expanding citizen knowledge of court processes and access to justice topics among vulnerable groups could have been undertaken at little cost, had this activity line prioritized. As a project officer thoughtfully admitted, "We need to raise awareness for the public. Up until now we only created manuals for the judges, but more publications for public use are needed." Indeed, the project may have led to more impact where there was a greater balance between institutional capacity building and public awareness raising.

5.2.3 Activity result 2: The continuous training and learning system is upgraded based on the international best practices to advance the professional knowledge and technical skills of judges, lawyers, and court personnel.

The Project was effective in meeting this Activity Result area, inspiring the development of new organizational forms, judicial positions, and capacity development strategies. However, efforts to strengthen the application of UN international conventions in civil court decisions may not have been an optimal use of resources.

Key Success Benchmarks:

The Project was highly effective in meeting the objectives of Activity Result 2. The Project was largely responsible for creating new and presumably improved judicial training standards, which were adopted by the government. The Project demonstrated its catalytic role in kick-starting new and seemingly sustainable changes to training approaches. Through its judicial training needs assessment—the first of its kind in Uzbekistan’s history—the Project inspired the creation of a Judicial Training Academy, separate from the Lawyer’s Training Center under the Ministry of Justice. The new training facility, led by the (Supreme Court) and the new curriculum and standards set to train, select and promote judicial candidates will be important to increasing judicial independence. Under the new system, the Supreme Court will train and select the judges for placement, as opposed to an executive branch institution.

The Project also helped to implement and build awareness around the Judicial Code of Ethics, in an effort to strengthen norms and new standards of behaviour among the judicial corps. The Code of Ethics was the first of its kind in Uzbekistan and had to overcome significant objections from justice actors, who as a practice give gifts to judges on a semi-regular basis. The Lawyer’s Training Center (LTC) largely embraced UNDP’s efforts in this area and built a training module around the Ethics Code. The Code and the training around it, was held up as an example of the catalytic power and value-added of UNDP. According to one respondent, “We simply would not have created training modules on ethics unless UNDP had initiated this effort to establishing the code.”

In addition to the Code of Ethics, the Project created training manuals on various points of law, and on the use of the ESUD system. The team also created over 169 templates for judicial decisions to help bring clarity and efficiency to judicial decision making. The Project produced an economic court manual that was subject to praise from multiple parties from within and without the economic courts. These manuals consolidated existing law in a highly accessible manner, with sample templates to give shape to economic court decisions.

The Project also designed and organized study tours to the United States and Austria, Estonia and Germany as a means to learn from legal professionals in other countries. Some respondents expressed doubt regarding the utility of these tours; questioning their value for money. However, most stakeholders noted the importance of study tours to imparting new values. According to a key stakeholder, study tours allowed Uzbek justice actors to better appreciate the importance of ethics, mostly through conversations with justice counterparts in other countries. Uzbek judges were apparently impressed by the strong levels of commitment to ethical behaviour expressed by foreign judges. Study tours were also reportedly instrumental in creating the judicial assistant position—the equivalent of a law clerk in the United States—in the inter-district courts. They were also definitive in building strong support for the ESUD initiative. Recognized by stakeholders as one of the most valuable UNDP interventions, study tours may also have acted as a leverage in ensuring cooperation and openness to new ideas provided by UNDP and its international experts. This is especially true in a country like Uzbekistan that requires its citizens to apply for exit visas. Exposure to the world outside Uzbekistan, for professional and other reasons, is understandably coveted.

The Project was also effective in developing and submitting proposals to the both Supreme Court and Higher Economic Court on harmonization and improvement of existing laws and regulations as well as on simplification and optimization of trials in civil and economic processes. In fact, key UNDP proposals were adopted by Presidential Decree, such that the reform agenda, while not of UNDP’s making, was shaped in significant part by UNDP policy proposals.

Shortcomings:

Shortcomings under this activity result were seemingly not for a lack of effort or commitment, but may be explained by human resource constraints, coupled by an ambitious project activity schedule, government hesitancy, and a lack of sequenced and integrated approaches.

Effectiveness under this Activity Results area was impacted by the delayed roll out of citizen survey on civil courts. As noted above, this citizen survey would have informed project of capacity development and policy interventions and priorities. Understanding citizen perspectives better would have justified the prioritization of soft-skills training, so critical to overcoming the intimidation many vulnerable groups face in courts, over other interventions. One stakeholder noted emphatically that, “Judges need to be taught to be more open to the public, to act as public servants. They need to provide support and leadership as members of the public.”

Efforts to integrate international conventions into civil courts practice did not appear to gain traction or make a mark on the quality of decision making. Judges that were interviewed at the inter-district courts were largely unaware of this intervention. This intervention was also not clearly linked to the ultimate goal of building confidence in the courts, or providing better access to the civil courts.

Outside of efforts to facilitate media relations with the courts and the production of the Supreme Court website, there was also a lack of awareness raising activities among the public about rights or justice reforms. To be fair, awareness raising was not a key feature of the project document, and may not have been feasible given government sensitivities at the time of project conceptualization. Going forward, anti-corruption training and public awareness initiatives should be prioritized in any new project document supporting citizen confidence and access to civil courts.

5.2.4 Activity result 3: Improved court management system ensuring judicial integrity and easy access of citizens to dispute resolution.

The Project may have been the most effective at meeting the objectives found in Activity Result 3. However, work with the High Economic Courts did not deliver expected results.

Key success benchmarks:

The e-justice system, known as ESUD, has ensured greater efficiency and management at the inter-district pilot courts. Surprisingly, the Project implemented ESUD successfully in 12 courts, four more than as planned for in the project document.

Furthermore, the project team can be credited for their work drafting policy proposals, including proposed changes to the civil procedural code, to ensure ESUD implementation was strengthened by legal mandate. These proposals were eventually adopted and now suggest strong levels of sustainability for the e-justice initiative.

Prior to ESUD, case processing in the civil courts were subject to significant delays due to a lack of automated processes. Court chairpersons needed to manually distribute cases to judges and compile statistical reports at the end of each month. According to one inter-district judge, “Reporting on our statistics used to be so labour intensive – taking as much as three days, and requiring so much paper. Reporting is so much easier now.” Judges also needed to send correspondence, including summons and decisions, to parties through the postal service. Judicial assistants spent significant time filing and looking for files.

The ESUD system allows for electronic filing of petitions and supporting documents, and the issuance of judicial decisions to party claimants through email. The ESUD system also allows for computer based

storage of case files. Judicial assistants are reportedly more productive, ostensibly handling more cases per day. A decrease in paper work, producing hard copies, and filing also reduced the amount of paper used, saving money and reducing environmental waste. According to several respondents, time spent on administrative tasks have been cut by approximate two-thirds with the introduction of ESUD.

Several respondents reported that there had been an increase in the number of civil court petitions since the start of the Project. There has also reportedly been an increase in the number of people able to access the civil courts in rural areas. This has led to increased throughput of judicial decisions in undisputed cases, notably in alimony cases brought by women. Citing an unpublished study, a respondent at the Tashkent State Law University stated that, "55% of individual petitioners are reportedly women, mostly in pursuit of alimony back-payments and other issues related to the family."

Shortcomings:

Most of the shortcomings of project effectiveness are admittedly well outside of the scope or control of the Project. For example, the government's refusal to expend USD 60,000 on computer purchases to support ESUD implementation, diverted project resources from other activities and sent a worrying signal about the government's commitment to ESUD implementation. More pointedly, the Project failed to fully implement its objectives regarding the Economic Court.

A lack of support to computer and software maintenance and upkeep is a major reason why e-justice systems fail in both advanced and developing economies alike. Government ownership of computer hardware typically means an investment in the long-term success of Project objectives. It is arguable that the Supreme Court and UNDP could have advocated more strongly that government funding commitments of computer equipment be honoured. As a more general matter, respondents noted that ESUD implementation delays were largely based on a lack of ready infrastructure in the courts.

The Project might have also worked with the courts to strengthen notification procedures and policies for those people without personal email addresses. It is not clear how notification will reach those without access to computers, though it was noted that SMS messaging would help. One judge admitted that, "We are adapting our practices to the segment of our society that is modern. They demand more responsiveness through electronic means. The older generation, however, may be falling behind rapidly."

The ESUD system has, by some accounts, much further to go in reaching its full potential to deliver efficient, transparent and effective justice administration. To maximize potential, many respondents noted that an integrated database is required that links all inter-district courts to prosecutorial, banking, taxation and vehicle registration offices. Furthermore, data protection and storage systems reportedly must be strengthened.

Despite the successful roll-out of the ESUD system, more could have been done to raise awareness among vulnerable groups of the availability, utility and effectiveness of ESUD. At this time, utility companies are among the biggest beneficiaries of ESUD as they seek back payment from customers. Ideally, there would have been a stronger tilt towards individuals over government utilities.

Some respondents wonder whether the inter-district courts and enforcement bodies have the absorptive capacity to implement and manage the ESUD system in all regions over the long term. Though there is a new ICT department in the Supreme Court as of 1 June 2017, ICT support technicians will be required in each of the 14 regions.

Perhaps the greatest shortcoming in project effectiveness under this activity result area was its inability to provide adequate support to the High Economic Court. UNDP efforts were either not robust or convincing enough for the economic courts to wholeheartedly embrace. This was particularly clear with regards to the provision of audio-visual recording equipment and in the support to the publication of economic court cases on the High Economic Court website, both efforts which were considered critical to bringing greater transparency to decision making processes at the economic court.

Economic court cases were not published on a consistent basis on the court website as planned. Furthermore, A/V equipment was installed in only three Economic Courts. In any case, interviewees may have misunderstood the purpose of the A/V equipment. Respondents at the economic courts believed that the purpose of the A/V equipment was primarily put in place to protect judges. “Before we had to do the minutes manually, and parties would dispute the contents,” one respondent explained. “The main things is this,” the same respondent noted, “the A/V system protects judges from charges of bias.”

Respondents interviewed at the economic courts also failed to mention UNDP’s publication of a manual on the procedural acts of the economic courts, until prompted, though a former economic court judge in a separate interview praised its usefulness for new judges. This manual consolidated laws and other tools concerning specific disputes, providing sample court decisions.

An official of the economic courts suggested during the validation exercise in Tashkent that due to the rapid roll out of the Presidential Decrees on legal reform, including the merger of the Supreme Court with the High Economic Court, the courts were simply not equipped to facilitate Project initiatives.

5.3 Project Impact

Project “impact” measures changes in human development and people’s well-being that are brought about by Project initiatives, directly or indirectly, intended or unintended.³² Impact represents the underlying goal of development work.³³

Under the Rule of Law Partnership in Uzbekistan Project, impact is to be measured by the progress made against the twin goals of achieving greater citizen access to justice and increasing citizen confidence in the civil courts. Admittedly, there is much overlap between these goals. As articulated by an inter-district court judge, “If there is a lack of access to justice, there will be no respect of the courts and confidence and trust will decrease. And the Courts are representative of the state for most people.” Alternatively, if there is no confidence in the courts, people will be unlikely to seek greater access. Thus, the Rule of Law Partnership Project needs to pursue confidence and access goals simultaneously, as one cannot be achieved without the other.

5.3.1 Citizen Access to Civil Courts

As noted above, the lack of substantial progress in supporting legal aid undercuts the Project’s impact in the area of citizen access to civil courts. Vulnerable individuals were not represented or otherwise assisted in bringing meaningful cases to the courts attention for adjudication.

However, the implementation of the ESUD system has greatly facilitated access to justice in several important ways. First, the ESUD system helped to reduce the time and energy needed for a beneficiary

³²Handbook on Planning, Monitoring and Evaluating for Development Results, UNDP, 2009, pg. 170.

³³ Id. at 53

to file a civil court petition. Beneficiaries, including lawyers, can now file from their homes or offices assuming they have a computer and internet connection. As noted by a judge, “[Before], if citizens wanted to petition the court, they think it will take too long, require too many bureaucratic procedures, and in the end what will it matter anyways? But now, citizens can petition the court from home.” The ability to file from home is particularly important in rural areas where transportation assets are more scarce and financially more prohibitive. Compounding geographic barriers are the social constraints and customs that limit rural women’s interactions with the outside world. Indeed, rural women may be among the biggest beneficiaries of the ESUD system. According to some inter-district court judges, single mothers filing for alimony are also significant beneficiaries of the ESUD system.

Certainly, ESUD functionality couple with opportunities for legal assistance and consultation may increase access to justice impact substantially and should be pursued going forward.

5.3.2 Confidence

The Project’s impact on increasing citizen confidence in the civil courts is difficult to discern, especially in the absence of a baseline survey. A key stakeholder stated unequivocally, “there is no evidence of increased confidence yet.” However, in the light of government mandated reforms, and the increasing levels of efficiency and accessibility of the courts due to ESUD, it is not unreasonable to assume that confidence is growing.

For example, an increase in case management throughput will likely have strengthened citizen confidence in the courts. As noted by another inter-district court judge:

After we receive a case, we have 3 days in which to issue an order to the Bailiff with our decision. Before ESUD, we missed this deadline all the time! Back in the day, we would issue an order manually, and then post the order to the Bailiff. By the time the bailiff got the decision the defendant had already paid his bills. Then the defendant would have to come to court and show that he paid. Also, the citizen would have been notified of the court fee which could be as high as 20% of the total value of the bill allegedly owed. Today, there are fewer complaints from citizens about these problems.

Furthermore, ESUD’s case tracking and notification functions gives citizens a view into the pace of work at the courts. According to several respondents, this heightened understanding of court activity gives citizens greater appreciation and respect for the court.

According to one inter-district judge, women have increased trust and confidence in the courts since the introduction of ESUD. Evidencing this, some courts there has been a geometric increase in the number of women petitioners. At an inter-district court outside of Tashkent, there were 637 women petitioners in 2015. One year later, there were 994 women petitioners. Women are also big benefactors of ESUD as they can now petition for alimony much easier. Furthermore, they can file complaints and then use this as leverage in any reconciliation or negotiation that might be covered. However, only 4-5% of total cases involved alimony payments in one court under analysis. The enforcement of alimony decisions is also considered deficient. Nevertheless, it is not unreasonable to suggest that women have greater confidence in inter-district courts that have implemented ESUD.

Project activities may also be credited for mitigating corruption in the civil courts, increasing confidence in the integrity of the civil courts. These include activities linked to the system of appointment for judges, and the automated distribution of cases through the ESUD system. For

example, prior to ESUD, the inter-district chairperson was given wide discretion to forward new case assignments towards a colleague who might act favourably towards one party over another.

According to some respondents, the impact of these reforms is already having both a significant impact in increasing confidence in the courts, but also in raising expectations. Speaking of the reform's impact on the civil courts, one respondent noted that, "Decision makers must now explain their decisions. But this increases workload, so awareness raising is needed [among members of the public], to explain how the courts work and why every case is not winnable."

5.3.3 Unintended Impacts

Based on visits to various inter-district courts, it is also apparent that the Project is responsible for cultivating and strengthening a data-driven culture among court officers and judges. Pride is evident as they demonstrate growing numbers of petitioner-users of court services, through computer generated statistical charts. The creation of an ICT team within the Supreme Court was highlighted as a measure of interest and commitment in ensuring data was managed carefully.

There is also significant pride expressed in the development of ESUD software itself, especially because it was created by national software developers. Users noted that the advanced quality of the software, including its algorithms and language, was on par with the software found in more developed countries. On account of this the Project may have had the unintended impact of lifting national pride among users, software designers and government authorities alike.

Finally, the project may have also increased interest more widely in technological developments and in other areas of progress in the world outside of Uzbekistan. One respondent noted that:

We live in a conservative society, so here, for the first time people are exposed to technology. Some people don't even know what the internet is in Uzbekistan. Here you can show that technology can be helpful to them.

Project officers agreed that their efforts advanced the country's exposure to technology and expanded their capacity to use it towards positive ends. This picture is further enhanced by UNDP's intervention under Activity Result 2. As noted by a respondent at Tashkent State Law University, "UNDP offered new stimulus. They brought in international best practice and stimulated our research, and raised standards. UNDP challenged us and changed us."

5.4 Project Efficiency

Efficiency measures how well resources or inputs were converted into results. An initiative is efficient when it uses resources appropriately and economically to produce the desired outputs. UNDP Handbook, 169.

5.4.1 Project Implementation

As reflected in project documents, and in interviews with key stakeholders, there has been excellent delivery against project outputs and outcomes and at a "good" or "acceptable" pace. According to a key stakeholder, the project officers have, "hit all of their benchmarks." The project has mostly stayed

within budget. Costs did not exceed expectations, and budgeting was planned with a 10 % deviation, “so there were no surprises over the last three years.”

The smooth integration and sequencing of activities allowed for the efficient roll out of the ESUD system, and logical pacing to judicial training, as demonstrated by a project officer, and later confirmed by an external partner:

In terms of training of judges, we got the sequencing right. We carried out an assessment of the judges, and then an assessment of the Lawyer’s Training Center, and then the following year, we were ready to bring in international experts. And then, this year, we have produced a final document on judicial training mechanisms to be used by the newly planned Judicial Academy.

Similar methods of assessment, training, drafting policy, and implementing ICT hardware and ESUD software were employed under Activity Result 3.

Admittedly, however, sequenced integrated approaches were not followed under other activity areas, as noted by a respondent, “[the Project] did not follow sequenced approaches as a formal matter or pursuant to an Annual Work Plan.” As a consequence, some policy development activities were “a bit removed,” from core activities.

The Project would have more impact and thus, gained more value-for-money, had they integrated capacity building activities. For example, efforts to strengthen the enforcement of court decisions might have aligned better to activities around ESUD implementation and training. Enforcement officers might have gained insights into judicial constraints and capacities, and more importantly been able to input into software and process development. Instead, international consultants were hired to produce papers and workshops were organized with dubious impact. One respondent noted that with regards to enforcement, “We shared a consultant’s study, we invited many government officials to a workshop, we handed out materials to them and requested their feedback on improving a policy paper.” This might have been a worthwhile activity line to pursue were the project team bigger and resources less scarce. The lack of integration in training between judges and enforcement officers is one example of how greater project integration and sequencing, might have led to greater coordination between their offices and stronger output.

Despite these observations, there is admittedly an opportunity costs of greater integration, sequencing, and priority setting. Namely, highly integrated approaches can result in inflexibility, and restrict the project’s ability to capitalize on new opportunities when they arise. And in reform-era Uzbekistan, new opportunities and directives seemingly popped up on a weekly if not daily basis.

As mentioned earlier, study tours are highly prized learning opportunities among Uzbekistan stakeholders, though some question whether the costs outweigh the benefits. The Tashkent State Law University Deputy Rector claimed that she and her colleagues learned of the benefits of legal aid clinics after their visit to the United States. A respondent at the LTC claimed that they applied what they learned in Germany to the development of the Judicial Training Academy curriculum design. The Chairman of the Supreme Court Collegium claimed that he and other colleagues better appreciated the e-justice system on a study tour to Estonia. A key stakeholder was emphatic that these study tours were critical to changing values, particularly around ethics.

Still some respondents noted that justice actors take a passive learning approach on these tours, and the learning outcomes are not tangible. One respondent suggested that judges should be called to present their work and share experiences on the study tours, to encourage stronger engagement with

international colleagues. Another respondent believes that given the expense and time required to manage study tours, they should be better integrated with other project activities, and designed to produce outcomes, or otherwise be aligned with specific outcome indicators.

While the costs of conducting trainings on international human rights and international treaty work were arguable not high, the relationship between these efforts and strengthening citizen access and confidence is tenuous at best. It is also not clear, why this line of work, mostly academic in nature, cannot be undertaken by the experts at the Tashkent State Law School or the Lawyer's Training Center. This activity line may have born very little money for value for the project.

More controversial perhaps, and certainly more expensive, was the employment of international consultants to produce international best practice studies. Though project officers clearly appreciated the work conducted, usually fulfilling the aims of the TORs as drafted and in a timely manner, but national stakeholders were less generous. In fact, as noted by project officers and confirmed by national stakeholders, "Delivery was not appreciated. [National partners] thought a lot of the work was irrelevant." On other occasions, the work was simply rejected upon receipt, as on court performance, and related recommendations. One stakeholder believed that more national consultants should be hired to increase relevance and utility.

Still, resources spent on e-justice consultants helped the Project team to select the right platform, and was considered "critical." And court performance recommendations made by the consultant that were once rejected are now being reconsidered. A project officer suggested that in the future TORs could be formulated more clearly after initial research by project staff in the subject area.

Given these mixed reactions, it is difficult to assess the efficiency of the use of international consultants. As a more general matter, resources expended on international experts and consultants help to maintain UNDP's value-added, leverage cooperation and strengthen collegiality in the justice sector. As noted by on partner, and voiced by others, "The most valuable part of our relationship with UNDP is the sharing of best practices, bringing in foreign experts and sending us on study tours – we simply cannot afford these."

5.4.2 Internal Coordination

Internal coordination was largely efficient and effective. The Project held regular meetings and met at least every two weeks with members of the UNDP Governance Cluster. The project team was seemingly tightly knit, and supportive of one another. The project team also appeared to be well-integrated with the rest of the Governance team. The Cluster provided inputs into project documents presented to the public to assure quality and reportedly leveraged its position to assist with resolving issues at a higher level. For example, when a UNDP work plan was not approved by the Supreme Court for over a month delaying project implementation, the Cluster got involved and resolved the issue.

5.5 Project Sustainability

Sustainability measures the extent to which benefits of initiatives continue after external development assistance has come to an end. Assessing sustainability involves evaluating the extent to which relevant social, economic, political, institutional and other conditions are present and, based on that assessment, making projections about the national capacity to maintain, manage and ensure the development results in the future.³⁴

³⁴ UNDP M&E Handbook, 170

5.5.1 External support

The relevant measures of external support enjoyed by the project is undoubtedly strong. The President's reform measures, coupled with economic imperatives, and the seemingly insatiable appetite for exposure to new ideas by leadership and working level justice actors augurs well for the sustainability of project initiatives. Though unlikely, presidential reform initiatives could be reversed or halted, owing to an unexpected political event. The top-down push for openness and transparency should be complemented by greater awareness raising of rights and of the availability of ESUD. Initiatives in support of judicial independence should be accelerated.

5.5.2 Donor support

Donor diversification is an important element of ensuring the sustainability of project initiatives, including training curriculums and ESUD. Given the relatively low priority assigned Central Asia at this time, and the lower level of enthusiasm for development aid in some countries securing new funding for programming going forward is critical.

Furthermore, the failure of the Uzbekistan government to pay for computer hardware, as noted above, was a big disappointment for project stakeholders and donor partners. The Uzbekistan government needs to budget for upkeep of equipment and repair.

5.5.3 Creation of new mechanisms or institutions

The promotion of a data-driven management culture in the courts would seemingly support sustainability. That the Supreme Court created an ICT unit during the project period at the recommendation of UNDP, is an important marker of commitment and sustainability. However, new ICT teams will need to be further strengthened and expanded if the ESUD system is to reach all courts in all regions, and at the 2nd instance level.

The project should also use its leverage as a key partner of the government to encourage the release of official statistics that are disaggregated and independently verifiable in regularized reports. The availability of such reports may galvanize public interest and support for government reform efforts, and ensure the sustainability of Project initiatives.

5.5.4 National Ownership and Partnerships

UNDP's relationship with the government has been both longstanding and fruitful, and seemingly based on strong levels of trust. This bond has been based in part on account of the partnership approach employed; the government assists and drives implementation at a speed that matches its comfort level and absorptive capacity. The ESUD system for example did not involve the implementation of UNDP impose project software, but a government owned product created by national software designers, and implemented alongside national partners and over several years. Training curriculum and policy advice provision was also done in close consultation with national justice actors, ensuring national ownership.

5.5.5 Donor coordination and relations

Relations with UNDP's donor partners were very strong and mostly free of controversy, as attested to by several respondents, including UNDP's core donor partner, USAID. UNDP was able to leverage the important role of the Resident Representative/ Resident Coordinator in discussions with the

government. UNDP might have done more to communicate with its donor partner, keeping them aware of events, negotiations with government, and other measures of progress large and small alike. UNDP might also have followed USIAD guidelines on branding more closely despite costs to ensure proper levels of visibility.

6. Conclusions and Recommendations

The President's reform agenda understandably dominates political discussion in Uzbekistan. As one respondent noted, "Today, we have so many reforms. And we have never seen such reforms before in history." Rooted as it is in human rights, and human rights values, the new reform agenda requires a strong partnership between the government and UNDP and other UN system actors, to ensure successful reform implementation.

Time is of the essence. As another respondent rightfully pointed out, the political circumstances can change quickly in Uzbekistan, a country that is less than 30 years old, a country running on few guidelines, and following little precedent:

We could go with one presidential priority and then the president changes his mind. We don't know what exactly what is going to stick. We need to attach ourselves to the right list of items. But how do we tailor our project to where the government is going?

Certainly, this was posed as a rhetorical question: How to design a rule of law project in a country as dynamic as Uzbekistan? What is your strategic approach to programming in a period in reform in a country that's suffered severe economic limitations, a history of authoritarianism, and high rates of corruption?

There is no one right answer, though looking through a normative lens we find a foundation for a strategy. Identifying the links between Uzbekistan's human rights treaty obligations, Uzbekistan's Action Strategy 2017-2020, Goal 16 of the 2030 Agenda on Sustainable Development, and UNDP's global mandate for support, a robust strategic framework begins to take shape. From here, a project proposal can be carefully calibrated, to occupy the overlapping space between the high-level agreements, current government-led initiatives and UNDP's in-country capacity, and moral obligations.

Uzbekistan's lengthy human rights record is not the subject of this project evaluation and indeed, little has been made of it, even in the background section of this document. However, to be true to its mandate, UNDP is morally, ethically, and possibly even legally required to use this period of openness to engage in difficult discussions with the government on Uzbekistan's human rights conditions, and adjust programming focus accordingly.

At this time, it is unclear whether UNDP as a global organization will be able to bring greater pressure to bear on countries to honour human rights commitments. However, the goodwill and political capital that UNDP has earned through its ESUD program with the Uzbekistan's government should be pressed to its maximum potential. . As noted by the High Commissioner of the Office of the High Commissioner on Human Rights:

Uzbekistan is, in my view, at a cross-road. The volume of constructive human-rights related proposals, plans and new legislation that has emerged since President Mirziyoyev took up

office is remarkable. The successful implementation of those reforms could have a transformational impact on the country's future.

In this regard, UNDP should align future programming and support towards the realization of human rights in Uzbekistan, through criminal justice reform and enhanced access to justice. And indeed, there is growing recognition of increased space within which to strengthen fair trial standards and the right to petition.

Building on UNDP's work of the civil courts, greater awareness raising efforts may encourage claimants to bring local government entities to court for violations of their economic and social rights. Presently, these requests involve a petition for the courts to abolish the decision of the local government or a local official, often around housing, education and health. Legal aid assistance would be critical to strengthen the outcomes in this area, particularly around property use or confiscation.

Reportedly, there are new laws relating to women's equality and domestic violence under consideration. UNDP Uzbekistan should be engaged with appropriate partners in ensuring these laws meet international standards, for example. Following the adoption of legislation, partners are identified to conduct awareness raising and provide legal aid assistance.

With the issuance of Presidential Decree 4850 (Guarantees of the Protection of Human Rights) the President has begun a Dialogue with the Citizens of Uzbekistan, to root out corruption and human rights abuses. UNDP might now pursue the previously planned establishment of human rights call centers with renewed vigour. Efforts to increase transparency in the courts, is being furthered through the government's Open Court initiative also provide opportunities. The accepted recommendations for the Universal Periodic Review for Uzbekistan are also a well-spring of new programming ideas in this new era.

A new anti-corruption law has been passed, and a comprehensive workplan has been created by the government to address corruption. UNDP rule of law efforts in Uzbekistan could partner with the United Nations Office of Drugs and Crime and work with national partners, to develop new programming initiatives, leveraging the effectiveness and trust earned with the implementation of the Rule of Law Partnership project, among others.

There above recommendations are admittedly at the activity level and by themselves do not amount to a strategy, but they provide an at-a-glance review of opportunities already at hand. UNDP's human rights mandate, coupled with Uzbekistan's commitments to the 2030 Agenda on Sustainable Development, and the government's already robust human rights-based reform package, including its Action Strategy, provides a solid framework from which to build a new programmatic strategy.

In this effort, though, a review of Project successes and challenges is also called for to strengthen future interventions and avoid repeating mistakes.

6.1 Project-level Recommendations and Lessons Learned

The Rule of Law Partnership project was extremely effective in meeting its objectives, however the following recommendations/lessons learned are important to consider for future programming interventions. Among the most important of these, UNDP should complement its heavy focus on supply-side interventions, with more demand-side related activities to ensure greater project impact.

6.2 Capacity Building

Capacity building efforts must achieve a better balance between institutional support on the one side, and support to credible CSO and providers of legal aid, including the Tashkent State Law University, on the other. Awareness raising activities are also key going forward. The top-down push by the President for openness and transparency should be complemented by the increased understanding by rights holders in their rights, the President's reform agenda, and the availability and functionality of ESUD.

6.3 Sustainability

Given the relatively low donor priority assigned to the Central Asian region at this time, and the new, even lower level of enthusiasm for development aid from some countries, including the United States, diversifying the donor base of the project is crucial going forward.

The Uzbekistan government also needs to be pressured to provide ongoing budget support for the project. In particular upkeep of equipment and repair, as well as to ensure new ICT teams are strengthened and expanded is required if the ESUD system is to reach all courts in all regions, and at the 2nd instance level.

The project should also use its leverage as a key partner of the government to encourage the release of official statistics that are disaggregated and independently verifiable in regularized reports. These statistics demonstrate progress and capacity to the public in straightforward terms. In turn the publication of statistics, builds confidence and respect for the efforts of government authorities.

6.4 Partnerships

To seize on the window of opportunity presented by the President's reform agenda, the widest possible number of partners, within reason, should be engaged. The Supreme Court's assignment to the project board and as implementing partner might be reconsidered in light of these concerns. At the very least, the costs and benefits of co-location at the Supreme Court should be subject to review.

Over the project period, project officers may have felt compromised by the expanded presence of the Supreme Court Collegium. Going forward the Project may be at greater risk of being co-opted and find it difficult to resist the personal ambitions of Collegium leadership, at the expense of UNDP's human rights and sustainable development mandate, and at the cost of developing new national partnerships.

Newly reconstituted institutions that UNDP may want to work more closely with, including the High Judicial Council's Research Center and/or the Bureau of Enforcement, may get less time, attention and resources where the Supreme Court is responsible for signing off on UNDP work plans.

Among these new opportunities, the High Judicial Council has requested that UNDP assist the HJC in increasing confidence in the courts through the facilitation of dialogue sessions with citizens. The HJC Research Center aims to work with UNDP on legislative reform, arbitration mechanisms, study tours for improving skills of judges, and a training course on administrative courts. UNDP should ensure that a human rights angle is applied to any partnership or support to these initiatives.

UNDP should also work with the Bureau of Enforcement on ways to ensure enforcement of alimony judgements, and the enforcement of judgements in individual cases more broadly. UNDP should also

partner with the Enforcement Bureau in its effort to reduce pre-trial detention rates, investigation periods, and temporary detention, especially given the link of this initiative to Goal 16 of the Sustainable Development Agenda.

6.5 Access to Justice

Among the most important partners to cultivate in any new programming efforts is the Tashkent State Law University, given its aim to ensure law students provide legal assistance to disadvantaged groups. Based on Presidential Decree 2932, 28 April 2017, the school must create legal clinics in 2 locations. One will open in “Student City” and be affiliated with both the MOJ and the Governor of Tashkent. The other will open at Tashkent TSU. Under supervision of the law school, the law students will focus on assisting the local populations with their justice needs. They will deploy 1000 student lawyers from 3rd and 4th years to provide legal aid.

Legal aid provision, coupled with ESUD functionality and rights awareness campaigns may lead to significant and measurable gains in access to justice, helping Uzbekistan meet its pledges under Goal 16 of the 2030 Agenda for Sustainable Development.

6.6 Economic Courts

It is not clear how UNDP’s mandate or global strategy is furthered through support to the economic courts, nor is it clear how capacity building support is connected to the human rights elements of Uzbekistan’s reform agenda. It is recommended that support to the economic courts is halted.

Appendix A: Terms of Reference

International Consultant for evaluation of ROL project

Location:	Home based and one field trip to Uzbekistan
Additional Category:	Democratic Governance and Peacebuilding
Type of Contract:	Individual Contract
Post Level:	International Consultant
Languages Required:	English
Expected Duration of Assignment:	25 days during May/June 2017

Background

UNDP Uzbekistan within the UN Development Assistance Framework (UNDAF) for Uzbekistan has been implementing 'Rule of Law Partnership in Uzbekistan' project (ROL project) since 2014, after successfully completing the 'Civil Justice Reform: Effective Court Management' project in 2012-2014. The Project has been working with two pilot regions – Tashkent city and Tashkent region since 2014, focusing on further strengthening public access to and trust in Uzbekistan's civil court system.

Building on the success of 'Civil Justice Reform: Effective Court Management', implemented from 2012 to 2014, ROL project has supported efforts of the Supreme court of the Republic of Uzbekistan enhancing public access to and trust, achieve greater alignment with international standards of integrity and rule of law in civil courts as well as efforts of other national stakeholders i.e. Research Center under Supreme Court of Republic of Uzbekistan, Higher Economic Court, Judicial Department under Ministry of Justice, Lawyers' Training Center and others by providing assistance in strengthening rule of law in Uzbekistan as well as by elaboration of strategic and legal framework to improve accessibility of court information and transparency of judiciary, by strengthening research and analytical capacity of Supreme Court in order to implement judicial and legal reforms, by wide involvement of representative of civil and expert society as well as donor organizations in open discussion of reforms, by preparation of a series of analytical papers, by enhancing court administration through development of national e-justice system and improvement of legislative base, etc. The project, in addition to the Project Board, is guided by the Interagency coordinating working group (ICWG), approved by the Chairperson of the Supreme court of the Republic of Uzbekistan. Project is funded jointly by UNDP and USAID Uzbekistan in accordance with 'USAID Cooperative Agreement to a Public International Organization (AID-176-IO-14-00001)'.

The major objectives of ROL project are:

- Increasing court responsiveness to citizen feedback on civil justice administration through development of institutional mechanisms for public awareness raising;
- Enhancing the knowledge and technical skills of judges, lawyers and court personnel;
- Improving court administration systems and performance.

The ROL project, through the above-mentioned activities, aims to achieve the following results:

- enhancing trust in courts, accessibility of information and transparency of the judicial practices including the procedures of interaction with the public and the media;
- improving image and trust of citizens in the court rulings enhanced through higher awareness of the procedures of enforcement of civil court rulings;

- enhancing access to justice and legal awareness of socially vulnerable groups of population enhanced by providing gratis legal aid;
- introduction of new techniques of teaching, training of judicial trainers;
- unification of dispute resolution practice within the civil courts;
- increasing authority, standardization and predictability in judicial decisions, grounded in legislation, international conventions and unified court practice, stemming from increased access to training and training materials (bench books, manuals, etc.);
- transferring knowledge with regard to international best practices streamlining the court administration system in accordance with evidence-based policy research on judicial and court procedure issues jointly with the Supreme Court and the Judicial Research Centre;
- improvement of the Code of Civil Procedures (CCP), the Code of Economic Procedures (CEP) of Uzbekistan, and development of the new draft Law on the use of electronic information systems proceedings in the civil courts of the Republic of Uzbekistan and other legislation, leading to a higher implementation of the law in Uzbekistan and a higher protection of rights for its citizens;
- streamlining court procedures to optimize costs and operations as well as introduction of web-based e-solutions, audio visual recording and mobile technologies in litigation process of the Economic and Civil Courts, etc.

Since 2017 project developed a number of initiatives successfully implemented in the field of strengthening the rule of law, improving court administration, increasing efficiency of courts, improving procedural legislation, increasing transparency and availability of information on courts and others. This year the project is approaching its completion, which is December 2017.

The details of the project activities are available on as well as in social media:

- http://www.uz.undp.org/content/uzbekistan/en/home/operations/projects/democratic_governance/rule-of-law-partnership-in-uzbekistan-.html
- <https://www.usaid.gov/uzbekistan>
- <https://www.facebook.com/RuleofLawUzbekistan/?fref=ts>

Duties and Responsibilities

This Final Project Evaluation is initiated by the UNDP Uzbekistan and aims to assess the relevance, performance, management arrangements and success of the project and provide recommendations for possible follow-up. Based on internal assessment and continuous positive feedback of the stakeholders and project beneficiaries, it is envisaged that UNDP Uzbekistan remains committed in continuing its efforts in this field. Therefore, it is anticipated that the outcomes of the evaluation will be a clear source for future planning and prioritization of UNDP Uzbekistan activities in the field of rule of law and civil justice. It should provide the basis for learning and accountability for managers and stakeholders. The evaluation will have to provide to UNDP complete and convincing evidence to support its findings/ratings. Particular emphasis should be put on the project results, the lessons learned from the project and recommendations for the follow-up activities.

This evaluation is to be undertaken in line with the evaluation policy of UNDP (http://www.undp.org/content/undp/en/home/operations/accountability/evaluation/evaluation_policyofundp) and the UNDP Handbook on Monitoring and Evaluating for Results (<http://web.undp.org/evaluation/handbook/index.html>).

The assignment will take place within May/June 2017. It will involve desk work and meetings with national partners and stakeholders, including project beneficiaries. The international consultant will work in close collaboration with UNDP Uzbekistan CO and relevant stakeholders. The meetings with national stakeholders and beneficiaries will take place in Tashkent city, Tashkent region.

EVALUATION OBJECTIVES:

The evaluation is intended to provide a comprehensive overall assessment of the project and to provide recommendations for exit strategy and/or follow-up activities.

The purpose of the Final Evaluation is:

- To assess overall performance against the Project objective and outcomes as set out in Project Document.
- To assess the effectiveness and efficiency of the Project.
- To analyze critically the implementation and management arrangements of the Project.
- To assess the sustainability of the project's interventions.
- To list and document lessons concerning Project design, implementation and management.
- To assess Project relevance to national priorities.
- To assess changes in the baseline situation and provide guidance for the future activities in the area of promoting rule of law, judicial independence and transparency of judiciary.

Project performance will be measured based on Project's Results and Resources Framework, which provides clear indicators for project implementation. The Report of the Final Evaluation will be stand-alone document that substantiates its recommendations and conclusions.

EVALUATION:

Under the direct supervision of the Head of Good Governance Unit and in close cooperation with ROL project Manager, the International Consultant for evaluation of ROL project will be responsible for the completion of the following tasks and duties:

Project concept and design: The evaluator will assess the project concept and design. He/she should review and provide an evaluation of the project strategy, planned outputs, activities and inputs, implementation modality, clarity and effectiveness of management arrangements and cost-effectiveness of approaches taken in relation to the overall project objectives. The evaluator will assess the achievement of results and targets against the project work plans.

Implementation: The evaluation will assess the implementation of the project in terms of quality and timeliness of inputs, efficiency and effectiveness of activities carried out. Effectiveness of management, the quality and timeliness of monitoring and backstopping by all parties to the project should also be evaluated. In particular, the evaluation is to assess the Project team's use of adaptive management in project implementation.

Project outputs, outcomes: The evaluation will assess the outputs in relation to the Country Program outcomes, achieved by the project as well as the likely sustainability of project results. This should encompass an assessment of the achievement of the immediate objectives and the contribution to

attaining the overall objective of the project. The evaluation should also assess the extent to which the implementation of the project has been inclusive of relevant stakeholders and to which it has been able to create collaboration between different partners. The evaluation will also examine if the project has had significant unexpected effects, whether of beneficial or detrimental character. The Final Evaluation will also cover the following aspects:

Results and effectiveness:

Changes in development conditions. Address the following questions, with a focus on the perception of change among stakeholders:

- What are main outputs and outcomes of the project?
- What are the impacts of the project? Do they have equal value for women and men beneficiaries?
- Has project contributed to strengthening public access to and trust in Uzbekistan's civil court system?
- Has project activities contributed in strengthening judicial independence as improving the system of preparation and increasing qualifications of judges, candidates to judge positions and court personnel?
- Has the UNDP partnership strategy been appropriate and effective?
- Has awareness on rule of law, increasing transparency and accountability of courts, improving the efficiency of courts in general and among stakeholders been increased?
- Has attention of stakeholders rule of law, increasing transparency and accessibility of courts, improving the efficiency of courts increased and has it been reflected in concrete actions?
- Have the pilot court began using the E-SUD system? Has implementation of E-SUD system resulted in increasing transparency, accessibility and efficiency civil courts?
- Has implementation of judicial reform, e-justice and transparency initiatives improved?

Measurement of change: Progress towards results should be based on a comparison of indicators before and after the project intervention.

Project strategy: How and why outputs contribute to the achievement of the expected results. Examine their relevance and whether they provide the most effective route towards results.

Sustainability: Extent to which the benefits of the project will continue, within or outside the project domain, after it has come to an end. Relevant factors include for example: adoption of appropriate amendments in legislation, mainstreaming project results and proposals into by-laws of Supreme court and/or other agencies, etc.

Project's Adaptive Management Framework:

Monitoring Systems:

- Assess the monitoring tools currently being used:
- Do they provide the necessary information?
 - Do they involve key partners?
 - Are they efficient?
 - Do they encourage disaggregation of data (by sex, region, age, education)?
 - Are additional tools required?

Risk Management

- Validate whether the risks identified in the project document and the ATLAS Risk Management module are the most important and whether the risk ratings applied are appropriate. Describe any additional risks identified and suggest risk ratings and possible risk management strategies to be adopted for the future activities.

Work Planning

- Assess the use of the logical framework as a management tool during implementation and changes made to it;
- Assess the use of routinely updated workplans;
- Are work planning processes result-based? If not, suggest ways to re-orientate work planning.
- Assess financial management of the project, with specific reference to the cost-effectiveness of interventions.

Reporting

- Assess whether UNDP reporting requirements were met.
- Assess whether disaggregated data is being used.

Underlying Factors

- Assess the underlying factors beyond the project's immediate control that influence outcomes and results. Consider the appropriateness and effectiveness of the project's management strategies for these factors.
- Assess the effect of any incorrect assumptions made by the project.

UNDP Contribution

- Assess whether UNDP's outputs and interventions can be credibly linked to achievement of the outcome, including the outputs, programmes, projects and soft and hard assistance that contributed to the outcome;
- Assess the role of UNDP against the requirements set out in the UNDP Handbook on Monitoring and Evaluating for Results;
- Assess implementation of the new UNDP requirements outlined in the UNDP User Guide, especially the Project Assurance role;
- Assess the UNDP contribution to the project "soft" assistance (policy advice & dialogue, advocacy, coordination).

Partnership Strategy

- Assess how partners are involved in the project's adaptive management framework: (i) Involving partners and stakeholders in the selection of indicators and other measures of performance; (ii) Using already existing data and statistics; and (iii) Analyzing progress towards results and determining project strategies.
- Identify opportunities for stronger substantive partnerships in the future.
- Assess how local stakeholders participate in project management and decision-making. Include analysis of strengths and weaknesses of the approach adopted by the project and suggestions for improvement.
- Assessment of collaboration between governments, intergovernmental and non-governmental organizations.
- Assessment of collaboration between implementation units of other related projects.
- Assessment of local partnerships.
- Transfer of capacity to the national institutions.

Project Finance:

- Assess the cost-effectiveness of the project interventions.

Formulation of a new results framework for future partnership:

The purpose of the formulation of the new results framework for future partnership is to identify the potential entry points for development intervention in the areas of judicial reforms, judicial independence, strengthening rule of law, improving efficiency existing and newly established courts, increasing the transparency and accessibility of judicial information via introducing additional ICT tools in courts, strengthening the powers of the attorneys in court proceedings, usage of alternative dispute resolution methods in judicial system. The documents to be prepared by International consultant during formulation of the new results framework for future partnership should comply with UNDP standards on results-based management, and templates for project document. UNDP Good Governance Unit will provide these necessary templates to the International consultant.

Under the direct supervision of the Head of Good Governance Unit and in close cooperation with Programme Associate on Public Policy, the International Consultant for evaluation of the ROL Project and will be responsible for the completion of the following tasks and duties:

- Analyze major lessons learned from Project's previous activities and conduct country context analysis in order to determine background of problems showing the need/demand for the new results framework for future partnership;
- Prepare project proposal, project justification, identifying the main implementing partner, key stakeholders and beneficiaries, overall goals and specific objectives, a list of main activities, duration, and outputs, potential risks and estimated budget;
- Draft the Results and Resource Framework (RRF) for the proposal on the new results framework for future partnership. The template for RRF will be provided by UNDP Good Governance Unit;
- Advise to UNDP senior management on organization structure for the possible new project, including description of roles and responsibilities of project team members;
- Propose monitoring and evaluation mechanism as well as quality management for activity results during the new project implementation.

EVALUATION METHODOLOGY:

The Final Evaluation will be done through a combination of techniques, including

- Desk review of all relevant documentation (project outputs and other materials);
- Consultations with stakeholders (partners and beneficiaries) and UNDP staff;
- Validation exercise with UNDP CO and national partners of Project.

Evaluation should involve the wider possible range of stakeholders.

Deliverables and timeframe:

- Final Project Evaluation work plan, proposed methodology of evaluation and a report outline, including plan of meetings with stakeholders and beneficiaries. Due date: May 15, 2017
- Draft Evaluation report, including Annex on analysis of validation results for preliminary findings with stakeholders. Due date: May 30, 2017
- Final evaluation report, including Annex on the proposed new results framework for future partnership. Due date June 20, 2017

Timeframe

- Desk review based on of briefings with the project team and GGU- 6 days
- Interviews with local stakeholders, questionnaires, focus groups – 8 days
- Validation of preliminary findings with stakeholders through circulation of initial reports for comments. Preparation of draft evaluation report and incorporation of comments – 11 days

Payment Conditions:

This is a lump sum that should include costs (honorarium, travel, DSA, visa, etc) of consultancy required to produce the above deliverables. Payment will be released in the following installments:

- Upon submission and acceptance by Programme Unit of UNDP of the deliverable 1 - 25% of the lump sum
- Upon submission and acceptance by Programme Unit of UNDP of the deliverable 2 - 30% of the lump sum
- Upon submission acceptance by Programme Unit of UNDP of the deliverable 3 - 45% of the lump sum.

Appendix B: Stakeholders Interviewed

Organization	Receiving organization representatives
Zangiota inter-district civil court (pilot court)	Mr. Bahrom Fayziev, Chairperson of Zangiota inter-district civil court Ms. Nodira Hakimova, judge of Zangiota inter-district civil court
UNDP Good governance, policy and communications cluster	Mr. Azizkhon Bakhadirov, Programme Analyst on Rule of Law Cluster on Good Governance, Policy and Communication
Economic court of Tashkent region	Mr. Khamid Jalilov, Chairperson of Tashkent region economic court, Mr. Sobir Khojaev, Deputy Chairperson of Tashkent region economic court, Ms. Karieva Liliya, judge of Tashkent region economic court
Supreme Judicial Council of the Republic of Uzbekistan	Mr. Sanjar Dusmanov, Permanent member of Supreme Judicial Council, judge Mr. Sherzod Abdukadirov, Permanent member of Supreme Judicial Council, judge
Institute for Monitoring of Current Legislation under the President of the Republic of Uzbekistan	Mr. Farrukh Mukhamedov, Director of Institute for Monitoring of Current Legislation under the President of the Republic of Uzbekistan
Mirzo Ulugbek inter-district civil court (pilot court)	Mr. Sherzod Radjabov, Chairperson of Mirzo Ulugbek inter-district civil court Mr. Ahror Sulaimanov, judge of Mirzo Ulugbek inter-district civil court
Yuqorichirchik inter-district civil court (pilot court)	Ms. Feruza Jalalova, Chairperson of Yuqorichirchik inter-district civil court Mr. Ravshan Abduvaliev, judge of Yuqorichirchik inter-district civil court
Ahangaran inter-district civil court (pilot court)	Mr. Ravshan Abduazimov, acting the Chairperson of Ahangaran inter-district civil court
Bureau of Enforcement at the General Prosecutor's Office	Mr. Azam Sadykov, Head of International Department Mr. Kabul Ikramov, Head of ICT Department
Tashkent State Law University	Ms. Zamira Esanova, Vice Rector of Tashkent State Law University Mr. Khudoykul Azizov, Head of Department on Business Law Ms. Muborak Usmonova, Senior Researcher, Center for Legal Studies

	<p>Ms. Nargiza Ramazonova, Head of Department for international relations</p> <p>Ms. Zamirat Borsieva, Head of Department of International Public Law</p>
<p>Lawyer Training Center under the Ministry of Justice of the Republic of Uzbekistan</p>	<p>Mr. Gafurov Askarjon, Lawyers' Training Center, Director</p> <p>Mr. Gorohov Artyom, Head of Department for international relations</p>
<p>The Research Center for the Study of Justice under Supreme Judicial Council</p>	<p>Mr. Sarvar Oripov, Deputy Director of the Center</p> <p>Mr. Sherzod Yuldashev, Head of Department for international relations of Research Center</p>
<p>The Supreme Court of the Republic of Uzbekistan</p>	<p>Mr. Kholmumin Yodgorov, Deputy Chairperson of the Supreme Court, Chairperson of Judicial Collegium on civil cases of the Supreme Court, National Project Coordinator</p> <p>Ms. Shakhnoza Akhatova, judge of the Supreme Court</p>
<p>US Agency for International Development</p>	<p>Ms. Megan Gernes</p>

Appendix C: Documents Reviewed

- *Action Strategy on five priorities of development of the Republic of Uzbekistan for 2017-2021*
- *Anti-Corruption Network for Eastern Europe and Central Asia, Istanbul Anti-Corruption Action Plan, Uzbekistan Assessment and recommendations, OECD, December 2010*
- *Anti-Corruption Network for Eastern Europe and Central Asia, Anti-Corruption Reforms in Uzbekistan, Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan, OECD, October 2015*
- *Changing for the Better: The Path to Upper-Middle-Income Status in Uzbekistan, World Bank, June 2013*
- *Civil Society Briefs Uzbekistan, Asia Development Bank, November 2011*
- Decree of the President of the Republic of Uzbekistan, “On the Measures for further Reforming the Judicial and Legal System, Strengthening the Guarantees of Protection of the Rights and Freedoms of Citizens”
- Decree of the President of the Republic of Uzbekistan, “On measures to radically improve the structure and efficiency of the judicial system of the Republic of Uzbekistan”
- *Evaluation Report Thematic Evaluation of IDLO’s Danida-Funded, Support to Kenyan Constitution Implementation Process with a Focus on Devolution and Gender Reforms, IDLO, February 2017*
- *Judicial Reform Index for Uzbekistan, CEELI, May 2002*
- *Promotion of the rule of law for sustainable economic development, Central Asia, GIZ, October 2015*
- United Nations Development Assistance Framework, 2010–2015, Uzbekistan
- United Nations Development Assistance Framework, 2016–2020, Uzbekistan
- United Nations Development Programme, Project Document, Rule of Law Partnership in Uzbekistan, 2014
- *Welfare Improvement Strategy of Uzbekistan, Full Strategy Paper for 2008-2010*