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Support to operationalization of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic

(IFS-RRM/2013/331-462 – award ID 00078033)

Mid-Term Evaluation

FINAL REPORT

Antonio Castro, 15 December 2014

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DISCLAIMER

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Table of contents

[Abbreviations and Acronyms 4](#_Toc406442748)

[Executive Summary 5](#_Toc406442749)

[Project Summary Table 5](#_Toc406442750)

[Brief project description 5](#_Toc406442751)

[Evaluation Rating Table 6](#_Toc406442752)

[Summary of conclusions, recommendations and lessons 7](#_Toc406442753)

[1. Introduction 14](#_Toc406442754)

[1.1. Purpose of the evaluation 14](#_Toc406442755)

[1.2. Scope and methodology 15](#_Toc406442756)

[1.3. Structure of the evaluation report 17](#_Toc406442757)

[2. Project description and development context 18](#_Toc406442758)

[2.1. Project start and duration 18](#_Toc406442759)

[2.2. Problems that the project sought to address 18](#_Toc406442760)

[2.3. Immediate objectives and expected results of the project 19](#_Toc406442761)

[2.4. Main beneficiaries and target groups 20](#_Toc406442762)

[3. Findings 22](#_Toc406442763)

[3.1. Project design/formulation 22](#_Toc406442764)

[3.1.1. Analysis of Results Framework (Project logic /strategy; Indicators) 22](#_Toc406442765)

[3.1.2. Assumptions and Risks 22](#_Toc406442766)

[3.1.3. Planned stakeholder participation 23](#_Toc406442767)

[3.1.4. UNDP comparative advantage 23](#_Toc406442768)

[3.1.5. Linkages between project and other interventions within the sector 24](#_Toc406442769)

[3.1.6. Management arrangements 25](#_Toc406442770)

[3.2. Project implementation 26](#_Toc406442771)

[3.2.1. Adaptive management (changes to the project design and project outputs during implementation) 26](#_Toc406442772)

[3.2.2. Monitoring and evaluation: design at entry and implementation 26](#_Toc406442773)

[3.2.3. UNDP implementation / execution coordination, and operational issues 27](#_Toc406442774)

[3.3. Project results 28](#_Toc406442775)

[3.3.1. Overall results (attainment of objectives) 28](#_Toc406442776)

[3.3.2. Relevance 29](#_Toc406442777)

[3.3.3. Effectiveness and Efficiency 30](#_Toc406442778)

[3.3.4. Country ownership 35](#_Toc406442779)

[3.3.5. Mainstreaming 35](#_Toc406442780)

[3.3.6. Sustainability 36](#_Toc406442781)

[3.3.7. Impact 38](#_Toc406442782)

[4. Conclusions, Recommendations & Lessons 40](#_Toc406442783)

[4.1 Conclusions 40](#_Toc406442784)

[4.2 Corrective actions for the design, implementation, monitoring and evaluation of the project 42](#_Toc406442785)

[4.1. Actions to follow up or reinforce initial benefits from the project 44](#_Toc406442786)

[4.2. Proposals for future directions underlining main objectives 45](#_Toc406442787)

[4.3. Good practices in addressing issues relating to relevance, performance and success 46](#_Toc406442788)

[Annexes 48](#_Toc406442789)

# Abbreviations and Acronyms

|  |  |
| --- | --- |
| AWP | Annual Work Plan |
| CC | Constitutional Chamber of the Supreme Court of the Kyrgyz Republic |
| CSO | Civil Society Organisation |
| DAC/OECD | Development Assistance Committee/Organisation for Economic Cooperation and Development |
| DoA | Description of Action |
| DPCC | Development Partners Coordination Council |
| EU | European Union |
| EU-UNDP Project | EU-UNDP Project “Support to the Operationalization of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic” |
| EU-VC Project | EU-Venice Commission of the Council of Europe Project “Support to the Kyrgyz authorities in improving the quality and efficiency of the Kyrgyz Constitutional justice system” |
| IfS | Instrument for Stability  |
| NGO | Non-governmental organization |
| OSCE | Organization for Security and Cooperation in Europe |
| PMU | Project Management Unit |
| RoL | Rule of Law |
| SC | Steering Committee |
| TOR | Terms of Reference |
| UNDAF/CDP | United Nations Development Assistance Framework/Country Programme Document |
| UNDP | United Nations Development Programme |

# Executive Summary

## Project Summary Table

|  |  |
| --- | --- |
| Project Title | Support to operationalization of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic |
| Contracting Authority | European Union |
| Implementing Partner (Executing Agency) | United Nations Development Programme |
| Responsible Party (Implementing Agent) | United Nations Development Programme |
| Contract number | IFS-RRM/2013/331-462 |
| UNDP Award ID | 00078033 |
| Start and end date of the project | November 15, 2013 – May15, 2015 |
| Budget | 1.2 Million Euro |
| Project main beneficiary | Constitutional Chamber of the Supreme Court of the Kyrgyz Republic |
| Other beneficiaries | Parliament, Presidential office, Government, Legal professionals and Academia, Civil Society Organisations, media and journalists |

## Brief project description

The EU-UNDP project “Support to operationalization of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic” (hereinafter EU-UNDP Project) is implemented as a Joint Management Action. It has been financed with some 1.2 Million Euro by the EU under the Instrument for Stability (IfS).

The project’s Overall Objective (OO) is contributing to preserve democratic stability, ensure balance of power and promote Rule of Law (RoL).

Functional to this overarching objective is the support to the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic (CC) to ensure its effective functioning, in an enabling institutional environment and fostering a widespread understanding of its role and function among the wider public.

More specifically, the project aims at achieving the three following Specific Objectives (SO):

1. Create an enabling environment for smooth operationalization of the CC and effective constitutional justice;
2. Assist with establishing effective communication process to highlight improved CC performance and improve public perception;
3. Assist with institutional and individual capacity-building measures which help the CC in accomplishing its mission.

The main project stakeholder is the CC - the highest judicial authority which independently performs the constitutional oversight by way of constitutional legal proceedings. Although formally the CC is subordinated to the Supreme Court, in practice the CC is fully independent with its own distinct budget, a small group of judges and an office supporting its functions.

Project activities have grouped under three components: 1) Enabling environment; 2) Effective communication, and 3) Capacity building. Project activities implemented can be summarized in actions aimed at capacity building; fostering awareness on CC and its visibility; procurement of IT equipment, services and works.

The project has closely cooperated with the “twin” EU-Venice Commission of the Council of Europe project “Support to the Kyrgyz authorities in improving the quality and efficiency of the Kyrgyz Constitutional justice system” (hereinafter EU-VC project).

The two projects are implemented in parallel, with complementary approaches: with emphasis on access to international experience for the EU-VC project and with emphasis on strengthening institutional capacity/national dimension for the EU-UNDP one.

## Evaluation Rating Table

Table 1. Evaluation Rating Table

|  |
| --- |
| Evaluation ratings: |
| 1. Monitoring and Evaluation
 | Rating | 1. IA & EA execution
 | Rating |
| M&E design at entry | S | Quality of UNDP implementation | S |
| M & E Plan implementation | MS | Quality of execution – Executing agency | S |
| Overall quality of M&E | MS | Overall quality of implementation / Execution | S |
| 1. Assessment of Outcomes
 | Rating | 1. Sustainability
 | Rating |
| Relevance | HR | Institutional framework and governance | MU |
| Effectiveness | S | Socio-political | L |
| Efficiency | MU | Financial resources | L |
| Overall project outcome rating | S | Overall likelihood of sustainability | MU |

(S - Satisfactory, MS - moderately satisfactory, HR – Highly relevant, MU - moderately unlikely/ unsatisfactory, ML - Moderately likely, L - Likely)

## Summary of conclusions, recommendations and lessons

***Conclusions***

*Overall conclusion*

To date, project implementation has been proceeding satisfactorily, with a good level of cooperation established with the CC. The CC proved to be a receptive institution, showing good ownership of project results. The partnership established with the CC is a crucial factor to be built on, and particularly so considering that CC’s environment has not been fully enabled yet.

As the timeframe for achieving planned results proved too short, consolidating project achievements would ideally require granting a no-cost extension of the project, and/or sourcing alternative funding.

*Relevance*

The project is assessed as highly relevant and important donor response to challenges faced by the country. Its overall aims are aligned to country’s needs and priorities and to EU and UN priorities for the sector. Usually, the constitutional courts are the elite among legal organizations. Therefore, the implementation of such projects with constitutional courts requires an understanding of strategic litigation and maturity from donors funding such projects, as well as a good preparedness on the part implementers. Project’s relevance has been thoroughly confirmed during implementation. The four main factors justifying the rating are: 1) Definition of assistance content - its content (activities, outputs, approaches) is fully respondent to CC’s needs and tailored to CC’s capacity level and priorities; 2) Extent of the assistance - The quantity and quality of project support has been enabling the CC to address and answer at once to a wide range of needs that otherwise would not have been answered timely/fully; 3) Complementarity with other interventions - Pursuing synergies and coordination among various actors (especially the EU-VC project) enabled the project to address the role of CC/Constitutional order from different perspectives and maximising the effects, and 4) Timing - the CC has benefited from highly qualified support from the very beginning of its existence, and also during the critical months following the adoption of first problematic decisions.

*Effectiveness and Efficiency*

To date, project effectiveness can be assessed as Satisfactory. The feedback from informants indicates that most widely perceived effects are: - the enhanced visibility of the CC; - a higher degree of transparency; and also - a certain enhancement in the capacity of CC Judges/Staff. As several other key activities/deliverables are in the process of finalisation/achievement, the connected effects are likely to be achieved in the coming months.

Project efficiency is assessed as moderately unsatisfactory. Project resources have been delivered consistently with CC’s needs and adapted to CC’s possibilities/capacity, guaranteeing a good level of cost-efficiency, satisfactory adherence to indicative plans and progressive/sustainable absorption of the support extended. However, as the execution/start of several key activities (e.g. Survey of Public Perception of the CC, CC’s Development Strategy, allocation of International experts’ days/HR funds not used, Security works at the CC) have not been efficiently distributed during 2014/planned for 2015, the overall degree of efficiency has been affected. The potential consequence of this situation is a high concentration of project activities in the last four-five months of the project, with reduced effectiveness of the support because of CC’s limited absorption capacity, and chances that some of the funds will not be used.

*Sustainability*

The sustainability of the project is assessed as moderately unsatisfactory mostly because of the weak institutional sustainability of the CC. Such weakness is mainly resulting from a negative external context and risks inherent to the incomplete CC membership. Three factors are contributing to CC and project sustainability: a) a good level of project ownership by the CC; b) an adequate level of management capacity within the CC; and c) a good level of its financial sustainability. In spite of being positive, the effects of these three factors on overall sustainability are not significant enough to offset the weak institutional sustainability..

*Impact*

Although early to assess it, there are some preliminary effects underlining the positive prospects of achieving a good project impact in terms of 1) enhancement of CC’s functioning, and 2) improved public perception of the CC.

In terms of CC’s functioning it is fair to conclude that *the role of the CC is becoming central to ensure the supremacy of the law.* This tendency is reflected by the current workload of the CC, that is quite significant and progressively growing. Moreover, *the CC is striving to maintain its independence,* actively working on its visibility, but maintaining its distance from other institutions. *The Chamber has been enhancing the quality of its operations* by working on improving and refining the articulation of its decisions.

In terms of public perception, the CC has achieved some good results in *enhancing the transparency and visibility of its operations.*

***Recommendations***

*General recommendations*

1. UNDP and the CC are advised to strongly and jointly advocate to the EU for a no-cost extension of the project so to allow full and optimal allocation of resources still available, and to avoid potential constraints resulting from low absorption capacity of the CC[[1]](#footnote-1).
2. UNDP should enhance its efforts to mobilise resources for funding activities for the CC. After project end and until new resources have been mobilised, the UNDP should possibly maintain its cooperation with the CC by focusing on those priority issues (to be identified by the upcoming strategy) that could be addressed with low-budget interventions (i.e. using existing in-house resources).
3. UNDP agree with beneficiary agency and donor/international partners on the possibility of accelerating the process of concord/negotiation;

*Project-level recommendations*

1. Organise a SC asap or EU/UNDP/CC meeting to discuss next steps

The organisation of SC or a meeting will allow to explore alternatives and define next steps. This meeting will be particularly needed since it appears that there is no possibility to obtain a no-cost extension.

1. Prioritise jointly with the CC pending activities and plan their implementation

If project duration will not be extended, it will be critical to avoid the risk that remaining funds will not be fully used and/or difficulties in terms of CC’s absorption capacity. The project is advised to prioritise remaining activities and plan their implementation.

1. Advance the process of contracting of international experts

The Project should expedite the launch of the process for hiring international experts to support the CC. It is advisable to consider hiring 2-3 experts to implement assignments more or less in parallel. To ensure maximum flexibility and speed of UNDP in recruitment and use of these experts, UNDP is advised to consider using its own channels to source candidates while the involvement of the VC in this process should be considered as an alternative but not as the exclusive/priority channel.

1. Monitor closely the execution of remaining key project’s involving external providers

Given time constraints, the project should monitor closely the proper and timely contracting, execution and finalization of pending activities. Their finalization should be foreseen by end March/early April so to have still project time to accommodate minor exceptional delays and/or to take stock of the support and effects achieved.

1. Formulate the CC Development Strategy as practical/detailed as possible

Apart from finalizing it timely (see previous recommendation), the Strategy should be formulated so as to be a feasible and articulated exit strategy for the project capable of guiding the CC further on, toward a new intervention or continuation of statutory activities without donor support. Its drafting should be elaborated in very close contact with the CC, with the full participation of “champions” to be selected among the judges and managers.

1. Strengthen the CC outreach to public/ CC transparency

The preliminary effects achieved in terms of visibility and transparency should be consolidated by continuing/increasing the communication activities targeting the public and the interactions with academia/legal specialists. The current version of the CC website should be slightly modified so to make the relevant PR materials produced by project fully accessible. Improvements to the English version of the site should be introduced by increasing the amount of information contained. A last possible suggestions would be to publish the rejections (“Otkazy”).

vii. Implementing measures aimed at mainstreaming gender aspects in the CC

The project team should consider conducting activities fostering the integration of gender aspects in the framework of remaining activities on capacity building for the CC. For example, this could include introducing gender aspects in the elaboration of the CC Development Strategy, promoting awareness on how to ensure a gender sensitive office environment, or support in developing procedures/policy guaranteeing gender parity in recruitment and on the job.

1. Introduction of HACT instrument (Harmonized Approach to Cash Transfers)[[2]](#footnote-2)

The project team should conduct meetings with CC senior management and demonstrate them HACT instrument in action. If CC agrees, UNDP need to conduct necessary procedures to launch HACT with the CC.

*Institutional-level recommendations*

* Encourage the CC to appoint a high-profile representative in the SC of the new EU Rule of Law project. Through appropriate representation and active participation of the CC in the SC and more generally in project’s dynamics, the CC could succeed in receiving support, possibly tailored to meet its own needs.
* Assist the CC in establishing direct contacts with other relevant donors/institutions. The involvement of the CC will be useful to support UNDP efforts for mobilising resources. At the same time it could be helpful to enhance the dynamism of CC in autonomously addressing the need to maintain its visibility in-country and abroad.

***Suggestions for future steps***

Notwithstanding the results reached, the CC will still need some forms of support to further strengthen them.

A new project targeting the CC would be the most appropriate form of support. The content of such project should be along the lines of the present one (with the exclusion of the provision of new equipment), but it should not necessarily limit itself to those lines. It would be very important to maintain emphasis on the exchange of international expertise. The exchanges should not be aiming at exchange of experience with EU/European countries only, but also considering that with other leading CCs which for geographical and/or socio economic reasons present similarities with the Kyrgyz reality (*South-South cooperation*).

The new support should also aim at taking the CC to a “new level” by exposing the CC to new trends in constitutional justice (for example internationalization of constitutional law, interaction of international courts with national courts).

Another activity that could be included is fostering the scientific dialogue among CC, Academia and other legal professional as additional platform to enhance the role of the CC. The creation of such dialogue is however not granted yet and would depend on the predisposition of the Constitutional Chamber. Such dialogue would advance the understanding of constitutionalism in Kyrgyzstan, promoting the visibility of the CC, but will avoid the risks of outreaching the society with CSOs acting as “intermediary”.

Additionally, a new intervention should be more intensively address the MPs and their understanding/knowledge of Constitutionalism and of the CC.

However, the precise definition of the goals of this new project should be aligned with the content of the CC Strategy under development so to ensure continuity from one project to the other and maintaining ownership of the strategy.

Two aspects would have to be considered in the design of a potential new project. The first aspect would be to enhance the steering role of the Project SC. The second would be to strengthen project planning (and reporting). A more detailed planning covering the entire project timeframe would help the team and the SC members in guiding the project.

***Good practices***

Joint approaches – with emphasis on access to international experience and on strengthening institutional capacity/national dimension.

The joint work of UNDP and VC on the Chamber, combining is also combining international and national expertise, has proved itself as a very effective modality of working with the CC as newly established, still weak institution. This practice has helped the new CC to gain quickly international visibility and familiarity with international approaches, while in parallel strengthening its domestic profile and its management capacity.

Emphasis on Chamber’s Transparency/openness

In the Kyrgyz context, the emphasis put by the CC and the project in ensuring a high level of transparency had a twofold importance. It has addressed compliance of the CC with one of the key principles guiding its functions. it has also addressed one the main areas of concern of the Kyrgyz society when it comes to State institutions and the judicial system.

Importance of exposing the judges and staff of the Kyrgyz CC to the experience of other CCs

The experience of other countries shows that the capacity of a CC depends from both the capacity of its judges and that of its staff. Therefore, enhancing the capacity of the CC as a whole (with activities for judges and staff together), exposing them to international practice proved to be the right approach, developing the team spirit of the CC (short term effect) but also and most importantly helping the CC to be shaped in accordance to the model successfully used by other CCs, making it indeed a modern CC (long term effect).

Use of an external expert to assess CC dynamics and formulate development strategy

The use of an external expert that was capable of taking an holistic view at the CC and analyse it (its dynamics and characteristics) has clearly helped to uncover different aspects that would not have been otherwise expressed. To link this analysis to the CC strategy should also help to reach lasting effects.

# Introduction

## Purpose of the evaluation

In accordance with provision made in the Description of the Action (DoA), an external Mid-Term Evaluation has been commissioned by UNDP Project Management Unit (PMU) office in Bishkek. Following a competitive bid, Mr Antonio Castro has been selected as the Evaluation consultant.

The scope of this Mid-Term Evaluation is focused on assessing the execution of the EU-UNDP project from its start (November 2013) up to October 2014, encompassing all activities that have been implemented under the Project, and an analysis of the status of the three planned Results and SOs.

The Evaluation aims to:

1. provide an independent assessment of project’s relevance, effectiveness, efficiency, sustainability, and impact, including evaluation of project’s contribution to the UNDAF/CDP Outcome #3 “By 2016, national and local authorities apply rule of law and civic engagement principles in provision of services with active participation of civil society”.
2. explore possible area of improvements (if any) to be introduced during the remaining project time;
3. identify useful lessons learned and best practices from the experience gained during the implementation;
4. provide clear and forward-looking recommendations in order to suggest effective and realistic strategies by UNDP and partners that can take forward the assistance ensured so far.

The Evaluation has been conducted using the five standard DAC/OECD evaluation criteria i.e., relevance, effectiveness, efficiency, sustainability and impact. The evaluation matrix, which contains questions specified by the Terms of Reference (TOR) and additional ones proposed by the Evaluator, has been used to guide the assignment.

The primary audience of the Evaluation Report include UNDP Core Office (CO) and PMU, the EU Delegation to Kyrgyz Republic, the CC, and other Kyrgyz and international stakeholders.

## Scope and methodology

***Timeframe***

The Evaluation has been carried out in alignment with its TOR and the schedule set between the UNDP PMU and the Evaluator.

Evaluation activities have been conducted during the Field Mission in Kyrgyzstan (28 October - 12 November 2014) and soon afterward (reporting phase). The Field Mission has been opened and closed by a Briefing and De-Briefing sessions with EU Project Manager, UNDP CO and EU-UNDP Project Team.

The Draft Final Evaluation report has been elaborated by November 24, 2014.

***Methodology***

The Evaluation methodology is based on the use of the following instruments:

* Review of relevant project documents and reports, national and government strategic and legal documents and other materials as provided by EU-UNDP Project Team and by other organisations/individuals;
* Face-to-face interviews and/or telephone interviews with Project Team members, direct beneficiaries and other relevant stakeholder;
* Direct observation of project activities (Training for judges of the Constitutional Chamber on Speaking in public)
* Analysis of the data collected.

The TOR stipulates that “the Consultant will review all relevant sources of information (…) and any other materials that the Consultant considers useful for this evidence-based assessment”.

Such materials will include but will not limited to project document; project reports - including Annual Work Plan (AWP), progress reports, project files; material used for activities; training materials; resource-use information; list of beneficiaries and workshop/meeting participants, national strategic, government and legal documents, etc.

The list of people/institutions to be interviewed has been defined in coordination with the Project Team, taking into account the activities implemented by the project and the actors involved.

The main stakeholders interviewed include (1) Project Team, representatives of UNDP CO and the EU Delegation that have been involved in the project since the design phase; (2) Judges and Staff of the CC – the project direct beneficiary; (3) Other state Institutions at national level – Parliament and Presidential Office.

Additional stakeholders that have been interviewed include: (5) Representatives of other relevant projects – first and foremost – managers of the EU-VC project; (6) Representatives of relevant international institutions/donors – OSCE, OHCHR, USAID-IDLO; and (7) CSOs; (8) journalists, representative of media outlets, and other legal experts/individuals engaged in the project.

***Challenges and limitations***

As this is a Mid-Term Evaluation, with several project activities yet to be completed, assessing projects’ effectiveness and impact through the collection of quantitative data proved difficult.

Given Evaluation’s limited timeframe, the project-identified indicators – mostly qualitative - and available baseline data, the Evaluation has been based to a large extent on qualitative information, complemented only partially by information having a quantitative character. A rather concise project reporting is a further limit in the use of project's reports as source of comprehensive information and data (detailed report is expected to be provided in the annual report in the beginning of 2015).

To ensure the required credibility and reliability of findings and subsequent conclusions, cross-validation of the data/information retrieved has been applied to the maximum possible extent. Consequently, emphasis has been put on collecting well-articulated qualitative evidences, using as primary sources not only projects’ stakeholders, but also other informants.

Considering the Project’s SOs, focused on the enhancement of CC’s institutional capacity, particular attention has been put in collecting the feedback of its judges and key staff since this is crucial to assess project’s performance. As the number of people working for the Chamber is rather limited and to meet timeframes, their feedback has been retrieved conducting semi-structured one-to-one interviews.

***Approach***

The Evaluation has been articulated over two phases: Phase 1 – Data Collection and Preliminary Analysis; and Phase 2 – Analysis and Reporting.

Phase 1 - Data Collection and Preliminary Analysis

The phase has been mainly focused on conducting semi-structured interviews with Projects’ stakeholders to collect quantitative/qualitative evidences. In parallel, a first review of the above mentioned documentation has been conducted.

Phase 2 - Reporting

The information and data collected in the previous phase has been analysed applying triangulation, to ensure a good level of objectivity and robustness of the analysis. Some of the data, with inherent quantitative/measurable characteristics, allowed a more accurate analysis.

The analysis has led to findings which will be presented with related supporting evidence. Based on these findings conclusions will be drawn, followed by recommendations and lessons learned.

First deliverable of the Phase will be the Draft Evaluation Report. The Final Evaluation Report will be drafted taking into account comments to the Draft Final Report.

***Evaluation ratings***

As per TOR, the Evaluation has provided a rating of the following findings: M&E – Design at entry and implementation; UNDP Implementation/execution; Overall results (attainments of objectives); Relevance, Effectiveness & Efficiency, Sustainability. Rating has been attributed using a six-point rating scale: 6: Highly Satisfactory, 5: Satisfactory, 4: Moderately Satisfactory, 3: Moderately Unsatisfactory, 2: Unsatisfactory, and 1: Highly Unsatisfactory. The rating was also reflected in the project rating table, which has been included under the Executive Summary of the Final Evaluation report.

Table 2 – Template of Evaluation Rating Table

|  |
| --- |
| Evaluation ratings: |
| 1. Monitoring and Evaluation
 | Rating | 1. IA & EA execution
 | Rating |
| M&E design at entry |  | Quality of UNDP implementation |  |
| M & E Plan implementation |  | Quality of execution – Executing agency |  |
| Overall quality of M&E |  | Overall quality of implementation / Execution |  |
| 1. Assessment of Outcomes
 | Rating | 1. Sustainability
 | Rating |
| Relevance |  | Institutional framework and governance |  |
| Effectiveness |  | Socio-political |  |
| Efficiency |  | Financial resources |  |
| Overall project outcome rating |  | Overall likelihood of sustainability |  |

## Structure of the evaluation report

This report is structured in three main chapters.

Chapter 2 presents a description of the project, with its main features and the development context; Chapter 3 presents the findings of the evaluation mission; and Chapter 4 is dedicated to Conclusions, Recommendations and Lessons learned.

# Project description and development context

## Project start and duration

The EU-UNDP Project is a Joint Management Action. It has been financed with some 1.2 Million Euro by the EU under the IfS. The project duration is 18 months (15 November 2013 – 15 May 2015). The content of the project is detailed in a rather detailed DoA, which has been accepted by the EU.

As per contract, project activities officially started on November 15, 2013. However, UNDP started initial activities supporting the CC slightly earlier. Soon after the CC started officially to function (1 July 2013), UNDP has begun collaborating with the CC and provided some initial key support (e.g. setting up the new website of the CC – www.constpalata.kg – which has been launched on September 25, 2013). Some UNDP funds (approx. 45,000 USD) have been used as bridging funds in the period November 2013 - January 2014 until the first tranche of project funds have been transferred to UNDP.

Until January 2014 the support to the CC has been provided using a limited staff that has been then reinforced during first months of 2014.

During the Field Phase of this Evaluation, it has been indicated that the EU is not envisaging to grant a no-cost extension of the project.

## Problems that the project sought to address

By and large the project is aiming at preserving democratic stability and fostering the RoL by ensuring the full implementation of the new Constitution of the Kyrgyz Republic, with the separation of powers and constitutional balances it envisages.

Following the April 2010 events, oversight on implementation of the Constitution was limited because of the absence of a functioning CC. After 2010 Revolution, the previous Constitutional Court had been dismantled as it had failed to implement its statutory functions. In spite of the fact that the Constitution of the Kyrgyz Republic (approved in June 2010) foresaw the establishment of the new CC, this process was not brought to completion until June 2013, when amendments to the Law on the CC enabled the CC to start functioning having nine judges elected out of the eleven prescribed. The new CC has been established, acknowledged as the legal successor of the Court, and started functioning as of July 1st, 2013.

It is expected that the newly functioning CC, if adequately capacitated, will succeed in assuring the constitutional oversight and safeguarding the Constitution.

## Immediate objectives and expected results of the project

The project’s OO[[3]](#footnote-3) reads: *to preserve democratic stability and a balance of power, promote the RoL, and prevent new conflicts in the Kyrgyz Republic by providing support to the operationalization of the new Constitutional Chamber and creating an enabling environment, including positive public perception, for its smooth and proper functioning.*

Functional to this overarching objective are the provision of support to the CC for its effective functioning in an enabling institutional environment, and fostering a widespread understanding of its role and function among the wider public.

More specifically, the project aims at achieving the three following SOs[[4]](#footnote-4):

1. Create an enabling environment for smooth operationalization of the CC and effective constitutional justice;
2. Assist with establishing effective communication process to highlight improved CC performance and improve public perception;
3. Assist with institutional and individual capacity-building measures which help the CC in accomplishing its mission.

These three SOs correspond to distinct components[[5]](#footnote-5). The project logic foresees also 12 activity results divided among components.

Table 3: Project logic

|  |  |  |
| --- | --- | --- |
| OVERALL OBJECTIVE | SPECIFIC OBJECTIVES | ACTIVITY RESULTS |
| *To preserve democratic stability and a balance of power, promote the rule of law, and prevent new conflicts in the Kyrgyz Republic by providing support to the operationalization of the new Constitutional Chamber and creating an enabling environment, including positive public perception, for its smooth and proper functioning* | 1 - Create an enabling environment for smooth operationalization of the CC and effective constitutional justice | 1.1 The beneficiary institution designed a viable legal framework to address the vagueness of the legal framework |
| 1.2 CC gains support from main actors and stakeholders by informing and providing them with strategic advice on constitutionalism, the roles, functions and procedures of the CC, as well as by encouraging the engagement of stakeholders in discussions on Rule of Law, checks and balances, power imbalance, other important issues in the national context |
| 1.3 Financial independence of the CC ensured |
| 2. Assist with establishing effective communication process to highlight improved CC performance and improve public perception | 2.1 Outreach/communication plan is developed, adopted and operational |
| 2.2 Capacity of the CC judges and the press service enhanced for effective and timely institutional communication with the society |
| 2.3 CC’s reporting standards are improved |
| 2.4 CC’s official web-site is piloted and functioning to ensure its openness and transparency |
| 2.5 Measurement system to monitor the effectiveness of the C communication and activity is in place |
| 3. Assist with institutional and individual capacity-building measures which help the CC in accomplishing its mission | 3.1 Comprehensive training programme conducted for the CC judges and staff in collaboration with the Venice Commission to help in a short period of time to acquire the knowledge, skills, missing competencies as well as improve general performance of the institution |
| 3.2 Institutional development strategy and action plan are drafted, discussed ad adopted in a participatory manner |
| 3.3 Case management system in the CC is in place and functional |
| 3.4 Technical infrastructure of the CC is improved |

## Main beneficiaries and target groups

The main project beneficiary is the CC. According to the Constitutional Law N. 37, 13-06-2011 which regulates its functioning, the CC, as stipulated in the Law, is the highest judicial authority which independently performs the constitutional oversight by way of constitutional review.

Although formally the CC is subordinated to the Supreme Court, in practice the CC is fully independent, with its own distinct budget, a small group of judges and an office supporting the CC in its functions.

The CC is currently composed by 8 judges (out of the 11 foreseen), as one of the appointed judges recently died. The appointment of the three remaining judges is pending[[6]](#footnote-6). The quorum for CC’s decisions - 2/3 of the total number of judges – is still ensured.

The professional background of the CC’s judges is quite heterogeneous. None of them has experience as judge of the previous Constitutional Court. Only two of them have experience as judges of local courts, while the remaining have a rather different backgrounds (previous careers of the judges include positions in State Institutions and Ministries, private practices, University and as expert in donors’ projects).

The structure of the CC’s office is very lean. Judges are assisted by the CC’s staff which is composed of 33 people. The judge elected to be President of the CC is also the direct superior of the Head of Office, which is the formal link between the judges and the staff. The staff of the Chamber is to a large extent composed of employees with limited work experience and no work experience in the previous Constitutional Court. Only 3 managers of the CC (including the Head of the Office –*Apparat*) had such experience. For the sake of fairness, it should be noted that, unfortunately, the previous experience of employees often does not fully fit the new conditions.

Because of the limited staff capacity available, the CC is trying to ensure the interchangeability of the staff across different functions. This approach has been duly reflected in the EU-UNDP and EU-VC support, with project activities extended not only to all judges, but also involving as much as possible all the office staff.

To facilitate the work of the CC, avoiding the risk that it will function in full isolation from surrounding institutions and society, the project is also working with additional stakeholders. Additional stakeholders include CSOs and activists working in the area of the RoL and democracy; legal professionals (courts, prosecutors, lawyers, universities); other institutions (Presidential Office, Parliament and selected committees, Government and Ministries); and Media and journalists.

# Findings

## Project design/formulation

### Analysis of Results Framework (Project logic /strategy; Indicators)

The project logic is valid, clear and well formulated. It is consistently reflected in UNDP planning documents (e.g. in the AWP) as well as in contractual documents signed with the EU (DoA). The project rationale and goals are precisely defined; the approach selected, as confirmed by indications retrieved during field phase, is deemed fully adequate.

The project is structured on three distinct components leading to SOs that are then all contributing to the OO. The distribution of activities among components and their interconnection is logic, and the order of activities’ implementation that has been followed is appropriate.

The OO definition - quite wordy and not specific - reflects the variety of areas on which the project is insisting. The definitions of the SOs are more punctual and well clarify the scope of each project component.

The project timeframe – 18 months – is rather short considering the range of activities to be implemented by the project, and most importantly the focus on capacity building. Given that the CC is a newly established institution, with a capacity to be significantly strengthened, the recommended time horizon for the project to achieve tangible and sustainable changes should have been longer (at least 2-3 years).

### Assumptions and Risks

As underlined by project design documents, and especially highlighted by the Risk Matrix included in the DoA, the project is a rather challenging one because of the potential political implications. The challenges faced during implementation proved that assumptions and risks specified were properly identified.

The six assumptions specified are to a certain extent portraying the situation at project start but are also basically sketching how the CC should look like at the end of project interventions. They refer to independence of the CC; availability of sufficient HR and funds for CC to operate effectively and independently; availability of competent management to guide the CC; political and socio-economic stability at the levels necessary for project implementation. The set is comprehensive and composed of highly relevant assumptions. To date, these assumptions are holding true.

The set of risks is also rather comprehensive (10 risks indicated) and it includes risks specifically related to the CC and its functioning (e.g. inadequate support by other institutions, political interference, incomplete CC’s membership) and other more linked to CC’s operations and its interaction with the project (e.g. poor management, difficulties in sourcing domestic and international expertise to assist the CC, delays in the implementation of project activities, etc.). To date, some of the risks mentioned had materialised – for example political interference and some delays - but the CC and the projects managed to mitigate reasonably well the effects of the risks.

### Planned stakeholder participation

As mentioned in previous section, the key project stakeholder is the CC. Direct feedback and documents’ analysis are proving that the CC is involved in the project as planned. The CC has fully embraced project goals. All its judges and the whole staff are engaged in project activities on a continuous basis as detailed under the following subsections. The CC’s participation is active and touches all aspects of the project: planning, direct involvement in implementation, contributing to the dissemination of results and further spreading knowledge about the CC among the public. An intensification of the involvement of the CC in project activities (and ownership) is expected in the last months of the project, when the CC should take a more proactive and guiding role in the process of defining its Development Strategy and taking stock from the indications obtained from pending deliverables.

The participation of other secondary stakeholders - representatives of state institutions, CSOs, journalist and representatives of media outlets - has been also confirmed during the data collection phase. The degree of their involvement – not very intensive - is consistent with the typology of activities stakeholders have been exposed to - i.e. participation to awareness raising activities. However, the CSOs have reported an enhanced interest in sustaining the CC.

### UNDP comparative advantage

The engagement of the UNDP as project’s implementing partner permitted/permits to exploit fully the competitive advantage ensured by its inherent characteristic and in particular its technical expertise, programme approach to sector, access to Kyrgyz institutions, and neutrality of its agenda.

Technical Expertise – UNDP can counts on the availability of an experienced team based full-time in Kyrgyzstan. Team members have been participating in other previous initiatives implemented by UNDP (notably the EU-UNDP “Support Constitutional reform and Parliamentary development Project” and the Project “Support to a New Legal Framework in the Kyrgyz Republic”) and have also quite an extensive experience working for different state institutions. Thanks to this fact, they are well known and well-introduced among various institutions. Moreover, UNDP has access to a large pool of qualified local experts that can be hired easily. The side-effect of UNDP technical expertise aspect is that there is a potential risk of burdening projects with extra human resources, affecting overall efficiency.

Programme approach to sector – Under the Democratic Governance Programme (DGP), UNDP is conducting different initiatives. This approach permits establishing linkages between initiatives, allowing possible synergies to be achieved, and a more efficient use of resources. A programme approach also presents the advantages of having resources that can be used to maintain a certain degree of cooperation with the CC even in-between projects. A possible side-effect is the potential risk of spreading resources too thinly and losing the project orientation (and attention to deliver within project time limits), an aspect which should be preserved when implementing initiatives with ear-marked funds.

Access/familiarity to Kyrgyz institutions – UNDP has a long history of working with Kyrgyz institutions and this helps to maintain an excellent institutional memory and more importantly have different entry points for delivering project assistance, if needed, and a clear understanding of institutional specificities. As a result, the risk of having the support not fully tailored and adopted by the beneficiary institution is significantly reduced. The side-effect is the potential risk to promote incremental improvements more than breakthroughs.

Neutrality of UNDP agenda – UNDP is viewed by state institutions as a neutral player, without a specific agenda. In the current context, given the instability of the political scenario with major political changes looming, this facilitate the acceptance of project support and recommendations. However, the possible side effect is a certain rigidity of UNDP in addressing highly sensitive and unsettled issues.

### Linkages between project and other interventions within the sector

As envisaged, the project has closely cooperated with the “twin” EU-VC project. The two projects are implemented in parallel, with complementary approaches: with emphasis on access to international experience for the EU-VC project and with emphasis on strengthening institutional capacity/national dimension for the EU-UNDP one.

The activities of the EU-VC project includes training for CC judges/staff on various topics (e.g. on constitutional review, drafting of decisions, drafting of internal regulations, case management, CODICES), preparation of legal opinions, organisation of study visits to Constitutional Courts of other countries member of the VC, conferences, participation of CC Judges in the multilateral activities of the VC.

The cooperation between the two projects is proceeding well, albeit some minor hiccups at implementation level have been registered. The VC is well known in Kyrgyzstan and enjoys an excellent reputation among state institutions thanks to its positive contribution to the drafting of the 2010 Constitution. The expertise provided by the VC is highly praised by the CC and this is indirectly reflecting positively on the overall appreciation by the CC of the EU-UNDP project. The combination of inputs from both projects in joined activities (for example for the Conference organised in May 2014) is also increasing the respective cost-efficiency.

The project is also coordinating its activities within the UNDP DGP Focal Area which includes projects on Social Justice (1 Million USD for 2014, EU funded), Access to Justice (1.2 Million USD for 2014-2015, with Finnish funds), Access to Justice and RoL (1 Million USD, funded by UN Peace Building Fund), Capacity Development Facility (approx. 1 million USD for 2014, OSI funded), RoL - Peace and Recovery Facility (0.7 Million USD for 2014), RoL Law - Bureau for Crisis Prevention and Recovery (0.8 Million USD for 2014-2015) and a minor intervention assisting the Ombudsman Office (approx. 60 Thousand USD).

Coordination with interventions implemented by other institutions/donors is ensured through the participation of the project team to the Development Partners Coordination Council (DPCC) RoL meetings, which are organised on a regular basis.

### Management arrangements

In alignment with UNDP procedures and best practices, a Project Steering Committee (SC) has been set up to guide and review project implementation. As the EU-UNDP and the EU-VC projects are addressing the CC as one, with activities carried out in parallel, a joint SC has been set so to have a unique platform for ensuring coordinated project orientation and oversight.

The SC is composed of representatives of the EU, UNDP (Country Office and PMU), the VC and the CC. According to project design documents, the SC had to be convened at least three times but to date the SC convened only once.

According to feedback and evidences collected, the role of the Committee is skewed toward accountability more than project’s guidance. It seems that the SC is mostly focused on endorsing the activities carried out than orienting project activities, assessing the next steps to be taken and how to overcome possible obstacles that implementation may face.

An enhanced role of the SC is expected to support the team in implementing smoothly the project, anticipate possible risks to implementation and mitigate their effects. Moreover, it will also result in a more engaged participation of the CC, with good indirect effects in terms of its ownership and strengthening its planning capacity.

## Project implementation

### Adaptive management (changes to the project design and project outputs during implementation)

The project has been implemented with an appropriate adaptive management framework which includes Logframe, AWP and budget, Internal Monitoring system with indicators, Risk Matrix and this Mid-Term Evaluation.

The close cooperation with the CC on the one hand, and the integration of the project team and their tasks in the wider DGP on the other hand, have facilitated the team in continuously appraise the project environment so to adapt the project if needed.

So far the project has been carried out in general alignment with plans and no changes to the project design or redefinition of project outputs were required.

### Monitoring and evaluation: design at entry and implementation

As designed at entry, the Monitoring and Evaluation (M&E) system established for the project can be generally assessed as satisfactory.

A set of baseline data, indicators and targets to be used for M&E the support provided has been identified. The AWP specifies five baseline data, indicators and targets for output 1 and output 2, and four for output 3. The project logframe included in the DoA presents two sets of distinct indicators – one at SO level, the other at Results’ level. The indicators presented in the two documents are basically compatible. The focus of the outputs on mostly intangible/hardly measurable aspects (e.g. capacity, communication capacity/reporting skills of the CC, etc.) reflects the definition/characteristics of selected baseline and indicators. Considering that the CC has started working on July 2013, the baseline data value assumed was basically “zero – lack of”. Indicators (in both the AWP and the logframe) are mostly output oriented and their definition does not specify results to be achieved (and their quality) but it is mostly expressed in number of deliverables finalised and alike. Despite the importance attributed and usefulness of these baseline, indicators and targets, it should be mentioned that a significant if not predominant role in project guidance is attributed to the absence of deviations from budget and high level of budget delivery. To complete the M&E framework, a Mid-Term Evaluation has also been foreseen.

Notwithstanding the limits of the indicators selected, the system can be used to have a satisfactory measurement of project’s effects.

At implementation, the effectiveness of the M&E system is assessed slightly less positive. The M&E system has been partially affected by external factors which have not been fully factored in timely. The system is inherently oriented to a yearly budget oriented dimensions (e.g. AWP), and the impression is that for a project slightly longer as this one, this limits the possibility for the indicators and approached routinely used by UNDP to operate effectively. The combination of other specific external factors – the high dependence of the project from CC’s pace and decisions, the parallel implementation of the EU-VC project, the limitations recently confirmed to grant a project extension, a second SC not yet convened– resulted in having a M&E system which is providing the correct feedback to maintain the project on track, but not very timely (having a 2-3 months delay from the moment when decisions had to be taken) and not really feeding the forward planning process. For example, the internal appraisal of results’ achievements is foreseen for November 2014, the budgeting for 2015 is foreseen for the second half of December 2014 and the findings of this evaluation for mid-November 2014 instead than by September 2014 (i.e. mid-term). This means having an horizon of only five months for defining what as to be done as a priority, for finalising many activities and also determining what could be done next.

### UNDP implementation / execution coordination, and operational issues

The overall assessment of project implementation/execution and coordination is satisfactory. The setting put in place is deemed appropriate given project goals, activities and resources.

The project constitutes a RoL sub-project of the larger UNDP DGP, benefitting from natural exchanges that occurs between teams. Project activities have been carried out in line with the DoA and UNDP, with direct supervision ensured by the Project Manager and project assurance ensured by the UNDP DGP Chief Dimension. Additionally, oversight and support have been ensured by the Senior Management Team, which is composed by the UNDP Resident Representative (RR), the Deputy RR, the operations Manager, the Assistant to the RR, and a Senior Policy Advisor. The existence of different levels of supervision permits to address issues at the optimal level, simplifying implementation and smoothing the solution of possible hurdles.

The project is implemented by a rather large full-time team composed of 9 people – the Project Manager, 6 specialists (Audit, IT, Judiciary Reform, Legal, Media, Parliamentary), a liaison specialist and a financial specialist. The initial project documents were envisaging also the recruitment of other two experts (Court and Constitutional), but due to objective difficulties in sourcing suitable candidates in the country and to newly-introduced internal UNDP procedures, these positions have not been filled and, reportedly, the resources allocated for these two experts have been only partially used engaging some short term expert.

The team is assisted by UNDP CO Operation Unit assisting the team on procurement, human resources and financial administration to meet requirements set by UNDP project implementation policy and procedures. The role of the UNDP CO operation unit has been/is very important considering that a significant quota of the budget (approx. 600,000 Euro, i.e. approx. 50%) was allocated to equipment/supplies and other costs/services required launching tenders.

The cooperation Project Team-Operation Unit proceeded generally well. However, the execution of tenders did not proceed always smoothly, with difficulties in ensuring an effective coordination between project team. This was particularly the case for the tender for works to the CC. Due to a combination of factors the preparatory process was prolonged and the tender procedure had to be re-launched twice[[7]](#footnote-7). An alternative approach has been now used to enhance the chances that the tender will be finalised, securing the execution of the works. Reportedly, the intervention of UNDP senior management has also ensured that project and Operation Unit could find a suitable alternative that should avoid the risk of not completing the works.

## Project results

### Overall results (attainment of objectives)

The parallel implementation of the EU-UNDP and the EU-VC project together with the characteristics of the indicators chosen and the timing of deliverables’ completion and results’ achievement are limiting the possibility for this Mid-Term Evaluation of assessing accurately the attainments of planned results and their attribution to one or the other project.

Notwithstanding these constraints, as it will be evidenced in following subsections, the Evaluation has registered the achievement of various intermediate effects/results: good visibility of the CC and transparency of its works, perceived improvements in CC’s capacity with indirect positive influences on its independence. Moreover, there are firm indications that most of these intermediate effects are likely to be turned into tangible results. Therefore, the overall assessment of the project is satisfactory.

Some of the effects achieved can be clearly and for a significant part attributed to the EU/UNDP support as they resulted directly from project support. For other activities, the project, in conjunction with the EU-VC and other factors, has contributed to the effects achieved.

As many key activities are to be implemented in the few remaining months, the smooth finalisation of pending deliverables is crucial to sustain intermediate effects mentioned and ensure the achievement of other project effects to the most complete extent possible.

A more detailed assessment will be presented under the subsection 3.3.3 below.

### Relevance

The project is assessed as highly relevant.

Its overall aims are aligned to country’s needs and priorities as spelled out in strategic documents such as the National Sustainable Development Strategy for the Kyrgyz Republic. It can be highlighted that this Strategy clearly states that efforts should be dedicated “*to achieve a real rule of law, when laws and other pieces of regulation, as well as their implementation practice fully comply with the spirit of the Constitution*”[[8]](#footnote-8). The Strategy also reiterates that “o*f paramount importance is the increase in the authority of the Constitution of the Kyrgyz Republic. (…) Conformity with the Constitution should be the main criterion for evaluation of all actions and decisions made by public bodieshe formulated*” [[9]](#footnote-9). Project aims are fully consistent with the indications set in the State Target Programme “Development of the Judicial System of the Kyrgyz Republic for 2014-2017.

Furthermore, the project is also aligned with EU and UN priorities for the sector. In particular, project focus corresponds to EU priorities set in its Strategy for assistance to Central Asia 2007-2013 and toUNDAF 2012-2016 Pillar A – Peace and Cohesion, Effective Democratic Governance and Human Rights, contributing to the Outcome 3 - By 2016, national and local authorities apply rule of law and civic engagement principles in provision of services, with active participation of civil society. The attention to engage CSOs is one of the elements to be considered.

Together with the correspondence of aims to State-level priorities, the relevance of the project content has been successfully confirmed during implementation. The four main factors justifying the rating are: 1) Definition of assistance content, 2) Extent of the assistance, 3) complementarity with other interventions, and 4) timing.

1) Definition of the Assistance content - It has to be underlined that the high project relevance directly derives from the fact that its content (activities, outputs, approaches) is fully respondent to CC needs and tailored to CC capacity level and priorities. Furthermore, the precise content of the support and the order to address priorities has been determined with the direct participation of the CC and adapted (when needed) during the course of the project (for example timing of activities, support for visits abroad, etc.).

2) Extent of the Assistance – from a quantitative perspective, the support of the project for a compact institution as the CC has been rather significant (some 1.7 Million Euro if considering the two projects together), with some 125,000 Euro for equipment only. The procurement of equipment, works and services and direct support permitted the CC to address and answer at once a wide range of needs that otherwise would have required a longer period for their solution.

3) Complementarity with other initiatives and involvement of other stakeholders – the combination of the EU-UNDP and EU-VC resources and the engagement of the civil society added to project relevance. Pursuing synergies and coordination among various actors enabled the project to address the role of CC/Constitutional order from different perspectives and maximising the effects (top-down plus bottom-up approaches).

1. Timing - The project started soon after the CC began functioning. For the CC this meant the possibility to count on highly qualified support from the very beginning of its existence, and also during the critical months following the adoption of first problematic decisions. The availability of project advise for identifying a feasible Development Strategy for the CC will enable the CC to formulate its content counting on advanced strategic competencies that are not thoroughly developed in the CC yet.

### Effectiveness and Efficiency

***Effectiveness***

The good results achieved in terms of capacity have to be attributed to both projects, with no real possibility to assess precise role of each project.

To date, project effectiveness can be assessed as Satisfactory. The achievement of a significant part of the planned outputs has ensured that some preliminary (direct and indirect) effects could be perceived/assessed too. As another important group of other outputs are in the process of finalisation/achievement the effects are likely to be achieved in the coming months.

The feedback from informants indicates that, to date, the most widely perceived effect is the enhanced visibility of the Chamber in Kyrgyzstan as well as abroad. The CC’s in-country visibility resulted from the combined effects of the project supporting the development of the new Chamber’s website, new Chamber’s logo, with the organisation of specific events (e.g. open CC’s day, focus groups, flash mobs, meetings with Chief Editors of Media outlets, summer school for journalist etc.) and capacity building activities (for example a short seminar on drafting press-releases and on drafting a communication strategy). For these elements of the visibility, the results can be attributed clearly and mostly to the EU-UNDP project as the project not only financed, but comprehensively participated to the activities carried out. Key events, as the International Conference organised in May in partnership with the VC, have also significantly contributed to domestic visibility of the CC, but the positive effects should be attributed to both projects. As for the visibility of the CC abroad, the role of the EU-UNDP project was instrumental to enhance the visibility of the CC (for example financial support to judge of the CC for attending the VC session in Venice on June 2014 or to attend the 3° Congress of the World Conference on Constitutional Justice in Seoul 28/9-1/10, Meeting with Azerbaijan Constitutional Chamber (8-12/10)), as project financial support enabled conducting such activities, but the effects derives from a combination of factors/and interaction with other actors (VC first and foremost).

Connected with CC visibility is also the higher degree of transparency of the Chamber pursued through practical measures (timely publicising decisions, other acts and statistics on workload, uploading templates for appeals and other information on CC’s website). CSOs and the citizen are positively reacting to the higher visibility and transparency of the CC. Reportedly, CSOs are paying increasing attention to the CC and following its activities. In spite of the fact that CSOs and the public continue to maintain a certain scepticism about Chambers’ capacity to undertake its role, they are also acknowledging some progress. CSOs indirect engagement with the Chamber – more appeals to CC submitted by CSOs representatives and citizens, involvement in EU-UNDP activities – is a proof of this attitude. The role of the EU-UNDP project in achieving the enhanced transparency has also been predominant.

Another important, though at this stage less tangible, effect achieved refers to the enhanced capacity of CC Judges/Staff. As previously noticed for the visibility, some effects can be attributed to the EU-UNDP project only, whereas some other resulted from combining the support of the two projects. As acknowledged by CC judges, the Project has generally contributed/is contributing through specific activities to this effect. The outputs specified include in the first place the technical support (new IT equipment and training; procurement of services for audio recording/editing). This equipment and services have well improved work routines/strengthened CC capacity to cope with its workload – with attribution of the effects to the EU-UNDP project. Other forms of support such as the direct advises of the Project Team and contracted consultants, various training (e.g. on programme budgeting, drafting of decisions, communication skills, language training, etc.), exposure to international practice via study tours abroad and contacts with international judges in Kyrgyzstan, have been also indicated as beneficial because of the immediate application of the transferred know-how. For example the support on budget programming has been partially put into practice in drafting the first budget and it should be soon applied again for the 2015 one. Reportedly, the formulation of some CC’s decision have been reflecting concepts/international practice that has been presented to CC judges during project activities. It has been noted that the implementation of capacity building activities has also indirectly contributed to “blend” together the judges and the staff, which are now starting to operate more as a group, strengthening the team spirit and morale of the CC – a quite important factor to counter the pressure faced by the CC. Still, the current climate in the CC can be altered, maybe following the appointment of the new judges.

***Efficiency***

The analysis of the feedback from interviews and other data allow to conclude that the efficiency of the project is moderately unsatisfactory. The delivery of project resources has been tailored to CC’s needs and adapted to meet possibilities/capacity of the CC so to guarantee a good level of cost-efficiency, satisfactory adherence to indicative plans and progressive/sustainable absorption of the support extended. The good quality of the inputs – expertise equipment procured – has been confirmed by the beneficiary.

However, as the execution/start of several key activities have not been efficiently distributed during 2014, because of CC’s considerations, delays and late planning, the overall degree of efficiency has been affected. Although some of these delays are linked to objective obstacles[[10]](#footnote-10), the project has not addressed strategically the delivery of pending activities and proposed a conservative plan for their finalisation. As the EU indicated quite surprisingly that a no-cost extension of the project will hardly be granted, the potential consequence of this situation is a very high concentration of project activities in the last four-five months of the project, with reduced effectiveness of the support because of CC’s limited absorption capacity, and chances that some of the funds will not be used.

To a large extent, the positive level of efficiency reached by the project can be explained by the inherent features of the assistance provided, which is comprehensive, accessible and available, flexible. These aspects are very important considering that the CC is a new institution - with internal dynamics still not fully set, and with rather different management styles used by managers and judges - and considering that the context surrounding the CC is neither fully stabilised nor very supportive.

*Comprehensive* - the project has extended its assistance through various modalities so to the meet the variety of needs of the CC. The EU-UNDP project assistance included procurement of supplies (e.g. IT equipment) and works; the delivery of other services sustaining the operation of the CC (e.g. audio-video recording of proceedings, editing and printing services, etc.); training and other capacity building assistance (direct work of Project Experts with CC judges/staff or assistance *via* Project-contracted local/international consultants); support to the visibility of the CC and to enhance the public perception of the CC (e.g. website development, support in issuing the new CC Journal, organisation of support to the CC *via amicus curiae*, organisation of Conferences/other events, and holding other initiatives with CSOs and media).

*Accessible and available -* the assistance is delivered by a Bishkek-based team composed of various full-time experts and specialists interacting with the CC, with the CC “occupying the client seat”. The support has been provided via continuous interactions spread across longer periods more than through time-constrained, highly intense actions or through ad-hoc opinions made available but prepared at headquarters (as for VC activities). The use of local experts, avoided those constraints posed by possible language barriers and by insufficient appreciation for Kyrgyz context-related factors. Furthermore, CC ownership of deliverables is higher.

*Flexible* - the project delivered activities along a schedule that was not too rigid and that could be partially modified. Its flexibility enabled the project to take into account changes in CC requirements/suggestions and respect CC planning, and the coordination with the EU-VC project, as well as to counter unexpected difficulties that arose during implementation (for example the hiccups encountered with of the procurement process for the works to enhance the security of CC’s premises). The possibility to adapt the project was very necessary also because the first months of 2014 have been rather difficult for the CC and its small staff, which had to cope with an increasing workload, conducting of internal recruitment and adjustment of the CC machinery, external pressure following criticised decisions, a number of activities supported by EU-UNDP and EU-VC projects.

In relation to the partnership with the VC, the flexibility meant also the possibility of rescheduling plans, maintaining good coordination of activities carried out, and when possible ensuring synergies with the EU-VC project. For example, in different occasions experts invited by the VC stayed few days longer in Kyrgyzstan thanks to additional budget provided by the EU-UNDP project. Such approach ensured cost-efficiencies. However, as the VC and Project are organisations with different and not fully compatible dynamics the partnership was not always functioning well. For example, the organisation of events proved time consuming because of the need to maintain adherence with VC internal procedures/difficulties in agreeing the availability of VC experts. In another moment, the organisation of a training of speaking in public was postponed to ensure the participation of an expert commended by the VC, but eventually the training had to be delivered by a different expert anyway.

The element that affected project efficiency the most is that insufficient attention has been put to plan strategically and timely the execution of activities for the last 10-12 months of the project, critically assessing what could have been alternative scenarios (for example what if an extension will not be granted as it seems the case now) and the real capacity of the CC to absorb a significant flow of support all at once. To this end, the potential of the SC in providing guidance/enhance implementation has not been fully used. Only one SC was organised at an early stage of project implementation (March 2014) but not followed by another at half-way (August or September 2014).

As the situation stands now, the implementation of several key activities, which should have been distributed preferably in a more balanced way during the second half of 2014/beginning of 2015 is to be finalised too close to project completion date.

The situation is quite clarified by some figures. By December 2014, with some 75% of project time elapsed only 42% of the overall budget will be used. More specifically 700,000 USD out of 1655000 have been disbursed/allocated. For 2015 some 321,000 USD have been already «contracted», but still some 633,000 USD – an amount close to what used for the whole 2014 – will be still available for project activities over a period of 4.5 months. The likelihood that the CC will not succeed in absorbing these funds is quite high.

The pending activities include for example the elaboration of the CC’s Development Strategy which should be finalised by February 2015, leaving only 2-3 months to see its initial implementation[[11]](#footnote-11). Another important activity is conducting the Survey on Public Perception of the CC, which is likely to be completed in February-March 2015[[12]](#footnote-12). The timing of this deliverables is such that it will not be feasible to have two measurements – one to be used as baseline and the second to be an actual measurement of the perception – as planned in the DoA.

Another important source of expertise for the CC is the allocation for International expert days (approx. 33,000 Euro), to which an amount of funds allocated for Project Experts but not used to date is likely to be added[[13]](#footnote-13). As the use of these resources was not considered before, their allocation will have to be implemented in a relatively short period of time.

The fact that Project is well advancing the tendering process for the Strategy and the Survey is a positive note to be underlined. However, these deliverables will be finalised leaving very limited time for the project and the CC to internalise the effects.

The finalisation of other pending tenders (for Security works and for video-recording equipment) presents still a certain degree of risk (as the finalisation is likely to be completed by March/early April), but as there are no problems with absorption capacity in these cases, the risk is assessed as low and the project team is deemed fully capable of successfully addressing possible difficulties.

Clearly, an extension of project time could reduce the overall level of risk.

### Country ownership

The evidences collected confirm the good level of ownership enjoyed by the project expressed by the main beneficiary – the CC itself – and to a lesser extent by secondary ones - the CSOs.

The CC is actively participating in all aspects of the project: planning, direct involvement in implementation, contributing to the dissemination of results and further spreading knowledge about the CC among the public. Both judges and staff are engaged in project activities on a continuous basis as detailed under the previous subsections. An intensification of the involvement of the CC in project activities (and ownership) is expected in the last months of the project, when the CC should take a guiding role in the process of its Strategy development and for the definition of other deliverables.

Several well-know CSOs and journalists have been involved in project activities, enhancing their familiarity with the activities carried out by the Chamber. The efforts of the CC and project to enhance the outreach of the CC toward the public are likely to have had an effect on public ownership, but this effect has not been measured yet.

### Mainstreaming

The analysis of project document indicates that a gender perspective has not been adequately mainstreamed in its design and implementation.

In project implementation, the team has adopted some measures to ensure a certain gender balance, for example equal participation in training activities and in decision making structures. However, there are no indications that active measures for mainstreaming gender aspects have been taken in consideration.

For example in the analysis of the CC’s potential, gender aspects have been left totally aside, and even disaggregation of data followed exclusively the type of job post held by the respondents. has been conducted. There are also no indications that gender aspects have been properly addressed during the capacity building activities conducted, for example promoting awareness on how to ensure a gender sensitive office environment, or guarantee gender parity in recruitment, etc..

### Sustainability

Considering that the Evaluation has been conducted only few months before project end, particular attention has been dedicated to assess the sustainability of the interventions and of the effects achieved to date.

The overall level of sustainability of the project is assessed as moderately unsatisfactory because of the negative prospects of CC institutional sustainability, which is not compensated by the progress in CC capacity and financial sustainability.

In spite of the support received and of the preliminary effects reported in previous sections, the institutional sustainability – the CC capacity to operate according to the guiding principles set by the constitutional law on the CC and in particular to ensure the independence of CC judgments - is still weak. Various factors contribute to limit this factor: negative external context, incomplete composition of the court

The external context in which the CC operates is still not fully enabling the CC to function as it should. Since it started functioning, the CC have been facing various challenges directly connected with appeals submitted and decisions adopted. The controversial situation most frequently highlighted by interviewed informants is that following the CC decision N.1 of January 13, 2014. This decision declared the unconstitutionality of the provision of the Criminal and Procedural Code allowing the Prosecutor General to refer the cases to other law enforcement agencies in the event that the case was launched in respect of public officials (e.g. judges). After issuing the decision, the CC issued a ruling (postanovleniye) – which provided the interpretation of the CC own decision[[14]](#footnote-14). Public statements from key figures indicates that CC decisions are not accepted by institutions without questioning their validity[[15]](#footnote-15). Several informants interviewed during the field phase also confirmed this attitude.

Clearly such situation creates a certain distress among the CC, other international institutions and CSOs. This is especially true if considering that in the coming months the Parliament is expected to discuss and maybe approve three laws (laws on Foreign Agents, on LGBT, and biometric data) that are likely to generate wide discussions across the society and CSOs and could become a stress test for the CC. The widespread opinion among the informants is that there is a high likelihood that the CC will be asked to consider the constitutionality of these laws. Once again independent decisions of the CC could result in a variety of polarized opinion and the work and role of the CC openly criticised. The context is further complicated by the fact that general elections (foreseen in 2015) and presidential elections (foreseen in 2017) are possible additional causes of changes to the current distribution of power.

Two additional elements are adding uncertainty to the institutional sustainability. The first is that now the quorum is ensured only if all judges participate to proceedings and vote, and the second is that three more judges have to be appointed. These two elements could potentially result in significant changes to the internal CC’s dynamics, impacting how the CC role is perceived by institutions as well as by CSOs and the public.

In this scenario, CSOs maintain a certain pessimism about Chambers’ capacity to undertake its role. This pessimism is however accompanied by CSOs indirect engagement with the Chamber (presenting appeals, implementing projects focused on the Chamber’s functions), which testify the importance that the CC after all has in safeguarding the Constitution. Although the Judges of the CC have expressed their overall confidence that the CC will be capable of maintain its independence in spite of the challenges posed by the external context.

The negative influence caused by the overall context on the sustainability of the project effects and ultimately to the CC itself is mitigated by three positive factors: an overall good level of ownership of project effects, the existence of a satisfactory degree of management capacity within the CC accompanied by a good level of its financial sustainability.

In terms of project ownership, the CC has clearly demonstrated it by actively participating to project activities, by publicly expressing its involvement and appreciation for project support, by endorsing project recommendations and using project inputs (expertise, equipment, etc.).

The main positive factor in terms of sustainability is the management capacity of the Chamber. Management capacity to conducts its operations seen in its two dimensions – operational and technical. The current level of operational capacity of the CC is assessed as partially satisfactory and it has been progressively strengthened through project’s training and advise. The judges and the staff appears to be motivated to continue working in the CC. Present data and information on CC’s operations, confirm that the Chamber is successfully coping with its workload. As indicated by Judges, to date the chamber has no backlog: all appeals presented in 2013 have been finalised and currently the CC is working on appeals presented in 2014. The technical capacity of the CC, which has been improved thanks to the new equipment procured and the audio-recording services, has been already instrumental to the results abovementioned. Considering that additional capacity support and other key equipment is will be delivered to the CC in the remaining project time, it is fair to conclude that management capacity is likely to be maintained at this level without difficulties and prove sustainable beyond project end.

The Financial sustainability of the chamber is also deemed secured. As prescribed by the Constitutional Law on the CC (art 54), the CC determines autonomously its budget and its allocation. According to official data, the budget of the CC for 2014 is 44.1 Million Som. Reportedly, the budget for 2014 has been granted to the value requested by the CC, reducing the risk that its functioning will be constrained. The planned 2015, 2016 and 2017 Budgets are comparable in value to that of 2014. As the CC has received training in programme budgeting from the project, it is likely that future budgets will be better structured than the budget for 2015 recently prepared, with increased likelihood to justify and maintain adequate level of budget.

### Impact

At this stage of implementation, with one third of the project still to be implemented and key outputs soon to be completed, it is rather early to assess the effects of the project on the overall objective – i.e. its impact – as such effects have not unfolded yet.

To have more precise indication of the potential/achieved impact, useful indications will be provided by the Strategy for the Development of the CC and the Survey on Public Perception. Both documents are going to be prepared by experts contracted by the project in the coming months.

Still, positive prospects of medium-term impact can be deduced from preliminary effects achieved particularly in terms of 1) enhancement in CC functioning, and 2) improved public perception of the CC.

In terms of CC functioning the analysis of the information collected evidenced three key streams:

* *The role of the CC is becoming central to ensure the supremacy of the law.* This tendency is reflected by the current workload of the CC, that is quite significant. Chamber’s data indicate that in 2013 the CC has received 141 appeals and issued 31 decisions. CC data for the first 9 months of 2014 show that the Chamber has received 89 appeals and issued 8 decisions. As confirmed by CC Judges, the Chamber has completed reviewing appeals that accumulated from its initial establishment (i.e. appeals presented in 2011 and 2012 as well as in 2013) and it is now working on appeals presented in 2014. For better framing this information it can be interesting to note how informants highlighted that if the previous court was issuing 5-6 decisions a year, now court reviews 5-6 appeals a month and issues a much higher number of decisions. It can be added that the number of appeals submitted by physical persons is also rather high (67 appeals out of the 89 appeals - 75%- presented in the first 9 months of 2014).
* *The Chamber is striving to maintain its independence, focusing strictly on its functions.* In order to be fully independent, the CC is actively enhancing its visibility, but at the same time it is maintaining its distance from other institutions. Some anecdotal evidence of this is resulting from combining the feedback of different informants. The CC is not actively engaged in maintaining direct and close contact with other institutions, beyond the obvious inter-institutional dialogue. No direct statements in response to challenging statements issued in the past have been released. The fact that different decisions issued are not unanimously liked/disliked, always encountering the favour of institutions can be also taken as indirect indicator of the CC effort to formulate its decision independently.
* *The Chamber has been enhancing the quality of its operations.* To achieve it, the CC has been working on improving and refining the articulation of its decisions. As self-assessed by the CC, CC decisions are progressively more elaborated/increased use of references to international practice. As detailed previously, the exposure to international practice has been very useful. The CC has also worked to facilitates the submission of appeals by making available templates. More attention has been put by the CC in ensuring the respect of procedures.

It is expected that the Strategy for Development of the CC, which is going to be prepared in a participatory manner so to fully reflect CC vision, will help to advance further along these three streams.

In terms of public perception of the CC there is not much evidence that can be provided yet (as the study to assess public perception will be finalised only by February 2015), but a positive sign of future impact is the good results by the CC in *enhancing the transparency and visibility of its operations.* The Chamber has made/is making good use of the web site developed with the project, an active presence on media has been achieved, the first Journal of the CC has been finalised. In the same line it can be underlined that the CC has been working on improving and refining the articulation of its decisions. As self-assessed by the CC, CC decisions are progressively more elaborated/increased use of references to international practice.

# Conclusions, Recommendations & Lessons

## Conclusions

***Overall conclusion***

To date, project implementation has been proceeding satisfactorily, with a good level of cooperation established with the CC. The CC proved to be a receptive institution, showing good ownership of project results. The partnership established with the CC is a crucial factor to be built on, and particularly so considering that CC’s environment has not been fully enabled yet.

As the timeframe for achieving planned results proved too short, consolidating project achievements would require either granting a no-cost extension of the project, and/or sourcing alternative funding.

***Relevance***

The project is assessed as highly relevant. Its overall aims are aligned to country’s needs and priorities and to EU and UN priorities for the sector. Project’s content relevance has been thoroughly confirmed during implementation. The four main factors justifying the rating are: 1) Definition of assistance content - its content – activities, outputs, approaches - is fully respondent to CC needs and tailored to CC capacity level and priorities; 2) Extent of the assistance - The quantity and quality of project support has been enabling the CC to address and answer at once to a wide range of needs that otherwise would not have been answered timely/fully; 3) Complementarity with other interventions - Pursuing synergies and coordination among various actors enabled the project to address the role of CC/Constitutional order from different perspectives and maximising the effects (top-down plus bottom-up approaches), and 4) Timing - the CC has benefited from highly qualified support from the very beginning of its existence, and also during the critical months following the adoption of first problematic decisions.

***Effectiveness and Efficiency***

To date, project effectiveness can be assessed as Satisfactory. The feedback from informants indicates that most widely perceived effects are: - the enhanced visibility of the CC, - a higher degree of transparency, and also - a certain enhancement in the capacity of CC Judges/Staff. As several other key activities/deliverables are in the process of finalisation/achievement, the connected effects are likely to be achieved in the coming months.

Project efficiency is assessed as moderately unsatisfactory. Project resources have been delivered consistently with CC’s needs and adapted to CC’s possibilities/capacity, guaranteeing a good level of cost-efficiency, satisfactory adherence to indicative plans and progressive/sustainable absorption of the support extended. However, as the execution/start of several key activities (e.g. Survey of Public Perception of the CC, CC’s Development Strategy, allocation of International experts’ days/HR funds not used, Security works at the CC) have not been efficiently distributed during 2014/planned for 2015, the overall degree of efficiency has been affected. The potential consequence of this situation is a high concentration of project activities in the last four-five months of the project, with reduced effectiveness of the support because of CC’s limited absorption capacity, and chances that some of the funds will not be used.

***Sustainability***

The sustainability of the project is assessed as moderately unsatisfactory because of the weak institutional sustainability of the CC. Such weakness is mainly resulting from a negative external context and risks inherent to the incomplete CC membership. The factors adding to CC sustainability - a good level of project ownership by the CC, a certain level of management capacity within the CC, and a good level of its financial sustainability – though positive are not deemed sufficiently significant to offset the negative ones.

***Impact***

Although early to assess it, there are some preliminary effects underlining the positive prospects of achieving a good project impact in terms of 1) enhancement in CC functioning, and 2) improved public perception of the CC.

In terms of CC functioning it is fair to conclude that *the role of the CC is becoming central to ensure the supremacy of the law.* This tendency is reflected by the current workload of the CC, that is quite significant and progressively growing. Moreover, *the CC is striving to maintain its independence,* actively working on its visibility, but maintaining its distance from other institutions. *The Chamber has been enhancing the quality of its operations* by working on improving and refining the articulation of its decisions.

In terms of public perception, the CC has achieved some good results in *enhancing the transparency and visibility of its operations.*

## Corrective actions for the design, implementation, monitoring and evaluation of the project

***General recommendations***

1. UNDP agree with beneficiary agency and donor/international partners on the possibility of accelerating the process of concord/negotiation;

UNDP and the CC are advised to strongly and jointly advocate to the EU for a no-cost extension of the project so to allow full and optimal allocation of resources still available, and to avoid potential constraints resulting from low absorption capacity of the CC.

1. UNDP should enhance its efforts to mobilise resources for funding activities for the CC. After project end and until new resources have been mobilised, the UNDP should possibly maintain its cooperation with the CC by focusing on those priority issues, which should be identify by the upcoming strategy, that could be adequately addressed with low-budget interventions (i.e. mostly existing in-house resources).
2. UNDP agree with beneficiary agency and donor/international partners as CC, VC and EU on the possibility of accelerating the process of concord/negotiation;

***Specific recommendations***

The Evaluation identified various project-level recommendations that should be considered for adoption. The project is advised to:

1. Organise a SC asap or EU/UNDP/CC meeting to discuss next steps

The organisation of SC or a meeting will allow to explore alternatives and define next steps. This meeting will be particularly needed since it appears that there is no possibility to obtain a no-cost extension.

1. Prioritise jointly with the CC pending activities and plan their implementation

If project duration will not be extended, it will be critical to avoid the risk that remaining funds will not be fully used and/or difficulties in terms of CC’s absorption capacity. The project is advised to prioritise remaining activities and plan their implementation. To limit potential absorption issues, remaining activities should be implemented taking into account workload of the CC and limiting the emphasis put on interchangeability (inviting all staff to all activities delivered so that they can be mutually replaced if needed).

1. Advance the process of contracting of international experts

The Project should expedite the launch of the process for hiring international experts to support the CC. Given a) the range of needs to be addressed; b) the level of expertise to be possessed by experts; c) the budget available (i.e. the budget originally envisaged plus additional funds saved from HR budget items not used); and d) the limited timeframe available for providing the expertise (end of January - end of April); it is advisable to consider hiring 2-3 experts to implement assignments more or less in parallel. To ensure maximum flexibility to UNDP in recruitment and use of hired experts, the involvement of the VC in this activity should probably be avoided.

1. Monitor closely the execution of remaining key project’s involving external providers

Given time constraints, the project should monitor closely the proper and timely contracting, execution and finalization of the following pending activities: Security works at the CC, Video-recording equipment, Consultancy services for Public Perception Survey and CC’s Development Strategy. The finalization of these activities should be foreseen by end- March/early April so to have still project time to accommodate minor exceptional delays and/or to take stock of the support and effects achieved.

1. Formulate the CC Development Strategy as practical/detailed as possible

Apart from finalizing it timely (see previous recommendation), the Strategy should be formulated so as to be a feasible and articulated exit strategy for the project capable of guiding the CC further on, toward a new intervention or continuation of statutory activities without donor support. Its drafting should be implemented in very close contact with the CC, with the full participation of few “champions” to be selected among the judges and managers, integrating the planning exercise with programme budgeting requirements. This approach should guarantee a very high level of ownership and sustainability of the Strategy itself.

1. Strengthen the CC outreach to public/ CC transparency

So far, the CC and the project have achieved some good preliminary effects in terms of visibility and transparency. Such effects should be consolidated by continuing/increasing the communication activities targeting the public and the interactions with academia/legal specialists. The current version of the CC website should be slightly modified so to make the relevant PR materials produced by project fully accessible. Improvements to the English version of the site should be introduced by increasing the amount of information contained, maybe using suitable deliverables previously developed by the project and/or translating key information (e.g. CC statistics). A last possible suggestions would be to publish the rejections (“Otkazy”).

1. Implementing measures aimed at mainstreaming gender aspects in the CC

The project team should consider conducting activities fostering the integration of gender aspects in the framework of remaining activities on capacity building for the CC. For example, this could include introducing gender aspects in the elaboration of the CC Development Strategy, promoting awareness on how to ensure a gender sensitive office environment, or support in developing procedures/policy guaranteeing gender parity in recruitment and on the job.

1. Introduction of HACT instrument (Harmonized Approach to Cash Transfers)[[16]](#footnote-16)

The project team should conduct meetings with CC senior management and demonstrate them HACT instrument in action. If CC agrees, UNDP need to conduct necessary procedures to launch HACT with the CC.

## Actions to follow up or reinforce initial benefits from the project

The Evaluation identified various institutional-level recommendations that should be considered for adoption.

The project is advised to:

* Encourage the CC to appoint a high-profile representative in the SC of the new EU Rule of Law project. Through appropriate representation and active participation of the CC in the SC and more generally in project’s dynamics, the CC could succeed in receiving support, possibly tailored to meet its own needs. Such support could be a valuable complement and/or alternative to any potential further support.
* Assist the CC in establishing direct contacts with other relevant donors/institutions. The involvement of the CC, especially of its judges that have been already exposed to international projects, will be useful to support UNDP efforts for mobilising resources. At the same time it could be helpful to enhance the dynamism of CC in autonomously addressing the need to maintain its visibility in-country and abroad.

## Proposals for future directions underlining main objectives

The findings of this evaluation indicate that, notwithstanding the good results reached, the CC will still need some forms of support to further strengthen such results.

A new project targeting the CC would be the most appropriate form of support. As indicated by a judge of the CC – *it is better to be involved in a project only for us, even if with a small budget, than to be partner in a larger but not targeted intervention.*

The content of such project should be along the lines of the present one (with the exclusion of the provision of new equipment), but it should not necessarily limit itself to those lines.

As emphasized during the field visits, it would be very important to maintain project emphasis on the exchange of international expertise between CC and other institutions/experts. The exchanges should not be aiming at exchange of experience with EU/European countries only, but also considering exchanging experiences with other leading CCs that for geographical and/or socio economic reasons presents similarities with the Kyrgyz reality (*South-South cooperation*).

The new support should also go beyond addressing only immediate needs of the CC, but it should also aim at taking the CC to a “new level” by exposing the CC to new trends in constitutional justice (for example internationalization of constitutional law, interaction of international courts with national courts).

Another activity that could be included is fostering the scientific dialogue among CC, Academia and other legal professional as additional platform to enhance the role of the CC. Such dialogue would advance the understanding of constitutionalism in Kyrgyzstan, promoting the visibility of the CC, but at the same time escaping from the inherent risks of outreaching the society with CSOs acting as “intermediary”.

Additionally, a potential new intervention should be more intensively address the MPs and their understanding/knowledge of Constitutionalism and of the CC. Many informants highlighted the fact that the level of MPs competence in these aspects is low and eventually this leads to incomprehension with the CC.

However, the precise definition of the goals of this new project should be aligned with the content of the CC Strategy under development so to ensure continuity from one project to the other and maintaining ownership of the strategy.

Apart from the objectives to be pursued by a possible new initiative, two aspects would have to be considered in its design.

The first aspect would be to enhance the steering role of the Project SC, – moving from “doing things right“ to “doing the right things”.

The second aspect would be to strengthen project planning (and reporting). Now, the Project Team is following a planning which is based on the AWP, but it is planning the concrete delivery of activities using internal planning with an horizon of one-two months. There are no evidences that a planning covering the whole length of the project and detailing also the allocation of project human resources is in place and used. A more detailed planning covering the entire timeframe would help the team and the SC members in guiding the project. It would also help controlling the allocation of UNDP human resources that are now spread across different interventions, further complicating implementation. Specifically for projects that have a duration slightly longer than a year it would be beneficial to develop work plans covering the whole period of the project or anticipate the planning for the part not covered by the available AWP so to assess well potential risks posed by high level of funds not yet allocated and alike.

## Good practices in addressing issues relating to relevance, performance and success

During implementation, some practices emerged as factors functional to the achievement of project’s good preliminary results.

Joint approaches - with emphasis on access to international experience for the EU-VC project and with emphasis on strengthening institutional capacity/national dimension for the EU-UNDP one

The joint work of UNDP and VC on the Chamber, combining international and national expertise, has proved itself as a very effective modality of working with the CC as newly established, still weak institution. This combination has been behind the good results achieved by the project. It has helped the new CC to gain quickly international visibility and familiarity with international approaches, while in parallel strengthening its domestic profile and its management capacity. This approach has maximised the strong characteristics of both UNDP and VC, achieving effects that would have probably been achieved later or not so in depth if implemented by these institutions individually.

Emphasis on Chamber’s Transparency/openness

In the Kyrgyz context, the emphasis put by the CC and the project in ensuring a high level of transparency had a twofold importance. On the one hand, it has addressed compliance of the CC with one of the key principles guiding its functions. On the other hand and more importantly, it has addressed one the main areas of concern of the Kyrgyz society when it comes to State institutions and the judicial system. As the public perceives the lack of transparency and openness as features directly connected with the presence of corruption in the judicial system, the project has correctly put efforts to enhance the perception of the CC among the public. Such efforts included tools (web-site) and very practical measures (strategic approach to CC communication toward the public via media/and directly, various events to outreach the public, development of the Amicus Curiae, etc.).

Importance of exposing the judges and staff of the Kyrgyz CC to the experience of other CCs

The experience of other countries shows that the capacity of a CC depends from both the capacity of its judges and that of its staff. Therefore, enhancing the capacity of the CC as a whole (with activities for judges and staff together), exposing them to international practice proved to be the right approach. It is reaching both short term and long term effect. The development of the team spirit of the CC is the short term effect achieved. Most importantly the long term effect is that the CC is progressively shaped to make it operate in accordance to the model successfully used by other CCs, making it indeed a modern CC.

Use of an external expert to assess CC dynamics and formulate development strategy

Enhancing the capacity of a newly formed institution such as the CC is a process that is not exclusively pivoted around “technical” competence. The use of an external expert that was capable of taking an holistic view at the CC and analyse it (its dynamics and characteristics) has clearly helped to uncover different aspects that would not have been otherwise expressed. To link this analysis to the CC strategy should also help to reach lasting effects.

# Annexes

**Annex 1 - TOR**

**Annex 2 - List of persons interviewed**

EU DELEGATION TO THE KYRGUZ REPUBLIC

Ms. Claudia Hock, EU Projects manager

UNDP Country Office

Mr. Pradeep Sharma, UNDP Deputy Resident Representative,

Mr. Erkinbek Kasybekov, UNDP Assistant Residen Representative;

Mr. Lucio Sarandrea, Rule of Law Chief Technical Advisor

Ms. Lilia Ormonbekova, Programme Analyst (M&E and Gender Focal Point)

UNDP PMU

Ms. Ainura Bekkoenova, DGP Dimension Chief;

Ms. Gulmira Mamatkerimova, Project Manager,

Ms. Irina Letova, Judiciary Expert

Mr. Kurmanbek Turdaliev, Parliamentary Expert

Ms. Aida Bazarkulova, Programme Specialist

Mr. Azamat Egizbaev, IT Expert

Ms. Elnura Turgunbekova, Audit Specialist

Mr. Karymbek Djigitekov, Legal Expert

Ms. Altynai Akmatova, Media Specialist

Ms. Olga Petrova, Financial Assistant

Constitutional Chamber of the Supreme Court of the Kyrgyz Republic

Mr. Mukambet Kasymaliev, Chairperson of the Constitutional Chamber

Mr. Erkinbek Mamyrov, Deputy Chairperson

Ms. Chinara Aidarbekova, Judge Secretary

Ms. Meergul Bobukeeva,Judge

Ms. Klara Sooronkulova, Judge

Mr. Emil Oskonbaev, Judge

Ms Cholpon Osmonova, Judge

Ms. Aisalkyn Omuralieva, Judge

Mr. Tashtemir Childebaev, Head of the Office of the Constitutional Chamber

Mr. Kubatbek Dubanaev, Head of Direction of Legal Support

Ms. Nurjan Kojosheva, Head of Department of generalization of judicial practice and Information Support

Ms. Ainura Tashtanova, Head of Department for the Organisation of Court Sessions

PARLIAMENT

Ms. Natalia Nikitenko, Chairman of the Committee on Human Rights, Constitutional Legislation and State Structure of the Parliament

Mr. Toktogul Tumanov, Chairman of the Committee on Judiciary system and Legal Affairs of the Parliament

PRESIDENT’S OFFICE

Mr. Daniar Narymbaev, Head of President’s Office

Mr. Murat Ukushev, Permanent Representative of the President of the Kyrgyz Republic in the Constitutional Chamber

International Organizations and other institutions

Ms. Svetlana Anisimova, Project Manager, Venice Commission / Council of Europe

Mr. Serguei Kuznetzov, Venice Commission

Ms. Laura Macini, Human Rights Officer, OHCHR

Ms. Beatrix Ferenci, Human Rights Officer, OHCHR

Mr. Fabio Piana, Senior Human Dimension Officer, OSCE

Mr. Fred Huston, Regional Director, IDLO/USAID

Mr. Stefanos Kareklas, Team Leader of the EU Project “Promotion of the respect of Rule of Law in Kyrgyzstan with particular emphasis on Transparency and Accountability, GIZ

Representatives of Kyrgyz Civil Society Organizations:

Ms. Chinara Musabekova (*NGO ‘Kyz-Ayim’*),

Mr. Nurbek Toktakunov (*NGO ‘Precedent’*),

Ms. Kalicha Umuralieva (*NGO ‘Our Right’*),

Ms. Rita Karasartova (*NGO ‘Civic monitoring of the judicial system’*)

Ms. Cholpon Djakupova, Director *(Legal Clinic “Adilet”)*

Ms Aynura Osmonalieva, Senior Lawyer *(Legal Clinic “Adilet”)*

Mr. Ulan Satarov (*legal practitioner, Bar*)

Ms. Nazgul Sulaimanova (*academician*)

Mr. Nurlan Sadykov *(NGO “Institute of Constitutional Policy”)*

Mr. Janabil Davletbaev *(NGO ‘Civic monitoring of the judicial system’)*

Ms. Bakyta Kachikeeva (legal *expert, Association of NGO support centers)*

Ms. Tolekan Ismailova, Chairman *(Human Rights Movement “Bir Duino-Kyrgyzstan”)*

Other experts and informants

Ms. Aida Asanalieva, Head of Finance Department, Office of the Judicial Department

Ms. Saniia Toktogazieva, Professor of Kyrgyz Constitutional Law at the American University of Central Asia

Mr. Timur Toktonaliev, Free-lance journalist

Mr. Temir Borjubaev,expert onprogramme budgeting *(contracted by UNDP PMU)*

Mr. Mikhail Munkin, Independent expert on organizational effectiveness, business coacher *(contracted by UNDP PMU)*

**Annex 3 - Agenda of the Field Mission in Kyrgyzstan**

**as of 10 November 2014**

**AGENDA**

**Mid-term Evaluation mission of the project Support to Operationalization of the Constitutional Chamber of the Supreme Court of the KR**

|  |
| --- |
| 28 October 2014 – 12 November 2014, Bishkek, Kyrgyz Republic |

**Tuesday, 28 October 2014**

**10.00-12.00** Meeting with Project Team (Venue: PMU office, 101/1, Manas ave., 6th floor, room 707)

**13:30-15:00** Meeting with Mr. Pradeep Sharma, UNDP DRR, Mr. Erkinbek Kasybekov, UNDP ARR; Ms. Ainura Bekkoenova, DGP Dimension Chief; Gulmira Mamatkerimova, ProgrammeAdvisor/Project Manager, Aida Bazarkulova, Project Specialist. (Venue: UN House, room of DRR).

**15:00 -15:15**  Security clearance (Venue: UN House, ground floor).

**Wednesday, 29 October 2014**

**10.00 – 11.00** Meeting with Ms. Claudia Hock, EU Projects manager (Venue: EU Delegation, 21, Erkindik bvr., Orion business centre, 5th floor)

**13:00 – 14:00** Meeting with RoL Chief Technical Advisor Mr. Lucio Sarandrea (Venue: UN House)

**15:00 – 15:50** Meeting with the Head of the Office of the Constitutional Chamber Mr. Tashtemir Childebaev (Venue: Constitutional Chamber of the KR)

**16:00 – 16:50** Meeting with staff of the Constitutional Chamber – Heads of departments Mr. Kubat Dubanaev, Mr. Aiaz Baetov, Ms. Ainura Tashtanova, Ms. Nurjan Kojosheva (Venue: Constitutional Chamber of the KR)

**Thursday, 30 October 2014**

**9.00 – 11:00** Meeting with the Chairperson of the Constitutional Chamber Mr. Mukambet Kasymaliev, Deputy Chairperson of the Constitutional Chamber Mr. Erkinbek Mamyrov, with the judge of the Constitutional Chamber Ms. Chinara Aidarbekova (Venue: Constitutional Chamber of the KR)

**11:30 – 12:30** Meeting with the judge of the Constitutional Chamber of the KR: Mr. Emil Oskonbaev

**14:00 – 15:00** Meeting with judges of the Constitutional Chamber of the KR: Ms. Meergul Bobukeeva and Ms. Klara Sooronkulova

**Friday, 31 October 2014**

**09:00 – 16:00** Desk Work

**16:30 - 17:30** Meeting with Stephanos Kareklas, Team Leader of EU-GIZ Rule of Law Project

**Saturday, November 1 – Sunday, November 2 – Desk work**

**Monday, November 3, 2014**

**09:30 - 10:30**

**11:30 – 12:00** Meeting with the Chairperson of the Human Rights and Constitutional Law Committee of the Parliament Ms. Natalia Nikitenko (Venue: Jogorku Kenesh of the KR).

**14:00 – 14:30** Meeting withexpert onprogram budgeting Mr. Temir Borjubaev(Venue: PMU office, 101/1 Manas ave., 5th floor, room 602)

**15:00 – 16:30** Meeting with independent experts: Mr. Ulan Satarov (*legal practitioner*) and Ms. Nazgul Sulaimanova (*academician*) (Venue: PMU office, 101/1 Manas ave., 5th floor, room 602)

**Tuesday, November 4, 2014**

**09: 00 – 10:00** IDLO/USAID representatives, Mr. Fred Huston (Venue: IDLO office, 41, Fatianov street).

**10:30 - 11:30** Meeting with OSCE (Venue: OSCE office, Ryskulova street).

**13:00 - 14:00** Meeting with representatives of NGO sector: Mr. Nurlan Sadykov (NGO ‘*Institute of Public analyses’*), Mr. Janabil Davletbaev (NGO ‘Civic monitoring of the judicial system) and Ms. Bakyta Kachikeeva (*expert*) (Venue: PMU office, 5th floor, room 603).

**14:30 – 15:30** Desk work

**16:00 – 16:50** Meeting with representatives of local Civil Society Organizations: Ms. Chinara Musabekova (*NGO ‘Kyz-Ayim’*), Mr. Nurbek Toktakunov (*NGO ‘Precedent’*), Ms. Kalicha Umuralieva (*NGO ‘Our Right’*), Ms. Rita Karasartova (*NGO ‘Civic monitoring of the judicial system’*) (Venue: PMU office, 5th floor, room 603)

**17:30 – 18:30** Meeting with the head of legal clinic ‘Adilet’ Ms. Cholpon Djakupova (Venue: Adilet clinic, 39, Umetaliev street)

**Wednesday, November 5, 2014**

**9:00 – 10:00** Meeting with OHCHR office Ms. Laura Macini and Ms. Beatrix Ferenci (Venue: OHCHR office, 41, Usenbaev street)

**11.00 – 12:00** Meeting with the Chairperson of the Judicial Legal Reform Committee the Parliament Mr. Toktogul Tumanov (Venue: Jogorku Kenesh of the KR).

**12.15 – 13.00** Meeting with Ms. Chopon Osmonova, the judge of the Constitutional Chamber (Venue: Constitutional Chamber of the KR)

**14:00 – 15:00** Meeting with a journalist Mr. Timur Toktonaliev involved in the project on Constitutional Chamber (Venue: PMU office, 101/1 Manas ave., 5th floor, room 602)

**15:30 – 16:30** Meeting with a head of Finance Department under the Judicial Department Ms. Aida Asanalieva (Venue: Office of the Judicial Department, 64, Ibraimov street)

**17:15 – 18:00** Meeting with Ms. Lilia Ormonbekova, UNDP CO Program Analyst (M&E)

**21:00 - 22:00** Phone interview with Ms Svetlana Anisimova and Serguei Kuznetzov, Venice Commission/Council of Europe

**Thursday, November 6, 2014**

**9:00 – 11:00** Meetings with project staff. Desk work.

**11:30-12:30** Meeting with head of department of the CC Ms. Ainura Tashtanova (Venue: Constitutional Chamber)

**13.15 – 14.00** Meeting with Ms. Aisalkyn Omuralieva, the judge of the Constitutional Chamber (Venue: Constitutional Chamber of the KR)

**14.10 – 15.00** Meeting with Mr. Janabil Davletbaev ( ‘Civic monitoring of the judicial system) (Venue: OSCE Centre in Bishkek, Toktogula str., 139).

**16:00 -17:30** Participation on theDPCC meeting **(**Venue OHCHR office, 41 Usenbaeva  str.)

**November 7-10, 2014**

**09:00 - 17:00** Desk work

**14:00 – 15:00** Meeting with Gulmira Mamatkerimova, Programme Advisor/Project Manager

**November 10, 2014**

**10:00 – 11:00** Meeting with independent expert Mr. Mikhail Munkin (Venue: PMU office, 5th floor, room 602)

**11:30** **-12:30** Meeting with Mr. Murat Ukushev, Permanent Representative of the President of the Kyrgyz Republic in the CC (Venue: President’s Apparatus)

**14:00 – 15:00** Meeting with Ms.Gulmira Mamatkerimova, Programme Advisor/Project manager

**15:30 – 16.30** Meeting with Ms. Ainura Bekkoenova, DGP Dimension chief

**17:00 – 18:00** Meeting with Ms. Tolekan Ismailova, NGO Bir Duino (Venue: Isanova str., office of Bir Duino)

**21:00 – 22:00** Phone interview with Ms Saniia Toktogazieva, Professor of Kyrgyz Constitutional Law at the American University of Central Asia

**November 11, 2014**

**9.30 – 11.00** Wrap-up meeting at UNDP PMU (Ms. Claudia Hock, EU Delegation to KR; Ms. Erkinbek Kasybekov, UNDP ARR; Mr. Lucio Sarandrea, Technical Advisor; Ms. Ainura Bekkoenova, DGP Dimension Chief; Gulmira Mamatkerimova, Programme Advisor/Project manager; Mr Kurmanbek Turdaliev, Parliamentary Expert; Ms Aida Bazarkulova, Programme Specialist.

\* lessons learnt from the mission

\* preliminary conclusions

**11:45 – 12:30** Meeting with Mr. Daniar Narymbaev, Head of President’s Office (Venue: President’s Office, 7th floor)

**14:00** Training for judges of the Constitutional Chamber on Speaking in publicwith Venice Commission (site visit) (Venue: Park hotel).

**Wednesday, 12 November 2014**

Departure from Bishkek

**Annex 4 - List of documents reviewed**

* *STRATEGIC DOCUMENTS*

National Sustainable Development Strategy for the Kyrgyz Republic for the period of 2013-2017;

State Programme “Development of the Judicial System of the Kyrgyz Republic, 2014-2017; 26 June 2014;

EU Rule of Law Initiative for Central Asia, Factsheet;

EU Central Asia DCI Indicative Programme 2011-2013;

* *RELEVANT LAWS AND BYLAWS OF THE KYRGYZ REPUBLIC*

Constitutional Law of the Kyrgyz Republic on the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic, of 13 June 2011, N. 37;

By-law of the rules of procedures of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic;

* *EU-UNDP PROJECT DOCUMENTS*

Description of Action and Budget of the EU-UNDP Project “Support to the Operationalization of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic”, not dated;

Special Conditions to the Contract of EU-UNDP Project “Support to the Operationalization of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic”, 11 December 2013;

Annual Work Plan for 2014 (version of July 30, 2014);

Agenda and Minutes of Local Project Appraisal Committee (LPAC) Meeting, 26 December 2013;

Agenda and Minutes of Project Steering Committee, 12 March 2014;

Inception Report, 15 February 2014;

Progress Report, not dated;

Internal Situational Report, 5 February 2014;

Draft Internal Situational Report on the CC works as of October 2014 (file title: Анализ ситуации по работе КП - окт 2014), not dated;

Other internal Project Documents on Activities conducted (various dates):

For examples materials on the International Conference on Implementation of Constitutional Courts’ Decisions; Summer Schools for Constitutional Chamber and NGOs; Training on Programme Budgeting; Seminars on Preparation of Court Decisions; Seminar on the Internal Preparation of Court Proceedings; ToR Contract for conducting a baseline/perception survey on the citizens; ToR Contract for conducting civic monitoring of the constitutional justice; ToR Contract for Elaboration of Development Strategy of the Constitutional Chamber; Project Retreat (Sep. 2014); Internal Assessment of the CC’s Potential for development, and other.

* *OTHER RELEVANT DOCUMENTS*

Description of the Action, “Support to the Kyrgyz authorities in improving the quality and efficiency of the Kyrgyz Constitutional justice system” implemented by the Venice Commission of the Council of Europe, not dated;

Report of the Project “Support to the Kyrgyz authorities in improving the quality and efficiency of the Kyrgyz Constitutional justice system” - Project Update 1, not dated;

Report of the Project “Support to the Kyrgyz authorities in improving the quality and efficiency of the Kyrgyz Constitutional justice system” - Project Update 2, not dated;

Presentation on Monitoring of the Activities of the Constitutional Chamber of the Kyrgyz Republic, elaborated by the NGO ‘Civic monitoring of the judicial system’, 11 June 2014.

**Annex 5 - Evaluation Matrix**

|  |  |  |  |
| --- | --- | --- | --- |
| Evaluative Criteria Questions | Indicators | Sources | Methodology |
| Relevance: How does the project relate to the main objectives of the UNDP focal area, and to the good governance and sustainable development priorities at the national level |
| To what extent are the objectives of the project still valid?  | Constitutional Chamber’s Priorities/needsState prioritiesProject Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, President Office and Government documents, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Are the activities and outputs of the project consistent with the overall goal and the attainment of its objectives? | Constitutional Chamber’s Priorities/needsProject Indicators specified in the logframe | Constitutional Chamber’s feedback & development plan, Project documents | InterviewsDocuments’ analysis |
| Are the activities and outputs of the project consistent with the intended impacts and effects? | Constitutional Chamber’s Priorities/needs Project Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback and development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Assess the appropriateness of the project design in relation to the problems to be resolved both when the project was designed, and at the time of the evaluation, | Constitutional Chamber’s Priorities/needsProject Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Assess the quality of the LogFrame and the clarity and internal consistency of the stated overall objectives, purpose and results, | Project Indicators specified in the logframe | Project design document | Documents’ analysis |
| Assess whether the objectively-verifiable indicators of achievement were well-chosen, | Project Indicators specified in the logframe | Project design document | Documents’ analysis |
| Comment on the complementing and coherence of the project with relevant activities undertaken elsewhere by government and other donors | Goal/priorities of other initiatives | Other projects and other donors different from EU | InterviewsDocuments’ analysis |
| Which elements of sustainability have been inbuilt in the design? |  | Project design document | Documents’ analysis |
| What is UNDP’s comparative advantage in this area of work? |  | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Effectiveness: To what extent have the expected outcomes and outputs of the project been achieved |
| To what extent the objectives have been achieved/are likely to be achieved? | Constitutional Chamber’s priorities/needs, Project Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Have the activities implemented achieved planned objectives in the project's logframe and produced beneficial results? | Constitutional Chamber’s priorities/needs, Project Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| What were/are the major factors influencing the achievement or non-achievement of the objectives? |  | Project documents, Constitutional Chamber’s feedback, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Assess whether the planned benefits have been delivered and received up to date, | Constitutional Chamber’s priorities/needs, Project Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Comment on the quality and appropriateness of the short-term and long- term local /international consultants provided under the project, |  | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Efficiency: Was the project implemented efficiently, in line with international and national norm and standards? |
| Were activities cost-efficient? | Resources’ cost and deviation from plan | Project Reports, Stakeholders’ feedback | Analysis of Project reporting and UNDP Monitoring System |
| Were objectives achieved on time? | Project timeline and deviation from plan | Project Reports, Stakeholders’ feedback | Analysis of Project reporting and UNDP Monitoring System |
| Have resources and funds been used efficiently, leveraging in-house expertise? management, | Resources’ use and deviation from plan | Project Reports, Stakeholders’ feedback | Analysis of Project reporting and UNDP Monitoring System |
| Is there evidence of synergies and complementarities with other, thematically related projects? |  | Project documents, Constitutional Chamber’s feedback, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Sustainability: To what extent are there political, institutional, social economic and /or financial risks to sustaining long-term project results? |
| To what extent will the benefits of the project continue after donor funding ceased? | Constitutional Chamber’s priorities/needs, Project Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| What are the major factors which influence the achievement or non-achievement of sustainability of the project? | Constitutional Chamber’s priorities/needs, Project Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Have the activities been designed and implemented in such a way to ensure maximum sustainability of their impact? | Constitutional Chamber’s priorities/needs, Project Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Which are the indicators of ownership of the country stakeholders, and how will follow up activities been financed?  | Constitutional Chamber’s priorities/needs, Project Indicators specified in the logframe | Project documents, Constitutional Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| Key lessons of the project experience and recommendations for future interventions. |  |  |  |
| Impact: Are there indications that the project has contributed to, or enabled progress toward a) development of key government institutions such as the Prime Minister Office, President’s Office and other selected government units, and civil society organizations, particularly Public Advisory Councils, b) improvements in the area of public administration, optimization of public services system and ICT for development(e-governance) |
| What has happened as a result of the project? | Changes in Chamber’s priorities/needs and its workload, Indicators specified in the logframe | Project documents, Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |
| How many people have been affected? | # people submitting appeals | Chamber’s reports/feedback | InterviewsDocuments’ analysis |
| Examine to what extent the planned overall objective has been achieved, and assess how far that was directly due to the project | Changes in Chamber’s positioning/priorities & needs, Project Indicators specified in the logframe | Project documents, Chamber’s feedback & development plan, Key stakeholders’ feedback | InterviewsDocuments’ analysis |

1. The Evaluator is aware of the limited possibility that such extension could be granted as no specific and imminent issue has been spotted so to adequately justify such request. However, since the CC’s environment is still very much unsettled, it has deemed necessary to include this recommendation. [↑](#footnote-ref-1)
2. The adoption of the new harmonized approach by UNDP, UNICEF, UNFPA and WFP was a further step in implementing the Rome Declaration on Harmonization and Paris Declaration on Aid Effectiveness, which call for a closer alignment of development aid with national priorities and needs. In 2008 HACT has been expanded beyond the four funds and programmes in ‘Delivering as One’ pilots. UNESCO, UNOPS, FAO, UNIDO and HABITAT have confirmed that they will use HACT where applicable to their operations in pilot countries. However, HACT still remains to be adopted more broadly by other specialized agencies and extended to countries beyond the pilots by them.

HACT implementation has now started in over 120 countries. The HACT implementation process calls for a number of steps to be undertaken to ensure full compliance and achievement of the efficiency gains that were envisaged through this harmonization. 65 countries have ensured (or are in the process of ensuring) agreement of the government for the adoption of HACT, 67 macro-assessments have been completed or on-going, 49 countries have completed (or are in the process of completing) micro-assessments; 4 have developed audit and assurance plans and 27 more have indicated that the process is underway. HACT is now fully implemented in 19 countries. [↑](#footnote-ref-2)
3. The OO definition used is specified in the DoA and Logframe agreed with the EU and it is identical to that utilised in other UNDP documents. [↑](#footnote-ref-3)
4. These SOs basically do not differ from the three Expected Outputs defined in the Project’s AWP. [↑](#footnote-ref-4)
5. Outputs in UNDP terminology. [↑](#footnote-ref-5)
6. As a new Council for Selection of Judges – the body in charge of preselecting the judges – has not been nominated, the selection of new judges cannot be conducted. During the mission, the Parliament re-initiated the continued selection of the members of the Council on selection of judges and was not yet precisely clear when its members will be finally selected. [↑](#footnote-ref-6)
7. The factors mentioned include difficulties in obtaining necessary permits to conduct works in the CC’s premises, which is a protected building, lack of interest by construction companies as the tender’s value was not very high [↑](#footnote-ref-7)
8. See National Sustainable Development Strategy for the Kyrgyz Republic for the period of 2013-2017, chapter 2, subsection 2.1. [↑](#footnote-ref-8)
9. See National Sustainable Development Strategy for the Kyrgyz Republic for the period of 2013-2017, chapter 2, subsection 2.2. [↑](#footnote-ref-9)
10. These obstacles include the political obstacles to CC work occurred during Jan-Feb 2014, the unavailability of international experts to be attracted by the VC, the calendar of works of the CC foreseeing a 2-months stop in summer. [↑](#footnote-ref-10)
11. Project Team and the CC agreed quite late (second half of September 2014) on the need to initiate working on it and to date the procedure for selecting the consultant for this activity is just about to be finalised. [↑](#footnote-ref-11)
12. As for the strategy, this Survey has not been launched since the CC was not very sure about the date and no strong indications to have it earlier have been circulated among SC members [↑](#footnote-ref-12)
13. No precise figures have been made available, but it is realistic to consider some 30,000 Euro of salaries unspent and available. [↑](#footnote-ref-13)
14. For further information see the Situational Report of 5 February 2014, developed by the Project Team. [↑](#footnote-ref-14)
15. See verbatim report of President Atambaev interview to 5 Channel (28 March 2014) available at http://www.president.kg/ru/news/3665\_stenogramma\_intervyu\_prezidenta\_kyirgyizskoy\_respubliki\_almazbeka\_atambaeva\_5\_kanalu/ see also statement of Mr. Tekebaev commenting CC’s Decision N. 1/2014 available at kabar.kg/rus/politics/full/70562 [↑](#footnote-ref-15)
16. The adoption of the new harmonized approach by UNDP, UNICEF, UNFPA and WFP was a further step in implementing the Rome Declaration on Harmonization and Paris Declaration on Aid Effectiveness, which call for a closer alignment of development aid with national priorities and needs. In 2008 HACT has been expanded beyond the four funds and programmes in ‘Delivering as One’ pilots. UNESCO, UNOPS, FAO, UNIDO and HABITAT have confirmed that they will use HACT where applicable to their operations in pilot countries. However, HACT still remains to be adopted more broadly by other specialized agencies and extended to countries beyond the pilots by them.

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