

## ANNUAL PROJECT REPORT

### I. PROJECT INFORMATION AND RESOURCES

<b>Project number and title:</b>	Project Atlas award ID:00081933 'Rule of Law Partnership in Uzbekistan'
<b>Implementing Partner:</b>	Supreme court of the Republic of Uzbekistan
<b>Responsible Parties:</b>	UNDP, Research Center under Supreme Judicial Council, Ministry of Justice, Lawyer Training Center, Tashkent State Law University, Center 'Development strategy'
<b>Donors:</b>	United States Agency for International Development (USAID)

<b>Project Starting date:</b>	<b>Project completion date:</b>
01/11/2014	31/12/2020

<b>Total Budget for entire project period</b>	<b>Original Budget (US\$)</b>	<b>Latest Signed Revision (US\$)</b>
	5 339 882	5 339 882

<b>Total Budget for entire project period</b>	<b>Donor</b>	<b>Amount (US\$)</b>
	UNDP	839 882
	USAID	4 500 000
	Government (Parallel or cost-sharing)	

<b>Period covered by this report:</b>	January 1, 2018 - December 31, 2018
<b>Date of annual review (Project Board meeting):</b>	December 20, 2018

<b>Current Year 2018</b>	<b>Budget (US\$)</b>	<b>Expenditure till Dec 31, 2018 (US\$)</b>
	1 107 826.66	998 217.20

## SECTION 1. OUTPUT PROGRESS

### Project Title: 'Rule of Law Partnership in Uzbekistan'

#### Description and summary of annual progress and results:

During the reporting period, the project continued implementing its plan of actions, and supported the Supreme Court of Republic of Uzbekistan in its efforts to implement development strategies and judicial reforms. It is noteworthy that the project activities have been in line with declared reforms, providing a basis for future cooperation between UNDP and the Supreme Court of the Republic of Uzbekistan.

Project activities have related to supporting free legal aid mechanisms, resulting in the preparation of overviews of best foreign experiences when introducing free legal aid mechanisms, with lists of risks, which need to be considered while establishing effective legal aid mechanisms in Uzbekistan. Based on this research, the concept and draft law 'On free legal aid mechanisms' has been elaborated together with the institute on issues of legislation and parliamentary research under the Oliy Majlis of the Republic of Uzbekistan. These documents were submitted to the National Center for Human Rights, which is responsible for coordinating activities of government agencies related free legal aid.

During the reporting period, the project finalized several analytical products within all spheres of judicial legislation. Several papers related to the further improvement of criminal and criminal procedural legislation have aimed to further improve, develop and liberalize criminal legislation in Uzbekistan. The project has provided technical support to national counterparts in drafting new civil and economic procedural codes, as well as the laws on 'On amendments and additions to some legislative acts of Uzbekistan within improvement of the supervisory proceedings of courts and court proceedings' and 'On courts'. The draft laws were submitted to the Supreme Court for approval, and were later adopted.

The project also provided consultations to the Legislative Chamber Law of the Oliy Majlis on the draft law 'On mediation', which was developed within the project framework in 2017, as well as on foreign experience in introducing alternative dispute resolution mechanisms based on the project's publication in 2017. As a result, key principles of mediation have been identified and reflected in this law, including:

- The voluntary basis of mediation;
- The confidentiality of information disclosed during mediation procedures which ensures the effective protection of the rights of parties to mediation;
- The introduction of a maximum period for mediation, to avoid the abuse of mediation procedures;
- The introduction of 'the suspension of the flow of the statute of limitations' provision, which allows for application to courts if mediation is unsuccessful;
- The establishment of professional and non-professional mediators, etc.

During the reporting period, the project has provide technical expertise and analytical advice to the Supreme Court in developing several Decrees of Plenum of the Supreme Court of the Republic of Uzbekistan, namely:

- The Decree of the Plenum of the Supreme Court 'On Amending Some Resolutions of the Supreme Economic Court of Uzbekistan in the Light of Adopting the Economic Procedure Code'. This Decree aims to make the Decrees of the Plenum adopted prior to the merger of the Supreme Court and the Higher Economic court, as well as prior to the

adoption of the new edition of the Economic procedural code, to be consistent with the new reality and excluding provisions which used to be reflected in the Decree of the Plenum, but were reflected in the new edition of the Economic Procedural Code;

- The Decree of the Plenum of the Supreme Court ‘Peculiarities of hearing the administrative disputes arising out of public relations’, which aims to provide detailed information to judges and parties to disputes, in terms of filing and hearing their disputes;

- The Decree of the Plenum of the Supreme Court ‘Some question of judicial practice on hearing administrative offences’. This Decree aims to provide detailed information to judges, on how to handle cases related to administrative offences.

In addition, the project assisted the Research Center under the Supreme Judicial Council in elaborating the draft law, and the law related to the activities of courts and judges, including:

- The Law ‘On Amending the Law ‘On Courts’ in view of the Need to Enhance the Status of Judges’;

- ‘Procedures for Providing Judicial Information to the Kengashes of People’s Deputies’.

This project has finalized the analytical paper ‘User Satisfaction Survey as a Factor of Increasing the Transparency and Efficiency of Civil Courts in Uzbekistan’. In this paper, the results of the user satisfaction survey were analyzed from the user’s perspective and proposals for further improving the civil procedural legislation were developed, while measures for increasing the efficiency of civil courts were reflected upon. The paper has been submitted to the Supreme Court for consideration.

The consolidation of judicial practice is a process which the Supreme Court uses to identify issues and bottlenecks in legislation, with improvements being made to help prepare new legislation. However, the process of consolidating judicial practice has itself required enhancement, so to improve the quality of consolidation reports. To improve the Supreme Court’s activities in judicial practices, the project has analyzed existing mechanisms for consolidating judicial practice, and prepared methodological recommendations for consolidating judicial practice. These methodological recommendations have been approved by the Presidium of the Supreme Court. On November 3, 2017, this project conducted round table discussions about improving mechanisms for consolidating judicial practice and presenting methodological recommendations.

To ensure the effective implementation of project activities related to use by national courts, considering the provisions of international conventions, the project conducted negotiations with the National Center on Human Rights, and prepared a draft plan of actions. A draft plan of actions was submitted to the Supreme Court of the Republic of Uzbekistan.

The project supported the Supreme Court of the Republic of Uzbekistan in updating the website, which includes several interactive services such as the ‘Database of court decisions’, the ‘Calendar of court proceedings’, the ‘Database of samples of applications to civil courts’, the ‘Daily list of court proceedings’, and others.

During the reporting period the project organized and conducted the following events:

- On November 17, trainings were held for lawyers from the Tashkent City, Tashkent, Djizzak and Sirdarya regions, with the participation of more than 50 lawyers, 10 being women;

- On November 1-3, 2017, the VIII International scientific-practical conference 'Principles of the Administrative Procedure and the Administrative Process' was conducted in cooperation with the Tashkent State University of Law;

- On February 7, 2018, a roundtable was held discussing the implementation of the progress of measures, thereby ensuring Rule of Law and the further reforming of Uzbekistan's judicial and legal system;

- During May and July, 2018, trainings were held for judges, court employees and lawyers in the Ferghana, Namangan, Andijan, Sirdarya, Jizzakh and Tashkent regions. A total of 125 specialists, including 52 women, took part in these events;

- A media tour to the Zangiata inter-district civil court occurred in May. More than 30 media representatives participated in the event, who became acquainted with the advantages and benefits of the new information technologies used in the court, which can improve both the judicial system's efficiency and the public's trust in its operation;

- On September 25 the Supreme Court's official website was launched, featuring a number of interactive services;

- In August a monitoring visit was conducted to the civil courts in Ferghana valley by the USAID representatives, demonstrating the E-SUD e-justice system's impact in the country's distant regions. During the visits, lawyers demonstrated the E-SUD system's features and provided detailed information on the system's advantages for users, along with concrete examples.

During the reporting period, the project prepared the following manuals and infographics. It must be noted :

- The manual 'Appointment of Forensic Examination in Civil Proceedings';
- The manual 'Specifics of Disputes Arising from Property Rights and Contractual Legal Relationships';

- The manual 'How to Apply to Economic Courts';
- The manual 'Alternative Dispute Resolution Mechanisms';
- The brochure 'Normative Acts on Consolidation of Judicial Practice';
- The newsletter of key results of the ROLP project in 2014-2017;
- The infographic 'What is Mediation?';
- The infographic on civil courts activities in the first half of 2018;
- The infographic on criminal courts activities in the first half of 2018;
- The handbook on the judicial practice of civil courts;
- The handbook on the judicial practice of criminal courts;
- The handbook on the judicial practice of administrative courts;
- The handbook on the judicial practice of economic courts;
- The manual 'Appointing Punishment in the Criminal Law of Uzbekistan';
- The infographic 'Criminal Courts Statistics Quarterly', produced in Uzbek, Russian and English;

- The infographic 'Civil Courts Statistics Quarterly';
- The infographic 'Administrative Courts Statistics Quarterly';
- The infographic 'What is New in the New Civil Procedural Code';
- The infographic 'What is New in the New Administrative Procedural Code';
- The infographic 'What is New in the New Criminal Procedural Code';
- The infographic 'What is New in the New Economic Procedural Code';
- The infographic 'The E-SUD Results for the First Half of 2018';

The project was initially developed following analytical papers, and an overview of foreign experience in the justice sector:

- ‘Overview of best foreign judicial assistant models’, which analyses the best judicial assistant models existing in foreign countries, particularly in UK, USA, the Netherlands and the EU. The analysis results have been reflected in a study report regarding judicial assistant models in UK, USA, the Netherlands, and EU countries, along with several recommendations for Uzbekistan’s legal system.

- ‘Overview of best foreign experience in introducing free legal aid mechanisms’ contains an overview of best foreign experience in introducing free legal aid mechanisms, with lists of risks which need to be taken into account when establishing legal aid mechanisms for Uzbekistan. Such legal aid research will be an entry point for project activities related to establishing legal aid mechanisms in Uzbekistan.

- The analytical paper on ‘Widening implementation of Habeas Corpus in national criminal legislation’ provides a detailed overview of Habeas Corpus elements in national legislation, and of foreign experience in implementing Habeas Corpus. Furthermore, the paper identifies areas of national criminal legislation which are required for the further widening of Habeas Corpus in Uzbek criminal legislation, containing several proposals on amending criminal legislation;

- The analytical paper on ‘Financing programmes on witness protection and the protection of other participants of criminal trials’, which aims to identify problems and bottlenecks of national legislation, as related to protecting witnesses and other participants of criminal court proceedings. Along with the financial resources required to support such programmes, the main issue involves the absence of effective interaction between law-enforcement agencies in this area. As a result, the project provides substantial input to the draft law ‘On Witness Protection’, which will be adopted in 2018.

- The analytical paper ‘Further development of simplified pre-trial procedures and court proceedings, the introduction of innovative forms and methods of production of judicial and investigative actions’ analyses the national criminal legislation to identify existing simplified processes and grounds for using these processes, as well as the judicial practice and statistics of appointing criminal punishments. Based on the conducted research project, the new mechanism ‘on freeing from criminal liability due to voluntary coverage of the fine’ has been proposed for introduction into criminal legislation. This mechanism will result in a 30 to 35% decrease in the workload of criminal courts. Considering that more than 36% of crimes in the criminal code of the Republic of Uzbekistan have fine as a type of punishment, it is also expected that number of accused persons who will not be sentenced to imprisonment will decrease by 20 to 25%. The project also provided technical assistance to developing the draft law envisaging amendments to criminal legislation.

- The analytical paper on ‘E-justice tools in criminal process of Uzbekistan: current state and development perspectives’, which as per the Actions Strategy for 2017-2021, details plans to introduce the ‘electronic criminal case’ based on existing e-justice systems elaborated for courts, with additional tools including ‘deposition of evidence’ and ‘remote interrogation’. The paper examines the need for the legal regulation of these e-tools in procedural legislation. Additionally, the paper contains an overview of best foreign practices for implementing e-justice tools in criminal justice.

- The concept for the further development of procedural legislation of the Republic of Uzbekistan, which aims to explore the needs and prerequisites for ensuring the transparency of the activities of criminal courts, and strengthening participation of civil society organizations in criminal proceedings.

These analytical papers in the area of criminal and criminal procedural legislation aim to support the implementation of the Decree of the President of the Republic of Uzbekistan ‘On measures for cardinal improvement of criminal and criminal procedural legislation of the Republic of Uzbekistan’, as adopted on May 14, 2018, which approved the ‘Concept of the further development of criminal and criminal procedural legislation in the Republic of Uzbekistan’.

Project’s technical assistance has been offered in drafting several legal acts, including:

- The Decree of the Plenum of the Supreme Court ‘On Amending Some Resolutions of the Supreme Economic Court of Uzbekistan in the Light of Adopting the Economic Procedure Code’. This Decree aims to bring the Decrees of the Plenum adopted prior to the merger of the Supreme court and the Higher economic court, as well as prior to the adoption of the new edition of the Economic procedural code as consistent with the new reality, and excluding the provisions which used to be reflected in the Decree of the Plenum, but were now reflected in new edition of the Economic procedural code.

- The Decree of the Plenum of the Supreme Court ‘Peculiarities of hearing the administrative disputes arising out of public relations’. This Decree aims to provide detailed information to judges and parties to disputes, in filing and hearing their disputes. Another purpose of this Decree is to unify the judicial practice of administrative courts in hearing administrative disputes, which were previously heard in civil and economical courts, and of new judges of administrative courts do not have enough experience.

- The Decree of the Plenum of the Supreme Court ‘Some questions of judicial practice on hearing administrative offences’ aims to revisit procedural rules and norms related to handle cases related to administrative offences in administrative courts. These types of cases were under jurisdiction before creating new administrative courts in Uzbekistan in mid-2017.

- The Law ‘On Amending the Law ‘On Courts’ in view of the Need to Enhance the Status of Judges’. This introduced law ensures the independence of judges, strengthens their legal authority, ensures objectivity in attracting judges to discipline responsibility, increases the requirements for court chairpersons, and improves the material and social support for judges.

- The by-law ‘Procedures of Providing Judicial Information to the Kengashes of People’s Deputies’, which aims to raise the judge accountability, and regulates the reporting process of courts for the public.

The project has also finalized the preparation of the concept note on the law ‘On free legal aid’. This activity is based on research of the foreign experience of free legal aid mechanisms, as initiated by the project in 2017. The concept note, as well as an overview of best foreign experience in introducing free legal aid mechanisms, have both been submitted to the National Center for Human rights, and the project is planning to prepare a draft law during the next quarter.

An analytical paper ‘User satisfaction survey as a factor of increasing transparency and efficiency of civil courts in Uzbekistan’ was finalized and submitted for the Supreme Court’s revision. The analytical paper reflects results of the user satisfaction survey conducted by project in second half of 2017. Analysis of the figures gathered through the user satisfaction survey, and their cross tabulation with other data related to court activities, has allowed the project to elaborate on proposals for further improving civil procedural legislation, as well as measures on increasing the efficiency of civil courts.



## **Baseline:**

1.1. Procedures for appointment, reappointment of judges lack transparency, does not promote gender balance among judges, has inconsistencies with best foreign practices.

1.2. Efficiency of court are of utmost importance for independence of judiciary. System for evaluation of efficiency of judges, as well as criteria of efficiency of judges adopted in Uzbekistan lack clarity, are based on subjective evaluation of supervisors hence does not meet international standards and negatively affect independence of judges.

1.3. Financial independence of judiciary is one of the pillars of judicial independence. Financial budgeting of the activities of courts in Uzbekistan are centralized and courts lack independence in financial planning and budgeting.

1.4. The only analytical tool of the Supreme Court that results in implementation of the right of Supreme Court is the summarization of the judicial practice. This tool is inefficient as an analytical tool that can provide proposals for further improvement of procedural legislation

1.5. Enhancement of legislation of the Republic of Uzbekistan and bringing the legislation of the Uzbekistan in consistency with best international standards are one of the priority areas of further development of Uzbekistan.

1.6. Existing mechanisms of providing free legal aid are implemented in the framework of criminal justice and not applied to civil courts. The interactive services of the judicial system aim to simplify access to court and provide information on court proceedings.

1.7. Despite there is national legislation on legal education, however, continuous legal education of practitioners is fragmented throughout different agency-based training institutions. The training courses are mostly outdated and do not cover current realities and modern education techniques.

1.8. Efficiency of civil courts stays on a low level in connection with insufficient dissemination of “E-SUD” information system and improper use of information-telecommunication technologies.

1.9. Transparency and accessibility of information on activities of courts needs further improvement.

1.10. Court responsiveness to citizens, accessibility of justice for all layers of population are being prioritized by government of Uzbekistan. Current mechanisms of surveying citizens on judicial activities does not include complete cycle of preparation, data collection and therefore lack trust by decision makers.

## **Indicators:**

1.1 Availability of proposals on further improvement of the procedures on transparency in the appointment of judges for the second (and subsequent) periods, integrating the favorable conditions for the advancement of women judges.

1.2 Availability of a methodology with clear criteria, which inter alia promotes gender balance among judges and court personnel, for assessing the activities of courts in accordance with international standards.

1.3 Availability of comparative analysis of national and best international practice on established mechanisms of judicial planning, court administration and budgeting.

1.4 Number of analytical papers with proposals on further enhancement of:  
i) criminal and criminal procedural legislation;

- ii) civil and civil procedural legislation;
  - iii) Code of proceedings in administrative courts
- 1.5 Number of comparative analyses of the best international practices of ensuring right to a fair trial with national legislation.
- 1.6 Number of individuals who have access to formal justice (disaggregated by gender and vulnerable groups) including:
- (i) through free legal aid mechanisms;
  - (ii) through interactive services of courts.
- 1.7 Number of training courses elaborated based on results of needs assessment of judges and court personnel.
- 1.8 Number of:
- i) applications submitted (processed) to courts through the E-SUD (sex-disaggregated) information system;
  - (ii) Interactive services of electronic judicial systems.
- 1.9 Number of published statistics (sex-disaggregated as applicable) on court activities.
- 1.10 Number of:
- (i) courts and
  - ii) participants (sex-disaggregated) in the judicial system who participated in a survey on satisfaction with court activities

## ACTIVITY PERFORMANCE

**YEAR: 2018**

### **TARGETS:**

1.1. Proposals on further improvement of the procedures on transparency in the appointment of judges for the second (and subsequent) periods, integrating the favorable conditions for the advancement of women judges are elaborated.

1.2. Methodology with clear criteria, which inter alia promotes gender balance among judges and court personnel, for assessing the activities of courts in accordance with international standards;

1.4. *Number of analytical papers<sup>1</sup> with proposals on further enhancement of:*

*i) criminal and criminal procedural legislation;*

*ii) civil and civil procedural legislation;*

*iii) Code of proceedings in administrative courts*

1.5. Number of comparative analyses of the best international practices of ensuring right to a fair trial with national legislation;

1.6. *Number of individuals who have access to formal justice<sup>2</sup> (disaggregated by gender and vulnerable groups) including:*

*i) through free legal aid mechanisms;*

*ii) through interactive services of courts.*

1.7. Number of training courses elaborated based on results of needs assessment of judges and court personnel

1.8. Number of:

i) applications submitted (processed) to courts through the E-SUD (sex-disaggregated) information system;

ii) Interactive services of electronic judicial systems.

1.9. Number of published statistics (sex-disaggregated as applicable) on court activities.

### **RESULTS:**

1.1. The project has prepared the analytical paper on national mechanisms for appointing judges, reappointing judges to new terms, as well as disciplinary actions against judges. The analyses of the existing mechanisms allowed for identifying several bottlenecks in the mechanism of:

- Appointing judges for the first tenure, including unclear mechanisms of handling the applications and need for attaching unnecessary documents to application, duplicated checks of the background of the candidate to judge positions, several (and ineffective) examinations were taken by candidates prior to being appointed as a judge, and other situations.

- Appointing judges for the second and consequent tenures, including dependence on recommendations need to be provided by the chairperson of the court, reporting on judge activities which includes the number of abolished cases during first term, the need

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<sup>1</sup> Gender equality and women empowerment issues will be reflected in each analytical paper, where it is context-relevant and applicable;

<sup>2</sup> Indicator for output 2.2.3 of UNDP Strategic Plan 2018-2021.

for filing documents which had been filed when applying to judge position for the first time, vague criteria for the promotion of judges, and other situations.

- Disciplinary actions against judges, including a lack of review mechanisms of decisions on the disciplinary actions of judges, bringing judges to disciplinary responsibility on the basis of private definitions issued against them, a wide range of grounds for disciplinary actions against judges, duplicated functions between the Supreme Judicial Council and the qualification commission of judges, and other situations.

1.2. This project has finalized ‘User Satisfaction Survey as a Factor of Increasing the Transparency and Efficiency of Civil Courts in Uzbekistan’. In this paper, the results of the user satisfaction survey were analyzed from the user’s perspective and proposals for further improving the civil procedural legislation were developed, while measures for increasing the efficiency of civil courts were reflected upon.

In addition, project is piloting methodology on conduction of users’ satisfaction surveys and analysis of data collected on assessing the activities of courts by ordinary people and legal specialists, including judges, judicial assistants, advocates, prosecutors and legal academic society representatives for further application in conduction of full survey next year.

Project is also studying foreign experience in judicial efficiency, including the methodologies, applied by foreign countries and international organizations. The results of the study will be applied for the development of new criteria of assessment of judicial system.

1.4. During the reporting period, the project finalized several analytical products within all spheres of judicial legislation. Several papers related to the further improvement of criminal and criminal procedural legislation have aimed to further improve, develop and liberalize criminal legislation in Uzbekistan. The project has provided technical support to national counterparts in drafting new civil and economic procedural codes, as well as the laws on ‘On amendments and additions to some legislative acts of Uzbekistan within improvement of the supervisory proceedings of courts and court proceedings’ and ‘On courts’. The draft laws were submitted to the Supreme Court for approval, and were later adopted.

The project also provided consultations to the Legislative Chamber Law of the Oliy Majlis on the draft law ‘On mediation’, which was developed within the project framework in 2017, as well as on foreign experience in introducing alternative dispute resolution mechanisms based on the project’s publication in 2017.

1.5. The project has prepared following comparative analyses of the best international practices:

- ‘Foreign mechanisms of appointment and dismissal of judges’ - focusing on experience of Germany, France, Japan, Korea, England & Wales, US as well as best international standards including ‘Procedures for the Effective Implementation of the Basic Principles on the Independence of the judiciary’, ‘Kyiv Recommendations on Judicial Independence’, etc.;

- ‘International standards of administrative justice’ - focusing on experience of Ukraine, Moldova, Lithuania, Latvia, Estonia, Germany, Austria, France, US, Russian Federation, Spain, Netherlands, Switzerland in the administrative justice system in these countries as well as recommendation to Uzbekistan in this field.

- 'Experiences of Korea, Singapore, Russian Federation, Kazakhstan Republic in developing domestic arbitration courts with focus on the current state of art of the domestic arbitration courts with the plans for further development;
- 'Recognition and enforcement of foreign court decisions and arbitral awards in foreign countries' with focus on experiences of Korea, Singapore, Russian Federation, Kazakhstan Republic. The paper focuses on identification of current issues faced by these countries in recognition and enforcement of foreign court decisions and arbitral awards, as well as measures that are being taken to improve the situation in this area.
- 'Foreign experience in organization of legal clinics and their role in the educational process' - focusing on experience of US, UK, Russian Federation, Poland, Belarus Republic, South American countries in establishing and developing clinical education.

**1.6.** 309 individuals accessed to formal justice through free legal aid mechanisms. 11 000 individuals accessed to formal justice through interactive services of courts;

In addition, project has finalized following manuals:

- 'Judicial practice of hearing civil cases';
- 'Judicial practice of hearing criminal cases';
- 'Judicial practice of hearing administrative cases';
- 'Judicial practice of hearing economic cases'
- 'Appointing Punishment in the Criminal Law of Uzbekistan';
- 'Samples of administrative court procedural acts'.

**1.7.** Project has developed 5 training materials and courses including:

- 'Administrative justice for judges and lawyers';
- 'Introduction to legal clinical education' for students of Legal Clinics;
- 'Developing interviewing skills' for students of Legal Clinics;
- 'Judicial psychology' for judges;
- 'International standards of delivering justice' for judges.

**1.8.** Over 566 thousand applications submitted (processed) to courts through the E-SUD system. 5 interactive services of electronic judicial systems were elaborated.

**1.9.** The project has also developed infographics, which inform the greater public about key legal reforms, laws and court activities impacting citizens' lives, such as 'What is Mediation?', 'What is New in the New Civil Procedural Code', 'What is New in the New Administrative Procedural Code', 'What is New in the New Criminal Procedural Code', 'What is New in the New Economic Procedural Code', 'E-SUD impacts', as well as quarterly, half year and 9 months infographics on administrative, criminal, civil and economic courts' activities in 2018 (in total 15 infographics).

Project ID: 00081933

Project name: Rule of Law Partnership in Uzbekistan

Achieved Targets	Detailed Description of Results/Achievements
<p>1.1. Proposals on further improvement of the procedures on transparency in the appointment of judges for the second (and subsequent) periods were elaborated</p>	<p>The project has prepared the analytical paper on national mechanisms for appointing judges, reappointing judges to new terms, as well as disciplinary actions against judges. The analyses of the existing mechanisms allowed for identifying several bottlenecks in the mechanism of:</p> <ul style="list-style-type: none"> <li>- Appointing judges for the first tenure, including unclear mechanisms of handling the applications and need for attaching unnecessary documents to application, duplicated checks of the background of the candidate to judge positions, several (and ineffective) examinations were taken by candidates prior to being appointed as a judge, and other situations.</li> <li>- Appointing judges for the second and consequent tenures, including dependence on recommendations need to be provided by the chairperson of the court, reporting on judge activities which includes the number of abolished cases during first term, the need for filing documents which had been filed when applying to judge position for the first time, vague criteria for the promotion of judges, and other situations.</li> <li>- Disciplinary actions against judges, including a lack of review mechanisms of decisions on the disciplinary actions of judges, bringing judges to disciplinary responsibility on the basis of private definitions issued against them, a wide range of grounds for disciplinary actions against judges, duplicated functions between the Supreme Judicial Council and the qualification commission of judges, and other situations.</li> </ul>

Achieved Targets	Detailed Description of Results/Achievements
<p>1.2. Methodology with clear criteria, for assessing the activities of courts in accordance with international standards is being piloted. Foreign experience of judicial efficiency is being finalized.</p>	<p>An analytical paper ‘User satisfaction survey as a factor of increasing transparency and efficiency of civil courts in Uzbekistan’ was finalized and submitted for the Supreme Court’s revision. The analytical paper reflects results of the user satisfaction survey conducted by project in second half of 2017. Analysis of the figures gathered through the user satisfaction survey, and their cross tabulation with other data related to court activities, has allowed the project to elaborate on proposals for further improving civil procedural legislation, as well as measures on increasing the efficiency of civil courts. The proposals included:</p> <ul style="list-style-type: none"> <li>- ICT in courts is an instrument not a goal - The strategic goal of introducing ICT in courts is not to create an instrument for monitoring the activities of lower courts by the Supreme Court, but rather to make courts more user-friendly and accessible. The creation of such interactive services should</li> </ul>

improve two-way interaction between courts and users. The purpose of such improved interaction is to decrease number of visits to courts.

- Regulating ICT usage in courts - The use of ICT tools requires revisiting the legal provisions of delivering court summons and court decisions. Electronic delivery should be equalized with delivery to postal addresses of users. This measure should be followed with sets of measures for the further popularization of the use of email addresses, especially in rural areas. As well as introducing registered e-mail addresses which shall act as an official electronic address of citizens in communicating with government. The internet portal 'Registry of Civil Cases' must be created with or without the depersonalization of court decisions.

- The further development of the population's legal literacy regarding procedural deadlines - ICT tools do not free the judicial system from the obligation to provide effective informational services on cases. Procedural rules and deadlines should be made available to the wider public, using visualization techniques.

- To decrease the number of court hearing per case, the preparation of cases for hearings should be improved, including extending the periods for preparing cases for hearings, as well as the detailed regulation of actions of judges, and the duties of parties in processes of preparing cases for hearings, and other processes. These measures should be accompanied with the elaboration of methodological tools for identifying the preparedness of the cases for hearings.

- The extensive list of disputes that fall under civil court jurisdiction - Disputes can consist of several claims, which are based on types of judicial protection and are detailed in legislation. In order to increase the efficiency of preparing cases to hearings, the list of claims should be identified by thoroughly analyzing the material provisions of legislation. Identified claims can be grouped to form 'classification of claims', which should also contain:

- The list of legal acts regulating the claim;

- The list of decisions of the Plenum of the Supreme Court regulating the claim;

- The list of data recommended for reflection in the statement of claim;

- The list of recommended evidences;

- The list of recommended documents;

- The circumstances that need to be proved for each type of claim;

- The state fee for each type of claim;

- The other information which can lead to the correct and timely hearing of cases;

- The enhancing of judicial reporting - Currently judicial reporting gathers information related to the procedural aspects of hearing cases. The elaboration of the 'classification of claims' will enable the gathering of 'big data' on each type of claim, including causes of dispute, causes for filing claims, and others. This enhanced judicial reporting will improve the quality of the summarization of judicial practice and the quality of proposals by the Supreme Court in improving

	<p>legislation, and the improvement of the quality of Uzbekistan’s national reports to international UN treaty bodies.</p> <p>In addition, project is piloting methodology on conduction of users’ satisfaction surveys and analysis of data collected on assessing the activities of courts by ordinary people and legal specialists, including judges, judicial assistants, advocates, prosecutors and legal academic society representatives. For each category the separate questionnaires are developed and piloting within civil, criminal, economic and administrative courts. The aim of the piloting is to check the applicability of questionnaires, correcting of questions and identification of target auditoriums selection mechanism for the application of the full survey next year. The piloting also is aimed for improving of the methodology of data analysis gathered in the result of pilot survey conduction.</p> <p>Project is also studying foreign experience in judicial efficiency, including the methodologies, applied by foreign countries and international organizations. It includes identification and the meaning of efficiency of judicial system, analysis of current situation with assessment of judicial system in Uzbekistan, experience in assessment of judicial systems in the USA, the Netherlands and Finland, as well as World Justice Project and CEPEJ methodologies, systems of assessment of judges’ activity, national mechanisms of judges’ professional activity assessment and are given recommendations for improving of judicial assessment mechanisms in Uzbekistan. It is expected that recommendations will be applied within further development of analytical note on improving of mechanism of courts’ efficiency assessment in Uzbekistan.</p>
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Achieved Targets	Detailed Description of Results/Achievements
<p>1.4. 4 analytical papers with proposals on further enhancement of procedural and substantive legislation developed</p>	<p>During the reporting period, the project finalized several analytical products within all spheres of judicial legislation.</p> <ul style="list-style-type: none"> <li>- ‘Widening implementation of Habeas Corpus in national criminal legislation’ provides a detailed overview of Habeas Corpus elements in national legislation, and of foreign experience in implementing Habeas Corpus. Furthermore, the paper identifies areas of national criminal legislation which are required for the further widening of Habeas Corpus in Uzbek criminal legislation, containing several proposals on amending criminal legislation;</li> <li>- ‘Financing programmes on witness protection and the protection of other participants of criminal trials’, which aims to identify problems and bottlenecks of national legislation, as related to protecting witnesses and other participants of criminal court proceedings. Along with the financial resources required to support such programmes, the main issue involves the absence of effective interaction between law-enforcement agencies in this area. As a result, the project provided substantial input to the draft law ‘On Witness Protection’.</li> <li>- ‘Further development of simplified pre-trial procedures and court proceedings, the introduction of innovative forms and methods of production of judicial and investigative actions’ analyses the</li> </ul>

	<p>national criminal legislation to identify existing simplified processes and grounds for using these processes, as well as the judicial practice and statistics of appointing criminal punishments. Based on the conducted research project, the new mechanism ‘on freeing from criminal liability due to voluntary coverage of the fine’ has been proposed for introduction into criminal legislation. This mechanism will result in a 30 to 35% decrease in the workload of criminal courts. Considering that more than 36% of crimes in the criminal code of the Republic of Uzbekistan have fine as a type of punishment, it is also expected that number of accused persons who will not be sentenced to imprisonment will decrease by 20 to 25%. The project also provided technical assistance to developing the draft law envisaging amendments to criminal legislation.</p> <p>- ‘E-justice tools in criminal process of Uzbekistan: current state and development perspectives’, which as per the Actions Strategy for 2017-2021, details plans to introduce the ‘electronic criminal case’ based on existing e-justice systems elaborated for courts, with additional tools including ‘deposition of evidence’ and ‘remote interrogation’. The paper examines the need for the legal regulation of these e-tools in procedural legislation. Additionally, the paper contains an overview of best foreign practices for implementing e-justice tools in criminal justice.</p>
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Achieved Targets	Detailed Description of Results/Achievements
<p>1.5. 5 comparative analyses of the best international practices of ensuring right to a fair trial with national legislation developed</p>	<p>The project has prepared following comparative analyses of the best international practices:</p> <ul style="list-style-type: none"> <li>- ‘Foreign mechanisms of appointment and dismissal of judges’ - focusing on experience of Germany, France, Japan, Korea, England &amp; Wales, US as well as best international standards including ‘Procedures for the Effective Implementation of the Basic Principles on the Independence of the judiciary’, ‘Kyiv Recommendations on Judicial Independence’, etc.;</li> <li>- ‘International standards of administrative justice’ - focusing on experience of Ukraine, Moldova, Lithuania, Latvia, Estonia, Germany, Austria, France, US, Russian Federation, Spain, Netherlands, Switzerland in the administrative justice system in these countries as well as recommendation to Uzbekistan in this field.</li> <li>- ‘Experiences of Korea, Singapore, Russian Federation, Kazakhstan Republic in developing domestic arbitration courts with focus on the current state of art of the domestic arbitration courts with the plans for further development;</li> <li>- ‘Recognition and enforcement of foreign court decisions and arbitral awards in foreign countries’ with focus on experiences of Korea, Singapore, Russian Federation, Kazakhstan Republic. The paper focuses on identification of current issues faced by these countries in recognition and enforcement of foreign court decisions and arbitral awards, as well as measures that are being taken to improve the situation in this area.</li> </ul>

	- 'Foreign experience in organization of legal clinics and their role in the educational process' - focusing on experience of US, UK, Russian Federation, Poland, Belarus Republic, South American countries in establishing and developing clinical education.
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Achieved Targets	Detailed Description of Results/Achievements
<p>1.6. 309 individuals accessed to formal justice through free legal aid mechanisms; 11 000 individuals accessed to formal justice through interactive services of courts;</p>	<p>The Legal Clinic at the Tashkent State University of Law has been running for a little over a year and a half, having been established in April 2017, and since that time 50 students worked at the clinic, 309 individuals (132 women and 177 men) benefited from free legal aid. A majority of issues tackled by the clinic relate to family-focused issues as inheritance, adoption, and matters related to employment issues.</p> <p>Working in the Legal Clinic helps students to develop a range of skills, which are different to those they have been learning in lecture theatres and classrooms. The experience of working on real-life problems will also be of value to employers and exposes students to the difference between knowing the law and practicing the law. Because many of the cases students encounter will involve people at the sharp end of political and legal decisions, involvement in the Legal Clinic forces them to think critically about how laws are made, who makes the law and what can be done where well-intentioned policy results in bad law.</p> <p>Following interactive services were used by individuals since their launch in 2018:</p> <ol style="list-style-type: none"> <li>1. On-line calendar of court meeting for the current date (from September 25, 2018) - total number of users more than 250.</li> <li>2. On-line calendar of court meeting for the nearest period (from 09.25.2018) - total number of users more than 200 people.</li> <li>3. On-line submitting appeals (protests) in electronic form total number appeal compliance and protests 4573, 1721 of them submitted by women;</li> <li>4. Online filing of cassation complaints (protests) in electronic form total number cassation compliance and protests 5417, 1797 of them submitted by women.</li> <li>5. Download samples of claims to apply for courts of civil cases (from September 25, 2018) - total number is more than 275 people.</li> </ol> <p>In addition, project has prepared for publication following manuals:</p> <ul style="list-style-type: none"> <li>- Four related manuals including 'Judicial practice of hearing civil cases', 'Judicial practice of hearing criminal cases', 'Judicial practice of hearing administrative cases', and 'Judicial practice of hearing economic cases'. These manuals contain overviews of the cases most frequently heard</li> </ul>

	<p>and revised by the Supreme Court of the Republic of Uzbekistan in 2016-2017. The overview contains descriptions of the case, arguments of parties, and descriptions of court decision and court rationale when adopting court decisions. Considering that the manual contains overviews of most typical cases, it is expected that these publications will have a number of impacts including: a) increased knowledge by judges on these types of cases, b) unified court practices in different regions, and c) increased quality of claims submitted to courts, as well as small decreases in the number of filings to courts, and other outcomes.</p> <p>- ‘Appointing Punishment in the Criminal Law of Uzbekistan’ - This manual’s purpose is to provide in-depth and detailed information on the existing system of criminal punishments in Uzbekistan’s criminal code, focusing on circumstances mitigating and aggravating punishment, their commonality and difference, grounds for appointing lighter punishment, for appointing punishments for the committing of several crimes, and other matters. The manual also contains a separate chapter on the factors that need to be considered when giving punishments to minors and adolescents, describing the behavior of judges when hearing cases involving minors or adolescents. Another chapter of the manual contains detailed overviews of mechanisms for appointing coercive medical measures. The manual refers to the international standards of appointing punishments, where applicable.</p> <p>- ‘Samples of administrative court procedural acts’. Administrative courts were introduced in June 2017, and are therefore new to Uzbekistan’s court structure. Most administrative court judges of administrative courts were transferred from criminal, civil and economical courts. Considering the quick pace of reforms and the introduction of administrative courts, these judges were not provided with tutorials or methodologies on how to hear administrative disputes, and cases of administrative offence. In this regard, and in order to ensure unified judicial acts in administrative courts, this manual contains over 115 samples of court procedural acts.</p>
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Achieved Targets	Detailed Description of Results/Achievements
1.7. 5 training courses developed	<p>- ‘Administrative justice for judges and lawyers’: the training course is developed for improving of knowledge and skills of judges and advocates in sphere of administrative justice and appealing administrative actions and acts of administrative bodies under the Law on administrative procedures, which will come in force on January 1, 2019. The pilot training was conducted for 22 judges, 20 advocates and 4 non-judicial legal staff on December 17-19, 2018;</p> <p>- ‘Introduction to legal clinical education’ for students of Legal Clinics is aimed to wide spread knowledge about clinical legal education, popularize it and support the activity of law students within the legal clinic of Tashkent State Law University. The training was conducted on December 12, 2018;</p>

	<ul style="list-style-type: none"> <li>- ‘Developing interviewing skills’ for students of Legal Clinics is aimed to develop practical legal skills of communication with clients of law students of Tashkent State Law University and is to be adopted into permanent schedule of Legal Clinic. The training was conducted on December 13, 2018;</li> <li>- ‘Judicial psychology’ for judges is a training course aimed to increase and develop skills of judges in sphere of judicial psychology for application them into the real practice in courts and for self-support in situations of professional burning out. The pilot training will be conducted in 2019;</li> <li>- ‘International standards of delivering justice’ for judges if aimed for increasing of knowledge and skills of judges in sphere of application of international law and standards into judges’ practice. The training will be conducted in 2019.</li> </ul>
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Achieved Targets	Detailed Description of Results/Achievements
<p><b>1.8.</b> 351 516 applications submitted (processed) to courts through the E-SUD system 7 interactive services of electronic judicial systems were elaborated.</p>	<p>During 01/01/2018 - 11/12/2018 a total of 271418 of claims and 351516 petitions for the issue court orders were received via E-SUD information system, including:</p> <ul style="list-style-type: none"> <li>- 30946 claims is submitted by external users of IS E-SUD</li> <li>- 336585 petitions is submitted by external users of IS E-SUD</li> </ul> <p>4573 cases heard in appeal and 5417 cases heard in cassation instance using the E-SUD system in electronic format.</p> <p>The highest number of received claims is a divorce petition. The total number divorce claims for this period is 62134 (18,5%).</p> <p>The total number of external users of information system E-SUD is 12495, including lawyers - 505, legal entities - 2084, individuals - 9906, 4938 (49,8%) are women.</p> <p>Total number of petitions received by IS E-SUD for 01.01.-11.12.2018</p> <ul style="list-style-type: none"> <li>- Recovery tax and other obligatory payments from citizen - 45.5%</li> <li>- Recovery debt for hot water and heating - 19.4%</li> <li>- Recovery alimony for children - 10.5%</li> <li>- Recovery debt for other utilities -5.3%</li> <li>- Recovery debt for water - 5.2%</li> <li>- Recovery of wages earned, but not paid to employee - 3.8%</li> <li>- Recovery debt for electricity -2.4%</li> </ul> <p>Total number of claims received by E-SUD IS E-SUD for 01.01.-11.12.2018</p> <ul style="list-style-type: none"> <li>- Divorce - 18.4%</li> </ul>

- Definition the fact of ownership of title documents to a person whose name, patronymic or surname indicated in document does not coincide with the name, patronymic or surname of this person indicated in document - 5.6%
- Requirements to define other facts of legal value - 5.2%
- Other disputes arising from family relations -5%
- Disputes on loan agreements - 4.9%
- Debt collection -4.6%
- Other disputes arising from contractual relations -2.4%
- Recognition of loss of the right to use living room- 2.1%
- Recovery of alimony -2%

During the reporting period project developed and launched following interactive services under E-SUD information system:

List of interactive services developed and launched

1. Database of persons recognized by court decision as incompetent person (<http://incompetent.esud.uz>) - allows employees of notaries under the Ministry of Justice of the Republic of Uzbekistan receive online information (name of the person, name of the court, number and date of the court decision, etc.) on persons found to be incompetent by the court to verify the legal capacity of persons when entering into various contracts and transactions
2. Database of court decisions (<http://decision.esud.uz>) - allows users, including participants of civil case to get acquainted online to list of court decision, download and forward court decisions taken by courts of civil cases.
3. On-line calendar of court meeting scheduled for the current date (from September 25, 2018) allows users, including participants in a civil case to receive on-line information about court hearings (the name of the claimant, defender, case number, name of the definition, etc.) scheduled for the current date
4. Online court calendar (from 09.25.2018) - allows users, including participants in a civil case to receive on-line information about past court hearings, as well as past court hearings (the name of the claimant, the defender, case number, name of the definition, etc.)
5. On-line submitting of appeals (protests) in electronic form allows users, including applicants to file complaints (protests) to appeal courts in electronic form, monitor the status of the consideration of complaints and protests, receive definitions and other court decisions of the courts of appeal in electronic form without visiting court buildings
6. On-line submitting of cassation complaints (protests) in electronic form allows users, including applicants to file complaints (protests) to cassation courts in electronic form, monitor the status of complaints and protests, receive definitions and other court decisions of the courts of cassation in electronic form without visiting court buildings

	7. Download templates of claims for appeals to courts in civil cases (from 09.25.2018) - allows users to get acquainted many hundreds types of samples of claims, complaints and protests on various disputes and claims. In addition, users can download a particular application in the .doc format, fill it in and send it through the information system to the relevant court in electronic form.
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<b>Achieved Targets</b>	<b>Detailed Description of Results/Achievements</b>
1.9. 15 infographics of activities of courts were published	The project has also developed infographics, which inform the greater public about key legal reforms, laws and court activities impacting citizens' lives, such as 'What is Mediation?', 'What is New in the New Civil Procedural Code', 'What is New in the New Administrative Procedural Code', 'What is New in the New Criminal Procedural Code', 'What is New in the New Economic Procedural Code', 'E-SUD impacts', as well as quarterly, half year and 9 months infographics on administrative, criminal, civil and economic courts' activities in 2018 (in total 15 infographics).

## SECTION 2. PROJECT ISSUES AND RISKS

<b>Project Title: 'Rule of Law Partnership in Uzbekistan' project</b>	<b>Award ID: 00081933</b>	<b>Date: Dec 20, 2018</b>
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#	Type	Date Identified	Description	Impact & Probability	Countermeasures / Management response	Owner	Last Update /If solved Solution date	Status/ Solution flag
1.	Strategic	21.11.2014	Inadequate cross sectorial coordination that may hamper speed of reform.	3	SC initiated in inter-agency working group representing different stakeholders and conducted a number of regular meetings to discuss the strategic issues. Project team is also facilitating the communication between different courts and MoJ.	Project	24.08.2016	reducing
2.	Strategic	21.11.2014	Slow speed of rolling out adequate infrastructure and implementation of E-governance standards (interoperability, edoc flow, digital authorization, open data, databases) may lead to significant delay in e-justice implementation in courts.	3	Government has rolled out a public registrar of companies, e-signature for citizens in the State Tax Committee, national open data portal data.gov.uz as well as online payment systems. Now project will ensure that E-SUD case management system will be connected to these systems.	Project	24.08.2016	reducing
3.	X_other	21.11.2014	Inadequate use of ICT in civil courts, as well as the insufficient knowledge of and capacity of judges, lawyers and other specialists may cause certain difficulties with timely project implementation.	3	MoJ has purchased PCs for judges, now installing LAN to connect all district, regional and republican courts. Project has prepared manual and a new course on E-SUD. A training workshop for attorneys was also conducted.	Project	24.08.2016	reducing
4.	Financial	21.11.2014	Challenges related to electric power shortages in the regions that may lead to delays in accessing justice.	3	Project provided update to SC on solutions to keep uninterrupted power supply. SC should raise this concern with MoJ to install either diesel generators or solar panels.	Project	24.08.2016	reducing
5.	Strategic	07.06.2017	Merge of Higher economic court and Supreme court of the Republic of Uzbekistan and appointment of former Chairperson of Higher	3	Project provided update to SC on E-SUD, described its advantages. Negotiations between senior management of UNDP and SC were conducted. Inability of ICT department to handle all courts as well	Project	03.08.2017	reducing

#	Type	Date Identified	Description	Impact & Probability	Countermeasures / Management response	Owner	Last Update /If solved Solution date	Status/ Solution flag
			Economic court may result in refusal to use E-SUD system due to competition between E-SUD and the e-doc flow used in economic courts.		as issues of the expanding e-doc flow to other types of courts, resulted in status quo.			
6.	Operational	07.06.2017	Appointment of national project coordinator as a deputy of the Chairperson of the Republic of Uzbekistan may hamper implementation of project activities.	3	Project conducted negotiations between with National project coordinator and it was decided that some of the project communication will be conducted via International department of Supreme court.	Project	03.08.2017	reducing
7.	Strategic	09.05.2018	Fast pace of reforms implemented in Uzbekistan, results in lowering the effects of the project activities, outcomes impacts.	3	Project revises it's activities planned in the Project document and takes measures to meet the changing reform agenda. Annual plan of activities are developed in cooperation with national partners.	Project	03.08.2018	pending
8.	Operational	03.04.2018	Increasing the number of international donor organizations in Uzbekistan, has a negative effect on recruitment of project staff in a timely manner	3	Project is advised to conduct headhunting more effectively. Moreover, project is advised to use the fast track recruitment procedures for recruiting project staff	Project	03.08.2018	reducing

## LESSONS LEARNED LOG

<b>Project Title: 'Rule of Law Partnership in Uzbekistan' project</b>	<b>Award ID: 00081933</b>	<b>Date: Dec 20, 2018</b>
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#	Type	Date Identified	Success	Shortcomings	Recommended solutions	Submitted, updated by
1.	Project management	September 3, 2016	Project was able to initiate and publish several publications. Support of these publications by national counterpart, are factors that supported this success.	In case of manual on 'Procedural acts of economical courts' challenge was the number of local consultants and their heavy schedule.	When recruiting local consultants, plan accurately. Be ready to extent the initial timeframe.	A.Salaev
2.	Project management	April 3, 2018	Project was able to deliver almost a USD 1 mln. of project budget (over 90%).	Project faced issues related to deliver allocated budget	When composing a annual budget, plan accurately. Be ready to extent the initial timeframe.	A.Salaev

## ISSUES LOG

<b>Project Title: 'Rule of Law Partnership in Uzbekistan' project</b>	<b>Award ID: 00081933</b>	<b>Date: Dec 20, 2018</b>
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#	Description	Date Identified	Type	Impact & Priority	Countermeasures / Management response	Owner	Submitted, updated by	Last Update	Status
1.	Adopted Presidential Decree #4850 envisages full reformation of the supervisory instance, this requires project to review the bidding documents and the ToR for elaboration of E-SUD system for supervisory instance.	November, 2016	Other	5	National counterpart send a letter to UNDP requesting to cancel the bidding in this part of the ToR.	PM	November, 2016	November, 2016	Pending
2.	The recruitment of Task managers on Training and research as well as on court administration took more time than expected.	May, 2018	Other	3	After discussions with the UNDP, the announcement of recruiting was re-announced, what led to recruitment of TM on T&R and TM on CA ISM in June and September.	PM	May, 2018	September, 2016	Solved
3.									

### SECTION 3. RESOURCE MOBILIZATION EFFORTS

- Which donors were pitched for the reporting period
- A summary of proposal submitted and its status
- Amount of donor proposal
- Any emerging donors in this area
- Any Government cost-sharing opportunities
- Parallel funding opportunities by donors and Government, if any
- Lessons learned/challenges/way forward

Report prepared by: Azamat Salaev Project manager (ROL project)  
Date: December 20, 2018

Submitted to Unit:  
Date: December 20, 2018