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Joint Programme between the European Union and the Council of Europe

“Support to the Kazakh authorities in improving the quality and efficiency of the Kazakh justice system”

WORK PLAN FOR IMPLEMENTING THE ACTION

Work Plan for the Action as a whole: **25 July 2014-24 July 2017**

EU/CoE Joint Project “Support to the Kazakh authorities in improving the quality and efficiency of the Kazakh justice system”							
TIME FRAME	Year 1		Year 2		Year 3		Entity
MAIN ACTIVITIES	Semester 1	Semester 2	Semester 1	Semester 2	Semester 1	Semester 2	
1. Inception phase							
1.1 Recruitment of the project team in Strasbourg (1 Project Manager; 1 Project Assistant)	x						CoE
1.2 Selection of the local long-term consultant in Astana	x						CoE
1.3 Selection of a Service Provider for Interpretation/Translation	x	x					CoE
1.4 Selection of a Service Provider for Organisation of Events	x	x					CoE
1.5 Drafting Communication Plan	x						CoE
1.6 Drafting Work Plan (for 6 months)	x						CoE
1.7 Fact finding-mission to Astana (3 days)	x						CoE
1.8 Drafting the Inception Report	x						CoE

2. Formal launching/closing and monitoring of the Project							
2.1 Launching event		x					CoE, EUD, national stakeholders
2.2 Kick-off Steering Committee meeting		x					CoE, EUD, national stakeholders
2.3 Project Steering Committee meeting			x	x	x		CoE, EUD, national stakeholders
2.4 Wrap-up Steering Committee meeting						x	CoE, EUD, national stakeholders
2.5 Closing event						x	CoE, EUD, national stakeholders
3. Reporting to the Donor							
3.1 Updated Workplan, Communication Plan and Logframe		x	x	x	x		CoE
3.2 Progress narrative and financial reports		x		x			CoE
3.3 Final narrative and financial report						x	CoE
4. Increased application of adversarial process							
4.1 Expert assessment of the existing relevant legislation and further development of rules related to the efficiency, independence and quality of the judiciary, in line with European and other international standards			x	x	x		Supreme Court, Ministry of Justice (MoJ)

4.2 Round tables for members of the judicial self-governing body and judiciary to foster debate on the need to promote corresponding reforms related to the efficiency, independence and quality of the judiciary				x	x	x	Supreme Court, MoJ, Union of Judges
4.3 Expertise to improve access to judicial decisions through a unified database of court decisions		x	x				Supreme Court
4.4 Development of training programmes on various aspects of fair trial guarantees in line with European and other international standards		x	x	x			Supreme Court, Institute of Justice, Institute of studying problems of legality, law and order, and professional development of prosecution service (GPO Institute), Republican Association of Advocates
4.5 Training sessions for judges, investigators, prosecutors and defence lawyers on the content and substance of the fair trial guarantees provided by the new Criminal Procedure Code		x	x	x	x	x	Supreme Court, Institute of Justice, GPO Institute, MIA, Republican Association of Advocates

4.6 Development of a training programme and detailed guidelines for judges, prosecutors and defence lawyers on the application of plea-bargaining		x	x				Supreme Court, Institute of Justice, GPO Institute, Republican Association of Advocates
4.7 Training sessions for judges, prosecutors and defence lawyers on the institute of plea-bargaining			x	x			Supreme Court, Institute of Justice, GPO Institute, Republican Association of Advocates
4.8 Workshops for the investigative judges on the adversarial nature of the criminal proceedings and fair trial guarantees			x	x		x	Supreme Court, courts, Institute of Justice
4.9 Round tables to discuss issues and expertise related to a possible accession by Kazakhstan to the CoE conventions in the criminal law field, including support in setting up relations with CoE members states and facilitate peer-discussions related to co-operation in criminal matters		x	x	x	x	x	GPO, Ministry of Foreign Affairs
4.10 Support to the GPO on matters related to criminal justice system and institutional development (upon request)		x	x	x	x	x	GPO

4.11 Publication and dissemination of materials on the most important innovations brought about by the new CC and CPC, as well as international and European standards and best practices related to fair trial requirements for adversarial proceedings, publicity, and impartiality		x	x	x	x	x	Supreme Court, Institute of Justice, GPO, GPO Institute, Republican Association of Advocates and other national stakeholders
4.12 Training of Trainers (ToTs) for lawyers on preparing a case for trial with special attention to the issues of evidence, practical legal skills and techniques, lawyers' participation in the investigative process, and other topics according to the needs of the criminal defence lawyers (topics to be determined in close co-operation with the Republican Association of Advocates and Territorial Bar Associations)			x	x	x	x	Republican Association of Advocates and Territorial Bar Associations
4.13 Cascade seminars conducted by national trainers for lawyers on preparing a case for trial with special attention to the issues of evidence, practical legal skills and techniques, lawyers' participation in the investigative process, and other topics according to the needs of the criminal defence lawyers				x	x	x	Republican Association of Advocates and Territorial Bar Associations
4.14 Study visit for lawyers to a EU country Bar Association to build cooperation with and learn from its experiences, and to have a closer insight into the Bar's structure, mission and working procedures, as well as into the process of organisation and functioning of the initial and continuous training for lawyers, its way of developing training curriculum and other aspects		x					Republican Association of Advocates and Territorial Bar Associations, MoJ

4.15 Review of national legislation with recommendations related to the reinforcement of the mandate and functions of the self-regulating authorities of the lawyers			x	x	x		Republican Association of Advocates and Territorial Bar Associations, MoJ
4.16 Support in further improvement of the criminal law and criminal procedure law and practice through legislative assistance by taking into account respect for human rights as enshrined, in European and international standards				x	x	x	Supreme Court, GPO, MoJ, Republican Association of Advocates
5. Expanded human rights and fundamental freedoms protection in criminal justice system							
5.1 Improvement of legislation/regulations and institutional set-up of the Ombudsman Institution in line with European and international standards			x	x	x	x	Commissioner for Human Rights (Ombudsman), National Human Rights Centre, MoJ
5.2 Round tables to discuss the expertise, findings and recommendations related to improvement of legislation/regulations and institutional set-up of the Ombudsman Institution in line with European and international standards				x	x		Ombudsman, National Human Rights Centre, other national stakeholders
5.3 Trainings of the staff of the Ombudsman Institution on efficient handling of complaints concerning human rights violations		x	x	x	x		Ombudsman, National Human Rights Centre

5.4 Trainings of the staff of the Ombudsman Institution on the importance of incorporating the international standards concerning human rights and their protection into the national legislation			x	x			Ombudsman, National Human Rights Centre
5.5 International round table among a wide variety of CoE member states and non-CoE members with a view to sharing the best practices in addressing human rights violations by the Ombudsman Offices			x				Ombudsman, National Human Rights Centre
5.6 Thematic training sessions for all National Preventive Mechanism (NPM) members on monitoring prisons and other closed-type institutions (topics to be determined in close co-operation with the Coordinating Council and NPM)		x	x	x	x	x	Coordinating Council, NPM, National Human Rights Centre
5.7 Joint round-tables with the NPM members, representatives of the GPO, MIA, Ministry of Healthcare and Social Protection, Ministry of Education and Science, etc. to discuss the role and practical aspects of monitoring of detention facilities and other closed-type institutions by NPM and collaboration with the national authorities			x	x	x	x	Ombudsman, Coordinating Council, NPM, National Human Rights Centre, GPO, MIA, Ministry of Healthcare and Social Protection, Ministry of Education and Science, etc.

5.8 Study visit to a CoE member state with the aim to exchange experience and best practices related to functioning of the Ombudsman institution, mechanism for submitting and reviewing complaints by citizens to the Ombudsman regarding human rights violations, as well as operation of the NPM and its role in monitoring detention facilities and other closed-type institutions and collaboration with other state authorities				x			Ombudsman, National Human Rights Centre, Coordinating Council, NPM, MoJ, GPO
5.9 Conference on the implementation of the 2014 recommendations of the UN Committee against Torture concerning the establishment of an independent and effective mechanism for prompt, impartial and effective investigations into all allegations of torture and ill-treatment, providing compensation and rehabilitation for victims of torture, and providing detailed statistical data on cases of torture and other forms of ill-treatment			x				GPO, MoJ, NPM, MIA, Supreme Court, National Human Rights Centre, Republican Association of Advocates and other national stakeholders
5.10 Improvement of legislation/regulations and institutional set-up of investigative bodies conducting investigations into allegations of torture and other forms of ill-treatment, in line with European and other international standards				x	x		GPO, MIA, Anti-Corruption Agency, Republican Association of Advocates etc.

5.11 Development of training curriculum on investigative techniques, international standards on effective and independent investigation of allegations of torture and other forms of ill-treatment		x	x	x			GPO Institute, MIA, Anti-Corruption Agency, Republican Association of Advocates etc.
5.12 Trainings for representatives of the investigative units of relevant state bodies (special prosecutors, investigators, etc.) on investigative techniques, international standards on effective and independent investigation of allegations of torture and other forms of ill-treatment			x	x	x	x	GPO Institute, MIA, Anti-Corruption Agency, Republican Association of Advocates etc.
5.13 Development of a legal mechanism to provide for medical examination by independent experts of all persons alleging ill-treatment			x	x			GPO, MoJ, Republican Association of Advocates etc.
5.14 Publication and dissemination of materials on the role of the Ombudsman and NPM in Kazakhstan, prevention and combating ill-treatment, effective and independent investigation of allegations of torture and other forms of ill-treatment as well as international and European standards and best practices related to human rights and fundamental freedoms protection in criminal justice system		x	x	x	x	x	Ombudsman, National Human Rights Centre, Coordinating Council, NPM, GPO, Republican Association of Advocates and other national stakeholders

5.15 Development of training curriculum for mediators on areas of expertise necessary for a mediator in criminal matters		x	x				Mediators, Republican Association of Advocates
5.16 Training of trainers' sessions (ToTs) on penal mediation and restorative justice			x	x			Supreme Court, mediators, Republican Association of Advocates
5.17 Cascade seminars for mediators on restorative justice including selected topics related to victim-offender mediation				x	x	x	Supreme Court, mediators, Republican Association of Advocates
5.18 Study visit to a EU country for Kazakh decision-makers on the organisation and operation of penal mediation, and restorative approach to crime and its positive impact to gain experience and to further develop legislative provisions		x					Supreme Court, GPO, MIA, MoJ, Republican Association of Advocates, mediators
5.19 Provision of legal expertise by CoE consultants on evaluation of the functioning of the mediation in criminal matters in Kazakhstan with the development of corresponding recommendations in line with international standards		x	x	x	x	x	GPO, MoJ, Supreme Court, Republican Association of Advocates, other stakeholders

5.20 Round tables on the reforms to be conducted in the field of mediation in penal matters, especially with a view at ensuring access to mediation for vulnerable groups, the possibility to establish a special public body responsible for supervision, monitoring and evaluation of mediation (including penal mediation) in Kazakhstan			x	x	x	x	GPO, MoJ, Supreme Court, Republican Association of Advocates, mediators and other national stakeholders
5.21 Publications, awareness raising activities, visibility actions on restorative justice and mediation in criminal matters among the judiciary, prosecutors, law enforcement authorities, legal professionals and public at large		x	x	x	x	x	GPO, MIA Supreme Court, Institute of Justice, Republican Association of Advocates
5.22 Roundtable discussions on the importance of penal mediation and restorative justice for judges, prosecutors, law enforcement authorities		x	x	x			Supreme Court, Institute of Justice, GPO, Institute, MIA, Republican Association of Advocates

Work Plan for the next reporting period: **25 July 2014 – 24 July 2015**

EU/CoE Joint Project “Support to the Kazakh authorities in improving the quality and efficiency of the Kazakh justice system”													
ACTIVITY/TIME FRAME	Jul/ Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Entity
1. Project monitoring and reporting to the Donor													
1.1 Launching event								x					CoE, EUD, national stakeholders
1.2 Kick-off Steering Committee meeting						x							CoE, EUD, national stakeholders
1.3 Project Steering Committee meeting											x		CoE, EUD, national stakeholders
1.4 Updated Workplan, Communication Plan and Logframe					x						x		CoE
1.5 Progress and financial reports												x	CoE

EU/CoE Joint Project "Support to the Kazakh authorities in improving the quality and efficiency of the Kazakh justice system"													
ACTIVITY/TIME FRAME	Jul/ Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Entity
2. Increased application of adversarial process													
1.1 Expertise to improve access to judicial decisions through a unified database of court decisions									x	x	x		Supreme Court
1.2 Development of training programmes on various aspects of fair trial guarantees in line with European and other international standards									x	x	x		Supreme Court, Institute of Justice, GPO Institute, Republican Association of Advocates
1.3 Three training sessions for judges, investigators, prosecutors and defence lawyers on the content and substance of the fair trial guarantees provided by the new Criminal Procedure Code										x	x	x	Supreme Court, Institute of Justice, GPO Institute, MIA, Republican Association of Advocates
1.4 Development of a training programme for judges, prosecutors and defence lawyers on the application of plea-bargaining									x	x	x	x	Supreme Court, Institute of Justice, GPO Institute, Republican Association of Advocates

1.5 Development and publication of detailed guidelines for judges, prosecutors and defence lawyers on the application of plea-bargaining								x	x	x	x	x	Supreme Court, Institute of Justice, GPO Institute, Republican Association of Advocates
1.6 One round table to discuss issues related to a possible accession by Kazakhstan to the CoE conventions in the criminal law field (at the CoE's Headquarter), including support in setting up relations with CoE members states and facilitate peer-discussions related to co-operation in criminal matters								x					GPO, Ministry of Foreign Affairs
1.7 Expertise (upon request) related to a possible accession by Kazakhstan to the CoE conventions in the criminal law field, including support in setting up relations with CoE members states and facilitate peer-discussions related to co-operation in criminal matters						x	x	x	x	x	x	x	GPO, Ministry of Foreign Affairs
1.8 Support to the GPO on matters related to criminal justice system and institutional development (upon request)						x	x	x	x	x	x	x	GPO
1.9 Publication and dissemination of materials on the most important innovations brought about by the new CC and CPC, as well as international and European standards and best practices related to fair trial requirements for adversarial proceedings, publicity, and impartiality						x	x	x	x	x	x	x	Supreme Court, Institute of Justice, GPO, GPO Institute, Republican Association of Advocates

1.10 Study visit for lawyers to an EU country Bar Association to build cooperation with and learn from its experiences, to have a closer insight into the Bar's structure, mission and working procedures, as well as into the process of organisation and functioning of the initial and continuous training for lawyers, its way of developing training curriculum and other aspects											x			Republican Association of Advocates and Territorial Bar Associations, MoJ
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EU/CoE Joint Project "Support to the Kazakh authorities in improving the quality and efficiency of the Kazakh justice system"													
ACTIVITY/TIME FRAME	Jul/ Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Entity
3. Expanded human rights and fundamental freedoms protection in criminal justice system													
1.1 One training of the staff of the Ombudsman Institution on efficient handling of complaints concerning human rights violations											x		Ombudsman, National Human Rights Centre
1.2 Two thematic training sessions for National Preventive Mechanism (NPM) members on monitoring prisons and other closed-type institutions										x	x		Coordinating Council, NPM, National Human Rights Centre
1.3 Development of training curriculum on effective and independent investigation of allegations of torture and other forms of ill-treatment								x	x	x	x		GPO Institute, MIA, Anti-Corruption Agency, etc.

1.4 Publication and dissemination of materials on the role of the Ombudsman and NPM in Kazakhstan, prevention and combating ill-treatment, effective and independent investigation of allegations of torture and other forms of ill-treatment as well as international and European standards and best practices related to human rights and fundamental freedoms protection in criminal justice system						x	x	x	x	x	x	x	Ombudsman, National Human Rights Centre, Coordinating Council, NPM, GPO and other national stakeholders
1.5 Development of training curriculum for mediators on areas of expertise necessary for a mediator in criminal matters										x	x	x	Mediators, Republican Association of Advocates
1.6 Study visit to an EU country for Kazakh decision-makers on the organisation and operation of ADR, and restorative approach to crime and its positive impact to gain experience and to further develop legislative provisions											x		Supreme Court, Institute of Justice, mediators, GPO, MIA, Ministry of Justice
1.7 Provision of legal expertise by CoE consultants on evaluation of the functioning of the mediation in criminal matters in Kazakhstan with the development of corresponding recommendations in line with international standards								x	x	x	x	x	GPO, Ministry of Justice, Institute of Justice, Republican Association of Advocates other stakeholders
1.8 Publications, awareness raising activities, visibility actions on restorative justice and penal mediation in criminal matters among the judiciary, prosecutors, law enforcement authorities, legal professionals and public at large						x	x	x	x	x	x	x	GPO, MIA Supreme Court, Institute of Justice, Republican Association of Advocates

1.9 Round table on the importance of penal mediation in criminal matters and restorative justice for judges , prosecutors, law enforcement authorities										x	x		Supreme Court, Institute of Justice, GPO, MIA
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