



Strasbourg, 2 June 2014

Council of Europe Country Programming Document for the Russian Federation 2013-2015

**FREE LEGAL AID AND ASSISTANCE FOR ORPHANS, CHILDREN
WITHOUT PARENTAL CARE AND OTHER VULNERABLE SOCIAL GROUPS**

PROJECT CONCEPT DOCUMENT

COUNCIL OF EUROPE

Free Legal aid and assistance for orphans, children without parental care and other vulnerable social groups

Total budget:	837 500 EUR Funding required: 837 500 EUR
Total duration of the action:	24 months (1 October 2014 – 30 September 2016) & post project review (September 2017)
Implemented by:	Justice and Legal Cooperation Department Directorate General of Human Rights and Rule of Law
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EXECUTIVE SUMMARY

This Project will be implemented by the Justice and Legal Cooperation Department of the Directorate General of Human Rights and Rule of Law of the Council of Europe as part of the Council of Europe Country Programming Document for the Russian Federation 2013-2015.

The project proposal is based on a request by the Ministry of Justice of the Russian Federation and on information provided in support of the request. However, a number of important assumptions, including those relating to the exact nature of the target population and the manner in which the project is to be implemented in the three pilot regions, still require clarification.

The objective of this project is to strengthen implementation of recently introduced legislation in the Russian Federation on free legal aid in respect of civil law rights of vulnerable children, particularly orphaned children and children in institutions and other vulnerable groups. The authorities of the Russian Federation (Ministry of Justice) have requested the Council of Europe to co-operate with them in the implementation of this project.

The new federal law on free legal aid is ambitious in seeking to foster a radical move towards a legal environment truly reflective of a society based on the principles of human rights, democracy and rule of law in which individuals have a high level of access to legal information, advice and assistance in order to have their complaints properly addressed by an independent and impartial tribunal.

By this project, the Russian authorities wish to establish the appropriate arrangements for legal aid provision and the relevant institutional arrangements to ensure its effective delivery in relation to rights and obligations in civil law only (i.e. excluding criminal and administrative law matters) within the different regions of the Russian Federation, that is legal services provided by advocates, State legal bureaux (in their capacity as participants of the State system) and non-governmental centres of free legal aid (in their capacity as participants of the non-governmental system of free legal aid).

The outcomes of the project will enable the Ministry of Justice to prepare a series of recommendations for the preparation of laws at regional level that will (i) define the specific legal relationships that are appropriate for the delivery of targeted legal aid provision in each region (taking account of the specificities of each region) and the necessary legal relationship between the federal authorities and each regional authority, (ii) identify the models of state-funded free legal aid provision, and (iii) establish quality standards for the delivery of free legal aid provision.

The project will provide the Ministry of Justice of the Russian Federation with advice on how to more effectively target publicly-funded legal services for the benefit of the target populations and ensure a more generalised take-up of these services by the target populations in order to protect their civil law rights. A methodological model, based on comparative experience and

tailored to the particular needs of the Russian Federation, will be developed during the course of the project and subsequently rolled out to all regions within the country. A major part of the project will be devoted to the pilot implementation of this methodological model in three regions and of new measures in these regions to deliver publicly-funded legal services to the target populations.

The funding proposal includes a post project review element to be undertaken 12 months after the close of the project for the purpose of evaluating the subsequent progress made by the authorities of the Russian Federation in rolling out the results of the project to the different regions.

Title	Free legal aid and assistance for orphans, children without parental care and other vulnerable social groups
Location(s)	Russian Federation
Total duration of the action	24 months (starting date: 1 October 2014) & post project review (September 2017)
Objectives of the action	<p>Overall objective:</p> <p>Improve access to justice for children and other vulnerable groups or disadvantaged persons in the Russian Federation.</p> <p>Specific objectives:</p> <p>To ensure that children, persons with disabilities and people on low income have better access to legal services and that their civil law rights are better protected.</p> <p>To ensure that publicly-funded legal services and other forms of free legal advice and assistance are targeted effectively and, as a result, the take-up of legal services by children and other vulnerable groups and disadvantaged persons to protect their civil law rights is increased and generalised.</p>
National partner(s)	Ministry of Justice
Other partner(s)	To be determined
Target group(s) ¹	Providers of legal services (advice and assistance), including civil society organisations, and officials working in public

¹ "Target groups" are the groups/entities who will be directly positively affected by the project.

	administrations at federal and regional level and responsible for implementing federal laws on free legal aid.
Final beneficiaries ²	Children, particularly orphans and children in institutional care, and other vulnerable or disadvantaged persons, including people with disabilities and people on low income.
Expected results	<p><i>Developing a model of targeted legal aid services in the Russian Federation</i></p> <ul style="list-style-type: none"> • Publicly-funded legal services and other forms of free legal advice and assistance are targeted effectively. • Measures are put in place to offer a mix of free legal aid provision that is appropriate to the needs of each region and its target population. • Officials of the Ministry of Justice of the Russian Federation and relevant regional officials can evaluate the need for legal services amongst a target population in a specific region or locality and match the provision of legal services to this need. <p><i>Pilot evaluation models and implementation in 3 regions of the Russian Federation</i></p> <ul style="list-style-type: none"> • The need for legal services amongst the target populations and the obstacles to their take-up in the regions of Ulyanovsk, Saint-Petersburg and Volgograd are defined. • A mix of free legal aid provision in the regions of Ulyanovsk, Saint-Petersburg and Volgograd is put in place and tailored to the conditions in these regions. • The take-up of legal services by the target populations in the regions of Ulyanovsk, Saint-Petersburg and Volgograd to protect their civil law rights is increased. • There is in the regions of Ulyanovsk, Saint-Petersburg and Volgograd an improved quality of legal representation for the target populations in respect of their civil law rights in legal proceedings <p><i>Rolling out the results of the pilots</i></p> <ul style="list-style-type: none"> • Implementation measures authorities for free legal aid provision by the regional in the 3 pilot regions are confirmed. • The model for publicly-funded legal services and other forms of free legal advice and assistance is extended to other regions of the Russian Federation.

² “Final beneficiaries” are those who will benefit from the project in the long term at the level of the society or sector at large.

Main activities	<p><i>Developing a model of targeted legal aid services in the Russian Federation</i></p> <ul style="list-style-type: none"> • Comparative analysis of free legal aid provision in selected Council of Europe member states. • Visits to 2 member states of the Council of Europe to study how free legal aid provision is delivered in practice: the policy choices underlying the arrangements, the structures, mechanisms and results. • Developing a research model for evaluating legal services provision for targeted populations. • Officials of the Ministry of Justice receive training and guidance on relevant methodological approaches to the assessment of need for legal services amongst the target population. <p><i>Pilot evaluation models and implementation in 3 regions of the Russian Federation</i></p> <ul style="list-style-type: none"> • Research exercise in Ulyanovsk, Saint-Petersburg and Volgograd to evaluate local need, identify obstacles to take-up of legal services by the target population, and make recommendations on the organization of publicly-funded legal services. • Implementation in the 3 regions of the recommendations arising out of the research exercise. • Evaluation of implementation in the 3 regions. <p><i>Rolling out the results of the pilots</i></p> <ul style="list-style-type: none"> • Conference to present the results of the pilots and the decisions of the Ministry of Justice on extending the lessons learnt from the pilots to other regions of the Russian Federation. • Post project review to evaluate the results of the rolling out process.
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1. INTRODUCTION

Improving the take-up of legal services by any particular group or in respect of any particular class of legal dispute implies some degree of targeting by the state. This is implicit in the new federal law on free legal aid which is based on the principle of improved access to legal services

for children, people with disabilities and persons in poverty in receipt of less than the minimum wage. Legal aid as defined by the federal law encompasses both legal aid (in terms of financing, whether directly or indirectly, representation before a tribunal) and legal assistance (again in terms of financing, whether directly or indirectly, the provision of advice on a person's legal rights).

Targeting legal services to promote access to justice for vulnerable or disadvantaged persons is a common public policy goal, on which there is much detailed comparative information available in Europe. Targeting legal services to promote children's rights, the rights of people with disabilities, and the access to justice of people in poverty is also a part of international policy – see for example the Council of Europe strategy and policy documents on the rights of children and child-friendly justice, people with disabilities and social cohesion.³

The personal scope of the federal law of the Russian Federation on free legal aid is broadly drawn to cover all low-income and disadvantaged persons. The Ministry of Justice, however, wishes to give priority to the take-up of free legal aid, firstly by vulnerable children (particularly orphans), secondly by children with disabilities and, thirdly, by persons on a low income. According to information supplied by the Russian authorities, 25.2 million people are on low income (i.e. 18% of the total population), and in some regions this figure exceeds one third of the population. Figures are required on the numbers of children and people with disabilities that might be concerned by the project. The scope of the project will also be limited to the provision of legal aid in relation to rights and obligations in civil law.

2. DESCRIPTION OF THE PROJECT ACTIVITIES

The development objective of the Project is in line with the Council of Europe Action Plan for the Russian Federation to support the initiatives of the Russian authorities aimed at strengthening the justice system and administration.

The project will comprise a range of different types of interventions to be finalised with the Ministry of Justice. They are expected to include the following:

- A comparative analysis of free legal aid provision in selected member states of the Council of Europe and their relevance to the specific conditions of the legal system of the Russian Federation and the prevailing social and economic environment.
- The development of an evaluation model that is tailored to the legal system of the Russian Federation, the purpose of which will be to facilitate the assessment of existing legal service provision in a particular region or locality, existing levels of take-up amongst a specific target group in that region or locality and the barriers to take-up for

³ See also the following specific Council of Europe instruments: European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Committee of Ministers Recommendation No. R (93) 1 on effective access to the law and to justice for the very poor, and Resolutions (78) 8 on legal aid and advice, and (76) 5 on legal aid in civil, commercial and administrative matters

this target population, and for identifying appropriate solutions to increase take-up of legal services by the target group.

- The pilot implementation and testing of new arrangements for free legal aid provision in three regions of the Russian Federation (Ulyanovsk, Saint-Petersburg, Volgograd).
- Evaluation of the results of the regional pilots and drafting of appropriate legislation to implement the federal law on free legal aid in light of this experience.
- Presentation of the lessons learnt from the pilots in the three regions (conference of representatives from the other regions).
- Rolling-out the lessons learnt from the project to all other regions of the Russian Federation.
- A post project review of the process of rolling out of the project results to other regions (to be undertaken 12 months after the close of the project).

3. PROJECT TEAM

The project will be implemented by the Department of Justice and Legal Co-operation of the Directorate General I “Human Rights and Rule of Law” of the Council of Europe. The project team will be composed of international and national staff members, with extensive relevant professional experience. It will be constituted as follows:

Project manager (50%, Strasbourg) will be responsible for overseeing administrative and financial matters, and for ensuring fulfilment of contractual and reporting commitments. S/he will act as a liaison between the staff in Moscow and Council of Europe Headquarters in Strasbourg, be responsible for monitoring project progress, in particular as regards the timely and due implementation of the proposed activities, co-ordinating overall implementation of the project and managing experts’ engagement. The Project manager is a liaison person for key CoE bodies that are involved in project implementation, as well as for the international project consultants. The Project manager will ensure the inclusion of relevant Council of Europe standards in the project and the integration of expertise from the relevant standard-setting and monitoring bodies of the Council of Europe. The Project manager is supported by the Project assistant.

Project assistant (50%, Strasbourg) will verify drafted commitment requests and ensure their circulation and approval in Strasbourg, provide logistical and administrative support needed in implementing project activities, verify receipts and financial reports before payments, prepare and follow up missions of the Secretariat and international experts.

Project officer (100%, Moscow) will be responsible for the coordination and implementation of the project activities. The project officer will work closely with the counterparts within the beneficiary institutions, in order to ensure a successful achievement of the project expected

results, with international and national consultants, and with other stakeholders to avoid overlap. The project officer will coordinate the day-to-day work of the project, service the Project advisory group, contribute to the substantive implementation of the project and supervise the assistant. S/he will also provide input for the preparation of narrative reports to be submitted to the donors. S/he will be based in the Council of Europe office in Moscow, with, possibly, some time spent located in the Ministry of Justice.

Assistant (100%, Moscow) will provide logistical and secretarial assistance as regards the planning, organisation and budgetary follow-up of the project activities, handle administration, correspondence and financial arrangements concerning the project activities, and provide secretarial and logistical assistance, and as needs be provide occasional and small scale interpretation for international and national experts participating in project activities and contribute to the translation of the materials when necessary.

Short-term international consultants will advise the Ministry of Justice and other stakeholders throughout the duration of the project on the necessary methodologies to adopt in order to achieve improved access to justice for the target population within the framework of a free legal aid system. Under the supervision of the project manager and the project officer, they will liaise and cooperate closely with the beneficiaries and stakeholders in preparing the project outcomes and, particularly, in supporting implementation of the three pilots.

4. METHODOLOGY, EVALUATION AND REPORTING

The project will be steered by a Project advisory group composed of representatives of the Ministry of Justice, the Council of Europe project team and international consultants. The role of the Project advisory group will include defining and setting up the pilots in the three regions selected by the Russian authorities (see below) and providing advice, direction and assessment of the three pilots. The Project advisory group will also act as a steering committee for the project with responsibility for providing guidance and oversight as regards its overall progress and direction.

The Project advisory group will be composed of researchers and legal experts designated by the Ministry of Justice, representatives of the Government Commission responsible for implementation of the Federal Law on Free Legal Aid, the Project Team, and three consultants appointed by the Council of Europe with expertise on (i) child-friendly justice [and access to justice for persons with disabilities and for other vulnerable and disadvantaged persons], (ii) legal aid services provision, (iii) research methodology expert on legal services provision.

The Project Team will be responsible for the overall co-ordination and execution of the project and for reporting to the Ministry of Justice and the donors. It will also ensure the necessary continuous contacts with the Project advisory group and organisation of its meetings throughout the duration of the project.

The pilots in the three regions of the Russian Federation (Ulyanovsk, Saint-Petersburg and Volgograd) will be implemented by the Ministry of Justice and the authorities of the relevant region, supported by the Project officer and the international consultants. Each pilot will be

prepared under the guidance of the Project advisory group. Officials and other actors participating in each pilot will meet with the Project advisory group and receive instructions and appropriate training (if necessary) relevant to the implementation of the pilot. Reports on implementation of the trial will be prepared by the regional partners with the support of the Project officer and submitted to the Project advisory group

An inception period during the first four months of the project will allow for further consultation within the framework of the Project advisory group in order to clarify the project methodology and confirm the implementation process for the three pilots. Any necessary changes agreed upon during the inception period will be reflected in an updated work plan and logical framework that will be submitted to the donor(s) and beneficiary institutions by the Council of Europe team.

The Project will be evaluated regularly by the Council of Europe through interim and final reports, internal mission reports, feedback from consultants and from the Russian authorities. It will be evaluated by the Council of Europe to monitor the delivery of outcomes and results and will be assessed by its Directorate of Internal Oversight.

The Council of Europe will prepare the following formal reports:

1. **Inception report** – after four months of project start-up the project team will prepare an inception report.
2. **Interim progress report – 12 months** after the start of the project implementation. This report will assess the progress towards achievement of project objectives with an emphasis on the achievement of results. Interim progress report will be accompanied by financial report.
3. **A final report** – will be submitted, together with the final financial report in three months of completion of the implementation of the project. The draft final report will be presented at least one month before the end of the period of execution of the contract. The final report should include an in-depth assessment of the project implementation, results and level of achievement of the objectives.
4. **A post project report – 12 months** after the close of the project and based on a review of the roll out process undertaken by the Russian authorities since then.

Besides these reports, regular informal reports will be produced, assessing the results of the activities implemented. Financial reports will also be produced in accordance with the requirements of the donor(s) and Council of Europe rules and regulations. Narrative (interim and final) reports of the proposed project will be prepared and submitted to the donor(s) by the project team. Financial (final) report will be submitted to the donor by the Office of the Directorate General of Programmes (ODG-Prog) of the Council of Europe.

5. ASSESSMENT OF KEY ASSUMPTIONS AND RISKS

The proposed project has been prepared after preliminary consultations with the Ministry of Justice and is based on a request expressed by this body. It will be necessary for various

assumptions and alternative choices set out in this provisional project concept document to be clarified through further consultations with the Ministry of Justice. The following general assumptions have been identified:

- Political support for the objectives of the Federal Law on Free Legal Aid is maintained together with the necessary financial commitment to implement its provisions in respect of the target populations throughout the Russian Federation.
- International political stability and continued support from international donors for the project.
- The regional authorities chosen for the pilots fully support the project and give their full co-operation.
- Beneficiaries are willing to apply the skills conveyed by the project deliverables.
- The Project advisory group is able to draw upon relevant expertise to carry out the activities.

The Council of Europe is responsible together with the beneficiaries for working out risk mitigation plans during the inception phase of the project based on an up to date risk analysis.

- Annex 1: Logical Framework
- Annex 2: Budget for the Action
- Annex 3: Timeline